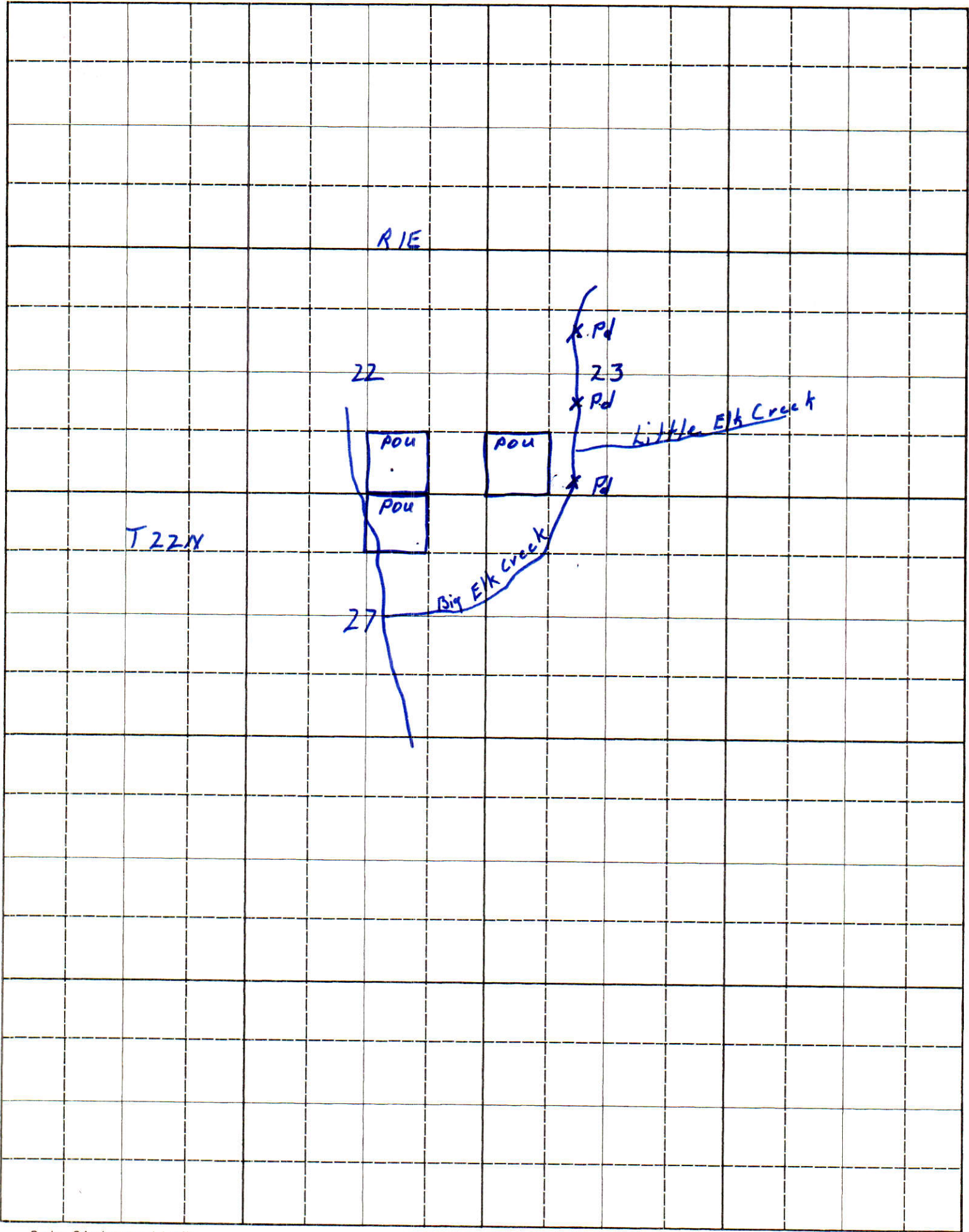


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



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.

RECEIVED

James A. Howell
(Applicant)

NOTICE OF APPLICATION
FOR WATER RIGHT

Notice is hereby given
that the following ap-
plication(s) have been
submitted for permit to
appropriate the public
waters of the State of Idaho:

78-7188

HOWELL, JAMES B.
1984 PANAMA, BOISE, ID
83705

Source: BIG ELK CREEK
tributary to LITTLE
SALMON RIVER

Date Filed: 10/29/1981

Amount: 8.00 CFS

Diversion Point: NESW
SESW Sec 23 T 22N R
01E, IDAHO Co.

Use: POWER (8.00 CFS)
from 01/01 to 12/31

Place of Use: SWSW Sec 23 T
22N R 01E NWNE Sec 27 T
22N R 01E SWSE Sec 22 T
22N R 01E

Diversion Means: DAM &
PIPELINE

If issued, the permit(s)
will be subject to all prior
water rights. Protests
against the granting of any
permit must be filed with the
Director of the Idaho
Department of Water
Resources, 92 S. Cole Road,
Boise, Idaho 83709 on or
before NOVEMBER 30, 1981.

A. KENNETH DUNN

Director

Published 11/11 & 11/18/81.

N11-18

AFFIDAVIT OF PUBLICATION

.....Nona C. Donaldson..... being first duly
sworn, says he is the Office Manager.....
of the IDAHO COUNTY FREE PRESS, a weekly newspaper which
is published and issued weekly at Grangeville, Idaho County,
State of Idaho, and which is of general circulation in said county
and state; that the said notice, of which the one hereto attached
is a true copy, was published in said paper for two..... weeks,
being published two..... times, the first publication being
on the 11..... day of November....., 19 81.,
and the last publication on the 18..... day of
.....November....., 1981; and that the said notice
was published in the newspaper proper and not a supplement;
that said newspaper has been continuously and uninterruptedly
published in said county during a period of more than seventy-
eight consecutive weeks prior to the first publication of said
notice or advertisement.

.....Nona C. Donaldson.....

Subscribed and sworn to before me this 13..... day
of November....., 19 81

.....[Signature]....., Notary Public
for State of Idaho, residing at Grangeville, Idaho.

MICROFILMED

RECEIVED

NOV 23 1981

Department of Water Resources
Western Regional Office

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 78-07188

Priority: October 29, 1981

Maximum Diversion Rate: 8.00 CFS
Maximum Diversion Volume:¹ 4427.2 AF

This is to certify, that EL DORADO HYDRO
C/O SITHE ENERGIES
10464 GARVERDALE COURT #710
BOISE, ID 83704

has complied with the terms and conditions
of the permit, issued pursuant to Application for Permit dated October 29, 1981; and
has submitted Proof of Beneficial Use on October 1, 1986. An examination indicates
that the works have a diversion capacity of 26.000 cfs of water from:

ELK CREEK tributary to LITTLE SALMON RIVER

source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
POWER	01/01 to 12/31	8.00 CFS	4427.2 AF

LOCATION OF POINT(S) OF DIVERSION:

NENW , Sec. 23, Township 22N, Range 01E
IDAHO County

PLACE OF USE: POWER

TWN RGE SEC

22N 01E 27 SENE

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Return flow if discharged to a surface water system shall meet Idaho Water Quality Standards.

MICROFILMED

SEP 27 1990

State of Idaho
Department of Water Resources**WATER RIGHT LICENSE**

WATER RIGHT NO. 78-07188

CONDITIONS/REMARKS:

6. The diversion and use of water under this license is subject to review by the Director 35 years from the date of issuance. 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.
7. The water right confirmed in this license 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 license 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 license.
8. Feet of head = 1130; horsepower = 1391.2 when combined with Rights 78-7150B & 78-7154.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 20th day of September, 1990.

Acting for R. Keith Higginson, Director

MICROFILMED

SEP 27 1990

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 78-07188

APPROVED

Date of Priority: October 29, 1981

Maximum Diversion Rate: 8.00 CFS
Maximum Diversion Volume:¹ 4427.2 AF

Comes now EL DORADO HYDRO
C/O SITHE ENERGIES
10464 GARVERDALE COURT #710
BOISE, ID 83704

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. 78-07188, and requests that the permit be changed as follows:

Source: **ELK CREEK**

tributary to **LITTLE SALMON RIVER**

BENEFICIAL USE

PERIOD OF USE

RATE OF DIVERSION

ANNUAL VOLUME

POWER

01/01 to 12/31

8.00 CFS

4427.2 AF

LOCATION OF POINT(S) OF DIVERSION:

NENW, Sec. 23, Township 22N, Range 01E
IDAHO County

PLACE OF USE: POWER

TWN RGE SEC

22N 01E 27

SENE

RECEIVED
SEP 13 1990

Department of Water Resources

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 at Boise, Idaho, this 21 day of August, 1990.

MICROFILMED

SEP 27 1990

Sherry R. Thibet
(Signature)
General Manager - Hydco

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 78-07188

FOR DEPARTMENT USE ONLY

#C018318

Preliminary check by SC Fee = \$20.00

Received by J.2 Date 9/13/90

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, R. Keith Higginson, of the Department of Water Resources hereby approve the above Application for Amendment for Permit No. 78-07188 with the following;

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Return flow if discharged to a surface water system shall meet Idaho Water Quality Standards.
6. The diversion and use of water under this license is subject to review by the Director 35 years from the date of issuance. 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.
7. The water right confirmed in this license 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 license 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 license.
8. Feet of head = 1130; horsepower = 1391.2 when combined with Rights 78-7150B & 78-7154.

Witness my hand this 20TH day of September, 19 90

RECORDED

SEP 27 1990

Acting for

R. Keith Higginson, Director

WATER RIGHT SPLIT

SUMMARY

ACTION	RIGHT NO.	NAME	AMOUNT CFS
Original Permit	78-7188	James B. Howell	8.0 cfs
Full Assignment	78-7188	Elk Creek Hydro-Electric Partners	8.0 cfs
Full Assignment	78-7188	El Dorado Hydro	8.0 cfs

MICROFILMED

MAR 09 1967

State of Idaho
Department of Water Resources

RECEIVED
NOV 13 1986

ASSIGNMENT OF PERMIT

Elk Creek El Dorado Hydro, a
I, Hydro-Electric Partners, hereby assign to California general partnership
of 3377 Barham Boulevard, Los Angeles, California 90068
Address

CHECK ONE

☒ All my right, title, and interest in and to Permit No. 78-7188
to appropriate the public waters of the State of Idaho.

☐ The following described portion of my right, title, and interest in and to Permit
No. _____ to appropriate the public waters of the State of Idaho.

(Describe that portion of the permit being assigned by listing the acreage within
each 40 acre subdivision, the point of diversion and the amount of water in cubic
feet per second for direct diversion, or acre feet for storage)

Made this 20th day of October, 19 86.

Elk Creek Hydro-Electric Partners
By: Elk Creek Hydro-Electric, Inc., its
By: general partner
Permit Holder

Spouse of Permit Holder

State of New York)
County of New York) ss.

MICROFILMED

MAR 09 1987

On this 20th day of October, 19 86, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged to me
that he (she) (they) executed the same.

seal

Both Alexander
Notary Public residing at

319 W 42nd, NY NY
10036

BETH ALEXANDER
Notary Public, State of New York
No. 31-4842465
Qualified in New York County
Commission Expires March 30, 19 87

My commission expires:

March 30, 1986

RECEIVED
DEC 30 1986

**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, _____ of _____,
(name) (city)

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

2. Corporation:

I, Roy Eiguren of Boise,
(name) (city)

County of Ada, State of Idaho, being duly sworn, depose
and say: That I am the designated registered agent of the general partners of El Dorado Hydro,
a California general partnership : that as such I am in charge of the registered office
(name of corporation)

of the said corporation as required by Section 30-1-12, Idaho Code, at Boise
(city)

Idaho, wherein are kept the corporate records required by Section 30-1-52, Idaho Code: and that each of the
general partners of
El Dorado Hydro * is a corporation qualified to do business in the State of Idaho under the laws
(name of corporation)

of the State of Idaho. El Dorado Hydro has filed a Certificate of Assumed or
Fictitious Name in Idaho County, 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.

*See attached sheet

Roy Eiguren
Applicant Roy Eiguren, Registered Agent

State of Idaho)
County of Ada) ss.

On this 22nd day of December, 19 86, personally appeared before me
the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Andrea Armstrong
Notary Public residing at
Boise, Idaho

seal

My commission expires:

Jan. 26, 1987

MICROFILMED

MAR 09 1987

RECORDED
DEC 30 1986

El Dorado Hydro, a California general partnership

General Partners: Olympe, Inc., a California corporation
Motherlode Hydro, Inc., a California corporation
Cal Hydro Electric Power Company, a California corporation

All three general partners are qualified to transact business in the State of Idaho pursuant to Idaho Code Section 30-1-12. CT Corporation System is the registered agent in Idaho for each general partner.

MICROFILMED

MAR 09 1987

RECEIVED

JAN 25 1985

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

Department of Water Resources
Western Regional Office

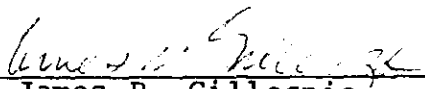
STATE OF IDAHO)
)ss.
County of Ada)

COMES NOW JAMES R. GILLESPIE, attorney at law, and
first being duly sworn, deposes and says as follows:

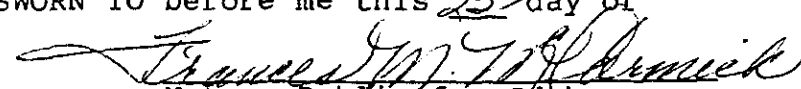
I am a partner of the law firm of Eberle, Berlin,
Kading, Turnbow & Gillespie, at 300 North 6th Street, Boise,
Idaho, and serve as local registered agent for the C T Corpora-
tion System. The C T Corporation System is registered agent
for General Hydro, Inc., an Idaho corporation and Elk Creek
Hydro-Electric, Inc., and Paris Hydro-Electric, Inc., corpora-
tions qualified to do business in Idaho.

The water rights to be used for power generating pur-
poses under permits 78-7150, 78-7154, 78-7188 and 78-7254 will
be developed by a partnership called Elk Creek Hydro-Electric
Partners (Elk Creek Partnership), is made up of the three cor-
porations noted above and will not utilize existing and operat-
ing man-made irrigation facilities such as a dam or canal,
although the upper diversion incorporates a rock and earth fill
impoundment not currently used for irrigation.

Further your affiant sayeth not.


James R. Gillespie

SUBSCRIBED AND SWORN TO before me this 25th day of
January, 1985.


Notary Public for Idaho
Residing at Boise, Idaho

MICROFILMED

RECEIVED

NOV 5 1984

State of Idaho
Department of Water Resources

ASSIGNMENT OF PERMIT

Department of Water Resources
Western Regional Office

I, James B. Howell, hereby assign to Elk Creek Hydro Electric Partners
of 415 N. Camden Drive, Beverly Hills California 90210 a California General Partnership
at Idaho Qualified Corporations Address

CHECK ONE



All my right, title, and interest in and to Permit No. 78-7188
to appropriate the public waters of the State of Idaho.



The following described portion of my right, title, and interest in and to Permit
No. _____ to appropriate the public waters of the State of Idaho.

(Describe that portion of the permit being assigned by listing the acreage within
each 40 acre subdivision, the point of diversion and the amount of water in cubic
feet per second for direct diversion, or acre feet for storage)

Made this 1st day of November, 19 84.

James B. Howell
Permit Holder

Josephine H. Howell
Spouse of Permit Holder

State of Idaho)

County of Ada) ss.

On this 30th day of October, 19 84, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged to me
that he (she) (they) executed the same.

seal

Andrea Armstrong
Notary Public residing at
Boise, Idaho

My commission expires:

MICROFILMED

APPROVED

1. Name of applicant JAMES B. HOWELL Phone 345-5335
Post office address 1984 Panama, Boise, ID 83705

2. Source of water supply Big Elk Creek which is a tributary of Little Salmon River

3. Location of point of diversion is NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 23 Township 22N
Range 1E B.M. Idaho County, additional points of diversion if any: SENW, SESW, Sec. 23, T. 22N, R. 1E

Amount 8.00 for power purposes from 1/1 to 12/31 (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)

a. 8.0 cubic feet per second and/or b. acre-feet per annum.

a. Description of ditches, flumes, pumps, headgates, etc. Small diversion dam and pipeline
to power generating plant

b. Height of storage dam _____ feet, active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet, materials used in storage dam: _____

Period of year when water will be diverted to storage _____ to _____ inclusive.
(Month/Day) (Month/Day)

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

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years (minimum 1 year – maximum 5 years).

8. Description of proposed uses: SW SE 22
a. If water is not for irrigation: NW NE 27
(1) Give the place of use of water: SW ¼ of SW ¼ of Section 23 Township 22N
Range 1E B.M.

(2) Amount of power to be generated: 474 KW horsepower under 1000 feet of head.

(3) List number of each kind of livestock to be watered

(4) Name of municipality to be served _____, or number of families to be supplied with domestic water _____.

(5) If water is to be used for other purposes describe: _____
Power production, non-consumptive use

WILSON MED

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

[illegible]

Total number of acres to be irrigated

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

78-7150, 78-7154

9. a. Who owns the property at the point of diversion Applicant

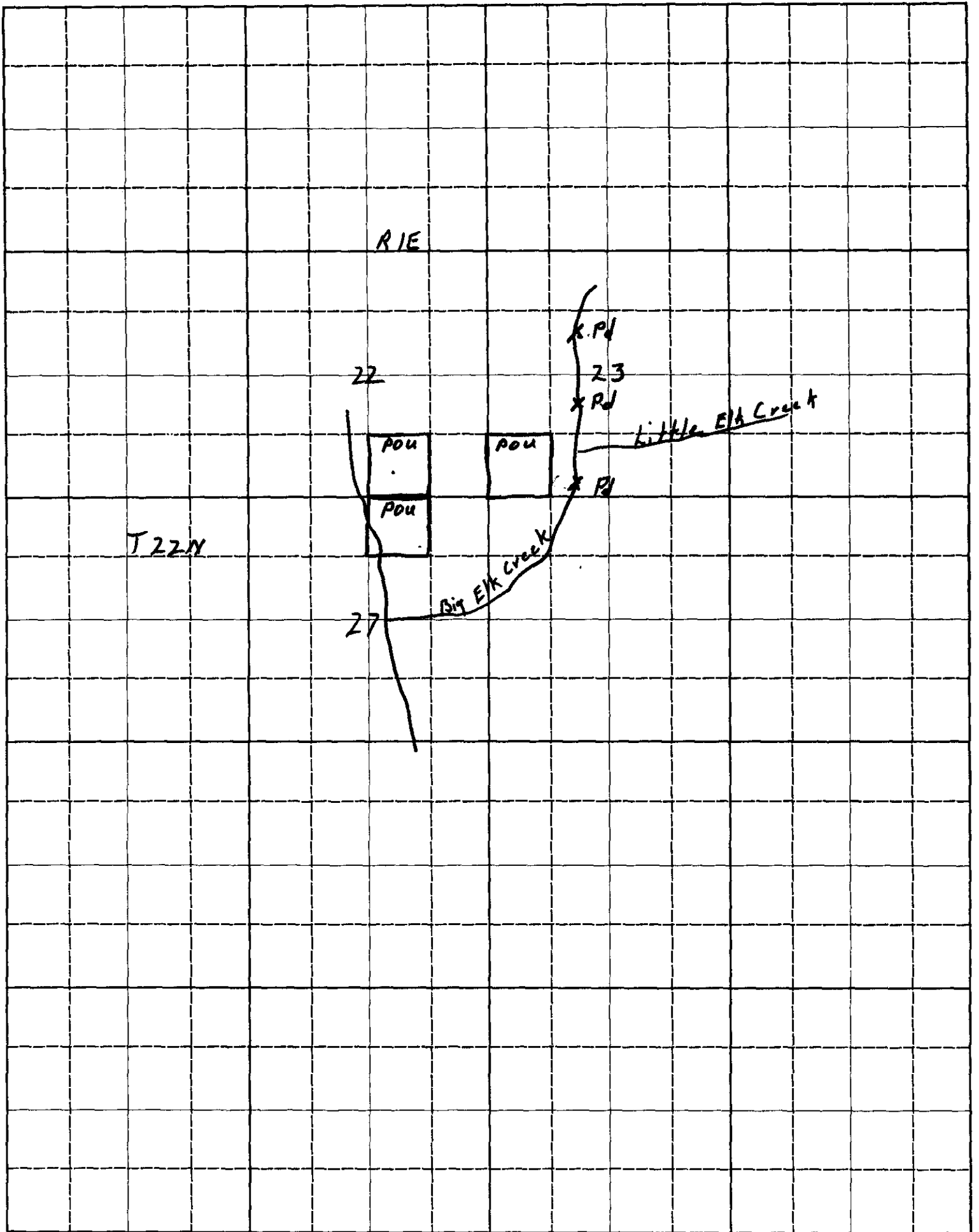
b. Who owns the land to be irrigated or place of use Applicant

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

10. Remarks

PROTECTED

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



Scale: 2 inches equal 1 mile.

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

MICROFILMED

James H. Howell
(Applicant)

Proposed Priority 10/29/1981

Received by 665 Date 10/29/81 Time 2:00

Preliminary check by SG Fee \$ 185.00

Receipted by 665 Date 10/29/81 # 20308

Publication prepared by 665 Date 11/5/81

Published in Idaho County Free Press

Publication dates 11/12 & 11/19/81

Publication approved SG Date 11-27-81

Protests filed by: None

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by DAS RC

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. 78-7188, 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 July 1, 19 87.
- 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. Other: An access port or other device as specified by the Department shall be installed by the permit holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.

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.

This project shall be operated in a manner that will not conflict or interfere with the future diversion of water for irrigation or other beneficial consumption.

This permit does not constitute Idaho Public Utilities Commission or Federal Energy Regulatory Commission approval that may be required.

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.

Witness my hand this 21st day of July, 1982.

J. Glen Saxton
Chief, Operations Bureau

MICROFILMED

DR

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
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, JAMES B. HOWELL of Boise,
(name) (city)

county of Ada, 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 Ada) ss.

James B. Howell
Applicant

On this 29 day of October, 19 81, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged
to me that he (she) (they) executed the same.

Nancy M. Northway
Notary Public residing at

seal

Boise

My Commission expires:

Life

MICROFILMED

[illegible]

vertisement.

Nora C. Donaldson

[Signature], Notary Public
for State of Idaho, residing at Grangeville, Idaho.

MICROFILMED

RECEIVED
NOV 23 1981

Department of Water Resources
Western Regional Office

Sithe Energies, Inc.
A Member of the Sithe Energies Group

RECEIVED

AUG 25 1997

Department of Water Resources

August 21, 1997

KariLynn Townsend
Department of Water Resources
1301 North Orchard
Boise, Idaho 83706

Dear Ms. Townsend:

Confirming our conversation this morning, please be advised that the current mailing address for S.E. Hazelton is:

450 Lexington Avenue
37th Floor
New York, NY 10017
Telephone: 212-450-9000

You may also wish to check your records for El Dorado Hydro and Bypass, Ltd., which are also located at this address.

WR#s 01-07084B
01-07010B
78-07150B
78-07154
78-07188
78-07254

} all files updated
for address correction
on WR 2.
8.26.97
Kari Lynn

Very truly yours,



Sandra J. Manilla
Treasurer

450 Lexington Avenue
New York, New York 10017
(212) 450-9000 telephone
(212) 450-9005 fax

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
COMMENCEMENT OF WORKS

Permit No. 78-7188
Name(s) of Permit Holder(s): James B. Howell
Post Office Address: 1984 Panama, Boise, ID 83705
Tel. No. 345-5335

☒ I hereby certify that construction of diversion works for the above referenced permit began on Oct 1983 (date). I understand 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.

10-28-84
Date

James B. Howell
Signature of Permit Holder

PLACE
STAMP
HERE

MICROFILMED

SEP 27 1990



IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

September 21, 1990

EL DORADO HYDRO
C/O SITHE ENERGIES
10464 GARVERDALE COURT #710
BOISE, ID 83704

RE: PERMIT NO. 78-07188

Dear Permit Holder(s):

Enclosed herewith is a copy of the Water Right License issued on the above referenced permit along with a copy of your approved application for amendment.

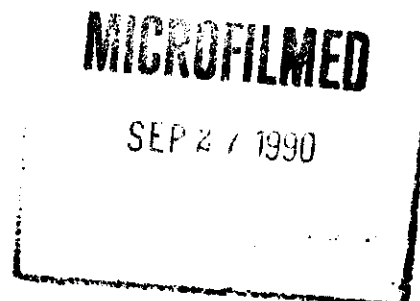
Should you have any questions regarding these documents, please feel free to contact our office.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure



September 10, 1990

EL DORADO HYDRO
C/O SITHE ENERGIES
10464 GARVERDALE COURT #710
BOISE, ID 83704

RE: PERMIT NO. 78-07188

Dear Permit Holder(s):

We previously forwarded an amendment to you to be completed to amend this permit to correspond with the findings of the field examiner so that we could issue the license.

As of this date, we have not received the amendment. If we do not receive it within fifteen (15) days, we will assume you no longer have any interest in the permit and cancellation proceedings will begin. Enclosed for your convenience is another amendment form in the event the first one was misplaced.

If you have any questions, please contact us.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

RECEIVED

SEP 27 1990

July 16, 1990

EL DORADO HYDRO
C/O SITHE ENERGIES
10464 GARVERDALE COURT #710
BOISE, ID 83704

RE: PERMIT NO. 78-07188

Dear Permit Holder(s):

The above referenced water right is in the process of being licensed. However, before a license can be issued, your permit must be amended to correspond with the findings of the Department's field examiner.

The enclosed application for amendment contains information that will be included on the license when it is issued. Please review carefully and if you concur, sign the amendment and return with the \$20.00 filing fee within 30 days.

If you do not concur with these findings or if you have any questions, please contact us within the 30-day period.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

MICROFILMED

SEP 27 1990

POINT OF DIVERSION OVERLAP REVIEW

WR-NUMBER	TWP	RNG	SC	TRACT 1\4 1\4 1\4	LT	#SOURCE	#NAME
7807188	22N	01E	23	NE	SW	BIG ELK CREEK	HOWELL, JAMES B.
7804002						BIG ELK CREEK	DERRY, IRWIN M.
7807150A						BIG ELK CREEK	SPENCE, CHARLES R.
7807150B						BIG ELK CREEK	SPENCE, CHARLES R.
7807154						BIG ELK CREEK	HOWELL, JAMES B.
7807188	22N	01E	23	SE	NW	BIG ELK CREEK	HOWELL, JAMES B.
7807150A						BIG ELK CREEK	SPENCE, CHARLES R.
7807150B						BIG ELK CREEK	SPENCE, CHARLES R.
7807154						BIG ELK CREEK	HOWELL, JAMES B.
7807254						BIG ELK CREEK	HOWELL, JAMES B.
7807188	22N	01E	23	SE	SW	BIG ELK CREEK	HOWELL, JAMES B.
7804000						LITTLE ELK CREEK	BLAKELY, RICHARD E.
7804003						LITTLE ELK CREEK	THOMPSON, DEANE L.
7804004						ELK CREEK	DOUGLAS, M. CATHERIN
7804005						LITTLE ELK CREEK	MILLER, JOE S.
7804007						LITTLE ELK CREEK	TOTTEN, GARY A.
7807154						BIG ELK CREEK	HOWELL, JAMES B.

Source is shown as "Elk
Creek" on quads - kw 6/15/90

MICROFILMED

SEP 21 1990

FIELD EXAM REVIEW

TO: File 78-7188

FROM: Jim Johnson

DATE: 7-5-88

Review of Compliance with Beneficial Use Rules & Regulations

Rule 3. Authority of Representative

 3,1. 3,2.

Rule 4. Qualification

 4,1.

Rule 5. Examination for Beneficial Use

5,1. Field Report:

ok 5,1,2. ok 5,1,3. ok 5,1,4. ok 5,1,5. ? 5,1,6.
N/A 5,1,7. N/A 5,1,8. N/A 5,1,9. ok 5,1,10. N/A 5,1,11.
ok 5,1,12. ok 5,1,13. ok 5,1,14. ok 5,1,15. ok 5,1,16.
 5,1,17.

5,2. Field Report Acceptability:

ok 5,2,1. ok 5,2,2. ok 5,2,3. ok 5,2,4.

5,3. General:

 5,3,1. 5,3,2. 5,3,3. 5,3,4. 5,3,5.

Rule 6. Water Measurement

6,1. Measurement Terminology:

 6,1,1. 6,1,2. 6,2. 6,3. 6,4.
 6,5.

Remarks:

MICROFILMED

SEP 27 1990

PD: 22N 1E S. 23 NSW, SEW, SESW, NENW
PU. 11 S. 22 S. 23 SWSW
S. 27 NWNW SENE

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

78-7188
Permit No.

Staff Analysis Sheet
for
Beneficial Use Field Report

A. Prior to Conducting the Exam, the File Contains:

- ☒ Blank Field Report Form
- ☒ Copy of Permit
- ☒ Copies of any Amendments/Orders with conditions of approval
- ☐ Computer Data Proof Report
- ☒ Copy of U.S.G.S. Quad
- ☒ Check for Government Lots. If so, make a copy of Government Plat

Check of P/D index SL 6/3/87 (Initial and date)

Overlap? ☒ yes ☐ no

Type of Overlap? ☐ Add acres or uses to existing system

☒ Increase rate of flow or volume

☒ Other: See package of exams

Check of P/U index SL 6/3/87 (Initial and date)

Overlap? ☒ yes ☐ no

Type of Overlap? ☒ Increase rate of flow or volume

☐ Add P/D's

☐ Increase number of acres within tracts

☒ Other: _____

Aerial Photo

Required? ☐ yes ☒ no

If yes: ☐ copy attached?

Scheduling Letter sent? N/A (Initial and date)

☒ Appointment made and telephone conversation memo attached

B. After Conducting the Exam, the File Contains:

- ☒ Fully completed and signed Field Report Form
- ☒ Photographs of Point of Diversion and Place of Use
- ☒ Corrected Computer Data Proof Report with recommended license information, and date and signature of examiner.

C. Review and Processing:

Exam Completed Completed - 5/19/88 (Signature of examiner and date)

Exam Reviewed by Senior Water Resource Agent SL 6/7/88 (Initial and date)

Exam Reviewed by Manager of Regional Office Dmr 6/18/88 (Initial and date)

Exam Date Entered in Computer ✓ (Initial and date)

Exam sent to State Office SL 6/28/88 (Initial and date)

Copy of Staff Analysis Sheet sent to Manager of Regional Office and Original
Refiled in White File _____ (Initial and date)

See 78-7150 B

JUN 30 1988

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

KEYPUNCHED

A. GENERAL INFORMATION

1. Owner: El Dorado Hydro / Sithe Energies Permit No. 78-7188
Current Address: 10464 Garverdale Court, Suite 710 Boise, ID 83704 Phone No. 375-1106
2. Accompanied by: Dave Wilson EXAM. DATE: 6/11/87
Address: HC 75, Box 3550 New Meadows, ID. 83654 Phone No. 628-3561 power plant
Relationship to Permit Holder: Power Plant Manager 628-3839 home
3. Source: ELK Creek tributary to Little Salmon River

B. OVERLAP REVIEW

1. Other water rights with same place of use: 78-7154, 7150 B, 4002, 7254
☒ Copies Attached
2. Other water rights with same point of diversion: 78-7150 A & B, 7154, 7254 (?)
☒ Copies Attached ☒ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached

copies - see package of exams

See 78-7150 B

MICROFILMED

SEP 27 1990

Scale: 1" = _____

2. ☒ Copy of U.S.G.S. 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 or more).
☒ Photo of Diversion and System Attached
(required for all but single household domestic groundwater, and stockwater).

See
7150 B

System Description (continued)

3. Narrative: Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

See 78-7150 B

☐ See Remarks on page 4 for continuation

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	<i>N/A</i>				

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

5. Point(s) of Diversion:

Ident. No.	Gov't. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
			<i>NE</i>	<i>NW</i>	<i>23</i>	<i>22N</i>	<i>1E</i>	<i>Idaho</i>	<i>USGS 7 1/2' QWAD</i>

6. Place(s) of Use:

Indicate Method of Determination

USGS 7 1/2' QWAD

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
<i>22N</i>	<i>1E</i>	<i>27</i>				<i>P</i>													<i>—</i>

Do not use this space

MICROFILMED

SEP 6 1980

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

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

2. Measurements:

Limit 7188 to 8.00 cfs as shown on permit.

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method: 26.0 cfs

2. Alternate Method for Checking Purposes: see 78-7150 B

F. PUMP EFFICIENCY DATA (Optional) N/A

Discharge Pressure: _____ psi x 2.31 = _____ ft (1); Dynamic pumping level: _____ ft (2)

Total Head: (1) + (2) = _____ (3); Flow rate: _____ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

Meter Input KW: 3.6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)

Meter Input HP: (6) x 1.34 = _____ (7)

Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Amps x .001732 = _____ (6)

Panel Input HP: (6) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

G. VOLUME CALCULATIONS ~~NON-CONSUMPTIVE~~

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:

9 months/yr:

$$(8.00)(279)(1.9835) = 4427.2$$

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SEP 27 1990

H. REMARKS AND OVERLAP REVIEW ANALYSIS

Overlap - as in 7150B exam.

I. 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	8.00	4427.2
				(Actually non-
				consumptive use)
Totals:				

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

J. AUTHENTICATION

Field Examiner's Name Steve Lester

Signature Steve Lester

Certification Date _____

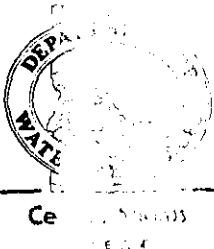
Field Report Preparation Date 6/11/87



K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.

MICROFILMED

SEP 27 1990



State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region

2735 Airport Way
Boise, Idaho 83705
(208) 334-2190

May 8, 1987

7-11508, 7154, 7188
EQUINOX HYDRO
1377 APHAM BLVD.
LOS ANGELES, CA 90068

Dear Applicant(s):

I acknowledge receipt of your statement of proof of beneficial use for the above-referenced permit.

Before a license can be issued, a field examination must be made by a representative of this Department. A field examiner will contact you to arrange to examine your system.

If you have any questions regarding the field examination, please contact this office.

Sincerely,

Judy Pense
Secretary

/jp

MICROFILMED

SEP 27 1990



State of Idaho
DEPARTMENT OF WATER RESOURCES
WESTERN REGION, 2735 Airport Way, Boise, Idaho 83705 • (208) 334-2190

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

RECEIVED

JUN - 9 1988

Ms. Cherry Huber
Sithe Energies / El Dorado Hydro
10464 Garverdale Court, Suite 710
Boise, ID. 83704

Department of Water Resources

June 8, 1988

Re: Permits 78-7150B, 07154, 07188

Dear Cherry:

The enclosed package contains the adjudication claims for the above permits associated with the power plant on Elk Creek. I completed the field exams after talking to Dave Wilson. My licensing reports will recommend that the full flow rates on the permits be licensed (25.72 cfs).

The adjudication claims were prepared from permit and field exam information. Two copies of each claim are included, one for you and one for the Department. All copies should be signed, notarized, and returned for receipting. Your copies will subsequently be sent to you. Item 16a requires a yes or no response. Please refer to the handout that discusses receiving notices in the adjudication.

Based on the generating capacity of the power plant and three water rights currently in use, the total filing fee is \$8270.00. The fee is calculated at \$3.50 per kw (variable fee, charged once for the entire system) and \$50.00 per claim (flat fee). An extended payment plan is available and described in the attached handout. Notice that the minimum amount due by 7/27/88 is \$1654.00. To properly describe and receipt fees paid, it would be best to divide the total fee into thirds. I suggest the following description:

A78-07150B = \$2760, A78-07154 = \$2755, A78-07188 = \$2755.

Please contact me if additional help is needed.

Sincerely,

Steve Lester
Sr. Water Resource Agent

MICROFILMED

SEP 27 1988

CONVERSATION MEMORANDUM

DATE 6/11/90

FILE 78-07150 B

NAME OF PARTY Cherry Huber 375-1106

-07154

EMPLOYEE Steve Lester

-07188

-07254

RE: Please use the following local address for
all correspondence for the above permits:

Sithe Energies / EL Dorado Hydro

10464 Garvendale Court

Suite 710

Boise, Id 83704

MICROFILMED

SEP 21 1990



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

CECIL D. ANDRUS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

February 4, 1987

RE: Permit Nos. 78-7150B/7154/7188/7254

El Dorado Hydro
3377 Barham Blvd.
Los Angeles, CA 90068

Dear Permit Holder:

This office acknowledges receipt of the Assignment of the above referenced permits to you.

Enclosed for your records are copies of the permits. Be sure to note the special conditions of approval on the fourth pages that identify requirements necessary for developing the permits into licensed water rights.

If you have any questions on this matter, please feel free to contact us.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc
Enclosures

MicroFILMED

MAR 09 1987

Permit No. Jim

ASSIGNMENT REVIEW CHECK LIST

78-7188
78-7150 B
78-7154-ALL
78-7254-ALL

1. Signature of Permit Holder? - Yes
 2. Notary? - Yes
 3. a. Full Assignment? - Yes of part B
b. Partial Assignment?
 4. "No assignment" condition on permit? Yes.
 5. Commencement of Works received? NO - Extension requested
 - a. Commencement of works requested? -
 - b. Show Cause Order drafted & sent? -
 - c. Cancellation necessary? -
 6. Affidavit of residency required? Yes - rec'd
 7. Extension granted due to litigation? - N/A
(If yes, commencement of works is not required.)
-
1. Type permit summary sheet. Sharla -
 2. Coding sheet. Sharla - Part B
 3. Acknowledgement letter type. #IP
 4. Copy to region. Sharla

Date 2-2-87

Employee Jim

RECEIVED

MAR 09 1987



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
BOISE 83720

JIM JONES
ATTORNEY GENERAL

DEPARTMENT OF WATER RESOURCES
STATEHOUSE, BOISE, IDAHO 83720
TELEPHONE: (208) 334-4448

November 14, 1986

Roy Eiguren, Esq.
LINDSAY, HART, NEIL & WEIGLER
350 North Ninth Street, Suite 400
Boise, Idaho 83720

Wesley S. Kumagai, Esq.
JONES, DAY, REAVIS & POGUE
355 South Grand Avenue, Suite 3000
Los Angeles, California 90071

Re: Assignment for Security of Idaho Department of
Water Resources Permit; Permit Nos. 78-7150,
78-7154, 78-7188, 78-7254 and 01-7010

Gentlemen:

This office has received a copy of the November 4, 1986, LM&C draft Loan Agreement between EL DORADO HYDRO, a California general partnership, BY-PASS LIMITED, an Idaho limited partnership, and ROCK CREEK LIMITED PARTNERSHIP, a California limited partnership ("the Borrowers") and BANQUE NATIONALE DE PARIS acting through its Los Angeles Agency ("the Bank"); and Exhibit S-6 thereto, entitled ASSIGNMENT OF GOVERNMENTAL APPROVALS.

It is our understanding, based upon these documents, that the Borrowers, El Dorado Hydro and By-Pass Limited, the present holders of the referenced water right permits, intend to assign the permits to the Bank, which is not presently qualified to do business in and under the laws of the state of Idaho, for the purpose of providing partial security for financing four hydroelectric power stations.

It is further our understanding that neither the assignment nor any action or actions on the part of the Bank shall constitute an assumption by the Bank of any of Borrowers' obligations under the water right permits unless a Potential Event of Default or an Event of Default occurs under the Loan Agreement and the Bank shall have given written notice to the Idaho Department of Water Resources of its election to assume such obligations.

MICROFILMED

MAR 09 1987



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

December 15, 1986

RE: Permit Nos. 78-7150/7154/7188/7254

Sithe-Energies USA, Inc.
Attn: Judy L. Porter
885 Third Ave., Suite 1700
New York NY, 10022-4802

Dear Ms. Porter:

As you probably known by now, I returned the assignment forms for the above referenced permits on 12/9/86. Therefore, we cannot comply with your request of 12/2/86.

If you have any questions, let me know.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

MICROFILMED
MAR 09 1987

Sithe-Energies U.S.A. inc.

A Member of the Sithe/Energies Group

885 Third Avenue, Suite 1700

New York, New York 10022

Telephone (212) 230-2100
Telecopier (212) 230-2120

December 2, 1986

RECEIVED
DEC 5 1986

State of Idaho
Department of Water Resources
450 W. State Street
Boise, Idaho 83720

Department of Water Resources

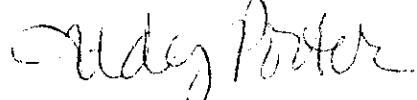
Re: Permit Nos. 78-1750, 78-7154, 78-7188, 78-7254

Dear Sir or Madam:

An Assignment of Permit for each of the above referenced permits was forwarded to your office for filing last month to assign the permits to El Dorado Hydro Partners, a California general partnership. An error was made on the assignment forms concerning the name of the assignee. The correct name of the partnership is El Dorado Hydro, not El Dorado Hydro Partners. Please modify your records to show the correct name of the partnership to be El Dorado Hydro.

Please do not hesitate to contact the undersigned if you have any questions or require anything further in order to accomodate such request.

Sincerely,



Judy L. Porter
Operations Coordinator

cc: Linda Grant-Williams

MICROFILMED

MAR 09 1987



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

Mailing address:

Statehouse
Boise, Idaho 83720
(208) 334-4440

December 9, 1986

RE: Permit Nos. 78-7154/7254/7188/7150

Sithe-Energies USA, Inc.
Attn: Judy L. Porter
885 Third Ave., Suite 1700
New York, NY 10022-4802

Dear Ms. Porter:

I am in receipt of four assignment of permit forms assigning ownership of the above referenced permits from Elk Creek Hydro-Electric Partners to El Dorado Hydro Partners.

This Department cannot accept these assignments because the attached affidavits do not state that El Dorado Hydro Partners is registered in the State of Idaho as required by Section 30-1-12, Idaho Code.

The assignments are being returned and no action will be taken until the assignments are received with the proper affidavit.

If you have any questions on this matter or if I can be of any assistance, please let me know.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosures

MICROFILMED

MAR 09 1987

SITHE-ENERGIES U.S.A. inc.

A Member of the Sithe/Energies Group

885 Third Avenue, Suite 1700

New York, New York 10022-4802

(212) 230-2100
Telecopy (212) 230-2120

November 12, 1986

RECEIVED
NOV 13 1986

State of Idaho
Department of Water Resources
450 W. State Street
Boise, Idaho 83720

Department of Water Resources

Re: Permit Nos. 78-7154, 78-7254, 78-7188, 78-7150

Gentlemen:

Enclosed for filing please find the Assignment of Permit and Affidavit For Water Rights To Be Used For Power Purposes in connection with the assignment of the above-referenced permits to El Dorado Hydro, a California general partnership. Please forward a copy of the acknowledgment of such assignment to the undersigned.

If you have any questions regarding this assignment, please feel free to give me a call.

Sincerely,


Judy L. Porter

Enclosures

MICROFILMED

MAR 09 1987

SITHE-ENERGIES U.S.A. inc.

A Member of the Sithe/Energies Group

885 Third Avenue, Suite 1700

New York, New York 10022-4802

(212) 230-2100
Telecopy (212) 230-2120

October 23, 1986

RECEIVED
OCT 27 1986

Ms. Rita I. Fleck
State of Idaho
Department of Water Resources
State Office
450 W. State Street
Boise, ID

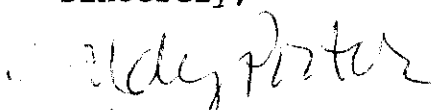
Department of Water Resources

Re: Permit Nos. 78-7150B, 78-7154 and 78-7188

Dear Ms. Fleck:

Pursuant to your letter dated October 15, 1986, I have on behalf of Elk Creek Hydro-Electric Partners enclosed a check for \$275.00 in payment of the additional fee due, concerning the above referenced permits.

Sincerely,


Judy L. Porter

JLP:meb

Enclosure

MICROFILM

October 15, 1986

Judy L. Porter
Elk Creek Hydroelectric Partners
3377 Barham Boulevard
Los Angeles, CA 90068

Dear Ms. Porter:

Re: Permit Nos. 78-7150B, 78-7154 and 78-7188

On October 1, 1986, the department received your proof of beneficial use form and \$600 filing fee. The fee was receipted and the proof and files forwarded to me for processing. Upon close examination of the proof form, I realized that you paid the fee for the total rate of diversion for all three of the permits instead of adding the fee based on the rate of diversion of each file.

The Idaho Code provides that a examination fee shall be determined on each water right permit. Since you have three water right permits, a fee is levied on each. The total fee which should have been paid is \$875. (See enclosed fee schedule). Please remit the additional \$275 as soon as possible. I will hold processing on the permits until the additional sum of money is received.

If you have any questions concerning this matter, please feel free to contact this office.

Sincerely,

RITA I. FLECK
Secretary/Records Manager

Enclosure

MICROFILMED
1987-11-17

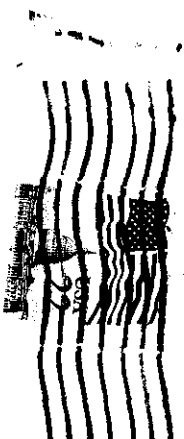
DETACH AND RETAIN THIS STATEMENT
THE ATTACHED CHECK IS IN PAYMENT OF ITEMS DESCRIBED BELOW.
IF NOT CORRECT PLEASE NOTIFY US PROMPTLY. NO RECEIPT DESIRED

DELUXE FORM WVO-4 V-3

DATE	INVOICE NUMBER	DESCRIPTION	AMOUNT	DEDUCTIONS		NET AMOUNT
				PARTICULARS	AMOUNT	
		Permit No.s 78-7150B 78-7154 78-7188				

SITHE-ENERGIES U.S.A. inc.

885 Third Avenue, Suite 1700
New York, New York 10022-4802



Ms. Rita I. Fleck
State of Idaho
Dept. of Water Resources
State Office
450 W. State Street
Boise, ID



27500
RECEIVED

OCT 1 1986

For Office Use Only
Fee Received \$600.00 27500
Date 10/1/86
Receipt # 3927039355
Receipt by CCWg rg
Reviewed by _____
Sent to region _____

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 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. 78-7150B, 7154, 7188

Name(s) of Permit Holder: Elk Creek Hydroelectric Partners

Post Office Address: 3377 Barham Blvd., Los Angeles, California 90068

Telephone No. (213) 874-9080

Source of Water: Big Elk Creek, Tributary of Little Salmon River

Extent of Use:

Domestic _____ (number of households) Stockwater _____ (number and type of stock)
Irrigation _____ (acres) Other/Remark Hydroelectric Power Plant

Total rate and/or volume for which proof is submitted 8, 10, 8 cfs _____ acre-feet

Show the date water was first diverted and beneficially used under this permit: April 4, 1986

Measuring Device: Required? Yes X No
Installed? Yes X No

Fee enclosed \$ 600.00
(See License Examination Fee Schedule)

Flow Measurement Port: Required? X Yes — No
Installed? X Yes — No

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

Henry Huber

(Name)

(208) 888-4247

(Telephone Number)

Route 3, Hubbard Road, Kuna, Idaho 83634

(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.

By: Elk Creek Hydroelectric, Inc., general partner

9/30/86

Date

By:

William Kriegel, President

Signature of Permit Holder (and title, if appropriate)

March 26, 1985

RE: Permit No. 78-7188

Elk Creek Hydro Electric Partners
415 N. Camden Dr.
Beverly Hills, CA 90210

Dear Permit Holder:

This office acknowledges receipt of the Assignment of the above referenced permit to you.

Enclosed for your records is a copy of the permit. Be sure to note the conditions of approval on the fourth page that identify requirements necessary for developing the permit into a licensed water right.

If you have any questions on this matter, please feel free to contact us.

Sincerely,

KAY WALKER
Chief Clerk

KW:sc
Enclosure

MICROFILMED

INTER-DEPARTMENT MEMO — 1

FROM D. Tuthill

DATE February 25, 1985

TO Files 78-7150, 78-7154, 78-7188

SUBJECT Assignment

For additional information and documentation concerning the assignment of the above-referenced permits to Elk Creek Hydro Electric Partners, see the letter dated January 10, 1985 from David Leroy, with attachments, located in 78-7254

DRT

SIGNATURE

MICROFILMED

Form 204-p
6/82

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
COMMENCEMENT OF WORKS

Permit No. 78-7188
Name(s) of Permit Holder(s): James B Howell
Post Office Address: 1984 Panama, Boise 83705
Tel. No. 345-5335

- ☒ I hereby certify that construction of diversion works for the above referenced permit began on Oct 1983 (date). I understand 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.

10-28-84
Date

James B. Howell
Signature of Permit Holder

MICROFILMED

Permit No. 78-7188

ASSIGNMENT REVIEW CHECK LIST

1. Signature of Permit Holder? ✓
2. Notary? ✓
3. a. Full Assign? ✓
b/ Partial Assign?
4. "No assignment" condition on permit? yes -
5. Commencement of works received? yes -
 - a. Commencement of works requested?
 - b. Show Cause Order drafted & sent?
 - c. Cancellation necessary?
6. Affidavit of Residency required? yes -

1. Type Permit Summary Sheet ✓
2. Coding Sheet ✓
3. Acknowledgement letter type #1
4. Copy to region ✓

Date: 2-8-85

Employee: K. Walker

MICROFILMED

RUNFT, LEROY, STECHER, COFFIN & O'RIORDAN, CHARTERED

LAWYERS AND COUNSELORS AT LAW
IDAHO FIRST NATIONAL BANK - EMPIRE BUILDING
205 NORTH TENTH STREET, SUITE 200
P.O. BOX 1960
BOISE, IDAHO 83701

JOHN L. RUNFT
DAVID H. LEROY
DAVID J. STECHER
TERRY E. COFFIN
W. HUGH O'RIORDAN
ROY L. EIGUREN
STEVEN R. MATTHEWS
CARL E. OLSSON

TELEPHONE
(208) 344-6100

Lloyd E. Haight
of Counsel

January 28, 1985

David Mercer, Esq.
Jones, Day, Reavis & Pogue
2029 Century Park E., Suite 3600
Los Angeles, CA 90067

Re: Completion of the Submission of Data
for the Water Rights Transfer

Dear Dave:

Attached is a copy of an original affidavit which I filed today with the Department of Water Resources. As you will note, your registered agent, Jim Gillespie, signed the affidavit to provide all of the detail necessary for the Department to complete the assignment of water rights from Jim Howell to the Elk Creek Hydro-Electric Partners. I believe the Department will act with dispatch to accomplish the transfer. This should complete and extinguish the obligations which the Howell partnership had to you under the Agreement for the Sale of Assets.

Very truly yours,

David H. Leroy

DHL:aa

Enclosure

cc: David Shaw
Jim Howell
Cliff Powell
Jerry Lausmann
Carl Myers

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JAN 30 1985

Department of Water Resources
Western Regional Office

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RUNFT, LEROY, STECHER, COFFIN & O'RIORDAN, CHARTERED

LAWYERS AND COUNSELORS AT LAW
IDAHO FIRST NATIONAL BANK - EMPIRE BUILDING
205 NORTH TENTH STREET, SUITE 200
P.O. BOX 1960
BOISE, IDAHO 83701

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ROY L. EIGUREN
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TELEPHONE
(208) 344-6100

Lloyd E. Haight
of Counsel

January 10, 1985

David Shaw
Western Regional Supervisor
Dept. of Water Resources
State of Idaho
Statehouse
Boise, Idaho 83720

RECEIVED
JAN 11 1985

Department of Water Resources
Western Regional Office

Re: Elk Creek Hydro (78-7150,
78-7154, 78-7188, 78-7254)

Dear Dave:

Since our last telephone conversation and receipt of your letter of December 13, 1984, I have followed up with David Mercer, California counsel, and the Secretary of State's office regarding the residency and ownership affidavit to complete the transfer on the above four permits. It would seem to me that the following documents and certifications would provide the Department's needs to satisfy technical requirements for the Elk Creek Partnership composed of General Hydro, Inc., an Idaho corporation, and Elk Creek Hydro-Electric, Inc. and Paris Hydro-Electric, Inc., Idaho qualified to do business corporations:

1. A copy of the Secretary of State's Certificate of Incorporation for General Hydro, Inc., together with the Articles of Incorporation filed October 29, 1984, indicate the C T Corporation System as registered agent here in Boise. (Copies attached.)

2. A Certificate of Authority as an Idaho qualified to do business corporation for both Elk Creek Hydro-Electric, Inc., and Paris Hydro-Electric, Inc., with copies of their application filed October 24, 1984, indicating the C T Corporation System in Boise as registered agent. (Copies attached.)

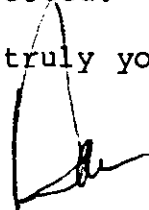
3. An affidavit by Jim Gillespie of Eberle, Berlin, 300 North 6th Street, Boise, 83702, who acts as the local registered agent for the C T Corporation System. This affidavit covers the law firm status as designated registered agent for the three corporations and reiterates they are each qualified to do business in Idaho, and addresses the ownership of the facilities as required in your standard form. By a copy of

MICROFILMED

David Shaw
Idaho Dept. of Water Resources
January 10, 1985
Page Two

this draft affidavit to yourself and to Jim Gillespie, I solicit any changes in the language which either of you may request or feel necessary. After your approval by telephone or otherwise. I will present a copy to Jim for his signature and file it with the Department. Once we have accomplished this to the satisfaction of the Department, I understand that the full transfer to the partnership will be effected.

Very truly yours,



David H. Leroy

DHL:aa

cc: James Gillespie, Esq.
David Mercer, Esq.
Steven D. Burton, Esq.
James B. Howell

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JAN 11 1985

Department of Water Resources
Western Regional Office

State of Idaho

Department of State

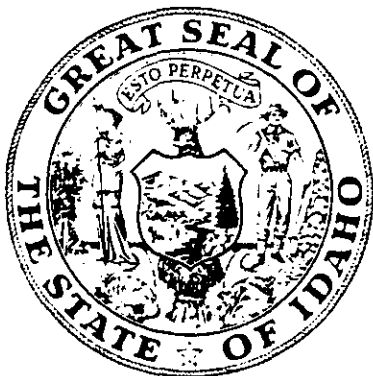
CERTIFICATE OF AUTHORITY OF

ELK CREEK HYDRO-ELECTRIC, INC.

I, PETE T. CENARRUSA, Secretary of State of the State of Idaho, hereby certify that duplicate originals of an Application of ELK CREEK HYDRO-ELECTRIC, INC. for a Certificate of Authority to transact business in this State, duly signed and verified pursuant to the provisions of the Idaho Business Corporation Act, have been received in this office and are found to conform to law.

ACCORDINGLY and by virtue of the authority vested in me by law, I issue this Certificate of Authority to ELK CREEK HYDRO-ELECTRIC, INC. to transact business in this State under the name ELK CREEK HYDRO-ELECTRIC, INC. and attach hereto a duplicate original of the Application for such Certificate.

Dated October 26, 1984



Pete T. Cenarrusa
SECRETARY OF STATE

Steph J. Clark
Corporation Clerk

MICROFILMED

APPLICATION FOR CERTIFICATE OF AUTHORITY

To the Secretary of State of Idaho.

Pursuant to Section 30-1-110, Idaho Code, the undersigned Corporation hereby applies for a Certificate of Authority to transact business in your State, and for that purpose submits the following statement:

94 AUG 28 AM 8 51

1. The name of the corporation is ELK CREEK HYDRO-ELECTRIC, INC.

SEC - 1420 DE
STATE

2. *The name which it shall use in Idaho is ELK CREEK HYDRO-ELECTRIC, INC.

3. It is incorporated under the laws of California

4. The date of its incorporation is September 5, 1984 and the period of its duration is perpetual.

5. The address of its principal office in the state or country under the laws of which it is incorporated is 415 North Camden Drive, Ste. 218, Beverly Hills, California 90210

6. The address to which correspondence should be addressed, if different from that in item 5 the same

7. The street address of its proposed registered office in Idaho is 300 North 6th Street
Boise, Idaho 83701, and the name of its proposed registered agent in Idaho at that address is C T CORPORATION SYSTEM

8. The purpose or purposes which it proposes to pursue in the transaction of business in Idaho are:
Any lawful act or activity

9. The names and respective addresses of its directors and officers are:

Name	Office	Address
<u>William Krieger</u>	<u>President, Secretary</u>	<u>415 No. Camden Drive, Ste. 218</u>
	<u>Treasurer</u>	<u>Beverly Hills, California 90210</u>

10. The aggregate number of shares which it has authority to issue, itemized by classes, par value of shares, and shares without par value, is:

Number of Shares	Class	Par Value Per Share or Statement That Shares Are Without Par Value
<u>100</u>	<u>Common</u>	<u>No par value</u>

MICROFILMED

(continued on reverse)

11. The aggregate number of its issued shares, itemized by classes, par value of shares, and shares without par value, is:

Number of Shares	Class	Par Value Per Share or Statement That Shares Are Without Par Value
100	Common	No par value

12. The corporation accepts and shall comply with the provisions of the Constitution and the laws of the State of Idaho.

13. This Application is accompanied by a certificate of corporate existence or status, issued by the proper officer of the state or country of incorporation. (The certificate should not be over 90 days old)

Dated October 24, 1984

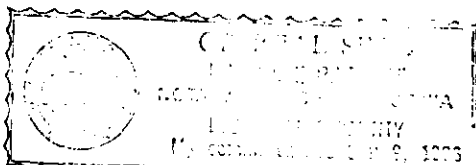
ELK CREEK HYDRO-ELECTRIC, INC.

By William Kriegel
Its President
and William Kriegel
Its Secretary

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss:

I, Linda C Parent, a notary public, do hereby certify that on this 24th day of October, 1984, personally appeared before me William Kriegel, who being by me first duly sworn, declared that he is the President of **ELK CREEK HYDRO-ELECTRIC, INC.**

that he signed the foregoing document as President of the corporation and that the statements therein contained are true.



Linda C Parent
Notary Public

*Pursuant to section 3041-108(b)(1), Idaho Code, if the corporation assumes a name other than its true name, this application must be accompanied by a resolution of the Board of Directors to that effect.

MICROFILMED

STATE CAPITAL
BOISE, IDAHO

No. 77101

ELK CREEK HYDRO-ELECTRIC, INC.

Foreign - California

Perpetual

a.c.s. - 100 shares npv

STATE OF IDAHO
Department of State
Boise, Idaho

Approved, filed and admitted to the
corporation records of the State
of Idaho

Date October 26, 1984

Time 8:51 a.m.

FEES PAID

Filing \$ 60.00

Tax \$ _____

Pete T. Cenarrusa

SECRETARY OF STATE

By: _____

Registered Agent: C T CORPORATION SYSTEM
300 North Sixth Street
Boise, Idaho 83701

Filed By: C T CORPORATION SYSTEM
800 South Figueroa Street, Suite 1000
Los Angeles, California 90017

MICROFILMED

OCT 29 PM 9 23

RECORDS OF
STATE

ARTICLES OF INCORPORATION
OF
GENERAL HYDRO INC.

The undersigned, acting as incorporator of a corporation under the Idaho Business Corporation Act, adopts the following Articles of Incorporation for such corporation:

FIRST: The name of the corporation is GENERAL HYDRO INC.

SECOND: The period of its duration is perpetual.

THIRD: The purpose or purposes for which the corporation is organized are: The transaction of any or all lawful business for which corporations may be incorporated under the Idaho Business Corporation Act.

FOURTH: The aggregate number of shares which the corporation shall have authority to issue is 10,000 shares of Common Stock, \$1.00 par value per share.

FIFTH: None.

SIXTH: None.

SEVENTH: The address of the initial registered office of the corporation is 300 North 6th Street, Boise, Idaho 83701 and the name of its initial registered agent at such address is CT CORPORATION SYSTEM.

EIGHTH: The number of directors constituting the initial board of directors of the corporation is one, and the name and address of the person who is to serve as director until the first annual meeting of shareholders or until his successor is elected and shall qualify is:

<u>NAME</u>	<u>ADDRESS</u>
Robert T. Rambo	375 Highland Avenue Jenkintown, Pennsylvania 19046

NINTH: The name and address of each incorporator is:

MICROFILM

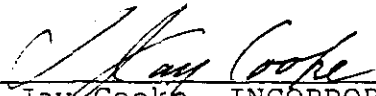
NAME

S. Jay Cooke, Esquire

ADDRESS

Suite 3600, 1600 Market Street
Philadelphia, Pennsylvania 19103

Dated: October 26, 1984.



S. Jay Cooke, INCORPORATOR

No. 77139

Articles of Incorporation

GENERAL HYDRO INC.

Perpetual
\$10,000.00

STATE OF IDAHO
Department of State
Boise, Idaho

Approved, filed and admitted to the
corporation records of the State
of Idaho

Date October 29, 1984

Time 9:23 AM

FEES PAID

Filing \$ 60.00

Tax \$

Pete T. Cenarrusa

SECRETARY OF STATE

Registered Agent:
C T Corporation System
300 North 6th Street
Boise, Idaho 83701

By

CC 70428

INV 46309

Filed by:
Schnader, Harrison, Segal
& Lewis
1600 Market Street, Suite 3600
Philadelphia, Pennsylvania 19130

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JAN 11 1985

Department of Water Resources
Western Regional Office

State of Idaho

Department of State

CERTIFICATE OF INCORPORATION
OF

GENERAL HYDRO INC.

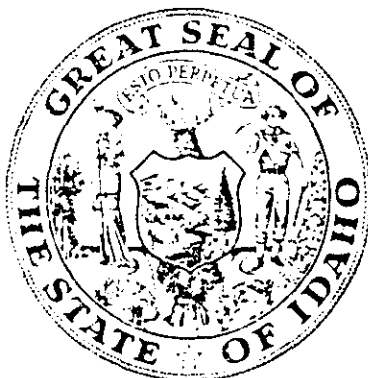
I, PETE T. CENARRUSA, Secretary of State of the State of Idaho, hereby certify that
duplicate originals of Articles of Incorporation for the incorporation of _____

GENERAL HYDRO INC.

duly signed pursuant to the provisions of the Idaho Business Corporation Act, have been received
in this office and are found to conform to law.

ACCORDINGLY and by virtue of the authority vested in me by law, I issue this Certificate of
Incorporation and attach hereto a duplicate original of the Articles of Incorporation.

Dated: October 29, 1934



Pete T. Cenarrusa

SECRETARY OF STATE

by: _____

MICROFILMED

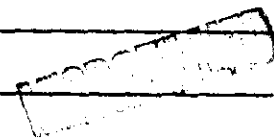
CONVERSATION MEMORANDUM

DATE July 5, 1984FILE See BelowNAME OF PARTY Don ShaffEMPLOYEE Dave TuthillRE: Water Rights Nos. 78-7150, 78-7155, 78-7188 & 78-7207

A question was raised concerning the forwarding of a copy of a form letter regarding the Commencement of Work requirement to Mr. James Howell concerning the above-referenced water rights. Don indicated that he had stricken the original date of June 24, 1982 and had added the date of 4/09/84, pursuant to a telephone conversation in which Mr. Howell stated that he wanted a copy of the letter. Don stated that he then forwarded the modified letter, along with commencement of works postcards, to Mr. Howell.

The cards are filed with other Commencement of Works postcards that have been received. They were required for Permits Nos. 78-7150 and 78-7188, for which the rate of flow is 8.0 cfs each. They were not required for Permits Nos. 78-7207 and 78-7155 for which the rate of flow is 150 cfs each. Cards for the latter two permits have been discarded as unnecessary.

DTS





BANQUE NATIONALE DE PARIS
NEW YORK BRANCH

499 PARK AVENUE, NEW YORK, N.Y. 10022 - TELEPHONE (212) 55-1400 - TELEX 82759 "BNPNY"

October 25, 1984

Idaho Department of Water Resources
Statehouse
Boise, Idaho 83701

Attention: Mr. David Shaw

Gentlemen:

This letter is to inform those concerned that the Elk Creek partnership, a Californian partnership and its partners are qualified to transact business in the State of Idaho, has the financial means to undertake the Elk Creek Project (Federal Energy Regulatory Commission - F.E.R.C. exemption No. 3503 - water rights no. 78-7150/78-7154/78-7188/78-7254).

Very truly yours,

BANQUE NATIONALE DE PARIS

cc: Mr. Robert T. Rambo
Treasurer
Anjou International Company

cc: Mr. William Kriegel
President
Sithes Energies USA

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OCT 26 1984

Department of Water Resources
Western Regional Office



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

4/09/84
~~June 24, 1982~~

Dear Permit Holder:

Your water right permit(s) may be affected by a change made in Section 42-204, Idaho Code, by the 1982 Idaho Legislature.

Because of the change, you must commence the excavation and construction of the diverting works for your permit(s) no later than July 1, 1983. The statute further requires that you then proceed with due diligence in completing the diverting works and applying the water to beneficial use.

Permits in the following three categories are not subject to this requirement:

1. Rate of flow is greater than 25 cubic feet per second.
2. Proof of Beneficial Use has already been submitted.
3. Proof of Beneficial Use is required on or before July 1, 1983.

To maintain the validity of your permit(s) you must return one Commencement of Works postcard for each permit subject to the requirement. Note that on the card you can indicate that either (1) you have commenced construction or (2) you have been prevented from initiating development due to a factor beyond your control, such as the Idaho Power Moratorium, a required approval of the federal government, or litigation which prevents development of the project.

Enclosed you will find the number of cards that our records indicate you will need. Note that the card(s) should be returned to this office by July 1, 1983. If you have further questions, please contact the regional office shown below that is nearest you.

Sincerely,

David R. Tuthill Jr.

DAVID R. TUTHILL, JR., P. E.
Supervisor, Water Allocation Section

DRT:jg Enclosure

NORTHERN REGION, IDWR
Rt. #5, Box 203
4055 Government Way
Coeur d'Alene, ID. 83814
Tel. 667-6484

SOUTHERN REGION, IDWR
1041 Blue Lakes Blvd. N.
Twin Falls, ID. 83301
Tel. 734-3578

EASTERN REGION, IDWR
150 Shoup Ave.
Idaho Falls, ID. 83401
Tel. 525-7161

WESTERN REGION, IDWR
92 South Cole Road
Boise, ID. 83709
Tel. 334-2190

78-7150 WAS DUE 7/01/1983 AS WAS 78-7155. 78-7188 & 78-7207
WERE DUE 7/21/1983.



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

April 6, 1984

R & S Investments
Attn: Steve Creamer
475 E. Tabernacle
P. O. Box 1094
St. George, UT 84770

RE: Permits 78-7150, 78-7154 and 78-7188

Dear Mr. Creamer:

From a recent review of your March 3, 1984 correspondence with Jim Wrigley of this office I note that you have purchased or intend to purchase certain water right permits issued in connection with power development on Big Elk Creek in Idaho County, Idaho.

Department records show Permit 78-7150 in the name of Idaho Environmental Development Corporation, and Permits 78-7154 and 78-7188 in the name of James B. Howell. As you have probably noted, the permits were conditionally approved subject to compliance with the provisions of Sec. 42-205 through 42-210 Idaho Code. These provisions among other things, require that any assignee of a power permit be a bona fide resident of the State of Idaho or qualified to do business in the State of Idaho. A copy of the assignment of the permit together with a copy of the bill of sale, mortgage or other document of transfer must also be submitted to the Department. Enclosed is a copy of the code sections for your review and use to effectuate complete compliance with the statutes.

RECORDED

R & S Investments
April 6, 1984
Page 2

Also please be advised that Sec. 42-204 Idaho Code was amended in 1982 essentially requiring that every holder of a permit must start construction within one year from the date a permit was issued or by July 1, 1983 (which-ever is later) unless interrupted through circumstances over which the permit holder has no control. Before the Department can consider the validity of a proposed assignment and the permits, this issue needs to be addressed. Enclosed is a copy of that code section for your reference.

Please feel free to contact me if you have questions.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

LGS:ns

Enclosures

MICROFILMED

May 6, 1983

Pete & Ruth Shubin
HC-75 Box 3704
New Meadows, ID 83654

Dear Mr. and Mrs. Shubin:

I have checked our records for water right filings in the names of James B. Howell and Firman Gotzinger. Mr. Howell has four approved water right permits for power production in his name and I believe he is an interested party in a fifth approved permit in the name of Little Salmon River Christian Retreat. Three of these permits are for the appropriation of water from Big Elk Creek and two are for appropriation of water from the Little Salmon River. All five are for power production purposes.

These permits were first advertised as applications in the Idaho County Free Press starting in July of 1980 and the most recent was advertised in March and April, 1982. The time for submitting protests against the approval of these applications has expired and all five have been approved with the most recent having been approved in July, 1982. The two filings from the Little Salmon River seek to divert a total of 300 cubic feet per second (cfs) for the production of 2000 kilowatts of power. There is a requirement in our permit approval that a flow of 50 cfs be maintained in the river before the 300 cfs can be diverted for power purposes. The other three filings seek to divert a total of 26 cfs of water from Big Elk Creek also for power generation purposes.

Mr. Gotzinger has one application for permit for power generation which seeks to divert 20 cfs from Sheep Creek and the north fork of Sheep Creek. I have not found any water right filings for Mr. Gotzinger from the Little Salmon River. Mr. Gotzinger's application was advertised in the Idaho County Free Press in January of 1982 and the final date for submitting protests against the approval of his application was on January 25, 1982.

cont.

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page 2

Pete & Ruth Subin

For your records, the water right numbers of the permits for Mr. Howell are: 78-7150, 78-7154, 78-7155, 78-7188 and 78-7207. Mr. Gotzinger's file number is 78-7196. If you would like additional information about any of the water right filings, please let me know and I will be glad to provide that information to you. It is important to note, however, that your March 25, 1983 letter was too late to be considered as a protest against any of these water right filings.

Yours truly,

DAVID B. SHAW
Western Regional Supervisor

DBS:jp

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May 4, 1983

David H. Leroy
Rumft, Leroy, Stecher, Coffin,
Adlard & O'Riordan, Chartered
Idaho First National Bank
Empire Building
205 N. 10th St., Suite 200
Box 1960
Boise, ID 83701

Re: Request for Extension of Time to Commence Construction of Diversion
Works for Permits Nos. 78-7154, 78-7541, 78-7188, and 78-7207, in
the Name of James B. Howall

Dear Mr. Leroy:

This office is in receipt of your cover letter dated April 27, 1983, which conveyed the above-referenced Request for Extension of Time. Please allow me to clarify some items with respect to this matter.

First, please be advised that the portion of Section 42-204, Idaho Code, relating to commencement of construction of diverting works applies to only those permits with rate of flow less than or equal to 25.0 cubic feet per second (cfs). Therefore, there are no requirements to report the status of development of permit no. 78-7155 (150 cfs), or permit no. 78-7207 (150 cfs), until their proof due dates, October 1, 1986 and July 1, 1987, respectively.

The commencement of works requirement does apply to the other two permits, nos. 78-7154 and 78-7188. As you have indicated in your letter and in the Request for Extension of Time, the initial deadline for commencing construction is June 30, 1983. Section 42-204, Idaho Code, does not provide a methodology for extending this deadline but our legal staff has indicated that by providing documentation for the reasons for delay in commencing construction, a permit can probably be maintained in a valid status. Therefore, we will merely place copies of the Request for Extension in the two applicable permit files, and await further documentation to support any additional delays in commencing construction. The blue Commencement of Works postcards should be submitted when construction is commenced for each of these two permits.

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MAY 10 1983

David H. Leroy
May 4, 1983
Page 2

The proof of beneficial use provisions of Section 42-204, Idaho Code, remained unchanged by the amendment that added the commencement of works requirement. Therefore, permit nos. 78-7154 and 78-7188 continue to have proof due dates of October 1, 1986 and July 1, 1987, respectively. To clarify the Request for Extension of Time, I have taken the liberty of striking the reference to Proof of Beneficial Use from the title (copy enclosed).

Please advise this office of any significant changes in the status of development of Permits Nos. 78-7154 and 78-7188. If you have any questions about this matter, feel free to call me.

Sincerely,

DAVID R. TUTHILL, JR., P.E.
Supervisor, Water Allocation Section

DRT:sc

Enclosure

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MAY 10 1983

RUNFT, LEROY, STECHER, COFFIN,
ADLARD & O'RIORDAN, CHARTERED
DAVID H. LEROY
Suite 200, 205 North Tenth Street
P. O. Box 1960
Boise, Idaho 83701
Telephone: (208) 344-6100

Attorneys for Applicant

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

REQUEST FOR EXTENSION OF TIME
TO CONSTRUCT DIVERSION, ~~AND MAKE~~ DIR 5/4/83
~~PROOF OF BENEFICIAL USE ON~~
PERMITS NO. 78-7154, ~~78-7155,~~
~~78-7188 and 78-7207~~

COMES NOW APPLICANT AND PERMIT HOLDER, James B.
Howell, for Permits No. 78-7154, 78-7155, 78-7188 and 78-7207,
and requests a one-year extension of time from the current July
1, 1983, date by which he is required upon each of those
permits to show commencement of construction of diverting works
and to making of proof of beneficial use, for the reasons and
upon the grounds as follows:

1. All of the applications were obtained for the
purpose of diverting water from the Little Salmon River and
from Big Elk Creek for the purpose of small hydropower genera-
tion. The permits were originally granted in two groups on two
separate dates. Permits No. 78-7154 and 78-7155, Dealing with
initial diversions from both Big Elk Creek and the Little
Salmon River were granted on the 26th day of October, 1981.

REQUEST OF EXTENSION OF TIME - P. 1

MICROFILMED

They originally required proof of construction of works and application of water to beneficial use be submitted on or before October 1, 1986.

2. Thereafter, permits No. 78-7188 and 71-7207, dealing with additional diversions from Big Elk Creek and the Little Salmon River, were approved on July 21, 1982, and required that proof of construction of works and application of water be submitted on or before July 1, 1987.

3. By letter dated June 24, 1982, from David R. Tuthill Jr., Supervisor of the Water Allocation Section of the State of Idaho's Department of Water Resources, we were advised that statutory changes made in § 42-204 of the Idaho Code by the 1982 legislature required us to commence excavation and construction of the diverting works no later than July 1, 1983.

4. Due to the various law, regulatory, and bureaucratic complexities relating to interventions, BLM rights-of-way, and other procedures currently being determined before the Federal Energy Regulatory Commission, we have not been able to receive final approval on the engineering designs for the proposed hydroworks on Big Elk Creek and the Little Salmon River. Said approvals must be obtained prior to the commencement of construction and excavation.

5. Confusion has recently arisen within the National Marine Fisheries Service about the exact nature and extent of the final engineering plans which we will be completing prior to construction of the authorized diversion works. The plans

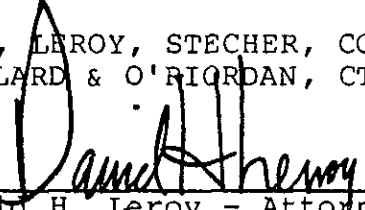
must be consistent with the exemption which we have been granted by the Federal Energy Regulatory Commission. Because of that confusion, it has been necessary for us to file a brief with the Federal Energy Regulatory Commission clarifying the nature and extent of the proposed developments. A copy of that brief is attached hereto as Exhibit "A." The Federal Energy Regulatory Commission is currently reviewing and will rule in due course upon the complaints and concerns raised by the National Marines Fisheries Service. It is entirely possible that this process could take several months and require one or more hearings. This process must be completed prior to the final engineering approval by the Federal Energy Regulatory Commission.

6. For each and all of the above reasons, applicant Jim Howell respectfully requests a one-year extension of the time within which to commence excavation and construction for diverting works and filing proof of beneficial use on Water Right Permits No. 78-7154, 78-7155, 78-7188 and 78-7207. Said new date of requirement for the commencement of construction and proof would be on or before July 1, 1984.

Dated this 28th day of April, 1983.

RUNFT, LEROY, STECHER, COFFIN,
ADLARD & O'RIGORDAN, CTD.

By


David H. Leroy - Attorney for
Applicant, James B. Howell

July 21, 1982

RE: Permit Nos. 78-7188 and 78-7207

James B. Howell
1984 Panama
Boise, ID 83705

Dear Mr. Howell:

Enclosed are copies of your approved applications for permit. We direct your attention to the conditions of approval on the fourth pages.

Be sure to note the special condition requiring you to install a measuring device, or an access port to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department. Enclosed please find a list of measuring device options, and specifications for the installation of the access port.

The 1982 Idaho Legislature added a 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 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 "Making Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop these permits into licenses.

Sincerely,

DAVID R. TUTTILL, JR., P.E.
Supervisor, Water Allocation Section

kw
Enclosures

ENCLOSURE

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

James B. Howell,) Project No. 3503-001

ORDER GRANTING EXEMPTION FROM LICENSING OF A
SMALL HYDROELECTRIC PROJECT OF 3 MEGAWATTS OF LESS
(Issued July 1, 1981)

The Applicant filed an application for exemption from all or part of Part I of the Federal Power Act pursuant to 18 C.F.R. Part 4.00 (1980) implementing in Part Section 408 of the Energy Security Act (Act) of 1980 for a project as described in the attached public notice. 2/ 3/

The application was published in accordance with Part 401 of the Act and the Commission's regulations and comments were requested from interested Federal and State agencies including the U. S. Fish and Wildlife Service and the State Fish and Wildlife Agency. All comments, protests and petitions to intervene that were filed have been considered. No objection relevant to issuance of this exemption.

Article 2 included in this exemption requires compliance with any conditions that Federal or State fish and wildlife agencies have determined appropriate to prevent loss of, or harm to, fish and wildlife resources. The terms and conditions included in Article 2 are contained in any letters of comment to the order of which have been forwarded to the Applicant in connection with this exemption.

Applicant James B. Howell, Project No. 3503-001, filed on January 21, 1981.

Pub. Law 96-284, 94 Stat. 611. Section 408 of the FSA amends Part 4.0, Sections 405 and 406 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. §§2705 and 2708).

Authority to act on this matter is delegated to the Director, Office of Electric Power Regulation under 18 C.F.R. §375.308 (1980), as amended by Fed. Reg. 14119 (1981).

DC-N-50

Should the Applicant contest any terms or conditions that were proposed by Federal or State agencies in their letters of comment as being outside the scope of Article 2, the Commission shall determine whether the disputed terms or conditions are outside the scope of Article 2.

It is ordered that:

(A) The James B. Howell Project No. 3503-001 as described and designated in James B. Howell's application filed on January 21, 1981, is exempted from all of the requirements of Part I of the Federal Power Act, including licensing, subject to the standard articles in Section 4.106 of the Commission's regulations, 18 C.F.R. §4.106 45 Fed. Reg. 76115, (November 18, 1980).

(B) This order is final unless a petition appealing it to the Commission is filed within 30 days from the date of its issuance, as provided in Section 1.7(d) of the Commission's regulations, 18 C.F.R. 1.7(d) (1979), as amended, 44 Fed. Reg. 46449 (1979). The filing of a petition appealing this order to the Commission or an application for rehearing as provided in Section 3.1(a) of the Act does not operate as a stay of the effective date of this permit or of any other date specified in this order, except as specifically ordered by the Commission.

(S E A L)

William W. Lindsey
William W. Lindsey
Director, Office of Electric
Power Regulation

MICROFILMED



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

January 8, 1982

Mr. James B. Howell
1984 Panama
Boise, Idaho 83705

RE: Application For Permit No. 78-7188

Dear Mr. Howell:

This office is currently reviewing the above referenced Application For Permit for diversion of 8 cubic feet per second (cfs) from Big Elk Creek. The application has been advertised and appears to contain all required information except approval from the Federal Energy Regulatory Commission.

Per a conversation with your engineer Mr. Carl Myers I understand that the intent of the application is to increase the diversion rate for the Big Elk Creek power plants from the 18 cfs represented by Permit Nos. 78-7150 & 78-7154, to a total of 26 cfs. Mr. Myers indicated that you are aware of the need to amend the FERC Exemption that was granted for the 18 cfs project.

We will hold the application pending approval of the project by FERC. Please advise this office of developments in the FERC approval procedure. ✓

Sincerely,

DAVID R. TUTHILL, JR., P. E.
Supervisor, Water Allocation Section

DRT:jg

CC: Mr. Carl Myers

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State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY: Jan Graver

APPLICATION NUMBER: 78-7182

CHECK:

- ☒ Source.
☒ Point of diversion.
☒ County.
☒ Quantity of water and period of use.
☒ Description of diverting works.
☒ Time required for beneficial use of water.
☒ Place of use or acres irrigated.
☒ Map.
☒ Signature.
☒ Fee.
☐ Yes ☒ No Field check required.
☐ Yes ☒ No Critical groundwater area.
☐ Yes ☒ No Request dam safety information. Sent by: _____ Date: _____
☒ Yes ☐ No* In form to receipt.

Field check by: _____

Date: _____

Comments: _____

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

✓ 205
✓ Aff of Res

SEND COPIES TO:

- ☐ Idaho State Health Department.
☐ Idaho Fish and Game Department.
☐ Idaho Department of Lands.
☐ U.S. Bureau of Land Management.
☐ U.S. Forest Service.

Copies sent by: _____

Date: _____

Other DVC

PROCESSING:

- ☐ Yes ☒ No Platted by: _____ Map No. _____
☒ Yes ☐ No Other rights on same place of use. 78-7150 & 78-7154-See files
☒ Yes ☐ No* In form for advertising. for complete feasibility study on THIS PROJECT.
☐ Yes ☒ No Final date for protests: November 30, 1981 ✓
☐ Yes ☒ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: 11/23/81 1 new. Press ✓
☒ Application published correctly. If not, record action taken: _____
☒ Fee amount, receipt date & number, recorded on application. 125.00 28308
☒ Publication dates and paper, recorded on application. 11/2 & 11/19/81
☒ Protests, dates, withdrawal, etc., recorded on application.
☒ Recommendation & initial, recorded on application.
☐ Yes ☒ No Measuring device required.
☒ Yes ☐ No Access port required.
☐ Yes ☒ No Will water be delivered by watermaster? If yes, what district? _____
10/29/81 Date of priority recommended.
☒ Special conditions of approval or cover letter. Subordinate
Sec 42-208 provisions

Note: See 78-7150 & 78-7154 - any special conditions in these files should apply to this filing also.

THIS PERMIT DOES NOT CONSTITUTE IDAHO PUBLIC UTILITIES COMMISSION
OR FEDERAL ENERGY REGULATORY COMMISSION APPROVAL THAT MAY BE REQUIRED.

STATE OFFICE REVIEW:

SLW/L03
L12

OIC, OBA, 17 & special cond

RECEIVED

- ☐ See attached sheet for more information.

By: Jan

Date: 6-28-82

DEC 02 1981

FERC Approval Received
SEE FILE 78-7155

Department of Water Resources

6-28-82

POINT OF DIVERSION AND STREAM INDEX INFORMATION

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
IDAHO STREAM CODE INDEX						

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
IDAHO STREAM CODE INDEX						

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
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TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
IDAHO STREAM CODE INDEX						

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
IDAHO STREAM CODE INDEX						

POWER CALCULATIONS FOR APPLICATION NO. 78-7188

P = Kilowatts .74 X hp

Q = cfs

H = feet

e = efficiency

proposed

474 Kw

8.0 cfs

1000 ft

?

$$e = \frac{P(11.8)}{QH} = \frac{474(11.8)}{8 \times 1000} = \frac{5593.2}{8000} = .699 \text{ or } .70\%$$

Based on the above calculations the proposed project must have an 70 % efficiency.

RC 12/30
81

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NOTICE OF APPLICATION FOR WATER RIGHT

Notice is hereby given that the following application(s) have been submitted for permit to appropriate the public waters of the State of Idaho:

If issued, the permit(s) will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 92 S. Cole Road, Boise, Idaho 83709 on or before NOVEMBER 30, 1981.

A. KENNETH DUNN

Director

Published 11/12 & 11/19/81.

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28-7188

HOWELL, JAMES B.

1984 PANAMA, BOISE, ID 83705

Source: BIG ELK CREEK tributary to LITTLE SALMON RIVER

Date Filed: 10/29/1981

Amount: 8.00 CFS

Diversion Point: NESW SENW SESW Sec 23 T 22N R 01E, IDAHO Co.

Use: POWER (8.00 CFS) from 01/01 to 12/31

Place of Use: SWSW Sec 23 T 22N R 01E NWNE Sec 27 T 22N R 01E SWSE
Sec 22 T 22N R 01E

Diversion Means: DAM & PIPELINE

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