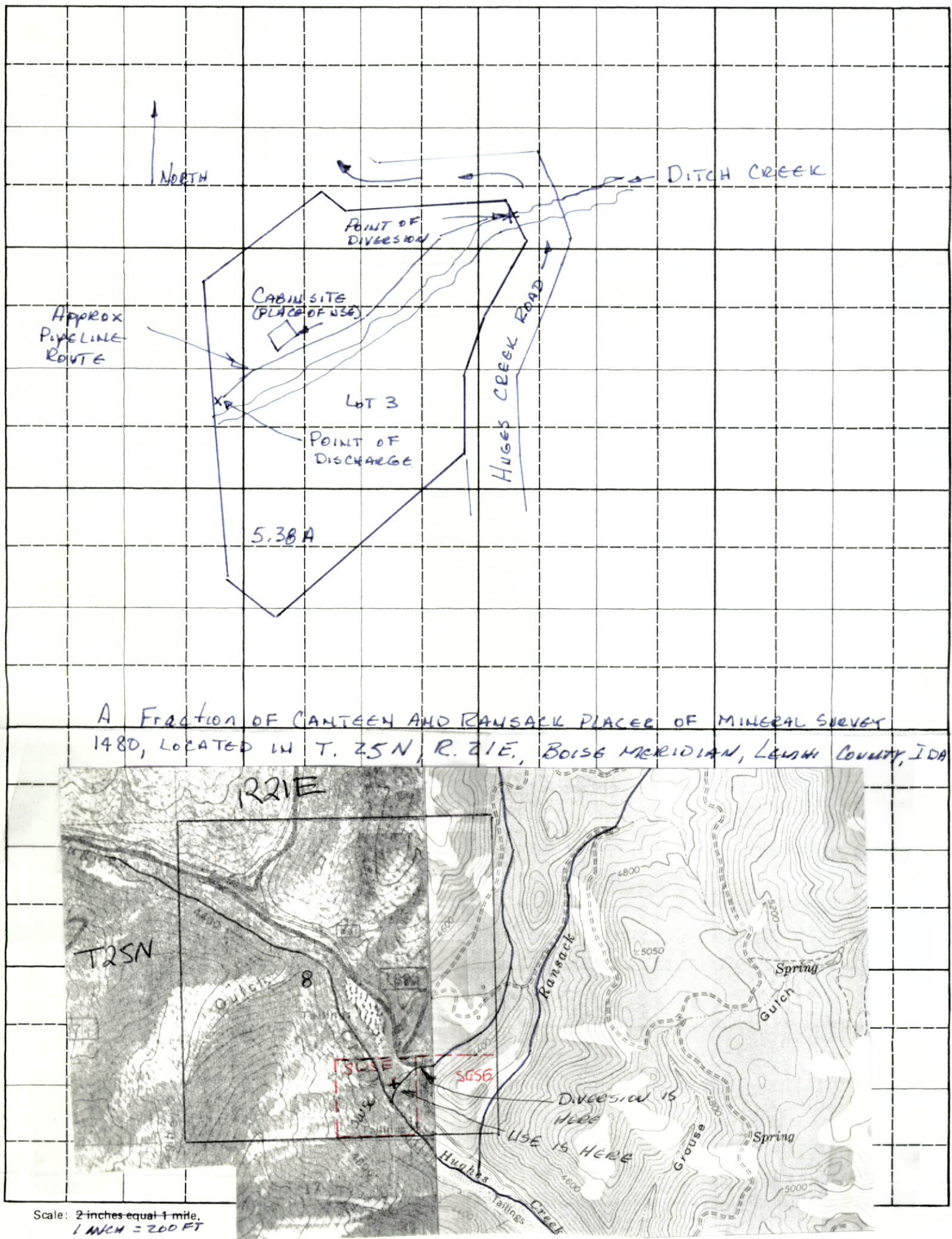


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



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. Rabe
(Applicant)

MICROFILMED

NOTICE OF
APPLICATION FOR
WATER RIGHT

The following applica-
tion(s) have been filed to
appropriate the public
waters of the State of
Idaho:

75-7349

RABE, RICHARD A.
1801 WHITNEY, IDAHO
FALLS, ID 83401

Source: DITCH CREEK
trib. to HUGHES CREEK
Date Filed: 04/11/1983

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

Use: IRRIGATION (0.10
CFS)

POWER (1.90 CFS)
In: SWSE Sec 08 T 25N R
21E FOR 6 ACRES

74-7173

WATTS, STEVE
BOX 175, LEADORE, ID
83464

Source: SPRING trib. to
LEMHI RIVER

Date Filed: 04/05/1983
Diversion Pt: NESW Sec
28 T 16N R 26E

Use: IRRIGATION (0.06
CFS)

STOCKWATER (0.02
CFS)

DOMESTIC (0.04 CFS)
In: NESW Sec 28 T 16N R
26E FOR 3 ACRES

MICROFILMED

Affidavit of Publication

STATE OF IDAHO

County of Lemhi

ss.

APR 28 1983

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 Notice of Application for Water Rights 75-7349,
74-7173, 74-7174

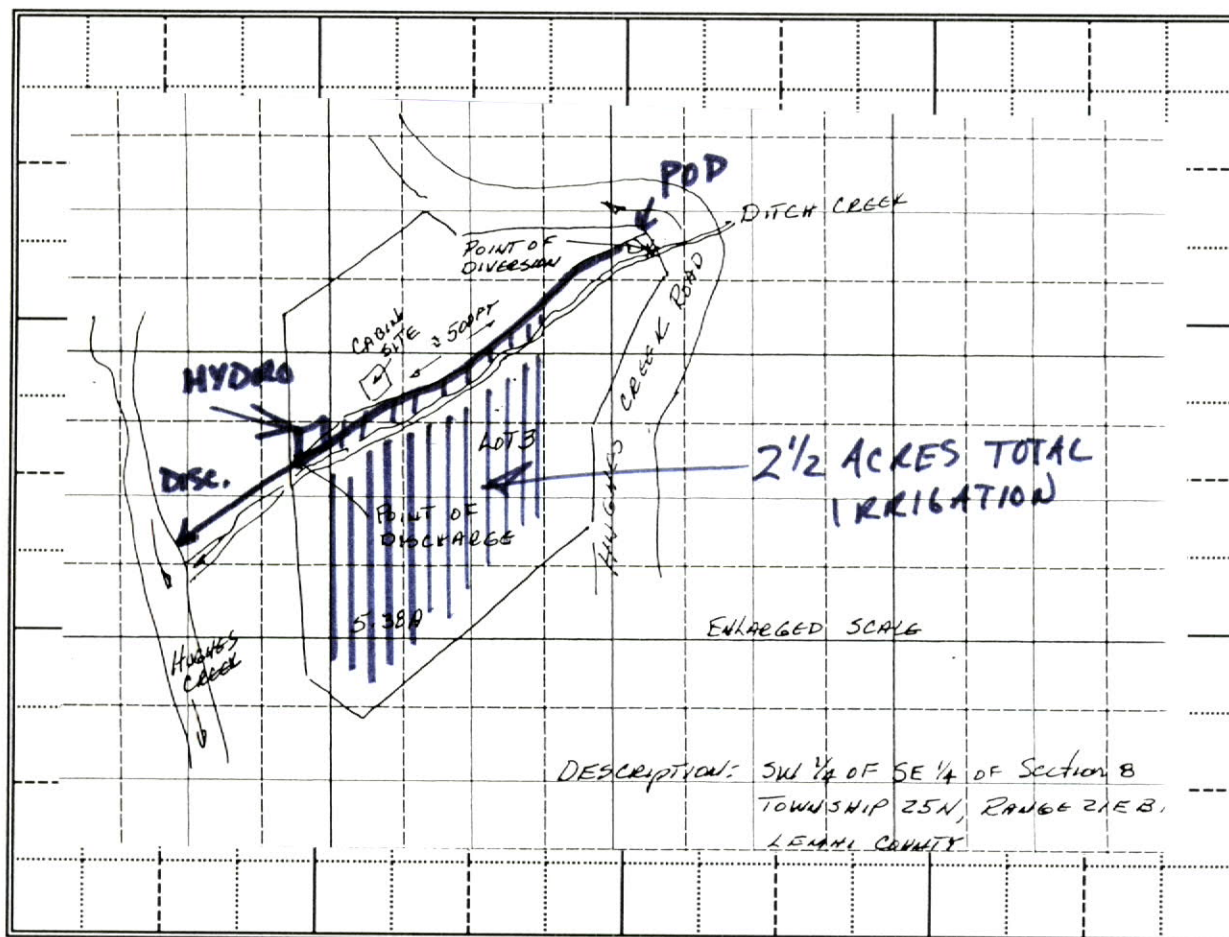
a true
printed copy of which is attached to the margin hereof, has been and was correct-
ly printed and published in the regular and entire issue of every number of said
newspaper and not in any supplement thereof or thereto for ²
consecutive issues, commencing with the issue dated April 21, 1983
and ending with the issue dated April 28, 1983

Subscribed and sworn to before me, this twenty eighth
day of April, 1983

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

Publication Fee \$ 50.40

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 Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

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

____ 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: (HYDRO) UNABLE TO MEASURE SYSTEM DUE TO DESIGN

OCT 11 1996

RICHARD A KABE

HYDRO / IRRIGATION

1 of 3

POINT OF
DIVERSION
DITCH CREEK



PICKUP POINT
FOR HYDRO
INTAKE AND
IRRIGATION



OCT 11 1996

PERMIT
NUMBER

75-07349

RICHARD A. RABE

HYDRO / IRRIGATION

2 of 3

PLACE OF
USE

IRRIGATION

LEFT VIEW



PLACE OF
USE

IRRIGATION

RIGHT VIEW



PERMIT
NUMBER

75-07349

OCT 11 1996

RICHARD A. RABE

HYDRO / IRRIGATION

3 of 3

TURBINE
POWER
PLANT

PLACE OF
USE

NON-CONSUMPTIVE



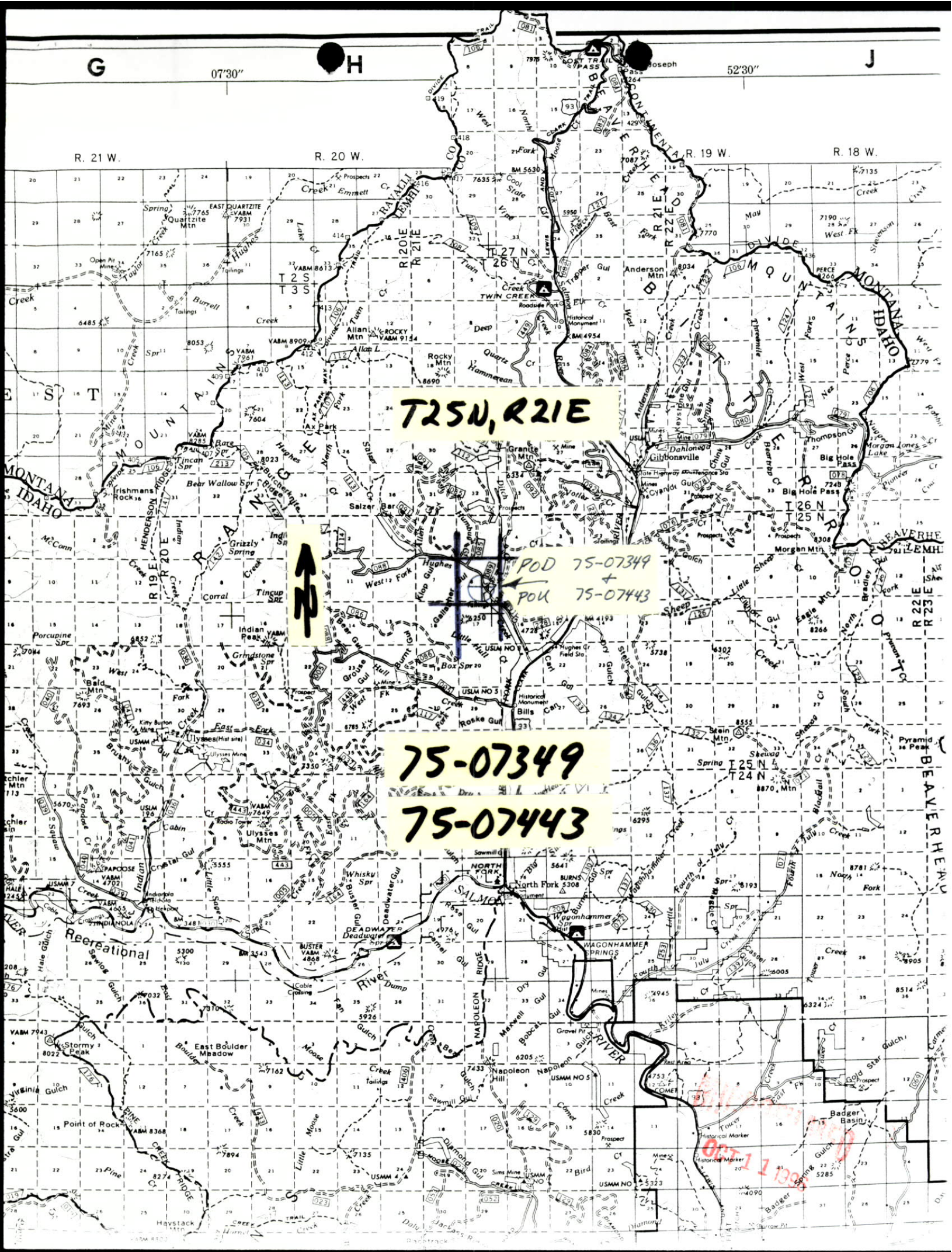
VIEW OF
TURBINE
BUILDING
POINT OF
DISCHARGE
TO HUGHES
CREEK



APPROVED
OCT 11 1996
↑
FLOW

PERMIT
NUMBER

75-07349



G

07'30"

H

52'30"

J

R. 21 W.

R. 20 W.

R. 19 W.

R. 18 W.

T25N, R21E

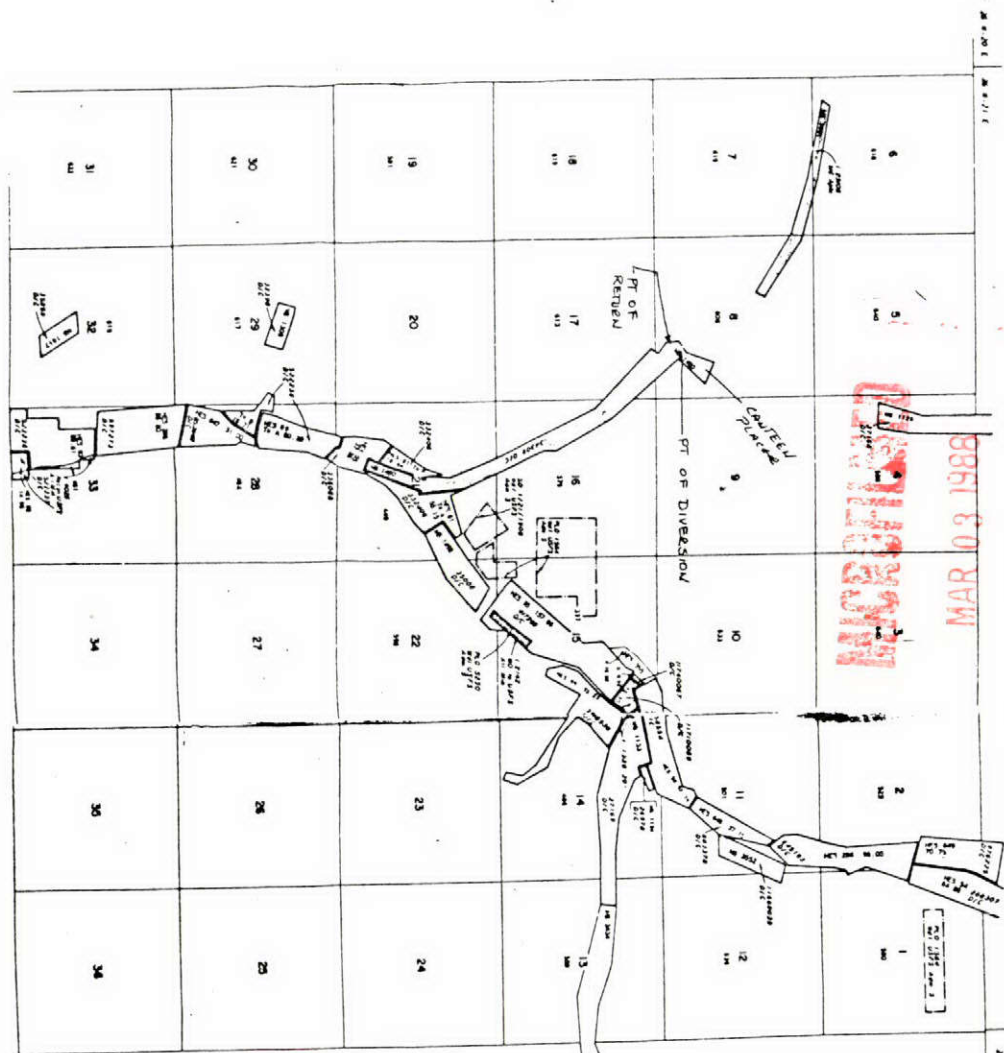
POD 75-07349
+
POH 75-07443

75-07349
75-07443

OCT 1 1996

- D2. 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



Revised and Reprinted by the Oregon State Lands Office

LEWIS COUNTY OREGON
Section 10, T12N, R12E

LAND AND MINERAL TITLE
AND ACQUIRED LANDS

MT PLAT

NOTES TO REQUESTED TITLE	
Section	Owner
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ALL PLATS MUST BE FILED WITH THE OREGON STATE LANDS OFFICE, 1000 NE OREGON STREET, PORTLAND, OREGON 97232. PLATS NOT SO FILED WILL BE REJECTED.

DATE: 03/03/88

BY: [Signature]

FOR: [Signature]

RE: [Signature]

FILED: [Signature]

NOTED: [Signature]

RECEIVED: [Signature]

DATE: [Signature]

BY: [Signature]

FOR: [Signature]

RE: [Signature]

FILED: [Signature]

NOTED: [Signature]

RECEIVED: [Signature]

DATE: [Signature]

BY: [Signature]

FOR: [Signature]

RE: [Signature]

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 75-07349

Priority: April 11, 1983

Maximum Diversion Rate: 1.97 CFS

Maximum Diversion Volume: 1381.9 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 April 11, 1983; and
has submitted Proof of Beneficial Use on May 6, 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>
IRRIGATION	04/15 to 10/15	0.07 CFS	8.8 AF
POWER	01/01 to 12/31	1.90 CFS	1373.1 AF
	Totals	1.97 CFS	1381.9 AF

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

<u>PLACE OF USE:</u>	<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
IRRIGATION	25N	21E	8	SWSE	2.5		2.5
Total number of acres irrigated:							2.5

PLACE OF USE:
POWER, same as IRRIGATION use

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.

OCT 1 1996

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

WATER RIGHT NO. 75-07349

CONDITIONS OF APPROVAL AND REMARKS

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.
7. The water right confirmed in this license for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this license and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this license.
8. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for the lands above.
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 1 1996

Form 10
08/88

RECEIVED

MAY 6 1991

Department of Water Resources

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

For Office Use Only

Amt. of Fee \$ 200.00

Date 5/6/91

Receipt No. CD20389

Received by J. S. Davis

\$75.00

5/24/91

CD20583

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

Telephone No. Home 523-2135 Work 523-5362

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

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 Rake
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.

RECEIVED

JUN 10 1991

MAY 5, 1991
Date

Richard A Rake

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

RECEIVED

FEB 10 1988

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

For Office Use Only

\$15 FEE Received by SELFDate 2-11-88Receipt # 48406

REQUEST FOR EXTENSION OF TIME

Department of Water Resources To provide additional time in which to submit proof
of beneficial use for a water right permit

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time in which to complete development of a water right under the provisions of Section 42-204, Idaho Code.

Permit No. 75-7349Name(s) of Permit Holder: RICHARD A. RABEPost Office Address: 1801 Whitney, IDAHO FALLS IDAHO 83402Telephone No. 523-2135Date Proof Is Due: JULY 1 1988

Describe what work has been completed toward the development of this water right: Beast removed &
(This must be filled out! If no work has been completed, show "none".)

LAND Levelled for Penstock ROUTE, Power House Constructed,
Turbine Generator Purchased & installed in Power house, 10" Penstock
Purchased & on site

Costing \$ 13,000

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

ALL work must be accomplished on weekends since site is 192 miles
from Place of Residence. Also considerable hand excavation is necessary
Since I am unable to get Powered equipment to some Positions. Penstock
excavation must be done after spring runoff.

Permit holder(s) request an extension to July 1, 1988.
(1 yr. minimum)Richard A Rabe
(Signature)*

FEE: \$15.00

*IF OTHER THAN PERMIT HOLDER,
POWER OF ATTORNEY MUST BE SUPPLIED.

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be APPROVED and the time within which to submit proof of beneficial use is extended to July 1, 1991.

MICROFILMED

MAR 03 1988

Signed this 17th day of February, 1988.

J. Glen Saxton
Chief, Operations Bureau

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

Post office address 1801 WHITNEY IDAHO FALLS IDAHO

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

3. Location of point of diversion is SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 8 Township 25N

Range 21E B.M. LEMHI COUNTY County, additional points of diversion if any: _____

DIVERSION IS AT TOP OF LOT 3 OF HUGHES CREEK SUBDIVISION IN
LEMHI COUNTY

4. Water will be used for the following purposes:

Amount 1.9 cfs for POWER purposes from JAN 1 to DEC 31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount .10 cfs for IRRIGATION purposes from MAY 15 to SEPT 15 (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. 2.0 cubic feet per second and/or b. _____ 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 500 FT TO BOTTOM OF LOT FOR DISCHARGE THROUGH
TURBINE. PIPE SIZE - 8" DIA - OTHER FEATURES ARE UNKNOWN AT THIS TIME.

b. Height of storage dam NA 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 NA 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: SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 8 Township 25N
Range 21E B.M. LOT 3 HUGHES CREEK SUBDIVISION, LEMHI COUNTY

(2) Amount of power to be generated: 4 (MAX) horsepower under 38 feet of head.

(3) List number of each kind of livestock to be watered NONE

(4) Name of municipality to be served NONE, or number of families to be
supplied with domestic water ONE.

(5) If water is to be used for other purposes describe: NON-CONSUMPTIVE USE TO GENERATE
APPROX 1 1/2 KW OF POWER DURING LOW FLOW PERIODS UP TO 3 KW
DURING MODERATE FLOW PERIODS

RECORDED

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	
			LOT # 3 OF HUGHES CREEK SUBDIVISION - LEMHI COUNTY																5 1/2
			A Fraction of Canteen PLACER and BANSACK PLACER OF MINERAL																
			SURVEY 1480 LOCATED IN T 25N, R 21E BOISE MERIDIAN																
			Lemhi County, Idaho																
			(Also see description on warranty deed copy)																
25N	21E																	5.5	

Total number of acres to be irrigated 6 5 1/2

c. Describe any other water rights used for the same purposes as described above. None

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

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

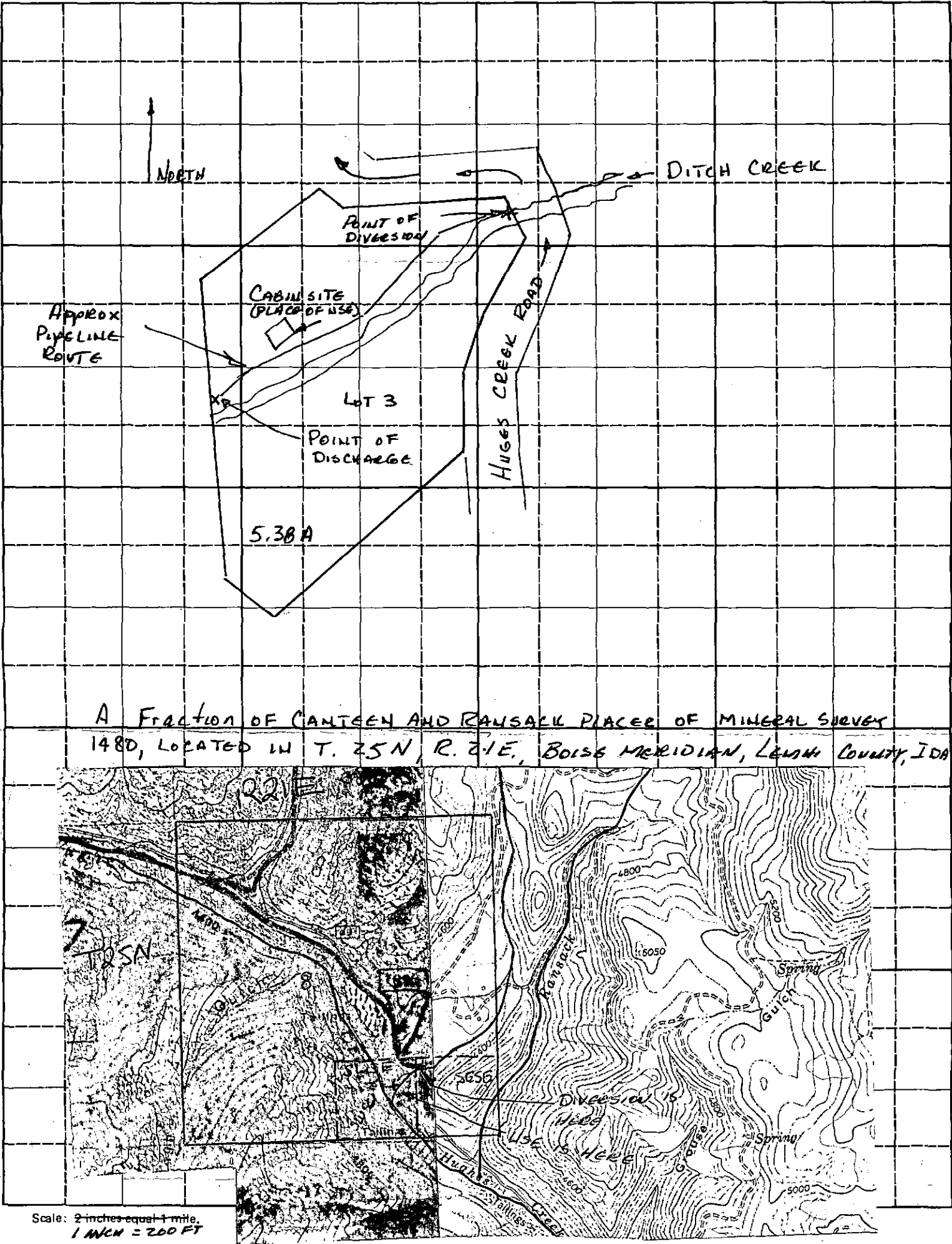
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing

10. Remarks The power generated with this system is for personal use at lot 3 of the Hughes Creek Subdivision. Power will only be generated when Cabin is occupied on selected weekends during the year. Future use may be full time if upon retirement the wife & I move to the site.

The irrigation water is to be used for summer irrigation to obtain additional grass to graze several horses & for an orchard & garden.

Approx 10% of water will be allowed to flow in creek bed during low flow periods - more during high flow periods.

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



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. Rebe
(Applicant)

MICROFILMED

MICROFILMED

Proposed Priority 4-11-83

Received by BP CW Date 4-11-83 Time 3:45 pm
3:10 p

Preliminary check by HWT Fee \$ 65.00

Receipted by BP Date 4/12/83 # 28031

Publication prepared by BP Date 4/13/83

Published in Recorder Herald

Publication dates 4/21 & 4/28/83

Publication approved CW Date 5-2-83

Protests filed by: F&G WITHDRAWN

Copies of protests forwarded by CW

Hearing held by _____ Date _____

Recommended for approval denial by ENC RC Sim

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. 75-7349, and said application is hereby Approved

1. Approval of said application is subject to the following limitations and conditions:

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before July 1, 19 88.

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:

1. 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.
2. 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.
3. This permit does not constitute Idaho Public Utilities Commission or Federal Energy Regulatory Commission approval that may be required.
4. Use of water under this permit for the purpose of power generation is subordinated to future diversion of water either upstream or downstream for irrigation or other consumptive beneficial uses.
5. 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.

Witness my hand this 21st day of June, 1983.

A. Glen Saxton
Chief, Operations Bureau

WARRANTY DEED

For Value Received JOHN WESTMAN and DUANE H. BEUCLER,
both dealing as to their sole and separate property,

the grantors, do hereby grant, bargain, sell and convey unto

RICHARD A. RABE and DONNA L. RABE, husband and wife,

the grantees, the following described premises, in Lemhi County Idaho, to-wit:

A fraction of Canteen Placer and the Ransack Placer of Mineral Survey 1480, located in T. 25 N., R. 21 E., Boise Meridian, Lemhi County, Idaho, more particularly described as follows, to-wit:

Commencing at Corner No. 2 of the Canteen Placer and the POINT OF BEGINNING run thence North 52 degrees 28 minutes East 245.62 feet to the Southwesterly Right-of-Way line of the Forest Service Road; thence along the said Right-of-Way South 48 degrees 34 minutes 20 seconds East 50.45 feet; thence North 85 degrees 16 minutes 10 seconds East 264.01 feet; thence South 30 degrees 01 minutes East 74.39 feet; thence South 30 degrees 28 minutes 40 seconds West 137.66 feet; thence South 19 degrees 48 minutes 40 seconds West 113.56 feet; thence South 01 degrees 39 minutes 40 seconds East 124.80 feet; thence South 48 degrees 15 minutes 44 seconds West 402.41 feet; thence North 51 degrees 03 minutes 14 seconds West 101.34 feet; thence North 05 degrees 50 minutes 05 seconds West 483.27 feet;

ALSO: Commencing at Corner No. 6 of the Canteen Placer, run South 46 degrees 22 minutes 55 seconds East 14.42 feet to the Northeasterly Right-of-Way line of the Forest Service Road and the POINT OF BEGINNING. Run thence South 19 degrees 48 minutes 40 seconds West 88.59 feet; thence South 01 degrees 39 minutes 40 seconds East 56.72 feet; thence North 48 degrees 15 minutes 44 seconds East 121.37 feet; thence North 46 degrees 22 minutes 55 seconds West 85.91 feet.

TOGETHER WITH All water, water rights, ditches, ditch rights, minerals, mineral rights appurtenant thereto or used in connection therewith.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises; that they are free from all incumbrances

and that he will warrant and defend the same from all lawful claims whatsoever.

Dated: September 30, 1976

John Westman
Duane H. Beucler

ARIZONA

STATE OF ~~ARIZONA~~, COUNTY OF Maricopa

On this 5th day of October, 19 76,
before me, a notary public in and for said State, personally

John Westman
Duane H. Beucler

known to me to be the persons whose names are
subscribed to the within instrument, and acknowledged to
be theirs that they executed the same.

William Coleman
Notary Public
Residing at Scottsdale, Arizona
Comm. Expires April 16, 1979

STATE OF IDAHO, COUNTY OF *Lemhi*

I hereby certify that this instrument was filed for record
at the request of *Lemhi Title Abstract*

at 47 minutes past 11 o'clock P. m.,
this 15th day of October,
19 76, in my office, and duly recorded in Book File
of Deeds at page

Eugene A. Alden
Ex-Officio Recorder

By *Robert A. Slawson*
Deputy.

Fees \$ 100 Paid
Mail to:

RECEIVED

MAR 31 1983

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

Department of Water Resources

Eastern District Office

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 BONNEVILLE, 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 24 day of March, 19 83, 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. Laugh
Notary Public residing at

Blackfoot, Idaho

My commission expires:

Indefinite

NOTICE OF
APPLICATION FOR
WATER RIGHT

The following applica-
tion(s) have been filed to
appropriate the public
waters of the State of
Idaho:

75-7349

RABE, RICHARD A.
1801 WHITNEY, IDAHO
FALLS, ID 83401
Source: DITCH CREEK
trib. to HUGHES CREEK
Date Filed: 04/11/1983
Diversion Pt: LOT 03
(SESE) Sec 08 T 25N R
21E
Use: IRRIGATION (0.10
CFS)
POWER (1.90 CFS)
In: SWSE Sec 08 T 25N R
21E FOR 6 ACRES
74-7173

WATTS, STEVE
BOX 175, LEADORE, ID
83464
Source: SPRING trib. to
LEMHI RIVER
Date Filed: 04/05/1983
Diversion Pt: NESW Sec
28 T 16N R 26E
Use: IRRIGATION (0.06
CFS)
STOCKWATER (0.02
CFS)
DOMESTIC (0.04 CFS)
In: NESW Sec 28 T 16N
26E FOR 3 ACRES

MICROFILMED

Affidavit of Publication

STATE OF IDAHO

County of Lemhi

ss.

APR 28 1983

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 Notice of Application for Water Rights 75-7349,

74-7173, 74-7174

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 April 21, 1983
and ending with the issue dated April 28, 1983

Subscribed and sworn to before me, this

twenty eighth

day of April

1983

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

Publication Fee \$ 50.40

74-7174

BOLTON ENTERPRISES
RT. 1, BOX 14, SALMON,
ID 83467

Source: SPRING trib. to
SINKS

Date Filed: 04/11/1983

Diversion Pt: NENW Sec
34 T 22N R 23E

Use: MINING (0.30 CFS)

In: SWNE SENE NESE

NWSE SWSE SESE Sec

20 T 22N R 23E NENE

NWNE SWNE SENE

NENW NWNW SWNW

SENE NESW NWSW

SWSW SESW NESE

NWSE SWSE SESE Sec

21 T 22N R 23E NESW

NWSW SWSW SESW Sec

22 T 22N R 23E NENE

NWNE SWNE SENE

The permits will be sub-
ject to all prior water
rights. Protests must be
filed with the Director,
Dept. of Water Re-
sources, 130 Shoup Ave.,
Suite 15, Idaho Falls,
Idaho 83402 on or before
MAY 9, 1983.
KEN DUNN, Dir.
Published 4/21 & 4/28/
83.

4-21-2c

NENW SENE NESW
SESW NESE NWSE
R SWSE SESE Sec 28 T 22N
23E NENW NWNW
NWSW SWSW SESW
27 T 22N R 23E NESW
Sec 26 T 22N R 23E NENE
NWNW SENE NESW
SESE Sec 33 T 22N R 23E
NENE SENE NESW
SENE NWNW NESW
NWSW SWSW SESW
34 T 22N R 23E NESW
Sec 35 T 22N R 23E NESW
R SWSE SESE Sec 04 T 21N
23E SENE NESW
NWSW SWSW SESW
Sec 03 T 21N R 23E NESW
NWNW SENE NESW
SESW NESW SWSW
SWSE SESE Sec 09 T 21N
R 23E NENE NESW
NWNW SWSW SESW
21N R 23E NESW
SENE Sec 17 T 21N R 23E



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 83466

RE: WATER RIGHT NO. 75-07349

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

MAILED
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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1 1996

865-2468

LICENSE REVIEW CHECKLIST

PERMIT NO. 75-07349

DATE 9/11/96

REVIEWER: S H A R L A

NAME Change OK

Address Change yes

SOURCE Change OK

Is change clarification of originally intended source? yes

If not, prepare Notice of Intent to Void no

POINT OF DIV Change OK

Amendment required No

PLACE OF USE Change OK

Amendment required No

Does map agree with written description? yes no?

OVERLAPS no P/D no P/U

ok Govt plot

RATE OF DIV

Permitted Rate 2.0 cfs

Fee limit 2.0 cfs \$12500 .07 irrig.

Measured 2.0 cfs

Theoretical 8.97 cfs 10" pipe capacity

Recommended Total Div Rate 1.97 cfs

ANNUAL VOLUME/
NATURE OF USES

Change OK

Use Power
W.

Volume Calculation

1.97 x 365 = 719.05 af = 1373.1

2.5 x 3.5 = 8.8 af

1.97 x 3.5 = 6.89 af

1.97 x 3.5 = 6.89 af

SUBTOTAL 466.9 af

1388.9

9/15-10/15 season

Flow rate 1.97 cfs X 365 days X 1.982 = 1430.9 af

Total volume recommended 466.9 af 1381.9

(SUBTOTAL or Flow Rate, whichever is less)

REMARKS

W42 (6/1/2001)

CONDITIONS no Watermaster Control WD# no

no GW Measurement/Measuring Device

R30 Overlap

no Use-specific conditions 025, R23, 09E

Advancement of Priority Date Required no yes no

SRBA Claim Filed N/A

Adjustment Memo Volume (power)

1st Amend Letter N/A

2nd Amend Letter N/A

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
APR 15 1996
Department of Water Resources

A. GENERAL INFORMATION

Permit No. 75-07349

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: 75-07443

2. Other water rights with the same point of diversion: 75-07443

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	21E	LEMHI	U.S.G.S. AERIAL PHOTO

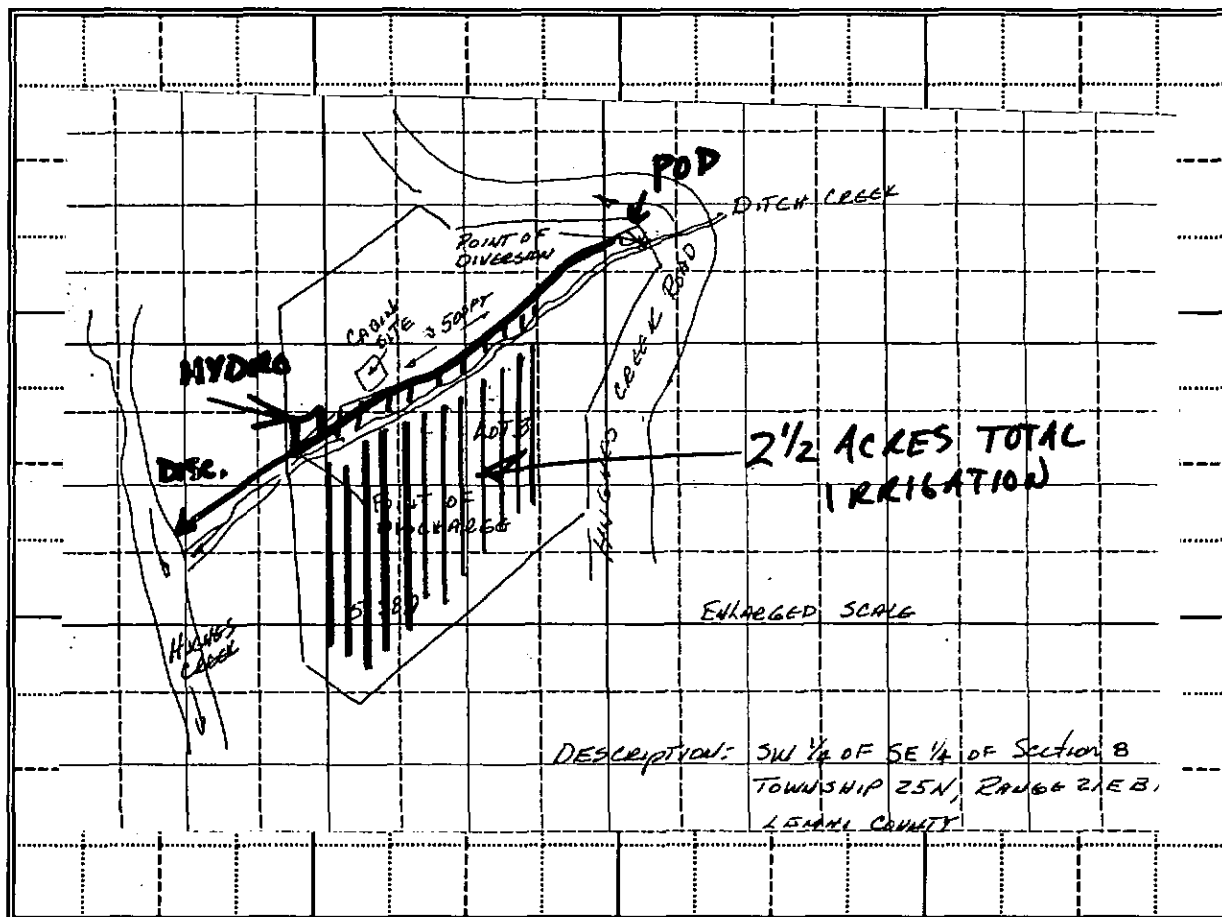
2. Place(s) of Use:

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/A		2 1/2
																	2.5		2.5
																	TOTAL		2 1/2

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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 Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

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

____ 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:

(HYDRO)

UNABLE TO MEASURE SYSTEM DUE TO DESIGN

OCT 11 1996

E. NARRATIVE/REMARKS/COMMENTS

24" CULVERT

SYSTEM DIVERTS WATER OF DITCH CREEK INTO A
PICKUP POND. WATER ENTERS SYSTEM VIA A 10" INLET,
TRAVELS 580' DOWNHILL (37' DROP) THEN ENTERS A HYDRO TURBINE.
DISCHARGE IS BACK TO HUGHES CREEK
TURBINE: KATO ENGINEERING (BANKI) CANYON INDUSTRIES
SERIAL 94520 15 KW 3 PHASE 5346 MOSQUITE LAKE RD.
18.75 KVA 1800 RPM DENNING, WA 98244
1.3 → 4 CFS MAX. 2,000 → 5500 WATTS
SYSTEM OPERATING AT 13 1/2 PSI THIS DATE.

WATER FOR IRRIGATION IS PICKED UP AT INTAKE POND
AND PIPED TO SPRINKLERS BY A 1 1/2" PLASTIC PIPELINE.
8 BIRDS WITH 5/32 ORifice MAX. AT 30 PSI

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

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OCT 11 1996

☒ Additional Computation Sheets Attached

$Q = 10'' \text{ PIPE CAPACITY TO TURBINE} = 8.97 \text{ CFS}$

$$Q = \text{IRRIGATION} = 8 \text{ BIRDS AT } 5/32 \text{ ORifice AT } 30 \text{ PSI} = 4.01 \times 8 = \frac{32.08 \text{ GPM}}{448.8} = 0.071 \text{ CFS}$$

$$2.5 \text{ acres} \times 0.03 \text{ cfs} = 0.075 \text{ cfs}$$

allow 0.07 cfs

1. Volume Calculations for Irrigation:

$$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 2.5 \times 3.5 = 8.75 \text{ AFA}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 0.071 \times 183 \times 1.9835 = 25.77 \text{ AFA}$$

$$V = \text{Smaller of } V_{L,R} \text{ and } V_{D,R} = 8.8 \text{ AFA}$$

H. RECOMMENDATIONS TURBINE SPECS LIMIT CFS TO 40.
PERMITS LIMITS TO 1.9CFS

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
HYDRO POWER	1/1	12/31	~~4.0~~ 1.9	
IRRIGATION	4/15	10/15	0.07	8.8
			~~2.0~~ 1.97	
			4.0 cfs	8.8 AFA

___ 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

Field Examiner's Name SIMPKINS Date 2/6/96

Reviewer A. W. Jones Date 3-22-96

SEAL

OCT 1 1 1996

Hazen-Williams Equation for Closed Pipe Flow

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

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

Q = Discharge (cfs)

D = Pipe Diameter (ft) = 0.83' ft

L = Pipe Length (ft) = 580' ft

H = Elevation Drop (ft) = 37' ft

C_h = 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 | |

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

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 1 1996

Permit # 75-07349

RICHARD A. KABE

HYDRO / IRRIGATION

1 of 3

POINT OF
DIVERSION

DITCH CREEK



PICKUP POINT
FOR HYDRO
INTAKE AND
IRRIGATION

OCT 11 1996

PERMIT
NUMBER

75-07349

RICHARD A. RABE

HYDRO / IRRIGATION

2 of 3

PLACE OF
USE

IRRIGATION

LEFT VIEW

PLACE OF
USE

IRRIGATION

RIGHT VIEW

OCT 11 1996

PERMIT
NUMBER

75-07349

RICHARD A. RABE

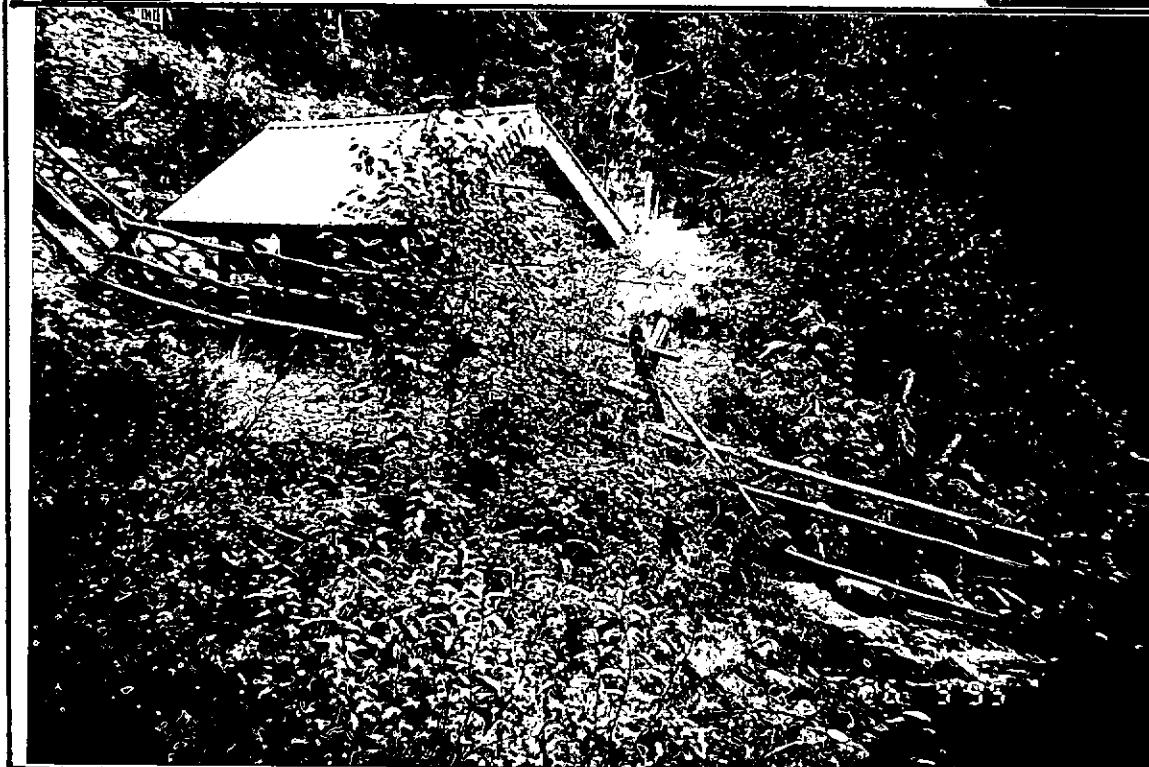
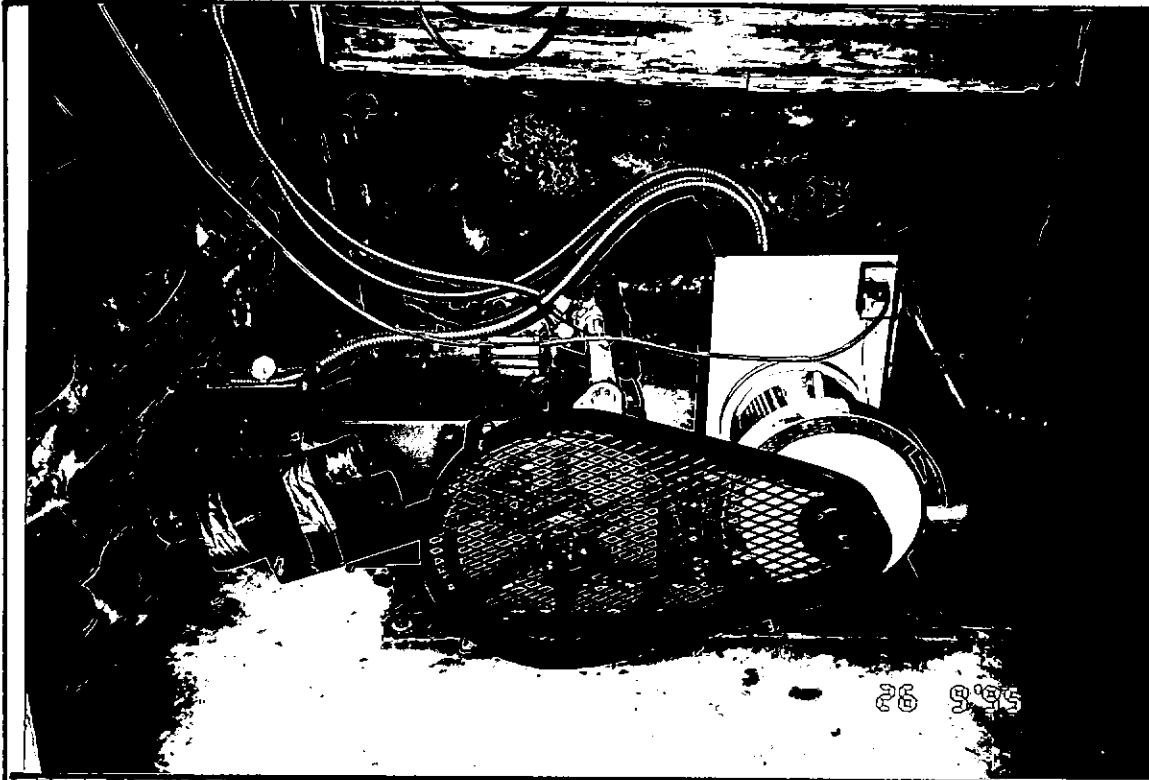
HYDRO / IRRIGATION

343

TURBINE
POWER
PLANT

PLACE OF
USE

NON-CONSUMPTIVE



VIEW OF
TURBINE
BUILDING
POINT OF
DISCHARGE
TO HUGHES
CREEK

APPROVED
OCT 11 1996
↑
FLOW

PERMIT
NUMBER

75-07349

G

07°30'

H

52°30'

J

R. 21 W.

R. 20 W.

R. 19 W.

R. 18 W.

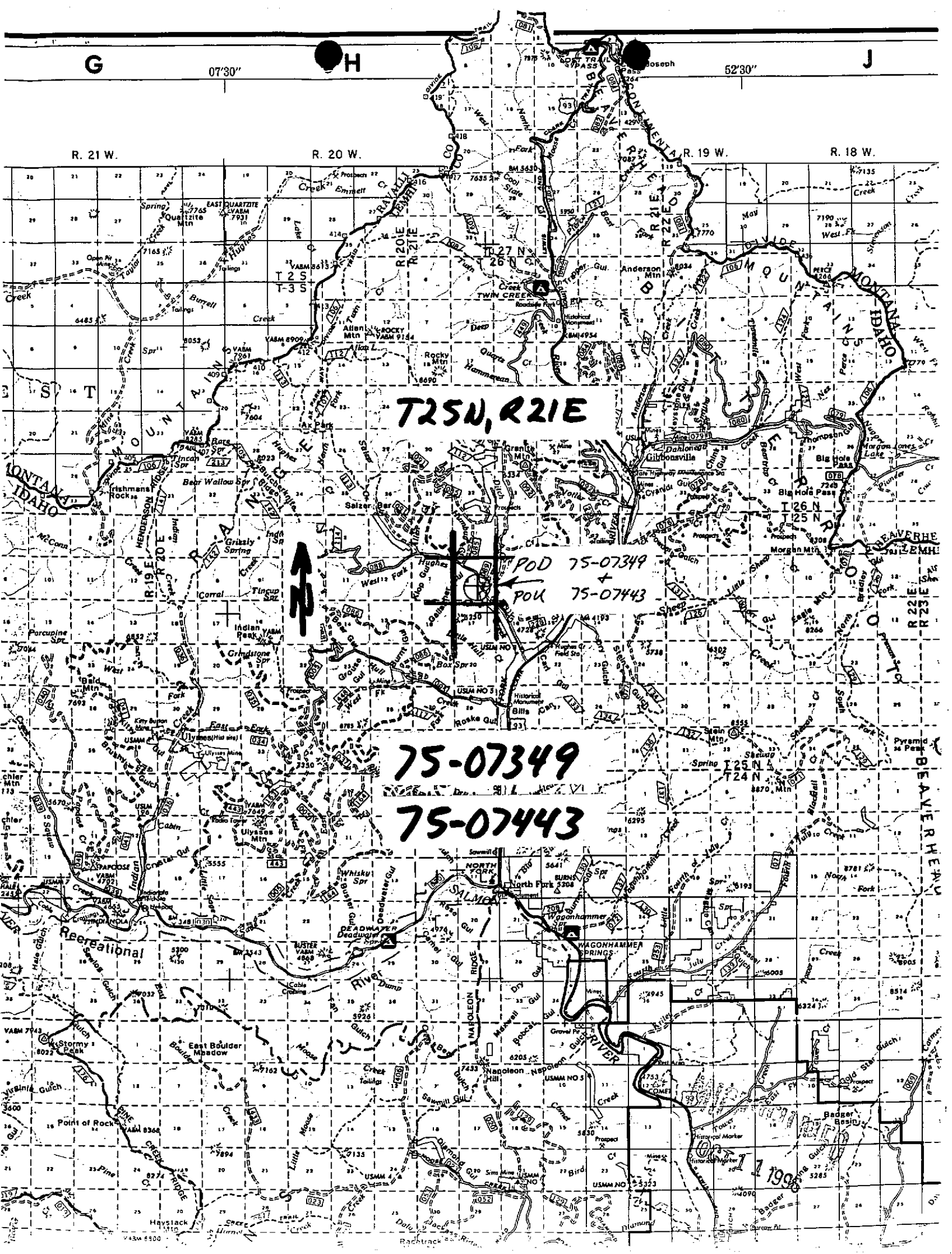
T25N, R21E

POD 75-07349

POK 75-07443

75-07349

75-07443



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

MINIFILMED

JUN 10 1991

ANALYSIS SHEET
for
PROOF OF BENEFICIAL USE

Permit No. 75-7349

Date 5-24-91

GENERAL CONSIDERATIONS

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

SOURCE OF WATER

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

LICENSE EXAMINATION FEE

y Required?
125.00 Amount submitted?
y Correct amount?

MEASURING DEVICE

y Measuring device or access port required?
y Installed?
n/y Waiver requested or needed?

DEFICIENCIES OR ACTION ITEMS

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. D. Ride

JUN 10 1991

138508

April 30, 1991

RICHARD A. RABE
1801 WHITNEY
IDAHO FALLS, ID 83401

PROOF DUE NOTICE

RE: PERMIT NO. 75-07349

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before July 1, 1991. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

SINCERELY,

Rita Fleck
Secretary/Records Manager

Enclosures

RECEIVED
JUN 10 1991

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
COMMENCEMENT OF WORKS

Permit No. 75-7349
Name(s) of Permit Holder(s): RICHARD A RABE
Post Office Address: 1801 WHITNEY
IDAHO Tel. No. _____

- ☒ I hereby certify that construction of diversion works for the above referenced permit began on MAY 28, 1984 (date). I understand that I must continue to develop the water system with due diligence to maintain a valid permit. * See additional information
- ☐ 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.

June 14, 1984 Richard A Rabe
Date Signature of Permit Holder

PLACE
STAMP
HERE

RECEIVED

JUN 19 1984



RECEIVED
JUN 10 1991

Department of Water Resources

IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

February 19, 1988

Richard A. Rabe
1801 Whitney
Idaho Falls, ID 83402

Re: Permit No. 75-7349

Enclosed is a copy of the approved request for extension of time. The time within which to submit proof of beneficial use is extended to July 1, 1991.

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

Sincerely,

RITA I. FLECK
Secretary/Records Manager

Enclosure

RECEIVED

MAR 03 1988

STAFF REVIEW SHEET - EXTENSION OF TIME

Permit No. 75-7349Reviewed by NYDate 2-17-1988

BASIC INFORMATION

Y Date stamp received
Y Extension received timely
(not prior to 6 month before proof due date or after reinstatement period)
Y Fee received and receipted
Y Name and signature same as permit
Y Address change (indicate on coding sheet)

BASIS FOR EXTENSION REQUEST

Y Has adequate work been completed to demonstrate due diligence?
Y Has the cost incurred been adequate to demonstrate an intent to complete the project?
N/A Has the permit been involved in litigation?
a. Swan Falls _____ Dismissed from Swan Falls _____
Other _____ Identify _____
b. Is supporting documentation needed to complete the file? _____
Requested _____
c. Calculate the period of delay

Date litigation completed _____

Date litigation began _____

Total period of delay = _____

Present proof due date + _____

NEW PROOF DUE DATE = _____

N/A Is delay by a government agency?
Is supporting documentation needed to complete the file? _____
Requested? _____

ACTION TAKEN - *Recommend approval based on due diligence for 3 years*

Special conditions or remarks:

N/A Reinstate Date extension received _____ = _____
Proof due date _____ = -
No. of days late _____ = _____
Priority date _____ = +
ADJUSTED PRIORITY DATE _____ = _____

Y Prepare coding sheet
Y Change rolodex cardf



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 1301 North Orchard Street Boise, Idaho 83706-2237 • (208) 334-4440

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

EXTENSION OF TIME

February 12, 1988

Richard A. Rabe
1801 Whitney
Idaho Falls, ID 83402

PERMIT NO. 75-7349

We are in receipt of the \$15 extension fee for Extension(s) of Time to provide additional time in which to submit proof of beneficial use on a water right permit.

Your request for extension(s) of time is being reviewed by staff. You will be informed of our decision when review has been completed.

Enclosed is our receipt No. 48406.

Roberta Garrett
Records Supervisor

Enclosure

RECEIVED

MAR 03 1988

February 1, 1988

Richard A. Rabe
1801 Whitney
Idaho Falls, ID 83402

Dear Mr. Rabe:

Re: Permit No. 75-7349

In response to your letter of January 16, 1988, enclosed is a request for extension of time form and instructions.

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

Sincerely,

RITA I. FLECK
Secretary/Records Manager

Enclosures

RECEIVED

MAR 03 1988

JAN 16, 1988
1801 WHITNEY
IDAHO FALLS, IDAHO
83402

RECEIVED

JAN 22 1988

STATE OF IDAHO
DEPT OF WATER RESOURCES
STATE HOUSE
BOISE, IDAHO 83720

Department of Water Resources

SUBJECT: EXTENSION OF PERMIT 75-7349

MY WORK ON PERMIT 75-7349 HAS HAD SIGNIFICANT
PROGRESS IN THAT THE POWERHOUSE IS BUILT, THE
TURBINE GENERATOR IS IN PLACE, AND MY PENSTOCK
PIPE (10" DIA) HAS BEEN DELIVERED. WITH THE JULY 1,
1988 COMPLETION DATE OF MY PERMIT RAPIDLY APPROACHING,
I NOW RECOGNIZE THE NEED FOR AN EXTENSION.

PLEASE EXTEND MY COMPLETION DATE FOR THE PROJECT
THE MAXIMUM TIME ALLOWED FOR ONE EXTENSION.
IF YOU HAVE ANY QUESTIONS ON THIS APPLICATION
PLEASE CALL: PHONE 526-5362

SINCERELY

Richard A. Rabe

RICHARD A RABE
1801 WHITNEY

IDAHO FALLS, IDAHO

83402

MICROFILMED

MAR 03 1988

R RABE
1801 WHITNEY
IDAHO FALLS, IDAHO



STATE OF IDAHO
DEPT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

Lary

75-7349
75-7443

per
per

RECEIVED
JUL 16 1987

40 FERC ¶ 62,015

-2-

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Department of Water Resources

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

MAR 03 1988

1/ 16 U.S.C. §797(g)(1982).

DC-A-10

FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE, \$300



POSTAGE AND FEES PAID
FEDERAL ENERGY
REGULATORY COMMISSION
FERC 351

EL87-00000007000 101465
STATE OF IDAHO DIRECTOR
IDAHO DEPARTMENT OF WATER RESOURCES
450 WEST STATE STREET

BOISE, ID 83720

15-7349
15-7443 "app-
EL87-7

Roberta

RECEIVED

APR 30 1987

Department of Water Resources

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

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.

- RECEIVED
MAR 03 1988
- 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. §§817(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

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.

RECEIVED

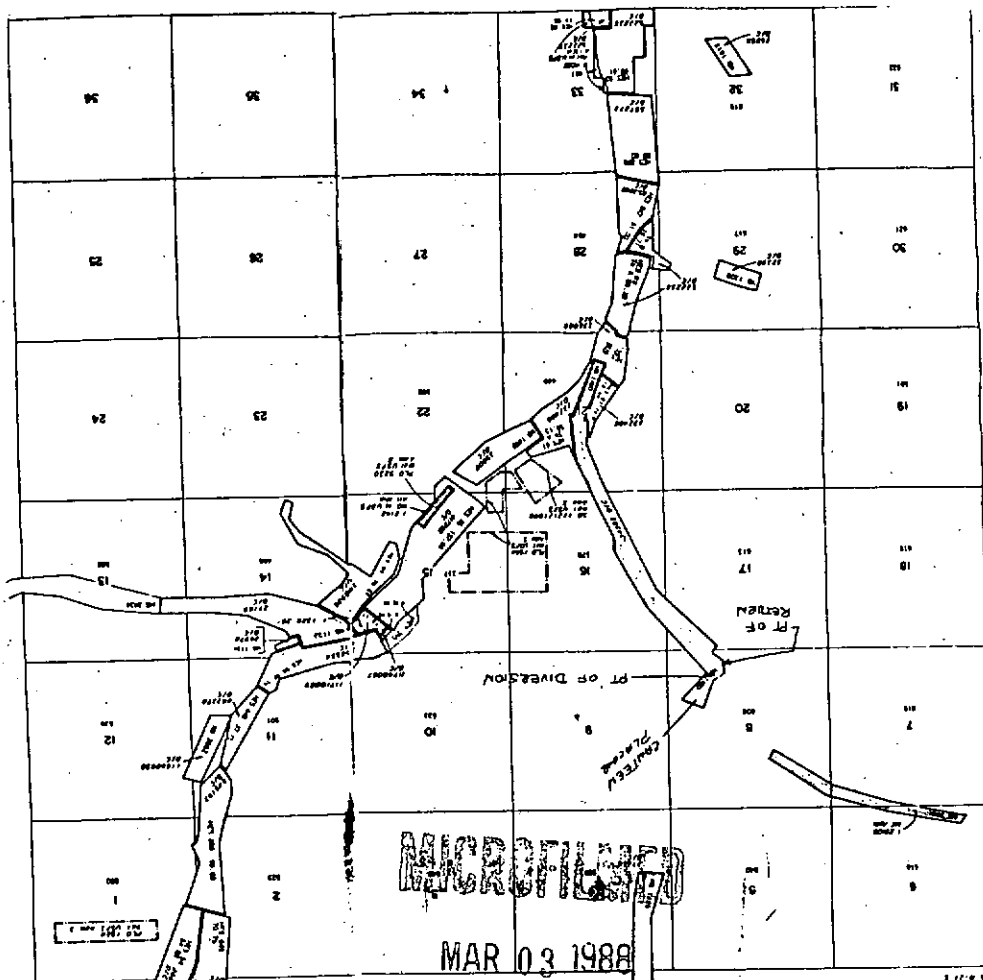
MAR 03 1988

D2.

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

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LAND AND MINERAL TITLE	
AND ACQUIRED LANDS	
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PLAT NO. 99	
PLAT NO. 100	



LEWIS COUNTY, OHIO
MAR 30 1988
MICROFILMED



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 334-4440

October 16, 1986

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

Supervisor, Water Allocation Section

1s

Enclosure

cc: Eastern Region

NOT REFILED

MAR 03 1988

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
STATE OFFICE
450 W STATE STREET
BOISE, IDAHO 83720

OCT 8, 1986

RECEIVED

OCT 14 1986

SUBJECT: PERMIT NO. 75-7349

Department of Water Resources

RECENTLY, WHILE REVIEWING MY ORIGINAL SUBMITTAL I DISCOVERED THAT I IDENTIFIED MY LOW FLOW DIVERSION RATE RATHER THAN MY MAXIMUM DIVERSION DURING HIGH FLOWS.

WHAT IS THE BEST METHOD TO AMEND MY ORIGINAL PROPOSAL SO THAT THE DIVERTED FLOW IS CHANGED FROM 2 CFS TO 5 CFS? I REALIZE THAT THERE IS A DIFFERENT SUBMITTAL FEE AND THAT DIFFERENCE WILL BE SUBMITTED WHEN I KNOW WHAT SUBMITTAL IS REQUIRED.

ADDITIONALLY, THE PENSTOCK DESIGN HAS CHANGED SLIGHTLY. THE ORIGINAL 8" PIPE HAS BEEN CHANGED TO A 10 INCH PIPE.

YOUR EARLY ATTENTION TO THIS REQUEST WILL BE GREATLY APPRECIATED.

SINCERELY

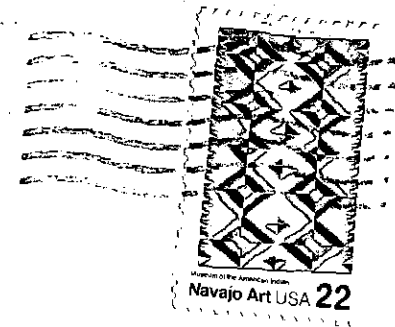
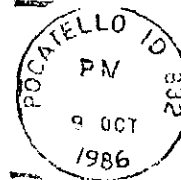
R.A. Rabe
R.A. RABE

R.A. RABE
1801 WHITNEY
IDAHO FALLS, IDAHO
83402

MICROFILMED

MAR 03 1988

RRABG
1801 WHITNEY
IDAHO FALLS, IDAHO
83402



DEPT OF WATER RESOURCES
STATE OFFICE
450 W STATE STREET
BOISE, IDAHO 83720

July 5, 1984

RE: Permit No. 75-7349

Richard A. Rabe
1801 Whitney
Idaho Falls, ID 83401

Dear Mr. Rabe:

We acknowledge receipt of your Commencement of Works postcard and associated letter regarding the above-referenced permit.

Based on the information that you have provided, it appears that you have proceeded diligently toward development of your proposed project.

Regarding the next steps toward development of the water right, please be advised that no further documentation is required until proof of beneficial use is due, on July 1, 1988. Enclosed please find "Instructions for Making Proof of Beneficial Use" which describes this procedure.

Sincerely,

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

DRT:sc

Enclosure

RECEIVED
MAR 03 1988

STATE OF IDAHO
DEPT OF WATER RESOURCES

RECEIVED
JUN 4 1984

Department of Water Resources

SUBJECT: ADDITIONAL INFORMATION ON CONSTRUCTION
OF DIVERSION WORKS ON PERMIT 75-7349

THE FOLLOWING CONSTRUCTION WORK HAS
BEEN ACCOMPLISHED.

1. REMOVAL OF MINING TAILINGS AT THE POWER
HOUSE SITE. APPROXIMATELY 4-5' OF MATERIAL
WAS REMOVED FROM THIS GENERAL AREA.
2. GRADING WORK ON PENSTOCK ROUTE AND
ADJACENT AREAS HAS BEEN COMPLETED. THIS
ROUTE IS IN THE OLD CREEK BED AND
EXTENSIVE MATERIAL HAD TO BE RELOCATED
TO PROVIDE A SATISFACTORY ROUTE FOR
THE PENSTOCK TRENCH.
3. MINOR EXCAVATION FOR POWER HOUSE
FOUNDATION, ETC HAS BEEN STARTED.

ORIGINALLY I EXPECTED TO BE FURTHER
ALONG WITH THIS PROJECT BY THIS TIME BUT
MY WIFE SUFFERED A HEART ATTACK ON EASTER
SUNDAY APRIL 22. HER DOCTOR RESTRICTED HER
ACTIVITIES TO THE IDAHO FALLS AREA UNTIL
JUST RECENTLY. WITH THIS PROJECT LOCATED
192 MILES AWAY I WAS UNABLE TO TRAVEL
THERE AS OFTEN AS I HAD INTENDED.
I PLAN TO ACTIVELY PURSUE THE REMAINING
CONSTRUCTION NOW THAT SHE IS RECOVERING. I
FEEL THAT I HAVE MADE AN HONEST EFFORT
TO BEGIN THIS PROJECT AND HOPE YOUR DEPARTMENT
AGREES AND ISSUES THE NECESSARY LICENSE FOR
THIS PROJECT TO CONTINUE.

ADDITIONALLY I HAVE RECEIVED BIDS ON MY
GENERATING EQUIPMENT AND HOPE TO PLACE MY
ORDER THIS WINTER SO THE EQUIPMENT IS AVAILABLE
NEXT SPRING

MICROFILMED

MAR 03 1988

SINCERELY,
R.A. Rebe

50 SHEETS
22-141 100 SHEETS
22-142 200 SHEETS
22-143



August 3, 1983

RE: Permit No. 75-7349

Richard A. Rabe
1801 Whitney
Idaho Falls, ID 83401

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 an access port to provide for the installation of measuring equipment by the Department. Enclosed please find a list of measuring device options, and specifications for the installation of the access port.

The 1982 Idaho Legislature added a requirement that as a permit holder you must commence the excavation or construction of diverting works within one year of the date the permit was issued, and 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 instructions entitled "Making Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit into a license.

Sincerely,

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

DRT:kw
Enclosures

MICROFILMED

May 16, 1983

Richard A. Babe
1801 Whitney
Idaho Falls, ID 83401

Dear Mr. Rabe:

Enclosed is a copy of a protest filed against the issuance of a permit pursuant to your Application No. 75-7349. The Department suggests you contact the protestant directly in an effort to determine the nature of the protest and to attempt to resolve the protest.

If you do not advise us within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying the application for permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?

If this office can be of further assistance, please contact us.

Very truly yours,

RONALD D. CARLSON
Eastern Regional Supervisor

RDC:cw

Enclosure

cc: IDWR - State Office

May 16, 1983

RE: Application for Permit No. 75-7349 RABE

Tom Reinecker
Regional Supervisor
Department of Fish & Game
1515 Lincoln Road
Idaho Falls, ID 83401

Dear Tom:

Your protest against the approval of the above referenced application has been received and a copy has been sent to the applicant. The Department suggests you contact the applicant directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

If you do not advise us within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying an application for permit (Section 42-203, Idaho Code):

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5. Will the proposed use under this permit conflict with the local public interest?

If this office can be of further assistance, please contact us.

Very truly yours,

RONALD D. CARLSON
Eastern Regional Supervisor

RDC:cw

cc: IDWR - State Office



IDAHO DEPARTMENT OF FISH AND GAME
REGION 6
1515 Lincoln Road
Idaho Falls • Idaho • 83401

RECEIVED

MAY 2 1983

Department of Water Resources
District Office

May 3, 1983

Mr. Ernest Carlsen
Assistant Regional Supervisor
Department of Water Resources
150 Shoup
Idaho Falls, ID 83402

Re: App. No. 75-7349
Richard A. Rabe

Dear Ernie:

Department of Fish and Game personnel have reviewed the above application and have no objection if the following stipulations are met:

1. That a minimum of 0.5 cfs be left instream at all times to assure flows for riparian vegetation and water for birds, game and non-game wildlife.

We believe this fixed minimum flow level is preferable to the applicant's proposal to leave 10 percent of the flow instream.

2. Should low flows exclude the possibility of providing the applicant's needs for power generation plus the 0.5 cfs instream flow recommendation, he should cease generation until such time as flows increase to the level both needs can be met.

Thank you for the opportunity to review and comment on this application.

Sincerely,

Tom Reinecker

Tom Reinecker
Regional Supervisor
Region 6

MEPROFILMED

POWER CALCULATIONS FOR APPLICATION NO. 75-7349

P = Kilowatts	.74 X hp (4)	proposed
Q = cfs		2.96 cfs
H = feet		1.9 cfs
e = efficiency		38 ft
		?

$$e = \frac{P(11.8)}{QH} = \frac{2.96(11.8)}{1.9 \times 38} = \frac{34.928}{72.2} = .48$$

Based on the above calculations the proposed project must have an 48 % efficiency.

OVERLAP REVIEW

P/D SESE Sec. 8 T25N R21E none

P/U SWSE Sec 8 T25N R21E 75-7273 mining
Hughes Creek
Barnard Bradshaw

BYPASSED AREA None

MICROFILMED

RC 6/20/83

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY: HWS

APPLICATION NUMBER: 75 7349

CHECK:

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

Field check by: _____

Date: _____

Comments: _____

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

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: CW

Date: 4-18-83

PROCESSING:

- ☐ Yes ☒ No
☐ Yes ☒ No

Platted by: _____ Map No. _____

Other rights on same place of use. _____

- ☒ Yes ☐ No*

In form for advertising.

Final date for protests: May 9, 1983

- ☒ Yes ☐ No

Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: 4-28-83
☒ 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? _____

- ☒ Yes ☒ No

Date of priority recommended. 4-11-83

Special conditions of approval or cover letter. Code 08A, 17, 26, 25

By: Ernest Carlson

Date: June 15, 1983

STATE OFFICE REVIEW:

- ☐ See attached sheet for more information.

By: [Signature]

Date: 6/20/83

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

June 10, 1983

RE: Application for Permit No. 75-7349

Richard A. Rabe
1801 Whitney
Idaho Falls, ID 83401

Dear Mr. Rabe:

This is to advise you that Idaho Department of Fish and Game have withdrawn their protest against approval of the above referenced application. The Department will take no further action in setting a hearing in this matter and has resumed the processing of your application.

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

Very truly yours,

ERNEST CARLSEN
Assistant Regional Supervisor

EC:cw

June 10, 1983

RE: Application for Permit No. 75-7349 RABE

Mr. Tom Reinecker
Regional Supervisor
Department of Fish & Game
1515 Lincoln Road
Idaho Falls, ID 83401

Dear Mr. Reinecker:

This is to acknowledge receipt of your withdrawal of protest against approval of the above referenced application. The Department will take no further action in setting a hearing in this matter.

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

Very truly yours,

ERNEST CARLSEN
Assistant Regional Supervisor

EC:cw



RECEIVED

JUN 7 1983

Department of Water Resources
Eastern District Office

June 6, 1983

Mr. Ernest Carlsen
Assistant Regional Supervisor
Department of Water Resources
150 Shoup
Idaho Falls, ID 83402

Re: Appl. #75-7349
Richard A. Rabe

Dear Ernie:

Department of Fish and Game personnel have conducted a further review of the above referenced application.

Due to the short distance of the diversion and the close proximity of Ditch Creek to other similar riparian habitats, we feel the applicant's proposal will have no significant impact to wildlife. Therefore, we withdraw our protest of this application.

Thank you for the opportunity to comment on this application.

Sincerely,

Tom Reinecker
Regional Supervisor
Region 6

MICROFILMED

May 16, 1983

Richard A. Rabe
1801 Whitney
Idaho Falls, ID 83401

Dear Mr. Rabe:

Enclosed is a copy of a protest filed against the issuance of a permit pursuant to your Application No. 75-7349. The Department suggests you contact the protestant directly in an effort to determine the nature of the protest and to attempt to resolve the protest.

If you do not advise us within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying the application for permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?

If this office can be of further assistance, please contact us.

Very truly yours,

RONALD D. CARLSON
Eastern Regional Supervisor

RDC:cw

Enclosure

cc: IDWR - State Office

RECEIVED
MAY 20 1983

May 16, 1983

RE: Application for Permit No. 75-7349 RABE

Tom Reinecker
Regional Supervisor
Department of Fish & Game
1515 Lincoln Road
Idaho Falls, ID 83401

Dear Tom:

Your protest against the approval of the above referenced application has been received and a copy has been sent to the applicant. The Department suggests you contact the applicant directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

If you do not advise us within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying an application for permit (Section 42-203, Idaho Code):

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4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?

If this office can be of further assistance, please contact us.

Very truly yours,

RONALD D. CARLSON
Eastern Regional Supervisor

RDC:cw

cc: IDWR - State Office

MEMORANDUM

April 18, 1983

RE: Application for permit No. 75-7349 RABE

Mr. Tom Reinecker
Regional Supervisor
Department of Fish & Game
1515 Lincoln Road
Idaho Falls, ID 83401

Dear Tom:

We are enclosing a copy of an application that may be of interest to your agency. Please review the application and submit any comments you may have to our Department as soon as possible. The last date of protest is May 9, 1983, and we are required to take final action shortly thereafter.

If we may be of further assistance, please feel free to contact us.

Respectfully submitted,

ERNEST CARLSEN
Assistant Regional Supervisor

EC:cw

Enclosure

RECEIVED



RECEIVED

MAY 2 1983

Department of Water Resources
Eastern District Office

May 3, 1983

Mr. Ernest Carlsen
Assistant Regional Supervisor
Department of Water Resources
150 Shoup
Idaho Falls, ID 83402

Re: App. No. 75-7349
Richard A. Rabe

Dear Ernie:

Department of Fish and Game personnel have reviewed the above application and have no objection if the following stipulations are met:

1. That a minimum of 0.5 cfs be left instream at all times to assure flows for riparian vegetation and water for birds, game and non-game wildlife.

We believe this fixed minimum flow level is preferable to the applicant's proposal to leave 10 percent of the flow instream.

2. Should low flows exclude the possibility of providing the applicant's needs for power generation plus the 0.5 cfs instream flow recommendation, he should cease generation until such time as flows increase to the level both needs can be met.

Thank you for the opportunity to review and comment on this application.

Sincerely,

Tom Reinecker
Regional Supervisor
Region 6

MICROFILMED

IDENT. NO.

IDENT. NO.

WATER RIGHT
DATA ENTRY LOG

Date

Item

4/13/83

Original form entered

Edit Report Correct

Date Protested

Date of Hearing

Date Approved/Denied

(Proof due date, stage and/or status,
conditions of approval, water district)

Record Verified

Amendment Approved

Extension Approved

Partial Proof

Proof Complete

Field Exam Received

Field Exam Accepted
and changes entered

License Updated

Transfer Updated

Keypunched by State Office

April 5, 1983

Richard Rabe
1801 Whitney
Idaho Falls, ID 83401

Dear Mr. Rabe:

Enclosed you will find your application for permit and check #92-41 for \$65.00.

Since your property is in an area generally not surveyed, I have copied some U.S. Forest Service projection maps. These maps imply that you might be in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 8. I made a call to Forest Service headquarters in Salmon and they seem to feel that Lot 3 of the Hughes Creek subdivision is in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 8.

If you feel that the correct legal for the point of diversion from Ditch Creek and the place of use is the SESE Section 8, T. 25N, R. 21E, then please complete lines 3 and 8 of the application to read this way.

You can resubmit your application, affidavit and fee of \$65.00 to this office.

Sincerely,

HAROLD W. JONES
Sr. Resource Agent

HWJ:bp

Enclosures

75-7349

RABE, RICHARD A.

1801 WHITNEY, IDAHO FALLS, ID 83401

Source: DITCH CREEK trib. to HUGHES CREEK

Date Filed: 04/11/1983

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

Use: IRRIGATION (0.10 CFS)
POWER (1.90 CFS)

In: SWSE Sec 08 T 25N R 21E FOR 6 ACRES

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MICROFILMED