

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 78-12361

Priority: November 03, 2008

Maximum Diversion Rate: 0.80 CFS

This is to certify, that TONY And/Or BILLIE CESARIO
PO BOX 159
RIGGINS ID 83549-0159

have applied for a permit to appropriate water from:

Source: HAT CREEK

Tributary: LITTLE SALMON RIVER

and a permit is APPROVED for development of water as follows:

BENEFICIAL USE

POWER

PERIOD OF USE

01/01 to 12/31

RATE OF DIVERSION

0.80 CFS

LOCATION OF POINT(S) OF DIVERSION:

HAT CREEK

SW1/4SW1/4

Sec. 22, Twp 23N, Rge 01E, B.M., IDAHO County

PLACE OF USE: POWER

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
23N 01E 21															X		

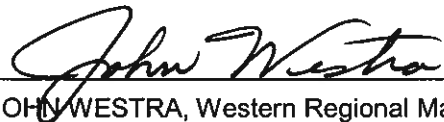
CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **August 01, 2014**.
2. Subject to all prior water rights.
3. 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.
4. 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.
5. The Director retains jurisdiction of this right in order to limit the use of water for hydropower generation purposes to a specific term of years as required by Section 42-203B(7), Idaho Code.
6. 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.

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 78-12361

7. This right does not constitute Idaho Public Utilities Commission or Federal Energy Regulatory Commission approval that may be required.
8. The right holder shall install a measuring device that can be used to determine the instantaneous rate of flow of water through the system, 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.
9. Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game for the point of diversion under this right. The right holder shall comply with those same requirements for a submerged outlet for return flows to Hat Creek.
10. Water diverted to the power plant shall be returned to Hat Creek in the vicinity of the power plant developed under this right. If the return flow is elevated above the water surface of the creek, it shall be discharged onto rocks or onto the water surface of the creek to prevent soil erosion.
11. After specific notification by the Department, the amount of water diverted under this right shall be annually reported to the Department.
12. Use of water under this right shall be non-consumptive.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 31st day of July, 20 09.


JOHN WESTRA, Western Regional Manager