Keen, Shelley

From: Falk, John
Sent: Monday, March 15, 2010 6:08 PM
To: Galloway, Chuck
Cc: Keen, Shelley
Subject: FW: Small Hydro on Lake Creek
Attachments: 75-7427-proof-of-use.pdf; 75-7427-application.pdf

FYI – Thanks for your help Shelley.

From: Falk, John
Sent: Monday, March 15, 2010 6:05 PM
To: Patrick Regan
Subject: Small Hydro on Lake Creek

Pat,
As requested, I checked the water rights for said project located in Section 2 T19N, R21E Lemhi County. I think this is the unit to which you referred, but I'm not certain. If it is, then it appears that this in-stream barrier does not possess the physical dimensions that would allow IDWR dam safety to regulate it as a dam .

There are two (2) water rights (WR) that are associated with this structure:

- one is for 6cfs hydroelectric generation (75-7427)
- the other is diversion (0.27 cfs) for irrigation of 13.7 acres (~~75-7524~~): 75-930

It may be argued that the two uses must be considered separately; i.e. the use of diverted water for irrigation is not dependent on electric generation, and vice-versa.

The short of the long is that physical removal of the diversion due to surrender of the hydro WR may infringe on the irrigation WR because irrigation must have the dam to provide enough "lift" of the water surface in order to divert water for irrigation. However, I'm just offering my opinion; it doesn't carry any legal weight.

Attached is the application and results of field examine. Please let me know if you have any questions. Thanks --jf--

This email was to inform Federal Energy Regulatory Commission (FERC) staff who had inquired about abandonment of the hydro plant and possible removal of the dam.

Shelley Keen
March 16, 2010