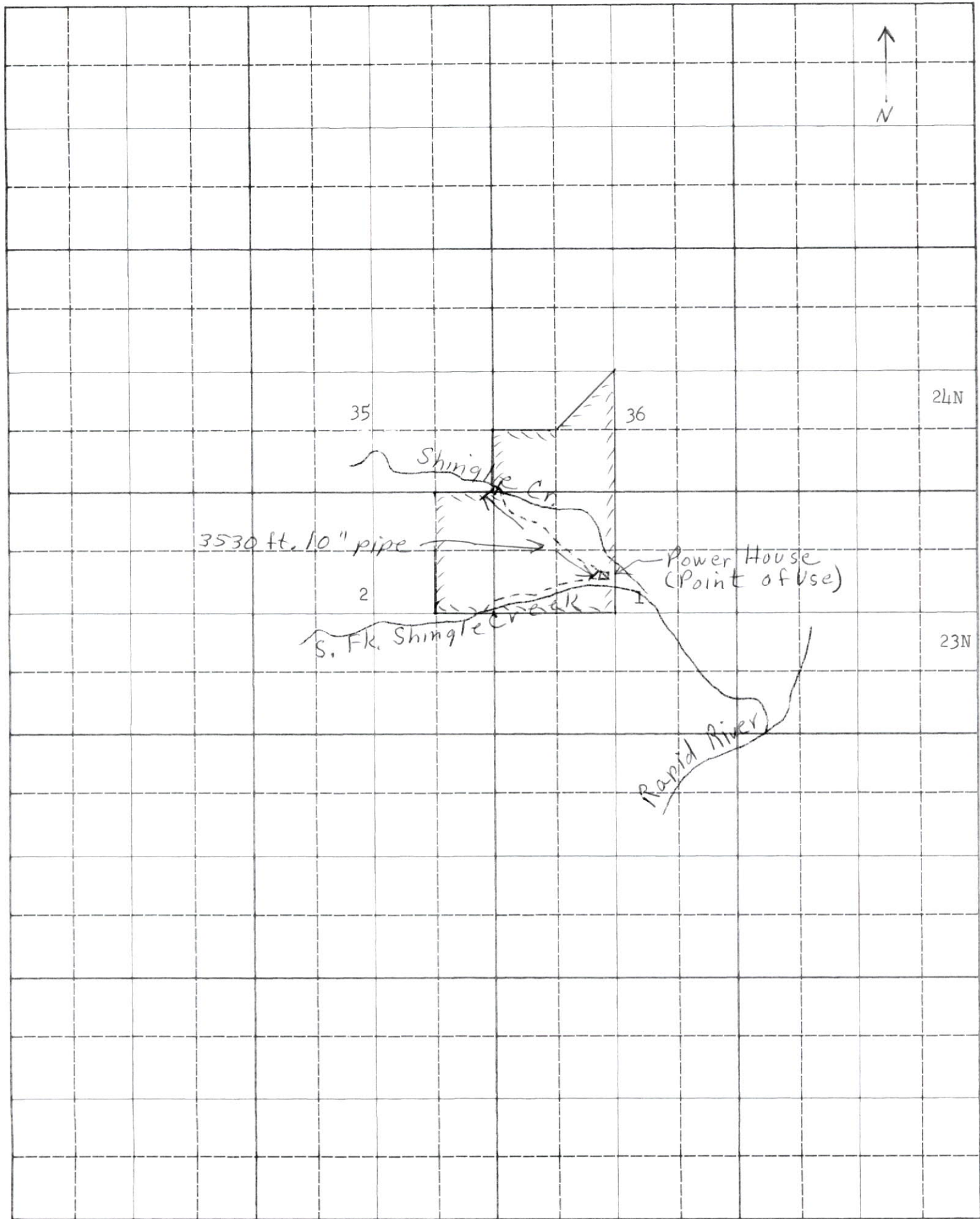


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.

RLW



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.

William D. Sullivan
(Applicant)

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

Should questions arise during
the processing of this applica-
tion please contact:

SHERL L. CHAPMAN
410 S. Orchard, Suite 144
Boise, ID 83705
344-6690

A. GENERAL INFORMATION

Permit No. 78-7158

1. Owner: Willis DeVeney Phone No. 628-3462

Current Address: P. O. Box 239, Riggins, Idaho 83549

2. Accompanied by: Willis DeVeney EXAM. DATE: 5/31/88

Address: same as above Phone No. 628-3462

Relationship to Permit Holder: Owner

3. Source: No. Fork Shingle Creek tributary to Rapid River

B. OVERLAP REVIEW

1. Other water rights with same place of use: 78-7157; 78-7277

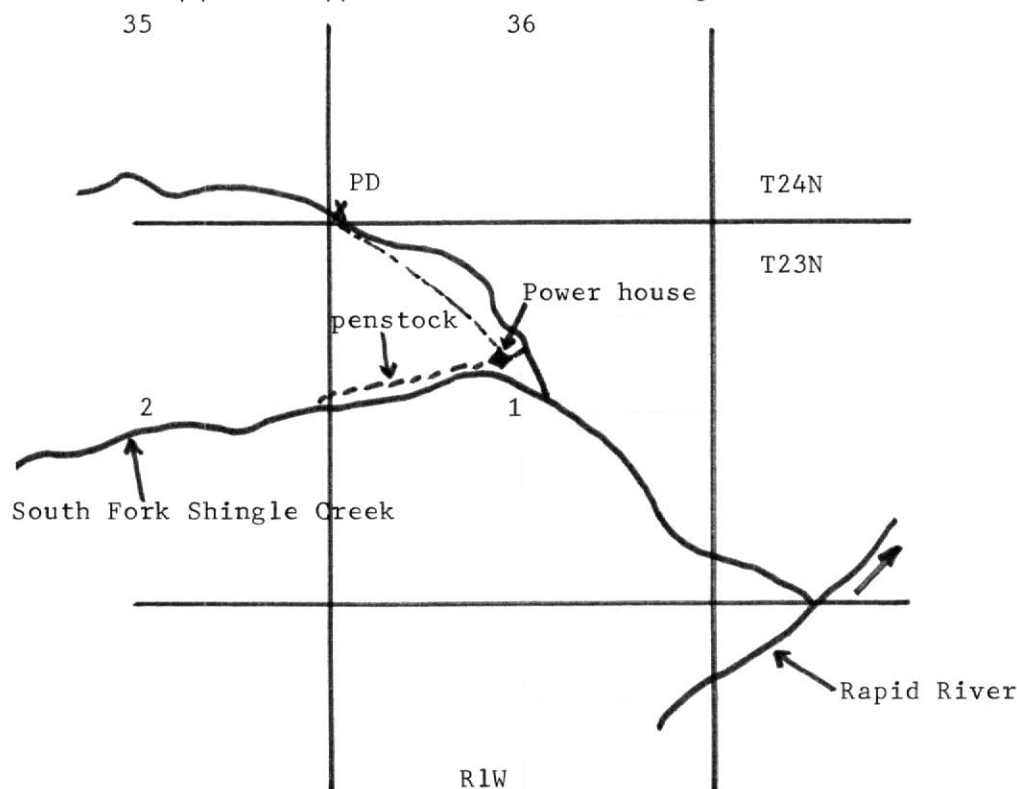
☐ Copies Attached

2. Other water rights with same point of diversion: 78-7277

☐ 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



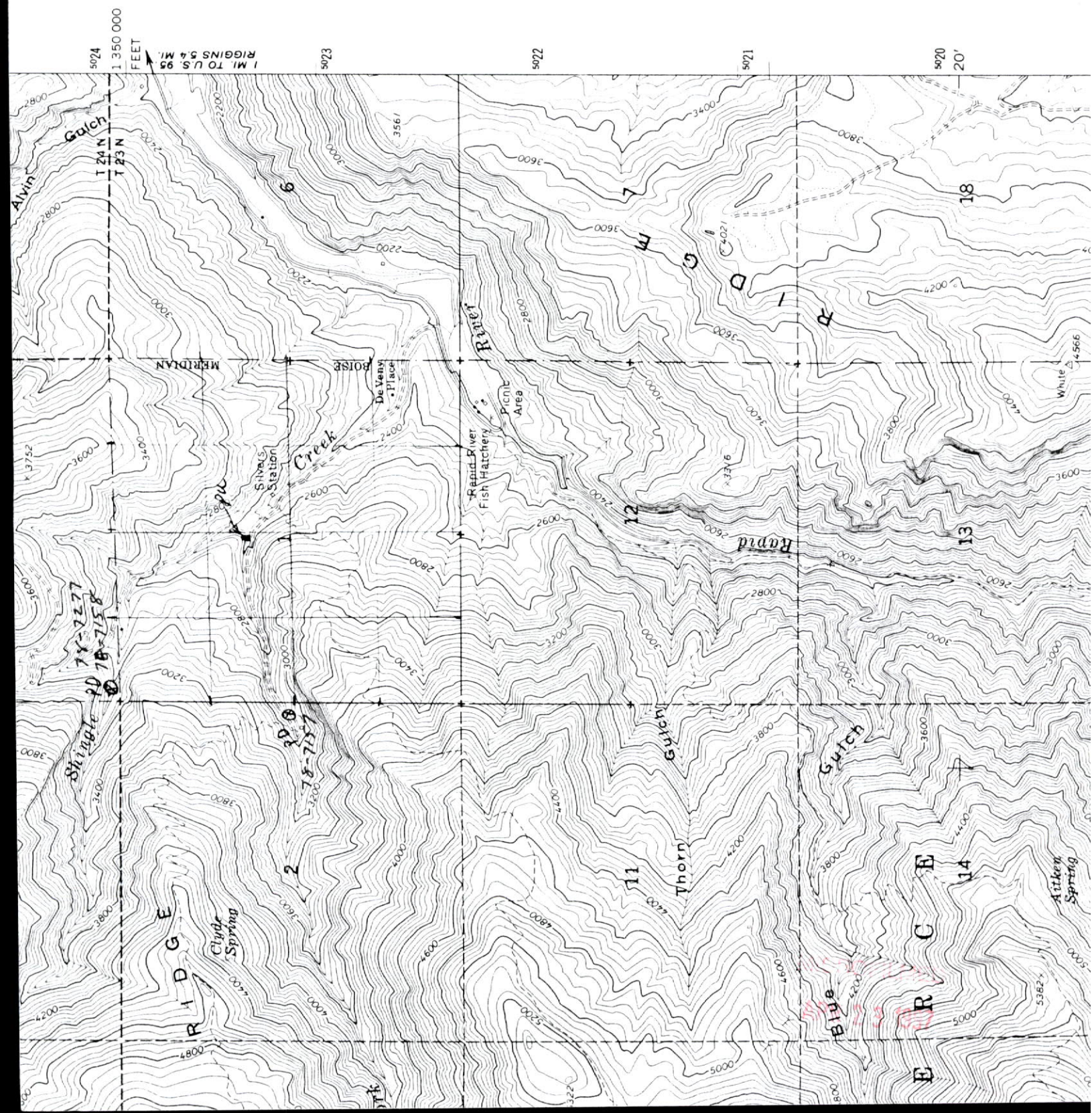
Scale: 1" = _____

2. ☒ Copy of U.S.G.S. Quadrangle Attached
Showing location(s) of point(s) of diversion and
place(s) of use (required).

☒ Photo of Diversion and System Attached
(required for all but single household domestic groundwater, and stockwater).

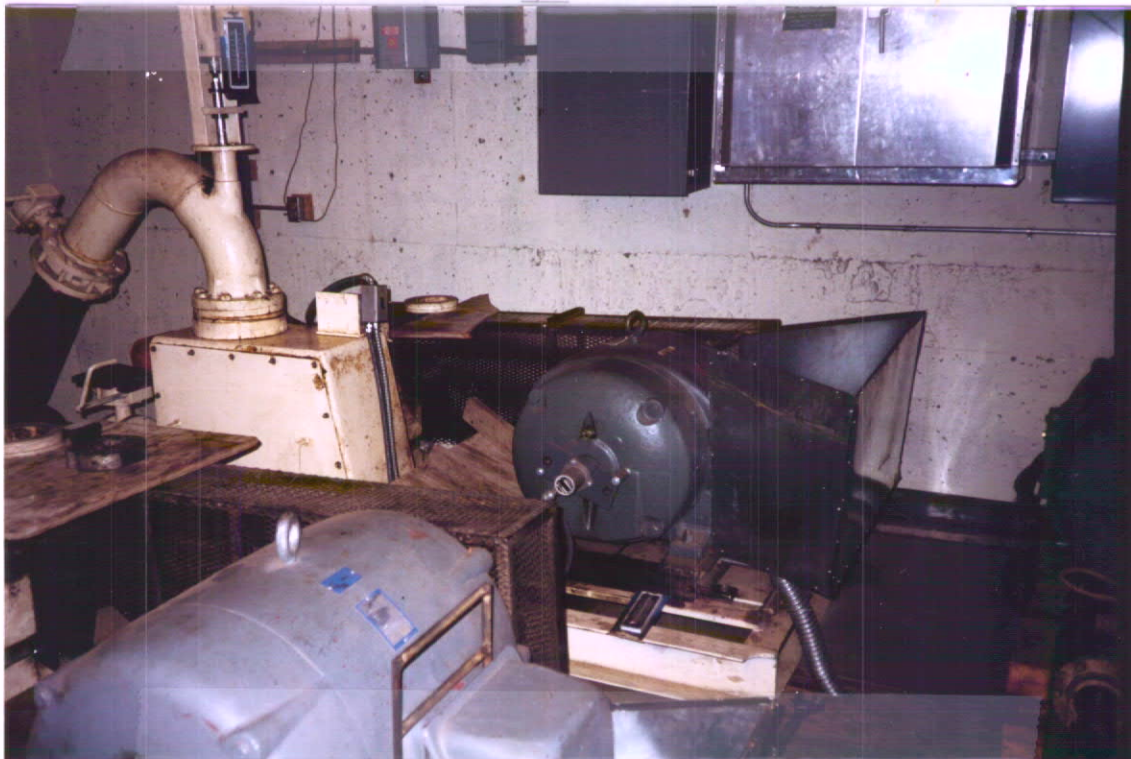
☐ Aerial Photo Attached
(required for irrigation of 10 acres or more).

MICROFILMED
APR 23 1987





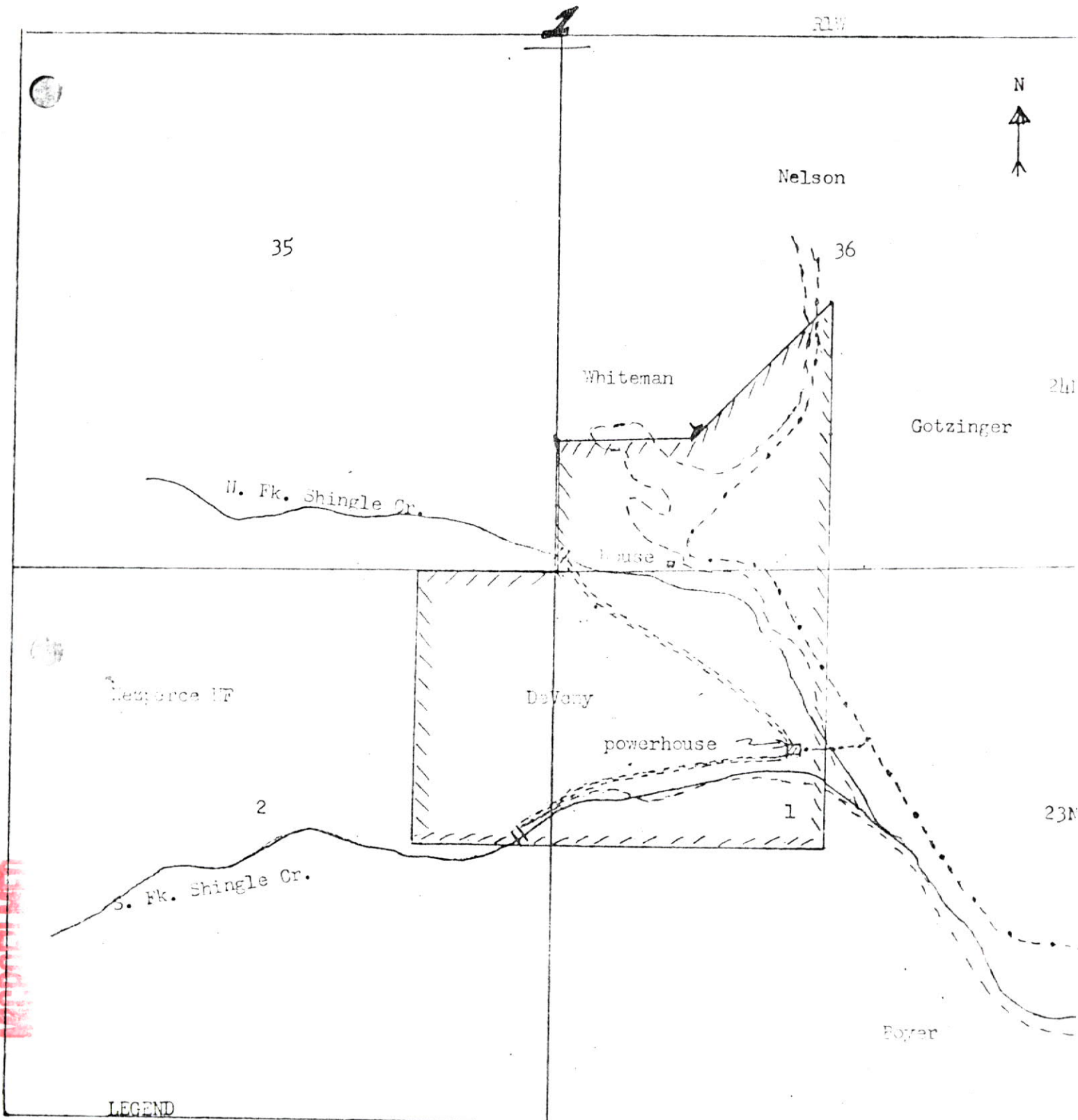
DIVERSION STRUCTURE
NORTH FORK SHINGLE CREEK



POWER HOUSE AND TURBINE

APR 23 1997

RLW



LEGEND

- unimproved road
- powerline
- water transmission line
- = headgate
- ////// private property (owned by applicant)

B.M.

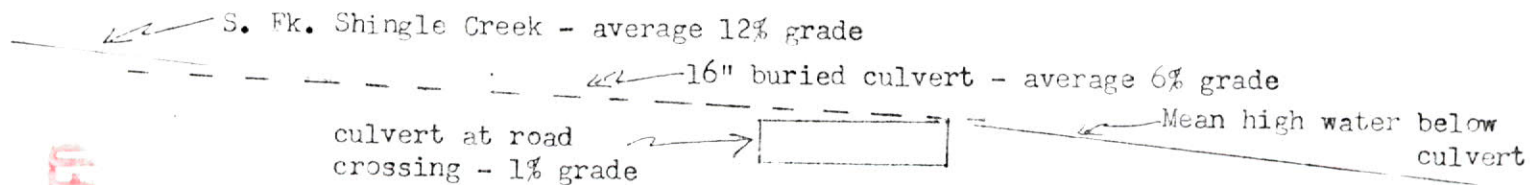
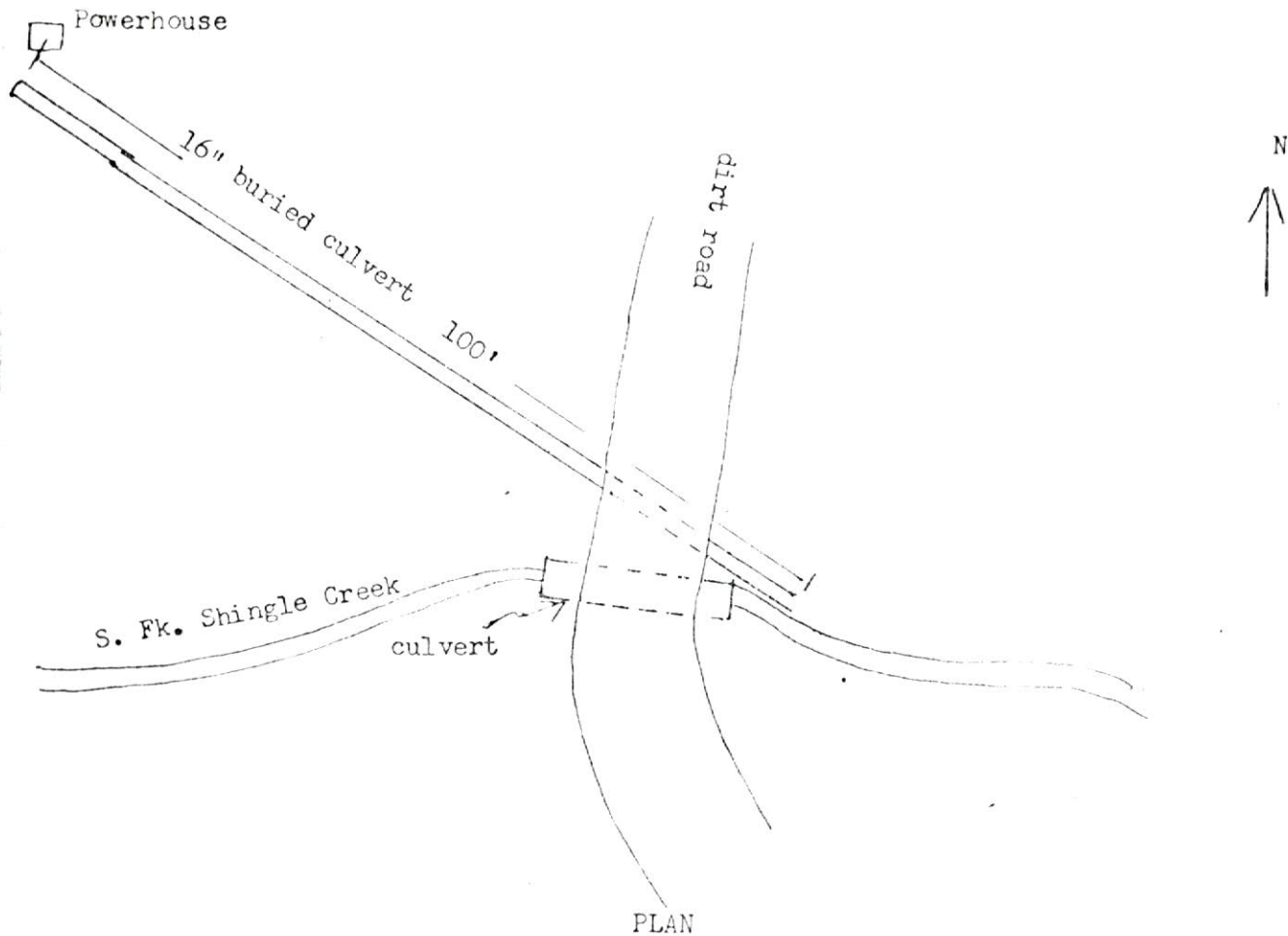
This drawing is a part of the application for license made by the undersigned this 5th day of January, 1981.

[Signature]
signature

to: 12/80 bd

Scale: 4" = 1 mile

Tailrace Return to South Fork Shingle Creek



ELEVATION

Scale: 1" = 20'

1/24/81 BD

UNCLASSIFIED

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 78-07158

Priority: October 22, 1980

Maximum Diversion Rate: 2.67 CFS

Maximum Diversion Volume: 1933.0 AF

This is to certify, that WILLIS D DE VENY
PO BOX 239

RIGGINS ID 83549 has complied with the terms and conditions
of the permit, issued pursuant to Application for Permit dated October 22, 1980; and
has submitted Proof of Beneficial Use on November 14, 1984. An examination indicates
that the works have a diversion capacity of 5.580 cfs of water from:

SHINGLE CREEK tributary to RAPID 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	2.67 CFS	1933.0 AF

LOCATION OF POINT(S) OF DIVERSION: SWSW , Sec. 36, Township 24N, Range 01W
IDAHO County

PLACE OF USE: POWER

TWN RGE SEC

23N 01W 1

SENW

CONDITIONS OF APPROVAL AND 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. This right does not constitute Idaho Public Utilities Commission or Federal Energy Regulatory Commission approval that may be required.
6. Use of water under this right shall be non-consumptive

MICROFILMED

APR 29 1987

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

WATER RIGHT NO. 78-07158

CONDITIONS OF APPROVAL AND REMARKS

7. 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.
8. Water used under this right if discharged into a natural channel shall meet Idaho Water Quality Standards.
9. The diversion and use of water for hydropower purposes under this license is subject to review by the Director on or after September 30, 2017, the expiration date of the power purchase contract with Idaho Power. The license is also subject to review by the Director after the date of expiration of license 4025-000 issued by the Federal Energy Regulatory Commission. 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.
10. Facility known as Shingle Creek Project.

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 3rd
day of April, 1997.


KARL J. DREHER, DirectorMICROFILMED
APR 23 1997

Form 217
03/86

Should questions arise during
the processing of this applica-
tion please contact:

SHERL L. CHAPMAN
410 S. Orchard, Suite 144
Boise, ID 83705
344-6690

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
Department of Water Resources
Western Regional Office

PROOF OF BENEFICIAL USE

RECEIVED
JUL 15 1988

For Office Use Only
Fee Received _____
Date _____
Receipt # _____
Receipt by _____
Reviewed by _____
Sent to region _____

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. 78-7158

Name(s) of Permit Holder: Willis DeVeney

Post Office Address: P.O. Box 239, Riggins, Idaho 83549

Telephone No. 628-3462

Source of Water: North Fork Shingle Creek

Extent of Use:

Domestic _____ (number of households) Stockwater _____ (number and type of stock)

Irrigation _____ (acres) Other/Remark Hydropower

Total rate and/or volume for which proof is submitted 2.67 cfs 1933 acre-feet

Show the date water was first diverted and beneficially used under this permit: 1981

Measuring Device: Required? ☐ Yes ☒ No
Installed? ☐ Yes ☒ No
Fee enclosed \$ _____
(See License Examination Fee Schedule)

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

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

(Name)

(Telephone Number)

(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.

APR 23 1987

7/13/88

Date

Willis D. DeVeney
Signature of Permit Holder (and title, if appropriate)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

To appropriate the public waters of the State of Idaho

1. Name of applicant Willis D. DeVeny Phone 628-3462
Post office address Box 239, Riggins, ID 83549
2. Source of water supply Shingle Creek which is a tributary of Rapid River
3. Location of point of diversion is SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 36 Township 24N
Range 1W B.M. Idaho County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 2.67 cfs for power production purposes from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

a. 2.67 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Cement headgate approx. 3 ft. x 2 ft.
and 3530 feet of 10" pipe of which 3390 ft. will be plastic PVC and 140 ft. steel).

b. Height of storage dam none 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:

a. If water is not for irrigation:

(1) Give the place of use of water: SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 1 Township 23N
Range 1W B.M.

(2) Amount of power to be generated: 130 horsepower under 440 feet of head.

(3) List number of each kind of livestock to be watered 66

(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: _____

03-71-104-723

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

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total number of acres to be irrigated _____

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

Both the S. Fk. of Shingle Creek and the Shingle Creek will be used
for power production in a common power house.

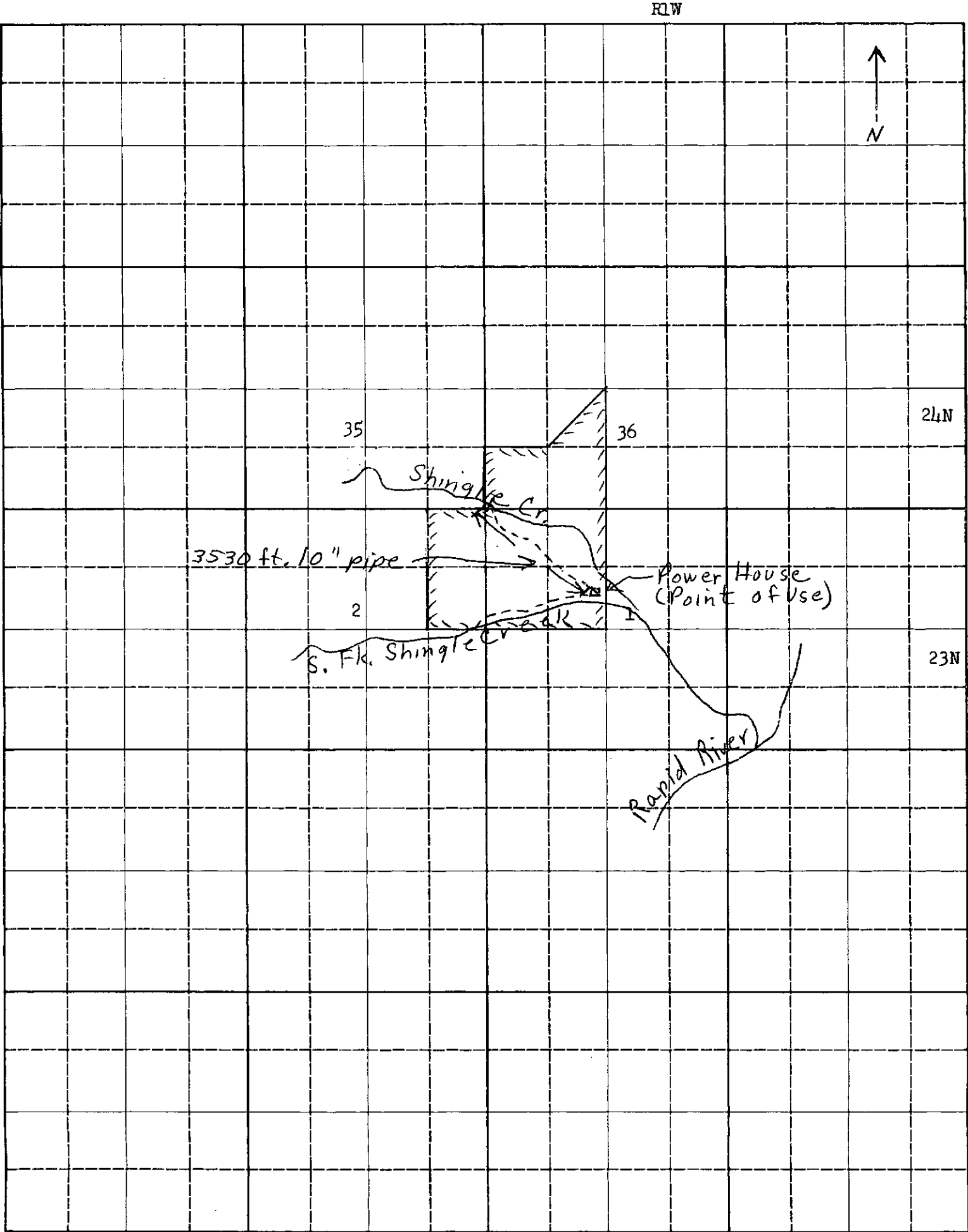
9. a. Who owns the property at the point of diversion Willis D. DeVery

b. Who owns the land to be irrigated or place of use Willis D. DeVery

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 This is a non-consumptive, beneficial use, and all water will be
returned to the stream channel after passing through the power house.
Water from Shingle Creek will be returned to main Shingle
Creek by way of the S. Fk. of Shingle Creek.

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.

William D. Sullivan
(Applicant)

RECEIVED

Proposed Priority 10/22/80

Received by h/n Date 10/22/80 Time 2:20 #185

Preliminary check by 6/5 Fee \$ 85.00

Receipted by h/n Date 11/20/80 # 15796

Publication prepared by h/n Date 12/4/80

Published in Idaho Co. Press

Publication dates 12/11 & 12/18/80

Publication approved len Date 12/29/80

Protests filed by: none

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by DBS

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. 78-7158, 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 April 1, 19 86.
- 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 permit does not constitute Idaho Public Utilities Commission or Federal Energy Regulatory Commission approval that may be required.

Witness my hand this 29th day of April, 1981.

J. Glen Saxton
Chief, Operations Bureau

Individual Owner

AFFIDAVIT TO ESTABLISH RESIDENCE

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

/s/ Willis D. DeVery

Subscribed and sworn to before me this 17th day of October, 19 80

/s/ Norma Dracley

Notary Public
Residence Riggins, Idaho

My Commission Expires July 11, 1983

Corporation or Association

AFFIDAVIT TO ESTABLISH RESIDENCE
OR QUALIFICATIONS TO DO BUSINESS UNDER THE LAWS OF
IDAHO...

I, _____ of _____, County of _____, State of Idaho, being first duly sworn, depose and say:

That I am the designated statutory agent of the _____,

that as such I am in charge of the registered office of the said _____

_____, as provided by Section 30-143, Idaho Code, at _____

_____, Idaho, wherein are kept the records provided by Section 30-144, Idaho

Code, and that _____ is a legal _____

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

/s/ _____

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

/s/ _____

Notary Public
Residence _____

My Commission Expires _____

NOTARY PUBLIC

Box 239
Riggins, ID 83549
October 17, 1980

Idaho Department of Water Resources
Broadbent Business Park
92 South Cole Road
Boise, ID 83709

Gentlemen:

Enclosed is an application for permit for a water right to appropriate water for power production. Two forms were used for the two separate points of diversion to facilitate a description of the amount of water and description of pipe from each point of diversion. A common power house will be used.

Also enclosed is the affidavit of residence and a filing fee of \$185.00 for the 7.11 cfs of water.

Sincerely,


Bill DeVery

RECEIVED
OCT 22 1980

Department of Water Resources
Western Regional Office

10/22/80

Box 239
Riggins, ID 83549
November 18, 1980

Idaho Dept. of Water Resources
Broadbent Business Park
92 South Cole Road
Boise, ID 83709

Dear Sir:

Enclosed is a check for \$25.00 for separate filings included in the application for a water right for power production submitted to you October 17.

This check is being sent as a result of our telephone discussion today. Thank you for calling.

Sincerely,


Bill DeVery

RECEIVED
NOV 20 1980

Department of Water Resources
Western Regional Office

DEPT. OF WATER RESOURCES

AFFIDAVIT OF PUBLICATION

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:

78-7157

DE VENY, WILLIS D.
BOX 239, RIGGINS, ID 83549
Source: SHINGLE CREEK,
SOUTH FORK tributary to
RAPID RIVER

Date Filed: 11/20/1980

Amount: 4.44 CFS

Diversion Point: SENE Sec
02 T 23N R 01W, IDAHO Co.

Use: POWER (4.44 CFS)
from 01/01 to 12/31

Place of Use: SENW Sec 01 T
23N R 01W

Diversion Means:
HEADGATE & PIPE.

78-7158

DE VENY, WILLIS D.
BOX 239, RIGGINS, ID 83549
Source: SHINGLE CREEK
tributary to RAPID RIVER

Date Filed: 11/20/1980

Amount: 2.67 CFS

Diversion Point: SWSW Sec
36 T 24N R 01W, IDAHO Co.

Use: POWER (2.67 CFS)
from 01/01 to 12/31

Place of Use: SENW Sec 01 T
23N R 01W

Diversion Means:
HEADGATE & 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 DECEMBER 29, 1980.

C. STEPHEN ALLRED

Director

Published 12/10 & 12/17/80.

D10-17

Nona 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 2 weeks, being published 2 times, the first publication being on the 10th day of December, 19 80, and the last publication on the 17th day of December, 19 80; 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 17th day of December, 19 80.

Mervyn J. Stalley, Notary Public
for State of Idaho, residing at Grangeville, Idaho.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

April 4, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

WILLIS D DE VENY
P[O] BOX 239
RIGGINS ID 83549-0000

RE: WATER RIGHT NO(s). 78-07277/78-07158/78-07157

Dear Water Right Holders:

The Department of Water Resources (the Department) has issued the enclosed licenses confirming that water rights have been established in accordance with the permits referenced above. The licenses are preliminary orders issued by the Department pursuant to section 67-5243, Idaho Code. They can and will become final orders without further action of the Department unless a party petitions for reconsideration or files an exception and/or brief as further described below:

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

If any party appeals or takes exceptions to this preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

MICROFILMED

APR 23 1997

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

- i. A hearing was held,
- ii. The final agency action was taken,

- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

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

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

Sincerely,



Shelley W. Keen
Water Rights Supervisor

SWK:vrr

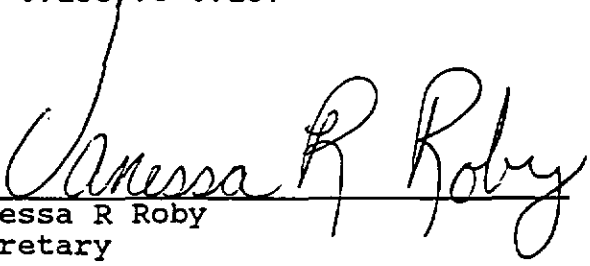
Enclosure

CERTIFICATE OF MAILING

I hereby certify that on the 4th day of April, 1997, I mailed a true and correct copy, postage prepaid, of the foregoing **PRELIMINARY ORDERS (Approved Licenses)** to the person(s) listed below:

Water Right No(s). 78-07277/78-07158/78-07157

**WILLIS D DE VENY
PO BOX 239
RIGGINS ID 83549-0000**



Vanessa R Roby
Secretary

DATE: 03/27/97
PAGE: 1

DIVERSION
VOLUME

2.67 CFS

Stage: PERMIT

IDAHO County

• •

Non-Irrigation Uses: 440 FT. HEAD; NAMEPLATE 115 KW

Other Rights: 78-7277 AND 78-7157

Conditions of Approval:

- 01C - A flow measurement port or other device as specified by the Department shall be installed by the right holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.
- 08A - This right is subject to the provisions of Sections 42-205 through 42-210, Idaho Code, restricting the sale, transfer, assignment, or mortgage of this right. Failure to comply with these provisions is cause for immediate cancellation of this right.

Remarks: GEN PERMIT PRIORITY DATE DOESN'T MATCH CLAIM PRIORITY DATE.

Dates:	Exam Made Date:	Verified Date:	Objection Filed Date:
--------	-----------------	----------------	-----------------------

Misc: Water District Number: Field Inspection Flag:

Audit:	08/09/88	LANE	02/10/93	MCCARTHY	03/30/95	POST-STD
--------	----------	------	----------	----------	----------	----------

WR0749NP
No. L78-07158

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 03/28/97
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	WILLIS D DE VENY PO BOX 239 RIGGINS ID 83549	10/22/1980	POWER	01/01 12/31	2.670 CFS	1933.00 AFA
TOTAL DIVERSION:					2.670 CFS	1933.00 AFA

Water Source: SHINGLE CREEK

Tributary to: RAPID RIVER

Stage: LICENSE

Point(s) of Diversion Capacity: 5.580 CFS

Point(s) of Diversion: T24N R01W S36 SWSW IDAHO County

Place of use Legal Description for: POWER

NE				NW				SW				SE											
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac	
23N	01W	1	:					:				P	:					:					:

Pou County: IDAHO

Other Water Rights with Same Point(s) of Diversion and Source:
78-07158

Other Water Rights Listing Overlapping Place(s) of use:
78-02070 78-04173

Conditions of Approval:

- 025 - This right does not constitute Idaho Public Utilities Commission
- or Federal Energy Regulatory Commission approval that may be
- required.
- 027 - Use of water under this right shall be non-consumptive.
- R22 - 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.
- 090 - Water used under this right if discharged into a natural
- channel shall meet Idaho Water Quality Standards.

Remarks: The diversion and use of water for hydropower purposes under this license is subject to review by the Director on or after September 30, 2017, the expiration date of the power purchase contract with Idaho Power. The license is also subject to review by the Director after the date of expiration of license 4025-000 issued by the Federal Energy Regulatory

WR0749NP
No. L78-07158

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 03/28/97
PAGE: 2

=====

Remarks: Commission. 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.
Facility known as Shingle Creek Project.

Dates: App. Received: 10/22/1980 Priority Date: 10/22/1980
Proof Due Date: 04/01/1986 Proof Made Date: 11/14/1984
Exam Made Date: 05/31/1988 Exam Sent to S.O.: 02/12/1990
Licensed Date:

Misc: Water District Number: Field Exam Fee:

Audit: 03/27/97 SCURTIS 03/27/97 SCURTIS 03/28/97 SCURTIS

MEMORANDUM

TO: Files 78-07157/07158/7277

FROM: Sharla

DATE: March 28, 1997

RE: Term of Years, Recommendation Adjustment(s)

The right holder received a Minor License from FERC in September of 1981, effective for 50 years (expiring in 2031). The sales agreement (power purchase contract) with Idaho Power expires August 1, 2017. The term of years to be listed on the license will reflect the expiration of the power purchase contract, but will also indicate the license is subject to review after the expiration date of the FERC license.

78-07158:

A. GENERAL INFORMATION

3. Source: Shingle Creek tributary to Rapid River

In the diversion system diagram provided by the examiner, the point of diversion under 78-07158 is the same for 78-07277 from the main stem of Shingle Creek. The USGS topo maps show no named water source as the north fork of Shingle Creek, only the South Fork. The north fork could be a local name.

Examiner: Sherl Chapman
Exam Date: May 31, 1988

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APR 23 1987

LICENSE REVIEW CHECKLIST

PERMIT NO. 78-07158

DATE 3/27/97

REVIEWER: SHARLA

NAME Change OK

Address Change NO

SOURCE N.F.L.*

Is change clarification of originally intended source?

POINT OF DIV

If not, prepare Notice of Intent to Void
Amendment required NO

PLACE OF USE

Amendment required NO

Does map agree with written description? yes no

OVERLAPS P/D P/U

RATE OF DIV

Permitted Rate 2.67 cfs

Fee limit cfs

Measured 5.58 cfs

Theoretical cfs

certified examiner - no fee req'd

Recommended Total Div Rate 2.67 cfs

ANNUAL VOLUME/
NATURE OF USES

Use

Power

Volume Calculation

1933.0 af

 af

 af

 af

SUBTOTAL

 af

Flow rate 2.67 cfs X 365 days X 1.9835 = 1933.0 af

Total volume recommended af

(SUBTOTAL or Flow Rate, whichever is less)

REMARKS

*Combo { W42(8/1/2017)
W43(4025-000) 9/30/2031*

CONDITIONS Watermaster Control WD#

 GW Measurement/Measuring Device

 Overlap

 Use-specific conditions 025, 027, R22

Advancement of Priority Date Required yes no

SRBA Claim Filed
Adjustment Memo Source

1st Amend Letter N/A
2nd Amend Letter

FROM *Sharla*

DATE *3/27/97*

TO *Files 78-07158 & 78-07277*

SUBJECT

*See file 78-07157 for copies of the
Power Sales Agreement w/ Idaho Power*

RECORDED
APR 23 1997

SIGNATURE

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

Should questions arise during
the processing of this applica-
tion please contact:

SHERL L. CHAPMAN
410 S. Orchard, Suite 144
Boise, ID 83705
344-6690

A. GENERAL INFORMATION

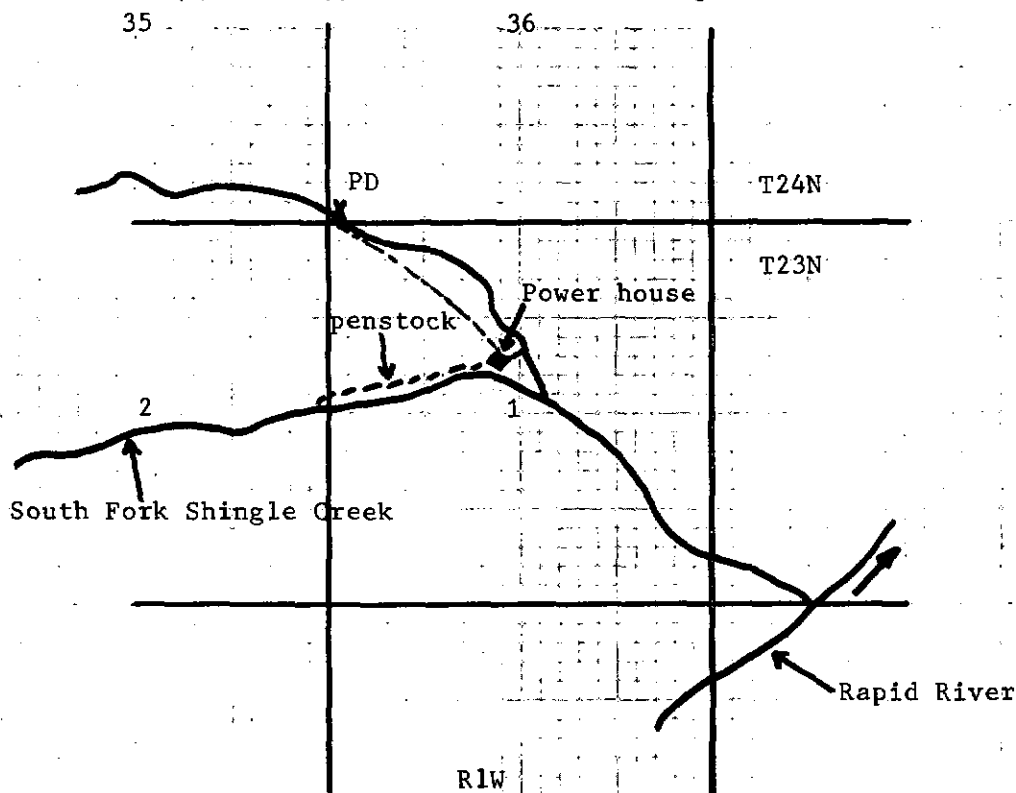
1. Owner: Willis DeVeney Permit No. 78-7158
Phone No. 628-3462
Current Address: P. O. Box 239, Riggins, Idaho 83549
2. Accompanied by: Willis DeVeney EXAM. DATE: 5/31/88
Address: same as above Phone No. 628-3462
Relationship to Permit Holder: Owner
3. Source: No. Fork Shingle Creek tributary to Rapid River

B. OVERLAP REVIEW

1. Other water rights with same place of use: 78-7157; 78-7277
☐ Copies Attached
2. Other water rights with same point of diversion: 78-7277
☐ 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



Scale: 1" = _____

2. ☒ Copy of U.S.G.S. Quadrangle Attached ☐ Aerial Photo Attached
Showing location(s) of point(s) of diversion and (required for irrigation of 10 acres or more).
place(s) of use (required).
☒ Photo of Diversion and System Attached
(required for all but single household domestic groundwater, and stockwater).

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APR 23 1997

System Description (continued)

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

Water is diverted into a 14" steel penstock approximately 3000' long. Water is transported to a power house and through an Electrical Apparatus Company Turbine, SN 085-01063-01, rated 115 KW @ 1812 rpm; 490 V 158 amperes. Water is then discharged to Shingle Creek

☐ 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
North Fork	---	--	--	--	--

*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
		SW	SW	SW	36	24N	1W	Idaho	Field/quad map

6. **Place(s) of Use:**

Indicate Method of Determination _____

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	
23N	1W	1								X									

Do not use this space

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APR 23 1997

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Rectangular weir	---	---	---	---	2.25'	---

2. Measurements:

Measurement made with 2.25' contracted rectangular weir with turbine off then on.

Head while turbine operating = .13 (.328 cfs). Head while turbine was off =

.69 (5.904 cfs). Q taken by turbine = 5.58 cfs.

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method:

2. Alternate Method for Checking Purposes:

F. PUMP EFFICIENCY DATA (Optional)

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 Ampsx .001732 = _____ (6)

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

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

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

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

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

2. Volume Calculations for Other Uses:

$2.67 \times 1.9835 \times 365 = 1933 \text{ acre feet}$

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APR 23 1997

H. REMARKS AND OVERLAP REVIEW ANALYSIS

Entire flow of the creek may be diverted here for either hydropower or irrigation of both. Volume calculations based on the Idaho Power Company firm-nondispatchable contract restricting down time to scheduled maintenance or accidents.

I. RECOMMENDATIONS

1. Recommended Amounts

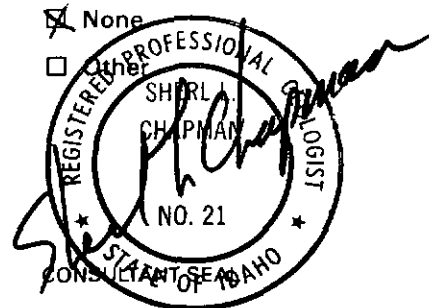
Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Hydropower	1/1	12/31	2.67	1933
Totals:			2.67	1933

2. Recommended Amendments

- ☐ Change P.D. as reflected above ☐ Add P.D. as reflected above
☐ Change P.U. as reflected above ☐ Add P.U. as reflected above

J. AUTHENTICATION

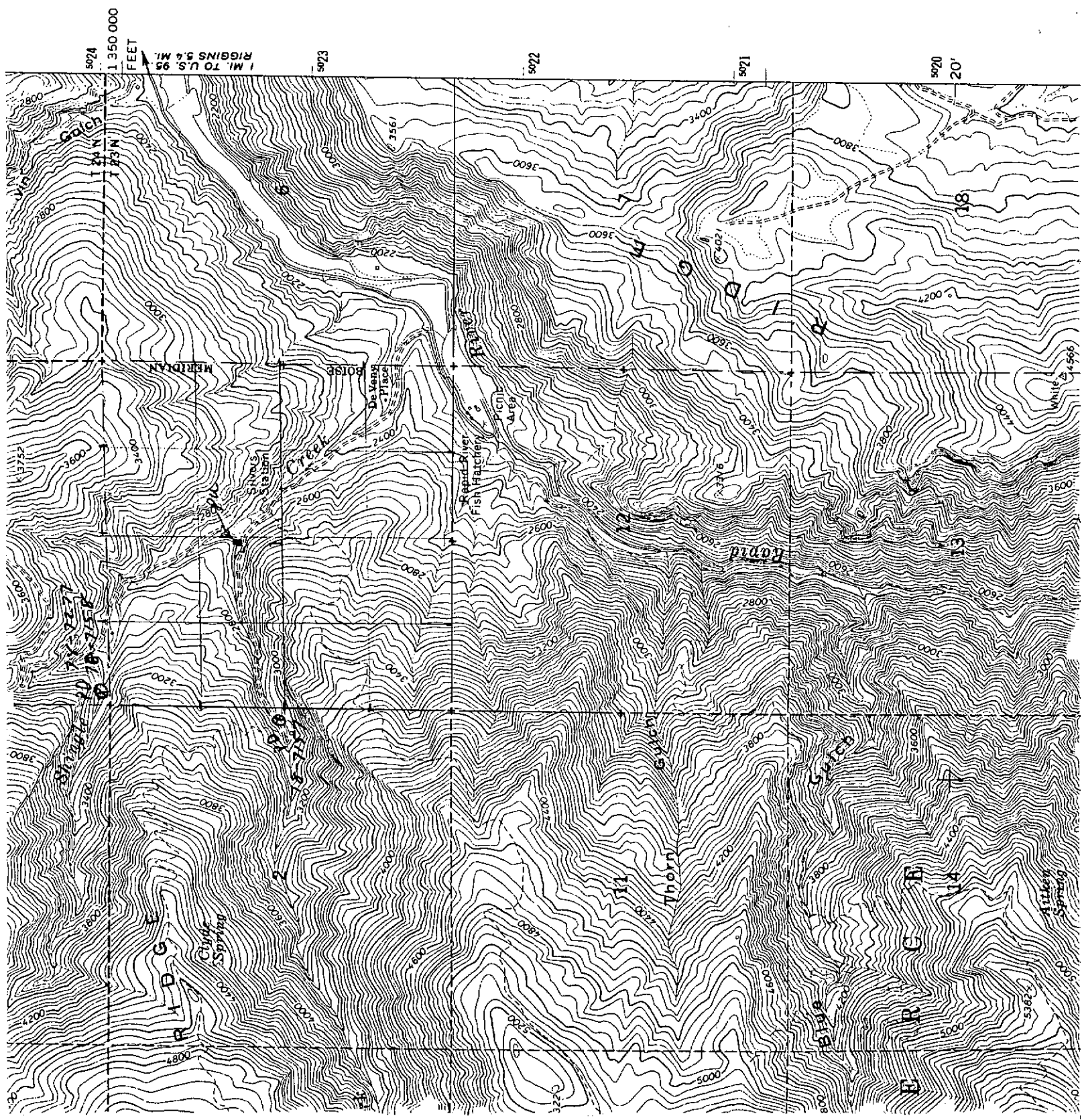
Field Examiner's Name Sherl L. Chapman
Signature *Sherl L. Chapman*
Certification Date 4/6/88
Field Report Preparation Date 7/7/88



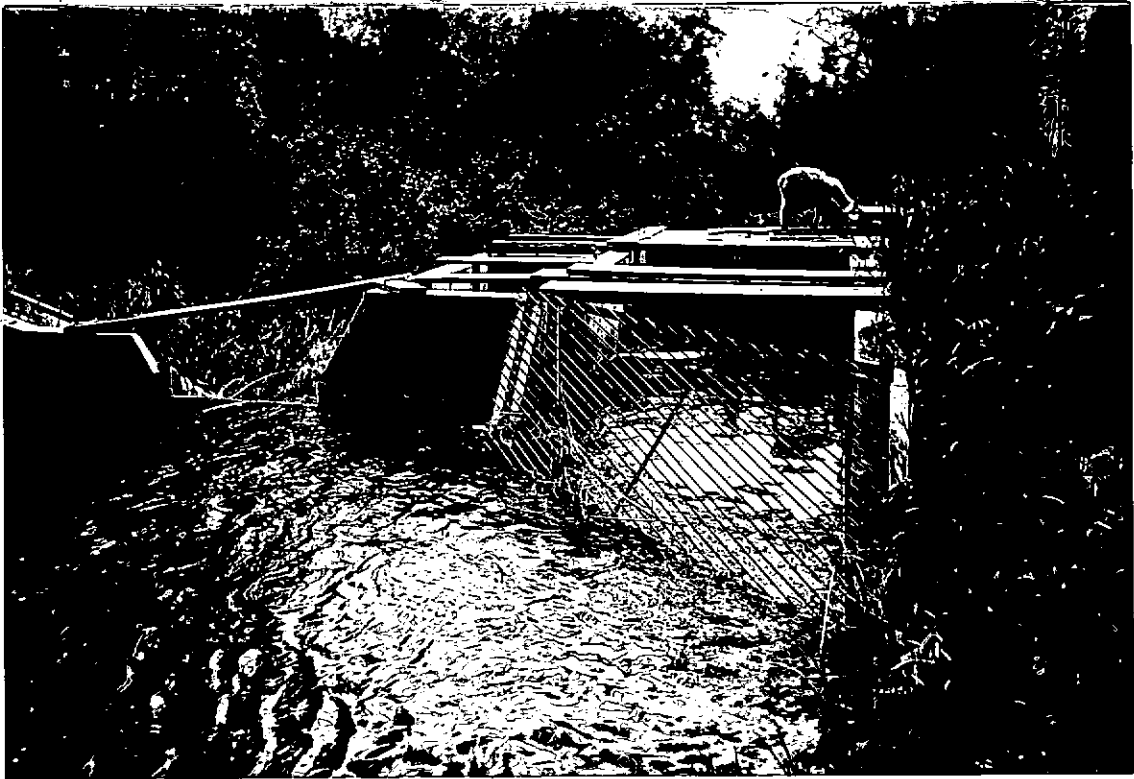
- K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.

MICROFILM

APR 23 1987



5024 1 350 000 FEET
1 24 N
1 23 N
1 MI. TO U.S. 95
RIGGINS 5.4 MI.
5023
5022
5021
5020 20'



DIVERSION STRUCTURE
NORTH FORK SHINGLE CREEK



POWER HOUSE AND TURBINE

11/12/68
NOV 23 1967

Sherl L. Chapman

CONSULTANT

410 S. ORCHARD / SUITE 144 / BOISE, IDAHO 83705 / PHONE 344-6690

RECEIVED
JUL 01 1987

Mr. A. Kenneth Dunn, Director
Idaho Department of Water Resources
Statehouse
Boise, Idaho 83720

Department of Water Resources

Dear Mr. Dunn:

I hereby verify that I have been retained to conduct the water
right examination for water right permit # 78-7158 in accordance
with the laws and regulations of the State of Idaho.

Sherl L. Chapman
Sherl L. Chapman

Dated: 6/9/87

MICROFILMED
APR 23 1987

SPECIALIST IN

GROUND-WATER HYDROLOGY / WATER RIGHTS / WATER WELL DESIGN / GEOTHERMAL RESOURCES

4/86

For Office Use Only
Fee Received _____
Date _____
Receipt # _____
Receipt by _____
Sent to S.O. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EXAMINATION FEE INFORMATION

RECEIVED

JUL 01 1987

1. Permit No. 28-7158

ONE OF THE FOLLOWING BOXES SHOULD BE MARKED TO DESIGNATE YOUR CHOICE:

Department of Water Resources

☐ I choose to have the department make the field examination of this permit; attached is the examination fee. (If this box is marked, complete items 1 thru 8.)

2. Permit Holder: Willis D. DeVeny

3. Post Office Address: Box 239, Riggins Id 83549

Telephone No. 628-3462

4. Source of Water: North Fork Shingle Creek

5. Extent of Use:

Domestic _____ (No. of households) Stockwater _____ (No. and type of stock)

Irrigation _____ (acres) Other/Remark hydropower

6. Total rate &/or volume for which proof is submitted 2.67 cfs _____ acre-feet

7. Show the date water was first diverted and beneficially used under this permit:

8. Person to contact to accompany the department representative during the field examination:

(Name)

(Address)

(Telephone Number)

☒ I choose to have the field examination conducted by a certified water right examiner. Attached is a statement from the certified examiner I have selected verifying that he has been retained to conduct the examination. (If this box is marked, complete items 1 thru 7.)

6/9/87
Date

Willis D. DeVeny
Signature of Permit Holder (and title, if appropriate)

APR 23 1987



Cecil D. Andrus
Governor

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region

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

78-7158
DE VENY, WILLIS D.
BOX 239
RIGGINS, ID 83549

138386

April 10, 1987

CERTIFIED MAIL

EXAMINATION FEE NOTICE

Dear Permit Holder:

Department records show that proof of beneficial use has been submitted for the above-referenced permit, but that a field examination has not yet been conducted to determine the extent of beneficial use of the water for licensing purposes.

House Bill 671 (effective April 4, 1986) enacted by the 1986 Idaho Legislature requires the payment of a fee before this department can conduct the field examination needed to issue a license confirming use of water under the permit. This letter is notification that the license examination fee is due within sixty (60) days of the date of this letter. The examination fee information sheet (enclosed) must be returned with the fee.

As an alternative to submitting the fee, the department will accept a field examination report completed by a certified water right examiner from the private sector. If you choose to have the examination done by a certified water right examiner, you need not submit the license examination fee to the department, but you must within sixty (60) days of the date of this letter return to the department, the examination fee information sheet showing appropriate information together with a statement from the certified examiner to verify that you have retained a certified examiner to conduct the field examination. If you choose this alternative, a completed field examination report must be submitted within one year of the date of this letter. You cannot later change your decision to use this alternative and submit the fee needed for the department to conduct the field examination, but you may change to another certified examiner.

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APR 23 1987

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Western Region

Statehouse
Boise, Idaho 83720
(208) 334-2190

JANUARY 16, 1985

WILLIS D. DE VENY
P.O. BOX 239
RIGGINS ID 83549

RE: Permit No. 78-7158

Dear Permit Holder:

We acknowledge receipt of your statement submitted as 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 condition of approval of your original permit required the installation of an access port which, according to the proof card submitted by you, has not been installed. An access port must be installed prior to the time a field examination is made.

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 by phone at 334-2190 or in person in the third floor State Towers Building, 450 West State Street, Boise.

Sincerely,
s/Judy Pense
Secretary

MICROFILMED
APR 23 1987

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
COMMENCEMENT OF WORKS

N. FR.

1982
12-1

Permit No. 78-7158
Name(s) of Permit Holder(s): Willis D. DeVeny
Post Office Address: Box 239
Riggins, ID 83549 Tel. No. 628-3462

- ☒ I hereby certify that construction of diversion works for the above referenced permit began on Aug 17, 1982 (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.

Date

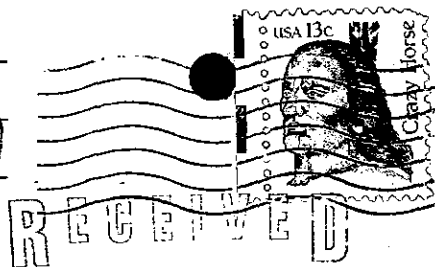
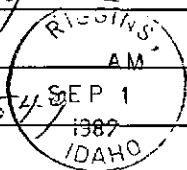
Signature of Permit Holder

Willis D. DeVeny

Willis D. DeVeny

Box 239

Riggins, ID 83547



SEP 2 1982

Department of Water Resources

IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

APR 23 1997

DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources will consider this card as a statement that the permit holder(s) has completed development to the extent shown below of Permit No. 78-7158

Name(s) of Permit Holder: Willis D. DeVeney

Post Office Address: Box 239, Riggins, ID 83549

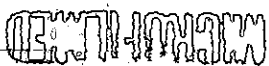
Tel. No. 628-3462

Source of Water: Shingle Creek

Extent of Use: ☐ Domestic _____ (number of households)
☐ Stockwater _____ (number and type of stock)
☐ Irrigation _____ (acres)
☒ Other power

Measuring Device: Required? ☐ Yes ☐ No Installed? ☐ Yes ☐ No
Access Port: Required? ☒ Yes ☐ No Installed? ☒ Yes ☐ No

The above information is a true statement of the extent to which the above numbered permit has been developed.

9 Nov. 1984 Date  Willis D. DeVeney Signature of Permit Holder

DeVeny

Box 239

Riggins, ID 83549



RECEIVED

NOV 14 1984



Department of Water Resources

IDAHO DEPARTMENT OF WATER RESOURCES

STATEHOUSE

BOISE, IDAHO 83720

DECEMBER 1984

November 8, 1984

Willis D. DeVeny
Box 239
Riggins, ID 83549

Dear Mr. DeVeny:

Re: Permit No. 78-7158

Pursuant to your letter of November 5, 1984, enclosed is a statement of beneficial use postcard.

The Idaho Code provides that notification that the project is complete needs to be submitted on a form provided by the Department. Enclosed is that form. For your convenience, I've partially completed it. Please review the information, sign and return it to this office.

If I can be of further assistance, please feel free to contact me.

Sincerely,

RITA I. FLECK
Secretary/Records Manager

Enclosure

RECEIVED
NOV 14 1984

RECEIVED

NOV 6 1984

Department of Water Resources

Box 239
Riggins, ID 83549
November 5, 1984

Department of Water Resources
State Office
450 W. State Street
Boise, ID 83701

Gentlemen:

This is to notify you that work has been completed on the diversion approved under permit no. 78-7158, Shingle Creek.

The water has been applied to beneficial use. The hydropower facility began producing power on October 9, 1984.

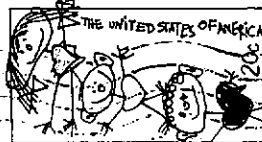
Sincerely,

Willis D. DeVeny

Willis D. DeVeny

RECEIVED

DeVeny.
Box 239
Riggins, ID 83549



Department of Water Resources
State Office
450 W. State Street
Boise, ID 83701

C

RECEIVED

implementing this paragraph (b) and to require modifications of those standards, guidelines, or procedures.

(c) The licensee may convey easements or rights-of-way across, or leases of, project lands for: (1) replacement, expansion, realignment, or maintenance of bridges and roads for which all necessary State and Federal approvals have been obtained; (2) storm drains and water mains; (3) sewers that do not discharge into project waters; (4) minor access roads; (5) telephone, gas, and electric utility distribution lines; (6) non-project overhead electric transmission lines that do not require erection of support structures within the project boundary; (7) submarine, overhead, or underground major telephone distribution cables or major electric distribution lines (69-KV or less); and (8) water intake or pumping facilities that do not extract more than one million gallons per day from a project reservoir. No later than January 31 of each year, the licensee shall file three copies of a report briefly describing for each conveyance made under this paragraph (c) during the prior calendar year, the type of interest conveyed, the location of the lands subject to the conveyance, and the nature of the use for which the interest was conveyed.

(d) The licensee may convey fee title to, easements or rights-of-way across, or leases of project lands for: (1) construction of new bridges or roads for which all necessary State and Federal approvals have been obtained; (2) sewer or effluent lines that discharge into project waters, for which all necessary Federal and State water quality certificates or permits have been obtained; (3) other pipelines that cross project lands or waters but do not discharge into project waters; (4) non-project overhead electric transmission lines that require erection of support structures within the project boundary, for which all necessary Federal and State approvals have been obtained; (5) private or public marinas that can accommodate no more than 10 watercraft at a time and are located at least one-half mile from any other private or public marina; (6) recreational development consistent with an approved Exhibit R or approved report on recreational resources of an Exhibit E; and (7) other uses, if: (i) the amount of land conveyed for a particular use is five acres or less; (ii) all of the land conveyed is located at least 75 feet, measured horizontally, from the edge of the project reservoir at normal maximum surface elevation; and (iii) no more than 50 total acres of project lands for each project development are conveyed under this clause (d)(7) in any calendar year. At least 45 days before conveying any interest in project lands under this paragraph (d), the licensee must file a letter to the Director, Office of Electric Power Regulation, stating its intent to convey the interest and briefly describing the type of interest and location of the lands to be conveyed (a marked Exhibit G or K map may be used), the nature of the proposed use, the identity of any Federal or

10-10-1979

OFFICE OF ELECTRIC POWER REGULATION

State agency official consulted, and any Federal or State approvals required for the proposed use. Unless the Director, within 45 days from the filing date, requires the licensee to file an application for prior approval, the licensee may convey the intended interest at the end of that period.

(e) The following additional conditions apply to any intended conveyance under paragraphs (c) or (d) of this article:

(1) Before conveying the interest, the licensee shall consult with Federal and State fish and wildlife or recreation agencies, as appropriate, and the State Historic Preservation Officer.

(2) Before conveying the interest, the licensee shall determine that the proposed use of the lands to be conveyed is not inconsistent with any approved Exhibit R or approved report on recreational resources of an Exhibit E; or, if the project does not have an approved Exhibit R or approved report on recreational resources, that the lands to be conveyed do not have recreational value.

(3) The instrument of conveyance must include covenants running with the land adequate to ensure that: (i) the use of the lands conveyed shall not endanger health, create a nuisance, or otherwise be incompatible with overall project recreational use; and (ii) the grantee shall take all reasonable precautions to ensure that the construction, operation, and maintenance of structures or facilities on the conveyed lands will occur in a manner that will protect the scenic, recreational, and environmental values of the project.

(4) The Commission reserves the right to require the licensee to take reasonable remedial action to correct any violation of the terms and conditions of this article, for the protection and enhancement of the project's scenic, recreational, and other environmental values.

(f) The conveyance of an interest in project lands under this article does not in itself change the project boundaries. The project boundaries may be changed to exclude land conveyed under this article only upon approval of revised Exhibit G or K drawings (project boundary maps) reflecting exclusion of that land. Lands conveyed under this article will be excluded from the project only upon a determination that the lands are not necessary for project purposes, such as operation and maintenance, flowage, recreation, public access, protection of environmental resources, and shoreline control, including shoreline aesthetic values. Absent extraordinary circumstances, proposals to exclude lands conveyed under this article from the project shall be consolidated for consideration when revised Exhibit G or K drawings would be filed for approval for other purposes.

Article 21: Within one year from the date of commencement of operation of the project, the licensee shall file for approval "as-built" Exhibit K and L drawings to show the project as finally constructed and located, and conforming to §131.6 of the Commission's regulations.

Article 22: Prior to commencement of any construction or development of any project works or other facilities at the project, the licensee shall consult and cooperate with the State Historic Preservation Officer (SHPO) to determine the need for, and extent of, any archeological or historic resource surveys and any mitigative measures that may be necessary. The licensee shall provide funds in a reasonable amount for such activity. If any previously unrecorded archeological or historic sites are discovered during the course of construction, construction activity in the vicinity shall be halted, a qualified archeologist shall be consulted to determine the significance of the sites, and the licensee shall consult with the SHPO to develop a mitigation plan for the protection of significant archeological or historic resources. If the licensee and the SHPO cannot agree on the amount of money to be expended on archeological or historic work related to the project, the Commission reserves the right to require the licensee to conduct, at its own expense, any such work found necessary.

Article 23: The licensee shall continue to consult and cooperate with the U.S. Fish and Wildlife Service, the U.S. Department of the Interior, the Idaho Department of Fish and Game, the Idaho Department of Parks and Recreation, and other appropriate agencies for the protection and development of the environmental resources and values of the project area. The Commission reserves the right to require changes in the project works or operations that may be necessary to protect and enhance those resources and values.

Article 24. (a) In accordance with the provisions of this article, the licensee shall have the authority to grant permission for certain types of use and occupancy of project lands and waters and to convey certain interests in project lands and waters for certain other types of use and occupancy, without prior Commission approval. The licensee may exercise the authority only if the proposed use and occupancy is consistent with the purposes of protecting and enhancing the scenic, recreational, and other environmental values of the project. For those purposes, the licensee shall also have continuing responsibility to supervise and control the uses and occupancies for which it grants permission, and to monitor the use of, and ensure compliance with the covenants of the instrument of conveyance for, any interests that it has conveyed, under this article. If a permitted use and occupancy violates any condition of this article or any other condition imposed by the licensee for protection and enhancement of the project's scenic, recreational, or other environmental values, or if a covenant of a conveyance made under the authority of this article is violated, the licensee shall take any lawful action necessary to correct the violation. For a permitted use or occupancy, that action includes, if necessary, cancelling the permission to use and occupy the project lands and waters and requiring the removal of any non-complying structures and facilities.

(b) The types of use and occupancy of project lands and waters for which the licensee may grant permission without prior Commission approval are: (1) landscape plantings; (2) non-commercial piers, landings, boat docks, or similar structures and facilities; and (3) embankments, bulkheads, retaining walls, or similar structures for erosion control to protect the existing shoreline. To the extent feasible and desirable to protect and enhance the project's scenic, recreational, and other environmental values, the licensee shall require multiple use and occupancy of facilities for access to project lands or waters. The licensee shall also ensure, to the satisfaction of the Commission's authorized representative, that the uses and occupancies for which it grants permission are maintained in good repair and comply with applicable State and local health and safety requirements. Before granting permission for construction of bulkheads or retaining walls, the licensee shall: (1) inspect the site of the proposed construction, (2) consider whether the planting of vegetation or the use of riprap would be adequate to control erosion at the site, and (3) determine that the proposed construction is needed and would not change the basic contour of the reservoir shoreline. To implement this paragraph (b), the licensee may, among other things, establish a program for issuing permits for the specified types of use and occupancy of project lands and waters, which may be subject to the payment of a reasonable fee to cover the licensee's costs of administering the permit program. The Commission reserves the right to require the licensee to file a description of its standards, guidelines, and procedures for

U.S. DEPARTMENT OF THE INTERIOR

terms and conditions of the Act, which is incorporated by reference as part of this license, and subject to the regulations the Commission issues under the provisions of the Act.

(B) The Shingle Creek Project No. 4025 consists of:

(1) All lands, to the extent of the licensee's interests in those lands, constituting the project area and enclosed by the project boundary. The project area and boundary are shown and described by certain exhibits that form part of the application for license and that are designated and described as:

Exhibit	FERC No.	Showing
K-1	4025-1	Project Lands and Boundaries

(2) Project works consisting of: (a) a concrete diversion headgate, located on the North Fork Shingle Creek, approximately 3 feet wide and 2 feet high, with screening for the intake pipe and concrete wings; (b) a 3,100-foot long, 10-inch diameter plastic PVC pipe with 25 psi to 160 psi ratings; (c) a 200-foot long, 10-inch diameter iron pipe; (d) a concrete diversion headgate, located on South Fork Shingle Creek, approximately 3 feet wide and 2 feet high, with screening for the intake pipe and concrete wings; (e) a 3,000-foot long, 12-inch diameter plastic PVC pipe with 25 psi to 160 psi ratings; (f) a 12-foot square cinder block powerhouse containing two generating units, one rated at 65 kW and one rated at 55 kW; (g) a 300-foot long transmission line; and (h) appurtenant facilities.

The location, nature, and character of these project works are generally shown and described by the exhibits cited above and more specifically shown and described by certain other exhibits and reports that also form part of the application for license and that are designated and described as:

Exhibit	FERC No.	Title
L-1	4025-2	Project Structures and Equipment
L-2	4025-3	Project Structures and Equipment
L-3	4025-4	Diversion Works
L-4	4025-5	Diversion Works

(3) All of the structures, fixtures, equipment, or facilities used or useful in the operation or maintenance of the project and located within the project boundary, all portable property that may be employed in connection with the project, located within or outside the project boundary, as approved by the Commission, and all riparian or other rights that are necessary or appropriate in the operation or maintenance of the project.

(C) Exhibit L designated in ordering paragraph (B) above, is approved and made a part of the license. Exhibit K is approved only to the extent that it shows the general location and nature of the project works.

(D) Pursuant to Section 10(1) of the Act, it is in the public interest to waive the following sections of Part I of the Act, and they are excluded from the license:

Sections 4(b), except the second sentence; 4(e), insofar as it relates to approval of plans by the Chief of Engineers and the Secretary of the Army; 6, insofar as it relates to public notice and to the acceptance and expression in the license of terms and conditions of the Act that are waived here; 10(c), insofar as it relates to depreciation reserves; 10(d); 10(f); 14, except insofar as the power of condemnation is reserved; 15; 16; 19; 20; and 22.

(E) This license is also subject to Articles 1 through 18 set forth in Form L-15 (revised October, 1975), entitled "Terms and Conditions of License for Unconstructed Minor Project Affecting the Interests of Interstate or Foreign Commerce," attached to and made a part of this license. The license is also subject to the following additional articles:

Article 19: The licensee shall pay the United States the following annual charge, effective the first day of the month in which this license is issued:

(a) For the purpose of reimbursing the United States for the cost of administration of Part I of the Act, a reasonable amount as determined in accordance with the provisions of the Commission's regulations in effect from time to time. The authorized installed capacity for that purpose is 160 horsepower.

Article 20: The licensee shall commence construction of the project within two years from the effective date of this license and, in good faith and with due diligence, shall prosecute and complete construction of the project works within four years from the effective date of this license.

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Willis D. DeVeney) Project No. 4025-000

ORDER ISSUING LICENSE (MINOR)

(Issued September 30, 1981)

Willis D. DeVeney filed an application for a minor license under Part I of the Federal Power Act (Act) for the construction and operation of the Shingle Creek Project No. 4025. 1/ The project is located on Shingle Creek in Idaho County, Idaho.

Notice of the application has been published and comments have been received from interested Federal, State, and local agencies. No protests or petitions to intervene have been received, and none of the agencies objected to the issuance of the license.

Project Description - The proposed project would consist of: (1) a 2-foot high concrete headgate; (2) a 3,100-foot long PVC pipeline; (3) a 200-foot long iron pipe; (4) a 2-foot high concrete headgate; (5) a 3,000-foot long PVC pipeline; (6) a powerhouse containing two generating units, one rated at 55 kW and one rated at 65 kW; and (7) a transmission line. The Applicant estimates that the average annual energy output would be 1.08 million kWh. The energy generated by the project would be sold to the Idaho Power Company. A more detailed project description is contained in ordering paragraph (B).

Engineering Considerations

There is no dam structure associated with the project. The diversion would be accomplished by a headgate on each stream, approximately 2 feet high, diverting a total of 7 cfs. The project structures are considered low hazard and would present no danger in case of failure.

The proposed project would be economically feasible if the power is sold to Idaho Power Company. 2/

1/ 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 46 Fed. Reg. 14119 (1981).

2/ The Shingle Creek Project, with its average annual energy generation of 1,080 MWh, would save the equivalent of 1,770 barrels of oil or 500 tons of coal per year.

DC-A-89

- 2 -

The proposed project which develops 440 feet of head on one fork of Shingle Creek and 340 feet of head on another fork of Shingle Creek, makes efficient use of the flow of water, and would not be in conflict with any other proposed development.

Environmental Considerations

The proposed project would result in short-term, minor increases in dust, exhaust emissions, noise from construction activities, and erosion and sedimentation from disturbance of land surfaces. The Applicant has proposed mitigative measures to protect water quality and aquatic life. The Idaho Department of Health and Welfare has issued a water quality certificate for the project in accordance with Section 401 of the Federal Water Pollution Control Act, as amended. The pipeline corridor would traverse an already-disturbed area, which would be reseeded. An approximately 7,500-foot long section of Shingle Creek, with minimal fisheries value, would receive reduced flows; but the downstream rainbow trout fishery would not be affected.

The U.S. Fish and Wildlife Service and the Idaho Department of Fish and Game have recommended that the transmission line towers be raplor-proofed, and the Applicant has agreed to comply with the request.

In accordance with standard Commission practice, 3/ Article 22 of this license also requires cultural resources protection measures in the event of any future construction or development at the project, other than the original project development considered and authorized here.

For the above reasons, approval of the application would not constitute a major Federal action significantly affecting the quality of the human environment.

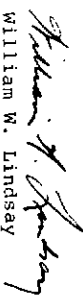
It is ordered that:

(A) This license is issued to Willis D. DeVeney (licensee), of Riggin, Idaho, under Part I of the Federal Power Act (Act), for a period of 50 years, effective the first day of the month in which this order is issued, for the construction, operation, and maintenance of the Shingle Creek Project No. 4025, located in Idaho County, on Shingle Creek, and affecting the interests of interstate commerce. This license is subject to the

3/ See S.D. Warren, Project No. 2897, Order Denying Rehearing (issued February 19, 1980).

CERTIFIED
TRUE COPY

(F) 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 §1.7(d) of the Commission's regulations 18 C.F.R. 1.7(d) (1980). The filing of a petition appealing this order to the Commission or an application for rehearing does not operate as a stay of the effective date of this license or of any other date specified in this order, except as specifically ordered by the Commission. Failure of the licensee to file a petition appealing this order to the Commission shall constitute acceptance of this license. In acknowledgment of acceptance of this license, the license shall be signed for the licensee and returned to the Commission within 60 days from the date of issuance of this order.


William W. Lindsay
Director, Office of Electric
Power Regulation

(SEAL)

July 16, 1981

Mr. Kenneth F. Plumb
Secretary,
Federal Energy Regulatory Commission
825 North Capitol Street, NE.
Washington, D. C. 20426

RE: Project No. 4025-000 "COMMENTS"

Gentlemen:

We are in receipt of a Notice of Application for Preliminary Permit for the above referenced project, in the name of Willis D. DeVeney.

A review of our water right records reveals that on October 22, 1980, Willis D. DeVeney submitted to this Department a proper Application for Permit to appropriate the public waters of the State of Idaho, for the above referenced project. This application has been approved and is now a valid permit, No. 78-7158.

We wish to express a concern that any hydropower development must comply with Idaho water law. Processing by the Commission and by this Department must be coordinated to avoid conflicting approvals. The Department will protest any subsequent applications for preliminary permit if the applicant does not hold a valid water right for the proposed project.

At the present time we will make no specific objections, but we wish to be appraised of significant developments regarding this project.

Sincerely,

A. KENNETH DUNN
Director

AKD:JJ: jg

c.c. Fred Springer

RECEIVED



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS

Governor

A. KENNETH DUNN

~~XXXXXXXXXX~~

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 334-4440

April 28, 1981

Willis D. DeVeney

Box 239

Riggins, Idaho 83549

RE: Permit No.'s 78-7157/7158

Dear Mr. DeVeney,

Since our letter to you dated February 4, 1981 we have re-evaluated the above referenced applications. We have determined that if your proposed power use is not to be connected to the Idaho Power Company (IPC) power system, it is not subject to either the Federal Energy Regulatory Commission (FERC) or the Idaho Public Utilities Commission. If you do plan to connect to the IPC grid, all that is necessary is an exemption from FERC. Therefore, the two applications have been approved, with appropriate conditions.

Enclosed is a copy of your approved Application~~s~~for Permit. We direct your attention to the conditions of approval as listed on the fourth page.

Be sure to note the special condition requiring you to install an access port or other device to provide for the installation of measuring equipment by the Department. Enclosed are specifications for the installation of the access port, as well as a list of measuring device options.

Sincerely,

DAVID R. TUTHILL, JR., P.E.

Supervisor, Water Allocation Section

DRT:mr

Enclosure

RECEIVED
MAY 1 1981



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

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

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

February 24, 1981

Willis D. DeVeney
Box 239
Riggins, Idaho 83549

Dear Mr. DeVeney,

RE: Permit No.'s 78-7157/7158

We have completed a preliminary review of the above referenced application. This review has included advertising by the regional office and a verification that all required preliminary information has been provided.

At this time we see no reason that the application will not be approved with certain conditions of approval. However, for power projects that are under the jurisdiction of the Federal Energy Regulatory Commission (FERC), we withhold final action on the application pending (1) approval of a preliminary permit by FERC, or (2) FERC granting of an exemption. If you have not yet contacted FERC, the address below is a good starting point:

Federal Energy Regulatory Commission
Regional Engineer's Office
Attn: Mr. Jerry Leach
6th Floor, 333 Market Street
San Francisco, CA 94105
(Tel. No. (415) 764-7150)

The continued validity of this application is contingent on your proceeding with due diligence toward obtaining an approval or an exemption from FERC. Please keep this office informed of progress in this regard.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

1277000000

Power Review for 78-7158

P = kw

$$130 \times .74 = 96.2 \text{ kw}$$

Q = cfs

? or 2.67 applied for

H = feet

440

e = efficiency

80% / 70%

$$Q = \frac{P \times 11.8}{He} = \frac{96.2 \times 11.8}{440 \times .8} = \frac{1135.16}{352} = 3.22 \text{ cfs}$$

$$Q = \frac{P \times 11.8}{He} = \frac{96.2 \times 11.8}{440 \times .7} = \frac{1135.16}{308} = 3.68 \text{ cfs}$$

$$P = \frac{QHe}{11.8} = \frac{2.67 \times 440 \times .8}{11.8} = \frac{939.84}{11.8} = 79.6 \text{ kw}$$

$$e = \frac{P(11.8)}{QH} = \frac{96.2 \times 11.8}{2.67 \times 440} = \frac{1135.16}{1174.8} = .96 \text{ or } 96\%$$

Conclusion based on the above calculations:
Applicant will have enough kw's to
supply ~~2.7~~ homes.

Recommendation:

RA 2/10/81

~~Held application until~~ Allow approval
approved by F.E.P.C. because use is for less than
5 homes. Jm

RECEIVED
FEB 11 1981

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

834-2279
after dark
Contacted
11/18/80
will send
78- extra \$25.00
7158

INITIAL REVIEW BY: 6/5

APPLICATION NUMBER: 78- extra \$25.00
7158

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: 130 HP is using
100% efficiency

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT:

SEND COPIES TO:

- ☐ Idaho State Health Department. Copies sent by: _____ Date: _____
☐ Idaho Fish and Game Department. _____
☐ Idaho Department of Lands. _____
☐ U.S. Bureau of Land Management. _____
☐ U.S. Forest Service. _____
☒ Other PUC hln 12/5/80

PROCESSING:

- ☐ Yes ☐ No Platted by: _____ Map No. _____
☐ Yes ☒ No Other rights on same place of use. None for Power
☒ Yes ☐ No* In form for advertising.
Final date for protests: 12/29/80
☐ Yes ☒ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: 12/19/80
☒ Application published correctly. If not, record action taken: _____
☒ Fee amount, receipt date & number, recorded on application.
☒ Publication dates and paper, recorded on application.
☐ 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? _____
10/22/80 Date of priority recommended.
Special conditions of approval or cover letter. _____

This permit does not constitute Idaho Public Utilities Commission or Federal Energy Regulatory Commission approval that may be required.
By: DBS Date: 2/3/81

STATE OFFICE REVIEW:

- return receipt w/ cover letter
sub 1/20/81
SW/03 DIC, OBT & special card
☐ See attached sheet for more information.
By: Kolp Date: 2/24/1981

George McCloud

6518 NE 36 Ave

Portland Or 97211

C.A. Lyman

7080 SE 131 Place

Portland 97233

IDENT. NO. 78-7158

WATER RIGHT
DATA ENTRY LOG

[illegible]



State of Idaho

DEPARTMENT OF WATER RESOURCES

WESTERN REGION, 92 South Cole Road, Boise, Idaho 83709

JOHN V. EVANS

Governor

(Office at the corner of
Franklin and Cole Roads)

C. STEPHEN ALLRED

Director

(208) 334-2190

February 3, 1981

MEMORANDUM

TO: Files 78-7157 & 78-7158

FROM: Ervin Ballou *EB*

SUBJECT: Per-Permit Exam

On January 13, 1981, I met with Boyd Theison, Area Fish & Game CO in Riggins to inspect the Shingle Creek area. We drove up Shingle Creek to junction with the south fork of Shingle Creek and the area of the proposed powerhouse. I determined that sufficient room to construct the pipeline out of the channel existed and that a stream channel alteration permit would not be required for the project.

I later talked with Mr. De Veny by phone and satisfied myself that no work other than the diversion was required.

The attached drawings indicate the pipeline routes (1); the existing road crossing and average gradient of the stream (2).

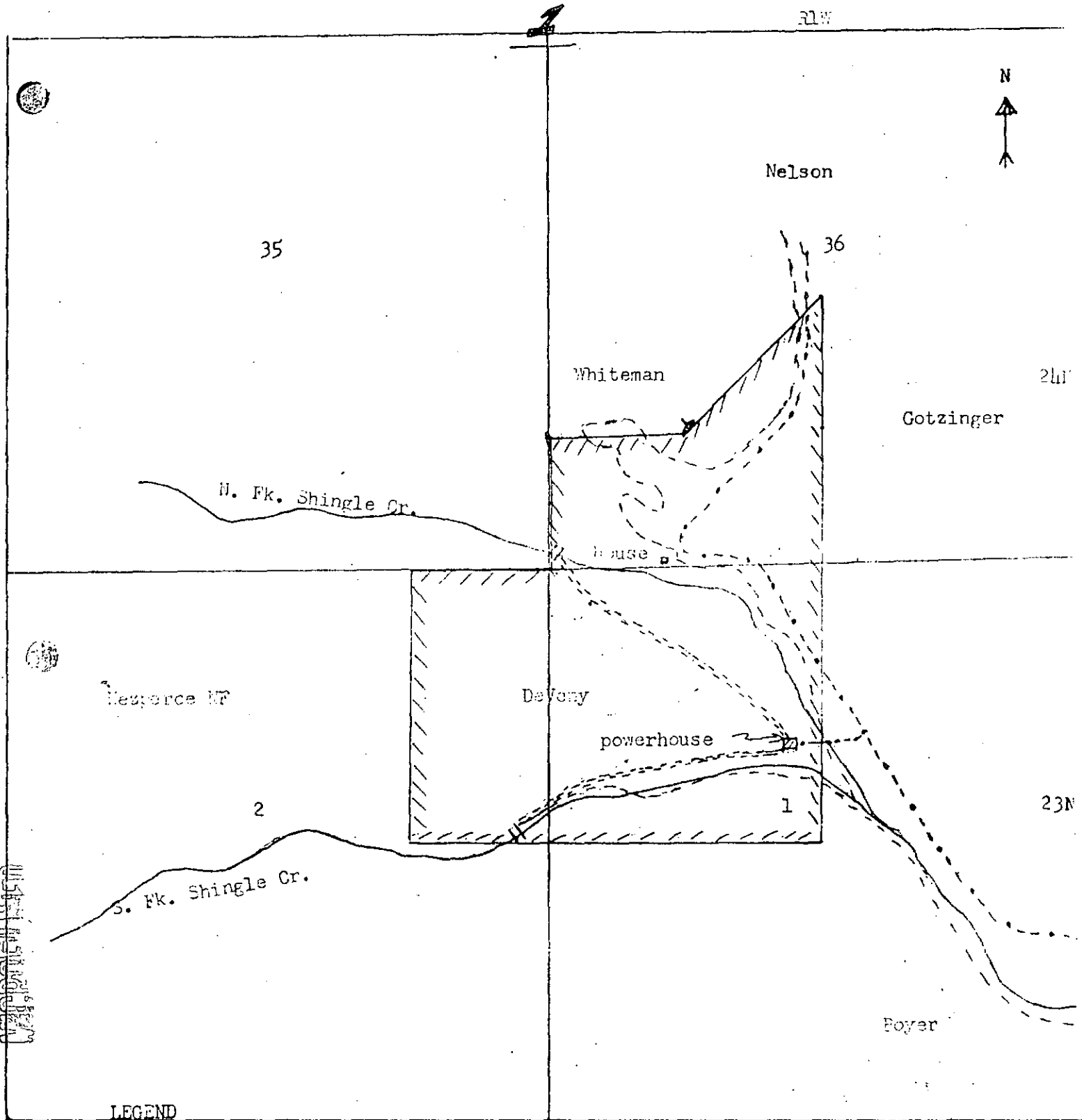
Boyd Theison, F&G, indicated it was doubted that fish migrated about the powerhouse due to the small size of the stream and grade. In fact, the culvert across Shingle Creek is a barrier to migration. Also, at low water, only very small fish could survive.

I did not see any reason to withhold approval of the permits. The quantities requested may not be available during low flow periods.

Attachments

RECEIVED
FEB 11 1981
FBI - BOISE

RLW



LEGEND

- unimproved road
- powerline
- x-x- water transmission line
- = headgate
- /// private property (owned by applicant)

B.M.

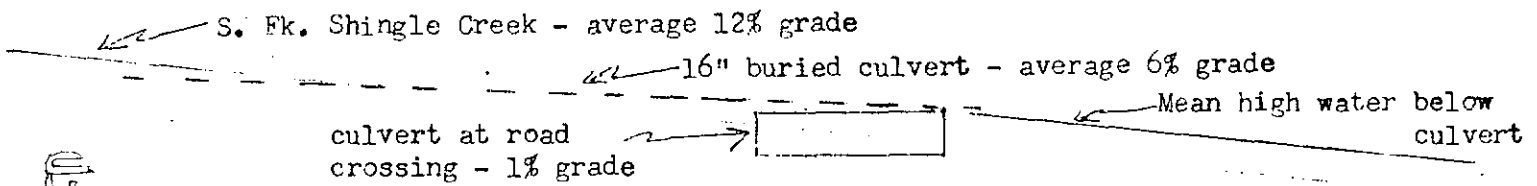
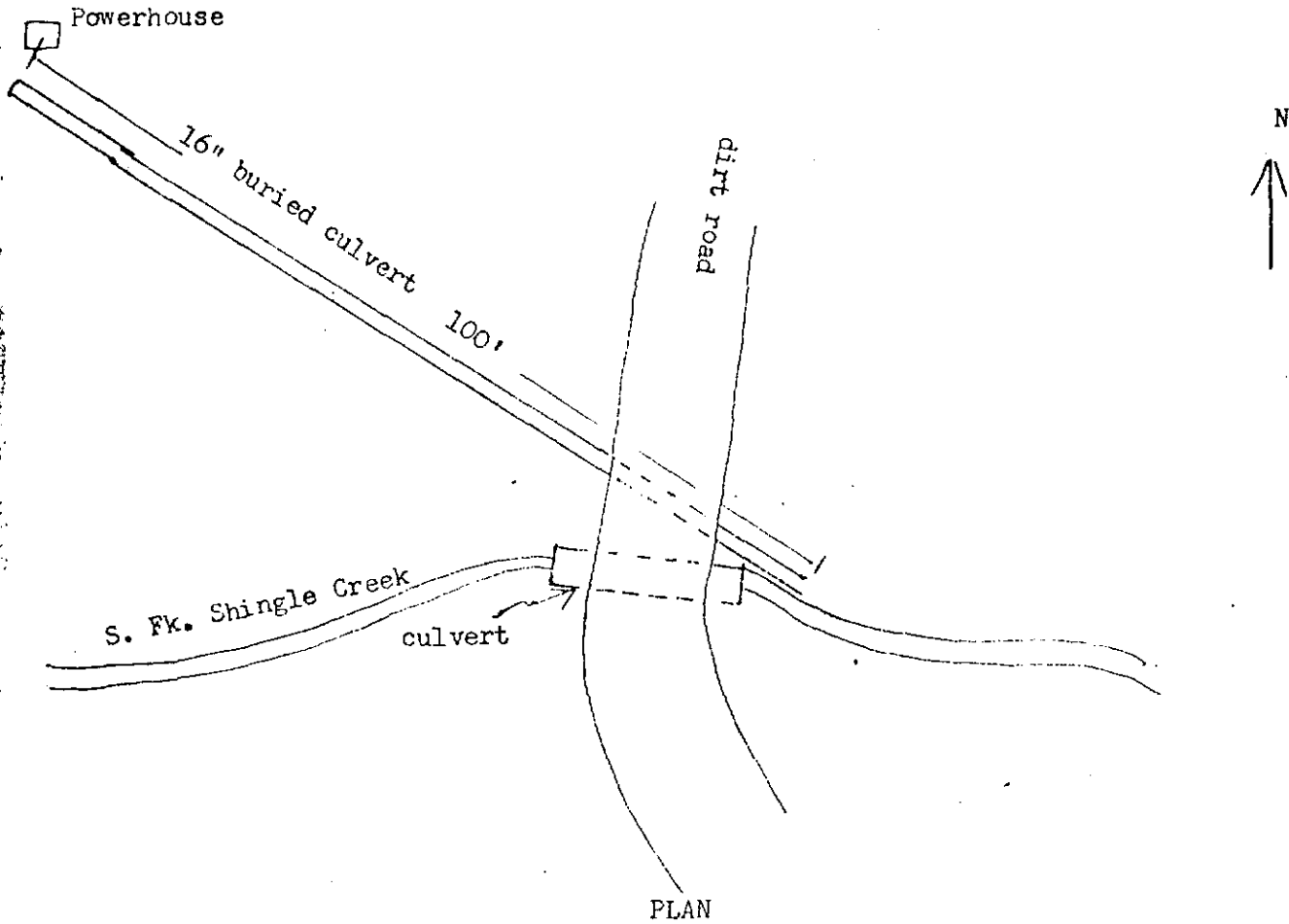
This drawing is a part of the application for license made by the undersigned this 5th day of January, 1981.

signature

Scale: 1" = 1 mile

to: 12/80 bd

Tailrace Return to South Fork Shingle Creek



ELEVATION

Scale: 1" = 20'

1/24/81 BD

MICROFILMED

DE VENY, WILLIS D.

BOX 239, RIGGINS, ID 83549

Source: SHINGLE CREEK tributary to RAPID RIVER

Date Filed: 11/20/1980

Amount: 2.67 CFS

Diversion Point: SWSW Sec 36 T 24N R 01W, IDAHO Co.

Use: POWER (2.67 CFS) from 01/01 to 12/31

Place of Use: SENW Sec 01 T 23N R 01W

Diversion Means: HEADGATE & PIPELINE.

RECEIVED
NOV 21 1980