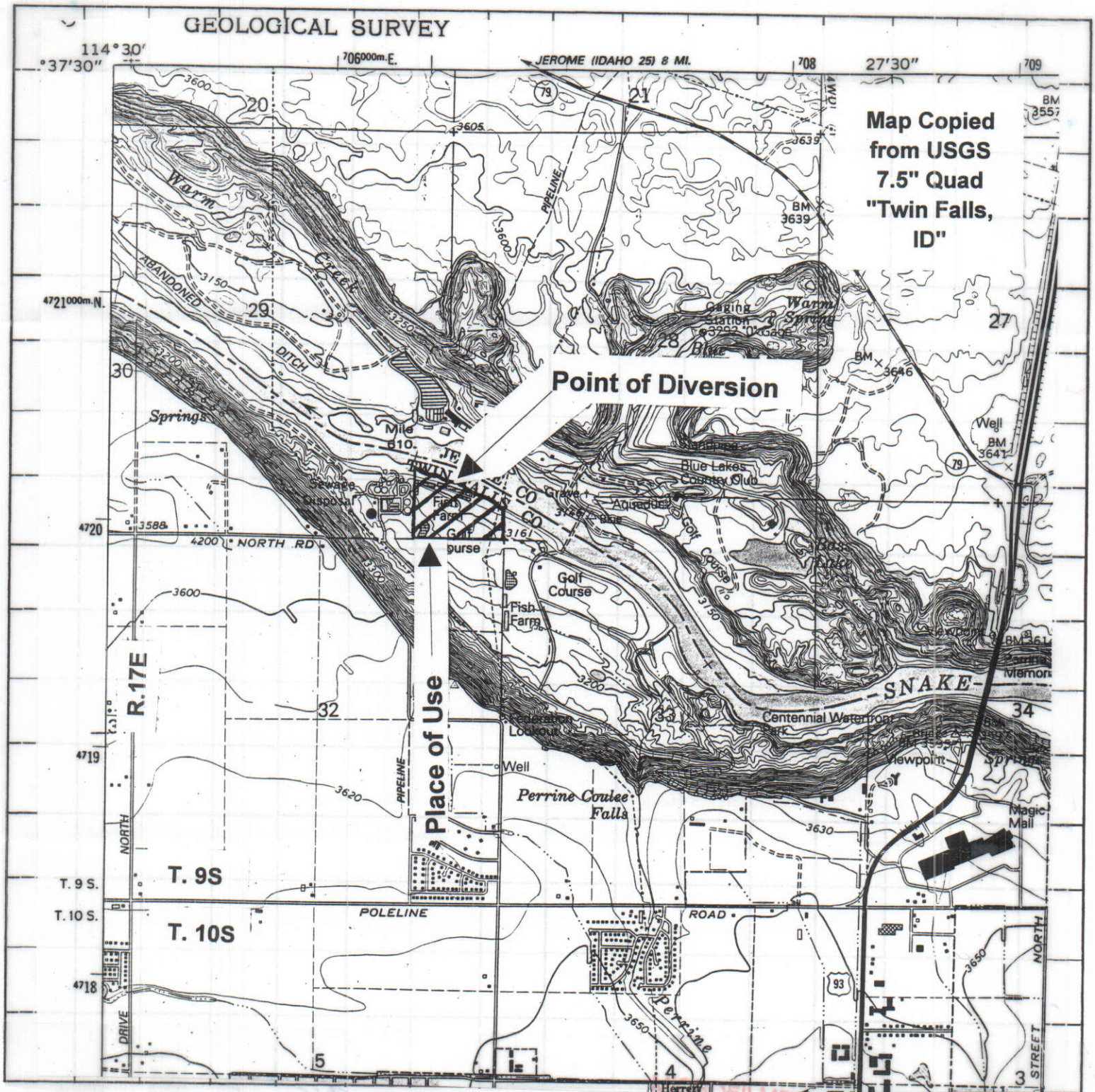


13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.

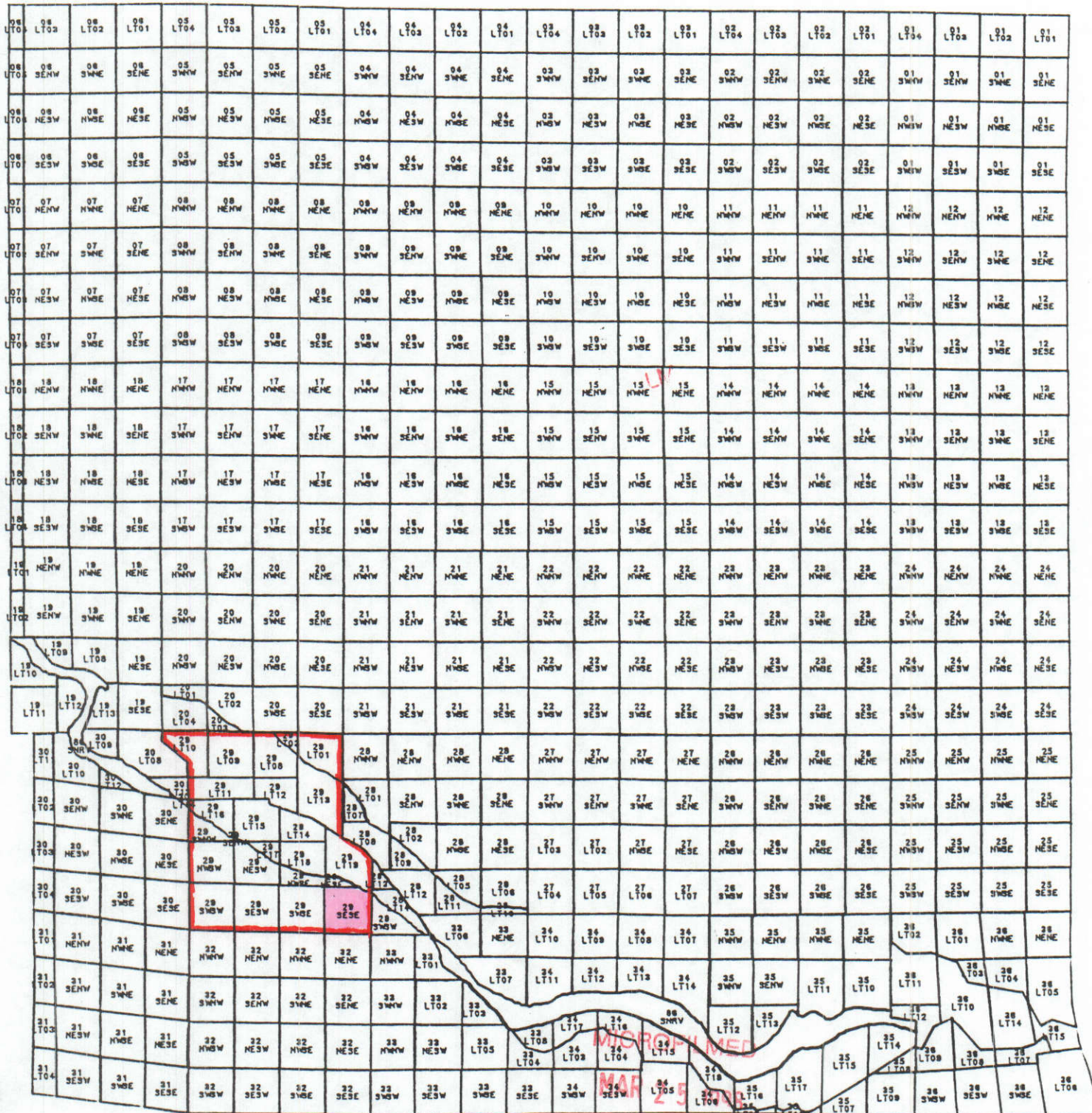


BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

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

By: Ronald N. Graves
Ronald N. Graves, Secretary

9S17E



02-07472

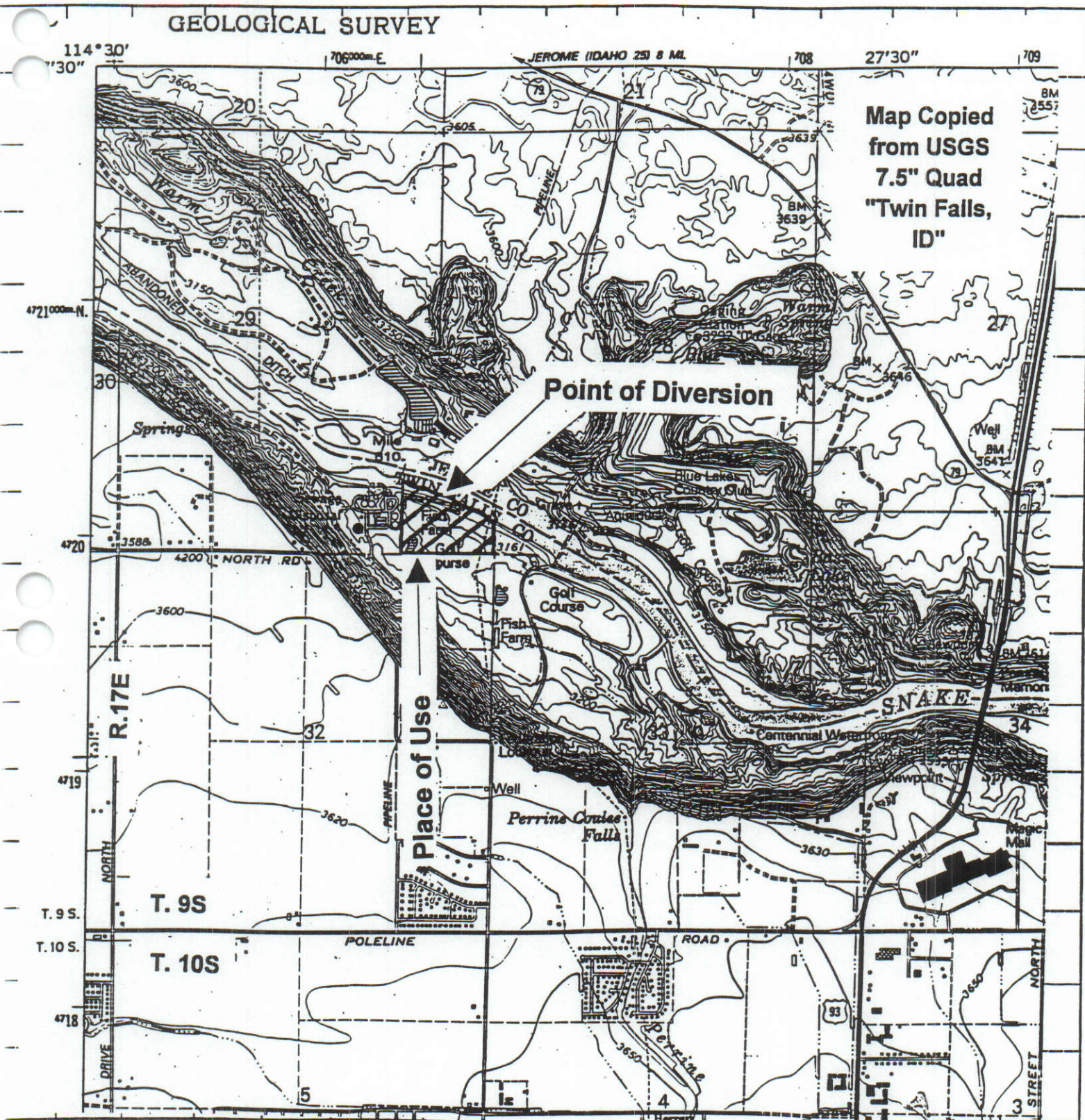
- GEOLOGICAL SURVEY



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

By: Timothy J. Lawrence

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



Scale: 1 inch equals 1 mile.

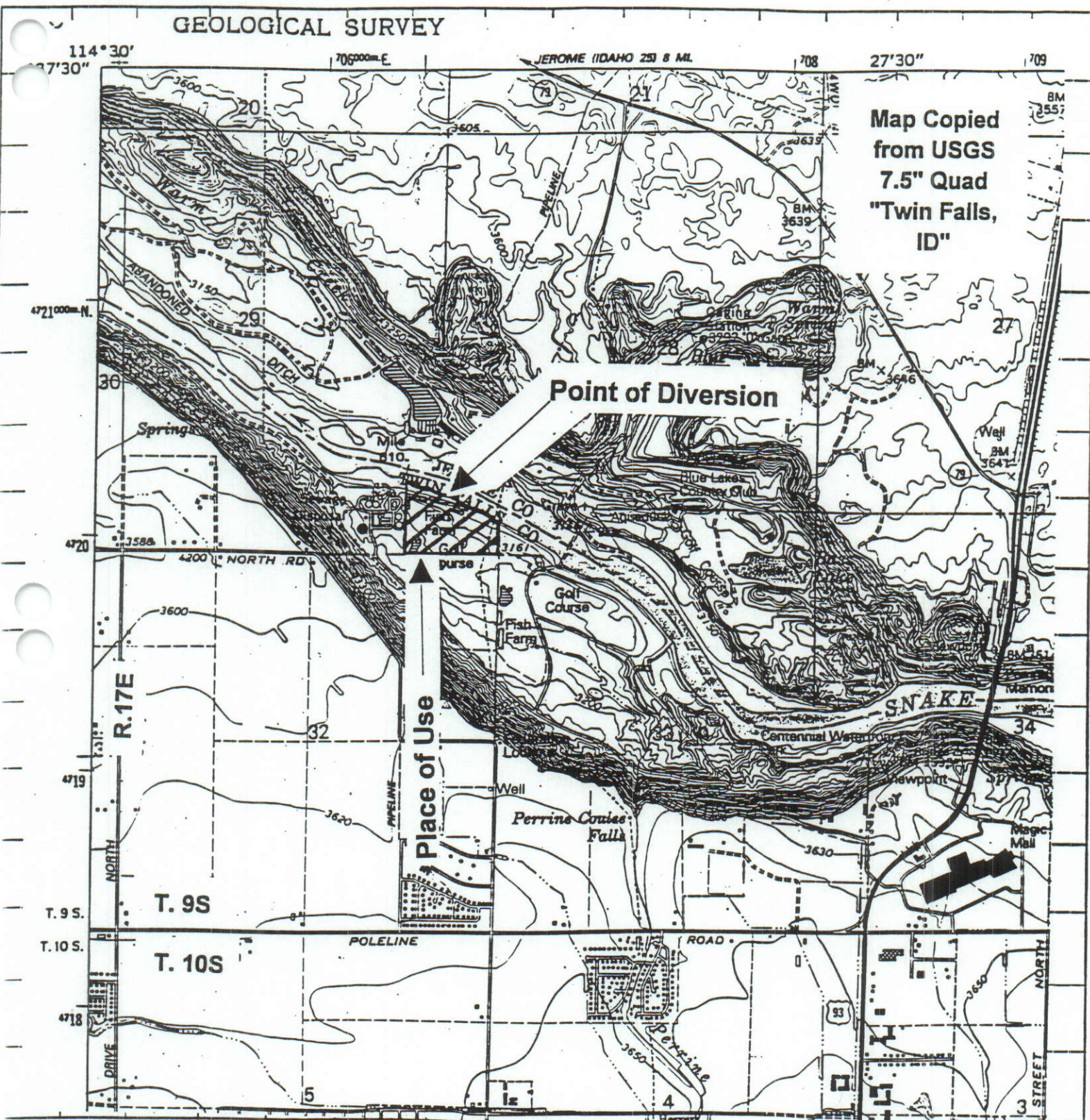
BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

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

By: *[Signature]*
Donald M. Graves, Secretary

MICROFILMED
MAR 25 1998

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



State of Idaho
Department of Water Resources
Permit To Appropriate Water
NO. 02-07472

Proposed Priority: June 16, 1997

Maximum Diversion Rate:

4.50 CFS

This is to certify, that **DBA CANYON SPRINGS**

SIMPLLOT MC COLLUM DEVELOPMENT CO

ID

has applied for a permit to appropriate water from:

SNAKE RIVER

tributary of **COLUMBIA RIVER**

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

BENEFICIAL USE

PERIOD OF USE

RATE OF DIVERSION

FISH PROPAGATION

01/01 to 12/31

4.50 CFS

LOCATION OF POINT(S) OF DIVERSION:

**SESE , Sec. 29, Township 09S, Range 17E
TWIN FALLS County**

PLACE OF USE: **FISH PROPAGATION**

TWN RGE SEC

09S 17E 29

SESE

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **February 1, 2003**.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
5. The right holder shall not assign or sell the permit without first securing the written approval of the Department of Water Resources.
6. The right holder shall comply with all fish screening requirements of the Idaho Department of Fish and Game.
7. The right holder shall provide the Department, upon request, information showing volume changes per hour necessary to maintain an adequate environment for the fish propagation facility. Volume changes per hour shall be based upon actual fish production.
8. Use of water under this approval shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.

MAR 2 1997

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 02-07472

CONDITIONS OF APPROVAL AND REMARKS

9. Water shall not be diverted under this right when flows in the Snake River are below established minimum flow amounts at any of the following locations: Weiser, 4750 cfs; Johnson Bar, 5000 cfs; Lime Point 13,000 cfs.
10. This right does not authorize the development of a new fish propagation facility, or, any increase in volume or use of the facilities developed under right nos. 36-07239, 47-07758, 47-07813, and 47-08357.

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

13 th day of February, 1998.

[Signature]
for Karl J. Dreher, Director

COPIES

MAR 23 1998

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

IN THE MATTER OF APPLICATION)	
FOR PERMIT NO. 02-07472 IN THE)	ORDER CONDITIONALLY RESCINDING
NAME OF SIMPLOT-MCCOLLUM)	
DEVELOPMENT DBA CANYON SPRINGS)	PRELIMINARY ORDER
_____)	

This matter having come before the Idaho Department of Water Resources (department), as a result of a response to a preliminary order issued by the department, the department makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. On January 6, 1998, the department issued a Preliminary Order voiding Application for Permit No. 02-07472 in the name of Simplot-McCollum Development Company DBA Canyon Springs (applicant) for failure to submit information requested by the department.

2. On January 22, 1998, the applicant filed a Petition for Reconsideration in connection with the Preliminary Order advising that the applicant would submit the information.

CONCLUSIONS OF LAW

1. The applicant should have an additional opportunity to submit the requested information to the department.

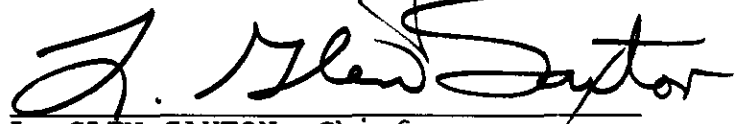
2. The department should conditionally rescind the Preliminary Order issued by the department on January 6, 1998.

ORDER

IT IS THEREFORE, HEREBY ORDERED that the Preliminary Order issued by the department on January 6, 1998 in connection with Application for Permit No. 02-07472 in the name of Simplot-McCollum Development Company DBA Canyon Springs is **CONDITIONALLY RESCINDED**; and

IT IS FURTHER HEREBY ORDERED that if the applicant has not submitted the requested information to the department within fourteen (14) days of the service date of this order, that the Preliminary Order will again be considered to be in full force and effect.

Dated this 23rd day of January, 1998.



L. GLEN SAXTON, Chief
Water Allocation Bureau

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

IN THE MATTER OF APPLICATION)	
FOR PERMIT NO. 02-07472 IN)	
THE NAME OF SIMPLOT-MCCOLLUM)	
DEVELOPMENT COMPANY DBA CANYON)	PRELIMINARY ORDER
SPRINGS)	
_____)	

This matter having come before the Idaho Department of Water Resources (department), the department makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. On June 16, 1997, Simplot-McCollum Development Company dba Canyon Springs (applicant) filed Application for Permit No. 02-07472 with the department proposing the diversion of 4.5 cubic feet per second of water from the Snake River tributary to the Columbia River to be used year-round for fish propagation purposes in Twin Falls County, Idaho.

2. On June 20, 1997, the department corresponded with the applicant and requested additional information. On August 19, 1997, the applicant contacted the department relative to the information sought but did not submit the information.

3. On October 24, 1997, the department again corresponded with the applicant and requested the information. To date, the applicant has not provided the requested information.

CONCLUSIONS OF LAW

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

If the application is returned to the applicant or the department shall request additional information and the applicant fails to return the corrected application or to supply the needed information within thirty (30) days, the department may void the record of said application and notify the applicant of such action.

2. The applicant has not provided the information requested by the department.

3. The department should void the record of the application pursuant to Section 42-204, Idaho Code.

ORDER

IT IS THEREFORE, HEREBY ORDERED that Application for Permit No. 02-07472 in the name of Simplot-McCollum Development Company dba Canyon Springs is **VOIDED** pursuant to the provisions of Section 42-204, Idaho Code.

Dated this 6th day of January, 1998.


L. GLEN SAXTON, Chief
Water Allocation Bureau

Form 202
6/85

RECEIVED

JUN 16 1997

Department of Water Resources
Southern Region

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

Ident. No. 02-07472

RECEIVED

JAN 06 1998

Department of Water Resources

1. Name of applicant Simplot-McCollum Development Company Phone 208-336-2110
dba Canyon Springs

Post office address PO Box 27 Boise, ID 83707

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

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

Sec. 29 Township 9S Range 17E B.M. Twin Falls County; additional

points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 4.5 cfs for Fish Propagation purposes from 1-1 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum)

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

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

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

5. Total quantity to be appropriated is (a) 4.5 cfs and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Suction hose with intake, pump with
diesel motor, pipeline, discharge into flume and raceways

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

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

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

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

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MAR 25 1998

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

- a. Hydropower; show total feet of head and proposed capacity in KW. _____
- b. Stockwatering; list number and kind of livestock. _____
- c. Municipal; show name of municipality. _____
- d. Domestic; show number of households. _____
- e. Other; describe fully. Fish Propagation

9. Description of place of use:

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

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
9S	17E	29																F	

F = Fish Propagation

Total number of acres to be irrigated _____

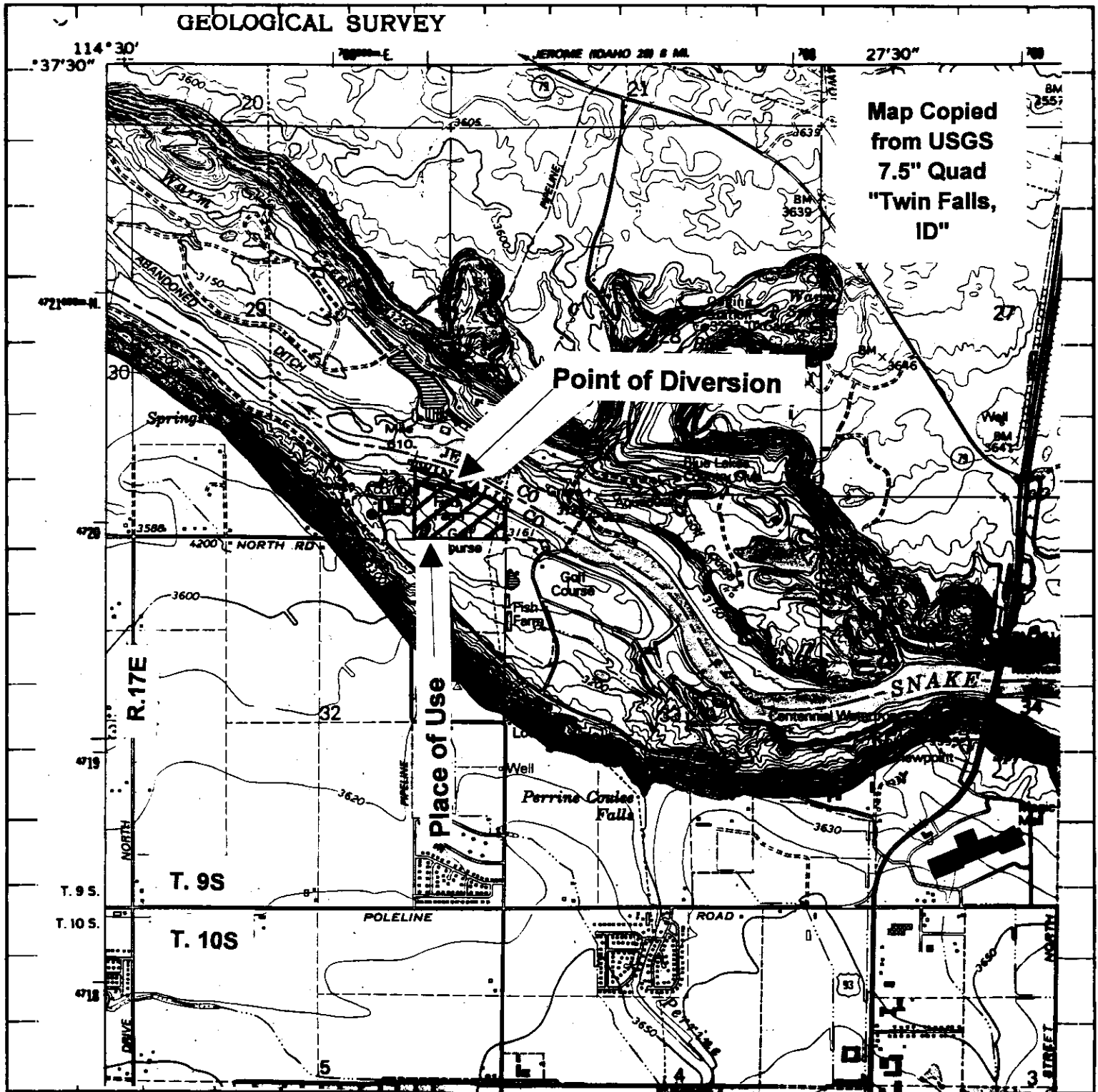
10. Describe any other water rights used for the same purposes as described above. 47-07758, 47-07813
47-08356, 47-08357, 36-07239

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

* 12. Remarks: PER 06/18/97 TELECOM WITH VIC CONRAD: THIS APPLICATION
PROPOSES INSTALLATION OF A BACK UP SYSTEM THAT WILL BE CAPABLE OF PROVIDING
WATER TO THE FISH FARM WHEN THE OTHER WATER RIGHTS (LISTED UNDER #10 ABOVE)
ARE NOT AVAILABLE DUE TO NATURAL FLUCTUATIONS IN AVAILABILITY. THIS APPLICATION
PROPOSES NO EXPANSION OF THE EXISTING FISH FARM.

RECEIVED

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



Scale: 2 inches equal 1 mile.

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

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

By: *Ronald N. Graves*
Ronald N. Graves, Secretary

Received by MB Date 6/16/97 Time 940 am Preliminary check by P. SKINNER
Fee \$ 180⁰⁰ ck # 1575 Received by P. SKINNER # 020309 Date 06/16/97
Publication prepared by MB Date 6/27/97 Published in Times News
Publication approved MB Date 8/4/97

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

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

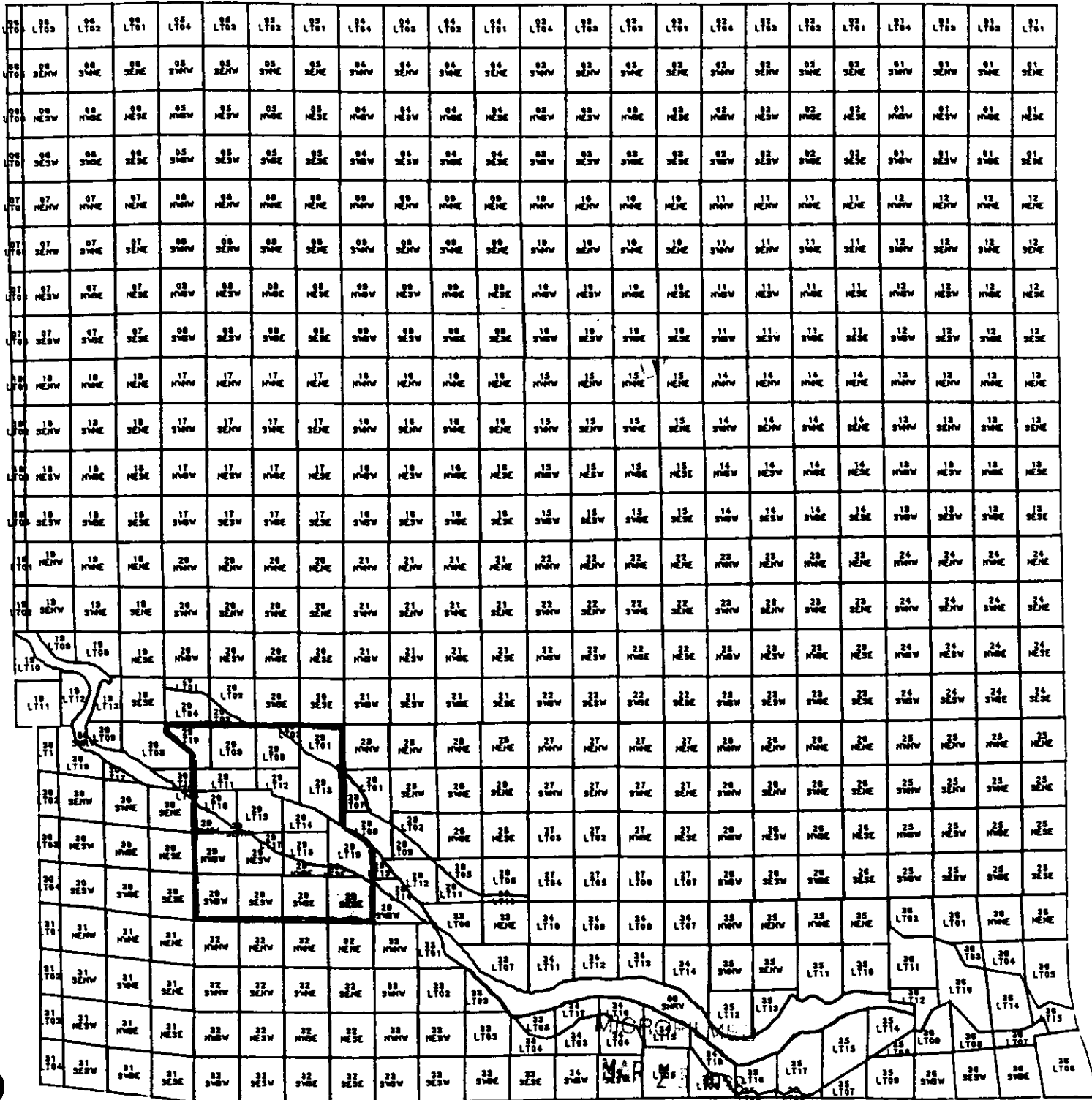
c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

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

e. Other:

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MAR 25 1998

9S17E



02-07472



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

PHILIP E. BATT
GOVERNOR

February 18, 1998

KARL J. DREHER
DIRECTOR

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

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 02-07472

Dear Permit Holder:

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

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

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

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

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

Also, please note that water right owners are required to report any change of water right ownership and/or change of mailing address to the department within 120 days of the change. Failure

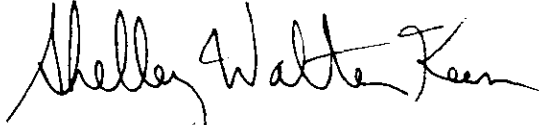
RECORDED

FEB 23 1998

to report these changes could result in a \$100 late filing fee. Contact any office of the department or visit the department's homepage on the Internet to obtain the proper reporting form.

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

Sincerely,

A handwritten signature in cursive script that reads "Shelley W. Keen". The signature is written in dark ink and is positioned above the typed name.

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosures

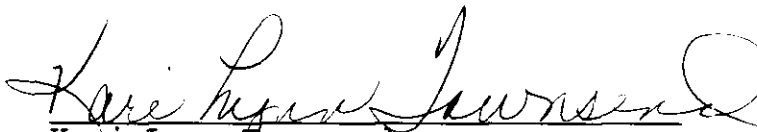
MSB
HSE

CERTIFICATE OF MAILING

I hereby certify that on the 18th day of **February, 1998**, I mailed a true and correct copy, postage prepaid, of the foregoing **PRELIMINARY ORDER (Approved Permit)** to the person(s) listed below:

Water Right No. 02-07472

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


Kari Lynn Townsend
Secretary

FILED FOR MAIL

MAR 2 1998

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

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

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

ORAL ARGUMENT

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

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MAR 25 1998

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

MICROFILMED
MAR 25 1998



IDAHO FISH & GAME

Magic Valley Region
868 East Main • P.O. Box 428
Jerome, Idaho 83338
(208) 324-4350
Fax (208) 324-1160

Philip E. Batt/Governor
Stephen P. Mealey/Director

February 4, 1998

Idaho Dept. of Water Resources
P.O. Box 83720
Boise, Idaho 83720-0098

RECEIVED
FEB 06 1998

Department of Water Resources

RE: Water Resources Permit Application #02-07472 J.R. Simplot/Canyon Springs Fish Hatchery - Snake River near Twin Falls

Dear Sir/Madam,

We have reviewed the above referenced permit application to appropriate 4.5 cfs of water from the Snake River for the non-consumptive use of fish propagation. To our knowledge, and from the information provided by the applicant, the need for this appropriation of water will only be on an emergency basis. This should be noted as a condition of approval of the right and it should be made clear that use of the right for anything other than emergency purposes (as defined by: only when senior water right holder(s) place an official call for Alpheus Creek water with Idaho Dept. of Water Resources or the appropriate agent) is prohibited.

If the water is to be used to expand production outside of historic poundage of the aquaculture facility, it should require re-advertisement as a new right. We would also like to request that both inflow and outflow water quality be monitored, as prescribed by Idaho Health and Welfare - Division of Environmental Quality, when this right is in use.

Thank you for the opportunity to review and provide comment on this application. If you have further questions please contact Dave Parrish, Natural Resources Biologist at this office.

Sincerely,

Carl H. Nellis
Magic Valley Regional Supervisor

cc: IDFG-NRPB (Robertson)
IHW-DEQ (Twin Falls)
J.R. Simplot Co. (Conrad)

ENCLOSURE

FEB 25 1998

MEMORANDUM

DATE: February 10, 1998

TO: Water Right File 02-07472

FROM: Shelley W. Keen ^{swf}

RE: Additional information required for fish propagation use

I have reviewed the information submitted by Simplot-McCollum Development to comply with the Water Appropriation Rules 040.05.e.i, 040.05.f.ii, and 040.05.g. The information appears complete, and it does not appear to raise any specific issues that should be explored before the application can be approved.

MICROFILMED

MAR 25 1998



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

CORPORATE HEADQUARTERS

February 4, 1998

Hand Delivery

L. Glen Saxton, Chief
Water Allocation Bureau
State of Idaho
Department of Water Resources
1301 North Orchard Street
Boise, Idaho 83720-0098

RECEIVED
FEB 04 1998
Department of Water Resources

Re: IDWR Application no. 02-07472.

Dear Mr. Saxton:

In accordance with the Order Conditionally Rescinding Preliminary Order dated January 23, 1998 for the above Application I am enclosing a binder which contains the additional information requested by the IDWR. The information I am providing in accordance with Rule 40.05, f, ii (specifications for the project works) was originally provided on the claim filed in the Snake River Basin Adjudication for IDWR license no. 36-07239.

These dimensions were also included in the IDWR's claim verification report for 36-07239, a copy of which I am providing in the attached binder. The hand written notes on this report calculating facility volume were added to the report by IDWR personnel. The specifications and the hand written notes are still accurate. We are not proposing to modify the facility under this application.

Should you have any questions about the enclosed information please contact me. My phone number is 389-7359.

Sincerely,

Vic Conrad
Simplot Land and Development

Enclosure

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MAR 25 1998

IDWR Application for Permit No. 02-07472

Additional Information Requirements

- Tab 1** **Rule 035.03.b, i:** Applications in the name of a corporation, company, or partnership.
- Tab 2** **Rule 40.05, e, i:** Possessory interest in the place of use.
- Tab 3** **Rule 40.05, f, ii:** Specifications for the project works.
- Tab 4** **Rule 40.05, g:** Letters seeking comment from Twin Falls County Commissioner, DEQ, Fish & Game, Twin Falls Canal Company.

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MAR 25 1998

Additional Information Requirements Rule 035.03.b, i:

Simplot-McCollum Development Company is a joint venture composed of:

J. R. Simplot Company
a Nevada Corporation
P. O. Box 27
Boise, Idaho 83707
phone number: 208-336-2110

and

McCollum Enterprises, Ltd.,
a limited partnership
J. D. McCollum, General Partner
P.O. Box 112
Twin Falls, ID 83301

A current list of the officers for the J. R. Simplot Company is attached.

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MAR 25 1998

J. R. SIMPLOT COMPANY
List of Officers
as of
June 3, 1997

President 03-1-94	Stephen A. Beebe	999 Main Street Suite 1300 Boise, ID 83702
Sr. Vice-President 02-01-94	C. Larry Hinderager	4122 Yellowstone Pocatello, ID 83202
Sr. Vice-President 01-16-97	James R. Munyon	6360 S. Federal Way Boise, ID 83706
Sr. Vice-President 06-30-97	Dennis R. Mogensen	999 Main Street Suite 1300 Boise, ID 83702
Vice-President 10-06-69	Don J. Simplot	999 Main Street Suite 1300 Boise, ID 83702
Treasurer 01-10-96	Thomas J. Sorge	999 Main Street Suite 1300 Boise, ID 83702
Vice President and Secretary 10-06-75	Ronald N. Graves	999 Main Street Suite 1300 Boise, ID 83702
Controller 01-16-97	James D. Crawford	999 Main Street Suite 1300 Boise, ID 83702

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MAR 25 1999

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GRANT DEED

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

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

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

1 THENCE North 42°08'07" West a distance of 220.95 feet to a
 2 point on the southerly boundary of the NE¼NE¼ of said Section 32;
 3 THENCE North 89°51'03" West a distance of 917.51 feet to the
 southwest corner of said NE¼NE¼;
 4 THENCE North 0°00'30" West a distance of 1320.69 feet to the
 northwest corner of said NE¼NE¼ Section 32;
 5 THENCE North 0°00'30" West a distance of 872.90 feet along the
 westerly boundary of the SE¼SE¼ of said Section 29 to the South bank
 of the Snake River;
 6 THENCE easterly along said South bank the following courses and
 distances;
 7 South 79°12'58" East a distance of 384.22 feet;
 8 THENCE South 72°24'41" East a distance of 398.92 feet;
 9 THENCE South 61°34'12" East a distance of 246.19 feet;
 10 THENCE South 59°05'10" East a distance of 221.09 feet;
 11 THENCE South 65°30'35" East a distance of 183.49 feet;
 12 THENCE South 62°52'39" East a distance of 169.29 feet;
 13 THENCE South 59°08'13" East a distance of 287.56 feet;
 14 THENCE South 53°08'43" East a distance of 253.70 feet;
 15 THENCE South 54°16'25" East a distance of 269.09 feet;
 16 THENCE South 61°30'00" East a distance of 277.20 feet;
 17 THENCE South 70°00'00" East a distance of 462.00 feet;
 18 THENCE South 66°00'00" East a distance of 330.00 feet;
 19 THENCE South 52°10'13" East a distance of 107.78 feet;
 20 THENCE South 53°30'00" East a distance of 110.05 feet;
 21 THENCE South 47°00'00" East a distance of 184.80 feet;
 22 THENCE South 52°30'00" East a distance of 145.20 feet;
 23 THENCE South 40°30'00" East a distance of 330.00 feet;
 24 THENCE South 19°00'00" East a distance of 153.86 feet;
 25 THENCE leaving said South bank South 61°31'00" West a distance
 of 586.76 feet;
 26 THENCE South 22°46'00" West a distance of 117.89 feet;
 THENCE South 29°52'00" East a distance of 440.90 feet;
 THENCE South 64°25'00" East a distance of 104.00 feet;
 THENCE South 82°12'30" East a distance of 50.88 feet;
 THENCE North 0°00'00" East a distance of 56.91 feet;
 THENCE North 45°13'30" East a distance of 24.10 feet;
 THENCE South 71°35'30" East a distance of 233.60 feet to a
 point on the easterly boundary of Government Lot 3 of said Section
 33;
 THENCE South 0°55'30" West a distance of 621.78 feet to the
 Southwest corner of said Government Lot 33;
 THENCE South 89°58'56" East a distance of 1070.54 feet along
 the southerly boundary of said Government Lot 3 and the northerly
 boundary of Government Lot 5 to angle point;
 THENCE South 61°41'21" East a distance of 432.28 feet to a
 corner common to Government Lots 5 and 8 of said Section 33;
 THENCE North 76°30'00" East a distance of 983.40 feet along the
 northerly boundary of said Government Lot 8;
 THENCE North 72°15'00" East a distance of 277.20 feet to the
 Northeast corner of said Government Lot 8;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

 Also excepting therefrom the following described parcels:

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

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

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

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

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

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

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

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

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

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

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

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

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

15 Together with appurtenances.

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

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

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

23
24
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26

J. D. MCCOLLUM


JEAN H. MCCOLLUM

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

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

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

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NOTARY PUBLIC
Residing at: 1391 Camelback Rd
My Commission Expires: 10-31-1993

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CERTIFICATE OF ASSUMED BUSINESS NAME

This certifies that there is being carried on, conducted or transacted or is about to be conducted or transacted at Canyon Springs, County of Twin Falls, State of Idaho, the business of leasing certain lands south of the Snake River and west of the Perrine Bridge, to: 1) an operator of a golf course facility, and 2) an operator of an aquaculture facility, under the designation, name and style of "Canyon Springs" and which is assumed or fictitious, being other than the true and real names of the persons conducting or transacting such leasing business; that the true or real full name of each of the persons conducting or transacting or intending to conduct or transact such leasing business or having an interest therein and their post office addresses are as follows:

Simplot-McCollum Development Company,
a joint venture composed of:

J. R. Simplot Company
a Nevada corporation
P.O. Box 27
Boise, Idaho 83707

McCollum Enterprises, Ltd.,
a limited partnership
P.O. Box 112
Twin Falls, Idaho 83301

Dated this 27th day of August, 1991.

SIMPLOT-McCOLLUM DEVELOPMENT COMPANY:

J. R. Simplot Company

By Gordon C. Smith
GORDON C. SMITH, President

McCollum Enterprises, Ltd.

By J. D. McCollum
J. D. McCOLLUM, General Partner

STATE OF IDAHO)
) ss.
County of Ada)

On this 27th day of August, 1991, before me, a Notary Public in and for said State, personally appeared GORDON C. SMITH, the President of the corporation that executed the foregoing instrument and acknowledged to me that such corporation executed the same.

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

Kelline Eason
Notary Public for Idaho
Residing at: Boise, Idaho
My Commission Expires: 10-12-92

STATE OF IDAHO)
County of Twin Falls) ss.

On this 21 day of August, 1991, before me, a Notary Public in and for said State, personally appeared J. D. McCOLLUM, the General Partner of the limited partnership that executed the foregoing instrument and acknowledged to me that such partnership executed the same.

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



Notary Public for Idaho

Residing at:

THOMAS M. ROBERTSON

Commission Expires:

NOTARY PUBLIC - STATE OF IDAHO

Residing at Kimberly, Idaho

Commission Expires 9-14-94



4387v/08-06-91/2:18

TWIN FALLS COUNTY, IDAHO
RECORDED FOR:

Simplet

1991 SEP -6 A 11:29 91 007603

LINDA E. WRIGHT
EX-OFFICIO RECORDER
FEE: 600 DEPUTY: CP

Rule 40.05, f, ii:

Water diverted under IDWR Application no. 02-07472 will be used in an existing fish propagation, hatchery, and growing complex composed of 118 raceways and ponds with the following dimensions:

36 Raceways - 4 ft. x 20ft. x 4ft.
6 Raceways - 12ft. x 150ft. x 4ft.
1 Raceways - 25ft. x 50ft. x 4ft.
6 Raceways - 25ft. x 100 ft. x 4ft.
12 circular raceways 20ft. diameter, 4 ft. deep
55 ponds approximately 4ft. x 8ft. x 4ft. each.

02-07472
000

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

00:00:15
09/08/90

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A36-07239

LAST: MC COLLUM
ADDRESS: P.O. BOX 112
CITY: TWIN FALLS
PHONE NUMBER: 208-733-2163

FIRST: J. D.

STATE: ID ZIP: 83301

OWNER CODE: C

FIELD EXAM REQUIRED?

DATABASE
Y

FIELD
EXAMINER

VERIFICATION REQUIRED DUE TO REMARKS?

IM REMARKS:

FISH PROPAGATION - HATCHERY AND FISH GROWING COMPLEX WITH 118
RACEWAYS & PONDS AS FOLLOWS:

36 RACEWAYS - 4' X 20' X 4 = 320 X 36 = 11,520 cu.ft.

6 - 12' X 150' X 4 = 7200 X 6 = 43,200 cu.ft.

1 - 25' X 50' X 4 = 5000 X 1 = 5,000 cu.ft.

6 - 25' X 100' X 4 = 10,000 X 6 = 60,000 cu.ft.

12 CIRCULAR RACEWAYS, 20' DIA. (4' X πR^2)

55 PONDS, APPROX. 4' X 8' EACH, 129 X 55 = 7,040

$31416 \times 4 \times 12 = 1256.64 \times 12 = 15,079.7 \text{ cu. ft.}$

FIELD EXAMINATION INFORMATION

141,839.7 cu.ft. FACILITY VOLUME

CONTACT PERSON: _____

PHONE NUMBER: (____) _____

DATE OF FIELD EXAM: ____/____/____

APPOINTMENT MADE: Y(____) N(____)

TIME: ____:____ A(____) P(____)

ACCOMPANIED BY: _____

PHONE NUMBER: (____) _____

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / REMARKS:

DOG

141,840 cu.ft.

3.26 AF

See 10-30-91

MICROFILMED
FEB 03 1991

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

CORPORATE HEADQUARTERS

January 28, 1998

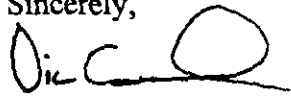
Dave Parrish, Environmental Staff Biologist
Idaho Department of Fish and Game
P.O. Box 428
Jerome, ID 83338

Re: Idaho Department of Water Resources Permit Application No. 02-07472.

Dear Mr. Parrish:

In my letter to you dated January 27, 1998, I inadvertently identified the wrong IDWR permit application number. The correct number is 02-07472 not 47-08357. I have attached a copy of the letter containing the corrected error. If this has created any confusion about which application is under consideration please contact me. My phone number is 208-389-7359.

Sincerely,



Vic Conrad
Simplot Land and Development

100-100-100
MAR 2 5 1998

CORPORATE HEADQUARTERS

January 27, 1998

Dave Parrish, Environmental Staff Biologist
Idaho Department of Fish and Game
P.O. Box 428
Jerome, ID 83338

Re: Idaho Department of Water Resources Permit Application No. 02-0747Z-47-08357.

Dear Mr. Parrish:

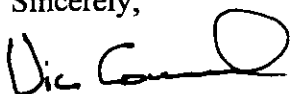
If you will recall, last summer I contacted you regarding a permit application submitted to the Idaho Department of Water Resources ("IDWR") by Simplot-McCollum Development Company dba Canyon Springs. As I explained, our objective in filing the application is to obtain a reliable alternate water supply during periods when senior water right owners demand we cease diverting from Alpheus Creek due to low flows. If approved, the permit will allow Canyon Springs to divert up to 4.5 c.f.s. from the Snake River for non-consumptive fish propagation purposes (copy of application attached).

We are not expanding our existing fish propagation facility. We intend to use water under this permit application to minimize the disruption and expense these periods of curtailment are causing.

In accordance with Water Appropriation Rule no. 40.05.g the IDWR is requesting that we seek your comment about the effects of the construction and operation of the project proposed under the attached application. Because the facility identified under the application has been operating for several years the only construction that will be necessary will be installing the diverting works consisting of a suction hose with intake, a pump with diesel motor, and pipeline.

We would appreciate it if you would provide any comments you may have about the enclosed application to the Idaho Department of Water Resources, P. O. Box 83720, Boise, ID 83720-0098 on or before February 6, 1998. Should you wish to discuss the application in more detail please contact me. My phone number is 208-389-7359.

Sincerely,



Vic Conrad
Simplot Land and Development

Enclosure

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Simplot-McCollum Development Company Phone 208-336-2110
dba Canyon Springs

Post office address PO Box 27 Boise, ID 83707

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

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

Sec. 29 Township 9S Range 17E B.M. Twin Falls County; additional
points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 4.5 cfs for Fish Propagation purposes from 1-1 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum)

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

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

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

5. Total quantity to be appropriated is (a) 4.5 cfs and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Suction hose with intake, pump with
diesel motor, pipeline, discharge into flume and raceways

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

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

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

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

RECEIVED
MAR 25 1988

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

- Hydropower; show total f head and proposed capacity in KW. _____
- Stockwatering; list number and kind of livestock. _____
- Municipal; show name of municipality. _____
- Domestic; show number of households. _____
- Other; describe fully. Fish Propagation

9. Description of place of use:

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

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
9S	17E	29																F	

F = Fish Propagation

Total number of acres to be irrigated _____

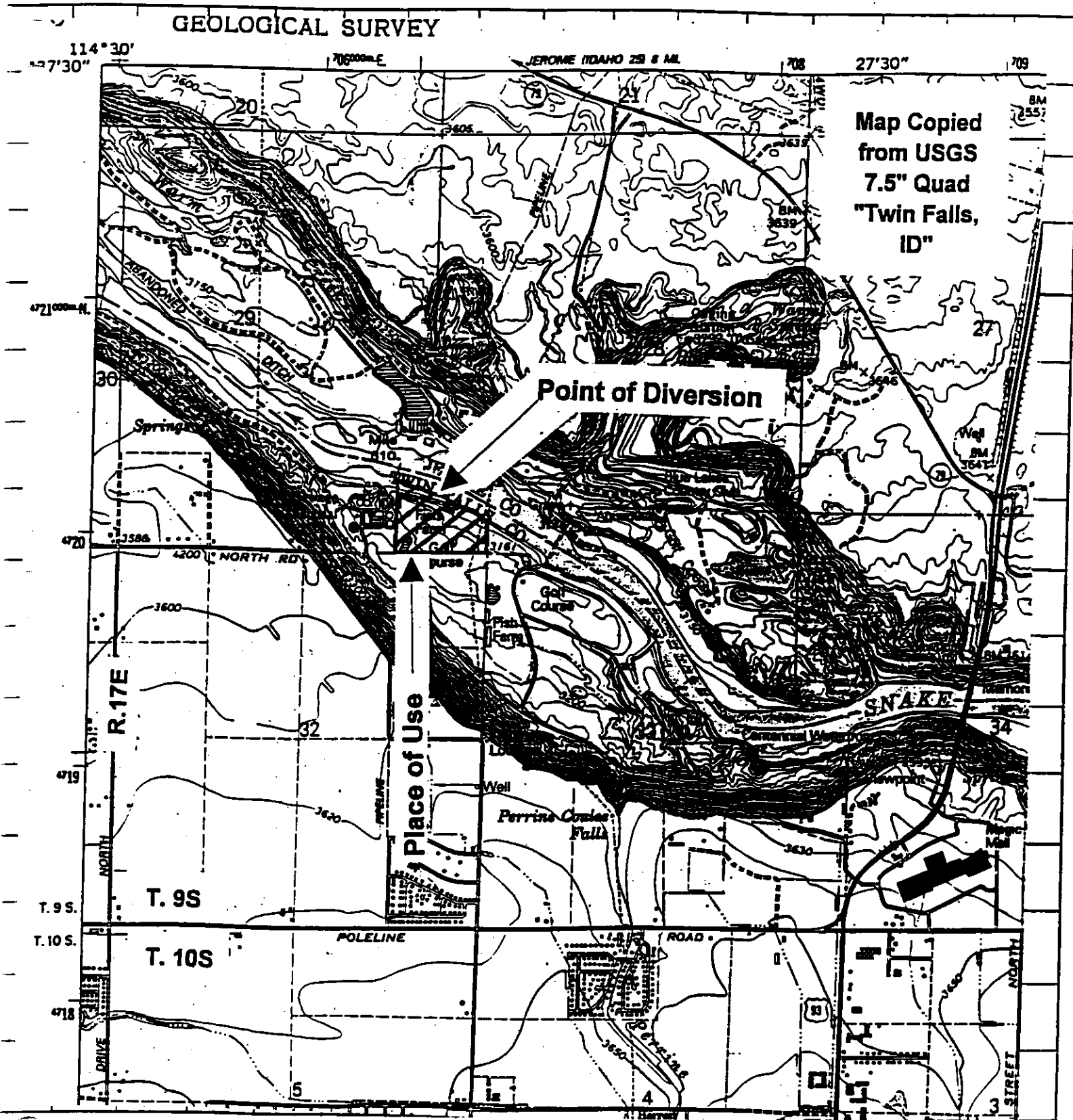
10. Describe any other water rights used for the same purposes as described above. 47-07758, 47-07813
47-08356, 47-08357, 36-07239

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

* 12. Remarks: PER 06/18/97 TELECOM WITH VIC CONRAD: THIS APPLICATION
PROPOSES INSTALLATION OF A BACK UP SYSTEM THAT WILL BE CAPABLE OF PROVIDING
WATER TO THE FISH FARM WHEN THE OTHER WATER RIGHTS (LISTED UNDER #10 ABOVE
ARE NOT AVAILABLE DUE TO NATURAL FLUCTUATIONS IN AVAILABILITY. THIS APPLICATION
PROPOSES NO EXPANSION OF THE EXISTING FISH FARM.

FILED
JUN 25 1998

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



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

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19 ____.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.
- e. Other:



CORPORATE HEADQUARTERS

January 28, 1998

State of Idaho
Division of Environmental Quality
1410 North Hilton
Boise, ID 83706

Re: Idaho Department of Water Resources Permit Application No. 02-07472.

Ladies and Gentlemen:

I am enclosing a copy of a permit application submitted to the Idaho Department of Water Resources ("IDWR") by Simplot-McCollum Development Company dba Canyon Springs. Our objective in filing the application is to obtain a reliable alternate water supply during periods when senior water right owners demand we cease diverting from our primary water supply, Alpheus Creek, due to low flows. If approved, the permit will allow Canyon Springs to divert up to 4.5 c.f.s. from the Snake River for non-consumptive fish propagation purposes (copy of application attached).

Canyon Springs will not expand its existing fish propagation facility. We intend to use water under this permit application to minimize the disruption and expense these periods of curtailment are causing our existing operation.

In accordance with Water Appropriation Rule no. 40.05.g the IDWR is requesting that we seek your comment about the effects of the construction and operation of the project proposed under the attached application. Because the facility identified under the application has been operating for several years the only construction that will be necessary will be installing the diverting works consisting of a suction hose with intake, a pump with diesel motor, and pipeline.

We would appreciate it if you would provide any comments you may have about the enclosed application to the Idaho Department of Water Resources, P. O. Box 83720, Boise, ID 83720-0098 on or before February 6, 1998. Should you wish to discuss the application in more detail please contact me. My phone number is 208-389-7359.

Sincerely,

Vic Conrad
Simplot Land and Development

Enclosure

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Simplot-McCollum Development Company Phone 208-336-2110
dba Canyon Springs

Post office address PO Box 27 Boise, ID 83707

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

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

Sec. 29 Township 9S Range 17E B.M. Twin Falls County; additional
points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 4.5 cfs for Fish Propagation purposes from 1-1 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum)

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

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

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

5. Total quantity to be appropriated is (a) 4.5 cfs and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Suction hose with intake, pump with
diesel motor, pipeline, discharge into flume and raceways

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

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

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

Time required for the completion of the works and application of the water to the proposed beneficial use is

5 years (minimum 1 year).

- a. Hydropower; show total feet head and proposed capacity in KW. _____
- b. Stockwatering; list number and kind of livestock. _____
- c. Municipal; show name of municipality. _____
- d. Domestic; show number of households. _____
- e. Other; describe fully. Fish Propagation

9. Description of place of use:

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

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
9S	17E	29																F	

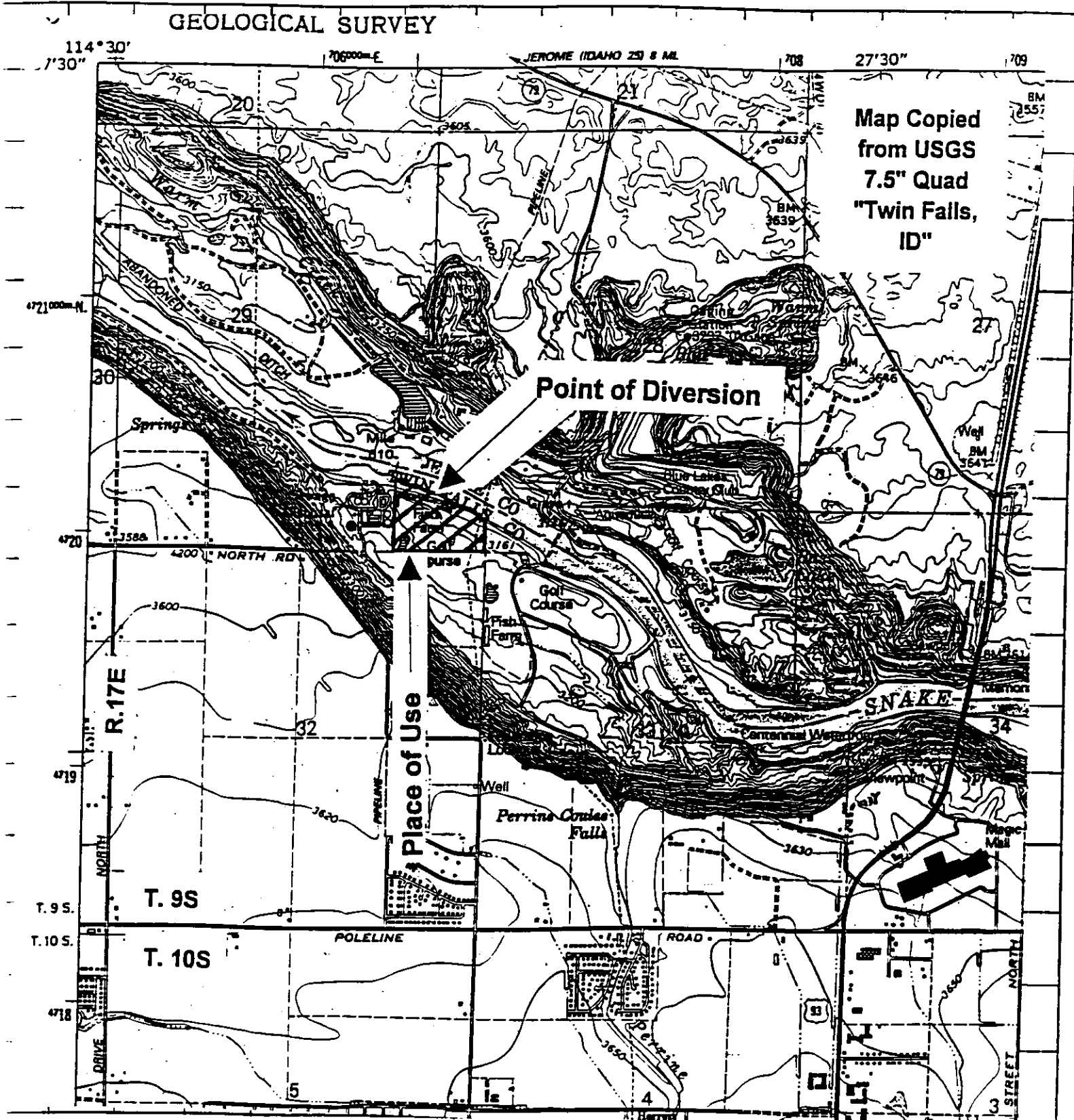
F = Fish Propagation

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. 47-07758, 47-07813
47-08356, 47-08357, 36-07239
11. a. Who owns the property at the point of diversion? Applicant
- b. Who owns the land to be irrigated or place of use? Applicant
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. _____

* 12. Remarks: PER 06/18/97 TELECOM WITH VIC CONRAD: THIS APPLICATION
PROPOSES INSTALLATION OF A BACK UP SYSTEM THAT WILL BE CAPABLE OF PROVIDING
WATER TO THE FISH FARM WHEN THE OTHER WATER RIGHTS (LISTED UNDER #10 ABOVE
ARE NOT AVAILABLE DUE TO NATURAL FLUCTUATIONS IN AVAILABILITY. THIS APPLICATION
PROPOSES NO EXPANSION OF THE EXISTING FISH FARM.

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



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

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

By: *[Signature]*

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

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

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

_____, 19____.

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

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

e. Other:



CORPORATE HEADQUARTERS

January 29, 1998

Vince Alberdi
General Manager
Twin Falls Canal Company
P.O. Box 326
Twin Falls, ID 83303

Re: Idaho Department of Water Resources Permit Application No. 02-07472.

Dear Mr. Alberdi:

As we discussed this morning I am enclosing a copy of a permit application submitted to the Idaho Department of Water Resources ("IDWR") by Simplot-McCollum Development Company dba Canyon Springs. Our objective in filing the application is to obtain a reliable alternate water supply during periods when senior water right owners demand we cease diverting from our primary water supply, Alpheus Creek, due to low flows. If approved, the permit will allow Canyon Springs to divert up to 4.5 c.f.s. from the Snake River for non-consumptive fish propagation purposes.

We are not expanding our existing fish propagation facility. We intend to use water under this permit application to minimize the disruption and expense these periods of curtailment are causing.

In accordance with Water Appropriation Rule no. 40.05.g the IDWR is requesting that we seek comments from a number of local entities and regulatory agencies about the effects of the construction and operation of the project proposed under the attached application. To date, letters seeking comment have been mailed to the Idaho Department of Fish & Game, and the Idaho Division of Environmental Quality. Today we will be mailing a letter to Twin Falls County Commissioners seeking comment about the enclosed application.

Since you and I have worked on water matters related to this facility in the past I also want to provide you with the opportunity to comment about the application should you have any concerns. Because the facility identified under the application has been operating for several years the only construction that will be necessary will be installing the diverting works consisting of a suction hose with intake, a pump with diesel motor, and pipeline.

We would appreciate it if you would provide any comments you may have about the enclosed application to the Idaho Department of Water Resources, P. O. Box 83720, Boise,

ID, 83720-0098 on or before February 6, 1998. Should you wish to discuss the application in more detail please contact me. My phone number is 208-389-7359.

Sincerely,

A handwritten signature in black ink, appearing to read "Vic Conrad", with a large circular flourish at the end.

Vic Conrad

Simplot Land and Development

Enclosure

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Simplot-McCollum Development Company Phone 208-336-2110
dba Canyon Springs
Post office address PO Box 27 Boise, ID 83707
2. Source of water supply Snake River which is a tributary of Columbia River
3. Location of point of diversion is NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of SE $\frac{1}{4}$, Govt. Lot _____
Sec. 29 Township 9S Range 17E B.M. Twin Falls County; additional
points of diversion if any: _____
4. Water will be used for the following purposes:

Amount 4.5 cfs for Fish Propagation purposes from 1-1 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 4.5 cfs and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc. Suction hose with intake, pump with
diesel motor, pipeline, discharge into flume and raceways
 - b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet; period of year when water will be diverted to storage:
_____ to _____ inclusive.
 - c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
 - d. Is ground water with a temperature of greater than 90°F being sought? _____
- Time required for the completion of the works and application of the water to the proposed beneficial use is
5 years (minimum 1 year).

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

- a. Hydropower; show to: se head and proposed capacity in KW. _____
- b. Stockwatering; list number and kind of livestock. _____
- c. Municipal; show name of municipality. _____
- d. Domestic; show number of households. _____
- e. Other; describe fully. Fish Propagation

9. Description of place of use:

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

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
9S	17E	29																F	

F = Fish Propagation

Total number of acres to be irrigated _____

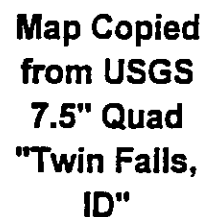
10. Describe any other water rights used for the same purposes as described above. 47-07758, 47-07813
47-08356, 47-08357, 36-07239

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

12. Remarks: PER 06/18/97 TELECOM WITH VIC CONRAD: THIS APPLICATION
PROPOSES INSTALLATION OF A BACK UP SYSTEM THAT WILL BE CAPABLE OF PROVIDING
WATER TO THE FISH FARM WHEN THE OTHER WATER RIGHTS (LISTED UNDER #10 ABOVE
ARE NOT AVAILABLE DUE TO NATURAL FLUCTUATIONS IN AVAILABILITY. THIS APPLICATION
PROPOSES NO EXPANSION OF THE EXISTING FISH FARM.

*
16/18/97
J. SWANER

GEOLOGICAL SURVEY



By:

Received by _____ D _____ Time _____ Pr _____ ir _____ check by _____

Fee \$ _____ Received by _____ # _____ Date _____

Publication prepared by _____ Date _____ Published in _____

Publication approved _____ Date _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

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

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

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

e. Other:



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

CORPORATE HEADQUARTERS

February 3, 1998

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

Re: Idaho Department of Water Resources Permit Application No. 02-07472.

Dear Mr. Maughan:

I am enclosing a copy of a permit application submitted to the Idaho Department of Water Resources ("IDWR") by Simplot-McCollum Development Company dba Canyon Springs. Our objective in filing the application is to obtain a reliable alternate water supply during periods when senior water right owners demand we cease diverting from our primary water supply, Alpheus Creek, due to low flows. If approved, the permit will allow Canyon Springs to divert up to 4.5 c.f.s. from the Snake River for non-consumptive fish propagation purposes.

Canyon Springs will not expand its existing fish propagation facility. We intend to use water under this permit application to minimize the disruption and expense these periods of curtailment are causing our existing operation.

In accordance with Water Appropriation Rule no. 40.05.g the IDWR is requesting that we seek your comment about the effects of the construction and operation of the project proposed under the attached application. Because the facility identified under the application has been operating for several years the only construction that will be necessary will be installing the diverting works consisting of a suction hose with intake, a pump with diesel motor, and pipeline.

We would appreciate it if you would provide any comments you may have about the enclosed application to the Idaho Department of Water Resources, P. O. Box 83720, Boise, ID 83720-0098. If a fax is more convenient the IDWR's fax number is 208-327-7866. Should you wish to discuss the application in more detail please contact me. My phone number is 208-389-7359.

Sincerely,

Vic Conrad
Simplot Land and Development

Enclosure

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Simplot-McCollum Development Company Phone 208-336-2110
dba Canyon Springs

Post office address PO Box 27 Boise, ID 83707

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

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

Sec. 29 Township 9S Range 17E B.M. Twin Falls County; additional

points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 4.5 cfs for Fish Propagation purposes from 1-1 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum)

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

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

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

5. Total quantity to be appropriated is (a) 4.5 cfs and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Suction hose with intake, pump with
diesel motor, pipeline, discharge into flume and raceways

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

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

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

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

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

- a. Hydropower; show total fee head and proposed capacity in KW. _____
- b. Stockwatering; list number and kind of livestock. _____
- c. Municipal; show name of municipality. _____
- d. Domestic; show number of households. _____
- e. Other; describe fully. Fish Propagation

9. Description of place of use:

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

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
9S	17E	29																F	

F = Fish Propagation

Total number of acres to be irrigated _____

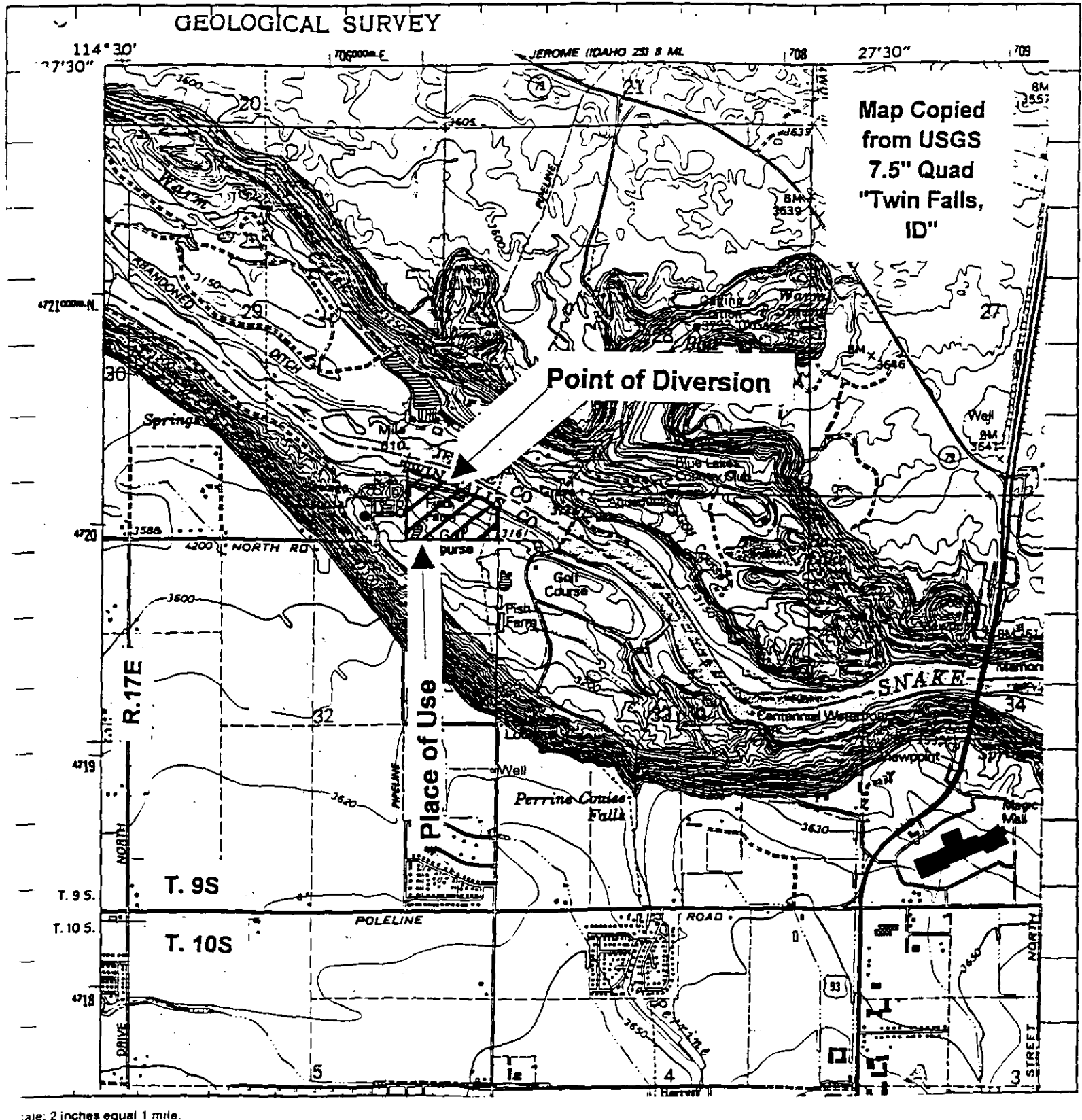
10. Describe any other water rights used for the same purposes as described above. 47-07758, 47-07813
47-08356, 47-08357, 36-07239

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

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ARE NOT AVAILABLE DUE TO NATURAL FLUCTUATIONS IN AVAILABILITY. THIS APPLICATION
PROPOSES NO EXPANSION OF THE EXISTING FISH FARM.

*
C. SKINNER
16/19/97

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



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

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

By: Ronald N. Graves
Ronald N. Graves, Secretary

Received by _____ Date _____ Time _____ Preliminary check by _____

Fee \$ _____ Received by _____ # _____ Date _____

Publication prepared by _____ Date _____ Published in _____

Publication approved _____ Date _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

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

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

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

e. Other:



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. BOX 83720, Boise, Idaho 83720-0098
Phone: (208) 327-7900 FAX: (208) 327-7866

January 23, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

SIMPLOT-MC COLLUM DEVELOPMENT COMPANY
DBA CANYON SPRINGS
PO BOX 27
BOISE ID 83707-0027

RE: Permit 02-07472

Dear Water Right Holder(s):

The accompanying order is a "preliminary order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the department unless a party petitions for reconsideration within fourteen (14) days after issuance as further described below:

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

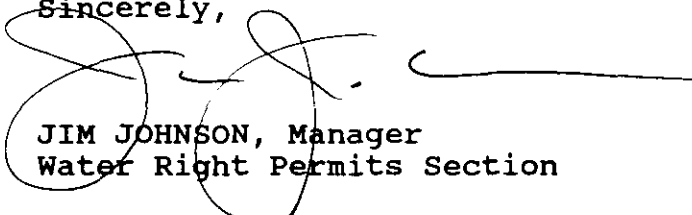
Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district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

- i. A hearing was held,
- ii. The final agency action was taken,

- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

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

Sincerely,



JIM JOHNSON, Manager
Water Right Permits Section

JJ:klt

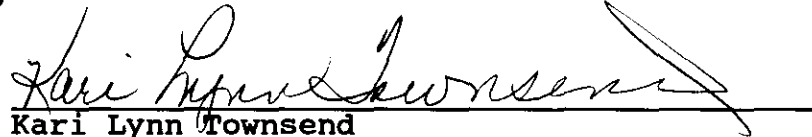
Enclosure

CERTIFICATE OF MAILING

I hereby certify that on the 23rd day of **JANUARY, 1998**, I mailed a true and correct copy, postage prepaid, of the foregoing **PRELIMINARY ORDER** to the person(s) listed below:

Permit 02-07472

SIMPLOT-MC COLLUM DEVELOPMENT COMPANY
DBA CANYON SPRINGS
PO BOX 27
BOISE ID 83707-0027


Kari Lynn Townsend
Secretary

4 MICROFILMED

MAR 25 1998



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

CORPORATE HEADQUARTERS

January 22, 1998

RECEIVED

JAN 22 1997

Hand Delivery

L. Glen Saxton, Chief
Water Allocation Bureau
State of Idaho
Department of Water Resources
1301 North Orchard Street
Boise, Idaho 83076

Department of Water Resources

Re: Water Right 02-07472 Simplot-McCollum Development Company.

Dear Mr. Saxton:

During the last few years we have been forced by senior appropriators to periodically curtail our diversions from Alpheus Creek which is the primary water supply for the fish propagation facility identified under this application. We speculate there are a number of factors contributing to the reduced Alpheus Creek flows including drought, changes in the amount of aquifer recharge resulting from more efficient irrigation practices across the Snake Plain, and increases in groundwater diversions from the Eastern Snake Plain Aquifer.

To minimize the expense in disrupting our operation this application was filed to provide an alternative water supply during these periods of curtailment. The application was advertised, without protest, and we regret that we have not provided the additional information to the Department within the time period requested.

Although we hope that the flows in Alpheus Creek will recover we are not certain that we can rely on this source as our primary water supply for our operation. New water development under two separate permits, 47-08356 and 47-08357, has not yielded a sufficient amount of a reliable alternate water supply necessary to maintain fish propagation during curtailment. We are requesting that you reconsider your order to void this permit so we may have an opportunity to avoid another imminent, disruptive and costly curtailment this spring.

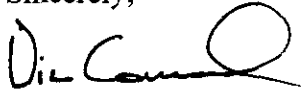
Should you reconsider voiding this application I will arrange for the additional information to be provided to the Department within a time period you choose. We face an unpredictable and difficult situation with respect to the variable water levels and Alpheus Creek. We regret that the additional information requested by the Department was not supplied. It is my understanding that the additional information will be used by the Department in its evaluation to approve the application. Since it is clear there were

MICROFILMED

MAR 25 1998

no protests to the application a re-consideration at this time to provide the additional information will not result in any damage or injury to surrounding interests. To minimize the impact curtailment has on our operation we are requesting that you reconsider voiding this permit application to provide us with additional time to pursue the Department's approval.

Sincerely,

A handwritten signature in black ink, appearing to read "Vic Conrad", with a large, stylized loop at the end.

Vic Conrad

Simplot Land and Development

MICROFILMED

MAR 25 1998



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

January 9, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

SIMPLOT-MC COLLUM DEVELOPMENT COMPANY
DBA CANYON SPRINGS
PO BOX 27
BOISE ID 83707-0027

RE: Water Right 02-07472

Dear Water Right Holder(s):

The accompanying order is a "preliminary order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the department unless a party petitions for reconsideration within fourteen (14) days after issuance as further described below:

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

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

MICROFILMED
MAR 25 1998

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

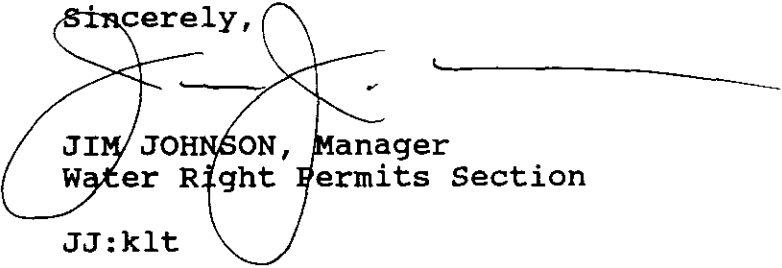
- i. A hearing was held,
- ii. The final agency action was taken,

- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

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

This letter supersedes and replaces the letter dated January 7, 1998 that was sent to you in error.

Sincerely,



JIM JOHNSON, Manager
Water Right Permits Section

JJ:klt

Enclosure

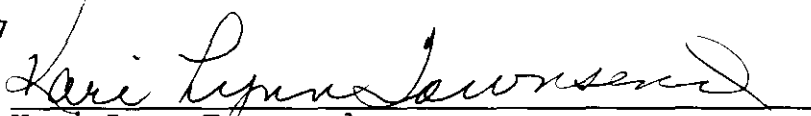
RECORDED
MAR 25 1998

CERTIFICATE OF MAILING

I hereby certify that on the 9th day of **JANUARY, 1998**, I mailed a true and correct copy, postage prepaid, of the foregoing **PRELIMINARY ORDER (Order to Void Permit)** to the person(s) listed below:

Permit 02-07472

SIMPLOT-MC COLLUM DEVELOPMENT COMPANY
DBA CANYON SPRINGS
PO BOX 27
BOISE ID 83707-0027


Kari Lynn Townsend
Secretary



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

January 7, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

SIMPLOT-MC COLLUM DEVELOPMENT COMPANY
DBA CANYON SPRINGS
PO BOX 27
BOISE ID 83707-0027

RE: Water Right 02-07472

Dear Water Right Holder(s):

The enclosed Preliminary Order is being sent to you for your information.

If you have questions regarding this matter you may call our office at 208-327-7900.

Sincerely,

A handwritten signature in cursive script, reading 'Kari Lynn Townsend'.

Kari Lynn Townsend
Secretary

/k

Enclosure

MICROFILMED
MAR 25 1998

FROM: Allen Merritt

DATE: January 5, 1998

TO: Application No. 02-07472

In the Name of: Simplot-McCollum Development Co.

SUBJECT: Review and Recommendation

This application proposes a diversion of Snake River water to an existing fish propagation facility as a backup. We have requested the additional information required for fish facilities from the applicants attorney, Vic Conrad, several times. To date he has not submitted the information.

I recommend that a show cause order be issued asking why the application should not be rejected.

MICROFILMED

MAR 25 1998

FILE PROGRESS SUMMARY

APPLICANT: Samuel et al

WATER RIGHT NO. 02-07472

INIT.	DATE	COMMENT
CW	6/7/97	I talked to Coney
CS	06/10/97	STAFF REVIEW, CALLED VIC CONRAD OF SIMPLOT CO. AND INQUIRED ABOUT APPLICATION'S ROLE WITH EXISTING WATER RIGHTS. SEE REMARKS ON APPLICATION. GAVE APPLICATION TO MARY (~ 5 PM) TO PREPARE ADVERTISING.
MB	6/27/97	Adv. sch - June News 7/17 & 7/24; 8/4/97
MB	8/6/97	To ADM - Signoff
All-	8/12/97	Phone call to Cole for additional info.
CS	8/19/97	PHONE CALL FROM VIC CONRAD INQUIRING ABOUT APPLICATION AND ADDITIONAL INFORMATION REQUIRED TO BE SUBMITTED. SAID HE IS WORKING ON IT AND WILL GET EVERYTHING IN.
AM	10/24/97	2nd request for fish prop. info
AM	11/19/97	T/C from applicant - requested 30 more days to submit info.
Am	1/5/98	file to State Office for action.

MICROFILMED

MAR 25 1938

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY C. SKINNER DATE 06/16, 1997
APPLICATION NO. 02-07472

REQUIRED INFORMATION

- * ☒ Name (If applicant is a corporation or partnership, names must be provided for the director, officers, & other partners.)
☒ Address
☒ Source (see USGS quad for names of water sources)
☒ Point of diversion (10 Acres for spring, lot & block descriptions subdivisions, local name, flow &/or volume. POD APPEARS TO NOT BE LOCATED WITHIN A GOVT. LOT)
☒ County
☒ Quantity (flow &/or volume)
☒ Period of use
☒ Nature of proposed use (include description of use)
☒ Description of diverting works.
☒ Time required for beneficial use of water.
☒ Place of use or acres irrigated. NO GOVT. LOT
☒ Map
☒ Signature (If applicant is corp., partnership, or municipality of signator is required)
☒ Fee
☒ Yes ☐ No* In form to receipt

-----PROPOSED PRIORITY DATE
06/16, 1997

ADDITIONAL INFORMATION

- ☒ Overlapping place of use (Describe source & relationship to present application on the back. 36-07239, 47-08356, 47-08357, 47-07758, AND 47-07813)
☒ Overlapping point of diversion. NONE
Yes ☒ No ☐ Field check required (ADEQUATE WATER SUPPLY)
Field check by _____
Yes ☒ No ☐ Field report attached
Yes ☒ No ☐ Critical Ground water area
☒ Yes ☐ No ☐ Groundwater management area (SURFACE WATER N/A)
Yes ☒ No ☐ Send Dam safety information
Yes ☒ No ☐ Send power requirement letter
☒ Yes ☐ No ☐ Send fish farm requirement letter
Yes ☒ No ☐ Power residency affidavit.
Yes ☒ No ☐ Power efficiency form
Yes ☐ No ☐ Within trustwater boundary (If yes, attach trustwater supplementary analysis sheet.)
Yes ☒ No ☐ Diversion greater than 5 cfs or 500 acre ft. (If yes attach large diversion supplementary analysis sheet)

See reverse side for additional information.

* REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

LIST OF CORPORATE OFFICERS, DIRECTORS, AND PARTNERS AND
CORRESPONDING ADDRESSES.

Date Requested _____, 19____

ADDITIONAL INFORMATION:



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

October 24, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

ATTN VIC CONRAD
JR SIMPLOT CO
PO BOX 27
BOISE ID 83707-0027

RE: APPLICATION FOR PERMIT NO. 02-07472

SECOND REQUEST

Dear Mr. Conrad:

Legal advertising has been completed on the above referenced application with no protests filed against the application.

As requested in our correspondence dated June 30, 1997 additional information is required to be made part of the application file pursuant to Idaho Code provisions and the department's Rules and Regulations for Water Appropriation. The attached sheet(s) give details regarding the information which is requested.

Failure to supply the requested information within 30 days from the date of this letter could result in a regional recommendation that the application be declared void.

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

Very truly yours,

Allen D. Merritt, P.E.
Regional Manager

AM:MB

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MAR 25 1998

NOTICE OF
APPLICATION FOR
WATER PERMIT

The following application
has been filed to appropriate
the public waters of the
State of Idaho:

SIMPLOT-MC COLLUM
DEVELOPMENT CO
DBA CANYON SPRINGS
PO BOX 27

BOISE ID 83707

Application for Permit No.
02-07472

Source: Snake River
tributary to Columbia River
Diversion Pt(s):
NW1/4SE1/4, S29,
T09S, R17E; Twin Falls
County. (Back-up system
for existing facility)

Use: 0141-1231
Fish propagation (4.5 cfs)

In: SE1/4SE1/4, S29,
T09S, R17E; Twin Falls
County.

Date Filed: 06/16/97

The permit will be subject
to all prior water rights.
Any protest must be filed
with the Director, Dept. of
Water Resources, Southern
Region, 1341 Fillmore St.,
Suite 200; Twin Falls, ID
83301 together with a
protest fee of \$25.00 on or
before August 4, 1997.
The protestant must also
send a copy of the protest
to the applicant.

Karl J. Dreher, Director

Published in the Times
News on 7/17 & 7/24/97.

Affidavit of Publication

STATE OF IDAHO
COUNTY OF TWIN FALLS } SS.

No 29580

I, Emily McKnight being first duly sworn upon oath, depose
and say that I am principal clerk of the TIMES-NEWS, published daily, at
Twin Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per
clipping attached, was published in the regular and entire issue of said newspaper, and not in any
supplement thereof, for Two consecutive weeks,
commencing with the issue dated July 17, 19 97,
and ending with the issue dated July 24, 19 97.

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

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

STATE OF IDAHO
COUNTY OF TWIN FALLS

On this 24th day of July in the year of 1997, before me,

a Notary Public, personally appeared Emily McKnight,
known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly
sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Heva R. Sellman
Notary Public for Idaho
Residing at Twin Falls, Idaho.
My commission expires: 5/19/2000

MICROFILM

ALL

OK
26
8/4/97

REMITTANCE ADDRESS THE TIMES-NEWS - LI LI P.O. BOX 548, TWIN FALLS, ID 83303-0548		BILL TO DEPT WATER RESOURCES	
AD NUMBER 130304	CLASS 0050 LEGAL	SALESPERSON 5	BILLING DATE 07/25/97
AD DESCRIPTION Water Right Simplot-McCollum (02-0 7472)		START DATE 07/25/97	STOP DATE 07/25/97
PUBLICATION 4 THE TIMES NEWS LEGAL FLAT CHARGE TOTAL AD CHARGE	INSERTIONS 1	RATE LGS FC	NET AMOUNT 46.88 46.88
DAYS RUN		GROSS AMOUNT	
PURCHASE ORDER		PAY THIS AMOUNT	
		46.88	
		46.88*	

MESSAGE:

OK MB 8/4/97

REC-111
JUL 29 1997
NATIONAL ARCHIVES

THE TIMES-NEWS - LEGAL
P.O. BOX 548, TWIN FALLS, ID 83303-0548

leagl

AD NUMBER 130304	CLASS 050 LEGAL	START DATE 07/25/97	STOP DATE 07/25/97
AD DESCRIPTION Water Right Simplot-McCollum (02-07472)		BILLING DATE 07/25/97	TELEPHONE NUMBER 208-736-3033

GROSS AMOUNT OF
46.88
DUE AFTER

VISA MASTERCARD

EXPIRATION DATE: ____/____/____

SIGNATURE:

[illegible]

TOTAL AMOUNT DUE	
	46.88
ENTER AMOUNT ENCLOSED	
\$	

DEPT WATER RESOURCES
1341 FILLMORE, SUITE 200
TWIN FALLS, ID

83301

11/11/11 11:11:11

MAR 25 1998

2040000000130304000000000000000000004688000000046889

**NOTICE OF
APPLICATION FOR
WATER PERMIT**

The following application
has been filed to appropriate
the public waters of the
State of Idaho:

**SIMPLOT-MC COLLUM
DEVELOPMENT CO
DBA CANYON SPRINGS
PO BOX 27
BOISE ID 83707**

Application for Permit No.
02-07472

Source: Snake River
tributary to Columbia River
Diversion Pt(s):
NW1/4SE1/4SE1/4, S29,
T09S, R17E; Twin Falls
County. (Back-up system
for existing facility)

Use: 01/01-12/31

Fish propagation (4.5 cfs)

In: SE1/4SE1/4, S29,
T09S, R17E; Twin Falls
County.

Date Filed: 06/16/97

The permit will be subject
to all prior water rights.
Any protest must be filed
with the Director, Dept. of
Water Resources, Southern
Region, 1341 Fillmore St.,
Suite 200; Twin Falls, ID
83301 together with a
protest fee of \$25.00 on or
before August 4, 1997.
The protestant must also
send a copy of the protest
to the applicant.

Karl J. Dreher, Director

Published in the Times
News on 7/17 & 7/24/97.

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MAR 25 1998



State of Idaho
DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380
Phone: (208) 736-3033 FAX: (208) 736-3037

July 1, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

ATTENTION LEGALS
TIMES NEWS
PO BOX 548
TWIN FALLS ID 83301

Gentlemen:

Enclosed you will find a legal notice which we wish to have published in your newspaper. We have inserted the required publication dates.

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

If you cannot publish the notice on the proposed dates, please contact us immediately.

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

Very truly yours,

Mary Baldwin
Sr. Secretary

Enclosure

RECORDED

MAR 25 1998

NOTICE OF APPLICATION FOR WATER PERMIT

The following application has been filed to appropriate the public waters of the State of Idaho:

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

Application for Permit No. 02-07472

Source: Snake River tributary to Columbia River

Diversion Pt(s): NW1/4SE1/4SE1/4, S29, T09S, R17E; Twin Falls County. (Back-up system for existing facility)

Use: 01/01-12/31 Fish propagation (4.5 cfs)

In: SE1/4SE1/4, S29, T09S, R17E; Twin Falls County.

Date Filed: 06/16/97

The permit will be subject to all prior water rights. Any protest must be filed with the Director, Dept. of Water Resources, Southern Region, 1341 Fillmore St., Suite 200; Twin Falls, ID 83301 together with a protest fee of \$25.00 on or before August 4, 1997. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in the Times News on 7/17 & 7/24/97.

MICROFILM

MAR 25 1998



State of Idaho
DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380
Phone: (208) 736-3033 FAX: (208) 736-3037

June 30, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

ATTN VIC CONRAD
JR SIMPLOT CO
PO BOX 27
BOISE ID 83707-0027

Re: Application for Permit No. 02-07472 (Simplot-McCollum Development Co., dba Canyon Springs)

Dear Applicants:

The Department of Water Resources acknowledges receipt of your application for a water right permit. The application has been assigned identification No. 02-07472. Please refer to this number in all further correspondence.

A legal notice of the application has been scheduled for publication in the Times News on 7/17 & 7/24/97. A period of ten days following the second publication will be allowed for the submittal of protests.

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

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

The required additional information must be submitted within 30 days after the final date for receiving protests August 4, 1997. The time may be extended upon request and showing of good cause that additional time is required to submit the information.

Sincerely yours,

Corey Skinner, E.I.T.
Safety of Dams Engineer

cs:mb

Enclosures

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MAR 25 1998

S. Region
3/96

Application No. 02-07472

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

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

1) Copies of deeds, leases, easments, or other information documenting that you have a possessory interest in the place of use. (Rule 40.05, e, i)

2) Copies of plans and specifications for the project works. The plans must be definite enough to allow for determination of project impacts and implications. For fish propagation facilities the plans must show the number of ponds proposed and give the length, width and depth dimensions of all ponds. (Rule 40.05, f, ii)

3) You must seek comment on the effects of the construction and operation of the proposed project from the city and/or county within which the project is to be located, the Idaho Department of Fish and Game, the Idaho Department of Health and Welfare, Division of Environment, and any irrigation district or canal company within which the project is to be located. (Rule 40.05, g) A copy of your application is enclosed for your use in seeking comments.

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MAR 25 1998

S. Region
3/96

Application No. 02-07472

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

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

- 1) If the Application is filed in the name of a corporation, the names and addresses of its directors and officers shall be provided. If the application is filed by or in behalf of a partnership or joint venture, the application shall provide the names and addresses of all partners and shall designate the managing partner, if any. (Rule 035.03.b, i)

Because the required information does not appear in the legal notice, we are proceeding with advertising of your Application. If the required information is received within ten (10) days of the second publication date, no additional delay should be incurred in processing.

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MAR 25 1998

IDAHO DEPARTMENT OF WATER RESOURCES RULES AND REGULATIONS

- 040.05.c Information to be submitted
- The following information shall be submitted for applications to appropriate unappropriated water or trust water and for permits being reprocessed for trust water. The additional information submittal requirements of this rule are waived for filings which seek to appropriate five (5) cfs or less or storage of five hundred acre-feet (500 A-F) or less and for filings seeking reallocation of trust water which the director determines will reduce the flow of the Snake River measured at Murphy Gauge by not more than two (2) acre-feet per day. For filings proposing irrigation as a purpose of use, the additional information is required if more than 200 acres will be irrigated. However, the director may specifically request submittal of any of the following information for any filing, as he determines necessary.
- 040.05.i For applications appropriating springs or surface streams with 5 or fewer existing users, either the identification number, or the name and address of the user, and the location of the point of diversion and nature of use for each existing water right shall be submitted.
- 040.05.ii For applications appropriating groundwater, a plat shall be submitted locating the proposed well relative to all existing wells and springs and permitted wells within a one-half mile radius of the proposed well.
- 040.05.c.iii Information shall be submitted concerning any design, construction, or operation techniques which will be employed to eliminate or reduce the impact on other water rights.
- 040.05.d Information relative to sufficiency of water supply, Section 42-203A(5)(b), Idaho Code, shall be submitted as follows:
- 040.05.d.i Information shall be submitted on the water requirements of the proposed project, including, but not limited to, the required diversion rate during the peak use period and the average use period, the volume to be diverted per year, the period of year that water is required, and the volume of water that will be consumptively used per year.
- 040.05.d.ii Information shall be submitted on the quantity of water available from the source applied for, including, but not limited to, information concerning flow rates for surface water sources available during periods of peak and average project water demand, information concerning the properties of the aquifers that water is to be taken from for groundwater sources, and information on other sources of supply that may be used to supplement the applied for water source.
- 040.05.e Information relative to good faith, delay, or speculative purposes of the applicant, Section 42-203A(5)(c), Idaho Code, shall be submitted as follows:
- 040.05.e.i The applicant shall submit copies of deeds, leases, easements or applications for rights-of-way from federal or state agencies documenting a possessory interest in the lands necessary for all project facilities and the place of use or if such interest can be obtained by eminent domain proceedings the applicant must show that appropriate actions are being taken to obtain the interest. Applicants for hydropower uses shall also submit information required to demonstrate compliance with Sections 42-205 and 42-206, Idaho Code.

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MAR 2 5 1981

- 040.05.e.ii The applicant shall submit copies of applications for other needed permits, licenses and approvals, and must keep the department apprised of the status of the applications and any subsequent approvals or denials.
- 040.05.f Information Relative to Financial Resources, Section 42-203A(5) (d), Idaho Code, shall be submitted as follows:
- 040.05.f.i The applicant shall submit a current financial statement certified to show the accuracy of the information contained therein, or a financial commitment letter along with the financial statement of the lender or other evidence to show that it is reasonably probable that financing will be available to appropriate the water and apply it to the beneficial use proposed.
- 040.05.f.ii The applicant shall submit plans and specifications along with estimated construction costs for the project works. The plans shall be definite enough to allow for determination of project impacts and implications.
- 040.05.g Information Relative to Conflict with the Local Public Interest, Section 42-203A(5) (e), Idaho Code, shall be submitted as follows:
- The applicant shall seek comment and shall submit all letters of comment on the effects of the construction and operation of the proposed project from the governing body of the city and/or county and tribal reservation within which the point of diversion and place of use are located, the Idaho Department of Fish and Game, the Idaho Department of Health and Welfare, Division of Environment, and any irrigation district or canal company within which the proposed project is located and from other entities as determined by the director.
- 040.05.h The following information Relative to the Public Interest Criteria of Section 42-203C(2), Idaho Code, shall be submitted by an applicant seeking reallocation of trust water for a project which the director determines will reduce the flow of the Snake River by more than two (2) acre-feet per day. For filings proposing irrigation as a purpose of use, the additional information is required if more than 200 acres will be irrigated. The director may request any or all of the following information for any filing seeking the reallocation of trust water.
- 040.05.h.i A project design and estimate of cost of development shall be submitted. For applications appropriating more than 25 cfs, or 10,000 AF of storage, or generating more than 5 megawatts, the information shall be prepared and submitted by a qualified engineer licensed under the provisions of Chapter 12, Title 54, Idaho Code, unless waived by the director. The design shall be definite enough to reflect the project's impacts and implications as required in subsequent rules.
- 040.05.h.ii If the project proposes development for irrigation purposes, information shall be submitted on crop rotation, including acreages, for lands when newly developed.
- 040.05.h.iii Information shall be submitted concerning the number and kinds of jobs that will be created or eliminated as a direct result of project development including both the construction and operating phases of the project. If jobs are seasonal, the estimated number of months per year of employment shall be submitted.

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MAR 25 1998

- 040.05.h.iv For applications or permits being reprocessed for more than 25 cfs, or more than 10,000 AF of storage, or more than 5 megawatts, information shall be submitted concerning the changes to community services that will be required during the construction and operation phases of the project including, but not limited to, changes to schools, roads, housing, public utilities and public health and safety facilities, if any.
- 040.05.h.v Information shall be submitted concerning the source of energy for diverting and using water for the project, the estimated instantaneous demand and total amount of energy that will be used, the efficiency of use, and energy conservation methods.
- 040.05.h.vi Information shall be submitted concerning the location, amount, and quality of return flow water, and any water conservation features of the proposed project.
- 040.05.h.vii If the project proposes irrigation as a use, information shall be submitted concerning the kinship, if any, of the operator of the land to be irrigated by the project to the applicant, the location and acreage of other irrigated lands owned, leased, or rented by the applicant, the names, addresses and number of shares held by each shareholder if the applicant is a corporation, evidence of tax-exempt status if a corporation is so claiming, a soil survey prepared in accordance with the U.S. Soil Conservation Service irrigable land classification system, and a schedule for bringing into production the project lands.

GUIDELINE FOR SUBMITTING ADDITIONAL INFORMATION

This outline is intended to assist you with providing the additional information required under Rule 40 of the Department of Water Resources and Idaho Code, Section 42-203A(5)(a) which may help answer questions as to the type of information you should submit. The outline below follows the same order as the attached rules. Please take the time to review the outline. Much of the information requested under Rule 40 may already be available to you. Gathering the necessary information may be of benefit to you in planning the proposed development.

Rule 040.05.c and Idaho Code, Section 42-203A(5)(a) Information relative to effects on existing rights:

- i. If diverting from a surface water source with 5 or fewer existing users, submit the water right numbers held by those users if available.

If not available, submit the names and addresses of those users and describe the location of their diversions and types of use associated with those diversions.

- ii. If you are diverting from a groundwater source, submit a map locating your proposed well and all other wells within a 1/2 mile radius of your well. It would be helpful to describe the use from those wells (i.e.; domestic, irrigation etc.). You are not required to submit a map if there are no wells within the 1/2 mile radius, but you should indicate if there are no existing wells within that radius, if that indeed is the case.

- iii. This rule seeks general information about the type of irrigation system you intend to install and how the project may affect other users. If you feel your proposed project will not affect other users, then explain why. You may describe any techniques or equipment you intend to employ which may reduce impacts on other water rights or promote water conservation.

Rule 040.05.d and Idaho Code, Section 42-203A(5)(b) Information relative to sufficiency of water supply:

- i. Provide projections for your peak and average water demands. While your well or diversion may not yet be completed, you should be able to estimate project demand based on size of project (or number of acres irrigated), type or texture of local soils, type of crops grown, and type of irrigation system used. Demand projections should be given in terms of flow rate (cfs or gpm) and annual volume diverted (acre-feet).

Example: A 40 acre tract with 6 handlines and 20 heads/line discharging 3 gpm/head would produce a total flow rate of about 360 gpm or 0.8 cfs (1 in/acre). This flow rate multiplied by average number of hours per set, sets per irrigation and irrigations per year provides number of acre-feet per year or annual volume.

- ii. You should be able to provide some basic information about the nature of the water supply. If the diversion is from a surface water source for example, you should provide stream flow data or estimate the amount of stream flow available for diversion and describe generally the seasonal availability of water. If you are diverting from a groundwater source, you should be able to generally describe the aquifer which you plan to divert from, i.e.; deep confined or shallow unconfined aquifer, depth to water level or depth to aquifer, known yields from wells within the same aquifer etc.

Rule 040.05.e and Idaho Code, Section 42-203A(5)(c) Information relative to good faith, delay, or speculative purposes of the applicant:

- i. If you do not own the land to be irrigated and/or where the point of diversion is located, you must submit copies of lease agreements, easements or rights-of-way etc. If you are the owner of the place of use and point of diversion, documentation of ownership is not required.
- ii. If applicable, submit copies of applications for permits or approvals which are needed from other government agencies or individuals in order to complete the water development project.

Rule 040.05.f and Idaho Code, Section 43-203A(5)(d) Information relative to financial resources:

- i and ii. Submit a current financial statement or other statement describing how you will finance the project. You must also submit plans and specifications along with basic estimates of construction and equipment costs of the proposed project.

Rule 040.05.g and Idaho Code, Section 42-203A(5)(e) Information relative to conflict with the local public interest:

- i. You, as the applicant, bear the initial burden of coming forward with evidence as to whether your proposed project may have any affect concerning local public interest. If you have any reason to believe that the proposed project under your application may be of concern to any local individuals, governments, tribal reservations, irrigation districts, the State Fish and Game Department, or Health and Welfare Department, then you are responsible for seeking comments from those individuals or groups. This requirement is mandatory for projects located within irrigation districts, canal companies or tribal reservations (failure to obtain comments from the irrigation district, canal company or reservation will delay approval of the application.). All comments must be submitted to the Department of Water Resources.



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

CORPORATE HEADQUARTERS

June 13, 1997

RECEIVED

JUN 16 1997

Department of Water Resource
Southern Region

Allen Merritt, Manager
State of Idaho
Department of Water Resources
Southern Region
1341 Filmore Street, Suite 200
Twin Falls, ID 83301

Re: Application for Permit.

Dear Mr. Merritt:

On behalf of Canyon Springs, I am enclosing an application for permit seeking your approval to allow 4.5 c.f.s to be diverted from the Snake River for fish propagation purposes. Also enclosed is a \$180.00 check to cover your application fee.

Please file the enclosed and forward a receipt for the enclosed check to my attention at the above address. Should you have any questions about the application please contact me. My phone number is 208-389-7359.

Sincerely,

Vic Conrad
Land and Development

Enclosures

c: D. McCollum (w/copy of application)
K. Meier (w/o copy of application)
G. Young (w/copy of application)

MICROFILMED
MAR 25 1998