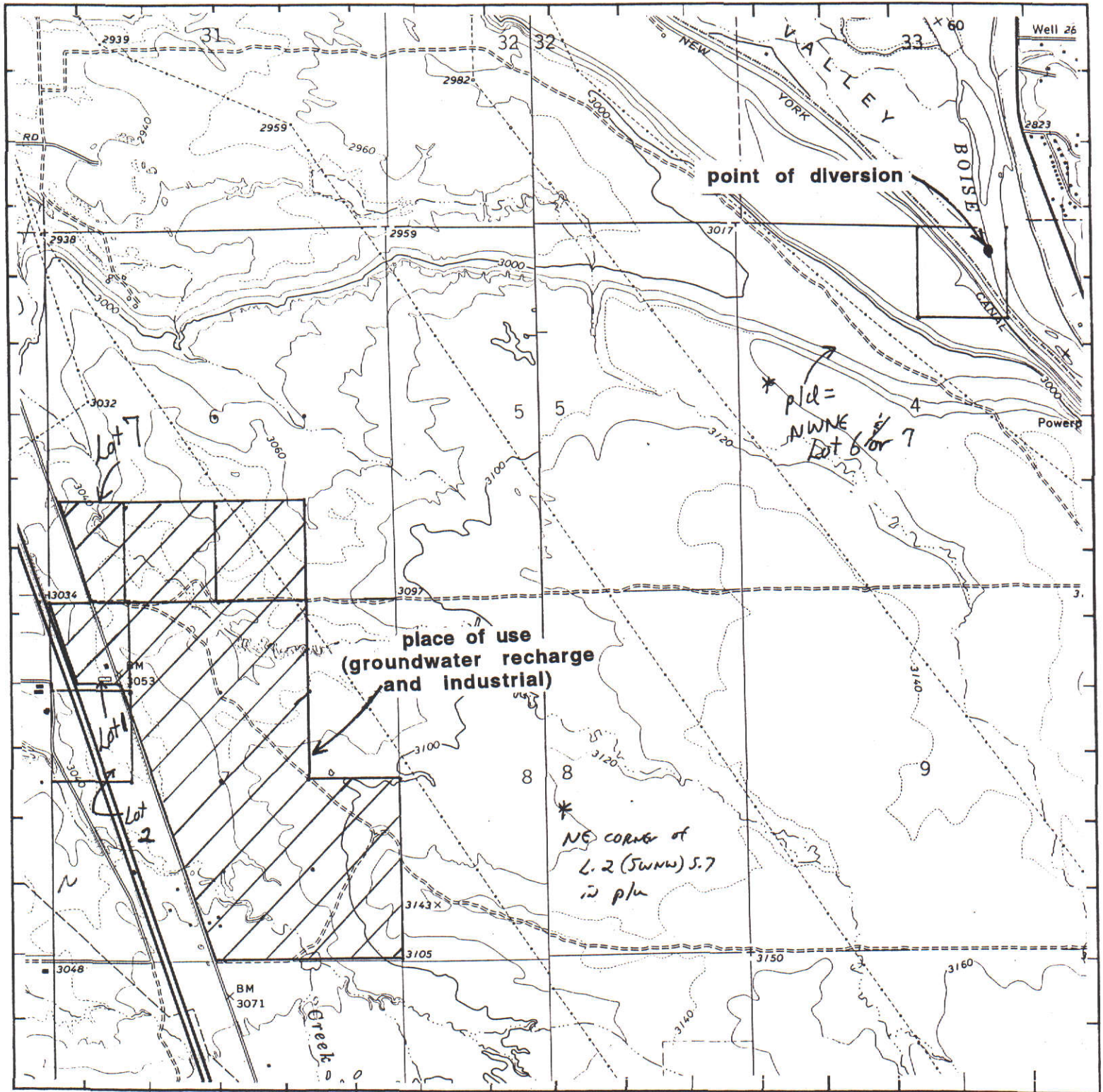


13. Map of proposed project: s clearly the proposed point of diversion place of use, section number, township and range number.



BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Recharge area overlaps
with Supt's Recharge
p/u

*SC

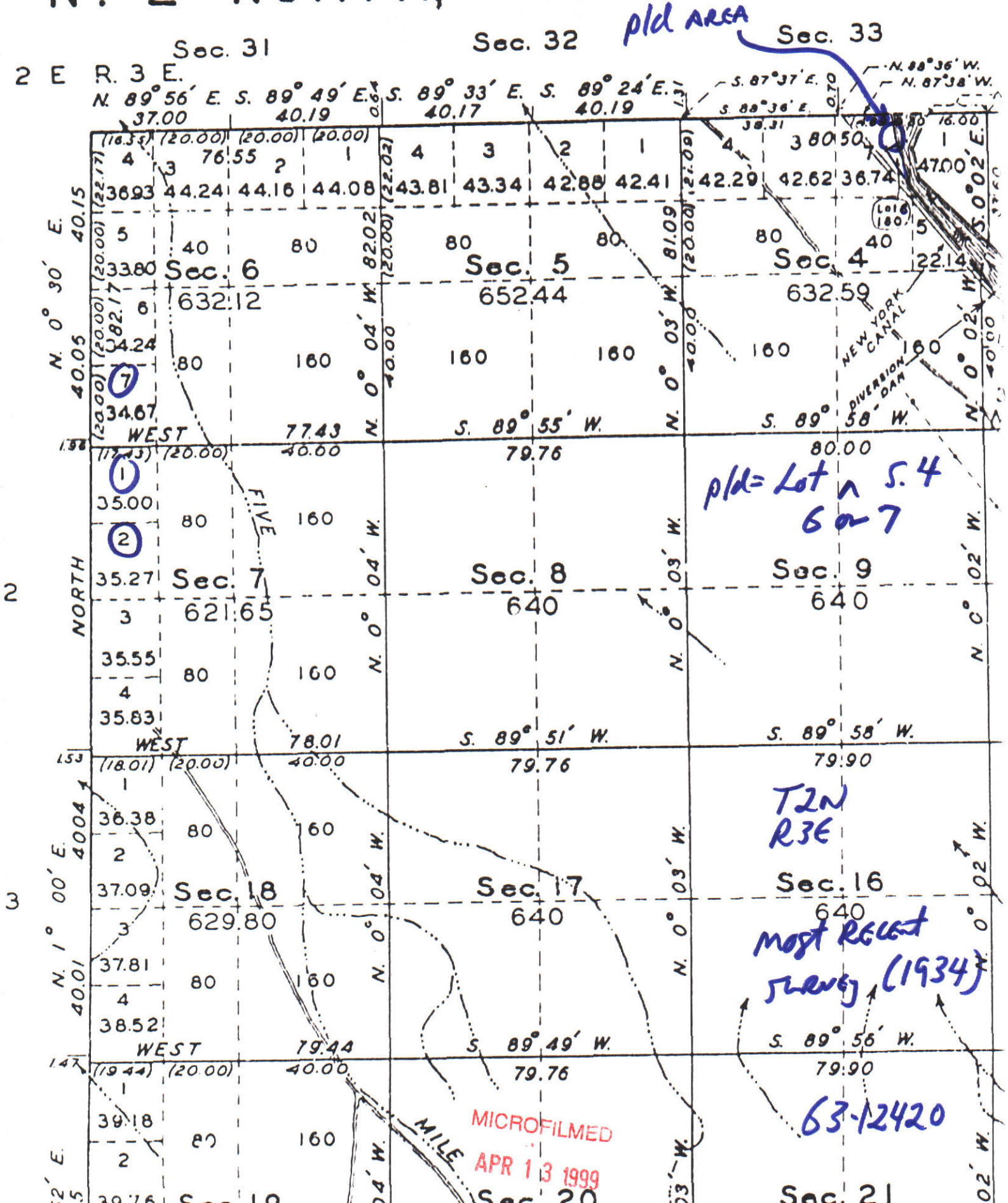
11/18/97

APR 13 1900

[Signature]
(Applicant)

63-12420

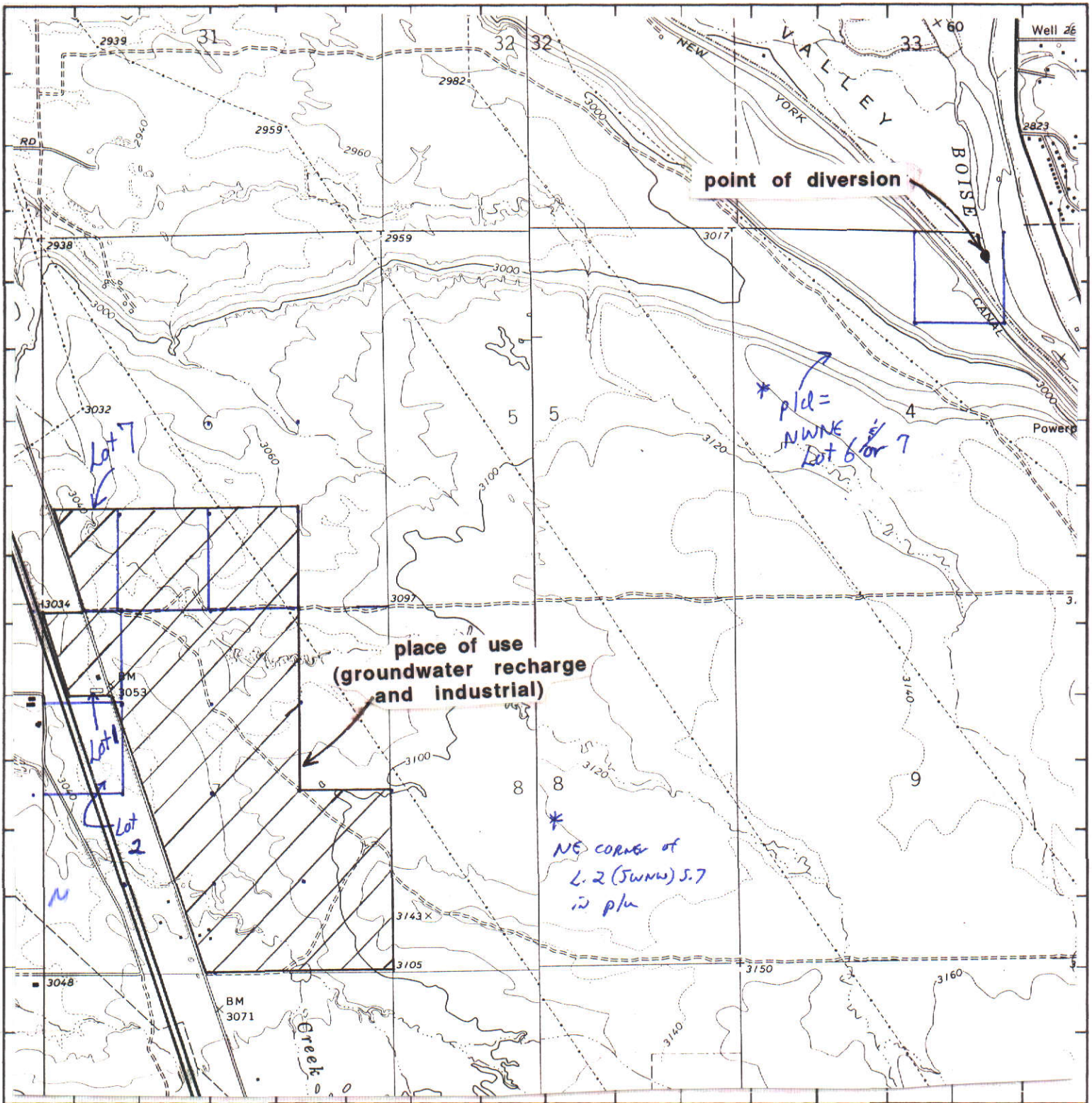
MICROFILMED



PROFILMED

APR 13 1999

13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Recharge area overlaps
with Triplet Recharge
pln
*JC 11/18/97

[Signature]
(Applicant)

MICROFILMED

APR 13 1999

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 63-12420

Proposed Priority: June 6, 1997

Maximum Diversion Rate:

15.00 CFS

This is to certify, that **MICRON TECHNOLOGY INC**
8000 S FEDERAL WY
PO BOX 6
BOISE ID 83707-0006

has applied for a permit to appropriate water from:

BOISE RIVER tributary of **SNAKE RIVER**

and a permit is **APPROVED** for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
INDUSTRIAL	01/01 to 12/31	5.00 CFS
GROUNDWATER RECHARGE	01/01 to 12/31	15.00 CFS
	Totals	15.00 CFS

LOCATION OF POINT(S) OF DIVERSION: Lot 6 (NWNE), Sec. 4, Township 02N, Range 03E
ADA County

PLACE OF USE: INDUSTRIAL

TWN RGE SEC

02N 03E	6	Lot 7 (SWSW)	SESW	SWSE
	7	NWNE	SWNE	NENW
		Lot 1 (NWNW)	Lot 2 (SWNW)	SENW
		NESW	SESW	NESE
		NWSE	SWSE	SESE

PLACE OF USE: GROUNDWATER RECHARGE, same as INDUSTRIAL use

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before April 1, 2004.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. Use of water under this water right will be regulated by the watermaster of State Water District No. 63.
5. Prior to diversion of water under this right, the right holder shall install and maintain a measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works.

MICROFILMED

APR 15 1997

State of Idaho
Department of Water Resources**Permit To Appropriate Water**

NO. 63-12420

CONDITIONS OF APPROVAL AND REMARKS

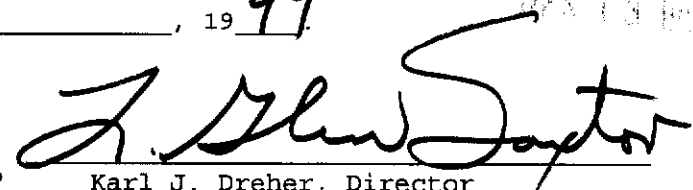
6. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary for this purpose will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.
7. The issuance of this right does not grant any right-of-way or easement across the land of another.
8. If measured or calculated Boise River flows at the point of diversion are less than 240.00 cfs during the period beginning June 16 and ending February 29, water shall not be diverted pursuant to this water right.
9. If measured or calculated Boise River flows at the point of diversion are less than 1,100.00 cfs during the period beginning March 1 and ending May 31, water shall not be diverted pursuant to this water right.
10. Measured or calculated Boise River flows at the point of diversion shall be based on gauged Lucky Peak Dam Discharge minus the gauged diversion to the New York Canal.
11. Industrial use is for computer chip production.
12. This right is subject to all prior water rights, including those water rights for power purposes that may otherwise be subordinated by contract entered into by the governor and Idaho Power Company on October 25, 1984, and ratified by the legislature pursuant to section 42-203B, Idaho Code.
13. Pursuant to section 42-4201A(3), Idaho Code, the director may reduce the amount of water diverted for recharge purposes under this right even though there is sufficient water to supply the entire amount authorized for appropriation under this right.
14. To insure that other water rights are not injured by the operations of the recharge project authorized by this right, the director retains jurisdiction to approve, disapprove, or require alterations in the methods employed to achieve ground water recharge.
15. Water discharged to a subsurface system must be authorized by a separate injection well permit.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the signature of the Director, affixed at Boise, this

1st day of

April

19 99


for Karl J. Dreher, Director

CONTACT PERSON IS
TERRY SCANLAN,
CONSULTANT
(383-4140)

RECEIVED

MAR 19 1999

Department of Water Resources

Ident. No. 63-12420

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name: MICRON TECHNOLOGY INC
Address: 8000 S FEDERAL WY
PO BOX 6
BOISE ID 837070006
208-368-4545
2. Source: BOISE RIVER Trib. to: SNAKE RIVER
3. Location of Point of Diversion: Lot 6 (NWNE), Sec. 4, Township 02N, Range 03E
ADA County
4. Water will be used for the following purposes:

Purpose	From	To	CFS	(or)	AF
INDUSTRIAL	01/01	12/31	5.000		
GROUNDWATER RECHARGE	01/01	12/31	15.000		
5. Total quantity to be appropriated is:
15.000 CFS (and/or) AF
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc.
PUMP AND PIPELINE TO RELIFT POND & BOOSTERS, PIPED TO MICRON SITE
 - b. Height of storage dam feet; active reservoir capacity
acre-feet; total reservoir capacity acre-feet; period of
year when water will be diverted to storage: to inclusive.
 - c. Proposed well diameter is inches; proposed depth of well is
feet.
 - d. Is groundwater with a temperature greater than 85F being sought? NO
 - e. If well is already drilled, when?
Drilling Firm
Well was drilled for
7. Time required for the completion of the works and application of
the water to the proposed beneficial use is 5 year(s).
8. Place of Use: GROUNDWATER RECHARGE

TWN	RGE	SEC	Lot	Section
02N	03E	6	7 (SWSW)	SESW
		7	NWNE	SWNE
			Lot 1 (NWNW)	Lot 2 (SNNW)
			NESW	SESW
				SWSE
				NENW
				SENW
				NESE

REVISED PER ORIGINAL APPL.

MICROFILMED

f dept. standards

-82 11/18/97

APR 13 1999

Place of Use: GROUNDWATER RECHARGE

TWN RGE SEC

NWSE

SWSE

SESE

Place of Use: INDUSTRIAL, same as GROUNDWATER RECHARGE use

9. a. Who owns the property at the point of diversion?
US BUREAU OF RECLAMATION
b. Who owns the land to be irrigated or place of use?
APPLICANT
c. If the property is owned by a person other than the applicant,
describe the arrangement enabling the applicant to make this filing.
EASEMENTS/CONTRACTS (SAME AS IN SIMPLOT APPL. 63-12399)

10. Remarks:

Application proposes use of river water, when available, to
replace ground water diverted in SE Boise Ground Water Mngt.
Area.

11. Map of proposed point of diversion and place of use attached? ☒

BE IT KNOWN that the undersigned hereby makes application for permit to
appropriate the public waters of the State of Idaho as herein set forth.

See original
Applicant

per file, SL for:

Received by GS Date 6/6/97 Time 1:35 Preliminary check by SL ^{6/9/97} _{11/18/97}

Fee \$ 380.00 Receipted by Kg #W022529 Date 6/6/1997

Publication prepared by St Date 11-26-97 Published in Idaho Statesman

Publication approved St Date 12-22-97 ₁₂₋₄₋₁₁₋₉₇

MICROFILMED

APR 13 1997

Remarks

The application proposes diverting water from the Boise River at a pump station located below the Highway 21 bridge in Lot 6 (NWNE) of Section 4, T2N, R3E. Water will be pumped through a 30-inch raw water pipeline to a pond and booster pumps in Section 5, and then pumped through a 20-inch and 24-inch pipeline to the Micron plant site in Section 7.

The water will be treated at the Micron plant to meet applicable water quality standards prior to use for (1) groundwater recharge through injection wells or (2) industrial uses requiring treated water. Untreated raw water will be used for industrial uses that do not require water treatment (cooling towers, etc.) or will be recharged through surface infiltration basins.

Recharged water will be stored in the aquifer until recovered under other water rights. Groundwater recharge will be used as mitigation for future water right applications.

MICROFILMED

APR 1 2 1989

63-12420

Comments: Date: 10/27/1997 User-ID: STAYLOR

Subject: POD Owner

Contract with BOR #6-07-10-L1431 and easement #96087899 with Ada County.

Comments: Date: 10/27/1997 User-ID: STAYLOR

Subject: Application Held

Application held pending IDWR clarification.

Comments: Date: 11/18/1997 User-ID: SLESTER

Subject: PROCESSING UPDATE

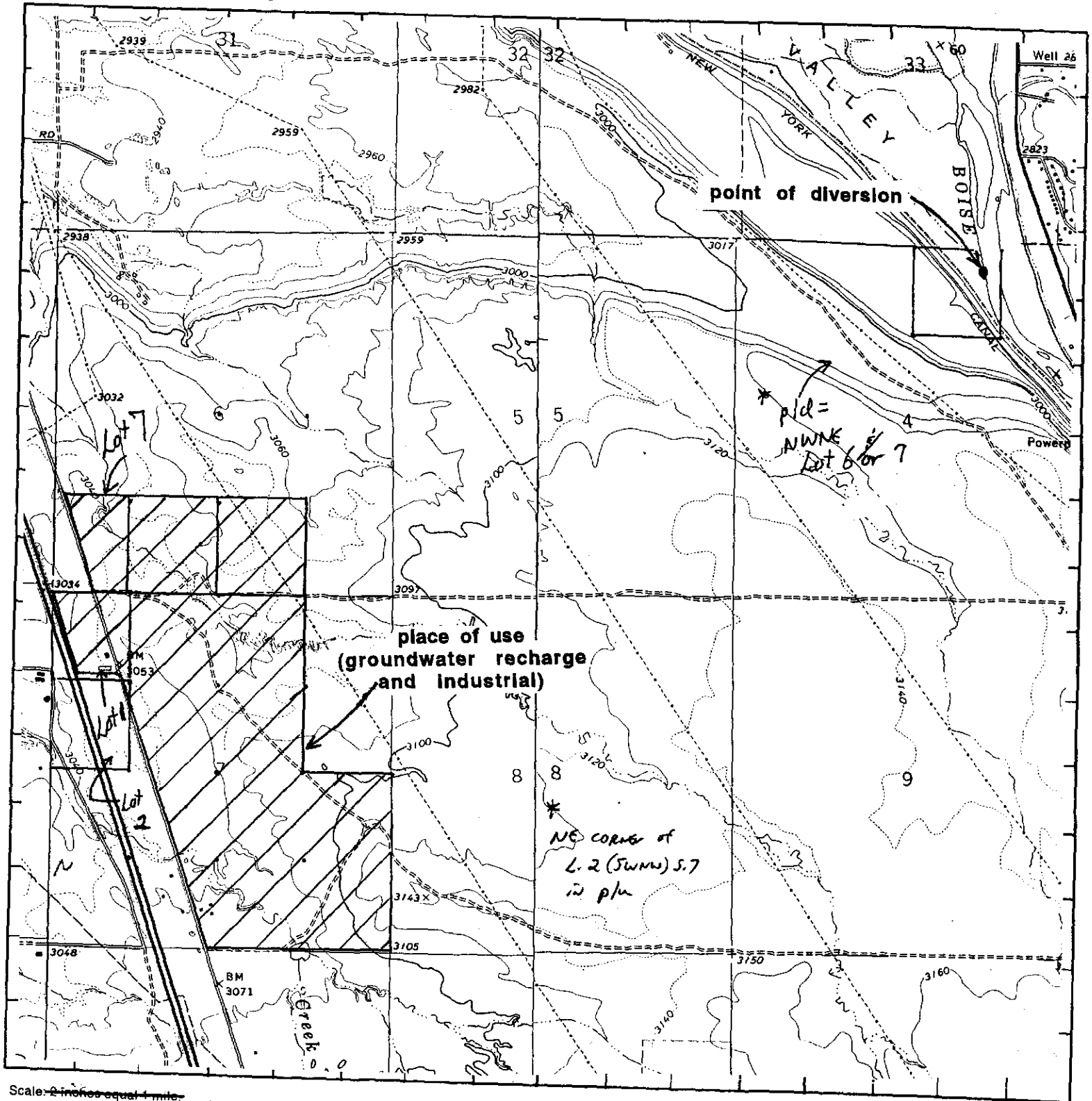
See Simplot application 63-12399 for extensive Comments also pertinent to this filing. Same type of abbreviated legal notice used in both filings.

Note that both applications propose ground water recharge in same P/U, although Simplot filing includes additional recharge area.

MICROFILMED

APR 13 1999

13. Map of proposed project: s clearly the proposed point of diversion place of use, section number, township and range number.



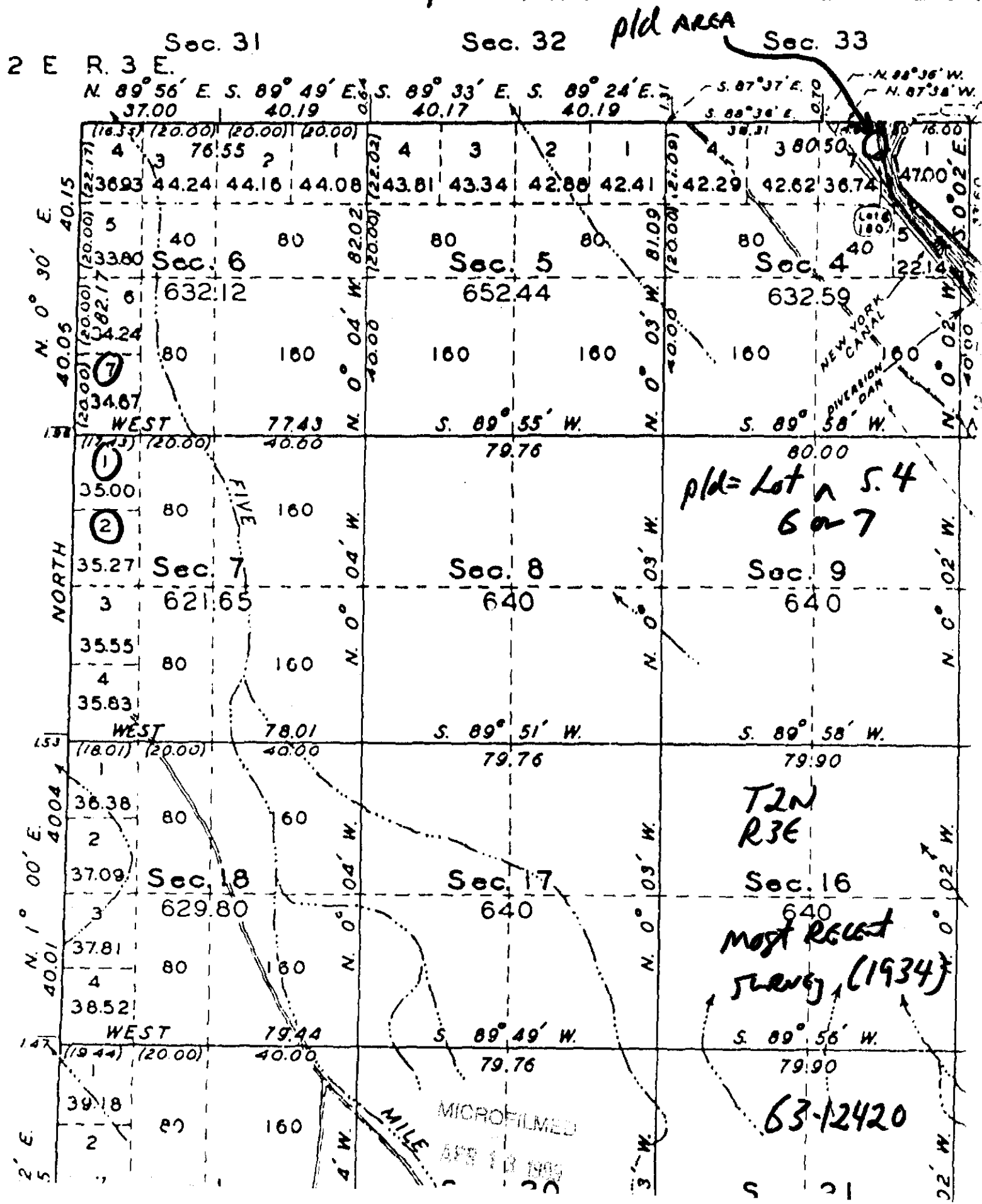
BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Recharge area overlaps
with right recharge
plu

*SL 11/18/97 MICROFILM
OFF 1/1/98

John [Signature]
(Applicant)

63-12420



RECEIVED

JUN 06 1997

Form 202
10/92

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO

Ident. No.

63-12420

DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Micron Technology, Inc. Phone 208-368-4545
Post office address 8000 South Federal Way, P.O. Box 6, Boise, ID 83707-0006
2. Source of water supply Boise River which is a tributary of Snake River
3. Location of point of diversion is _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$, Govt. Lot 6
Sec. 4 Township 2N Range 3E B.M. Ada County; additional
points of diversion if any: _____
4. Water will be used for the following purposes:
Amount 15.0 for groundwater recharge purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 5.0 for industrial purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 15.0 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc. pump station @ State Highway 21
bridge; 30-inch and 24-inch pipeline to industrial and recharge
facilities in sections 6 and 7
 - b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet; period of year when water will be diverted to storage:
_____ to _____ inclusive.
 - c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
 - d. Is ground water with a temperature of greater than 85°F being sought? _____
 - e. If well is already drilled, when? _____; Drilling firm _____
Well was drilled for (well owner) _____
7. Time required for the completion of the works and application of the water to be proposed beneficial use is
five years (minimum 1 year).

MICROFILMED

APR 14 1993

Original

8. Description of proposed uses (if irrigation only, go to item 9):

- Hydropower; show total feet of head and proposed capacity in KW. _____
- Stockwatering; list number and kind of livestock. _____
- Municipal; show name of municipality. _____
- Domestic; show number of households. _____
- Other; describe fully. groundwater recharge (through injection wells and surface infiltration basins), industrial use for manufacturing of semiconductor and electronic components

9. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of the use (example: *D* for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
2N	3E	7		EI	EI		EI	L1 EI	L2 EI	EI	EI			EI	EI	EI	EI	EI	
		6											EI	EI			EI		

E=groundwater recharge, I=industrial

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. _____

groundwater rights 63-09357, 63-10208, 63-11293

11. a. Who owns the property at the point of diversion? U.S. Bureau of Reclamation

b. Who owns the land to be irrigated or place of use? applicant

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. U.S. Bureau of Reclamation contract

#6-07-10-L1431 and easment #96087899 Ada County

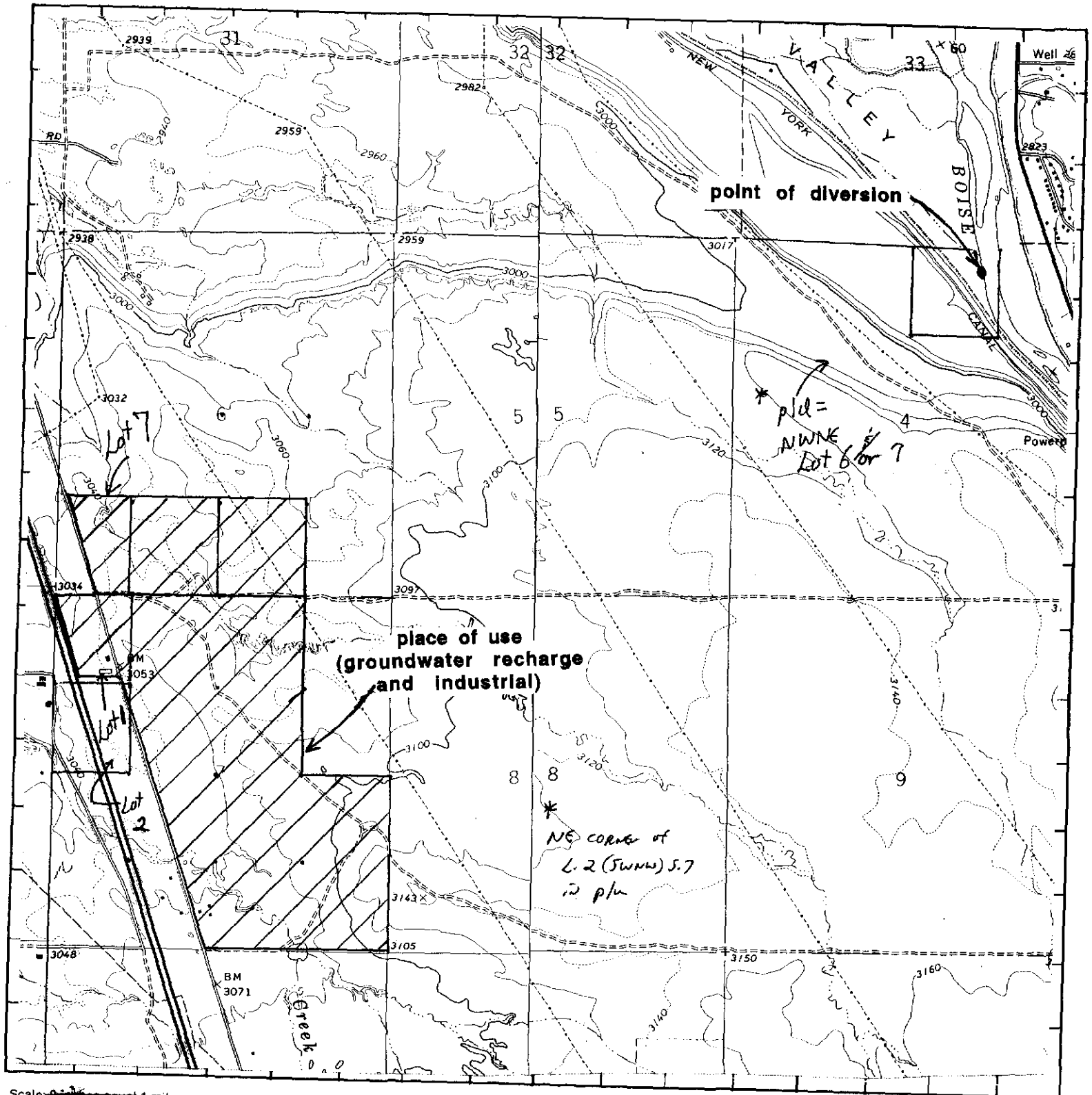
12. Remarks: attached

Application held pending department classification.

-jc 6/9/97

PLACE IN
"Comments"

13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Recharge area overlaps
with Supt Recharge
p/u
*82 11/18/97

[Signature]
(Applicant)

ROFILMED

SEP 1 5 1997

Received by Gary S Date 6/6/97 Time 1:35 pm Preliminary check by JZ ^{-6/9/97}
Fee \$ 380.00 Received by KL # W0022529 Date 6/6/97
Publication prepared by _____ Date _____ Published in _____
Publication approved _____ Date _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. _____, and said application is hereby _____.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19 ____.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. The water right acquired under this permit if 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 any 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.
- e. Other:

MICROFILMED
JUN 11 1997

PN Draft 10-21-97
Revised 11-6-97
Amendment No. 1 to
Contract No. 14-06-100-6255

United States Department of the Interior
Bureau of Reclamation

EAGLE ISLAND WATER USERS ASSOCIATION, INC.
CONTRACT AMENDMENT

This Contract Amendment (the "Agreement") dated this 10th day of November, 1997, pursuant to the Act of June 17, 1902 (32 Stat. 388) and the Act of December 28, 1973 (87 Stat. 884), and acts amendatory thereof or supplemental thereto, by and between EAGLE ISLAND WATER USERS ASSOCIATION, INC., an Idaho Corporation, (the "Association"), and the UNITED STATES OF AMERICA, (the "United States"), acting through such officer of the Bureau of Reclamation, (the "Bureau"), as is authorized therefore by the Secretary of the Interior.

WITNESSETH, that for and in consideration of the mutual agreements herein contained, the parties hereto do covenant and agree as follows:

- A. Contract No. 14-06-100-6255, dated May 17, 1968, (the "Contract"), makes available to the Association stored water accruing to two and seven thousand four hundred and ninety-eight ten thousands of one percent (2.7498%) of the active capacity of Lucky Peak Reservoir, which percent is equivalent to 7,650 acre-feet of active capacity; and
- B. The Association desires to amend the Contract to reduce the amount of contracted stored water available to the Association to coincide with the Association's stored water needs; and
- C. The members (shareholders) and Board of Directors of the Association authorized the Board of Directors to execute this Contract in accordance with the laws of Idaho and the Association's By-laws and Articles of Incorporation; and
- D. The reduction of storage capacity available to the Association accomplished by this Agreement represents 5,932 shares of stock of the Association that have been purchased by the J.R. Simplot Company and Micron Technology, Inc. ("Simplot/Micron") and are the subject of separate agreements. The Association will cancel said shares of stock in accordance with the terms of an agreement between the Association and Simplot/Micron.

NOW, THEREFORE, for and in consideration of the premises and of the covenants, agreements, and conditions hereinafter set forth, and for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the United States and the Association agree as follows:

Article 1

Article 5 of the Contract is amended to read as follows:

"WATER SERVICE FROM LUCKY PEAK RESERVOIR TO BE AVAILABLE TO THE CONTRACTOR"

"5. The United States will operate and maintain Lucky Peak Reservoir and will make available to the Contractor stored water accruing to six thousand one hundred seventy-five ten thousands of one percent (.6175%) of the active capacity of that Reservoir within the limits and upon the terms provided in this Contract. This percent shall, so long as the Reservoir has an active capacity of 278,200 acre-feet, be treated as the equivalent of 1,718 acre-feet of active capacity. The latter figure of active capacity may be adjusted from time to time by the Contracting Officer whenever there are determinations that the active capacity is other than as stated above."

Article 2

(a) As material inducement to the Association to enter into this Agreement, the United States represents, warrants, covenants, and agrees as follows:

1. Power and Authority. That it has all necessary power and authority to enter into this agreement and consummate this transaction.
2. Executing Parties. That the person executing this Agreement on the United States' behalf is an officer of the United States and has full power and authority to bind the United States to the terms hereof.

(b) As material inducement to the United States to enter into this Agreement, the Association represents, warrants, covenants, and agrees as follows:

1. Power and Authority. That it is an Idaho corporation duly organized and validly existing under the laws of the State of Idaho; that it has all necessary power and authority to carry out its present business, to enter into this Agreement, and to amend the contract, and that the execution and delivery hereof and the performance by the Association of its obligations hereunder will not violate or constitute an event of default under the terms or provisions of any agreement, document, or instrument to which the Association is a party, or by which the Association is bound.

2. Authorization: Valid Obligation. That the vote and all other proceedings undertaken by or on behalf of the Association to authorize it to make, deliver, and carry out the terms of this Agreement have been duly and properly taken, and that this Agreement is a valid and binding obligation of the Association enforceable in accordance with its terms, except as the same may be affected by bankruptcy, insolvency, moratorium, or similar laws.

(c) Survival. The truth, accuracy and completeness of each of the representations, warranties, and covenants of the United States and the Association set forth in this Agreement, as of the date hereof shall constitute a condition precedent to the obligations of the Association and the United States, respectively, hereunder. All representations, warranties, and covenants set forth in this Agreement shall survive this Agreement.

Article 3

Incorporation of Prior Agreements. This Agreement contains the entire understanding of the United States and the Association with respect to the subject matter hereof, and no prior written or oral agreement or understanding pertaining to this Agreement shall be effective for any purpose. No provision of this Agreement may be amended or added to except by an agreement in writing signed by the parties to this Agreement or their respective successors in interest.

Article 4

Notices. All notices, requests and demands to be made hereunder to the parties hereto shall be in writing and delivered to the addresses set forth below by any of the following means: (a) personal service; (b) electronic communication, whether by telex, telegram, or telecopying (if confirmed in writing sent by registered or certified first-class mail, return receipt requested); or (c) registered or certified first class mail, return receipt requested. Such addresses may be changed by notice to the other parties given in the same manner as provided above. Any notice, demand, or request sent pursuant to either subsection (a) or (b) hereof shall be deemed received upon such personal service or upon dispatch by electronic means, and, if sent pursuant to (c) shall be deemed received (5) days following deposit in the mail.

To the United States:

Regional Director
United States Bureau of Reclamation
Attn: PN-3300
PN Regional Office
1150 North Curtis Road
Boise, ID 83706-1234
Phone: (208) 378-5340
Fax: (208) 378-5305

To Association:

Eagle Island Water Users Association, Inc.
Attn: Board of Directors
1111 West South Channel Road
Eagle, ID 83616

Article 5

Attorneys Fees. In the event of any dispute or litigation concerning the enforcement, validity, or interpretation of this Agreement or any part hereof, each party shall pay its own attorneys fees and costs and expenses incurred.

Article 6

Further Assurances. The Association, prior to execution of this contract amendment, shall furnish to the United States an opinion of legal counsel for the Association confirming that the Association is in good standing and is duly authorized to enter into this contract amendment, and that all appropriate and necessary actions have been taken by the Association to effectuate the execution of this contract amendment and the associated sale and cancellation of 5,932 shares of stock of Simplot/Micron. The United States and the Association agree to execute, acknowledge, deliver, file and/or record such documents, and take such other actions, as are reasonably necessary to affect the amendment contemplated by this Agreement and to otherwise give this Agreement its fullest force and effect.

Article 7

Miscellaneous.

- (a) Officials Not to Benefit. No Member of or Delegate to Congress, Commissioner or official of the Association shall benefit from this Agreement other than as a water user or landowner in the same manner as other water users or landowners.
- (b) Section Headings. Headings at the beginning of sections and paragraphs of this Agreement are solely for the convenience of reference and are not part of this Agreement.
- (c) Successors and Assigns. This Agreement shall be binding upon, and inure to the benefit of, the parties hereto and their respective successors and assigns.
- (d) Time is of the Essence. Time is of the essence of this Agreement.

Article 8

Effective Date. This Agreement becomes effective upon the Association's cancellation of the stock described in recital D, above.

IN WITNESS WHEREOF, the United States and the Association have executed this Agreement as of the day and year first written above.

EAGLE ISLAND WATER USERS ASSOCIATION, INC.

(SEAL)

Attest:

By: _____

Title: _____

By: James Mote
Title: PRESIDENT

UNITED STATES OF AMERICA

By: John W. Kays, III

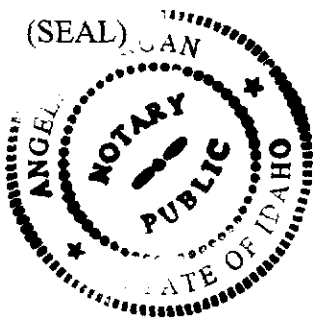
Title: Regional Director, PN Region
Bureau of Reclamation

STATE OF IDAHO)

County of ADA) : SS

On this 7th day of November, 1997, before me, a Notary Public, personally appeared JAMES WROTEN known to me to be the President of the Eagle Island Water Users Association, Inc., and the person who executed the within instrument on behalf of said association, and acknowledged to me that said association executed the same.

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



Angela Morgan
Notary Public in and for the
State of IDAHO
Residing at: Baise
My commission expires: 7-20-99

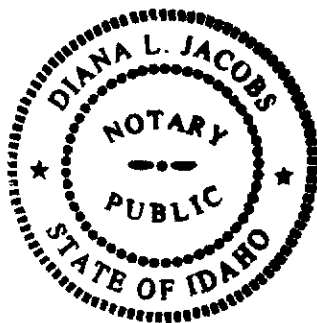
STATE OF IDAHO)

County of Ada) : SS

On this 10 day of November, 1997, personally appeared before me John W. Keys, III, to me known to be the official of the United States of America that executed the within and foregoing instrument and acknowledged said instrument to be the free and voluntary act and deed of said United States, for the uses and purposes therein mentioned, and on oath stated that he was authorized to execute said instrument.

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

(SEAL)



Diana L. Jacobs
Notary Public in and for the
State of IDAHO
Residing at: Baise
My commission expires: 5-23-2000



IN REPLY
REFER TO:

PN-3323
WTR-4.00

United States Department of the Interior

BUREAU OF RECLAMATION
Pacific Northwest Region
1150 North Curtis Road, Suite 100
Boise, Idaho 83706-1234

MAR 31 1998

RECEIVED

APR 01 1998

Department of Water Resources

Eagle Island Water Users Association, Inc.
Attention: Board of Directors
1111 West South Channel Road
Eagle ID 83616

Subject: Executed Amendment No. 1 to Contract No. 14-06-100-6255

Gentlemen:

Enclosed for the records of the Eagle Island Water Users Association, Inc., is a fully executed original of Amendment No. 1 to Contract No. 14-06-100-6255, dated November 10, 1997, which reduces Lucky Peak Reservoir storage capacity available to the Association to .6175 percent of the active capacity, which is treated as the equivalent of 1,718 acre-feet of active capacity. The reduction represents 5,932 shares of stock of the Association purchased by the J.R. Simplot Company and Micron Technology that were canceled by the Association on November 26, 1997. November 26, 1997, thus becomes the effective date of this amendment, as set forth in Article 8.

If you have any questions on this subject, please contact Larry Parsons of this office at the above address or telephone (208) 378-5346.

Sincerely,

Ryan M. Patterson
Program Manager
Repayment and Acreage Limitation

Enclosure

cc: Director
Idaho State Department of Water Resources
1301 North Orchard
Boise ID 83720 (w/copy of encl)

Boise River Watermaster
6616 Overland Rd
Boise ID 83709 (w/copy of encl)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION

Arrowrock Division, Boise Project, Idaho

MUNICIPAL AND INDUSTRIAL WATER SERVICE CONTRACT
BETWEEN THE UNITED STATES AND J.R. SIMPLOT COMPANY
AND MICRON TECHNOLOGY, INC.

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PN Draft 10-21-97
Revised 11-06-97
Contract No. 8-07-10-W1183

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION

Arrowrock Division, Boise Project, Idaho

MUNICIPAL AND INDUSTRIAL WATER SERVICE CONTRACT
BETWEEN THE UNITED STATES AND J.R. SIMPLOT COMPANY AND MICRON
TECHNOLOGY, INC

THIS CONTRACT, made this 10th day of November, 19 97,
pursuant to the Act of Congress approved June 17, 1902 (32 Stat. 388), and acts amendatory thereof
or supplementary thereto, and particularly section 9(c)(2) of the Reclamation Project Act of 1939
(53 Stat. 1187), collectively known as the Federal Reclamation laws, between the UNITED
STATES OF AMERICA, hereinafter referred to as the United States, represented by the officer
executing this contract, hereinafter referred to as the Contracting Officer, and J.R. SIMPLOT
COMPANY, a Nevada Corporation, and MICRON TECHNOLOGY, INC., a Delaware
Corporation, hereinafter referred to as the Contractors,

WITNESSETH THAT:

EXPLANATORY RECITALS

2. WHEREAS, the United States has constructed and is operating the Anderson Ranch
Dam and Reservoir on the Boise River as part of the Boise Project in which there is water stored
which can be used for the irrigation of land and for other beneficial uses, which stored water was

appropriated by the United States pursuant to the laws of Idaho for beneficial use under the Federal Reclamation Laws; and

3. WHEREAS, the Contractors desire to enter into a contract for the use of Anderson Ranch Dam and Reservoir stored water for municipal and industrial purposes, including noncommercial irrigation use; and

4. WHEREAS, the United States desires and the Contractors are willing to provide replacement water from Lucky Peak Reservoir for the purpose of salmon flow augmentation.

NOW THEREFORE, in consideration of the mutual and dependent covenants herein contained, the parties hereto agree as follows:

EFFECTIVE DATE AND TERM OF CONTRACT

5. This contract shall become effective only upon the effective date of a contract amendment between the United States and the Eagle Island Water Users Association, Inc. for the reduction of stored water in Lucky Peak Reservoir and will continue in effect for a period of 25 years unless previously terminated under the provisions of Article 9 hereof: Provided, That upon expiration of the 25-year term, this contract may be renewed taking into consideration conditions then existing and under provisions mutually acceptable to the parties.

WATER TO BE MADE AVAILABLE TO THE CONTRACTORS

6. During the term of this contract, the United States shall make available to the Contractors and the Contractors shall pay for, as provided in Article 7 hereof, the water from 3,000 acre-feet of storage space in Anderson Ranch Reservoir. All active space in Anderson Ranch Reservoir will be treated with the same priority for determining the amount of stored water

available. Losses or shortages resulting from the storage operation will be prorated equally. The amount of water released from this space, the rate at which the water is released, and the timing of the releases will be coordinated with the State Watermaster. Unused water in this space may be held over in Anderson Ranch Reservoir from year to year.

RATE AND METHOD OF PAYMENT

7. a. The Contractors shall pay for 3,000 acre-feet of storage space in Anderson Ranch Reservoir at an initial annual rate of \$21 per acre-foot, whether or not the water in this space is utilized and regardless of any held over water.

b. From time to time, but not less often than once every 5 years, the rate per acre-foot will be reviewed by the Contracting Officer and revised, if necessary, taking into account any changes in project costs, allocation of costs, interest rates, or other related factors: Provided, That operation, maintenance, replacement, and administration costs will be reviewed each year to ensure that these costs are paid in advance.

c. The initial payment to the United States for the first year's water shall be due upon execution of this contract.

d. Subsequent annual payments shall be due on November 1 of the year following the date of this contract and each year thereafter: Provided, That the dates of payment may be changed if mutually agreeable to the Contracting Officer and the Contractor.

e. The Contractors are jointly and severally liable for all obligations contained herein. Micron Technology, Inc. will be responsible for tendering all payments from the Contractors to the United States under this contract. All payments under this contract shall be made by the medium requested by the United States on the date payment is due. The required method of

payment may include checks, wire transfers, or other types of payment specified by the United States. Except when otherwise so specified, all payments shall be made by check.

MEASUREMENT AND RESPONSIBILITY FOR DISTRIBUTION

8. a. The water to be furnished to the Contractors will be measured by facilities operated by the United States and delivered into the Boise River. At the option of the United States, the Anderson Ranch Reservoir stored water to which the Contractors are entitled may be measured and delivered to or for the Contractors at the outlet works of Anderson Ranch Reservoir, Arrowrock Reservoir, or Lucky Peak Reservoir. The Contractors shall incur all transportation and administration losses from the point of such delivery to the place of use.

b. The Contractors agree to provide measuring devices or other means of measurement, which are acceptable to the State Watermaster in charge of the distribution of water from the Boise River at or near the Contractors' point(s) of diversion. The Contractors also shall pay any charges required by the Idaho Department of Water Resources for the State Watermaster's handling or administration of this water.

c. The United States shall not be responsible for the control, carriage, handling, use, disposal, or distribution of water taken by the Contractors hereunder, and the Contractors shall hold the United States harmless on account of damage or claim of damage of any nature whatsoever, including property damage, personal injury, or death arising out of or connected with the control, carriage, handling, use, disposal, or distribution of such water by the Contractors.

TERMINATION OF CONTRACT

9. a. This contract shall be terminated and water service hereunder shall cease at the option of the United States at any time if the Contractors are delinquent in payments required under this contract or upon failure of the Contractors to comply with other provisions herein or to abide by any lawful notice, order, rule, or regulation of the United States and the State of Idaho, now or hereafter established affecting water service hereunder: Provided, That the United States notifies the Contractors of any delinquency or deficiency by written notice and the Contractors fail to comply with said notice within 60 days.

b. The Contractors shall have the right to terminate this contract for any reason: Provided, That notice of the intent by the Contractors to terminate this contract shall be in writing to the Contracting Officer at least 60 days prior to the termination date proposed: Provided further, That termination under this provision shall become effective no sooner than November 1 of the next calendar year following such written notice.

c. Termination of this contract for any cause shall not relieve the Contractors of any obligations incurred by way of this contract prior to termination.

UNITED STATES NOT LIABLE FOR WATER SHORTAGE

10. On account of drought, errors in operation, or other causes, there may occur at times a shortage during any year in the quantity of water available to the Contractors by the United States pursuant to this contract, and in no event shall any liability accrue against the United States or any of its officers, agents, or employees for any damage direct or indirect, arising therefrom. No proportionate adjustment in payments required will be made to the extent water is not available in Anderson Ranch Reservoir for diversion under this contract.

CONTRACT - NOT A WATER RIGHT

11. No provisions of this contract, nor any renewal thereof, nor the furnishing of water hereunder will be construed to either bind the United States after the expiration of this contract or as the basis of a permanent water right.

STATUS OF CONTRACTORS

12. The Contractors certify that neither is in default to any agency or department of the United States on any financial obligations.

BOOKS, RECORDS AND REPORTS

13. The Contractors shall establish and maintain accounts and other books and records pertaining to administration of the terms and conditions of this contract, including: water supply data, water use data, and other matters that the Contracting Officer may require. Reports thereon shall be furnished as the Contracting Officer may require. Subject to applicable Federal laws and regulations, each party to this contract shall have the right during office hours to examine and make copies of the other party's books and records relating to matters covered by this contract.

STANDARD CONTRACT ARTICLES

14. This contract is subject to standard contract provisions listed below. The full text of these articles is attached as Exhibit A and is hereby made a part of this contract.

- a. CHARGES FOR DELINQUENT PAYMENTS
- b. GENERAL OBLIGATION--BENEFITS CONDITIONED UPON PAYMENT
- c. NOTICES
- d. CONTINGENT ON APPROPRIATION OR ALLOTMENT OF FUNDS

- e. OFFICIALS NOT TO BENEFIT
- f. ASSIGNMENT LIMITED--SUCCESSORS AND ASSIGNS OBLIGATED
- g. RULES, REGULATIONS, AND DETERMINATIONS
- h. QUALITY OF WATER
- i. WATER AND AIR POLLUTION CONTROL
- j. WATER CONSERVATION
- k. EQUAL OPPORTUNITY
- l. COMPLIANCE WITH CIVIL RIGHTS LAWS AND REGULATIONS
- m. HAZARDOUS MATERIALS

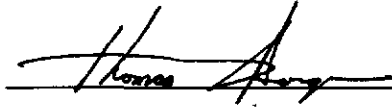
IN WITNESS WHEREOF, the parties hereto have signed their names the day and year first
above written.

(SEAL)

J.R. SIMPLOT COMPANY

Attest:

By:



Title:

V.P. & TREASURER

By: _____

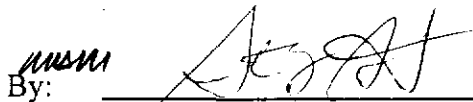
Title: _____

(SEAL)

MICRON TECHNOLOGY, INC.

Attest:

By:



Title:

Vice President of Facilities

By: _____

Title: _____

UNITED STATES OF AMERICA

By:



Title: Regional Director, PN Region
Bureau of Reclamation

STATE OF IDAHO)

: SS

County of)

On this 7th day of November, 1997, before me, a Notary Public, personally appeared Thomas J. Long known to me to be the VP, Treasurer of the J.R. Simplot Company, and the person who executed the within instrument on behalf of said corporation, and acknowledged to me that said corporation executed the same.

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

(SEAL)

Linda R. Whipple

Notary Public in and for the
State of IDAHO

Residing at: Bow

My commission expires: 09/10/2002

STATE OF IDAHO)

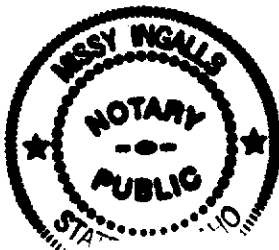
: SS

County of)

On this 14th day of November, 1997, before me, a Notary Public, personally appeared Steve Stout known to me to be the VP of Facilities of Micron Technology, Inc., and the person who executed the within instrument on behalf of said corporation, and acknowledged to me that said corporation executed the same.

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

(SEAL)



Missy Ngalls

Notary Public in and for the
State of IDAHO

Residing at: Bow

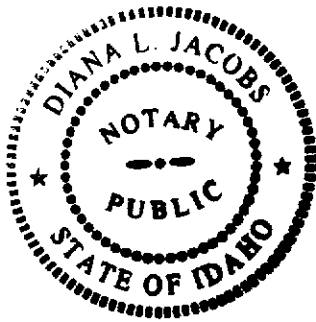
My commission expires: 11/16/99

STATE OF IDAHO)
 : SS
County of Ada)

On this 10 day of November, 19 97, personally appeared before me
John W. Keys, III, to me known to be the official of the United States of
America that executed the within and foregoing instrument and acknowledged said instrument to be
the free and voluntary act and deed of said United States, for the uses and purposes therein
mentioned, and on oath stated that he was authorized to execute said instrument.

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

(SEAL)



Diana L. Jacobs
Notary Public in and for the
State of IDAHO
Residing at: Boise
My commission expires: 5-23-2000

STANDARD CONTRACT ARTICLES

The Contractors, as referred to in the following Standard Contract Articles, shall be J.R. Simplot Company and Micron Technology, Inc.

CHARGES FOR DELINQUENT PAYMENTS

a. (1) The Contractors shall be subject to interest, administrative and penalty charges on delinquent installments or payments. When a payment is not received by the due date, the Contractors shall pay an interest charge for each day the payment is delinquent beyond the due date. When a payment becomes 60 days delinquent, the Contractors shall pay an administrative charge to cover additional costs of billing and processing the delinquent payment. When a payment is delinquent 90 days or more, the Contractors shall pay an additional penalty charge of 6 percent per year for each day the payment is delinquent beyond the due date. Further, the Contractors shall pay any fees incurred for debt collection services associated with a delinquent payment.

(2) The interest charge rate shall be the greater of the rate prescribed quarterly in the Federal Register by the Department of the Treasury for application to overdue payments, or the interest rate of 0.5 percent per month prescribed by section 6 of the Reclamation Project Act of 1939 (Public Law 76-260). The interest charge rate shall be determined as of the due date and remain fixed for the duration of the delinquent period.

(3) When a partial payment on a delinquent account is received, the amount received shall be applied, first to the penalty, second to the administrative charges, third to the accrued interest, and finally to the overdue payment.

GENERAL OBLIGATION--BENEFITS CONDITIONED UPON PAYMENT

b. (1) The obligation of the Contractors to pay the United States as provided in this contract is a general obligation of the Contractors notwithstanding the manner in which the obligation may be distributed among the Contractors' water users and notwithstanding the default of individual water users in their obligations to the Contractors.

(2) The payment of charges becoming due hereunder is a condition precedent to receiving benefits under this contract. The United States shall not make water available to the Contractors through project facilities during any period in which the Contractors may be in arrears in the advance payment of water rates due the United States. The Contractors shall not furnish water made available pursuant to this contract for lands or parties which are in arrears in the advance payment of water rates levied or established by the Contractors.

NOTICES

c. Any notice, demand, or request authorized or required by this contract shall be deemed to have been given, on behalf of the Contractors, when mailed, postage prepaid, or delivered to the Regional Director, PN Region, Bureau of Reclamation, 1150 N. Curtis Road, Boise, Idaho 83706-1234, and on behalf of the United States, when mailed, postage prepaid, or delivered to: (1) J.R. Simplot Company, Attention: Secretary, 999 Main Street, Suite 1300, One Capitol Center, PO Box 27, Boise, ID 83707-0027; (2) Micron Technology, Inc., Vice President and General Counsel, 8000 S. Federal Way, MS 507, PO Box 6, Boise, ID 83707-0006; and (3) Micron Technology, Inc., Vice-President Facilities, 8000 S. Federal Way, MS 60Z, PO Box 6, Boise, ID 83707-0006. The designation of the addressee or the address may be changed by notice given in the same manner as provided in this article for other notices.

CONTINGENT ON APPROPRIATION OR ALLOTMENT OF FUNDS

d. The expenditure or advance of any money or the performance of any obligation of the United States under this contract shall be contingent upon appropriation or allotment of funds. Absence of appropriation or allotment of

funds shall not relieve the Contractors from any obligations under this contract. No liability shall accrue to the United States in case such funds are not appropriated or allotted.

OFFICIALS NOT TO BENEFIT

e. No Member of or Delegate to Congress, Commissioner, or official of the Contractors shall benefit from this contract other than as a water user or landowner in the same manner as other water users or landowners.

ASSIGNMENT LIMITED--SUCCESSORS AND ASSIGNS OBLIGATED

f. The provisions of this contract shall apply to and bind the successors and assigns of the parties hereto, but no assignment or transfer of this contract or any right or interest therein shall be valid until approved in writing by the Contracting Officer.

RULES, REGULATIONS, AND DETERMINATIONS

g. (1) The parties agree that the delivery of water or the use of Federal facilities pursuant to this contract is subject to Reclamation law, as amended and supplemented, and the rules and regulations promulgated by the Secretary of the Interior under Reclamation law.

(2) The Contracting Officer shall have the right to make determinations necessary to administer this contract that are consistent with the expressed and implied provisions of this contract, the laws of the United States and the State, and the rules and regulations promulgated by the Secretary of the Interior. Such determinations shall be made in consultation with the Contractors.

QUALITY OF WATER

h. The operation and maintenance of project facilities shall be performed in such manner as is practicable to maintain the quality of raw water made available through such facilities at the highest level reasonably attainable, as determined by the Contracting Officer. The United States does not warrant the quality of water and is under no obligation to construct or furnish water treatment facilities to maintain or better the quality of water.

WATER AND AIR POLLUTION CONTROL

i. The Contractors, in carrying out this contract, shall comply with all applicable water and air pollution laws and regulations of the United States and the State of Idaho, and shall obtain all required permits or licenses from the appropriate Federal, State, or local authorities.

WATER CONSERVATION

j. Prior to the delivery of water provided from or conveyed through federally constructed or federally financed facilities pursuant to this contract, the Contractors shall develop an effective water conservation program acceptable to the Contracting Officer. The water conservation program shall contain definite water conservation objectives, appropriate economically feasible water conservation measures, and time schedules for meeting those objectives. At subsequent 5-year intervals, the Contractors shall submit a report on the results of the program to the Contracting Officer for review. Based on the conclusions of the review, the Contracting Officer and the Contractors shall consult and agree to continue or to revise the existing water conservation program.

EQUAL OPPORTUNITY

k. During the performance of this contract, the Contractors agree as follows:

(1) The Contractors will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The Contractors will take affirmative action to ensure that

applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, or national origin. Such action shall include, but not be limited to, the following: Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Contractors agree to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Contracting Officer setting forth the provisions of this nondiscrimination clause.

(2) The Contractors will, in all solicitations or advertisements for employees placed by or on behalf of the Contractors, state that all qualified applicants will receive consideration for employment without discrimination because of race, color, religion, sex, or national origin.

(3) The Contractors will send to each labor union or representative of workers with which it has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the Contracting Officer, advising the said labor union or workers' representative of the Contractors' commitments under Section 202 of Executive Order 11246 of September 24, 1965, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(4) The Contractors will comply with all provisions of Executive Order No. 11246 of September 24, 1965, as amended, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(5) The Contractors will furnish all information and reports required by said amended Executive Order and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to its books, records, and accounts by the Contracting Officer and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(6) In the event of the Contractors' noncompliance with the nondiscrimination clauses of this contract or with any of the such rules, regulations, or orders, this contract may be canceled, terminated, or suspended, in whole or in part, and the Contractors may be declared ineligible for further Government contracts in accordance with procedures authorized in said amended Executive Order, and such other sanctions may be imposed and remedies invoked as provided in said Executive Order, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

(7) The Contractors will include the provisions of paragraphs (1) through (7) in every subcontract or purchase order unless exempted by the rules, regulations, or orders of the Secretary of Labor issued pursuant to Section 204 of said amended Executive Order, so that such provisions will be binding upon each subcontractor or vendor. The Contractors will take such action with respect to any subcontract or purchase order as may be directed by the Secretary of Labor as a means of enforcing such provisions, including sanctions for noncompliance: Provided, however, That in the event the Contractors become involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction, the Contractors may request the United States to enter into such litigation to protect the interests of the United States.

COMPLIANCE WITH CIVIL RIGHTS LAWS AND REGULATIONS

1. (1) The Contractors shall comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d), Section 504 of the Rehabilitation Act of 1973 (P.L. 93-112, as amended), the Age Discrimination Act of 1975 (42 U.S.C. 6101, et seq.) and any other applicable civil rights laws, as well as with their respective implementing regulations and guidelines imposed by the U.S. Department of the Interior and/or Bureau of Reclamation.

(2) These statutes require that no person in the United States shall, on the grounds of race, color, national origin, handicap, or age, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving financial assistance from the Bureau of Reclamation. By executing this contract, the Contractors agree to immediately take any measures necessary to implement this obligation, including permitting officials of the United States to inspect premises, programs, and documents.

(3) The Contractors make this agreement in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property discounts or other Federal financial assistance extended after the date hereof to the Contractors by the Bureau of Reclamation, including installment payments after such date on account of arrangements for Federal financial assistance which were approved before such date. The Contractors recognize and agree that such Federal assistance will be extended in reliance on the representations and agreements made in this article, and that the United States reserves the right to seek judicial enforcement thereof.

HAZARDOUS MATERIALS

m. During the performance of this contract, the Contractors agree as follows:

(1) The Contractors shall comply with all applicable Federal, State, and local laws and regulations, and Reclamation policies and instructions, existing or hereafter enacted or promulgated, concerning any hazardous material that will be used, produced, transported, stored or disposed of on or in lands, waters or facilities owned by the United States or administered by Reclamation.

(2) "Hazardous material" means any substance, pollutant or contaminant listed as hazardous under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. § 9601, et seq., and the regulations promulgated pursuant to that Act.

(3) The Contractors may not allow contamination of lands, waters or facilities owned by the United States or administered by Reclamation by hazardous materials, thermal pollution, refuse, garbage, sewage, effluent, industrial waste, petroleum products, mine tailings, mineral salts, pesticides (including, but not limited to, the misuse of pesticides), pesticide containers or any other pollutants.

(4) The Contractors shall report to Reclamation, within 24 hours of its occurrence, any event which may or does result in pollution or contamination adversely affecting lands, water or facilities owned by the United States or administered by Reclamation.

(5) Violation of any of the provisions of this Article shall constitute grounds for immediate termination of this contract and shall make the Contractors liable for the cost of full and complete remediation and/or restoration of any Federal resources or facilities that are adversely affected as a result of the violation.

(6) The Contractors agree to include the provision contained in paragraphs (1) through (5) of this Article in any sub or third party it may enter into pursuant to this .

(7) Reclamation agrees to provide information necessary for the Contractors, using reasonable diligence, to comply with the provision of this Article.

REIMBURSEMENT AGREEMENT

This Reimbursement Agreement (the "Agreement") dated this 10th day of November, 1997, by and between **J.R. SIMPLOT COMPANY**, a Nevada Corporation, **MICRON TECHNOLOGY, INC.**, a Delaware Corporation (hereinafter referred to collectively as "Simplot-Micron") and **THE UNITED STATES OF AMERICA**, (the "United States") acting through the officer of the Bureau of Reclamation (the "Bureau") as is authorized therefore by the Secretary of the Interior.

RECITALS

WHEREAS, Contract No. 14-06-100-6255 dated May 17, 1968, (the "Contract") entitles the Eagle Island Water Users Association, Inc., a non-profit Idaho Corporation, (the "Association") to receive and place to beneficial use Two and Seven Thousand Four Hundred and Ninety-Eight Ten Thousands of one percent (2.7498%) of the active capacity of Lucky Peak Reservoir, which is equivalent to Seven Thousand Six Hundred Fifty (7,650) acre-feet of active capacity.

WHEREAS, Simplot-Micron will purchase from the individual members (shareholders) of the Association up to Five Thousand Nine Hundred and Thirty-Two (5,932) shares of stock in the Association each representing one-acre foot of water under the terms and conditions of the Contract.

WHEREAS, Simplot-Micron will resign its membership in the Association represented by shares of stock purchased from Association members (shareholders).

WHEREAS, the Association will cancel the shares of stock purchased by Simplot-Micron following their resignation.

WHEREAS, the Association will amend the Contract to reduce the amount of contracted stored water by the shares of stock represented by the membership resignation of Simplot-Micron and the corresponding shares of stock canceled by the Association.

WHEREAS, Simplot-Micron's resignation of its membership in the Association and the Association's amendment of the Contract to reflect said resignation shall be in exchange for a water service entitlement to Three Thousand (3,000) acre-feet of storage space in Anderson Ranch Reservoir from the Bureau.

WHEREAS, the execution of a contract with the Bureau for Three Thousand (3,000) acre-feet of storage space in Anderson Ranch Reservoir shall be a condition precedent to Simplot-Micron's resignation of its membership in the Association.

WHEREAS, the execution of the Association's amendment of the Contract shall be a condition precedent to Simplot-Micron's resignation of its membership in the Association.

WHEREAS, Simplot-Micron and the Bureau have agreed that the Bureau shall reimburse Simplot-Micron for any shares of stock purchased by Simplot-Micron from Association members (shareholders) in excess of Three Thousand Five Hundred Fifty Four (3,554) at a rate of Seventy-five Dollars (\$75.00) per share of stock.

WHEREAS, in the event that Simplot-Micron and the Bureau fail to execute a contract for Three Thousand (3,000) acre-feet of storage space in Anderson Ranch Reservoir or the Association and the Bureau fail to execute an amendment of the Contract, this Agreement shall be void and have no force and effect.

NOW, THEREFORE, for and in consideration of the premises and of the covenants, agreements and conditions hereinafter set forth, and for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the United States and Simplot- Micron agree as follows:

1. The Bureau will execute a contract with Simplot-Micron, entitled MUNICIPAL AND INDUSTRIAL WATER SERVICE CONTRACT BETWEEN THE UNITED STATES AND J.R. SIMPLOT COMPANY AND MICRON TECHNOLOGY, INC., for Three Thousand (3,000) acre-feet of storage space in Anderson Ranch Reservoir at an M&I rate.

2. Upon execution of the MUNICIPAL AND INDUSTRIAL WATER SERVICE CONTRACT BETWEEN THE UNITED STATES AND J.R. SIMPLOT COMPANY AND MICRON TECHNOLOGY, INC., Simplot-Micron will resign their membership in the Association represented by the shares of stock purchased by Simplot-Micron from the Association members (shareholders). The Association shall cancel the shares of stock purchased by Simplot-Micron and amend the Contract to reflect said resignation and cancellation.

3. The Bureau shall reimburse Simplot-Micron for any shares of stock acquired by Simplot-Micron from the Association members (shareholders) in excess of Three Thousand Five Hundred fifty-four (3,554) up to a maximum of Two Thousand Three Hundred and seventy-eight (2,378) ($5,932 - 3,554 = 2,378$) shares of stock at a rate of Seventy-five Dollars (\$75.00) per share of stock. Payment will be made by electronic transfer to account number 00300049-64 within 60 days of execution of this agreement.

4. In the event that Simplot-Micron and the Bureau fail to execute a contract for Three Thousand (3,000) acre-feet of storage space in Anderson Ranch Reservoir or the Association and the Bureau fail to execute an amendment of the Contract, this Agreement shall be void and have no force and effect.

5. Each party represents and warrants that it has all necessary power and authority to enter into this Agreement and consummate the transactions contained herein.

6. This Agreement contains the entire understanding of the United States and Simplot-Micron with respect to the subject matter hereof, and no prior written or oral agreement or understanding pertaining to this Agreement shall be effective for any purpose. No provision of this Agreement may be amended or added to except by an agreement in writing signed by the parties to this Agreement or their respective successors in interest.

7. All notices, requests and demands to be made hereunder to the parties hereto shall be in writing and delivered to the addresses set forth below by any of the following means: (a) personal service; (b) electronic communication, whether by telex, telegram or telecopying, if confirmed in writing sent by registered or certified first class mail, return receipt requested; or (c) registered for certified first class mail, return receipt requested. Such addresses may be changed by notice to the other parties given in the same manner as provided above. Any notice, demand or request sent pursuant to either subsection (a) or (b) hereof shall be deemed received upon personal service or upon dispatch by electronic means and, if sent pursuant to (c) shall be deemed received (5) days following deposit in the mail.

To the United States:

Regional Director
United States Bureau of Reclamation
Attn: PN-3100
PN Regional Office
1150 North Curtis Road
Boise, ID 83706-1234
Phone: (208) 378-5092
Fax: (208) 378-5305

To Simplot:

J.R. Simplot Company
Attention: Secretary
999 Main Street, Suite 1300
One Capitol Center
P.O. Box 27
Boise, ID 83707-0027

To Micron:

Micron Technology, Inc.
Attn: Michael McIntyre
8000 South Federal Way
P.O. Box 6
Boise, ID 83707-0006

8. In the event of any dispute or litigation concerning the enforcement, validity, or interpretation of this Agreement or any part hereof, each party shall pay its own attorneys fees and costs and expenses incurred.

9. Simplot and Micron certify that neither is in default to any agency or department of the United States government on any financial obligations.

10. The United States and Simplot-Micron agree to execute, acknowledge, deliver, file and/or record such documents, and take such other actions, as are reasonably necessary to affect Agreements contemplated herein and to otherwise give this Agreement its fullest force and effect.

11. This Agreement shall be binding upon, and inure to the benefit of, the parties hereto and the respective successors and assigns.

12. Time is of the essence of this Agreement.

IN WITNESS WHEREOF, the United States and Simplot-Micron have executed this Agreement as of the day and year first written above.

J.R. SIMPLOT COMPANY

(SEAL)

By: 

Attest:

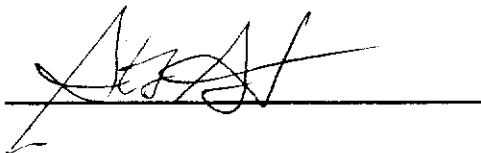
Title: VICE PRESIDENT TREASURER

By: _____

Title: _____

MICRON TECHNOLOGY, INC.

(SEAL)

By: 

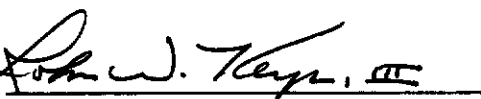
Attest:

Title: Vice President of Facilities

By: _____

Title: _____

UNITED STATES OF AMERICA

By: 

Title: Regional Director, PN Region
Bureau of Reclamation

STATE OF IDAHO)

: SS

County of)

On this 7th day of November, 19 97, before me, a Notary Public, personally appeared Thomas J. Stige known to me to be the VP-Treasurer of the J.R. Simplot Company, and the person who executed the within instrument on behalf of said corporation, and acknowledged to me that said corporation executed the same.

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

(SEAL)

Linda D. Whipple
Notary Public in and for the
State of IDAHO

Residing at: Boise

My commission expires: 09/10/2002

STATE OF IDAHO)

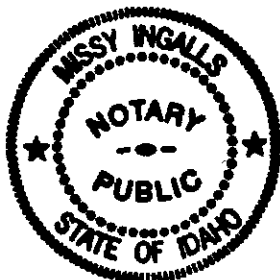
: SS

County of)

On this 6th day of November, 19 97, before me, a Notary Public, personally appeared Shane Street known to me to be the VP of Facilities of Micron Technology, Inc., and the person who executed the within instrument on behalf of said corporation, and acknowledged to me that said corporation executed the same.

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

(SEAL)



Missy Ingalls
Notary Public in and for the
State of IDAHO

Residing at: Boise

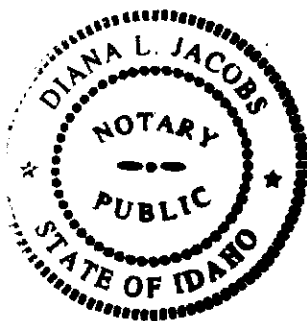
My commission expires: 2/11/99

STATE OF IDAHO)
 : ss
County of Ada)

On this 10 day of November, 19 92, personally appeared before me John W. Kuyper, III, to me known to be the official of the United States of America that executed the within and foregoing instrument and acknowledged said instrument to be the free and voluntary act and deed of said United States, for the uses and purposes therein mentioned, and on oath stated that he was authorized to execute said instrument.

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

(SEAL)



Diana L. Jacobs
Notary Public in and for the
State of IDAHO
Residing at: Boise
My commission expires: 5-23-97



IN REPLY
REFER TO:

PN-3323
WTR-4.00

United States Department of the Interior

BUREAU OF RECLAMATION
Pacific Northwest Region
1150 North Curtis Road, Suite 100
Boise, Idaho 83706-1234

MAR 31 1998

63-12420
RECEIVED

APR 01 1998

Department of Water Resources

J.R. Simplot Company
Attention: Secretary
PO Box 27
Boise ID 83707-0006

Micron Technology, Inc.
Vice President and General Counsel
PO Box 6
Boise ID 83707-0006

Mr. Michael McIntyre
Vice President Facilities
Micron Technology, Inc.
PO Box 6
Boise ID 83707-0006

Subject: Executed Contracts Nos. 8-07-10-W1183 and 8-07-10-W1190

Enclosed for the records of the J.R. Simplot Company and Micron Technology, Inc., are fully executed originals of the subject contracts.

Contract No. 8-07-10-W1183, dated November 10, 1997, provides for municipal and industrial (M&I) use of up to 3,000 acre-feet of storage space in Anderson Ranch Reservoir. November 26, 1997, is the effective date of the contract in accordance with Article 5.

Contract No. 8-07-10-W1190 is the Reimbursement Agreement in which the Bureau of Reclamation agreed to reimburse the J.R. Simplot Company and Micron Technology, Inc. for the 2,378 shares of stock acquired in excess of 3,554 shares.

It was a pleasure working with staff from your offices on the subject agreements. If you have any questions, please contact Larry Parsons of this office at the above address or telephone (208) 378-5346.

Sincerely,

Ryan M. Patterson
Program Manager
Repayment and Acreage Limitation

Enclosures

cc: Director
Idaho State Department of Water Resources
1301 North Orchard
Boise ID 83720 (w/copy of encls)

Boise River Watermaster
6616 Overland Rd
Boise ID 83709
(w/copy of encls)



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

April 1, 1999

MICRON TECHNOLOGY INC
8000 S FEDERAL WY
PO BOX 6
BOISE ID 83707-0006

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 63-12420

Dear Permit Holder:

The Department of Water Resources (IDWR) has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit is a preliminary order issued by IDWR pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by IDWR unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

The Department will send you a "Proof Due Notice" approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

Please note that a separate stream channel alteration permit must be obtained from the IDWR prior to any activity in the stream channel other than construction or maintenance of the diversion structure for your water right(s). Applications for stream channel alteration permits must be filed at least sixty days prior to the commencement of work in the stream.

Be sure to note the special condition requiring you to install a measuring device and lockable controlling works that will enable the watermaster to control the rate of diversion.

RECEIVED

1999

If you have any questions, please call me at 208 327-7946.

Sincerely,

A handwritten signature in cursive script that reads "Shelley W. Keen". The signature is written in dark ink and is positioned above the typed name.

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosures

MICROFILMED

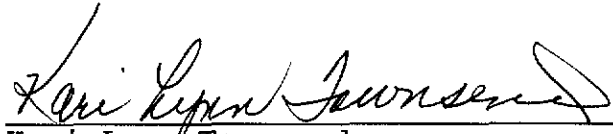
APR 13 1979

CERTIFICATE OF MAILING

I hereby certify that on the 1st day of April, 1999, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the person(s) listed below:

Water Right No. 63-12420

MICRON TECHNOLOGY INC
8000 S FEDERAL WY
PO BOX 6
BOISE ID 83707-0006


Kari Lynn Townsend
Secretary

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APR 13 1999

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief 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 the order. 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 twenty-one (21) 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 a 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. Otherwise, a preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

If the Department grants a petition to review a preliminary order, the Department 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 Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department orders otherwise, all oral arguments will be heard in Boise, Idaho.

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APR 13 1999

CERTIFICATE OF SERVICE

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

FINAL ORDER

The Department 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 Department 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 issuance 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.

APPLICATION FOR PERMIT STATE OFFICE ANALYSIS

by *Cindy Lee*No.: 63-12420 Name: Nixon Date: 3/26/99 Ad OK? ☒ Gvmt Lts: ☒AREA OF CONCERN: - No/Yes: PRD Mor / GWMA / Trust / Non-trust

PROTESTED: - 020 (Protest Agreement) or *W19 (Order)

SYSTEM COMPLETED:

- > 1 year - 26A P17
- ≤ 1 year/no proof - P16

~~DRILLING PERMIT~~: (✓ FLO-CH)

DRILLING PERMIT

- All wells (✓ WDQ3) - 046-P23
- In Basin 34? - 085
- Irr. within WD - P05 (new well location)
- WMD (✓ MAP) - North / East / West
- > 0.24 cfs/5 acres - 067 or No MD (in-stream stock or power)
- ≤ 0.24 cfs/5 acres - No MD
- WMD
- Supp irr use only - 065-079 (if GW use SW)-(keep SW)-(GW not primary irr source)
- Supp. irr + uses - 100-101
- > 0.24 cfs/5 acres - 01M (report when notified)
- ≤ 0.24 cfs/5 acres - No MD

SURFACE WATER: (✓ FLO-CH) (Surface water that doesn't sink is regulated):

- FISH & GAME CONTACTED: - YES / NO; WHEN: _____ RESPONSE: _____
- IN/ABOVE MSF (✓ MAP) - *WB9
- IN-STREAM DEVELOPMENT - P5 (stream channel alteration)
- WD (✓ MAP & LISTING) - R04 DVD # 63
- > 0.20 cfs - 01P08 (MD & LD)
- ≤ 0.20 cfs - 01H-P01 (LD), 01P or No MD (in-stream stock)
- WMD (✓ MAP)
- > 0.24 cfs/5 acres - 067 or No MD (in-stream stock or power)
- ≤ 0.24 cfs/5 acres - No MD
- SPRINGS/SINK, INACTIVE WD & REST OF STATE
- > 0.24 cfs/5 acres - 01M or No MD (in-stream stock or power)
- ≤ 0.24 cfs/5 acres - No MD

RIVER BASINS: (*Surface water):

- Snake R (01) - *W22 -P04, NA
- (02/03-irr) - 007 (w/ remark *WB9 if above Weiser), NA
- Payette R(65) - *W22 (regulated uses), 047-P04 (Payette Lake), NA
- Salmon R (70's) - 029 (fish screens), NA
- Weiser R (67) - 086, 087

USE:

- STORAGE (✓3 compo.) - 18A (in & out MD for on-stream storage), 18B-P09 (>10' dam), NA
- IRR ≤ 5 acres - R66/R67/R68/R69 (0.03 cfs/acre + 3.0/3.5/4.0/4.5 AF)
- > 5 acres - R62/R63/R64/R65 (0.02 cfs/acre + 3.0/3.5/4.0/4.5 AF)
- STOCKWATER - R37 (BLM/USFS); NA
- MINING - 054(req) -081-P10
- FISH PROPAGATION - 029(70's only)-007-042(req)-081 (VWQ)-P10
- HEATING/COOLING - R07 (injection well)
- POWER - 17H/17K(+uses)-08A-025(P18)-01N-028-081(P10)-027 (if no other cons. use); 17G (FERC) or 17M (FERC); 18B-P09; >25 cfs-P18
- MUNICIPAL
- In restricted area? - 022, 075, 004 (+memo?)
- Irr., GW supp. to SW? - 102
- DOMESTIC
- Surface water - *WB5 (Big Wood R or Boise R ↑ Star Bridge); 27A (Payette River); NA
- >1 in rest. area - 071-070
- FIRE PROTECTION - 077

LOCATION:

- BOISE FRONT LOGEO - 058 (<85° GW temp only)
- MITIGATION - 120
- 42-248 AREA - P84 (in 20/30/40/50/60/70/80 (87) basin)
- SWAN FALLS FLAG (✓Code) -
- Trust - 051-052-053-P74 (Consumptive Uses), NA
- Non-Trust (1) - 048-049 (Consumptive Uses), NA

OWNERSHIP: - 004 (PD/PU) BOE/easement #6-07-10-L1431OTHER CONDITIONS: - R07STANDARD REMARKS: - Same as 63-12399 (exclude W27)BENEFICIAL USE DUE: - 4 / 11 / 2004

COMMENTS: -

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

Statewide AD,
see Attached
Legal notice

INITIAL REVIEW BY: SL DATE: 11/18/97 APPLICATION: 63-12420

REQUIRED INFORMATION

Name: (If applicant is a corporation or partnership, names and addresses for the director, officers, and other partners must be included.) *on file w/ IDWR*
Address:
Source: (See USGS Quad for names of water sources)
Point of Diversion: (10 acres for spring, lot & block descriptions for Subdivisions, local name)
County:
Quantity: (flow and/or volume)
Period of use:
Nature of proposed use: (Include description of use)
Description of diverting works:
Time required for beneficial use of water:
Place of use or acres irrigated:
Map: (show T, R, S, QQ &/or QQQ)
Subdivision plat: (for > 1 home in restricted area. $\geq$ 5 homes in non-restricted area)
Signature: (If applicant is corp., partnership, or municipality, title of signatory is required)
Correct fee paid

RECEIVED
MAR 10 1999
Gov't. Lots:
P/D
P/U

Department of Water Resources

ADDITIONAL INFORMATION

See notice
ADVERTISE REMARK(S)
(Reviewer identify which remarks)

☒ T FLAG CHANGED TO P FLAG *completed 11/18*

YES NO

☒ Overlapping place of use: (Describe source & relationship to present application on next page.)
☒ Overlapping point of diversion.
☒ Critical groundwater area:
☒ Groundwater management area:
☒ 1992 moratorium:
☒ Bull trout impact area - "known absent" this old per b.t. map
☒ Copy to SCA staff: (perennial stream, non-pump diversion &/or any mining).
☒ Copy to Dam Safety staff: (for any storage)
☒ Mitigation plan: where ground water replaces surface water for irrigation, request additional information &/or mitigation plan to address reduced aquifer recharge
☒ Send power requirement letter:
☒ Send fish farm requirement letter:
☒ Power residency affidavit:
☒ Diversion greater than 5 cfs or 500 af or irrigation greater than 200 acres: (If yes, attach Large Diversion supplementary analysis sheet.)
☒ *REQUEST ADDITIONAL INFORMATION FROM THE APPLICANT

a) *CLARIFY pond 5.5 - capacity? left phone msg. 11/18/97 ← OK 11/24/97 fills in*
b) *large div. info needed (abbreviated response needed)* *24 hrs for storage n/a*

Date Requested 11/19/97 letter Date Response Received

* *proposes only "excess flows" so moratorium & mitigation appear n/a*

MEMORANDUM

TO: The Files Nos. 63-12399 (J.R. Simplot) and 63-12420 (Micron)

FROM: Gary Spackman *Gary*

DATE: March 15, 1999

RE: History of applications and recommended conditions of approval

Application for permit nos. 63-12399 and 63-12420 were filed by J.R. Simplot Co. And Micron Technology, Inc., respectively. Each application seeks the appropriation of 15 cfs from the Boise River. The applications were protested by the Boise Project Board of Control and Idaho Rivers United. Wilder Irrigation District petitioned to intervene and its petition was granted. Anticipating a protest from the Idaho Department of Fish & Game, Terry Scanlan of Scanlan Engineers contacted Fish & Game prior to the publication of the applications, and Fish & Game verbally agreed to conditions of approval that would satisfy their concerns.

After reviewing the applications, the five irrigations districts comprising the Boise Project Board of Control (Nampa-Meridian, Boise-Kuna, Big Bend, Wilder, and New York) withdrew their protests. Idaho Rivers United also withdrew its protest, stipulating with the applicants to conditions that would protect the concerns of Rivers United. Fish & Game corresponded with the department confirming the agreement with the applicants.

As a result of the above stipulations and my review of the file, I recommend the following conditions of approval:

1. R04 - Use of water under this water right will be regulated by the watermaster of State Water District No. 63, Boise River.
2. R43 - A measuring device and lockable controlling works of a type approved by this department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

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APR 13 1999

3. If measured or calculated Boise River flows at the point of diversion are less than 240 cfs during the period beginning June 16 and ending February 29, water shall not be diverted pursuant to this water right.

4. If measured or calculated Boise River flows at the point of diversion are less than 1,100 cfs during the period beginning March 1 and ending May 31, water shall not be diverted pursuant to this water right.

5. Measured or calculated Boise River flows at the point of diversion shall be based on gauged Lucky Peak Dam Discharge minus the gauged diversion to the New York Canal.

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FEB 09 1999

WATER RESOURCES
WESTERN REGION

IDAHO FISH & GAME

600 South Walnut
P.O. Box 25
Boise, Idaho 83707-0025

Dirk Kempthorne / Governor
Stephen P. Mealey / Director

February 5, 1999

Mr. Gary Spackman, Supervisor
Idaho Department of Water Resources
Western Region
2735 Airport Way
Boise, ID 82705

RE: Applications for permit no.s 63-12399 and 63-12420 (J.R. Simplot Co. and Micron)

Dear Mr. ^{Gary} Spackman:

Idaho Department of Fish and Game (IDFG) was contacted by representatives of Simplot and Micron (applicants) in November 1997 to discuss concerns IDFG had with the above referenced applications to appropriate flood water from the Boise River. Our concern was protection of flows in the river principally during the nonirrigation season. Based upon our instream flow recommendation, we asked the applicants to agree not to divert flood waters when river flows at the proposed point of diversion were less than 240 cfs from June 16 through February 28 (29), less than 1,100 cfs from March 1 through May 31, or less than 4,500 cfs from June 1 through June 15.

The applicants were unwilling to forego diversion during the June 1 through June 15 time frame, but did agree not to divert when our two other targets could not be met. They further agreed not to divert if it would cause the flows to fall below our suggested targets (see an attached letter from Terry Scanlan to me, dated December 22, 1997). In exchange for the stipulations, IDFG agreed not to protest approval of the applications.

I apologize for neglecting to contact your department in a timely manner regarding this issue. If I can be of any further assistance, please contact me.

Sincerely,

Cindy Robertson
Staff Fishery Biologist

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APR 13 1999

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JAN 11 1999

WATER RESOURCES
WESTERN REGION

Daniel V. Steenson
Charles L. Honsinger
S. Bryce Farris
Ringert Clark, Chartered
P.O. Box 2773
Boise, ID 83701
(208)342-4591

Attorneys for Nampa & Meridian Irrigation District

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF	)	
APPLICATION FOR PERMIT	)	
NO. 63-12399 IN THE NAME	)	WITHDRAWAL OF PROTEST
OF J.R. SIMPLOT AND	)	ON BEHALF OF NAMPA &
APPLICATION FOR PERMIT	)	MERIDIAN IRRIGATION
NO. 63-12420 IN THE NAME	)	DISTRICT
OF MICRON TECHNOLOGY	)	
INC.	)	
	)	
	)	
	)	

On December 22, 1997, the Boise Project Board of Control, on behalf of its five member irrigation districts (Wilder Irrigation District, Nampa & Meridian Irrigation District, New York Irrigation District, Big Bend Irrigation District, and Boise-Kuna Irrigation District), filed its "NOTICE OF PROTEST" regarding the above-captioned applications for permit.

Subsequently, it was decided by the Boise Project Board of Control that each Irrigation District would act on its own behalf regarding the Protest.

Nampa & Meridian Irrigation District (NMID), by and through its attorneys of record Ringert Clark, Chartered, hereby withdraws its protest in the above-referenced matter.

DATED this 8th day of January, 1999.

WITHDRAWAL OF PROTEST - Page 1

MICROFILMED

JAN 11 1999

RINGERT CLARK CHARTERED


S. Bryce Farris
Attorneys for Nampa & Meridian Irrigation District

CERTIFICATE OF SERVICE

I certify that on January 8th, 1999, I mailed copies of this document, postage prepaid, to the following:

Gary Spackman
Western Region Office
Idaho Dept. of Water Resources
2735 Airport Way
Boise, ID 83705

Michael D. McIntyre
Micron Technology, Inc.
8000 S. Federal Way
Boise, Idaho 83707-0006

Vic Conrad
J.R. Simplot Co.
999 Main St. 13th Fl.
P.O. Box 27
Boise, Idaho 83707-0027



S. Bryce Farris



State of Idaho

DEPARTMENT OF WATER RESOURCES

2735 Airport Way, Boise, Idaho 83705

Phone: (208) 334-2190 FAX: (208) 334-2348 www.idwr.state.id.us/idwr/idwrhome.htm

January 12, 1999

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

MIKE MCINTYRE
MICRON TECHNOLOGY INC
PO BOX 6
BOISE ID 83707-0006

Re: Application for Permit No. 63-12420 in the Name of Micron Technology, Inc.

Dear Applicant:

This letter is to acknowledge the withdrawal of protests from the Boise-Kuna, New York, Wilder, Nampa & Meridian, and Big Bend Irrigation Districts of the above-referenced application for water right.

The department will now continue to process the application, subject to certain conditions of approval.

If you have any questions please call this office.

Sincerely,

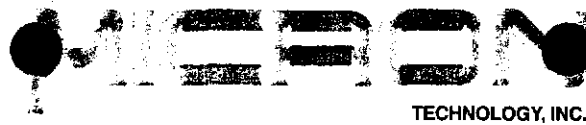
Gary Spackman

GS:st

CC: **Randall Fredricks, Attorney at Law**
John Chapman, Micron
Boise Project Board of Control
Terry Scanlan
Diane Paulsen, Wilder Irrigation
S. Bryce Farris

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APR 13 1999



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DEC 24 1998
WATER RESOURCES
WESTERN REGION

December 23, 1998

Mr. Gary Spackman
Western Region Manager
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705

Re: Withdrawal of Protest for Permit Applications 63-12399 and 63-12420

Dear Mr. Spackman:

I've enclosed a letter signed by representatives of Wilder Irrigation District and Big Bend Irrigation District withdrawing their protest of the pending IDWR applications referenced above. Both Micron and Simplot wish to thank you for allowing us the opportunity to resolve these matters cooperatively and informally.

We believe all issues regarding these applications have been resolved and now look forward to your approval of same. Please contact myself at (208) 368-4358 or Vic Conrad at (208) 389-7389 if you have any other questions or concerns.

Sincerely,



John Chapman
Water Services Manager

Enclosure

cc: Mike McIntyre, Micron Technology, Inc.
Vic Conrad, Simplot Land and Development
Terry Scanlan, Scanlan Engineering
File

MICROFILMED

APR 13 1999

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DEC 24 1998

WATER RESOURCES
WESTERN REGION

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 63-12399 IN THE)
NAME OF J.R. SIMPLOT AND)
APPLICATION FOR PERMIT NO.)
63-12420 IN THE NAME OF MICRON)
TECHNOLOGY, INC.)

WITHDRAWAL OF PROTEST
AND INTERVENTION

Wilder Irrigation District and Big Bend Irrigation District hereby withdraw their protest
and withdraw as intervenors in these matters.

Dec. 1, 1998

Wilder Irrigation District

Douglas Norri
by

Dec. 10, 1998

Big Bend Irrigation District

Reene Sillars
by

MICROFILMED

APR 13 1999

ROSTER OF ATTENDANCE

IDAHO DEPARTMENT OF WATER RESOURCES
2735 AIRPORT WAY, BOISE, IDAHO 83705

Re: Applications for Permit Nos. 63-12399 in the Name of J. R. Simplot and 63-12420 in the Name of Micron Technology Inc.

Place: IDWR, 1301 N. Orchard, Boise, Idaho 83706

Date: November 18, 1998

Conducted by: Gary Spackman

NAME

ADDRESS

Die Camacho

P.O. Box 27 Boise, ID 83707

Terry Ulling

"

"

John Chapman

8000 S. FEDERAL WAY BOISE, ID 83706

Terry Scanlan

600 E. River Park Ln #105, Boise, ID 06

Mike McIntyre

800 S. Federal Way Boise, ID. 83707

[Signature]

13957 Alt Rd. Caldwell, Ida.

MICROFILMED

SEP 13 1999

LAW OFFICES
RANDALL C. FREDRICKS

RECEIVED

NOV 18 1998

WATER RESOURCES
WESTERN REGION

P. O. BOX 2835
BOISE, IDAHO 83701-2835
TELEPHONE (208) 384-5144
FAX (208) 433-8976

November 17, 1998

Mr. Gary Spackman,
Regional Director
Idaho Department of Water Resources
Western Region
2735 Airport Way
Boise, Idaho 83705

Dear Mr. Spackman:

Re: Simplot/Micron Water Application Protest
Application No. 63-12399 and No. 63-12420
Our File No. 97065-01

Enclosed is the original copy (FAX copy sent to your office yesterday, November 16) of Withdrawal of Protest for Boise-Kuna and New York Irrigation Districts regarding the captioned water applications.

Very truly yours,

Randall C. Fredricks
Randall C. Fredricks *ref*

RCF:rlf

Enc. As Noted

Boise Project#2

MICROFILMED

APR 13 1999

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION)	
FOR PERMIT NO. 63-12399 IN THE)	
NAME OF J.R.SIMPLOT AND)	
APPLICATION FOR PERMIT NO.)	WITHDRAWAL OF PROTEST
63-12420 IN THE NAME OF MICRON)	ON BEHALF OF BOISE-KUNA
TECHNOLOGY INC.)	IRRIGATION DISTRICT AND
_____)	NEW YORK IRRIGATION
	DISTRICT

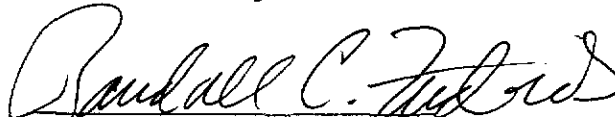
On December 22, 1997, the Boise Project Board of Control, on behalf of its five member irrigation districts (Wilder Irrigation District, Nampa & Meridian Irrigation District, New York Irrigation District, Big Bend Irrigation District, and Boise-Kuna Irrigation District), filed its "NOTICE OF PROTEST" regarding the above captioned applications for permit.

Subsequently, it was decided by the Boise Project Board of Control that each District would act on its own regarding the protest as provided in the Notice of Protest which states: ". . .each of said member districts reserves the right to withdraw or amend said Protest as it may relate to them."

Boise-Kuna Irrigation District and the New York Irrigation District by Board action do hereby Withdraw as Protestants. This is not to affect the rights of the remaining Districts, Wilder Irrigation District, Big Bend Irrigation District or the Nampa & Meridian Irrigation District, to take what action regarding said Protest they may deem advisable. The undersigned attorney, Randall C. Fredricks will not be representing the remaining Districts.

Dated this 16th day of November, 1998.

Boise-Kuna Irrigation District
New York Irrigation District


by Randall C. Fredricks
Attorney-at-Law

MICROFILMED

APR 13 1999

I hereby certify that on the 16th day of November 1998, I caused to be served a true and correct copy of the foregoing document, by the method indicated below, upon the following:

Michael D. McIntyre
Micron Technology, Inc.
8000 S. Federal Way
Boise, ID 83707-0006

Via Facsimile to 208-368-4540

Vic Conrad
J. R. Siimplot Co.
999 Main St. Ste. 1300
Boise, ID 83707

Via Facsimile to 208-389-7333


Randall C. Fredricks
Attorney-at-Law

MICROFILMED

APR 13 1999

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 63-12399 IN THE)
NAME OF J.R.SIMPLON AND)
APPLICATION FOR PERMIT NO.)
63-12420 IN THE NAME OF MICRON)
TECHNOLOGY INC.)

WITHDRAWAL OF PROTEST
ON BEHALF OF BOISE-KUNA
IRRIGATION DISTRICT AND
NEW YORK IRRIGATION
DISTRICT

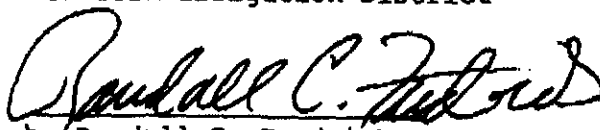
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Subsequently, it was decided by the Boise Project Board of Control that each District would act on its own regarding the protest as provided in the Notice of Protest which states: ". . . each of said member districts reserves the right to withdraw or amend said Protest as it may relate to them."

Boise-Kuna Irrigation District and the New York Irrigation District by Board action do hereby Withdraw as Protestants. This is not to affect the rights of the remaining Districts, Wilder Irrigation District, Big Bend Irrigation District or the Nampa & Meridian Irrigation District, to take what action regarding said Protest they may deem advisable. The undersigned attorney, Randall C. Fredricks will not be representing the remaining Districts.

Dated this 16th day of November, 1998.

Boise-Kuna Irrigation District
New York Irrigation District


by Randall C. Fredricks
Attorney-at-Law

MICROFILMED

APR 13 1999

I hereby certify that on the 16th day of November 1998, I caused to be served a true and correct copy of the foregoing document, by the method indicated below, upon the following:

Michael D. McIntyre
Micron Technology, Inc.
8000 S. Federal Way
Boise, ID 83707-0006

Via Facsimile to 208-368-4540

Vic Conrad
J. R. Simplot Co.
999 Main St. Ste. 1300
Boise, ID 83707

Via Facsimile to 208-389-7333



Randall C. Fredricks
Attorney-at-Law

MICROFILMED

APR 13 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

November 9, 1998

MICHAEL D MCINTYRE
MICRON TECHNOLOGY INC
PO BOX 6
BOISE ID 83707-0006

Re: Application for Permit No. 63-12420 in the Name of Micron Technology, Inc.

Dear Mr. McIntyre:

This letter is to acknowledge the withdrawal of protest and agreement of conditons of the above-referenced application for water right.

There are still protests remaining on this application, therefore the application will be held in our protest drawer until the protests can be resolved.

If you have any questions please call this office.

Sincerely,


Gary Spackman

GS:st

CC: Interested Parties

MICROFILMED

APR 13 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

November 9, 1998

MICHAEL D MCINTYRE
MICRON TECHNOLOGY INC
PO BOX 6
BOISE ID 83707-0006

Re: Application for Permit No. 63-12420 in the Name of Micron Technology, Inc.

Dear Mr. McIntyre:

This letter is to acknowledge the withdrawal of protest and agreement of conditons of the above-referenced application for water right.

There are still protests remaining on this application, therefore the application will be held in our protest drawer until the protests can be resolved.

If you have any questions please call this office.

Sincerely,



Gary Spackman

GS:st

CC: Applicant

MICROFILMED

APR 13 1995

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR) WITHDRAWAL OF PROTEST
)
PERMIT NO. 63-12420 IN THE NAME) AND
)
OF MICRON TECHNOLOGY, INC.) AGREEMENT OF CONDITIONS

The undersigned applicant agrees to abide by the following conditions which will be made a part of the permit issued based on the above-referenced application for permit. Accordingly the undersigned protestant agrees to withdraw the protest to the approval of this application.

1. If measured or calculated Boise River flows at the point of diversion are less than 240 c.f.s during the period beginning June 16 and ending February 29 the applicant will forego is right to divert water under the permit issued based on the above-referenced application.
2. If measured or calculated Boise River flows at the point of diversion are less than 1,100 c.f.s during the period beginning March 1 and ending May 31 the applicant will forego is right to divert water under the permit issued based on the above-referenced application.
3. Measured or calculated Boise River flows at the point of diversion shall be based on gauged Lucky Peak Dam discharge minus the gauged diversion to the New York Canal.

APPLICANT

Micron Technology, Inc.

By: *[Signature]*
Its: Vice President, Facilities

Date: 11/04/98

PROTESTANT

IDAHO RIVERS UNITED

By: *Marti L. Bridges*
Its: Water Policy Director

Date: 11/25/1998

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION)	
FOR PERMIT NO. 63-12399 IN THE)	AMENDED NOTICE OF
NAME OF J.R. SIMPLOT AND)	PREHEARING CONFERENCE
APPLICATION FOR PERMIT NO.)	
63-12420 IN THE NAME OF MICRON)	
TECHNOLOGY INC.)	
_____)	

The prior prehearing conference in the above-referenced matter scheduled for October 28, 1998, has been canceled. The prehearing conference will now be held on Wednesday, November 18, 1998, at 10:00 a.m. The location of the conference remains the same at the Idaho Department of Water Resources, upstairs conference rooms A & B, 1301 N. Orchard, Boise, Idaho. The conference will be held in accordance with provisions of Chapters 2 and 17, Title 42, and Chapter 52, Title 67, of the Idaho Code, the adopted Rules of Practice of the Department of Water Resources, and Rules 40 and 45 of the adopted Rules and Regulations of Water Appropriation of the Department of Water Resources.

The conference will be conducted in a facility which satisfies the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the conference, please advise the department within (10) days prior to the conference.

Dated this 3rd day of October, 1998.

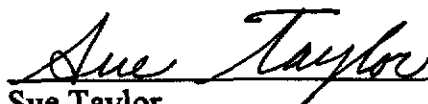


Gary Spackman

MICROFILMED
APR 13 1999

CERTIFICATE OF MAILING

I hereby certify that on the 6th day of October 1998, I mailed a true and correct copy, postage prepaid, of this document to the applicant(s) and protestant(s) listed:



Sue Taylor
Senior Secretary

MICRON TECHNOLOGY INC
PO BOX 6
BOISE ID 83707-0006

J R SIMPLOT CO INC
PO BOX 27
BOISE ID 83707

RANDALL C FREDERICKS
BOISE PROJECT BOARD OF CONTROL
2465 OVERLAND RD
BOISE ID 83705

TERRY SCANLAN
600 E RIVER PARK LN STE 105
BOISE ID 83706

MARTI BRIDGES
IDAHO RIVERS UNITED
PO BOX 633
BOISE ID 83701

DIANE PAULSEN
WILDER IRRIGATION DIST
PO BOX 416
CALDWELL ID 83606-0416

MICROFILMED
APR 13 1998

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

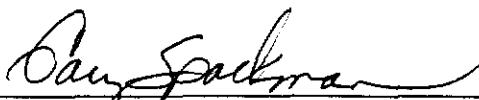
IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 63-12399 IN THE) NOTICE OF CONFERENCE
NAME OF J.R. SIMPLOT AND)
APPLICATION FOR PERMIT NO.)
63-12420 IN THE NAME OF MICRON)
TECHNOLOGY INC.)
_____)

On June 6, 1997, J. R. Simplot Co. filed with the Department of Water Resources (department) an application for permit to appropriate the public waters of the State of Idaho, and on June 6, 1997, Micron Technology Inc. filed with the department an application for permit. The applications were protested by Boise Project Board of Control and Idaho Rivers United and Wilder Irrigation District requested to intervene.

The department has scheduled a conference for the protest to be held on Wednesday, October 28, 1998, at 10:00 a.m. in conference rooms A & B of the Department of Water Resources, 1301 N. Orchard, Boise Idaho. The conference will be held in accordance with provisions of Chapters 2 and 17, Title 42, and Chapter 52, Title 67, of the Idaho Code, the adopted Rules of Practice of the Department of Water Resources, and Rules 40 and 45 of the adopted Rules and Regulations of Water Appropriation of the Department of Water Resources.

The conference will be conducted in a facility which satisfies the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the conference, please advise the department within (10) days prior to the conference.

Dated this 23rd day of September, 1998.



Gary Spackman

MICROFILMED

APR 13 1999

I hereby certify that on the 24th day of September 1998, I mailed a true and correct copy, postage prepaid, of this document to the applicant(s) and protestant(s) listed:


Sue Taylor
Senior Secretary

MICRON TECHNOLOGY INC
PO BOX 6
BOISE ID 83707-0006

J R SIMPLOT CO INC
PO BOX 27
BOISE ID 83707

RANDALL C FREDERICKS
BOISE PROJECT BOARD OF CONTROL
2465 OVERLAND RD
BOISE ID 83705

TERRY SCANLAN
600 E RIVER PARK LN STE 105
BOISE ID 83706

MARTI BRIDGES
IDAHO RIVERS UNITED
PO BOX 633
BOISE ID 83701

DIANE PAULSEN
WILDER IRRIGATION DIST
PO BOX 416
CALDWELL ID 83606-0416

MICROFILMED

APR 13 1999

CONFERENCE AND HEARING PROCEDURE

APPLICATION FOR PERMIT

Section 42-203A, Idaho Code, requires the department to consider the following issues in connection with an application for permit:

- 1) Will the proposed appropriation injure other water rights?
- 2) Is the proposed water supply sufficient for the purpose for which it is sought to be appropriated?
- 3) Was the application made in good faith or for delay or speculative purposes?
- 4) Does the applicant have sufficient financial resources with which to complete the proposed project?
- 5) Is the proposed appropriation in the local public interest, which is defined as the affairs of the people in the area directly affected by the proposed use?
- 6) Is the proposed use contrary to conservation of water resources within the state of Idaho?

BURDEN OF PROOF

The applicant has the initial burden of proof on issues 1, 2, 3, 4, & 6 above and must provide evidence for the department to evaluate these criteria.

The initial burden of proof on issue 5 above lies with both the applicant and protestant as to factors which they are most knowledgeable and cognizant. The applicant has the ultimate burden of persuasion, however, for this issue.

PROCEDURE

The department generally conducts an informal conference with the parties to determine the issues and to try to settle a protested matter before a hearing is scheduled. If a hearing is held, the department will issue a written decision based on the hearing record.

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APR 13 1979

CONFERENCE

The purpose of a prehearing conference is to provide the opportunity for the parties and the department to familiarize themselves with a contested matter and to attempt to resolve the matter. At the conference, the department may also formulate and simplify the issues, identify documents to avoid unnecessary proof, exchange proposed exhibits or prepared testimony, limit witnesses, discuss settlement offers, schedule hearings, establish procedure at hearings and address other matters that may expedite orderly conduct and disposition of the proceeding or its settlement.

HEARING

The department will tape record the hearing. Copies of a hearing tape are available upon written request and the payment of the cost of reproducing the tape.

The hearing likely will be conducted by a hearing officer appointed by the Director rather than the Director himself. If so, the hearing officer will prepare a recommended order for the Director's consideration. Parties can file exceptions to a recommended order, briefs in support of the exceptions or may request oral argument. Parties may seek judicial review of any final order issued by the Director.

Parties may, by written stipulation, waive their right to a recommended order, particularly when a shortened decision process is desirable or necessary. Such a waiver does not eliminate any rights of the parties in connection with the final order of the Director and judicial review of the order.

EXHIBITS

A party who plans to offer an exhibit as part of the hearing record must provide a copy of the proposed exhibit to the parties and to the hearing officer prior to any scheduled hearing.

AMERICANS WITH DISABILITIES ACT

Any hearing scheduled will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing please advise the department within ten (10) days prior to the hearing.

MICROFILMED

APR 13 1999



STATE OF IDAHO
DIVISION OF
ENVIRONMENTAL QUALITY

RECEIVED

MAR 25 1998

Department of Water Resources

1445 North Orchard, Boise, ID 83706-2239, (208) 373-0550

Philip E. Batt, Governor

March 23, 1998

63-12420

Helen Harrington, P.G.
Idaho Department of Water Resources
PO Box 83720
Boise, ID. 83720-0098

RE: Draft Permit for Construction of Injection Well No. 63-W-156, in the name of Micron Technology, Inc.

Dear Ms. Harrington:

Thank you for the opportunity to review the draft permit for the injection of Boise River water. It is our understanding that the water to be injected will be treated by ultrafiltration to a standard that at least meets current drinking water standards.

Based on the information submitted, we have no comments concerning the injection activity or draft permit. Please call Rob Howarth at 373-0404 if you have any questions.

Sincerely,

Stephen E. West
Regional Administrator

SEW:rh:H:\DATA\WP\INJWELL\GEO\INJ.D97

cc: Rob Howarth, DEQ-Boise Regional Office
Source File #14 - IDWR
Reading File

MICROFILMED

APR 13 1999



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

February 17, 1998

WILDER IRRIGATION DISTRICT
PO BOX 416
CALDWELL ID 83606

Re: Applications for Permit Nos. 63-12399 in the Name of J.R. Simplot and 63-12420 in the
Name of Micron Technology

Dear Protestants:

We are in receipt of your letters dated February 4 and 10, 1998, in which you requested
to intervene in the above-referenced matter.

By copy of this letter we are advising the applicant of your intervention and unless the
applicant has a valid objection, we will consider you to be an intervenor.

Please feel free to contact this office if you have questions about the procedure for
intervention or other matters related to the applications.

Sincerely,

Gary Spackman

GS:st

CC: Applicants

MICROFILMED

APR 13 1998



February 12, 1998

RECEIVED

FEB 18 1998

WATER RESOURCES
WESTERN REGION

Mr. Stephen West
Regional Administrator
Division of Environmental Quality
1445 N. Orchard
Boise, Idaho 83706

Dear Mr. West:

I am writing in reference to your January 15, 1998, letter to Mr. Gary Spackman with the Idaho Department of Water Resources (IDWR). In that letter to Mr. Spackman, your office provided comments on a pending Boise River Floodwater Appropriation application from Micron Technology, Inc. (MTI). I appreciate your supportive comments on the application and thank you and your staff for the timely response.

On February 10, 1998, I had an opportunity to discuss the letter with you and Mr. Dick Rogers, Division of Environmental Quality (DEQ) Drinking Water and Wastewater Bureau. Specifically, MTI was concerned about the reference to the Idaho land application rules at IDAPA 16.01.02.600 and the requirements of those rules that were being applied to the MTI Aquifer Storage and Recovery (ASR) project. As we discussed, the proposed ASR project at MTI does not involve "wastewater" or currently involve the "application of [water] to the land surface" as those terms are used within IDAPA 16.01.02 and 16.01.17. Therefore, the land application requirements outlined in the January 15, 1998, letter to IDWR do not apply to the current scope of the ASR project.

The primary concern of DEQ appears to be that the treated surface water meets the requirements of the groundwater quality rules. During our February 10 discussion, both you and Mr. Rogers appeared to reaffirm that position which was outlined in the January 15 letter to IDWR in which you state "the treatment of the surface water...eliminates our concerns about introducing pathogens and other contaminants into the ground water." As you know, the IDWR will be issuing an injection permit to MTI. At that same meeting, you and Mr. Rogers indicated those DEQ concerns regarding groundwater quality would be met if the IDWR injection permit adequately addressed water quality monitoring. Micron Technology, Inc. will be happy to provide the DEQ a copy of the draft permit for your review to ensure that DEQ's monitoring concerns have been satisfied.

I hope I have accurately characterized the substance of our discussions. I would appreciate it if you could respond in writing as to the conclusions I have outlined above. Thank you again for your time and responsiveness.

Sincerely,

A handwritten signature in dark ink, appearing to read "Rob Sterling", is written over a horizontal line.

Rob Sterling
Environmental Compliance Manager

cc: Dick Rogers, DEQ
Gary Spackman, IDWR
Sara Browne, MTI

MICROFILMED

APR 13 1998

DIRECTORS
WARREN TOLMIE
JOHN J. HOCKBERGER
VERNON E. CASE
STEPHEN K. GARMAN
WARREN D. TRUESDELL JR.
DOUGLAS NORRIS
ALFRED F. SARCEDA

Wilder Irrigation District

709 CLEVELAND BOULEVARD • P.O. BOX 416

Caldwell, Idaho

83606-0416

TELEPHONE (208) 459-3421

DIANE PAULSEN
SECRETARY-TREASURER

February 10, 1998

To Whom It May Concern:

Pursuant to Rule 6 of the Rules and Regulations, we, Wilder Irrigation District, are requesting to become a full party to the protesting of Permit # 63-12420 in the name of Micron Technology. Last week, we sent \$25.00 to protest Permit # 63-12399 in the Name of J.R. Simplot. If there are any questions, please don't hesitate to call.

Thank you.

Sincerely,

Wilder Irrigation District



Diane Paulsen
Secretary-Treasurer

RECEIVED

FEB 11 1998

WATER RESOURCES
WESTERN REGION

MICROFILMED

APR 13 1999

W023438

CONVERSATION MEMORANDUM

DATE 1/20/98
 FILE ① 63-12399 - Singlot
 ② 63-12420 - Micron
 ③ NMID Transfer Appl.
 ④ 63-00161 BN - Surprise Valley

NAME OF PARTY LEE Siow, water master

EMPLOYEE RL

RE: Boise River Pump Station

RE: water continued via water bank CR. for pump station (beyond specific w.r. # authorizing use) -

Parties have been negotiating with BOR c 3000 AF (?) of storage from Anderson Ranch Res but nothing firm'd up yst.

The only leases of water for pump station have been for Surprise Valley while its WR's were not usable (maintenance problems re 63-00161 BN).

Approx ≤ 1000 AF leased for S. Valley p/m in last 3 seasons but nothing for proposal p/m in Singlot or Micron Appls. 63-12399 & -12420

(for c 300 AF per year).

Original - NMID Transfer & Requir
 cc - 3 w.r. files noted above



STATE OF IDAHO
DIVISION OF
ENVIRONMENTAL QUALITY

RECEIVED
JAN 20 1998
WATER RESOURCES
WESTERN REGION

1445 North Orchard, Boise, ID 83706-2239, (208) 373-0550

Philip E. Batt, Governor

January 15, 1998

Gary Spackman
Idaho Department of Water Resources
Western Region
2735 Airport Way
Boise, Idaho 83705-5082

Re: Applications to Appropriate Water, Permit Nos. 63-12420 and 63-12399

Dear Mr. Spackman:

At the request of Micron Technology, we are providing comments to you regarding their application to appropriate water from the Boise River for artificial aquifer recharge and direct industrial use. The treatment of the surface water to drinking water standards prior to subsurface injection is commendable and eliminates our concerns about introducing pathogens and other contaminants into the ground water. The following comments address procedural issues related to our administration of rules governing the land application of waste water or recharge waters (IDAPA 16.01.02.600).

1. The application of recharge waters must be restricted to the designed application site unless permission has been obtained from the Department of Health and Welfare (DEQ) authorizing discharge to other areas.
2. Monitoring in the proximity of the application site is required. A monitoring plan may need to be coordinated with DEQ and IDWR if similar requirements exist with respect to the construction and operation of injection wells.
3. An evaluation of subsurface characteristics should be provided to DEQ. The evaluation should include information on soil types and thickness, depth to bedrock, lithologic description of the bedrock, depth to ground water, and wells within one mile radius of the site.

I hope that these comments are useful to you as you evaluate the applications. Please contact me at 373-0550 or Rob Howarth at 373-0404 if you have any questions.

Sincerely,

Stephen E. West
Regional Administrator

SEW:rh:kh:H:\DATA\WP\COMMENT\MICINJ.198

cc: Rob Sterling, Micron Technology
Scott Short, DEQ

MICROFILMED

APR 13 1998



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

January 8, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

WILDER IRRIGATION DISTRICT
PO BOX 416
CALDWELL ID 83606

Re: Applications for Permit Nos. 63-12399 in the Name of J.R. Simplot and 63-12420 in the Name of Micron Technology.

Dear Protestants:

We are in receipt of your correspondence dated December 22, 1997, in which you expressed concerns about the approval of the above-referenced applications for permit.

We are not considering your letter as a petition to participate as a full party. You may be aware that protests were received by this office in a timely manner. Therefore, the applications are currently officially protested.

Pursuant to Rule 6 of the Rules and Regulations, Practice and Procedure for this Department dated October 19, 1983, you may request to become a full party to this action by requesting leave for intervention and paying a \$25 protest fee. A copy of the rules and regulations is enclosed.

Please feel free to contact this office if you have questions about the procedure for intervention or other matters related to the applications.

Sincerely,

Gary Spackman

GS:st

Enc: Rules & Regulations, Practice & Procedure

MICROFILM

APR 10 1999

~ Celebrating Our Centennial Year of Service to Idaho 1895-1995 ~



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

January 6, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

MICRON TECHNOLOGY INC
8000 S FEDERAL WY
PO BOX 6
BOISE ID 83707 0006

Re: Application for Permit No. 63-12420 in the Name of Micron Technology, Inc.

Dear Applicant:

Enclosed are protests filed against the issuance of a permit pursuant to the above-referenced application. We also have enclosed copies of three letters of concern which were sent to the Department. The Department suggests that you contact the protestants and attempt to resolve the protests.

If this office has not been advised within twenty (20) days that the protests have been resolved, the matter will be scheduled for a conference. The following are the criteria the Department must consider (per Section 42-203A, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?
6. Will the proposed use be contrary to conservation of water resources within the state of Idaho?

Please contact this office if you have questions regarding this procedure.

Sincerely,


Gary Spackman

GS:st

Enclosure: Copy of protest(s)

MICROFILMED

APR 13 1998



State Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

January 6, 1998

RANDALL C. FREDERICKS
BOISE PROJ BOARD OF CONTROL
2465 OVERLAND RD
BOISE ID 83705

Re: Applications for Permit Nos. 63-12399 in the Name of J.R. Simplot and 63-12420
in the Name of Micron Tech. Inc.

Dear Protestant:

This office acknowledges receipt of your protests to the issuance of a permit pursuant to the above referenced applications. The Department suggests you contact the applicants directly in an effort to determine what is proposed by the application and to attempt to resolve the protests.

If this office has not been advised within twenty (20) days that the protests have been resolved, the matter will be scheduled for conference. The following are the criteria the Department must consider in either approving or denying an application or permit (Section 42-203A, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?
6. Will the proposed use be contrary to conservation of water resources within the state of Idaho?

If this office can be of further assistance, please contact us.

Sincerely,

Gary Spackman

GS:st

MICROFILMED

APR 13 1998



State Idaho
DEPARTMENT OF WATER RESOURCES

Western Region. 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

January 6, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

MARTI L BRIDGES
ID RIVERS UNITED
PO BOX 633
BOISE ID 83701

Re: Applications for Permit Nos. 63-12399 in the Name of J.R. Simplot and 63-12420
in the Name of Micron Tech. Inc.

Dear Protestant:

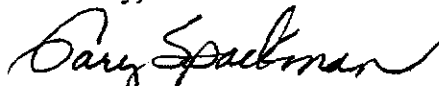
This office acknowledges receipt of your protests to the issuance of a permit pursuant to the above referenced applications. The Department suggests you contact the applicants directly in an effort to determine what is proposed by the application and to attempt to resolve the protests.

If this office has not been advised within twenty (20) days that the protests have been resolved, the matter will be scheduled for conference. The following are the criteria the Department must consider in either approving or denying an application or permit (Section 42-203A, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?
6. Will the proposed use be contrary to conservation of water resources within the state of Idaho?

If this office can be of further assistance, please contact us.

Sincerely,


Gary Spackman

GS:st

MICROFILMED

APR 13 1998

PUBLIC WORKS DEPARTMENT
CITY HALL
4TH FLOOR



H. BRENT COLES
MAYOR

COUNCIL MEMBERS

CAROLYN TERTELING
COUNCIL PRESIDENT
MIKE WETHERELL
COUNCIL PRO TEM

SARA BAKER
PAULA FORNEY
ANNE STITES HAUSRATH
M. JEROME MAPP

January 5, 1998

Steve Lester
Water Rights Supervisor
Department of Water Resources
State of Idaho, Western Region
2735 Airport Way
Boise, ID 83405-5082

RECEIVED

JAN 06 1998

WATER RESOURCES
WESTERN REGION

RE: Application for Permit No. 63-12420 (Micron)
Application for Permit No. 63-12399 (Simplot)

Dear Steve;

In response to your request, we will make the following brief and conceptual comments. We are supportive of the applicants' goal of using flood waters to supplement and support the ground water needs of the southwest Boise area. However, our support is conditioned on the following:

1. Any new water rights granted do not conflict with any previously granted or established water rights.
2. Any new water rights granted only when they are consistent with the attainment of the biologically-based minimum flow requirements for the Boise River as recommended by the Idaho Department of Fish and Game.

Again, we are supportive of the applicants' goals.

Sincerely,

Carl Ellsworth, P.E.
Environmental Manager

cc: John Chapman, Micron
Terry Scanlan, P.E., P.G.

Tparker\dwp\carl\SLester.wpd

MICROFILMED

JAN 14 1998



ADA COUNTY DEVELOPMENT SERVICES

650 Main, Boise, Idaho 83702

BUILDING DIVISION — Phone: (208) 364-2277

PLANNING & ZONING — Phone (208) 364-2277

December 31, 1997

Steve Lester, Water Rights Supervisor
Idaho Department of Water Resources
2735 Airport Way
Boise, Idaho 83705-5082

RECEIVED

JAN 06 1998

WATER RESOURCES
WESTERN REGION

RE: Water Right Permits 63-12420 & 63-12399

Dear Mr. Lester:

The Ada County Planning & Zoning Commission approved the Conditional Use Permit for the 4,030 sq. ft. pump station facility for irrigation, ground water recharge, and future domestic water for this project on August 15, 1996. This application was submitted by United Water Corporation in behalf of United Water, Micron, & J. R. Simplot Co.

The Commission conducted a public hearing on August 15, 1996 to receive public testimony and review the application. During the hearing, the applicant thoroughly reviewed the application which included the use of water from the Boise River for groundwater recharge and industrial uses at Micron's manufacturing facility.

The Commission's action to approve the application was with full knowledge of the proposed uses of the water and as such an acknowledgment of support for the project.

If I can be of further assistance, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert C. Unger", followed by a long horizontal line.

Robert C. Unger
Planner III

cc: file
Terry Scanlan

MICROFILMED

APR 15 1998

PROTEST INFORMATION SHEET

APPLICANT: Micron

WR #: 63-12420

DATE FILED: 6-6-97

PROTEST DATE: 12-22-97

PROTESTANT(S) NAME & ADDRESS:

Boise Project Board of Control, Randall C. Fredericks, 2465
Overland Rd, Boise ID 83705

Withdrawn

~~Idaho Rivers United, Marti L. Bridges, PO Box 633, Boise ID 83701~~

Wilder Drug - Intervenor

Attorney - Name & Address _____

Issues _____

Applicant - Attorney - Name & Address _____

Dates: _____

Acknowledgement Letters January 5, 1998

Hearing Notice _____

Hearing Date _____

Other: _____

MICROFILMED

APR 13 1999

SCANLAN ENGINEERING

Groundwater and Environmental Engineering

RECEIVED

DEC 15 1997

WATER RESOURCES
WESTERN REGION

December 12, 1997

Cindy Robertson
Idaho Department of Fish and Game
600 South Walnut
P.O. Box 25
Boise, ID 83707-0025

Subject: Application for Permit 63-12420 - Micron Technology, Inc.
Application for Permit 63-12399 - J.R. Simplot Co.

Dear Cindy:

As you know, Micron Technology, Inc. has submitted an Application for Permit to appropriate 15 cfs of water from the Boise River for groundwater recharge and industrial uses at Micron's manufacturing facility in southeast Boise. Similarly, J.R. Simplot Company has submitted an Application to appropriate 15 cfs for groundwater recharge and irrigation uses at their lands in the Micron vicinity. The point of diversion for both permits will be the pump station at the Highway 21 bridge. These new appropriations will be subject to all prior water rights, and delivery of water will be controlled by the watermaster of State Water District No. 63.

In recent telephone conversations with you regarding the applications, Vic Conrad and I have indicated that Micron and Simplot are willing to stipulate to the following condition.

Micron Technology, Inc. and J.R. Simplot Co. will not divert water from the Boise River under permit numbers 63-12420 and 63-12399 when measured (or calculated) Boise River flows at the point of diversion are less than 240 cfs during the June 16 through February 29 period, and less than 1,100 cfs during the March 1 through May 31 period.

In exchange for this stipulation, Micron and Simplot will require that Idaho Department of Fish and Game agree not to protest applications 63-12420 and 63-12399.

I have enclosed letters of November 19, 1997 from Steve Lester of Idaho Department of Water Resources (IDWR). IDWR would like to receive written comment from your Department regarding Applications for Permit No. 63-12420 and 63-12399. The purpose of the comment letters is to assist IDWR in assessing the applications with respect to the local public interest criteria of the water appropriation rules. The comment letters will give you an opportunity to formally state the Department of Fish

MICROFILMED

APR 13 1999

Marti L. Bridges
Water Policy Director
Idaho Rivers United
PO Box 633
Boise, ID 83701

RECEIVED

DEC 22 1997

WATER RESOURCES
WESTERN REGION

December 19, 1997

208-343-7481

BEFORE THE DIRECTOR OF THE DEPARTMENT
OF WATER RESOURCES OF THE STATE OF IDAHO

IN THE MATTER OF
APPLICATION FOR PERMIT TO
APPROPRIATE WATER,
RIGHT NO. 63-12420, IN THE NAME OF
MICRON TECHNOLOGY INC.
OF BOISE, IDAHO

PROTEST AND PETITION TO
INTERVENE

Idaho Rivers United, the Idaho Conservation League, Trout Unlimited - Ted Trueblood Chapter, Boise Valley Fly Fishers, and the Idaho Wildlife Federation jointly file this protest and petition to intervene. The conservation, sporting and fishing groups will be represented by Laird Lucas of the Land and Water Fund of the Rockies - Idaho Office. Hereafter we will be known as Idaho Rivers United et al.

Idaho Rivers United is an Idaho non-profit corporation representing 1600 members in improving river and stream management in keeping with public interest and public trust considerations. Idaho Conservation League is a statewide non-profit corporation representing 3000 members on stewardship of publicly held resources including public lands, water quality, watershed health and biological health. Trout Unlimited - Ted Trueblood Chapter is a non-profit local chapter of Trout Unlimited, a national organization dedicated to preserving, protecting, and enhancing cold water fisheries. TU - Ted Trueblood Chapter represents over 300 local anglers in the Treasure Valley. The Boise Valley Fly Fishers is a local non-profit fishing organization with over 250 members who have worked hard to preserve, protect, and enhance the fishery and fishing values in the Boise River. Idaho Wildlife Federation is the state's oldest non-profit fish and sporting organization representing over 5000 members in fish and wildlife resource management issues.

Idaho Rivers United et al. members use and enjoy the Boise River for recreational boating, fishing, wildlife viewing, hunting, photography and contemplative recreational use. Idaho Rivers United et al. has a direct and substantial interest in the above proceedings in that many of our members could be negatively impacted by the proposed appropriation of water for industrial use and groundwater recharge.

Idaho Rivers United et al. is concerned that new appropriations of water from the Boise River will adversely impact the affected reach by impairing the recreational experience, cause adverse impacts to resident fish and wildlife habitat, reduce instream flows, reduce flood flows which contribute to stream health and function, raising water temperatures (through irrigation runoff) and further impairing water quality. The Idaho Water Resource Board and Idaho Dept. of Water Resources has determined the Boise River is fully appropriated. The Idaho Water Resource Board rejected a minimum streamflow request by the Idaho Dept. of fish and Game on December 10, 1883 because the river is fully appropriated. The issuance of this water right may cause irretrievable impacts to the Boise River, adversely impact the family farming tradition and is not in the public interest.

In summary, we believe that approval of this water right application is not in the "local public interest" under IC 42-203A(5); is contrary to the conservation of water resources within the State of Idaho under IC-42-203A(5); may adversely impact the family farming tradition and is speculative in nature.

Idaho Rivers United requests that a hearing be scheduled to consider the public impacts that this proposed water right may have. We recommend denial of the water right application until such hearing occurs. Laird Lucas of the Land and Water Fund is designated counsel for Idaho Rivers United.

Please place Idaho Rivers United et al. on the service list.

Sincerely,

Dated December 19, 1997

Marti L Bridges

Marti L. Bridges
Water Policy Director

copies mailed to:

Karl Dreher, Director
Idaho Dept. of Water Resources
Statehouse Mail

MICROFILMED

APR 13 1998

Boise, Idaho 83720

Gary Spackman, Regional Director
Dept. of Water Resources
Western Region
2735 Airport Way
Boise, ID 83705

Laird Lucas
Land and Water Fund of the Rockies
PO Box 1612
Boise, ID 83701

Micron Technology Inc.
PO Box 6
Boise, ID 83707

MICROFILMED

APR 13 1990

3/96

Receipt # C040957
Date: 12/22/97
By: KS

RECEIVED

DEC 23 1997

RECEIVED

DEC 22 1997

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF PROTEST

Department of Water Resources

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

1. Matter being protested Application No. 63-12399 and 63-12420
2. Name of protestant Boise Project Board of Control
3. Protestant's representative for service (If different than protestant)

4. Service mailing address 2465 Overland Road, Boise, Idaho 83705
5. Service telephone no. 208-344-1141
6. Basis of protest (including statement of facts and law upon which the protest is based)
SEE ATTACHED.

(additional pages may be attached to describe the nature of the protest)
7. What would resolve your protest? _____

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 22nd day of December, 19 97.

BOISE PROJECT BOARD OF CONTROL (See attached, Paragraph 3)

PROTESTANT

By: Randall C. Fredricks, Attorney

PROTESTANT'S REPRESENTATIVE

MICROFILMED

APR 13 1999

BASIS OF PROTEST

J. R. Simplot Co. and Micron Technology have filed simultaneous Applications for 15 CFS each of Boise River "available water" to be diverted at the same location on a year-round basis. The newspaper notice indicated that the water involved would be "flood water" but examination of the files indicates that the actual diversion would probably include flood water, winter flow water and normal flow water. The Applicants and the Department of Water Resources are evidently involved in ongoing negotiations to define the term "available water" with a proposed Stipulation allowing diversions from June 16 through February 29 when the river flow is in excess of 240 CFS and allowing diversions from March 1 through May 31 when the river flow is in excess of 1,100 CFS. This would allow a year-round diversion of 30 CFS by the two applicants. The intent is to pump the water into a storage reservoir and also to inject the water into the Southeast Boise Aquifer (designated a Ground Water Management Area) for later irrigation and industrial use. Our protest is based as follows:

1. Failure to comply with Section 42-202 Idaho Code. The uses involved are irrigation (Simplot) and Industrial (Micron). There is a failure to specify the number of acre feet of water that each applicant intends to store as required by Section 42-202. A continuous flow of 30 CFS would allow these applicants to store in excess of 21,700 acre feet of water or 10,850 acre feet each. How would this be handled for carry-over? What controls will be utilized regarding later diversions from the storage pond and the GWMA Aquifer for the uses designated? This is also a conflict with the local public interest (affairs of the people in the area directly affected by the proposed use) and contrary to the conservation of water resources in the State of Idaho (Section 42-203A Idaho Code).

2. This would also directly affect existing water rights as well as conflict with the local public interest in violation of Section 42-203A Idaho Code. As the Department of Water Resources is well aware, there is an ongoing and imminent threat to existing water rights in the Boise River Basin regarding future additional salmon flow augmentation requirements. There is a real probability that existing rights, including irrigation rights, may be affected by these required additional flows down the Boise River. If users such as Simplot and Micron are allowed to divert additional water from the Boise River for consumptive purposes, the available water for future salmon augmentation flow requirements will be reduced and directly affect existing irrigation rights and other water rights in the Boise River Basin. Steps should be taken now to conserve these "available waters" by State or Federal Agencies who could certainly take the same storage procedures as is proposed by Simplot and Micron to ensure that this water would be available for future salmon flow augmentation requirements and reduce the pressure to take existing irrigation rights for this purpose.

At the very least, any consideration to approving the Applications should be delayed pending further investigation.

3. As of December 19, 1997, there were no comments or protests by any State or Federal Agencies or other third parties regarding the Applications nor was the file clear as to the definition of "available rights" or what procedures would be set up to control the diversions from the storage reservoirs ("pond" and "aquifer"). The Protestant reserves the right to file additional comments and protests and further reserves the right to join in other protests that may be filed. The Protestant is composed of five individual irrigation districts; i.e., Wilder Irrigation District, Nampa & Meridian Irrigation District, New York Irrigation District, Big Bend Irrigation District, and Boise-Kuna Irrigation District. Due to the limited time to file this Protest, each of said member districts reserves the right to withdraw or amend said Protest as it may relate to them.

Boise Project Board of Control



by: Randall C. Fredricks
Attorney-at-Law

CERTIFICATE OF MAILING

The undersigned, Randall C. Fredricks, does hereby certify that a copy of the Protest was mailed, postage prepaid, to the following:

J. R. Simplot Co.
999 Main St.
Boise, Idaho 83702

Micron Technology, Inc.
8000 S. Federal Way
Boise, Idaho 83716



Randall C. Fredricks

12/22/97

MICROFILMED
APR 13 1999

DIRECTORS
WARREN TOLME
JOHN J. HOCKBERGER
VERNON E. CASE
STEPHEN K. GARMAN
WARREN D. TRUESDELL JR.
DOUGLAS NORRIS
ALFRED F. SARCEDA

Wilder Irrigation District

700 CLEVELAND BOULEVARD • P.O. BOX 416

Caldwell, Idaho
83606-0416

TELEPHONE (208) 450-3421

DONNA M. YOUNG
SECRETARY-TREASURER

DIANE PAULSEN
ASSISTANT SECRETARY-TREASURER

December 22, 1997

Registered Mail

Manager
Western Regional Office
Idaho Department of Water Resources
2735 Airport Way
Boise, Idaho 83705

RE: Protest Period Comments
Micron Technology, Inc.
Application Permit #63-12420

Director, Idaho Department of Water Resources

Wilder Irrigation District has major interest in the water and water rights of the Boise River, including three dams and an off-stream storage of 9,000 acres.

Micron Technology, Inc. has applied under Permit #63-12420 to appropriate the public waters of the Boise River. Wilder Irrigation District forwards the following Protest Period Comments:

1. The application fails to identify all water right sources. For example, the application lists the right to pump 15,000 CFS for Groundwater Recharge any day of the year when water is available in the Boise River. What water?? At what CFS flow in the river? If granted, does the permit become a legal water right to Boise River flood waters??

2. The indicated pump site at the Boise River is not the true point for measured diversion. The pump lifts commingled water rights to a private pond on private land. The pond is the true point for measured diversion. Application fails to indicate how the river watermaster manages accurate daily diversion records at the pond.

Request Wilder Irrigation District be placed on the Department mailing list of active participants.

RECEIVED

DEC 23 1997

WATER RESOURCES
WESTERN REGION

MICROFILMED

SEP 13 1998

SCANLAN ENGINEERING

Groundwater and Environmental Engineering

December 22, 1997

RECEIVED

DEC 24 1997

WATER RESOURCES
WESTERN REGION

Cindy Robertson
Idaho Department of Fish and Game
600 South Walnut
P.O. Box 25
Boise, ID 83707-0025

Subject: Application for Permit 63-12420 - Micron Technology, Inc.
Application for Permit 63-12399 - J.R. Simplot Co.

Dear Cindy:

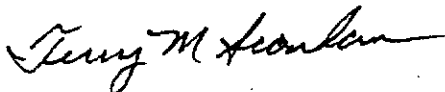
As a follow-up to my letter of December 12, 1997 and our telephone conversation of this morning, I present the following revised stipulation regarding the above referenced applications for permit.

Micron Technology, Inc. and J.R. Simplot Co. will not divert water from the Boise River under permit numbers 63-12420 and 63-12399 when measured or calculated Boise River flows at the point of diversion are less than 240 cfs during the June 16 through February 29 period, and less than 1,100 cfs during the March 1 through May 31 period. Furthermore, diversions under permit numbers 63-12420 and 63-12399 shall not cause the measured or calculated Boise River flows at the point of diversion to fall below 240 cfs during the June 16 through February 29 period, or 1,100 cfs during the March 1 through May 31 period. Calculated flow at the point of diversion will be based on gaged Lucky Peak Dam discharge minus the gaged diversion to the New York Canal.

In exchange for this stipulation, Micron and Simplot will require that Idaho Department of Fish and Game agree not to protest applications 63-12420 and 63-12399.

Please call me with any questions or comments.

Sincerely,



Terry M. Scanlan, P.E., P.G.
Engineer/Hydrogeologist

cc:  Steve Lester - IDWR
Mike McIntyre, John Chapman - Micron
Vic Conrad - Simplot

MICROFILMED

APR 13 1999

RECEIPT
For Monies Paid
to the
Idaho Department of Water Resources

Receipt No:

0023330

Date:

Time:

12/22/1997

14:01:23

Received

From:

IDAHO RIVERS UNITED

Type of Payment

Program A cct

Amount

PROTEST MICRON-SIMPL0T 63-12399

62103

229 21 1155

50.00

Total

\$

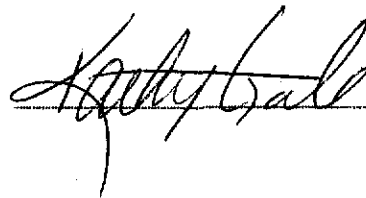
50.00

CHECK

4367

Region: WESTERN

Signature:



MICROFILMED

APR 13 1999

RECEIVED

DEC 05 1997

Department of Water Resources

WATER RESOURCES BOARD

1301 N. Orchard

Boise, ID 83706

Refer: Micron

J.R Simplot

These people, I am told, are requesting permission to take 30 second feet of water out of the Boise River. Run it through a purification process and the inject into the aquifer so that they can pump it for there use. Then run it down the sewer.

With the present technology they could have there own sewer treatment plant, remove all the nitrated and phosphates and with chorlination the effluent would be drinkable. By recycling the water in this manner the environment would become cleaner. The use of the water out of the aquifer would be lessened. There is also a process which reduces the sludge to a dry form and is useable on lawns,golf courses, etc.

I would certainly suggest they be encouraged to look further into this process. I also suggest that their request be turned down.

Sincerely


Wayne F. Harper

1990 Cherry Lane

Emmett, ID 83601

APR 12 1999

SCANLAN ENGINEERING

Groundwater and Environmental Engineering

RECEIVED

DEC 17 1997

WATER RESOURCES
WESTERN REGION

December 16, 1997

Carl Ellsworth
Public Works Department
City of Boise
P.O. Box 500
Boise, ID 83701-0500

Subject: Application for Permit 63-12420 - Micron Technology, Inc.
Application for Permit 63-12399 - J.R. Simplot Co.

Dear Carl:

We appreciate your attendance, along with that of Bill Ancell, Mike Hunter, and Cathy Chertudi, at Micron's December 4, 1997 presentation regarding aquifer recharge in southeast Boise. As discussed at the presentation, Micron Technology, Inc. has submitted an Application for Permit to appropriate 15 cfs of water from the Boise River for groundwater recharge and industrial uses at Micron's manufacturing facility in southeast Boise. Similarly, J.R. Simplot Company has submitted an Application to appropriate 15 cfs for groundwater recharge and irrigation uses at their lands in the Micron vicinity. The point of diversion for both permits will be the pump station at the Highway 21 bridge. These new appropriations will be subject to all prior water rights, and delivery of water will be controlled by the watermaster of State Water District No. 63. Copies of the permit applications are enclosed for your reference.

The two proposed water appropriations will provide substantial benefits to residents of the City of Boise. We propose to appropriate water that is currently released for flood control purposes. Diversion of these flood control waters will provide new water supplies to the southeast Boise area, and thereby lessen the dependence on the groundwater supply in that area.

I have enclosed letters of November 19, 1997 from Steve Lester of Idaho Department of Water Resources (IDWR). IDWR would like to receive comment from the City regarding Applications for Permit Nos. 63-12420 and 63-12399. The purpose of the comment letters is to assist IDWR in assessing the applications with respect to the local public interest criteria of the water appropriation rules. We are hopeful the City will be supportive, as was the case in your previous comment letter of August 12, 1996 regarding the pump station and pipeline project.

APR 14 1999

Please call me with any questions or comments. I would appreciate receiving copies of your comment letters.

Sincerely,



Terry M. Scanlan, P.E., P.G.
Engineer/Hydrogeologist

cc: Steve Lester - IDWR
Mike McIntyre, John Chapman - Micron
Vic Conrad - Simplot

MICROFILMED
APR 13 1999

CITY OF BOISE

RECEIVED
AUG 12 1996
PLANNING DEPT
CITY OF BOISE
INTER-DEPARTMENT
CORRESPONDENCE

Date: August 12, 1996

To: Bill King
Boise City Planning

From: Carl Ellsworth *CBE*
Public Works Department

Subject: CU 96-53

The Boise City Public Works Department staff has discussed and met with several representatives of United Water of Idaho (UWI), Surprise Valley Partnership, J.R. Simplot Company, and Micron Technology.

Conceptually, we find the project meets the long-term goals of our community. The project is to replace groundwater with surface water for irrigation purposes. This project could also provide groundwater recharge, and potentially domestic water supply.

The project designers have advised us that the pumping facility will eventually have the capacity to pump 51 cubic feet per second (cfs) of surface water (Boise River) at an existing diversion point. Currently, Surprise Valley has a 3 cfs water right. Water rights for the remaining 48 cfs are being pursued. The project will ultimately use two 30 inch raw water lines to distribute to the various uses as listed above and a 12 inch water line for distribution of treated water. One of the 30 inch water lines will discharge to a pond for Simplot and Micron use. The other 30 inch water line is for a future potable water treatment facility.

We have been assured that UWI will not include their share of the capital costs of this facility in the United Water rate base until the project is being fully used. UWI estimated that it would be 7 to 10 years before the facilities would be used for potable water purposes.

Again, we conceptually support the project to meet long-term goals of our community. This project meets many of the Boise Visions goals such as reducing dependence on groundwater (dual irrigation), recharge of groundwater aquifer, and increasing supply for domestic use.

cc: Bill Ancell, Public Works Director
Chuck Mickelson, City Engineer
Catherine Chernudi, Groundwater Manager

I:\USERS\TPARKER\DWPC\CARL\KING.MEM 8/12/96

MICROFILMED

AUG 13 1996

SCANLAN ENGINEERING

Groundwater and Environmental Engineering

RECEIVED

DEC 17 1997

WATER RESOURCES
WESTERN REGION

December 16, 1997

Lee Sisco
Watermaster
State Water District 63
6616 Overland Road
Boise, ID 83709

Subject: Application for Permit 63-12420 - Micron Technology, Inc.
Application for Permit 63-12399 - J.R. Simplot Co.

Dear Lee:

As you know, Micron Technology, Inc. has submitted an Application for Permit to appropriate 15 cfs of water from the Boise River for groundwater recharge and industrial uses at Micron's manufacturing facility in southeast Boise. Similarly, J.R. Simplot Company has submitted an Application to appropriate 15 cfs for groundwater recharge and irrigation uses at their lands in the Micron vicinity. The point of diversion for both permits will be the pump station at the Highway 21 bridge.

I have enclosed letters of November 19, 1997 from Steve Lester of Idaho Department of Water Resources (IDWR). IDWR would like to receive comment letters from the District 63 watermaster regarding Applications for Permit Nos. 63-12420 and 63-12399. The purpose of the comment letters is to assist IDWR in assessing the applications with respect to the local public interest criteria of the water appropriation rules.

Please call me with any questions or comments. I would appreciate receiving copies of your comment letters.

Sincerely,



Terry M. Scanlan, P.E., P.G.
Engineer/Hydrogeologist

cc: Steve Lester - IDWR
Mike McIntyre, John Chapman - Micron
Vic Conrad - Simplot

MICROFILMED

APR 13 1998

SCANLAN ENGINEERING

Groundwater and Environmental Engineering

RECEIVED

DEC 17 1997

WATER RESOURCES
WESTERN REGION

December 16, 1997

Bob Unger
Ada County Development Services
650 West Main Street
Boise, ID 83702

Subject: Application for Permit 63-12420 - Micron Technology, Inc.
Application for Permit 63-12399 - J.R. Simplot Co.

Dear Mr. Unger:

We appreciate the attendance by Patricia Nielson of your office at Micron's December 4, 1997 presentation regarding aquifer recharge in Southeast Boise. As discussed at the presentation, Micron Technology, Inc. has submitted an Application for Permit to appropriate 15 cfs of water from the Boise River for groundwater recharge and industrial uses at Micron's manufacturing facility in southeast Boise. Similarly, J.R. Simplot Company has submitted an Application to appropriate 15 cfs for groundwater recharge and irrigation uses at their lands in the Micron vicinity. The point of diversion for both permits will be the pump station at the Highway 21 bridge. These new appropriations will be subject to all prior water rights, and delivery of water will be controlled by the watermaster of State Water District No. 63. Copies of the permit applications are enclosed for your reference.

The two proposed water appropriations will provide substantial benefits to residents of Ada County. We propose to appropriate water that is currently released for flood control purposes. Diversion of these flood control waters will provide new water supplies to the southeast Boise area, and thereby lessen the dependence on the groundwater supply in that area.

I have enclosed letters of November 19, 1997 from Steve Lester of Idaho Department of Water Resources (IDWR). IDWR would like to receive comment from the County Commission regarding Applications for Permit Nos. 63-12420 and 63-12399. The purpose of the comment letters is to assist IDWR in assessing the applications with respect to the local public interest criteria of the water appropriation rules. We are hopeful the Commission will be supportive.

MICROFILMED

Please call me with any questions or comments. I would appreciate receiving copies of your comment letters.

Sincerely,



Terry M. Scanlan, P.E., P.G.
Engineer/Hydrogeologist

cc: Steve Lester - IDWR
Mike McIntyre, John Chapman - Micron
Vic Conrad - Simplot
Patricia Nielson - Ada County Planning and Zoning

MICROFILMED

APR 13 1998

Proof of Publication

The Post Register

State of Idaho
County of Bonneville

RECEIVED

DEC 19 1997

WATER RESOURCES
WESTERN REGION

I, S. Bob Bright or Robert Park, first being duly sworn, depose and say: That I am the Production Supervisor or Asst. Prod. Supervisor of The Post Company, a corporation of Idaho Falls, Bonneville County, Idaho, publishers of The Post Register, a newspaper of general circulation, published daily at Idaho Falls, Idaho; said Post Register being a consolidation of the Idaho Falls Times, established in the year 1890, The Idaho Register, established in the year 1880 and the Idaho Falls Post, established in 1903, such consolidation being made on the First day of November, 1931, and each of said newspapers have been published continuously and uninterruptedly, prior to consolidation, for more than twelve consecutive months and said Post Register having been published continuously and uninterruptedly from the date of such consolidation, up to and including the last publication of notice hereinafter referred to.

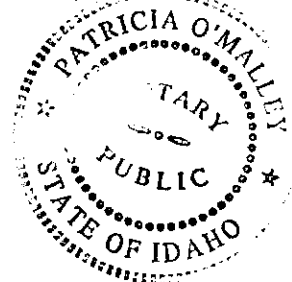
That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post Register for two consecutive (days) weeks, first publication having been made on the 4th day of December, 1997, last publication having been made on the 11th day of December, 1997, and that the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.

Robert Park

Subscribed and sworn to before me, this 17th day of December, 1997

Patricia O'Malley
Notary Public

My commission expires January 3, 2003



MICROFILM

APR 13 1998

**NOTICE OF
APPLICATION FOR
WATER RIGHT**

The following applications have been filed to appropriate the public water of the State of Idaho. Both propose identical priority dates of 6/6/1997 for a BOISE RIVER pump station in Gov't Lot 6 or 7 (NWNE) S4, T2N R3E, Ada County near the new Hwy 21 bridge. Rights will be used when water is available (high runoff etc.) as follows:

No. 63-12399, J R SIMPLOT CO., PO BOX 27, BOISE ID 83707: Irrigation 15.0 cfs 3/15-11/15, Ground Water Recharge 15.0 cfs all year, total of 15.0 cfs to irrigate 1000 acres/year in 1844 acre permissible place of use plus recharge in portions of S1 (T2N R2E) and S4-6, 8-10, 15, 17 & 18 (T2N R3E), within part of SE Boise Ground Water Mngt. Area (GWMA). River water will replace ground water now used in GWMA.

No. 63-12420, MICRON TECHNOLOGY INC., PO BOX 6, BOISE ID 83707: Industrial 5.0 cfs & Ground Water Recharge 15.0 cfs, both all year for total of 15.0 cfs, used in S6 & 7 (portion of same recharge area listed in Simplot's 63-12399). Industrial use is for Micron facility. Recharge water will be stored in aquifer until recovered under existing rights in GWMA, and possibly can be used as mitigation for future applications in GWMA.

These permits will be subject to all prior water rights, which include watermaster control. Protests may be submitted based on the criteria of I.C. § 42-203A. Each protest requires a \$25 fee per protested application and must be filed with the Director, Dept. of Water Resources, 2735 Airport Way, Boise ID 83705-5082 on or before DECEMBER 22, 1997. The protestant must send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published: December 4, 11, 1997

6-10-97

SCANLAN ENGINEERING

Groundwater and Environmental Engineering

RECEIVED

DEC 15 1997

WATER RESOURCES
WESTERN REGION

December 12, 1997

Cindy Robertson
Idaho Department of Fish and Game
600 South Walnut
P.O. Box 25
Boise, ID 83707-0025

Subject: Application for Permit 63-12420 - Micron Technology, Inc.
Application for Permit 63-12399 - J.R. Simplot Co.

Dear Cindy:

As you know, Micron Technology, Inc. has submitted an Application for Permit to appropriate 15 cfs of water from the Boise River for groundwater recharge and industrial uses at Micron's manufacturing facility in southeast Boise. Similarly, J.R. Simplot Company has submitted an Application to appropriate 15 cfs for groundwater recharge and irrigation uses at their lands in the Micron vicinity. The point of diversion for both permits will be the pump station at the Highway 21 bridge. These new appropriations will be subject to all prior water rights, and delivery of water will be controlled by the watermaster of State Water District No. 63.

In recent telephone conversations with you regarding the applications, Vic Conrad and I have indicated that Micron and Simplot are willing to stipulate to the following condition.

Micron Technology, Inc. and J.R. Simplot Co. will not divert water from the Boise River under permit numbers 63-12420 and 63-12399 when measured (or calculated) Boise River flows at the point of diversion are less than 240 cfs during the June 16 through February 29 period, and less than 1,100 cfs during the March 1 through May 31 period.

In exchange for this stipulation, Micron and Simplot will require that Idaho Department of Fish and Game agree not to protest applications 63-12420 and 63-12399.

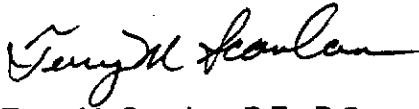
I have enclosed letters of November 19, 1997 from Steve Lester of Idaho Department of Water Resources (IDWR). IDWR would like to receive written comment from your Department regarding Applications for Permit No. 63-12420 and 63-12399. The purpose of the comment letters is to assist IDWR in assessing the applications with respect to the local public interest criteria of the water appropriation rules. The comment letters will give you an opportunity to formally state the Department of Fish

MICROFILMED

and Game's position on the proposed appropriations by Micron and Simplot. We trust that our proposed stipulation will allow your Department to comment favorably.

Please call me with any questions or comments. I would appreciate receiving copies of your comment letters.

Sincerely,



Terry M. Scanlan, P.E., P.G.
Engineer/Hydrogeologist

cc:  Steve Lester - IDWR
Mike McIntyre, John Chapman - Micron
Vic Conrad - Simplot

MICROFILMED
APR 13 1999

**NOTICE OF APPLICATION
FOR WATER RIGHT**

The following applications have been filed to appropriate the public water of the State of Idaho. Both propose identical priority dates of 6/6/1997 for a BOISE RIVER pump station in Gov't Lot 6 or 7 (NWNE) S4, T2N R3E, Ada County near the new Hwy 21 bridge. Rights will be used when water is available (high runoff etc.) as follows:
NO. 63-12399, JR SIMPLOT CO., PO BOX 27, BOISE IDAHO 83707: Irrigation 15.0 cfs 3/15-11/15, Ground Water Recharge 15.0 cfs all year, total 15.0 cfs to irrigate 1000 acres/year in 1844 acre permissible place of use plus recharge in portions of S1 (T2N R2E) and S4-6, 8-10, 15, 17 & 18 (T2N R3E), within part of SE Boise Ground Water Mngt. Area (GWMA). River water will replace ground water now used in GWMA.
NO. 63-12420, MICRON TECHNOLOGY INC., PO BOX 6, BOISE, ID 83707: Industrial 5.0 cfs & Ground Water Recharge 15.0 cfs, both all year for total of 15.0 cfs, used in S6 & 7 (portion of same recharge area listed in Simplot's 63-12399). Industrial use is for Micron facility. Recharge water will be stored in aquifer until recovered under existing rights in GWMA, and possibly can be used as mitigation for future applications in GWMA.

These permits will be subject to all prior water rights, which include watermaster control. Protests may be submitted based on the Criteria of I.C. 42-203A. Each protest requires a \$25 fee per protested application and must be filed with the Director, Dept. of Water Resources, 2735 Airport Way, Boise, ID 83705-5082 on or before DECEMBER 22, 1997. The protestant must send a copy of the protest to the applicant.

Karl J. Dreher, Director
PUBLISH: Thursday, December 4 and 11, 1997

Affidavit of Publication

STATE OF IDAHO }
COUNTY OF TWIN FALLS } SS.

No 3004

I, Emily McKnight being first duly sworn upon oath, depose and say that I am Principal Clerk of the TIMES-NEWS, published daily in Twin Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as clipping attached, was published in the regular and entire issue of said newspaper, and not in a supplement thereof, for Two consecutive weeks commencing with the issue dated December 4, 19 97 and ending with the issue dated December 11, 19 97

And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the 1c Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except Monday, both of which newspapers prior to consolidation had been published under said names in said city and county continuously and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-NEWS, such consolidation, has been published as a daily newspaper except Saturday, until July 31, 1978, at which time newspaper began daily publication under said name in said city and county continuously and uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated as the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho, published weekly, will be published; and that at the head of the editorial column of said combined newspapers, and in issue thereof, Thursday is announced as the day on which said legal notices will be published.

STATE OF IDAHO
COUNTY OF TWIN FALLS

On this 12th day of Dec. in the year of 1997, before

a Notary Public, personally appeared Emily McKnight known or identified to me to be the person whose name subscribed to the within instrument, and being by me first sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Lieva R. Feltman
Notary Public for Idaho

Residing at Twin Falls, Idaho.

My commission expires: 5/19/2000

MICROFILMED

APR 13 1999

The Idaho
Statesman
P.O. BOX 40, BOISE, IDAHO 83707-0040

RECEIVED

DEC 17 1997

WATER RESOURCES
WESTERN REGION

LEGAL ADVERTISING INVOICE

Amount Due

\$67.68

Account Number/Trans. #		Identification	
047628		NOTICE OF APPLICATION FOR WATER RIGHT	
Ordered By	P.O. Number	Rate	Run Dates
SUE TAYLOR		NT	DECEMBER 4, 11, 1997
IDAHO DEPARTMENT WATER RESOURCES WESTERN REGION 2735 AIRPORT WAY BOISE, ID 83705-5082		Estimated Inches	Real Inches
		# Affidavits	Legal Number
		1	9160

LEGAL NOTICE
NOTICE OF APPLICATION FOR WATER
RIGHT

The following applications have been filed to appropriate the public water of the State of Idaho. Both propose identical priority dates of 6/6/1997 for a **BOISE RIVER** pump station in Gov't Lot 6 or 7 (NWNE) S4, T2N R3E, Ada County near the new Hwy 21 bridge. Rights will be used when water is available (high runoff etc.) as follows:

No. 63-12399, JR SIMPLOT CO., PO BOX 27, BOISE ID 83707:

Irrigation 15.0 cfs 3/15-11/15, Ground Water Recharge 15.0 cfs all year, total of 15.0 cfs to irrigate 1000 acres/year in 1844 acre permissible place of use plus recharge in portions of S1 (T2N R2E) and S4-6, 8-10, 15, 17 & 18 (T2N R3E), within part of SE Boise Ground Water Mngt. Area (GWMA). River water will replace ground water now used in GWMA.

NO. 63-12420, MICRON TECHNOLOGY INC., PO BOX 6, BOISE ID 83707:

Industrial 5.0 cfs & Ground Water Recharge 15.0 cfs, both all year for total of 15.0 cfs, used in S6 & 7 (portion of same recharge area listed in Simplot's 63-12399). Industrial use is for Micron facility. Recharge water will be stored in aquifer until recovered under existing, and possibly can be used as mitigation for future applications in GWMA.

These permits will be subject to all prior water rights, which include watermaster control. Protests may be submitted based on the criteria of I.C. 42-203A. Each protest requires a \$25 fee per protested application and must be filed with the Director, Dept. of Water Resources, 2735 Airport Way, Boise ID 83705-5082 on or before DECEMBER 22, 1997. The protestant must send a copy of the protest to the applicant.

Karl J. Dreher, Director
Pub. December 4 & 11, 1997

9160

JANICE HILDRETH

, being duly sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto; that said notice was published in The Idaho Statesman in conformity with Section 60-108, Idaho Code as amended, for TWO

☒ consecutive weekly single
consecutive daily odd skip

insertion(s) beginning with the issue of

DECEMBER 4, 1997

and ending with the issue of

DECEMBER 11, 1997

Janice Hildreth

STATE OF IDAHO)

) ss.

COUNTY OF ADA)

On this 11th day of DECEMBER in the year of 1997, before me, a Notary Public, personally appeared JANICE HILDRETH known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

MICROFILMED

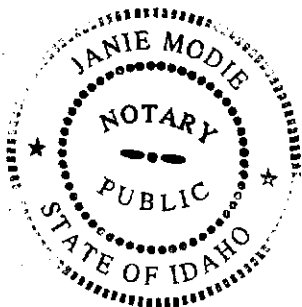
Notary Public for Idaho

Residing at:

My commission expires:

Boise, Idaho

5703



TRIBUNE PUBLISHING COMPANY, INC.

The Lewiston Morning Tribune
505 C St., P.O.Box 957
Lewiston, Idaho 83501
(208) 743-9411

**LEGAL ADVERTISING
INVOICE**

SOLD TO: DEPT OF WATER RESOURCES
2735 AIRPORT WAY
BOISE ID 83705

Date 12/11/97INVOICE NO. 161655Account No. 964760Description 161655NOTICEOFAPPLICATTimes 2Lines 53

Tab. Lines _____

\$ 72.88

RECEIVED
DEC 15 1997

WATER RESOURCES
WESTERN REGION

NOTICE: This is an invoice of Purchase made by you. Statement will be rendered the first of the month.
Please Retain This Invoice as Your Statement Will Refer to Invoice by No. Only.

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, ss.
County of Nez Perce

NOTICE OF APPLICATION
FOR WATER RIGHT

The following applications have been filed to appropriate the public water of the State of Idaho. Both propose identical priority dates of 6/6/1997 for a **BOISE RIVER** pump station in Gov't Lot 6 or 7 (NWNE) S4, T2N R3E, Ada County near the new Hwy 21 bridge. Rights will be used when water is available (high runoff etc.) as follows:
No. 63-12399, J R SIMPLOT CO., PO BOX 17, BOISE ID 83707;

Irrigation 15.0 cfs 3/15-11/15, Ground Water Recharge 15.0 cfs all year, total of 15.0 cfs to irrigate 1000 acres/year in 1844 acre permissible place of use plus recharge in portions of S1 (T2N R2E) and S4-6, 8-10, 15, 17 & 18 (T2N R3E), within part of SE Boise Ground Water Mngt. Area (GWMA). River water will replace ground water now used in GWMA. NO. 63-12428, MICRON TECHNOLOGY INC., PO BOX 6, BOISE ID 83707;

Industrial 5.0 cfs & Ground Water Recharge 15.0 cfs, both all year for total of 15.0 cfs, used in S6 & 7 (portion of same recharge area listed in Simplot's 63-12399). Industrial use is for Micron facility. Recharge water will be stored in aquifer until recovered under existing rights in GWMA, and possibly can be used as mitigation for future applications in GWMA.

These permits will be subject to all prior water rights, which include watermaster control. Protests may be submitted based on the criteria of I.C. § 42-203A. Each protest requires a \$25 fee per protested application and must be filed with the Director, Dept. of Water Resources, 2735 Airport Way, Boise ID 83705-5082 on or before **DECEMBER 22, 1997**. The protestant must send a copy of the protest to the applicant.

Karl J. Dreher, Director
Published on December 4 and 11, 1997, in the Idaho Statesman, the Lewiston Tribune, the Post Register, and the Time News.

Karen Lewis, being duly sworn, deposes and says, I am the Legal Clerk of the Tribune Publishing Company, a corporation organized and existing under and by virtue of the laws of the State of Idaho, publishers of the LEWISTON MORNING TRIBUNE, a newspaper of general circulation published at Lewiston, Nez Perce County, Idaho; That the said Lewiston Morning Tribune is an established newspaper and has been published regularly and issued regularly at least once a day for more than 21 consecutive years next immediately preceding the first publication of this notice, and has been so published uninterrupted for said period; that the 161655NOTICEOFA attached hereto and which is made a part of this affidavit was published in the said Lewiston Morning Tribune, 2 time(s). Publication being on 12/04, or once a WEEK for 2 consecutive WEEK, the first publication thereof being on the 12/04/97, and the last publication thereof being on the 12/11/97, and said 161655NOTICEOFA was so published in the regular and entire issue of said newspaper and was not in a supplement thereof and was so published in every issue and number of the said paper, during the period and times of publication as set forth above.

SUBSCRIBED AND SWORN BEFORE ME THIS THE _____

day of _____ 1997

Notary Public in and for the State of Idaho,
residing at Lewiston, therein
Commission Expires _____



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

Sent ✓

FAX TRANSMITTAL COVER SHEET

FAX # (208) 334-2348

DATE: 12/3/97

TO: MARTI Bridges
ID Rivers
for 343-9376

FROM: Steve Lester

DOCUMENT DESCRIPTION: Copies of River Apps.
63-12399 5.10.97
63-12420 min

TOTAL PAGES SENT: 6 + COVER SHEET

CONTACT: _____

MICROFILMED
APR 13 1999

WR5809NP
No. 63-12420

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 11/25/97
PAGE: 3

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	MICRON TECHNOLOGY INC 8000 S FEDERAL WY PO BOX 6 BOISE ID 83707-0006 (208) 368-4545	06/06/1997	INDUSTRIAL GROUNDWATER RECHARGE	01/01 12/31 01/01 12/31	5.000 CFS 15.000 CFS	
TOTAL DIVERSION:					15.000 CFS	

Water Source: BOISE RIVER

Tributary to: SNAKE RIVER

Stage: APPLICATION

Point(s) of Diversion: T02N R03E S04 Lot 06(NWNE)

ADA County

Place of use Legal Description for: GROUNDWATER RECHARGE

NE				NW				SW				SE											
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac	
02N	03E	6	:					:					:			07-G	G	:				G	:
02N	03E	7	:			G	G	:	G	01-G	02-G	G	:	G			G	:	G	G	G	G	:

Place of use location for INDUSTRIAL is the same location as described for: GROUNDWATER RECHARGE

Ada County: ADA

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
63-00161BM 63-12399 T63-00147

Remarks: Application proposes use of river water, when available, to replace ground water diverted in SE Boise Ground Water Mngt. Area.

Dates: App. Received: 06/06/1997 Priority Date: 06/06/1997
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: Field Exam Fee:

Comments: Date: 10/27/1997 User-ID: STAYLOR Subject: POD Owner
Contract with BOR #6-07-10-L1431 and easement #96087899 with
Ada County.

Date: 10/27/1997 User-ID: STAYLOR Subject: Application Held
Application held pending IDWR clarification.

Date: 11/18/1997 User-ID: SLESTER Subject: PROCESSING UPDATE
See Simplot application 63-12399 for extensive Comments also
pertinent to this filing. Same type of abbreviated legal notice

WR5809NP
No. 63-12420

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 11/25/97
PAGE: 4

Comments: Date: 11/18/1997 User-ID: SLESTER Subject: PROCESSING UPDATE
used in both filings.
Note that both applications propose ground water recharge in same
P/U, although Simplot filing includes additional recharge area.

Audit: 10/27/97 STAYLOR



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

5/25/97

FAX TRANSMITTAL COVER SHEET

FAX # (208) 334-2348

DATE: 11/25/97

TO: Dick Larsen

FROM: Steve Lester

63-12399 & 63-12420

DOCUMENT DESCRIPTION: PRESS RELEASE REQUEST-
PLEASE issue press release for Id. Stateman & Nampa Press
Tribune re this legal notice that will run "statewide" in
Boise, Twin Falls, ID Falls & Coeur d'Alene in 1st 2 weeks of
December. Gary J. has discussed with Norm J. ~~that~~ they agreed
and

TOTAL PAGES SENT: 01 + COVER SHEET

CONTACT: That press release locally (at least) is good idea.
Let me know if have any questions & if that I can
help you with. The bottom line idea is to input
water into SE Boise ground to assist in better mgmt.
of available resources.

MICROFILMED

Thanks, APR 1 1998 *SL*

NOTICE OF APPLICATION FOR WATER RIGHT

The following applications have been filed to appropriate the public water of the State of Idaho. Both propose identical priority dates of 6/6/1997 for a BOISE RIVER pump station in Gov't Lot 6 or 7 (NWNE) S4, T2N R3E, Ada County near the new Hwy 21 bridge. Rights will be used when water is available (high runoff etc.) as follows:

No. 63-12399, J R SIMPLOT CO., PO BOX 27, BOISE ID 83707:

Irrigation 15.0 cfs 3/15-11/15, Ground Water Recharge 15.0 cfs all year, total of 15.0 cfs to irrigate 1000 acres/year in 1844 acre permissible place of use plus recharge in portions of S1 (T2N R2E) and S4-6, 8-10, 15, 17 & 18 (T2N R3E), within part of SE Boise Ground Water Mngt. Area (GWMA). River water will replace ground water now used in GWMA.

NO. 63-12420, MICRON TECHNOLOGY INC., PO BOX 6, BOISE ID 83707:

Industrial 5.0 cfs & Ground Water Recharge 15.0 cfs, both all year for total of 15.0 cfs, used in S6 & 7 (portion of same recharge area listed in Simplot's 63-12399). Industrial use is for Micron facility. Recharge water will be stored in aquifer until recovered under existing rights in GWMA, and possibly can be used as mitigation for future applications in GWMA.

These permits will be subject to all prior water rights, which include watermaster control. Protests may be submitted based on the criteria of I.C. § 42-203A. Each protest requires a \$25 fee per protested application and must be filed with the Director, Dept. of Water Resources, 2735 Airport Way, Boise ID 83705-5082 on or before **DECEMBER 22, 1997**. The protestant must send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in <statewide_papers_listed> on <dates>.

MICROFILMED

APR 13 1995

From: DWR80::SLESTER 25-NOV-1997 11:41:25.10
To: DWR03::JJOHNSON
CC: SLESTER
Subj: WEEKLY LISTING

Jim, we have 3 of the 1992 M well appls. that are now being re-advertised for regular permit consideration so need to be put back on the weekly listing. These are 63-11786, 63-11787 & 63-11788 (Garrett). There's a lot of history here about why processing has resumed. Norm gave ok to Gary for us to proceed. My memo of explanation will be forwarded to S.O. with files once advertising etc. completed.

Will be advertised first 2 weeks of December.

Also on same advertising schedule are 2 appls. for permit where used WP ad prep instead of computer generated advertising. Sue will transmit electronically to S.O for weekly listing as she does with transfer appls.

These are 63-12399 (Simplot) & 63-12420 (Micron). Used WP ad prep since both will be statewide ads & lengthy QQ legals -- figured it would be clearer plus lots cheaper to shorten the ads.

thanks,

Steve

MICROFILMED

APR 13 1999

CONVERSATION MEMORANDUM

DATE 11/24/97

FILE 63-12399

NAME OF PARTY JGE Belm

63-12420

EMPLOYEE JL

RE: _____

Vic Conrad 63-12399

left msg to call me 11/18
11/24

Terry Scanlon 63-12420

left msg to call me 11/24

Vic: - pond size 5.5 (contin capacity)
- PPM = 1844 not 1880 Acres

Terry: Pond size 5.5 (same as above)

MICROFILMED

SEP 13 1999

OK "24 hr. fill,"

storage w/A per
office visit by Terry
later in day.

CLARITY before advertise.

Also send cc to S.O. - e press RELEASE

per 95: May 11/22 discussion

(to Dick Larsen)

Done 11/25/97



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

November 19, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

MR TERRY SCANLAN
SCANLAN ENGINEERING
600 E RIVER PARK LN STE 105
BOISE ID 83706

RE: APPLICATION FOR PERMIT NO. 63-12420 (MICRON)

Dear Terry:

The above referenced application for permit regarding "excess flows" in the Boise River to be diverted via the new pumping plant will be advertised in the first two weeks of December. To assist this office in completing the initial processing steps, please submit additional information required by I.C. § 42-203A(5)(a-e) for "large diversion projects". This requirement includes the following items discussed in Water Appropriation Rules 37.03.08.05(c) through (g):

- 1) effect on existing water rights
- 2) sufficiency of water supply
- 3) good faith, delay or speculative purposes
- 4) financial resources
- 5) local public interest.

Most of the above items are self-regulating, e.g. watermaster control, or obviously not in need of explanation by your client, e.g. financial resources. However, the local public interest criteria should be addressed.

To meet the requirement of item 5, above, please submit comment letters from the following parties: Boise River Watermaster, City of Boise, Ada County Commissioners, Idaho Department of Fish & Game and Idaho Department of Health & Welfare (DEQ).

Your reply within 30 days will facilitate the application processing. Please contact me at your convenience if you have any questions.

Sincerely,

Steve Lester
Water Rights Supervisor

c: John Chapman and Mike McIntyre, Micron Technology Inc.

MICROFILMED

APR 19 1998

CONVERSATION MEMORANDUM

DATE 11/13/97

FILE 63-12399

NAME OF PARTY

See below

EMPLOYEE

RL

RE:

Processing

Vic Conrad for 63-12399 (Sgt)

Mila McIntyre for 63-12420 (Main)

Both said want to proceed with processing asap
at SE Base JMWMA Adv. Comm. mtg.

MICROFILMED

APR 13 1999

November 5, 1997

To: Those on the Attached List

Re: Applications for Permit Nos. 63-12420 in the Name of MicronTechnology, Inc. and 63-12399 in the Name of J.R. Simplot

Dear Sir:

Enclosed is a copy of the above-referenced application for permit which may be of interest to you . Please review the application and submit any comments you may have.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter, however, if you desire to file a formal protest against the approval of this application(s), your written protest along with the \$25.00 protest fee must be received in this office by December 22, 1997.

If you have any questions regarding the application, please contact this office.

Sincerely,



Gary Spackman

GS:st

Encl.

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APR 13 1999

LEE SISCO
BOISE RIVER WATERMASTER
6616 OVERLAND RD
BOISE ID 83709

CATHERINE CHERTUDI
SE BOISE GW ADV COMM
PO BOX 500
BOISE ID 83701-0500

SCOTT CAMPBELL
ELAM & BURKE
PO BOX 1539
BOISE ID 83701-1539

DANIEL STEENSON
RINGERT CLARK CHARTERED
PO BOX 2773
BOISE ID 83701-2773

BETTY BERMENSOLO
SW BOISE CITIZENS
1970 S CANONERO WY
BOISE ID 83709

BOISE VALLEY IRRIG DITCH
4822 ALAMOSA LN
BOISE ID 83703

SURPRISE VALLEY
PARTNERSHIP
871 E PARKCENTER BLVD
BOISE ID 83706

IDAHO RIVERS UNITED
413 W IDAHO
BOISE ID 83702

ADA CTY COMMISSIONERS
650 W MAIN
BOISE ID 83702

JOYCEANNE FICK
ADA CO P & Z
650 W MAIN
BOISE ID 83702

DIV OF ENV QUALITY
BOISE REGIONAL OFFICE
PO BOX 83720
BOISE ID 83706

ID DEPT FISH & GAME
600 S WALNUT
BOISE ID 83707

CANYON CTY COMMISSIONERS
1115 ALBANY ST
CALDWELL ID 83605

ANN HAUSRATH
BOISE CITY COUNCIL
150 N CAPITOL BLVD
BOISE ID 83702

MICROFILMED

APR 13 1989

MEMORANDUM

TO: KARL DREHER - NORM YOUNG - GLEN SAXTON ... VIA GARY SPACKMAN

FROM: STEVE LESTER 

DATE: JULY 23, 1997

RE: SIMPLOT AND MICRON BOISE RIVER APPLICATIONS

Attached are copies of two water right applications filed at exactly the same time by Vic Conrad and Terry Scanlan on behalf of J.R. Simplot Co. and Micron Technology Inc., respectively. The filings involve the much discussed Boise River pump station near the new bridge downstream from Diversion Dam. The two gentlemen verbally requested that the regional office delay processing until further notice.

Gary Spackman informed me that the Director might want the filings to be processed at this time. Before this office takes any processing action, it seemed prudent to provide you with a copy of the filings for your consideration.

A few thoughts regarding the applications are passed on for your comments.

1. If water is sometimes available from the Boise River, why has the IWRB refused to consider any minimum stream flow filings for the river below Lucky Peak Reservoir? Are we not sending conflicting messages to the general public by taking the opposite stance from the board? Should the board be included in this discussion if we process the applications?

2. Item 4, page 3 of the May 3, 1995 order lifting the Boise River Moratorium states that applications for surface water upstream from the Star Bridge will be denied without acceptable mitigation. Is it IDWR policy that mitigation does not apply in this case since "excess flows" are involved?

3. Both filings include significant consumptive use components, either as irrigation use or other consumption. How can the applications be processed in light of the "irrigation (read: consumptive use?) delay" in place since last summer?

4. Are these filings compatible with Governor Batt's bull trout plan?

5. A short mailing list has been developed at this office for any IDWR activity related to the pumping station at the river. If these two filings are processed, do you anticipate a public meeting or other open forum for interested parties as part of the process? It is most likely that we will be asked this question if the applications are processed.

I look forward to hearing your thoughts on these twin filings.

MICROFILMED
APR 13 1999

CONVERSATION MEMORANDUM

NAME OF PARTY

EMPLOYEE

DATE

FILE

RE:

APPLS. for BOISE R WATER - ADVERTISING DELAYED

After discussing the 2 Appls. (same for 15 cfs
is having exactly same priorities) with Reg. Mgr., this
is the status for processing:

BOISE River Basin - probably could proceed especially if
have storage Res that could be diverted from
same pld (they are working on that now).

Larger "imp delay" situation - cannot proceed until
J.O. gives OK.

Both Appls. will be held & Resin pending any
changes.

MICROFILMED

APR 13 1999

SCANLAN ENGINEERING

Groundwater and Environmental Engineering

RECEIVED

JUN 06 1997

WATER RESOURCES
WESTERN REGION

June 6, 1997

Mr. Gary Spackman
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705

Subject: Application for Water Right Permit

Dear Gary:

On behalf of Micron Technology, Inc., I am submitting the enclosed Application for Permit to Appropriate the Public Waters of the State of Idaho. The application proposes diversion of up to 15.0 cfs from the Boise River for groundwater recharge and industrial uses at Micron facilities in southeast Boise. A check for the application processing fee of \$380 is enclosed.

The application contemplates appropriation of flood control releases from the Boise River reservoir system. These unappropriated Boise River flows are not available in all years, but historically have averaged between 4 and 6 weeks of availability each year. When these flows are available (as has been the case for the past two winters), large volumes of river water could be diverted for groundwater recharge and industrial uses. The groundwater recharge should have a beneficial impact on local groundwater levels within the Southeast Boise Ground Water Management Area. Diversions for direct industrial use should reduce groundwater withdrawals within the ground water management area.

We are aware that the Boise River Basin moratorium is still in effect, as outlined in Application Processing Memorandum No. 59. We request an exemption from the moratorium, as provided for under item 7 of the Memorandum, because the proposed permit will have a beneficial effect on water supplies within the Boise River Basin. The water proposed for diversion would otherwise be lost from the basin.

Please contact me with any question concerning this application.

Sincerely,



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

Enclosure

cc: John Chapman, Mike McIntyre

MICROFILMED

APR 13 1998

NOTICE OF APPLICATION FOR WATER RIGHT

The following applications have been filed to appropriate the public water of the State of Idaho. Both propose identical priority dates of 6/6/1997 for a **BOISE RIVER** pump station in Gov't Lot 6 or 7 (NWNE) S4, T2N R3E, Ada County near the new Hwy 21 bridge. Rights will be used when water is available (high runoff etc.) as follows:

No. 63-12399, J R SIMPLOT CO., PO BOX 27, BOISE ID 83707:

Irrigation 15.0 cfs 3/15-11/15, Ground Water Recharge 15.0 cfs all year, total of 15.0 cfs to irrigate 1000 acres/year in 1844 acre permissible place of use plus recharge in portions of S1 (T2N R2E) and S4-6, 8-10, 15, 17 & 18 (T2N R3E), within part of SE Boise Ground Water Mngt. Area (GWMA). River water will replace ground water now used in GWMA.

No. 63-12420, MICRON TECHNOLOGY INC., PO BOX 6, BOISE ID 83707:

Industrial 5.0 cfs & Ground Water Recharge 15.0 cfs, both all year for total of 15.0 cfs, used in S6 & 7 (portion of same recharge area listed in Simplot's 63-12399). Industrial use is for Micron facility. Recharge water will be stored in aquifer until recovered under existing rights in GWMA, and possibly can be used as mitigation for future applications in GWMA.

These permits will be subject to all prior water rights, which include watermaster control. Protests may be submitted based on the criteria of I.C. § 42-203A. Each protest requires a \$25 fee per protested application and must be filed with the Director, Dept. of Water Resources, 2735 Airport Way, Boise ID 83705-5082 on or before **DECEMBER 22, 1997**. The protestant must send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published on December 4 and 11, 1997, in the Idaho Statesman, the Lewiston Tribune, the Post Register, and the Time News.

MICROFILMED

APR 13 1995