

~~FAX:~~  
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DEPT OF WATER RESOURCES  
SOUTHERN REGION

Date: Feb 9, 2015

Fax to: **DENISE MALINE**, Administrative Assistant  
Board of Water Resources

Fax #: 208-736-3037

Phone #: 208-736-3033

Subject: Additional information needed for Application for Permit No. 47-17633

From: Mary White-Ostrander

Phone #: 208-342-3424 or cell 208-861-0894

Please call me if any additional information is needed

6 Sheets faxed, including face sheet

Subject: Additional information requested for Permit No. 47-17633

The request for additional 25 cfs is for an existing power plant that has been in operation since 1986. The power plant was built and financed by Steve Harmsen. Water Right License # 47-07726 for 25 cfs was issued on 9/26/2014.

Rule 040.05.c and Idaho Code, Section 42-203A(5)(a):

I. Water Right Users:

47-2268 Dewey Nipper  
47-7007 Mud Creek Water Users Association  
47-7019A Mud Creek Water Users Association  
47-7019B Mud Creek Water Users Association  
47-7041 Mud Creek Water Users Association  
47-14735 Mud Creek Water Users Association

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II. NA. Water source is surface water. It is Mud Creek.

III. This request is not for irrigation. It is for non consumptive use for the production of power in the existing power plant. An affidavit for Water Rights to be used for Power Purposes Only was submitted with the permit request. This will not affect other water users. Water is to be used when not in use for irrigation. Attached is a letter from Mud Creek Water Users Association acknowledging the request for additional water, and giving permission to use the existing dam and irrigation ditch.

Rule 040.05.d and Idaho Code, Section 42-203A(5)(b):

I. Attached is a sheet showing monthly kWh Production for years 2010 thru 2013. The production rates show that the peak season is approximately September thru March each year. These months will require the additional 25 cfs requested. The remaining months are irrigation season and shows the decreased kWh production due to decreased water availability.

II. The water source is Mud Creek, a tributary of the Snake River. A copy of the map showing point of diversion and place of use was attached to the permit request. The same point of diversion and place of use is used for the Water Right License 47-07726. Mud Creek is a year round water flow. During irrigation season, Twin Falls Irrigation uses Mud Creek for delivery of irrigation water.

Rule 040.05.c and Idaho Code, Section 42-203A(5)(c)

I. Terry White is owner of the land at the point of diversion. Mary White-Ostrander and Terry White are joint owners of the place of use/existing power plant.

II. NA. Attached is a copy of the existing Water Right License # 47-07726 for 25 cfs with the Department of Water Resources.

Rule 040.05.f and Idaho Code, Section 43-203A(5)(d)

I and II. The request for an additional 25cfs is for use in an existing power plant that has been in operation since 1986. The power plant was built and financed by Steve Harmsen at that time. Terry White and Mary White-Ostrander assumed ownership in 2006. No additional construction is anticipated. Repairs and maintenance are covered by power production income.

Rule 040.05.g and Idaho Code, Section 42-203A(5)(e)

I. Brian at Twin Falls Canal Company was contacted on 10/28/2014. He had no concerns regarding this request for additional water. Deena Combe with Mud Creek Water Users Association was contacted on 10/27/2014. Blair Combe met with the other members of the Mud Creek Water Users Association. See attached letters from Mud Creek Water Users Association. The first letter was sent with the initial request and is dated 12/13/2014. The second letter is dated 1/6/2014 (received 2015) I assume the date of 2014 is an error.

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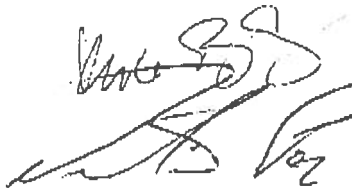
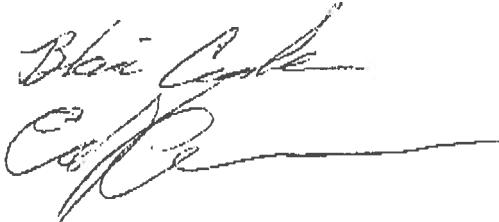
January 6, 2014

To Whom It May Concern

Mud Creek Water Users Association is willing to allow existing dam and concrete ditch for water (up to 50cfs) to the existing hydro facility. But water permit's for hydro is not to interfere with irrigation water during the irrigation season of April 1 to November 15<sup>th</sup> of each year.

Sincerely

Mud Creek Water Users Association

  
PRES  


Section V - kWh PRODUCTION<sup>1</sup>

Month	2010	2011	2012	2013
January	36488	35070	59421	39562
February	29632	29711	29868	30262
March	33493	33336	31366	31287
April	10874	32311	14421	22303
May	8903	14107	12058	2207
June	32459	28844	8748	1495
July	6145	8268	- 0 -	8585
August	7958	28056	23236	2592
September	53274	39005	60367	49255
October	80527	45236	83931	75872
November	54498	94096	74050	61785
December	60997	71320	58633	44684
<b>TOTALS</b>	415198	459360	456129	369909

Describe unusual down-times experienced for the above years. Examples are collapsed penstock or equipment failure.

*July, 2012 - no water*

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<sup>1</sup>If a current five-year history is already on file with the Tax Commission, only the most recent year is required.

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State of Idaho  
Department of Water Resources  
**Water Right License**

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SOUTHERN REGION

WATER RIGHT NO. 47-07726

Priority: April 07, 1981

Maximum Diversion Rate: 25.00 CFS  
Maximum Diversion Volume: 13,700.0 AF

It is hereby certified that MARY D WHITE-OSTRANDER  
7637 S MCLINTOCK PL  
MERIDIAN ID 83642

And

TERRY G WHITE  
RT 3 BOX 289  
BUHL ID 83316

have complied with the terms and conditions of the  
permit, issued pursuant to Application for Permit dated April 07, 1981; and have submitted Proof of  
Beneficial Use on June 25, 1990. An examination confirms water is diverted from:

SOURCE

MUD CREEK

Tributary: SNAKE RIVER

and a water right has been established as follows:

BENEFICIAL USE

POWER

PERIOD OF USE

01/01 to 12/31

DIVERSION RATE

25.00 CFS

ANNUALDIVERSION VOLUME

13,700.0 AF

LOCATION OF POINT(S) OF DIVERSION:

MUD CREEK NE1/4NW1/4 Sec. 28, Twp 09S, Rge 14E, B.M.

TWIN FALLS County

PLACE OF USE: POWER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
09S	14E	28	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
				X															

CONDITIONS OF APPROVAL

1. This right does not constitute Idaho Public Utilities Commission or Federal Energy Regulatory Commission approval that may be required.
2. 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.

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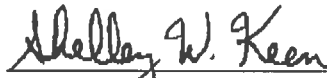
State of Idaho  
Department of Water Resources  
**Water Right License**

WATER RIGHT NO. 47-07726

3. The term of this water right license shall run concurrently with energy sales agreement IPUC Case No. U-1006-271, Order No. 19849 approved by the Idaho Public Utilities Commission, which expires on April 15, 2020. 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.

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 26<sup>th</sup> day of September, 2014.

  
for GARY SPACKMAN  
Director