

State of Idaho
Department of Water Resources
Water Right License
Water Right No. 37-21297

Priority: April 22, 2004

Maximum Diversion Rate: 500.00 CFS
Maximum Diversion Volume: 196,191.0 AF

It is hereby certified that:

WILLIAM ARKOOSH
2005 US HWY 26
GOODING ID 83330

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated April 22, 2004, and has submitted Proof of Beneficial Use on January 12, 2017. An examination confirms water is diverted from:

Source : LITTLE WOOD RIVER

Tributary: MALAD RIVER

Beneficial Use

POWER

Period of Use

01/01 to 12/31

Rate of Diversion

500.00 CFS

Annual Volume

196,191.0 AF

Location of Point(s) of Diversion

LITTLE WOOD RIVER NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 26, Twp 05S, Rge 16E, B.M. LINCOLN County

Place of Use: POWER

Twp	Rng	Sec	NE				NW				SW				SE				No QQ	Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
05S	16E	26								X										

Conditions of Approval

1. 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.
2. The term of this water right shall run concurrently with the Little Wood River Ranch II Hydropower Project No. 14154 license issued by the Federal Energy Regulatory Commission (FERC), which expires on April 16, 2063. The term shall automatically extend to run concurrently with any annual renewals of the project's FERC license. Prior to the issuance of a subsequent or new FERC license for the project, the Director may review the water right license and may issue an order canceling all or any part of the use, establishing a new term, or revising, adding or deleting conditions under which the water right may be exercised. The order shall take effect on the date the current term, as may be extended through annual renewals, expires. If the Director does not issue such an order, the term shall automatically extend to a length equal to the project's subsequent or new FERC license and any prior conditions on the water right license shall remain in effect.
3. This right does not constitute Idaho Public Utilities Commission or Federal Energy Regulatory Commission approval that may be required.
4. Use of water under this right shall be non-consumptive.

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5. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.
6. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
7. The right holder shall install and maintain standard meters and data loggers to measure and record the amount of electric energy generated by the project works. The right holder shall also rate the turbine output in kilowatts compared to flow in a manner acceptable to the Department and the watermaster and shall report monthly kilowatt output and other information as directed by the Department and/or watermaster.
8. The right holder shall operate in run-of-river mode only and shall act to minimize the fluctuation of streamflow immediately downstream of the location where water is discharged into the Little Wood River. The director retains jurisdiction to order changes in the operation of the system, up to and including equipment modifications and/or the curtailment of diversions, to minimize the impact to downstream water users.
9. The right holder shall maintain an instantaneous minimum bypass flow of the following amounts in the Little Wood River past the point of diversion and the point of return flow for this right.

January	13 cfs
February	13 cfs
March	13 cfs
April	42 cfs
May	55 cfs
June	48 cfs
July	35 cfs
August	36 cfs
September	36 cfs
October	13 cfs
November	13 cfs
December	13 cfs

During any year when the Surface Water Supply Index (SWSI) published by the United States Department of Agriculture, Natural Resources Conservation Service, indicates as of April 1 that the flows in the Little Wood River are likely to be below average (a negative SWSI number), the required minimum bypass flow during the months of April through September is 13 cfs. During state-declared drought emergency conditions the right holder can request from Idaho Department of Fish and Game (IDFG) that the required instantaneous minimum flow be reduced to no less than 10 cfs. The right holder must obtain written permission from Idaho Department of Fish and Game before an instantaneous minimum flow of no less than 10 cfs is authorized. Within 10 days of receiving the written correspondence from Idaho Department of Fish and Game, the right holder shall file it with the Department and the water district.

Should the USDA cease to publish the SWSI for the Little Wood River, the right holder shall establish an alternative method for determining when flows in the Little Wood River are likely to be below average. The alternative method shall be subject to the approval of the Department.

The bypass flow may be temporarily modified if required by operating emergencies beyond the control of the right holder, and for short periods upon agreement between the right holder, IDFG, Idaho Department of Environmental Quality, the U S Fish and Wildlife Service, and Idaho Department of Water Resources.

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10. The right holder shall maintain a means of measurement acceptable to the Department for measuring the flow in the Little Wood River to ensure the bypass flow required by this right. The measuring device(s) shall be available for inspection by the Department, the watermaster, and/or Idaho Department of Fish and Game officials at all times. The right holder shall pay the cost of maintaining the measuring device(s) or other means of measurement.
11. The right holder shall report daily average bypass flows for the prior calendar year to the watermaster by January 15 each year. The Department reserves jurisdiction to require reporting on a more frequent basis, not to exceed four reports annually.
12. Power generation is at the Little Wood River Ranch II Power Plant.
13. This right does not grant any right-of-way or easement across the land of another.
14. This right is for the use of trust water, and it is subject to review 5 years after its initial approval (date of permit approval) to re-evaluate the availability of trust water for the authorized use and to re-evaluate the public interest criteria for reallocating trust water.
15. Administration of this right to satisfy the minimum stream flow water rights in the Snake River at Murphy Gage shall not be required because use of water pursuant to this right is either non-consumptive or the right holder is required to provide ongoing mitigation to offset the depletion of water resulting from the use of this right.

This license is issued pursuant to the provisions of Idaho Code § 42-219. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed this 13th day of July, 2020.



COREY SKINNER
Southern Regional Manager

State of Idaho
Department of Water Resources
Attachment to Water Right License
37-21297

This map depicts the POWER place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters

0 0.075 0.15 0.3 Miles





State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 ADDISON AVE W STE 500 • TWIN FALLS, ID 83301-5858
Phone: (208)736-3033 • Fax: (208)736-3037 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

July 14, 2020

WILLIAM ARKOOSH
2005 US HWY 26
GOODING ID 83330

RE: License No. 37-21297

Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources ("Department") has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review all the conditions of approval listed on your license. The conditions may include ongoing requirements, such as maintenance of a measuring device or implementation of mitigation, as well as information about how your water use may be administered, such as regulation by a watermaster in a water district.

The license is a PRELIMINARY ORDER issued by the Department pursuant to Rule 730 of the Department's Rules of Procedure (IDAPA 37.01.01.730). It can and will become a final order without further action by the Department unless a party petitions for reconsideration, files exceptions, or requests a hearing as described in the enclosed information sheet.

Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Water right forms are available from any office of the Department or on the Department's website at idwr.idaho.gov

If you have any questions concerning the enclosed information, please contact me at (208) 736-3033.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Corey Skinner'.

Corey Skinner
Southern Regional Manager

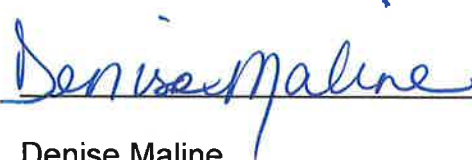
Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on July 14, 2020, I served a true and correct copy of Water Right License No. 37-21297 by U.S. Mail, postage prepaid, to the following:

WILLIAM ARKOOSH (Current Owner)
2005 US HWY 26
GOODING ID 83330

WATER DISTRICT #37
KEVIN D LAKEY (Watermaster)
107 W 1ST
SHOSHONE ID 83352



Denise Maline
Administrative Assistant 1

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

Richman, Michelle

From: BILL ARKOOSH <tunupabill@msn.com>
Sent: Friday, July 10, 2020 9:16 PM
To: Richman, Michelle
Subject: Re: Representative listed on your License

Please drop him.
Thank you
Bill Arkoosh

Sent from my iPhone

On Jul 9, 2020, at 10:18 AM, Richman, Michelle <Michelle.Richman@idwr.idaho.gov> wrote:

Bill,

We will soon be licensing permit 37-21297. The following representative is included on your permit. Would you like for IDWR to keep the representative on your license, or would prefer we drop the representative from the license?

Representative	GEOSENSE C/O NICHOLAS JOSTEN 2742 SAINT CHARLES AVE IDAHO FALLS, ID 83404
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Please advise.

Thank you,
Michelle