

State of Idaho
Department of Water Resources
Permit to Appropriate Water
No. 1-7128

Priority: October 23, 1996

Maximum Diversion Rate: 7,850.00 CFS

This is to certify that

IDAHO POWER COMPANY
1221 W IDAHO ST
PO BOX 70
BOISE ID 83707-0070

has applied for a permit to appropriate water from:

Source : SNAKE RIVER

Tributary: COLUMBIA RIVER

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

Beneficial Use

POWER

Period of Use

1/01 to 12/31

Rate of Diversion

7,850.00 CFS

Location of Point(s) of Diversion

SNAKE RIVER SW¼ SE¼, Sec. 30, Twp 07S, Rge 31E, B.M. POWER County

Place of Use: POWER

Twp	Rng	Sec	NE				NW				SW				SE			
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
07S	31E	30															X	

Conditions of Approval

1. Proof of application of water to beneficial use shall be submitted on or before **June 01, 2022**.
2. Subject to all prior water rights.
3. Power generation is at the American Falls Power Plant.
4. This right is subject to the provisions of Idaho Code §§ 42-205 through 42-210, restricting the sale, transfer, assignment, or mortgage of this right. Failure to comply with these provisions is cause for immediate cancellation of this right.
5. The right for the use of water acquired under this right shall be junior and subordinate to all other rights for the use of water within the State of Idaho that are initiated later in time than the priority of this right and shall not give rise to any claim against any future rights for the use of water within the State of Idaho initiated later in time than the priority of this right.
6. The term of this permit shall run concurrently with the license for the American Falls Power Plant issued by the Federal Energy Regulatory Commission (FERC), which expires on February 28, 2025. The term shall automatically extend to run concurrently with any annual renewals of the project's FERC license. Prior to the issuance of a subsequent or new FERC license for the project, the Director may review the permit or subsequent water right license and may issue an order canceling all or any part of the use, establishing a new term, or revising, adding or deleting conditions under which the water right may be exercised. The order shall take effect on the date the current term, as may be extended through annual renewals, expires. If the Director does not issue such an order, the term shall automatically extend to a length equal to the project's subsequent or new FERC license and any prior conditions on the permit or subsequent water right license shall remain in effect.

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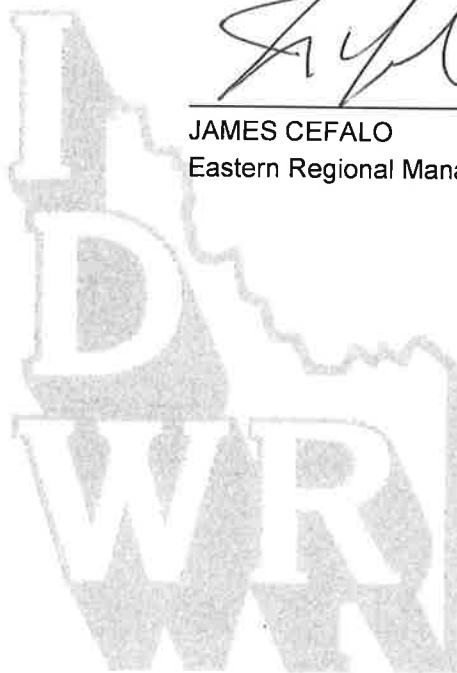
7. Use of water under this right shall be non-consumptive.
8. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 01.

This permit is issued pursuant to the provisions of Idaho Code § 42-204.

Signed this 6th day of May, 2021.



JAMES CEFALO
Eastern Regional Manager





State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region • 900 N SKYLINE DR STE A • IDAHO FALLS, ID 83402-1718

Phone: (208)525-7161 • Fax: (208)525-7177 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

May 06, 2021

IDAHO POWER COMPANY
PO BOX 70
BOISE ID 83707-0070

RE: Permit No. 1-7128

Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources ("Department") has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review all the conditions of approval listed on your permit. The conditions include requirements that you must accomplish, such as timely submittal of proof of beneficial use or installation of a measuring device, as well as information about how your water use may be administered, such as regulation by a watermaster in a water district. Failure to comply with the conditions of approval may result in your permit lapsing or being canceled.

The permit is a PRELIMINARY ORDER issued pursuant to Rule 730 of the Department's Rules of Procedure (IDAPA 37.01.01.730). It can and will become a final order without further action by the Department unless a party petitions for reconsideration, files exceptions, or requests a hearing as described in the enclosed information sheet.

The final step in the water right process is issuance of a water right license. To receive a water right license, you must divert and use water to the full extent intended and submit a *Statement of Completion for Submitting Proof of Beneficial Use* by the date shown in condition no. 1 of your permit. The Department will send you a *Proof Due Notice* approximately 60 days prior to the date listed in condition no. 1 of your permit.

You may also require approvals from other Department programs, such as Ground Water Protection, Safety of Dams, or Stream Channel Protection, to accomplish your proposed development. Please call or visit any Department office or see the Department's website at idwr.idaho.gov for more information about these programs.

Please be advised that Idaho Code § 42-248, requires you or the owner of this water permit to maintain current ownership and address records on file with the Department. Forms to file an assignment of permit and/or a change in the address of the permit owner are available from any Department office or at the Department's website at www.idwr.idaho.gov.

If you have any questions concerning the enclosed information, please contact me at (208) 497-3784.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Cefalo', written over a horizontal line.

James Cefalo
Eastern Regional Manager

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on May 06, 2021, I served a true and correct copy of Permit to Appropriate Water No. 1-7128 by U.S. Mail, postage prepaid, to the following:

IDAHO POWER COMPANY
PO BOX 70
BOISE ID 83707-0070

JOHN K SIMPSON
BARKER ROSHOLT & SIMPSON
1010 W JEFFERSON ST STE 102
PO BOX 2139
BOISE ID 83701-2139

US DEPT OF INTERIOR
BUREAU OF RECLAMATION
1359 HANSEN AVE
BURLEY ID 83318

RIGBY ANDRUS & MOELLER CHTD
PO BOX 250
REXBURG ID 83440

BURGESS CANAL & IRRIGATING CO
C/O CHRIS BOLTER SEC
PO BOX 536
RIGBY ID 83442

PEOPLES CANAL & IRRIGATION CO
1050 W HWY 39
BLACKFOOT ID 83221

FREMONT MADISON IRRIGATION
DISTRICT
PO BOX 15
ST ANTHONY ID 83445

NEW LAVASIDE DITCH CO LTD
66 E RIVER RD
BLACKFOOT ID 83221-5728

EAST TETON CANAL CO
W DEAN GRAHAM
DRIGGS ID 83422

EGIN BENCH CANALS INC
PO BOX 15
ST ANTHONY ID 83445

IDAHO GROUND WATER
APPROPRIATORS INC
PO BOX 1391
POCATELLO ID 83204-1391

WATER DISTRICT #01
TONY OLENICHAK
900 N SKYLINE DR STE A
IDAHO FALLS ID 83402



Christina Henman
Administrative Asst. I

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document 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 of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing 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 this order. **Note: the petition must be received by the department within this fourteen (14) day period.** 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 fourteen (14) 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 with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

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 IDAPA Rules 37.01.01302 and 37.01.01303 (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 service date 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.