

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A21-02097
Date Received: 1/11/1991
Receipt No: E015595
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: BANK OF EASTERN IDAHO
Address: PO BOX 1487
IDAHO FALLS ID 83403-1487
2. Date of Priority: MAR 13, 1939
3. Source: BUFFALO RIVER Trib. to: HENRYS FORK
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
13N	43E	33	NW	NE	NW		FREMONT
5. Description of diverting works:
ROCK/TIMBER FACED DAM WITH 250KW TURBINE
6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
POWER	01/01	12/31	100.000		
7. Total Quantity Appropriated is:
100.000 C.F.S. (and/or) A.F.A.
8. Total consumptive use is Acre Feet Per Annum.
9. Non-irrigation uses:
POWER GENERATION
GENERATING CAPACITY 250.0 KILOWATTS
10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
13N	43E	33	NW	NW		POWER	
11. Place of use in counties: FREMONT

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE

14. Remarks:

P/U AT PONDS LODGE AT THE CONFLUENCE OF BUFFALO R. & HENRYS FORK.
*** OLD POWER PLANT BURNED AND WAS DESTROYED IN 1986. OWNERS
HAVE OBTAINED NEW FERC LICENSE TO RECONSTRUCT POWER PLANT THIS
YEAR. FERC LICENSE NO. 1413.

15. Basis of Claim: LICENSE

Water Right Number: 18796

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A21-02097
Date Received: 1/11/1991
Receipt No: E015595
Received By: SPV

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: BUFFALO HYDRO, INC. 208-529-8115
Address: C/O BRENT L. SMITH, PRES.
P.O. BOX 51016
IDAHO FALLS, ID 83405

2. Date of Priority: MAR 13, 1939

3. Source: BUFFALO RIVER Trib. to: HENRYS FORK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
13N	43E	33	NW	NE	NW		FREMONT

5. Description of diverting works:
ROCK/TIMBER FACED DAM WITH 250KW TURBINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
POWER	01/01	12/31	100.000		

7. Total Quantity Appropriated is:
100.000 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
POWER GENERATION
GENERATING CAPACITY 250.0 KILOWATTS

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
13N	43E	33	NW	NW		POWER	

A21-02097

Page 1

Date: 01/11/91

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OCT 20 1992

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11. Place of use in counties: FREMONT

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE

14. Remarks:

P/U AT PONDS LODGE AT THE CONFLUENCE OF BUFFALO R. & HENRYS FORK.
*** OLD POWER PLANT BURNED AND WAS DESTROYED IN 1986. OWNERS
HAVE OBTAINED NEW FERC LICENSE TO RECONSTRUCT POWER PLANT THIS
YEAR. FERC LICENSE NO. 1413.

15. Basis of Claim: LICENSE

Water Right Number: 18796

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do do not wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 3

For Organizations:

I do solemnly swear or affirm that I am, SECRETARY of
Title

BUFFALO HYDRO INC., that I have signed the foregoing
Organization

document in the space below as, SECRETARY of
Title

BUFFALO HYDRO INC and that the statements contained in the
Organization

foregoing document are true and correct.

George L. Smith
Signature of Authorized Agent

Secretary Buffalo Hydro INC
Title and Organization

1/11/91
Date

State of Idaho

County of Benewah

)
) SS.
)

Subscribed and sworn (or affirmed) before me this 11 day

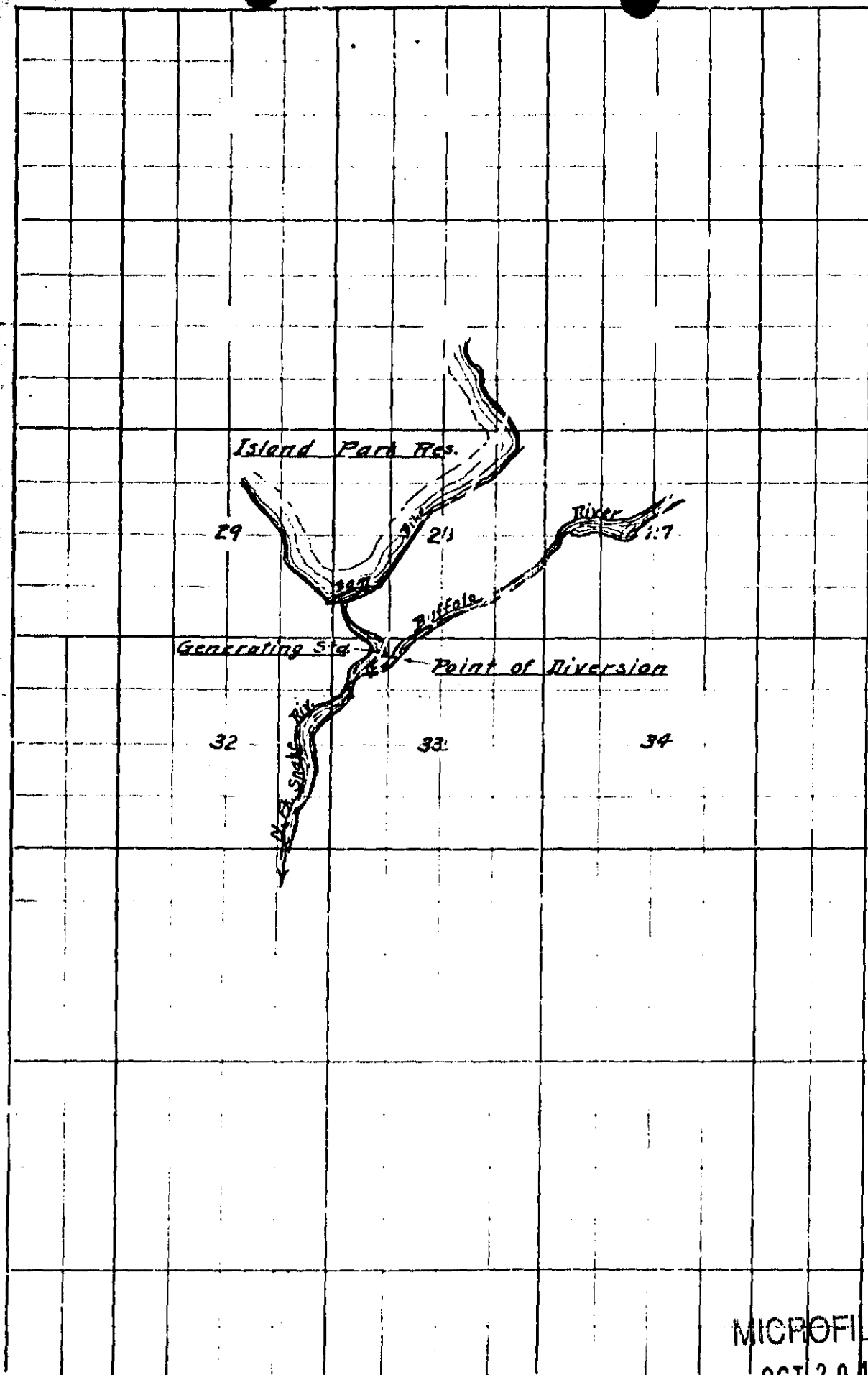
of January 19 91

Seal

[Signature]
Notary Public

Residing at Leadville, Co.

My Commission Expires 22 Aug 1994



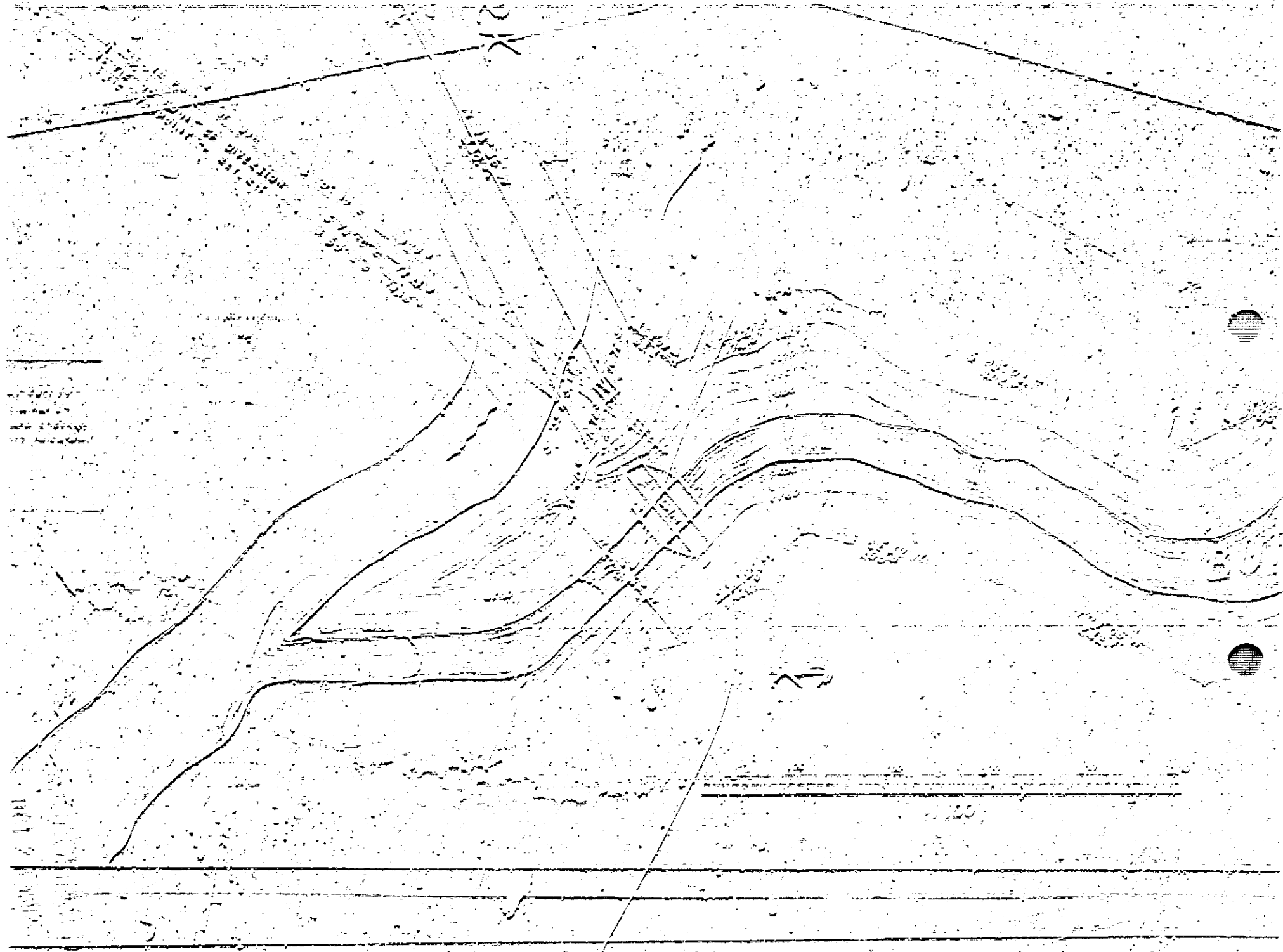
Scale: 2 inches Equals 1 Mile. Draw Map in Ink.

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State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - FAX: (208) 525-7177

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

MAY 28, 1993

BANK OF EASTERN IDAHO
PO BOX 1487
IDAHO FALLS ID 834031487

RE: CHANGE IN OWNERSHIP FOR A21-02097

Dear Sirs:

The request for Change in Ownership concerning your Notice(s) of Claim in the above reference has been processed and the Notice(s) modified to reflect you as the new owner. There were two water rights on the property you purchased.

Enclosed is a typed Notice with your name shown as the current owner. Review the forms and if there are other corrections or questions, feel free to contact this office.

If there are no questions or corrections, please keep this Notice for your records.

Respectfully submitted,

D Thompson
Dave Carlson
Water Right Agent, Adjudications

DC:jt

Enclosure: Notice of Claim

cc: Copy of Change of Ownership/Bank of Eastern Idaho
Copy of Assignment

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APR 08 1994



Bank of Eastern Idaho

500 North Capital
1800 Channing Way
P.O. Box 1487
Idaho Falls, ID 83403

CERTIFIED MAIL, RETURN RECEIPT REQUESTED

RECEIVED

May 11, 1993

MAY 24 1993

State of Idaho
Department of Water Resources
Attn: Ron Carlson
150 Shoup Ave.
Idaho Falls, ID 83402

Department of Water Resources
Eastern District Office

Re: Buffalo Hydro, Inc.
Assignment of Permit #A21-02097

Dear Mr. Carlson:

Please be advised that Bank of Eastern Idaho has taken as collateral an assignment of any and all proceeds of the Permit #A221-02097 issued by the State of Idaho to Buffalo Hydro, Inc. dated 01-11-91.

Please include the name of Bank of Eastern Idaho on any and all proceeds paid to Buffalo Hydro, Inc. in relation to the above mentioned Permit. We would appreciate your acknowledgment by signing where indicated on the attached copy of our assignment and returning to us in the enclosed envelope at your earliest convenience.

Thank you for your prompt cooperation in this matter. Should you have any questions, or require additional information, please do not hesitate to call me at 524-5500.

Sincerely,

Blair W. Dance
Vice President/Manger

va

enclosures

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ASSIGNMENT

This agreement entered into this 15th day of April, 1993, between Bank of Eastern Idaho hereinafter referred to as Bank and Buffalo Hydro, Inc. hereinafter referred to as Borrower does hereby assign with right of reassignment to Bank:

All Borrower's rights and interest in and to State Department of Water Resources Water Right Permit #A21-02097 .

BORROWER:

Buffalo Hydro, Inc.

BY: Brent L Smith
Title:

BANK:

Bank of Eastern Idaho

BY: Balance
Title:

CONSENT TO ASSIGNMENT:

State Department of Water Resources

BY: Adjudication Secretary
Title:

DATE: 5-28-93

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License and Certificate of Water Right

Water License No. 18798

Amount 100 second feet.

Water District No.

Priority. ~~March 13, 1968~~

THIS IS TO CERTIFY that CHARLES POND
of Island Park, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated March 13, 1939; that Permit No. 18790
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
100 second feet, was issued thereunder on October 25, 1940, showing that said works
were completed on the 14th day of May, 1948; and that on the 14th
day of May, 1948,

of Island Park, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho of the right to use the water Buffalo Snake River, a tributary of Henry's Fork of Snake River, for the purpose of generating power, under Use Permit No. 18796 of the Department of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume 8 of Licenses at page 4495, on the 22nd day of October, 1949.

The right hereby confirmed dates from March 13, 1938 :

The Point of Diversion is located

in the NE 1/4 NW 1/4, Sec. 33, T10N, R. 43E, B. M. Front

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 100 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
At the confluence of Buffalo River and Henry's Fork, at Poudre Lodge.					

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this 28th day of October, 1948.

MAFF, R. ZULP

State Reclamation Engineer

(SEAL)

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 18796

This proof is for Completion of works and Beneficial use In Water District No.

1. Name of applicant Charles Pond, Island Park, Idaho
2. Source of water supply: Buffalo River
3. Location of point of diversion: Is in the NE 1/4 NW 1/4 of Section 33
T. 13 N. R. 43 E. County of Fremont
4. Describe works as they exist, giving dimensions and capacities of same: Diversion is by means of a Rock fill, and deth dam, 90 feet of which is plank faced, Max depth 15 Ft, A Spillway crest of 40 feet long, with a 2 foot wide fishway, and four stoplog openings three feet in height, Control gates, and a 5 foot diameter Penstock leading to a Westinghouse D.C. Generator, 250 K.V.A., 2800 Volts, 62 Amps per terminal, 8 Phase 80 Cycles, 450 R.P.M., Serial 1828781, also a D.C. Motor #110L, 3.5 K.V. 125 volt 68 Amps, 450 R.P.M. Serial 1829793, All housed in a station of 18' X 24' floor pla

5. Water is used for: Power for Pond's Lodge, and Caretakers house at U.S.R.S. Dam

6. State whether or not water has been turned into works of diversion: Yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):
Place of use- At confluence of Buffalo River and Henry's Fork, at Pond's Lodge

(Submit map on attached plat, showing location and details of above description)

8. What large stream would the water here appropriated finally reach? Columbia River

Remarks: The penstock is of five feet diameter, and 40 feet long, with vertical slide gate control.

This examination was made on the

20th

day of

July

1929

(Signed)

H. H. Latman

Examiner

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