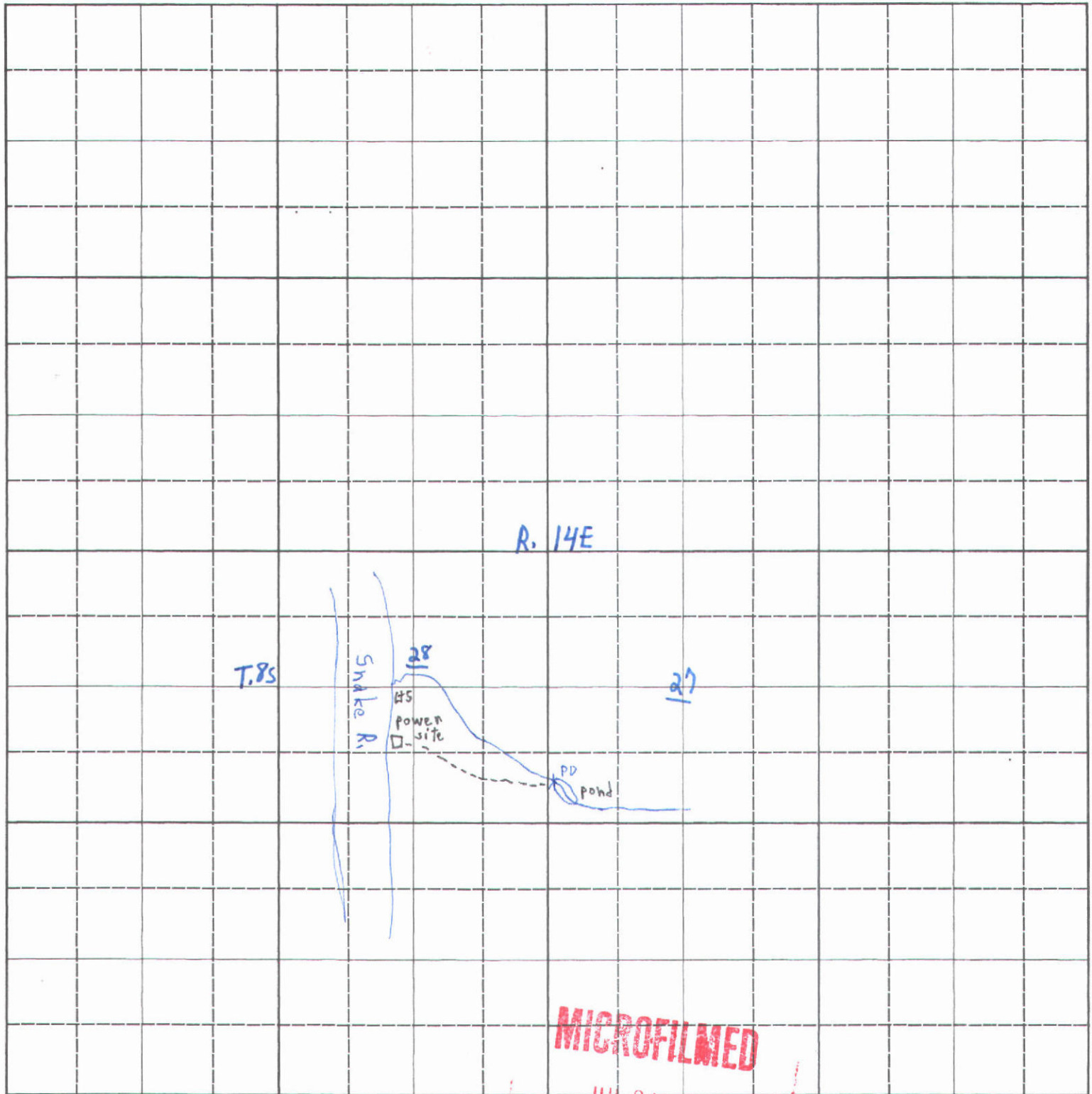


13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

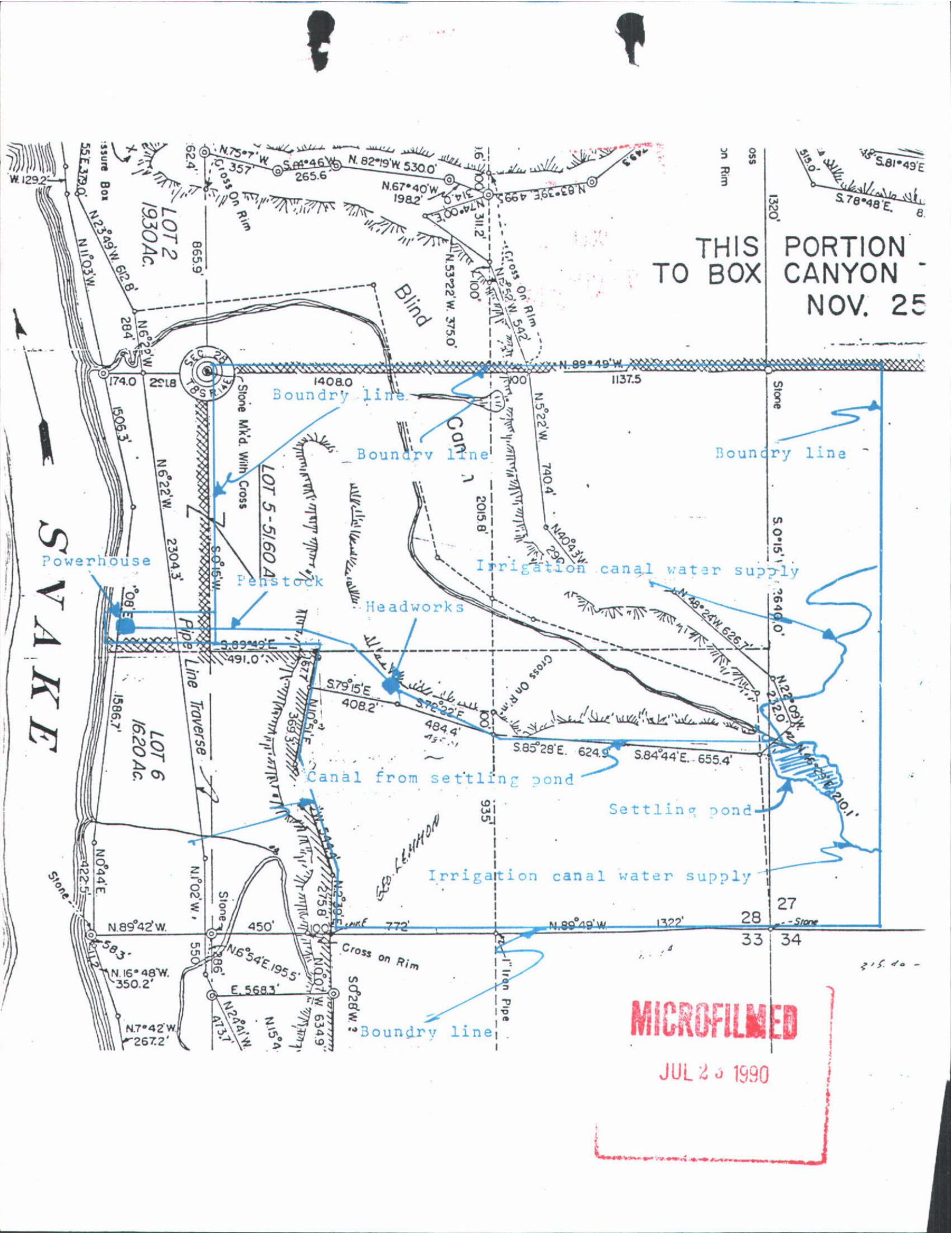
BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

MICROFILMED

JUL 23 1990

Leo H. Lemmon Pres.

(Applicant)



NOTICE OF
APPLICATION
FOR WATER RIGHT

The following applica-
tion(s) have been filed to
appropriate the public
waters of the State of
Idaho:

36-8310

BLIND CANYON AQUA
RANCH, INC.

P.O. BOX 218, Hager-
man, ID 83332

Source: CEDAR DRAW
CREEK trib. to SNAKE
RIVER

Diversion Pt: NWSWSW
Sec 27 T 08S R 14E

Use: FISH PROP. (85.0
CFS)

POWER (85.0 CFS)

Date Filed: 05/07/1986

In: SWSW Sec 27 T 08S R
14E LOT 05 (NESW) Sec
28 T 08S R 14E

The permit(s) will be
subject to all prior water
rights. Protests must be
filed with the Director,
Dept. of Water
Resources, Southern
Region, 1041 Blue Lakes
Blvd. N. Twin Falls,
Idaho 83301 on or before
JUNE 23, 1986.

KEN DUNN, Dir.

PUBLISH: Thursday,
June 5, and 12, 1986.

Affidavit of Publication

STATE OF IDAHO.

COUNTY OF TWIN FALLS

SS.

JUN 19 1986 No 16323

I, Belinda J. Capps, Princ. Clerk
oath, depose and say that I am Princ. Clerk of the TIMES-NEWS,
published daily, at Twin Falls, Idaho, and do solemnly swear that a copy of
the notice of advertisement, as per clipping attached, was published in the regular and
entire issue of said newspaper, and not in any supplement thereof, for Two
consecutive Weeks, commencing with the issue dated
June 5, 1986, and ending with the issue dated
June 12, 1986.

And I do further certify that said newspaper is a consolidation, effective February 16,
1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the Twin
Falls News, published theretofore daily except Monday, both of which newspapers prior to
consolidation had been published under said names in said city and county continuously and
uninterruptedly during a period of more than twelve consecutive months, and said TIMES-
NEWS, since such consolidation, has been published as a daily newspaper except Saturday,
until July 31, 1978, at which time said newspaper began daily publication under said name
in said city and county continuously and uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week
has been designated as the day on which legal notice by law or by order of any court of com-
petent jurisdiction within the state of Idaho, to be published weekly, will be published; and
that at the head of the editorial column of said combined newspapers, and in each issue there-
of, Thursday is announced as the day on which said legal notices will be published.

Subscribed and sworn to before me on this June 12 day of 1986

Dianna Thru
Notary Public in and for the County of Twin Falls,
State of Idaho, residing at Twin Falls, Idaho

Times News

OK
MB
6/20/86

RECEIVED

JUN 17 1986
AFFIDAVIT of PUBLICATION

Department of Water Resources
Southern District Office

State of Idaho,)
) SS.
County of Gooding)

L. L. LANGDON
PUBLISHER

_____, being first duly sworn,
deposes and says that he is the printer (publisher) of the Gooding
County Leader, a newspaper published every week in Gooding, County
of Gooding, 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 2 consecutive issues in said newspaper
proper and not in a supplement; that the date of the first publication

of said advertisement was on the 4th day of June
19 86, and the date of the last publication was on the 11th
day of June, 19 86.

L. L. Langdon

Subscribed and sworn to before me this 12th

day of June, 19 86.
(SEAL)

Darla Bratt
NOTARY PUBLIC

GOODING COUNTY LEADER
Gooding, Idaho

COST OF PUBLICATION

MICROFILMED

JUL 25 1990

Number of Lines in Notice 23

Number of Insertions 2

Lines tabular at _____ 5°/Pica

23 Lines straight at 11.96 4°/Pica

23 Subsequent lines at 8.97 3°/Pica

TOTAL COST 20.93

COPY OF NOTICE
(Paste Here)

36-8310
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Dept of Water Resources
BILL TO

**NOTICE OF APPLICATION
FOR WATER RIGHT**

The following application(s) have
been filed to appropriate the public
waters of the State of Idaho.

36-8310

BLIND CANYON AQUA RANCH, INC.
P.O. BOX 218,

HAGERMAN, ID 83332

Source: CEDAR DRAW CREEK trib. to
SNAKE RIVER

Diversion Pt: NWSWSW Sec 27 T 08S
R 14E

Use: FISH PROP. (85.0 CFS)

POWER (85.0 CFS)

Date Filed: 05/07/1986

In: SWSW Sec 27 T 08S R 14E LOT 05
(NESW) Sec 28 T 08S R 14E

The permit(s) will be subject to all
prior water rights. Protests must be fil-
ed with the Director, Dept. of Water
Resources, Southern Region, 1041
Blue Lakes Blvd. N. Twin Falls, Idaho
83301 on or before JUNE 23, 1986.

/s/ KENNETH DUNN, Director
116555-6-4-2tc

PUBLICATION RATES

(Idaho Code, Rev. Statutes 1971)
7 pt. per line, straight 38¢
7 pt. per line, tabular 48¢
7 pt. per line, successive
insertions 28.5¢

No. 6555

Proof of Publication
The Post-Register

RECEIVED
JUN 17 1986
Department of Water Resources
Southern District Office

State of Idaho, }
County of Bonneville } ss

I, J. Robb Brady, first being duly sworn, depose and say: That I am the Principal Clerk of The Post Company, a corporation of Idaho Falls, Bonneville County, Idaho, publishers of The Post-Register, a newspaper of general circulation, published daily, except Saturday, at Idaho Falls, Idaho; said Post-Register being a consolidation of the Idaho Falls Times, established in the year 1890, The Idaho Register, established in the year 1880 and the Idaho Falls Post, established in 1903, such consolidation being made on the 1st day of November, 1931, and each of said newspapers have been published continuously and uninterruptedly, prior to consolidation, for more than seventy-eight (78) weeks and said Post-Register having been published continuously and uninterruptedly from the date of such consolidation, up to and including the last publication of notice hereinafter referred to.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post-Register for two consecutive weeks, first publication having been made on the 5th day of June, 1986, last publication having been made on the 12th day of June, 1986, and that the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.

Subscribed and sworn to before me, this 13th day of June, 1986.

Notary Public

My commission expires September 30, 1988.

B10

NOTICE OF APPLICATION
FOR WATER RIGHT
The following application(s) have been filed to appropriate the public waters of the State of Idaho:
36-8310
BLIND CANYON AQUA RANCH, INC.
P.O. BOX 218, HAGERMAN, ID 83332
Source: CEDAR DRAW CREEK trib. to SNAKE RIVER
Diversion Pt: NWSWSW Sec 27 T 08S R 14E
Use: FISH PROP. (85.0 CFS); POWER (85.0 CFS)
Date Filed: 05/07/1986
In: SWSW Sec 27 T 08S R 14E LOT 05 (NESW) Sec 28 T 08S R 14E
The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Southern Region, 1041 Blue Lakes Blvd. N. Twin Falls, Idaho 83301 on or before JUNE 23, 1986.
KEN DUNN, Dir.
Published: June 5, 12, 1986

OK MB
6/16/86

MICROFILMED

JUL 20 1990

RECEIVED

JUN 18 1986

The Idaho Statesman

P.O. BOX 40, BOISE, IDAHO 83707

LEGAL ADVERTISING INVOICE

Amount Due

29.33

Department of Water Resources
Southern District Office

Account Name ID Department of Water Resources, Southern		Account Number #100632	
Address 1041 Blue Lakes Blvd. N.		City/State Twin Falls, ID	Zip 83301
Ordered By Mary Newby	P.O. Number	Rate nt	Run Dates 1986 June 5, 12
Identification Application No. 36-8310			Legal Number #2174

☒ Number of Affidavits Requested

STATE OF IDAHO)

) ss

COUNTY OF ADA)

OK MB
6/17/86

Laura Gay Barnes

being duly

sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto; that said notice was published in The Idaho Statesman in conformity with Section 60-108, Idaho Code as amended, for Two (2) ☒ consecutive weekly ☐ consecutive daily ☐ single ☐ odd skip

insertion(s) beginning with the issue of June 5, 1986

and ending with the issue of June 12, 1986

Laura Gay Barnes

Subscribed and sworn to before me this 12th

day of June, 1986

MICROFILMED

JUL 25 1990

Jeanne M Hawk
Notary Public for Idaho, Residing at Boise, Idaho.

NOTICE OF APPLICATION FOR WATER RIGHT

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

36-8310

Blind Canyon Aqua Ranch, Inc.
P.O. Box 218
Hagerman, ID 83332

Source: Cedar Draw Creek trib.
to Snake River

Diversion Pt: NWSWSW
Sec. 27 T 08S R 14E

Use: Fish Prop. (85.0 CFS)

Use: Power (85.0 CFS)

Date Filed: 05/07/1986

In: SWSW Sec. 27

T 08S R 14E Lot 05 (NESW) Sec.

28 T 08S R 14E

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Southern Region, 1041 Blue Lakes Blvd. N. Twin Falls, Idaho 83301 on or before June 23, 1986.

KEN DUNN
Director

Pub. June 5, 12, 1986

2174

TRIBUNE PUBLISHING COMPANY, INC.

The Lewiston Morning Tribune
505 C St., P.O. Box 957
Lewiston, Idaho 83501
(208) 743-9411

Date 063086 INVOICE No. L00079734Account No. 44662Description 76824NOTICTimes 2 Lines 27Tab Lines

RECEIVED
JUL 3 1986
Department of State Resources
Southern District Office

**LEGAL ADVERTISING
INVOICE**

SOLD TO:

DEPT. OF WATER RESOURCES
1041 BLUE LAKES BLVD. N.
TWIN FALLS
ID 83301

\$ 00.00

NOTICE: This is an invoice of Purchase made by you. Statement will be rendered the first of the month.
Please Retain This Invoice as Your Statement Will Refer To Invoice by No. Only.

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, ss.
County of Nez Perce

R. R. Thomason, being duly sworn,

deposes and says, I am the Legal Clerk
of the Tribune Publishing Company, a corporation organized and existing
under and by virtue of the laws of the State of Idaho, publishers of the
LEWISTON MORNING TRIBUNE, a newspaper of general circulation
published at Lewiston, Nez Perce County, Idaho; That the said Lewiston
Morning Tribune is an established paper and has been published regular-
ly and issued regularly at least once a day for more than 21 consecutive
years next immediately preceding the first publication of this notice, and
has been so published uninterrupted for said period; that the

NOTICE OF APPLICATION FOR

attached hereto and which is made a part of this affidavit was published in
the said Lewiston Morning Tribune, 2 time(s). Publication be-
ing on 062386, or once a
for 2 consecutive, the first
publication thereof being on the 062386, and the last pub-
lication thereof being on the 063086, and said

NOTICE OF APPLICATION FOR

was so published in the regular and entire issue of said newspaper and
not in a supplement thereof and was so published in every issue and
number of the said paper, during the period and times of publication as
set forth above.

Rena R. Thomason

SUBSCRIBED AND SWORN BEFORE ME THIS THE 30
day of June

1986

Michael M. Lantz
Notary Public in and for the State of Idaho,
residing at Lewiston, therein.

**NOTICE OF APPLICATION
FOR WATER RIGHT**

The following application(s) have
been filed to appropriate the public
waters of the State of Idaho:

36-8310

BLIND CANYON AQUA RANCH,
INC.
P.O. BOX 218, HAGERMAN, ID
83332

Source: CEDAR DRAW CREEK
trib. to SNAKE RIVER
Diversion Pt: NWSWSW Sec 27 T
08S R 14E

Use: FISH PROP. (85.0 CFS)
POWER (85.0 CFS)
Date Filed: 05/07/1986

In: SWSW Sec 27 T 08S R 14E LOT
05 (NESW) Sec 28 T 08S R 14E

The permit(s) will be subject to
all prior water rights. Protests must
be filed with the Director, Dept. of
Water Resources, Southern Region,
1041 Blue Lakes Blvd. N. Twin Falls,
Idaho 83301 on or before JUNE 23,
1986.

KEN DUNN, Dir.

MICROFILMED

JUL 23 1990

TRIBUNE PUBLISHING COMPANY, INC.

The Lewiston Morning Tribune
505 C St., P.O. Box 957
Lewiston, Idaho 83501
(208) 743-9411

Date _____ INVOICE No. 000079734Account No. 44502Description 70824 INC TICTimes 2 Lines 27

Tab Lines _____

**LEGAL ADVERTISING
INVOICE**

SOLD TO:

DEPT. OF WATER RESOURCES
1041 BLUE LAKES BLVD. N.
TWIN FALLS
ID 83301

\$ 00.00

NOTICE: This is an invoice of Purchase made by you. Statement will be rendered the first of the month.
Please Retain This Invoice as Your Statement Will Refer To Invoice by No. Only.

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, ss.
County of Nez Perce

R. R. Thomason

being duly sworn,

deposes and says, I am the Legal Clerk
of the Tribune Publishing Company, a corporation organized and existing under and by virtue of the laws of the State of Idaho, publishers of the LEWISTON MORNING TRIBUNE, a newspaper of general circulation published at Lewiston, Nez Perce County, Idaho; That the said Lewiston Morning Tribune is an established paper and has been published regularly and issued regularly at least once a day for more than 21 consecutive years next immediately preceding the first publication of this notice, and has been so published uninterrupted for said period; that the

NOTICE OF APPLICATION FOR

attached hereto and which is made a part of this affidavit was published in the said Lewiston Morning Tribune, _____ time(s). Publication being on _____, or once a _____ for _____ consecutive _____, the first publication thereof being on the _____, and the last publication thereof being on the _____, and said _____

was so published in the regular and entire issue of said newspaper and not in a supplement thereof and was so published in every issue and number of the said paper, during the period and times of publication as set forth above.

SUBSCRIBED AND SWORN BEFORE ME THIS THE 30
day of June 1986

Kena K. Thomason
Notary Public in and for the State of Idaho,
residing at Lewiston, therein.

**NOTICE OF APPLICATION
FOR WATER RIGHT**

76824

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

36-8310

BLIND CANYON AQUA RANCH, INC.
P.O. BOX 218, HAGERMAN, ID 83332

Source: CEDAR DRAW CREEK trib. to SNAKE RIVER
Diversion Pt: NWSWSW Sec 27 T 08S R 14E

Use: FISH PROP. (85.0 CFS)
POWER (85.0 CFS)

Date Filed: 05/07/1986

In: SWSW Sec 27 T 08S R 14E LOT 05 (NESW) Sec 28 T 08S R 14E

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Southern Region, 1041 Blue Lakes Blvd. N. Twin Falls, Idaho 83301 on or before JUNE 23, 1986.

KEN DUNN, Dir.

MICROFILMED

JUL 23 1990

TRIBUNE PUBLISHING COMPANY, INC.

The Lewiston Morning Tribune
505 C St., P.O. Box 957
Lewiston, Idaho 83501
(208) 743-9411

Date 061286 INVOICE No. L00076824

Account No. 44662

Description 76824NOTIC

Times 2 Lines 27

Tab Lines _____

LEGAL ADVERTISING INVOICE

SOLD TO: STATE OF IDAHO
DEPT. OF WATER RESOURCES
1041 BLUE LAKES BLVD. N.
TWIN FALLS
ID 83301

\$ 23.63

NOTICE: This is an invoice of Purchase made by you. Statement will be rendered the first of the month.
Please Retain This Invoice as Your Statement Will Refer To Invoice by No. Only.

AFFIDAVIT OF PUBLICATION

**NOTICE OF APPLICATION
FOR WATER RIGHT**
The following application(s) have
been filed to appropriate the public
waters of the State of Idaho:
36-8318

BLIND CANYON AQUA RANCH,
INC.
P.O. BOX 218, HAGERMAN, ID
83332

Source: CEDAR DRAW CREEK
trib. to SNAKE RIVER
Diversion Pt: NWSWSW Sec 27 T
08S R 14E

Use: FISH PROP. (85.0 CFS)
POWER (85.0 CFS)

Date Filed: 05/07/1986

In: SWSW Sec 27 T 08S R 14E LOT
05 (NESW) Sec 28 T 08S R 14E

The permit(s) will be subject to
all prior water rights. Protests must
be filed with the Director, Dept. of
Water Resources, Southern Region,
1041 Blue Lakes Blvd. N. Twin Falls,
Idaho 83301 on or before JUNE 23,
1986.

KEN DUNN, Dir.

*Error in #
36-8310
Re-run
2 - WKS -
MB
6/23
6/30*

STATE OF IDAHO, ss.
County of Nez Perce

R. R. Thomason, being duly sworn,

deposes and says, I am the Legal Clerk
of the Tribune Publishing Company, a corporation organized and existing
under and by virtue of the laws of the State of Idaho, publishers of the
LEWISTON MORNING TRIBUNE, a newspaper of general circulation
published at Lewiston, Nez Perce County, Idaho; That the said Lewiston
Morning Tribune is an established paper and has been published regular-
ly and issued regularly at least once a day for more than 21 consecutive
years next immediately preceding the first publication of this notice, and
has been so published uninterrupted for said period; that the

NOTICE OF APPLICATION FOR

attached hereto and which is made a part of this affidavit was published in
the said Lewiston Morning Tribune, 2 time(s). Publication be-
ing on 060586

WEEK for 2 consecutive WEEKS, the first
publication thereof being on the 060586, and the last pub-
lication thereof being on the 061286, and said

NOTICE OF APPLICATION FOR

was so published in the regular and entire issue of said newspaper and
not in a supplement thereof and was so published in every issue and
number of the said paper, during the period and times of publication as
set forth above.

R.R. Thomason

SUBSCRIBED AND SWORN BEFORE ME THIS THE 12
day of June 1986

Shirley M. Lentz

Notary Public in and for the State of Idaho,
residing at Lewiston, therein.

RECEIVED

JUN 17 1986

Department of Water Resources
Southern District Office

MICROFILMED

JUL 20 1990

TRIBUNE PUBLISHING COMPANY, INC.

The Lewiston Morning Tribune
505 C St., P.O. Box 957
Lewiston, Idaho 83501
(208) 743-9411

Date 7/2/86 INVOICE No. L00076524

Account No. 43362

Description 4682-4NOTIC

Times 2 Lines 27

Tab Lines

**LEGAL ADVERTISING
INVOICE**

SOLD TO: STATE OF IDAHO
DEPT. OF WATER RESOURCES
1041 BLUE LAKES BLVD. N.
TWIN FALLS
ID 83301

\$ 23.63

NOTICE: This is an invoice of Purchase made by you. Statement will be rendered the first of the month.
Please Retain This Invoice as Your Statement Will Refer To Invoice by No. Only.

**NOTICE OF APPLICATION
FOR WATER RIGHT**

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

36-8318

BLIND CANYON AQUA RANCH, INC.

P.O. BOX 218, HAGERMAN, ID 83332

Source: CEDAR DRAW CREEK trib. to SNAKE RIVER

Diversion Pt: NWSWSW Sec 27 T 08S R 14E

Use: FISH PROP. (85.0 CFS)

POWER (85.0 CFS)

Date Filed: 05/07/1986

In: SWSW Sec 27 T 08S R 14E LOT 05 (NESW) Sec 28 T 08S R 14E

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Southern Region, 1041 Blue Lakes Blvd. N. Twin Falls, Idaho 83301 on or before JUNE 23, 1986.

KEN DUNN, Dir.

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, ss.
County of Nez Perce

R. R. Thomason

, being duly sworn,

deposes and says, I am the Legal Clerk of the Tribune Publishing Company, a corporation organized and existing under and by virtue of the laws of the State of Idaho, publishers of the LEWISTON MORNING TRIBUNE, a newspaper of general circulation published at Lewiston, Nez Perce County, Idaho; That the said Lewiston Morning Tribune is an established paper and has been published regularly and issued regularly at least once a day for more than 21 consecutive years next immediately preceding the first publication of this notice, and has been so published uninterrupted for said period; that the

NOTICE OF APPLICATION FOR

attached hereto and which is made a part of this affidavit was published in the said Lewiston Morning Tribune, 2 time(s). Publication being on , or once a for consecutive , the first publication thereof being on the , and the last publication thereof being on the , and said

was so published in the regular and entire issue of said newspaper and not in a supplement thereof and was so published in every issue and number of the said paper, during the period and times of publication as set forth above.

R.R. Thomason

SUBSCRIBED AND SWORN BEFORE ME THIS THE 12

day of June 1986

Notary Public in and for the State of Idaho,
residing at Lewiston, therein.

RECEIVED

JUN 17 1986

Department of Water Resources
Southern District Office

MICROFILMED

JUL 20 1990

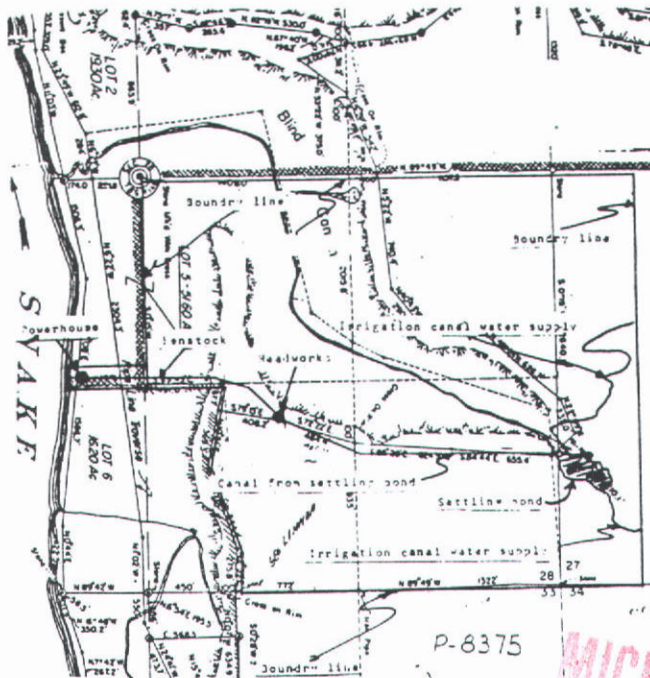
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Notice of Application Filed with the Commission
(August 12, 1985)

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

- a. Type of Application: Conduit Exemption
 - b. Project No.: 8375-001
 - c. Date Filed: December 13, 1984
 - d. Applicant: Blind Canyon Aquaranch, Incorporated
 - e. Name of Project: Blind Canyon
 - f. Location: At Blind Canyon, on a tributary to the Snake River, in Gooding County, Idaho.
 - g. Filed Pursuant to: Section 30 of the Federal Power Act
 - h. Contact Person: Samuel F. Curtis, Jr.
Route 3-6 Ranch View W.
Pais, Idaho 83204
Jerome
 - i. Comment Date: SEP 23 1985
 - j. Description of Project: The proposed project would utilize return flows from the North Side Canal Irrigation Company S Coulee sediment holding pond located at the head of Blind Canyon and would consist of: (1) a 2,000-foot-long canal; (2) a headworks structure; (3) an 800-foot-long, 45-inch-diameter penstock; (4) a powerhouse containing two generating units each rated at 610-kw operated at a head of 100 feet and at a flow of 30 cfs; (5) a transformer; (6) a 500-foot-long transmission line; and (7) a short tailrace in the Snake River.
- Applicant estimates that the average annual energy production would be 5,656,896 kWh. Project energy would be sold.
- k. This notice also consists of the following standard paragraphs: A3, A9, B, C, D3b

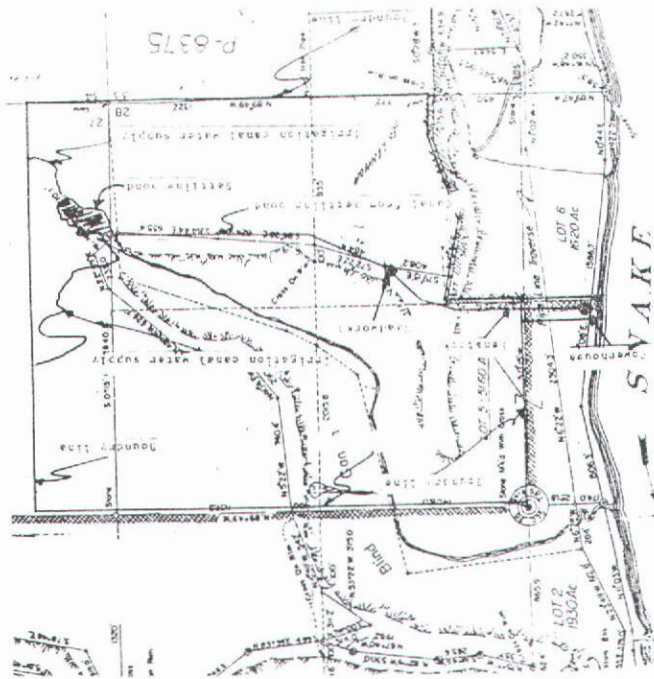
DC-A-6



P-8375

MICROFILMED

JUL 23 1990



- a. Type of Application: Conduct feasibility study.
- b. Project No.: H37-501
- c. Date Filed: December 13, 1983
- d. Applicant: Blind Canyon Aqueduct, Incorporated
- e. Name of Project: Blind Canyon
- f. Location: At Blind Canyon, a tributary to the Snake River, in Garfield County, Idaho.
- g. Filled Pursuant to: Section 31 of the Federal Power Act
- h. Contact Person: Samuel P. Corvick, Jr., Route 3-6, Rand View W., Pocatello, ID 83401
- i. Comment Dates: SEP 20, 1985
- j. Description of Project: The proposed project would utilize return flow from the North Side Canal Irrigation Company's Coulee sediment pond located at the head of Blind Canyon and would consist of: (1) a 2,000-foot-long canal; (2) a headworks structure; (3) an 800-foot-long, 45-inch-diameter penstock; (4) a powerhouse containing two generating units rated at 110 kw operated at a head of 300 feet and at a flow of 10 cfs; (5) a transformer; (6) a 500-foot-long transmission line; and (7) a short tailrace to the Snake River.
- k. Applicant estimates that the average annual energy production would be 5,656,886 kWh. Project energy would be sold.
- l. This notice also consists of the following standard paragraphs: A3, A9, B, C, D, E.

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

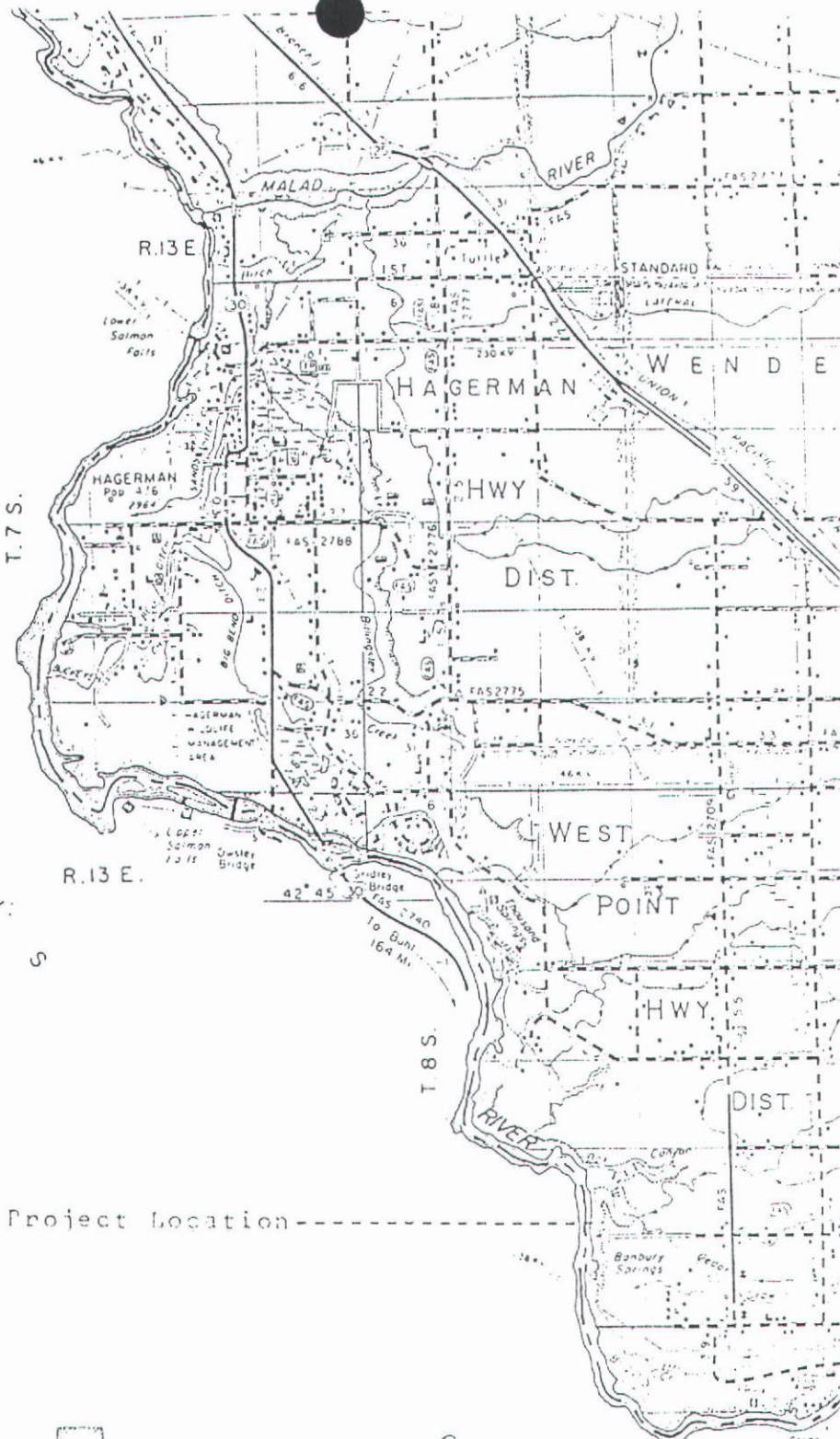
Notice of Application filed with the Commission (August 17, 1983)

FEDERAL ENERGY REGULATORY COMMISSION

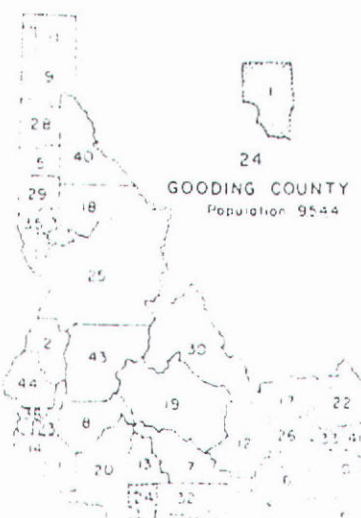
UNITED STATES OF AMERICA

MICROFILMED

JUL 23 1990

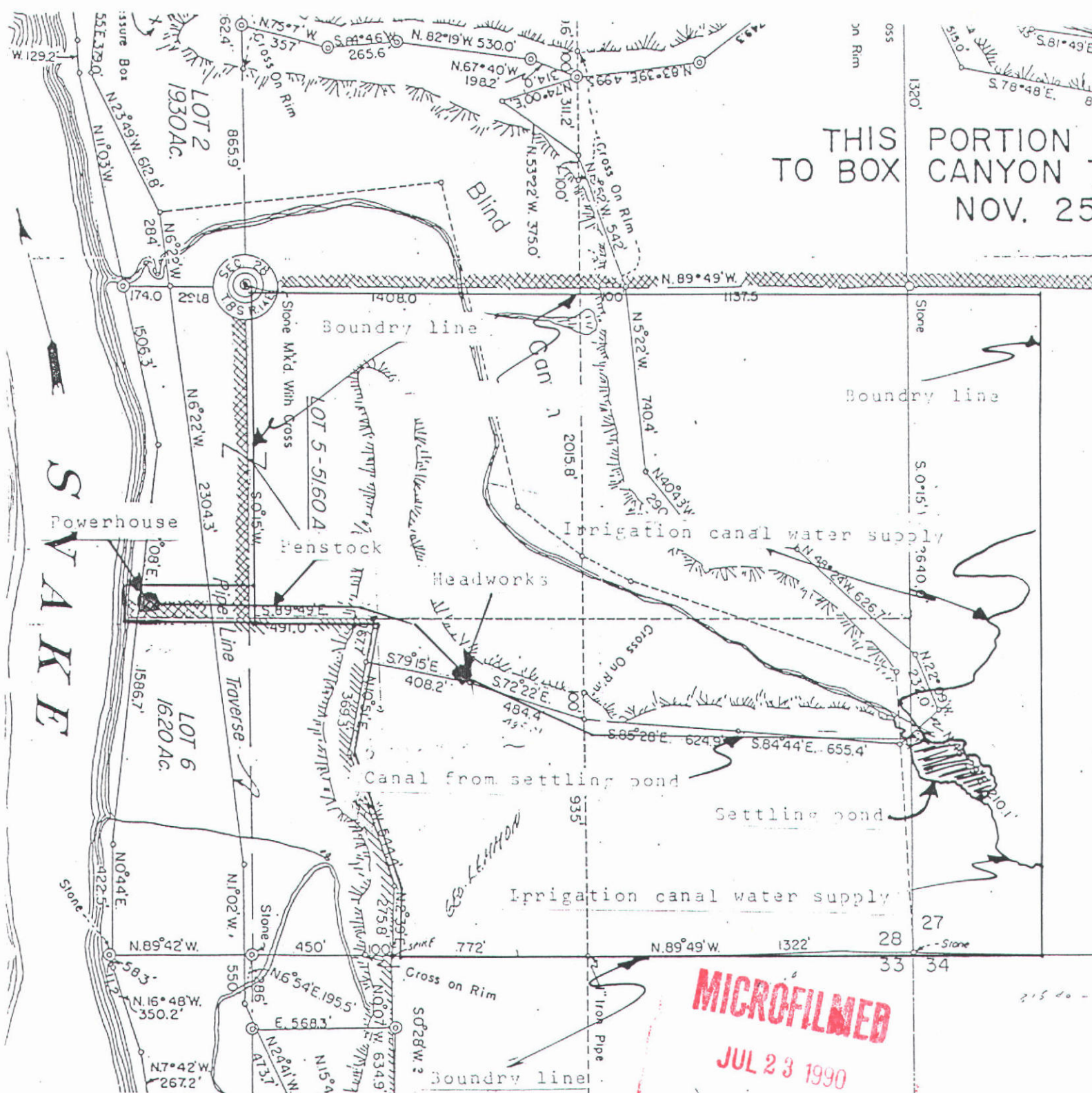


Blind Canyon Project Location-----



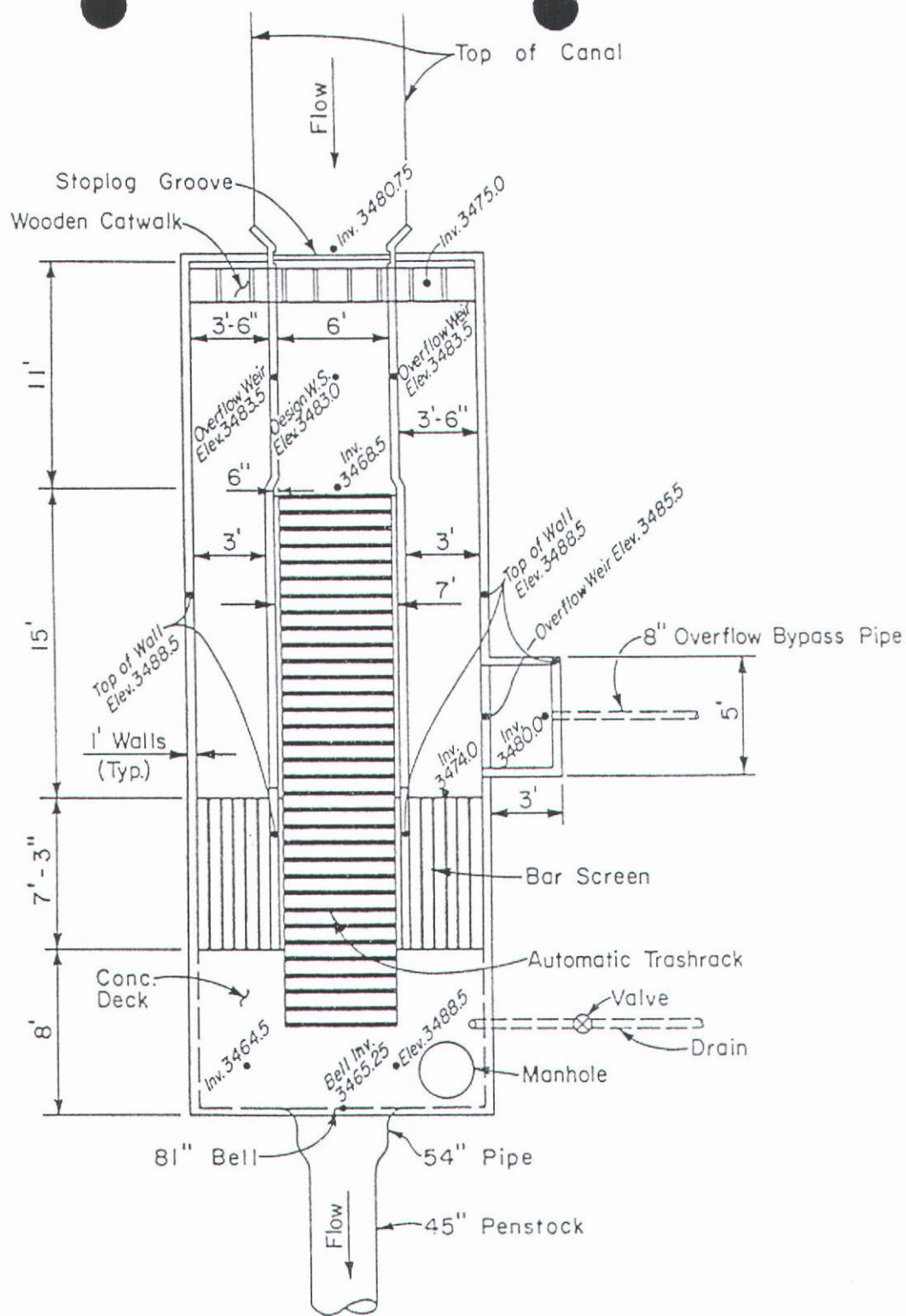
MICROFILMED

JUL 23 1990



THIS PORTION
TO BOX CANYON T
NOV. 25

MICROFILMED
JUL 23 1990



MICROFILMED

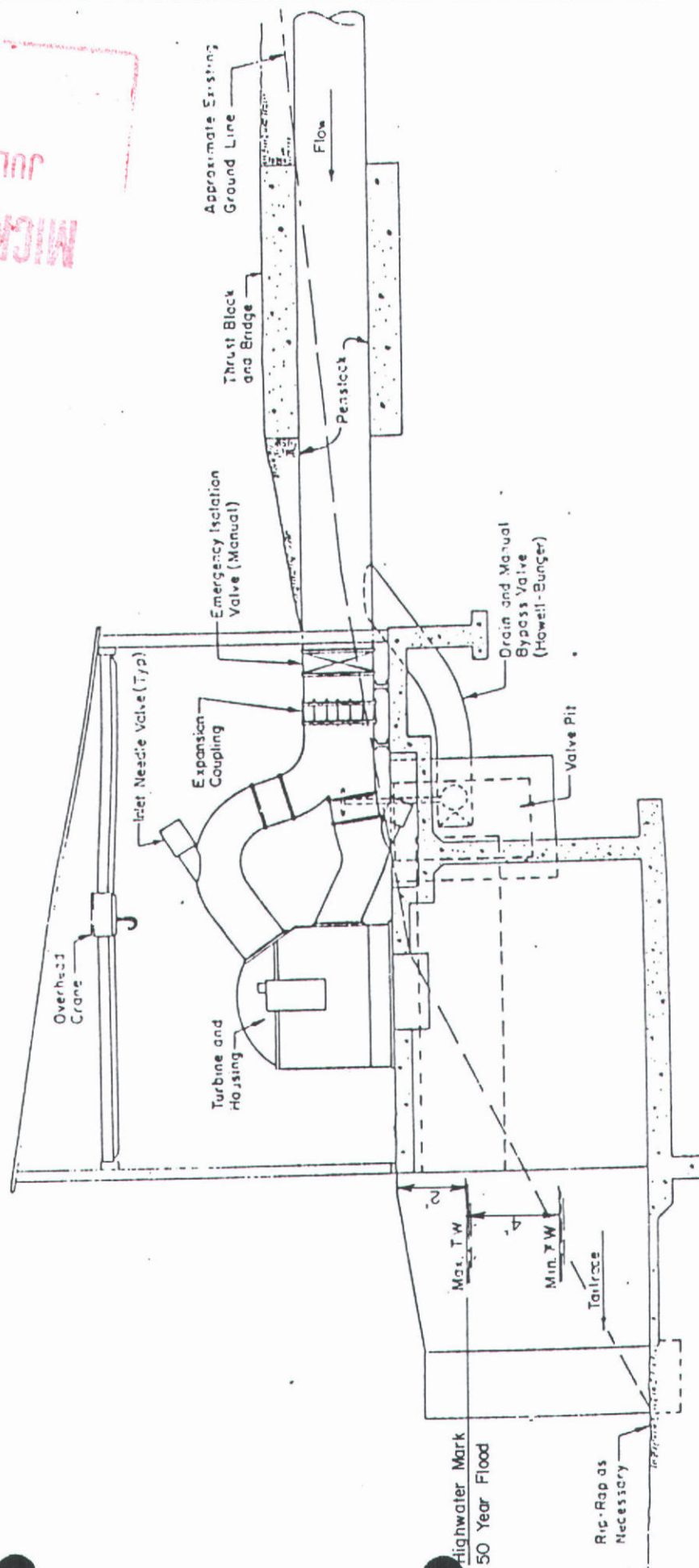
JUL 23 1990

POWERHOUSE PROFILE

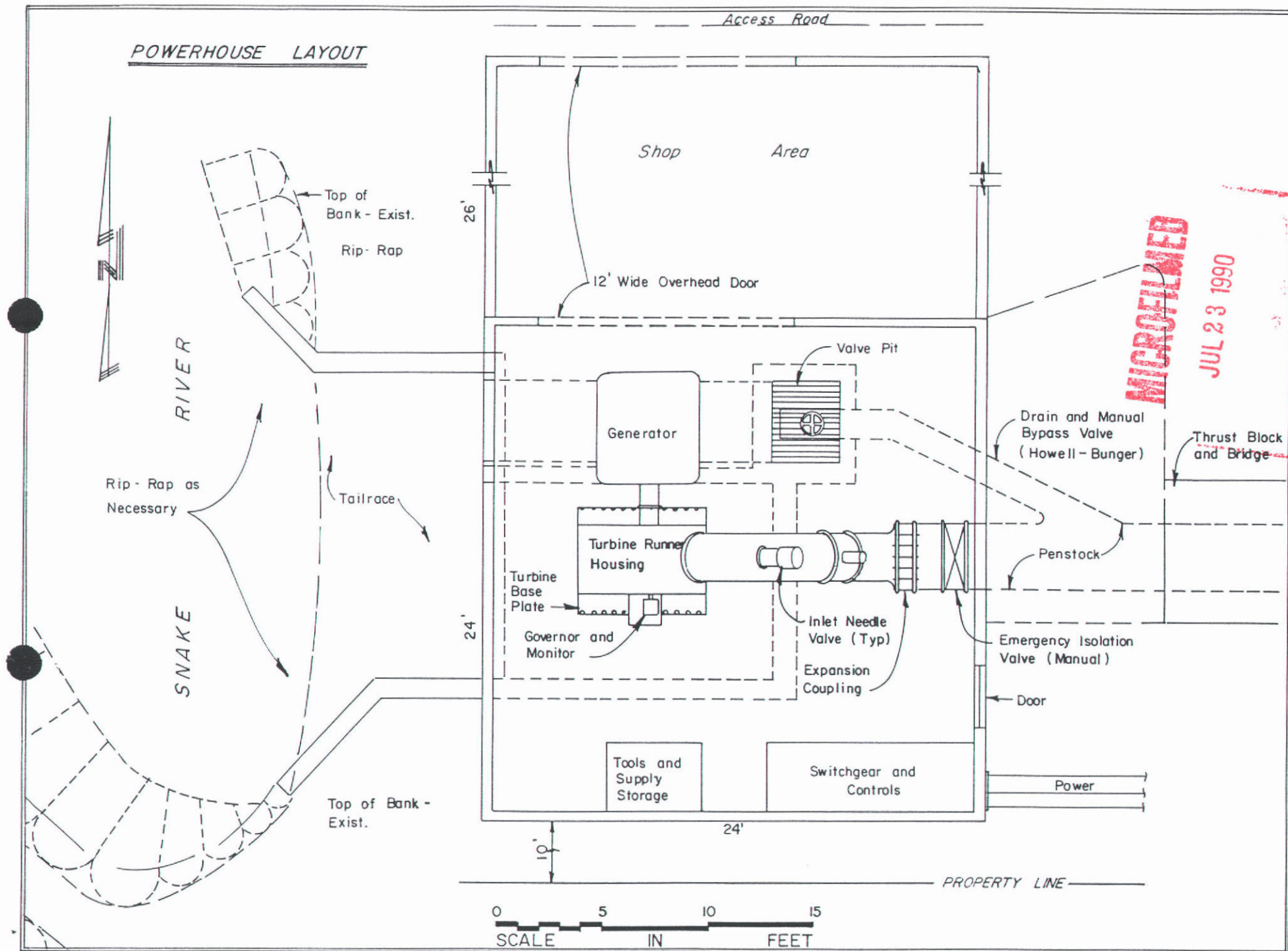
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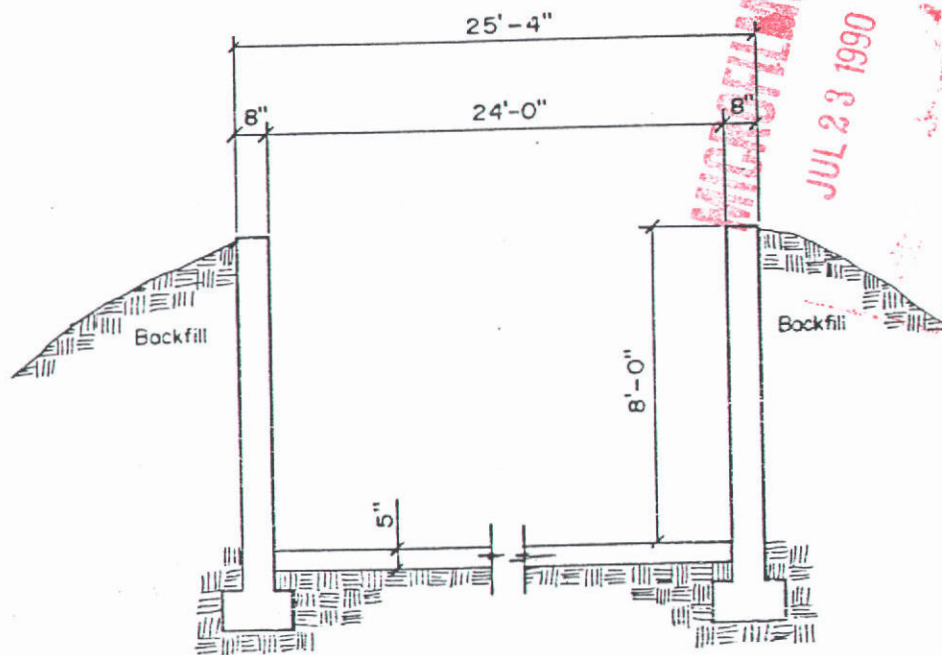
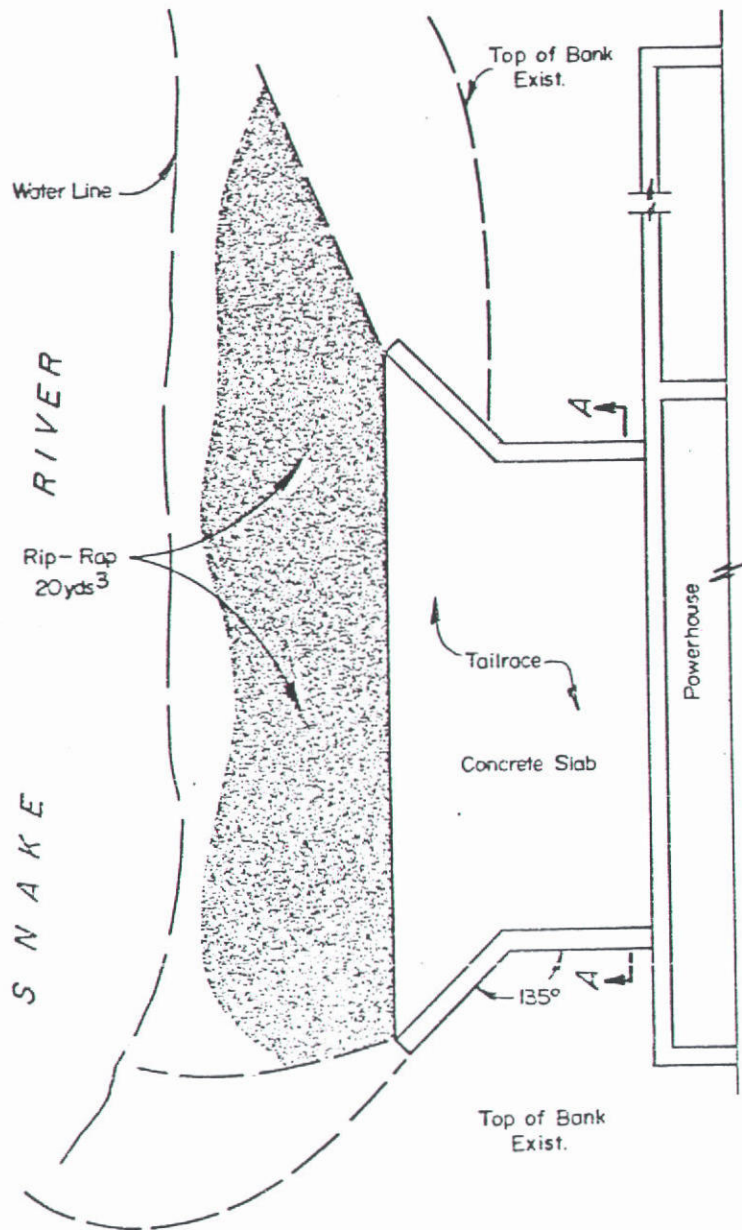
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JUL 23 1990



POWERHOUSE LAYOUT





SECTION A-A ————— 1" = 5'

sediment removed — 18 yds³

concrete placed — 12 yds³

Rip-Rap — 20 yds³

TAILRACE DETAIL

SCALE 1" = 10'



EHM Engineers Inc.

ENGINEERS • PLANNERS • SURVEYORS

RECEIVED
JUL 23 1990

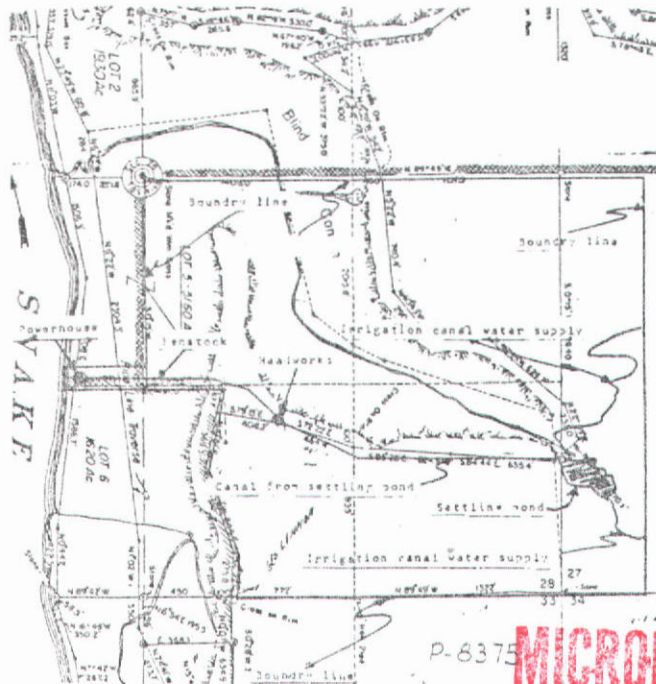
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Notice of Application Filed with the Commission
(August 12, 1985)

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

- a. Type of Application: Conduit Exemption
 - b. Project No.: 8375-001
 - c. Date Filed: December 13, 1984
 - d. Applicant: Blind Canyon Aquaranch, Incorporated
 - e. Name of Project: Blind Canyon
 - f. Location: At Blind Canyon, on a tributary to the Snake River, in Gooding County, Idaho.
 - g. Filed Pursuant to: Section 30 of the Federal Power Act
 - h. Contact Person: Samuel F. Curtis, Jr.
Route 3-6 Ranch View W.
Paco, Idaho 83204
Jerome, Idaho 83204
 - i. Comment Date: SEP 23 1985
 - j. Description of Project: The proposed project would utilize return flows from the North Side Canal Irrigation Company S Coulee sediment holding pond located at the head of Blind Canyon and would consist of: (1) a 2,000-foot-long canal; (2) a headworks structure; (3) an 800-foot-long, 45-inch-diameter penstock; (4) a powerhouse containing two generating units each rated at 610-kW operated at a head of 100 feet and at a flow of 30 cfs; (5) a transformer; (6) a 500-foot-long transmission line; and (7) a short tailrace to the Snake River.
- Applicant estimates that the average annual energy production would be 5,656,896 kwh. Project energy would be sold.
- k. This notice also consists of the following standard paragraphs: A), A9, B, C, D3b

DC-A-6

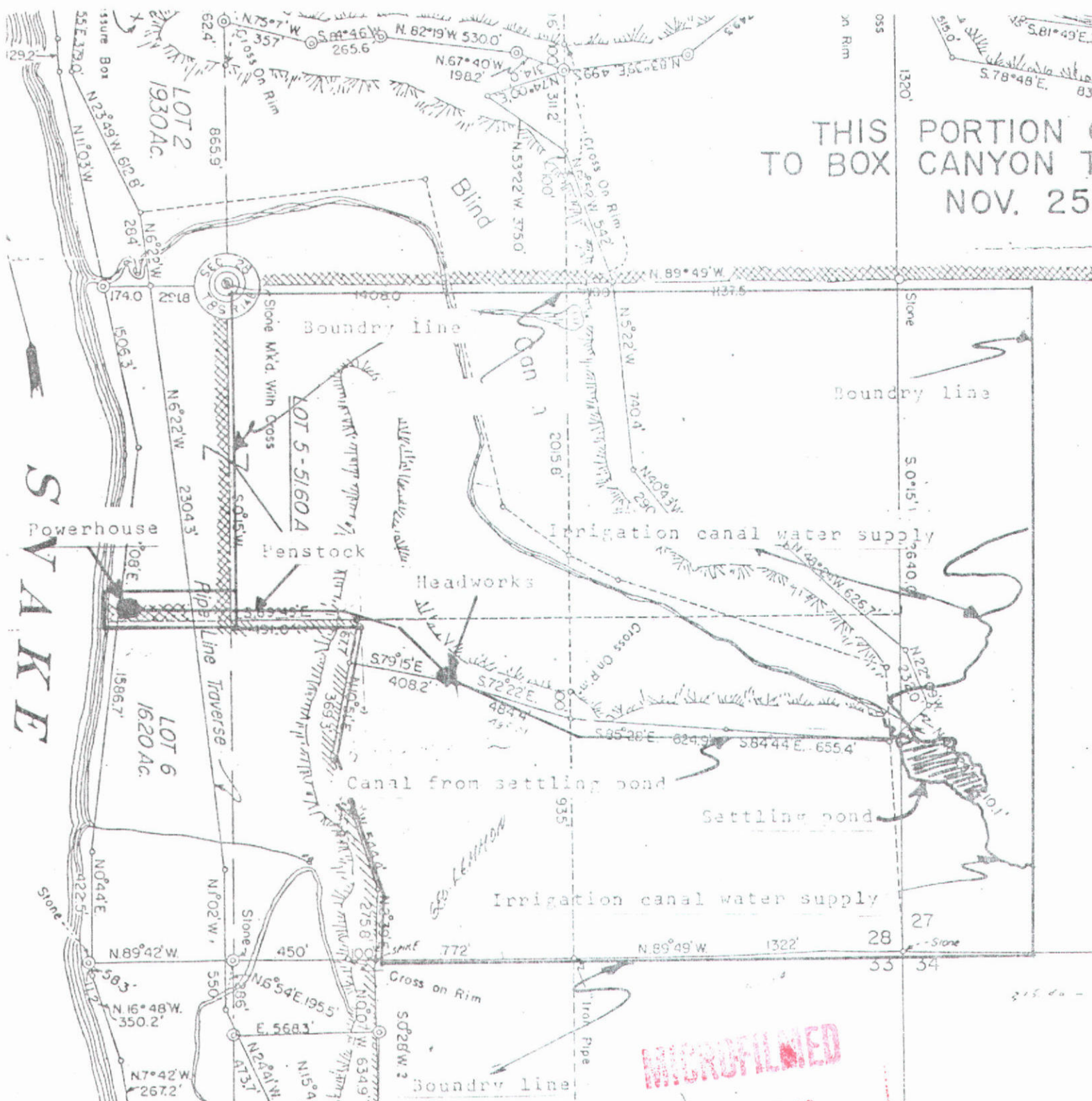


P-8375

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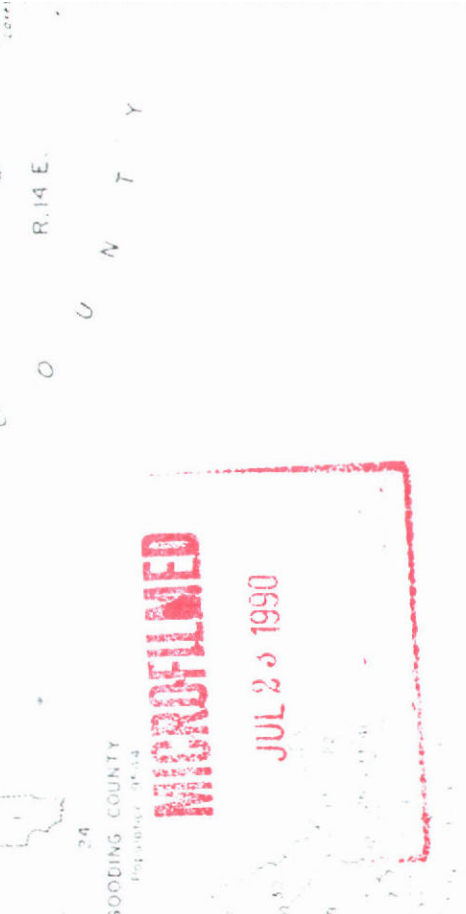
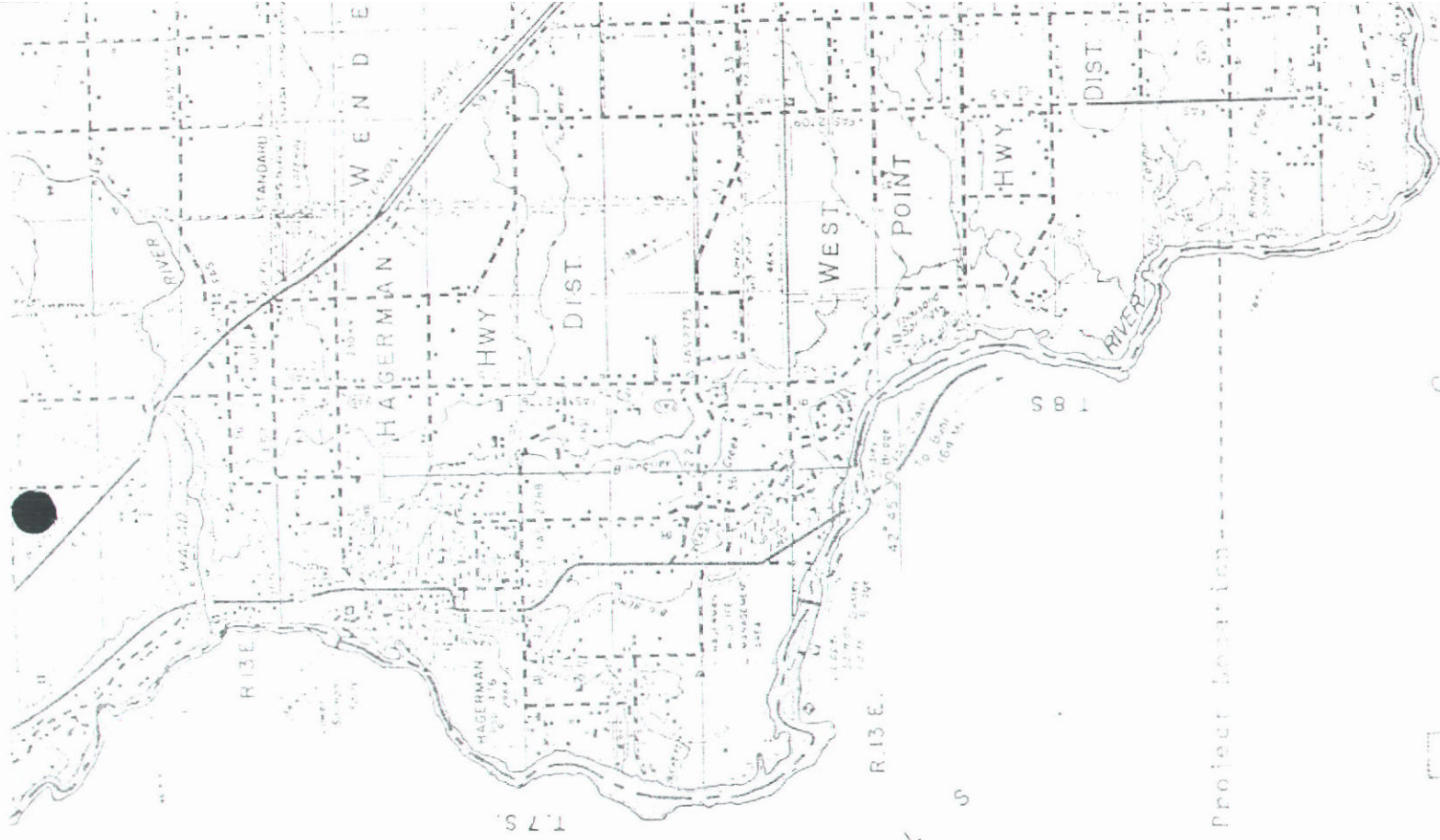
JUL 23 1990

PORTION
CANYON T
NOV. 25

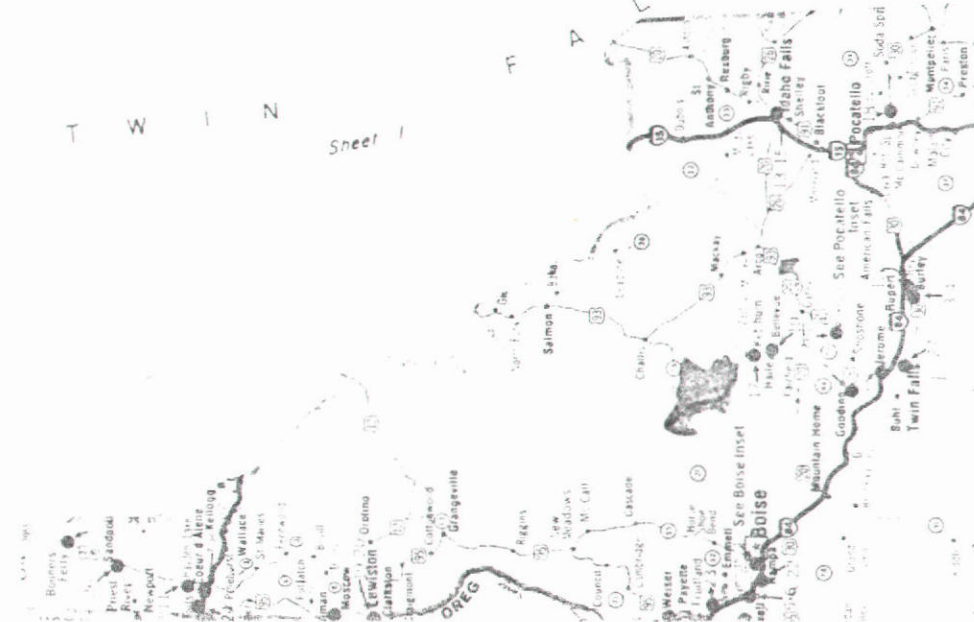


MICROFILMED

JUL 23 1990



TWIN FALLS
Sheet 1



Blind Canyon Project Location

GOODING COUNTY
Engineering 04-14

RECORDED

JUL 23 1990

RECEIVED

APR 12 1995

Department of Water Resources
Southern RegionSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

FOR OFFICE USE ONLY

Amt. of Fee \$: 600.00

Receipt No. 507972

Receipt By: J. P. [unclear]

Date Received: 4-12-95

RECEIVED

APR 13 1995

Department of Water Resources

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources considers this form 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, when necessary, or be accompanied by a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 36-08310 Telephone No. 837-48062. Name(s) of Permit Holder(s): Blind Canyon Aqua Ranch Inc.3. Mailing Address: 1050 E 2727 S, Hagerman, ID 835324. Source of Water: Cedar Draw Creek If GROUNDWATER (well), Date Drilled: mo. _____ / yr. _____

a. Well Driller: _____ Drilling Permit Number: _____ - _____ - _____

b. **OPTIONAL:**

Pump Horsepower: _____ Pressure (psi): _____ Dynamic pumping level (ft): _____

5. Use(s) (as authorized by the water right permit):

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

Irrigation (No. of acres): _____ Other: Fish & Power6. Total rate of diversion and/or volume for which proof is submitted: 85.0 cfs OR _____ acre feet

7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)

(This question is **not optional**. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)**Measuring Device:** Is a measuring device required?Yes ☒ or No _____

Has the measuring device been installed?

Yes ☒ or No _____**Flow Measurement Port:** Is a flow measurement port required?

Yes _____ or No _____

Has the measurement port been installed?

Yes _____ or No _____

8. Fee Enclosed: \$ 600.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)

9. Person to contact to accompany the Department representative during field examination of the water system.

Name: Pat Windes Telephone Number: 536-2513Address: 1300 1424 Bob Burton Rd, Wendell, ID

10. The information given on this form 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.

Signature of permit holder:

[Signature]
(include your title, if on behalf of company or organization)

Date:

4-17-95

APR 25 1995

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 36-08310

Proposed Priority: May 7, 1986 Maximum Diversion Rate: 85.00 CFS
This is to certify, that **BLIND CANYON AQUA RANCH INC.**

P.O. BOX 218
HAGERMAN, ID 833320000

has applied for a permit to appropriate water from:

CEDAR DRAW CREEK tributary of **SNAKE RIVER**

and a permit is **APPROVED** for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
FISH PROPAGATION	01/01 to 12/31	85.00 CFS
POWER	01/01 to 12/31	85.00 CFS
	Totals	85.00 CFS

LOCATION OF POINT(S) OF DIVERSION: NWSWSW Sec. 27, Township 08S, Range 14E
GOODING County

PLACE OF USE: FISH PROPAGATION

TWN RGE SEC

08S 14E 27 SWSW

PLACE OF USE: POWER

TWN RGE SEC

08S 14E 28 LOT 5(NESW)

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before June 1, 1995.
2. Subject to all prior water rights.
3. A separate stream alteration permit from the IDWR is required for any activity in the stream channel other than construction and/or maintenance of the diversion structure. If your proposed construction or operation involves construction of an outfall or any other work in the stream channel other than a water diversion, you must contact the Department and obtain a Stream Channel Alteration permit prior to the start of construction.
4. Water used under this permit if discharged into a natural channel or subsurface system shall meet Idaho Water Quality Standards

RECEIVED

JUL 20 1990

State of Idaho
Department of Water Resources**Permit To Appropriate Water**

NO. 36-08310

CONDITIONS/REMARKS:

5. 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.
6. 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.
7. This permit does not constitute Idaho Public Utilities Commission or Federal Energy Regulatory Commission approval that may be required.
8. 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.
9. 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.
10. Use of water under this permit shall be non-consumptive.
11. The permit holder shall either install a measuring device or a flow measurement port or provide a certified measurement or computation of flow based upon system design to be prepared by a professional engineer.
12. The adequacy of the project design to protect public and employee safety during all phases of construction and operation of the project shall be reviewed and certified by a professional engineer licensed to practice in the State of Idaho.
13. Prior to operation of the hydropower facility, the permit holder shall provide an operation plan to the Department for review and approval. The operation plan shall provide for the protection of public safety.
14. This permit and any subsequent license shall be subject to review by the Director of the Department of Water Resources at the expiration of the power sales contract to determine whether the license must be cancelled, modified or renewed pursuant to the public interest. The term of the power sales contract must be determined at the time of licensing.
15. Feet of head = 300. Horsepower = 1892.

MAY 23 1990

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 36-08310

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this

28th day of June, 1990.

for R. Keith Higginson, Director

MICROFILMED

JUL 23 1990

RECEIVED
MAY 7 1986
Department of Water Resources
Southern District Office

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Ident. No. 36-8310

To appropriate the public waters of the State of Idaho

1. Name of applicant Blind Canyon Aqua Ranch, Inc. Phone 837-4806

Post office address P. O. Box 218, Hagerman, ID 83332

2. Source of water supply Cedar Draw Creek which is a tributary of Snake River

3. Location of point of diversion is NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of SW $\frac{1}{4}$, Govt. Lot _____
Sec. 27 Township 8S Range 14E B.M. Gooding County; additional
points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 85 for Power purposes from Jan 1 to Dec 31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 85 for Fish Prop. purposes from Jan 1 to Dec 31 (both dates inclusive)
(cfs or acre-feet per annum)

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

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

5. Total quantity to be appropriated is (a) 85 and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Check dam forming pond in stream bed,
Penstock to power plant,

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? No

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

MICROFILMED

JUL 26 1990

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

- a. Hydropower; show total feet of head and proposed capacity in KW. 300' head = 1400 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. _____

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

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
8S	14E	27											H						
		28									Lt5 P								

P = Power H = Fish Prop.

Total number of acres to be irrigated _____

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

Permit 01-7010

11. a. Who owns the property at the point of diversion? Applicant

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

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

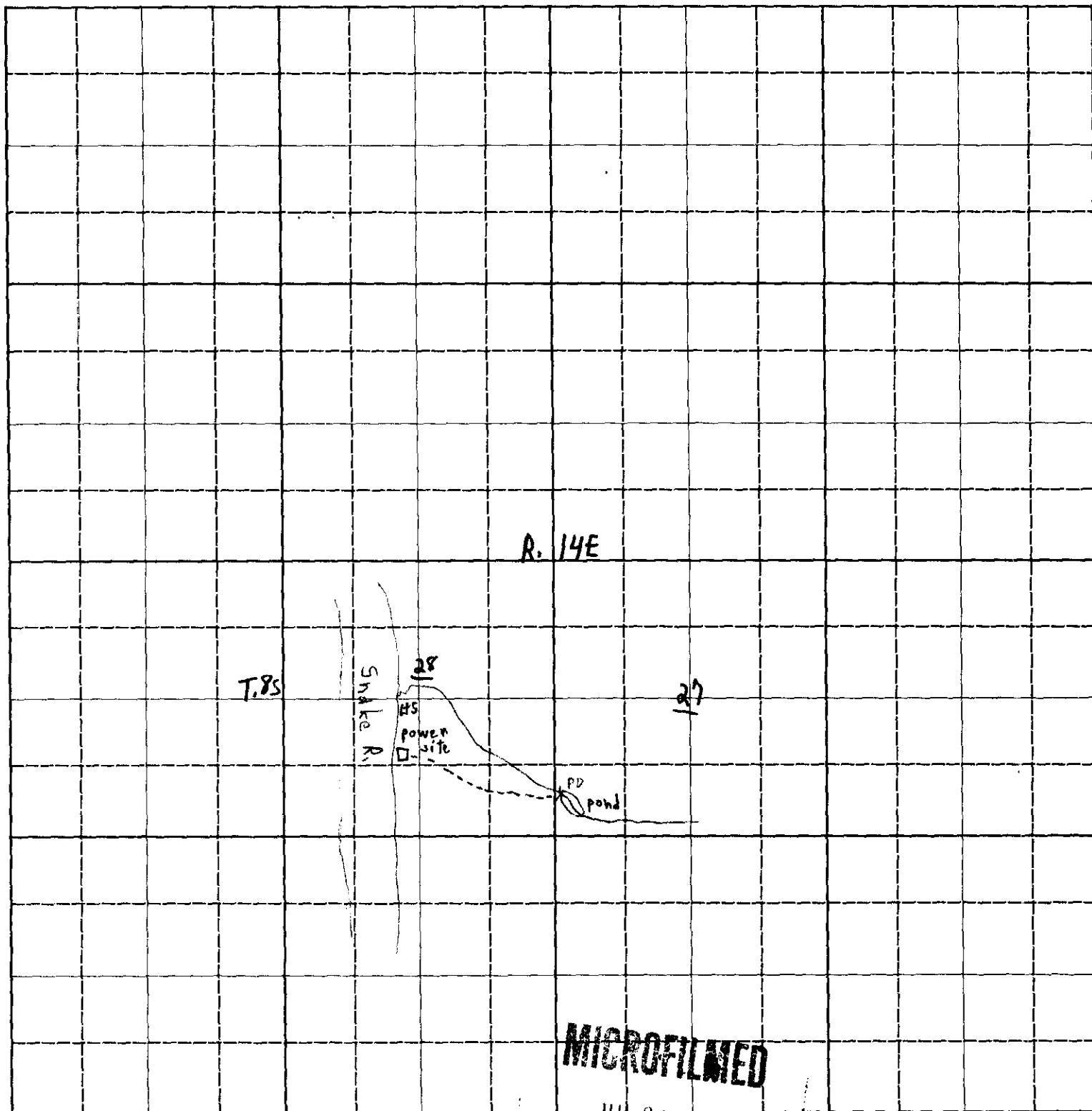
12. Remarks: Source includes unused water from North Side Canal Co. system, waste water, and winter runoff. Source is also known as S Coulee.

Pond will mainly remove sediment from in-flowing water, but will also allow for fish propagation above the inlet of the penstock.

REFILMED

2010-01-01

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

JUL 23 1990

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.

Leo H. Lemmon Pres.

(Applicant)

Proposed Priority 5/7/86
Received by [Signature] Date 5-7-86 Time 11:40 am Preliminary check by ADM
Fee \$ 1095⁰⁰ Receipted by [Signature] # 40110 Date 5-7-86
Publication prepared by manya Date 5/13/86 Published in Gooding Co. Leader 4x1-4 1/2
Idaho Statesman 4/5 1 1/2
Publication approved 6/16/86 mab Date 6/16/86 Idaho Statesman
Decorah morning Tribune

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. 36-8310, 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 November 1, 19 91.

c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

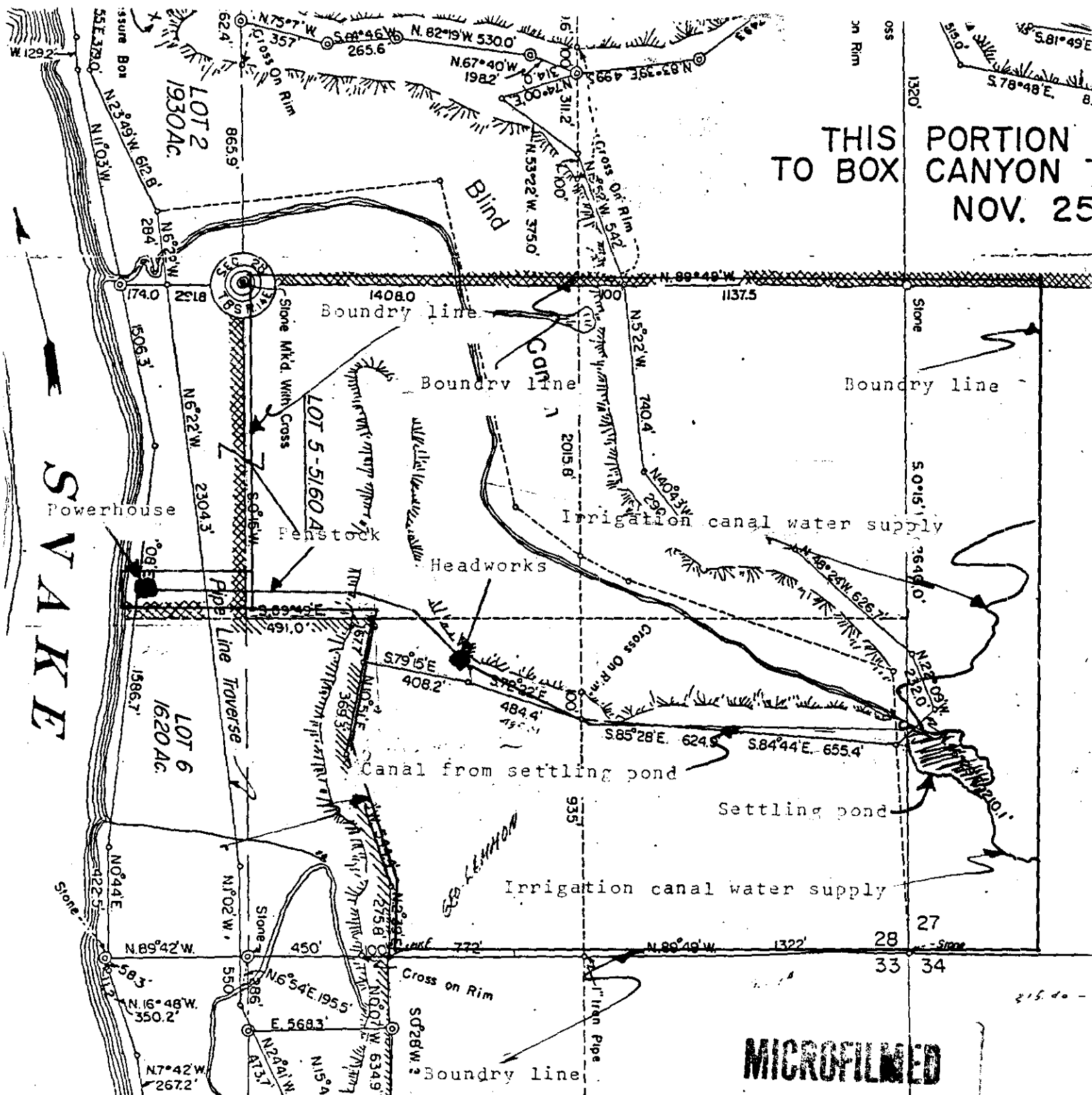
d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim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

Witness my hand this _____ day of November, 1986.

Chief, Operations Bureau





MICROFILMED

JUL 23 1990

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, Blind Canyon Aqua Ranch, Inc. of Hagerman,
(name) (city)
County of Gooding, State of Idaho, being duly sworn, depose
and say: That I am the designated registered agent of the company

(name of corporation): that as such I am in charge of the registered
office of the said corporation as required by Section 30-1-12, Idaho Code, at
Hagerman Idaho, wherein are kept the corporate records required
(city)
by Section 30-1-52, Idaho Code: and that Blind Canyon Aqua Ranch, Inc.
(name of corporation)
is a corporation qualified to do business in the State of Idaho under the laws of
the State of Idaho.

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

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

(check one)

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

State of Idaho)
County of Twain Falls) ss.

Lee H. Lemmon
Applicant pres.

On this 7 day of May, 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

MICROFILMED

JUL 1 1987

My commission expires:

Life

Loren O. Halme
Notary Public residing at
Twain Falls, ID

MEMORANDUM AGREEMENT

This Memorandum Agreement, dated this 20th day of April, 1984, by and between North Side Canal Company, Ltd., ("North Side") an Idaho corporation and Blind Canyon Aqua Ranch, Inc., ("Blind Canyon") an Idaho corporation.

W I T N E S S E T H

For and in consideration of the mutual covenants and agreements herein contained, and other good and valuable consideration, the receipt of which is hereby acknowledged, the parties hereto agree as follows:

1. The North Side is a Carey Act operating company with its principal place of business in Jerome County, Idaho and in such capacity operates and maintains certain canal facilities owned by the North Side for the purpose of conveyance and delivery of water to the shareholders of the North Side. In such capacity and in performing the function of conveying and delivering the irrigation stock water as aforesaid, certain waters representing excess or waste water passes out of the canal system owned and maintained by the North Side in various locations throughout the system, one of those locations being at the tail end of the S Coulee west of the City of Jerome where such waters, on occasion, pass into the Box Canyon area of the Snake River Canyon.

2. Blind Canyon desires to construct and operate a certain hydro electric generation facility on certain properties owned or possessed by Blind Canyon in the Box Canyon area and as such is desirous of using the aforesaid waste or excess waters which pass through the system of the North Side and exit therefrom at Box Canyon.

3. North Side hereby grants to Blind Canyon for the term hereof the right to non-consumptively use the excess or waste waters of the North Side which exit the tail end of the S Coulee on the west side of the City of Jerome and which waters ultimately drop into the Box Canyon area of Jerome County, provided however, that the use of such waters by Blind Canyon for the purposes of generation of electrical energy at the facility to be constructed in the Box Canyon area shall be at all times be subject to the obligations of the North Side to deliver and convey water to its shareholders, as such obligations are construed and implemented by North Side, in its sole judgment and discretion.

MICROFILMED

JUL 25 1988

4. In consideration for the license herein granted, Blind Canyon shall pay to the North Side an amount equal to five percent (5%) of the gross revenues received by Blind Canyon from the sale of the electrical energy produced at the hydro electric facility to be constructed in the Box Canyon area. Blind Canyon agrees to keep the hydro electric facility in operation at maximum capacity utilizing the available water excepting reasonable downtime for emergencies, necessary repairs and/or maintenance or in the event a shutdown is required by the purchaser of the power. Blind Canyon further agrees to make necessary records available to North Side so as to allow North Side to verify the receipts received by Blind Canyon from the sale of electrical energy.

5. Blind Canyon agrees to hold the Canal Company harmless from all taxes which may be assessed against the project and not to allow any liens or encumbrances to be placed against the facilities of the North Side as a result of the operation of the hydro electric facility being constructed by Blind Canyon.

6. Blind Canyon further agrees to protect, indemnify, and hold harmless the North Side for or on account of any injury, bodily or otherwise, property damage, or death of a person or entity resulting from or arising out of or in any way connected with, the construction, maintenance, and operation of the facility or the connection, or interconnection between the facility and other facilities or with power transmission lines. Without limiting the foregoing, Blind Canyon agrees to pay all costs, expenses, and fees, including attorney's fees, which may be incurred by the North Side as a result of any claim or demand, or the defense of any litigation resulting therefrom, against the North Side by any third person or entity as a result of the operation, construction or maintenance of the hydro electric facility by Blind Canyon in the Box Canyon area.

7. It is further agreed and understood that the waters transmitted pursuant to this Agreement are excess or waste waters and that the North Side makes no implied or express representations or warranties concerning the availability of such waters at the tail end of the S Coulee either during the irrigation season or otherwise and that should such waters be unavailable for use either because of the manner in which the North Side operates or maintains its canal systems or because of any other reason whatsoever, Blind Canyon shall have no recourse or claim against the North Side for damages or specific performance of this Agreement because of the unavailability of such waters.

MICROFILMED

JUL 12 1970

8. Nothing in this Agreement shall be construed as a grant of any easements, rights of way, right of entry, or interests of any kind to any portion of the North Side's ditches, coulees, canals or other portions of its facilities for the purposes of construction, maintenance or operation of the project.

9. The term of this Agreement shall commence upon the execution of this Agreement and shall end on the 35 anniversary date hereof.

10. No term or provision of this Agreement may be changed, waived, discharged or terminated orally, but only by an instrument in writing signed by the party against which the enforcement of the change, waiver, discharge or termination is sought.

11. This Agreement shall not be assigned by Blind Canyon without the written consent of the North Side, which consent should not be unreasonably withheld.

12. This Agreement shall be binding upon the parties hereto and their permitted successors and assigns.

13. Nothing herein shall in any manner be construed as a conveyance of the water or real property rights of the North Side, but is limited only to an agreement of the North Side as herein contained as is available pursuant to this Agreement. Blind Canyon specifically, and as part of the consideration for this Agreement, waives the provisions of Article 15, Section 4 of the Idaho Constitution, and Idaho Code §42-914.

14. Nothing herein shall in any way be construed as a limitation on North Side Canal Company's flowage easement over the property of Blind Canyon, whether or not resulting from an act of God or the negligence of North Side Canal Company, and Blind Canyon herein waives any claim or claims against North Side Canal Company in such regard.

15. The parties hereto are not joint venturers or partners or otherwise associated in any way for any purpose, and specifically, but without limiting the generality of the preceeding statement, not such for the purpose of the construction and operation of the referenced hydro electric facility in Box Canyon.

MICROFILMED

JUL 23 1990

IN WITNESS WHEREOF the parties hereto have executed this Agreement on the day and year first above written.

NORTH SIDE CANAL COMPANY, LTD.

By: C. J. Marshall
President

ATTEST:

Bernice Johnson
Secretary

BLIND CANYON AQUA RANCH, INC.

By: Geo. H. Lemmon
President

ATTEST:

Geo. H. Lemmon
Secretary

STATE OF IDAHO)
) ss.
County of Jerome)

On this 28 day of April, 1984, before me, a Notary Public, in and for said County and State, personally appeared C. J. Marshall and Bernice Johnson known or identified to me to be the President and Secretary, respectively of North Side Canal Company, Ltd., the corporation that executed the foregoing instrument, and acknowledged to me that such corporation executed the same.

MICROFILMED

JUL 23 1980

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

William J. Dill
NOTARY PUBLIC FOR IDAHO
Residing at Jerome, Ida

STATE OF IDAHO)
) ss.
County of Jerome)

On this 28 day of April, 1984, before me, a Notary Public, in and for said County and State, personally appeared Joe Lemmon and Sam Lemmon known or identified to me to be the President and Secretary, respectively of Blind Canyon Aqua Ranch, Inc., the corporation that executed the foregoing instrument, and acknowledged to me that such corporation executed the same.

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

William J. Dill
NOTARY PUBLIC FOR IDAHO
Residing at Jerome, Ida

LEASE AND ASSIGNMENT

THIS LEASE AND ASSIGNMENT (the "Agreement"), made and entered into this 29 day of Sept., 1983, by and between BLIND CANYON AQUA RANCH, INC., an Idaho corporation, hereinafter referred to as "Lessor" and ENERGY DYNAMICS CORP., an Idaho corporation, hereinafter referred to as "Lessee".

WITNESSETH:

WHEREAS, Lessor owns or has the right to acquire certain real property (the "Leased Premises"), located in Gooding County, State of Idaho, more particularly described in Exhibit "A" attached hereto and by this reference made a part hereof; and

WHEREAS, the Lessor owns or has the right to acquire certain non-consumptive water rights and appropriations for electrical generation (the "Water Rights"), more particularly described on Exhibit "B" attached hereto and by this reference made a part hereof; and

WHEREAS, the Lessor has applied for an Order Granting Exemption From Licensing for a Conduit Hyrdoelectric Project from the Federal Energy Regulatory Commission (the "FERC Exemption"), being Project application No. 5422-000-Idaho; and

WHEREAS, Lessee desires to lease the Leased Premises and to acquire the Water Rights and FERC Exemption (after the same has been issued in the name of Lessor) by assignment for purposes of consturction, operating and maintaining a hyrdoelectric project on the Leased Premises, hereinafter referred to as the "Project". and

WHEREAS, Lessor desires to lease the Leased Premises and to assign the foregoing rights and interests strictly upon the terms herein contained.

JUL 21 1980

NOW, THEREFORE, for the consideration hereinafter described and in further consideration of the mutual promises and covenants of the parties hereto, it is hereby agreed by and between the parties as follows:

1. AGREEMENT TO LEASE AND ASSIGN AND PURPOSE: Lessor hereby leases and assigns to Lessee and Lessee hereby hires and takes from Lessor the Leased Premises, Water Rights, and the FERC Exemption, (when the same has been obtained by and issued to Lessor,) in accordance with and subject to the terms of this Agreement for the purpose of constructing, maintaining and operating diversion works, conveyance systems, penstocks, generating plants and transmission lines for electricity in connection with the Project.

2. TERM OF LEASE AND ASSIGNMENT: This Agreement shall remain in full force and effect and binding upon the parties hereto from and after the date hereof and continuing for a term of 11 1/2 years ~~from the date of first power production by the Project~~ unless earlier terminated as herein provided.

3. CONSTRUCTION OF THE PROJECT: Lessee shall have the right to go upon the Leased Premises for purposes of constructing the Project. Lessee shall be solely responsible to construct, install or complete on the Leased Premises a power generating facility capable of producing not less than 1 megawatts of installed generating capacity. Said facility shall be completed and in commercial operation within 12 months from the date of the issuance of the FERC Exemption. Lessee agrees to use qualified professional personnel in the construction and operation of the Project. Lessor shall have the right to inspect all construction and operation work and records and the parties shall mutually agree upon all engineering plans and construction schedules which Lessee shall make available to Lessor

not less than ten (10) days prior to the same being finalized. It is agreed and understood that any credits, reimbursements or reductions in construction costs shall belong solely to Lessee.

4. CONTROL AND OWNERSHIP OF THE PROJECT: Subject to the provisions of Paragraph 5 hereof, Lessee shall have complete control over and responsibility for the construction, operation and maintenance of the Project during the term of this Agreement and Lessor grants to Lessee all rights and privileges necessary for the construction and maintenance of the Project, including, without limitation rights of ingress and egress and such easements, privileges, water lines, electrical transmission lines and other utility easements as may be necessary or desirable in the construction, operation and maintenance of the Project. At the end of the term hereof, Lessee shall transfer to Lessor, without cost to Lessor, by good and sufficient bills of sale, quit claim deeds or assignments, all of its right, title and interest in and to the Leased Premises, Water Rights, FERC Exemption and any Power Contract entered into by Lessee, and any and all improvements or personal property situated upon the Leased Premises at the end of the term hereof.

5. ACCESS AND RESERVATION OF RIGHTS: Lessor agrees to provide access to the Project over and across Lessor's property and to cooperate in obtaining alternate, more convenient access to the Project; provided, however, that such cooperation shall not include (unless otherwise agreed upon by Lessor) the waiver or transfer of any rights to real property or water, other than that transferred hereunder. Any access provided by Lessor shall be solely to the benefit of Lessee's authorized personnel and the duly authorized agents and officers of Lessor; provided, however, that Lessor reserves

MICROFILMED
JUL 2 1990

the right for Lessor, its officers, agents and invitees to use the access routes and to go upon the Leased Premises for hunting and fishing purposes subject to the following conditions:

(a) Use of access routes is conditional upon and subject to the restrictions, if any, placed upon such access by third persons owning property over which such access route may cross, and

(b) Lessor shall indemnify and hold Lessee harmless from and against any damages, liabilities, claims, causes of action or costs, including attorneys' fees, incurred by Lessee as a result of the use of Lessor, its agents, officers or its invitees of the access or privileges stated herein.

6. RENTAL: As rental for the Leased Premises and as total consideration for the lease and assignments herein contained, Lessee agrees to pay to Lessor the following amounts (all of which shall be non-refundable regardless of circumstances) within the times and upon the terms as follows:

(a) At such time as the Project is completed and declared to be in commercial operation, Lessee shall pay to Lessor for a period of 10 years ^{or the remainder of contract period,} ~~of operation~~ a sum equal to fifty percent (50%) of the gross revenue received by Lessee from the operation of the Project annually. Such payments shall be made to Lessor in quarterly installments, in arrears.

7. TAX BENEFITS: Lessee shall own and have the benefit of all federal tax credits, deductions and depreciation (ITC, ETC, and Cost Recovery Deductions (ACRS), etc.) available under the tax regulations relating to power projects of this nature. All Idaho state tax benefits, credits and deductions shall inure to the benefit of Lessee to the extent allowed by law.

MICROFILMED

JUL 25 1990

liability and property insurance relating to the Project in an amount not less than required under any Power Contract entered into by Lessee or assigned to Lessee, and shall show Lessor as an additional insured on any such policy.

21. SUBROGATION: As long as their respective insurers so permit, Lessor and Lessee hereby mutually waive their respective rights of recovery against each other for any loss insured by fire, extended coverage and other property insurance policies existing for the benefit of the respective parties. Each party shall obtain any special endorsement, if required by their insurer to evidence compliance with the aforementioned waiver.

22. TAXES: Lessee agrees to pay all real and personal property taxes and assessments levied against the Leased Premises and Lessee agrees to cooperate with Lessor in having other property owned by Lessor lying adjacent to the Leased Premises taxed at a rate consistent with its present agricultural use, provided Lessee shall not be required to incur any expense as a result of such cooperation.

23. ADDITIONAL WATER: It is understood and agreed by the parties hereto that in the event Lessor is able to provide additional water and provided that Project can use such additional water and increase its electrical generating capacity thereby, the Lessee shall accept such additional water and the parties shall share in the revenues generated from the increased capacity as provided in this Agreement.

24. NOTICES: All notices required hereunder shall be deemed duly delivered when personally delivered or when sent by United States mail, postage prepaid, registered or certified mail with return receipt required, and addressed to the parties as follows:
IF TO LESSOR:

Blind Canyon Aqueduct Inc.

MICROFILMED

JUL 25 1990

PT # 1 Box 218

Hyperman Idaho

IF TO LESSEE:

Energy Dynamics Corp.

640 Cherokee Ln.

Twin Falls, Id. 83301

Either party may change its address in writing by giving notice of such change in the manner herein provided.

25. ENTIRE AGREEMENT: This Agreement constitutes the entire agreement between the parties relating to the subject matter hereof and shall not be modified or amended except by a written instrument duly executed by the parties hereto.

26. BINDING AGREEMENT: This Agreement shall inure to the benefit of the parties hereto and their respective heirs, personal representatives, successors and assigns.

27. CAPTIONS: Captions throughout this instrument are for convenience of reference only and the words contained therein shall in no way be held to explain, modify, amplify or aid in the interpretation, construction or meaning of the provisions of this Lease.

IN WITNESS WHEREOF, pursuant to duly authorized corporate resolutions, the parties hereto have executed this Lease and Assignment the day and year first above written.

BLIND CANYON AQUA RANCH, INC.

Geo H. Lemmon
President

ATTEST:

Harry Lemmon
Secretary

"LESSOR"

ENERGY DYNAMICS CORP.

[Signature]
President

ATTEST: JUL 23 1990

[Signature]
Secretary

"LESSEE"

Personally Guaranteed By:
[Signature]

Exhibits

- A. That portion of the South 1/2 of Section 28 owned by Blind Canyon Ranch, Inc. and necessary for the construction and operation of a hydro-electric generating facility. A map and boundary description to follow at a later date.
- B. Certificates of water rights to be made a part of this agreement at a later date and or upon issuance.

MICROFILMED

JUL 23 1990

TO: ATE RIGHT
The following applica-
tion(s) have been filed to
appropriate the public
waters of the State of
Idaho:

36-8310

BLIND CANYON AQUA
RANCH, INC.
P.O. BOX 218, Hager-
man, ID 83332

Source: CEDAR DRAW
CREEK trib. to SNAKE
RIVER

Diversion Pt: NWSWSW
Sec 27 T 08S R 14E
Use: FISH PROP. (85.0
CFS)

POWER (85.0 CFS)

Date Filed: 05/07/1986

Sec 27 T 08S R

E LOT 05 (NESW) Sec

T 08S R 14E

The permit(s) will be
subject to all prior water
rights. Protests must be
filed with the Director

of
Sources, Southern
Region, 1041 Blue Lakes
Road, N. Twin Falls,
Idaho 83301 on or before

June 23, 1986.

W. DUNN, Dir.

SLISH: Thursday,
June 5, and 12, 1986.

Affidavit of Publication

STATE OF IDAHO,

COUNTY OF TWIN FALLS

ss.

RECEIVED
JUN 19 1986 No 16323

I, Belinda J. Capps, Notary Public for the County of Twin Falls, Idaho, do hereby swear upon oath, depose and say that I am Notary Public of the TIMES-NEWS, published daily, at Twin Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per clipping attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for Two consecutive Weeks, commencing with the issue dated June 5, 1986, and ending with the issue dated June 12, 1986.

And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except Monday, both of which newspapers prior to consolidation had been published under said names in said city and county continuously and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-NEWS, since such consolidation, has been published as a daily newspaper except Saturday, and said city and county continuously and uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated as the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho, to be published weekly, will be published; and that at the head of the editorial column of said combined newspapers, and in each issue thereof, Thursday is announced as the day on which said legal notices will be published.

Subscribed and sworn to before me on this

June, 1986, 12th day of

Belinda J. Capps
Notary Public in and for the County of Twin Falls,
State of Idaho, residing at Twin Falls, Idaho

OK
MB
6/20/86

RECEIVED

JUN 17 1986

AFFIDAVIT of PUBLICATION

Department of Water Resources
Southern District Office

State of Idaho,)
) SS.
County of Gooding)

L. L. LANGDON
PUBLISHER

being first duly sworn,
deposes and says that he is the printer (publisher) of the Gooding
County Leader, a newspaper published every week in Gooding, County
of Gooding, 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 2 consecutive issues in said newspaper
proper and not in a supplement; that the date of the first publication
of said advertisement was on the 4th day of June
19 86, and the date of the last publication was on the 11th
day of June, 19 86.

S. L. Langdon
Subscribed and sworn to before me this 12th
day of June, 19 86.
(SEAL)

Darla Lott
NOTARY PUBLIC

GOODING COUNTY LEADER
Gooding, Idaho

COST OF PUBLICATION

MICROFILMED

JUL 23 1990

Number of Lines in Notice 23
Number of Insertions 2

Lines tabular at 5/Pica
23 Lines straight at 11.96 4/Pica
23 Subsequent lines at 8.97 3/Pica

TOTAL COST 20.93

COPY OF NOTICE
(Paste Here)

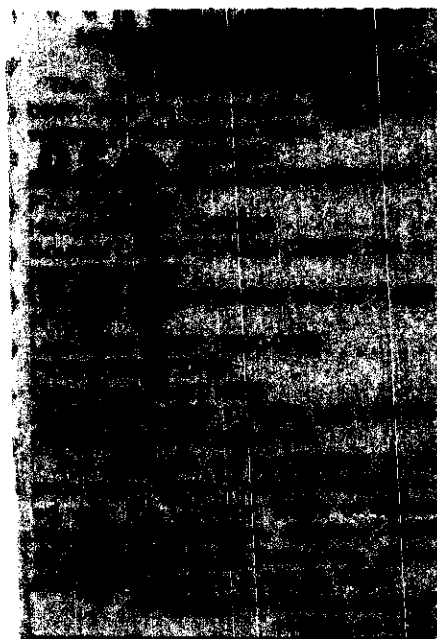
36-8310
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Dept of Water Resources
BILL TO



OK
MB
6/16/86

PUBLICATION RATES

(Idaho Code, Rev. Statutes 1971)
7 pt. per line, straight 38¢
7 pt. per line, tabular 48¢
7 pt. per line, successive
insertions 28.5¢

No. 6555

Proof of Publication
The Post-Register

RECEIVED

JUN 17 1986

Department of Public Resources
Sealman District Office

State of Idaho, }
County of Bonneville } ss

I, J. Robb Brady, first being duly sworn, depose and say: That I am the Principal Clerk of The Post Company, a corporation of Idaho Falls, Bonneville County, Idaho, publishers of The Post-Register, a newspaper of general circulation, published daily, except Saturday, at Idaho Falls, Idaho; said Post-Register being a consolidation of the Idaho Falls Times, established in the year 1890, The Idaho Register, established in the year 1880 and the Idaho Falls Post, established in 1903, such consolidation being made on the 1st day of November, 1931, and each of said newspapers have been published continuously and uninterruptedly, prior to consolidation, for more than seventy-eight (78) weeks and said Post-Register having been published continuously and uninterruptedly from the date of such consolidation, up to and including the last publication of notice hereinafter referred to.

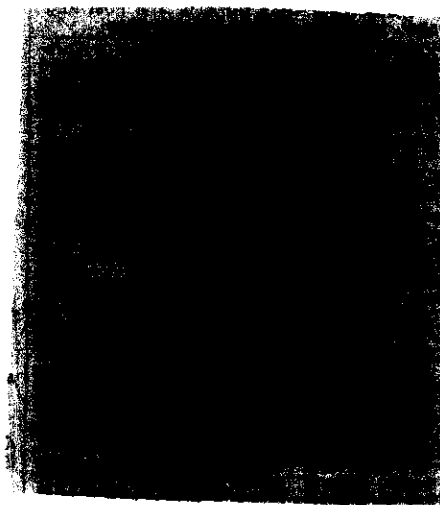
That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post-Register for two consecutive weeks, first publication having been made on the 5th day of June, 1986, last publication having been made on the 12th day of June, 1986, and that the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.

Subscribed and sworn to before me, this 13th day of June, 1986.

J. Robb Brady
Dean R. Hapner
Notary Public

My commission expires September 30, 1988.

B10



OK
MB
6/16/86

MICROFILMED

JUL 20 1990

The Idaho Statesman

P.O. BOX 40, BOISE, IDAHO 83707

LEGAL ADVERTISING INVOICE

Amount Due

29.33

Department of Water Resources
Southern Idaho

Account Name ID Department of Water Resources, Southern		Account Number #100632	
Address 1041 Blue Lakes Blvd. N.		City/State Twin Falls, ID	Zip 83301
Ordered By Mary Newby	P.O. Number	Rate nt	Run Dates 1986 June 5, 12
Identification Application No. 36-8310			Legal Number #2174

1

Number of Affidavits
Requested

STATE OF IDAHO)
) ss.
COUNTY OF ADA)

OK MB
6/17/86

Laura Gay Barnes

being duly sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at **Boise, Ada County**, State of Idaho, and having a general circulation therein and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto; that said notice was published in The Idaho Statesman in conformity with Section 60-108, Idaho Code as amended, for Two (2) ☒ consecutive weekly ☐ consecutive daily ☐ single ☐ odd skip

insertion(s) beginning with the issue of June 5, 1986

and ending with the issue of June 12, 1986

Laura Gay Barnes

Subscribed and sworn to before me this 12th

day of June, 1986

MICROFILMED

JUL 25 1990

James M. Hawke
Notary Public for Idaho, Residing at Boise, Idaho.

TRIBUNE PUBLISHING COMPANY, INC.
The Lewiston Morning Tribune
505 C St., P.O. Box 957
Lewiston, Idaho 83501
(208) 743-9411

**LEGAL ADVERTISING
INVOICE**

Date 063086 INVOICE No. L00079734

Account No. 44662

Description 76824NOTIC

Times 2

Lines 27

JUL 3 1986

Tab Lines

Department of Water Resources
Southern District Office

SOLD TO:

DEPT. OF WATER RESOURCES
1041 BLUE LAKES BLVD. N.
TWIN FALLS
ID 83301

\$ 00.00

NOTICE: This is an invoice of Purchase made by you. Statement will be rendered the first of the month.
Please Retain This Invoice as Your Statement Will Refer To Invoice by No. Only.

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, ss.
County of Nez Perce

R. R. Thomason, being duly sworn,
deposes and says, I am the Legal Clerk
of the Tribune Publishing Company, a corporation organized and existing
under and by virtue of the laws of the State of Idaho, publishers of the
LEWISTON MORNING TRIBUNE, a newspaper of general circulation
published at Lewiston, Nez Perce County, Idaho; That the said Lewiston
Morning Tribune is an established paper and has been published regular-
ly and issued regularly at least once a day for more than 21 consecutive
years next immediately preceding the first publication of this notice, and
has been so published uninterrupted for said period; that the

NOTICE OF APPLICATION FOR

attached hereto and which is made a part of this affidavit was published in
the said Lewiston Morning Tribune, 2 time(s). Publication be-
ing on 062386, or once a
for 2 consecutive, the first
publication thereof being on the 062386, and the last pub-
lication thereof being on the 063086, and said

NOTICE OF APPLICATION FOR

was so published in the regular and entire issue of said newspaper and
not in a supplement thereof and was so published in every issue and
number of the said paper, during the period and times of publication as
set forth above.

Kena R. Thomason

SUBSCRIBED AND SWORN BEFORE ME THIS THE 30

day of June

1986

Shirley M. Lentz

Notary Public in and for the State of Idaho,
residing at Lewiston, Idaho.

MICROFILMED

JUL 23 1990

THE LEWISTON MORNING TRIBUNE, INC.
The Lewiston Morning Tribune
505 C St., P.O. Box 957
Lewiston, Idaho 83501
(208) 743-9411

LEGAL ADVERTISING INVOICE

SOLD TO:

Date _____ INVOICE No. _____

Account No. _____

Description _____

Times _____ Lines _____

Tab Lines _____

\$ _____

NOTICE: This is an invoice of Purchase made by you. Statement will be rendered the first of the month.
Please Retain This Invoice as Your Statement Will Refer To Invoice by No. Only.

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, ss.
County of Nez Perce

_____, being duly sworn,
deposes and says, I am the _____
of the Tribune Publishing Company, a corporation organized and existing
under and by virtue of the laws of the State of Idaho, publishers of the
LEWISTON MORNING TRIBUNE, a newspaper of general circulation
published at Lewiston, Nez Perce County, Idaho; That the said Lewiston
Morning Tribune is an established paper and has been published regular-
ly and issued regularly at least once a day for more than 21 consecutive
years next immediately preceding the first publication of this notice, and
has been so published uninterrupted for said period; that the

attached hereto and which is made a part of this affidavit was published in
the said Lewiston Morning Tribune, _____ time(s). Publication be-
ing on _____, or once a
_____ for _____ consecutive _____, the first
publication thereof being on the _____, and the last pub-
lication thereof being on the _____, and said _____

was so published in the regular and entire issue of said newspaper and
not in a supplement thereof and was so published in every issue and
number of the said paper, during the period and times of publication as
set forth above.

SUBSCRIBED AND SWORN BEFORE ME THIS THE _____
day of _____

Notary Public in and for the State of Idaho,
residing at Lewiston, therein.

MICROFILMED

JUL 20 1990

**NOTICE OF APPLICATION
FOR WATER RIGHT**
The following application(s) have
been filed to appropriate the public
waters of the State of Idaho:
**BLIND CANYON AQUA RANCH,
INC.**
P.O. BOX 100, GERMAN, ID
83322
Source: LEWIS & CLARK CREEK
Diversion 1/2 NW SW Sec 27 T
06S R 14E
Use: FISH PROP. (85.0 CFS)
POWER (250.0 CFS)
Date Filed: 05/07/1986
In: SW SW Sec 27 T 06S R 14E LOT
05 (NE SW) Sec 28 T 06S R 14E
The permit(s) will be subject to
all prior water rights. Protests must
be filed with the Director, Dept. of
Water Resources, Southern Region,
1041 Blue Lakes Blvd. N. Twin Falls,
Idaho 83421 on or before JUNE 23,
1986.
KERN ENGINEERING, INC.

TRIBUNE PUBLISHING COMPANY, INC.
The Lewiston Morning Tribune
505 C St., P.O. Box 957
Lewiston, Idaho 83501
(208) 743-9411

Date 061286 INVOICE No. L00076824
Account No. 44662
Description 76824NOTIC
Times 2 Lines 27
Tab Lines _____

**LEGAL ADVERTISING
INVOICE**

SOLD TO: STATE OF IDAHO
DEPT. OF WATER RESOURCES
1041 BLUE LAKES BLVD. N.
TWIN FALLS
ID 83301

\$ 23.63

NOTICE: This is an invoice of Purchase made by you. Statement will be rendered the first of the month.
Please Retain This Invoice as Your Statement Will Refer To Invoice by No. Only.

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, ss.
County of Nez Perce

R. R. Thomason, being duly sworn,
deposes and says, I am the Legal Clerk
of the Tribune Publishing Company, a corporation organized and existing
under and by virtue of the laws of the State of Idaho, publishers of the
LEWISTON MORNING TRIBUNE, a newspaper of general circulation
published at Lewiston, Nez Perce County, Idaho; That the said Lewiston
Morning Tribune is an established paper and has been published regular-
ly and issued regularly at least once a day for more than 21 consecutive
years next immediately preceding the first publication of this notice, and
has been so published uninterrupted for said period; that the

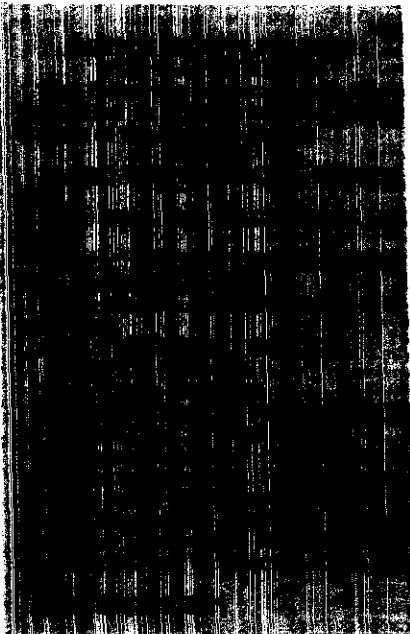
NOTICE OF APPLICATION FOR
attached hereto and which is made a part of this affidavit was published in
the said Lewiston Morning Tribune, 2 time(s). Publication be-
ing on 060586 WEEK 2 for 2 consecutive WEEKS, or once a
publication thereof being on the 060586, the first
publication thereof being on the 061286, and the last pub-
lication thereof being on the _____, and said
NOTICE OF APPLICATION FOR

was so published in the regular and entire issue of said newspaper and
not in a supplement thereof and was so published in every issue and
number of the said paper, during the period and times of publication as
set forth above.

R. R. Thomason

SUBSCRIBED AND SWORN BEFORE ME THIS THE 12
day of June 1986

Shirley M. Lentz
Notary Public in and for the State of Idaho,
residing at Lewiston, therein.



Error in #
36-8310
Re-run
2 - WKS - MB
6/23
6/30

RECEIVED

JUN 17 1986

Department of Water Resources
Southeast District Office

MICROFILMED

JUL 20 1990

TRIBUNE PUBLISHING COMPANY, INC.
The Lewiston Morning Tribune
505 C St., P.O. Box 957
Lewiston, Idaho 83501
(208) 743-9411

**LEGAL ADVERTISING
INVOICE**

Date _____ INVOICE No. _____

Account No. _____

Description _____

Times _____ Lines _____

Tab Lines _____

SOLD TO:

\$ _____

NOTICE: This is an invoice of Purchase made by you. Statement will be rendered the first of the month.
Please Retain This Invoice as Your Statement Will Refer To Invoice by No. Only.

**NOTICE OF APPLICATION
FOR WATER RIGHT**

The following application(s) have
been filed to appropriate the public
waters of the State of Idaho:

BLIND CANYON AQUA RANCH,
INC.
P.O. BOX 218, HAGERMAN, ID
83332

Source: CEDAR DRAW CREEK
trib. to SNAKE RIVER
Diversion Pt. NWSWSW Sec 27 T
06S R 14E

Use: FISH PROP. (85.5 CFS)
POWER (85.9 CFS)

Date Filed: 05-07-1986
Hwy. 200, 2000' E. of R. 14E LOT
05 (Section 1) Sec. 27 T. 06S R. 14E

The person(s) will be subject to
all prior water rights. Protests must
be filed with the Director, Dept. of
Water Resources, Southern Region,
1041 Blue Lakes Blvd. N. Twin Falls,
Idaho 83301 on or before JUNE 13,
1986.

KEN DUNN, Dir.

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, ss.
County of Nez Perce

_____, being duly sworn,
deposes and says, I am the _____
of the Tribune Publishing Company, a corporation organized and existing
under and by virtue of the laws of the State of Idaho, publishers of the
LEWISTON MORNING TRIBUNE, a newspaper of general circulation
published at Lewiston, Nez Perce County, Idaho; That the said Lewiston
Morning Tribune is an established paper and has been published regular-
ly and issued regularly at least once a day for more than 21 consecutive
years next immediately preceding the first publication of this notice, and
has been so published uninterrupted for said period; that the

attached hereto and which is made a part of this affidavit was published in
the said Lewiston Morning Tribune, _____ time(s). Publication be-
ing on _____, or once a
_____ for _____ consecutive _____, the first
publication thereof being on the _____, and the last pub-
lication thereof being on the _____, and said _____

was so published in the regular and entire issue of said newspaper and
not in a supplement thereof and was so published in every issue and
number of the said paper, during the period and times of publication as
set forth above.

RECEIVED

JUN 17 1986

Department of Water Resources
Southern District Office

MICROFILMED

JUL 20 1990

_____, DEPOSED AND SWORN BEFORE ME THIS THE _____

day of _____

Notary Public in and for the State of Idaho,
residing at Lewiston, therein.

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 36-08310 Reviewed by JY Date 4-21-95

GENERAL CONSIDERATIONS

yes Name same as permit?
no Address same as permit?

yes Proof timely received?
If not, complete calculation below.

TYPES OF USE

Fish prop. Power

Correct Uses? yes

SOURCE OF WATER

☒ Surface water source

☐ Ground water source

☒ Drilling permit required?

☒ Copy in the file? Drilling Permit No. _____

☒ Amount paid for permit _____ Correct?

☒ Well log in the file?

LICENSE EXAMINATION FEE

yes Required?

600.00 Amount Submitted

yes Correct?

MEASURING DEVICE

yes Required?

yes Installed?

_____ Waiver requested?

PRIORITY CALCULATION

Date proof received	_____	_____
Date proof due	_____	_____
No. of days late	_____	_____
Priority Date	_____	_____
New Priority Date	_____	_____

DEFICIENCIES OR ACTION ITEMS

Proof acceptable

DATA ENTRY

New Address 1050 E 2727 S Proof Made 4-12-95
Hagerman Nd 583332



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

PHILIP E. BATT
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

April 24, 1995

BLIND CANYON AQUA RANCH INC
1050 E 2727 S
HAGERMAN ID 83332

PROOF ACKNOWLEDGEMENT LETTER

RE: PERMIT NO. 36-08310

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit.

The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

If you have questions concerning this matter, please feel free to contact the SOUTHERN Regional Office in Twin Falls, at (208) 736-3033.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

c: IDWR - Region

APR 25 1995

March 31, 1995

BLIND CANYON AQUA RANCH INC.
P.O. BOX 218
HAGERMAN ID 833320000

PROOF DUE NOTICE

RE: PERMIT NO. 36-08310

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 June 1, 1995.

(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.

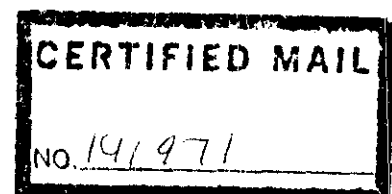
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental 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,

JULIE L. YARBROUGH
Senior Secretary

Enclosures



S T A T E O F 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

Statehouse
Boise, Idaho 83720
(208) 327-7900
June 29, 1990

BLIND CANYON AQUA RANCH INC.
P.O. BOX 218
HAGERMAN, ID 833320000

P E R M I T A P P R O V A L N O T I C E

RE: PERMIT NO. P36-08310

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. We direct your attention to the conditions of approval on the final 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 into your water use project.

Be sure to note the special condition requiring you to install a measuring device, or a flow measurement port, or to provide a certified measurement or computation of flow based upon the design of the system to be prepared by a professional engineer.

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.

We have enclosed a form entitled "Instructions for Proof of

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JUL 23 1990

Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit into a license.

Sincerely,

GARY SPACKMAN, Supervisor
Water Right Permits Section

GS: SC
Enclosures

MAILED
JUL 1 1983



BLIND CANYON AQUARANCH, Inc.

ROUTE 1, BOX 219
HAGERMAN, IDAHO 83332
(208) 536-6792

June 12, 1990

State of Idaho
Department of Water Resources
Attn: Gary Spackman
1301 North Orchard Street
Boise, Idaho 83706

RECEIVED
JUN 15 1990

Re: Our letter to you of February 27, 1990

Department of Water Resources

Dear Sir:

As promised in the above referenced letter I am enclosing a copy of our company's latest financial statement just completed by our accountant. Also included is a copy of our Army Corps of Engineers Permit No. 071-OYC-4-003566 granting their approval for our project. Included with the permit are comments supplied by the Idaho Department of Fish and Game and the U.S. Fish and Wildlife Service which the Corps relied on to arrive at their decision. Other pertinent information is also included with the rest.

I hope this information completes your request and that your Permit No. 36-8310 regarding our project can now be issued. Of course, if there are any questions or comments which need to be brought to our attention please either call or write as soon as possible.

Thank you for your time and consideration.

Sincerely,

Pat Windes
Vice President
(208) 536-2513

cc

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JUL 23 1990



BLIND CANYON AQUARANCH, Inc.

ROUTE 1, BOX 219
HAGERMAN, IDAHO 83332
(208) 536-6792

Gary -

A personal note:

We know that your department is very careful about the confidentiality of your files. We are naturally concerned, on a competitive basis, about our company's financial statement being distributed to unnecessary parties or departments. We are relying on your own sense of honesty and propriety to maintain that confidentiality.

Thanks,

Pat

RECEIVED

JUL 26 1990

RECEIVED

JUN 15 1990

Department of Water Resources

BLIND CANYON AQUARANCH
HAGERMAN, IDAHO

FINANCIAL STATEMENTS

DECEMBER 31, 1989

Confidential

Oakley, Jones and Poulsen
Certified Public Accountants

MICROFILMED

JUL 23 1990

Oakley, Jones & Poulsen

Certified Public Accountants

William C. Oakley, CPA
J. Thomas Jones, CPA
Robert B. Poulsen, CPA

534 Main Street
Gooding, Idaho 83330
Phone (208) 934-8418

June 5, 1990

ACCOUNTANT'S COMPILATION REPORT

Directors
Blind Canyon Aqua Ranch, Inc.
Hagerman, Idaho 83332

We have compiled the accompanying balance sheet of Blind Canyon Aqua Ranch, Inc., as of December 31, 1989, and the related statements of income, and cash flows for the year then ended in accordance with standards established by the American Institute of Certified Public Accountants.

A compilation is limited to presenting in the form of financial statements information that is the representation of management. We have not audited or reviewed the accompanying financial statements and, accordingly, do not express an opinion or any other form of assurance on them.

J. Thomas Jones
Oakley, Jones & Poulsen
Certified Public Accountants

JTJ/ba

RECEIVED

JUN 23 1990

BLIND CANYON AQUA RANCH, INC.
HAGERMAN, IDAHO
BALANCE SHEET
DECEMBER 31, 1989

<u>ASSETS</u>			
CURRENT ASSETS:			
Cash on Hand		\$ 647	
Accounts Receivable		150,191	
Inventories		<u>98,672</u>	
Total Current Assets			\$249,510
PROPERTY, PLANT AND EQUIPMENT:			
Land		\$173,615	
Ponds and Water Development	\$182,606		
Equipment	<u>103,303</u>	285,909	
Accumulated Depreciation		<u>(191,015)</u>	
Total Property, Plant and Equipment			268,509
OTHER ASSETS			
Patronage Dividend Receivable		\$ 50	
Total Other Assets			<u>5</u>
TOTAL ASSETS			<u>\$518,064</u>

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JUL 23 1990

(See accompanying notes to financial statements
and accountant's compilation report)

BLIND CANYON AQUA RANCH, INC.
HAGERMAN, IDAHO
BALANCE SHEET
DECEMBER 31, 1989

LIABILITIES AND STOCKHOLDER'S EQUITY

CURRENT LIABILITIES:

Accounts Payable	\$ 26,269	
Income Tax Estimates Payable	1,298	
Income Taxes Payable	4,206	
Accrued Interest	8,855	
Stockholder Notes Payable	6,000	
Current Portion of Long Term Debt	11,483	
Total Current Liabilities		\$ 58,111

LONG-TERM DEBT:

Note Payable-Twin Falls Bank & Trust	\$ 10,035	
Mortgage FHA	82,147	
Current Portion of Long-Term Debt	(11,483)	
Total Long-Term Debt		80,699

DEFERRED INCOME TAXES

77,344

STOCKHOLDER'S EQUITY:

Common Stock - Par Value \$100 per Share,			
660 Shares Issued and Outstanding		\$ 66,000	
Retained Earnings - January 1, 1989	\$163,313		
Prior Period Adjustment	(2,362)		
Net Income Per Books	74,964		
Retained Earnings - December 31, 1989		235,915	
Total Stockholder's Equity			301,915

TOTAL LIABILITIES AND STOCKHOLDER'S EQUITY

\$518,069

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JUL 28 1990

(See accompanying notes to financial statements
and accountant's compilation report)

BLIND CANYON AQUA RANCH, INC.
HAGERMAN, IDAHO
INCOME STATEMENT
FOR THE YEAR ENDED DECEMBER 31, 1989

	<u>AMOUNT</u>	<u>PERCENT OF INCOME</u>	<u>PER LB OF FISH</u>
SALES:			
Trout	\$390,756	96.48%	.65
Cattle	14,255	3.52	.02
Total Sales	<u>\$405,011</u>	<u>100.00%</u>	<u>.67</u>
COST OF SALES:			
Trout	\$207,041	51.12%	.34
Cattle	13,093	3.23	.02
Total Cost of Sales	<u>\$220,134</u>	<u>54.35</u>	<u>.36</u>
GROSS PROFIT	\$184,877	45.65	.31
SELLING, GENERAL AND ADMINISTRATIVE EXPENSES:			
Salaries	\$ 58,168	14.36	.10
Depreciation	33,395	8.25	.06
Interest	14,029	3.46	.02
Repairs and Maintenance	9,624	2.38	.02
Supplies	8,639	2.13	.01
Gas and Oil	8,073	1.99	.01
Payroll Taxes	7,485	1.85	.01
Insurance	3,922	.97	.01
Other Taxes	3,172	.78	.01
Employee Benefits	3,046	.75	.01
Consulting Fees	2,721	.67	
Utilities	1,576	.39	
Licenses and Dues	724	.18	
Advertising	305	.08	
Freight	280	.07	
Miscellaneous	257	.06	
Total	<u>\$155,416</u>	<u>38.37</u>	<u>.26</u>
OTHER INCOME:			
Lease	\$ 44,058	10.88	.07
Trucking	10,669	2.63	.02
Custom Hire	6,936	1.71	.01
Miscellaneous	4,006	.99	.01
Total	<u>\$ 65,669</u>	<u>16.21</u>	<u>.11</u>
INCOME BEFORE INCOME TAXES	\$ 95,130	23.49	.16
INCOME TAXES	<u>20,166</u>	<u>4.98</u>	<u>.03</u>
NET INCOME	<u><u>\$ 74,964</u></u>	<u><u>18.51</u></u>	<u><u>.13</u></u>

(See accompanying notes to financial statements
and accountant's compilation report)

BLIND CANYON AQUA RANCH, INC.
HAGERMAN, IDAHO
STATEMENT OF CASH FLOWS
FOR THE YEAR ENDED DECEMBER 31, 1989

CASH FLOWS FROM OPERATING ACTIVITIES:

Cash Received From Customers	\$ 415,713	
Cash Paid to Suppliers and Employees	(319,339)	
Interest Received	31	
Interest Paid	(5,174)	
Income Taxes Paid	(5,684)	
Net Cash Provided by Operating Activities		\$ 85,547

CASH FLOWS FROM INVESTING ACTIVITIES:

Payments for the Purchase of Ponds and Water Development	\$ (42,260)	
Payments for the Purchase of Equipment	(19,914)	
Proceeds From Stockholder Notes Receivable	5,299	
Net Cash Used For Investing Activities		(56,875)

CASH FLOWS FROM FINANCING ACTIVITIES:

Proceeds From Stockholder Notes Payable	\$ 6,000	
Payment of Long-Term Debt	(43,003)	
Net Cash Used For Financing Activities		\$(37,003)

NET DECREASE IN CASH AND CASH EQUIVALENTS	\$ (8,331)
CASH AND CASH EQUIVALENTS AT BEGINNING OF YEAR	8,978
CASH AND CASH EQUIVALENTS AT END OF YEAR	<u>\$ 647</u>

RECONCILIATION OF NET INCOME TO NET CASH PROVIDED BY OPERATIONS

NET INCOME	\$ 74,964
------------	-----------

**ADJUSTMENTS TO RECONCILE NET INCOME TO NET CASH
PROVIDED BY OPERATING ACTIVITIES:**

Depreciation	\$ 33,395	
Increase Accounts Receivable	(54,936)	
Increase in Inventories	(10,412)	
Decrease in Prepaid Income Taxes	(1,500)	
Increase in Accounts Payable	19,199	
Increase in Income Tax Estimates Payable	1,298	
Increase in Income Taxes Payable	4,206	
Increase in Accrued Interest	8,855	
Increase in Deferred Income Taxes		
Total Adjustments		10,583

NET CASH PROVIDED BY OPERATING ACTIVITIES

\$ 85,547

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JUL 23 1990

(See accompanying notes to financial statements
and accountant's compilation report)

BLIND CANYON AQUA RANCH, INC.
HAGERMAN, IDAHO
NOTES TO FINANCIAL STATEMENTS
DECEMBER 31, 1989

NOTE 1: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

This summary of significant accounting policies of Blind Canyon Aqua Ranch, Inc. is presented to assist in understanding the financial statements. The financial statements and notes are representations of management who are responsible for their integrity and objectivity. The accounting policies conform with accounting principles applicable to the accrual basis and have been consistently applied in preparation of the financial statements.

Property and Equipment:

Property and equipment are recorded at cost less accumulated provisions for depreciation computed on the straight-line method and double-declining balance method over the applicable tax life.

Basis of Accounting:

The Corporation keeps its books on the modified cash basis of accounting for income tax purposes. The books are adjusted to accrual for financial reporting.

Allowance for Doubtful Accounts:

The company maintains very close control of accounts receivable. No allowance has been created because all receivables at year end are presumed collectable.

Inventory:

At December 31, 1989, inventories consisted of the following:

Cost of Raising Fish	\$94,487
Cattle	1,441
Fish Feed	2,744
	<u>\$98,672</u>

Inventories are stated at the lower of cost or market. Cost of cattle and fish feed is determined by the first-in, first-out method. Cost of raising fish is estimated to be 50% of the sales price for the fish.

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APR 23 1990

(See accountant's compilation report)

BLIND CANYON AQUA RANCH, INC.
HAGERMAN, IDAHO
NOTES TO FINANCIAL STATEMENTS
DECEMBER 31, 1989

NOTE 1: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

Depreciation:

Depreciation is recorded using the tax basis. Under the tax basis equipment acquired after January 1, 1981 is depreciated using the applicable tax method. This method is not in accordance with generally accepted accounting principles since it does not estimate the useful life of the assets. However, any differences are not determined to be material, as the assigned tax lives for most property and equipment utilized by the corporation approximate their actual lives. Accumulated depreciation is as follows:

Ponds and Water Development	\$115,760
Equipment	75,255
Total	<u>\$191,015</u>

Income Taxes:

Income tax expense consists of the following:

Current Taxes	\$ 9,688
Increase in Deferred Taxes	10,478
Total	<u>\$20,166</u>

Deferred taxes result from differences in the recognition of revenue and expenses for income tax and financial statement purposes. The sources of these differences and the tax effect of each are as follows:

	<u>1989</u>
Increase for accrual of receivables and inventory for book	\$ 16,599
Decrease for accrual of payables for book	(6,121)
Total	<u>\$ 10,478</u>

Cash and Equivalents:

For purposes of the statement of cash flows, the company considers all highly liquid debt instruments purchased with a maturity of three months or less to be cash equivalents.

The company had non-cash financing Transactions Relating to the purchase of a vehicle for \$10,035 and pond construction for \$2,359

(see accountant's compilation report)

BLIND CANYON AQUA RANCH, INC.
HAGERMAN, IDAHO
 NOTES TO FINANCIAL STATEMENTS
 DECEMBER 31, 1989

NOTE 2: LONG-TERM DEBT

	<u>CURRENT</u>	<u>LONG-TERM</u>
Loan from Farmers Home Administration, with interest at 10.75% due in annual installments of \$10,279 including interest, until December 2010, real estate is pledged as collateral.	\$ 1,448	\$ 80,699
Loan from Twin Falls Bank & Trust, with interest at 12% due in an annual installment of \$10,035 plus interest, until May 1990, a vehicle is pledged as collateral.	10,035	
	<u>\$ 11,483</u>	<u>\$ 80,699</u>

The company has maturities on long-term debt as follows:

<u>FOR THE YEAR ENDING</u>	
December 31, 1990	\$11,483
December 31, 1991	1,604
December 31, 1992	1,776
December 31, 1993	1,967
December 31, 1994	2,179
Thereafter	73,173
Total	<u>\$92,182</u>

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JUL 23 1990

(See accountant's compilation report)

BLIND CANYON AQUA RANCH, INC.
HAGERMAN, IDAHO
NOTES TO FINANCIAL STATEMENTS
DECEMBER 31, 1989

NOTE 3: RELATED PARTIES

Notes payable at December 31, 1989 for \$6,000 are due from the company to stockholders. The notes are payable on demand and are interest free.

NOTE 4: PRIOR PERIOD ADJUSTMENT

Current and deferred income taxes for the year ended December 31 1988 had not been accrued and inventory for the cost of raising fish was omitted. A prior period adjustment for \$2,362 to correct the errors was made.

Cost of Raising Fish	\$ 67,842
Accrual of Current Income Taxes	(3,339)
Accrual of Deferred Income Taxes	(66,865)
Total	<u>\$ (2,362)</u>

NOTE 5: ECONOMIC DEPENDENCY AND SUBSEQUENT EVENT

A material part of the company's business is dependent upon one customer. Approximately ninety percent of the company's revenue was from Fish Processors, Inc. at December 31, 1989. Subsequent to the balance sheet date, the company changed major customers to Blue Lakes, Inc.


(See accountant's compilation report)

DEPARTMENT OF THE ARMY PERMIT

Permittee Blind Canyon Aquaranch, Inc.

Permit No 71-OYC-4-003566

Issuing Office Walla Walla District

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description:

The discharge of 6 cubic yards of concrete in wetlands and 20 cubic yards of riprap.

THE PLANS AND DRAWINGS (SHEET 1), ENCLOSED HERETO, IS MADE A PART OF THIS PERMIT.

Project Location:

Wetland adjacent to Upper Salmon Falls Reservoir (Snake River), Sec. 28, T.8S., R.14E., Boise Meridian, near Hagerman, in Gooding County, Idaho.

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on June 1, 1993. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions:

See page 4.

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:
 - () Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).
 - (x) Section 404 of the Clean Water Act (33 U.S.C. 1344).
 - () Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).
2. Limits of this authorization.
 - a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.
 - b. This permit does not grant any property rights or exclusive privileges.
 - c. This permit does not authorize any injury to the property or rights of others.
 - d. This permit does not authorize interference with any existing or proposed Federal project.
3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:
 - a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
 - b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
 - c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
 - d. Design or construction deficiencies associated with the permitted work.

Special Conditions:

1. Applicant shall fence, enhance, and maintain the sedimentation pond for wetland mitigation. Within 120 days after the Department of the Army issues this permit, applicant shall provide a mitigation plan for this project.
2. Applicant shall provide raptor protection in the design of electrical transmission equipment and facilities.
3. No material shall be stockpiled in wetland or riparian areas.
4. Any wetland or riparian vegetation disturbed during construction shall be revegetated with native wetland or riparian species.
5. Applicant shall use adequate riprap to prevent streambank erosion. Rock diameter should be at least 12 inches.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. ~~Reliance on Applicant's Data.~~ The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. **Reevaluation of Permit Decision.** This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

- a. You fail to comply with the terms and conditions of this permit.
- b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).
- c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

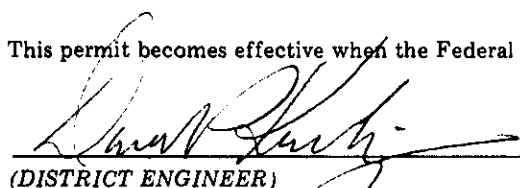
6. **Extensions.** General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

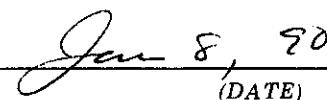
Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.


(PERMITTEE)


(DATE)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.


(DISTRICT ENGINEER)


(DATE)

Donald P. Kurkjian
Major, Corps of Engineers
Acting District Engineer

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

(TRANSFeree)

(DATE)



**This notice of authorization must be
conspicuously displayed at the site of work.**

United States Army Corps of Engineers

June 8, 1990

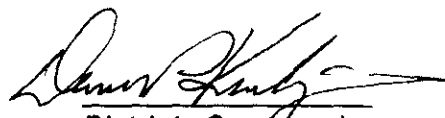
A permit to discharge 6 cubic yards of concrete and 20 cubic yards of
riprap in wetlands adjacent to Upper Salmon Falls Reservoir
at Sec. 28, T.8S., R.14E., Boise Meridian, near Hagerman, in Gooding County

has been issued to Blind Canyon Aquaranch, Inc. on June 8, 1990

Address of Permittee Route 1, Box 218, Hagerman, Idaho 83332

Permit Number

NPW No. 071-OYC-4-003566


District Commander

Donald P. Kurkjian
Major, Corps of Engineers
Acting District Engineer

ENG FORM 4336, Jul 81 (33 CFR 320-330) EDITION OF JUL 70 MAY BE USED

(Proponent: CECW-O)



DEPARTMENT OF THE ARMY
WALLA WALLA DISTRICT, CORPS OF ENGINEERS
WALLA WALLA, WASHINGTON 99362-9265

June 8, 1990

REPLY TO
ATTENTION OF:

Operations Division

SUBJECT: NPW No. 071-0YC-4-003566

Blind Canyon Aquaranch
Route 1, Box 218
Hagerman, Idaho 83332

Gentlemen:

The enclosed permit authorizes you to discharge 6 cubic yards of concrete and 20 cubic yards of riprap in wetlands adjacent to Upper Salmon Falls Reservoir (Snake River), Sec. 28, T.8S., R.14E., B.M., Gooding County, Idaho. Receipt of your permit processing fee in the amount of \$100.00 is acknowledged. The permit includes conditions which must be complied with in completing the authorized activity. In addition, the permit must be retained for future reference. If the work will be completed by another party, you must provide them with a copy of this permit. The yellow Notice of Authorization should be posted at the project site during construction.

If you decide to change your project from that described by the approved drawing, revised drawings showing the proposed changes must be submitted to us for approval before any work is started.

We must be notified when the work authorized by the enclosed permit is started and immediately after its completion so that timely inspections may be conducted during and after construction.

This determination is applicable only to Department of the Army permits administered by the Corps of Engineers. It does not relieve you of the responsibility to obtain other Federal, State, and local permits which may be required. You are advised that a permit is required from the Idaho Department of Water Resources for your project. You should contact them to obtain any necessary permits prior to the start of construction.

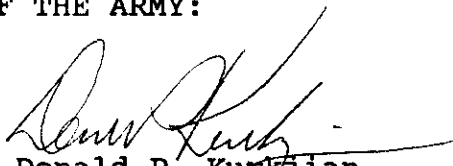
Your project may also be subject to a local floodplain management ordinance adopted pursuant to the National Flood Insurance Program. I recommend that you contact your city or county zoning office regarding any approvals required under their jurisdiction.

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JUL 23 1990

If you should have any questions or need further information, please write or call Mr. William McDonald of my Regulatory Branch at (509) 522-6723.

BY AUTHORITY OF THE SECRETARY OF THE ARMY:


Donald P. Kurkjian
Major, Corps of Engineers
Acting District Engineer

Enclosures

Copies Furnished:

U.S. Fish and Wildlife Service
Division of Ecological Services
4696 Overland Road, Room 576
Boise, Idaho 83705

Environmental Protection Agency
422 West Washington
Boise, Idaho 83702-5998

Department of Water Resources
222 Shoshone Street East
Twin Falls, Idaho 83301

RECEIVED

JUL 23 1990



IDAHO FISH & GAME

REGION 4
868 East Main Street
Jerome, ID 83338
(208) 324-4350

May 10, 1990

U. S. Army Corps of Engineers
Attn: Dean Hilliard
Bldg. 602
City-County Airport
Walla Walla, Washington 99362

Re: 071-0YC-4-003566, Blind Canyon Aquaranch (FERC 8375)

Dear Mr. Hilliard:

We have further discussed the Blind Canyon Aquaranch proposal with the applicant. The applicant believes it would be impossible to adequately disperse the flows through the existing riparian area. If you agree with this assessment, we are willing to allow the applicant to replace the lost riparian area as mitigation. We suggest the applicant fence the settling pond immediately upstream from his penstock to allow riparian wetland habitat to establish. The Idaho Department of Fish and Game Habitat Improvement Program guidelines indicate fences should be set back at least 100 feet from water's edge to provide ample protection for wildlife from predators. Creation of a narrow water gap for livestock would be acceptable, and an adequate maintenance program will be necessary. Mitigation should be at a minimum 2:1 ratio for lost habitat.

As we stated in our letter of April 12, 1990, we remain opposed to the removal, without replacement, of any wetlands in the project area. By adopting a fencing program, the applicant would alleviate our concerns over lost wetland and riparian habitat. Thank you for the opportunity to comment on this proposal.

Sincerely,

Carl H. Nellis
Supervisor, Region 4

cc: Will Reid, Program Coordination
Pat Windes

Cecil D. Andrus / Governor
Jerry M. Conley / Director



Working for wildlife - since 1938

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JUL 23 1990



United States Department of the Interior

FISH AND WILDLIFE SERVICE

BOISE FIELD OFFICE
4696 Overland Road, Room 576
Boise, Idaho 83705

May 24, 1990

Mr. Pat Windes
Vice-President
Blind Canyon AquaRanch, Inc.
Route 1, Box 219
Hagerman, Idaho 83332

Re: FERC 8375
071-OYC-4-003566
(SE File:
(FWS 1-4-90-I-282)

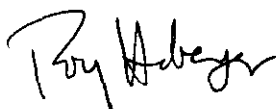
Dear Mr. Windes:

Thank you for your letter of May 11, 1990 concerning the referenced project in relation to the federally listed bald eagle and candidate mollusks in the project area. We concur with your biological assessment that the proposal would not affect the bald eagle, and provided that runoff water from the North Side Canal Company's ditches (i.e., the source of flows to the proposed powerhouse) does not now provide habitat for candidate mollusks, we concur with your determination that these candidate species would not be affected by the proposed project.

Possible loss of wetlands, due to construction of the powerhouse and tailrace, should be mitigated consistent with current practices and policies of the Corps of Engineers and Environmental Protection Agency. We urge you to develop alternatives to the proposal that would eliminate or reduce wetlands loss.

Thank you for this opportunity to comment.

Sincerely,

For 
Charles H. Lobdell
Field Supervisor

cc: IDFG, Hdqtrs., Boise
IDFG, Jerome
EPA, Boise
CE, Boise
CE, Walla Walla

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JUN 23 1990



State of Idaho
DEPARTMENT OF HEALTH AND WELFARE
Division of Environmental Quality

450 W. State Street
Boise, Idaho 8372

CECIL D. ANDRUS
Governor

RICHARD P. DONOVAN
Director

April 6, 1990

Blind Canyon Aquaranch Inc.
Box 218
Hagerman, Idaho 83332

REFERENCE TO: Department of the Army proposed permit
No.: 071-OYC-4-003566 (Wetland adjacent to Upper Salmon
Falls Reservoir, Snake River, Gooding County, Idaho)

Gentlemen:

We have considered water quality certification of your proposal to place six cubic yards of concrete and 20 cubic yards of rip-rap in wetlands adjacent to the Upper Salmon Falls Reservoir, Snake River, Gooding County, Idaho for the construction of a powerhouse tailrace as described in public notice number 071-OYC-4-003566. To ensure protection of water quality, the following conditions should be included in the Department of the Army permit on the project:

1. All construction shall be conducted in such a manner that water quality impacts on the reservoir are kept to a minimum.
2. All debris and spoils generated from the construction shall be disposed of away from the reservoir so that it cannot reenter the waterway.
3. All fuel, oil and other chemicals shall be stored away from the construction area and reservoir to insure that a spill cannot enter the waterway.
4. Erosion protection shall be provided for the tailrace to insure stability and integrity of the constructed facilities.
5. All wetland/riparian areas disturbed in the construction shall be revegetated with native wetland/riparian species.

If construction is completed in accordance with the described work plan and above conditions, we certify under Section 401 that this construction will comply with applicable requirements of Sections 301, 302, 303, 306, and 307 of the Clean Water Act, as amended, and will not violate Idaho Water Quality Standards and Wastewater Treatment Requirements.

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JUL 23 1990



Printed on Recycled Paper

Blind Canyon Aquaranch, Inc.
April 6, 1990
Page 2

This certification does not imply approval of the activity by other agencies of the State of Idaho.

Sincerely,

A handwritten signature in black ink, appearing to read "JOE NAGEL", with a long horizontal flourish extending to the right.

Joe Nagel
Administrator

cc: IDWR-Western Region-Tutill
Michael McMasters, DEQ-TFO
CORPS, Walla Walla
EPA-IOO

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JUL 23 1990

February 27, 1990

Attn: Gary Spackman
State of Idaho
Department of Water Resources
1301 North Orchard Street
Boise, Idaho 83706

RE: Response to your letter of February 8, 1990 regarding Permit Nos. 36-8310 (applied for) and 36-7967.

Dear Sir:

First, regarding Permit No. 36-7967: We did, indeed, ask FERC to issue a letter of surrender of exemption from licensing for this project. We continue to use the water to compress air for our fish hatchery located on the site.

Second, regarding our application for Permit No. 36-8310 and responding to your questions contained in your letter of July 14, 1987:

1.) No other water rights will be impacted by the diversion. An agreement between Blind Canyon AquaRanch, Inc. and North Side Canal Co. has been entered into to insure that their rights are protected. (See enclosed agreement.)

2.) The diversion rate required during peak use will vary according to water flow in the canal -- up to 85cfs. The average use required will be approximately 60cfs. The volume of water diverted per year will be in the neighborhood of 21,000 acre-feet. The canal company furnishes water seasonally (April-October). However, on occasion, there is water in the canal both before and after that period (snow and/or rain runoff). We want to ensure that we have use of that water during any period in which it is available, hence the year-round permit request.

3.) Use of the water will be entirely non-consumptive.

4.) Enclosed please find a USGS water measurement chart which records the flow of the S Coulee throughout last year's water year and the two or three months before and after the water year. The average required flow rate will be approximately 60cfs.

5.) Two canals enter Blind Canyon: the S Coulee lateral and the S Coulee (Cedar Draw Creek). Diversion is from a settling pond into which both canals will converge.

6.) We have been putting about \$30,000 per year from the cash flow of Blind Canyon AquaRanch, Inc. into the project. We have not formally ask lending institutions for further financing

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JUL 23 1990

pending completion of permits by the Army Corp of Engineers to allow discharge into the Snake River. A current financial statement for Blind Canyon AquaRanch, Inc. will be made available for you as soon as our accountant can get the proper information together.

7.) Enclosed also are a set of project designs and plans together with a cost estimate of the project.

8.) Also enclosed are written comments from Gooding County, Idaho Fish & Game, and the Idaho Department of Health & Welfare.

Respectfully,

George Lemmon, President
Blind Canyon AquaRanch, Inc.

GL:jpw
enclosures
cc

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JUL 23 1990

33 FERC 162, 117

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Blind Canyon Aquaranch, Incorporated) Project No. 8375-001

ORDER GRANTING EXEMPTION FROM LICENSING FOR
A CONDUIT HYDROELECTRIC PROJECT

(Issued October 25, 1985)

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.

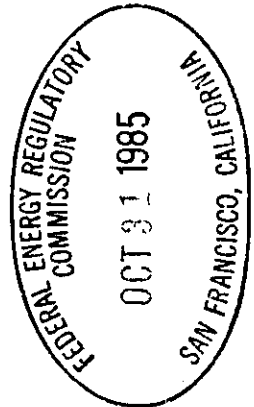
Notice of the application was published and comments were requested from interested Federal and State agencies including the U.S. Fish and Wildlife Service and the State Fish and Wildlife Agency. All comments, protests and motions to intervene that were filed have been considered. No agency has any objection 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.^{2/}

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

1/ Blind Canyon Aquaranch, Incorporated, Project No. 8375-001, filed on December 13, 1984.

2/ An exemption from licensing granted by this Commission does not serve as any basis for restricting hunting and fishing access to the waterway involved except to the extent required for public safety purposes.



DC-A-23

-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.^{3/}

The Director of the Office of Hydropower Licensing or the Director's designee, under 18 C.F.R. §375.314, orders:

(A) Blind Canyon Project No. 8375 as described and designated in Blind Canyon Aquaranch, Incorporated application filed on December 13, 1984, 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 (1985).

(B) This order is final unless appealed to the Commission by any party within 30 days from the issuance date of this order under 18 C.F.R. 385.1902 (1985).

Don Garber

Kenneth M. Pusateri
Acting Director, Office of
Hydropower Licensing

3/ Environmental Assessment, Blind Canyon Aquaranch, Incorporated, FERC Project No. 8375-001 - Idaho, Division of Environmental Analysis, Office of Hydropower Licensing, Federal Energy Regulatory Commission, October 3, 1985. This document is available in the Division of Public Information and in the Commission's public file associated with the proceeding.

§ 4.94 Standard terms and conditions of exemption

Any exemption granted under § 4.93 for a small conduit

hydroelectric facility is subject to the following standard terms and conditions:

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

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

(c) Article 3. The Commission may revoke this exemption if actual construction of any proposed generating facilities has not begun within two years or has not been completed within four years from the effective date of this exemption. If an exemption is revoked under this article, the Commission will not accept from the prior exemption holder a subsequent application for exemption from licensing or a notice of exemption from licensing for the same project within two years of the revocation.

(d) Article 4. In order to best develop, conserve, and utilize in the public interest the water resources of the region, the Commission may require that the exempt facilities be modified in structure or operation or may revoke this exemption.

(e) Article 5. The Commission may revoke this exemption if, in the application process, material discrepancies, inaccuracies, or falsehoods were made by or on behalf of the applicant.

(f) Article 6. Before transferring any property interests in the exempt project, the exemption holder must inform the transferee of the terms and conditions of the exemption. Within 30 days of transferring the property interests, the exemption holder must inform the Commission of the identity and address of the transferee.

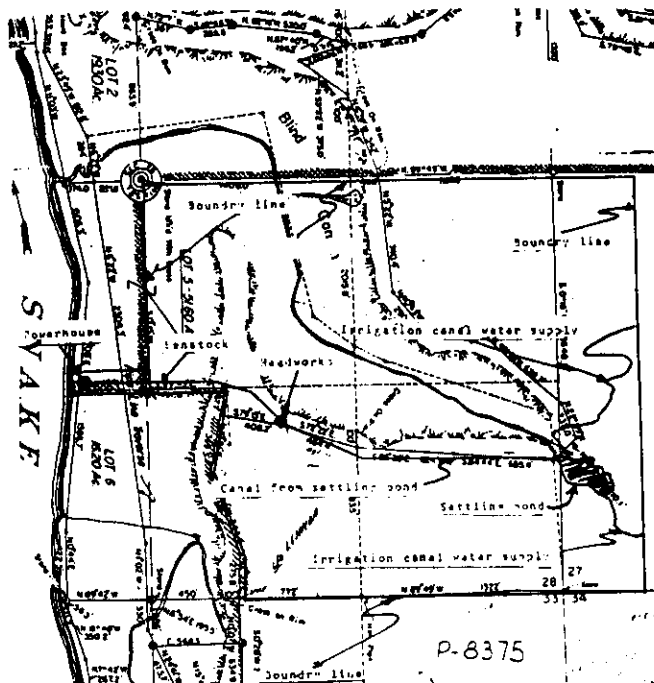
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Notice of Application Filed with the Commission
(August 12, 1985)

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

- a. Type of Application: Conduit Exemption
 - b. Project No.: 8375-001
 - c. Date Filed: December 13, 1984
 - d. Applicant: Blind Canyon Aquaranch, Incorporated
 - e. Name of Project: Blind Canyon
 - f. Location: At Blind Canyon, on a tributary to the Snake River, in Gooding County, Idaho.
 - g. Filed Pursuant to: Section 30 of the Federal Power Act
 - h. Contact Person: Samuel P. Curtis, Jr.
Route 3-6 Ranch View W.
Twin Falls, ID 83304
Jerome
 - i. Comment Date: SEP 23 1985
 - j. Description of Project: The proposed project would utilize return flows from the North Side Canal Irrigation Company S Coulee sediment holding pond located at the head of Blind Canyon and would consist of: (1) a 2,000-foot-long canal; (2) a headworks structure; (3) an 800-foot-long, 45-inch-diameter penstock; (4) a powerhouse containing two generating units each rated at 610-kw operated at a head of 300 feet and at a flow of 30 cfs; (5) a transformer; (6) a 500-foot-long transmission line; and (7) a short tailrace to the Snake River.
- Applicant estimates that the average annual energy production would be 5,656,896 kWh. Project energy would be sold.
- k. This notice also consists of the following standard paragraphs: A3, A9, B, C, D3b

DC-A-6



UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Blind Canyon Aquaranch,
Incorporated

Project No. 8375-002
Idaho

ORDER GRANTING EXTENSION OF TIME

(Issued October 19, 1989)

On September 19, 1989, Blind Canyon Aquaranch, Incorporated, exemptee for the Blind Canyon Project, requested for an extension to complete project construction. An exemption for this project was issued on October 25, 1985, with October 25, 1989, as the deadline for completion of construction.

The exemptee has requested a four-year extension of time to complete construction because of financing difficulties. A four-year extension of time is contrary to the intent of the Public Utilities Regulatory Policies Act of 1978 for expeditious development of hydroelectric potential to provide needed hydroelectric power. Therefore, only a two-year extension will be granted.

The Director orders:

(A) The deadline for completing project construction is extended to October 25, 1991.

(B) This order is issued under authority delegated to the Director and is final unless appealed to the Commission under Rule 1902 within 30 days from the date of its issuance.


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

DC-A-6

PROCESSING Yes No In form for advertising
Yes No Statewide advertising
Yes No Fee amount, receipt date & No. recorded on application

SEND COPIES TO Idaho Dept. of Health & Welfare U.S. BLM
Idaho Dept. of Fish & Game U.S. Forest Service
Idaho Dept. of Lands Water District
Adjudication Bureau Unit Other

FINAL REGIONAL PROCESSING REVIEW

Yes No Affidavit of publication received
Yes No Application published correctly. If not, record action taken.

Yes No Publication dates & paper, recorded on application
~~withdrawn~~ Protests received
Final date for protest
Yes No Protests, dates, resolution of protest, recorded on application
Yes No Recommendations attached
Yes No Measuring device required
Yes No Access port required
Yes No Will water be delivered by watermaster? If yes, what Dist.
Yes No Special conditions of approval or cover letter below.

See below for additional information
Date of priority recommended By Date 30 09E 17K 17M 25 26A

STATE OFFICE REVIEW P14, P19, P17A 08A 27 01E ** (3 below)
See below for additional information
By kw Date 6-18-90

ADDITIONAL INFORMATION

App. in Trust Area - non-consumptive
OK to allow 5 years to develop -

1. The adequacy of the project design to protect public and employee safety during all phases of construction and operation of the project shall be reviewed and certified by a professional engineer licensed to practice in the State of Idaho.

2. Prior to operation of the hydropower facility, the permit holder shall provide an operation plan to the Department for review and approval. The operation plan shall provide for the protection of public safety.

3. This permit and any subsequent license shall be subject to review by the Director of the Department of Water Resources at the expiration of the power sales contract to determine whether the license must be cancelled, modified or renewed pursuant to the public interest. The term of the power sales contract must be determined at the time of licensing.

MEMORANDUM

TO: File No. 36-8310
FROM: Gary Spackman *Gary*
DATE: June 4, 1990

I have reviewed application for permit to appropriate water no. 36-8310, and also reviewed the information submitted to satisfy Rule 4,5. of the Water Appropriation Rules and Regulations. I find that the information submitted is satisfactory. I note that FERC exemption no. 8375 was issued for this project in 1985, and that a construction deadline has been extended in 1989. I do not see this power development as having a significant impact on the area. I recommend its approval with the normal hydropower conditions and the following:

1. The adequacy of the project design to protect public and employee safety during all phases of construction and operation of the project shall be reviewed and certified by a professional engineer licensed to practice in the State of Idaho.

2. Prior to operation of the hydropower facility, the permit holder shall provide an operation plan to the Department for review and approval. The operation plan shall provide for the protection of public safety.

3. This permit and any subsequent license shall be subject to review by the Director of the Department of Water Resources at the expiration of the power sales contract to determine whether the license must be cancelled, modified or renewed pursuant to the public interest. The term of the power sales contract must be determined at the time of licensing.

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JUL 23 1990

88 ERC162, 117

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Blind Canyon Aquaranch, Incorporated) Project No. 8375-001

ORDER GRANTING EXEMPTION FROM LICENSING FOR
A CONDUIT HYDROELECTRIC PROJECT

(Issued October 25, 1985)

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.

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 motions 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.2/

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

Blind Canyon Aquaranch, Incorporated, Project No. 8375-001,
filed on December 13, 1984.

An exemption from licensing granted by this Commission does not serve as any basis for restricting hunting and fishing access to the waterway involved except to the extent required for public safety purposes.

DC-A-23

-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 comment and staff's independent analysis, issuance of this order is not a major Federal action significantly affecting the quality of the human environment.3/

The Director of the Office of Hydropower Licensing or the Director's designee, under 18 C.F.R. §375.314, orders:

(A) Blind Canyon Project No. 8375 as described and designated in Blind Canyon Aquaranch, Incorporated application filed on December 13, 1984, 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 (1985).

(B) This order is final unless appealed to the Commission by any party within 30 days from the issuance date of this order under 18 C.F.R. 385.1902 (1985).

Don Garber

Kenneth M. Pusateri
Acting Director, Office of
Hydropower Licensing

3/ Environmental Assessment, Blind Canyon Aquaranch, Incorporated, FERC Project No. 8375-001 - Idaho, Division of Environmental Analysis, Office of Hydropower Licensing, Federal Energy Regulatory Commission, October 3, 1985. This document is available in the Division of Public Information and in the Commission's public file associated with the proceeding.

JUL 23 1990

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UNITED STATES OF AMERICA

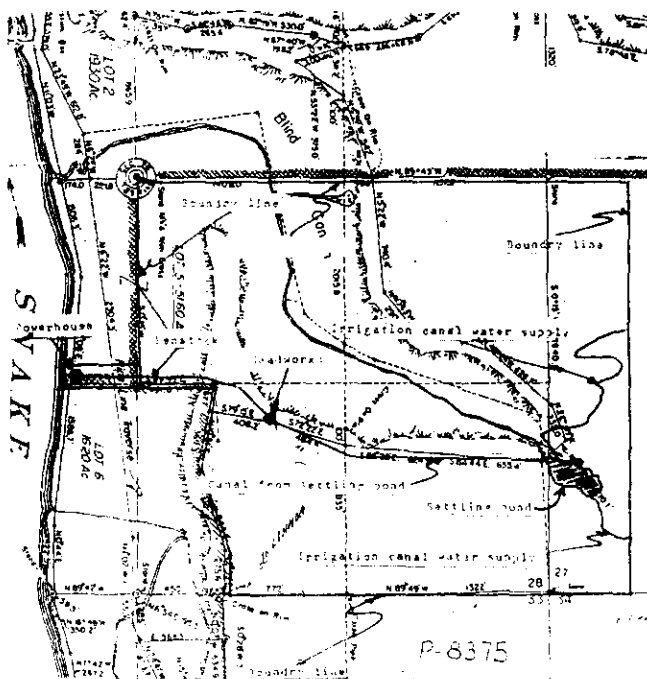
FEDERAL ENERGY REGULATORY COMMISSION

Notice of Application Filed with the Commission

(August 17, 1965)

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

- a. Type of Application: License Extension
- b. Project No.: 8375-101
- c. Date Filed: December 13, 1964
- d. Applicant: Blind Canyon Aqueduct, Incorporated
- e. Name of Project: Blind Canyon
- f. Location: At Blind Canyon, on a tributary to the Snake River, in Gooding County, Idaho.
- g. Filed Pursuant to: Section 37 of the Federal Power Act
- h. Contact Person: Samuel P. Curtis, Jr.
Route 3-6 Ranch View W.
Palm Springs, CO 81061
Denver, CO
- i. Comment Date: SEP 20 1965
- j. Description of Project: The proposed project would utilize return flows from the North Side Canal Irrigation Company S. Coulee sediment holding pond located at the head of Blind Canyon and would consist of: (1) a 2,000-foot-long canal; (2) a headworks structure; (3) an 800-foot-long, 45-inch-diameter penstock; (4) a powerhouse containing two generating units each rated at 110-kw operated at a head of 300 feet and at a flow of 30 cfs; (5) a transformer; (6) a 500-foot-long transmission line; and (7) a short tailrace to the Snake River.
- k. Applicant estimates that the average annual energy production would be 5,456,896 kwh. Project energy would be sold.
- l. This notice also consists of the following standard paragraphs: A1, A9, B, C, D30.



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JUL 23 1990

ATTACHMENT
E-1 Form

§ 4.94 Standard terms and conditions of exemption

Any exemption granted under § 4.93 for a small conduit

hydroelectric facility is subject to the following standard terms and conditions:

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

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

(c) Article 3. The Commission may revoke this exemption if actual construction of any proposed generating facilities has not begun within two years or has not been completed within four years from the effective date of this exemption. If an exemption is revoked under this article, the Commission will not accept from the prior exemption holder a subsequent application for exemption from licensing or a notice of exemption from licensing for the same project within two years of the revocation.

(d) Article 4. In order to best develop, conserve, and utilize in the public interest the water resources of the region, the Commission may require that the exempt facilities be modified in structure or operation or may revoke this exemption.

(e) Article 5. The Commission may revoke this exemption if, in the application process, material discrepancies, inaccuracies, or falsehoods were made by or on behalf of the applicant.

(f) Article 6. Before transferring any property interests in the exempt project, the exemption holder must inform the transferee of the terms and conditions of the exemption. Within 30 days of transferring the property interests, the exemption holder must inform the Commission of the identity and address of the transferee.



BLIND CANYON AQUARANCH, Inc.

ROUTE 1, Box 219
HAGERMAN, IDAHO 83332
(208) 536-6792

February 27, 1990

Attn: Gary Spackman
State of Idaho
Department of Water Resources
1301 North Orchard Street
Boise, Idaho 83706

*Hand
delivered*

RE: Response to your letter of February 8, 1990 regarding Permit Nos. 36-8310 (applied for) and 36-7967.

Dear Sir:

First, regarding Permit No. 36-7967: We did, indeed, ask FERC to issue a letter of surrender of exemption from licensing for this project. We continue to use the water to compress air for our fish hatchery located on the site.

Second, regarding our application for Permit No. 36-8310 and responding to your questions contained in your letter of July 14, 1987:

1.) No other water rights will be impacted by the diversion. An agreement between Blind Canyon AquaRanch, Inc. and North Side Canal Co. has been entered into to insure that their rights are protected. (See enclosed agreement.)

2.) The diversion rate required during peak use will vary according to water flow in the canal -- up to 85cfs. The average use required will be approximately 60cfs. The volume of water diverted per year will be in the neighborhood of 21,000 acre-feet. The canal company furnishes water seasonally (April-October). However, on occasion, there is water in the canal both before and after that period (snow and/or rain runoff). We want to ensure that we have use of that water during any period in which it is available, hence the year-round permit request.

3.) Use of the water will be entirely non-consumptive.

4.) Enclosed please find a USGS water measurement chart which records the flow of the S Coulee throughout last year's water year and the two or three months before and after the water year. The average required flow rate will be approximately 60cfs.

5.) Two canals enter Blind Canyon, the North Side Canal and the S Coulee (Cedar Draw Creek). Diversion will be from a settling pond into which both canals will converge.

6.) We have been putting about \$30,000 per year from the cash flow of Blind Canyon AquaRanch, Inc. into the project. We have not formally ask lending institutions for further financing.

"GROWERS OF FRESH WATER TROUT"



BLIND CANYON AQUARANCH, Inc.

ROUTE 1, BOX 219
HAGERMAN, IDAHO 83332
(208) 536-6792

pending completion of permits by the Army Corp of Engineers to allow discharge into the Snake River. A current financial statement for Blind Canyon AquaRanch, Inc. will be made available for you as soon as our accountant can get the proper information together.

7.) Enclosed also are a set of project designs and plans together with a cost estimate of the project.

8.) Also enclosed are written comments from Gooding County, Idaho Fish & Game, and the Idaho Department of Health & Welfare.

Respectfully,

George Lemmon, President
Blind Canyon AquaRanch, Inc.

GL:jpw
enclosures
cc

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JUL 25 1990

MEMORANDUM AGREEMENT

This Memorandum Agreement, dated this 20th day of April, 1984, by and between North Side Canal Company, Ltd., ("North Side") an Idaho corporation and Blind Canyon Aqua Ranch, Inc., ("Blind Canyon") an Idaho corporation.

W I T N E S S E T H

For and in consideration of the mutual covenants and agreements herein contained, and other good and valuable consideration, the receipt of which is hereby acknowledged, the parties hereto agree as follows:

1. The North Side is a Carey Act operating company with its principal place of business in Jerome County, Idaho and in such capacity operates and maintains certain canal facilities owned by the North Side for the purpose of conveyance and delivery of water to the shareholders of the North Side. In such capacity and in performing the function of conveying and delivering the irrigation stock water as aforesaid, certain waters representing excess or waste water passes out of the canal system owned and maintained by the North Side in various locations throughout the system, one of those locations being at the tail end of the S Coulee west of the City of Jerome where such waters, on occasion, pass into the Box Canyon area of the Snake River Canyon.

2. Blind Canyon desires to construct and operate a certain hydro electric generation facility on certain properties owned or possessed by Blind Canyon in the Box Canyon area and as such is desirous of using the aforesaid waste or excess waters which pass through the system of the North Side and exit therefrom at Box Canyon.

3. North Side hereby grants to Blind Canyon for the term hereof the right to non-consumptively use the excess or waste waters of the North Side which exit the tail end of the S Coulee on the west side of the City of Jerome and which waters ultimately drop into the Box Canyon area of Jerome County, provided however, that the use of such waters by Blind Canyon for the purposes of generation of electrical energy at the facility to be constructed in the Box Canyon area shall be at all times be subject to the obligations of the North Side to deliver and convey water to its shareholders, as such obligations are construed and implemented by North Side, in its sole judgment and discretion.

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JUL 23 1990

4. In consideration for the license herein granted, Blind Canyon shall pay to the North Side an amount equal to five percent (5%) of the gross revenues received by Blind Canyon from the sale of the electrical energy produced at the hydro electric facility to be constructed in the Box Canyon area. Blind Canyon agrees to keep the hydro electric facility in operation at maximum capacity utilizing the available water excepting reasonable downtime for emergencies, necessary repairs and/or maintenance or in the event a shutdown is required by the purchaser of the power. Blind Canyon further agrees to make necessary records available to North Side so as to allow North Side to verify the receipts received by Blind Canyon from the sale of electrical energy.

5. Blind Canyon agrees to hold the Canal Company harmless from all taxes which may be assessed against the project and not to allow any liens or encumbrances to be placed against the facilities of the North Side as a result of the operation of the hydro electric facility being constructed by Blind Canyon.

6. Blind Canyon further agrees to protect, indemnify, and hold harmless the North Side for or on account of any injury, bodily or otherwise, property damage, or death of a person or entity resulting from or arising out of or in any way connected with, the construction, maintenance, and operation of the facility or the connection, or interconnection between the facility and other facilities or with power transmission lines. Without limiting the foregoing, Blind Canyon agrees to pay all costs, expenses, and fees, including attorney's fees, which may be incurred by the North Side as a result of any claim or demand, or the defense of any litigation resulting therefrom, against the North Side by any third person or entity as a result of the operation, construction or maintenance of the hydro electric facility by Blind Canyon in the Box Canyon area.

7. It is further agreed and understood that the waters transmitted pursuant to this Agreement are excess or waste waters and that the North Side makes no implied or express representations or warranties concerning the availability of such waters at the tail end of the S Coulee either during the irrigation season or otherwise and that should such waters be unavailable for use either because of the manner in which the North Side operates or maintains its canal systems or because of any other reason whatsoever, Blind Canyon shall have no recourse or claim against the North Side for damages or specific performance of this Agreement because of the unavailability of such waters.

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JUL 23 1990

8. Nothing in this Agreement shall be construed as a grant of any easements, rights of way, right of entry, or interests of any kind to any portion of the North Side's ditches, coulees, canals or other portions of its facilities for the purposes of construction, maintenance or operation of the project.

9. The term of this Agreement shall commence upon the execution of this Agreement and shall end on the 35 anniversary date hereof.

10. No term or provision of this Agreement may be changed, waived, discharged or terminated orally, but only by an instrument in writing signed by the party against which the enforcement of the change, waiver, discharge or termination is sought.

11. This Agreement shall not be assigned by Blind Canyon without the written consent of the North Side, which consent should not be unreasonably withheld.

12. This Agreement shall be binding upon the parties hereto and their permitted successors and assigns.

13. Nothing herein shall in any manner be construed as a conveyance of the water or real property rights of the North Side, but is limited only to an agreement of the North Side as herein contained as is available pursuant to this Agreement. Blind Canyon specifically, and as part of the consideration for this Agreement, waives the provisions of Article 15, Section 4 of the Idaho Constitution, and Idaho Code §42-914.

14. Nothing herein shall in any way be construed as a limitation on North Side Canal Company's flowage easement over the property of Blind Canyon, whether or not resulting from an act of God or the negligence of North Side Canal Company, and Blind Canyon herein waives any claim or claims against North Side Canal Company in such regard.

15. The parties hereto are not joint venturers or partners or otherwise associated in any way for any purpose, and specifically, but without limiting the generality of the preceeding statement, not such for the purpose of the construction and operation of the referenced hydro electric facility in Box Canyon.

MICROFILMED

JUL 23 1990

IN WITNESS WHEREOF the parties hereto have executed this Agreement on the day and year first above written.

NORTH SIDE CANAL COMPANY, LTD.

By: *J. C. Marshall*
President

ATTEST:

Bernice Johnson
Secretary

BLIND CANYON AQUA RANCH, INC.

By: *Les H. Lemmon*
President

ATTEST:

Les H. Lemmon
Secretary

STATE OF IDAHO)
) ss.
County of Jerome)

On this 28 day of April, 1984, before me, a Notary Public, in and for said County and State, personally appeared J. C. Marshall and Bernice Johnson known or identified to me to be the President and Secretary, respectively of North Side Canal Company, Ltd., the corporation that executed the foregoing instrument, and acknowledged to me that such corporation executed the same.

MICROFILMED

JUL 23 1990

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

William J. Dill
NOTARY PUBLIC FOR IDAHO
Residing at Jerome, Ida

STATE OF IDAHO)
) ss.
County of Jerome)

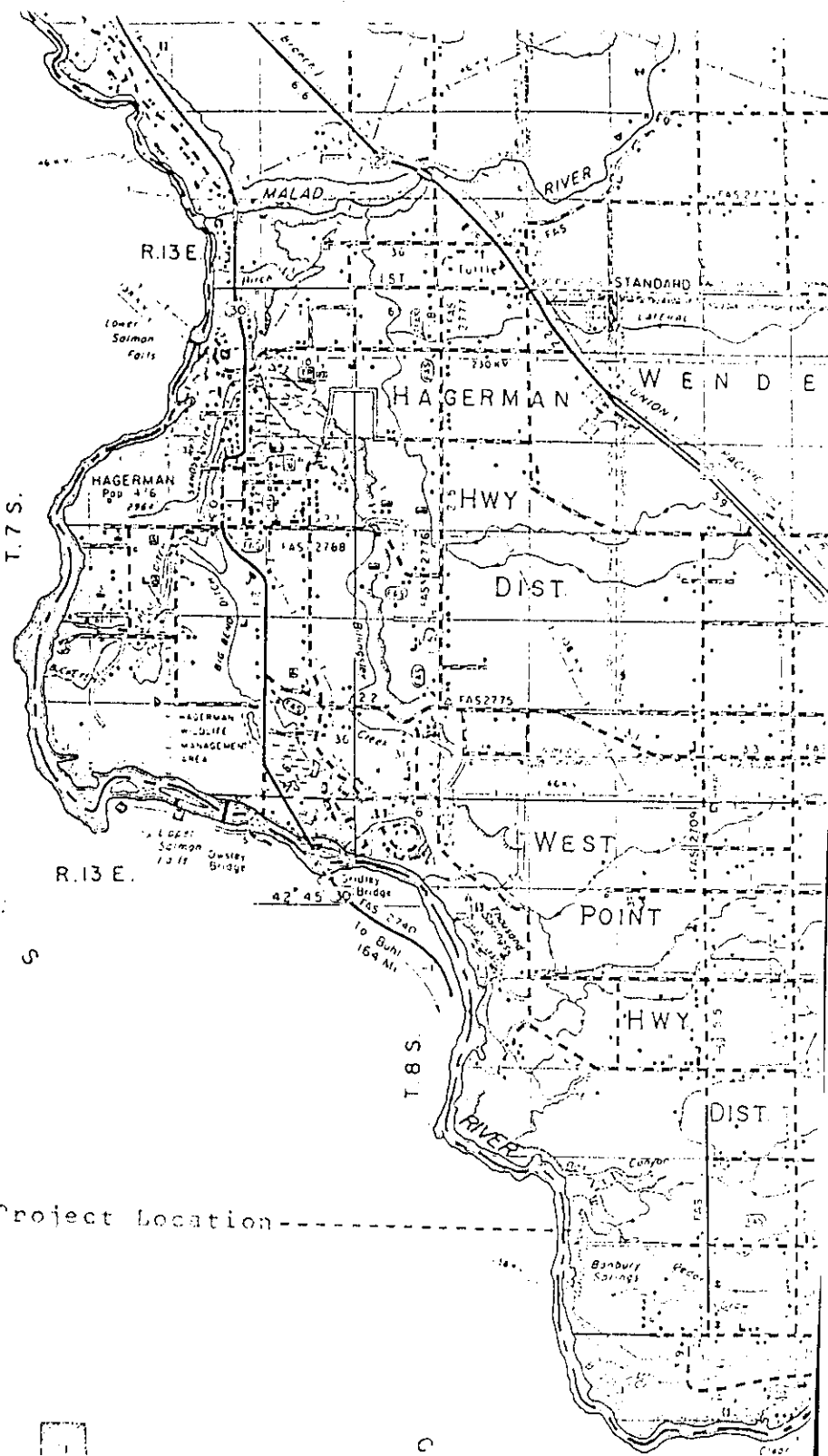
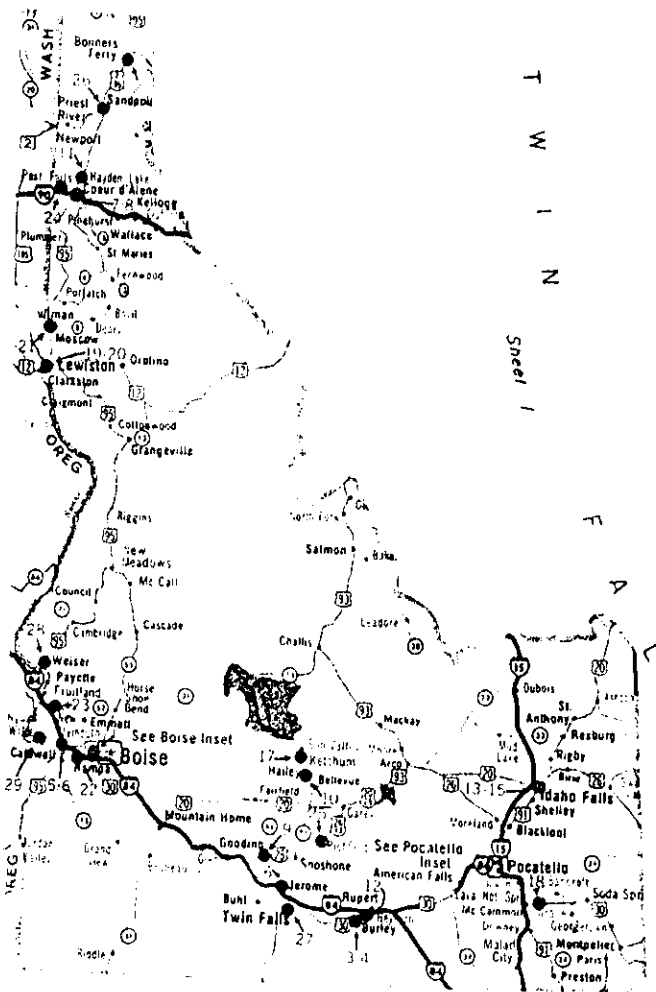
On this 28 day of April, 1984, before me, a Notary Public, in and for said County and State, personally appeared Neo Lemmon and Gary Lemmon known or identified to me to be the President and Secretary, respectively of Blind Canyon Aqua Ranch, Inc., the corporation that executed the foregoing instrument, and acknowledged to me that such corporation executed the same.

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

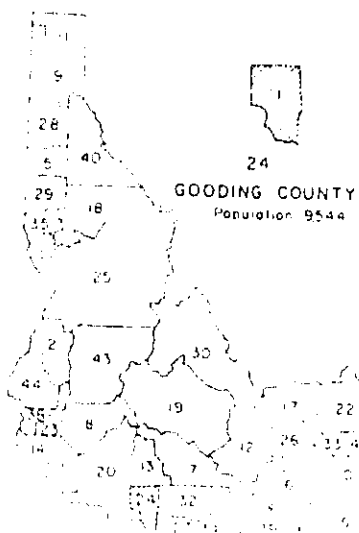
William J. Dill
NOTARY PUBLIC FOR IDAHO
Residing at Jerome, Ida

MICROFILMED

JUL 23 1990



Blind Canyon Project Location-----



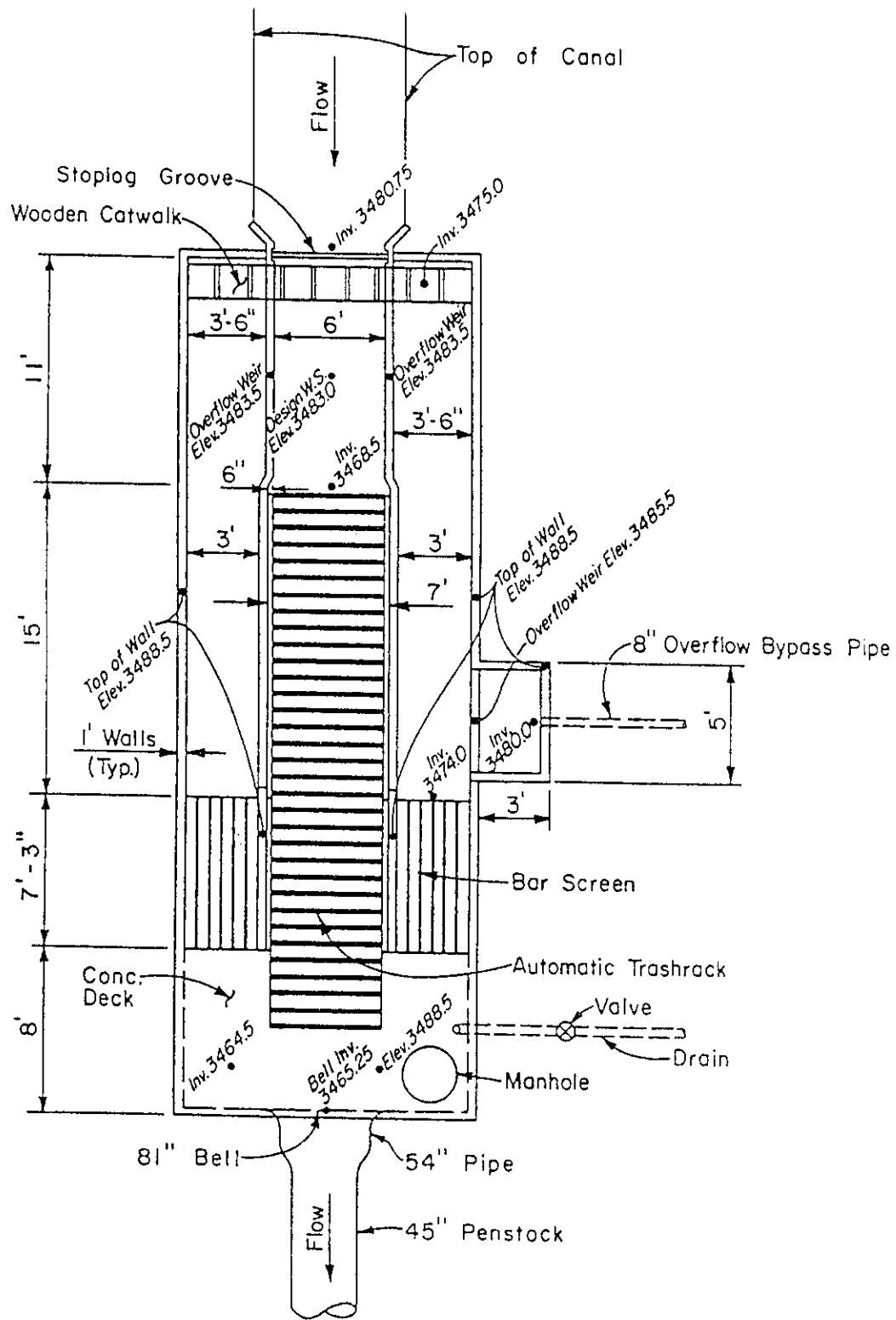
MICROFILMED

JUL 23 1990

Hand-drawn sketch of a triangle with interior angles labeled $S 51^{\circ} 49' E$ and $S 78^{\circ} 48' E$. The angle between these two sides is labeled 51.0° .

[illegible]

MICROFILMED
JUL 23 1999

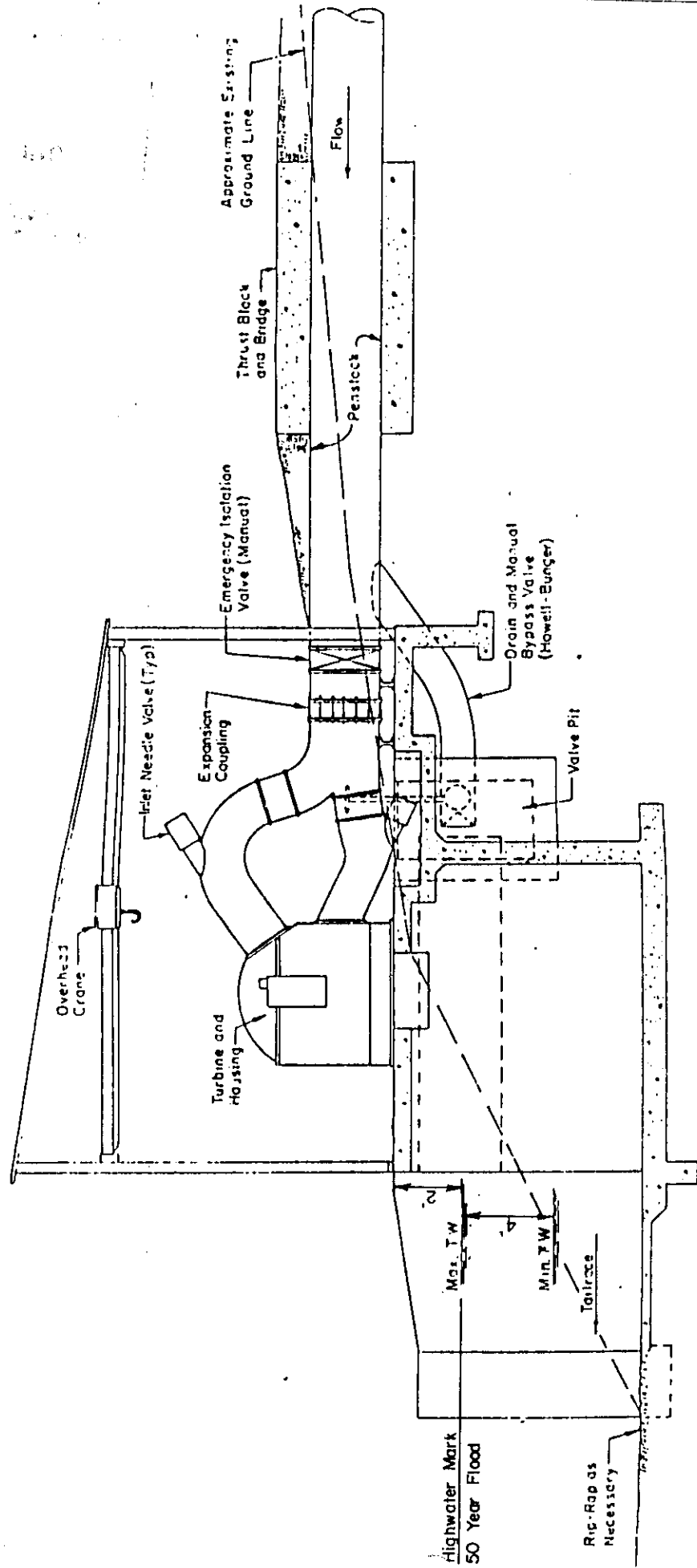


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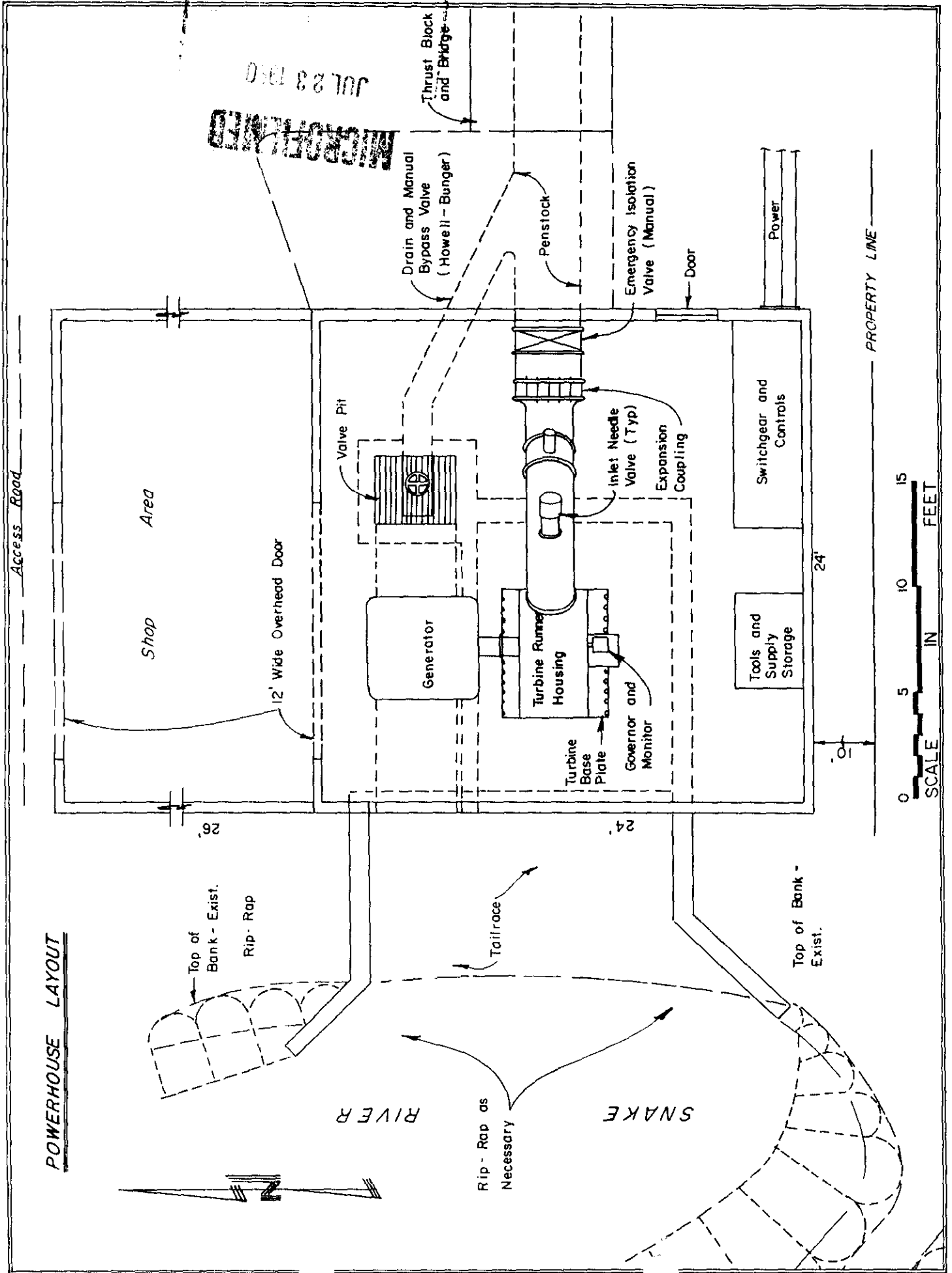
JUL 2 1960

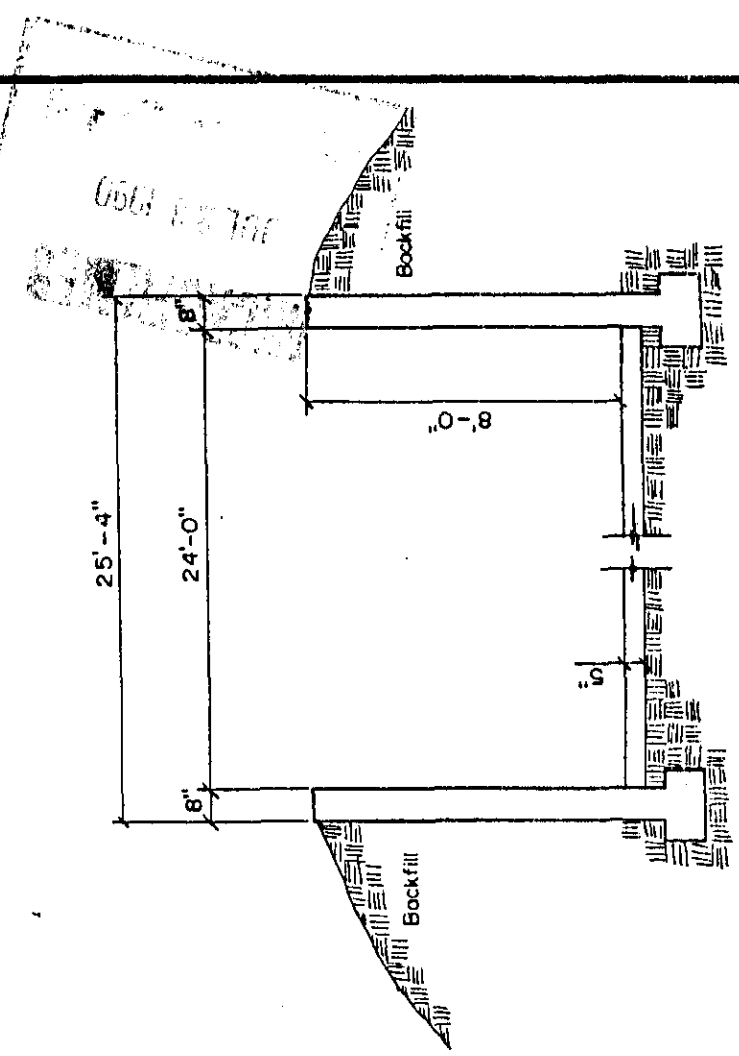
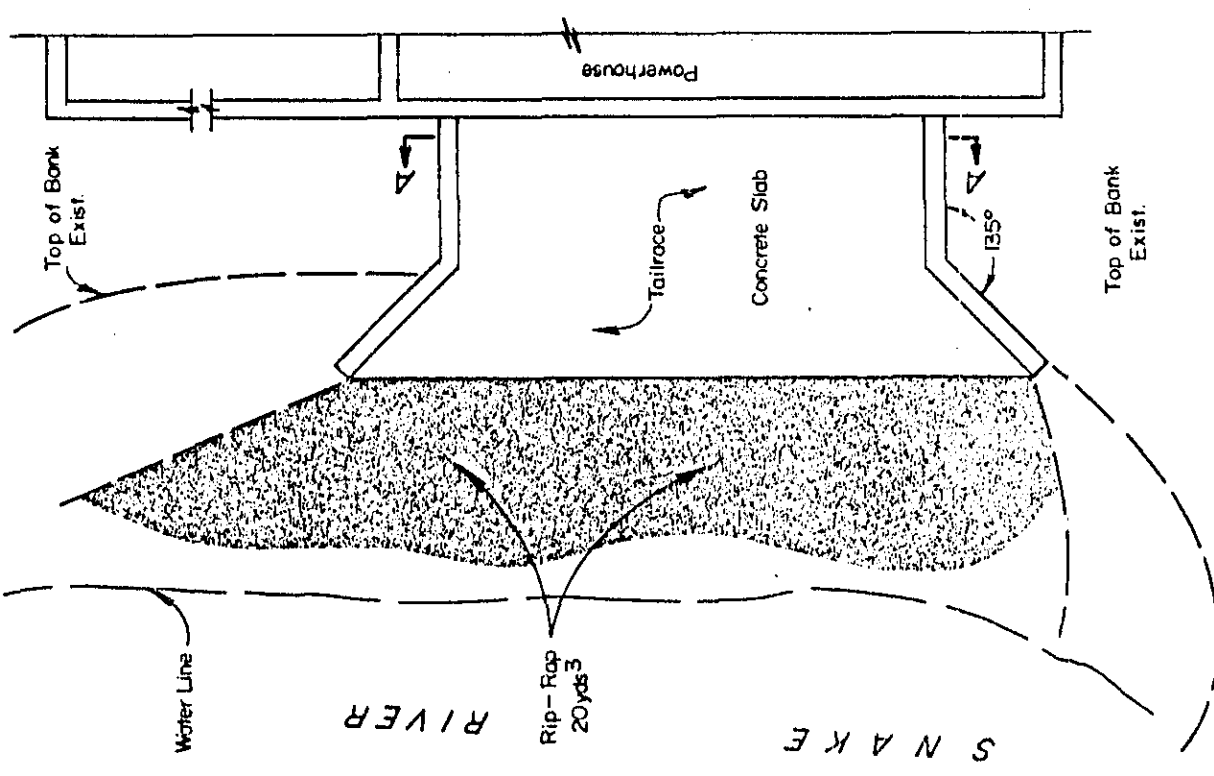
POWERHOUSE PROFILE

N.T.S.



POWERHOUSE LAYOUT





SECTION A-A 1" = 5'

Settlement 12.00' - 18.00'
 Concrete placed 12.00' - 20.00'

TAILRACE DETAIL

SCALE 1" = 10'

02/14/90

UNITED STATES DEPARTMENT OF THE INTERIOR - GEOLOGICAL SURVEY - BOISE

STATION NUMBER 13095360 S-COULEE NR WENDELL ID STREAM SOURCE AGENCY USGS
LATITUDE 424146 LONGITUDE 1144816 DRAINAGE AREA 0. DATUM STATE 16 COUNTY 053
PROVISIONAL DATA SUBJECT TO REVISIONDISCHARGE, CUBIC FEET PER SECOND, WATER YEAR OCTOBER 1988 TO SEPTEMBER 1989
MEAN VALUES

PROVISIONAL RECORD:

DAY	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP
1	16	.00	.00	.00	.00	.27	.00	48	46	28	38	11
2	18	.00	.00	.00	.00	1.3	.00	67	40	25	27	7.8
3	20	.00	.00	.00	.00	.28	.00	75	56	29	22	19
4	18	.00	.00	.00	.00	.17	.00	56	63	31	19	24
5	13	.00	.00	.00	.00	.17	.00	74	67	29	19	16
6	12	.00	.00	.00	.00	.02	.00	73	61	19	23	21
7	11	.00	.00	.00	.00	.64	.00	58	57	14	24	23
8	11	.00	.00	.00	.00	.33	.00	50	43	16	7.7	23
9	11	.00	.00	.00	.00	.00	.00	56	34	17	16	14
10	11	.23	.00	.38	.00	.00	.00	54	37	22	26	21
11	10	.12	.00	.00	.00	.00	.00	60	36	23	26	26
12	11	.22	.00	.00	.00	.00	.00	64	45	21	30	30
13	11	.36	.00	.00	.00	.00	.00	83	42	24	35	35
14	10	.25	.00	.00	.00	.00	.00	81	58	23	34	34
15	11	.21	.00	.00	.00	.00	.00	85	49	26	24	24
16	11	.25	.00	.00	.00	.00	.00	84	50	26	17	38
17	15	.35	.00	.00	.00	.00	.00	78	54	28	14	24
18	16	.34	.00	.00	.00	.00	.00	74	50	21	13	36
19	11	.31	.00	.00	.00	.00	.00	84	50	18	14	36
20	7.4	.25	.00	.00	.00	.00	.33	71	44	18	19	42
21	3.9	.28	.00	.00	.00	.00	.49	65	45	13	22	29
22	.22	.52	.00	.00	.00	.00	.41	55	43	12	15	27
23	.00	.39	.00	.00	.00	.00	.68	43	48	18	16	29
24	.00	.19	.00	.00	.00	.00	.73	55	39	20	24	26
25	.00	.16	.00	.00	.70	.00	.58	68	40	20	29	25
26	.00	.14	.00	.00	1.5	.00	.48	67	40	19	27	23
27	.00	.00	.00	.00	.23	.00	.44	61	34	29	25	23
28	.00	.25	.00	.00	.30	.00	.44	56	32	25	28	18
29	.00	.00	.00	.00	.00	.00	.44	59	24	25	18	15
30	.00	.00	.00	.00	.00	.00	.48	53	28	30	14	21
31	.00	.00	.00	.00	.00	.00	.00	54	---	35	9.9	---
TOTAL	258.52	4.82	0.00	0.38	---	3.18	550.00	2011	1355	704	675.6	739.8
MEAN	8.34	.16	.00	.012	---	.10	18.3	64.9	45.2	22.7	21.8	24.7
MAX	20	.52	.00	.38	---	1.3	.73	85	67	35	38	42
MIN	.00	.00	.00	.00	---	.00	.00	43	24	12	7.7	7.8
AC-FT	513	9.6	.0	.8	---	6.3	1090	3990	2690	1400	1340	1470

PROVISIONAL RECORD

MR. RICK KASTER
Energy Systems
Route 3, Box 405
Buhl, ID 83316

January 18, 1990

Mr. George Lemmon
Rt. #1, Box 219
Hagerman, Idaho 83332

Re: Blind Canyon Hydro Plant

Dear Mr. Lemmon:

The following are my estimates of what your costs will be regarding the construction of the Blind Canyon Hydro Plant. I have listed only those items that I have had experience dealing with in the past. It would be best that you obtain estimates for the operator's house and the canal excavation from contractors in those lines of business.

Penstock Headworks - Includes two steel gates and gate guides, two manually cleaned trash racks, and a concrete deck behind the trash racks. The concrete structure would have two bays and would be large enough to accommodate a pair of automated trash racks between the manual trash racks and the steel gates.

	\$16,000
500' of 54" pipe (coated)	30,750
1000' of 48" pipe (thick wall, coated)	65,000
Installation of Penstock	22,500
Powerhouse (35x50)(includes tailrace, discharge pipe, and extra tall walls	40,000
Bridge crane frame and bridge crane	20,000
Turbine scroll - (Includes needle valves, deflectors, turbine bearing, packing gland, sandblasting and epoxy paint job.	45,000
Intermediate shafting and couplings	10,000
Substation (Hardware & installation)	25,000

[Handwritten signature and stamp]

Mr. George Lemmon
January 18, 1990
Page 2

Switchgear (For one large and one small unit)	30,000
Generator (approx. 1500 KW)	30,000- 50,000
Idaho Power Intertie	35,000
Project owned portion of high voltage line	10,000
Turbine actuators	18,000
Consulting, drawings, engineering,	
construction management	50,000
Misc.	10,000

All of these estimates have a 10% to 20% contingency factor built in.
I hope these figures will be of some help.

Best Regards,

Rick Kaster

Rick Kaster

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JUL 23 1990

11-2-84

Region 4
868 E. Main, P.O. Box 428
Jerome, Idaho 83338
Telephone: (208) 324-4350



April 23, 1984

Mr. Samuel F. Curtis, Jr.
Energy Dynamics Corporation
640 Cherokee Lane
Twin Falls, ID 83301

Re: Blind Canyon Project S-Coulee. Proposed Hydroelectric
Project. Early Consultation. Application for Exemption
from FERC Licensing.

Dear Mr. Curtis:

Based on the recent field inspection with you and the
descriptive narrative and maps you provided, we suggest you be
prepared to address the following concerns regarding the
referenced project:

Any small hydropower project at this location on the creek
would require the following: 1) diversion and inlet design
to prevent air entrainment in the penstock; 2) transmission
lines either buried or designed to prevent raptor
mortalities; 3) avoidance of short- and long-term erosion in
the project construction and undue disturbance of riparian
habitat. Replacement of vegetation may be required.

Required facilities will have to be constructed according to
design criteria approved by the Idaho Department of Fish and
Game. Acceptable design criteria for transmission lines are
available from our Department.

NOTED

JUL 13 1990

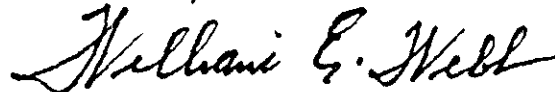
EQUAL OPPORTUNITY EMPLOYER

April 23, 1984
page 2

These comments do not constitute submission of terms and conditions under Section 408 of the Energy Security Act of 1980. Terms and conditions will be submitted after notice of application from the Federal Energy Regulatory Commission (FERC).

As required by Section 4.107(a), (2) of the FERC Order No. 106, please forward a copy of the exemption application to the Idaho Department of Fish and Game, P. O. Box 25, Boise, Idaho 83707 at the time it is submitted to the Federal Energy Regulatory Commission.

Sincerely,



William E. Webb
Supervisor, Region 4

pc: USFWS, Wolflin
Bureau of Fisheries

APR 23 1984



STATE OF IDAHO

DEPARTMENT OF FISH AND GAME

Region 4
868 East Main - Box 428
JEROME, IDAHO 83338

April 27, 1981

George Lemmon
Blind Canyon Aqua Ranch
Route #1
Hagerman, Idaho 83332

Re: License Exemption Application - George Lemmon -
10 Springs and Blind Canyon Hydropower Projects -
Gooding County

Dear George:

This letter is to acknowledge your contact with the Department of Fish and Game regarding your proposed hydropower project in Gooding County using water from 10 and Blind Canyon Springs.

Our evaluation indicates no significant fish or wildlife problems. Therefore, the Department has no objections to the project.

Sincerely,

A handwritten signature in cursive script that reads "William E. Webb".

William E. Webb
Region 4 Supervisor

WEW:ar

cc: Bureau of Program Coordination

MICROFILMED

JUL 23 1990



STATE OF IDAHO

DEPARTMENT OF HEALTH AND WELFARE 734-4000, ext. 274

DIVISION OF ENVIRONMENT

P. O. Box 1626

Twin Falls, ID 83301

March 11, 1981

George H. Lemmon
Blind Canyon Aqua Ranch
Box 218
Hagerman, Idaho 83332

Re: Power Generator - Blind Canyon

Dear Mr. Lemmon:

We have reviewed your proposal to divert wastewater from the Northside Canal Company waste ditch through power generated equipment at or near the mouth of Blind Canyon. This will not change the water quality of the return water therefore, we have no objection to the installation of such a facility.

Sincerely,

A handwritten signature in cursive script, appearing to read "Alex Schaefer".

Alex Schaefer
Sr. Environmental Quality Specialist

AS/ta
cc: Dave Sanders

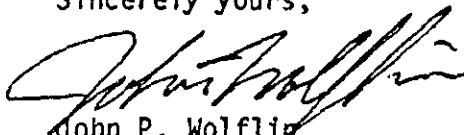
RECEIVED

JUL 23 1990

EQUAL OPPORTUNITY EMPLOYER

Due to budget and personnel constraints, the Service will take no further action on the referenced draft application. The Idaho Department of Fish and Game may have additional fish and wildlife concerns from their management perspective. You should incorporate measures responsive to their concerns as well as Service concerns in your application to the Federal Energy Regulatory Commission.

Sincerely yours,


John P. Wolflin
Field Supervisor

Attachments

cc: IDFG, Hdqtrs., Boise
IDFG, Region 4, Jerome
FWS, SE, Boise (1-4-84-SP-317)
FWS, RO, AFA-SE, Portland

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JUL 23 1990

GOODING COUNTY PLANNING & ZONING COMMISSION

SPECIAL USE PERMIT

PERMIT NO. 14

A SPECIAL USE PERMIT is hereby granted to Blind Canyon Aquaranch, Inc. , Rt. #1 Box 218, Hagerman, ID, to construct a hydro-generator plant utilizing return flows from the North Side Canal Company South Coulee sediment holding pond.

The installation shall be located in Section 28, Township 8 South, Range 14 E, B.M. and shall be in accordance with the Federal Energy Regulatory Commission's regulation as described in Project No. 8375-001.

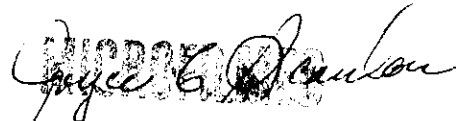
Pursuant to Idaho Code 67-6512 and Ordinance No. 25 of the County of Gooding, State of Idaho, public hearing was held with no dissenting testimony.

The recommendations presented by the Commission are as follows:

- a) Completed plans of the project shall be submitted to the Planning & Zoning Administrator for inclusion in the file.
- b) Final approval from the Corps of Engineers, Walla Walla, WA. shall be submitted for the file.
- c) Final approval from the State Land Board shall be submitted for the file.
- d) Permit for the construction of any building on-site shall be issued by the Administrator of County Planning & Zoning.

By order of the Planning & Zoning Commission.
Submitted for approval to the Board of County Commissioners
5/24/89.

Dated this 24th day of May, 1989.


Joyce G. Scanlon,
Administrator

BLIND CANYON AQUARIUM, INC.

BLIND CANYON AQUARIUM, INC.

Average price per pound, October 1-September 30, 1987-1988
Sold to Fish Processors, Inc., Buhl, Idaho

Average price per pound, (JAN.1,1988-DEC.31,1988)
Sold to Fish Processors, Inc., Buhl, Idaho

Date	invoice #	# shipped	price/lb	amount	Date	invoice #	# shipped	price/lb	amount
10/02/87	8064	11,085	\$0.70	\$7,759.50	01/07/88	8078	7,060	\$0.70	\$4,942.00
10/06/87	8065	17,845	\$0.70	\$12,491.50	01/13/88	8079	1,400	\$0.70	\$980.00
10/15/87	8066	9,935	\$0.70	\$6,956.50	01/29/88	8080	10,640	\$0.70	\$7,448.00
10/23/87	8067	6,535	\$0.70	\$4,644.50	02/05/88	8083	10,840	\$0.70	\$7,588.00
10/30/87	8068	9,700	\$0.70	\$6,790.00	02/12/88	8084	14,105	\$0.70	\$9,873.50
11/06/87	8069	9,235	\$0.70	\$6,464.50	02/19/88	8085	5,250	\$0.70	\$3,675.00
11/13/87	8070	14,305	\$0.70	\$10,013.50	02/24/88	8086	2,120	\$0.70	\$1,484.00
11/20/87	8071	8,155	\$0.70	\$5,715.50	03/11/88	8087	9,045	\$0.70	\$6,331.50
11/25/87	8072	13,384	\$0.70	\$9,368.80	03/18/88	8088	10,780	\$0.70	\$7,546.00
12/02/87	8073	5,005	\$0.70	\$3,503.50	03/25/88	8089	7,540	\$0.70	\$5,278.00
12/10/87	8074	7,405	\$0.70	\$5,183.50	04/01/88	8090	13,665	\$0.70	\$9,565.50
12/18/87	8075	20,730	\$0.70	\$14,511.00	04/08/88	8091	960	\$0.70	\$672.00
12/24/87	8076	12,060	\$0.70	\$8,442.00	04/15/88	8092	7,230	\$0.75	\$5,422.50
12/30/87	8077	5,320	\$0.70	\$3,724.00	04/22/88	8093	6,895	\$0.75	\$5,171.25
01/07/88	8078	7,060	\$0.70	\$4,942.00	04/29/88	8094	11,845	\$0.75	\$8,883.75
01/13/88	8079	1,400	\$0.70	\$980.00	05/02/88	8096	14,745	\$0.75	\$11,058.75
01/23/88	8080	10,640	\$0.70	\$7,448.00	05/13/88	8097	13,340	\$0.75	\$10,005.00
02/05/88	8083	10,840	\$0.70	\$7,588.00	05/20/88	8098	13,530	\$0.75	\$10,147.50
02/12/88	8084	14,105	\$0.70	\$9,873.50	06/01/88	8100	13,365	\$0.75	\$10,023.75
02/19/88	8085	5,250	\$0.70	\$3,675.00	06/10/88	8065	10,600	\$0.75	\$7,950.00
02/24/88	8086	2,120	\$0.70	\$1,484.00	06/17/88	3551	8,500	\$0.75	\$6,375.00
03/11/88	8087	9,045	\$0.70	\$6,331.50	06/24/88	3553	10,720	\$0.75	\$8,040.00
03/18/88	8088	10,780	\$0.70	\$7,546.00	07/01/88	3552	4,280	\$0.75	\$3,210.00
03/25/88	8089	7,540	\$0.70	\$5,278.00	07/22/88	3554	15,170	\$0.77	\$11,680.90
04/01/88	8090	13,665	\$0.70	\$9,565.50	07/22/88	3555	8,565	\$0.77	\$6,595.05
04/08/88	8091	960	\$0.70	\$672.00	07/25/88	3556	13,755	\$0.77	\$10,591.35
04/15/88	8092	7,230	\$0.75	\$5,422.50	08/10/88	3557	10,650	\$0.77	\$8,200.50
04/22/88	8093	6,895	\$0.75	\$5,171.25	08/12/88	3559	12,900	\$0.77	\$9,933.00
04/29/88	8094	11,845	\$0.75	\$8,883.75	08/19/88	3560	15,340	\$0.77	\$11,811.80
05/02/88	8096	14,745	\$0.75	\$11,058.75	08/26/88	3561	18,335	\$0.77	\$14,117.95
05/13/88	8097	13,340	\$0.75	\$10,005.00	09/07/88	3562	11,265	\$0.77	\$8,674.05
05/20/88	8098	13,530	\$0.75	\$10,147.50	09/16/88	3563	18,280	\$0.77	\$14,075.60
06/01/88	8100	13,365	\$0.75	\$10,023.75	09/22/88	3564	9,808	\$0.77	\$7,552.16
06/10/88	8065	10,600	\$0.75	\$7,950.00	09/30/88	3565	10,335	\$0.77	\$7,957.95
06/17/88	3551	8,500	\$0.75	\$6,375.00	10/07/89	3566	6820	\$0.70	\$4,774.00
06/24/88	3553	10,720	\$0.75	\$8,040.00	10/14/89	3567	11800	\$0.70	\$8,260.00
07/01/88	3552	4,280	\$0.75	\$3,210.00	10/21/89	3568	8060	\$0.70	\$5,642.00
07/22/88	3554	15,170	\$0.77	\$11,680.90	10/28/89	3569	8055	\$0.70	\$5,638.50
07/22/88	3555	8,565	\$0.77	\$6,595.05	10/28/89	3570	4615	\$0.70	\$3,230.50
07/25/88	3556	13,755	\$0.77	\$10,591.35	11/04/89	3571	14055	\$0.70	\$9,838.50
08/10/88	3557	10,650	\$0.77	\$8,200.50	11/04/89	3572	15580	\$0.70	\$10,906.00
08/12/88	3559	12,900	\$0.77	\$9,933.00	11/04/89	3573	9940	\$0.70	\$6,958.00
08/19/88	3560	15,340	\$0.77	\$11,811.80	11/10/89	3574	8440	\$0.70	\$5,908.00
08/26/88	3561	18,335	\$0.77	\$14,117.95	10/14/09	3575	9025	\$0.70	\$6,317.50
09/07/88	3562	11,265	\$0.77	\$8,674.05	12/02/89	3576	15450	\$0.70	\$10,815.00
09/16/88	3563	18,280	\$0.77	\$14,075.60	12/02/89	3577	5900	\$0.70	\$4,130.00
09/22/88	3564	9,808	\$0.77	\$7,552.16	12/09/89	3578	17960	\$0.70	\$12,572.00
09/30/88	3565	10,335	\$0.77	\$7,957.95	12/16/89	3579	9800	\$0.70	\$6,860.00
					12/23/89	3580	12965	\$0.70	\$9,075.50
					12/30/89	3581	13885	\$0.70	\$9,719.50
TOTALS:		500,727		\$368,463.51					

Average no. of lbs. per invoice: 10,494.313
Average price per invoice: 0.728
Average amount per invoice: \$7,676.45
AVERAGE PRICE/LB FOR THE YEAR: 0.7315

TOTALS: 525,208 JUL 23 1990 31

Average no. of lbs. per invoice: 10,543.917

AVERAGE PRICE/LB FOR THE YEAR: 0.7302

MICROFILMED

FINANCIAL STATEMENT
AGRICULTURAL & LIVESTOCK

WEST ONE
BANK

To OFFICE, WEST ONE BANK, STATE
Name Belo Lemmon Address Rt 1 Box 218
For the purpose of obtaining credit from you from time to time I herewith submit
the following as a true and correct statement of my financial condition on September 10, 19 89.

Social Security or Taxpayer I.D. Number 517 30-3750 Birthdate 8-9-1920 Home Phone Number 837-4806 Work Phone Number

ASSETS		AMOUNT	LIABILITIES		AMOUNT
CURRENT			CURRENT (Payable within one year)		
CASH ON HAND		600	NOTES PAYABLE TO THIS BANK (Schedule D)		
CASH IN -- THIS BANK		100	NOTES PAYABLE TO OTHERS (Schedule D)		
CASH IN -- OTHER BANKS			DUE TO RELATIVES (Schedule D)		
			ACCOUNTS PAYABLE:		
LOANS RECEIVABLE (Schedule C)					
ACCOUNTS RECEIVABLE, GOOD (Schedule C)					
FARM PRODUCTS ON HAND FOR SALE					
		2750			
MARKET LIVESTOCK (Schedule B-1)			INTERMEDIATE TERM DEBT DUE THIS BANK THIS YEAR		
FEED AND SEED ON HAND		700	INTERMEDIATE TERM DEBT DUE OTHERS THIS YEAR		
			CAPITAL LEASES DUE THIS YEAR		
			INCOME TAXES		
			INTEREST		
INVESTED IN GROWING CROPS			Payments on Real Estate, Due in one year		
		600	PRINCIPAL		
			INTEREST		
PUBLICLY TRADED SECURITIES (Schedule C)		1700	REAL ESTATE TAXES		
OTHER CURRENT ASSETS (Schedule C)*		5000	OTHER (Schedule D)		
TOTAL CURRENT ASSETS			TOTAL CURRENT LIABILITIES		
INTERMEDIATE			INTERMEDIATE (One to 10 years, less current portion)		
LIVESTOCK, BASE HERD (Schedule B-2)		1500	DUE BANK ON LIVESTOCK		
MACHINERY AND EQUIPMENT (Including Lease Purchases) (Attach Schedule)		2000	DUE OTHERS ON LIVESTOCK		
AUTOMOBILE AND TRUCKS (Attach Schedule)		1000	VEHICLES AND EQUIPMENT		
CASH VALUE LIFE INSURANCE		300	CAPITAL LEASES PAYABLE		
INTERMEDIATE OTHER (Schedule C)			OTHER NOTES PAYABLE (Schedule D)		
			LOANS AGAINST LIFE INSURANCE POLICIES		
TOTAL INTERMEDIATE ASSETS			TOTAL INTERMEDIATE LIABILITIES		
FIXED			REAL ESTATE MORTGAGES AND CONTRACTS		
REAL ESTATE (Schedule A)		120000	(Schedule A, amount due after one year)		
INTEREST IN PARTNERSHIPS, ETC. (Schedule C)			OTHER LONG-TERM DEBT (Schedule D)		
SECURITIES NOT PUBLICLY TRADED (Schedule C)					
FIXED OTHER (Schedule C)					
TOTAL FIXED ASSETS			TOTAL LONG-TERM DEBT		
TOTAL ASSETS			TOTAL LIABILITIES		
			NET WORTH		
			TOTAL LIABILITIES & NET WORTH		

THIS SECTION MUST BE COMPLETED THIS SECTION MUST BE COMPLETED
HAVE YOU ANY ASSETS OR LIABILITIES NOT LISTED ON THIS FINANCIAL STATEMENT? ☐ YES ☒ NO
IF YES, EXPLAIN AND STATE WHY NOT INCLUDED

LIABILITY AS ENDORSER OR GUARANTOR FOR OTHERS \$ B.C. EXPLAIN
HAVE YOU ANY JUDGEMENTS OR SUITS FILED AGAINST YOU? ☐ YES ☒ NO
IF YES, GIVE DETAILS

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JUL 23 1990

HAVE YOU EVER FILED A PETITION IN BANKRUPTCY OR APPROVED A WAGE-EARNER PLAN FOR YOUR SELF? ☐ YES ☒ NO
IF YES, EXPLAIN

LIFE INSURANCE CARRIED	\$	PAYABLE TO	
DO YOU WISH CREDIT LIFE INSURANCE	☐ YES ☒ NO	DO YOU WISH A & H INSURANCE	☐ YES ☒ NO
AMOUNT OF INSURANCE ON BUILDINGS	\$	FEED	\$
MACHINERY	\$	OTHER	\$
I LEASE	ACRES OF	LAND FROM	ANNUAL RENTAL \$
I LEASE	ACRES OF	LAND FROM	ANNUAL RENTAL \$
HAVE YOU ANY PARTNERS IN YOUR BUSINESS?	☐ YES ☐ NO	I HAVE RESIDED AT MY PRESENT LOCATION FOR	67 years
I AM	☒ MARRIED ☐ UNMARRIED ☐ SEPARATED, AND HAVE	DEPENDENTS	CUSTOMER OF THIS BANK SINCE
HAVE YOU ESTABLISHED A WILL OR TRUST?	☒ YES ☐ NO	IF YES, WHO IS EXECUTOR OR TRUSTEE OF YOUR ESTATE?	

Schedule A

DESCRIPTION OF REAL ESTATE					PAYMENT		DUE DATE	MORTGAGE HOLDER
COUNTY	ACRES	COST	MARKET VALUE	MORTGAGE	PRINCIPAL	INTEREST		
Goochland	80		130,000	0				
	Pivot Irrigation							
	Spring Water.							
TOTAL								

Schedule B-1 DESCRIPTION OF MARKET LIVESTOCK OWNED

KIND	NUMBER	AGE OR WEIGHT	BREED	VALUE EACH	TOTAL VALUE	LIVESTOCK BRAND
Hellors	3	1½	Holstein	500	1500	
TOTAL						

Schedule B-2 DESCRIPTION OF BREEDING LIVESTOCK

[illegible]

Schedule C ~~LOANS RECEIVABLE, ACCOUNTS RECEIVABLE, STOCKS & BONDS, OTHERS~~ *

Blind Canyon 321 states 487, 100. 32100

Schedule D NOTES, CONTRACTS AND ACCOUNTS PAYABLE

DUE TO (NAME)	DATE INCURRED	BALANCE		PAYMENT TERMS	DUE DATE	DESCRIPTION OF COLLATERAL, IF ANY
		ORIGINAL	PRESENT			
TOTAL						

Schedule E RECONCILEMENT OF NET WORTH

EXPLANATIONS	
I. Net worth on date of last statement ()	\$ 524,865
Add: (a) Net Profit	\$
(b) Real Estate revaluation (explain reason)	\$
(c) Other adjustments (explain reason)	\$
II. Total (1) (a+b+c)	\$
Subtract: (d) Adjustments (explain reason)	\$
(e) Other items (explain reason)	\$
III. Total (2) (d+e)	\$
IV. Line I + Line II - Line III (Current net worth)	\$ 524,865

There are no judgments outstanding, or settlements pending, against the applicant in any Court of this State or of the United States of America; nor are there any unrecorded deeds, mortgages, contracts, attachments or claims at law against it or the above property, except as set forth in the financial statement.

I/We hereby certify that the foregoing statement and schedules have been read by the undersigned before signing and that the information disclosed is true to the best of my/our knowledge and belief.

I give you permission to investigate my credit record and to check my statements I've made. Also, you have permission to give out information regarding my credit to authorized parties.

**APPLICANT'S
SIGNATURE**

**APPLICANT'S
SIGNATURE**

★ ALIMONY, CHILD SUPPORT OR SEPARATE MAINTENANCE NEED NOT BE REVEALED UNLESS APPLICANT WISHES SUCH INCOME TO BE CONSIDERED IN DETERMINING CREDIT WORTHINESS.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

February 8, 1990

Blind Canyon Aqua Ranch, Inc.
P.O. 218
Hagerman, ID 83332

RE: Application for Permit No. 36-8310 Proposing Development of
Power Project on Cedar Draw Creek
Permit to Appropriate Water No. 36-7967 Proposing
Development of Unnamed Stream (Ten Springs) for Power
Purposes

Dear Sirs:

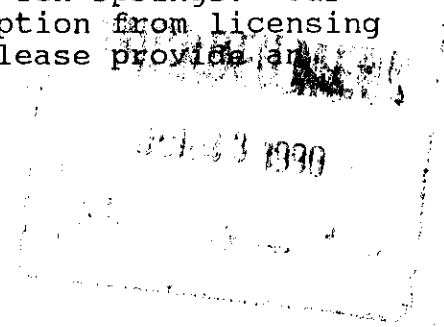
Confusion in this office has arisen regarding the two
filings listed above. I will address each of the filings
individually.

Application for permit to appropriate water no. 36-8310
proposes diversion of 85 cubic feet per second from Cedar Draw
Creek for power and fish propagation purposes. In July of 1987,
I sent a letter requesting additional information about the water
right. I have enclosed a copy of the letter for your reference.
I have not received a response to my request.

The Department of Water Resources periodically receives
notices from the Federal Energy Regulatory Commission (FERC). I
cannot tell from notices in the name of Blind Canyon Aqua Ranch,
Inc., whether any of the FERC filings apply to the Cedar Draw
Creek project.

This letter is a request for submittal of the information
sought in the July 14, 1987 letter. Failure to submit the
information within thirty (30) days of the date of this letter
will prompt action by the Department to void application for
permit to appropriate water no. 36-8310.

Permit no. 36-7967 was approved by the Department in 1986,
and authorizes development of a project for Ten Springs. Our
files contain a notice of surrender of exemption from licensing
for the Ten Springs power wells project. Please provide an
update regarding the permit.



I notice that proof is due for permit no. 36-7967 in August, 1990. Please be advised that the Department will scrutinize the permit and information regarding development at the time proof is due.

Respectfully,

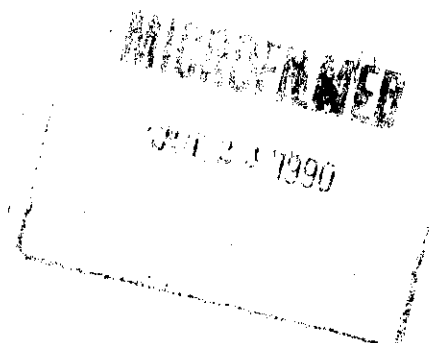


GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

Enclosure

cc. Southern Region





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

CECIL D. ANDRUS
Governor

A. KENNETH DUNN
Director

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

July 14, 1987

Blind Canyon Aqua Ranch, Inc.
P.O. Box 218
Hagerman, ID 83332

Re: Application for Permit to Appropriate Water No. 36-8310

Gentlemen:

The Department of Water Resources is reviewing your application for appropriation of water from Cedar Draw Creek. Rules and regulations for water appropriation adopted in the fall of 1986 require that you submit additional information on the proposed diversion works prior to approval of your application.

Please state whether the diversion of water from the source indicated will impact any existing water rights. If so, please state what efforts will be exerted to reduce impact on the existing rights.

Please set forth the required diversion rate during peak use and the required diversion rate which must be maintained during any average use period. Please state the volume to be diverted per year and the period of year water will be required. Your application requests diversion of water year around. The FERC documents, however, indicate that water use will only occur seasonally.

Please state if any water will be consumptively used in the proposed use of the water. If so, indicate the volume of water which will be consumptively used in one year.

Please submit peak measured flow rates and the average required flow rate during the water demand period.

Please set forth any other sources of water which may contribute to the same use. The application states that Cedar Draw Creek will be the source of the water. It appears, however, that another irrigation wasteway will also contribute water in addition to Cedar Draw Creek.

Please submit a current certified financial statement,

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JUL 23 1988

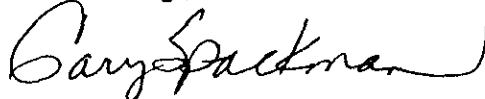
either from a lending institution or from the party financing the development, showing that sufficient funds have been dedicated to the development to insure completion.

Please submit project designs and plans together with a cost estimate of the costs of completion of the project. The plans should be detailed enough so that the Department can assess the impact of the development on the environment, the local economy, and other important factors.

Please solicit written comments from Gooding County, the Idaho Fish and Game, and the Idaho Department of Health and Welfare (Division of Environment). Please submit copies of the comments to the Department.

If you have any questions, please consult rule 4,5,3 of the Water Appropriation Rules and Regulations. If I can be of further assistance, please contact me.

Sincerely,



GARY SPACKMAN, Supervisor
Water Allocation Section

GS:jf

CC: Southern Region

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JUL 23 1990

RECEIVED
OCT 27 1989

Bert -
WR?

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Department of Interior Resources

Blind Canyon Aquaranch,
Incorporated

Project No. 8375-002
Idaho

ORDER GRANTING EXTENSION OF TIME

(Issued October 19, 1989)

On September 19, 1989, Blind Canyon Aquaranch, Incorporated, exemptee for the Blind Canyon Project, requested for an extension to complete project construction. An exemption for this project was issued on October 25, 1985, with October 25, 1989, as the deadline for completion of construction.

The exemptee has requested a four-year extension of time to complete construction because of financing difficulties. A four-year extension of time is contrary to the intent of the Public Utilities Regulatory Policies Act of 1978 for expeditious development of hydroelectric potential to provide needed hydroelectric power. Therefore, only a two-year extension will be granted.

The Director orders:

(A) The deadline for completing project construction is extended to October 25, 1991.

(B) This order is issued under authority delegated to the Director and is final unless appealed to the Commission under Rule 1902 within 30 days from the date of its issuance.


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

~~30-11-1~~
N.R.
12-5-89
J

DC-A-6

REPORT
RMG

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS SUMMARY REPORT

DATE: 12/13/89
PAGE: 1

WR-NUMBER:
36-07967

CURRENT OWNER:
BLIND CANYON AQUA RANCH INC.
P.O. BOX 218
HAGERMAN, ID 83332

PRIORITY DATE:
02-24-1981

STAGE:
PERMIT

COUNTY: GOODING
SOURCE: UNNAMED STREAM
WATER USE:
POWER

TRIBUTARY: SNAKE RIVER
DIVERSION RATE:
25.000
TOTAL: 25.000

PERIOD FROM: 01/01
PERIOD TO: 12/31

REMARKS: SOURCE KNOWN LOCALLY AS TEN SPRINGS.
FEET OF HEAD = 175. HORSEPOWER = 297.

POINT OF DIVERSION:	Twp	Rge	Sec	Tract	Lot
	08S	14E	17	NW NE	
PLACE OF USE:	Twp	Rge	Sec	Tract	Lot
	08S	14E	17	NW NE	

WR-NUMBER:
36-08299

CURRENT OWNER:
BLIND CANYON AQUA RANCH INC.
BOX 218
HAGERMAN, ID 833320000

PRIORITY DATE:
10-10-1985

STAGE:
APPLICATION

COUNTY: GOODING
SOURCE: GROUNDWATER
SPRINGS

TRIBUTARY: SINKS

WATER USE:
FISH PROPAGATION
POWER

DIVERSION RATE:
20.000
TOTAL: 20.000

PERIOD FROM: 01/01
PERIOD TO: 12/31

POINT OF DIVERSION:	Twp	Rge	Sec	Tract	Lot
	08S	14E	17	NE NW NE	
PLACE OF USE:	Twp	Rge	Sec	Tract	Lot
	08S	14E	17	NW NE	

DIVERSION VOLUME:
20.000
20.000

WR-NUMBER:
36-08310

CURRENT OWNER:
BLIND CANYON AQUA RANCH INC.
P.O. BOX 218
HAGERMAN, ID 833320000

PRIORITY DATE:
05-07-1986

STAGE:
APPLICATION

COUNTY: GOODING
SOURCE: CEDAR DRAW CREEK
WATER USE:
FISH PROPAGATION
POWER

TRIBUTARY: SNAKE RIVER
DIVERSION RATE:
85.000
TOTAL: 85.000

PERIOD FROM: 01/01
PERIOD TO: 12/31

REMARKS: FEET OF HEAD = 300. HORSEPOWER = 1892.

POINT OF DIVERSION:

PLACE OF USE:

TWP	Rge	Sec	Tract	Lot
08S	14E	27	NW SW SW	
TWP	Rge	Sec	Tract	Lot
08S	14E	27	SW SW	Acres
08S	14E	28	NE SW	5

END OF REPORT

RMG

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS SUMMARY REPORTDATE: 12/27/89
PAGE: 1WR-NUMBER:
36-07967

CURRENT OWNER:

BLIND CANYON AQUA RANCH INC.
P.O. BOX 218
HAGERMAN, ID 83332PRIORITY DATE:
02-24-1981

STAGE:

PERMIT

COUNTY: GOODING
SOURCE: UNNAMED STREAM
WATER USE:
POWERTRIBUTARY: SNAKE RIVER
DIVERSION RATE:
25.000
DIVERSION VOLUME:
25.000PERIOD FROM: 01/01
PERIOD TO: 12/31REMARKS: SOURCE KNOWN LOCALLY AS TEN SPRINGS.
FEET OF HEAD = 175. HORSEPOWER = 297.

POINT OF DIVERSION:

Twp	Rge	Sec	Tract	Lot
08S	14E	17	NW NE	

Twp	Rge	Sec	Tract	Lot	Acres
08S	14E	17	NW NE		

PLACE OF USE:

WR-NUMBER:
36-08299

CURRENT OWNER:

BLIND CANYON AQUA RANCH INC.
BOX 218
HAGERMAN, ID 833320000PRIORITY DATE:
10-10-1985

STAGE:

APPLICATION

COUNTY: GOODING
SOURCE: GROUNDWATER
WATER USE:
SPRINGS

TRIBUTARY:

WATER USE:
FISH PROPAGATION
POWERDIVERSION RATE:
20.000
20.000
20.000

DIVERSION VOLUME:

PERIOD FROM: 01/01
PERIOD TO: 12/31

POINT OF DIVERSION:

Twp	Rge	Sec	Tract	Lot
08S	14E	17	NE NW NE	

Twp	Rge	Sec	Tract	Lot	Acres
08S	14E	17	NW NE		

PLACE OF USE:

WR-NUMBER:
36-08310

CURRENT OWNER:

BLIND CANYON AQUA RANCH INC.
P.O. BOX 218
HAGERMAN, ID 833320000PRIORITY DATE:
05-07-1986

STAGE:

APPLICATION

COUNTY: GOODING
SOURCE: CEDAR DRAW CREEK
WATER USE:
FISH PROPAGATION
POWERTRIBUTARY: SNAKE RIVER
DIVERSION RATE:
85.000
85.000
85.000PERIOD FROM: 01/01
PERIOD TO: 12/31

REMARKS: FEET OF HEAD = 300. HORSEPOWER = 1892.

REPORT
RMG

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS SUMMARY REPORT

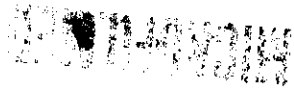
DATE: 12/27/89
PAGE: 2

WR-NUMBER: 36-08310 (cont'd)

POINT OF DIVERSION:

Twp	Rge	Sec	Tract	Lot
08S	14E	27	NW SW SW	
PLACE OF USE:				
Twp	Rge <td>Sec</td> <td>Tract <td>Lot Acres</td> </td>	Sec	Tract <td>Lot Acres</td>	Lot Acres
08S	14E	27	SW SW	
08S	14E	28	NE SW	5

END OF REPORT





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

Governor

A. KENNETH DUNN

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 334-4440

July 14, 1987

Blind Canyon Aqua Ranch, Inc.
P.O. Box 218
Hagerman, ID 83332

Re: Application for Permit to Appropriate Water No. 36-8310

Gentlemen:

The Department of Water Resources is reviewing your application for appropriation of water from Cedar Draw Creek. Rules and regulations for water appropriation adopted in the fall of 1986 require that you submit additional information on the proposed diversion works prior to approval of your application.

Please state whether the diversion of water from the source indicated will impact any existing water rights. If so, please state what efforts will be exerted to reduce impact on the existing rights.

Please set forth the required diversion rate during peak use and the required diversion rate which must be maintained during any average use period. Please state the volume to be diverted per year and the period of year water will be required. Your application requests diversion of water year around. The FERC documents, however, indicate that water use will only occur seasonally.

Please state if any water will be consumptively used in the proposed use of the water. If so, indicate the volume of water which will be consumptively used in one year.

Please submit peak measured flow rates and the average required flow rate during the water demand period.

Please set forth any other sources of water which may contribute to the same use. The application states that Cedar Draw Creek will be the source of the water. It appears, however, that another irrigation wasteway will also contribute water in addition to Cedar Draw Creek.

Please submit a current certified financial statement.

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JUL 23 1990

either from a lending institution or from the party financing the development, showing that sufficient funds have been dedicated to the development to insure completion.

Please submit project designs and plans together with a cost estimate of the costs of completion of the project. The plans should be detailed enough so that the Department can assess the impact of the development on the environment, the local economy, and other important factors.

Please solicit written comments from Gooding County, the Idaho Fish and Game, and the Idaho Department of Health and Welfare (Division of Environment). Please submit copies of the comments to the Department.

If you have any questions, please consult rule 4,5,3 of the Water Appropriation Rules and Regulations. If I can be of further assistance, please contact me.

Sincerely,



GARY SPACKMAN, Supervisor
Water Allocation Section

GS:jf

CC: Southern Region

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JUL 23 1990

30-Mar-1987

POINT OF DIVERSION: Township 08S Range 14E Section 27

STATE OF IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS ABSTRACT

WR-NUMBER:
36-2705

CURRENT OWNER:
MOUNTAIN VIEW IRRIGATION CO.

PRIORITY DATE:
15-Mar-1963

STAGE:
PERMIT

COUNTY: GOODING
SOURCE: BOX SPRINGS
WATER USE:
IRRIGATION

TRIBUTARY: SNAKE RIVER
DIVERSION-RATE:
200.000 CFS
TOTAL RATE: 200.000 CFS

DIVERSION-VOLUME:
0.00 AF
TOTAL VOLUME: 0.00 AF

REMARKS: P/U WITH BOUNDARIES OF MTN. VIEW IRR. CO.
THE P/U UNDER THIS RIGHT INCLUDES MOSTLY LANDS OWNED BY B.L.M.

POINT OF DIVERSION: T08S R14E S27 NENW

WR-NUMBER:
36-7175

CURRENT OWNER:
EARL M. HARDY
BOX CANYON TROUT CO. INC.

PRIORITY DATE:
18-May-1971

STAGE:
PERMIT

COUNTY: GOODING
SOURCE: BOX CANYON SPRING
WATER USE:
FISH PROPAGATION

TRIBUTARY: SNAKE RIVER
DIVERSION-RATE:
330.000 CFS
TOTAL RATE: 330.000 CFS

DIVERSION-VOLUME:
0.00 AF
TOTAL VOLUME: 0.00 AF

REMARKS: 2 P/D IN SWNW, S27 & NENE, S28, T8S, R14E.
THE APPLICANTS USE OF WATER UNDER THIS PERMIT SHALL NOT INTERFERE
WITH USES PRESENTLY AUTHORIZED UNDER VALID PRIOR EXISTING PERMITS
INCLUDING THE QUALITY AND CONSISTENT FLOW OF WATER FOR FISH
PROPAGATION.

POINT OF DIVERSION: T08S R14E S27 NENW
T08S R14E S28 NENE
T08S R14E S27 NWNW
T08S R14E S27 SWNW

WR-NUMBER:
36-7198

CURRENT OWNER:
STATE OF IDAHO

PRIORITY DATE:
12-Jul-1971

STAGE:
APPLICATION

COUNTY: GOODING
SOURCE: BOX CANYON CREEK
WATER USE:
RECREATION
AESTHETIC

TRIBUTARY: SNAKE RIVER
DIVERSION-RATE:
850.000 CFS
TOTAL RATE: 850.000 CFS

DIVERSION-VOLUME:
0.00 AF
TOTAL VOLUME: 0.00 AF

REMARKS: THIS RT. FOR PRESERVING NATURAL STATE W/O DIVERSION.
PROTESTANTS: RIM VIEW TROUT CO., AL DAISS, MTN. VIEW IRR. CO
;EDNA WERTH, EARL M. HARDY, RICHARD KASTER, DEL KOHTZ

POINT OF DIVERSION: T08S R14E S27 NENW
T08S R14E S28 NENE

30-Mar-1987

POINT OF DIVERSION: Township 08S Range 14E Section 28

STATE OF IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS ABSTRACTWR-NUMBER:
36-7198CURRENT OWNER:
STATE OF IDAHOPRIORITY DATE:
12-Jul-1971STAGE:
APPLICATION

COUNTY: GOODING

WATER USE: BOX CANYON CREEK

RECREATION

AESTHETIC

SNAKE RIVER

DIVERSION-RATE:

850.000 CFS

850.000 CFS

TOTAL RATE: 850.000 CFS

DIVERSION-VOLUME:

0.00 AF

0.00 AF

TOTAL VOLUME: 0.00 AF

REMARKS: THIS RT. FOR PRESERVING NATURAL STATE W/O DIVERSION.

PROTESTANTS: RIM VIEW TROUT CO., AL DAISS, MTN.VIEW IRR. CO

; EDNA WERTH, EARL M. HARDY, RICHARD KASTER, DEL KOHTZ

POINT OF DIVERSION:

T08S R14E S27

T08S R14E S28

NENW

NENE

STAGE:

PERMIT

PRIORITY DATE:

5-Jan-1970

CURRENT OWNER:
COLD SPRINGS, INC.

COUNTY: GOODING

SOURCE: BOX CANYON CREEK

BLIND CANYON SPRING

WATER USE:

FISH PROPAGATION

TRIBUTARY: SNAKE RIVER

SNAKE RIVER

DIVERSION-RATE:

400.000 CFS

400.000 CFS

TOTAL RATE:

DIVERSION-VOLUME:

0.00 AF

0.00 AF

TOTAL VOLUME: 0.00 AF

REMARKS: AMENDMENT FILE 10-5-78 PROTESTED.
REINSTATED 12-07-1983.

POINT OF DIVERSION:

T08S R14E S28

T08S R14E S28

NWNE

NWSE

STAGE:

PERMIT

PRIORITY DATE:

27-Oct-1969

CURRENT OWNER:
EARL A. HARDY

COUNTY: GOODING

SOURCE: BOX CANYON SPRING

WATER USE:

FISH PROPAGATION

TRIBUTARY: SNAKE RIVER

SNAKE RIVER

DIVERSION-RATE:

300.000 CFS

300.000 CFS

TOTAL RATE:

DIVERSION-VOLUME:

0.00 AF

0.00 AF

TOTAL VOLUME: 0.00 AF

POINT OF DIVERSION:

T08S R14E S28

T08S R14E S28

SENE

SWNE

STAGE:

LICENSE

PRIORITY DATE:

12-Jul-1971

CURRENT OWNER:
STATE OF IDAHO

COUNTY: GOODING

SOURCE: BIG SPRINGS

WATER USE:

RECREATION

AESTHETIC

TRIBUTARY: SNAKE RIVER

SNAKE RIVER

DIVERSION-RATE:

66.570 CFS

66.570 CFS

TOTAL RATE:

DIVERSION-VOLUME:

0.00 AF

0.00 AF

TOTAL VOLUME: 0.00 AF

REMARKS: WTR. NOT DIVERTED. FILED IN CONNECTION W/HB69.
BIG SPRINGS KNOWN LOCALLY AS BLUE HEART SPRINGS. THIS
INSTREAM FLOW WATER RT. IS SUBJECT TO ALL PRIOR WATER RTS.

POINT OF DIVERSION: T08S R14E S21 SWSW
T08S R14E S28 NWNW LT01

WR-NUMBER: 36-7162
CURRENT OWNER: GEORGE LEMMON
PRIORITY DATE: 4-Mar-1971
STAGE: LICENSE

COUNTY: GOODING
SOURCE: BLIND CANYON CREEK
WATER USE: FISH PROPAGATION
DIVERSION-RATE: 8.620 CFS
TOTAL RATE: 8.620 CFS
TRIBUTARY: SNAKE RIVER
DIVERSION-VOLUME: 0.00 AF
TOTAL VOLUME: 0.00 AF

POINT OF DIVERSION: T08S R14E S28 NWSE

WR-NUMBER: 36-8080
CURRENT OWNER: CLEAR SPRINGS TROUT CO.
PRIORITY DATE: 20-Apr-1982
STAGE: PERMIT

COUNTY: GOODING
SOURCE: BOX CANYON CREEK
WATER USE: POWER
DIVERSION-RATE: 300.000 CFS
TOTAL RATE: 300.000 CFS
TRIBUTARY: SNAKE RIVER
DIVERSION-VOLUME: 0.00 AF
TOTAL VOLUME: 0.00 AF

REMARKS: FEET OF HEAD = 26 HORSEPOWER = 690

POINT OF DIVERSION: T08S R14E S28 SENE

WR-NUMBER: 36-7175
CURRENT OWNER: EARL M. HARDY
BOX CANYON TROUT CO. INC.
PRIORITY DATE: 18-May-1971
STAGE: PERMIT

COUNTY: GOODING
SOURCE: BOX CANYON SPRING
WATER USE: FISH PROPAGATION
DIVERSION-RATE: 330.000 CFS
TOTAL RATE: 330.000 CFS
TRIBUTARY: SNAKE RIVER
DIVERSION-VOLUME: 0.00 AF
TOTAL VOLUME: 0.00 AF

REMARKS: 2 P/D IN SWNW, S27 & NENE, S28, T8S, R14E.
THE APPLICANTS USE OF WATER UNDER THIS PERMIT SHALL NOT INTERFERE
WITH USES PRESENTLY AUTHORIZED UNDER VALID PRIOR EXISTING PERMITS
INCLUDING THE QUALITY AND CONSISTENT FLOW OF WATER FOR FISH
PROPAGATION.

POINT OF DIVERSION: T08S R14E S27 NENW
T08S R14E S28 SENE
T08S R14E S28 NENE
T08S R14E S27 NWNW
T08S R14E S27 SWNW

WR-NUMBER: 36-7334
CURRENT OWNER: BOX CANYON TROUT CO. INC.
EARL M. HARDY
PRIORITY DATE: 30-Apr-1973
STAGE: PERMIT

COUNTY: GOODING
SOURCE: BOX CANYON SPRINGS
WATER USE: FISH PROPAGATION
DIVERSION-RATE: 600.000 CFS
TOTAL RATE: 600.000 CFS
TRIBUTARY: SNAKE RIVER
DIVERSION-VOLUME: 0.00 AF
TOTAL VOLUME: 0.00 AF

REMARKS: 2 P/D IN SENW, LOT 2, S28, T8S, R14E.

POINT OF DIVERSION: T08S R14E S28 SENE
T08S R14E S28 NWNW
T08S R14E S28 SWNE
T08S R14E S28 SENW LT02

WR-NUMBER: 36-7820	CURRENT OWNER: STATE OF IDAHO	PRIORITY DATE: 13-Sep-1978	STAGE: APPLICATION
COUNTY: GOODING			
SOURCE: BLIND CANYON SPRINGS			
WATER USE: MINIMUM INSTREAM FLOW			
DIVERSION-RATE:		TRIBUTARY: SNAKE RIVER	DIVERSION-VOLUME:
TOTAL RATE:		8.000 CFS	0.00 AF
TOTAL RATE:		8.000 CFS	0.00 AF
POINT OF DIVERSION: T08S R14E S28 SENW			
WR-NUMBER: 36-7824			
CURRENT OWNER: MANTECH INC.		PRIORITY DATE: 13-Sep-1978	STAGE: PERMIT
COUNTY: GOODING			
SOURCE: BOX CANYON SPRING			
WATER USE: POWER			
DIVERSION-RATE:		TRIBUTARY: SNAKE RIVER	DIVERSION-VOLUME:
TOTAL RATE:		300.000 CFS	0.00 AF
TOTAL RATE:		300.000 CFS	0.00 AF
REMARKS: NOT TO EXCEED 300. CFS. P/D IN LOTS 3 & 4 S28, T8S, R14E.			
POINT OF DIVERSION: T08S R14E S28 SWNE			
WR-NUMBER: 36-7040			
CURRENT OWNER: CLEAR SPRINGS TROUT CO.		PRIORITY DATE: 4-Sep-1968	STAGE: LICENSE
COUNTY: GOODING			
SOURCE: BOX CANYON CREEK			
WATER USE: IRRIGATION			
DIVERSION-RATE:		TRIBUTARY: SNAKE RIVER	DIVERSION-VOLUME:
TOTAL RATE:		0.200 CFS	40.00 AF
TOTAL RATE:		300.000 CFS	0.00 AF
TOTAL RATE:		300.000 CFS	0.00 AF
TOTAL RATE:		300.000 CFS	0.00 AF
POINT OF DIVERSION: T08S R14E S28 SWNE			
WR-NUMBER: 36-7797			
CURRENT OWNER: CLEAR SPRINGS TROUT CO.		PRIORITY DATE: 23-Jun-1978	STAGE: PERMIT
COUNTY: GOODING			
SOURCE: BOX CANYON CREEK			
WATER USE: FISH PROPAGATION			
DIVERSION-RATE:		TRIBUTARY: SNAKE RIVER	DIVERSION-VOLUME:
TOTAL RATE:		300.000 CFS	0.00 AF
TOTAL RATE:		300.000 CFS	0.00 AF
REMARKS: PTS. OF REDIVERSION IN LOTS 3 & 4, S28, T8S, R14E, T.F. CNTY.S CN DIVERSION RATE NOT TO EXCEED 300 CFS. FOR H.			
POINT OF DIVERSION: T08S R14E S28 SWNE			
T08S R14E S28 SENE			

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

BLIND CANYON AQUA RANCH, INC.

INITIAL REVIEW BY: ADL APPLICATION NUMBER: 36-8310

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: _____

Copy of FERC LIC. Exemption #8375
Applic & Order.

SEND COPIES TO:

- ☒ Idaho State Health Department. Copies sent by: 5/13/86 Date: marya
☒ Idaho Fish and Game Department. 5/13/86 marya
☐ Idaho Department of Lands.
☐ U.S. Bureau of Land Management.
☐ U.S. Forest Service.
☒ Other North Side Canal Co. 5/13/86 marya

PROCESSING:

- ☐ Yes ☒ No Platted by: _____ Map No. _____
☒ Yes ☐ No Other rights on same place of use. 01-7010 - North Side Canal Co
Hydro Power on this site.
☒ Yes ☐ No* In form for advertising. 6/23/86
☒ Yes ☐ No Final date for protests: _____
Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW: 6/17/86 7/3/86

- statewide ☒ Affidavit of publication received. Date: 6/19/86 6/19/86 (Rec. aff. of corr. 7/3/86)
OK ☒ Application published correctly. If not, record action taken: Corrected # Tribune -
☒ 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. Protest withdrawn
with- ☐ Yes ☒ No Measuring device required.
drawn ☒ Yes ☐ No Access port required.
off ☐ Yes ☒ No Will water be delivered by watermaster? If yes, what district?
5/7/86 Date of priority recommended.
Special conditions of approval or cover letter. OIF, O8A, O9E, 17K, 27

App. in Trust Area-

file copy destroyed-

By: _____ Date: _____
STATE OFFICE REVIEW: 49, 414 OIF O8A O9E 17M 17K Rec'd 10/3/86 Region 86

☐ See attached sheet for more information.
By: KW Date: 10/3/86 Dept. of Water Resources

POINT OF DIVERSION AND STREAM INDEX INFORMATION

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

IDAHO STREAM CODE INDEX

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

IDAHO STREAM CODE INDEX

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

IDAHO STREAM CODE INDEX

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

IDAHO STREAM CODE INDEX

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

IDAHO STREAM CODE INDEX

POWER CALCULATIONS FOR APPLICATION NO. 36-8310

1400

P = Kilowatts .74 X hp

Q = cfs 85.

H = feet 300'

e = efficiency

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

$$e = \frac{P(11.8)}{QH} = \frac{1400(11.8)}{85 \times 300} = \frac{16520}{25500} = 0.65$$

Based on the above calculations the proposed project must have an 65 % efficiency.

OVERLAP REVIEW per VAX 11/3/86:

P/D none

P/U 01-0004 } GL4+GL3 - 36-7797 fish prop.
01-0005 } GL7+GL4 - 36-7824 power
01-0010 } GL3 - 36-8080 power
01-0016 } GL2 - 36-7091 fish prop.
01-0209 } all irrigation
01-0212 }
01-0213 }
01-0215 }
01-0220 }

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BYPASSED AREA

Recommend L14

FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE, \$300



POSTAGE AND FEES PAID
FEDERAL ENERGY
REGULATORY COMMISSION
FEC-351

Samuel F. Curtis, Jr.
Energy Dynamics Corporation
640-Cherokee Lane, Rt 3-6 Randolph, W.
Twin-Falls, Idaho 83301
Twin-Falls, Idaho 83301

P-8375

OCT 23 1983

Department of Water Resources
Washington, D.C. 20426

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JUL 28 1980

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Blind Canyon Aquaranch, Incorporated) Project No. 8375-001

ORDER GRANTING EXEMPTION FROM LICENSING FOR
A CONDUIT HYDROELECTRIC PROJECT

(Issued October 25, 1985)

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.

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 motions 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.2/

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

1/ Blind Canyon Aquaranch, Incorporated, Project No. 8375-001, filed on December 13, 1984.

2/ An exemption from licensing granted by this Commission does not serve as any basis for restricting hunting and fishing access to the waterway involved except to the extent required for public safety purposes.

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DC-A-23

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.3/

The Director of the Office of Hydropower Licensing or the Director's designee, under 18 C.F.R. §375.314, orders:

(A) Blind Canyon Project No. 8375 as described and designated in Blind Canyon Aquaranch, Incorporated application filed on December 13, 1984, 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 (1985).

(B) This order is final unless appealed to the Commission by any party within 30 days from the issuance date of this order under 18 C.F.R. 385.1902 (1985).

Don Garber

Kenneth M. Pusateri
Acting Director, Office of
Hydropower Licensing

3/ Environmental Assessment, Blind Canyon Aquaranch, Incorporated, FERC Project No. 8375-001 - Idaho, Division of Environmental Analysis, Office of Hydropower Licensing, Federal Energy Regulatory Commission, October 3, 1985. This document is available in the Division of Public Information and in the Commission's public file associated with the proceeding.

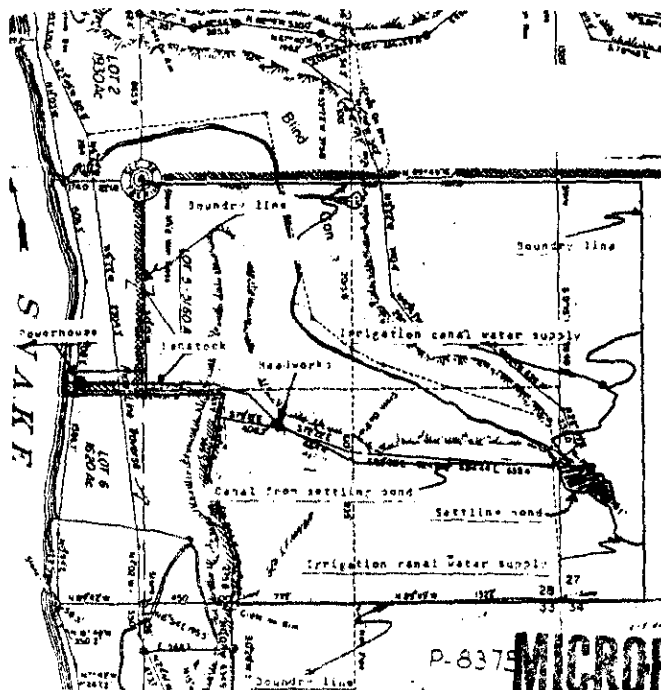
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Notice of Application Filed with the Commission
(August 22, 1985)

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

- a. Type of Application: Conduit Exemption
 - b. Project No.: 8375-001
 - c. Date Filed: December 13, 1984
 - d. Applicant: Blind Canyon Aquaranch, Incorporated
 - e. Name of Project: Blind Canyon
 - f. Location: At Blind Canyon, on a tributary to the Snake River, in Gooding County, Idaho.
 - g. Filed Pursuant to: Section 30 of the Federal Power Act
 - h. Contact Person: Samuel P. Curtis, Jr.
Route 3-6 Ranch View W.
Palm-Sallis, ID 84303
Jersey
 - i. Comment Date: SEP 23 1985
 - j. Description of Project: The proposed project would utilize return flows from the North Side Canal Irrigation Company S Coulee sediment holding pond located at the head of Blind Canyon and would consist of: (1) a 2,000-foot-long canal; (2) a headworks structure; (3) an 800-foot-long, 45-inch-diameter penstock; (4) a powerhouse containing two generating units each rated at 610-kw operated at a head of 300 feet and at a flow of 30 cfs; (5) a transformer; (6) a 500-foot-long transmission line; and (7) a short tailrace to the Snake River.
- Applicant estimates that the average annual energy production would be 5,656,896 kWh. Project energy would be sold.
- k. This notice also consists of the following standard paragraphs: A1, A9, B, C, D1b

DC-A-6



P-8375

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ATTACHMENT
E-1 Form

§ 4.94 Standard terms and conditions of exemption

Any exemption granted under §4.93 for a small conduit hydroelectric facility is subject to the following standard terms and conditions:

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

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

(c) Article 3. The Commission may revoke this exemption if actual construction of any proposed generating facilities has not begun within two years or has not been completed within four years from the effective date of this exemption. If an exemption is revoked under this article, the Commission will not accept from the prior exemption holder a subsequent application for exemption from licensing or a notice of exemption from licensing for the same project within two years of the revocation.

(d) Article 4. In order to best develop, conserve, and utilize in the public interest the water resources of the region, the Commission may require that the exempt facilities be modified in structure or operation or may revoke this exemption.

(e) Article 5. The Commission may revoke this exemption if, in the application process, material discrepancies, inaccuracies, or falsehoods were made by or on behalf of the applicant.

(f) Article 6. Before transferring any property interests in the exempt project, the exemption holder must inform the transferee of the terms and conditions of the exemption. Within 30 days of transferring the property interests, the exemption holder must inform the Commission of the identity and address of the transferee.

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INTER-DEPARTMENT MEMO — 1

FROM Loren Holmes

DATE 10/24/86.

TO File 36-8310

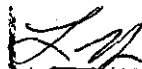
SUBJECT Fish Propagation

The remarks in the application indicate fish are to be raised in the settling pond at the Penstock intake.

No Plan was submitted giving the size of the inlet Pond, but since the Fish Prop. use is incidental to Hydropower, I think the Permit can be issued on the understanding that the P/O for fish is the Intake Settling Pond.

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SIGNATURE

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OCT 23 1986

Department of Water Resources
Southern Region Office

RE-APPLICATION FOR EXEMPTION

OF

SMALL CONDUIT HYDROELECTRIC FACILITY

FERC Project # 8375

BLIND CANYON PROJECT

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JUL 20 1990

- CONTENTS -

FERC application
Equipment suppliers
Cost breakdown
Operating budget
Construction schedule
Daily operations summary
Financial summary
Proforma
Water flow data
Exceedance curve
Water rights agreement
FERC exemption
Landowner agreement with EDC
Engineers resume

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BEFORE THE FEDERAL ENERGY REGULATORY COMMISSION

APPLICATION FOR EXEMPTION FOR

SMALL CONDUIT HYDROELECTRIC FACILITY

Blind Canyon Aquaranch, Inc. of Hagerman, Id., applies to the Federal Energy Regulatory Commission for an exemption for the Blind Canyon Project, a small conduit hydroelectric facility that meets the requirements of 4.91(f) of this subpart from certain provisions of Part I of the Federal Power Act.

This project qualifies under subpart (f) (5) (iii) for the Small Conduit criteria. It meets this criteria because of the fact that the Bell Rapids Irrigation district, Idaho State Dept. of Water Resources license #02-2268 for 432cfs, draws their water out of the same natural body of water downstream into which the Blind Canyon project discharges upstream. So in a very real sense, our hydro project and the irrigators downstream are definitely part of the same water conduit system.

The location of the facility is:

State - Idaho

County - Gooding

Nearby Town - Hagerman

Stream or body of water - The sediment holding pond for return flows to the Snake River from the Doolley of the North Side Canal Irrigation Co.

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The exact name, address, and telephone number of each applicant is;

Blind Canyon Aquaranch, Inc.
Rt #1, Box 218
Hagerman, Id. 83332

George H. Lemmon President
(208) 937-4806

The exact name and business address of each person authorized to act a agent for the applicant in this application is;

Energy Dynamics Corp.
Samuel F. Curtis Jr. President
640 Cherokee Ln.
Twin Falls, Id. 83301
(208) ~~734-7847~~
324-4511

Each of the above corporations are incorporated under the laws of the State of Idaho.

The provisions of Part I of the Federal Power Act for which exemption is requested are;

All of the provisions of Part I
of the Federal Power Act.

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Exhibit - A

Description of the small conduit hydroelectric facility and proposed mode of operation with appropriate references to the location map and the drawings of the structures and equipment, which includes:

1. CONDUITS: within an existing sediment holding pond, as shown in photo # 1, with redirected out-flow of irrigation return water to maximize the available head. The pond is approximately 5 acres in size, more or less, and has an average depth of 3 feet. The pond area will be extended through the construction of an earth berm ditch which will deliver the out flow water to the intake structure. The pond is part of the S cooley irrigation canal, a long established ditch on our private property. The extension of the settling pond will take a rout along the South rim of Blind Canyon to the Snake River Canyon with the penstock and powerhouse on the East bank of the river canyon. Again on private property. Photos # 3 & 4
2. ASSOCIATED consumptive water supply facilities: Downstream, the Bell Rapids Mutual Irrigation Co.
3. INTAKE FACILITIES: There will be an open 2000 ft. ditch with 300 ft. of penstock and automatically controlled headworks.
4. POWERHOUSE: A small 20x20 powerhouse will be utilized to house the generator, turbine and related switch gear.
5. OTHER STRUCTURES associated with the facility: A distribution voltage power line would lead from the transformer next to the powerhouse, to the Idaho Power Co. feeder line located approx. 500' from the powerhouse. Photos # 9 & 10
6. THE PROXIMATE NATURAL sources of water that supply the related conduit: None. The water source is irrigation return flows.
7. THE PURPOSE for which the conduit is used: To deliver water for irrigation purposes.
8. THE NUMBER OF generation units: There will be two generation units.
9. AUXILIARY UNITS: None
10. DESIGN CAPACITY: 60, cfs.
11. PROVISION FOR FUTURE UNITS: None

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12. TYPE OF EACH HYDRAULIC TURBINE: Impulse, Pelton design mounted on a platform with control equipment, all enclosed within the powerhouse.
13. PLANT OPERATION: Automatic through the use of a programable computer.
14. IS THE PLANT TO BE USED FOR PEAKING: No. Irrigation water flows in our canals for only 7 and sometimes 8 months out of the year. Therefore our plant can run only 7 to 8 months per year at the most. The down period is the winter months of Dec, Jan, Feb. and Mar.

Estimations of:

- A. Average annual generation in Kilowatt hours.
~~5,656,496~~
7,161,665
- B. Average head of the plant: 300 feet.
- C. Hydraulic capacity: 60 cfs.
- D. The average flow of the conduit at the plant and the point of diversion will be 60 cfs.
- E. The average amount of flow described in clause D will be 60 cfs.
15. Planned date for beginning construction of the facility will be April 1st 1985.
16. IS A PETITION for waiver of 4.91 (f) (5) necessary ?
Not necessary-

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17. IF THE HYDROELECTRIC FACILITY DISCHARGES DIRECTLY TO A POINT OF AGRICULTURAL, MUNICIPAL OR INDUSTRIAL CONSUMPTION
A DESCRIPTION OF THE NATURE AND LOCATION OF THAT POINT OF CONSUMPTION.

Non-consumptive - flows back into the snake river, directly.

18. DESCRIPTION OF ANY NEW DAM CONSTRUCTION:

No new dam construction.

- A. Statement of normal maximum surface elevation of an existing impoundment before and after that construction.

No new construction.

- B. Evidence that the construction would occur for agricultural, municipal or industrial consumptive purposes even if hydroelectric generating facilities were not installed.

Prior, existing. No new diversions.

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Exhibit B.

General location map

1. Physical structurew of the small conduit hydro facility in relation to the conduit and any dam to which any of these structures attached:

See attached drawing

2. Proposed boundary for the small conduit hydro facility. Indicate distances from the facility's structures.

Totally confined to the property owned and controlled by the owner-applicant.

3. Ownership of the parcels of land within the proposed boundary for the small conduit hydro facility.

Owner-applicant.

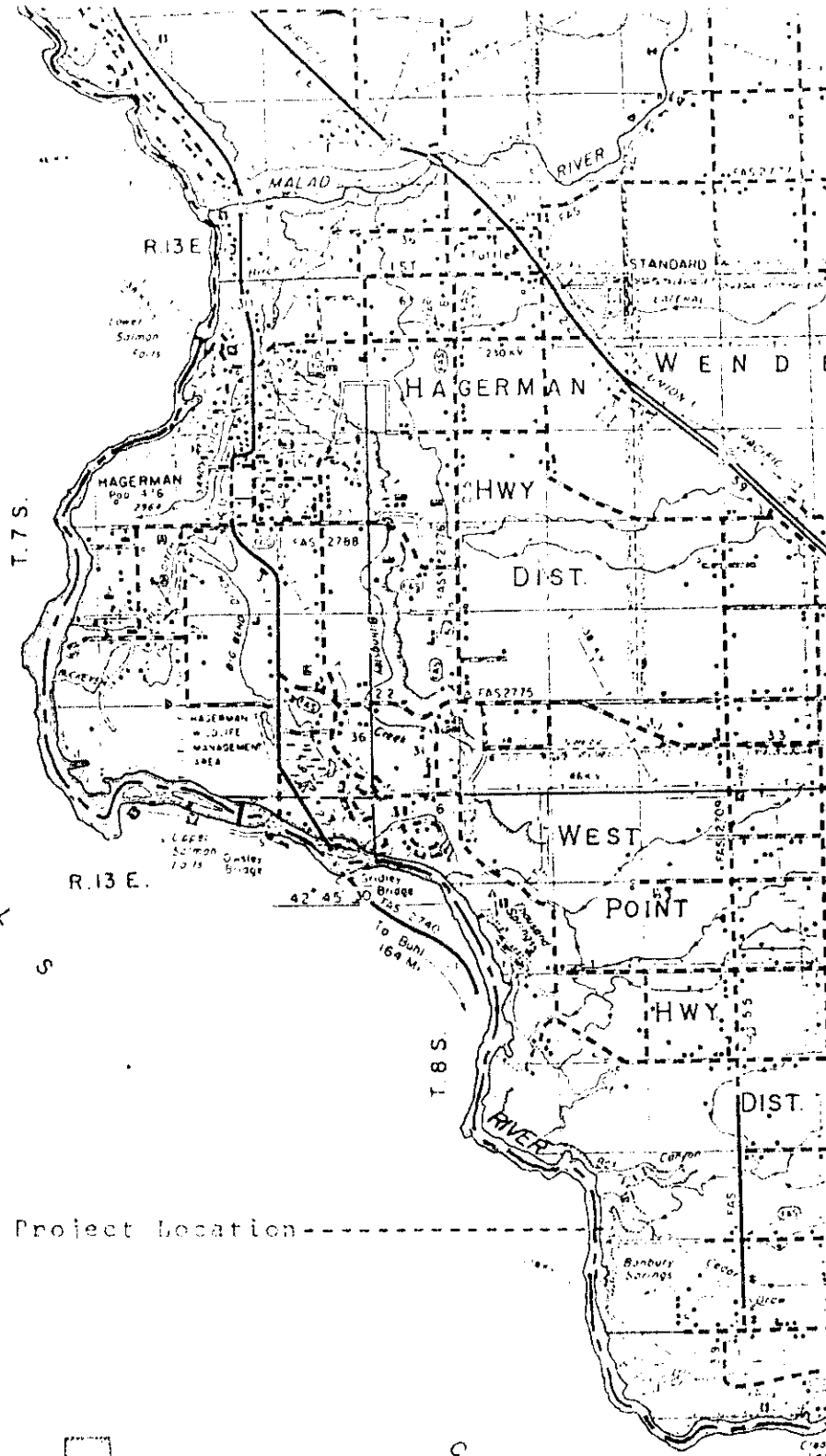
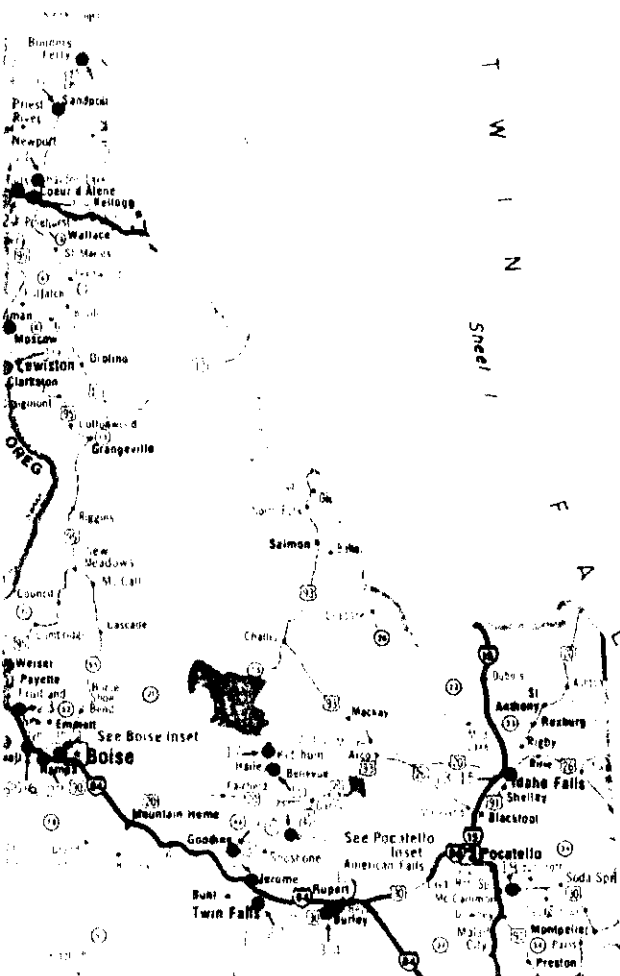
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A hand-drawn sketch of a traverse. It shows a series of connected line segments. The bearings and distances are labeled as follows:
 - Segment 1: $S. 81^{\circ} 49' E$ (distance 1.50)
 - Segment 2: $S. 78^{\circ} 48' E$ (distance 1.50)
 - Segment 3: $S. 19^{\circ} 0' E$ (distance 1.50)
 The sketch is drawn on a grid background.



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Blind Canyon Project Location-----

24

GOODING COUNTY
Population 9544

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ENERGY DYNAMICS CORPORATION
Blind Canyon Project

EXHIBIT E

ENVIRONMENTAL REPORT

Blind Canyon is located on the east rim of the Snake River at River Mile 588.5 in Gooding County. Blind Canyon Springs, which emerges within the canyon, is one of many springs in the Thousand Springs Area of the Snake River. Blind Canyon Springs water is used for rearing fish in a system of ponds located in the canyon.

The area surrounding Blind Canyon is extensively farmed. Waste water from irrigation of some of these lands flows into Blind Canyon over the rimrock. A settling pond has been constructed on the rim to remove excess sediment prior to the water flowing over the rim. It is proposed to divert the water from the pond into a canal and penstock for the hydropower project. The irrigation waste water would then be discharged to the Snake River above the mouth of Blind Canyon, thus removing the irrigation water from Blind Canyon.

The climate in this part of the state is arid to semi-arid with hot summers and moderately cold winters. Annual precipitation is about 10 inches per year, with about one-third of the precipitation occurring as snow in the winter.

Vegetative Cover:

The vegetation on the dry canyon rim land is predominantly big sagebrush and rabbitbrush with cheatgrass and wheat-

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grass. These lands are presently grazed by cattle. Some irrigated pasture land is also present on the canyon rim. The vegetation in Blind Canyon varies from big sage and cheatgrass on the more xeric areas to densely matted grasses and forbs on the more mesic sites along the upper talus slopes where the vegetation is supported by seepage water. Russian olive, willow, juniper and alder are also present on the mesic talus slopes. The riparian vegetation along the water course is a very narrow band of willow, russian olive, and alder.

The project area does not contain suitable habitat for endangered or threatened plant species or plant species of special concern in Idaho.

Fish and Wildlife Resources:

A survey of fish resources in Blind Canyon was conducted by Dr. Jack Griffith, Idaho State University, in June, 1981. He found Shoshone sculpin present in large numbers below the last fish rearing pond. Rainbow trout were the only gamefish found in fair numbers. Earlier fishery investigations conducted by the Idaho Department of Fish and Game on February 27, 1979, resulted in capture of 6 native rainbow trout and 16 hatchery rainbow trout in 150 feet of the stream. The native trout ranged in length from 3.0 inches to 7.5 inches. The hatchery trout ranged in length from 6.25 inches to 11.25 inches. Non-gamefish observed were not recorded.

Fish are not present in the irrigation canals or the settling pond on the canyon rim.

The irrigation water settling pond is used by several

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waterfowl species and the wetland habitat surrounding the pond provides valuable habitat for other birds. This habitat will not be impacted by the proposed project.

A wide variety of wildlife species occurs in Blind Canyon. Rockchucks, mice, rabbits, coyotes, muskrat and occasionally mink and mule deer, can be found in the canyon. Numerous songbirds inhabit the riparian areas in the bottom of the canyon. Great blue herons and other fish-eating birds are attracted to the fish rearing ponds. No endangered or threatened wildlife are known to occur in the project area.

Water Quantity and Quality:

Blind Canyon Springs flows continuously at 8 to 12 c.f.s. It is high quality water (See Table 1) and, since it has a constant temperature of 58° F, is ideal for rearing fish. Unfortunately, the irrigation return water flowing over the canyon rim degrades the otherwise excellent quality of the spring. The irrigation return water amounts to about 60 c.f.s. between April 1 and November 1. The irrigation return water contains high concentrations of dissolved solids, nitrates, phosphates, turbidity, and sediment. Selected water quality parameters are presented in Table 2. The settling pond removes some sediment and other constituents that would otherwise be transported into Blind Canyon.

The proposed project would divert the irrigation water leaving the settling pond into a canal and powerplant penstock. The water would then be discharged directly to the River above the mouth of Blind Canyon. The removal of the irrigation

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JUL 23 1990

return water from Blind Canyon would greatly improve the water quality in the canyon.

Land and Water Uses:

All project lands are presently used for livestock grazing from June through October. Blind Canyon Spring is used for rearing approximately 150,000 pounds of rainbow trout annually. The irrigation return water is not used after entering the settling pond.

Recreational Use:

All of the project lands are privately owned and public access is generally prohibited. The lower section of Blind Canyon is used by a few local fishermen; however, the stream is quite small and cannot withstand much fishing pressure.

Socio-economic Conditions:

This project will constitute a new tax base as well as additional economic base. There will be no recreational changes.

Historical and Archeological Resources:

There are no sites within the project area that have been declared eligible for the National Register of Historic Places. No known archeological sites occur in Blind Canyon, therefore, no impacts on historical or archeological resources are expected.

Expected Environmental Impacts:

Construction of the canal and penstock will disturb approximately 12 acres of xeric upland habitat on the canyon rim. Most of this would be replaced by open water in the canal which would provide some additional habitat for ~~aquatic~~ ^{aquatic} Riparian and talus slope vegetation in the canyon will not be impacted by

MICROFILMED
JUL 23 1990

construction activities and should be maintained by the numerous water seeps below the rim. The powerhouse and appurtenant facilities would destroy about 0.2 acres of riparian habitat along the Snake River. The transmission line will follow an existing powerline to the intertie. The transmission line will be constructed using raptor safety designs to minimize potential impacts on raptors.

Removal of the poor quality irrigation water from Blind Canyon will have a beneficial impact on the water quality in the canyon and, therefore, the fish habitat should be greatly improved. Although the amount of water present in the canyon during the summer will be reduced, the improved habitat quality should more than offset the reduced habitat area. This improved habitat quality and seasonal water flow stability will benefit the good population of Shoshone sculpin found below the fish rearing ponds. Bob Bell, Regional Fisheries Biologist, IDFG, (Pers. Communication) indicated that the rainbow trout habitat should be substantially improved by the removal of the irrigation water from Blind Canyon.

Since the proposed project will enhance fishery habitat in Blind Canyon and will have minimal adverse environmental impacts, no further mitigation has been proposed.

RECEIVED

JUL 11 1980

Table 1. Water Quality Data for Blind Canyon Springs
(USGS Water-Data Reports ID-77 - ID-82)

	<u>3/3/77</u>	<u>3/28/78</u>	<u>4/4/79</u>	<u>3/10/81</u>	<u>3/23/82</u>
Discharge (cfs)	12	10	8.1	10	11
Sp. Conductance	384	386	419	421	422
pH	8.3	7.7	8.2	8.0	8.2
Temp. (°C)	13.0	16.5	15.5	15.0	15.0
Nitrate - N (mg/l)	0.80	1.2	---	---	---
Phosphorus - P (mg/l)	0.09	0.11	0.15	---	---

Table 2. Water Quality Data for Irrigation Return Water
(7/18/84: Id. Dept. Health & Welfare)
(10/9/84: Collected by G. Harrington)

	<u>7/18/84</u>	<u>10/9/84</u>
pH	8.2	---
Turbidity	1.2	14
Alkalinity (CaCO ₃)	148	140
Sp. Conductance	365	360
Hardness	---	163
Nitrate - N (mg/l)	0.99	0.24
TKN - N (mg/l)	0.9	0.6
T. Phosphate (mg/l)	---	0.50
T. Phosphorus - P (mg/l)	0.14	---
Suspended Solids	6.6	16
Dissolved Solids	---	264

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JUL 20 1990

Northwest Hydropower Action Center
217 West State Street
Boise, ID 83702

June 27, 1986

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

re: application #36-8310

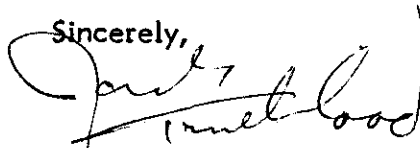
Dear Mr. Holmes:

I have discussed the protest of our organization with the developer proposing the project listed above, Mr. George Lemmon. Due to a printing error on a computer readout, the Blind Canyon project was listed on Cedar Draw Creek in Twin Falls County rather than on South Coulee in Gooding County. Mr. Lemmon gave me a map describing the project. I also contacted the State Department of Fish and Game, confirming the situation as Mr. Lemmon described it.

As a result, we are withdrawing our protest of the application for water rights for South Coulee project by Blind Canyon Aqua Ranch.

The Northwest Hydropower Action Center is a coalition of sportsman and recreation groups interested in preserving the free-flowing streams that are important for fisheries and white-water boating in the northwest. As such, it is our policy to monitor any planned development which may impact those values. Please keep us informed of applications for water rights within your region, and be assured that we will pay reasonable copying costs for this service. Thank you for your help.

Sincerely,



Jack Trueblood, Acting Director
Northwest Hydropower Action Center

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JUL 20 1990

RECEIVED

JUN 30 1986

Department of Water Resources
Southern District Office



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

SOUTHERN REGION

John V. Evans
Governor

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

A. Kenneth Dunn
Director

Blind Canyon Aqua Ranch, Inc.
P.O. Box 218
Hagerman, ID 83332

RE: Permit No. 36-8310

Gentlemen:

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

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

- 1) Will the proposed use reduce the quantity of water under existing rights?
- 2) Is the proposed water supply insufficient for the purposes intended?
- 3) Is the application made in good faith or for delay or speculative purposes?
- 4) Has the applicant sufficient financial resources with which to complete the project?
- 5) Will the proposed use conflict with the local public interest?

If this office can be of further assistance, please contact us.

Very truly yours,

LOREN O. HOLMES
Southern Region Supervisor

LOH:MB

Encl:

MICROFILMED

JUL 25 1990



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

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

June 12, 1986

Northwest Hydropower Action Center
217 West State Street
Boise, ID 83702

Re: Application #36-8310

Gentlemen:

Your protest against the approval of the above referenced application has been received and a copy has been sent to the applicant. The Department suggests you contact the applicant directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

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

- 1) Will the proposed use reduce the quantity of water under existing rights?
- 2) Is the proposed water supply insufficient for the purposes intended?
- 3) Is the application made in good faith or for delay or speculative purposes?
- 4) Has the applicant sufficient financial resources with which to complete the project?
- 5) Will the proposed use conflict with the local public interest?

If this office can be of further assistance, please contact us.

Very truly yours,

LOREN O. HOLMES
Southern Region Supervisor

LOH:MB

MICROFILMED

JUL 25 1990

RECEIVED

JUN 9 1986

Northwest Hydropower Action Center
217 West State Street
Boise, ID 83702

Department of Water Resources
Southern District Office

June 6, 1986

Kenn Dunn, Director
Department of Water Resources
Southern Region
1041 Blue Lakes Blvd. N.
Twin Falls, ID 83301

re: application # 36-8310

Dear Mr. Dunn (or Regional Director):

The Northwest Hydropower Action Center is a coalition of sportsman and conservation groups concerned about the potential loss of fish and wildlife habitat and recreation opportunities in Idaho due to small hydroelectric projects on the state's waters. As such, we are interested in the Blind Canyon Aqua Ranch project, as we have seen no FERC notice other than #8357 which is for South Coulee in Gooding County.

If in fact the application is for Cedar Draw Cr., it represents the fourth withdrawal for electrical generation. We are concerned about the cumulative impact on Cedar Draw Creek, and the lack of need for power in the Region. In addition, we are confused by the difference in location of the FERC project and the request for water right.

This letter is in protest of the application for water right. It is our intent to monitor the potential fish and wildlife impacts, cost to ratepayers, and other factors pertinent to the application. Please keep us informed of proceedings.

Sincerely,



Jack Trueblood
Acting Director, NHAC

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JUL 20 1990



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

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

May 13, 1986

Ted Diehl - Manager
North Side Canal Company
921 North Lincoln
Jerome, Idaho 83338

Re: Application for Permit No. 36-8310

Dear Mr. Diehl:

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

Very truly yours,

Mary A. Newby
Sec/Office Coord.

for

Loren O. Holmes
Southern Region Supervisor

Encl:

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JUL 23 1990



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

SOUTHERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

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

May 13, 1986

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

Re: Application for Permit No. 36-8310

Dear Mr. Bell:

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

Very truly yours,

Mary A. Newby
Sec/Office Coord.

for

Loren O. Holmes
Southern Region Supervisor

Encl:

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JUN 23 1990



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

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

May 13, 1986

Gary Burkett
Department of Health & Welfare
Division of Environment
P. O. Box 1626
Twin Falls, Idaho 83301

Re: Application for Permit No. 36-8310

Dear Mr. Burkett:

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

Very truly yours,

Mary A. Newby
Sec/Office Coord.

for

Loren O. Holmes
Southern Region Supervisor

Encl:



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region

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

MAY 13, 1986

Gooding County Leader
P.O. Box 56
Gooding, Idaho 83330

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.

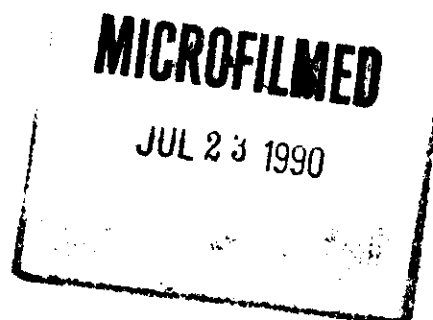
An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before JUNE 23, 1986.

Yours truly,

Mary A. Newby
Secretary

Encl.



NOTICE OF APPLICATION FOR WATER RIGHT

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

36-8310

BLIND CANYON AQUA RANCH, INC.

P.O. BOX 218, HAGERMAN, ID 83332

Source: CEDAR DRAW CREEK trib. to SNAKE RIVER

Diversion Pt: NWSWSW Sec 27 T 08S R 14E

Use: FISH PROP. (85.0 CFS)
POWER (85.0 CFS)

Date Filed: 05/07/1986

In: SWSW Sec 27 T 08S R 14E LOT 05 (NESW) Sec 28 T 08S R 14E

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Southern Region, 1041 Blue Lakes Blvd. N. Twin Falls, Idaho 83301 on or before JUNE 23, 1986.

KEN DUNN, Dir.

Published ^{6/5 6/12/86} ~~6/4 & 6/11/86~~

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JUL 23 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region

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

MAY 13, 1986

Times News
P. O. Box 548
Twin Falls, Idaho 83301

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 JUNE 23, 1986.

Yours truly,

Mary A. Newby
Secretary

Encl.



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region

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

MAY 13, 1986

RECEIVED
MAY 13 1986

Idaho Statesman
Box 40
Boise, ID 83707

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 JUNE 23, 1986.

Yours truly,

Mary A. Newby
Secretary

Encl.

MICROFILMED

JUL 24 1990

OK
6/17/86
MB

**NOTICE OF APPLICATION
FOR WATER RIGHT**

The following application(s) have
been filed to appropriate the public
waters of the State of Idaho:

36-8310

Blind Canyon Aqua Ranch, Inc.
P.O. Box 218
Hagerman, ID 83332

Source: Cedar Draw Creek trib.
to Snake River

Diversion Pt: NW3WSW

Sec. 27 T 08S R 14E

Use: Fish Prop. (85.0 CFS)

Use: Power (85.0 CFS)

Date Filed: 05/07/1986

In: SWSW Sec. 27

T 08S R 14E Lot 05 (NESW) Sec.
28 T 08S R 14E

The permit(s) will be subject to all
prior water rights. Protests must be
filed with the Director, Dept. of Water
Resources, Southern Region, 1041 Blue
Lakes Blvd. N. Twin Falls, Idaho 83301
on or before June 23, 1986.

KEN DUNN
Director

Pub. June 3, 12, 1986

2174

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JUL 28 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region

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

MAY 13, 1986

Post Register
P. O. Box 1800
Idaho Falls, ID 83402

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 billings to this office before JUNE 23, 1986.

Yours truly,

Mary A. Newby
Secretary

Encl.

RECEIVED
MAY 23 1986

**NOTICE OF APPLICATION
FOR WATER RIGHT**

The following application(s) have been filed
to appropriate the public waters of the State of
Idaho:

36-8310

BLIND CANYON AQUA RANCH, INC.

P.O. BOX 218, HAGERMAN, ID 83332

Source: CEDAR DRAW CREEK trib. to
SNAKE RIVER

Diversion Pt: NWSWSW Sec 27 T 08S R 14E

Use: FISH PROP. (85.0 CFS); POWER (85.0
CFS)

Date Filed: 05/07/1986

In: SWSW Sec 27 T 08S R 14E LOT 05
(NESW) Sec 28 T 08S R 14E

The permit(s) will be subject to all prior
water rights. Protests must be filed with the
Director, Dept. of Water Resources, Southern
Region, 1041 Blue Lakes Blvd. N. Twin Falls,
Idaho 83301 on or before JUNE 23, 1986.

KEN DUNN, Dir.

Published: June 5, 12, 1986

OK
MB
6/16/86

RECEIVED

JUL 23 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region

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

MAY 13, 1986

Lewiston Morning Tribune
505 C Street
Lewiston, ID 83501

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 JUNE 23, 1986.

Yours truly,

Mary A. Newby
Secretary

Encl.

JUL 23 1986

NOTICE OF APPLICATION FOR WATER RIGHT

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

15-8315

BLIND CANYON RIVER FARM, INC.

P.O. BOX 215, MARIAN, ID 83442

Source: CEDAR BRAN CREEK Trib. to SNAKE RIVER

Diversion Pt. NWENSW Sec 27 T 08S R 14E

Use: FISH PROP. (85.0 CFS)
POWER (85.0 CFS)

Date Filed: 05/07/1986

Tr: SWEN Sec 27 T 08S R 14E LOT 85 (NESW) Sec 28 T 08S R 14E

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Southern Region, 1941 Blue Lakes Blvd. N. Twin Falls, Idaho 83301 on or before JUNE 23, 1986.

KEN DUNN, Dir.

Published 6/5 & 6/12/86.

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JUL 23 1990

**NOTICE OF
APPLICATION
FOR WATER RIGHT**

The following applica-
tion(s) have been filed to
appropriate the public
waters of the State of
Idaho:

36-8318

BLIND CANYON AQUA
RANCH, INC.

P.O. BOX 218, Hager-
man, ID 83332

Source: CEDAR DRAW
CREEK trib. to SNAKE
RIVER

Diversion Pt: NWSWSW
Sec 27 T 08S R 14E

Use: FISH PROP. (85.0
CFS)

POWER (85.0 CFS)

Date Filed: 05/07/1986

In: SWSW Sec 27 T 08S R
14E LOT 05 (NESW) Sec
28 T 08S R 14E

The permit(s) will be
subject to all prior water
rights. Protests must be
filed with the Director,
Dept. of Water
Resources, Southern
Region, 1041 Blue Lakes
Blvd. N. Twin Falls,
Idaho 83301 on or before
JUNE 23, 1986.

KEN DUNN, Dir.

PUBLISH: **Thursday,**
June 5, and 12, 1986.

36-8310

*Call correction
5/15/86*

Gooding

HOLD FOR JUNE 4 ISSUE

*OK
mB
6/2/86*

**NOTICE OF APPLICATION
FOR WATER RIGHT**

The following application(s) have
been filed to appropriate the public
waters of the State of Idaho.

36-8310

BLIND CANYON AQUA RANCH, INC.

P.O. BOX 218,

HAGERMAN, ID 83332

Source: CEDAR DRAW CREEK trib. to
SNAKE RIVER

Diversion Pt: NWSWSW Sec 27 T 08S
R 14E

Use: FISH PROP. (85.0 CFS)

POWER (85.0 CFS)

Date Filed: 05/07/1986

In: SWSW Sec 27 T 08S R 14E LOT 05
(NESW) Sec 28 T 08S R 14E

The permit(s) will be subject to all
prior water rights. Protests must be fil-
ed with the Director, Dept. of Water
Resources, Southern Region, 1041
Blue Lakes Blvd. N. Twin Falls, Idaho
83301 on or before JUNE 23, 1986.

/s/KENNETH DUNN, Director

116555-6-4-2tc

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JUL 25 1990



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

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

May 12, 1986

Blind Canyon Aqua Ranch, Inc.
P.O. Box 218
Hagerman, Idaho 83332

RE: Application for Permit 36-8310

Gentlemen:

This office is in receipt of your application for permit to appropriate the waters of Cedar Draw Creek (S. Coulee) for power purposes.

The application has been numbered 36-8310 and we are proceeding with publication of a legal notice as required by statute. The final date for filing protests is projected to be 6/23/86.

We request that the following information be submitted for inclusion with your application in accordance with Title 42, Chapter 2 of the IDAHO CODE:

A copy of the Application and Order of the FERC Licensing Exemption #8375 in the name of Blind Canyon Aquaranch.

If the above requested information is received by 6/23/86, no additional delay should be incurred at the Regional Office level of review.

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

Very truly yours,


Allen D. Merritt, P.E.
Water Resource Engineer

ADM:adm

MICROFILMED

JUL 25 1990

RANCHERS IRRIGATION, INC.

150 Main Street
GOODING, IDAHO 83330
(208) 934-4409

PROPOSAL SUBMITTED TO George Lemmon and Gary Lemmon		PHONE 837-4806	DATE 2-29-84
STREET		JOB NAME	
CITY, STATE AND ZIP CODE Hagerman, Idaho		JOB LOCATION	
ARCHITECT	DATE OF PLANS	JOB PHONE 536-6785	

We hereby submit specifications and estimates for: Delivery and Installation of:

- (1) Power Turbine and Generator:
300 HP (250KW) Vertical Hollow Shaft Induction Generator
10' x 18" x 1 15/16" x 3" column - flanged
18 HH Peerless Turbine
Testing and Performance Curves \$ 41,500.00
- (1) Electrical Control Package:
#6 Panel and Starter and Breaker
Power Factor Correction Capacitors
Tacometer
Wiring, 20" Control Valve (Electrical) 33,500.00
- (1) Idaho Power Hookup:
Disconnect, Protection Relays and Transformers 24,000.00
- (1) Installation:
Welding, powerhouse construction, pipeline placement and
concrete thrust blocks 24,000.00
- 220' 22" Steel Pipe 2,700.00

We Propose hereby to furnish material and labor in accordance with above specifications, for the sum of:

MICROFILMED

dollars (\$ 125,700.00).

Payment to be made as follows:

JUL 23 1990

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workmen's Compensation Insurance.

Authorized Signature

Paul B. Gault

Note: This proposal may be withdrawn by us if not accepted within 30 days.

Acceptance of Proposal — The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Date of Acceptance:

Signature _____

Signature _____

TWIN FALLS BANK & TRUST COMPANY

FINANCIAL STATEMENT

NAME Blind Canyon Aquacarb, Inc. DATE 12-10-'85
 ADDRESS Rt. 1, Box 218, 219 Hagerman BUSINESS Agriculture
82225

ASSETS		LIABILITIES	
CURRENT:		CURRENT	
Cash on Hand and in This Bank	\$ 758 -	Notes Payable to This Bank	\$ 9850 -
Cash in Other Banks		Notes Payable to Other Banks	
Cash in Savings & Loan Assoc.		Notes Payable to Others	
Notes Receivable—Due within 12 mo.—Schedule H (Do not include amts. due from partners, relatives, empl., etc.—see * below)	0 -	Accounts Payable	
Accounts Receivable—Due within 12 mo.—Schedule H	28975 -	Due to Relatives, Partners, etc.	13480 -
Livestock—Schedule A	3290 -	Taxes Due (all) (include Water Charges)	
Feed on Hand for Livestock—Schedule E		Accrued Interest To Date	
Farm Products on Hand for Sale—Schedule B Do not include unharvested products—see ** below		Payments Due Within 12 Months:	
Federal Payments Due and Receivable		Leases—Schedule O	\$
Business Inventory—Schedule I	28,286.00	Real Estate (Prin. and Int.)	\$ 17,113.75
		Installment Loans	\$
		Other Contracts	\$
		Total	\$ 17,113.75
		Other Current Liabilities	17,113
TOTAL CURRENT ASSETS	\$ 61,303 -	TOTAL CURRENT LIABILITIES	\$ 40,443 2
INVESTMENTS:		LOANS SECURED BY INVESTMENTS:	
Stocks and Bonds—Marketable—Schedule J		Loans Secured by Stocks and Bonds in Schedules J and K	
Cash Value of Life Insurance—Schedule L		Loans Secured by Cash Value of Life Insurance	
OTHER ASSETS:		OTHER LIABILITIES:	
Machinery and Equipment—Schedule F	37160 -	Real Estate Mortgages/Contracts—Schedule G (Less amount shown in Current Liab.)	129,792 2
Real Estate and Improvements—Schedule G	600,000 -	Other Long-Term Liabilities (Due after 12 months)	
*Notes and Accts. Rec. from Partners, Relatives, Employees—Schedule H			
Notes and Accts. Receivable—(Due after 12 Mos.) Sched. H	900 -		
Farm Products on Hand Not For Sale—Schedule C			
Cash Investment in Growing Crops—Schedule D			
Household Goods and Personal Property			
Misc. Supplies (Fertilizers, Sprays, etc.)			
Deferred Charges			
Unlisted Stocks and Bonds—Marketable—Schedule K			
Stocks and Bonds—Not Readily Marketable— Schedules J and K (Include Coop. Revolving Cert., etc.)			
Leaseholds			
		TOTAL DEFERRED LIABILITIES	\$ 129,792 2
		TOTAL LIABILITIES	\$ 176,236 0
		Capital	\$
		Surplus	\$
		Undivided Profits	\$
		Net Worth	\$ 529,133
TOTAL INVESTMENTS, OTHER ASSETS	\$ 689,000	Liabilities and Net Worth	\$ 799,369 -
TOTAL ASSETS	\$ 699,369 -		

Liability as endorser or guarantor for others \$ (Schedule N) As bondman \$ (Schedule)
 Explanation: JUL 23 1990
 Judgments outstanding or suits or litigation pending either for or against applicant:
 Insurance: Farm Liab. \$ yes Health \$ Fire \$ yes Auto Liab. \$ yes Employers Liab. \$ yes
 Workman's Comp \$ Life \$ (Schedule L)
 Have you ever taken bankruptcy? no Explain
 Have required income tax returns been filed? yes Are any returns under dispute? no Are there any unpaid deficiencies? no
 Explain
 The undersigned certifies that all of the foregoing representations, schedules, and financial statement, including those upon the reverse sides hereof, all of which are submitted for the
 purpose of obtaining credit from the bank from time to time, are true and correct; that the statement of financial condition includes only his assets and liabilities; that there are no judgments
 outstanding or settlements pending against him in any court of this state or of the United States; nor are there any unrecorded deeds, mortgages, contracts, attachments or claims at law
 involving him or the above property, except as set forth herein.

AME: Blind Canyon Aquacarb, Inc. (Typewritten)
 (Signature, title or partnership, or corporate name)
 (Title) James
 Date 12-10-85 By: James Attest: (Title)

hereby certify that the foregoing is a true and correct copy of the financial statement on file with this institution.

Authorized Signature

FOR BANK USE ONLY

SCHEDULE A—LIVESTOCK (As Shown in Total on reverse)[illegible]**SCHEDULE B—FARM PRODUCTS ON HAND—FOR SALE**

DESCRIPTION	No. Units	Value Per Unit	Total Value
		\$	\$
TOTAL			\$

SCHEDULE C—FARM PRODUCTS ON HAND—NOT FOR SALE

DESCRIPTION	No. Units	Value Per Unit	Total Value
Frosted S... white beans	3 boxes	\$300	\$900
TOTAL			\$900

SCHEDULE D—CASH INVESTMENT IN GROWING CROPS

DESCRIPTION	No. Acres	COST TO DATE
		\$
TOTAL		\$

SCHEDULE E—FEED ON HAND FOR LIVESTOCK

DESCRIPTION	No. Units	Value Per Unit	Total Value
		\$	\$
TOTAL			\$

SCHEDULE F—MACHINERY AND EQUIPMENT (Include cars, trucks, pickups)

DESCRIPTION (Cross Out One) →	BOOK OR MKT. VALUE	DESCRIPTION (Cross Out One) →	BOOK OR MKT. VALUE	DESCRIPTION (Cross Out One) →	BOOK OR MKT. VALUE
Feed Tanks	\$1000	10 Hatching troughs	\$1500		\$
D-8 Cat	4000	4 Vaneell Timberhatchers	100		
Generator	2000	16 Fish Feeders	320		
1968 Int. 10-whe.	5000	26 Ballington 120 Fdcs.	1560		
1968 Chevy Feedline	1500	8 Square Feeders No.	490		
Mobile Home (old)	500	20 Barrel Feeders	200		
1969 Int. Tank Truck		2 ph wood Feed hoppers	50		
with pump & Grinder hpl.	7500	1 Dissolved Oxygen motor	700		
1970 Ford 550		1 4" Cleaning Pump hpl.	1500		
backhoe loader	8000	1 Irrigation Pump elec.	500		
		1 4" Cleaning Puff elec.	300		
		1 Hyd. Power unit	450		
	29,500		7,660		
		Total	37,160		
		TOTAL	\$		

TWIN FALLS BANK & TRUST COMPANY

FINANCIAL STATEMENT

NAME Blind Canyon Aquaculture, Inc. DATE 12-10-'85
 ADDRESS Rt. 1, Box 218, 219 Hagerman BUSINESS Agriculture

SCHEDULE G—LIST OF REAL ESTATE AND IMPROVEMENTS AND ENCUMBRANCES (If any)

DESCRIPTION AND LOCATION OF PROPERTY	NUMBER ACRES	VALUATION		TITLE IN NAMES OF
		LAND	IMPR.	
120 Acres Fish Hatchery + 35 acres farm land. Power Site at Hatch Ten Springs Facility (Fish Hatchery). Power Site also	120	\$ 200,000	\$ 50,000	Blind Canyon Aquaculture, Inc.
	10	150,000	100,000	
TOTALS		\$ 450,000	\$ 150,000	

LIENHOLDER (IF ANY)	BALANCE	Terms Dates & Amts. of Pmts.	Amount Due Next 12 Mos.	Int. Rate	ASSESSED VALUATION		Current Years Prop. Tax & Water	Unpaid Prop. Tax & Water
					LAND	IMPR.		
Box Canyon Livestock EMHA	\$ 52,906	12-1 13,843.75	13,844	10%	\$	\$	\$ Property Taxes	\$ 125 19
EMHA	94,000	1-1 10,279	3,270	10 3/4%			\$ Water Charges	\$ 90 19
TOTALS	\$ 146,906		\$ 17,113		\$	\$	\$	\$ 2226

SCHEDULE H—NOTES AND ACCOUNTS RECEIVABLE (List 1—Companies 2—Individuals 3—Relatives, etc.)

DEBTORS	TERMS DATE & AMOUNT OF PAYMENTS	Rate	BALANCE	Amount Due Next 12 Mos.	IF SECURED—SHOW COLLATERAL
Silver Springs Salmon Co.	Due Dec. 91	—	\$ 1,508	\$ 1,508	
Fish Breeders of Id.	Due	—	1,890	1,890	
Fish Processor Inc.	60 days from Invo. 11-1 to 12-9		25,577	25,577	
TOTALS			\$ 28,975	\$ 28,975	

SCHEDULE I—BUSINESS INVENTORY

DESCRIPTION (Cross Out One) →	Book or Mkt. Value	DESCRIPTION (Cross Out One) →	Book or Mkt. Value	DESCRIPTION (Cross Out One) →	Book or Mkt. Value
See Shelf.	\$ 28,286		\$		\$
TOTAL	\$				\$

SCHEDULE J—STOCKS AND BONDS—LISTED

DESCRIPTION	Exch. (Abbrev.)	Number Shares	Market	VALUE
			\$	\$
TOTAL			\$	\$

SCHEDULE K—STOCKS AND BONDS—UNLISTED

DESCRIPTION	Number Shares	PAR	VALUE
		\$	\$
TOTAL			\$

MICROFILMED
JUL 23 1990

