

06/16/2005

IDAHO DEPARTMENT OF WATER RESOURCES  
PRELIMINARY 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

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

SOURCE: ELK CREEK

TRIBUTARY: LITTLE SALMON RIVER

QUANTITY: 10.000 CFS  
5,534.000 AFY

A flow measurement port or other device as specified by the Department shall be installed by the right holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.

PRIORITY DATE: 07/28/1980

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 Within IDAHO County

T22N R01E S27 SENE

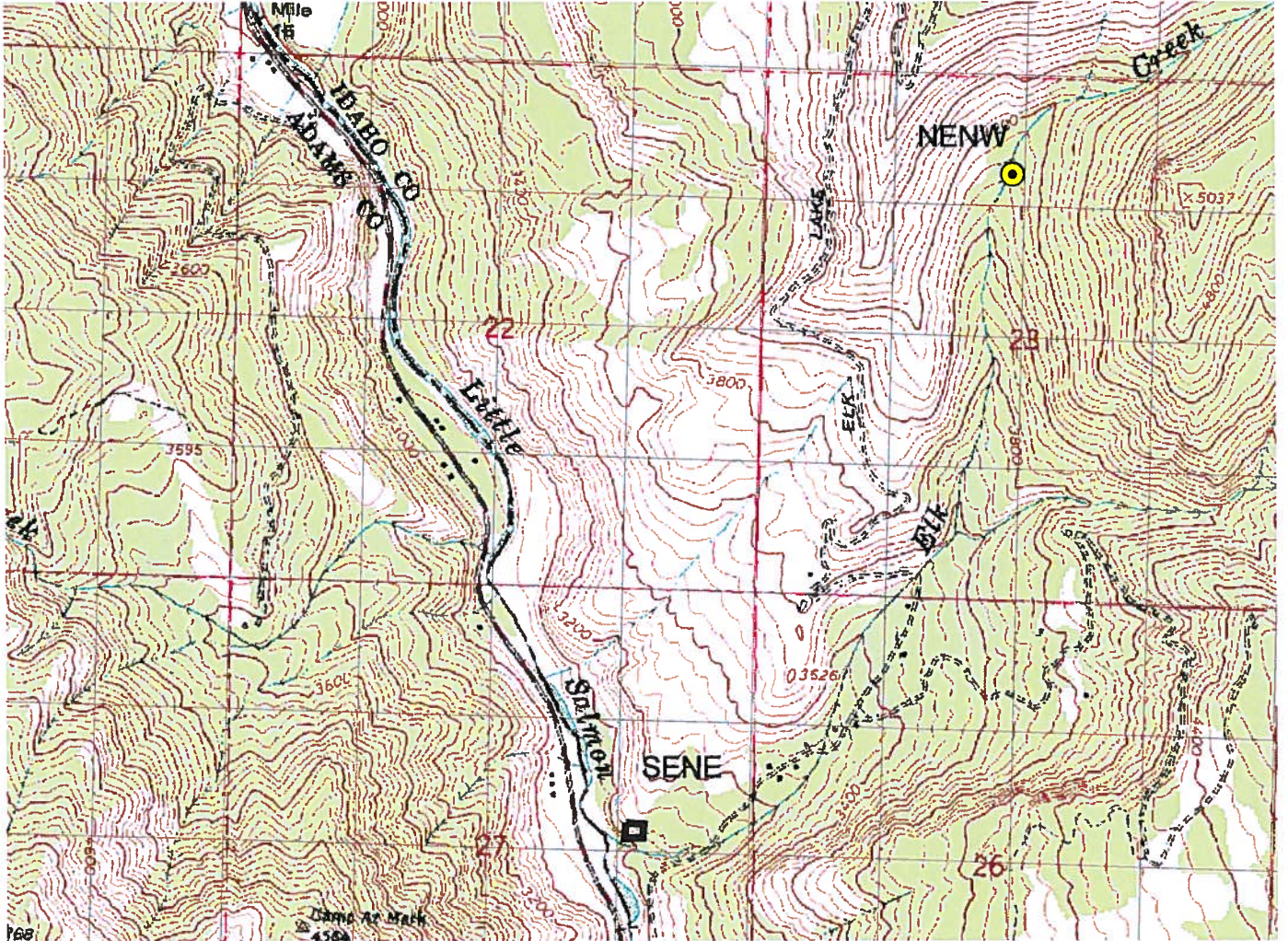
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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 use of water under this right shall not conflict or interfere with the future upstream diversion of water for irrigation or other beneficial consumptive uses or with future instream flows authorized by state law.

EXPLANATORY MATERIAL: License

**78-7154**



**0      1000      2000      Feet**



Sections 23 & 27  
T22N R1E



- ☒ Point of Diversion
- ☐ Place of Use

Map prepared on June 16, 2005  
By Kenneth Knoblock  
Idaho Department of Water Resources

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 BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A78-07154  
Date Received: 7/26/1988  
Receipt No: W000552  
Received By: \_\_\_\_\_

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: SITHE ENERGIES/ EL DORADO HYDRO 412-763-9038  
Address: 420 THIRD AVENUE COURT  
FORD CITY PA 16226

2. Date of Priority: JUL 28, 1980

3. Source: ELK CREEK Trib. to: LITTLE SALMON RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County |
|----------|-------|---------|--------|--------|--------|-----|--------|
| 22N      | 01E   | 23      | SE     | NE     | NW     |     | IDAHO  |

5. Description of diverting works:  
MODIFIED DAM AND SLUICE-GATE, 24" PIPELINE TO POWER PLANT.

6. Water is used for the following purposes:

| Purpose | From  | To    | C.F.S  | (or) | A.F.A. |
|---------|-------|-------|--------|------|--------|
| POWER   | 01/01 | 12/31 | 10.000 |      |        |

7. Total Quantity Appropriated is:  
10.000 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:  
HYDROPOWER, 1130' HEAD  
GENERATING CAPACITY 902.0 KILOWATTS

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 of | Lot | Use   | Acres |
|----------|-------|---------|--------|--------|-----|-------|-------|
| 22N      | 01E   | 27      | SE     | NE     |     | POWER |       |

11. Place of use in counties: IDAHO

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AUG 08 1994

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:  
78-07150B & 07188.

14. Remarks:

THE SAME SYSTEM IS CURRENTLY USED UNDER 78-07150B & 07188.  
CORPORATE HEADQUARTERS ADDRESS: 885 THIRD AVE., SUITE 3040  
NEW YORK, NEW YORK 10022.

KW PRODUCTION IS 1880 AS OF 6/88, BUT CAPACITY IS 2320 KW.  
THE KW PRODUCTION OF THIS WATER RIGHT AS COMPARED WITH THAT OF  
78-07150B AND 78-07188 WAS COMPUTED USING THE PRO-RATA FLOW  
PROVIDED BY THIS WATER RIGHT (902 KW FOR THIS WATER RIGHT PER  
ATTACHED COMPUTATION SHEET).

15. Basis of Claim: PERMIT

Water Right Number: 07154

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do \_\_\_\_\_ do not \_\_\_\_\_ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: \_\_\_\_\_

**For Individuals:**

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): \_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_ Date: \_\_\_\_\_

State of Idaho )  
County of \_\_\_\_\_ ) SS.

Subscribed and sworn (or affirmed) before me this \_\_\_\_\_ day

of \_\_\_\_\_ 19 \_\_\_\_\_

\_\_\_\_\_  
Notary Public

Seal

Residing at \_\_\_\_\_

My Commission Expires \_\_\_\_\_

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**AUG 08 1994**

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 BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A78-07154  
Date Received: 6/08/1988  
Receipt No: W000552  
Received By: LW

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: SITHE ENERGIES/ EL DORADO HYDRO 208-375-1106  
Address: 10464 GARVERDALE COURT  
SUITE 710  
BOISE, ID 83704-0000

2. Date of Priority: JUL 28, 1980

3. Source: ELK CREEK Trib. to: LITTLE SALMON RIVER

4. Point of Diversion:

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A78-07154

Page 1

Date: 07/26/88

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Water Right Number: 07154

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Number of attachments:   2  

For Organizations:

I do solemnly swear or affirm that I am Operations Manager of Sithe Energies/El Dorado Hydro that I have signed the foregoing document in the space below as Operations Manager of Sithe Energies/El Dorado Hydro and that the statements contained in the foregoing document are true and correct.

Sherry R. Miller  
Signature of Authorized Agent  
Operations Manager  
Sithe Energies/El Dorado Hydro  
Title and Organization  
July 26, 1988  
Date

State of Idaho )  
County of Ada ) SS.

Subscribed and sworn (or affirmed) before me this 26<sup>th</sup> day  
of July 19 88

Nancy M. Lindgren  
Notary Public

Seal

Residing at Boise  
My Commission Expires 1-19-1994

A78-07154

52

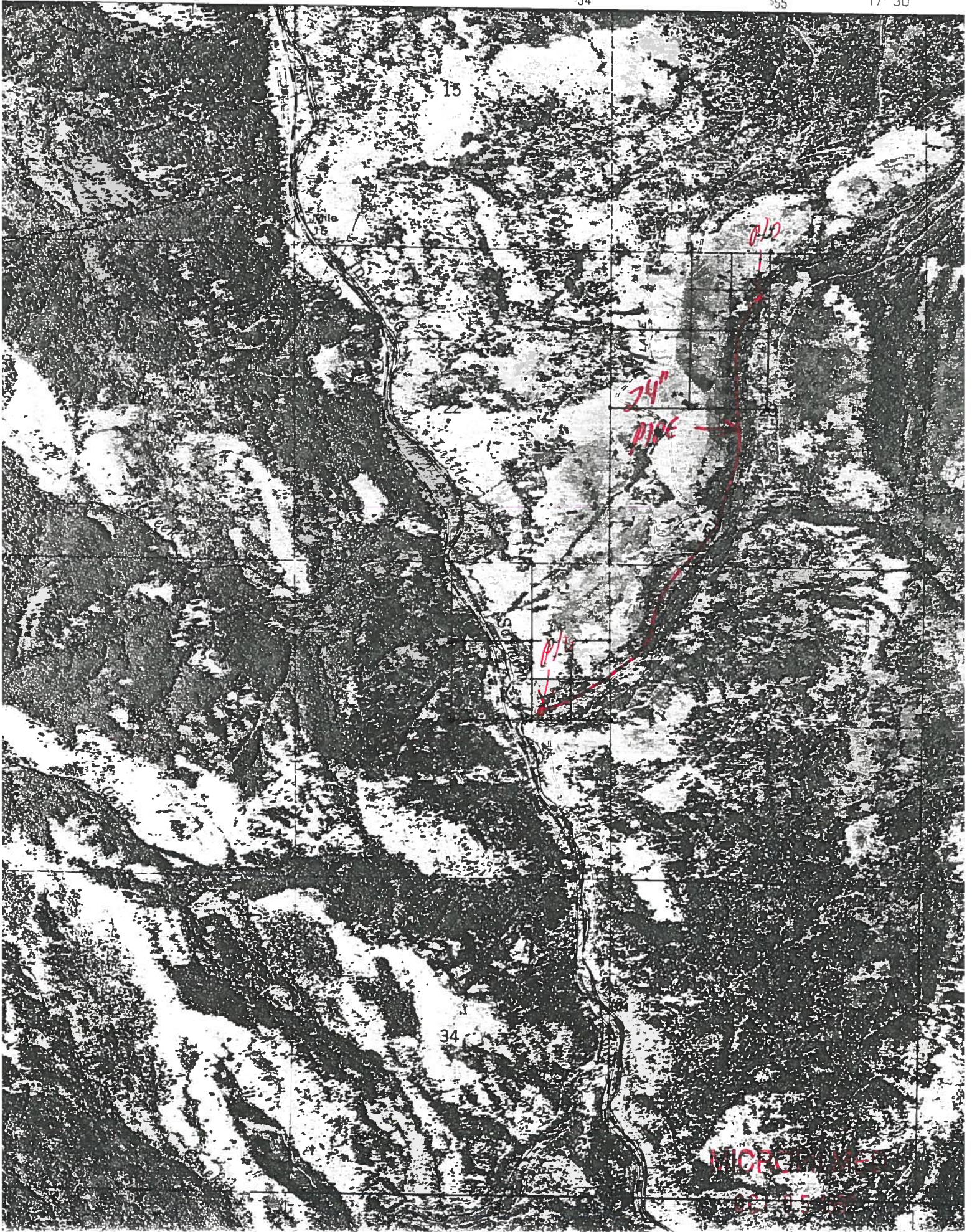
20'

53

54

55

17' 30"



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ON 11-15-85

# Elk Creek Hydropower Plant

|                                         |            |                | <u>KW Provided*</u> |
|-----------------------------------------|------------|----------------|---------------------|
| A 78-07150 B                            | 6/23/1980  | 7.72 cfs       | 696 kw              |
| A 78- <sup>07154</sup> <del>07154</del> | 7/28/1980  | 10.0 cfs       | 902 kw              |
| A 78-07188                              | 10/29/1981 | <u>8.0 cfs</u> | <u>722 kw</u>       |
|                                         |            | 25.72 cfs      | 2320 kw             |

These three water rights combine to produce a total KW output capacity of ~~2320~~ 2320 KW.

Assume that each cfs of flow produces the same KW output.

$$\therefore \frac{2320 \text{ KW}}{25.72 \text{ cfs}} \Rightarrow * 90.202 \text{ KW/cfs}$$

Prepared by Linda Werner &  
Dave Tutthill  
7/26/88

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OCT 05 1992

# Sithe Energies, Inc.

A Member of the Sithe/Energies Group

Hydro Operations

West Valley Business Center  
9466 Fairview Avenue  
Boise, Idaho 83704

Telephone (208) 375-1106  
Fax (208) 375-1125

*178-07154  
✓ 07188  
✓ 07150B*

RECEIVED

MAY 26 1993

Department of Water Resources

May 21, 1993

IDAHO DEPARTMENT OF WATER RESOURCES  
1301 N. Orchard  
Boise, ID 83702

Reference: El Dorado Hydro  
Account No. W000001 ✓

Subject: Change of Address for Billing and Correspondence

Please let this letter serve to advise you that the administrative portion of our Boise office will be relocating to Pennsylvania. Please begin sending all billing and correspondence to the address below as of June 1, 1993. Thank you for your cooperation.

Janice Padgett  
Sithe Energies, Inc.  
420 Third Avenue  
Ford City, PA 16226

(412) 763-9038  
(412) 763-9068 FAX

Sincerely,

SITHE ENERGIES, INC.

*Janice Padgett*

Janice Padgett  
Administrative Assistant - Hydro

DEPWATR.M26

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AUG 08 1994