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Attorney General

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Idaho Department of Fish and Game

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ATTORNEYS FOR RIM VIEW TROUT COMPANY

JAMES C. TUCKER
IDAHO POWER COMPANY
P.O. Box 70
Boise ID 83707

ATTORNEY FOR IDAHO POWER

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re the General Adjudication of Rights to the)	
use of Water From the Snake River Drainage)	
Basin Water System Case No. 39576)	Subcase No. 36-02680 et al., See
)	Niagara Springs Agreement
)	
The State of Idaho, ex re. Karl Dreher in his)	STIPULATION AND MOTION FOR
official capacity as director of the Idaho)	APPROVAL OF NIAGARA SPRINGS
Department of Water Resources,)	AGREEMENT, AS AMENDED
)	
Petitioner,)	
)	
United States; State of Idaho; and all unknown)	
claimants to the use of water from the Snake)	
)	
(cont'd next page))	

River Drainage Basin Water System,)
)
 Respondents.)
 _____)
 Rim View Trout Company, an)
 Idaho Corporation,)
)
 Plaintiff,)
)
 vs.)
)
 The Idaho Department of Fish and Game, an)
 agency of the State of Idaho; and the Idaho)
 Department of Water Resources, an agency of)
 the State of Idaho,)
)
 Defendants.)
 _____)

DESCRIPTIVE SUMMARY

This is the *Stipulation and Motion for Approval of Niagara Springs Agreement, as Amended* filed by all parties to the above-captioned subcase, by and through their respective attorneys of record.

STIPULATION FOR APPROVAL OF THE NIAGARA SPRINGS AGREEMENT

The parties have entered the attached *Amendment to Niagara Springs Agreement* in which they have agreed to amend the *Niagara Springs Agreement* ("NSA," also attached). The parties hereby stipulate and agree that the *Niagara Springs Agreement*, together with and as amended by the *Amendment to Niagara Springs Agreement*, resolve all remaining issues before the court in the above-captioned subcase pertaining to the allocation and adjudication of the waters of Niagara Springs and Niagara Springs Creek.

MOTION FOR APPROVAL OF THE NIAGARA SPRINGS AGREEMENT

The parties move the court for an order approving the *Niagara Springs Agreement*, together with and as amended by the *Amendment to Niagara Springs Agreement*.

Dated this 23rd day of July, 2002.

ALAN LANCE
Attorney General



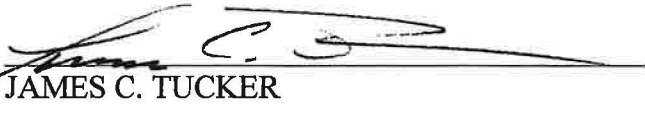
DAVID BARBER
Deputy Attorney General
Idaho Department of Fish and Game

RIM VIEW TROUT COMPANY



DANIEL V. STEENSON
RINGERT CLARK CHARTERED

IDAHO POWER COMPANY



CERTIFICATE OF MAILING

I CERTIFY THAT ON THIS 24th day of July 2002, I served a true and correct copy of this STIPULATION AND MOTION FOR APPROVAL OF NIAGARA SPRINGS AGREEMENT, AS AMENDED by placing a true and correct copy thereof in the United States mail, postage prepaid, addressed as follows:


U.S. Department of Justice
Environment & Natural Resources Division
550 W. Fort, MSC 033
Boise, ID 83724-0033

James C. Tucker
Idaho Power Company
1221 W. Idaho
P.O. Box 70
Boise, ID 83707

Daniel V. Steenson
Ringert Clark Chtd.
P.O. Box 2773
Boise, ID 83701-2773

Travis Thompson
Barker Rosholt and Simpson
P.O. Box 2139
Boise, ID 83701-2139

IDWR Document Depository
PO Box 83720
Boise ID 83720-0098



DAVID J. BARBER
Deputy Attorney General
Natural Resources Division

AMENDMENT TO NIAGARA SPRINGS AGREEMENT

THIS AMENDMENT TO AGREEMENT, made this 23rd day of July, 2002, by and between the **STATE OF IDAHO** ("Idaho"), by and through the **IDAHO DEPARTMENT OF WATER RESOURCES** ("IDWR"), an agency of the State of Idaho; the **IDAHO DEPARTMENT OF FISH & GAME** ("IDFG"), an agency of the State of Idaho; the **IDAHO DEPARTMENT OF PARKS AND RECREATION** ("IDPR"), an agency of the State of Idaho; the **IDAHO POWER COMPANY** ("IPC"), a corporation, organized and existing pursuant to the laws of the State of Idaho and **RIM VIEW TROUT COMPANY, INC.** ("Rim View"), a corporation, organized and existing pursuant to the laws of the State of Idaho, at times hereinafter collectively referred to as the "parties";

W I T N E S S E T H:

WHEREAS, the parties entered into the Niagara Springs Agreement ("NSA"), dated September 30, 1993, for the purposes of providing for the allocation of waters of Niagara Springs and Niagara Springs Creek among them, and resolving other matters related to those waters; and

WHEREAS, Exhibits A and B of the NSA contain Director's Reports for Rim View's water right numbers 36-04032A, 36-04032B, 36-04032C, 36-04032D, 36-02680, and 36-07167 which include incorrect descriptions of the facility volume of the Rim View hatchery; and

WHEREAS, the parties have agreed to remove the facility volume description contained in the Director's Reports for Rim View's water rights, as well as IPC's water right number 36-02704; and

WHEREAS, Exhibits A and B of the NSA contain Director's Reports for IDF&G's water right number 36-04020C and IPC's water right number 36-15221 which IDWR re-recommended as expansion rights on September 19, 1997; and

WHEREAS, no objection has been filed to water right no. 36-04020C as re-recommended, and an IPC objection and a response to IPC's objection are pending with respect to water right no. 36-15221 as re-recommended; and

WHEREAS, the parties agree that the Director's Reports for water right numbers 36-04020C and 36-15221 contained in Exhibits A and B of the NSA may be amended or replaced to conform to IDWR's re-recommendations; and

WHEREAS, upon execution of this Amendment to Agreement the parties are prepared to request that the SRBA court approve the NSA and issue decrees for their respective water rights to the waters of Niagara Springs and Niagara Springs Creek consistent with the NSA and this Amendment thereto,

NOW, THEREFORE, the parties hereto, in consideration of the premises and mutual covenants and conditions herein contained and other good and valuable consideration, the receipt of which is hereby acknowledged, agree as follows:

AMENDMENT TO NIAGARA SPRINGS AGREEMENT, 2

SCANNED
JUL 25 2002

1. The facility volume description in Rim View's water right numbers 36-04032A, 36-04032B, 36-04032C, 36-04032D, 36-02680, and 36-07167, and IPC's water right number 36-02704, contained in Exhibits A and B of the NSA are each hereby removed as shown in the Director's Reports attached hereto as Exhibit A and by this reference made a part hereof.

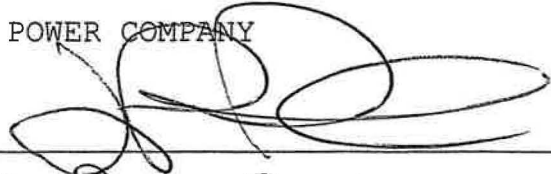
2. The Director's Report for IDF&G's water right no. 36-04020C as re-recommended, attached hereto as Exhibit B and by this reference made a part hereof, replaces the Director's Report for that water right contained in Exhibits A and B of the NSA.

3. IPC agrees to IDWR's re-recommendation of water right no. 36-15221 contained in the Director's Report attached hereto as Exhibit C and by this reference made a part hereof. The attached Director's Report for water right no. 36-15221 shall replace the Director's Report for that water right contained in Exhibits A and B of the NSA upon the filing of an SRBA Standard Form 5 that resolves IPC's objection and the response thereto.

IN WITNESS WHEREOF, the parties have hereunto caused their name to be subscribed, the corporate parties by their officers first thereunto duly authorized by resolution of their respective boards of directors, and the State agencies by their respective directors or other administrative officials first thereunto duly authorized by law, as of the day and year first above written.

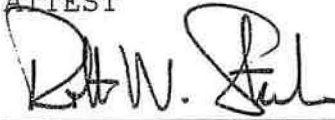
IDAHO POWER COMPANY

By


VP - Power Supply

(Corporate Seal)

ATTEST



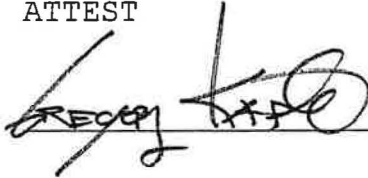
RIM VIEW TROUT COMPANY, INC.

By



(Corporate Seal)

ATTEST




IDAHO DEPARTMENT OF FISH & GAME

By


Director

IDAHO DEPARTMENT OF PARKS & RECREATION

BY


Director

IDAHO DEPARTMENT OF WATER RESOURCES

BY

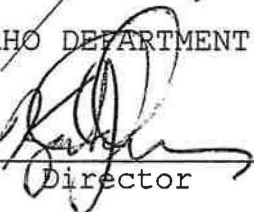

Director

EXHIBIT A

SCANNED

JUL 25 2002

03/07/2002

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 36-4032A

NAME AND ADDRESS: RIM VIEW TROUT CO
1301 VISTA AVE
BOISE ID 83705

SOURCE: NIAGARA SPRINGS

TRIBUTARY: SNAKE RIVER

QUANTITY: 10.000 CFS
7,239.80 AFY

PRIORITY DATE: 03/15/1912

POINT OF
DIVERSION:

T09S R15E S10 SENENE Lot 1 Within GOODING County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
FISH PROPAGATION	1/01 12/31	10.000 CFS 7,239.80 AFY

PLACE OF USE: FISH PROPAGATION Within GOODING County

T09S R15E S10 Lot 1 NENE	T09S R15E S10 Lot 2 NWNE
T09S R15E S10 Lot 10 SWNE	T09S R15E S10 Lot 9 SENE

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

RIGHT NOS. 36-02680, 36-04032B, 36-04032C, 36-04032D & 36-07167 ARE ALSO
DIVERTED THROUGH THE POINT OF DIVERSION DESCRIBED ABOVE.

SCANNED

MAR 25 2002

03/07/2002

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 36-4032B

NAME AND ADDRESS: RIM VIEW TROUT CO
1301 VISTA AVE
BOISE ID 83705

SOURCE: NIAGARA SPRINGS

TRIBUTARY: SNAKE RIVER

QUANTITY: 10.000 CFS
7,239.80 AFY

PRIORITY DATE: 04/01/1951

POINT OF
DIVERSION:

T09S R15E S10 SENENE Lot 1 Within GOODING County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
FISH PROPAGATION	1/01 12/31	10.000 CFS 7,239.80 AFY
DOMESTIC	1/01 12/31	0.080 CFS

PLACE OF USE:

FISH PROPAGATION Within GOODING County

T09S R15E S10 Lot 1 NENE
T09S R15E S10 Lot 10 SWNE

T09S R15E S10 Lot 2 NWNE
T09S R15E S10 Lot 9 SENE

DOMESTIC Within GOODING County

T09S R15E S10 Lot 1 NENE

T09S R15E S10 Lot 9 SENE

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

EXPLANATORY MATERIAL: BASIS OF CLAIM-- Beneficial Use

RIGHT NOS. 36-02680, 36-04032A, 36-04032C, 36-04032D & 36-07167 ARE ALSO
DIVERTED THROUGH THE POINT OF DIVERSION DESCRIBED ABOVE.

SCANNED

III 25 2002

03/07/2002

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 36-4032C

NAME AND ADDRESS: RIM VIEW TROUT CO
1301 VISTA AVE
BOISE ID 83705

SOURCE: NIAGARA SPRINGS

TRIBUTARY: SNAKE RIVER

QUANTITY: 5.000 CFS
3,619.90 AFY

PRIORITY DATE: 04/01/1952

POINT OF
DIVERSION:

T09S R15E S10 SENENE Lot 1 Within GOODING County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
FISH PROPAGATION

PERIOD OF USE
1/01 12/31

QUANTITY
5.000 CFS

PLACE OF USE: FISH PROPAGATION Within GOODING County

T09S R15E S10 Lot 1 NENE
T09S R15E S10 Lot 10 SWNE

T09S R15E S10 Lot 2 NWNE
T09S R15E S10 Lot 9 SENE

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

RIGHT NOS. 36-02680, 36-04032A, 36-04032B, 36-04032D & 36-07167 ARE ALSO
DIVERTED THROUGH THE POINT OF DIVERSION DESCRIBED ABOVE.

SCANNED

JUN 25 2002

03/07/2002

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 36-4032D

NAME AND ADDRESS: RIM VIEW TROUT CO
1301 VISTA AVE
BOISE ID 83705

SOURCE: NIAGARA SPRINGS

TRIBUTARY: SNAKE RIVER

QUANTITY: 15.000 CFS
10,859.70 AFY

PRIORITY DATE: 12/01/1962

POINT OF
DIVERSION:

T09S R15E S10 SENENE Lot 1 Within GOODING County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
FISH PROPAGATION

PERIOD OF USE
1/01 12/31

QUANTITY
15.000 CFS
10,859.70 AFY

PLACE OF USE: FISH PROPAGATION Within GOODING County

T09S R15E S10 Lot 1 NENE
T09S R15E S10 Lot 10 SWNE

T09S R15E S10 Lot 2 NWNE
T09S R15E S10 Lot 9 SENE

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

RIGHT NOS. 36-02680, 36-04032A, 36-04032B, 36-04032C & 36-07167 ARE ALSO
DIVERTED THROUGH THE POINT OF DIVERSION DESCRIBED ABOVE.

SCANNED

III 25 2002

03/18/2002

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 36-2680

NAME AND ADDRESS: RIM VIEW TROUT CO
1301 VISTA AVE
BOISE ID 83705

SOURCE: NIAGARA SPRINGS

TRIBUTARY: SNAKE RIVER

QUANTITY: 60.000 CFS
43,438.60 AFY

PRIORITY DATE: 06/06/1966

POINT OF
DIVERSION:

T09S R15E S10 SENENE Lot 1 Within GOODING County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
FISH PROPAGATION

PERIOD OF USE
1/01 12/31

QUANTITY
60.000 CFS
43,438.60 AFY

PLACE OF USE: FISH PROPAGATION Within GOODING County

T09S R15E S10 Lot 1 NENE
T09S R15E S10 Lot 10 SWNE

T09S R15E S10 Lot 2 NWNE
T09S R15E S10 Lot 9 SENE

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

RIGHT NOS. 36-4032C, 36-04032A, 36-04032B, 36-04032D & 36-07167 ARE ALSO
DIVERTED THROUGH THE POINT OF DIVERSION DESCRIBED ABOVE.

A portion of the original licensed rate of diversion for this right is
included in Rights 36-4032A, 36-4032B, 36-4032C, and 36-4032D.

SCANNED
MAY 25 2002

03/18/2002

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 36-7167

NAME AND ADDRESS: RIM VIEW TROUT CO
1301 VISTA AVE
BOISE ID 83705

SOURCE: NIAGARA SPRINGS

TRIBUTARY: SNAKE RIVER

QUANTITY: 50.000 CFS
36,198.90 AFY

PRIORITY DATE: 03/18/1971

POINT OF
DIVERSION:

T09S R15E S10 SENENE Lot 1 Within GOODING County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
FISH PROPAGATION

PERIOD OF USE
1/01 12/31

QUANTITY
50.000 CFS
36,198.90 AFY

PLACE OF USE: FISH PROPAGATION Within GOODING County

T09S R15E S10 Lot 1 NENE
T09S R15E S10 Lot 10 SWNE

T09S R15E S10 Lot 2 NWNE
T09S R15E S10 Lot 9 SENE

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

RETURN FLOW SHALL BE TREATED TO INSURE THAT THE EFFLUENT MEETS IDAHO
WATER QUALITY STANDARDS.
A MEASURING DEVICE OF A TYPE APPROVED BY IDWR SHALL BE MAINTAINED AS
A PART OF THE DIVERTING WORKS.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

RIGHT NOS. 36-02680, 36-04032A, 36-04032B, 36-04032C & 36-04032D ARE ALSO
DIVERTED THROUGH THE POINT OF DIVERSION DESCRIBED ABOVE.

SCANNED

JUN 25 2002

EXHIBIT B

SCANNED

III 25 2002

03/18/2002

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 36-4020C

NAME AND ADDRESS: STATE OF IDAHO
DEPT OF FISH & GAME
600 S WALNUT
PO BOX 25
BOISE ID 83707

SOURCE: NIAGARA SPRINGS

TRIBUTARY: SNAKE RIVER

QUANTITY: 8.700 CFS
5,997.70 AFY

STORAGE CAPACITY OF THE PONDS IS LIMITED TO 28 AF.

USE OF THIS RIGHT WITH RIGHT NUMBERS 36-04020A AND 36-04020B IS LIMITED
TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 5998.3 AF AND TOTAL
COMBINED DIVERSION RATES OF: 10 CFS FROM 5/1 TO 10/31 7 CFS FROM 11/1 TO
2/29 8 CFS FROM 3/1 TO 4/30

PRIORITY DATE: 06/07/1983

THIS WATER RIGHT IS SUBORDINATE TO ALL WATER RIGHTS WITH A PRIORITY
DATE EARLIER THAN APRIL 12, 1994, THAT ARE NOT DECREED AS
ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE. AS BETWEEN
WATER RIGHTS DECREED AS ENLARGEMENTS PURSUANT TO SECTION 42-1426,
IDAHO CODE, THE EARLIER PRIORITY RIGHT IS THE SUPERIOR RIGHT.

POINT OF
DIVERSION:

T09S R15E S10 NENENE Lot 1 Within GOODING County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
WILDLIFE STORAGE	05/01 11/15	3.240 CFS
		1,278.90 AFY
	11/16 02/29	7.000 CFS
		1,457.90 AFY
WILDLIFE	03/01 04/30	8.000 CFS
		967.90 AFY
	03/15 11/15	5.460 CFS
		2,293.00 AFY

PONDS AND DITCHES ARE USED FOR HABITAT.

PLACE OF USE: WILDLIFE STORAGE Within GOODING County

T09S R15E S04 Lot 11 SWSW	T09S R15E S05 Lot 17 NESE
T09S R15E S05 Lot 16 NWSE	T09S R15E S05 Lot 18 SESE

WILDLIFE Within GOODING County

T09S R15E S03 SWSW	T09S R15E S04 Lot 11 SWSW
T09S R15E S04 Lot 10 SESW	T09S R15E S04 Lot 7 SWSE
T09S R15E S04 Lot 8 SESE	T09S R15E S05 Lot 15 NESW
T09S R15E S05 Lot 17 NESE	T09S R15E S05 Lot 16 NWSE
T09S R15E S05 Lot 18 SESE	T09S R15E S10 Lot 1 NENE
T09S R15E S10 Lot 2 NWNE	T09S R15E S10 Lot 3 NENW

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

SCANNED

JUN 23 2002

03/18/2002

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT NOS. 36-04020A AND
36-04020B PURSUANT TO SECTION 42-1426, IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

WATER IS DELIVERED THROUGH LANGFORD DITCH (ALSO KNOWN AS
THOMPSON-MAYS DITCH).

SCANNED

JUL 25 2002

EXHIBIT C

SCANNED

JUL 25 2002

03/18/2002

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 36-2704

NAME AND ADDRESS: IDAHO POWER CO
PO BOX 70
BOISE ID 83707

SOURCE: NIAGARA SPRINGS

TRIBUTARY: SNAKE RIVER

QUANTITY: 120.000 CFS
48,180.00 AFY

USE OF THIS RIGHT WITH RIGHT NO. 36-15221 IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 120 CFS AND A TOTAL COMBINED ANNUAL DIVERSION
VOLUME OF 48,180 AF.

PRIORITY DATE: 01/31/1966

POINT OF
DIVERSION:

T09S R15E S10 NENENE Lot 1 Within GOODING County
T09S R15E S10 SENENE Lot 1 Within GOODING County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
FISH PROPAGATION	1/01 12/31	120.000 CFS
		48,180.00 AFY
IRRIGATION	3/15 11/15	0.040 CFS
		8.00 AFY
FIRE PROTECTION	1/01 12/31	120.000 CFS
		48,180.00 AFY
DOMESTIC	1/01 12/31	0.040 CFS
		1.80 AFY

PLACE OF USE: FISH PROPAGATION Within GOODING County

T09S R15E S10 Lot 1 NENE T09S R15E S10 Lot 9 SENE

IRRIGATION Within GOODING County

T09S R15E S10 Lot 9 SENE 2.0

FIRE PROTECTION Within GOODING County

T09S R15E S10 Lot 1 NENE T09S R15E S10 Lot 9 SENE

DOMESTIC Within GOODING County

T09S R15E S10 Lot 1 NENE T09S R15E S10 Lot 9 SENE

2 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

RIGHT NO. 36-15221 IS AN EXPANSION OF THIS RIGHT PURSUANT TO IDAHO CODE
42-1426.

RIGHT NO. 36-15221 IS ALSO DIVERTED THROUGH POINT OF DIVERSION
DESCRIBED ABOVE.

SCANNED
JUL 25 2002

03/18/2002

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 36-15221

NAME AND ADDRESS: IDAHO POWER CO
PO BOX 70
BOISE ID 83707

SOURCE: NIAGARA SPRINGS

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.040 CFS
0.60 AFY

USE OF THIS RIGHT WITH RIGHT NO. 36-02704 IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 120.0 CFS AND A TOTAL COMBINED ANNUAL DIVERSION
VOLUME OF 48180 AF.

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 03/03/1982

THIS WATER RIGHT IS SUBORDINATE TO ALL WATER RIGHTS WITH A PRIORITY
DATE EARLIER THAN APRIL 12, 1994, THAT ARE NOT DECREED AS
ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE. AS BETWEEN
WATER RIGHTS DECREED AS ENLARGEMENTS PURSUANT TO SECTION 42-1426,
IDAHO CODE, THE EARLIER PRIORITY RIGHT IS THE SUPERIOR RIGHT.

POINT OF
DIVERSION:

T09S R15E S10 NENENE Lot 1 Within GOODING County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	1/01 12/31	0.040 CFS 0.60 AFY

PLACE OF USE: DOMESTIC Within GOODING County

T09S R15E S10 Lot 9 SENE

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT NO. 36-02704 PURSUANT
TO SECTION 42-1426, IDAHO CODE.

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

RIGHT NO. 36-02704 IS ALSO DIVERTED THROUGH POINT OF DIVERSION
DESCRIBED ABOVE.

SCANNED
JUL 25 2017

10/07/93
OCT 07 1993

NIAGARA SPRINGS AGREEMENT

THIS AGREEMENT, made this 30th day of September, 1993 (the "Agreement"), by and between the STATE OF IDAHO ("Idaho"), by and through the IDAHO DEPARTMENT OF WATER RESOURCES ("IDWR"), an agency of the State of Idaho; the IDAHO DEPARTMENT OF FISH & GAME ("IDF&G"), an agency of the State of Idaho; the IDAHO DEPARTMENT OF PARKS AND RECREATION ("IDP&R"), an agency of the State of Idaho; the IDAHO POWER COMPANY ("IPC"), a corporation, organized and existing pursuant to the laws of the State of Idaho and RIM VIEW TROUT COMPANY, INC. ("Rim View"), a corporation, organized and existing pursuant to the laws of the State of Idaho, at times hereinafter collectively referred to as the "parties";

W I T N E S S E T H:

WHEREAS, IPC, Rim View, and IDF&G each claim the right to the use of the waters of certain springs, commonly referred to as Niagara Springs, located in Section 10, Township 9 South, Range 15 East, B.M., Gooding, Co. Idaho, based upon certain licenses, permits, and beneficial use claims; and

WHEREAS, while Rim View, IPC and the Idaho Water Resource Board ("IWRB") have applications pending before the IDWR seeking the issuance of permits to allow the waters of Niagara Springs to be placed to additional beneficial uses, as of the date of this Agreement, IPC, Rim View, IDP&R and IDF&G are the only persons or entities placing the waters of Niagara Springs to beneficial use; and

SRBA10370



SCANNED

JUL 23 2007

WHEREAS, as of the date of this Agreement, the records of the IDWR reflect that the following entities claim interests in the waters of Niagara Springs:

1. IPC-

- (a) Water right #36-02704 (license) for 132 cfs, with a priority date of 1/31/66, for fish propagation;
- (b) Water right #36-15221 (beneficial use claim) for 0.04 cfs, with a priority date of 3/3/82, for domestic use;
- (c) Application #36-07983 for 290 cfs, with a priority date of 5/5/81, for power.

2. Rim View-

- (a) Water right #36-04032A,B,C, and D (beneficial use claim) for 40 cfs, with various priority dates from 1912 to 1962, for fish propagation aggregating 40 cfs;
- (b) Water right #36-02680 (license) for 90.3 cfs, with a priority date of 6/6/66, for fish propagation;
- (c) Water right #36-07167 (license) for 50 cfs, with a priority date of 3/18/71, for fish propagation;
- (d) Application #36-07628 for 115 cfs, with a priority date of 6/15/76, for fish propagation;
- (e) Permit #36-07789 for 90.3 cfs, with a priority date of 3/15/78, for fish propagation;
- (f) Application #36-07791 for 90 cfs, with a priority date of 3/17/78, for fish propagation;
- (g) Permit #36-08597 for 150 cfs, with a priority date of 8/12/91, for power.

3. IDF&G-

- (a) Water right #36-04020A,B,C (beneficial use claim) for 20 cfs, with a priority date of 1/1/12 for irrigation, domestic, stock water and fish propagation;
- (b) Water right #36-02711 (license) for 0.8 cfs, with a priority date of 10/23/56, for irrigation and domestic use.

4. IWRB-

- (a) Application #36-08347 for 110 cfs, with a priority date of 1/29/88, for instream flow purposes.
- (b) Application #36-08670 for 264 cfs, with a priority date of 3/24/92, for instream flow purposes.

5. IDP&R-

- (a) Permit #36-07200 for 264 cfs, with a priority date of 7/12/71, for instream flow purposes; and

WHEREAS, on the 19th day of November, 1987, the District Court of the Fifth Judicial District of the State of Idaho, in and for the County of Twin Falls, entered a Commencement Order initiating the Snake River Basin Adjudication ("SRBA"), more specifically entitled: The State of Idaho, ex rel. R. Keith Higginson in his official capacity as director of the Idaho Department of Water Resources, Petitioner, v. United States; State of Idaho; and all claimants to the use of water from the Snake River Basin Water System, and designated as Civil Case # 39576; and

WHEREAS, the Commencement Order, in describing the boundaries of the "Snake River Water System," included in said description the lands upon which Niagara Springs is located, said springs being located in Reporting Area 3, and further required that all claimants asserting rights to the use of water from the Snake River Basin Water System, pursuant to license or historic or beneficial use, file a claim to such use with the IDWR; and

WHEREAS, consistent with that Order, IPC, Rim View and IDF&G each filed SRBA claims to water rights with the IDWR for their respective use of the waters of Niagara Springs, those claims being consistent with the water rights identified in ¶¶ 1(a-b), 2(a-c), and 3(a-b), above; and

WHEREAS, on the 2nd day of November, 1992, the Director of the IDWR, filed a Director's Report for Reporting Area 3 with the Court, that report containing, pursuant to I.C. § 42-1411, the Director's recommendation of the rights to the use of the waters

of Niagara Springs, true and correct copies of the Director's recommendations as to each of the claims of IPC, Rim View and IDF&G to the waters of Niagara Springs being attached hereto as Exhibit A, and by said reference made a part hereof; and

WHEREAS, the Director's recommendations differ from the claims to water rights filed by IPC, Rim View and IDF&G; and

WHEREAS, IPC, Rim View, and IDF&G, pursuant to I.C. § 42-1412, filed objections to the Director's recommendation of their own, and each others, claims to the use of water from Niagara Springs; and

WHEREAS, the spring flow from Niagara Springs is , at times, insufficient to satisfy the claims of IPC, Rim View and IDF&G; and

WHEREAS, in an effort to allocate the flows of Niagara Springs, IPC and Rim View entered into an Agreement, dated July 31, 1981, along with amendments thereto, providing for the distribution and use of the waters from Niagara Springs; and

WHEREAS, as a result of the further decline in the flows of Niagara Springs, Rim View, on November 18, 1992, filed Consolidated Alternative Motions for Writ of Mandamus, Preliminary or Permanent Injunctions and Interim Administration and Request for Expedited Hearing in the SRBA, naming the IDF&G and IDWR as Defendants, and asking the Court to (i) permit the formation of a water district in the area of Niagara Springs and the appointment of a water master, (ii) modify the Reporting Area 2 Director's Report by deleting that portion of the IDF&G claim relating to the use of the waters of Niagara Springs for wildlife

use, in the quantity of 11 cfs, for the period January 1 to December 31 of each year, and (iii) adjust the headgate serving the IDF&G claim until the flow of Niagara Springs Creek, at Rim View's point of diversion, increases to 210.3 cfs, or more; and

WHEREAS, on December 4, 1992, after conducting an evidentiary hearing, the Court entered an Order Granting Preliminary Injunction in Part, Granting Mandamus, and Setting Hearing on Permanent Injunction and set the hearing on the permanent injunction for January 26, 1993; and

WHEREAS, pursuant to stipulation of the parties to that litigation (Rim View, IDF&G, and IDWR), and the representation that the parties to that controversy desired to discuss and attempt to resolve the issues surrounding the use and allocation of the waters of Niagara Springs, the Court vacated the January 26, 1993, hearing, set an interim diversion rate for IDF&G's use of the waters of Niagara Springs and set the matter for status conference in April, 1993, for the purposes of reporting on the progress of the settlement discussions; and

WHEREAS, subsequent to the Court's entry of the order vacating the hearing and setting the status conference, the parties to this Agreement entered into discussions intended to resolve all issues relating to the use and allocation of the waters of Niagara Springs, including issues relating to the claims to water rights filed in the SRBA and the applications pending before the IDWR for the appropriation and use of such waters, it being the intent and desire of the parties, by the execution of this Agreement, to dispense with the necessity of

further litigation in the SRBA or further administrative proceedings before the IDWR with regard to the use and allocation of the waters of Niagara Springs.

NOW, THEREFORE, the parties hereto, in consideration of the premises and mutual covenants and conditions herein contained and other good and valuable consideration, the receipt of which is hereby acknowledged, agree as follows:

1. THE SRBA.

(a) The respective subcases relating to each objection and the related water right, of the parties to the waters of Niagara Springs may be decreed by the Court in the manner set forth on Exhibit B, as attached hereto and by said reference made a part hereof, below, and that said decree shall further provide, that as between the parties to this Agreement, and their successors and assigns, the allocation and use of the waters of Niagara Springs, so long as this Agreement shall remain in effect, shall be governed by the terms and conditions of this Agreement.

(b) If objections are filed by persons or entities that are not parties to this Agreement (third party objections), the Parties shall cooperate in attempting to resolve those objections, through negotiation or litigation, in a manner consistent with the terms of this Agreement. If, however, third party objections, or any other aspect of the SRBA, render performance of the water allocation provisions of this Agreement impossible, this Agreement shall be null and void and of no further force and effect.

2. Allocation of the Waters of Niagara Springs.

(a) Exhibit B, together with existing permits and applications for permit referred to on Page 2, reflect the relative priorities of the water rights of the parties to the use of the waters of Niagara Springs. Despite such priorities, the parties agree that allocation of the waters of Niagara Springs, and consequently Niagara Springs Creek, shall be governed by this Agreement so long as this Agreement is in full force and effect.

(b) Fulfillment or satisfaction of the collective water rights reflected on Exhibit B requires spring flows from Niagara Springs in excess of 230 cfs. The spring flows from Niagara Springs in recent years have been substantially below that amount. To facilitate the optimum beneficial use of the waters of Niagara Springs at such times as the spring flows are not sufficient to satisfy the collective water rights set forth on Exhibit B, the flows of Niagara Springs, subject to the proration provisions of § 3, shall be allocated as follows:

(i) IPC shall be entitled to divert from Niagara Springs Creek, on a monthly basis, for fish propagation, domestic use, irrigation and fire protection, the following:

May	50 cfs	November	70 cfs
June	50 cfs	December	90 cfs
July	50 cfs	January	100 cfs
August	50 cfs	February	110 cfs
September	50 cfs	March	120 cfs
October	60 cfs	April	120 cfs

(ii) Rim View shall be entitled to divert from Niagara Springs Creek, and, as necessary, by augmenting that diversion with water from the IPC hatchery discharge, on an annual basis, for fish propagation and domestic use, a total continuous flow of 150 cfs.

(iii) IDF&G shall be entitled to divert from Niagara Springs Creek, on a monthly basis, for irrigation, domestic, stock water, fish propagation and wildlife use, the following:

May	10 cfs	November	7 cfs
-----	--------	----------	-------

June	10 cfs	December	7 cfs
July	10 cfs	January	7 cfs
August	10 cfs	February	7 cfs
September	10 cfs	March	8 cfs
October	10 cfs	April	8 cfs

(c) The following minimum monthly flows will be maintained over the lower falls of Niagara Springs Creek (commonly referred to as the wing dam):

May	15 cfs	November	5 cfs
June	15 cfs	December	5 cfs
July	15 cfs	January	5 cfs
August	15 cfs	February	5 cfs
September	15 cfs	March	5 cfs
October	5 cfs	April	10 cfs

(d) Subject to the availability of water and the proration provisions of paragraph 3, the following minimum monthly flow rate in Niagara Springs Creek below the discharge at the IPC hatchery shall be maintained:

May	70 cfs	November	60 cfs
June	70 cfs	December	60 cfs
July	70 cfs	January	60 cfs
August	70 cfs	February	60 cfs
September	70 cfs	March	60 cfs
October	60 cfs	April	60 cfs

This minimum flow in Niagara Springs Creek consists of the following: 1) water coming over the "lower falls" [2(c) above], 2) seepage below the falls, which for the purposes of this Agreement is, regarding the measurement of any right referenced herein, assumed to be a constant 5 cfs, and 3) IPC hatchery discharge water.

(e) The parties acknowledge that the location of the various diversions/uses referred to in ¶ 2(b) & (d) above at times require the reuse of previously diverted water to fill or satisfy such diversions/uses. This results in some diversions/uses being filled with water diverted from Niagara

Springs Creek for the first time, "fresh water," and other diversions/uses being filled by water discharged after another's use, "used water." The diversions/uses required to use used water to fulfill portions of their right are the Rim View diversion for fish propagation, ¶ 2(b)(ii), and the minimum stream flow use below the IPC hatchery discharge, ¶ 2(d). The latter use is comprised of (i) fresh water from over the "lower falls," (ii) fresh seepage water below the falls, agreed to be 5 cfs, and (iii) used water discharged from the IPC hatchery. The former use, Rim View's, is comprised of a fresh water diversion above the lower falls and, as required to fulfill the right, used water discharged from the IPC hatchery. During certain times of the year when the spring flows are sufficient and IPC's use is reduced, all of Rim View's right, as agreed to in ¶ 2(b)(ii), can be satisfied through the diversion of fresh water at the Rim View diversion above the lower falls. However, during the months that IPC's use is increased, or should the spring flows decline, a portion of Rim View's right must be filled by used water discharged from the IPC hatchery.

(f) To the extent that the flows of Niagara Springs are in excess of the Base Flows, as defined in ¶ 3(a), and sufficient to satisfy all of the diversions/uses referred to in this ¶ 2, any excess flows over and above the Base Flow may be diverted/used by parties in conformity with the rights and priorities listed on Exhibit B or as subsequently decreed by the Court in the SRBA, provided that the water can be put to a beneficial use as recognized by the laws of the State of Idaho. Notwithstanding

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the provisions in ¶ 2(a), flows above the "Base Flows" as defined in ¶ 3(a) shall be allocated pursuant to the prior appropriation doctrine.

3. Allocation of Reduced Spring Flows.

(a) Because the flow of Niagara Springs is dynamic, and subject to fluctuation and the possibility of decline, at times the flow of Niagara Springs may not be sufficient to satisfy all existing diversions/uses of Niagara Springs as represented by ¶ 2. As illustrated on Exhibit C, attached hereto, the minimum spring flow, or "Base Flow," required to fulfill all diversions/uses agreed to in ¶ 2, fluctuates from a high of 230 cfs during the months of May to September, to a low of 217 cfs during November through February, these figures representing the diversions/uses of fresh water from Niagara Springs, for a given time period, including a seepage loss below the lower falls of 5 cfs. Consistent with Exhibit C, the parties agree, for the purposes of this Agreement, that the "Base Flow," shall be as follows:

May 1 through September 30	230 cfs
October 1 through October 31	220 cfs
November 1 through February 28 (29)	217 cfs
March 1 through April 30	218 cfs

(b) Any reduction in the flows of Niagara Springs below the agreed upon Base Flow for a given period shall result in a corresponding reduction in the following diversions/uses:

(i) IPC's diversion of fresh water for fish propagation, domestic use, irrigation, and fire protection;

(ii) Rim View's diversion of fresh and used water for fish propagation and domestic use;

(iii) IDF&G's diversion of fresh water for irrigation/domestic/stock/fish & wildlife uses; and

(iv) the use of used water for instream flows below the lower falls.

(c) Upon the reduction or decline of the flows of Niagara Springs below the Base Flow for a given period, the corresponding reductions in each diversion/use referred to in ¶ 3(b) shall be calculated as shown in Exhibit C. Exhibit D sets forth the software spread sheet formula for the pro ration of the water among the water rights in this Agreement. The formula in Exhibit C shall govern the distribution of water under this Agreement, and Exhibit D is included only for illustrative purposes.

4. Pending Applications for Permits.

(a) The parties shall withdraw any pending protests to application #'s 36-08347 & 08670 (IWRB), for minimum instream flows, and 36-07791 (Rim View), for fish propagation, provided:

(i) the applications are not modified or amended;

(ii) any permits issued recognize that the decreed rights as set forth on Exhibit B are senior to and have priority over the right(s) granted by the permit; and

(iii) the minimum stream flows for Niagara Springs Creek when at or below the base flows are governed by the terms and conditions of this Agreement.

(b) Rim View intends to seek to perfect its application no. 36-07628. The IPC and the State of Idaho agree not to protest the application to the extent that Rim View seeks to increase its

fresh water use by an amount not to exceed 20 cfs. The parties other than Rim View and IDWR shall have the option of joining as applicants in application no. 36-7628, by written notice to Rim View served no later than April 1, 1994. Any parties who become applicants shall share in proportion to their rights established by license or by beneficial use as stated in paragraphs 1 through 4, above.

(c) All other applications filed by the parties and pending before the IDWR shall be withdrawn.

(d) For purposes of this processing applications for permits, this Agreement does not affect the Director of IDWR's authority under Chapters 2 and 15 of Title 42 of the Idaho Code.

5. Measuring Devices.

(a) As a permanent resolution of the controversy regarding installation of a measuring device closer to Rim View's diversion works on Niagara Springs Creek, Rim View shall install a measuring device, with the capability of recording flow information, at a point in the canal or flume above the access road to the IPC steelhead hatchery, as close as feasible to the Rim View headgates on Niagara Springs Creek. That measuring device will be constructed in conformance with the plans already submitted by Rim View to the Federal Energy Regulatory Commission (FERC) and to IDWR, unless changes are requested by Rim View and approved by FERC and by IDWR. The measuring device shall be installed on or before November 13, 1996, as part of the construction of the hydropower facility authorized as FERC Project No. 9543-004, but if Rim View surrenders its current FERC

exemption or that exemption expires, then within one year after such surrender or expiration. Exhibit E is a copy of the exemption for FERC Project No. 9543-004.

(b) Until a new measuring device is installed by Rim View as provided in paragraph 5(a), Rim View's diversions from Niagara Springs Creek shall be measured at Rim View's existing discharge weirs.

(c) The State, through one of its administrative departments, shall install measuring devices at the lower falls and at the nearest feasible point on the IDF&G diversion at the upper reach of the springs before December 31, 1994.

(d) If the watermaster or the IDWR representative is required to devote significantly more time to measurement of any water user's water from Niagara Springs Creek than is devoted to measurement of the next most time consuming of the other water rights in Niagara Springs Creek, then the water user whose water right requires significantly more time for measurement shall pay a reasonable rate to the watermaster or to IDWR for the extra time required to perform measurements and to adjust the headgate or headgates.

(e) All measuring devices installed pursuant to this ¶, and the measuring devices existing at the time of execution of this Agreement at the IPC hatchery, shall be calibrated on an annual basis and properly maintained to ensure accuracy. Each party responsible for such calibration and maintenance shall keep records of such activities and, upon written request by any other Party to this Agreement, make such records available for review.

Cross check gages shall be installed at appropriate locations at the IPC hatchery diversion and the Rim View flume to facilitate the visual monitoring of flows. The measuring devices referred to in this ¶, when properly maintained and calibrated, shall constitute the best evidence of the flows diverted at the location of the respective devices.

6. Water Quality at Rim View's Discharge.

A material term of this Agreement is Rim View's receiving (1) approval and issuance of a permit under Application No. 36-07791 with no conditions imposed except those consistent in all respects with this Agreement and (2) water quality certification and an NPDES permit no more restrictive than Rim View's present NPDES permit. The purpose of this term is to ensure that Rim View will be able to reuse IPC water as if it were fresh water. Rim View agrees to use due diligence in obtaining such certification if required. If Application No. 36-07791 is denied or issued with conditions that prevent Rim View from substituting Idaho Power used water for fresh water to obtain a total flow of 150 cfs, or if Rim View receives a final decision from a state agency or a federal agency having jurisdiction of the matter, denying such certification, or a final decision of a state court or a federal court upholding the applicable agency's denial of such certification, Rim View shall have the option to declare this Agreement null and void, by written notice to the other parties to this Agreement. If Rim View declares this Agreement null and void, any or all of the parties to this Agreement shall have the right to commence an appropriate action in the SRBA

Court, or in any other court having jurisdiction of the matter, to obtain modification of any interim decree, or the final decree, in the SRBA, for the purpose of obtaining relief from whatever adverse impacts might result to that party as a result of this Agreement being declared null and void.

This Agreement shall not preclude Rim View from asserting that concessions it has made in this Agreement mitigate any effects on water quality that might be caused by increased production in Rim View's facilities through the use of Rim View's discharge water under Permit No. 36-7789. None of the other parties by executing this Agreement shall be deemed to agree with this assertion.

Those provisions regarding the installation of measuring devices in this Agreement shall remain effective even if this Agreement is declared void.

7. Niagara Springs Creek Estuary Cleanup.

(a) IPC and IDF&G shall cooperate in initiating and completing a study to determine the most effective and economical method(s) available for the removal of the accumulated sediment and other pollutants, if any, from the portion of Niagara Springs Creek lying between the base of the lower falls and the outlet of the estuary into which the IPC hatchery discharges water.

(b) Upon completion of the above study, and subject to its findings and any applicable provision of existing state and federal law, including the Clean Water Act and Endangered Species Act, IPC will undertake the efforts necessary to remove the accumulated sediment and other pollutants, if any, from the

referenced area. IDF&G agrees to allow IPC to place materials removed from the estuary on IDF&G property provided IPC complies with all applicable federal and state laws and the materials are not deemed a hazardous waste or substance under state or federal law.

8. Forfeiture, Abandonment and Adverse Possession.

Nothing herein shall constitute or evidence an intent to abandon any of the vested water rights identified on Exhibit B, nor form the basis for an action for forfeiture or adverse possession with regard to any such rights. To the extent that this Agreement contemplates or allows a party or parties to use flows of Niagara Springs that may be subject to a senior priority, such use is permissive and subject to the terms of this Agreement. A party's use of the flows of Niagara Springs, in a manner inconsistent with the provisions of this Agreement, and the corresponding failure of a party to object to such use and initiate action to enforce the Agreement's provisions, shall not constitute a waiver of such a party's rights under this Agreement, nor bar a party from initiating action to enforce the provisions of the Agreement, regardless of any prior diversion/use in a manner inconsistent with such provisions.

9. Waiver, Modification or Amendment.

No waiver, modification or amendment of this Agreement or any covenants, conditions, or limitations herein contained shall be valid unless in writing and duly executed by all the parties.

10. Attorneys Fees and Costs.

Each party shall bear their own attorneys fees and costs for litigating this matter, including but not limited to Rim View's consolidated alternative motions and any subsequent proceedings, and in any subsequent litigation to enforce this Agreement.

11. Claims of Rim View Against IPC and the State.

This Agreement does not resolve or affect the claims Rim View has asserted against IPC and the State as a result of the incident referred to in the Notice of Tort Claim, dated ---, submitted by Rim View to the State of Idaho, and all parties to this Agreement retain and reserve all claims, causes of action, or defenses they may have as against all other parties to this Agreement, or third persons, resulting from said incident.

12. Successors and Assigns.

This Agreement shall bind and inure to the benefit of the respective successors and assigns of the parties.

13. Governing Law.

This Agreement shall be governed by, and construed in accordance with, the laws of the State of Idaho.

14. Effect on Prior Agreements

This Agreement is supplemental to the prior written agreements between IPC and Rim View relative to the distribution and use of the waters of Niagara Springs and the provisions of those prior agreements, to the extent not inconsistent with this Agreement, shall survive its execution.

15. Evidence of Negotiations

This Agreement has been reached in the process of good faith negotiations for the purpose of resolving legal disputes,

including pending litigation, and all parties agree that no offers and/or compromises made in the course thereof shall be construed as admissions against interest or be used in any legal proceeding.

16. Entry of Judgment

Entry of judgment as set forth above has been consented to by the parties without trial or adjudication of fact or law herein and without the judgment constituting evidence or an admission by any party, with respect to any issue.

17. Merger Clause.

This Agreement sets forth all the covenants, promises, provisions, agreements, conditions, and understandings between the parties, and there are no covenants, provisions, promises, agreements, conditions, or understandings, either oral or written, between them other than as are set forth herein.

18. Effect of Section Headings.

The section headings appearing in this Agreement are not to be construed as interpretations of the text, but are inserted for convenience and reference only.

19. Interim Distribution

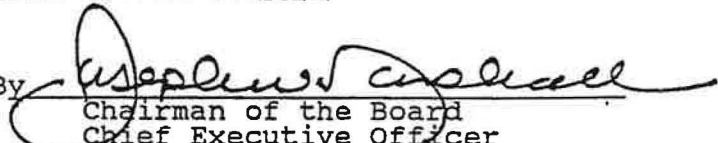
Among IPC, Rim View and IDF&G this Agreement shall serve as the basis for distribution of water of Niagara Springs and Niagara Springs Creek pending action by the District Court on this Agreement.

20. Quintuplicate Originals.

This Agreement is executed in quintuplicate. Each of the five Agreements with an original signature of each party shall be an original.

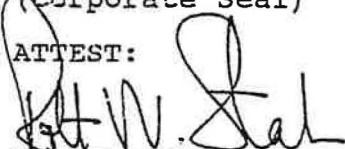
IN WITNESS WHEREOF, the parties have hereunto caused their names to be subscribed, the corporate parties by their officers first thereunto duly authorized by resolution of their respective boards of directors, and the State agencies by their respective directors or other administrative officials first thereunto duly authorized by law, as of the day and year first above written.

IDAHO POWER COMPANY

By 
Chairman of the Board
Chief Executive Officer

(Corporate Seal)

ATTEST:



Secretary

RIM VIEW TROUT COMPANY, INC.

By 

(Corporate Seal)

ATTEST:


Secretary

IDAHO DEPARTMENT OF FISH & GAME

By 
for Director

IDAHO DEPARTMENT OF PARKS & RECREATION

By *Spencer S. Levell*
Director

IDAHO DEPARTMENT OF WATER RESOURCES

By *R. Keith Hixman*
Director

srba\niagagr2

SCANNED

JUL 25 2002

NIAGARA SPRINGS AGREEMENT, EXHIBIT A

SCANNED

JUL 25 2002

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: SEP-23-1993
PAGE: A-1

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
SOURCE: NIAGARA SPRINGS		TRIBUTARY: SNAKE RIVER				
36-04020A	STATE OF IDAHO DEPT OF FISH & GAME PO BOX 25 BOISE ID 83707	03/15/1912	IRRIGATION	03-15 11-15	5.46 2293.0	CFS AFY
			WILDLIFE	03-15 11-15	2.13 623.3	CFS AFY
			WILDLIFE	11-16 03-14	4.94 1176.0	CFS AFY
			DOMESTIC	01-01 12-31	.02 .6	CFS AFY
			TOTAL QUANTITY:		7.61 4092.9	CFS AFY
			CONSUMPTIVE USE:		189.0	AFY

NON-IRRIGATION-USSES:

WILDLIFE AND DITCH FOR HABITAT; DOMESTIC, 1 HOUSE

POINT OF DIVERSION:

T09S R15E S10 LOT 1 (NENENE)

PLACE OF USE: IRRIGATION

T09S R15E S04	Lot 7 (SWSE) 6.0	Lot 9 (SWSE) 3.0	Lot 8 (SESE) 8.0
S05	Lot 15 (NESW) 7.0	Lot 16 (NWSE) 15.0	Lot 18 (SESE) 8.0
S09	Lot 1 (NENE) 3.0		
S10	Lot 2 (NWNE) 9.0	Lot 10 (SWNE) 1.0	Lot 4 (NWNW) 3.0

63.0 ACRES TOTAL

PLACE OF USE: WILDLIFE

T09S R15E S03	SWSW			
S04	Lot 11 (SWSW)	Lot 10 (SESW)	Lot 7 (SWSE)	Lot 8 (SESE)
S05	Lot 15 (NESW)	Lot 17 (NESE)	Lot 16 (NWSE)	Lot 18 (SESE)
S10	Lot 1 (NENE)	Lot 2 (NWNE)	Lot 3 (NENW)	

PLACE OF USE: WILDLIFE

SAME AS OTHER USE

PLACE OF USE: DOMESTIC

SAME AS OTHER USE

REMARKS: 2 POINTS OF DIVERSION LOCATED IN LOT 1(NENENE), S10, T9S, R15E.

WATER FOR DOMESTIC USE IS DELIVERED THROUGH A 14" PIPELINE.

WATER FOR IRRIGATION USE IS DELIVERED THROUGH LANGFORD DITCH

(ALSO KNOWN AS THOMPSON-MAYS DITCH).

RIGHT NO. 36-04020C IS AN EXPANSION OF THIS RIGHT PURSUANT

TO IDAHO CODE 42-1416 (2).

THIS RIGHT IS LIMITED TO A TOTAL DIVERSION RATE OF 4.96 CFS

DURING THE NON-IRRIGATION SEASON.

USE OF THIS RIGHT WITH 36-04020C IS LIMITED FROM 3/15-11/15

TO A TOTAL COMBINED DIVERSION RATE OF 7.61 CFS, FROM 11/16-3/14

TO A TOTAL COMBINED DIVERSION RATE OF 4.96 CFS, AND A TOTAL

COMBINED ANNUAL DIVERSION VOLUME OF 4504.6 AFY.

SCANNED
JUL 25 2002

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: SEP-23-1993
PAGE: A-2

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
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SOURCE: NIAGARA SPRINGS TRIBUTARY: SNAKE RIVER

36-04020A CONTINUED

THIS RIGHT INCLUDES AN ACCOMPLISHED CHANGE IN PURPOSE OF USE
FROM STOCKWATER USE TO WILDLIFE USE DURING THE NON-IRRIGATION
PERIOD OF USE, AND A PARTIAL CHANGE FROM IRRIGATION USE TO
WILDLIFE USE DURING THE IRRIGATION PERIOD OF USE, PURSUANT TO
IDAHO CODE 42-1416A.

36-04020B	STATE OF IDAHO DEPT OF FISH & GAME PO BOX 25 BOISE ID 83707	03/15/1959 IRRIGATION	03-15 11-15	1.28 256.0	CFS AFY	BENEFICIAL USE
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TOTAL QUANTITY: 1.28 CFS
256.0 AFY
CONSUMPTIVE USE: 192.0 AFY

POINT OF DIVERSION:

T09S R15E S10 LOT 1 (NENENE)
PLACE OF USE: IRRIGATION

T09S R15E S03 SHSW 23.0 SESW 14.0
S04 Lot 7 (SWSE) 3.0 Lot 8 (SESE) 19.0
S10 Lot 2 (NWNE) 2.0 Lot 3 (NENW) 3.0
64.0 ACRES TOTAL

REMARKS: WATER IS DELIVERED THROUGH A 14" PIPELINE.

SCANNED

JUL 25 2002

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: SEP-23-1993
PAGE: A-3

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
SOURCE: NIAGARA SPRINGS		TRIBUTARY: SNAKE RIVER				

36-04020C	STATE OF IDAHO	06/07/1983	WILDLIFE	03-15 11-15	5.46	CFS	BENEFICIAL USE
	DEPT OF FISH & GAME				2293.0	AFY	
	PO BOX 25		WILDLIFE	03-15 11-15	2.13	CFS	
	BOISE ID 83707		STORAGE		1035.0	AFY	
			WILDLIFE	11-16 03-14	4.94	CFS	
			STORAGE		1176.0	AFY	
			TOTAL QUANTITY:		7.59	CFS	
					4504.0	AFY	

NON-IRRIGATION-USES:

WILDLIFE & WILDLIFE STORAGE, PONDS AND DITCH FOR HABITAT

POINT OF DIVERSION:

T09S R15E S10 LOT 1 (NENENE)

PLACE OF USE: WILDLIFE

T09S R15E S03

SWSW

S04 Lot 11 (SWSW)

Lot 10 (SESW)

Lot 7 (SWSE)

Lot 8 (SESE)

S05 Lot 15 (NESW)

Lot 17 (NESE)

Lot 16 (NWSE)

Lot 18 (SESE)

S10 Lot 1 (NENE)

Lot 2 (NWNE)

Lot 3 (NENW)

PLACE OF USE: WILDLIFE STORAGE

T09S R15E S04

Lot 11 (SWSW)

S05 Lot 17 (NESE)

Lot 16 (NWSE)

Lot 18 (SESE)

PLACE OF USE: WILDLIFE STORAGE

SAME AS OTHER USE

REMARKS: WATER IS DELIVERED THROUGH LANGFORD DITCH (ALSO KNOWN AS THOMPSON-MAYS DITCH).

TOTAL DIVERSION RATE DURING THE NON-IRRIGATION SEASON IS 4.94 CFS.

THIS RIGHT IS AN EXPANSION OF RIGHT NO. 36-04020A PURSUANT TO IDAHO CODE 42-1416(2).

USE OF THIS RIGHT WITH 36-04020A IS LIMITED FROM 3/15-11/15 TO A TOTAL COMBINED DIVERSION RATE OF 7.61 CFS, FROM 11/16-3/14 TO A TOTAL COMBINED DIVERSION RATE OF 4.96 CFS, A TOTAL COMBINED DIVERSION VOLUME OF 4504.6 AFA.

STORAGE CAPACITY OF THE PONDS IS LIMITED TO 28 AF.

SCANNED
JUL 25 2002

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: NOV-2-1992
PAGE: A-3731

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM	
SOURCE: NIAGARA SPRINGS		TRIBUTARY: SNAKE RIVER					
36-04032A	RIM VIEW TROUT CO 1301 VISTA AVE BOISE ID 83705	12/31/1926	FISH PROPAGATION	01-01 12-31	3.54 7239.8	CFS AFY BENEFICIAL USE	
TOTAL QUANTITY:					3.54 7239.8	CFS AFY	
NON-IRRIGATION-USES:							
FISH PROPAGATION, COMMERCIAL HATCHERY							
POINT OF DIVERSION:							
T09S R15E S10 LOT 1 (SENE) (SENE)							
PLACE OF USE: FISH PROPAGATION							
REMARKS: T09S R15E S10 Lot 1 (SENE) Lot 2 (NWNE) Lot 10 (SWNE) Lot 9 (SENE)							
FACILITY VOLUME 696,960 CU. FT.							
USE OF THIS RIGHT WITH COMBINED RIGHTS LISTED BELOW IS LIMITED							
TO A TOTAL FACILITY VOLUME OF 696,960 CU. FT.							
COMBINED RIGHTS: 36-02680, 36-04032B, 36-04032C & 36-07167.							
THE COMBINED RIGHTS LISTED ABOVE ARE ALSO DIVERTED THROUGH THE							
POINT OF DIVERSION DESCRIBED ABOVE.							
36-02711	STATE OF IDAHO DEPT OF FISH & GAME PO BOX 25 BOISE ID 83707	10/23/1956	IRRIGATION	03-15 11-15	.24 48.0	CFS AFY LICENSE	
DOMESTIC					01-01 12-31	.02 .6	CFS AFY
TOTAL QUANTITY:					.24 48.6	CFS AFY	
CONSUMPTIVE USE:					36.0	AFY	
NON-IRRIGATION-USES:							
DOMESTIC, WATER FOUNTAIN AT PUGHIRE PARK							
POINT OF DIVERSION:							
T09S R15E S11 LOT 3 (NWNW)							
PLACE OF USE: IRRIGATION							
T09S R15E S11 Lot 10 (NENW) 2.0 Lot 11 (SWNW) 10.0							
12.0 ACRES TOTAL							
PLACE OF USE: DOMESTIC							
T09S R15E S11 Lot 11 (SWNW)							
REMARKS: PLACE OF USE IS ALSO KNOWN AS PUGHIRE PARK.							

SCANNED
JUL 25 2002

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: NOV-2-1992
PAGE: A-3732

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
SOURCE: NIAGARA SPRINGS		TRIBUTARY: SNAKE RIVER				
36-04032B	RIM VIEW TROUT CO 1301 VISTA AVE BOISE ID 83705	01/16/1959	DOMESTIC	01-01 12-31	.08	CFS BENEFICIAL USE
			FISH PROPAGATION	01-01 12-31	7.06	CFS
					10497.7	AFY
				TOTAL QUANTITY:	7.06	CFS
					10497.7	AFY

NON-IRRIGATION-USES:

DOMESTIC, 2 HOMES, OFFICE, SHOP; FISH PROPAGATION, COMMERCIAL HATCH

POINT OF DIVERSION:

T09S R15E S10 LOT 1 (SENE)

PLACE OF USE: DOMESTIC

T09S R15E S10 Lot 1 (SENE) Lot 9 (SENE)

PLACE OF USE: FISH PROPAGATION

T09S R15E S10 Lot 1 (SENE) Lot 2 (NWNE) Lot 10 (SWNE) Lot 9 (SENE)

REMARKS: PORTION OF RIGHT FORFEITED/ABANDONED.

FACILITY VOLUME 696,960 CU. FT.

USE OF THIS RIGHT WITH COMBINED RIGHTS LISTED BELOW IS LIMITED
TO A TOTAL FACILITY VOLUME OF 696,960 CU. FT.

COMBINED RIGHTS: 36-04032A, 36-02680, 36-04032C & 36-07167.

THE COMBINED RIGHTS LISTED ABOVE ARE ALSO DIVERTED THROUGH THE
POINT OF DIVERSION DESCRIBED ABOVE.SCANNED
JUL 25 2002

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
SOURCE: NIAGARA SPRINGS		TRIBUTARY: SNAKE RIVER				

36-02704	IDAHO POWER CO PO BOX 70 BOISE ID 83707	01/31/1966	IRRIGATION	03-15 11-15	.04	CFS	LICENSE
					8.0	AFY	
			DOMESTIC	01-01 12-31	.04	CFS	
					1.8	AFY	
			FIRE PROTECTION	01-01 12-31	130.00	CFS	
					48180.0	AFY	
			FISH	01-01 12-31	130.00	CFS	
			PROPAGATION		48180.0	AFY	
			TOTAL QUANTITY:		130.00	CFS	
			CONSUMPTIVE USE:		48180.0	AFY	
					6.0	AFY	

NON-IRRIGATION-USES:

DOMESTIC, 3 HOMES, OFFICE; FISH, 14-10'X 300' RACEWAYS; FIRE PROTEC.

POINT OF DIVERSION:

T09S R15E S10 Lot 1 (NENE)
Lot 1 (SENE)

PLACE OF USE: IRRIGATION

T09S R15E S10 Lot 9 (SENE) 2.0
2.0 ACRES TOTAL

PLACE OF USE: DOMESTIC

T09S R15E S10 Lot 1 (NENE) Lot 9 (SENE)

PLACE OF USE: FIRE PROTECTION

T09S R15E S10 Lot 1 (NENE) Lot 9 (SENE)

PLACE OF USE: FISH PROPAGATION

T09S R15E S10 Lot 1 (NENE) Lot 9 (SENE)

REMARKS: RIGHT NO. 36-15221 IS AN EXPANSION OF THIS RIGHT PURSUANT TO
IDAHO CODE 42-1416(2).RIGHT NO. 36-15221 IS ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE.USE OF THIS RIGHT WITH RIGHT NO. 36-15221 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 130 CFS, A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 48180 AF.
FACILITY VOLUME 168,000 CU. FT.A MINIMUM FLOW OF 50 CFS SHALL BE MAINTAINED IN NIAGARA
SPRINGS CREEK BELOW THE APPROPRIATOR'S HATCHERY DISCHARGE POINT.THE RATE OF DIVERSION PURSUANT TO THIS RIGHT IS LIMITED TO
THE FOLLOWING AMOUNTS DURING THE FOLLOWING PERIODS OF USE:

FROM	TO	AMOUNT (CFS)
5/01	9/30	50.0
10/01	10/31	60.0

SCANNED
JUL 25 2002

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: NOV-2-1992
PAGE: A-3734

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
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SOURCE: NIAGARA SPRINGS

TRIBUTARY: SNAKE RIVER

36-02704 CONTINUED

11/01	11/30	70.0
12/01	12/31	90.0
1/01	1/31	100.0
2/01	2/28, 2/29	110.0
3/01	3/31	120.0
4/01	4/30	130.0

36-02680 RIM VIEW TROUT CO
1301 VISTA AVE
BOISE ID 83705

06/06/1966 FISH

01-01 12-31

79.7

CFS

LICENSE

PROPAGATION

36720.1

AFY

TOTAL QUANTITY:

79.7

CFS

36720.1

AFY

NON-IRRIGATION-USES:

FISH PROPAGATION/COMMERCIAL HATCHERY

POINT OF DIVERSION:

T09S R15E S10 LOT 1 (SENEE)

PLACE OF USE: FISH PROPAGATION

T09S R15E S10 Lot 1 (SENEE)

Lot 2 (NWNE)

Lot 10 (SWNE)

Lot 9 (SENEE)

REMARKS: FACILITY VOLUME = 696,960 CU. FT.

USE OF THIS RIGHT WITH COMBINED RIGHTS LISTED BELOW IS LIMITED

TO A TOTAL FACILITY VOLUME OF 696,960 CU. FT.

COMBINED RIGHTS: 36-04032A, 36-04032B, 36-04032C & 36-07167.

THE COMBINED RIGHTS LISTED ABOVE ARE ALSO DIVERTED THROUGH THE

POINT OF DIVERSION DESCRIBED ABOVE.

SCANNED

JUL 25 2002

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: NOV-2-1992
PAGE: A-3735

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
SOURCE: NIAGARA SPRINGS		TRIBUTARY: SNAKE RIVER				
36-07167	RIM VIEW TROUT CO 1301 VISTA AVE BOISE ID 83705	03/18/1971	FISH PROPAGATION	01-01 12-31	50.00 36198.9	CFS AFY LICENSE
TOTAL QUANTITY:					50.00 36198.9	CFS AFY
NON-IRRIGATION-USES: FISH PROPAGATION, COMMERCIAL HATCHERY						
POINT OF DIVERSION: T09S R15E S10 LOT 1 (SENE)						
PLACE OF USE: FISH PROPAGATION						
T09S R15E S10 Lot 1 (SENE) Lot 2 (NWNE) Lot 10 (SWNE) Lot 9 (SENE)						
REMARKS:	A MEASURING DEVICE OF A TYPE APPROVED BY IDWR SHALL BE MAINTAINED AS A PART OF THE DIVERTING WORKS. RETURN FLOW SHALL BE TREATED TO INSURE THAT THE EFFLUENT MEETS IDAHO WATER QUALITY STANDARDS. FACILITY VOLUME = 696,960 CU. FT. USE OF THIS RIGHT WITH COMBINED RIGHTS LISTED BELOW IS LIMITED TO A TOTAL FACILITY VOLUME OF 696,960 CU. FT. COMBINED RIGHTS: 36-04032A, 36-04032B, 36-04032C & 36-02680. THE COMBINED RIGHTS ABOVE ARE ALSO DIVERTED THROUGH THE POINT OF DIVERSION DESCRIBED ABOVE.					
36-15221	IDAHO POWER CO PO BOX 70 BOISE ID 83707	03/03/1982	DOMESTIC	01-01 12-31	.04 .6	CFS AFY BENEFICIAL USE
TOTAL QUANTITY:					.04 .6	CFS AFY
NON-IRRIGATION-USES: DOMESTIC 1 HOME						
POINT OF DIVERSION: T09S R15E S10 LOT 1 (SENE)						
PLACE OF USE: DOMESTIC						
T09S R15E S10 Lot 9 (SENE)						
REMARKS:	THIS RIGHT IS AN EXPANSION OF RIGHT NO. 36-02704 PURSUANT TO IDAHO CODE 42-1416(2). RIGHT NO. 36-02704 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE. USE OF THIS RIGHT WITH RIGHT NO. 36-02704 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 132.0 CFS, A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 48180 AF.					

SCANNED

JUL 25 2002

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: SEP-29-1993
PAGE: A-1

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
SOURCE: NIAGARA SPRINGS		TRIBUTARY: SNAKE RIVER				
36-04020A	STATE OF IDAHO DEPT OF FISH & GAME PO BOX 25 BOISE ID 83707	03/15/1912	IRRIGATION	03-15 11-15	5.46	CFS
					2293.0	AFY
			WILDLIFE	05-01 11-15	3.24	CFS
					926.5	AFY
			WILDLIFE	11-16 02-29	7.00	CFS
					1457.9	AFY
			WILDLIFE	03-01 04-30	8.00	CFS
					555.2	AFY
			DOMESTIC	01-01 12-31	.02	CFS
					.6	AFY
			TOTAL QUANTITY:		8.72	CFS
			CONSUMPTIVE USE:		5233.2	AFY
					189.0	AFY
NON-IRRIGATION-USES:						
WILDLIFE AND DITCH FOR HABITAT; DOMESTIC, 1 HOUSE						
POINT OF DIVERSION:						
T09S R15E S10 LOT 1 (NENENE)						
PLACE OF USE: IRRIGATION						
	T09S R15E S04	Lot 7 (SWSE) 6.0	Lot 9 (SWSE) 3.0	Lot 8 (SESE) 8.0		
	S05	Lot 15 (NESW) 7.0	Lot 16 (NWSE) 15.0	Lot 18 (SESE) 8.0		
	S09	Lot 1 (NENE) 3.0				
	S10	Lot 2 (NWNE) 9.0	Lot 10 (SWNE) 1.0	Lot 4 (WNW) 3.0		
	63.0 ACRES	TOTAL				
PLACE OF USE: WILDLIFE						
	T09S R15E S03	SWSW				
	S04	Lot 11 (SWSW)	Lot 10 (SESW)	Lot 7 (SWSE)	Lot 8 (SESE)	
	S05	Lot 15 (NESW)	Lot 17 (NESE)	Lot 16 (NWSE)	Lot 18 (SESE)	
	S10	Lot 1 (NENE)	Lot 2 (NWNE)	Lot 3 (NENW)		
PLACE OF USE: WILDLIFE						
SAME AS OTHER USE						
PLACE OF USE: WILDLIFE						
SAME AS OTHER USE						
PLACE OF USE: DOMESTIC						
SAME AS OTHER USE						
REMARKS: 2 POINTS OF DIVERSION LOCATED IN LOT 1(NENENE), S10, T9S, R15E.						
WATER FOR DOMESTIC USE IS DELIVERED THROUGH A 14" PIPELINE.						
WATER FOR IRRIGATION USE IS DELIVERED THROUGH LANGFORD DITCH						
(ALSO KNOWN AS THOMPSON-MAYS DITCH).						
RIGHT NO. 36-04020C IS AN EXPANSION OF THIS RIGHT PURSUANT						
TO IDAHO CODE 42-1416 (2).						
USE OF THIS RIGHT WITH RIGHT NUMBERS 36-04020B AND 36-04020C IS						
LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 5998.3 AFY						

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: SEP-29-1993
PAGE: A-2

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
SOURCE: NIAGARA SPRINGS		TRIBUTARY: SHAKE RIVER				

36-04020A CONTINUED

AND TOTAL COMBINED DIVERSION RATES OF:
 10 CFS FROM 5/1 TO 10/31
 7 CFS FROM 11/1 TO 2/29
 8 CFS FROM 3/1 TO 4/30

THIS RIGHT INCLUDES AN ACCOMPLISHED CHANGE IN PURPOSE OF USE
 FROM STOCKWATER USE TO WILDLIFE USE DURING THE NON-IRRIGATION
 PERIOD OF USE, AND A PARTIAL CHANGE FROM IRRIGATION USE TO
 WILDLIFE USE DURING THE IRRIGATION PERIOD OF USE, PURSUANT TO
 IDAHO CODE 42-1416A.

36-04032A	RIM VIEW TROUT CO 1301 VISTA AVE BOISE ID 83705	03/15/1912	FISH PROPAGATION	01-01 12-31	10.00 7239.8	CFS AFY	BENEFICIAL USE
					TOTAL QUANTITY:	10.00 7239.8	CFS AFY

NON-IRRIGATION-USES:
 FISH PROPAGATION, COMMERCIAL HATCHERY
 POINT OF DIVERSION:
 T09S R15E S10 LOT 1 (SENE)E
 PLACE OF USE: FISH PROPAGATION

T09S R15E S10 Lot 1 (SENE)E Lot 2 (NWNE) Lot 10 (SWNE) Lot 9 (SENE)
 REMARKS: FACILITY VOLUME 696,960 CU. FT.
 USE OF THIS RIGHT WITH COMBINED RIGHTS LISTED BELOW IS LIMITED
 TO A TOTAL FACILITY VOLUME OF 696,960 CU. FT.
 COMBINED RIGHTS: 36-02680, 36-04032B, 36-04032C, 36-04032D &
 36-07167.
 THE COMBINED RIGHTS LISTED ABOVE ARE ALSO DIVERTED THROUGH THE
 POINT OF DIVERSION DESCRIBED ABOVE.

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: SEP-29-1993
PAGE: A-3

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
SOURCE: NIAGARA SPRINGS		TRIBUTARY: SNAKE RIVER				
36-040328	RIM VIEW TROUT CO 1301 VISTA AVE BOISE ID 83705	04/01/1951	DOMESTIC	01-01 12-31	.08	CFS BENEFICIAL USE
			FISH	01-01 12-31	10.00	CFS
			PROPAGATION		7239.8	AFY
			TOTAL QUANTITY:		10.00	CFS
					7239.8	AFY

NON-IRRIGATION-USES:

DOMESTIC, 2 HOMES, OFFICE, SHOP; FISH PROPAGATION, COMMERCIAL HATCH

POINT OF DIVERSION:

T09S R15E S10 LOT 1 (SENE)

PLACE OF USE: DOMESTIC

T09S R15E S10 Lot 1 (NENE)

Lot 9 (SENE)

PLACE OF USE: FISH PROPAGATION

T09S R15E S10 Lot 1 (NENE)

Lot 2 (NWNE)

Lot 10 (SWNE)

Lot 9 (SENE)

REMARKS: FACILITY VOLUME 696,960 CU. FT.
USE OF THIS RIGHT WITH COMBINED RIGHTS LISTED BELOW IS LIMITED
TO A TOTAL FACILITY VOLUME OF 696,960 CU. FT.
COMBINED RIGHTS: 36-02680, 36-04032A, 36-04032C, 36-04032D &
36-07167.
THE COMBINED RIGHTS LISTED ABOVE ARE ALSO DIVERTED THROUGH THE
POINT OF DIVERSION DESCRIBED ABOVE.

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: SEP-29-1993
PAGE: A-4

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
SOURCE: NIAGARA SPRINGS		TRIBUTARY: SNAKE RIVER				
36-04032C	RIM VIEW TROUT CO 1301 VISTA AVE BOISE ID 83705	04/01/1952	FISH PROPAGATION	01-01 12-31	5.00	CFS BENEFICIAL USE
TOTAL QUANTITY:					5.00	CFS
					3619.9	AFY
NON-IRRIGATION-USES:						
FISH PROPAGATION/COMMERCIAL HATCHERY						
POINT OF DIVERSION:						
T09S R15E S10 LOT 1 (SENE)						
PLACE OF USE: FISH PROPAGATION						
T09S R15E S10 Lot 1 (NENE) Lot 2 (NWNE) Lot 10 (SWNE) Lot 9 (SENE)						
REMARKS: FACILITY VOLUME 696,960 CU. FT.						
USE OF THIS RIGHT WITH COMBINED RIGHTS LISTED BELOW IS LIMITED						
TO A TOTAL FACILITY VOLUME OF 696,960 CU. FT.						
COMBINED RIGHTS: 36-02680, 36-04032A, 36-04032B, 36-04032D & 36-07167.						
THE COMBINED RIGHTS LISTED ABOVE ARE ALSO DIVERTED THROUGH THE POINT OF DIVERSION DESCRIBED ABOVE.						
36-02711	STATE OF IDAHO DEPT OF FISH & GAME PO BOX 25 BOISE ID 83707	10/23/1956	IRRIGATION DOMESTIC	03-15 11-15 01-01 12-31	.24 48.0 .02 .6	CFS AFY CFS AFY
TOTAL QUANTITY:					.24	CFS
CONSUMPTIVE USE:					48.6	AFY
					36.0	AFY
NON-IRRIGATION-USES:						
DOMESTIC, WATER FOUNTAIN AT PUGMIRE PARK						
POINT OF DIVERSION:						
T09S R15E S11 LOT 3 (NWNW)						
PLACE OF USE: IRRIGATION						
T09S R15E S11 Lot 10 (NENW) 2.0 Lot 11 (SWNW) 10.0						
12.0 ACRES TOTAL						
PLACE OF USE: DOMESTIC						
T09S R15E S11 Lot 11 (SWNW)						
REMARKS: PLACE OF USE IS ALSO KNOWN AS PUGMIRE PARK.						

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: SEP-29-1993
PAGE: A-5

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
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SOURCE: NIAGARA SPRINGS

TRIBUTARY: SNAKE RIVER

36-04020B	STATE OF IDAHO DEPT OF FISH & GAME PO BOX 25 BOISE ID 83707	03/15/1959	IRRIGATION	03-15 11-15	1.28 256.0	CFS AFY BENEFICIAL USE
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TOTAL QUANTITY:	1.28	CFS
CONSUMPTIVE USE:	256.0	AFY
	192.0	AFY

POINT OF DIVERSION:
T09S R15E S10 LOT 1 (NENE)E
PLACE OF USE: IRRIGATION

T09S R15E S03	SWSW 23.0	SESW 14.0
S04 Lot 7 (SWSE) 3.0	Lot 8 (SESE) 19.0	
S10 Lot 2 (NWNE) 2.0	Lot 3 (NENW) 3.0	

64.0 ACRES TOTAL

REMARKS: WATER IS DELIVERED THROUGH A 14" PIPELINE.
USE OF THIS RIGHT WITH RIGHT NUMBERS 36-04020A AND 36-04020C IS
LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 5998.3 AFY
AND TOTAL COMBINED DIVERSION RATES OF:
10 CFS FROM 5/1 TO 10/31
7 CFS FROM 11/1 TO 2/29
8 CFS FROM 3/1 TO 4/30

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: SEP-29-1993
PAGE: A-6

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
SOURCE: NIAGARA SPRINGS		TRIBUTARY: SNAKE RIVER				

36-04032D	RIM VIEW TROUT CO 1301 VISTA AVE BOISE ID 83705	12/01/1962	FISH PROPAGATION	01-01 12-31	15.00 10859.7	CFS AFY	BENEFICIAL USE
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TOTAL QUANTITY:	15.00 10859.7	CFS AFY
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NON-IRRIGATION-USES:

FISH PROPAGATION, COMMERCIAL HATCH

POINT OF DIVERSION:

T09S R15E S10 LOT 1 (SENESE)

PLACE OF USE: FISH PROPAGATION

T09S R15E S10 Lot 1 (SENESE) Lot 2 (NWNE) Lot 10 (SWNE) Lot 9 (SENE)

REMARKS: FACILITY VOLUME 696,960 CU. FT.

USE OF THIS RIGHT WITH COMBINED RIGHTS LISTED BELOW IS LIMITED

TO A TOTAL FACILITY VOLUME OF 696,960 CU. FT.

COMBINED RIGHTS: 36-02680, 36-04032A, 36-04032B, 36-04032C &
36-07167.THE COMBINED RIGHTS LISTED ABOVE ARE ALSO DIVERTED THROUGH THE
POINT OF DIVERSION DESCRIBED ABOVE.

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: SEP-29-1993
PAGE: A-7

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
SOURCE: NIAGARA SPRINGS		TRIBUTARY: SNAKE RIVER				

36-02704	IDAHO POWER CO PO BOX 70 BOISE ID 83707	01/31/1966	IRRIGATION	03-15 11-15	.04	CFS	LICENSE
			DOMESTIC	01-01 12-31	8.0	AFY	
					.04	CFS	
					1.8	AFY	
			FIRE PROTECTION	01-01 12-31	120.00	CFS	
			FISH	01-01 12-31	48180.0	AFY	
			PROPAGATION		120.00	CFS	
			TOTAL QUANTITY:		48180.0	AFY	
			CONSUMPTIVE USE:		6.0	AFY	

NON-IRRIGATION-USES:
DOMESTIC, 3 HOMES, OFFICE; FISH, 14-10'X 300' RACEWAYS; FIRE PROTEC.

POINT OF DIVERSION:
T09S R15E S10 LOT 1 (NENENE)
LOT 1 (SENESE)

PLACE OF USE: IRRIGATION

T09S R15E S10 Lot 9 (SENE) 2.0

2.0 ACRES TOTAL
PLACE OF USE: DOMESTIC

T09S R15E S10 Lot 1 (NENE) Lot 9 (SENE)
PLACE OF USE: FIRE PROTECTION

T09S R15E S10 Lot 1 (NENE) Lot 9 (SENE)
PLACE OF USE: FISH PROPAGATION

T09S R15E S10 Lot 1 (NENE) Lot 9 (SENE)
REMARKS: RIGHT NO. 36-15221 IS AN EXPANSION OF THIS RIGHT PURSUANT TO
IDAHO CODE 42-1416(2).
RIGHT NO. 36-15221 IS ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE.
USE OF THIS RIGHT WITH RIGHT NO. 36-15221 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 120 CFS, A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 48180 AF.
FACILITY VOLUME 168,000 CU. FT.

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: SEP-29-1993
PAGE: A-8

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
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SOURCE: NIAGARA SPRINGS TRIBUTARY: SNAKE RIVER

36-02680	RIM VIEW TROUT CO 1301 VISTA AVE BOISE ID 83705	06/06/1966	FISH PROPAGATION	01-01 12-31	60.00 43438.6	CFS AFY
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TOTAL QUANTITY:	60.00 43438.6	CFS AFY
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NON-IRRIGATION-USES:

FISH PROPAGATION/COMMERCIAL HATCHERY

POINT OF DIVERSION:

T09S R15E S10 LOT 1 (SENE)E

PLACE OF USE: FISH PROPAGATION

REMARKS: T09S R15E S10 Lot 1 (SENE) Lot 2 (NWNE) Lot 10 (SWNE) Lot 9 (SENE)
FACILITY VOLUME 696,960 CU. FT.

USE OF THIS RIGHT WITH COMBINED RIGHTS LISTED BELOW IS LIMITED
TO A TOTAL FACILITY VOLUME OF 696,960 CU. FT.
COMBINED RIGHTS: 36-04032A, 36-04032B, 36-04032C, 36-04032D &
36-07167.

THE COMBINED RIGHTS LISTED ABOVE ARE ALSO DIVERTED THROUGH THE
POINT OF DIVERSION DESCRIBED ABOVE.

A PORTION OF THE ORIGINAL LICENSED RATE OF DIVERSION FOR THIS
RIGHT IS INCLUDED IN RIGHTS 36-04032A, 36-04032B, 36-04032C
AND 36-04032D.

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: SEP-29-1993
PAGE: A-9

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
SOURCE: NIAGARA SPRINGS		TRIBUTARY: SNAKE RIVER				
36-07167	RIM VIEW TROUT CO 1301 VISTA AVE BOISE ID 83705	03/18/1971	FISH PROPAGATION	01-01 12-31	50.00 36198.9	CFS AFY LICENSE
TOTAL QUANTITY:					50.00 36198.9	CFS AFY

NON-IRRIGATION-USES:

FISH PROPAGATION, COMMERCIAL HATCHERY

POINT OF DIVERSION:

T09S R15E S10 LOT 1 (SENESE)

PLACE OF USE: FISH PROPAGATION

REMARKS: T09S R15E S10 Lot 1 (SENESE) Lot 2 (NWNE) Lot 10 (SWNE) Lot 9 (SENE)
A MEASURING DEVICE OF A TYPE APPROVED BY IDWR SHALL BE
MAINTAINED AS A PART OF THE DIVERTING WORKS.
RETURN FLOW SHALL BE TREATED TO INSURE THAT THE EFFLUENT MEETS
IDAHO WATER QUALITY STANDARDS.
FACILITY VOLUME = 696,960 CU. FT.
USE OF THIS RIGHT WITH COMBINED RIGHTS LISTED BELOW IS LIMITED
TO A TOTAL FACILITY VOLUME OF 696,960 CU. FT.
COMBINED RIGHTS: 36-02680, 36-04032A, 36-04032B, 36-04032C &
36-04032D.
THE COMBINED RIGHTS ABOVE ARE ALSO DIVERTED THROUGH THE POINT OF
DIVERSION DESCRIBED ABOVE.

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: SEP-29-1993
PAGE: A-10

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
SOURCE: NIAGARA SPRINGS		TRIBUTARY: SHAKE RIVER				

36-15221	IDAHO POWER CO PO BOX 70 BOISE ID 83707	03/03/1982	DOMESTIC	01-01 12-31	.04 .6	CFS AFY	BENEFICIAL USE
TOTAL QUANTITY:					.04 .6	CFS AFY	

NON-IRRIGATION-USES:

DOMESTIC 1 HOME

POINT OF DIVERSION:

T09S R15E S10 LOT 1 (NENENE)

PLACE OF USE: DOMESTIC

T09S R15E S10 Lot 9 (SENE)

REMARKS: THIS RIGHT IS AN EXPANSION OF RIGHT NO. 36-02704 PURSUANT TO
IDAHO CODE 42-1416(2).RIGHT NO. 36-02704 IS ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE.USE OF THIS RIGHT WITH RIGHT NO. 36-02704 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 120.0 CFS, A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 48180 AF.

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: SEP-29-1993
PAGE: A-11

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
SOURCE: NIAGARA SPRINGS		TRIBUTARY: SNAKE RIVER				
36-04020C	STATE OF IDAHO DEPT OF FISH & GAME PO BOX 25 BOISE ID 83707	06/07/1983	WILDLIFE	03-15 11-15	5.46	CFS
			WILDLIFE	05-01 11-15	2293.0	AFY
			STORAGE	11-16 02-29	3.24	CFS
			WILDLIFE		1278.9	AFY
			STORAGE		7.00	CFS
			WILDLIFE	03-01 04-30	1457.9	AFY
			STORAGE		8.00	CFS
			STORAGE		967.9	AFY
			TOTAL QUANTITY:		8.7	CFS
					5997.7	AFY

NON-IRRIGATION-USES:

WILDLIFE & WILDLIFE STORAGE, PONDS AND DITCH FOR HABITAT

POINT OF DIVERSION:

T09S R15E S10 LOT 1 (NENENE)

PLACE OF USE: WILDLIFE

T09S R15E S03

SWSW

S04 Lot 11 (SWSW)

Lot 10 (SESW)

Lot 7 (SWSE)

Lot 8 (SESE)

S05 Lot 15 (NESW)

Lot 17 (NESE)

Lot 16 (NWSE)

Lot 18 (SESE)

S10 Lot 1 (NENE)

Lot 2 (NWNE)

Lot 3 (NENW)

PLACE OF USE: WILDLIFE STORAGE

T09S R15E S04 Lot 11 (SWSW)

S05 Lot 17 (NESE)

Lot 16 (NWSE)

Lot 18 (SESE)

PLACE OF USE: WILDLIFE STORAGE

SAME AS OTHER USE

PLACE OF USE: WILDLIFE STORAGE

SAME AS OTHER USE

REMARKS: WATER IS DELIVERED THROUGH LANGFORD DITCH (ALSO KNOWN AS

THOMPSON-MAYS DITCH).

THIS RIGHT IS AN EXPANSION OF RIGHT NO. 36-04020A PURSUANT TO

IDAHO CODE 42-1416(2).

STORAGE CAPACITY OF THE PONDS IS LIMITED TO 28 AF.

USE OF THIS RIGHT WITH RIGHT NUMBERS 36-04020A AND 36-04020B IS

LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 5998.3 AFY

AND TOTAL COMBINED DIVERSION RATES OF:

10 CFS FROM 5/1 TO 10/31

7 CFS FROM 11/1 TO 2/29

8 CFS FROM 3/1 TO 4/30

NIAGARA SPRINGS AGREEMENT, EXHIBIT C

Exhibit C
ALLOCATION OF REDUCED SPRING FLOWS

1. Definition of Symbols.

- BF Base flow is the total flow of Niagara Springs including the seepage entering Niagara Springs Creek below the wing dam necessary to satisfy the water rights of this agreement as described in Section 3.(a) of the agreement.
- CF Current flow of Niagara Springs available for diversion. This amount does not include the seepage entering Niagara Springs Creek below the wing dam.
- SP Seepage entering Niagara Springs Creek below the wing dam. This amount is defined by this agreement to be 5 cfs.
- MF Minimum flow over the lower falls provided by this agreement.
- MC Minimum flow in Niagara Springs Creek below the IPC hatchery discharge at the base flow provided by this agreement.
- mc Pro rata minimum flow in Niagara Springs Creek below the IPC hatchery discharge provided by this agreement.
- IPC Diversion to the IPC hatchery at the base flow provided by this agreement.
- ipc Pro rata diversion to the IPC hatchery provided by this agreement.
- R_1 Diversion of fresh water to Rim View at the base flow provided by this agreement.
- r_1 Pro rata diversion of fresh water to Rim View provided by this agreement.
- R_2 Diversion of used water to Rim View at the base flow provided by this agreement.
- r_2 Pro rata diversion of used water to Rim View provided by this agreement.
- FG Diversion to the IDF&G wildlife management area at the base flow provided by this agreement.
- fg Pro rata diversion to the IDF&G wildlife management area provided by this agreement.

All flow amounts are in cubic feet per second (cfs) and computations are rounded to the nearest hundredth of a cfs.

2. Relationships To Calculate Allocations of Reduced Flows.

The allocation of base flows (BF) are shown on page 3 of this exhibit. The symbols defined above are shown, where applicable, on the allocation table on page 3.

All flows of Niagara Springs less than base flows are allocated by the following relationships. Included with each relationship is an example computation for March with a current flow (CF) of 190 cfs.

$$fg = FG \times \frac{(CF - MF)}{(BF - SP - MF)} = 8 \times \frac{(190 - 5)}{(218 - 5 - 5)} = 7.12 \text{ cfs}$$

$$ipc = IPC \times \frac{(CF - MF)}{(BF - SP - MF)} = 120 \times \frac{(190 - 5)}{(218 - 5 - 5)} = 106.73 \text{ cfs}$$

$$r_1 = R_1 \times \frac{(CF - MF)}{(BF - SP - MF)} = 80 \times \frac{(190 - 5)}{(218 - 5 - 5)} = 71.15 \text{ cfs}$$

$$r_2 = R_2 \times \frac{(MF + SP + ipc)}{(R_2 + MC)} = 70 \times \frac{(5 + 5 + 106.73)}{(70 + 60)} = 62.85 \text{ cfs}$$

$$mc = MC \times \frac{(MF + SP + ipc)}{(R_2 + MC)} = 60 \times \frac{(5 + 5 + 106.73)}{(70 + 60)} = 53.88 \text{ cfs}$$

As a check to be sure all the spring flow is properly allocated the minimum flow in Niagara Springs Creek below the IPC hatchery discharge can also be calculated by the following relationship. The quantity calculated by both equations should be the same within the limits of rounding described above.

$$mc = MF + SP + ipc - r_2 = 5 + 5 + 106.73 - 62.85 = 53.88 \text{ cfs}$$

The table on page 4 of this exhibit shows the allocation of a current flow of 190 cfs for all months. Exhibit D shows the spreadsheet formulas used to make the computations on pages 3 and 4 of this exhibit.

NIAGARA SPRINGS FLOW ANALYSIS
 BASE FLOW CONDITIONS
 Inflow below wing dam = 5 cfs (SP)

Month	Base Flow (BF)	Spring Flow (CF)	IDFG WMA (FG)	IPCo (IPC)	Rimview fresh (R1)	Rimview IPCo/Dis (R2)	Rimview Total	Min Flow Falls (MF)	Min Flow Blw Hchr (MC)
MAY	230	225	10	50	150	0	150	15	70
JUN	230	225	10	50	150	0	150	15	70
JUL	230	225	10	50	150	0	150	15	70
AUG	230	225	10	50	150	0	150	15	70
SEP	230	225	10	50	150	0	150	15	70
OCT	220	215	10	60	140	10	150	5	60
NOV	217	212	7	70	130	20	150	5	60
DEC	217	212	7	90	110	40	150	5	60
JAN	217	212	7	100	100	50	150	5	60
FEB	217	212	7	110	90	60	150	5	60
MAR	218	213	8	120	80	70	150	5	60
APR	218	213	8	120	75	75	150	10	60

Base Flow conditions, all rights are filled with no excess flow.

NIAGARA SPRINGS FLOW ANALYSIS

Inflow below wing dam = 5 cfs (SP)

Month	Spring Flow (CF)	IDFG WMA (fg)	IPCo (ipc)	Rimview fresh (rl)	Rimview IPCo/Dis (r2)	Rimview Total	Min Flow Falls (MF)	Min Flow Blw Hchr (mc)
MAY	190	8.33	41.67	125.00	.00	125.00	15	61.67
JUN	190	8.33	41.67	125.00	.00	125.00	15	61.67
JUL	190	8.33	41.67	125.00	.00	125.00	15	61.67
AUG	190	8.33	41.67	125.00	.00	125.00	15	61.67
SEP	190	8.33	41.67	125.00	.00	125.00	15	61.67
OCT	190	8.81	52.86	123.33	8.98	132.31	5	53.88
NOV	190	6.26	62.56	116.18	18.14	134.32	5	54.42
DEC	190	6.26	80.43	98.31	36.17	134.48	5	54.26
JAN	190	6.26	89.37	89.37	45.17	134.54	5	54.20
FEB	190	6.26	98.31	80.43	54.15	134.59	5	54.15
MAR	190	7.12	106.73	71.15	62.86	134.01	5	53.88
APR	190	7.09	106.40	66.50	67.45	133.95	10	53.96

Shortage prorated to WMA, IPCo, Rimview and minimum flow below IPCo hatchery.

NIAGARA SPRINGS AGREEMENT, EXHIBIT D

Exhibit D

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D1      = "NIAGARA SPRINGS FLOW ANALYSIS
D2      = "      BASE FLOW CONDITIONS
C3      = "Inflow below wing dam =
F3      = 5
G3      = " cfs (SP)
A6      TR =
B6      TR = "Base
C6      TR = "Spring
D6      TR = "IDFG
E6      TR =
F6      TR = "Rimview
G6      TR = "Rimview
H6      TR = "Rimview
I6      TR = "Min Flow
J6      TR = "Min Flow
A7      TR = "Month
B7      TR = "Flow
C7      TR = "Flow
D7      TR = "WMA
E7      TR = "IPCo
F7      TR = "fresh
G7      TR = "IPCo/Dis
H7      TR = "Total
I7      TR = "Falls
J7      TR = "Blw Hchr
B8      = "(BF)
C8      = "(CF)
D8      = "(FG)
E8      = "(IPC)
F8      = "(R1)
G8      = "(R2)
I8      = "(MF)
J8      = "(MC)
A9      TR = "MAY
B9      = "$F$3+C9
C9      = 225
D9      = 10
E9      = 50
F9      = IF(J9-F3-I9>E9,IF(C9-D9-E9-I9-(J9-F3-I9-E9)-150>0,1
50,C9-D9-E9-I9-(J9-F3-I9-E9)),IF(C9-D9-E9-I9-150>0,150,
C9-D9-E9-I9))
G9      = IF(F9<150,IF(J9-I9-F3<E9,IF(150-F9>E9-J9+I9+F3,E9-J
9+I9+F3,150-F9),0),0)
H9      = F9+G9
I9      = 15
J9      = 70
A10     TR = "JUN
B10     = "$F$3+C10
C10     = 225
D10     = 10
E10     = 50
F10     = IF(J10-F3-I10>E10,IF(C10-D10-E10-I10-(J10-F3-I10-E1
0)-150>0,150,C10-D10-E10-I10-(J10-F3-I10-E10)),IF(C10-D
10-E10-I10-150>0,150,C10-D10-E10-I10))
G10     = IF(F10<150,IF(J10-I10-F3<E10,IF(150-F10>E10-J10+I10
+F3,E10-J10+I10+F3,150-F10),0),0)
H10     = F10+G10
I10     = 15

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J10 = 70
 A11 TR = "JUL
 B11 = $\$F\$3+C11$
 C11 = 225
 D11 = 10
 E11 = 50
 F11 = IF(J11-F3-I11>E11, IF(C11-D11-E11-I11-(J11-F3-I11-E11)-150>0, 150, C11-D11-E11-I11-(J11-F3-I11-E11)), IF(C11-D11-E11-I11-150>0, 150, C11-D11-E11-I11))
 G11 = IF(F11<150, IF(J11-I11-F3<E11, IF(150-F11>E11-J11+I11+F3, E11-J11+I11+F3, 150-F11), 0), 0)
 H11 = F11+G11
 I11 = 15
 J11 = 70
 A12 TR = "AUG
 B12 = $\$F\$3+C12$
 C12 = 225
 D12 = 10
 E12 = 50
 F12 = IF(J12-F3-I12>E12, IF(C12-D12-E12-I12-(J12-F3-I12-E12)-150>0, 150, C12-D12-E12-I12-(J12-F3-I12-E12)), IF(C12-D12-E12-I12-150>0, 150, C12-D12-E12-I12))
 G12 = IF(F12<150, IF(J12-I12-F3<E12, IF(150-F12>E12-J12+I12+F3, E12-J12+I12+F3, 150-F12), 0), 0)
 H12 = F12+G12
 I12 = 15
 J12 = 70
 A13 TR = "SEP
 B13 = $\$F\$3+C13$
 C13 = 225
 D13 = 10
 E13 = 50
 F13 = IF(J13-F3-I13>E13, IF(C13-D13-E13-I13-(J13-F3-I13-E13)-150>0, 150, C13-D13-E13-I13-(J13-F3-I13-E13)), IF(C13-D13-E13-I13-150>0, 150, C13-D13-E13-I13))
 G13 = IF(F13<150, IF(J13-I13-F3<E13, IF(150-F13>E13-J13+I13+F3, E13-J13+I13+F3, 150-F13), 0), 0)
 H13 = F13+G13
 I13 = 15
 J13 = 70
 A14 TR = "OCT
 B14 = $\$F\$3+C14$
 C14 = 215
 D14 = 10
 E14 = 60
 F14 = IF(J14-F3-I14>E14, IF(C14-D14-E14-I14-(J14-F3-I14-E14)-150>0, 150, C14-D14-E14-I14-(J14-F3-I14-E14)), IF(C14-D14-E14-I14-150>0, 150, C14-D14-E14-I14))
 G14 = IF(F14<150, IF(J14-I14-F3<E14, IF(150-F14>E14-J14+I14+F3, E14-J14+I14+F3, 150-F14), 0), 0)
 H14 = F14+G14
 I14 = 5
 J14 = 60
 A15 TR = "NOV
 B15 = $\$F\$3+C15$
 C15 = 212
 D15 = 7
 E15 = 70
 F15 = IF(J15-F3-I15>E15, IF(C15-D15-E15-I15-(J15-F3-I15-E15)-150>0, 150, C15-D15-E15-I15-(J15-F3-I15-E15)), IF(C15-D15-E15-I15-150>0, 150, C15-D15-E15-I15))
 G15 = IF(F15<150, IF(J15-I15-F3<E15, IF(150-F15>E15-J15+I15

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+ F3, E15-J15+I15-F3, 150-F15), 0), 0)
H15      = F15+G15
I15      = 5
J15      = 60
A16      TR      = "DEC
B16      = $F$3+C16
C16      = 212
D16      = 7
E16      = 90
F16      = IF (J16-F3-I16>E16, IF (C16-D16-E16-I16- (J16-F3-I16-E1
6) -150>0, 150, C16-D16-E16-I16- (J16-F3-I16-E16)), IF (C16-D
16-E16-I16-150>0, 150, C16-D16-E16-I16))
G16      = IF (F16<150, IF (J16-I16-F3<E16, IF (150-F16>E16-J16+I16
+ F3, E16-J16+I16+F3, 150-F16), 0), 0)
H16      = F16+G16
I16      = 5
J16      = 60
A17      TR      = "JAN
B17      = $F$3+C17
C17      = 212
D17      = 7
E17      = 100
F17      = IF (J17-F3-I17>E17, IF (C17-D17-E17-I17- (J17-F3-I17-E1
7) -150>0, 150, C17-D17-E17-I17- (J17-F3-I17-E17)), IF (C17-D
17-E17-I17-150>0, 150, C17-D17-E17-I17))
G17      = IF (F17<150, IF (J17-I17-F3<E17, IF (150-F17>E17-J17+I17
+ F3, E17-J17+I17+F3, 150-F17), 0), 0)
H17      = F17+G17
I17      = 5
J17      = 60
A18      TR      = "FEB
B18      = $F$3+C18
C18      = 212
D18      = 7
E18      = 110
F18      = IF (J18-F3-I18>E18, IF (C18-D18-E18-I18- (J18-F3-I18-E1
8) -150>0, 150, C18-D18-E18-I18- (J18-F3-I18-E18)), IF (C18-D
18-E18-I18-150>0, 150, C18-D18-E18-I18))
G18      = IF (F18<150, IF (J18-I18-F3<E18, IF (150-F18>E18-J18+I18
+ F3, E18-J18+I18+F3, 150-F18), 0), 0)
H18      = F18+G18
I18      = 5
J18      = 60
A19      TR      = "MAR
B19      = $F$3+C19
C19      = 213
D19      = 8
E19      = 120
F19      = IF (J19-F3-I19>E19, IF (C19-D19-E19-I19- (J19-F3-I19-E1
9) -150>0, 150, C19-D19-E19-I19- (J19-F3-I19-E19)), IF (C19-D
19-E19-I19-150>0, 150, C19-D19-E19-I19))
G19      = IF (F19<150, IF (J19-I19-F3<E19, IF (150-F19>E19-J19+I19
+ F3, E19-J19+I19+F3, 150-F19), 0), 0)
H19      = F19+G19
I19      = 5
J19      = 60
A20      TR      = "APR
B20      = $F$3+C20
C20      = 213
D20      = 8
E20      = 120
F20      = IF (J20-F3-I20>E20, IF (C20-D20-E20-I20- (J20-F3-I20-E2

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0) -150>0,150,C20-D20-E20-I20-(J20-F3-I20-E20)),IF(C20-D
20-E20-I20-150>0,150,C20-D20-E20-I20))
G20      = IF(F20<150,IF(J20-I20-F3<E20,IF(150-F20>E20-J20+I20
+ F3,E20-J20+I20+F3,150-F20),0),0)
H20      = F20+G20
I20      = 10
J20      = 60
A22      = "Base Flow conditions, all rights are filled with n
o excess flow.
D28      = "NIAGARA SPRINGS FLOW ANALYSIS
C30      = "Inflow below wing dam =
F30      = $F$3
G30      = " cfs (SP)
A33      TR =
B33      TR = "Spring
C33      TR = "IDFG
D33      TR =
E33      TR = "Rimview
F33      TR = "Rimview
G33      TR = "Rimview
H33      TR = "Min Flow
I33      TR = "Min Flow
A34      TR = "Month
B34      TR = "Flow
C34      TR = "WMA
D34      TR = "IPCo
E34      TR = "fresh
F34      TR = "IPCo/Dis
G34      TR = "Total
H34      TR = "Falls
I34      TR = "Blw Hchr
B35      = "(CF)
C35      = "(fg)
D35      = "(ipc)
E35      = "(r1)
F35      = "(r2)
H35      = "(MF)
I35      = "(mc)
A36      TR = "MAY
B36      = 190
C36      U1 = D9*(B36-H36)/(C9-H36)
D36      U1 = E9*(B36-H36)/(C9-H36)
E36      U1 = F9*(B36-H36)/(C9-H36)
F36      U1 = G9*(H36+$F$3+D36)/(G9+J9)
G36      U1 = E36+F36
H36      = I9
I36      U1 = J9*(H36+$F$3+D36)/(G9+J9)
A37      TR = "JUN
B37      = 190
C37      U1 = D10*(B37-H37)/(C10-H37)
D37      U1 = E10*(B37-H37)/(C10-H37)
E37      U1 = F10*(B37-H37)/(C10-H37)
F37      U1 = G10*(H37+$F$3+D37)/(G10+J10)
G37      U1 = E37+F37
H37      = I10
I37      U1 = J10*(H37+$F$3+D37)/(G10+J10)
A38      TR = "JUL
B38      = 190
C38      U1 = D11*(B38-H38)/(C11-H38)
D38      U1 = E11*(B38-H38)/(C11-H38)
E38      U1 = F11*(B38-H38)/(C11-H38)
F38      U1 = G11*(H38+$F$3+D38)/(G11+J11)

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G38	U1	=	E38+F38
H38		=	I11
I38	U1	=	J11*(H38+\$F\$3+D38)/(G11+J11)
A39	TR	=	"AUG
B39		=	190
C39	U1	=	D12*(B39-H39)/(C12-H39)
D39	U1	=	E12*(B39-H39)/(C12-H39)
E39	U1	=	F12*(B39-H39)/(C12-H39)
F39	U1	=	G12*(H39+\$F\$3+D39)/(G12+J12)
G39	U1	=	E39+F39
H39		=	I12
I39	U1	=	J12*(H39+\$F\$3+D39)/(G12+J12)
A40	TR	=	"SEP
B40		=	190
C40	U1	=	D13*(B40-H40)/(C13-H40)
D40	U1	=	E13*(B40-H40)/(C13-H40)
E40	U1	=	F13*(B40-H40)/(C13-H40)
F40	U1	=	G13*(H40+\$F\$3+D40)/(G13+J13)
G40	U1	=	E40+F40
H40		=	I13
I40	U1	=	J13*(H40+\$F\$3+D40)/(G13+J13)
A41	TR	=	"OCT
B41		=	190
C41	U1	=	D14*(B41-H41)/(C14-H41)
D41	U1	=	E14*(B41-H41)/(C14-H41)
E41	U1	=	F14*(B41-H41)/(C14-H41)
F41	U1	=	G14*(H41+\$F\$3+D41)/(G14+J14)
G41	U1	=	E41+F41
H41		=	I14
I41	U1	=	J14*(H41+\$F\$3+D41)/(G14+J14)
A42	TR	=	"NOV
B42		=	190
C42	U1	=	D15*(B42-H42)/(C15-H42)
D42	U1	=	E15*(B42-H42)/(C15-H42)
E42	U1	=	F15*(B42-H42)/(C15-H42)
F42	U1	=	G15*(H42+\$F\$3+D42)/(G15+J15)
G42	U1	=	E42+F42
H42		=	I15
I42	U1	=	J15*(H42+\$F\$3+D42)/(G15+J15)
A43	TR	=	"DEC
B43		=	190
C43	U1	=	D16*(B43-H43)/(C16-H43)
D43	U1	=	E16*(B43-H43)/(C16-H43)
E43	U1	=	F16*(B43-H43)/(C16-H43)
F43	U1	=	G16*(H43+\$F\$3+D43)/(G16+J16)
G43	U1	=	E43+F43
H43		=	I16
I43	U1	=	J16*(H43+\$F\$3+D43)/(G16+J16)
A44	TR	=	"JAN
B44		=	190
C44	U1	=	D17*(B44-H44)/(C17-H44)
D44	U1	=	E17*(B44-H44)/(C17-H44)
E44	U1	=	F17*(B44-H44)/(C17-H44)
F44	U1	=	G17*(H44+\$F\$3+D44)/(G17+J17)
G44	U1	=	E44+F44
H44		=	I17
I44	U1	=	J17*(H44+\$F\$3+D44)/(G17+J17)
A45	TR	=	"FEB
B45		=	190
C45	U1	=	D18*(B45-H45)/(C18-H45)
D45	U1	=	E18*(B45-H45)/(C18-H45)
E45	U1	=	F18*(B45-H45)/(C18-H45)

F45	U1	=	$G18 * (H45 + \$F\$3 + D45) / (G18 + J18)$
G45	U1	=	$E45 + F45$
H45		=	I18
I45	U1	=	$J18 * (H45 + \$F\$3 + D45) / (G18 + J18)$
A46	TR	=	"MAR
B46		=	190
C46	U1	=	$D19 * (B46 - H46) / (C19 - H46)$
D46	U1	=	$E19 * (B46 - H46) / (C19 - H46)$
E46	U1	=	$F19 * (B46 - H46) / (C19 - H46)$
F46	U1	=	$G19 * (H46 + \$F\$3 + D46) / (G19 + J19)$
G46	U1	=	$E46 + F46$
H46		=	I19
I46	U1	=	$J19 * (H46 + \$F\$3 + D46) / (G19 + J19)$
A47	TR	=	"APR
B47		=	190
C47	U1	=	$D20 * (B47 - H47) / (C20 - H47)$
D47	U1	=	$E20 * (B47 - H47) / (C20 - H47)$
E47	U1	=	$F20 * (B47 - H47) / (C20 - H47)$

NIAGARA SPRINGS AGREEMENT, EXHIBIT E

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NOV 30 1992

cc: Bill Ring

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Rim View Trout Company, Inc.

Project No. 9543-004
Idaho

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ROBERT CLARK ET

ORDER GRANTING EXTENSION OF TIME

(Issued November 23, 1992)

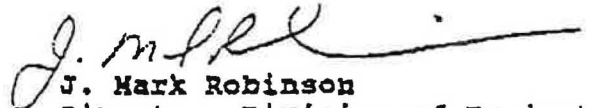
The exemptee for the Rim View Hydroelectric Project has requested an extension of the deadline for commencing project construction. The reasons advanced by the exemptee in support of the requested extension of time are reasonable and justify the extension. The deadline for completion of construction will be similarly extended.

The Director orders:

(A) The deadline for commencing project construction is extended to November 13, 1994.

(B) The deadline for completing project construction is extended to November 13, 1996.

(C) This order constitutes final agency action. Requests for rehearing by the Commission may be filed within 30 days of the date of issuance of this order, pursuant to 18 C.F.R. §385.713.


J. Mark Robinson

Director, Division of Project
Compliance and Administration

DC-A-5