

# Bingham County

Planning & Development Department  
490 N. Maple Suite A, Blackfoot, Idaho 83221  
Phone: (208) 782-3178 | Fax: (208) 782-3868  
Email: buildingpermits@co.bingham.id.us

File No. \_\_\_\_\_

Date: June 22, 2024

## APPLICATION FOR CONDITIONAL USE PERMIT

Applicant: B.J. Livestock	Phone: 208.681.9916
Address: 224 Berggren Ln.	City/Zip: Firth, ID 83236
Location: Blackfoot, ID 83221 (project location for application)	Email: zach@supremetrucksLLC.com
Property Owner(s): B.J. Livestock	

**Location & Legal Description**

<input type="text"/>	<input type="text"/>	<input type="text"/>	Zoning: Agriculture
Township	Range	Section	Acreage: 137.83
			Parcel No. RPO 398300

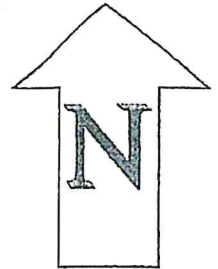
**Submit:**

- Completed Application
- Recorded Deed to Property
- Detailed Site Plan
- Narrative - write a detailed narrative addressing the following:
  - Identify the existing use of the property
  - Reason for Conditional Use Permit Request
  - Evaluating effects of proposed Conditional Use on adjoining property that may include, but is not limited to, such elements as noise, odor, fumes and vibration
  - General compatability with other properties and uses in the area
  - Evaluating effects of proposed Conditional Use on public facilities/utilities
- application fee paid

**Application Fees:**

Application Fee	275
Deposit for Mailing & Publication	75
<b>Total=</b>	<b>350</b>

**Site Plan** - Show drawing of location (including roads, all buildings, parking areas, service areas, yards, signs, utilities, traffic-pattern, etc.). Please show all distances between buildings & property lines.



**Appointment of Designated Agent**

I/We the undersigned owner(s) of the property described throughout this Application, hereby appoint the following person as my/our representative for all transactions regarding this Application between myself/ourselves, as owner(s), and Bingham County.

Property Owner(s): Dewey Chapman

June 23, 2024

Property Owner(s): Pam Vouk

Date

23 JUNE 2024

Designated Agent: Phil Horn

Date

In granting a Conditional Use Permit the Planning & Zoning Commission may prescribe appropriate conditions and safeguards in conformity with the current Bingham County Zoning Ordinance. Violation of such conditions and safeguards, when made part of the terms under which the Conditional Use Permit is granted shall be deemed a violation of the Ordinance. The approval of a Conditional Use Permit does not permit the violation of any section of the Building Code, or any other County Ordinance. All Conditional Use Permits, whether approved or denied have a ten(10) day appeal period and must be appealed in writing at the Bingham County Planning & Zoning Office.

**DECLARATION:** By signing this application, it is understood and agreed that permission is hereby given to the duly authorized representative of Bingham County to, place & remove signs on the subject property and verify authenticity of the applicant(s) and property owner(s). It is further understood that the Zoning Administrator and staff may inspect the subject property, take photographs and obtain any verifications and data necessary for preparation of its report to the Planning & Zoning Commission. I hereby acknowledge that I have read this application and understand the contents. I also state that the above information is correct.

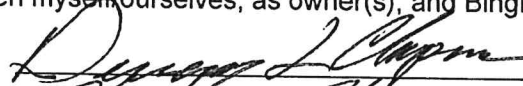


Applicant(s):

Property Owner(s) Signature: Pam Vouk Date: 23 JUNE 2024

Designated Agent Signature: Phil Horn Date: 6-9-2024

**Appointment of Designated Agent**

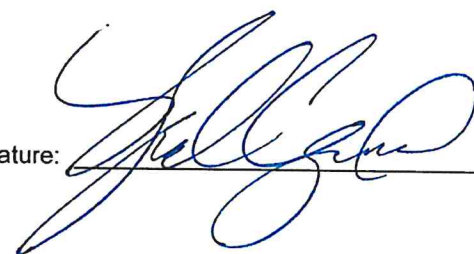
I/We the undersigned owner(s) of the property described throughout this Application, hereby appoint the following person as my/our representative for all transactions regarding this Application between myself/ourselves, as owner(s), and Bingham County.

Property Owner(s):  10-21-24  
Date  
Property Owner(s):  10-21-24  
Date  
Designated Agent:  10-21-24  
Date

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Applicant(s):

Property Owner(s) Signature:  Date: 10-21-24  
Designated Agent Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Bingham County  
BJ Livestock, Land Owner  
Lynx LLC  
DBA:  
Cinder Creek Rock & Gravel  
Narrative  
224 Berggren Lane,  
Firth, Idaho 83236  
August 16th, 2024

Exhibit  
A-2

## Narrative

### **Legal Information**

**Township, Range & Section** (T1S R36E Sec 29 & 32)

**Legal Description:** RP0398300, T1S, R36E, SEC 29 & RP0399102 (location of office, trailer & parking)

**Acreage Total:** 140.68

**Zoning:** A & A/NR

**Adjoining Property:** The evaluation of the effects of the proposed conditional use on the adjoining property. The impact of the pit will be minimal as the fugitive dust will be mitigated, noise pollution will dissipate before it reaches any dwelling in the surrounding area and water discharge will not enter ground or surface water. Please note that it has been determined that the closest adjoining property will not be affected by noise, vibration or any other pit by products because the closest adjoining residence is approximately 0.8 miles or 4223 feet and all other dwellings are further away.

**Air Quality:** The opening of the Gravel Pit brings along with it the possibility of the closure of the Cattle Feedlot. After the conditional use permit is approved and work begins the closure of the Feedlot is being considered by BJ Livestock. If the Feedlot closure proceeds it will eliminate significantly more dust from the cattle in their pens than the gravel pit will. The impact on air quality will also be reduced significantly as those surrounding the feedlot will no longer be subject to odiferous waves of methane, manure and other waste odors that become so much worse in the summer.

The Pit will be a much better neighbor with significantly less dust, air pollution and little, if any, risk to water quality in comparison. There will be some fugitive dust from the crusher and conveyors, minimal noise from the crusher, conveyors or heavy equipment running in the pit, due to the distance to other dwellings. Overall the footprint of the pit will be much smaller in comparison to the feedlot and with efforts to minimize these things the impact will be minimal.

**Air Quality - IDAPA 675-676:** Standards for FUEL Burning equipment - Particulate Matter and standards for New Sources. The fuel burning equipment will include the Crusher, Conveyors and Heavy Equipment to include, Dozer, Excavator, Water Truck, Diesel Trucks entering and exiting the Pit. None of these sources combined will discharge the maximum rated output of 10 Million BTU's per hour or more per October 1st 1979 ruling on particulate matter. At any give time no more than 1-2 pieces of heavy equipment will be working. In the beginning it will be the Excavator feeding the crusher and loading the trucks.

**Air Quality & the Crusher:** The Crusher and all conveyors will have sprinklers on them to control the fugitive dust so as not to impact air quality and impede the dust from traveling out of or away from the pit area. It is well documented that humidity or water is one of the best sources to mitigate fugitive dust and this is exactly what we will use to reduce and hopefully eliminate dust from leaving the pit area.

**Anticipated Duration:** It is difficult to determine how long the materials in the pit will last, and the demand for materials from our local community, Bingham County, nearby communities or counties, and state and federal construction needs. We will continue to communicate with Bingham County as we better understand the needs and demand on the pit and when the pit exhausts its resources of said materials.

**Barrier/Berm:** The berm will be built on any side not surrounded or covered by the lava rock. So, the south and south east borders will all have an eight foot berm or barrier.

**Buffer Zone:** The buffer zone of one hundred (100) feet will be maintained during the operation of the site. Since the encompassing land is surrounded on 3 sides by lava rock and an 8 foot berm on the south side will be constructed, and the fact that 318 acres surrounding the pit is owned by some of the Pit Partners, BJ Livestock.

**Company Structure:** The Pit is designated as an LLC with multiple partners to be announced. The Employee structure will be a Pit Manager, Safety Manager, Crusher Operator, Heavy Equipment Operator and Administrative Staff. It is also hoped that the pit will create new jobs for local residents.

**Covering Trucks:** When practical, open bodied trucks transporting materials that may likely to give rise to airborne dust or have a risk of potential release of aggregate or gravel the trucks will be required to cover or tarp their loads before leaving the Gravel Pit.

**Crushing:** Crushing of materials shall be conducted within the pit and shall be subject to conditions placed on dust, noise, and hours of operations as determined by the commission and or any other state or federal state agency. Crushing for the plant will be contracted out until this equipment is purchased and run by the pit. A PERF Permit will be submitted to the IDAPA 10 Days prior to the operation of the Rock Crusher to ensure compliance. Crushing will take place on Monday through Friday, 7 am to 7 pm.

**Current Land - Identify the Existing Use of the Property:** 224 Berggren Lane's, Firth Idaho is currently used for agriculture. The property also hosts a large feedlot with approximately 30 acres, expandable to approximately 62 acres, of gated pastures that support up to 3,200 cattle. The farmed portion of the land has 4 pivots that cover approximately 130 acres of farmable land. A large portion of the property is covered in a lava flow that creates a natural barrier between adjoining properties and Interstate 15 and neighbors to the east and west with the south area being secured by an 8 foot berm.

**Depletion of the Pit:** Once the pit is depleted or the gravel is mined out all temporary buildings and structures will be removed, except permanent structures, buildings or fences. Equipment for weighing, loading, measuring, materials will be entirely removed from the property. See Reclamation Plan for further detail.

**Dust Control:** See Also Fugitive Dust Control. Dust control will be accomplished by the following:

1. having an eight (8) foot barrier or berm to keep dust in the pit area.
2. Sprinkler heads will be placed at the rock crusher.
3. Sprinkler heads will be placed at every junction of the conveyor belt.
4. Sprinkler heads will be placed by the screens and the opening to the grizzly as appropriate.

This plan of action will keep the dust to a bare minimum and should all stay within the pit area. The gravel road in and out of the Pit will have a speed limit of 15 MPH and it will also be watered as needed to keep the dust down. If watering of the road is not found to be a sufficient means of dust control then other measures will be instituted see the topic Roads for further definition.

**Erosion:** The pit will be surrounded by an eight (8) foot berm and these will be maintained. There are no other significant erosion issues or concerns at the present time but as Erosion is discovered it will be dealt with accordingly. If the Berm is eroding then it will be built up and maintained appropriately. The land is relatively flat and so significant erosion is not an immediate concern but this will be monitored and evaluated and steps taken to deal with any erosion.

**Evaluating the Effects of Proposed Conditional Use Permit on Public Facilities/Utilities:** The North Blackfoot I15 rest area is located approximately 670 yards from the proposed pit location. There is a large lava flow that creates a natural barrier between the rest area and the proposed location of the Pit. This lava flow reaches heights of 30+ feet and so this will provide not only a visual but a sound barrier protecting the rest area from any air, sound or visual disturbances.

**Excavation:** Excavation areas will be maintained free and clear of debris and waste material

**Exceptions:** There is no anticipation of the need for, in the near future, for grading, lagooning, dredging or other earth moving activities to provide temporary ground cover or mulch except for the removal of the overburden. There are no concerns for waterway diversions or sediment concerns as there are no creeks, rivers or canals close to the Pit that will be impacted.

**Employee's:** The operation of the pit will be governed and operated in the beginning with the following personnel:

- A. Pit Manager - Over all pit operations, employees, safety, equipment, waste, dust and scales.
- B. Equipment Operator - dozer, excavator, dust control, safety, scales
- C. Administration - General Manager over the pit, billing and data processing, and sales.
- D. Maintenance and General Labor - will have on and off site depending on the situation.
- E. Crushing equipment and operators will be contracted out at first.

**Equipment Maintenance:** We will have three mechanics on call to repair and maintain equipment. All drivers or equipment operators will be tasked daily to do a visual, and or a written, pre and post equipment inspections. These will be turned in daily to the Pit Manager who will engage the mechanics and repair as needed. The drivers and or equipment operators will also have direct access to the mechanics for concerns and requests for repair.

**Finance:** The Pit will take cash, checks and credit cards. There will be a fee associated with all credit cards used for purchase. All checks must be approved by Administration or the Pit Manager. Credit will be addressed on a case by case basis and billing done weekly basis with a 7 day billing cycle at the end of every week and payments must be paid within 7 days of electronic billing.

**Floodplain:** The Pit is not located on or near a floodplain.

**Feedlot:** BJ Livestock owns the feedlot and all the surrounding land, over 300 acres. The feedlot may be subject to closure if the Gravel Pit is approved by BJ livestock. The on site home and trailer will be used for the office and on site storage.

**Fish & Game:** Becky Johnson was contacted and an evaluation of the pit area was reviewed and found to not be of any concern by the Fish & Game Department. The Email is available upon request but it has been copied for your convenience below. Email:

Hi Guy, Thank you for the opportunity to learn more about your project on the phone today. The Idaho Department of Fish and Game does not have substantial concerns regarding impacts to fish or wildlife populations resulting from this project. Please feel free to reach out with any questions. Thank you!

Becky Johnson  
Technical Assistance Manager, Idaho Department of Fish and Game  
1345 Barton Road, Pocatello, ID 83204  
O: 208.236.1258, M: 208.251.2588

**Footprint:** Minimizing the Pits footprint is essential and there are no plans to promote or support any invasive species not native to the area or use any pesticide that will benefit invasive plant species. Future reclamation planting of trees will be native cottonwood and or willow species and other native plant, grass and flower species. Reclamation will be addressed under the Reclamation Plan. See reclamation plan for specific species being considered for use.

**Fugitive Dust Control (IDAPA 650):** Also See Dust Control. Section 650 of the Rules for Control of Fugitive Dust states, "The purpose of sections 650 through 651 is to require that all reasonable precautions be taken to prevent the generation of fugitive dust." Sections 652 states "All reasonable precautions shall be taken to prevent particulate matter from becoming airborne. In determining what is reasonable precautions may include, but are not limited to, the following:

1. Use of Water or Chemicals. Use when practical, water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads, or the cleaning of land, moving of materials, ingress and egress roads.
  - a. Ingress and egress roads are dirt roads and water suppressants and the use of water. and if the dust persists then the use of water soluble chemicals such as MgCl spray, or other similar options, will be utilized to suppress the dust on the pit roads as necessary.



2. Applications of Dust Suppressants. Application, where practical, asphalt, oil, water suitable chemicals to, or covering of dirt roads, materials stockpiles, and other surfaces which can create dust.
  - a. If dust issues persist then the use of water soluble chemicals such as MgCl spray, or other similar options, will be utilized to suppress the dust on the pit roads or areas of concern will be implemented as necessary.
3. Use of Control Equipment. Installation and use, where practical, of hoods, fans and fabric filters or equivalent systems to enclose and vent the handling of dusty materials. Adequate containment methods should be employed during sandblasting or other dust productions operations.
  - a. This type of dust prevention is not practical for the use of Gravel Pits and is not utilized.
4. Covering of Trucks. Covering, when practical, open bodied trucks/trailers, transporting material likely to give rise to airborne dusts.
  - a. End, Side and Belly Dump trailers will be required to tarp their loads, especially if traveling on or to the I15 Interstate. End dumps traveling into the local area will be required as applicable.
5. Paving. Paving of roads and their maintenance is a clean condition, where practical.
  - a. While paving of the ingress and egress roads is not currently planned, however if it is planned in the future it will be based on necessity due to changes within the pit or from the growth of the pit.
6. Removal of Materials. Prompt removal of earth and other stored materials from streets where practical.
  - a. All areas in and around the pit will be maintained clear from stored materials especially if they impact or impede traffic or the movement of equipment within the pit.

**General Compatibility with other Properties and Uses in the Area:** Approximately 1 mile from the proposed pit location and approximately 300 yards from the property lies a State of Idaho gravel pit. This pit appears to be depleted and of little value to the Bingham County Community. It is our belief that this new Gravel Pit will be monumental in facilitating growth and maintenance of the community in which we serve.

**General Pit Maintenance:** Pit Maintenance will include daily review by the pit manager, and all employees, for trash or debris, especially if it involves, or could be, or could become, a safety hazard. When any issue or safety concern presents itself it will be dealt with immediately.

**Ground Water/Well:** The closest source of water is a well located behind the proposed office in the middle of the feedlot. This is a clean source of water, uncontaminated by the feedlot that has been there over a decade. The well is also approximately 1000 feet from the proposed pit.

**Material Slope:** Material slope will be maintained at thirty five (35<sup>o</sup>) degrees except during active removal.

**Hot Plant:** The Pit has no designs on building or using a hot plant.

**Hours of Operation:** The set hours of operation will be:  
 General Plant Operations: Seven (7) AM to seven (7 PM) Monday through Saturday.  
 Crusher Operations: seven (7) AM to seven (7 PM) Monday through Saturday.

**Hours of Operations Exceptions:** During adverse weather conditions or winds over 30 MPH Pit operations will be shut down. Any changes to this will be determined by the Planning and Zoning Board through the application and acceptance process.

**Industrial Area of Activity:** The proposed gravel pit site is 10 Acres. Lava rock covers 60% of the Pit with the exception of the other 40% to the southeast, south and slightly southwest area. These areas will be built up to the required 8 foot berm to help mitigate noise, dust and visual disturbance.

**Impact on Surrounding Grounds or Public Areas or Facilities:** Evaluating the effects of the proposed conditional use permit on public facilities or utilities. North Blackfoot I15 Rest areas are located approximately 670 yards from the proposed pit location and there is a large lava flow that creates a natural barrier between the rest area and proposed

location. This lava flow reaches heights of 30+ feet. The closest dwelling is .8 miles away or 4223 feet from the Pit. See Noise or other anticipated impacts for further clarification and confirmation of negligible impact on all areas of concern.

**Materials:** The Pit, based on materials grade, plans to harvest, soil, sand, gravel, pit run, ¾ road base, 1, 2, 3, 4, 5 & 6 inch gravel, Bank Run, Engineered Fill, Road Base, Sand, Fine Sand, Rock, Washed Material and Landscape Rocks.

These materials will be available for use to individuals, private parties, commercial use or local and state government entities within our community in hopes of providing the needs of our community for growth and maintenance of property roads, highways or freeways and or other needs of our area.

**MHSA:** MSHA safety standards will be adhered to and the pit will be maintained and operated at all times within those guidelines. A MHSA credentialed employee will be on the premises at all times ensuring safety is our first priority and addressed and evaluated on a daily basis with weekly safety meetings to discuss any potential hazards and plans to avoid or mitigate these issues or concerns

**MSGP:** Email to David Hotz, June 28th 2024; IPDES General Permit Writer,

Hello Guy, For your proposed pit, it does appear to be close to some streams/canals that flow into the Snake River. If you are pursuing MSGP coverage, I'm assuming you know that stormwater from your proposed site does discharge off of the property.

Considering the proximity and potential discharge path of that stormwater, I would suggest obtaining MSGP permit coverage. If I've assumed incorrectly, and there is no expected discharge of stormwater off of your site, please let me know; in that case, permit coverage is not necessary since there would be no discharge. Let me know if there are any specific questions or concerns, and feel free to give me a call to discuss any of the above. Thank you,

**David Hotz | IPDES General Permit Writer**

Idaho Department of Environmental Quality

1410 N. Hilton St., Boise, ID 83706

Office: (208) 373-0178

[David.Hotz@deq.idaho.gov](mailto:David.Hotz@deq.idaho.gov)

**From:** guy clark <lynxtruckguy@gmail.com>

**Sent:** Thursday, June 27, 2024 11:55 AM

**To:** Angela Anderson <Angela.Anderson@deq.idaho.gov>

**Cc:** David Hotz <David.Hotz@deq.idaho.gov>

**Subject:** Re: MSGP

Thank you for the information and clarification. We do not plan on having any of the stormwater or discharge enter any streams or canals that are within the area, it will stay on site. Guy Clark, COO, DC, BSN, AAS, SIPA

Due to this exchange an MSGP Permit is not necessary at this point in time. If for any reason the circumstances change we will indeed proceed with an MSGP permit when it becomes necessary.

**Noise & Vibrations Pollution: (CDC)**

The equipment used and the approximate decibels they make are listed below:

1. Dozer - 73 dB
2. Excavator - 90 dB
3. Crusher - 85
4. Conveyor Belts - 45 to 50 dB
5. Pit Trucks - 76 dB
6. End Dumps - 76 dB
7. Diesel Truck w/Side or Belly Dumps - 70 up to 100 dB

**Noise and the Public**

Based on current standards and charts the noise or vibrations associated with the pit will not exceed reasonable levels. Vibrations dissipates within 100 feet and the noise produced by pit equipment dissipates at a distance of 200 to 600 feet.

The noise generated from the pit equipment becomes inaudible or negligible at the described distance. The closest dwelling to the pit is approximately .8 miles or 4223 feet away and so any noise produced by the pit will not impact any of the surrounding neighbors.

**Noise and Hearing Loss safety**

CDC gives standards for hearing loss and anything above 85 Db hearing protection should be worn. The pit will have Hearing safety standards such that employees in the pit area, beyond the office and public parking, hearing protection devices will be required for all personnel.

**Paving:** In the future some of the entrance roads may be paved to aid in dust control. Currently the Gravel Road is relatively free from dust production at the designated speeds of 15 MPH.

**Property Values:** The pit is placed quite a distance from homes and dwellings. This distance and the pit's commitment to keep noise, air, visual and other issues to a minimum, is our primary goal and to be a good neighbor such that it will have little if any impact on its surrounding neighbors home values.

**Reason for Conditional Use Permit Request:** The property owners, BJ Livestock, in associations with it Pit Partners and described in this permit, have proposed the idea of turning part of the property into a commercial gravel pit (open pit mine) for the purpose of extracting construction aggregate materials to be sold to commercial vendors as well as the public. Aggregate materials produced will include Bank Run, Engineered Fill, Road Base, Sand, Fine Sand, Rock, Washed Materials, Landscape Rocks.

**Reclamation Plan:** The Reclamation Plan is being developed in conjunction with Gary Billman and will then be submitted to the Bingham County Planning and Zoning Department in advance of issuing a conditional use permit.

**Residential Proximity:** The closest structure is the house that will be used, and a trailer, for the operation of the pit. The next closest house is over 4223 feet away. Images are located in the reclamation plan.

**Restroom Facilities:** There will be 2 restrooms available for staff and the public and they are located in the office and storage trailer. When the need arises a pit portable outhouse will be furnished.

**Roads within the Pit:** Will be graveled and watered regularly twice a day to keep dust down and if needed additional water spray will be done as needed to keep the dust suppressed. Another option if the ingress and egress roads are found to be causing excessive dust is to use Magnesium Chloride spray to harden the dirt road surfaces. This will be utilized if and when it is determined to be necessary to contain fugitive dust sources from the pit roads.

**Safety:** Pit safety will be maintained and managed by the Pit Manager. MHSA Standards will be in force at all times. While monthly meetings will be in place for general education and training.

All employees will have formal safety training at least 2 times a year and then be required to read and sign our work safety protocols, "Safety Policy, Procedure & Operating Requirements", outlining pit safety standards to be followed at all times. This will also include the wearing of and required PPE, Personal Protective equipment.

**PPE, Personal Protective equipment:** Will include but not be limited to the following:

1. Head Hazard Safety/Impact - Hard Hat
2. Foot Hazard/Impact - Steel Toe or Hard Protective Shoes
3. Face/Eye Hazard/Impact or Dust - Safety glasses
4. High Visibility/Impact or Injury Avoidance - Safety Vests
5. Skin Hazard - Long Pants & Long Sleeve Shirts (When Applicable)
6. Hand safety/Impact or Abrasions/Burns - Gloves
7. Auditory Hazards - Ear or Hearing Protection, Ear Muffs or Ear Plugs

**Security Measures:** To protect the public all equipment will be stored away from public access in a designated parking area and keys stored in locked locations with limited access. When the pit is not in operations a gate or chain will be

placed across the entrance to stop unauthorized vehicles from entering the property. There are two prospective locations, at the Bergren road entrance and just beyond the office and public parking area. All other potential items will be locked and or stored securely to protect the public.

**Signs:** A simple sign, non imposing, will be placed at the entrance to designate the pit. There is no intent to create or build an imposing sign to detract from the area or be obtrusive. A stop sign will be placed at the pit exit and throughout the pit other regulatory speed signs and traffic signs as needed to keep the pit safe.

**Silica:** Silica is a chemical compound made of silicon and oxygen atoms, with the chemical formula SiO<sub>2</sub>. While the pit has some sand, it's coarse, and currently there is no intent to grind the sand down to finer silt or silica products. These are used for products the pit is not planning on manufacturing at present. If that changes, requests for such will be presented to Bingham County. Therefore silica will not be an issue for the pit.

**Speed Control:** Traffic speed will be regulated by posted signs at 15MPH. The low speed will significantly reduce and mostly eliminate dust in and around the Pit. Lower speed limits will also increase traffic safety entering and exiting the Pit.

**Spills: Spill Prevention Control and Countermeasures (SPCC):** For any spill, ie. listed below, or other substances not listed, the standards of Control, Contain, Clean Up will be the Pit protocol to provide a way to quickly organize and respond after a fluid spill, whether it occurred during transport, storage, mixing and loading, or application.

If there is a release of fuel, hydraulic fluids, DEF or motor oil in the Gravel Pit it has already been determined that it is not close to any state or local waters and so it will not be discharged or threatening to discharge into local or State Waters. Small spills are unlikely to cause harm or threaten to cause harm to the public health and safety, the environment, or property; and if it is under 55 gallons, then no notification to the Cal OES Warning Center is required. However Control, Containment and clean up will commence immediately and this includes but is not limited to Diesel Fuels, Hydraulic Fluids, Motor Oil, DEF, Antifreeze etc.

**Spill Control:** The incidental spill control program will be as follows: When Applicable evacuate workers or anyone that could come in contact with the spill.

**Spill Containment:** Next barricade the area with brightly colored caution signs or cones. Wear appropriate personal protective equipment.

**Spill Clean Up:** The use of the appropriate materials to clean up the spill will be used and then proper disposal of contaminated materials per Idaho regulations for completion of the spill protocol.

**Spills Continued:** Spills and OSHA standard 29 CFR 1910.120: sets comprehensive requirements on what to do in the event of a spill. If a worker can clean up a hazardous spill alone, then the spill would be considered incidental. Employees responding to an incidental spill need to be trained under State and Local guidelines and the Hazard Communication (HAZCOM) standard 29 CFR 1910.1200 when applicable.

**The Gravel Pit Incidental Spill Control Program (GPISPCP):** The (GPISPCP) protocol is as follows and all employees will follow these mandatory steps as well as ongoing training in association with our Safety bi-annual training meetings.

1. Evacuate workers in the area or anyone that could come in contact with the spill.
2. Barricade the area with brightly colored caution signs or cones.
3. Wear appropriate personal protective equipment.
4. Identify the spilled material.
5. Contact the fire department if the spill is flammable or if there are concerns about the spill being ignited.
6. Contain and clean up the spill.
7. Dispose of the spill in accordance with local, state, and federal regulations.

**Spills of Larger Size:** If the spill is too large or difficult for a worker to clean up alone or if the substance is hazardous, then the spill would fall under OSHA's & DEQ Hazardous Waste Operations and Emergency Response and OSHA and

DEQ would be notified for assistance. These spills are in excess of 55 gallons per state and federal regulations. See spills in this narrative for further details.

**Site Plan:** A site plan will be revisited annually with an update planned to be sent to the Planning and Zoning Commission every 15 years to ensure compliance.

**Spills Types & the Process of Handling them:** Types of Spills and Absorbents. When faced with cleaning up a spill, the best type of absorbent material to use depends on what type of spill you have. Typical maintenance leaks and spills may involve:

- Oil
- Grease
- Lubricants
- Petroleum-based solvents
- Fuels
- Antifreeze

**Spill Sorbents:** Sorbents, such as kitty litter type substances and other similar absorbents specifically for these spills, can absorb and/or contain virtually any liquid found in the workplace. There are three categories of sorbents: universal, petroleum, and maintenance. Universal sorbents absorb almost any liquid, including acids, bases, solvents, cleaners, water-based fluids, fuels, and alcohol. Petroleum sorbents absorb oil and petroleum-based products.

Maintenance sorbents absorb liquids commonly found in manufacturing and maintenance operations. These spill absorbents come in the form of:

- Pads and rolls to catch leaks and drips
- Booms or socks to keep the area around machines clean and dry
- Pillows, which are useful for absorbing large amounts of liquids
- Loose sorbents to absorb liquids in heavy traffic areas

**Spill Sorbents Continued:** While we do not anticipate spills if they occur small spills will be dealt with immediately and absorbents used to contain and absorb the spill and material disposed of according to local waste disposal regulation. If a larger spill over the recommended over the federal guidelines of 55 gallons happens then the appropriate agencies as described herein will be notified and containment and cleanup prioritized and the respective agencies notified and their protocols followed.

**Traffic Safety:** Traffic safety within and around the pit will be monitored by the Pit Manager and reported daily and throughout the day to the site Manager. Traffic is planned to be in a circular pattern to avoid potential incidents and promote traffic safety. Two way traffic will only be located at the entrance, exit and scale areas. These areas will be well marked with speed limits and directions signs to eliminate confusion and avoid potential hazards. Traffic signs will be posted at 15 MPH to reduce dust and potential accidents.

**Traffic in & out of the Pit:** It is anticipated that from 0 to 50 trucks a day may be accessing aggregate or pit run etc.. throughout the day. On the average day these trucks could be loaded 1 to 3 times a day and on occasion 4 loads per day.

**Traffic Study:** The traffic study results will be included in the application. This is being done by HLE and the report is attached to this permit.

**Transportation:** See also the Traffic Study. Tractor trailers will transport materials from the pit to its destination. The primary route that will be utilized is Rose Rd. (East River Rd.) Between Interstate 15 (exit 98 Rose/Firth) and Highway 91 in Firth. East River Road is a minor arterial that provides access from I-15 to highway 91 and/or access from Rose area to the Firth area. The current intended route serves as the County route for agricultural and commercial traffic.

**Vehicles & Equipment:** All vehicles will be stored and or parked, unless in use in the pit, at the staging area, or the entrance area, designated for vehicle and equipment, and or parking or storage areas to keep the roads clear of unnecessary equipment to ensure traffic safety within the ingress, egress and pit area.

**Visibility, Visual Impact (Pit):** The Pit location is not close to areas of visual concern, however it is still important to address and facilitate and mitigate visual impacts from the community. So, an 8 foot berm, made from the overburden, continuing native vegetation, will be used to create this 8 foot berm on all sides not covered by the natural barrier provided by the surrounding lava rock.

The lava rock provides a natural visual barrier for the pit on the west, north and some of the north east sides. The berm will cover the east and south sides of the Pit rest as described in the Berm/Barrier protocol in this document. This will reduce visibility of the pit and keep it to a minimum.

**Waste/Trash:** A trash bin will be located in the staging area for general waste disposal and emptied once a week to keep debris or trash under control and the pit and surrounding area clean.

**Water:** Water will be used for dust control at the Pit. See Water Sources for a definition of what water will be used. A sprinkler head will be placed at every junction of the Crusher, conveyor belt and end placement of aggregate. This will efficiently reduce dust to a minimum or acceptable standards as set forth in IDAPA 650. This will be monitored and changed accordingly when need be or equipment is moved to a new location.

**Water Safety:** The property has a well that is located just next to the Gravel Pit in the middle of the Feedlot. The Feed lot has been there many years and has not impacted the well water quality to date and it is tested as required by the state. It highly unlikely that the Gravel Pit will ever impact water safety or quality.

The Feedlot's future may change and so the ongoing potential source of possible contamination may be eliminated, and the Pits proximity to the well is very unlikely to have any impact on the well at all, and we will continue to monitor the well and test as required by the state and county to ensure this ground water source remains uncontaminated.

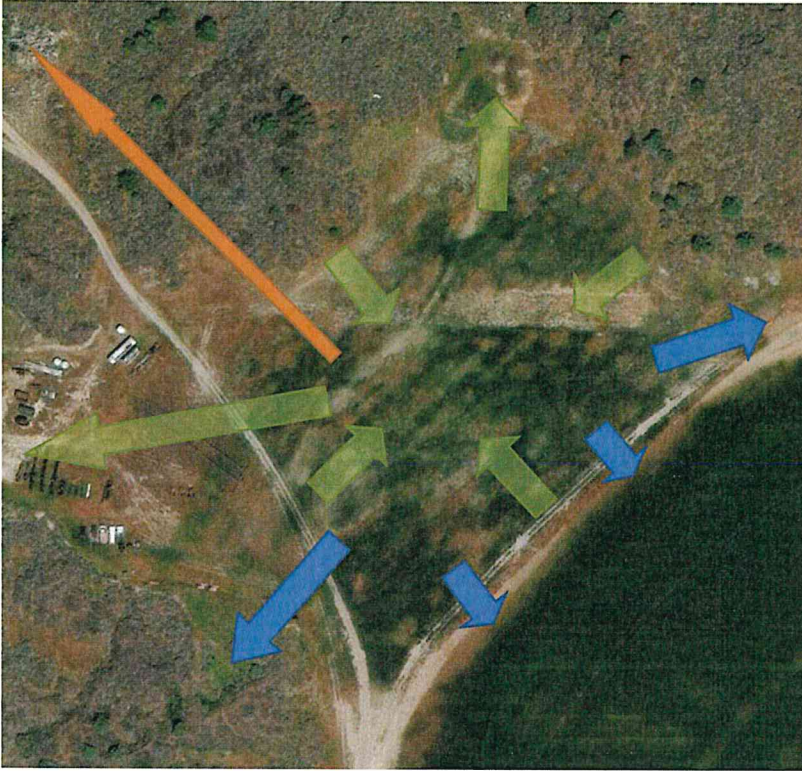
If anything changes we will ensure protocols are in place to alert state and local government and the DEQ.

**Water Discharge or Stormwater Discharge, Stormwater Disbursement Plan:** The closest canal is approximately 687.53 meters or 2255.68 feet away from the Pit. feet away from the Pit and there are no other streams or rivers in close proximity to the Pit. All stormwater will be allowed to be absorbed into the ground, evaporated and if any remains any excess will be discharged on site in and around the Pit.

This land surrounding the proposed pit is owned by BJ Livestock, partners in the Pit. Stormwater or Discharge water will never be pumped or allowed to enter any public source of surface or groundwater. Therefore a MSGP will not be needed or filed. If the need ever arose we would file the MSGP and follow guidelines and reporting regulations accordingly.

**Stormwater Berm:** The Pit will also have an 8 foot Berm on all sides not covered by the Lava Rock and this will contain all stormwater within the Pit and will be discharged when applicable on site (IPDES). The pit, not being in close proximity to the well, groundwater, canals or surface water, would support the fact that the Pit will not have any impact on the well, underground or sub water tables or above ground water sources.

**Stormwater Discharge:** will be allowed to settle into the ground any excess should be eliminated by evaporation. These two processes should suffice for any stormwater accumulation after inclement weather. Stormwater will not be discharged into the surrounding area, it will remain within the boundaries of the pit for ground settlement and evaporation. Since the area of the pit is small this should not be an issue.



**Water Sources:** A well is maintained on the property adjacent to the pit, the feedlot, owned by BJ Livestock Pit Partners. An above ground 1 ½ " line will be routed into the pit to provide the necessary 4-6 sprinkler heads on the crusher & conveyor belts as needed to keep the dust down as described under dust in this document. If crushing in the winter becomes necessary then a trench will be dug to keep the water line from freezing while in use. The House next to the Pit entrance will be used as the office and it is self-contained with all the necessary facilities, water and public restrooms. The Storage Trailer next to the Office will also have the same amenities for use as needed.

**Water Supply:** Water for dust control will be provided by sprinklers placed at the crusher and all conveyor belts, or any area found to create dust. The water will come from groundwater wells owned and operated by BJ Livestock, partners in the pit, and they have water rights for over 300 acres in and around the Gravel Pit. When the Pit is active the Well will provide what little water is needed to provide fugitive dust control at the gravel processing areas that create dust at all times.

**Well:** The well being used is owned and operated by BJ Livestock, partners in this pit venture. This resource will be monitored and evaluated by them and us as we utilize this well.

**Well Properties:**

**Location:** Behind the proposed office building, in the feedlot, approximately 100 feet to the west of the office location. Approximately 477.58 m and 1566.86 feet from the Pit area.

**Depth:** Approximately 100 feet deep.

**Size:** The Well has a 2 inch line for utilization.

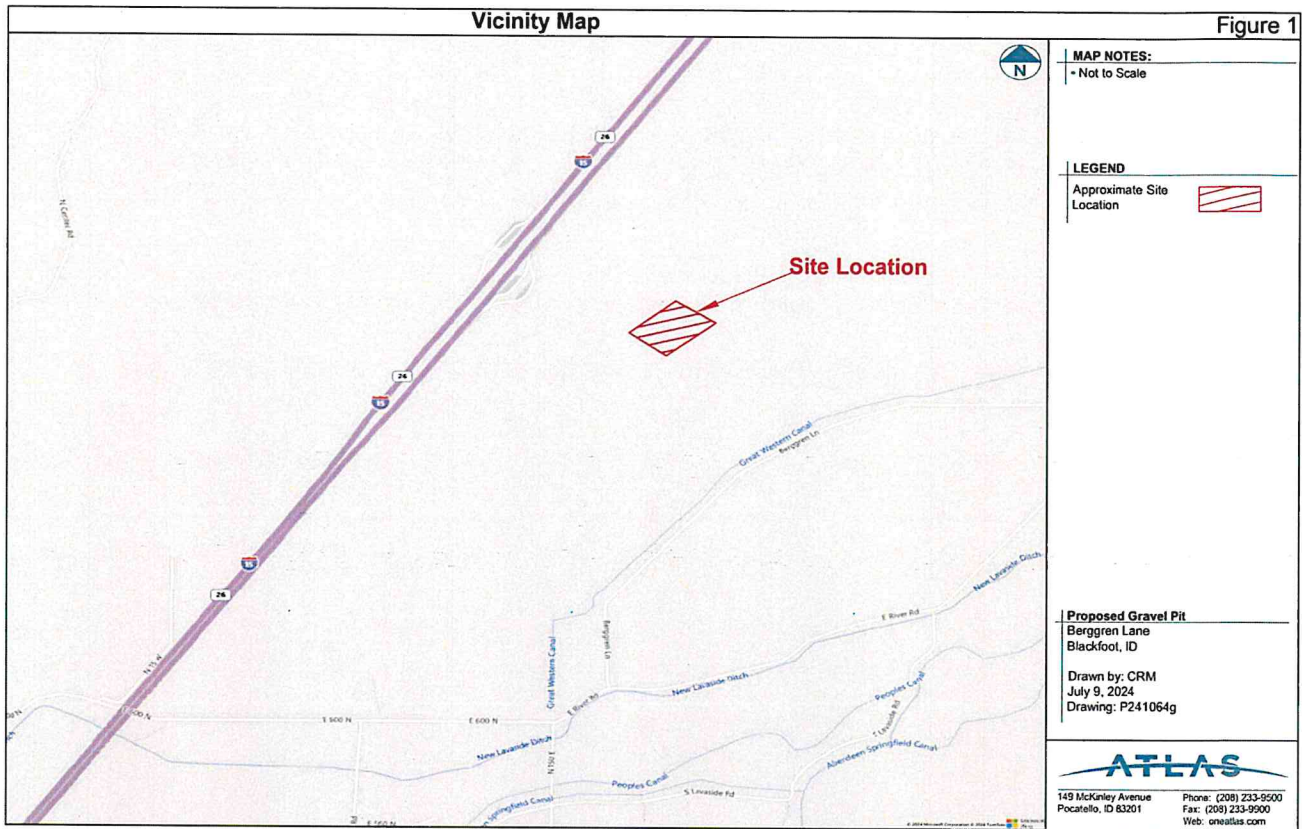
**Capacity:** 100 gallons per hour if needed.

**Contamination:** This well has never been shown to have been contaminated and remains a clean source of water. The Feedlot has been over this well for over 10 years and the well has never been reported as impacted or contaminated. The well is located over 1566.86 feet from the Pit area of excavation or use. There is little to no chance that the gravel pit will ever contaminate the well or sub surface water.

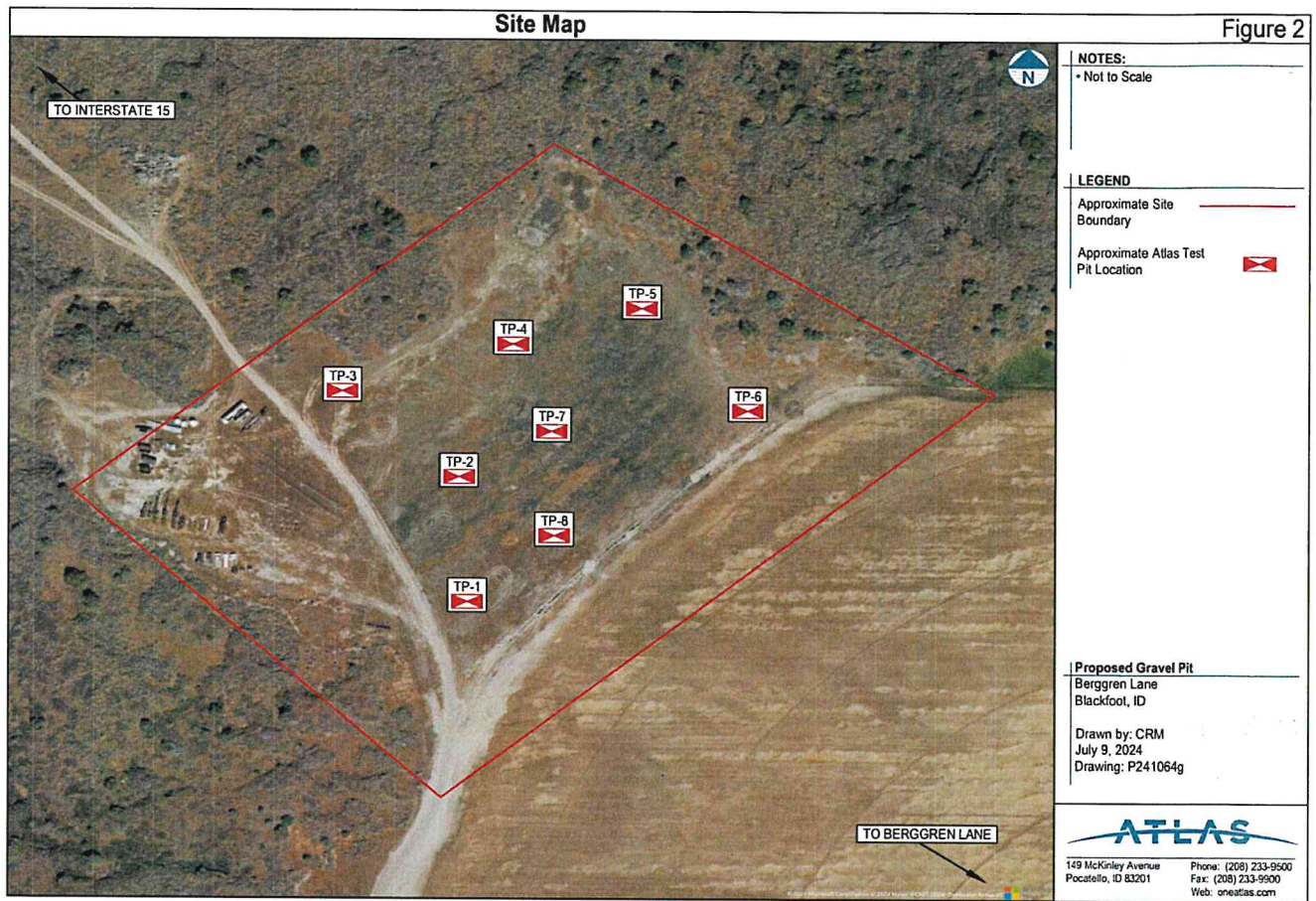
**Well Use:** Sprinklers usage estimation for Dust Control at a rate of 2-4 GPM x 6 Fan Spray Sprinklers totaling a minimum of 12 GPM to a maximum of 24

GPM is anticipated. The well is sufficient to handle this and the water needs for the office and storage unit.

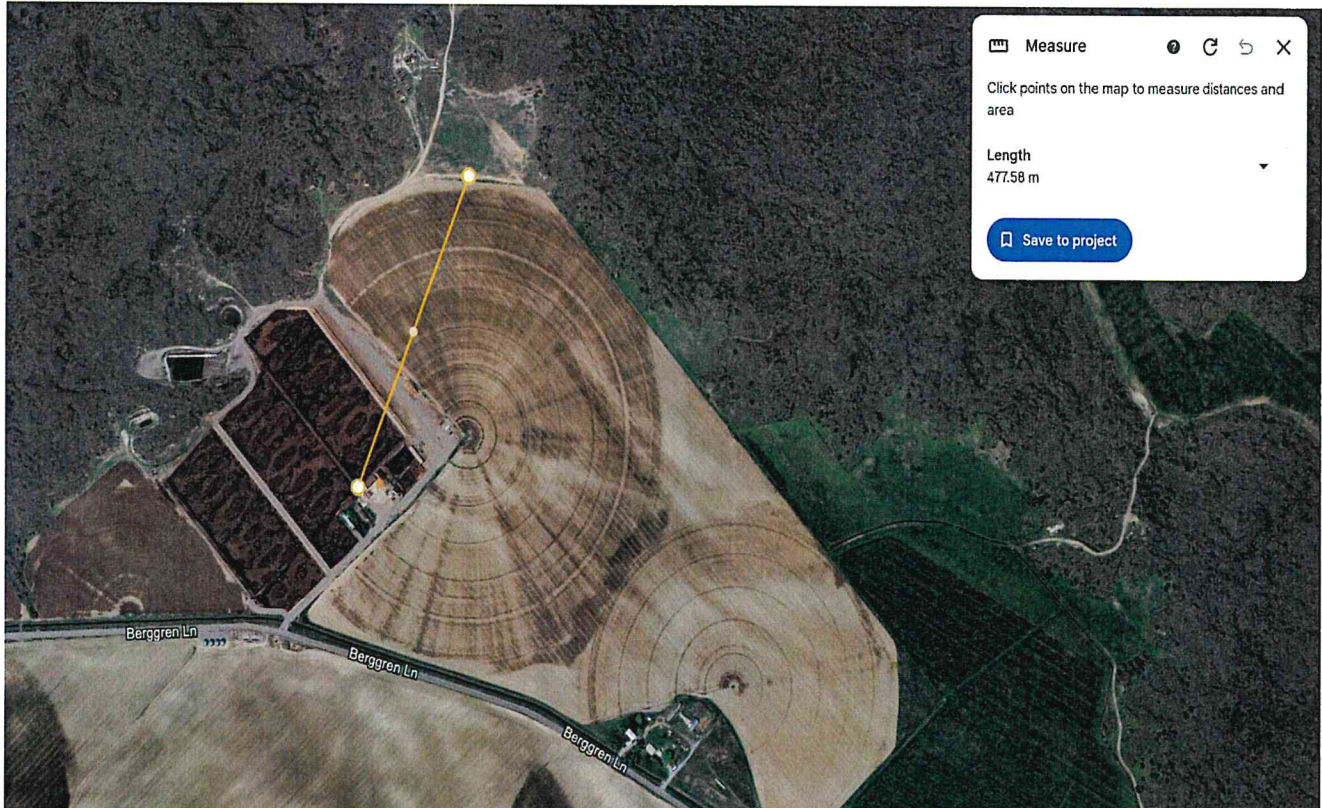
**Pit Depth:** The pit is being initially requested at a depth of 20 feet. In the future further depth may be requested to extend down to 30-40, feet if approved by Bingham County, and the permit approved. It is also noted that the well is approximately 100 feet deep and so it is unlikely any contamination will be caused by the proposed pit. See Images on the next 2 pages.

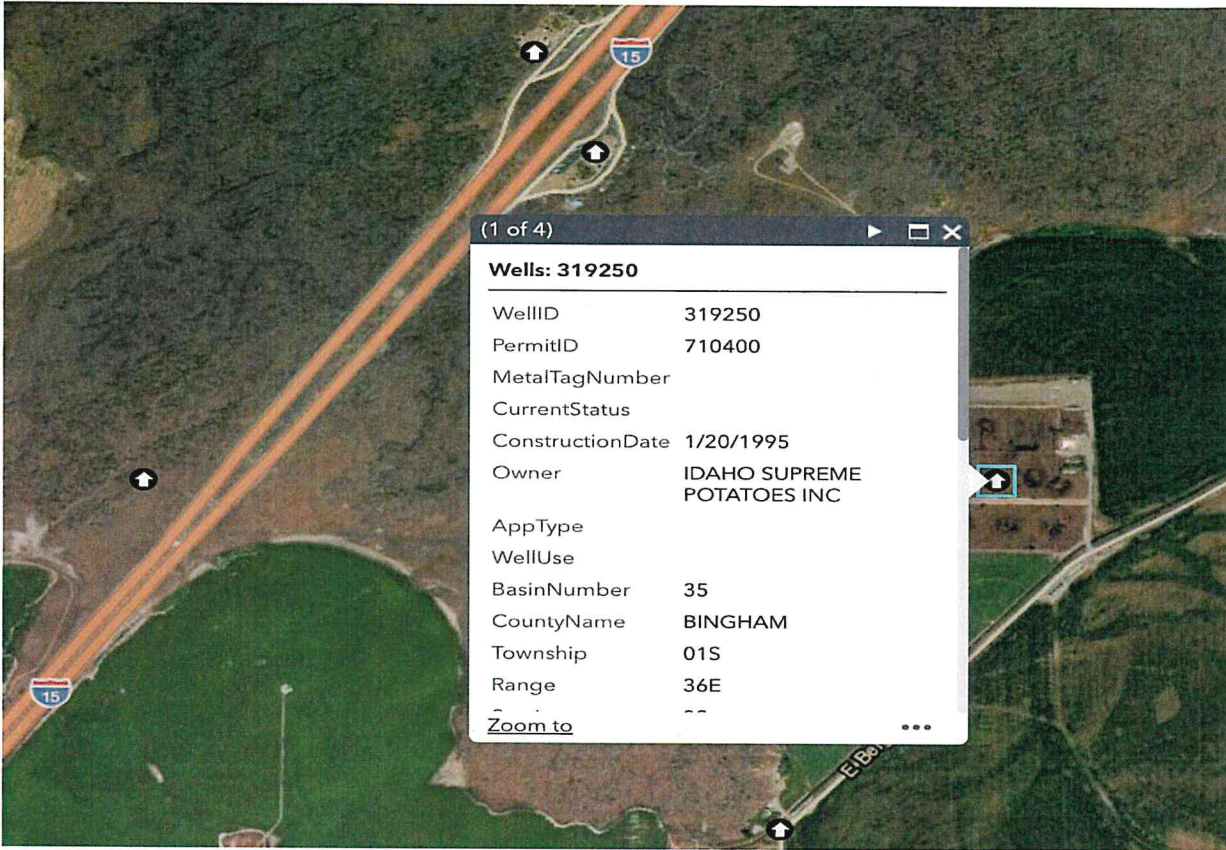






**Well Images and distances from the pit:**





(1 of 4)

**Wells: 319250**

WellID 319250  
 PermitID 710400  
 MetalTagNumber  
 CurrentStatus  
 ConstructionDate 1/20/1995  
 Owner IDAHO SUPREME POTATOES INC  
 AppType  
 WellUse  
 BasinNumber 35  
 CountyName BINGHAM  
 Township 01S  
 Range 36E  
 Section 32  
 QQQ  
 QQ NE  
 Quarter NE  
 GovLotNum  
 WellAddress  
 Lot  
 Block  
 subdivision  
 ProductionRate 0.00  
 StaticWaterLevel 60.00  
 CasingDiameter  
 CasingDepth 49.00  
 TotalDepth  
 DataSource QQ  
 DiversionName  
 WellDocs [More info](#)  
 Latitude  
 Longitude  
 SpatialDataID 240893

(2 of 4)

**Wells: 318233**

WellID 318233  
 PermitID 710934  
 MetalTagNumber D0006039  
 CurrentStatus  
 ConstructionDate 11/4/1998  
 Owner IDAHO SUPREME POTATOES INC  
 AppType  
 WellUse  
 BasinNumber 35  
 CountyName BINGHAM  
 Township 01S  
 Range 36E  
 Section 32  
 QQQ  
 QQ NE  
 Quarter NE  
 GovLotNum  
 WellAddress BERGREN LANE  
 Lot  
 Block  
 subdivision  
 ProductionRate 0.00  
 StaticWaterLevel  
 CasingDiameter 6  
 CasingDepth 60.00  
 TotalDepth  
 DataSource QQ  
 DiversionName  
 WellDocs [More info](#)  
 Latitude  
 Longitude  
 SpatialDataID 240893

(4 of 4)

**Wells: 318783**

WellID 318783  
 PermitID 710707  
 MetalTagNumber  
 CurrentStatus  
 ConstructionDate 4/14/1997  
 Owner IDAHO SUPREME POTATOES INC  
 AppType  
 WellUse  
 BasinNumber 35  
 CountyName BINGHAM  
 Township 01S  
 Range 36E  
 Section 32  
 QQQ  
 QQ NE  
 Quarter NE  
 GovLotNum  
 WellAddress BERGREN RD  
 Lot  
 Block  
 subdivision  
 ProductionRate 0.00  
 StaticWaterLevel 70.00  
 CasingDiameter 6  
 CasingDepth 67.00  
 TotalDepth  
 DataSource QQ  
 DiversionName  
 WellDocs [More info](#)  
 Latitude  
 Longitude  
 SpatialDataID 240893

(3 of 4)

**Counties: Bingham**

NAME Bingham  
 COUNTY\_UC BINGHAM  
 County\_FIPS 011  
 FULL\_FIPS 16011

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**CHAPTER 8  
CONDITIONAL USE PERMIT**

**SECTION:**

- 10-8-1: General Statement
- 10-8-2: Contents Of Application For Permit
- 10-8-3: Review Of Application
- 10-8-4: Additional Studies
- 10-8-5: Land Use Time Limitations
- 10-8-6: Hearing And Notice
- 10-8-7: Action By Commission
- 10-8-8: Supplementary Conditions And Safeguards
- 10-8-9: Appeal To Board
- 10-8-10: Request For Time Extension For Permit
- 10-8-11: Revocation Of Permit
- 10-8-12: Modification Of Approved Permit

**10-8-1: GENERAL STATEMENT:**

- A. It is recognized that an increasing number of uses are appearing that have characteristics of a unique and special nature such that the specific use must be considered individually. We recognize that these uses are not permitted without adding certain conditions making them compatible with permitted uses in the underlying zone. The commission may require higher standards of site development than those listed specifically in this title in order to assure that the proposed use will be compatible with other conforming property and uses in the vicinity.
- B. The commission shall hold a public hearing on each conditional use permit as listed on the land use chart and new uses brought by the Administrator. The commission may approve, conditionally approve or deny a conditional use permit under the standards listed in this chapter and may require such additional safeguards that will uphold the intent of this title. (Ord. 2012-08, 10-9-2012, eff. 10-26-2012)

**10-8-2: CONTENTS OF APPLICATION FOR PERMIT:**

An application for a conditional use permit shall be filed with the Administrator by the property owner or by the occupant with owner approval. At a minimum, the application shall contain the following information:

Please explain how the application provided is complete and meets the following requirements of this code section: (if a question is not applicable to your application please state not applicable and explain why)

- A. Name, address and phone number of applicant. Doreen Horn  
4092 E 450 N. Rich, ID 83442
- B. Legal description of the property.
- C. Description of existing use. THE AREA IS NOT CURRENTLY USED FOR ANYTHING, NEXT TO THE PROPOSED AREA IS FARM LAND LEASED BY THE OWNER OF THE LAND, AND A CATTLE FEEDLOT.

- 
- 
- 
- D. Current zoning designation. Mixed Use Ag & Cattle
- E. Description of use being proposed. to develop a Rock Sand and gravel Pit - to close the feed lot.
- 
- 
- F. A scaled site plan/drawing showing the location of the following:
1. All buildings, parking and loading area.
  2. Traffic access and traffic circulation.
  3. Open spaces, landscaping, refuse and service areas.
  4. Utilities, signs.
  5. Any other information that may be required to determine if the proposed conditional use meets the requirements of this title. SEE Site Plan Page
  6. A statement evaluating the effects on adjoining property that may include, but is not limited to, such elements as noise, odor, fumes and vibration. An accurate statement of the compatibility with adjacent and other properties in the zone, and the relationship of the proposed use to the plan. Noise Pollution is covered in the Narrative, Please See the Narrative.
  7. More specifically, the following adverse effects shall be mitigated through setbacks, buffers, sound attenuation and/or hours of operation:
    - a. Noise, odor, or vibrations, or direct or reflected glare detectable by the human senses without the aid of instruments. All these are addressed in the Narrative, Please refer to the Narrative.
    - b. Radioactivity and electric or electromagnetic disturbances that unduly interfere with the normal operation of equipment, instruments, or appliances on abutting properties. NONE Anticipated
    - c. Any other emission or radiation that endangers human health, results in damages to vegetation or property or which exceeds health and safety standards. None anticipated
  - d. The appropriate filing fees. (Ord. 2012-08, 10-9-2012, eff. 10-26-2012)



### 10-8-3: REVIEW OF APPLICATION:

- A. The commission shall review the particular facts and circumstances of each proposed conditional use permit in terms of the following standards and shall find adequate evidence showing that such use at the proposed location will:

Please explain how your request complies with the following criteria:

1. Constitute a conditional use as established on the official schedule of zoning regulations or as determined by the commission to be a conditional use for the zone involved.
2. Be in accordance with the general objectives or with any specific objection of the Comprehensive Plan and/or this title.

The general objectives and specific purpose of the Comprehensive Plan is to promote the health, safety and general welfare of the people of the county as follows:

- a) To protect property rights and the use of property while not adversely impacting neighboring property values more than is necessary. \_\_\_\_\_  
The site will be properly structured to ensure visibility is minimal. See Narrative.
- b) To ensure that adequate public facilities and services are provided to the people at reasonable cost. A Home and trailer exist and will become the office & storage buildings, supplying Restrooms, public parking and all utilities needed.
- c) To ensure that the economy of the county is protected and enhanced. \_\_\_\_\_  
we will comply with all regulations and do our very best to keep our site clean, safe with minimal noise, visual & air disturbance.
- d) To ensure that the important environmental features of the county are protected and enhanced. We will maintain hours of operation & use only needed equipment to minimize any impact to the environment or our surroundings. See Narrative.
- e) To encourage the protection of prime agricultural, forestry and mining lands for production of food, fiber and minerals. The pit will use any drainage water for the farm land to water the crop. See Narrative.
- f) To encourage urban and urban-type development within or near incorporated cities. We will be good neighbors & bring jobs, money and taxes, purchasing goods and services from Bingham County to support growth.

g) To avoid undue concentration of population and overcrowding of land. \_\_

There are no close neighbors for quite a distance - See Narrative.

h) To ensure that the development on land is commensurate with the physical characteristics of the land. There is good grade in this unoccupied parcel & with the growth & road improvements need in the years to come our goal is to support this growth of the community

i) To protect life and property in areas subject to natural hazards and disasters. NOT A Flood Plain.

j) To protect fish, wildlife and recreation resources. We have secured an OK from fish & game they have no concerns.

k) To avoid undue water and air pollution. See Narrative

l) To allow local school districts to participate in community planning and development to address school needs and impacts on an ongoing basis. \_\_

We hope to help the community as we grow & offer support and donations to help our community where its needed.

3. Be designed, constructed, operated and maintained to be appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the area as far as is possible.

A Rec Plan will be in place and structured changes or growth will be presented and approved by Blaine County. The site will be kept clean and maintained.

4. Not be unduly hazardous or disturbing to existing or future neighboring uses; nor involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to persons, property or the general welfare of the public by reason of excessive production of traffic, noise, smoke, fumes, odors or other pollutants. the D.T. operations will address any and all issues see Narrative, to ensure we comply with all rules and regs to maintain a compliant business and good neighbors.

5. Not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the County. \_

We will be a Tax Paying economic Support  
to promote growth and good will in our  
community to include public School learning trips or other Comm-  
unity outreach.

6. Be served adequately by essential public facilities and services or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide such services. \_

All Utilities are located on  
The property for our use.

7. Have legal access to the subject property for the development. Have vehicular approaches to the property that are designed to eliminate a traffic hazard on adjacent public thoroughfares. \_

TRAFFIC Evaluation is  
Ready to begin very soon to meet the  
needs and expectations of T.S. High County.

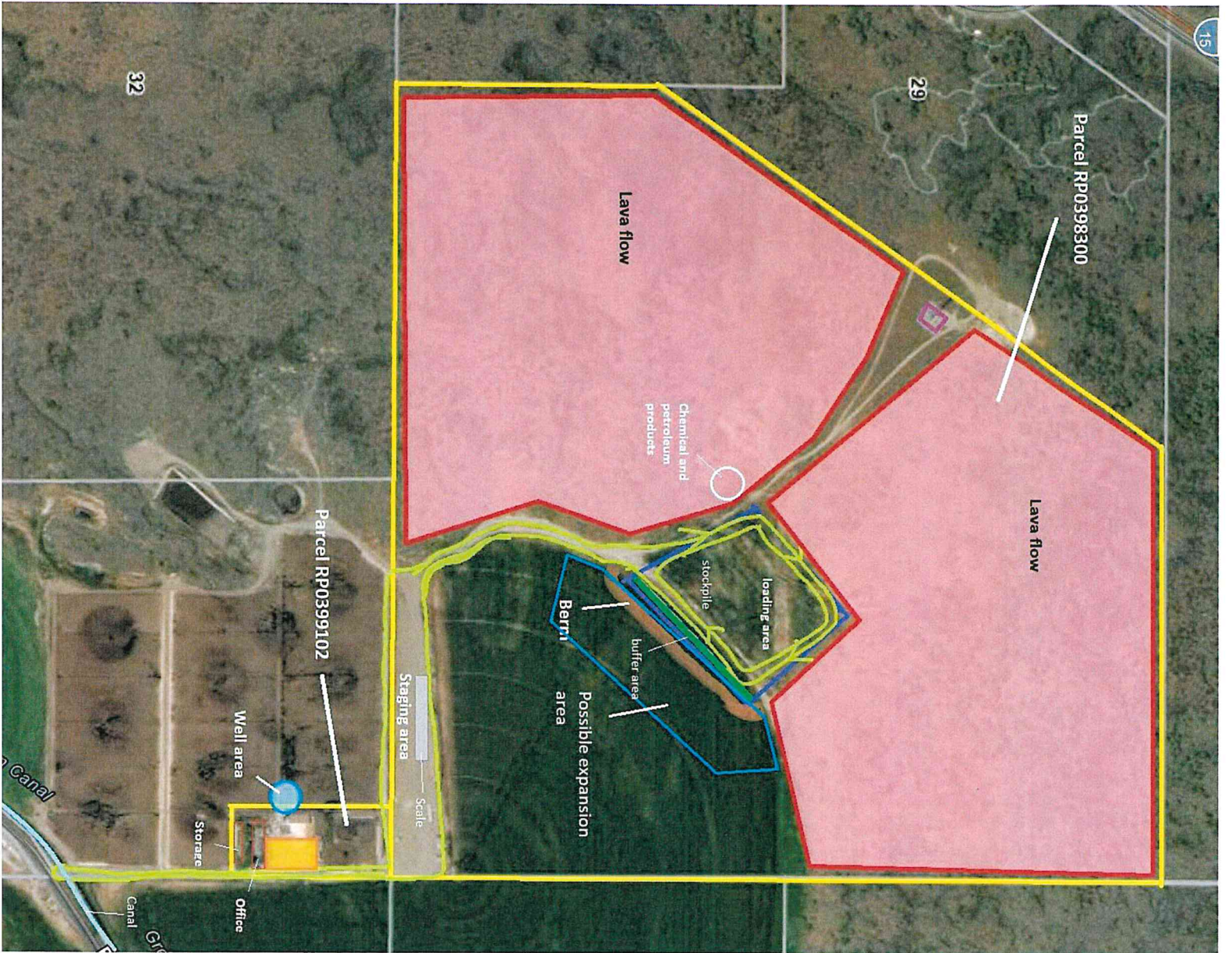
8. Not result in the destruction, loss or damage to a scenic or historic feature of major importance. \_

We will not impact Any public  
Feature, place or Structure.

9. If applicable, have adequate water, sewer, irrigation, drainage and stormwater drainage facilities, and have utility systems provided to accommodate said use. \_

All utilities to the Property are in  
Place and currently being used.

B. If the literal enforcement of the provisions herein contained would result in unnecessary hardship, the commission may consider exceptions to nonconforming uses as permitted in chapter 9 of this title. (Ord. 2012-08, 10-9-2012, eff. 10-26-2012)



- Parcel lines
- Pit
- Roads and traffic flow
- Tower
- Parking

Exhibit  
A-4

WARRANTY DEED

Order No.:3020811728-J

FOR VALUE RECEIVED

B/J Livestock, Inc.

the grantor(s), do(es) hereby grant, bargain, sell and convey unto

B/J Livestock, Inc., an Idaho Corporation

whose current address is

PO Box 246 Firth, ID 83236

the grantee(s), the following described premises, in Bingham County, Idaho, TO WIT:

See Attached Exhibit A

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee(s), that (s)he is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances Except: Current Year Taxes, conditions, covenants, restrictions, reservations, easements, rights and rights of way, appurcut or of record.

And that (s)he will warrant and defend the same from all lawful claims whatsoever.

Dated: 3/11/2009

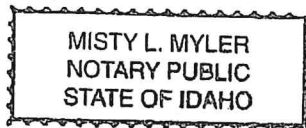
B/J Livestock, Inc.

  
By: John Wade Chipman, Director / General Manager / Vice President

State of Idaho )  
County of Bingham ) ss.

On this 17th day of March, 2009, before me, a Notary Public in and for said state, personally appeared John Wade Chapman known to me to be the Director/General Manager/Vice President of the Corporation, and acknowledged to me that pursuant to a Resolution of the Board of Directors, he executed the foregoing in said Corporation name.

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



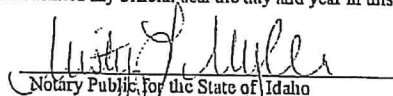
  
Notary Public for the State of Idaho  
Residing at:  
Commission Expires: Residing in: Blackfoot, ID  
Commission Expires: 3-25-2010

Exhibit A

Parcel 3:

Part of Section 18, Township 1 South, Range 37 East, Boise Meridian, Bingham County, Idaho, described as:

Beginning at a point which is North 89°23'05" West 506.07 feet along the Section line from the Northeast Corner of said Section 18 and running thence South 56.36 feet; thence South 43°48'59" West 330.82 feet; thence South 20°53'43" West 308.22 feet; thence South 41°03'39" West 277.79 feet; thence South 19°29'57" West 104.07 feet; thence South 03°50'58" East 120.36 feet; thence North 89°45'45" West 133.373 feet to a point on the Easterly Bank of the Government or Reservation Canal; thence North 81°07'42" West 76.62 feet to a point on the Westerly side of a Service Road on the West Bank of the Government Canal; thence along the centerline of the Government Canal which is approximately 40 feet Easterly on the following described courses; South 14°41'43" West 120.27 feet; thence South 25°21'07" West 239.36 feet; thence South 20°40'01" West 229.79 feet; thence South 12°52'44" East 344.73 feet; thence Westerly approximately 40 feet to a point on the Westerly side of a Service Road on the Canal Bank, thence along a fence line North 89°07'19" West 1211.49 feet to a fence corner on the Southerly side of the Blackfoot Canal; thence North to the centerline of the Blackfoot Canal; thence Northerly and Easterly along the centerline of the Blackfoot Canal to the North line of Section 18; thence South 89°23'05" East 442.04 feet along the Section line to the Point of Beginning.

Parcel 11:

Township 1 South, Range 36 East, Boise Meridian, Bingham County, Idaho

Section 28: South Half of the Southwest Quarter and Section 33: North Half of the Northwest Quarter, North and West of the County Road.

EXCEPTING THEREFROM: Beginning at the Northwest corner of said Section 33, thence East 2,640 feet to the Point of Beginning; thence North 295 feet; thence West 975 feet; thence South 489 feet; thence Northeasterly along the North line of the County Road to the Point of Beginning.

ALSO EXCEPTING THEREFROM: The right-of-way for the Great Western Canal.

ALSO EXCEPTING THEREFROM: Part of the Southeast Quarter Southwest Quarter Section 28 Township 1 South Range 36 East, Boise Meridian, Bingham County, Idaho, described as:

Commencing at the Southwest corner of Section 28; thence South 89°33'20" East 1922.00 feet along the South line of Section 28 to the Point of Beginning; thence North 00°26'40" East 327.00 feet; thence South 89°33'20" East 225.00 feet; thence South 00°26'40" West 327.00 feet to a point on the South line of the Southwest Quarter of Section 28; thence North 89°33'20" West 225.00 feet along the Section line to the Point of Beginning.

ALSO EXCEPTING THEREFROM: A portion of Southeast Quarter Southwest Quarter of Section 28, Township 1 South, Range 36, East, Boise Meridian, Bingham County, Idaho.

Beginning at the Southwest Quarter corner of said Section 28, thence East 1959 feet to the Point of Beginning; thence North 327 feet; thence East 225 feet; thence South 327 feet; thence West 225 feet to the Point of Beginning.

Parcel 12:

Township 1 South, Range 36 East, Boise Meridian, Bingham County, Idaho

Section 29: NE¼SW¼ and SE¼

EXCEPT: A strip of land 400.0 feet wide, being 200.0 feet on each side of the following described center line of Interstate Project No. I-15-2(7)96 Highway Survey as shown on the plans thereof now on file in the Office of the Department of Highways of the State of Idaho and lying over and across the NE¼SW¼ and the NW¼SE¼ of Section 29, Township 1 South, Range 36 East, Boise Meridian; further described as: Beginning at a point in the South line of the NE¼SW¼ of Section 29, Township 1 South, Range 36 East, Boise Meridian, at approximate Station 1662+70.0 of said Highway Survey, which Station is a point on tangent approximately 250.0 feet East from the SW Corner of the NE¼SW¼ of said Section 29; thence North 35°17'51" East 1580.0 feet to a point in the North line of said NE¼SW¼ at approximate Station 1678+50.0 of said Highway Survey, which Station is a point on tangent approximately 149.0 feet West from the NE corner of the NE¼SW¼ of said Section 29.

Continued...

Initial 

ALSO EXCEPT: A parcel of land being on both sides of the centerline of Interstate 15, Project No. I-15-2(7)96 Highway Survey as shown on the plans thereof now on file in the Office of the Department of Highways of the State of Idaho, and being a portion of the NE $\frac{1}{4}$ SW $\frac{1}{4}$  and the W $\frac{1}{2}$ SE $\frac{1}{4}$  of Section 29, Township 1 South, Range 36 East, Boise Meridian, described as follows, to-wit: Beginning at the NW corner of the NE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 29, Township 1 South, Range 36 East, Boise Meridian, thence South 0°10'05" East along the West line of said NE $\frac{1}{4}$ SW $\frac{1}{4}$ , a distance of 1286.85 feet to the SW corner of thereof; thence North 89°49'55" East along the South line of said NE $\frac{1}{4}$ SW $\frac{1}{4}$ , a distance of 1300.00 feet to the NW corner of the SW $\frac{1}{4}$ SE $\frac{1}{4}$  of said Section 29; thence South 0°10'05" East along the West line of said SW $\frac{1}{4}$ SE $\frac{1}{4}$ , a distance of 435.98 feet to a point in the line parallel with and 1100.0 feet Southeasterly from the centerline and opposite Station 1665+18 34 of said Interstate 15, Project No. I-15-2(7)96 Highway Survey; thence North 35°17'51" East along said parallel line 2115.29 feet to a point in the North line of the NW $\frac{1}{4}$ SE $\frac{1}{4}$  of said Section 19; thence South 89°49'55" West along said North line and the North line of said NE $\frac{1}{4}$ SW $\frac{1}{4}$ , a distance of 2527.32 feet to the Place of Beginning.

Parcel 13:

Township 1 South, Range 36 East, Boise Meridian, Bingham County, Idaho

Section 36: Southeast Quarter of the Northeast Quarter, North Half of the Southeast Quarter

EXCEPTING THEREFROM: The Canal right-of-way

ALSO EXCEPTING THEREFROM: That portion of the Southeast Quarter of the Northeast Quarter, lying Easterly of Reservation Canal.

ALSO EXCEPTING THEREFROM: Township 1 South, Range 36 East, Boise Meridian, Bingham County, Idaho, Section 36: Commencing at the Northwest Corner of the Southeast Quarter of Section 36; running thence South 524 feet; thence East 248 feet; thence North 524 feet; thence West 248 feet to the Point of Beginning.

ALSO EXCEPTING THEREFROM: Part of the North Half of the Southeast Quarter of Section 36, Township 1 South, Range 36 East, Boise Meridian, Bingham County, Idaho, described as: Beginning at a point that is South 0°11'00" West 786.53 feet along the longitudinal centerline through said Section 36 from the Center Quarter corner and running thence South 89°42'07" East 360.00 feet; thence South 0°11'00" West 232.50 feet; thence North 89°42'07" West 360.00 feet to the longitudinal centerline through said Section 36; thence North 0°11'00" East 232.50 feet along said centerline to the Point of Beginning.

ALSO EXCEPTING THEREFROM: Part of the North Half of the Southeast Quarter of Section 36, Township 1 South, Range 36 East, Boise Meridian, Bingham County, Idaho, described as: Beginning at a point that is South 0°11'00" West 574.00 feet along the longitudinal centerline through said Section 36 from the Center Quarter corner and running thence South 89°49'00" East 250.00 feet; thence South 0°11'00" West 213.04 feet; thence North 89°42'07" West 250.00 feet to said longitudinal centerline; thence North 0°11'00" East 212.53 feet along said centerline to the Point of Beginning.

ALSO EXCEPTING THEREFROM: Township 1 South, Range 36 East, Boise Meridian, Bingham County, Idaho, Section 36; commencing at a point 1080 feet South from the Northwest corner of the Southeast Quarter of Section 36; running thence South 240 feet; thence East 960 feet; thence North 240 feet; thence West 960 feet to the Point of Beginning.

Parcel 14:

Township 1 South, Range 36 East, Boise Meridian, Bingham County, Idaho


A parcel lying in the Northwest Quarter of the Southeast Quarter of Section 32 more particularly described as that portion of the following tract lying North and West of Berggren Lane, a County Road: Beginning at the Northeast corner of the Southeast Quarter of said Section, and running thence West 121 rods; thence running South 44.5 rods; thence running East 121 rods; thence running North 44.5 rods to the Place of Beginning.

EXCEPTING THEREFROM: Portions of Section 32, Township 1 South, Range 36 East, Boise Meridian, Bingham County, Idaho more particularly described as: Beginning at the center of Section 32 running thence East 527 feet, thence South 734 feet, thence East 53 feet to Berggren Lane; thence Northeasterly along Berggren Lane 404 feet, thence Northwesterly approximately 458 feet to a point which is 717 feet East of the Center of Section 32, thence North 660 feet, thence West 717 feet, thence South 660 feet to the Point of Beginning.

ALSO EXCEPTING THEREFROM: Part of the East Half Section 32 Township 1 South Range 36 East, Boise Meridian, Bingham County, Idaho, described as:

Commencing at the Southwest corner of Section 32; thence South 89°34'47" East 2624.52 feet along the Section line to the South Quarter corner of Section 32; thence North 00°40'05" East 2651.97 feet to the Northwest corner of the Southeast Quarter; thence South 89°42'14" East 717.00 feet along the North line of the Southeast Quarter to the Point of Beginning. Said Point of Beginning being on the East line of deed Instrument 434108; thence North 00°40'05" East 660.00 feet parallel with the

Continued...

Initial 

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West line of the Northeast Quarter along said East line; thence South  $01^{\circ}08'54''$  East 654.95 feet to a point in an existing fence line; thence South  $24^{\circ}02'14''$  East 443.95 feet along said fence line to a point on the Northerly right-of-way line of Berggren Lane; thence South  $40^{\circ}38'19''$  West 9.53 feet along said right-of-way line to the Southeast corner of Deed Instrument 434108; thence North  $25^{\circ}37'17''$  West 451.99 feet (of record Northwesterly 458 feet) along said deed to the Point of Beginning.

Parcel 15:

Township 1 South, Range 36 East, Boise Meridian, Bingham County, Idaho

Section 32: Southwest Quarter of the Northeast Quarter lying North and West of Berggren Lane, a County Road

EXCEPTING THEREFROM: Portions of Section 32, Township 1 South, Range 36 East, Boise Meridian, Bingham County, Idaho more particularly described as: Beginning at the center of Section 32 running thence East 527 feet, thence South 734 feet, thence East 53 feet to Berggren Lane; thence Northeasterly along Berggren Lane 404 feet, thence Northwesterly approximately 458 feet to a point which is 717 feet East of the Center of Section 32, thence North 660 feet, thence West 717 feet, thence South 660 feet to the Point of Beginning.

ALSO EXCEPTING THEREFROM: Part of the East Half Section 32 Township 1 South Range 36 East, Boise Meridian, Bingham County, Idaho, described as:

Commencing at the Southwest corner of Section 32; thence South  $89^{\circ}34'47''$  East 2624.52 feet along the Section line to the South Quarter corner of Section 32; thence North  $00^{\circ}40'05''$  East 2651.97 feet to the Northwest corner of the Southeast Quarter; thence South  $89^{\circ}42'14''$  East 717.00 feet along the North line of the Southeast Quarter to the Point of Beginning. Said Point of Beginning being on the East line of deed Instrument 434108; thence North  $00^{\circ}40'05''$  East 660.00 feet parallel with the West line of the Northeast Quarter along said East line; thence South  $01^{\circ}08'54''$  East 654.95 feet to a point in an existing fence line; thence South  $24^{\circ}02'14''$  East 443.95 feet along said fence line to a point on the Northerly right-of-way line of Berggren Lane; thence South  $40^{\circ}38'19''$  West 9.53 feet along said right-of-way line to the Southeast corner of Deed Instrument 434108; thence North  $25^{\circ}37'17''$  West 451.99 feet (of record Northwesterly 458 feet) along said deed to the Point of Beginning.

Parcel 16:

Township 1 South, Range 36 East, Boise Meridian, Bingham County, Idaho

Section 32: all that portion of the East Half of the Northeast Quarter lying North of the Great Western Canal.

EXCEPTING THEREFROM: Commencing at the Northeast corner of Section 32, thence South along the Section line 528 feet, thence West 235 feet, thence North 528 feet, thence East 235 feet to the Point of Beginning.

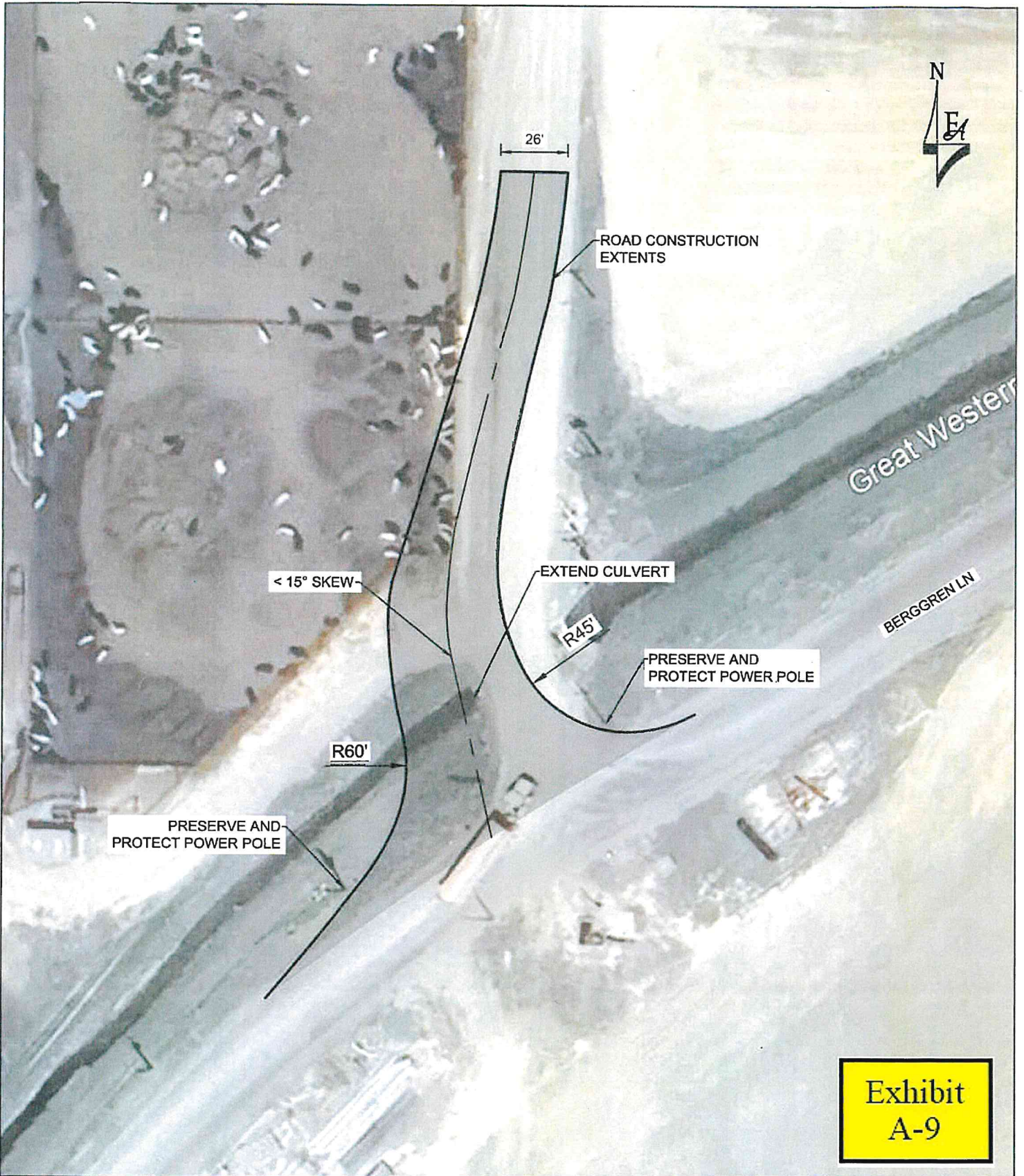
Parcel 17: Township 1 South, Range 36 east, Bingham County, Idaho

Section 32: Commencing at the Northeast corner of Section 32, thence South along the Section line 528 feet, thence West 235 feet, thence North 528 feet, thence East 235 feet to the Point of Beginning.

EXCEPTING THEREFROM: A Mobile Home.

Initial 





**FORSGREN**  
*Associates Inc.*

1137 SUMMERS DRIVE, REXBURG, ID 83440  
PH: 208.356.9201 FAX: 208.356.0206

BERGGREN LN BY  
BJ LIVESTOCK

PROJECT NO:

DATE:  
SEP 2024

Project	BJ Livestock TIS
Engineer's Project Number	01-24-0955
Client	BJ Livestock

Question Number	Page	Comment	Addressed by	Response	Corrective Action
1	3	Is this a new or existing Approach	Aaron Swenson	Existing access will be improved as described within the project scope	Sentence added to "Project Description" Page 11
2	6	The stop sign would be Private Correct? What is it within ITD guidelines if desirable, allowable or not permitted.	Aaron Swenson	Added "Install a Private stop sign". Add recommendation to update skew to meet ITD standard maximum skew	Items added to upgrades list page 14
3	7	Is PM the biggest traffic volumes, it's typically AM?	Aaron Swenson	Generally speaking the AM is the highest particularly around businesses and schools. However, the traffic counts we took indicate that the PM was the highest in the observed area.	N/A
4	13	35 VPD seems low for peak season and production?	Aaron Swenson	Owner provided Forsgren with VPD data	N/A
5	22	Numbers didn't change from existing	Aaron Swenson	Numbers in table 14-15 are correct. 2024 numbers are the cells shaded gray. Please see the build out number is below in 2029.	N/A
6	26	No change	Aaron Swenson	Numbers in table 23-24 are correct. 2024 numbers are the cells shaded gray. Please see the build out number is below in 2029.	N/A
7	33	Same Number	Aaron Swenson	Numbers in table 32-33 are correct. 2024 numbers are the cells shaded gray. Please see the build out number is below in 2029.	N/A
8	39	Same Number	Aaron Swenson	Year the comment is address is 2024. Please see 2029 / 2049 results	N/A
9	47	Update Cross section	Aaron Swenson	Cross section updated	Updated cross section

# NEAREST RESIDENCE & NORTH BLACKFOOT REST AREA

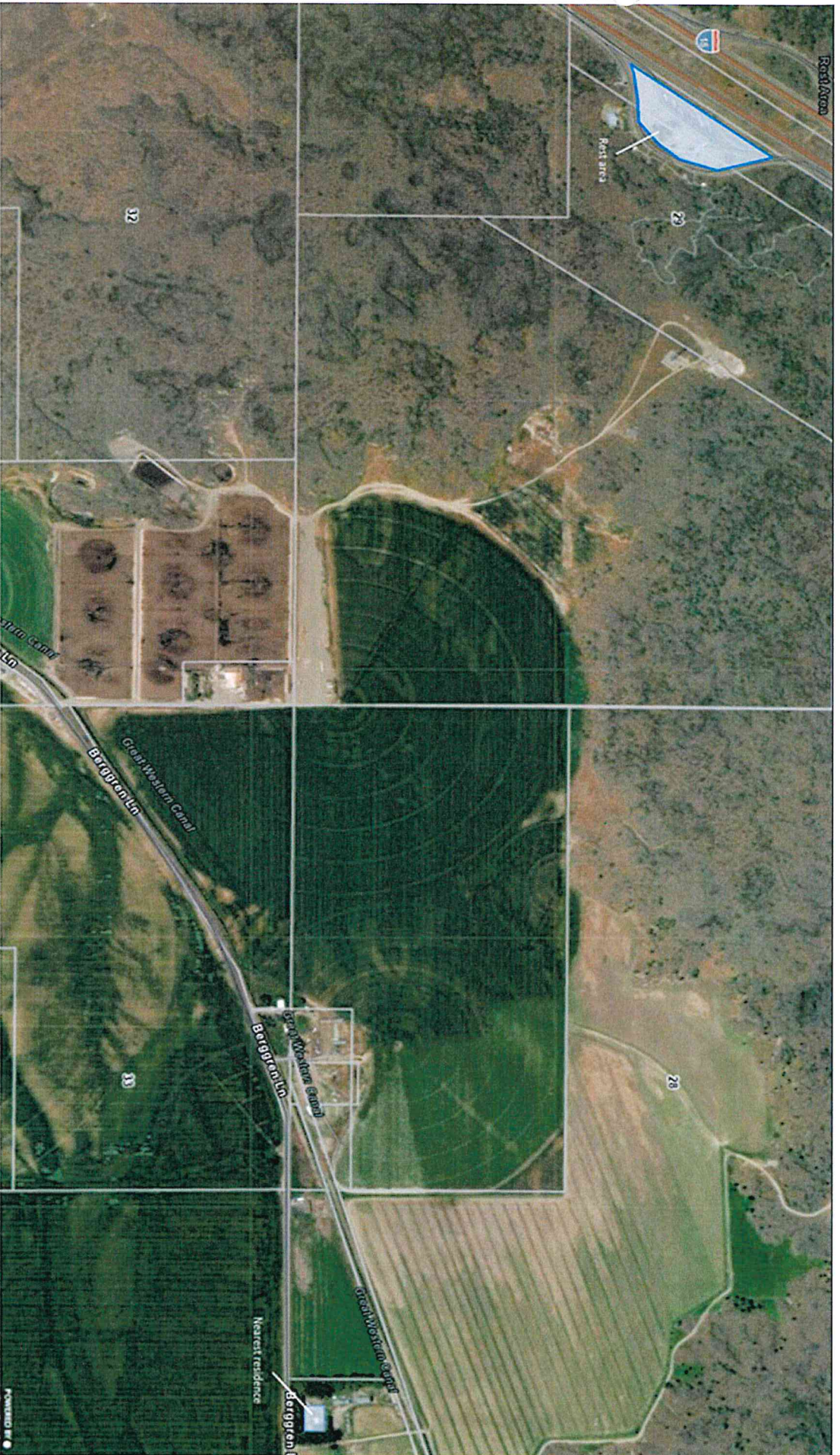
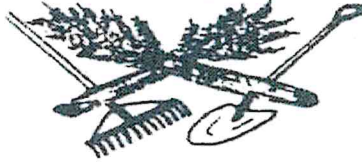


Exhibit  
A-11

# THE NEW SWEDEN IRRIGATION DISTRICT

2350 W. 1700 SO.  
IDAHO FALLS, IDAHO

523-0175



October 18, 2024

New Sweden Irrigation District gives permission to BJ Livestock to extend the pipe in the canal on Berggren Lane. (T1S R36E SEC 32)

A handwritten signature in cursive script that reads "Kail Sheppard".

Kail Sheppard  
Manager

Exhibit  
A-12