

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**AMENDED APPLICATION FOR PERMIT**

To appropriate the public waters of the State of Idaho

Ident. No. 13-7853**RECEIVED****SEP 19 2012**Department of Water Resources
Phone (208) 852-2364
Cotton Region1. Name of applicant(s) Consolidated Irrigation CompanyName connector (check one): ☐ and ☐ or ☐ and/orMailing address: 33 S. 1st E.City PrestonState IDZip 83263

Email: _____

2. Source of water supply Cub River and Mink Creekwhich is a tributary of Bear River

3. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or tag #
15S	41E	8		NW	NE	NW	FRANKLIN	CUB RIVER	GLENDAL CANAL
13S	41E	28		SW	NE	SE	FRANKLIN	MINK CREEK	MINK CREEK CANAL
15S	40E	10		SW	SE	NW	FRANKLIN	CUB RIVER	POI
15S	40E	10		SW	SE	NW	FRANKLIN	MINK CREEK	POI

4. Water will be used for the following purposes:

Amount 60 CFS for HYDROPOWER purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per year)Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)5. Total quantity to be appropriated is (a) 60 cubic feet per second (cfs) and/or (b) _____ acre-feet per year (af).

6. Proposed diverting works:

a. Describe type and size of devices used to divert water from the source. Diversion works already exist. Glendale Canal has two screw operated headgates; Mink Creek Canal also has screw operated headgates.b. Height of storage dam N/A feet; active reservoir capacity N/A acre-feet; total reservoir capacity N/A acre-feet. If the reservoir will be filled more than once each year, describe the refill plan in item 11.For dams 10 feet or more in height OR reservoirs with a total storage capacity of 50 acre-feet or more, submit a separate Application for Construction or Enlargement of a New or Existing Dam. Application required? ☐ Yes ☒ Noc. Proposed well diameter is N/A inches; proposed depth of well is N/A feet.d. Is ground water with a temperature of greater than 85°F being sought? ☐ Yes ☒ Noe. If well is already drilled, when? N/A; drilling firm N/A;Well was drilled for (well owner) N/A; Drilling Permit No. N/A.

7. Description of proposed uses (if irrigation only, go to item 8):

a. Hydropower; show total feet of head and proposed capacity in kW. Max head: approx. 315 ft.; Max kW: approx. 550b. Stockwatering; list number and kind of livestock. None.c. Municipal; show name of municipality or the applicant's qualifications as a municipal provider. None.d. Domestic; show number of households None.e. Other; describe fully. None.

8. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15S	40E	10										P							

Total number of acres to be irrigated: N/A

9. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping? None.

10. a. Who owns the property at the point of diversion? Glendale Canal (US Forest Service); Mink Creek Canal (Bur. of Rec.)
b. Who owns the land to be irrigated or place of use? Dennis Webster (owns property where hydropower facility will be).
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: Canals: Easements; Webster is a stockholder and indicated willingness to sell necessary land for facility.

11. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. The Applicant desires to construct a hydroelectric facility using water delivered through two of its already-existing canals.
Pipelines will be installed to provide the head necessary for generation of electricity next to the canals. Easements will be obtained for the pipelines, as necessary, once the project design is finalized. The Applicant has had the preliminary verbal authorization for placement of pipelines for proposed and alternate routes. Non-irrigation season hydropower will be generated under this permit and Applicant's storage water rights. Irrigation season hydropower will be generated with Applicant's irrigation water rights. Water from Mink Creek will only be diverted under Applicant's current irrigation water rights during the irrigation season as defined by those rights. Water may be diverted from Cub River year-round under this permit and Applicant's other rights.

12. Time required for completion of works and application of water to proposed beneficial use is 5 years (minimum 1 year).
13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½" x 11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.

The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Robert L. Harris
Signature of Applicant
Robert L. Harris, Attorney, Consolidated Irrigation Co.
Print Name (and title, if applicable)

Signature of Applicant

Print Name (and title, if applicable)

For Department Use:

Received by _____ Date _____ Time _____ Preliminary check by _____
Fee \$ _____ Receipted by _____ Receipt No. _____ Date _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AFFIDAVIT FOR WATER RIGHTS TO BE USED FOR POWER PURPOSES

A. Establishment of Residency or Qualification to do Business in Idaho (complete either 1 or 2)

1. Individual Applicant:

I, _____ of _____
(name) (city)
County of _____, State of Idaho, being duly sworn, do hereby certify that I am a
bona fide resident of the State of Idaho.

2. Corporation or Partnership (complete part 2a or 2b):

a) ☐ Attached is a *Certificate of Existence* or a *Certificate of Authorization* or other documentation issued by the
Idaho Secretary of State confirming _____'s authority to transact
(name of corporation or partnership)
business in Idaho.

or

b) I, LYLE W. PORTER of PRESTON, County
(name) (city)
of FRANKLIN, State of IDAHO, being duly sworn, depose
and say, that I am the PRESIDENT for CONSOLIDATED IRRIGATION CO.
(title) (name of corporation or partnership)
that as such I have legal authority to sign this affidavit on behalf of CONSOLIDATED IRRIGATION CO.
(name of corporation or partnership)
and that CONSOLIDATED IRRIGATION CO. is a corporation or partnership qualified to do business in
(name of corporation or partnership)
the State of Idaho under the laws of the State of Idaho.

B. Ownership of Facilities

The hydropower facility to be developed pursuant to the attached Application for Permit (check one):

- ☐ Will **not** utilize existing man-made irrigation facilities such as a dam or a canal.
- ☐ Will utilize existing man-made irrigation facilities such as a dam or a canal, and permission of the owner is documented in an affidavit attached hereto.
- ☒ Will utilize existing man-made irrigation facilities such as a dam or a canal, and the owner is the signee of this affidavit.

Signature [Signature]

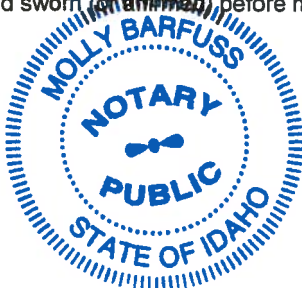
Print title if applicable LYLE W. PORTER, PRESIDENT

Date MAY 14, 2012

STATE OF IDAHO)
County of Bonneville) ss

Subscribed and sworn (and affirmed) before me this 14th day of May, 2012.

SEAL



Notary Public [Signature]
Residing at _____
My Commission Expires _____

Notary Public for the State of Idaho
Residing in Idaho Falls
Commission Expires 02-16-18

ARTICLES OF INCORPORATION OF CONSOLIDATED IRRIGATION COMPANY

FILED EFFECTIVE

2012 JAN 20 PM 2:19
SECRETARY OF STATE
STATE OF IDAHO

ARTICLE I.

The name of the surviving Idaho nonprofit corporation created pursuant to the merger of Preston Riverdale and Mink Creek Canal Company, Preston & Whitney Reservoir Company, and Preston-Whitney Irrigation Company shall be the "CONSOLIDATED IRRIGATION COMPANY".

ARTICLE II.

This company shall have perpetual existence.

ARTICLE III.

There shall be authorized for issuance by the company 50,000 shares of Class A capital stock, without par value, which Class A stock shall represent the stock of the company without any debt from the former entities. In that regard, prior to the issuance of any Class A stock, 9,800 shares of Class B stock shall be authorized for issuance to the former stockholders of the Preston Riverdale and Mink Creek Canal Company, 1,600 shares of Class C stock shall be authorized for issuance to the former stockholders of the Preston & Whitney Reservoir Company, and 29,500 shares of Class D stock shall be authorized for issuance to the former stockholders of the Preston-Whitney Irrigation Company. Upon retirement of each former company's debt, the stock of each such entity (Class B, C, or D) shall thereafter be exchanged for shares of Class A stock. The common capital stock of the company shall be assessable for payment of the obligations of the company in the manner and to the extent provided in the bylaws of the company, and as said bylaws may from time to time be amended.

ARTICLE IV.

The initial registered office of the company shall be in Preston, Franklin County, Idaho. The registered agent of the company shall hereafter be the duly elected, qualified and serving secretary of the company, and the address of the company's registered office shall be the address of said secretary unless the directors otherwise provide in writing and give such notice as may be required by law. The name and address of said secretary is Maxine Waddoups, 33 S. 1st E. Preston, Idaho 83263.

ARTICLE V.

The names and addresses of the initial directors of the surviving company, Consolidated Irrigation Company, are as follows:

IDAHO SECRETARY OF STATE
01/20/2012 03:00
CK: NONE CT: 12945 DH: 1307036
1 @ 30.00 = 30.00 INC NONP 0 4
1 @ 20.00 = 20.00 NON EXPED 0 5

ARTICLES OF INCORPORATION OF CONSOLIDATED IRRIGATION COMPANY—Page 1

C193457

13 - 7853

<u>NAME</u>	<u>ADDRESS</u>
1. Lyle W. Porter	1447 E. 800 North, Preston, Idaho 83263
2. Brian Jensen	3818 S. 800 West, Preston, Idaho 83263
3. R. Carl Swainston	135 N. 8 th East, Preston, Idaho 83263
4. Jay Ransbottom	2077. 2400 E., Preston, ID 83263
5. Kirk Iverson	2724 S. 1400 West, Preston, Idaho 83263
6. Ray S. Bennett	1419 N. State, Preston, Idaho 83263
7. W. Earl Fellows	1022 N. 1400 West, Preston, Idaho 83263
8. Kent B. Egley	4803 E. Glencoe Road, Preston, Idaho 83263
9. Edward C. Moser	387 S. 2600 E., Preston, ID 83263
10. Jeffrey T. Hobbs	24 N. 1 st E., Franklin, ID 83257

The number of directors of the company and their election, terms, powers and responsibilities shall be as provided in the bylaws of the company, and as said bylaws may from time to time be amended.

ARTICLE VI.

The purposes for which the initial company was formed, and for which the surviving company shall continue to exist, is the acquisition and holding of water rights for the irrigation of the lands of the stockholders and the owning and operating of a diversion facility and a system of canals, reservoirs, pipelines, and laterals with attendant structures and equipment to divert waters from the public source of supply pursuant to its water rights and deliver the same to the private facilities, farms, homes, churches, schools, and municipalities of its stockholders. The company shall further transact any or all lawful business in connection with such purposes or in any manner related thereto which may aid or assist in the accomplishment of such purposes, as well as any or all other lawful business for which companies may be incorporated under the laws of the State of Idaho.

ARTICLE VII.

The capital stock of the company may only be transferred (1) in connection with a transaction involving title to the real property to which that portion of the water and water conveyance rights of the company represented by such stock is appurtenant, or (2) in connection with the sale of stock only (without an underlying real property transaction) in the manner and subject to the exceptions described in the bylaws, and as said bylaws may from time to time be amended.

ARTICLE VIII.

The respective interests of the stockholders and the assets and savings of the company shall be in the same proportion as their respective stock ownership, which shall be determined in proportion to their business with the company. No funds shall be retained in excess of those needed to meet current expenses for such purposes as retiring indebtedness incurred and acquiring assets, expanding the services of the company or maintaining reserves for necessary purposes.

ARTICLE IX.

The company shall maintain such records as are necessary to determine at any time each member's rights and interests in the assets of the company.

ARTICLE X.

Except to the extent provided in Article VII and in the bylaws, a former stockholder's rights and interests shall not be forfeited upon withdrawal or termination of membership.

ARTICLE XI.

Upon dissolution, the assets of the company, after the payment of all debts and obligations, shall be distributed to all stockholders and former stockholders in proportion to the business done with the company, in so far as practicable. Any water rights or water conveyance rights held by the company shall be distributed to the person or persons to whose lands such water rights or conveyance rights are then appurtenant.

ARTICLE XII.

No director of the company shall be personally liable to the company or its stockholders for monetary damages, except:

- a. for breach of a director's duty of loyalty to the company or its stockholders;
- b. for acts or omissions not in good faith or which involve the intentional misconduct or a knowing violation of the law;
- c. for liability under § 30-1-833 of the Idaho Code;
- d. for any transaction from which the director derived an improper personal benefit.

ARTICLE XIII.

Those stockholders present in person or by proxy at an annual or special stockholders' meeting shall constitute a quorum for purposes of transacting any business to come before the meeting.

ARTICLE XIV.

The company is and shall continue to be a nonprofit operating company as the same is described in and for the purposes of the provisions of Idaho Code, Title 42, Chapters 22 and 24, and shall have and exercise all the rights, powers and privileges set forth in said chapters, including, without limitation, the right to prescribe in its bylaws the manner in which the powers of the company, given by law, shall be exercised. The rights, powers and privileges created or granted by law and these articles of incorporation shall vest in and be held and exercised by the stockholders of the company except in so far as they may be expressly delegated to the directors by the bylaws of the company.

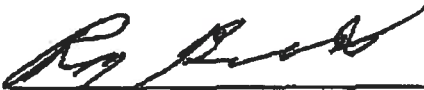
ARTICLE XV.

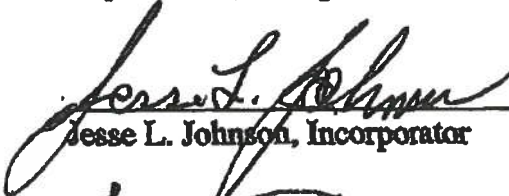
The company shall have voting members, as further set forth in the bylaws of the company.

ARTICLE XVI.

The name and address of each incorporator is as follows:

- | | |
|---------------------|---|
| 1. Ray S. Bennett | 1419 N. State, Preston, Idaho 83263 |
| 2. Jesse L. Johnson | 82 N. 2800 E., Preston, Idaho 83263 |
| 3. Lyle W. Porter | 1447 E. 800 North, Preston, Idaho 83263 |


Ray Bennett, Incorporator


Jesse L. Johnson, Incorporator


Lyle W. Porter, Incorporator

RECEIVED

MAY 21 2012

Department of Water Resources
Eastern RegionSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Ident. No. 13-7853

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

SUPERCEDED

1. Name of applicant(s) Consolidated Irrigation Company Phone (208) 852-2364
 Name connector (check one): ☐ and ☐ or ☐ and/or

Mailing address: 33 S. 1st E. City PrestonState ID Zip 83263 Email: _____

2. Source of water supply Cub River and Mink Creek which is a tributary of Bear River

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13S	41E	28		SW	NE	SE	FRANKLIN	MINK CREEK	MINK CK CANAL

4. Water will be used for the following purposes:

Amount 60 CFS for HYDROPOWER purposes from 1/1 to 12/31 (both dates inclusive)
 (cfs or acre-feet per year)

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a. Describe type and size of devices used to divert water from the source. Diversion works already exist. Glendale Canal has two screw operated headgates; Mink Creek Canal also has screw operated headgates.

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For dams 10 feet or more in height OR reservoirs with a total storage capacity of 50 acre-feet or more, submit a separate Application for Construction or Enlargement of a New or Existing Dam. Application required? ☐ Yes ☒ No

c. Proposed well diameter is N/A inches; proposed depth of well is N/A feet.

d. Is ground water with a temperature of greater than 85°F being sought? ☐ Yes ☒ No

e. If well is already drilled, when? N/A; drilling firm N/A;
 Well was drilled for (well owner) N/A; Drilling Permit No. N/A

7. Description of proposed uses (if irrigation only, go to item 8):

a. Hydropower; show total feet of head and proposed capacity in kW. Max head: approx. 200 ft.; Max kW: approx. 550

b. Stockwatering; list number and kind of livestock. None.

c. Municipal; show name of municipality or the applicant's qualifications as a municipal provider. None.

d. Domestic; show number of households None.

e. Other; describe fully. None.

13-7853

8. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15S	40E	10							P										
		9				P													

Total number of acres to be irrigated: N/A

9. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping? None.

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The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.



Signature of Applicant

Lyle Porter, President, Consolidated Irrigation Co.

Print Name (and title, if applicable)

Signature of Applicant

Print Name (and title, if applicable)

For Department Use:

Received by _____ Date _____ Time _____ Preliminary check by _____

Fee \$ 1810.00 Received by Babe Receipt No. E037635 Date 4/23/2012

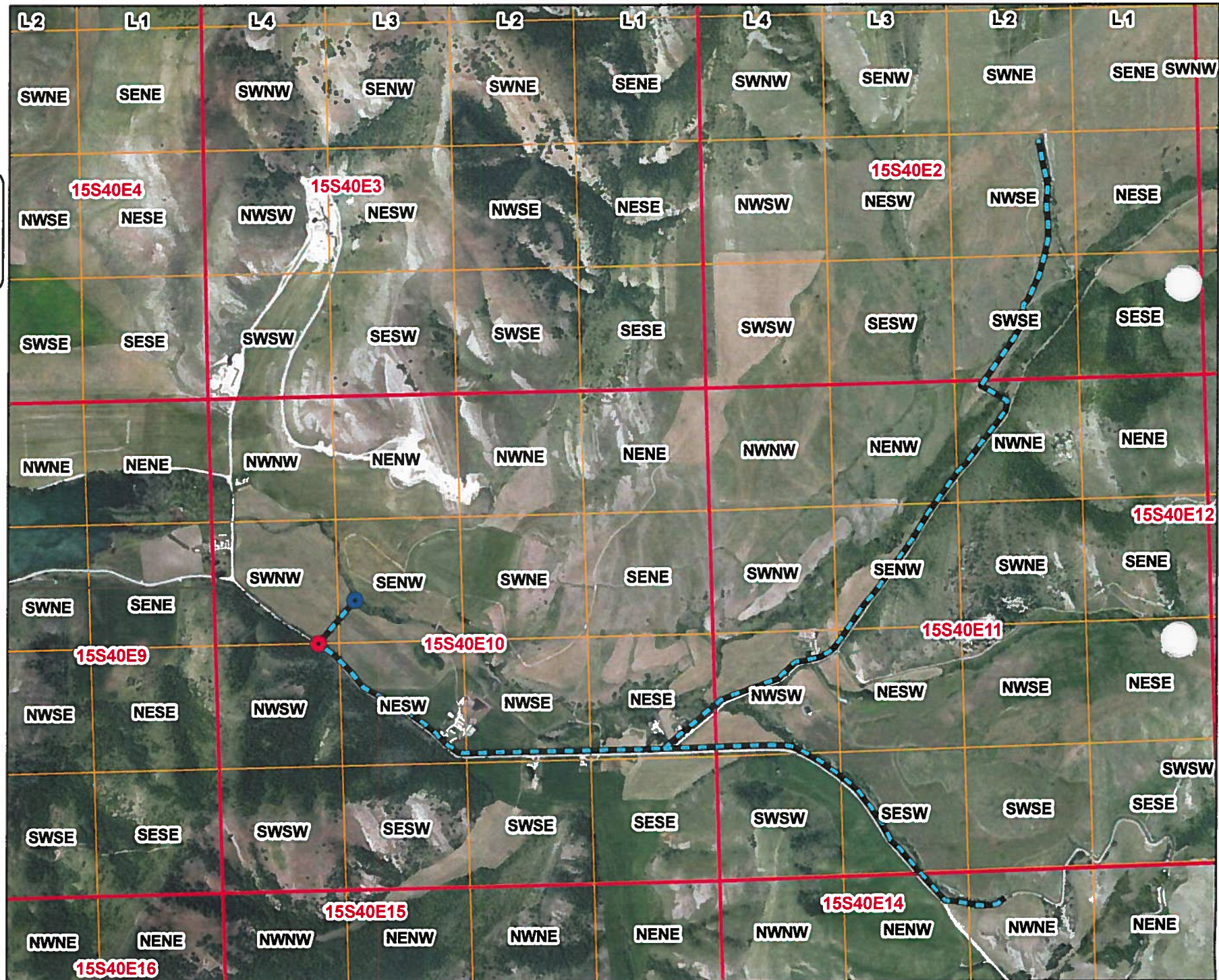
5/23/2012 2

13 - 7853

CONSOLIDATED IRRIGATION CO. PERMIT APPLICATION



- Legend**
- POI
 - POU
 - Pipeline
 - ▭ Section Lines
 - ▭ Quarter Quarters



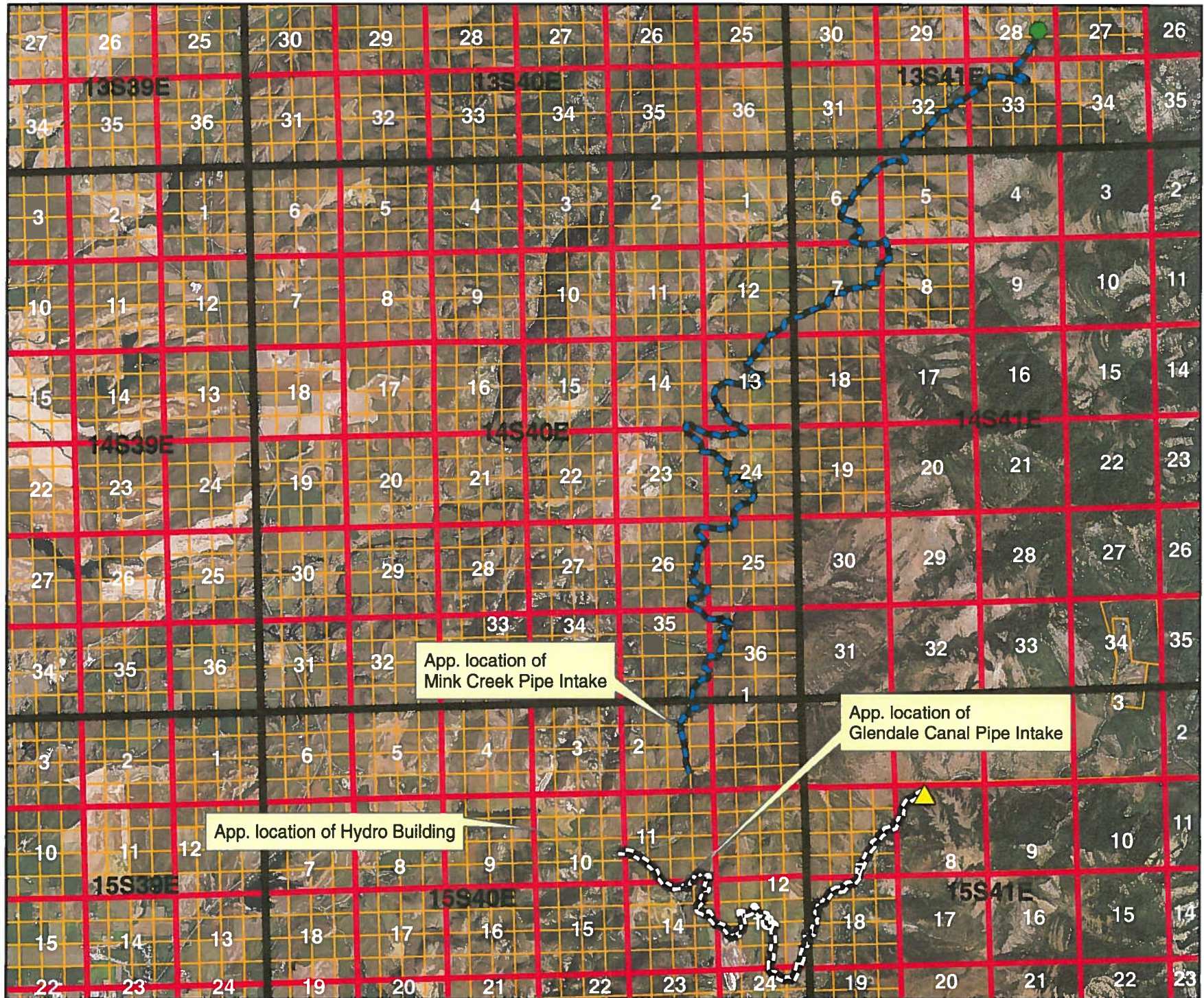
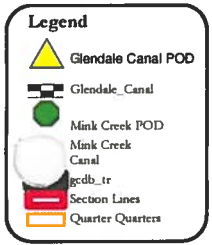
13-7853

Bing Aerial Photo



Prepared by:
Luke H. Marchant
8/28/2012

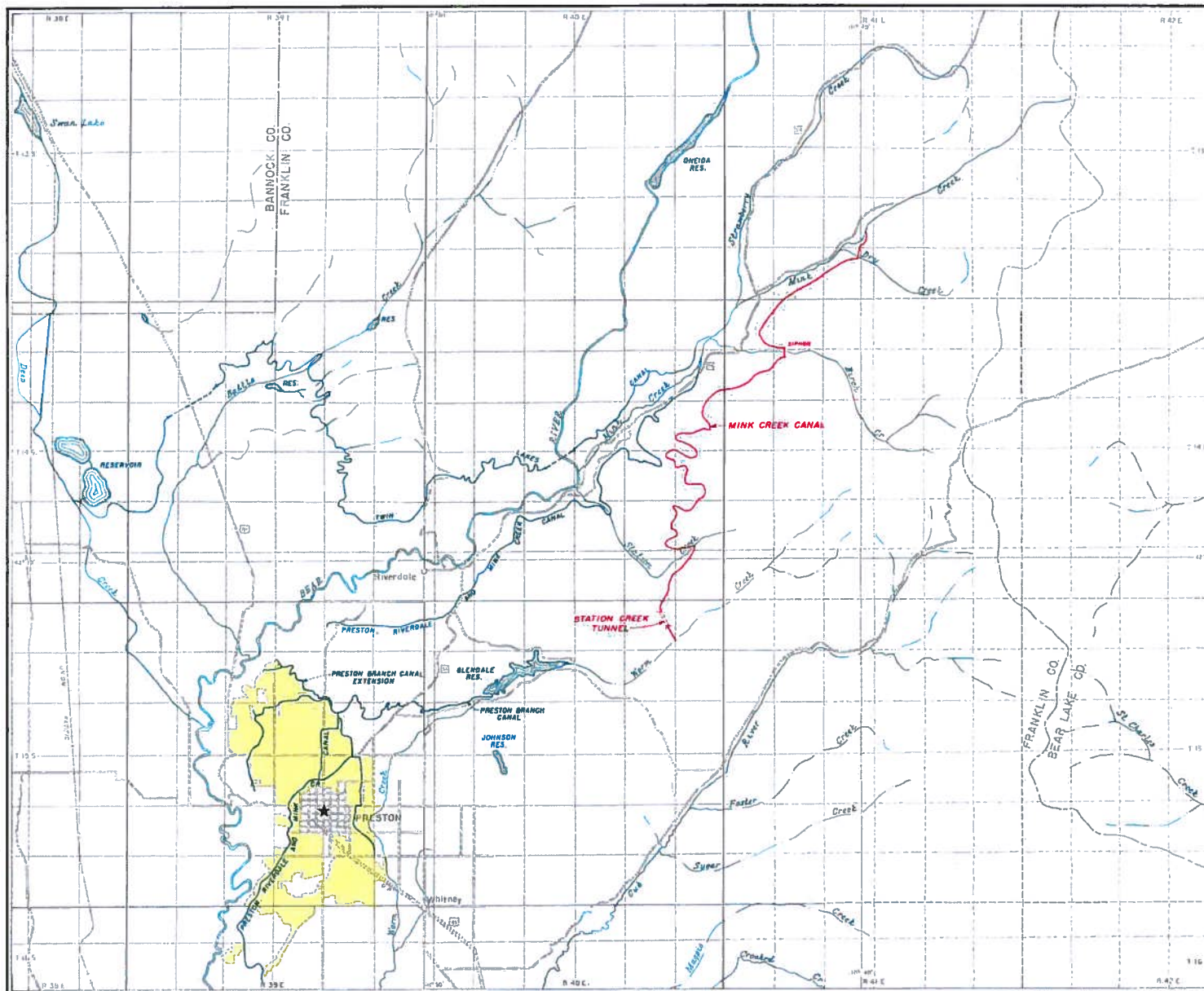
CONSOLIDATED IRRIGATION CO. PERMIT APPLICATION



2011 NAIP Photo



Prepared by:
Robert L. Harris
5/11/2012



EXPLANATION
 BUREAU OF RECLAMATION
 COMPLETED AND AUTHORIZED WORKS
 CANAL
 TUNNEL
 PROJECT HEADQUARTERS
 AREA BENEFITED BY PROJECT WORKS

UNITED STATES
 DEPARTMENT OF THE INTERIOR
 OSCAR L. CHAPMAN, SECRETARY
 BUREAU OF RECLAMATION
 MICHAEL W. STRAUS, CHIEF ENGINEER
PRESTON BENCH PROJECT
 IDAHO
 (REGION 4)

MAP NO. 535-400-67
 SCALE OF MILES
 OCTOBER 1962

13-7853

