

MEMORANDUM

Date: July 13, 2017
To: Water Right File 37-7842
From: Michele Edl *ME*
Re: subordination condition

Permit 37-7842 contains the following condition subordinating it to "all prior rights" including privately owned hydropower generation rights on the Snake River:

This water right shall be secondary to all prior water rights including rights held by any privately owned electrical generating company to appropriate waters in the reaches of the Snake River downstream from the Milner diversion for purposes of hydroelectric power generation.

On April 11, 2006, Idaho Power Company, owner of privately held power generation facilities on the Snake River, and the State of Idaho, owner of the permit, signed a stipulation which clarifies the subordination of Permit 37-7842. The stipulation specifically lists Water Right Permit 37-7842 (and sibling Permit 01-7054) as being subject to the Swan Falls Agreement and recognizes that Idaho Power Company's Snake River water rights are subordinated to these two water rights.

Therefore, the permit condition cited in the paragraph above will not be included on the water right license.

As with all licenses, the following "subject to all prior rights" language is included above the signature block:

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



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