

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 1-10576

Priority: December 03, 1984

Maximum Diversion Rate: 1,200.00 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:

Source: SNAKE RIVER**Tributary:** 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	03/15 to 11/15	1,200.00 CFS

LOCATION OF POINT(S) OF DIVERSION:

SNAKE RIVER	SE1/4SE1/4	Sec. 22, Twp 10S, Rge 21E, B.M.	JEROME County
SNAKE RIVER	Lot 5 (SW1/4NW1/4)	Sec. 28, Twp 10S, Rge 21E, B.M.	JEROME County
SNAKE RIVER	Lot 5 (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	
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 received no later than the beneficial use due date of **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. Subject to all prior water rights.
4. 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 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.
5. Use of water under this right shall be non-consumptive.

SUPPORT DATA

IN FILE # 01-7084A

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6. 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.
7. This right does not constitute Idaho Public Utilities Commission or Federal Energy Regulatory Commission approval that may be required.
8. 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.
9. This right does not grant any right-of-way or easement across the land of another.
10. 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.
11. 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.
12. 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.
13. 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.
14. 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.
15. Project is also known as Head of U Canal Hydroelectric Project.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 27th day of February, 2015.


for GARY SPACKMAN, Director