

06/16/2005

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY 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

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: 8.000 CFS
4,427.200 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: 10/29/1981

POINT OF DIVERSION:

T22N R01E S23 SENENW Within IDAHO County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
POWER

PERIOD OF USE
01/01 12/31

QUANTITY
8.000 CFS
4,427.20 AFY

PLACE OF USE: POWER Within IDAHO County
T22N R01E S27 SENE

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

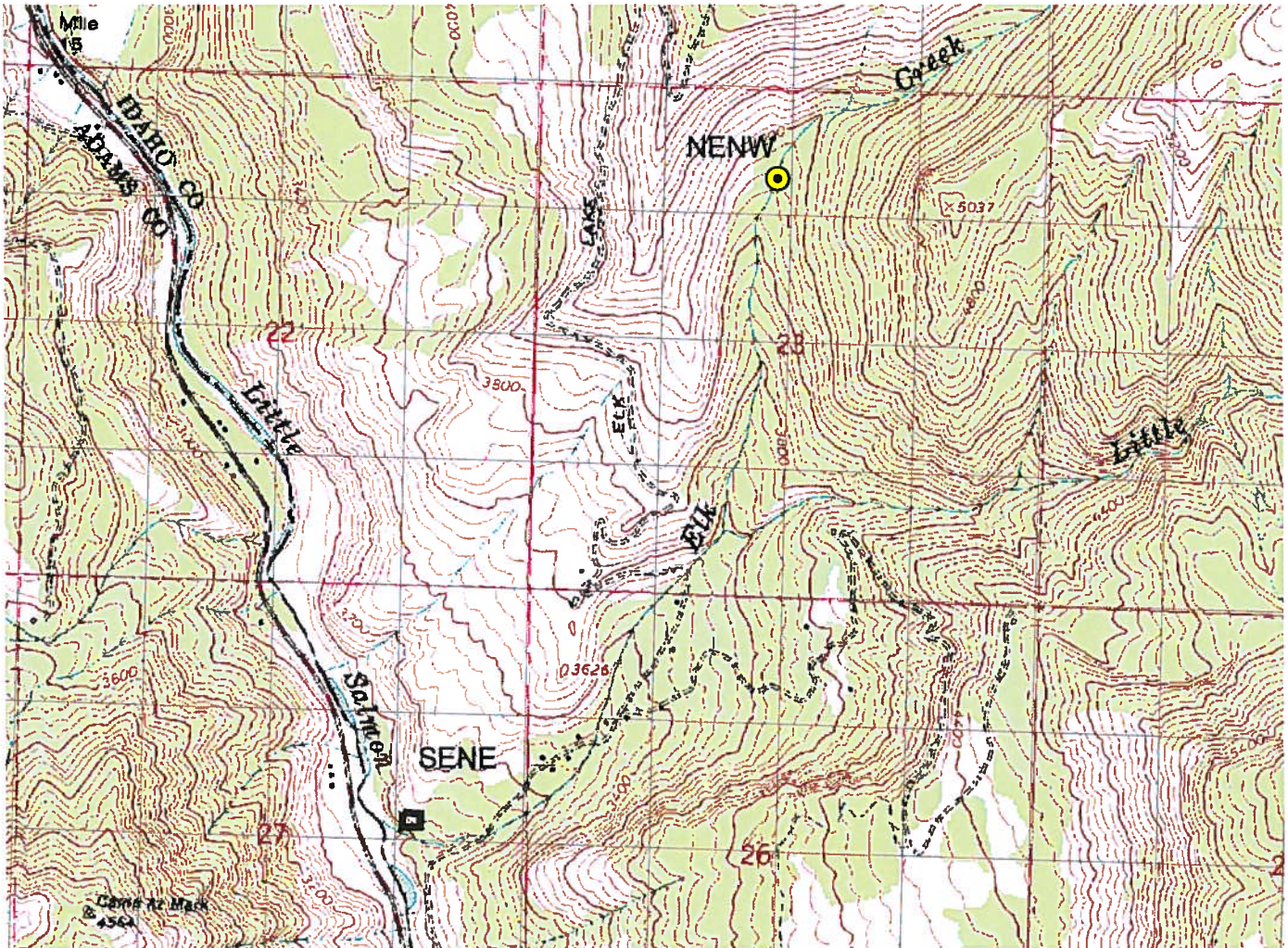
The same system is currently used under 78-07150B & 07154.

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.

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: License

78-7188



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: **A78-07188**
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
FORD CITY PA 16226

2. Date of Priority: OCT 29, 1981

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	8.000		

7. Total Quantity Appropriated is:
8.000 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 722.0 KILOWATTS

10. Place of Use:

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

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AUG 08 1994

11. Place of use in counties: IDAHO

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

13. Other Water Rights Used:
78-07150B & 07154.

14. Remarks:

THE SAME SYSTEM IS CURRENTLY USED UNDER 78-07150B & 07154.
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 78-07154 WAS COMPUTED USING THE PRO-RATA FLOW
PROVIDED BY THIS WATER RIGHT (722 KW FOR THIS WATER RIGHT AS PER
THE ATTACHED COMPUTATION SHEET).

15. Basis of Claim: PERMIT

Water Right Number: 07188

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: A78-07188
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: OCT 29, 1981

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

4. Point of Diversion:

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

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10. Place of Use:

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

A78-07188

Page 1

Date: 07/26/88

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OCT 05 1992

11. Place of use in counties: IDAHO

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

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78-07150B & 07154.

14. Remarks:

THE SAME SYSTEM IS CURRENTLY USED UNDER 78-07150B & 07154.

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15. Basis of Claim: PERMIT
Water Right Number: 07188

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: 2

For Organizations:

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

Sherry R. Diller
Signature of Authorized Agent
Operations Manager
Seche Energies/PC Dorado Hydro
Title and Organization
July 26, 1988
Date

State of Idaho)
County of Ada) SS.

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

Nancy M. Lindgren
Notary Public

Seal

Residing at Boise
My Commission Expires 1-19-1994

A78-07188

52

20'

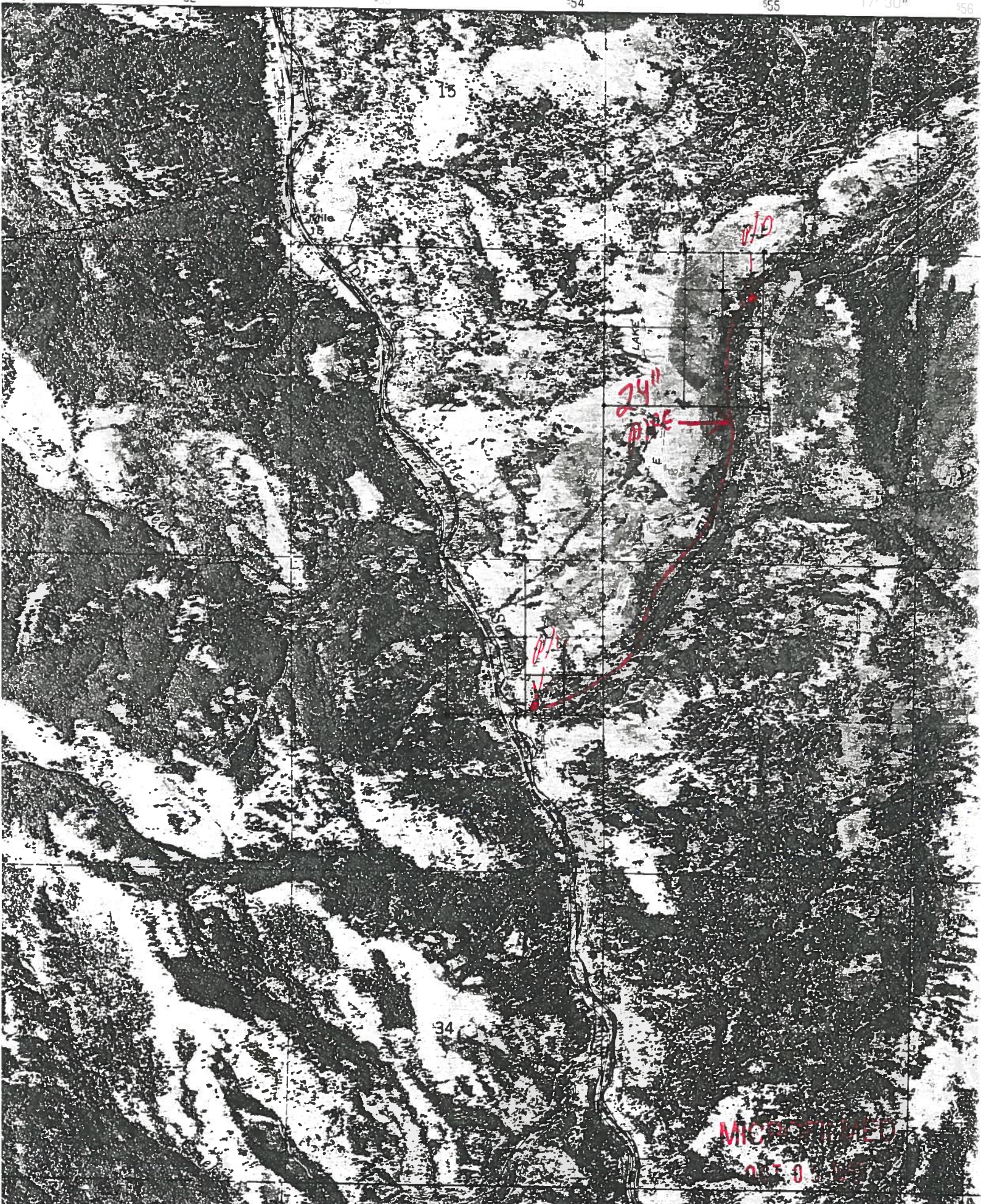
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17' 30"

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Elk Creek Hydropower Plant

			<u>KW Provided*</u>
A 78-07150 B	6/23/1980	7.72 cfs	696 kw
A 78- ⁰⁷¹⁵⁴ ~~07154~~	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 Tuthill

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

A78-07154
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
Administrative Assistant - Hydro

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AUG 08 1994