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DEPARTMENT OF
WATER RESOURCES

May 5, 2009

Michelle Edl
Associate Engineer
Water Rights Section
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

Subject: Permit 63-12420 – Micron Technology, Inc.

Dear Michelle:

In response to your letter of April 8, 2009, this letter provides additional information related to annual volume for licensing of Micron Technology, Inc. permit 63-12420.

As discussed in your letter and as follow-up to our telephone conversation, the 6038 afa volume limit proposed in the beneficial use field report is more water than can reasonably be expected to be available for diversion under this water right. However, at the same time, limiting the right to the volume that has actually been diverted under this water right would overly restrict future utilization of the water right during a good water year.

Figure 1 is a graph of the Boise River at Glenwood Bridge, which gives an indication of times when water right 63-12420 is available for diversion. In reviewing this graph, any flows over approximately 1,500 cfs at Glenwood can be considered flood control releases that are available for diversion under this water right.

In determining the volume limit for this beneficial field report, I considered the following five options. Any of these five volume limits would be acceptable to Micron.

1. **No Volume Limit.** No volume limit is Micron's preferred option. By not limiting the volume, Micron would have the flexibility to utilize the water to the extent it is available in any particular year.
2. **6,038 acre feet.** This volume is based on the 8.34 cfs maximum diversion rate multiplied by 365 days. I agree that it is highly unlikely for such a volume to be available for diversion.
3. **2,929 acre feet.** This is the largest volume that could have been diverted under this water right in the most recent 20 years. The Boise River was in flood control release from December 24, 1996 through June 26, 1997. Therefore, for the first 177 days of

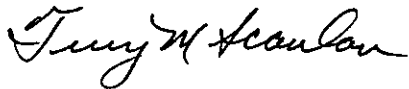
1997, water would have been available for diversion under this water right. The 8.34 cfs maximum diversion rate multiplied by 177 days is 2,928 acre feet.

4. **2,465 acre feet.** This is the largest volume that could have been diverted under this water right during the permit period. The Boise River was in flood control release from January 25, 2006 through June 23, 2006. Therefore, for 149 days in 2006, water was available for diversion under this water right. The 8.34 cfs maximum diversion rate multiplied by 149 days is 2,465 acre feet.
5. **2,060 acre feet.** This volume is the maximum recorded diversion volume and beneficial use from the Boise River by Micron under all of the Micron water rights. This volume was diverted in 2008 under a combination of Micron storage, Nampa & Meridian Irrigation District, and permit 63-12420.

Micron has requested a meeting with the Department to discuss (1) Micron's proposed Amended Ground Water Management Plan and (2) licensing of permit 63-31183 for recovery of recharged ground water. Steve Lester is coordinating that meeting. We could discuss the annual volume limitation on permit 63-12420 at that meeting if you think it would be appropriate.

Please contact me with any questions.

Sincerely,



Terry M. Scanlan, P.E., P.G.

Cc: Michelle Atkinson – Micron Technology, Inc.

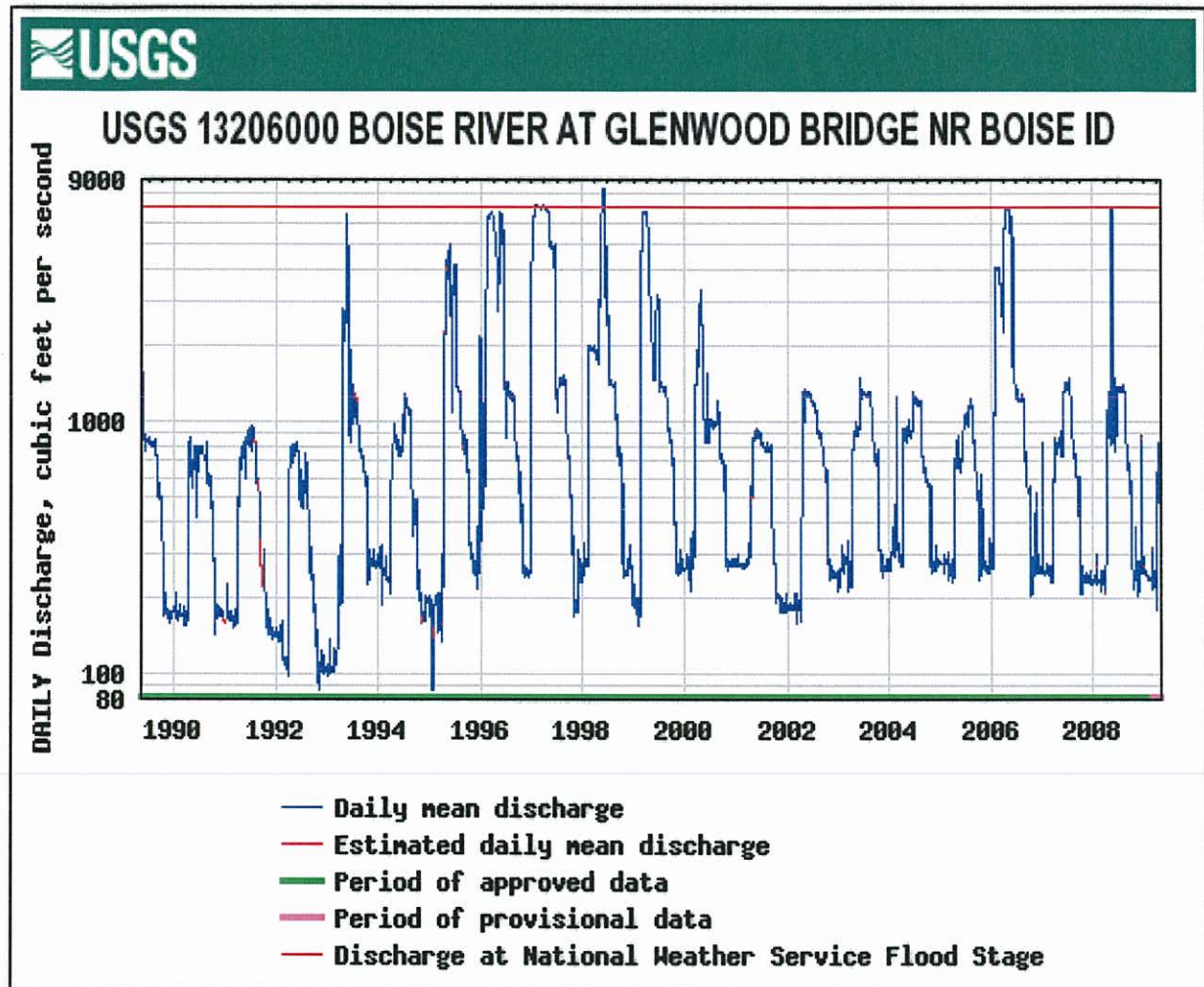


Figure 1