02/10/2005

IDAHO DEPARTMENT OF WATER RESOURCES

PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 22-2123B

NAME AND ADDRESS: TETON VALLEY POWER & MILLING CO
C/O MICKIE FUNKE
FALL RIVER RURAL ELECTRIC
1150 N 3400 E
ASHTON ID 83420

FALL RIVER RURAL ELECTRIC CO-OPERATIVE
1150 N 3400 E
ASHTON ID 83420

SOURCE: TETON RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 80.000 CFS

PRIORITY DATE: 03/14/1948

POINT OF DIVERSION:

T07N R44E S29 NESWNE Within TETON County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
POWER	01/01 12/31	80.000 CFS

PLACE OF USE: POWER Within TETON County

T07N R44E S29 NWNE

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

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: License

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 22-606, 22-2123A/B, 22-2126, 22-7351, 22-7487, 22-7482A/B.

Recommendation:

See Right No. 22-606

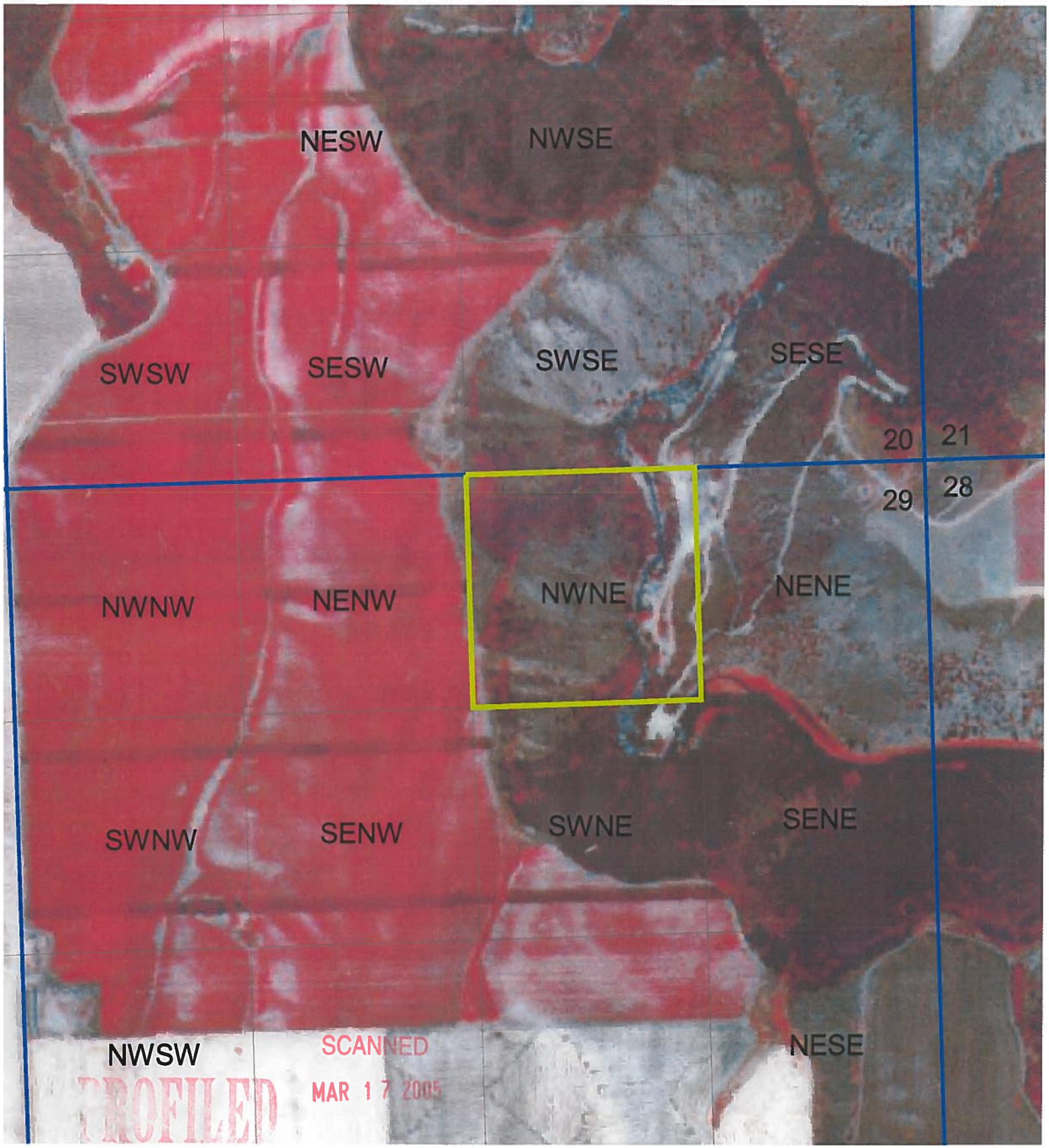
For field exam review notes and photos.

1. ORIGINAL CLAIM BY KALL RIVER RURAL ELECT. - DATA BASE CLAIM COPY SHOWS NAME OF ORIGINAL LICENSEE (NO DOCS TO SUPPORT DIFF. CLAIMANT - USE KALL RIVER ELECT. - MAIL RETURNED TO TOTEM VALLEY POWER & MILL CO. ADJ,
2. RECOMMEND POD AS NESENE SEC. 29. (DIFF. FROM LIC) CP3
3. BASICALLY RECOMMEND AS LIC. - EXCEPT POD.

SCANNED
MAR 17 2005

PROTEST

22-2123B
7N 44E



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MAR 17 2005
PROFILED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern District Office
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718

RETURN SERVICE REQUESTED

POCATELLO ID PM 3 MAR 2004 1930

PITNEY BOWES

U.S. POSTAGE PB3523907

89865 $00.370 MAR 02 2004

0915 MAILED FROM ZIP CODE 83402

Returned For Better Address

22- 602

22- 2123 B

TETON VALLEY POWER &
MILLING CO
C/O MICKIE FUNKE
FALL RIVER RURAL ELECTRIC
1150 N 3400 E
Ashton, ID 83420

83402/1700

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MAR 17 2005
PROFILE

RECEIVED SEP 30 1988

Bonneville Pacific Corporation

September 29, 1988

Mr. Frank Hitchcock
Nelson, Rosholt, Robertson, Tolman & Tucker
P.O. Box 1906
Twin Falls, Idaho 83303-1906

RE: Water Right claims for Felt Hydroelectric Project, Teton County, Idaho

Dear Frank:

Please find enclosed a copy of the "As-Built" Access Road and Permanent Easement Drawing for the Felt Hydroelectric project. Using this drawing as a basis, I have measured the following locations:

For "Old Water Rights" 22-00606, 22-02123A, 22-02123B and 22-02126:

Point of Diversion: NE NE 29T7NR44E
Point of Use: NW NE 29T7NR44E

For "New Water Rights" 22-07351, 22-07482 and 22-07487:

Point of Diversion: NE NE 29T7NR44E
Point of Use: SE SE 20T7NR44E

Also find enclosed your draft Notice of Claims for the foregoing rights, with changes I would suggest for the sake of accuracy.

Sincerely,

Elmer C. Newman
Assistant to the President

ECN: dbm
Enclosures

SCANNED
MAR 17 2005
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OCT 29 1992

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: A22-02123B
Date Received: 10/06/1988
Receipt No: E002969
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

A2202123B

1. Name: TETON VALLEY POWER & MILLING CO.
   Address:
   DRIGGS, ID 83422

2. Date of Priority: MAR 14, 1948

3. Source: TETON RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
07N	44E	29	NW NE		TETON

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
POWER			80.000		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
07N	44E	29	NW NE		POWER	

11. Place of use in counties: TETON

12. Do you own the property listed above as place of use? NO

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OCT 29 1992

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: LICENSE
Water Right Number: 18400

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)
) SS.
County of _____)

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

_____
Notary Public

Seal

Residing at _____

My Commission Expires _____

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OCT 29 1992

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
C	TETON VALLEY POWER & MILLING CO DRIGGS ID 83422	03/14/1948	POWER	00-00	00-00	80.00 CFS	
				TOTAL DIVERSION:		80.00 CFS	
C	FALL RIVER RURAL ELECTRIC PO BOX 830 ASHTON ID 83420 (208) 652-7431						

Water Source: TETON RIVER Tributary to: SNAKE RIVER Stage: LICENSE

Point(s) of Diversion: T07N R44E S29 NWNE TETON County

Place of use Legal Description for: POWER

			NE				NW				SW				SE			
			NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE
T	R	S	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac
07N	44E	29		P														

POU County: TETON

Remarks: ADDRESS CHANGE REC'D 04/06/1994 SS.

Dates: Exam Made Date: Verified Date:

Misc: Water District Number: 01 Field Inspection Flag:
Presumption Flag:

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NOV 09 ...

Form No. 42-1409 (2) a 1/88

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: 39356
Ident. Number 22-02123B
Date Received 10-6-88
Receipt Number 002969

RECEIVED
OCT 6 1988
Department of Water Resources
Eastern District Office

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) FALL RIVER RURAL ELECTRIC COOP., INC. Phone (208) 652-7431

   Mailing Address P.O. Box 617, Ashton ID Zip 83422

2. Date of Priority (Only one (1) per claim) 03-14-1948

3. Source of water supply (a) TETON RIVER
   which is tributary to (b) SNAKE RIVER

4. a. Location of existing point of diversion is: Township 07N Range 44E Section 29,

   ____ 1/4 of SW 1/4 of NE 1/4, Govt. Lot, ____ B.M., County of TETON

   Additional points of diversion if any: ____

   b. If instream flow, beginning point of claimed instream flow is:

   Township ____ Range ____ Section ____, ____ 1/4 of ____ 1/4 of ____ 1/4,

   Govt. Lot ____ B.M., County of ____

   ending point is: Township ____ Range ____ Section ____, ____ 1/4 of ____ 1/4 of

   ____ 1/4, Govt. Lot ____ B.M., County of ____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well.

   The diversion structure is a 100 foot long dam with a by-pass gate and fish ladder that backs up water to an impoundment. The water is diverted into two large pipelines to the original powerhouse established under Water Rights 22-00606; 22-02123A and 22-02123B; and 22-02126. Diversion is made at the dam impoundment through a six foot diameter pipeline which travels through the hillside along the creek and after emerging from the hillside is split into two five foot diameter penstocks entering the powerhouse where flow is directed through two turbine generators and then discharged back into the creek.

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6. Water is claimed for the following purposes:

		(both dates are inclusive)		(cfs)	(acre feet)
For POWER	purposes from 01-01	to 12-31	amount 80.00	or	
For	purposes from	to	amount	or	
For	purposes from	to	amount	or	
For	purposes from	to	amount	or	

7. Total quantity claimed (a) 80.00 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is N/A acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) 2200 KW nameplate total for this pair of generators.

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

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
07N	44E	29		P															

Total number of acres irrigated N/A

11. In which county (ies) are lands listed above as place of use located? TETON

12. Do you own the property listed above as place of use? Yes _____ No XXX
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
22: 00606, 02123A, [illegible], 02126, 07351, 07482, 07487 or None ( )

14. Remarks:
Attached is a copy of letter from Elmer C. Newman of the Bonneville Pacific Corp. Lessee of Claimant indicates that the "As-Built" drawings for the project used a different point of diversion, and in some cases a different place of use. All parties will attempt to learn if there has been any official survey, and if not, one could be made. The point of diversion and place of use used herein is from an aerial photo, a copy of which is also enclosed, as well as a topography map.

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PROFILED MAR 17 2005 OCT 29 1996

Last Name FALL RIVER RURAL Ident No. _____ Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License X Permit _____
Decree _____
If applicable provide IDWR Water Right Number 22-02123B
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.
Number of attachments 8 sheets

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____ Date _____

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am Manager (Title) of Fall River Rural Electric Coop., Inc. (Organization), that I have signed the foregoing document in the space below as Manager (Title) of Fall River Rural Electric Coop., Inc. (Organization) and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Leroy E. Mangum
Manager
Title and Organization Fall River Rural Electric Coop., Inc. Date 10/6/88

State of Idaho/or _____)
) SS.
County of Madison)

Subscribed and sworn (or affirmed) before me this 6th day of October 1988

SEAL

Notary Public Debra A. Keller

Residing at Rexburg, ID

My Commission Expires 11-15-93

Please Print Name

17. Notice of Appearance:
Notice is hereby given that I, Ray W. Rigby will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature Ray W. Rigby

Address P.O. Box 250, Rexburg, ID 83440

Date 10/6/88

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MAR 17 2005
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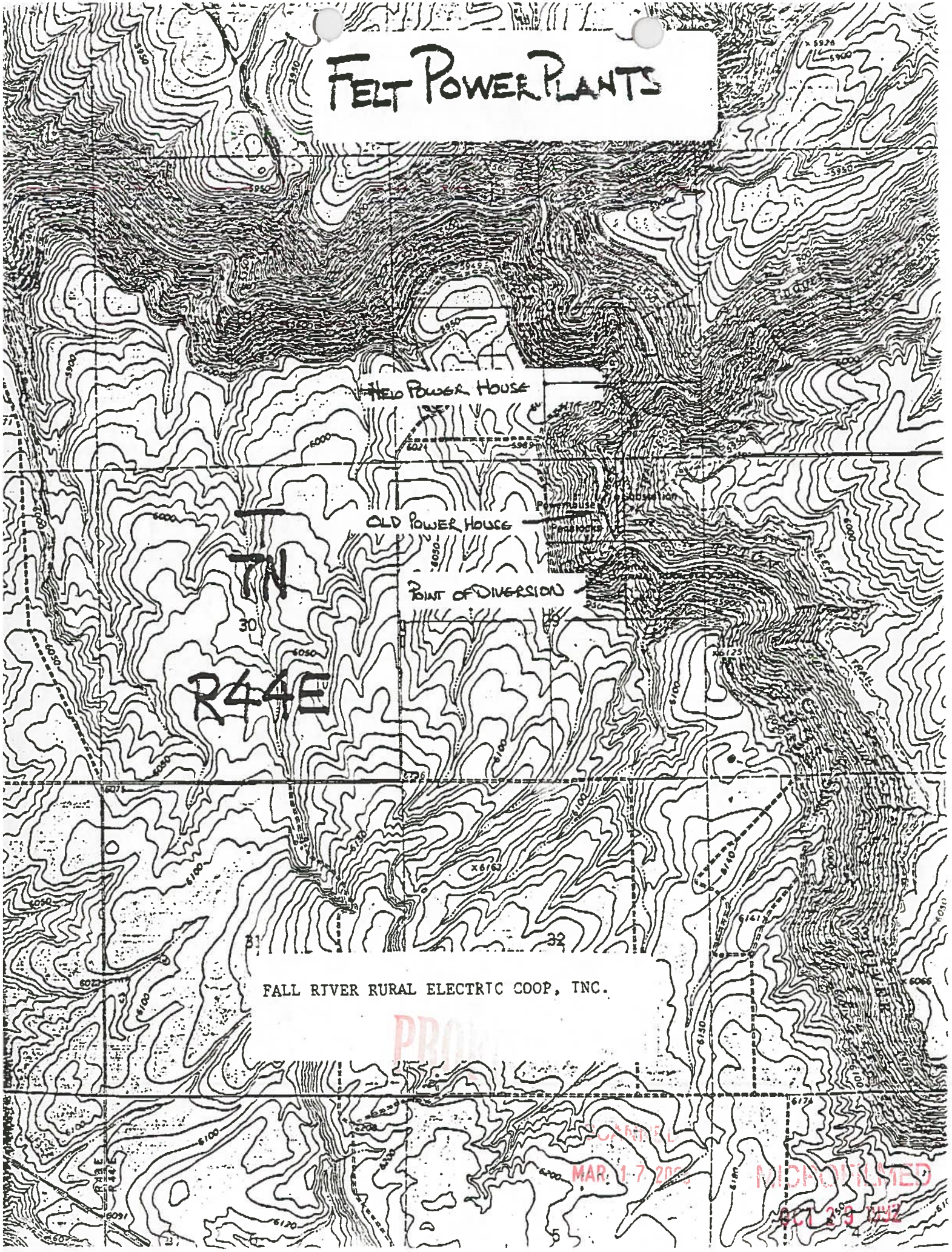
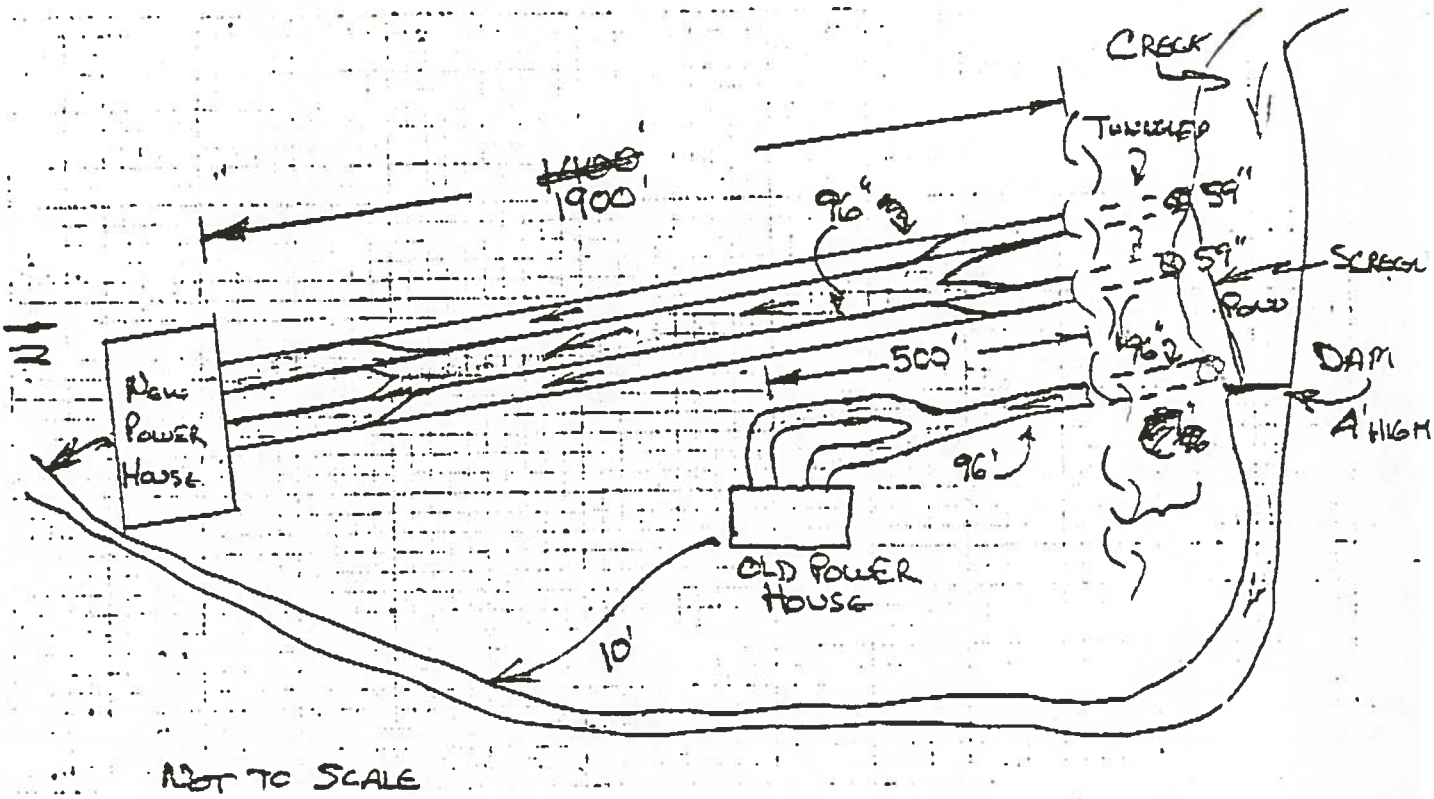
OCT 29 1992

Last Name FALL RIVER RURAL Ident. Number _____

Copies White-State, Yellow-Claimant


FELT POWER PLANTS
FELT POWER HOUSE
OLD POWER HOUSE
POINT OF DIVERSION
T7N
R4E
30
31
32
33
FALL RIVER RURAL ELECTRIC COOP, INC.



Scale: 1" = _____.

2. ☑ Copy of U.S.G.S. 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 or more).

☑ Photo of Diversion and System Attached
(required for all but single household domestic groundwater, and stockwater.

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MAR 17 2005
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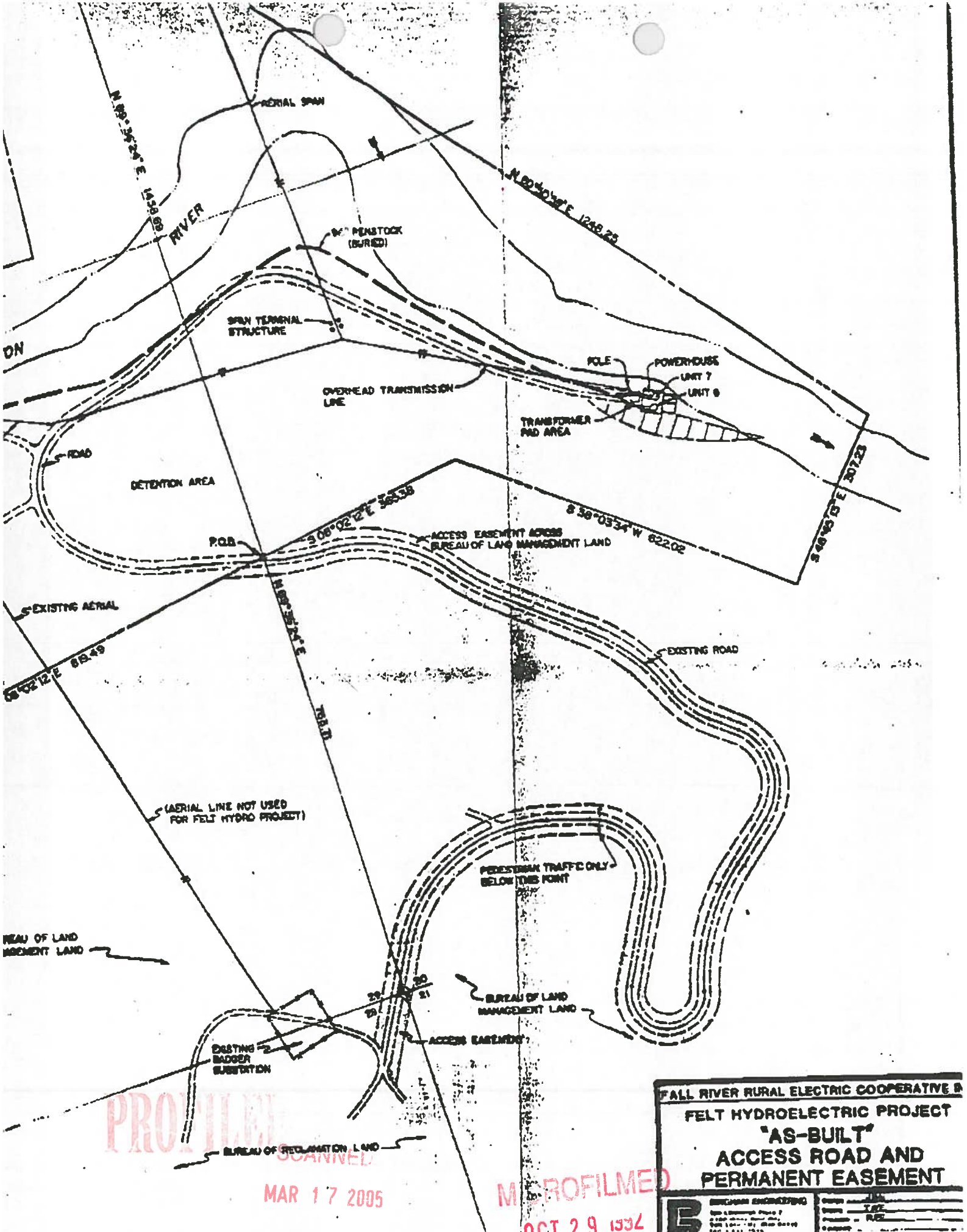
OCT 29 1997

FALL RIVER RURAL ELECTRIC COOP, INC.



FALL RIVER RURAL ELECTRIC COOPERATIVE I

FELT HYDROELECTRIC PROJECT

"AS-BUILT"

ACCESS ROAD AND PERMANENT EASEMENT

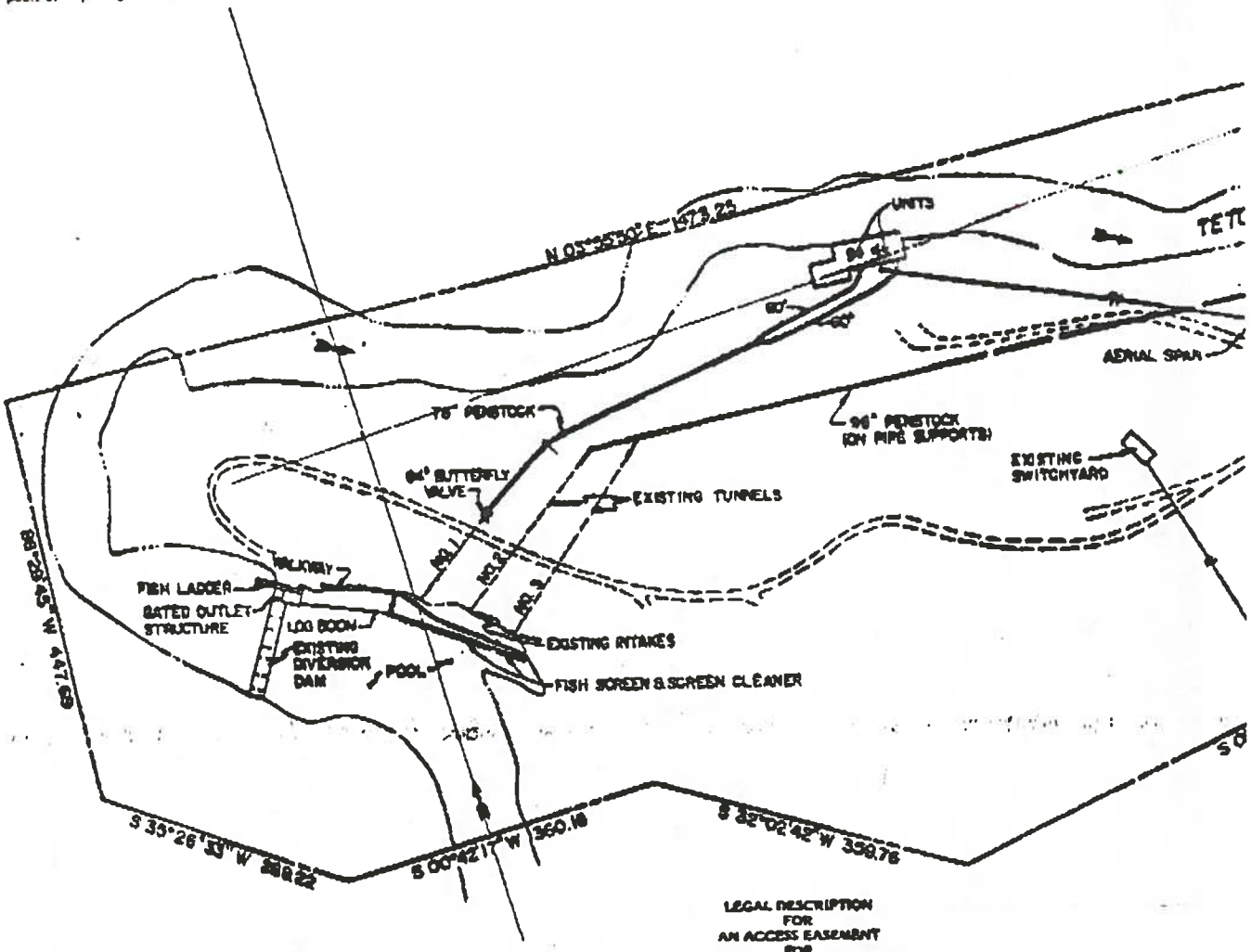
PROFILE SCANNED MAR 17 2005

MICROFILMED OCT 29 1997

** TOTAL PAGE.004 **

A parcel of land located in Sections 20 and [illegible] Township 7 North, Range 04 East, Boise Meridian, Teton County, Idaho, being more particularly described as follows:

Beginning at a point which lies North 89°58'07" East, 1,058.69 feet from the North 1/4 corner of said Section 29, said point being on the north section line of said Section 29, and running thence South 89°08'17" East, 819.99 feet; thence South 37°06'47" West, 399.76 feet; thence South 08°27'17" West, 360.16 feet; thence South 39°26'37" West, 287.72 feet; thence North 86°29'07" West, 407.69 feet; thence North 39°19'30" East, 1,075.21 feet; thence North 89°17'17" West, 1,059.23 feet; thence North 09°21'20" West, 128.00 feet; thence North 10°42'16" East, 218.00 feet; thence North 89°11'27" East, 793.63 feet; thence North 30°30'39" East, 1,248.21 feet; thence South 89°08'17" East, 307.23 feet; thence South 39°07'30" West, 627.07 feet; thence South 89°07'17" East, 365.38 feet to the point of beginning, containing 47.32 acres.



LEGAL DESCRIPTION
FOR
AN ACCESS EASEMENT
FOR
FELT HYDROELECTRIC PROJECT
ON BUREAU OF RECLAMATION LAND

A parcel of land located in Section 29, Township 7 North, Range 44 East, Boise Meridian and being 25 feet on either side of the following described centerline:

Beginning at a point which lies South 00°18'19" West, 17.43 feet along the west line of said Section 29 from the northeast corner of said Section 29, and running thence South 63°26'06" East, 117.90 feet more or less to the point of intersection of two existing Teton County Roads.

LEGAL DESCRIPTION
FOR
AN ACCESS EASEMENT
FOR
FELT HYDROELECTRIC PROJECT
ON BUREAU OF LAND MANAGEMENT LAND

A parcel of land located in Sections 20, 21, and 29, Township 7 North, Range 44 East, Boise Meridian, and being 25 feet on either side of the following described centerline:

Beginning at a point which lies South 00°18'19" West, 17.43 feet along the west line of said Section 29 from the northeast corner of said Section 29, and running thence North 63°26'06" West, 83.69 feet to the point of tangency on the arc of a 790.00 foot radius curve to the right (central angle = 77°07'30"); thence Northwesterly 336.32 feet along the arc of said curve; thence North 13°41'24" East, 73.82 feet to the point of tangency on the arc of a 100.00 foot radius curve to the right (central angle = 103°19'00"); thence Easterly 180.21 feet along the arc of said curve; thence South 63°00'24" East, 137.31 feet to the point of tangency on the arc of a 60.00 foot radius curve to the left (central angle = 193°38'18"); thence Northerly 201.86 feet along the arc of said curve to the point of reverse curvature on the arc of a 190.00 foot radius curve to the right (central angle = 269°21'43"); thence Northwesterly 399.91 feet along the arc of said curve; thence North 61°16'49" West, 94.79 feet to the point of tangency on the arc of a 100.00 foot radius curve to the left (central angle = 99°26'31"); thence Westerly 173.56 feet along the arc of said curve; thence South 89°17'22" West, 61.99 feet to the point of tangency on the arc of a 150.00 foot radius curve to the right (central angle = 259°39'21"); thence Northwesterly 678.66 feet along the arc of said curve to the point of reverse curvature on the arc of a 150.00 foot radius curve to the left (central angle = 109°18'47"); thence Southwesterly 285.17 feet along the arc of said curve; thence South 39°39'26" West, 199.16 feet to the point of tangency on the arc of a 150.00 foot radius curve to the right (central angle = 109°32'29"); thence Southwesterly 28.81 feet along the arc of said curve to the point of reverse curvature on the arc of a 790.00 foot radius curve to the left (central angle = 91°16'48"); thence Southerly 223.93 feet along the arc of said curve to the point of reverse curvature on the arc of a 150.00 foot radius curve to the right (central angle = [illegible]); thence [illegible] feet along the arc of said curve; thence [illegible]

SCANNED
MAR 17 2003
PROJ
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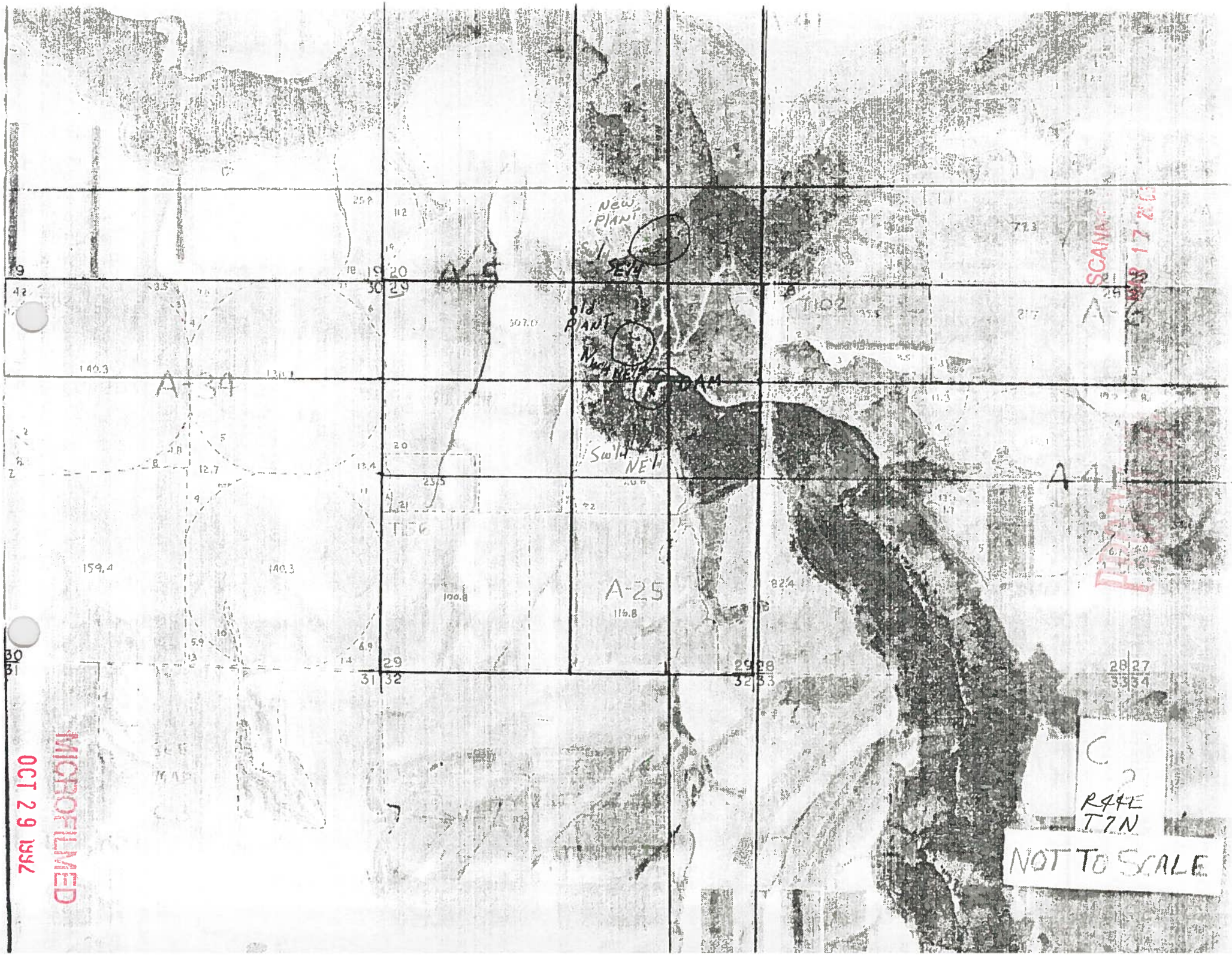
OCT 29 1992


NEW PLANT
SW¼ SE¼
OLD PLANT
NW¼ NE¼
DAM
SW¼ NE¼
A-25
116.8
A-34
A-41
T10S
T10
R4E
T7N
NOT TO SCALE
C 2
SCANNED
MICROFILMED
OCT 29 1992

FELT PLANT DESCRIPTION

LOCATIONS

POINTS OF DIVERSION

NE ¼ NE ¼ SECTION 29 T 7N R 44E

POINTS OF USE

OLD PLANT

NW ¼ NE ¼ SECTION 29 T 7N R 44E

NEW PLANT

SE ¼ SE ¼ SECTION 20 T 7N R 44E

HEADWORKS DESCRIPTION

OLD PLANT

TUNNEL: 120'± LONG

78" PENSTOCK: 370'± LONG

SPLITS INTO TWO 60" PIPELINES: 75'± & 100'±

FEEDING 2 UNITS: 950KW WESTINGHOUSE HORIZ.

NEW PLANT 1250KW G.E. HORIZONTAL

TUNNEL #2: 200'± LONG

TUNNEL #3: 225'± LONG

96" PENSTOCK: 1900'± LONG

SPLITS INTO TWO 56" PIPELINES: 50'± LONG

FEEDING 2 SIMILAR UNITS: IDEAL ELECTRIC FRANCIS VERTICAL TURBINES 2750KW EACH.

SCANNED
MAR 17 2005
PROJ.
MICROFILMED
OCT 29 1992