

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 2-07375

Priority: April 9, 1982

Maximum Diversion Rate: 3,960.00 CFS

It is hereby certified that IDAHO POWER CO
C/O JON BOWLING
PO BOX 70
BOISE ID 83707

has complied with the terms and conditions of the permit,
issued pursuant to Application for Permit dated April 9, 1982; and has submitted Proof of Beneficial Use on
March 23, 1998. An examination confirms that water is diverted from:

SOURCE

SNAKE RIVER

Tributary: COLUMBIA RIVER

and a water right has been established as follows:

BENEFICIAL USE

POWER

PERIOD OF USE

01/01 to 12/31

DIVERSION RATE

3,960.00 CFS

LOCATION OF POINT(S) OF DIVERSION:

SNAKE RIVER Lot 3 (NE¼NW¼) Sec. 4, Twp 10S, Rge 18E, B.M. TWIN FALLS County

PLACE OF USE: POWER

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S 18E 4					X												
					Lot 3												

CONDITIONS OF APPROVAL

1. Power generation is at the Twin Falls power plant.
2. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 02.
3. Use of water under this right shall be non-consumptive.
4. The rights for the use of water confirmed in this license shall be junior and subordinate to all rights for the use of water other than hydropower, within the State of Idaho that are initiated later in time than the priority of this right and shall not give rise to any right or claim against any future rights for the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this right.
5. For purposes of the determination and administration of this water right, no portion of the waters of the Snake River or surface or ground water tributary to the Snake River upstream from Milner Dam shall be considered.

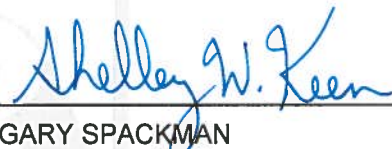
State of Idaho
Department of Water Resources
Water Right License
WATER RIGHT NO. 2-07375

CONDITIONS OF APPROVAL CONTINUED

6. The term of this water right shall run concurrently with Twin Falls Project license 18-000 issued by the Federal Energy Regulatory Commission (FERC), which expires on December 31, 2040. The term shall automatically extend to run concurrently with any annual renewals of the project's FERC license. Prior to the issuance of a subsequent or new FERC license for the project, the Director may review the water right license and may issue an order canceling all or any part of the use, establishing a new term, or revising, adding or deleting conditions under which the water right may be exercised. The order shall take effect on the date the current term, as may be extended through annual renewals, expires. If the Director does not issue such an order, the term shall automatically extend to a length equal to the project's subsequent or new FERC license and any prior conditions on the water right license shall remain in effect.
7. This right does not constitute Idaho Public Utilities Commission or Federal Energy Regulatory Commission approval that may be required.

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

Signed and sealed this 11th day of April, 2014.


for GARY SPACKMAN
Director



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

April 14, 2014

IDAHO POWER CO
C/O JON BOWLING
PO BOX 70
BOISE ID 83707

RE: License No. 2-7375

Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your license.

The license is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-287-4916.

Sincerely,

Craig L. Saxton

Water Rights Supervisor

Enclosure(s)

cc: James C. Tucker, Randy Budge, Dana Hofstetter,
Clive J. Strong, Jerry Rigby, and Josephine Beeman

CERTIFICATE OF SERVICE

I hereby certify that on April 15, 2014, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved License) to the person(s) listed below:

RE: WATER RIGHT NO.

2-7375

**IDAHO POWER CO
C/O JON BOWLING
PO BOX 70
BOISE ID 83707**

**JAMES C TUCKER
IDAHO POWER CO
PO BOX 70
BOISE ID 83707**

**IDAHO GROUND WATER
APPROPRIATORS INC
RANDY BUDGE, RACINE OLSON
101 S CAPITOL BLVD STE 300
BOISE ID 83702**

**JEFF & JACKIE HARPER & RANGE
RESOURCES CO LLC
DANA HOFSTETTER
608 W FRANKLIN ST
BOISE ID 83702**

**UPPER SNAKE WATER USERS
JERRY RIGBY
RIGBY THATCHER ANDRUS RIGBY
PO BOX 250
REXBERG ID 83440-0250**

**CLIVE J STRONG
NATURAL RESOURCES
PO BOX 83720
BOISE ID 83720-0010**

**JOSEPHINE BEEMAN
BEEMAN ASSOCIATES
409 W JEFFERSON ST
BOISE ID 83702**



**Darla Block
Technical Records Specialist**

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MEMORANDUM

Date: April 11, 2014
To: Water Right File 2-7375
From: Shelley Keen 
Re: POD and POU Legal Descriptions

The point of diversion and place of use for Right 02-7375 are in the river channel and are, therefore, technically not really in Govt. Lot 3. However, they are closer to the south side of the river, which is Govt. Lot 3, and the partial decree for Water Right 02-2056 described the same location as Govt. Lot 3. To be consistent with the prior right for the same site, I am describing the point of diversion and place of use as Govt. Lot 3. Because the permitted point of diversion and place of use are both Govt. Lot 3, no amendment of permit is necessary prior to licensing.

IDAHO DEPARTMENT OF WATER RESOURCES
Water Permit 2-7375

4/11/2014

Owner Type
Current Owner

Name and Address
IDAHO POWER CO
C/O JON BOWLING
PO BOX 70
BOISE, ID 83707
(208)388-2905

*Licensing Condition
Review*

*CS
4-11-14*

Priority Date: 4/9/1982
Status: Active

Source
SNAKE RIVER

Tributary
COLUMBIA RIVER

Beneficial Use
POWER

From To
1/01 12/31
Total Diversion

Diversion Rate
5,000.000 CFS
5,000.000 CFS

Volume

Source and Point(s) of Diversion
SNAKE RIVER

L3(NWNE)

Sec. 4, Twp 10S, Rge 18E, TWIN FALLS County

Place Of Use

POWER within TWIN FALLS County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	18E	4					X												
							L3												

Conditions of Approval:

1. 027 ~~Use of water under this right shall be non-consumptive. (Keep [csaxton 4-11-14])~~
2. 17K ~~The water right acquired under this permit for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit~~
Drop. R23 shouldn't have been used on this permit anyway. It should have been R22. R22 added to license. (csaxton 4-11-14)
3. 09E ~~Water used under this right when discharged into a natural channel or subsurface system shall meet Idaho Water Quality Standards.~~
Inactive, Drop. (csaxton 4-11-14)
4. 025 ~~This right does not constitute Idaho Public Utilities Commission or Federal Energy Regulatory Commission approval that may be required. (Keep [csaxton 4-11-14])~~
5. 17G ~~The diversion and use of water under this right and any license subsequently issued is subject to review by the Director on the date(s) of expiration of any license issued by the Federal Energy Regulatory Commission. Upon appropriate findings relative to~~

IDAHO DEPARTMENT OF WATER RESOURCES
Water Permit 2-7375

4/11/2014

the interest of the public, the Director may cancel all or any part of the use authorized herein and may revise, delete or add conditions under which the right may be exercised.

~~Replace with condition 913. I made 17G inactive (csaxton 4-11-14)~~

6. 01F The right holder shall either install a measuring device or a flow measurement port or provide a certified measurement or computation of flow based upon system design to be prepared by a professional engineer. **Drop**
7. 08A This right is subject to the provisions of Sections 42-205 through 42-210, Idaho Code, restricting the sale, transfer, assignment, or mortgage of this right. Failure to comply with these provisions is cause for immediate cancellation of this right. **Drop. Not used on licenses (csaxton 4-11-14)**

Comments:

1. CHAPMAN 3/31/1993 MISC INFORMATION
This project will produce 80,000 horsepower under 142 ft. of head.
2. VAULT 3/23/1998 Proof of Beneficial Use Rcvd
Proof of Beneficial Use Rcvd

Dates and Other Information

Permit Proof Due Date: 5/1/1998
Permit Proof Made Date: 3/23/1998
Permit Approved Date: 4/8/1993
Field Exam Date: 5/22/2013
Mitigation Plan: False

Combined Use Limits

N/A

Verification Log

SubCase:

N/A

Water Supply Bank:

N/A

- Add water district condition: R05
- Add condition from May 4, 2011 letter regarding water above Milner.
- State that this WR is at the Twin Falls site.

S Keen
4-11-14