

13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.

T 15 S R 40 E

7-59

NOV 21 1988
MICROFILMED

Point of use
Point of Direction
Pipeline

sugar creek

36

NOV 21 1988
MICROFILMED

Scale: 2 inches equal 1 mile.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Down 7 Porter
(Applicant)

#875

JUN 22 1988

No 3158

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }
County of Franklin } ss.

J. Warren Ross
being duly sworn,

deposes and says:

That he is the Co-Publisher of THE PRESTON CITIZEN, a weekly newspaper published at Preston, in the County of Franklin and State of Idaho; that said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Preston; that the advertisement, a copy of which is attached hereto, was published in said newspaper once a week for 2 consecutive weeks in the regular and entire issue of said paper during the period of time of publication, and was published in the newspaper proper and not a supplement; that said paper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with June 1, 1988, and ending with the issue of June 8, 1988.
J. Warren Ross

Fee \$20.13

Subscribed and sworn to before me this 8th day of June, 1988.
L. D. Allen

Notary Public, Residing at Preston, Idaho

My Commission Expires June 7, 1992

NOTICE OF APPLICATION FOR WATER RIGHT
The following application(s) have been filed to appropriate the public waters of the State of Idaho:
13-7452
PORTER, DORIN F.
5584 EAST CUB RIVER ROAD,
PRESTON, ID 83263
Source: SUGAR CREEK trib. to CUB RIVER
Diversion Pt: NWSENE Sec 36 T 15S R 40E
Use: POWER (2.0 CFS)
Date Filed: 05/03/1988
In: NWNE Sec 36 T 15S R 40E
The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Department of Water Resource, Eastern Region, 150 Shoup Avenue, Suite 15, Idaho Falls, Idaho 83402 on or before JUNE 20, 1988.
R. KEITH HIGGINSON, Director
Legal No. 3158 -23L- Publish June 1, 8, 1988.

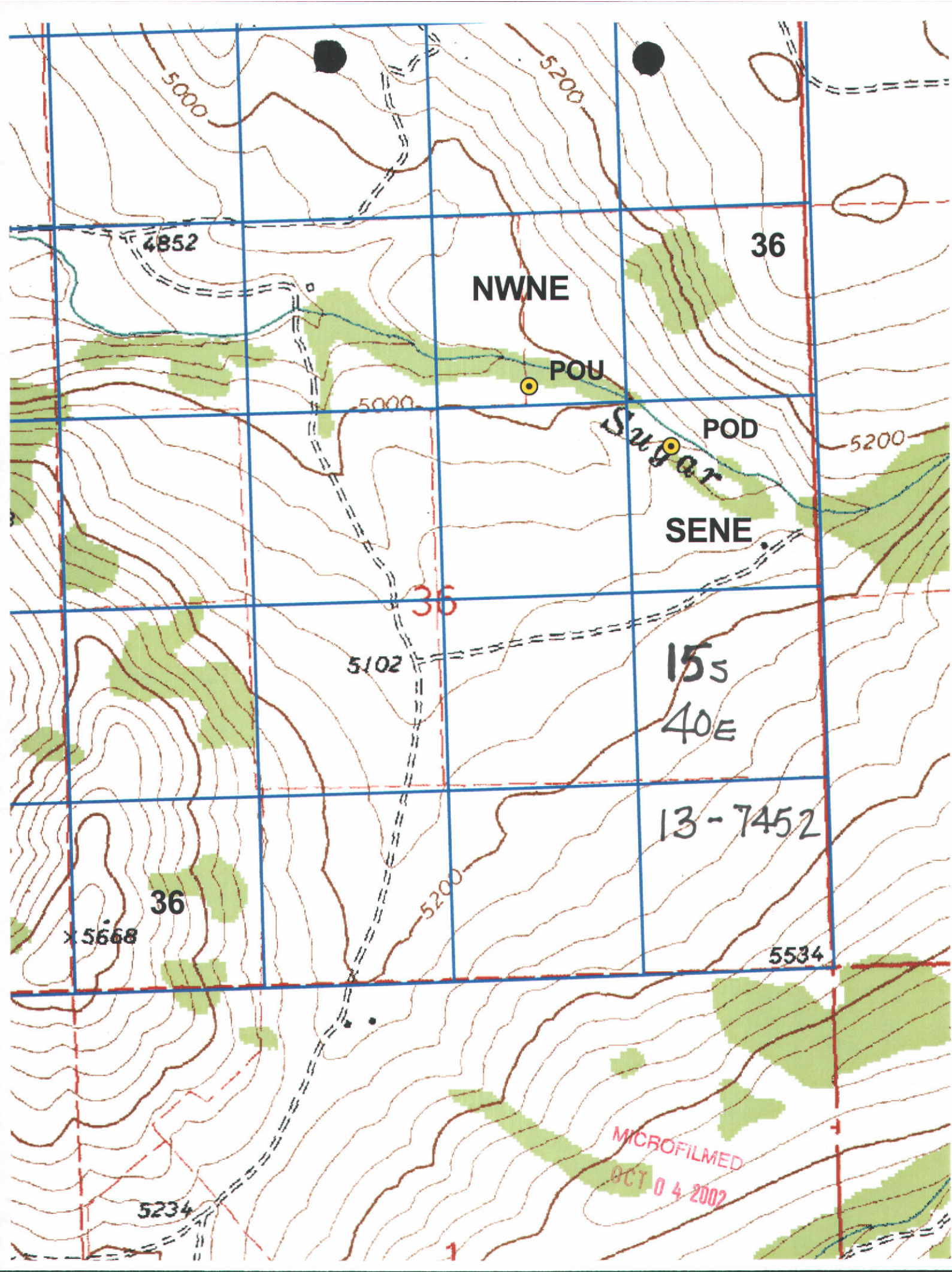
INDEXED

NOV 21 1988

RECEIVED

JUL 7 1988

Department of Water Resources
Eastern District Office



POINT OF DIVERSION



PLACE OF USE - TURBINE & GENERATOR



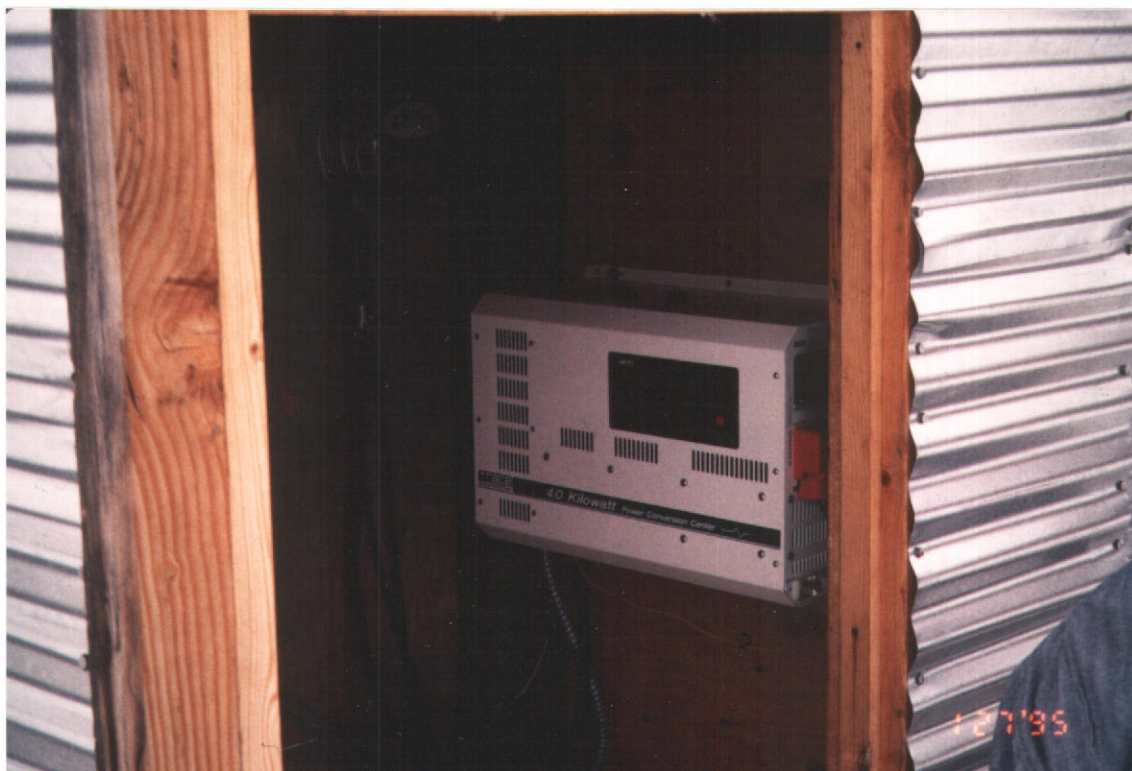
MICROFILMED
OCT 04 2002

13-7452

POWER HOUSE - WATER ENTERS FROM RIGHT

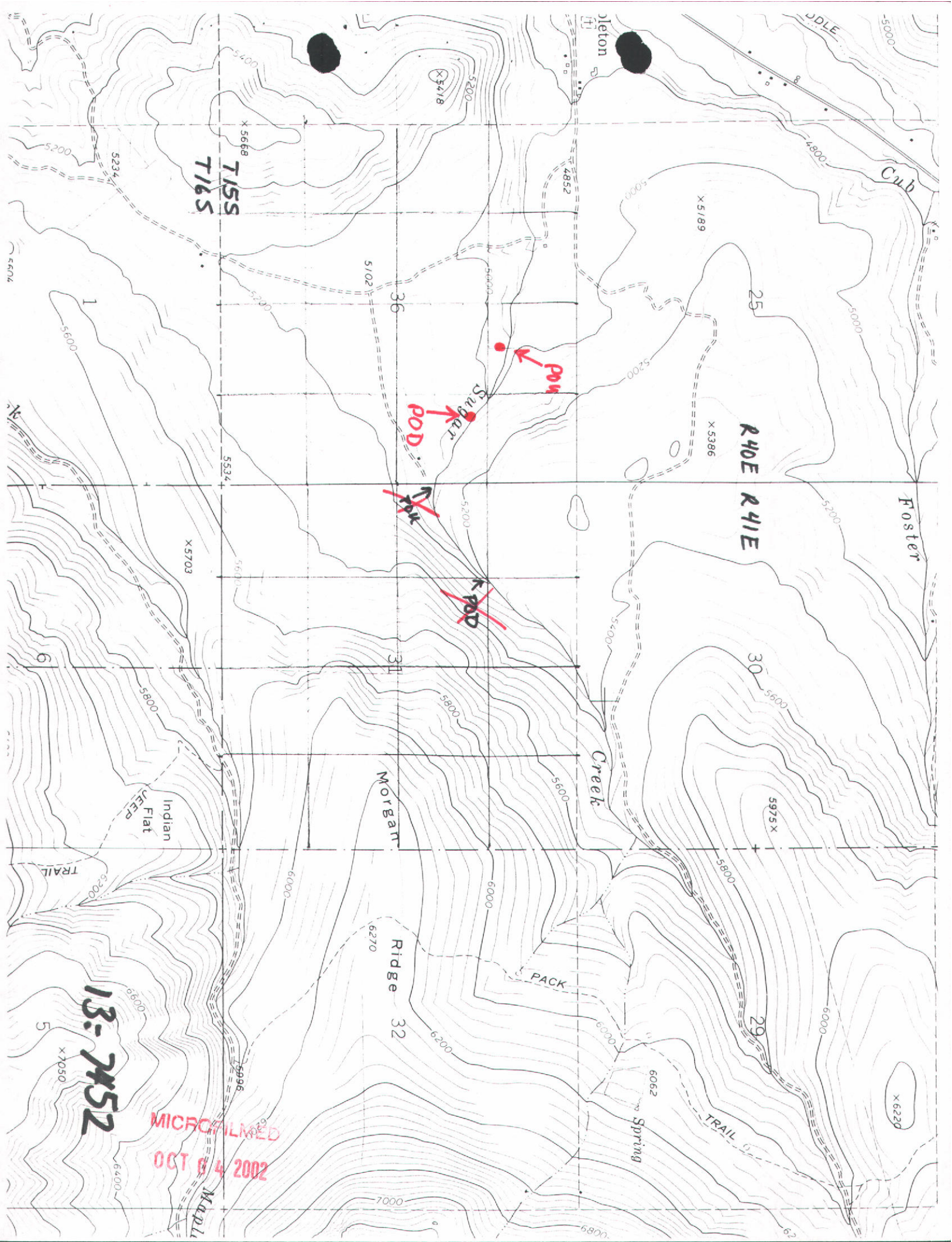


TRACE - POWER CONVERSION CENTER



MICROFILMED
OCT 04 2002

13-7452



MICROFILMED
OCT 6 4 2002

13-7452

Sent to IDWR by Dorin Porter
RE: 13-07452

112

OCT 04 2002



R 40 E

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 13-07452

Priority: May 03, 1988

Maximum Diversion Rate: 1.50 CFS
Maximum Diversion Volume: 1,090.0 AF

It is hereby certified that LEE F PORTER
6007 E LOWER SUGAR CREEK RD
PRESTON ID 83263 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated May 03, 1988; and has
submitted Proof of Beneficial Use on July 16, 1990. An examination indicates that the works have a
diversion capacity of 1.5 cfs of water from:

SOURCE

SUGAR CREEK

Tributary: CUB RIVER

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
POWER	01/01 to 12/31	1.50 CFS	1,090.0 AF

LOCATION OF POINT OF DIVERSION:

SUGAR CREEK NW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 36, Twp 15S, Rge 40E, B.M., FRANKLIN 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		
15S	40E	36																		
					X															

CONDITIONS OF APPROVAL

1. 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. 13A.
2. Use of water under this right shall be non-consumptive.
3. This right does not constitute Idaho Public Utilities Commission or Federal Energy Regulatory Commission approval that may be required.
4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
5. The rights for the use of water confirmed in this license shall be junior and subordinate to all 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 right or 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 right.

MICROFILMED

OCT 14 1992

State of Idaho
Department of Water Resources
Water Right License

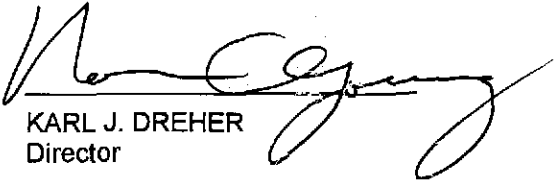
WATER RIGHT NO. 13-07452

6. The diversion and use of water for hydropower purposes under this license is subject to review by the Director on or after August 1, 2010. 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.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 4th day of September, 2002.

Acting for


KARL J. DREHER
Director

MICROFILMED

OCT 24 2002

11/99

For Office Use Only
\$25 filing fee 25.00
Receipt # 1064261
Date 8-29-02

RECEIVED
AUG 29 2002

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
AUG 23 2002

Department of Water Resources

ASSIGNMENT OF PERMIT

To change the ownership of a permit

Department of Water Resources

I, Dorin F. Porter, hereby assign to LEE F PORTER
of, 6007 E Lower Sugar Creek Rd. Preston, ID 83263 (208) 852-2634
(Full Address) (Phone)

All my right, title, and interest in and to Permit No. 13-07452 to
appropriate the public waters of the State of Idaho.

OR (for partial assignments)

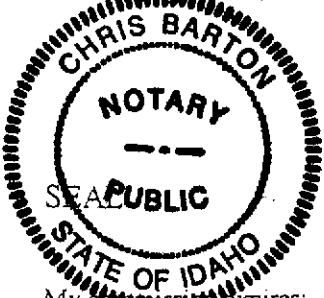
The following described portion of my right, title, and interest in and to for
Permit No. _____ to appropriate the public waters of the State of Idaho.
(Describe portion of the application for permit assigned, listing the number of acres in each 40 acre
subdivision, point of diversion location, and amount of the water in cubic feet per second.)

Made this 21 day of AUGUST, 2002.

Dorin F. Porter
Permit Holder(s)

State of Idaho)
County of FRANKLIN)ss

On this 21ST day of AUGUST, 2002, personally appeared before me the signer(s) of the above
instrument, who duly acknowledged to me that he (she) (they) executed the same.



[Signature]
Notary Public residing at PRESTON ID
E

My commission expires: EXPIRES 11/13/06

MICROFILMED

OCT 04 2002

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Department of Water Resources

AUG 23 2002

AFFIDAVIT FOR WATER RIGHTS TO BE USED FOR POWER PURPOSES

A. Establishment of Residency: (Complete either 1, or 2).

1. Individual Applicant or Individual Members of a Partnership:

I, Lee F. Porter of Preston,
(name) (city)
County of Franklin, State of Idaho, being duly sworn, do hereby
certify that I am a bona fide resident of the State of Idaho.

2. Corporation:

I, _____ of _____,
(name) (city)
County of _____, State of Idaho, being duly sworn, depose and
say: That I am the designated registered agent of the _____
_____ : that as such I am in charge of the registered office of the said
(name of corporation)
corporation as required by Section 30-1-12, **Idaho Code**, at _____
(city)
Idaho, wherein are kept the corporate records required by Section 30-1-52, **Idaho Code**; and that _____
(name of corporation) is a corporation qualified to do business in the State of Idaho under the laws
of the State of Idaho.

B. Ownership of Facilities: (To be completed for hydropower projects only)

The hydropower facility to be developed pursuant to the attached Application for Permit:

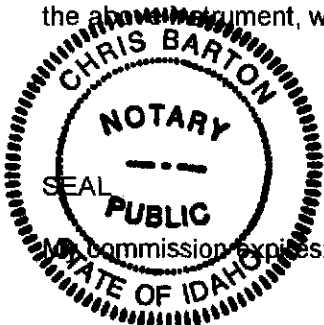
(check one)

- ☒ Will not utilize existing man-made irrigation facilities such as a dam or a canal.
☐ Will utilize existing man-made irrigation facilities such as a dam or a canal, and permission of the owner is documented in an affidavit attached hereto.
☐ Will utilize existing man-made irrigation facilities such as a dam or a canal, and the owner is the signee of this affidavit.

[Signature]
Applicant

STATE OF IDAHO)
County of FRANKLIN)ss

On this 21ST day of AUGUST, 2002, personally appeared before me the signer(s) of
the above instrument, who duly acknowledged to me that he (she) (they) executed the same.



[Signature]
Notary Public residing at PRESTON, IDAHO

MICROFILMED
OCT 04 2002

RECEIVED
JUL 16 1990

For Office Use Only
Amt. of Fee \$ 125.00
Date 7/16/90
Receipt No. C017673
Received by C. Wong
MS. 8-21-90

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Department of Water Resources

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

Permit No. 13-07452 Telephone No. 852-0883

Name(s) of Permit Holder(s): Dorin F. Porter

Post Office Address: 5584 E. Cub River Road Preston, ID 83263

Source of Water: Sugar Creek

If ground water, well driller's name: _____ Date drilled: _____

Extent of Use:
Domestic _____ (No. of households) Irrigation _____ (No. of acres)
Stockwater _____ (No. and type of stock) Other Power

Total rate and/or volume for which proof is submitted 2 cfs _____ acre/feet

Show date water was first diverted and beneficially used under this permit: Dec. 23 1988

One of the following may be a condition of approval of your permit:

Measuring device: Required? ☒ Yes ☐ No Installed? ☒ Yes ☐ No
AND LOCKABLE

OR

Flow Measurement Port: Required? ☐ Yes ☐ No Installed? ☐ Yes ☐ No

Fee Enclosed: \$ 125.00 (See License Examination Fee Schedule)

Person to contact to accompany the Department representative during the field examination:

Dorin Porter 852-0883
Name Telephone No.

5584 E. Cub River Rd. Preston, ID 83263
Address

The above information is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the state of Idaho.

7-11-90 Dorin F. Porter owner
Date Signature (and title if on behalf of a company or organization)

MICROFILMED
SEP 23 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

Dorin F. Porter

(208) 852-0883

1. Name of applicant DORIN F PORTER Phone 208 852 0883
Post office address 5584 E. Cub River Rd. Preston, ID 83263

2. Source of water supply Sugar Creek which is a tributary of Cub River

3. Location of point of diversion is NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of NE $\frac{1}{4}$, Govt. Lot _____
Sec. 36 Township 15S Range 40E B.M. Franklin County; additional
points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 2 for power purposes from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) 2 and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. concrete headgate with 12 inch pipe

b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet; period of year when water will be diverted to storage:
_____ to _____ inclusive.

c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.

d. Is ground water with a temperature of greater than 90°F being sought? _____

7. Time required for the completion of the works and application of the water to the proposed beneficial use is
2 years (minimum 1 year).

NOV 21 1988

* as per telecon with applicant - SM

8. Description of proposed uses (if irrigation only, go to item 9):

can produce 8.1 kw at 80% efficiency**

- a. Hydropower; show total feet of head and proposed capacity in KW. 60ft. ~~xxxx-#6-2-KW---~~
- b. Stockwatering; list number and kind of livestock. _____
- c. Municipal; show name of municipality. _____
- d. Domestic; show number of households. _____
- e. Other; describe fully. _____

**kw 7/26/88

9. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of the use (example: *D* for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
15S	40E	36		P															

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. _____

11. a. Who owns the property at the point of diversion? Darin Porter

b. Who owns the land to be irrigated or place of use? Darin Porter

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. _____

12. Remarks: This plant will supply power for remote ranch.

NOV 21 1988

13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.

T 15S R 40E

36

sugar creek

Point of use

Point of diversion

Pipeline

MICROFILMED

NOV 21 1988

Scale: 2 inches equal 1 mile.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Don F. Porter
(Applicant)

Proposed Priority 5/3/88

Received by AW Date 5-03-88 Time 2:20 P Preliminary check by _____

Fee \$ 65⁰⁰ Receipted by B. dog # E000185 Date 5-5-88
6-2 + 6-9-88

Publication prepared by dog Date 5-25-88 Published in Preston Citizen

Publication approved dog Date 7-20-88

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 13-7452, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before August 1, 19 90.

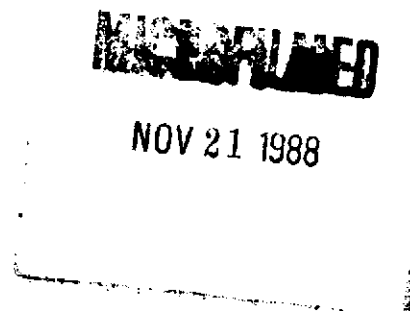
c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.

e. Other: SEE ATTACHED SHEET FOR CONDITIONS e thru n.

Witness my hand this 19th day of September, 1988.

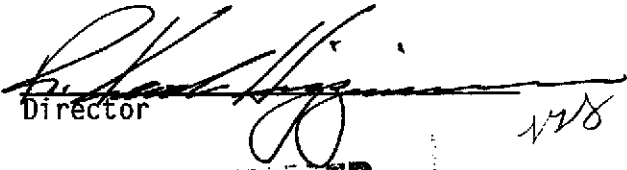
R. Karl Higgins
Director



ATTACHMENT TO CONDITIONS OF APPROVAL
For Permit No. 13-7452

- e. Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.
- f. Use of water under this permit shall be non-consumptive.
- g. A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works prior to diversion of water under this permit.
- h. The water right acquired under this permit for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.
- i. The Director retains jurisdiction of this permit 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.
- j. This permit is subject to the provisions of Sections 42-205 through 42-210, Idaho Code, restricting the sale, transfer, assignment, or mortgage of this permit. Failure to comply with these provisions is cause for immediate cancellation of this permit.
- k. Water used under this permit if discharged into a natural channel or subsurface system shall meet Idaho Water Quality Standards.
- l. This permit does not constitute Idaho Public Utilities Commission or Federal Energy Regulatory Commission approval that may be required.
- m. Prior to placing water to beneficial use under this permit, the permit holder must determine the rate of loss within his facilities using a procedure approved by the Director of the Department of Water Resources, and provide a source of augmentation water to mitigate all losses.
- n. Use of water under this permit is subject to control by the watermaster of State Water District No. 13A, Cub River.

Witness my hand this 19th day of September, 1988.


Director


NOV 21 1988

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
AFFIDAVIT FOR WATER RIGHTS TO BE USED
FOR POWER PURPOSES

RECEIVED

MAY 10 1988

A. Establishment of Residency: (Complete either 1, or 2).

Department of Water Resources
Eastern District Office

1. Individual Applicant or Individual Members of a Partnership:

I, Derin F. Porter of Preston,
(name) (city)

county of Franklin, State of Idaho, being duly sworn, do
hereby certify that I am a bona fide resident of the State of Idaho.

2. Corporation:

I, _____ of _____,
(name) (city)

County of _____, State of Idaho, being duly sworn, depose
and say: That I am the designated registered agent of the _____
_____ : that as such I am in charge of the registered
(name of corporation)

office of the said corporation as required by Section 30-1-12, Idaho Code, at
_____ Idaho, wherein are kept the corporate records required
(city)

by Section 30-1-52, Idaho Code: and that _____
(name of corporation)

is a corporation qualified to do business in the State of Idaho under the laws of
the State of Idaho.

B. Ownership of Facilities: (To be completed for hydropower projects only)

The hydropower facility to be developed pursuant to the attached Application for
Permit:

(check one)

- ☒ Will not utilize existing man-made irrigation facilities such as a dam or a canal.
- ☐ Will utilize existing man-made irrigation facilities such as a dam or a canal, and permission of the owner is documented in an affidavit attached hereto.
- ☐ Will utilize existing man-made irrigation facilities such as a dam or a canal and the owner of the facilities is the signee of this affidavit.

State of Idaho)
County of Franklin) ss.

Derin F. Porter
Applicant

On this 12th day of May, 1988, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged
to me that he (she) (they) executed the same.

Del. H. Taylor
Notary Public residing at
Preston, Idaho

seal

My commission expires:

affirm

RECEIVED

NOV 21 1988

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

AFFIDAVIT OF RESIDENCY OR QUALIFICATION TO DO BUSINESS
IN AND UNDER THE LAWS OF IDAHODepartment of Water Resources
Eastern District Office

A. Individual Applicant or Individual Members of a Partnership:

I DORIN F. PORTER of PRESTON, County of
(name) (city)FRANKLIN, State of Idaho, being duly sworn, do hereby certify that I am a bona fide resident
of the State of Idaho./s/ Dorin F. PorterSubscribed and sworn to before me this 30 day of April, 19 88/s/ Samant M. Doney

Notary Public

Residence PRESTONMy Commission expires July 8, 1993

B. Corporation:

I _____ of _____, County of
(name) (city)_____, State of Idaho, being first duly sworn, depose and say: That I am the designated
registered agent of the _____;
(name of corporation)that as such I am in charge of the registered office of the said corporation as required by Section 30-1-12, Idaho
Code, at _____
(city)Idaho, wherein are kept the corporate records required by Section 30-1-52, Idaho Code; and that _____
_____ is a corporation qualified to do business in the
(name of corporation)

State of Idaho under the laws of the State of Idaho.

/s/ _____

Subscribed and sworn to before me this _____ day of _____, 19 _____

RECEIVED

/s/ _____

NOV 21 1988

Notary Public

Residence _____

My Commission Expires _____

#875

Nº 3158

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }
County of Franklin } ss.

J. Walter Ross

being duly sworn,

deposes and says:

That he is the Co-Publisher of THE PRESTON CITIZEN, a weekly newspaper published at Preston, in the County of Franklin and State of Idaho; that said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Preston; that the advertisement, a copy of which is attached hereto, was published in said newspaper once a week for 2 consecutive weeks in the regular and entire issue of said paper during the period of time of publication, and was published in the newspaper proper and not a supplement; that said paper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with

June 1, 1988, and ending with the issue of June 8, 1988

Fee \$20.13

Subscribed and sworn to before me this 8th day of June, 1988

Luci O. Allen

Notary Public, Residing at Preston, Idaho

My Commission Expires June 7, 1992

NOTICE OF APPLICATION FOR WATER RIGHT

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

13-7452

PORTER, DORIN F.

5504 EAST CUB RIVER ROAD,
PRESTON, ID 83263

Source: SUGAR CREEK trib. to
CUB RIVER

Diversion Pt: NWSENE Sec 36 T 15S R 40E

Use: POWER (2.0 CFS)

Date Filed: 05/03/1988

In: NWNE Sec 36 T 15S R 40E

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Department of Water Resource, Eastern Region, 150 Shoup Avenue, Suite 13, Idaho Falls, Idaho 83402 on or before JUNE 20, 1988.

R. KEITH HIGGINSON, Director

Legal No. 3158 -73L- Publish June 1, 8, 1988.

NOV 21 1988

RECEIVED

JUL 7 1988

Department of Water Resources
Eastern District Office



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 6, 2002

LEE F PORTER
6007 E LOWER SUGAR CREEK RD
PRESTON ID 83263

RE: License No. 13-7452 - Issuance of License

Dear Water Right Holder(s):

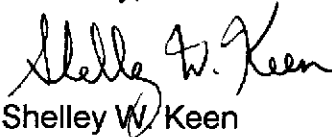
The Department of Water Resources has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your license.

The license is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-327-7946.

Sincerely,



Shelley W Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

MICROFILMED

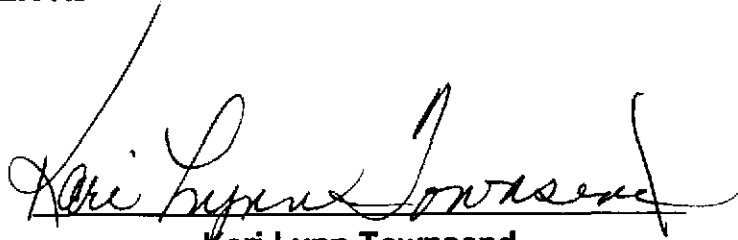
OCT 8 4 2002

CERTIFICATE OF SERVICE

I hereby certify that on September 6, 2002 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved License) to the person(s) listed below:

RE: WATER RIGHT NO. 13-7452

**LEE F PORTER
6007 E LOWER SUGAR CREEK RD
PRESTON ID 83263**

A handwritten signature in black ink, reading "Kari Lynn Townsend", written over a horizontal line.

**Kari Lynn Townsend
Secretary**

MICROFILMED

OCT 04 2002

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

MICROFILMED

OCT 04 2002

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

LICENSE REVIEW CHECKLIST

Permit No. 13-7452 Date: 8-1-02 Reviewer: Kay Walker

Change/OK

Name/Address OK

Source OK
Point of Diversion: OK

Does change clarify original intended source? If no, void permit.
Change (P39/P49) Add (P45/P44) Feds (P40)

W32 (multiple in 1/4/1/4)
W36 (overlap)
W59 (subdivision description)

Place of Use OK

Change (P41/P49) Add (P41/P44) Feds (P43)

W60 (subdivision description)
W27 (ppu acre limit)

no plu OL
no pld OL

Overlaps: Right(s): _____
File reviewed _____ Profile reports printed _____

P/D & P/U amend (P37) Feds (P48)

Rate of Diversion:

Permitted rate 2.0 cfs
Fee Limit 2.0 cfs
Measured 2.73 cfs
Theoretical _____ cfs

Recommended Total Diversion Rate 2.0 1.5

Water Uses OK

Change (P46)

Season of Use per new Standards

Irrigation _____ cfs _____ af
Stockwater _____ cfs _____ af
Domestic 2.0 cfs 450.0 af
Power 2.0 cfs 450.0 af
Total 2.0 cfs 1450.0 af
1.5 1090.0

Irrigation - overlap(R58-R61, R62-R65, R66-R69)
supp. Gw (WB7/065/104)
overlap spec combined rts (W35)
<1 acre (W31)
Domestic (W01/W05/070/071/075)
Power (W42 or W43/025/027/R22 or R23)
Fish (042)
Fire (077)
Water Quality (106/R07)
Payette - (W22/047/27A)
Stockwater for US (R37)

Volume Determination

2 cfs x 1.9835 x 365 days = 1450.0 af (vs) _____ acres x _____ (FHR) = _____ af

Remarks: 1.5 x 1.9835 x 365 = 1085.9 ≈ 1090.0

Additional Conditions

YES Watermaster Control R04
YES GW Measurement/Measuring Device R43
Other _____
Trust R55 - remove 051)
Non-trust (048)

GW Dist? _____
Water Msmt. Dist? _____
Crit. GWMA? _____
GWMA? _____
Government Lots? _____

Advance Priority? yes If yes, explain why below.
no

SRBA Claim? N/A

Adjust memo _____

Amend Letters _____ P87, S06 Second Amendment Notice _____ S06

Comment Report

13-7452

1. dcarlson 7/5/2002 field report narrative

Comment: private power turbine. water from sugar creek is diverted by a concrete diversion structure into a 10-11" pvc pipeline for 1100 feet,(pipeline necks down to a 4" pipeline prior to the turbine) into a worthington turbine then discharges back into sugar creek. theroetical cal 7.5 cfs

2. kwalker 8/29/2002 Flow Rate

Comment: In review the field exam for this permit, I found two measurements for the system. First examiner did a sonic meter measurement and found 0.783 cfs. Second examiner used the Hazen Williams calculation and came up with 7.56 cfs. Initial review of the measurements found such different flow rates, I contacted permit holder to find out what he thought flow through his system was. He estimated that the flow was no greater than 1.5 cfs at any time. We are recommending that flow rate for this proposed license.

MICROFILMED

007 0 4 2002

MEMORANDUM

TO: File 13-7452

FROM: KAY WALKER *KW*

RE: Phone Conversation with Dorin Porter

(208-852-0883)

Date: August 8, 2002

.....

I talked with Dorin Porter this afternoon regarding the system he developed under this permit. He estimated the flow rate in Sugar Creek to be no greater than 1.5 cfs. He has no loss within the facility. The water goes through the turbine then discharges back into Sugar Creek. Since there is no loss in his facility, he has never provided augmentation water under this permit.

MICROFILMED

OCT 04 2002

RECEIVED

JUL 11 2002 K

DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

APR 23 1936

CONFIDENTIAL

A. GENERAL INFORMATION

Permit No. 13-7452

1. Owner: *DORIN F. PORTER* Phone No. *(208) 852-0883*

Current Address: 5584 E. CUB RIVER RD., PRESTON, ID. 83263

2. Accompanied by: DORIN PORTER EXAM DATE: 1/27/95

Address: _____ **Phone No.** _____

Relationship to Permit Holder: PERMITEE

3. Source: *SUGAR CREEK* tributary to *CUB RIVER*

B. OVERLAP REVIEW

1. Other water rights with the same place of use: *NONE*

2. Other water rights with the same point of diversion: NONE

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

GPS -DC- 7/3/2002

[illegible]

2. Place(s) of Use:

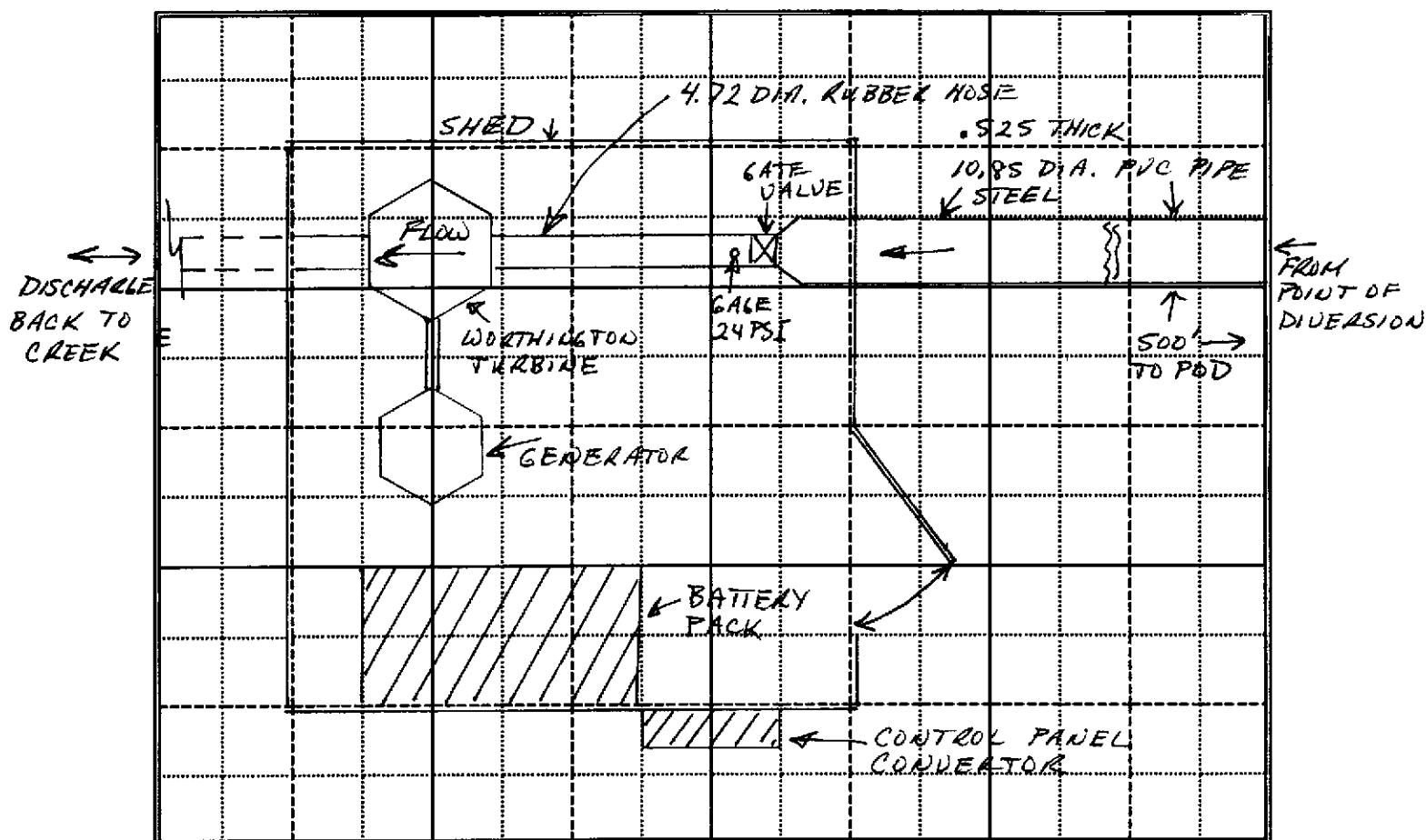
GPS

Indicate Method of Determination *ON SITE INSP.*

[illegible]

987 0 4 2002

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable.



Scale: 1" = _____

____ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

____ Aerial Photo Attached (required for irrigation of 10+ acres)

____ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements: ULTRASONIC FLOWMETER (TYPE-FLYTE BY POLYSONIC)
MODEL TF-P

MICROFILMED

OCT 8 4 2002

E. NARRATIVE/REMARKS/COMMENTS

THIS PERMIT IS FOR A PRIVATE (SIMPLE OWNER)
POWER TURBINE USING (NON-CONSUMPTIVE) WATER FROM
SUGAR CREEK. THE POINT OF DIVERSION IS APPROXIMATELY
1,100 FEET UPSTREAM FROM THE PLACE OF USE. WATER
FROM SUGAR CREEK IS DIVERTED VIA A CONCRETE HEADGATE
STRUCTURE INTO A 10 INCH PVC PIPE WHICH PRIOR TO
TURBINE, NECKS DOWN TO 4 INCH. WATER IS THEN SENT
THROUGH A WORTHINGTON TURBINE AND THEN DISCHARGED
BACK INTO SUGAR CREEK. APPROXIMATELY 50' OF DROP
EXISTS FROM PDD TO POW.
PRESSURE GAGE ~~A~~ IN SYSTEM PRIOR TO TURBINE READ 24 PSI.
POWER IS USED FOR HOME AND OUT BUILDINGS OF REMOTE RANCH.
MEASUREMENTS WERE TAKEN DURING REDUCED STREAM FLOW
PERIOD.

Have conditions of permit approval been met? ☒ yes ☐ no

MICROFILMED
JUL 14 2002

F. FLOW CALCULATIONS

Measured Method:

SEE SONIC METER PRINTOUT.

$$\frac{351.616 \text{ PM}}{448.8} = .783 \text{ CFS} \quad * \text{ THIS IS A LOW STREAM FLOW MEASUREMENT.}$$

PERMIT TO 2.0 CFS

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} =$$

2. Volume Calculations for Other Uses: SYSTEM CAPACITY

$$Q = 1.318 \times \left(\frac{170}{4} \right) \left(\frac{12}{4} \right)^{0.63} \left(\frac{4}{4} \right)^{0.54}$$

$$Q = 1.318 \times 140 \left(\frac{3.1416 \times 600}{4} \right) \left(\frac{10}{4} \right)^{0.63} \left(\frac{50}{1100} \right)^{0.54}$$

$$Q = 1.845 \times 184.52 (78.54) (1.78) (0.188)$$

$$Q = 4,892.39 / 1,728 \text{ cu in.} = 2.80 \text{ cfs.}$$

See attached sheet

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
POWER	1/1	12/31	2.0	
Totals:			2.0	

2. Recommended Amendments

☒ Change P.D. as reflected above ☐ Add P.D. as reflected above ☒ None
☒ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

I. AUTHENTICATION

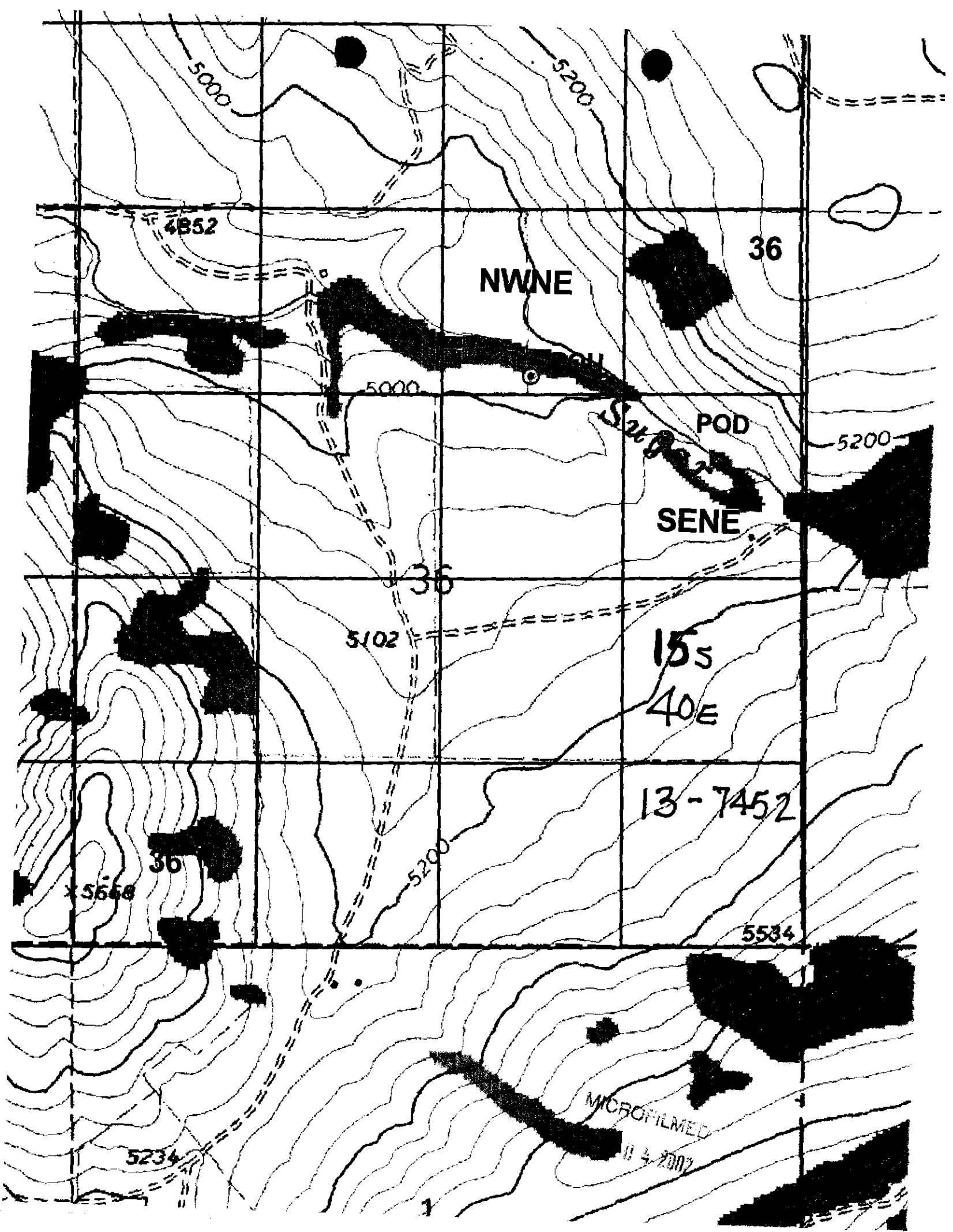
Field Examiner's Name SIMPKINS Date 3/6/95

Reviewer [Signature] Date _____

SEAL

MICROFILMED

OCT 04 2002



Hazen-Williams Equation for Closed Pipe Flow

Assumptions: Head Loss due to bends, couplings, & valves is negligible

$$Q_{cfs} = 1.318 C_h (\pi D^2/4) \times (D/4)^{0.63} \times (H/L)^{0.54}$$

Q = Discharge (cfs)

D = Pipe Diameter (ft) = 0.8333 ft

L = Pipe Length (ft) = 1100 ft

H = Elevation Drop (ft) = 50 ft

C_h = Values for Types of Pipe = 150

150	-Plastic (PVC) > 6"	110	-Riveted Steel
140	-Very Smooth, PVC < 6"	100	-Old Cast Iron
130	-Cast Iron	80	-Badly Corroded Cast Iron
120	-Wood, Concrete, Welded Steel		

$$Q_{cfs} = 1.318 \left(\frac{150}{C_h} \right) \left[\pi \left(\frac{0.8333}{D} \right)^2 / 4 \right] \times \left(\frac{0.8333}{D} / 4 \right)^{0.63} \times \left(\frac{50}{H} / \frac{1100}{L} \right)^{0.54}$$

$$Q_{cfs} = \underline{7.56} \text{ cfs}$$

MICROFILMED
OCT 10 4 2002

Permit # 13-7452

ULTRASONIC FLOWMETER READ OUT

01-27 14:4400 *R
+002.50 % AI2

0385.1 MMSEC
100.45 % T0

01-27 02:5500 *R
+002.50 % AI2

0385.1 MMSEC
100.44 % T0

01-27 02:5600 *R
+193.902E 26PH

01-27 02:5700 *R
+351.613E 06PM

01-27 14:4400 *R
+002.50 % AI2

0385.1 MMSEC
100.45 % T0

01-27 02:5500 *R
+002.50 % AI2

0385.1 MMSEC
100.44 % T0

01-27 02:5600 *R
+193.902E 26PH

01-27 02:5700 *R
+351.613E 06PM

MICROFILMED

OCT 04 2002

13-7452

(2)

1/27/95 Cont

(1350)

Franklin County, Oklahoma - Harry Photo Grain

(1433)

Lorin Porter - Preston - Cub. River

13-7452

Pipe Thick .525

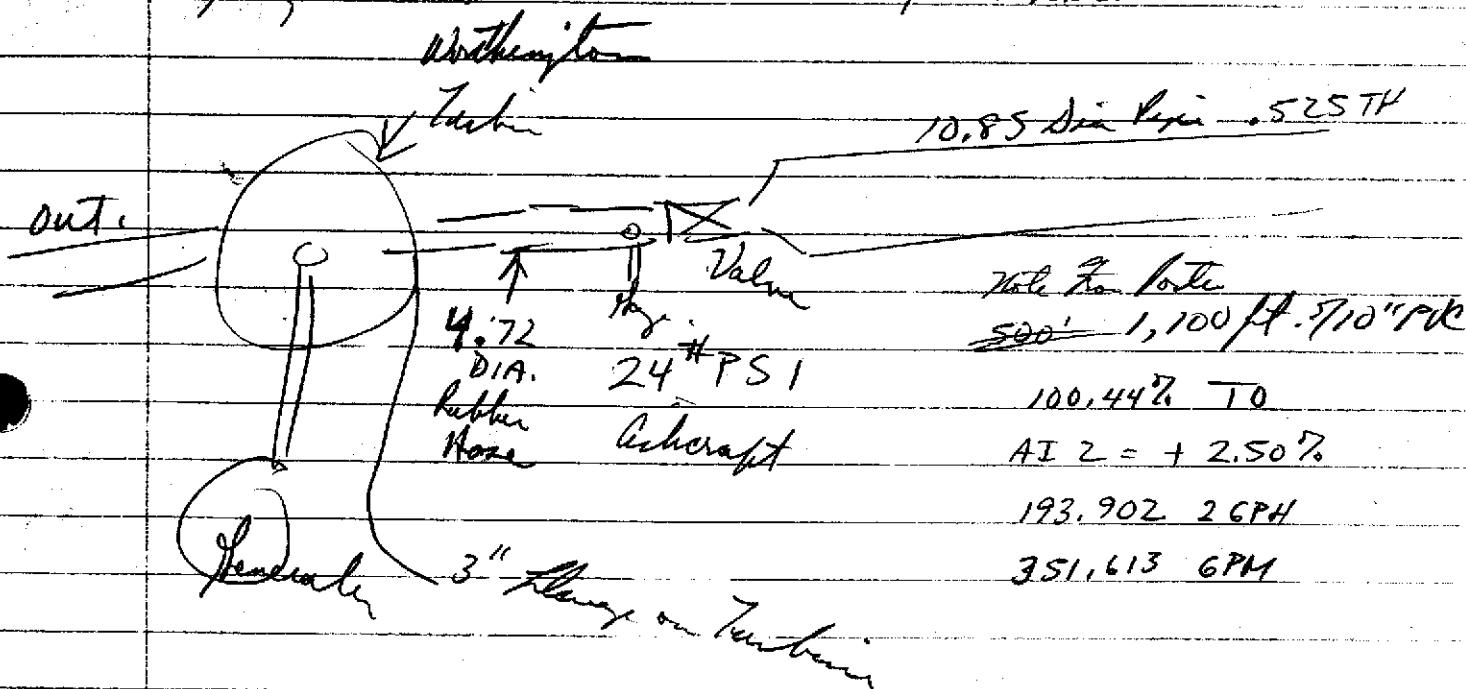
POU SW SW NW 531 SESE NE S36 T15S R40E

Pipe Dia 10.85

POD 500' SE SW NW 531

Apex 8.916

50' Head from intake



MICROFILMED
OCT 04 2002

POINT OF DIVERSION



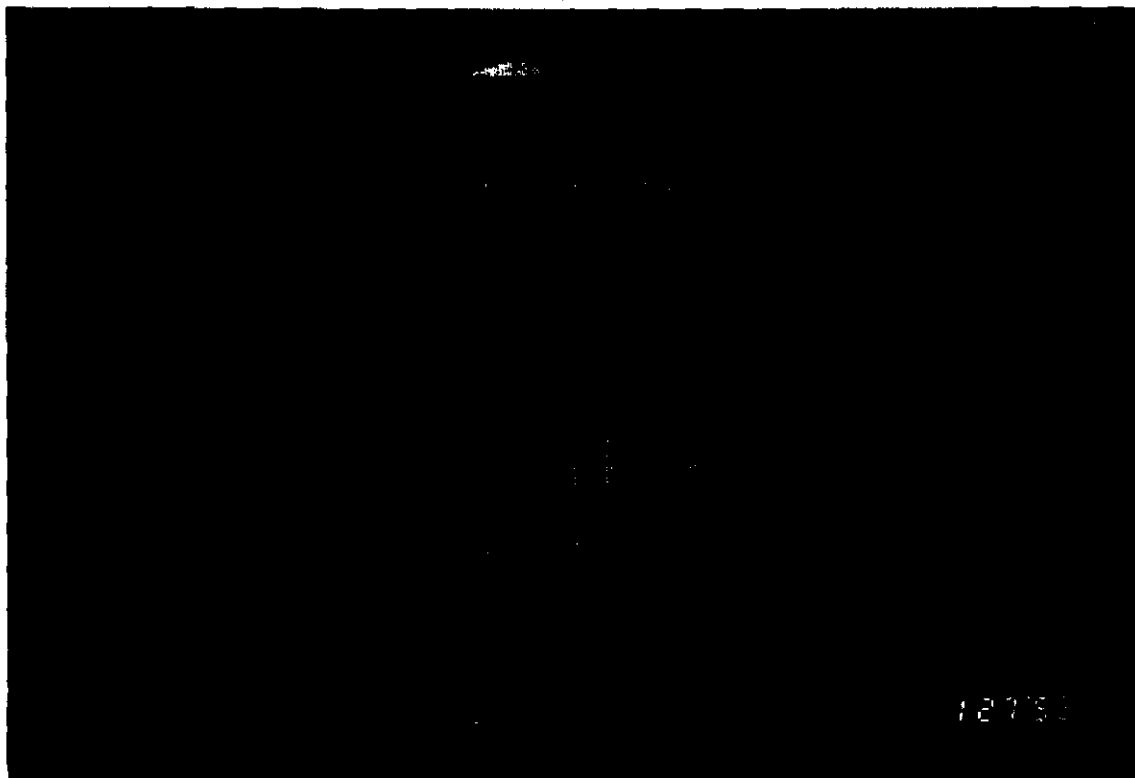
PLACE OF USE - TURBIDE + GENERATOR



MICROFILMED
OCT 04 2002

13-7452

POWER HOUSE - WATER ENTERS FROM RIGHT

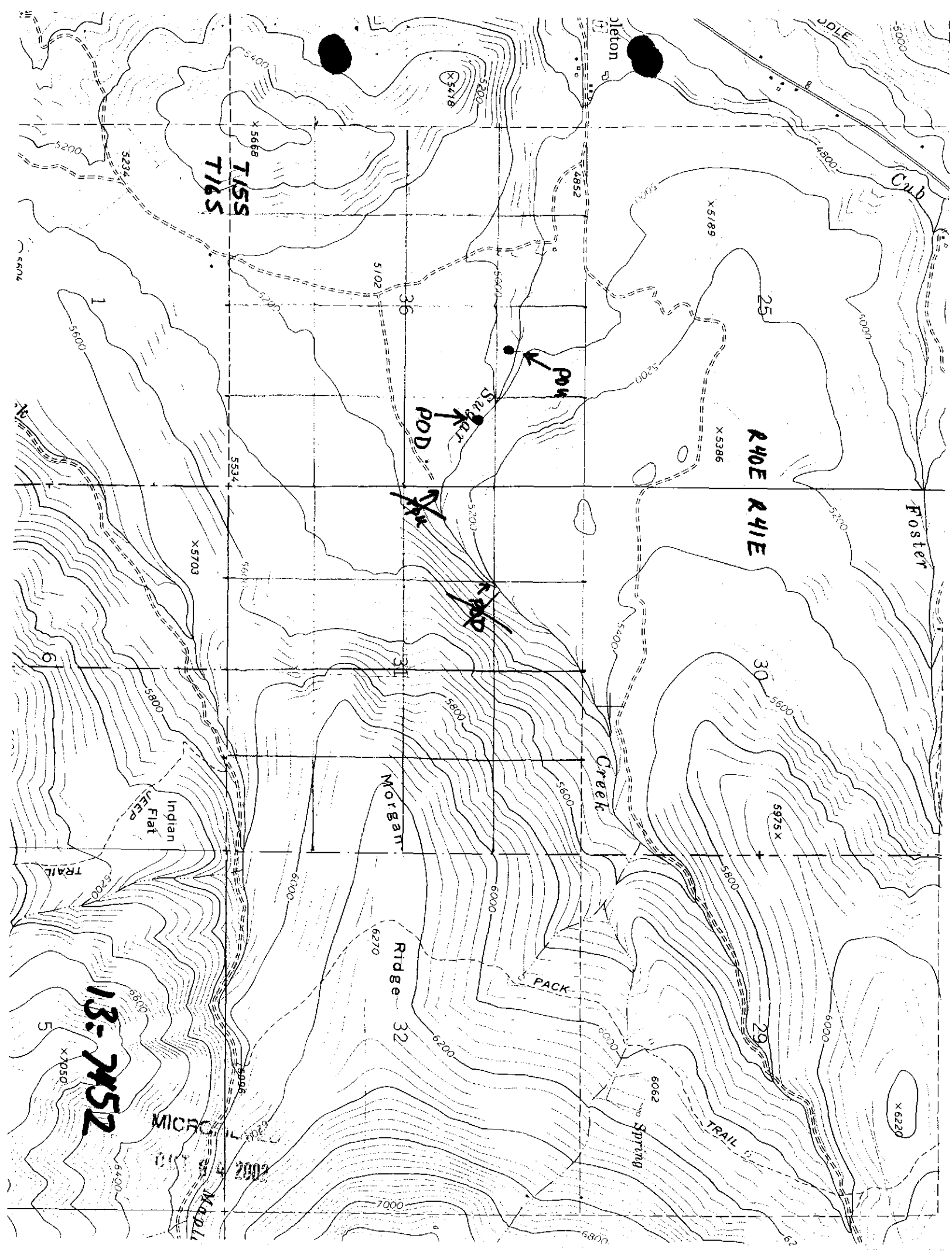


TRACE - POWER CONVERSION CENTER



MICROFILMED
OCT 24 2002

13-7452



100-100 sent to IDWR by Doris Porter
 RE: 13-07452

0001 0000
 MICROFILMED



R 41 E

R 40 E



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. BOX 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

January 20, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

DORIN F PORTER
5584 EAST CUB RIVER ROAD
PRESTON ID 83263

RE: Water Right No. 13-07452

Dear Mr. Porter:

Thank you for sending the information relating to the point of diversion and place of use of your water development. In order to resolve the discrepancy between our field examiner's map and your map, Harold Jones from our Idaho Falls office has offered to have another field examiner meet with you on your property. You will be contacted next time someone from the Idaho Falls office plans to be in the Preston area.

If you have any questions, please contact me at 208-327-7946 or Harold Jones at 208-525-7161.

Respectfully,

Shelley Walter Keen
Water Rights Supervisor

MICROFILMED

OCT 9 4 2002

MEMORANDUM

DATE: January 20, 1998

TO: Harold Jones

FROM: Shelley W. Keen *SWK*

RE: Double-checking point of diversion and place of use for 13-07452

I appreciate your offer to double-check the point of diversion and place of use for 13-07452. I have enclosed the original field report and a copy of the permit holder's response to my amendment request. I will tell the the permit holder that someone from your office will contact him.

Thanks again.

MICROFILMED

OCT 9 4 2002

RECEIVED

JAN 16 1998

Department of Water Resources

January 14, 1998

Dorin F. Porter
5584 East Cub River Road
Preston, Idaho 83263

Shelley W. Keen
State of Idaho
Department of Water Resources
1301 North Orchard Street
P.O. Box 83720
Boise, Idaho 83720-0098

RE: Water Right No. 13-07452

Dear Mr. Keen:

Enclosed is a map indicating the locations of point of diversion and point of use regarding water permit No. 13-07452. It appears to me that the locations that were described on the original application were correct. Please inform us of further action that needs to be taken to issue the license. Thank you.

Sincerely,



Dorin F. Porter

Enclosure

MICROFILMED

OCT 6 4 2002

T 155

OCT 04 2002



R 41 E

R 40 E

MEMORANDUM

DATE: January 9, 1998

TO: Water Right File 13-07452

FROM: Shelley W. Keen *SWK*

RE: Location of point of diversion and place of use

This morning Lee Porter (208-852-2634) called to tell me that he disagrees with the field examiner's findings regarding the place of use and point of diversion for permit 13-07452. We agreed that he would send me information he used to determine the location. Once I have reviewed what he submitted, we will decide what course of action to take next.

MICROFILMED

OCT 04 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. BOX 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

January 2, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

DORIN F PORTER
5584 E CUB RIVER RD
PRESTON ID 83263

RE: WATER RIGHT NO. 13-07452

Dear Permit Holder(s):

The Department of Water Resources is reviewing the permit referenced above prior to issuing a water right license. By issuing a license, the Department confirms that a water right has been established in compliance with the terms of the permit. The examiner who verified your water use reported that the point(s) of diversion and place(s) of use developed are in locations other than what was described on your permit. Therefore, before a license can be issued, your permit must be amended to depict your water right as it was actually developed.

The enclosed Application for Amendment form depicts the point(s) of diversion and place(s) of use and other information as it will appear on the license when it is issued. Please review the amendment form carefully. If you concur with the information presented, please sign the form and return it with the \$50.00 filing fee within 14 days.

Also, please note that some of the proposed conditions of approval and remarks may be modified upon further administrative review.

If you do not concur, or if you have any questions about this information, please contact me as soon as possible. My telephone number is (208)327-7946.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosure

MICROFILMED

OCT 04 2002

MEMORANDUM

TO: File 13-07452

FROM: Sharla

DATE: August 20, 1997

RE: Power Use/Recommendation Adjustment(s)

Power use is for an individual power facility which does not require licensing from FERC. Since power is solely used by the right holder and is not sold, there is no power purchase contract. Therefore, the term of years to be listed on the license is not pre-determined by the above. As set forth in Section 42-203B(7), the term of years (once determined) is calculated as commencing at the time of the proof of beneficial use filing. Previously issued licenses falling in this category have had a term set for 10 years. In this case, proof was filed in 1990; the term will expire August 1, 2000.

The examiner did not propose a volume, however, power use requires an annual volume on the license. The volume has been calculated based on continuous diversion.

Per telecon w/rt holder on 12/31/97, water is diverted 24 hrs/day, 365 days/yr. The volume has been calculated accordingly.

Examiner: Don Simpkins

Exam Date: January 27, 1995

MICROFILMED

OCT 04 2002

LICENSE REVIEW CHECKLIST

PERMIT NO. 13-07452

DATE 5/16/97

REVIEWER: SHARLA

NAME Change OK

Address Change NO

SOURCE Change OK

Is change clarification of originally intended source? Yes

POINT OF DIV Change OK

If not, prepare Notice of Intent to Void Yes

PLACE OF USE Change OK

Amendment required Yes

Amendment required Yes

Does map agree with written description? yes no pld shown in SENW.

OVERLAPS Change OK

RATE OF DIV

Permitted Rate 2.0 cfs

Fee limit 2.0 cfs \$125⁰⁰

Measured .78 cfs 10" = 2.73 cfs

Theoretical 4" pipe @ 10 fps V = .87

Recommended Total Div Rate 2.0 cfs

1100' would still be w/in same 1/4" if poles correct

SWNW

ANNUAL VOLUME/
NATURE OF USES Change OK

Use

Power

Volume Calculation

af
af
af
af
af
SUBTOTAL af

Flow rate 20 cfs X 365 days X 1.98 = 1445.4 af

Total volume recommended af

(SUBTOTAL or Flow Rate, whichever is less)

REMARKS

W42 (8/1/2000)

CONDITIONS Reg Watermaster Control WD# 13A

GW Measurement/Measuring Device

Overlap

Use-specific conditions

Q27, R23, 025, R43

Advancement of Priority Date Required yes no

SRBA Claim Filed N/A

1st Amend Letter P37, P38

Adjustment Memo volume

2nd Amend Letter P47

September 7, 1990

DORIN F. PORTER
5584 E. CUB RIVER RD.
PRESTON, ID 832630000

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 13-07452

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

If you have questions concerning this matter, please feel free to contact the EASTERN Regional Office in Idaho Falls at (208)525-7161.

Sincerely,

Rita Fleck
Secretary/Records Manager

c: IDWR - Region

MICROFILMED
SEP 23 1990

138742

May 31, 1990

DORIN F. PORTER
5584 E. CUB RIVER RD.
PRESTON, ID 832630000

PROOF DUE NOTICE

RE: PERMIT NO. 13-07452

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before August 1, 1990. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

SINCERELY,

Rita Fleck
Secretary/Records Manager

Enclosures

MICROFILMED

SEP 4 1990

1/88

PROOF OF BENEFICIAL USE

ANALYSIS SHEET

Permit No. 13-7452

Date: 8-21-90

General Considerations:

- ☒ Name same as permit
☒ Signature the same as permit holder
☒ Address change NO If yes, prepare a data entry
☒ Proof received timely
☐ Reinstated

Source of Water:

- ☒ Surface water
☐ Groundwater
☒ 1. well log in file
☒ 2. drilling permit
☒ A. amount of drilling fee paid for proposed uses

Extent of Use and Rate of Diversion:

- ☒ Rate of diversion appropriate for uses
☒ Is rate or volume and fee appropriate?
☒ Has permit holder indicated when water was first put to a beneficial use?

Measuring Device:

- ☒ Is a measuring device or access port required?
☒ Has one been installed?
☐ Waiver or modification of measuring device requested

Remarks:

Proof acceptable

Priority Calculation:

Date proof received	<u>NA</u>	
Date proof due		-
No. of days late		=
Priority date		+
NEW PRIORITY DATE		=

SEND FILES TO DATA ENTRY AND THEN TO MICROFILM

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
COMMENCEMENT OF WORKS

Permit No. 13-7452
Name(s) of Permit Holder(s): Darin F. Porter
Post Office Address: 5584 E Cub River Rd.
Preston, ID 83263 Tel. No. 852-0883

☒ I hereby certify that construction of diversion works on the above referenced permit began on 10-15-88 (date) and that I must

continue to develop the water system with due diligence to maintain a valid permit.

☐ I hereby certify that construction of diverting works on the above referenced project has not yet begun due to the following reason beyond my control*:

*Note: A financing difficulty is not an acceptable reason.

Date

Signature of Permit Holder

MICROFILMED

SEP 25 1990

10-31-88 Darin F. Porter

DORIN F. PORTER
5584 E Cub River RD
Preston ID 83263

PLACE
STAMP
HERE

RECEIVED

NOV 02 1988

MICROFILMED

SEP 25 1990



Department of Water Resources

IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720





State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 334-7900

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

September 29, 1988

RE: Permit No. 13-7452

Dorin F. Porter
5584 E. Cub River Rd.
Preston, ID 83263

Dear Permit Holder(s):

Enclosed is a copy of your approved Application for Permit. We direct your attention to the conditions of approval on the final page.

Be sure to note the special condition requiring you to install a measuring device and lockable controlling works that will enable the watermaster to control your rate of diversion.

Note the requirement that as a permit holder you must commence the excavation or construction of diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The enclosed blue card must be completed and returned to this office as soon as you commence construction, no later than one year from the date the permit was approved.

We have enclosed a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit into a license.

Sincerely,

GARY SPACKMAN, Supervisor
Water Allocation Section

GS:sc
Enclosures

NOV 21 1988

Form No. 202a
4/87

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY Stan McGowan DATE 5-4-88 APPLICATION NUMBER 13-7452

REQUIRED INFORMATION

- ☒ Name (If applicant is a corporation or partnership, names must be provided for the director, officers, & other partners.)
☒ Address
☒ Source (See USGS Quad for names of water sources)
☒ Point of Diversion (10 acres for spring, lot & block descriptions for subdivisions, local name, flow and/or volume)
☒ County
☒ Quantity (flow and/or volume)
☒ Period of Use
☒ Nature of proposed use (Include description of use.)
☒ Description of diverting works
☒ Time required for beneficial use of water
☒ Place of use or acres irrigated
☒ Map
☒ Signature (If applicant is corp. partnership, or municipality, title of signator is required)
☒ Fee
☒ Yes ☐ No* In form to receipt

ADDITIONAL INFORMATION

- ☒ Overlapping place of use (Describe source & relationship to present application on the back.)
☒ Overlapping point of diversion
☐ Yes ☒ No Field check required
Field check by _____
☐ Yes ☒ No Field report attached
☐ Yes ☒ No Critical groundwater area
☐ Yes ☒ No Groundwater management area
☐ Yes ☒ No Send dam safety information
☐ Yes ☒ No Send power requirement letter
☐ Yes ☒ No Send fish farm requirement letter
☐ Yes ☒ No Power residency affidavit
☒ Yes ☐ No Power efficiency form
☐ Yes ☒ No Within trustwater boundary (If yes, attach trust water supplementary analysis sheet.)
☐ Yes ☒ No Diversion greater than 5 cfs or 500 acre ft. (If yes, attach large diversion supplementary analysis sheet.)
☐ See reverse side for additional information

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT

Date Requested _____

RECEIVED

JUL 26 1988

Department of Water Resources

PROCESSING

☒ Yes ☐ No Form for advertising
☒ Yes ☐ No Statewide advertising
☒ Yes ☐ No Fee amount, receipt date & No. recorded on application

SEND COPIES TO

☐ Idaho Dept. of Health & Welfare ☐ U.S. BLM
☐ Idaho Dept. of Fish & Game ☐ U.S. Forest Service
☐ Idaho Dept. of Lands ☒ Water District 13-A *dog 6-1*
☐ Adjudication Bureau Unit ☐ Other _____

FINAL REGIONAL PROCESSING REVIEW

☒ Yes ☐ No Affidavit of publication received *7-7-88*
☒ Yes ☐ No Application published correctly. If not, record action taken.

☒ Yes ☐ No Publication dates & paper, recorded on application
☐ Yes ☒ No Protests received
Final date for protest *6-20-88*
☐ Yes ☐ No Protests, dates, resolution of protest, recorded on application
☒ Yes ☐ No Recommendations attached
☒ Yes ☐ No Measuring device required
☒ Yes ☒ No Access port required
☒ Yes ☐ No Will water be delivered by watermaster? If yes, what Dist. *13-A*
☒ Yes ☐ No Special conditions of approval or cover letter below. _____

☐ See below for additional information

Date of priority recommended *5-03-88*
By *HWS*

Date

7-21-88

STATE OFFICE REVIEW

P17, P08

17K 08A
01J 27

08E 17M 25 45
26 05 (13A, Cub River)

By

kw

☐ See below for additional information
Date *7/26/88*

ADDITIONAL INFORMATION

Conditions <05> (13-A Cub River)

<01F> (used 01J)

<08A>

<017K>

2 yrs. is reasonable for B/U development.

POWER CALCULATIONS FOR APPLICATION NO. 13-7452

6.2
P = Kilowatts .74 X hp
Q = cfs 2.0
H = feet 60
e = efficiency

- none N/A
- ✓ 1.) Affidavit of Residency
 - ✓ 2.) Ownership of Facilities
 - N/A 3.) *Financial Ability
 - N/A 4.) Feasibility of Project
 - a. Plans, drawings
 - b. Economic analysis
 - N/A 5.) *Compliance w/FERC

only for projects of more than 25 cfs
or more than 500 horsepower.

$$e = \frac{P(11.8)}{QH} = \frac{6.2(11.8)}{2 \times 60} = \frac{73.16}{120} = 0.609 \approx 0.61 \leftarrow \text{low}$$

$$P = \frac{QHe}{11.8} = \frac{2 \times 60 \times .80}{11.8} = 8.1 \text{ kw at } 80\% \text{ eff.}$$

Based on the above calculations the proposed project must have an _____ % efficiency.

OVERLAP REVIEW per VAX 7/26/88:

P/D none

P/U none

BYPASSED AREA

MAILED

NOV 21 1988

kw



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

Mailing Address:
150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

June 20, 1988

The Preston Citizen
P.O. Box 472
Preston, Idaho 83263

RE: Application No. 13-7452

Gentlemen:

Would you please submit an affidavit of publication and certified bill in connection with the above referenced application. The legal notice was to have been published in your paper on June 2 and 9, 1988.

Your cooperation in this matter is greatly appreciated.

Sincerely,

Deena Green
Office Secretary

RECORDED

NOV 21 1988



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

Mailing Address:
150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

June 1, 1988

Conan Foster
Route 3
Preston, Idaho 83263

RE: Application for Permit No. 13-7452, Porter

Dear Sir:

This office is currently in the process of publishing notices that the above application was filed with the Department of Water Resources. Since the application may be of interest to you, a copy is enclosed for your examination. Comments concerning the application should be addressed to the applicant with a copy forwarded to this office. Protests objecting to granting a permit should be directed to this Department and received no later than June 20, 1988. Final action will be taken by this office shortly after this date, provided there are no protests lodged against the application.

Respectfully submitted,

Ernest Carlsen
Water Rights Supervisor

EC/dg
Enclosure

RECEIVED

NOV 21 1988



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

Mailing Address:
150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

June 1, 1988

Dorin F. Porter
5584 E. Cub River Rd.
Preston, Idaho 83263

RE: Application for Permit No. 13-7452

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your water right application for permit. The application has been assigned identification No. 13-7452. Please refer to this number in all further correspondence.

This office is currently in the process of advertising the application in the Preston Citizen. The advertisement will be published for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our state office in about five weeks. State office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. When a permit is issued, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

Ernest Carlsen
Water Rights Supervisor

EC/dg

RECEIVED

NOV 21 1988



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

Mailing Address:
150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

May 25, 1988

The Preston Citizen
P.O. Box 472
Preston, ID 83263

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before June 20, 1988.

Respectfully submitted,

Deena Green
Office Secretary

Enclosure



NOV 21 1988

13-7452

PORTER, DORIN F.

5584 EAST CUB RIVER ROAD, PRESTON, ID 83263

Source: SUGAR CREEK trib. to CUB RIVER

Diversion Pt: NWSENE Sec 36 T 15S R 40E

Use: POWER (2.0 CFS)

Date Filed: 05/03/1988

In: NWNE Sec 36 T 15S R 40E

*proposed over phone
5-27-88 - OK/dg*


NOV 21 1988

NOTICE OF APPLICATION FOR WATER PERMIT

The Following application(s) have been filed to appropriate the public waters of the State of Idaho:

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Eastern Region, 150 Shoup Avenue, Suite 15, Idaho Falls, Idaho 83402 on or before JUNE 20, 1988.

R. KEITH HIGGINSON, Director

Published 6/02/1988 & 6/09/1988

NOV 21 1988



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

Mailing Address:
150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

Copy orig sent 5-10-88

10-May-1988

Dorin F. Porter
5584 E. Cub River Road
Preston, Id 83263

Re: Application for Permit for power purposes.

Dear Mr. Porter;

The Department has received your application for permit and is in the process of review and advertising.

However, before processing can be completed the enclosed Affidavit of Residency must be completed and returned to this office. This is a newer form than the affidavit submitted earlier. Please remember to sign the affidavit in the presence of a notary public.

The application, as proposed, describes a project which will generate 5 kilowatts of power using 2 cubic feet per second at a head of 60 feet. This yields a system efficiency of 49 percent. The Department can only approve applications for power use which show an efficiency from 60 to 85 percent. You may wish to show on the application that the amount of power to be generated will be between 6.1 and 8.6 kilowatts of power instead of 5 kilowatts.

If you have any questions please feel free to contact me.

Sincerely,

Steve McCormick, P.E.
Water Resource Engineer

RECEIVED

NOV 21 1988

STAFF SHEET FOR POWER GENERATION

I Initial Review By: Steve McCormick Application No. _____

Date Requested _____ In File _____

A. _____ 5-4-88 Form 205/206.

B. _____ 5-4-88 Efficiency is between 85% and 60%.

$$E = \frac{P}{QH} = \frac{(5 \text{ kw})(11.8)}{(2.0)(60)} = .49 \times 100 = 49\%$$

II Post Publication Review By: _____

A. Not Protested

1. 0 to 373 kw (500 Hp)

Date Requested _____ Date Received (one or more) _____

_____ Engineering feasibility report.

_____ Preliminary design report.

_____ Contracts to construct project.

_____ POWER WILL NOT BE SOLD. Contracts to purchase power.

_____ Verification that an application has been submitted to F.E.R.C.

_____ Other: _____

2. 373 kw (500 Hp) and higher

Date Requested _____ Date Received (all three are required) _____

_____ Preliminary Engineering Report.

_____ Itemized cost estimate.

_____ Verification of financial ability.

B. Protested

1. 0 to 111 kw (150 Hp)

_____ Supplement information has been submitted.

_____ Hearing should be scheduled.

2. 111 kw (150 Hp) and higher

_____ Supplemental information has been submitted.

_____ Received verification of a F.E.R.C. ruling.

_____ Hearing should be scheduled.

RECEIVED

NOV 21 1988