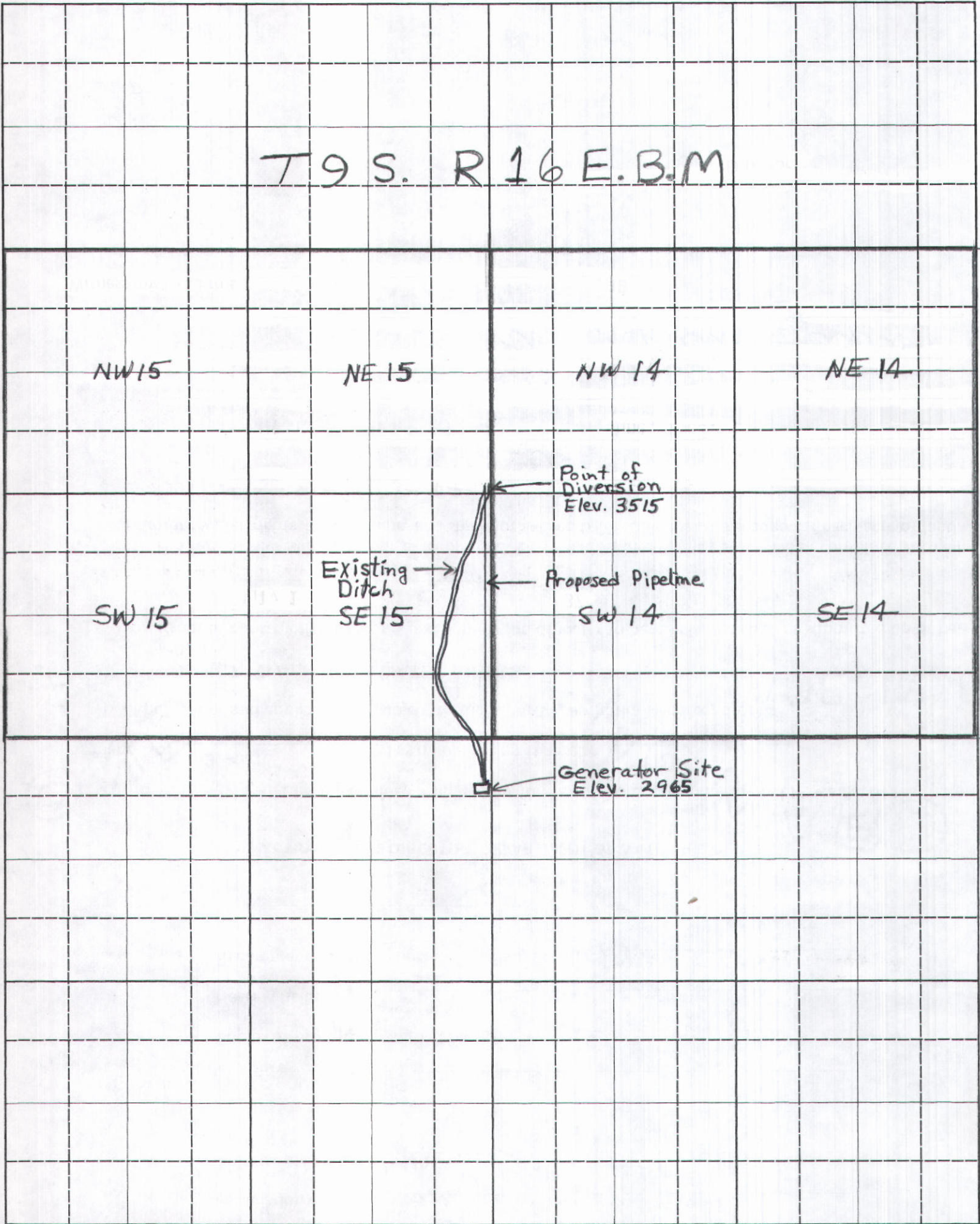


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

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

Waldo G. Mortens
(Applicant)

MICROFILMED

AFFIDAVIT of PUBLICATION

COPY OF NOTICE

(Paste Here)

State of Idaho, }
County of Jerome } SS.

L. L. LANGDON
ASST. PUBLISHER

RECEIVED

APR 28 1985

Department of Water Resources
Snake River District Office

36-4259/36-8269
TITLE OF NOTICE
36-8266

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Dept of Water
BILL TO

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

each week for 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 17th day of April 19 85, and the date of the last publication was on the 24th day of April, 19 85.

L. L. Langdon
24th

Subscribed and sworn to before me this

day of April, 19 85.
(SEAL)

Darla Brett

NOTARY PUBLIC

NORTH SIDE NEWS

Jerome, Idaho

COST OF PUBLICATION

Numer of Picas per Line _____
Number of Lines in Notice _____
Number of Insertions _____

MICROFILMED

13
54
2

Lines tabular at _____ 5¢/Pica
Lines straight at 28.08 4¢/Pica
Subsequent lines at 21.06 3¢/Pica

TOTAL COST 49.14

Water permits sought by Chugg and Marco co.

NOTICE OF CLAIMS TO WATER RIGHTS

Notice is hereby given that the following claims to water rights have been established by diversion and application to beneficial use.

(46-4259)

CHUGG, ESTATE OF RAY, MARY CHUGG, RT. 3 BOX 3779, JEROME, ID 83338

Source: K-LATERAL trib. to SNAKE RIVER
K-2 LATERAL trib. to SNAKE RIVER

Priority Date: 04/15/1966
Diversion Pt. SWNW SWSW Sec 17 T 09S R 17E

Use: IRRIGATION (5.00 CFS)
STOCKWATER (0.23 CFS)
In: NESW SWSW SESW NESE NWSE SWSE SESE Sec 17 T 09S R 17E NWNE SWNE NENW NWNW SENW Sec 20 T 09S R 17E FOR 384 ACRES.

36-8269

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

Source: UNNAMED STREAM trib. to SNAKE RIVER

Date Filed: 04/04/1985
Diversion Pt.: SENE Sec 15 T 09S R 16E

Use: POWER (25.00 CFS)
In: LOT 06 Sec 22 T 09S R 16E

36-8266

CHUGG ESTATE, RAY, MARY CHUGG, RT. 3 BOX 3779, JEROME, ID 83338

Source: GROUNDWATER
Date Filed: 03/18/1985

Diversion Pt: SWNW Sec 20 T 09S R 17E

Use: STOCKWATER (0.77 CFS)
COMMERCIAL (0.02 CFS)
DOMESTIC (0.04 CFS)

In: SWNW SENW Sec 20 T 09S R 17E NWNW Sec 20 T 09S R 17E

If issued, the permits will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301 and received on or before MAY 6, 1985.

A. KENNETH DUNN
Director

STATE OF IDAHO)
) ss.
COUNTY OF ADA)

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 insertions beginning with the issue of

October 24, 19 85, and ending with the issue of October 31, 19 85.

Laura Gay Barnes

Subscribed and sworn to before me this 31st day of October, 19 85.

*ok
mayer*

Jeanne M Hauke

Notary Public for Idaho, Residing at Boise, Idaho.

**NOTICE OF APPLICATION
FOR WATER RIGHT**

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

36-8269

Marco Power Co., Inc.

Rt. 3,
Jerome, ID 83338

Source: Unnamed Stream trib.
to Snake River

Date Filed: 04/04/1985

Diversion Pt: SENE Sec. 15

T 09S R 16E

Use: Power (25.00 CFS)

In: Lot 06 Sec. 22 T 09S
R 16E

Protests must be filed with the Director, Dept. of Water Resources, Southern Region, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301 on or before November 11, 1985.

A. KENNETH DUNN

Director

Pub. Oct. 24, 31, 1985

9359

MICROFILMED

RECEIVED
NOV 4 1985
DEPT. OF WATER RESOURCES
SOUTHERN DISTRICT OFFICE

AFFIDAVIT OF PUBLICATION

State of Idaho, }
County of Jerome } SS.

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

each week for 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 33rd day of October, 1985, and the date of the last publication was on the 30th day of October, 1985.

Subscribed and sworn to before me this 31st day of October, 1985.
(SEAL)

Aarla Bratt

NOTARY PUBLIC

NORTH SIDE NEWS
Jerome, Idaho

COST OF PUBLICATION

Number of Picas per Line _____
Number of Lines in Notice _____
Number of Insertions 2

18 Lines tabular at _____ 5°/Pica
936 Lines straight at _____ 4°/Pica
Subsequent lines at _____ 3°/Pica
TOTAL COST 9.36

COPY OF NOTICE

(Paste Here)

36-8269 Marco power
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Dept of Water
BILL TO

Marco Power Co. applies for permit

NOTICE OF APPLICATION FOR WATER RIGHT

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

36-8269

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

Source: UNNAMED STREAM trib. to SNAKE RIVER

Date Filed: 04/04/1985

Diversion Pt.: SENE Sec 15 T 09S R 16E

Use: POWER (25.00 CFS)

In: LOT 06 Sec 22 T 09S R 16E

Protests must be filed with the Director, Department of Water Resources, Southern Region, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301 on or before NOVEMBER 11, 1985.

A. KENNETH DUNN
Director
10-23-2tc

PUBLICATION RATES

(Idaho Code, Rev. Statutes 1984)

7-8 pt. per line straight 4°/Pica
7-8 pt. per line tabular 5°/Pica
7-8 pt. per line successive
insertions 3°/Pica

No 2232

MICROFILMED

TRIBUNE PUBLISHING COMPANY, INC.

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

Date 103185 INVOICE No. L00059637Account No. 42662Description 59637NOTICTimes 2 Lines 26

Tab Lines _____

**LEGAL ADVERTISING
INVOICE**

SOLD TO: STATE OF IDAHO
DEPT. OF WATER RESOURCES
1041 BLUE LAKES BLVD. NO.
TWIN FALLS
ID 83301

\$ 22.75

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

S. L. Stone

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 WATER RIGHT

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 102485

_____ week _____ for two consecutive weeks, the first publication thereof being on the 102485, and the last publication thereof being on the 103185, and said _____

NOTICE OF APPLICATION FOR WATER RIGHT

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.

S. L. Stone

SUBSCRIBED AND SWORN BEFORE ME THIS THE 31
day of October 1985

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

36-8269
MARCO POWER CO., INC.
Rt. 3, JEROME, ID 83338
Source: UNNAMED STREAM
trib. to SNAKE RIVER
Dated Filed: 04/04/1985
Diversion Pt: SENE Sec 15 T 09S
R 16E
Use: POWER (25.00 CFS)
In: LOT 06 Sec 22 T 09S R 16E
Protests must be filed with the Director, Department of Water Resources, Southern Region, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301 on or before November 11, 1985.

A. KENNETH DUNN
Director

RECEIVED

NOV 4 1985

Department of Water Resources
Southern District Office

MICROFILMED

Proof of Publication

The Post-Register

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 having been published continuously and uninterruptedly, prior to consolidation, for more than seventy-eighty (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 24th day of October, 1985, last publication having been made on the 31st day of October, 1985, 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 5th day of November, 1985.

Leon K. Napier
Notary Public

My commission expires September 30, 1988.

B10, 1M,

NOTICE OF APPLICATION
FOR WATER RIGHT

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

36-8269
MARCO POWER CO., INC.
RT. 3, JEROME, ID 83338
Source: UNNAMED STREAM trib. to SNAKE RIVER
Date Filed: 04/04/1985
Diversion Pt: SENE Sec 15 T 095 R 16E
Use: POWER (25.00 CFS)
In: LOT 06 Sec 22 T 095 R 16E
Protests must be filed with the Director, Department of Water Resources, Southern Region, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301 on or before November 11, 1985.

A KENNETH DUNN
Director

Published: October 24, 31, 1985

ok merge
RECEIVED

NOV 7 1985

Department of Water Resources
Southern District Office

MICROFILMED

**NOTICE OF
APPLICATION FOR
WATER RIGHT**

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

36-8269

MARCO POWER CO.,
INC.

Rt. 3, Jerome, ID 83338

Source: Unnamed
Stream trib. to SNAKE
RIVER

Date Filed: 04/04/1985
Diversion Pt: SENE Sec
15 T 09S R 16E
Use: Power (25.00 CFS)
In: Lot 06 Sec 22 T 09S R
16E

Protests must be filed
with the Director,
Department of Water
Resources, Southern
Region, 1041 Blue Lakes
Blvd. North, Twin Falls,
Idaho 83301 on or before
November 11, 1985.

A. KENNETH DUNN

Director
PUBLISH: Thursdays,
October 24, and 31, 1985.

Affidavit of Publication

STATE OF IDAHO, }
COUNTY OF TWIN FALLS } ss.

No 15620

I, Linda Capps McSwine being first duly sworn upon
oath, depose and say that I am Print 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
October 24, 1985, and ending with the issue dated
October 31, 1985.

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 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.

Linda Capps McSwine
Subscribed and sworn to before me on this 31 day of

October, 1985.

Dianna Gruen

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

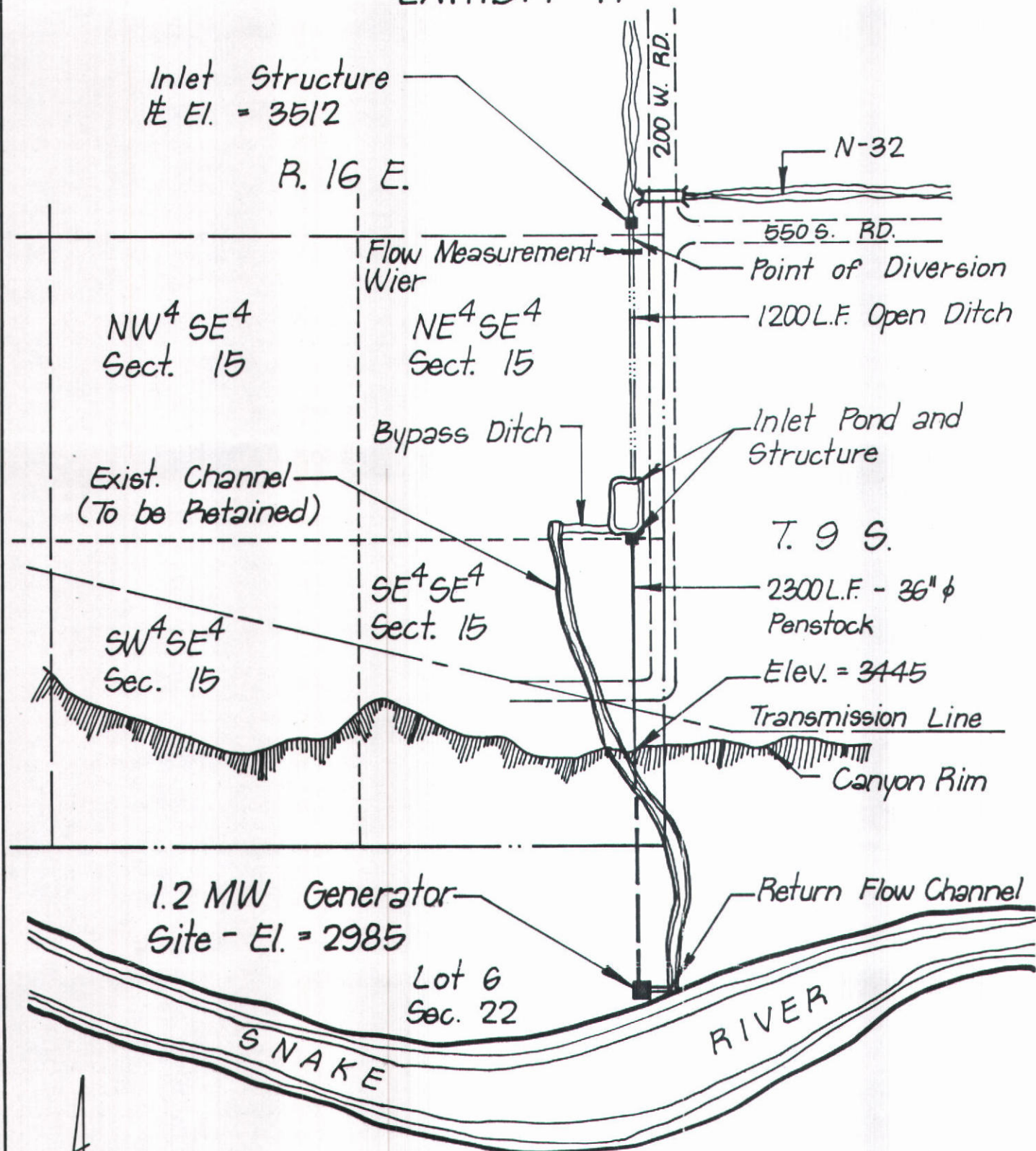
RECEIVED

NOV 20 1985

Department of Water Resources
Sinking Creek

MICROFILMED

EXHIBIT "A"



MICROFILMED

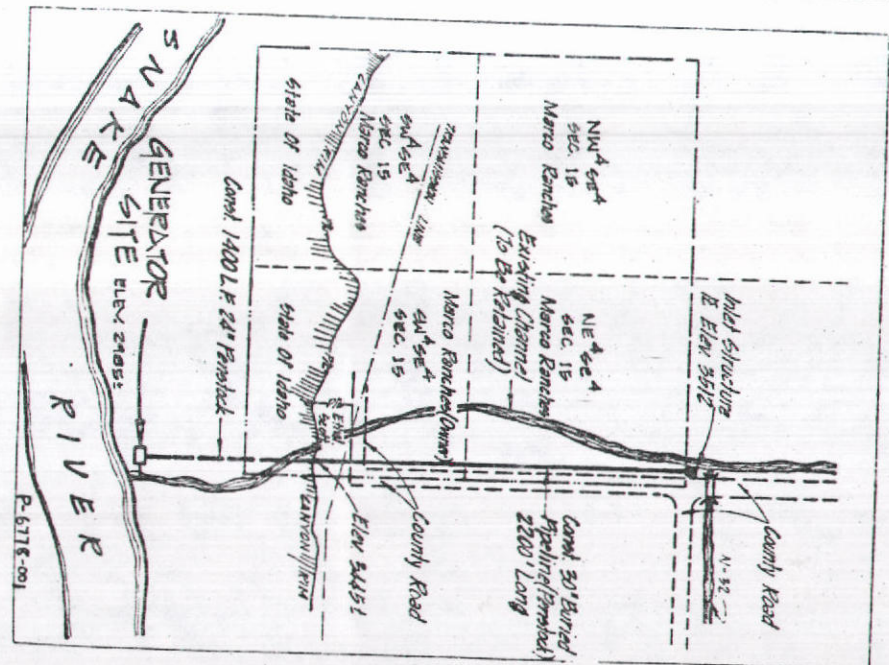
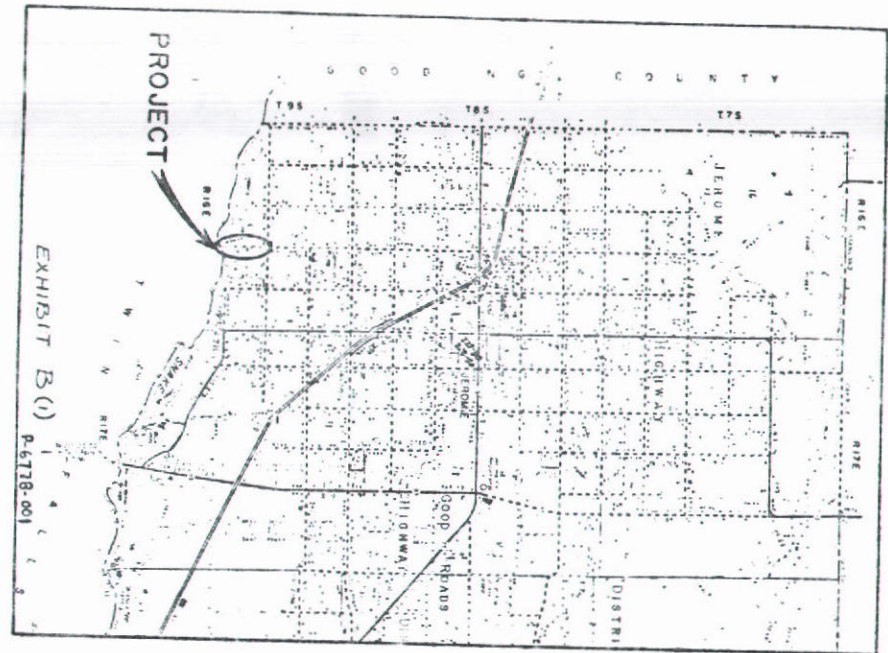
MAY 15 1992

§ 4.94 Standard terms and conditions of exemption.

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

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

(b) Article 2. The construction, operation, and maintenance of the exempt facility must comply with any terms and conditions that any Federal or State fish and wildlife agencies have determined are appropriate to prevent loss of, or damage to, fish or wildlife resources or otherwise to carry out the purposes of the Fish and Wildlife Coordination Act.



State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 36-08269

Priority: April 4, 1985

Maximum Diversion Rate: 25.00 CFS

Maximum Diversion Volume: 19041.0 AF

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

RT. 3

JEROME ID 83338

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated October 21, 1986; and has submitted Proof of Beneficial Use on December 3, 1987. An examination indicates that the works have a diversion capacity of 43.500 cfs of water from:

UNNAMED STREAM

tributary to SNAKE RIVER

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
POWER	01/01 to 12/31	25.00 CFS	19041.0 AF

LOCATION OF POINT(S) OF DIVERSION:

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

PLACE OF USE: POWER

TWN RGE SEC

09S 16E 22 Lot 6(NENE)

CONDITIONS/REMARKS:

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

MICROFILMED

MAY 15 1992

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

WATER RIGHT NO. 36-08269

CONDITIONS/REMARKS:

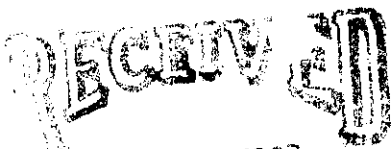
5. The water right confirmed in this license for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this license and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this license.
6. The diversion and use of water under this license is subject to review by the Director 35 years from the date of issuance. Upon appropriate findings relative to the interest of the public, the Director may cancel all or any part of the use authorized herein and may revise, delete or add conditions under which the right may be exercised.
7. The maximum combined volume when this right is used together with Right No. 36-8019 shall not exceed 19041.0 afa.
8. The source of water for this right is also known as N-32 Coulee.

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

Acting for

R. Keith Higginson, Director

MAY 15 1992



DEC 03 1987

STATE OF IDAHO

no answer 1/2
Department of Water Resources

For Office Use Only
Fee Received _____
Date _____
Receipt # _____
Receipt by _____
Reviewed by _____
Sent to region _____

PROOF OF BENEFICIAL USE

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

Permit No. 3282 36-8269

Name(s) of Permit Holder: MARCO POWER CO.

Post Office Address: RT 3 JEROME - IDAHO

Telephone No. 324-4127

Source of Water: N-32 CANAL - NORTH SIDE CANAL CO.

Extent of Use:

Domestic _____ (number of households) Stockwater _____ (number and type of stock)

Irrigation _____ (acres) Other/Remark POWER GENERATION

Total rate and/or volume for which proof is submitted 40 cfs _____ acre-feet

Show the date water was first diverted and beneficially used under this permit: 1985 - JUNE

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

Fee enclosed \$ EXAMINATION COMPLETE
(See License Examination Fee Schedule)

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

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

GERARD MARCUS - 208-734-4888
(Name) (Telephone Number)

1139 FALLS AVE E - TRINFALLS
(Address)

MICROFILMED

MAY 15 1992

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

12/1/87 Steve Martine - Assoc. Marc Power Co.
Date Signature of Permit Holder (and title, if appropriate)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

APPROVED

1. Name of applicant Marco Power Company, Inc. Phone 324-4127

Post office address Route 3, Jerome, ID 83338

2. Source of water supply Unnamed Stream which is a tributary of Snake River

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

Range 16E B.M. Jerome County, additional points of diversion if any: _____

None

4. Water will be used for the following purposes:

Amount 25 cfs for power generation purposes from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)

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

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

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

5. Total quantity to be appropriated:

a. 25 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Steel Pipeline from diversion structure to generator. Discharge into existing channel.

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

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

c. Proposed well diameter is N/A inches; proposed depth of well is N/A feet.

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

8. Description of proposed uses:

a. If water is **not** for irrigation: Lot 6
(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section 22 Township 9S
Range 16E B.M.

(2) Amount of power to be generated: 1,400 horsepower under 527 feet of head.

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

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

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

MICROFILMED

10-10-68

Total number of acres to be irrigated

holder of Permit No. 36-8019 for 15 c.f.s. for same purposes. This

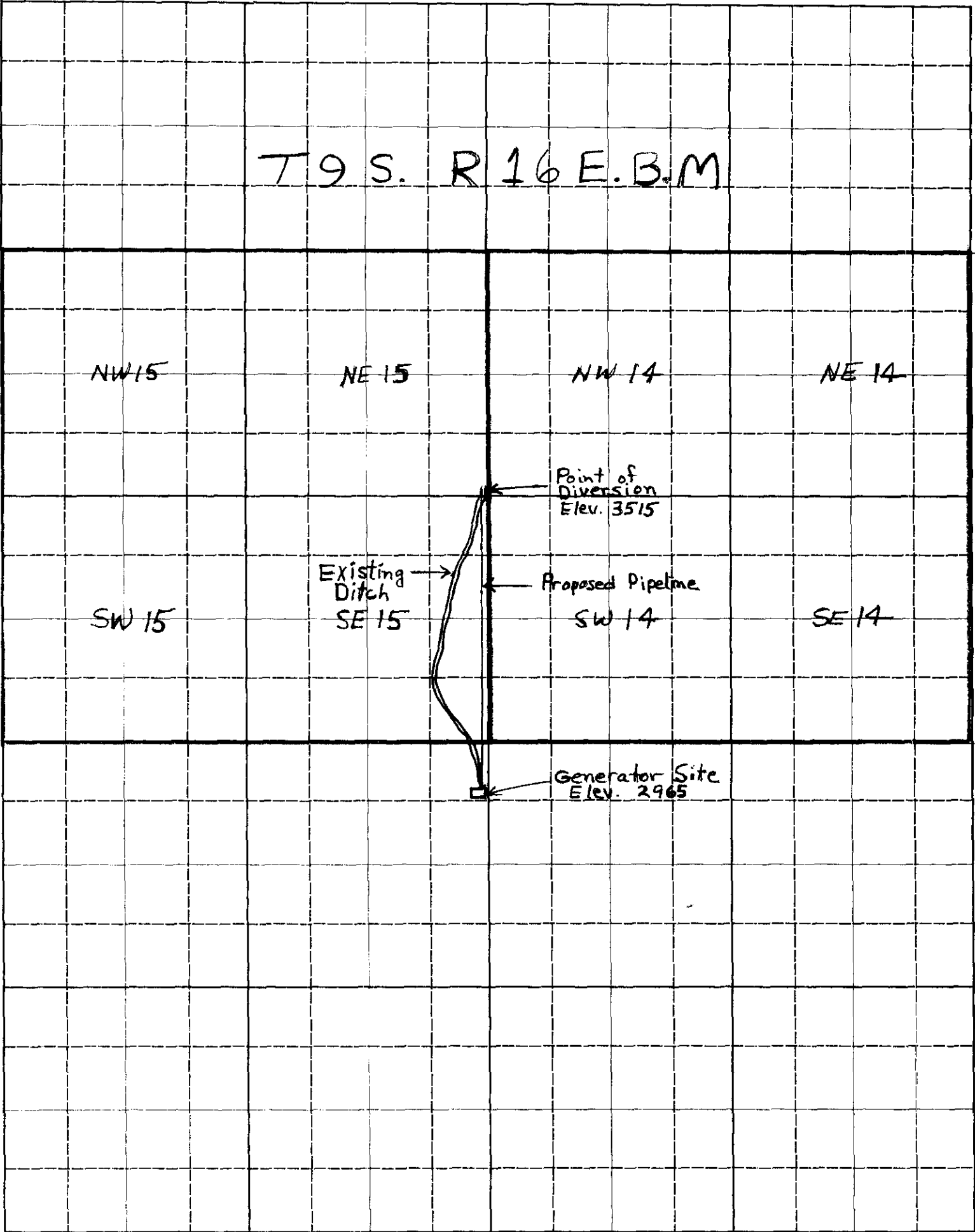
9. a. Who owns the property at the point of diversion
Lands owned by Marco Ranches, Inc. Appl-

b. Who owns the land to be irrigated or place of use
State of Idaho-Department of Fish &

~~applicant to make this filing~~
~~Easements have been received by applicant.~~

10. Remarks	~~Application is for use of waste and surplus waters in Northside Canal Company N-32 Coulee. Applicant has an agreement with the Northside Canal Company for use of said water. This application for 25 c.f.s. is in addition to Permit No. 36-8019 granted to Marco Ranches for 15 c.f.s. Total of 40 c.f.s water under this application is to be used for the same purposes as Permit No. 36-8019. Applicant is present holder of Permit No. 36-8019. Water under this application will be a non-consumptive use and will be discharged into existing N-32 channel which empties into the Snake River.~~
-------------	--

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



Scale: 2 inches equal 1 mile.

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

Waldo R. Martin
(Applicant)

MICROFILMED

4/4/85

RECEIVED

Received by AK Date 4/4/85 Time 11:00 a
Preliminary check by AK Fee \$ 475.00 # 35318

Received by myra Date 4/4/85

Publication prepared by myra Date 4/8/85

Published in North side news 10/24 + 10/31 Stewart

Publication dates 4/17 + 4/24/85 10/23 + 10/30 - Northside

Publication approved myra Date 4/12/85

Protests filed by: Nora

Copies of protests forwarded by _____

Hearing held by _____

Recommended for approval denial by AK KW

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 36-8269, and said application is hereby APPROVED

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

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

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

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

d. Other: SEE ATTACHED SHEET FOR CONDITIONS d thru m.

Witness my hand this 6th day of January, 1986.

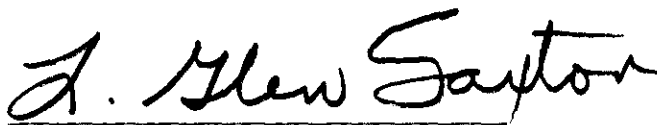
R. Allen Sartor
Chief, Operations Bureau

ATTACHMENT TO CONDITIONS OF APPROVAL

For Permit No. 36-8269

- d. Water shall not be diverted under this permit until a written agreement with the irrigation district or canal company serving the area containing the point of diversion is filed with the Department of Water Resources providing for the coordination of the permit use with the irrigation district or canal company operation.
- e. This permit does not constitute Idaho Public Utilities Commission or Federal Energy Regulatory Commission approval that may be required.
- f. Use of water under this permit shall be non-consumptive.
- g. 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.
- h. The issuance of this permit in no way grants any right-of-way or easement across the land of another.
- i. 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.
- j. Water used under this permit if discharged into a natural channel shall meet Idaho Water Quality Standards.
- k. The Director retains jurisdiction of this permit in order to limit the use of water for hydropower generation purposes to a specific term of years as required by Section 42-203B(7), Idaho Code.
- l. 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.
- m. 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.

Witness my hand this 6th day of January, 1986.


Chief, Operations Bureau

MICROFILMED

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

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

1. Individual Applicant or Individual Members of a Partnership:

I, _____ 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, Waldo G. Martens of Jerome,
(name) (city)

County of Jerome, State of Idaho, being duly sworn, depose
and say: That I am the designated registered agent of the Marco Power
Company, Inc.; that as such I am in charge of the registered
(name of corporation)

office of the said corporation as required by Section 30-1-12, Idaho Code, at
Route 3, Jerome Idaho, wherein are kept the corporate records required
(city)

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

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

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

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

- ☒ 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 Twin Falls) ss.

Waldo G. Martens
Applicant

On this 25th day of March, 19 85, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged
to me that he (she) (they) executed the same.

seal

Brent Martens
Notary Public residing at
Boise Idaho

My commission expires:

lifetime

MICROFILMED

AFFIDAVIT of PUBLICATION

COPY OF NOTICE

(Paste Here)

State of Idaho, }
County of Jerome } SS.

L. L. LANGDON
ASST. PUBLISHER

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

each week for 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 17th day of April 19 85, and the date of the last publication was on the 24th day of April, 19 85.

L. L. Langdon

Subscribed and sworn to before me this 24th

day of April, 19 85.
(SEAL)

Darla Brett
NOTARY PUBLIC

NORTH SIDE NEWS

Jerome, Idaho

COST OF PUBLICATION

Numer of Picas per Line 13
Number of Lines in Notice 54
Number of Insertions 2

54 Lines tabular at 58.08 5¢/Pica
54 Lines straight at 21.06 4¢/Pica
Subsequent lines at 49.14 3¢/Pica

TOTAL COST 49.14

RECEIVED

APR 25 1985

Department of Water Resources
Solutions Division

36-4259/36-8269
TITLE OF NOTICE

36-8266

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Dept of Water
BILL TO

**Water permits sought
by Chugg and Marco co.**

NOTICE OF CLAIMS TO WATER RIGHTS

Notice is hereby given that the following claims to water rights have been established by diversion and application to beneficial use.

CHUGG, ESTATE OF RAY, MARY
CHUGG, RT. 3 BOX 3779, JEROME, ID 83338
Source: K-LATERAL trib. to SNAKE RIVER
K-2 LATERAL trib. to SNAKE RIVER

Priority Date: 04/15/1966
Diversion Pt: SWNW SWSW Sec 17 T09S R17E
Use: IRRIGATION (5.00 CFS)
STOCKWATER (0.23 CFS)
In: NESW SWSW SENE NESE
NWSE SWSE SESE Sec 17 T09S R17E
NWNE SWNE NENW NWNW
SENW Sec 20 T09S R17E FOR 384 ACRES.

MARCO POWER CO., INC., RT. 3, JEROME, ID 83338
Source: UNNAMED STREAM trib. to SNAKE RIVER
Date Filed: 04/04/1985
Diversion Pt.: SENE Sec 15 T09S R16E

Use: POWER (25.00 CFS)
In: LOT 08 Sec 22 T09S R16E
CHUGG ESTATE, RAY, MARY
CHUGG, RT. 3 BOX 3779, JEROME, ID 83338
Source: GROUNDWATER
Date Filed: 03/18/1985
Diversion Pt: SWNW Sec 20 T09S R17E

Use: STOCKWATER (0.77 CFS)
COMMERCIAL (0.02 CFS)
DOMESTIC (0.04 CFS)
In: SWNW SENW Sec 20 T09S R17E
NWNW Sec 20 T09S R17E
If issued, the permits will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301 and received on or before MAY 6, 1985.

A. KENNETH DUNN
Director
4-17-2tc

STATE OF IDAHO)
) ss.
COUNTY OF ADA)

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 insertions beginning with the issue of

October 24, 1985, and ending with the issue of October 31, 1985.

Laura Gay Barnes

Subscribed and sworn to before me this 31st day of October, 1985.

**NOTICE OF APPLICATION
FOR WATER RIGHT**

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

36-8269

Marco Power Co., Inc.
Rt. 3,
Jerome, ID 83338
Source: Unnamed Stream trib.
to Snake River
Date Filed: 84/04/1985
Diversion Pt: SENE Sec. 15
T 09S R 16E
Use: Power (25.08 CFS)
In: Lot 06 Sec. 22 T 09S
R 16E

Protests must be filed with the Director, Dept. of Water Resources, Southern Region, 1041 Blue Lakes Blvd, North Twin Falls, Idaho 83301 on or before November 11, 1985.

A. KENNETH DUNN
Director

Pub. Oct. 24, 31, 1985

9359

[Signature]
Notary Public for Idaho, Residing at Boise, Idaho.

MICROFILMED

AFFIDAVIT OF PUBLICATION

State of Idaho, }
County of Jerome } SS.

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

each week for 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 23rd day of October, 1985, and the date of the last publication was on the 30th day of October, 1985.

Subscribed and sworn to before me this 31st day of October, 1985.
(SEAL)

Sarla Bratt
NOTARY PUBLIC

NORTH SIDE NEWS
Jerome, Idaho

COST OF PUBLICATION

Number of Picas per Line
Number of Lines in Notice
Number of Insertions.....

Lines tabular at 5¢/Pica
18 Lines straight at 936 4¢/Pica
Subsequent lines at 3¢/Pica
TOTAL COST 936

COPY OF NOTICE

(Paste Here)

36-8269-1100
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Dept of Water
BILL TO

Marco Power Co. applies for permit

NOTICE OF APPLICATION FOR WATER RIGHT

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

36-8269

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

Source: UNNAMED STREAM trib.
to SNAKE RIVER

Date Filed: 04/04/1985

Diversion Pt.: SENE Sec 15 T 09S R
16E

Use: POWER (25.00 CFS)

In: LOT 06 Sec 22 T 09S R 16E

Protests must be filed with the Director, Department of Water Resources, Southern Region, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301 on or before NOVEMBER 11, 1985.

A. KENNETH DUNN
Director
10-23-2tc

PUBLICATION RATES

(Idaho Code, Rev. Statutes 1984)

7-8 pt. per line straight 4¢/Pica
7-8 pt. per line tabular 5¢/Pica
7-8 pt. per line successive
insertions 3¢/Pica

No 2232

MICROFILMED

TRIBUNE PUBLISHING COMPANY, INC.

The Lewiston Morning Tribune

505 C St., P.O. Box 957

Lewiston, Idaho 83501

(208) 743-9411

Date 103175 INVOICE No. 100009627

Account No. 42-52

Description 19637NOTIC

Times 2 Lines 20

Tab Lines

LEGAL ADVERTISING

INVOICE

SOLD TO: STATE OF IDAHO
DEPT OF WATER RESOURCES
1041 BLUE LAKES BLVD. NO.
TWIN FALLS
ID 83301

\$ 22.75

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

S. L. Stone, 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

59637
NOTICE OF APPLICATION FOR WATER RIGHT
The following application(s) is (are) being advertised to allow all parties affected by the addition of the public interest criteria Sec. 42-203C, Idaho Code the opportunity to protest:

36-8269
MARCO POWER CO., INC.
Rt. 3, JEROME, ID 83138
Source: UNNAMED STREAM
trib. to SNAKE RIVER
Dated Filed 10/11/85
Diversion Pt. SENE Sec 15 T 09S R 16E
Use: POWER (25.00 CP5)
In: LOT of Sec 22 T 09S R 16E
Protests must be filed with the Director, Department of Water Resources, Southern District Office, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301 on or before November 11, 1985.

A. KENNETH DUNN
Director

NOTICE OF APPLICATION FOR WATER RIGHT

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 102485

or once a week for two consecutive weeks, the first publication thereof being on the 102485, and the last publication thereof being on the 103185, and said

NOTICE OF APPLICATION FOR WATER RIGHT

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.

S. L. Stone

SUBSCRIBED AND SWORN BEFORE ME THIS THE 31

day of October 1985

Sheryl M. Smith

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

RECEIVED

NOV 4 1985

Department of Water Resources
Southern District Office

MICROFILMED

Proof of Publication

The Post-Register

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 having been published continuously and uninterruptedly, prior to consolidation, for more than seventy-eighty (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 24th day of October, 1985, last publication having been made on the 31st day of October, 1985, 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 5th day of November, 1985.

[Signature]
Notary Public

My commission expires September 30, 1988.

B10, 1M,

**NOTICE OF APPLICATION
FOR WATER RIGHT**

The following application is (are) being advertised to show all parties affected by the addition of the public interest criteria Sec. 42-205C, Idaho Code the opportunity to protest:

MARGO FISH
RTM JEROME
Source: UNNA
RIVER
Description of
Diversion: **16E**
Use: **POWER**
Inst. **16E**
Protest must be filed with the Director, Department of Water Resources, Southern Region, 1047 Main Blvd. North, Twin Falls, Idaho 83421 on or before November 11, 1985.

A KENNETH DUNN
Director

Published October 24, 1985

OK merge
RECEIVED

NOV 7 1985

Department of Water Resources
Southern District Office

MICROFILMED

**NOTICE OF
APPLICATION FOR
WATER RIGHT**

The following applica-
tion(s) is (are) being
advertised to allow all
parties affected by the
addition of the public in-
terest criteria Sec. 42-
203C, Idaho Code the

**MARCO POWER CO.,
INC.**

Rt. 3, Jerome, ID 83338

Source: Unnamed
Stream trib. to SNAKE
RIVER

Date Filed: 04/04/1985

Diversion Pt: SENE Sec
15 T 09S R 10E

Use: Power (25.00 CFS)

In: Lot 00 Sec 22 T 09S R
10E

Protests must be filed
with the Director,
Department of Water
Resources, Southern
Region, 1041 Blue Lakes
Bld. North, Twin Falls,
Idaho 83301 on or before
November 11, 1985.

A. KENNETH DUNN

Director

PUBLISH: Thursdays,
October 24, and 31, 1985.

Affidavit of Publication

STATE OF IDAHO.

COUNTY OF TWIN FALLS

ss.

No 15620

I, Linda Copps McSwine being first duly sworn upon
oath, depose and say that I am Print Clerk of the TIMES-NEW
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

October 24, 1985, and ending with the issue dated
October 31, 1985.

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-
ment 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.

Linda Copps McSwine
Subscribed and sworn to before me on this 31 day of
October, 1985.
Dianna Kruse

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

MICROFILMED

RECEIVED

NOV 20 AM

April 29, 1992

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

RE: WATER RIGHT NO. 36-08269

Dear Water Right Holder(s):

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

Sincerely,

SHARLA CURTIS
Water Resource Agent

SC:clh

Enclosure

MICROFILMED

MAY 15 1992

MEMORANDUM

TO: FILES 36-8019 AND 36-8269

FROM: JIM JOHNSON

RE: FILE REVIEW FOR LICENSE SIGNATURE

DATE: April 24, 1992

=====

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

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

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

MITCHELL

MAY 15 1992

MEMORANDUM

TO: FILE NO. 36-8269
FROM: GARY SPACKMAN *Bug*
RE: TERM OF YEARS FOR LICENSE
DATE: AUGUST 18, 1988

I spoke to Gerald Martins, the certified examiner for permit no. 36-8269, regarding supplemental information which he submitted to me. I believe he has addressed all of my questions.

When I spoke to him on the telephone, I also informed him that we are required under Idaho Code Section 42-203B to condition a license for a term of years. Under the four criteria which we must consider, the following are the results:

1. Term of FERC approval--the Marco power project is an exemption without a term of years.
2. Duration of the power sales contract is 35 years beginning from the first day of power generation, which was July 13, 1985
3. Policy of the Idaho Public Utilities Commission--the Public Utilities Commission used to approve a return period of 35 years. They have now reduced the period to a lesser period of time; I believe 22 years. This power filing, however, was grandfathered under the 35 year approval period.
4. Downstream users--The water for this hydropower plant is also used by Marco Ranches. It appears that Marco Ranches is the last user prior to discharge into the Snake River. The hydropower plant should not affect on downstream water users.

As a result, I recommend that the license be issued for a term of 35 years to be reviewed by the Director on August 1, 2020.

1000

July 27, 1988

Department of Water Resources

Water Allocation Section
Idaho Department of Water Resources
1301 North Orchard Street
Boise, Idaho 83706

Attention: Gary Spackman

RE: Permit 36-8269
25 cfs

Dear Mr. Spackman:

In regard to your letter of March 28, 1988, the following data is supplied. Comments correlate with sequence of requests of your letter.

1. Water is diverted into a penstock via pipeline in existing ditch and pond. Please find attached a plan showing the various components of the system including the diversion pond, measurement wier, penstock, and turbine/generator site. Turbine data is listed on the field report.
2. The attached map shows point of diversion, point of measurement, and all conveyance equipment. No other water use occurs downstream of the water measurement wier.
3. Water is returned to the natural stream prior to the channel entering the Snake River.
4. All work was completed in compliance with the permit.
5. Total water utilized is dependent upon irrigation return flows, seasonal variations, and stock flow requirements. Maximum potential usage is 19,041 acre feet in an eight month generation period.

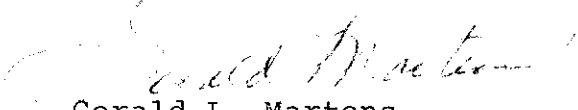
RECEIVED
MAY 15 1992

6. Electricity is supplied to Idaho Power under contract.
7. No changes in point of diversion or place of use occurred from that specified in the permit. Approximately 1200 lf of the transmission conduit is an open ditch prior to entering the 36" steel pipe penstock.

Please call me if there are any questions.

Respectfully yours,

MARCO POWER

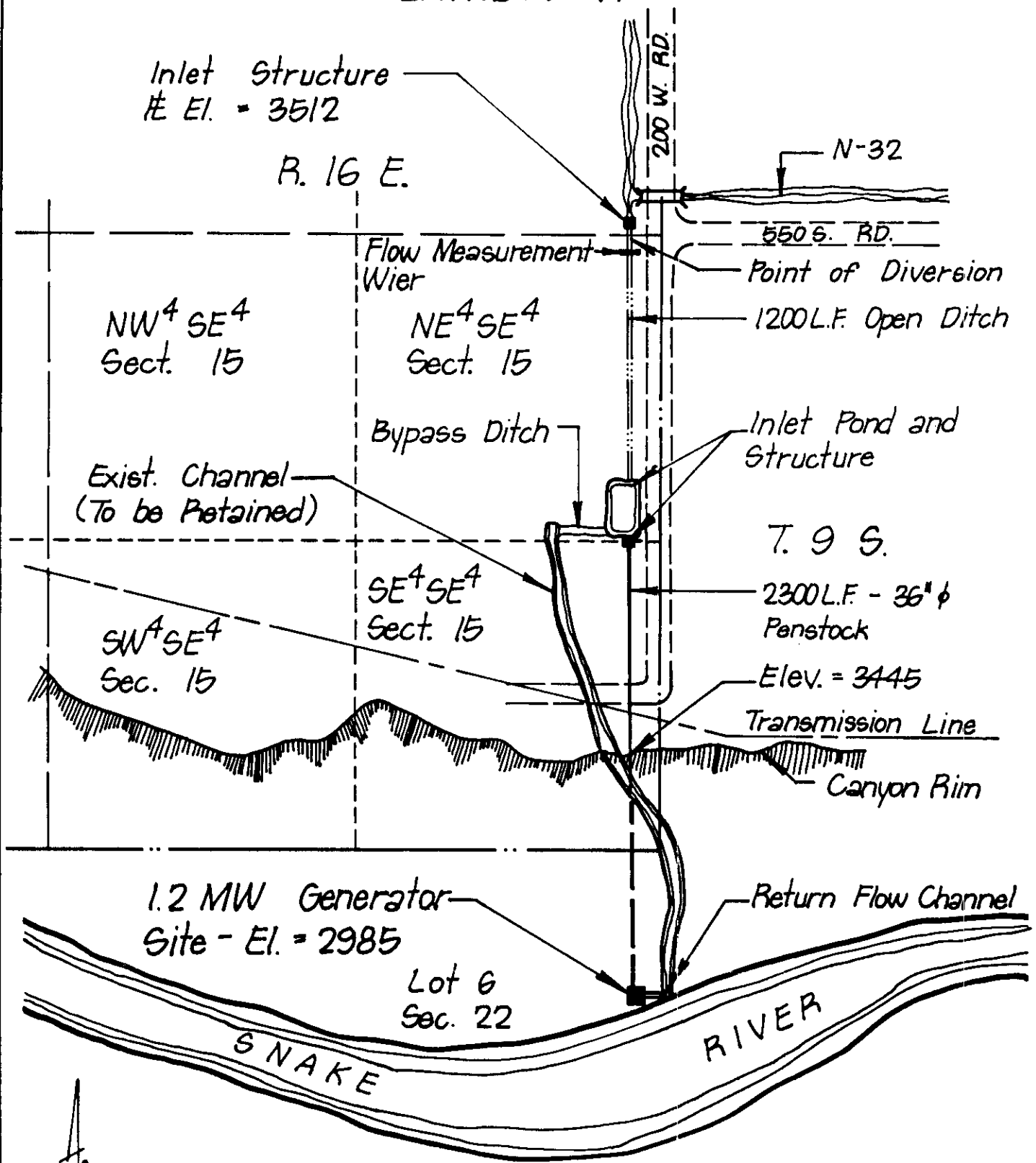

Gerald L. Martens

GLM/bn
cc: file

encl.

MICROFILMED
MAY 15 1992

EXHIBIT "A"



MICROFILMED

MAY 15 1992

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

36-8269 25 CFS

A. GENERAL INFORMATION

Permit No. 36-8019 15 CFS

Phone No. 734 - 4888

1. Owner: Marco Ranches - Marco Power Co.

Current Address: Jerome, Idaho

2. Accompanied by: Charles Kettermann

EXAM. DATE: 10/21/86

Address: Ketchum, Idaho

Phone No. _____

Relationship to Permit Holder: None

3. Source: N-32 tributary to Snake River

B. OVERLAP REVIEW

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

☐ Copies Attached

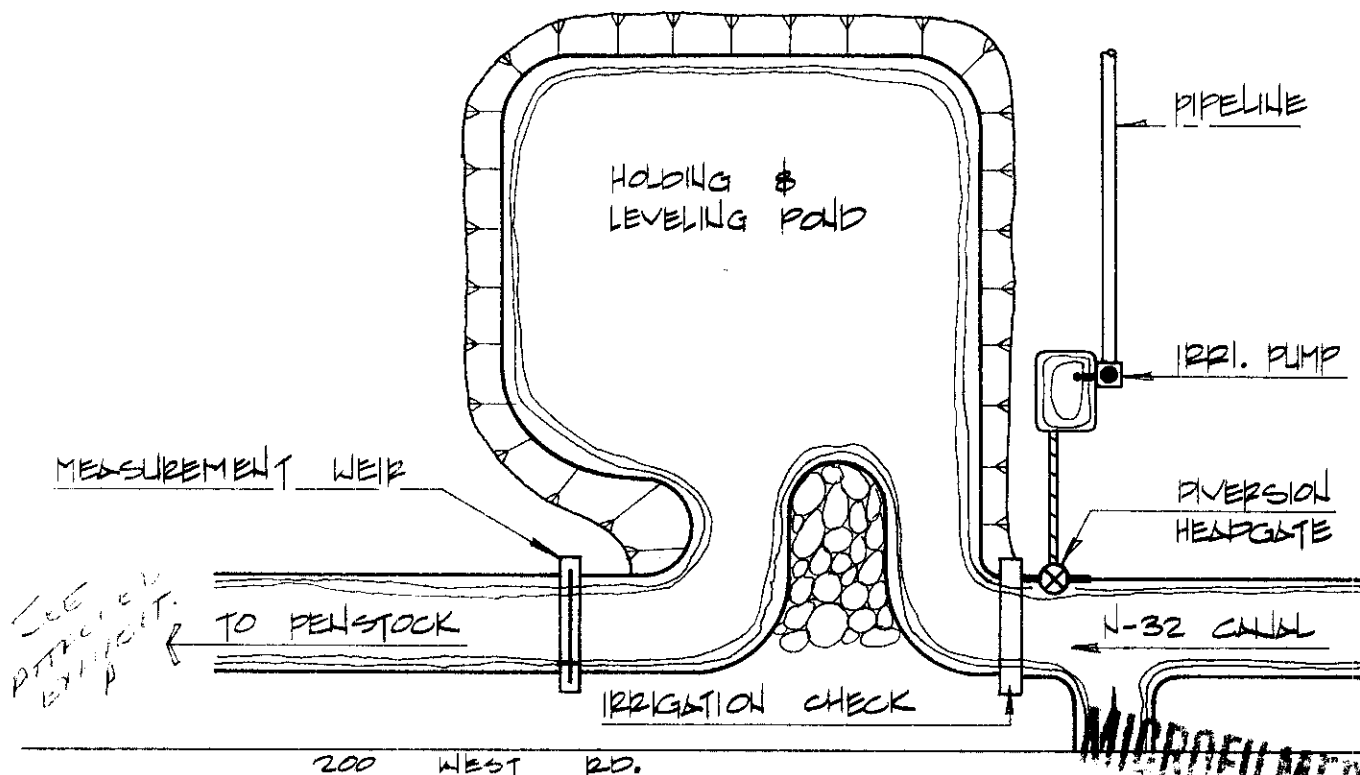
2. Other water rights with same point of diversion: _____

☐ Copies Attached

☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

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



Scale: 1" = 20' ±

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

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

☒ Photo of Diversion and System Attached
(required for all but single household domestic groundwater, and stockwater).

MAY 15 1987

100 S.

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

Gravity flow over 72" rectangular w/ier

☐ See Remarks on page 4 for continuation

☐ See Remarks on page 4 for continuation

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

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

5. Point(s) of Diversion:

[illegible]

Indicate Method of Determination

6. Place(s) of Use:

[illegible]

Do not use this space

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

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

2. Measurements:

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

Q = 7.256 (6) (Bazins Formula)

Q = 43.536 CFS

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method:

Measured over rectangular wier.

2. Alternate Method for Checking Purposes:

F. PUMP EFFICIENCY DATA (Optional)

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

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

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

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

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

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

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

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ _____

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

V = Smaller of V_{IR} and $V_{DR} =$ _____

2. Volume Calculations for Other Uses: Power Generation

40 cfs x 60 seasons x 60 minutes x 24 hours x 240 days/
43560 = 19041 acre feet for 8 month generation season
at maximum theoretical flow.

REPRODUCED
FILMED
MAY 15 1992

H. REMARKS AND OVERLAP REVIEW ANALYSIS

Generators: 4 - Canyon Industry - 10 cfs Pelton turbines - custom designed for 527 foot head and variable flow - 300 KW generator on each unit.

Water returned to existing channel on Lot 6, Section 22, Township 9 South, Range 16 East, Boise Meridian

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
	From To	Q (cfs)	V (afa)
Power generation	Jan. 1 Dec. 31	40.0 CFS	19041*

* - Max theoretical

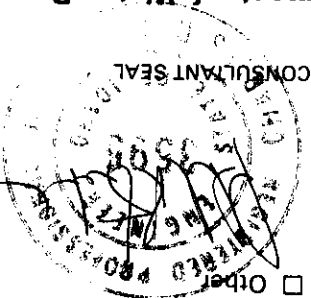
Totals:

2. Recommended Amendments

- ☐ Change P.D. as reflected above
- ☐ Add P.D. as reflected above
- ☐ Change P.U. as reflected above
- ☐ Add P.U. as reflected above
- ☐ Other
- ☐ None

J. AUTHENTICATION

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



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

RECEIVED
MAY 15 1992



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

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

March 28, 1988

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

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

Dear Mr. Martens:

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

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

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

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

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

MICROFILMED
MAY 15 1992

Page 2

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

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

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

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

Please submit the above requested information as soon as possible.

Sincerely,

A handwritten signature in cursive script that reads "Gary Spackman". The signature is written in dark ink and has a fluid, connected style.

GARY SPACKMAN, Supervisor
Water Allocation Section

GS:sc

Enclosure

RECEIVED
MAY 15 1992



Edwards, Howard & Martens, Inc.

ENGINEERS / PLANNERS / SURVEYORS

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

December 1, 1987

RECEIVED

DEC 03 1987

THE FIELDS OF:

PLANNING
SURVEYING
HIGHWAYS
WATER
SEWAGE
STRUCTURAL
SUBDIVISIONS
AIRPORTS
BRIDGES

Department of Water Resources
Statehouse
Boise, Idaho 83720

Department of Water Resources

Attention: Rita Fleck

RE: Permit No. 36-8269

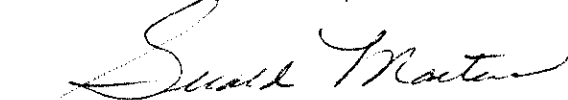
Dear Ms. Fleck:

Please find enclosed a completed Proof of Beneficial
Use form for Permit No. 36-8269.

Please call me if there are any questions.

Respectfully yours,

EHM ENGINEERS, Inc.


Gerald L. Martens, P.E.

GLM/bn
cc: file

encl.

MICROFILMED

MAY 15 1992

November 30, 1987

138132
CERTIFIED MAIL

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

Gentlemen:

Re: Permit No. 36-8269

PROOF DUE NOTICE

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before February 1, 1988. (See the last page of your approved permit or your last approved extension request). Enclosed is a form which may be used to submit the required proof.

The department has received the field inspection report completed by Charles Ketterman, however, an acceptable proof of beneficial use form must be received by this department on or before the above described proof due date to fulfill the proof requirement. If it is not received, the department will send you a lapse notice. Within sixty (60) days of the mailing the lapse notice, the permit will no longer be of any force nor effect.

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

Sincerely,

RITA I. FLECK
Secretary/Records Manager

Enclosures

MICROFILMED

MAY 15 1992

Department of Water Resources

January 26, 1987

RECEIVED

JAN 27 1987

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

Department of Water Resources
Southern Region Office

Dear Sirs:

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

Please let me know if any additional data is required.

Sincerely yours,

MARCO POWER COMPANY

Waldo Martens

Waldo Martens, President

encl.

MICROFILMED

MAY 15 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

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

January 7, 1985

RE: Permit No. 36-8269

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

Gentlemen:

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.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

MICROFILMED

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

MARCO POWER CO., INC.

INITIAL REVIEW BY: Larry Junderburg

APPLICATION NUMBER: 36-8269

CHECK:

- ☒ Source.
☒ Point of diversion.
☒ County.
☒ Quantity of water and period of use.
☒ Description of diverting works.
☒ Time required for beneficial use of water.
☒ Place of use or acres irrigated.
☒ Map.
☒ Signature.
☒ Fee.
☒ Yes ☐ No Field check required.
☐ Yes ☒ No Critical groundwater area.
☐ Yes ☒ No Request dam safety information. Sent by: _____ Date: _____
☒ Yes ☐ No* In form to receipt.

Field check by: _____

Date: _____

Comments: _____

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

SEND COPIES TO:

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

Copies sent by: _____ Date: _____

margo 4-9-85

PROCESSING:

- ☐ Yes ☐ No Platted by: _____ Map No. _____
☐ Yes ☐ No Other rights on same place of use. _____
☒ Yes ☐ No* In form for advertising. 5/6/85 11/11/85
Final date for protests: _____
☐ Yes ☒ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: 4/25/85
☒ Application published correctly. If not, record action taken: _____
☒ Fee amount, receipt date & number, recorded on application.
☒ Publication dates and paper, recorded on application.
☒ Protests, dates, withdrawal, etc., recorded on application.
☒ Recommendation & initial, recorded on application.
☒ Yes ☐ No Measuring device required.
☒ Yes ☐ No Access port required.
☐ Yes ☒ No Will water be delivered by watermaster? If yes, what district? _____
4/4/85 Date of priority recommended.
Special conditions of approval or cover letter. 26, 04, 01F, 08A, 03

17F, 17K, 23, 25

RECEIVED

NOV 22 1985

app. not identified in S.F. suit

Department of Water Resources

By: ADM Date: 5/13/85 11/20/85

STATE OFFICE REVIEW:

L14, L19, 23, 25

30, 25, 27, 23, 01F, 04, 08A

RECEIVED

FERC
Project No.
6778

POINT OF DIVERSION AND STREAM INDEX INFORMATION

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

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

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

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

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



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

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

October 10, 1985

Post Register
P. O. Box 1800
Idaho Falls, Idaho 83402

Gentlemen:

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

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

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

Very truly yours,

Mary A. Newby
Sec/Office Coord.

Encl:

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

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

October 10, 1985

Lewiston Morning Tribune
505 C Street
Lewiston, Idaho 83501

Gentlemen:

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

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

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Very truly yours,

Mary A. Newby
Sec/Office Coord.

Encl:

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

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

October 10, 1985

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

Gentlemen:

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

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

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Very truly yours,

Mary A. Newby
Sec/Office Coord.

Encl:

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

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

October 10, 1985

Idaho Statesman
Box 40
Boise, Idaho 83707

Gentlemen:

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

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

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

Very truly yours,

Mary A. Newby
Sec/Office Coord.

Encl:

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

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

October 10, 1985

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

Gentlemen:

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

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

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

Very truly yours,

Mary A. Newby
Sec/Office Coord.

Encl:

MICROFILMED

NOTICE OF APPLICATION FOR WATER RIGHT

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

35-8269

MARCO POWER CO., INC.

RT. 3, JEROME, ID 83338

Source: UNNAMED STREAM trib. to SNAKE RIVER

Date Filed: 04/04/1985

Diversion Pt: SENE Sec 15 T 09S R 16E

Use: POWER (25.00 CFS)

In: LOT 06 Sec 22 T 09S R 16E

Protests must be filed with the Director, Department of Water Resources, Southern Region, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301 on or before November 11, 1985.

A. KENNETH DUNN
Director

Published: Idaho Statesman on	✓ 10/24 & 10/31/1985
Lewiston Morning Tribune	✓ 10/24 & 10/31/1985
Post Register	✓ 10/24 & 10/31/1985
Times News	✓ 10/24 & 10/31/1985
North Side News	✓ 10/23 & 10/30/1985

MICROFILMED

NOTICE OF APPLICATION FOR WATER RIGHT

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

36-8269

Marco Power Co., Inc.

Rt. 3,

Jerome, ID 83338

Source: Unnamed Stream trib.

to Snake River

Date Filed: 04/04/1985

Diversion Pt: SENE Sec. 15

T 09S R 16E

Use: Power (25.00 CFS)

In: Lot 06 Sec. 22 T 09S

R 16E

Protests must be filed with the Director, Dept. of Water Resources, Southern Region, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301 on or before November 11, 1985.

A. KENNETH DUNN

Director

Pub. Oct. 24, 31, 1985

9359

ok memo

NOTICE OF APPLICATION FOR WATER RIGHT

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

36-8269

Marco Power Co., Inc.

Rt. 3, Jerome, ID 83338

Source: Unnamed Stream trib. to SNAKE RIVER

Date Filed: 04/04/1985

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15 T 09S R 16E

Use: Power (25.00 CFS)

In: Lot 06 Sec 22 T 09S R

16E

Protests must be filed with the Director, Department of Water Resources, Southern Region, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301 on or before November 11, 1985.

A. KENNETH DUNN

Director

PUBLISH: Thursdays,

October 24, and 31, 1985.

Marco Power Co. applies for permit

NOTICE OF APPLICATION FOR WATER RIGHT

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

36-8269

MARCO POWER CO., INC., RT. 3,

JEROME, ID 83338

Source: UNNAMED STREAM trib.

Date Filed: 04/04/1985

Diversion Pt: SENE Sec 15 T 09S R

16E

Use: POWER (25.00 CFS)

In: LOT 06 Sec 22 T 09S R 16E

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

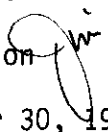
11, 1985.

A. KENNETH DUNN

Director

10-23-2tc

MEMORANDUM

TO: File 36-8269
THRU: Glen Saxton
FROM: Jim Johnson 
DATE: September 30, 1985
RE: Approval of Application for Permit

On this date, I contacted Antonia Lattin of FERC to inquire about regulations concerning the correspondence received by Brent Martens on 9/12/85.

In preparation for this telecon, I reviewed the conversation memorandum prepared on May 24, 1983 by Dave Tuthill. The explanation received from Ms. Lattin agreed with the FERC progress outlined in Dave's memo and, in addition, she also explained FERC's criteria used to approve applications for FERC exemption for license.

I have since discussed this matter with Dave and found he is preparing a memorandum which summarizes their system. In the meanwhile, following is a brief summary:

There currently are two types of exemptions:

1) Case Specific Exemption:

1. Project has to be 5 megawatts or less
2. Project uses existing structures such as dams, natural water features, i.e. water falls, drops in channel, etc.
3. Other items not identified herein which meet the intent of the exemption - commission reviews on case-by-case basis.

2) Conduit Exemption:

Project which uses existing conduits, pipes, etc. using man-made facilities, canals, etc. to convey water to the generating facility.

Both the FERC license and the approved exemption authorizes construction; the issuance of a preliminary permit does not.

Ms. Lattin explained that the exemption was less restrictive in that only local requirements affected the power project, i.e. state regulations such as Fish & Game and other regulatory authorities.

MICROFILMED

TO: File 36-8269
DATE: September 30, 1985
PAGE: 2

Presently FERC's policy when issuing a license or exemption is an assumption by them that when the applicant has accomplished filing for necessary applications such as applications for water permits, ^{AND THAT} the states will approve said applications. ~~They~~ are not necessarily concerned with the conditions imposed on the said approval.

Now, concerning the application for permit 36-8269:

This application is a second application filed for power generation located on the same stream at the same site. The full history behind the reason for filing the second application is not known at this time. However, apparently it was determined that more water was available than was originally identified on permit 36-8019 (this permit received an approved conduit exemption) and in light of the fact that the project could use the additional water, ~~the~~ filing was made.

36-8269

The applicant has filed with FERC an amendment to an approved FERC exemption which identifies the additional water. According to Ms. Lattin, it is customary for FERC to require notice that additional water is available before the amendment is approved. Since an exemption does authorize construction, FERC prefers that the application for water permit be approved prior to their ruling. However, as stated in item no. 2 in Dave's memo, FERC may also condition ~~their~~ approval subject to the approval of the application for water permit.

My guess is that since a water permit for 15 cfs has already been approved, they would rather have the assurance that 25 cfs is available, ^{WHICH} would be reflected in the approval of the second permit. (36-8269)

At this point, I see no reason to withhold application 36-8269 from approval. I would suggest that in addition to the normal conditions of approval, the following also should be included:

The rate of flow under

^ This right when combined with Right No. 36-8019 shall not exceed 40.0 cfs.

MICROFILMED

LAW OFFICES

HEPWORTH, NUNGESTER, AND FELTON

PROFESSIONAL CENTER — 1020 MAIN

Post Office Box 589

BUHL, IDAHO 83316-0589

TELEPHONE (208) 543-4368

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

*The members of this partnership are
all Professional Corporations*

September 10, 1985

PENELOPE PARKER-KIMBER
ROSEANNE HARDIN

TWIN FALLS OFFICE

Blick Building

133 Shoshone Street North

Post Office Box 389

Twin Falls, Idaho 83303-0389

Telephone (208) 734-7510

OUR FILE NUMBER

04-4645

Idaho Department of Water Resources
Statehouse
Boise, ID 83720

RECEIVED
SEP 12 1985

ATTENTION: Jim Johnson

Department of Water Resources

RE: Application for Permit No. 36-8269
Marco Power Co., Inc.

Dear Mr. Johnson:

As you will recall, we discussed the above application by telephone last week. At that time, you indicated to me that you were waiting for the F.E.R.C license before approving the above application.

As I indicated to you, Marco Power Co., Inc. had previously filed for 15 c.f.s. for power generation under Permit No. 36-8019. That particular application was approved in December of 1983. At about that same time, we were issued a F.E.R.C. exemption.

As we progressed with the development of the project, it became evident that additional water was available and accordingly we filed the apending application for an addition 25 c.f.s. The paper work has been submitted to the Federal Energy Regulatory Commission to amend its exemption to take into account the additional 25 c.f.s. as sought under the pending application. We are told by F.E.R.C. that they are prepared to grant the requested amendment in so far as the lay

MICROFILMED

Mr. Jim Johnson
Idaho Department of Water Resources
September 10, 1985
Page 2

out of the plant has not changed in any regards and in so far as the point of diversion into the Snake River has not changed at all. However, they are telling us that they must receive a copy of the approved application for the additional 25 c.f.s. before they can complete their paper work.

In other words, we are in a position at this point where we must obtain the approved application on Permit No. 36-8269 in order to complete the paper work with F.E.R.C. Hopefully this will be forthcoming in the very near future. If you need anything futher from me in order to proceed with action on the application, please advise. We look forward to hearing back from you.

Very truly yours,

HEPWORTH, NUNGESTER & FELTON



D. Brent Martens

DBM:kq
cc: Paul Garf
Rancher's Irrigation
150 Main Street
Gooding, ID 83330

MICROFILMED

Respectfully yours,



Gerald L. Martens
Marco Ranches

MICROFILMED

Proposal

Page No. 1 of 3 Pages

RANCHERS IRRIGATION, INC.

150 Main Street
GOODING, IDAHO 83330
(208) 934-4409

OFFERED TO To Ranches		PHONE 734-4888	DATE 10/22/84
Job #2		JOB NAME	
ZIP CODE Gooding, Idaho 83338		JOB LOCATION	
B. Garff	DATE OF PLANS	Gerald Martens	JOB PHONE 734-4888

and specifications and estimates for:

1. POND AND FILTER SYSTEM

1' open ditch with some blasting. 6' bottom with 36" tapered sides.	\$ 13,000.00
surge pond 200' long x 50' wide 5' - 8' deep where excavation material can be used to build up sides	3,500.00
x 30" corrugated and perforated culvert	3,600.00
36" manifolding	500.00
30" on/off butterfly valve at pond outlet	5,200.00
6" air vent	100.00
concrete overflow race and weir and footing	1,200.00

Propose hereby to furnish material and labor -- complete in accordance with above specifications, for the sum of:

dollars (\$ 27,100.00)

are as follows:

guaranteed to be as specified. All work to be completed in a workmanlike
to standard practices. Any alteration or deviation from above specifications
costs will be executed only upon written orders, and will become an
and above the estimate. All agreements contingent upon strikes, accidents
or control. Owner to carry fire, tornado and other necessary insurance
covered by Workmen's Compensation Insurance

Authorized
Signature

Paul B. Garff
30

Note: This proposal may be
withdrawn by us if not accepted within 30 days.

ire of Proposal -- The above prices, specifications
are satisfactory and are hereby accepted. You are authorized
specified. Payment will be made as outlined above.

Signature

Signature

MICROFILMED

RANCHERS IRRIGATION, INC.

150 Main Street
GOODING, IDAHO 83330
(208) 934-4409

SUBMITTED TO Ranches		PHONE	DATE
JOB CODE		JOB NAME	
DATE OF PLANS		JOB LOCATION	
		JOB PHONE	

at specifications and estimates for

PIPE AND ROAD WORK AND POWER HOUSE	
x 30" x 1/4 wall steel pipe*	\$ 40,500.00
x 24" x 1/4 wall steel pipe	25,000.00
30" x 1/4 steel manifold to power house	800.00
trenching for pipeline above the rim	2,000.00
trenching overflow ditch 4' bottom 36" banks	8,000.00
x 24" vertical core bore to start pipe over rim of canyon	65,000.00
Welding and installation	30,000.00
40' power house with outlet culverts to river with	
1 20' x 40 concrete slab with turbine mount and floor	
outlets, 60' x 24" culvert for discharge to river	15,000.00
Road work into canyon	50,000.00

: Price includes cathodic protection

Contractor hereby to furnish material and labor — complete in accordance with above specifications, for the sum of:

dollars (\$ 236,300.00)

as follows

Warranted to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications and costs will be executed only upon written orders, and will become an addition to the estimate. All agreements contingent upon strikes, accidents, or control. Owner to carry fire, tornado and other necessary insurance covered by Workmen's Compensation Insurance.

Authorized Signature

Paul B. Garff
30

Note: This proposal may be withdrawn by us if not accepted within 30 days.

Receipt of Proposal — The above prices, specifications are satisfactory and are hereby accepted. You are authorized to proceed. Payment will be made as outlined above.

Signature

Signature

MICROFILMED

RANCHERS IRRIGATION, INC.

150 Main Street
GOODING, IDAHO 83330
(208) 934-4409

OFFERED TO Ranches		PHONE	DATE
JOB NAME			
JOB LOCATION			
DATE OF PLANS	JOB PHONE		

Submit specifications and estimates for:

GENERATING EQUIPMENT

Water power machinery 15" impulse turbines	\$ 45,000.00
1250 RPM, 500' head, 9 CFS, and direct couple	
300 KW induction generators, 1270 RPM, 480 volts, 3 Phase	44,200.00
#6 panels, tachometers, metering and control circuitry	43,000.00
Programmable controller & computer with automatic control	
valves on turbines	41,000.00
12" shutdown butterfly valves	7,500.00
Wiring	10,000.00

IDAHO POWER
ELECTRICAL TIE-IN

32,000

26,500

Propose hereby to furnish material and labor to complete in accordance with above specifications, for the sum of:

dollars (\$) 190,700.00

as follows:

247,200.00

Contract to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications and costs will be executed only upon written orders, and will become an addition to and above the estimate. All agreements contingent upon strikes, accidents or control. Owner to carry fire, tornado and other necessary insurance. Covered by Workmen's Compensation Insurance.

Authorized Signature

Paul B. Garff
30

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 proceed with the work. Payment will be made as outlined above.

Signature

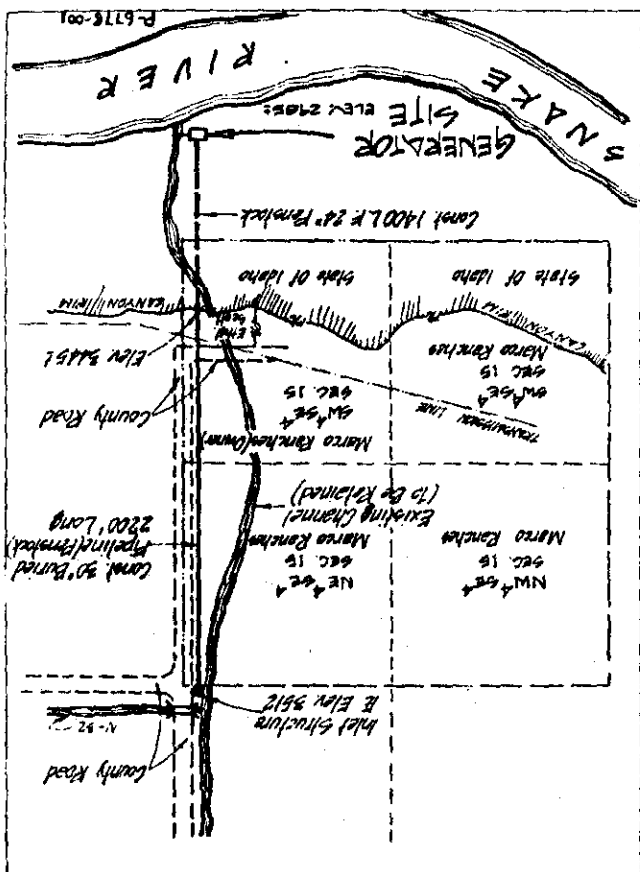
Signature

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

(b) Article 3. The construction, operation, and main-

tenance of the exempt facility must comply with any terms and conditions that any Federal or State fish and wildlife agencies have determined are appropriate to prevent loss of, or damage to, fish or wildlife resources or otherwise to carry out the purposes of the fish and wildlife Coordination Act.



BEFORE THE FEDERAL ENERGY REGULATORY COMMISSION

WASHINGTON, D.C. 20426

* * * * *

MARCO RANCHES

Applicant.

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)

Project No. 6778-001

NOTICE OF QUALIFYING STATUS
AS A SMALL POWER PRODUCTION
FACILITY

* * * * *

The Marco Ranches files this Notice of Qualifying status as a Small Power Production Facility pursuant to 18 CFR, § 292.207(a) and submits the following to the Federal Energy Regulatory Commission:

1. Name and Address of Applicant:

Marco Ranches
Route 3
Jerome, Idaho 83338

2. Location of Facility:

The facility is located in lots 4 & 5 of Section 15, NE-1/4, SE-1/4 of Section 15, lot 6 of Section 22, T9S, R16E, E10M, in Jerome County, State of Idaho.

3. Description of Facility:

The facility for which modification is given is a small power production facility. This facility will utilize the available head within the N-32 canal of the North Side Canal Company to turn 4 turbines and generators having a total rated capacity of 1200 kw with a flow of 15 to 40 c/f/s and total dynamic head of 520 feet. Excess irrigation waters will be utilized

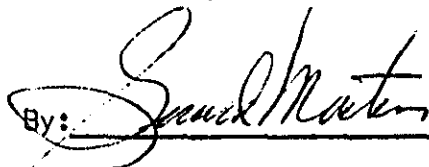
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non-consumptively at the site during the approximate nine month irrigation season (March 15 - December 15), to produce approximately 7,480,000 kwh per annum.

4. The primary and sole energy source used by the facility are the excess irrigation waters of the North Side Canal Company in the aforesaid location. Approximately 15 to 40 c/f/s will be used for power purposes.
5. The rated capacity of the facility is approximately 1200 kw. It is anticipated that the annual energy output will be approximately 7,480,000 kwh.
6. No electric utility or electric utility holding company, or any person owned by either, has any percentage of ownership in the above-referenced facility.

DATED this 28th day of January, 1985.

MARCO RANCHES

By:  _____



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Latta
Director

A. Kenneth Dunn
Assistant Director

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

April 12, 1985

Marco Power Company, Inc.
Route 3
Jerome, Idaho 83338

RE: Application for permit 36-8269

This office is in receipt of your application for permit to appropriate the waters of the N-32 coulee for power purposes.

The application has been numbered 36-8269 and we are proceeding with publication of a legal notice as required by statute. The final date for filing protests is projected to be May 6, 1985.

Since the application seeks to supplement approved permit 36-8019 for a total diversion rate of 40 cfs, the following information must be submitted and/or modified for inclusion with your application in accordance with Title 42, Chapter 2 of the IDAHO CODE:

A plan of the project. This must include a scale drawing showing the proposed layout of the plant on the property, and give locations, dimensions, and elevations of all major components of the project.

An itemized estimate of the cost of constructing the project.

A statement of the financial resources which the applicant has committed to the project and the means by which funds are to be provided for construction. Personal and corporate financial statements will be confidentially reviewed in comparison to the cost estimate and returned. Letters from lending institutions or developers indicating a financial commitment will be retained in your file.

If the above requested information is received by May 6, 1985, no additional delay should be incurred at the Regional Office level of review.

Sincerely,

Allen Merritt
Water Resource Engineer

ADM:adm

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

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

April 9, 1985

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

Re: Applications for Permit No.37-8206 and 36-8269

Dear Mr. Bell:

Please find enclosed copies of the above referenced applications
for permit for your information and files.

Very truly yours,

Mary A. Newby
Sec/Office Coord.

for

Loren O. Holmes
Southern Region Supervisor

Encl:

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region

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

APRIL 8, 1985

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

Gentlemen:

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

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

Please send the affidavit of publication and publication billing to this office before MAY 6, 1985.

Yours truly,

Mary A. Newby
Secretary

Encl.

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NOTICE OF APPLICATION FOR WATER RIGHT

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

36-8269-

MARCO POWER CO., INC.

RT. 3, JEROME, ID 83338

Source: UNNAMED STREAM trib. to SNAKE RIVER

Date Filed: 04/04/1985

Diversion Pt: SENE Sec 15 T 09S R 16E

Use: POWER (25.00 CFS)

In: LOT 06 Sec 22 T 09S R 16E

If issued, the permit(s) will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301 and received on or before MAY 6, 1985.

A. KENNETH DUNN

Director

Published 4/17 & 4/24/85.

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36-8269
MARCO POWER CO., INC., RT. 3,
JEROME, ID 83338
Source: UNNAMED STREAM trib.
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W. H. H. H.