

MEMORANDUM

Date: October 29, 2010

To: Water Right File 63-31183

From: Jeff Peppersack

Re: Meeting with Micron about Licensing for 63-31183

Meeting at Western Region with Michael McIntyre, John Chapman and Rick Murray from Micron, Terry Scanlan from SPF, and Steve Lester and Angie Grimm from IDWR. Micron wanted to discuss IDWR's letter of October 1, 2010. Micron requested consideration for 1) no combined volume limit for permit 63-31183 ("permit") and decreed rights for the same purpose, 2) credit for recycled water as volume diverted under the permit and, 3) credit for volume diverted under the permit based on actual volume pumped regardless of the volume recharged. After discussion, the Department position can be summarized as follows:

no combined volume limit for permit 63-31183 ("permit") and decreed rights for the same purpose

The permit condition provides credit for volume pumped under the Micron system to go towards the decreed rights, or otherwise if requested by the permit holder. In this case, Micron desires credit to go towards the permit. That is acceptable; however, the diversion pumped to date is not an additional increment of beneficial use so should be limited in combination with the decreed rights to 4507 afa (unless use goes beyond 4507 afa prior to the proof due date).

credit for recycled water as volume diverted under the permit

Use of recycled water for the authorized uses and POU would qualify as a conservation measure and therefore protect existing rights from forfeiture, but would not count as new beneficial use for volume diverted under the permit.

credit for volume diverted under the permit based on actual volume pumped regardless of the volume recharged

The actual volume diverted under the permit is greater than the volume that has been recharged in a single year. That is acceptable as beneficial use under the permit because recharge as mitigation would only be required if and when curtailment would occur to protect the resource. Micron can accumulate recharge credit for multiple year recharge efforts (with some reductions) which could provide for higher production in a curtailment scenario, especially if recharge volume is increased in the future through other means.

Micron indicated that they would research some of these issues further and understood that a new application might be one alternative to seek additional volume for ground water pumping for the future.