

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 33-07178

Priority: April 29, 1991

Maximum Diversion Rate: 2.70 CFS
Maximum Diversion Volume: 1,950.0 AF

It is hereby certified that NEW ENERGY INC
C/O DAVID SNEDIGAR
1026 E 1000 N
SHELLEY ID 83274 has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated December 12, 1985; and has submitted Proof of Beneficial Use on April 29, 1991. An examination indicates that the works have a diversion capacity of 19.51 cfs of water from:

SOURCE

BLACK CREEK

Tributary: LITTLE LOST 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	2.70 CFS	1,950.0 AF

LOCATION OF POINT(S) OF DIVERSION:

BLACK CREEK SE¼SW¼ Sec. 10, Twp 10N, Rge 27E, B.M. BUTTE 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	
10N 27E 20											X						

CONDITIONS OF APPROVAL

1. Use of water under this right shall be non-consumptive.
2. This right does not constitute Idaho Public Utilities Commission or Federal Energy Regulatory Commission approval that may be required.
3. The issuance of this right does not grant any right-of-way or easement across the land of another.
4. 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.
5. The diversion and use of water for hydropower purposes under this license is subject to review by the Director on or after December 31, 2021. 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. 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. 33.
7. 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.
8. Rights 33-2034, 33-7159, and 33-7179 are also diverted through the point of diversion described above.
9. Rights 33-2034, 33-7159, 33-7178, and 33-7179 when combined shall not exceed a total diversion rate of 3.8 cfs.
10. Rights 33-87, 33-2034, 33-7093, 33-7159, 33-7177, 33-7178, and 33-7179 when combined shall not exceed a total diversion rate of 14.0 cfs.

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 3rd day of August, 2005.


for **KARL J. DREHER**
Director