

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

2/27/2015

Water Permit 1-10576

Owner Type **Name and Address**
Attorney BARKER ROSHOLT & SIMPSON LLP
ATTN TRAVIS L THOMPSON
195 RIVER VISTA PL STE 204
TWIN FALLS, ID 83301-3029
(208)733-0700

Current Owner NORTH SIDE CANAL CO LTD
921 N LINCOLN AVE
JEROME, ID 83338
(208)324-2319

Priority Date: 12/3/1984

Status: Active

Source **Tributary**
SNAKE RIVER COLUMBIA RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
POWER	03/15	11/15	1,200.000 CFS	
	<u>Total Diversion</u>		1,200.000 CFS	

Source and Point(s) of Diversion

SNAKE RIVER	SESE	Sec. 22, Twp 10S, Rge 21E, JEROME County
SNAKE RIVER	L5(SWNW)	Sec. 28, Twp 10S, Rge 21E, JEROME County
SNAKE RIVER	L5(SWNW)	Sec. 28, Twp 10S, Rge 21E, JEROME County

Place Of Use

POWER within JEROME County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S	18E	6					X												
							L3												

Conditions of Approval:

1. Proof of application of water to beneficial use shall be submitted no sooner than March 1, 2019 and no later than March 1, 2020.
2. To facilitate determination of the volume of water beneficially used by this project, the right holder shall provide IDWR a copy of the characteristic performance curve for the turbine(s) and a copy of the monthly generation from the development period. These items shall be submitted with the required Proof of Beneficial Use statement. Failure to submit these items shall be cause for the Director to reject the Proof of Beneficial Use statement.
3. 01J 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 at the Snake River. In addition, the right

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- holder shall install a measuring device that can be used to determine the instantaneous rate of flow of water used to generate power, or the right holder shall provide to the department a flow rate measurement or computation made by a certified water right examiner in accordance with actual system design and operation.
4. 027 Use of water under this right shall be non-consumptive.
 5. 17H 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.
 6. 025 This right does not constitute Idaho Public Utilities Commission or Federal Energy Regulatory Commission approval that may be required.
 7. 08A 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.
 8. 004 This right does not grant any right-of-way or easement across the land of another.
 9. 26A 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.
 10. R05 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. 01.
 11. This right does not convey any authority to require or demand the diversion of water into the North Side Canal, Milner Gooding Canal, or the PA Lateral, and only authorizes an additional use of water which has been diverted into those canals under other existing water rights.
 12. E52 The rights listed below are limited to a total combined diversion rate of 3200 cfs for power generation. Combined Right Nos.: 1-7084B, 1-7084C, 1-10575, 1-10576, 1-10577, 1-10578, 1-10579, 1-10580, 1-10581, 1-10582, 1-10583, 1-10584, 1-10585, 1-10586, 1-10587, 1-10588, 1-10589, 1-10590, 1-10591, and 1-10592
 13. 915 The term of this permit shall run concurrently with energy sales agreement Case No. IPC-E-14-07, Order No. 33102, approved by the Idaho Public Utilities Commission, which expires on May 1, 2034. 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 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 subsequent water right license shall remain in effect.
 14. Project is also known as Head of U Canal Hydroelectric Project.

Comments:

1. csaxton 10/22/2010 Split Right
This right is the result of splitting application for permit 01-7084A. Application for permit 01-7084A was split into 01-10575 thru 01-10592 prior to being permitted. A permit was never issued for 01-7084A.

2. skeen 11/3/2010 POU
Updated Shape

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| 3. | csaxton | 11/23/2010 | POD |
| Updated PLS | | | |
| 4. | pskaggs | 2/27/2015 | Scope of Project |
| The scope of this project was reduced per applicants attorney by 2-24-2015 letter & 02-27-2015 email prior to permit approval. | | | |
| 5. | pskaggs | 2/27/2015 | POU |
| Updated Shape | | | |

Dates and Other Information

Permit Proof Due Date: 3/1/2020

Water District Number: 01

Mitigation Plan: False

Combined Use Limits

N/A

Verification Log

SubCase:

N/A

Water Supply Bank:

N/A