

RIGHT NUMBER: 22-7351

NAME AND ADDRESS: FALL RIVER RURAL ELECTRIC CO-OPERATIVE
1150 N 3400 E
ASHTON ID 83420

SOURCE: TETON RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 300.000 CFS

PRIORITY DATE: 03/18/1981

POINT OF DIVERSION:
T07N R44E S29 NESWNE Within TETON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
POWER	1/01 12/31	300.000 CFS
Use of water under this right shall be non-consumptive.		

PLACE OF USE: POWER Within TETON County
T07N R44E S20 SESE

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.

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.

A FLOW OF 20.0 CFS MUST BYPASS THE DIVERSION AND FLOW UNINTERRUPTED TO THE POWERHOUSE TAILRACE, EXCEPT DURING THE THREE MONTH PERIOD OF CUTTHROAT SPAWNING, DETERMINED BY THE IDAHO DEPARTMENT OF FISH AND GAME, WHEN THE BYPASS FLOW MUST BE INCREASED TO 50.0 CFS.

THE POINT OF DISCHARGE TO THE TETON RIVER IS LOCATED IN THE SESE
SECTION 20, T7N, R44E.

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

AJ0749NP
No. A22-07351

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

DATE: 04/21/94
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	FALL RIVER RURAL ELECTRIC PO BOX 830 ASHTON ID 83420 (208) 652-7431	03/18/1981	POWER	01-01 12-31	300.00 CFS	
TOTAL DIVERSION:					300.00 CFS	

Water Source: TETON RIVER

Tributary to: SNAKE RIVER

Stage: PERMIT

Point(s) of Diversion: T07N R44E S29 SWNE

TETON County

Place of use Legal Description for: POWER

				NE				NW				SW				SE			
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
07N	44E	20	:																

POU County: TETON

Non-Irrigation Uses: 155' OF HEAD; 1100 KW NAMEPLATE; TOTAL - BOTH UNITS

Other Rights: 22-0606, 22-2123, 22-2126.

Conditions of Approval:

- 17K - The water right acquired under this permit 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 permit and
 - shall not give rise to any right or claim against future rights
 - to the use of water, other than hydropower, within the State of
 - Idaho initiated later in time than the priority of this permit.
- 17G - The diversion and use of water under this right and any
 - license subsequently issued is subject to review by the Director
 - on the date(s) of expiration of any license issued by the
 - Federal Energy Regulatory Commission. 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.
- 08A - This right is subject to the provisions of Sections 42-205
 - through 42-210, Idaho Code, restricting the sale, transfer,
 - assignment, or mortgage of this right. Failure to comply with
 - these provisions is cause for immediate cancellation of this
 - right.
- 01E - A measuring device and lockable controlling works of a type
 - acceptable to the Department shall be permanently installed and
 - maintained as part of the diverting works.
- 09D - Water used under this right if discharged into a natural
 - channel shall meet Idaho Water Quality Standards.

NOV 16 1994
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AJ0749NP
No. A22-07351

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

DATE: 04/21/94
PAGE: 2

Remarks: PENETRATE THE HILLSIDE ALONG SIDE THE CREEK AND CONVERGE INTO AN
EIGHT FOOT DIAMETER PIPELINE WHICH SENDS WATER TO THE NEW POWERHO
USE. THE LENGTH OF THE PIPELINE AS IT EMERGES FROM THE HILLSIDE
TO THE POWERHOUSE INSTALLATION IS APPROXIMATELY 1900 FEET IN LENG
TH. TWO VERTICAL TURBINE GENERATORS WIATH A COMBINED KW NAMEPLAT
E TOTAL OF 5500 KW'S ARE TURNED BY THE FLOW AND THE DISCHARGE GOE
S BACK INTO THE ADJACENT CREEK BED.
ADDRESS CHANGE REC'D 04/06/1994 SS.

Dates: Exam Made Date: Verified Date:
Misc: Water District Number: 01 Field Inspection Flag:
Presumption Flag:

NOT
MICROFILMED

Recommendation:

See Right No. 22-606

For field exam review notes and photos.

PROFILED

① This WR is for the New Generator Facility
IN SWSESE

CØ5

② Same POD AS ^{ALL} OTHER TRS. NESWNE SEC. 29 7/44

③ Claims Priority OR MARCH 18, 1981. LICONSOD AS APRIL 29, 1981,
SO RECOMMENDED AS LICONSOD - SOL 1/1 TO 12/31.

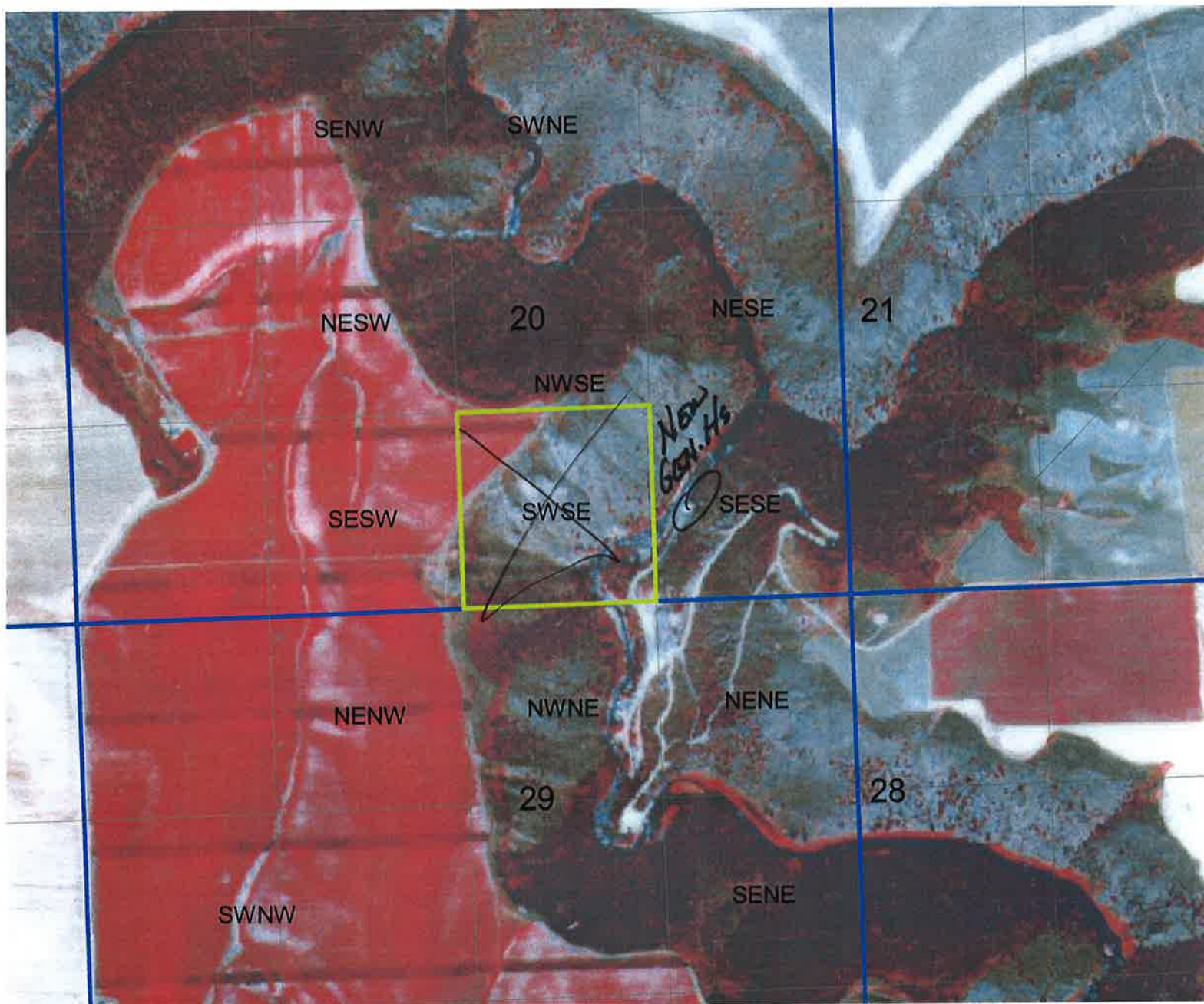
CØ5 ④ Plee LICONSOD in wrong QR - AS SWSE SEC. 20 - Actual is
SWSESE SEC. 20.

⑤ LICONSING Remarks/Conditions Apply

SCANNED

APR 07 2005

22-7351



SCANNED

07 2005

PROFILE

State of Idaho
Department of Water Resources

RECEIVED
APR 21 1994

WATER RIGHT LICENSE

WATER RIGHT NO. 22-07351

Department of Water Resources
Eastern District Office

Priority: April 29, 1981

Maximum Diversion Rate:

300.00 CFS

This is to certify, that FALL RIVER RURAL ELECTRIC COOPERATIVE
PO BOX 830

ASHTON ID 83420 has complied with the terms and conditions
of the permit, issued pursuant to Application for Permit dated March 18, 1981; and
has submitted Proof of Beneficial Use on April 28, 1986. An examination indicates
that the works have a diversion capacity of 520.000 cfs of water from:

TETON RIVER tributary to SNAKE RIVER

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>
POWER	01/01 to 12/31	300.00 CFS	

LOCATION OF POINT(S) OF DIVERSION:

NWNE , Sec. 29, Township 07N, Range 44E
TETON County

PLACE OF USE: POWER

TWN RGE SEC

07N 44E 20 SWSE

CONDITIONS/REMARKS:

1. This water right is appurtenant to the described place of use.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. 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.
5. Use of water under this water right will be regulated by the watermaster of State Water District No. 01.
6. Use of water under this right shall be non-consumptive.

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State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 22-07351

CONDITIONS/REMARKS:

7. A measuring device of a type approved by this Department shall be required at the diversion of the Teton River if determined to be necessary by either the Department of Water Resources or the watermaster of Water District 01.
8. The diversion and use of water under this license is subject to review by the Director 30 years from the date of issuance. 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 condition under which the right may be exercised.
9. Any loss of water to the Teton River resulting from conveyance and use pursuant to this license shall be mitigated with replacement water.
10. Use of water under this license shall not cause fluctuation in the flows of the Teton River which impairs the ability of prior right holders to divert their water.
11. This right is used in connection with Right Nos. 22-7487 and 22-7482B.
12. This license is subject to revocation pursuant to Section 42-350, Idaho Code.
13. A flow of 20.0 cfs must bypass the diversion and flow uninterrupted to the powerhouse tailrace, except during the three month period of cutthroat spawning, determined by the Idaho Department of Fish and Game, when the bypass flow must be increased to 50.0 cfs.
14. The diversion dam is located in the SWNE, S29, T07N, R44E.
15. The point of discharge to the Teton River is located in the SESE, S20, T07N, R44E.

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 9th day of APRIL, 1994.

Acting for

R. Keith Higginson, Director

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NOV 06 1996

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: A22-07351
Date Received: 10/06/1988
Receipt No: E002969
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: FALL RIVER RURAL ELECTRIC COOP. INC. 208-652-7431
Address: P.O. BOX 617
ASHTON, ID 83420

2. Date of Priority: MAR 18, 1981

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	SW		NE		TETON

5. Description of diverting works:
TWO SIX FOOT DIAMETER DIVERSION PIPELINES PENETRATE HILLSIDE.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
POWER	01/01	12/31	300.000		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
155' OF HEAD; 1100 KW NAMEPLATE; TOTAL - BOTH UNITS

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07N	44E	20	SW	SE		POWER	

11. Place of use in counties: TETON

A22-07351

Page 1

Date: 10/21/88

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OCT 29 1992



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

13. Other Water Rights Used:
22-0606, 22-2123, 22-2126.

14. Remarks:
PENETRATE THE HILLSIDE ALONG SIDE THE CREEK AND CONVERGE INTO AN EIGHT FOOT DIAMETER PIPELINE WHICH SENDS WATER TO THE NEW POWERHOUSE. THE LENGTH OF THE PIPELINE AS IT EMERGES FROM THE HILLSIDE TO THE POWERHOUSE INSTALLATION IS APPROXIMATELY 1900 FEET IN LENGTH. TWO VERTICAL TURBINE GENERATORS WITH A COMBINED KW NAMEPLATE TOTAL OF 5500 KW'S ARE TURNED BY THE FLOW AND THE DISCHARGE GOES BACK INTO THE ADJACENT CREEK BED.

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 _____

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

22-07351

Date Received

10-6-88

Receipt Number

E002969

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED
OCT 6 1988
Department of Water Resources
Eastern District Office

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) 03-18-1981

3. Source of water supply (a) TETON RIVER
which is tributary to (b) SNAKE RIVER4. 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,
1/4, Govt. Lot B.M., County of5. 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.

Two six foot diameter diversion pipelines penetrate the
hillside along side the creek and converge into an eight foot
diameter pipeline which sends water to the new powerhouse. The
length of the pipeline as it emerges from the hillside to the
powerhouse installation is approximately 1900 feet in length.
Two vertical turbine generators with a combined KW nameplate
total of 5500 KW's are turned by the flow and the discharge
goes back into the adjacent creek bed.

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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 300.00 or
For purposes from to amount or
For purposes from to amount or
For purposes from to amount or

7. Total quantity claimed (a) 300.00 (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.) 155' of head; 1100 KW nameplate. total - both units.

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
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
07N	44E	20															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, 02123B, 02126, 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.

Last Name FALL RIVER RURAL Ident No.

Copies: White - State, Yellow - Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit X
Decree _____
If applicable provide IDWR Water Right Number 22-07351
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. , that I have signed the foregoing
Organization
document in the space below as Manager of Fall River Rural Electric Coop., Inc.
Title Organization
and that the statements contained in the foregoing document are true and correct.

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

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

Subscribed and sworn (or affirmed) before me this 6th day of October 19 88

SEAL

Notary Public Debra A. Keller

Residing at Rexburg, Idaho

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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Last Name FALL RIVER RURAL Ident. Number _____

Copies White-State, Yellow-Claimant

FELT POWER PLANTS

NEW POWER HOUSE

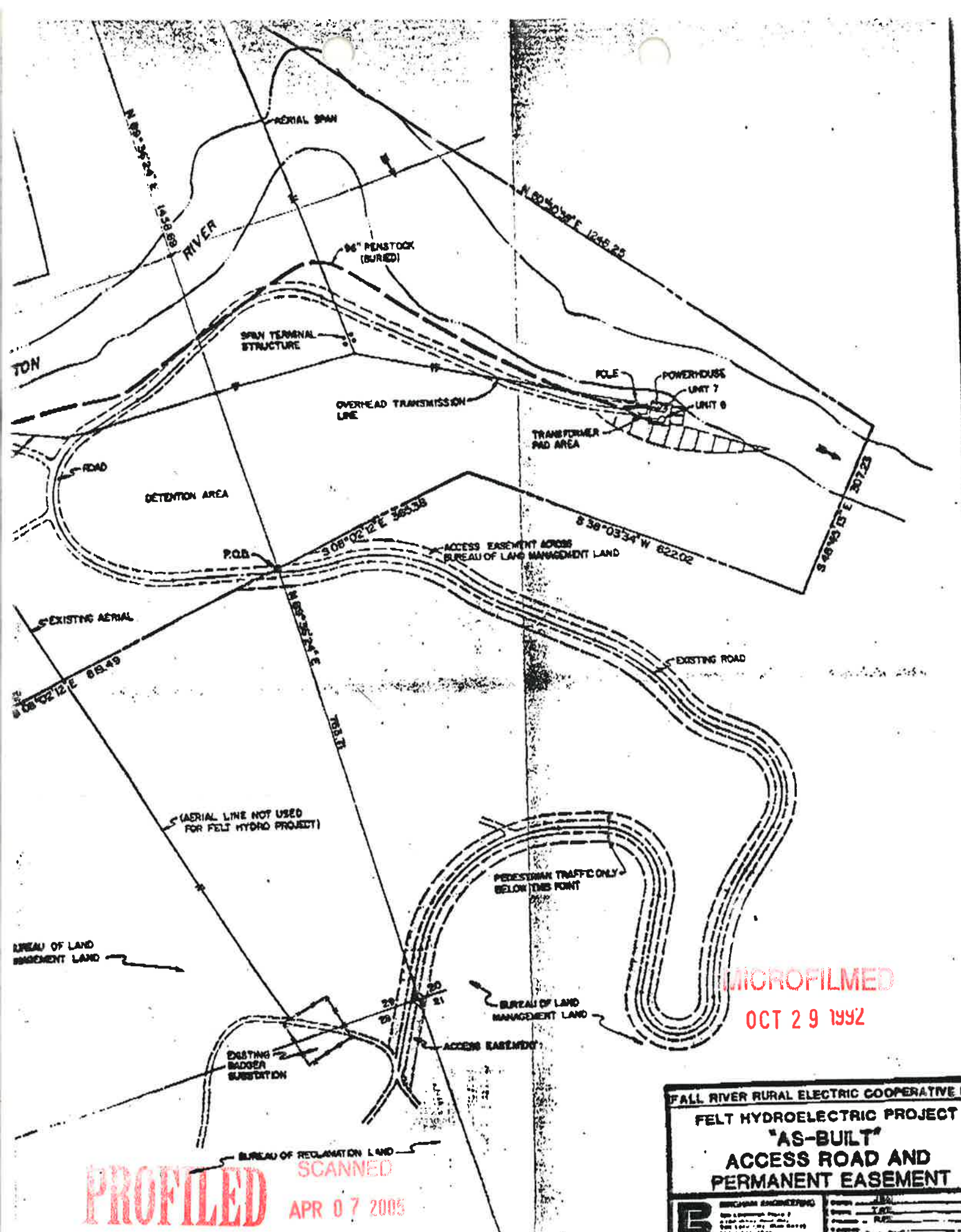
OLD POWER HOUSE

POINT OF DIVERSION

TN
30
R44E

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FALL RIVER RURAL ELECTRIC COOP, INC.
APR 07 2005 OCT 29 1992

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OCT 29 1992

FALL RIVER RURAL ELECTRIC COOPERATIVE INC.
FELT HYDROELECTRIC PROJECT
"AS-BUILT"
ACCESS ROAD AND
PERMANENT EASEMENT

B	REVISIONS	DATE
	1. AS-BUILT	10/29/92
	2. EASEMENT	11/15/92
	3. ROAD	12/15/92

10/29/92

month 7 North. Large
herds more generally

Beginning at a point which lies South 001°19' West, 17.85 feet along the west line of said Section 29 from the northeast corner of said Section 29, and running thence South 307°26' East, 117.50 feet more or less to the point of intersection of the existing Taylor County Road.

beginning at a point which lies South 09°18' West, 17.63 feet along the west line of said Section 27 from the northeast corner of said Section 29, and running thence North 53°28'04" West, 83.69 feet to the point of tangency on the arc of a 290.00 foot radius curve to the right (central angle = 77°07'30") thence Northerly 336.32 feet along the arc of said curve thence South 130°41'29" 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°01'30"); thence Easterly 180.21 feet along the arc of said curve thence South 63°02'32" East, 197.31 feet to the point of tangency on the arc of a 60.00 foot radius curve to the left (central angle = 192°08'18") thence Northerly 201.66 feet along the arc of said curve to the point of reverse curvature on the arc of a 290.00 foot radius curve to the right (central angle = 30°42'34") thence Northerly 307.61 feet along the arc of said curve thence North 101°04'29" West, 96.79 feet to the point of tangency on the arc of a 100.00 foot radius curve to the left (central angle = 99°25'31") thence Westerly 173.36 feet along the arc of said curve thence South 90°17'22" West, 61.77 feet to the point of tangency on the arc of a 290.00 foot radius curve to the right (central angle = 28°29'21") thence Southerly 70.40 feet along the arc of said curve to the point of reverse curvature on the arc of a 290.00 foot radius curve to the left (central angle = 100°19'47") thence Southwesterly 88.17 feet along the arc of said curve thence South 33°52'55" West, 195.16 feet to "a" point of tangency on the arc of a 290.00 foot radius curve to the right (central angle = 101°22'28") thence Southerly 83.31 feet along the arc of said curve to the point of reverse curvature on the arc of a 290.00 foot radius curve to the left (central angle = 311°14'45") thence Southerly 223.77 feet along the arc of said curve to the point of reverse curvature on the arc of a 290.00 foot radius curve to the right (central angle = 190°01'30")

thence South 10°18' West, 17.63 feet along the east line of said Section 27 to the southeast corner of said Section 29.

— **CLUB**
MASSACHUSETTS

OCT 29 1992

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NOT TO SCALE

R44E
T7N

C

2827
3334

2928
3233

3132
29

30

A-25

100.8

140.3

159.4

A-11

SW 1/4 NE 1/4

NEW PLANT
OLD PLANT
NEW PLANT
SW 1/4 SE 1/4
DAM

A-34

140.3

PH

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2132
2827

3032
20

31

FELT PLANT DESCRIPTION

LOCATION S

POINTS OF DIVERSION

NE $\frac{1}{4}$ NE $\frac{1}{4}$ SECTION 29 T7N R44E

POINTS OF USE

OLD PLANT

NW $\frac{1}{4}$ NE $\frac{1}{4}$ SECTION 29 T7N R44E

NEW PLANT

SE $\frac{1}{4}$ SE $\frac{1}{4}$ SECTION 20 T7N R44E

HEADWORKS DESCRIPTION

OLD PLANT

TUNNEL : 120' $\pm$ LONG

78" PENSTOCK : 370' $\pm$ LONG

SPLITS INTO TWO 60" PIPELINES : 75' $\pm$ & 100' $\pm$

FEEDING 2 UNITS : 950KW WESTINGHOUSE HORIZ

NEW PLANT 1250KW G.E. HORIZONTAL

TUNNEL #2 : 200' $\pm$ LONG

TUNNEL #3 : 225' $\pm$ LONG

96" PENSTOCK : 1900' $\pm$ LONG

SPLITS INTO TWO 56" PIPELINES : 50' $\pm$ LONG

FEEDING 2 SIMILAR UNITS : IDEAL ELECTRIC

FRANCIS VERTICAL TURBINES 2750KW EACH.

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PRU

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

APR 07 2005

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OCT 29 1992