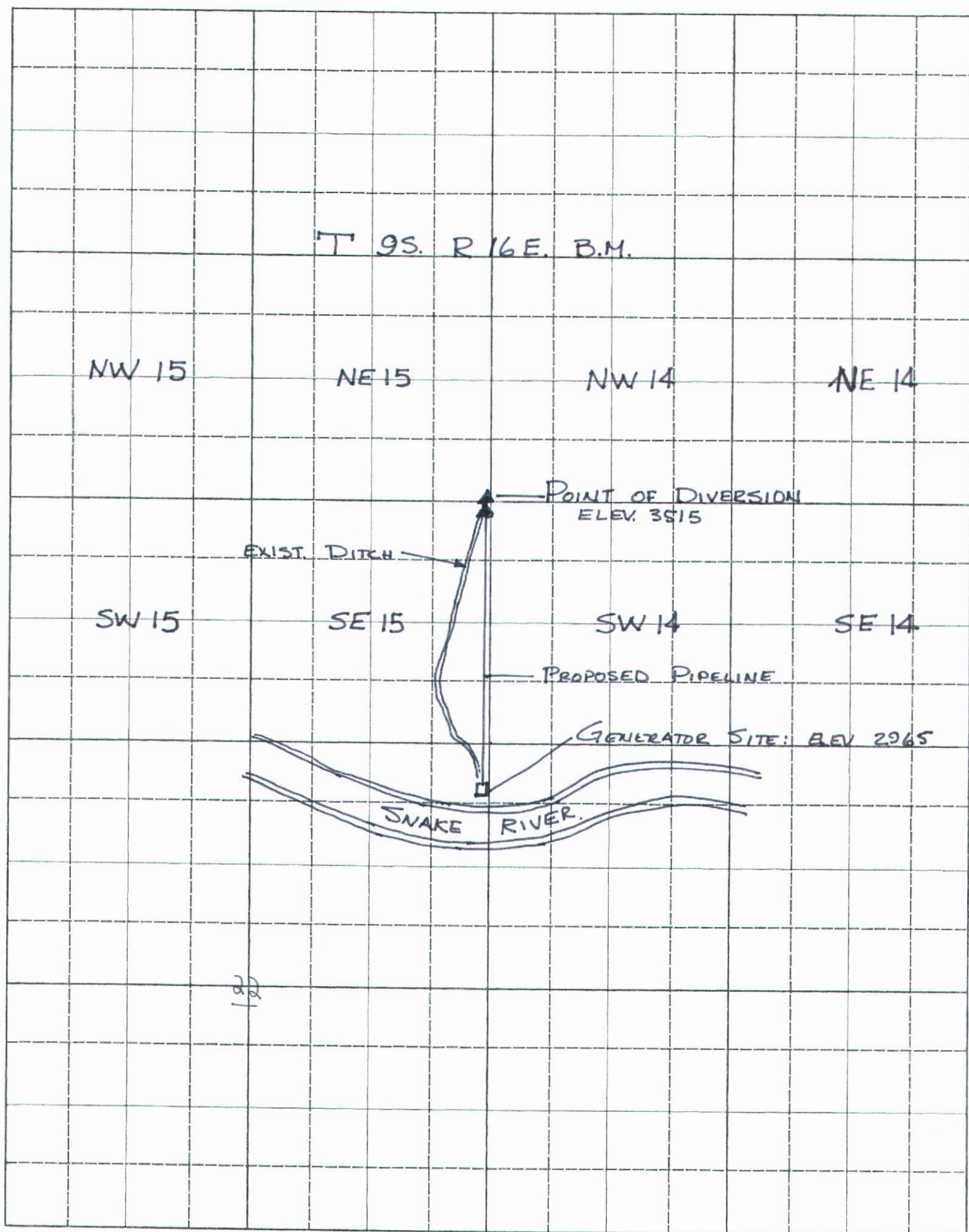


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

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.

Marco Ronches
by Donald Montero, Vice President
(Applicant)

RECORDED

AFFIDAVIT of PUBLICATION

State of Idaho, }
County of Jerome } SS.

L. L. LANGDON
ASST. PUBLISHER

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

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

of said advertisement was on the 31st day of December 1981, and the date of the last publication was on the 10th day of December, 1981.

L. L. Langdon

Subscribed and sworn to before me this 16th

day of December, 1981.
(SEAL)

Darla Bratt

NOTARY PUBLIC

NORTH SIDE NEWS

Jerome, Idaho

COST OF PUBLICATION

Numer of Picas per Line 13
Number of Lines in Notice 36
Number of Insertions 2

Lines tabular at _____ 4¢ / Pica
36 Lines straight at 14.04 3¢ / Pica
36 Subsequent lines at 9.36 2¢ / Pica

TOTAL COST 23.40

COPY OF NOTICE

(Paste Here)

#36-8019

TITLE OF NOTICE

Marco Ranches
RETAINING ATTORNEY

DEFENDANT

PLAINTIFF

Dept of Water
BILL TO

NOTICE OF APPLICATION FOR WATER RIGHT

Notice is hereby given that the following application has been submitted for permit to appropriate the public waters of the State of Idaho.

36-8019

MARCO RANCHES, ROUTE 3, JEROME, IDAHO 83338.

Source: UNNAMED STREAM (DITCH N-32) tributary to SNAKE RIVER

Date Filed: 11-12-1981

Amount: 15.00 CFS

Diversion Point: SENE Sec 15 T 09S R 16E, JEROME Co.

Use: POWER (15.00 CFS) from 01-01 to 12-31

Place of Use: LOT 06 Sec 22 T 09S R 16E

Diversion Means: STEEL PIPELINE FROM DIVERSION TO GENERATOR

If issued, the permit will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301 and received on or before DECEMBER 21, 1981.

A. KENNETH DUNN

Director

12-3-2tc

RECEIVED

DEC 17 1981
No 537

Department of Water Resources
Southern District Office

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

Water Resources

A. GENERAL INFORMATION

36-8269 25 CFS
Permit No. 36-8019 15 CFS

1. Owner: Marco Ranches - Marco Power Co.

Phone No. 734 - 4888

Current Address: Jerome, Idaho

2. Accompanied by: Charles Ketterman

EXAM. DATE: 10/21/86

Address: Ketchum, Idaho

Phone No. _____

Relationship to Permit Holder: None

3. Source: N-32 tributary to Snake River

B. OVERLAP REVIEW

1. Other water rights with same place of use: Covers Permits shown above

☐ Copies Attached

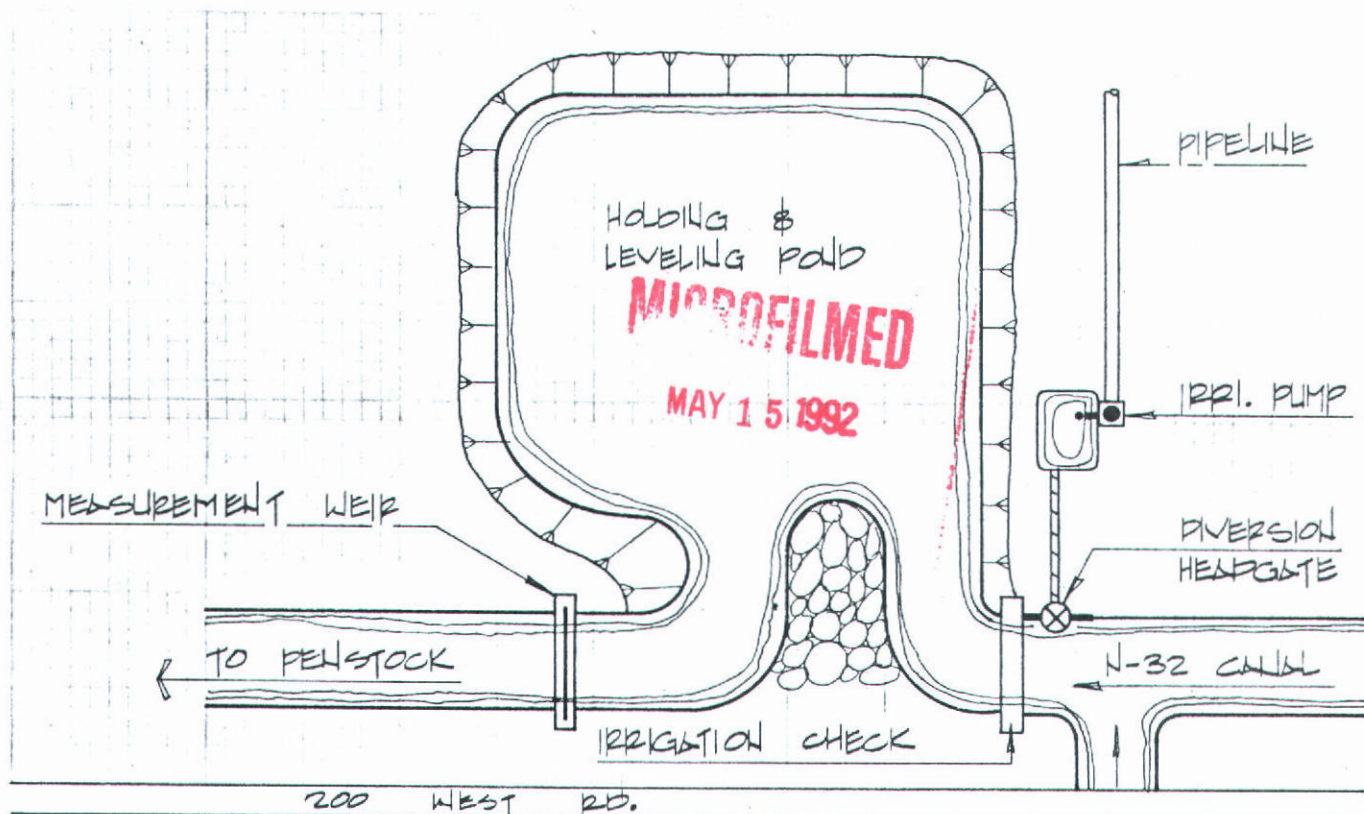
2. Other water rights with same point of diversion: _____

☐ 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" = 20' ±

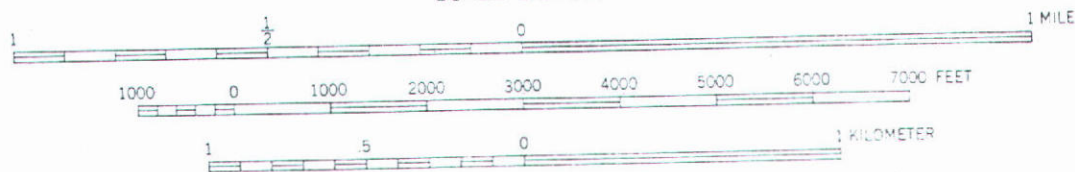
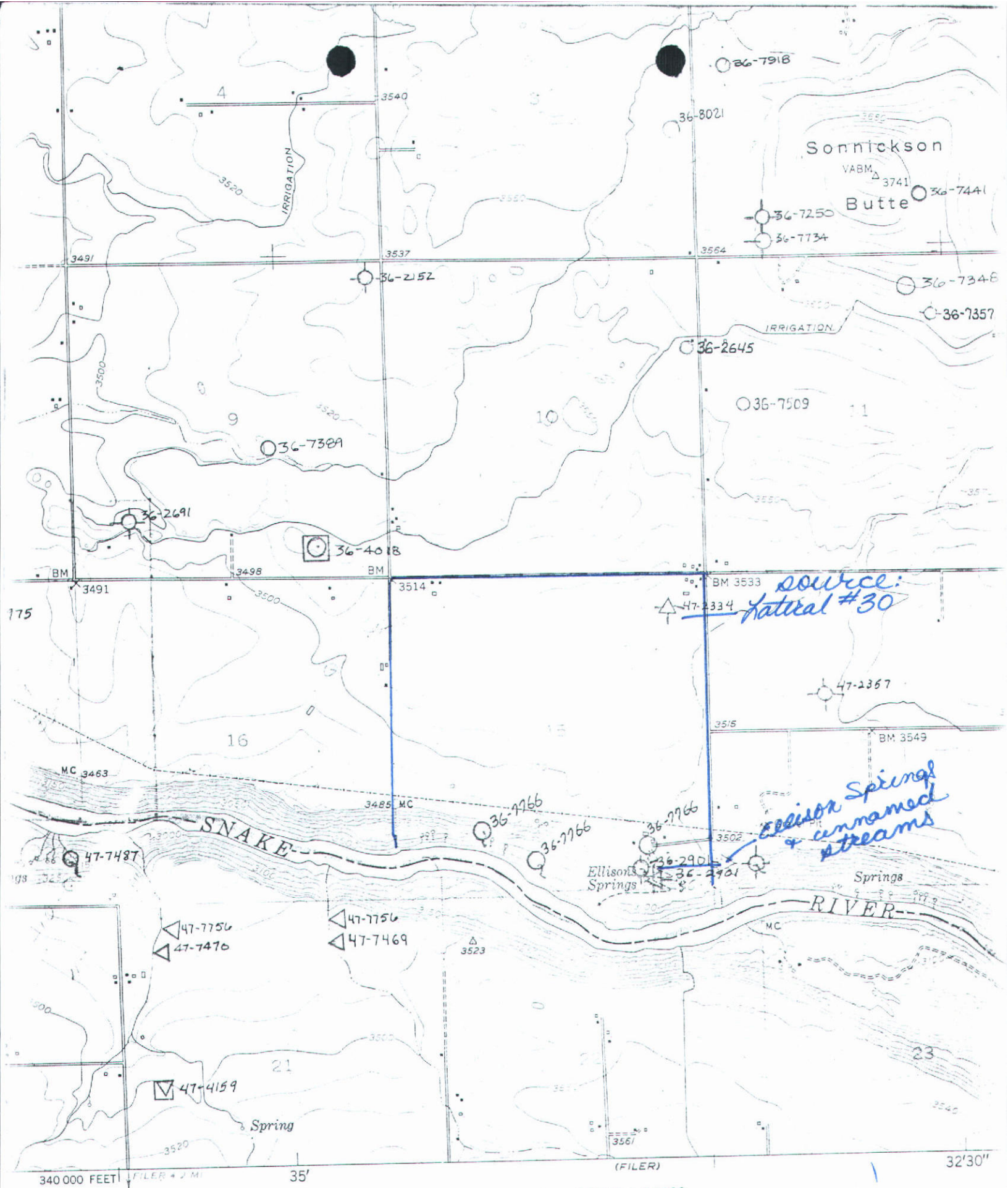
2. ☐ Copy of U.S.G.S. Quadrangle Attached
Showing location(s) of point(s) of diversion and
place(s) of use (required).

☒ Photo of Diversion and System Attached

(required for all but single household domestic groundwater, and stockwater.

☐ Aerial Photo Attached
(required for irrigation of 10 acres or more).

350 S. RD.



CONTOUR INTERVAL 10 FEET
CONTOUR INTERVAL ON RIVER SURFACE 5 FEET
DATUM IS MEAN SEA LEVEL

TRUE NORTH
MAGNETIC NORTH
APPROXIMATE MEAN DECLINATION, 1950

THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS
FOR SALE BY U.S. GEOLOGICAL SURVEY, FEDERAL CENTER, DENVER, COLORADO OR WASHINGTON 25, D
A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST

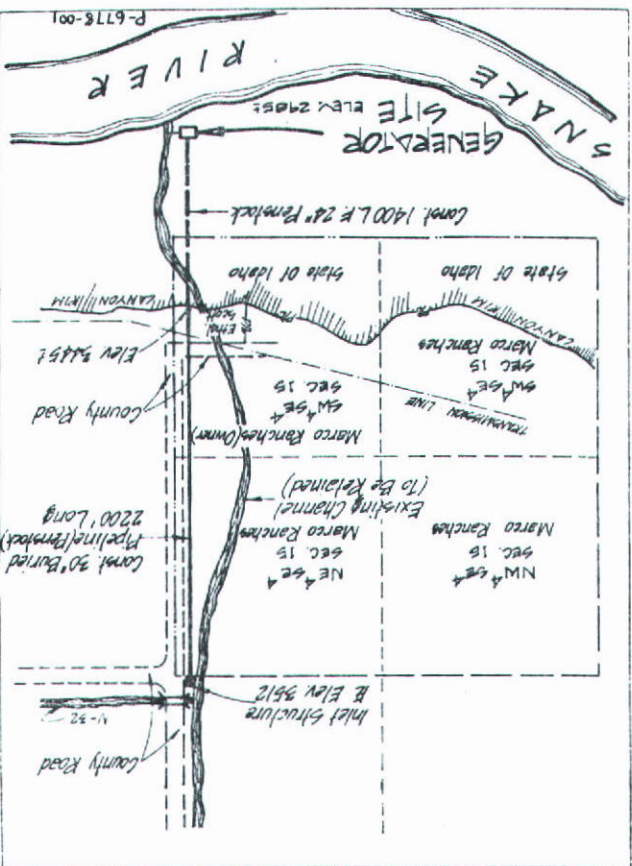
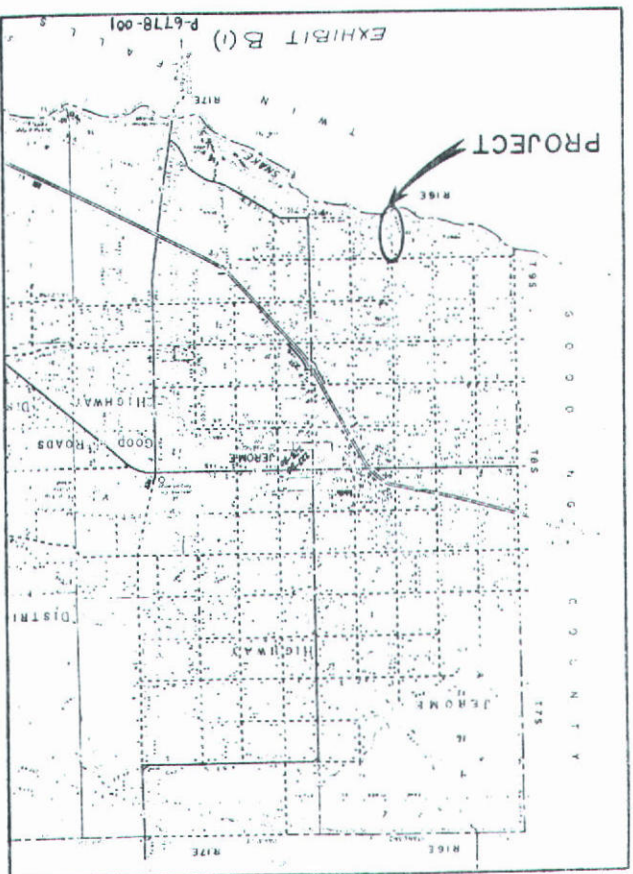
MICROFILMED

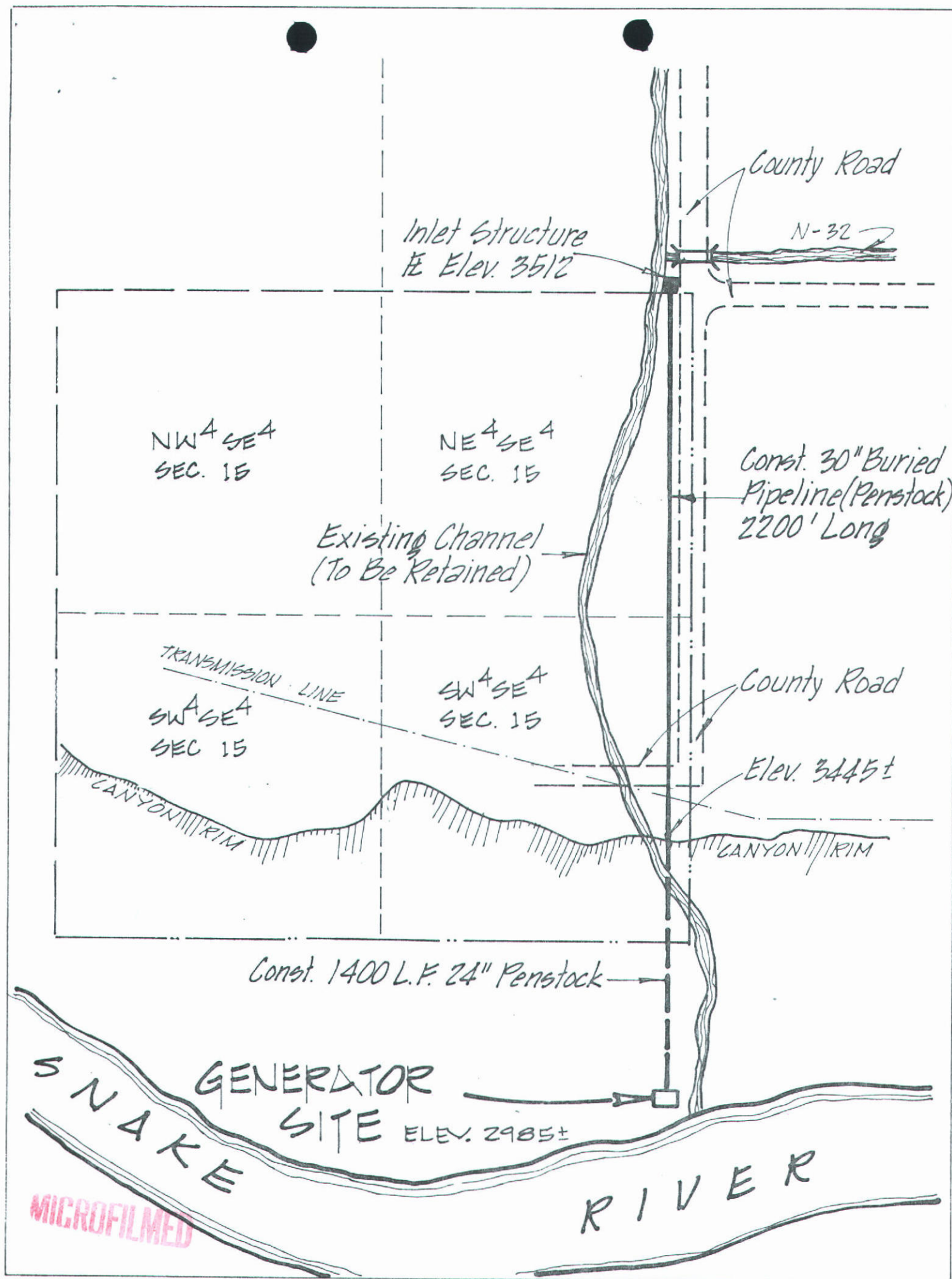
§ 4.94 Standard terms and conditions of exemption.

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, suits, 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.





IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 36-08019

1993 JUL 15 PM 1:04

NAME & ADDRESS: MARCO POWER CO INC
249 W 500 S
JEROME ID 83338

SOURCE: UNNAMED STREAM TRIBUTARY: SNAKE RIVER

QUANTITY: 15.00 CFS
19041.0 AFY

PRIORITY DATE: 11/12/1981

POINT OF DIVERSION: T09S R16E S15 SESENE Within JEROME County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
POWER		01-01 12-31	15.00 CFS 19041.0 AFY

PLACE OF USE: POWER Within JEROME County
T09S R16E S22 Lot 6 (NENE)

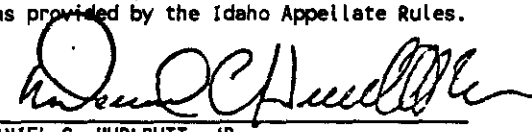
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS RIGHT SHALL BE JUNIOR AND SUBORDINATE TO ALL RIGHTS FOR THE USE OF WATER, OTHER THAN HYDROPOWER, WITHIN THE STATE OF IDAHO THAT ARE INITIATED LATER IN TIME THAN THE PRIORITY DATE OF THIS RIGHT AND SHALL NOT GIVE RISE TO ANY RIGHT OR CLAIMS AGAINST ANY FUTURE RIGHTS FOR THE USE OF WATER, OTHER THAN HYDROPOWER, WITHIN THE STATE OF IDAHO INITIATED LATER IN TIME THAN THE PRIORITY DATE OF THIS RIGHT.

THE DIVERSION AND USE OF WATER UNDER THIS RIGHT IS SUBJECT TO REVIEW BY IDWR THIRTY-FIVE (35) YEARS FROM THE DATE OF ISSUANCE OF THE LICENSE UPON WHICH IT IS BASED. UPON APPROPRIATE FINDINGS RELATIVE TO THE INTEREST OF THE PUBLIC, IDWR 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.

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 36-08019

PAGE 1
DEC-29-1997

MICROFILMED

JAN 12 2004

This
Right has been
Decreed in the
SRBA.

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 36-08019

Priority: November 12, 1981

Maximum Diversion Rate: 15.00 CFS

Maximum Diversion Volume: 19041.0 AF

This is to certify, that MARCO POWER CO. INC.

RT. 3

JEROME ID 83338

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated November 12, 1981; and has submitted Proof of Beneficial Use on November 15, 1985. An examination indicates that the works have a diversion capacity of 43.540 cfs of water from:

UNNAMED STREAM

tributary to SNAKE RIVER

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
POWER	01/01 to 12/31	15.00 CFS	19041.0 AF

LOCATION OF POINT(S) OF DIVERSION:

SENE , Sec. 15, Township 09S, Range 16E
JEROME County

PLACE OF USE: POWER

TWN RGE SEC

09S 16E 22 Lot 6(NENE)

CONDITIONS/REMARKS:

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

MICROFILMED

MAY 15 1992

State of Idaho
Department of Water Resources**WATER RIGHT LICENSE**

WATER RIGHT NO. 36-08019

CONDITIONS/REMARKS:

5. The water right confirmed in this license for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this license and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this license.
6. The diversion and use of water under this license is subject to review by the Director 35 years from the date of issuance. Upon appropriate findings relative to the interest of the public, the Director may cancel all or any part of the use authorized herein and may revise, delete or add conditions under which the right may be exercised.
7. The maximum combined volume when this right is used together with Right No. 36-8318 shall not exceed 19041.0 afa.
8. Source of water used for this right is also known as N-32 Coulee.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 28TH day of April, 1992.

Acting for R. Keith Higginson, Director

MICROFILMED

MAY 15 1992

WATER RIGHT SUMMARY

ACTION	RIGHT NO.	NAME	AMOUNT CFS
Original Permit	36-8019	Marco Ranches	15.0 cfs
Full Assignment	36-8019	Waldo G. Martens & Ruth N. Martens	15.0 cfs
Full Assignment	36-8019	Marco Power Company	15.0 cfs

MICROFILMED

RECEIVED

APR 4 1985

ASSIGNMENT OF PERMIT

Department of Water Resources
Southern District Office

FOR VALUE RECEIVED, Waldo G. Martens and Ruth N. Martens, husband and wife, hereby assign to Marco Power Company, Inc., an Idaho corporation, Route 3, Jerome, Idaho 83338, all of their right, title and interest in and to Permit Number 36-8019 to appropriate the public waters of the State of Idaho. Waldo G. Martens and Ruth N. Martens as assignors, do hereby further state that this Assignment or transfer is made in good faith and for the purposes of developing and putting to beneficial use the water rights above described, and said transfer and assignment is not made for purposes of speculation or delay. The signature of Marco Power Company, Inc. as assignee below, does further verify and state that it is an Idaho corporation organized and qualified to do business under the laws of the State of Idaho and possessing the qualifications as set forth in Idaho Code § 42-206.

DATED this 10th day of February, 1985.

Waldo G. Martens
WALDO G. MARTENS

Ruth N. Martens
RUTH N. MARTENS

Assignor

MARCO POWER COMPANY, INC.

By: Waldo G. Martens
President

Assignee

ATTEST:

Shirley Martens
Secretary

ASSIGNMENT - 1

MICROFILMED

1 STATE OF IDAHO)
2 County of Twin Falls) ss.

3 On this 10th day of February 1985, before me, the
4 undersigned, a Notary Public in and for said County and State,
5 personally appeared WALDO G. MARTENS and RUTH N. MARTENS,
husband and wife, known or identified to me to be the persons
whose names are subscribed to the foregoing instrument, and
acknowledged to me that they executed the same.

6 IN WITNESS WHEREOF, I have hereunto set my hand and
affixed my official seal the day and year last above written.

7 Brent Martens
8 Notary Public for Idaho
Residing at Buhl

9 STATE OF IDAHO)
10 County of Twin Falls) ss.

11 On this 10th day of February 1985, before me, the
12 undersigned, a Notary Public in and for said County and State,
13 personally appeared Waldo Martens and Gerald Martens,
14 known or identified to me to be the President and Secretary of
MARCO POWER COMPANY, INC. whose names are subscribed to the
foregoing instrument, and acknowledged to me that they executed
the same on behalf of said corporation.

15 IN WITNESS WHEREOF, I have hereunto set my hand and
affixed my official seal the day and year last above written.

16 Brent Martens
17 Notary Public for Idaho
Residing at Buhl

RECEIVED

APR 4 1985

ASSIGNMENT OF PERMIT

Department of Water Resources
Boise District Office

FOR VALUE RECEIVED, Marco Ranches, Inc. hereby assigns to Waldo G. Martens and Ruth N. Martens, husband and wife, of Route 3, Jerome, Idaho 83338, all of its right, title and interest in and to Permit Number 36-8019 to appropriate the public waters of the State of Idaho. Marco Ranches, Inc. as assignor, does hereby further state that this Assignment or transfer is made in good faith and for the purposes of developing and putting to beneficial use the water rights above described, and said transfer and assignment is not made for purposes of speculation or delay. The signature of Waldo G. Martens and Ruth N. Martens as assignees below, do further verify and state that they are residents of the State of Idaho and possess the qualifications as set forth in Idaho Code § 42-206.

DATED this 10th day of February, 1985.

MARCO RANCHES, INC.

By: Waldo G. Martens
President Assignors

ATTEST:

Brent Martens
Secretary

Waldo G. Martens
WALDO G. MARTENS
Ruth N. Martens
RUTH N. MARTENS Assignees

1 STATE OF IDAHO)
2 County of Twin Falls) ss.

3 On this 10 day of February, 1985, before me, the
4 undersigned, a Notary Public in and for said County and State,
5 personally appeared Waldo G. Martens and Brent Martens,
6 known or identified to me to be the President and Secretary of
MARCO RANCHES, INC. whose names are subscribed to the foregoing
instrument, and acknowledged to me that they executed the same
on behalf of said corporation.

7 IN WITNESS WHEREOF, I have hereunto set my hand and
8 affixed my official seal the day and year last above written.

9 X Maylene Whitely
10 Notary Public for Idaho
11 Residing at Buhl, Idaho

12 STATE OF IDAHO)
13 County of Twin Falls) ss.

14 On this 10th day of February, 1985, before me, the
15 undersigned, a Notary Public in and for said County and State,
16 personally appeared WALDO G. MARTENS and RUTH N. MARTENS,
17 husband and wife, known or identified to me to be the persons
18 whose names are subscribed to the foregoing instrument, and
19 acknowledged to me that they executed the same.

20 IN WITNESS WHEREOF, I have hereunto set my hand and
21 affixed my official seal the day and year last above written.

22 Brent Martens
23 Notary Public for Idaho
Residing at Buhl

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 MARCO RALICHES Phone 324-4127

Post office address ROUTE 3 JEROME, IDAHO
DITCH N-22 unnamed stream 6/9/82 JJ

2. Source of water supply NORTH SIDE CANAL CO. which is a tributary of Snake R.

3. Location of point of diversion is SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 15 Township 9S

Range 16E B.M. Jerome County, additional points of diversion if any: NONE

4. Water will be used for the following purposes:

Amount 15 CFS for POWER GENERATION purposes from APRIL 15 to NOV. 15 (both dates inclusive)
(cfs or acre-feet per annum)

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

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

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

5. Total quantity to be appropriated:

a. 15.0 cubic feet per second and/or b. acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. STEEL PIPELINE FROM
DIVERSION STRUCTURE TO GENERATOR. DISCHARGE
INTO EXISTING CHANNEL.

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

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

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

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 2 YRS. 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: LOT 6 $\frac{1}{4}$ of $\frac{1}{4}$ of Section 22 Township 9S
Range 16E B.M.

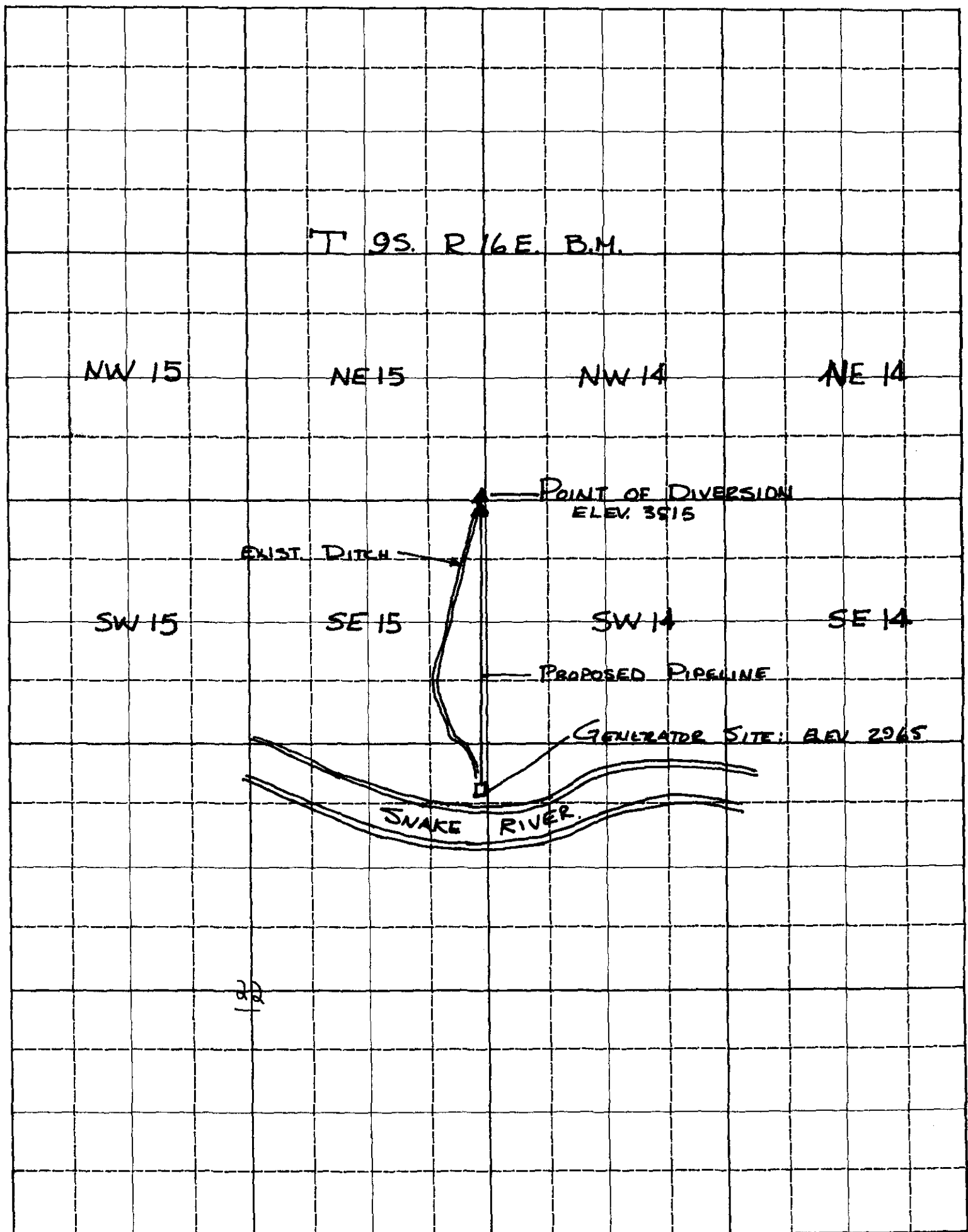
(2) Amount of power to be generated: 750 horsepower under 550 feet of head.

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

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

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

11. 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.

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.

Marco Ranches
by Guillermo Montano, Vice President
(Applicant)

Proposed Permit - ~~11/12/82~~ 11/12/1981 (kw 2/22/1985)

Received by JP Date 11-12-81 Time 4:45pm
Preliminary check by ADM Fee \$ 325⁰⁰
Receipted by JP Date 11-12-81 # 20653
Publication prepared by meysa Date 12/20/81
Published in mark side news
Publication dates 12/3 & 12/10/81
Publication approved meysa Date 12/17/81
Protests filed by: None

Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by ADM kw

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 36-8019, and said application is hereby APPROVED.

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

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before January 1, 19 86.

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: 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.

Water shall not be diverted under this permit until a written agreement with the irrigation district or canal company serving the area containing the point of diversion is filed with the Department of Water Resources providing for the coordination of the permit use with the irrigation district or canal company operation.

The issuance of this permit in no way grants any right-of-way or easement across the land of another.

The permit holder shall either install a measuring device or an access port or provide a certified measurement or computation of flow based upon system design to be prepared by a professional engineer.

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 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.

Witness my hand this 30th day of December, 1983.

A. Glen Saxton
Chief, Operations Bureau

DK1

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

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

1. Individual Applicant or Individual Members of a Partnership:

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

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

2. Corporation:

I, Gerald Martens of Jerome,
(name) (city)

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

and say: That I am the designated registered agent of the Marco Ranches Inc.

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

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

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

by Section 30-1-52, Idaho Code: and that Marco Ranches
(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:

☐ 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.

Letter dated 2/10/1982 from John Rosholt

☐ 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.

Gerald Martens
Applicant

State of Idaho)
County of Twin Falls) ss.

On this 12 day of November, 19 81, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged
to me that he (she) (they) executed the same.

Cheri L. Luman
Notary Public residing at

seal

Jerome

My commission expires:

Jan 1984

AFFIDAVIT of PUBLICATION

State of Idaho, }
County of Jerome } SS.

L. L. LANGDON
ASST. PUBLISHER

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

each week for two consecutive issues in said newspaper
proper and not in a supplement; that the date of the first publication
of said advertisement was on the 3rd day of December
1981, and the date of the last publication was on the 10th
day of December, 1981.

Subscribed and sworn to before me this 16th
day of December, 1981.
(SEAL)

Darla Bratt
NOTARY PUBLIC

NORTH SIDE NEWS

Jerome, Idaho

COST OF PUBLICATION

Numer of Picas per Line _____
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TOTAL COST 23.40

COPY OF NOTICE

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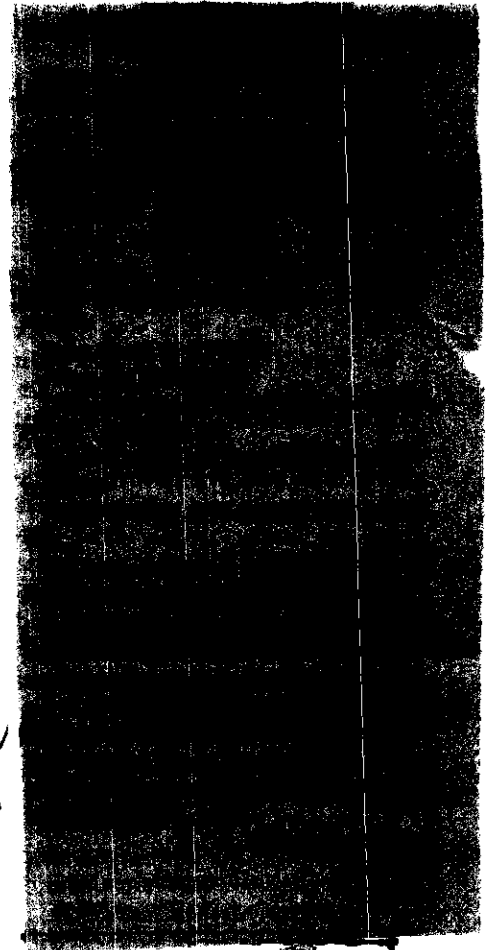
#36-8019
TITLE OF NOTICE

Marco Ranches

DEFENDANT

PLAINTIFF

Dept of Water
BILL TO



RECEIVED

DEC 17 1981
537
Department of Water Resources
Southern District Office

This
Right has been
Decreed in the
SRBA.

Microfilm
JAN 12 2004

April 29, 1992

MARCO POWER CO. INC.
RT. 3
JEROME ID 83338

RE: WATER RIGHT NO. 36-08019

Dear Water Right Holder(s):

Enclosed herewith is a copy of the Water Right License issued on the above referenced permit.

Sincerely,

SHARLA CURTIS
Water Resource Agent

SC:clh

Enclosure

MICROFILMED

MAY 15 1992

MEMORANDUM

TO: FILES 36-8019 AND 36-8269

FROM: JIM JOHNSON

RE: FILE REVIEW FOR LICENSE SIGNATURE

DATE: April 24, 1992

=====

On this date I reviewed the above stated water rights and believe that both are ready for licensing.

Both of these rights serve one hydro power facility, the second right was filed to cover the additional flow developed under this project. The combined rights allow 40 cfs to be diverted for power only.

During earlier review of these two filings Gary Spackman had returned the field exams to the certified examiner requesting additional information. The information was provided, and a memorandum prepared by Gary Spackman is located in file 36-8269 summarizes his review.

MICROFILMED
MAY 15 1992



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 1301 North Orchard Street Boise, Idaho 83706-2237 • (208) 334-4440

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

March 28, 1988

RE: Permit No(s). 36-8269 & 36-8019

Gerald Martens
1139 Falls Ave. E., Suite B
Twin Falls, ID 83301

Dear Mr. Martens:

The Department has reviewed the certified examination report you submitted for the above referenced permits. Before we can issue the licenses, the exam must be supplemented with additional information to satisfy requirements of the Beneficial Use Examination Rules and Regulations. Therefore, the report is being returned to you for additional information in the following areas:

Rule 5,1,3. The diversion and delivery works must be succinctly described. The description must trace the water from the point of diversion to and including the place of use and return to a public source, if any. The capacity, serial number and model number of the turbines must be described on the field report.

Rule 5,1,4. Any interconnection of the water use being examined with other water rights or with another conveyance system needs to be described including reservoir, dam, headgate, well, etc. A schematic diagram of the project works also is required in the field report, which shows the source and location of point of diversion from source.

Rule 5,1,5. If water is returned to a public water source after use, a legal description of the point where the water is returned and the source to which return flows are discharged must be provided.

Rule 5,1,6. Explain compliance with any conditions of approval of the permit.

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MAY 15 1992

Page 2

Rule 5,1,10. Show the total annual volume of water used for power generation in units of acre-feet (no more precision than tenths).

Rule 5,1,12. Document the amount of electricity produced.

Rule 5,1,16. Suggested amendments due to changes from the approved permit in place of use and point of diversion should be noted on the field report.

I apologize for the length of time that has expired between the submittal of the field exam and this letter.

Please submit the above requested information as soon as possible.

Sincerely,

A handwritten signature in cursive script that reads "Gary Spackman". The signature is fluid and extends to the right.

GARY SPACKMAN, Supervisor
Water Allocation Section

GS:sc

Enclosure

MICROFILMED
MAY 15 1992

Department of Water Resources

January 26, 1987

RECEIVED

JAN 27 1987

Department of Water Resources
1041 Blue Lakes North
Twin Falls, Idaho 83301

Department of Water Resources
Southern Region Office

Dear Sirs:

Transmitted herewith is the beneficial use report for Permits No. 36-8269 and 36-8019. This, as we understand, completes our requirement to establish the water use right.

Please let me know if any additional data is required.

Sincerely yours,

MARCO POWER COMPANY

Waldo Martens

Waldo Martens, President

encl.

MICROFILMED

MAY 15 1992

*see original
in file
36-8269*

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

Water Resources

A. GENERAL INFORMATION

1. Owner: Marco Ranches - Marco Power Co.

36-8269 25 CFS
Permit No. 36-8019 15 CFS

Phone No. 734 - 4888

Current Address: Jerome, Idaho

2. Accompanied by: Charles Kettermann

EXAM. DATE: 10/21/86

Address: Ketchum, Idaho

Phone No. _____

Relationship to Permit Holder: None

3. Source: N-32 tributary to Snake River

B. OVERLAP REVIEW

1. Other water rights with same place of use: Covers Permits shown above

☐ Copies Attached

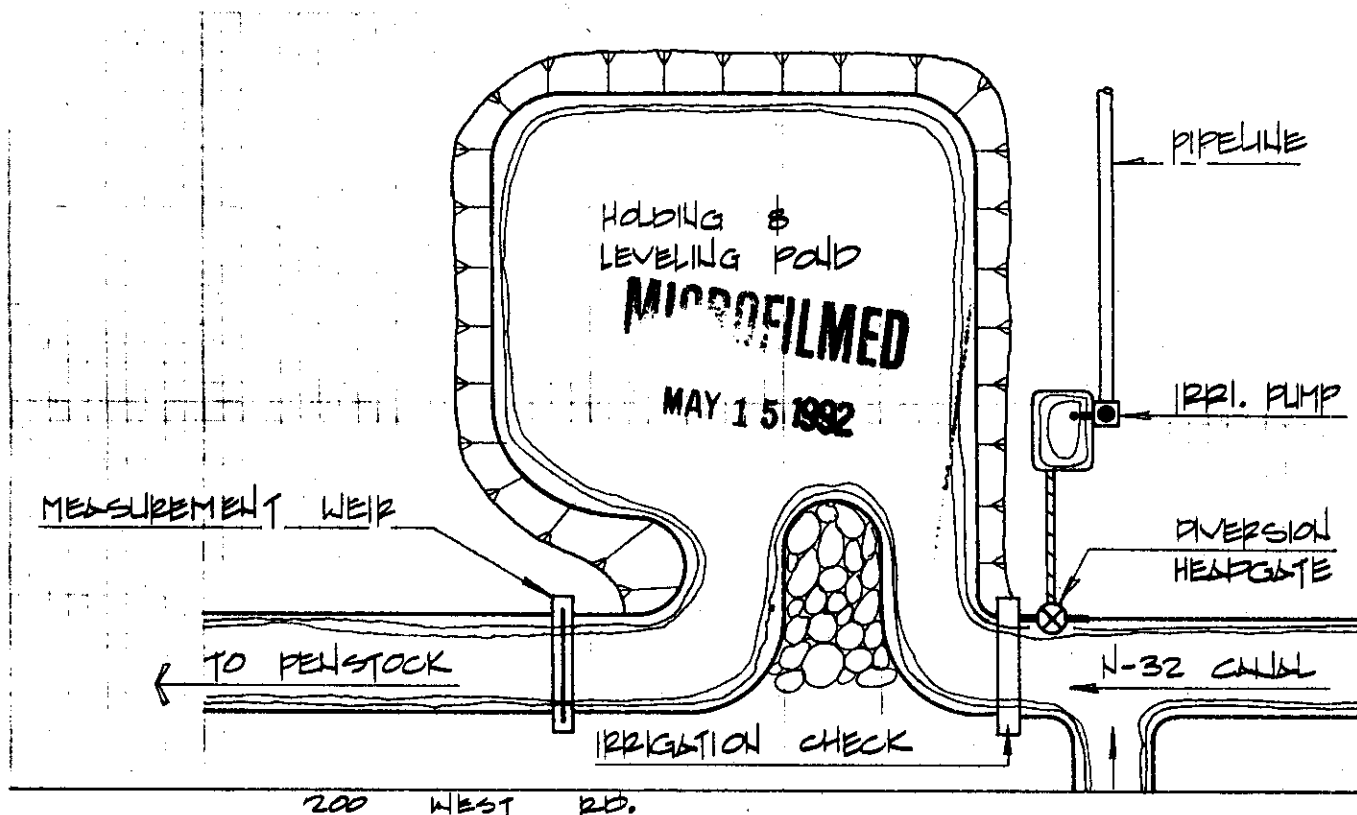
2. Other water rights with same point of diversion: _____

☐ 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" = 20' ±

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.

150 S. RD.

System Description (continued)

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

Gravity flow over 72" rectangular wier

☐ See Remarks on page 4 for continuation

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size

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

5. Point(s) of Diversion:

Ident. No.	Gov't. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		NE	NE	SE	15	9S	16	Jerome	USGS map

6. Place(s) of Use:

Indicate Method of Determination

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
	LOT	6	Section 22;				T. 9S.				R. 16 E.								

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MAY 15 1992

Do not use this space

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Rectangular Weir			None	None	72"	10/2/86

2. Measurements:

Depth over 72" wier = 19" = 1.58' 2' wier height

Q = 7.256 (6) (Bazins Formula)

Q = 43.536 CFS

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method:

Measured over rectangular wier.

2. Alternate Method for Checking Purposes:

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 Amps x .001732 = _____ (6)

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

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ _____

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

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

2. Volume Calculations for Other Uses:

MAY 15 1992

[illegible]

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Power generation	Jan. 1	Dec. 31	40.0 CFS	
Totals:				

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 Charles Ketterman
Signature [Signature]
Certification Date Certificate No. 86-107
Field Report Preparation Date 10/21/86



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

MICROFILMED
MAY 15 1992

4/86

RECEIVED

AUG 20 1986

Department of Water Resources
Boise District Office

RECEIVED

AUG 22 1986

STATE OF IDAHO Department of Water Resources

DEPARTMENT OF WATER RESOURCES

EXAMINATION FEE INFORMATION

For Office Use Only

Fee Received

Date

Receipt #

Receipt by

Sent to S.O. 8/20/86

RECEIVED

JUN 16 1986

1. Permit No. 36-8019

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

no incl. \$8

Department of Water Resources

- ☐ 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: Marco Power Company Inc.

3. Post Office Address: Route 3 Jerome Idaho 83338

Telephone No. 208-324-4127

4. Source of Water: Unnamed Stream

5. Extent of Use:

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

Irrigation _____ (acres) Other/Remark Hydro Power 15 cfs.

6. Total rate &/or volume for which proof is submitted 15 cfs _____ acre-feet

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

July 15, 1985

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

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MAY 15 1992

(Name)

(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.)

Date

6-13-86

Signature of Permit Holder (and title, if appropriate)

Brent Martens, Secretary



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

36-8019
MARCO POWER COMPANY INC.
RT. 3
JEROME, ID 83338

Mailing address:
Statehouse
Boise, Idaho 83720

138310

April 17, 1986

CERTIFIED MAIL

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 later 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

MAY 15 1986

of certified water right examiners will be available from this department when examiners have been certified.

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 beneficially 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 offices.

Northern Region

Idaho Dept. of Water Resources
4055 Government Way
Coeur d'Alene, ID 83814
Phone: 765-4639

Eastern Region

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

Southern Region

Idaho Dept. of Water Resources
1041 Blue Lakes Blvd. North
Twin Falls, ID 83301
Phone: 734-3578

Western Region

Idaho Dept. of Water Resources
450 W. State St., (Third Floor)
Boise, ID 83720
Phone: 334-2190

Sincerely,



L. GLEN SAXTON
Chief, Operations Bureau

Enclosures

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MAY 15 1992

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region

POOR QUALITY

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

FEBRUARY 11, 1986

MARCO POWER COMPANY, INC.
RT. 3
JEROME ID 83338

RE: Permit No. 36-8019

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 734-3578 or in person at our office at 1041 Blue Lakes Blvd. N. Twin Falls, Idaho.

Sincerely,
s/Mary A. Newby
Secretary

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MAY 15 1992

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
PROOF OF BENEFICIAL USE

RECEIVED
NOV 15 1985

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. 36-8019

Name(s) of Permit Holder: Marco Power Company, Inc.

Post Office Address: Route 3, Jerome, ID 83338

Telephone No. 324-4127

Source of Water: Unnamed stream tributary to Snake River

Extent of Use:

Domestic _____ (number of households)

Stockwater _____ (number and type of stock)

Irrigation _____ (acres)

Other/Remarks Power Generation 15 CFS

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

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

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

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

Waldo Martens, Route 3, Jerome, ID 83338

(Name)

Route 3, Jerome, ID 83338

(Address)

208-324-4127

(Telephone Number)

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

11/13/85
Date

Marco Power Company Inc.
By Brent Martens - Secty.
Signature of Permit Holder (and Title, if appropriate)

MICROFILMED

28 80
H

Brent Martens
P.O. Box 589
Buhl, Id. 83316

Place
Stamp
Here

Idaho Department of Water Resources
Statehouse Mail
Boise, ID 83720

S T A T E O F I D A H
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

- - - - -

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440
CERTIFIED MAIL
OCTOBER 31, 1985

138446

MARCO POWER COMPANY INC.
RT. 3
JEROME, ID 83338

P R O O F D U E N O T I C E

RE: PERMIT NO. 36-8019

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF THE ABOVE REFERENCED WATER PERMIT WAS THAT PROOF OF THE EXTENT OF YOUR BENEFICIAL USE MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE JANUARY 1, 1986. (SEE LAST PAGE OF YOUR APPROVED PERMIT OR YOUR LAST APPROVED EXTENSION REQUEST.) ENCLOSED IS A FORM WHICH 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 A COMPLETED PROOF OF BENEFICIAL USE FORM OR A REQUEST FOR AN EXTENSION OF TIME MUST BE RECEIVED BY THIS DEPARTMENT ON OR BEFORE THE ABOVE DESCRIBED PROOF DUE DATE. IF NEITHER IS RECEIVED, THE DEPARTMENT WILL SEND YOU A LAPSE NOTICE. WITHIN SIXTY (60) DAYS OF THE MAILING OF THE LAPSE NOTICE, THE PERMIT WILL NO LONGER BE OF ANY FORCE NOR EFFECT.

SINCERELY,

RITA FLECK
SECRETARY/RECORDS MANAGER

ENCLOSURES

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May 24, 1985

RE: Permit No. 36-8019

Marco Power Co., Inc.
Rt. 3
Jerome, ID 83338

Dear Permit Holder:

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,

KAY WALKER
Chief Clerk

KW:sc
Enclosure

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LAW OFFICES

HEPWORTH, NUNGESTER, AND FELTON

PROFESSIONAL CENTER — 1020 MAIN

Post Office Box 589

BUHL, IDAHO 83316-0589

TELEPHONE (208) 543-4368

*The members of this partnership are
all Professional Corporations*

JOHN C. HEPWORTH, Chartered
WM. L. NUNGESTER, Chartered
MICHAEL H. FELTON, Chartered
D. BRENT MARTENS, Chartered
JEFFREY E. ROLIG, Chartered
JOHN T. LEZAMIZ, Chartered
JOHN C. HOHNHORST, Chartered

PENELOPE PARKER-KIMBER

RECEIVED

MAY 17 1985

Department of Water Resources

TWIN FALLS OFFICE

Blick Building

133 Shoshone Street North

Post Office Box 389

Twin Falls, Idaho 83303-0389

Telephone (208) 734-7510

OUR FILE NUMBER

May 15, 1985

Mrs. Kay Walker
Dept. of Water Resources
450 West State Street
Boise, ID 83720

Re: Marco Ranches; Permit No. 36-8019

Dear Kay:

I am in receipt of your letter of April 30, 1985 concerning the assignment of the above referenced permit by Marco Ranches, Inc. to Mr. and Mrs. Waldo Martens. Most of the work and expense incurred prior to the assignment included steps preparatory to the actual construction of the hydro project. Such steps included the acquisition of easements, the completion of engineering feasibility studies, and the negotiation of the Idaho Power Energy contract.

In terms of actual work done on the facilities under Permit No. 36-8019, the initial work was commenced late last fall before the winter weather set in. This included rip rapping work on the canal to be used for the conveyance of water to the hydro plant as well as the initial work in enlarging and relocating segments of the canal for the conveyance of water to the hydro plant. Insofar as this work was done by the applicant with equipment owned by the applicant, it is difficult to place a monetary value on that work. Because of the early and rough winter weather that set in December, it was not possible to complete as much work as had been hoped or anticipated.

It was not possible to complete any additional work after the first of the year and prior to the Assignment which was made by Marco Ranches, Inc. to Mr. and Mrs. Martens. However, on March 1, 1985, work was again commenced on the project and the same is virtually completed at this time. It is expected

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Ms. Kay Walke
Dept. of Water Resources
May 16, 1985
Page Two

that the hydro plant will be in operation within the next thirty days and I would expect that sometime later this year, we will prove up on the permit.

If you have any further questions in this matter, or if you need any additional information in order to complete the assignment, please advise.

Very truly yours,

HEPWORTH, NUNGESTER & FELTON



D. Brent Martens

DBM:gw

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State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 334-4440

April 30, 1985

RE: Permit No. 36-8019

Marco Ranches

Rt. 3

Jerome, ID 83338

Gentlemen:

We are in receipt of an Assignment of Permit in which you assigned all of the ownership of Permit No. 36-8019 to Waldo G. & Ruth N. Martens.

Before we can accept this assignment the Department must request that you provide us with a statement which summarizes the development of water use identified under your permit.

Please describe the work done and the expenses incurred prior to the transaction to the Martens. Please submit this information on or before May 30, 1985, so that the assignment can be processed in a timely manner.

If you have any questions on this matter, please let us know.

Sincerely,

KAY WALKER

Technical Records Specialist

KW:sc

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440

MARCO RANCHES
RT. 3
JEROME, ID 83338

JANUARY 17, 1984

RE: PERMIT NO. 36-8019

DEAR PERMIT HOLDER:

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

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

RECEIVED
JAN 20 1984
JEROME, IDAHO

RE: PERMIT 36-8019

PAGE 01
JANUARY 17, 1984

SINCERELY,

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

ENCLOSURE

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY: ADM APPLICATION NUMBER: MARCO RANCHES 36-8019

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: _____

Send letter requesting

1. Plan

2. Cost est.

3. Financial Statement.

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.

Copies sent by: _____ Date: _____

☒ Other Nate Side Gravel Co.

marcya 11/19/81
marcya 11/19/81
marcya 1/21/82

PROCESSING:

- ☐ Yes ☒ No
☐ Yes ☒ No

Platted by: _____ Map No. BB-22
Other rights on same place of use. None

- ☒ Yes ☐ No*

In form for advertising.
Final date for protests: 12/21/81

- ☐ Yes ☒ No

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

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: 12/17/81
☒ 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? _____

- ☒ 11/12/82

Date of priority recommended.

Special conditions of approval or cover letter. #22, 08A, 17, 04

By: ADM

Date: 2/11/82

STATE OFFICE REVIEW:

1st
L17, L19,
L14

23 26 04 01F 08A 128 25

- ☐ See attached sheet for more information.

By: car

RECEIVED
RECEIVED
RECEIVED
MAY 18 1982
FEB 23 1982

Sharla TYPE AS SHOWN ON

ITEM 2

DO NOT APPROVE UNTIL

FERC APPEAL OR WAIVER IS RECEIVED

SEND FERC LETTER

Jim
6-9-82

Department of Water Resources Department of Water Resources

POINT OF DIVERSION AND STREAM INDEX INFORMATION

TRACT SEC TWP RGE gov't rediv.
lot (R)

REACH

SENE

15

9S

16E

IDAHO STREAM CODE INDEX

2720.413.6

0.7

TRACT SEC TWP RGE gov't rediv.
lot (R) REACH

IDAHO STREAM CODE INDEX

TRACT SEC TWP RGE gov't rediv.
lot (R) REACH

IDAHO STREAM CODE INDEX

TRACT SEC TWP RGE gov't rediv.
lot (R) REACH

IDAHO STREAM CODE INDEX

TRACT SEC TWP RGE gov't rediv.
lot (R) REACH

IDAHO STREAM CODE INDEX

RECEIVED
DEC 2 1983

RECEIVED
NOV 29 1983

Department of Water Resources
Secretary's Office

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION
24 FERC 162, 360

Department of Water Resources -2-

Marco Ranches) Project No. 6778-001

ORDER GRANTING EXEMPTION FROM LICENSING FOR
A CONDUIT HYDROELECTRIC PROJECT

(Issued September 26, 1983)

The Applicant 1/ 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. 2/

Notice of the application 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, protests and petitions to intervene that were filed have been considered. No agency has any objection relevant to issuance of this exemption.

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

1/ Marco Ranches, Project No. 6778-001, filed on March 18, 1983.

2/ Authority to act on this matter is delegated to the Deputy Director, Office of Electric Power Regulation, under §375.308 of the Commission's regulations, 18 C.F.R. §375.308 (1982), 18 C.F.R. §375.308 (1982), 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.

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

It is ordered that:

(A) N-32 Canal Project No. 6778 as described and designated in Marco Ranches' application filed on March 18, 1983, is exempted from all of the requirements of Part I of the Federal Power Act, including licensing, subject to the standard articles in §4.94 of the Commission's regulations attached hereto as Form E-1, 18 C.F.R. §4.94 (1981).

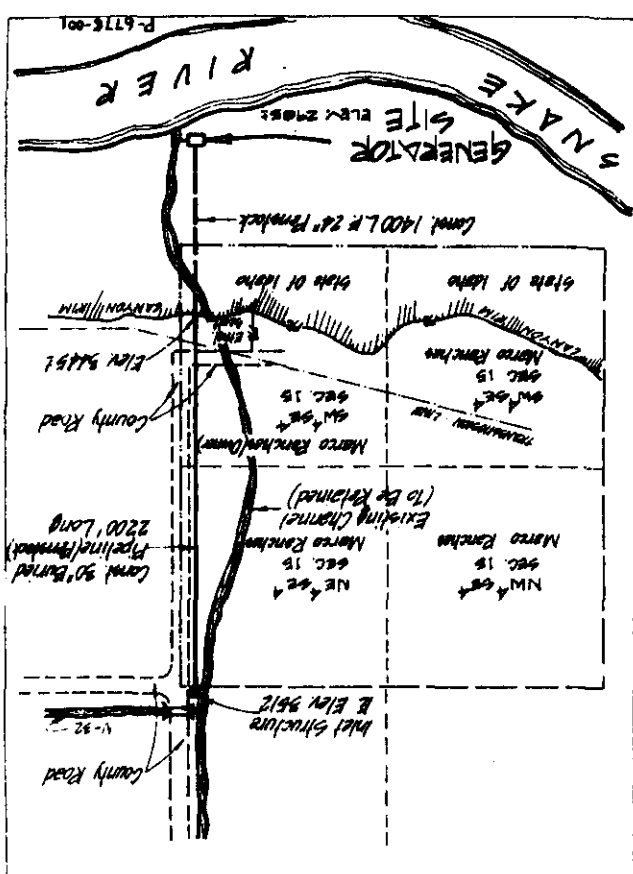
(B) The Commission may accept a license application by any qualified license applicant and revoke this exemption if actual construction or development of the proposed generating facilities has not begun within 18 months, or been completed within four years, from the date on which this exemption was granted.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

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

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

(b) Article 2. The construction, operation, and main-

uses of the Fish and Wildlife Coordination Act.





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

June 16, 1982

RE: Application for Permit No. 36-8019

Marco Ranches
Route #3
Jerome, ID 83338

Gentlemen:

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.

For power projects that are under the jurisdiction of the Federal Energy Regulatory Commission (FERC), we withhold final action on the application pending FERC approval of (1) a preliminary permit, or (2) an exemption. If you have not yet contacted FERC, the address below is a good starting point:

Regional Engineer
San Francisco Regional Office
Federal Energy Regulatory Commission
333 Market Street, Sixth Floor
San Francisco, CA 94105-2195
Telephone No. (415) 974-7177

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

LGS:kw

MICROFILMED

PRE-PERMIT EXAM

Applic. No: 36-8019

Date: 4/5/82

Source: N-32 Wasteway of North side Canal Co.

Trib. to: Snake River

Stream flow data: Power site at end of North side Canal

Co's ditch as it drops over canyon rim.

Upper reaches of ditch used to deliver water to water users.

Other uses in general area: No flow records available for wasted water. Ditch appears sufficiently large to at times waste 15 cfs.

Special considerations: Application is for water wasted from Canal system over canyon rim.

Water District or Canal Company which may have jurisdiction: North Side Canal Co.

Explain: Wastewater from their system.

Do all items on application appear to be correct? Yes ☒ No ☐

Explain: _____

Recommendation and other comments: Approve subject to review by canal company.

Signed: Lee P. Martin

Persons present during review of site:

None

MICROFILM

NELSON, ROSHOLT, ROBERTSON, TOLMAN & TUCKER
Chartered

ATTORNEYS AT LAW

P.O. BOX 1906
TWIN FALLS, IDAHO 83301
TELEPHONE (208) 734-0700

THOMAS G. NELSON
JOHN A. ROSHOLT
J. EVAN ROBERTSON
STEVEN K. TOLMAN
JAMES C. TUCKER

SUN VALLEY-KETCHUM OFFICE
P.O. BOX 2399
SUN VALLEY, IDAHO 83353
TELEPHONE (208) 726-4491

February 10, 1982

Mr. Loren Holmes
Department of Water Resources
1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301

Re: Application for Permit No. 36-8019
Marco Ranches

Dear Loren:

Ted Diehl has asked that I send this letter concerning the above-referenced permit. He received advice from your office under date of January 21, 1982, of the pendency of this permit that he respond by December 21, 1981. Whether or not that is a typographical error, we would like this letter enclosed in the file concerning the above permit.

At the point in question, the Canal Company has a right of way to use the so-called "ditch" as a spillway. We do so and we would hope that the Department in issuing the permit would condition it so that there would be no impediments that would impede the full flow of water and as a result possibly cause flooding to adjacent properties.

In addition, the applicant should be advised that the flows at this point are very ^{sporadic} and that there is no guarantee that there will be any flow at this point at any given time. The Canal Company owns the water and if it is all consumed above, or is all allowed to flow down the spillway, that is just the way it is.

Respectfully submitted,

John A. Rosholt
JOHN A. ROSHOLT

JAR:bg

cc: Ted Diehl

RECEIVED
FEB 12 1982

Department of Water Resources
Boise District Office



Edwards, Howard & Martens, Inc.

ENGINEERS / PLANNERS / SURVEYORS

1139 Falls Ave. E., Suite B
Twin Falls, Idaho 83301
Phone 734-4888

IN THE FIELDS OF:

PLANNING
SURVEYING
HIGHWAYS
WATER
SEWAGE
STRUCTURAL
SUBDIVISIONS
AIRPORTS
BRIDGES

February 10, 1982

Idaho Department of Water Resources
1041 Blue Lakes Boulevard North
Twin Falls, Idaho 83301

RECEIVED

FEB 11 1982

Gentlemen:

Attached are the following for the N-32 power filing submitted by Marco Ranches.

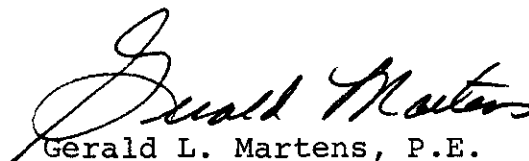
Department of Water Resources
Southern District Office

1. Preliminary plan showing facilities and elevation.
2. Estimate of construction costs.
3. Letter of credit from Idaho First National Bank.

A letter has been requested from the North Side Canal Company and will be forthcoming after the February 20th board meeting. Mr. Ted Diehl, manager, anticipates that there will be no problems as they have no plans for the site nor will any changes be made to the canal system.

Respectfully yours,

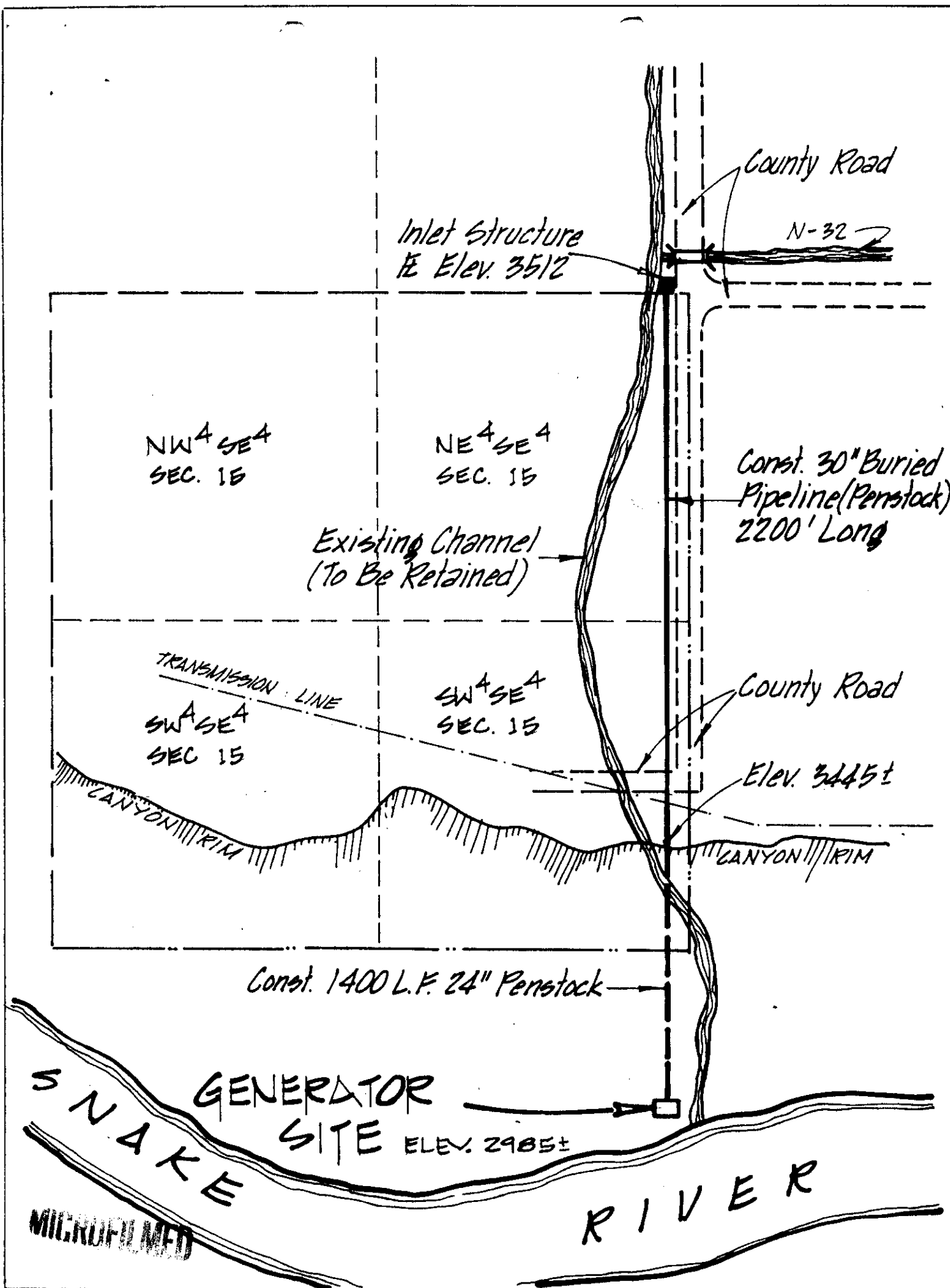
EDWARDS * HOWARD * MARTENS, INC.


Gerald L. Martens, P.E.

GLM/bn
cc: file

encl.

MICROFILMED



CONSTRUCTION COST

	Quantity	
Inlet Structure	1 each	\$ 6,000.00
Outlet Structure	1 each	20,000.00
Turbine, Generator & controls		72,000.00
Power line, metering, etc.	1300 lf	42,000.00
30" pipeline	2200 lf	42,900.00
24" pipeline	1400 lf	119,000.00
Access Road	600 lf	<u>22,000.00</u>
	Total Construction	\$323,900.00
	+ 10% Incidentals	<u>32,390.00</u>
		\$356,290.00

MICROFILM



BLUE LAKES OFFICE

February 11, 1982

TO WHOM IT MAY CONCERN:

Gerald Martens has been a loan customer of Idaho First National Bank since 1974. He has established all I-1 credit with a high credit line of 5 figures.

We would consider making a loan to Mr. Martens upon his request for a Power Generation Plant. If all credit criteria was proper and within bank policy we would be more than happy to make such a loan to Mr. Martens, in the approximate amount of \$400,000.00.

Sincerely,

A handwritten signature in dark ink, appearing to read "David W. Marsh".

David W. Marsh
Loan Officer

DWM:dw

ENERGY CAPACITY

Analysis data

Q = 15 c.f.s. (6 months)

Efficiency = 80%

Head = 527 feet

$$\frac{(15.0) (527) (.80)}{11.8} = 535 \text{ kw}$$

ENERGY PRODUCTION

$$(535) (24) \frac{(365)}{2} = 2,343,300 \text{ kwh}$$

Energy revenue:

Estimated rate: .06 per kwh

$$.06 (2,343,300) = \$140,598 \text{ per year}$$



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

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

January 21, 1982

Marco Ranches
Rt 3
Jerome, Idaho 83338

Re: Application for Permit No. 36-8019

Gentlemen:

As you were advised by our letter to you dated December 29, 1981, the following information must be submitted for inclusion with your application No. 36-8019 to appropriate water for power generation:

- 1) A plan of the facility. This must include a scale drawing showing the proposed layout of the plant on the property, and must give approximate locations, dimensions, and elevations of all major components of the facility.
- 2) An itemized estimate of the cost of constructing the facility.
- 3) A statement of the financial resources of the applicant and the means by which funds are to be provided for construction of the project. This information will be reviewed in confidence and returned to you.
- 4) An agreement or authorization of the North Side Canal Company providing for coordination of the permitted use with the canal company.

Regional office processing of your application has been completed and we propose to forward your application to the IDWR State Office on February 26, 1982. If the above requested information has not been received by that date, it will be necessary to forward your application for final action with a recommendation that it be denied.

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

Sincerely,

ALLEN D. MERRITT
Senior Water Resource Analyst

ADM:marya

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

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

January 21, 1982

Ted Diehl
North Side Canal Co.
921 N. Lincoln
Jerome, Idaho 83338

Re: Application for Permit No. 36-8019

Dear Mr. Diehl:

Enclosed for your information is a copy of a notice of application for water permit which has been filed with this office.

The application seeks to divert surface water within your service area, and may therefore, be of interest to you.

Any permit issued will be subject to all prior water rights and will not constitute an easement or right-of-way upon lands or in ditches not belonging to the applicant.

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

Very truly yours,

Loren O. Holmes
Southern Region Supervisor

LOH:marya

Encl:

MICHAEL



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

A. KENNETH DUNN
XXXXXXXXXX
Director

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

December 29, 1981

Marco Ranches
Route 3
Jerome, Idaho 83338

Re: Application for Permit No. 36-8019

Gentlemen:

This office is currently processing your Application for Permit No. 36-8019 filed on November 12, 1981.

Since the application seeks to establish a water right for power generating purposes, and it appears that a commercially marketable amount of power may be produced, the following information must be submitted for inclusion with your application in accordance with Section 42-202 of the IDAHO CODE.

- 1) A plan for the facility. This must include a scale drawing showing the proposed layout of the plant on the property, and must give approximate locations, dimensions, and elevations of all major components of the facility.
- 2) An itemized estimate of the cost of constructing the facility.
- 3) A statement of the financial resources of the applicant and the means by which funds are to be provided for construction of the project. This information will be reviewed in confidence and returned to you.

Your application has been published and is ready to be forwarded to our Boise office except for the above requested items; we request that you submit these items by January 18, 1982.

If you have any questions please feel free to contact this office.

Sincerely,

Allen D. Merritt
Senior Water Resource Analyst

ADM:marya

NOTED
JAN 1 1982

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:

36-8019-

MARCO RANCHES

RT. 3, JEROME, ID 83338

Source: UNNAMED STREAM (DITCH N-32) tributary to SNAKE RIVER

Date Filed: 11/12/1981

Amount: 15.00 CFS

Diversion Point: SENE Sec 15 T 09S R 16E, JEROME Co.

Use: POWER (15.00 CFS) from 01/01 to 12/31

Place of Use: LOT 06 Sec 22 T 09S R 16E

Diversion Means: STEEL PIPELINE FROM DIVERSION TO GENERATOR

If issued, the permit(s) will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301 and received on or before DECEMBER 21, 1981.

A. KENNETH DUNN

Director

Published 12/3 & 12/10/81.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region

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

NOVEMBER 20, 1981

North Side News
P. O. Box 468
Jerome, Idaho 83338

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 DECEMBER 21, 1981.

Yours truly,

Mary A. Hill
Secretary

Encl.



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

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

November 19, 1981

Mr. Bill Scribner
Department of Lands
Statehouse
Boise, Idaho 83720

Re: Application for Permit No. 36-8019

Dear Mr. Scribner:

Enclosed is a copy of the above referenced Application for Permit for your information and files.

Sincerely,

Mary A. Hill
Sr. Secretary

for

Loren O. Holmes
Southern Region Supervisor

Encl:

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

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

November 19, 1981

Mr. Bob Bell, Regional Fisheries Biologist
Idaho Fish & Game Department
Region #4
P. O. Box 428
Jerome, Idaho 83338

Re: Application for Permit No. 36-8019

Dear Mr. Bell:

Please find enclosed a copy of the above referenced application for permit for your information and files.

Sincerely,

Mary A. Hill
Secretary

for

Loren O. Holmes
Southern Region Supervisor

Encl:

RECEIVED
NOV 22 1981