

Swan Falls Implementation Group Charter

On March 25, 2009, the Framework Reaffirming the Swan Falls Settlement (“Framework”) was executed by Idaho Power Company (“IPCO”), The Governor of the State of Idaho (“State”), and the Idaho Attorney General (“AG”) (collectively, the “Parties”). The Framework and its exhibits are attached to this document.

In Article III of the Framework, the Parties recognized that it was in their “mutual long-term interest to cooperate regarding management of the water resources of the Snake River basin.” The Parties further agreed to cooperatively explore the resolution of various issues, including development of an acceptable program to monitor and measure flows through the Murphy Gaging Station and development of appropriate means or mechanisms that enable the State to meet its obligation to take reasonable steps to ensure that average daily minimum flows are maintained at the Murphy Gaging Station.

Pursuant to the Framework, the State, IPCO and the Idaho Water Resource Board (“IWRB”) entered into a Memorandum of Agreement (“MOA”) in which they agreed that it was in their mutual interest to work cooperatively to uphold and implement the principles established by the Swan Falls Settlement. A copy of the executed MOA is attached to this document.

In furtherance of the MOA, the Parties formed two working groups to facilitate their efforts to cooperatively explore resolution of issues referenced in Article III of the Framework: (1) a Swan Falls Policy Group and (2) a Swan Falls Technical Advisory Group. The Parties to the MOA constituted members of the Policy Group, with regular and active participation by other interests potentially affected by issues considered by the Policy Group. Participants in the Technical Advisory Group included technical staff of the Parties and other interests potentially affected by issues considered by the Policy Group.

In 2014, the Technical Advisory Group finalized the development of the Swan Falls Adjusted Average Daily Flow calculation. The Policy Group accepted those protocols and by order dated October 27, 2014, the Director of the Idaho Department of Water Resources (“IDWR”) approved those protocols. A copy of the Director’s Order is attached to this document.

The Policy and Technical Advisory groups met many times through 2016. Although the Technical Advisory group continues to meet regularly several times a year, the Policy Group has not met since 2016.

Purpose and Scope

The purpose and scope of this document is to reinitiate regular meetings of the Swan Falls Policy Group, which shall be known from this point forward as the “Swan Falls Implementation Group;” to facilitate cooperation among the Parties regarding management of Snake River basin water resources, to continue the Parties’ efforts in

cooperatively exploring resolution of issues associated with the subjects described in Article III of the Framework and other issues that may arise and be considered by mutual agreement of the Parties, which may include the following:

1. Development of a mutually acceptable program to monitor and measure spring and surface flows for the reach of the Snake River from Milner Dam through the Murphy Gaging Station.
2. Development of appropriate means or mechanisms that enable the State to meet its obligation under the Swan Falls Settlement to take reasonable steps to ensure that the average daily minimum flows are maintained at the Murphy Gaging Station.
3. Development of procedures for evaluating term permits approved under Idaho Code § 42-203C; and
4. Resolution of water management issues associated with "trust" and "non-trust" water areas.

Consistent with the Framework, nothing in this document changes, modifies, amends or alters any aspect of the Swan Falls Settlement or the Framework. Furthermore, this charter does not limit or condition the Parties' rights to seek executive, administrative or judicial resolution of any issues described in Article III. Nothing in this document shall be deemed or construed to limit the authority of any other entity, agency or authority to consider matters properly before such entity.

Implementation Group Composition

The Parties, as signatories to the Framework, shall continue to be the members of the Swan Falls Implementation Group. Each Party shall designate a principal representative for the purpose of notices, contact and decision-making regarding Swan Falls Implementation Group issues and meetings. Notwithstanding, other representatives of the Parties shall have the option of participating in meetings and discussions of the Swan Falls Implementation Group.

These representatives may include:

State of Idaho

Principal Representative: Gary Spackman,
Director, Idaho Department of Water Resources
(208) 287-4800
Gary.Spackman@idw.idaho.gov

Other Representatives of the State of Idaho:

- Representative of the Governor's Office
- Deputy Director of IDWR
- Section Manager or Bureau Chief of IDWR Hydrology Group
- Representative of the Idaho Water Resource Board

Attorney General

Principal Representative: Darrell G. Early,
Division Chief, Natural Resources Division
Office of the Idaho Attorney General
(208) 334-4126
Darrell.early@ag.idaho.gov

Other Representatives from the Idaho Attorney General's office:

- Michael Orr, Deputy Attorney General
- Anne Vonde, Deputy Attorney General

Idaho Power Company

Principal Representative: Kresta Davis,
Water Resources and Policy Senior Manager
Idaho Power Company
(208)388-2602
Kdavis2@idahopower.com

Other Representatives of Idaho Power:

- Scott Pugrud
- John Simpson

Advisory Group

Should the Parties consider it beneficial, they may establish an Advisory Group consisting of persons or entities interested or potentially affected by issues considered by the Swan Falls Implementation Group. Representatives or members of this group may actively participate and give input to the Swan Falls Implementation Group.

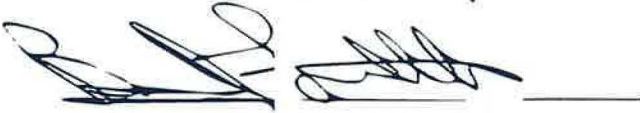
Meetings

At the first meeting of the Swan Falls Implementation Group, the Parties shall agree on a regular meeting schedule. All regular meetings will be open to all interested parties. Nothing herein shall preclude informal discussions between the signatories. IPCO shall be responsible for scheduling the meetings and sending notice to the Swan Falls Implementation Group Members. IDWR shall be responsible for posting notice of meetings on its website.

Leadership

The Swan Falls Implementation Group should elect a chairperson for a two-year term. Every two years, the chairperson position shall rotate from IPCO to AG to IDWR. An IPCO representative shall serve as secretary and shall prepare an agenda for and minutes from each meeting.

Dated this 14 day of May 2022



Governor

Dated this _____ day of May 2022

Idaho Power

Dated this _____ day of May 2022

Attorney General

Leadership

The Swan Falls Implementation Group should elect a chairperson for a two-year term. Every two years, the chairperson position shall rotate from IPCO to AG to IDWR. An IPCO representative shall serve as secretary and shall prepare an agenda for and minutes from each meeting.

Dated this _____ day of May 2022

Governor

Dated this _____ day of May 2022

Idaho Power

Dated this 19th day of July 2022



Attorney General

Leadership

The Implementation Group should elect a chairperson for a two-year term. Every two years, the chairperson position shall rotate from IPCO to AG to IDWR. An IPCO representative shall serve as secretary and shall prepare an agenda for and minutes from each meeting.

Dated this _____ day of May, 2022

Governor

Dated this 18th day of August, 2022

Yisa A. Grow

Idaho Power

Dated this _____ day of May, 2022

Attorney General