



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 24, 2006

N. Stanley Standal Jr.
609 River Road
Bliss, ID 83314

Dear Mr. Standal:

As you recall, you filed an Application for Permit with our office on February 27th. The Application for Permit was an attempt to appropriate an additional 4.0 cfs for a power plant located on property you own near the Snake River, north of Hagerman. Review of the application revealed a potential problem that you may want to address.

As you are aware, water is currently diverted to and used in the power plant pursuant to existing water right 37-7749 which allows for the diversion and use of up to 5.21 cfs. The Application for Permit proposes to appropriate an additional 4.0 cfs, bringing the total allowed diversion to the power plant to 9.21 cfs. However, examination of your diversion system, and existing water rights, reveals that water is taken from the unnamed stream, diverted into your lower fishpond, and then diverted to the power plant through the penstock, with any excess water returning to the unnamed stream tributary to the Snake River. Examination of your existing water rights reveals that you only have two water rights, 37-21221 and 37-21222, allowing for the diversion and use of water in the lower fishpond. These two rights allow for the diversion of up to 8.00 cfs for fish propagation purposes, or 4.0 cfs for aesthetic purposes. As previously mentioned, the proposed combined diversion rate for the power plant for the new Application for permit when combined with right 37-7749 is 9.21 cfs. *In order to divert 9.21 cfs to the power plant, there would have to be at least 9.21 cfs running through your lower fishpond, but you only have rights to divert 8.00 cfs for fish propagation purposes, or 4.0 cfs for aesthetic purposes through your lower fishpond.*

I have had the opportunity to discuss this matter with our State Office in Boise, and if we process your Application for Permit as currently proposed we could only approve 2.79 cfs of the 4.0 cfs applied for ($5.21 \text{ cfs} + 2.79 \text{ cfs} = 8.0 \text{ cfs} = \text{maximum rights through lower fish pond}$). In addition, 8.0 cfs could only be diverted to the power plant when the lower fish pond was being utilized for fish propagation purposes (fish would have to be in the pond), otherwise you would only have rights to divert 4.0 cfs through the pond (aesthetic use allowed by right 37-21221) and then to the power plant.

Page 2
Standal Letter
April 24, 2006

I have attempted to call you a couple of times to discuss this matter, but have been unsuccessful in contacting you. I encourage you to arrange a meeting with me so that we can discuss options for rectifying the problem discussed in this letter. **If I do not hear from you within 14 days of the date of this letter, I will proceed in the processing of your Application for Permit as currently filed. However, keep in mind that the most that IDWR will be able to approve will be 2.79 cfs, rather than the 4.0 cfs you applied for.**

If you have any questions, or need any further assistance, feel free to contact me at your convenience.

Sincerely,

A handwritten signature in black ink, appearing to read "Corey Skinner". The signature is fluid and cursive, with a long horizontal stroke at the end.

Corey Skinner, PE
Water Resource Engineer