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WATER RESOURCES

**MITIGATION PLAN FOR BOISE STATE UNIVERSITY (INTERMOUNTAIN BIRD OBSERVATORY)
WATER RIGHT APPLICATION 63-35002**

AUG 27 2021

To the Idaho Department of Water Resources (IDWR):

DEPARTMENT OF
WATER RESOURCES

The South Boise Water Company ("Company") agrees to dedicate 40 mitigation shares representing non-diversion 0.08 cfs of Boise River water right and idled irrigation of 4 acres to mitigate consumptive use of diversions under the above referenced application. Each ten mitigation shares of the Company's water rights are equal to 1 miner's inch or 0.02 cfs of Boise River water right for mitigation of one acre of irrigation at 100% delivery. The Company and Boise State University (BSU) agree to this mitigation plan as follows:

1. BSU proposes year-round diversion of water from the Boise River for wildlife and aesthetic purposes under a proposed application for permit. Anticipated maximum diversion rate will be 30 cfs. Diversions will only occur when flows exceed 600 cfs at the Glenwood Bridge stream gage.
2. The annual consumptive use from the project is equivalent to the consumptive use of 3.2 acres of turf grass in the Company service area based on ET Idaho mean precipitation deficit for the period of April through October calculated using the Boise Airport weather data.
3. Company water right 63-185B provides natural flow diverted from the Boise River to the Company's place of use. Mitigation for impacts to irrigation-season Boise River natural flows resulting from the BSU diversions will be provided by idling irrigation of 4 acres (0.08 cfs) under the Company's four Boise River irrigation water rights. To simplify the process, the 0.08 cfs of water for mitigation should be recorded in a single water right, 63-185B with a priority date of June 1, 1871, although reduction in irrigated acres will be recorded in all four Boise River rights. The Boise River Watermaster will not deliver this portion of the water right to the Company headgate while this mitigation plan is in force.
4. Upon IDWR approval of the application for permit and this mitigation plan, the Company understands IDWR will change the description of 0.08 cfs of water right 63-185B from irrigation to mitigation. This will protect the unused shares and water right from forfeiture according to I. C. §42-223(10).
5. The applicant and any successors in interest for the application, permit, or water right will hold a certificate for the water shares and pay the Company mitigation assessments for the mitigation shares every year.
6. To the extent development proposed in the BSU application is not fully completed, the Company understands this process is reversible by contacting IDWR with appropriate information for water and acres set aside for mitigation to be fully restored to irrigation use.

By: **South Boise Water Company**

Signature: Barry Eschen

Title: Board Member

Date: 3-11-21

By: **Boise State University**

Signature: _____

Title: _____

Date: _____

By: **South Boise Water Company**

Signature: _____

Title: _____

Date: _____

By: **Boise State University**

Signature: Mark J. Heil _____

Title: Mark J. Heil, VP CFO _____

Date: August 27, 2021 _____