

WATER RIGHT SUMMARY

ACTION	RIGHT NO.	NAME	AMOUNT CFS
Original Application	37-08096	George Arkoosh	300.00
~~Full Assignment~~	~~37-08096~~	~~Geoben, Inc~~	~~300.00~~
~~Full Assignment~~	~~37-08096~~	~~Conversion Industries USA, Inc~~	~~300.00~~
Full Assignment	37-08096	Notch Butte Hydro Co Inc	300.00

RECEIVED

JUN 13 1994

06/93

State of Idaho
DEPARTMENT OF WATER RESOURCES

ASSIGNMENT OF PERMIT

To change the ownership of a permit

Conversion Industries USA, Inc. hereby assign to Notch Butte Hydro Company, Inc.
of 1161 West River St #202 Boise Id 83702
(Permit Holder)
(Full Address)

All my right, title, and interest in and to Permit No. 37-8096
to appropriate the public waters of the State of Idaho. 37-8251

OR (for partial assignments)

The following described portion of my right, title, and interest in and to
Permit No. _____ to appropriate the public waters of the State of Idaho.

Describe portion of the permit assigned listing the number of acres in each 40 acre subdivision,
point of diversion location, and the amount of water in cubic feet per second.

Made this 9 day of April May, 1994.

[Signature]

Permit Holder(s)

For Conversion Industries USA, Inc.

State of ~~Idaho~~ CALIFORNIA

SS

County of LOS ANGELES

On this 9th day of May, 1994, personally appeared before me
the signer of the above instrument, duly acknowledged to me that he/she/they executed the same.

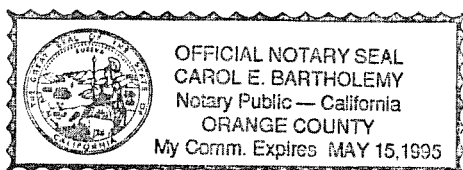
CAROL E. BARTHOLEMY

Notary Public

SEAL

[Signature]
Signature

My commission expires: 5/15/94



RECORDED
JUN 13 1994

**AFFIDAVIT FOR WATER RIGHTS TO BE USED
FOR POWER PURPOSES**

A. Establishment of Residency: (Complete either 1, or 2).

1. Individual Applicant or Individual Members of a Partnership:

I, _____ of _____,
(name) (city),

County of _____, State of Idaho, being duly sworn, do hereby
certify that I am a bona fide resident of the State of Idaho.

2. Corporation:

I, Norman E. Kamp of Boise,
(name) (city),

County of Ada, State of Idaho, being duly sworn, depose

and say: That I am the designated registered agent of the Notch Butte Hydro
Company, Inc.

(name of corporation) : that as such I am in charge of the registered office

of the said corporation as required by Section 30-1-12, **Idaho Code**, at Boise
(city)

Idaho, wherein are kept the corporate records required by Section 30-1-52, **Idaho Code**; and that Notch
Butte Hydro Company, Inc.

(name of corporation) is a corporation qualified to do business in the State of Idaho under the laws
of the State of Idaho.

B. Ownership of Facilities: (To be completed for hydropower projects only)

The hydropower facility to be developed pursuant to the attached Application for Permit:

(check one)

☒ Will not utilize existing man-made irrigation facilities such as a dam or a canal.

☐ Will utilize existing man-made irrigation facilities such as a dam or a canal, and permission of the owner is
documented in an affidavit attached hereto.

☐ Will utilize existing man-made irrigation facilities such as a dam or a canal, and the owner of the facilities is the
signee of this affidavit.

Norman E. Kamp
Applicant

State of Idaho Ada)
County of _____) ss.

On this 10 day of May, 19 94, personally appeared before me
the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

My commission expires:
2/22/97

Connie Fretwell
Notary Public residing at
Boise, Idaho 2/22/97

JUN 13 1994

State of Idaho

Department of State

CERTIFICATE OF CORPORATE STATUS OF

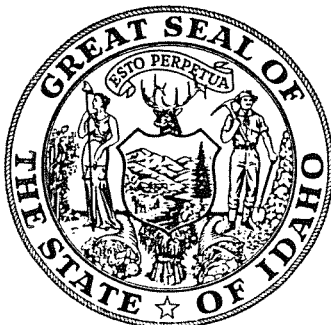
NOTCH BUTTE HYDRO COMPANY, INC.

I, PETE T. CENARRUSA, Secretary of State of the State of Idaho, hereby certify that I am the custodian of the corporation records of this State.

I FURTHER CERTIFY That the records of this office show that the above-named corporation was incorporated under the laws of Delaware and was issued a certificate of authority in Idaho on July 11, 1991 under the filing number C 95787.

I FURTHER CERTIFY That the corporation is in goodstanding on the records of this office.

Dated: May 10, 1994



Pete T. Cenarrusa
SECRETARY OF STATE

By *Larry J. Clark*

JUN 13 1994

NOTCH BUTTE HYDRO COMPANY, INC.

A Delaware Corporation

Incorporated: 6/27/91

Business Address: One Greenwich Plaza, Greenwich, CT 06830

Registered Office: Corporation Trust Center, 1209 Orange Street
Wilmington, DE

Employer Identification Number: 06-1326248

Fiscal Year Ends: June 30 S Corporation Election: no

Nature of Business: Development and operation of hydroelectric power

Accountant's Name: Price Waterhouse

Annual Meeting: At such date and time as shall be designated from
time to time by the Board of Directors

Additional State in which corporation is qualified: Idaho

DIRECTORS (Minimum: one; Maximum: fifteen)

Name:

Address:

Olof S. Nelson

44 Patterson Avenue
Greenwich, CT 06830

Michael I. Storch

169 Mill Brook Road
Stamford, CT 06902

Edward M. Stern

36 Anvil Road
Southport, CT 06490

OFFICERS:

Title:

Name & Address:

President

Olof S. Nelson
44 Patterson Avenue
Greenwich, CT 06830

Executive Vice
President

Michael I. Storch
169 Mill Brook Road
Stamford, CT 06902

JUN 13 1994

Senior Vice President - Administration, General Counsel and Secretary	Edward M. Stern 36 Anvil Road Southport, CT 06490
Senior Vice President - Operations	Daniel S. Pease 3 Redwood Street Townsend, MA 01469
Vice President, Treasurer and Assistant Secretary	Patrick J. Danna 25 Crestview Terrace Montvale, NJ 07645
Vice President - Operations	Michael J. Alessi, Sr. 14 Dover Eliot Road South Berwick, ME 03908
Vice President - Engineering	Ram H. Sainani 281 Rolling Ridge Norwalk, CT 06851
Vice President - Human Resources	Mary Z. Keyerleber 49 Main Street Hampstead, NH 03841
Vice President	Norman E. Kamp 2254 Crosscreek Drive Boise, ID 83706
Assistant Treasurer and Assistant Secretary	Victoria M. Fredrick 1106 N. 22nd Boise, ID 83702
Assistant Treasurer and Assistant Secretary	Neal A. Manna 315 Henry Street Fairfield, CT 06430
Assistant Treasurer of Taxes	Ronnie V. Gurney 123 Harbor Drive Stamford, CT 06902
Assistant Secretary	Michael B. Peisner 26 Overset Road Portland, ME 04103
Assistant Secretary	John W. Bernotavicz RFD #1, Box 1900 Litchfield, ME 04350

RECEIVED
JUN 13 1994

RECEIVED

For Office Use Only
Amt. of Fee \$ 600.00
Date 11/26/90
Receipt No. 5012839
Received by R.A.

STATE OF IDAHO

NOV 26 1990

DEPARTMENT OF WATER RESOURCES

Department of Water Resources
Southern Region Office

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

Permit No. 37-8096 Telephone No. 934-8464

Name(s) of Permit Holder(s): First American Title Co.

Post Office Address: 1616 Addison Ave E, Twin Falls, ID 83303

Source of Water: Little Wood River

If ground water, well driller's name: _____ Date drilled: _____

Extent of Use:
Domestic _____ (No. of households) Irrigation _____ (No. of acres)
Stockwater _____ (No. and type of stock) Other Power

Total rate and/or volume for which proof is submitted 300 cfs _____ acre/feet

Show date water was first diverted and beneficially used under this permit: Oct, 1986

One of the following may be a condition of approval of your permit:

Measuring device: Required? ☒ Yes ☐ No Installed? ☒ Yes ☐ No

OR

Flow Measurement Port: Required? ☐ Yes ☐ No Installed? ☐ Yes ☐ No

Fee Enclosed: \$ 600.00 (See License Examination Fee Schedule)

Person to contact to accompany the Department representative during the field examination:

Mitch Atkoosh 934-8464
Name Telephone No.

P.O. Box 93 Gooding ID 83330
Address

The above information is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the state of Idaho.

MICROFILMED

JAN 07 1991

11-26-90
Date

Leola Adams - Asst Manager
Signature (and title if on behalf of a company or organization)

RECEIVED

NOV 04 1987

State of Idaho

Department of Water Resources

ASSIGNMENT OF PERMIT

Geobon II Associates Limited Partnership hereby assigns to
Conversion Industries U.S.A., Inc., of 255 South Marengo Avenue,
Pasadena, California 91101

☒ All right, title, and interest in and to Permit No. 37-8096
to appropriate the public waters of the State of Idaho.

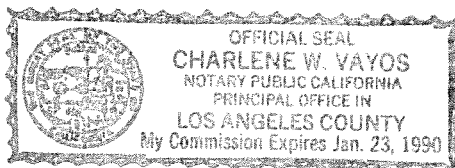
MADE This 29 day of October, 1987.

Geobon II Associates Limited Partnership
By: Western Hydropower Inc. General Partner
for Limited Partnership

By *Paul Lyons* (title)
Its President
of Western Hydropower Inc.
pr Co.)

State of California)
County of Los Angeles ss.

On this 29th day of October, 1987, personally appeared
before me the signer(s) of the above instrument, who duly acknowledged
to me that he (~~she~~) (~~they~~) executed the same.



(seal)

My commission expires:

1/23/90

Charlene A. Vayos
Notary Public residing at
1300 E. Green St., Pasadena 91106

MICROFILMED

MAR 10 1988

**AFFIDAVIT FOR WATER RIGHTS TO BE USED
FOR POWER PURPOSES**

A. Establishment of Residency: (Complete either 1. or 2.)

Department of Water Resources

1. Individual Applicant or Individual Members of a Partnership:

I, _____ of _____
(name) (city).

County of _____, State of Idaho, being duly sworn, do hereby
certify that I am a bona fide resident of the State of Idaho.

2. Corporation:

I, David B. Lincoln of Boise
(name) (city).

County of Ada, State of Idaho, being duly sworn, depose
and say: That I am the designated registered agent of the United States Corporation, the registered
agent of Conversion Industries U.S.A. Inc.; that as such I am in charge of the registered office
(name of corporation)

of the said corporation as required by Section 30-1-12, Idaho Code, at Boise
(city)

Idaho, wherein are kept the corporate records required by Section 30-1-52, Idaho Code: and that Conversion
Industries U.S.A. Inc. is a corporation qualified to do business in the State of Idaho under the laws
(name of corporation)
of the State of Idaho.

B. Ownership of Facilities: (To be completed for hydropower projects only)

The hydropower facility to be developed pursuant to the attached Application for Permit:

- (check one)
- ☒ Will not utilize existing man-made irrigation facilities such as a dam or a canal.
 - ☐ Will utilize existing man-made irrigation facilities such as a dam or a canal, and permission of the owner is documented in an affidavit attached hereto.
 - ☐ Will utilize existing man-made irrigation facilities such as a dam or a canal, and the owner of the facilities is the signee of this affidavit.

David B. Lincoln
Applicant

State of Idaho }
County of Ada } ss.

On this 2nd day of November, 19 87, personally appeared before me
the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Elisa A. Hillenberg
Notary Public residing at
Boise, Idaho

My commission expires:

seal

8/12/92

MICROFILMED

MAR 10 1988

State of Idaho

Department of State.

CERTIFICATE OF CORPORATE STATUS OF

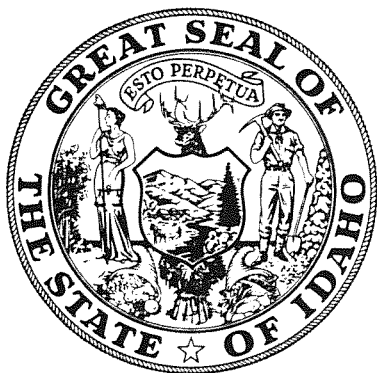
CONVERSION INDUSTRIES USA INC.

I, PETE T. CENARRUSA, Secretary of State of the State of Idaho, hereby certify that I am the custodian of the corporation records of this State.

I FURTHER CERTIFY That the records of this office show that the above-named corporation was incorporated under the laws of California and was issued a certificate of authority in Idaho on December 24, 1985.

I FURTHER CERTIFY That the corporation's authority to do business has not been forfeited.

Dated October 27, 1987



Pete T. Cenarrusa

SECRETARY OF STATE

by *Sandra Mauch*

MICROFILMED

MAR 10 1988

State of Idaho
Department of Water Resources
LEASE OF PERMIT

Conversion Industries USA Inc., hereby assigns to Geobon II Associates Limited Partnership of 1200 Quail Street, Suite 260, Newport Beach, California 92660



All its right, title, and interest in and to Permit No. 37-8096 to appropriate the public waters of the State of Idaho.*



The following described portion of its right, title, and interest in and to Permit No. _____ to appropriate the public waters of the State of Idaho.

(Describe that portion of the permit being assigned by listing the acreage within each 40-acre subdivision, the point of diversion and the amount of water in cubic feet per second for direct diversion, or acre feet for storage)

*Pursuant to a lease (of this permit as well as of the real property on which a hydroelectric facility (sold outright to lessee) is being leased to lessee) dated the date hereof for a term expiring on December 31, 2050, or until such earlier date as the lessee shall be dissolved.

Made this 2nd day of October 1986.

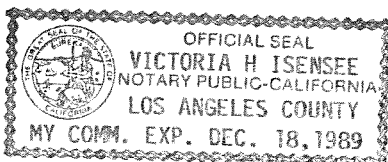
CONVERSION INDUSTRIES USA INC.

By

Scott Miller
Permit Holder

State of California)
) ss.
County of Los Angeles)

On this 2nd day of October 1986, before me, a notary public in and for said State, personally appeared Scott Miller, known to me or proved to me on the basis of satisfactory evidence to be the person who signed the foregoing, and who duly acknowledged to me that he executed the same on behalf of Conversion Industries USA Inc.



Victoria H. Iensee
Notary Public

MICROFILMED

**AFFIDAVIT FOR WATER RIGHTS TO BE USED
FOR POWER PURPOSES**

A. Establishment of Residency: (Complete either 1, or 2).

1. Individual Applicant or Individual Members of a Partnership:

I, _____ of _____,
(name) (city),

County of _____, State of Idaho, being duly sworn, do hereby
certify that I am a bona fide resident of the State of Idaho.

2. ~~Corporation~~ Limited Partnership:

I, David B. Lincoln of Boise,
(name) (city),

County of Ada, State of Idaho, being duly sworn, depose
and say: That I am the designated registered agent of the U.S. Corporation the registered agent
of Geobon II Associates Limited / Partnership : that as such I am in charge of the registered office
(name of corporation)
/ Limited Partnership
of the said ~~corporation~~ as required by Section 30-1-12, Idaho Code, at Boise
(city)

Idaho, wherein are kept the corporate records required by Section 30-1-52, Idaho Code: and that Geobon II
Partnership / Limited Partnership
Associates Limited / is a ~~corporation~~ qualified to do business in the State of Idaho under the laws
(name of corporation)
of the State of Idaho.

B. Ownership of Facilities: (To be completed for hydropower projects only)

The hydropower facility to be developed pursuant to the attached Application for Permit:

- (check one)
- ☒ Will not utilize existing man-made irrigation facilities such as a dam or a canal.
- ☐ Will utilize existing man-made irrigation facilities such as a dam or a canal, and permission of the owner is documented in an affidavit attached hereto.
- ☐ Will utilize existing man-made irrigation facilities such as a dam or a canal, and the owner of the facilities is the signee of this affidavit.

David B. Lincoln
Applicant

State of Idaho)
County of Ada) ss.

On this 10th day of October, 1986, personally appeared before me
the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Caroline Vogel
Notary Public residing at Boise, Idaho

seal

My commission expires:

7/18/88

MICROFILMED

State of Idaho

Department of State.

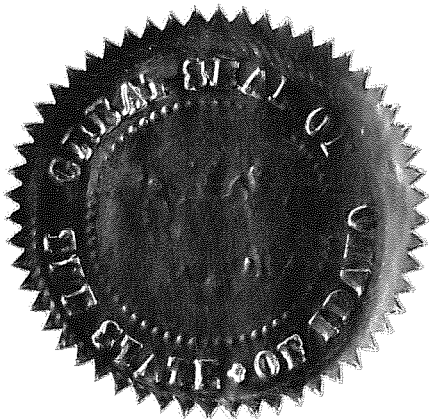
C E R T I F I C A T E

GEOBON II ASSOCIATES LIMITED PARTNERSHIP

I, PETE T. CENARRUSA, Secretary of State of the State of Idaho, hereby certify that I am the custodian of the limited partnership records of this State.

I FURTHER CERTIFY That the records of this office show that GEOBON II ASSOCIATES LIMITED PARTNERSHIP, an Idaho limited partnership, filed a certificate of limited partnership in this office on the 2nd day of October, 1986, and that the certificate of limited partnership has not been canceled.

Dated: October 8, 1986



Pete T. Cenarrusa

SECRETARY OF STATE

By *Diane Walker*

RECORDED

State of Idaho
Department of Water Resources

RECEIVED
MAR 13 1986

ASSIGNMENT OF PERMIT

Department of Water Resources

I, Joseph Arkoosh, President hereby assign to Conversion Industries USA, Inc.
of Geobon, Inc.
of 255 South Marengo Avenue, Pasadena, California 91101
Address

CHECK ONE

☒ All my right, title, and interest in and to Permit No. 37-8096
to appropriate the public waters of the State of Idaho.

☐ The following described portion of my right, title, and interest in and to Permit
No. _____ to appropriate the public waters of the State of Idaho.

(Describe that portion of the permit being assigned by listing the acreage within
each 40 acre subdivision, the point of diversion and the amount of water in cubic
feet per second for direct diversion, or acre feet for storage)

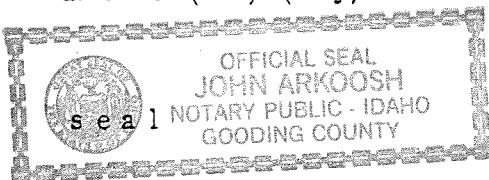
Made this _____ day of _____, 19 _____.

Joe Arkoosh
Permit Holder
Joseph Arkoosh, President of
Geobon, Inc.

Spouse of Permit Holder

State of Idaho)
County of GOODING) ss.

On this 10th day of March, 19 85, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged to me
that he (she) (they) executed the same.



John Arkoosh
Notary Public residing at

My commission expires:

16 Aug 86

MICROFILMED

**AFFIDAVIT FOR WATER RIGHTS TO BE USED
FOR POWER PURPOSES**

A. Establishment of Residency: *(Complete either 1, or 2).*

1. Individual Applicant or Individual Members of a Partnership:

I, _____ of _____,
(name) (city),

County of _____, State of Idaho, being duly sworn, do hereby
certify that I am a bona fide resident of the State of Idaho.

2. Corporation:

I, David B. Lincoln of Boise,
(name) (city),

County of Ada, State of Idaho, being duly sworn, depose
and say: That I am the designated registered agent of the U.S. Corporation the registered
agent of Conversion Industries USA, Inc. that as such I am in charge of the registered office
(name of corporation)

of the said corporation as required by Section 30-1-12, **Idaho Code**, at Boise,
(city)

Idaho, wherein are kept the corporate records required by Section 30-1-52, **Idaho Code**; and that Conversion

Industries USA, Inc. is a corporation qualified to do business in the State of Idaho under the laws
(name of corporation)

of the State of Idaho.

B. Ownership of Facilities: *(To be completed for hydropower projects only)*

The hydropower facility to be developed pursuant to the attached Application for Permit:

- (check one)
- ☒ Will **not** utilize existing man-made irrigation facilities such as a dam or a canal.
 - ☐ Will utilize existing man-made irrigation facilities such as a dam or a canal, and permission of the owner is documented in an affidavit attached hereto.
 - ☐ Will utilize existing man-made irrigation facilities such as a dam or a canal, and the owner of the facilities is the signee of this affidavit.

David B. Lincoln
Applicant

State of Idaho _____)
County of Ada) ss.

On this 12th day of Feb, 1986, personally appeared before me
the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Caroline Vogel
Notary Public residing at Boise, Ada.
My Com. Ex 7/18/88

seal

My commission expires:

7/18/88

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

MAY 9 1985

To appropriate the public waters of the State of Idaho

Sept. 16, 1985

Full Assignment to: Geobon, Inc., an Idaho Corporation

1. Name of applicant GEORGE F. ARBORETH

Phone 934-5014

Post office address ROUTE #1, Box 204, Gooding, IDAHO 83330

2. Source of water supply LITTLE WOOD RIVER which is a tributary of Big Wood R.

3. Location of point of diversion is NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 32 Township 5S

Range 17E B.M. LINCOLN County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 300 cfs for Power purposes from JAN 1 to Dec 31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

a. 300 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Diversion structure less than 10ft. to remove water from the river, power canal approx. $\frac{1}{2}$ mile, penstock $\frac{1}{8}$ mile, and $\frac{1}{8}$ mile return canal

b. Height of storage dam N.A. feet, active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet, materials used in storage dam: _____

Period of year when water will be diverted to storage _____ to _____ inclusive.
(Month/Day) (Month/Day)

c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years (minimum 1 year - maximum 5 years).

8. Description of proposed uses:

a. If water is not for irrigation:

(1) Give the place of use of water: SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 29 Township 5S

Range 17E B.M.

(2) Amount of power to be generated: 814 kW horsepower under 40' feet of head.

(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be supplied with domestic water _____.

(5) If water is to be used for other purposes describe: _____

MICROFILMED

[illegible]

Total number of acres to be irrigated

c. Describe any other water rights used for the same purposes as described above.

9. a. Who owns the property at the point of diversion

FRAZIER LAND & LIVESTOCK

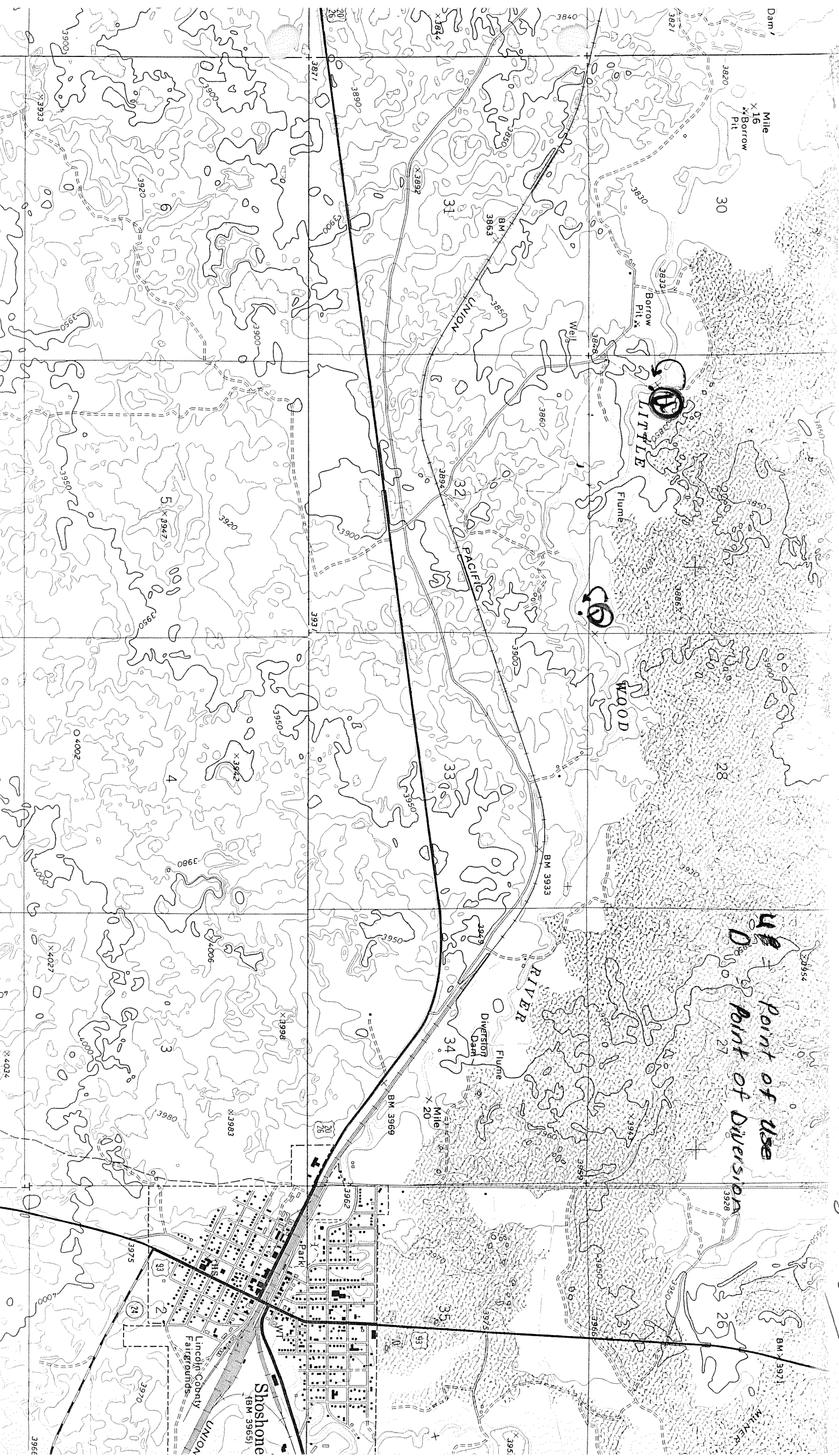
b. Who owns the land to be irrigated or place of use

Arkoosh + Jordan Inv.

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing ~~Woodstock Financial Services~~

Prescriptive easement in ditch and diversion

10. Remarks



5-11-83 814 cfa

1

[illegible]

Scale: 2 inches equal 1 mile.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

x George F. C. C. C.
(Applicant)

MICROFILMED

MICROFILMED

Proposed Priority 5/4/83 *marya*

5/9/83

11:30 A

Received by *Jim* Date 4-25-83 Time 3:47 P.M.Preliminary check by *LF* Fee \$ 1425.00 ADDED 800.00 received 5-4-1983Receipted by *LF* Date 5-4-83 (⁹1425.00 #26545) (800.00 #26544)Publication prepared by *Mary* Date 7/27/83Published in *Lincoln County Journal*

Publication dates 8/4 + 8/11/83

Publication approved *marya* Date 8/3/83Protests filed by: *Richard Oneida - mgr. American Falls**Reservoir dist. #2 (withdrawn 5/9/84)**Am. Falls Res. dist. #2 (9/30/85) (withdrawn 12/5/85)*

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by *LF* *kw*

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 37-8096, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before January 1, 19 91.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. Other: SEE ATTACHED SHEET FOR CONDITIONS d thru n.

Witness my hand this 7th day of January, 1986.

J. Glen Saxton
Chief, Operations Bureau

ATTACHMENT TO CONDITIONS OF APPROVAL

For Permit No. 37-8096

- d. 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.
- e. This permit is subject to the provisions of Sections 42-205 through 42-210, Idaho Code, restricting the sale, transfer, assignment, or mortgage of this permit. Failure to comply with these provisions is cause for immediate cancellation of this permit.
- f. Water used under this permit if discharged into a natural channel shall meet Idaho Water Quality Standards.
- g. This permit does not constitute Idaho Public Utilities Commission or Federal Energy Regulatory Commission approval that may be required.
- h. Use of water under this permit shall be non-consumptive.
- i. A separate stream alteration permit from the IDWR is required for any activity in the stream channel other than construction and/or maintenance of the diversion structure. If your proposed construction or operation involves construction of an outfall or any other work in the stream channel other than a water diversion, you must contact the Department and obtain a Stream Channel Alteration permit prior to the start of construction.
- j. 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.
- k. The Director retains jurisdiction of this permit in order to limit the use of water for hydropower generation purposes to a specific term of years as required by Section 42-203B(7), Idaho Code.
- l. This permit is subject to the agreement dated 5/9/84 between permit holder and protestant(s) to the extent such agreement covers matters within the jurisdiction of the Department of Water Resources.
- m. The issuance of this permit in no way grants any right-of-way or easement across the land of another.
- n. Use of water under this permit is subject to control by the watermaster of State Water District No. 37M, Little Wood River.

Witness my hand this 7th day of January, 1986.


Chief, Operations Bureau

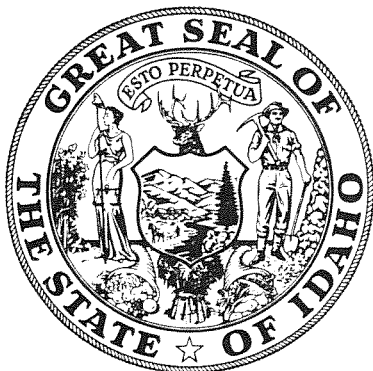
MICROFILMED

State of Idaho

Department of State.

I, PETE T. CENARRUSA, Secretary of State of the State of Idaho,
do hereby certify that the annexed is a full, true and complete transcript of
the corporation annual report of UNITED STATES CORPORATION COMPANY
, received and filed in this office on
October 28, 1985.

Dated: December 6, 1985



Pete T. Cenarrusa
SECRETARY OF STATE

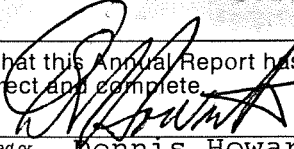
By: *Lilly J. Clark*

No. 061809	Idaho Corporation Annual Report Form		Registered Agent and Office
Return To Secretary of State Room 203, Statehouse Boise, ID 83720	Due No Later Than November 1, 1985 1. Mailing Address — Please Correct 061809 UNITED STATES CORPORATION COMPANY ~~BOISE, IDAHO, 83702~~ 70 PINE STREET NEW YORK, NEW YORK 10005		K. O'RIORDAN OR D. LINCOL 1ST INTERSTATE BANK BLDG BOISE, IDAHO 83702 3. Incorporated Under The Laws Of STATE OF IDAHO

4. Names and Addresses of Officers and Directors

	Name	Street or P.O. Address	City	State	Zip
President:	Garvin P. Kiernan	70 Pine St.	New York	NY	10270
Secretary:	Daniel S. Nuter	70 Pine ST.	New York	NY	10270
Directors:	Garvin P. Kiernan				
	Daniel S. Nuter				

UNITED STATES CORPORATION
~~BOISE, IDAHO, 83702~~
 70 PINE STREET
 NEW YORK, NEW YORK
 10005

5. Nature of Business CORPORATE SERVICES FOR LAWYERS	6. I certify that this Annual Report has been examined by me and is to the best of my knowledge true, correct and complete. Signature  Name (Typed or Printed) Dennis Howarth Date 10/21/85 Title Asst. V. P.
--	--

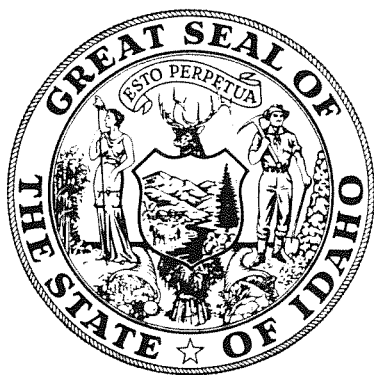
State of Idaho

Department of State

I, PETE T. CENARRUSA, Secretary of State of the State of Idaho, hereby certify that
I am the custodian of the corporation and limited partnership records of this State.

I FURTHER CERTIFY That the annexed is a full, true and complete transcript of
Statement of Change of Registered Office or Registered Agent, or Both,
of UNITED STATES CORPORATION COMPANY, received and filed in this office
on the 20th day of November, 1984, as appears of record in this office
as of this date.

Dated: December 6, 1985



Pete T. Cenarrusa

SECRETARY OF STATE

by: *Sally J. Clark*

STATEMENT OF CHANGE OF REGISTERED OFFICE OR
REGISTERED AGENT, OR BOTH

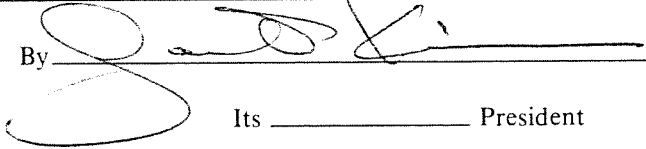
To the Secretary of State of the State of Idaho:

Pursuant to the provisions of the Idaho Business Corporation Act, the undersigned corporation organized under the laws of the State of Idaho submits the following statement for the purpose of changing its registered office or its registered agent, or both, in the State of Idaho.

1. The name of the corporation is United States Corporation Company
2. The post office address of its present registered office is Bank of Idaho Building
700 W. Idaho Street,
Boise, Idaho 83702
3. The post office address to which its registered office is to be changed is 700 W. Idaho Street,
Boise, Idaho 83702
4. The name of its present registered agent is John S. Simko
5. The name of its successor registered agent is Kaye L. O'Riordan and/or David B. Lincoln
6. The address of the registered office and the business address of the registered agent are identical.
7. The foregoing change was authorized by resolution of the board of directors.

Dated November 7th, 19 84.

UNITED STATES CORPORATION COMPANY

By 

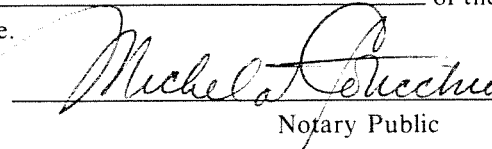
Its _____ President

STATE OF New York)
COUNTY OF NEW YORK) ss:

I, Michela Coticchio, a notary public, do hereby certify that on this
7th day of November, 19 84, personally appeared
before me Garvin P. Kiernan, who being by me first duly sworn,
declared that he is the President of United States Corporation
Company,

that he signed the foregoing document as _____ of the corporation and
that the statements therein contained are true.

MICHELA COTICCHIO
Notary Public, State of New York
No. 30-4639132
Qualified in Nassau County
Certificate Filed in New York County
Commission Expires March 30, 1985


Notary Public

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
AFFIDAVIT FOR WATER RIGHTS TO BE USED
FOR POWER PURPOSES

A. Establishment of Residency: (Complete either 1, or 2).

1. Individual Applicant or Individual Members of a Partnership:

I, _____ of _____,
(name) (city)

county of _____, State of Idaho, being duly sworn, do
hereby certify that I am a bona fide resident of the State of Idaho.

2. Corporation:

I, C. Tom Arkoosh of Emmett,
(name) (city)

County of Gem, State of Idaho, being duly sworn, depose
and say: That I am the designated registered agent of the Geobon, Inc.

_____ : that as such I am in charge of the registered
(name of corporation)
office of the said corporation as required by Section 30-1-12, Idaho Code, at
Emmett
(city) Idaho, wherein are kept the corporate records required

by Section 30-1-52, Idaho Code: and that Geobon, Inc.
(name of corporation)

is a corporation qualified to do business in the State of Idaho under the laws of
the State of Idaho.

B. Ownership of Facilities: (To be completed for hydropower projects only)

The hydropower facility to be developed pursuant to the attached Application for
Permit:

- (check one)
- ☒ Will not utilize existing man-made irrigation facilities such as a dam or a
canal.
- ☐ Will utilize existing man-made irrigation facilities such as a dam or a canal,
and permission of the owner is documented in an affidavit attached hereto.
- ☐ Will utilize existing man-made irrigation facilities such as a dam or a canal
and the owner of the facilities is the signee of this affidavit.

GEOBON, INC.

C. Tom Arkoosh
Applicant

State of Idaho)
County of Ada) ss.

On this 1st day of November, 19 85, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged
to me that he (she) (they) executed the same.

seal

Judith L. Jousley
Notary Public residing at Emmett

My commission expires:

3-10-87

MICROFILMED

RECEIVED

State of Idaho

OCT 9 1985 Department of Water Resources

RECEIVED

SEP 16 1985

Department of Water Resources ASSIGNMENT OF PERMIT
~~Southern District Office~~

Department of Water Resources

I, George Arkoosh, Sr., hereby assign to Geobon, Inc., an Idaho corporation
of Route 1 Box 204, Gooding, Idaho 83330
Address

CHECK ONE

☒ All my right, title, and interest in and to Permit No. 37-8096
to appropriate the public waters of the State of Idaho.

☐ The following described portion of my right, title, and interest in and to Permit
No. _____ to appropriate the public waters of the State of Idaho.

(Describe that portion of the permit being assigned by listing the acreage within
each 40 acre subdivision, the point of diversion and the amount of water in cubic
feet per second for direct diversion, or acre feet for storage)

Made this 9th day of September, 19 85.

George Arkoosh
Permit Holder

Bonnie Arkoosh
Spouse of Permit Holder

State of Idaho)
County of /Gooding) ss.

On this 9th day of September, 19 85, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged to me
that ~~he~~ they (they) executed the same.

Larita Wlaue
Notary Public residing at
Gooding, Idaho

My commission expires:
1/5/87

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
AFFIDAVIT FOR WATER RIGHTS TO BE USED
FOR POWER PURPOSES

A. Establishment of Residency: (Complete either 1, or 2).

1. Individual Applicant or Individual Members of a Partnership:

I, GEORGE F. ARKOOSH of GOODING,
(name) (city)

county of Gooding, State of Idaho, being duly sworn, do
hereby certify that I am a bona fide resident of the State of Idaho.

2. Corporation:

I, _____ of _____,
(name) (city)

County of _____, State of Idaho, being duly sworn, depose
and say: That I am the designated registered agent of the _____

_____ : that as such I am in charge of the registered
(name of corporation)

office of the said corporation as required by Section 30-1-12, Idaho Code, at

_____ Idaho, wherein are kept the corporate records required
(city)

by Section 30-1-52, Idaho Code: and that _____
(name of corporation)

is a corporation qualified to do business in the State of Idaho under the laws of
the State of Idaho.

B. Ownership of Facilities: (To be completed for hydropower projects only)

The hydropower facility to be developed pursuant to the attached Application for
Permit:

- (check one)
- ☐ Will not utilize existing man-made irrigation facilities such as a dam or a canal.
- ☐ Will utilize existing man-made irrigation facilities such as a dam or a canal, and permission of the owner is documented in an affidavit attached hereto.
- ☒ Will utilize existing man-made irrigation facilities such as a dam or a canal and the owner of the facilities is the signee of this affidavit.

State of Idaho)
County of Ada) ss.

George Arkosh
Applicant

On this 25TH day of April, 19 83, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged
to me that he (she) (they) executed the same.

seal

Jim Johnson
Notary Public residing at
Boise, IDAHO

My commission expires:

life

AFFIDAVIT of PUBLICATION

State of Idaho, }
County of Lincoln } SS.

Cheri Miller, being first duly sworn, deposes and says that he is the printer (publisher) of the Lincoln County Journal, a newspaper published every week in Shoshone, Lincoln County, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once

each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication

of said advertisement was on the 12 day of September 1985, and the date of the last publication was on the 19 day of September, 1985.

Cheri Miller

Subscribed and sworn to before me this 19 day of September, 1985.
(SEAL)

Naughton Hagen
NOTARY PUBLIC

LINCOLN COUNTY JOURNAL
Shoshone, Idaho

COST OF PUBLICATION

Number of Lines in Notice

Number of Insertions

Lines tabular at	315c	
<u>24</u> Lines straight at	<u>52c</u>	<u>12.48</u>
<u>24</u> Subsequent lines at	<u>39c</u>	<u>9.36</u>
TOTAL COST		<u>21.84</u>

COPY OF NOTICE

(Paste Here)

NOTICE OF APPLICATION FOR WATER RIGHT

The following application(s) is (are) being advertised to allow all parties affected by the addition of the public interest criteria Sec. 42-203C, Idaho Code the opportunity to protest:

No. 37-8096
Arkoosh, George F.

Rt. 1 Box 204 - Gooding, Idaho 83330
SOURCE: Little Wood River trib. Big Wood River

PRIORITY DATE: May 4, 1983
DIVERSION PT: NENE, Sec. 32, T5S, R17E

USE: Power
AMOUNT: 300 CFS
PLACE OF USE: SWSW, Sec. 29, T5S, R17E

Protests must be filed with the Director, Department of Water Resources, Southern Region, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301 on or before September 30, 1985.

/s/ A. KENNETH DUNN
Director

RECEIVED

SEP 30 1985

Department of Water Resources
Southern District Office

PUBLICATION RATES

(Idaho Code, Rev. Statutes 1971)

7 pt. per line, straight	21c
7 pt. per line, tabular	315c
7 pt. per line, successive insertions	15c

No. 2728

MICROFILMED

AFFIDAVIT of PUBLICATION

State of Idaho, }
County of Lincoln } SS.

Melba Thorne, being first duly sworn, deposes and says that he is the printer (publisher) of the Lincoln County Journal, a newspaper published every week in Shoshone, Lincoln County, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once

each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication

of said advertisement was on the 4 day of August,

1983, and the date of the last publication was on the 11

day of August, 1983.

Melba Thorne

Subscribed and sworn to before me this 11

day of August, 1983.

(SEAL)

Mary Ann Wagon
NOTARY PUBLIC

LINCOLN COUNTY JOURNAL

Shoshone, Idaho

COST OF PUBLICATION

Number of Lines in Notice _____

Number of Insertions _____

_____ Lines tabular at 315c

32 Lines straight at 39 12.48
21c

32 Subsequent lines at 29 9.28
15c

TOTAL COST 21.76

COPY OF NOTICE

(Paste Here)

Water Right
TITLE OF NOTICE
Arkoosh 37-8096
PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

PUBLIC NOTICES

NOTICE OF APPLICATION FOR WATER RIGHT

Notice is hereby given that the following application(s) have been submitted for permit to appropriate the public waters of the State of Idaho:

37-8096

ARKOOSH, GEORGE F.

RT. 1, BOX 204, GOODING, ID 83330

Source: LITTLE WOOD RIVER trib. to BIG WOOD RIVER

Date Filed: 05/04/1983

Diversion Pt: NENE Sec 32 T 05S R 17E

Use: POWER (300.00 CFS)

In: SWSW Sec 29 T 05S R 17E

If issued, the permit(s) will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301 and received on or before AUGUST 21, 1983.

A. KENNETH DUNN
Director

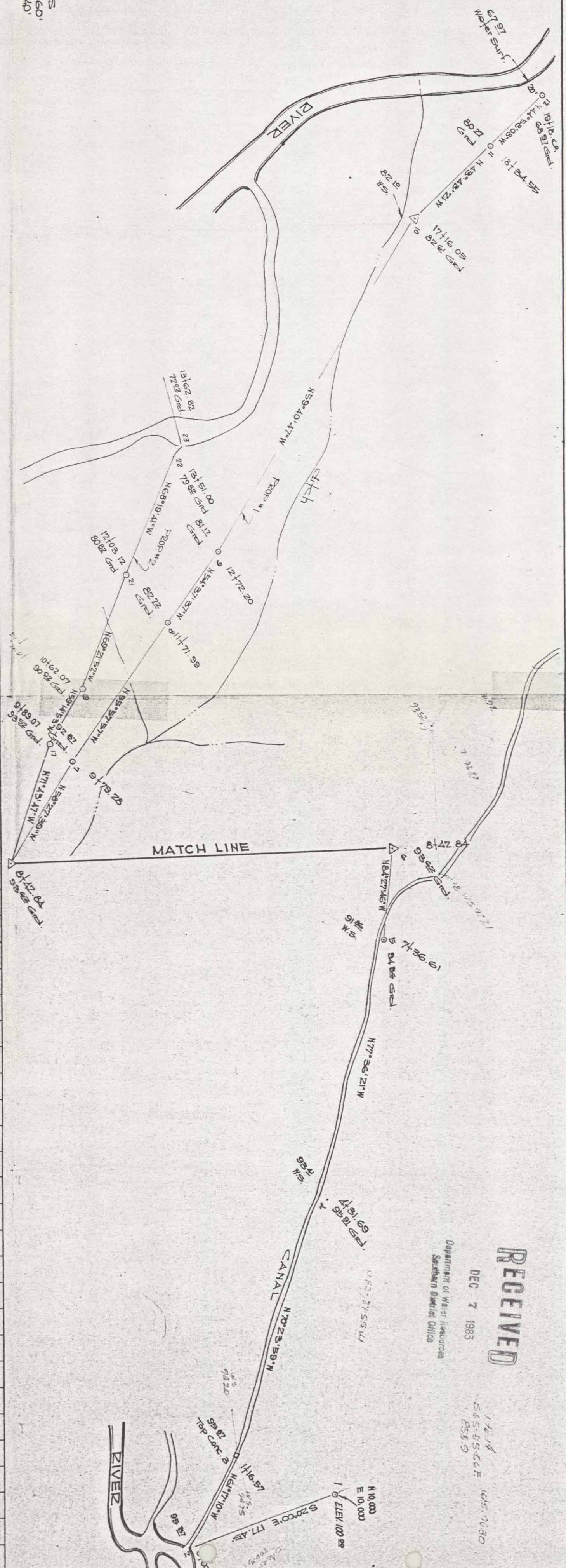
PUB: 8-4, 11

NO 12 2320

Department of Water Resources
Southern District Office

MICROFILMED

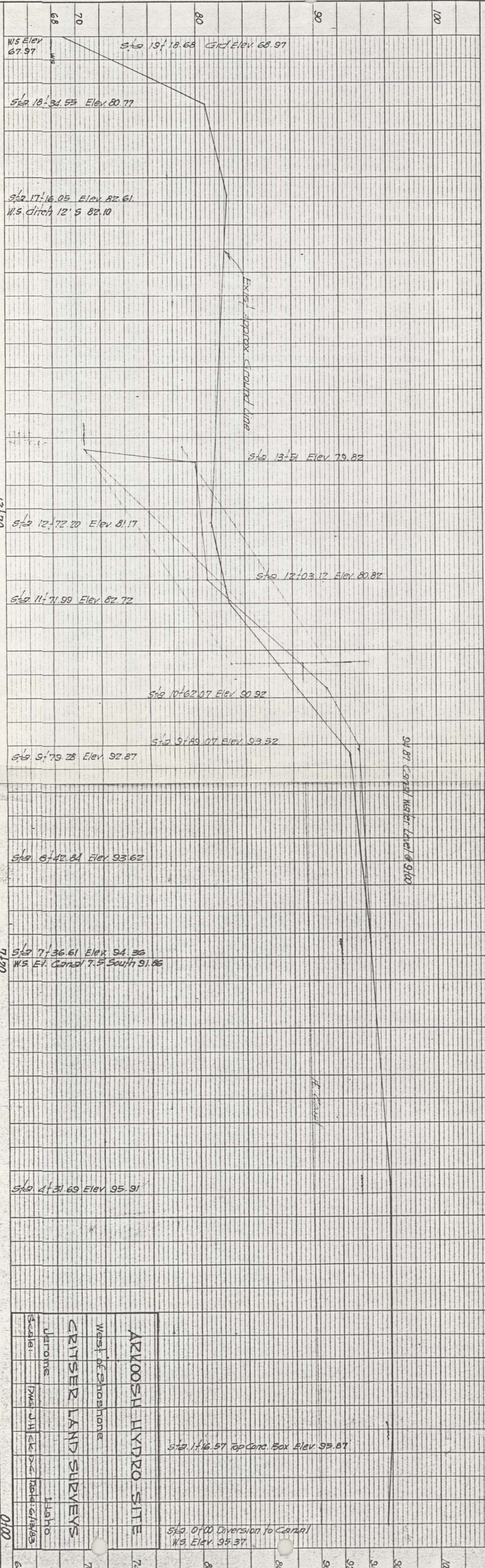
SCALES
 HORIZ = 1" = 60'
 VERT = 1" = 40'



RECEIVED
 DEC 7 1983

Department of Water Resources
 Southern District Office

116.14
 545.55-6.6 E
 858.0



ARKOOSH HYDRO SITE			
West of Shoshone			
CRUISER LAND SURVEYS			
Station	Notes	Station	Notes
64	W5. 11. 43. 17 W	74	W5. 11. 43. 17 W
66	W5. 11. 43. 17 W	76	W5. 11. 43. 17 W
68	W5. 11. 43. 17 W	78	W5. 11. 43. 17 W
70	W5. 11. 43. 17 W	80	W5. 11. 43. 17 W
72	W5. 11. 43. 17 W	82	W5. 11. 43. 17 W
74	W5. 11. 43. 17 W	84	W5. 11. 43. 17 W
76	W5. 11. 43. 17 W	86	W5. 11. 43. 17 W
78	W5. 11. 43. 17 W	88	W5. 11. 43. 17 W
80	W5. 11. 43. 17 W	90	W5. 11. 43. 17 W
82	W5. 11. 43. 17 W	92	W5. 11. 43. 17 W
84	W5. 11. 43. 17 W	94	W5. 11. 43. 17 W
86	W5. 11. 43. 17 W	96	W5. 11. 43. 17 W
88	W5. 11. 43. 17 W	98	W5. 11. 43. 17 W
90	W5. 11. 43. 17 W	100	W5. 11. 43. 17 W

K.E. PLATE 1, MAIN PROFILE
 40 7000 MADE IN U.S.A.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No: 37-8096
& 37-8251

Exam Date: 5/5/2003

1. Current Owner: NOTCH BUTTE HYDRO CO INC
1161 W RIVER ST STE 200 **
BOISE ID 83702
(208)338-2604 (Not in service)

**This address is not current
Correspondence should be sent to address below

2. Accompanied by: Dale L. Higbee
Phone No: (208) 734-0551
Address: CHI Energy Mountain States Operations, Inc.
2283 Wright Ave., Suite D
Twin Falls, ID 83301

Relationship to Permit Holder: CHI Energy Inc. is the parent or holding company for Notch Butte Hydro Co Inc and manages the operation of several hydro projects in which Notch Butte Hydro is one. Other projects mentioned by Mr. Higbee are: Dietrich Drop, Rock Creek II, Low-Line Rapids. Note that Mr. Higbee indicates that the Boise office has been closed so he should be sent the correspondence.

3. SOURCE

LITTLE WOOD RIVER

TRIBUTARY

MALAD RIVER

B. OVERLAP REVIEW

1. Other water rights with the same place of use: 37-8096 and 37-8251 combined provide the rights to this facility
2. Other water rights with the same point of diversion: None

C. DIVERSION AND DELIVERY SYSTEM

1. LOCATION OF POINT(S) OF DIVERSION:

LITTLE WOOD RIVER NW1/4NE1/4NE1/4 Sec. 32, Twp 05S, Rge 17E, B.M.
LINCOLN County

Method of Determination: Garmin GPS set up with IDTM settings

PD coordinates: (462708 easting, 205883 northing) (Center of diversion dam bridge)

Head of Penstock coordinates: (462386 easting, 206074 northing) (North side of Penstock)

Power house coordinates: (462338 easting, 206094 northing) (NW corner of structure)

These points have been plotted on the attached map generated in arcview. The NAPP base photo for the map circa 1987 shows the facility.

2.

PLACE OF USE: POWER

Twp	Rge	Sec		NE		NW		SW		SE		Totals
05S	17E	29		NE	NW	SW	SE	NE	NW	SW	SE	XX

PU determined by GPS and use of NAPP photo and Quad map

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JUL 28 2003

Method of Determination:

3. ☒ Delivery System Diagram Attached (required). Indicate all major components and distances between components. Indicate weir size/pipe as applicable.

See attached copies of plans for Geo Bon II which is the name that this project was initially developed under. These plan sheets shows the construction of the power plant.

- ☐ Map Attached Showing Location(s) of point(s) of diversion and place(s) of use (required). Scale must be 1:24,000 or greater.

See attached Map generated using Arcview.

- ☐ Aerial Photo Attached (required for irrigation of 10+ acres).

- ☒ Photo of Diversion and System Attached

See attached photos of major components of facility taken during the F.E.

4.

<u>Well or Diversion</u> <u>ID No.*</u>	<u>Motor Make</u>	<u>Hp</u>	<u>Motor Serial No.</u>	<u>Pump Make</u>	<u>Pump Serial No. or Discharge</u> <u>Size</u>

The point of diversion is numbered 72-KW by the watermaster of WD 37 & 37M. In 1993 the diversion was listed under the name of GEO BONN in the watermaster records but in 1996 records to the present it is listed under Notch Butte Hydro. The following information was taken from the name plate posted at the power plant:

Generator

E-M Electrical Machinery
Serial 184349011
KVA 1178
Volts 4160
Amps 163
RPM 327
Hertz 60
P.F. 0.9
Phase 3

Turbine

Voith
H = 9.266 m or 30.4 feet
Q = 12.948 m³/s ***
n = 327.27 /min
P = 1055 KW
Serial Nr. 17895
Year Built 1983

*** The design Q equates to 457.3 cfs

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JUL 28 2003

D. FLOW MEASUREMENTS

1.

Measurement

<u>Equipment</u>	<u>Type</u>	<u>Make</u>	<u>Model No.</u>	<u>Serial No.</u>	<u>Size</u>	<u>Calib. Date</u>
------------------	-------------	-------------	------------------	-------------------	-------------	--------------------

No installed measuring device or equipment was used for direct measurement of the water flow. The power plant has meters which monitor the KW output of the facility. The watermaster utilizes a rating developed for the facility to utilize the power records (measured KW or KWhr output of the facility) to calculate amount of water diverted to the facility for purposes of charging for the watermaster services. The Little Wood River has a gauging station near Shoshone used by the watermaster a few miles upstream from the facility. This run of river power plant diverts all water in the river flowing through the gauge except for the bypass water required as part of the FERC license. (See schedule of required bypass amounts contained in the copy of a portion of letter to John Bloom from FERC dated around Oct 1995.)

2. Measurements: See above.

E. FLOW CALCULATIONS

Measured Method:

As referenced above the WM of District 37 keeps track of the water use at the power plant by analyzing the power records submitted to him from Idaho Power. He uses the conversions documented on the attached sheets. (He assumes 31.5 head and 82% plant efficiency) In July of 1993 it is calculated the average flow at the plant would be 416 cfs based on his methodology. For the 1996 high month of July the average flow at the plant would be 387 cfs. These calculations reflect the variable nature of the run of the river use and hint that at times the plant may be down. They do not reflect the instantaneous maximum flow rate. It appears that the maximum flow rate would be design Q of the turbine which is 457 cfs so that is what I recommend be licensed.

Note: I found notes in the field exam file which indicates someone from the department attempted to do a field exam in 1992 and gathered high KW daily numbers (7/19 ... 782.5 KW); (7/20 ... 782.9 KW); (7/21 ... 792.1 KW); (7/22 ... 816 KW) Using the WM conversion this would be 372 cfs for 7/22. Also contained in the file are other high daily KW values and for 8/16/1989 it was 1020 KW which would equate to 466 cfs. Also in the file is a reference table dated 2/1/1985 created by Ted Sorenson. The table lists the net head of 30.4 feet with turbine efficiency ranging from 84.7% to 90.9 % and generator efficiency of 95% which would yield an overall plant efficiency which would range from 80.5% to 86.4%

MICROFILMED
JUL 28 2003

F. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation: N/A
2. Volume Calculations for Other Uses: *See Narrative*

G. NARRATIVE/REMARKS/COMMENTS

This is a run of the river power plant with one turbine and generator. The attached photos document the facility. All flows except the required bypass flow that exists at this section of the river is run through the plant. The flows in the river vary during the year depending on: -Drainage Yield (snow pack &/or precipitation)

- Drainage Yield (snow pack &/or precipitation)
- Upstream delivery of water rights
- Transportation of water from Snake River through this reach of Little Wood for delivery to users downstream of site.

The power uses should be subordinate to other uses.

The power plant is operated by CHI Mountain States Operations, Inc. Dale Higbee is the local Manager with offices in Twin Falls as noted above.

Have conditions of permit approval been met? xx Yes No

H. RECOMMENDATIONS

1. Recommended Amounts

WR NO.	BENEFICIAL USE	PERIOD OF USE	DIVERSION RATE	ANNUAL VOLUME
37-8096	POWER	1/01 to 12/31	300.000 CFS	
37-8251	POWER	1/01 to 12/31	157.000 CFS	

Total Recommended Combined 457.0 cfs

2. Recommended Amendments

____ Change P.D. as reflected above ____ Add P.D. as reflected above ____ None

xx Change P.U. as reflected above Add P.U. as reflected above Other

I. AUTHENTICATION

Field Examiner's Name Chae J. Verna Date 7/1/03
Reviewer _____ Date _____

Reviewer _____ Date _____

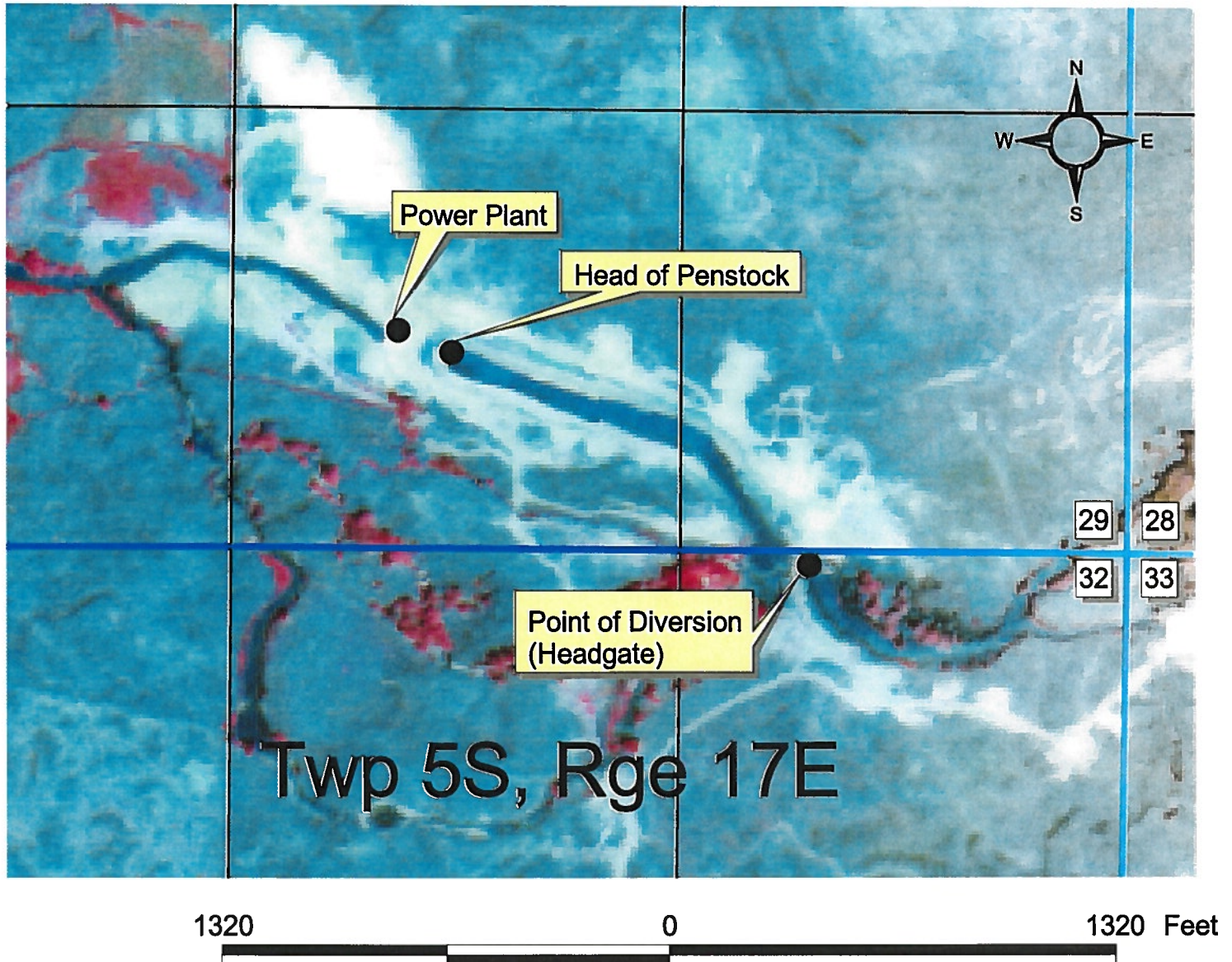
MICROFILMED

JUL 28 2003

IDAHO DEPARTMENT OF WATER RESOURCES

Field Examination Report

Permits 37-8096 & 37-8251



 S05s17e.shp
 T05s17e.shp

MICROFILMED

JUL 28 2003

Permit No: 37-8096 & 37-8251
Page 5

PHOTOS:



View of Generator in foreground with exposed portion of turbine in background with control equipment on deck above. Photo taken looking upstream from within power plant.



View taken from control deck looking downstream from within power plant.

MICROFILMED

JUL 28 2003

Permit No: 37-8096 & 37-8251
Page 6



Excavated channel below power plant leading back to Little Wood River. View looking downstream.



Emergency bypass pipe used whenever plant goes offline. This is reported to be a newer feature at facility to prevent interruption of flows in Little Wood River.

MICROFILMED

JUL 28 2003



View of power plant from right bank. Head of penstock in background.



Head of penstock.

MICROFILMED
JUL 28 2003



View of head of canal going to penstock.



Downstream view of diversion dam.

MICROFILMED
JUL 28 2003



Upstream View of diversion.

MICROFILMED

JUL 28 2003

Typical ND 37 records. This is typical

use record for the power plants administered by the WM. Year 1996 is a relatively wet year. July is the high generating month.

Apr 1996

HYDRO KW TO CFS

OWNER	GROSS KW	24 HR	11.8	OWNER HEAD	HEAD	EFFEC PERCENT	24 HR CFS
Sho Rock Hydro	229680	9570.0	112926.0	30.0	3764.2	80.00%	4705.25
Notch Butte Hyd	439200	18300.0	215940.0	31.5	6855.2	82.00%	8360.05
Arkoosh Hydro	476200	19841.7	234131.7	31.5	7432.8	80.00%	9290.94
Koyle Hydro	628800	26200.0	309160.0	60.0	5152.7	80.00%	6440.83
Ravenscroft Hyd	457440	19060.0	224908.0	49.0	4590.0	80.00%	5737.45

May 1996

HYDRO KW TO CFS

OWNER	GROSS KW	24 HR	11.8	OWNER HEAD	HEAD	EFFEC PERCENT	24 HR CFS
Sho Rock Hydro	601600	25066.7	295786.7	30.0	9859.6	80.00%	12324.44
Notch Butte Hyd	524400	21850.0	257830.0	31.5	8185.1	82.00%	9981.80
Arkoosh Hydro	568000	23666.7	279266.7	31.5	8865.6	80.00%	11082.01
Koyle Hydro	726400	30266.7	357146.7	60.0	5952.4	80.00%	7440.56
Ravenscroft Hyd	468640	19526.7	230414.7	49.0	4702.3	80.00%	5877.93

June 1996

HYDRO KW TO CFS

OWNER	GROSS KW	24 HR	11.8	OWNER HEAD	HEAD	EFFEC PERCENT	24 HR CFS
Sho Rock Hydro	652360	27181.7	320743.7	30.0	10691.5	80.00%	13364.32
Notch Butte Hyd	584400	24350.0	287330.0	31.5	9121.6	82.00%	11123.89
Arkoosh Hydro	576000	24000.0	283200.0	31.5	8990.5	80.00%	11238.10
Koyle Hydro	664000	27666.7	326466.7	60.0	5441.1	80.00%	6801.39
Ravenscroft Hyd	421920	17580.0	207444.0	49.0	4233.6	80.00%	5291.94

July 1996

HYDRO KW TO CFS

OWNER	GROSS KW	24 HR	11.8	OWNER HEAD	HEAD	EFFEC PERCENT	24 HR CFS
Sho Rock Hydro	700680	29195.0	344501.0	30.0	11483.4	80.00%	14354.21
Notch Butte Hyd	630524	26271.8	310007.6	31.5	9841.5	82.00%	12001.84
Arkoosh Hydro	646000	26916.7	317616.7	31.5	10083.1	80.00%	12603.84
Koyle Hydro	638400	266000.0	*****	60.0	52313.3	80.00%	65391.6
Ravenscroft Hyd	271680	11320.0	133576.0	49.0	2726.0	80.00%	3407.85

Aug 1996

HYDRO KW TO CFS

OWNER	GROSS KW	24 HR	11.8	OWNER HEAD	HEAD	EFFEC PERCENT	24 HR CFS
Sho Rock Hydro	649840	27076.7	319504.7	30.0	10650.2	80.00%	13312.69
Notch Butte Hyd	628800	26200.0	309160.0	31.5	9814.6	82.00%	11969.03
Arkoosh Hydro	598400	24933.3	294213.3	31.5	9340.1	80.00%	11675.13
Koyle Hydro	608000	25333.3	298933.3	60.0	4982.2	80.00%	6227.78
Ravenscroft Hyd	307200	12800.0	151040.0	49.0	3082.4	80.00%	3853.06

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JUL 28 2003

Sept 1996

HYDRO KW TO CFS

OWNER	GROSS KW	24 HR	11.8	OWNER HEAD	HEAD	EFFEC PERCENT	24 HR CFS
Sho Rock Hydro	654320	27263.3	321707.3	30.0	10723.6	80.00%	13404.47
Notch Butte Hyd	564110	23504.6	277354.1	31.5	8804.9	82.00%	10737.67
Arkoosh Hydro	592600	24691.7	291361.7	31.5	9249.6	80.00%	11561.97
Koyle Hydro	691200	28800.0	339840.0	60.0	5664.0	80.00%	7080.00
Ravenscroft Hyd	462400	19266.7	227346.7	49.0	4639.7	80.00%	5799.66

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WATER DISTRICT #37 & 37M

CANAL NAME		CANAL NUMBER 72-KM		1993	
OWNER GEO BONN		MITCH ARKOOSH/WESTERN HYDRO			
DATE		APRIL	MAY	JUNE	JULY
TOTAL	8566.00	11512.00	12038.00	12906.00	12723.00
MEAN	286	371	401	416	410
A. F.	16960.68	22793.76	23835.24	25553.88	25191.54
YEARLY C.F.S.		69280.00			
YEARLY ACRE FEET		137174.4			
TOTAL NO. OF DAYS		183			
YEARLY MEAN		379			

WATER DISTRICT #37 & 37-M

CANAL NAME		MEYERS		CANAL NUMBER 73	
OWNER ERNEST BRYANT III					
DATE		APRIL	MAY	JUNE	JULY
1				2.84	2.84
2				2.84	2.84
3				2.84	2.84
4				2.84	2.84
5				2.84	2.84
6				2.84	2.84
7				2.84	2.84
8				2.84	2.84
9				2.84	2.84
10				2.84	2.84
11				2.84	2.84
12				2.84	2.84
13				2.84	2.84
14				2.84	2.84
15				2.84	2.84
16				2.84	2.84
17				2.84	2.84
18				2.84	2.84
19				2.84	2.84
20				2.84	2.84
21				2.84	2.84
22				2.84	2.84
23				2.84	2.84
24				2.84	2.84
25				2.84	2.84
26				2.84	2.84
27				2.84	2.84
28				2.84	2.84
29				2.84	2.84
30				2.84	2.84
31				2.84	2.84
TOTAL	0.00	87.40	56.36	105.62	24.12
YEARLY C.F.S.			338.34		
YEARLY ACRE FEET			669.91		
TOTAL NO. OF DAYS			97		
YEARLY MEAN			3.49		

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JUL 28 2003



CHI Energy, Inc.

Dale L. Higbee

Manager, Field Operations
CHI Mountain States
Operations, Inc.

2283 Wright Ave., Suite D
Twin Falls, ID 83301

(208) 734-0551
Fax (208) 734-0553
Pager (208) 737-8192
Cellular (208) 420-1010

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JUN 28 2003

RECEIVED

JUN 26 2003

Department of Water Resources
Southern Region



CHI MOUNTAIN STATES OPERATIONS, INC.

FAX:

TO: Allen Merritt DATE: 6/26/03

COMPANY: Idaho Dept. of Water Resources PAGES: 10
(including this cover sheet)

PHONE: 736-3033 FOR REVIEW ☒

FAX: 736-3037 URGENT ☐

FROM: Dale Higbee PLEASE COMMENT ☐

SUBJECT: Information Requested on the GeoBan
(Notch Butte) hydro plant.

MESSAGE:

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JUN 28 2003

10/16/95 15:40 208 338 2698

CHI WESTERN OPS. --- CHI MT. ST. - TF 001/005

*cc: Dale H.
via fax*

RECEIVED OCT 7 6 1995

OCT 10 1995

FEDERAL ENERGY REGULATORY COMMISSION

WASHINGTON, D. C. 20426

Project No. 7548-010--Idaho
Geo Bon II Project
Notch Butte Hydro Company, Inc.

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. John Bloom
CHI Western Operations
1161 West River Street, Suite 200
Boise, ID 83702

Dear Mr. Bloom:

Thank you for your report, filed August 25, 1995, in response to our July 28, 1995 letter concerning your compliance with the terms and conditions of your exemption under article 2. Article 2 requires you to comply with any terms and conditions that federal or state fish and wildlife agencies have determined appropriate to prevent loss of or damage to fish and wildlife resources. The terms and conditions of your exemption were stipulated by the Idaho Department of Fish and Game (IDFG) and the U.S. Fish and Wildlife Service by letters dated December 21, 1983 and January 12, 1984, respectively. Subsequently, by letter dated October 9, 1986, the IDFG revised the minimum flows to:

October through March -	13 cubic feet per second (cfs)
April -	50 cfs
May -	60 cfs
June -	50 cfs
July through September -	40 cfs.

Background

We received a report that identified 16 days when the minimum flow requirement may not have been met. By letter dated July 28, 1995 we requested that you provide minimum flow gage data, power generation data and explanations for any under release events (or data discrepancies) for the identified days. The requested information was filed on August 25, 1995.

Discussion and Conclusions

The 16 days of possible minimum flow violations occurred over a five month period. The incidents are discussed below in 6 sections. Your description of each incident is stated followed by a discussion and our conclusions.

1) For the January 28-30, 1995 incidents, you stated that icing conditions caused the continuous float recorder not to work properly. You added that the operator used the newly installed staff gage and transducer to verify minimum flows. You stated

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Index 13 in 11

27 ENC 162, 039

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Mr. George Atkoosh) Project No. 7548-000

ONDER GRANTING EXEMPTION FROM LICENSING OF A
SMALL HYDROELECTRIC PROJECT OF 5 MW OR LESS
(Issued April 13, 1984)

The Applicant 1/ filed an application for exemption from all or part of Part 1 of the Federal Power Act (Act) pursuant to 18 C.F.R. Part 4 Subpart K (1980) implementing in part Section 408 of the Energy Security Act (ESA) of 1980 for a project as described in the attached public notice. 2/ 3/ Notice of the application was published in accordance with Section 408 of the ESA and the Commission's regulations and comments were requested from interested Federal and State agencies including the U.S. Fish and Wildlife Service and the State Fish and Wildlife Agency. All comments, protests and petitions to intervene that were filed have been considered. No agency has any objection relevant to issuance of this exemption.

Standard Article 2, included in this exemption, requires compliance with any terms and conditions that Federal or State fish and wildlife agencies have determined appropriate to prevent loss of, or damage to, fish and wildlife resources. The terms and conditions referred to in Article 2 are contained in any letters of comment by these agencies which have been forwarded to the Applicant in conjunction with this exemption.

- 1/ Mr. George Atkoosh, Project No. 7548, (filed on August 22, 1983,
- 2/ Pub. Law 96-294, 94 Stat. 611, Section 408 of the ESA amends inter alia, Sections 405 and 408 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 552105 and 2708).
- 3/ Authority to act on this matter is delegated to the Deputy Director, Office of Electric Power Regulation, under 5375.308 of the Commission's regulations, 18 C.F.R. 5375.308 (1983). This order may be appealed to the Commission by any party within 30 days of its issuance pursuant to Rule 1902, 18 C.F.R. 385.1902, (1983). Filing an appeal and final Commission action on that appeal are prerequisites for filing an application for rehearing as provided in Section 313(a) of the Act. Filing an appeal does not operate as a stay of the effective date of this order or of any other date specified in this order, except as specifically directed by the Commission.

Should the Applicant contest any terms or conditions that were proposed by Federal or State agencies in their letters of comment as being outside the scope of Article 2, the Commission shall determine whether the disputed terms or conditions are outside the scope of Article 2.

Based on the terms and conditions required by Federal and State fish and wildlife agencies, the environmental information in the application for exemption, other public comments, and staff's independent analysis, issuance of this order is not a major Federal action significantly affecting the quality of the human environment.

It is ordered that:

(A) Geo-Bon #2 Hydropower Project No. 7548 as described and designated in Mr. George Atkoosh's application filed on August 23, 1983 is exempted from all of the requirements of Part 1 of the Federal Power Act, including licensing, subject to the standard articles in 54.106 of the Commission's regulations attached hereto as Form E-2, 18 C.F.R. 54.106, 45 Fed. Reg. 76115 (November 18, 1980), and the following Special Articles.

Article 6. Any exempted small hydroelectric power project that utilizes a dam which is more than 33 feet in height above streambed, as defined in 18 CFR 12.31(c) of this chapter, impounds more than 2,000 acre-feet of water, or has a significant or high hazard potential, as defined in 33 CFR Part 222, is subject to the following provisions of 18 CFR Part 12:

- (1) Section 12.4(d)(1)(i) and (11), (2)(1), (11)(A) and (B), (iv), and (v);
- (11) Section 12.4(c);
- (111) Section 12.5;
- (iv) Subpart C; and
- (v) Subpart D.

For the purpose of applying these provisions of 18 CFR Part 12, the exempted project is deemed to be a licensed project development and the owner of the exempted project is deemed to be a licensee.

Article 7. The construction, operation, and maintenance of the exempt project may be reviewed by the Commission and subjected to further requirements for consistency with the terms and conditions of the regional fish and wildlife program developed pursuant to the Pacific Northwest Electric Power Planning and Conservation Act.

Robert E. Cackowiak
Robert E. Cackowiak
Deputy Director, Office of
Electric Power Regulation

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Notice of Application Filed with the Commission
(November 4, 1981)

Take notice that the following hydroelectric application has been filed with the Federal Energy Regulatory Commission and is available for public inspection:

- a. Type of Application: Exemption (1 or more)
- b. Project No: 7540-000
- c. Date Filed: August 22, 1981
- d. Applicant: Mr. George Aronson
- e. Name of Project: Geo-Sun 82 Hydropower
- f. Location: On Little Wood River in Lincoln County, Idaho near the town of Shoshone
- g. Filed Pursuant to: Energy Security Act of 1980 (16 U.S.C. 8171-8175 and 1701 as amended)
- h. Contact Person: Mr. Vernon Ravencroft, Consulting Associates, Inc., P.O. Box 891, Boise, Idaho 83702
- i. Comment Date: DEC 19 1981
- j. Description of Project: The proposed project would consist of: (1) a 4-foot-high diversion structure at elevation 5,872 feet; (2) a 1-foot-high, 1,950-foot-long canal; (3) headworks and spillways; (4) a 110-inch-diameter, 250-foot-long penstock; (5) a powerhouse containing three generating units with a rated capacity of 111 kW operating under a head of 18 feet; (6) an excavated 910-foot-long tailrace; and (7) a 34.5-kV transmission line tying into an existing Idaho Power Company line. The estimated average annual energy output would be 4,156,968 kWh.
- k. Purpose of Project: An exemption, if issued, gives the licensee priority in control, development, and operation of the project under the terms of the exemption from licensing, and protects the licensee from permit or license applicants that would seek to take or develop the project.
- l. Purpose of Project: Project power will be sold to Idaho Power Company.
- m. This notice also contains the following standard paragraphs: A1, A9, B, C and D3a

DC-A-70

- A1. Exemption for Small Hydroelectric Power Project under 5kW Capacity -- Any qualified licensee or conduit exemption applicant desiring to file a competing application must submit to the Commission, on or before the specified comment date for the particular application, either a competing license or conduit exemption application that proposes to develop at least 1.5 megawatts in that project, or a notice of intent to file such an application. Any qualified small hydroelectric exemption applicant desiring to file a competing application must submit to the Commission, on or before the specified comment date for the particular application, either a competing small hydroelectric exemption application or a notice of intent to file such an application. Submission of a timely notice of intent allows an interested person to file the competing license, conduit exemption, or small hydroelectric exemption application no later than 120 days after the specified comment date for the particular application. Applications for preliminary permit will not be accepted in response to this notice.

- A9. Notice of Intent -- A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, include an unequivocal statement of intent to submit, if such an application may be filed, either (1) a preliminary permit application or (2) a license, small hydroelectric exemption, or conduit exemption application, and be served on the applicant(s) named in this public notice.

- B. Comments, Protests, or Motions to Intervene -- Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 C.F.R. §§185.110, .111, .112. In determining the appropriate action to take, the Commission will consider all the appropriate action to take, but only those who file a protest or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

- C. Filing and Service of Responsive Documents -- Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST" or "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing is in response. Any of the above named documents must be filed by providing the original and the number of copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 815 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Deputy Director, Project Management, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 201 AB at the above address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

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JUL 28 2003

Jun 26 03 11:32a

1. Point of Diversion
1. Canal

CDD-10011

KAROOB

11/1/60

1. Point of Diversion

2. Canal

3. Roadways and Spillway

4. Reservoir and Site of Construction - Old Stream

5. Diverted tailwater back to river

6. Point of Intake for water

7. Access Road

[illegible]

И-2 1922

Any exemption from licensing granted under this subpart for

(a) Article 1. The Commission reserves the right to conduct

(b) Article 3. The construction, operation, and maintenance

(a) Article 1. The Commission may accept a license application

an exemption is revoked, the Commission will not accept a subse-

(d) Article 4. This exemption is subject to the navigation servitude of the United States if the project is located on navigable waters of the United States.

(e) Article 5. This exemption does not confer any right to use or occupy any Federal lands that may be necessary for the development or operation of the project. Any right to use or occupy any Federal lands for those purposes must be obtained from the administering Federal land agencies. The Commission may accept a license application by any qualified license applicant and revoke this exemption, if any necessary right to use or occupy Federal lands for those purposes has not been obtained within one year from the date on which this exemption was granted.

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JUL 28 2003

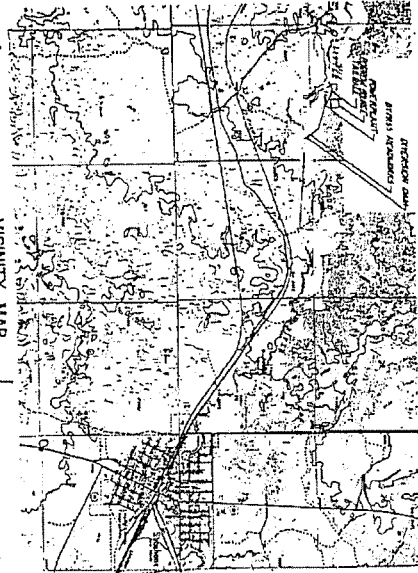
GEOBON II HYDROELECTRIC FACILITY PHASE II

POWERHOUSE

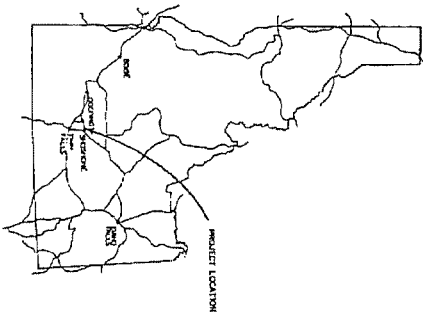
SHEET INDEX

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| 1. CONCR. VIGNETTE & INSET | 25. EQUIPMENT & MECHANICAL INST. |
| 2. PROPOSED IC-RRG AUC | 26. EQUIPMENT & MECHANICAL INST. |
| 3. SLICE 1 CONCRETE | 27. ROOF SYSTEM |
| 4. SLICE 1 CONCRETE | 28. ROOF SYSTEM |
| 5. SLICE 1 CONCRETE | 29. ROOF SYSTEM |
| 6. SLICE 1 CONCRETE | 30. ROOF SYSTEM |
| 7. SLICE 1 CONCRETE | 31. ROOF SYSTEM |
| 8. SLICE 1 CONCRETE | 32. EQUIPMENT CATE & TRAIL |
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| 21. ANCHOR BOLTS | |
| 22. EQUIPMENT & MECHANICAL INST. | |
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| 24. EQUIPMENT & MECHANICAL INST. | |

MT. PINEAPPLE FOOT SAFETY RAILING



VICINITY MAP
1" = 2000'



LOCATION MAP

SORENSEN ENGINEERING P.A.
CONSULTING ENGINEERS
550 LINDEN IDAHO FALLS, IDAHO 208 622-8009

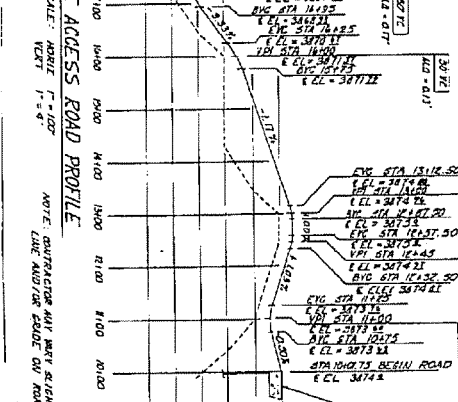
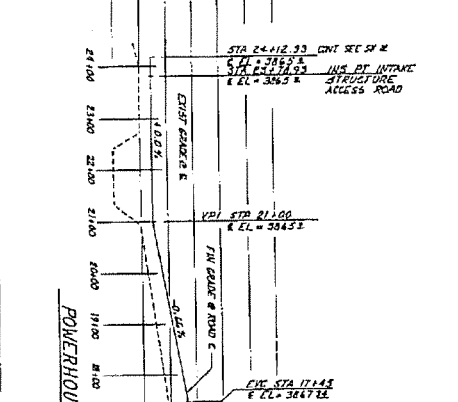
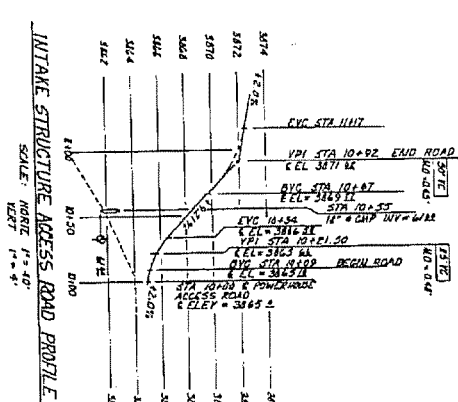
RECORD DRAWING

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JUL 28 2003

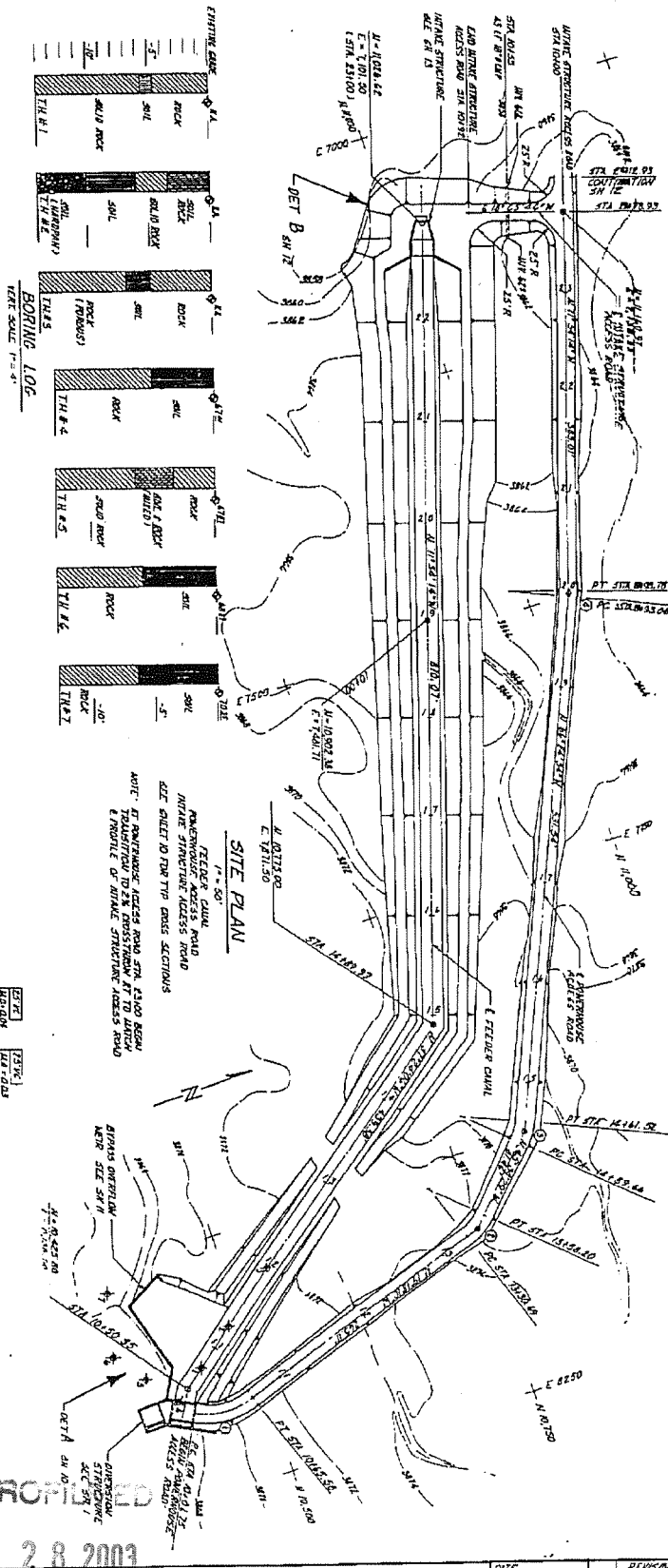
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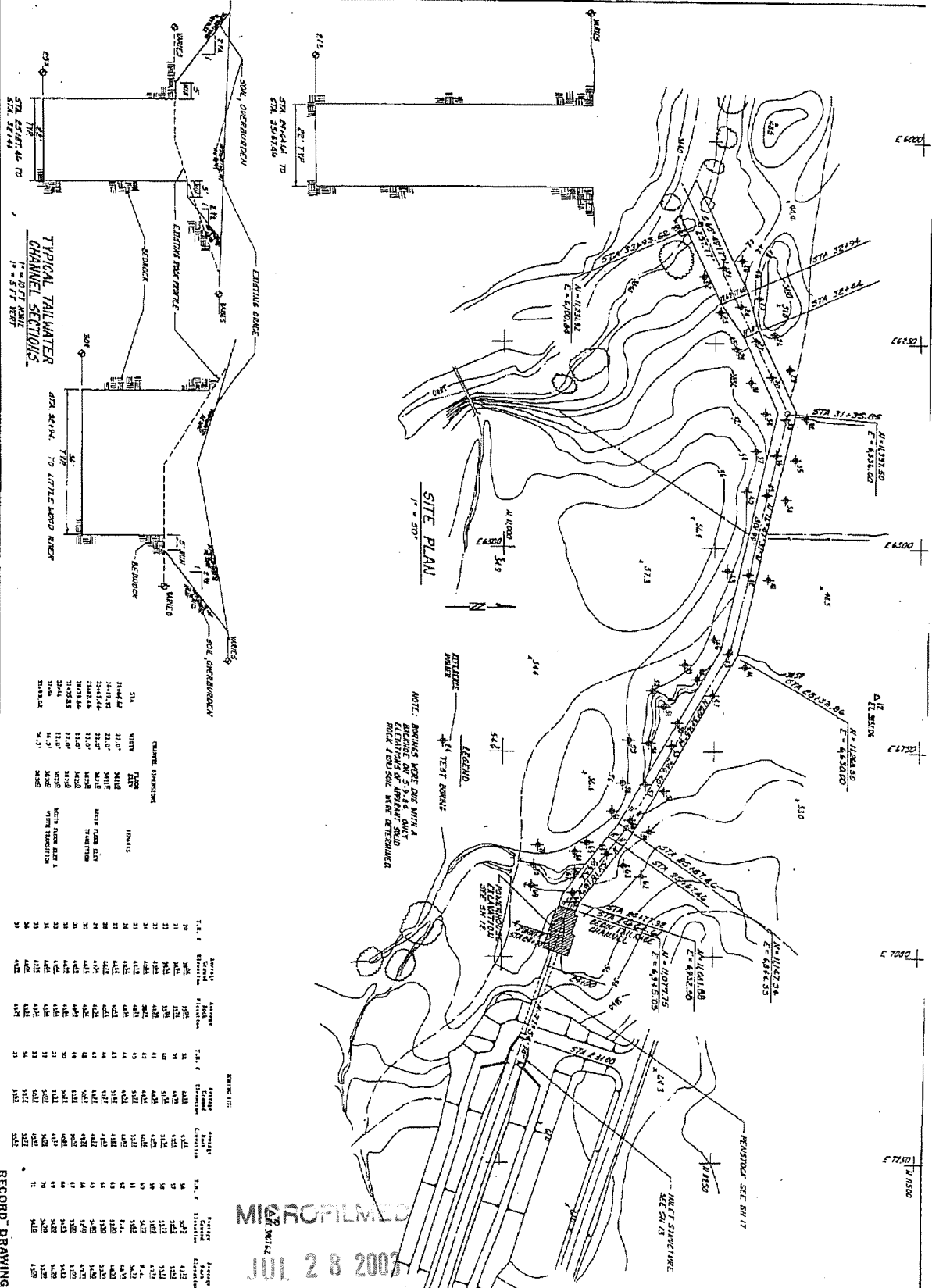
JUN 28 2003

SOERSON ENGINEERING P.A.
CONSULTING ENGINEERS
1000 O FALLS, IDAHO

GEOBON II

FEEDER CANAL
POWERHOUSE ACCESS ROAD

DATE	REVISION
06/26/03	1.0
06/26/03	2.0
06/26/03	3.0



RECORD DRAWING

DATE 10/1/03 **TIME** 10:00 **BY** J. Sorenson **CHKD** J. Sorenson **APPD** J. Sorenson

PROJECT GEOBON II **TITLE** TAILRACE

DESIGNED J. Sorenson **CHECKED** J. Sorenson **APPROVED** J. Sorenson

SCALE 1" = 10' HORIZ. 1" = 5' VERT.

PROJECT SORENSEN ENGINEERING P.A. **CONVULSING ENGINEERS** **QMSD FALLS, KAN-0**

DATE 10/1/03 **TIME** 10:00 **BY** J. Sorenson **CHKD** J. Sorenson **APPD** J. Sorenson

Typical WDJ7 evaluation of power vs.
water use. * Note this sets out the method
but the head is for Ravenscroft Hydro & not Lake Butte.

I feel that using 49 feet as the normal head available for
the turbines is a reasonable number for calculating flow through
the turbines, unless it is shown that this is incorrect.

In the past, 31.5 feet of head, KW output, and 80%
efficiency has been used to calculate what flow the system has
been using. To correct the calculations for 1988, 1989, and
1990, .684 should be multiplied by the old calculated flow rate
which is incorrect, and for calculations in the future 49 feet
should be used.

- * An example calculation to correct numbers for 1988, 89 and
90:

Old total 24 hr/cfs x .684 = correct 24 hr/cfs

Using 1990's 24 hr/cfs figure of 37,285

Corrected 1990 24 hr/cfs = 37,285 x .684 = 25,502

- * An example for calculations in the future:

Output (KW) x 11.8 ÷ head (feet) ÷ efficiency = flow (cfs)

Using 558 KW,

558 KW x 11.8 ÷ 49 feet ÷ .80 = 179 cfs 168

Another thing to consider in the future would be, instead of
having the ditch rider go to the hydro plant and read the KW
output each day, have an arrangement with Mr. Ravenscroft for
Idaho Power to send a monthly or yearly summary of gross KWH's
produced. Then, the calculation to calculate 24 hr/cfs would be
as follows:

KWH production for month ÷ 24 hr x 11.8 ÷ head ÷ efficiency
= total 24 hr/cfs for month

NOTE: if basing calculations on a yearly summary, use KWH
production for total season

An example calculation for the 1989 season follows:

From Idaho Power 1989 records (attached)

September	423,840 KWH
August	306,080 KWH
July	99,840 KWH
June	130,240 KWH
May	373,600 KWH
April	352,320 KWH
Total	= 1,685,920 KWH

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JUL 28 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 6, 2003

VIA FAX

CHI Energy Inc
Attn: Dale Higbee
2283 Wright Ave, Suite D
Twin Falls, ID 83301

RE: Permits 37-8096 and 37-8251 in the name of Notch Butte Hydro Co Inc

Dear Mr. Higbee:

Thank you for meeting with me yesterday and giving me a tour of the Notch Butte Hydro facility. My inspection will allow for the completion of the required field examination report which will result in issuance of the water right licenses for the above referenced permits.

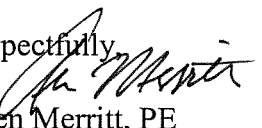
To facilitate the licensing process I request that you provide copies of sheets D84-1327 8 and 9 as well as D85-1328 1 and 2 of the as built plans. Additionally I request you provide a copy of the FERC license with conditions of approval which outline the required bypass flows and any rating charge for the bypass weir or orifice.

I was able to meet with the watermaster of district 37M after my field visit yesterday and his records indicate that your most recent highest water use appears to be during July of 1993. As I understand from the watermaster he calculates your water use based on a rating of the generator and monthly KWH production records he obtains from Idaho Power Co. For the period of July 1993 the monthly average cfs calculate to be 410 cfs. The nameplate rating of the turbine was found to be 12.948 cubic meters per second equivalent to 457 cfs. Please provide copies of the bypass data for this time period so that I might further analyze your diversion capacity. One question I did not ask: Is there any significant amount of water diverted for cooling purposes in the generator or turbine not directly associated with the power output? If so please quantify.

If you have questions regarding the licensing process please let me know. If I have additional questions as I work through this process I'll give you a call.

Thanks again.

Respectfully,


Allen Merritt, PE
Southern Region Manager

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111 2 8 2003

7/22/92

816 KW - digital meter

7/21 792.08

7/20 782.92

7/19 782.5

Old
Notes

Author Unknown

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JUL 28 2003

ARKOOSHES - Power Plant

Serial # 184349011
KVA 1178
Volts. 4160
Amps 163
RPM 327 P.F. .9
Hertz 60 Ph- 3

ser Fac. 1.0

Wall Plate. Voith

H = 9,266 m Q = 12,948 m³/s
h = 327,27 1/min. P = 1055 KW

Serial# - Nr. 17895

Baujahr. Year Built 1985

J.M. Voith GmbH D-7920 Heidenheim

Made in Germany

Reading	7 th Highest	24 Hr./Av	Meter Reading
1990 - 8/24	- 936.67		4/11/90 - 1010
1989 - 8/24	- 937.92		7/6/90 - 1000
~~1989 - 7/27~~	~~- 912.92~~		8/16/89 1020
1988 8/01	916.67		
1987 7/23	988.75		
1986 7/15	835.13		

GEO BON II

ENERGY & REVENUE ANALYSIS

Net Head = 30.4 feet

Ted S. Sorenson, P.E.

2/1/85

1986 Inservice
Rates:

Summer/Winter Power Rate 84.7
Spring/Fall Power Rate 56.5

Month	Flow ¹ (cfs)	Minimum Flow (cfs)	Net Flow	Efficiency ² Turbine X Generator	KW	KW-HR x 10 ²
O	56.1	13	43.1	0	0	0
N	103.1	13	90.1	(.847)(.95)	186.54	134.3
D	133.4	13	120.4	(.878)(.95)	258.40	192.2
J	122.7	13	109.7	(.861)(.95)	230.90	171.8
F	145.6	13	132.6	(.887)(.95)	287.50	193.2
M	159.6	13	146.6	(.895)(.95)	320.70	238.6
A	300.0	50	250.0	(.906)(.95)	553.60	405.2
M	518.2	60	458.2	(.907)(.95)	1018.00	745.2
J	542.8	50	481.0	(.902)(.95)	1060.00	775.9
J	511.9	40	471.9	(.902)(.95)	1040.40	761.6
A	501.8	40	461.8	(.906)(.95)	1022.70	748.6
S	449.9	40	409.8	(.904)(.95)	905.50	662.8
Total						5,029.4
Total with Friction Allowances						4,993.3
Total with 5% Down Time						4,743.6

Canal
Flow
Ave.
1960-84

usable
Flow

¹October thru March USGS Data
March thru October Canal Company Records 1960 thru 1984

²Supplied by Voith

R
FEB 22

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JUL 28 2003

2. Data Sheet

1 Kaplan S-turbine with horizontal shaft
size 14.0 AR
Turbine No. 17895

2.1 Design Data2.1.1 Nominal data

Head	H	=	9.266 m
Discharge	Q	=	12.948 m ³ /s
Output	P	=	1055 kW
Speed	n	=	327.27 rpm
Runaway speed	n _d	=	895 rpm

2.1.2 Maximum values

Head	H	=	9.443 m
Power	P	=	1175 kW

Direction of rotation:
Clockwise when viewed from
the intake to the draft tube

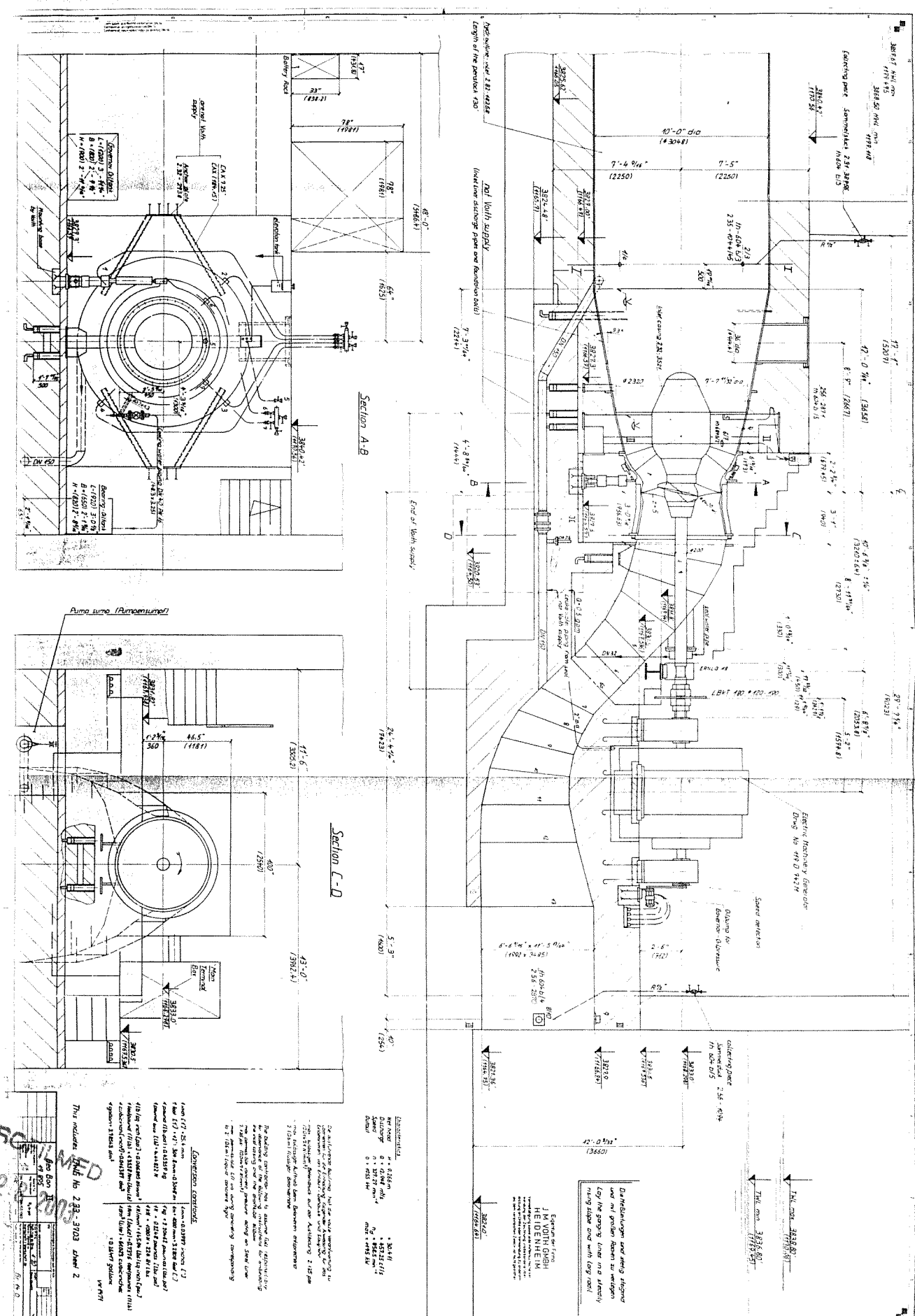
Axial thrust	F	=	125 kN
Counterthrust	F	=	150 kN
Critical bending speed	n _{Kr}	=	1080.7 rpm 1.21 nd

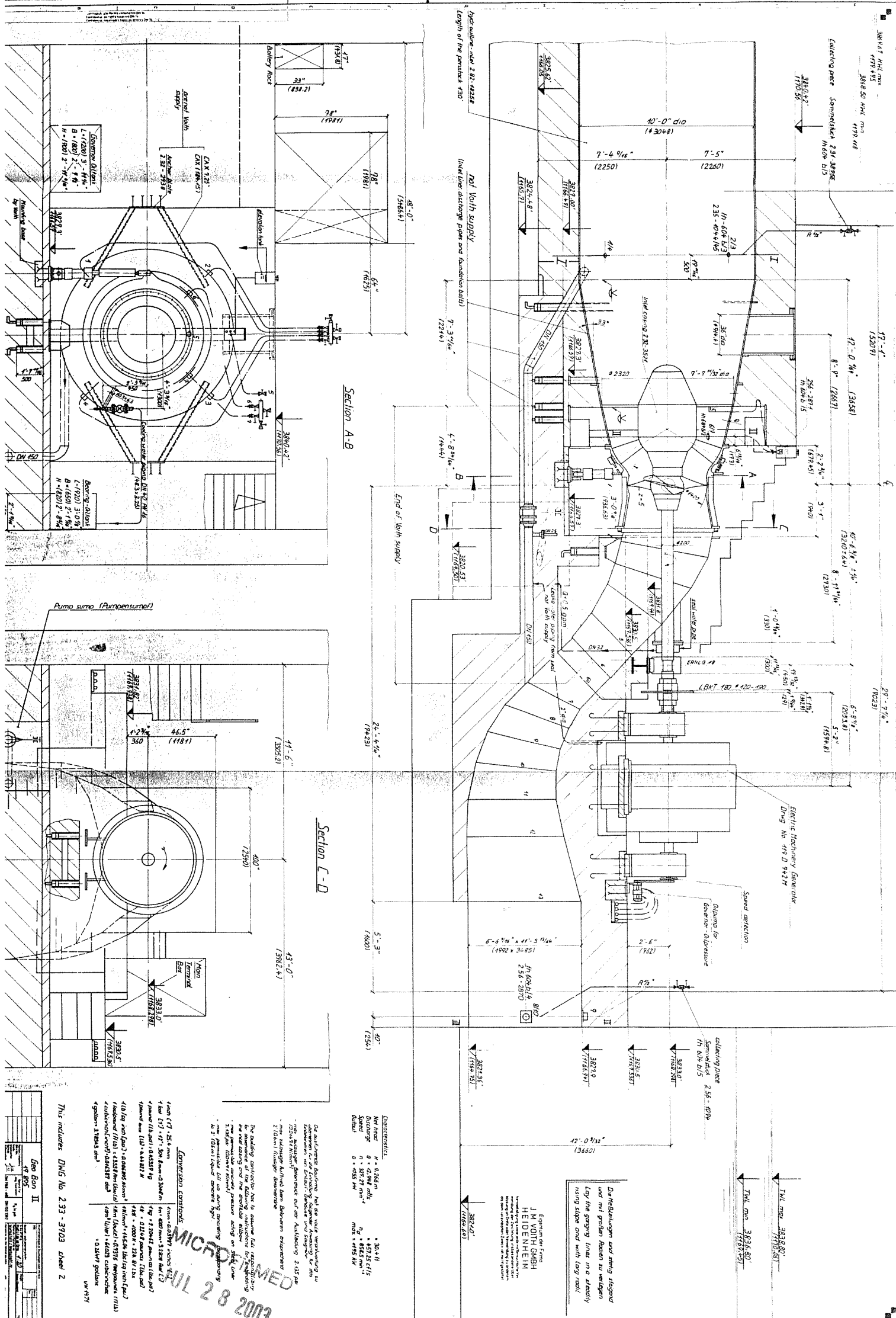
2.2 Altitude Levels

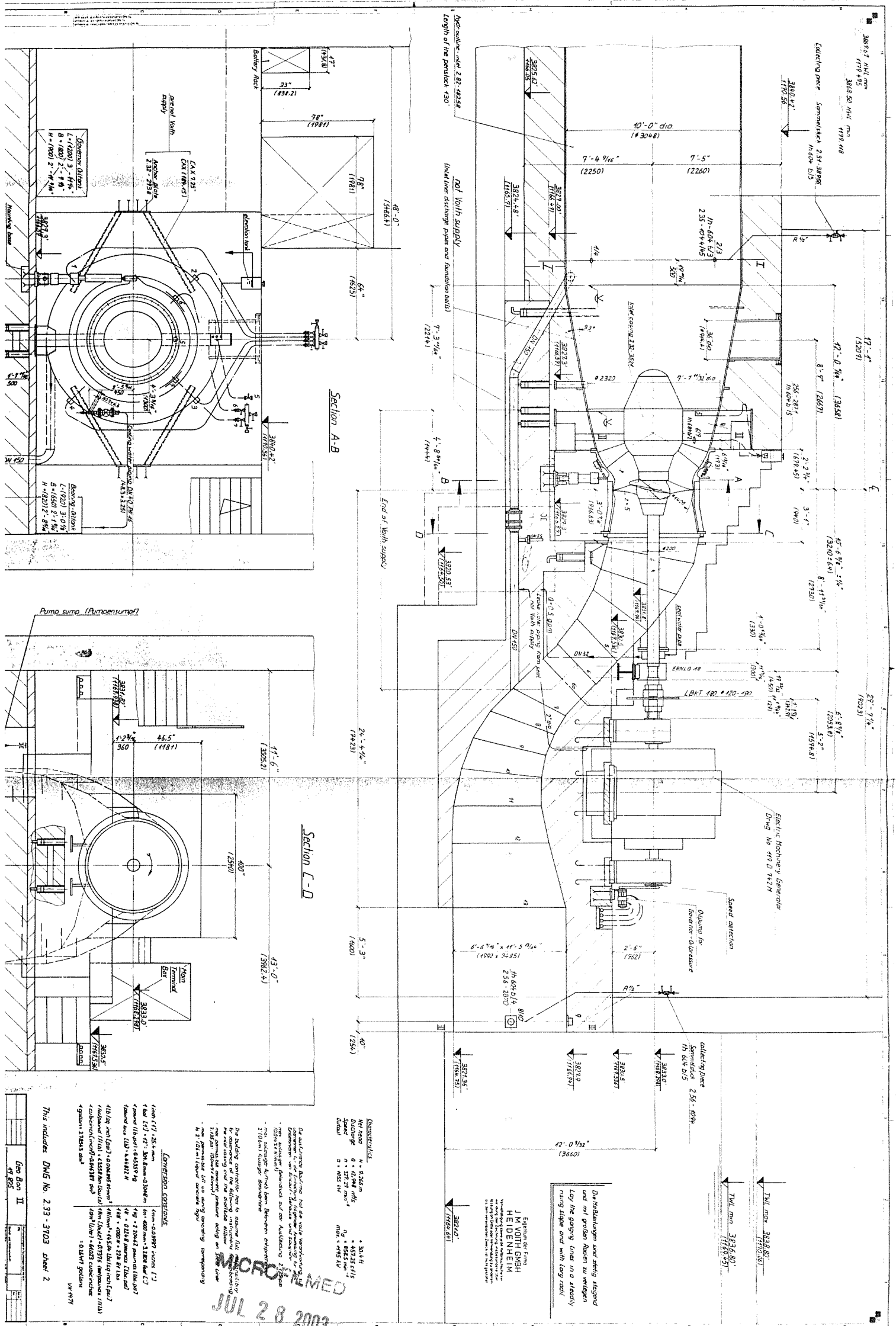
Elevation centreline runner	=	3833.0'
Headwater normal water level	=	3869.67'
Maximum tailwater level	=	3838.80'
Minimum tailwater level	=	3836.80'

30.5
H(CFS) 13F.CE.
11.8

654.35







STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Staff Analysis Sheet
for
Beneficial Use Field Report

37-
~~74~~ - 8096
Permit No.

37-8251

RECEIVED

JUL - 3 2003

Department of Water Resources

A. Prior to Conducting the Exam, the File Contains:

- ☒ Blank Field Report Form
- ☒ Copy of Permit
- ☒ Copies of any Amendments/Orders with conditions of approval
- ☒ Computer Data Proof Report
- ☒ Copy of U.S.G.S. Quad
- ☐ Check for Government Lots. If so, make a copy of Government Plat

Check of P/D index _____ (Initial and date)

Overlap? ☐ yes ☐ no If yes: ☐ copy of exam(s) attached?

Type of Overlap? ☐ Add acres or uses to existing system
☐ Increase rate of flow or volume
☐ Other: _____

Check of P/U index _____ (Initial and date)

Overlap? ☐ yes ☐ no If yes: ☐ copy of water right(s) attached?

Type of Overlap? ☐ Increase rate of flow or volume
☐ Add P/D's
☐ Increase number of acres within tracts
☐ Other: _____

Aerial Photo

Required? ☐ yes ☐ no If yes: ☐ copy attached?

Scheduling Letter sent? _____ (Initial and date)

☐ Appointment made and telephone conversation memo attached

B. After Conducting the Exam, the File Contains:

- ☐ Fully completed and signed Field Report Form
- ☐ Photographs of Point of Diversion and Place of Use
- ☐ Corrected Computer Data Proof Report with recommended license information, and date and signature of examiner.

C. Review and Processing:

Exam Completed Adm 5/5/03 (Signature of examiner and date)

Exam Reviewed by Senior Water Resource Agent _____ (Initial and date)

Exam Reviewed by Manager of Regional Office Adm 7/1/03 (Initial and date)

Exam Date Entered in Computer _____ (Initial and date)

Exam sent to State Office _____ (Initial and date)

Copy of Staff Analysis Sheet sent to Manager of Regional Office and Original
Refiled in White File _____ (Initial and date)



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

July 6, 1994

Lee Peterson
Water District 37M Watermaster
Box T
Shoshone, ID 83352

Re: Geo-Bon Hydro Plant

This letter is in repone to your phone call to Glen Saxton of this office concerning Little Wood River fluctuations resulting from outages at the above referenced power plant and impacts to downstream irrigators.

I have reviewed the Geo-Bon water right, now owned and operated by Notch Butte Hydro Co., and talked directly to Steve Myrick and John Bloom of Notch Butte about the concerns of the downstream irrigators. From my discussions with you and Notch Butte, and review of the water right, it appears that the conditions of approval under the hydro power water right are being satisfied, except for perhaps the condition requiring a measuring device. Notch Butte explained that there have been six power plant outages in June of this year, and two outages thus far in July. Of these eight outages, six have been the result of unstable voltage situations which are under the control and operation of the regional utility company. The remaining two were due to power plant equipment failures or problems. Notch Butte suggested, and both you and I agreed, that power outages at the upstream Sho-Rock hydro plant is also contributing to river fluctuations near the Geo-Bon plant.

Notch Butte acknowledges a problem exists and that they would like to help in providing a solution. They did state they are under a FERC requirement to provide for instantaneous bypasses when such problems occur in the future. A bypass system is presently being engineered and will be installed by January 1, 1995. Notch Butte also explained that they do have a full time local plant operator who splits time in operating this and their Dietrich plant. This operator can respond to plant shut downs more efficiently then in the past when there may not have been a full time operator under the employ of the former plant owner. Notch Butte stated that the local plant operator would make an effort to contact the downstream irrigators, mainly Fred Brossy and Ken Ohlinger, when future outages occur.

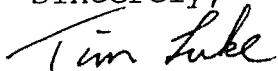
Hopefully, Notch Butte's efforts to contact downstream water users and install the instantaneous bypass system will help ease and resolve river fluctuations caused by hydro plant outages. If the problem should become more persistent through the 1994 irrigation

100-100000-100000
JUL 28 2003

system, the Department may consider directing the watermaster to make some temporary adjustments on the hydro plant diversion works (i.e.; headgates) in order to guarantee delivery of the downstream senior priority natural flow irrigation rights. Mr. Brossy, manager of Bryant Ranches, and Mr. Ohlinger have natural flow rights from the Little Wood River with 1883 and 1884 priority dates which are presently deliverable. The total combined rate of diversion under these rights is about 11 cfs.

Thank you for bringing this matter to the Department's attention. Please contact this office if you feel our assistance is necessary.

Sincerely,



Tim Luke
Hydrologist
Water Allocations

cc: Fred Brossy, Bryant Ranches
Ken Ohlinger, Ohlinger Ranch
Notch Butte Hydro Co. Inc.
Sho-Rock Hydro Inc.
Southern Region

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JUL 28 2003

MEMORANDUM

To: Tim Luke
 From: L. Glen Saxton *LS*
 RE: GEO-BON HYDROPOWER PLANT OPERATION - LITTLE WOOD R.
 Date: July 5, 1994

Lee Peterson called today and advised that the irrigators downstream from the Geo-Bon hydropower plant on the Little Wood River have been experiencing more fluctuations in flow from the plant than in the past. The plant apparently is now owned and operated by Notch Butte Hydro Co. based in Boise. The water right is 37-08096. *Steven Myrick 338-2604*
John Bloom

Please check into this matter which could consist of doing any or all of the following:

*1. Check with S. Region to determine if they know why or if discharges from the plant are different than in the past.

✓2. Check the water right to determine if the conditions of approval are being met by the plant operator.

3. Conduct a site visit with S. Region or S.O. personnel attending with Lee Peterson.

*4. Contact the plant operator to determine operating procedures and perhaps the reason for the fluctuations.

5. Report findings to Peterson if he is not involved in the investigation process.

6. Determine recommended action, if appropriate, to minimize future fluctuations.

Ken Ohlinger > Jerry's. Being affected by plant shut downs.
Fred Brossy.
also in name of Canco Bryant

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JUL 28 2003

- 1) 4/6/1883 4 cfs } Little Wood R.
- 2) 4/1/1884 2 cfs }
- 3) 1899 0.28 cfs Cottonwood water
- 4) 314 AF of 56 acre from Magic Res. Big Wood Canco contract
 - Magic Water will be shut off this wk
- 5) 4/1/1883 0.16 cfs } Little Wood
- 7) Carey Act water 0.31 } Magic
 0.63 } at 8



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

May 13, 1994

NOTCH BUTTE HYDRO CO INC
1161 W RIVER ST STE 200
BOISE ID 83702

Re: Permit No. 37-08096

Dear Water Right Holder(s):

We acknowledge receipt of the correspondence assigning the ownership of the above referenced water right to you. We have modified our computer records to reflect this change in ownership.

If you have any questions regarding this matter, please feel free to contact us.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:dc

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JUN 13 1994



C H I W E S T E R N O P E R A T I O N S , I N C .

SUBSIDIARY OF CONSOLIDATED HYDRO, INC.

May 10, 1994

State of Idaho
Department of Water Resources
Central Office
1301 N. Orchard
Boise, Idaho 83706

RE: Permit Numbers 37-8096 and 37-8251

To Whom It May Concern:

Notch Butte Hydro Company, Inc., is currently in the process of acquiring all rights, title, and interest in the Hydro Power Project known as Geobon II Hydro. Enclosed please find the executed assignment of these permits, as well as two Affidavits For Water Rights To Be Used For Power Purposes. Also, enclosed is a Certificate of Good Standing from the State of Idaho, and a list of corporate officer's and director's addresses.

As the Department of Water Resources consent is a condition precedent to closing this transaction that is scheduled for June 1, an expeditious response would be appreciated. A conversation with Cindy Zimmerman (from your office) indicated that barring no outside or unknown complications, turnaround could be as few as three or four days. If there are any outstanding issues please contact me immediately at 343-1559.

Thank you for your attention to this matter.

Sincerely,

Jonathan E. Bloom
Director of Operations
for Notch Butte Hydro Company, Inc.

Enclosure(s)

JEB:ph
Geobon/Geobon6

JUN 13 1994

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Geobon II Associates)
Limited Partnership)

Project No. 7548-005

P: 37.8096

Lois D. Cashell
Secretary

NOTICE DISMISSING REQUEST FOR
REHEARING AS MOOT

(November 2, 1993)

On April 30, 1993, the Director, Division of Project Compliance and Administration (Director), issued a compliance order that requires Geobon II Associates Limited Partnership (Geobon), exemptee for the Geobon II Project No. 7548, to file a plan to change project operations to ensure that the project operates continuously in a run-of-river mode. The order requires Geobon to file the plan within 30 days of the date of the order and to include in the plan a schedule for implementing the necessary changes within 60 days of the date of the order (June 29, 1993).

On May 17, 1993, Geobon filed a timely request for rehearing of the Director's order, in which Geobon states that it is willing to make the necessary changes in project operations, but that it needs additional time (to October 1993) to implement the required changes in the project works.

On August 31, 1993, Geobon filed its operational plan, which includes a schedule requiring completion of project modifications within 180 days. On October 13, 1993, the Director issued an order modifying and approving Geobon's operational plan, and, as pertinent, requiring the plan to be fully implemented by March 15, 1994.

Since the only issue raised in Geobon's rehearing is a request to extend the deadline for implementing the changes in the operational plan to October 1993, and since the Director's October 13 order supercedes the June 29, 1993 deadline and establishes March 15, 1994, as the deadline for implementing the operational plan, Geobon's May 17, 1993 request for rehearing is moot and is, therefore, dismissed.

This notice constitutes final agency action. A request for rehearing by the Commission of this notice may be filed within 30 days of the date of issuance of this notice, pursuant to 18 CFR 385.713.

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Department of Water Resources

JUN 13 1994

DC-A-37

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Geobon II Associates Limited
Partnership

Project No. 7548-001
Idaho 37-8096

Order Approving and Modifying Project Operation
Plan During Load Rejection Conditions

(Issued October 13, 1993)

On August 31, 1993, the Geobon II Limited Partnership (exemptee) filed a plan for operating the Geobon II Project during unplanned load rejection conditions. The plan was required by Compliance Order issued April 30, 1993. The Compliance Order required, in part, that the exemptee, after consulting with the U.S. Fish and Wildlife Service (FWS) and the Idaho Department of Fish and Game (IDFG), file a plan and schedule to modify project operation to ensure compliance with the required run-of-river mode of operation.

Background

The Commission received a report that alleged frequent fluctuations in the level of the Little Wood River downstream of the Geobon II Project. The frequent fluctuations and reduced flows allegedly caused irrigation pumps and siphon tubes to lose prime and run dry. The Director of the Division of Project Compliance and Administration (Director) notified the exemptee that the project may not be operating in compliance with its exemption.¹

The exemptee stated that fluctuations in downstream flows occur when the project unexpectedly goes off-line, causing the water used to generate power to back up in the diversion canal and overflow the spillway at the diversion dam where it is released back into the main river channel. Additionally, the exemptee stated that because there is no automatic restart system, the plant operator must manually bring the system back on-line, a process that takes approximately 45 to 60 minutes.

After review of the exemptee's power generation records, it was determined that there were approximately 226 off-line incidents from July 1987 through October 1992. It was concluded

¹ Commission regulation 18 C.F.R. § 4.104(a) states, in part, that an exemptee must operate the project as described in the exemption application approved by the Commission. The exemption application for the Geobon II Project, approved by Order Granting Exemption issued April 13, 1984, stated that the mode of operation for the project will be strictly run-of-river.

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OCT 19 1993

2
Department of Fish and Game

that the exemptee was in violation of the run-of-river mode of operation and ordered to file a plan to ensure compliance during unexpected project shutdown incidents.

The Exemptee's Proposal

The exemptee stated that the programmable logic controller (PLC) would be reprogrammed to implement specific operational changes during unexpected shutdowns. The exemptee proposed to construct a bypass spillway from the penstock intake structure to the tailrace immediately below the powerhouse. An automated, hydraulically operated, sluice gate would control flows into the spillway. The sluice gate would be automatically controlled by the PLC and activated when the turbine trips off-line.

The exemptee stated that the PLC would store the pre-shutdown turbine operating parameters for the restarting sequence. The turbine would simultaneously return to the pre-shutdown set points while, incrementally, closing the bypass sluice gate. Once the set points are reached, the PLC would operate the turbine by the water level control logic system.

The exemptee also proposed to retrofit the minimum flow bypass gate with a sharp crested weir and a level transducer to monitor water surface elevation. The exemptee stated that the weir would be rated and the data recorded in the SCADA system that provides a continuous flow release record. The exemptee proposed to anchor a staff gage to the intake structure for any on site inspections by regulatory personnel. Additionally, the exemptee proposed to implement the IDFG's request to release the minimum flow under the bypass gate in order to minimize fluctuations caused by load rejection, or when restarting the turbines.

The exemptee stated that Voith Hydro Inc. prepared a proposal to reprogram the plant control system within 180 days. The exemptee has also contracted Clements Engineering to pursue additional proposals for implementing the modifications sooner; however, similar schedules were quoted requiring approximately 5 to 6 months for civil and electrical engineering modifications.

Agency Comments

By letter dated August 20, 1993, the FWS stated that they reviewed the exemptee's proposal for project operation during periods of unexpected shutdowns, and had no comments to offer at that time. By letter dated July 30, 1993, the IDFG stated that, after review of the exemptee's proposal, they concurred with a bottom discharge weir to meet the minimum flow requirements. The IDFG did not comment on other aspects of the proposal.

JUN 13 1994

Discussion

Without an automatic restarting system, the Geobon II Project is subject to run-of-river and minimum flow violations during unexpected power outages. Three events could occur as a result of unplanned load rejections: there could be a sudden decrease in the river's hydraulic profile below the tailrace; there could be a surge of water in the river after restarting the plant; and there is a potential to reduce the minimum flow released if the plant restarts too rapidly or when the plant tries to stabilize on the water level control mechanism.

The Compliance Order required the exemptee to file a plan, within 30 days of the date of the order, that describes project modifications, and include a schedule for implementing the necessary changes within 60 days of the date of the order. The schedule, contained in the exemptee's filing, was protracted due to the time needed to complete the construction work and manufacture new control panels or rewire existing control panels. The exemptee attempted to expedite implementation of the plan by requesting a second engineering firm to obtain additional proposals. One hundred eighty days appears reasonable to fully implement the exemptee's plan. Therefore, based on the exemptee's schedule, the plan should be implemented by March 15, 1994.

During the interim the project is responsible for operating in the run-of-river mode; however, it is still susceptible to being tripped off-line. The exemptee has stated that the project operator has been informed to respond as quickly as possible to any unexpected shutdown incidents. In order to monitor the exemptee's compliance with the run-of-river requirement during the interim period, the exemptee should file power production and switching report records.

The Director, by letter dated June 7, 1993, required the exemptee to file biweekly reports describing the efforts made to fulfill the requirements of the Compliance Order. Implementation of the plan may not occur for several months; therefore, the need for biweekly reports is lessened. Until the plan is fully implemented, the exemptee should file bimonthly reports. The reports should contain power production and switching report records and describe all construction work, equipment ordering, comments from resource agencies, or any activities associated with implementing the plan.

The first activities report should contain November 1, 1992 through October 31, 1993 power production and switching report records and be filed by November 7, 1993; the second activities report should be filed by January 7, 1994 and contain November 1 through December 31, 1993 power production and switching report records; and the final report (concerning any activities associated with implementing the plan) should be filed by

April 7, 1994 and contain January 1 through March 31, 1994 power production and switching report records. The final activities report should contain as-built drawings of the bypass spillway facilities and the minimum flow bypass gate structure. Power production and switching report records should continue to be filed on a bimonthly basis through September 30, 1994.

The exemptee proposed to retrofit the minimum flow bypass gate with a sharp-crested weir, and install a staff gage at the intake structure. The exemptee stated that the weir would be rated and the data recorded in the SCADA system, however, the exemptee did not make any provisions for providing information on the installation and calibration of the new minimum flow release structure at the project with the Commission. Therefore, following installation of the new bypass structure, the exemptee, after consulting with the U.S. Geological Survey, the FWS and the IDFG, should file with the Commission the new rating curve for the minimum flow bypass gate. The information on the rating curve, frequency of recalibration, and any comments from the resource agencies should be filed with the Commission in the final bimonthly report due March 30, 1994.

The exemptee's proposed operating plan, with modifications, should ensure project compliance with the minimum flow and run-of-river mode of operation requirements, during unplanned load rejection conditions, and should be approved.

The Director Orders:

(A) The operational plan filed by Geobon II Limited Partnership (exemptee) on August 31, 1993, pursuant to Compliance Order, issued April 30, 1993, as modified in paragraphs B and C, is approved.

(B) The operational plan shall be fully implemented by March 15, 1994. The exemptee shall file, with the Commission, bimonthly activity reports and power production and switching report records instead of biweekly reports. The reports shall describe all construction work, equipment ordering, comments from resource agencies, or any activities associated with implementing the plan. The first report shall contain November 1, 1992 through October 31, 1993 power production and switching report records and be filed by November 7, 1993; the second report shall be filed by January 7, 1994 and contain November 1 through December 31, 1993 power production and switching report records; and the final activities report shall be filed by April 7, 1994 and contain January 1 through March 31, 1994 power production and switching report records. The final activities report shall contain as-built drawings of the bypass spillway facilities and the minimum flow bypass gate structure. Power production and switching report records shall continue to be filed on a bimonthly basis through September 30, 1994.

JUN 13 1994

(C) The exemptee shall consult with the U.S. Geological Survey, the U.S. Fish and Wildlife Service, and the Idaho Department of Fish and Game regarding the calibration of the new minimum flow bypass gate and sharp-crested weir structure. The exemptee shall file, with the Commission, the information on the new rating curve, frequency of recalibration, and any comments from the resource agencies in the final bimonthly report due March 30, 1994.

(D) This order constitutes final agency action. Requests for rehearing, by the Commission, may be filed within 30 days of the issuance date of this order, pursuant to 18 C.F.R. §385.713.


J. Mark Robinson
Director, Division of Project
Compliance and Administration

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JUN 19 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

May 13, 1992

Fred Brossy
Manager
Bryant Ranches
P.O. Box 669
Shoshone, ID 83352

Kenneth Ohlinger
Ohlinger Ranch
1951 E 1775 SO
Gooding, ID 83330

Richard Oneida
Manager
Big Wood Canal Co.
P.O.Box C
Shoshone, ID 83352

Gentlemen:

In response to your letter to the Federal Energy Regulatory Commission dated March 16, 1992. IDWR is concerned with the potential injury to existing water rights resulting from the operation of hydroelectric plants. It is the Department's understanding that you have reached an agreement with the plant's operator and there is no action from IDWR required. Please feel free to contact us if you feel our assistance is necessary.

Sincerely,

Norman Young
Administrator
Water Management Division

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JUN 13 1994

December 20, 1990

FIRST AMERICAN TITLE CO.
P.O. BOX 1807
1616 ADDISON AVE. E.
TWIN FALLS, ID 833030000

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 37-08096

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

If you have questions concerning this matter, please feel free to contact the SOUTHERN Regional Office in Twin Falls at (208)734-3578.

Sincerely,

Rita Fleck
Secretary/Records Manager

c: IDWR - Region

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JAN 07 1991

138601
October 31, 1990

FIRST AMERICAN TITLE CO.
P.O. BOX 1807
1616 ADDISON AVE. E.
TWIN FALLS, ID 833030000

PROOF DUE NOTICE

RE: PERMIT NO. 37-08096

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before January 1, 1991. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

SINCERELY,

Rita Fleck
Secretary/Records Manager

Enclosures

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JAN 07 1991



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

November 6, 1987

Scott L. Campbell
Elam, Burke & Boyd
P.O. Box 1559
Boise, ID 83701

Thomas Miller
Hawley Troxell Ennis & Hawley
P.O. Box 1617
Boise, ID 83701

Phillip Schlernitzauer
Vice President
Rhode Island Hospital Trust
National Bank
One Hospital Trust Plaza, Room 815
Providence, RI 02903

Scott Miller
Conversion Industries U.S.A.
255 South Marengo Avenue
Pasadena, CA 91101

Gail McCann
Edward & Angell
2700 Hospital Trust Tower
Providence, RI 02903

Re: Assignment and Trust Agreement for Water Permits
Nos. 37-8096 and 37-8251

Dear Interested Parties:

This office has received a copy of the Assignment and Trust Agreement, dated October 30, 1987, whereunder Conversion Industries, U.S.A., Inc. ("Conversion"), has assigned the above-referenced water permits ("Permits") to First American Title Company of Magic Valley ("First American"), as Trustee for Rhode Island Hospital Trust National Bank ("Trust Bank").

This office has also received executed originals of the Assignment of Permit form, whereunder Geobon II Associates Limited Partnership ("Associates") has assigned its interest in the Permits to Conversion. Additionally, we have received executed originals of the Affidavit of Residency forms from Conversion and First American.

Based upon our understanding of the information contained in the above-referenced documentation, Conversion has leased the

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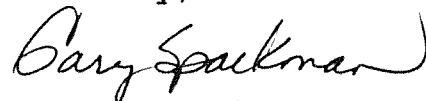
MAR 10 1988

above-referenced water permits to Associates for the operation of the hydroelectric facility which is the subject matter of the Permits. Additionally, Trust Bank has agreed to provide financing to Associates for the hydroelectric project, but as part of the security for the financing, has required that the water permits be assigned to First American as Trustee to protect Trust Bank's interests.

This letter confirms that this office has reviewed the above documentation and has found that the same conform to and comply with the requirements of Idaho Code sections 42-206 through 42-210, and that First American is a qualified entity to hold the Permits in accordance with the laws of the State of Idaho, as Trustee. Therefore, the Assignments of Permits from Associates to Conversion and the Assignment and Trust Agreement involving Conversion, First American, Associates, and Trust Bank are consented to and approved by the Idaho Department of Water Resources, as of the date of this correspondence.

It should be noted that while First American holds the Permits as Trustee, it will be listed as the owner of record of the water permits. The Department acknowledges that the Assignment and Trust Agreement provides that the water licenses shall be issued to Conversion, despite the fact that First American is the holder of the Permits. While the Department will endeavor to accommodate the desires of the parties to the Assignment and Trust Agreement, we cannot guarantee that the Department can accommodate this request. It is the ultimate responsibility of the parties to the agreement to ensure that the terms thereof are properly enforced.

Sincerely,



Gary L. Spackman
Section Manager
Water Allocation Section

MICROFILMED

MAR 10 1988

November 5, 1987

Scott L. Campbell
Elam, Burke & Boyd
P.O. Box 1559
Boise, ID 83701

Scott Miller
Conversion Industries U.S.A.
255 South Marengo Avenue
Pasadena, CA 91101

Thomas Miller
Hawley Troxell Ennis & Hawley
P.O. Box 1617
Boise, ID 83701

Gail McCann
Edward & Angell
2700 Hospital Trust Tower
Providence, RI 02903

Phillip Schlernitzauer
Vice President
Rhode Island Hospital Trust
National Bank
One Hospital Trust Plaza, Room 815
Providence, RI 02903

Re: Assignment and Trust Agreement for Water Permits
Nos. 37-8096 and 37-8251

Dear Interested Parties:

This office has received a copy of the Assignment and Trust Agreement, dated October 30, 1987, whereunder Conversion Industries, U.S.A., Inc. ("Conversion"), has assigned the above-referenced water permits ("Permits") to First American Title Company of Magic Valley ("First American"), as Trustee for Rhode Island Hospital Trust National Bank ("Trust Bank").

This office has also received executed originals of the Assignment of Permit form, whereunder Geobon II Associates Limited Partnership ("Associates") has assigned its interest in the Permits to Conversion. Additionally, we have received executed originals of the Affidavit of Residency forms from Conversion and First American.

Based upon our understanding of the information contained in the above-referenced documentation, Conversion has leased the

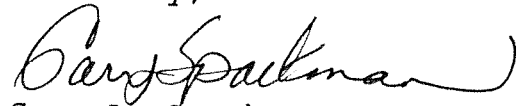
MAR 10 1988

above-referenced water permits to Associates for the operation of the hydroelectric facility which is the subject matter of the Permits. Additionally, Trust Bank has agreed to provide financing to Associates for the hydroelectric project, but as part of the security for the financing, has required that the water permits be assigned to First American as Trustee to protect Trust Bank's interests.

This letter confirms that this office has reviewed the above documentation and has found that the same conform to and comply with the requirements of Idaho Code sections 42-206 through 42-210, and that First American is a qualified entity to hold the Permits in accordance with the laws of the State of Idaho, as Trustee. Therefore, the Assignments of Permits from Associates to Conversion and the Assignment and Trust Agreement involving Conversion, First American, Associates, and Trust Bank are consented to and approved by the Idaho Department of Water Resources, as of the date of this correspondence.

It should be noted that while First American holds the Permits as Trustee, it will be listed as the owner of record of the water permits. The Department acknowledges that the Assignment and Trust Agreement provides that the water licenses shall be issued to Conversion, despite the fact that First American is the holder of the Permits. While the Department will endeavor to accommodate the desires of the parties to the Assignment and Trust Agreement, we cannot guarantee that the Department can accommodate this request. It is the ultimate responsibility of the parties to the agreement to ensure that the terms thereof are properly enforced.

Sincerely,



Gary L. Spackman
Section Manager
Water Allocation ~~Division~~
Section

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MAR 10 1988

ELAM, BURKE AND BOYD

ATTORNEYS AND COUNSELORS AT LAW

FIRST INTERSTATE BUILDING

702 WEST IDAHO

POST OFFICE BOX 1559

BOISE, IDAHO 83701

TELEPHONE 208-343-5454

TELECOPIER 208-343-5454

LAUREL E. ELAM (1888-1974)
CARL A. BURKE (1898-1961)
CARL P. BURKE
PETER J. BOYD
J. RAY DURTSCHI
M. ALLYN DINGEL, JR.
JACK S. GJORDING
JOHN MAGEL
DAVID B. LINCOLN
RICHARD C. MELLON, JR.
ROBERT M. TYLER, JR.
JAMES D. LARUE
RANDALL A. PETERMAN
WILLIAM J. RUSSELL
KAYE L. O'RIORDAN
RYAN P. ARMBRUSTER
DAVID E. COMSTOCK

MELVILLE W. FISHER II
WILLIAM G. DRYDEN
TODD J. WILCOX
PETER C. K. MARSHALL
KENNETH M. SEBBY
TRUDY HANSON FOUSER
D. ALAN KOFOED
SCOTT L. CAMPBELL
BOBBI KILLIAN DOMINICK
W. DALLAS BURKHALTER
ALAN CONIOLOGUE
ELAINE D. HANSON
JEFFERY J. VENTRELLA
BRENDA G. MEIER
JOHN J. JANIS
WENDY E.D. SMITH
JAMES A. FORD

November 4, 1987

VIA HAND DELIVERY

Mr. Gary L. Spackman, Section Manager
Water Allocation Division
Department of Water Resources
State of Idaho
450 W. State Street
Boise, ID 83720

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NOV 04 1987

Department of Water Resources

Re: Assignment and Trust Agreement for Water Permits
Nos. 37-8096 and 37-8251

Dear Gary:

I have enclosed executed originals of the following documents which pertain to the above-captioned water permits:

1. Assignment of Permit No. 37-8251 from Geobon II Associates Limited Partnership to Conversion Industries U.S.A., Inc.;
2. Assignment of Permit No. 37-8096 from Geobon II Associates Limited Partnership to Conversion Industries U.S.A., Inc.;
3. Affidavit of Residency of Conversion Industries U.S.A., Inc., regarding Water Permit No. 37-8251;
4. Affidavit of Residency of Conversion Industries U.S.A., Inc., regarding Water Permit No. 37-8096;
5. Assignment and Trust Agreement among Conversion Industries U.S.A., Inc., Geobon II Associates Limited Partnership, First American Title of Magic Valley, and Rhode Island Hospital Trust National Bank;
6. Affidavit of Residency of First American Title Company of Magic Valley; and

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MAR 10 1988

Mr. Gary L. Spackman
November 4, 1987
Page Two

7. Certificates of corporate status regarding First American
Title Company of Magic Valley and Conversion Industries
U.S.A., Inc.

I submit this documentation to you in order to obtain approval of the Department of Water Resources regarding these transactions, particularly in light of Idaho Code sections 42-206 through 42-210. The Department's consideration and approval of these documents constitutes the last step in the financing transaction involving the funding of approximately \$1.2 million by Rhode Island Hospital Trust National Bank to Geobon II Associates Limited Partnership regarding the Geobon II hydroelectric project.

Your expedited consideration of this matter will be greatly appreciated. If you have any questions, please do not hesitate to contact me.

Very truly yours,

ELAM, BURKE AND BOYD


Scott L. Campbell

SLC:ls
Enclosures
xc: Thomas Miller
Scott Miller
Gail McCann

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NOV 04 1987

ASSIGNMENT AND TRUST AGREEMENT

Department of Water Resources

** This Assignment and Trust Agreement (hereinafter called the "Assignment"), dated October 30, 1987, is hereby entered into by Conversion Industries U.S.A., Inc., a California corporation with its principal office at 255 South Marengo Avenue, Pasadena, California 91101 (hereinafter called the "Assignor"), ~~First American Title Company of East Idaho, an Idaho corporation with its principal offices at P.O. Box 580, 135 West Second Street, Blackfoot, Idaho 83221~~ (hereinafter called the "Trustee"), Rhode Island Hospital Trust National Bank, a national banking association with its principal office at One Hospital Trust Plaza, Providence, Rhode Island 02903 (hereinafter called the "Lender"), and Geobon II Associates Limited Partnership, an Idaho limited partnership with its principal offices at 255 South Marengo Avenue, Pasadena, California 91101 (hereinafter called the "Lessee").

1. Subject to and specifically conditioned upon the written approval hereof by the Idaho Department of Water Resources, Assignor hereby assigns to Trustee, all of Assignor's right, title, and interest in the following water permits for power purposes issued by the State of Idaho, Department of Water Resources: 37-8096 and 37-8251 and all amendments and additions thereto (hereinafter called the "Permits").

2. Lender hereby consents to the lease of the Permits by Assignor to Lessee pursuant to the Amended and Restated Lease for Power Production Purposes, dated October 7, 1987, as may be amended from time to time (hereinafter called the "Lease").

3. It is understood and agreed that until the occurrence of a default in the covenants, terms, or conditions under the October 7, 1987, Term Loan Agreement between the Lessee and Lender (hereinafter called the "Loan Agreement") pertaining to the financing of a certain hydroelectric project known as the Geobon II Hydroelectric Project (hereinafter called the "Project"), Lessee may retain, use, and enjoy the benefits of the leasehold interest in the Permits created by the Lease.

4. It is understood and agreed that this Assignment is entered into in order to facilitate closing of a loan transaction between Lessee and Lender pertaining to financing of the Project. If said loan transaction does not close within 30 days from the date of execution hereof, at the written request of Assignor, the Trustee shall immediately assign the Permits to Assignor, after which the parties' rights and obligations hereunder shall automatically terminate.

5. Upon the occurrence of a default under the Loan Agreement, Trustee, at the sole direction of the Lender and at the

** First American Title Company of Magic Valley, Inc., P.O. Box 1807, 1616 Addison Avenue East, Twin Falls, Idaho 83303

MAR 10 1988

expense of the Lessee, may without notice or demand elect to exercise any and all of Lessee's rights and remedies under the Permits, without any interference or objection from Assignor, at which time all of Lessee's rights and remedies hereunder shall terminate.

6. Trustee shall hold all right, title, and interest in the Permits for the benefit of Lender subject to the limitations herein, pending issuance of water licenses to replace the Permits by the Idaho Department of Water Resources. The water licenses shall be issued to Assignor, which shall have all right, title, and interest therein, subject to the rights of Lessee and Lender created under the Lease, the Mortgage, and the Loan Agreement, all dated October 7, 1987. Upon issuance of the water licenses to Assignor, the rights and obligations of Lender and Trustee hereunder shall terminate, except to the extent of Lender's rights under the Lease, the Mortgage and the Loan Agreement, all dated October 7, 1987.

7. Should the water licenses be issued to Trustee instead of Conversion, as specified above, Trustee shall take all necessary steps to transfer ownership of the water licenses to Conversion as soon as possible, subject to the Lease, the Mortgage, and the Loan Agreement, all dated October 7, 1987.

8. Assignor shall, upon the reasonable request of Trustee, deliver to Trustee copies of all written agreements, correspondence, and memoranda between Assignor and the State of Idaho, Department of Water Resources, setting forth the arrangements between them. Such requests may be made at any reasonable time.

9. Upon the occurrence of a default under the Loan Agreement, Trustee and/or its agents, at the request of the Lender, may without notice or demand with or without entry upon the Premises, at its option, take over and enjoy the benefits of the Permits, to the same extent as Assignor might do. Assignor hereby releases Trustee and its agents from any and all claims which it has or might have against Trustee arising out of such performance by Trustee and its agents.

10. From and after the date hereof, except as specifically provided in paragraph 4 hereof, any Permits hereby assigned may not be assigned, altered, amended, or cancelled without the prior written consent of Trustee, which consent shall be given only at the request of the Lender.

11. All of the foregoing powers herein granted Trustee shall be liberally construed. Trustee need not expend its own funds in the exercise of such powers, but if it does, such amount shall be considered as advances for and on behalf of Lender secured by this Assignment.

12. Assignor agrees to faithfully observe and perform all of the obligations and agreements imposed upon Assignor under the

MAR 10 1988

Permits. Trustee will not be deemed in any manner to have assumed the same. Assignor agrees to indemnify and to hold Trustee harmless of and from any and all liability, loss, or damage which it may or might incur by reason of any claims or demands against it based on its alleged assumption of Assignor's duty and obligation to perform and discharge the terms, covenants, and agreements in said Permits.

13. Nothing herein contained shall be construed as making Trustee a mortgagee in possession, or as constituting a waiver or suspension by Lender of its right to enforce payment of the debts under the terms of the Loan Agreement. Trustee is not the agent, partner, or joint venturer of either the Assignor or of the State of Idaho, Department of Water Resources.

14. Assignor warrants and represents:

a. That it has the right to execute and deliver this Assignment, to the extent that the Permits are assignable; and

b. That all Permits are in full force and effect on the date hereof, subject to no defenses, setoffs, or counter-claims whatsoever.

15. When the context so requires, the singular shall include the plural and conversely, and use of the gender shall include all genders.

16. This Assignment and the covenants and agreements herein shall be binding upon and shall inure to the benefit of the parties hereto and their respective successors and assigns.

17. It is understood and agreed that Trustee shall in no case or event be liable for the failure of any of the conditions of this Assignment or damage caused by the exercise of its discretion in any particular manner, or for any other reason, except gross negligence or willful misconduct with reference to the said Assignment, and Trustee shall not be liable or responsible for its failure to ascertain the terms or conditions, or to comply with any of the provisions of, any agreement, contract or other document filed herewith or referred to herein, nor shall it be liable or responsible for forgeries or false personation.

18. It is further agreed that if any controversy arises, between the parties hereto or with any third person with respect to the subject matter of this Assignment, its terms or conditions, Trustee shall not be required to determine the same or take any action in the premises, but Trustee may await the settlement of any such controversy by final appropriate legal proceedings or otherwise as it may require, notwithstanding anything in this Assignment to the contrary, and in such event Trustee shall not be liable for interest or damages.

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MAR 10 1988

19. ~~It is understood that the fee agreed upon for the~~
Trustee's services hereunder shall be considered compensation for
ordinary services as contemplated by this Assignment, and in the
event that the conditions of this Assignment are not promptly
fulfilled or that Trustee renders any service hereunder not
provided for herein, or that there is an assignment of any
interest in the subject matter of this Assignment or modification
herein, or that any controversy arises hereunder or that Trustee
is made a party to, or intervene in, any litigation pertaining to
this Assignment or the subject matter thereof, Trustee shall be
reasonably compensated for such extraordinary services and
reimbursed for all costs and expenses occasioned by such default,
delay, controversy or litigation and Trustee shall have the right
to retain all documents and/or other things of value at any time
held by Trustee hereunder until such compensation, fees, costs
and expenses shall be paid, the Lessee hereby promising to pay
such sums upon demand.

20. This instrument shall be governed by the laws of the
State of Idaho.

IN WITNESS WHEREOF, Assignor has caused this Agreement to be
executed on this 29th day of October, 1987.

CONVERSION INDUSTRIES U.S.A., INC.

By *Pat Kuro*, President

RHODE ISLAND HOSPITAL TRUST NATIONAL
BANK

By *Philip Schif*

FIRST AMERICAN TITLE COMPANY OF
~~EAST IDAHO~~ MAGIC VALLEY, INC.

By *Andy D. Ball*, Vice President

Geobon II Associates Limited Partnership
By: Western Hydropower Inc. General Partner
for Limited Partnership

By *Pat Kuro*
Its *President* (title)
of Western Hydropower Inc.

Co.,
Pk

RECORDED

MAR 10 1988

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NOV 04 1987

STATE OF Idaho)

Department of Water Resources

County of Twin Falls)

ss.

On November 2, 1987

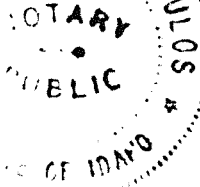
, 1987, before me, Mary Lou Panatopoulos

, a notary public in and for said county and state, personally appeared Cindy D. Ball

known or identified to me to be the Vice President

of ~~FIRST AMERICAN TITLE COMPANY OF EAST IDAHO~~, the corporation that executed the within instrument, and known to me to be the person who executed the within instrument on behalf of said corporation and acknowledged to me that such corporation 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.



Mary Lou Panatopoulos
Notary Public for Idaho

Residing at Twin Falls

Commission expires May 18, 1993

STATE OF California)

COUNTY OF Los Angeles)

ss.

On Oct. 29

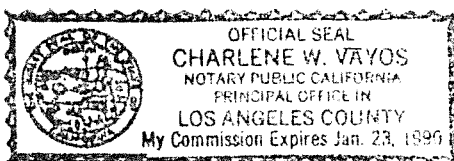
, 1987, before me

, a notary public in and for said county and state, personally appeared PATRICK KUENY

known or identified to me to be the President

of WESTERN HYDROPOWER, INC., the general partner of GEOBON II ASSOCIATES LIMITED PARTNERSHIP, the corporation that executed the within instrument, and known to me to be the person who executed the within instrument on behalf of said corporation and acknowledged to me that such corporation 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.



Charlene W. Vayos
Notary Public for

Residing at : 1301 E. Green St., Pasadena

Commission Expires: 9/10/90

1/23/90

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MAR 10 1988

** First American Title Company of magic Valley, Inc.

**AFFIDAVIT FOR WATER RIGHTS TO BE USED
FOR POWER PURPOSES** NOV 04 1987

A. Establishment of Residency: (Complete either 1. or 2).

1. Individual Applicant or Individual Members of a Partnership: Department of Water Resources

I, _____ of _____
(name) (city),
County of _____, State of Idaho, being duly sworn, do hereby
certify that I am a bona fide resident of the State of Idaho.

2. Corporation: Cindy D. Ball
I, ~~XXXXXXXXXXXXXXXXXXXX~~ Deborah M. Ball of Blackfoot Twin Falls
(name) (city),

County of Twin Falls, State of Idaho, being duly sworn, depose
and say: That I am the designated registered agent of the First American Title Company of Magic Valley, Inc.
(name of corporation) : that as such I am in charge of the registered office

of the said corporation as required by Section 30-1-12, Idaho Code, at _____
(city)

Idaho, wherein are kept the corporate records required by Section 30-1-52, Idaho Code: and that First American
Magic Valley, Inc.

Title Company of Magic Valley, Inc. is a corporation qualified to do business in the State of Idaho under the laws
(name of corporation)
of the State of Idaho.

B. Ownership of Facilities: (To be completed for hydropower projects only)

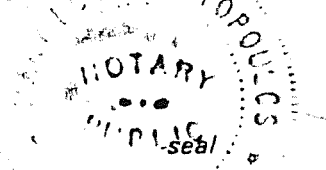
The hydropower facility to be developed pursuant to the attached Application for Permit:

- (check one)
- ☒ Will not utilize existing man-made irrigation facilities such as a dam or a canal.
 - ☐ Will utilize existing man-made irrigation facilities such as a dam or a canal, and permission of the owner is documented in an affidavit attached hereto.
 - ☐ Will utilize existing man-made irrigation facilities such as a dam or a canal, and the owner of the facilities is the signee of this affidavit.

Cindy D. Ball
Applicant

State of Idaho)
County of Twin Falls) ss.

On this 2nd day of November, 19 87, personally appeared before me
the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.



Mary Lou Panatopoulos
Notary Public residing at Twin Falls, Idaho

My commission expires:
MARY LOU PANATOPOULOS
COMMISSION EXPIRES 5-18-93

MAILED

MAR 10 1988



Department of State.

**CERTIFICATE OF CORPORATE STATUS
OF**

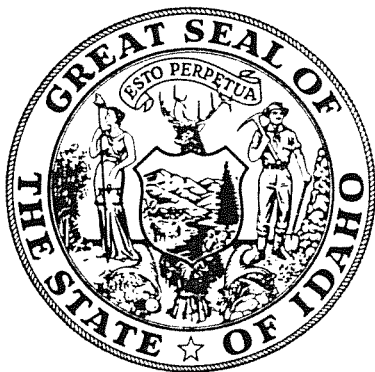
FIRST AMERICAN TITLE COMPANY OF MAGIC VALLEY, INC.

I, PETE T. CENARRUSA, Secretary of State of the State of Idaho, hereby certify
that I am the custodian of the corporation records of this State.

I FURTHER CERTIFY That the records of this office show that the above-named
corporation was incorporated under the laws of *Idaho* and was issued a
certificate of *incorporation* in Idaho on *March 19, 1986*

I FURTHER CERTIFY That the corporation's authority to do business has not been
forfeited.

Dated *November 2, 1987*



Pete T. Cenarrusa
SECRETARY OF STATE

by *Shirley Lindstrom*

RECORDED

MAR 10 1988

November 5, 1987

C. Tom Arkoosh
Roden, Welch & Arkoosh
P.O. Box 974
Boise, ID 83701-0974

Dear Mr. Arkoosh:

As a follow up to our telephone conversation on November 3, 1987 and the general question related to loss of water through the Geobon II hydroelectric project, I was able to discuss the watermaster's measurements with him today. While the two sets of measurements do show a loss, the loss is within the accuracy variation of the measuring equipment.

Based on the measurement data provided by the watermaster, the department accepts the measurements of Cecil Thomas and his report dated June 6, 1987 which concludes there is no consequential loss caused by the diversion of water through the hydro project and its return to the river. The department will not require additional testing to be conducted in connection with the project unless the means of diversion is changed or subsequent measurements by the watermaster show losses in excess of the accuracy of the measuring equipment.

By copy of this letter, I am advising the watermaster and Mr. Thomas of the acceptability of his report.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

c: Cecil Thomas
Reid Newby
Southern Reg.

MAILED

MAR 10 1988

LAW OFFICES
RODEN, WELCH & ARKOOSH

816 WEST BANNOCK STREET - SUITE 306
POST OFFICE BOX 974
BOISE, IDAHO 83701-0974

WILLIAM C. RODEN
B. JOSEPH WELCH
C. TOM ARKOOSH

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NOV 03 1987
Department of Water Resources

TEL. (208) 336-7930

November 2, 1987

37-8096
37-8251

L. Glen Saxton
Department of Water Resources
450 W. State Street
Statehouse Mail
Boise, Idaho 83720

Re: Geobon II Hydro Project

Dear Mr. Saxton:

Pursuant to our telephone conversation, would you provide me with the data underlying the watermaster's conclusion that the Geobon Project is losing water?

Thank you.

Yours,

RODEN, WELCH & ARKOOSH

C. Tom Arkodsh

CTA/kf
cc. Scott Miller

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MAR 10 1988

DRAFT

ASSIGNMENT AND TRUST AGREEMENT

FOR VALUE RECEIVED, Conversion Industries U.S.A., Inc., an Idaho corporation with its principal office at 255 South Marengo Avenue, Pasadena, California 91101 (hereinafter called the "Assignor") does hereby assign, transfer, and set over unto First American Title Company, an Idaho corporation, with its principal offices at P.O. Box 580, 156 West Judicial Street, Blackfoot, Idaho 83221 (hereinafter called the "Trustee," as trustee for Rhode Island Hospital Trust National Bank, a national banking association with its principal office at One Hospital Trust Plaza, Providence, Rhode Island 02903 (hereinafter called the "Lender") all of Assignor's right, title, and interest in the following water permits ^{for power purposes} issued by the State of Idaho, Department of Water Resources: 37-8096 and 37-8251 (hereinafter referred to as the "Permits").

Lessee
1. Lender hereby consents to the lease of the Permits by Assignor to Geobon II Associates Limited Partnership (hereinafter "Lessee"), pursuant to the Amended and Restated Lease for Power Production Purposes, dated October 7, 1987, (hereinafter "Lease".)

2. It is understood and agreed that until the occurrence of a default in the covenants, terms, or conditions under the October 7, 1987, Term Loan Agreement between the Lessee and Lender (hereinafter called the "Loan Agreement") pertaining to the financing of a certain hydroelectric project known as the Geobon II Hydroelectric Project (hereinafter called the "Project"), Lessee may retain, use, and enjoy the benefits of the leasehold interest in the Permits created by the Lease.

3. Upon the occurrence of a default under the Loan Agree-

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MAR 10 1988

ment, Trustee, at the direction and expense solely of the Lender, may without notice or demand elect to exercise any and all of Lessee's rights and remedies under the Permits, without any interference or objection from Assignor, at which time all of Lessee's rights and remedies hereunder shall terminate.

Conversion Industries

4. Trustee shall hold all right, title, and interest in the Permits for the benefit of Lender subject to the limitations herein, pending issuance of water licenses to replace the Permits by the Idaho Department of Water Resources. The water licenses shall be issued to Assignor, which shall have all right, title, and interest therein, subject to the rights of Lessee and Lender created under the Lease, the Leasehold Mortgage, and the Loan Agreement, all dated October 7, 1987. Upon issuance of the water licenses to Assignor, the rights and obligations of Lender and Trustee hereunder shall terminate, except to the extent of Lender's rights under the Lease, the Leasehold Mortgage and the Loan Agreement, all dated October 7, 1987.

5. Should the water licenses be issued to Trustee instead of Conversion, as specified above, Trustee shall take all necessary steps to transfer ownership of the water licenses to Conversion as soon as possible.

6. Assignor shall, upon the reasonable request of Trustee, deliver to Trustee copies of all written agreements, correspondence, and memoranda between Assignor and the State of Idaho, Department of Water Resources, setting forth the arrangements between them. Such requests may be made at any reasonable time.

7. Upon the occurrence of a default, Trustee and/or its agents may without notice or demand with or without entry upon the Premises, at its option, take over and enjoy the benefits of the Permits, to the same extent as Assignor might do. Assignor hereby releases Trustee and its agents from any and all claims which it has or might have against Trustee arising out of such

RECORDED

MAR 10 1988

performance by Trustee and its agents.

8. From and after the date hereof any Permits hereby assigned ^{or altered, amended, or cancelled} may not be altered, amended, or cancelled without the prior written consent of Trustee.

9. All of the foregoing powers herein granted Trustee shall be liberally construed. Trustee need not expend its own funds in the exercise of such powers, but if it does, such amount shall be considered as advances for and on behalf of Lender secured by this Assignment.

10. Assignor agrees to faithfully observe and perform all of the obligations and agreements imposed upon Assignor under the Permits. Trustee will not be deemed in any manner to have assumed the same. Assignor agrees to indemnify and to hold Trustee harmless of and from any and all liability, loss, or damage which it may or might incur by reason of any claims or demands against it based on its alleged assumption of Assignor's duty and obligation to perform and discharge the terms, covenants, and agreements in said Permits.

11. Nothing herein contained shall be construed as making Trustee a mortgagee in possession, or as constituting a waiver or suspension by Lender of its right to enforce payment of the debts under the terms of the Loan Agreement. Trustee is not the agent, partner, or joint venturer of either the Assignor or of the State of Idaho, Department of Water Resources.

12. This Assignment may be enforced from time to time by Trustee at its discretion, with or without order of any court and with or without appointment of a receiver, as Trustee shall determine. ~~Trustee may also at any time cease to enforce this Assignment.~~ Any failure on the part of Trustee promptly to exercise any option hereby given or reserved shall not prevent the exercise of any such option at any time thereafter.

MAR 10 1988

13. Assignor warrants and represents:

a. That it has the right to execute and deliver this Assignment, to the extent that the Permits are assignable; and

b. That all Permits are in full force and effect on the date hereof, subject to no defenses, setoffs, or counterclaims whatsoever.

14. When the context so requires, the singular shall include the plural and conversely, and use of the gender shall include all genders.

15. This Assignment and the covenants and agreements herein shall be binding upon and shall inure to the benefit of the parties hereto and their respective heirs, legatees, devisees, executors, administrators, successors, and assigns.

16. It is understood and agreed that Trustee shall in no case or event be liable for the failure of any of the conditions of this Assignment or damage caused by the exercise of its discretion in any particular manner, or for any other reason, except gross negligence or willful misconduct with reference to the said Assignment, and Trustee shall not be liable or responsible for its failure to ascertain the terms or conditions, or to comply with any of the provisions of, any agreement, contract or other document filed herewith or referred to herein, nor shall it be liable or responsible for forgeries or false personation.

17. It is further agreed that if any controversy arises, between the parties hereto or with any third person with respect to the subject matter of this Assignment, its terms or conditions, Trustee shall not be required to determine the same

RECEIVED

MAR 10 1988

or take any action in the premises, but Trustee may await the settlement of any such controversy by final appropriate legal proceedings or otherwise as it may require, notwithstanding anything in this Assignment to the contrary, and in such event Trustee shall not be liable for interest or damages.

18. It is understood that the fee agreed upon for the Trustee's services hereunder shall be considered compensation for ordinary services as contemplated by this Assignment, and in the event that the conditions of this Assignment are not promptly fulfilled or that Trustee renders any service hereunder not provided for herein, or that there is an assignment of any interest in the subject matter of this Assignment or modification herein, or that any controversy arises hereunder or that Trustee is made a party to, or intervene in, any litigation pertaining to this Assignment or the subject matter thereof, Trustee shall be reasonably compensated for such extraordinary services and reimbursed for all costs and expenses occasioned by such default, delay, controversy or litigation and Trustee shall have the right to retain all documents and/or other things of value at any time held by Trustee hereunder until such compensation, fees, costs and expenses shall be paid, the ^{assignor} undersigned hereby jointly and severally promising to pay such sums upon demand.

Indemnified

19. This instrument shall be governed by the laws of the State of Idaho.

IN WITNESS WHEREOF, Assignor has caused this Agreement to be executed on this _____ day of _____, 1987.

CONVERSION INDUSTRIES U.S.A., INC.

By _____

REGISTERED

MAR 10 1988

STATE OF _____)
) ss.
County of _____)

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

STATE OF _____)
) ss.
County of _____)

REFILMED

MAR 10 1988 - 7 -

known or identified to me to be the _____,
of FIRST AMERICAN TITLE COMPANY OF IDAHO, the corporation that
executed the within instrument on behalf of said corporation and
acknowledged to me that such corporation 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 Idaho

Residing at _____

Commission expires _____

RECORDED

MAR 10 1988

October 15, 1987

Reid Newby
Box T
Shoshone, ID 83352

RE: GEOBON HYDRO-ELECTRIC FACILITY LOSS DETERMINATION - 37-8096

Dear Reid:

As a result of your meeting with Norm Young this spring with respect to reported losses through some hydro-electric facilities in your water district, the department required certain of the hydro-power facilities to conduct some extensive water loss testing.

On June 1, 1987, loss measurements were conducted by Cecil Thomas at the Geo Bon #2 hydro facility near Gooding. The report concluded there was no consequential loss caused by the diversion from the river and its return to the river through the feeder canal and the tailrace. Department staff reviewed the report of Mr. Thomas and suggested that the testing could be more accurate if a more refined method were used with complete control of water flow. Geo Bon has resisted redoing the tests probably due to the expense which would be incurred.

In order to adequately assess whether it is reasonable to insist on having the test redone, it is appropriate to review the measurements you took which indicated there was a loss occurring. Please provide me a copy of the measurements you took, the date, location taken, the type of measuring equipment and any other information relative to your loss determination.

Please forward the information to my attention.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

c: S. Region

MAKROFILMED

MAR 10 1988

October 5, 1987

C. Tom Arkoosh
P.O. Box 974
Boise, ID 80701-0974

RE: Permit 37-8096 GEOBON II ASSOCIATES

Dear Mr. Arkoosh:

I have reviewed your letter dated September 1, 1987 in connection with water loss determination through the above referenced hydro-power project. Your letter essentially asks why the department thinks water is being lost through the project and what authority the department has in requiring tests relative to the losses.

The watermaster of Water District 37M, Little Wood River, has advised the department that his measurements show that loss is occurring. Since the permit is subject to watermaster control (see condition of approval 1.n) the watermaster will be instructed to shut off water to the diversion when prior water rights are not being satisfied unless it can be shown that losses are not occurring to the detriment of other prior rights (see Section 42-607, Idaho Code). Also note that the permit was issued with a condition of approval that the use of water be non-consumptive.

There is not a specific statute which requires loss determination through a hydro-power plant of the nature you are questioning. The testing requested by the department provides an avenue by which a wateruser has the opportunity to show that a supposed non-consumptive use truly is not injuring prior right and hence should be allowed to use water even when prior rights are not being filled.

If you choose to proceed with the loss determination, please do so prior to the next irrigation season. If you choose not to preconduct the loss determination testing to the satisfaction of the department, the department will instruct the watermaster to deliver the water rights with respect to the priorities of record. This means that a non-consumptive use which causes a loss of water to prior rights in the system will be shut off by the watermaster during times of scarcity of water when prior rights were not being filled.

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MAR 10 1988

As a consideration for continued use of water through a hydro-power facility which loses water from the system, in some cases it is possible to mitigate the water loss using water from an external source, thus being able to continue the diversion and use of water during the times of scarcity.

Please advise this office of your intent with respect to this matter. Also feel free to call this office if you have questions.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

c: Watermaster 37-M

MICROFILMED

MAR 10 1988

LAW OFFICES
RODEN, WELCH & ARKOOSH

816 WEST BANNOCK STREET - SUITE 306
POST OFFICE BOX 974
BOISE, IDAHO 83701-0974

WILLIAM C. RODEN
B. JOSEPH WELCH
C. TOM ARKOOSH

Department of Water Resources

TEL. (208) 336-7930

September 21, 1987

L. Glen Saxton
Department of Water Resources
450 West State Street
Boise, Idaho 83702

Re: Geobon II Hydro Project

Dear Mr. Saxton:

Please be advised that I represent the Geobon II Hydro Project and have been asked to respond to your letter of July 28, 1987 written to Mr. Cecil Thomas, hydrologist. Preparatory to doing so, I have reviewed the following:

1. Hydrology report of Cecil Thomas, dated June 6, 1987.
2. Memo of Earl G. King to you, June 22, 1987.
3. Letter of yourself to Cecil A. Thomas, June 28, 1987.
4. Various Idaho statutes and Department of Water Resources regulations.

After review of these materials, we are led to inquire of your Department what indication the Department has, if any, that the project is loosing water. Secondly, we are led to inquire what specific legal rules, with reference to the specific citation, are relied upon to require testing by the project owner prior to proof of loss of water.

After we have received these items from you, and have had an opportunity to review and discuss the same, we would invite you to meet and discuss this process with us at a time and place mutually convenient.

Thank you.

Yours,

RODEN, WELCH & ARKOOSH

C. Tom Arkoosh
C. Tom Arkoosh

MAILED

MAR 10 1988

CTA/kf

July 28, 1987

Cecil A. Thomas
3775 N. Locust Grove
Meridian, Idaho 83642

RE: LOSS DETERMINATION REPORT - GEO BON #2 HYDRO PROJECT

Dear Mr. Thomas:

The department has reviewed in depth the report which you submitted on June 8, 1987 in connection with potential water loss through the above referenced hydro-power project. Verl King of this office has also met with you to clarify some of the procedures used and to obtain some specifics relative to the project.

The department generally approves of the procedure used in the testing, however, due to the excessive leakage through the turbine (10.8 cfs), inlet structure (10.8 cfs) and spillway structure (? cfs) during the ponding test, it does not appear that a conclusion relative to the amount of seepage which does or does not exist can be reached.

It appears a more accurate seepage loss test could be conducted through a well controlled and monitored ponding test. This can be accomplished by sealing the intake to the penstock at the trash screen and by using plastic or visqueen to seal the inlet structure and spillway overflow structure. With leakage stopped, an accurate pondage test can be made in the inlet channel. With the inlet system closed off, an extensive dye test in the tailrace channel would indicate if losses are occurring in this reach. Measuring the extent of tailrace losses will also require a pondage test by placing an earth dam at the outlet of the tailrace channel to seal off the channel from the river.

The tests described above need to be conducted before the department can reach a conclusion relative to losses which do or do not exist at the project.

REPROFILMED

MAR 10 1988

Cecil A. Thomas

- 2 -

July 28, 1987

Please feel free to contact Verl King of this office (phone 334-4459) if you have specific questions relative to this matter.

Sincerely,

L. GLEN SAXTON, Chief
Operations Bureau

c: Geo-Bon project mgr.
Verl King

MICROFILMED

MAR 10 1988



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

CECIL D. ANDRUS

Governor

A. KENNETH DUNN

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 334-4440

M E M O

TO: Glen Saxton

DATE: July 22, 1987

FROM: Verl G. King

SUBJECT: Geo-Bon #2 Water Loss Report by Cecil A. Thomas

I met with Cecil Thomas and discussed the field measurements he made to determine water losses at the Geo-Bon #2 diversion site. It was generally agreed that due to the excessive leakage through the turbine (>10.8 cfs), inlet structure (<10.8 cfs) and spillway overflow structure (? cfs) during the ponding test, no conclusion on seepage loss could be determined from this test.

Dye tests in the tailrace were also non-conclusive because leakage of flows into the tailrace was unknown, and wind conditions interfered with the test.

Stage readings in the river sites above the diversion backwaters and below the tailrace return were read several times during the testing. Three times with all flow in the river and twice with full diversion through the canal and turbine. This was accomplished using a steel bar driven in the river at each site above and below. These readings generally indicate a gain when water is running through the canal and power system versus the river channel. These readings lead to Cecil's conclusion that no losses occurred in the power plant diversion system. The type of river measurements used, however, has a low degree of accuracy. River flows are uncontrolled and several cubic feet per second could be lost and not shown due to river surging, wind action, debris lodging, etc. Cecil's observation of these measurements, and his conclusion that no losses occur in the diversion could be right, but remains questionable.

As stated in my previous memo, the most feasible method of getting accurate seepage loss measurements is by a well controlled and monitored pondage test. Cecil and I discussed this

MAR 10 1988

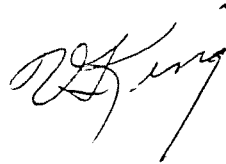
July 22, 1987

and it appears that this can be accomplished without undue difficulty by sealing the intake to the penstock at the trash screen. Also using plastic to seal the inlet structure and spillway overflow structure. With leakage stopped, an accurate pondage test could be made in the inlet channel. Also with the inlet system closed off, an extensive dye test in the tailrace channel would indicate if losses occur in this reach. Measuring the extent of tailrace losses, however, if needed, would also require a pondage test by placing a dam (earth) at the outlet of the tailrace channel to seal off the channel from the river.

For the purpose for which these measurements are made, it would seem that tests need to be made as described above.

Attached are plots of data from tests made by Cecil.

VGK:cjk
Attachments
cc: Cecil A. Thomas



MICROFILMED

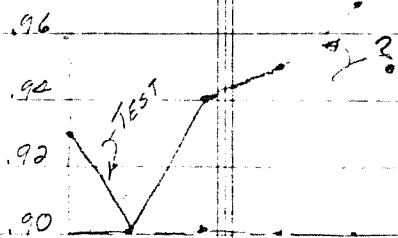
MAR 10 1988

GEO-3011 #2

355-3037

7/87-284

<u>DATE</u>	<u>h</u>	<u>t</u>	<u>STATUS</u>
JUNE 1	0.93	7 p.m.	Canal Flowing
JUNE 2	0.90	9 a.m.	Canal Closed
"	0.94	5:30 p.m.	"
JUNE 3	0.95	6:10 a.m.	Canal Flowing
"	0.97		Canal CLOSED. 100

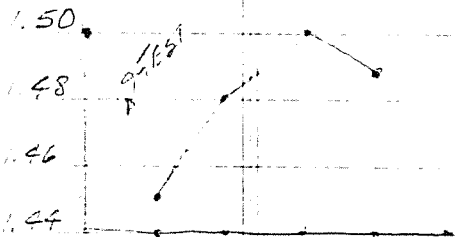


DURING TEST READING INCREASED

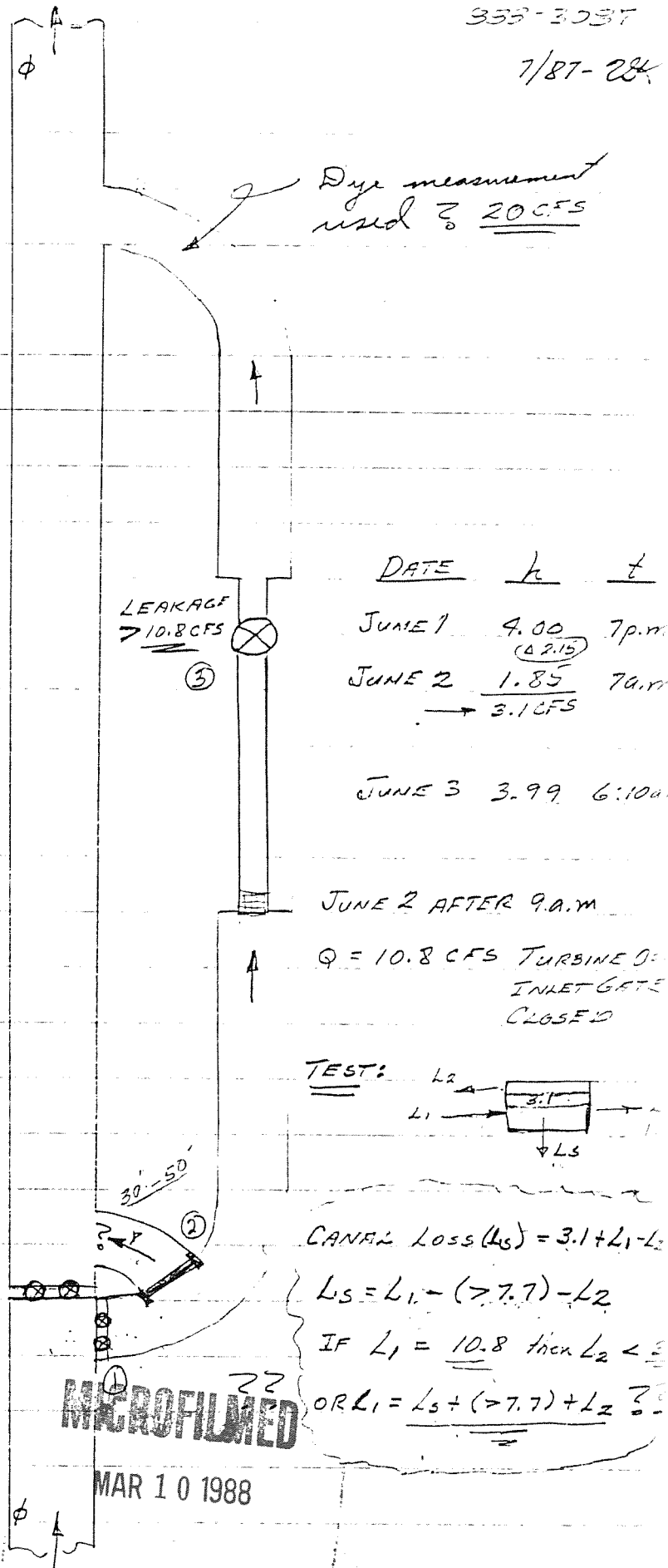
0.05' UPSTR. & ONLY 0.03' DOWNSTR.

WHEN PLACED IN CHANNEL UPSTR

DECREASE WAS 0.03' & 0.04' DOWNSTR.



<u>DATE</u>	<u>h</u>	<u>t</u>	<u>STATUS</u>
JUNE 1	1.50	7 p.m.	CANAL FLOWING
JUNE 2	1.45	9 a.m.	Canal CLOSED
"	1.48	5:30 p.m.	"
JUNE 3	1.50	6:10 a.m.	Canal Flowing
"	1.49		Canal CLOSED



REF FILMED

MAR 10 1988

PAID TO THE BUREAU 40 CENTS
PAGE 7 X 10 INCHES
KEUFFEL & ESSER CO.

LITTLE WOOD RIVER

WATER STAGE

ABOVE & BELOW
GEO-BOND #2

1.44

1.46

1.48

1.50

② RIVER

③ RIVER

⑤ RIVER

① CANAL

④ CANAL

AVE. (P)

AVE. (C)

MICROFILMED

MAR 10 1988

DIVISION - R

1.52
287

0.90

0.92

0.94

0.96

0.97

0.98

UPSTE.



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

CECIL D. ANDRUS

Governor

A. KENNETH DUNN

Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

M E M O

TO: Glen Saxton

DATE: July 22, 1987

FROM: Verl G. King

SUBJECT: Geo-Bon #2 Water Loss Report by Cecil A. Thomas

I met with Cecil Thomas and discussed the field measurements he made to determine water losses at the Geo-Bon #2 diversion site. It was generally agreed that due to the excessive leakage through the turbine (>10.8 cfs), inlet structure (<10.8 cfs) and spillway overflow structure (? cfs) during the ponding test, no conclusion on seepage loss could be determined from this test.

Dye tests in the tailrace were also non-conclusive because leakage of flows into the tailrace was unknown, and wind conditions interfered with the test.

Stage readings in the river sites above the diversion backwaters and below the tailrace return were read several times during the testing. Three times with all flow in the river and twice with full diversion through the canal and turbine. This was accomplished using a steel bar driven in the river at each site above and below. These readings generally indicate a gain when water is running through the canal and power system versus the river channel. These readings lead to Cecil's conclusion that no losses occurred in the power plant diversion system. The type of river measurements used, however, has a low degree of accuracy. River flows are uncontrolled and several cubic feet per second could be lost and not shown due to river surging, wind action, debris lodging, etc. Cecil's observation of these measurements, and his conclusion that no losses occur in the diversion could be right, but remains questionable.

As stated in my previous memo, the most feasible method of getting accurate seepage loss measurements is by a well controlled and monitored pondage test. Cecil and I discussed this

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MAR 10 1988

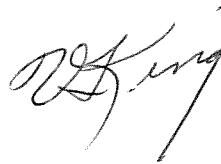
July 22, 1987

and it appears that this can be accomplished without undue difficulty by sealing the intake to the penstock at the trash screen. Also using plastic to seal the inlet structure and spillway overflow structure. With leakage stopped, an accurate pondage test could be made in the inlet channel. Also with the inlet system closed off, an extensive dye test in the tailrace channel would indicate if losses occur in this reach. Measuring the extent of tailrace losses, however, if needed, would also require a pondage test by placing a dam (earth) at the outlet of the tailrace channel to seal off the channel from the river.

For the purpose for which these measurements are made, it would seem that tests need to be made as described above.

Attached are plots of data from tests made by Cecil.

VGK:cjk
Attachments
cc: Cecil A. Thomas



MICROFILMED

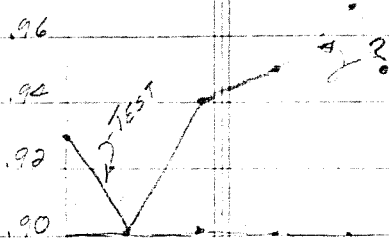
MAR 10 1988

GEO-BON #2

933-3037

7/87-284

DATE	h	t	STATUS
JUNE 1	0.93	7p.m.	Canal Flowing
JUNE 2	0.90	9 a.m.	Canal Closed
"	0.94	5:30p.m.	"
JUNE 3	0.95	6:10 a.m.	Canal Flowing
"	0.97		Canal CLOSED - 206

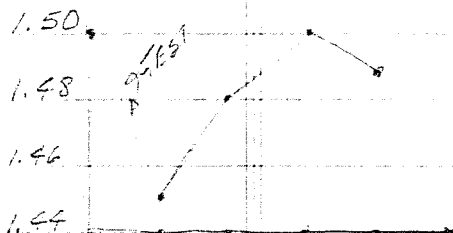


DURING TEST READING INCREASED

0.05' UPSTR. = ONLY 0.03' DOWNSTR.

WHEN PLACED IN CHANNEL UPSTR

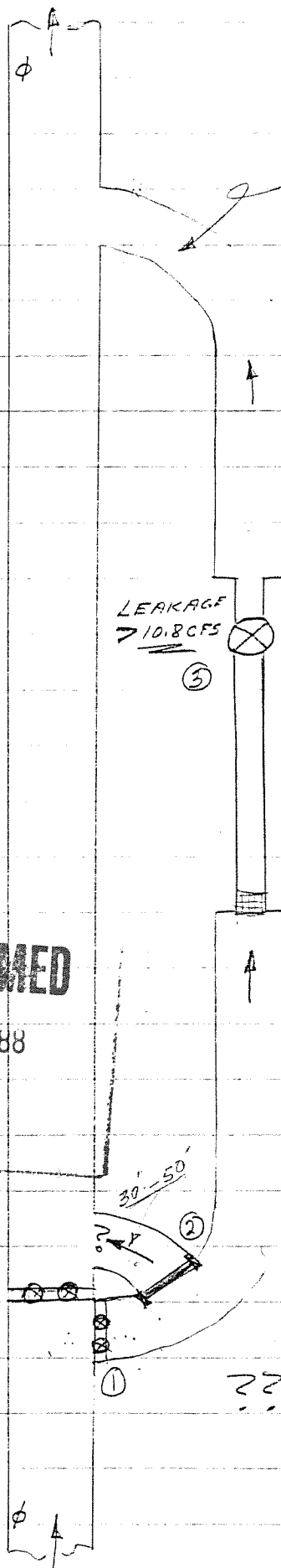
DECREASE WAS 0.03' & 0.04' DOWNSTR.



MICROFILMED

MAR 10 1988

DATE	h	t	STATUS
JUNE 1	1.50	7p.m.	CANAL Flowing
JUNE 2	1.45	9 a.m.	Canal CLOSED
"	1.48	5:30p.m.	"
JUNE 3	1.50	6:10 a.m.	Canal Flowing
"	1.49		Canal CLOSED



Dye measurement
used $\approx$ 20 CFS

LEAKAGE
 $\approx$ 10.8 CFS

③

DATE h t

JUNE 1 4.00 7p.m.

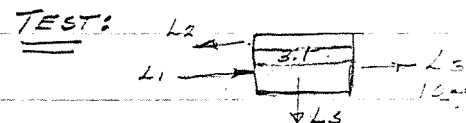
JUNE 2 1.85 7a.m.

$\rightarrow$ 3.1 CFS

JUNE 3 3.99 6:10 a.m.

JUNE 2 AFTER 9 a.m.

Q = 10.8 CFS TURBINE OPEN
INLET GATE
CLOSED



CANAL LOSS (L_5) = $3.1 + L_1 - L_2$

$L_5 = L_1 - (>7.7) - L_2$

IF $L_1 = 10.8$ then $L_2 < 3.1$

OR $L_1 = L_5 + (>7.7) + L_2$

LITTLE WOOD RIVER

WATER STAGE

ABOVE & BELOW
 GEO-BOW #2

1.94

② RIVER

1.96

③ RIVER

1.43

⑤ RIVER

1.50

① CAMEL

④ CAMEL

RECEIVED

MAR 10 1988

Ave. (R)

Ave. (C)

7/57

0.90

0.92

0.94

0.96

0.97

0.98

UPSTG.



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

CECIL D. ANDRUS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

M E M O

TO: L. Glen Saxton DATE: June 18, 1987

FROM: Verl G. King

SUBJECT: Review of Methodology for Determining Water
Loss at Geo-Bon #2 Hydro Diversion and
Similar Hydro Sites

The report of water loss measurements at Geo-Bon #2 power diversion site has been reviewed. From this report it is apparent that inadequate control of the water exists to arrive at a conclusion that no losses occur at this site. Even though the methods used at this site, as well as the Little Wood River Ranch (Bill Arkoosh) site, would indicate the losses are much less than originally anticipated, a more refined method with complete control of water flow is required to define what losses, if any, occur.

It would seem that a controlled pondage test would be the best method to use to accomplish this. This will require accurate geometric information on the channels, complete stoppage of flows into the entrance to the inlet channel and into and out of the outlet channel. The water surface drop in the ponds should be measured within the top six inches of the normal operating water surface elevation in the channels. (This will require pumping or some means to fill the ponds as needed). Also the pond water surface elevations should be measured inside a stilling basin with a hook gage and accurate time interval measurements are needed.

This procedure or a method that would give equal accuracy is required to define losses at these power sites.

VGK:cjk

NEVER FILMED

MAR 10 1988

STUDY/PROJECT REQUEST

TO: Verl KingFROM: L. Glen SaxtonDate Initiated 6-9-87

Requested Completion date _____

TITLE: Review of loss determination methodologyGeo-Bon #2 hydro diversionPROBLEM AND/OR PURPOSE: The methodology used by Cecil Thomas needs to be
reviewed for content and accuracy.SCOPE (level or extent of detail): Memo of analysis

DESCRIPTIONS OF WORK REQUESTED:

1. Review attached report of Cecil Thomas to determine adequacy of
methodolgy and sufficiency of report.
2. Prepare memo of recommendations.
3. _____

REQUEST ORIGINATOR: L. Glen SaxtonTYPE OF REPORT: MemoDISPLAY TABLES: YES _____ NO X

ANTICIPATED MAN-DAY EFFORT: _____

APPROVED BY: _____

ASSIGNED TO: _____

DATE: _____

ACTUAL MAN-DAYS: _____

MICROFILMED**MAR 10 1988**

Cecil A. Thomas
Consulting Hydrologist, Civil Engineer, Land Surveyor
Idaho License No. 645

3775 N. Locust Grove
Meridian, ID 83642
Ph. (208) 888-3087

June 6, 1987

RECEIVED
JUN 08 1987

State of Idaho
Department of Water Resources
State Office

Department of Water Resources

450 W State Street, Boise, Idaho

Re: Determination of losses in Geo Bon # 2 Power diversion near Gooding

The following observations were made by me and Michael Arkoosh:

On June 1 we drove a 5/8 " steel bar in the channel of Little Wood River above the backwater from the diversion structure for the feeder canal, and another in the channel about $\frac{1}{2}$ mile below the confluence of the tailrace channel and the river. These bars were used to refer the elevations of water surfaces at the sites above and below the power diversion during different scenarios of water passage. A staff gage is installed on the left bank of the feeder canal a few feet above the trashracks.

Water surfaces were referred to the steel pins and the staff gage about 7 pm on June 1 with the generator producing 790 KW and the system stable for several days. Water surface was 1.50 feet below the top of the upstream bar and 0.93 feet below the top of the downstream bar, with the staff gage at the trashracks at 4.00 feet, a typical level for the diversion. The water was diverted to the river channel, the canal was left full at operating level, and the generator was closed. No other gates or closures exist at this plant.

The next morning near 9 am water surfaces at the upper bar was 1.45 feet, a rise of 0.05 feet, and down from the top of the lower bar 0.90 feet, a rise of 0.03 feet. (Readings are ± 0.02 feet because of surge of the water surfaces at the sites). Water surface in the canal had fallen 2.15 feet in 12 hours. From the area of the water surface in the feeder canal, this was computed to be 3.1 acre feet of storage withdrawn from the canal at a rate of 3.1 cfs.

After this test of the loss in the feeder canal, the canal was lowered further by opening the turbine. After the inflow and outflow had stabilized, I measured the flow in the feeder canal at 10.8 cfs at a point a few feet above the trashracks. Depths were too deep and velocities too slow to measure discharge in the feeder canal immediately below the

RECEIVED
MAR 10 1988

(2)

From the appearance of the leakage through the headgates, most of the leakage occurs in the upper 4 feet of the gates. Therefore, the leakage into the feeder canal increased through the night as the canal subsided except for the leakage at high stages into the river channel through the stoplogs on the spillway at the headgates.

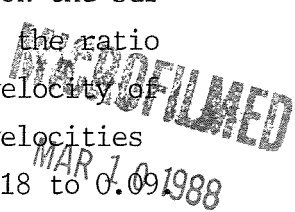
After the canal was drained and the leakage from the headgates measured the turbine was closed and the penstock did not fill indicating that the leakage through the turbine was greater than the leakage into the feeder canal. This is believed to account for the drop in the level of the water in the feeder canal. 7
— 6

With leakage only in the feeder and the turbine at near 5:30 pm on June 2 the level of the river at the upstream steel bar was 1.48 feet below the top and the level at the downstream bar was 0.94 feet below the top. This is very near the observations with the flow going through the power system at 7 pm June 1. 1.

Because of stiff upstream winds we could not get suitable measurements of water movement in the tailrace with water turned into the river so we turned the flow back into the power plant and left it on the automatic control through the night.

On June 3 near 6:10 am the upstream water surface was 1.50 feet below the top of the steel bar, the reading on the gage at the trashracks read 3.99, and the downstream water surface was 0.95 feet below the top of the bar. The water levels are down slightly from the levels observed the previous evening near 5:30 when the water was all flowing in the river but they have the same relationship.

We then closed the turbine off and closed the gates into the feeder canal, sending all of the flow except leakage into the river. The stiff downstream wind had changed to a mild downstream wind. We dumped dye into the channel at the lower cable just above the confluence of the tailrace and the Little Wood River. Depending on whether we measured the front, the bulk, or the tail of the plume, the velocities of the dye ranged from 0.263 feet per second to 0.135 feet per second on the surface. Based on measurements at the site by the watermaster, the ratio of the highest velocity in the measurement to the average velocity of the section is near 0.66. Applying this coefficient to the velocities of the dye gives estimated velocities under the cable of 0.18 to 0.09. Applying the coefficient and using the whole crosssection gives estimates of more than 20 cfs. This appears to be too much, but indicates little or no loss. The mild wind downstream may have affected results.



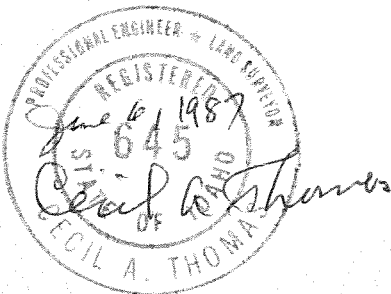
After the dye tests the water surface at the downstream bar was 0.97 feet below the top of the bar and the water surface at the upstream bar was 1.49 feet down from the top. This indicates less flow through the system with the major flow in the river, but a large log had caught on the control for the downstream bar and the flow distribution could have been altered for this observation.

Conclusions for these tests are that no loss occurred in the feeder canal in 12 hours. The drop of 2 feet occurred because leakage through the turbine exceeded leakage at the headgates. No perceptible loss occurs when flow is shifted from the river to the feeder canal or vice versa as shown by several sets of measurements of water levels above and below the power diversion. A positive flow occurs past the lower end of the tailrace based on dye tests which show the flow to be at least as much as the flow leaking past the headgates. Measurements by the watermaster at the measuring sections near the upper and lower ends of the power diversion show loss of less than 1 cfs. Measuring sections are deep, velocities are slow, and sides are near vertical walls. The locations of these high walls are not sufficiently well defined with sections measured at 2-foot intervals as measured to give this kind of accuracy. Possible measurement errors obviate definition of differences requiring great accuracy.

I conclude that there is no consequential loss caused by the diversion from the river and its return to the river through the feeder canal and the tailrace.

Sincerely,

Cecil A. Thomas, P.E.



MICROFILMED
MAR 10 1988

37-8096
37-8251

GEOBON II ASSOCIATES LIMITED PARTNERSHIP
255 South Marengo Avenue
Pasadena, California 91101
(818) 793-7526

May 22, 1987

RECEIVED
JUN 05 1987

Idaho Department of Water Resources
Attention: A. Kenneth Dunn, Director
State House
Boise, Idaho 83720

Department of Water Resources

Re: Change of Address

Dear Mr. Dunn:

Pursuant to our conversation of Monday, May 18th, please allow the Department of Water Resources' ("Department") records to reflect that Geobon II Associates Limited Partnership's mailing address has been changed to the following:

255 South Marengo Avenue
Pasadena, California 91101

It is my understanding Mitch Arkoosh will be forwarding to the Department a confirming letter regarding his conversations with Mr. Norm Young of your office. Including, the fact a qualified hydrologist has been retained to determine the loss of water, if any, occurring within the Geobon II Hydropower Project, and that the results of such determination will be promptly forwarded to the Department upon completion of such determination.

It is my understanding that based on the above action, an extension past the May 27, 1987 deadline established by your letter of May 7, 1987 has been allowed. The cooperation of the Department is greatly appreciated in this matter.

Very truly yours,

Scott J. Miller
Scott J. Miller

cc: Pat Kueny
Norm Young ✓

MICROFILMED

MAR 10 1988

37-8096

37-8251

RECEIVED

MAY 26 1987

Department of Water Resources

MICHAEL ARKOOSH
714 THIRD AVENUE EAST
P. O. BOX 93
GOODING, IDAHO 83330

May 23, 1987

State of Idaho
Department of Water Resources
State House
Boise, Idaho 83720

Attention: Norm Young

Dear Sir:

This is just a note to confirm our telephone conversation today. Conversion Industries USA has retained Cecil Thomas to do the water measurements, your office requested, to determine whether or not there is any water lost in the GeoBon II canal system. Cecil thought that, at the earliest he could be here the latter part of next week and finish his measurements the week after. Cecil will be contacting either you, Glenn Saxton, or Earl King to coordinate the exact time he will be here and the types of measurements that will be needed.

Again, I would like to thank you for allowing us the extension of time needed for Cecil to fit us into his schedule.

Sincerely,

Michael Arkoosh

Michael Arkoosh

cc: Scott Miller
Conversion Industries

MICROFILMED

MAR 10 1988

NAME AND ADDRESS OF SENDER

DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720Indicate type of mail
☐ Registered
☐ Insured
☐ COD
☒ CertifiedCheck appropriate block for
☐ Registered Mail:
☐ With Postal Insurance
☐ Without Postal InsuranceAffix stamp here if issued as
certificate of mailing or for
additional copies of this bill.

POSTMARK AND DATE OF RECEIPT

Line	Number of Article	Name of Addressee, Street, and Post-Office Address	Postage	Fee	Handling Charge	Act. Value (if Regis.)	Insured Value	Due Sender If C.O.D.	R. R. Fee	S. D. Fee	S. H. Fee	Rest. Del. Fee
1	138506	Bonneville Pacific Corp. c/o David Hirsch 185 S. State St. P.O. Box 11898 Salt Lake City, UT 84147 37-7889 & 37-7916	22	X								
2												
3												
4	138507	Geobon II Assoc. Ltd. Partnership 1200 Quail St., Suite 260 Newport Beach, CA 92660 37-8096 & 37-8251										
5												
7	138508	Bonneville Pacific Corp. c/o Vernon F. Ravenscroft P.O. Box 983 Boise, ID 83701 37-7857, 37-7865, 37-7922										
8												
9												
10	138509	Shorrock Hydro, Inc. Box 1787 Twin Falls, ID 83303-1787 37-7911 & 37-7863										
11												
12												
13	138510	Bill and/or Karen Arkoosh Route 2 Box 50 Gooding, ID 83330 5-4-87										
15		37-7943										
Total Number of Pieces Listed by Sender		Total Number of Pieces Received at Post Office	POSTMASTER, PER (Name of receiving employee)		The full declaration of value is required on all domestic and international registered mail. The maximum indemnity payable for nonnegotiable documents under Express Mail document reconstruction insurance is \$50,000 per piece subject to a limit of \$500,000 per occurrence. The maximum indemnity payable on Express Mail merchandise insurance is \$500. The maximum indemnity payable is \$25,000 for Registered Mail, \$400 for COD and \$400 for Insured Mail. Special handling charges apply only to Third- and Fourth-Class parcels. Special delivery service also includes special handling service.							
5			K. H. H. H.									

FORM MUST BE COMPLETED BY TYPEWRITER, INK OR BALL POINT PEN

U.S. G.P.O. 1985-478-P04



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

CECIL D. ANDRUS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

May 7, 1987

CERTIFIED MAIL

Geobon II Associates Ltd. Partnership
1200 Quail St., Suite 260
Newport Beach, CA 92660

Gentlemen:

Re: Permit No. 37-8096 and 37-8251

Department records show that the above referenced permits were issued to you for the purpose of hydropower generation purposes. One of the conditions of approval of the permits was that the use of water be non-consumptive. The assumption that hydropower uses are non-consumptive in nature is the very reason the department could justify approving late in time appropriations on stream systems which essentially have been fully appropriated in most cases for many years.

The department has been advised by watermasters in several water districts that substantial loss is occurring in some of the conveyance systems, particularly those where water is delivered to the power generating facility through a non-enclosed conduit, and the only use being made of the water is power generation.

You are hereby required to determine the loss occurring within your hydropower project and to provide the information to the department within twenty (20) days of the date of this letter. The determination must be made by a professional engineer licensed to practice in Idaho or by a certified water right examiner using procedures acceptable to the department. In the interim, if the watermaster has measurements indicating that water is being lost within your project and that the water is needed by holders of prior rights, he has been instructed to regulate your diversion as needed to protect the prior rights, even though the herein required loss measurement has not been completed.

The runoff from surface water sources in 1987 is by far less than a normal year, so it is very likely any diversion for hydropower use experiencing a loss will be shut off by the duly authorized water master.

Authority for regulation of diversions by the watermaster is

MICROFILMED
MAR 10 1988

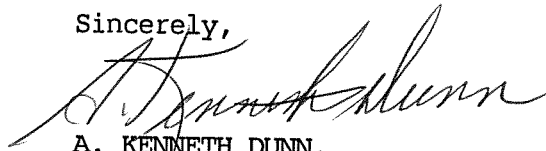
provided in Section 42-607, Idaho Code.

Hydropower users subject to being shut off may want to augment the stream system through acquisition of stored water or non-tributary water from some external source of supply in exchange for the water being lost in their conveyance system. Such arrangements may require approval under Section 42-222, Idaho Code.

Prior notice of the watermaster's action to regulate diversions cannot always be provided. If your generating equipment is subject to damage by the reduction of water flows, it is your responsibility to contact the watermaster to arrange a procedure to provide for regulation of the diversion without damage to your facilities.

Please feel free to contact the department if you have questions.

Sincerely,



A. KENNETH DUNN,
Director

c: Regional office
Watermaster
Scott L. Campbell

MICROFILMED

MAR 10 1988

May 7, 1987

CERTIFIED MAIL

Geobon II Associates Ltd. Partnership
1200 Quail St., Suite 260
Newport Beach, CA 92660

Gentlemen:

Re: Permit No. 37-8096 and 37-8251

Department records show that the above referenced permits were issued to you for the purpose of hydropower generation purposes. One of the conditions of approval of the permits was that the use of water be non-consumptive. The assumption that hydropower uses are non-consumptive in nature is the very reason the department could justify approving late in time appropriations on stream systems which essentially have been fully appropriated in most cases for many years.

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You are hereby required to determine the loss occurring within your hydropower project and to provide the information to the department within twenty (20) days of the date of this letter. The determination must be made by a professional engineer licensed to practice in Idaho or by a certified water right examiner using procedures acceptable to the department. In the interim, if the watermaster has measurements indicating that water is being lost within your project and that the water is needed by holders of prior rights, he has been instructed to regulate your diversion as needed to protect the prior rights, even though the herein required loss measurement has not been completed.

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RECEIVED
MAR 10 1988

MAR 10 1988

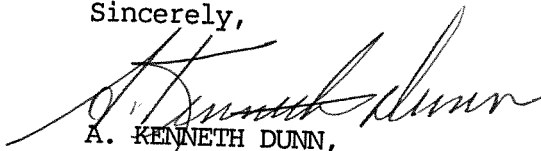
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Prior notice of the watermaster's action to regulate diversions cannot always be provided. If your generating equipment is subject to damage by the reduction of water flows, it is your responsibility to contact the watermaster to arrange a procedure to provide for regulation of the diversion without damage to your facilities.

Please feel free to contact the department if you have questions.

Sincerely,



A. KENNETH DUNN,
Director

c: Regional office
Watermaster
Scott L. Campbell

MICROFILMED

MAR 10 1988

November 12, 1986

RE: Permit Nos. 37-8096/8251

Geobon II Associates Ltd. Partnership
1200 Quail St., Suite 260
Newport Beach, CA 92660

Dear Permit Holder:

This office acknowledges receipt of the Assignment of the above referenced permits to you.

Enclosed for your records are copies of the permits. Be sure to note the special conditions of approval on the fourth pages that identify requirements necessary for developing the permits into licensed water rights.

If you have any questions on this matter, please feel free to contact us.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc
Enclosures

UNRECORDED

Permit No. 37-8096

ASSIGNMENT REVIEW CHECK LIST

1. Signature of Permit Holder? Yes
2. Notary? Yes
3. a. Full Assignment? Yes
b. Partial Assignment?
4. "No assignment" condition on permit? - No
5. Commencement of Works received? - N/A
 - a. Commencement of works requested?
 - b. Show Cause Order drafted & sent?
 - c. Cancellation necessary?
6. Affidavit of residency required? Yes - included w/Assignment
7. Extension granted due to litigation? N/A
(If yes, commencement of works is not required.)

1. Type permit summary sheet. ✓
2. Coding sheet. ✓
3. Acknowledgement letter type.
4. Copy to region. ✓

Sharla —
Sharla —
#1p
Sharla

Date 11-5-86

Employee Jim

MICROFILMED

ELAM, BURKE AND BOYD

ATTORNEYS AND COUNSELORS AT LAW

FIRST INTERSTATE BUILDING
702 WEST IDAHO
POST OFFICE BOX 1559
BOISE, IDAHO 83701
TELEPHONE 208-343-5454
TELECOPIER 208-343-5454

LAUREL E. ELAM (1888-1974)
CARL A. BURKE (1898-1961)
CARL P. BURKE
PETER J. BOYD
J. RAY DURTSCHI
M. ALLYN DINGEL, JR.
JACK S. GJORDING
JOHN MAGEL
DAVID B. LINCOLN
RICHARD C. MELLON, JR.
ROBERT M. TYLER, JR.
JAMES D. LARUE
RANDALL A. PETERMAN
WILLIAM J. RUSSELL
KAYE L. O'RIORDAN
RYAN P. ARMBRUSTER

DAVID E. COMSTOCK
MELVILLE W. FISHER II
WILLIAM G. DRYDEN
TODD J. WILCOX
PETER C. K. MARSHALL
KENNETH M. SEBBY
TRUDY HANSON FOUSER
D. ALAN KOFOED
SCOTT L. CAMPBELL
BOBBI KILLIAN DOMINICK
W. DALLAS BURKHALTER
ALAN CONILOGUE
ELAINE D. HANSON
JEFFERY J. VENTRELLA
BRENDA G. MEIER
JOHN J. JANIS

October 9, 1986

Mr. Jim Johnson
Water Rights Supervisor
Idaho Department of Water Resources
450 West State Street
Boise, Idaho 83720

RECEIVED
OCT 14 1986

Department of Water Resources

Re: Notice of Lease of Water Permit
Nos. 37-8096 and 37-8251

Dear Jim:

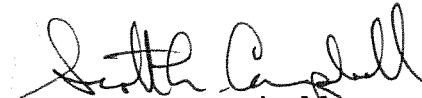
Pursuant to our telephone conversation of October 9, 1986, I have enclosed originals of the Notice of Lease of Permit Nos. 37-8096 and 37-8251. I have also enclosed the necessary documents pertaining to these leases, which demonstrate that the lessee of the water permits, Geobon II Associates Limited Partnership, is qualified to do business in the State of Idaho.

I have also enclosed copies of each document so that conformed copies can be returned to me after stamping by your department. I have enclosed a self-addressed, stamped envelope for that purpose.

Please contact me if you have any questions.

Very truly yours,

ELAM, BURKE & BOYD


Scott L. Campbell

SLC/abe
Enclosures
cc: Adam Kimmell

MICROFILMED

March 19, 1986

RE: Permit No. 37-8096

Conversion Industries USA, Inc.
255 S. Marengo Ave.
Pasadena, CA 91101

Dear Permit Holders:

This office acknowledges receipt of the Assignment of the above referenced permit to you.

Enclosed for your records is a copy of the permit. Be sure to note the conditions of approval on the fourth page that identify requirements necessary for developing the permit into a licensed water right.

If you have any questions on this matter, please feel free to contact us.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc
Enclosure

MICROFILMED

Permit No. 37-8096

ASSIGNMENT REVIEW CHECK LIST

1. Signature of Permit Holder? Yes
2. Notary? Yes
3. a. Full Assignment? Yes
b. Partial Assignment? NO
4. "No assignment" condition on permit? Yes
5. Commencement of Works received? - NO
a. Commencement of works requested? - NO
b. Show Cause Order drafted & sent? - NO
c. Cancellation necessary? - NO
6. Affidavit of residency required? Yes - ENCLOSED
7. Extension granted due to litigation? NO
(If yes, commencement of works is not required.)

1. Type permit summary sheet. ✓ Sharla —
2. Coding sheet. ✓ Sharla —
3. Acknowledgement letter type. ✓ #1 (1.36)
4. Copy to region. ✓ Sharla —

Date 3-17-86

Employee Juni

MICROFILMED

ELAM, BURKE AND BOYD

ATTORNEYS AND COUNSELORS AT LAW

FIRST INTERSTATE BUILDING
702 WEST IDAHO
POST OFFICE BOX 1559
BOISE, IDAHO 83701
TELEPHONE 208-343-5454
TELECOPIER 208-343-5454

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BRIAN D. HARPER
SCOTT L. CAMPBELL
BOBBI KILLIAN DOMINICK
W. DALLAS BURKHALTER
ALAN P. CONILOGUE
JOHN K. DAVIS
ELAINE D. HANSON
JEFFERY J. VENTRELLA

March 12, 1986

RECEIVED

MAR 13 1986

Mr. Jim Johnson
Water Allocations Section
Idaho Department of Water Resources
Statehouse
Boise, Idaho 83720

Department of Water Resources

Re: Water Permit No. 37-8096

Dear Jim:

I have enclosed the executed original Assignment of Permit for Water Permit No. 37-8096. As you can see, the Assignment has been executed by Mr. Joseph Arkoosh, President of Geobon, Inc. This Assignment should satisfy the requirements of the Department with respect to the transfer of the interest of Geobon, Inc. to this water permit to Conversion Industries USA, Inc. I have also enclosed a copy of this Assignment, which I request that you mark with the Department's stamp, indicating that this Assignment has been filed in the Department's records.

Thank you for your assistance in this matter.

Very truly yours,

ELAM, BURKE AND BOYD


Scott L. Campbell

SLC:lmr
Enclosures
cc: Mr. George Aydelott

MICROFILMED

CONVERSATION MEMORANDUM

DATE 2-28-86

FILE 37-8096

NAME OF PARTY Scott Campbell

EMPLOYEE JIM JOHNSON

RE: I called Scott to inform him that in
reviewing the assignment of permit for this file
I discovered that ownership of the permit
had been previously assigned to GEOBON INC.
and we could not accept the assignment
from George Askoosh.

He said he would take action to
secure a signature from a representative
of GEOBON INC.

I informed him I would hold
all of the documents for Conversion Industries
here while he pursued the signature.

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440
JANUARY 14, 1986

GEOBON, INC.
RT. 1 BOX 204
GOODING, ID 83330

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 37-8096

DEAR PERMIT HOLDER:

ENCLOSED IS A COPY OF YOUR APPROVED APPLICATION FOR PERMIT. WE DIRECT YOUR ATTENTION TO THE CONDITIONS OF APPROVAL ON THE FOURTH PAGE.

PLEASE BE ADVISED THAT PRIOR APPLICATIONS FOR PERMIT HAVE BEEN FILED TO APPROPRIATE WATER FROM YOUR SOURCE WHICH MAY IMPACT THE AVAILABILITY OF WATER TO BE USED UNDER THIS PERMIT. THEREFORE, YOU SHOULD BE SURE TO ANALYZE THE IMPACT OF THESE RIGHTS BEFORE MAKING A MAJOR INVESTMENT IN YOUR WATER USE PROJECT.

BE SURE TO NOTE THE SPECIAL CONDITION REQUIRING YOU TO INSTALL A MEASURING DEVICE AND LOCKABLE CONTROLLING WORKS THAT WILL ENABLE THE WATERMASTER TO CONTROL YOUR RATE OF DIVERSION.

SINCERELY,

DAVID R. TUTHILL, JR., P.E.
SUPERVISOR, WATER ALLOCATION SECTION

DRT: SC
ENCLOSURES

MICROFILMED

POWER CALCULATIONS FOR APPLICATION NO. 37-8096

814
P = Kilowatts .74 X hp

Q = cfs 300 cfs

H = feet 40'

e = efficiency

see Glen's letter of 9/3/85 proposed
~~from New Energy, Inc.~~
 30% OK
 need statement regarding 70% remaining
 1.) Affidavit of Residency
 2.) Ownership of Facilities
 3.) *Financial Ability
 4.) Feasibility of Project
 a. Plans, drawings
 b. Economic analysis
 5.) *Compliance w/FERC
 *only for projects of more than 25 cfs or more than 500 horsepower.

$$e = \frac{P(11.8)}{QH} = \frac{814(11.8)}{300 \times 40} = \frac{9605.2}{12000} = 80\%$$

Based on the above calculations the proposed project must have an 80 % efficiency.

OVERLAP REVIEW

see terminal 1/16/85

(P/D sec) 37-4170 - stock

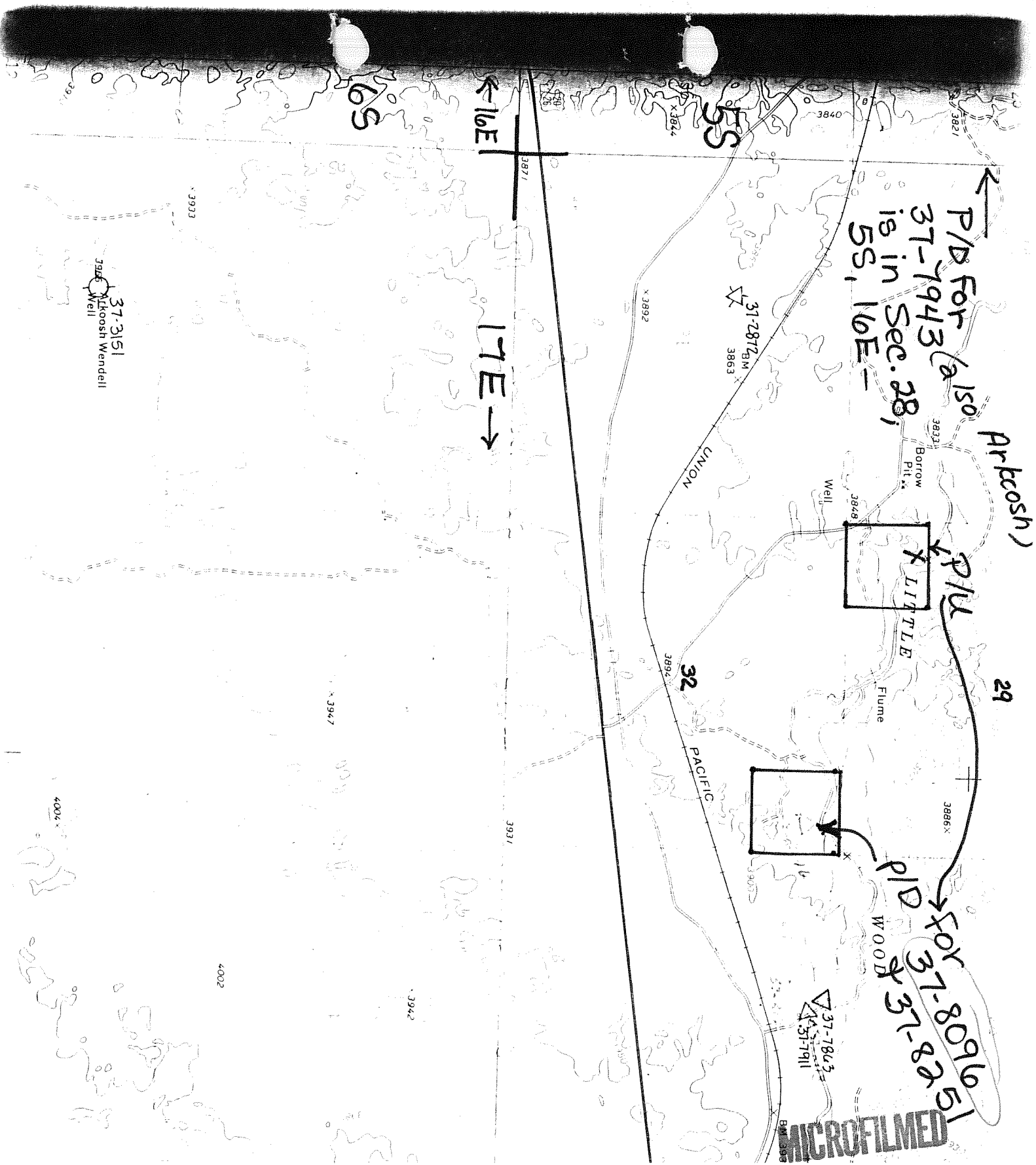
(P/U sec) 37-0486 irrig.
37-0059A " "
37-0345 " "
37-0344 " "

BYPASSED AREA

power app. #37-8120 - Arkoosh - protested
p/d - NENW, Sec. 33, 5S, 17E > NOT related to
p/u - NWNW, Sec. 33, 5S, 17E > this app.

no overlapping power rights

MICROFILMED



INTER-DEPARTMENT MEMO — 1

FROM Loren Holmes

DATE 12/9/85

TO File 37-8096

SUBJECT Action Since Readvertising

A Protest was filed by AFRD #2 when the application was readvertised.

The Protest was withdrawn 12/5/85

The Application has been assigned to GEORON Inc.

A New 205/206 form has been submitted for Geobon Inc.

MICROFILMED

SIGNATURE

American Falls Reservoir District No. 2

BOX C
SHOSHONE, IDAHO 83352

December 5, 1985

Director of the
Idaho Department of Water Resources
1041 Blue Lakes Blvd.
Twin Falls, Idaho 83301

RE: Permit Application
37-8096

Dear Sirs:

After meeting with Mr. George F. Arkoosh and his
hydro-engineer, I hereby withdraw my protest that was made on
September 26, 1985.

Very truly yours,


Richard M. Oneida
Manager

RMO/lma

RECEIVED

DEC 5 1985

Department of Water Resources
Southern District Office

MICROFILMED

John C. Arkoosh
Attorney at Law
P.O. Box 32
116 Fourth Ave. West
Gooding, Idaho 83330
(208) 934-8401

November 26, 1985

RECEIVED

NOV 27 1985

Department of Water Resources
Southern District Office

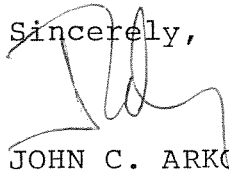
Mr. Loren O. Holmes
Southern Region Supervisor
State of Idaho
Department of Water Resources
1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301

RE: Application for Permit No. 37-8096

Dear Mr. Holmes:

Pursuant to your letter of October 30, 1985, please find enclosed a signed Affidavit for Water Rights to be Used for Power Purposes by the agent for Geobon, Inc.

Sincerely,


JOHN C. ARKOOSH

JCA:rw

Enclosure

cc: George Arkoosh
Adam Kimmel

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

October 30, 1985

Geobon, Inc.
Rt. 1 Box 204
Gooding, Idaho 83330

Re: Application for Permit No. 37-8096 - Geobon, Inc.

Gentlemen:

The Department acknowledges receipt of assignment of application 37-8096 from George F. Arkoosh to you.

Section 42-205 through 209 of the Idaho Code require applicants for hydropower water rights to be bonafide Idaho residents or corporations qualified to do business in Idaho.

Enclosed is an affidavit form for your use to establish Geobon, Inc., as a proper applicant for the permit.

Please complete part A2 and part B of the affidavit and return it to this office.

If you have questions concerning this matter, please feel free to contact this office.

Very truly yours,

Loren O. Holmes
Southern Region Supervisor

LOH:marya

Encl:

MICROFILMED

JOHN C. ARKOOSH
Attorney at Law
P.O. Box 32
116 Fourth Avenue West
Gooding, Idaho 83330
Telephone: (208) 934-8401

RECEIVED
SEP 16 1985

Department of Water Resources

September 9, 1985

RECEIVED

OCT 9 1985

DEPARTMENT OF WATER RESOURCES
SOUTHERN DISTRICT OFFICE

State of Idaho
Department of Water Resources
Statehouse
Boise, Idaho 83720

Attn: L. Glen Saxton
Chief Operations Bureau

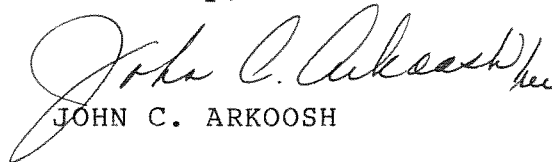
RE: Application for Permit No. 37-8096 (George F. Arkoosh)

Dear Glen:

Please find enclosed an Assignment for Permit assigning the above referenced permit from George Arkoosh to Geobon, Inc., an Idaho corporation.

If there are any questions or problems with this, please feel free to contact me.

Sincerely,


JOHN C. ARKOOSH

JCA:rw

Enclosure

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

1041 Blue Lakes Blvd, North
Twin Falls, Idaho 83301
(208) 734-3578

October 3, 1985

George Arkoosh
Rt. 1 -- Box 204
Gooding, Idaho 83330

Re: Application 37-8096 - Geo-Bon #2 - FERC #7548
Application 37-8120 - Geo-Bon #1 - FERC #7537

Dear Mr. Arkoosh:

This office recently received a copy of the FERC exemption for your Geo-Bon #2 hydro-power project, FERC #7548.

The associated water right application, No. 37-8096 has been referred to this office for re-advertising as required by Sec. 42-203C of the IDAHO CODE. The advertising has been completed and a protest has been filed by American Falls Reservoir District No. 2, as you have been advised by separate letter.

We are also holding application No. 37-8120, which is associated with your Geo-Bon #1 project, FERC #7537. This application is protested by Co-Generation, Inc. We will continue holding the application until action on the project is completed by FERC before holding a hearing on the protest.

If you have questions concerning this matter, please feel free to contact this office.

Very truly yours,

Loren O. Holmes
Southern Region Supervisor

LOH:marya

cc: Vernon Ravenscroft

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

October 1, 1985

George F. Arkoosh
Rt. 1 Box 204
Gooding, Idaho 83330

Re: Application for Permit No. 37-8096

Dear Mr. Arkoosh:

Enclosed is a copy of a protest filed against the issuance of a permit pursuant to your above referenced application. The Department suggests you contact the protestant directly in an effort to determine the nature of the protest and to attempt to resolve the protest.

If you do not advise us within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider either approving or denying application for permit (Section 42-203C, IDAHO CODE):

- 1) The potential benefits, both direct and indirect, that the proposed use would provide to the state and local economy.
- 2) The economic impact the proposed use would have upon electric utility rates in the State of Idaho, and the availability, foreseeability and cost of alternative energy sources to ameliorate such impact.
- 3) The promotion of the family farming tradition.
- 4) The promotion of full economic and multiple use development of the water resources of the State of Idaho.
- 5) In the Snake River Basin above the Murphy gauge whether the proposed development conforms to a staged development policy of up to twenty thousand (20,000) acres per year or eighty thousand (80,000) acres in any four (4) year period.

Very truly yours,

LOREN O. HOLMES
Southern Region Supervisor

LOH:marya

Encl:
cc: Vernon Ravenscroft

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

October 1, 1985

Richard M. Oneida - Manager
American Falls Reservoir District No. 2
Box C
Shoshone, Idaho 83352

Re: Application for Permit No. 37-8096

Dear Mr. Oneida:

Your protest against the approval of the above referenced application submitted in behalf of American Falls Reservoir District No. 2 has been received and a copy has been sent to the applicant. The Department suggests that you contact the applicant directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

If you do not advise us within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider either approving or denying application for permit (Section 42-203C, IDAHO CODE):

- 1) The potential benefits, both direct and indirect, that the proposed use would provide to the state and local economy.
- 2) The economic impact the proposed use would have upon electric utility rates in the State of Idaho, and the availability, foreseeability and cost of alternative energy sources to ameliorate such impact.
- 3) The promotion of the family farming tradition.
- 4) The promotion of full economic and multiple use development of the water resources of the State of Idaho.
- 5) In the Snake River Basin above the Murphy gauge whether the proposed development conforms to a staged development policy of up to twenty thousand (20,000) acres per year or eighty thousand (80,000) acres in any four (4) year period.

Very truly yours,

LOREN O. HOLMES
Southern Region Supervisor

LOH:marya

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RECEIVED
SEP 30 1985

Department of Water Resources
Southern District Office

American Falls Reservoir District No. 2

BOX C
SHOSHONE, IDAHO 83352

September 26, 1985

Director of the
Idaho Department of Water Resources
1041 Blue Lakes Blvd.
Twin Falls, Idaho 83301

RE: Permit Application
37-8096

Dear Sirs:

American Falls Reservoir District No. 2 protests the application for permit by George F. Arkoosh for water from Little Wood River. The District has irrigation water in this reach of the river and wants to insure its constant flow.

Very truly yours,



Richard M. Oneida
Manager

RM0/lma

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

September 4, 1985

Lincoln County Journal
P. O. Box 704
Shoshone, Idaho 83352

Re: Notice of Application for Water Right No. 37-8096

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

Mary A. Newby
Sec/Office Coord.

Encl:

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NOTICE OF APPLICATION FOR WATER RIGHT

The following application(s) is (are) being advertised to allow all parties affected by the addition of the public interest criteria Sec. 42-203C, Idaho Code the opportunity to protest:

No. 37-8096

Arkoosh, George F.

Rt. 1 Box 204 - Gooding, Idaho 83330

SOURCE: Little Wood River trib. Big Wood River

PRIORITY DATE: May 4, 1983

DIVERSION PT: NENE, Sec. 32, T5S, R17E

USE: Power

AMOUNT: 300 CFS

PLACE OF USE: SWSW, Sec. 29, T5S, R17E

Protests must be filed with the Director, Department of Water Resources, Southern Region, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301 on or before September 30, 1985.

A.KENNETH DUNN
Director

Published in Lincoln County Journal Sept. 9 and Sept. 12, 1985

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State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 334-4440

September 3, 1985

John C. Arkoosh
Attorney at Law
P.O. Box 32
116 Fourth Avenue West
Gooding, ID 83330

Re: Application for Permit No. 37-8096, (George F. Arkoosh)

Dear Mr. Arkoosh:

The Department has received and reviewed the financial statement which you submitted on behalf of George F. Arkoosh. The financial statement appears to show financial capability of the applicant and is being returned to you at your request.

Our records show the application to be in the name of George F. Arkoosh. If the application or permit is to be assigned to Geobon, Inc. or another corporation, a properly executed assignment needs to be filed with the Department as well as evidence to show that the corporation is organized or qualified to do business in the State of Idaho.

Due to the changes to Section 42-203, Idaho Code (effective 7-1-85) the application will have to be readvertised on a statewide basis. The Department plans to do this readvertisement as soon as reasonably possible in order that final action on the application can be taken by the Department.

If you have questions, please contact this office.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

GLS/l's

Encl: Financial Statement
Assignment Form

cc: Southern Region

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RECEIVED
JUL 24 1985

JOHN C. ARKOOSH
Attorney at Law
P.O. Box 32
116 Fourth Avenue West
Gooding, Idaho 83330
Telephone: (208) 934-8401
July 22, 1985

Department of Water Resources

Mr. Dave Tuthill
DEPARTMENT OF WATER RESOURCES
Statehouse
Boise, Idaho 83720

RE: George F. Arkoosh Water Application 37-8096

Dear Dave:

On the 19th of July, 1985, I was in contact by telephone with Kay Walker of your office who informed me that the sole thing that is needed to make the above-referenced application and permit is my father's personal financial statement. Please find the same enclosed.

Please consider the enclosed financial statement confidential information and after you are through with it, please return it to this office.

As you will note, this application is for hydroelectric generation. Please find enclosed a copy of the September 27, 1984 FERC order reinstating the license for this project. The license had been previously granted and then revoked pursuant to the Tulalip decision.

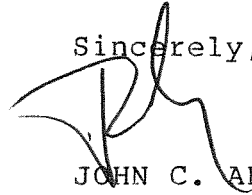
At present, we are preparing to build this project. All of the permits and whatever else seems to be in place. For your information, the land permits and other assets in this project have been assigned to Geobon, Inc., an Idaho corporation. My father, George Arkoosh, was sole owner of all the issued stock of the corporation, which he placed in a trust, Geobon Trust. This last is also confidential information. We will be applying to your office to assign any granted permit or license to the corporation. If this is going to cause some problems with the question of financial responsibility, please contact me and we will work something out. My father has presently put in to this project approximately \$50,000 to \$55,000 of his own money.

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Page -2-
July 22, 1985

If there are any questions or problems, please feel free to contact me.

Sincerely,

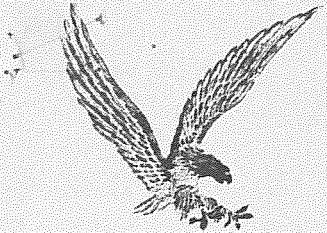
A handwritten signature in black ink, appearing to be 'JCA', written over the word 'Sincerely,'.

JOHN C. ARKOOSH

JCA:rw

cc: George Arkoosh
Michael Arkoosh

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Consulting Associates, Incorporated

BOISE OFFICE
VERNON RAVENSCROFT
HELEN CHENOWETH

PHONE (208) 345-2670
P.O. BOX 893
BOISE, IDAHO 83701

July 18, 1985

RECEIVED
JUL 19 1985

Department of Water Resources

Mr. Bob Fleenor
Department of Water Resources
450 West State Street
Boise, ID 83702

Ref: The unprotested water application by Mr. George Arkoosh
for his Geo-Bon 2 Hydro Project --FERC #7548.

Dear Bob,

This project is ready for construction and we would appreciate the formal processing of the water permit for the project.

The attachments are:

1. Order issuing exemption.
2. Order granting rehearing in regard to Tulalip lawsuit.
3. Order clarifying and releasing project #7548 from the Tulalip decision.

Personal regards,



Vernon F. Ravenscroft

VFR:mf

attachments

cc: Mitch Arkoosh

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FEDERAL ENERGY
REGULATORY COMMISSION
WASHINGTON, D.C. 20426

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE, \$300

Exhibit D

Vernon Ravenscroft
Consulting Associates, Incorporated
P.O. Box 893
Boise, Idaho 83702

P7549-700

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REGULATORY COMMISSION
FERC 351



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APR 17 1984

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

27 FERC 162, 039

Mr. George Arkoosh) Project No. 7548-000

ORDER GRANTING EXEMPTION FROM LICENSING OF A
SMALL HYDROELECTRIC PROJECT OF 5 MW OR LESS

(Issued April 13, 1984)

The Applicant 1/ filed an application for exemption from all or part of Part I of the Federal Power Act (Act) pursuant to 18 C.F.R. Part 4 Subpart K (1980) implementing in part Section 408 of the Energy Security Act (ESA) of 1980 for a project as described in the attached public notice. 2/ 3/

Notice of the application was published in accordance with Section 408 of the ESA and the Commission's regulations and comments were requested from interested Federal and State agencies including the U.S. Fish and Wildlife Service and the State Fish and Wildlife Agency. All comments, protests and petitions to intervene that were filed have been considered. No agency has any objection relevant to issuance of this exemption.

Standard Article 2, included in this exemption, requires compliance with any terms and conditions that Federal or State fish and wildlife agencies have determined appropriate to prevent loss of, or damage to, fish and wildlife resources. The terms and conditions referred to in Article 2 are contained in any letters of comment by these agencies which have been forwarded to the Applicant in conjunction with this exemption.

1/ Mr. George Arkoosh, Project No. 7548, filed on August 22, 1983,

2/ Pub. Law 96-294, 94 Stat. 611. Section 408 of the ESA amends inter alia, Sections 405 and 408 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. §§2705 and 2708).

3/ Authority to act on this matter is delegated to the Deputy Director, Office of Electric Power Regulation, under §375.308 of the Commission's regulations, 18 C.F.R. §375.308 (1983). This order may be appealed to the Commission by any party within 30 days of its issuance pursuant to Rule 1907, 18 C.F.R. §85.1907, (1983). Filing an appeal and final Commission action on that appeal are prerequisites for filing an application for rehearing as provided in Section 313(a) of the Act. Filing an appeal does not operate as a stay of the effective date of this order or of any other date specified in this order, except as specifically directed by the Commission.

DC-A-6

-2-

Should the Applicant contest any terms or conditions that were proposed by Federal or State agencies in their letters of comment as being outside the scope of Article 2, the Commission shall determine whether the disputed terms or conditions are outside the scope of Article 2.

Based on the terms and conditions required by Federal and State fish and wildlife agencies, the environmental information in the application for exemption, other public comments, and staff's independent analysis, issuance of this order is not a major Federal action significantly affecting the quality of the human environment.

It is ordered that:

(A) Geo-Bon #2 Hydropower Project No. 7548 as described and designated in Mr. George Arkoosh's application filed on August 22, 1983 is exempted from all of the requirements of Part I of the Federal Power Act, including licensing, subject to the standard articles in §4.106 of the Commission's regulations attached hereto as Form E-2, 18 C.F.R. §4.106, 45 Fed. Reg. 76115 (November 18, 1980), and the following Special Articles.

Article 6. Any exempted small hydroelectric power project that utilizes a dam which is more than 33 feet in height above streambed, as defined in 18 CFR 12.31(c) of this chapter, impounds more than 2,000 acre-feet of water, or has a significant or high hazard potential, as defined in 33 CFR Part 222, is subject to the following provisions of 18 CFR Part 12:

- (i) Section 12.4(b)(1)(i) and (ii), (2)(i), (iii)(A) and (B), (iv), and (v);
- (ii) Section 12.4(c);
- (iii) Section 12.5;
- (iv) Subpart C; and
- (v) Subpart D.

For the purposes of applying these provisions of 18 CFR Part 12, the exempted project is deemed to be a licensed project development and the owner of the exempted project is deemed to be a licensee.

Article 7. The construction, operation, and maintenance of the exempt project may be reviewed by the Commission and subjected to further requirements for consistency with the terms and conditions of the regional fish and wildlife program developed pursuant to the Pacific Northwest Electric Power Planning and Conservation Act.

Robert E. Cackowski
Robert E. Cackowski
Deputy Director, Office of
Electric Power Regulation

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UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Notice of Application Filed with the Commission
(November 1, 1981)

Take notice that the following hydroelectric application has been filed with the Federal Energy Regulatory Commission and is available for public inspection:

- A. Type of Application: Exemption (5 MW or less)
- B. Project No: 7548-000
- C. Date Filed: August 22, 1981
- D. Applicant: Mr. George Arkocan
- E. Name of Project: Gun-Bon #2 Hydropower
- F. Location: On Little Wood River in Lincoln County, Idaho near the town of Shoshone
- G. Filed Pursuant to: Energy Security Act of 1980 (16 U.S.C. §1705 and 1708 as amended)
- H. Contact Person: Mr. Vernon Ravenscroft, Consulting Associates, Inc., P.O. Box 891, Boise, Idaho 83702
- I. Comment Date: DEC 15 1981
- J. Description of Project: The proposed project would consist of: (1) a 4-foot-high diversion structure at elevation 3,872 feet; (2) a 7-foot-high, 1,930-foot-long canal; (3) headworks and spillway; (4) a 110-inch-diameter, 380-foot-long penstock; (5) a powerhouse containing three generating units with a rated capacity of 811 kW operating under a head of 30 feet; (6) an excavated 950-foot-long tailrace; and (7) a 34.5-kV transmission line tying into an existing Idaho Power Company line. The estimated average annual energy output would be 4,154,968 kWh.
- K. Purpose of Exemption - An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.
- L. Purpose of Project: Project power will be sold to Idaho Power Company.
- M. This notice also consists of the following standard paragraphs: A1, A3, B, C and D3.

EC-A-70

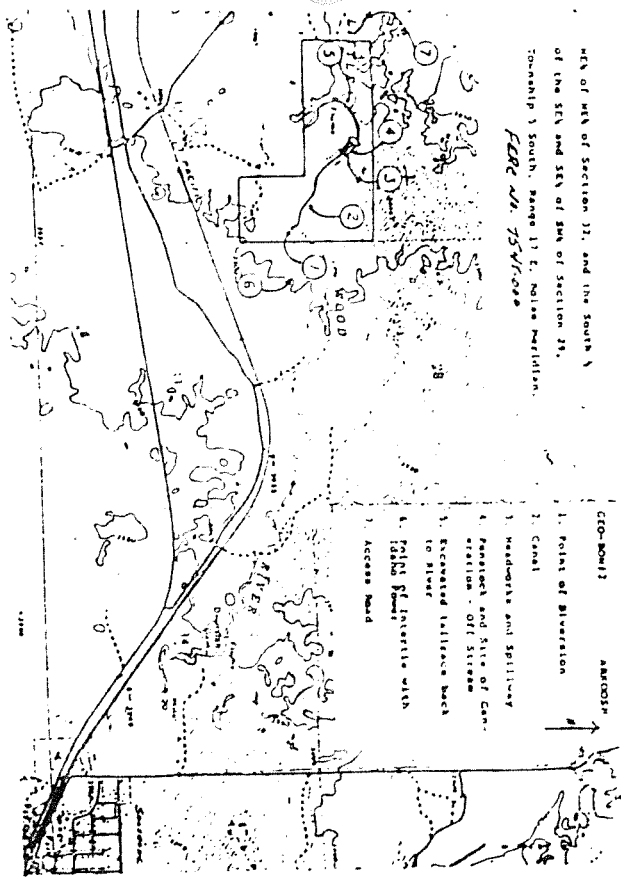
- A1. Exemption for Small Hydroelectric Power Project under 5 MW Capacity -- Any qualified licensee or conduit applicant desiring to file a competing application must submit to the Commission, on or before the specified comment date for the particular application, either a competing license or conduit exemption application that proposes to develop at least 7.5 megawatts in that project, or a notice of intent to file such an application. Any qualified small hydroelectric exemption applicant desiring to file a competing application must submit to the Commission, on or before the specified comment date for the particular application, either a competing small hydroelectric exemption application or a notice of intent to file such an application. Submission of a timely notice of intent allows an interested person to file the competing license, conduit exemption, or small hydroelectric exemption application no later than 120 days after the specified comment date for the particular application. Applications for preliminary permit will not be accepted in response to this notice.

- A3. Notice of Intent -- A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, include an unequivocal statement of intent to submit, if such an application may be filed, either (1) a preliminary permit application or (2) a license, small hydroelectric exemption, or conduit exemption application, and be served on the applicant(s) named in this public notice.

- B. Comments, Protests, or Motions to Intervene -- Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 C.F.R. §§183.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.
- C. Filing and Service of Responsive Documents -- Any filings must bear in all capital letters the title "COM-CHS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST" or "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing is in response. Any of the above named documents must be filed by providing the original and the number of copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 115 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Deputy Director, Project Management, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 204 AS at the above address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

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Wt. of Mt. of Section 37, and the South
of the SE1/4 and SW1/4 of Section 38,
Township 3 South, Range 13 E, Nolia Meridian,
F002 N. 7541000



Kenneth F. Plumb
Secretary

03a. Agency Comments - The U.S. Fish and Wildlife Service, the National Marine Fisheries Service, and the State Fish and Game agency(ies) are requested, for the purposes set forth in Section 408 of the Energy Security Act of 1980, to file within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

-1-

Attachment
K-2 Form

§ 4.106 Standard terms and conditions of exemption from licensing
Any exemption from licensing granted under this subpart for a small hydroelectric power project is subject to the following standard terms and conditions:

(a) Article 1. The Commission reserves the right to conduct investigations under sections 4(g), 306, 307, and 311 of the Federal Power Act with respect to any acts, complaints, facts, conditions, practices, or other matters related to the construction, operation, or maintenance of the exempt project. If any term or condition of the exemption is violated, the Commission may revoke the exemption, issue a suitable order under section 4(g) of the Federal Power Act, or take appropriate action for enforcement, forfeiture, or penalties under Part III of the Federal Power Act.

(b) Article 2. The construction, operation, and maintenance of the exempt project must comply with any terms and conditions that any Federal or state fish and wildlife agencies have determined are appropriate to prevent loss of, or damage to, fish or wildlife resources or otherwise to carry out the purposes of the Fish and Wildlife Coordination Act, as specified in Exhibit K of the application for exemption from licensing or in the comments submitted in response to the notice of the exemption application.

(c) Article 3. The Commission may accept a license application by any qualified license applicant and revoke this exemption if actual construction or development of any proposed generating facilities has not begun within 18 months, or been completed within four years, from the date on which this exemption was granted. If an exemption is revoked, the Commission will not accept a subsequent application for exemption within two years of the revocation.

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(d) Article 4. This exemption is subject to the navigation servitude of the United States if the project is located on navigable waters of the United States.

(e) Article 5. This exemption does not confer any right to use or occupy any Federal lands that may be necessary for the development or operation of the project. Any right to use or occupy any Federal lands for those purposes must be obtained from the administering Federal land agencies. The Commission may accept a license application by any qualified license applicant and revoke this exemption, if any necessary right to use or occupy Federal lands for those purposes has not been obtained within one year from the date on which this exemption was granted.

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FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE, \$300

P-5767
Vernon Ravenscroft & Helen Chenoweth
Consulting Associates, Inc.
P.O. Box 893
Boise, Idaho 83701

(2.)



U.S. Mail



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FEDERAL ENERGY
REGULATORY COMMISSION
FERC - 351

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OCT 1 1984

EXEMPTIONS
NATURAL WATER FEATURES

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Raymond J. O'Connor, Chairman;
Georgiana Sheldon, A. G. Sousa,
Oliver G. Richard III and Charles G. Stalon.

Pigeon Cove Power Co.	)	Project Nos. 5767-001, 003,
	)	004
James E. White	)	3922-001
John R. and Margaret Le Moyne	)	4563-001
Gail Marshall	)	4574-000
Richard Kaster	)	4608-000
Harold Pfeiffer	)	4826-000
Charles L. Woodman	)	5066-000
Cook Electric, Inc.	)	5572-001
Robert B. Shipp	)	5982-000
American Enertech	)	6124-000
Mountain Gems Corp.	)	6190-001
K-W Co.	)	6410-000
Douglas Water Power	)	6414-000
Harley D. Brown	)	6422-000
Cook Electric, Inc.	)	6621-001
TKO Power	)	6634-000
Doug Hull	)	6676-000
Desert Water Agency	)	4294-000
Glenn M. Phillips	)	5118-002
Aldrich and L. D. Bowler	)	5651-002
Reynolds Irrigation District	)	6229-001
Cogeneration, Inc.	)	6250-001
Central Vermont Public Service Corp.	)	2947-001
Mac Hydro-Power Co., Inc.	)	5002-001
Blind Canyon Aquatrench	)	5422-001
Frank Hooper	)	5902-002
Ringo Resources, Inc.	)	6444-000
Paul J. Daniels	)	6460-000
Frontier Land and Power Co.	)	6475-000
T & G Hydro	)	6905-000
John C. Simmons	)	6923-000
City of Hailey, Idaho	)	7016-000
Howard P. Luckey	)	7279-000
John G. Pless, Sr.	)	7465-000
David Cereghino	)	5865-001, 008,
	)	009, 010
Lester Kelley, et al.	)	6245-008, 009,
	)	010, 011
Lester Kelley, et al.	)	6267-007, 008,
	)	009, 010
Lester Kelley, et al.	)	6206-003, 004,
	)	005, 006
Lester Kelley, et al.	)	6246-003, 004,
	)	005, 006
Intermountain West, Inc.	)	6677-001, 002,
	)	003

Northwest Resources Generating Co.	)	6720-002
Northwest Resources Generating Co.	)	6721-001
Northwest Resources Generating Co.	)	6722-002
Northwest Resources Generating Co.	)	6723-001
Northwest Resources Generating Co.	)	6738-001
Northwest Resources Generating Co.	)	6739-001
Northwest Resources Generating Co.	)	6740-001
Douglas Water Power Co.	)	6944-000
Gerald L. and Lois R. Simms	)	7182-003
Delmer Wagner	)	7294-000
Harder Farms, Inc. and Scott Ranch	)	7390-001
Arion Warner	)	7549-001
Gene M. Peters	)	7577-001
Myron Jones, et al.	)	7719-001
City of Springfield, Utah	)	2031-000
Duane Hutton	)	6362-001
Oliver M. and Gail M. Cron	)	7466-000
Orville Nicholson	)	7865-000
Aquaculture Foundation, Inc.	)	7881-000
Fisheries Development Co.	)	7885-000
William R. Maxwell	)	8120-000
Clarke N. Moore	)	8153-000
Henry E. and Barbara A. Shaffner	)	8182-000
Montana Natural Energy, Inc.	)	8262-000
Armstrong Keta, Inc.	)	8275-000
Richard H. Crockett and	)	8297-000
Gary A. Oakley	)	
Henwood Associates, Inc.	)	4009-000
John H. Koyle	)	4052-002
Pan-Pacific Hydro, Inc.	)	6959-000
Forward Power and Energy Co.	)	4714-002
Hi-Head Hydro, Inc.	)	3580-001
Henwood Associates	)	3247-000
Bailey Creek Ranch	)	3948-001
Cogeneration, Inc.	)	4182-000
Eugene J. McFadden	)	4658-000
Robert I. Thompson	)	4794-001
S&S Limited Partnership	)	4769-000
Lewis Co. PUD No. 1	)	4949-000
Richard E. Akin	)	5055-000
Tule River Indian Reservation	)	5067-000
Mega Hydro, Inc.	)	5306-001
Edward and Gwyneth Burgess	)	5955-000
Gordon Foster and Sarena Falls School)	)	5991-001
Robert T. Suter	)	6142-001

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Richard L. Bean and Fred G. Castagna	)	6168-000	Hyder Hydro Co.	)	5214-002
Redwood Trails R. V. Park	)	6384-000	West Slope Power Co.	)	5248-000
Frank M. Biber and Steven Spellenberg	)	6550-001	West Slope Power Co.	)	5250-000
Thomas K. and Jody L. Budd	)	6629-000	D. William Saulsberry	)	5447-001
McMillan Hydro Co.	)	6952-000	Hurn Single Co.	)	5554-002, 003
James D. Cisco	)	7591-000	Southern Pacific Land Co.	)	5585-000
Henwood Associates, Inc.	)	4009-000	Resources Investments	)	5756-004
John H. Koyler	)	4052-002	Frank C. Nichols	)	5766-000
Pan-Pacific Hydro, Inc.	)	6959-000	West Slope Power Co.	)	5861-000
Eagle Power Co.	)	6600-001, 002,	West Slope Power Co.	)	5862-000
	)	003	Columbus Development Corp.	)	5871-000
James B. Howell	)	3503-005, 006	Southern Pacific Land Co.	)	6028-002
Rocky Brook Electric, Inc.	)	3783-003, 004,	Southern Pacific Land Co.	)	6061-002
	)	005	Rainson Co.	)	6089-003
Catalyst Slate Creek Hydro Electric	)	3908-001	Western Hydro Electric, Inc.	)	6092-004
Fred N. Sutter, Jr.	)	4283-001	Rainson Co.	)	6151-004, 005
Douglas S. Marx	)	5069-002	Ronald Rulofson	)	6167-000
Donnie McFadden, et al.	)	5080-001	Southern Pacific Land Co.	)	6262-000
Cook Electric, Inc.	)	5573-001	Russell Biggs Sr.	)	6375-001
Kenneth T. Meredith	)	5646-001	Southern Pacific Land Co.	)	6409-000
Gary and Catherine Wright	)	5650-001	Cogeneration, Inc.	)	6450-001
George and Melvin Osborne	)	5652-000	Olympus Energy Corp.	)	6616-001, 002
Rocky Mountain Embryos	)	5731-000	Frontier Technology, Inc.	)	6661-003
Gary A. Cromwell	)	5978-001	BMB Enterprises	)	6764-000
W. A. and K. A. Powers	)	5979-000	BMB Enterprises	)	6765-001
F. L. and W. F. Plog	)	6057-000	Dan D. Hudson	)	6788-002
Norma Ross and Mary E. Burgess	)	6062-000	Stony Creek Hydro Co.	)	6791-000
City of Ephraim, Utah	)	6117-000	Stony Creek Hydro Co.	)	6792-000
Trout Co., Inc.	)	6208-000	Stony Creek Hydro Co.	)	6793-000
White Water Users	)	6271-000	Stony Creek Hydro Co.	)	6794-000
G & B Water Users	)	6283-003	Water-Watts, Inc.	)	6850-001
McGowan Properties	)	6331-000	DCH Development Co.	)	6920-002
Western Hydro Electric, Inc.	)	6367-001	B. R. and C. E. Barkdull	)	6932-000
Western Hydro Electric, Inc.	)	6437-002, 003	Pacific Lumber Co.	)	6949-000
T. L. and R. R. McCoreley	)	6443-000	Pacific Hydro, Inc.	)	6959-000
Everand Jensen	)	6458-000	Roy F. Fulton	)	6987-000
James J. May, et al.	)	6501-001	Neocene Explorations	)	7006-001
John A. Webster, Jr.	)	6555-001	Mega Hydro, Inc.	)	7057-001
F. and C. Audette	)	6631-001	Frontier Land & Power	)	7077-000
General Plastics Manufacturing Co.	)	6633-000	Alfred Tuelil Nursery	)	7089-000
Idaho Falls Family YMCA	)	6636-000	Olympus Energy Corp.	)	7097-001
J. A. Moyle	)	6663-001	Olympus Energy Corp.	)	7098-001
Frederick Lindauer	)	6701-000	Steven W. Picketts	)	7192-000
Snowbird, Ltd.	)	6802-000	V. L. and F. L. Herzinger	)	7211-001
Confederated Salish and Kootenai	)	7086-001	Donald S. Benson	)	7276-001
Tribes, Flathead Reservation	)		Manli City Corp.	)	7342-000
Northern Resources, Inc.	)	3590-001	S. E. Ericson	)	7352-000
Hydro Development, Inc.	)	4241-001	D. K. and F. S. Butler	)	7371-000
Damnation Peak Power Co.	)	4435-004, 005	Resources Investments, Inc.	)	7452-000
Glacier Energy Co.	)	4437-005, 006,	William Atkoosh	)	7530-002
	)	007	Thomas K. and Jody L. Budd	)	7754-001
Lloyd N. Bidwell	)	5130-001	Western Power	)	5338-004, 005
David H. Scott	)	5206-003		)	

Western Power
Robert H. Shazman
Lester Kelley, et al.
Woods Creek, Inc. and Murry-Pac
Rainsong Co.
Hy-Tech Co.
Boulder River Power Co.
Olympus Energy
Woods Creek, Inc. and Burlington R. R.
David G. Demeria
Xenophon Enterprises, Inc.
Paul N. Zeller
Gerald and Glenda Ohs
Henwood Associates, Inc.
Mac Hydro-Power Company, Inc.
Mountain Energy Co.
China Flat Co.
George Arkoosh
Snowbird, Inc.
Hat Creek Hydro, Inc.
Albert and Betty Hunt
Mac Hydro-Power Company, Inc.
Homestake Consulting and
Investments, Inc.
Mac Hydro-Power Company, Inc.
Stephen J. Gaber
Lawrence J. McMurtrey &
Jay R. Bingham
West Slope Power Company
Charles D. Howard
Castle Power Association
Western Hydro Electric, Inc.
Western Hydro Electric, Inc.
A&J Construction, Inc.
Western Hydro Electric, Inc.
Rainsong Company
Alpine Power Company
Alpine Power Company
Intermountain Power Corp.
Southern California Edison
Company
Western Hydro Electric, Inc.
Western Hydro Electric, Inc.
Hydro-Cor
Thomas A. Nelson
Joseph B. Nelson
Western Hydro Electric, Inc.

5341-004, 005
5829-003, 004
6231-007, 008,
009, 110
6301-005
6348-004
6524-003, 004
6611-004, 005
6617-002, 003
6830-004, 005
6154-003
7010-002
7422-000
7804-000
7805-000
3730-001
4739-001
6595-001
7226-000
7548-000
6803-003
4395-002
4627-002
5020-001
5108-001
5123-001
5545-003
5792-002, 003
5864-000
6015-004
6144-001
6205-001, 002
6215-004
6251-000
6273-001
6287-001, 002
6297-002
6298-002
6373-000
6359-000
6402-001
6403-001
6408-002, 003
6434-002, 003,
004
6435-002, 003,
004
6448-001

Waterfall Electric Company
New Generation Power Co.
Holden Village, Inc.
Colenergy, Inc.
Colenergy, Inc.
Piedmont Camp Fire Council and
Lake Vera Water Company
Olympus Energy Corp.
Patrick Funk
Chris Williams
Stewart Ranches, Inc.
Little Salmon River Estates, Inc.
Paul J. Daniels
Alpine Power Company
John A. Dodson
Richard and Georgia Wilkinson
Mac Hydro-Power Co.
William A. Curtis
Larry Hensley
Steven J. Gaber
Merrill Bates, et al.
Donald A. Smith and Margaret E. Evans
Small Hydro East
Rubi Hydro Partners
City of Haines, Oregon
Steven J. Gaber
Steven J. Gaber
Mac Hydro-Power Co., Inc.
Lind & Associates
Steven J. Gaber
Steven J. Gaber
Douglas Regan
Thornton N. Snyder
North Hydro, Inc.
Alternate Energy Resources, Inc.
Mountain West Hydro, Inc.
White Chuck Water Co.
China Flat Co.
George Arkoosh
Iron Mountain Mines, Inc.
D & D Stauffer, Inc.
Frederick E. Pickering
Snowmass Co.
Great Western Power and Light, Inc.
John and June Cotten
R & D Power Co.
Town of Lake City
BMB Enterprises, Inc.
BMB Enterprises, Inc.
Henry A. Young
Wise Investments

6628-001
6635-001
6758-002
6824-001
6825-001
6839-002
6840-001, 002
6995-002
7111-001
7120-000
7225-001, 002
7315-001
7393-001
7656-000
7806-000
7864-000
7878-000
7930-000
7931-000
7940-001
7981-000
7982-000
8013-000
8042-000
3912-002
4599-002
4600-002
4792-005
5192-001
5546-002
5547-002
6097-003
6451-001
6468-001
6488-002
6583-002
7241-001
7258-000
7537-000
7611-001
7623-001
7891-000
7898-000
7944-000
8082-000
8122-000
8152-000
8191-001
8192-000
8202-000
8220-000

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Merle Jore & His Sons	)	8224-000
Great Western Power & Light, Inc.	)	8230-000
William A. Worf and Frederick F. Burnell	)	8253-000
Big Wood Canal Co.	)	8279-000
Marshall E. Saunders	)	8324-000
Chester and Irene Allen	)	8359-000
Town of Telluride, Colorado	)	6945-001
Pan-Pacific Hydro, Inc.	)	6955-002
Joseph and Nina Thompson	)	7831-000

ORDER GRANTING REHEARING FOR THE PURPOSE OF FURTHER
CONSIDERATION AND PARTIALLY STAYING THE ORDER OF AUGUST 8, 1984

(Issued September 7, 1984)

The petitioners, 1/ pursuant to 18 C.F.R. § 385.713 (1983), have filed applications for rehearing in the above-captioned proceedings. In order to review more fully the arguments raised, the Commission grants rehearing of the relevant orders solely for the purpose of further consideration. This action does not constitute an acknowledgement that the applications were properly or timely filed nor does it constitute a grant or denial of the applications on the merits in whole or in part.

On August 8, 1984, the Commission issued an order correcting certain errors in the four orders which are the subject of the above-referenced applications for rehearing. 2/ The August 8, 1984, order: categorized Project No. 4574-000 as within the scope of Part IV(A)(3) of our Pigeon Cove order; categorized Project No. 6955-002 as within the scope of ordering paragraph (C) of the Snowbird order; and categorized Project No. 7548-000 as within the scope of ordering paragraph (B) of the Eagle Power order. From information available to the Commission, it now appears that these three projects may have been miscategorized. To prevent our order of August 8, 1984,

1/ The petitioners covered by this order are the following:

The Tulalip Tribes of Washington, the Skagit System Cooperative, the Point No Point Treaty Council, the Washington Departments of Fisheries and Game, and the National Marine Fisheries Service; the Idaho Department of Fish and Game; the National Wildlife Federation and the Idaho Wildlife Federation; the Nez Perce Tribe; the Idaho Park and Recreation Board; Valseltz Power Co.; Gerald L. and Lois R. Simms; Douglas Water Power Co.; Charles D. Howard; Stephen J. Gaber; Mega Hydro, Inc.; Southern Pacific Land Co. and Northwest Power Company, Inc.; Dr. Thomas R. and Jody L. Budde; and Western Power, Inc. and McGraw and Associates.

2/ Pigeon Cove Power Co., 28 FERC ¶ 61,064 (1984); Forward Power and Energy Co., 28 FERC ¶ 61,063 (1984); Eagle Power Co., 28 FERC ¶ 61,061 (1984); Snowbird, Ltd., 28 FERC ¶ 61,062 (1984).

-2-

from becoming final and to allow these three projects to be examined to determine if they have been miscategorized, we will stay that order as it relates to these projects pending further consideration.

The Commission orders:

(A) Rehearing of the Commission's orders in the above-captioned proceedings is granted solely for the purpose of further consideration. No responses to the applications for rehearing will be entertained by the Commission. See Section 385.713(d) of the Commission's Rules of Practice and Procedure.

(B) The Commission's August 8, 1984, Order Correcting Orders is stayed to the extent it applies to Project Nos. P-4574-000, P-6955-002 and P-7548-000 pending further consideration.

By the Commission.

(S E A L)

Kenneth F. Plumb
Kenneth F. Plumb,
Secretary.

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UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

EXEMPTION
NATURAL WATER
FEATURE

Before Commissioners: Raymond J. O'Connor, Chairman;
Georgiana Sheldon, A. G. Sousa,
Oliver G. Richard III and Charles G. Stalton.

Frank B. Nichols	)	Project No. 5766-002
Thomas K. and Jody L. Budde	)	Project No. 7754-001
Northern Resources, Inc.	)	Project No. 3590-004
Southern Pacific Land Co.	)	Project No. 6028-002
Southern Pacific Land Co.	)	Project No. 6061-002
Mega Hydro, Inc.	)	Project No. 7057-001
Xenophon Enterprises, Inc.	)	Project No. 7010-002
Neocene Explorations, Inc.	)	Project No. 7006-001
Steven W. Ricketts	)	Project No. 7192-000
Dan D. Hudson	)	Project No. 6788-001
Paul N. Zeller	)	Project No. 7422-000
William Arkoosh	)	Project No. 7530-001
Henwood Associates, Inc.	)	Project No. 3730-003
George Arkoosh	)	Project No. 7548-001
Harder Farms, Inc. and	)	Project No. 7390-000
Scott Ranch	)	
Pan-Pacific Hydro, Inc.	)	Project No. 6955-002
Douglas Water Power Co.	)	Project No. 7442-000
Birch Creek Hydro	)	Project No. 6186-000
DCH Development Co.	)	Project No. 6920-001
Duane Hutton	)	Project No. 6362-001
BMB Enterprises, Inc.	)	Project No. 8192-000
Great Western Power & Light, Inc.	)	Project No. 8230-000
William A. Curtis	)	Project No. 7878-000

ORDER CORRECTING PREVIOUS ORDERS

(Issued September 27, 1984)

On July 18, 1984, we issued four orders 1/ resolving the status of issued and applied-for natural water feature exemptions in light of the Ninth Circuit's decision in Tulalip Tribes of Washington v. FERC, 732 F.2d 1451 (9th Cir. 1984). Due to the administrative complexity of this task, the four orders mistakenly excluded, included, or miscategorized certain exemptions. Accordingly, on August 8, 1984, we issued an "Order Correcting Orders" to rectify those errors. It now appears from supplemental information available to the Commission and from additional information contained in various petitions filed for rehearing of the July 18, 1984, and August 8, 1984, orders that these orders contain additional factual errors. This order rectifies those errors.

1/ Pigeon Cove Power Co., 28 FERC ¶ 61,064 (1984); Forward Power and Energy Co., 28 FERC ¶ 61,063 (1984); Eagle Power Co.; 28 FERC ¶ 61,061 (1984); Snowbird, Ltd., 28 FERC ¶ 61,062 (1984).

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Project Nos. 5766-002, et al. -2-

The Commission orders:

(A) The following issued exemptions were miscategorized under ordering paragraph (B) of Eagle Power as void because it appeared that physical construction had not commenced by May 10, 1984. They are recategorized under Part IV(A) of that order because physical construction had in fact commenced by that date, so that Tulalip will not be retroactively applied to them.

Frank B. Nichols	)	Project No. 5766-000
(erroneously identified as	)	
Frank C. Nichols in Eagle Power)	)	
Thomas K. and Jody L. Budde	)	Project No. 7754-000
Northern Resources, Inc.	)	Project No. 3590-001
Southern Pacific Land Co.	)	Project No. 6028-000
Southern Pacific Land Co.	)	Project No. 6061-000
Mega Hydro, Inc.	)	Project No. 7057-000
Xenophon Enterprises, Inc.	)	Project No. 7010-001
Neocene Explorations, Inc.	)	Project No. 7006-000
William Arkoosh	)	Project No. 7530-000
Steven W. Ricketts	)	Project No. 7192-000
(erroneously identified as	)	
Steven W. Picketts in Eagle Power)	)	
Dan D. Hudson	)	Project No. 6788-000
Paul N. Zeller	)	Project No. 7422-000

(B) The following issued exemptions were miscategorized as being void under ordering paragraph (B) of Eagle Power by the order of August 8, 1984, because it appeared that physical construction had not commenced by May 10, 1984. They are recategorized under Part IV(A) of Eagle Power because physical construction had in fact commenced by that date, so that Tulalip will not be retroactively applied to them.

Henwood Associates, Inc.	)	Project No. 3730-001
George Arkoosh	)	Project No. 7548-000

(C) The following pending, accepted exemption application was miscategorized as a valid natural water feature exemption under Part IV(B)(1) of Pigeon Cove; it is now recategorized under Part III of Snowbird since it is a project invalidated by Tulalip. For this project, the deadlines established in Snowbird shall be calculated from the date of this order.

Harder Farms, Inc. and) Project No. 7390-000
Scott Ranch)

(D) The following pending exemption application was inadvertently miscategorized by the August 8, 1984, order as an unaccepted application and was dismissed under ordering paragraph (C) of Snowbird. Since it had in fact been accepted, it is recategorized under Part III of Snowbird and reinstated. For this project, the deadlines established in Snowbird shall be calculated from the date of this order.

Pan-Pacific Hydro, Inc.) Project No. 6955-002

(E) The following pending, unaccepted exemption application was inadvertently excluded from the July 18, 1984, and August 8, 1984, orders. It is now categorized as dismissed under ordering paragraph (C) of Snowbird.

Douglas Water Power Co.) Project No. 7442-000

(F) The following pending, accepted exemption application was inadvertently excluded from the July 18, 1984, and August 8, 1984, orders. It is now categorized as under Part III of Snowbird. For this project, the deadlines established in Snowbird shall be calculated from the date of this order.

Birch Creek Hydro) Project No. 6186-000

(G) The following issued exemption was mistakenly included in ordering paragraph (B) of Eagle Power as void because it appeared that physical construction had not commenced by May 10, 1984. It would in fact use an existing dam and is therefore not a natural water feature exemption. Consequently, it is hereby deleted from Eagle Power and reinstated.

DCH Development Co.) Project No. 6920-001

(H) The following pending, unaccepted exemption application was mistakenly included as a valid natural water feature exemption in Part IV(B)(2) of Pigeon Cove. It would in fact divert water from a man-made canal and therefore does not qualify for a natural water feature exemption. Consequently, it is hereby deleted from Pigeon Cove.

Duane Hutton) Project No. 6362-001

(I) The following pending, unaccepted exemption applications were mistakenly included in ordering paragraph (C) of Snowbird and were dismissed. Because they do not qualify for natural water feature exemptions, they are deleted from Snowbird and are hereby reinstated as pending, unaccepted applications for existing dam exemptions.

BMB Enterprises, Inc.) Project No. 8192-000

Great Western Power & Light, Inc.) Project No. 8230-000

(J) The following pending, accepted exemption application was mistakenly included in Part III of Snowbird. Because it does not qualify for a natural water feature exemption, it is therefore deleted from Snowbird, and is hereby reinstated as a pending, unaccepted application for an existing dam exemption.

William A. Curtis) Project No. 7878-000

(K) 1) On July 20, 1984, Northwestern Resources, Inc. (successor in interest to Frank B. Nichols) filed a motion to stay and modify Eagle Power as it relates to Project No. 5766-000, and on August 8, 1984, filed a petition for rehearing of Eagle Power as it relates to Project No. 5766-000. The motion to modify and the request for rehearing are granted. See ordering paragraph (A). The motion to stay is thus denied as moot.

2) On August 16, 1984, Thomas K. and Jody L. Budde filed a petition for rehearing of Eagle Power as it relates to Project No. 7754-000. The request for rehearing is granted. See ordering paragraph (A).

3) On August 9, 1984, Northern Resources, Inc. filed a petition for rehearing of and motion to modify Eagle Power as it relates to Project No. 3590-001. The motion to modify and the petition for rehearing are granted. See ordering paragraph (A).

4) On August 14, 1984, Southern Pacific Land Company filed a petition for rehearing of Eagle Power as it relates to Project Nos. 6028-000 and 6061-000. The request for rehearing is granted. See ordering paragraph (A).

5) On August 14, 1984, Mega Hydro, Inc. filed a petition for rehearing of Eagle Power as it relates to Project No. 7057-000. The request for rehearing is granted. See ordering paragraph (A).

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Project Nos. 5766-002, et al. -5-

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

6) On August 1, 1984, Xenophon Enterprises, Inc. filed a petition for rehearing of and motion to stay and modify Eagle Power as it relates to Project No. 7010-001. The motion to modify and the petition for rehearing are granted. See ordering paragraph (A). The motion to stay is thus denied as moot.

7) On August 8, 1984, Neocene Explorations, Inc. filed a petition for rehearing of Eagle Power as it relates to Project No. 7006-000. The request for rehearing is granted. See ordering paragraph (A).

8) On August 6, 1984, Dan D. Hudson filed a petition for rehearing of Eagle Power as it relates to Project No. 6788-000. The request for rehearing is granted. See ordering paragraph (A).

9) On August 10, 1984, William Arkoosh filed a petition for rehearing of Eagle Power as it relates to Project No. 7530-000. The request for rehearing is granted. See ordering paragraph (A).

10) On August 28, 1984, Henwood Associates, Inc. filed a petition for rehearing of the order of August 8, 1984, as it relates to Project No. 3730-001. The request for rehearing is granted. See ordering paragraph (B).

11) On September 5, 1984, George Arkoosh filed a petition for rehearing of and motion to stay and modify the order of August 8, 1984, as it relates to Project No. 7548-000. The motion to modify and the petition for rehearing are granted. See ordering paragraph (B). The motion to stay is thus denied as moot.

12) On August 6, 1984, DCH Development Co. filed a petition for rehearing of Eagle Power as it relates to Project No. 6920-001. The request for rehearing is granted. See ordering paragraph (G).

13) The stay of the Director of the Office of Electric Power Regulation's April 30, 1984, order issuing an exemption for Project No. 7010-001 included in the Commission's May 30, 1984, order is hereby lifted.

14) The stay of the August 8, 1984, "Order Correcting Orders" included in the Commission's September 7, 1984, order is hereby lifted in regards to Project Nos. 7548-000 and 6955-002.

By the Commission. Commission Richard concurred with a separate statement attached.

(S E A L)

Kenneth F. Plumb
Kenneth F. Plumb,
Secretary.

Frank B. Nichols) Project No. 5766-002,
et al.

(Issued September 27, 1984)

RICHARD, Commissioner, concurring:

I will concur for the purpose of promoting conformity with our previous orders on this issue. The Eagle Power Co. cases have been tolled pending action on requests for rehearing. My vote here does not preclude reconsideration of the original list nor the corrections listed here.

Oliver G. Richard III
Oliver G. Richard III

Before Commissioners: Raymond J. O'Connor, Chairman;
Georgiana Sheldon, A. G. Sousa,
Oliver G. Richard III and Charles G. Stalon.

Frank B. Nichols
Thomas K. and Jody L. Budde
Northern Resources, Inc.
Southern Pacific Land Co.
Southern Pacific Land Co.
Mega Hydro, Inc.
Xenophon Enterprises, Inc.
Neocene Explorations, Inc.
Steven W. Ricketts
Dan D. Hudson
Paul N. Zeller
William Arkoosh
Henwood Associates, Inc.
George Arkoosh
Harder Farms, Inc. and
Scott Ranch
Pan-Pacific Hydro, Inc.
Douglas Water Power Co.
Birch Creek Hydro
DCH Development Co.
Duane Hutton
BMB Enterprises, Inc.
Great Western Power & Light,
Inc.
William A. Curtis

Project No. 5766-002
Project No. 7754-001
Project No. 3590-004
Project No. 6028-002
Project No. 6061-002
Project No. 7057-001
Project No. 7010-002
Project No. 7006-001
Project No. 7192-000
Project No. 6788-001
Project No. 7422-000
Project No. 7530-001
Project No. 3730-003
Project No. 7548-001
Project No. 7390-000

Project No. 6955-002
Project No. 7442-000
Project No. 6186-000
Project No. 6920-001
Project No. 6362-001
Project No. 8192-000
Project No. 8230-000

Project No. 7878-000

ORDER CORRECTING PREVIOUS ORDERS

(Issued September 27, 1984)

On July 18, 1984, we issued four orders 1/ resolving the status of issued and applied-for natural water feature exemptions in light of the Ninth Circuit's decision in Tulalip Tribes of Washington v. FERC, 732 F.2d 1451 (9th Cir. 1984). Due to the administrative complexity of this task, the four orders mistakenly excluded, included, or miscategorized certain exemptions. Accordingly, on August 8, 1984, we issued an "Order Correcting Orders" to rectify those errors. It now appears from supplemental information available to the Commission and from additional information contained in various petitions filed for rehearing of the July 18, 1984, and August 8, 1984, orders that these orders contain additional factual errors. This order rectifies those errors.

1/ Pigeon Cove Power Co., 28 FERC ¶ 61,064 (1984); Forward Power and Energy Co., 28 FERC ¶ 61,063 (1984); Eagle Power Co., 28 FERC ¶ 61,061 (1984); Snowbird, Ltd., 28 FERC ¶ 61,062 (1984).

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The Commission orders:

(A) The following issued exemptions were miscategorized under ordering paragraph (B) of Eagle Power as void because it appeared that physical construction had not commenced by May 10, 1984. They are recategorized under Part IV(A) of that order because physical construction had in fact commenced by that date, so that Tulalip will not be retroactively applied to them.

Frank B. Nichols (erroneously identified as Frank C. Nicols in <u>Eagle Power</u>)	)	Project No. 5766-000
Thomas K. and Jody L. Budde	)	Project No. 7754-000
Northern Resources, Inc.	)	Project No. 3590-001
Southern Pacific Land Co.	)	Project No. 6028-000
Southern Pacific Land Co.	)	Project No. 6061-000
Mega Hydro, Inc.	)	Project No. 7057-000
Xenophon Enterprises, Inc.	)	Project No. 7010-001
Neocene Explorations, Inc.	)	Project No. 7006-000
William Arkoosh	)	Project No. 7530-000 <i>Lat.</i>
Steven W. Ricketts (erroneously identified as Steven W. Picketts in <u>Eagle Power</u>)	)	Project No. 7192-000
Dan D. Hudson	)	Project No. 6788-000
Paul N. Zeller	)	Project No. 7422-000

(B) The following issued exemptions were miscategorized as being void under ordering paragraph (B) of Eagle Power by the order of August 8, 1984, because it appeared that physical construction had not commenced by May 10, 1984. They are recategorized under Part IV(A) of Eagle Power because physical construction had in fact commenced by that date, so that Tulalip will not be retroactively applied to them.

Henwood Associates, Inc.	)	Project No. 3730-001
George Arkoosh	)	Project No. 7548-000 <i>Lat.</i>

(C) The following pending, accepted exemption application was miscategorized as a valid natural water feature exemption under Part IV(B)(1) of Pigeon Cove; it is now recategorized under Part III of Snowbird since it is a project invalidated by Tulalip. For this project, the deadlines established in Snowbird shall be calculated from the date of this order.

Barber Farms, Inc. and
Scott Ranch

Project No. 7390-000

(D) The following pending exemption application was inadvertently miscategorized by the August 8, 1984, order as an unaccepted application and was dismissed under ordering paragraph (C) of Snowbird. Since it had in fact been accepted, it is recategorized under Part III of Snowbird and reinstated. For this project, the deadlines established in Snowbird shall be calculated from the date of this order.

Pan-Pacific Hydro, Inc.

Project No. 6955-002

(E) The following pending, unaccepted exemption application was inadvertently excluded from the July 18, 1984, and August 8, 1984, orders. It is now categorized as dismissed under ordering paragraph (C) of Snowbird.

Douglas Water Power Co.

Project No. 7442-000

(F) The following pending, accepted exemption application was inadvertently excluded from the July 18, 1984, and August 8, 1984, orders. It is now categorized as under Part III of Snowbird. For this project, the deadlines established in Snowbird shall be calculated from the date of this order.

Birch Creek Hydro

Project No. 6186-000

(G) The following issued exemption was mistakenly included in ordering paragraph (B) of Eagle Power as void because it appeared that physical construction had not commenced by May 10, 1984. It would in fact use an existing dam and is therefore not a natural water feature exemption. Consequently, it is hereby deleted from Eagle Power and reinstated.

DCH Development Co.

Project No. 6920-001

(H) The following pending, unaccepted exemption application was mistakenly included as a valid natural water feature exemption in Part IV(B)(2) of Pigeon Cove. It would in fact divert water from a man-made canal and therefore does not qualify for a natural water feature exemption. Consequently, it is hereby deleted from Pigeon Cove.

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Jane Hutton

Project No. 6362-001

(I) The following pending, unaccepted exemption applications are mistakenly included in ordering paragraph (C) of Snowbird and are dismissed. Because they do not qualify for natural water feature exemptions, they are deleted from Snowbird and are hereby reinstated as pending, unaccepted applications for existing dam exemptions.

SMB Enterprises, Inc.

Project No. 8192-000

Great Western Power & Light, Inc.

Project No. 8230-000

(J) The following pending, accepted exemption application was mistakenly included in Part III of Snowbird. Because it does not qualify for a natural water feature exemption, it is therefore deleted from Snowbird, and is hereby reinstated as a pending, unaccepted application for an existing dam exemption.

William A. Curtis

Project No. 7878-000 *Headsprings*

(K) 1) On July 20, 1984, Northwestern Resources, Inc. (successor in interest to Frank B. Nichols) filed a motion to stay and modify Eagle Power as it relates to Project No. 5766-000, and on August 8, 1984, filed a petition for rehearing of Eagle Power as it relates to Project No. 5766-000. The motion to modify and the request for rehearing are granted. See ordering paragraph (A). The motion to stay is thus denied as moot.

2) On August 16, 1984, Thomas K. and Jody L. Budde filed a petition for rehearing of Eagle Power as it relates to Project No. 7754-000. The request for rehearing is granted. See ordering paragraph (A).

3) On August 9, 1984, Northern Resources, Inc. filed a petition for rehearing of and motion to modify Eagle Power as it relates to Project No. 3590-001. The motion to modify and the petition for rehearing are granted. See ordering paragraph (A).

4) On August 14, 1984, Southern Pacific Land Company filed a petition for rehearing of Eagle Power as it relates to Project Nos. 6028-000 and 6061-000. The request for rehearing is granted. See ordering paragraph (A).

5) On August 14, 1984, Mega Hydro, Inc. filed a petition for rehearing of Eagle Power as it relates to Project No. 7057-000. The request for rehearing is granted. See ordering paragraph (A).

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6) On August 1, 1984, Xenophon Enterprises, Inc. filed a petition for rehearing of and motion to stay and modify Eagle Power as it relates to Project No. 7010-001. The motion to modify and the petition for rehearing are granted. See ordering paragraph (A). The motion to stay is thus denied as moot.

7) On August 8, 1984, Neocene Explorations, Inc. filed a petition for rehearing of Eagle Power as it relates to Project No. 7006-000. The request for rehearing is granted. See ordering paragraph (A).

8) On August 6, 1984, Dan D. Hudson filed a petition for rehearing of Eagle Power as it relates to Project No. 6788-000. The request for rehearing is granted. See ordering paragraph (A).

9) On August 10, 1984, William Arkoosh filed a petition for rehearing of Eagle Power as it relates to Project No. 7530-000. The request for rehearing is granted. See ordering paragraph (A).

10) On August 28, 1984, Henwood Associates, Inc. filed a petition for rehearing of the order of August 8, 1984, as it relates to Project No. 3730-001. The request for rehearing is granted. See ordering paragraph (B).

11) On September 5, 1984, George Arkoosh filed a petition for rehearing of and motion to stay and modify the order of August 8, 1984, as it relates to Project No. 7548-000. The motion to modify and the petition for rehearing are granted. See ordering paragraph (B). The motion to stay is thus denied as moot. } *

12) On August 6, 1984, DCH Development Co. filed a petition for rehearing of Eagle Power as it relates to Project No. 6920-001. The request for rehearing is granted. See ordering paragraph (G).

13) The stay of the Director of the Office of Electric Power Regulation's April 30, 1984, order issuing an exemption for Project No. 7010-001 included in the Commission's May 30, 1984, order is hereby lifted.

14) The stay of the August 8, 1984, "Order Correcting Orders" included in the Commission's September 7, 1984, order is hereby lifted in regards to Project Nos. 7548-000 and 6955-002.

By the Commission, Commission Richard concurred with a separate statement attached.

(S E A L)

Kenneth F. Plumb

Kenneth F. Plumb,
Secretary.

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FEDERAL ENERGY REGULATORY COMMISSION

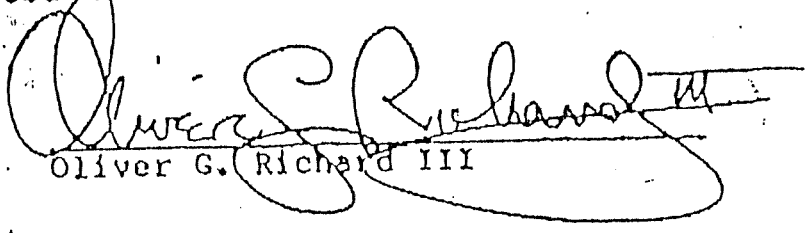
Frank B. Nichols

Project No. 5766-002,
et al.

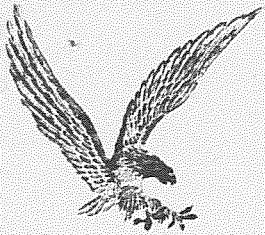
(Issued September 27, 1984)

RICHARD, Commissioner, concurring:

I will concur for the purpose of promoting conformity with our previous orders on this issue. The Eagle Power Co. cases have been tolled pending action on requests for rehearing. My vote here does not preclude reconsideration of the original list nor the corrections listed here.


Oliver G. Richard III

MICROFILMED



Consulting Associates, Incorporated

BOISE OFFICE
VERNON RAVENSCROFT
HELEN CHENOWETH

PHONE (208) 345-2670
P.O. BOX 893
BOISE, IDAHO 83701

April 5, 1985

Call up Aug 1, 1985
DRT

RECEIVED
APR 8 1985

Mr. David R. Tuthill, Jr., P.E.
Supervisor, Water Allocation Section
DEPARTMENT OF WATER RESOURCES
450 W. State Street
Boise, ID 83720

Department of Water Resources

Dear Dave,

Reference your April 2nd letter to Mrs. Chenoweth asking information as to the financial status for water application for permit #37-8096. Please accept this letter as the petition from the applicant, George F. Arkoosh, for additional time to submit the financial commitment material in regard to the hydro project for which this application was made.

One long term financial commitment was accepted with provisions for funding as of January 1, 1985. That arrangement defaulted and as of this moment George F. Arkoosh is working with three other sources, any one of which can supply the necessary funding. Final decisions and commitment letters will be available within a month.

Personal regards,

Vernon F. Ravenscroft
Vernon F. Ravenscroft

VFR:mf

cc: Mitch Arkoosh

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State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

April 2, 1985

Consulting Associates, Inc.
Attn: Helen Chenoweth, Vice President
P.O. Box 893
Boise, ID 83701

Re: Application for Permit No. 37-8096,
in the name of George F. Arkoosh

Dear Ms. Chenoweth:

The purpose of this letter is to follow up my letter dated January 29, 1985 regarding this project. Please advise us regarding the status of financing for the proposed hydroelectric development, in order to maintain the application for permit in a valid status.

Sincerely,

DAVID R. TUTHILL, JR., P.E.
Supervisor, Water Allocation Section

DRT/ljs

MICROFILMED



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

January 29, 1985

Consulting Associates, Inc.
Attn: Helen Chenoweth, Vice President
P.O. Box 893
Boise, ID 83701

Re: Application for Permit No. 37-8096, in the name of George F. Arkoosh

Dear Ms. Chenoweth:

This office is currently reviewing the above-referenced Application for Permit. Most required information has been provided. However, we require additional documentation in one category.

As you are aware, the applicant needs to provide information regarding proposed financing of the project. Our file contains a letter from you dated December 19, 1984, which transmitted a copy of a letter with Snedigar Ranch letterhead which provided the proposal for financing a portion of the proposed hydropower project. The letter is inadequate for our purposes in two regards. First, because Snedigar Ranch is not a standard lending institution, we would need information regarding the financial capability of New Energy, Inc. to determine the capability of the organization for financing. Second, the proposal is very tentative in nature and accounts for only 30% of the cost of the project with an indication that the remaining 70% of the cost of the project would be jointly borrowed by New Energy, Inc. and Geo-Bon.

At this time, the application will be held pending the submittal of additional financial information. Such information should address the entire financing package for the proposed project and should specifically address the Application for Permit by number. Please provide this information by March 1, 1985, in order to allow our processing of the application in a timely manner. If you have questions regarding our requirements, please feel free to contact this office.

Sincerely,

DAVID R. TUTHILL, JR., P.E.
Supervisor, Water Allocation Section

DRT/ljs

MICROFILMED

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

GEORGE ARKOOSH and BONNIE ARKOOSH, husband and wife,)

Complainants,

vs:

IDAHO POWER COMPANY, a MAINE CORPORATION

Respondent.

CASE NO U-1006-237

BRIEF OF INTERVENOR,

IDAHO CONSUMER AFFAIRS, INC.

Relative to issues and matters linking GEO-BON II power project with the energy policies of the United States, The Pacific Northwest and Southern Idaho, IDAHO CONSUMER AFFAIRS, INC., submits the following:

PURPA and the PACIFIC NORTHWEST POWER ACT(P.L. 96-501)

As we stated in our Brief regarding Case U-1006-200, at page four, Quote, "There is no doubt in our mind that Section 210 of PURPA requires Iddaho Power Company (IPCo) to bargain in good faith and in an expeditious manner with the potential small hydro power producers and cogenerators that desire to sell the power generated by these plants to the local utility; in this case IPCo. However, we feel no obstructive or dilatory tactics should be employed by IPCo to forstall the implementation of worthy projects because they, IPCo, do not want any active generating capacity built in their territory that they do not own or control-----"

We find the Commission has on previous occasions by language contained in various orders, No. 18190, Case U-1006-200, Order No. 15746, Case No. P-300-12, Order No. 17478, Case U-1006-199, Order No. 18896, Case U-1006-234, affirmed the Cogenerators and Small Power Producers (CSPP's) rights to build small power projects and sell the output to IPCo, and has even expressed criticism of IPCo's intransigence, which we feel supports our position as expressed above, which we quote from page two of the Commission's Order No. 18896, Case U-1006-234. Quote, "To add insult to injury, the Company is now using its own intransigence as leverage to force small power producers to accept unconscionable contract language that repudiates the producers' own legal rights"-----.

(Judicial Notice is requested be taken of the above identified Briefs and Commission orders, particularly the portions quoted as pertaining and relevant to this case)

We find in the Northwest Power Planning Council's Regional Conservation and Electric Power Plan Draft of 1983 at page 1-4, seven specific goals, one of which is: Quote, "To provide a reliable power supply to meet any realistic future load growth", endquote, noting that the Northwest Power Planning Council was established by the Pacific Northwest Power and Conservation act of 1980 (P.L.96-501). Consequently, in our view, this Geo-Bon II power project legally comes within the provisions of the Act which supports the building of CSPP projects, and this Geo-Bon II project also complies with the now established goal of the Power Planning Council, as above stated, and ICA's Exhibit No. 2 supports this project's reliability

In addition, we find this Geo-Bon II project's rate schedules should be set by this Commission in accordance with IPCo's own suggested rate schedules it filed with the Commission in Case U-1006-200, which became effective August 5, 1983, in compliance with the Commission's order No. 18190, per ICA Exhibit No. 1.

Also, we find that Geo-Bon II does have a valid exemption from FERC for small hydro projects with a capacity of less than 5 megawatts and does not fall within the Tualip Decision which obviously has been used by IPCo as a stalling tactic, see IPCo's letter by Barton L. Kline to Mr. Kenneth F. Plumb, Secretary of FERC of July 24, 1984, (ICA's Exhibit No. 3).

Another point of interest to ICA relates to the water right for the project, find Geo-Bon II and we find according to the June 1, 1984 letter to Mr. Vern Ravenscroft by Mr. Loren O. Holmes, Southern Region Supervisor, State of Idaho, Department of Water Resources, dated June 1, 1984 in item 3 states, Quote, "A reasonable showing of a 'here and now' financial commitment by the applicant or a project developer sufficient to construct the project.", endquote. Consequently, it is our view according to the Robert and David Snedigar intervention and corresponding Brief filed on December 27, 1984 with the Commission, that an order by this Commission mandating a fixed rate/fixed term contract with George and Bonnie Arkoosh will secure the necessary financial commitment from the Snedigars to insure the ICA Brief

issuance of a valid water right to the Arkooshes for Geo-Bon II project under application #37-8096 by the Idaho Department of Water Resources. (ICA Exhibit No 4)

IDAHO SUPREME COURT DECISION: 1984 Opinion No. 167

The Commission in its "Notice of Briefing Schedule of December 21, 1984", requested parties to this Case U-1006-237 address the issues decided by the Supreme Court in Opinion No. 167 as they relate to this case, U-1006-237.

We are supportive of the opinion as expressed for the majority of the Court by Justice Huntly, on pages 2 & 3 of this opinion; noting in particular, Quote, "In our opinion of January 11, 1984, we held that the Idaho Public Utilities Commission has jurisdiction to order Idaho Power to enter into a fixed term, fixed rate contract to purchase energy from Afton.-----", Endquote. Thus, it is very obvious this Afton decision applies equally well to the Geo-Bon II project.

In addition, we quote from the last paragraph of this Opinion, "An agreement such as the one entered into between Afton Energy and Idaho Power, while not constituting a tariff, is a special type of Contract. The Commission should apply the fair, just and reasonable standard, in a manner not inconsistent with federal law to the extent that it may be applicable, to determine whether the rates need to be adjusted in this ^{particular} type of contract. In making this determination, the Commission must consider the effect of the contract rate on the utility, its stockholders and customers and the benefits to the utility power supply system which may be realized through the development of co-generation facilities."-----", endquote, emphasis added.

We feel this decision supports our position that IPCo should comply with both PURPA and the Northwest Power Act and the relative decisions and requirements promulgated by the Idaho Public Utilities Commission and the Northwest Power Planning Council. Furthermore, IPCo is a hydro system, in the main, consequently will enjoy a renewable fuel supply less costly than fossil fuel alternates. In the long run the Geo-Bon II project, which will benefit IPCo's ratepayers, ^{will} provide additional reserve capacity to IPCo's large hydro base and benefit stockholders by their not having the value of their stock diluted by the issuance of large amounts of

additional stock to finance very expensive thermal plants. Also, the CSPP's can mitigate the necessity of IPCo's having to import additional power to meet summer peak load, since IPCo's witnesses have testified on prior occasions they do not have the transmission line capacity to import BPA surplus power to meet their summer peak or needle peak requirements. (See Don Barclay's testimony before the N.W. Power Planning Council's hearing's held regarding the Council's Fish and Wildlife Plan).

With further reference to the costs to IPCo's system of providing power from thermal plants, we call the Commission's attention to the fact that for the calendar year 1983, the cost of generating thermal power at the Boardman, Oregon plant, of which IPCo has a ten per cent interest, was 446.96 mills/Kwh., according to the IPCo's Form 1 supplied to FERC for CY 1983 at page 403. (We request the Commission to take Judicial notice of this fact). We do not support the avoided cost that IPCo pays CSPP producers being set by the Commission at 446.96 mills/Kwh; we support the schedule outlined in our Exhibit No. 1, but we do find it exceedingly strange IPCo still endeavors to thwart all the CSPP projects it can and we feel the past record of IPCo in this regard speaks for itself.

CONCLUSION

We feel that the proposed agreement to subordinate IPCo's Swan Falls water rights that will be introduced to the upcoming session of the Idaho Legislature, if passed, will have a very detrimental impact on the hydro generating capacity of IPCo's hydro generating stations. And although we won't attempt to predict the future water flows of the Little Wood River and the consequent impact on the Geo-Bon II project, we feel CSPP plants such as Geo-Bon II will be needed by IPCo to supply its future energy needs. Hence, we respectfully request the Commission to order IPCo to enter into a fixed rate/fixed term contract for Geo-Bon II.

Finally, a recent study by the Washington State Energy Office for Washington's members of the Northwest Power Planning Council revealed that about the year 2000 IPCo expects a deficit of 460,000 KW of generating capacity, so projects such as Geo-Bon II will undoubtedly be a benefit to IPCo and all others concerned.

At this point, we move the Commission adopt the exhibits we have submitted.

IDAHO CONSUMER AFFAIRS, INC.

Dated at: Nampa, Idaho 83651
December 31, 1984

BY

Harold C. Miles
Harold C. Miles-Chairman-Energy and Natural
Resources Committee

I hereby certify that on December 31, 1984, I personally delivered or mailed the original and eight copies of this document to the Secretary of the Idaho Public Utilities Commission, First Class, postage prepaid, and a copy of the same to each of the other parties to this case and three copies to the Idaho Power Co. at its corporate headquarters office.

Harold C. Miles
Harold C. Miles

Dated at: Nampa, Idaho 83651
December 31, 1984

ICA BRIEF

(5)

MICROFILMED

IDAHO POWER COMPANY
COGENERATION AND SMALL POWER PRODUCTION
RATE SCHEDULE FOR 35-YEAR CONTRACTS
U-1006-200

	ENERGY PAYMENTS (Mills/KWH)			
	<u>DEC-FEB</u>	<u>MAR-MAY</u>	<u>JUN-AUG</u>	<u>SEP-NOV</u>
<u>CONTRACTS BEGINNING IN 1983:</u>				
35-Year Levelized Payment	66.8	44.6	66.8	44.6
Adjustable Payment (*)	8.0	5.4	8.0	5.4
Total Payment	<u>74.8</u>	<u>50.0</u>	<u>74.8</u>	<u>50.0</u>
<u>CONTRACTS BEGINNING IN 1984:</u>				
35-Year Levelized Payment	70.0	46.7	70.0	46.7
Adjustable Payment (*)	8.0	5.4	8.0	5.4
Total Payment	<u>78.0</u>	<u>52.1</u>	<u>78.0</u>	<u>52.1</u>
<u>CONTRACTS BEGINNING IN 1985:</u>				
35-Year Levelized Payment	73.3	48.9	73.3	48.9
Adjustable Payment (*)	8.0	5.4	8.0	5.4
Total Payment	<u>81.3</u>	<u>54.3</u>	<u>81.3</u>	<u>54.3</u>
<u>CONTRACTS BEGINNING IN 1986:</u>				
35-Year Levelized Payment	76.7	51.1	76.7	51.1
Adjustable Payment (*)	8.0	5.4	8.0	5.4
Total Payment	<u>84.7</u>	<u>56.5</u>	<u>84.7</u>	<u>56.5</u>
<u>CONTRACTS BEGINNING IN 1987:</u>				
35-Year Levelized Payment	80.1	53.4	80.1	53.4
Adjustable Payment (*)	8.0	5.4	8.0	5.4
Total Payment	<u>88.1</u>	<u>58.8</u>	<u>88.1</u>	<u>58.8</u>

(*) The adjustable rate component shall be adjusted in connection with general retail rate changes authorized by the Idaho Public Utilities Commission.

Note! These rates became effective August 5, 1983 in compliance with the Idaho Public Utilities Commission Order No. 18190.

Additional Note! These 35 year Contract Rate Schedules were still in effect as of December 18, 1984 according to Commissioner Ward.

Harold C. Miles
Harold C. Miles

MICROFILMED

GEO BON II

ENERGY ANALYSIS
NET HEAD 30.4 FEET

Ted S. Sorenson, P.E.
Summer/Winter Power Rate 83.3
Spring/Fall Power Rate 55.7
October 5, 1984

Month	Flow (cfs)	Minimum Flow (cfs)	Net Flow	Efficiency* turbine x generator	KW	KW-HR x 10 ³	Revenue
O	56.1	13	43.1	0	0	0	0
N	103.1	13	90.1	(.847)(.95)	186.54	134.3	\$ 7,481
D	133.4	13	120.4	(.878)(.95)	258.40	192.2	16,010
J	122.7	13	109.7	(.861)(.95)	230.9	171.8	14,311
F	145.6	13	132.6	(.887)(.95)	287.5	193.2	16,094
M	159.6	13	146.6	(.895)(.95)	320.7	238.6	12,717
A	257.6	50	204.6	(.906)(.95)	460.8	331.0	18,437
M	484.9	60	424.9	(.909)(.95)	954.0	709.8	39,536
J	513.8	50	457.2	(.902)(.95)	1017.0	732.7	61,034
J	500.2	40	457.2	(.902)(.95)	1017.0	732.7	61,034
A	482.7	40	439.7	(.906)(.95)	983.0	731.3	60,917
S	442.3	40	402.3	(.904)(.95)	898.3	646.8	36,027
Total						4,814.4	\$343,598
Total with Friction Allowances						4,779.8	341,129
Total with 2% Down Time						4,684.2	334,306

Note! Mr. Ted Sorenson advised me verbally that these water flows were based upon a 20 year average.

*Supplied by Voith

Harold C. Miles
Harold C. Miles

MICROFILMED

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

EXEMPTION
NATURAL WATER
FEATURE

Before Commissioners: Raymond J. O'Connor, Chairman;
Georgiana Sheldon, A. G. Sousa,
Oliver G. Richard III and Charles G. Stalon.

Frank B. Nichols	)	Project No. 5766-002
Thomas K. and Jody L. Budde	)	Project No. 7754-001
Northern Resources, Inc.	)	Project No. 3590-004
Southern Pacific Land Co.	)	Project No. 6028-002
Mega Hydro, Inc.	)	Project No. 6061-002
Xenophon Enterprises, Inc.	)	Project No. 7057-001
Neocene Explorations, Inc.	)	Project No. 7010-002
Steven W. Ricketts	)	Project No. 7006-001
Dan D. Hudson	)	Project No. 7192-000
William Arkoosh	)	Project No. 6788-001
Henwood Associates, Inc.	)	Project No. 7422-000
George Arkoosh	)	Project No. 7530-001
Harder Farms, Inc. and	)	Project No. 7330-003
Scott Ranch	)	Project No. 7548-001
Pan-Pacific Hydro, Inc.	)	Project No. 7390-000
Douglas Water Power Co.	)	Project No. 6955-002
Birch Creek Hydro	)	Project No. 7442-000
DCH Development Co.	)	Project No. 6186-000
Duane Hutton	)	Project No. 6920-001
BMB Enterprises, Inc.	)	Project No. 6362-001
Great Western Power & Light, Inc.	)	Project No. 8192-000
William A. Curtis	)	Project No. 8230-000
	)	Project No. 7878-000

ORDER CORRECTING PREVIOUS ORDERS
(Issued September 27, 1984)

On July 18, 1984, we issued four orders 1/ resolving the status of issued and applied-for natural water feature exemptions in light of the Ninth Circuit's decision in Tulalip Tribes of Washington v. FERC, 732 F.2d 1451 (9th Cir. 1984). Due to the administrative complexity of this task, the four orders mistakenly excluded, included, or miscategorized certain exemptions. Accordingly, on August 8, 1984, we issued an "Order Correcting Orders" to rectify those errors. It now appears from supplemental information available to the Commission and from additional information contained in various petitions filed for rehearing of the July 18, 1984, and August 8, 1984, orders that these orders contain additional factual errors. This order rectifies those errors.

1/ Pigeon Lake Power Co., 28 FERC ¶ 61,064 (1984); Forward Power and Energy Co., 28 FERC ¶ 61,063 (1984); Eagle Power Co., 28 FERC ¶ 61,061 (1984); Snowbird, Ltd., 28 FERC ¶ 61,062 (1984).

DC-A-39

Project Nos. 5766-002, et al. -2-

The Commission orders:

(A) The following issued exemptions were miscategorized under ordering paragraph (B) of Eagle Power as void because it appeared that physical construction had not commenced by May 10, 1984. They are recategorized under Part IV(A) of that order because physical construction had in fact commenced by that date, so that Tulalip will not be retroactively applied to them.

Frank B. Nichols	)	Project No. 5766-000
(erroneously identified as	)	
Frank C. Nichols in <u>Eagle Power</u>)	)	
Thomas K. and Jody L. Budde	)	Project No. 7754-000
Northern Resources, Inc.	)	Project No. 3590-001
Southern Pacific Land Co.	)	Project No. 6028-000
Southern Pacific Land Co.	)	Project No. 6061-000
Mega Hydro, Inc.	)	Project No. 7057-000
Xenophon Enterprises, Inc.	)	Project No. 7010-001
Neocene Explorations, Inc.	)	Project No. 7006-000
William Arkoosh	)	Project No. 7530-000
Steven W. Ricketts	)	Project No. 7192-000
(erroneously identified as	)	
Steven W. Ricketts in <u>Eagle Power</u>)	)	
Dan D. Hudson	)	Project No. 6788-000
Paul N. Zeller	)	Project No. 7422-000
Henwood Associates, Inc.	)	Project No. 7730-001
George Arkoosh	)	Project No. 7548-000

(B) The following issued exemptions were miscategorized as being void under ordering paragraph (B) of Eagle Power by the order of August 8, 1984, because it appeared that physical construction had not commenced by May 10, 1984. They are recategorized under Part IV(A) of Eagle Power because physical construction had in fact commenced by that date, so that Tulalip will not be retroactively applied to them.

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

June 1, 1984

George Arkoosh
Rt. 1 Box 204
Gooding, Idaho 83330

Re: Applications for Permit No. 37-8096 - 37-8120

Dear Mr. Arkoosh:

Mr. Vernon Ravenscroft has advised me that the material submitted for the file on your hydro-electric project, Geo-Bon #2 is meant to apply to application 37-8096 instead of 37-8120.

This means that my letter of May 22, 1984 is in error as to the items needed to complete the application files.

The following are the items needed for the 2 application files before final action can be taken by the Department:

37-8120 - (Geo-Bon #1 in Sec. 33, T5S, R17E)

- 1) A plan for the proposed facility showing locations, elevations, and approximate dimensions for all major components of the facility.
- 2) An itemized estimate of the cost of constructing the facility.
- 3) A reasonable showing of a 'here and now' financial commitment by the applicant or a project developer sufficient to construct the project.

37-8096 - (Geo-Bon #2 in Sec. 29, T5S, R17E)

Only item 3 above, the showing of financial commitment need to be submitted to complete the file on this application.

If you have any questions, please feel free to contact this office.

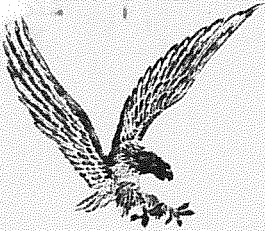
Very truly yours,

LOREN O. HOLMES
Southern Region Supervisor

LOH:marya

cc: Vernon Ravenscroft

MICROFILMED



Consulting Associates, Incorporated

BOISE OFFICE
VERNON RAVENSCROFT
HELEN CHENOWETH

PHONE (208) 345-2670
P.O. BOX 893
BOISE, IDAHO 83701

RECEIVED
DEC 20 1984
Department of Water Resources
Sawtooth Center, Boise

December 19, 1984

Mr. Loren Holmes
Idaho Department of
Water Resources
1041 Blue Lakes Blvd., N.
Twin Falls, Idaho 83301

Dear Loren:

As I mentioned in our phone conversation I am forwarding a copy of the Snedigar Commitment Letter to you for your reference.

It is important that you know that this material is confidential and not for public consumption.

Thanks again for your help and if there is any thing else you need please call.

Sincerely,

Helen Chenoweth
Vice President

HPC:mk

Enclosure

MICROFILMED

SNEDIGAR RANCH

Route 4
Buhl, Idaho 83316
(208)543-6842

Robert Snedigar
Owner

David R. Snedigar
Manager

A SUBSIDIARY OF NEW ENERGY, INC.

November 30, 1984

Mr. George F. Arkoosh, President
GEO-BON INC.
Gooding, Id 83338

Re: Commitment for Hydro plant financing
and lease purchase agreement.

New Energy Inc. an Arizona Corporation, qualified to do business in Idaho is pleased to make the following proposal for the formation of a development and finance agreement for the Geo-Bon II hydropower project located near Shoshone, Idaho.

The following terms and conditions outline the basis for this proposal:

1. COST: Total cost of the project is assumed to be no more than \$1,914,000.00.

2. STRUCTURE: A lease purchase agreement will be formed between New Energy and Geo-Bon. New Energy will construct the hydro project, then lease it to Geo-Bon. The term of this lease agreement will be 15 years beginning on the first day of FIRM energy production. Years One thru Fifteen Geo-Bon will lease the Hydro Project from New Energy. At the end of fifteen years Geo-Bon will purchase all New Energy's interest in the Project.

3. TAX BENEFITS: Tax benefits shall be allocated 100% to New Energy through out the fifteen year agreement.

4. FINANCING: New Energy will invest 30% of the cost of the project as follows:

December 3, 1984	\$15,000.00
January 10, 1985.....	\$225,000.00
February 1, 1985 thru	
May 1, 1985.....	\$334,000.00

The remaining 70% cost of the project will be jointly borrowed by New Energy and Geo-Bon.

MICROFILMED

5. DISTRIBUTION OF CASH FLOW: All cash generated by project will be distributed by an escrow agent in the following priority:

A. Coverage of debt service: specifically, this is the 70% jointly borrowed by New Energy and Geo-Bon.

B. Lease Fees: Approximately \$59,000 per year is to be paid to New Energy in monthly installments. These installments will vary depending on the monthly earning capacity of the project.

C. Insurance Premiums: All items of project deemed necessary by New Energy will be insured. All premiums and deductables will be paid by project.

D. Taxes, water assessments.

E. Maintenance and Operation: Geo-Bon will perform all maintenance and operation and submit monthly billings as per budget governed by Geo-Bon.

F. All remaining cash flow shall be paid to Geo-Bon.

6. INTERIM INTEREST: A one time payment to New Energy for interest on the 30% investment funds is to be made on the first FIRM Energy date. This payment is to be calculated at 14% beginning at funding date and ending at first FIRM energy date. This payment is part of the project construction cost.

7. CONTINGENCIES, RESERVES, AND COST OVER RUNS: All left over monies, reserves and contingencies of project construction are to be paid to Geo-Bon for the purpose of servicing the real estate debt of the project of which Geo-Bon is singularly responsible. Geo-Bon is also singly responsible for any project cost overruns.

8. ADDITIONAL WATER: Geo-Bon will be beneficiary of all supplemental or additional water.

9. ASSIGNMENTS: The FERC Exemption, Idaho Water Rights permit, Army Corps Permit, and all other State and County permits pertaining to the project are to be assigned to New Energy. Geo-Bon will also assign all reasonable access and real property rights necessary for the ongoing construction, operation and maintenance of the project.

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Mr. George Arkoosh

Page 3

10. INSPECTION: Throughout the fifteen year lease agreement and during construction, New Energy will, periodically, perform inspections of the project to insure that the maintenance and operation, along with construction, is being performed in a good, business-like manner. New Energy will have full rights of ingress and egress to the project during construction and lease periods.

11. DOCUMENTATION: It is expressly understood by New Energy and Geo-Bon that a detailed and formal development and financial agreement will be drafted for the Geo-Bon II hydro project. Both parties agree to expeditiously execute all documents necessary to complete and make the project operational.

12. TATE TAX ADJUSTMENT: In the event that New Energy and/or their Asssociates should find the Idaho State Tax credits of this project of no benefit to them Geo-Bon agrees to purchase these tax credits from New Energy at full face value. Funds for this purchase shall come from:

1. Left over monies, reserves or contingencies of project construction.
2. This payment will supersede item #5-F of this agreement.

The undersigned hereby agree to the above financing and development proposal.

GEO-BON, INC.

NEW ENERGY, INC.



George F. Arkoosh
President
Geo-Bon Inc.



David R. Snedigar
Vice President
New Energy, Inc.

MICROFILMED

STATE OF IDAHO)
) ss.
County of ADA)

On this 30th day of November, 1984, before me, the undersigned, a Notary Public in and for said County and State, personally appeared George Arkoosh known to me as the President of Geo-Bon, Inc. and David Snedigar, known to me as Vice President of New Energy, Inc and known to me as the persons whose names are subscribed to the within instrument, and acknowledged to me that they have read the foregoing instrument and executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official, this 30th day of November, 1984.

Margie Ireland
Notary Public

(seal)

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

December 18, 1984

Bob Bell, Regional Fisheries Biologist
Idaho Fish & Game Department
Region #4
P. O. Box 428
Jerome, Idaho 83338

Re: Application for Permit No. 37-8096

Dear Mr. Bell:

Please find enclosed a copy of the above referenced application
for permit for your information and files.

Very truly yours,

Mary A. Newby
Sec/Office Coord.

for

Loren O. Holmes
Southern Region Supervisor

Encl:

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

December 18, 1984

Reid J. Newby
Watermaster District 37
Box T
Shoshone, Idaho 83352

Re: Application for Permit No. 37-8096

Dear Mr. Newby:

Please find enclosed a copy of the above referenced application for permit for your information and files.

Very truly yours,

Mary A. Newby
Sec/Office Coord.

for

Loren O. Holmes
Southern Region Supervisor

Encl:

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State of Idaho

DEPARTMENT OF WATER RESOURCES

WESTERN REGION, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

37-8696

Geo-Bon #2

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-2190

September 14, 1984

Walla Walla District
Corps of Engineers
Bldg. 602, City-County Airport
Walla Walla, WA 99362

RE: 071-OYC-4-002283

Gentlemen:

The State of Idaho has reviewed the above referenced public notice and has no objection to the Corps issuing a permit providing the following condition is added:

1. The rock used in the diversion dam must be of sufficient size to be stable when overtopped by high flows and to be stable against flows from the spillway.

A state stream alteration permit is not required for construction of the diversion dam but will be for construction of the tailrace..

The Department of Fish and Game and the Department of Lands did not comment. To insure protection of water quality the following conditions should be included.

1. The use of clay in the construction activities shall be limited to areas that will not be subject to washing or erosion.
2. The waterward side of the diversion shall consist of materials of adequate size free of fine materials to assure stability and prevent erosion.
3. Construction activities shall be conducted in such a manner as to control turbidity in the Little Wood River.

If construction is completed in accordance with the described work plan and above conditions, the Department of Health and Welfare will certify under Section 401 that this construction will comply with applicable requirements of Sections 301, 302,

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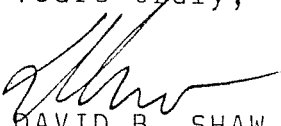
SEP 21 1984

Department of Water Resources
Southern District Office

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303, 306 and 307 of PL 92-500 and will not violate Idaho Water Quality Standards and Wastewater Treatment Requirements.

Yours truly,



DAVID B. SHAW
Western Region Supervisor

DBS:nn
enc.

cc: IDWR-S.O., F&G, Lands, H&W
Southern Reg.

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US Army Corps
of Engineers

Walla Walla District
Bldg. 602, City Cnty Airport
Walla Walla, WA 99362

Public Notice of Application for Permit

JUL 13 1984

REFERENCE NO. 071-OYC-4-002283

Department of Water Resources
Water Control Office

NAME George Arkoosh

PUBLIC NOTICE DATE July 13, 1984

30-Day Notice

EXPIRATION DATE August 13, 1984

Interested parties are hereby notified that application has been received for Department of the Army permit for certain work in waters of the United States described below and shown on the attached plan.

APPLICANT - George Arkoosh, Route 1, Gooding, Idaho 83330, telephone (208) 934-5014. For additional information, contact Consulting Associates, Incorporated, Post Office Box 893, Boise, Idaho 83701, telephone (208) 345-2670. For information from the Corps of Engineers contact Jim Fellows at (509) 522-6724, FTS telephone 8-434-6724.

LOCATION - Little Wood River, Sec. 29, T.5S., R.17E., B.M., Lincoln County, Idaho.

WORK - To place 2000 cubic yards of shot rock for the construction of a diversion structure. Structure will be faced with gravel and clay. Rock will be pushed in place and compacted with a large dozer. The gravel and clay will be placed by dump truck and then spread and compacted with the same dozer. Location and description as shown on the attached drawing sheets.

PURPOSE (PER APPLICANT) - To divert water into a diversion canal for the purpose of supplying water to a hydro electric generating plant.

OTHER AUTHORIZATIONS - Other authorizations obtained or requested include, but are not necessarily limited to, FERC Exemption 7548-000 (applied on August 22, 1983), Idaho Department of Water Resources Water Rights 37-8096 (applied on May 4, 1984)

WATER QUALITY CERTIFICATION - This will also serve as public notice of the intent of the Idaho Department of Health and Welfare, Statehouse, Boise, Idaho 83720, to consider certifying that the project or discharge herein will not violate existing water quality standards and that the permit will not be issued until such certification, as required by Section 401 of the Clean Water Act, has been issued by the State of Idaho.

PUBLIC HEARING - Any person may request in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for a public hearing shall state with particularity the reasons for holding a public hearing.

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CULTURAL RESOURCES - The latest version of the National Register of Historic Places has been consulted, and this site is not listed. This review constitutes the extent of cultural resource investigations by the District Engineer, and he is otherwise unaware of the presence of such resources.

ENDANGERED SPECIES - Preliminary determinations indicate that the proposed activity will not affect endangered species, or their critical habitat, designated as endangered or threatened (Endangered Species Act). Formal consultation under Section 7(c) of the Act is not required.

FLOODPLAIN MANAGEMENT - The proposed activity will be reviewed in accordance with Executive Order 11988, "Floodplain Management," dated 24 May 1977. This review will also include evaluation of the proposed activity to avoid the long and short term adverse impacts associated with occupying and modifying floodplains.

AUTHORITY - This permit will be issued or denied under the following authority:
Discharge of dredged or fill material into waters of the United States -
Section 404, Clean Water Act (33 U.S.C. 1344).

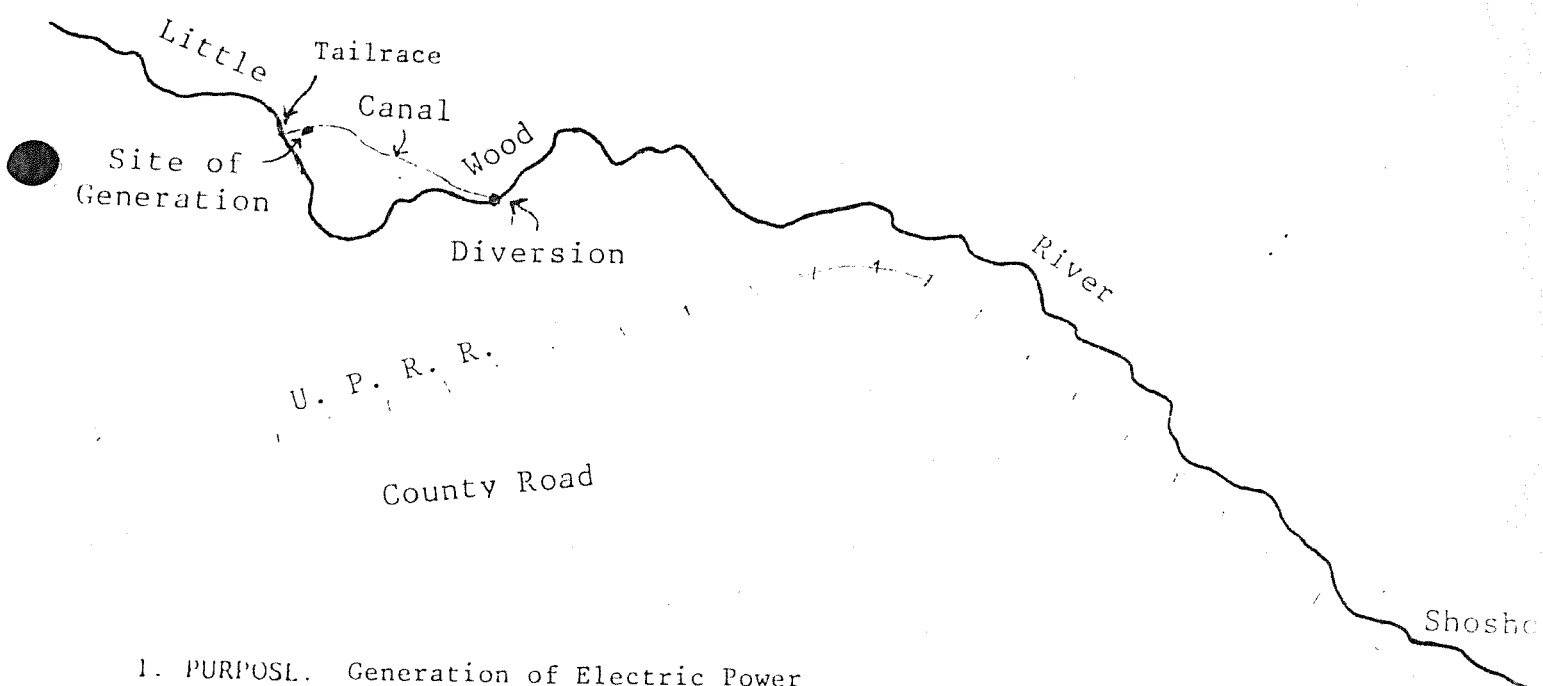
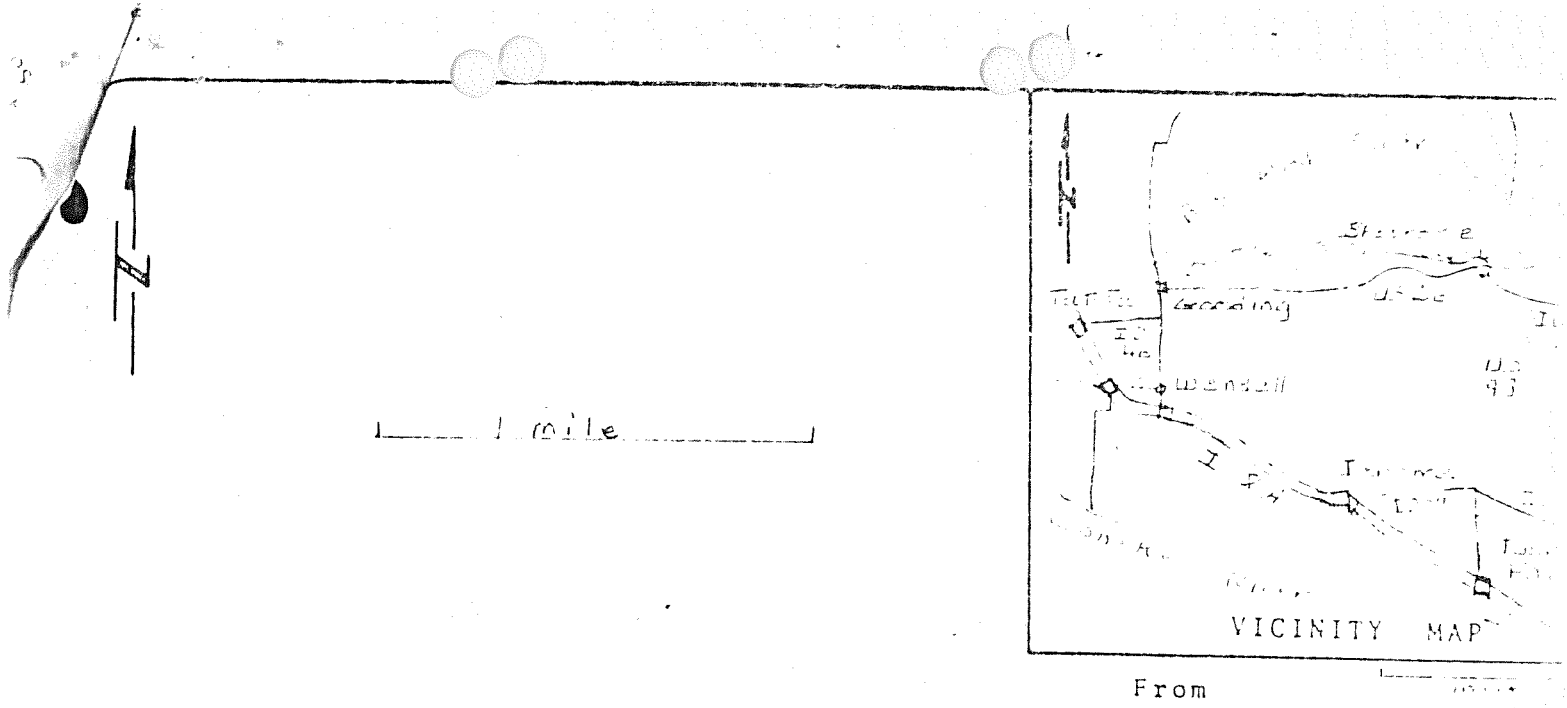
EVALUATION - The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonable foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion, and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production, and in general the needs and welfare of the people. In addition, if the proposal will discharge dredged or fill material, the impact of the activity on the public interest will include application of the EPA Guidelines (40 CFR 230) as required by Section 404(b)(1) of the Clean Water Act.

COMMENT AND REVIEW PERIOD - Interested parties are invited to provide their views on the proposed work, which will become a part of the record and will be considered in the decision. Comments should be mailed to: District Engineer, Walla Walla District Corps of Engineers, ATTN: NPWOP-RM, Building 602, City-County Airport, Walla Walla, Washington 99362. Comments must be postmarked not later than the expiration date of this notice to receive consideration. Lack of response within the designated comment period, or responses received which do not present specific reasons for delaying final action on this permit application will be considered as no objection to the activity described herein.



G. Dean Hilliard
Chief, Regulatory Functions Branch

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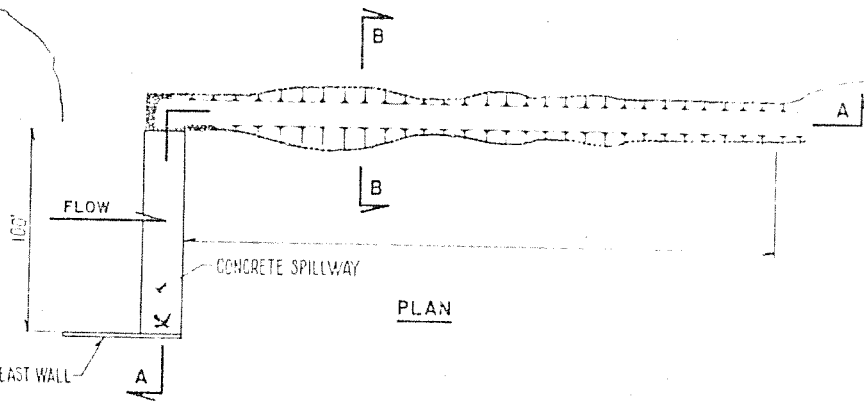


1. PURPOSE. Generation of Electric Power
2. DATUM PLANE:
 - a. HIGH WATER Diversion 3872 m.s.l.
 - b. LOW WATER Site of Generation 3842 m.s.l.
3. NAME AND ADDRESS OF ADJACENT PROPERTY OWNERS
 - a. None
 - b.
4. COMMERCIAL ☒ /
NONCOMMERCIAL ☐ /

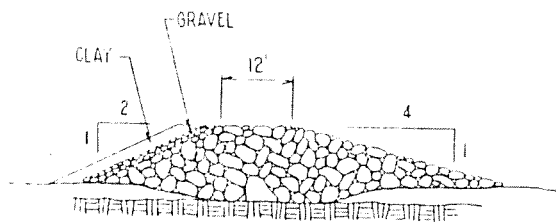
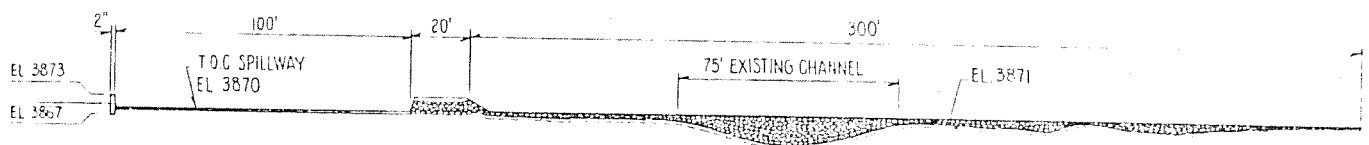
071-0YC-4-002283
 IN Little Wood River
 IN/NEAR Shoshone, Idaho
 Gooding COUNTY,
 APPLICATION BY: George Arkoosh
 DATE: SHEET 1 OF 2

MICROFILMED

NORTH



conveyance canal
improvement



SCALE NONE

071-OYC-4-002293
 IN: Little Wood River
 IN/NEAR Shoshone, Idaho
 Gooding COUNTY,
 APPLICATION BY: George Arkoosh
 DATE: SHEET 2 OF 2

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

June 1, 1984

George Arkoosh
Rt. 1 Box 204
Gooding, Idaho 83330

Re: Applications for Permit No. 37-8096 - 37-8120

Dear Mr. Arkoosh:

Mr. Vernon Ravenscroft has advised me that the material submitted for the file on your hydro-electric project, Geo-Bon #2 is meant to apply to application 37-8096 instead of 37-8120.

This means that my letter of May 22, 1984 is in error as to the items needed to complete the application files.

The following are the items needed for the 2 application files before final action can be taken by the Department:

37-8120 - (Geo-Bon #1 in Sec. 33, T5S, R17E)

- 1) A plan for the proposed facility showing locations, elevations, and approximate dimensions for all major components of the facility.
- 2) An itemized estimate of the cost of constructing the facility.
- 3) A reasonable showing of a 'here and now' financial commitment by the applicant or a project developer sufficient to construct the project.

37-8096 - (Geo-Bon #2 in Sec. 29, T5S, R17E)

Only item 3 above, the showing of financial commitment need to be submitted to complete the file on this application.

If you have any questions, please feel free to contact this office.

Very truly yours,

LOREN O. HOLMES
Southern Region Supervisor

LOH:marya

cc: Vernon Ravenscroft

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

May 22, 1984

George Arkoosh
Rt. 1 - Box 204
Gooding, Idaho 83330

Re: Applications for Permit No. 37-8096 - 37-8120

Dear Mr. Arkoosh:

Protests filed by American Falls Reservoir District No. 2 have been withdrawn. We will now proceed with processing of your applications without the need for a hearing.

Before final action can be taken on the applications, the following material is needed for the files:

37-8096

- 1) A plan for the proposed facility showing locations, elevations, and approximate dimensions for all major components of the facility.
- 2) An itemized estimate of the cost of constructing the facility.
- 3) A reasonable showing of a 'here and now' financial commitment by the applicant or a project developer sufficient to construct the project.

37-8120

Only item 3 above, the showing of financial commitment need to be submitted to complete the file on this application.

Returned herewith are confidential financial statements previously submitted.

If you have any questions, please feel free to contact this office.

Very truly yours,

Loren O. Holmes
Southern Region Supervisor

LOH:marya

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

May 22, 1984

Richard M. Oneida - Manager
American Falls Reservoir District No. 2
Big Wood Canal Company
Box C
Shoshone, Idaho 83352

Re: Applications for Permit No. 37-8096 - 37-8120

Dear Mr. Oneida:

This office acknowledges receipt of your May 9, 1984 letter withdrawing protests against Applications 37-8096 and 37-8120.

We are glad your concerns regarding the applications have been resolved.

We will now proceed with processing of the applications without the need for a hearing.

Very truly yours,

Loren O. Holmes
Southern Region Supervisor

LOH:marya

UNRECORDED

American Falls Reservoir District No. 2
& Big Wood Canal Company
BOX C
SHOSHONE, IDAHO 83352

May 9, 1984

Director of the
Idaho Department of Water Resources
1041 Blue Lakes Blvd.
Twin Falls, Idaho 83301

RE: Permit Application
Nos. 37-8096 & 37-8120

Dear Sirs:

American Falls Reservoir District No. 2 and Big Wood
Canal Company, by this letter, hereby relinquish protest
of application for permit nos. 37-8096 and 37-8120 by George
F. Arkoosh for water from Little Wood River.

Very truly yours,

Richard M. Oneida
Richard M. Oneida, Mgr.

RECEIVED

MAY 9 1984

Department of Water Resources
Southern District Office

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THE UNDERSIGNED, Applicant for Permit No. 37-8096, before the Department of Water Resources, State of Idaho, does hereby acknowledge that the Big Wood Canal Company and the American Falls Reservoir District No. 2 uses the channel of Little Wood River for the conveyance of irrigation water during the irrigation season and the conveyance of stock water during the non-irrigation season at the location where applicant proposes to install a hydro-electric facility.

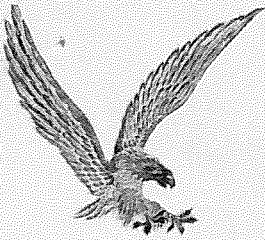
The undersigned does hereby acknowledge that the said Company and District have the legal right to, and do in fact, regulate the flow of such water (other than any natural stream flow).

The undersigned in consideration of the withdrawal of the protest filed by the American Falls Reservoir District No. 2 covenants and agrees that neither they nor their successors in interest will make any demands with respect to control or quantity of the waters so controlled by the Big Wood Canal Company or American Falls Reservoir District No. 2.

DATED this 7 day of ^{May}~~September~~, 198⁴.

Wayne E. Koon
Holder of Application for Permit
No. 37-8096

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RECEIVED
MAY 9 1984
Department of Water Resources
Southern District Office



Consulting Associates, Incorporated

BOISE OFFICE
VERNON RAVENSCROFT
HELEN CHENOWETH

PHONE (208) 345-2670
P.O. BOX 893
BOISE, IDAHO 83701

May 7, 1984

37-8096

Mr. Dave Tuthill *DVT*
Idaho Department of Water Resources
Boise, Idaho

Re: Water Rights Applications
Geo-Bon #2 Hydropower Project

Dear Dave,

I just spoke with Jim Johnson about the final processing of the water rights application for George Arkoosh for the Geo-Bon #2 hydropower project.

We have received the Exemption from the F.E.R.C. and I am having it hand carried to you to give to Jim tomorrow.

If you have any further questions on this Dave, please call me. I hope this is all you will need.

Regards,

Helen Chenoweth

Enclosure

*Called the office to say that the app is protested.
McRavenscroft responded - said that he will work to
resolve the protest.*

*DVT (copy sent to Southern)
5/8/84*

MICROFILMED

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION
27 FERC 62, 039

Mr. George Arkoosh) Project No. 7548-000

ORDER GRANTING EXEMPTION FROM LICENSING OF A
SMALL HYDROELECTRIC PROJECT OF 5 MW OR LESS

(Issued April 13, 1984)

The Applicant 1/ filed an application for exemption from all or part of Part I of the Federal Power Act (Act) pursuant to 18 C.F.R. Part 4 Subpart K (1980) implementing in part Section 408 of the Energy Security Act (ESA) of 1980 for a project as described in the attached public notice. 2/ 3/

Notice of the application was published in accordance with Section 408 of the ESA and the Commission's regulations and comments were requested from interested Federal and State agencies including the U.S. Fish and Wildlife Service and the State Fish and Wildlife Agency. All comments, protests and petitions to intervene that were filed have been considered. No agency has any objection relevant to issuance of this exemption.

Standard Article 2, included in this exemption, requires compliance with any terms and conditions that Federal or State fish and wildlife agencies have determined appropriate to prevent loss of, or damage to, fish and wildlife resources. The terms and conditions referred to in Article 2 are contained in any letters of comment by these agencies which have been forwarded to the Applicant in conjunction with this exemption.

1/ Mr. George Arkoosh, Project No. 7548, filed on August 22, 1983,

2/ Pub. Law 96-294, 94 Stat. 611. Section 408 of the ESA amends inter alia, Sections 405 and 408 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. §52705 and 2708).

3/ Authority to act on this matter is delegated to the Deputy Director, Office of Electric Power Regulation, under §375.308 of the Commission's regulations, 18 C.F.R. §375.308 (1983). This order may be appealed to the Commission by any party within 30 days of its issuance pursuant to Rule 1902, 18 C.F.R. 385.1902, (1983). Filing an appeal and final Commission action on that appeal are prerequisites for filing an application for rehearing as provided in Section 313(a) of the Act. Filing an appeal does not operate as a stay of the effective date of this order or of any other date specified in this order, except as specifically directed by the Commission.

Should the Applicant contest any terms or conditions that were proposed by Federal or State agencies in their letters of comment as being outside the scope of Article 2, the Commission shall determine whether the disputed terms or conditions are outside the scope of Article 2.

Based on the terms and conditions required by Federal and State fish and wildlife agencies, the environmental information in the application for exemption, other public comments, and staff's independent analysis, issuance of this order is not a major Federal action significantly affecting the quality of the human environment.

It is ordered that:

(A) Geo-Bon #2 Hydropower Project No. 7548 as described and designated in Mr. George Arkoosh's application filed on August 22, 1983 is exempted from all of the requirements of Part I of the Federal Power Act, including licensing, subject to the standard articles in §4.106 of the Commission's regulations attached hereto as Form E-2, 18 C.F.R. §4.106, 45 Fed. Reg. 76115 (November 18, 1980), and the following Special Articles.

Article 6. Any exempted small hydroelectric power project that utilizes a dam which is more than 33 feet in height above streambed, as defined in 18 CFR 12.31(c) of this chapter, impounds more than 2,000 acre-feet of water, or has a significant or high hazard potential, as defined in 33 CFR Part 222, is subject to the following provisions of 18 CFR Part 12:

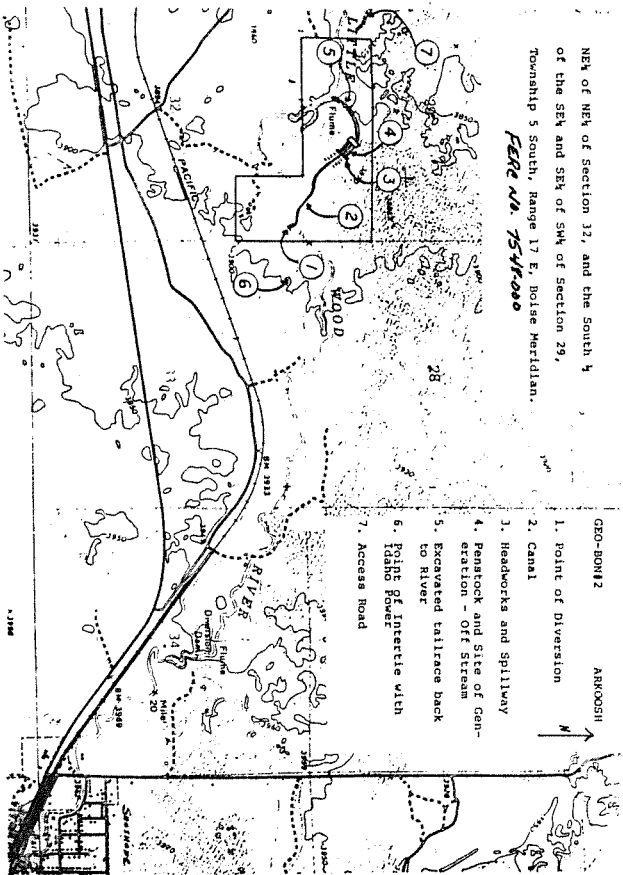
- (i) Section 12.4(b)(1)(i) and (ii), (2)(i), (iii)(A) and (B), (iv), and (v);
- (ii) Section 12.4(c);
- (iii) Section 12.5;
- (iv) Subpart C; and
- (v) Subpart D.

For the purposes of applying these provisions of 18 CFR Part 12, the exempted project is deemed to be a licensed project development and the owner of the exempted project is deemed to be a licensee.

Article 7. The construction, operation, and maintenance of the exempt project may be reviewed by the Commission and subjected to further requirements for consistency with the terms and conditions of the regional fish and wildlife program developed pursuant to the Pacific Northwest Electric Power Planning and Conservation Act.

Robert E. Cackowski
Robert E. Cackowski
Deputy Director, Office of
Electric Power Regulation

NE 1/4 of NE 1/4 of Section 31, and the South 1/4 of the SE 1/4 and SW 1/4 of Section 29, Township 5 South, Range 17 E, Boise Meridian.
PERC NO. 7541-000



Kenneth F. Plumb
Secretary

D3a. **Agency Comments** - The U.S. Fish and Wildlife Service, the National Marine Fisheries Service, and the State Fish and Game Agency(ies) are requested, for the purposes set forth in Section 408 of the Energy Security Act of 1980, to file within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

-1-

Attachment
E-2 FORM

§ 4.106 Standard terms and conditions of exemption from licensing.

Any exemption from licensing granted under this subpart for a small hydroelectric power project is subject to the following standard terms and conditions:

(a) **Article 1.** The Commission reserves the right to conduct investigations under sections 4(g), 306, 307, and 311 of the Federal Power Act with respect to any acts, complaints, facts, conditions, practices, or other matters related to the construction, operation, or maintenance of the exempt project. If any term or condition of the exemption is violated, the Commission may revoke the exemption, issue a suitable order under section 4(g) of the Federal Power Act, or take appropriate action for enforcement, forfeiture, or penalties under Part III of the Federal Power Act.

(b) **Article 3.** The construction, operation, and maintenance of the exempt project must comply with any terms and conditions that any Federal or state fish and wildlife agencies have determined are appropriate to prevent loss of, or damage to, fish or wildlife resources or otherwise to carry out the purposes of the Fish and Wildlife Coordination Act, as specified in Exhibit E of the application for exemption from licensing or in the comments submitted in response to the notice of the exemption application.

(c) **Article 3.** The Commission may accept a license application by any qualified license applicant and revoke this exemption if actual construction or development of any proposed generating facilities has not begun within 18 months, or been completed within four years, from the date on which this exemption was granted. If an exemption is revoked, the Commission will not accept a subsequent application for exemption within two years of the revocation.

MICROFILM

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Notice of Application Filed with the Commission
(November 4, 1983)

Take notice that the following hydroelectric application has been filed with the Federal Energy Regulatory Commission and is available for public inspection:

- a. Type of Application: Exemption (5 MW or less)
 - b. Project No: 7548-000
 - c. Date Filed: August 22, 1983
 - d. Applicant: Mr. George Arkoosh
 - e. Name of Project: Geo-Bon #2 Hydropower
 - f. Location: On Little Wood River in Lincoln County, Idaho near the town of Shoshone
 - g. Filed Pursuant to: Energy Security Act of 1980 (16 U.S.C. §§2705 and 2708 as amended)
 - h. Contact Person: Mr. Vernon Ravenscroft, Consulting Associates, Inc., P.O. Box 893, Boise, Idaho 83702
 - i. Comment Date: DEC 19 1983
 - j. Description of Project: The proposed project would consist of: (1) a 6-foot-high diversion structure at elevation 3,872 feet; (2) a 7-foot-high, 1,950-foot-long canal; (3) headworks and spillway; (4) a 110-inch-diameter, 250-foot-long penstock; (5) a powerhouse containing three generating units with a rated capacity of 813 kW operating under a head of 30 feet; (6) an excavated 950-foot-long tailrace; and (7) a 34.5-kV transmission line tying into an existing Idaho Power Company line. The estimated average annual energy output would be 4,156,968 kwh.
- Purpose of Exemption - An exemption, if issued, give the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.
- k. Purpose of Project: Project power will be sold to Idaho Power Company.
 - l. This notice also consists of the following standard paragraphs: A1, A9, B, C and D3a

DC-A-20

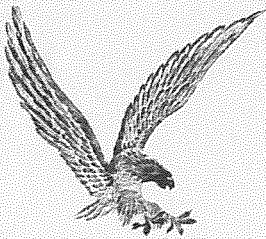
- A1. Exemption for Small Hydroelectric Power Project under 5MW Capacity -- Any qualified license or conduit exemption applicant desiring to file a competing application must submit to the Commission, on or before the specified comment date for the particular application, either a competing license or conduit exemption application that proposes to develop at least 7.5 megawatts in that project, or a notice of intent to file such an application. Any qualified small hydroelectric exemption applicant desiring to file a competing application must submit to the Commission, on or before the specified comment date for the particular application, either a competing small hydroelectric exemption application or a notice of intent to file such an application. Submission of a timely notice of intent allows an interested person to file the competing license, conduit exemption, or small hydroelectric exemption application no later than 120 days after the specified comment date for the particular application. Applications for preliminary permit will not be accepted in response to this notice.
- A9. Notice of intent -- A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, include an unequivocal statement of intent to submit, if such an application may be filed, either (1) a preliminary permit application or (2) a license, small hydroelectric exemption, or conduit exemption application, and be served on the applicant(s) named in this public notice.
- B. Comments, Protests, or Motions to Intervene - Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 C.F.R. §§385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.
- C. Filing and Service of Responsive Documents - Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST" or "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing is in response. Any of the above named documents must be filed by providing the original and the number of copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Deputy Director, Project Management, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

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(d) Article 4. This exemption is subject to the navigation servitude of the United States if the project is located on navigable waters of the United States.

(e) Article 5. This exemption does not confer any right to use or occupy any Federal lands that may be necessary for the development or operation of the project. Any right to use or occupy any Federal lands for those purposes must be obtained from the administering Federal land agencies. The Commission may accept a license application by any qualified license applicant and revoke this exemption, if any necessary right to use or occupy Federal lands for those purposes has not been obtained within one year from the date on which this exemption was granted.

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Consulting Associates, Incorporated

BOISE OFFICE
VERNON RAVENSCROFT
HELEN CHENOWETH

PHONE (208) 345-2670
P.O. BOX 893
BOISE, IDAHO 83701

December 5, 1983

RECEIVED

DEC 7 1983

Department of Water Resources
Salem, Oregon

Mr. Allen D. Merritt
Senior Water Resource Analyst
IDAHO DEPARTMENT OF WATER RESOURCES
1041 Blue Lakes Blvd. N.
Twin Falls, ID 83301

RE: Application for Permit 37-8128 ?

Dear Allen,

Please accept this letter as a partial reply to your letter of September 13, 1983, to Mr. George Arkoosh regarding application for permit #37-8128. Please find attached specific items in response to your request for documentation of the project details:

1. A plan for the facility -- Exhibit A is a copy of the project profile as prepared by licensed surveyor, Mr. Richard Critser of Jerome, Idaho.
2. Estimate of the construction cost -- Mr. Ted Sorenson, P.E., of Idaho Falls, and our firm, Consulting Associates, of Boise, have prepared an overall project analysis. Table V from that analysis, "Preliminary 'Rough' Cost Estimates," is attached as Exhibit B.
3. Financial Resources --
 - a. Personal financial statement of Mr. George Arkoosh will be mailed by Mr. Arkoosh under separate cover and should be treated as his confidential report which you will return to him.
 - b. Consulting Associates, Inc., is working with the Arkoosh family as coordinators for this project, Geo-Bon #2. We have arranged and coordinated the planning, financing, and construction of three previous small hydro projects, these being:

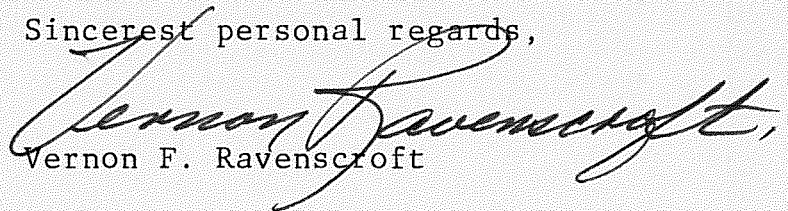
MICROFILMED

Mr. Allen D. Merritt
December 5, 1983
Page 2

- 1) Ravenscroft Ranch Project, Tuttle, Idaho
- 2) Koyle Project, Gooding, Idaho
- 3) Snedigar Project, Buhl, Idaho

Arkoosh--Geo-Bon #2 is a project which falls easily within financiable limits (100%) of several money sources which are available, and a specific letter of commitment is available at such time as it may be needed for your final processing of the Arkoosh application, #37-8128.

Sincerest personal regards,


Vernon F. Ravenscroft

VFR:sh

Enc.

cc: George Arkoosh
Mitch Arkoosh
Certified Mail Receipt #P 397 073 352

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Table 5

ARKOOSH HYDRO -- GEO-BON #2
PRELIMINARY "ROUGH" COST ESTIMATES

Ted S. Sorenson, P.E.
& Vernon Ravenscroft

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DEC 71 1987

Department of Water Resources
Southern District Office

I. CONSTRUCTION COSTS

1. Access Roads & Upstream Improvements

a. Army Corps of Engineers	100
b. Roads	1,000
c. Bridges (old box car frame)	6,000
d. Brush Clearing	650
	\$ 7,750

2. Diversion Area

a. Breastwall Radial Gate (16' x 6')	25,000
b. Trash Control	3,000
c. Dam--rock rubble (see #3, Canal)	
d. Bypass Spillway "	
	\$ 28,000

3. Feed & Tailrace Canal

a. Natural Improvements	5,000
b. Excavation:	
Rock - 27,255 cu. yds.	)
Earth - 14,810 cu. yds.	)
c. Fill:	
Rock - 6,000 cu. yds.	)
Earth - 16,540 cu. yds.	)
	300,000 ⁺
	\$305,000

4. Flow Measuring Section -- Calibration

	600
	\$ 600

5. Headworks & Bypass Control Spill

a. Bypass overflow radial gate (12 x 4')	10,000
b. Coarse Bar Screens	6,000
c. Penstock Intake Radial Gates (3)	18,000
d. Structural Concrete	20,000
e. Safety Railing Grating	4,000
f. Bypass Overflow Gate Auto Operator (optional)	8,000
g. Intake Radial Gate Auto Operator (optional)	18,000
	\$ 84,000

6. Penstock, Turbine Base, & Draft Tubes		
a. Prefabricated Steel Penstock, Cement Turbine Base, & Draft Tubes (installed)	46,000	
b. Backfill and Access	7,500	
c. Hoist (optional)	<u>10,000</u>	\$ 63,500
7. Turbine & Generators		
a. Unit #1 - 200 kW, 85 cfs	40,950	
b. Unit #2 - 300 kW, 130 cfs	70,650	
c. Unit #3 - 500 kW, 230 cfs	144,000	
d. Installation	<u>10,000</u>	\$265,600
8. Electrical		
a. Switch Gear	50,000	
b. Electrical Installation	35,000	
c. Programmable Controller (optional)	40,000	
d. Transformers	<u>16,000</u>	\$141,000
9. Transmission Line:		
3/4 mile @ \$20,000 per mile	<u>15,000</u>	\$ 15,000
10. Intertie, Disconnect, & Metering Reclosure Contingency	25,000 <u>12,000</u>	\$ 37,000
11. Downstream Channel Improvement		
a. Channel Clearance	1,000	
b. Downstream Irrigation Canal Relocation	<u>4,000</u>	\$ 5,000
12. Landscaping & Cleanup (contributed)	-0-	
TOTAL ESTIMATED CONSTRUCTION COST		<u>\$951,700</u>

II. PROFESSIONAL COSTS

1. Surveying (aerial)	3,000
2. Hydrology	-0-
3. Consultants - 7.5%	
a. FERC	
b. Financial Advisory & Feasibility	
c. Contract Administration	
1) Consultants	
2) Idaho Power	
3) Construction	

4. Engineering

a. Design @ 7.39% lump sum	85,000	
b. Inspection (time & expense, not to exceed)	<u>33,000</u>	<u>\$118,000</u>

TOTAL ESTIMATED PROFESSIONAL COSTS		\$196,000
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III. SOFT COSTS AND CAPITAL

1. Property	120,000	
2. Reserve and Contingencies	100,000	
3. Insurance	3,000	
4. Interim Interest	<u>28,000</u>	

TOTAL ESTIMATED SOFT COST & CAPITAL		<u>\$251,000</u>
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GRAND TOTAL		\$1,398,700
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Total per kWh of Installed Capacity		\$1,398.70
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STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

SOUTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

September 13, 1983

George F. Arkoosh
Rt. 1
Box 204
Gooding, Idaho 83330

Re: Application for Permit No. 37-8096

Dear Mr. Arkoosh:

Enclosed is a copy of a protest filed against the issuance of a permit pursuant to your above referenced application. The Department suggests you contact the protestant directly in an effort to determine the nature of the protest and to attempt to resolve the protest.

If you do not advise us within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying an application for permit (Section 42-203, IDAHO CODE):

- 1) Will the proposed use reduce the quantity of water under existing water rights?
- 2) Is the proposed water supply insufficient for the purposes intended?
- 3) Is the application made in good faith or for delay or speculative purposes?
- 4) Has the applicant sufficient financial resources with which to complete the project?
- 5) Will the proposed use conflict with the local public interest?

If this office can be of further assistance, please contact us.

Very truly yours,

LOREN O. HOLMES
Southern Region Supervisor

LOH:marya

Encl:

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STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

SOUTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

September 13, 1983

Richard M. Oneida, Manager
American Falls Reservoir District No. 2
Box C
Shoshone, Idaho 83352
Re: Application for Permit No. 37-8096

Dear Mr. Oneida:

Your protest against the approval of the above-referenced application submitted in behalf of American Falls Reservoir District No. 2 has been received and a copy has been sent to the applicant. The Department suggests you contact the applicant directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

If you do not advise us within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying an application for permit (Section 42-203, Idaho Code):

- 1) Will the proposed use reduce the quantity of water under existing water rights?
- 2) Is the proposed water supply insufficient for the purpose intended?
- 3) Is the application made in good faith or for delay or speculative purposes?
- 4) Has the applicant sufficient financial resources with which to complete the project?
- 5) Will the proposed use conflict with the local public interest?

If this office can be of further assistance, please contact us.

Sincerely,

LOREN O. HOLMES
Southern Region Supervisor

LOH:marya

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American Falls Reservoir District No. 2

BOX C
SHOSHONE, IDAHO 83352

August 16, 1983

RECEIVED

AUG 18 1983

Department of Water Resources
Southern District Office

Director of the
Idaho Department of Water Resources
1041 Blue Lakes Blvd.
Twin Falls, Id 83301

RE: Permit Application
37-8096

Dear Sirs:

American Falls Reservoir District No. 2 protests the application for permit by George F. Arkoosh for water from Little Wood River. The District has irrigation water in this reach of the river and wants to insure its constant flow.

Very truly yours,



Richard M. Oneida, Mgr.

RMO/ds

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region

1041 Blue Lakes Blvd N.
Twin Falls, Idaho 83301
(208) 734-3578

JULY 21, 1983

Lincoln County Journal
P. O. Box 704
Shoshone, Idaho 83352

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before AUGUST 15, 1983.

Yours truly,
22,

Mary A. Newby
Secretary

Encl.

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RECEIVED

MAY 4 1983

Department of Water Resources

JOHN C. ARKOOSH
Attorney at Law
P. O. Box 32
Gooding, Idaho 83330
Telephone: (208) 934-8401

May 2, 1983

RECEIVED

MAY 9 1983

Department of Water Resources
Southern District Office

Department of Water Resources
Statehouse
Boise, Idaho 83720
Attn: Jim Johnson

RE: George Arkoosh Water Filing

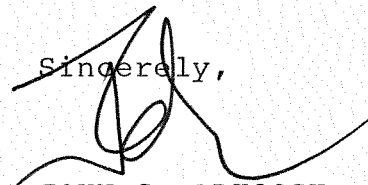
Dear Jim:

Please find enclosed Dad's check No. 108 drawn on the First Interstate Bank, Gooding Branch, in the amount of \$800.00 being the remaining amount owed the Department of Water Resources for Dad's application for a water right on the NE 1/4, NE 1/4 of Section 32, Township 5 South, Range 17 East, Boise Meridian, Lincoln County, Little Wood River.

From our telephone conversation of 27 April, 1983, we are both agreed that this water right is for 300 cfs, the filing fee being \$1225.00 for the first hundred cfs and \$5.00 a cfs for the remaining two hundred for a total of TWO THOUSAND TWO HUNDRED TWENTY FIVE DOLLARS. When Dad was in Boise making the filing the other day, he left you a check for \$1425.00, and the enclosed \$800.00 check makes up the final total of \$2225.00.

If there are any questions or problems concerning this please feel free to contact me.

Sincerely,



JOHN C. ARKOOSH

JCA:rw

Enclosure

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