

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 79498

AUG 11 2014

DEPT OF WATER RESOURCES
SOUTHERN REGIONMINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at www.idwr.idaho.gov.

Name of Applicant(s) IGWA for North Snake GWD, Magic Valley GWD, Southwest IDCheck whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.Yes N/A * Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☒ ☐ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application.
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-9.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☒ ☐ #2a Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. **
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). **
** Additional fee(s) required for water right ownership changes; see fee schedule.
- ☒ ☐ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☒ ☐ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☐ ☒ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see fee schedule.
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☒ ☐ #9 Other. Please describe: IGWA's Amended Third Mitigation Plan and Exhibits

ORIGINAL

RECEIVEDSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AUG 11 2014

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**DEPT OF WATER RESOURCES
SOUTHERN REGIONName of Applicant(s) IGWA for North Snake GWD, Magic Valley GWD, Southwest ID Phone 208-232-6101Mailing address See attached mailing list for each applicant Email rcb@racinelaw.net
tjb@racinelaw.net

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☒ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No RepresentativeName of Representative Randall C. Budge, T.J. Budge Phone 208-2332-6101Mailing address PO Box 1391, Pocatello, ID 83204 Email rcb@racinelaw.net;tjb@racinela

- ☐ Send all correspondence for this application to the representative and not to the applicant.
OR
- ☒ Send original correspondence to the applicant and copies to the representative.
- ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.
OR
- ☒ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Randall C. Budge Randall C. Budge/T.J. Budge July 21, 2014
Signature of Applicant or Authorized Representative Print Name and Title if applicable Date

Signature of Applicant or Authorized Representative Print Name and Title if applicable Date

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☒ Add diversion point(s) ☒ Change place of use
☒ Change nature of use ☐ Change period of use ☐ Other _____

2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**.

See narrative Attachment 1 - Part 1.A.2.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☐ ☒	36-2338	10 cfs	Fish Propagation / Mitig	1/1 to 12/31	Springs/Billingsley Creek
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 10 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 10 cubic feet per second and/or _____ acre-feet per annum.

3. Point(s) of Diversion:

- ☒ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it **Attachment #5**.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
7S	14E	31			M/F	M/F													
		32							M/F										
Total Acres (for irrigation use)																			

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1 Continued

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

The Districts will pump and pipe water from Big Springs/AquaLife to the Rangen hatchery. Detailed plans and specifications include pumps, motors, measuring device and controlling works per engineering submitted in Third Mitigation Plan, CM-MP-2014-005.

- b. Who owns the property at the point(s) of diversion? State of Idaho

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
Letter of Intent between Applicants and IWRB, copy attached.

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

If yes, ☐ Attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: N/A

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

- e. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

Rangen has (5) decreed water right nos. 36-00134B, 36-135A, 36-15501, 36-02551, 36-07694 diverted from the Martin-Curren Tunnel tributary to Billingsley for fish propagation, irrigation and domestic uses.

- f. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently leased to the Water Supply Bank,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right, or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe:

A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements.)

- ### B. CHANGES IN NATURE OF USE (Water Balance)

- ### C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

-
- This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

Transfer contains _____ pages and _____ attachments.

Received by CH/DM Date 8-11-2014 Preliminary check by _____ Date _____
 Fee paid \$1,470 - Date 8-11-2014 Received by DM Receipt # 5034220
 Add'l fee paid _____ Date _____ Received by _____ Receipt # _____

Attachment

Part 1A.2.

Purpose of Transfer

ATTACHMENT

PART 1A.2. – Purpose of Transfer

The purpose of the Transfer Application is to change the place of use for up to 10 CFS of water under Water Right No. 36-2338 (Attachment Part 2 A) from Aqualife to the head of Billingsley Creek and/or the Rangen Hatchery raceways for fish propagation and mitigation pursuant to the District's Third Mitigation Plan ("Plan") pending in Case No. CM-MP-2014-005 (Attachment 4).

The Plan provides for the use of up to 10 CFS of spring water discharged from the ESPA at Big Springs/Aqualife to be pumped via buried pipeline approximately 2.7 miles to Rangen's place of use near the head of Billingsley Creek. This water is currently used for fish production year round and would be delivered to Rangen for fish production and mitigation year round. The Plan includes the design and construction of a pump station with pumps, motors and related equipment including necessary redundancy to continuously pump up to a maximum of 10.0 CFS water from Aqualife to Rangen.

A copy of the Letter of Intent with IWRB is Attachment 3. Attachment 7a is an aerial map depicting the location of Aqualife, the pipeline and the new place of use at the head of Billingsley Creek.

The transfer and delivery would occur on an "as needed" basis to meet the mitigation obligation to Rangen, which is phased in over five years up to a maximum of 9.1 CFS. The maximum 9.1 CFS obligation to Rangen may be reduced by future orders of the Director or Courts, by other mitigation credits and/or other mitigation plans to Rangen. These credits and other direct deliveries may vary over time and may include such things as credits for CREP, conversions and recharge as well as other direct water deliveries to Rangen under other mitigation plans. Based on known credits at this time, it is estimated that approximately 6.0 CFS is the maximum amount of water that would be delivered from Big Springs/Aqualife to Rangen in the future. The transfer is requested for up to a maximum of 10 CFS which substantially exceeds the present and most likely exceeds all future mitigation obligations to Rangen to provide excess that might be needed for mitigation in the future at Rangen.

The transferred water right may remain under the ownership of IWRB and leased to IGWA; or, may be acquired by IGWA from IWRB, pursuant of the Letter of Intent. All transferred water will continue to be used by IWRB at the Aqualife Hatchery until it is needed to meet mitigation obligation to Rangen not satisfied by other means.

The approval of the transfer requested is contingent upon:

- A. IGWA and/or the Districts securing an Order from IDWR approving the Third Mitigation Plan providing for the delivery of 10 CFS from the Big Springs/Aqualife water rights to satisfy the mitigation obligation to Rangen;

B. IGWA and/or the Districts proceeding to construct the Aqualife project and implement the Third Mitigation Plan.

C. The existence of a continuing mitigation obligation to Rangen not satisfied by other means.

This Transfer Application supports the Plan and is an integral part of the *Thousand Springs Water Supply Settlement Framework* proposed by the State of Idaho, Attachment 5.

Attachment Part 2A

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

7/17/2014

WATER RIGHT NO. 36-2338

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	IDAHO DEPARTMENT OF PARKS & RECREATION PO BOX 83720 BOISE, ID 83720-0065 (208)334-4199
Directors Report Owner	OPAL HOLMES FISHER 1605 PROMONTORY RD BOISE, ID 83702 (208)344-4517
Original Owner	VARDIS FISHER HAGERMAN, ID 83332

Priority Date: 08/05/1954

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
SPRINGS	BILLINGSLEY CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
FISH PROPAGATION	1/01	12/31	54.68 CFS	39518 AFA
Total Diversion			54.68 CFS	

Location of Point(s) of Diversion:

SPRINGS|SENWSW Lt 3|Sec. 18|Township 07S|Range 14E|GOODING County
 SPRINGS|NESWSW Lt 4|Sec. 18|Township 07S|Range 14E|GOODING County

Place(s) of use:

Place of Use Legal Description: FISH PROPAGATION GOODING County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
07S	14E	18	4	SWSW										

Conditions of Approval:

1. USE OF THIS RIGHT WITH RIGHT NO. 36-02414 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 58.68 CFS.
2. FACILITY VOLUME 381,656 CUBIC FEET.
3. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.

Dates:

Licensed Date:

Decreed Date: 07/14/2000

Permit Proof Due Date:

Permit Proof Made Date:

Permit Approved Date:

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre:
Generic Max Volume per Acre:
Combined Acres Limit:
Combined Volume Limit:
Combined Rate Limit: 58.68
Civil Case Number:
Old Case Number:
Decree Plaintiff:
Decree Defendant:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

Close

Attachment 7b

Attachment 7a

**See Attachment 3 – Third
Mitigation Plan, Exhibit 5 attached**

Attachment

1

Mailing List

ATTACHMENT 1

APPLICANT'S ADDRESSES AND CONTACT INFORMATION

Idaho Ground Water Appropriators, Inc. (IGWA)

c/o Randall C. Budge
P.O. Box 1391
Pocatello, Idaho 83204
rcb@racinelaw.net
tjb@racinelaw.net

North Snake Ground Water District

Lyn Carlquist, Chairman
c/o Joyce Moreno, Secretary
152 E Main St
Jerome, ID 83338
nsgwd@safelink.net
carlquil@yahoo.com

Magic Valley Ground Water District

Dean Stevenson, Chairman
c/o Emily Haynes, Secretary
PO Box 430
Paul, ID 83347
desteve@pmt.org
mvgwd@hotmail.com

Southwest Irrigation District

c/o William Parsons, Attorney
137 W 13th St
Burley, Idaho 83318
wparsons@pmt.org
csearle@pmt.org

Attachment 2 and 3 Letter of Intent

BEFORE THE IDAHO WATER RESOURCE BOARD

IN THE MATTER OF THE AQUA LIFE
AQUACULTURE FACILITY

) A RESOLUTION CONCERNING
) A LETTER OF INTENT

WHEREAS, the Idaho Water Resource Board (the "Board") is a constitutional agency of the State of Idaho and empowered by Idaho Code § 42-1734 to acquire, purchase, lease or exchange land, rights, water rights, easements, franchises and other property deemed necessary or proper for the construction, operation and maintenance of water projects; and

WHEREAS, pursuant to House Bill 644, adopted by the Sixty-second Legislature of the State of Idaho during its Second Regular Session in 2014, the Board acquired the Aqua Life Aquaculture Facility from the Idaho Department of Parks and Recreation for the July 11, 2011 appraised value of \$1,635,000; and

WHEREAS, the Board's acquisition of the Aqua Life Aquaculture Facility is in furtherance of the State's desire and goal to reduce demand on spring flows in the Hagerman Valley; and

WHEREAS, the Board's acquisition of the Aqua Life Aquaculture Facility also included associated water rights 36-1044, 36-2734, 36-15476, 36-2414, and 36-2338, as well as rights under NPDES Permit #IDG-13000; and

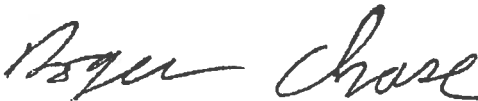
WHEREAS, on May 7, 2014, the Board entered into a "Letter of Intent" with the Idaho Ground Water Appropriators, Inc. (IGWA), and the Idaho Department of Fish and Game, which contemplates the Aqua Life Aquaculture Facility being a necessary part of a plan to relocate an existing Idaho Department of Fish and Game (IDFG) fish hatchery to address water calls in the Hagerman Valley:

WHEREAS, by letter dated May 30, 2014, IGWA has submitted a second "Letter of Intent" to the Board, which contemplates direct delivery of up to 10 cfs from the Aqua Life Facility, at a cost yet to be determined, to address water delivery calls in the Hagerman Valley, but does not contemplate relocation of the IDFG fish hatchery.

NOW, THEREFORE BE IT FURTHER RESOLVED, the Board authorizes the Chairman to execute the "Letter of Intent – Use of water from the state's Aqua Life Hatchery, Construction of Pump Station and Pipeline, and Construction of Improvements and the Aqua Life Aquaculture Facility" dated July 18, 2014, between the Board and the Idaho Ground Water Appropriators.

DATED this 18th day of July, 2014.

ATTEST:



ROGER CHASE, Chairman



BOB GRAHAM, Secretary

LETTER OF INTENT

USE OF WATER FROM THE STATE'S AQUA LIFE HATCHERY, CONSTRUCTION OF PUMP STATION AND PIPELINE AND CONSTRUCTION OF IMPROVEMENTS AT THE AQUA LIFE AQUACULTURE FACILITY

This Letter of Intent ("LOI") is entered into by and between Idaho Ground Water Appropriators, Inc. ("IGWA"), and the State of Idaho, by and through the Idaho Water Resource Board ("IWRB").

RECITALS

A. In response to Rangen, Inc.'s ("Rangen") water delivery call, the Idaho Department of Water Resources ("IDWR") determined in its January 29, 2014 order that holders of ground water rights junior to July 13, 1962 must provide 9.1 cfs of direct flow to Rangen.

B. IGWA represents ground water districts whose members consist of irrigators, municipalities, and commercial and industrial entities with ground water rights. Many of the ground water districts' member's water rights are junior to Rangen's water rights and are subject to curtailment unless a mitigation plan is approved providing replacement water.

C. IWRB owns and operates the Aqua Life Aquaculture Facility Hatchery ("Aqua Life") and is willing to make available to IGWA by lease or purchase up to ten (10) cfs of its Aqua Life water rights from Big Springs as needed to meet the mitigation obligation to Rangen.

D. IWRB and IGWA intend to commence negotiation of a final agreement consistent with the terms set forth below.

TERMS

The Agreement shall have the following terms and conditions:

1. The Agreement will be contingent upon IWRB acquiring title to Aqua Life. IWRB and IGWA acknowledge that House Bill 644, adopted by the Sixty-second Legislature of the State of Idaho during its Second Regular Session in 2014 authorizes Idaho Parks and Recreation to sell Aqua Life to the IWRB.

2. IWRB will lease or sell up to ten (10) cfs of water from the Aqua Life to IGWA for an amount to be determined.

3. IGWA will pay all costs to design, construct, operate and maintain the water collection and intake system pump station, pipeline and other facilities necessary to deliver 10 cfs of water from the Aqua Life to the head of Billingsley Creek directly up gradient from the Rangen hatchery. IGWA will ensure that the diversion structure to be constructed will not interfere with the use of IWRB's remaining water rights at Aqua Life.

4. IGWA shall be responsible to secure from IDWR approval of a transfer application to change the point of diversion and place of use as needed to accomplish the delivery of Aqua Life water rights to Billingsley Creek. IWRB hereby grants consent to IGWA to file and process such transfer application, with the approved transfer made subject to the Agreement.

5. IWRB will grant IGWA a permanent easement at Aqua Life to design, construct, operate and maintain the water intake and collection facilities, pump station, pipeline and other facilities as necessary for the delivery of up to 10 cfs of water to Billingsley Creek. IWRB will convey to IGWA a permanent easement to access and maintain the pump station and water supply pipeline.

6. IWRB will cooperate with IGWA and provide all necessary documents to conduct such investigation as it shall deem appropriate.

7. All transaction fees for closing and all recording fees will be shared equally between IGWA and IWRB. Each party will be responsible to pay its own legal fees.

8. The Agreement will be contingent upon: (a) IGWA securing an order from IDWR approving a mitigation plan providing for the delivery of 10 cfs from Aqua Life's Big Springs water rights to satisfy the mitigation obligations to Rangen; (b) IGWA securing an order from IDWR approving the transfer of the point of diversion and place of use of up to 10 cfs from Aqua Life to the head of Billingsley Creek and, (c) IGWA proceeding to implement the plan.

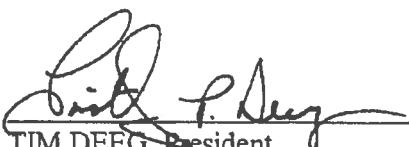
This LOI may be executed in counterparts, each of which shall be deemed to be an original, but all of which, taken together, shall constitute but one and the same agreement. Delivery of an executed counterpart of this LOI via facsimile transmission shall be as effective as delivery of an original signed copy. Thereafter, the parties shall exchange executed originals of this LOI.

This LOI is intended as a general expression of the terms and conditions, under which the parties are willing to proceed to prepare, negotiate and if acceptable to all parties in their respective sole discretion, execute a final Agreement. Neither this LOI nor the execution hereof as provided below, shall be binding on any party until the formal Agreement is executed by all parties.

Please indicate your acceptance and agreement with the terms of this LOI and desire to proceed to negotiate a final Agreement incorporating the terms and conditions as outlined above by executing the enclosed copy of this LOI in the space provided below and return such executed copy to the other parties.

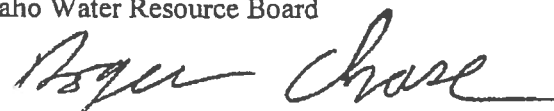
Sincerely,

Idaho Ground Water Appropriators, Inc.

By:  5/30/14
TIM DEEG, President

AGREED AND ACCEPTED this 18th day of July, 2014.

Idaho Water Resource Board


Chairman

Attachment

4

Powers of Attorney

SPECIAL POWER OF ATTORNEY FOR WATER RIGHTS

The undersigned hereby appoints the law firm of RACINE OLSON NYE BUDGE & BAILEY, CHARTERED, 201 E. Center Street, Post Office Box 1391, Pocatello, Idaho 83204, my/our true and lawful attorney for the purpose of dealing with the Idaho Department of Water Resources relative to the management and transaction of water rights, and to allow them to receive all information, opinions, and records regarding water rights, and to sign and submit applications and other filings on my/our behalf.

DATED this 2nd day of May, 2014.

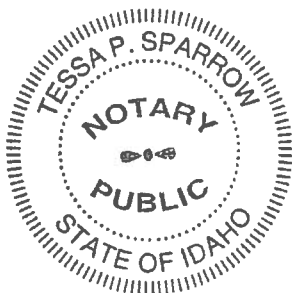
IDAHO GROUND WATER APPROPRIATORS, INC.
(IGWA) acting for and on behalf of its Ground
Water District members

By: [Signature]
Name: Tim Deeg
Title: President

STATE OF IDAHO)
County of Bannock) :ss

On this 2nd day of May, 2014, before me, the undersigned, a Notary Public in and for said State, personally appeared Tim Deeg, known or identified to me to be the President of the company that executed the instrument or the person who executed the instrument on behalf of said company, and acknowledged to me that such company executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year first above written.



[Signature]
NOTARY PUBLIC FOR IDAHO
Residing at: Pocatello, ID
Commission expires: 10/05/2015

SPECIAL POWER OF ATTORNEY FOR WATER RIGHTS

The undersigned hereby appoints the law firm of RACINE OLSON NYE BUDGE & BAILEY, CHARTERED, 201 E. Center Street, Post Office Box 1391, Pocatello, Idaho 83204, my/our true and lawful attorney for the purpose of dealing with the Idaho Department of Water Resources relative to the management and transaction of water rights, and to allow them to receive all information, opinions, and records regarding water rights, and to sign and submit applications and other filings on my/our behalf.

DATED this 2nd day of May, 2014.

MAGIC VALLEY GROUND WATER DISTRICT

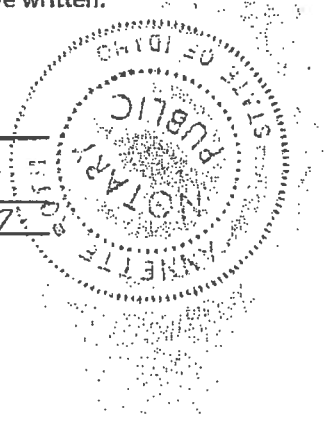
By: [Signature]
Name: Dean Stevenson
Title: Chairman

STATE OF IDAHO)
)
County of Minidoka)
)

On this 2nd day of May, 2014, before me, the undersigned, a Notary Public in and for said State, personally appeared Dean Stevenson, known or identified to me to be the Chairman of the company that executed the instrument or the person who executed the instrument on behalf of said company, and acknowledged to me that such company executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year first above written.

[Signature]
NOTARY PUBLIC FOR IDAHO
Residing at: Rupert, Id
Commission expires: 8-4-2017



SPECIAL POWER OF ATTORNEY FOR WATER RIGHTS

The undersigned hereby appoints the law firm of RACINE OLSON NYE BUDGE & BAILEY, CHARTERED, 201 E. Center Street, Post Office Box 1391, Pocatello, Idaho 83204, my/our true and lawful attorney for the purpose of dealing with the Idaho Department of Water Resources relative to the management and transaction of water rights, and to allow them to receive all information, opinions, and records regarding water rights, and to sign and submit applications and other filings on my/our behalf.

DATED this 3rd day of May, 2014.

NORTH SNAKE GROUND WATER DISTRICT

By: _____

Name: Lynn Carlquist

Title: Chairman

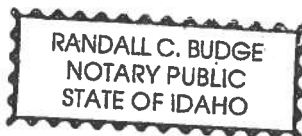
STATE OF IDAHO)

:SS

County of Bannock)

On this 3rd day of May, 2014, before me, the undersigned, a Notary Public in and for said State, personally appeared Lynn Carlquist, known or identified to me to be the Chairman of the company that executed the instrument or the person who executed the instrument on behalf of said company, and acknowledged to me that such company executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year first above written.



Randall C. Budge

NOTARY PUBLIC FOR IDAHO

Residing at: Pocatello, Id.

Commission expires: 10/21/16

SPECIAL POWER OF ATTORNEY FOR WATER RIGHTS

The undersigned hereby appoints the law firm of RACINE OLSON NYE BUDGE & BAILEY, CHARTERED, 201 E. Center Street, Post Office Box 1391, Pocatello, Idaho 83204, my/our true and lawful attorney for the purpose of dealing with the Idaho Department of Water Resources relative to the management and transaction of water rights, and to allow them to receive all information, opinions, and records regarding water rights, and to sign and submit applications and other filings on my/our behalf.

DATED this 5 day of May, 2014.

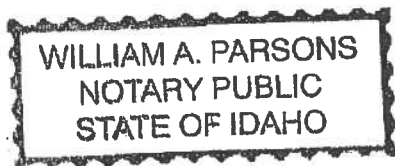
SOUTHWEST IRRIGATION DISTRICT

By: Randy Brown
Name: Randy Brown
Title: Chairman

STATE OF IDAHO)
County of Carnece)
:SS

On this 5 day of May, 2014, before me, the undersigned, a Notary Public in and for said State, personally appeared Randy Brown, known or identified to me to be the Chairman of the company that executed the instrument or the person who executed the instrument on behalf of said company, and acknowledged to me that such company executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year first above written.



William A. Parsons
NOTARY PUBLIC FOR IDAHO
Residing at: Boise
Commission expires: 7/20/2016

Attachment

5

Thousand Springs Water Supply Settlement Framework

THOUSAND SPRINGS WATER SUPPLY SETTLEMENT FRAMEWORK

I. OBJECTIVES

- A. Maintain spring flows at level sufficient to sustain Swan Falls minimum flows;
- B. Mitigate for material injury to senior spring water rights caused by diversion under junior ground water rights;
- C. Provide safe harbor for junior ground water users from delivery calls;
- D. Minimize economic impact on individual water users and the state economy arising from water supply shortages; and
- E. Develop adaptive management plan to respond to changes in the ESPA water supply.

II. INTERMEDIATE WATER SUPPLY MEASURES

- A. Mitigation Measures for Hagerman Valley. Junior ground water users will implement mitigation measures to offset material injury to senior spring water rights in Hagerman Valley.
- B. Enhance flows in Billingsley Creek by 25 CFS.
 - 1. Direct delivery of 10 cfs of water from Tucker Springs to Billingsley Creek
 - 2. Curren Ditch water exchange – provide Riley Creek, Snake River or ground water supply to Curren ditch users in lieu of Curren Ditch diversions from Billingsley Creek.
 - 3. Line selected ditches or change points of diversion to provide additional water supply for users at lower end of Billingsley Creek
- C. Hatchery pump back projects to mitigation for material injury to hatcheries (20 CFS)
- E. Birch Creek waste water reroute to Birch Creek Trout (4 CFS)
- F. Riley Creek (Big Bend being investigated)

III. LONG TERM ESPA STABILIZATION GOAL (ESPA Water Budget Goal)

- A. Managed recharge program between Minidoka and Milner dams (100 KAF)
- B. Little Wood River managed recharge (15 KAF)
- C. North Side Canal Company waste water capture projects
- D. Direct delivery of water through Sandy pipeline
- E. Hard conversions

IV. ADAPTIVE WATER MANAGEMENT MEASURES

- A. Develop a process for forecasting spring flow trends
- B. Develop adaptive management plan for responding to changes in spring flow trends

- V. SAFE HARBOR – No ground water user participating in the Thousand Springs plan will be subject to a delivery call by water users below the rim as long as the provisions of the plan are being implemented.

EASTERN SNAKE PLAIN AQUIFER

Preliminary Draft – Managed Recharge Plan 4/9/14

Goal: Stabilize the Eastern Snake Plain Aquifer, consistent with the CAMP recharge goals of 100,000 acre-feet average annual volume through 2017, and 250,000 acre-feet average annual volume thereafter. Metric of success is sustaining aquifer volumes and spring discharges.

Problem: The Eastern Snake Plain Aquifer is currently losing approximately 200,000 acre-feet per year from aquifer storage. The total loss from storage since 1952 is 12 million acre-feet. This has resulted in declining aquifer levels and spring flows from the aquifer.

Water Availability (natural flow) for Recharge: The available water supply for recharge occurs as winter-time flows (November-March) and as spring run-off flows (March-April). The Snake River winter-time flows are usually a minimum of 500 cfs and are available for diversion from the Milner Pool. There is also a relatively consistent winter-time flow in the Little Wood River.

- Snake River at Milner: Median annual volume of 500,000 acre-feet
- Snake River above American Falls: Median annual volume of 6,000 acre-feet
- Wood River system: Median annual volume of 20,000 acre-feet

Strategy:

1. Utilize winter-time flows that would otherwise spill past Milner Dam for recharge to provide for a “base-load” for recharge. This will require development of dedicated, winter-operational recharge facilities diverting from the Milner Pool that operate independent of canal companies.
2. Utilize the canal systems and off-canal facilities, to the extent available in any given year, to help catch and divert the spring run-off flows for recharge.
3. Develop a winter-operational facility to utilize the Little Wood River water supplies.
4. In above-average water years when recharge will not interfere with filling the reservoir system, recharge into Upper Valley canals (above American Falls).

Sideboards:

1. Recharge above American Falls can occur when 2700 cfs is passing Minidoka and natural flow spilling past Milner.
2. Non-interference with reservoir fill.

Existing Facilities and Program: The existing facilities available for recharge below American Falls can accomplish approximately 40,000 acre-feet annually. Deliveries at each location are variable depending on canal company priorities for maintenance and repairs. These facilities include:

1. Milner Gooding Canal (including Shoshone and Milepost 31 recharge sites)
2. Northside Canal
3. Southwest Irrigation District – West Cassia Pipeline

Additional Down-Canal Facilities: These additional down-canal facilities are expected to increase capacity by approximately 20,000 acre-feet annually. Deliveries at each location are variable depending on canal company priorities for maintenance and repairs.

1. Milner-Gooding Canal
 - a. Milepost 31 Build-Out
2. Northside Canal
 - a. Large off-canal recharge site (K-Canal or Neilson site) & utilization of Wilson Lake

Walcott Recharge Site: 100-cfs direct diversion project from the Walcott Pool. Engineering and environmental compliance is underway. This site is expected to increase capacity by 18,000 acre-feet annually. This site will be independent of canal company operations but will have variable deliveries based on water availability.

Southwest Irrigation District-West Cassia Pipeline Modifications: Modifications to allow continuous winter-time operations. This will increase capacity by approximately 7,000 acre-feet annually. This project would require cooperation from SWID, but would provide a system independent of canal operations that could operate all winter.

Direct Diversion Projects from Milner Pool: Construct up to 4 pumping plant-to-recharge projects each with 100 cfs capacity that operate through the winter. These sites would increase capacity by approximately 100,000 acre-feet annually and provide a "base-load" for recharge. Capacity will be independent of canal company operations and utilize winter-time water supplies.

Little Wood River Recharge Capacity: Construct winter-operational recharge site to utilize winter-time flows (50 cfs) available in the Little Wood River. This site would provide a "base-load" for recharge that is independent of canal company operations and utilize winter-time water supplies.

Water Quality Monitoring: a program of water quality monitoring, beyond current efforts, will be established in coordination with DEQ.

Staffing Needs:

1. ESPA Manages Recharge Program Manager – must be capable of managing and leading a multi-million dollar effort. Capable of understanding the importance of recharge to aquifer stabilization, and the importance of aquifer stabilization to the state, the water users, the power company, and others. Must be capable of negotiating with potential partners.
2. Project Engineer – capable of taking planning-level project layouts and cost estimates through to completed facilities. Will manage multiple design and construction projects at same time.

Recharge Component	Construction	Annual O&M	Annual Average AF	
Existing Lower Valley Facilities				
Milner-Gooding Canal inc. Shoshone and MP31 recharge sites				
Northside Canal				
Southwest Irrigation District Pipeline				
Existing Lower Valley Facilities	N/A	\$130,000	40,000 AF	- Dependent on Canal Company cooperation - Variable deliveries
Additional Lower Valley Down-Canal Facilities				
MP 31 build-out on Milner Gooding Canal	\$200,000			
Large off-canal site on Northside Canal (K-Canal or Nielson Sites)	\$300,000			
Additional Lower Valley Down-Canal Facilities		\$70,000	20,000 AF	- Dependent on Canal Company cooperation - Variable deliveries
Walcott Recharge Site	\$5M	\$100,000	18,000 AF	- Direct diversion from Walcott pool – not reliant on canal companies - Variable deliveries - Engineering/environmental investigations underway
Southwest Irrigation District Pipeline modifications for winter operations	\$2M	\$150,000	7,000 AF	- Divert winter-time(Nov-Mar) Milner spill (500 cfs) to recharge thru dedicated facilities "Base-load" for recharge - Direct diversion from Milner Pool – not reliant on canal companies & below Minidoka hydropower
Direct diversion projects from Milner Pool	\$20M	\$600,000	100,000 AF	- Divert winter-time(Nov-Mar) Milner spill (500 cfs) to recharge thru dedicated facilities "Base-load" for recharge - Direct diversion from Milner Pool – not reliant on canal companies & below Minidoka hydropower
Little Wood River Recharge	\$3M	\$80,000	15,000 AF	- Divert winter-time(Nov-Mar) flows (50 cfs) to recharge thru dedicated facilities "Base-load" for recharge
Water Quality monitoring		\$100,000		
Project Management		\$160,000		
Contingency 20%	\$6.1M	\$288,000		
TOTALS	\$36.6M	\$1.73M/yr	200,000 AF	

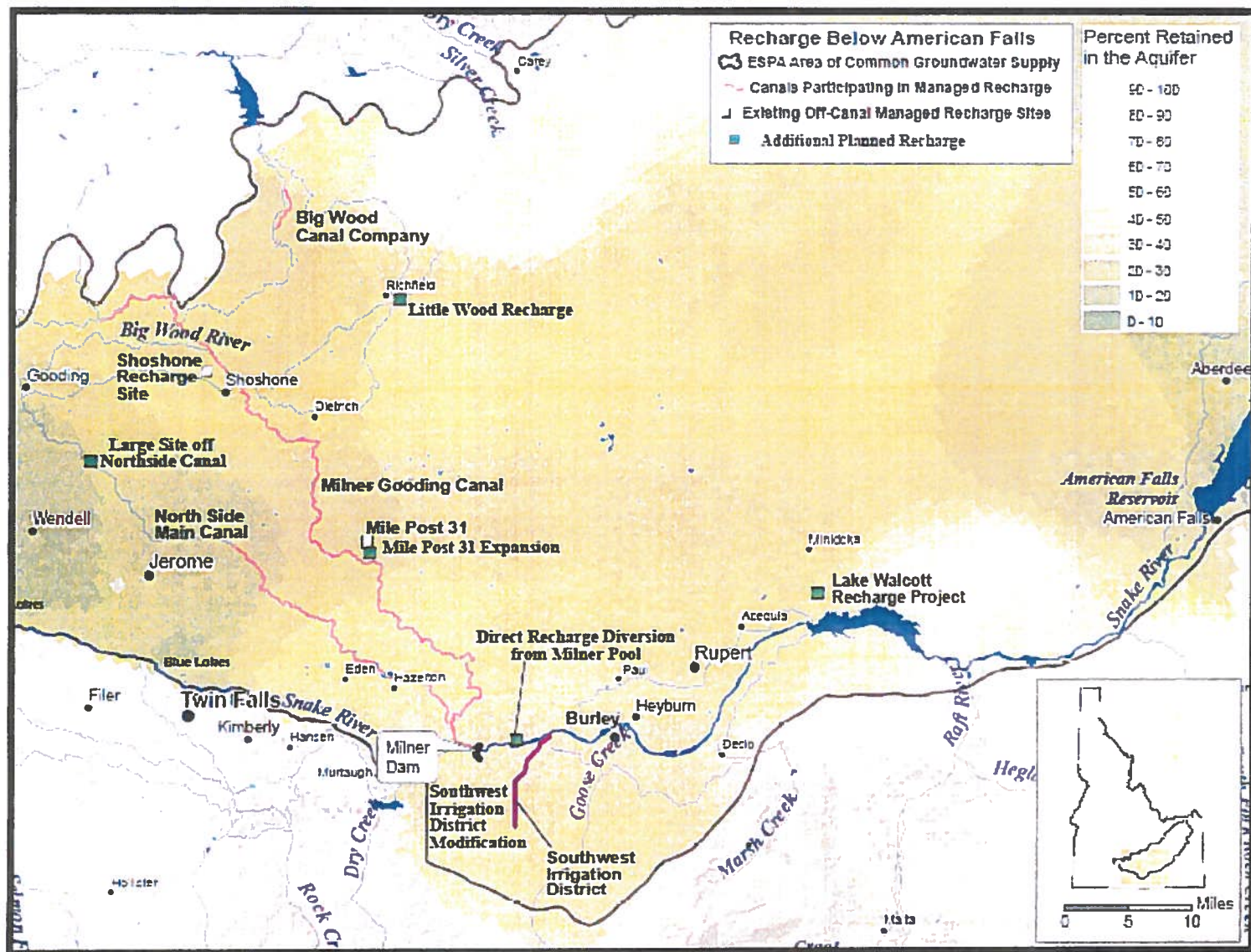
Estimated Build-Out Schedule

					YEAR					
	1	2	3	4	5	6	7	8	9	10
Milepost 31 Build-out	Construction									
Northside Large Site	Engineering	construction								
Southwest Pipeline		Engineering	construction							
Walcott	Land and env.	Engineering		construction						
Direct Milner Diversions	select potential sites & test drilling									
	Site 1	acquire land	Engineering		Construction					
	Site 2		acquire land	Engineering		Construction				
	Site 3			acquire land	Engineering		Construction			
	Site 4				acquire land	Engineering		Construction		
Little Wood recharge						acquire land	Engineering		Construction	

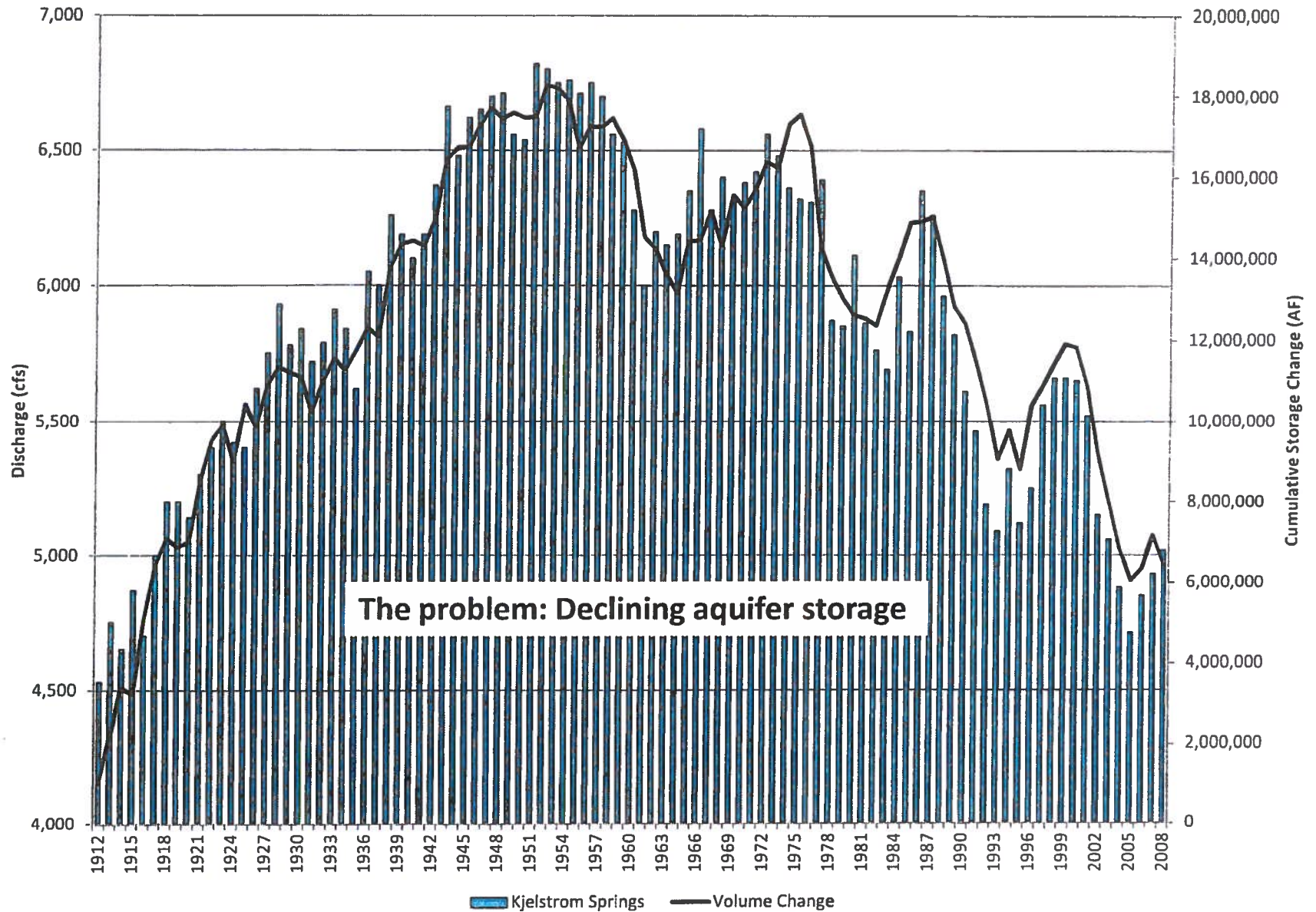
Estimated Expenditures

Select sites & test drilling	\$200,000	\$200,000								
Aquire lands & environmental	\$200,000	\$200,000	\$200,000	\$200,000	\$200,000	\$200,000				
Engineering	\$50,000	\$800,000	\$800,000	\$800,000	\$800,000	\$800,000	\$500,000			
Construction	\$100,000	\$350,000	\$4,150,000	\$4,350,000	\$4,000,000	\$4,000,000	\$4,000,000	\$2,250,000	\$1,250,000	
Water Quality Monitoring	\$10,000	\$20,000	\$30,000	\$40,000	\$50,000	\$60,000	\$70,000	\$80,000	\$90,000	\$100,000
Operations & Management	\$130,000	\$260,000	\$570,000	\$640,000	\$740,000	\$890,000	\$1,040,000	\$1,190,000	\$1,340,000	\$1,340,000
Contingency	\$138,000	\$366,000	\$1,150,000	\$1,206,000	\$1,158,000	\$1,190,000	\$1,122,000	\$704,000	\$526,000	\$288,000
Total by Year	\$828,000	\$2,196,000	\$6,900,000	\$7,236,000	\$6,948,000	\$7,174,000	\$6,730,000	\$4,224,000	\$3,206,000	\$1,728,000

Total 10-Year Expenditures \$39,290,000



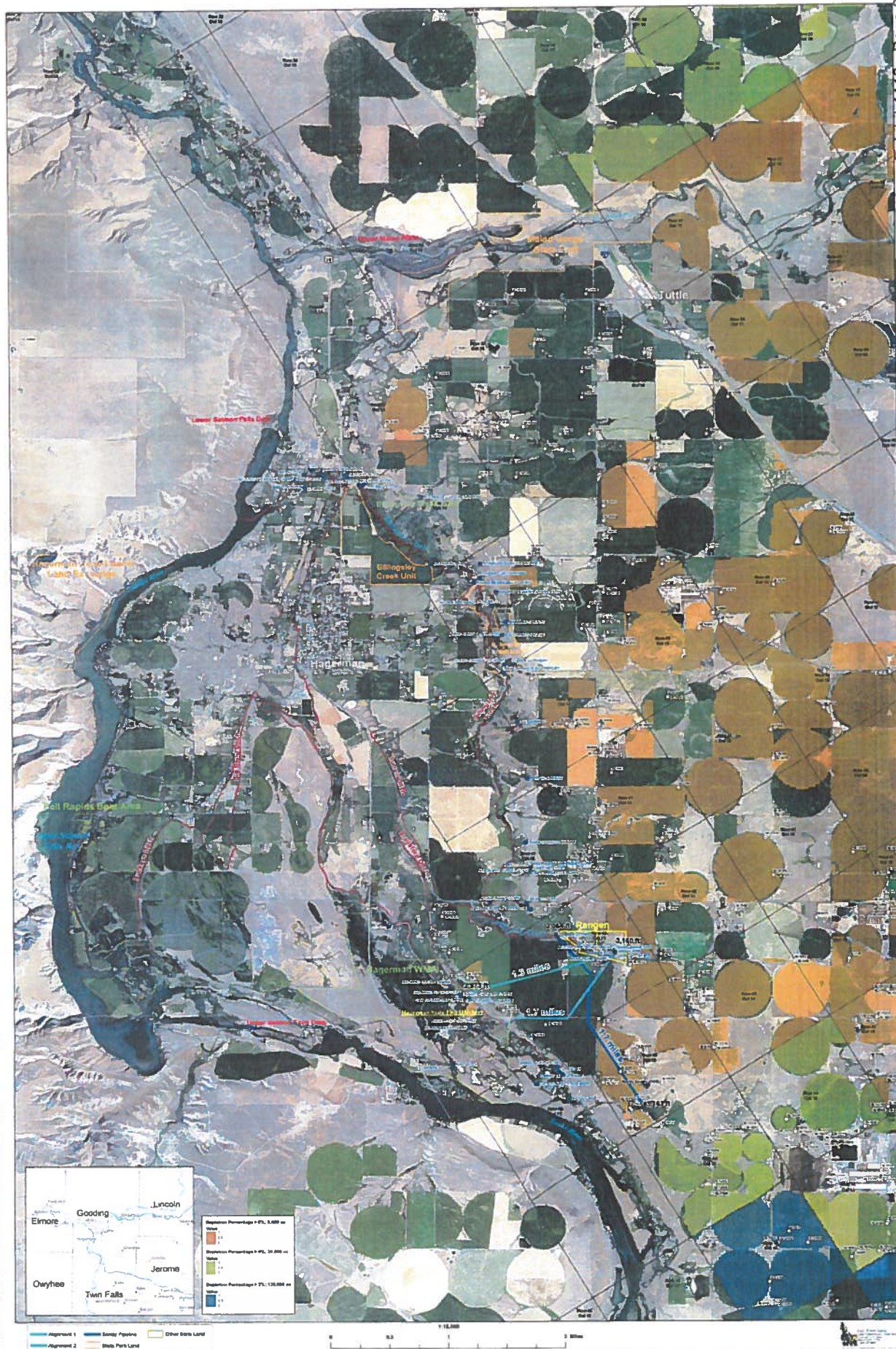
Kjeslstrom Spring Discharge and ESPA Cumulative Storage Change



Spring Diversions in Hagerman Valley

NAIP Images 2013

Exhibit 1110 - Page 8



Attachment 9

Third Mitigation Plan

COPY

Randall C. Budge (ISB# 1949)
Thomas J. Budge (ISB# 7465)
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& BAILEY, CHARTERED
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(208) 232-6101 – phone
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tjb@racinelaw.net

Attorneys for IGWA

RECEIVED
JUN 10 2014
DEPARTMENT OF
WATER RESOURCES

IDAHO DEPARTMENT OF WATER RESOURCES

IN RE IGWA'S AMENDED THIRD
PLAN TO MITIGATE MATERIAL INJURY
TO WATER RIGHT NOS. 36-02551
& 36-07694 HELD BY RANGEN, INC.,
AND OTHER WATER RIGHTS IN WATER
DISTRICT 36A.

Docket No. CM-MP-2014-___

**IGWA's Amended
Third Mitigation Plan
and Request for Hearing**

PLAN OVERVIEW

Idaho Ground Water Appropriators, Inc. (IGWA), acting for and on behalf of its members and non-member participants in mitigation activities, submits this mitigation plan pursuant to rule 43 of the Rules for Conjunctive Management of Surface and Ground Water Resources¹ ("CM Rules").

The *Final Order Regarding Rangen, Inc.'s Petition for Delivery Call; Curtailing Ground Water Rights Junior to July 13, 1962* ("Curtailment Order") issued by the Idaho Department of Water Resources (IDWR) in Docket No. CM-DC-2011-004 requires holders of junior-priority groundwater rights to provide mitigation to Rangen, Inc., or suffer curtailment. In addition, there are pending and threatened delivery calls from other water users in the Water District 36A, which may produce additional mitigation obligations. This plan provides means of providing mitigation to Rangen and other water users in the Water District 36A.

¹ IDAPA 37.03.11.043.

GENERAL INFORMATION

I. Sandy Ponds Recharge and Sandy Pipe Delivery.

IGWA's member North Snake Ground Water District (NSGWD) owns and operates the Sandy Ponds which receive water from North Side Canal Company. NSGWD has filed an application for permit (application no. 36-17011) to utilize the Sandy Ponds to recharge the Eastern Snake Plain Aquifer (ESPA). The Coalition of Cities also proposes to use the Sandy Ponds for recharge and mitigation credit to Rangen pursuant to their pending mitigation plan in IDWR Docket No. CM-MP-2014-003CM-MP.

IGWA's First Mitigation Plan requested mitigation credit for past recharge that has occurred via the Sandy Ponds. The IDWR denied the request due to inadequate measurement of the amount of water diverted out of the Sandy Ponds.

To resolve the IDWR's measurement concern, IGWA and the Coalition of Cities are collaborating to install new measuring devices on the Sandy Pipeline to accurately determine the amount of recharge through the Sandy Ponds, which has and will continue to enhance flows to Rangen and other water users in the Water District 36A. The amount of water recharged into the ESPA from the Sandy Ponds can be calculated by subtracting pond outflows (including evaporation) from pond inflows. The benefit to Rangen and other Hagerman Valley water users from this recharged can then be determined using the ESPA Model.

The measuring devices will also enable accurate measurement of water delivered from the Sandy Ponds through the Sandy Pipeline to provide mitigation to the holders of senior water rights from the Curren Tunnel, Hoagland Tunnel, Billingsley Creek, and other water sources in the Water District 36A.

Attached as ***Exhibit 1*** is a preliminary design and engineering memo by SPF Water Engineering describing measuring devices proposed to be installed on the intake and discharge of the Sandy Pipeline. Design and engineering of these new measuring devices is ongoing and will be completed to a higher level in the near future, at which time updated engineering work will be provided.

IGWA requests approval of the proposed measuring devices, and, once the measuring devices are installed, mitigation credit for recharge that occurs via the Sandy Ponds and direct delivery to other senior water users via the Sandy Pipeline.

II. Improvements to Curren Tunnel diversion.

The CM Rules list several factors the Director may consider when determining whether a senior water right holder is suffering material injury in the context of a water delivery call, including whether “the requirements of the senior-priority surface water right could be met using alternate reasonable means of diversion or alternate points of diversion, including the construction of wells or the use of existing wells to divert and use water from the area having a common ground water supply....” The Idaho Supreme Court affirmed the IDWR’s right to require senior water users to improve their means of diversion in its recent *American Falls Reservoir District No. 2* and *A&B Irrigation District* decisions.²

The Curren Tunnel is a man-made diversion structure constructed to enhance the discharge of groundwater from the ESPA at that location. Testimony and evidence presented at the hearing on IGWA’s First Mitigation Plan indicate that deepening, widening, or lowering the elevation of the Curren Tunnel is expected to increase the amount of water discharged from the ESPA.

IGWA’s First Mitigation Plan proposed to improve the Tunnel at its expense, in exchange for mitigation credit for additional water that discharges from the Tunnel as a result. The IDWR refused to allow these improvements of this nature without IGWA providing “specifics on exactly how it propose[s] to ‘enlarge’ or ‘deepen’ the Curren Tunnel,” and “information to quantify the expected results.”³

Accordingly, SPF Water Engineering has completed preliminary design and engineering work to improve the Curren Tunnel diversion, attached hereto as **Exhibit 2**. Groundwater modelling indicates that deepening or lowering the Curren Tunnel may increase the net discharge from the Tunnel and the springs at the head of Billingsley Creek by 12.1 cfs or more. Engineering work is ongoing and will be completed to a higher level in the future, at which time the more detailed engineering plans will be provided.

IGWA proposes to pay the cost of engineering and construction to deepen, widen, or lower the Curren Tunnel to meet the mitigation obligation imposed by the Curtailment Order. IGWA requests approval of mitigation credit for additional water received by Rangen or other Hagerman Valley water users as a result of improvements to the Curren Tunnel.

² *Am. Falls Reservoir Dist. No. 2 v Idaho Dep’t of Water Res.*, 143 Idaho at 876-877 (2007); *A&B Irrigation District, et al. v Spackman, et al.*, 315 P.3d at 840 (2013 Ida. LEXIS 368).

³ Final Order on Reconsideration p. 12.

Cooperation from Rangen is required to perform on-the-ground work required to advance engineering plans to the next level, as explained in Exhibit 2. Considering Rangen could have improved the Curren Tunnel diversion on its own, IGWA requests relief from the full 9.1 cfs mitigation imposed by the Curtailment Order if Rangen refuses to provide access to its property to perform on-the-ground engineering work necessary to further develop and implement this mitigation solution.

If Rangen refuses to cooperate, and the IDWR refuses to suspend the mitigation obligation of groundwater users, IGWA requests approval of this mitigation proposal based on the engineering work completed without access. IGWA's Ground Water District members have a statutory right to condemn easements to access Rangen's property for mitigation purposes. However, to exercise this right requires showing the district court that the proposed use of Rangen's property is authorized by law. This likely requires approval from IDWR that deepening or lowering the Curren Tunnel is permissible for mitigation purposes. Therefore, if Rangen refuses to provide access to its property, IDWR approval of this mitigation proposal, based on the engineering work that can be completed without access, is necessary to enable IGWA to proceed with a condemnation proceeding.

Evidence presented in the Rangen delivery call hearing in May of 2013 shows the ESPA is stable and has an abundant supply of groundwater in the Hagerman area; therefore, no injury is anticipated to groundwater rights. Initial hydrologic analysis of potential impacts to other spring sources indicates it will be miniscule. This analysis is ongoing, and to the extent such impacts create material injury to other water users, will be addressed.

III. Direct Delivery of Water Right No. 36-16976.

IGWA's member groundwater districts currently have pending before the IDWR Application for Permit no. 36-16976 to appropriate 12 cfs of water from Springs/Billingsley Creek for non-consumptive purposes of mitigation for irrigation and fish propagation, a copy of which is attached as **Exhibit 3**. As explained in the Application, the purpose of this water right is to mitigate material injury to Rangen. If the Application is approved, IGWA will deliver water directly to Rangen either by diverting it at the Bridge Diversion or pumping water from Billingsley Creek to the Hatch House, Small Raceways, and/or Large Raceways.

IGWA's First Mitigation Plan proposed to assign its Application for Permit for water right 36-16976 to Rangen for mitigation credit. The IDWR denied that proposal on the basis that it was speculative. This proposal differs in that IGWA is not asking the Director to approve the assign-

ment of Application to Rangen for mitigation credit; rather, IGWA is simply asking for mitigation credit for water IGWA actually delivers to Rangen under water right 36-16976, if and when it is approved.

Pre-approval of this proposal is important so mitigation water can be delivered to Rangen immediately upon approval of water right 36-16976, without being delayed by another mitigation proceeding. Because fish propagation is a non-consumptive use of water, this will have no adverse impact on downstream water rights.

IV. Recirculation of Rangen Water Rights.

Rangen presently owns water rights to use water from the Curren Tunnel for fish propagation purposes. IGWA has filed Application for Permit no. 36-16976, and Rangen has filed Application for Permit no. 36-17002, which, if approved, will allow Rangen to utilize water from Billingsley Creek for fish propagation.

IGWA proposes to pump water from the bottom of Rangen's aquaculture facility back to the top where it can be re-used for fish propagation. The pump-back facility will be located at the west end of the Rangen property below the CTR Raceways, or on a ½ acre parcel of adjacent land that belongs to the Musser family. It will be designed to capture and recirculate up to 9.1 cfs of water to the head of the Rangen hatchery.

Under this alternative, IGWA will pay the costs to engineer, construct, and operate a pump-back system to re-circulate water discharged from the Rangen hatchery, including filtration, disinfection, and aeration systems as needed, to deliver water of suitable quality to raise fish in an amount to meet the full phased-in mitigation obligation. Redundant power and pumps will be included to protect against power or pump failure, similar to the system described in the engineering plans prepared by SPF Water Engineering for IGWA's Second Mitigation Plan (Tucker Springs Project).

SPF Water Engineering has completed preliminary design and engineering work to pump water from the bottom of Rangen's facilities to the top, attached as ***Exhibit 4***. This engineering work is ongoing and will be completed to a higher level in the near future, at which time the more detailed engineering work will be provided. Because fish propagation is a non-consumptive use of water, this will have no adverse impact on downstream water rights.

IGWA requests mitigation credit for water it pumps back to the head of the Rangen facility. Considering Rangen could have implemented a pump-back system on its own, if Rangen refuses to provide access to its property

for IGWA to further engineer and install a pump-back system, the 9.1 cfs mitigation obligation to Rangen should be suspended.

V. Aqua Life Project.

Under this proposal, IGWA will secure by lease or purchase the right to pump water from the Aqua Life Hatchery owned and operated by Idaho Water Resource Board a distance of approximately 3.2 miles to Rangen's place of use near the head of Billingsley Creek. This would enable spring water discharge from the ESPA at Big Springs, which supplies the Aqua Life Hatchery and is currently used for fish production, to be delivered to Rangen's facilities for fish production, or to meet other mitigation obligations that may arise in the Water District 36A.

Completion of the Aqua Life Project will require the following which would be completed by IGWA at its expense: (1) lease or purchase of water rights owned by the State of Idaho at the Aqua Life Hatchery; (2) design and construction of the pump station and pipeline to transport water from Aqua Life to Rangen; (3) acquisition of easements for the pump station and pipe; and (4) permission from Rangen to access its property for engineering, design, and construction purposes.

SPF Water Engineering has completed preliminary design and engineering work for the Aqua Life Project, attached as ***Exhibit 5***. Engineering work is ongoing and will be completed to a higher level in the near future, at which time the updated engineering work will be provided.

IGWA requests mitigation credit for water it delivers from Big Springs to Rangen or other Water District 36A water users. If Rangen refuses to provide access to its property for IGWA to further engineer and install this delivery system, IGWA again asks that its mitigation obligation to Rangen be suspended.

REQUEST FOR HEARING

Pursuant to CM Rule 43.02, IGWA requests that this Mitigation Plan be promptly processed and advertised, and that an expedited Scheduling Conference be set with notice given to the parties to discuss the mitigation alternatives identified in this plan; and, to schedule necessary hearings.

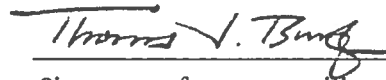
RESPECTFULLY SUBMITTED this 10th day of June, 2014.

RACINE OLSON NYE BUDGE &
BAILEY, CHARTERED

By: Thomas J. Budge
Randall C. Budge
Thomas J. Budge

CERTIFICATE OF MAILING

I certify that on this 10th day of June, 2014, the foregoing document was served on the following persons in the manner indicated.



Signature of person mailing form

Director, Gary Spackman Idaho Department of Water Resources PO Box 83720 Boise, ID 83720-0098 Deborah.Gibson@idwr.idaho.gov	☐ U.S. Mail/Postage Prepaid ☐ Facsimile ☐ Overnight Mail ☒ Hand Delivery ☒ E-mail
Garrick Baxter Emmi Blades Idaho Department of Water Resources P.O. Box 83720 Boise, Idaho 83720-0098 garrick.baxter@idwr.idaho.gov emmi.blades@idwr.idaho.gov	☐ U.S. Mail/Postage Prepaid ☐ Facsimile ☐ Overnight Mail ☐ Hand Delivery ☒ E-mail
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Fritz X. Haemmerle Haemmerle & Haemmerle, PLLC PO Box 1800 Hailey, ID 83333 fxh@haemlaw.com	☐ U.S. Mail/Postage Prepaid ☐ Facsimile ☐ Overnight Mail ☐ Hand Delivery ☒ E-mail
J. Justin May May, Browning & May, PLLC 1419 West Washington Boise, ID 83702 jmay@maybrowning.com	☐ U.S. Mail/Postage Prepaid ☐ Facsimile ☐ Overnight Mail ☐ Hand Delivery ☒ E-mail

Exhibit 5

Aqua Life Project



TECHNICAL MEMORANDUM

DATE: May 29, 2014
TO: Randy Budge
FROM: Bob Hardgrove, P.E.
Jason Thompson, P.E.
CC: SPF file (535.0120)
RE: IGWA's 3rd Mitigation Plan: Aqua Life Project
10% Preliminary Submittal

The Idaho Ground Water Appropriators, Inc. (IGWA) is reviewing legal and technical options related to water management stemming from the Rangen, Inc. (Rangen) Water Call. IGWA has requested through its water rights legal counsel that SPF Water Engineering (SPF) provide a conceptual design to deliver 9.1 cfs of direct flow to Rangen from the Aqua Life Aquaculture Facility (Aqua Life) owned and operated by the Idaho Water Resources Board (IWRB). This memorandum presents this conceptual design at a preliminary 10% level.

1. Aqua Life Project Summary

SPF Water Engineering, LLC (SPF) was hired to design the infrastructure required to implement IGWA's Third Mitigation Plan, one alternative of which is the direct delivery of water from Aqua Life to Rangen, referred to as the Aqua Life Project (Project). The Project concept proposes construction of a pumping station and pipeline from Aqua Life on IWRB property to Rangen. To date, the engineering required to construct the Project has been completed to a preliminary 10% level.

2. Water Rights

The Project is designed to pump up to 9.1 cfs of groundwater associated with water right 36-2338 to Rangen. Water right 36-2338 authorizes the diversion of 54.68 cfs for fish propagation purposes at Aqua Life from "springs" with a priority date of August 5, 1954. Spring water delivered to Rangen will be utilized in Rangen's facilities and thereafter be discharged to Billingsley Creek providing an enhanced supply and additional benefit for downstream users.

3. Project Design

3.1. Preliminary Pipeline Alignment

IGWA asked SPF to design a 10-cfs pumping and pipeline system to reliably deliver 9.1 cfs from Aqua Life to the Rangen facility. A preliminary alignment for the pipeline has been developed primarily based on an initial evaluation of construction feasibility and topography. This alignment is shown in Figure 1. Alternate alignments may be investigated as part of future design efforts.

Elevations for the alignment were derived from Google Earth; a topographical survey will be performed to develop the 60% design. The 60% design alignment will also take into account Hagerman Highway District (HHD) review and input, existing infrastructure, property ownership, and survey topography.

From Aqua Life, the preliminary alignment travels up to the Hagerman Rim, primarily along the course of an existing dirt road. The pipeline then crosses E 2700 S (Tupper Grade Road) and travels south across irrigated fields to cross E 2800 S. Then the alignment continues south, with the preferred location just to the west of irrigated fields for easier installation. The alignment then turns east and crosses E 2900 S (Vader Grade), then turns south, crossing S 1175 E twice, before entering Rangen property.

The preliminary alignment is approximately 3.2 miles long, with an elevation of approximately 3002 feet at Aqua Life and a maximum pipeline elevation of 3228 feet. These elevations are derived from Google Earth and are considered approximate but appropriate for a 10% level of design. More accurate elevations will be obtained by a topographical survey prior to 60% design.

A profile of the preliminary alignment was generated using Google Earth. This profile is shown in Figure 2. The profile generally shows that after the pipeline leaves Aqua Life and climbs to the rim, the anticipated route is fairly flat. The pipeline then drops across the Vader Grade to Rangen. Although this profile is based on approximate, readily-available elevation data, it demonstrates that construction of the pipeline is feasible. The pipeline route does not include numerous high and low points, which minimizes venting requirements. Once a survey is complete, the alignment will be modified to minimize minor high and low points.

The preliminary alignment avoids the Hagerman Highway District (HHD) right-of-way per HHD preference, with the exception of at least three unavoidable road crossings. SPF anticipates that HHD would approve these road crossings based on an initial approval granted by the HHD for the Tucker Springs Project pipeline presented in IGWA's Second Mitigation Plan. If the Aqua Life Project moves forward, the pipeline contractor would be required to obtain a permit from the HHD.

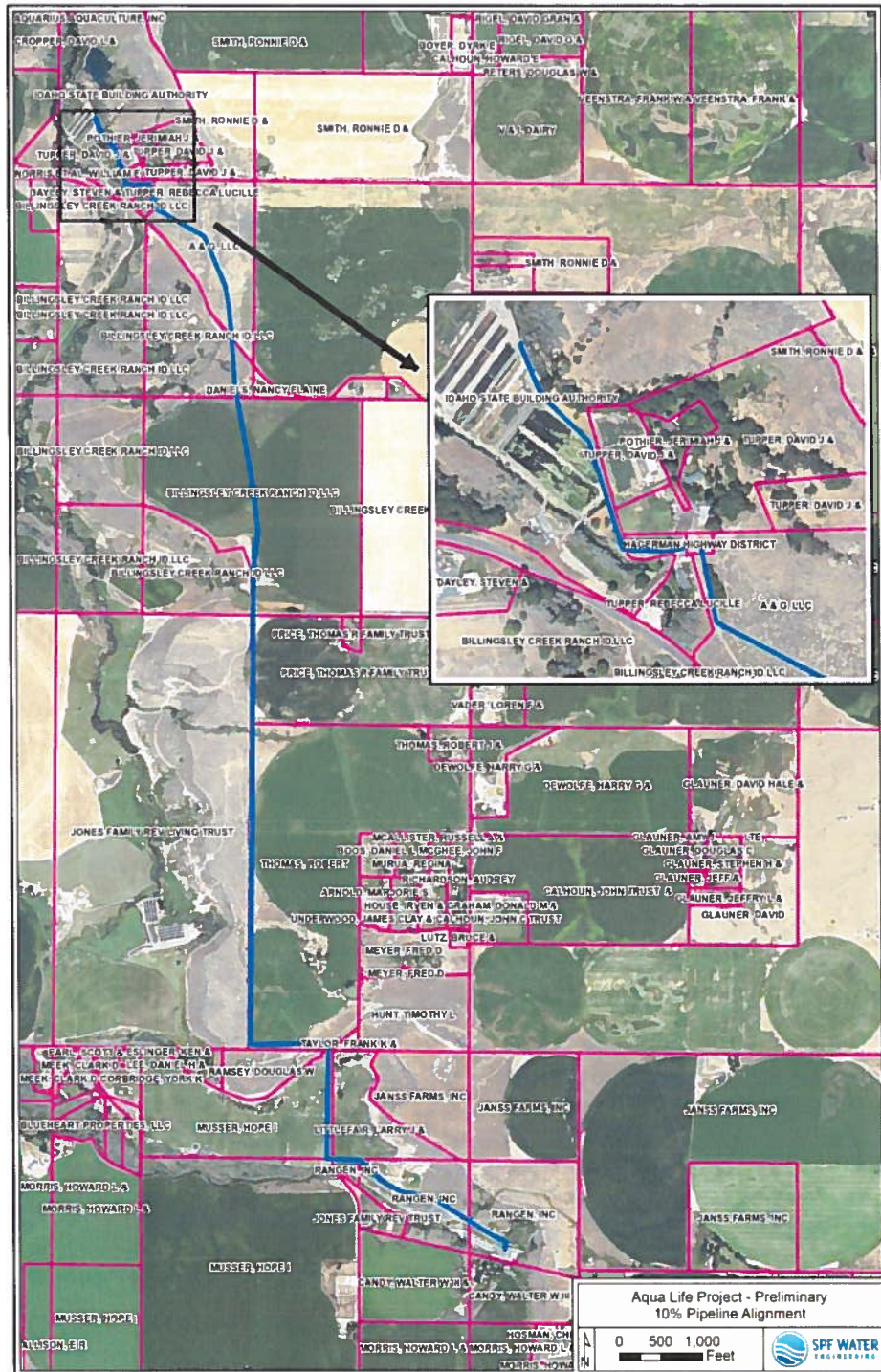


Figure 1. Preliminary pipeline alignment



Figure 2. Elevation profile of preliminary alignment

3.2. Spring Intake Design

The 10% design contemplates diverting water at Aqua Life directly from a spring source. A site visit was made to Aqua Life on May 21, 2014, for a cursory investigation of potential diversion locations. A potential diversion location on the slope east and upgradient of the existing lake was found, and is identified as Option 1 in Figure 3. A photograph is included in Figure 4. Flow at this location was visually estimated by SPF to be at least 10 cfs. A flow measurement in the spring channel would occur prior to 60% design to verify flow rates. Water quality samples could also be collected.

The elevation of this spring diversion location is approximately 3055 feet according to Google Earth. This elevation would allow for gravity flow between the diversion location and a pump station located at an approximate elevation of 3003 feet near the raceways, as shown in Figure 3. This pump station location is preliminary; the final location for the pump station would take into account elevation, power availability, existing site infrastructure, constructability, and other factors.

An elevation profile of the gravity line between the spring diversion and pump station was generated using Google Earth and is shown in Figure 5. The profile demonstrates that water can be delivered from the spring to the pump station by gravity with a minimal amount of cut. Once a survey is complete, the gravity line profile will be better defined.

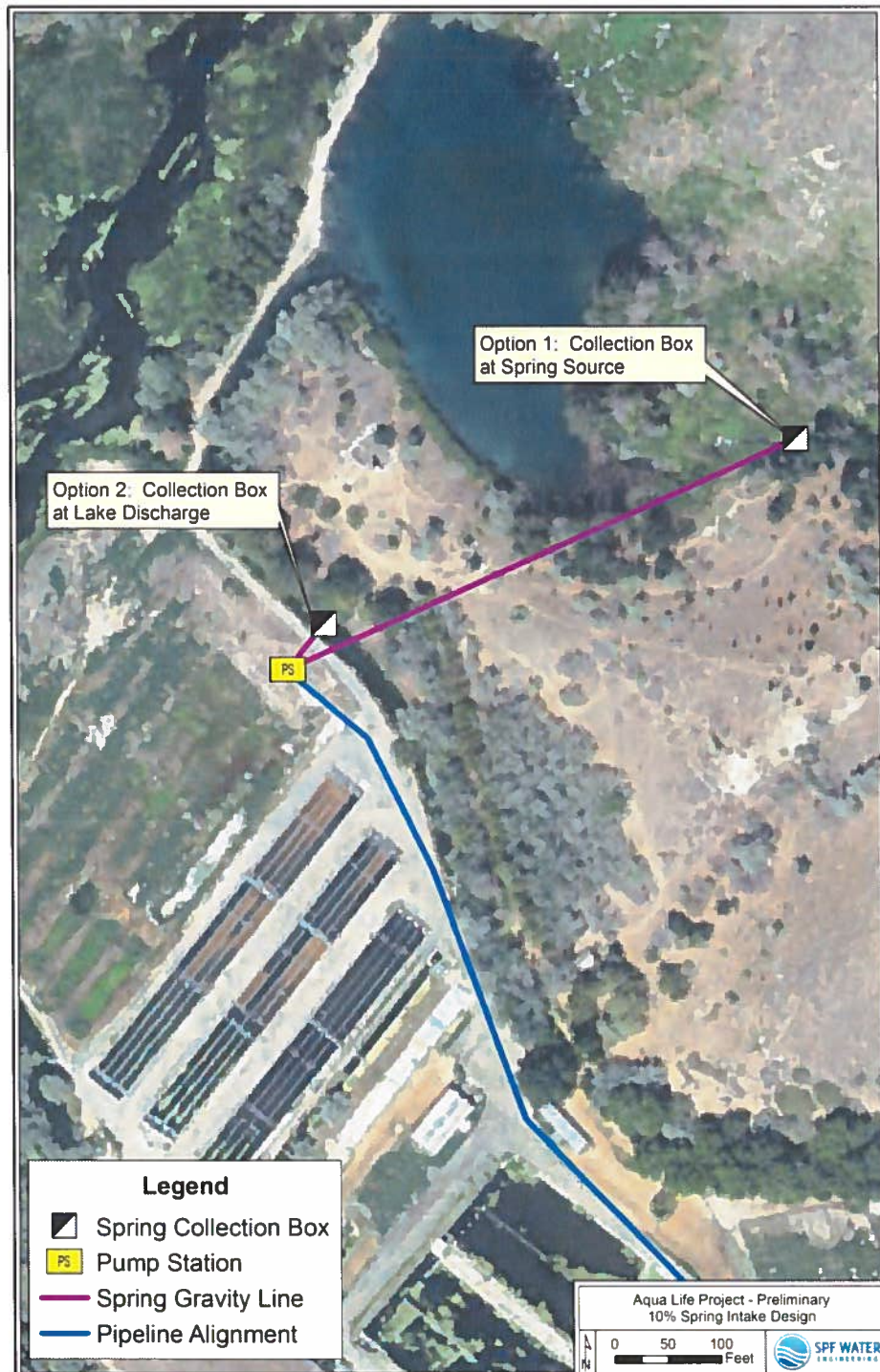


Figure 3. Preliminary Aqua Life diversion locations



Figure 4. Photograph of potential Aqua Life spring diversion location

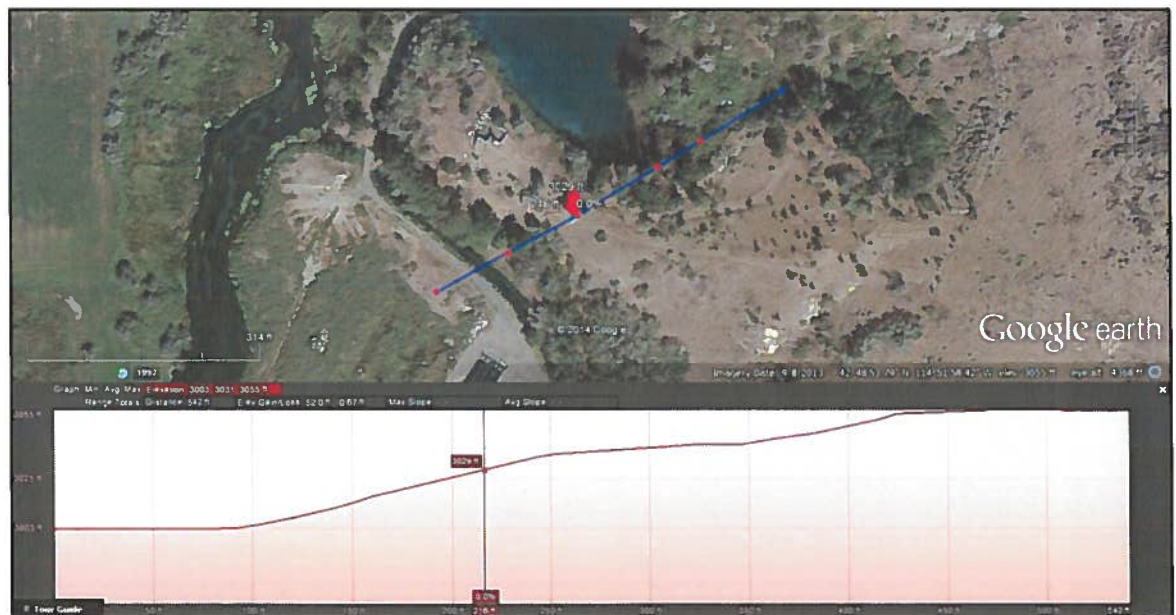


Figure 5. Elevation profile of gravity line between spring and pump station

This preliminary design identifies the spring diversion location described as Option 1 as the preferred diversion at Aqua Life, primarily because it allows for the diversion of spring water closest to the spring source. If this location is determined to not be feasible after additional investigation, then an alternative diversion location identified as Option 2 in Figure 3 may be pursued. This diversion would be located on the channel downstream of Fisher Lake. A gravity line would be installed between this diversion location and the pump station.

Per the letter of intent (LOI) between IGWA and the State of Idaho through the IWRB, IGWA will be allowed to divert up to 10 cfs from Aqua Life by lease or purchase of State of Idaho water rights. The LOI states that the IWRB will grant a permanent easement to IGWA to access, design, construct, operate and maintain the water intake and collection facilities, pump station, pipeline, and other facilities as necessary to divert and deliver the 10 cfs to Rangen.

The 10% design anticipates using a precast collection box with bar grate and expanded metal cover. A gravity pipeline would deliver water from the collection box to the pump station. A head gate would be installed on the upstream end of the gravity line to isolate the feed to the pump station for maintenance. Check boards slots would be included on the upstream side of the collection box to make it possible to isolate flow for sediment removal within the collection box. Alternative design options may be pursued following a more detailed engineering evaluation of the site.

3.3. Pump Station Design

The 10% design set contemplates utilizing a skid-mounted packaged pump station; including pumps, mechanical piping, valves, flow meter, variable frequency drives (VFDs), and associated controls, generator, and enclosure. The pump station would include three short-set line-shaft turbine pumps. Two of the pumps would be duty pumps and one would be on standby to ensure that two pumps can operate at all times should one be taken out of service for maintenance. The turbine pumps could be installed in a single precast concrete wet well or in individual pump cans. The wet well or cans would be fed from the gravity line from the spring collection box. The wet well or cans would be designed to be watertight under static pressure conditions from the spring box.

To deliver 10 cfs from Aqua Life to Rangen, the pump station will have to generate approximately 285 feet of total dynamic head (TDH). The TDH calculation assumes:

- 3,000 feet of 24-inch fused high density polyethylene (HDPE) pipe (DIPS, SDR 11, 20.83-inch I.D.)
- 14,000 feet of 24-inch HDPE pipe (DIPS, SDR 17, 22.58-inch I.D.)
- Pumping water elevation of 3,000 feet at Aqua Life
- A maximum pipeline elevation of 3,228 feet
- A pressure sustaining valve to maintain backpressure equal to 25 feet over the maximum elevation of the pipeline, equal to 3,253 feet

- Connection to Rangen's existing 14-inch buried steel pipe between the hatch house and the small raceway
 - Assumed design flow of 4 cfs (1,800 gpm) to Rangen's small raceway
 - Assumed design flow of 6 cfs (2,700 gpm) to the Rangen box

With a TDH of 285 feet and a delivery rate of 10 cfs (4,488 gpm), total brake horsepower (hp) required is 382 hp, or 191 hp per pump with two pumps running. The pumps would require nominal 200-hp motors. All three 200-hp pumps would be controlled by VFDs and paced off flow to maintain any operator-adjustable flow rate up to 10 cfs. System operation would be controlled by a programmable logic controller with remote monitoring and auto-restart capabilities. The packaged pump station would include an isolation and check valve on each pump, a mainline butterfly valve, pressure relief valve, combination air valve, and a flow meter. A generator is anticipated to provide emergency power. The pump station would be enclosed for protection from weather and to provide sound attenuation. The insulated enclosure would be heated and ventilated.

The pump station would be designed to deliver a maximum flow of 10 cfs at 285 feet of TDH. Because the pump station would include two VFD-controlled pumps paced off of flow, it could be programmed to deliver the phased-in lower direct flows identified by the Idaho Department of Water Resources (IDWR) in the Rangen curtailment order. These flows were determined to be:

- 1st Year: 3.4 cfs (1,525 gpm)
- 2nd Year: 5.2 cfs (2,335 gpm)
- 3rd Year: 6.0 cfs (2,695 gpm)
- 4th year: 6.6 cfs (2,965 gpm)
- 5th year: 9.1 cfs (4,085 gpm)

A tentative location for the pump station is identified in Figure 3. A final location would be identified in the 60% design documents. The final location will depend on the topographical survey, power availability, existing site infrastructure, constructability, and other factors. Idaho Power will be contacted to determine power availability at Aqua Life and to identify any distribution system upgrades necessary to supply the 600-hp pump station.

The pump station would be designed to be a reliable, year-round facility and would include: (1) a redundant pump, (2) remote monitoring and alarming capabilities, (3) auto-restart, and (4) a proposed standby power generator and auto-transfer switch. The pump station VFDs would be controlled by discharge rate, allowing them to automatically adjust their speed to deliver a constant flow to Rangen without the need for manual adjustments. The pump station enclosure would be lockable and durable to prevent vandalism or unauthorized entry. All these items would make the pump station dependable, biologically and physically secure, and would minimize downtime due to maintenance and power outages.

3.4. Pipeline Design

The preliminary alignment is approximately 3.2 miles long. The 10% design anticipates using HDPE pipe, with approximately 3,000 feet of SDR 11 (200 psi) HDPE pipe and approximately 14,000 feet of SDR 17 (125 psi) HDPE pipe. HDPE is a very durable and low-friction pipe. It has a better friction coefficient than PVC, which minimizes head loss due to friction and is less susceptible to any build-up on the interior surface of the pipe. Subsequent design work would verify the selected pipe could accommodate pressure surges, or water hammer, that may occur due to pressure transients in the system resulting from power outages or rapid valve closures.

The preliminary alignment has five road crossings: E 2700 S, E 2800 S, E 2900 S, and two crossings of S 1175 E. These roads may be crossed using open-trench construction methods, although the crossing of E 2900 S (Vader Grade) may be most effectively crossed using a horizontal directional bore to minimize disturbance and impacts to traffic. HHD would be consulted on any proposed Project activities within HHD jurisdiction.

The pipeline would be equipped with combination air valves at defined high points that release air during pipeline filling, let air enter the pipe when it is being drained, and release small amounts of accumulated air when the pipe is under pressure. These valves help protect the pipe during filling and draining events and minimize the amount of air in the line, which reduces the friction losses in the pipeline. In areas that are safe from vehicles or farm equipment, air valves would be placed directly over the pipe with access via a manhole. Where the pipeline is in a road or a farmed field, the air valve would be located remotely in a vault and fed from the pipeline with a small diameter lateral line.

3.5. Rangen Tie-In Design

The proposed alignment would enter Rangen property near the main entrance; the pipeline would be installed under their paved roadway for a distance of approximately 2,500 feet to the anticipated tie-in location at the existing 14-inch pipeline between the hatch house and the small raceway. A pressure sustaining valve would be provided immediately upstream of the tie-in point to maintain a minimum upstream pressure in the pipeline under all static and operating conditions. The pressure sustaining valve would ensure a full pipeline upstream of the valve and that enough pumping head is developed to transport water over the mainline high-point without creating a vacuum condition. Isolation valves would be installed on either side of the pressure sustaining valve to allow for maintenance. A bypass line with an isolation valve would be installed around the pressure sustaining valve so delivery could be maintained to Rangen even if the pressure sustaining valve is out of service for maintenance or repair. The pressure sustaining valve would be housed in a buried vault on Rangen property.

Directly downstream of the valve vault, the new pipeline would connect by tee to the existing 14-inch buried steel pipeline that exists between the hatch house and the small raceway. A 14-inch butterfly valve would be installed on the small raceway leg of the tee to allow control of flow to the small raceway. There is an existing 14-inch valve located

in a vault near the hatch house that could be used to control flow from or to the Rangen Box. In addition, there is an existing valve and lateral that can be used to direct flow from the 14-inch pipeline to the hatch house.

The existing 14-inch pipeline transports water from the Rangen Box to the small raceways. The pipe from Aqua Life would tie-in to this 14-inch pipe, allowing flows to be directly delivered to the small raceways through the 14-inch pipe, or to the large raceways in two ways: (1) after water flows through the small raceways via an existing 18-inch diameter pipeline and (2) through the Bridge Diversion in Billingsley Creek which can receive water spilled from the Rangen Box. The 10% design assumes 4 cfs would be delivered to the small raceways and 6 cfs would be delivered to the Rangen Box. However, if the small raceways can take additional flow, a larger portion of the 10 cfs can be sent that direction. The distribution of water between the small raceways and the Rangen Box would be adjusted by opening or closing a 14-inch butterfly valve that would be installed on the small raceway leg of the tee.

The current design is conservative in nature and allows some flexibility for delivery at the Rangen site. With approval of the Project, the design will be completed to a 60% level, and adjustments could be made to the delivery at Rangen based on their input and preferred use of the delivery. Minor changes to the 14-inch tie-in could be made to allow direct discharge into Billingsley Creek upstream and/or downstream of the Bridge Diversion, if approved by IDWR.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, Idaho 83301-5858

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

August 15, 2014

FRANK ERWIN
WATER DISTRICT #36-A
711 EAST AVE N
HAGERMAN, ID 83332

RE: Transfer No. 79498
Water Right No(s): 36-2338

Dear Mr. Erwin:

A copy of the above referenced application is enclosed. Please review the application, then complete the enclosed recommendation form as necessary, and return it to this office within 21 days of the date of this letter.

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the watermaster, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

IDWR's regional offices can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation within 21 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

file copy

August 14, 2014

NORTH SNAKE GROUND WATER DISTRICT
152 E MAIN ST
JEROME, ID 83338

MAGIC VALLEY GROUND WATER DISTRICT
PO BOX 430
PAUL, ID 83347

SOUTHWEST IRRIGATION DISTRICT
WILLIAM A PARSONS
PO BOX 910
BURLEY, ID 83318

RE: Transfer No. 79498
Water Right No(s). 36-2338

Dear Applicant(s):

The Department of Water Resources has received your water right transfer application. Please refer to the transfer number referenced above in all future correspondence regarding this transfer.

A legal notice of the application has been prepared and is scheduled for publication in the **TIMES NEWS** on **8/21/2014 and 8/28/2014**. Protests to this application may be submitted for a period ending ten (10) days after the second publication (**September 8, 2014**).

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the approval document.

Please contact this office if you have any questions regarding the application.

Sincerely,

Denise Maline
Administrative Assistant

cc: RANDALL C BUDGE, ATTORNEY

Maline, Denise

From: Maline, Denise
Sent: Thursday, August 14, 2014 11:26 AM
To: Times News
Subject: LEGAL NOTICE
Attachments: Times News Cover Letter.docx; Times News Ad.doc

Attached please find (1) legal notice being submitted for publication on August 21st & 28th, 2014. Please feel free to contact me if you have any questions, or if you are not able to run the ad on the dates requested.

Thank you in advance,

Denise Maline
Idaho Dept of Water Resources
Administrative Assistant, Southern Region
650 Addison Ave W, Ste 500
Twin Falls, ID 83301
(208) 736-3033
denise.maline@idwr.idaho.gov



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, Idaho 83301-5858

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

August 14, 2014

LEGAL NOTICE DEPARTMENT
TIMES NEWS
PO BOX 548
TWIN FALLS, ID 83303-0548

RE: Transfer No. 79498
Water Right No(s): 36-2338

RE: Extension of Time to Avoid Forfeiture of a Water Right No. 37-483B

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before September 8, 2014. Your cooperation is appreciated.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 79498**

NORTH SNAKE GROUND WATER DISTRICT, 152 E MAIN ST, JEROME, ID 83338; MAGIC VALLEY GROUND WATER DISTRICT, PO BOX 430, PAUL, ID 83347; SOUTHWEST IRRIGATION DISTRICT, WILLIAM A PARSONS, PO BOX 910, BURLEY, ID 83318; have filed Application No. 79498 for changes to the following water rights within GOODING County(s): Right No(s). 36-2338. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes changing the place of use and adding a mitigation component to a 10.0 cfs portion of a water right currently diverted from springs tributary to Billingsley Creek and used at the old Aqua Life Hatchery located near Tupper Grade approximately 1.5 miles east of Hagerman. The change in place of use consists of adding the Rangen fish facility, located approximately 2.2 – 2.5 miles east and 2.6 – 2.8 miles south of Hagerman, as an authorized place of use for fish propagation and mitigation use. The transfer would allow for up to 10.0 cfs of water currently used at the old Aqua Life Hatchery to remain at the hatchery &/or be delivered to the Rangen fish facility as proposed in the Amended Third Mitigation Plan submitted by the Idaho Ground Water Appropriators in response to the Rangen water delivery call.

Extension of Time to Avoid Forfeiture

Redstone Partners LP, 1188 Eagle Vista Ct, Reno NV 89511 filed an Application for Extension of Time to Avoid Forfeiture of a Water Right for a portion of water right 37-483B, with a 1902 priority from the Big Wood River in the amount of 62.32 cfs, for 988.9 acres. It is unknown when the last time the water was used because the property has been fully irrigated by utilizing senior overlapping surface water and supplemental ground water rights delivered through sprinklers. The right is located about 3.5 miles southeast of Bellevue along the Gannett Road. The extension of time is requested because the District 45 canal lacks sufficient capacity to distribute the flows to fill the junior-most rights for various reasons. The applicant proposes to resume use at the beginning of the 2019 irrigation season. For further information regarding this application, you may research at the following link, under water right 37-483B: idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx.

For additional information concerning the property location, contact Southern Region office at (208) 736-3033; or to see a full description of these rights and the proposed transfers, please visit our website at www.idwr.idaho.gov and search under New Water Right Applications. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Southern Region, 650 Addison Ave W, Ste 500, Twin Falls ID 83301 together with a protest fee of \$25.00 for each application on or before September 8, 2014. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
Published on August 21st & 28th, 2014

MEMORANDUM

Date: August 13, 2014
To: Transfer 79498 File
From: Corey Skinner
Re: Evaluation of Sufficiency of Information Submitted

Application proposes changing the place of use and adding a mitigation component to a 10.0 cfs portion of water right 36-2338 currently diverted from springs tributary to Billingsley Creek and used at the old Aqua Life Hatchery located near Tupper Grade approximately 1.5 miles east of Hagerman. The change in place of use consists of adding the Rangen fish facility, located approximately 2.2 – 2.5 miles east and 2.6 – 2.8 miles south of Hagerman, as an authorized place of use for fish propagation and mitigation use. The transfer would allow for up to 10.0 cfs of water currently used at the old Aqua Life Hatchery to remain at the hatchery &/or be delivered to the Rangen Fish Facility as proposed in the Amended Third Mitigation Plan submitted by the Idaho Ground Water Appropriators in response to the Rangen water delivery call.

- **Authority to File:**

The application is filed in the name of IGWA for the North Snake Groundwater District, the Magic Valley Groundwater District, and the Southwest Irrigation District. The right, 36-2338, involved with the transfer is owned by the State of Idaho, currently in the name of the Idaho Department of Parks and Recreation. During the last legislative session, House Bill 644 authorized the transfer/sale of the Aqua Life Hatchery and associated water rights to the Idaho Water Resource Board. It is reported that the sale of the hatchery and associated water rights will be finalized in the next couple of weeks. The application includes a copy of a Letter of Intent indicating the Idaho Water Resource Board's intent to allow the IGWA to implement a plan to provide the direct delivery of up to 10 cfs of water from the Aqua Life facility.

- **Water Right Validity:**

The right involved with the transfer was decreed in the SRBA in July of 2000. Aerial photography supports use of the right since the decreed date.

- **Injury to Other Water Rights:**

None anticipated. The right involved with the transfer will have the same rate & volume limitations after the transfer.

- **Enlargement of Use:**

None anticipated. Right involved with the transfer will have the same rate & volume limitations after the transfer.

- **Local Public Interest:**

No issues anticipated. The application will be subject to public notice and protest.

- **Beneficial Use/Conservation of Water Resources:**

Proposed uses are recognized as beneficial uses of water.

- **Effect on Economy of the Local Area:**

None anticipated.

- **Effect of the Agricultural Base of the Local Area:**

None anticipated.

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.



RACINE
OLSON
NYE
BUDGE
BAILEY

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O 208.232.6101
F 208.232.6109
racinelaw.net

RANDALL C. BUDGE
rcb@racinelaw.net

July 23, 2014

Idaho Department of Water Resources
Southern Region Office
c/o Allen Merritt
650 Addison Ave. West
Twin Falls, Idaho 83301

RECEIVED
AUG 11 2014
DEPT OF WATER RESOURCES
SOUTHERN REGION

Re: Application for Transfer – Aqualife

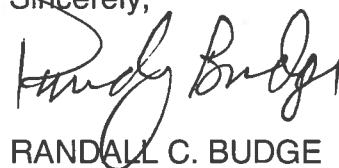
Enclosed please find the original and extra copy of an Application for Transfer of Water Right that we are submitting on behalf of IGWA for North Snake and Magic Valley Ground Water Districts and Southwest Irrigation District, with respect to Water Right No. 36-2338 which is owned by the Idaho Water Resource Board, together with our check in the amount of \$1,470 for filing fees. The fee is based upon the 10 CFS transfer fee of \$1,220, plus an additional \$250 for adding mitigation to the existing nature of use of fish propagation.

This Transfer Application is an integral part of the pending Third Mitigation Plan to Rangen which is scheduled for hearing before the Director commencing September 17, 2014. Both represent a key component of the Thousand Springs Water Supply Settlement Framework.

Accordingly, we would greatly appreciate it if you could expedite the review processing and publication of this Application. Upon filing the original, please conform stamp the extra copy, return to me a PDF copy as I will be providing a courtesy copy to all parties in the Third Mitigation Plan Case No. CM-MP-2014-005.

If you have any questions, please contact me or T.J. Budge. Thank you for your cooperation and assistance.

Sincerely,



RANDALL C. BUDGE

RCB:ts

Enclosure

c: Gary Spackman, Director
IGWA