

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 37-07891/01-7086

Priority: March 23, 1981

Maximum Diversion Rate: 54.00 CFS
Maximum Diversion Volume: 22,520.0 AF

It is hereby certified that FAULKNER BROTHERS HYDRO
1997 S 1875 E
GOODING ID 83330 has complied with the terms and conditions of the
permit, issued pursuant to Application for Permit dated May 6, 1985; and has submitted Proof of
Beneficial Use on March 28, 1990. An examination confirms water is diverted from:

SOURCE

BIG WOOD RIVER
SNAKE RIVER

Tributary: MALAD RIVER
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	11/01 to 03/31	10.00 CFS	2,120.0 AF
POWER	04/01 to 10/31	54.00 CFS	20,400.0 AF

LOCATION OF POINT(S) OF DIVERSION:

SNAKE RIVER L5 (SW1/4NW1/4) Sec. 28, Twp 10S, Rge 21E, B.M.
BIG WOOD RIVER SE1/4SW1/4 Sec. 22, Twp 05S, Rge 14E, B.M.

JEROME County
GOODING 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	
05S 12E 34						X											

CONDITIONS OF APPROVAL

1. This right does not convey any authority to require or demand the diversion of water into the North Side Canal, Milner Gooding Canal, PA Lateral or the Y Canal and only authorizes an additional use of water which has been diverted into those canals under other existing water rights.
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.

SUPPORT DATA

IN FILE # 37-7891

SCANNED
DEC 24 2014

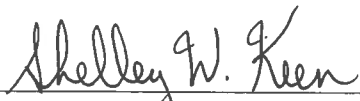
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3. This right does not constitute Idaho Public Utilities Commission or Federal Energy Regulatory Commission approval that may be required.
4. The term of this water right license shall run concurrently with energy sales agreement Case Number U-1006-286, Order Number 20986 approved by the Idaho Public Utilities Commission, which expires on December 11, 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.
5. 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 Nos. 37 and 01.
6. 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).
7. This right is subject to the agreement dated August 20, 1984 between the right holder and protestant(s) to the extent such agreement covers matters within the jurisdiction of the Idaho Department of Water Resources.
8. This right does not grant any right-of-way or easement across the land of another.
9. Use of water under this right shall be non-consumptive.
10. Right 37-7891 is also recorded as Right 01-7086 to identify the diversion from the Snake River. These duplicate rights represent a single use of water as described on either right.

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 22nd day of December, 2014.


for GARY SPACKMAN
Director