

State of Idaho
Department of Water Resources
Permit to Appropriate Water
No. 65-23851

Priority: September 23, 2019

Maximum Diversion Rate: 0.08 CFS

This is to certify that

IDAHO POWER COMPANY
PO BOX 70
BOISE ID 83707-0070

has applied for a permit to appropriate water from:

Source : GROUND WATER

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

Beneficial Use

IRRIGATION

Period of Use

04/15 to 10/31

Rate of Diversion

0.08 CFS

Location of Point(s) of Diversion

GROUND WATER SW¼ SW¼, Sec. 3, Twp 17N, Rge 03E, B.M. VALLEY County

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	
17N	03E	3											2.5						2.5

Total Acres: 2.5

Conditions of Approval

1. Proof of application of water to beneficial use shall be submitted on or before **June 01, 2025**.
2. Subject to all prior water rights.
3. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the place of use.
4. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
5. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows if needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary, if needed for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.
6. Point of diversion is located within Lot 1 TCO - 43-01-020-1227, McMaster Subdivision.

State of Idaho
Department of Water Resources
Permit to Appropriate Water
No. 65-23851

7. Place of use is located within Lot 1 TCO - 43-01-020-1227, McMaster Subdivision.

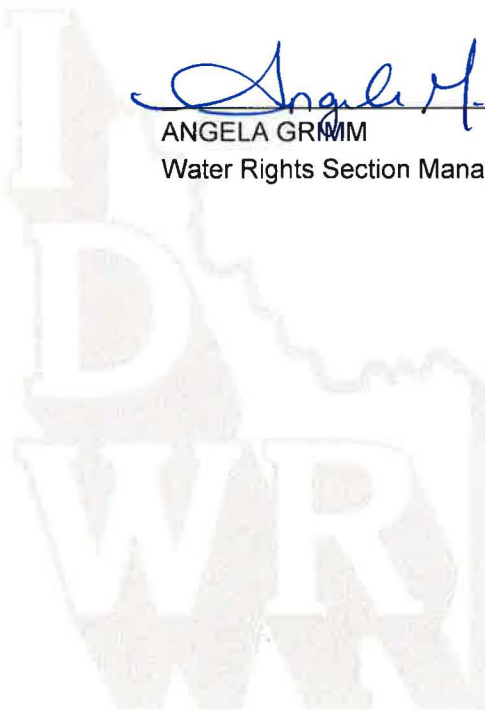
This permit is issued pursuant to the provisions of Idaho Code § 42-204.

Signed this 4th day of JUNE, 20 20.



ANGELA GRIMM






Water Rights Section Manager

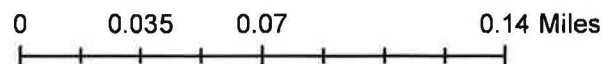


This map depicts the IRRIGATION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.

17N



-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters





State of Idaho

DEPARTMENT OF WATER RESOURCES

322 E FRONT ST STE 648 PO BOX 83720 • BOISE, ID 83720-0098

Phone: (208)287-4800 • Fax: (208)287-6700 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

June 04, 2020

IDAHO POWER COMPANY
PO BOX 70
BOISE ID 83707-0070

RE: Permit No. 65-23851

Permit Approval Notice

Dear Permit Holder(s):

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

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

The final step in the water right process is issuance of a water right license. To receive a water right license, you must first commence the excavation or construction of your diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is complete. In addition, you must divert and use water to the full extent intended and submit a *Statement of Completion for Submitting Proof of Beneficial Use* by the date shown in condition no. 1 of your permit. The Department will send you a *Proof Due Notice* approximately 60 days prior to the date listed in condition no. 1 of your permit.

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

Also, please note that permit holders are required to report any change of 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. Forms to assign ownership or update your address are available from any office of the Department or on the Department's website.

If you have any questions concerning the enclosed information, please contact me at (208) 287-4951.

Sincerely,

A handwritten signature in black ink, appearing to read "Angela Grimm", written in a cursive style.

Angela Grimm
Water Rights Section Manager

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on June 05, 2020, I served a true and correct copy of Permit to Appropriate Water No. 65-23851 by U.S. Mail, postage prepaid, to the following:

IDAHO POWER COMPANY (Current Owner)
PO BOX 70
BOISE ID 83707-0070

KRESTA DAVIS BUTTS (Representative)
C/O IDAHO POWER
PO BOX 70
BOISE ID 83707-0070

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



Jean Hersley
Technical Records Specialist 2

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.

Storms, Scott

From: Davis-Butts, Kresta <KDavis-Butts@idahopower.com>
Sent: Thursday, January 16, 2020 8:46 AM
To: Storms, Scott
Subject: RE: Water Right Permit Application 65-23851

Good morning, Scott,

I appreciate your questions, as they are similar to the questions that we posed internally prior to submitting the water right permit application for the additional groundwater.

Although Idaho Power does own shares in the Lake Irrigation District, we do not currently have the infrastructure in place to deliver these shares to the company's Long Valley Operation Center property. If the infrastructure were in place however, delivery for irrigation purposes could be met by the company's shares of Lake Irrigation District.

That said, a secondary concern was that that minimum level of water delivery from the irrigation district might far exceed the amount necessary for the amount of irrigation needed for the property. Nearly all of the trees and shrubs on site are irrigated with bubblers or drip systems to conserve water. All of the lawn areas are irrigated on timers to maximize efficiency. Delivery of water from the irrigation district requires a 24-hour notice and shut offs can occur anywhere from 24 to 48 hours after notice is given. Short of building a sizeable holding pond, we were concerned that much of the water delivered by the irrigation district would likely be wasted to a drain ditch and not utilized on the property.

Please let me know if you have any additional questions.

Best Regards,

Kresta

Kresta Davis-Butts

RESOURCE PLANNING AND OPERATIONS HYDROLOGY SENIOR MANAGER

Idaho Power | Resource Planning and Operations
208-388-2602

Email kdavisbutts@idahopower.com

From: Storms, Scott <Scott.Storms@idwr.idaho.gov>
Sent: Friday, January 3, 2020 3:11 PM
To: Davis-Butts, Kresta <KDavis-Butts@idahopower.com>
Subject: [EXTERNAL]Water Right Permit Application 65-23851

KEEP IDAHO POWER SECURE! External emails may request information or contain malicious links or attachments. Verify the sender before proceeding, and check for additional warning messages below.

Hello Kresta,

I am working on the final processing for the application for permit 65-23851 submitted by Idaho Power for irrigation around the Long Valley Operation Center, and I just had a question about the shares in Lake Irrigation District mentioned on the application. Section 10 of the application includes a statement that *"Idaho Power also has shares in the Lake Irrigation District that are not currently being delivered to the property"*. Are those shares not in use by Idaho Power's decision or are there other factors preventing their use? Also, if the lack of delivery of the shares to the property is beyond Idaho Power's control but delivery was restored, would the water be used for irrigation on the property? Basically I'm just trying to get a better feel for how the shares are or could potentially be used on the property.

Thank you for your time,

Scott

Scott Storms
Senior Water Resource Agent
Idaho Department of Water Resources
208-287-4915
Scott.Storms@idwr.idaho.gov

IDAHO POWER LEGAL DISCLAIMER

This transmission may contain information that is privileged, confidential and/or exempt from disclosure under applicable law. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or use of the information contained herein (including any reliance thereon) is STRICTLY PROHIBITED. If you received this transmission in error, please immediately contact the sender and destroy the material in its entirety, whether in electronic or hard copy format. Thank you.

RECEIVED

NOV 11 2019

DEPARTMENT OF
WATER RESOURCES

Publisher's Affidavit of Publication

STATE OF IDAHO }
 }.SS

County of Valley

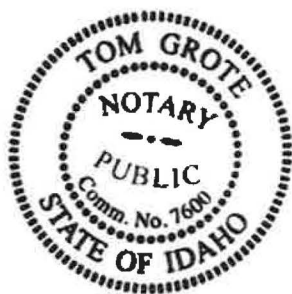
I, Tricia Warren, being duly sworn and say, I am the office manager of The Star-News, a weekly newspaper published at McCall, in the County of Valley, State of Idaho; that said newspaper is in general circulation in the county of afore said and is a legal newspaper; that the PUBLIC NOTICE, a copy of which is enclosed hereto and is a part hereof, was published in said newspaper once a week for a period of two weeks in the regular and entire issue of every number there of during the period of time of publication, and was published in the newspaper proper and not in a supplement; and that publication of such notice began November 7, 2019 and ended November 14, 2019.

Tricia Warren

Subscribed and sworn before me this the 14th day of November, 2019.

STATE OF IDAHO
COUNTY OF VALLEY }

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



Tom Grote

Tom Grote
Notary Public for Idaho
Residing at McCall, Idaho
Commission Expires 1/19/2024

STATE OF IDAHO DEPARTMENT OF WATER RESOURCES

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

65-23851
IDAHO POWER CO
PO BOX 70
BOISE, ID 83707-0070
Point of Diversion SWSW S3 T17N
R03E VALLEY County
Source GROUND WATER
Use: IRRIGATION
04/15 to 10/31
0.08 CFS
Total Diversion:
0.08 CFS
Date Filed: 9/16/2019
Place Of Use: IRRIGATION
T17N R03E S3 SWSW
Total Acres: 2.5

Permits will be subject to all prior water rights. For additional information concerning the property location, contact the State office at (208) 287-4800; or for a full description of the right(s), please see <https://idwr.idaho.gov/apps/ExtSearch/WRA-applicationResults/>. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, State Office, 322 E Front St, PO Box 83720, Boise, ID 83720 together with a protest fee of \$25.00 for each application on or before 11/25/2019. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN,
Director
2tc11/14

gmh
12-11-19