

MEMORANDUM

Date: January 31, 2012
To: Water Right File 77-14145
From: Michele Edl
Re: status

On December 16, 2011, I received a phone call from Mr. Jamin Ankney. He is a University of Idaho graduate student who has been assigned to assist the university in clarifying or correcting water rights issues related to the Taylor Ranch.

I understand that water right permit 77-14145 is for power use and that the existing point of diversion appears to be on Federal land. Therefore the project could be subject to the extensive environmental and other requirements of FERC. The university was not eager to divert its resources to meet the challenge of complying with FERC and instead wished to discuss other options for this permit.

The point of diversion from Pioneer Creek is currently shared by the water right 77-2219 for domestic and irrigation uses. Mr. Ankney and his team are considering moving the point of diversion for the power right to another location on U of I property. But the POD for right 77-2219 would not necessarily change.

The power house and turbine have been in place for several years. File contents indicate that the Proof form was provided to U of I real estate officer, Gerard Billington, but Proof of Beneficial Use has not yet been submitted. Because the POD change is scheduled for "as soon as possible", I requested photos of the current POD and POU expecting that the Department might need them for licensing the use after relocation.

On January 27, 2012, I received an email from the Dr. Eric Coats (project engineer and U of I professor) with 3 photos of the system attached.

I responded at some length via email and phone to provide Dr. Coats and his team the information they needed. Funding may drive the timing of their water rights processes. The U of I would like to amend the permit and make the POD change sometime in the 2012 construction season. I believe Dr. Coats is aware that they can ask for an extension, amend their permit and complete construction after the August 1, 2012 proof due date.