Receipt #C070458
8.14.03
$25.00
P McG

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ASSIGNMENT OF PERMIT

Georgetown Power, Inc. an Idaho Corporation, (formerly Georgetown Power, an Idaho General Partnership) whose address is 5203 South 11th East, Idaho Falls, Idaho 83404, in care of Ted S. Sorenson ("Assigned") hereby assigns to Georgetown Irrigation Company, in care of Drue Smith, President, P.O. Box 8, Georgetown, Idaho 83239 ("Assignee") all of Assignors' right, title and interest in and to Water Right Permit No. 11-7219 to appropriate the public waters of the State of Idaho.

Made this 17th day of July, 2003.

GEORGETOWN POWER, INC.

By _____
Its President

Attest:

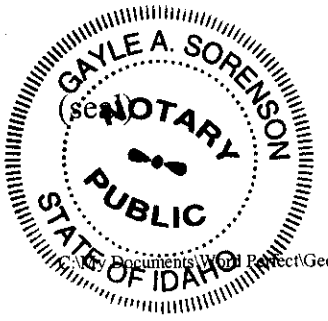
By _____
Its: President

MICROFILMED
SEP 0 3 2003

STATE OF IDAHO)
)ss.
County of Bonneville)

On the 17th day of July, 2003, before me the undersigned, a notary public in and for said State, personally appeared Ted S. Sorenson, known or identified to me to be the President of the corporation that executed the instrument or the person who executed the 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.



(seal)

Notary Public for Idaho
Residing at Idaho Falls, Idaho
My Commission Expires: 11-1-2006

C:\My Documents\Word Perfect\Georgetown Development\AssignofPermit.frm

MICROFILMED
SEP 03 2003

ASSIGNMENT

The undersigned, being all the partners of Georgetown Power, an Idaho general partnership, hereby transfer the assets listed on the attached Exhibit A to Georgetown Power, Inc., an Idaho Corporation, effective February 15, 1998.

GEORGETOWN POWER,
an Idaho General Partnership

By: Ted S. Sorenson, Partner

By: David R. Shedigar, Partner

By: William Woolf, Partner

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SEP 0 3 2003

EXHIBIT "A"

1. Water Permit ~~11-219~~ 11-07219

2. Lease Agreement dated August 20, 1985, and Amendment to Lease Agreement dated October 25, 1985, entered into by and between Georgetown Irrigation Company, an Idaho Corporation and Georgetown Power, an Idaho General Partnership.

3. Power Purchase Agreement dated July 2, 1984 between Idaho Power (the "power company") and Georgetown Power Company, assigned to Georgetown Power, an Idaho General Partnership on September 16, 1985 and amended February 14, 1985 and August 20, 1985, along with any earned but unpaid revenues owed by the power company to Georgetown Power.

4. Order Approving Request for Waiver and Granting Exemption from Licensing for Conduit Hydroelectric Project, Project number 6445-600 issued October 10, 1982 to Georgetown Irrigation Company and assigned to Georgetown Power by the Assignment of Order Proving Request for Waiver and Granting Exemption from Licensing dated December 6, 1985.

5. Order Granting Application for Certification as a Qualifying Small Power Production Facility, Document QF84-143-000 issued May 15, 1984, to Georgetown Irrigation Company and assigned to Georgetown Power on May 1, 1986.

6. Gilbert Gilkes and Gordon Ltd. horizontal shaft 420 twin jet "Hydec" capacity impulse turbine with 480 KW480 volt 3 phase brush induction generator, switch gear transformer and other related equipment.

7. 1600 Linear Feet of 30 inch pinstock

8. All cash in Account No. 330-07731 at Merrill Lynch.

9. Subject to Loan in the approximate amount of $55,094.15 plus accrued interest at the rate of 7.25% from and after January 29, 1998.

10. Also subject to loans in favor of Ted S. Sorenson, David Snedigar and William Woolf in the amounts of $10,949.18, $4,001.21, and $7,303.97, respectfully, plus accrued interest at the rate of 11% per annum from December 31, 1997.

MICROFILMED

SEP 0 3 2003

WATER RIGHT SUMMARY

ACTION	RIGHT NO.	NAME	AMOUNT CFS
~~Original Permit~~	~~11-7219~~	~~Georgetown Irrigation Co.~~	~~25.0~~
Full Assignment	11-7219	Snedigar, David GEORGETOWN POWER	25.0

MICROFILMED

RECEIVED
APR 11 1986
Department of Water Resources

RECEIVED
OCT 10 1985
Department of Water Resources

State of Idaho
Department of Water Resources

ASSIGNMENT OF PERMIT

GEORGETOWN IRRIGATION COMPANY hereby assigns to DAVID SNEDIGAR, as nominee for Georgetown Power, an Idaho General Partnership, whose address is 2988 Tipperary Lane, Idaho Falls, Idaho 83401, all my right, title and interest in and to Permit No. 11-7219 to appropriate the public waters of the State of Idaho.

DATED this 3 day of October, 1985.

GEORGETOWN IRRIGATION COMPANY

By Carl E. Stoddard
Carl E. Stoddard, President
Permit Holder

STATE OF IDAHO)
) ss.
County of Bear Lake)

On this 3rd day of October, 1985, before me, the undersigned, a Notary Public in and for said state, personally appeared Carl E. Stoddard, known or identified to me to be the President of Georgetown Irrigation Company, the corporation that executed the foregoing instrument or the person who executed the foregoing 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.

Joan M. Crane
Notary Public for Idaho
Residing at Georgetown
My Commission Expires: 8/22/86

(seal)

1549d/cm

RECEIVED
OCT 7 1985
Department of Water Resources
Eastern District Office

MICROFILMED

RECEIVED

APR 11 1986

Department of Water Resources

Form 205/206
4/85

State of Idaho
Department of Water Resources

Water Right No. _____

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, David R Snediger (name) of Buhl (city),

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

2. Corporation:

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

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

Applicant David R Snediger

State of Idaho)
County of Idaho) ss.

On this 10th day of April, 19 86, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Notary Public residing at Idaho Falls

seal

My commission expires:

10-24-88

MICROFILMED

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 11-7219 IN THE NAME OF GEORGETOWN IRRIGATION CO.)

ORDER

WHEREAS, on January 12, 1981, Georgetown Irrigation Company submitted Application for Permit No. 11-7219 to the Department; and,

WHEREAS, the application proposed the diversion of 70 cubic feet per second (cfs) of water to be diverted from Georgetown Creek and to be used for hydropower purposes; and,

WHEREAS, there were no protests to approval of the application as submitted; and,

WHEREAS, there have not been any applications to use the water of Georgetown Creek filed subsequent to the filing of Permit No. 11-7219; and,

WHEREAS, based on preliminary design data, the department approved the application on July 29, 1983 for the diversion of 25 cfs; and,

WHEREAS, the final design of the power generating facility shows that 30 cfs of water can be beneficially used and is needed to economically operate the facility;

IT IS, THEREFORE, HEREBY ORDERED that the approval of Permit No. 11-7219 be and is RESCINDED; and,

IT IS FURTHER ORDERED that the Permit No. 11-7219 be issued for the diversion and use of 30 cfs of water from Georgetown Creek with the following conditions:

MICROFILMED

1. Subject to all prior water rights.

2. Proof of construction of works and application of water to beneficial use shall be submitted on or before July 1, 1988.

3. The permit holder shall either install a measuring device or provide a certified measurement by a professional engineer or install an access port or other device as specified by the Department.

4. Use of water under this permit is subject to control by the watermaster of State Water District No. 11, Bear River.

5. This permit is subject to the provisions of Section 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.

6. The rights for the use of water acquired under this permit shall be junior and subordinate to all other rights for 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 any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.

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

8. The diversion and use of water under this permit and any license subsequently issued is subject to review by the Director thirty-five (35) years from the date of issuance of this permit. Upon appropriate findings relative to the interest of the public, the Director may cancel all or any part of the use authorized herein and may revise, delete or add conditions under which the right may be exercised.

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9. Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.

Dated this 27TH day of SEPTEMBER, 1985.

NORMAN C. YOUNG, Administrator
Resources Administration Division

MICROFILMED

Form 232
3/78

Ident. No. 11 7219

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT APPROVED

To appropriate the public waters of the State of Idaho

1. Name of applicant GEORGETOWN IRRIGATION COMPANY Phone 1-(208) 847-1042

   Post office address c/o Sheldon Clark, Sec/Treas, Georgetown, ID 83239

2. Source of water supply Georgetown Creek which is a tributary of Bear River

3. Location of point of diversion is SW ¼ of NE ¼ of Section 4 Township 11 S

   Range 44E B.M. Bear Lake Co. County, additional points of diversion if any:

   Left Hand Fork, Georgetown Creek, SW¼, SE¼, Sec 32, T 10S, R 44E, B.M., Bear Lake Co.

4. Water will be used for the following purposes:

   Amount ~~70~~ 25.0 cfs * 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: The lessor of *25.0 cfs per letter dated 5-27-1983 RDC

   a. ~~70~~ cubic feet per second and/or b. total stream flow ~~less 5 cfs for fish~~ propagation acre-feet per annum.

6. Proposed diverting works:

   a. Description of ditches, flumes, pumps, headgates, etc. Existing Georgetown Irrigation Company Gravity Sprinkler Irrigation System.

   b. Height of storage dam none feet, active reservoir capacity, none acre-feet; total reservoir capacity none acre-feet, materials used in storage dam: N/A

      Period of year when water will be diverted to storage none (Month/Day) to none (Month/Day) inclusive.

   c. Proposed well diameter is N/A inches; proposed depth of well is N/A 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: * ¼ of * ¼ of Section * Township *

      Range * B.M.

      (2) Amount of power to be generated: * horsepower under * feet of head.

      (3) List number of each kind of livestock to be watered N/A

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

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

*See Item #10

MICROFILMED

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below: N/A

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total number of acres to be irrigated _____

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

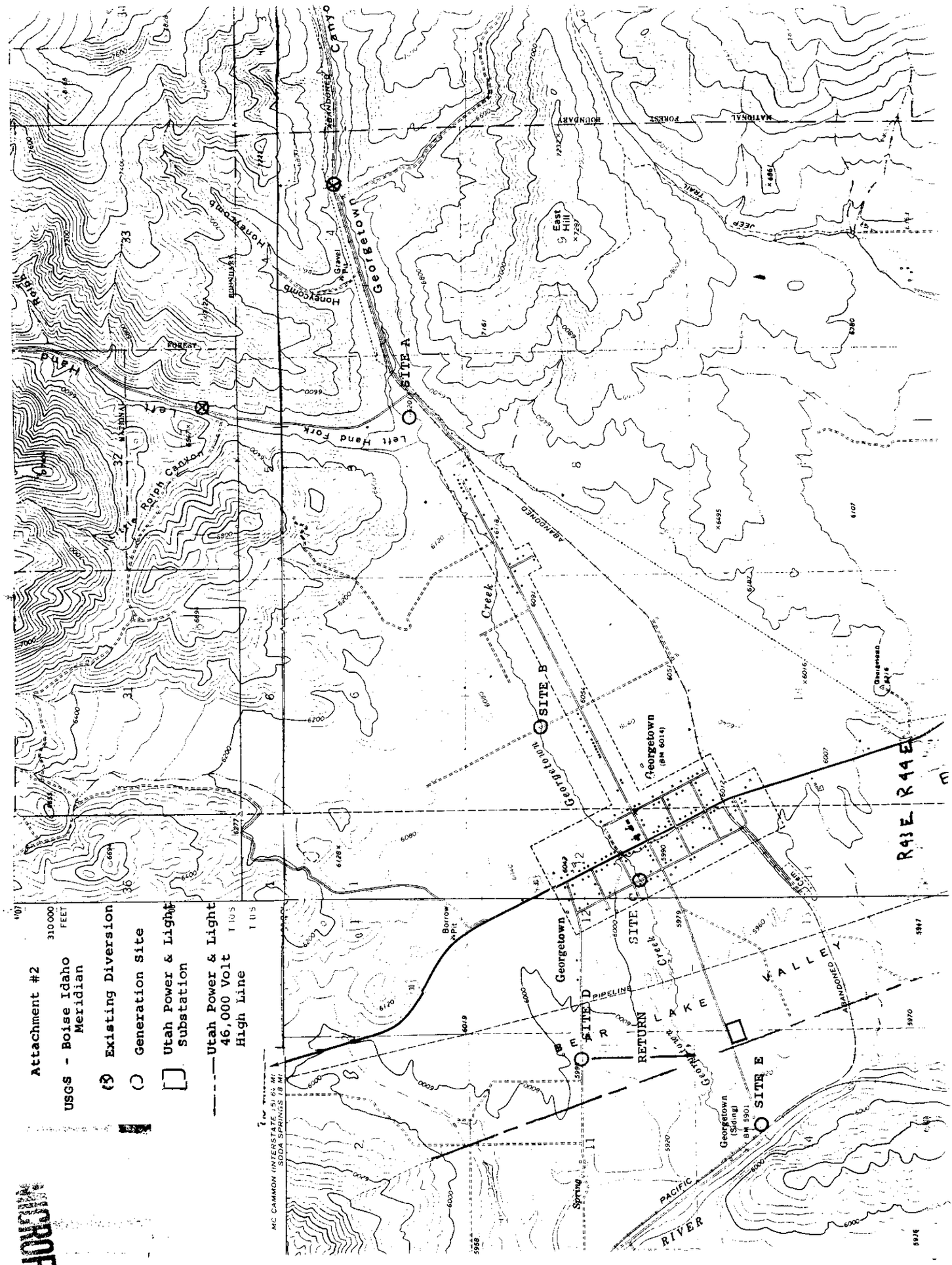
9. a. Who owns the property at the point of diversion Georgetown Irrigation Co.

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

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

10. Remarks The purpose of this application is to amend existing decree #11-0290, dated priority May 1, 1881 in the amount of 70 cfs to include the rights for both irrigation as now constituted and power generation on a year round basis. The Irrigation Company is currently studying four sites for power generation under DOE loan program. Water would be removed from Georgetown Creek in the existing diversion and pipeline structures to be returned on nonconsumptive basis at four locations downstream. Georgetown Irrigation Company by previous agreement, maintains minimum stream-flow of 5 cfs for fish propagation and livestock watering. We propose to continue said agreement. The four return locations are:

	LOCATION	HORSEPOWER	HEAD-FT
A.	SW 1/4 SE 1/4 Sec.5 T. 11S., R. 44 E.B.M.	205	119
B.	SE 1/4 NW 1/4Sec. 7 T. 11S., R. 44 E.B.M.	425	245
C.	SW 1/4 SE 1/4 Sec.12 T. 11S., R. 43 E.B.M.	535	308
D.	SE 1/4 SE 1/4 Sec.11 T. 11S., R. 43 E.B.M.	660	382
E.	SW 1/4 NE 1/4 Sec.14 T. 11S., R. 43 E.B.M.	695	400



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.

Carl Stoddard
(Applicant)

Carl Stoddard, President
Georgetown Irrigation Company

Proposed Priority 1/12/1981

Received by kw Date 1/12/81 Time 7:50 am

Preliminary check by _____ Fee $ 925.00

Receipted by kw Date 1/12/81 #16153

Publication prepared by kw Date 1/22/81

Published in News Examiner

Publication dates 1/29 & 2/05/81

Publication approved kw Date 3/10/81

Protests filed by: Utah Power & Light Co.
withdrawn March 24, 1981. ✓

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by EMC.

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. 11-7219, 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 July 1, 1988.

   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: The permit holder shall either install a measuring device or provide a certified measurement by a professional engineer or install an access port or other device as specified by the Department.

   Use of water under this permit is subject to control by the watermaster of State Water District No. 11, Bear River.

   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.

   Use of water under this permit is subordinated to future diversion of water either upstream or downstream for irrigation or other consumptive beneficial uses.

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

   Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.

Witness my hand this 29 day of July, 1983.

David R. Tuthill, Jr.

Acting Chief, Operations Bureau

DRT

Superceded by Order dated September 27, 1985.

Individual Owner

AFFIDAVIT TO ESTABLISH RESIDENCE

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

/s/ _____

Subscribed and sworn to before me this _____ day of _____, 19____

/s/ _____

Notary Public
Residence _____

My Commission Expires _____

MICROFILMED

****

Corporation or Association

AFFIDAVIT TO ESTABLISH RESIDENCE
OR QUALIFICATIONS TO DO BUSINESS UNDER THE LAWS OF
IDAHO...

I, Carl E. Stoddard of Bear Lake, County of _____, State of Idaho, being first duly sworn, depose and say: That I am the designated statutory agent of the Georgetown Irrigation Co, that as such I am in charge of the registered office of the said Company _____, as provided by Section 30-143, Idaho Code, at Georgetown, Idaho, wherein are kept the records provided by Section 30-144, Idaho Code, and that Georgetown Irrigation Comp is a legal Corporation qualified to do business in the State of Idaho under the laws of the State of Idaho.

/s/ x Carl E. Stoddard

Subscribed and sworn to before me this 9 day of January, 1981

/s/ Alan L. Riddle

Notary Public
Residence Georgetown, Idaho

My Commission Expires N.A.

Georgetown Irrigation Company

Georgetown, Idaho

83239

RECEIVED
OCT 12 1982
Department of Water Resources

October 7, 1982

To: David R. Tuthill. Jr.
Department of Water Resources
450 West State Street
Boise, Idaho

Dear Mr. Tuthill:

Enclosed is our completed Form 205/206. Our failure to send this form in previously is due to an oversight. We very much need and desire to be granted a permit to appropriate the water for power generation purposes as we are planning to go forward with a power generating unit in conjunction with our existing gravity pressure pipeline.

Please advise me of anything else we should do to insure that our application for Permit No. 11-7219 not be voided.

Sincerely,

Sheldon L. Clark

Sheldon L. Clark
Secreatary, Georgetown
Irrigation Company

FILMED

Form 205/206
7/81

Ident. No._____

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

1982

Department of Water Resources

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, Sheldon L. Clark of Georgetown,
(name) (city)

County of Bear Lake, State of Idaho, being duly sworn, depose and say: That I am the designated registered agent of the Georgetown Irrigation Company: 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 Georgetown Idaho, wherein are kept the corporate records required
(city)

by Section 30-1-52, Idaho Code: and that Georgetown Irrigation Company
(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.

Sheldon L. Clark
Applicant
SECRETARY, GEORGETOWN IRR CO.

State of Idaho)
County of Bear Lake) ss.

On this 7th day of October, 1982, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that (he) (she) (they) executed the same.

Alma L. Miller
Notary Public residing at
Georgetown, Idaho

seal

My commission expires:

5-86

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR PERMIT NO. 11-7219 IN THE NAME OF GEORGETOWN IRRIGATION CO.	ORDER TO SHOW CAUSE

WHEREAS, on January 12, 1981, Georgetown Irrigation Co. applied to the Department of Water Resources for a permit to appropriate 70.0 cubic feet per second of water from Georgetown Creek within the SW¼NE¼, Section 4, Twp. 11S, Rge. 44E, SW¼SE¼, Section 32, Twp. 10S, Rge. 44E, B.M., Bear Lake County, to be used for Power purposes; and,

WHEREAS, on July 24, 1981 the Department sent notice to said Applicant that the 1981 Legislature made changes in Section 42-205, Idaho Code, and that the law now requires that if a proposed hydropower project will use existing irrigation facilities, the approval of the owner of the facilities must be obtained and that an affidavit must be returned to the Department before the Department could approve said Application for Permit; and,

WHEREAS, on November 2, 1981 the Department sent a second notice to said Applicant requesting that the affidavit be returned to the Department; and,

WHEREAS, to date the Department has not received the required affidavit; and,

WHEREAS, pursuant to the provisions of Section 42-204, Idaho Code, the Director of the Department of Water Resources is empowered to void applications for permit for which the requested additional information has not been supplied;

IT IS, THEREFORE ORDERED, that the Applicant show cause before the Director of the Department of Water Resources on or before October 30, 1982, why Application for Permit No. 11-7219 should not be Voided.

Dated this 15th day of September, 1982.

L. Glen Saxton

L. GLEN SAXTON
Chief, Operations Bureau

DKT

RECEIVED

IN THE OFFICE OF THE IDAHO DEPARTMENT OF WATER RESOURCES

IN THE MATTER OF THE APPLICATION OF GEORGETOWN IRRIGATION COMPANY TO APPROPRIATE 70 CFS OF WATER FROM THE BEAR RIVER IN IDAHO FOR PURPOSES OF POWER FROM JAN. 1 THROUGH DEC. 31 OF EACH YEAR.	:	PROTEST OF UTAH POWER & LIGHT COMPANY
APPLICATION NO. 11-7219	:	

COMES NOW the protestant UTAH POWER & LIGHT COMPANY (Utah Power) and protests the Application of Georgetown Irrigation Company

1. Utah Power holds Water Rights decreed in the matter of Utah Power & Light Company vs. The Last Chance Canal Company, Limited, et al, In Equity No. 203, July 14, 1920, and Utah Power & Light Company vs. Richmond Irrigation Company, et al, February 21, 1922, as well as other rights in the Bear River, including License 15596 and Certificate Nos. 528 and 1624.

2. The Bear River below Stewart Dam is fully appropriated.

3. Georgetown Irrigation Company filed an Application with the Office of the Idaho Department of Water Resources numbered 11-7219 seeking to appropriate 70 cubic feet per second of water at points of diversion specified in said Application.

4. The granting of the Application of Georgetown Irrigation Company for the appropriation of 70 cubic feet per second of water would adversely affect the aforementioned water rights of Utah Power & Light Company.

WHEREFORE, protestant prays that the Application of Georgetown Irrigation Company be denied inasmuch as there is no unappropriated water in the proposed source and the proposed use will impair existing rights.

DATED this 13th day of February, 1981.

SIDNEY G. BAUCOM
THOMAS W. FORSGREN

BY William W. Forsgren
Attorneys for Protestant
Utah Power & Light Company
1407 West North Temple
Salt Lake City, Utah 84116

RECEIVED
FEB 17 1981
Department of Water Resources
Eastern District Office

№ 1611

RECEIVED
MAR 04 1981
Department of Water Resources
Eastern District Office

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
County of Bear Lake } ss.

Michael A Hagen being duly sworn, deposes and says:

That he is the Publisher of THE NEWS-EXAMINER, a weekly newspaper published at Montpelier, in the County of Bear Lake and State of Idaho; and said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Montpelier; that the advertisement, a copy of which is attached hereto, was published in said newspaper once a week for four consecutive weeks in the regular and entire issue of said paper during the period and time of publication, and was published in the newspaper proper and not a supplement; that said paper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with January 29, 1981, and ending with the issue of February 5, 1981.

Michael A Hagen

Fees, 21.72

Subscribed and sworn to before me this 15th day of February, 1984

Anita Teague

Notary Public, Residing at Montpelier, Idaho

My Commission Expires July, 1984

NO. 1611

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:

11-7219

GEORGETOWN IRRIGATION COMPANY
C/O SHELDON CLARK, SEC.-TREAS.,
GEORGETOWN, ID83239
Source: GEORGETOWN CREEK tributary to BEAR RIVER
Date Filed: 01-12-1981
Amount: 70.00 CFS
Diversion Point: SWNE Sec 04 T 11S R 44E SWSE Sec 32 T 10S R 44E.
BEAR LAKE Co.
Use: POWER (70.00 CFS) from 01-01 to 12-31
Place of Use: SWSE Sec 05 T 11S R 44E SENW Sec 07 T 11S R 44E SWSE Sec 12 T 11S R 43E SESE Sec 11 T 11S R 43E SWNE Sec 14 T 11S R 43E
Diversion Means: GRAVITY SPRINKLER SYSTEM.

11-7220

PAYNE, WILFORD W.
GEORGETOWN, ID 83239
Source: GEORGETOWN CREEK tributary to BEAR RIVER
Date Filed: 01-13-1981
Amount: 29.00 CFS
Diversion Point: SWSE Sec 12 T 11S R 43E, BEAR LAKE Co.
Use: POWER (29.00 CFS) from 01-01 to 12-31
Place of Use: SWSE Sec 12 T 11S R 43E
Diversion Means: DIVERSION DAM & ELECTRICAL GENERATION SYSTEM.

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, 150 Shoup Ave., Idaho Falls, Idaho 83401 on or before FEBRUARY 16, 1981.

C. STEPHEN ALLRED
Director

1-29-81, 2-5-81
52 LINES

3/10/81

3/10/81

NOW STARTING RIGHT SIDE OF FILE

STATE OF IDAHO, OFFICE OF THE ATTORNEY GENERAL
700 W. Jefferson Street, Rm. 210
P.O. Box 83720
Boise, Idaho 83720-0010

Phone: (208) 334-2400
Natural Resources Division FAX: (208) 334-2690

Transmittal Cover

To: Randall Budge
Fax: 208-232-6109

Scott Grunder, F&G
Fax: 334-2114

Shelley Keen, IDWR
Fax: 327-7866

From: Harriet A. Hensley
Deputy Attorney General
Natural Resources Division

Document Description: Letter for your files from Philip Damon, Dept. of Interior, BLM, to Drue Smith re Georgetown Irrigation Co.

Total Number of Pages (Including This Page): 3

Sender: Pat Boehm

Date: August 12, 2004

Please advise of any deficiency in this transmission.
Call Pat Boehm at (208) 334-4124

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United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Pocatello Field Office
4350 Cliffs Drive
Pocatello, Idaho 83204-2105
(208) 478-6340
http://www.id.blm.gov/offices/pocatello

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AUG 0 6 2004
OFFICE OF THE ATTORNEY GENERAL

In Reply Refer To:
(ID075) 2800
IDI-6483

August 3, 2004

Drue Smith
Georgetown Irrigation Company
305 Smith Lane
Georgetown, Idaho 83239

Dear Mr. Smith:

This letter follows several BLM compliance checks on right-of-way authorization IDI-6483 and the letter from your attorney, Randy Budge, dated June 3, 2004.

On June 10, 2004, a compliance exam was conducted by Becky Lazdauskas, Realty Specialist, and Kyle Gandiaga, BLM Law Enforcement Officer. They observed that the water running through the weir was only filling the structure about half way; this is contrary to the agreement that BLM made with GIC. It was agreed upon that until a measuring device was installed that water would flow to the top of the weir, with an estimation that this was close to the stipulated 5cfs. Randy Budge's letter stated that the measuring device had been repaired, reinstalled and calibrated on May 18, 2004. With the measuring device installed, this is an apparent non-compliance of the terms and conditions of the right-of-way authorization.

On June 30, 2003, myself, Becky, and Dan Kotansky, BLM Hydrologist, conducted another compliance exam and measured the flow of water. Dan took measurements below the weir but above the City's overflow. An estimated 6.74 cfs was flowing through the weir on this date. The BLM was pleased with this finding, however, since our office has not received any readings from the measuring device we have no way of knowing how often GIC is in compliance. This office requires daily readings from the measuring device, as agreed previously, please remit the readings from the date of the installation to present.

During both inspections, it was noted that work was being done in the stream at the City's overflow. There was disturbance to the stream channel and pipe laying in the stream and alongside in the riparian area. Becky contacted you and asked that if it was GIC's intention to use the overflow, to please contact us with a proposal so we can determine what authorizations are needed. The BLM has not heard from GIC on this matter. If there is new disturbance on BLM land without proper authorization, it will be considered a trespass and trespass procedures will be pursued.

MAIL -67064

This office is aware of the effort being made by GIC. We believe that steps are being made in the right direction for compliance with this right-of-way authorization and hope that you will contact our office as soon as possible to review GIC's proposal and work toward a solution that will benefit all the parties involved.

Please contact me at 478-6340 or Becky at 478-6357, to set up a meeting.

Sincerely,

Philip L. Damon

Philip Damon
Field Manager

cc:
Dexter Pitman, Idaho Fish and Game
Harriet A. Hensley, Office of the Attorney General

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Georgetown Irrigation Company — Project No. 6445-001
Idaho

COMPLIANCE ORDER
(Issued February 12, 1993)

In a letter dated November 25, 1992, the Director of the Division of Project Compliance and Administration (Director), requested that the exemptee for the Georgetown Irrigation Hydroelectric Plant Project provide a report on the project's compliance with Article 2 of its exemption.

Article 2 requires compliance with any terms and conditions that federal or state fish and wildlife agencies have determined are appropriate to prevent loss of, or damage to, fish and wildlife resources at the project. Article 2 terms and conditions for the project were submitted by the Idaho Department of Fish and Game (IDFG) in a letter dated September 16, 1982. The IDFG required flow monitoring equipment capable of recording instantaneous flow data at the diversion, and also required that this data be made available to them upon request.

The Director's letter of November 25, 1992 requested that the exemptee file, within 20 days, documentation that either the flow monitoring equipment, approved by IDFG, has been installed, or that the IDFG has waived the flow monitoring requirement at the project. If documentation of a waiver was filed, the filing was to include a request to amend the flow monitoring requirement, with comments from the IDFG.

The Director's letter of November 25, 1992 also notified the exemptee of the enforcement and civil penalty provisions of section 31 of the Federal Power Act (Act), which include penalties of up to $10,000 per day for each violation, or termination of the exemption.

A response was received from the exemptee in a letter dated December 1, 1992. That filing failed to provide any of the requested information. On January 26, 1993, the Commission received a copy of a letter, dated January 19, 1993, from IDFG to the exemptee. The IDFG stated that the exemptee is required to install and operate adequate stream monitoring equipment capable of recording instantaneous flow data. The IDFG informed the exemptee that if the project was being operated without monitoring equipment, then it should be checked that the required 5 cubic feet per second (cfs) is being passed. The letter asked the exemptee to install the necessary flow monitoring equipment as soon as possible, and to notify IDFG if it would not be installed by the end of May 1993.

FEB 23 1993

In the Director's November 25, 1992 letter, the exemptee was notified that they would remain in violation of article 2 of the project's exemption until flow monitoring equipment is installed at the project. The exemptee's failure to install a flow monitoring system at the project prevents the Commission from determining whether the project is in compliance with its operational requirements. Therefore, within 30 days of the date of this order, the exemptee must provide a flow monitoring plan for Commission approval. The plan must include a schedule for installing a flow monitoring system within 60 days from the date of this order. The flow monitoring system described in the plan must continuously record the flow (in cfs) that is bypassed by the project. The flow monitoring plan must also include measures for reporting flow data to the IDFG and the Commission upon request.

The flow monitoring plan must be filed with the IDFG at the same time it is filed with the Commission. The exemptee must also file the continuous flow records from the flow monitoring system with the Commission on a monthly basis for the next year. The first monthly flow record must be filed no later than April 30, 1993.

Compliance with this order does not preclude the Commission from assessing penalties pursuant to section 31 of the Act for violations that have already occurred. Furthermore, the exemptee continues to be in violation of the exemption until the requirements of this compliance order have been met. Failure to comply with this order will subject the exemptee to the enforcement and penalty provisions of section 31. In determining the amount of a penalty, the Commission will consider, in addition to the nature and seriousness of the violation, the efforts of the exemptee to remedy the violation in a timely manner. This order is issued pursuant to section 31(a) of the Act.

The Director orders:

(A) The exemptee shall file, within 30 days from the date of this order, a flow monitoring plan for Commission approval. The plan must include a schedule for installing the flow monitoring system within 60 days from the date of this order. The flow monitoring system described in the plan must continuously record (in cubic feet per second) the flow in the bypass reach below the Georgetown Irrigation Hydroelectric Plant Project. The plan must also include measures for reporting flow data to the Idaho Department of Fish and Game (IDFG) and the Commission upon request. The proposed plan shall also be filed with the IDFG at the same time it is filed with the Commission, along with a written request for IDFG's comments on the proposed plan. The Commission reserves the right to modify the plan as

RC-A-5

Ref Permit
11-07219

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Co. | Co.
Dept. IWDR | Phone # 336-6160
Fax # 525-7177 | Fax # 336-6168

to insure accurate documentation of the exemptee's

(B) The exemptee shall file continuous flow records from the flow monitoring system with the Commission on a monthly basis for the next year. The first monthly flow record must be filed no later than April 30, 1993.

(C) This order constitutes final agency action. Requests for rehearing by the Commission may be filed within 30 days from the date of issuance 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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June 3, 2004

Harriet A. Hensley
Deputy Attorney General
Natural Resources Division
P.O. Box 83720
Boise, Idaho 83720-0010

Phil Damon
Becky Lazdauskas
Bureau of Land Management
1111 No. 8th Avenue
Pocatello, Idaho 83201

Re: Georgetown Irrigation Company - Hydro Bypass Flume

Dear Harriet, Phil and Becky:

Earlier this spring the non-functioning recorder on the bypass flume of Georgetown Irrigation Company ("GIC") was removed and sent to the manufacturer for necessary repairs. After the repairs were completed, the recorder was reinstalled and calibrated by Brockway Engineering on May 18, 2004. At the same time the pool in front of the flume was cleaned to ensure uniform distribution of inflow across the width of the flume.

Enclosed is a copy of Brockway's letter detailing the work performed.

Please note that Brockway also concluded that there was no hydrologic problem with connecting the city's overflow pipeline from their domestic supply tank on to the existing buried pipeline that would dump into Georgetown upstream of the flume. It is our understanding the city plans to connect the pipe accordingly. That will place into Georgetown Creek at this upper location water that historically entered Right Hand Fork above the flume prior to the time that the city began diverting all of Right Hand Fork into its system.

Finally, you will note Brockway discusses anticipated difficulties keeping the recorder operating during the winter months and discusses alternative solutions. Brockway's first recommendation is to develop an alternative winter operating program which would involve locking the gate opening at the bypass flow valve coming out of the power plant after adjusting the opening

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to a level that would always pass the 5 cfs. GIC requests that the BLM approve this proposed winter operating program.

Please advise.

Sincerely,

RANDALL C. BUDGE

RCB:rr
Enclosure
cc: Ronald D. Carlson
Shelley Keen
Drue Smith
Paul Clark
Sheldon Clark
Brockway Engineering
Dirk Scully - IFG

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ENGINEERING
P.L.L.C.

Hydraulics
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CHARLES E.
BROCKWAY,
PH.D., P.E.

CHARLES G.
BROCKWAY,
PH.D., P.E.

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TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506

June 1, 2004

Racine, Olson, Nye, Budge, & Bailey Chartered
Attn.: Randy Budge
P.O. Box 1391
Pocatello, ID 83204-1391

RE: Georgetown Irrigation Company Hydro Bypass Flume

Dear Randy:

On May 18th I visited the Georgetown hydro bypass flume and water-measuring device to install the Stevens type F recorder on the flume. The flume is operating, as it was in 1994 when it was installed, but apparently the recorder had not been functioning and was sent off for repair. It was repaired and I installed it and surveyed the installation on May 18th. In 1994, there was a staff gauge installed on the wall of the flume, which was used to set the recorder. That staff gauge is now missing. However, the recorder could be set with the survey instrument without that staff gauge installed. I set up the recorder and instructed the guys on how to change the chart on the recorder and how the time scales and gauge scales work. I also indicated the location of the pen on the recorder at which they would have to operate to assure a bypass flow of 5 cfs. I will be ordering a one-foot staff gauge to replace the one that is missing and some additional type F recording charts and ink pens so that they will have them when they have to change the charts. The recorder was set for a 32-day period before it has to be changed, and the gauge scales are one inch equals 0.1 ft so the sensitivity on the recorder chart is less than 0.01 ft.

While I was there, the staff brought in a backhoe and cleaned out the pool in front of the flume to assure uniform distribution of inflow across the width of the flume. The discharge measurement is much improved over that being achieved before cleaning out the channel. The flume appears to be operating fine, and the recorder was operating when I departed. I did tell the staff that I would order the staff gauge and recorder charts and pens, and that I would bring them down to them the next time I came. Which would likely be within 30 days.

I also looked at the Georgetown City overflow pipeline from their domestic supply tank which comes into Georgetown creek about 500 feet downstream of the Right Fork road. That pipe was flowing but not uniformly. It was not possible to determine the discharge because it was coming out under water and burping. It appears that in order to hook up that pipe coming over the hill from the cities tank it will have to cross Georgetown Creek, and hook onto an existing buried pipe that goes upstream and dumps into Georgetown Creek upstream of the bypass flume. It looks like a simple plumbing problem. I cannot see why IDFG or BLM should be concerned about piping the city overflow water upstream above the flume. Flow from the City's tank historically entered the Right Fork above the confluence with Georgetown Creek, and was measured at the flume before the city began delivering all of the Right Hand fork into it's system. So it is not 'new water'. Also, with the current city pipe system, delivery loss is eliminated meaning there is more water in the stream than before.

There is no hydraulic problem with connecting the City's pipe and discharging into Georgetown Creek above the bypass flume. I advised the staff to install a flap valve on the end of the pipeline as it goes into Georgetown Creek to prevent rodents or other animals from entering the pipe when it is not flowing. I advised the staff that there is no problem hydraulically in hooking up the City pipe and that environmental disturbance should be minimal.

Also, we discussed the need for methods for winterizing the recorder and the stilling well so that it would give a proper reading in the wintertime.
The best choice is to develop an alternate winter operating program where the gate opening of the bypass flow valve coming out of the power plant forebay would be locked, and the forbay water level elevation maintained right at the lip of the overflow all winter. The gate opening would be adjusted so that it always passed 5 cfs or something less depending on what we could consider as a base flow for the city pipeline, the gate wheel would then be locked for the wintertime so that it couldn't be changed, and there would also be a staff gauge on the weir that could be read by any person.

Fish and Game could see that the gate was still locked, and that the water was still flowing over the lip of the overflow in the forebay. That way the recorder and stilling well would not have to be winterized. The staff indicated they would like us to pursue a waiver of the recording in the wintertime in lieu of a more fixed flow setting on the bypass and still meet the requirements of the order.

An alternative is to bring power down from the hydro land and either use heat tape or make an enclosure around the recorder and stilling well and heat it with a small portable heater. Heat tape on the stilling well and around the recorder is probably the best choice. This choice would be more expensive to install and maintain.

Things went well, the recorder is working, and I told the staff that in my opinion hydraulically and certainly environmentally, hooking up the city pipeline waste was a good idea. Please call me if you want to discuss this.

Sincerely,

Charles E. Brockway, P.E., Ph.D.

CEB/jjd

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April 26, 2004

Harriet A. Hensley
Deputy Attorney General
Natural Resources Division
P.O. Box 83720
Boise, ID 83720-0010
E-mail: hhensley@ag.state.id.us

RE: Georgetown Power Water Right

Dear Harriet:

I have now had an opportunity to review with the Georgetown Irrigation Company Board your most-recent draft Agreement between GIC and IDFG which you indicated IDFG was willing to sign.

GIC finds unacceptable the last sentence of the newly-added language at the bottom of paragraph II A 1. The effect of that sentence would be to create a 5 cfs minimum flow requirement over the distance downstream from the current point of diversion. Such requirement would not otherwise exist if the BLM right-of-way is not in effect. If that sentence is removed, the newly-added language in I B would no longer be needed.

Regarding the monitoring requirements set forth in paragraph II A 2, GIC plans on having the monitoring device recording continuously by April 30, 2004. GIC advises that they have been in contact with the USGS Office in Idaho Falls to make arrangements for the repair. Either the USGS will make the repairs on-site or GIC will pull the crested weir and deliver it to the USGS in Idaho Falls for repairs. In any event, they contemplate the repairs will be completed by April 30. In the meantime, the existing crested weir continues to function properly and the 5 cfs minimum flow requirement under the BLM right-of-way is being maintained.

GIC will sign the proposed Agreement in its present form if the additional language in paragraph I.B. is deleted, the last sentence of II.A.1. is deleted and the date changed to April 30 in II.A.2. If this is not acceptable to IDFG, it appears we have exhausted our good faith efforts to negotiate a settlement; and, that we should so advise Ron Carlson so he can proceed to make a decision based upon the pending Applications.

Sincerely,

RANDALL C. BUDGE

RCB:rr
cc: Ronald D. Carlson
Shelley Keen
Phil Damon
Becky Lazdauskas
Drue Smith
Paul Clark
Sheldon Clark

MEMORANDUM

Date: January 20, 2004

To: Water Right File 11-7219

From: Shelley Keen SWK

Re: Bypass flow negotiations

The Idaho Dept. of Fish and Game has been negotiating with Georgetown Power, Inc., to ensure that a bypass flow of 5 cfs is maintained in Georgetown Creek to benefit Bonneville Cutthroat Trout. The parties crafted a draft agreement and submitted it to IDWR on January 12, 2004. IDWR responded on January 13, 2004. On January 15, 2004, deputy attorney general Harriet Hensley, who is representing IDF&G in the negotiations, called me to discuss IDWR's response. During the discussion it became clear that the parties were expecting IDWR to impose the provisions of the agreement on all of Georgetown Power's water rights, including decreed irrigation right 11-290, whereas IDWR believes it can impose the conditions only on Right 11-7219 when it is licensed.

In the eyes of IDF&G, imposing the bypass requirement on 11-7219 without involving 11-290 does not accomplish the objective, which is a year-round bypass flow. Historically, Georgetown Power has not generated power during the summer months when the flows in Georgetown Creek are at their lowest. Instead, water is used exclusively for irrigation under Right 11-290 in the summer. If the bypass requirement is not imposed on Right 11-290, Georgetown Power could divert water for irrigation in the summertime, the most critical period for Bonneville Cutthroat Trout, without providing the bypass flow.

Imposing the bypass flow requirement on Right 11-290 may require the parties to execute a side agreement that is enforceable in court but not by IDWR. It may also be possible as part of a water right transfer which may be necessary to correct the authorized point of diversion from Georgetown Creek for Right 11-290.

State of I ho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 13, 2004

HARRIET A HENSLEY
OFFICE OF THE ATTORNEY GENERAL
NATURAL RESOURCES DIVISION
PO BOX 83720
BOISE ID 83720-0010

RE: Georgetown Irrigation Company Permit No. 11-7219

Dear Harriet:

Thank you for providing IDWR with a draft of the agreement between Georgetown Irrigation Company (GIC) and IDFG concerning the bypass flow associated with GIC's diversion from Georgetown Creek under Permit 11-7219. I have reviewed the draft agreement, and understand that GIC and IDFG want IDWR to include the six conditions listed in part II.A. of the agreement on any water right license issued in connection with Permit 11-7219. IDWR is willing to incorporate the conditions into a license, when it is issued, if the following items can be modified as suggested below.

- IDWR will change all references to GIC to say "the right holder" in order to accommodate the possibility that the water right may change owners at some time in the future.

- The phrase "and continuing through the bypass reach" in condition no. 1 should be deleted. Describing a minimum flow in a stream reach would create a de facto minimum stream flow appropriation. Appropriations of water for minimum stream flow purposes must be accomplished through the procedure described in Chapter 15, Title 42, *Idaho Code*.

- Because technology and situational circumstances change over time, IDWR prefers not to specify types of measuring devices on the water right licenses it issues. For example, conditions 1 and 2 refer to a crested weir that, while durable, may not survive forever or may not remain the measuring device of choice. In condition no. 1 IDWR would prefer the last sentence to say, "Until such time as a fish passage facility is installed at the point of diversion, the 5 cfs bypass flow shall be measured at the crested weir located _____ ft. downstream from the drainage head gate, or at a point as close as possible to the location of the crested weir if the weir is removed or damaged, or at the location of the replacement measuring device if the crested weir is replaced." In condition no. 2 IDWR would prefer the first two sentences to say, "The right holder, in consultation with IDWR, IDFG, and BLM, will install and maintain a continuous flow monitoring device, approved by IDWR, and approved and calibrated by a professional engineer, at the crested weir located downstream

from the drainage head gate, or at the replacement measuring device if the crested weir is replaced. The device and configuration of the weir or replacement measuring device must be capable of measuring flows up to 7 cfs."

- The intent of item (a) in the second paragraph of condition no. 5 is not clear. The provision seems to say that the drought contingency plan will not be implemented if GIC diverts and uses water for hydropower purposes. However, GIC can use the water diverted under Right 11-7219 only for the generation of power. If GIC does not intend to use the water for the generation of power, then it should not be diverting any water under Right 11-7219. Conditions placed on Right 11-7219 will not be effective on other rights, such as Right 11-290.

- IDWR suggests replacing condition no. 6 with, "The right holder shall obtain a stream channel alteration permit from the Department in connection with any work in the channel of Georgetown Creek to install, operate, or maintain a monitoring device or any other equipment not a part of the diversion works for this right."

IDWR will also likely add the following statement to the license when it is issued.

> The diversion and use of water described in this right may be subject to additional conditions and limitations agreed to by the protestant(s) and the right holder under separate agreement to which the Department is not a party and which may be enforceable by a court of law.

To facilitate the incorporation of the proposed conditions into the license, please provide Shelley Keen with an electronic version of the proposed conditions.

Thank you for your offer to coordinate with the other parties regarding this matter. I will look forward to seeing a revised draft of the agreement. If you have any questions, please call me at 208-327-7910 or Shelley Keen at 208-327-7946.

Sincerely,

L. Glen Saxton, P. E.
Administrator, Water Management Division

cc: Ron Carlson, IDWR Eastern Region

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Department of Water Resources

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

January 8, 2004

Shelley Keen
Water Rights Supervisor
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

Re: Georgetown Irrigation Company/Georgetown Power, Inc.
Permit No. 11-07219

Dear Shelley:

As you know, the Idaho Department of Fish and Game and Georgetown Irrigation Company have been engaged in negotiations to ensure that any water right license based on permit no. 11-7219 incorporates terms and conditions designed to protect aquatic resources in Georgetown Creek. I am pleased to report that the parties have been able to resolve the issues identified in my December 3, 2002, letter to Norm Young. Enclosed is the final draft of a Memorandum of Agreement that the Georgetown Irrigation Company and Idaho Department of Fish and Game intend to execute for your review and consideration. The Bureau of Land Management will not be a signatory to the agreement, but has advised that the agency will not object to the issuance of a water right license based on permit no. 11-7219 if the license is consistent with the enclosed agreement.

I am available to coordinate with the other parties and answer any questions the Department may have about the enclosed agreement.

Sincerely,

Harriet A. Hensley

HARRIET A. HENSLEY
Deputy Attorney General
Natural Resources Division

HH/pb
Enclosure

Natural Resources Division
P.O. Box 83720, Boise, Idaho 83720-0010
Telephone: (208) 334-2400, FAX: (208) 334-2690
Located at 700 W. Jefferson Street, Suite 210

cc: (with enclosure)
Randy Budge
Ron Carlson, IDWR
Scott Grunder, F&G
Dick Scully, F&G
Phil Damon, BLM
Becky Lazdauskas, BLM

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JAN 12 2004
Department of Water Resources

DRAFT DRAFT DRAFT

AGREEMENT BY AND BETWEEN GEORGETOWN IRRIGATION COMPANY, INC., AND THE STATE OF IDAHO, DEPARTMENT OF FISH AND GAME, GOVERNING TERMS AND CONDITIONS FOR GEORGETOWN IRRIGATION COMPANY'S APPLICATION FOR WATER RIGHT LICENSE ON GEORGETOWN CREEK TO BE SUBMITTED TO THE IDAHO DEPARTMENT OF WATER RESOURCES

THIS AGREEMENT ("Agreement") is made and entered into effective the _____ day of December 2003, between Georgetown Irrigation Company ("GIC") and the Idaho Department of Fish and Game ("IDFG"), referred to hereinafter as the "Party" or "Parties," as the case may be. This Agreement provides the basis for the Idaho Department of Water Resources to issue a water right license to GIC for operation of the Georgetown Creek Hydroelectric Facility ("Facility") based on water right permit no. 11-7219.

I. RECITALS

A. The Facility became operational in 1986. The Facility relies on diverted flow from Georgetown Creek for its operation and is currently operating under water right permit no. 11-7219. Water is also diverted from Georgetown Creek for irrigation use under decreed right No. 11-290, decreed in the District Court of the United States for the District of Idaho, Eastern Division, in the case of Utah Power and Light Company, Plaintiff v. The Last Chance Canal Company, Limited, et al., Defendants, In Equity No. 203, filed July 14, 1920. (Appendix A.)

B. The diversion structure for delivery of water for irrigation and production of hydropower is located on lands owned by the United States. On June 4, 1973, the United States issued a right-of-way grant (IDI-6483) for the GIC diversion authorizing GIC's use and occupancy of lands under the management and control of the U.S. Bureau of Land Management. The grant requires that a minimum of five (5) cfs be allowed to bypass the diversion structure and remain in the natural stream channel below the diversion structure for the purpose of sustaining fish and other aquatic and riparian life in Georgetown Creek. The grant also requires installation and operation of a continuous measurement device to determine the amount of water being diverted out of the creek. (Appendix B.)

C. On October 18, 1982, the Federal Energy Regulatory Commission issued an Order Approving Request For Waiver and Granting Exemption From Licensing For the Georgetown Irrigation Conduit Hydroelectric Project. Article 2 of the Order requires compliance with the terms and conditions that federal or state fish and wildlife agencies determined were appropriate to prevent loss of, or damage to, fish and wildlife resources. (Appendix C.) Article 2 terms and conditions for the project were submitted by IDFG in a letter dated September 16, 1982. The IDFG required flow-monitoring equipment capable of recording instantaneous flow data at the diversion and a bypass flow of 5 cfs in Georgetown Creek for the benefit of aquatic resources. (Appendix D.)

D. On October 3, 1985, the Idaho Department of Water Resources ("IDWR") issued water right permit no. 11-7219 to GIC for the diversion and use of water from Georgetown Creek at the GIC Facility. The GIC has submitted proof of beneficial use and a field examination has been conducted. The GIC has requested that a water right license be issued based on water right permit no. 11-7219.

E. The IDFG has documented the presence of Bonneville Cutthroat Trout in Georgetown Creek upstream of the GIC diversion structure. Preservation and enhancement of native populations of Bonneville Cutthroat Trout is a priority of the State of Idaho. The IDFG is working with other state and federal agencies, PacifiCorp, and private parties to preserve, restore, and enhance Bonneville Cutthroat Trout and other aquatic resources in the Bear River Basin.

F. The Parties believe it to be in their mutual interest to cooperate and facilitate the issuance of a water right license to the GIC that includes the following conditions for the restoration and protection of Bonneville Cutthroat Trout and other aquatic resources in Georgetown Creek:

II. AGREEMENT

In consideration of the recitals above, which are an integral part of this Agreement and are expressly incorporated herein, and the mutual covenants and agreements hereinafter set forth, the parties covenant and agree as follows:

A. ACCEPTANCE OF THIS AGREEMENT.

GIC will request acceptance of this agreement by the IDWR and issuance of a water right license for hydropower production at the GIC Facility that includes the conditions outlined in this Agreement. No party shall file or pursue any objection, petition, or suit challenging the issuance of a water right license based on permit no. 11-7219 for hydropower production at the GIC Facility if the draft and final license issued by IDWR contain the following conditions and are not inconsistent with the following conditions:

1. Bypass flow: Use of water under this license shall require a year-round flow of 5 cfs bypassing GIC's intake pipe and continuing through the bypass reach for the benefit of aquatic species in Georgetown Creek. Until such time as a fish passage facility is installed at the point of diversion, the bypass flow shall be released at the drainage head gate of GIC's diversion. Until such time as a fish passage facility is installed at the point of diversion, the 5 cfs bypass flow shall be measured at the crested weir located downstream from the drainage head gate.

2. Monitoring: GIC, in consultation with IDWR, IDFG, and BLM, will install and maintain a continuous flow monitoring device, approved by IDWR, and approved and calibrated by a professional engineer, at the crested weir located downstream from the drainage head gate. The device and configuration

of the weir must be capable of measuring flows up to 7 cfs. The monitoring device shall record continuously, at a minimum every half hour, the instantaneous flow at the weir and shall be installed, no later than April 30, 2004. GIC shall keep the continuous monitoring device operational, collect monthly readings, and submit monthly reports to the watermaster of Water District 11, BLM, and IDFG. GIC agrees to provide IDFG and BLM reasonable access to lands and facilities to take readings off the monitoring device and evaluate the effectiveness of the monitoring device and the aquatic resources affected by the bypass flow.

3. Monitoring Device Operation, Maintenance, Repair, and Replacement. GIC agrees to inspect the monitoring device on a daily basis during the irrigation season and during any period in which the drought contingency plan is in effect; otherwise, GIC agrees to inspect the monitoring device as needed and agrees to maintain, repair and replace any portion of the monitoring device as necessary to ensure the monitoring device's continued operation. In the event that replacement is required, GIC will install a device approved by IDWR, IDFG, and the BLM.

4. Fish Passage: In the event funds become available to install fish passage facilities for Bonneville Cutthroat Trout at the point of diversion and IDFG determines that fish passage facilities at the point of diversion are necessary for the restoration and protection of Bonneville Cutthroat Trout in the Bear River basin, GIC will permit such installation and will permit the relocation of the continuous monitoring device so that the bypass flow is measured at GIC's point of diversion. Unless otherwise agreed, GIC will not be responsible for the relocation of the continuous monitoring device if such relocation is a result of the installation of fish passage facilities.

5. Drought Contingency Plan: If, during the irrigation season, the flow entering the point of diversion does not exceed 24 cfs for a period of seventy-two hours, GIC may reduce the 5 cfs bypass flow to 4 cfs after providing written documentation of the reduced flow period and written notice to the watermaster, IDFG, and BLM. During the time in which flows are reduced, if the flow entering the point of diversion increases to 24 cfs for a period of seventy-two hours, GIC shall increase the bypass flow to 5 cfs, after providing written documentation of the increased flow period and written notice to the watermaster, IDFG, and BLM. In the event that the flow entering the point of diversion does not exceed 18 cfs for a period of seventy-two hours, GIC may reduce the 5 cfs bypass flow to 3 cfs, after providing written documentation of the reduced flow period and written notice to the watermaster, IDFG, and BLM. During the time in which flows are reduced, if the flow entering the point of diversion increases to 18 cfs but less than 24 cfs for a period of seventy-two hours, GIC shall increase the bypass flow to 4 cfs, after providing written documentation of the increased flow period and written notice to the watermaster, IDFG, and BLM.

GIC agrees to install, maintain, repair, and replace a continuous monitoring device at the point of diversion to monitor the amount of flow entering the point of diversion as a condition precedent to implementation of the drought contingency plan. The drought contingency plan shall not go into effect if (a) GIC uses or intends to use any of its water right to produce hydroelectric power at the power plant during a period of reduced flows; or (b) a continuous monitoring device to determine the amount of flow entering the point of diversion approved by IDWR, BLM, and IDFG has not been installed and made operational to allow accurate measurement of the 24 cfs and 18 cfs drought contingency plan trigger points; or (c) the IDFG or BLM determines, based on scientific studies conducted in Georgetown Creek, that reducing the 5 cfs bypass flow will have significant adverse effects on the aquatic resources in Georgetown Creek.

In any year that the flows in the bypass reach are reduced from the 5 cfs, the GIC shall increase the bypass flow to more than 5 cfs commensurate with the reductions in flow when the drought contingency plan was in effect, commencing as soon as irrigation demand ceases but no later than September 15th. For example, if, under the drought contingency plan, the 5 cfs bypass flow is reduced to 3 cfs for one week, commencing on September 15th, the bypass flow shall be increased to 7 cfs for a period of one week. Prior to September 15th of each year, GIC shall notify in writing, the watermaster, IDFG, and BLM of its plan for replacing any flows that were reduced under the drought contingency plan.

6. Permits and Approvals. GIC agrees to apply for and acquire any governmental permits and approvals necessary for the installation, operation and maintenance of any monitoring devices required by this Agreement. [Randy suggests deleting, as there are no permits necessary.]

B. GENERAL.

1. Binding Effect. This agreement shall bind and inure to the benefit of the respective successors and assigns of the Parties.

2. Other Existing Agreements. This Agreement does not alter or supersede any rights or obligations in any other existing agreement between two or more Parties, as between those Parties.

3. No Obligation to Expend Public Funds. This Agreement shall not be construed to obligate the expenditure of funds by any public agency.

4. Modification of the Agreement. This Agreement may be terminated or modified, but only by means of a written agreement signed by each of the Parties hereto.

5. Governing Law. This Agreement shall be construed in accordance with the laws of the State of Idaho. This Agreement may be executed in duplicate counterparts, each of which so executed shall be deemed an original, and all said counterparts together shall constitute one and the same agreement.

6. Further Assurances. The Parties shall execute and deliver, as reasonably requested, any further documents or instruments, and shall perform any further acts that may be reasonably required to fully effect the transactions intended under this Agreement.

7. Entire Agreement. This Agreement together with all appendices referred to herein, which are incorporated herein and made a part hereof by this reference, constitute the entire agreement between the parties pertaining to the subject matter of this Agreement.

8. Attorneys Fees. If any action is brought by either party in respect to such party's rights under this Agreement, the prevailing party shall be entitled to reasonable attorney fees and court costs as permitted by law and determined by the court.

9. Non-Waiver. The failure of any party to enforce any right or remedy hereunder, or to promptly enforce any such right or remedy, shall not constitute a waiver thereof nor give rise to any estoppel against such party, nor excuse any of the parties from their obligations hereunder. Any waiver of such right or remedy must be in writing and signed by the party to be bound. This Agreement is subject to enforcement at law and/or equity, including actions for damages and/or specific performance.

10. Remedies. Except as otherwise provided, should any party fail or neglect to perform in accordance with the terms of this Agreement or any other agreements between them, each party shall be entitled to all rights as are available at law or in equity. No waiver of a condition or warranty requirement shall limit any party's remedies for breach of any covenant related to such condition or warranty.

11. Mutual Cooperation. The parties will cooperate with each other at the time of installation of the measuring devices and during inspections and other operational tests that may be necessary to coordinate and install the measuring devices.

12. No Personal Liability. GIC specifically understands and agrees that in no event shall any official, officer or agent of the state of Idaho be personally liable or responsible for any representation, statement, covenant, warranty or obligation contained in, or made in connection with, this Agreement, express or implied.

13. Severability. If any part of this Agreement is declared invalid or becomes inoperative for any reason, such invalidity or failure shall not affect the validity and enforceability of any other provision, unless the invalidity or unenforceability of any such provisions hereof does substantial violence to, or where the invalid or unenforceable provisions comprise an integral part of, or are otherwise inseparable from, the remainder of this Agreement.

IN WITNESS WHEREOF, the Parties hereto have executed this instrument the day and year first above written.

GEORGETOWN IRRIGATION COMPANY, INC.

_____

President, Georgetown Irrigation Company, Inc.

STATE OF IDAHO, IDAHO DEPARTMENT OF FISH & GAME

_____

Director, Idaho Department of Fish & Game

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Department of Water Resources

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December 8, 2003

Harriet A. Hensley
Deputy Attorney General
Natural Resources Division
P.O. Box 83720
Boise, ID 83720-0010
E-mail: hhensley@ag.state.id.us

RE: Georgetown Power Water Right

Dear Harriet:

This will provide GIC's additional comments on the latest draft Settlement Agreement by paragraph:

II.A.2 Monitoring: GIC suggests that the latest date for installing the monitoring device be April 30 rather than April 15, 2004. This still would be before normal irrigation commences and better recognizes climate in the area, which often is still winter-like through April.

II.A.3 Monitoring Device Operation, Maintenance, Repair and Replacement: GIC's daily inspection of the monitoring device should be limited to the irrigation season and during any drought contingency plan. Periodic but not daily inspection should suffice the rest of the time.

II.A.4 Fish Passage: In the second paragraph, GIC agrees to maintain a monitoring device "at the point of diversion". That should be at the existing crested weir until such time as it might be moved to a new fish passage facility pursuant to paragraph 4.

II.A.5 Drought Contingency Plan: The first sentence of the last paragraph should be modified to provide that the increase in the bypass flow could commence prior to September 15 if irrigation demand ceased prior to that date. Accordingly, in the last paragraph, second line after the word "commencing", new language could be added so it reads as follows:

> "In any year that the flows in the bypass reach are reduced from the 5 cfs the GIC shall increase the bypass flow to more than 5 cfs commencing as soon as the irrigation demand ceases and no later than September 15 commensurate with the reduction in flow when the drought emergency plan was in effect."

While review and discussion is ongoing, it is my understanding that GIC is prepared to execute the Agreement with these additional changes.

Sincerely,

RANDALL C. BUDGE

RCB:cr
cc: Ronald D. Carlson
Shelley Keen
Phil Damon
Becky Lazdauskas
Drue Smith
Paul Clark
Sheldon Clark

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October 14, 2003

Harriet A. Hensley
Deputy Attorney General
Natural Resources Division
P.O. Box 83720
Boise, ID 83720-0010

RE: Georgetown Power Water Right

Dear Harriet:

I have forwarded copies of your September 30 letter to the Georgetown Irrigation Board and will get back to you as soon as I have had an opportunity to discuss the matter with them.

Let me mention a few minor details that I noted. First, in paragraph 2 where you provide for the weir to be installed within one month of the issuance of the license, this could be a problem if it is in the winter and when weather would not permit the work to be done.

In paragraph 3 I would suggest that at the end of the last sentence language be added stating: "nor the cost of relocating the measuring device". This is to make it clear that Georgetown will not have to bear the cost of any relocation of the measuring device.

I paragraph 4 regarding the drought contingency plan, there are two references tying it to Bear Lake County being declared a drought emergency. I don't believe this is necessary and suggest this reference be removed. Obviously the drought contingency plan goes into place based upon the reduced flow levels in Georgetown Creek, i.e., flow levels less than 24 cfs or less than 18 cfs. Requiring the drought emergency declaration may or may not be directly related to the flow levels in Georgetown Creek. Further,

there are often delays in getting a drought emergency declared, which shouldn't impact what we're doing here.

I would assume these suggested modifications won't be a problem with IF&G or BLM and can be incorporated. I will be back in touch with you as soon as I can discuss the matter with Georgetown Irrigation and identify any concerns they may have.

Sincerely,

RANDALL C. BUDGE

RCB:cr
cc: Ronald D. Carlson
Shelley Keen
Phil Damon
Becky Lazdauskas
Drue Smith
Paul Clark
Sheldon Clark

Keen, Shelley

From: Keen, Shelley
Sent: Friday, October 03, 2003 9:43 AM
To: Carlson, Ron
Subject: Harriet Hensley's proposal for the Georgetown Hydro license (11-7219)

Ron,

Yesterday I received a copy of Harriet Hensley's 9/30/2003 letter to Randy Budge regarding the Georgetown Irrigation Company power right, no. 11-7219. In her letter Harriet proposes a number of approval conditions for the license, when it is issued. Most of the proposed conditions look fine to me. I do, however, have a few concerns about the condition that she proposes for monitoring. The text of her proposed condition is:

> **GIC, in consultation with IDWR, IDFG, and BLM, will install and maintain a continuous flow monitoring device, approved and calibrated by a professional engineer, at the crested weir located downstream from the drainage head gate. The device and configuration of the weir must be capable of measuring flows up to 7 cfs. The monitoring device shall record continuously, at a minimum of every half hour, the instantaneous flow at the weir and shall be installed within one month of issuance of the license. GIC shall keep the continuous monitoring device operational, shall collect monthly readings, and submit monthly reports to IDWR, BLM, and IDFG. GIC shall permit the BLM and IDFG to take readings at any time.**

My concerns are these:

1. I do not like referring to "GIC" because they might not be the right holder forever. I suggest a generic term, such as "the right holder." (This concern actually applies to all the suggested conditions.)

2. I'm not sure IDWR wants the burden of having to receive and file the monthly reports. Since the issue is IDFG's, they should receive and file the reports. If IDFG ever perceives a problem, the pertinent reports can be forwarded to IDWR at that time.

3. I don't think we want to refer specifically to a crested weir. What if a different kind of device will serve this situation better in the future?

4. Whose professional engineer is goind to approve and calibrate the flow monitoring device? If it is a condition of the water right, then it should be approved by IDWR.

5. The measuring device should be installed before the license is issued, not after. Otherwise, some leverage is lost.

It looks like the negotiations are nearing and end stage. Let me know when the license is ready to be issued, and I'll be happy to draft the document.

Shelley Keen
Water Right Permits Section
Idaho Dept. of Water Resources
208-327-7946
skeen@idwr.state.id.us

COPY

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OCT - 2 2003
Department of Water Resources

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

September 30, 2003

Randy Budge
Racine, Olson, Nye, Budge & Bailey, Chtd.
Post Office Box 1391
Pocatello, ID 83204-1391

Re: Georgetown Irrigation Company/Georgetown Power, Inc.
Permit No. 11-07219

Dear Randy:

Outlined below are the terms and conditions the Idaho Department of Fish and Game proposes to include in the water right license for Georgetown Irrigation Company. I have discussed the terms with Phil Damon and Becky Lazdauskas of the U.S. Bureau of Land Management and have been advised that they are in agreement. (We will need to revise the start date for installation of the continuous monitoring device to conform to the terms of Phil Damon's September 8, 2003, letter to Drue Smith requiring installation on or before November 1, 2003.)

Draft Water Right License Terms

1. Bypass flow: Use of water under this license shall require a year-round flow of 5 cfs bypassing Georgetown Irrigation Company's (GIC) intake pipe and continuing through the bypass reach for the benefit of aquatic species in Georgetown Creek. Until such time as a fish passage facility is installed at the point of diversion, the bypass flow shall be released at the drainage head gate of GIC's diversion. Until such time as a fish passage facility is installed at the point of diversion, the 5 cfs bypass flow shall be measured at the crested weir located downstream from the drainage head gate.

2. Monitoring: GIC, in consultation with IDWR, IDFG, and BLM, will install and maintain a continuous flow monitoring device, approved and calibrated by a professional engineer, at the crested weir located downstream from the drainage head gate. The device and configuration of the weir must be capable of measuring flows up to 7 cfs. The monitoring device shall record continuously, at a minimum every half hour,

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Located at 700 W. Jefferson Street, Suite 210

the instantaneous flow at the weir and shall be installed within one month of issuance of this license. GIC shall keep the continuous monitoring device operational. shall collect monthly readings, and submit monthly reports to IDWR, BLM, and IDFG. GIC shall permit the BLM and IDFG to take readings at any time.

3. Fish Passage: In the event funds become available to install fish passage facilities for Bonneville Cutthroat Trout at the point of diversion and it is determined that fish passage facilities at the point of diversion are necessary for the restoration and protection of Bonneville Cutthroat Trout in the Bear River basin, GIC will permit such installation and will relocate the continuous monitoring device so that the bypass flow is measured at GIC's point of diversion. Unless otherwise agreed, GIC will not be responsible for the construction, installation, or maintenance of any fish passage facility constructed at the point of diversion.

4. Drought Contingency Plan: If, during the irrigation season, Bear Lake County is declared a drought emergency and flow entering the point of diversion does not exceed 24 cfs for a period of seventy-two hours, GIC may reduce the 5 cfs bypass flow to 4 cfs after providing written documentation of the reduced flow period and written notice to IDWR, IDFG, and BLM. During the time in which flows are reduced, if the flow entering the point of diversion increases to 24 cfs for a period of seventy-two hours, GIC shall increase the bypass flow to 5 cfs. In the event that the flow entering the point of diversion does not exceed 18 cfs for a period of seventy-two hours and Bear Lake County has been declared a drought emergency, GIC may reduce the 5 cfs bypass flow to 3 cfs. During the time in which flows are reduced, if the flow entering the point of diversion increases to 18 cfs but less than 24 cfs for a period of seventy-two hours, GIC shall increase the bypass flow to 4 cfs.

The drought contingency plan shall not go into effect if (a) GIC uses or intends to use any of its water right to produce hydroelectric power at the power plant during a period of reduced flows; or (b) a continuous measuring device to determine the amount of flow entering the point of diversion approved by IDWR, BLM, and IDFG has not been installed and made operational to allow accurate measurement of the 24 cfs and 18 cfs drought contingency plan trigger points; or (c) the IDFG or BLM determines, based on scientific studies conducted in Georgetown Creek, that reducing the 5 cfs bypass flow will have significant adverse effects on the aquatic resources in Georgetown Creek.

In any year that the flows in the bypass reach are reduced from the 5 cfs, the GIC shall increase the bypass flow to more than 5 cfs commencing on September 15th commensurate with the reductions in flow when the drought contingency plan was in effect. For example, if, under the drought contingency plan, the 5 cfs bypass flow is reduced to 3 cfs for one week, commencing on September 15th, the bypass flow shall be

increased to 7 cfs for a period of one week. Prior to September 15th of each year, GIC shall notify the IDWR, IDFG, and BLM of its plan for replacing any flows that were reduced under the drought contingency plan.

Please review and give me a call to discuss.

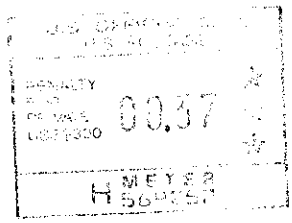
Sincerely,

Harriet A. Hensley

HARRIET A. HENSLEY
Deputy Attorney General
Natural Resources Division

HH/pb
cc: Scott Grunder, IDFG
Dick Scully, IDFG
Phil Damon, BLM
Becky Lazdauskas, BLM
Ron Carlson, IDWR
Shelley Keen, IDWR





FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON D.C. 20426

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE, $300

Ron Carlson
Idaho Dept. of Water Resources
900 N Skyline Dr
Idaho Falls, ID 83402-1718

P-20

83402+1718 20

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

PacifiCorp

Project Nos. 20-019, 2401-007,
and 472-017

NOTICE GRANTING LATE INTERVENTION

(June 20, 2003)

On March 15, 2000, the Commission issued a notice of new major license applications filed by PacifiCorp for the Bear River Hydroelectric Projects - Soda Hydroelectric Project No. 20-019, Grace-Cove Hydroelectric Project No. 2401-007, and Oneida Hydroelectric Project No. 472-017, located on the Bear River in Caribou and Franklin Counties, Idaho. The notice established May 15, 2000, as the deadline for filing motions to intervene in the proceeding.

On April 10, 2002, a late motion to intervene was filed by Larry Dunn. Granting the late motion to intervene will not unduly delay or disrupt the proceeding or prejudice other parties to it. Therefore, pursuant to Rule 214,[1] the late motion to intervene filed in this proceeding by Larry Dunn is granted, subject to the Commission's rules and regulations.

Linda Mitry
Acting Secretary

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Department of Water Resources
Eastern Region

[1] 18 CFR 385.214 (2003).

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May 12, 2003

Ronald D. Carlson
Regional Manager
Idaho Department of Water Resources
900 N. Skyline Boulevard, Suite A
Idaho Falls, Idaho 83402

Re: Georgetown Irrigation Company/Georgetown Power, Inc.
Permit No. 11-07219

Dear Ron:

Per your request, I am submitting on behalf of Georgetown Irrigation Company average daily flows in cfs through the plant by month for the years 1994 through April 2003. Georgetown Irrigation Company no longer has the records for the eight preceding years of 1986 through 1993. If those years are necessary, they should be able to be calculated from the power generation records of Georgetown Power, Inc. If you desire those records, please let me know or call directly Ted Sorenson at 208-522-8069.

Also, as discussed at the April 18 conference, Georgetown Irrigation Company has commenced and will continue to measure daily water released past the company's point of diversion, which will be reported monthly to Dick Scully at the Idaho Department of Fish and Game, and Bear River Water Master, Pete Peterson. Enclosed please find a copy of the April 2003 report sent to each of them.

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Department of Water Resources
Eastern Region

If you have any questions or need additional information, please advise.

Sincerely,

RANDALL C. BUDGE

RCB:rr
Enclosures
cc: Harriet Hensley (w/encl.)
Ted Sorenson (w/encl.)
Georgetown Irrigation Company (w/encl.)

Georgetown Irrigation Co. Apr. 30, 2003

average daily c f s through power plant by month

1994	CFS
Jan	20.6
Feb	20.5
Mar	20.9
Apr	22.3
May	23.0
Oct	17.3
Nov	15.8
Dec	15.6

1995	CFS
Jan	15.2
Feb	14.9
Mar	15.1
Apr	16.9
May	26.8
June	24.4
July	9.2
Sept	20.2
Oct	26.1
Nov	25.8
Dec	26.7

1996	CFS
Jan	24.2
Feb	23.4
Mar	23.3
Apr	27.1
May	28.4
June	16.9
July	5.8
Aug	15.6
Sept	22.3
Oct	28.3
Nov.	28.1
Dec.	27.3

1997	CFS
Jan	26.1
Feb	25.7
Mar	25.7
Apr	27.1
May	29.2
June	29.2
July	11.0
Aug	19.6
Sept	25.2
Oct	29.6
Nov	29.4
Dec	28.8

1998	CFS
Jan	28.7
Feb	28.2
Mar	27.7
Apr	27.9
May	29.1
June	29.1
July	20.7
Aug	26.2
Sept.	25.9
Oct	28.3
Nov	29.0
Dec.	28.5

1999	CFS
Jan	28.1
Feb.	27.2
Mar	26.7
Apr	26.7
May	28.9
June	25.1
July	10.5
Sept	25.0
Oct	23.7
Nov	28.7
Dec.	27.8

2000	CFS
Jan	27.1
Feb	26.2
Mar	25.5
Apr	25.3
May	25.7
Sept	15.1
Oct	24.8
Nov	24.1
Dec	23.4

2001	CFS
Jan	22.6
Feb	22.2
Mar	21.9
Apr	21.9
May	14.7
Oct	19.7
Nov	19.3
Dec	19.2

2002	CFS
Jan	19.3
Feb	18.9
Mar	18.5
Apr	18.5
May	16.6
Sept	9.4
Oct	18.5
Nov	18.2
Dec	17.9

Georgetown Irrigation Company
Average daily c f s through power plant by month

2003	CFS
Jan	15.9
Feb	12.6
Mar	12.5
Apr	13.9

Here is a record of cubic feet per second of water put through the power plant for the 9 years 1994 thru 2002 plus Jan thru April of 2003. Unfortunately, we no longer have the records for the 8 years 1986 thru 1993. If those years are vital, they could be calculated from records at Georgetown Power, Inc. in Idaho Falls if they have retained certain records for those years.

Sheldon Clark, Sec. Treas
Georgetown Irrigation Co

Georgetown Irrigation Company

Report of cubic feet per second of water released past the Irrigation Company's point of diversion for the month of April, 2003.

Date	cfs
4-1-03	5.02
2	5
3	5
4	5
5	5
6	5
7	5
8	5
9	5
10	5
11	5
12	5
13	5
14	5
15	5
16	5
17	5
18	5
19	5
20	5
21	5
22	5
23	5
24	5
25	5
26	5
27	5
28	5
29	5
4-30-03	

As of yet we do not have a staff gage nor a continuous recording device to measure the water released.

The measurement (5.02 cfs) by Dan Katenski is correlated visually through the weir each day.

Report To: Dick Scully, Idaho Fish & Game
Pete Peterson, watermaster

LAW OFFICES OF

RACINE, OLSON, NYE, BUDGE & BAILEY CHARTERED

CENTER PLAZA-CORNER FIRST & CENTER
POST OFFICE BOX 1391
POCATELLO, IDAHO 83204-1391

TELEPHONE (208) 232-6101
FACSIMILE (208) 232-6109

SENDER'S E-MAIL ADDRESS: rcb@racinelaw.net

LOUIS F. RACINE, JR.
WILLIAM D. OLSON
W. MARCUS W. NYE
RANDALL C. BUDGE
JOHN A. BAILEY, JR.
JOHN R. GOODELL
JOHN B. INGELSTROM
DANIEL C. GREEN
BRENT O. ROCHE
KIRK B. HADLEY
FRED J. LEWIS
MITCHELL W. BROWN
ERIC L. OLSEN
DAVID E. ALEXANDER
LISA M. CHRISTON
RICHARD A. HEARN, M.D.
LANE V. ERICKSON
PATRICK N. GEORGE
SCOTT J. SMITH
LISA A. WOOD, CPA
STEPHEN J. MUHONEN

BOISE OFFICE

CONRAD J. AIKEN
THEODORE C. PETERS
DEBORAH L. LEHOSIT

101 SOUTH CAPITOL BOULEVARD
U.S. BANK PLAZA, SUITE 202
BOISE, IDAHO 83702
TELEPHONE: (208) 395-0011
FACSIMILE: (208) 433-0167

April 28, 2003

RECEIVED
APR 29 2003
Department of Water Resources
Eastern Region

Ronald D. Carlson
Regional Manager
Idaho Department of Water Resources
900 N. Skyline Boulevard, Suite A
Idaho Falls, Idaho 83402

Re: Georgetown Irrigation Company/Georgetown Power, Inc.
Permit No. 11-07219

Dear Ron:

This will follow up and provide the information you requested at the April 8 conference regarding the above matter:

1. Name of Permit-License Owner: The license should be issued in the name of Georgetown Irrigation Company. Enclosed is a letter obtained from Georgetown Power, Inc., relinquishing any claim or right to this water right to Georgetown Irrigation Company. This is because the current lease from Georgetown Irrigation Company to Georgetown Power, Inc., terminates in 2006, at which time the project belongs to Georgetown Irrigation Company. Accordingly, it is just as well that the right be in their name now.

2. Copy of Power Sales Agreement. Enclosed is a copy of the Agreement between Georgetown Irrigation Company and Utah Power & Light Company dated July 2, 1984, without the attached appendixes, which are lengthy.

3. FERC Exemption. Enclosed is a copy of the FERC Order issued October 18, 1982, granting an exemption from licensing for the project.

4. Hydroplant Flow Records. I haven't yet received these from Georgetown Irrigation Company to substantiate the quantity of water used at the hydro plant, but will follow up and get this information to you as soon as possible.

I believe the agreement reached in concept at the April 8, 2003 meeting with Fish and Game and BLM will provide a reasonable and acceptable resolution to the problems. We look forward to reviewing and commenting on your draft document.

Sincerely,

RANDALL C. BUDGE

RCB:rr
Enclosures
cc: Harriet Hensley
Georgetown Irrigation Company

Georgetown Power, Inc.

5203 South 11th East
Idaho Falls, Idaho 83404

Phone: (208) 542-1953
Fax: (208) 522-8223
e-mail: ted@tsorenson.net

April 21, 2003

Randy Budge, Esq.
Racine, Budge & Olson
201 East Center
Pocatello, ID 83201

RE: Georgetown Irrigation

Dear Randy:

This letter is written pursuant to the water right for this small hydroelectric project permit 11-07219. On behalf of Georgetown Power, Inc. an/or Georgetown Power Partnership we relinquish any claim or right to this water right to Georgetown Irrigation Company.

Very truly yours,

Ted S. Sorenson, P.E.

TSS/ptj

C:\My Documents\Word Perfect\Georgetown Development\2003Letters\Budge0403.ltr.wpd

11-7219

RECEIVED
OCT 22 1982
Department of Water Resources

21 FERC ¶62,052

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Georgetown Irrigation Company) Project No. 6445-000

ORDER APPROVING REQUEST FOR WAIVER AND GRANTING EXEMPTION FROM LICENSING FOR A CONDUIT HYDROELECTRIC PROJECT

(Issued October 18, 1982)

On June 18, 1982, Georgetown Irrigation Company (Applicant) filed an application for exemption from all or part of Part I of the Federal Power Act pursuant to 18 C.F.R. Part 4 Subpart J (1980) implementing Section 30 of the Federal Power Act (Act) for a project as described in the attached public notice. 1/ Applicant concurrently filed a request, under Section 1.7(b) of the Commission's Rules of Practice and Procedure [18 C.F.R. §1.7(b)(1982)] for waiver of the discharge requirement of Section 4.91(f)(5).

Notice of the application for exemption and the request for waiver was published 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 that were filed have been considered. No agency has any objection relevant to approval of the waiver request or to issuance of an 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/ Authority to act on this matter is delegated to the Director, Office of Electric Power Regulation, under §375.308 of the Commission's regulations, 18 C.F.R. §375.308 (1981), 18 C.F.R. §375.308 (1981), FERC Statutes and Regulations ¶30,238. 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, FERC Statutes and Regulations ¶29,052, 47 Fed. Reg. 19014 (1982). 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.

MICROFILMED

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.

No protests have been received. It appears in the public interest to approve the request for waiver and the exemption, conditioned by the standard exemption articles.

It is ordered that:

(A) Georgetown Irrigation Company's request for waiver of the discharge requirement of Section 4.91(f)(5) of the Commission's Regulations, as filed under Section 1.7(b) of the Commission's Rules of Practice and Procedure [18 C.F.R. §1.7(b)(1982)], is approved.

(B) The Irrigation Hydroelectric Plant Project No. 6445 as described and designated in the Georgetown Irrigation Company application filed on June 18, 1982, is exempted from all of the requirements of Part I of the Federal Power Act, including licensing, subject to the standard articles in §4.94 of the Commission's regulations attached hereto as Form E-1, 18 C.F.R. §4.94 (1981).

(C) The Commission may accept a license application by any qualified license applicant and revoke this exemption if actual construction or development of the 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.

Robert E. Cachowski
for Lawrence R. Anderson
Director, Office of Electric
Power Regulation

POWER PURCHASE AGREEMENT

BETWEEN

GEORGETOWN IRRIGATION COMPANY

AND

UTAH POWER & LIGHT COMPANY

THIS AGREEMENT is entered into this 2nd day of July, 1984, by and between GEORGETOWN IRRIGATION COMPANY, hereinafter referred to as "Seller," and UTAH POWER & LIGHT company hereinafter referred to as "Buyer", a corporation organized and existing under the laws of the State of Utah. Seller and Buyer are sometimes referred to hereinafter collectively as "Parties" and individually as "Party".

WITNESSETH:

WHEREAS, Seller agrees to construct, own, operate and maintain a hydro-electric power plant with a capacity of 330 kilowatts, hereinafter referred to as Facility*; and

WHEREAS, Seller wishes to sell to Buyer and Buyer wishes to purchase all electric energy from the Facility.

NOW, THEREFORE, in consideration of the mutual covenants and agreements hereinafter set forth, the parties agree as follows:

ARTICLE I
TERM OF AGREEMENT

Subject to the terms and conditions hereof, this Agreement shall be binding upon execution and shall remain in effect for a term of thirty-five (35) years from the date energy is first delivered by Seller to Buyer. It is anticipated that testing of the Facility and in-service generation will commence in 1984.

ARTICLE II
SALE OF POWER

A. Seller agrees to sell and deliver and Buyer agrees to purchase and accept all energy generated from the subject Facility in accordance with Appendix A.

B. Seller's proposed Facility shall be located at Range 44E, Township 11S - Section 7, Boise Base Meridian, near Georgetown, Bear Lake County, Idaho, and shall provide energy as set forth herein.

---

*Initial capitalization of words and phrases other than proper names indicates that these terms are defined in Appendix A hereof.

ARTICLE III
PURCHASE PRICE AND METHOD OF PAYMENT

A. Buyer shall pay Seller, for energy delivered at the point specified herein, the sum of:

1. A fixed rate of 40.49 mills per kilowatt-hour, reflecting a 1984 scheduled in-service date and a thirty-five (35) year term as shown in Appendix B. This rate shall not change due to a delay in completion of construction nor shall it be subject to escalation.

2. A variable rate of 14.0 mills per kilowatt-hour, updated annually, as specified in Appendix B, to reflect the current average price of coal to Buyer with the base at 1984 being 14.0 mills per kilowatt-hour and as approved by the Idaho Public Utilities Commission.

B. The kilowatt-hours for which Buyer shall be obligated to purchase shall be the kilowatt-hours measured on Buyer's meters located on the secondary side of Seller's transformers.

C. Buyer's obligation to pay Seller for energy furnished to Buyer shall commence on the date Seller first delivers energy to Buyer from the Facility.

ARTICLE IV
APPENDICES

This Agreement includes Appendices A, B, C, D, E and F all of which are attached hereto and incorporated herein by reference.

ARTICLE V
NOTICES

All written notices shall be addressed as follows:

To Buyer: Corporate Secretary
Utah Power & Light Company
P.O. Box 899
Salt Lake City, UT 84110

with copy to Customer Service Manager listed below.

Inquiries concerning meter readings, billings, etc., should be addressed to:

Customer Service Manager
Utah Power & Light Company
P.O. Box [illegible]
49 East Main Street
Rexburg, ID 83440

To Seller: Carl E. Stoddard, President
Georgetown Irrigation Company
P. O. Box 44
Georgetown, Idaho 83239

IN WITNESS WHEREOF, the Parties hereto have caused this Agreement to be executed by their duly authorized representatives as of the first date hereinabove set forth.

SELLER:
GEORGETOWN IRRIGATION COMPANY

ATTEST:

_____ By: _____

BUYER:
UTAH POWER & LIGHT COMPANY

ATTEST:

Thomas N. Fregien
Asst. Sec.

By: _____
Senior Vice President and
Commercial Manager

3(C13:9)
6-20-84

STATE OF IDAHO
Office of the Attorney General

NATURAL RESOURCES DIVISION
700 W. Jefferson Street, Room 210
P.O. Box 83720
Boise, ID 83720-0010
Phone: (208) 334-2400
FAX: (208) 334-2690

Transmittal Cover
Date: April 09, 2003

TO: **RANDALL BUDGE** **Fax: (208) 232-6109**
RON CARLSON **Fax: (208) 525-7177**

FROM: **HARRIET A. HENSLEY**

NOTE: (1) 1970 IDFG letter outlining intent that 5 cfs bypass in addition to spring & right fork flow would maintain fishery. (2) 1993 IDFG letter approving weir location below junction of right fork and noting that (a) bypass flow should be diverted at the diversion structure and (b) measuring device must be located above the city water overflow pipe.
I spoke with Dick Scully today and he tells me that IDFG is very reluctant to abandon the continuous monitoring device requirement given past monitoring difficulties. Randy, why don't you give me a call so that we can discuss before Ron's draft goes out. Thanks, HH.

Total number of pages, including this page:
Sender: **PATRICIA BOEHM**
Phone: **(208)334-4124**

Please advise of any deficiency in this transmission.
Thank you.

NOTICE: This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential, and exempt from disclosure under applicable law. If the reader of this notice is not the intended recipient or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return these papers to us at the address shown above via first class mail.

INTER-DEPARTMENT MEMO

DATE: Oct. 23, 1970

FROM: John T. Heiner

TO: Fisheries Division

SUBJECT: Georgetown Creek Project

CC:

On October 20, 1970, members of the Georgetown Irrigation Company, Soil Conservation Service, and I inspected and discussed the proposed Georgetown Creek Project. This is a sprinkler irrigation project which will bring more land in the area under irrigation than is being done presently by a canal system.

Part of the project calls for channeling approximately 3,500 feet of Georgetown Creek. The channeling would be done just upstream from the town of Georgetown in an area which goes dry every year from mid-June through mid-September because of irrigation demands. The flooding problem occurs in May. This stream section has very little fish habitat due to floods in previous years and receives no fishing pressure during the summer (as mentioned earlier, it is dry). This channel work would not hurt us; therefore, I am not opposed to it as long as it is done in the area that goes dry and done when there is no water in the stream (to reduce siltation).

Another segment of the project calls for diverting all water in the stream one and one-half miles upstream from where it is now being all diverted. The SCS is proposing to divert water at this location so enough water head can be obtained to make the sprinkling system feasible. Average flows during late summer are between 25 and 35 cfs at this location. The company maintains that they must have all the water as when flows go below 45 cfs the farmers must use the water on a rotation basis. The irrigation company has water rights to 70 cfs from the stream. As I see it, the problem is not if they can take the water, but where.

If the company takes the water at the site they are now proposing, we would lose approximately one mile of good fishing stream. This is an area where we get a considerable amount of fishing pressure and, in fact, plant fish. As there are only six to eight miles of good fishing stream in this drainage and we plant 5,000 catchable rainbows there yearly, I am opposed to this complete diversion now planned.

I recommend that the Georgetown Irrigation Company maintain a flow of 5 cfs immediately below the proposed diversion. As the stream picks up some ground water and flow (at times) from the Right Fork of Georgetown Creek (located approximately 100 yards below the proposed diversion site) a stream flow of 6 to 8 cfs might result in this mile of stream. This water could be diverted from the stream near the present site and pumped into their irrigation system. Clyde Scott informs me that their engineers will check into the feasibility of this. By maintaining a stream flow of 5 cfs past the proposed diversion site, plus water flow from springs and the Right Fork we could probably maintain a fishery in this stream section.

The Soil Conservation Service and the Georgetown Irrigation District would like our recommendations on this project. Please address correspondence to:

Forest Closner
Acting Assistant State Conservationist
Soil Conservation Service
Room 345, 304 North 8th Street
Boise, Idaho 83702

INTER-DEPARTMENT MEMO DATE: Oct. 23, 1970

FROM: John T. Heimer TO: Fisheries Division

SUBJECT: Georgetown Creek Project CC:

Page Two

Also, please send a carbon copy of our letter to:

Floyd Clark
Georgetown Irrigation District
Georgetown, Idaho 83239

They would like our comments on this matter as soon as possible.

Sincerely,

John T. Heimer
Regional Fishery Biologist

JTH/db

IDAHO FISH & GAME
REGION 5
1345 Barton Road
Pocatello, ID 83204-1847
(208) 232-4703

August 17, 1993

Mr. Carl E. Stoddard
Georgetown Irrigation Company
PO Box 44
Georgetown, Idaho 83239

Re: Flow measuring device on Georgetown Cr. FERC #6445.

Dear Carl,

On June 23, 1993 I met with you and Randy Smith of the Georgetown Irrigation Company and Pat Koelsch and Dan Kotansky of the Idaho Falls District of the BLM to tour the company's irrigation and hydropower facility. I have reviewed our files regarding this project and discussed the findings of Koelsch and Kotansky with Jeff Steele, Pocatello Area Manager for the BLM. As I see it the following are the key issues and facts in this matter:

* It is the responsibility and the desire of the BLM and the Department to maintain the aquatic life, both plant and animal, in the bypass reach of Georgetown Cr.

* The BLM right-of-way permit and the terms and conditions of the FERC license exemption require the Company to maintain a year around 5 cfs minimum flow in the bypass reach.

* The capacity of the hydropower system (30 cfs) exceeds the flow of Georgetown Cr. during the fall and winter.

* The irrigation demand exceeds the capacity of Georgetown Cr. at certain times (primarily late summer) in most years.

* Throughout the life of the project we have received reports of dewatering of the bypass reach.

FAX TO Harriet Hensley from Dick Scully

Cecil D. Andrus, Governor
Jerry M. Conley Director
Equal Opportunity Employer

* An instantaneous flow monitoring and recording device has not been installed at the diversion as specified in the terms and conditions of the license exemption.

*The concrete weir located just downstream of the junction of the Right Fork is not an acceptable water measuring device because of the non-laminar flow at the weir.

In light of these facts it is the position of the Department and the BLM that an instantaneous flow monitoring and recording device be installed as soon as possible to ensure that the minimum flow is maintained in the bypass reach. We believe this is necessary to demonstrate to the public and the agencies that the bypass flow requirement is being met. Installation and operation of this equipment in the Georgetown Cr. environment can be difficult and we therefore suggest the Company contract with a private contractor or the U.S. Geological Survey (USGS) in Boise. ID. (387-1387).

The measuring device can be installed below the junction of the Right Fork but must be located above the city water overflow pipe. The bypass flow should be released through the radial gate at the diversion to simplify operation of the system and to provide a more consistent and reliable flow.

If you have any questions please give me a call at 232-4703.

Sincerely,

Tracey Trent
Regional Supervisor

TT

cc: F.E.R.C.
NRPB
BLM

Georgetown
- Hydro -

ROSTER OF ATTENDANCE
APRIL 8, 2003

NAME	REPRESENTING	PHONE	e-mail
PAUL CLARK	Geo-Irrigation Co.	847-1465	
Drue Smith	" " "	847-2368	kathyDruejuno.com
Sheldon Clark	" " "	847-1042	
Jim MENDE	IDFG	(208) 232-4703,	jmende@idfg.state.id.us
Scott Grunder	IDFG-Boise	208-334-3180	Sgrunder@idfg.state.id.us
HARRIET HENSLEY	Office of the ~~Attorney~~ General	~~208-334-43~~ 334-4543	hhensley@ag.state.id.us
PHIL DAMON	BLM-POCATELLO	478-6341	PHIL-DAMON@BLM.GOV
Becky Lazdauskas	BLM-Pocatello	478-6357	becky-lazdauskas@blm.gov
Randall C. Budge	Attorney for Georgetown	232-6101	<rcb@racinelaw.net>
DICK Scully	Idaho F&G.	232-4703	rscullye IDFG.State.ID.U
Dexter Pitman	IDFG. Pocatello	" "	dpitman@idfg.state.id.us

22-141 50 SHEETS
22-142 100 SHEETS
22-144 200 SHEETS
AMPAD

SENDER: *COMPLETE THIS SECTION*

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- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Harriet A Hensely
Deputy Attorney General
Natural Resources Division
PO Box 83720
Boise ID 83720-0010

COMPLETE THIS SECTION ON DELIVERY

A. Received by *(Please Print Clearly)* B. Date of Delivery

C. Signature
X ☐ Agent ☐ Addressee

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

MAR 13 2003

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? *(Extra Fee)* ☐ Yes

2. Article Number *(Copy from service label)* 7001 2510 0007 6760 2190

PS Form 3811, July 1999 Domestic Return Receipt 102595-00-M-0952

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- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Scott Grunder
Id Fish & Game
500 S Walnut St
Boise ID 83707

COMPLETE THIS SECTION ON DELIVERY

A. Received by *(Please Print Clearly)* MAR 13 2003

C. Signature
X KEVIN BEST ☐ Agent ☐ Addressee

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? *(Extra Fee)* ☐ Yes

2. Article Number *(Copy from service label)* 7001 2510 0007 6760 2220

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1. Article Addressed to:

Georgetown Power
5203 S 11 E
Idaho Falls ID 83404

COMPLETE THIS SECTION ON DELIVERY

A. Received by *(Please Print Clearly)* Pam Jones B. Date of Delivery 3/12/03

C. Signature
X Pam Jones ☒ Agent ☐ Addressee

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? *(Extra Fee)* ☐ Yes

2. Article Number *(Copy from service label)* 7001 2510 0007 6760 2176

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- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Drue Smith, President
Georgetown Irrigation Co
305 Smith Lane
Georgetown ID 83239

COMPLETE THIS SECTION ON DELIVERY

A. Received by *(Please Print Clearly)* Kathy Smith MAR 12 2003 B. Date of Delivery

C. Signature
X Kathy Smith ☐ Agent ☐ Addressee

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? *(Extra Fee)* ☐ Yes

2. Article Number *(Copy from service label)* 7001 2510 0007 6760 2206

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- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Phillip Damon
Becky Lagdauskas
Bureau of Land Management
111 N 8th St
Pocatello ID 83201

COMPLETE THIS SECTION ON DELIVERY

A. Received by *(Please Print Clearly)* B. Date of Delivery

C. Signature
X ☐ Agent ☐ Addressee

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? *(Extra Fee)* ☐ Yes

2. Article Number *(Copy from service label)* 7001 2510 0007 6760 2213

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- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Dick Scully
Jim Mende
Id Fish & Game
1345 Barton Rd
Pocatello ID 83204-1819

COMPLETE THIS SECTION ON DELIVERY

A. Received by *(Please Print Clearly)* Lauren Leitch B. Date of Delivery 3-12-03

C. Signature
X Lauren Leitch ☐ Agent ☐ Addressee

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IDAHO FALLS, IDAHO 83402

Attn: 11-7219

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Attn: 11-7219

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EASTERN DISTRICT OFFICE
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IDAHO FALLS, IDAHO 83402

Attn: 11-7219

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Department of Water Resources
Eastern Region

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT)	
NO. 11-07219 IN THE NAME)	**NOTICE OF**
GEORGETOWN HYDRO POWER)	**CONFERENCE**

The Department has scheduled this matter for a conference at 1:00 p.m. on April 8, 2003, at the Idaho Department of Fish and Game, 1345 Barton Rd, Pocatello ID.

Agenda items for this conference will include:

1. **License requirements relative to flow bypass.**
2. **Annual volume calculation.**
3. **Additional licensing conditions.**
4. **Power purchase contract dates.**

Dated this 11th day of March 2003.

RONALD D. CARLSON
Regional Manager

I hereby certify that on the 11th day of March 2003, I mailed a true and correct copy, postage prepaid, of this document to the applicant(s) and protestant(s) listed below:

Sharla Cox

SHARLA COX
Administrative Assistant

CERTIFIED MAIL

Dick Scully and Jim Mende
Idaho Fish & Game
1345 Barton Rd
Pocatello ID 83204-1819

Scott Grunder
Id Fish & Game
600 S Walnut St
Boise ID 83707

Phillip Damon and Becky Lagdauskas
Bureau of Land Management
111 N 8th St
Pocatello ID 83201

Drue Smith, President
Georgetown Irrigation Company
305 Smith Lane
Georgetown ID 83239

Harriet A Hensley
Deputy Attorney General
Natural Resources Division
PO Box 83720
Boise ID 83720-0010

David R Snedigar
4577 N Clear Lakes Grade
Buhl ID 83316

Georgetown Power
5203 S 11 E
Idaho Falls ID 83404

Carlson, Ron

From: Hhensley@ag.state.id.us
Sent: Monday, February 24, 2003 9:06 AM
To: RCarlson@idwr.state.id.us
Subject: RE: Georgetown hydro project meetings

11-7219

How about April 8 or 10?

The following individuals should be invited to the meeting.
Dick Scully and Jim Mende from the Pocatello office of IDFG
1345 Barton Road
Pocatello, Idaho 83204-1819

Sharla,

I need to get a notice of this conference out to these people.

Ron

Scott Grunder, IDFG
600 S. Walnut St.
Boise, Idaho 83707

Phillip Damon and Becky Lagdauskas
BLM
1111North 8th Street
Pocatello, Idaho 83201

Drue Smith, President
Georgetown Irrigation Company
305 Smith Lane
Georgetown, Idaho 83239

-----Original Message-----
From: Carlson, Ron [mailto:RCarlson@idwr.state.id.us]
Sent: Tuesday, February 18, 2003 8:05 AM
To: 'Hensley, Harriet'
Subject: RE: Georgetown hydro project meetings

Harriet -

I will get a letter out next week. If one of the listed days is better than another I will give it preference. Also I want to make sure that everyone who should be at the meeting is there. Would you send me a list of all of the people you feel should get a letter from the department?

Thanks,

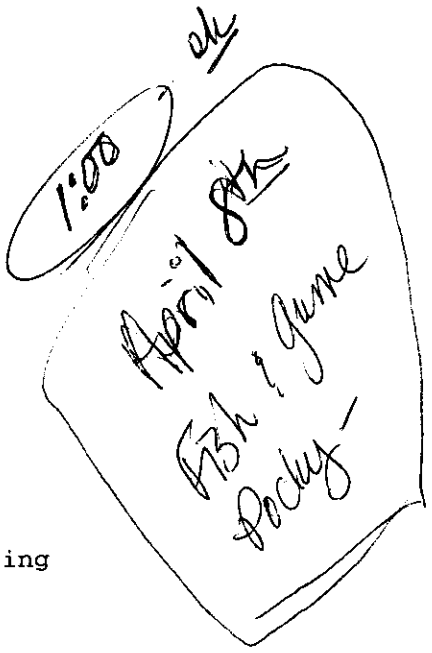
Ron

-----Original Message-----
From: Hensley, Harriet [mailto:Hhensley@ag.state.id.us]
Sent: Friday, February 14, 2003 8:59 AM
To: 'Ron Carlson'
Subject: Georgetown hydro project meetings

Looks like we will have to put this off until April.

Scott Grunder and Dick Scully of IDFG and I am available on the following dates for a meeting in Pocatello at IDFG office.

April 1,3,4,8,10,11. I look forward to your letter scheduling a meeting on one of these days. Thanks much Ron.



AAP = Georg. own Hydro
Bypass of 5 cfs.
Requirements
Violating –



State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 14, 2003

GEORGETOWN IRRIGATION CO
C/O DRUE SMITH
PO BOX 8
GEORGETOWN ID 83239

RE: Change of Ownership for Water Right Permit 11-7219

Dear Water Right Holder(s):

The department acknowledges receipt of correspondence assigning ownership of the above referenced water right permit to you. The department has modified its records to reflect the change in ownership and has enclosed a computer-generated report for your records. Also enclosed is a receipt for the $25.00 filing fee.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

Please feel free to contact this office if you have any questions regarding this matter.

Sincerely,

jp Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosures

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Sorenson Engineering
5203 South 11th East
Idaho Falls, Idaho 83404

Phone: (208) 522-8069
Fax: (208) 522-8223
e-mail: ted @tsorenson.net

July 17, 2003

Shelley W. Keen
Water Rights Supervisor
P.O. Box 83720
Boise, ID 83720-0098

RE: Georgetown Power Water Right 11-7219

Dear Shelley:

Pursuant to Mr. Randall Budge's letter of July 14, 2003, enclosed please find an executed Assignment of Permit. The assignment has been revised due to the fact that the Georgetown Power partnership no longer exists, having transferred all its assets to the corporation per assignment, a copy of which is enclosed. Trusting this to be of value.

Very truly yours,

Ted S. Sorenson, P.E.

cc: Randy Budge, Esq.
Encs.
TSS/ptj

C:\My Documents\Word Perfect\Georgetown Development\2003Letters\Shelly.ltr.wpd

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TELEPHONE (208) 232-6101
FACSIMILE (208) 232-6109

SENDER'S E-MAIL ADDRESS: rcb@racinelaw.net

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W. MARCUS W. NYE
RANDALL C. BUDGE
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THEODORE C. PETERS
DEBORAH L. LEHOSIT

101 SOUTH CAPITOL BOULEVARD
U.S. BANK PLAZA, SUITE 202
BOISE, IDAHO 83702
TELEPHONE: (208) 395-0011
FACSIMILE: (208) 433-0167

August 5, 2003

Harriet A. Hensley
Deputy Attorney General
Natural Resources Division
P.O. Box 83720
Boise, ID 83720-0010

RE: Georgetown Power Water Right

Dear Harriet:

This will confirm our conversations last week and the agreement reached to allow Georgetown Irrigation Company ("GIC") to implement the proposed drought plan immediately for this year.

DROUGHT PLAN:

As per my July 25, 2003, letter to you, Bear Lake County has been declared a drought emergency. GIC estimates the available stream flow as dropped to the 12 to 14 cfs range. After the 5 Cfs bypass, there is little left for the irrigators and they badly need additional water for the next three weeks to complete irrigation of the second crop hay. Accordingly, GIC has proposed to implement the proposed drought plan now which would involve reducing the minimum flow from 5 to 3 cfs for three weeks, subject to makeup of the reduced flows after the three week period.

It is my understanding that the Idaho Fish & Game (IF&G) and BLM have agreed to GIC's proposal upon the following conditions: (1) GIC measures the stream flow twice per day during the three week period of reduced minimum flow; (2) that GIC report the measured flow both in inches and cfs, which report will continue to be submitted monthly to the Bear River Water Master, Pete Peterson, and Dick Scully on behalf of IF&G; and (3) GIC agrees to install a continuous measuring device as a condition of the license

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to be issued by IDWR on the hydro plant. (BLM maintains that a continuous measuring device is required by their Right-of-Way Grant I-6483 issued June 4, 1973.)

I met with GIC's board and they accept these conditions. Accordingly, beginning July 31, 2003, the minimum flow will be reduced from 5 to 3 cfs for a three week period subject to make up.

MINIMUM STREAM FLOW ISSUES:

Let me further address the issue of the use of the flows from Right Hand Fork as part of the minimum flow requirement. GIC is adamant that it receive credit for the flows of Right Hand Fork against the minimum stream flow requirement. Based upon my recent inspection of the facilities and discussions with City Manager, Doug Thompson, there is a strong factual and historical basis to support GIC's position. I am pleased that you and Dick Scully are also going to inspect the facilities which will provide a better picture and understanding. I encourage you to meet with GIC president, Paul Clark, and City Manager, Doug Thompson, while you are there.

Right Hand Fork is a natural tributary which comes into Georgetown Creek just above the weir. Accordingly, the flows from Right Hand Fork had to have been included in the flows when the studies were performed concluding that 5 cfs was needed to provide for aquatic life. These flows began bypassing the weir after 1990 when the City constructed their 230,000 gallon holding tank which captures all the flows. The overflow from the tank since 1990 comes off of the hill through a pipe which contributes to Georgetown Creek a short distance downstream from the weir.

Doug Thompson indicates the City's maximum use is 770 gpm while the current flows coming into the tank are currently 2,541 gpm. This would leave 1771 gpm or about 3.9 Cfs coming through the overflow. During 2002 the inflow peaked at 1,480 gpm leaving 710 gpm or approximately 1.5 cfs contributed to the overflow pipe. While the flows from Ring Hand Fork vary, whatever they are should now be part of the minimum flow as they were historically.

There are three readily available and accurate means of measuring and accounting for the flows contributed by Right Hand Fork. First, the flows can be measured at the overflow where it enters Georgetown Creek. While a measuring device could be installed there, that would seem unnecessary since the City already measures the spring flow coming into their tank and the water going out used in their system. A difference between the two all goes through the overflow into Georgetown Creek. Second, there is a pipe installed but never hooked up which would redirect the City's overflow from the current point of discharge back upstream for discharge above the weir. (Conceivably, the pipe could be extended upstream a short distance further to the point of diversion if the existing structure were replaced by a fish ladder as IF&G has proposed). Third, if the other two options are not acceptable, GIC always has the option of having the City divert into the holding tank only the flows needed thus bypassing the balance into the natural

SEP 0 3 2003

channel of Right Hand Fork which amount, less the delivery losses, would contribute to Georgetown Creek above the weir and thus be included in the minimum flow measurement.

HYDRO WATER RIGHT LICENSE:

I believe we are now all in agreement that conditions to the license to GIC for the hydro plant can require a continuous measuring device and a drought plan as discussed in prior correspondence, the final details of which we are working on. Ron Carlson can include these terms when proposed conditions are prepared and circulated for comment.

By copy of this letter, I am advising Phil Damon and Becky Lazdauskas of BLM and Ron Carlson and Shelley Keen of the IDWR of the foregoing so that they can contact you or me if they have any questions or concerns.

Sincerely,

RANDALL C. BUDGE

RCB:cr
cc: Ronald D. Carlson
Shelley Keen
Phil Damon
Becky Lazdauskas
Drue Smith
Paul Clark
Sheldon Clark

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State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 7, 2003

SORENSON ENGINEERING
TED S SORENSON
5203 SOUTH 11TH EAST
IDAHO FALLS ID 83404

RE: Assignment of Permit 11-7219 (Georgetown Power)

Dear Mr. Sorenson:

The Department of Water Resources acknowledges receipt of your Assignment of Permit. Our review of your notice indicates that additional information is required before we can process the change. The information required is indicated below:

✓ **Filing Fee** of $25 per permit

Because the Department cannot process the ownership change without proper fees, we will hold any action on your notice pending receipt of the necessary fees. If we do not receive the necessary fees within 30 days we will return your notice and all attachments and your notice will not be processed.

Please note that water right owners are required to report any change in water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a $100 late filing fee. Contact any office of the Department or visit the Department's homepage (http://www.idwr.state.id.us) on the Internet to obtain the proper forms and instructions.

If you have any questions regarding this matter, please call me at 208-327-7941.

Sincerely,

Kari Lynn Townsend
Secretary

KLT:k

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FACSIMILE (208) 232-6109

SENDER'S E-MAIL ADDRESS: rcb@racinelaw.net

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101 SOUTH CAPITOL BOULEVARD
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BOISE OFFICE
Department of Water Resources

July 14, 2003

Shelley W. Keen
Water Rights Supervisor
Idaho Department of Water Resources
P.O. Box 83720
Boise, Idaho 83720-0098

Ronald D. Carlson
Regional Manager
Idaho Department of Water Resources
900 N. Skyline Boulevard, Suite A
Idaho Falls, Idaho 83402

Re: Georgetown Irrigation Company/Georgetown Power, Inc.
Permit No. 11-07219

Dear Shelley and Ron:

This will respond on behalf of Georgetown Irrigation Company ("Georgetown Irrigation") to Shelley W. Keen's letter of June 3, 2003, and also to Harriet A. Hensley's letter on behalf of IDFG dated June 9, 2003.

1. Shelley W. Keen June 3, 2003 Letter:

Pursuant to IDWR's Notice of Conference dated 3/11/03, a conference was conducted at the IDFG Office in Pocatello, Idaho on April 8, 2003, by Eastern Region Manager, Ron Carlson. Enclosed is a roster of attendants which was provided to everyone and I assume is in Mr. Carlson's fle.

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Certain followup information was requested by Mr. Carlson, which has been provided pursuant to my letters of April 8, 2003 and May 12, 2003, copies of which are enclosed. Additional information was provided directly to Mr. Keen by letter dated May 20, 2003 from Ted S. Sorenson, a copy of which is also enclosed.

At the conclusion of the April 8 conference, Mr. Carlson indicated that he would put together a proposed draft license encompassing various terms and conditions discussed, which would then be circulated to the parties for review and comment. The issues being discussed include the following:

1. The type, location and monitoring of a measuring device to maintain the 5 cfs minimum flow bypassing Georgetown Irrigation's intake pipe.

2. Securing funding from PacifiCorp in the future to permit the installation of a fish ladder at the intake point, at which point the existing weir might be moved and replaced.

3. Implementation of a proposed credit in drought years which would permit the minimum flow to be reduced by 1 cfs if the available flow at the point of diversion is less than 24 cfs and reducing the minimum flow by 2 to 3 cfs if the available flow is less than 18 cfs. The reduction would be subject to a "make-up" after September 15 each year.

4. Georgetown Irrigation would keep the measuring device operational, maintain daily records and forward them periodically to the watermaster and IDFG.

Ownership of the permit should be in the name of Georgetown Irrigation Company, as agreed to by Georgetown Power's letter to you dated May 20, 2003. Enclosed is a copy of the letter and Assignment of Permit sent to Georgetown Power for signature and forwarding.

2. H. Hensley June 23, 2003 Letter on Behalf of IDFG:

Monitoring and Compliance:

Georgetown Irrigation monitors and adjusts the bypass flow each morning to maintain the 5 cfs minimum. Their report to IDFG and the watermaster reflects these records, which included 6 cfs on May 24, 5-1/2 cfs on May 25, 5+ on May 26 and 4 cfs on May 27. On the morning of May 28, the weir was empty, which corresponds with the report observed by Blake Phillips and Joel Gunnel. Changing irrigation demand during the day apparently is causing fluctuations above and below the 5 cfs minimum during the day.

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Beginning on June 28, Georgetown Irrigation began utilizing a drainage headgate in the wall at the bottom of the settling pond in order to release the 5 cfs minimum flow back into the creek. Since that time, the release has been stable. Since that time Georgetown Irrigation has observed that the fluctuations do not exceed 1 or 2 inches above or below the minimum, which appears to occur as a result of the difference of pressure through the headgate when the settling pond is at lower levels. Georgetown Irrigation has adjusted the watering rationing to its shareholders so as to keep the settling pond full or nearly full.

Georgetown Irrigation questions the IDFG flow calculations based on their measurements of 6 and 5 inches in the weir. As the weir is 12 inches deep, a measurement of 6 inches would result in a flow of 2.5 cfs (not 2.35 cfs) and a measurement of 5 inches is equal to 2.08 cfs (not 1.69 cfs).

Georgetown Irrigation intends to fully comply with the minimum flow requirements the best it can. With the changes mentioned above and daily monitoring, they do not feel that any of the existing structures need to be changed at this time. The FERC License requires that a minimum streamflow of 5 cfs be maintained while the hydro plant is operating. It does not operate during the summer irrigation season. The BLM License requires that the 5 cfs minimum flow be maintained while the diversion structure is operated on the BLM property. However, as discussed at the April 8 conference, Georgetown Irrigation has the right to divert all the water from the creek during the irrigation season at its former point of diversion near the head of Stringtown should it decide to abandon the BLM point of diversion.

If problems can't be resolved, Georgetown intends to pursue engineering and construction necessary to remove their point of diversion from the BLM property. Additionally, Georgetown Irrigation shareholders and other irrigators diverting downstream from the intake also reduce the flow at downstream locations. In most years and certainly in drought years, there is little or no flow that reaches the town of Georgetown. Accordingly, it is not surprising that dead trout would be observed in the reach of the creek near Highway 30 and below.

If fish died from pollutant, the source is unknown. Georgetown Power Plant has been shut down since early May. The only possible pollutant from the plant would be lubricating oil and no leaks have been observed. Georgetown Irrigation's plant is inspected periodically by FERC, and they are again inspecting the plant this month.

Drought Contingency Plan:

Georgetown Irrigation would like to pursue the proposed drought contingency plan. It is my understanding that the IDFG Staff is in the process of reviewing historical flow records to confirm whether or not the 24 cfs and 8 cfs trigger points are appropriate. As Ms. Hensley is out of the office until July 24, I was unable to reach her to determine the current status, but will do so when she returns.

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I assume that based on the foregoing and the information previously supplied, the Department can put together and circulate for comments their proposed draft terms and conditions for issuance of the Water Right License.

If you have any questions in the meantime, please do not hesitate to contact me.

Sincerely,

Dictated but not reviewed by

RANDALL C. BUDGE

RCB:rr
Enclosures
cc: Harriet Hensley (w/encl.)
Ted Sorenson (w/encl.)
Georgetown Irrigation Company (w/encl.)

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BOISE, IDAHO 83702
TELEPHONE: (208) 395-0011
FACSIMILE: (208) 433-0167

July 14, 2003

Ted S. Sorenson
5203 South 11th East
Idaho Falls, Idaho 83404

Re: Georgetown Power Water Right No. 11-7219

Dear Ted:

Your letter of May 20, 2003, to Water Right Supervisor Shelley Keen indicated that the Water Right License should be issued to Georgetown Irrigation Company. Mr. Keen indicated that the Department required a formal assignment of the permit. Accordingly, I have prepared and enclose a proposed Assignment of Permit to be executed by both Georgetown Power Partnership and Georgetown Power, Inc. Would you please secure the necessary signatures before a notary public. Please mail the original to Shelley W. Keen, Water Right Supervisor, P.O. Box 83720, Boise, Idaho 83720-0098, and return to me a copy of the same with your transmittal letter.

Thanks for your cooperation and assistance. If you have any questions, please give me a call.

Sincerely,

RANDALL C. BUDGE

RCB:rr
Enclosure
cc: Shelley W. Keen
Harriet Hensley
Georgetown Irrigation Company

MICROFILMED
SEP 03 2003

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ASSIGNMENT OF PERMIT

Georgetown Power, an Idaho general partnership, and Georgetown Power, Inc., an Idaho corporation, whose address is 5203 South 11th East, Idaho Falls, Idaho 83404, in care of Ted S. Sorenson ("Assignors") hereby assign to Georgetown Irrigation Company, in care of Drue Smith, President, P.O. Box 8, Georgetown, Idaho 83239 ("Assignee") all of Assignors' right, title and interest in and to Water Right Permit No. 11-7219 to appropriate the public waters of the State of Idaho.

Made this _____ day of July, 2003.

GEORGETOWN POWER PARTNERSHIP

By_____

By_____

GEORGETOWN POWER, INC.

By_____
Its_____

Attest:

By_____
Its

MICROFILMED
SEP 0 3 2003

STATE OF IDAHO)
: ss
County of)

On this ____ day of _____, 2003, personally appeared the signers of the above instrument on behalf of Georgetown Power Partnership, who acknowledge to me that they executed the same.

_____
NOTARY PUBLIC FOR IDAHO,
Residing at:_____
My Commission Expires:_____

SEAL

STATE OF IDAHO)
: ss
County of)

On this _____ day of _____, 2003, personally appeared _____ _____ and _____, known to be the President and Secretary Respectively of Georgetown Power Inc., an Idaho corporation, who duly acknowledged to me that they executed the same on behalf of said Corporation.

_____
NOTARY PUBLIC FOR IDAHO,
Residing at:_____
My Commission Expires:_____

SEAL

MICROFILMED
SEP 0 3 2003

Georgetown
- Hydro -

ROSTER OF ATTENDANCE
APRIL 8, 2003

NAME	REPRESENTING	PHONE	e-mail
PAUL CLARK	Geo-Irrigation Co.	847-1465	
Drue Smith	" " "	847-2368	
Sheldon Clark	" " "	847-1042	
Jim MENDE	IDFG	(208) 232-4703,	jmende@idfg.state.id
Scott Grunder	IDFG-Boise	208-334-3180	sgrunder@idfg.state.id.us
HARRIET HENSLEY	Office of the Attorney General	208-~~334-43~~ 334-4543	hhensley@ag.state.id.us
PHIL DAMON	BLM-POCATELLO	478-6341	PHIL_DAMON@BLM.GOV
Becky Lazdauskas	BLM-Pocatello	478-6357	becky_lazdauskas@blm.gov
Randall C. Budge	Attorney for Georgetown	232-6101	<rcb@racinelaw.net>
DICK Scully	Idaho F&G.	232-4703	rscully@IDFG.STATE.ID.US
Dexter Pitman	IDFG. Pocatello	" "	dpitman@idfg.state.id.us

MICROFILMED
SEP 03 2003

LAW OFFICES OF

RACINE, OLSON, NYE, BUDGE & BAILEY CHARTERED

CENTER PLAZA-CORNER FIRST & CENTER
POST OFFICE BOX 1391
POCATELLO, IDAHO 83204-1391

TELEPHONE (208) 232-6101
FACSIMILE (208) 232-6109

SENDER'S E-MAIL ADDRESS: rcb@racinelaw.net

LOUIS F. RACINE, JR.
WILLIAM D. OLSON
W. MARCUS W. NYE
RANDALL C. BUDGE
JOHN A. BAILEY, JR.
JOHN R. GOODELL
JOHN B. INGELSTROM
DANIEL C. GREEN
BRENT O. ROCHE
KIRK B. HADLEY
FRED J. LEWIS
MITCHELL W. BROWN
ERIC L. OLSEN
DAVID E. ALEXANDER
LISA M. CHRISTON
RICHARD A. HEARN, M.D.
LANE V. ERICKSON
PATRICK N. GEORGE
SCOTT J. SMITH
LISA A. WOOD, CPA
STEPHEN J. MUHONEN

BOISE OFFICE

CONRAD J. AIKEN
THEODORE C. PETERS
DEBORAH L. LEHOSIT

101 SOUTH CAPITOL BOULEVARD
U.S. BANK PLAZA, SUITE 202
BOISE, IDAHO 83702
TELEPHONE: (208) 395-0011
FACSIMILE: (208) 433-0167

April 28, 2003

Ronald D. Carlson
Regional Manager
Idaho Department of Water Resources
900 N. Skyline Boulevard, Suite A
Idaho Falls, Idaho 83402

Re: Georgetown Irrigation Company/Georgetown Power, Inc.
Permit No. 11-07219

Dear Ron:

This will follow up and provide the information you requested at the April 8 conference regarding the above matter:

1. Name of Permit-License Owner: The license should be issued in the name of Georgetown Irrigation Company. Enclosed is a letter obtained from Georgetown Power, Inc., relinquishing any claim or right to this water right to Georgetown Irrigation Company. This is because the current lease from Georgetown Irrigation Company to Georgetown Power, Inc., terminates in 2006, at which time the project belongs to Georgetown Irrigation Company. Accordingly, it is just as well that the right be in their name now.

2. Copy of Power Sales Agreement. Enclosed is a copy of the Agreement between Georgetown Irrigation Company and Utah Power & Light Company dated July 2, 1984, without the attached appendixes, which are lengthy.

3. FERC Exemption. Enclosed is a copy of the FERC Order issued October 18, 1982, granting an exemption from licensing for the project.

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4. Hydroplant Flow Records. I haven't yet received these from Georgetown Irrigation Company to substantiate the quantity of water used at the hydro plant, but will follow up and get this information to you as soon as possible.

I believe the agreement reached in concept at the April 8, 2003 meeting with Fish and Game and BLM will provide a reasonable and acceptable resolution to the problems. We look forward to reviewing and commenting on your draft document.

Sincerely,

RANDALL C. BUDGE

RCB:rr
Enclosures
cc: Harriet Hensley
Georgetown Irrigation Company

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LAW OFFICES OF

RACINE, OLSON, NYE, BUDGE & BAILEY CHARTERED

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SENDER'S E-MAIL ADDRESS: rcb@racinelaw.net

LOUIS F. RACINE, JR.
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U.S. BANK PLAZA, SUITE 202
BOISE, IDAHO 83702
TELEPHONE: (208) 395-0011
FACSIMILE: (208) 433-0167

May 12, 2003

Ronald D. Carlson
Regional Manager
Idaho Department of Water Resources
900 N. Skyline Boulevard, Suite A
Idaho Falls, Idaho 83402

Re: Georgetown Irrigation Company/Georgetown Power, Inc.
Permit No. 11-07219

Dear Ron:

Per your request, I am submitting on behalf of Georgetown Irrigation Company average daily flows in cfs through the plant by month for the years 1994 through April 2003. Georgetown Irrigation Company no longer has the records for the eight preceding years of 1986 through 1993. If those years are necessary, they should be able to be calculated from the power generation records of Georgetown Power, Inc. If you desire those records, please let me know or call directly Ted Sorenson at 208-522-8069.

Also, as discussed at the April 18 conference, Georgetown Irrigation Company has commenced and will continue to measure daily water released past the company's point of diversion, which will be reported monthly to Dick Scully at the Idaho Department of Fish and Game, and Bear River Water Master, Pete Peterson. Enclosed please find a copy of the April 2003 report sent to each of them.

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If you have any questions or need additional information, please advise.

Sincerely,

RANDALL C. BUDGE

RCB:rr
Enclosures
cc: Harriet Hensley (w/encl.)
Ted Sorenson (w/encl.)
Georgetown Irrigation Company (w/encl.)

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SEP 0 3 2003

Sorenson Engineering
5203 South 11th East
Idaho Falls, Idaho 83404

Phone: (208) 522-8069
Fax: (208) 522-8223
e-mail: ted@tsorenson.net

MAY 2 1 2003

May 20, 2003

Shelley Walter Keen
Water Rights Supervisor
Idaho Dept of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

Re: Georgetown Power Water Right No. 11-7219

Dear Mr. Keen:

Your letter of May 12, 2003 addressed to David Snedigar has been brought to my attention. I will attempt to address the issues you have raised.

1. When water is not diverted for power production. This varies from year to year but, in general, is not diverted from the First of June through the First of September. Some years that are wet years we have generated power in June, July and August, but usually this is not the case.

2. Enclosed are Pertinent Sections of the Power Purchase Agreement. The termination date for the contract is 35 years from the first energy date. The first energy date was March or April of 1986.

3. Meeting with Georgetown Power, IDWR and Idaho Dept of Fish and Game. This meeting was held by Georgetown Irrigation to discuss flow monitoring and bypass provision on April 8, 2003. Georgetown was represented by Randy Budge. I was not in attendance.

4. Correct Ownership and Address Information for this Water Right. The project is presently substantially owned by Georgetown Irrigation and reverts to Georgetown Irrigation 100% in March or April of 2006.

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Accordingly, the water right should be issued to Georgetown Irrigation Company, c/o Randy Budge, Attorney at Law, Racine, Budge & Olson, 201 East Center, Pocatello, ID 83201.

All future correspondence should be handled with Mr. Budge.

Very truly yours,

Ted S. Sorenson

Enc.
TSS/ptj

cc: Randy Budge
Sheldon Clark

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JUN 25 2003
Department of Water Resources

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

June 24, 2003

Shelley Keen
Water Rights Supervisor
Idaho Department of Water Resources
1301 North Orchard Street
Boise, ID 83706

Re: Georgetown Irrigation Company Water Right Permit # 11-7219

Dear Shelley:

As we discussed, I am forwarding to you a copy of my June 9, 2003, letter to Ron Carlson outlining issues that need to be addressed in any license issued to Georgetown Irrigation for the Georgetown Hydroelectric project. I will be talking with Randy Budge this week and will advise you of the status of our negotiations.

Sincerely,

Harriet A. Hensley

HARRIET A. HENSLEY
Deputy Attorney General
Natural Resources Division

HH/pb
Enclosure: June 9, 2003 letter

cc: Randall C. Budge
Ron Carlson, IDWR
Scott Grunder and Dick Scully, IDFG
Phil Damon and Becky Lazdauskas, BLM

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SEP 03 2003

Natural Resources Division
P.O. Box 83720, Boise, Idaho 83720-0010
Telephone: (208) 334-2400, FAX: (208) 334-2690
Located at 700 W. Jefferson Street, Suite 210

COPY

RECEIVED
JUN 2 5 2003
Department of Water Resources

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

June 9, 2003

Ron Carlson
Regional Manager
Idaho Department of Water Resources
900 N. Skyline Boulevard, Suite A
Idaho Falls, Idaho 83402

Re: Georgetown Irrigation Company

Dear Ron:

In response to your most recent e-mail inquiry, I have had several discussions with BLM and IDFG personnel over the past week and have outlined the terms BLM and IDFG want to see included in the Georgetown Irrigation Company water right license.

Monitoring and Compliance

Unfortunately, compliance with the 5 cfs bypass flow has been a problem over the years. In fact, there are several recent reports documenting noncompliance within the last few weeks. For example, on May 21st there was only 6 inches of water or 2.35 cfs flowing through the weir and on May 22nd, only 5 inches or 1.69 cfs. It's reported that on May 27th there was no water bypassing the diversion and the weir was dry. On May 28 and 29, 2003, IDFG personnel observed and reported a fish kill in Georgetown Creek where it flows through the town of Georgetown, downstream from the irrigation company diversion. On May 28, IDFG conservation officers Blake Phillips and Joel Gunnel reported finding 50 to 60 dead trout and several other trout that appeared to be dying in the reach of Georgetown Creek near Highway 30. They observed zero flow at the Georgetown Irrigation Company bypass measuring weir during the initial part of their investigation. During the latter part of their investigation, water began to rise in the creek, indicating that the bypass flow was being restored.

Low flow in the creek and the resulting high water temperature appear to have caused the mortality. The officers are also investigating whether there were chemical induced water quality problems. They observed a milky sheen on the water surface downstream from the hydroelectric plant. The result of the water quality sample analysis

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will not be available for two weeks. The IDFG is quite concerned about the adverse effect on fish and other aquatic life during the water shut off.

On May 29, Dick Scully walked up Georgetown Creek from its confluence with the Bear River to near the upper end of Georgetown. Flow was very low below a diversion near Highway 30. Flow was zero in portions of the reach below Highway 30. Above the diversion near Highway 30 there appeared to be about 2 cfs of flow. As Mr. Scully walked toward the upper end of town along the creek, flow appeared to increase. Twelve dead rainbow and brook trout were observed below Highway 30 and in the reach above Highway 30 up to the diversion. This is unfortunate because there is very good riparian habitat in much of the creek in the reach passing through Georgetown and the creek could support a healthy trout fishery if the required flows were maintained.

A continuous monitoring device is absolutely essential to ensure compliance. This device would also be useful if the proposal to decrease flows in drought conditions and replace the decreased flows in the fall is implemented. A neutral measuring device and protocol that can be verified by all parties is essential to future decisions regarding water use. We propose that IDFG or BLM personnel take the monthly readings off the continuous monitoring device and provide monthly reports to Georgetown Irrigation, BLM, IDFG, and IDWR. In addition, the license should make clear that Georgetown Irrigation is responsible for maintaining the device in working order.

Drought Contingency Plan

Georgetown Irrigation is asking for a variance from the 5 cfs bypass flow requirement during critical water shortages to minimize impacts on irrigated agriculture. The IDFG and BLM agree that measures should be implemented to minimize the environmental and economic impacts that may result during such shortages. The current proposal would allow Georgetown Irrigation to reduce bypass flows during the irrigation season by 1 cfs when the flow at the point of diversion is less than 24 cfs, and by 2 cfs when the flow at the point of diversion is less than 18 cfs as long as all diverted water is used for irrigation, *i.e.*, the diverted water would not be used for hydroelectric power during the time when the bypass flow is reduced below 5 cfs. If flow is reduced during the summer months, that reduced amount would be made up (at the same rate that it was taken) beginning on September 15th of each year.

The IDFG and BLM are willing to agree to a series of trigger points that effect a compromise between the needs of fish and irrigated agriculture in water short years. However, staff would like to review historical flow records to confirm whether the proposed 24 cfs and 18 cfs are appropriate. In addition, it will be important to build in license terms that require resumption of the 5 cfs bypass flow if the agencies document

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that the reduced flows cause significant adverse effects to the aquatic resources in Georgetown Creek.

Relocation of Measuring Device In Concert With Installation of Fish Passage Facilities

As part of a basin wide effort to protect and restore Bonneville Cutthroat Trout, funds may become available in the future for fish passage facilities on Georgetown Creek. If funds become available for fish passage facilities at the Georgetown diversion and it is determined that fish passage will contribute to the protection and/or restoration of Bonneville Cutthroat Trout, the license should require Georgetown to permit the construction of such facilities at its diversion and to install the continuous monitoring device at the point of diversion. The license should make clear that Georgetown Irrigation will not be responsible for the cost associated with the installation or maintenance of fish passage facilities.

Sincerely,

Harriet A. Hensley

HARRIET A. HENSLEY
Deputy Attorney General
Natural Resources Division

HH/pb

cc: Randall C. Budge, representing Georgetown Irrigation
Scott Grunder, IDFG
Dick Scully and Jim Mende, IDFG
Phil Damon and Becky Lagdauskas, BLM

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MEMORANDUM

DATE: June 23, 2003

TO: Water Right File 11-7219

FROM: Shelley W. Keen SWK

RE: Phone call from Harriet Hensley

This afternoon I spoke with Harriet Hensley (334-4543) of the Idaho Attorney General's Office about the effort to license the development under Permit 11-7219. She told me that a meeting was held to discuss the bypass flow on Georgetown Creek and that the parties are still negotiating over the following points:

- Monitoring the bypass flow. Where will it be monitored, and who will do the monitoring?
- Drought contingency. Can the bypass requirement be reduced during severe low flows?
- Future fish passage. IDF&G wants assurance that Georgetown will not impede the installation of fish passage facilities if money ever becomes available.

I agreed to hold the file until I hear from Harriet and/or Randy Budge that the negotiations have ended.

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State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 3, 2003

RANDY BUDGE
RACINE BUDGE & OLSON
201 EAST CENTER
POCATELLO ID 83201

RE: Water Right 11-7219 (Georgetown Power)

Dear Randy:

The Department of Water Resources (IDWR) is reviewing the development that occurred under Water Appropriation Permit No. 11-7219 in preparation for issuance of a water right license. Permit 11-7219 was issued to Georgetown Irrigation Company in 1985 for the diversion of 30.0 cfs from Georgetown Creek to generate power. IDWR was recently informed that correspondence sent to Georgetown Irrigation Company regarding this permit should be directed to you. Before the license is issued, there are two items that must be resolved.

The first item that needs to be resolved is the flow monitoring and bypass provision of the FERC exemption for the hydropower plant. I understand that a meeting to discuss the matter was held on April 8, 2003. To date, no record of the meeting, its attendees, or its outcome has been submitted for inclusion in the water right file. If the results of the meeting are to be considered in the licensing process, documentation of the outcome of the meeting should be submitted to IDWR for review.

The second item is ownership of the permit. In 1986 Georgetown Irrigation Company assigned the permit to David Snedigar, nominee for Georgetown Power. IDWR recently received correspondence from Ted Sorenson suggesting that the license should be issued to Georgetown Irrigation Company. Ownership of the permit can be changed by assignment.

I will hold the water right file without action for 30 days. If I do not receive a response from you within that period, IDWR will proceed with the licensing review under the assumptions that an assignment of permit will not be forthcoming and that the water right license should recognize a 5.0 cfs bypass requirement, monitored by the watermaster, for the point of diversion from Georgetown Creek.

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If you have any questions, please call me at 208-327-7946, or email me at skeen@idwr.state.id.us.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

cc: Harold Jones, IDWR Eastern Region
David Snedigar, Georgetown Power
Dick Scully, IDFG

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Department of Water Resources

Sorenson Engineering
5203 South 11th East
Idaho Falls, Idaho 83404

Phone: (208) 522-8069
Fax: (208) 522-8223
e-mail: ted@tsorenson.net

May 20, 2003

Shelley Walter Keen
Water Rights Supervisor
Idaho Dept of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

Re: Georgetown Power Water Right No. 11-7219

Dear Mr. Keen:

Your letter of May 12, 2003 addressed to David Snedigar has been brought to my attention. I will attempt to address the issues you have raised.

1. When water is not diverted for power production. This varies from year to year but, in general, is not diverted from the First of June through the First of September. Some years that are wet years we have generated power in June, July and August, but usually this is not the case.

2. Enclosed are Pertinent Sections of the Power Purchase Agreement. The termination date for the contract is 35 years from the first energy date. The first energy date was March or April of 1986.

3. Meeting with Georgetown Power, IDWR and Idaho Dept of Fish and Game. This meeting was held by Georgetown Irrigation to discuss flow monitoring and bypass provision on April 8, 2003. Georgetown was represented by Randy Budge. I was not in attendance.

4. Correct Ownership and Address Information for this Water Right. The project is presently substantially owned by Georgetown Irrigation and reverts to Georgetown Irrigation 100% in March or April of 2006.

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Accordingly, the water right should be issued to Georgetown Irrigation Company, c/o Randy Budge, Attorney at Law, Racine, Budge & Olson, 201 East Center, Pocatello, ID 83201.

All future correspondence should be handled with Mr. Budge.

Very truly yours,

Ted S. Sorenson

Enc.
TSS/ptj

cc: Randy Budge
Sheldon Clark

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Department of Water Resources

POWER PURCHASE AGREEMENT

BETWEEN

GEORGETOWN IRRIGATION COMPANY

AND

UTAH POWER & LIGHT COMPANY

THIS AGREEMENT is entered into this 2nd day of July, 1984, by and between GEORGETOWN IRRIGATION COMPANY, hereinafter referred to as "Seller," and UTAH POWER & LIGHT company hereinafter referred to as "Buyer", a corporation organized and existing under the laws of the State of Utah. Seller and Buyer are sometimes referred to hereinafter collectively as "Parties" and individually as "Party".

WITNESSETH:

WHEREAS, Seller agrees to construct, own, operate and maintain a hydro-electric power plant with a capacity of 330 kilowatts, hereinafter referred to as Facility*; and

WHEREAS, Seller wishes to sell to Buyer and Buyer wishes to purchase all electric energy from the Facility.

NOW, THEREFORE, in consideration of the mutual covenants and agreements hereinafter set forth, the parties agree as follows:

ARTICLE I
TERM OF AGREEMENT

Subject to the terms and conditions hereof, this Agreement shall be binding upon execution and shall remain in effect for a term of thirty-five (35) years from the date energy is first delivered by Seller to Buyer. It is anticipated that testing of the Facility and in-service generation will commence in 1984.

ARTICLE II
SALE OF POWER

A. Seller agrees to sell and deliver and Buyer agrees to purchase and accept all energy generated from the subject Facility in accordance with Appendix A.

B. Seller's proposed Facility shall be located at Range 44E, Township 11S - Section 7, Boise Base Meridian, near Georgetown, Bear Lake County, Idaho, and shall provide energy as set forth herein.

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*Initial capitalization of words and phrases other than proper names indicates that these terms are defined in Appendix A hereof.

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IN WITNESS WHEREOF, the Parties hereto have caused this Agreement to be executed by their duly authorized representatives as of the first date hereinabove set forth.

ATTEST:

SELLER:
GEORGETOWN IRRIGATION COMPANY

By: _____

ATTEST:

Thomas N. Jorgensen
Asst. Sec.

BUYER:
UTAH POWER & LIGHT COMPANY

By: _____
Senior Vice President and
Commercial Manager

°(C13:9)
6-20-84

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State of Id 'o
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 12, 2003

GEORGETOWN POWER
C/O DAVID R SNEDIGAR
2988 TIPPERARY LN
IDAHO FALLS ID 83401

RE: Georgetown Power Water Right No. 11-7219

Dear Mr. Snedigar:

The Department of Water Resources (IDWR) is reviewing Water Appropriation Permit No. 11-7219, which was issued for the hydropower development on Georgetown Creek in Bear Lake County, to determine if a water right license can be issued. During the review we have identified four pieces of information that are needed before the review can be completed.

First, IDWR needs to know the period that water is not diverted for power production purposes each year. The field examiner said that water is not usually available for power production "during the summer months," but he did not provide specific dates. This information is critical to the calculation of the annual diversion volume limit that must be placed on the license. You can provide this information either by submitting documentation of the maximum annual volume diverted for power production purposes during the authorized development period, which ended on May 21, 1986, or by indicating the maximum number of days that water was diverted in any single calendar year prior to May 21, 1986.

Second, IDWR needs a copy of the current power purchase contract, including the termination date for the contract.

Third, I understand that Georgetown Power, IDWR, Idaho Dept. of Fish & Game, and others had scheduled a meeting for April 8, 2003, to discuss the flow monitoring and bypass provision of the FERC exemption for the hydropower plant. To date, no record of the meeting or its outcome has been submitted for inclusion in the water right file. Before the licensing review can proceed, documentation of the outcome of the meeting should be submitted for review.

Finally, IDWR would appreciate confirmation that we have the correct ownership and address information for this water right.

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Please submit these four items within 30 days. If you have any questions, please call me at 208-327-7946, or email me at skeen@idwr.state.id.us.

Sincerely,

Shelley Walter Keen
Water Rights Supervisor

Cc: Georgetown Power, 5203 S 11th E, Idaho Falls, ID, 83404
Ron Carlson, IDWR Eastern Region

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Keen, Shelley

From: Jones, Harold (Skip)
Sent: Monday, January 27, 2003 1:17 PM
To: Keen, Shelley
Subject: RE: Georgetown Hydro 11-7219

Its on Ron's desk! He was going to schedule it!

Skip

-----Original Message-----
From: Keen, Shelley
Sent: Monday, January 27, 2003 1:14 PM
To: Jones, Harold (Skip)
Subject: Georgetown Hydro 11-7219

Skip,

Do you know the status of the Georgetown Hydro matter? You may recall that early in December Norm asked Ron to host a meeting to discuss IDF&G's concerns about fish passage and that I had emailed Ron to ask if he could check on a couple of other items at the meeting.

Shelley

The meeting is scheduled for April 8, 2003, at 1:00 p.m. in the IDF+G office in Pocatello.
Shelley Keen
3/11/03

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Keen, Shelley

From: Keen, Shelley
Sent: Monday, December 09, 2002 4:28 PM
To: Carlson, Ron
Subject: Permit 11-7219 (Georgetown Hydro)

Ron,

I am working on drafting the license for Permit 11-7219 (Georgetown Hydro). Norm told me that he has asked you to set up a meeting to discuss the bypass requirement. If you have a chance, would you be willing to ask about a couple of other items that will help me finish the license?

First, we usually issue power licenses with the following condition.

> The diversion and use of water for hydropower purposes under this license is subject to review by the Director on or after <September 1, 2000>. Upon appropriate findings relative to the interest of the public, the Director may cancel all or any part of the use authorized herein and may revise, delete or add conditions under which the right may be exercised.

The date is usually the end of their current power purchase contract, but I don't know what that date is.

Second, I'm required to put an annual volume on the right. The field examiner said that the power use is pre-empted by the use of the water for irrigation "during the summer months." To calculate an annual volume, it would help to know just how long each year water is typically diverted for power generation.

It would be very helpful if you could find a moment to ask about these items.

Thanks.

Shelley Keen
Water Right Permits Section
Idaho Dept. of Water Resources
208-327-7946
skeen@idwr.state.id.us

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State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

December 9, 2002

Harriet A. Hensley
Deputy Attorney General
Natural Resources Division
P.O. Box 83720
Boise, Idaho 83720-0010

Re: Water Right Permit No. 11-7219
Georgetown Hydropower Project FERC #6445

Dear ~~Ms. Hensley~~ Harriet:

I acknowledge receipt of your letter to me dated December 3, 2002, regarding the above referenced matter. The status of this permit is still in the licensing stage. I agree that a meeting between the parties, as you suggested, to clarify the permit/license requirements relative to the flow bypass requirement, could be beneficial to all involved.

By copying this letter to Ron Carlson, I am asking that he set up such a meeting between IDFG, IDWR, Drue Smith, Harriet Hensley and the watermaster.

Should you have any further questions regarding these matters, please feel free to contact me at your convenience.

Sincerely,

Norman C. Young
Administrator
Water Management Division

NCY:vw

cc: Ron Carlson
Scott Grunder, IDFG
Dick Scully, IDFG
Drue Smith

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SEP 0 3 2003

✓ bcc: Shelley Keen

Peppersack, Jeff

From: Keen, Shelley
Sent: Monday, December 02, 2002 7:35 AM
To: Peppersack, Jeff
Subject: FW: Georgetown hydro

Jeff,

Is this message regarding a file you have?

Shelley

-----Original Message-----
From: Young, Norm
Sent: Wednesday, November 27, 2002 4:32 PM
To: 'Hhensley@ag.state.id.us'
Cc: Keen, Shelley; Rassier, Phil
Subject: RE: Georgetown hydro

Harriet: Your letter seems more aggressive than I remember our earlier phone discussions. Your letter seeks action to challenge the permit and thereby perhaps end the hydro use for past failures to provide the bypass flow. I thought we had talked about you requesting us to include the bypass flow as a license condition. Regulation would initially be by the watermaster and if enforcement became necessary because of failure to maintain the flow, the NOV or other civil remedies would be sought. Because the license would be issued as a preliminary order, the facility owner would have the opportunity to contest if the condition is not appropriate. Cancelling the permit and closing down the project could produce a state-federal sovereignty issue. Norm

-----Original Message-----
From: Hhensley@ag.state.id.us [mailto:Hhensley@ag.state.id.us]
Sent: Wednesday, November 27, 2002 11:59 AM
To: nyoung@idwr.state.id.us
Subject: Georgetown hydro

Draft letter for your review
<<IDWRletter.doc>>

MICROFILMED

SEP 0 3 2003

TO: FILE 11-7219
FROM: NORM YOUNG
RE: CONCERN FOR 5 CFS BYPASS
DATE: NOVEMBER 20, 2002

Harriet Hensley, Deputy AG representing the Department of Fish and Game, inquired about adding a 5 cfs condition to the license for this permit. Because the application as filed indicated that the bypass would be provided, Fish and Game did not protest. She indicated that the project does not always provide the minimum flow and the FERC has declined to enforce their exemption condition. She indicated that if the water right license included the condition, Fish and Game would press for enforcement by IDWR.

I told her that IDWR does not add conditions to licenses that further restrict from the permit conditions. However, in this case, it appears that such a condition would simply carry forward a condition that the applicant had self imposed and may be acceptable to add to the license. I suggested that she put her concerns and request in writing to us. It is my intent to either meet with all concerned to discuss, or give the permit holder and Georgetown Irrigation a chance to respond in writing.

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SEP 0 3 2003

Young, Norm

From: Hhensley@ag.state.id.us
Sent: Wednesday, November 20, 2002 3:50 PM
To: nyoung@idwr.state.id.us
Subject: FW:


). Scully at min flow meas dev...


Min-flow measuring device 8-22...


Penstock inflow 8-22-02.jpg


stream flow below penstock inf...

Pictures from the Georgetown hydro project. Scott Grunder is sending more materials and I will get back with you next week or so with a draft letter.

-----Original Message-----
From: Grunder,Scott [mailto:sgrunder@IDFG.STATE.ID.US]
Sent: Wednesday, November 20, 2002 3:27 PM
To: Hensley, Harriet
Subject: FW:

Some correspondence.

Scott A. Grunder
Fishery Program Coordinator
Idaho Department of Fish and Game
P.O. Box 25
Boise, Idaho 83707
208-334-3180 (phone)
208-334-2114 (FAX)
sgrunder@idfg.state.id.us

-----Original Message-----
From: Pitman,Dexter
Sent: Fri 9/20/2002 9:08 AM
To: Grunder,Scott; Jeppson,Phil
Cc: Scully,Richard; Mende,Jim; Teuscher,David
Subject: FW:

Perhaps we should equip the measuring weir with a staff gauge or constant recording gauge to make it easier for "all" to know whether five cfs is being bypassed and document the periods of insufficient flow. It looks like staff gauge inserts in the measuring weir would be relatively easy and quick. What might costs of a constant measuring device be (solar panel type?).

-----Original Message-----
From: Scully,Richard
Sent: Thu 9/19/2002 12:00 PM
To: Grunder,Scott
Cc: Mende,Jim; Teuscher,David
Subject:

IDFG
1345 BARTON RD
POCATELLO ID 83204-1819

Scott,

Attached are four photos that I took at the Georgetown penstock entrance and measuring weir that is about 50 yards below the penstock intrance. There is supposed to be 5 cfs crossing the measuring weir as a required minimum flow. On this day there was zero flow across the measuring weir.

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I will forward you an e-mail from a BLM person who examined the weir a day later and found an abundance of water, probably the 5 cfs min. flow and then some. Somebody may have heard that the BLM was coming???

Dick Scully

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SEP 0 3 2003



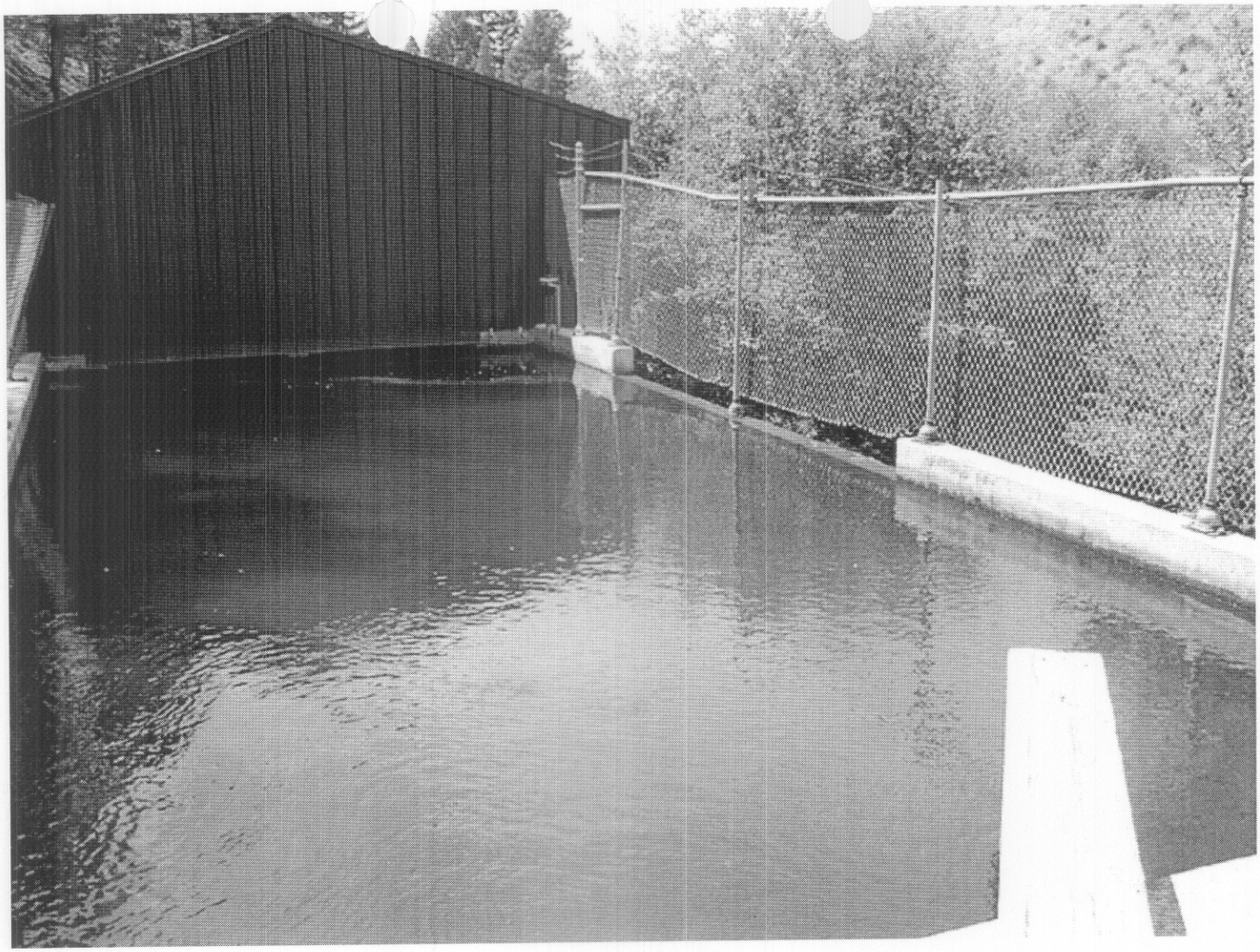
D. Salley @ min flow meas. device 8-22-02

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min. flow measuring device
8/22/02

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SEP 0 3 2003



Penstock inflow 8-22-02

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SEP 0 3 2003



streamflow below penstock inflow
8-22-02

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SEP 0 3 2003

Keen, Shelley

From: Taylor, Gregory
Sent: Tuesday, December 12, 2000 11:43 AM
To: Keen, Shelley
Subject: 11-07219

Shelly,

I received a call from DEQ this a.m. about the power plant in Georgetown Creek. It appears that the original app. stated that they would keep a minimum of 5cfs in Georgetown Creek. Based on this 5 cfs "minimum flow" IDFG did not protest the app.. According to Dave Hull of DEQ, the creek is currently dry and has been in previous years.

I just wanted to give you a heads up because this permit has not been licensed yet and we will probably need to make the 5 cfs a condition on the license.

Greg

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SEP 0 3 2003

Form 219-S.A.
6/86

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

11-7219
Permit No.

Staff Analysis Sheet
for
Beneficial Use Field Report

SMEDIGAR

RECEIVED
NOV 30 1987
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 SDV 11/4/87 (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: 11-2090

Check of P/U index 11/4/87 (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: 11-2090

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 13-Oct-1987 SDV (Signature of examiner and date)

Exam Reviewed by Senior Water Resource Agent JKJ 11-12-87 (Initial and date)

Exam Reviewed by Manager of Regional Office SM 11-23-87 (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)

Form 219
6/86

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No. 11-7219

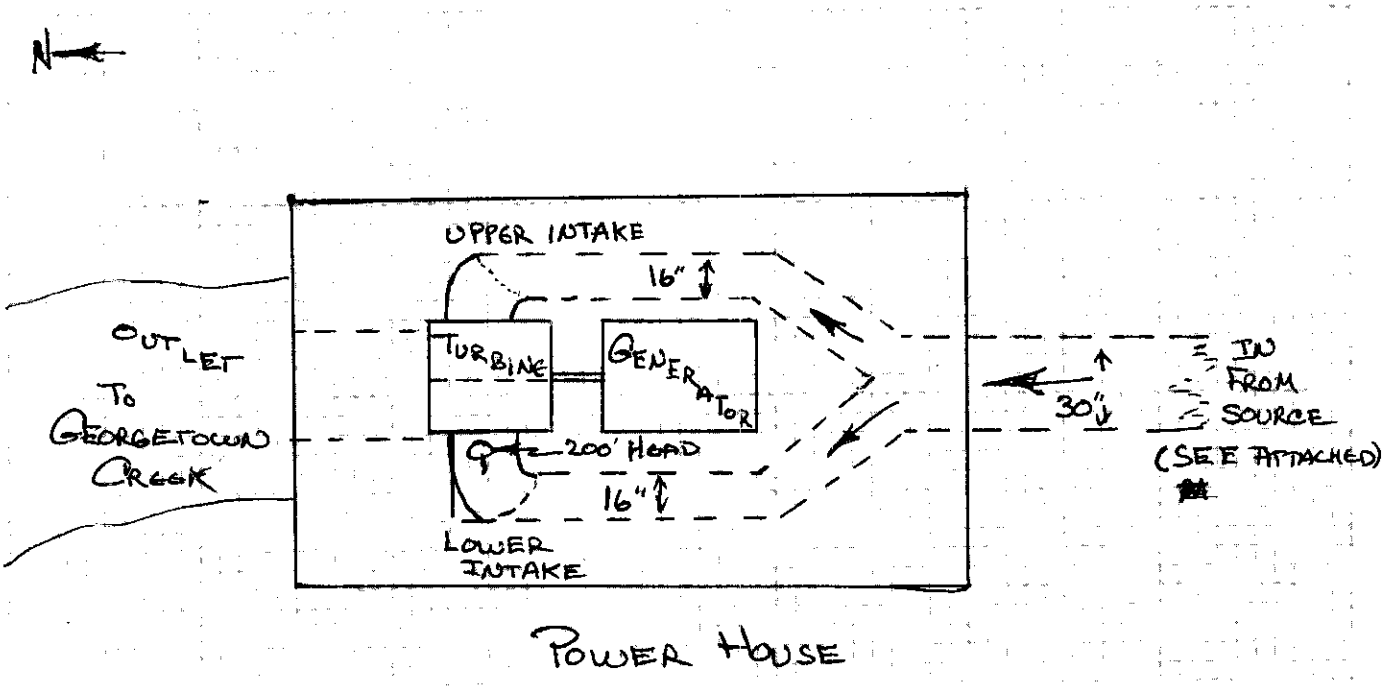
1. Owner: DAVID R. SNEDIGAR Phone No. 529-2469
   Current Address: 2988 TIPPERARY LANE, ~~FORT~~ IDAHO FALLS, ID. 83401
2. Accompanied by: CARL STODDARD EXAM. DATE: 13-OCT.-1987
   Address: 469 N. MAIN, GEORGETOWN ID. Phone No. 847-1622
   Relationship to Permit Holder: PLANT MGR.
3. Source: ~~GEORGETOWN CREEK~~ tributary to BEAR RIVER

B. OVERLAP REVIEW

1. Other water rights with same place of use: ~~#~~ NONE
   ☐ Copies Attached
2. Other water rights with same point of diversion: 11-2090
   ☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☑ Alternative diagram attached



Scale: 1" = No Scale.

2. ☑ Copy of U.S.G.S. Quadrangle Attached
   Showing location(s) of point(s) of diversion and place(s) of use (required).
   ☑ Aerial Photo Attached
   (required for irrigation of 10 acres or more).
   ☑ Photo of Diversion and System Attached
   (required for all but single household domestic groundwater, and stockwater.

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SEP 03 2003

System Description (continued)

3. **Narrative:** Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

THE WATER UNDER THIS PERMIT IS USED TO GENERATE ELECTRICITY ~~AT~~ A THROUGH A WATER TURBINE. SYSTEM CAPACITY IS 480 HP, AND 30 CFS. SYSTEM OPERATES ~~UNDER~~ AT 200' OF HEAD. THE DIVERSION WORKS ~~ARE~~ USED BY GEORGETOWN IRRIGATION CO. TO SUPPLY ~~LOCAL~~ IRRIGATION WATER TO SHAREHOLDERS THROUGH A PIPELINE DESIGNED BY USDA, SCS. THE POWER ~~FACILITY~~ FACILITY TAPS INTO THIS PIPELINE. THE POWER SYSTEM IS OWNED BY DAVID SNEDIGAR. AS FINANCER OF PROJECT HE WILL CONTINUE

☑ See Remarks on page 4 for continuation

4.

Well or Diversion Identification No.*	~~Motor Make~~ GENERATOR	Hp	Motor Serial No.	~~Pump Make~~ TURBINE	Pump Serial No. or Discharge Size
	BRUSH	480	35114A-G1	GILKES	56294

**Code to correspond with No. on map and aerial photo*

5. **Point(s) of Diversion:**

Ident. No.	Gov't. Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
MAIN		~~SE~~ SE	~~SW~~ SE	NE	4	11S	44E	BEAR LAKE	USGS / ON-SITE
FORK	3		SW	SE	32	10S	44E	BEAR LAKE	USGS / ON-SITE

6. **Place(s) of Use:** Indicate Method of Determination

Twp.	Rge.	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
11S	44E	7								P									

Do not use this space

MICRO

SEP 0 3 2003

Do not use this space

D. FLOW MEASUREMENTS

☑ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. **Measurements:**

TURBINE RATINGS: 619 B.H.P / NETTHEAD 214' / FLOW: 30 cfs / 720RPM

GENERATOR: 480 HP.

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method:

AS BUILT SYSTEM CAPACITY (SEE ATTACHMENT) @ 48.8cfs

2. Alternate Method for Checking Purposes:

No Measuring Devices @ Headgates. LIMITED TO TURBINE / PERMIT TO 30cfs

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: _____ psi x 2.31 = _____ ft (1); Dynamic pumping level: _____ ft (2)

Total Head: (1) + (2) = _____ (3) ; Flow rate: _____ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

Meter Input KW: 3.6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)

Meter Input HP: (6) x 1.34 = _____ (7)

Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Ampsx .001732 = _____ (6)

Panel Input HP: (6) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R.}$ = (Acres Irrigated) x (Irrigation Requirement) = _____

$V_{D.R.}$ = [Diversion Rate (cfs)] x (Days in Irrigation Season) x 1.9835 = _____

V = Smaller of $V_{I.R.}$ and $V_{D.R.}$ = _____

2. Volume Calculations for Other Uses:

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SEP 0 3 2003

H. **REMARKS AND OVERLAP REVIEW ANALYSIS**

AN INTEREST IN OWNERSHIP FOR 20 YEARS FROM DATE SYSTEM WENT ON LINE (12-30-1985). AFTER THIS DATE OWNERSHIP REVERTS BACK TO GEORGETOWN IRRIGATION Co.

RIGHT 11-2090 ~~#3~~ IN TOTAL IS SENT THROUGH THE PIPELINE SYSTEM. NO OTHER RIGHTS ~~@~~ ARE DIVERTED BELOW HEADGATES EXCEPT @ A 5.00 cfs ~~FISH~~ MINIMUM FLOW FOR FISH PROP.

WHILE DECREED AMT. OF 11-2090 IS 70 cfs, HISTORICAL RECORDS SHOW FLOW NOT EXCEEDING 40 cfs. THEREFORE SYSTEM DESIGNED TO CARRY 46.2 cfs FROM MAIN DIVERSION & 2.4 cfs FROM LEFT HAND FORK. ALL IRRIGATORS ~~ARE~~ SUPPLIED BEFORE ~~POWER~~ IS WATER IS USED @ POWER HOUSE. WATER TO POWER HOUSE IS THEREFORE HAULED DURRING SUMMER MONTHS (NORMALLY).

I. **RECOMMENDATIONS**

1. **Recommended Amounts**

Beneficial Use	Period of Use From	Period of Use To	Rate of Diversion Q (cfs)	Annual Volume V (afa)
POWER GENERATION	1/1	12/31	30.0 cfs	
		Totals:	30.0 cfs	

2. **Recommended Amendments**

☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☑ None

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

J. **AUTHENTICATION**

Field Examiner's Name: ERIC S. VERNER

Signature: Eric Verner

Certification Date: 23 Nov 1987

Field Report Preparation Date: 13-Oct.-1987

Steve McCormick

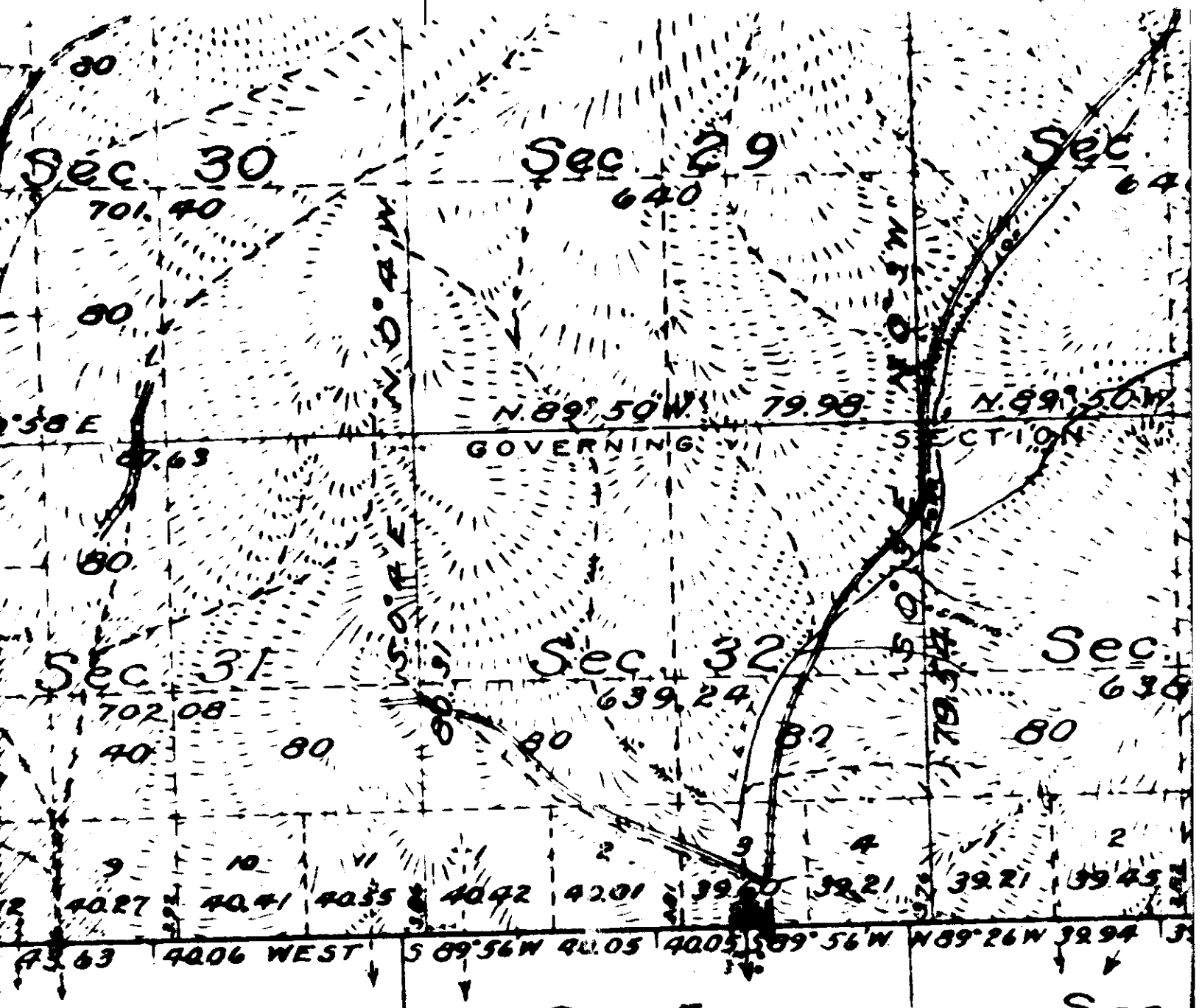
CONSULTANT SEAL

K. **Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.**

MICROFILMED
SEP 03 2002


11-7219
SEP 03 2003
MICROFILMED
MC CAMMON (INTERSTATE 15) 66 MI.
SODA SPRINGS 20 MI.
4705000m.N.
111° 22' 30"
42° 30'
R. 43 E.
R. 44 E.
UNITED STATES
DEPARTMENT OF THE I
GEOLOGICAL SURV
(FOSSIL CANYON)
1749 III SW
R43E
R44E
T16S
T15S
Georgetown
(BM 6014)
PLACE OF USE
POWER HOUSE
ABANDONED
PIPELINE
Left Hand Fork Diversion
Left Hand Fork
Left Hand Fork
Georgetown Creek Diversion
Georgetown
Honeycomb
Gravel Rd.
9 East Hill
NATIONAL FOREST BOUNDARY
11-7219

11-7219 10S 44E



10 5 0 10 20 40 80

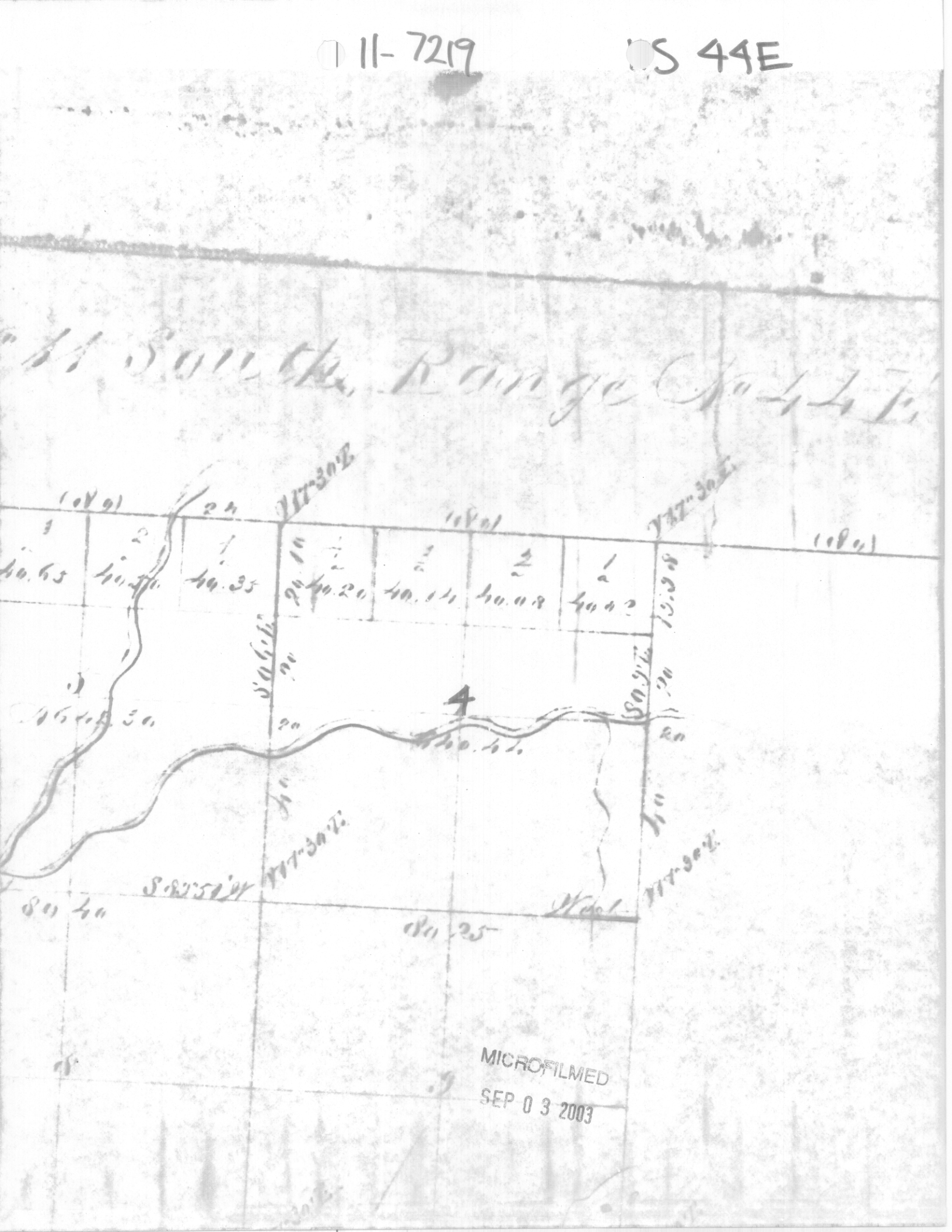
Scale 40 Chains to an Inch

Public Land 22545.69
Mineral · 1112.93
Total Area Surveyed 23658.62 Acr

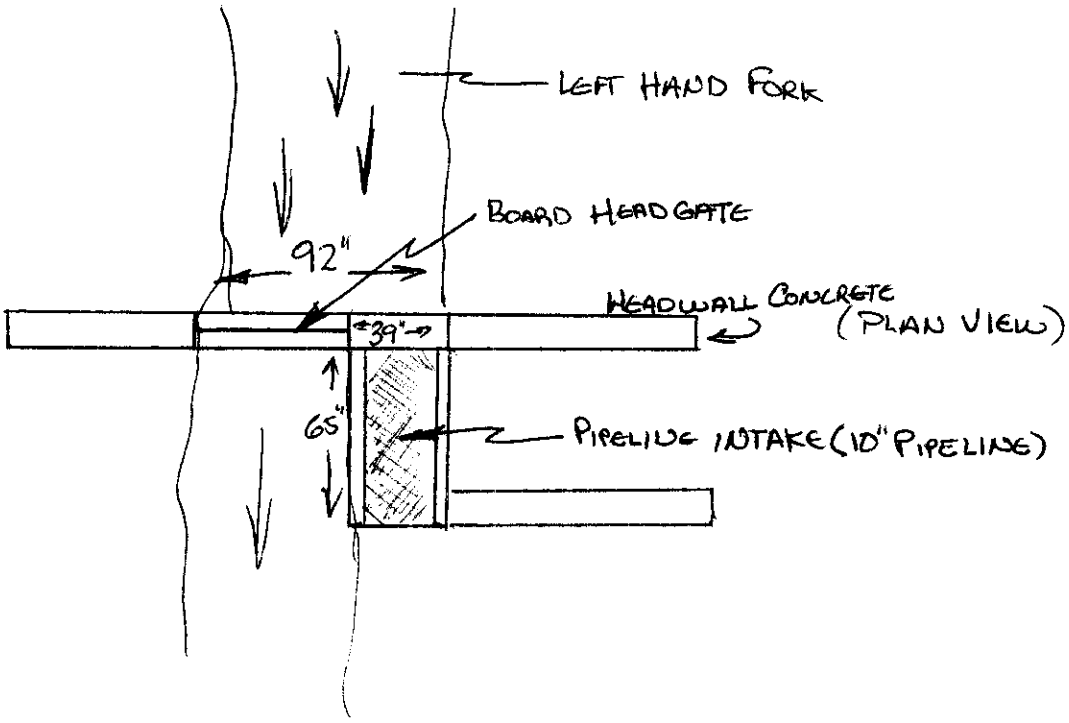
MICROFILMED SEP 03 2008

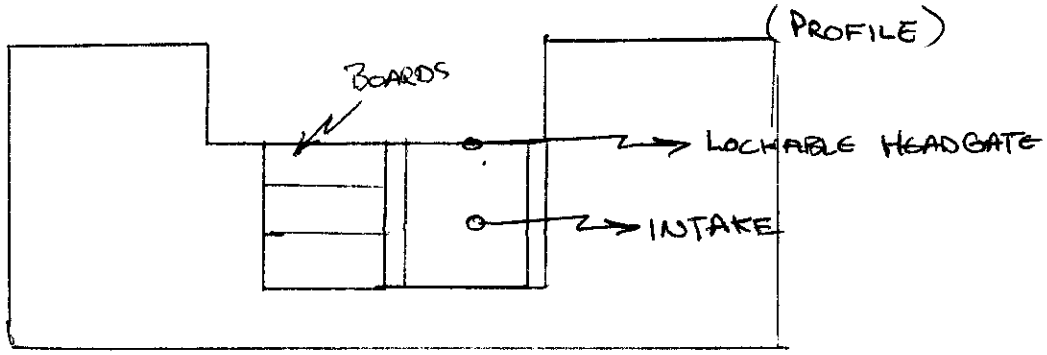
VEYED	GROUP NO	DATE	MILEAGE MLS	CHS	WHEN SURVEYED BEGUN	COMPLETE
axwell	159	Jan. 24, 1924	24	24.47	July 24, 1924	May 13, 19
·	"	· · ·	60	64.15	Sept. 8. ·	· 26.

11-7219 S 44E



HEADGATE – "LEFT-HAND FORK" DIVERSION





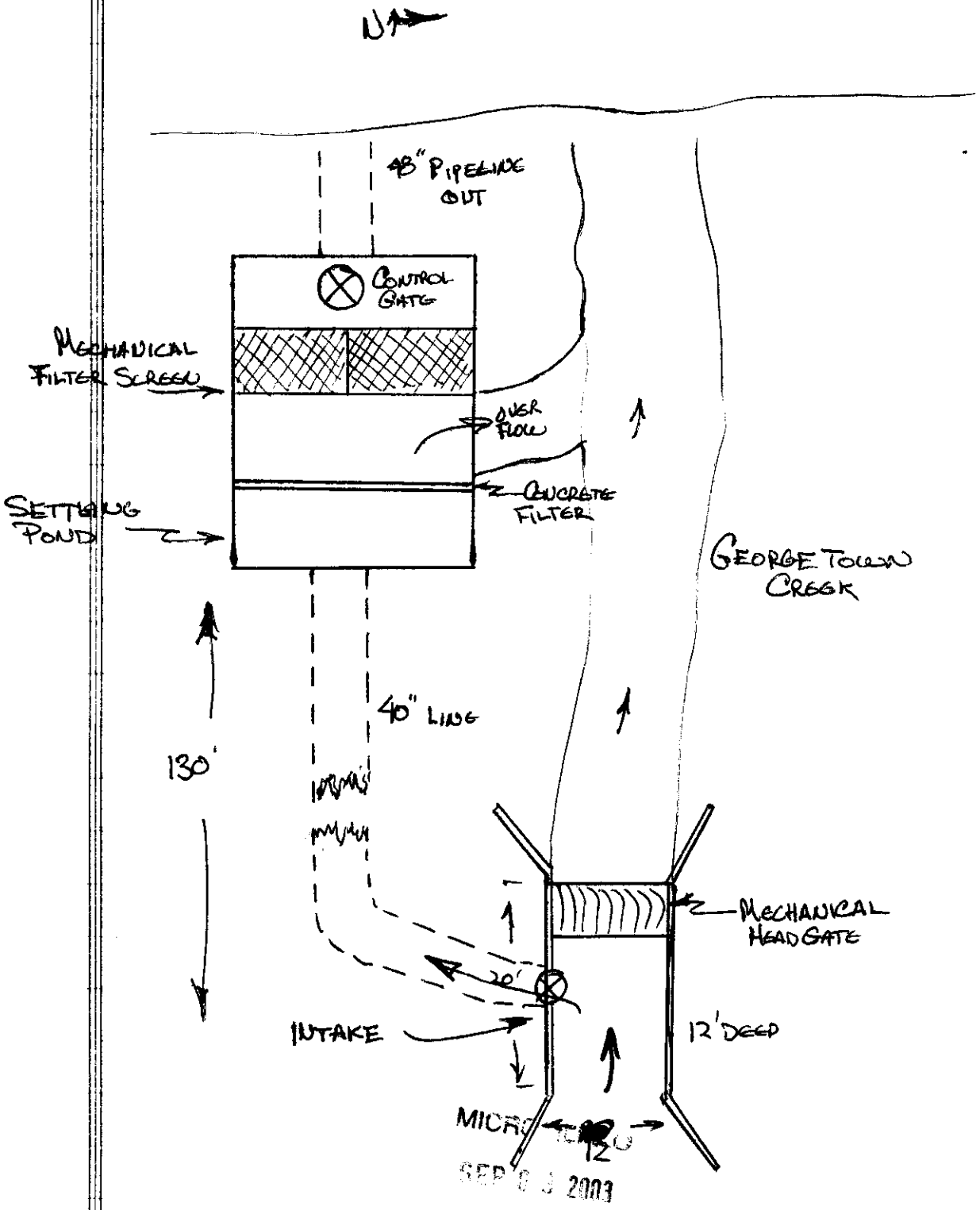
11-7219

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SEP 0 3 2003

PERMIT 11-7219

HEAD GATE DIVERSION DIAGRAMS:

MAIN GEORGETOWN DIVERSION:



DRAFT
12-22-76

GEORGETOWN WATERSHED 11-7219

(As Built)

IRRIGATION OPERATION

The system was designed to carry a flow of 46.2 cubic feet per second from Georgetown Creek and 2.4 cfs from Left Hand Fork. With these flows the system will provide 0.33 inches of water per day to 3,500 acres. This is the gross application rate.

Depth over 3500 acres Net

The entire system has been designed to apply water required for the peak demand period of the crops grown in the Georgetown area. Proper functioning of the system is dependent upon each farm unit receiving no more nor less than its fair share of the water. This can only be accomplished when each land owner understands the inter-relationship of the system with his farm and then operates his own irrigation system in accordance with the plan prepared for him.

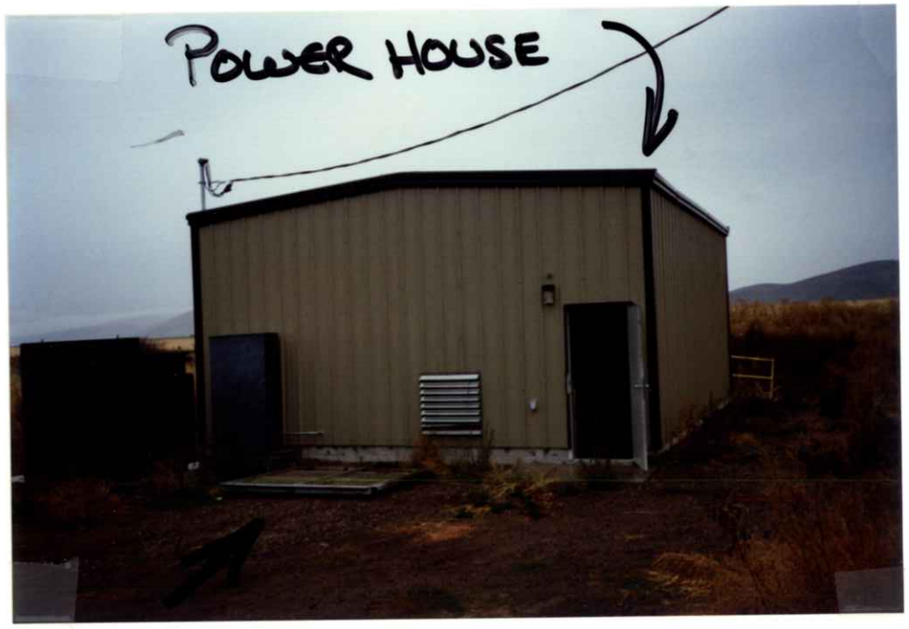
The irrigation company must see to the proper operation and maintenance of all of the parts of the distribution system. Regular and careful attention must be given to the traveling screens and the pressure regulator-flow controllers. The irrigation company should be prepared to perform operation and maintenance promptly when required. It is recommended that an inventory of replacement parts be acquired, particularly extra screens and some spare pilot control units for the pressure regulators and flow controllers.

* COPY FROM USDA, ~~USGS~~ SCS RECORDS

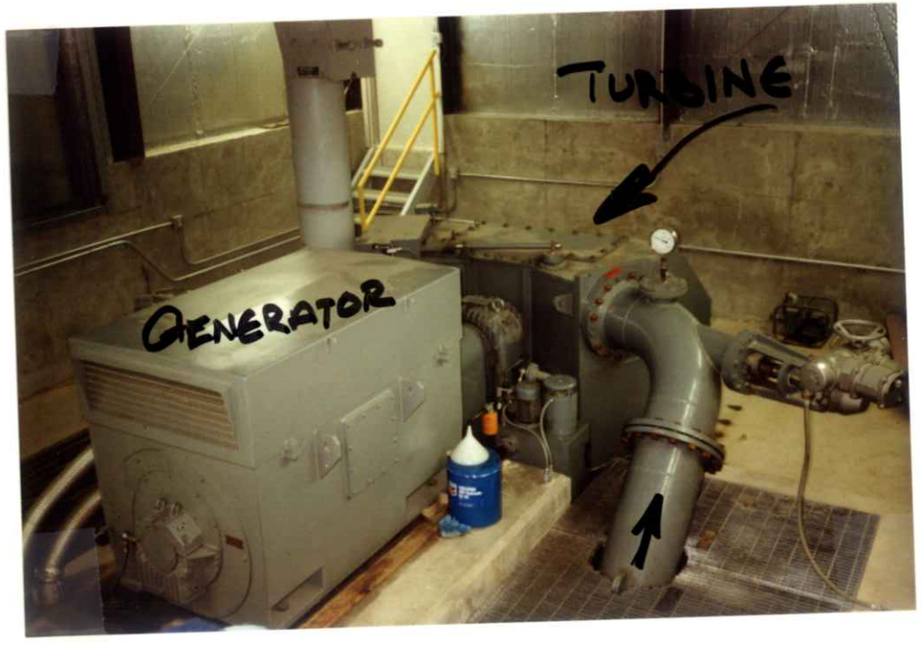
EB/ 10/13/87

MICROFILMED
DEC 03 2007

11-7219

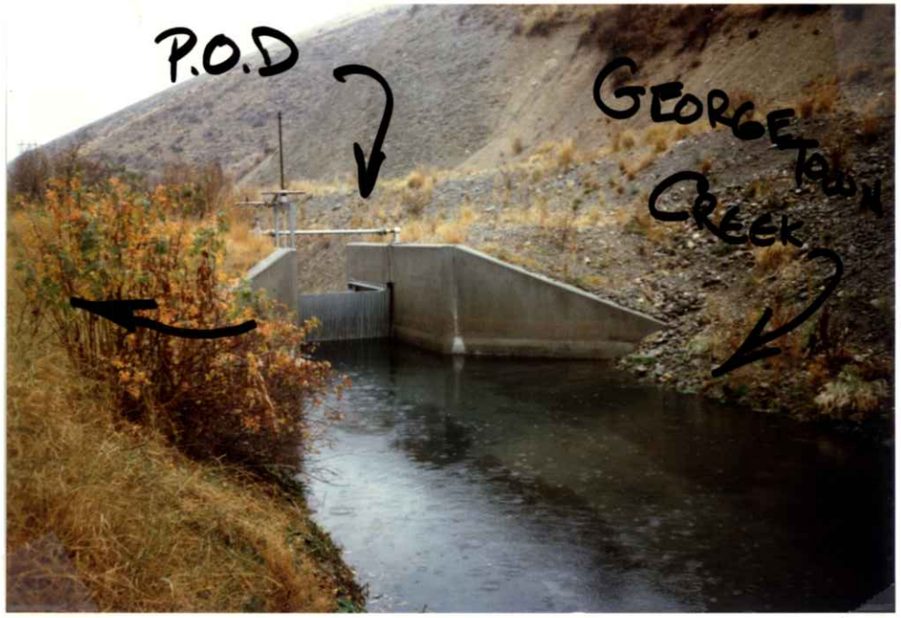




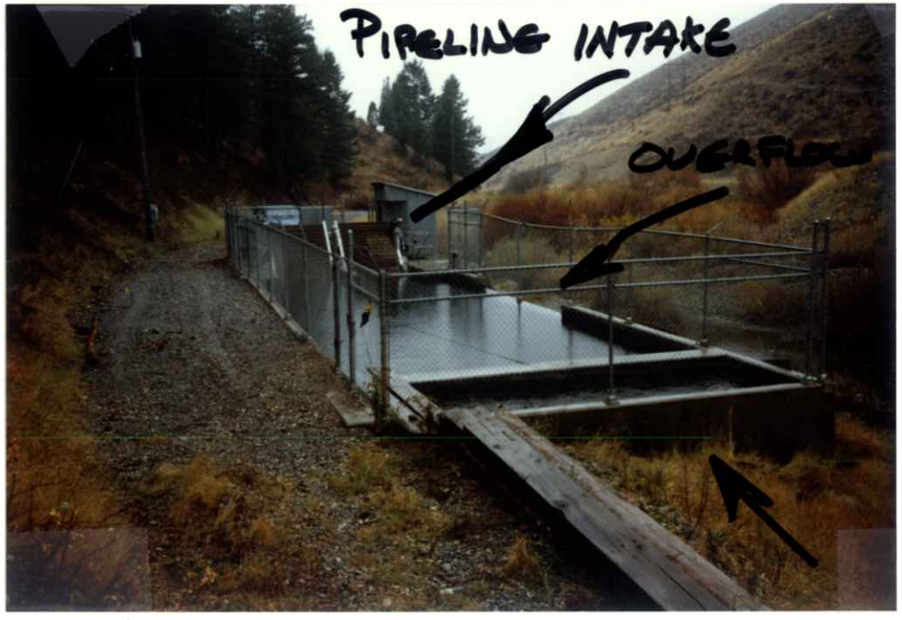




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SEP 0 3 2003







11
1
7219



SEP 03 2003

S4 T11S-R24E

11-7219

Form 217
12/84

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

RECEIVED
MAY 21 1986
Department of Water Resources

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has completed development under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below:

Permit No. 11 - 7219

Name(s) of Permit Holder: DAVID SNEDIGAR AS NOMINEE FOR GEORGETOWN POWER, AN IDAHO GENERAL PARTNERSHIP

Post Office Address: 2988 TIPPERARY LANE, IDAHO FALLS, ID 83401 Telephone No. (208) (529-2469)

Source of Water: Georgetown Creek & Left Hand Fork Georgetown

Extent of Use:

Domestic _____ (number of households)

Stockwater _____ (number and type of stock)

Irrigation _____ (acres)

Other/Remarks Hydro Power 30 cfs (Permit for 25 cfs only)

Indicate the date water was first diverted and beneficially used under this permit: Dec 15, 1985

Measuring Device: Required? ☐ Yes ☒ No
Installed? ☒ Yes ☐ No Weir for Bypass flow

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

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

Carl Stoddard
(Name)

Georgetown, Idaho (Address) 1-208-847-1622 (Telephone Number)

The above information is a true statement of the extent to which the above numbered permit has been developed.

Date

David R Snedigar
Signature of Permit Holder (and Title, if appropriate)

MICROFILMED
SEP 03 2003

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

RECEIVED
OCT 3 1985
Department of Water Resources
Eastern District Office

IN THE MATTER OF PERMIT NO. 11-7219 IN THE NAME OF GEORGETOWN IRRIGATION CO.

ORDER

WHEREAS, on January 12, 1981, Georgetown Irrigation Company submitted Application for Permit No. 11-7219 to the Department; and,

WHEREAS, the application proposed the diversion of 70 cubic feet per second (cfs) of water to be diverted from Georgetown Creek and to be used for hydropower purposes; and,

WHEREAS, there were no protests to approval of the application as submitted; and,

WHEREAS, there have not been any applications to use the water of Georgetown Creek filed subsequent to the filing of Permit No. 11-7219; and,

WHEREAS, based on preliminary design data, the department approved the application on July 29, 1983 for the diversion of 25 cfs; and,

WHEREAS, the final design of the power generating facility shows that 30 cfs of water can be beneficially used and is needed to economically operate the facility;

IT IS, THEREFORE, HEREBY ORDERED that the approval of Permit No. 11-7219 be and is RESCINDED; and,

IT IS FURTHER ORDERED that the Permit No. 11-7219 be issued for the diversion and use of 30 cfs of water from Georgetown Creek with the following conditions:

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SEP 03 2003

1. Subject to all prior water rights.

2. Proof of construction of works and application of water to beneficial use shall be submitted on or before July 1, 1988.

3. The permit holder shall either install a measuring device or provide a certified measurement by a professional engineer or install an access port or other device as specified by the Department.

4. Use of water under this permit is subject to control by the watermaster of State Water District No. 11, Bear River.

5. This permit is subject to the provisions of Section 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.

6. The rights for the use of water acquired under this permit shall be junior and subordinate to all other rights for 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 any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.

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

8. The diversion and use of water under this permit and any license subsequently issued is subject to review by the Director thirty-five (35) years from the date of issuance of this permit. Upon appropriate findings relative to the interest of the public, the Director may cancel all or any part of the use authorized herein and may revise, delete or add conditions under which the right may be exercised.

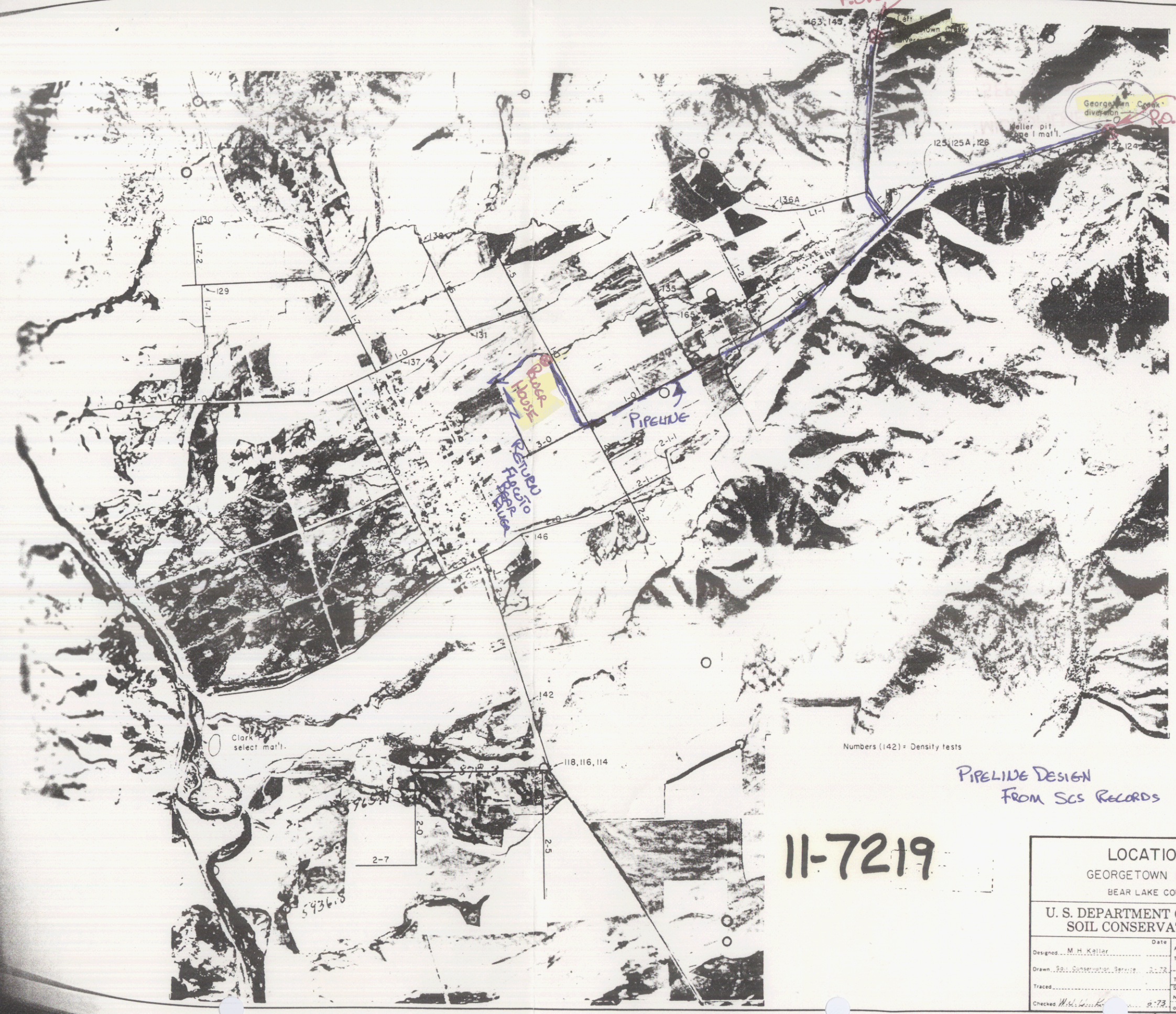
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SEP 03 2003

9. Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.

Dated this 27TH day of SEPTEMBER, 1985.

NORMAN C. YOUNG, Administrator
Resources Administration Division

MICROFILMED
SEP 0 3 2003



PIPELINE DESIGN
FROM SCS RECORDS

11-7219

LOCATION MAP
GEORGETOWN CREEK W.P.P.
BEAR LAKE COUNTY, IDAHO

U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

Designed M. H. Keller — Date — Approved by
Drawn Soil Conservation Service — 2-72 — Title
Traced — Title
Checked — 2-73 — Sheet No. 2 of 70 — Drawing No. 7-E-22049

I R-DEPARTMENT MEMO — 1

RECEIVED

MAR 5 1993

Department of Water Resources

FROM H.W. Jones

DATE 3-2-93

TO Pam Skaggs

SUBJECT Permit 11-07219

This is a copy of a Recent FERC compliance order that applies to permit & Rough Draft License 11-07219. Please put with that file! If appears the 5 cfs mentioned in the original body of the permit is being cited here. I would anticipate that our conditions should reflect this also.

MICROFILMED

SEP 0 3 2003

HWJ

SIGNATURE

RECEIVED
JUN 0 1 [illegible]
Department [illegible]

May 25, 1993

Georgetown Power
5203 South 11th East
Idaho Falls, ID 83404

Department of Water Resources
Statehouse
Boise, ID 83720

Re: Georgetown Power Change of Address
Permit No. 11-7219

Dear Sir or Madam:

This letter is to inform you that effective May 25, 1993 the mailing address for Georgetown Power will be as follows:

Georgetown Power
5203 South 11th East
Idaho Falls, ID 83404

Please correct your records.

Sincerely yours,

Ted S.

Ted S. Sorenson, General Partner

Change made on 06/04/93 CS
pm JJ.

MICROFILMED
SEP 0 3 2003

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Georgetown Irrigation Company — Project No. 6445-001
Idaho

COMPLIANCE ORDER
(Issued February 12, 1993)

In a letter dated November 25, 1992, the Director of the Division of Project Compliance and Administration (Director), requested that the exemptee for the Georgetown Irrigation Hydroelectric Plant Project provide a report on the project's compliance with Article 2 of its exemption.

Article 2 requires compliance with any terms and conditions that federal or state fish and wildlife agencies have determined are appropriate to prevent loss of, or damage to, fish and wildlife resources at the project. Article 2 terms and conditions for the project were submitted by the Idaho Department of Fish and Game (IDFG) in a letter dated September 16, 1982. The IDFG required flow monitoring equipment capable of recording instantaneous flow data at the diversion, and also required that gage data be made available to them upon request.

The Director's letter of November 25, 1992 requested that the exemptee file, within 20 days, documentation that either the flow monitoring equipment, approved by IDFG, has been installed, or that the IDFG has waived the flow monitoring requirement at the project. If documentation of a waiver was filed, the filing was to include a request to amend the flow monitoring requirement, with comments from the IDFG.

The Director's letter of November 25, 1992 also notified the exemptee of the enforcement and civil penalty provisions of section 31 of the Federal Power Act (Act), which include penalties of up to $10,000 per day for each violation, or termination of the exemption.

A response was received from the exemptee in a letter dated December 1, 1992. That filing failed to provide any of the requested information. On January 26, 1993, the Commission received a copy of a letter, dated January 19, 1993, from IDFG to the exemptee. The IDFG stated that the exemptee is required to install and operate adequate stream monitoring equipment capable of recording instantaneous flow data. The IDFG informed the exemptee that if the project was being operated without monitoring equipment, then it should be checked that the required 5 cubic feet per second (cfs) is being passed. The letter asked the exemptee to install the necessary flow monitoring equipment as soon as possible, and to notify IDFG if it would not be installed by the end of May 1993.

In the Director's November 25, 1992 letter, the exemptee was notified that they would remain in violation of article 2 of the project's exemption until flow monitoring equipment is installed at the project. The exemptee's failure to install a flow monitoring system at the project prevents the Commission from determining whether the project is in compliance with its operational requirements. Therefore, within 30 days of the date of this order, the exemptee must provide a flow monitoring plan for Commission approval. The plan must include a schedule for installing a flow monitoring system within 60 days from the date of this order. The flow monitoring system described in the plan must continuously record the flow (in cfs) that is bypassed by the project. The flow monitoring plan must also include measures for reporting flow data to the IDFG and the Commission upon request.

The flow monitoring plan must be filed with the IDFG at the same time it is filed with the Commission. The exemptee must also file the continuous flow records from the flow monitoring system with the Commission on a monthly basis for the next year. The first monthly flow record must be filed no later than April 30, 1993.

Compliance with this order does not preclude the Commission from assessing penalties pursuant to section 31 of the Act for violations that have already occurred. Furthermore, the exemptee continues to be in violation of the exemption until the requirements of this compliance order have been met. Failure to comply with this order will subject the exemptee to the enforcement and penalty provisions of section 31. In determining the amount of a penalty, the Commission will consider, in addition to the nature and seriousness of the violation, the efforts of the exemptee to remedy the violation in a timely manner. This order is issued pursuant to section 31(a) of the Act.

The Director orders:

(A) The exemptee shall file, within 30 days from the date of this order, a flow monitoring plan for Commission approval. The plan must include a schedule for installing the flow monitoring system within 60 days from the date of this order. The flow monitoring system described in the plan must continuously record (in cubic feet per second) the flow in the bypass reach below the Georgetown Irrigation Hydroelectric Plant Project. The plan must also include measures for reporting flow data to the Idaho Department of Fish and Game (IDFG) and the Commission upon request. The proposed plan shall also be filed with the IDFG at the same time it is filed with the Commission, along with a written request for IDFG's comments on the proposed plan. The Commission reserves the right to modify the plan as

MICROFILMED
SEP 03 2003

Post-It™ brand fax transmittal memo 7671 | # of pages ▸ 2

To Charles MULLINS	From H. MORAN
Co.	Co.
Dept. IWDR	Phone # 236-6160
Fax # 525-7177	Fax # 236-6168

...essary to insure accurate documentation of the exemptee's ...ompliance.

(B) The exemptee shall file continuous flow records from the flow monitoring system with the Commission on a monthly basis for the next year. The first monthly flow record must be filed no later than April 30, 1993.

(C) This order constitutes final agency action. Requests for rehearing by the Commission may be filed within 30 days from the date of issuance 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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SEP 0 3 2003

FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE, $300

POSTAGE AND FEES PAID
FEDERAL ENERGY
REGULATORY COMMISSION
FERC-351

P-6443
JOE NAGEL, DIRECTOR
IDAHO DEPARTMENT OF HEALTH & WELFARE
STATEHOUSE
1410 HILTON
BOISE, ID 83720

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SEP 0 3 2003

RECEIVED
FEB 2 5 1993
Div. of Environmental Quality
Community Programs

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Georgetown Irrigation Company — Project No. 6445-001
Idaho P-11-7219

COMPLIANCE ORDER
(Issued February 12, 1993)

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Article 2 requires compliance with any terms and conditions that federal or state fish and wildlife agencies have determined are appropriate to prevent loss of, or damage to, fish and wildlife resources at the project. Article 2 terms and conditions for the project were submitted by the Idaho Department of Fish and Game (IDFG) in a letter dated September 16, 1982. The IDFG required flow monitoring equipment capable of recording instantaneous flow data at the diversion, and also required that gage data be made available to them upon request.

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SEP 0 3 2003

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RECEIVED
FEB 23 1993
Department of Water Resources

4/86

RECEIVED
MAR 23 1987
Department of Water Resources
Eastern District Office

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EXAMINATION FEE INFORMATION

For Office Use Only
Fee Received 60.00
Date 3-24-87
Receipt # 41114
Receipt by MD
Sent to S.O. 4-3-87

RECEIVED
APR 06 1987
Department of Water Resources

1. Permit No. 11-7219

ONE OF THE FOLLOWING BOXES SHOULD BE MARKED TO DESIGNATE YOUR CHOICE:

☐ I choose to have the department make the field examination of this permit; attached is the examination fee. (If this box is marked, complete items 1 thru 8.)

2. Permit Holder: David R. Snedigar, Nominee for Georgetown Power

3. Post Office Address: 2988 Tipperary Lane, Idaho Falls ID 83401 Telephone No. 529-2469

4. Source of Water: Creek

5. Extent of Use:

Domestic _____(No. of households) Stockwater _____(No. and type of stock)

Irrigation _____(acres) Other/Remark Hydropower Permit for 25.0cfs

6. Total rate &/or volume for which proof is submitted 35 cfs _____ acre-feet

7. Show the date water was first diverted and beneficially used under this permit:

Dec 30, 1985

8. Person to contact to accompany the department representative during the field examination:

Carl Stoddard
(Name)

Georgetown, ID
(Address) (Telephone Number)

☐ I choose to have the field examination conducted by a certified water right examiner. Attached is a statement from the certified examiner I have selected verifying that he has been retained to conduct the examination. (If this box is marked, complete items 1 thru 7.)

3/20/87
Date

Signature of Permit Holder (and title, if appropriate)

copy retained

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SEP 03 2003

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

RECEIVED
DEC 1 1 1986

John V. Evans
Governor

A. Kenneth Dunn
Director

150 Shoup — Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

Department of Water Resources

11-7219
SNEDIGAR, DAVID
2988 TIPPERARY LN.
IDAHO FALLS, ID 83401

December 8, 1986

CERTIFIED
No. 13559

EXAMINATION FEE NOTICE

Dear Permit Holder:

Department records show that proof of beneficial use has been submitted for the above-referenced permit, but that a field examination has not yet been conducted to determine the extent of beneficial use of the water for licensing purposes.

House Bill 671 (effective April 4, 1986) enacted by the 1986 Idaho Legislature requires the payment of a fee before this Department can conduct the field examination needed to issue a license confirming use of water under the permit. This letter is notification that the license examination fee is due within sixty (60) days of the date of this letter. The examination fee information sheet (enclosed) must be returned with the fee.

As an alternative to submitting the fee, the Department will accept a field examination report completed by a certified water right examiner from the private sector. If you choose to have the examination done by a certified water right examiner, you need not submit the license examination fee to the Department, but you must within sixty (60) days of the date of this letter return to the Department, the examination fee information sheet showing appropriate information together with a statement from the certified examiner to verify that you have retained a certified examiner to conduct the field examination. If you choose this alternative, a completed field examination report must be submitted within one year of the date of this letter. You cannot later change your decision to use this alternative and submit the fee needed for the Department to conduct the field examination, but you may change to another certified examiner.

Certified water right examiners are licensed engineers, geologists, or land surveyors certified by the Department to conduct water right examinations. The procedure for certifying examiners results from the recently enacted HB 671 and is being developed at this time. A listing of certified water right examiners will be available from this Department when examiners have been certified.

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If your permitted use, in fact, has already been examined by the Department and you have not asked to have the examination repeated, the fee requirement is not applicable to your permit. If you believe this is the case, please contact the Department.

The license examination fee is to be based on the amount of water you indicate you have developed, as listed in item 6 on the examination fee information sheet. The amount of water on which the examination fee is based can be less than the permitted amount, if less water has been diverted and benefically used. The licensed amount of water, however, will not exceed the amount you claim on the examination fee information sheet. The enclosed license examination fee schedule shows a listing of applicable fees.

FAILURE TO SUBMIT WITHIN THE SIXTY (60) DAY PERIOD THE FEE OR THE STATEMENT THAT A CERTIFIED EXAMINER HAS BEEN RETAINED TO MAKE THE FIELD EXAMINATION WILL BE CAUSE TO ADVANCE THE PRIORITY OF THE PERMIT ONE DAY FOR EACH DAY THAT THE FEE SUBMITTAL IS LATE.

FAILURE TO SUBMIT THE FEE OR THE COMPLETED FIELD EXAMINATION REPORT WITHIN A YEAR WILL BE CAUSE TO CONSIDER THE PROOF OF BENEFICIAL USE TO BE INCOMPLETE AND TO LAPSE THE PERMIT.

The attached examination fee information sheet and the fee may be submitted to the following Department office:

Eastern Region
Idaho Dept. of Water Resources
150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83401
Phone: 525-7161

Very Truly Yours,

Ronald D. Carlson
Eastern Regional Manager

Enclosures

MICROFILMED

SEP 0 3 2003

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
Eastern Region

---

150 Shoup, Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

JUNE 30, 1986

GOERGETOWN POWER
2988 TIPPERARY LANE
IDAHO FALLS ID 83401

RE: Permit No. 11-7219

Dear Permit Holder:

We acknowledge receipt of your statement submitted as proof of beneficial use for the above referenced permit.

Before a license can be issued, a field examination must be made by a representative of this department.

A field examiner will contact you to arrange to examine your system.

If you have any questions regarding the field examination, please contact this office by phone at 525-7161 or in person in the third floor State Office Building, 150 Shoup, Idaho Falls, Idaho.

Sincerely,
s/HAROLD W. JONES
Sr. Resource Agent

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SEP 0 3 2003

Form 217
12/84

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

RECEIVED
MAY 21 1986
Department of Water Resources

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has completed development under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below:

Permit No. 11 - 7219

Name(s) of Permit Holder: DAVID SNEDIGAR AS NOMINEE FOR GEORGETOWN POWER, AN IDAHO GENERAL PARTNERSHIP

Post Office Address: 2988 TIPPERARY LANE, IDAHO FALLS, ID 83401 Telephone No. (208) (529 & 2469)

Source of Water: Georgetown Creek & Left Hand Fork Georgetown

Extent of Use:

Domestic _____ (number of households)

Stockwater _____ (number and type of stock)

Irrigation _____ (acres)

Other/Remarks Hydro Power 30 cfs

Indicate the date water was first diverted and beneficially used under this permit: Dec 15, 1985

Measuring Device: Required? ☐ Yes ☒ No
Installed? ☒ Yes ☐ No Weir for Bypass flow

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

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

Carl Stoddard
(Name)

Georgetown, Idaho (Address) 1-208-847-1622 (Telephone Number)

The above information is a true statement of the extent to which the above numbered permit has been developed.

Date

David N Snedigar
Signature of Permit Holder (and Title, if appropriate)

6-16-86

MICROFILMED

SORENSON ENGINEERING, INC.
CONSULTING ENGINEERS
550 LINDEN DRIVE
IDAHO FALLS, IDAHO 83401
208-522-8069

RECEIVED
MAY 21 1986
Department of Water Resources

April 30, 1986

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

Re: Georgetown Power, Permit No. 11-7219

Dear Jim:

Encloaed is a aigned application for proof of beneficial use for the above desaignated permit.

Please let us know if there is anything further that you need from us in order to process it. You can reach me by phoning 529-2469 or by calling 522-8069 if you need to.

Thankyou for your prompt attention to this matter.

Best wishes.

Very truly yours,

Gayle A. Sorenson

Gayle A. Sorenson

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

May 14, 1986

RE: Permit No. 11-7218

Prudential Federal Savings & Loan Assn.
c/o Larsen, Kimball, Parr & Crockett
185 S. State St., Suite 1300
Salt Lake City, UT 84111

Attn: Victor Taylor

Dear Mr. Taylor:

Pursuant to our recent telephone conversation, enclosed is a copy of the Assignment of the above referenced permit, changing ownership from Georgetown Irrigation Co. to David Snedigar, along with a copy of an affidavit signed by Mr. Snedigar.

The Department has accepted said documents as proof of permit ownership by Mr. Snedigar.

If I can be of any further assistance, please let me know.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosures

MICROFILMED

April 24, 1986

RE: Permit No. 11-7219

David Snedigar
2988 Tipperary Ln.
Idaho Falls, ID 83401

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. 11-7219

ASSIGNMENT REVIEW CHECK LIST

1. Signature of Permit Holder? Yes
2. Notary? Yes
3. a. Full Assignment? Yes
   b. Partial Assignment? N/A
4. "No assignment" condition on permit? NO
5. Commencement of Works received? N/A
   a. Commencement of works requested? NO
   b. Show Cause Order drafted & sent? NO
   c. Cancellation necessary? NO
6. Affidavit of residency required? Yes — Rec'd 4-11-86 letter prepared, Assignment form returned 12-18-85
7. Extension granted due to litigation? NO
   (If yes, commencement of works is not required.) form retrieval request letter prepared 3-4-86

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

Date 4-23-86

Employee Jm

MICROFILMED

LAW OFFICES
HOLDEN, KIDWELL, HAHN & CRAPO
IDAHO FIRST NATIONAL BANK BUILDING
P.O. BOX 129
IDAHO FALLS, IDAHO 83402

TELEPHONE 523-0620
AREA CODE 208

WILLIAM S. HOLDEN
R. VERN KIDWELL, P.A.
FRED J. HAHN
KENT W. FOSTER
ROBERT E. FARNAM
WILLIAM D. FALER
STEPHEN E. MARTIN
CHARLES A. HOMER
GARY L. MEIKLE
CURT R. THOMSEN
RANDALL K. BARTON
MICHAEL D. CRAPO
JAMES D. HOLMAN
GAYLE A. SORENSON
DONALD L. HARRIS
GREGOR S. CHVISUK
RANDALL B. REED
G. LANCE NALDER
J. MICHAEL WHEILER

ARTHUR W. HOLDEN (1877-1967)
ROBERT B. HOLDEN (1911-1971)
TERRY L. CRAPO (1939-1982)

April 10, 1986

RECEIVED
APR 11 1986
Department of Water Resources

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

Dear Mr. Johnson:

Enclosed are an Affidavit and Assignment of Permit for Georgetown Irrigation Company.

Please process these immediately. We need to have the approval within the next two weeks if at all possible.

Best wishes.

Very truly yours,

Gayle A. Sorenson

Gayle A. Sorenson

GAS:as
#7679.00
1979d

Enclosures

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

March 7, 1986

RE: Permit No. 11-7219

Gayle A. Sorenson
Holden, Kidwell, Hahn & Crapo
P.O. Box 129
Idaho Falls, ID 83402

Dear Mr. Sorenson:

We are again in receipt of an assignment of permit in which Georgetown Irrigation Co. proposes to assign permit ownership to Georgetown Power, David E. Snedigar, Nominee.

However, the provisions of Sections 42-206 and 42-207, Idaho Code, require that permit holders be either bonafide residents of the State of Idaho or, if a corporation, it must be qualified to do business in and under the laws of the State of Idaho.

Enclosed is an affidavit which should be completed and returned to this office no later than May 5, 1986. If you have any questions, please let me know.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc
Enclosure

MICROFILMED

LAW OFFICES
HOLDEN, KIDWELL, HAHN & CRAPO
IDAHO FIRST NATIONAL BANK BUILDING
P.O. BOX 129
IDAHO FALLS, IDAHO 83402

TELEPHONE 523-0620
AREA CODE 208

WILLIAM S. HOLDEN
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G. LANCE NALDER

ARTHUR W. HOLDEN (1877-1967)
ROBERT B. HOLDEN (1911-1971)
TERRY L. CRAPO (1939-1982)

February 21, 1986

RECEIVED
FEB 24 1986
Department of Water Resources
Eastern District Office

RECEIVED
FEB 27 1986
Department of Water Resources

Mr. Ernest Carlson
DEPARTMENT OF WATER RESOURCES
150 Shoup Avenue
Idaho Falls, Idaho 83402

Dear Mr. Carlson:

Pursuant to our telephone conference of February 20, 1986, I have enclosed an Assignment of Water Resources Permit to be processed by the Idaho Department of Water Resources.

It is my understanding you will forward this to Boise for us.

I would appreciate it if you would let me know when the Assignment is recorded on the books of the Department so that I can notify our lender.

Thank you so much for your help.

Sincerely yours,

Gayle A. Sorenson

Gayle A. Sorenson

GAS/rfs

Enclosure

MICROFILMED

ASSIGNMENT OF WATER RESOURCES PERMIT

For and in consideration of One Dollar ($1.00) and other good and valuable consideration in hand paid, Georgetown Irrigation Company, Assignor, hereby assigns to David E. Snedigar as Nominee for Georgetown Power, an Idaho Partnership, Assignee, permit number 11-7219 issued by the Idaho Department of Water Resources for the purposes of power generation.

Dated 9-16-85

GEORGETOWN IRRIGATION CO.

Carl E. Stoddard

Carl E. Stoddard, President

ASSIGNOR

ATTEST:

Sheldon L. Clark

Sheldon L. Clark, Secretary

David Snedigar, Nominee for Georgetown Power, an Idaho Partnership

ASSIGNEE

1020d

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

December 18, 1985

RE: Permit No. 11-7219

Gayle A. Sorenson
Holden, Kidwell, Hahn & Crapo
P.O. Box 129
Idaho Falls, ID 83402

Dear Mr. Sorenson:

Enclosed is the assignment of permit for Georgetown Irrigation Company. The assignment cannot be accepted without an affidavit from the proposed permit holder showing that the company is qualified to do business in the state of Idaho (affidavit enclosed).

Once the affidavit is signed, return both forms for processing.

If you have any questions, please let us know.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosures

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

December 3, 1985

Ted Sorenson
550 Linden Drive
Idaho Falls, ID 83401

Re: Permit No. 11-7219

Dear Mr. Sorenson:

Pursuant to your telephone request, please find enclosed a copy of a transmittal letter and an order in connection with the above-referenced permit.

Sincerely,

L. Glen Saxton

L. GLEN SAXTON
Chief, Operations Bureau

ls

cc: File 11-7219 ✓

Enclosure

MICROFILMED

LAW OFFICES
HOLDEN, KIDWELL, HAHN & CRAPO
IDAHO FIRST NATIONAL BANK BUILDING
P. O. BOX 129
IDAHO FALLS, IDAHO 83402

TELEPHONE 523-0620
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BRUCE T. SMITH
GREGOR S. CHVISUK

ARTHUR W. HOLDEN (1877-1967)
ROBERT B. HOLDEN (1911-1971)
TERRY L. CRAPO (1939-1982)

October 7, 1985

RECEIVED
OCT 7 1985
Department of Water Resources
Eastern District Office

Department of Water Resources
150 Shoup, Suite 15
Idaho Falls, Idaho 83402

Dear Sir or Madam:

Enclosed is an Assignment of Permit for Georgetown Irrigation Company. Please process the Assignment as soon as possible and return it to our law offices at the above address.

Thank you for your kind assistance.

Very truly yours,

Gayle A. Sorenson

GAS:as
#7679.00

Enclosure

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

September 30, 1985

Georgetown Irrigation Company
c/o Sheldon Clark, Sec. Treas.
Georgetown, ID 83239

Gentlemen:

Re: Permit No. 11-7219

Enclosed is a copy of the Order which re-issues the permit for a greater amount of water and a copy of the permit. Please note the conditions of approval as set forth in the order.

Be sure to note the special condition requiring you to install and maintain a measuring device at your point of diversion. We have enclosed a description of the different types of measuring devices accepted by this office.

The 1982 Idaho Legislature added a requirement that as a permit holder you must commence the excavation or construction of diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The enclosed blue card must be completed and returned to this office as soon as you commence construction, no later than one year from the date the permit was approved.

We have enclosed instructions entitled "Making Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit into a license.

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

Sincerely,

L. Glen Saxton

L. GLEN SAXTON
Chief, Operations Bureau

LGS:rf

Enclosures

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

September 10, 1985

RE: Permit No. 11-7219

Ted S. Sorenson
Sorenson Engineering, P.A.
550 Linden Drive
Idaho Falls, ID 83401

Dear Mr. Sorenson:

We are in receipt of your correspondence of 8/23/85 in reference to the Goergetown Irrigation Water Permit 11-7219, for power generation. You requested, due to final design of the project, that the permit be amended to 30 cfs rather than the 25 cfs previously requested.

When the request for 25 cfs was made, per your letter of 5/19/83, the permit file was changed accordingly and normally once this has been done, the amount cannot be increased.

If you have any questions on this matter, please let me know.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

MICROFILMED

S RENSON ENGINEERING, P
CONSULTING ENGINEERS
550 LINDEN DRIVE
IDAHO FALLS, IDAHO 83401
208-522-8069

RECEIVED
AUG 28 1985
Department of Water Resources

August 23, 1985

Mr. Dave Tuthill, P.E.
Idaho Department of Water Resources
Statehouse Mail
Boise, ID 83720

SUBJECT: GEORGETOWN IRRIGATION WATER PERMIT 11-7219 POWER GENERATION

Dear Dave,

I note that, per my correspondence in 1984, the water right was listed as 25 cfs. However, now that final design of the project is complete, and in fact, construction is underway, we concluded that the economical installation was 30 cfs.

In that Georgetown Irrigation Company filed for 70 cfs initially, we would appreciate it if you could amend the permit to show a 30 cfs usage.

Your prompt consideration is appreciated.

Very truly yours,

Ted S. Sorenson, P.E.
Project Engineer

TSS:lc

cc: Carl Stoddard, Georgetown Irrigation Company

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

August 15, 1985

RE: Permit No. 11-7219 - GEORGETOWN IRRIGATION COMPANY

Ted Sorensen
550 Linden Dr.
Idaho Falls, ID 83401

Dear Mr. Sorensen:

Pursuant to your request, enclosed you will find a copy of the above referenced water right permit.

If we can be of any further assistance to you, please feel free to contact our office.

Sincerely,

KAY WALKER
Technical Records Specialist

KW:k
Enclosure

MICROFILMED

RECEIVED
11-7219
OCT 22 1982
Department of Water Resources

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Georgetown Irrigation Company) Project No. 6445-000

ORDER APPROVING REQUEST FOR WAIVER AND
GRANTING EXEMPTION FROM LICENSING FOR A
CONDUIT HYDROELECTRIC PROJECT

(Issued October 18, 1982)

On June 18, 1982, Georgetown Irrigation Company (Applicant) filed an application for exemption from all or part of Part I of the Federal Power Act pursuant to 18 C.F.R. Part 4 Subpart J (1980) implementing Section 30 of the Federal Power Act (Act) for a project as described in the attached public notice. 1/ Applicant concurrently filed a request, under Section 1.7(b) of the Commission's Rules of Practice and Procedure [18 C.F.R. §1.7(b)(1982)] for waiver of the discharge requirement of Section 4.91(f)(5).

Notice of the application for exemption and the request for waiver was published 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 that were filed have been considered. No agency has any objection relevant to approval of the waiver request or to issuance of an 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/ Authority to act on this matter is delegated to the Director, Office of Electric Power Regulation, under §375.308 of the Commission's regulations, 18 C.F.R. §375.308 (1981), 18 C.F.R. §375.308 (1981), FERC Statutes and Regulations ¶30,238. 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, FERC Statutes and Regulations ¶29,052, 47 Fed. Reg. 19014 (1982). 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.

MICROFILMED

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.

No protests have been received. It appears in the public interest to approve the request for waiver and the exemption, conditioned by the standard exemption articles.

It is ordered that:

(A) Georgetown Irrigation Company's request for waiver of the discharge requirement of Section 4.91(f)(5) of the Commission's Regulations, as filed under Section 1.7(b) of the Commission's Rules of Practice and Procedure [18 C.F.R. §1.7(b)(1982)], is approved.

(B) The Irrigation Hydroelectric Plant Project No. 6445 as described and designated in the Georgetown Irrigation Company application filed on June 18, 1982, is exempted from all of the requirements of Part I of the Federal Power Act, including licensing, subject to the standard articles in §4.94 of the Commission's regulations attached hereto as Form E-1, 18 C.F.R. §4.94 (1981).

(C) The Commission may accept a license application by any qualified license applicant and revoke this exemption if actual construction or development of the 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.

Robert E. Cachowski
for Lawrence R. Anderson
Director, Office of Electric
Power Regulation

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Georgetown Irrigation Company) Project No. 6445-000

NOTICE OF APPLICATION FOR EXEMPTION OF SMALL CONDUIT HYDROELECTRIC FACILITY

(August 3, 1982)

Take notice that on June 18, 1982, Georgetown Irrigation Company (Applicant) filed an application, under Section 30 of the Federal Power Act (Act) [16 U.S.C. §823(a)], for exemption of a proposed hydroelectric project from requirements of Part I of the Act. Applicant concurrently filed a request, under Section 1.7(b) of the Commission's Rules of Practice and Procedure [18 C.F.R. §1.7(b)(1982)] for waiver of the discharge requirement of Section 4.91(f)(5). The proposed Irrigation Hydroelectric Plant Project (FERC Project No. 6445) would be located on lands owned by 2 L Farms near the Town of Georgetown in Bear Lake County, Idaho. Correspondence with the Applicant should be directed to: Ted S. Sorenson, 550 Linden Drive, Idaho Falls, Idaho 83401.

Purpose of Project - The existing complex system of water conveyance conduits is used primarily to supply irrigation water to 3,500 acres of farmland. The energy generated by the proposed facility would be incidental to the irrigation water supply function of the system. The water surplus to irrigation needs would be discharged back into Georgetown Creek after being used for power generation.

Project Description - The proposed project would be located at Station 150+00 along Georgetown Irrigation Company's main pipeline and would consist of: (1) a 1,600-foot-long 30-inch diameter welded steel penstock; (2) a powerhouse containing two generating units having a total installed capacity of 450-kW operated under a 206-foot head and at a flow of 30 cfs; (3) a 100-foot-long 36-inch diameter steel pipe tailrace; and (4) appurtenant facilities. Applicant estimates that the average annual energy output would be 1,870,000 kWh.

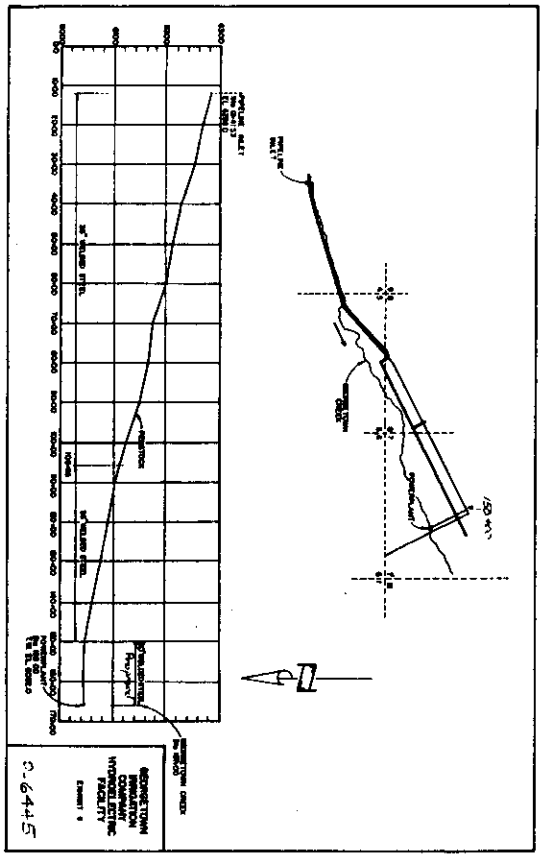
Agency Comments - The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the Idaho Department of Fish and Game are requested, for the purposes set forth in Section 30 of the Act, to submit within 45 days from the date of issuance of this notice appropriate terms and conditions 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

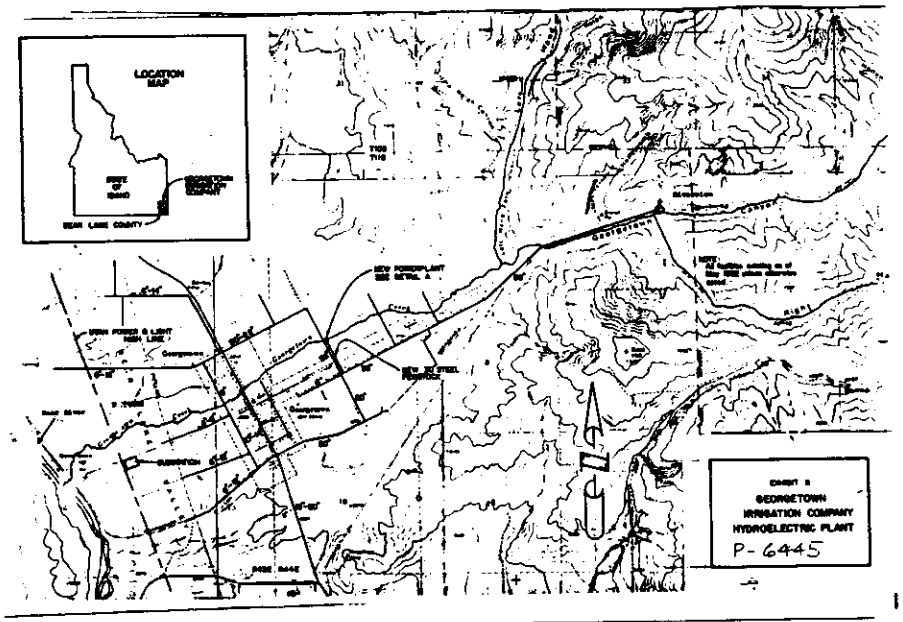
terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments 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 45 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.

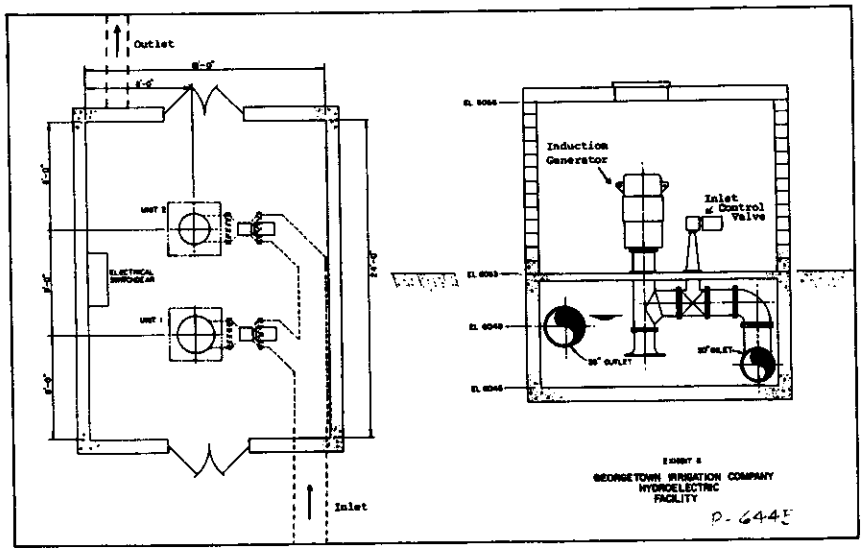
Comments, Protests, or Petitions to Intervene - Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 C.F.R. §1.8 or §1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before SEP 9 0 1982.

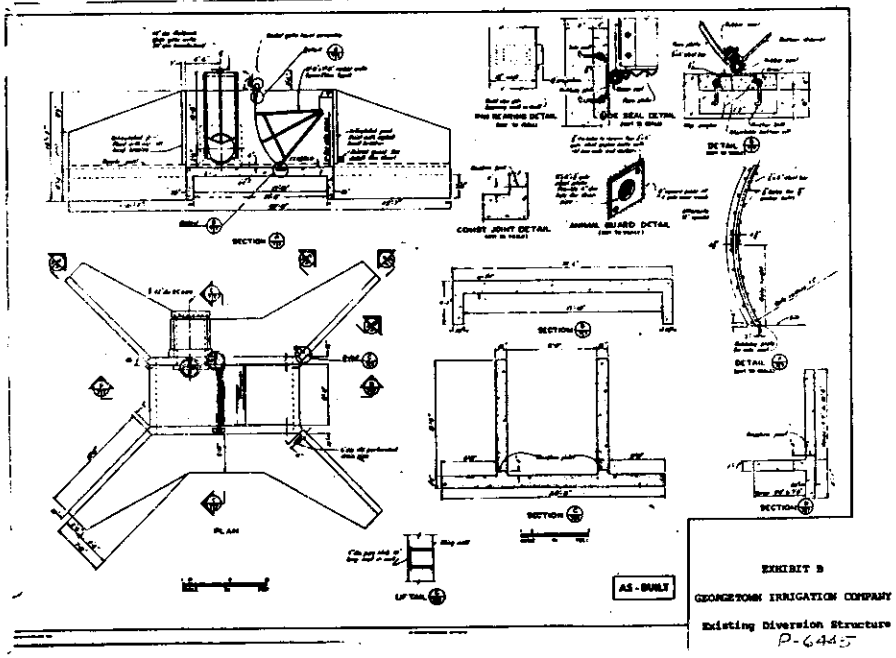
Filing and Service of Responsive Documents - Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb
Secretary









MICROFILMED

§ 4.94 Standard terms and conditions of exemption.

Any exemption granted under § 4.93 for a small conduit hydroelectric facility 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 facility. 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 facility 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.

11-7219

RECEIVED
AUG 9 1982
Department of Water Resources

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Georgetown Irrigation Company) Project No. 6445-000

NOTICE OF APPLICATION FOR EXEMPTION OF SMALL CONDUIT HYDROELECTRIC FACILITY

(August 3, 1982)

Take notice that on June 18, 1982, Georgetown Irrigation Company (Applicant) filed an application, under Section 30 of the Federal Power Act (Act) [16 U.S.C. §823(a)], for exemption of a proposed hydroelectric project from requirements of Part I of the Act. Applicant concurrently filed a request, under Section 1.7(b) of the Commission's Rules of Practice and Procedure [18 C.F.R. §1.7(b)(1982)] for waiver of the discharge requirement of Section 4.91(f)(5). The proposed Irrigation Hydroelectric Plant Project (FERC Project No. 6445) would be located on lands owned by 2 L Farms near the Town of Georgetown in Bear Lake County, Idaho. Correspondence with the Applicant should be directed to: Ted S. Sorenson, 550 Linden Drive, Idaho Falls, Idaho 83401.

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Project Description - The proposed project would be located at Station 150+00 along Georgetown Irrigation Company's main pipeline and would consist of: (1) a 1,600-foot-long 30-inch diameter welded steel penstock; (2) a powerhouse containing two generating units having a total installed capacity of 450-kW operated under a 206-foot head and at a flow of 30 cfs; (3) a 100-foot-long 36-inch diameter steel pipe tailrace; and (4) appurtenant facilities. Applicant estimates that the average annual energy output would be 1,870,000 kWh.

Agency Comments - The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the Idaho Department of Fish and Game are requested, for the purposes set forth in Section 30 of the Act, to submit within 45 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

MICROFILMED

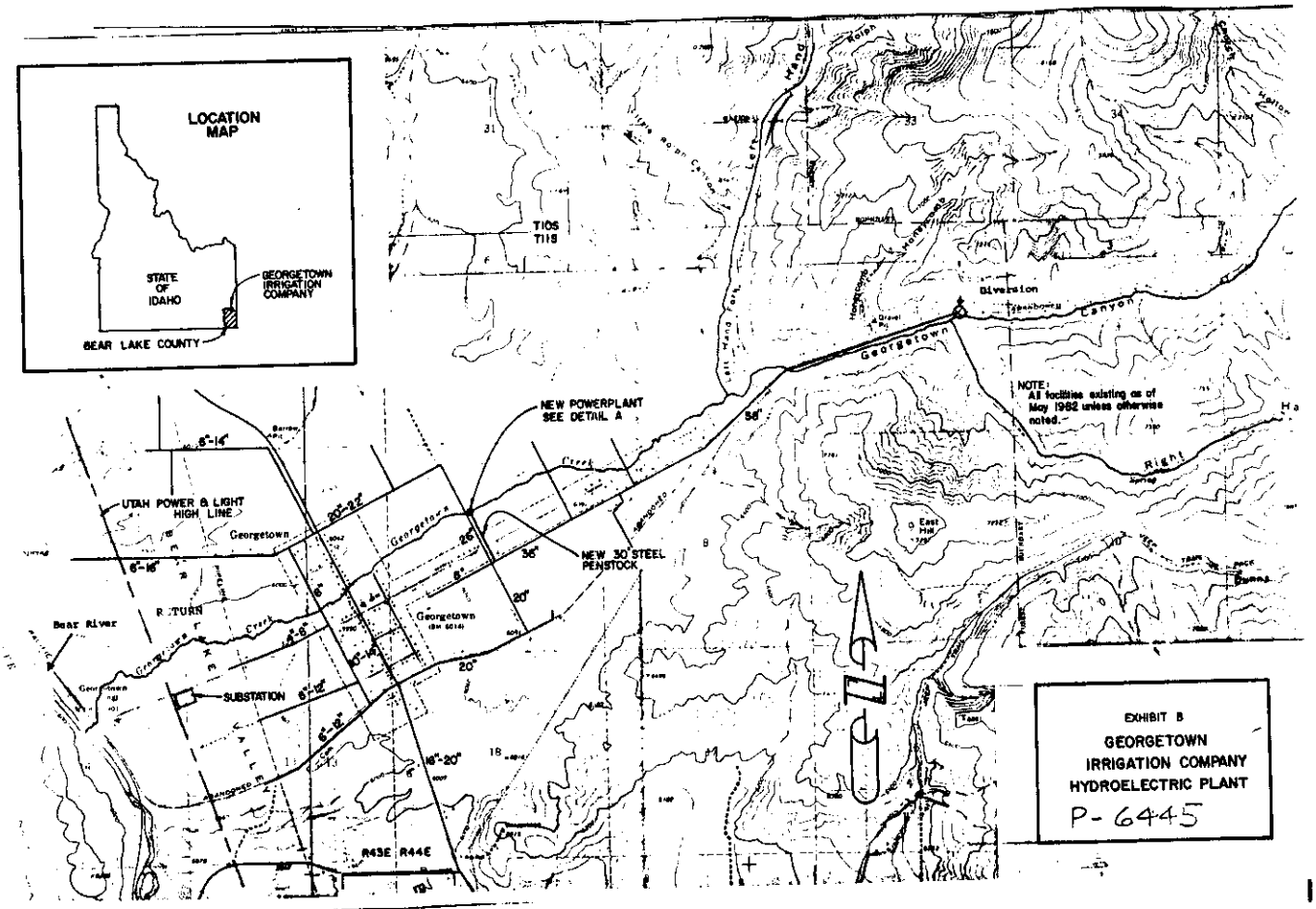
Project No. 6445-000

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 45 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.

Comments, Protests, or Petitions to Intervene - Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 C.F.R. §1.8 or §1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before SEP 2 0 1982.

Filing and Service of Responsive Documents - Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb
Secretary



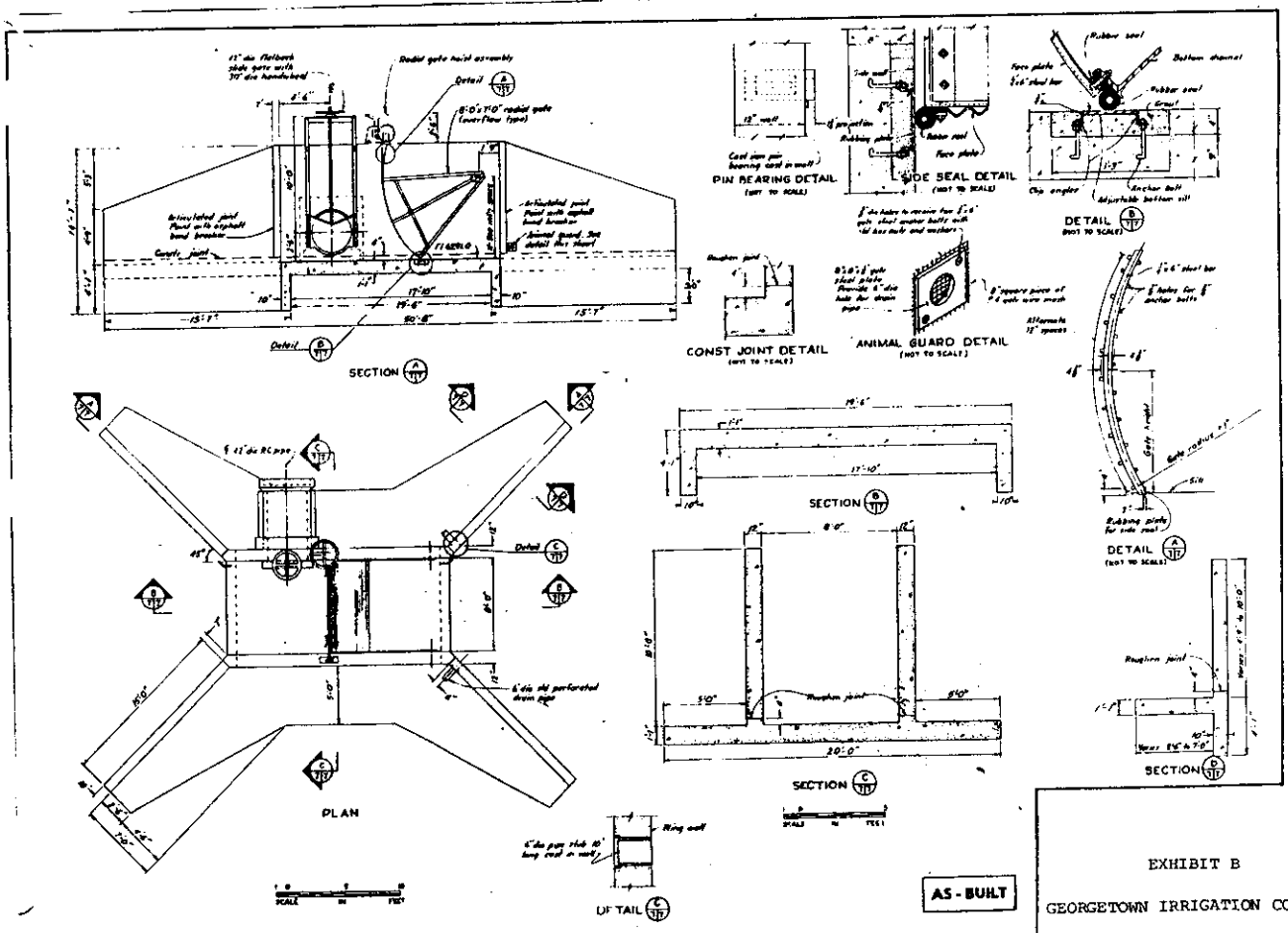


EXHIBIT B

GEORGETOWN IRRIGATION COMPANY

Existing Diversion Structure

P-6445

MICROFILMED

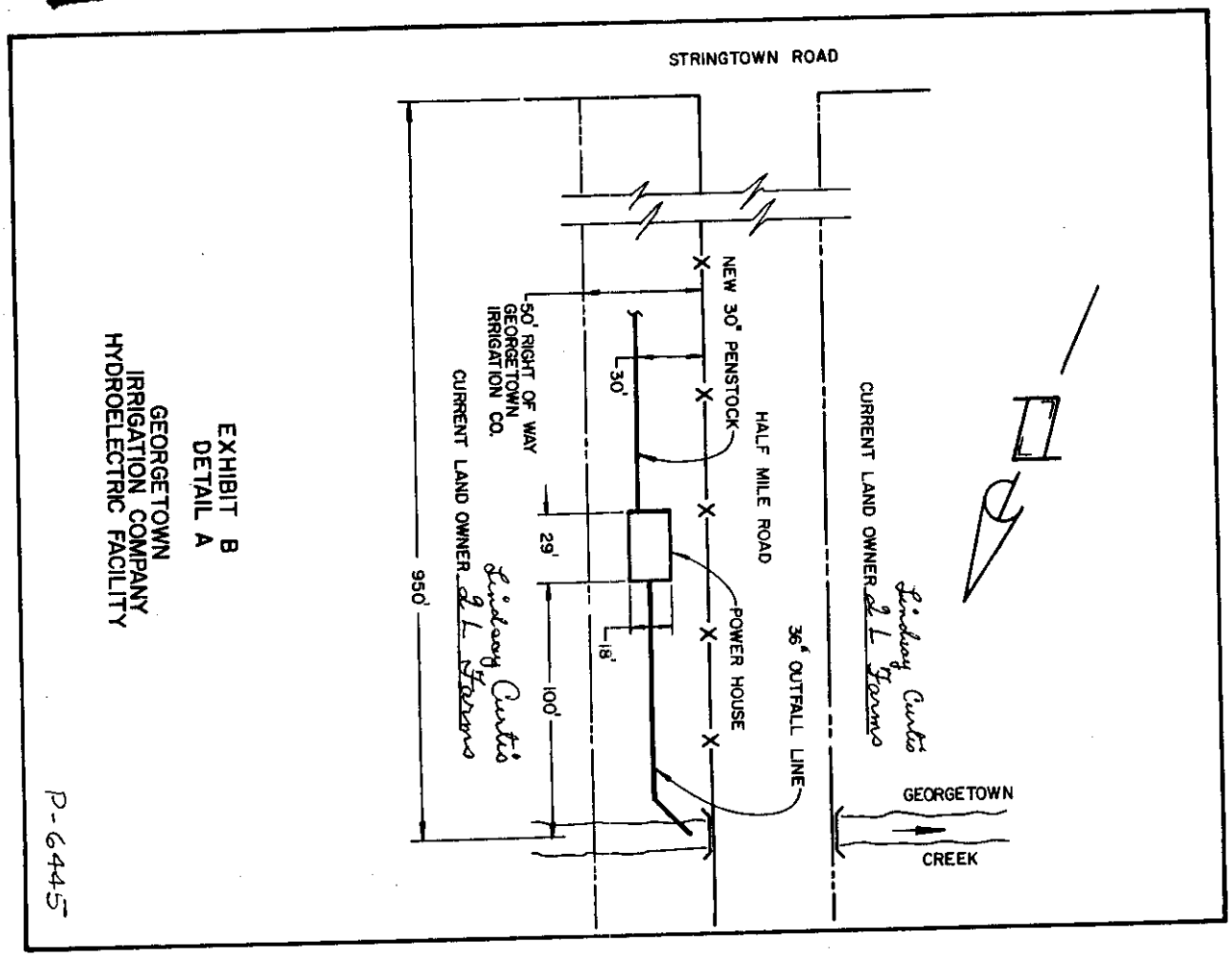
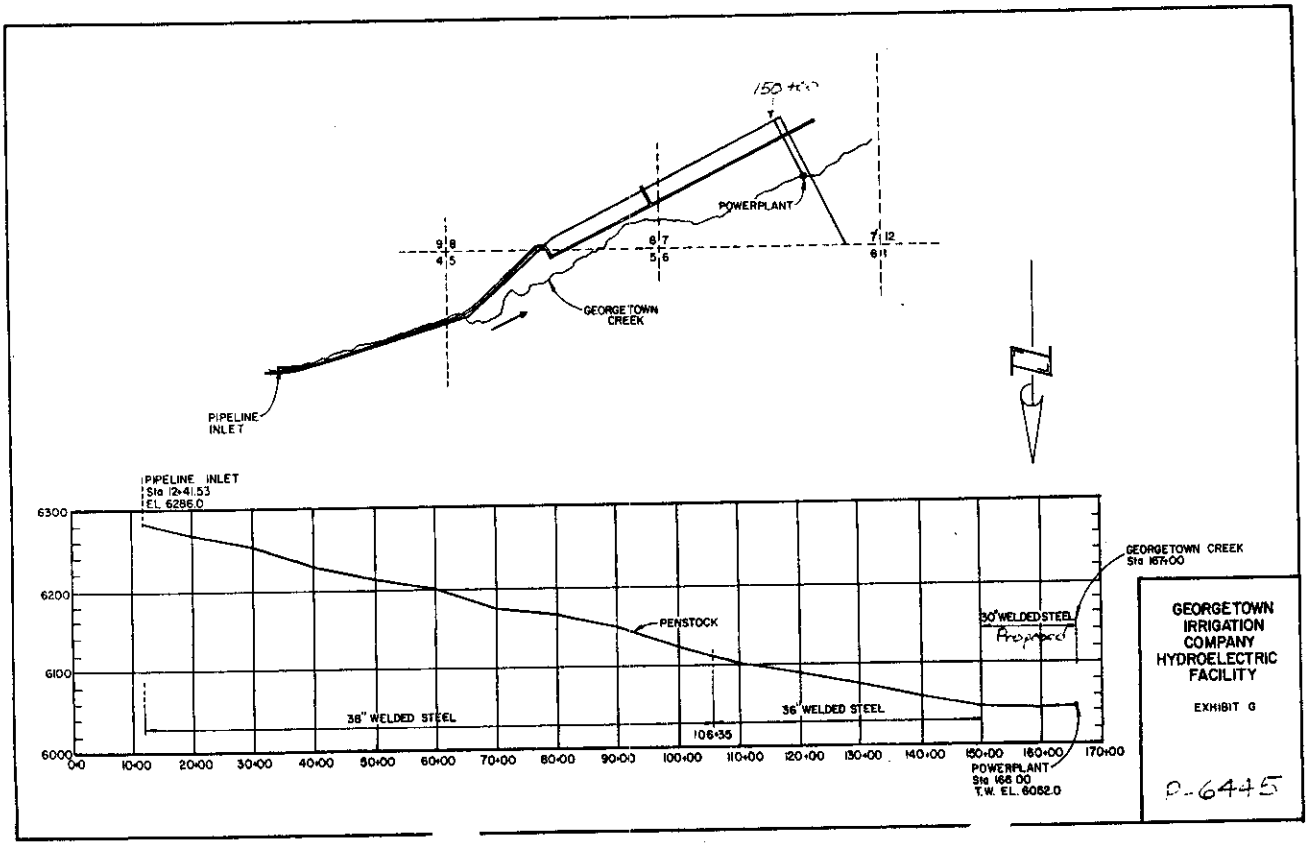


EXHIBIT B
DETAIL A
GEORGETOWN
IRRIGATION COMPANY
HYDROELECTRIC FACILITY

P-6445



GEORGETOWN
IRRIGATION
COMPANY
HYDROELECTRIC
FACILITY

EXHIBIT G

P-6445

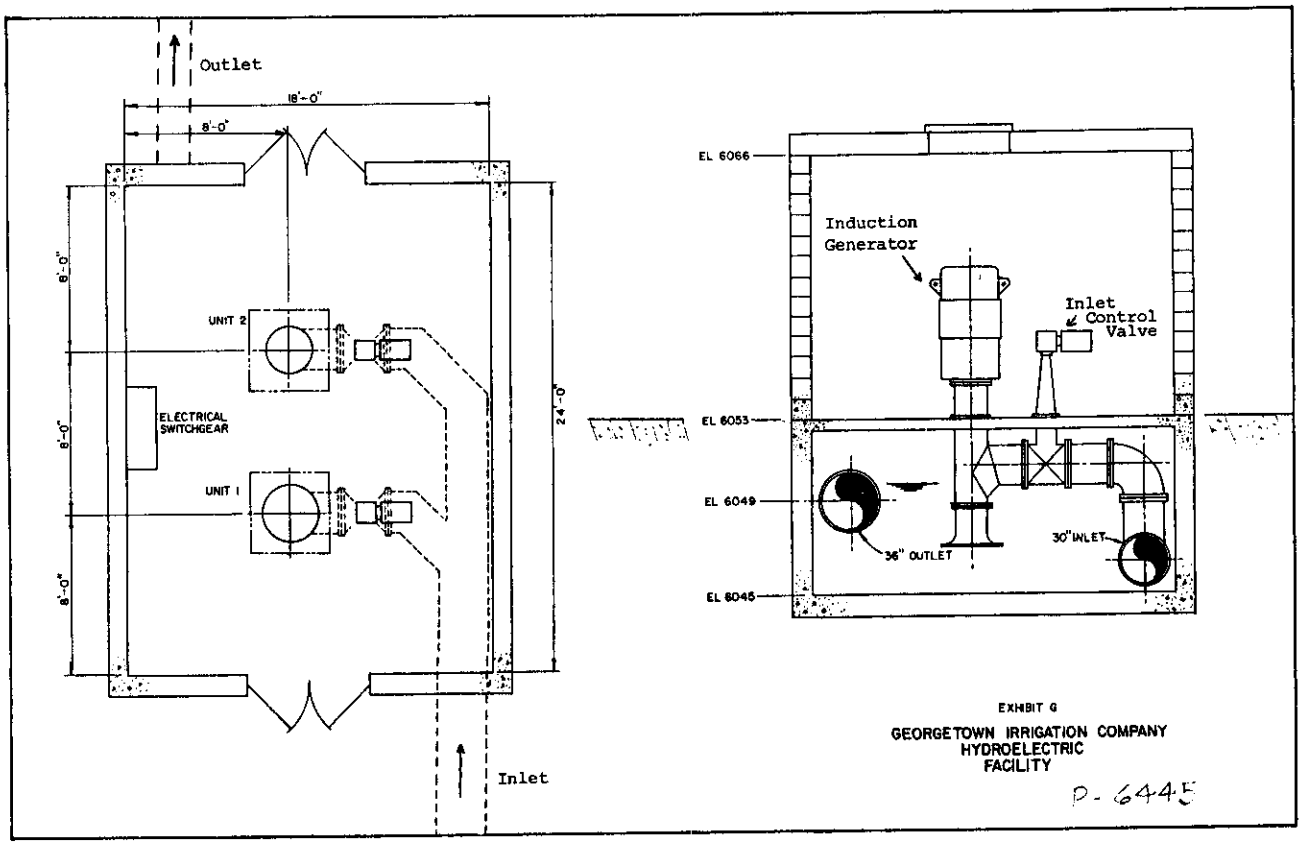


EXHIBIT G

GEORGETOWN IRRIGATION COMPANY
HYDROELECTRIC
FACILITY

P-6445

S T A T E O F I D A H O

DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440

MICROFILMED

GEORGETOWN IRRIGATION COMPANY
C/O SHELDON CLARK, SEC.-TREAS.
GEORGETOWN, ID 83239

AUGUST 16, 1983

RE: PERMIT NO. 11-7219

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.

BE SURE TO NOTE THE SPECIAL CONDITION REQUIRING YOU TO INSTALL AND MAINTAIN A MEASURING DEVICE AT YOUR POINT OF DIVERSION. WE HAVE ENCLOSED A DESCRIPTION OF THE DIFFERENT TYPES OF MEASURING DEVICES ACCEPTED BY THIS OFFICE.

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 FOR YOUR WATER USE PROJECT.

THE 1982 IDAHO LEGISLATURE ADDED A REQUIREMENT THAT AS A PERMIT HOLDER YOU MUST COMMENCE THE EXCAVATION OR CONSTRUCTION OF DIVERTING WORKS WITHIN ONE YEAR OF THE DATE THE PERMIT WAS ISSUED, AND YOU MUST PROCEED DILIGENTLY UNTIL THE PROJECT IS COMPLETED. THE ENCLOSED BLUE CARD MUST BE COMPLETED AND RETURNED TO THIS OFFICE AS SOON AS YOU COMMENCE CONSTRUCTION, NO LATER THAN ONE YEAR FROM THE DATE THE PERMIT WAS APPROVED.

WE HAVE ENCLOSED INSTRUCTIONS ENTITLED "MAKING PROOF OF BENEFICIAL USE". PLEASE READ THE INSTRUCTIONS CAREFULLY SINCE YOU MUST TAKE FURTHER ACTION TO DEVELOP THIS PERMIT INTO A LICENSE.

SINCERELY,

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

ENCLOSURE

MICROFILMED

POWER CALCULATIONS FOR APPLICATION NO. 11-7219

		proposed
P = Kilowatts	.74 X hp (440hp)	325.6 KW
Q = cfs		25.0 cfs
H = feet		212 ft
e = efficiency		?

$$e = \frac{P(11.8)}{QH} = \frac{325.6(11.8)}{25 \times 212} = \frac{3842.08}{5,300} = .72$$

Based on the above calculations the proposed project must have an 72 % efficiency.

****

OVERLAP REVIEW

P/D	SW1/4 NE1/4 Sec 4 T11S R44E	None
	SW1/4 SE1/4 Sec 32 T10S R44E	None
P/U	SW1/4 SE1/4 Sec 5 T11S R44E	11-4121 Municipal Use
	SE1/4 NW1/4 Sec 7 T11S R44E	None.
	SW1/4 SE1/4 Sec 12 T11S R43E	11-4121 Municipal Use 11-7220 Power Willford Payne 1-13-81 Priority date
	[redacted] SE1/4 SE1/4 Sec 11 T11S R43E	None
	SW1/4 NE1/4 Sec 14 T11S R43E	None

Recommend PL14 — RC

May 27, 1983

Georgetown Irrigation Company
c/o Sheldon Clark, Sec.-Treas.
Georgetown, ID 83239

Re: Application for Permit No. 11-7219

Gentlemen:

This office has recently received a letter dated May 19, 1983, from Mr. Ted S. Sorenson, your consulting engineer for a hydroelectric project planned on Georgetown Creek, for which you submitted the above-referenced Application for Permit.

In his letter, Mr. Sorenson indicated that the currently proposed project has a rate of flow of 25 cubic feet per second (cfs), to generate 440 horsepower under 222 feet static pressure. Based on this information, we can alter the Application for Permit to show a rate of flow of 25 cfs rather than 70 cfs, if this is the intended system. The purpose of this letter is to provide you as the applicant an opportunity to review this information and provide any feedback if you wish that the rate of flow not be modified on the Application for Permit.

If you wish to justify a flow of greater than 25 cfs, please nofify this office no later than July 1, 1983. If we do not hear from you by that date, we will proceed with final processing by reducing the application accordingly.

Sincerely,

DAVID R. TUTHILL, JR., P.E.
Supervisor, Water Allocation Section

DRT:sc

cc: Ted Sorenson

Ted S. Sorenson P.E.-L.S.
CONSULTING ENGINEER
550 LINDEN DRIVE
IDAHO FALLS, IDAHO 83401

Bus: 208-522-8069
Res: 208-529-2469

RECEIVED
MAY 23 1983
Department of Water Resources

May 19, 1983

DNR

Mr. David R. Tuthill, Jr P.E.
Supervisor, Water Allocation Section
Idaho Department of Resources
Statehouse
Boise, Idaho 83720

RE: APPLICATION FOR PERMITT #11-7219-GEORGETOWN IRRIGATION COMPANY

Dear Dave,

Please forgive my tardiness in answering your letter of March 11, 1983. The following is the proposed installed capacity of the project.

Head: 212 feet static
Flow: 25cfs
Horsepower: 440

Trusting this to be of value.

Very truly yours,

Ted S. Sorenson, P.E.
Consulting Engineer

TSS:mw
cc Carl Stoddard

March 11, 1983

Ted S. Sorenson
550 Linden Dr.
Idaho Falls, ID 83401

Re: Application for Permit No. 11-7219 -- Georgetown Irrigation Co.

Dear Ted:

Thank you for submitting the copy of the approved FERC exemption permit relating to the above-referenced application.

We are in the final stages of reviewing this application and have noticed one item of concern. The rate of flow requested on the application is 70 cfs. Our computations indicate that given the head described in item 10 of the application, to generate the horsepower shown in item 10, the rate of flow is approximately 300% of the rate required. At this point I would ask that you provide verification as to whether the horsepower shown should be raised, or the rate of flow required should be reduced.

Please provide this information to my attention by April 1, and we will expedite final processing of this application.

Sincerely,

DAVID R. TUTHILL, JR., P.E.
Supervisor, Water Allocation Section

DRT:sc

May 17, 1983

Ted S. Sorenson
550 Linden Dr.
Idaho Falls, ID 83401

Re: Application for Permit No. 11-7219 - Georgetown Irrigation Company

Dear Ted:

We are still holding final approval of the above-referenced application pending information requested in my letter dated March 11, 1983, concerning the predicted horsepower of the project proposed in the above-referenced application. Please provide this information so we can proceed with our final processing.

Sincerely,

DAVID R. TUTHILL, JR., P.E.
Supervisor, Water Allocation Section

DRT:sc

Form No. 202a
3/79

State of Idaho
Department of Water Resources

11 7219

APPLICATION FOR PERMIT ANALYSIS SHEET

11-7219

INITIAL REVIEW BY: 4WJ APPLICATION NUMBER: Georgetown

CHECK:

- ☑ Source.
- ☑ Point of diversion.
- ☑ County.
- ☑ Quantity of water and period of use.
- ☑ Description of diverting works.
- ☑ Time required for beneficial use of water.
- ☑ Place of use or acres irrigated.
- ☑ Map.
- ☑ Signature.
- ☑ Fee.

Field check by: _____
Date: _____
Comments: _____

☐ Yes ☑ No Field check required.
☐ Yes ☑ No Critical groundwater area.
☐ Yes ☑ No Request dam safety information. Sent by: _____ Date: _____
☑ Yes ☐ No* In form to receipt.

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT:

No jurisdiction by PUC
Possible jurisdiction by F.E.R.C. - Letter to applicant
Residency Affidavit attached

SEND COPIES TO:

	Copies sent by:	Date:
☐ Idaho State Health Department.		
☑ Idaho Fish and Game Department.	KW	1/28
☐ Idaho Department of Lands.		
☐ U.S. Bureau of Land Management.		
☐ U.S. Forest Service.		
☑ Other WO 11	KW	1/28

PROCESSING:

☐ Yes ☑ No Platted by: _____ Map No. _____
☑ Yes ☐ No Other rights on same place of use. Decree 11-0290 for Irrigation
☑ Yes ☐ No* In form for advertising.
Final date for protests: Feb. 16
☑ Yes ☐ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

☑ Affidavit of publication received. Date: May 4, 1981.
☑ Application published correctly. If not, record action taken: _____
☑ Fee amount, receipt date & number, recorded on application.
☑ Publication dates and paper, recorded on application.
☑ Protests, dates, withdrawal, etc., recorded on application.
☑ Recommendation & initial, recorded on application.
☑ Yes ☐ No Measuring device required. Code 01E
☐ Yes ☑ No Access port required.
☑ Yes ☐ No Will water be delivered by watermaster? If yes, what district? 11
Jan 12, 1981 Date of priority recommended.
Special conditions of approval or cover letter. _____

Code 08A, 17

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

By: Ernest Carlson Date: March 24, 1981

STATE OFFICE REVIEW:

SLW 1602 ~~4~~ 4 LH 17 01B 05 (11 Bear R.) 08A 17B ~~4~~ 25 26 Spreckels

☐ See attached sheet for more information.
By: _____ Date: 3/31/81

Robyn 7/19/83

FERC exemption received 2-28-83

This application should not be approved until FERC grants a waiver or approval
Send FERC letter from 6/1/81

Send 2ND FERC letter 11-10-82

Call up 30 days

Ted S. Sorenson P.E.-L.S.
CONSULTING ENGINEER
550 LINDEN DRIVE
IDAHO FALLS, IDAHO 83401







Mr. David Tuthill, P.E.
Supervisor, Water Allocaton Section
State of Idaho
Dept. of Water Resources
450 W. State
Boise, ID 83720

Ted S. Sorenson P.E.-L.S.
CONSULTING ENGINEER
550 LINDEN DRIVE
IDAHO FALLS, IDAHO 83401
Bus: 208-522-8069
Res: 208-529-2469

RECEIVED
FEB 28 1983
Department of Water Resources

February 25, 1983

David Tuthill, P.E.
Supervisor, Water Allocation Section
State of Idaho
Idaho Dept. of Water Resources
450 W. State
Boise, ID

RE: APPLICATION FOR POWER WATER RIGHTS - GEORGETOWN IRRIGATION COMPANY - PERMIT # 11-7219

Dear Mr. Tuthill,

At the request of Georgetown Irrigation Company, here is a copy of the approved FERC Exemption Permit which has been requested by your group by March 1, 1983.

We trust this will allow you to finalize the water right.

The planned date for the facility to be on line is October 1983.

If you have any questions, please call.

Very truly yours,

Ted S. Sorenson, P.E.
Consulting Engineer

TSS:kw
enc.
cc: Carl Stoddard

MICROFILMED

DISCONTINUED

21 FERC ¶62,052

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Georgetown Irrigation Company) Project No. 6445-000

ORDER APPROVING REQUEST FOR WAIVER AND
GRANTING EXEMPTION FROM LICENSING FOR A
CONDUIT HYDROELECTRIC PROJECT

(Issued October 18, 1982)

On June 18, 1982, Georgetown Irrigation Company (Applicant) filed an application for exemption from all or part of Part I of the Federal Power Act pursuant to 18 C.F.R. Part 4 Subpart J (1980) implementing Section 30 of the Federal Power Act (Act) for a project as described in the attached public notice. 1/ Applicant concurrently filed a request, under Section 1.7(b) of the Commission's Rules of Practice and Procedure [18 C.F.R. §1.7(b)(1982)] for waiver of the discharge requirement of Section 4.91(f)(5).

Notice of the application for exemption and the request for waiver was published 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 that were filed have been considered. No agency has any objection relevant to approval of the waiver request or to issuance of an 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/ Authority to act on this matter is delegated to the Director, Office of Electric Power Regulation, under §375.308 of the Commission's regulations, 18 C.F.R. §375.308 (1981), 18 C.F.R. §375.308 (1981), FERC Statutes and Regulations ¶30,238. 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, FERC Statutes and Regulations ¶29,052, 47 Fed. Reg. 19014 (1982). 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.

No protests have been received. It appears in the public interest to approve the request for waiver and the exemption, conditioned by the standard exemption articles.

It is ordered that:

(A) Georgetown Irrigation Company's request for waiver of the discharge requirement of Section 4.91(f)(5) of the Commission's Regulations, as filed under Section 1.7(b) of the Commission's Rules of Practice and Procedure [18 C.F.R. §1.7(b)(1982)], is approved.

(B) The Irrigation Hydroelectric Plant Project No. 6445 as described and designated in the Georgetown Irrigation Company application filed on June 18, 1982, is exempted from all of the requirements of Part I of the Federal Power Act, including licensing subject to the standard articles in §4.94 of the Commission's regulations attached hereto as Form E-1, 18 C.F.R. §4.94 (1981).

(C) The Commission may accept a license application by any qualified license applicant and revoke this exemption if actual construction or development of the 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.

for Robert E. Cachuela
Lawrence R. Anderson
Director, Office of Electric
Power Regulation

POOR QUALITY ORIGINAL

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Georgetown Irrigation Company) Project No. 6445-000

NOTICE OF APPLICATION FOR EXEMPTION OF SMALL CONDUIT HYDROELECTRIC FACILITY

(August 3, 1982)

Take notice that on June 18, 1982, Georgetown Irrigation Company (Applicant) filed an application, under Section 30 of the Federal Power Act (Act) [16 U.S.C. §823(a)], for exemption of a proposed hydroelectric project from requirements of Part I of the Act. Applicant concurrently filed a request, under Section 1.7(b) of the Commission's Rules of Practice and Procedure [18 C.F.R. §1.7(b)(1982)] for waiver of the discharge requirement of Section 4.91(f)(5). The proposed Irrigation Hydroelectric Plant Project (FERC Project No. 6445) would be located on lands owned by 2 L Farms near the Town of Georgetown in Bear Lake County, Idaho. Correspondence with the Applicant should be directed to: Ted S. Sorenson, 550 Linden Drive, Idaho Falls, Idaho 83401.

Purpose of Project - The existing complex system of water conveyance conduits is used primarily to supply irrigation water to 3,500 acres of farmland. The energy generated by the proposed facility would be incidental to the irrigation water supply function of the system. The water surplus to irrigation needs would be discharged back into Georgetown Creek after being used for power generation.

Project Description - The proposed project would be located at Station 150+00 along Georgetown Irrigation Company's main pipeline and would consist of: (1) a 1,600-foot-long 30-inch diameter welded steel penstock; (2) a powerhouse containing two generating units having a total installed capacity of 450-kW operated under a 206-foot head and at a flow of 30 cfs; (3) a 100-foot-long 36-inch diameter steel pipe tailrace; and (4) appurtenant facilities. Applicant estimates that the average annual energy output would be 1,870,000 kWh.

Agency Comments - The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the Idaho Department of Fish and Game are requested, for the purposes set forth in Section 30 of the Act, to submit within 45 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

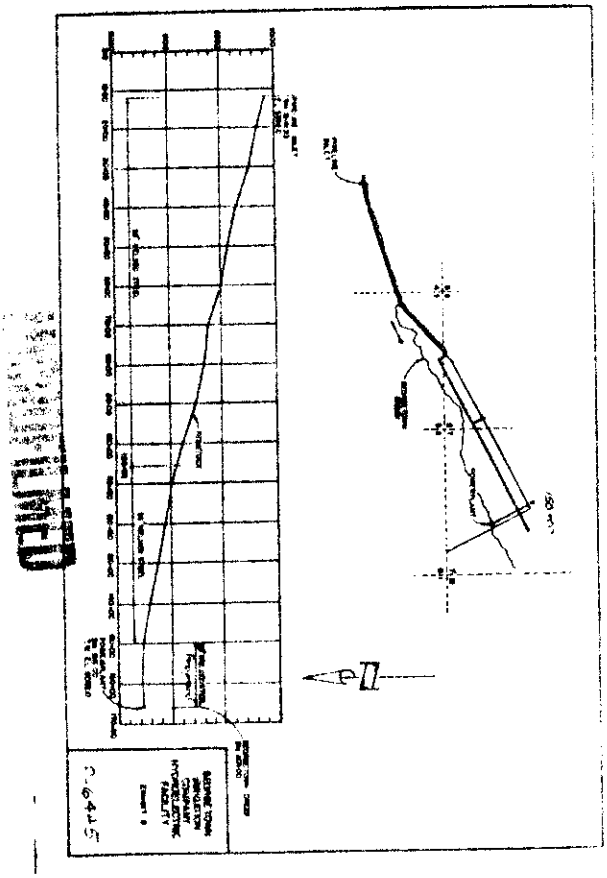
terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments 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 45 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.

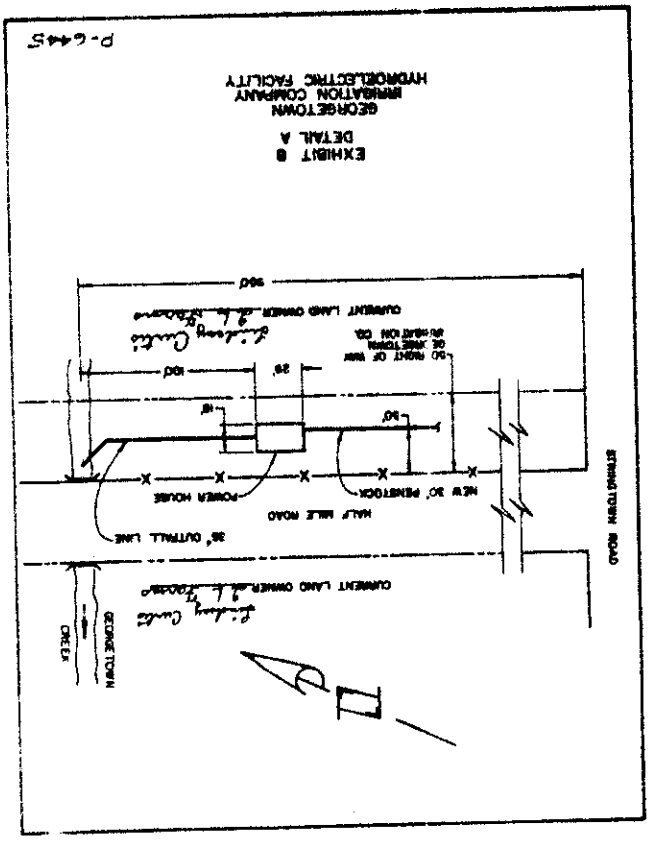
Comments, Protests, or Petitions to Intervene - Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 C.F.R. §1.8 or §1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before SEPT 6 1982.

Filing and Service of Responsive Documents - Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb
Secretary

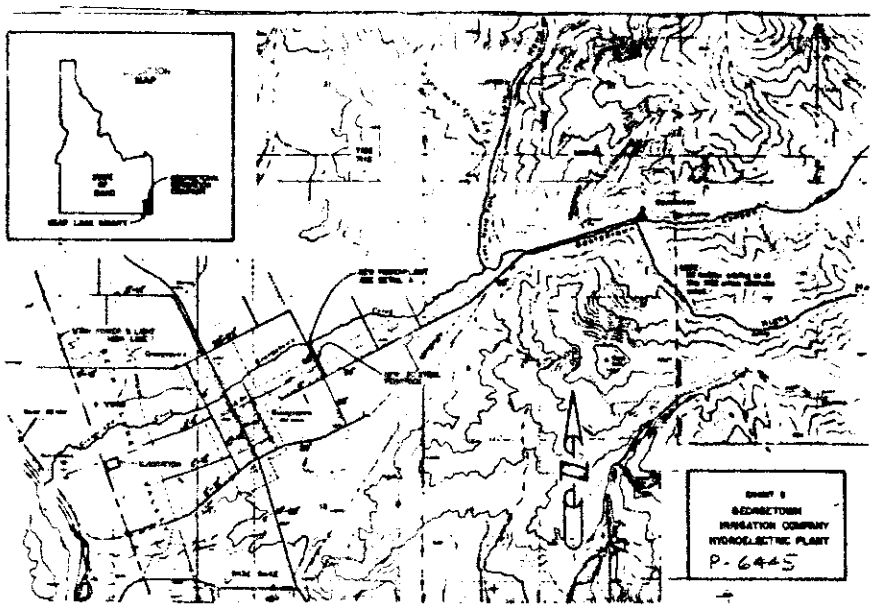
DC-A-1

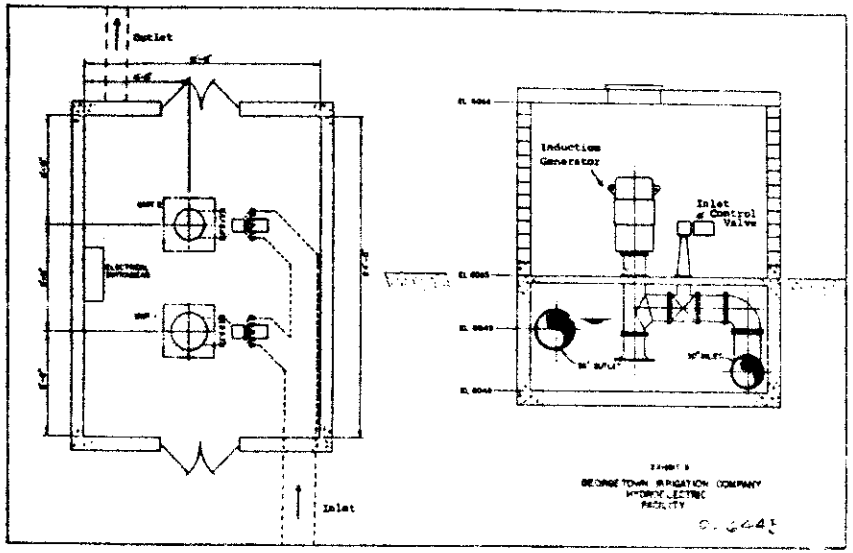


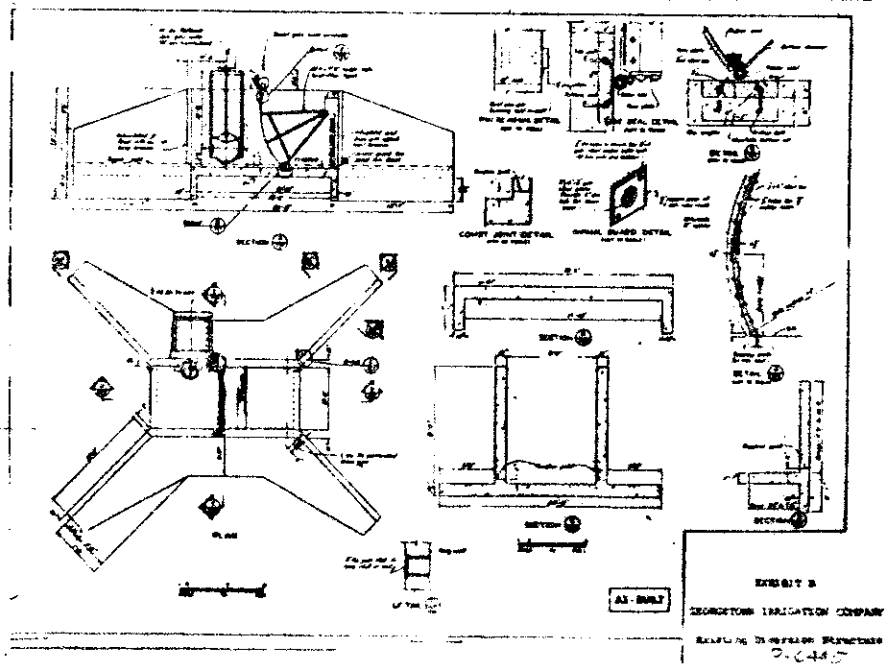


POOR QUALITY ORIGINAL

POOR QUALITY







POOR QUALITY ORIGINAL

Attachment
E-1 Form

§ 4.94 Standard terms and conditions of exemption.

Any exemption granted under § 4.93 for a small conduit hydroelectric facility 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 facility. 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 facility 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.

POOR QUALITY ORIGINAL

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

February 14, 1983

RE: Application for Permit No. 11-7219

Georgetown Irrigation Company
Attn: Sheldon L. Clark, Secretary
P.O. Box 157
Georgetown, ID 83239

Dear Mr. Clark:

Thank you for your letter informing us the status of the progress toward developing water under Application for Permit No. 11-7219. In your letter you mentioned that you had received proper authorization from FERC to proceed with your project. If you could send us a copy of this document the Department would be able to approve your application for water permit.

Please send the information prior to March 1, 1983.

If you have any questions, please let us know.

Sincerely,

MICROFILMED

JIM JOHNSON
Water Distribution Supervisor

JJ:kw

RECEIVED
NOV 22 1982
Department of Water Resources

Georgetown Irrigation Company
P.O. Box 157
Georgetown, Idaho 83239

Dave T DRT

State of Idaho
Department of Water Resources
450 West State Street
Boise, Idaho

Dear Mr. Saxton:

In answer to your letter of November 10, 1982, I would like to bring you up to date on our progress for our power generation project.

On September 23, 1982 I received a letter from the Department of Water Resources from David R. Tuthill, Jr. reminding us that we had not submitted Affidavit Form No. 205/206. I completed this form and returned it and it should be there at the Department.

The President of our Company, Carl Stoddard, recently told me that he was informed by our Engineer that we have received the proper authorization from FERC to proceed with our project.

We are negotiationg with the Spokane Bank for Cooperatives for financing and recently received word that their representative will meet with us soon to work on our application.

If there is anything that is not in order or anything more we need do for your office, please let us know.

Sincerely,
Sheldon L. Clark
Sheldon L. Clark
Secretary,
Georgetown Irrigation Co,

ACKNOWLEDGED

November 10, 1982

RE: Application for Permit No. 11-7219

Georgetown Irrigation Company
c/o Sheldon Clark, Sec.-Treas.
Georgetown, ID 83239

Dear Mr. Clark:

On January 12, 1981, you submitted the above referenced application to appropriate the public waters of the State of Idaho for power generation purposes.

In our correspondence dated June 1, 1981, we advised that the continued validity of the application is contingent on your proceeding with due diligence in obtaining necessary approvals including authorizations which may be required from the Federal Energy Regulatory Commission (FERC) and/or the Idaho Public Utilities Commission (PUC).

Since our letter we have not received correspondence from you in this regard. Please advise this office of progress in this matter on or before December 30, 1982 in order to keep this application in good standing.

If you have any questions, please contact this office.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

LGS:kw

MICROFILMED

RC

SENDER: Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one.)
- [X] Show to whom and date delivered.....¢
- [ ] Show to whom, date and address of delivery.....¢
- [ ] RESTRICTED DELIVERY
  Show to whom and date delivered.....
- [ ] RESTRICTED DELIVERY.
  Show to whom, date, and address of delivery.$____

(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:
Dorretown Drs. Co.
c/o Sheldon Cook, Sec-T
Georgetown, DE 83239

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	32942	

(Always obtain signature of addressee or agent)

I have received the article described above.
SIGNATURE ☐Addressee ☐Authorized agent
Sheldon S. Clark

4. DATE OF DELIVERY
10-7-82

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

POSTMARK
GEORGETOWN DE
OCT 7 AM
1982

CLERK'S INITIALS
83239

11-7219

☆GPO : 1979-286-848

Form 3811, Jan. 1979

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

MICROFILMED

UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below.

- Complete items 1, 2, and 3 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE, $300

U.S. MAIL

RETURN TO

DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

(Name of Sender)

(Street or P.O. Box)

(City, State, and ZIP Code)

MICROFILMED

S e 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 23, 1982 CERTIFIED MAIL # 32942

RE: Application for Permit No. 11-7219

Georgetown Irrigation Company
c/o Sheldon Clark, Sec.-Treas.
Georgetown, ID 83239

Dear Mr. Clark:

Enclosed is an Order to Show Cause why the above referenced application for permit should not be Voided. Also enclosed is a previously requested Affidavit Form No. 205/206.

Please note that any information in response to this Order must be submitted by October 30, 1982. If you have any questions, please contact this office.

Sincerely,

David R. Tuthill, Jr.

DAVID R. TUTHILL, JR., P.E.
Supervisor, Water Allocation Section

DRT:kw
Enclosure

cc: Eastern Region
Ted Sorenson

MICROFILMED

INTER-DEPARTMENT MEMO — 1

FROM Robyn

DATE 6/16/82

TO File 11-7219

SUBJECT

A check with file 11-7220 shows that the affidivit has been Turned in.

STILL NEED AFFIDAVIT THAT SHOWS APPROVAL OF OWNER OF FACILITIES

Jim
9-1-82

SIGNATURE

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

November 2, 1981

Georgetown Irrigation Company
c/o Sheldon Clark, Sec/Treas
Georgetown, ID 83239

RE: Application for Permit No. 11-7219

Dear Applicant:

On July 24, 1981 this office sent to you a letter that identified an additional requirement for the above referenced hydropower project. Section 42-205, Idaho Code, now requires that if a proposed hydropower project will use existing irrigation facilities, consent by the owner of the facilities must be obtained before an application for permit to develop a water right can be approved.

Enclosed we are sending another affidavit which we must receive before we can complete the review of your application. Please return either the affidavit or an explanation of why the affidavit cannot be obtained no later than November 15, 1981. If we have not heard from you by that date we must begin action to void the application due to incomplete information.

If you have questions about this requirement please feel free to call me at (208) 334-4104.

Sincerely,

DAVID R. TUTHILL, JR., P. E.
Supervisor, Water Allocation Section

DRT:rc

Enclosure

Copy

"ate 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

11-7219

July 24, 1981

RE: Application for Permit No.

Dear Applicant:

The 1981 Idaho Legislature made a change in Section 42-205, Idaho Code, that may affect the above referenced application. The change requires that if a proposed hydropower project will use existing irrigation facilities, the approval of the owner of the facilities must be obtained before an application for permit to develop a water right can be approved.

Please find enclosed an affidavit which we must receive before we can complete the review of your application. Please complete the affidavit, sign it before a notary, and return it to this office at your earliest convenience, no later than August 15, 1981.

Sincerely,

David R. Tuthill Jr.

DAVID R. TUTHILL JR., P. E.
Supervisor, Water Allocation Section

DRT:jg

Enclosure

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

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

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

June 1, 1981

Georgetown Irrigation Co.
% Sheldon Clark, Sec/Treas.
Georgetown, Idaho 83239

Dear Mr. Clark,

RE: Permit No. 11-7219

We have completed a preliminary review of the above referenced application. This review has included advertising by the regional office and a verification that all required preliminary information has been provided.

At this time we see no reason that the application will not be approved with certain conditions of approval. However, for power projects that are under the jurisdiction of the Federal Energy Regulatory Commission (FERC), we withhold final action on the application pending (1) approval of a preliminary permit by FERC, or (2) FERC granting an exemption. If you have not yet contacted FERC, the address below is a good starting point:

Federal Energy Regulatory Commission
Regional Engineer's Office
Attn: Mr. Jerry Leach
6th Floor, 333 Market Street
San Francisco, CA 94105
(Tel. No. (415) 764-7150)

The continued validity of this application is contingent on your proceeding with due diligence toward obtaining an approval or an exemption from FERC. Please keep this office informed of progress in this regard.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

MICROFILMED

Power Calculations for 11-7219

	A	B (proposed)	C	D	E
P = Kw or hp x .74	151.7 kw	314.5	395.9	488.4	514.3
Q = cfs	70.0 cfs	70.0	70.0	70.0	70.0
H = ft	119	245	308	382	400
e = efficiency	70%	70%	70%	70%	70%

#A Based on 70%

$$P = \frac{QHe}{11.8} = \frac{70.0 \times 119 \times .7}{11.8} = \frac{5831}{11.8} = 494.2 \text{ kw}$$

$$Q = \frac{P(11.8)}{He} = \frac{151.7 \times 11.8}{119 \times .7} = \frac{1790.06}{83.3} = 21.49 \text{ cfs}$$

#B Based on 70%

$$P = \frac{QHe}{11.8} = \frac{70.0 \times 245 \times .7}{11.8} = \frac{12005}{11.8} = 1017.37 \text{ kw}$$

$$Q = \frac{P(11.8)}{He} = \frac{314.5 \times 11.8}{245 \times .7} = \frac{3711.1}{171.5} = 21.6 \text{ cfs}$$

MICROFILMED

#C Based on 70%

$$P = \frac{QHe}{11.8} = \frac{70.0 \times 308 \times .7}{11.8} = \frac{15092}{11.8} = 1278.98 \text{ kw}$$

$$Q = \frac{P(11.8)}{He} = \frac{395.9 \times 11.8}{308 \times .7} = \frac{4671.62}{215.6} = 21.67 \text{ cfs}$$

#D Based on 70%

$$P = \frac{QHe}{11.8} = \frac{70.0 \times 382 \times .7}{11.8} = \frac{18718}{11.8} = 1586.3 \text{ kw}$$

$$Q = \frac{P(11.8)}{He} = \frac{488.4 \times 11.8}{382 \times .7} = \frac{5763.12}{267.4} = 21.55 \text{ cfs}$$

TUMBLE

#E Based on 70%

$P = \frac{QHe}{11.8} = \frac{70.0 \times 400 \times .7}{11.8} = \frac{19600}{11.8}$ 1661.0 KW

$Q = \frac{P(11.8)}{He} = \frac{514.3(11.8)}{400 \times .7} = \frac{6068.74}{280} = 21.67$ cfs

RH
3/31/81

MICROFILMED

March 24, 1981

RE: Application for Permit No. 11-7219

Georgetown Irrigation Company
c/o Sheldon Clark
Secretary-Treasurer
Georgetown, Idaho 83239

Gentlemen:

This is to advise you that Utah Power and Light has withdrawn their protest against approval of the above referenced application. The Department will take no further action in setting a hearing in this matter and has resumed the processing of your application.

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

Very truly yours,

ERNEST CARLSEN
Sr. Resource Analyst

EC:cw:kw

MICROFILMED

March 24, 1981

RE: Application for Permit No. 11-7219 GEORGETOWN IRRIGATION
No. 11-7221 BARTCHI
No. 11-7220 PAYNE

Thomas W. Forsgren, Attorney
Utah Power and Light
1407 West North Temple
Salt Lake City, Utah 84116

Dear Mr. Forsgren:

This is to acknowledge receipt of your withdrawal of protest against approval of the above referenced applications. The Department will take no further action in setting a hearing in this matter.

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

Very truly yours,

ERNEST CARLSEN
Sr. Resource Analyst

EC:cw:kw

DUPLICATED

IN THE OFFICE OF THE IDAHO DEPARTMENT OF WATER RESOURCES

IN THE MATTER OF THE APPLICATION OF GEORGETOWN IRRIGATION COMPANY TO APPROPRIATE 70 CFS OF WATER FROM THE BEAR RIVER IN IDAHO FOR PURPOSES OF POWER FROM JANUARY 1 THROUGH DECEMBER 31 OF EACH YEAR	WITHDRAWAL OF PROTEST OF UTAH POWER & LIGHT COMPANY

APPLICATION NO. 11-7219

COMES NOW the Protestant UTAH POWER & LIGHT COMPANY (Utah Power) and withdraws its protest filed on or about the 13th day of February, 1981, based upon the representation of Ted S. Sorensen, Consulting Engineer, 550 Linden Drive, Idaho Falls, Idaho 83401, for and in behalf of Georgetown Irrigation Company of Georgetown, Idaho.

Said representations are contained in a letter from Mr. Sorensen to Utah Power dated February 26, 1981, a copy of which is attached hereto and by this reference made a part hereof.

DATED this 23rd day of March, 1981.

SIDNEY G. BAUCOM
THOMAS W. FORSGREN

By Thomas W. Forsgren
Attorneys for Protestant
Utah Power & Light Company
1407 West North Temple
Salt Lake City, Utah 84116

RECEIVED
MAR 24 1981
Department of Water Resources
Eastern District Office

INDICATES TOTAL

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	USE	USE PERIOD FROM TO	MAX AMOUNT MAX RATE	DIVERSION POINT	PLACE OF USE AND ACREAGE	BASIS FOR RIGHT
01-4036	MONROC P.O. BOX 1221 IDAHO FALLS ID 83401 SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER OTHER USES: I/CONCRETE MANUFACTURING PLANT.	05-01-1958	INDUSTRIAL	03-01 11-01	1.50 CFS	SWSE S24 SESW T02N R37E	SESW S24 S24 T02N R37E W.M. control	STATRY CLM
01-4037	MONROC P.O. BOX 1221 IDAHO FALLS ID 83401 SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER OTHER USES: I/CONCRETE MANUFACTURING PLANT.	05-01-1952	INDUSTRIAL	05-01 11-01	.10 CFS	SESW S33 SESW T02S R35E	SESW S33 S33 T02S R35E	STATRY CLM 11
03-7029	CUNNINGTON, BILLY D. RT. 1 BOX 121A WEISER ID 83672 SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER REMARKS: RIVER BEND ESTATES.	01-16-1981	IRRIGATION	03-15 11-15	.03 CFS	NENE S32 T11N R06W	NENE S32 LT01 (NENE)(01) S32 T11N R06W * 1 ACRES*	APPLICATION
11-4104	ALLEMAN, LEE A. ALLEMAN, RUTH M. STAR RT. 2 MONTPELIER ID 83254 SOURCE: SKINNER CREEK TRIBUTARY: BEAR RIVER OTHER RIGHTS: SHARES IN SKINNER IRRIGATION COMPANY.	04-15-1921	IRRIGATION	04-15 10-15	1.70 CFS	SWSW S08 T11S R43E SESW S08 T11S R43E SWSE S08 T11S R43E	SWSW S08 SESW(20) SWSE(30) STATRY CLM S08 T11S R43E SESW S08 NESW(35) T11S R43E S16 T11S R43E W.M. control * 85 ACRES*	
11-7219	GEORGETOWN IRRIGATION COMPANY C/O SHELDON CLARK, SEC.-TREAS. GEORGETOWN ID 83239 SOURCE: GEORGETOWN CREEK TRIBUTARY: BEAR RIVER OTHER RIGHTS: INTENT IS TO AMEND DECREE NO. 11-0290. P/U: T11S R44E S05 SWSE S07 SENW P/U: T11S R43E S12 SWSE S11 SESE S14 SWNE	01-12-1981	POWER	01-01 12-31	70.00 CFS	SWNE S04 T11S R44E SWSE S32 T10S R44E	APPLICATION 11 How can this amend a decree? Same Point?	
11-7220	PAYNE, WILFORD W. GEORGETOWN ID 83239 SOURCE: GEORGETOWN CREEK TRIBUTARY: BEAR RIVER	01-13-1981	POWER	01-01 12-31	29.00 CFS	SWSE S12 SWSE T11S R43E	SWSE S12 S12 T11S R43E	APPLICATION 11

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Department of Water Resources
Eastern District Office

APPROVED

POOR QUALITY ORIGINAL

Ted S. Sorenson P.E.-L.S.
CONSULTING ENGINEER
550 LINDEN DRIVE
IDAHO FALLS, IDAHO 83401

Bus: 208-522-8069
Res: 208-529-2469

February 17, 1981

RECEIVED
FEB 23 1981
Department of Water Resources
Eastern District Office

Mr. Thomas W. Forsgren
Mr. Sidney G. Baucom
Attorneys-At-Law
Utah Power & Light Inc.
1407 West North Temple
Salt Lake City, UT

RE: Georgetown Irrigation Company, Georgetown, Idaho

SUBJECT: State of Idaho Water Permit #11-7219

Gentlemen,

I am the Engineer for the above Irrigation Company. This letter is written to request your company's specific objections to water permit #11-7219 for hydroelectric generation.

Attachment #1 illustrates the points of diversion which are existing irrigational structures and the various sites for return of the water. The specific site of return is yet to be determined.

Please note the water permit requested is nonconsumptive. All diverted water will be returned to the drainage without diminishment. In addition, the proposed water generation facilities will operate as "run-of-the-river". No alternation to current stream flow will be realized downstream in Bear River.

We would therefore, ask that your firm withdraw your protest. If you are unable to do so, we would request specifics so we may address them. We would be happy to furnish additional clarification as needed.

Your prompt response is appreciated.

Very truly yours,

Ted S. Sorenson, P.E.

TSS:kw
Attachment

cc: Carl E. Stoddard, President
Idaho Dept. of Water Resources

February 19, 1981

RE: Application for Permit No. 11-7219 GEORGETOWN IRRIGATION

Thomas W. Forsgren
Attorney at Law
Utah Power and Light
P.O. Box 899
Salt Lake City, UT 84116

Dear Mr. Forsgren:

Your protest against the approval of the above referenced application 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 under this permit conflict with the local public interest?

If this office can be of further assistance, please contact us.

Very truly yours,

RONALD D. CARLSON
Eastern Regional Supervisor

RDC:cw:kw

cc: IDWR - State Office

February 19, 1981

Georgetown Irrigation Company
c/o Sheldon Clark, Sec/Tres
Georgetown, Idaho 83239

Gentlemen:

Enclosed is a copy of a protest filed against the issuance of a permit pursuant to your Application No. 11-7219. 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 the 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 under this permit conflict with the local public interest?

If this office can be of further assistance, please contact us.

Very truly yours,

RONALD D. CARLSON
Eastern Regional Supervisor

RDC:cw:kw

Enclosure

cc: IDWR - State Office

STATE OF IDAHO

DEPARTMENT OF FISH AND GAME

REGION 5
636 PERSHING, SUITE B
POCATELLO, IDAHO 83201

February 12, 1981

Mr. Ernest Carlson, Sr. Resource Analyst
Idaho Department of Water Resources
150 Shoup Avenue
Idaho Falls, Idaho 83401

Re: Application for Permit No. 11-7219 - Georgetown Irrigation
No. 11-7220 - Payne

Dear Mr. Carlson:

We have reviewed the applications by Georgetown Irrigation Company and Mr. Wilford Payne to appropriate water from Georgetown Creek for small hydropower plants and have the following comments.

Electrofishing at the sites of the proposed hydroelectric plants indicated that fish populations are low. At proposed site B, we estimated that two rainbow and one cutthroat were present in a 100 meter section. At site C, we estimated three eastern brook trout and two hatchery rainbow in a 100 meter section. Obviously numbers of fish which will be affected by this project are low; consequently, we feel if the five cubic feet per second flow is maintained as proposed the project will not significanlty affect fish and wildlife resources in this area.

Thank you for the opportunity tc review this proposal.

Sincerely,

Bill Davidson

Bill Davidson, Supervisor
Region 5

RECEIVED
FEB 17 1981
Department of Water Resources
Eastern District Office

January 23, 1981

RE: Application for Permit No. 11-7219 GEORGETOWN IRRIGATION CO.
No. 11-7220 PAYNE

Russell D. Stoker
Watermaster, Bear River
379 E. 3rd North
Soda Springs, Idaho 83276

Dear Mr. Stoker:

We are enclosing a copy of an application that may be of interest to your water district. Please review the application and submit any comments you may have to our Department as soon as possible. The last date of protest is February 16, 1981, and we are required to take final action shortly thereafter.

If we may be of further assistance, please feel free to contact us.

Respectfully submitted,

ERNEST CARLSEN
Sr. Resource Analyst

EC:cw:kw

Enclosure(2)

POOR QUALITY ORIGINAL

January 23, 1981

RE: Application for Permit No. 11-7219 GEORGETOWN IRRIGATION
No. 11-7220 PAYNE

Mr. Bill Davidson
Regional Supervisor
Department of Fish & Game
636 Pershing
Pocatello, Idaho 83201

Dear Mr. Davidson:

We are enclosing a copy of an application that may be of interest to your agency. Please review the application and submit any comments you may have to our Department as soon as possible. The last date of protest is February 16, 1981, and we are required to take final action shortly thereafter.

If we may be of further assistance, please feel free to contact us.

Respectfully submitted,

ERNEST CARLSEN
Sr. Resource Analyst

EC:cw:kw

Enclosure (2)

11-7219

GEORGETOWN IRRIGATION COMPANY

C/O SHELDON CLARK, SEC.-TREAS., GEORGETOWN, ID 83239

Source: GEORGETOWN CREEK tributary to BEAR RIVER

Date Filed: 01/12/1981

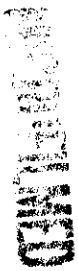
Amount: 70.00 CFS

Diversion Point: SWNE Sec 04 T 11S R 44E SWSE Sec 32 T 10S R 44E,
BEAR LAKE Co.

Use: POWER (70.00 CFS) from 01/01 to 12/31

Place of Use: SWSE Sec 05 T 11S R 44E SENW Sec 07 T 11S R 44E SWSE
Sec 12 T 11S R 43E SESE Sec 11 T 11S R 43E SWNE
Sec 14 T 11S R 43E

Diversion Means: GRAVITY SPRINKLER SYSTEM.



January 23, 1981

RE: Application for Permit No. 11-7219

Georgetown Irrigation Company
c/o Sheldon Clark, Sec.-Treas.
Georgetown, ID 83239

Dear Mr. Clark:

The Department has initiated processing of the application for permit recently submitted by Georgetown Irrigation Company for power generation. However, it appears the Federal Energy Regulatory Commission may have jurisdiction over the project and prior to recommending final action on the application the Department will need a copy of any correspondence you may have with them regarding their jurisdiction over the intended project. Realizing project development approval from F.E.R.C. can take several months, the Irrigation Company's application will be forwarded to our State Office once standard processing is completed and retained there until the Irrigation Company notifies us concerning the preliminary ruling by F.E.R.C.

If you have any questions concerning the above matter, please feel free to call or contact this office.

Respectfully submitted,

ERNEST CARLSEN
Sr. Resource Analyst

EC:kw

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:

MICROFILMED

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, 150 Shoup Ave., Idaho Falls, Idaho 83401 on or before FEBRUARY 16, 1981.

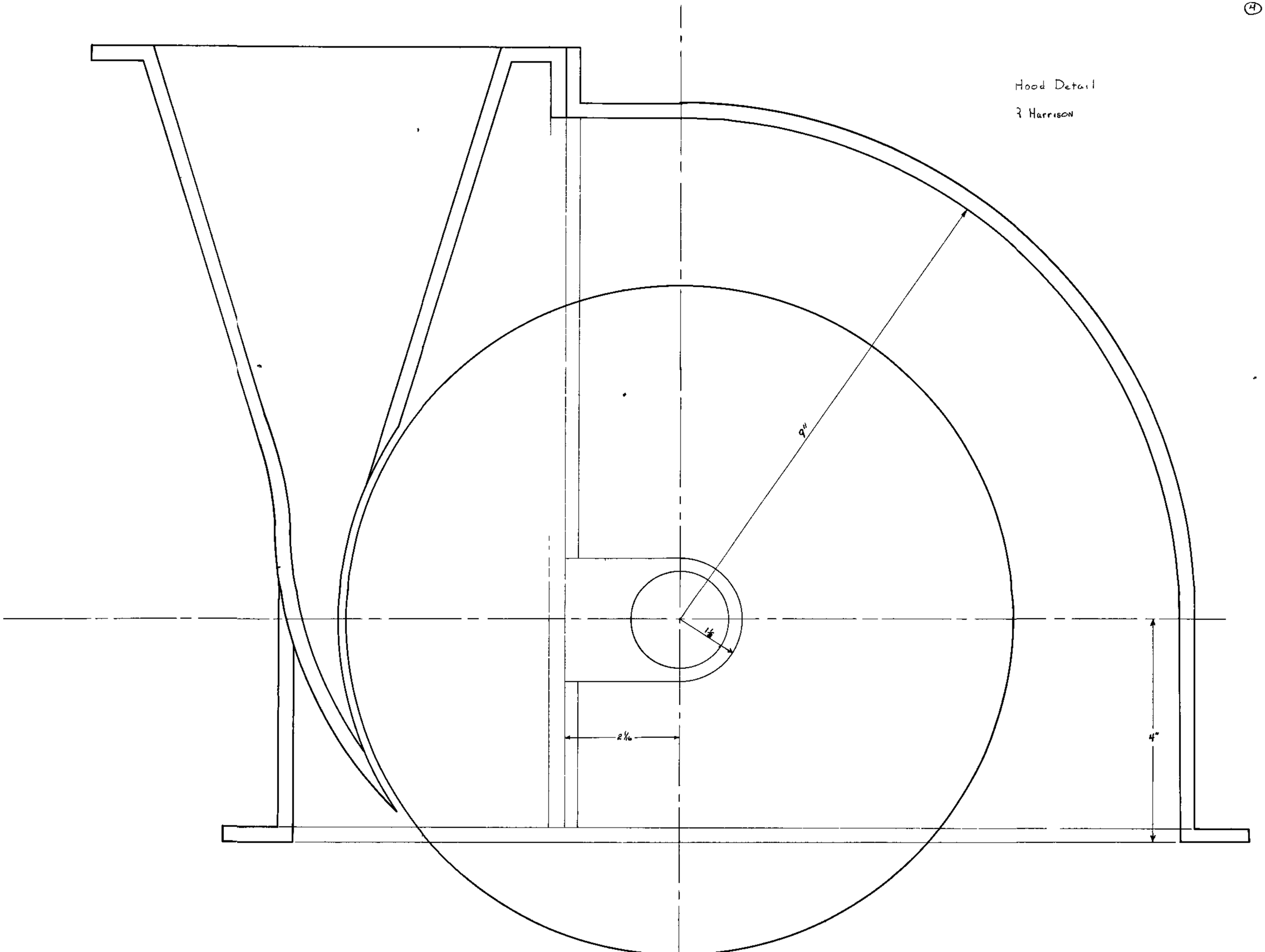
C. STEPHEN ALLRED

Director

Published 1/29 & 2/05/81.

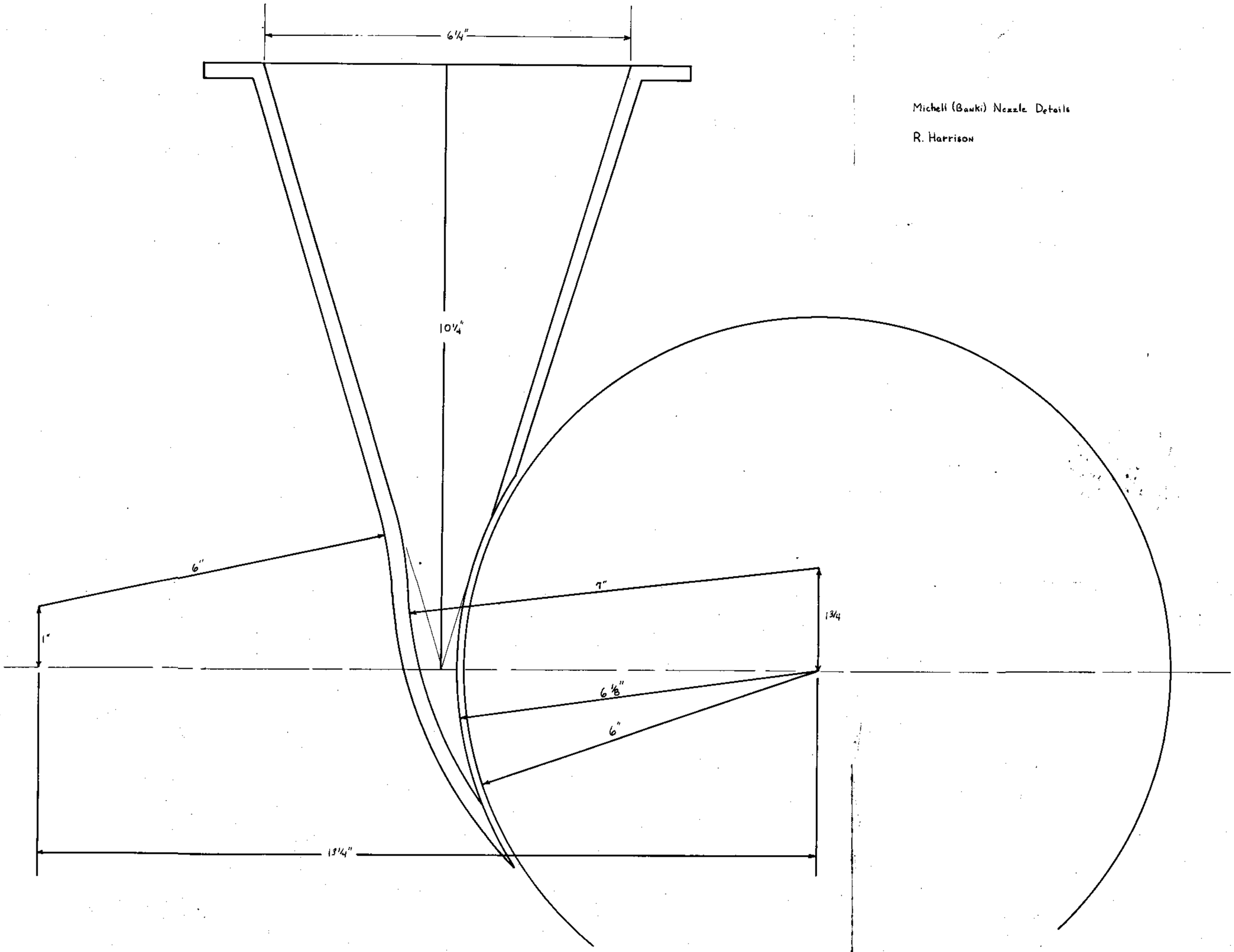
Hood Detail

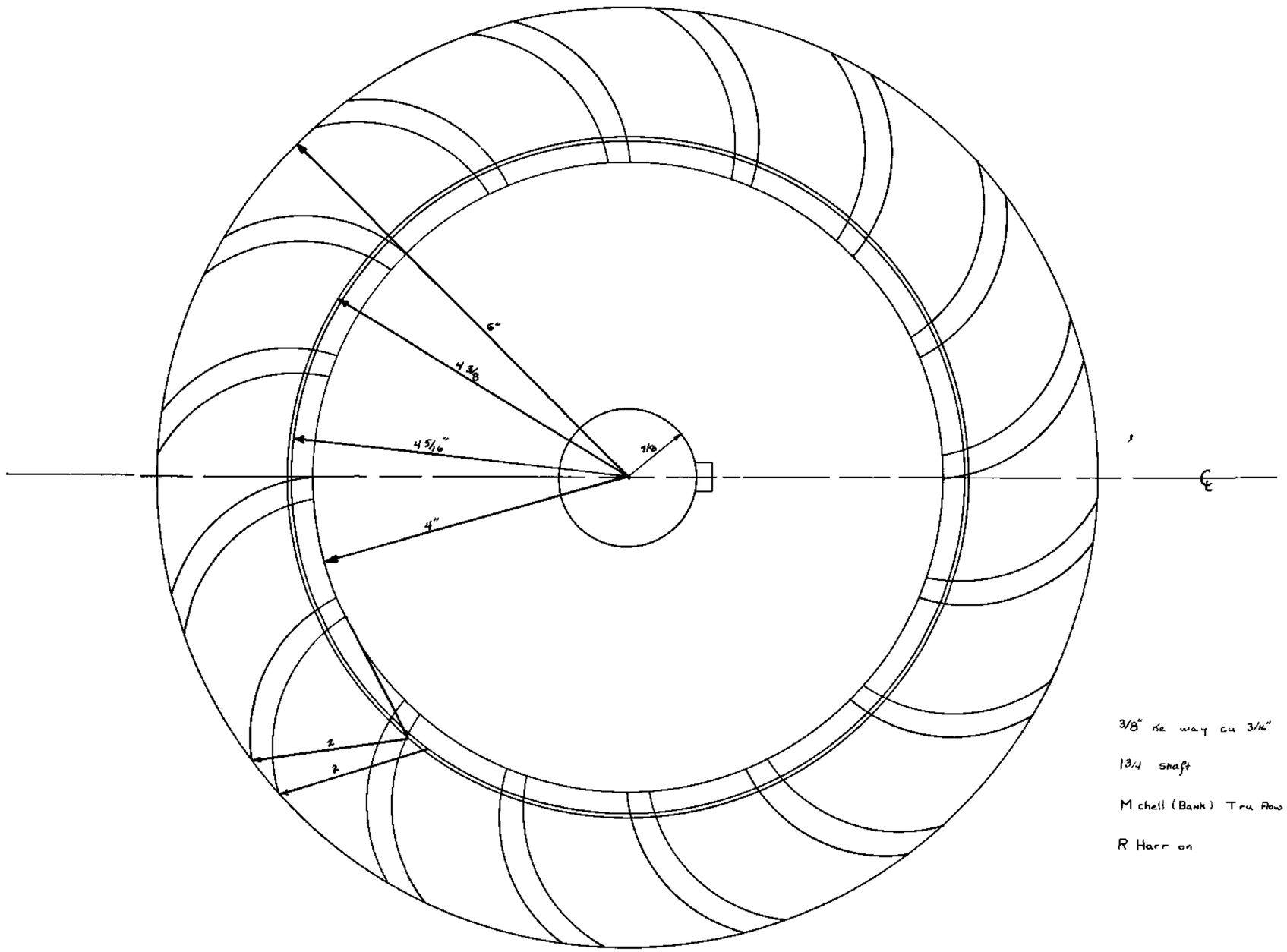
R Harrison



Michell (Banki) Nozzle Details

R. Harrison



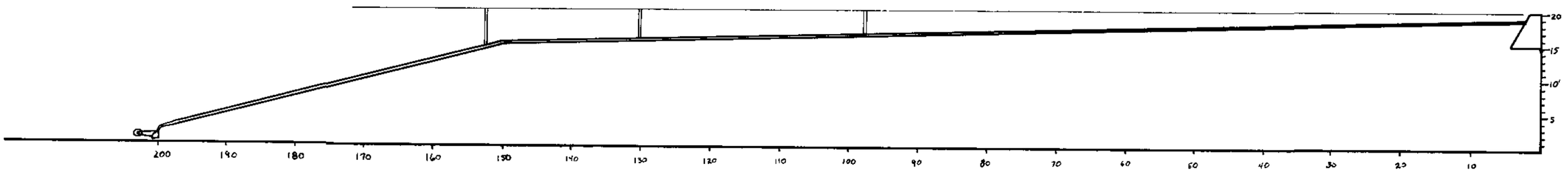


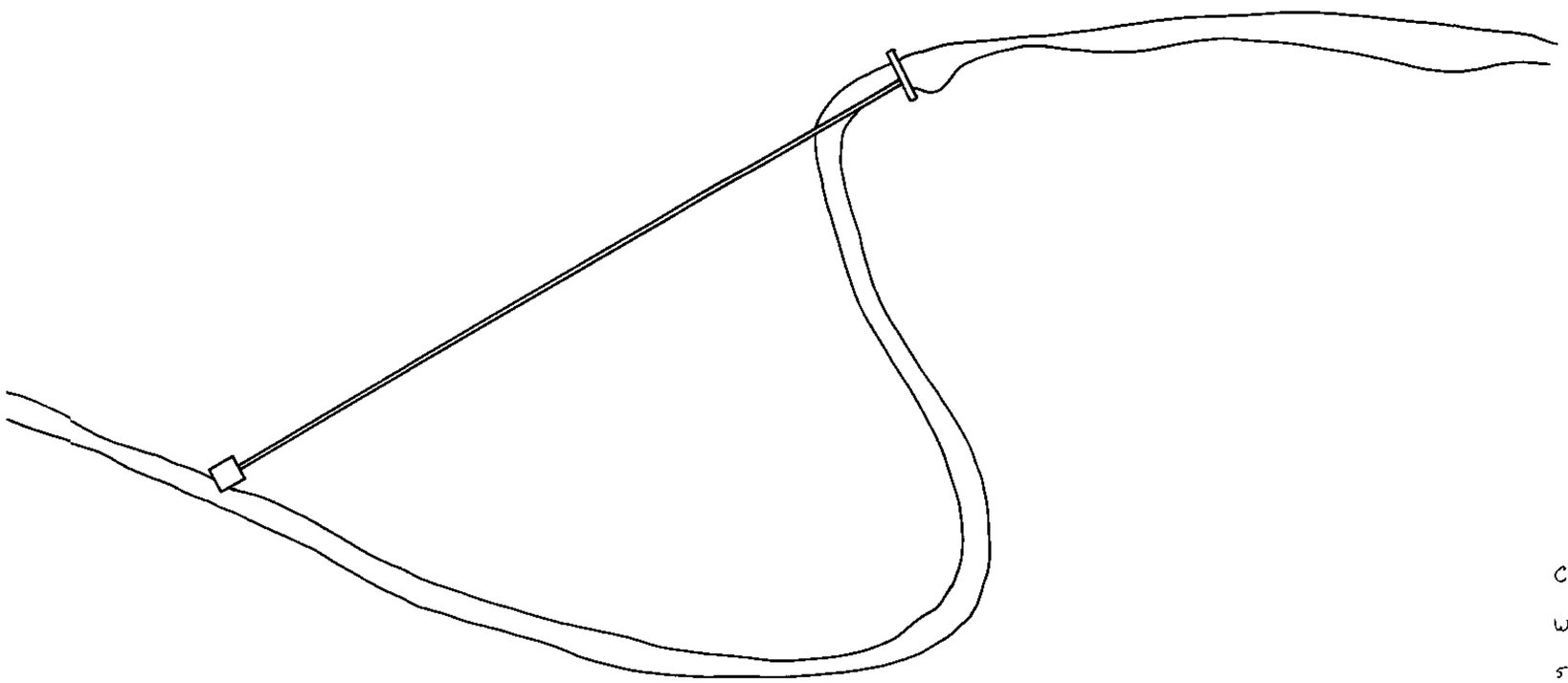
3/8" ke way cu 3/16"

13/4 shaft

M chell (Bank) Tru Flow Turbine

R Harr on





Cross-Section & Map View

Water Hammer Stand Pipes 2 Above Head

5" DAM

R Harrison

Diversion Detail

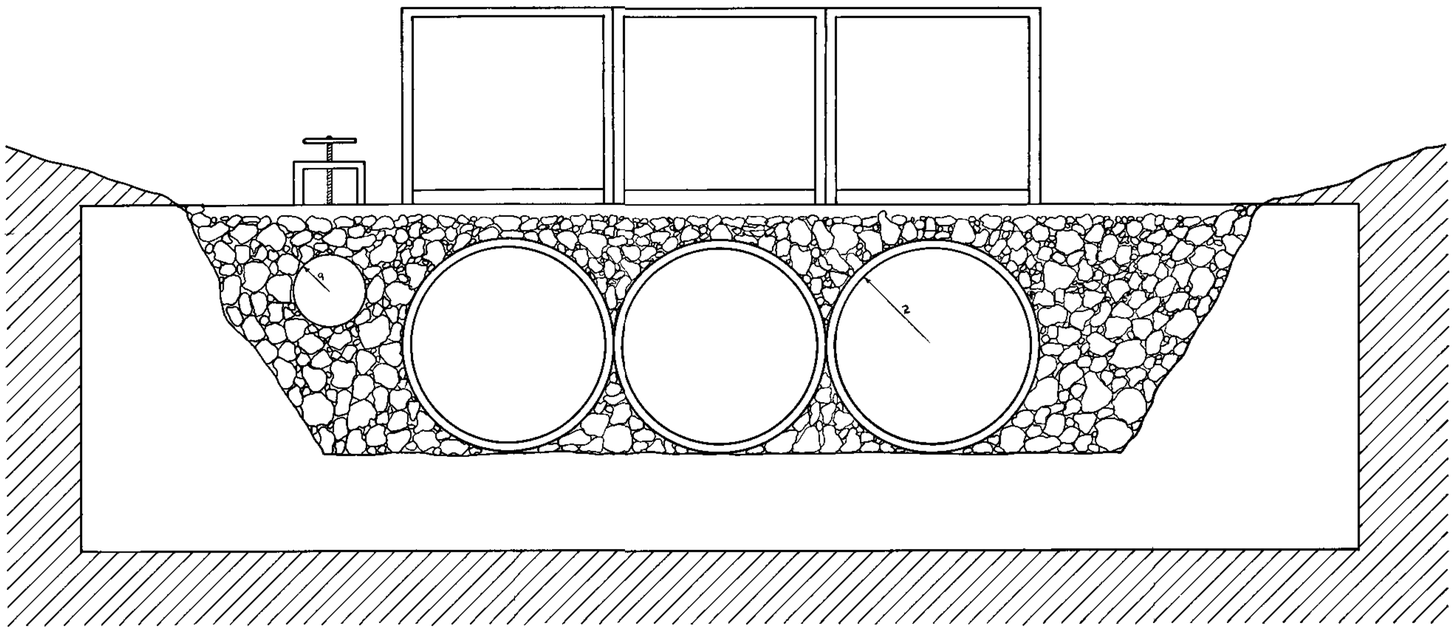
Concrete Core - 1 x 7 x 26'

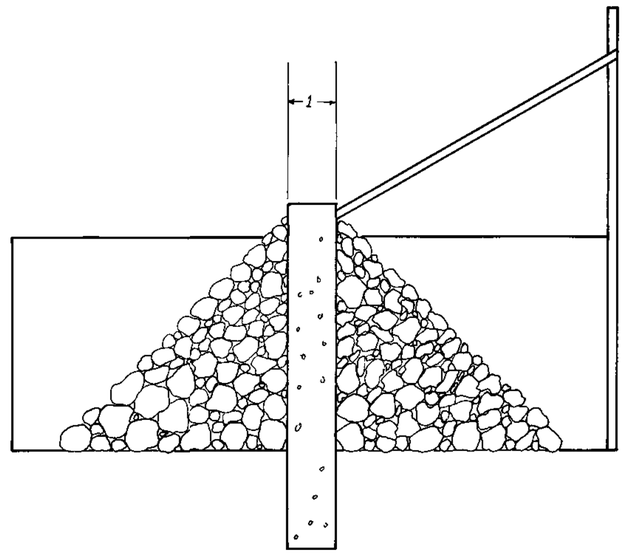
Concrete Conduits - 4 Dia 12 Long

Penstock - 18 Dia

Rubble Fill - Angular Basalt from on site

R Harrison





Turbine Lay-Out

Guide Vane A 7 x 17.9 x 1/4

Guide Vane B" 7" x 35.8 x 1/4

Guide Vane Position Arms 15 x 2" x 1/2

R Harrison

