

**AMENDED**

**STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES**

**AMENDED**

**TRANSFER OF WATER RIGHT  
TRANSFER NO. 82710**

This is to certify that: **MICRON TECHNOLOGY INC**  
**PO BOX 6**  
**BOISE, ID 83706**

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

**Summary of Water Rights Before the Proposed Changes**

| <u>Water Right</u> | <u>Origin/Basis</u> | <u>Priority Date</u> | <u>Diversion Rate</u> | <u>Diversion Volume</u> | <u>Acre Limit</u> | <u>Total Acres</u> | <u>Source</u> |
|--------------------|---------------------|----------------------|-----------------------|-------------------------|-------------------|--------------------|---------------|
| 63-10208           | WR/DECREED          | 11/22/1983           | 0.610 cfs             | 441.6 af                | N/A               | N/A                | GROUND WATER  |
| 63-11293           | WR/DECREED          | 4/19/1990            | 2.250 cfs             | 1628.9 af               | N/A               | N/A                | GROUND WATER  |
| 63-12420           | WR/LICENSE          | 6/6/1997             | 5.000 cfs             | 402.0 af                | N/A               | N/A                | BOISE RIVER   |
| 63-31183           | WR/LICENSE          | 1/24/2001            | 9.130 cfs             | N/A                     | N/A               | 39.8               | GROUND WATER  |
| 63-8992            | WR/DECREED          | 7/25/1977            | 2.090 cfs             | 1267.9 af               | N/A               | 100.0              | GROUND WATER  |
| 63-9029            | WR/DECREED          | 9/9/1977             | 4.000 cfs             | 806.3 af                | N/A               | N/A                | GROUND WATER  |
| 63-9357            | WR/DECREED          | 3/12/1980            | 0.600 cfs             | 362.0 af                | N/A               | N/A                | GROUND WATER  |

**Purpose of Transfer (Changes Proposed)**

| <u>Current Number</u> | <u>Split</u> | <u>POD</u> | <u>POU</u> | <u>Add POD</u> | <u>Period of Use</u> | <u>Nature of Use</u> |
|-----------------------|--------------|------------|------------|----------------|----------------------|----------------------|
| 63-10208              | NO           | NO         | YES        | YES            | NO                   | NO                   |
| 63-11293              | NO           | NO         | YES        | YES            | NO                   | NO                   |
| 63-12420              | NO           | NO         | YES        | NO             | NO                   | NO                   |
| 63-31183              | NO           | NO         | YES        | YES            | NO                   | NO                   |
| 63-8992               | NO           | NO         | YES        | YES            | NO                   | NO                   |
| 63-9029               | NO           | NO         | YES        | YES            | NO                   | NO                   |
| 63-9357               | NO           | NO         | YES        | YES            | NO                   | NO                   |

**Summary Of Water Rights After the Approved Change**

| <u>Existing Right</u>  | <u>New No. (Changed Portion)</u> | <u>Transfer Rate</u> | <u>Transfer Volume</u> | <u>Acre Limit</u> | <u>Total Acres</u> | <u>New No. (remaining portion)</u> | <u>Remaining Rate</u> | <u>Remaining Volume</u> | <u>Remaining Acre Limit</u> | <u>Remaining Total Acres</u> |
|------------------------|----------------------------------|----------------------|------------------------|-------------------|--------------------|------------------------------------|-----------------------|-------------------------|-----------------------------|------------------------------|
| 63-10208               | 63-10208                         | 0.610 cfs            | 441.6 af               | N/A               | N/A                | N/A                                | N/A                   | N/A                     | N/A                         | N/A                          |
| 63-11293               | 63-11293                         | 2.250 cfs            | 1628.9 af              | N/A               | N/A                | N/A                                | N/A                   | N/A                     | N/A                         | N/A                          |
| 63-12420               | 63-12420                         | 5.000 cfs            | 402.0 af               | N/A               | N/A                | N/A                                | N/A                   | N/A                     | N/A                         | N/A                          |
| 63-31183               | 63-31183                         | 9.130 cfs            | N/A                    | 39.8              | 906.0              | N/A                                | N/A                   | N/A                     | N/A                         | N/A                          |
| 63-8992                | 63-8992                          | 2.090 cfs            | 1267.9 af              | 100.0             | 906.0              | N/A                                | N/A                   | N/A                     | N/A                         | N/A                          |
| 63-9029                | 63-9029                          | 4.000 cfs            | 806.3 af               | N/A               | N/A                | N/A                                | N/A                   | N/A                     | N/A                         | N/A                          |
| 63-9357                | 63-9357                          | 0.600 cfs            | 362.0 af               | N/A               | N/A                | N/A                                | N/A                   | N/A                     | N/A                         | N/A                          |
| <b>COMBINED TOTALS</b> |                                  | <b>14.550 cfs</b>    | <b>N/A</b>             | <b>100.0</b>      | <b>906.0</b>       |                                    | <b>N/A</b>            | <b>N/A</b>              | <b>N/A</b>                  | <b>N/A</b>                   |

**SUPPORT DATA**Transfer No. 82710**IN FILE #** 63-10208

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT  
TRANSFER NO. 82710

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 26<sup>th</sup> day of March, 2021.

for, Patricia Wiley  
Chief, Water Allocation Bureau



**WATER RIGHT NO. 63-8992****As Modified by Transfer No. 82710**

In accordance with the approval of Transfer No. 82710, Water Right No. 63-8992 is now described as follows:

**Right Holder:** MICRON TECHNOLOGY INC  
PO BOX 6  
BOISE, ID 83706

**Priority Date:** 7/25/1977

**Source:** GROUND WATER

| <b>BENEFICIAL USE</b> | <b>From</b> | <b>To</b> | <b>Diversion Rate</b> | <b>Diversion Volume</b> |
|-----------------------|-------------|-----------|-----------------------|-------------------------|
| INDUSTRIAL            | 01/01       | to 12/31  | 2.090 cfs             | 1267.9 af               |
| IRRIGATION            | 03/01       | to 11/15  | 1.500 cfs             | 450.0 af                |
|                       |             |           | 2.090 cfs             | 1267.9 af               |

**LOCATION OF POINT(S) OF DIVERSION**

|              |           |       |                 |            |
|--------------|-----------|-------|-----------------|------------|
| GROUND WATER | SESW      | Sec 6 | Twp 02N Rge 03E | ADA County |
| GROUND WATER | SWNE      | Sec 7 | Twp 02N Rge 03E | ADA County |
| GROUND WATER | L2 (SWNW) | Sec 7 | Twp 02N Rge 03E | ADA County |
| GROUND WATER | SWSE      | Sec 7 | Twp 02N Rge 03E | ADA County |
| GROUND WATER | NESW      | Sec 7 | Twp 02N Rge 03E | ADA County |
| GROUND WATER | SWNW      | Sec 8 | Twp 02N Rge 03E | ADA County |

**PLACE OF USE: INDUSTRIAL**

|     |     |     | NE |    |    |    | NW |     |     |    | SW |     |     |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|-----|-----|----|----|-----|-----|----|----|----|----|----|--------|
| Twp | Rng | Sec | NE | NW | SW | SE | NE | NW  | SW  | SE | NE | NW  | SW  | SE | NE | NW | SW | SE |        |
| 02N | 03E | 6   |    |    |    |    |    |     |     |    | X  | X   | X   | X  | X  | X  | X  | X  |        |
|     |     |     |    |    |    |    |    |     |     |    |    | L 6 | L 7 |    |    |    |    |    | 0      |
| 02N | 03E | 7   | X  | X  | X  | X  | X  | X   | X   | X  |    |     |     | X  | X  | X  | X  | X  |        |
|     |     |     |    |    |    |    |    | L 1 | L 2 |    |    |     |     |    |    |    |    |    | 0      |
| 02N | 03E | 8   |    |    |    |    |    |     | X   |    |    | X   | X   |    |    |    |    |    | 0      |
| 02N | 03E | 18  |    | X  |    |    | X  |     |     |    |    |     |     |    |    |    |    |    | 0      |
|     |     |     |    |    |    |    |    |     |     |    |    |     |     |    |    |    |    |    | 0      |

**PLACE OF USE: IRRIGATION**

|     |     |     | NE   |      |      |      | NW   |      |      |      | SW   |      |      |      | SE   |      |      |      | Totals |
|-----|-----|-----|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|--------|
| Twp | Rng | Sec | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   |        |
| 02N | 03E | 6   |      |      |      |      |      |      |      |      | 40.0 | 33.0 | 21.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 294.0  |
|     |     |     |      |      |      |      |      |      |      |      |      | L 6  | L 7  |      |      |      |      |      |        |
| 02N | 03E | 7   | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 28.0 | 2.0  | 35.0 | 22.0 |      |      | 9.0  | 40.0 | 40.0 | 40.0 | 40.0 | 456.0  |
|     |     |     |      |      |      |      |      | L 1  | L 2  |      |      |      |      |      |      |      |      |      |        |
| 02N | 03E | 8   |      |      |      |      |      |      | 40.0 |      |      | 40.0 | 40.0 |      |      |      |      |      | 120.0  |
| 02N | 03E | 18  |      | 35.0 |      |      | 1.0  |      |      |      |      |      |      |      |      |      |      |      | 36.0   |

Right Acre Limit: 100.0

POU Total Acres: 906.0

Transfer No. 82710

**WATER RIGHT NO. 63-8992**  
**As Modified by Transfer No. 82710**

**CONDITIONS OF APPROVAL**

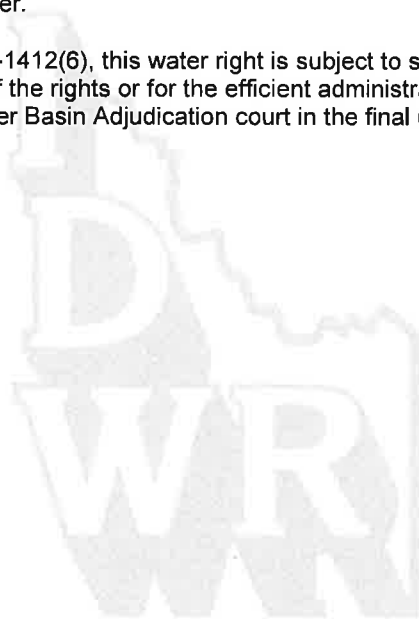
1. Rights 63-8992, 63-10221 and 63-31183 when combined shall not exceed a total irrigation of 100 acres.
2. Rights 63-8992, 63-9029, 63-9357, 63-10208, 63-11293, and 63-31183 when combined shall not exceed a total diversion rate of 9.55 cfs, and a total annual maximum diversion volume of 4506.7 af.
3. This right is limited to the irrigation of a specific 100 acres within the 906 acre place of use authorized by this right in a single irrigation season. The specific 100 acres to be irrigated by the right holder shall be identified prior to use by submittal of a land list and a representative electronic shape file or by submittal of a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 100 acres to be irrigated within the 903 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
4. The right holder shall make full beneficial use of all surface water available to the right holder for irrigation of lands within the authorized place of use for this right. The right holder may divert ground water under this right to irrigate land with appurtenant surface water rights when the surface water supply is not reasonably sufficient to irrigate the place of use for this water right or is not available due to drought, curtailment by priority, or the seasonal startup and shutoff or maintenance schedule for canal company or irrigation district deliveries. The right holder shall not divert ground water for irrigation purposes under this right if use of the surface water supply is intentionally discontinued or reduced (for example abandoned, forfeited, sold, disallowed by court decree, or leased to the Water Supply Bank), or is not deliverable due to non-payment of annual assessments, without an approved transfer pursuant to Idaho Code § 42-222 or other Department approval.
5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 450 af at the field headgate for the place of use.
6. This right when combined with all other rights shall provide no more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
7. Administration of water distribution to this right during times of scarcity shall recognize the provisions of the letter dated February 6, 2002 from the right holder to the department.
8. The water right holder must comply with the measuring and reporting requirements of the Southeast Boise Ground Water Management Area and any management plan adopted by the director.
9. The point of diversion identified in this right is located within the boundaries of the Boise Front Low Temperature Geothermal Resource Groundwater Management Area. The well driller shall monitor water temperatures while drilling the well. If water with a temperature greater than 85 degrees Fahrenheit is encountered by the driller, drilling must immediately cease, and the Department must be notified. Drilling shall not resume until the Department has reviewed the drilling conditions, and established standards for construction with the driller.
10. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.

Transfer No. 82710

**WATER RIGHT NO. 63-8992**  
**As Modified by Transfer No. 82710**

**CONDITIONS OF APPROVAL**

11. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
13. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.



**WATER RIGHT NO. 63-9029****As Modified by Transfer No. 82710**

In accordance with the approval of Transfer No. 82710, Water Right No. 63-9029 is now described as follows:

**Right Holder:** MICRON TECHNOLOGY INC  
PO BOX 6  
BOISE, ID 83706

**Priority Date:** 9/9/1977

**Source:** GROUND WATER

| <b><u>BENEFICIAL USE</u></b> | <b><u>From</u></b> | <b><u>To</u></b> | <b><u>Diversion Rate</u></b> | <b><u>Diversion Volume</u></b> |
|------------------------------|--------------------|------------------|------------------------------|--------------------------------|
| INDUSTRIAL                   | 01/01              | to 12/31         | 4.000 cfs                    | 806.3 af                       |
|                              |                    |                  | 4.000 cfs                    | 806.3 af                       |

**LOCATION OF POINT(S) OF DIVERSION**

|              |           |       |                 |            |
|--------------|-----------|-------|-----------------|------------|
| GROUND WATER | SESW      | Sec 6 | Twp 02N Rge 03E | ADA County |
| GROUND WATER | SWNE      | Sec 7 | Twp 02N Rge 03E | ADA County |
| GROUND WATER | L2 (SWNW) | Sec 7 | Twp 02N Rge 03E | ADA County |
| GROUND WATER | SWSE      | Sec 7 | Twp 02N Rge 03E | ADA County |
| GROUND WATER | NESW      | Sec 7 | Twp 02N Rge 03E | ADA County |
| GROUND WATER | SWNW      | Sec 8 | Twp 02N Rge 03E | ADA County |

**PLACE OF USE: INDUSTRIAL**

| Twp | Rng | Sec | NE |    |    |    | NW |     |     |    | SW |     |     |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|-----|-----|----|----|-----|-----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW  | SW  | SE | NE | NW  | SW  | SE | NE | NW | SW | SE |        |
| 02N | 03E | 6   |    |    |    |    |    |     |     |    | X  | X   | X   | X  | X  | X  | X  | X  |        |
|     |     |     |    |    |    |    |    |     |     |    |    | L 6 | L 7 |    |    |    |    |    | 0      |
| 02N | 03E | 7   | X  | X  | X  | X  | X  | X   | X   | X  | X  |     |     | X  | X  | X  | X  | X  |        |
|     |     |     |    |    |    |    |    | L 1 | L 2 |    |    |     |     |    |    |    |    |    | 0      |
| 02N | 03E | 8   |    |    |    |    |    |     | X   |    |    | X   | X   |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |     |     |    |    |     |     |    |    |    |    |    | 0      |
| 02N | 03E | 18  |    | X  |    |    | X  |     |     |    |    |     |     |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |     |     |    |    |     |     |    |    |    |    |    | 0      |

**CONDITIONS OF APPROVAL**

1. Rights 63-8992, 63-9029, 63-9357, 63-10208, 63-11293, and 63-31183 when combined shall not exceed a total diversion rate of 9.55 cfs, and a total annual maximum diversion volume of 4506.7 af.
2. Administration of water distribution to this right during times of scarcity shall recognize the provisions of the letter dated February 6, 2002 from the right holder to the department.
3. The water right holder must comply with the measuring and reporting requirements of the Southeast Boise Ground Water Management Area and any management plan adopted by the director.

Transfer No. 82710

**WATER RIGHT NO. 63-9029**  
**As Modified by Transfer No. 82710**

**CONDITIONS OF APPROVAL**

4. The point of diversion identified in this right is located within the boundaries of the Boise Front Low Temperature Geothermal Resource Groundwater Management Area. The well driller shall monitor water temperatures while drilling the well. If water with a temperature greater than 85 degrees Fahrenheit is encountered by the driller, drilling must immediately cease, and the Department must be notified. Drilling shall not resume until the Department has reviewed the drilling conditions, and established standards for construction with the driller.
5. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

**WATER RIGHT NO. 63-9357**  
**As Modified by Transfer No. 82710**

In accordance with the approval of Transfer No. 82710, Water Right No. 63-9357 is now described as follows:

**Right Holder:** MICRON TECHNOLOGY INC  
 PO BOX 6  
 BOISE, ID 83706

**Priority Date:** 3/12/1980

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Diversion Volume</u> |
|-----------------------|-------------|-----------|-----------------------|-------------------------|
| FIRE PROTECTION       | 1/01        | to 12/31  | 0.600 cfs             |                         |
| INDUSTRIAL            | 1/01        | to 12/31  | 0.500 cfs             | 362.0 af                |
|                       |             |           | 0.600 cfs             | 362.0 af                |

**LOCATION OF POINT(S) OF DIVERSION**

|              |           |       |                 |            |
|--------------|-----------|-------|-----------------|------------|
| GROUND WATER | SESW      | Sec 6 | Twp 02N Rge 03E | ADA County |
| GROUND WATER | SWNE      | Sec 7 | Twp 02N Rge 03E | ADA County |
| GROUND WATER | L2 (SWNW) | Sec 7 | Twp 02N Rge 03E | ADA County |
| GROUND WATER | SWSE      | Sec 7 | Twp 02N Rge 03E | ADA County |
| GROUND WATER | NESW      | Sec 7 | Twp 02N Rge 03E | ADA County |
| GROUND WATER | SWNW      | Sec 8 | Twp 02N Rge 03E | ADA County |

**PLACE OF USE: FIRE PROTECTION**

| Twp | Rng | Sec | NE |    |    |    | NW |     |     |    | SW |     |     |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|-----|-----|----|----|-----|-----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW  | SW  | SE | NE | NW  | SW  | SE | NE | NW | SW | SE |        |
| 02N | 03E | 6   |    |    |    |    |    |     |     |    | X  | X   | X   | X  | X  | X  | X  | X  |        |
|     |     |     |    |    |    |    |    |     |     |    |    | L 6 | L 7 |    |    |    |    |    | 0      |
| 02N | 03E | 7   | X  | X  | X  | X  | X  | X   | X   | X  | X  |     |     | X  | X  | X  | X  | X  |        |
|     |     |     |    |    |    |    |    | L 1 | L 2 |    |    |     |     |    |    |    |    |    | 0      |
| 02N | 03E | 8   |    |    |    |    |    |     | X   |    |    | X   | X   |    |    |    |    |    | 0      |
| 02N | 03E | 18  |    | X  |    |    | X  |     |     |    |    |     |     |    |    |    |    |    | 0      |
|     |     |     |    |    |    |    |    |     |     |    |    |     |     |    |    |    |    |    | 0      |

**PLACE OF USE: INDUSTRIAL**

| Twp | Rng | Sec | NE |    |    |    | NW |     |     |    | SW |     |     |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|-----|-----|----|----|-----|-----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW  | SW  | SE | NE | NW  | SW  | SE | NE | NW | SW | SE |        |
| 02N | 03E | 6   |    |    |    |    |    |     |     |    | X  | X   | X   | X  | X  | X  | X  | X  |        |
|     |     |     |    |    |    |    |    |     |     |    |    | L 6 | L 7 |    |    |    |    |    | 0      |
| 02N | 03E | 7   | X  | X  | X  | X  | X  | X   | X   | X  | X  |     |     | X  | X  | X  | X  | X  |        |
|     |     |     |    |    |    |    |    | L 1 | L 2 |    |    |     |     |    |    |    |    |    | 0      |
| 02N | 03E | 8   |    |    |    |    |    |     | X   |    |    | X   | X   |    |    |    |    |    | 0      |
| 02N | 03E | 18  |    | X  |    |    | X  |     |     |    |    |     |     |    |    |    |    |    | 0      |
|     |     |     |    |    |    |    |    |     |     |    |    |     |     |    |    |    |    |    | 0      |

Transfer No. 82710

**WATER RIGHT NO. 63-9357**  
**As Modified by Transfer No. 82710**

**CONDITIONS OF APPROVAL**

1. Rights 63-8992, 63-9029, 63-9357, 63-10208, 63-11293, and 63-31183 when combined shall not exceed a total diversion rate of 9.55 cfs, and a total annual maximum diversion volume of 4506.7 af.
2. The water right holder must comply with the measuring and reporting requirements of the Southeast Boise Ground Water Management Area and any management plan adopted by the director.
3. The point of diversion identified in this right is located within the boundaries of the Boise Front Low Temperature Geothermal Resource Groundwater Management Area. The well driller shall monitor water temperatures while drilling the well. If water with a temperature greater than 85 degrees Fahrenheit is encountered by the driller, drilling must immediately cease, and the Department must be notified. Drilling shall not resume until the Department has reviewed the drilling conditions, and established standards for construction with the driller.
4. Water shall not be diverted for fire protection use under this right except to fight or repel an existing fire.
5. Industrial use is for microchip manufacturing.
6. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

**WATER RIGHT NO. 63-10208****As Modified by Transfer No. 82710**

In accordance with the approval of Transfer No. 82710, Water Right No. 63-10208 is now described as follows:

**Right Holder:** MICRON TECHNOLOGY INC  
PO BOX 6  
BOISE, ID 83706

**Priority Date:** 11/22/1983

**Source:** GROUND WATER

| <b><u>BENEFICIAL USE</u></b> | <b><u>From</u></b> | <b><u>To</u></b> | <b><u>Diversion Rate</u></b> | <b><u>Diversion Volume</u></b> |
|------------------------------|--------------------|------------------|------------------------------|--------------------------------|
| DOMESTIC                     | 1/01               | to 12/31         | 0.040 cfs                    | 28.9 af                        |
| INDUSTRIAL                   | 1/01               | to 12/31         | 0.610 cfs                    | 441.6 af                       |
|                              |                    |                  | 0.610 cfs                    | 441.6 af                       |

**LOCATION OF POINT(S) OF DIVERSION**

|              |           |       |                 |            |
|--------------|-----------|-------|-----------------|------------|
| GROUND WATER | SESW      | Sec 6 | Twp 02N Rge 03E | ADA County |
| GROUND WATER | SWNE      | Sec 7 | Twp 02N Rge 03E | ADA County |
| GROUND WATER | L2 (SWNW) | Sec 7 | Twp 02N Rge 03E | ADA County |
| GROUND WATER | SWSE      | Sec 7 | Twp 02N Rge 03E | ADA County |
| GROUND WATER | NESW      | Sec 7 | Twp 02N Rge 03E | ADA County |
| GROUND WATER | SWNW      | Sec 8 | Twp 02N Rge 03E | ADA County |

**PLACE OF USE: DOMESTIC**

| Twp | Rng | Sec | NE |    |    |    | NW |     |     |    | SW |     |     |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|-----|-----|----|----|-----|-----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW  | SW  | SE | NE | NW  | SW  | SE | NE | NW | SW | SE |        |
| 02N | 03E | 6   |    |    |    |    |    |     |     |    | X  | X   | X   | X  | X  | X  | X  | X  |        |
| 02N | 03E | 7   | X  | X  | X  | X  | X  | X   | X   | X  |    | L 6 | L 7 |    | X  | X  | X  | X  | 0      |
| 02N | 03E | 8   |    |    |    |    |    | L 1 | L 2 |    |    |     |     |    |    |    |    |    | 0      |
| 02N | 03E | 18  |    | X  |    |    | X  |     |     |    |    | X   | X   |    |    |    |    |    | 0      |
|     |     |     |    |    |    |    |    |     |     |    |    |     |     |    |    |    |    |    | 0      |

**PLACE OF USE: INDUSTRIAL**

| Twp | Rng | Sec | NE |    |    |    | NW |     |     |    | SW |     |     |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|-----|-----|----|----|-----|-----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW  | SW  | SE | NE | NW  | SW  | SE | NE | NW | SW | SE |        |
| 02N | 03E | 6   |    |    |    |    |    |     |     |    | X  | X   | X   | X  | X  | X  | X  | X  |        |
| 02N | 03E | 7   | X  | X  | X  | X  | X  | X   | X   | X  |    | L 6 | L 7 |    | X  | X  | X  | X  | 0      |
| 02N | 03E | 8   |    |    |    |    |    | L 1 | L 2 |    |    |     |     |    |    |    |    |    | 0      |
| 02N | 03E | 18  |    | X  |    |    | X  |     |     |    |    | X   | X   |    |    |    |    |    | 0      |
|     |     |     |    |    |    |    |    |     |     |    |    |     |     |    |    |    |    |    | 0      |

Transfer No. 82710

**WATER RIGHT NO. 63-10208**  
**As Modified by Transfer No. 82710**

**CONDITIONS OF APPROVAL**

1. Rights 63-8992, 63-9029, 63-9357, 63-10208, 63-11293, and 63-31183 when combined shall not exceed a total diversion rate of 9.55 cfs, and a total annual maximum diversion volume of 4506.7 af.
2. The water right holder must comply with the measuring and reporting requirements of the Southeast Boise Ground Water Management Area and any management plan adopted by the director.
3. Domestic use is for restroom facilities.
4. Industrial use is for microchip manufacturing.
5. The point of diversion identified in this right is located within the boundaries of the Boise Front Low Temperature Geothermal Resource Groundwater Management Area. The well driller shall monitor water temperatures while drilling the well. If water with a temperature greater than 85 degrees Fahrenheit is encountered by the driller, drilling must immediately cease, and the Department must be notified. Drilling shall not resume until the Department has reviewed the drilling conditions, and established standards for construction with the driller.
6. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

**WATER RIGHT NO. 63-12420****As Modified by Transfer No. 82710**

In accordance with the approval of Transfer No. 82710, Water Right No. 63-12420 is now described as follows:

**Right Holder:** MICRON TECHNOLOGY INC  
PO BOX 6  
BOISE, ID 83706

**Priority Date:** 6/6/1997

**Source:** BOISE RIVER

**Tributary:** SNAKE RIVER

| <b>BENEFICIAL USE</b> | <b>From</b> | <b>To</b> | <b>Diversion Rate</b> | <b>Diversion Volume</b> |
|-----------------------|-------------|-----------|-----------------------|-------------------------|
| GROUND WATER RECHARGE | 01/01       | to 12/31  | 3.340 cfs             | 162.0 af                |
| INDUSTRIAL            | 01/01       | to 12/31  | 5.000 cfs             | 240.0 af                |
|                       |             |           | 5.000 cfs             | 402.0 af                |

**LOCATION OF POINT(S) OF DIVERSION**

BOISE RIVER L6 (NWNE) Sec 4 Twp 02N Rge 03E ADA County

**PLACE OF USE: GROUND WATER RECHARGE**

| Twp | Rng | Sec | NE |    |    |    | NW |     |     |    | SW |     |     |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|-----|-----|----|----|-----|-----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW  | SW  | SE | NE | NW  | SW  | SE | NE | NW | SW | SE |        |
| 02N | 03E | 6   |    |    |    |    |    |     |     |    | X  | X   | X   | X  | X  | X  | X  | X  |        |
|     |     |     |    |    |    |    |    |     |     |    |    | L 6 | L 7 |    |    |    |    |    | 0      |
| 02N | 03E | 7   | X  | X  | X  | X  | X  | X   | X   | X  | X  |     |     | X  | X  | X  | X  | X  |        |
|     |     |     |    |    |    |    |    | L 1 | L 2 |    |    |     |     |    |    |    |    |    | 0      |
| 02N | 03E | 8   |    |    |    |    |    |     | X   |    |    | X   | X   |    |    |    |    |    | 0      |
| 02N | 03E | 18  |    | X  |    |    | X  |     |     |    |    |     |     |    |    |    |    |    | 0      |
|     |     |     |    |    |    |    |    |     |     |    |    |     |     |    |    |    |    |    | 0      |

**PLACE OF USE: INDUSTRIAL**

| Twp | Rng | Sec | NE |    |    |    | NW |     |     |    | SW |     |     |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|-----|-----|----|----|-----|-----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW  | SW  | SE | NE | NW  | SW  | SE | NE | NW | SW | SE |        |
| 02N | 03E | 6   |    |    |    |    |    |     |     |    | X  | X   | X   | X  | X  | X  | X  | X  |        |
|     |     |     |    |    |    |    |    |     |     |    |    | L 6 | L 7 |    |    |    |    |    | 0      |
| 02N | 03E | 7   | X  | X  | X  | X  | X  | X   | X   | X  | X  |     |     | X  | X  | X  | X  | X  |        |
|     |     |     |    |    |    |    |    | L 1 | L 2 |    |    |     |     |    |    |    |    |    | 0      |
| 02N | 03E | 8   |    |    |    |    |    |     | X   |    |    | X   | X   |    |    |    |    |    | 0      |
| 02N | 03E | 18  |    | X  |    |    | X  |     |     |    |    |     |     |    |    |    |    |    | 0      |
|     |     |     |    |    |    |    |    |     |     |    |    |     |     |    |    |    |    |    | 0      |

**WATER RIGHT NO. 63-12420**  
**As Modified by Transfer No. 82710**

**CONDITIONS OF APPROVAL**

1. 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).
2. 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. 63.
3. This right does not grant any right-of-way or easement across the land of another.
4. If measured or calculated Boise River flows at the point of diversion are less than 240 cfs during the period beginning June 16 and ending February 29, water shall not be diverted pursuant to this right. If measured or calculated Boise River flows at the point of diversion are less than 1,100 cfs during the period beginning March 1 and ending May 31, water shall not be diverted pursuant to this water right. Measured or calculated Boise River flows at the point of diversion shall be based on gauged Lucky Peak Dam discharge minus the gauged diversion of the New York Canal.
5. 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.
6. 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.
7. The right holder shall exercise this right only when authorized by the District 63 watermaster when the Boise River is on flood release below Lucky Peak dam/outlet. Flood releases shall be determined based upon the Memorandum of Agreement between the Department of Army and the Department of Interior for Flood Control Operations of Boise River Reservoirs, dated November 20, 1953, contracts with Reclamation contract holders in the Boise River Reservoirs, the Water Control Manual for Boise River Reservoirs, dated April 1985, and any modifications adopted pursuant to the procedures required in these documents and federal laws. The right holder shall not seek, directly or indirectly, any change to the flood control operations of the 1985 Water Control Manual for Boise River reservoirs. This water right may not be used to divert water released from storage to augment lower Snake River flows during the migration of Snake River salmon as authorized under Idaho law, or for any purpose of use authorized under the water rights for Lucky Peak Reservoir.
8. Industrial use is for computer chip production.
9. This right is subject to all prior water rights, including those water rights for power purposes that may otherwise be subordinated by contract entered into by the governor and Idaho Power Company on October 25, 1984, and ratified by the legislature pursuant to section 42-203B, Idaho Code.

**WATER RIGHT NO. 63-12420**  
**As Modified by Transfer No. 82710**

**CONDITIONS OF APPROVAL**

10. When ordered by the Director, the right holder shall provide mitigation acceptable to the Director to offset depletion of lower Snake River flows needed for migrating anadromous fish. The amount of water required for mitigation, which is to be released into the Snake River or a tributary for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this right. Any order of the Director issued in accordance with this paragraph shall be in conformance with applicable rules allowing the right holder due process as the need for mitigation and the amount of mitigation are determined.
11. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

**WATER RIGHT NO. 63-31183****As Modified by Transfer No. 82710**

In accordance with the approval of Transfer No. 82710, Water Right No. 63-31183 is now described as follows:

**Right Holder:** MICRON TECHNOLOGY INC  
PO BOX 6  
BOISE, ID 83706

**Priority Date:** 1/24/2001

**Source:** GROUND WATER

**BENEFICIAL USE**

INDUSTRIAL  
IRRIGATION

**From**

01/01  
03/01

**To**

to 12/31  
to 11/15

**Diversion Rate**

9.130 cfs  
0.800 cfs  
9.130 cfs

**LOCATION OF POINT(S) OF DIVERSION**

|              |           |       |                 |            |
|--------------|-----------|-------|-----------------|------------|
| GROUND WATER | SESW      | Sec 6 | Twp 02N Rge 03E | ADA County |
| GROUND WATER | SWNE      | Sec 7 | Twp 02N Rge 03E | ADA County |
| GROUND WATER | L2 (SWNW) | Sec 7 | Twp 02N Rge 03E | ADA County |
| GROUND WATER | SWSE      | Sec 7 | Twp 02N Rge 03E | ADA County |
| GROUND WATER | NESW      | Sec 7 | Twp 02N Rge 03E | ADA County |
| GROUND WATER | SWNW      | Sec 8 | Twp 02N Rge 03E | ADA County |

**PLACE OF USE: INDUSTRIAL**

| Twp | Rng | Sec | NE |    |    |    | NW |     |     |    | SW |     |     |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|-----|-----|----|----|-----|-----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW  | SW  | SE | NE | NW  | SW  | SE | NE | NW | SW | SE |        |
| 02N | 03E | 6   |    |    |    |    |    |     |     |    | X  | X   | X   | X  | X  | X  | X  | X  |        |
|     |     |     |    |    |    |    |    |     |     |    |    | L 6 | L 7 |    |    |    |    |    | 0      |
| 02N | 03E | 7   | X  | X  | X  | X  | X  | X   | X   | X  | X  |     |     | X  | X  | X  | X  | X  |        |
|     |     |     |    |    |    |    |    | L 1 | L 2 |    |    |     |     |    |    |    |    |    | 0      |
| 02N | 03E | 8   |    |    |    |    |    |     | X   |    |    | X   | X   |    |    |    |    |    | 0      |
| 02N | 03E | 18  |    | X  |    |    | X  |     |     |    |    |     |     |    |    |    |    |    | 0      |
|     |     |     |    |    |    |    |    |     |     |    |    |     |     |    |    |    |    |    | 0      |

**PLACE OF USE: IRRIGATION**

| Twp | Rng | Sec | NE   |      |      |      | NW   |      |      |      | SW   |      |      |      | SE   |      |      |      | Totals |
|-----|-----|-----|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|--------|
|     |     |     | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   |        |
| 02N | 03E | 6   |      |      |      |      |      |      |      |      | 40.0 | 33.0 | 21.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 294.0  |
|     |     |     |      |      |      |      |      |      |      |      |      | L 6  | L 7  |      |      |      |      |      |        |
| 02N | 03E | 7   | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 28.0 | 2.0  | 35.0 | 22.0 |      |      | 9.0  | 40.0 | 40.0 | 40.0 | 40.0 | 456.0  |
|     |     |     |      |      |      |      |      | L 1  | L 2  |      |      |      |      |      |      |      |      |      |        |
| 02N | 03E | 8   |      |      |      |      |      |      | 40.0 |      |      | 40.0 | 40.0 |      |      |      |      |      | 120.0  |
| 02N | 03E | 18  |      | 35.0 |      |      | 1.0  |      |      |      |      |      |      |      |      |      |      |      | 36.0   |

Right Acre Limit: 39.8

POU Total Acres: 906.0

Transfer No. 82710

**WATER RIGHT NO. 63-31183**

**As Modified by Transfer No. 82710**

**CONDITIONS OF APPROVAL**

1. Industrial use under this right shall not exceed a total annual maximum diversion volume of 3200 af.
2. Irrigation use under rights 63-8992, 63-10221, and 63-31183 when combined shall not exceed a total annual maximum diversion volume of 450 af at the field headgate, and the irrigation of 100 acres.
3. Rights 63-8992, 63-9029, 63-9357, 63-10208, 63-11293, and 63-31183 when combined shall not exceed a total diversion rate of 9.55 cfs, and a total annual maximum diversion volume of 4506.7 af.
4. This right when combined with all other rights for irrigation purposes shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 179 af at the field headgate for the irrigation place of use.
5. This right when combined with all other rights shall provide no more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
6. The water right holder must comply with the measuring and reporting requirements of the Southeast Boise Groundwater Management Area (SEBGWMA) and any management plan adopted by the director.
7. Water diverted from the points of diversion for this right shall be considered water authorized for withdrawal under other existing water rights to their full extent, as deliverable, unless otherwise requested by the water right holder.
8. In the event of water right curtailments in the SEBGWMA, out-of-priority diversions may be allowed under this right to the extent that (1) the diversions under this right are mitigated by groundwater recharge activities, and (2) diversions under this right do not injure senior water rights through direct well interference.
9. When mitigation is required, the entire volume of water injected by the right holder into the SEBGWMA aquifer for ground water recharge pursuant to right 63-12420 or pursuant to diversions of storage water, up to the total amounts authorized by this right, can be diverted from the aquifer under this right during the calendar year it is injected. Water not diverted during the year it is injected can be carried over for future withdrawal and beneficial use associated with this right. The volume authorized for withdrawal will be reduced by 10% each calendar year following the first calendar year the water is injected.
10. The right holder shall make full beneficial use of all surface water available to the right holder for irrigation of lands within the authorized place of use for this right. The right holder may divert ground water under this right to irrigate land with appurtenant surface water rights when the surface water supply is not reasonably sufficient to irrigate the place of use for this water right or is not available due to drought, curtailment by priority, or the seasonal startup and shutoff or maintenance schedule for canal company deliveries. The right holder shall not divert ground water for irrigation purposes under this right if use of the surface water supply is intentionally discontinued or reduced (for example abandoned, forfeited, sold, disallowed by court decree, or leased to the Water Supply Bank), or is not deliverable due to non-payment of annual assessments, without an approved transfer pursuant to Idaho Code § 42-222 or other Department approval.

**WATER RIGHT NO. 63-31183**

**As Modified by Transfer No. 82710**

**CONDITIONS OF APPROVAL**

11. The point of diversion identified in this right is located within the boundaries of the Boise Front Low Temperature Geothermal Resource Groundwater Management Area. The well driller shall monitor water temperatures while drilling the well. If water with a temperature greater than 85 degrees Fahrenheit is encountered by the driller, drilling must immediately cease, and the Department must be notified. Drilling shall not resume until the Department has reviewed the drilling conditions, and established standards for construction with the driller.
12. Industrial use is for semiconductor and related manufacturing.
13. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
14. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
15. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

**WATER RIGHT NO. 63-11293****As Modified by Transfer No. 82710**

In accordance with the approval of Transfer No. 82710, Water Right No. 63-11293 is now described as follows:

**Right Holder:** MICRON TECHNOLOGY INC  
PO BOX 6  
BOISE, ID 83706

**Priority Date:** 4/19/1990

**Source:** GROUND WATER

| <b><u>BENEFICIAL USE</u></b> | <b><u>From</u></b> | <b><u>To</u></b> | <b><u>Diversion Rate</u></b> | <b><u>Diversion Volume</u></b> |
|------------------------------|--------------------|------------------|------------------------------|--------------------------------|
| INDUSTRIAL                   | 1/01               | to 12/31         | 2.250 cfs                    | 1628.9 af                      |
|                              |                    |                  | 2.250 cfs                    | 1628.9 af                      |

**LOCATION OF POINT(S) OF DIVERSION**

|              |           |       |                 |            |
|--------------|-----------|-------|-----------------|------------|
| GROUND WATER | SESW      | Sec 6 | Twp 02N Rge 03E | ADA County |
| GROUND WATER | SWNE      | Sec 7 | Twp 02N Rge 03E | ADA County |
| GROUND WATER | L2 (SWNW) | Sec 7 | Twp 02N Rge 03E | ADA County |
| GROUND WATER | SWSE      | Sec 7 | Twp 02N Rge 03E | ADA County |
| GROUND WATER | NESW      | Sec 7 | Twp 02N Rge 03E | ADA County |
| GROUND WATER | SWNW      | Sec 8 | Twp 02N Rge 03E | ADA County |

**PLACE OF USE: INDUSTRIAL**

| Twp | Rng | Sec | NE |    |    |    | NW |     |     |    | SW |     |     |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|-----|-----|----|----|-----|-----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW  | SW  | SE | NE | NW  | SW  | SE | NE | NW | SW | SE |        |
| 02N | 03E | 6   |    |    |    |    |    |     |     |    | X  | X   | X   | X  | X  | X  | X  | X  | 0      |
|     |     |     |    |    |    |    |    |     |     |    |    | L 6 | L 7 |    |    |    |    |    |        |
| 02N | 03E | 7   | X  | X  | X  | X  | X  | X   | X   | X  | X  |     |     | X  | X  | X  | X  | X  | 0      |
|     |     |     |    |    |    |    |    | L 1 | L 2 |    |    |     |     |    |    |    |    |    |        |
| 02N | 03E | 8   |    |    |    |    |    |     | X   |    |    | X   | X   |    |    |    |    |    | 0      |
|     |     |     |    |    |    |    |    |     |     |    |    |     |     |    |    |    |    |    |        |
| 02N | 03E | 18  |    | X  |    |    | X  |     |     |    |    |     |     |    |    |    |    |    | 0      |
|     |     |     |    |    |    |    |    |     |     |    |    |     |     |    |    |    |    |    | 0      |

**CONDITIONS OF APPROVAL**

1. Rights 63-8992, 63-9029, 63-9357, 63-10208, 63-11293, and 63-31183 when combined shall not exceed a total diversion rate of 9.55 cfs, and a total annual maximum diversion volume of 4506.7 af.
2. The water right holder must comply with the measuring and reporting requirements of the Southeast Boise Ground Water Management Area and any management plan adopted by the director.
3. Industrial use is for microchip manufacturing.

Transfer No. 82710

**WATER RIGHT NO. 63-11293**

**As Modified by Transfer No. 82710**

**CONDITIONS OF APPROVAL**

4. The point of diversion identified in this right is located within the boundaries of the Boise Front Low Temperature Geothermal Resource Groundwater Management Area. The well driller shall monitor water temperatures while drilling the well. If water with a temperature greater than 85 degrees Fahrenheit is encountered by the driller, drilling must immediately cease, and the Department must be notified. Drilling shall not resume until the Department has reviewed the drilling conditions, and established standards for construction with the driller.
5. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

State of Idaho  
Department of Water Resources

## Attachment to Water Right Transfer 82710

63-8992, 63-9029, 63-9357, 63--10208, 63-11293, 63-12420 and 63-31183

This map depicts the INDUSTRIAL and IRRIGATION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



- Ground Water POD
- Irrigation POU
- Industrial POU
- Townships
- PLS Sections
- Quarter Quarters

0 0.25 0.5 1 Miles





**State of Idaho**

**DEPARTMENT OF WATER RESOURCES**

Western Region • 2735 W AIRPORT WAY • BOISE, ID 83705-5082

Phone: (208)334-2190 • Fax: (208)334-2348 • Website: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

Brad Little  
Governor

Gary Spackman  
Director

March 26, 2021

MICRON TECHNOLOGY INC  
PO BOX 6  
BOISE ID 83706

RE: Transfer No: 82710  
Water Right No(s): 63-8992, 63-9029, 63-9357, 63-10208, 63-11293, 63-12420,  
63-31183

**Amended Transfer Approval Notice**

Dear Water Right Holder(s) and other Interested Persons:

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) 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 by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action 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 Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

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. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208) 334-2190.

Sincerely,

  
DENISE LAUERMAN

 Nick Miller  
Western Regional Manager

Enclosure

CC:

SPF WATER ENGINEERING LLC  
C/O LORI GRAVES  
300 E MALLARD DR STE 350  
BOISE ID 83706-6660

## CERTIFICATE OF SERVICE

I hereby certify that on March 26, 2021 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the person(s) listed below:

Re: Transfer No.: 82710

Water Right No(s): 63-8992, 63-9029, 63-9357, 63-10208, 63-11293, 63-12420, 63-31183

MICRON TECHNOLOGY INC  
PO BOX 6  
BOISE ID 83706

SPF WATER ENGINEERING LLC  
C/O LORI GRAVES  
300 E MALLARD DR STE 350  
BOISE ID 83706-6660

A handwritten signature in blue ink, reading "Denise Lauerman", is written over a horizontal line.

Denise Lauerman  
Administrative Assistant

## **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.