

08/28/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 47-7763

NAME AND ADDRESS: ROBERT SNEDIGAR
321 E CONCORDIA DR
TEMPE AZ 85282

DAVID R SNEDIGAR
1026 E 1000 N
SHELLEY ID 83247

SOURCE: UNNAMED STREAM

TRIBUTARY: MUD CREEK

QUANTITY: 30.000 CFS

PRIORITY DATE: 10/20/1981

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.

POINT OF DIVERSION:

T09S R15E S7 SESENW Within TWIN FALLS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
POWER	01/01 12/31	30.000 CFS
Use of water under this right shall be non-consumptive.		

PLACE OF USE: POWER Within TWIN FALLS County

T09S R14E S12 SWNE

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The diversion and use of water under this license is subject to review by the Director on or after December 31, 2019. 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.

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

08/28/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

Source is also known as Silo Creek.

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

This right does not constitute Idaho Public Utilities Commission or Federal Energy Regulatory Commission approval that may be required.



Idaho Department of Water Resources

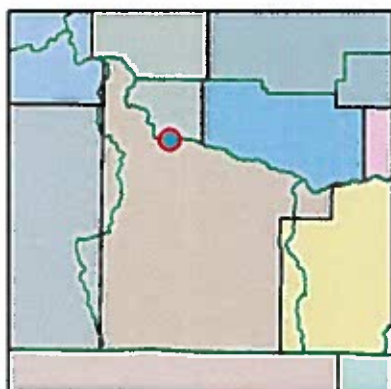
SRBA Recommendation:

47-7763

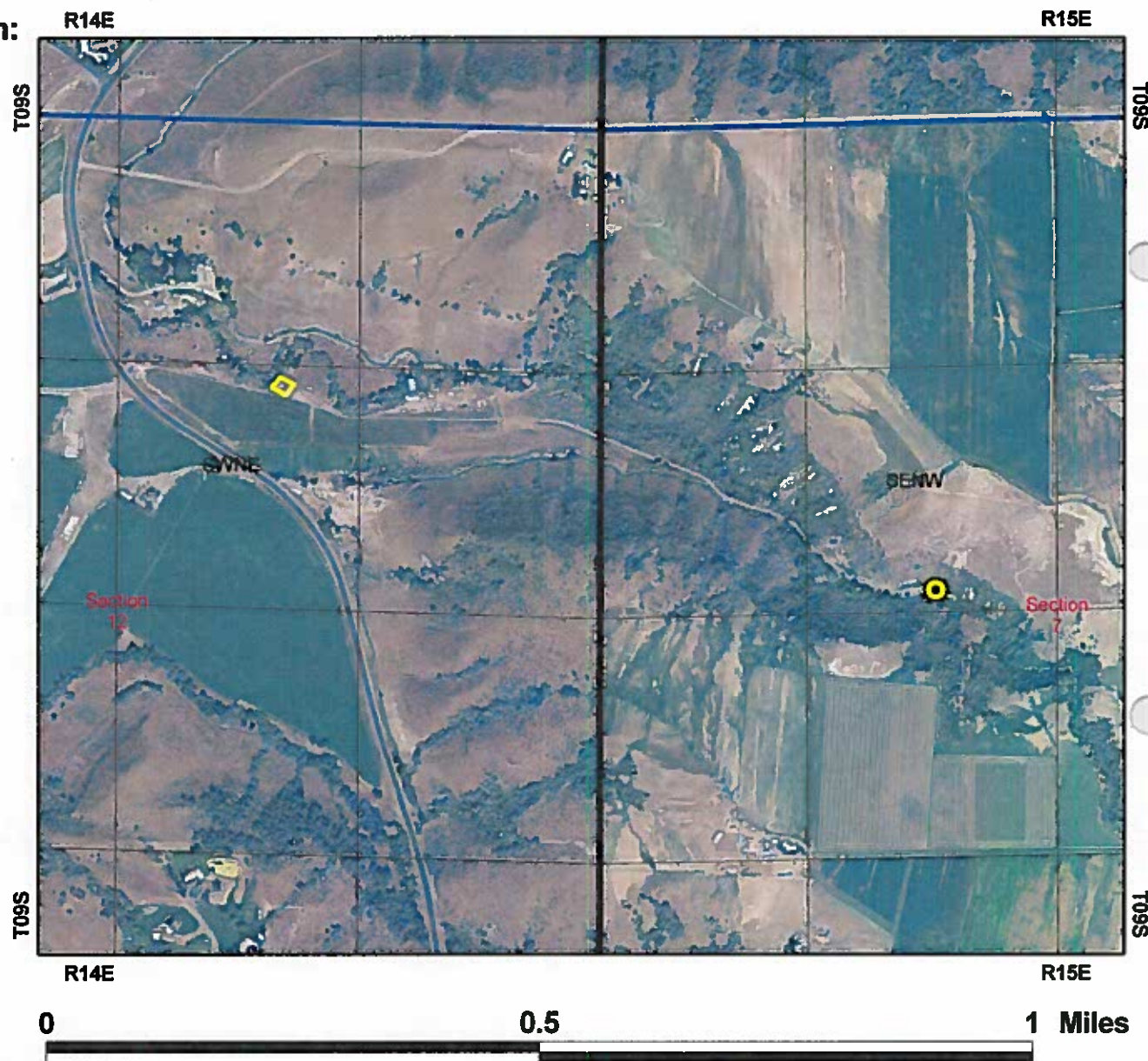
(Power)

Legend

- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



Twin Falls County
IDWR Basin 47



Prepared by A. Merritt
On Monday, August 28, 2006
2004 Aerial Photography

Owner: ROBERT SNEDIGAR

NOTE: Only one owner is listed. There may or may not be more than this in the IDWR database.



You Called and Asked
for our address —

Robert Snelgar
321 Concorda Dr
Tempe, Arizona
85282



rs. Shirley Snedigar
21 E Concorda Dr
Tempe, AZ 85282

21 AUG 06 PM 5 T

8/23/6



Idaho Department of
Water Resources
1341 Fillmont
Twin Falls, Idaho
83301



M E M O R A N D U M

DATE: September 14, 1995

TO: File 47-07763

FROM: Shelley W. Keen *SWK*

RE: Phone conversation with Susan Griffin

Today I spoke with Susan Griffin of Washington Mutual Bank about permit 47-07763. She said that David Snedigar has paid off his loan and is, therefore, owner of the hydropower project where the development under this permit occurred. She told me that Washington Mutual would forward a packet of information to David Snedigar. She expects him to contact me soon.

David Snedigar's phone number is (208)357-3132.

Administrative

OCT 30 1995

M E M O R A N D U M

DATE: July 3, 1995

TO: File 47-07763

FROM: Shelley W. Keen

RE: Phone call from David Snedigar *(SWK)*

David Snedigar called today in response to the letter I sent him last week. He is away from home and would like more than 14 days to respond to my letter. He said he would be able to respond within a month.

Also, Mr. Snedigar indicated the new name of Prudential Capital Group Co. is Washington Mutual Bank. He said he would have Brad Slack of Washington Mutual call me as soon as possible.

OCT 30 1995

MEMORANDUM

DATE: October 19, 1995

TO: File 47-07763

FROM: Shelley W. Keen *SK*

RE: Phone conversation with David Snedigar

David Snedigar called me at home last night to discuss the fact that the right is still in the name of Prudential. He wondered why the license would not be issued in his name. I explained to David that the license could not be issued in his name unless the permit is assigned back to him. I also noted that getting an assignment from Washington Mutual might be difficult because they would have to demonstrate that they are the successors in interest of Prudential through Olympus. I further explained that once the license is issued, the name on the license matters little because the right is appurtenant to the land. I finally pointed out that the SRBA claim on this right is in his name and that the right may be decreed in his name.

After our discussion, David said that he would be satisfied if the license were issued with Prudential Capital Group listed as the owner.

UNRECORDED

OCT 20 1995

M E M O R A N D U M

DATE: June 27, 1995

TO: File 47-07763

FROM: Shelley W. Keen *SWK*

RE: Project Ownership

=====

Today I made a number of telephone calls in an attempt to ascertain the name and address of the owner of the hydropower project developed under permit no. 47-07763. The calls I made included the following:

Idaho Public Utilities Commission, Boise

Federal Energy Regulatory Commission, Portland

Directory Assistance, Salt Lake City

IPUC and FERC indicted that their records show that David Snedigar is the owner. Directory Assistance in Utah told me they have no listing for Prudential Capital Group Co., who is the owner of record according to the water right file.

I was finally able to reach Shane Snedigar at (208)357-3132 in Shelley, Idaho. Shane told me that his father, David Snedigar is still the project owner. He said he would forward my amendment request to his father if I send it to:

1026 E 1000 N
SHELLEY ID 83247

RECEIVED - 10/30/95

OCT 30 1995

MEMORANDUM

DATE: October 21, 1994
TO: File No. 47-07763
FROM: Donna Corless
SUBJECT: RETURNED MAIL

=====

All attempts to contact the permit holder of this water right, to obtain an Application for Amendment, have been unsuccessful. The owner identified by the Twin Falls County Assessor, William Miller, states that he has nothing to do with the property. A check of Adjudication Claims on this right listed the names of Robert and David Snedigar with an address of 4577 N Clear Lakes Road, Buhl, ID 83316. A letter mailed to that address was returned by the U.S. Postal Service with the following notation:

Not Deliverable as Addressed - Unable to Forward.

An attempt to call the telephone number on the Adjudication claim resulted in getting a machine that hangs up on callers.

OCT 30 1995

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: A47-07763
Date Received: 12/22/1988
Receipt No: M002430
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ROBERT SNEDIGAR 208-543-4014
Address: 4577 N. CLEAR LAKES RD.
BUHL, ID 83316

OR
Name: DAVID R. SNEDIGAR 208-543-4014
Address: 4577 N. CLEAR LAKES RD.
BUHL, ID 83316

2. Date of Priority: OCT 20, 1981

3. Source: SILO CREEK Trib. to: MUD CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
09S	15E	7	NW	NE	SW		TWIN FALLS

5. Description of diverting works:
CHECK DAM & DITCH, PENSTOCK TO GENERATOR

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
POWER	01/01	12/31	30.000		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
HYDROPOWER
GENERATING CAPACITY 500.0 KILOWATTS

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
09S	14E	12	NW NE		POWER	

11. Place of use in counties: TWIN FALLS

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: PERMIT

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: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

CHANGE IN ADDRESS OF NOTICE OF CLAIM

[] Water Right Number (s): A47 - 07462 04340

07463

07763 ✓

02457

[] Old Mailing Address: Rt. 4, Box 238

Buhl, Idz 83316

[] New Mailing Address: 4577 N. Clear Lakes Rd.

Buhl ID 83316

New Telephone Number: (208) 543 - 4014

[] Signature of Claimant: A. M. S. J.

Date: 6-8-90

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 6/8/90

By: AD

Further Action Needed:

Further Action Taken

Date:

By:

Final Review and Data-Entry

Date: 6/8/90

By: AD

RECEIVED

JUN 8 - 1990

Department of Water Resources
Southern Region Office

MICROFILMED

MAR 11 1993

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: A47-07763
Date Received: 12/22/1988
Receipt No: M002430
Received By: JP

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ROBERT SNEDIGAR 208-543-6842
Address: RT. 4, BOX 238
BUHL, ID 83316

OR

Name: DAVID R. SNEDIGAR 208-543-6842
Address: RT. 4, BOX 238
BUHL, ID 83316

2. Date of Priority: OCT 20, 1981

3. Source: SILO CREEK Trib. to: MUD CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
09S	15E	7	NW	NE	SW		TWIN FALLS

5. Description of diverting works:
CHECK DAM & DITCH, PENSTOCK TO GENERATOR

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
POWER	01/01	12/31	30.000		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
HYDROPOWER
GENERATING CAPACITY 500.0 KILOWATTS

A47-07763

Page 1

Date: 12/22/88

MICROFILMED
MAR 11 1993

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
09S	14E	12	NW NE		POWER	

11. Place of use in counties: TWIN FALLS

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: PERMIT

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: 1

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): *John S. J.* Date: 12-22-88
Date:

State of Idaho)
) SS.
County of TWIN FALLS)

Subscribed and sworn (or affirmed) before me this 22ND day
of DECEMBER 19 88 Jeff P. Marshall

Jeff Raymond
Notary Public

Residing at Jeff Peppersack, Notary Public
 My Commission Expires at Boise, Idaho
 My Commission Expires Nov. 8, 1994

A47-07763

Page 2

Date: 12/22/88

MICROFILMED

MAR 11 1993

From: DWR03::FRAZEE
To: DWR60::GIVENS
CC: FRAZEE
Subj: ROBERT SNEDIGAR

23-FEB-1990 08:32:41.81

GOOD MORNING, JUDY! I'M DON SHAFF'S NEW SECRETARY, SALLY, AND DON INSTRUCTED ME TO ASK YOU TO PLEASE SEND US ALL OF THE ABOVE CLAIMANT'S CLAIMS BACK TO THIS OFFICE. THE LITTLE TURKEY HAS NOT PAID HIS BILL, AND IT'S TIME TO TAKE SOME STERN ACTION...

CLAIM #A47-07463, #A47-07763, #A47-04340, #A47-07462, AND #A47-02457

THANK YOU VERY MUCH.

February 23, 1990

Sent to Boise - Attn: Sally Frazee, Secretary

Judy Givens
Judy Givens

MICROFILMED

MAR 11 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

February 28, 1990

Robert Snedigar
Rt. 4, Box 238
Buhl, ID 83316

RECEIVED

MAR 1 1990

RE: Snake River Basin Adjudication (SRBA)
Twin Falls County
Claim #A47-07463, #A47-07763, #A47-04340,
#A47-07462 and #A47-02457

Department of Water Resources
Southern Region Office

Dear Mr. Snedigar:

The January billing statement we mailed to you at the above address by certified mail on January 10th, was returned to us as "unclaimed". We mailed another billing statement and letter to you at the same address by regular mail on February 5, 1990, asking for payment. An initial annual billing statement was mailed to the address of record in November, 1989. None of these letters or statements have been returned as undeliverable to you at the address of record.

Since we have not received any response from you, and you have not paid the installment balance due, we are rejecting the above-referenced Notices of Claim to a Water Right. This action is described in the Extended Payments information sheet you received and in the Adjudication Rules and Regulations adopted March 11, 1988. Any water rights represented by the enclosed claims will be considered not claimed and will not meet the requirements of the court's order described in the Commencement Notice you received. The fees you have paid are not refundable.

If you wish to re-file your claims, you may do so by paying the balance due on account M000005 at the time you resubmit the claims. The account will remain open with interest continuing to accrue on the fee balance.

Sincerely,

Donald V. Shaff
Manager, Adjudication Section

DVS:sf:southern:state

Enclosures:

Notices of Claim referenced above

MICROFILMED

MAR 11 1993



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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

January 23, 1991

Robert Snedigar
Rt. 4, Box 238
Buhl, ID 83316

RE: Snake River Basin Adjudication (SRBA)
Twin Falls County - A47-07463, A47-07763,
A47-04340, A47-07462 & A47-02457
AR #M000005

*COPY to
ezcl file.
ADR*

Dear Mr. Snedigar:

Your account is now over 30 days past due. The Post Office attempted delivery of our first letter by certified mail three times this month, but to no avail and returned it unclaimed.

You should be aware that if payment is not received by February 1, 1991, your claims may be rejected and will be returned and all fees will be forfeited.

Additionally, an order may be issued by the Director of the Department or the Court directing you not to divert water pursuant to the claims covered until your payment is received.

If your payment and this letter passed in the mail, we apologize for this letter and thank you for your payment.

Sincerely,

Donald V. Shaff
Manager, Adjudication Section

DVS:sf:AR:tf:south

Enclosure:

January 1, 1991 Billing Statement

MICROFILMED

MAR 11 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

M002430
5012379

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

February 27, 1991

RECEIVED

MAR - 1 1991

Department of Water Resources
Southern Region Office

Robert Snedigar
321 Concorda
Tempe, AZ 85282

RE: AR #M000005

Dear Mr. Snedigar:

Payment has not been received as directed in the certified letter you received February 11, 1991. Rather than returning the claims to you, the record of the claims will go into a rejected status and remain in that category until payment is received from you. The account will continue to accrue interest, and any fees will not be returned whether the claims are investigated or not.

This will be your last notice until such time as the findings of the Director are included in his report to the Court of the water right claims in that area. Without further payment on the claim fee account, the findings of these claims will be that the claims were rejected for insufficient fees.

If your payment and this letter pass in the mail, I apologize for this letter.

Sincerely,

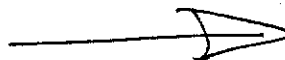
Donald V. Shaff
Manager, Adjudication Section

DVS:sf:AR:southern

put copy
in all files

AD~

3/1/91



A47-07463

07763

04340

7462

02457

MICROFILMED

MAR 11 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

February 27, 1991

RECEIVED

MAR - 1 1991

Department of Water Resources
Southern Region Office

Robert Snedigar
321 Concorda
Tempe, AZ 85282

RE: AR #M000005

Dear Mr. Snedigar:

Payment has not been received as directed in the certified letter you received. Rather than returning the claims to you, the record of the claims will go into a rejected status and remain in that category until payment is received from you. The account will continue to accrue interest, and any fees will not be returned whether the claims are investigated or not.

This will be your last notice until such time as the findings of the Director are included in his report to the Court of the water right claims in that area. Without further payment on the claim fee account, the findings of these claims will be that the claims were rejected for insufficient fees.

If your payment and this letter pass in the mail, I apologize for this letter.

Sincerely,

Donald V. Shaff
Manager, Adjudication Section

DVS:sf:AR:south

MICROFILMED
MAR 11 1993

RECEIVED

MEMORANDUM

APR 24 1991

Department of Water Resources
Southern Region Office

DATE: April 22, 1991
TO: Anna Adrian
FROM: Sally Frazee
RE: AR #M000005 - Robert Snedigar
A47-07463, -07763, -04340, -07462 & -02457

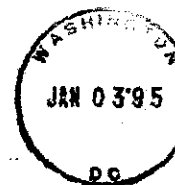
Hi! Don Shaff asked me to send you a lil' note and ask you to please pull the files referenced above and change the Status. Mr. Snedigar (finally) paid!

Thanx, Anna.

MICROFILMED
MAR 11 1993

**FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426**

**OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE, \$300**



S. OFFICIAL MAIL

PENALTY
FOR
PRIVATE
USE \$300

0.43

PB METER
7250412

U.S. POSTAGE

RECEIVED

JAN 11 1995

Department of Water Resources
Boise Region Office

P-5731 101465
LOREN HOLMES DISTRICT MGR
IDAHO DEPARTMENT OF WATER RESOURCES
1301 NORTH ORCHARD STREET
BOISE, ID 83706-2237

NOV 28 1995

A47-07763 ?

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Elizabeth Anne Moler, Chair;
Vicky A. Bailey, James J. Hoecker,
William L. Massey, and Donald F. Santa, Jr.

Robert and David Snedigar) Project No. 5731-000

ORDER APPROVING STIPULATION AND CONSENT AGREEMENT

(Issued December 29, 1994)

The Commission is approving the attached Stipulation and Consent Agreement (Agreement) between Robert and David Snedigar (collectively, Snedigar) and the Enforcement Section, Office of the General Counsel. Snedigar violated Article 2 of the exemption for the Snedigar Ranch Project, located on Coulee Creek in Twin Falls County, Idaho.

Article 2 requires the exemptee to maintain the minimum bypass flow prescribed by the state of Idaho -- 5 cubic feet per second (cfs) on the days when the violations occurred. In the Agreement, Snedigar admits violating Article 2 of the exemption on six days: April 21, 1992; November 17 and 18, 1992; and May 2 through 4, 1994. To settle these violations, Snedigar will pay a civil penalty of \$3,000.

The Commission finds:

The Agreement provides an equitable resolution of this matter and is in the public interest.

The Commission orders:

(A) The Commission approves without modification the attached Stipulation and Consent Agreement.

(B) The Commission's approval of this settlement does not constitute approval of, or precedent regarding, any principle or issue in this matter.

By the Commission.

(S E A L)

Lois D. Cashell

Lois D. Cashell,
Secretary.

UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION

Robert and David Snedigar) Project No. 5731

STIPULATION AND CONSENT AGREEMENT

I.

The Enforcement Section, Office of the General Counsel, (Enforcement) and Robert and David Snedigar (Snedigar) enter into this Stipulation and Consent Agreement (Agreement) to resolve issues relating to Snedigar's violation of Article 2 of the exemption for the Snedigar Ranch Project (the project), FERC No. 5731. The parties hereby stipulate and agree as follows:

II.

1. The project is located on Coulee Creek in Twin Falls County, Idaho. It currently consists of: (1) a 9-foot high intake structure to divert water into a channel, (2) a 3600-foot long, 36-inch diameter penstock, and (3) a turbine generating unit with a rated capacity of 540 kW. Water flowing in the penstock through the project bypasses a section of Coulee Creek.

2. Article 2 of the exemption requires Snedigar to, among other things, maintain a minimum flow of water through the bypassed section of Coulee Creek. The State of Idaho prescribes, for the period from April 21 through December 31, a minimum flow of 5 cubic feet per second for the project. Snedigar uses a calibrated staff gage at the project to measure minimum bypass flows.

3. Inspections of the project by Commission personnel on November 17 and 18, 1992 revealed a bypass flow on both days below the state standard. As a result, on December 10, 1992, the Director of the Commission's Division of Project Compliance and Administration (the Director) ordered Snedigar to produce within thirty days daily bypass staff gage readings for January through November 1992. Snedigar did not comply with this order.

4. On January 15, 1993, the Director issued a Compliance Order requiring Snedigar to submit (1) daily bypass gage readings for 1992, (2) a gaging plan and schedule for installing gaging equipment that would continuously record the volume of the bypass flow, and (3) flow records from the new gage after it was installed. 62 FERC ¶ 62,024 (1993). The daily bypass gage readings for 1992 revealed that Snedigar violated the state standard for minimum bypass flow on April 21. Snedigar did not submit the gaging plan and schedule or the flow records from the newly installed gage on time.

NOV 28 1996

DC-A-18

5. On May 28, 1993, the Director issued a second Compliance Order, directing Snedigar to submit, among other things, all remaining documents required by the January 1993 Compliance Order. 63 FERC ¶ 62,215 (1993). Snedigar did not fully comply with the May 1993 Compliance Order.

6. On June 11, 1993, the Director ordered Snedigar to cease project operation due to failure to comply with the May 1993 Compliance Order. On June 16, 1993, Snedigar filed all remaining documents required by that order. On June 18, 1993, the Director, having determined that Snedigar had complied with the May 28, 1993 Compliance Order, permitted Snedigar to resume project operation. 63 FERC ¶ 62,309 (1993).

7. On May 3, 1994, an unannounced inspection revealed that Snedigar violated the minimum bypass requirement on May 2 and 3, 1994. David Snedigar stated in a letter to the Secretary of the Commission, dated June 9, 1994, that minimum bypass flow violations occurred from May 2 through May 4, 1994.

III.

Snedigar admits violating Article 2 of the exemption by failing to maintain the minimum bypass flow for the project on April 21, 1992, November 17 and 18, 1992, and May 2, 3, and 4, 1994.

IV.

1. Under section 31(c) of the Federal Power Act (FPA), 16 U.S.C. § 823b(c) (1988), Snedigar agrees to pay a civil penalty of \$3,000 for the six days of minimum bypass flow violations described in Parts II and III above.

2. Within ten business days of the date the Commission issues an order approving this Agreement without modification, Snedigar shall deliver a cashier's or certified check for \$3,000 made payable to the Federal Energy Regulatory Commission. The check shall be delivered to the Commission's Secretary at the following address:

Federal Energy Regulatory Commission
Lockbox 93938
Chicago, Illinois 60673

Snedigar shall mark the check "Civil Penalty" and include the project's name and number on the check.

3. Failure to timely make the payment described in this section of this Agreement will violate a final order of the Commission and may subject Snedigar to additional enforcement and penalty actions under the provisions of section 31 of the FPA.

V.

1. By this Agreement, Enforcement and Snedigar intend to settle only the matters to which this Agreement refers that are within the Commission's jurisdiction and statutory authority to settle.

2. Enforcement and Snedigar agree that they enter into this Agreement voluntarily and that, other than the agreements set forth herein, no tender, offer or promise of any kind whatsoever has been made by any party to this Agreement, or any member, employee, officer, director, agent, partner or representative of any such party, to induce the other party to enter into this Agreement.

3. In connection with the payment of the civil penalty provided for herein, Snedigar agrees that the Commission's order approving this Agreement shall be a final and unappealable order assessing a civil penalty pursuant to section 31(d)(2) of the FPA. With regard to such order, Snedigar waives assessment of the penalty following a determination of violation made on the record after an agency hearing pursuant to section 31(d)(2) of the FPA.

4. Any and all administrative or civil remedies that the Commission may have against Snedigar arising from facts described in Part II of this Agreement shall be forever barred upon payment by Snedigar of the civil penalty stated in Part IV of this Agreement.

5. Subject to the provisions of Paragraph 8 of this Part, the parties to this Agreement expressly waive and voluntarily relinquish their rights to appeal from or seek any further review of any Commission order approving this Agreement without modification.

6. The representative for Snedigar affirms that he has read the representations set forth by Snedigar herein, and that all of the statements and matters set forth herein are true and correct to the best of his knowledge, information and belief, and that he understands that this Agreement is entered into by Enforcement in express reliance on those representations.

7. Each of the undersigned warrants that he or she is an authorized representative of the party designated, is authorized to bind such party and accepts this Agreement on the party's behalf.

8. Unless the Commission issues an order approving this Agreement without modification, this Agreement shall be null and void and of no effect whatsoever and neither Enforcement nor

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Snedigar shall be bound by any of its provisions or terms, unless they agree in writing otherwise.

Agreed to and accepted:

Enforcement

Ellen K. Schall
Ellen K. Schall
Assistant General Counsel, Enforcement

11/21/94
Date

Snedigar

David Snedigar
David Snedigar

Date

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COMMUNICATION DOCUMENTATION

Claim No. A47-7763

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent

H

Date

06-26-95

Contact Person(s)

Shelley Kene

Nature of Contact

Power permit - LIC last summer -
void amendment - can't find power -
Area 500A - claim rejected - inappropriate fee.

Substance of Communication

pull - review w/ S.K.: reviewed current
claim address - suggested contacting
Fire de. project # from file to
get a better mailing address.

NOTE:4577 N. CLEAR LAKES RD.BOULDER, ID. 83316

PO says - undeliverable per S.O. file.

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RAZEE
GIVENS

23-FEB-1990 08:32:41.81

RT SNEDIGAR

NG, JUDY! I'M DON SHAFF'S NEW SECRETARY, SALLY, AND DON INSTRUCTED
YOU TO PLEASE SEND US ALL OF THE ABOVE CLAIMANT'S CLAIMS BACK TO
ICE. THE LITTLE TURKEY HAS NOT PAID HIS BILL, AND IT'S TIME TO
COME STERN ACTION...

#A47-07463, #A47-07763, #A47-04340, #A47-07462, AND #A47-02457
ANK YOU VERY MUCH.

February 23, 1990

Sent to Boise - Attn: Sally Frazee, Secretary

Judy Givens
Judy Givens

TARA:

Claim A47-07763, signed out to you.

H

06-23-95

RECEIVED

JUN 26 1995

Department of Water Resources
Southern Region

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