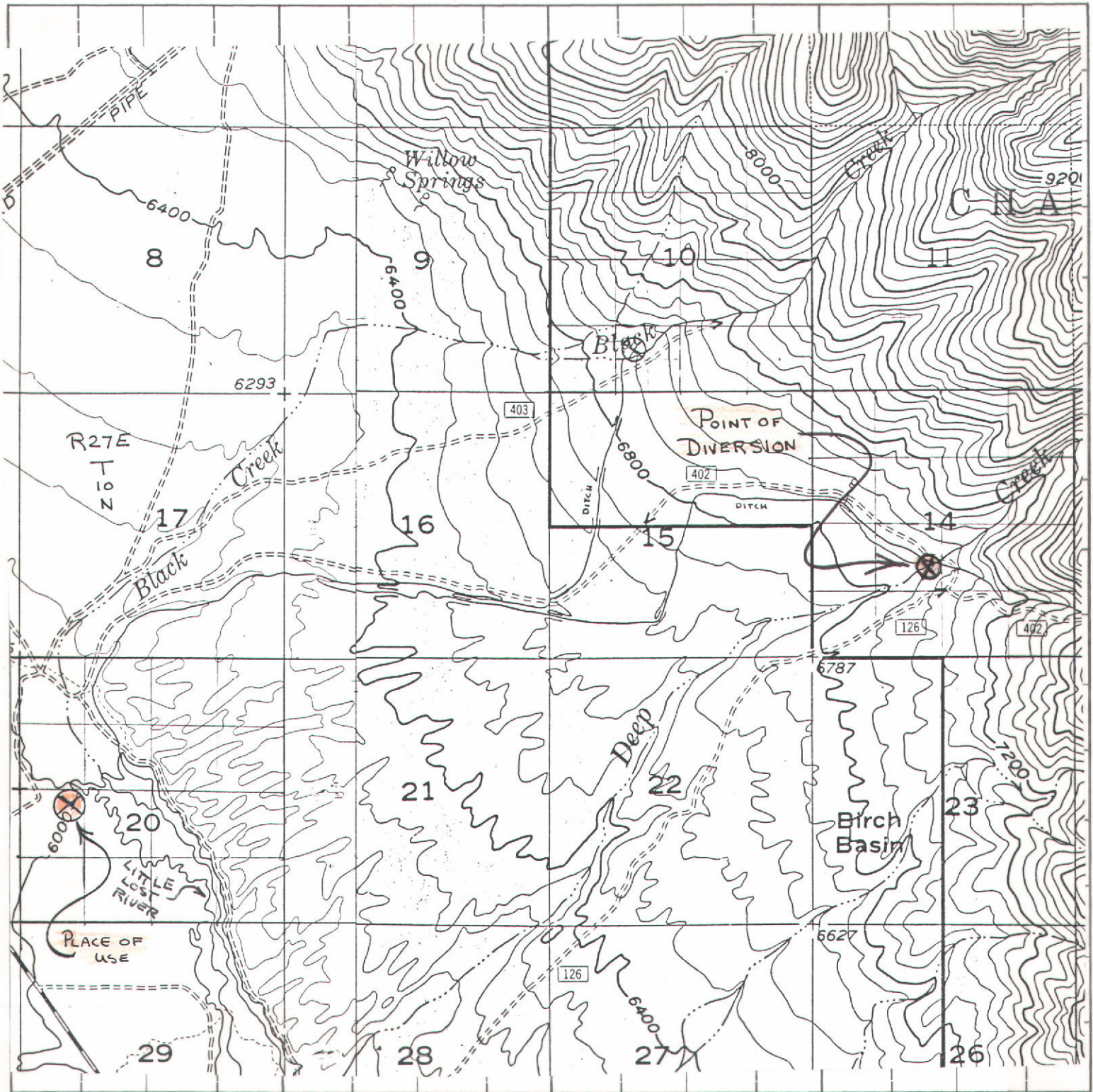


13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.

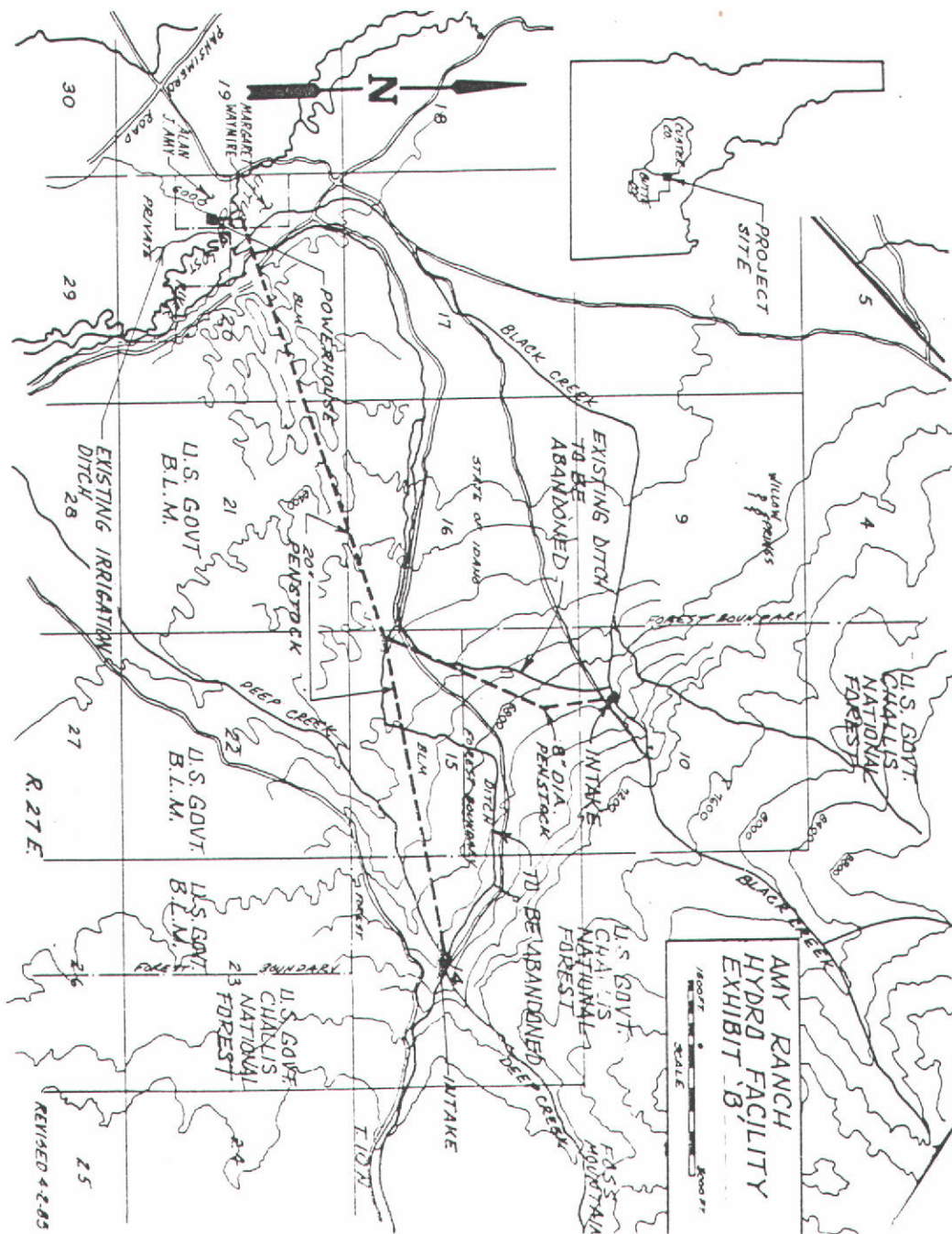


Scale: 2 inches equal 1 mile.

MICROFILMED

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.

Alan J. Army
(Applicant)



BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT	)	
	)	
NO. 33-7177 IN THE NAME OF	)	ORDER OF REINSTATEMENT
	)	
NEW ENERGY, INC.	)	

This matter having come before the Idaho Department of Water Resources (Department) the Department finds as follows:

FINDINGS OF FACT

1. On February 27, 1986 the Director of the Department of Water Resources issued Permit No. 33-7177 with a condition of approval that proof of construction of works and application of water to beneficial use be submitted on or before February 1, 1991.
2. On November 30, 1990 the Department sent a proof due notice to the permit holders.
3. On February 5, 1991 the Department sent a lapse notice to the permit holders since neither proof of beneficial use nor a request for extension of time had been received from the permit holders.
4. On April 29, 1991 Proof of Beneficial Use was received by the Department from the permit holders.
5. Section 42-218a, Idaho Code, authorizes the Department to reinstate a lapsed permit, with the priority date advanced to the date that proof of beneficial use was received,

RECEIVED

JUL 01 1991

upon submittal of evidence clearly establishing the extent of beneficial use prior to the proof due date and a showing of reasonable cause why the proof was submitted late.

6. The permit holders have submitted evidence to confirm that water has been put to beneficial use prior to the proof due date. Evidence includes a statement by the project engineer attesting that beneficial use had been accomplished prior to the proof due date. Other evidence includes account statements of hydropower sold to Utah Power and Light Company between July, 1987 and January, 1991.

7. The permit holders have stated that they submitted proof of beneficial use late because the proof due and lapse notices was sent to a former address and not forwarded to the updated address before the proof due date. The permit holders still own the property at the former address but the occupants did not forward the Department's correspondence until after the proof due date.

CONCLUSIONS OF LAW

1. The permit holders have submitted proof of beneficial use along with supporting evidence which establishes that water was in fact beneficially used as identified on the permit.

2. The permit holders have shown sufficient cause why the proof of beneficial use was not submitted in a timely manner.

3. The permit can be reinstated with the date of priority advanced to the date proof of beneficial use was

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JUL 01 1991

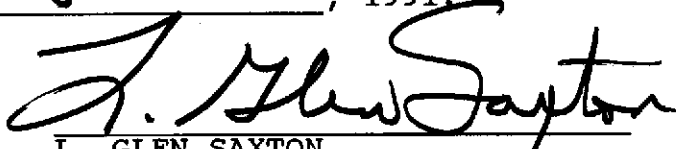
received by the Department.

ORDER

IT IS HEREBY ORDERED that Permit No. 33-7177 is
reinstated.

IT IS FURTHER ORDERED that the date of priority of this
permit is advanced to April 29, 1991.

Dated this 12th day of June, 1991.


L. GLEN SAXTON
Chief, Water Allocation Bureau

REPROFILMED

JUL 01 1991

WATER RIGHT SUMMARY

ACTION	RIGHT NO.	NAME	AMOUNT CFS
Original Permit	33-7177	Amy, Alan J.	5.5
Full Assignment	33-7177	New Energy, Inc.	5.5

MICROFILMED

JAN 29 1987

State of Idaho
Department of Water Resources

ASSIGNMENT OF PERMIT

We, Alan J. Amy and
M, Afton Amy, husband & wife, hereby assign to New Energy, Inc., a corporation
of c/o David Snedigar, Route #4, Buhl, ID 83316
Address

Department of Water Resources
Boise District Office

CHECK ONE

☒ All my right, title, and interest in and to Permit No. 33-7177 to appropriate the public waters of the State of Idaho. DEC 18 1986

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

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

Made this 14th day of November, 1986.

Permit Holder

Alan J. Amy

Spouse of Permit Holder Afton Amy

State of Idaho)
County of Twin Falls) ss.

On this 14th day of November, 1986, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged to me
that he (she) (they) executed the same.

seal

Notary Public residing at
Bohi, Idaho

My commission expires:
May 12, 1992

MICROFILMED

JAN 11 1987

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

APPROVED

1. Name of applicant Alan J. Amy Phone 767-3374
Post office address Star Route P.O. Box 170, Howe Idaho 83244
2. Source of water supply Deep Creek which is a tributary of Little Lost River*
*kw 2/25/1986
3. Location of point of diversion is SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of SW $\frac{1}{4}$, Govt. Lot _____
Sec. 14 Township 10N Range 27E B.M. Butte County; additional
points of diversion if any: _____
4. Water will be used for the following purposes:
Amount 5.5cfs for Power purposes from 1/1 to 12/31 (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 is (a) 5.5 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. Headgate to pipeline* to generating facility
and discharged into Little Lost River (NWSW 20 T 10N R 27E) * Note, pipeline joins
with pipeline from Black Creek.
b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet; period of year when water will be diverted to storage:
_____ to _____ inclusive.
c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
d. Is ground water with a temperature of greater than 90°F being sought? _____
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).

MICROFILMED

Description of proposed uses (if irrigation only, go to item 9):

a. Hydropower; show total feet of head and proposed capacity in kW.

b. Stockwatering; list number and kind of livestock.

c. Municipal; show name of municipality.

d. Domestic; show number of households.

e. Other; describe fully.

Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of the use (example: *D for Domestic*) in the corresponding column.

ponding place of use below. See instructions for standard symbols.

[illegible]

_____ Total number of acres to be irrigated

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

11. a. Who owns the property at the point of diversion? U.S.F.S.

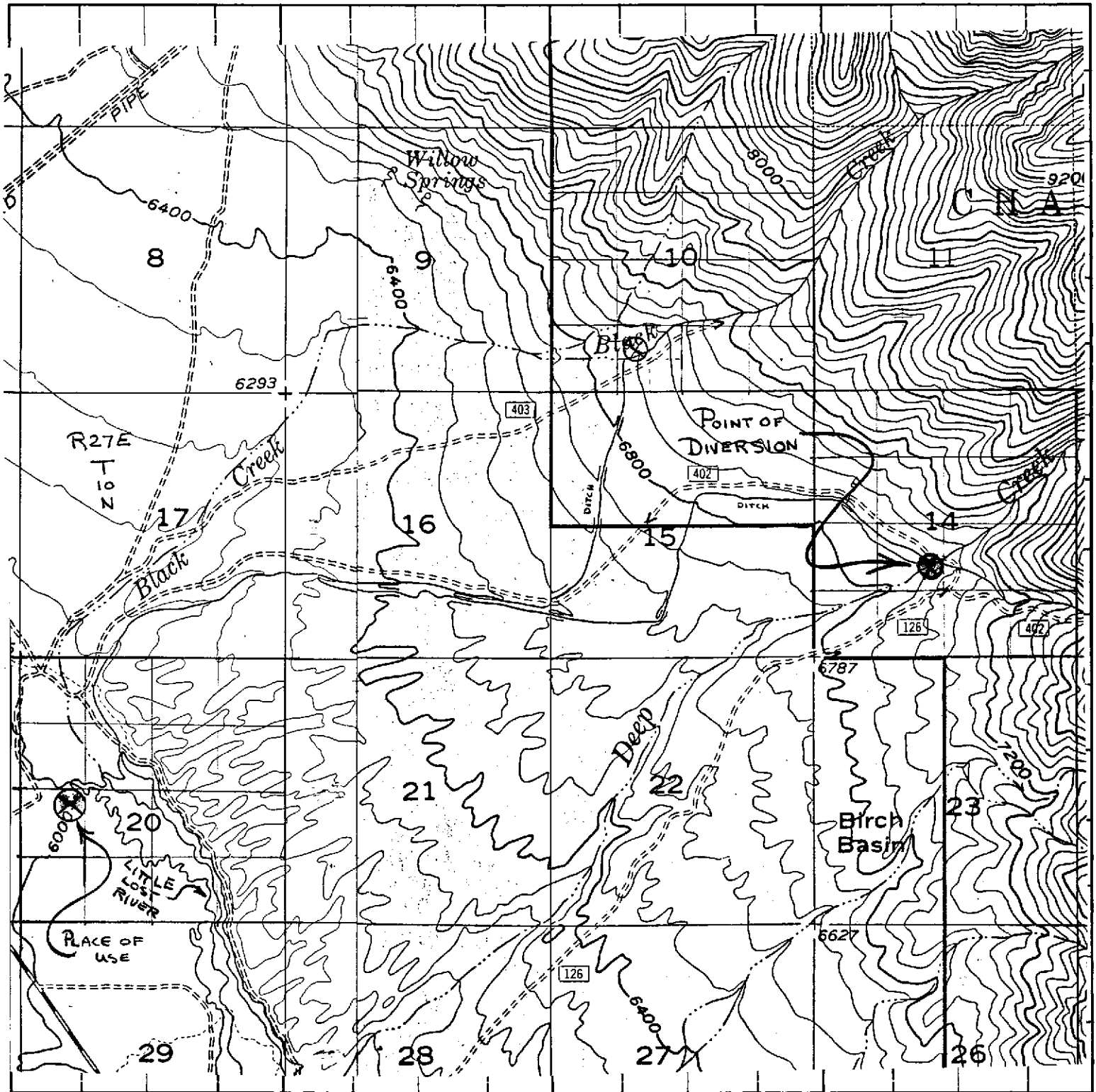
b. Who owns the land to be irrigated or place of use? Applicant

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. _____ Special use permit with U.S. Forest Service.

12. Remarks:

MICROFILM

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



Scale: 2 inches equal 1 mile.

MICRON LM

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.

Alan J. Army
(Applicant)

RECEIVED

Proposed Priority 12/12/85

Received by MO Date 12/12/85 Time 1:30 pm Preliminary check by HCS
Fee \$ 145 Received by KCO # 35535 Date 12 Dec 85
Publication prepared by MO Date 12/13/85 Published in Area Advertiser
Publication approved QW Date 1-07-86

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. 33-7177, 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

February 1, 1991

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. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against 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.

e. Other: SEE ATTACHED SHEET FOR CONDITIONS e thru n.

Witness my hand this 27th day of February, 1986.

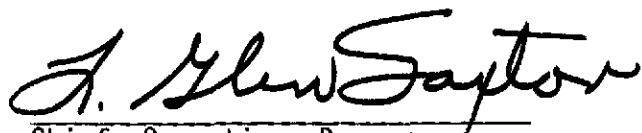
D. Newington
Chief, Operations Bureau

ATTACHMENT TO CONDITIONS OF APPROVAL

For Permit No. 33-7177

- e. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
- f. 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.
- g. Water used under this permit if discharged into a natural channel or subsurface system shall meet Idaho Water Quality Standards.
- h. The Director retains jurisdiction of this permit in order to limit the use of water for hydropower generation purposes to a specific term of years as required by Section 42-203B(7), Idaho Code.
- i. The water right acquired under this permit for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.
- j. Use of water under this permit shall be non-consumptive.
- k. This permit does not constitute Idaho Public Utilities Commission or Federal Energy Regulatory Commission approval that may be required.
- l. The issuance of this permit in no way grants any right-of-way or easement across the land of another.
- m. A measuring device of a type approved by the Department shall be permanently installed and maintained as part of the diverting works.
- n. Use of water under this permit is subject to control by the watermaster of State Water District No. 33, Little Lost River.

Witness my hand this 27th day of February, 1986.


Chief, Operations Bureau

MICROFILMED



Ident. No. 33-7177

FEB 10 1986

Department of Water Resources
Eastern District Office

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

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

1. Individual Applicant or Individual Members of a Partnership:

I, Alan J. Amy of Howe,
(name) (city)

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

2. Corporation:

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

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

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

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

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

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

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

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

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

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

State of Idaho
County of Bonneville) ss.

Alan J. Amy
Applicant

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

seal

[Signature]
Notary Public residing at
Bonneville County

My commission expires:

life

MICROFILMED

Affidavit of Publication

I, Charles Cammack
of the Arco Advertiser, a weekly newspaper of
general circulation, published weekly at Arco,
Idaho, since March, 1909, do solemnly swear that
a copy of this notice, per clipping attached, was
published weekly in the regular and entire issue
of said newspaper, and not in any supplement
thereof,

for 2 consecutive weeks, commencing with

the issue dated December 26, 1985

and ending with the issue dated

January 2, 1986

Subscribed and sworn to before me this

2nd day of January, 1986

Thomas D. Cammack
Notary Public

Residence: Arco, Idaho.
My commission expires 12-17, 1991

RECEIVED

JAN 6 1986

Department of Water Resources
Eastern District Office

NOTICE OF APPLICATION FOR WATER RIGHT

The following applications have been filed
to appropriate the public waters of the State
of Idaho:

33-7177

AMY, ALAN J.
STAR ROUTE, P.O. BOX 170, HOWE, ID
83244

Source: DEEP CREEK trib. to SINKS
Diversion Pt: SENESW Sec 14 T 10N R
27E

Use: POWER (5.5 CFS)

Date Filed: 12-12-1985

In: NWSW Sec 20 T 10N R 27E

The permits will be subject to all prior
water rights. Protests may be submitted
based on the criteria of Sec. 42-203A, Idaho
Code and/or the new public interest criteria
of Sec. 42-203C, Idaho Code. Protests must
be filed with the Director, Dept. of Water
Resources, 150 Shoup Ave., Suite 15, Idaho
Falls, Idaho, 83402 on or before January 13,
1986.

KEN DUNN
Director

Published 12-26-85 & 1-2-86.

MICROFILMED

From: DWR03::SKEEN 11-JAN-1996 13:52:40.28
To: DWR70::HJONES
CC: SKEEN
Subj: Basin 33 Power Rights

Skip,

I have a little more information to report concerning permits 33-07177, 33-07159, 33-07178, and 33-07093.

The lender is Bay Bank, 175 Federal Street, Boston, MA, 02110. The contact there will be John Debaun at (617) 556-6572.

The borrower is Bell Mountain Power, c/o Shirley Snedigar, 321 E. Concordia, Tempe, AZ, 85282. (602) 967-4695

According to Anna Yu of Bay Bank, New Energy, Inc., was the name of the partnership established during the construction phase. New Energy, Inc., may have been dissolved upon completion of the project.

Shelley W. Keen

June 13, 1991

RE: Permit No. 33-7177

New Energy, Inc.
4577 N. Clear Lakes Grade
Buhl, ID 83316

Dear Permit Holder(s):

We acknowledge receipt of the statement of beneficial use and the supporting documentation for reinstating the above referenced permit.

Before a license can be issued, a field examination will be made by a representative of this Department. Enclosed is an Order of Reinstatement. Please note that the priority date has been advanced to April 29, 1991.

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

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:blm

Enclosure

MICROFILMED

JUL 01 1991

FROM *Tim Luke*

DATE *6-10-91*

TO *File - 33-7177 & 7178*

SUBJECT *Updated Address*

Send all further correspondence to:

New Energy, Inc

4577 N. Clear Lakes Circle

Buhl, ID 83316

MICROFILMED

JUL 01 1991

SIGNATURE

SORENSEN ENGINEERING

CONSULTING ENGINEERS
550 LINDEN DRIVE
IDAHO FALLS, IDAHO 83401
208-522-8069

RECEIVED

MAY 20 1991

May 17, 1991

Department of Water Resources

Mr. Tim Luke, Senior Water Quality Specialist
Idaho Dept. of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, ID 83720-9000

RE: PERMIT NOS. 33-7178 AND 33-7177

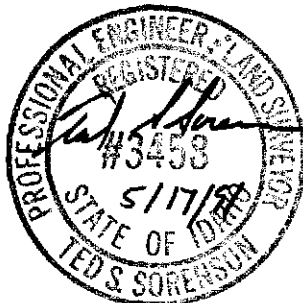
Dear Mr. Luke:

This letter is written at the request of Mr. David R. Snedigar, New Energy, Inc. These two permits provide water for a small hydroelectric project known as Bell Mountain Hydro. This hydroelectric facility commenced commercial operation approximately February 1987, and has continued to date with only minor down time for minor electrical problems. I would estimate the plant has operated some 99 percent of the time since February 1987. I was the project engineer who designed the project. This is written to certify that the water has been used beneficially for this hydroelectric project.

Very truly yours,



Ted S. Sorenson, P.E.
Project Engineer



TSS:kaf

cc: Mr. David Snedigar, New Energy, Inc.

MINUTEMAN

JUL 01 1991

5-14-91

Idaho Dept of Water Resources
1301 North Orchard St
Statehouse Mail
Boise Id 83720-9000
FAX # 208-327-7866

RECEIVED

MAY 20 1991

Department of Water Resources

RE: Permit No 33-7177 & 33-7178

Dear Mr Luke

The reason I didn't respond to the lapses notice of Feb 1st 91 is because I didn't recieved it until approximately April 20th when threw the house it was mailed to which I had rented out for the past 2 yrs. The Tenant failed to give me my mail and subsequently caused alot of problems. To avoid any future problems please note my new address of 4577 N Clear Lakes Grade, Buhl Id, 83316.

JUL 01 1991

You requested two forms of evidence to show beneficial use of the water from these two permits. One will be in the form of a Statment by the project engineer Ted Sorenson. The other is enclosed. They are copies of Jan & Idgys generation Statements from UP&L for the yrs 87 to date

Sincerely David Snediger

UTAH POWER & LIGHT COMPANY

IDAHO REGION CONTINGENT FUND

P. O. Box 130
Rexburg, Idaho 83440

IDAHO FIRST NATIONAL BANK
Rexburg, Idaho 83440
82-42/1241

No 36151
36151

PAY
TO THE
ORDER OF

EXACTLY 12548.81cts

DATE
04/03/87

AMOUNT
***\$12548.81

BELL MOUNTAIN POWER
ATTN: DAVID SNEDIGAR
ROUTE 4, BOX 238
BUHL, ID 83316

Blair D. Hays
AUTHORIZED SIGNATURE

⑈036151⑈ ⑆124100019⑆ 110047010195⑈

UTAH POWER & LIGHT COMPANY
IDAHO REGION CONTINGENT FUND

BELL MOUNTAIN POWER ***\$12548.81 04/03/87 CHECK NO. 36151

RECORD	DATE	INVOICE	AMOUNT	CO-GENERATION	FROM	TO
6674	03/07/87	12-86/2-87	2283.90		12-19-86	2-4-87
6675	03/07/87	2/4-3/6	10264.91		02-04-87	3-6-87

Amy Agreement:

15% gross	=	1882. ³²
\$5000. ⁰⁰ Annual 2 mos	=	833. ³⁴
Sub total		2715. ⁶⁶
\$5950. ⁰⁰ Annual 2 mos	=	991. ⁶⁶
Net		1724. ⁰⁰

3/5/87 -
(4/15/87 - \$1,724.00)

MICROFILMED

JUL 01 1991

IDAHO
DIVISION

Utah
power
& LIGHT COMPANY

145 West Main
P.O. Box 130
Rexburg, Idaho 83440

01 Jul 87

Bell Mountain Power
Attn: David Snedigar
1201 So. Alma School Rd., Suite 12000
Mesa, Arizona 85202

Mailer: Bay Bank Boston, N.A.
175 Federal Street
Boston, MA 02100 Attn: Edward M. Stern

Re: Account #4380 06274.001
Generation Statement from
22 May 1987 to 23 Jun 1987

Total KWH Generated	167,400
Less KWH received by	
Amy Hydro	-0-
Total KWH	<u>167,400</u>
5.449¢ per KWH	\$9,121.63
Less KVAR Charge .30¢	-13.65
Less Monthly Incurred Cost	<u>- 402.84</u>
Payment	\$8,705.14

Please sign and return to Vicki Johnson. Upon receipt of this document a check will be issued and returned to you.

John R. Seuf
Authorized Agent

Pl. 9/3/87
Ch # 107
\$1,622.61

my Agreement 15%
5000.⁰⁰ Annual
5950.⁰⁰ Annual

1305.77
+ 416.67
1722.44
- 495.83
1226.61
MICROFILMED
JUL 01 1991

IDAHO
DIVISION

utah
power
& LIGHT COMPANY

145 West Main
P.O. Box 130
Rexburg, Idaho 83440

05 JAN 88

Bell Mountain Power
Attn: David Snedigar
1201 So. Alma School Rd., Suite 12000
Mesa, Arizona 85202

Make Check Payable to: BELL MOUNTAIN POWER

Mail Check to: BAY BANK BOSTON, N.A.
Attn: Edward M. Stern
175 Federal Street
Boston, MA 02110

Re: Account #4380-06274.001
Generation Statement from
23 Nov 87 to 18 Dec 87

Total KWH Generated	115,950
Less KWH received by	
Amy Hydro	-0-
Total KWH	115,950

5.449 per KWH	\$6,318.12
Less KVAR Charge .30	-20.03
Less Monthly Incurred Cost	-402.84

Payment \$5,895.25

Please sign and return to Vicki Johnson. Upon receipt of this document a check will be issued and returned to you.

15% gross
5000.00 Annual

884.28
416.67
1300.95

5950.00 Annual

- 495.83
Net = 805.12

[Signature]
Authorized Agent

Pd # 123

RECEIVED

JUL 01 1991

[Signature]

REGION

West Main
Box 130
Pocatello, Idaho 83442

8 JUL 88

Bell Mountain Power
Attn: David Snedigar
1201 So. Alma School Rd., Suite 12000
Mesa, Arizona 85202

Make Check Payable to: BELL MOUNTAIN POWER

Mail Check to: BAY BANK BOSTN, N.A.
Attn: Edward M. Stern
175 Federal Street
Boston, MA 02110

Re: Account #4380-06274.001
Generation Statement from
24 May 88 to 24 Jun 88

Total KWH Generated	157,200
Less KWH received by	
Amy Hydro	-0-
Total KWH	157,200
\$1.449 per KWH	\$8,565.83
Less KWAR Charge .30	-15.60
Less Monthly Incurred Cost	-402.84
Payment	\$8,147.39

Please sign and return to Vicki Johnson. Upon receipt of this document a check will be issued and returned to you.

Authorized Agent

ve
C:\Cognstnt.vkj

Verdant = 81256

15% Gross 1222.10
\$5,000 Annual 416.67
1638.77
- \$5,950 Annual 445.83
NET \$1142.94

JUL 01 1991



145 West Main
P.O. Box 130
Rexburg, Idaho 83440

11 JAN 89

Bell Mountain Power
Attn: David Snedigar
1201 So. Alma School Rd., Suite 12000
Mesa, Arizona 85202

Make Check Payable to: BELL MOUNTAIN POWER

Mail Check to: BAY BANK BOSTON, N.A.
Attn: Edward M. Stern
175 Federal Street
Boston, MA 02110

Re: Account #4380-06274.001
Generation Statement from
28 Nov 88 to 02 Jan 89

Total KWH Generated	135,000
Less KWH received by	
Amy Hydro	<u>-0-</u>
Total KWH	135,000
 5.449 per KWH	 \$7,356.15
Less KVAR Charge .30	<u>-22.61</u>
Less Monthly Incurred Cost	<u>-402.84</u>
 Payment	 \$6,930.70

Please sign and return to Vicki Johnson. Upon receipt of the document a check will be issued and returned to you.


Authorized Agent

ve
C:Cognstmt.vkj

Vendor # 62956

MISSOURI

JUL 01 1991

15% gross 1039.40
EST. Annual 416.67
 1456.07

- 5950 Annual 445.83
 960.44



145 West Main
P.O. Box 130
Rexburg, Idaho 83440

17 July 89

Bell Mountain Power
Attn: David Snedigar
1201 So. Alma School Rd., Suite 12000
Mesa, Arizona 85202

Make Check Payable to: BELL MOUNTAIN POWER

Mail Check to: BAY BANK BOSTON, N.A.
Attn: Edward M. Stern
175 Federal Street
Boston, MA 02110

Re: Account #4380-06274.001
Generation Statement from
25 May 89 to 29 Jun 89

Total KWH Generated	134,250
Less KWH received by	
Amy Hydro	<u>-0-</u>
Total KWH	134,250
5.449 per KWH	\$7,315.28
Less KVAR Charge .30	<u>-18.59</u>
Less Monthly Incurred Cost	<u>-402.84</u>
Payment	\$6,893.85

Please sign and return to Vicki Johnson. Upon receipt of this document a check will be issued and returned to you.



Authorized Agent

sab
C:\Cognstmt.vkj

Vendor # 62956

NOT RECORDED

JUL 01 1991

UTAH POWER & LIGHT COMPANY

P.O. BOX 130
145 WEST MAIN
REXBURG, IDAHO 83440

January 16, 1990

Bell Mountain Power
Attn: David Snedigar
1201 So. Alma School Rd., Suite 12000
Mesa, Arizona 85202

Make Check Payable to: BELL MOUNTAIN POWER

Mail Check to: BAY BANK BOSTON, N.A.
Attn: Edward M. Stern
175 Federal Street
Boston, MA 02110

Re: Account #4380-06274.001
Generation Statement from
30 Nov 89 to 28 Dec 89

Total KWH Generated	98,850
Less KWH received by	
Amy Hydro	-0-
Total KWH	98,850
5.449 per KWH	\$5,386.34
Less KVAR Charge .30	-21.14
Less Monthly Incurred Cost	-402.84
Payment	\$4,962.36

Please sign and return to Vicki Johnson. Upon receipt of this document a check will be issued and returned to you.

JUL 01 1991

Authorized Agent

sab
C:Cognstmt.vkj
Vendor # 62956

15% Gross
5000 Annual
- 5950 Annual

741.35
416.67
1161.02
495.93
665.19

1-23-90



11-Jul-90

BELL MOUNTAIN POWER
Att: David Snedigar
1201 So. Almas School Rd., Suite 12000
Mesa, Arizona 85202

Make Check Payable to: BELL MOUNTAIN POWER

Mail Check to : BAY BANK BOSTON, N.A.
Attn. Edward M. Stern
175 Federal Street
Boston, MA 02110

Re: Account #438006274.001
Generation Statement from
31 May 90 to 28 June 90

Total KWH Generated	83,100
Less KWH received by Amy Hydro	0
Total KWH	<u>83,100</u>

Energy	\$1,163.40
Capacity	<u>\$3,364.72</u>
at 5.449 cents per Kwh	\$4,528.12

Less KVAR charge .30	(\$11.85)
Less Monthly Incurred Cost	(\$402.84)

Payment

\$4,113.43

COPY

Please sign and return to Cary Boyle. Upon receipt of
this document a check will be issued and returned to you.

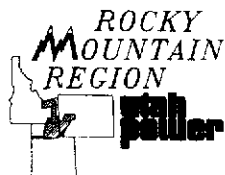
David Snedigar
Authorized Agent

Vendor #62956

15%
5000
5960

617.01
416.67
1033.68
495.83
537.85

JUL 01 1991



IDAHO AREA
25 E. Main
P.O. Box 130
Rexburg, Idaho 83440

7-Jan-91

BELL MOUNTAIN POWER
Att: David Snedigar
321 Concorda Drive
Tempe, Arizona 85282

Make Check Payable to: BELL MOUNTAIN POWER

Mail Check to : BAY BANK BOSTON, N.A.
Attn. Edward M. Stern
175 Federal Street
Boston, MA 02110

Re: Account #438006274.001
Generation Statement from
28 Nov 1990 to 31 Dec 1990

Total KWH Generated	86,700
Less KWH received by	9
Amy Hydro	
Total KWH	<u>86,691</u>

Energy	\$1,213.67
Capacity	<u>\$3,510.61</u>
at 5.449 cents per Kwh	\$4,724.28

Less KVAR charge .30	(\$20.85)
Less Monthly Incurred Cost	(\$402.84)

Payment	<u>\$4,300.59</u>
---------	-------------------

Please sign and return to Cary Boyle. Upon receipt of
this document a check will be issued and returned to you.

David Snedigar
Authorized Agent

Vendor #62956

MICROFILMED
JUL 01 1991

Sent back 1-10-91

COPY



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

May 1, 1991

New Energy Inc.
c/o David Snedigar
4577 N. Clear Lakes Grade
Buhl, ID 83316

RE: Permit No. 33-7177

Dear Permit Holder:

The Department received your proof of beneficial use statement for the above referenced permit on April 29, 1991. The permit lapsed February 1, 1991 so the 60-day late period during which the permit can be readily reinstated has passed.

Pursuant to Section 42-218a, Idaho Code, (copy enclosed) the permit can now be reinstated only if you submit the following:

- a) Evidence to show that beneficial use of the water did commence and to show the extent of the use of water during the authorized permit period from the time the permit was issued until the proof due date.
- b) Reasonable cause why the proof of beneficial use was filed late.

Your proof of beneficial use statement along with any information which may have been submitted with it will remain on file in this office for 60 days to allow you an opportunity to assemble and submit the additional required information.

Please feel free to contact this office if you have additional questions.

Sincerely,

TIM LUKE
Sr. Water Resource Spec.

Enclosures

MIC MED

JUL 01 1991

RECEIVED

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APR 29 1991

Department of Water Resources
Southern Region Office

PROOF OF BENEFICIAL USE

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

1. Permit No. 33-07177 Telephone No. 543-4014
2. Name(s) of Permit Holder(s): New Energy Inc. % David Svedigian
3. Post Office Address: 4577 W Clear Lakes grade Boh, Id 83316
4. Source of Water: Deep Creek

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

b. Pump horsepower: _____ Pressure (psi): _____ Dynamic pumping level (ft.): _____

5. Extent of Use:

Domestic _____ (No. of households)

Irrigation _____ (No. of acres)

Stockwater _____ (No. and type of stock)

Other Power generation

6. Total rate and/or volume for which proof is submitted 5.5 cfs _____ acre/feet

7. Refer to the approval conditions on your permit and respond accordingly:

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

OR

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

8. Fee Enclosed: \$ 225.00 (See License Examination Fee Schedule)

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

Jake Amy 767-3374
Name Telephone No.
HC 65 Box 3170 Howe Id 83244
Address

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

4-29-91
Date

APR SSG President
Signature (and title if on behalf of a company or organization)

JUL 01 1991

WARNING

CANCELLED OR LAPSED

This permit has been officially CANCELLED or LAPSED.

Ninety days following the date of official action this file will be DESTROYED.

February 5, 1991

NEW ENERGY INC.
C/O DAVID SNEDIGAR
RT. 4
BUHL, ID 833160000

LAPSE NOTICE

RE: PERMIT NO. 33-07177

Dear Permit Holder:

You are hereby notified that under the provisions of Section 42-218A, Idaho Code, the above referenced permit has lapsed and is of no further force nor effect. The department provided the proper forms to you in our proof due notice dated November 30, 1990. No further construction or additional development is authorized under this permit unless it is reinstated.

The permit can only be reinstated if you submit an acceptable proof of beneficial use or an acceptable request for extension of time to the department within sixty (60) days of the mailing of this lapse notice. An acceptable proof of beneficial use submittal must include the examination fee or a completed field examination report. A request for extension of time must be accompanied by a fifteen dollar (\$15) fee.

Enclosed again for your use are a proof of beneficial use form and a request for extension of time form. Please note that only one extension of time can be granted unless the project has not been completed because of lack of a necessary approval by a government agency or by litigation which may bring title to the water in question.

L. GLEN SAXTON
Chief, Water Allocation Bureau

LGS:rf

Enclosures

MINI FILMED

JUL 01 1991

CERTIFICATION OF MAILING

I hereby certify that on 2-8-91
a copy/an original of this document was
deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above.

138790

November 30, 1990

NEW ENERGY INC.
C/O DAVID SNEDIGAR
RT. 4
BUHL, ID 833160000

PROOF DUE NOTICE

RE: PERMIT NO. 33-07177

Dear Permit Holder:

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

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

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

SINCERELY,

Rita Fleck
Secretary/Records Manager

Enclosures

JUL 01 1991



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

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

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

January 16, 1987.

RE: Permit Nos. 33-7093/7159/7177/7178

John M. Melanson
Weaver & Melanson
130 N. Broadway
Buhl, ID 83316

Dear Permit Holder:

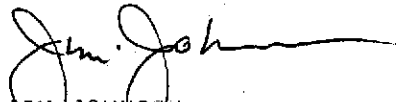
This office acknowledges receipt of the Assignment of the above referenced permits to New Energy, Inc.

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

Also enclosed are copies of the approved Applications for Amendment of Permit Nos. 33-7159 and 33-7093.

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

Sincerely,


JIM JOHNSON
Water Rights Supervisor

JJ:sc
Enclosures

RECORDED

JAN 29 1987

WEAVER & MELANSON

Attorneys at Law
130 N. BROADWAY
BUHL, IDAHO 83316

ROBERT C. WEAVER
JOHN M. MELANSON

PHONE (208) 543-8268

December 12, 1986

Idaho Department of Water Resources
150 Shoup Avenue
Suite 15
Idaho Falls, Idaho 83401

Re: Alan J. Amy
Permits No.: 33-7177, 33-7178, 33-7159,
33-7093

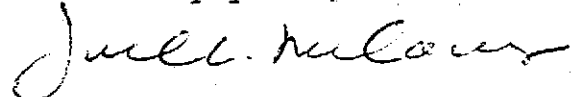
Dear Sirs:

I have enclosed four assignments of water permits from Alan J. Amy and Afton Amy, husband and wife, to New Energy, Inc., a corporation.

New Energy, Inc., is an Arizona corporation which is authorized to conduct business in Idaho. For your information, I have enclosed a copy of the Application for Certificate of Authority and the Certificate of Authority for New Energy, Inc.

Please do not hesitate to contact me if you require further information to approve the assignments.

Sincerely yours,



JOHN M. MELANSON

JMM:sh
Enc.

RECEIVED

JAN 29 1987

DEC 15 1986

Department of Water Resources
Eastern District Office

State of Idaho

Department of State.

CERTIFICATE OF AUTHORITY
OF
NEW ENERGY INC.

I, PETE T. CENARRUSA, Secretary of State of the State of Idaho, hereby certify that duplicate originals of an Application of NEW ENERGY INC.

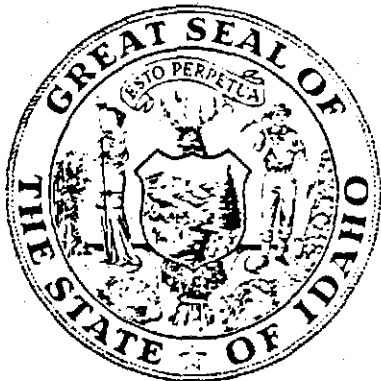
_____ for a Certificate of Authority to transact business in this State.
duly signed and verified pursuant to the provisions of the Idaho Business Corporation Act, have
been received in this office and are found to conform to law.

ACCORDINGLY and by virtue of the authority vested in me by law, I issue this Certificate of Authority to NEW ENERGY INC.

to transact business in this State under the name NEW ENERGY INC.

_____ and attach hereto a duplicate original of the Application
for such Certificate.

Dated July 19, 1985



RESEARCH

JAN 29 1967

Robt. C. Canarosa
SECRETARY OF STATE

Henry J. Clark
Corporation Clerk

APPLICATION FOR CERTIFICATE OF AUTHORITY

(Profit Corporation)

DEC 13 1986

To the Secretary of State of Idaho

Pursuant to Section 30-1-110, Idaho Code, the undersigned Corporation hereby applies for a Certificate of Authority to transact business in your State, and for that purpose submits the following statement:

1. The name of the corporation is NEW ENERGY INC.

2. The name which it shall use in Idaho is NEW ENERGY INC.

(To be used only when required to avoid a conflict with a name already on file. Must be accompanied by a Board of Directors resolution adopting assumed name in Idaho.)

3. It is incorporated under the laws of Arizona

4. The date of its incorporation is November 7, 1979 and the period of its duration is perpetual

5. The address of its principal office in the state or country under the laws of which it is incorporated is

321 E. Concorda Drive, Tempe, Arizona 85282

6. The address to which correspondence should be addressed, if different from that in item 5.

N/A

7. The street address of its proposed registered office in Idaho is 820 W. Washington,

P. O. Box 893, Boise, Idaho 83701, and the name of its proposed registered agent in Idaho at that address is Consulting Associates, Inc.

8. The purpose or purposes which it proposes to pursue in the transaction of business in Idaho are:

Any and all lawful business for which corporations may be incorporated under the laws of Idaho.

9. The names and respective addresses of its directors and officers are:

Name	Office	Address
<u>Robert Snedigar</u>	<u>President</u>	<u>321 E. Concorda Dr., Tempe, AZ 85282</u>
<u>Shirley Snedigar</u>	<u>Vice President</u>	<u>321 E. Concorda Dr., Tempe, AZ 85282</u>
<u>David R. Snedigar</u>	<u>V.P./Sec.Treas.</u>	<u>Rt. 4 Box 238, Buhl, ID 83316</u>

(continued on reverse)

Name

Office

Address

10. The corporation accepts and shall comply with the provisions of the Constitution and the laws of the State of Idaho.

11. This Application is accompanied by a certificate of Corporate Status or Existence, duly authenticated by the proper officer of the state or country under the laws of which it is incorporated.

Dated: June 25, 1985

NEW ENERGY INC.

(Corporation Name)

By

Robert Snedigar

Its President/ Vice President (please specify)

and

Paul R. Saulin

Its Secretary/ Assistant Secretary (please specify)

STATE OF ARIZONA)

COUNTY OF Maricopa) ss:

I, S. J. EHMAN

, a notary public, do hereby certify that on this 26th day of June, 19 85, personally appeared before

me ROBERT SNEDIGAR, who being by me first duly sworn, declared that (X)he

is the President of NEW ENERGY INC.

that (X)he signed the foregoing document as President of the corporation and that the statements therein contained are true.

my commission expires 6/23/88

S. J. Ehma
Notary Public

Permit No. 33-7177

ASSIGNMENT REVIEW CHECK LIST

1. Signature of Permit Holder? Yes
 2. Notary? Yes
 3. a. Full Assignment? Yes
b. Partial Assignment?
 4. "No assignment" condition on permit? Yes
 5. Commencement of Works received? N/A
 - a. Commencement of works requested?
 - b. Show Cause Order drafted & sent?
 - c. Cancellation necessary?
 6. Affidavit of residency required? Yes - Rec'd see file 33-7093 for copy
 7. Extension granted due to litigation?
(If yes, commencement of works is not required.)
-
1. Type permit summary sheet. ✓
 2. Coding sheet. ✓
 3. Acknowledgement letter type. # 1 p
 4. Copy to region ✓ Shavla -

Date 12-30-86

Employee Jim

MICROFILMED

JAN 29 1987

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

- - - - -

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440
MARCH 04, 1986

AMY, ALAN J.
STAR ROUTE
P.O. BOX 170
HOWE, ID 83244

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 33-7177

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 IN YOUR WATER USE PROJECT.

PLEASE BE ADVISED THAT YOUR APPLICATION FOR PERMIT HAS BEEN APPROVED BECAUSE WE NO LONGER WAIT FOR APPROVAL FROM THE FEDERAL ENERGY REGULATORY COMMISSION (FERC) OR THE IDAHO PUBLIC UTILITIES COMMISSION (PUC) WHEN THE FLOW IS LESS THAN 25 CFS AND THE POWER TO BE GENERATED IS LESS THAN 500 HP. HOWEVER, YOU MAY STILL NEED TO OBTAIN APPROVAL FROM FERC AND/OR PUC.

PLEASE NOTE THE 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.

MICROFILMED

RE: PERMIT NO. 33-7177

2

WE HAVE ENCLOSED A FORM ENTITLED "INSTRUCTIONS FOR 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

DRT: SC
ENCLOSURES

MICROFILMED

POWER CALCULATIONS FOR APPLICATION NO. 33-7177

309
P = Kilowatts .74 X hp

Q = cfs 5.5

H = feet 920'

e = efficiency

Due to small
size of
Proj. #4
requirements
are waived
J.T.

- 1.) Affidavit of Residency
2.) Ownership of Facilities
3.) *Financial Ability
4.) Feasibility of Project
a. Plans, drawings
b. Economic analysis
5.) *Compliance w/FERC
*only for projects of more than 25 cfs
or more than 500 horsepower.

$$e = \frac{P(11.8)}{QH} = \frac{309(11.8)}{5.5 \times 920} = \frac{3646.8}{5060} = 0.72$$

Based on the above calculations the proposed project
must have an 72 % efficiency.

OVERLAP REVIEW

Per VAX 2/25/86:

P/D 33-7093 - Power - same right holder - different plu
33-7094 - Irrig. same pld

P/U 33-0087
33-2034
33-2135A } Irrig.

33-7178 - power, also being processed

MICROFILMED

BYPASSED AREA (POU)
Sec. 15 - 33-7093 power 33-7125 stock
Sec. 16 - none
Sec. 17 - 33-7076 stock
Sec. 20 - 33-7178 power & irrig. lts.
33-7159

POD Sec. 15 - 33-7170 power app. ← protested. AP
Sec. 16 - none is for Little Los
Sec. 17 - none River water.
Sec. 20 - none kw

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

33-7177

INITIAL REVIEW BY: HWS

APPLICATION NUMBER: Amy

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.
☐ 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.

Field check by: _____

Date: _____

Comments: _____

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT:

Deep Creek appears trib to Little Lost River on
USGS MAP

SEND COPIES TO:

- ☐ Idaho State Health Department.
☒ Idaho Fish and Game Department.
☐ Idaho Department of Lands.
☒ U.S. Bureau of Land Management.
☐ U.S. Forest Service.
☒ Other WD 83

Copies sent by: _____

Date: _____

cu

12-30-85

cu

cu

PROCESSING:

- ☐ Yes ☒ No
☐ Yes ☒ No

Platted by: _____ Map No. _____

Other rights on same place of use. PD 13 Sam 95 33-7093 & 33-7159

- ☒ Yes ☐ No*

In form for advertising.

Final date for protests: _____

- ☐ Yes ☒ No

Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: 1-06-86
☒ 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.

- ☐ Yes ☒ No

Access port required.

- ☒ Yes ☐ No

Will water be delivered by watermaster? If yes, what district? 33-

12/12/85

Date of priority recommended.

Special conditions of approval or cover letter. _____

OIF, 04, 08A, 17F, 17K, 25, 26, 30

MICROFILMED

By: Ernest Carlson

Date: 11 Feb 1986

STATE OFFICE REVIEW:

L02, L14, L17a, L18

09E 05 (33, Little Lost River)
17M 26a 04 01 08A

- ☐ See attached sheet for more information.

By: cu 2-25-86

Date: _____

Department of Water Resources

POINT OF DIVERSION AND STREAM INDEX INFORMATION

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
IDAHO STREAM CODE INDEX						

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
IDAHO STREAM CODE INDEX						

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
IDAHO STREAM CODE INDEX						

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
IDAHO STREAM CODE INDEX						

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
IDAHO STREAM CODE INDEX						

STAFF SHEET FOR POWER GENERATION

I Initial Review By: HLJ Application No. 33-7177Date Requested
Need to request

In File

A. _____ Form 205/206.

B. _____ ✓ Efficiency is between 85% and 60%.

$$E = \frac{P (11.8)}{QH} = \frac{(309kw)(11.8)}{(5.5)(920)} = \frac{3646.2}{5060} \times 100 = \underline{72} \%$$

II Post Publication Review By: Erest

A. Not Protested

1. 0 to 373 kw (500 Hp)

Date Requested Date Received (one or more)

1-31-86. _____ Engineering feasibility report.

_____ Preliminary design report.

_____ Contracts to construct project.

_____ Contracts to purchase power.

10 Feb 1986 Verification that an application
has been submitted to F.E.R.C.FERC issued exemption 10/11/85
Other: _____

2. 373 kw (500 Hp) and higher

Date Requested Date Received (all three are required)

_____ Preliminary Engineering Report.

_____ Itemized cost estimate.

_____ Verification of financial ability.

B. Protested

1. 0 to 111 kw (150 Hp)

_____ Supplement information has been submitted.

_____ Hearing should be scheduled.

2. 111 kw (150 Hp) and higher

_____ Supplemental information has been submitted.

_____ Received verification of a F.E.R.C. ruling.

_____ Hearing should be scheduled.

MICROFILMED

IDENT. NO. _____

I D A H O D E P A R T M E N T O F W A T E R R E S O U R C E S

WATER RIGHT
DATA ENTRY LOG

[illegible]

FECG #	PROJECT NAME	ORIGEN COUNTY	HW	REVIEWER FECG STATUS	CONTACT	ADDRESS CITY, ST, ZIP	WATER RIGHT STATUS
8314	UPPER JETON RIVER	JETON RIVER JETON	2.70	EXCEPT GMP FECG 810108 11/17/83 PRELIMINARY PERMIT ISSUED	TIM JONES	P.O. BOX 2443 JUNO FALLS, ID 83403	APPLICATION 75-7107 PERMIT
8323	JOB CREEK	JOB CREEK VALLEY	1.30	LARRY J. HELLMAE FECG 810108 11/17/83 PRELIMINARY PERMIT ISSUED	LARRY J. HELLMAE	PO BOX 1187 BOISE, ID 83704	APPLICATION NONE 1-25-85 PERMIT
8324	FALL CREEK	FALL CREEK VALLEY	3.70	LARRY J. HELLMAE FECG 810108 11/17/83 PRELIMINARY PERMIT ISSUED	LARRY J. HELLMAE	PO BOX 1187 BOISE, ID 83704	APPLICATION PERMIT
8328	BOULDER CREEK	BOULDER CREEK VALLEY	4.30	LARRY J. HELLMAE FECG 810108 11/17/83 PRELIMINARY PERMIT ISSUED	LARRY J. HELLMAE	PO BOX 1187 BOISE, ID 83704	APPLICATION PERMIT
8402	DEARWOOD RIVER	DEARWOOD RIVER BOISE	9.35	ROBERT N. CURPHEM FECG 810108 11/17/83 PRELIMINARY PERMIT ISSUED	LARRY J. HELLMAE	PO BOX 1187 BOISE, ID 83704	APPLICATION PERMIT
8415	LONGER PATTERSON CREEK	PATTERSON CREEK LEHI	1.35	EXCEPT GMP FECG 810108 11/17/83 PRELIMINARY PERMIT ISSUED	TIM JONES	P.O. BOX 2443 JUNO FALLS, ID 83403	APPLICATION PERMIT
8444	NIKE CREEK	NIKE CREEK FRANKLIN	2.75	ROBERT N. FACKELL FECG 810108 11/17/83 PRELIMINARY PERMIT ISSUED	CONSULTING ASSOCIATES	P.O. BOX 893 BOISE, ID 83701	APPLICATION 15-7114 PERMIT
8700	ANY RANCH	BLACK & MEY CREEKS BULLE	.400	MAK J. ANY FECG 810108 11/17/83 PRELIMINARY PERMIT ISSUED	YER B. BOWEN	550 LINDER LEMO FALLS, ID 83401	APPLICATION PERMIT
8737	PANHANDLE	THOPE CREEK BOUNDAIRY	2.40	CLEARWATER HYDRO COMPANY FECG 810108 11/17/83 PRELIMINARY PERMIT ISSUED	CHARLES BRESMAN	RT. 1 BOX 535 MORRISTOWN, TN 37014	APPLICATION PERMIT
8745	TWIN LAKES RIFTON WYOMO	TWIN LAKES CANYON FRANKLIN		CLEARWATER HYDRO COMPANY FECG 810108 11/17/83 PRELIMINARY PERMIT ISSUED	CHARLES BRESMAN	RT. 1 BOX 535 MORRISTOWN, TN 37014	APPLICATION PERMIT
8749	BOULDER CREEK WYOMO	BOULDER CREEK BOUNDAIRY	4.05	CLEARWATER HYDRO COMPANY FECG 810108 11/17/83 PRELIMINARY PERMIT ISSUED	CHARLES BRESMAN	RT. 1 BOX 535 MORRISTOWN, TN 37014	APPLICATION PERMIT
8750	BITCH CREEK	BITCH CREEK JETON	.350	GREAT WESTERN POWER & LIGHT FECG 810108 11/17/83 PRELIMINARY PERMIT ISSUED	NILE GRADON	404 EAST 500 NORTH DANVILLE, VA 24042	APPLICATION PERMIT
8755	BALEWIN	BALEWIN CREEK LEHI	1.16	DANIEL A. BALEWIN FECG 810108 11/17/83 PRELIMINARY PERMIT ISSUED	C.C. WARRICK	3187 LINDGREN LANE BOISE, ID 83704	APPLICATION PERMIT
8755	ADVA LAYFISH	FISH MOUNTAIN DOWNTOWN JEROME	3.10	WESTERN HYDROPOWER J. LTB FECG 810108 11/17/83 PRELIMINARY PERMIT ISSUED	CONSULTING ASSOCIATES	P.O. BOX 893 BOISE, ID 83701	APPLICATION PERMIT
8804	BOOSE/HANDHOUSE HYDROELEC.	BOOSE & HANDHOUSE CREEKS ADAMS	3.06	WESTERN HYDROELECTRIC INC FECG 810108 11/17/83 PRELIMINARY PERMIT ISSUED	RONALD J. WHITE	4702 WILSON RD. PROVO, UT 84601	APPLICATION PERMIT
8802	PINES GRADING	SPRINGS CUSTER	.900	BRINCH POWER COMPANY FECG 810108 11/17/83 PRELIMINARY PERMIT ISSUED	TED SORRENSEN	350 LINDER DRIVE LEMO FALLS, ID 83401	APPLICATION PERMIT

33-7117 & 33-7118

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UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Notice of Application Filed with the Commission
(July 24, 1985)

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

- Ed. A.*
- a. Type of Application: Conduit Exemption
 - b. Project No.: 8700-001
 - c. Date Filed: April 4, 1985
 - d. Applicant: Alan J. Amy
 - e. Name of Project: Amy Ranch
 - f. Location: At existing irrigation diversions on Deep Creek and Black Creek in Butte County, Idaho
 - g. Filed pursuant to: Section 408 of the Energy Security Act of 1980 (16 U.S.C. §§2705 and 2708 as amended)
 - h. Contact Person: Ted S. Sorenson
Consulting Engineer
550 Linden Drive
Idaho Falls, ID 83401
 - i. Comment Date: SEP 3 1985
 - j. Description of Project: The proposed project would consist of: (1) a 6,600-foot-long, 8-inch-diameter pipe from the existing irrigation diversion on Black Creek to confluence with a 17,000-foot-long, 20-inch-diameter pipe from the existing irrigation diversion on Deep Creek; (2) a powerhouse containing a single generating unit with a capacity of 600 kW and an average annual generation of 3.7 GWh. The water will discharge into the applicant's irrigation ditch.

Purpose of Exemption - An exemption, if issued, gives an Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.
 - k. Purpose of Project: Project power would be sold.
 - l. This notice also consists of the following standard paragraphs: A3, A9, B, C, D3b

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FEB 10 1986

Department of Water Resources
Eastern District Office

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A3. Development Application -- Any qualified development applicant desiring to file a competing application must submit to the Commission, on or before the specified comment date for the particular application, a competing development application, or a notice of intent to file such an application. Submission of a timely notice of intent allows an interested person to file the competing development application no later than 120 days after the specified comment date for the particular application. Applications for preliminary permit will not be accepted in response to this notice.

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

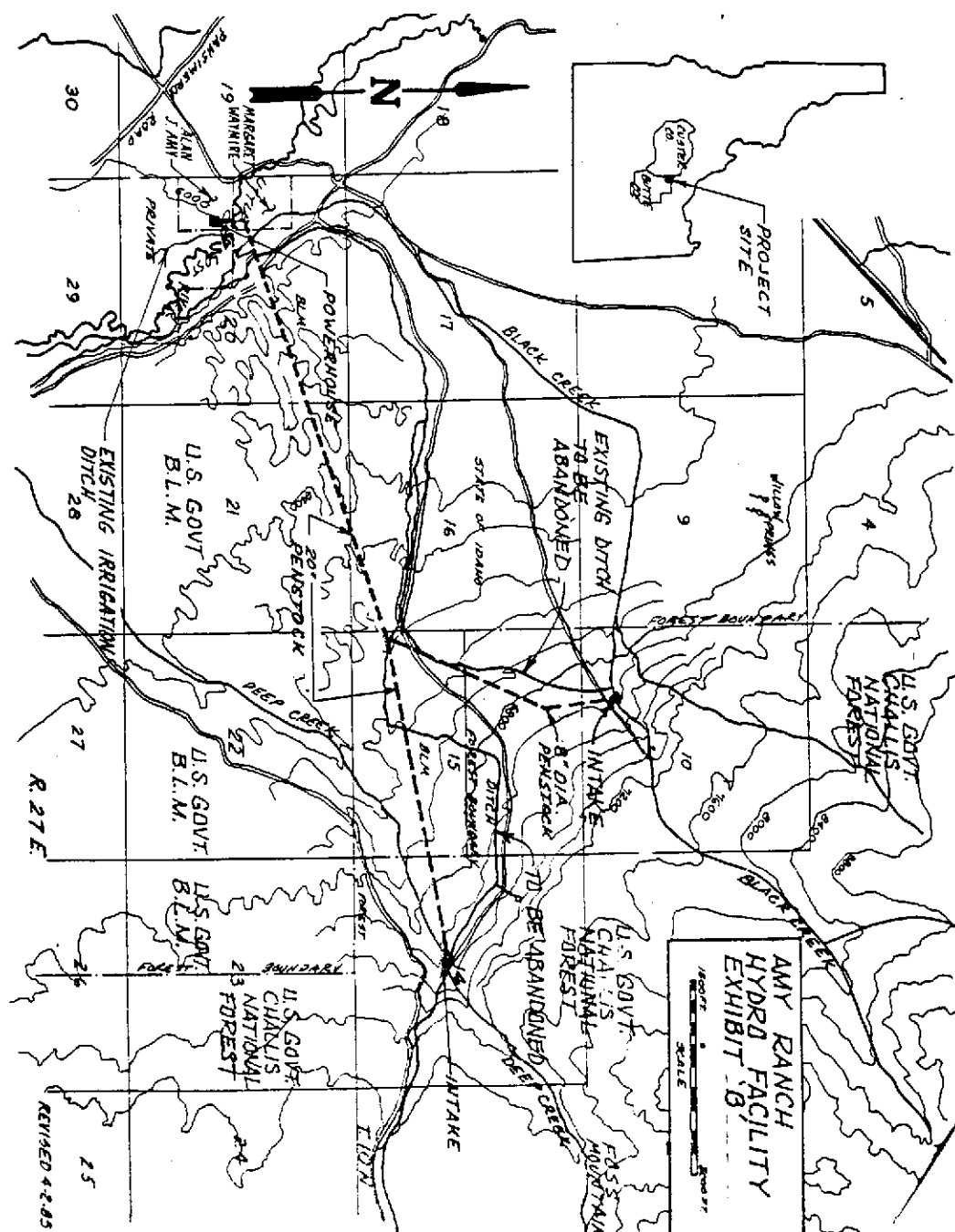
B. Comments, Protests, or Motions to Intervene - Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 C.F.R. §§385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

C. Filing and Service of Responsive Documents - Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST" or "MOTION TO INTERVENE", as applicable, and the project number of the particular application to which the filing is in response. Any of the above named documents must be filed by providing the original and the number of copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Mr. Fred E. Springer, Director, Division of Project Management, Federal Energy Regulatory Commission, Room 203-RB, at the above address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the applicant specified in the particular application.

D3b. Agency Comments - The U.S. Fish and Wildlife Service and the State Fish and Game agency(ies) are requested, for the purposes set forth in Section 30 of the Federal Power Act, to file within 45 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or 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 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.

Kenneth F. Plumb
Secretary

RECEIVED





STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

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

January 31, 1986

Alan J. Amy
Star Route
P.O. Box 170
Howe, Idaho 83244

Re: Applications for Permit No. 33-7177 & 33-7178

Dear Mr. Amy:

No protests were received by the Department of Water Resources objecting to the above applications for power generation on Deep Creek and Black Creek respectively. But before they can be forwarded to our State Office for final processing you must provide some supplemental information.

Under Section 42-206, Idaho Code, an individual must confirm he is a resident of Idaho as part of filing a hydropower application. To verify you are a resident complete item one of section A on the enclosed forms. One of the blocks under section B should also be checked. Prior to returning these forms make sure both of them are notarized.

In addition to the residency affidavit forms the Department also needs documentation the project is actually being pursued. This can be satisfied by furnishing one or more of the following items: engineering feasibility report, preliminary design report, contracts to construct the project, contracts to purchase power or verification that an application has been submitted to the Federal Energy Regulatory Commission.

Documentation regarding the project should be submitted as soon as it is available. The residency affidavits, however, must be returned to this office by February 24, 1986 in order to keep the applications in good standing.

Respectfully submitted,

Ernest Carlsen
Assistant Regional Supervisor

EC/md

Enclosures

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JAN 15 1986

Department of Water Resources
Eastern District Office

January 14, 1986

Mr. Ernest Carlsen
Assistant Regional Supervisor
Idaho Department of Water Resources
150 Shoup - Suite 15
Idaho Falls, ID 83402

Re: Application For Permit Nos. 33-7177, 33-7178 - Amy

Dear Ernie:

Idaho Department of Fish and Game personnel have reviewed the referenced water right applications on Deep Creek and Black Creek. These streams do not have any fish present. Our Department has no objections to these permits being issued. However, the water rights should include the stipulation that all flows in excess of 5.5 cfs in Deep Creek and 2.7 cfs in Black Creek be allowed to flow down the existing channels to maintain the riparian vegetation present.

Thank you for the opportunity to comment on these applications.

Sincerely,

Steven Elle for

Herbert A. Pollard II
Regional Supervisor
Region 6

HAP:SE:ai

cc: USFWS (Wolflin)
Bureau of Land Management, Idaho Falls
Bureau of Program Coordination

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

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

December 30, 1985

RE: Application for Permit No. 33-7177 AMY
No. 33-7178 "

U. S. Forest Service
P.O. Box 729
Salmon, ID 83467

Gentlemen:

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 January 13, 1986, 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
Assistant Regional Supervisor

EC:md

Enclosure

MICROFILMED

December 30, 1985

RE: Application for Permit No. 33-7177 AMY
No. 33-7178 "

Mr. David Andreason, Watermaster
Water District 33
Box 3
Howe, ID 83244

Dear Mr. Andreason:

We are enclosing a copy of two applications that may be of interest to your water district. Please review the applications and submit any comments you may have to our Department as soon as possible. The last date of protest is January 13, 1986, 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
Assistant Regional Supervisor

EC:cw

Enclosures

MICROFILMED

December 30, 1985

RE: Application for Permit No. 33-7177 AMY
No. 33-7178 "

U. S. Bureau of Land Management
940 Lincoln Road
Idaho Falls, ID 83401

Gentlemen:

We are enclosing a copy of two applications that may be of interest to your agency. Please review the applications and submit any comments you may have to our Department as soon as possible. The last date of protest is January 13, 1986, 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
Assistant Regional Supervisor

EC:cw

Enclosures

ENCLOSURE

December 30, 1985

RE: Application for Permit No. 33-7177 AMY
No. 33-7178 "

Mr. Herb Pollard
Regional Supervisor
Department of Fish & Game
1515 Lincoln Road
Idaho Falls, ID 83401

Dear Mr. Pollard:

We are enclosing a copy of two applications that may be of interest to your agency. Please review the applications and submit any comments you may have to our Department as soon as possible. The last date of protest is January 13, 1986, 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
Assistant Regional Supervisor

EC:cw

Enclosures

ENCLOSURE



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES EASTERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

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

December 23, 1985

Alan J. Amy
Star Route P.O. Box 170
Howe, Idaho 83244

Re: Application for Permit No. 33-7177 & 33-7178

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your water right application for permit. The application has been assigned identification no. 33-7177 & 33-7178. Please refer to these numbers in all further correspondence.

This office is currently in the process of advertising the application in the Arco Advertiser. The advertisement will be published for two weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our state office in about five weeks. State office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. When a permit is issued, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

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

Sincerely,

Ronald D. Carlsen
Eastern Regional Supervisor

RDC/md

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

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

DECEMBER 18, 1985

The Arco Advertiser
Box "C"
Arco, Idaho 83213

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before JANUARY 13, 1986.

Yours truly,

RONALD D. CARLSON
Supervisor
Eastern Region

Encl.

MICROFILMED

**NOTICE OF APPLICATION
FOR WATER RIGHT**

The following applications have been filed
to appropriate the public waters of the State
of Idaho:

33-7177

AMY, ALAN J.
STAR ROUTE, P.O. BOX 170, HOWE, ID
83244

Source: DEEP CREEK trib. to SINKS
Division Pt: SENESW Sec 14 T 10N R
27E

Use: POWER (5.5 CFS)

Date Filed: 12-12-1985

In: NWSW Sec 20 T 10N R 27E

The permits will be subject to all prior
water rights. Protests may be submitted
based on the criteria of Sec. 42-203A, Idaho
Code and/or the new public interest criteria
of Sec. 42-203C, Idaho Code. Protests must
be filed with the Director, Dept. of Water
Resources, 150 Shoup Ave., Suite 15, Idaho
Falls, Idaho, 83402 on or before January 13,
1986.

KEN DUNN
Director

Published 12-26-85 & 1-2-86.

NOTICE OF APPLICATION

FOR WATER RIGHT

The following applications have been filed to appropriate
the public waters of the State of Idaho:

33-7177

AMY, ALAN J.

STAR ROUTE, P.O. BOX 170, HOWE, ID 83244

Source: DEEP CREEK trib. to SINKS

Diversion Pt: SENESW Sec 14 T 10N R 27E

Use: POWER (5.5 CFS)

Date Filed: 12/12/1985

In: NWSW Sec 20 T 10N R 27E

The permits will be subject to all prior water rights.
Protests may be submitted based on the criteria of Sec. 42-203A,
Idaho Code and/or the new public interest criteria of
Sec. 42-203C, Idaho Code. Protests must be filed with the
Director, Dept. of Water Resources, 150 Shoup Ave., Suite 15,
Idaho Falls, Idaho, 83402 on or before January 13, 1986.

KEN DUNN

Director

Published 12/26/85 & 1/2/86.

24 12/31/85

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*all changed data
to 86
12/24/85
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