

State of Idaho
 Department of Water Resources
Permit to Appropriate Water

NO. 63-34038

Priority: June 26, 2015

Maximum Diversion Rate: 4.00 CFS

This is to certify, that J R SIMPLOT CO
 PO BOX 27
 BOISE ID 83707

has applied for a permit to appropriate water from:

Source: GROUND WATER

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	03/01 to 11/15	3.20 CFS
INDUSTRIAL	01/01 to 12/31	4.00 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	L6 (NW1/4SW1/4)	Sec. 6,	Twp 01N,	Rge 02E, B.M.	ADA County
GROUND WATER	L6 (NW1/4SW1/4)	Sec. 6,	Twp 01N,	Rge 02E, B.M.	ADA County
GROUND WATER	SW1/4SE1/4	Sec. 11,	Twp 01N,	Rge 01E, B.M.	ADA County
GROUND WATER	SE1/4SE1/4	Sec. 11,	Twp 01N,	Rge 01E, B.M.	ADA County
GROUND WATER	L7 (SW1/4SW1/4)	Sec. 6,	Twp 01N,	Rge 02E, B.M.	ADA County
GROUND WATER	L7 (SW1/4SW1/4)	Sec. 6,	Twp 01N,	Rge 02E, B.M.	ADA County
GROUND WATER	SW1/4NW1/4	Sec. 12,	Twp 01N,	Rge 01E, B.M.	ADA County
GROUND WATER	SE1/4NW1/4	Sec. 12,	Twp 01N,	Rge 01E, B.M.	ADA County
GROUND WATER	NW1/4NE1/4	Sec. 13,	Twp 01N,	Rge 01E, B.M.	ADA County
GROUND WATER	NW1/4NW1/4	Sec. 13,	Twp 01N,	Rge 01E, B.M.	ADA County
GROUND WATER	NE1/4SE1/4	Sec. 13,	Twp 01N,	Rge 01E, B.M.	ADA County
GROUND WATER	NE1/4NE1/4	Sec. 14,	Twp 01N,	Rge 01E, B.M.	ADA County
GROUND WATER	NW1/4NE1/4	Sec. 14,	Twp 01N,	Rge 01E, B.M.	ADA County
GROUND WATER	SW1/4NE1/4	Sec. 14,	Twp 01N,	Rge 01E, B.M.	ADA County
GROUND WATER	SE1/4NE1/4	Sec. 14,	Twp 01N,	Rge 01E, B.M.	ADA County
GROUND WATER	NE1/4SE1/4	Sec. 14,	Twp 01N,	Rge 01E, B.M.	ADA County
GROUND WATER	NW1/4SE1/4	Sec. 14,	Twp 01N,	Rge 01E, B.M.	ADA County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	01E	14									40.0	40.0	40.0	40.0					160.0

Total Acres: 160

State of Idaho
 Department of Water Resources

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PLACE OF USE: INDUSTRIAL

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	01E	11															X	X	
01N	01E	12					X	X	X	X	X	X	X	X		X	X	X	
01N	01E	13	X	X	X	X	X	X							X				
01N	01E	14	X	X	X	X					X	X	X	X	X	X			
01N	02E	6										X	X						
												L6	L7						

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **November 01, 2020**.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which the permit holder had no control.
4. Each point of diversion (well) authorized for this right shall include a measuring device or other suitable method to allow measurement of the static water level in the well. Water level measurements shall be made monthly throughout the year from the beginning of the diversion and use of water in connection with this right until notified by the Department. The records shall be made available to the Department upon request.
5. The right holder shall install or construct a straight length of conduit or ditch suitable for installation of a device for measuring the entire flow of water being diverted in connection with this right. If the right holder uses conduit, the straight length of conduit shall be at least fifteen times the diameter of the conduit and shall be above ground or otherwise easily accessible.
6. The right holder shall install a measuring device acceptable to the Department at each point of diversion authorized under this right. The measuring device shall be capable of displaying diversion flow rate and totalized volume measurement. The right holder shall record the flow rate and volume measurements monthly for any calendar year in which water is diverted and used in connection with this right until notified by the Department. The records shall be made available to the Department upon request.
7. Diversion and use of water with a temperature greater than 85 degrees Fahrenheit is not authorized under this right.
8. If the Department determines based on credible evidence, measurement reports, area data or otherwise that diversion and use of ground water under this right is causing material injury to any senior water right(s), the Department may order the diversion reduced, the diversion curtailed, or the right holder to provide adequate mitigation to remedy the injury.
9. Prior to submitting proof of beneficial use, the right holder shall not assign ownership of the permit to another individual, corporation, partnership, or association without prior approval of the Department.

State of Idaho
Department of Water Resources

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10. Proof of beneficial use may not be submitted until one month prior to the deadline to submit proof of beneficial use set forth in these conditions; provided, however, if less than four (4) years of ground water monitoring data have been collected while beneficial use authorized under this permit has occurred, then an extension of time for up to five additional years shall be requested by the permit holder. The permit holder shall submit a report from a qualified professional engineer, hydrologist, or hydrogeologist summarizing hydrogeologic data collected to fulfill the conditions of approval of this permit. Submittal of a proof of beneficial use statement without the required data and report will not be accepted by the Department and may result in lapse of the permit.
11. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
12. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
13. 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.
14. Failure of the right holder to comply with any condition of approval is cause for the Director to cancel this permit.

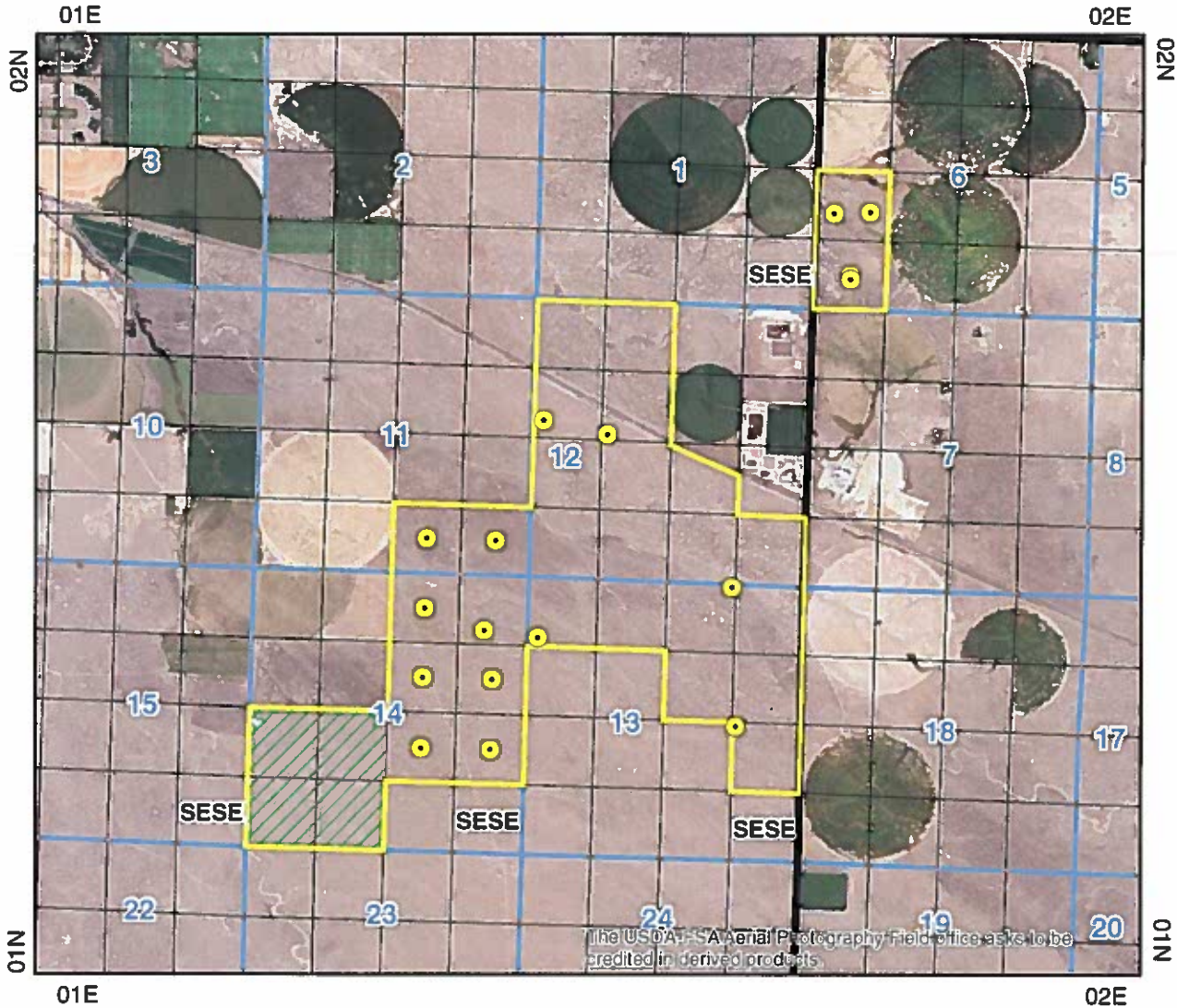
This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 26th day of October, 2015.








for GARY SPACKMAN, Director

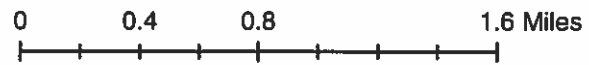
Attachment to Permit to Appropriate Water

63-34038

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



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





State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

October 27, 2015

J R SIMPLOT CO
PO BOX 27
BOISE ID 83707

RE: Permit No.63-34038

Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit 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 a party 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.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this water right permit were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Ground Water Protection Section located here at this office or our regional office nearest you.

Also, 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,

 Rachel Neely for:

Nick Miller
Western Region Manager

Enclosure(s)

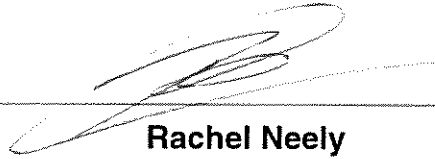
CERTIFICATE OF SERVICE

I hereby certify that on October 27, 2015 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO.

63-34038

**J R SIMPLOT CO
PO BOX 27
BOISE ID 83707**

A handwritten signature in black ink, appearing to read 'Rachel Neely', is written over a horizontal line.

**Rachel Neely
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.

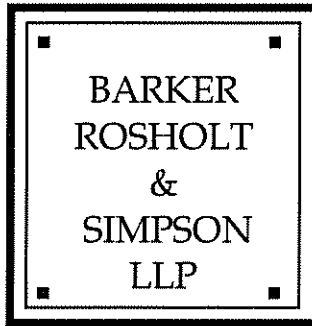
APPEAL OF FINAL ORDER TO DISTRICT COURT

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.

ALBERT P. BARKER
JOHN A. ROSHOLT
JOHN K. SIMPSON
TRAVIS L. THOMPSON
SHELLEY M. DAVIS
PAUL L. ARRINGTON
SCOTT A. MAGNUSON



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Twin Falls, ID 83301-3029
(208) 733-0700 telephone
(208) 735-2444 facsimile

John K. Simpson
jks@idahowaters.com

September 8, 2015

RECEIVED
SEP 10 2015
WATER RESOURCES
WESTERN REGION

Nick Miller
Idaho Department of Water Resources
Western Regional Office
2735 Airport Way
Boise, ID 83705-5082

Re: Application for Permit No. 63-34038, J. R. Simplot Company

Dear Mr. Miller,

On behalf of Idaho Power Company, please find the attached comments concerning the above referenced application for permit.

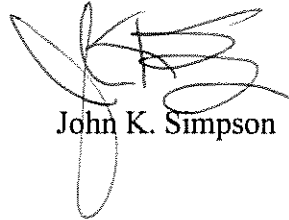
Idaho Power Company continues to review new applications for water rights in the vicinity to Swan Falls dam to ensure that such applications which propose to divert water tributary to the Snake River above Swan Falls are appropriately recognized and reviewed in accordance with the 1984 Swan Falls Settlement. The proposed application, while outside of the trustwater area as defined in the **attached State document**, may be tributary to the Snake River above Swan Falls dam. Idaho Power believes that it continues to be the State's responsibility to manage water use to ensure that the terms of the Settlement are recognized and that new appropriations do not impair the existing uses inside the trustwater area.

While Idaho Power does not formally protest application no. 63-34038, should the hydrology exist or be developed in the future which further defines the extent of the impact of this application on flows above Swan Falls dam, the Director should retain jurisdiction to either condition the application appropriately or insert a placeholder for further action. Should the tributary hydrology be recognized, the application should be conditioned to require the right holder to provide mitigation necessary to offset the use of water pursuant to this permit, if needed, to ensure flows do not violate the terms of the Settlement. Otherwise, the Director should administer this use in a manner similar to trustwater applications.

Nick Miller
IDWR, Western Region
September 8, 2015
Page 2

Thank you for your consideration on this matter. Please contact me if you have any questions.

Very truly yours,
BARKER ROSHOLT & SIMPSON LLP



John K. Simpson

JKS/jlw
Encl.

cc: Vic Conrad, J.R. Simplot Company (with encl.)

RECEIVED

SEP 10 2015

WATER RESOURCES
WESTERN REGION

Overview of the Swan Falls Settlement

Brief History:

The Swan Falls Settlement resolved an ongoing controversy over how to balance water uses for agriculture and water needs for hydropower generation in the Snake River Basin. In the late 1970s, a group of Idaho Power Company's ratepayers initiated a lawsuit against the Company, contending that it had failed to adequately protect its water rights for hydropower generation at the Swan Falls Dam. As a result of the Company's alleged failure to protect junior water uses upstream from Swan Falls Dam, the ratepayers claimed, the Company had less water for power generation, resulting in higher electricity rates for its customers. Idaho Power Company, in its initial response, maintained that all of its water rights for hydropower generation were subordinated as a result of the subordination condition on its rights at the Hells Canyon Complex. The Idaho Supreme Court, however, decided the issue in favor of the ratepayers, holding that the subordination at Hells Canyon did not extend upstream to the Swan Falls water rights.

Following the decision, Idaho Power Company initiated a lawsuit against the holders of approximately 7,500 water rights upstream from its Swan Falls facility, seeking curtailment of those rights based on their junior priority relative to the Company's hydropower rights. Given the catastrophic consequences that such curtailment would have had on agriculture in southern Idaho, the State, through the Governor and the Attorney General, entered into negotiations with Idaho Power Company to resolve the litigation.

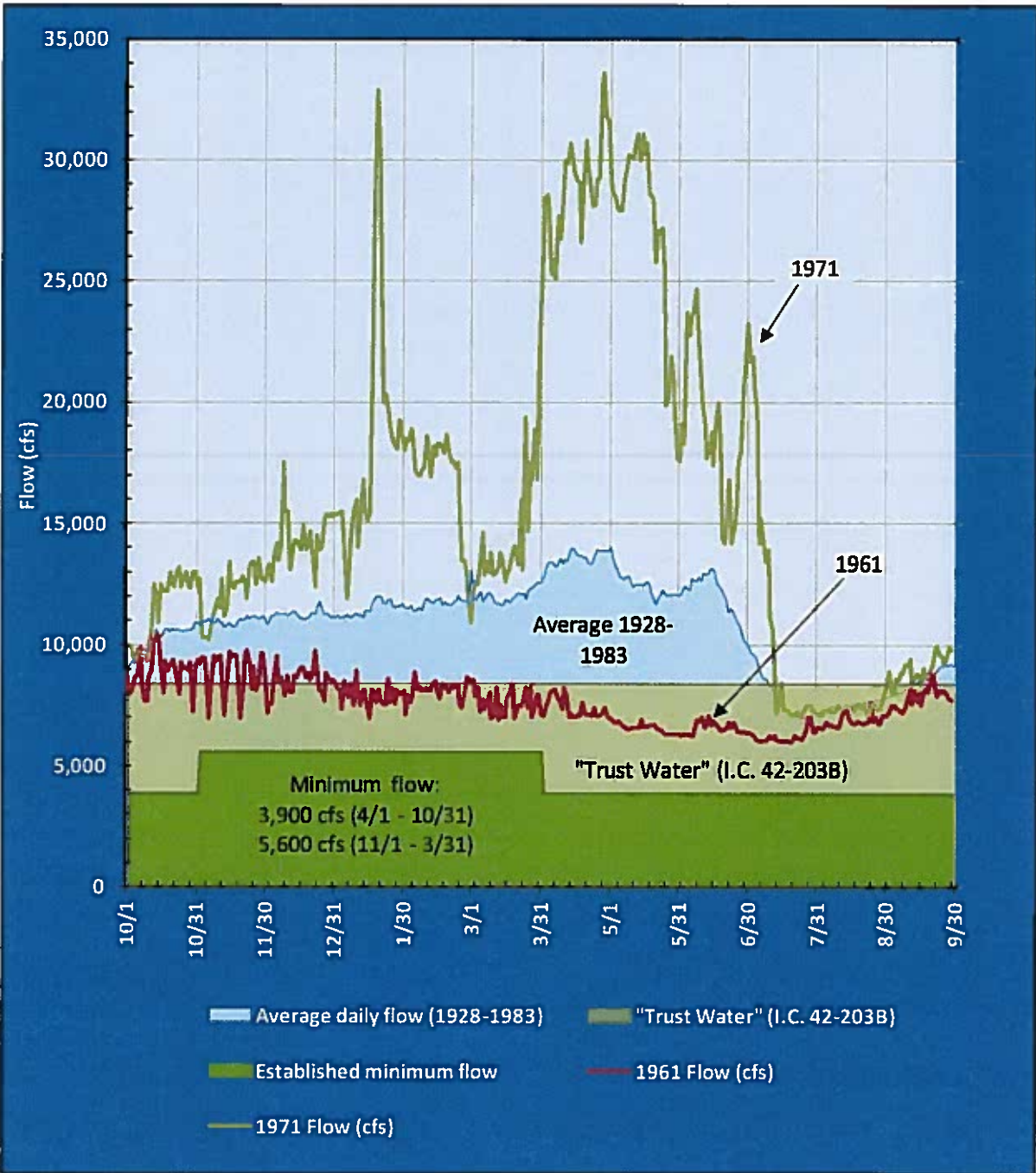
The State's primary interests were to protect existing water uses, and to ensure that the State would control the allocation of water between hydropower and other uses. The interest of the Idaho Power Company was to maintain adequate water levels in the Snake River for hydropower generation at its Swan Falls facility. The minimum stream flow right held by the State at the Murphy Gage (located approximately 4 miles downstream of the Swan Falls facility) was for 3,300 cfs at the time of the negotiations, while Idaho Power Company's hydropower rights were for 8,400 cfs at the Swan Falls facility. An effort was launched to determine the actual historic low flow in the river, in a way that accounted for all existing upstream water uses. The low flow was estimated to have been approximately 4,500 cfs, providing the parties with a context for negotiations about how to maximize the benefit of the State's water resources for both existing agricultural and hydropower interests, as well as for future water development.

The parties crafted a settlement in 1984 with the following key features:

1. Idaho Power Company agreed to subordinate its water rights at Swan Falls and 10 other hydropower facilities to all upstream water uses in existence at the time of the agreement.¹
2. The State agreed to increase the minimum stream flow rights at Murphy Gage by 600 cfs in the summer months and 2,300 cfs in the winter. The result was a minimum stream flow of 3,900 cfs from March to November, and a 5600 cfs minimum stream flow for the rest of the year. This provided the Company with some assurance that the State would work to preserve the water levels in the Snake River on the basis of its own right.
3. Idaho Power Company agreed to not contest the State's authority to place the Company's hydropower water rights in excess of the minimum flow in a State controlled trust. The trust resolved a conflict between the State and Idaho Power Company about how to ensure that water would be available for future development. The State sought immediate subordination of Idaho Power's rights to future uses down to the new minimum stream flows, while Idaho Power preferred to leave those rights unsubordinated until new uses were approved. This impasse was resolved by legislation that placed the Company's water rights for flows in excess of the minimum stream flows in a State administered trust. Through this trust, Idaho gained control over the hydropower water rights and could thereby, as a matter of state law, subordinate the hydropower water rights to future water rights granted in accordance with state law. These future water rights licensed by IDWR, became known as "Trust Water Rights."

Trust water is that flow of the Snake River that is greater than the Murphy minimum flow but less than the decreed water rights at each of the Idaho Power Company's facilities. As shown on the attached graph, for example, trust water at the Murphy Gage is that flow of the Snake River in excess of the Murphy minimum flow but less than 8,400 cfs, the total of the decreed water rights for the Swan Falls facility.

¹ The subordination also included those water rights for which substantial investment was made pursuant to a valid application or permit by the target date, even if actual use had not yet occurred.



4. The parties reaffirmed that the flow at Milner Dam may be reduced to zero, and that for purposes of the administration of surface and groundwater rights tributary to the Snake River below Milner Dam, no water above Milner is to be considered.

Frequent Questions:

1. What is “Trust Water”?

- a. The term “Trust Water” is a misnomer. The trust consists of water rights, not actual water. Trust Water is a shorthand term referring to flows above the minimum stream flow at the Murphy Gage, which were originally appropriated under water rights for hydropower generation.

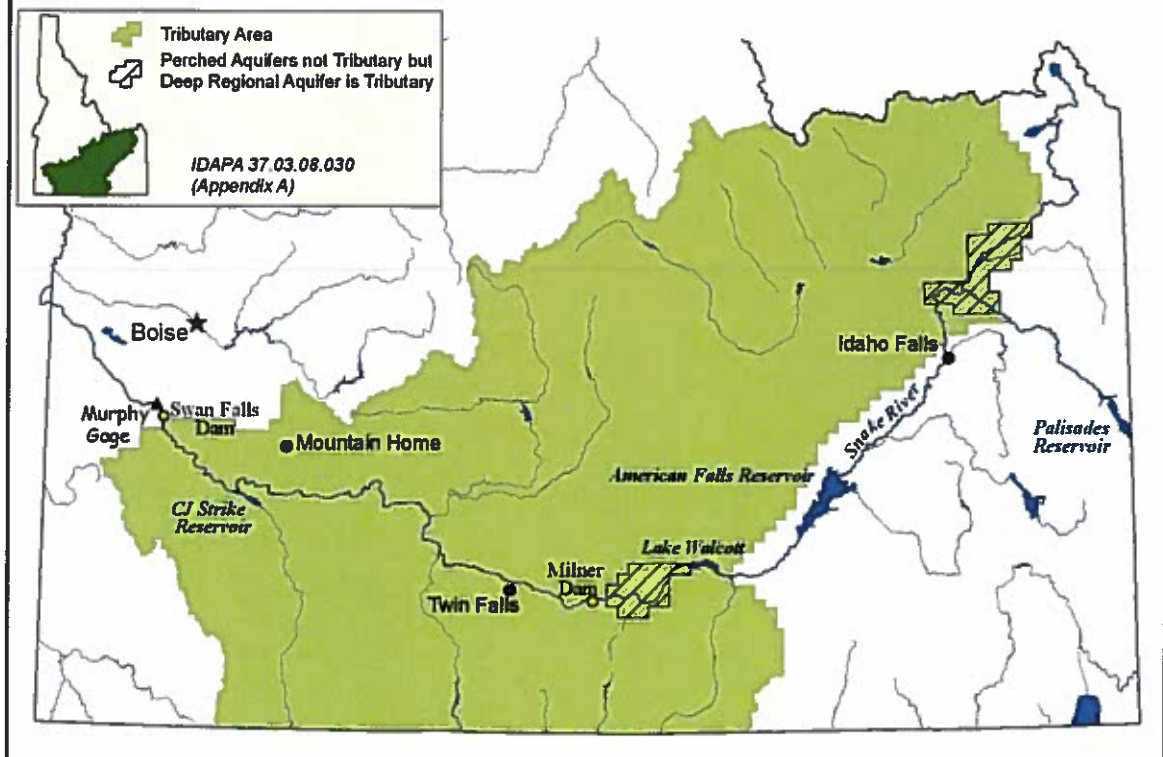
2. What is a “Trust Water right”?

- a. Trust Water rights are surface and ground water rights in the Trust Water Area for which actual use occurred after October 25, 1984, that divert water previously appropriated under the hydropower rights held in trust by the State (these rights were already subordinate to existing uses). These rights may be curtailed if the water level in the Snake River drops below the minimum stream flows of 3,900/5,600 cfs at the Murphy Gage. Because trust water rights authorize the diversion of water that was first appropriated under Idaho Power Company’s Swan Falls hydropower rights, they are likewise subordinated to the water uses that existed at the time of the Swan Falls Agreement. Some trust water rights were established with a 20 year term condition, which provides that Idaho Department of Water Resources (IDWR) can revisit those water rights after the term expires to determine whether the authorized use remains in the public interest as expressed in Idaho Code § 42-203C.

3. What is the “Trust Water Area”?

- a. The trust water area is pictured in the map below. It shows the area within which surface and ground water is deemed tributary to the Snake River between Milner Dam and the Swan Falls Dam for purposes of the Swan Falls Settlement. This trust water boundary is not a hydrologic boundary, but rather, permanently delineates the area that will be subject to administration under the Swan Falls trust.

Trust Water Area



4. What about enlargement and expansion water rights?

- a. Enlargement water rights are water rights issued pursuant to Idaho Code § 42-1426 for enlargements of the place of use of previously acquired water rights (so long as there is no increase to the rate of diversion). These enlargement water rights, despite having a priority date based on the date of enlargement, are subordinate to all water rights senior to April 12, 1994, including the Swan Falls hydropower water rights. Expansion water rights are water rights issued pursuant to Idaho Code § 42-1416B for expanded uses in critical ground water areas. Expansion water rights have a priority date of June 30, 1985. Both enlargement and expansion water rights are trust water rights, and may be

subject to curtailment if the minimum stream flows at Murphy gage drop below 3,900/5,600 cfs.

5. Does the trust water area include the Snake River and surface and groundwater tributary to the Snake River upstream from Milner dam?

- a. No. Pursuant to Idaho Code 42-203B, the Snake River and tributary surface water or ground water above Milner Dam is administered separately from the Snake River and tributary surface water or ground water below Milner Dam. That means that in the event that the minimum stream flows at the Murphy Gage are not met, uses of the waters of the Snake River or surface and ground water sources tributary to the Snake River above Milner Dam are not subject to curtailment based upon senior water rights downstream from Milner Dam.

6. What does zero minimum flow at Milner mean?

- a. The zero minimum stream flow at Milner Dam was adopted by the Idaho Water Resource Board in 1976 as a means of formalizing the management of the Snake River as “two rivers.” This policy provides for the optimum development of the surface and ground water resources tributary above Milner Dam, and protects water users above Milner Dam from administration stemming from surface and ground water uses from sources tributary to the Snake River below Milner Dam.²

7. What would happen if the Snake River drops below the 3,900/5,600 cfs Murphy minimum stream flow?

- a. In the event that the water level of the Snake River drops below the minimum stream flows at Murphy Gage, upstream trust water rights (water rights in the trust water area with priority junior to 10/25/1984³) are subject to curtailment. The sufficiency of the flows at Murphy Gage is determined by the “actual flow conditions”⁴ at the gage.

² See Idaho Code 42-203B(2).

³ There are some exceptions to this characterization, notably, water rights where actual use was determined to have begun prior to 10/25/1984, despite a more junior priority date. These rights have been identified in SRBA proceedings.

⁴ “Actual flow conditions” means the flow measured at the Murphy Gage after adjustments to account for any fluctuations resulting from the operation of Idaho Power Company’s hydropower facilities. Acquisitions of water
02/27/12

8. Are water rights with a priority date earlier than October 25, 1984 subject to curtailment if the flow of the Snake River falls below the Murphy minimum stream flow?

- a. No. Water rights with a priority date senior to October 25, 1984 are not subject to curtailment by either the State's 1985 minimum stream flow rights or hydropower water rights, unless it is expressly noted on the face of the water right. In the event, however, that actual flow conditions in the Snake River drop below 3,300 cfs, water rights junior to the State's 1976 Murphy minimum stream flow right are subject to curtailment.

9. If the actual flow conditions of the Snake River at the Murphy Gage fall below the minimum flow, are surface water rights below Milner Dam subject to curtailment before ground water rights?

- a. No. Surface water rights are not subject to curtailment before ground water rights. Surface and ground water rights are subject to curtailment on the basis of the prior appropriation doctrine as established by Idaho law and will be conjunctively administered.

10. What is the State doing to prevent actual flow conditions from dropping below the minimum stream flows?

- a. In the near-term, the Idaho Water Resource Board has acquired 5,000 acre-feet of storage space in Palisades Reservoir to be used to sustain the Murphy minimum stream flow in the event of a short-term drop in flows. In the long-term, IDWR, in conjunction with other entities, is actively developing a measurement protocol designed to provide accurate information about the flow in the Snake River. With more accurate data, and greater understanding of factors influencing the flow of the Snake River, comes greater ability to manage the Snake River flow at the Murphy Gage. This information will be used by the Idaho Water Resource Board in the implementation of the Eastern Snake Plain Aquifer Management Plan to provide strategies for stabilizing spring flow discharge from the aquifer and or managing other sources contributing to Snake River flow. Finally, the creation of water districts within the trust water area,

by the Company from above Milner dam are defined as a fluctuation resulting from the operation of Idaho Power Company's hydropower facilities, and therefore, are not counted in the calculation of the actual flow conditions.

and coordination between those districts, will aid IDWR in administering the resource to sustain the Murphy minimum flow.

11. Does flow augmentation water count toward the minimum flow for purposes of the Swan Falls Agreement?

- a. Flow augmentation water refers to water rented by the U.S. Bureau of Reclamation for use below Hells Canyon dam to supplement flows for salmon and steelhead listed under the Endangered Species Act. Flow augmentation water is not a fluctuation caused by Idaho Power Company operations, and therefore is included in determining the “actual flow conditions” at the Murphy Gage for purposes of the Swan Falls Settlement. The accounting for flow augmentation deliveries for flow augmentation to the Bureau is a separate matter that is governed by the 2004 Snake River Water Rights Agreement and the rental agreement with the Idaho Water Resource Board.

12. Why do some trust water rights have term limits?

- a. In implementing the Swan Falls Settlement, IDWR recognized the need to revisit allocations of Trust Water to ensure that, after a certain period, such rights remain in the public interest, as defined by criteria found in Idaho Code § 42-203C. As a result, many Trust Water rights were approved with a condition stating that they will be subject to review under the public interest criteria after a term of 20 years.

LEGAL PROOF OF PUBLICATION

Account #	Ad Number	Identification	PO	Amount	Cols	Lines
263978	0001906077	LEGAL NOTICE The following applications	Waters	\$327.12	2	105

Attention: RACHEL NEELY

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

LEGAL NOTICE

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

63-34076
STEVEN B WATERS
 PO BOX 190002
 BOISE, ID 83719
 Point of Diversion SESW S5 T02N R01E ADA County Source GROUND WATER
 Use: IRRIGATION 03/01 to 11/15 0.2 CFS
 Total Diversion: 0.2 CFS
 Date Filed: 5/5/2015
 Place of Use: IRRIGATION
 T02N R01E S5 SESW
 Total Acres: 10
 Water bearing zone to be appropriated is from 160 to 300 feet.

✓ OK RN 9/10/15

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AUG 31 2015

WATER RESOURCES
WESTERN REGION

63-34053
LAUREN E GINGERICH
ALEXANDER MC COY
 20601 S PLEASANT VALLEY RD
 KUNA, ID 83634
 Point of Diversion SESW SWSW S17 T01N R02E ADA County Source GROUND WATER
 Use: COMMERCIAL 01/01 to 12/31 0.02 CFS
 Use: DOMESTIC 01/01 to 12/31 0.08 CFS
 Use: STOCKWATER 01/01 to 12/31 0.19 CFS
 Total Diversion: 0.29 CFS
 Date Filed: 10/8/2014
 Place of Use: DOMESTIC
 T01N R02E S17 SESW
 Place of Use: STOCKWATER, COMMERCIAL
 T01N R02E S17 NESW SWSW SESW
 Water bearing zone to be appropriated is from 301 to 378 feet.

✓ OK RN 9/10/15

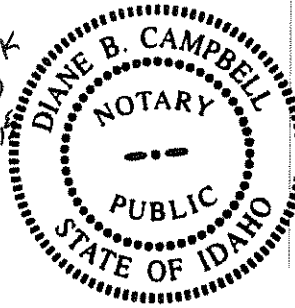
63-34038
J R SIMPLOT CO
 PO BOX 27
 BOISE, ID 83707
 (2)Points of Diversion L6(NWSW) S6 T01N R02E ADA County Source GROUND WATER
 Point of Diversion SWSE SESE S11 T01N R01E ADA County Source GROUND WATER
 (2)Points of Diversion L7(SWSW) S6 T01N R02E ADA County Source GROUND WATER
 Point of Diversion SWNW SENW S12 T01N R01E ADA County Source GROUND WATER
 Point of Diversion WNW NESE S13 T01N R01E ADA County Source GROUND WATER
 Point of Diversion NENE NWNE SWNE SENE NESE NWSE S14 T01N R01E ADA County Source GROUND WATER
 Use: INDUSTRIAL 01/01 to 12/31 4 CFS
 Use: IRRIGATION 03/01 to 11/15 3.2 CFS
 Total Diversion: 4 CFS
 Date Filed: 2/6/2015
 Place of Use: IRRIGATION
 T01N R01E S14 SW(ALL)
 Place of Use: INDUSTRIAL
 T01N R01E S11 SWSE SESE
 T01N R01E S12 NW(ALL) SW(ALL) NWSE SWSE SESE
 T01N R01E S13 NE(ALL) NENW NWNW NESE
 T01N R01E S14 NE(ALL) SW(ALL) NESE NWSE
 T01N R02E S6 L6(NWSW) L7(SWSW)
 Total Acres: 160
 Water bearing zone to be appropriated is from 300 to 600 feet.

✓ OK RN 9/10/15

PROPOSED AMENDMENT OF WATER PERMIT

BH Investments 1, LLC of 1025 S Bridgeway Place, Suite 290, Eagle, ID 83616 filed Application No. 80222 on July 8, 2015 to amend a water permit no. 63-33959 with a 2014 priority from groundwater totaling 0.94 cfs for irrigation. The permit provides irrigation water for property located near Eagle Road and E Taconic Drive. The applicant proposes to amend the permit to change the location of the point of diversion from T03N R01E Sec 32 SWNE to T03N R01E Sec 32 SENE.

✓ OK 9/10/15



✓ OK RN 9/10/15

PROPOSED CHANGE OF WATER RIGHT(S)
 The City of Meridian, of 33 E Broadway St, Meridian, ID 83642, filed Application No. 79778 to connect all of the City's municipal wells (PODs) into a common system and list all PODs on the City's municipal water rights totaling 76.62 cfs when combined, water rights located within IDWR Administrative Basin 63. Priority dates range from 1910 to 2009. No new wells will be drilled.

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), proposed transfer(s), or amendment(s) please see www.idwr.idaho.gov/WaterMan

JANICE HILDRETH, 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: 08/20/2015

Ending issue of: 08/27/2015

Janice Hildreth
 (Legals Clerk)

STATE OF IDAHO)

SS

COUNTY OF ADA)

On this 27th day of August in the year of 2015 before me, a Notary Public, personally appeared before me Janice Hildreth 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.

Nancy Blomquist
 Notary Public FOR Idaho
 Residing at: Boise, Idaho

My Commission expires: 7/23/2021

of Idaho Code §§ 42-203A, 42-222 and 42-211. 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 9-7-2015. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Pub. Aug. 20, 27, 2015

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WESTERN REGION