

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 US 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 NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 26, Twp 05S, Rge 16E, B M LINCOLN 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
05S 16E 26					X												

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **January 1, 2013**.
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. 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

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CONDITIONS OF APPROVAL CONTINUED

6. This right does not constitute Idaho Public Utilities Commission or Federal Energy Regulatory Commission approval that may be required.
7. Use of water under this right shall be non-consumptive.
8. 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.
9. Prior to diversion of water under this right, the right holder shall install a lockable device, subject to the approval of the Department, in a manner that will provide suitable control of the diversion.
10. Prior to diverting water under this right, the right holder shall install a meter and data logger to record fluctuations in the diversion rate. The data logger does not need to record actual flow rates in cfs, but shall indicate relative diversion rates. The meter and data logger must be acceptable to the Department and the watermaster.
11. The right holder shall install and maintain standard meters and data loggers to measure and record the amount of electric energy generated by the project works and the effective head on the turbines. The right holder shall also rate the turbine output in kilowatts compared to flow in a manner acceptable to the department and the watermaster and shall report monthly kilowatt output and other information as directed by the Department and/or watermaster.
12. 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.
13. The right holder shall operate in run-of-river mode only and shall act to minimize the fluctuation of streamflow immediately downstream of 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 equipment modifications and/or the curtailment of diversions, to minimize the impact to downstream water users.

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CONDITIONS OF APPROVAL CONTINUED

- 14 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

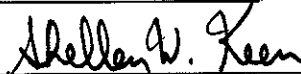
During any year when the Surface Water Supply Index (SWSI) published by the United States Department of Agriculture, Natural Resources Conservation Service, indicates as of April 1 that the flows in the Little Wood River are likely to be below average (a negative SWSI number), the required minimum bypass flow during the months of April through September is 13 cfs. During state-declared drought emergency conditions the right holder can request from Idaho Department of Fish and Game (IDFG) that the required instantaneous minimum flow be reduced to no less than 10 cfs. The right holder must obtain written permission from IDFG before an instantaneous minimum flow of no less than 10 cfs is authorized. Within 10 days of receiving the written correspondence from IDFG, the right holder shall file it with the Department and the water district.

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

The bypass flow may be temporarily modified if required by operating emergencies beyond the control of the right holder, and for short periods upon agreement between the right holder, Idaho Department of Fish and Game, Idaho Department of Environmental Quality, the U S Fish and Wildlife Service, and Idaho Department of Water Resources.

- 15 Prior to diversion of water under this right, the right holder shall provide a means of measurement 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 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.
- 16 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.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 20th day of December, 2007.


for DAVID R. TUTHILL, JR., Director