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**Court Denies Simplot's Motion to Dismiss Clean Water Act Case Over Illegal Factory Farm Pollution on the Snake River**

BOISE, ID — A lawsuit challenging decades of unlawful pollution discharges into the Snake River at a Grand View, Idaho cattle feedlot will move forward following a decision by a federal court judge. On June 24, 2024, Idaho Chief District Judge David C. Nye upheld the Clean Water Act (CWA) lawsuit filed in May 2023 against J.R. Simplot Company and Simplot Livestock Company (Simplot) in the United States District Court for the District of Idaho by environmental advocacy group Snake River Waterkeeper (SRW).

Simplot filed a motion to dismiss the case in July 2023, arguing that SRW “failed to describe exactly where, when, and how such alleged illicit discharges occur” and that its claims against the facility were vague and insufficient. The court’s ruling denies Simplot’s motion in its entirety.

Simplot’s feedlot is one of the largest Concentrated Animal Feeding Operations (CAFOs) in the country, with a holding capacity of up to 150,000 head of cattle. On a typical day, the feedlot is home to a minimum of 65,000 cattle—enough to generate at least 5 million pounds of manure per day. This untreated waste—along with the hormones, antibiotics and pathogens contained within—contributes significantly to the pollution of the Snake River and its tributaries through runoff and over-application of manure to area crop fields.

Over a six-year period, SRW’s team conducted extensive water quality sampling in the Snake River at the Ted Trueblood Wildlife Management Area and other locations downstream of the feedlot. The data clearly shows the Grand View feedlot routinely discharges waste that contains (among other pathogens and pollutants) extremely high levels of fecal coliform and E. Coli bacteria, as well as high levels of nitrate and suspended solids — all of which end up in surface and drinking water.

“For decades, Simplot’s Grand View feedlot has used the Snake River as a sewer system to move manure downstream and pollute our water,” said **Snake River Waterkeeper’s Executive Director, Buck Ryan**. “It’s time for Idaho to stop offering zero accountability to one of our nation’s biggest feedlot polluters and prioritize clean water and healthy aquatic habitat. This case is a critical step toward a healthy Snake River future. We are grateful that the Court has seen through Simplot’s flimsy dismissal claims, and we look forward to giving the river its day in court.”

“Simplot's efforts to dismiss the case have utterly failed,” said **Charlie Tebbutt of Law Offices of Charles M. Tebbutt**, lead attorney for SRW in this case. “While they succeeded in delaying the case with an unfounded motion, SRW's legal team will now move forward to prove the decades-long pollution that has been adding to the demise of salmon in the Snake River.”

“Idaho and federal regulators are once again caught sleeping at the wheel, allowing the largest CAFO in Idaho and one of the biggest in the United States to discharge manure pollution into the imperiled Snake River without environmental oversight,” said **Public Justice Senior Attorney Dan Snyder**, who is assisting with the case. “Only when groups like Snake River Waterkeeper get involved does meaningful change occur. We look forward to defending the Snake River from Simplot's pollution and securing Defendant's future compliance with the Act.”

“We're not surprised that the court saw through Simplot's attempt to cast doubt on the strength of our lawsuit,” said **Laird Lucas, Executive Director at Boise-based Advocates for the West**, who is serving as local counsel in the case. “Simplot has ignored federal permitting requirements intended to ensure clean water while continuing to pollute the Snake River with bovine manure.”

## **Background**

Federal law under the CWA requires that companies obtain a National Pollutant Discharge Elimination System (NPDES) permit for any facility discharging pollutants into a public waterway. Without a permit, discharges violate federal water quality standards and can trigger fines of up to \$66,000 per day, per violation.

Simplot has been operating its Grand View CAFO without an NPDES permit for decades. Despite being warned in 2012 by the U.S. Environmental Protection Agency that its discharges were unlawful under the CWA, Simplot failed to come into compliance with federal law and obtain an NPDES permit.

The Snake River is a source of drinking water as well as an important site for recreation and fishing—activities that are threatened by continued agricultural pollution. The Snake contributes significantly to Idaho's \$4.8 billion tourism industry, which employs more than 49,800 Idahoans and generates \$610 million in local, state, and federal tax revenues. But this massive river—especially the Middle Snake near Grand View—is heavily polluted. The Idaho Department of Environmental Quality (DEQ) classifies this stretch of the river as “impaired” for failing to meet water quality standards. It is so polluted with agricultural wastes that toxic algal blooms break out in summer, rendering the river water unsafe to even touch and prompting public health warnings from DEQ.

Snake River Waterkeeper is represented by the Law Offices of Charles M. Tebbutt, Public Justice, and Advocates for the West. Visit [www.snakeriverwaterkeeper.org](http://www.snakeriverwaterkeeper.org) for more information on this case.

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