

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**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
COMBINED TOTALS		14.550 cfs	N/A	100.0	906.0		N/A	N/A	N/A	N/A

Transfer No. 82710

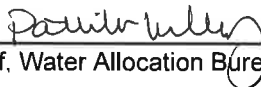
SUPPORT DATA
63-10208
IN FILE #

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 23rd day of March, 2021.

for, 
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

BENEFICIAL USE	From	To	Diversion Rate	Diversion Volume
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

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
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				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
02N	03E	7	40.0	40.0	40.0	40.0	40.0	28.0	2.0	35.0	22.0	L 6	L 7		9.0	40.0	40.0	40.0	456.0
02N	03E	8						L 1	L 2										120.0
02N	03E	18		35.0			1.0						40.0	40.0					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

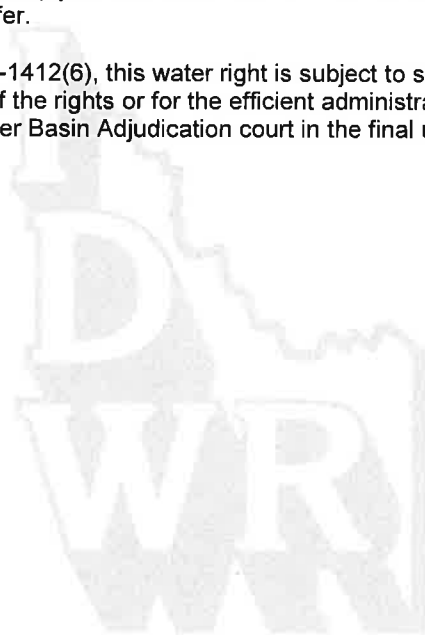
1. Rights 63-8992, 63-10221 and 63-31183 when combined shall not exceed a total irrigation of 100 acres.
2. Rights 63-8992, 63-9029, 63-9357, 63-10208, 63-11293, and 63-31183 when combined shall not exceed a total diversion rate of 9.55 cfs, and a total annual maximum diversion volume of 4506.7 af.
3. 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

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
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	
								L 1	L 2										0
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. 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

BENEFICIAL USE

FIRE PROTECTION
INDUSTRIAL

From

1/01
1/01

To

to 12/31
to 12/31

Diversion Rate

0.600 cfs
0.500 cfs
0.600 cfs

Diversion Volume

362.0 af
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	
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	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	
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	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

BENEFICIAL USE	From	To	Diversion Rate	Diversion Volume
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	
												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. 63-10208
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

BENEFICIAL USE

GROUND WATER RECHARGE
INDUSTRIAL

From

01/01
01/01

to 12/31
to 12/31

To**Diversion Rate**

3.340 cfs
5.000 cfs
5.000 cfs

Diversion Volume

162.0 af
240.0 af
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	
								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	
								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

	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
INDUSTRIAL	01/01	to 12/31	9.130 cfs
IRRIGATION	03/01	to 11/15	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						
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, identified as Micron well nos. 3 through 6, 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

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
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	
												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

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

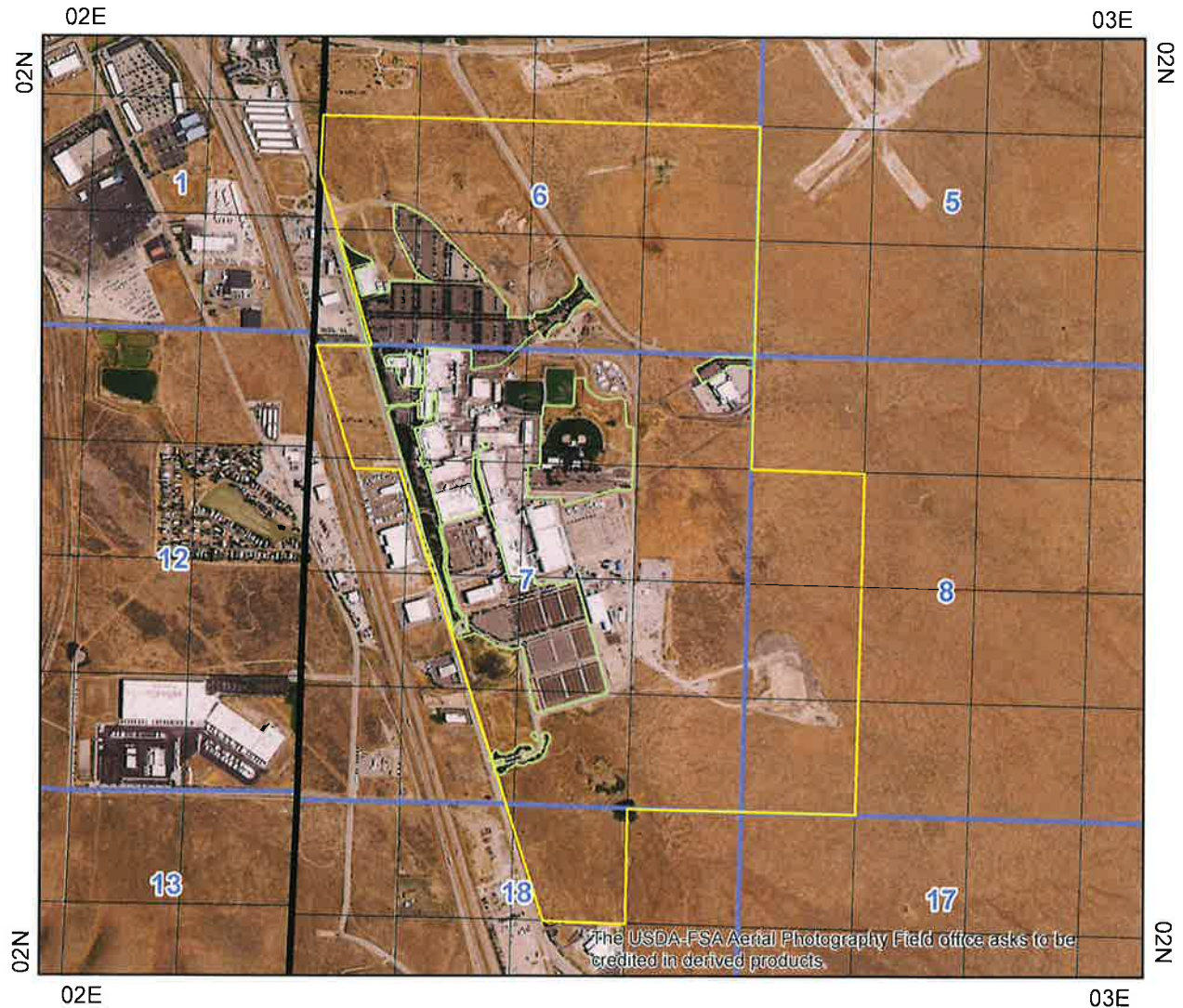
4. The point of diversion identified in this right is located within the boundaries of the Boise Front Low Temperature Geothermal Resource Groundwater Management Area. The well driller shall monitor water temperatures while drilling the well. If water with a temperature greater than 85 degrees Fahrenheit 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.



- 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

Brad Little
Governor

Gary Spackman
Director

March 23, 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

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

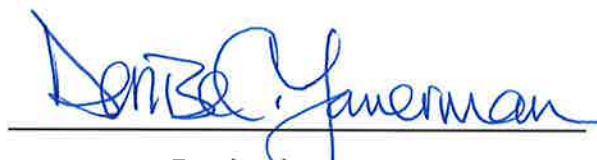
I hereby certify that on March 23, 2021 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the person(s) listed below:

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



Denise Lauerman
Administrative Assistant 1

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.

MEMORANDUM

TO: Transfer No. 82710
FROM: Patrick Kelly
DATE: 12/11/2020
RE: Evaluation of Application

The purpose of this transfer is to define a common place of use for all of Micron's (applicant) water rights to reflect an integrated system. Micron also proposes to add two new wells to the system.

The water right diversions and place of use is located at the Micron plant, located in SE Boise, at 8000 S Federal Way, Boise, ID 83707.

Contact person for the applicant is Lori Graves of SPF Water Engineering at lgraves@spfwater.com or 208-383-4140.

Deviations from Transfer Policy Standards

The original transfer proposed 8 POD descriptions of 6 wells for drilling flexibility. Because transfers do not involve field exams like a permit eventually does, the applicant was forced to identify specific locations to be drilled.

Summary of Information Submitted

Authority to File:

Micron Technology Inc is the current water right owner for all of the rights in the transfer. The transfer application was signed by Scott Gatzmeier, VP of R&D Operations. Micron provided a letter authorizing Mr. Gatzmeier to sign on behalf of the company.

Water Right Validity:

Collectively, the rights included in the application authorize the diversion of 14.55 cfs. Micron reports all of its diversions to the SE Boise Groundwater Management Area every year. The company has been in operation, using water for industrial and irrigation use within the current review period. Records show that they have not recently diverted the full amount authorized by the rights. However, it is reasonable to assume that they have achieved full beneficial use of their rights either by becoming more efficient in their business, or utilizing Boise River rights. The rights are presumed to be valid.

Injury to Other Water Rights:

There are two parts to the application. First, Micron proposes a common place of use for all of the uses on all rights included in the transfer. The change is meant to represent the fact that it is an integrated system and will likely not result in a physical change in the location where the water is being used. Therefore, no injury is anticipated from this change

The second change proposes to eliminate two wells and to drill two replacement wells. The plant is located in the SE Boise GWMA and the Bosie Front GWMA. The application does not propose any enlargement (below) so the water quantity concerns related to the GWMA's should not be a factor in the transfer approval.

None of the existing wells divert LTG water. In regards to the new wells to be constructed, the applicant proposes to measure bottom-hole temps at regular intervals during drilling. Condition 058 is being added as part of the approval.

The new wells are proposed to be more isolated from surrounding wells than the two being replaced. The only well not owned by Micron in the immediate vicinity diverts from a shallower aquifer. All this suggests injury is not a concern.

Enlargement of Use:

The transfer does not propose any changes to the rate, volume, or number of irrigated acres. On October 16, 2020, I sent Micron a letter requesting information related to enlargement. Specifically, I asked Micron to describe how the transfer will not increase the amount of beneficial use historically achieved under their water rights. Terry of SPF responded on November 16, 2020, stating that the use of the water has changed over time as the company and campus has transformed. It would be difficult to compare historical beneficial use with today's beneficial use. The department must rely that the amount authorized by the rights are not increasing or an improvement to the source is not occurring.

63-8992 and 63-9029 had the combined use limit of 6.09 cfs and 2074.2 af. This condition is being removed since the rate and volume limits were a sum of the rights. 63-31183 was licensed with a combined use limit that recognized all groundwater rights limited to 9.55 cfs and 4,506.7 af. This condition was added to all groundwater rights involved in the transfer. Irrigation rights were also combined at licensing of 63-31183 to recognize a total of 100 acres irrigated within the POU.

Local Public Interest:

Micron is a prominent company that helps support the local economy of Idaho. It is within the public interest that the company continues to do business in the valley and has water rights that match their industrial use.

Beneficial Use/Conservation of Water Resources:

The application proposes beneficial use consistent with conservation of water resources in Idaho.

The application is consistent with criteria of I. C. § 42-222 and should be processed.



RECEIVED

NOV 16 2020

**WATER RESOURCES
WESTERN REGION**

November 16, 2020

Patrick Kelly
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705

Subject: Response to Additional Information Request for Transfer 82710

Dear Patrick:

On behalf of Micron Technology, Inc, SPF Water Engineering (SPF) has prepared this letter to provide additional information in response to your letter dated October 16, 2020. Your letter asks for the following three things:

1. An explanation of why the change in place of use for industrial purposes is not an enlargement.
2. Identify the specific locations for the proposed two new wells rather than list four possible legal descriptions.
3. Identify the specific 100 acres proposed for irrigation within the 906-acre permissible place of use.

With regard to the first question of "Please demonstrate how the proposed change to the place of use will not enlarge the company's water rights", Micron's transfer application 87210 does not result in an increase in beneficial use under the industrial use of the water rights, even though the place of use has expanded. The total developed area of the Micron Boise site has expanded over time to meet changing needs within the campus. When the water rights proposed for transfer were developed, the site was the sole manufacturing site for the company's semiconductor products. Water use was intensive and the volume of products manufactured was significant. Since that time, manufacturing has largely moved to other locations within the US and overseas, with the Boise campus mission changing to product research and development (R&D), and to management and administrative activities. Thus, many of the buildings that were formerly utilized for industrial purposes are now utilized for administrative purposes with R&D activities assuming new construction space. The R&D activities continue to utilize the industrial water supply, but over a larger facility footprint. Diversion rates and volumes have not increased.

With regard to the specific well locations and specific 100 acres proposed for irrigation, please see the attached map. Please note that 50 of the specified 100 acres consist of landscape strips

within parking lots and adjacent to future buildings. These areas have been identified as 15% irrigated. The specific well locations are SWNW Section 8 and SWSE Section 7, T2N, R3E. GIS shape files of the well locations and irrigated lands can be provided on request.

Please contact me with any questions.

Sincerely,

Terry M. Scanlan

Terry M. Scanlan, P.E., P.G.
Principal Engineer/Hydrogeologist

Cc: Ann Dickey, Micron Technology Inc.

NOV 16 2020

100 acres identified for irrigation
(50 acres @ 100% + 335 acres @ 15% = 50 acres)



SPT WATER SOURCES
WESTERN REGION

300 East Mallard Drive, Suite 350
Boise, Idaho 83706
Tel (208) 383-4140 Fax (208) 383-4156

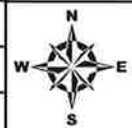
Transfer No. 82710
100-Acre Designation

Micron Technology, Inc.

DATE: 11/16/2020

CREATOR: Igraves

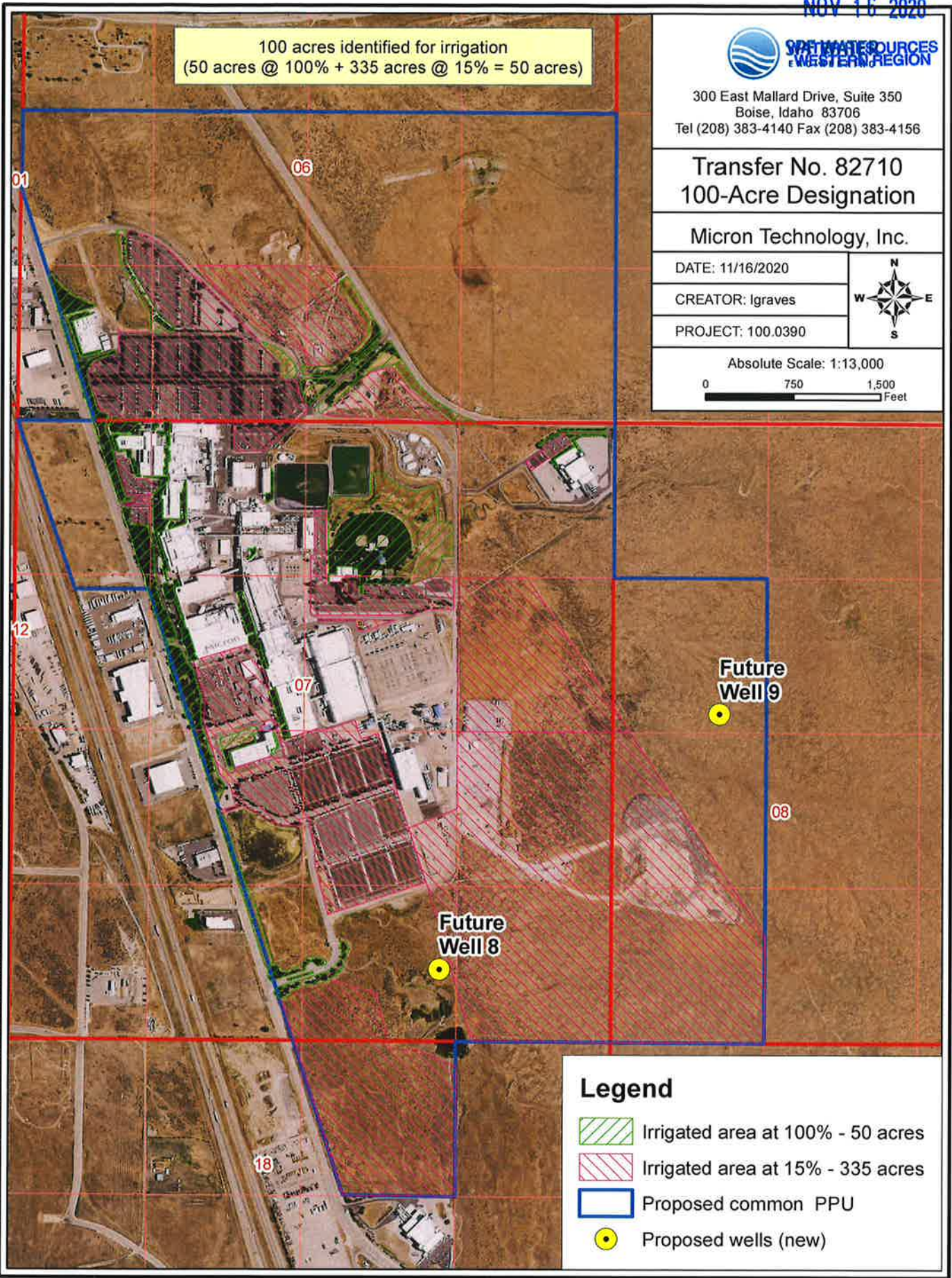
PROJECT: 100.0390



Absolute Scale: 1:13,000

0 750 1,500
Feet

Path: S:\PROJECTS\W thru R\Projects\W Projects\Micron_1000390 Water Right Consulting Services\PROJECT\GIS\Map_Projects\WFR 206 Map (8x11).mxd



Legend

- Irrigated area at 100% - 50 acres
- Irrigated area at 15% - 335 acres
- Proposed common PPU
- Proposed wells (new)



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: idwr.idaho.gov • Email: westerninfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

October 16, 2020

COPY

MICRON TECHNOLOGY INC
PO BOX 6
BOISE ID 83706

RE: Additional Information Request for Transfer 82710

Dear Applicant:

On September 13, 2018, Micron (company) filed Transfer Application No. 82710 ("application") to change the place of use and add points of diversion for the company's water rights. This letter requests additional information required to continue processing your application.

The transfer application proposes to change the places of use for seven water rights stating, "Applicant proposes a common place of use, including areas subject to future expansion, be listed on their water rights to reflect an integrated system." Transfer processing Administrative Memo No. 24 states for any application for transfer, the department must determine whether the proposed change will enlarge the use of water under the water rights. Enlargement will occur if the extent of beneficial use exceeds the amounts or beneficial use authorized or accomplished under the water rights prior to the proposed transfer. Please demonstrate how the proposed change to the places of use will not enlarge the company's water rights.

In regards to adding two points of diversion, the company requests four possible legal descriptions to drill two new wells. for the Department cannot approve a transfer application that lists multiple legal descriptions for a single authorized point of diversion. You must identify the specific location of each well to be drilled by forty-acre tract.

The transfer application also proposes to create a 906-acre permissible place of use with a 100-acre limit. If the transfer application is approved, the Department will include the following condition. Please submit a GIS shape or map of the specific 100 acres.

"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 are shown in the electronic shape file 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 906 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."

Please respond to each of the items identified in this letter within the next 30 days. You may seek additional time to provide the information by making a written request to interrupt processing for up to six months. The application may be rejected without a timely written reply within the next thirty (30)

days. Refunds are not issued for rejected applications. Please contact me at 208-334-2190 or by mail for more information. Thank you for your attention to these matters.

Respectfully,



Patrick Kelly

Water Rights Supervisor

208.334.2190 phone

patrick.kelly@idwr.idaho.gov

cc: Terry Scanlan, Representative via e-mail



RECEIVED

MAR 14 2019

WATER RESOURCES
WESTERN REGION

March 5, 2019

Mr. Cody Parker
Idaho Department of Water Resources
2735 W Airport Way
Boise, ID 83705-5082

RE: Delegation of Authority
Scott Gatzemeier - Vice President, R&D Operations

I, Naga Chandrasekaran, certify that Scott Gatzemeier is an officer of Micron Technology, Inc. and is authorized to sign documents necessary to maintain and obtain water rights administered by Idaho Department of Water Resources.

Name: Naga Chandrasekaran

Company: Micron Technology, Inc.

Title: Senior Vice President, Process R&D

Signature:



ATTORNEYS AND COUNSELORS

Hawley Troxell Ennis & Hawley LLP
877 Main Street, Suite 1000
P.O. Box 1617
Boise, Idaho 83701-1617
208.344.6000
www.hawleytroxell.com

DANA L. HOFSTETTER
MAIL: DHOFSTETTER@HAWLEYTROXELL.COM
DIRECT DIAL: 208-388-4867
DIRECT FAX: 208-954-4867

RECEIVED
FEB 27 2019
WATER RESOURCES
WESTERN REGION

February 25, 2018

VIA U.S. MAIL AND FACSIMILE (208-334-2348)

Director
c/o Nick Miller
Idaho Department of Water Resources
2735 Airport Way
Boise, Idaho 83705-5082

Re: *Applications for Permit No. 63-34615 and Transfer No. 82710*

Dear Mr. Miller:

On behalf of Edwards Family LLC, I hereby submit the following comments in lieu of formal Protests regarding Applications for Permit No. 63-34615 and Transfer No. 82710 (the "Applications"). The Applications propose diversions from ground water within the boundaries of the Boise Front Low Temperature Geothermal Resource Ground Water Management Area. If the Applications are approved, they should be conditioned to prevent the diversion of geothermal water and to assure that only cold water is diverted and to require monitoring to assure no geothermal water is diverted.

Please contact me if you have any further questions or need further information. Thank you.

Sincerely,

HAWLEY TROXELL ENNIS & HAWLEY LLP

Dana L. Hofstetter

DH:tas
cc: Micron Technology Inc.
SPF Water Engineering

LEGAL PROOF OF PUBLICATION

Account #	Ad Number	Identification	PO	Amount	Cols	Lines
263978	0004068373	The following applications have been filed to appr	legal notices	\$555.28	2	183

Attention: Anna Kaiser

IDAHO DEPT OF WATER RESOURCES / WEST
2735 AIRPORT WAY
BOISE, ID 837055082

The following applications have been filed to appropriate the public waters of the State of Idaho:

63-34601
RICHARD & ODETTE MASKELL FAMILY TRUST
4336 N STAR VISTA LN
EAGLE, ID 83616
Point of Diversion NENE S33 T05N R01E ADA County Source
GROUND WATER
Use: DOMESTIC 01/01 to 12/31 0.04 CFS
Use: IRRIGATION 03/01 to 11/15 0.15 CFS
Use: STOCKWATER 01/01 to 12/31 0.02 CFS
Total Diversion: 0.21 CFS
Date Filed: 8/16/2018
Place Of Use: DOMESTIC, IRRIGATION, STOCKWATER
T05N R01E S33 NENE
Total Acres: 5
Domestic use is for one home in Lot 7 Block 1 of Starview Estates Subdivision.
Water bearing zone to be appropriated is from 200 to 400 feet.

63-34602
RICHARD & ODETTE MASKELL FAMILY TRUST
4336 N STAR VISTA LN
EAGLE, ID 83616
Point of Diversion NENE S33 T05N R01E ADA County Source
GROUND WATER
Use: DOMESTIC 01/01 to 12/31 0.04 CFS
Use: IRRIGATION 03/01 to 11/15 0.15 CFS
Use: STOCKWATER 01/01 to 12/31 0.02 CFS
Total Diversion: 0.21 CFS
Date Filed: 8/16/2018
Place Of Use: STOCKWATER, DOMESTIC, IRRIGATION
T05N R01E S33 NENE
Total Acres: 5
Domestic use is for 1 home in Lot 6 Block 1 of Starview Estates Subdivision.
Water bearing zone to be appropriated is from 200 to 400 feet.

63-34628
KNIFE RIVER
5450 W GOWEN RD
BOISE, ID 83709
Point of Diversion L7(SESE) S27 T02N R03E ADA County Source
GROUND WATER
Use: COMMERCIAL 01/01 to 12/31 0.33 CFS
Total Diversion: 0.33 CFS
Date Filed: 10/23/2018
Place Of Use: COMMERCIAL
T02N R03E S27 L3(NESE) NWSE L6(SWSE) L7(SESE)
Water bearing zone to be appropriated is from 500 to 1000 feet.

63-34648
ROSELANDS 345 LLC
1950 S CHANNEL WAY
EAGLE, ID 83616
Point of Diversion SESE S31 T05N R01W ADA County Source
GROUND WATER
Point of Diversion SWSW S32 T05N R01W ADA County Source
GROUND WATER
Use: IRRIGATION 03/01 to 11/15 1.11 CFS
Total Diversion: 1.11 CFS
Date Filed: 12/12/2018
Place Of Use: IRRIGATION
T05N R01W S31 SESE
T05N R01W S32 NWSW SWSW
Total Acres: 84
Water bearing zone to be appropriated is from 200 to 1,000 feet.

63-34614
MICRON TECHNOLOGY INC
PO BOX 6
BOISE, ID 83706
Point of Diversion L8(NWNE) S4 T02N R03E ADA County Source
BOISE RIVER Tributary SNAKE RIVER
Use: GROUND WATER RECHARGE 01/01 to 12/31 12 CFS
Use: INDUSTRIAL 01/01 to 12/31 5 CFS
Total Diversion: 12 CFS
Date Filed: 9/13/2018
Place Of Use: INDUSTRIAL, GROUND WATER RECHARGE
T02N R03E S6 NESW L6(NWSW) L7(SWSW) SESW NESE
NWSE SWSW SESE
T02N R03E S7 NENE NWNE SWNE SENE NENW L1(NWNW)
L2(SWNW) SENW NESW SESW NESE NWSE SWSW SESE
T02N R03E S8 SWNW NWSW SWSW
T02N R03E S18 NWNE

VICTORIA RODELA, being duly sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein, and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto: that said notice was published in The Idaho Statesman, in conformity with Section 60-108, Idaho Code, as amended, for:

2 Insertions

Beginning issue of: 02/07/2019

Ending issue of: 02/14/2019

[Signature]

(Legals Clerk)

STATE OF IDAHO)

.SS

COUNTY OF ADA)

On this 14th day of February in the year of 2019 before me, a Notary Public, personally appeared before me Victoria Rodela known or identified to me to be the person whose name subscribed to the within instrument, and being by first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

[Signature]



Ground water recharge is to mitigate effects of ground water diversions under associated water right application no. 63-34615.

63-34615

MICRON TECHNOLOGY INC

PO BOX 6

BOISE, ID 83706

Point of Diversion NWSW S8 T02N R03E ADA County Source

GROUND WATER

Point of Diversion SWNE S7 T02N R03E ADA County Source

GROUND WATER

Point of Diversion L2(SWNW) S7 T02N R03E ADA County Source

GROUND WATER

Point of Diversion L3(NESW) S7 T02N R03E ADA County Source

GROUND WATER

Point of Diversion SWSE S7 T02N R03E ADA County Source

GROUND WATER

Point of Diversion SESE S7 T02N R03E ADA County Source

GROUND WATER

Point of Diversion SESW S6 T02N R03E ADA County Source

GROUND WATER

Point of Diversion SWNW S8 T02N R03E ADA County Source

GROUND WATER

Use: INDUSTRIAL 01/01 to 12/31 10 CFS

Total Diversion: 10 CFS

Date Filed: 9/13/2018

Place Of Use: INDUSTRIAL

T02N R03E S6 NESW L6(NWSW) L7(SWSW) SESW NESE

NWSE SWSE SESE

T02N R03E S7 NENE NWNE SWNE SENE NENW L1(NWNW)

L2(SWNW) SENW NESW SESW NESE NWSE SWSE SESE

T02N R03E S8 SWNW NWSW SWSW

T02N R03E S18 NWNE

Water bearing zone to be appropriated is from 600 to 1200 feet.

Mitigation is proposed for consumptive use.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 82710

MICRON TECHNOLOGY INC, PO BOX 6, BOISE, ID 83706; has filed Application No. 82710 for changes to the following water rights within ADA County(s): Right No(s). 63-10208, 63-11293, 63-12420, 63-31183, 63-8992, 63-9029, 63-9357; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx.

The purpose of the transfer is to change a portion of the above rights as follows: The purpose of this transfer is to define a common place of use for all of the water rights included to reflect an integrated system. The applicant also proposes to update the points of diversion for all ground water rights in the transfer to reflect 4 current wells and two proposed wells. Water will be used at the Micron facility just east of Interstate 84 and south of Highway 21, approximately 7.3 miles southeast of downtown Boise.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 81844

CITY OF KUNA, PO BOX 13, KUNA, ID 83634-0013; has filed Application No. 81844 for changes to the following water rights within ADA County(s): Right No(s). 63-3266, 63-8215, 63-11970, 63-12394, 63-12552, 63-31481; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx. The transfer proposes to add the existing wells as points of diversion to all of the City of Kuna's municipal water rights. This will allow the City to divert water as authorized by these six rights from all the wells tied in to the municipal water system. Two additional wells are proposed to be drilled on either one or two of the following 3 quarter-quarter sections: SWNW and SENW of section 22 T02N R01E, and SESW of section 15 T02N R01E. To clarify, it is possible that both wells may be drilled in the same quarter-quarter section, or that one well will be drilled on each of two of the listed quarter-quarter sections.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Western Region office at 208-334-2190; or for a full description of the right(s) or proposed transfer (s) please see www.idwr.idaho.gov. Protests may be submitted based on the criteria of Idaho Code §§ 42-203A and 42-222. Any protest against the approval of the application(s) must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705 together with a protest fee of \$25.00 for each application on or before 02/25/2019. The protestant must also send a copy of the protest to the applicant. GARY SPACKMAN, Director Published on 2/7/2019 and 2/14/2019

✓ OK AK
2/25/2019

✓ OK AK
2/25/19

✓ OK AK
2/25/19

000406837301