

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

In Re SRBA
Case No. 39576

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Water Rights: 47-7700

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

IDWR has completed the following administrative proceeding:

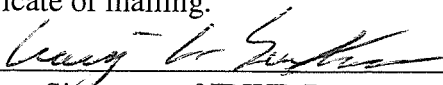
- ☐ Address change
- ☐ Substitution of Party
- ☐ IC § 42-222 transfer
 - ☐ Point of diversion ☐ Place of use
 - ☐ Period of use ☐ Nature of use
 - ☐ Split of water right ☐ Change in ownership
 - ☐ Other

XX IC § 42-219 license

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Report(s)* for said water right(s). No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: 6-7-2011



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on June 8, 2011, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

Clerk of the District Court	☐ overnight mail
Snake River Basin Adjudication	☒ regular mail
P.O. Box 2707	☐ hand-delivered
Twin Falls, ID 83303-2707	☐ facsimile

2. Copies to:

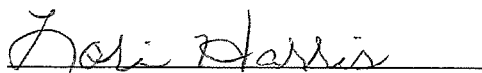
Clive Strong	☐ overnight mail
Off ice of the Attorney General	☒ regular mail
P.O. Box 44449	☐ hand-delivered
Boise, ID 83711-4449	☐ facsimile

United States Dept of Justice	☐ overnight mail
Environment & Natural Resource Div	☒ regular mail
550 West Fort Street MSC 033	☐ hand-delivered
Boise ID 83724	☐ facsimile

Director of IDWR	☒ hand-delivered
PO Box 83720	
Boise ID 83720	

3. Copies to all parties to the subcase:

H K Hydro LLC	☐ overnight mail
26 N State St	☒ regular mail
Salt Lake City UT 84103	☐ hand-delivered
	☐ facsimile


Signature of person mailing this document

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

RIGHT NUMBER: 47-7700

NAME AND ADDRESS: H K HYDRO LLC
26 N STATE ST
SALT LAKE CITY UT 84103

SOURCE: MUD CREEK

TRIBUTARY: SNAKE RIVER

QUANTITY: 50.000 CFS
26,000.00 AFY

The diversion of water authorized under Right 47-7700 shall not exceed a total of 50 cfs in either of two configurations: 50 cfs may be diverted for use in the upper (southernmost) plant, discharged to Mud Creek and then diverted again for use in the lower (northernmost) plant when the two power plants are operated in series as an integrated power generation system, or 50 cfs may be diverted once from either point of diversion when the two power plants are not operating simultaneously.

When notified by the Department, the right holder shall install and maintain a measuring device of a type acceptable to the Department as part of the diverting works.

~~A measuring device of a type approved by the Department shall be permanently installed and maintained as part of the diverting works.~~

PRIORITY DATE: 02/10/1981

The rights for the use of water confirmed in this license shall be junior and subordinate to all rights for 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 for 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:

T09S R14E S14 SWSWNW Within TWIN FALLS County

T09S R14E S15 SWSESE Within TWIN FALLS County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
POWER	01/01 12/31	50.000 CFS 26,000.00 AFY

PLACE OF USE: POWER in TWIN FALLS County

T09S R14E S14	NWNW	T09S R14E S14	SWNW
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OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The diversion and use of water for hydropower purposes under this license is subject to review by the Director on or after January 1, 2017, the expiration date of this facility's Power Sales Agreement. 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.

~~This right is conditioned upon completion of the appropriation in accordance with the statutory procedure for appropriation of water rights. This right remains subject to all conditions set forth in the permit upon which this right is based, and will be subject to all conditions set~~

~~forth in the license issued by IDWR upon completion of the statutory appropriation process.~~

~~This project shall be operated in a manner that will not conflict or interfere with the future diversion of water for irrigation or other beneficial consumption.~~

EXPLANATORY MATERIAL: BASIS OF CLAIM - License Permit

This right does not constitute Idaho Public Utilities Commission or Federal Energy Regulatory Commission approval that may be required.

~~A measuring device of a type approved by the Department shall be permanently installed and maintained as part of the diverting works.~~

~~This right is subject to the provisions of Sections 42-205 through 42-210, Idaho Code, restricting the sale, transfer, assignment, or mortgage of this right. Failure to comply with these provisions is cause for immediate cancellation of this right.~~