04/12/2005

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: June 3, 2005

Water right number: 37-7916

KOYLE HYDRO INC
1774 S 1500 E
GOODING ID 83330
Telephone Number: (208)934-4060

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

X **I AGREE with this proposed recommendation: no changes need to be made.**

DATE: 4-26-05 **SIGNATURE:** Alan L. Koyle

Please print your name: ALAN L. KOYLE

IDWR State Office, 322 E. Front St., P.O. Box 83720, Boise, ID 83720-0098

02/18/2003

IDAHO DEPARTMENT OF WATER RESOURCES

PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-7916

NAME AND ADDRESS: KOYLE HYDRO INC
1774 SOUTH 1500 EAST
GOODING ID 83330

SOURCE: BIG WOOD RIVER — TRIBUTARY: MALAD RIVER
LITTLE WOOD RIVER — TRIBUTARY: MALAD RIVER

Bypass flows in the Big Wood River and Little Wood River must be maintained at sufficient levels to ensure protection of fish, wildlife, aquatic and riparian values.

Point of injection into and point of rediversion from the Big Wood River.

QUANTITY: 280.000 CFS
116,179.500 AFY

Any loss of water to the Big Wood River or the Little Wood River resulting from conveyance and use pursuant to this right shall be mitigated with replacement water.

PRIORITY DATE: 06/15/1981

The water right confirmed in this partial decree 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 right 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 right.

POINT OF DIVERSION:

T05S R14E S28 SWSWSE Within GOODING County

T05S R14E S28 SWSWSE Rediversion Within GOODING County

T05S R15E S31 NESWNW Lot 2 Injection Within GOODING County

T06S R15E S6 NWSWNE Within GOODING County Source:

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
POWER	01/01 12/31	280.000 CFS 116,179.50 AFY

PLACE OF USE: POWER Within GOODING County

T05S R14E S33 NESE

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

The diversion and use of water under this right is subject to review by the Director 25 years from the date of issuance of License 37-7916. (License 37-7916 was issued November 10, 1992.) 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 this right may be exercised.

Use of water under this right shall not cause fluctuation in the flows of the Malad River which impairs the ability of prior right holders to divert their water.

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.

IDAHO DEPARTMENT OF WATER RESOURCES

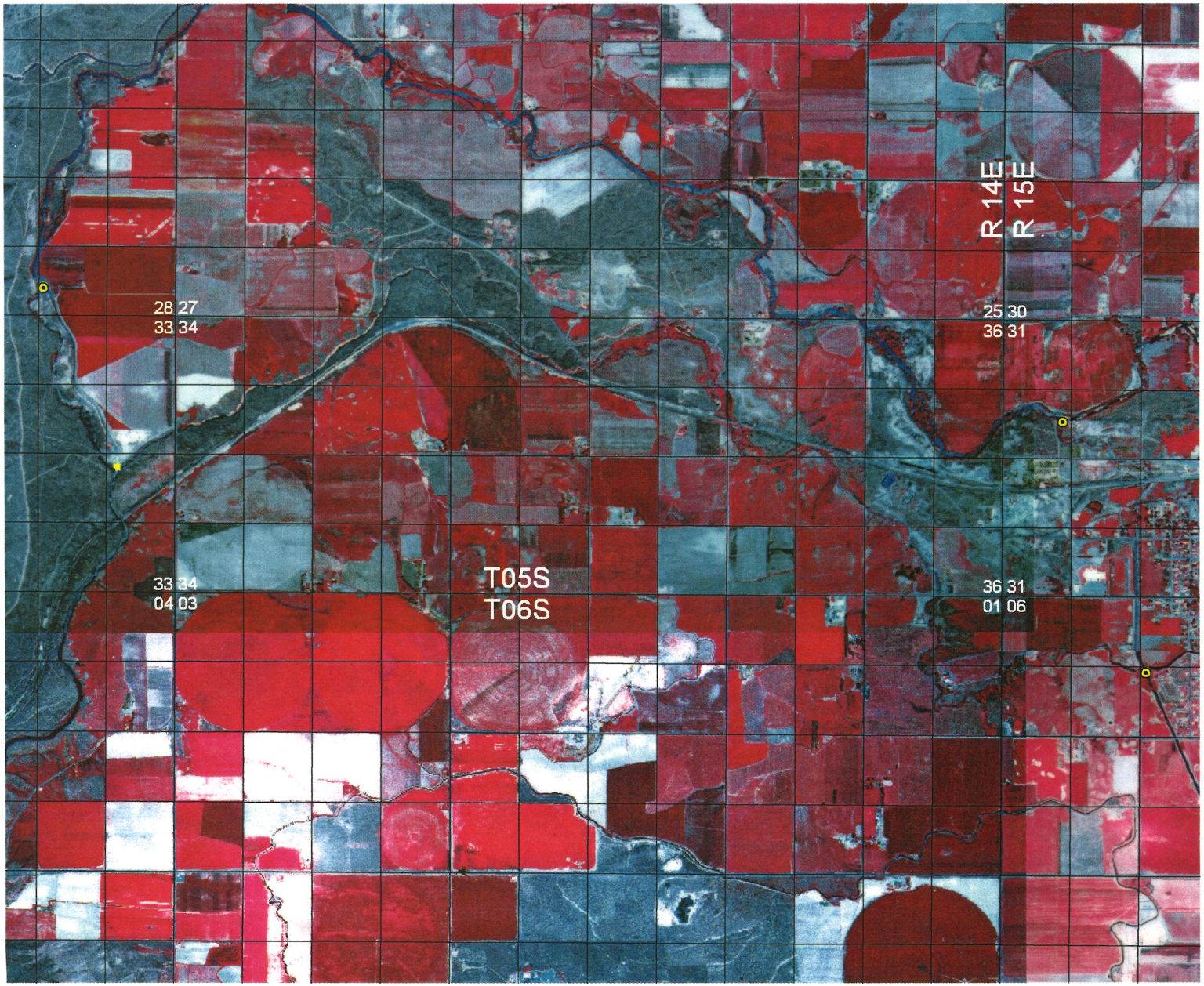
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

EXPLANATORY MATERIAL: License

A measuring device of a type approved by this Department shall be required at the diversions of the Big and Little Wood Rivers if determined to be necessary by either the Department of Water Resources or the watermaster of Water District 37.

Use of water pursuant to this right shall be non-consumptive.

37-7889 & 37-7916



T05S R14E S28
T05S R14E S33
T05S R15E S31
T06S R15E S06

N
W E
S

1 0 1 2 Miles

CLF 02/18/03

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: **A37-07916**
Date Received: 9/16/1988
Receipt No: S002213
Received By: _____

OWNERSHIP CHANGE 74

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: KOYLE HYDRO INC 208-934-4060
   Address: 1774 SOUTH 1500 EAST
   GOODING ID 83330

2. Date of Priority: JUN 15, 1981

3. Source: BIG WOOD RIVER Trib. to: MALAD RIVER
   LITTLE WOOD RIVER MALAD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
05S	14E	28	SW SE		GOODING

5. Description of diverting works:
   ROCK & CEMENT DIVERSION DAM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
POWER	01/01	12/31	280.000		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
   P/50 FEET OF HEAD, GENERATING CAPACITY IS 1280 KW
   GENERATING CAPACITY 1280.0 KILOWATTS

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
05S	14E	33	NE SE		POWER	

MICROFILMED
OCT 25 1994

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:
37-07889 (20 CFS)

14. Remarks:
HEAD = 50 FT., GENERATING CAPACITY IS 1280 KW

```
**********************************************************
*                MEMO TO FILE                            *
*    POD CHANGED FROM ORIGINAL PERMIT FROM SEC. 33 TO SEC. 28   *
*                              HLHT  1/31/89             *
**********************************************************
```

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)
) SS.
County of _____)

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

of _____ 19 _____

_____
Notary Public

Seal

Residing at _____

My Commission Expires _____

MICROFILMED
OCT 25 1994

INTER-DEPARTMENT MEMO

TO: KOYLE HYDRO, INC.

SUBJECT: OWNERSHIP

FROM: F. HITCHCOCK

DATE: 03-02-1994

The enclosed copies show the change in ownership per the documents received via John L. Runft, Esq. in Boise.

(✓) For your information

( ) Response required

F. Hitchcock
signature

cc: files A37-07889, A37-07916

MICROFILMED
OCT 25 1994

Manufactured by
Alexander Clark Business Forms
10801 Emerald Boise, Idaho (208) 322-0611

RECEIVED
FEB 25 1994
Department of Water Resources

Form 42-1409(7)

IDWR

NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

RECEIVED
MAR - 1 1994
Department of Water Resources
Southern Region Office

DATE OF CLOSING: February 3, 1994

LEGAL DESCRIPTION OF PROPERTY: Township 5 South Range 14 East
Section 33, NE 1/4 of SE 1/4 ~~of xxxxxxxxxx 1/4 Govt Lot xx~~, BM.
Lot _____, Block _____, Subdivision/Townsite _____.
If you have additional legal descriptions, please attach separate sheet. See attached Exhibit "A"

[ ] Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

[ ] Water Right Number(s) Assigned by IDWR: 37-07889 and 37-07916

[ ] Name and Address of Former Owner/Claimant(s)(Seller): Bonneville Pacific Corporation, a Utah corporation
257 East 200 South, Suite 800
Salt Lake City, Utah 84111

[ ] New Owner/Claimant (Purchaser): Koyle Hydro, Inc.

[ ] New Mailing Address: 1774 South 1500 East
Gooding, Idaho 83330

[ ] New Telephone Number: (208) 934 - 4060

[ ] Does the change in ownership result in a splitting of the water right owned/claimed? ___yes X no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

[ ] Attach proof of ownership, describe proof attached: Sheriff's Deed and Quitclaim Deed from Bonneville Pacific Corporation and Quitclaim Deed from First Security Bank of Idaho
(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

[ ] Signature of New Owner/Claimant(s): KOYLE HYDRO, INC. Date
By JOHN KOYLE, President John H. Koyle Date 2/18/94

[ ] Signature of Former Owner/Claimant(s): Bonneville Pacific Corporation Date
By Robert N. Bower, President Date 11-22-93
(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:
Initial Review and Data-Entry
Date: **By:**
Further Action Needed:

Further Action Taken
Date: **By:**
Final Review and Data-Entry
Date: **By:**
Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources

SHERIFF'S DEED AND BILL OF SALE

THIS DEED and BILL OF SALE, made this 20th day of December, 1993, by James Jax, Sheriff of Gooding County, State of Idaho, by virtue of his office, the Grantor, to First Security Bank of Utah, National Association, a national banking association, and First Security Bank of Idaho, National Association, a national banking association, as Co-Trustees for the benefit of New England Mutual Life Insurance Company, a Massachusetts corporation, the Grantee, whose pertinent mailing address is First Security Bank of Utah, N.A., Corporate Trust Department, 79 S. Main Street, P.O. Box 30007, Salt Lake City, Utah 84130-0007.

W I T N E S S E T H :

WHEREAS, pursuant to that certain Order for Judgment and Decree of Foreclosure and Order of Sale filed on the 20th day of September, 1993, in and by the District Court of the Fifth Judicial District of the State of Idaho, in and for the County of Gooding, in Case No. 22256 which was then pending in said Court, wherein First Security Bank of Utah, National Association, a national banking association, and First Security Bank of Idaho, National Association, a national banking association, as Co-Trustees for the benefit of N
Company, a Massachusetts corp
Bonneville Pacific Corporatio
were Defendants, it was, amon

JOHN L. RUNFT
ATTORNEY AT LAW

PHONE (208) 336-9813
FAX (208) 336-0317
BOISE, IDAHO 83702

IN THE ALASKA CENTER
1020 MAIN STREET, SUITE 440
FOURTH FLOOR

MICROFILMED
DEC 2 5 1994

and decreed that the mortgaged real and personal property described in the Complaint filed as Case No. 22256 and also in the Order for Judgment and Decree of Foreclosure and Order of Sale and hereinafter, be sold at public auction by the Sheriff of Gooding County, Idaho, in the manner prescribed by law and rule and practice of said Court; and

WHEREAS, in and by a Writ of Execution (Order of Sale) issued on the 28th day of September, 1993 in said action, by the Clerk of said Court, the Sheriff of Gooding County, State of Idaho, was commanded to sell said real and personal property; and

WHEREAS, in obedience to said Writ of Execution (Order of Sale) and after due public notice was given as required by law, said Sheriff of Gooding County, Idaho, did, on the 22nd day of October, 1993, at 10:00 a.m. of said day, at the front door of the Gooding County Courthouse, Gooding, Idaho, duly sell at public auction, the real and personal property which is described herein, in said Writ of Execution (Order of Sale) and in said Order for Judgment and Decree of Foreclosure and Order of Sale; and

WHEREAS, at such sale, said real and personal property was sold to First Security Bank of Utah, National Association, a national banking association, and First Security Bank of Idaho, National Association, a national banking association, as Co-Trustees for the benefit of New England Mutual Life Insurance Company, a Massachusetts corporation, the Grantee herein, for the sum of $722,378.00, they as Co-Trustees being the highest bidder,

MICROFILMED
OCT 25 1994

and said sum being the highest bid therefor; which sum was duly paid by said purchaser to said Sheriff of Gooding County, Idaho, in satisfaction of the amount of the Judgment and accruing costs as allowed by statute, and said Sheriff of Gooding County, Idaho thereupon delivered his Certificate of Sale dated October 22, 1993 to First Security Bank of Utah, National Association, a national banking association, and First Security Bank of Idaho, National Association, a national banking association, as Co-Trustees for the benefit of New England Mutual Life Insurance Company, a Massachusetts corporation and had a duplicate thereof recorded in the office of the County Recorder of Gooding County, Idaho, as required by law; and

WHEREAS, pursuant to said Order for Judgment and Decree of Foreclosure and Order of Sale First Security Bank of Utah, National Association, a national banking association, and First Security Bank of Idaho, National Association, a national banking association, as Co-Trustees for the benefit of New England Mutual Life Insurance Company, a Massachusetts corporation, the Grantee herein, is entitled to a deed and bill of sale to said real and personal property.

NOW, THEREFORE, I, James Jax, Sheriff of Gooding County, State of Idaho, by virtue of my office, and in consideration of the premises and of the sum so paid and in compliance with the law and with the above-mentioned Order for Judgment and Decree of Foreclosure and Order of Sale, as said Grantor, DO HEREBY GRANT, BARGAIN, SELL AND CONVEY unto First

MICROFILMED
OCT 25 1994

Security Bank of Utah, National Association, a national banking association, and First Security Bank of Idaho, National Association, a national banking association, as Co-Trustees for the benefit of New England Mutual Life Insurance Company, a Massachusetts corporation, the Grantee, and to their successors and assigns forever, all that certain real and personal property situate in County of Gooding, State of Idaho, described as follows:

See EXHIBIT A attached hereto and by this reference made a part hereof.

TO HAVE AND TO HOLD the above-described real and personal property with its appurtenances unto said Grantee and their successors and assigns forever.

IN WITNESS WHEREOF, said Grantor, as Sheriff of Gooding County, State of Idaho, aforesaid, does hereby set his hand the day and year first above written.

James Jax, Sheriff of Gooding
County, State of Idaho

MICROFILMED
OCT 25 1994

STATE OF IDAHO)
) ss.
County of Gooding)

On this 20th day of December, 1993, before me, the undersigned, a Notary Public in and for said State, personally appeared JAMES JAX, Sheriff of Gooding County, State of Idaho, known or identified to me to be the person whose name is subscribed to the foregoing instrument as said Sheriff of Gooding County, State of Idaho, and acknowledged to me that he executed the same as such Sheriff of Gooding County, State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Chris Kayle
Notary Public for Idaho.
Residing at Gooding
My commission expires 3.11.99

155136

STATE OF IDAHO COUNTY OF GOODING

Filed for record at the request of Gdg. County Sheriff

00 min. past 9 o'clock A m. this 20

of December, 1993 Fee -0-

JOHN A. MYERS Recorder

By Helen K. Piatt Deputy

MICROFILMED
OCT 25 1994

DESCRIPTION OF LAND

Tract I

Township 5 South, Range 14 East, Boise Meridian
Section 33
Part NE¼SE¼

Gooding County, Idaho

Beginning at the East Quarter Corner of Section 33;

thence N 89° 42' 44" W, 764.73 feet along the Northerly boundary of the NE¼SE¼ said Section 33 to the True Point of Beginning:

thence continuing N 89° 42' 44" W, 557.52 feet to the Northwest corner of the NE¼SE¼ said Section 33;

thence S 0° 08' 27" W, 198.51 feet along the Westerly boundary of the NE¼SE¼ said Section 33 to a point on the Easterly rim of the Big Wood River Canyon;

thence Southeasterly along the Big Wood River the following two courses and distances:

S 45° 02' 16" E, 74.26 feet;

S 63° 49' 13" E, 193.51 feet to the confluence of the Big Wood River and the Little Wood River;

thence Northeasterly along the Northerly rim of the Little Wood River Canyon the following two courses and distances:

N 39° 40' 35" E, 93.90 feet;

N 46° 08' 07" E, 377.05 feet to a point on the Northerly boundary of the NE¼SE¼ said Section 33, being the True Point of Beginning, containing 2.67 acres, more or less.

Tract II

Township 5 South, Range 14 East, Boise Meridian
Section 33
Part NE¼

Gooding County, Idaho

Beginning at the East Quarter corner of Section 33;

MICROFILMED
1994

thence N 89° 42' 44" W, 980.00 feet along the Southerly boundary of the NE¼ said Section 33 to the True Point of Beginning:

thence N 27° 42' 44" w, 980.00 feet;

thence N 46° 03' 41" W, 630.54 feet;

thence N 0° 23' 35" E, 670.98 feet;

thence N 8° 36' 24" W, 310.00 feet;

thence N 34° 33' 21" W, 444.22 feet to a point on the Northerly boundary of the NE¼ said Section 33;

thence N 89° 41' 34" W, 450.00 feet along the Northerly boundary of the NE¼ said Section 33 to the Northwest corner thereof;

thence S 0° 14' 16" W, 2642.50 feet along the Westerly boundary of the NE¼ said Section 33 to the Southwest corner thereof;

thence S 89° 42' 44" E, 1664.5 feet along the Southerly boundary of the NE¼ of said Section 33 to the True Point of Beginning, containing 60.08 acres, more or less.

Tract III

Township 5 South, Range 14 East, Boise Meridian
Section 28
Part SW¼SE¼

Gooding County, Idaho

Beginning at the Southeast corner of Section 28;

thence N 89° 41' 34" W, 2185.56 feet along the Southerly boundary of said Section 28 to the True Point of Beginning:

thence N 15° 34' 47" W, 584.09 feet;

thence N 55° 48' 17" W, 48.07 feet;

thence N 32° 43' 34" W, 100.03 feet;

thence N 56° 14' 24" W, 98.10 feet;

thence N 43° 58' 30" W, 94.04 feet;

thence N 65° 41' 06" W, 48.72 feet;

MICROFILMED
OCT 25 1994

thence N 1° 01' 00" E, 102.23 feet;

thence N 34° 30' 24" E, 99.15 feet;

thence N 17° 46' 45" E, 191.84 feet;

thence N 8° 52' 28" E, 139.40 feet;

thence N 89° 41' 34" W, 144.31 feet to the Westerly boundary of said SW¼SE¼;

thence S 0° 04' 40" W, 1318.74 feet along the Westerly boundary of the SW¼SE¼ said Section 28 to the South Quarter Corner thereof;

thence S 89° 41' 34" E, 450.00 feet along the Southerly boundary of said Section 28 to the True Point of Beginning, containing 6.63 acres, more or less.

AND ALSO

A seventy (70) feet wide strip of land for an access roadway over and across a portion of the NE¼ Section 33, Township 5 South, Range 14 East of the Boise Meridian, being centered on the following described centerline;

Beginning at the East Quarter Corner of Section 33;

thence N 0° 02' 38" E, 555.49 feet along the Easterly boundary of said Section 33 to the Point of Beginning;

thence S 59° 29' 24" W, 754.83 feet;

thence S 49° 03' 35" W, 256.43 feet to a point on the Southerly boundary of the NE¼ said Section 33, said point being the Point of Ending.

From the point of ending the East Quarter Corner of said Section 33 bears S 89° 42' 44" E, 843.61 feet.

155716

STATE OF IDAHO COUNTY OF GOODING

Filed for record at the request of FIRST AMERICAN TITLE

47 min. past 3 o'clock P m. this 4

of Feb, 1994 18.00

JOHN A. MYERS Recorder

By Deputy

EXHIBIT "A"

The real property and all tangible and intangible personal property used in connection with the so-called Koyle Hydroelectric Facility located in Gooding County, Idaho, described and referred to in that certain Indenture of Mortgage and Security Agreement dated as of March 1, 1984, between Bonneville Pacific Corporation, as Debtor, and First Security Bank of Utah, a National Association, as Security Trustee, for the benefit of New England Mutual Life Insurance Company, which instrument was recorded on October 26, 1984, as Instrument No. 111190, Mortgage Records of Gooding County, Idaho, reference to which is hereby made for further particulars - including but not limited to the following described real property, water rights, tangible personal property, and all tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, to-wit:

MICROFILMED
OCT 25 1984

DESCRIPTION OF LAND

Tract I

Township 5 South, Range 14 East, Boise Meridian
Section 33
Part NE¼SE¼ Gooding County, Idaho

Beginning at the East Quarter Corner of Section 33;

thence N 89° 42' 44" W, 764.73 feet along the Northerly boundary of the NE¼SE¼ said Section 33 to the True Point of Beginning:

thence continuing N 89° 42' 44" W, 557.52 feet to the Northwest corner of the NE¼SE¼ said Section 33;

thence S 0° 08' 27" W, 198.51 feet along the Westerly boundary of the NE¼SE¼ said Section 33 to a point on the Easterly rim of the Big Wood River Canyon;

thence Southeasterly along the Big Wood River the following two courses and distances:

S 45° 02' 16" E, 74.26 feet;

S 63° 49' 13" E, 193.51 feet to the confluence of the Big Wood River and the Little Wood River;

thence Northeasterly along the Northerly rim of the Little Wood River Canyon the following two courses and distances:

N 39° 40' 35" E, 93.90 feet;

N 46° 08' 07" E, 377.05 feet to a point on the Northerly boundary of the NE¼SE¼ said Section 33, being the True Point of Beginning, containing 2.67 acres, more or less.

Tract II

Township 5 South, Range 14 East, Boise Meridian
Section 33
Part NE¼ Gooding County, Idaho

Beginning at the East Quarter corner of Section 33;

MICROFILMED
OCT 25 1994

thence N 89° 42' 44" W, 980.00 feet along the Southerly boundary of the NE¼ said Section 33 to the True Point of Beginning:

thence N 27° 42' 44" W, 980.00 feet;

thence N 46° 03' 41" W, 630.54 feet;

thence N 0° 23' 35" E, 670.98 feet;

thence N 8° 36' 24" W, 310.00 feet;

thence N 34° 33' 21" W, 444.22 feet to a point on the Northerly boundary of the NE¼ said Section 33;

thence N 89° 41' 34" W, 450.00 feet along the Northerly boundary of the NE¼ said Section 33 to the Northwest corner thereof;

thence S 0° 14' 16" W, 2642.50 feet along the Westerly boundary of the NE¼ said Section 33 to the Southwest corner thereof;

thence S 89° 42' 44" E, 1664.5 feet along the Southerly boundary of the NE¼ of said Section 33 to the True Point of Beginning, containing 60.08 acres, more or less.

Tract III

Township 5 South, Range 14 East, Boise Meridian
Section 28
Part SW¼SE¼ Gooding County, Idaho

Beginning at the Southeast corner of Section 28;

thence N 89° 41' 34" W, 2185.56 feet along the Southerly boundary of said Section 28 to the True Point of Beginning:

thence N 15° 34' 47" W, 584.09 feet;

thence N 55° 48' 17" W, 48.07 feet;

thence N 32° 43' 34" W, 100.03 feet;

thence N 56° 14' 24" W, 98.10 feet;

thence N 43° 58' 30" W, 94.04 feet;

thence N 65° 41' 06" W, 48.72 feet;

MICROFILMED
OCT 25 1994

thence N 1° 01' 00" E, 102.23 feet;

thence N 34° 30' 24" E, 99.15 feet;

thence N 17° 46' 45" E, 191.84 feet;

thence N 8° 52' 28" E, 139.40 feet;

thence N 89° 41' 34" W, 144.31 feet to the Westerly boundary of said SW¼SE¼;

thence S 0° 04' 40" W, 1318.74 feet along the Westerly boundary of the SW¼SE¼ said Section 28 to the South Quarter Corner thereof;

thence S 89° 41' 34" E, 450.00 feet along the Southerly boundary of said Section 28 to the True Point of Beginning, containing 6.63 acres, more or less.

AND ALSO

A seventy (70) feet wide strip of land for an access roadway over and across a portion of the NE¼ Section 33, Township 5 South, Range 14 East of the Boise Meridian, being centered on the following described centerline;

Beginning at the East Quarter Corner of Section 33;

thence N 0° 02' 38" E, 555.49 feet along the Easterly boundary of said Section 33 to the Point of Beginning;

thence S 59° 29' 24" W, 754.83 feet;

thence S 49° 03' 35" W, 256.43 feet to a point on the Southerly boundary of the NE¼ said Section 33, said point being the Point of Ending.

From the point of ending the East Quarter Corner of said Section 33 bears S 89° 42' 44" E, 843.61 feet.

DESCRIPTION OF WATER RIGHTS

Water Rights evidenced by Applications for Permit, Identification Nos. 37-7889 and 37-7916, respectively, approved by State of Idaho, Department of Water Resources

MICROFILMED
OCT 25 1994

DESCRIPTION OF FACILITY

One completed hydroelectric project sized for 300 cfs of water and at least 969 kw of electrical output, more particularly described as:

Diversion Dam

Control Gates

Stop-Log Structure

+ 3320 lineal feet of earthen canal spillway and steel wear plate

Headwork structure with trash racks and railings

151 lineal feet of 84" Primary Penstock

65 feet Penstock manifold and thrust blocks

Powerhouse and valve box

22 lineal feet of 54" Secondar Penstock

22 lineal feet of 36" Secondary Penstock

21 lineal feet of 30" Secondary Penstock

Butterfly Valves and Actuators

Valve Box

Powerhouse

Switchhouse

Programmable Controller

High Intensity Exist Door Lights (6)

Transmission Intertie

Remote Monitor and Printer

1 1500 KVA 3PH Terra Transformer
Series Number
0078EA64K02L

MICROFILMED
OCT 25 1994

Lot Series 81000 type medium voltage controllers, rated 2400-V, 3 0, 60 Hz, NEMA I-A enclosed, consisting of:

3 Induction Generator Controls

1 Fuse Loan-Interrupter Feeder Switch

1 Non-fused Loan Interrupter Incoming Line Switch

1 Incoming Line Auxiliary Unit

1 Model 33 WTH Kaplan Turbine/Generator Set
Serial Number 088329
45 cfs capacity, 192 kw capacity

1 Model 36 WTTM Kaplan Turbine/Generator Set
Serial Number 08830
77 cfs capacity, 339 kw capacity

1 Model 39 WTM Kaplan Turbine/Generator Set
Serial Number 088331
170 cfs capacity, 749 kw capacity

MICROFILMED
OCT 25 1994

CONSENT OF CHAPTER 11 TRUSTEE OF THE BANKRUPTCY ESTATE OF BONNEVILLE PACIFIC CORPORATION

Roger G. Segal, the Chapter 11 Trustee ("Trustee") of the bankruptcy estate of Bonneville Pacific Corporation ("BPC"), pursuant to an Order of the United States Bankruptcy Court for the District of Utah, Central Division (Bankruptcy No. 91A-27701) entered on August 9, 1993 (the "Order", a copy of which is attached hereto as Exhibit "A"), hereby approves, consents to and ratifies the execution and delivery by and for BPC of the foregoing Quitclaim Deed (Including After-Acquired Property) to First Security Bank of Utah, National Association and First Security Bank of Idaho, National Association, as co-trustees for the benefit of New England Mutual Life Insurance Company.

Dated this 18 day of November, 1993.

Roger G. Segal, Chapter 11 Trustee
for the Bankruptcy Estate of
Bonneville Pacific Corporation

MICROFILMED
OCT 25 1994

STATE OF UTAH)
) ss.
COUNTY OF SALT LAKE)

December 18, 1993

On this 18th day of December, in the year of 1993, before me Amy Smout, personally appeared Roger G Segal, known or identified to me (or proved to me on the oath of Roger G Segal), to be the Chapter 11 Trustee for the Bankruptcy Estate of Bonneville Pacific Corporation, a Utah corporation and debtor who under Chapter 11 of Title 11 of the United States Code, executed the foregoing instrument and acknowledged to me that the same constituted his free act and deed.

Amy K Smout
Notary Public
My Commission Expires: 3-1-96

[SEAL]

NOTARY PUBLIC
AMY K. SMOUT
525 East 100 South #500
Salt Lake City, Utah 84102
My Commission Expires
March 1, 1996
STATE OF UTAH

MICROFILMED
OCT 25 1994

Lorraine M. Weil
HEBB & GITLIN
One State Street
Hartford, Connecticut 06103
Telephone: (203) 240-2749
and
Anna W. Drake, No. 0909
FABIAN & CLENDENIN
215 South State, Suite 1200
Salt Lake City, Utah 84111
Telephone: (801) 531-8900
Facsimile: (801) 596-2814
Attorneys for New England Mutual
Life Insurance Company

RECEIVED
AUG 9 1993
WILLIAM C. STILLGEBAUER
CLERK OF COURT

IN THE UNITED STATES BANKRUPTCY COURT

FOR THE DISTRICT OF UTAH

Central Division

In re	)	Bankruptcy No. 91A-27701
		Chapter 11
BONNEVILLE PACIFIC CORPORATION,	)	
Debtor.	)	

ORDER AUTHORIZING, *INTER ALIA*, DEBTOR'S EXECUTION AND DELIVERY OF AGREEMENTS, DOCUMENTS, AND INSTRUMENTS ON BEHALF OF ITSELF AND CERTAIN PARTNERSHIPS RELATING TO KOYLE RANCH HYDRO ELECTRIC PROJECT, GOODING COUNTY, IDAHO

Trustee's Motion for Order Authorizing the Debtor to Execute and Deliver Agreements, Documents and Instruments on Behalf of Itself and Certain Partnerships Relating to Koyle Ranch Hydro Electric Project, Gooding County, Idaho (the "Motion") (to which a copy of a certain stipulation [the "Stipulation"] by Roger G. Segal, the Chapter 11 Trustee [the "Trustee"] of the bankruptcy estate of Bonneville Pacific Corporation [the "Debtor"], New England Mutual Life Insurance Company ["New England"], First Security Bank of Utah, N.A., and First Security Bank of Idaho, N.A., is annexed as Exhibit "A" thereto) came on regularly for hearing on

MICROFILMED
OCT 25 1994

August 9, 1993, at the hour of 9:00 a.m., before the Honorable John H. Allen, United States Bankruptcy Judge. The Trustee was represented by his counsel, Daniel J. Torkelson of Cohne, Rappaport & Segal; New England was represented by its counsel, Anna W. Drake of Fabian & Clendenin; and other appearances were noted on the record. The Court having noted that notice of the Motion and the hearing thereon was properly given to all parties in interest, including but not limited to all general and limited partners of HEA (as that term is defined in the Motion) and KEA (as that term is defined in the Motion) as required by that certain Order dated June 28, 1993 (a copy of which is annexed hereto without Exhibit "A"), with no objection thereto having been filed. Based upon the Stipulation, the Motion, and statements of counsel, and for good cause appearing, now, therefor, it is hereby

ORDERED that the Stipulation shall be, and hereby is, ratified, confirmed, approved, and adopted in all its particulars; and, it is further

ORDERED that the Trustee is authorized to enter into and perform in accordance with the Stipulation, and the Debtor hereby is authorized to perform in accordance with the Stipulation; and, it is further

ORDERED that Clark M. Mower, as President of the Debtor, is authorized to execute and deliver to New England on behalf of the Debtor as Managing General Partner of HEA and KEA, and to execute and deliver to New England on behalf of the Debtor itself, each and every agreement, document, and/or instrument (collectively the "Instruments") (including but not limited to the Judgment Stipulation, the Conveyance Instruments, the Bonneville Disclaimer, the Partnership Disclaimers, and the Partnership Releases) in accordance with the Stipulation; and, it is further

MICROFILMED
OCT 25 1994

ORDERED that the Debtor and the Trustee are hereby authorized to take any other actions, including the execution and delivery of documents, which the Trustee deems necessary to accomplish and effectuate the Stipulation; and, it is further

ORDERED that it hereby is confirmed that the Debtor's execution and delivery of the Instruments on behalf of each of HEA and KEA are each a valid and appropriate exercise of the Managing General Partner's authority under the HEA Partnership Agreement and the KEA Partnership Agreement, respectively; and, it is further

ORDERED that the capacity of the Trustee to enter into the Stipulation and to execute and deliver his authorization of and consent to the Instruments as corporate governance of the Debtor is hereby confirmed; and, it is further

ORDERED that the Debtor's capacity to have accepted service of legal process in respect of the Foreclosure Action on behalf of itself, itself as joint venturer in the Joint Venture, and on behalf of HEA and KEA as the Managing General Partner of each, respectively, is hereby ratified and confirmed; and, it is further

ORDERED that this Order shall be binding upon, and enforceable against, the Debtor, the Trustee, HEA, KEA, New England, and the Security Trustee and their respective partners, successors, and assigns, including but not limited to any successor trustee hereafter elected or appointed in this case pursuant to 11 U.S.C. §§ 701, 702, 703 and/or other applicable law; and, it is further

ORDERED that all capitalized terms used but not otherwise defined herein shall have the respective meanings ascribed to the same in the Stipulation and the Motion.

DATED this 9 day of August, 1993.

John H. Allen
United States Bankruptcy Judge

MICROFILMED
OCT 25 1994

CERTIFICATE OF SERVICE

Copies of the foregoing Order were served by the Clerk of the Court by depositing copies thereof in the United States mails, postage prepaid, addressed as shown below, this 10 day of August, 1993.

Anna W. Drake, Esq.
Fabian & Clendenin
215 South State, Suite 1200
Salt Lake City, UT 84111

Lorraine M. Weil, Esq.
Hebb & Gitlin
One State Street
Hartford, CT 06103

Daniel J. Torkelson, Esq.
Cohne, Rappaport & Segal, P.C.
P.O. Box 11008
Salt Lake City, UT 84147

Roger G. Segal, Trustee
P.O. Box 11008
Salt Lake City, UT 84147

Mark E. Rinehart, Esq.
Bonneville Pacific Corporation
257 East 200 South, Suite 800
Salt Lake City, UT 84111

U.S. Trustee
9 Exchange Place, Suite 100
Salt Lake City, UT 84111

WILLIAM C. STILLGEBAUER
Clerk of the Court

By Dana Y Thomas
Deputy Clerk

MICROFILMED
OCT 25 1994

Lorraine M. Weil
HEBB & GITLIN
One State Street
Hartford, Connecticut 06103
Telephone: (203) 240-2749
and
Anna W. Drake, No. 0909
FABIAN & CLENDENIN
215 South State, Suite 1200
Salt Lake City, Utah 84111
Telephone: (801) 531-8900
Facsimile: (801) 596-2814
Attorneys for New England Mutual
Life Insurance Company

JUN 29 1993

IN THE UNITED STATES BANKRUPTCY COURT

FOR THE DISTRICT OF UTAH

Central Division

In re	)	Bankruptcy No. 91A-27701
		Chapter 11
BONNEVILLE PACIFIC CORPORATION,	)	
		ORDER LIMITING NOTICE
Debtor.	)	

On June 28, 1993, this Court considered the Motion for Order Limiting Notice filed by New England Mutual Life Insurance Company (hereinafter "New England"), wherein New England seeks to limit the parties entitled to receive the Notice of Hearing on Motion for Order Authorizing Debtor to Execute and Deliver Agreements, Documents and Instruments on Behalf of Itself and Certain Partnerships Relating to Koyle Ranch Hydro Electric Project, Gooding County, Idaho (hereinafter the "Notice"), and to establish the form and manner of such notice. Roger G. Segal, Trustee, was represented by Daniel J. Torkelson of Cohne, Rappaport & Segal, P.C., and New England was represented by Anna W. Drake of Fabian & Clendenin.

It appears to the Court as follows:

MICROFILMED
OCT 25 1994
EXHIBIT
A

1. All parties on the Bonneville Pacific Limited Matrix dated July 1, 1992 (hereinafter the "Matrix"), and all general and limited partners of HEA and KEA were served with a notice of hearing prior to the entry of an Order Approving Stipulation by and among the Debtor, the Trustee, and New England Mutual Life Insurance Company Relating to Koyle Ranch Hydroelectric Facility, Gooding County, Idaho, dated October 5, 1992 (hereinafter the "Abandonment Order").

2. The Trustee has entered into a Stipulation for, Inter Alia, Debtor's Execution and Delivery of Agreements, Documents and Instruments on Behalf of Itself and Certain Partnerships Relating to Koyle Ranch Hydro Electric Project, Gooding County, Idaho. This Stipulation will effectuate the requests made by New England as set forth in that certain Motion for Order Authorizing the Debtor to Execute and Deliver Agreements, Documents and Instruments on behalf of Itself and Certain Partnerships Relating to Koyle Ranch Hydro Electric Project, Gooding County, Idaho (hereinafter the "Motion"), relating to the execution and delivery of certain documents.

3. Pursuant to the terms of the Abandonment Order, the estate abandoned its own interest, but not the interests of Bonneville Pacific, KEA, or HEA, in the Project and other collateral. HEA's and KEA's interests were preserved to enable the limited partners of each partnership to make an independent decision regarding the expected foreclosure by New England.

4. Based upon the Abandonment Order, creditors and parties in interest of the estate as contained in the Matrix, together with the partners of HEA and KEA, were given notice of the abandonment, lifting of the stay, stipulation to foreclosure, and waiver of redemption rights

MICROFILMED
OCT 25 1994

by the Debtor. As to the estate, the purpose of the Motion is to simply effectuate the terms of the Abandonment Order.

5. Service by mail of the Notice annexed hereto as Exhibit "A" solely to the general and limited partners of HEA and KEA is sufficient to impart notice to the members of the respective partnerships, and no other creditors and parties in interest require notice.

Based upon the foregoing, it is hereby

ORDERED that pursuant to Rules 2002(a)(2) and 9014 of the Federal Rules of Bankruptcy Procedure, and Bankr. D. Ut. Rule 523, notice of hte Motion and of the hearing in respect thereto shall be adequate and suficient if, no later than July 9, 1993, the Notice of Hearing on Motion for Order Authorizing Debtor to Execute and Deliver Agreements, Documents and Instruments on Behalf of Itself and Certain Partnerships Relating to Koyle Ranch Hydro Electric Project, Gooding County, Idaho, a copy of which is attached hereto as Exhibit "A", shall be served upon all creditors and parties in interest shown on the Matrix, and to the general and limited partners of HEA and KEA, via the United States Postal Service (first-class mail, postage prepaid) at the respective addresses last known to the Trustee, and notice to other creditors and parties in interest need not be given.

DATED this 28 day of June, 1993.

John H. Allen
United States Bankruptcy Judge

MICROFILMED
OCT 25 1994

G-002764

QUITCLAIM DEED
(INCLUDING AFTER-ACQUIRED PROPERTY)

FOR VALUE RECEIVED, FIRST SECURITY BANK OF UTAH, NATIONAL ASSOCIATION, a national banking association, and FIRST SECURITY BANK OF IDAHO, NATIONAL ASSOCIATION, a national banking association, as Co-Trustees for the benefit of New England Mutual Life Insurance Company, a Massachusetts corporation (hereinafter collectively "Grantor") do by these presents convey, remise, release and forever quitclaim unto Koyle Hydro, Inc., an Idaho corporation (hereinafter "Grantee") all right, title and interest which Grantor now has or may hereafter acquire in the property situated in the County of Gooding, State of Idaho, as more particularly described on Exhibit "A" attached hereto and by this reference incorporated herein.

TOGETHER WITH all right, title and interest which Grantor now has or may hereafter acquire in the rights of way, easements, tenements, hereditaments, water rights and appurtenances thereunto belonging, reversion and reversions, remainder and remainders, rents, issues and profits thereof.

TO HAVE AND TO HOLD the same unto Grantee and to its successors and assigns forever.

The current pertinent address of the Grantee is: c/o Consulting Associates, Inc., Suite 102, 1843 Broadway, Boise, Idaho 83706.

MICROFILMED
OCT 25 1994

IN WITNESS WHEREOF, this Quitclaim Deed has been duly executed by and on behalf of Grantor this 3rd day of ~~December~~ FEBRUARY, ~~1993~~ 1994.

FIRST SECURITY BANK OF ~~UTAH~~,
NATIONAL ASSOCIATION

By: _____
Name: Greg A. Hawley
Title: Assistant Vice President
(a duly authorized officer)

FIRST SECURITY BANK OF IDAHO,
NATIONAL ASSOCIATION

By: _____
Name: SHARON MARCHETTI
Title: TRUST OFFICER
(a duly authorized officer)

STATE OF UTAH)
) ss.
County of Salt Lake)

On this 21st day of December, 1993, before me, Lisa N. Brafton, a Notary Public in and for said State, personally appeared Greg A. Hawley, known or identified to me to be the Asst. Vice President of FIRST SECURITY BANK OF UTAH, NATIONAL ASSOCIATION, the bank that executed the within instrument or the person who executed the instrument on behalf of said bank, and acknowledged to me that such bank executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

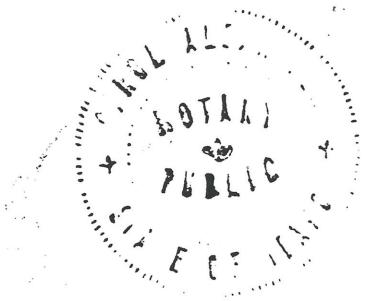
_____
Notary Public for Utah
Residing at First Security Bank
My commission expires _____

MICROFILMED
OCT 25 1994

STATE OF IDAHO)
) ss.
County of Ada)

On this 3rd day of ~~December~~ February, ~~1993~~ 1994 CA, before me, Carol Alexander, a Notary Public in and for said State, personally appeared Sharon Marchetti, known or identified to me to be the Trust Officer of FIRST SECURITY BANK OF IDAHO, NATIONAL ASSOCIATION, the bank that executed the within instrument or the person who executed the instrument on behalf of said bank, and acknowledged to me that such bank executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Carol Alexander
Notary Public for Idaho
Residing at Boise Idaho
My commission expires 12/7/95

MICROFILMED
OCT 25 1994

Water Right Number - R37-07916 Prefix Translation: RESEARCH Old (D) Number -

Last Name	First Name	Address
*** C - CURRENT OWNER ***		
HYDRO INC	KOYLE	1 - 1774 SOUTH 1500 EAST 2 - 3 - City- GOODING State- ID Zip- 83330 Phone - 208-934-4060
*** O - ORIGINAL OWNER ***		
KOYLE	JOHN H.	1 - 2 - 3 - City- X State- ID Zip- 0 Phone - 208-000-0000
BONNEVILLE PACIFIC CORP.		1 - 257 E. 200 S., SUITE 800 2 - 3 - City- SALT LAKE CITY State- UT Zip- 84111 Phone - 801-363-2520
HIRSCHI	DAVID P.	1 - 257 E. 200 S., SUITE 800 2 - 3 - City- SALT LAKE CITY State- UT Zip- 84111 Phone - 208-000-0000

Priority Date	Region	Stage	Status
06/15/1981	17 SOUTHERN	P - PERMIT	

Source	Tributary
BIG WOOD RIVER	MALAD RIVER
LITTLE WOOD RIVER	MALAD RIVER

Point of Diversion

Twn	Rng	Sec	Tract	Lot	RFlg	County
05S	14E	28	SW SE		(47)	GOODING

Water Use

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
28	POWER	01/01	12/31	280.000	

Total Div. Rate	Total Div. Volume	Total Consumptive Use	KW Usage
280.000		0.0	1280.0

Place of Use

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
05S	14E	33	NE SE			28	POWER	(47) GOODING

Total Acres:

MICROFILMED
OCT 25 1994

Water right number - R37-07916   Prefix Translation: RESEARCH

+ - - Diversion Means - ROCK & CEMENT DIVERSION DAM

+ - - Non-Irrigation Use - P/50 FEET OF HEAD, GENERATING CAPACITY IS 1280 KW

+ - - Other Rights for Same Use - 37-07889 (20 CFS)

+ - Remarks - +

HEAD = 50 FT., GENERATING CAPACITY IS 1280 KW

```
*****************************************************************
*                    MEMO TO FILE                               *
*    POD CHANGED FROM ORIGINAL PERMIT FROM SEC. 33 TO SEC. 28   *
*                                  HLHT  1/31/89                *
*****************************************************************
```

+ - Old Water Right Numbers - +

No Old Water Right Numbers Found

+ - Conditions of Approval - +

No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - +   + - - - - Decree Defendant - - - +   + - Decree Date - +
00/00/0000

+ -Comments- +

Date: 03/01/1994 User Id: HITCHCOC Subject: AMENDMENT
ORIGINAL CLAIMANT FILED AN AMENDMENT TO THE PERMIT TO CHANGE PODS AND ADD AFA WHICH WAS APPROVED 11-10-1992 THE DATE OF LICENSING.
ONE OF THE NEW PODS IS NOTED IN THE CLAIM ONLY BY THE REVIEWER   HLHT 01-31-1989.
Date: 03/01/1994 User Id: HITCHCOC Subject: OWNERSHIP CHANGE
BY FGH 03-01-1994.

+ - - Audit Fields - - +
03/01/94 HITCHCOC

+ - Adjudication Rights Dates and Flags Area - +

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 09/16/1988	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S002213	Water District	- 37
		POU Ownership Flag	- N	Federal/State Indicator	- S
		Name Connector	-	Presumption Flag	-
				Notice of Error Flag	-

MICROFILMED
OCT 25 1994

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 ADJUDIC
OF RIGHTS TO THE USE OF W
THE SNAKE RIVER BASIN WAT

PODS AMENDED 01-05-1988 APPROVED 11-10-1992

CIVIL CASE NUMBER: 39576

Ident. Number: **A37-07916**
Date Received: 9/01/1988
Receipt No: S002213 Mat.
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: BONNEVILLE PACIFIC CORP. 801-363-2520
   Address: 257 E. 200 S., SUITE 800
   SALT LAKE CITY, UT 84111

2. Date of Priority: JUN 15, 1981

3. Source: BIG WOOD RIVER Trib. to: MALAD RIVER
   LITTLE WOOD RIVER MALAD RIVER

4. Point of Diversion:

APP: SWNE §33
SENE §33
FIELD EXAM: 5S14E
SWSE §28
SWNE §6
6S15E

Township	Range	Section	1/4 of 1/4 of 1/4	L
05S	14E	28	SW SE	

5. Description of diverting works:
   ROCK & CEMENT DIVERSION DAM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
POWER	01/01	12/31	280.000		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
   P/50 FEET OF HEAD, GENERATING CAPACITY IS 1280 KW
   GENERATING CAPACITY 1280.0 KILOWATTS

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
05S	14E	33	NE SE		POWER	

MICROFILMED
MICROFILMED
FEB 24 1993

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:
    37-07889 (20 CFS)

14. Remarks:
    HEAD = 50 FT., GENERATING CAPACITY IS 1280 KW
    ****
    * MEMO TO FILE *
    * POD CHANGED FROM ORIGINAL PERMIT FROM SEC. 33 TO SEC. 28 *
    * HLHT 1/31/89 *
    ****

15. Basis of Claim: PERMIT

MICROFILMED
FEB 2 4 1993

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 Organizations:

I do solemnly swear or affirm that I am _____ of
Title
_____, that I have signed the foregoing
Organization
document in the space below as _____ of
Title
_____ and that the statements contained in the
Organization
foregoing document are true and correct.

_____
Signature of Authorized Agent

_____
Title and Organization

_____
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 _____

MICROFILMED
FEB 24 1993

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 A37-07916
Date Received 9-1-88
Receipt Number 5002213

RECEIVED
SEP 1 1988
Department of Water Resources
Southern Region Office

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) BONNEVILLE PACIFIC CORPORATION Phone (801) 363-2520

   Mailing Address 257 E. 200 S., Suite 800, Salt Lake City UT Zip 84111

2. Date of Priority (Only one (1) per claim) 06-15-1981

3. Source of water supply (a) BIG WOOD & LITTLE WOOD RIVERS

   which is tributary to (b) SNAKE RIVER

4. a. Location of existing point of diversion is: Township 5S Range 14E Section 28,

   _____ 1/4 of SW 1/4 of SE 1/4, Govt. Lot, _____ B.M., County of GOODING

   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. ROCK BUTTRESSED CONCRETE DIVERSION DAM ON THE BIG WOOD RIVER, HEIGHT: 2 to 8 feet, LENGTH: 230 feet, WITH A DIVERSION CANAL HEADWORKS CONSISTING OF THREE 12' wide x 8' high BAYS WITH RADIAL GATES. CANAL IS 30' wide AT BASE WITH 1 to 1 SIDE SLOPES, 8' deep and 3350' long, FEEDING THROUGH A CONCRETE INTAKE STRUCTURE TO A 78" DIAMETER STEEL PENSTOCK, 170' LONG. THE PENSTOCK FEEDS THREE POWER GENERATING TURBINES WHICH DISCHARGE INTO THE MALAD RIVER.

MICROFILMED
FEB 24 1993

Copies: White-State, Yellow-Claimant

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 280 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 280 (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.) 50 FEET OF HEAD. GENERATING CAPACITY IS 1280 KW.

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	
5S	14E	33													P				

Total number of acres irrigated _____

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

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.
PERMIT #37-7889 (20 CFS) or None ( )

14. Remarks: USE OF REAL PROPERTY IS BY ASSIGNMENT FROM JOHN H. KOYLE AND MARGARET H. KOYLE DATE JUNE 13, 1983.

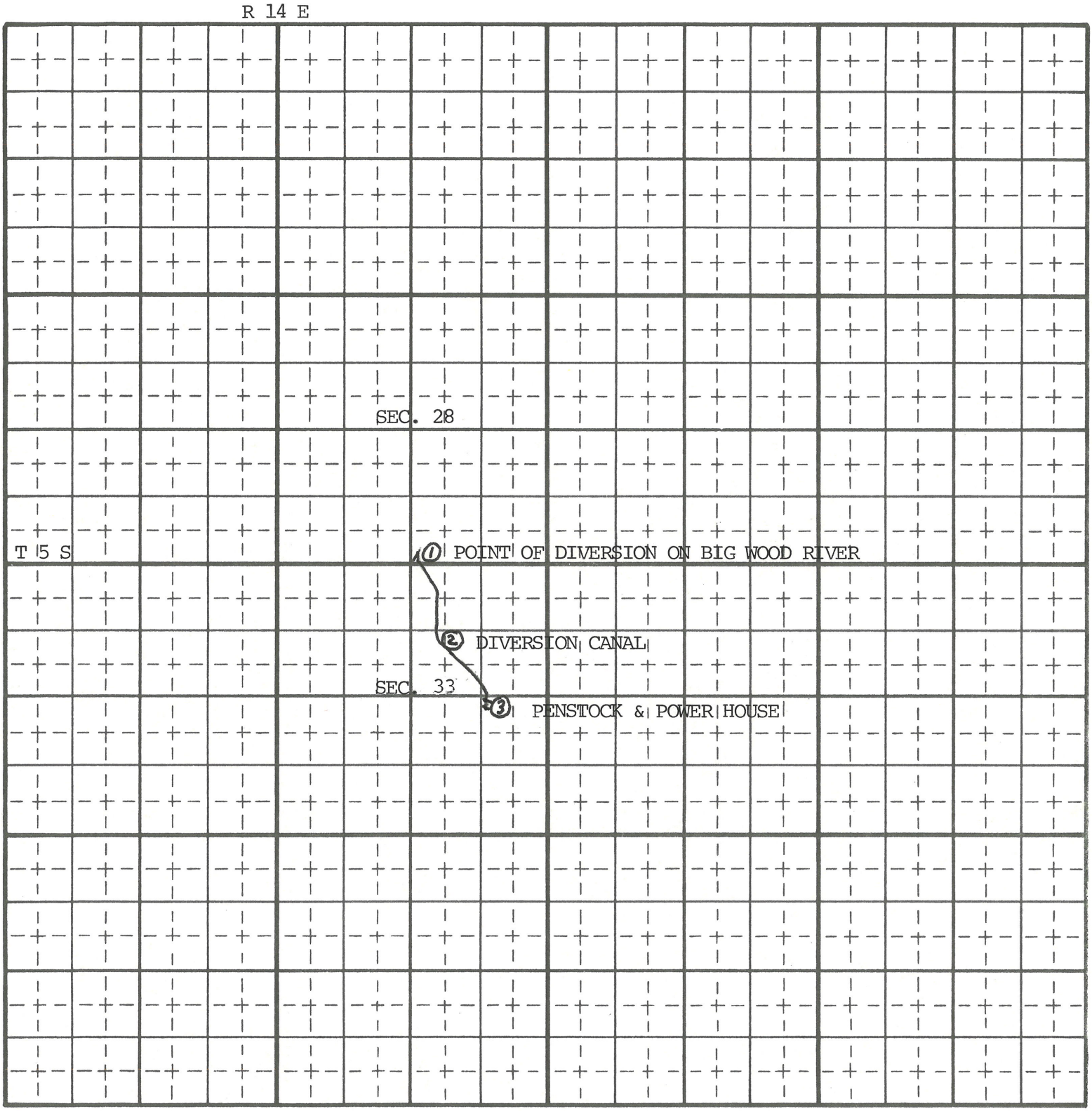
Last Name BONNEVILLE PACIFIC Ident No. _____

Copies: White-State, Yellow-Claimant

MICROFILMED
FEB 24 1993

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile



Last Name BONNEVILLE PACIFIC Ident No. _____

Copies: White-State, Yellow-Claimant

MICROFILMED
FEB 24 1993

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit XXXX
Decree _____
If applicable provide IDWR Water Right Number 37-7916
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 _____

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 Managing Director (Title) of Bonneville Pacific Corporation (Organization), that I have signed the foregoing document in the space below as Managing Director (Title) of Bonneville Pacific Corp. (Organization) and that the statements contained in the foregoing document ~~are~~ true and correct.

Signature of Authorized Agent _____ Robert L. Wood

Title and Organization Managing Director, Bonneville Pacific Corp. Date August 24, 1988

State of ~~Idaho~~/or UTAH)
) SS.
County of SALT LAKE)

Subscribed and sworn (or affirmed) before me this 24TH day of AUGUST 19 88

SEAL

Notary Public Deborah B. Mathews

Residing at SALT LAKE CITY

My Commission Expires 4-13-91

Please Print Name

17. Notice of Appearance:
Notice is hereby given that I, David P. Hirschi 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 David P. Hirschi by MER

Address 257 East 200 South #800 Salt Lake City, Utah 84111

Date August 24, 1988

Last Name BONNEVILLE PACIFIC Ident. Number _____

MICROFILMED
Copies White-State, Yellow-Claimant
FEB 24 1993

9/22/1988

SRBA CLAIMS RECEIVING CHECKLIST

CLAIMANT'S NAME Bonneville Pacific CLAIM IDENT. NO. A37-07916

DATE RECEIVED 9-1-88 CK # 5002213 AMOUNT $_____

	YES	NO
1. Is the name and address complete with zip code?	X	
2. Is a priority date entered?	X	
Is the water use exempt from the Permit requirements, or if it is not exempt, has a Permit been approved or a License issued? A Permit is required: (1) for groundwater developed after March 25, 1963 (except single family domestic and stockwater wells using less than 13,000 gpd), or (2) for surface water developed after May 20, 1971 (except for instream stockwater). USE CARE IF CLAIM IS RETURNED. REFER TO ADJUDICATION MEMOS # 1 (ADJ. CLAIMS/APPLICATIONS) AND # 9 (REJECTION OF CLAIMS). EXPLAIN IN COMMENTS.	license X	
3. (a) Is a source entered?	X	
(b) Is a tributary to entered? (if required) . . . . N/A ___	X	
4. Is the legal description of the p.d. sufficient?	X	
5. Is there a description of the diverting works?	X	
6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form.	X	
Is the period of use included?	X	
Is a quantity claimed for each use?	X	
7. Is a total quantity claimed entered?	X	
8. If required is a consumptive use entered? . . . . . N/A X		
Is the consumptive use correct? . . . . . N/A X		
9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, each household must file a separate claim. See Adjudication Memo # 4.	X	
10. Is (are) the place(s) of use entered?	X	
11. Is (are) the county(ies) entered?	X	
12. Is the ownership of p.u. checked?	X	
13. Are other water rights listed or "none" checked?	X	
14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) . . . . . N/A ___	X	
15. Is the basis of the claim checked?	X	
16. Is the claim signed by the claimant, and is the signature appropriate? (If an individual is the claimant, has that individual signed the claim, or if an organization is the claimant, is the organization signature block complete?)	X	
Has the claim been signed, sealed, and dated by a notary?	X	
Is the fee enclosed correct?	X	
If this claim is based on an existing water right, has the identification number been entered? . . . . . N/A ___	X	
Should this claim be receipted and data entered?	X	

Claim checked by: RMA

Comments: _____

MICROFILMED
FEB 24 1993

RECEIVED
JAN - 9 2002
Department of Water Resources

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098
Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

December 27, 2001

RECEIVED
JAN 28 2002
Department of Water Resources
Southern Region

KOYLE HYDRO INC
4477 C VALLEY STEPPE DR
BUHL ID 83316-5256

Re: Snake River Basin Adjudication (SRBA)
Water Right(s) #37-7889, 37-7916
Change of Address

10 cards modified, CIDs updated, 1-9-02. -MP

Dear Water Right Holder:

IDWR has been notified the address presently in our records is incorrect. Although we have reached you at the address above, we need your written confirmation this is your correct mailing address before we can change our records. Future notices related to your water right can be sent only to the address on your water right or as otherwise changed by you.

Please sign your name at the bottom of this letter and return it to this office. Make corrections to your name and address if necessary **and list any other water rights you may have** before returning this letter by January 18, 2002. Thank you for your help.

If your mail delivery address changes in any form, please contact us in writing so we can update our records.

If there has been a change in ownership of the property connected with the water rights referenced above, please call this office toll-free at 1-800/451-4129 to obtain a form to make this required change to the water right record.

Sincerely,

Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:region

#######

The address is correct as shown above or as otherwise changed.

Margaret H Koyle
Claimant Signature

543-0982
Telephone No.

37-7889
37-7916

Snake River Basin Adjudication
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449

HYDRO INC, KOYLE
1774 S 1500 EAST
GOODING ID 83302223 1A01 07 11/29/01
HYDR774 FORM 3547

!KOYLE HYDRO INC
4477C VALLEY STEPPE DR
BUHL ID 83316-5256

ADDRESS SERVICE REQUESTED

First Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

RETURN TO SENDER

fee due 60¢

U.S POSTAL SERVICE
PS FORM 3547

First Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

RETURN TO SENDER

fee due 60¢

U.S POSTAL SERVICE
PS FORM 3547

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098
Phone: (208) 327-7900 FAX: (208) 327-7866

RECEIVED
JAN - 9 2002
Department of Water Resources

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

December 27, 2001

JOHN H KOYLE
MARGARET H KOYLE
4477C VALLEY STEPPE DR
BUHL ID 83316-5256

RECEIVED
JAN 28 2002
Department of Water Resources
Southern Region

Re: Snake River Basin Adjudication (SRBA)
Water Right(s) #37-2663, 37-7889, 37-7916, 37-11082, 37-11083, 37-11084
Change of Address

10 cards modified 1-9-02.
CRDs updated. -m

Dear Water Right Holders:

IDWR has been notified the address presently in our records is incorrect. Although we have reached you at the address above, we need your written confirmation this is your correct mailing address before we can change our records. Future notices related to your water right can be sent only to the address on your water right or as otherwise changed by you.

Please sign your name at the bottom of this letter and return it to this office. Make corrections to your name and address if necessary **and list any other water rights you may have** before returning this letter by January 18, 2002. Thank you for your help.

If your mail delivery address changes in any form, please contact us in writing so we can update our records.

If there has been a change in ownership of the property connected with the water rights referenced above, please call this office toll-free at 1-800/451-4129 to obtain a form to make this required change to the water right record.

Sincerely,

Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:region

#######

The address is correct as shown above or as otherwise changed.

Margaret H Koyle
Claimant Signature

(208) 543-0982
Telephone No.

37-26663
7889
7916
11082
11083
11084

Snake River Basin Adjudication
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449

First Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

RETURN TO SENDER

fee due 60¢

U.S POSTAL SERVICE
PS FORM 3547

KOYL774* 833302223 1A01 07 11/29/01
KOYLE VALLEY STEPPE DR
4477C
BUHL ID 83316-5256

KOYLE, JOHN H
1774 S 1500 E
GOODING ID 83330

First Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

RETURN TO SENDER

fee due 60¢

U.S POSTAL SERVICE
PS FORM 3547

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 37-07916

Priority: June 15, 1981

Maximum Diversion Rate: 280.00 CFS
Maximum Diversion Volume: 116179.5 AF

This is to certify, that BONNEVILLE PACIFIC CORP
C/O DAVID P HIRSCHI
257 E 200 S
SUITE 800
SALT LAKE CITY UT 841110000 has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated June 15, 1981; and has submitted Proof of Beneficial Use on October 3, 1985. An examination indicates that the works have a diversion capacity of 300.000 cfs of water from:

BIG WOOD RIVER	tributary to	**MALAD RIVER**
LITTLE WOOD RIVER	tributary to	**MALAD RIVER**

source, and a water right has been established as follows:

BENEFICIAL USE	PERIOD OF USE	RATE OF DIVERSION	ANNUAL VOLUME
POWER	01/01 to 12/31	280.00 CFS	116179.5 AF

LOCATION OF POINT(S) OF DIVERSION: SWSE , Sec. 28, Township 05S, Range 14E
SWNE , Sec. 6, Township 06S, Range 15E
GOODING County

PLACE OF USE: POWER

TWN	RGE	SEC	
05S	14E	33	NESE

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.

MICROFILMED
DEC 09 1992

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 37-07916

CONDITIONS/REMARKS:

5. 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.
6. Use of water under this water right will be regulated by the watermaster of State Water District No. 37.
7. A measuring device of a type approved by this Department shall be required at the diversions of the Big and Little Wood Rivers if determined to be necessary by either the Department of Water Resources or the watermaster of Water District 37.
8. The diversion and use of water under this license is subject to review by the Director 25 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 conditions under which the right may be exercised.
9. Use of water pursuant to this right shall be non-consumptive.
10. Any loss of water to the Big Wood River or the Little Wood River resulting from conveyance and use pursuant to this license shall be mitigated with replacement water.
11. Use of water under this license shall not cause fluctuation in the flows of the Malad River which impairs the ability of prior right holders to divert their water.
12. This right is used in connection with Right No. 37-07889.
13. This license is subject to revocation pursuant to Section 42-350, Idaho Code.
14. Bypass flows in the Big Wood River and Little Wood River must be maintained at sufficient levels to ensure protection of fish, wildlife, aquatic and riparian values.

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 10TH day of NOVEMBER, 1992.

Acting for R. Keith Higginson, Director

MICROFILMED

DEC 09 1992