

**AMENDED DIRECTOR'S REPORTS**

**Subcase Nos. 78-7150B, 78-7154 & 78-7188**

In Re SRBA

Twin Falls County Civil Case No. 39576

Report to the SRBA District Court

Prepared by the Idaho Department of Water Resources  
David R. Tuthill, Jr., Director  
Donald V. Shaff, Adjudication Bureau Chief

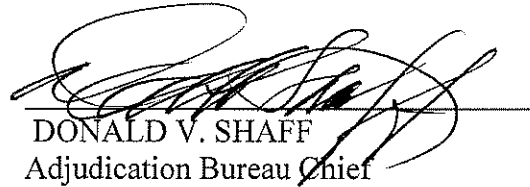
November 20, 2007

### **DESCRIPTIVE SUMMARY**

These are Amended Director's Reports submitted by the Director of the Idaho Department of Water Resources ("IDWR").

### **DISCUSSION**

During exchanges with Special Master Booth concerning subordination remarks in three uncontested hydropower water rights, subcase numbers 78-7150B, 78-7154 and 78-7188, IDWR discovered additional errors in the remarks of all three rights. The elements of these three water rights are correct as originally recommended, but the remarks required correction. IDWR has since revised the remarks. Therefore, pursuant to further direction from Special Master Booth, the Director hereby submits for filing with the Court, these Amended Director's Reports for the three aforementioned subcases.



DONALD V. SHAFF  
Adjudication Bureau Chief

11/14/2007

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

RIGHT NUMBER: 78-7150B

NAME AND ADDRESS: SITHE ENERGIES/EL DORADO HYDRO  
420 THIRD AVE  
FORD CITY PA 16226

SOURCE: ELK CREEK

TRIBUTARY: LITTLE SALMON RIVER

QUANTITY: 7.720 CFS  
4,272.200 AFY

PRIORITY DATE: 06/23/1980

The water right confirmed in this right for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this right and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this right.

POINT OF DIVERSION:

T22N R01E S23 SENENW Within IDAHO County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u>           |
|-----------------------|----------------------|---------------------------|
| POWER                 | 01/01 12/31          | 7.720 CFS<br>4,272.20 AFY |

PLACE OF USE: POWER in IDAHO County

T22N R01E S27 SENE

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

The diversion and use of water for hydropower purposes under this right is subject to review by the Director on or after September 20, 2025. Upon appropriate findings relative to the interest of the public, the Director may cancel all or any part of the use authorized herein and may revise, delete or add conditions under which the right may be exercised.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Feet of head = 1130; horsepower = 1391.2 when combined with Rights 78-7154 & 78-7188.

Return flow discharged to a surface water system shall meet Idaho Water Quality Standards.

11/14/2007

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

RIGHT NUMBER: 78-7154

NAME AND ADDRESS: SITHE ENERGIES/EL DORADO HYDRO  
420 THIRD AVE  
FORD CITY PA 16226

SOURCE: ELK CREEK

TRIBUTARY: LITTLE SALMON RIVER

QUANTITY: 10.000 CFS  
5,534.000 AFY

PRIORITY DATE: 07/28/1980

The water right confirmed in this right for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this right and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this right.

POINT OF DIVERSION:

T22N R01E S23 SENENW Within IDAHO County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u>            |
|-----------------------|----------------------|----------------------------|
| POWER                 | 01/01 12/31          | 10.000 CFS<br>5,534.00 AFY |

PLACE OF USE: POWER in IDAHO County

T22N R01E S27 SENE

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

The diversion and use of water for hydropower purposes under this right is subject to review by the Director on or after September 20, 2025. Upon appropriate findings relative to the interest of the public, the Director may cancel all or any part of the use authorized herein and may revise, delete or add conditions under which the right may be exercised.

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Return flow discharged to a surface water system shall meet Idaho Water Quality Standards.

Feet of head = 1130; horsepower = 1391.2 when combined with Rights 78-7150B & 78-7188.

11/14/2007

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

RIGHT NUMBER: 78-7188

NAME AND ADDRESS: SITHE ENERGIES/EL DORADO HYDRO  
420 THIRD AVE  
FORD CITY PA 16226

SOURCE: ELK CREEK

TRIBUTARY: LITTLE SALMON RIVER

QUANTITY: 8.000 CFS  
4,427.200 AFY

PRIORITY DATE: 10/29/1981

The water right confirmed in this right for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this right and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this right.

POINT OF DIVERSION:

T22N R01E S23 SENENW Within IDAHO County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u>           |
|-----------------------|----------------------|---------------------------|
| POWER                 | 01/01 12/31          | 8.000 CFS<br>4,427.20 AFY |

PLACE OF USE: POWER in IDAHO County

T22N R01E S27 SENE

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

The diversion and use of water for hydropower purposes under this right is subject to review by the Director on or after September 20, 2025. Upon appropriate findings relative to the interest of the public, the Director may cancel all or any part of the use authorized herein and may revise, delete or add conditions under which the right may be exercised.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Feet of head = 1130; horsepower = 1391.2 when combined with Rights 78-7150B & 78-7154.

Return flow discharged to a surface water system shall meet Idaho Water Quality Standards.

### CERTIFICATE OF SERVICE

I certify that on November 20, 2007, I served the original and/or copies of this form, including all attachments, to the following persons by delivering the original and/or copies, as follows:

1. Original to:

Clerk of the District Court  
Snake River Basin Adjudication  
253 Third Avenue North  
P.O. Box 2707  
Twin Falls, Idaho 83303-2707

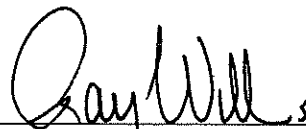
☐ Overnight Mail  
☒ Regular Mail  
☐ Hand-Delivered  
☐ Facsimile

2. Copies to:

Sithe Energies/El Dorado Hydro  
420 Third Ave.  
Ford City, PA 16226

Idaho County Courthouse  
320 W. Main  
Grangeville, ID 83530

Director of IDWR  
P.O. Box 83720  
Boise, ID 83720-0098



Signature of person delivering form