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APR 14 2017

DEPARTMENT OF
WATER RESOURCES

STATE OF IDAHO

OFFICE OF THE ATTORNEY GENERAL

LAWRENCE G. WASDEN

April 14, 2017

Mr. Shelley Keen
Idaho Department of Water Resources
PO Box 83720
Boise, ID 83720-0098

Re: Licensing of Water Right Permit 37-07842

Dear Mr. Keen,

Please find attached a Memorandum of Intent ("MOI") between the Idaho Water Resource Board ("IWRB") and the United States Bureau of Land Management ("BLM"). The purpose of the MOI is to demonstrate, for purposes of licensing water right permit 37-07842, that the IWRB is seeking permission from BLM for right(s)-of-way for portions of the proposed licensed place of use that cross BLM land. The BLM has agreed that water right permit 37-07842 may proceed to licensing under the terms of the MOI. The IWRB requests that this Memorandums of Intent be placed in the backfile for water right 37-07842 and that the water right proceed to licensing. Originals will be held in the IWRB and BLM files.

Sincerely,

A handwritten signature in black ink, appearing to read "Ann Vonde".

ANN VONDE

Deputy Attorney General

AV/mb
Attachment
cc: Fred Price

Natural Resources Division
P.O. Box 83720, Boise, Idaho 83720-0010
Telephone: (208) 334-2400, FAX: (208) 854-8072
Located at 700 W. State Street
Joe R. Williams Building, 2nd Floor



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DEPT OF WATER RESOURCES

**MEMORANDUM OF INTENT
REGARDING ISSUANCE OF LICENSE 37-07842**

Idaho Water Resource Board ("IWRB") holds permit no. 37-07842 for recharge from the Big Wood River. The Idaho Department of Water Resources ("Department") is ready to issue a license for permit no. 37-07842. The licensing place of use includes some portions of United States Bureau of Land Management ("BLM") federal lands. The BLM was not a protestant to permit no. 37-07842 and there is no administrative proceeding currently pending regarding the licensing of this permit.

The IWRB recognizes that a portion of the place of use proposed for licensing is on BLM land. The IWRB further recognizes that no right(s)-of-way for recharge or recharge conveyance exist for federal lands listed in the licensed place of use. The IWRB agrees to file with BLM application(s) for right(s)-of-way across federal lands for recharge and recharge conveyance that include, at a minimum, the federal lands described in the licensed place of use. The BLM agrees that water right permit no. 37-07842 may proceed to licensing while the application(s) for right(s)-of-way are pending; provided that no water under the license may be used on federal lands until authorized in writing by the BLM Authorized Officer. No representation is made hereby as to the legal necessity for right(s)-of-way across federal land for recharge and recharge conveyance under the license; nor is there any guarantee or promise implied or inferred that right(s)-of-way will ultimately be granted.

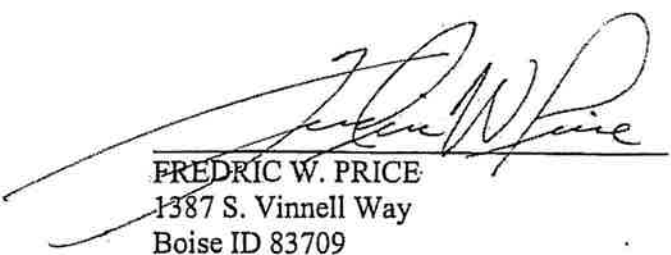
The IWRB and BLM further agree that the following conditions may be placed on the

license:

- A. This right does not grant any right-of-way or easement across the land of another.
- B. Prior to diversion and use of water under this approval, the right holder shall obtain Bureau of Land Management authorization necessary to access the point of diversion or place of use or to convey water across federal land.
- C. Places of use for groundwater recharge describing federal public lands within the canals and discharges outside of the canals onto federal public land are not authorized, unless specifically authorized in writing by the United States.

The IWRB and BLM agree the Department may proceed with licensing permit no. 37-07842 according with this agreement.

For the UNITED STATES BUREAU OF LAND MANAGEMENT



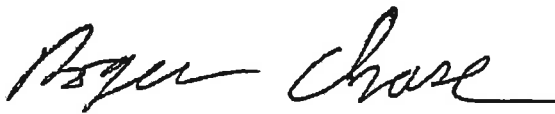
FREDRIC W. PRICE
1387 S. Vinnell Way
Boise ID 83709

Date: 04-05-2017

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For the IDAHO WATER RESOURCE BOARD



Roger Chase, Chairman IWRB

Date: 4/14/17

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