

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF REGULATION OF)	
WATER DIVERSION FOR THE OPERATION)	ORDER GRANTING PETITION
OF FISH CREEK DAM, BY THE OWNER,)	FOR RECONSIDERATION AND
FISH CREEK RESERVOIR COMPANY, INC.)	AMENDED FINAL ORDER
_____)	

On December 10, 2004, the Director of the Idaho Department of Water Resources (“Director” or “Department”) issued a Final Order withholding approval to store water behind Fish Creek Dam until the Fish Creek Reservoir Company (“Owner”) takes actions to decrease the threat posed to life and property associated with the storage of water and the potential failure of Fish Creek Dam. On December 22, 2004, the Owner filed a Petition for Reconsideration (“Petition”) with the Director outlining proposed remedial measures, engineering studies, and funding assistance, and seeking the Director’s approval to store water behind Fish Creek Dam. The Director has reviewed the petition and issues the following order:

ORDER

IT IS HEREBY ORDERED that the Petition is **GRANTED** subject to the following conditions:

1. Granting the Petition does not represent the Director’s agreement with any provision of the Petition as submitted by the Company.
2. The Owner shall enlarge the spillway, or otherwise modify the dam, such that a 100-year flood event (1,170 cfs) can be passed at the dam without the reservoir water surface elevation rising above gauge height 72 feet. The gauge height of 72 feet is approximately the maximum reservoir water surface elevation that was reached in 2004.
3. Plans and specifications to enlarge the spillway or for proposed modifications to Fish Creek Dam must be prepared by a licensed engineer and shall be submitted to the Department for review and approval prior to the commencement of construction. The outlet valves at the dam shall remain 100 percent open while construction of approved modifications is in progress.

4. The Owner shall repair buttress no. 52 in the same manner as nine other buttresses that were repaired in 2004.
5. Upon completion of the construction described in nos. 2 and 4 above, the Department will inspect the work and if the work is found to be satisfactory, the Director will grant authorization to store water for a limited term, provided no significant new deterioration in Fish Creek Dam has occurred.
6. The outlet valves at the dam shall remain 100 percent open until authorization to store water is issued by the Director.
7. If authorization to store water is granted by the Director, the Owner shall conduct a full test of the emergency warning system (EWS) once every 2 weeks when the reservoir water surface elevation is above gauge height 50 feet, and once each week when the reservoir water surface elevation is above gauge height 60 feet. If all features of the system are confirmed as being 100 percent functional, the Owner must submit written documentation of the test to the Department within 48 hours. If not all features of the system are confirmed as being 100 percent functional, the Owner shall:
 - a. notify the Department within 24 hours;
 - b. take immediate steps to repair and retest the system as quickly as possible; and
 - c. operate the outlet valves such that the reservoir water surface elevation does not rise above the level existing at the time of the test.
8. If authorization to store water is issued by the Director, the Owner shall monitor reservoir water levels and seepage once each week when the reservoir water surface elevation is above gauge height 50 feet, and once each day when the reservoir water surface elevation is above gauge height 60 feet. Readings of the reservoir water surface elevation shall be submitted to the Department on a weekly basis. If there is any significant increase in seepage, the Owner shall:
 - a. take immediate steps to draw down the reservoir as rapidly as possible without causing flooding damage downstream of the dam; and
 - b. immediately notify the Blaine County Sheriff's office and the Department.

Dated this 10th day of January, 2005.



KARL J. DREHER
Director

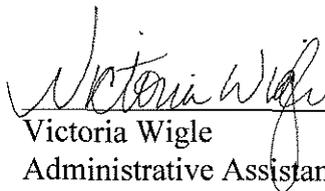
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 10th day of January, 2005, the above and foregoing document was served on the following by placing a copy of the same in the United States mail, postage prepaid and properly addressed to the following:

DOUG SURERUS
PRESIDENT
FISH CREEK RESERVOIR COMPANY
PO BOX 282
CAREY, ID 83320

IDWR - SOUTHERN REGION
1341 FILLMORE ST, SUITE 200
TWIN FALLS, ID 83301-3380

MARILYN BROEK, P.E.
3171 E 3500 N
TWIN FALLS, ID 83301



Victoria Wigle
Administrative Assistant to the Director
Idaho Department of Water Resources