

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 01-07084B

Priority: December 3, 1984

Maximum Diversion Rate: 3200.00 CFS

Maximum Diversion Volume: 1742400.0 AF

This is to certify, that SE HAZELTON A LP
135 E 57TH ST FLOOR 23

NEW YORK NY 10022 has complied with the terms and conditions
of the permit, issued pursuant to Application for Permit dated December 3, 1984; and
has submitted Proof of Beneficial Use on October 1, 1992. An examination indicates
that the works have a diversion capacity of 3208.000 cfs of water from:

SNAKE RIVER

tributary to COLUMBIA RIVER

source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
POWER	03/01 to 11/30	3200.00 CFS	1742400.0 AF

LOCATION OF POINT(S) OF DIVERSION: Lot 5(SWNW), Sec. 28, Township 10S, Range 21E
TWIN FALLS County

PLACE OF USE: POWER

TWN RGE SEC

10S 20E 1

SWNW

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Use of water under this right shall be non-consumptive.
6. This right does not constitute Idaho Public Utilities Commission or Federal Energy Regulatory Commission approval that may be required.

MICROFILMED

OCT 29 1997

State of Idaho
Department of Water Resources

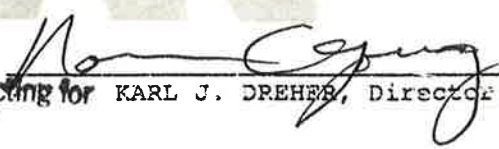
WATER RIGHT LICENSE

WATER RIGHT NO. 01-07084B

CONDITIONS OF APPROVAL AND REMARKS

7. 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.
8. Use of water under this water right will be regulated by the watermaster of State Water District No. 01.
9. Water diverted outside of the normal irrigation season can only be diverted at such times as there are sufficient flows in the Snake River to satisfy Idaho Power Company's water rights at its Twin Falls and Shoshone Falls hydropower plants, and any other water rights that have an earlier priority than this water right.
10. The diversion and use of water for hydropower purposes under this license is subject to review by the Director on or after January 18, 2008. 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.
11. The combined diversion of water under this right for the Hazelton A Project and Right 01-07084C for the Hazelton B Project is limited to 3200.0 cfs in combination with the water rights of the North Side Canal Co. delivered through the power facilities for irrigation purposes.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 15TH
day of July, 1997.


Acting for KARL J. DREHER, Director

MICROFILMED

OCT 29 1997

State of Idaho
Department of Water Resources

RECEIVED
NOV 20 1991

ASSIGNMENT OF PERMIT

Department of Water Resources

I, North Side Canal Co., Ltd., hereby assign to SE Hazelton A, L.P.

of 135 East 57th Street, New York, New York 10022
Address

All my right, title, and interest in and to Permit No. 01-7084B
to appropriate the public waters of the State of Idaho.

The following described portion of my right, title, and interest in and
to Permit No. 01-7084B to appropriate the public waters of the
State of Idaho.

(Describe that portion of the permit being assigned by listing the acreage
within each 40 acre subdivision, the point of diversion and the amount of
water in cubic feet per second for direct diversion, or acre feet for storage)

Assigned in full.

Made this 26th day of July, 19 89.

NORTH SIDE CANAL COMPANY, LTD.

BY: Russell Woolley
Permit Holder PRESIDENT

Spouse of Permit Holder

State of Idaho)
County of Jerome) SS

On this 26th day of July, 19 89, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged
to me that he (she) (they) executed the same.

s e a l

John A. Rosholt
JOHN A. ROSHOLT
Notary Public residing at
TWIN FALLS, IDAHO

My commission expires:
1991

OCT 22 1992

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

For Office Use Only
\$15 FEE Received by det
Date 10/24/91
Receipt # 1500 3810

REQUEST FOR EXTENSION OF TIME

RECEIVED

To provide additional time in which to submit proof
of beneficial use for a water right permit

OCT 24 1991

Department of Water Resources

Southern Region Office

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time in which to complete development of a water right under the provisions of Section 42-204, Idaho Code.

Permit No. 01-07084B

Name(s) of Permit Holder: NORTH SIDE CANAL CO. LTD.

Post Office Address: 921 N. LINCOLN JEROME, ID 83338

Telephone No. 208-324-2319

Date Proof is Due: 7/1/1991

Describe what work has been completed toward the development of this water right:
(This must be filled out! If no work has been completed, show "none".)

ALL FACILITIES ARE COMPLETE (SEE LETTER BY C.E. BROCKWAY)

Costing \$

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

SEE LETTER BY C.E. BROCKWAY

Permit holder(s) request an extension to SEPT. 30, 1992.
(1 yr. minimum)

North Side Canal 4 Ted De
(Signature)*

FEE: \$15.00

*IF OTHER THAN PERMIT HOLDER,
POWER OF ATTORNEY MUST BE SUPPLIED.

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be APPROVED and the time within which to submit proof of beneficial use is extended to October 1, 1992.

Signed this 13th day of November, 19 91.

A. M. Saylor
Chief, Water Allocation Bureau

OCT 22 1992

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 01-07084B

Proposed Priority: December 3, 1984 Amount: 3200.00 CFS

This is to certify, that **NORTH SIDE CANAL CO. LTD.**
921 N. LINCOLN AVE.
JEROME, ID 83338

has applied for a permit to appropriate water from:

SNAKE RIVER tributary of **COLUMBIA RIVER**

and a permit is **APPROVED** for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
POWER	01/01 to 12/31	3200.00 CFS

LOCATION OF POINT(S) OF DIVERSION:

NESW Sec. 1, Township 10S, Range 20E
SWNW Sec. 28, Township 10S, Range 21E
TWIN FALLS County

PLACE OF USE: POWER

TWN RGE SEC

10S 20E 1 SENW

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **July 1, 1991.**
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. Use of water under this permit shall be non-consumptive.
5. A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works.
6. This permit is subject to the provisions of Sections 42-205 through 42-210, Idaho Code, restricting the sale, transfer, assignment, or mortgage of this permit. Failure to comply with these provisions is cause for immediate cancellation of this permit.
7. The water right acquired under this permit 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 permit and shall not give rise to any right or claim against future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.

OCT 22 1992

State of Idaho
Department of Water Resources**Permit To Appropriate Water**

NO. 01-07084B

CONDITIONS/REMARKS:

8. Prior to placing water to beneficial use under this permit, the permit holder must determine the rate of loss within his facilities using a procedure approved by the Director of the Department of Water Resources, and provide a source of augmentation water to mitigate all losses.
9. Use of water under this permit is subject to control by the watermaster of State Water District No. 01.
10. Water diverted outside of the normal irrigation season can only be diverted at such times as there are sufficient flows in the Snake River to satisfy Idaho Power Company's water rights at its Twin Falls and Shoshone Falls hydropower plants, and any other water rights that have an earlier priority than this water right.
This permit authorizes the construction of the Hazelton "A" project, located in the NW1/4, Sec. 1, T10S, R20E, B.M.
11. This permit and any subsequent license shall be subject to review and possible amendment, modification, or cancellation, by the Director of the Dept. of Water Resources 20 years from the date power is first generated at the power plant.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this

8th day of June, 1989

Acting for


R. Keith Higginson, Director

MICROFILMED

OCT 22 1992

RECEIVED

OCT 20 1992

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

OFFICE USE ONLY

Amt. of Fee \$

Date

Receipt No.

Receipt by

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 01-07084B Telephone No. (212)755-7600 (NY)
(208)375-1106 (Boise)
2. Name(s) of Permit Holder(s): SE Hazelton A, L.P.
3. Mailing Address: 135 East 57th Street, New York, New York 10022
4. Source of Water: Snake River

If GROUNDWATER, Well Driller's Name: _____ Date Drilled: _____

OPTIONAL:

Pump horsepower: _____ Pressure (psi): _____ Dynamic pumping level (ft.): _____

5. Extent of Use (as authorized by the permit):

Domestic _____ (No. of households) Stockwater _____ (No. and type of stock)

Irrigation _____ (No. of acres) Other _____ power _____

6. Total rate and/or volume for which proof is submitted 3200 cfs OR _____ acre/feet

7. Refer to the approval conditions on your permit and respond accordingly:

Measuring device: Required? ☒ Yes ☐ No Installed? ☒ Yes ☐ No This condition is satisfied by the North Side
OR
Flow Measurement Port: Required? ☐ Yes ☒ No Installed? ☐ Yes ☐ No Canal Co. measuring devices.

8. Fee Enclosed: \$ _____ (See License Fee Schedule on back of Instruction Sheet)

9. Person to contact to accompany the Department representative during field examination of the water system.

Name _____ Telephone No. _____

Address _____

10. The above information is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the state of Idaho.

Sept 30, 92
Date

GLENN GAYDAR - GENERAL MANAGER - HYDRO
Signature (and title, if on behalf of a company or organization)



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

September 9, 2004

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

CHI MOUNTAIN STATES OPERATIONS INC
KEVIN M WEBB
ONE TECH DRIVE STE 220
ANDOVER MA 01810

RE: Change in Ownership for Water Right 1-7084B

Dear Mr. Webb:

The Department of Water Resources acknowledges receipt of your correspondence regarding a change in ownership of the above referenced water right. Our review of your notice indicates that additional information is required before we can process the change. The information required is indicated below:

☒ **Filing Fee** of \$25 per water right

☒ **Evidence of Water Right Ownership:** copy of Deed, Title Policy, Contract of Sale, or other legal document indicating your ownership of the property and/or water rights in question

☒ **Legal Description of Property**

Effective July 1, 2000, the legislature enacted House Bill No. 545 requiring a filing fee for a change in water right ownership. The fee is \$25 per water right, except for ownership changes resulting in the division of a water right, which is \$100 per water right. We have determined that the filing fee for your notice will be \$25.00.

Because the Department cannot process the ownership change without proper documentation or fees, we will hold any action on your notice pending receipt of the necessary information and fees. I have enclosed a Notice of Change in Water Right Ownership form and ask that you complete and return it with the required documentation and fee.

Please note that water right owners are required to report any change in 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. Contact any office of the Department or visit the Department's homepage (<http://www.idwr.state.id.us>) on the Internet to obtain the proper forms and instructions.

If you have any questions regarding this matter, please call me at 208-327-7941.

Sincerely,

Kari Lynn Townsend
Secretary

KLT:k

Enclosures



Energy in tune with you.

CHI MOUNTAIN STATES OPERATIONS, INC.
A SUBSIDIARY OF ENEL NORTH AMERICA, INC.

Enel North America, Inc.

One Tech Drive, Suite 220, Andover, MA 01810
Tel. 978 681 1900 Fax 978 681 7727

RECEIVED

AUG 30 2004

DEPARTMENT OF
WATER RESOURCES

August 25, 2004

Idaho Department of Water Resources
1301 North Orchard St.
Boise, ID 83706

Re: Hazelton A Hydroelectric Project (Water License No. 01-07084B);
Notification of change of primary contact.

Dear Sir or Madam:

Please take notice that effective immediately, all communications regarding the above-referenced Water Rights License, held by SE Hazelton A, L.P., should be addressed to:

Victor A. Engel, P.E.
Vice President of Engineering and Regulatory Affairs
CHI Mountain States Operations, Inc.
One Tech Drive, Suite 220
Andover, MA 01810
Telephone: (978) 681-1900 ext. 811
Fax: (978) 681-7727
email: victor.engel@northamerica.enel.it

A copy of any correspondence should also be sent to our Regional Operations Supervisor:

Dale Higbee
Regional Operations Supervisor
CHI Mountain States Operations, Inc.
2283 Wright Avenue, Suite D
Twin Falls, ID 83301
Telephone: (208) 734-0551
Fax: (208) 734-0553
email: chimso@pmt.org

Thank you for your assistance in this matter. Please do not hesitate to contact me at (978) 681-1900 ext. 809 if you have any questions concerning this information.

Sincerely,
CHI Mountain States Operations, Inc.



Kevin M. Webb
Environmental Affairs Coordinator

cc: V. Engel, CHIMSO
D. Higbee, CHIMSO

C:\Documents and Settings\Kwebb\My Documents\Projects\Bypass\BYP water rights COA.doc

Sithe Energies, Inc.

A Member of the Sithe Energies Group

RECEIVED

AUG 25 1997

Department of Water Resources

August 21, 1997

KariLynn Townsend
Department of Water Resources
1301 North Orchard
Boise, Idaho 83706

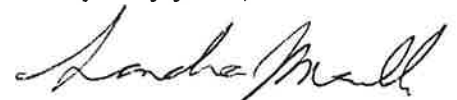
Dear Ms. Townsend:

Confirming our conversation this morning, please be advised that the current mailing address for S.E. Hazelton is:

450 Lexington Avenue
37th Floor
New York, NY 10017
Telephone: 212-450-9000

You may also wish to check your records for El Dorado Hydro and Bypass, Ltd., which are also located at this address.

Very truly yours,



Sandra J. Manilla
Treasurer

WR#s 01-07084B
01-07010B
28-07150B
78-07154
78-07188
78-07254

} all files updated
for address correction

DN WR 2.

8.26.97

Kari Lynn

MICROFILMED
OCT 29 1997

450 Lexington Avenue
New York, New York 10017
(212) 450-9000 telephone
(212) 450-9005 fax

8.21.97
Per Sandra Manilla
212-450-9061

450 Lexington Ave 37th Floor
NY NY 10017

MICROFILMED
OCT 29 1997

at Jg the Energies Inc.

IDAHO DEPARTMENT OF WATER RESOURCES
1301 N. Orchard St.
P.O. Box 83720
Boise, ID 83720-0098
(208) 327-7900

To 01-07084B

SE HAZELTON A LP
135 E 57TH ST FLOOR 23
NEW YORK NY 10022

ATTEMPTED, NOT KNOWN

RETURNED TO SENDER



RECEIVED
AUG 15 1997
Department of Water Resources

not 135



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. BOX 83720, Boise, Idaho 83720-0098
Phone: (208) 327-7900 FAX: (208) 327-7866

July 15, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

SE HAZELTON A LP
135 E 57TH ST FLOOR 23
NEW YORK NY 10022

RE: WATER RIGHT NO. 01-07084B

Dear Water Right Holder(s):

The Department of Water Resources (the Department) has issued the enclosed license confirming that a water right has been established in accordance with the permit referenced above. The license 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 unless a party petitions for reconsideration or files an exception and/or brief 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. 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 twenty-one (21) 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. Otherwise, this preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to this preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

MICROFILMED

OCT 29 1997

ORAL ARGUMENT

If the Department grants a petition to review the preliminary order, the Department 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 Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department 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 Department in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Department 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 Department 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 issuance 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.

Sincerely,

A handwritten signature in cursive script, appearing to read "Shelley W. Keen".

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosure

CERTIFICATE OF MAILING

I hereby certify that on the 15th day of July, 1997, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved License) to the person(s) listed below:

Water Right No. 01-07084B

SE HAZELTON A LP
135 E 57TH ST FLOOR 23
NEW YORK NY 10022


Kari Lynh Townsend
Secretary

MICROFILMED
OCT 29 1997

WR0749NP
No. L01-07084B

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 06/06/97
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	SE HAZELTON A LP 135 E 57TH ST FLOOR 23 NEW YORK NY 10022	12/03/1984	POWER	03/01 11/30	3200.000 CFS	1742400.00 AFA
TOTAL DIVERSION:					3200.000 CFS	1742400.00 AFA

Water Source: SNAKE RIVER

Tributary to: COLUMBIA RIVER

Stage: LICENSE

Point(s) of Diversion Capacity: 3208.000 CFS

Point(s) of Diversion: T10S R21E S28 Lot 05(SWNW)

TWIN FALLS County

Place of use Legal Description for: POWER

NE				NW				SW				SE																			
NENE		NWNE		SWNE		SENE		NENW		NWNW		SWNW		SENW		NESW		NWSW		SWSW		SESW		NESE		NWSE		SWSE		SESE	
T	R	S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
10S	20E	1	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	

Pou County: TWIN FALLS

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):

01-00005	01-00016	01-00023	01-02015	01-07010B	01-07010C	01-07011	01-07054	01-07084B	01-07123
01-07124	37-07891	L01-07010B	L01-07084C						

Conditions of Approval:

- 027 - Use of water under this right shall be non-consumptive.
- 025 - This right does not constitute Idaho Public Utilities Commission or Federal Energy Regulatory Commission approval that may be required.
- R22 - 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.
- R04 - Use of water under this water right will be regulated by the watermaster of State Water District No. 01.

Remarks:

Water diverted outside of the normal irrigation season can only be diverted at such times as there are sufficient flows in the Snake River to satisfy Idaho Power Company's water rights at its Twin Falls and Shoshone Falls hydropower plants, and any other water rights that have an earlier priority than 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

Remarks:

January 18, 2008. 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.

The combined diversion of water under this right for the Hazelton A Project and Right 01-07084C for the Hazelton B Project is limited to 3200.0 cfs.

Water used for power production purposes under this right is also used for irrigation purposes under the water rights of the North Side Canal Co.

Dates:

App. Received: 12/03/1984 Priority Date: 12/03/1984
Proof Due Date: 10/01/1992 Proof Made Date: 10/01/1992
Exam Made Date: 06/22/1992 Exam Sent to S.O.: 09/29/1992
Licensed Date:

Misc:

Water District Number: 01 Field Exam Fee: N (Not Required)

Comments:

Date: 11/01/1991 User-ID: SKAGGS Subject: LAPSED NOTICE
LAPSED LATE 10-25-91/F & D REVIEW IN JANUARY 92

Audit:

05/14/97 SCURTIS 05/15/97 SCURTIS 05/16/97 SCURTIS 05/19/97 SCURTIS
06/02/97 SCURTIS 06/05/97 SCURTIS

MEMORANDUM

TO: Files 01-07084B & C

FROM: Sharla

DATE: June 2, 1997

RE: Season of Use and Annual Volume

Flow of water through the power facilities occurs mainly during the irrigation season. A condition was placed on the permit relative to diverting water outside of the normal irrigation season. In a telephone conversation on this date, Cindy Bird spoke with Sherry (Project Coordinator with Ida-West for Hazelton/Wilson Joint Venture) and she confirmed that water is diverted sometimes as early as March 1 and no later than the first of December. This information coincides with data located in the map and exhibit files. Flow information for the Northside Canal Co. project shows diversions as early as March 15 and as late as December 1. The power purchase agreements refer to "three seasons", with one season being December through February and no diversions are shown as taking place in this season.

The season of use to be shown on the licenses, therefore, is March 1 through November 30. The annual volume has been calculated accordingly.

The condition regarding diversions outside the normal irrigation season will be retained and a condition will be used to limit the flow to 3200.0 under both projects combined along with the irrigation rights flowing through the power facilities onto Northside Canal Co. lands.

MICROFILMED

OCT 29 1997

TO: File

DATE: August 11, 1995

FROM: Jim Stanton

SUBJECT: Permit 01-07084B

Per telecon with Glen Gaydar this date, the owner of this facility is Sithe Energies, 450 Lexington Ave., 37th Floor, New York, NY, 10017. Telephone 212-450-9041. If this differs from what is recorded in the file, please take appropriate action. Thanks.

RECEIVED

AUG 14 1995

Department of Water Resources

MICROFILMED

OCT 29 1997

DAVIS WRIGHT TREMAINE

LAW OFFICES

702 WEST IDAHO STREET • SUITE 700 • BOISE, IDAHO 83702
(208) 338-8200

RECEIVED

OCT 28 1992

Department of Water Resources

JOSEPHINE BEEMAN
(208) 338-8233

October 27, 1992

Mr. Glenn Gaydar
General Manager, Hydro Division
Sithe Energies USA, Inc.
135 East 57th Street, Floor 23
New York, New York 10022

Re: Hazelton A Water Right Permit 01-7084B

Dear Glenn:

I am enclosing correspondence from the Idaho Department of Water Resources (IDWR) acknowledging the filing of Proof of Beneficial Use for the Hazelton A Hydropower Water Right. This "Proof Acknowledgment" Letter states that IDWR will conduct a field exam, but Karen Gustafson who sent the letter confirmed that this language will not apply to Hazelton A since Chuck Brockway has already submitted a field exam for licensing of the water right.

The Proof of Acknowledgement Letter would have come to you directly but was returned to IDWR after having been sent to the following address:

SE HAZELTON A LP
135 E. 57th Street
New York, New York 10022

By copy of this letter I am notifying IDWR that the address they have is correct but should have "Floor 23" added to the street address so that it reads as follows:

SE HAZELTON A LP
135 E. 57th Street, Floor 23
New York, New York 10022

data entry completed 11/2/92

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OCT 29 1992

Fax: (208) 338-8299

Mr. Glenn Gaydar
October 27, 1992
Page 2

I will be happy to answer any questions you may have.

Sincerely yours,

DAVIS WRIGHT TREMAINE


Josephine P. Beeman

JPB:ma
Enclosure

cc: Ms. Karen L. Gustafson, IDWR

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OCT 29 1997

DAVIS WRIGHT TREMAINE

LAW OFFICES

702 WEST IDAHO STREET • SUITE 700 • BOISE, IDAHO 83702
(208) 338-8200

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OCT 20 1992

JOSEPHINE BEEMAN
(208) 338-8233

of Water Resources

October 19, 1992

Mr. L. Glen Saxton
Chief of Water Allocation Bureau
Idaho Department of Water Resources
1301 North Orchard
Boise, Idaho 83706

Re: Hazelton A Hydropower Permit (01-07084B)
Proof of Beneficial Use

Dear Glen:

I am enclosing the original of the Proof of Beneficial Use form to replace the facsimile copy filed on October 1, 1992.

Sincerely yours,

DAVIS WRIGHT TREMAINE

Jo Beeman
Josephine P. Beeman

cc: Mr. Glenn Gaydar

851606\00003.LTR
Boise

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OCT 22 1992

Fax: (208) 338-8299

ANCHORAGE, ALASKA • BELLEVUE, WASHINGTON • LOS ANGELES, CALIFORNIA • PORTLAND, OREGON
RICHLAND, WASHINGTON • SEATTLE, WASHINGTON • WASHINGTON, D.C.



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

October 20, 1992

Ms. Josephine Beeman
Davis, Wright, Tremaine
700 West Idaho Suite 700
Boise, ID 83702

Re: Permit No. 01-07084B

Dear Jo:

I am forwarding the enclosed proof acknowledgment letter. The letter was returned as "undeliverable, attempted, not known" by the U.S. Postal Service. Please forward the document to your client.

Please give us a call with the most current address so that we can update our records.

If you have any questions or if I can be of any further assistance, please feel free to contact me.

Sincerely,

Karen L. Gustafson
Karen L. Gustafson
Secretary/Records Manager

Enclosure

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SE HAZELTON A LP
135 E 57TH ST
NEW YORK NY 10022

October 2, 1992

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 01-07084B

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

If you have questions concerning this matter, please feel free to contact the SOUTHERN Regional Office in Twin Falls at (208)736-3033.

Sincerely,

Karen L. Gustafson
Secretary/Records Manager

c: IDWR - Region

REC
OCT 22 1992

Form 217
11/91

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OCT 01 1992

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

OFFICE USE ONLY

Amt. of Fee \$

Date

Receipt No.

Receipt by

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 01-07084B Telephone No. 375-11062. Name(s) of Permit Holder(s): SE Hazelton A. L.P.3. Mailing Address: 135 East 57th Street, New York, New York 100224. Source of Water: Snake River

If GROUNDWATER, Well Driller's Name: _____ Date Drilled: _____

OPTIONAL:

Pump horsepower: _____ Pressure (psi): _____ Dynamic pumping level (ft.): _____

5. Extent of Use (as authorized by the permit):

Domestic _____ (No. of households) Stockwater _____ (No. and type of stock)

Irrigation _____ (No. of acres) Other _____ power _____

3. Total rate and/or volume for which proof is submitted 3200 cfs OR _____ acre/feet

7. Refer to the approval conditions on your permit and respond accordingly:

Measuring device: Required? ☒ Yes ☐ No Installed? ☒ Yes ☐ No This condition is satisfied by the North SideFlow Measurement Port: Required? ☐ Yes ☒ No Installed? ☐ Yes ☐ No Canal Co. measuring devices.

Fee Enclosed: \$ _____ (See License Fee Schedule on back of Instruction Sheet)

Person to contact to accompany the Department representative during field examination of the water system.

Name _____ Telephone No. _____

Address _____

The above information is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the state of Idaho.

OCT 22 1992

Signature (and title, if on behalf of a company or organization)

Glen GAYDAR - GENERAL MANAGER - HYDRO

OCT 30, 92

DAVIS WRIGHT TREMAINE

LAW OFFICES

702 WEST IDAHO STREET • SUITE 700 • BOISE, IDAHO 83702
(208) 338-8200

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Idaho Department of Water Resources

JOSEPHINE BEEMAN

(208) 338-8233

October 1, 1992

L. Glen Saxton
Chief of Water Allocation Bureau
Idaho Department of Water Resources
1301 North Orchard
Boise, Idaho 83706

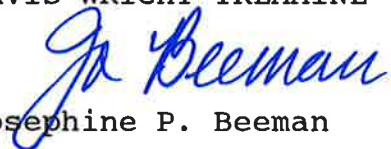
Re: Proof of Beneficial Use, Permit No. 01-07084B

Dear Glen:

On behalf of SE Hazelton A., L.P., we are submitting Proof of Beneficial Use, Permit No. 01-07084B, due October 1, 1992.

Sincerely,

DAVIS WRIGHT TREMAINE


Josephine P. Beeman

JPB:ma
Enclosure

RECORDED

OCT 22 1992

FAX: (208) 338-8299

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RICHLAND, WASHINGTON • SEATTLE, WASHINGTON • WASHINGTON, D.C.



CHARLES
BROCKWAY
ENGINEERING

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SEP 29 1992

Department of Water Resources

September 27, 1992

Mr. Glen Saxton
Idaho Dept. of Water Resources
1301 N. Orchard Street
Boise, Idaho 83706-2237

Subject: Beneficial Use Field Exam Permit No. 01=07084B Hazenton A Power
Plant

Dear Glen:

Enclosed is the completed Form 219, Beneficial Use Field Report, for the Bypass
Hydroelectric Plant on the Northside Canal.

The Exam was conducted on June 22, 1992

Sincerely,

C. E. Brockway, P.E.

cc: Sithe Energies Inc.
Northside Canal Co
Rosholt, Robertson, and Tucker

CHARLES E.
BROCKWAY,
PHD., P.E.

706 SUNRISE
BOULEVARD
NORTH

TWIN FALLS,
IDAHO 83301

208 • 733 • 0938

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

SEP 29 1992

Department of Water Resources

A. GENERAL INFORMATION

- Permit No. 01-0784B
1. Owner: SE Hazelton A, L.P. Phone No. 212-755-7600
Current Address: 135 E 57th Street New York, N.Y. 10022
2. Accompanied by: _____ EXAM. DATE: June 22, 1992
Address: _____ Phone No. _____
Relationship to Permit Holder: _____
3. Source: Snake River tributary to Columbia River

B. OVERLAP REVIEW

1. Other water rights with same place of use: _____
_____ ☐ Copies Attached
2. Other water rights with same point of diversion: See attached list
Northside Canal Co - Irrigation ☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☒ Alternative diagram attached

Scale: 1" = _____

2. ☒ Copy of U.S.G.S. Quadrangle Attached ☐ Aerial Photo Attached
Showing location(s) of point(s) of diversion and (required for irrigation of 10 acres or more).
place(s) of use (required).
☐ Photo of Diversion and System Attached
(required for all but single household domestic groundwater, and stockwater.

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H. REMARKS AND OVERLAP REVIEW ANALYSIS

Hydro plant passes all flow of Northside Canal
Through Turbine-generators. See attached list
of applicable irrigation water rights

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Power	Jan 31	Dec 31	3200 cfs	
Totals:				

2. Recommended Amendments

☐ Change P.D. as reflected above

☐ Add P.D. as reflected above

☐ None

☒ Change P.U. as reflected above

☐ Add P.U. as reflected above

☐ Other

J. AUTHENTICATION

Field Examiner's Name

Charles E. Brockway

Signature

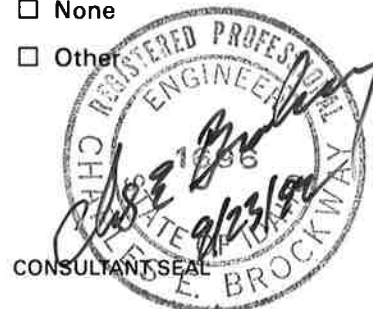
Charles E. Brockway

Certification Date

5/18/88

Field Report Preparation Date

9/23/92



K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.

OCT 22 1992

RECEIVED

SEP 29 1992

Department of Water Resources

WATER RIGHTS EXAMINER'S REPORT-NARRATIVE

Permit No. 01-07084B

Owner: SE Hazelton A, L.P Transferred from Northside Canal Company

Examiner C. E. Brockway P.E.

Dated September 23, 1992

The field examination for beneficial use on Permit No. 01-07084B for the Hazelton A Hydroelectric facility was performed on June 22, 1992.

The water supply for the Hazelton A hydroelectric facility consists of diversions from the Snake River at Milner Dam. Water is diverted through the Milner-Gooding Canal to the Bypass Canal and thence into the Twin Falls Northside Canal at the forebay to the Bypass hydroelectric facility.(see enclosed schematic diagram). The Twin Falls Northside canal diverts from Milner Dam and conveys water through the Bypass hydroelectric project to the Hazelton A project.

Flow through the Hazelton A plant powerhouse continues through the Northside Canal through Wilson Lake and onto the Northside Canal Company project lands.

Inflow to the project is measured by the USGS gage on the Main Canal and through a 50 ft broad-crested weir on the Bypass canal from the Milner-Gooding system. The USGS Gage No 1 is a rated section and is part of the USBR Hydromet network. The most recent discharge check and rating curve shift was June 17, 1992 by Water District No 1 hydrographers. The Bypass broad-crested weir is a concrete structure rated by computer by the University of Idaho and is also on the Hydromet network. Two diversions between the two inflow gages and the Hazelton A powerplant are operated. The C Lateral diverts from the Main Northside canal just upstream of the Bypass Hydropower facility and the B Lateral diverts from the Bypass canal just downstream of the broad-crested weir. The C Lateral measuring station is a rated section maintained by the Northside Canal Company and the B Lateral is an overflow section rated by the Canal Company.

OCT 22 1992

A cableway on the Main Canal between the Bypass Hydropower facility and the Hazelton A facility was formerly used by the Northside Canal for discharge measurement. Because the Hazelton A forbay backwater affects this gaging station, called #2, it was not used for this exam.

A new discharge measuring section was installed in 1991 just downstream of the Hazelton A powerplant by the Northside Canal Company. This station, 2A, was rated by Mr. Evan Merrill, hydrographer for the Canal Company in June 1992. The plotted rating for this station is attached to this report.

The powerplant for the Hazelton A project consists of three (3) turbine-generator units with a combined hydraulic capacity of greater than 3200 cfs.. The forbay maximum water level elevation is maintained by an overflow spillway on the west side of the forebay. The spillway crest for the forebay is elevation 83.35 ft.

Discharge through the three tubines was 3208 cfs as calculated by the inflow minus diversions in the reach (see calculation spreadsheet attached). The estimated discharge at Gaging station 2A determined by extrapolating the measured data by E. Merrill to a gage reading of 47.00 measured at 11:00 am on the day of the exam is 3200 to 3300 cfs. The better estimate is that determined from the inflow-outflow measurements.

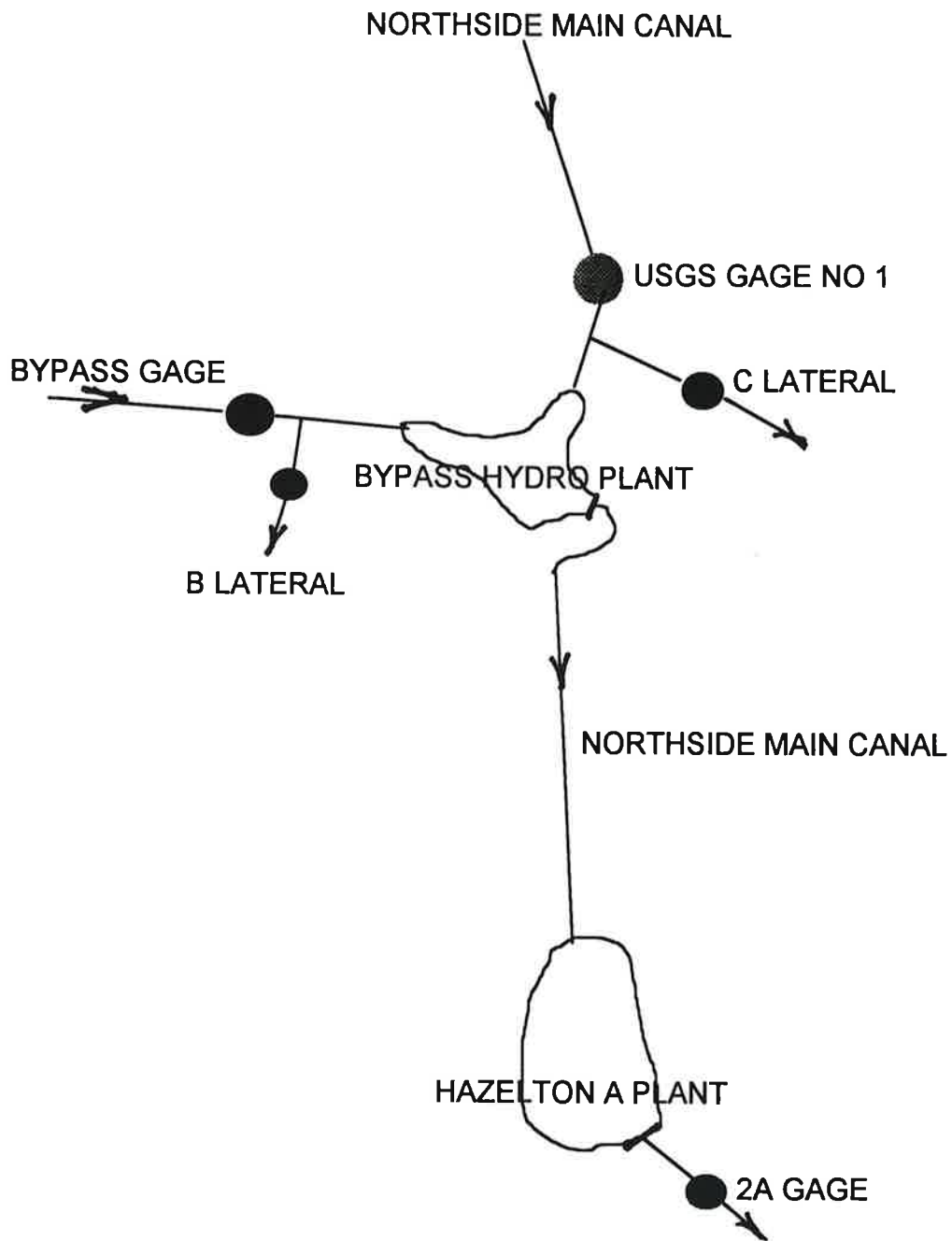
Generator output at the time of the exam was 7502 KW which is less than the rated output for the project.

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		HAZELTON A HYDROELECTRIC FACILTIY PERMIT 01-07084B						
NORTHSIDE CANAL								
WATER RIGHTS DIVERTING AT MILNER								
TWIN FALLS NORTHSIDE CANAL								
WATER RIGHT NO.			01-0215					
NORTHSIDE CANAL CO								
WATER RIGHT NO.			01-0005					
			01-0016					
			01-0212					
			01-0213					
			01-0215					
			01-0220					
			01-7011					

PROCESSED
OCT 22 1992



SCHEMATIC OF HAZELTON A HYDROELECTRIC FACILITY CANAL SYSTEM
C.E. BROCKWAY P.E.

OCT 22 1992

NORTHSIDE CANAL HAZELTON A POWER PLANT				Permit NO. 01-07084B			
DISCHARGE DETERMINATION				22-Jun-92			
DISCHARGE AT HAZELTON A PLANT IS BASED ON MEASURED DISCHARGES							
AT THE MAIN USGS GAGE NO 1, THE BYPASS INFLOW, AND DIVERSIONS FROM THE MAIN							
CANAL THROUGH THE B AND C LATERALS(SEE ATTACHED SKETCH)							
STATION	TIME	GAGE	DISCHARGE	COMMENTS			
		READING					
		FT					
MAIN CANAL	11:02 AM	8.30	2729 cfs	Watermaster reports gage constant at 8.30 ft			
USGS GAGE				since 8:45 am. Water Dist #1 shift			
				on June 2, 1992=-0.34			
BYPASS CANAL	10:46 AM	3.30	939 cfs	50 ft concrete broad crested weir			
				Computer rated by University of Idaho			
TOTAL INFLOW			3668 cfs				
TO REACH							
C LATERAL	10:30 AM	4.00	435 cfs	Gage shift -0.11 Current metered 6-14-92			
				by E. Merrill.			
B LATERAL	10:50 AM		25 cfs	Fixed check-reported by watermaster			
TOTAL OUTFLOW			460 cfs				
FLOWTHORUGH							
HAZELTON A			3208 cfs				
NO DIVERSIONS OCCUR BETWEEN THE BYPASS HYDRO PLANT AND THE HAZELTON A PLANT							
THE FORBAY ELEVATION WAS 83.20 FT AT 11:30 AM FORBAY SPILLWAY ELEVATION =83.35 FT							
TAILRACE ELEVATION WAS 48.40 AT 11:30 AM							
NO FLOW WAS OCCURING OVER THE SPILLWAY							
NO LEAKAGE WAS OCCURRING UNDER OR AROUND THE SPILLWAY							
GENERATOR OUTPUT AT 11:30 AM :		NO 1	2645 KW				
		NO 2	2557 KW				
		NO 3	2300 KW				
		TOTAL	7502 KW				
UNITS WERE NOT OPERATING AT MAXIMUM OUTPUT							

OCT 22 1992

NORTHSIDE CANAL GAGING STATION 2A RATING DATA

DATA SUPPLIED BY E. MERRILL-HYDROGRAPHER

GAGING STATION 2A IS LOCATED DOWNSTREAM OF THE END OF THE TAILRACE OF THE
HAZELTON A HYDRELECTRIC PROJECT.

DATE STAFF ELECTRO DISCHARGE

GAGE

GAGE

CFS

4/10/92 7.34 44.17 1480

4/16/92 7.90 44.73 1716

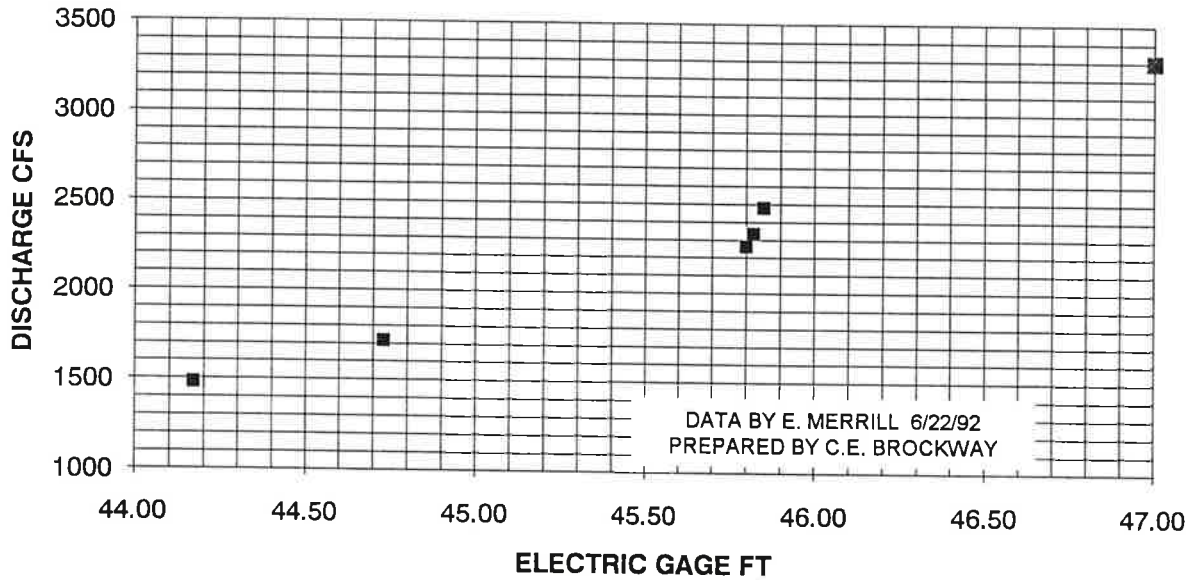
5/12/92 9.01 45.85 2476

6/2/92 8.99 45.82 2336

6/17/92 8.97 45.80 2261

47

3300

NORTHSIDE CANAL STA 2A
DISCHARGE RATING

MEASURED



EXTRAPOLATED

REPROFILMED
OCT 22 1992

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6/22/92

2A GAUGE STATION

- LAST YEARS CURVE IS NOT ACCURATE
- ELECTRONK GAUGE DOES NOT MATCH STAFF GAUGE 36.83 DIFF.

ELECTRONK GAUGE READING/STAFF			FLOW
4/10	44.17	7.34	1480 CFS
4/16	44.73	7.90	1716 CFS
5/12	45.84	9.01	2476 CFS
6/17	45.80	8.97	2261 CFS
6/2	45.82	8.99	2336 CFS
6/22	47.01	46.62	

INFO PROVIDED BY
E. MERRELL VIA TELEPHONE.
6/22/92 *DM*

AUGUSTIMED
OCT 22 1992

Main No. 1		1983	
Gage	Disch.	Gage	Disch.
.40	9	4.00	972
.50	22	.10	1010 ^{3.8}
.60	35	.20	1049 ^{3.9}
.70	50	.30	1089 ^{4.0}
.80	66	.40	1129 ^{4.0}
.90	82	.50	1169 ^{4.1}
1.00	99	.60	1210 ^{4.1}
.10	118	.70	1251 ^{4.2}
.20	137	.80	1293 ^{4.2}
.30	157	.90	1335 ^{4.2}
.40	178	5.00	1377 ^{4.4}
.50	199 ^{3.3}	.10	1420 ^{4.3}
.60	222 ^{3.3}	.20	1463 ^{4.3}
.70	245 ^{3.4}	.30	1506 ^{4.3}
.80	269 ^{3.4}	.40	1549 ^{4.4}
.90	294 ^{3.6}	.50	1593 ^{4.5}
2.00	320 ^{3.6}	.60	1638 ^{4.5}
.10	346 ^{3.7}	.70	1682 ^{4.5}
.20	373 ^{3.7}	.80	1727 ^{4.5}
.30	401 ^{3.8}	.90	1772 ^{4.5}
.40	430 ^{3.9}	6.00	1817 ^{4.5}
.50	459 ^{3.9}	.10	1862 ^{4.6}
.60	489 ^{4.0}	.20	1908 ^{4.6}
.70	519 ^{4.2}	.30	1954 ^{4.6}
.80	551 ^{4.1}	.40	2000 ^{4.6}
.90	582 ^{4.2}	.50	2046 ^{4.6}
3.00	615 ^{4.3}	.60	2092 ^{4.7}
.10	648 ^{4.4}	.70	2139 ^{4.6}
.20	682 ^{4.4}	.80	2185 ^{4.7}
.30	716 ^{4.4}	.90	2232 ^{4.7}
.40	751 ^{4.5}	7.00	2278 ^{4.7}
.50	786 ^{4.7}	.10	2325 ^{4.7}
.60	823 ^{4.6}	.20	2372 ^{4.7}
.70	859 ^{4.6}	.30	2419
.80	896 ^{4.8}		
.90	934 ^{4.8}		
4.00	972 ^{4.8}		

OCT 22 1992

1968
MAIN # 2

GAGE
0.70
.80
.90
1.00
.10
.20
.30
.40
.50
.60
.70
.80
.90
2.00
.10
.20
.30
.40
.50
.60
.70
.80
.90
3.00
.10
.20
.30
.40
.50

DISC.
0
20
35
50
75
100
120
150
175
200
230
260
290
320
350
380
420
460
495
530
575
620
670
720
765
815
865
920
975

GAGE
3.50
.60
.70
.80
.90
4.00
.10
.20
.30
.40
.50
5.00
.10
.20
.30
.40
.50
.60
.70
.80
.90
6.00
.10
.20
.30
.40

DISC.
975
1080
1085
1145
1205
1275
1350
1425
1500
1580
1655
1730
1805
1880
1985
2050
2145
2240
2345
2450
2562
2675
2787
2900
3015
3130
3252
3375
3500
3625

RECEIVED

OCT 22 1992

		1955		
		Main	No 3	
Guage	Disch		Guage	
-.57	0.0 4		3.00	990
-.50	4		.10	1040
-.40	19 15		.20	1090
-.30	35 16		.30	1140
-.20	52 17		.40	1190
-.10	70 18		.50	1240
.00	90 20		.60	1291
.10	110 20		.70	1342
.20	130 20		.80	1393
.30	150 20		.90	1444
.40	170 20		4.00	1495
.50	191 21		.10	1548
.60	212 21		.20	1600
.70	231 22		.30	1655
.80	260 26		.40	1710
.90	286 26		.50	1762
1.00	312 27		.60	1814
.10	339 27		.70	1866
.20	366 27		.80	1918
.30	393 27		.90	1970
.40	420 27		5.00	2022
.50	450 30		.10	2074
.60	480 30		.20	2126
.70	510 30		.30	2178
.80	540 32		.40	2230
.90	572 33		.50	2282
2.00	605 35		.60	2334
.10	640 35		.70	2386
.20	675 35		.80	2438
.30	710 37		.90	2490
.40	746 37		6.00	2542
.50	783 36		.10	2594
.60	820 40		.20	2646
	860 40		.30	2698
	900 43		.40	2750
	945 45		.50	2802

OCT 22 1992

Northfork CreekJune 22, 1992
C. H. H.

#1 Gage - June 17, 1992 shift =

52.5-7192

Water Draft #1 shift. -- 34 June 2, 1992
Gage Read 8.29 to 8.30' - Control since 8:45 am
Read c 11:02 am.Bypass - Gage^(Top) 6.61' @ 10:46 am

Bypass - 3.31' ∴ Gage = 6.61 - 3.31 = 3.30

C. Measure 6-17-92 shift = -0.11

by E. Merrill.

Gage Ready 4.00

Control = 3.99

Q = 475 cfs.

B - 25 cfs - fixed check.

	8:00	45.61'	
	9:00	45.76	
	10:00	47.20	
2A-	11:00	~~46~~ 47.01	✓
	11:24	46.62	← 12:00 46.89
	11:00	46.14	
	1:35	45.97	

} used 47.00

Photo #1 Bypass BCW
 #2 L of B looking u.s. @ turnout
 #3 L of B looking d.s from turnout
 #4 'A' plant forebay spillway
 #5 'A' plant forebay - #6 Spillway
 Tailrace staff gage w.r. under 'A' plant
 Ready 7.01' @ 11:25 am

OCT 22 1992

Photo #7 'A' plant forebay looking towards plant
 #8 'A' Tailrace

Hazelton A

Water level in Fooby 83.20' @ 11:30 AM.

Spill @ 83.35 - 83.46'

Tailrace Elev. 48.40

Output: #1 2645 Kw 11:30 AM

#2 2557 Kw

#3 2389⁰⁰ Kw.

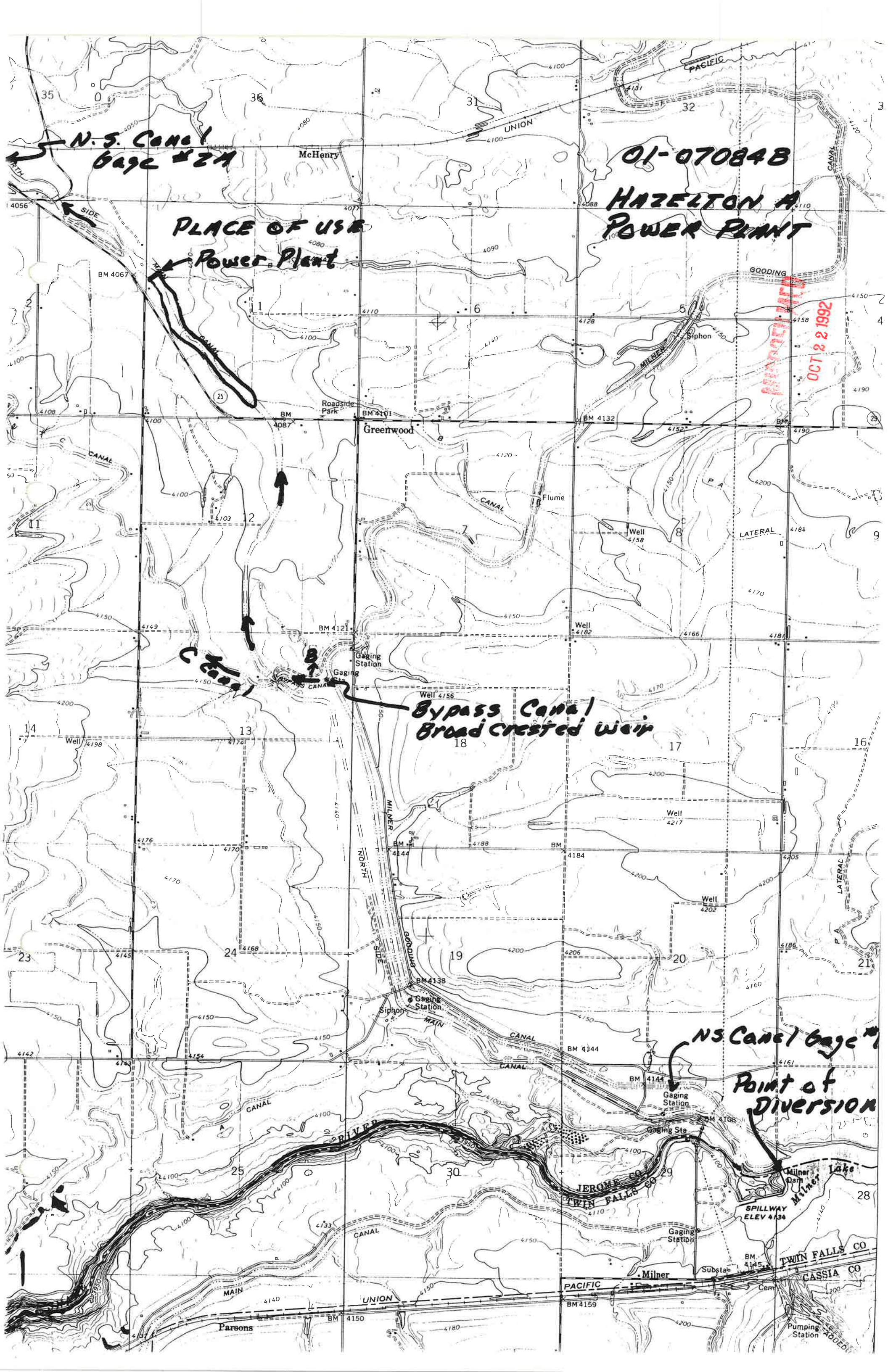
No spill over spillway

Units were not at max output.

Need hydrologic rating on turbines -
Col Glen Gagne.

RECEIVED

OCT 22 1992



N.S. Canal
Gage #24

01-070848

HAZELTON A
POWER PLANT

PLACE OF USE

Power Plant

OCT 22 1992

Bypass Canal
Broad Crested Weir

N.S. Canal Gage #

Point of
DIVERSION

JEROME CO
TWIN FALLS CO
CASSIA CO

SE Hazelton A, L.P.
135 East 57th Street
New York, NY 10022

July 31, 1992

PROOF DUE NOTICE

RE: PERMIT NO. 01-07084B

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before October 1, 1992. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

SINCERELY,

Karen L. Gustafson
Secretary/Records Manager

Enclosures



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OCT 22 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

February 5, 1992

Josephine Beeman
70 West Idaho Street
Suite 700
Boise, ID 83702

RE: Assignment of Permit No. 01-7084B (Hazelton A)

Dear Jo:

This letter acknowledges receipt of an assignment from Northside Canal Co., Ltd. to SE Hazelton A, L.P. This letter also acknowledges receipt of certification from the State of Idaho that SE Hazelton A, L.P., is authorized to do business within the State of Idaho.

The assignment documents and the certificate from the Secretary of State's office comply with the provisions of Idaho Codes § 42-206 through 42-210.

Respectfully,

A handwritten signature in cursive script that reads "Gary Spackman".

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

cc: Southern Region
John Rosholt

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OCT 22 1992

DAVIS WRIGHT TREMAINE

LAW OFFICES

702 WEST IDAHO STREET • SUITE 700 • BOISE, IDAHO 83702
(208) 338-8200

JOSEPHINE BEEMAN
(208) 338-8233

November 19, 1991



Mr. Gary Spackman, Manager
Water Rights Permits Section
Idaho Department of Water Resources
1301 North Orchard
Boise, Idaho 83706

Re: Assignment of Permit 01-07084B (Hazelton A)

Dear Mr. Spackman:

Pursuant to Idaho Code § 42-207, the following documents are submitted in support of the assignment of Permit 01-07084B from the North Side Canal Company, Ltd. to SE Hazelton A, L.P., a California Limited Partnership qualified to do business in the State of Idaho:

1. Assignment of Permit 01-07084B, dated July 26, 1989, signed by North Side Canal Co., Ltd.;
2. Assignment of water rights permit, dated July 26, 1989, signed by North Side Canal Company, Ltd., and SE Hazelton A, L.P. a California Limited Partnership; and
3. A November 6, 1991 Certification from the Secretary of State for the State of Idaho that SE Hazelton A, L.P., a Limited Partnership, is qualified to do business in Idaho and has been qualified since January 27, 1986.

I believe these documents satisfy the requirements of Idaho Code § 42-207. The Hazelton A Hydroelectric Project began operation June 20, 1990. If pursuant to its discretionary authority under Idaho Code § 42-207 Water Resources desires additional proof, please notify me.

Sincerely,

DAVIS WRIGHT TREMAINE

Jo Beeman
Josephine P. Beeman

JPB:md
Enclosures

cc: Steven Burton (w/o Encls.)
Candice Colaianne-Richey (w/o Encls.)

FAX: (208) 338-8299

ANCHORAGE, ALASKA • BELLEVUE, WASHINGTON • LOS ANGELES, CALIFORNIA • PORTLAND, OREGON
RICHLAND, WASHINGTON • SEATTLE, WASHINGTON • WASHINGTON, D.C.

ASSIGNMENT OF WATER RIGHTS PERMIT

THIS ASSIGNMENT made and entered into this 26th day of July, 1989, by and between NORTH SIDE CANAL COMPANY, LTD., an Idaho corporation (hereinafter referred to as Assignor"), and SE HAZELTON A, L.P., a California limited partnership (hereinafter referred to as "Assignee"),

W I T N E S S E T H

WHEREAS, Assignor has obtained an approved Application for permit to Use Water Resources in the State of Idaho, Permit No. 01-7084B, a copy of which is attached hereto as Exhibit "A" and by this reference made a part hereof; and

WHEREAS, in connection with that certain Amended Restated Agreement for Lease and Assignment of Assets between Assignor and Sithe Energies U.S.A., Inc., dated June 20, 1986 (the "Agreement"), incorporated herein by this reference, Assignor desires hereby to assign to Assignee all of its right, title and interest in and to that portion of State of Idaho Department of Water Resources Water Permit No. 01-7084B with priority date of December 3, 1984, as said Permit applies to the Hazelton A site located in Section 1 of Township 10 South, Range 20 East, and in Section 28 of Township 10 South, Range 21 East, Twin Falls County, Idaho, issued for the appropriation of water for the operation of

OCT 22 1992

the Hazelton A Hydroelectric Facility, a hydroelectric project on a new canal adjacent to the existing Main Canal of the Assignor (the "Assigned Water Rights Permit").

NOW, THEREFORE, for good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the parties hereto agree as follows:

1. Assignor hereby assigns to Assignee all of its right, title and interest in and to the Assigned Water Rights Permit, to hold and use the same for and in connection with the Hazelton A Hydroelectric Facility during the entire term provided for in the Agreement.
2. Assignee hereby accepts the assignment of the Assigned Water Rights Permit in accordance with the terms hereof.
3. Assignee agrees to cause the rights and interests referred to in the Assigned Water Rights Permit to be used in connection with the Hazelton A Hydroelectric Facility in accordance with said Agreement.
4. To induce the Assignee to accept this assignment and the rights and obligations pursuant thereto, Assignor hereby represents to the Assignee as follows:

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OCT 22 1992

(a) Said Assigned Water Rights Permit is in full force and effect; and

(b) Upon approval of the Department of Water Resources, State of Idaho, said Assigned Water Rights Permit is assignable.

5. That in consideration of the Assignor executing and delivering this Assignment, Assignee covenants with Assignor as follows:

(a) That the Assignee will duly keep, observe and perform all of the terms, conditions and provisions of the Assigned Water Rights Permit that are to be kept, observed and performed by the Assignor;

(b) That Assignee will not further assign the rights or the Assigned Water Rights Permit without the prior written consent of the Assignor and the prior written consent of the Director or Administrator of the Department of Water Resources, State of Idaho; and

(c) That at the end of the lease and assignment term as described in the Agreement, Assignee will assign the Assigned Water Rights Permit to Assignor and this Agreement shall thereafter become null and void.

PAID & FILMED
OCT 22 1992

IN WITNESS WHEREOF, the parties hereto have set their hands the day and year first above written.

NORTH SIDE CANAL COMPANY, LTD.

By Russell Woolley
Its PRESIDENT

SE HAZELTON A, L.P., A CALIFORNIA
LIMITED PARTNERSHIP

By [Signature]
Its Steven Burton, Secretary of
General Partner
BYPASS POWER COMPANY

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OCT 22 1992

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 01-07084B

Proposed Priority: December 3, 1984 Amount: 3200.00 CFS

This is to certify, that NORTH SIDE CANAL CO. LTD.
921 N. LINCOLN AVE.
JEROME, ID 83338

has applied for a permit to appropriate water from:

SNAKE RIVER

tributary of COLUMBIA RIVER

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
POWER	01/01 to 12/31	3200.00 CFS

LOCATION OF POINT(S) OF DIVERSION:

NESW Sec. 1, Township 10S, Range 20E
SWNW Sec. 28, Township 10S, Range 21E
TWIN FALLS County

PLACE OF USE: POWER

TWN RGE SEC

10S 20E 1 SENW

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before July 1, 1991.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. Use of water under this permit shall be non-consumptive.
5. A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works.
6. This permit is subject to the provisions of Sections 42-205 through 42-210, Idaho Code, restricting the sale, transfer, assignment, or mortgage of this permit. Failure to comply with these provisions is cause for immediate cancellation of this permit.
7. The water right acquired under this permit 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 permit and shall not give rise to any right or claim against future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.

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JUL 2 1992

State of Idaho
Department of Water Resources**Permit To Appropriate Water**

NO. 01-07084B

CONDITIONS/REMARKS:

8. Prior to placing water to beneficial use under this permit, the permit holder must determine the rate of loss within his facilities using a procedure approved by the Director of the Department of Water Resources, and provide a source of augmentation water to mitigate all losses.
9. Use of water under this permit is subject to control by the watermaster of State Water District No. 01.
10. Water diverted outside of the normal irrigation season can only be diverted at such times as there are sufficient flows in the Snake River to satisfy Idaho Power Company's water rights at its Twin Falls and Shoshone Falls hydropower plants, and any other water rights that have an earlier priority than this water right.
This permit authorizes the construction of the Hazelton "A" project, located in the NW1/4, Sec. 1, T10S, R20E, B.M.
11. This permit and any subsequent license shall be subject to review and possible amendment, modification, or cancellation, by the Director of the Dept. of Water Resources 20 years from the date power is first generated at the power plant.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this

8th day of June, 19 89.


Acting for R. Keith Higginson, Director

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OCT 22 1992

State of Idaho

Department of State

I, PETE T. CENARRUSA, Secretary of State of the State of Idaho, hereby certify that I am the custodian of the corporation and limited partnership records of this State.

I FURTHER CERTIFY That the annexed is a full, true and complete transcript of certificate of limited partnership of SE HAZELTON A, L.P., A LIMITED PARTNERSHIP, a California limited partnership, received and filed in this office on January 27, 1986, as appears of record in this office as of this date.

Dated: November 6, 1991



Pete T. Cenarrusa

SECRETARY OF STATE

Sherie Durrie

Corporation Clerk

OCT 22 1992

State of Idaho

Department of State

CERTIFICATE

I, PETE T. CENARRUSA, Secretary of State of the State of Idaho, hereby certify that I am the custodian of the limited partnership records of this State.

I FURTHER CERTIFY That the records of this office show that an application for registration of foreign limited partnership for SE HAZELTON A, L.P. A LIMITED PARTNERSHIP, was received and filed in this office on January 27 1986, and that the certificate of registration has not been withdrawn as of this date.

Dated: November 6, 1991



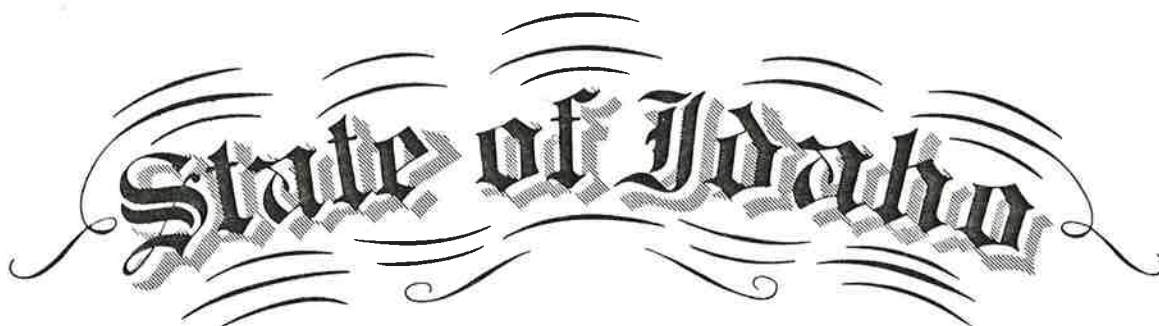
Pete T. Cenarrusa

SECRETARY OF STATE

Sheryl Davies

Corporation Clerk

OCT 22 1992



CERTIFICATE OF REGISTRATION
OF

BYPASS LIMITED, A CALIFORNIA LIMITED PARTNERSHIP

I, PETE T. CENARRUSA, Secretary of State of the State of Idaho, hereby certify that duplicate originals of an Application of BYPASS LIMITED, A CALIFORNIA LIMITED PARTNERSHIP for Registration in this State, duly signed and verified pursuant to the provisions of the Idaho Limited Partnership Act, have been received in this office and are found to conform to law.

ACCORDINGLY and by virtue of the authority vested in me by law, I issue this Certificate of Registration to BYPASS LIMITED, A CALIFORNIA LIMITED PARTNERSHIP to transact business in this State under the name BYPASS LIMITED, A CALIFORNIA LIMITED PARTNERSHIP and attach hereto a duplicate original of the Application for Registration.

Dated January 27, 1986



Pete T. Cenarrusa

SECRETARY OF STATE

by: _____

OCT 22 1992

8. (Continued)

Name	General or Limited	Address
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

9. This Application is accompanied by a certificate certifying to the lawful existence of the limited partnership, executed by the proper officer of the state or country under the laws of which it is organized.

Dated January 14, , 19 86.

Bypass Power Company

By _____

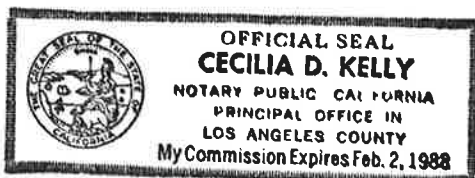
William Kriegel President
A General Partner

STATE OF CALIFORNIA)

COUNTY OF LOS ANGELES) ss:

I, Cecilia D. Kelly , a notary public, do hereby certify that on this
14th day of January , 19 86 , personally appeared
before me William Kriegel , who being by me first duly sworn,
declared that (s)he is ~~xxxxxx~~ President of Bypass Power Company,
general partner of Bypass Limited, a Californialimited partnership.

that (s)he signed the foregoing document as a general partner of the limited partnership and that the statements therein contained are true.



Cecilia D. Kelly

PROCESSED

OCT 22 1992



Office of

March Fong Eu

Secretary of State
SACRAMENTO

CERTIFICATE OF STATUS CALIFORNIA LIMITED PARTNERSHIP

I, MARCH FONG EU, *Secretary of State of the State of California*, hereby certify:

That on the 22nd day of November, 1985,

BYPASS LIMITED, A CALIFORNIA LIMITED PARTNERSHIP

became recognized under the laws of the State of California by filing its Certificate of Limited Partnership in this office; and

That no record exists in this office of a certificate of cancellation of said limited partnership nor of a court order declaring cancellation thereof; and

That according to the records of this office, the said limited partnership is authorized to exercise all its powers, rights and privileges and is in good legal standing in the State of California; and

That no information is available in this office on the financial condition, business activity or practices of this limited partnership.



IN WITNESS WHEREOF, I execute
this certificate and affix the Great
Seal of the State of California this
26th day of December, 1985

March Fong Eu

Secretary of State

OCT 22 1992

No. L01064

Certificate of Registration

BYPASS LIMITED, A CALIFORNIA LIMITED PARTNERSHIP

STATE OF IDAHO
Department of State
Boise, Idaho
Approved, filed and admitted to the
corporation records of the State of
Idaho
Date January 27, 1986
Time 9:39 am
FEES PAID \$ 60.00

Foreign - California

Pete T. Cenarrusa

SECRETARY OF STATE

By: Diane Walker

Invoice # 57046

CCR # 37433

Registered Agent:
David H. Leroy
205 N. 10th Street
Boise, Idaho 83702

Filing Party
Jones, Day, Reavis & Pogue
2029 Century Park East, Suite 3600
Los Angeles, CA 90067

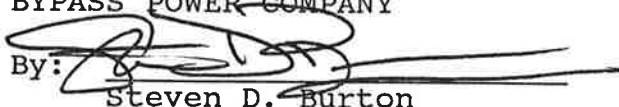
FILED
OCT 22 1992

State of Idaho
Pete T. Cenarrusa
Secretary of State
Boise, Idaho 83720

JUL 26 8 41 AM '89
SECRETARY OF STATE

I, the undersigned, hereby certify that on June 28th, 1989
an amendment to the Certificate of Limited Partnership of
Bypass Limited was filed, changing the name of Bypass
Limited to SE Hazelton A, L.P. This document was filed with
the California State Department.

~~BYPASS POWER COMPANY~~

By: 

Steven D. Burton
A General Partner

State of New York

SS

County of New York

I, Denise M. Sarris, a Notary Public, do hereby certify that
on the 24 day of July, 1989, personally appeared before
me, STEVEN D. BURTON, who being by me first duly sworn,
declared that he is General Partner of BYPASS POWER COMPANY
and that he signed the foregoing as a general partnership
and that the statement made therein are true.

MICROFILMED

OCT 22 1992


Notary Public

My commission expires:

DENISE M. SARRIS
Notary Public, State of New York
No. 60-4012342
Qualified in Westchester County 89
Commission Expires November 23, 19...

LINDSAY, HART, NEIL & WEIGLER

LAWYERS

SUITE 400

JEFFERSON PLACE

850 N. 9TH

BOISE, IDAHO 83702

TELEPHONE (208) 336-8844

TELECOPIER (208) 336-8833

SUITE 1800

222 S.W. COLUMBIA STREET

PORTLAND, OREGON 97201-6618

(503) 226-1191

345 CALIFORNIA STREET

SUITE 2200

SAN FRANCISCO, CALIFORNIA 94104

(415) 984-5858

2011 EYE STREET, N.W.

WASHINGTON, D. C. 20036

(202) 296-3006

ABS BUILDING
2-4-16 KUDAN MINAMI
CHIYODA-KU
TOKYO 102 JAPAN
(03) 239-2815

1001 FOURTH AVENUE PLAZA
(SEAFIRST BLDG.), SUITE 3200
SEATTLE, WASHINGTON 98154
(206) 629-4711

ROY L. EIGUREN

July 26, 1989

Hon. Pete T. Cenarrusa
Secretary of State
State of Idaho
Statehouse
Boise, Idaho

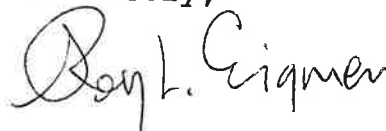
HAND DELIVERED

Dear Mr. Secretary:

Please be advised that I serve as attorney in fact for Sithe Energies U.S.A., Bypass Limited, a California limited partnership and SE Hazelton A, L.P., a California limited partnership. Please be further advised that for the purposes of transacting business in the State of Idaho, SE Hazelton A, L.P., shall use the name of "SE Hazelton A, L.P. a limited partnership."

Thank you for your consideration.

Sincerely,



Roy L. Eiguren

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OCT 22 1992

No. L01064 -a

BYPASS LIMITED, A CALIFORNIA LIMITED PARTNERSHIP

Limited Partnership Amendment

change name to SE HAZELTON A, L.P., A LIMITED PARTNERSHIP

STATE OF IDAHO
Department of State
Boise, Idaho

Approved, filed and admitted to the
corporation records of the State of
Idaho

Date July 26, 1989

Time 8:41 am

FEE PAID \$ 20.00

Pete T. Cenarrusa

SECRETARY OF STATE

By:

Invoice # 90293

CCR # 38502

Filing Party

Nationwide Information Services

52 James St.

Albany, NY 12207

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ORIGINAL FILMED

OCT 22 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

November 13, 1991

North Side Canal Company LTD.
921 North Lincoln
Jerome, ID 83338

Re: Permit No. 01-07084

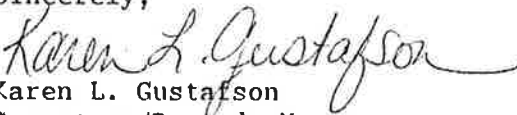
Dear Permit Holder:

Enclosed is a copy of the approved request for extension of time. The time within which to submit proof of beneficial use is extended to October 1, 1992.

Please note that the department has granted this extension based on due diligence. It is important that you work diligently toward the completion of this project during the construction period allowed. The department may not be able to grant additional requests.

If you have any questions or if I can be of any further assistance, please feel free to contact this office.

Sincerely,


Karen L. Gustafson
Secretary/Records Manager

Enclosure

C: IDWR-Regional Office

MICROFILMED

OCT 22 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

October 25, 1991

North Side Canal Company Ltd.
921 North Lincoln
Jerome, ID 83338

Dear Permit Holder:

Re: Permit No. 01-07084^B

LAPSE NOTICE

This department is returning your Request for Extension of Time for failure to submit the \$15.00 fee. Please note the highlighted area on the form. You are hereby notified that under the provision of Section 42-12a of the Idaho Code, the above referenced permit has lapsed. This office did not receive either an acceptable Proof of Beneficial Use submittal or an acceptable request for an extension of time to our letter of September 18, 1991 (copy attached). No further construction or additional development is authorized under this permit unless it is reinstated.

Your permit cannot be reinstated unless you submit the Proof of Beneficial Use or submit an Extension of Time Request showing reasonable cause for the delay. Either the completed Proof of Beneficial Use Submittal including the examination fee, or a completed field examination report; or the extension request form together with the \$15 fee, must be received by this department within sixty days of the date of mailing of this lapse notice or the permit will no longer be of any force or effect.

A proof of beneficial use form and a request for extension of time form are again enclosed for your use. Please note that only one extension of time can be granted, unless the project has not been completed because of lack of a necessary approval by a governmental agency or by litigation which brings title to the water in question.

Sincerely,

L. Glen Saxton

L. GLEN SAXTON, Chief
Water Allocation Bureau

Enclosures

CERTIFICATION OF MAILING

I hereby certify that on 10/28/91
a copy/an original of this document was
deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above.

Karen Gustafson

MICROFILMED

OCT 22 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

September 18, 1991

RECEIVED

SEP 20 1991

Department of Water Resources
Southern Region Office

C. E. Brockway
706 Sunrise Boulevard N.
Twin Falls, ID 83301

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

RECEIVED

OCT 24 1991

Department of Water Resources
Southern Region Office

RE: REQUEST FOR EXTENSION OF TIME - PERMIT 01-07084B - NORTH SIDE
CANAL CO. LTD. - HAZELTON A HYDROPOWER FACILITY

Dear Mr. Brockway:

The department has reviewed the above referenced extension request which you submitted to the department in late June 1991. Unfortunately your letter and the extension have been misfiled within the department and only recently have been reviewed.

My review shows that the requested extension can be granted if you submit the required \$15 fee which did not accompany the request. Please submit the fee promptly so this matter will not be delayed any further than necessary. I apologize for our delay in responding to you.

Sincerely,

L. Glen Saxton
L. GLEN SAXTON, Chief
Water Allocation Bureau

c: IDWR - S. Region

01-7084B

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OCT 22 1992



CHARLES
BROCKWAY
ENGINEERING

June 23, 1991

Mr. Loren Holmes, Manager
Idaho Department of Water Resources
Southern Division
220 Shoshone Street East
Twin Falls, Idaho 83301

RECEIVED

JUN 26 1991

Department of Water Resources
Southern Region Office

Subject: Request for Extension of Time Permit 01-7084B
Hazelton A Hydropower Facility Northside Canal Co Ltd.

Dear Loren:

The proof of beneficial use for the Hazelton A hydropower facility is due July 1, 1991. Sithe Energies Inc., developer of the project had planned to supply proof prior to July 1 and have fully installed all equipment and facilities for utilization of the full permitted flow of 3200 cfs.

Mr. Ted Diehl, manager of the Northside Canal Company, has informed me that, due to low water availability for the project this year, the full permitted flow will not be reached prior to July 1, 1991 and may not be reached this irrigation season. It is desired to perform the proof of beneficial use exam at the full permitted flow of 3200 cfs.

I am therefore requesting an extension of time for submitting proof of beneficial use for this project to September 30, 1992. Mr. Diehl has indicated that demand on the Northside system will require the full flow either sometime this irrigation season or next and he will make every effort to provide the flow in a timely manner.

Sincerely,

C.E. Brockway P.E.

CHARLES E.
BROCKWAY,
PhD., P.E.

cc: Sithe Energies Inc.
Northside Canal Co
John Rosholt

706 SUNRISE
BOULEVARD
NORTH

TWIN FALLS,
IDAHO 83301

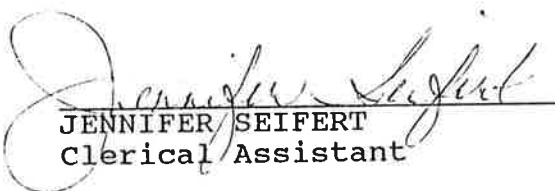
208•733•0938

RECEIVED

OCT 22 1992

CERTIFICATE OF MAILING

I hereby certify that on the 22nd day of May, 1991, I prepared a true and correct copy of the following letter; the originals were hand delivered to a representative of Elam, Burke & Boyd, Scott Campbell, who then distributed the letter to the following individuals:


JENNIFER SEIFERT
Clerical Assistant

OCT 22 1992

Ted Diehl NSCC

921 N Lincoln

Jerome Idaho 83338



UNRECEIVED
OCT 22 1989



RECEIVED
JUN 28 1989

IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Sarey

COMMENCEMENT OF WORKS

Permit No. 01-7084B
Name(s) of Permit Holder(s): NORTH SIDE CANAL COMPANY, LTD.
Post Office Address: 921 N. Lincoln Avenue, Jerome ID 83338
Tel. No. 208-324-2319

☒ I hereby certify that construction of diversion works for the above referenced permit began on MARCH 15, 1989 (date). I understand that I must continue to develop the water system with due diligence to maintain a valid permit.

☐ I hereby certify that construction of diverting works on the above referenced project has not yet begun due to the following reason beyond my control:
NORTH SIDE CANAL COMPANY, LTD.

*Note: A financing difficulty is
not an acceptable reason.

6/23/89
Date

BY: *Jack Dick*
Signature of Permit Holder
GENERAL MANAGER

OCT 22 1992

S T A T E O F I D A H O
D E P A R T M E N T O F W A T E R R E S O U R C E S

Statehouse
Boise, Idaho 83720
(208) 334-7900
June 8, 1989

NORTH SIDE CANAL CO. LTD.
921 N. LINCOLN AVE.
JEROME, ID 83338

P E R M I T A P P R O V A L N O T I C E

RE: PERMIT NO. ~~P~~01-07084B

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. We direct your attention to the conditions of approval on the final page.

Please note the requirement that as a permit holder you must commence the excavation or construction of diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The enclosed blue card must be completed and returned to this office as soon as you commence construction, no later than one year from the date the permit was approved.

We have enclosed a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit into a license.

Sincerely,

GARY SPACKMAN, Supervisor
Water Right Permits Section

GS: SC
Enclosures

MICROFILMED

OCT 22 1992

138528

April 30, 1991

NORTH SIDE CANAL CO. LTD.
921 N. LINCOLN AVE.
JEROME, ID 83338

PROOF DUE NOTICE

RE: PERMIT NO. 01-07084B

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before July 1, 1991. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

SINCERELY,

Rita Fleck
Secretary/Records Manager

Enclosures

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OCT 22 1992