



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 6, 2005

WILLIAM ARKOOSH
2005 HIGHWAY 26
GOODING ID 83330

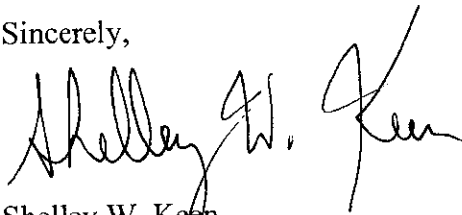
RE: Application for Permit No. 37-21297

Dear Mr. Arkoosh:

I have enclosed a draft permit for the hydropower development you proposed in Application for Permit No. 37-21297. The draft permit has several approval conditions dealing with a variety of issues, including the minimum bypass flow, prevention of seepage in the feeder and tailrace canals, and avoiding disruption to river flows during load rejection. Please review the draft permit and provide any comments in writing to IDWR within 30 days.

If you have any questions, please call me at 208-287-4947, or email me at shelley.keen@idwr.idaho.gov.

Sincerely,



Shelley W. Keen
Water Rights Supervisor

Enclosure

Cc: Ted S. Sorenson

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 37-21297

Priority: April 22, 2004

Maximum Diversion Rate: 500.00 CFS

This is to certify, that WILLIAM ARKOOSH
2005 HWY 26
GOODING ID 83330

has applied for a permit to appropriate water from:

Source: LITTLE WOOD RIVER **Tributary:** MALAD RIVER

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
POWER	01/01 to 12/31	500.00 CFS

LOCATION OF POINT(S) OF DIVERSION:
LITTLE WOOD RIVER NE¼NE¼NE¼ Sec. 26, Twp 05S, Rge 16E, B.M. LINCOLN 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 16E 26					X												

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **September 01, 2010**.
2. Subject to all prior water rights.
3. 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.
4. 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.
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 No. 37-M.

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CONDITIONS OF APPROVAL CONTINUED

6. Prior to diversion of water under this right, the right holder shall install and maintain a measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works. The measuring device shall include a permanently installed and maintained flow recorder or data logger that meets Department specifications.
7. This right does not constitute Idaho Public Utilities Commission or Federal Energy Regulatory Commission approval that may be required.
8. The diversion and use of water under this right and any license subsequently issued is subject to review by the Director on the date(s) of expiration of any license issued by the Federal Energy Regulatory Commission. Upon appropriate findings relative to the interest of the public, the Director may cancel all or any part of the use authorized herein and may revise, delete or add conditions under which the right may be exercised.
9. Use of water under this right shall be non-consumptive.
10. Within 21 days of the initial diversion and use of water in connection with this permit, the right holder shall submit to the Department a report by a qualified hydrologist or engineer describing any leaks in the feeder canal and/or tailrace canal and a plan for sealing any leaks that are detected so that the feeder and tailrace canals do not lose more water than would be lost in the corresponding reach of the Little Wood River. If any leaks are detected, the right holder shall cease diverting and using water until the Department has determined that the leaks do not result in a greater loss of water than would occur in the corresponding reach of the Little Wood River or the Department has approved the right holder's plan for sealing the leaks and the leaks have been sealed. Within 21 days from the resumption of the diversion and use of water after efforts to seal a leak or leaks, the right holder shall submit to the Department a report by a qualified hydrologist or engineer showing that the leaks have been sealed. Furthermore, at such time in the future as the Director determines necessary to protect the prior rights of other users, the Director may require determination of the rate of loss within the system using a procedure approved by the Director, and may require sealing of any leaks or mitigation for all system losses.
11. The diversion of water under this right shall be accomplished in a way that minimizes fluctuations (surges and dips) in stream flow downstream from the location where water is discharged into the Little Wood River. The Director retains jurisdiction to order changes in the operation of the system, up to and including the curtailment of diversions, to minimize the impact to downstream water users.

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CONDITIONS OF APPROVAL CONTINUED

12. The right holder shall maintain an instantaneous minimum bypass flow of the following amounts in the Little Wood River past the point of diversion and the point of return flow for this right.

January	13 cfs
February	13 cfs
March	13 cfs
April	42 cfs
May	55 cfs
June	48 cfs
July	35 cfs
August	36 cfs
September	36 cfs
October	13 cfs
November	13 cfs
December	13 cfs

Draft

During any year when the Surface Water Supply Index (SWSI) published by the United States Department of Agriculture, Natural Resources Conservation Service, indicates as of April 1 that the flows in the Little Wood River are likely to be below average (a negative SWSI number), the right holder shall maintain a bypass flow of not less than 13 cfs for the months of April through September, except that the bypass flow may be reduced to 10 cfs upon written permission from the Idaho Department of Fish & Game.

Should the USDA cease to publish the SWSI for the Little Wood River, the right holder shall establish an alternative method for determining when the flows in the Little Wood River are likely to be below average. The alternative method shall be subject to the approval of the department.

13. Prior to diversion of water under this right, the right holder shall provide measuring device(s) acceptable to the department for measuring the flow in the Little Wood River to insure the bypass flow required by this right. The measuring device(s) shall include a permanently installed and operational flow recorder or data logger. The measuring device(s) shall be available for inspection by the department, the watermaster and/or Idaho Department of Fish and Game officials at all times. The right holder shall pay the costs of installing and maintaining the measuring device(s) or other means of measurement.
14. The right holder shall report daily average bypass flows for the prior calendar year to the watermaster by January 15 each year. The Department reserves jurisdiction to require reporting on a more frequent basis, not to exceed four reports annually.