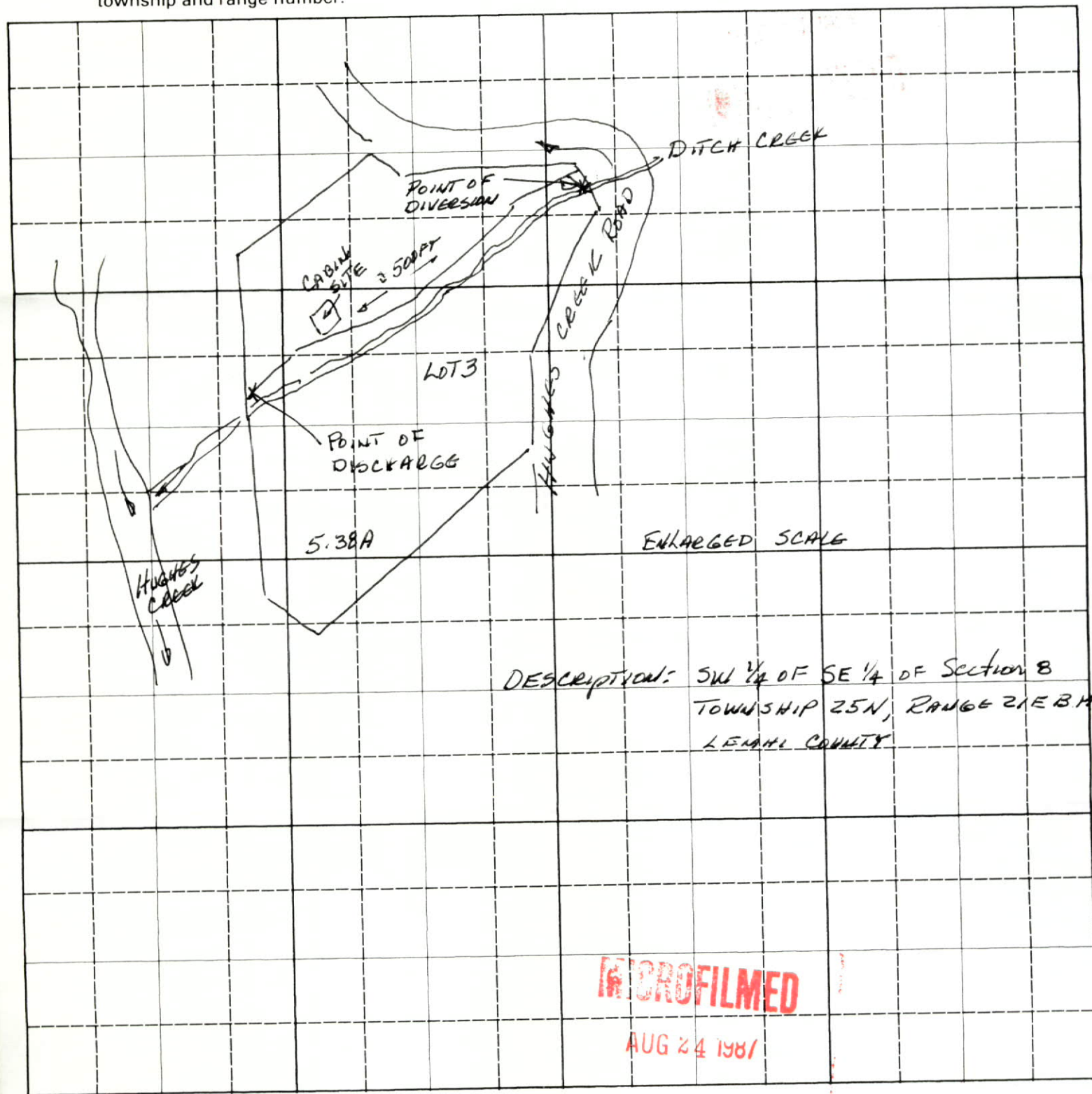


13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



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.

Richard A. Robe
(Applicant)

NOTICE OF
APPLICATION FOR
WATER RIGHT

The following applica-
tions have been filed to
appropriate the public
waters of the State of
Idaho:

75-7443

RABE, RICHARD A.
1801 WHITNEY, IDAHO
FALLS, ID 83402

Source: DITCH CREEK
trib. to HUGHES CREEK
Diversion Pt: LOT 03
(NWSESE) Sec 08 T 25N R

21E

Use: POWER (3.0 CFS)
Date Filed: 10/31/1986
In: SWSE Sec 08 T 25N R
21E

The permits will be sub-
ject to all prior water rights.
Protects may be submitted
based on the criteria of Sec.
42-203A, Idaho Code
and/or the public interest
criteria of Sec. 42-203C,
Idaho Code. Protects must
be filed with the Director,
Dept. of Water Resources,
150 Shoup Ave., Suite 15,
Idaho Falls, Idaho, 83402
on or before December 8,
1986.

KEN DUNN
Director

Published 11/20/86 &
11/27/86.

Affidavit of Publication

STATE OF IDAHO

County of Lemhi

ss.

DEC 1 1986

Department of Water Resources
Eastern District Office

JERRY G. ROSIN, being first duly sworn, deposes
and says that he is one of the printers (publisher) of the RECORDER HERALD,
a newspaper published weekly at Salmon, Lemhi County, Idaho, and of general
circulation therein,

That the Richard A. Rabe-Application for water
rights. a true

printed copy of which is attached to the margin hereof, has been and was correct-
ly printed and published in the regular and entire issue of every number of said
newspaper and not in any supplement thereof or thereto for 2
consecutive issues, commencing with the issue dated Nov. 20, 1986
and ending with the issue dated Nov. 26, 1986

Jerry G. Rosin

Subscribed and sworn to before me, this twenty sixth
day of November, 1986

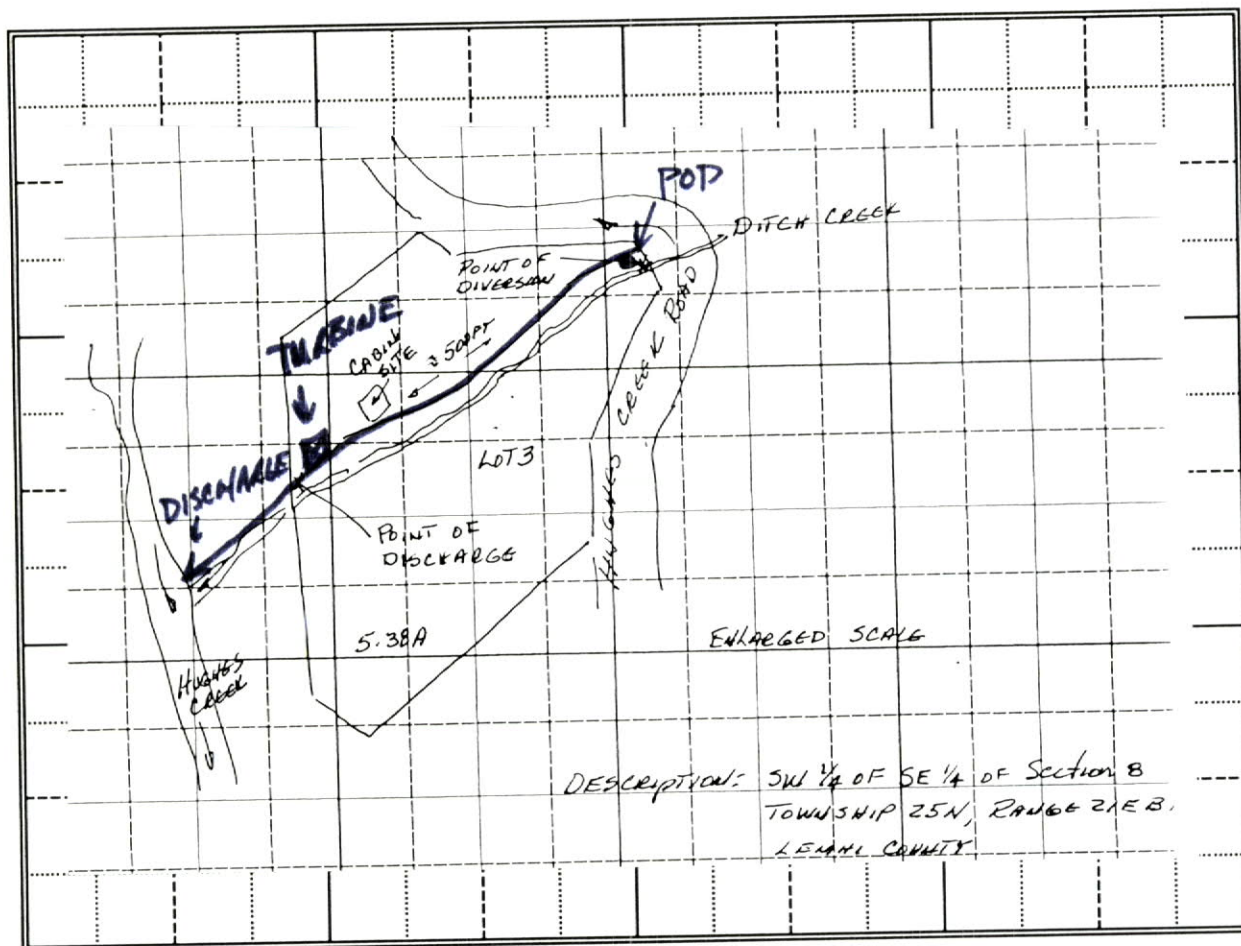
Neal Armstrong
Notary Public for the State of Idaho,
Residing at Salmon, Idaho

Publication Fee \$ 25.20

MICROFILMED

AUG 24 1987

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



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

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

D. FLOW MEASUREMENTS

1.

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

2. Measurements: UNABLE TO MEASURE HYDRO SYSTEM DUE TO DESIGN

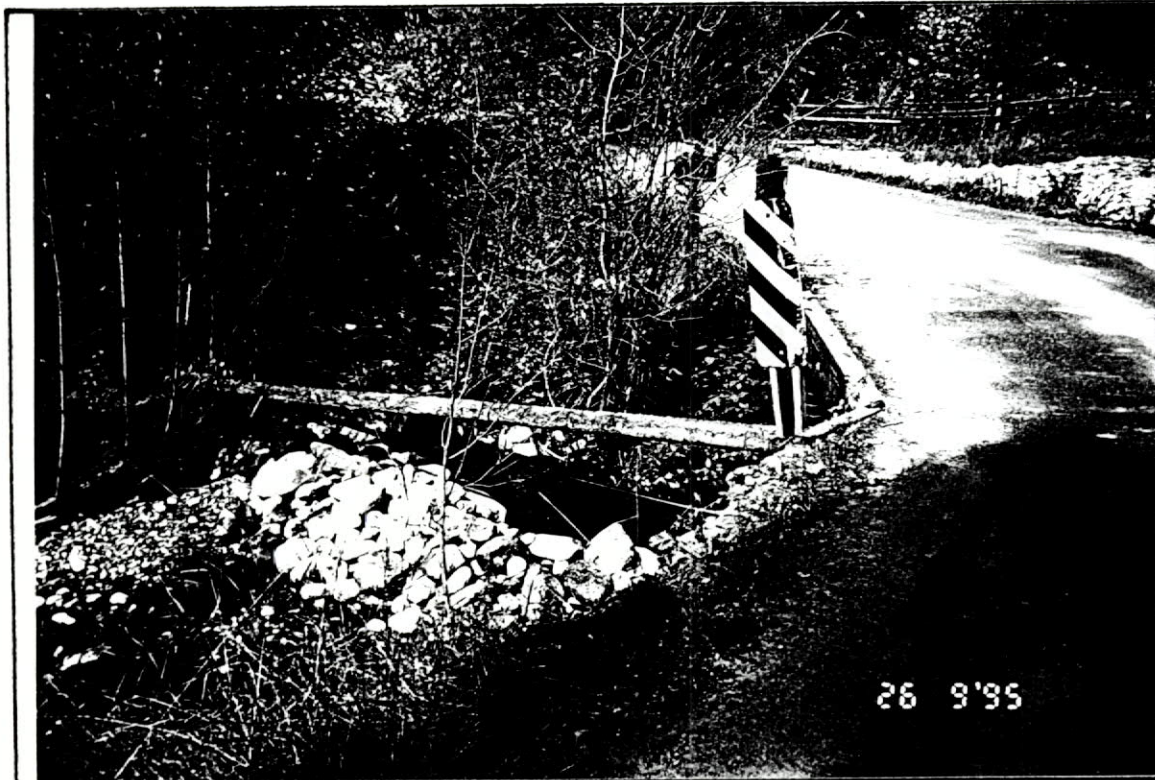
OCT 11 1996

RICHARD A KABE

HYDRO / IRRIGATION

1 of 2

POINT OF
DIVERSION
DITCH CREEK



26 9'95

PICKUP POINT
FOR HYDRO
INTAKE AND
IRRIGATION



PERMIT
NUMBER

~~75-07349~~

75-07443

RICHARD A. RABE

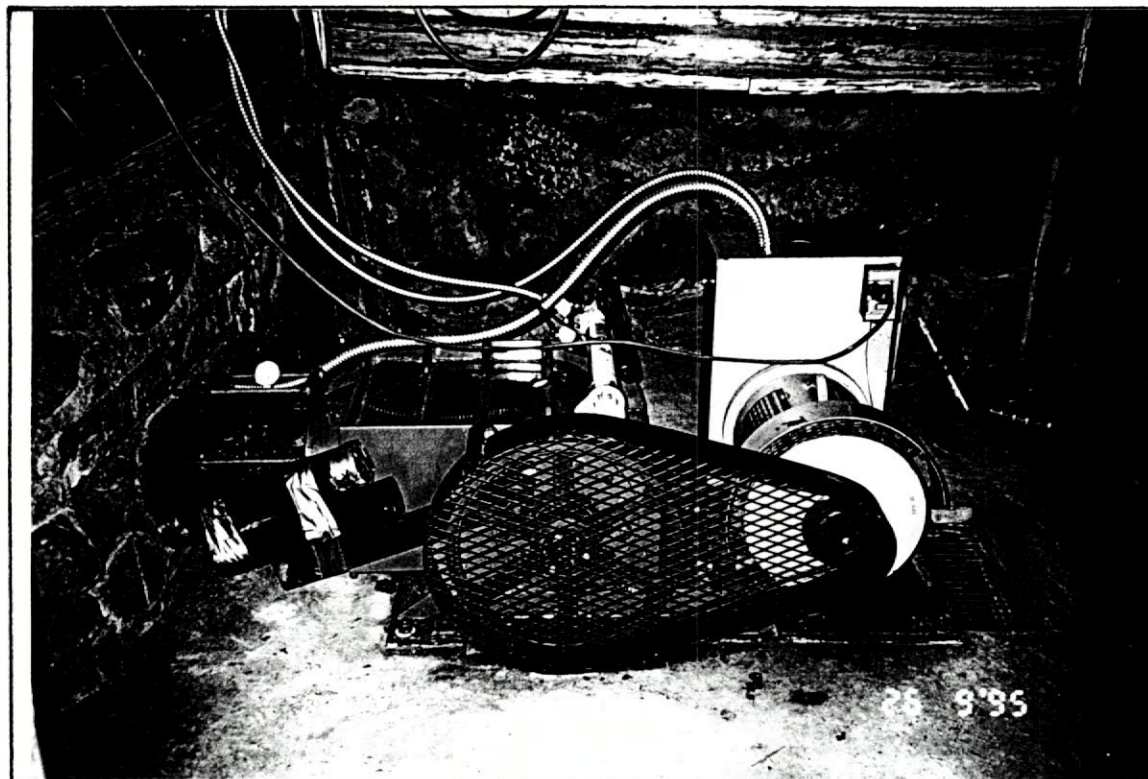
HYDRO / IRRIGATION

2-2

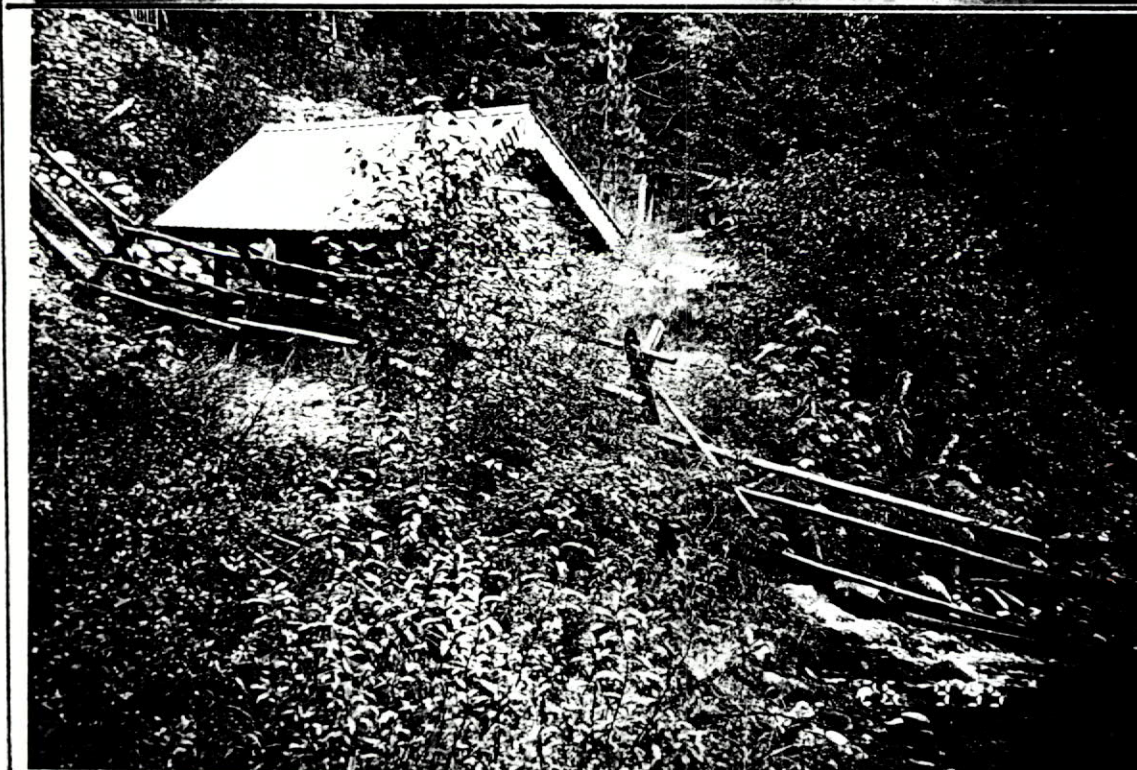
TURBINE
POWER
PLANT

PLACE OF
USE

NON-CONSUMPTIVE



VIEW OF
TURBINE
BUILDING
POINT OF
DISCHARGE
TO HUGHES
CREEK

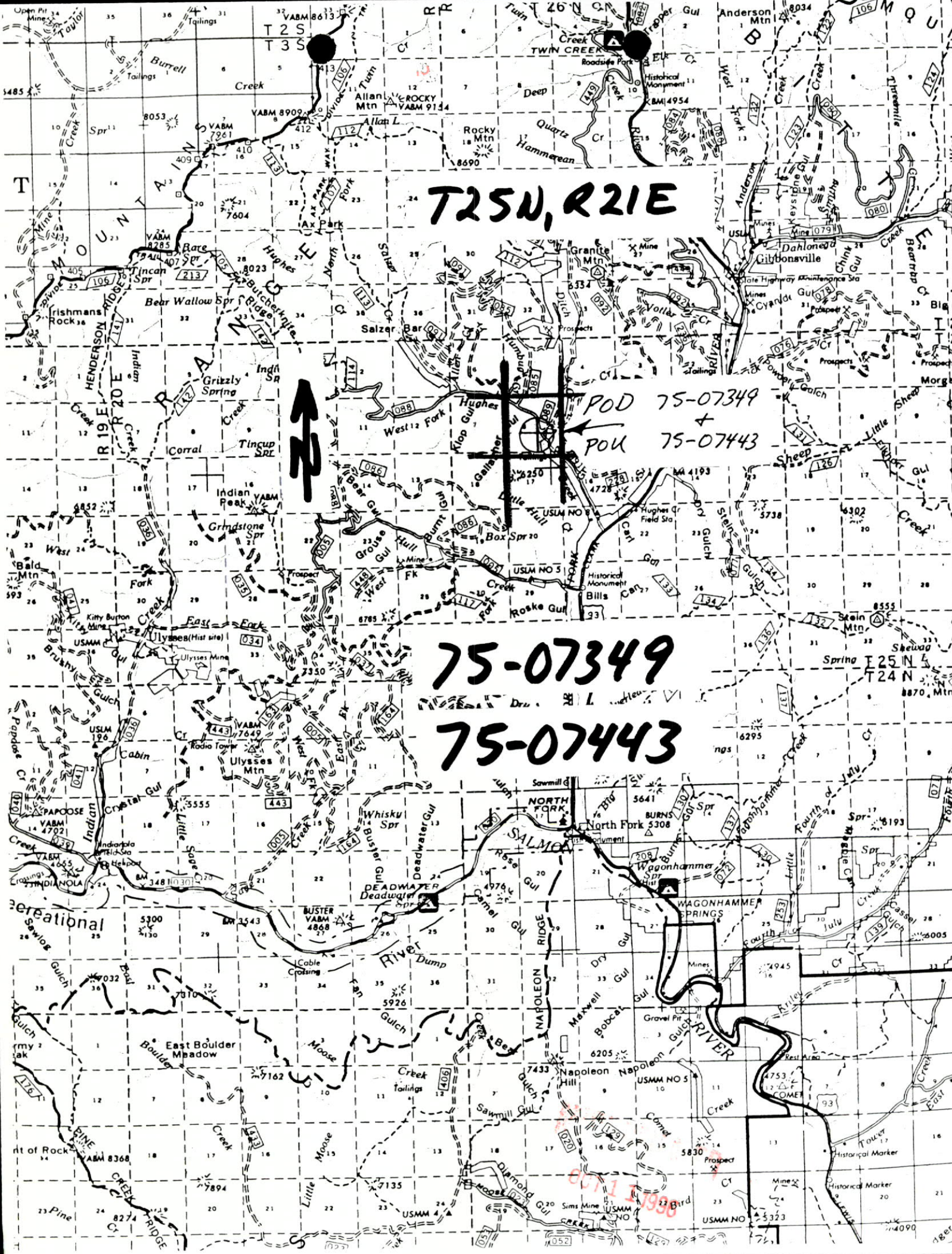


11 1996
↑
FLOW

PERMIT
NUMBER

~~75-07349~~

75-7443



T25N, R21E

POD 75-07349

POU 75-07443

75-07349

75-07443

6071 17936

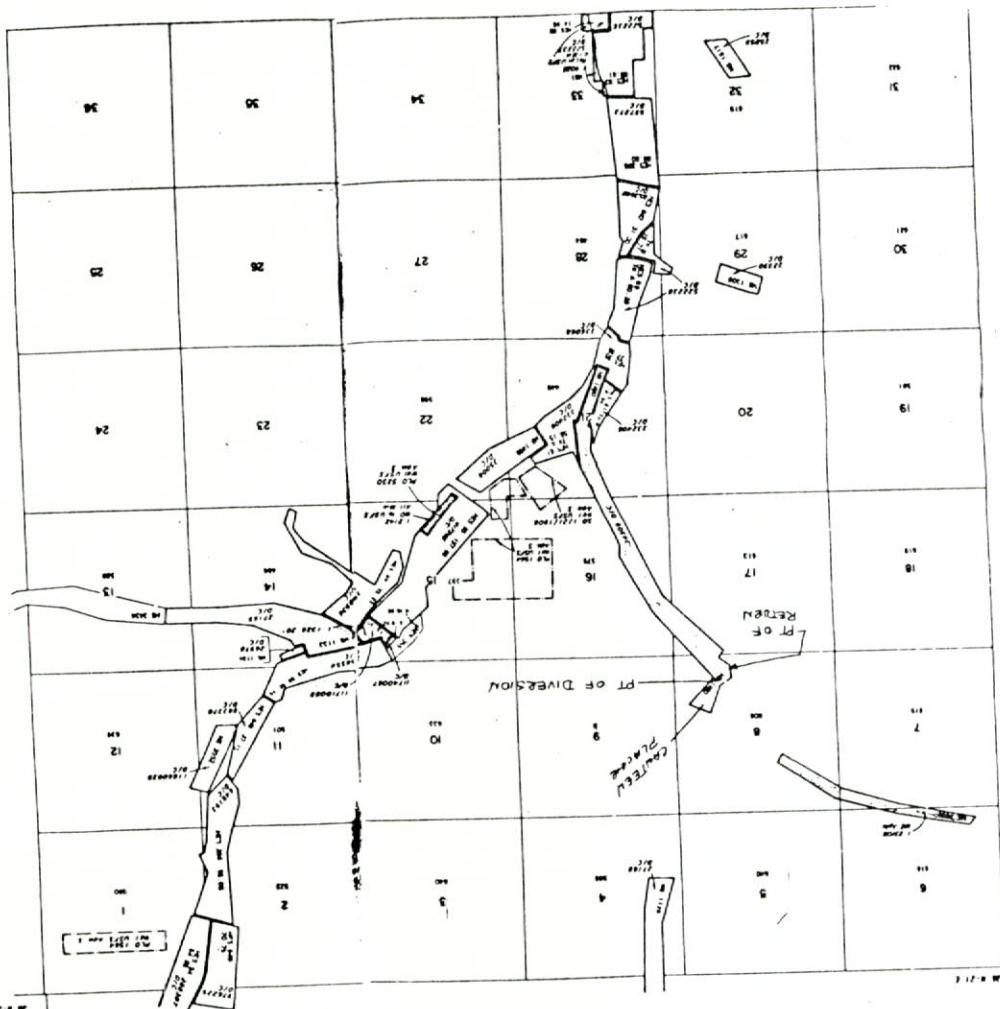
Agency Comments - Federal, State, and local agencies are invited to file comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Lois D. Cashell
Acting Secretary

RECEIVED

AUG 24 1987

LAND AND MINERAL TITLE	
INDEX TO SEQUESTERED TITLE	
TRACT NO.	SECTION
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LEWIS COUNTY 009

REVISIONS TO BE MADE BY THE APPLICANT

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 75-07443

Priority: October 31, 1986

Maximum Diversion Rate: 2.10 CFS
Maximum Diversion Volume: 1517.7 AF

This is to certify, that RICHARD A RABE
PO BOX 183

NORTH FORK ID 83466 has complied with the terms and conditions
of the permit, issued pursuant to Application for Permit dated October 31, 1986; and
has submitted Proof of Beneficial Use on May 24, 1991. An examination indicates
that the works have a diversion capacity of 8.970 cfs of water from:

DITCH CREEK tributary to HUGHES CREEK

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	2.10 CFS	1517.7 AF

LOCATION OF POINT(S) OF DIVERSION: SWSE , Sec. 8, Township 25N, Range 21E
LEMHI County

PLACE OF USE: POWER

TWN RGE SEC
25N 21E 8

SWSE

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. Water used under this right when discharged into a natural channel or subsurface system shall meet Idaho Water Quality Standards.

OCT 11 1996

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

WATER RIGHT NO. 75-07443

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. Use of water under this right shall be non-consumptive.
9. The diversion and use of water under this license is subject to review by the Director on or after June 1, 2001. 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. A minimum of 10% of creek flow shall remain in the creek bed for the protection and maintenance of fish, wildlife, riparian and aquatic habitat.

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 30th day of SEPTEMBER, 1996.

Acting for

KARL J. DREHER, Director

OCT 11 1996

Form 08/82

RECEIVED

MAY 6 1991

Department of Water Resources

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

Original Document in 75-7349

For Office Use Only

Amt. of Fee \$ 200.00

Date 5/6/91

Receipt No. CD49377

Received by J. L. Latta

\$75.00
5/24/91
C020583

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

Permit No. 75-7349 And 75-7443

Home 523-2135
Telephone No. Work 523-5362

Name(s) of Permit Holder(s): RICHARD A RABE

Post Office Address: 1801 WHITNEY IDAHO FALLS IDAHO

Source of Water: DITCH CREEK

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

Extent of Use:

Domestic (No. of households)

Irrigation $\approx 2\frac{1}{2}$ (No. of acres)

Stockwater (No. and type of stock)

Other

5 CFS for Power Generation - Less during periods of low flow.

Total rate and/or volume for which proof is submitted 5 cfs acre/feet

Show date water was first diverted and beneficially used under this permit: SEPT 1989

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

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

OR

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

Fee Enclosed: \$ 200.00 (See License Examination Fee Schedule)

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

Richard A Rabe
Name

Work 533-5362
Telephone No.

1801 Whitney, IDAHO FALLS IDAHO
Address

Flow measurement must be made during spring run off otherwise creek flow inadequate for full 5CFS diversion.

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.

JUN 10 1991

May 5, 1991
Date

Richard A Rabe
Signature (and title if on behalf of a company or organization)

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 RICHARD A RABE Phone 523-2135 Home
526-5362 Work
Post office address 1801 WHITNEY IDAHO FALLS, IDAHO 83402

2. Source of water supply DITCH CREEK which is a tributary of HUGHES CREEK

3. Location of point of diversion is NW 1/4 of SE 1/4 of SE 1/4 of X 1/4, Govt. Lot

Sec. 8 Township 25N Range 21E B.M. LEMMI County; additional

points of diversion if any: DIVERSION IS AT TOP OF LOT 3 OF HUGHES CREEK SUBDIVISION

4. Water will be used for the following purposes:

Amount 3 for POWER purposes from JAN 1 to DEC 31 (both dates inclusive)
(cfs or acre-feet per annum)

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

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

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

5. Total quantity to be appropriated is (a) 3 and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. WATER TO BE PIPED FROM TOP OF
LOT 3 APPROX 500FT TO BOTTOM OF LOT FOR DISCHARGE THROUGH
TURBINE. PIPE SIZE 10" DIA

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

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

d. Is ground water with a temperature of greater than 90°F being sought? NO

7. Time required for the completion of the works and application of the water to the proposed beneficial use is
3-5 years (minimum 1 year).

Per telecon with Richard Rabe 11-3-86.

MICROFILMED

AUG 24 1987

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

- a. Hydropower; show total feet of head and proposed capacity in KW. 38' HEAD 5 KW UNDER MAX FLOW
- b. Stockwatering; list number and kind of livestock. _____
- c. Municipal; show name of municipality. _____
- d. Domestic; show number of households. _____
- e. Other; describe fully. _____

9. Description of place of use:

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

TWP	RANGE	SEC.	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	
25N	21E	8															P		

Total number of acres to be irrigated NA

10. Describe any other water rights used for the same purposes as described above. WATER 2 CFS UNDER PERMIT 75-7349

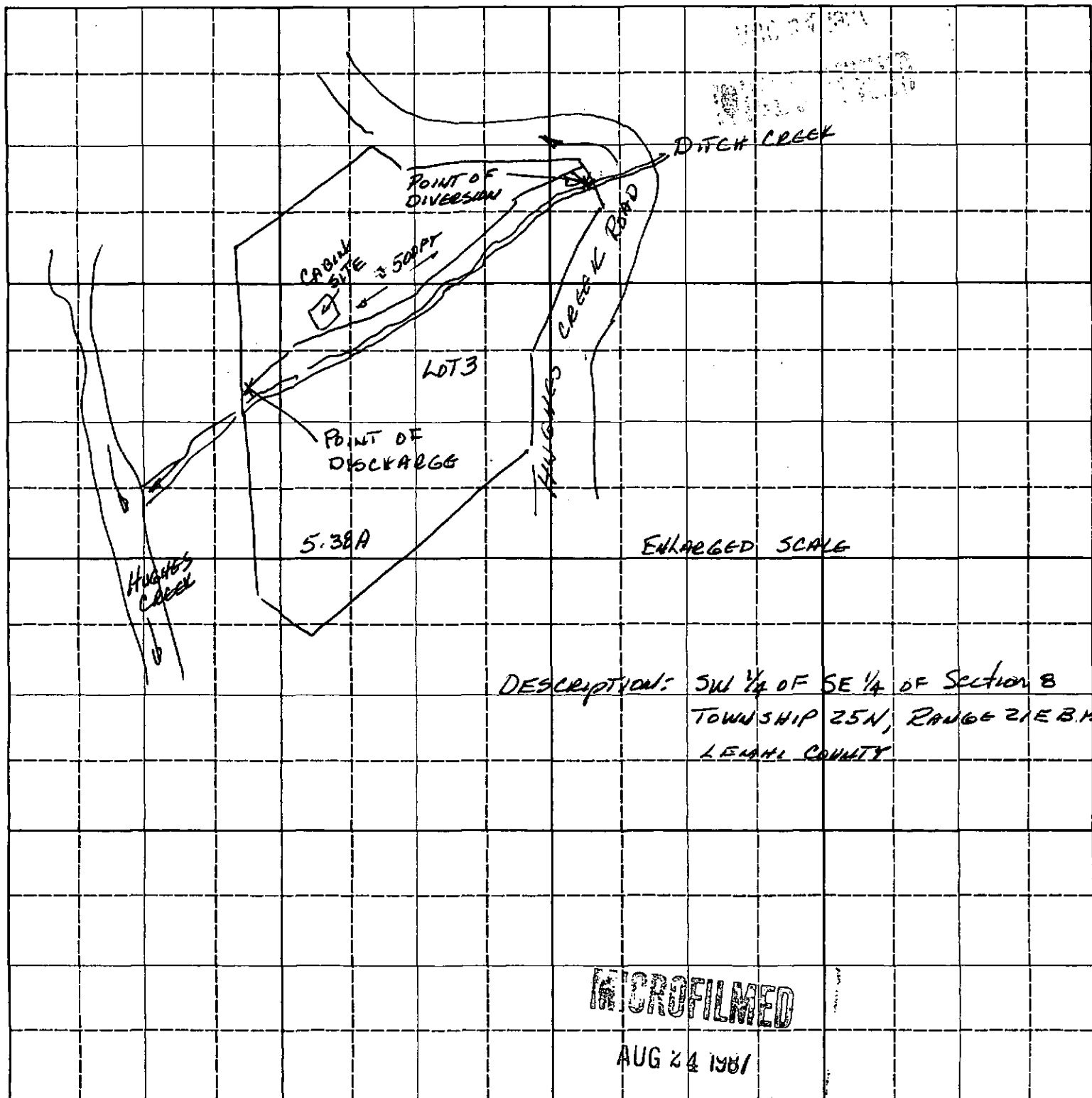
11. a. Who owns the property at the point of diversion? APPLICANT
- b. Who owns the land to be irrigated or place of use? APPLICANT
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. _____

12. Remarks: THE POWER GENERATED WITH THIS SYSTEM IS FOR PERSONAL USE. PREVIOUS PERMIT 75-7349 GRANTED 2 CFS (I REQUESTED THAT AMOUNT IN ERROR) AND I WOULD LIKE THE ADDITIONAL 3 CFS TO USE DURING PERIODS OF HIGH CREEK FLOW. CONSTRUCTION HAS BEGUN ON THE PREVIOUS PERMIT 75-7349.

RECORDED

AUG 24 1987

13. 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.

Richard A. Rife
(Applicant)

Proposed Priority 10/31/86 ¹⁰⁻³¹⁻⁸⁶
Received by MD Date 12:45 Time 12:45 Preliminary check by S.M.
Fee \$ 85⁰⁰ Received by MD # 39927 Date 11-4-86
11-20 + 11-26-86
Publication prepared by MD Date 11-12-86 Published in RECORDED HERALD
Publication approved cew Date 12-02-86

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. 75-7443, 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
June 1, 19 92

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

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

e. Other: SEE ATTACHED SHEET FOR CONDITIONS e thru 1.

Witness my hand this 21st day of July, 1987.

A. Glen Saxton
Chief, Operations Bureau

MICROFILMED

AUG 24 1987

Q.S.

ATTACHMENT TO CONDITIONS OF APPROVAL
For Permit No. 75-7443

- e. Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.
- f. 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.
- g. The permit holder shall either install a measuring device or a flow measurement port or provide a certified measurement or computation of flow based upon system design to be prepared by a professional engineer.
- h. Water used under this permit if discharged into a natural channel or subsurface system shall meet Idaho Water Quality Standards.
- i. The water right acquired under this permit for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.
- j. The Director retains jurisdiction of this permit in order to limit the use of water for hydropower generation purposes to a specific term of years as required by Section 42-203B(7), Idaho Code.
- k. This permit does not constitute Idaho Public Utilities Commission or Federal Energy Regulatory Commission approval that may be required.
- l. Use of water under this permit shall be non-consumptive.

Witness my hand this 21st day of July, 1987.

A. Glen Saxton
Chief, Operations Bureau

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AUG 24 1987

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, RICHARD A RABE of IDAHO FALLS,
(name) (city)

county of BOONVILLE, 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 Bingham) ss.

Richard A Rabe
Applicant

On this 6 day of November, 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

Margaret E. Gough
Notary Public residing at

Blackfoot

My commission expires:

Lifetime

MICROFILMED

AUG 24 1987

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NOV 15 1986
Department of Water Resources
Eastern District Office

NOTICE OF
APPLICATION FOR
WATER RIGHT

The following applica-
tions have been filed to
appropriate the public
waters of the State of
Idaho:

75-7443

RABE, RICHARD A.
1801 WHITNEY, IDAHO
FALLS, ID 83402

Source: DITCH CREEK
trib. to HUGHES CREEK
Diversion Pt: LOT 03
(NWSESE) Sec 08 T 25N R

21E

Use: POWER (3.0 CFS);

Date Filed: 10/31/1986

In: SWSE Sec 08 T 25N R

21E

The permits will be sub-
ject to all prior water rights.
Protects may be submitted
based on the criteria of Sec.
42-203A, Idaho Code
and/or the public interest
criteria of Sec. 42-203C,
Idaho Code. Protects must
be filed with the Director,
Dept. of Water Resources,
150 Shoup Ave., Suite 102
Idaho Falls, Idaho, 83402
on or before December 8,
1986.

KEN DUNN
Director

Published 11/20/86 &
11/27/86.

MICROFILMED

AUG 24 1987

Affidavit of Publication

STATE OF IDAHO

County of Lemhi

ss.

DEC 1 1986

Department of Water Resources
Eastern District Office

JERRY G. ROSIN, being first duly sworn, deposes
and says that he is one of the printers (publisher) of the RECORDER HERALD,
a newspaper published weekly at Salmon, Lemhi County, Idaho, and of general
circulation therein,

That the Richard A. Rabe-Application for water
rights.

a true
printed copy of which is attached to the margin hereof, has been and was correct-
ly printed and published in the regular and entire issue of every number of said
newspaper and not in any supplement thereof or thereto for 2
consecutive issues, commencing with the issue dated Nov. 20, 1986
and ending with the issue dated Nov. 26, 1986

Jerry G. Rosin

Subscribed and sworn to before me, this twenty sixth
day of November, 1986

Terl Armstrong

Notary Public for the State of Idaho,
Residing at Salmon, Idaho

Publication Fee \$ 25.20



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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

October 1, 1996

RICHARD A RABE
PO BOX 183
NORTH FORK ID 834660000

RE: WATER RIGHT NO. 75-07443

Dear Water Right Holder(s):

Enclosed is a copy of the Water Right License issued on the above referenced permit. If you have any questions, please contact me within 10 days of receipt of this license.

Also, please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address to the department. If you have acquired a water right or have changed your mailing address PRIOR TO July 1, 1996, you have until July 30, 1998, to notify the department. If you acquire a water right or change your mailing address AFTER July 1, 1996, you must notify the department within 120 days of the change.

Failure to report these changes could result in a \$100 late filing fee. Contact any office of the department to obtain the proper reporting form.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:ph

Enclosure

RECEIVED
OCT 11 1996

MEMORANDUM

TO: Files 75-07439 and 75-07443

FROM: Sharla

DATE: September 11, 1996

RE: Recommendation Adjustment(s)

The final license recommendations for Rights 75-07439 and 75-07443 are based on the following:

H. RECOMMENDATIONS

1. Recommended Amounts

75-07349:

Power	1/1 - 12/31	1.90 cfs	1373.1 afa
Irrigation	4/1 - 10/31	0.07 cfs	8.8 afa

75-07443:

Power	1/1 - 12/31	2.10 cfs	1517.7 afa
-------	-------------	----------	------------

Power use is for an individual power facility which does not require licensing from FERC. Since power is solely used by the right holder and is not sold, there is no power purchase contract. Therefore, the term of years to be listed on the license is not pre-determined by the above. As set forth in Section 42-203B(7), the term of years (once determined) is calculated as commencing at the time of the proof of beneficial use filing. Previously issued licenses falling in this category have had a term set for 10 years. In this case, proof was filed in May 1991, the term will be listed as expiring June 1, 2001.

According to the examiner, the turbine is rated at a maximum of 4.0 cfs. Thus, between the two licenses, the total will equal 4.0 cfs. Volume has been calculated on continuous flow. In a telephone conversation with Mr. Rabe on 7/24/96, he confirmed that he now lives at the site and that water is continuously diverted 24 hrs/day, 365 days/year for power generation.

Examiner: Don Simpkins

Exam Date: September 26, 1995

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OCT 11 1996

LICENSE REVIEW CHECKLIST

PERMIT NO. 75-07443

DATE 9/12/96

REVIEWER: S H A R L A

NAME Change OK

Address Change yes

SOURCE Change OK

Is change clarification of originally intended source? no

If no, prepare Notice of Intent to Void no

POINT OF DIV Change OK

Amendment required NO - map (app pg 3) ok

PLACE OF USE Change OK

Amendment required NO

labeled SWSE, Lot 3, Hughes Creek Subd.

Does map agree with written description? yes no ?

OVERLAPS no P/D no P/U

RATE OF DIV

Permitted Rate 3.0 cfs

Fee limit 3.0 cfs

Measured no cfs

Theoretical 8.97 cfs

4.0 turbine max according to specs

10" pipe capacity
Recommended Total Div Rate 2.1 cfs

ANNUAL VOLUME/ NATURE OF USES

Change OK

Use Power

Volume Calculation

2.1 x 365 = 771.5 af

no af

no af

no af

SUBTOTAL 771.5 af

Flow rate 2.1 cfs X 365 days X 1.983 = 1517.7 af

Total volume recommended 1517.7 af

(SUBTOTAL or Flow Rate, whichever is less)

REMARKS

W42(6/1/2001)

CONDITIONS no Watermaster Control WD# no

no GW Measurement/Measuring Device

no Overlap

no Use-specific conditions 025, 022, 09E

Advancement of Priority Date Required no yes no

SRBA Claim Filed NA

Adjustment Memo volume

1st Amend Letter NA

2nd Amend Letter NA

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
APR 11 1996
Department of Water Resources

A. GENERAL INFORMATION

Permit No. 75-07443

1. Owner: RICHARD A. RABE Phone No. _____

Current Address: BOX 183, NORTH FORK, IDAHO 83466

2. Accompanied by: OWNER EXAM DATE: 9/26/95

Address: N/A Phone No. N/A

Relationship to Permit Holder: N/A

3. Source: DITCH CREEK tributary to HUGHES CREEK

B. OVERLAP REVIEW

1. Other water rights with the same place of use: 75-07349

2. Other water rights with the same point of diversion: 75-07349

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
			SW	SE	8	25N	2E	LEMMI	U.S. SALMON FOREST MAP.

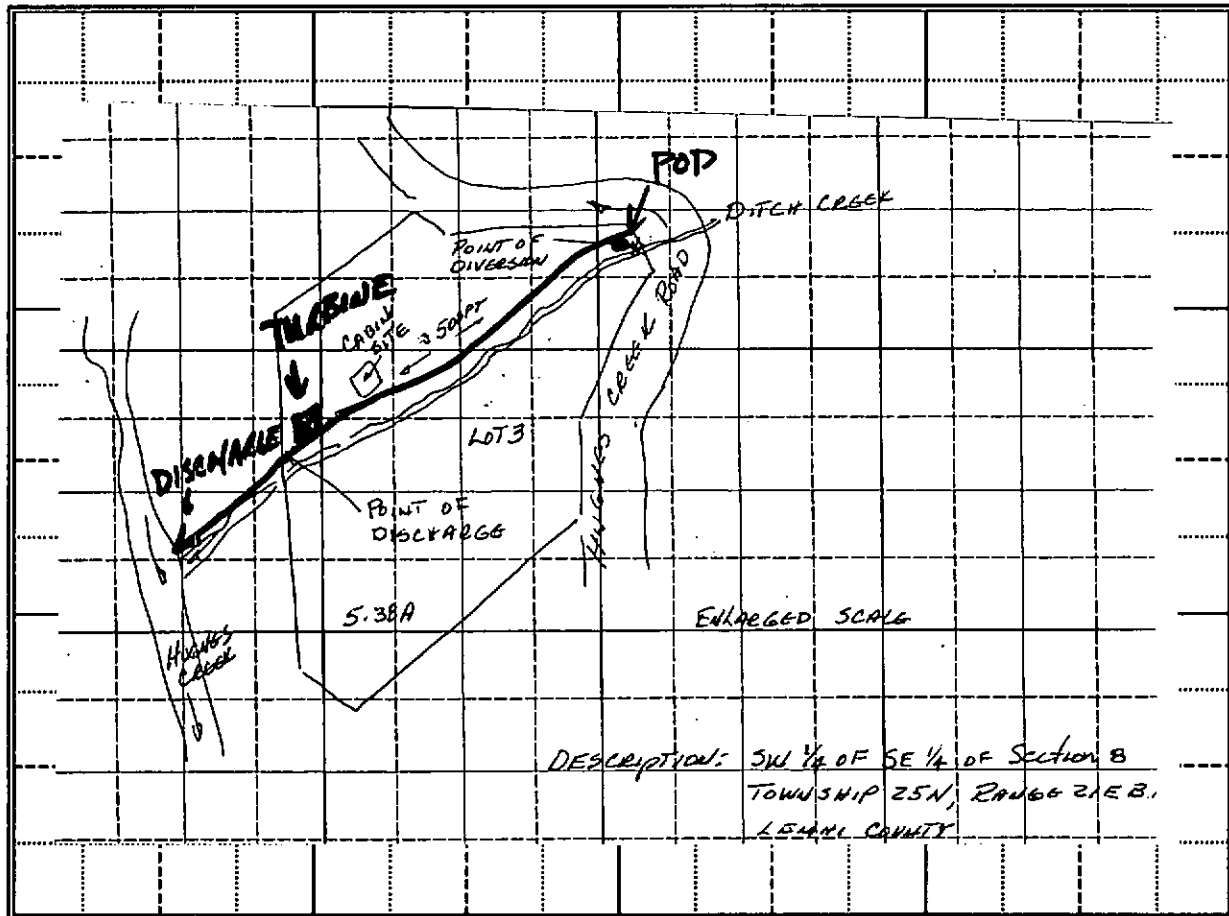
2. Place(s) of Use:

Indicate Method of Determination ON SITE INSPECTION

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
25N	21E	8															P/4.5		2.5

OCT 11 1996

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



Scale: 1" = _____

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

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

____ Photo of Diversion and System Attached

4. SEE NARRATIVE

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

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

D. FLOW MEASUREMENTS

1.

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

2. Measurements: UNABLE TO MEASURE HYDRO SYSTEM DUE TO DESIGN

OCT 11 1996

E. NARRATIVE/REMARKS/COMMENTS

DITCH CREEK IS DIVERTED THROUGH A 24" CULVERT TO
A SMALL INTAKE POND, WHERE A 10" PVC PIPELINE PICKS
UP WATER. WATER TRAVELS APPROXIMATELY 580' DOWNHILL
(37' DROP) TO TURBINE BUILDING, WATER IS THEN DISCHARGED
BACK TO HUGHES CREEK

GENERATOR: BANKI

KATO ENGINEERING

SERIAL 94520 15KW 3PHASE

18.75 KVA 1800 RPM

1.3 TO 4 CFS MAX

2,000 WATTS TO 5,500 WATTS

CANYON INDUSTRIES

5346 MOSQUITE LAKE RD.

DENNING, WA 98244

SYSTEM OPERATING ON 13.5 PSI AT TIME OF INSPECTION

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

OCT 11 1996

F. FLOW CALCULATIONS

☒ Additional Computation Sheets Attached

Measured Method:

$Q = 10" \text{ PIPE CAPACITY} = 8.97 \text{ CFS}$

TURBINE MAX = 4.0

75-7349 = 1.9 CFS

75-7443 = 2.1 CFS

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

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

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

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

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS

THIS PERMIT IN COMBINATION WITH 75-07349
NOT TO EXCEED 4.0 CFS - TURBINE MAX.

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
POWER	1/1	12/31	2.1	
Totals:			2.1 CFS	

2. Recommended Amendments

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

I. AUTHENTICATION

Field Examiner's Name [Signature] Date 2/6/96

Reviewer [Signature] Date 3-22-1996

SEAL

PROCESSED

OCT 11 1996

RICHARD A KABE

HYDRO / IRRIGATION

1 of 2

POINT OF
DIVERSION
DITCH CREEK



26 9'95

PICKUP POINT
FOR HYDRO
INTAKE AND
IRRIGATION



OCT 1 1995

PERMIT
NUMBER

~~75-07349~~

75-07443

RICHARD A. RABE

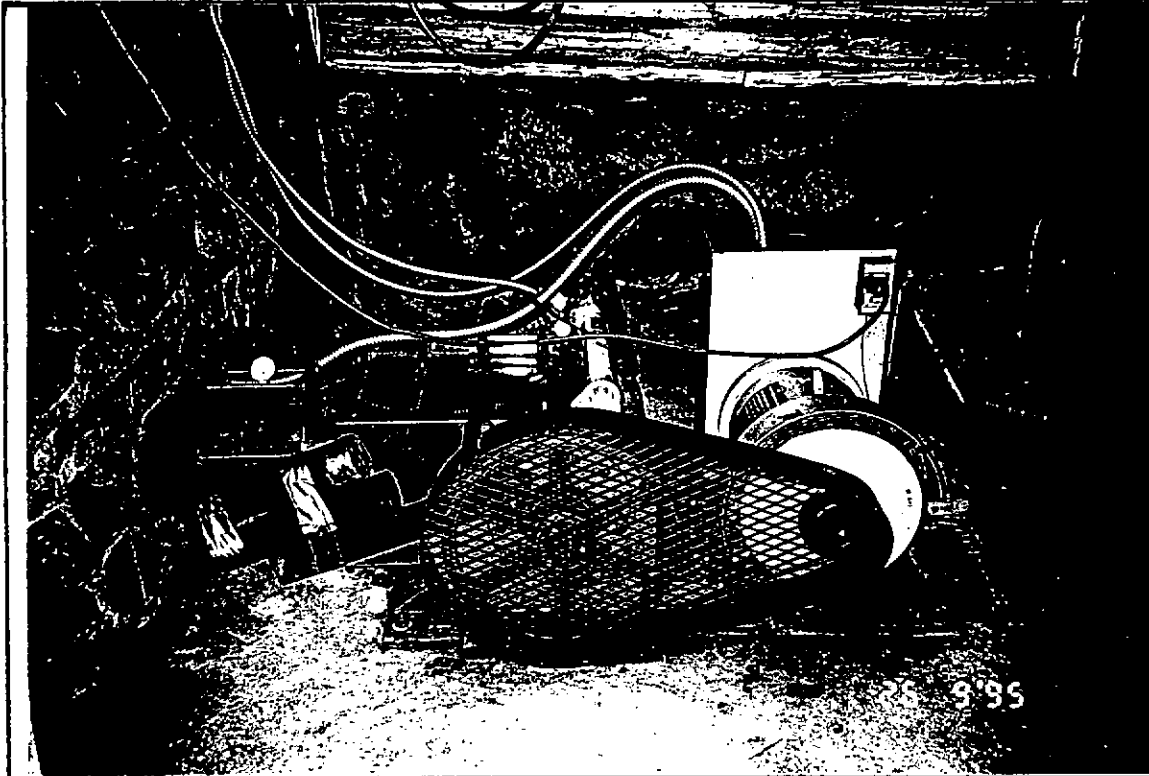
HYDRO / IRRIGATION

2/2

TURBINE
POWER
PLANT

PLACE OF
USE

NON-CONSUMPTIVE



VIEW OF
TURBINE
BUILDING
POINT OF
DISCHARGE
TO HUGHES
CREEK

PERMIT
NUMBER

~~75-07349~~

75-7443

Hazen-Williams Equation for Closed Pipe Flow

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

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

Q = Discharge (cfs)

D = Pipe Diameter (ft) = 0.83' ft

L = Pipe Length (ft) = 580' ft

H = Elevation Drop (ft) = 37' ft

C_b = Values for Types of Pipe = 150

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

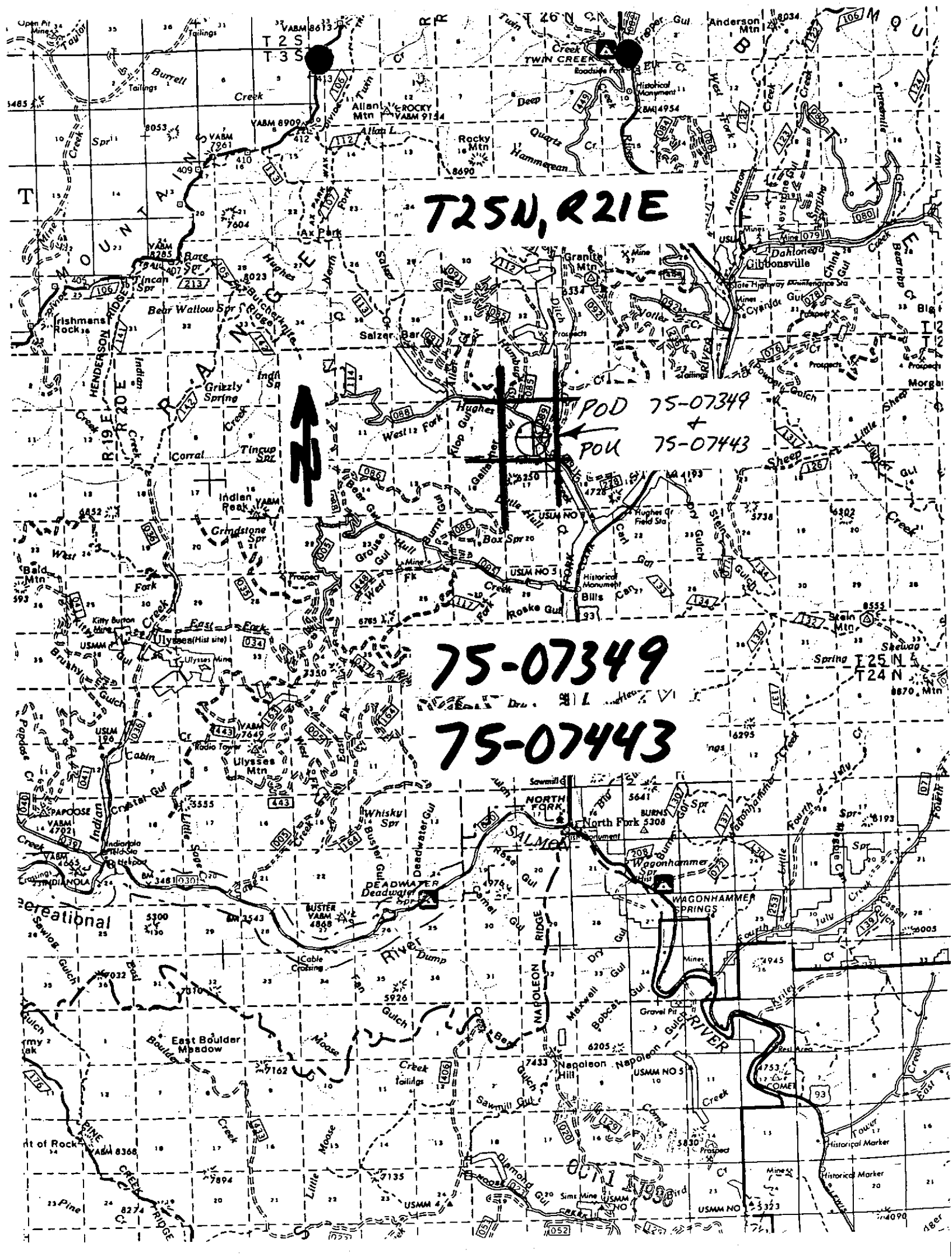
$$Q_{cfs} = 1.318 \left(\frac{150}{C_b} \right) \left[\pi \left(\frac{.83}{D} \right)^2 / 4 \right] \times \left(\frac{.83}{D} / 4 \right)^{0.63} \times \left(\frac{37}{H} / \frac{580}{L} \right)^{0.54}$$

197.7 X 0.54106 X 0.37129 X 0.226

$$Q_{cfs} = \underline{8.97} \text{ cfs}$$

CAPACITY OF 10" PIPE TO TURBINE

OCT 11 1983
 75-07448
 Permit # 75-67349



May 24, 1991

RICHARD A. RABE
1801 WHITNEY
IDAHO FALLS ID 83402

Dear Mr. Rabe:

Re: Permit Nos. 75-7349 and 75-7443

The department received the proof of beneficial use form and the \$200 fee and on May 24, 1991, the \$75 fee. Although you have submitted the proof for each permit on the same form, the fee has been charged as if the proof were submitted individually for each permit's diversion rate.

The next step is for the department to conduct the field inspection to confirm and determine the extent of beneficial use. I cannot tell just when the representative from our Eastern Regional office will conduct the exam, but he will try to contact you or your representative prior to being in the area.

If you have questions, please contact me.

Sincerely,

RITA I. FLECK
Secretary/Records Manager

Enclosures: Receipts

MAILED
JUN 10 1991

ANALYSIS SHEET
for
PROOF OF BENEFICIAL USE

Permit No. 75-7443

Date 5-24-91

GENERAL CONSIDERATIONS

4 Name same as permit?
4 Address same as permit? If no, indicate below.
4 Proof timely received? If no, complete priority advancement below.

SOURCE OF WATER

4 Surface water source
4 Ground water source
4 Drill permit req'd?
4 Copy in file? Drill permit no. _____
4 Amt paid for drilling permit? _____ Correct?
4 Well log in file?

LICENSE EXAMINATION FEE

4 150.00 Required?
* 150.00 Amount submitted?
4 Correct amount?

MEASURING DEVICE

4 Measuring device or access port required?
4 Installed?
4 Waiver requested or needed?

DEFICIENCIES OR ACTION ITEMS

First receipt = \$125 for 75-7449 + \$75 for 75-7443
Second receipt = \$75 for 75-7443 = 5/24/91
Proof acceptable

PRIORITY CALCULATION

Date proof received _____
Date proof due _____
No. of days late _____
Priority date _____
NEW PRIORITY DATE _____

LB

Idaho Falls, Idaho

R. Fleck

ENCLOSED Find The additional \$75 for
Permit # 75-7443 as discussed in our
phone conversation on 5/20/91.

R. P. Rabe

42,381 50 SHEETS 5 SQUARE
42,382 100 SHEETS 5 SQUARE
42,383 200 SHEETS 5 SQUARE

 NATIONAL

MICROFILMED

JUN 10 1991

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
COMMENCEMENT OF WORKS

Permit No. 75-7443

Name(s) of Permit Holder(s): RICHARD A RABE

Post Office Address: 1801 WHITNEY

IDAHO FALLS, IDAHO

Tel. No. 523-2135

- ☒ I hereby certify that construction of diversion works for the above referenced permit began on 7-21-87 (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.

7/30/87
Date

Richard A Rabe
Signature of Permit Holder

R. P. ROBE
1801 Whitney
IDAHO Falls, IDAHO
83402



JUN 10 1967

AUG 03 1967



Department of Water Resources

IDAHO DEPARTMENT OF WATER RESOURCES

STATEHOUSE

BOISE, IDAHO 83720

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

- - - - -

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440
JULY 24, 1987

RABE, RICHARD A.
1801 WHITNEY
IDAHO FALLS, ID 83402

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 75-7443

DEAR PERMIT HOLDER:

ENCLOSED IS A COPY OF YOUR APPROVED APPLICATION FOR PERMIT. WE DIRECT YOUR ATTENTION TO THE CONDITIONS OF APPROVAL ON THE FOURTH PAGE.

BE SURE TO NOTE THE SPECIAL CONDITION REQUIRING YOU TO INSTALL A MEASURING DEVICE, OR A FLOW MEASUREMENT PORT, OR TO PROVIDE A CERTIFIED MEASUREMENT OR COMPUTATION OF FLOW BASED UPON THE DESIGN OF THE SYSTEM TO BE PREPARED BY A PROFESSIONAL ENGINEER.

PLEASE NOTE THE REQUIREMENT THAT AS A PERMIT HOLDER YOU MUST COMMENCE THE EXCAVATION OR CONSTRUCTION OF DIVERTING WORKS WITHIN ONE YEAR OF THE DATE THE PERMIT WAS ISSUED, AND YOU MUST PROCEED DILIGENTLY UNTIL THE PROJECT IS COMPLETED. THE ENCLOSED BLUE CARD MUST BE COMPLETED AND RETURNED TO THIS OFFICE AS SOON AS YOU COMMENCE CONSTRUCTION, NO LATER THAN ONE YEAR FROM THE DATE THE PERMIT WAS APPROVED.

WE HAVE ENCLOSED A FORM ENTITLED "INSTRUCTIONS FOR PROOF OF BENEFICIAL USE". PLEASE READ THE INSTRUCTIONS CAREFULLY SINCE YOU MUST TAKE FURTHER ACTION TO DEVELOP THIS PERMIT INTO A LICENSE.

SINCERELY,

GARY SPACKMAN
SUPERVISOR, WATER ALLOCATION SECTION

GS: SC
ENCLOSURES

MICROFILMED

AUG 24 1987

KAY -

COPY OF THE RULING THAT
YOU REQUESTED

RECEIVED

MICROFILMED

AUG 24 1987

Dub Rabe

AUG 20 1987

Department of Water Resources

RECEIVED
AUG 24 1987
DUB RABE

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

R.A. Rabe

Docket No. EL87-7

ORDER RULING ON DECLARATION OF INTENTION
AND FINDING LICENSING NOT REQUIRED
(Issued July 9, 1987)

On November 24, 1986, R.A. Rabe filed a Declaration of Intention to develop a small hydroelectric project and raised the question of whether licensing is required for the project under Part I of the Federal Power Act.

PROJECT DESCRIPTION

The proposed run-of-river project would consist of:

- (1) a 10-inch-diameter, 600-foot-long penstock; (2) a powerhouse containing one generating unit with capacity of 5 kW; and
- (3) appurtenant facilities. Applicant estimates the average annual generation would be 17,000 kWh.

The proposed project would furnish electric power for domestic use on the applicant's land. Notice of the filing has been published and comments have been received from the United States Forest Service. The Forest Service stated the proposed project is not on, nor does it affect, any National Forest land.

A Motion to Intervene was filed by the Idaho Power Company (IPC). IPC believes that the Rabe Project may now or in the future, seek an order requiring IPC to purchase power generated by the project. IPC's concern for the Rabe Project comes from the Commission's dismissal of IPC's license application for the A.J. Wiley Hydroelectric Project No. 2845, on May 4, 1984, on the basis that IPC did not need the power from the Wiley Project. IPC states that power from the proposed Rabe Project may be sought to be sold to IPC during essentially the same time period as the A.J. Wiley Project was proposed. IPC submits that the need for the power from the proposed project must be affirmatively demonstrated by the applicant.

Mr. R.A. Rabe filed comments in response to IPC's Motion to Intervene. Mr. Rabe stated that all power generated would be used on site and that all surplus power generated would be used for space and/or water heating. Mr. Rabe stated that the existing IPC electric lines are approximately two miles away from his home. The cost to interconnect with IPC power lines would be \$100,000 per mile. Mr. Rabe stated it would be totally unreasonable for him to pay such a high cost for the privilege of connecting and supplying a very small amount of power to IPC. The matters raised in IPC's Motion to Intervene and Mr. Rabe's response have been fully evaluated by FERC staff.

JURISDICTION

Section 23(b) of the Federal Power Act requires that water power projects be licensed if they are located on navigable waters of the United States, occupy any part of the public lands or reservations of the United States, use surplus water or water power from a Federal Government dam, or, if constructed after August 26, 1935, are located on any part of a non-navigable water subject to Congress' jurisdiction under the Commerce Clause and affect the interests of interstate or foreign commerce.

There is insufficient evidence to establish that Ditch Creek is navigable. The project would not occupy any public lands or reservations of the United States and would not use surplus water or water power from a federal government dam. No power generated by the project would be transported across state lines or be fed into an interstate power system.

Consequently, Section 23(b) of the Federal Power Act does not require licensing of the proposed project. If evidence of jurisdiction is found in the future, Section 23(b) would require licensing. Under Section 4(g) of the Act, the project owner could then be required to apply for a license.

The Director orders:

(A) R.A. Rabe's petition for an order declaring that his proposed project on Ditch Creek is not required to be licensed by Part I of the Federal Power Act is granted on the basis of the information currently available. The order is without prejudice to any future determination, upon new or additional evidence, that licensing is required.

(B) This order is issued under authority delegated to the Director and is final unless appealed to the Commission under Rule 1902 within 30 days from the date of this order. Failure to file a petition appealing this order to the Commission shall constitute acceptance of this order.

Fred E. Springer
Fred E. Springer
Acting Director, Office
of Hydropower Licensing

RECEIVED
AUG 24 1987

1/ 16 U.S.C. § 197(g)(1982).

EL87-7

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Department of Water Resources

RECEIVED
MAY 07 1987

Notice of Application filed with the Commission
(April 22, 1987)

Take notice that the following hydroelectric application has been filed with the Federal Energy Regulatory Commission and is available for public inspection.

- 15-7349 per [signature]
75-7443 [signature]
- a. Type of Application: Declaration of intention
 - b. Project No: EL87-7
 - c. Date filed: November 24, 1986
 - d. Applicant: R. A. Rabe
 - e. Name of Project: Rabe
 - f. Location: Ditch Creek, Lemhi County, Idaho
SE SE Section 8, T.25N, R21E
 - g. Filed Pursuant to: Section 23(b) of the Federal Power Act, 16 U.S.C. §5817(b)
 - h. Contact Person: R. A. Rabe
Project Owner
1801 Whitney
Idaho Falls, ID 83402
 - i. Comment Date: JUN 1 1987
 - j. Description of Project: The proposed run-of-river project would consist of: (1) a 10-inch-diameter 600-foot-long penstock; (2) a powerhouse containing one generating unit with capacity of 5 kw; and (3) appurtenant facilities. Applicant estimates the average annual generation would be 17,000 kWh.
- When a Declaration of Intention is filed with the Federal Energy Regulatory Commission, the Federal Power Act requires the Commission to investigate and determine if the interests of interstate or foreign commerce would be affected by the project. The Commission also determines whether or not the project: (1) would be located on a navigable waterway; (2) would occupy or affect public lands or reservations of the United States; (3) would utilize surplus water or water power from a government dam; or (4) if applicable, has involved or would involve any construction subsequent to 1935 that may have increased or would increase the project's head or generating capacity, or have otherwise significantly modified the project's pre-1935 design or operation.
- k. Purpose of Project: The proposed project would furnish electric power for domestic use on the owner's land.
 - l. This notice also consists of the following standard paragraphs: B, C, and D2.

DC-A-6
AUG 24 1987

RECEIVED

B.

Comments, Protests, or Motions to Intervene - Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 C.F.R. §§385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

C.

Filing and Service of Responsive Documents - Any filings must bear in all capital letters the title "COMMENTS", "RECOMMENDATIONS FOR TERMS AND CONDITIONS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST" or "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing is in response. Any of the above named documents must be filed by providing the original and the number of copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Mr. Fred E. Springer, Director, Division of Project Management, Federal Energy Regulatory Commission, Room 203-RB, at the above address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

REPROFILMED

AUG 24 1987

POWER CALCULATIONS FOR APPLICATION NO. 75-7443

5
P = Kilowatts .74 X hp
Q = cfs 3.0
H = feet 38'
e = efficiency

- NONE
- ✓ 1.) Affidavit of Residency
 - ✓ 2.) Ownership of Facilities
 - N/A 3.) *Financial Ability
 - 4.) Feasibility of Project
 - a. Plans, drawings
 - b. Economic analysis
 - N/A 5.) *Compliance w/FERC
 - only for projects of more than 25 cfs or more than 500 horsepower.

$$e = \frac{P(11.8)}{QH} = \frac{5(11.8)}{3.0 \times 38} = \frac{59}{114} = 0.52 \leftarrow \text{LOW}$$

with Rt. 75-7349

$$\frac{5(11.8)}{5.0 \times 38} = \frac{59}{190} = 0.31 \leftarrow \text{real LOW}$$

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

over

OVERLAP REVIEW

P/D 75-7349 - same system

P/U 75-7300 - irrig.
75-7349 - same system
75-7273 - mining

BYPASSED AREA. ~~XXXXXXXXXX~~

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AUG 24 1987

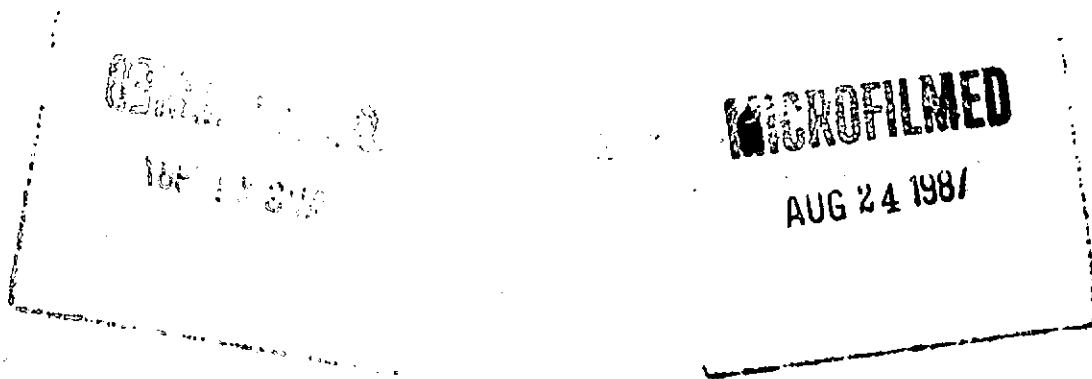
KW
6/15/87

for both
rights when combined

$$P = \frac{QHe}{11.8} = \frac{5 \times 38 \times 0.80}{11.8} = 12.88 \text{ kW}$$

will produce ~13 kW at 5.0 cfd
with 80% efficiency

$$e = \frac{13 \times 11.8}{5 \times 38} = \frac{153.4}{190} = 0.807 \approx \underline{0.86 \text{ eff.}}$$



State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY: Steve McCormick

APPLICATION NUMBER: _____

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.

Field check by: _____

Date: _____

Comments: _____

☐ 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.

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

Sent form 205/206 to applicant.

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.
☐ Other _____

Copies sent by: _____ Date: _____

PROCESSING:

☐ Yes ☒ No Platted by: _____ Map No. _____

☒ Yes ☐ No Other rights on same place of use. 74-7349 Approved Permit.

☒ Yes ☐ No* In form for advertising. Same project

☐ Yes ☐ No Final date for protests: 12-8-86

☐ Yes ☐ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

☒ Affidavit of publication received. Date: 12-01-86

☐ 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? _____

10-31-1986 Date of priority recommended.

Special conditions of approval or cover letter. _____

OK, 08A, 17F, 17K, 25, 26, 27, 30

Diversion of water under this permit is subject to

and Agreement dated 11, March, 1987.

OK to allow 5 yrs. to develop this use.

By: Ernest Carlson. Date: 21 May 87.

STATE OFFICE REVIEW:

17K 17M 25 27

08A 26 01F 09E

By: KW Date: 6/15/87

☐ See attached sheet for more information.

By: _____ Date: _____

Department of Water Resources

POINT OF DIVERSION AND STREAM INDEX INFORMATION

TRACT SEC TWP RGE gov't rediv. REACH
lot (R)

IDAHO STREAM CODE INDEX

TRACT SEC TWP RGE gov't rediv. REACH
lot (R)

IDAHO STREAM CODE INDEX

TRACT SEC TWP RGE gov't rediv. REACH
lot (R)

IDAHO STREAM CODE INDEX

TRACT SEC TWP RGE gov't rediv. REACH
lot (R)

IDAHO STREAM CODE INDEX

TRACT SEC TWP RGE gov't rediv. REACH
lot (R)

IDAHO STREAM CODE INDEX

March 19, 1987

Herbert A. Pollard, II
Regional Supervisor
Idaho Dept. Fish & Game
Region 6
1515 Lincoln Road
Idaho Falls, Idaho 83401

RE: Application for Permit 75-7443

Dear Mr. Pollard:

In a letter dated December 26, 1986 you expressed the position that the Idaho Department of Fish & Game had no objections to the above application provided the applicant would agree to leave a minimum of 0.1 cfs of water in stream.

I have discussed this matter with Mr. Rabe and he stated it was not his intention to dewater the channel during those periods when the flows in Ditch Creek are below 5.0 cfs. His position regarding the 0.1 cfs instream flow is clearly established by a stipulation which he signed and submitted to this Department. A copy of the stipulation is enclosed for your Department's records.

With the stipulation on file, it is our understanding the objections to Mr. Rabe's appropriation of the additional 3 cfs have been resolved. This office is therefore proceeding with final action on permit application 75-7443.

Respectfully submitted,

Ernest Carlsen
Water Right Supervisor

Enclosure: Copy of Stipulation

MICROFILMED

AUG 24 1987

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR) STIPULATION AND
PERMIT NO. 75-7443 IN THE NAME OF) AGREEMENT
RICHARD A. RABE)
_____)

I hereby agree to leave water in the channel of Ditch Creek at all times when operating my hydropower facility. Furthermore I agree to leave a minimum of 0.1 cfs in the channel when diverting water under permits 75-7443 and 75-7349.

Signed this 11th day of March, 1987.

Richard A. Rabe

Richard Rabe

MICROFILMED

AUG 24 1987

RECEIVED

MAR 12 1987

Department of Water Resources
Eastern District Office

March 9, 1987

Richard Rabe
1801 Whitney
Idaho Falls, Idaho 83402

RE: Application for permit 75-7443, Hydropower on Ditch Creek

Dear Mr. Rabe:

It is my understanding from our conversation on February 23, 1987 that you do not intend to dewater Ditch Creek while operating your hydropower facility and would not object to such a condition being placed on the above application. To authorize conditioning your permit in this manner sign the enclosed stipulation and agreement and return it to this office. With the stipulation in place the Department will be able to proceed with administrative action on your application. Should you disagree with the operation restriction imposed by the stipulation please call or contact me.

Respectfully submitted,

Ernest Carlsen
Water Rights Supervisor

EC/md

Enclosure

MICROFILMED

AUG 24 1987

IDAHO DEPARTMENT OF FISH AND GAME
REGION 6
1515 Lincoln Road
Idaho Falls • Idaho • 83401
December 26, 1986

RECEIVED
DEC 31 1986
Department of Water Resources
Eastern District Office

Mr. Ernest Carlsen
Water Rights Supervisor
Department of Water Resources
150 Shoup - Suite 15
Idaho Falls, Idaho 83402

RE: #75-7443 - Ditch Creek
Richard A. Rabe

Dear Ernie:

Department of Fish and Game personnel have reviewed the above referenced application to withdraw up to 5 cfs of water from Ditch Creek for hydropower purposes (private use). Ditch Creek rarely reaches this level of flow except during extreme runoff conditions. Summer flows may be less than .5 cfs in some years.

Prior correspondence has pointed out our general position on this proposal that no significant impacts to fish or wildlife would likely occur. We wish to amend that position slightly and request that, as per our policy, no natural stream course be completely dewatered for hydropower purposes. We would have no objections to the request to increase the minimum flow level to 5 cfs if the applicant would agree to leave a minimum of .1 cfs of water instream at all times.

We feel this is needed to assure riparian vegetation health and provide water for birds, game and nongame wildlife and aquatic life.

Thank you for the opportunity to comment on this application.

Sincerely,



Herbert A. Pollard, II
Regional Supervisor
Region 6

MICROFILMED

HAP:MR:dk

cc: U.S. Fish & Wildlife Service
Bureau of Program Coordination
Bureau of Fisheries
Mel Reingold

AUG 24 1987

December 12, 1986

State of Idaho
Department of Fish & Game
1515 Lincoln Road
Idaho Falls, Idaho 83401

RE: Application for Permit 75-7443

Gentlemen:

Enclosed is a copy of the above captioned application which we inadvertently neglected to notify your department of at the time it was filed. Notice of the application has already been published and the period in which a protest could be submitted has past.

A review of our records reveals your department had previously examined Mr. Rabe's hydro-power development when he filed permit 75-7349. It was determined then that the impact to the environment did not merit pursuing a protest against the filing. With this application Mr. Rabe is proposing to increase the amount of water diverted thru his hydro-electric facility up to 5.0 cfs maximum.

Though it is not possible to protest the application, please notify this office if your department has any concerns which are within the jurisdiction of the Department of Water Resources. Comments should be submitted by January 5, 1987.

Respectfully submitted,

Ernest Carlsen
Water Rights Supervisor

EC/md

Enclosure

MICROFILMED

AUG 24 1987

November 19, 1986

Richard A. Rabe
1801 Whitney
Idaho Falls, Idaho 83402

Re: Application for permit No. 75-7443

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your water right application for permit. The application has been assigned identification no. 75-7443. Please refer to this number in all further correspondence.

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

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

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

Enclosed please find your receipt, no. 39927 for the amount of \$85.00

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

Sincerely,

Ernest Carlsen
Assistant Regional Supervisor

EC/md

RECORDED

AUG 24 1987

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

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

NOVEMBER 12, 1986

The Recorder-Herald
P. O. Box 310
Salmon, Idaho 83467

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. If you cannot publish the notice on the proposed dates, please contact us immediately.

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

Please send the affidavit of publication and publication billings to this office before DECEMBER 8, 1986.

Yours truly,

RONALD D. CARLSON
Supervisor
Eastern Region

Encl.

MICROFILMED

AUG 24 1987

NOTICE OF APPLICATION
FOR WATER RIGHT

The following applications have been filed to appropriate
the public waters of the State of Idaho:

75-7443

RABE, RICHARD A.

1801 WHITNEY, IDAHO FALLS, ID 83402

Source: DITCH CREEK trib. to HUGHES CREEK

Diversion Pt: LOT 03 (NWSESE) Sec 08 T 25N R 21E

Use: POWER (3.0 CFS)

Date Filed: 10/31/1986

In: SWSE Sec 08 T 25N R 21E

The permits will be subject to all prior water rights.
Protests may be submitted based on the criteria of Sec. 42-203A,
Idaho Code and/or the public interest criteria of Sec. 42-203C,
Idaho Code. Protests must be filed with the Director, Dept. of
Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho,
83402 on or before December 8, 1986.

KEN DUNN

Director

Published 11/20/86 & 11/27/86.

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AUG 24 1987



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

150 Shoup — Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

November 4, 1986

Richard Rabe
1801 Whitney
Idaho Falls, Idaho 83402

Dear Mr. Rabe:

Enclosed is the affidavit form which must be completed
before processing of your application can continue.

Please complete this form and return it to this office.

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

Sincerely,

Steve McCormick

Steve McCormick, P.E.
Water Resource Engineer

SM/md

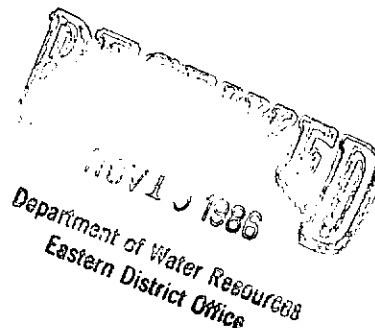
Enclosure

MICROFILMED

AUG 24 1987

Form Enclosed

R. Rabe



November 4, 1986

Richard Rabe
1801 Whitney
Idaho Falls, Idaho 83402

Dear Mr. Rabe:

Enclosed is the affidavit form which must be completed
before processing of your application can continue.

Please complete this form and return it to this office.

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

Sincerely,

Steve McCormick, P.E.
Water Resource Engineer

SM/md

Enclosure

MICROFILMED

AUG 24 1987

CONVERSATION MEMORANDUM

DATE 11-3-79

FILE _____

NAME OF PARTY Richard Rabe.

EMPLOYEE Steve McCormick

RE: Richard Rabe Application for Hydro-Power Permit.

Mr Rabe has already begun work on this project.

This application is intended to appropriate additional water
from Ditch Creek for the same project.

MICROFILMED

AUG 24 1981



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

ROUTE

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

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

October 16, 1986

RECEIVED

OCT 22 1986

Department of Water Resources
Eastern District Office

R.A. Rabe
1801 Whitney
Idaho Falls, ID 83402

Re: Permit No. 75-7349

Dear Mr. Rabe:

In response to your inquiry regarding an amendment to Permit No. 75-7349, I reviewed Section 42-211, Idaho Code, which provides for amendments to permits under limited circumstances. The original flow rate permitted cannot be increased by amendment.

Nevertheless, you can apply for additional water on a separate application to appropriate water. I have included an application form and instructions for completion of the form. Should you desire further assistance, I suggest you contact our Eastern Regional Office at 150 Shoup Ave., Suite 15, Idaho Falls, (525-7161).

Sincerely,

Gary Spackman

GARY SPACKMAN
Supervisor, Water Allocation Section

1s

Enclosure

cc: Eastern Region ✓

MICROFILMED

AUG 24 1987

IDENT. NO. _____

I D A H O D E P A R T M E N T O F W A T E R R E S O U R C E S

WATER RIGHT
DATA ENTRY LOG[illegible]