

State of Idaho
Department of Water Resources
Water Right License
Water Right No. 1-10626

Priority: June 19, 2013

Maximum Diversion Rate: 87.30 CFS

Maximum Diversion Volume: 9,180.0 AF

It is hereby certified that:

SNAKE RIVER VALLEY IRRIGATION DISTRICT
PO BOX 70
BASALT ID 83218-0070

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated June 19, 2013, and has submitted Proof of Beneficial Use on October 25, 2019. An examination confirms water is diverted from:

Source : SNAKE RIVER

Tributary: COLUMBIA RIVER

Beneficial Use

GROUND WATER RECHARGE

Period of Use

01/01 to 12/31

Rate of Diversion

87.30 CFS

Annual Volume

9,180.0 AF

Location of Point(s) of Diversion

SNAKE RIVER L2 (NE¼ SW¼ NW¼), Sec. 15, Twp 01N, Rge 37E, B.M. BONNEVILLE County

Place of Use: GROUND WATER RECHARGE

Twp	Rng	Sec	NE				NW				SW				SE			
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
01N	37E	15						X L5	X L2									
01N	37E	16				X L1									X L1	X L2		X
01N	37E	16													X L8	X L9		
01N	37E	21	X			X									X			X
01N	37E	22										X						
01N	37E	27						X				X						
01N	37E	28	X		X	X				X				X	X	X		X
01N	37E	32																X
01N	37E	33					X			X	X	X	X					
01N	37E	34						X	X		X	X		X				
01S	36E	36												X	X	X	X	X
01S	37E	2						X L4	X			X	X					
01S	37E	4	X L1	X L2	X					X				X		X	X	
01S	37E	8				X									X		X	X
01S	37E	9		X	X		X	X	X					X		X	X	
01S	37E	11						X	X	X	X	X	X					
01S	37E	14						X	X									
01S	37E	15				X								X	X	X	X	X
01S	37E	16		X	X		X	X	X							X	X	
01S	37E	17		X		X	X		X	X				X	X	X	X	
01S	37E	20				X				X	X	X	X					
01S	37E	21		X			X								X			X
01S	37E	22	X			X	X		X	X		X			X			X
01S	37E	27	X			X									X			X

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01S	37E	28	X	X	X				X		X			X		X		
01S	37E	29				X		X	X			X	X	X	X	X	X	
01S	37E	30												X			X	X
01S	37E	31		X			X		X	X		X	L3					X
01S	37E	32	X		X	X		X	X			X		X			X	
01S	37E	33			X	X	X	X		X	X			X	X	X		
01S	37E	34	X		X	X			X	X								
02S	36E	1	X		X	X	X	X			X			X	X		X	
			L1					L3	L4									
02S	36E	2	X	X			X			X	X		X	X				
			L1	L2			L3											
02S	36E	10													X			X
02S	36E	11						X	X			X						
02S	36E	12						X										
02S	36E	14						X	X									
02S	36E	15	X			X												
02S	37E	4					X	X										
							L3	L4										
02S	37E	5	X															
			L1															
02S	37E	6	X	X														
			L1	L2														

Conditions of Approval

1. Use of water under this right will 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.
2. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
3. Water may only be diverted under this right in an amount that does not reduce flows in the Snake River below 2,070 cfs measured in the Snake River at Blackfoot U.S.G.S. Gage No. 13062500.
4. Water may only be diverted for recharge under this right when 2,700 cfs or more is flowing past Minidoka Dam.
5. Absent engineering controls to prevent fish entrainment into recharge facilities, when any amount of water is available for diversion under this right, and after consultation by the right holder with the Idaho Department of Fish and Game, the amount of water diverted under this right from the river will be adjusted up and down at a rate which minimizes the possibility of fish entrainment in the recharge facilities. Provided, however, that flows diverted into recharge facilities may be adjusted, without consultation, by Water District No. 1 personnel consistent with its statutory duties to regulate and adjust diversions when all or a portion of this right is no longer in priority.
6. Diversions off of the right holder's private canals to designated off-canal recharge sites shall be designed and constructed as necessary to minimize negative impacts to fish. The right holder shall provide information concerning the design of such diversion structures to the Idaho Department of Fish and Game for review and comment prior to construction.
7. Upon a good faith request from the Idaho Department of Fish and Game, the right holder shall meet to discuss and attempt to resolve in good faith any concerns associated with the exercise of this right and potential negative effects on fish and wildlife resources.
8. This right is subject to all applicable provisions of Section 42-234, Idaho Code.

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9. Pursuant to Section 42-234(4), Idaho Code, to ensure that other water rights are not injured by the operations of the recharge project authorized by this right, the Director has authority to approve, disapprove, or require alterations in the methods employed to achieve ground water recharge.
10. Pursuant to Section 42-234(3), Idaho Code, the Director may reduce the amount of water that may be diverted for recharge purposes under this right even though there is sufficient water to supply the entire amount authorized for appropriation under this right.
11. Approval of this permit does not constitute approval by the Idaho Water Resource Board as may be required pursuant to Section 42-1737, Idaho Code.
12. The right holder shall record the daily quantity of water diverted for ground water recharge and shall report the diversion data for the prior calendar year to the Department by February 1 each year. Reporting shall occur in the manner specified by the Department, consistent with Section 42-701, Idaho Code. To facilitate this reporting requirement, the right holder shall install and maintain a totalizing measuring device approved by the Department at each point of diversion and at each point where water is delivered from the conveyance system into a designated recharge site.
13. Consistent with Section 42-234(5), Idaho Code, seepage from canals incidental to delivery of irrigation water shall not be considered ground water recharge under this right. Canal seepage will be considered to be ground water recharge only when the canals are not conveying water for irrigation or other beneficial uses.
14. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality permitting requirements administered by the Department of Environmental Quality or the Department of Agriculture.
15. This right does not grant any right-of-way or easement across the land of another.

This license is issued pursuant to the provisions of Idaho Code § 42-219. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed this 18th day of March, 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

March 18, 2021

SNAKE RIVER VALLEY IRRIGATION DISTRICT
PO BOX 70
BASALT ID 83218-0070

RE: License No. 1-10626

Issuance of License

Dear Water Right Holder:

The Department of Water Resources ("Department") has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review all the conditions of approval listed on your license. The conditions may include ongoing requirements, such as maintenance of a measuring device or implementation of mitigation, as well as information about how your water use may be administered, such as regulation by a watermaster in a water district.

The license is a PRELIMINARY ORDER issued by the Department 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.

Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Water right forms are available from any office of the Department or on the Department's website at idwr.idaho.gov

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

Sincerely,

James Cefalo
Eastern Regional Manager

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on March 18, 2021, I served a true and correct copy of Water Right License No. 1-10626 by U.S. Mail, postage prepaid, to the following:

SNAKE RIVER VALLEY IRRIGATION DISTRICT
PO BOX 70
BASALT ID 83218-0070

ROBERT L HARRIS
PO BOX 50130
IDAHO FALLS ID 83405-0130

RIGBY ANDRUS & RIGBY LAW PLLC
PO BOX 250
REXBURG ID 83440

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
700 W STATE ST 2ND FLR
PO BOX 83720
BOISE ID 83720-0010

WATER DISTRICT #01
ASSISTANT WATERMASTER WD01
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.