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JUN 30 2005

DEPARTMENT OF WATER RESOURCES

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT

(For Licensing Purposes)

WATER RIGHT NO. 37-08096**Date of Priority:** May 04, 1983

Maximum Diversion Rate: 300.00 CFS

Maximum Diversion Volume: 217,000.0 AF

Comes now NOTCH BUTTE HYDRO CO INC
2283 WRIGHT AVE STE D

TWIN FALLS ID 83301 and represents to the Director of the Idaho Department of Water Resources that he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 37-08096, and requests that the permit be changed as follows:

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
POWER	01/01 to 12/31	300.00 CFS	217,000.0 AF

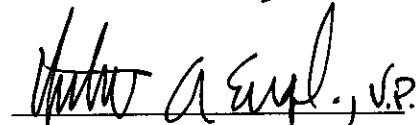
LOCATION OF POINT OF DIVERSION:

LITTLE WOOD RIVER NW¼NE¼NE¼ Sec. 32, Twp 05S, Rge 17E, 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 17E 29															X		

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk. Signed this 28th day of June, 2005.


(Signature & Title)

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 37-08096

FOR DEPARTMENT USE ONLY

Preliminary check by KW Fee = 50.00 Received by M.M. # C078438 Date 6/30/2005

ACTION OF THE DEPARTMENT OF WATER RESOURCES

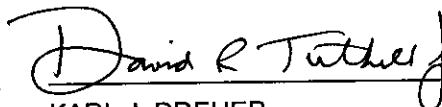
I, Karl J. Dreher, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 37-08096 with the following:

CONDITIONS OF APPROVAL

1. The issuance of this right does not grant any right-of-way or easement across the land of another.
2. 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. 37M.
3. The right holder shall maintain a measuring device and lockable controlling works or other methods acceptable to the Department and the watermaster for administering the diversion of water under this right and for ensuring that the required bypass flows are met.
4. Right 37-08251 is also diverted through the point of diversion described above.
5. A minimum bypass flow must be maintained in the Little Wood River at the following flow rates to prevent loss of or damage to fish and wildlife resources:

October 1 through March 31	13.0 cfs
April 1 through April 30	50.0 cfs
May 1 through May 31	60.0 cfs
June 1 through June 30	50.0 cfs
July 1 through September 30	40.0 cfs
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. This right is subject to the agreement dated 5/9/1984 between right holder and protestants to the extent such agreement covers matters within the jurisdiction of the IDWR.
9. 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.
10. The diversion and use of water for hydropower purposes under this license is subject to review by the Director on or after November 26, 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.

Witness my hand this 12th day of July, 2005.


for **KARL J. DREHER**
Director