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MAY 30 2014

Department of Water Resources
Eastern Region
Thomas J. Budge
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MAY 27 2014

DEPARTMENT OF
WATER RESOURCES

May 27, 2014

Idaho Department of Water Resources
322 East Front Street
P.O. Box 83720
Boise, Idaho 83720-0098

Re: Application for Permit No. 36-16976

To Whom It May Concern:

On April 3, 2013, the Department received an Application for Permit, numbered 36-16976, filed on behalf of the North Snake Ground Water District, Magic Valley Ground Water District, Aberdeen American Falls Ground Water District, Bingham Ground Water District, Bonneville-Jefferson Ground Water District, Madison Ground Water District, and Clark Jefferson Ground Water District. In the Application, the Districts sought, as a purpose of use, "mitigation for irrigation."

As the Application explains, the Districts intend to use this water "for mitigation purposes to protect groundwater use on the Eastern Snake Plain to mitigate for Rangen's apparent material injury." Despite this explanation, there has been some confusion over the term "mitigation for irrigation." Therefore, by this letter the Districts seek to amend their Application to clarify the purpose of use is for "mitigation." The Districts do not seek to amend or remove "fish propagation" as a second authorized purpose of use.

The Districts seek this amendment with the understanding that the Application's priority date (April 3, 2013) will not be advanced. The Department's Water Appropriation Rule 35.04 states that an application's priority date will be advanced if it "increases the rate of diversion, increases the volume of water diverted per year or volume of water depleted, lengthens the period of use, or adds an additional purpose of use"¹ The Districts are not asking to increase the rate of diversion, increase the volume of water diverted, lengthen the period of use, or add an addi-

¹ IDAPA 37.03.08.35.04.c.

EXHIBIT

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tional purpose of use. Rather, this amendment simply seeks to clarify the existing purpose of use for mitigation.

Consistent with Rule 35.04.d, counsel for the Districts is attaching to this letter the amended Application, with initialed and dated endorsements.² The only changes that have been made are in part 4, "mitigation for irrigation[.]" and part 7.e, "mitigation for groundwater irrigation[.]"

Because the rate of diversion is not increased, no additional fees are necessary.³

The Districts do not believe the Department's rules require advancement of the priority date under the circumstances, and they submit the enclosed amended Application on condition that the priority date is not advanced. If the Department determines the priority date should be advanced, the Districts rescind the requested amendment.

If you have any questions regarding the amended Application, please do not hesitate to contact me.

Sincerely,



T.J. BUDGE

cc: Fritz Haemmerle
Robyn M. Brody
J. Justin May
Craig Hobdey
Gary Lemmon

² IDAPA 37.03.08.35.04.d.

³ IDAPA 37.03.08.35.04.e.