

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 13-07853

Priority: May 21, 2012

Maximum Diversion Rate: 60.00 CFS

This is to certify, that CONSOLIDATED IRRIGATION CO
33 S 1ST E
PRESTON ID 83263

has applied for a permit to appropriate water from:

Source: CUB RIVER
MINK CREEK

Tributary: BEAR RIVER
BEAR 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	60.00 CFS

LOCATION OF POINT(S) OF DIVERSION:

CUB RIVER	NW¼NE¼NW¼	Sec. 8	Twp 15S	Rge 41E, B.M.	FRANKLIN County
MINK CREEK	SW¼NE¼SE¼	Sec. 28	Twp 13S	Rge 41E, B.M.	FRANKLIN County
CUB RIVER (Injection)	SW¼SE¼NW¼	Sec. 10	Twp 15S	Rge 40E, B.M.	FRANKLIN County
MINK CREEK (Injection)	SW¼SE¼NW¼	Sec. 10	Twp 15S	Rge 40E, B.M.	FRANKLIN County

PLACE OF USE: POWER

Twp	Rge	Sec	NE	NW	SW	SE	Totals
15S	40E	10			X		

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **April 01, 2020**.
2. Subject to all prior water rights.
3. This right does not authorize the diversion of water to be used solely for power generation purposes. Water used to generate power under this right must be diverted and beneficially used under separate, existing water rights.
4. The diversion and use of water from Mink Creek described under this right is limited to a season of use from 04/20 to 09/30.
5. Prior to diversion of water under this right, the right holder shall install and maintain a measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works.
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. 13A.

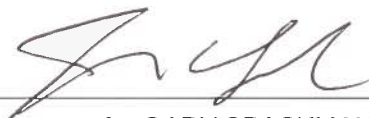
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7. The term of this permit shall run concurrently with the length of any effective energy sales agreement between the right holder and a purchasing utility. Prior to the expiration of the term, the Director may issue an order canceling all or any part of the use authorized herein, may establish a new term, or may revise, delete, or add conditions under which the water right permit or subsequent 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 permit or subsequent water right license shall remain in effect.
8. If it has not been previously provided, the permit holder shall submit a copy of the FERC exemption order and a copy of the effective energy sales/purchase agreement for this project in conjunction with the Proof of Beneficial Use statement.
9. The rights for the use of water acquired under this right shall be junior and subordinate to all other 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 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 permit.
10. This right is subject to the provisions of Sections 42-205 through 42-210, Idaho Code, restricting the sale, transfer, assignment, or mortgage of this right. Failure to comply with these provisions is cause for immediate cancellation of this right.
11. This right does not constitute Idaho Public Utilities Commission approval that may be required.
12. Use of water under this right shall be non-consumptive.
13. This right does not grant any right-of-way or easement across the land of another.
14. 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 the permit holder had no control.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 5th day of March, 2015.



for GARY SPACKMAN

Director