

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 1-07010D

Priority: March 30, 1977

Maximum Diversion Rate: 3,000.00 CFS
Maximum Diversion Volume: 817,300.00 AF

It is hereby certified that HAZELTON WILSON JOINT VENTURE
PO BOX 7867
BOISE ID 83707 has complied with the terms and conditions of the permit,
issued pursuant to Application for Permit dated March 30, 1977; and has submitted Proof of Beneficial
Use on August 31, 1993. An examination confirms water is diverted from:

SOURCE

SNAKE RIVER

Tributary: COLUMBIA RIVER

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
POWER	01/01 to 12/31	3,000.00 CFS	817,300.0 AF

LOCATION OF POINT(S) OF DIVERSION:

SNAKE RIVER L5 (SW1/4NW1/4) Sec. 28, Twp 10S, Rge 21E, B.M.

JEROME County

SNAKE RIVER L5 (SW1/4NW1/4) Sec. 28, Twp 10S, Rge 21E, B.M.

JEROME County

PLACE OF USE: POWER

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
09S 19E 24				X													

CONDITIONS OF APPROVAL

1. This water right authorizes the generation of power only when the water is diverted from the Snake River under rights for irrigation or other authorized purposes.
2. The term of this water right license shall run concurrently with energy sales agreement Case Number IPC-E-90-21, Order Number 23570 approved by the Idaho Public Utilities Commission, which expires on December 25, 2021. Prior to the expiration of the term, the Director may issue an order canceling all or any part of the use authorized herein, may establish a new term, or may revise, delete, or add conditions under which the water right license may be exercised. The order shall take effect on the date the current term expires. If the Director does not issue such an order, the term shall automatically extend to a length equal to the prior term and any prior conditions on the water right license shall remain in effect.

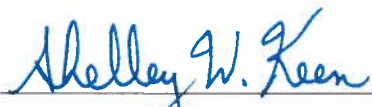
State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 1-07010D

3. 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.
4. This right does not constitute Idaho Public Utilities Commission or Federal Energy Regulatory Commission approval that may be required.
5. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
6. 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. 1.
7. Use of water under this right shall be non-consumptive.
8. Power use locally known as the Wilson Lake project.
9. The total combined diversion rate for Right 01-7010B (Bypass Limited) and Right 01-7010D (Wilson Lake) is 3000.00 cfs. Water is first used for power generation pursuant to Right 01-7010B, and then it is used again for power generation pursuant to Right 01-7010D.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. 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 28th day of October, 2015.


for GARY SPACKMAN
Director



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

October 30, 2015

HAZELTON WILSON JOINT VENTURE
PO BOX 7867
BOISE ID 83707

RE: License No. 1-7010D

Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources 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 the conditions of approval and remarks listed on your license. Also enclosed is a copy of the approved application for amendment.

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 by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

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. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-287-4951.

Sincerely,

Pamela Skaggs

Water Rights Supervisor

Enclosure(s)

cc: LAND TITLE & ESCROW INC
ALLSTATE LIFE INSURANCE CO
WATER DISTRICT #01

CERTIFICATE OF SERVICE

I hereby certify that on November 2, 2015, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved License) to the person(s) listed below:

RE: WATER RIGHT NO.

1-7010D

**ALLSTATE LIFE INSURANCE CO
ALLSTATE PLAZA S
NORTHBROOK IL 60062**

**HAZELTON WILSON JOINT VENTURE
PO BOX 7867
BOISE ID 83707**

**LAND TITLE & ESCROW INC
PO BOX 349
JEROME ID 83338-0349**

**WATER DISTRICT #01
LYLE SWANK
900 N SKYLINE DR STE A
IDAHO FALLS ID 83402**



Darla Block
Technical Records Specialist

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.

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT

(For Licensing Purposes)

WATER RIGHT NO. 1-07010D

RECEIVED

OCT 26 2015

**DEPARTMENT OF
WATER RESOURCES**

Date of Priority: March 30, 1977

Maximum Diversion Rate: 3,000.00 CFS

Maximum Diversion Volume: 817,300.0 AF

Comes now HAZELTON WILSON JOINT VENTURE

PO BOX 7867

BOISE ID 83707

and represents to the Director of the Idaho Department of Water Resources that he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 1-07010D, and requests that the permit be changed as follows:

Source: SNAKE RIVER

Tributary: COLUMBIA RIVER

BENEFICIAL USE

POWER

PERIOD OF USE

03/15 to 11/15

RATE OF DIVERSION

3,000.00 CFS

ANNUAL VOLUME

817,300.0 AF

LOCATION OF POINT(S) OF DIVERSION:

SNAKE RIVER L5 (SW1/4NW1/4) Sec. 28, Twp 10S, Rge 21E, B.M.

JEROME County

SNAKE RIVER L5 (SW1/4NW1/4) Sec. 28, Twp 10S, Rge 21E, B.M.

JEROME County

PLACE OF USE: POWER

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S 19E 24				X													

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk. Signed this 22 day of October, 2015



(Signature)

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT

(For Licensing Purposes)
WATER RIGHT NO. 1-07010D

FOR DEPARTMENT USE ONLY

Preliminary check by _____ Fee = \$100⁰⁰ Receipted by dy # C101130 Date 10-26-15

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, GARY SPACKMAN, of the Department of Water Resources hereby approve the above Application for Amendment for Permit No. 1-07010D with the following:

CONDITIONS OF APPROVAL

1. This water right authorizes the generation of power only when the water is diverted from the Snake River under rights for irrigation or other authorized purposes.
2. The term of this water right license shall run concurrently with energy sales agreement Case Number IPC-E-90-21, Order Number 23570 approved by the Idaho Public Utilities Commission, which expires on December 25, 2021. Prior to the expiration of the term, the Director may issue an order canceling all or any part of the use authorized herein, may establish a new term, or may revise, delete, or add conditions under which the water right license may be exercised. The order shall take effect on the date the current term expires. If the Director does not issue such an order, the term shall automatically extend to a length equal to the prior term and any prior conditions on the water right license shall remain in effect.
3. 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.
4. This right does not constitute Idaho Public Utilities Commission or Federal Energy Regulatory Commission approval that may be required.
5. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
6. 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. 1.
7. Use of water under this right shall be non-consumptive.
8. Power use locally known as the Wilson Lake project.

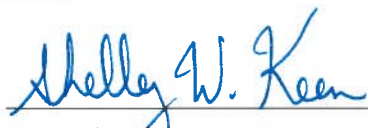
State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT

(For Licensing Purposes)

WATER RIGHT NO. 1-07010D

9. The total combined diversion rate for Right 01-7010B (Bypass Limited) and Right 01-7010D (Wilson Lake) is 3000.00 cfs. Water is first used for power generation pursuant to Right 01-7010B, and then it is used again for power generation pursuant to Right 01-7010D.

Witness my hand this 28th day of October, 2015.


for GARY SPACKMAN
Director



State of Idaho

DEPARTMENT OF WATER RESOURCES

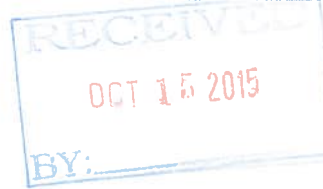
322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

October 9, 2015



HAZELTON WILSON JOINT VENTURE
PO BOX 7867
BOISE ID 83707

RE: Water Right Permit No. 1-07010D

Dear Permit Holder(s):

The Department of Water Resources is reviewing the permit referenced above prior to issuing a water right license. By issuing a license, the Department confirms the extent of development that has been established in compliance with the terms of the permit. The examiner who verified your water use reported that certain elements of the permit have been developed differently than described on your permit. Changes that do not increase the authorized use of water under the permit can be requested and approved in accordance with Section 42-211, Idaho Code. Before a license can be issued, your permit must be amended to depict your water use as it was actually developed.

Based on the examiner's report, the following elements were developed differently than described on your permit:

☒ **Point(s) of Diversion**

☐ **Place(s) of Use**

☐ **Other**

The enclosed Application for Amendment form depicts the elements of the water right as they will appear on the license when it is issued. Please review the amendment form carefully. If you concur with the information presented, please sign the form and return it with the \$100.00 filing fee within 14 days.

If you have any questions, please call me at 208-287-4946.

Sincerely,

Michele D. Edl (E.I.T.)
Senior Water Resources Agent

Enclosure(s)

cc: LAND TITLE & ESCROW INC
ALLSTATE LIFE INSURANCE CO