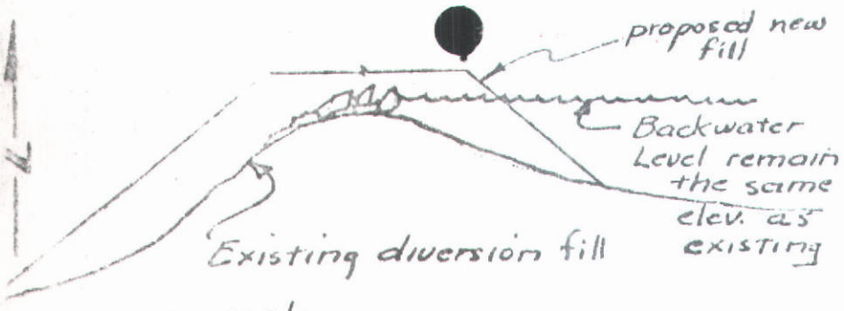
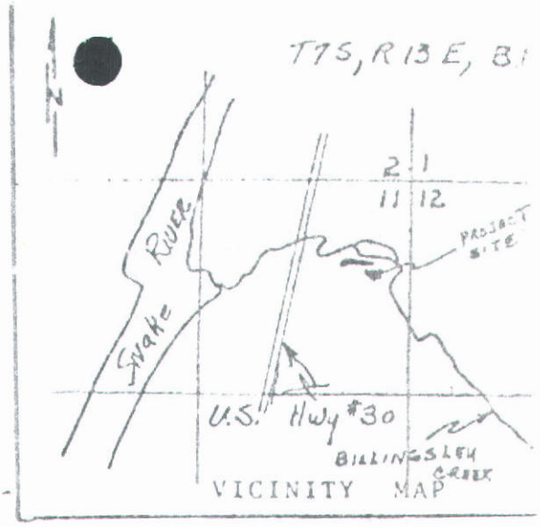
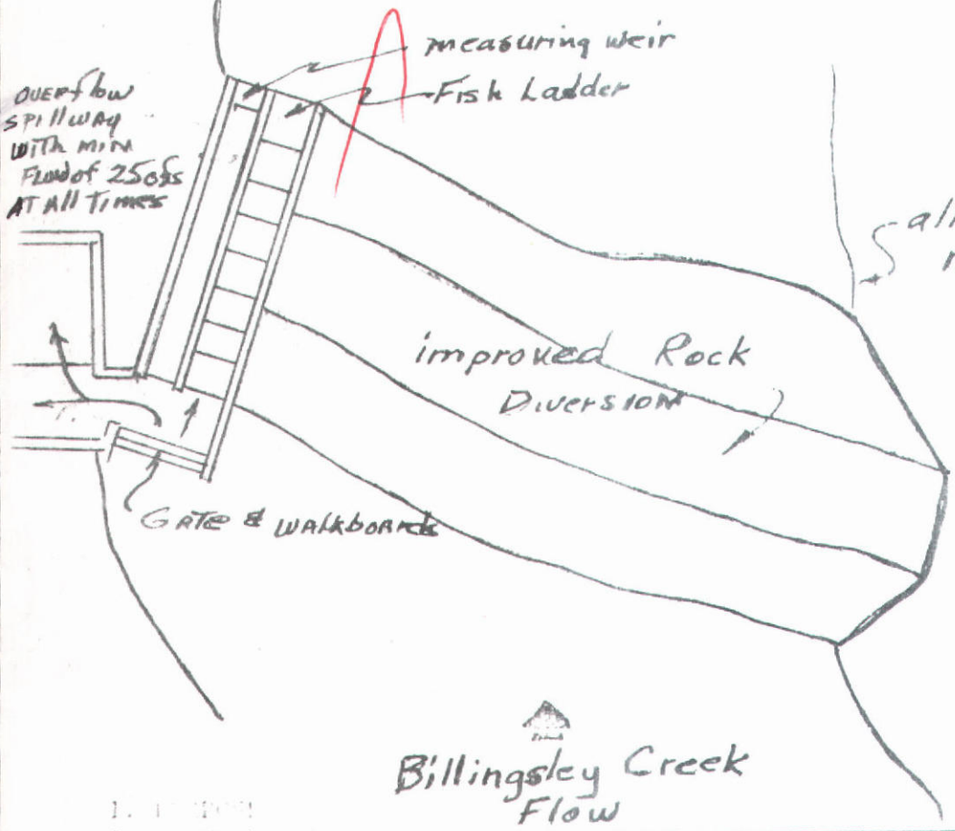


no scale

Cross Section of Improved Rock Diversion



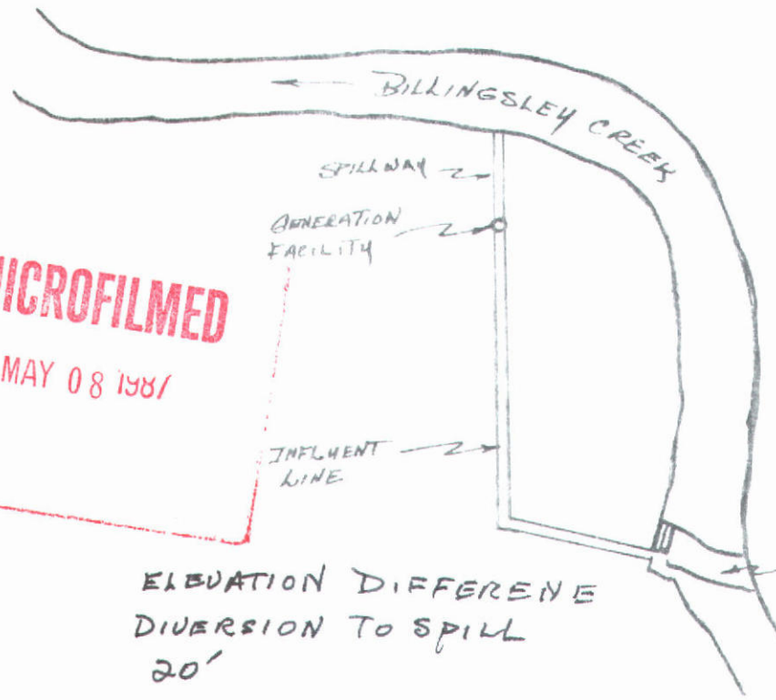
from



Plan
no scale

Billingsley Creek Flow

OVERALL PLAN OF FACILITY
No SCALE



MICROFILMED
MAY 08 1987
MICROFILMED

ELEVATION DIFFERENE
DIVERSION TO SPILL
20'

AFFIDAVIT of PUBLICATION

State of Idaho, } SS.
County of Gooding }

Gary Crook, 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 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 3 day of March 19 82, and the date of the last publication was on the 10 day of March, 19 82

Subscribed and sworn to before me this 10 day of March, 19 82
(SEAL)

NOTARY PUBLIC

GOODING COUNTY LEADER
Gooding, Idaho

COST OF PUBLICATION

Number of Lines in Notice		32
Number of Insertions		2
Lines tabular at 315c	42	
Lines straight at 21c	32 32	10.24
Subsequent lines at 15c	32 12	6.72
TOTAL COST		16.96

MICROFILMED

COPY OF NOTICE

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:

36-8058
TROUT-CO
BOX 425, HAGERMAN, ID 83332
Source: BILLINGSLEY CREEK tributary to SNAKE RIVER
Date Filed: 02/03/1982
Amount: 100.00 CFS
Diversion Point: SENE Sec 11 T 07S R 13E, GOODING Co.
Use: POWER (100.00 CFS) from 01/01 to 12/31
Place of Use: SENE Sec 11 T 07S R 13E
Diversion Means: ROCK DIVERSION, CONCRETE FLUME AND/OR PIPE TO PENSTOCK

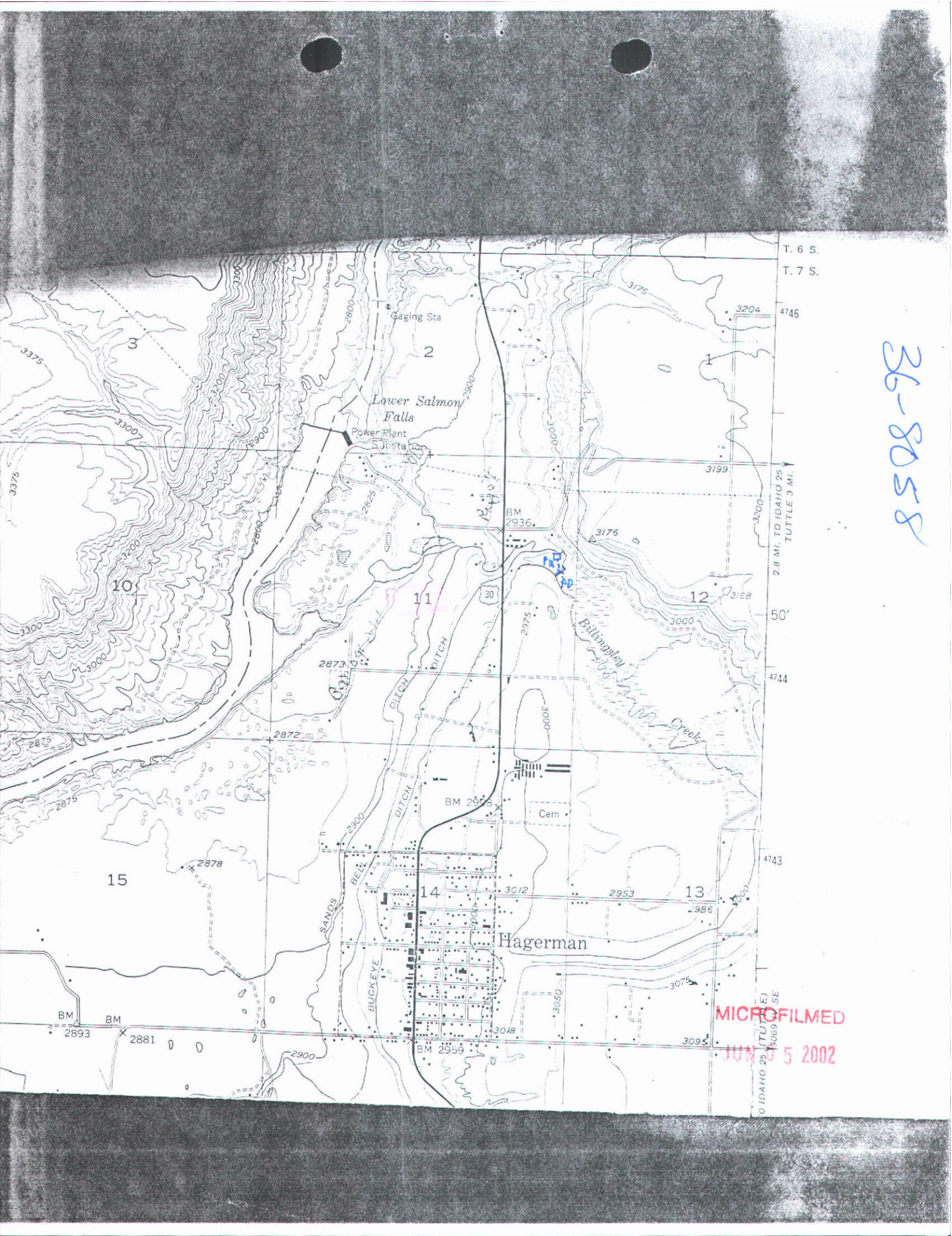
RECEIVED
MAR 13 1982
Department of Water Resources
Southern District Office

MICROFILMED
MAY 08 1981

PUBLICATION RATES
(Idaho Code, Rev. Statutes 1971)

7 pt. per line, straight	21c
7 pt. per line, tabular	315c
7 pt. per line, successive insertions	15c

No. 2766
40357


T. 6 S.
T. 7 S.
Gaging Sta
Lower Salmon Falls
Power Plant
Substation
BM 2936
2.8 MI. TO IDAHO 25
TUTTLE 3 MI.
50'
Billingsley Creek
Cem
Hagerman
BM 2893
BM 2881
BM 2959
SANDS
BELL
DITCH
BUCKEYE
MICROFILMED
JUN 05 2002

62 - 14

GENERATOR #1
75 KW

AC VOLTS

AC AMPERS

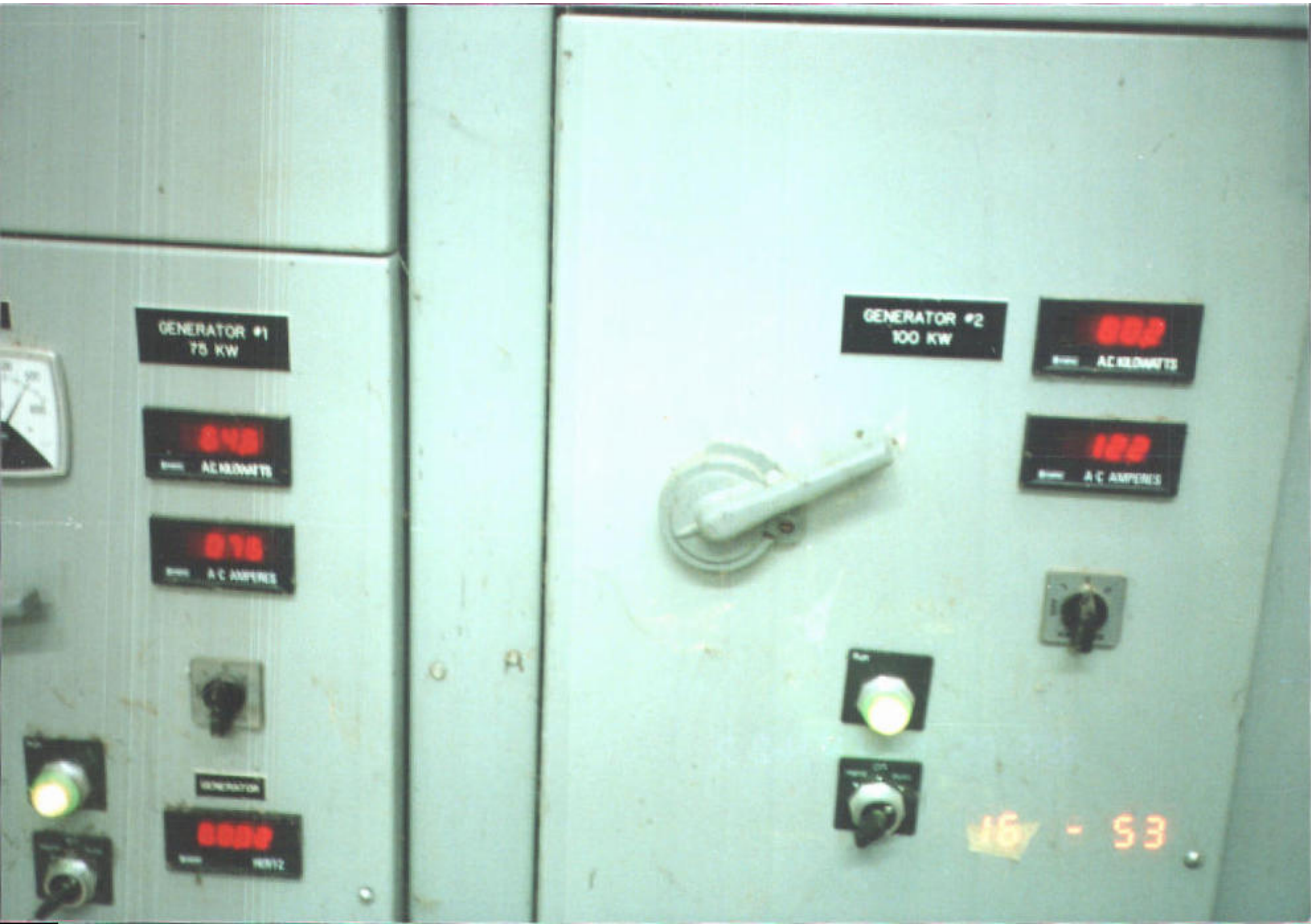
GENERATOR

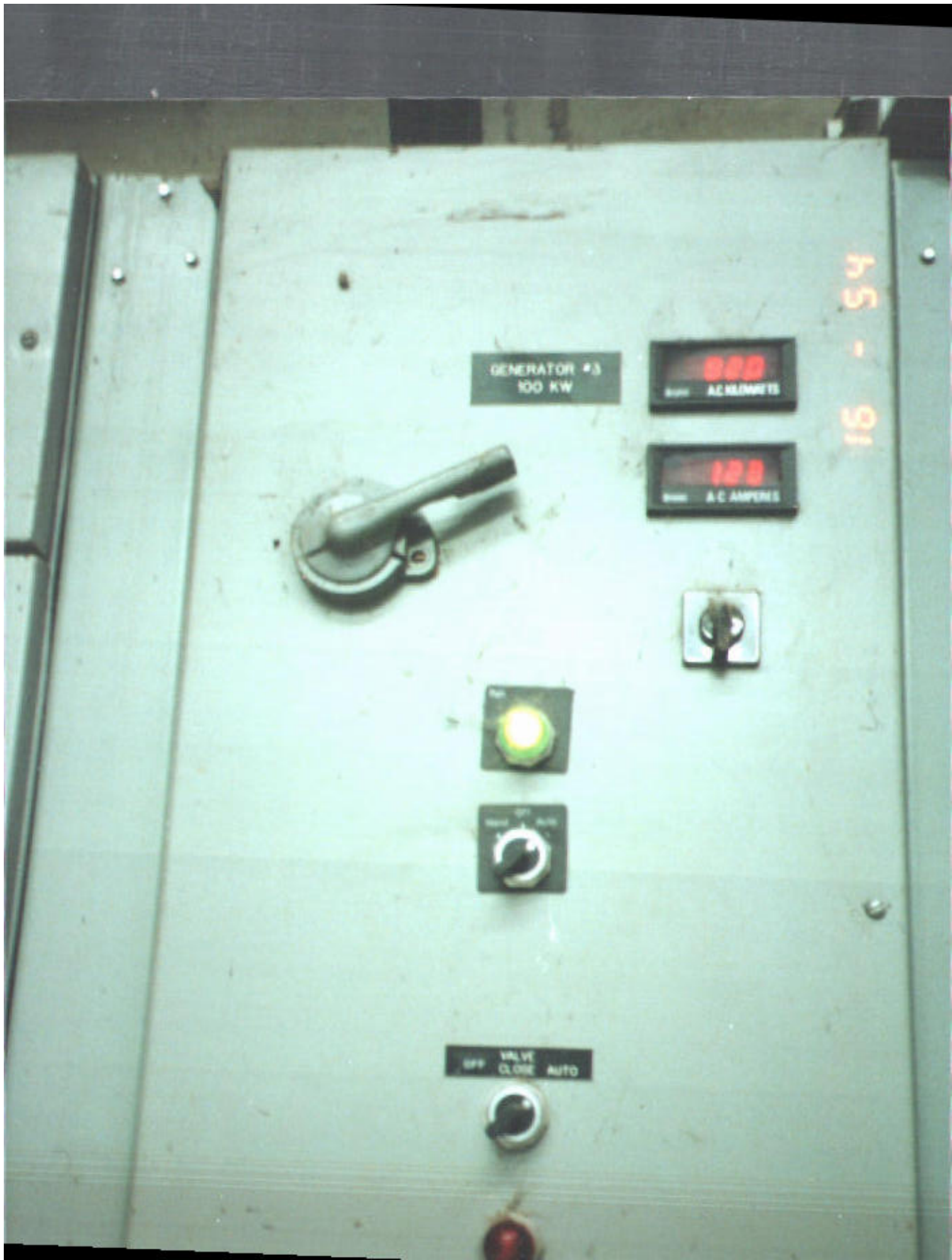
HERTZ

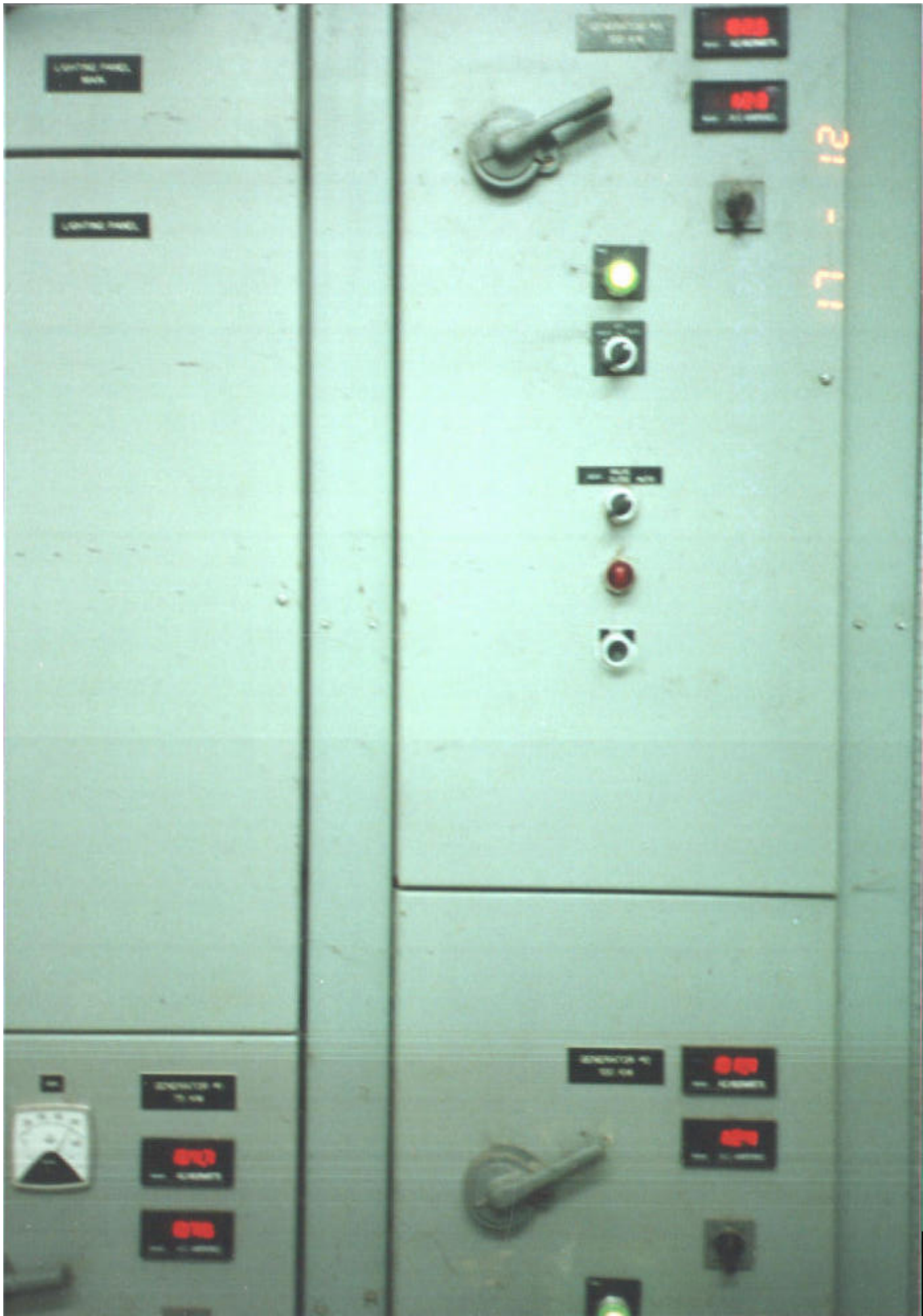
14 - 35

14 - 29

16 - 53

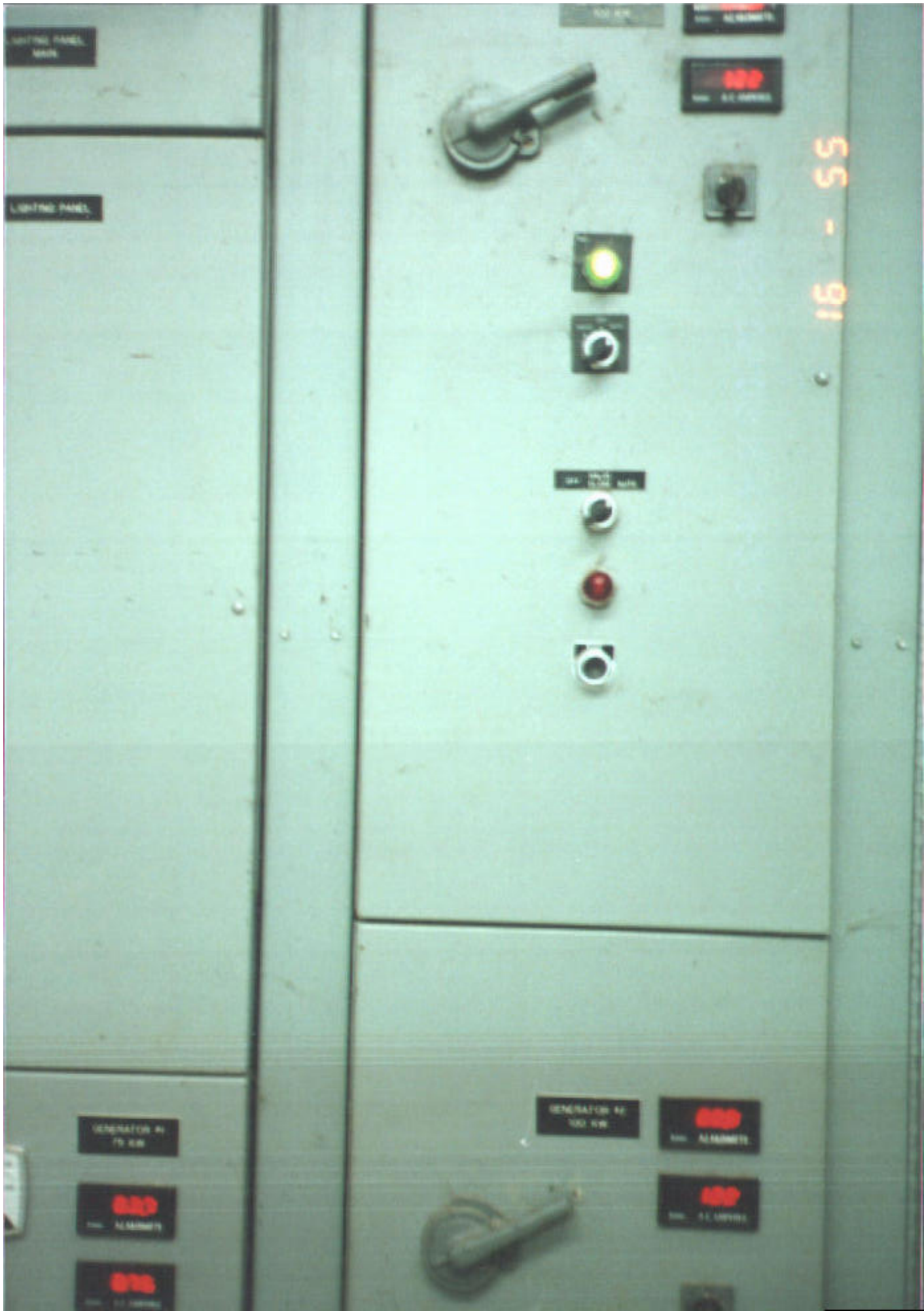

GENERATOR #1
75 KW
AC KILOWATTS
A C AMPERES
GENERATOR #2
100 KW
AC KILOWATTS
A C AMPERES
16 - 53


GENERATOR #3
100 KW
AC KILOWATTS
AC AMPERES
VALVE
OFF
CLOSE
AUTO
16 - 54

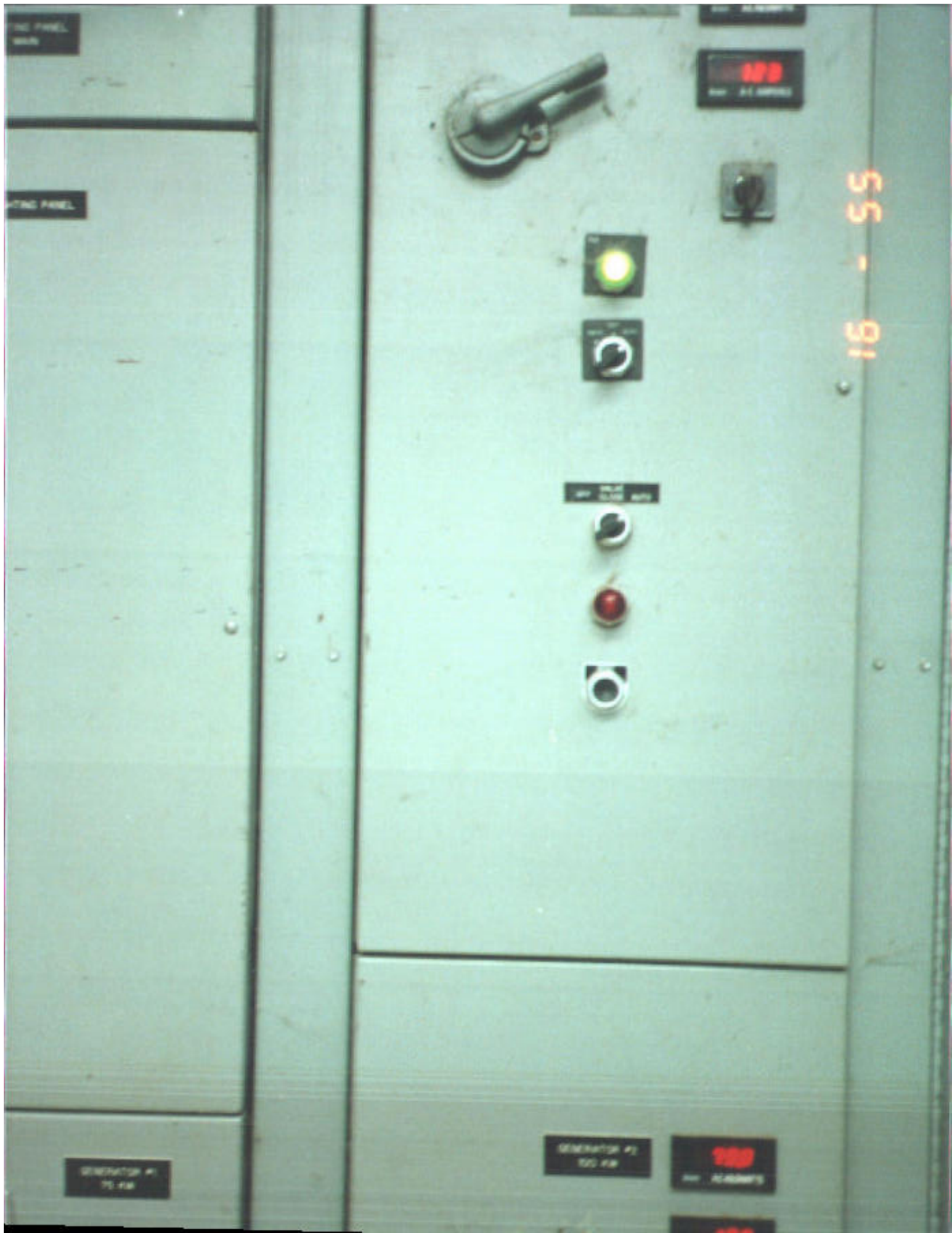


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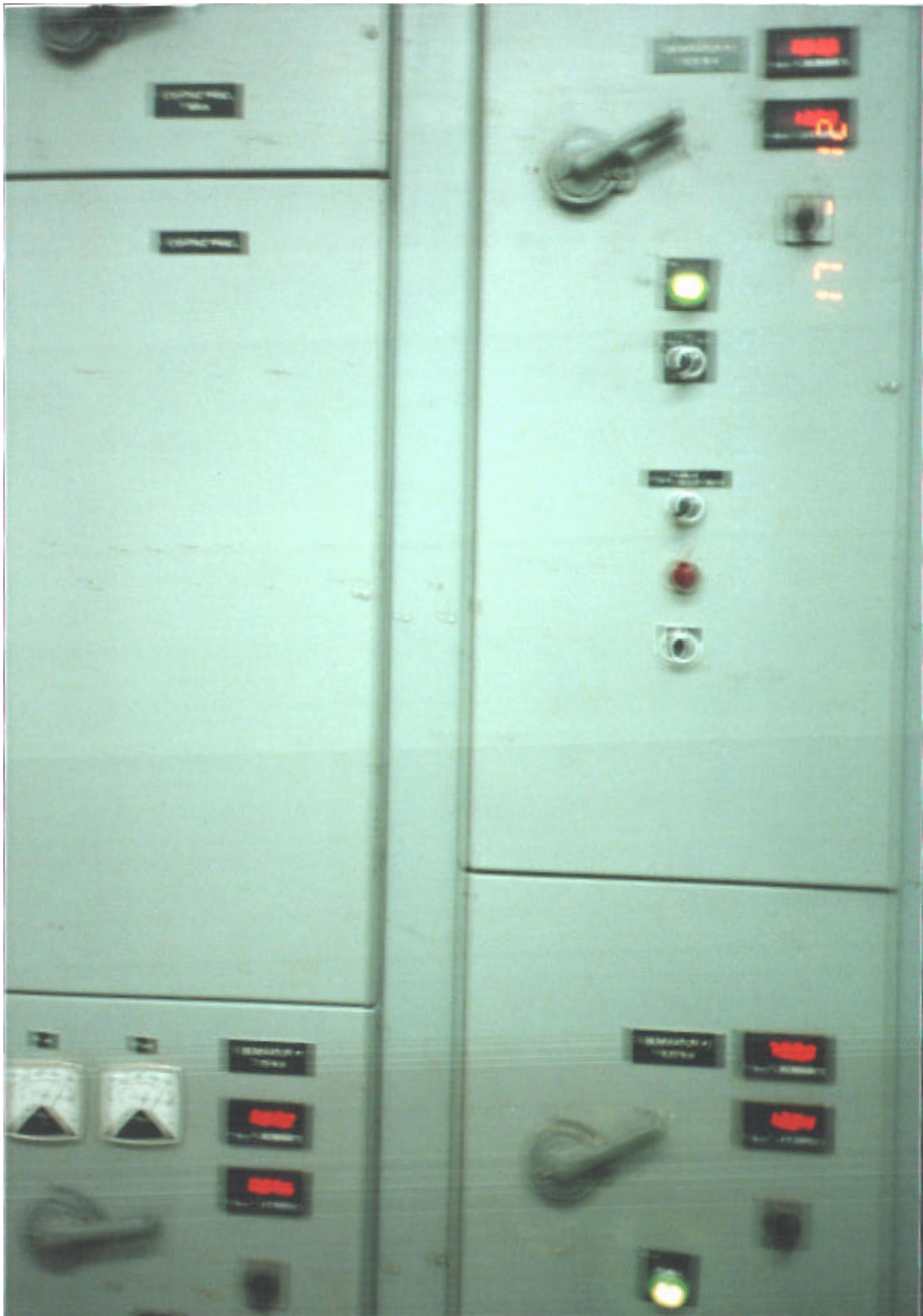
16 - 54


LIGHTING PANEL
MAIN
LIGHTING PANEL
16 - 55

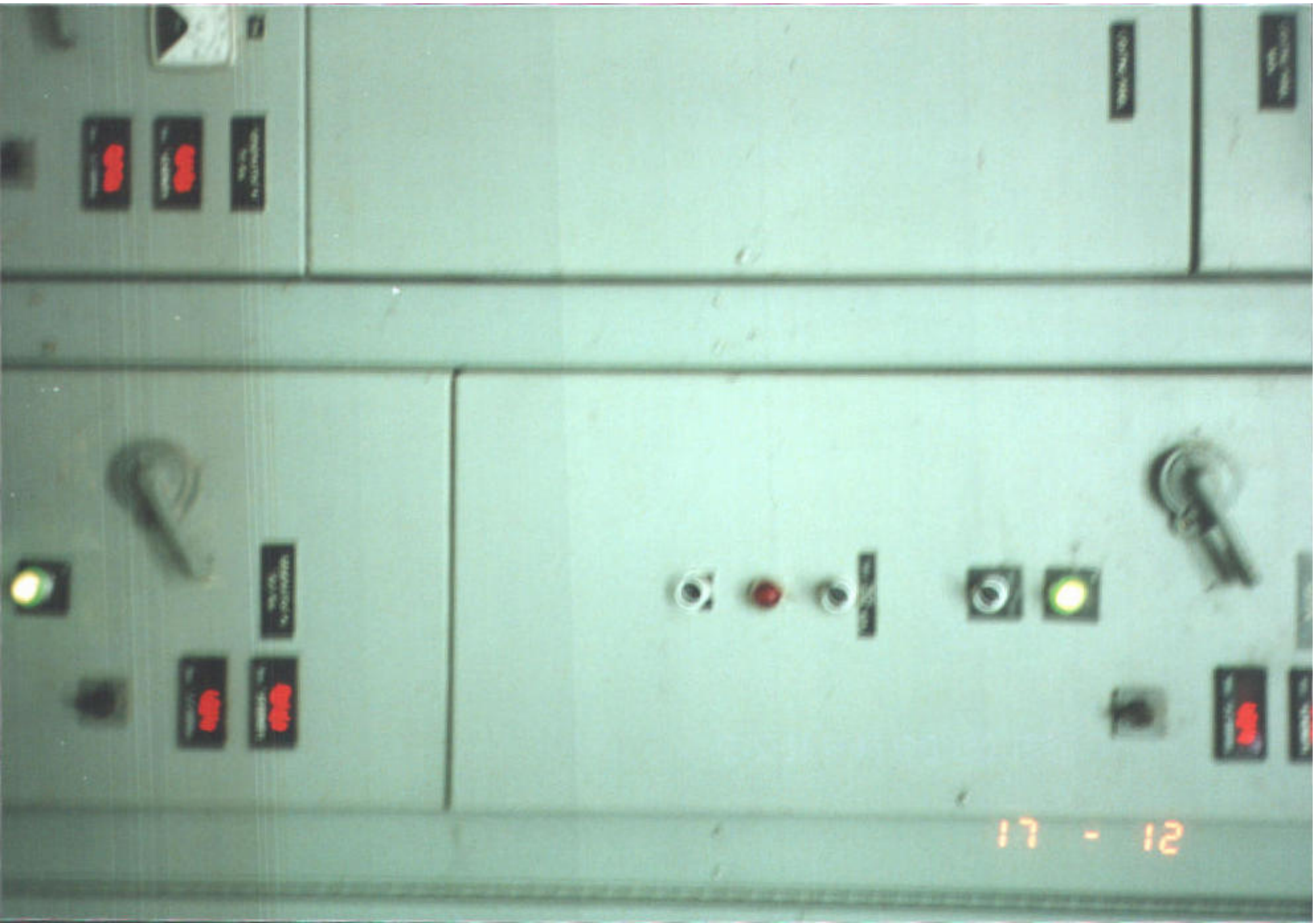
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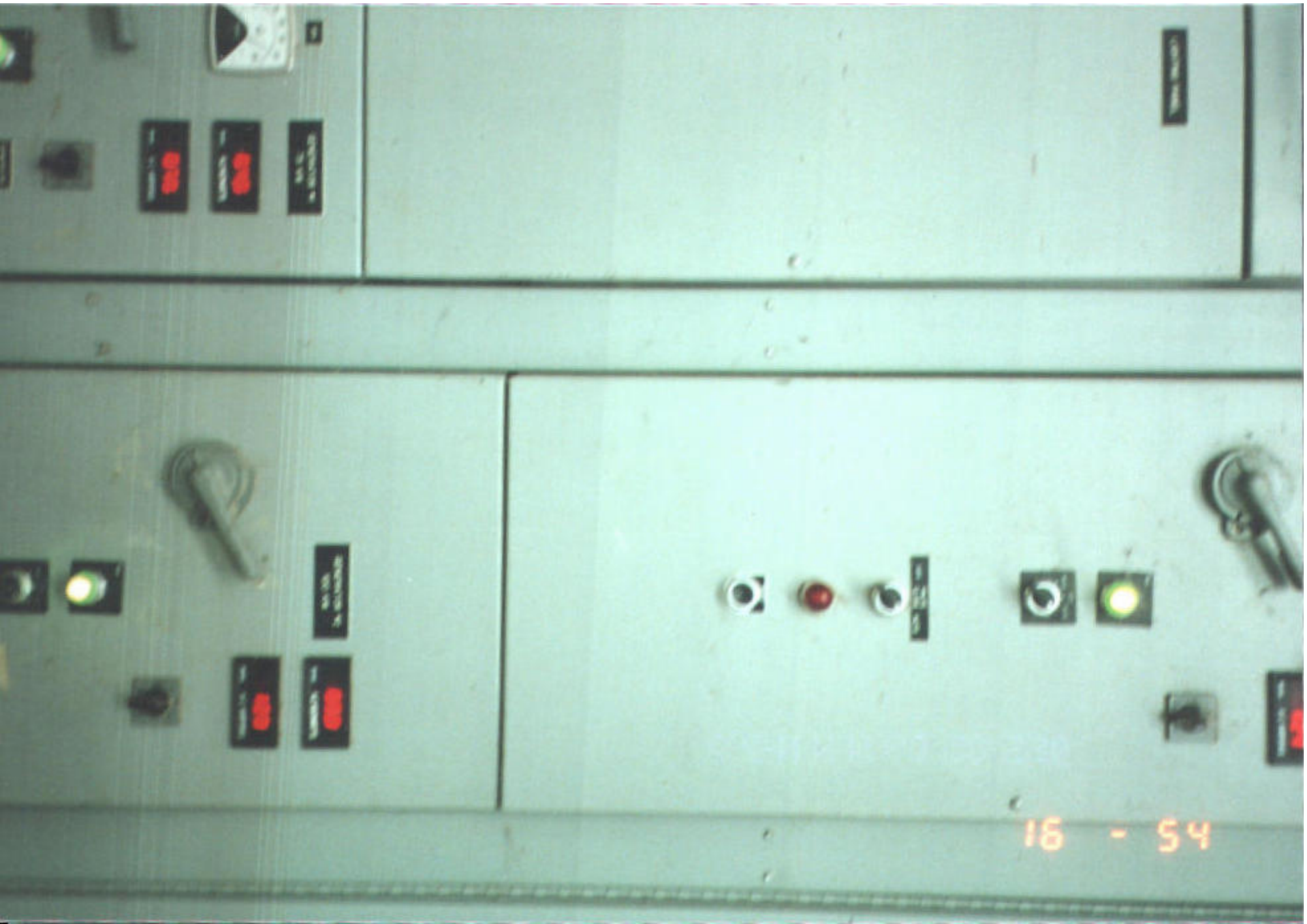

15 - 55

17 - 12

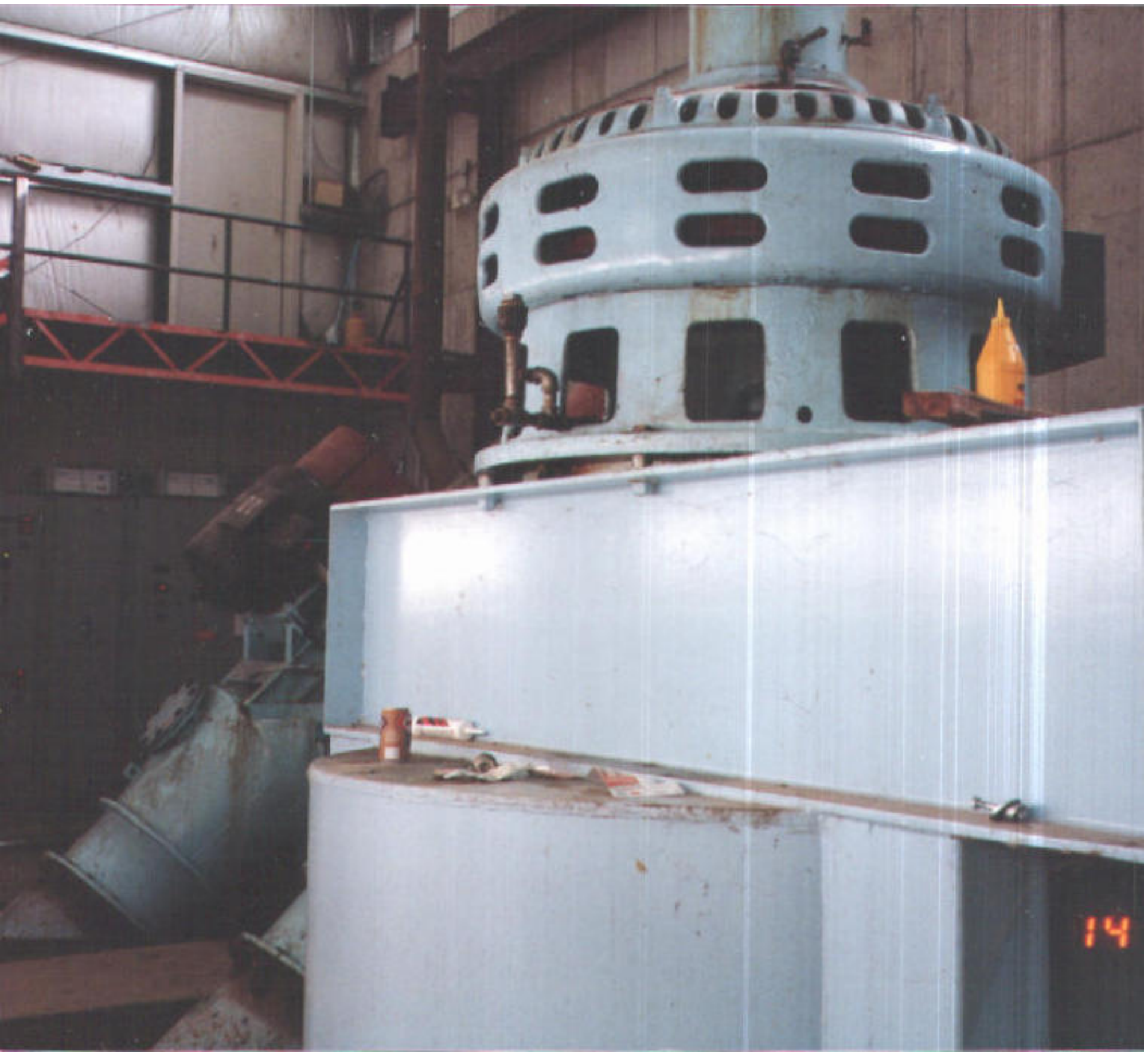


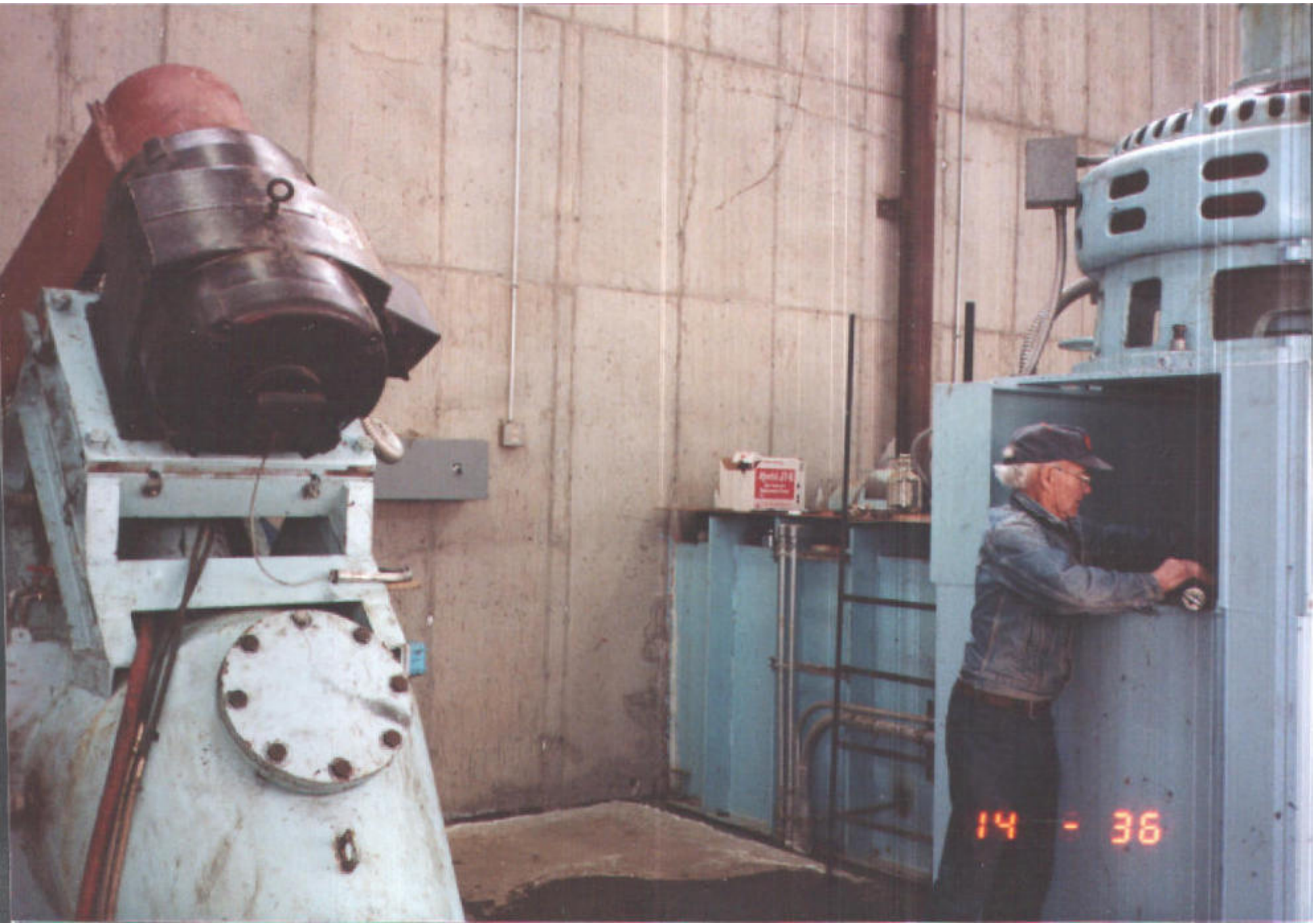
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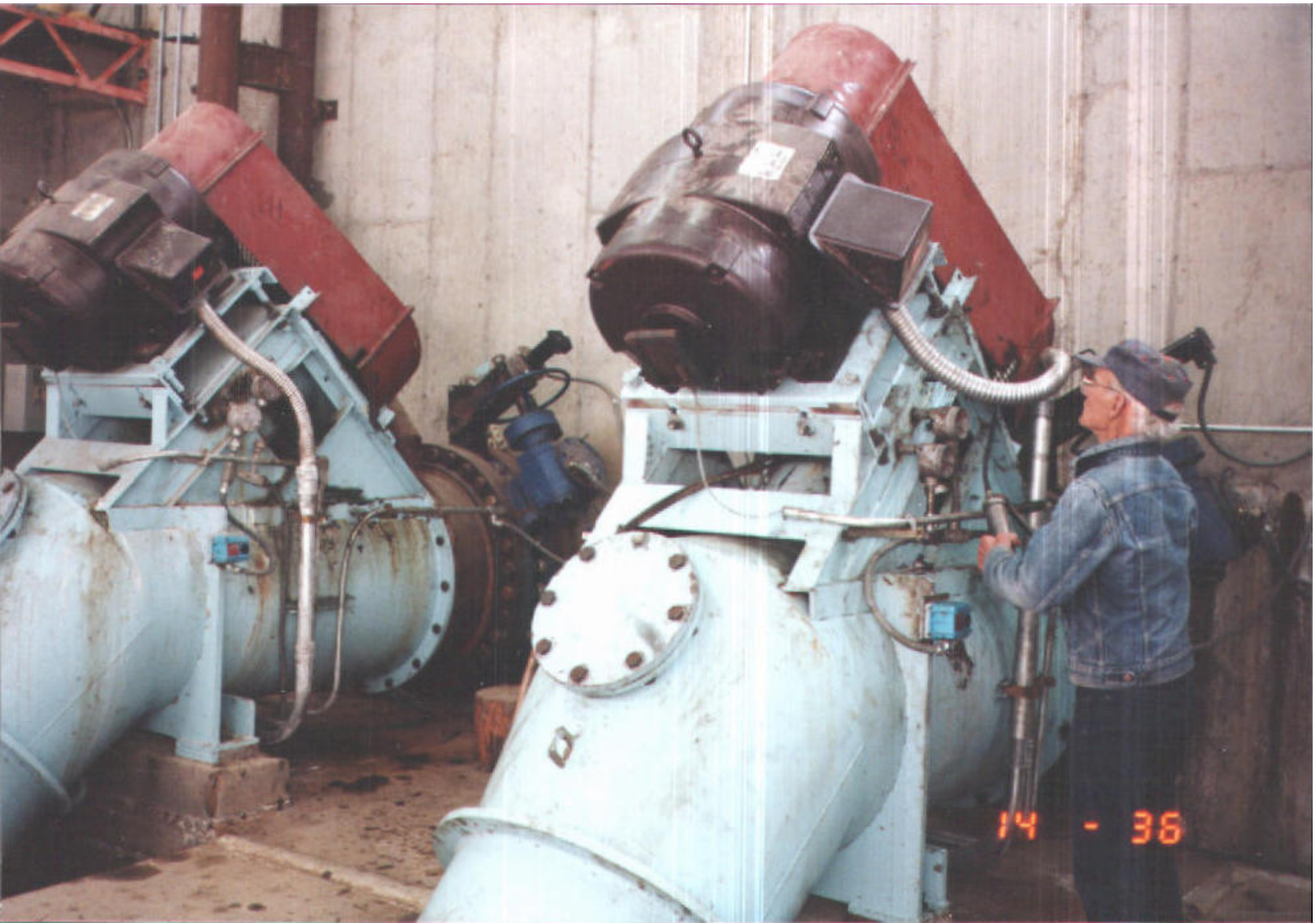

17 - 12


16 - 54




14


14 - 36


14 - 38


GENERATOR #1
75 KW
AC AMPERES
GENERATOR
HERTZ
GENERATOR #2
100 KW
AC AMPERES
14 - 31

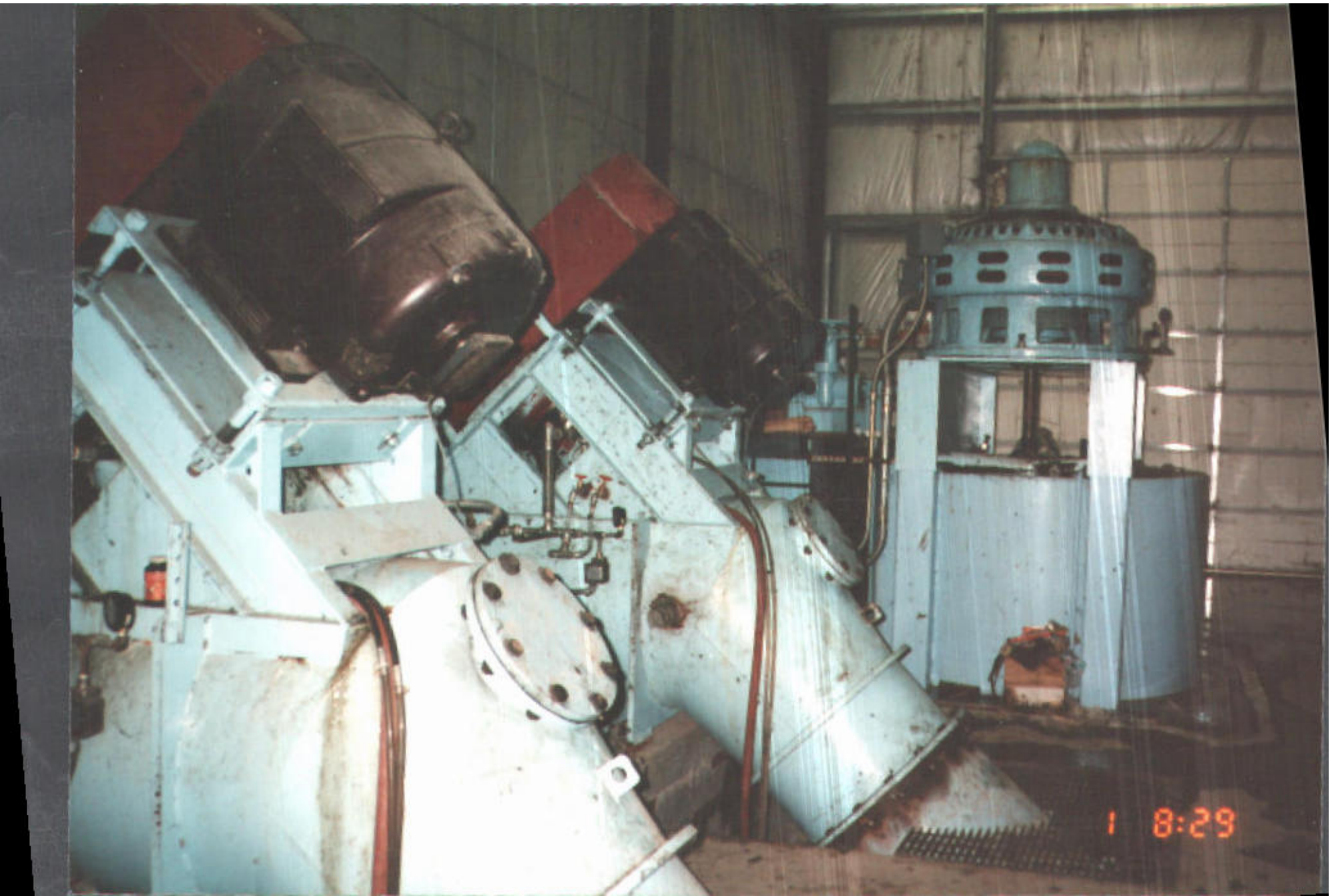

LIGHTING PANEL
MAIN
LIGHTING PANEL
82 - 41

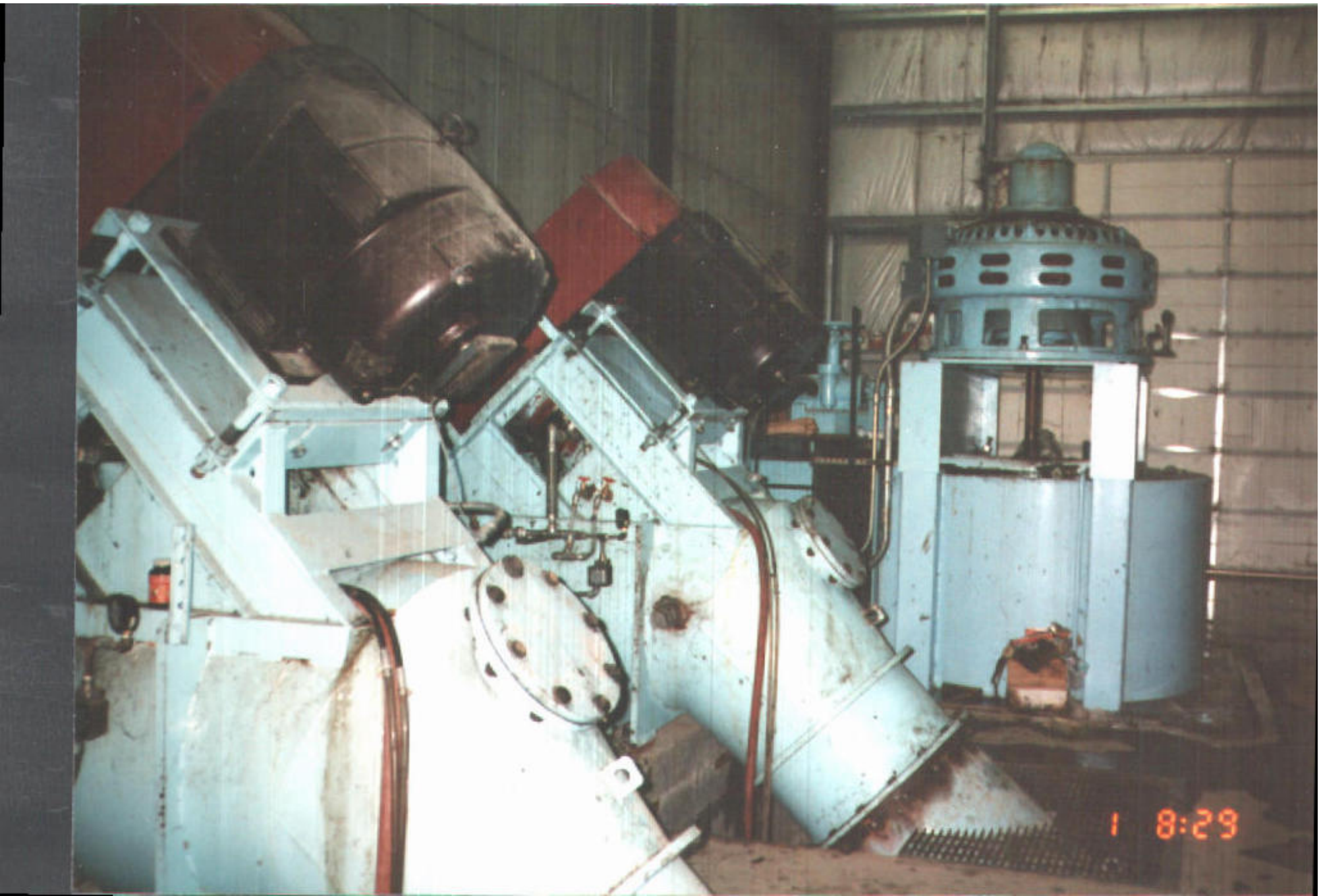

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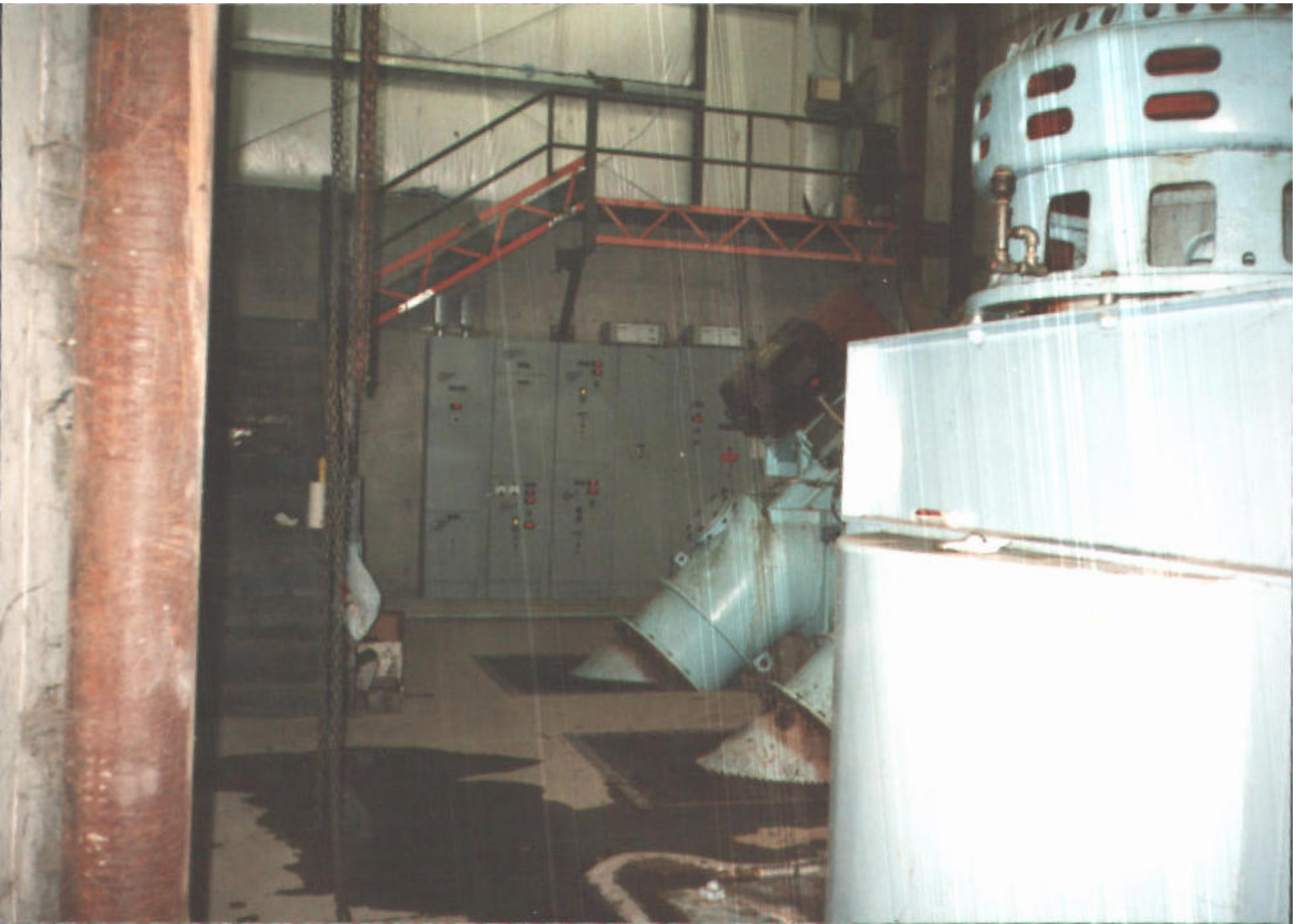

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8:35


8:35


1 8:29


1 8:29








1 8:24


1 8:22

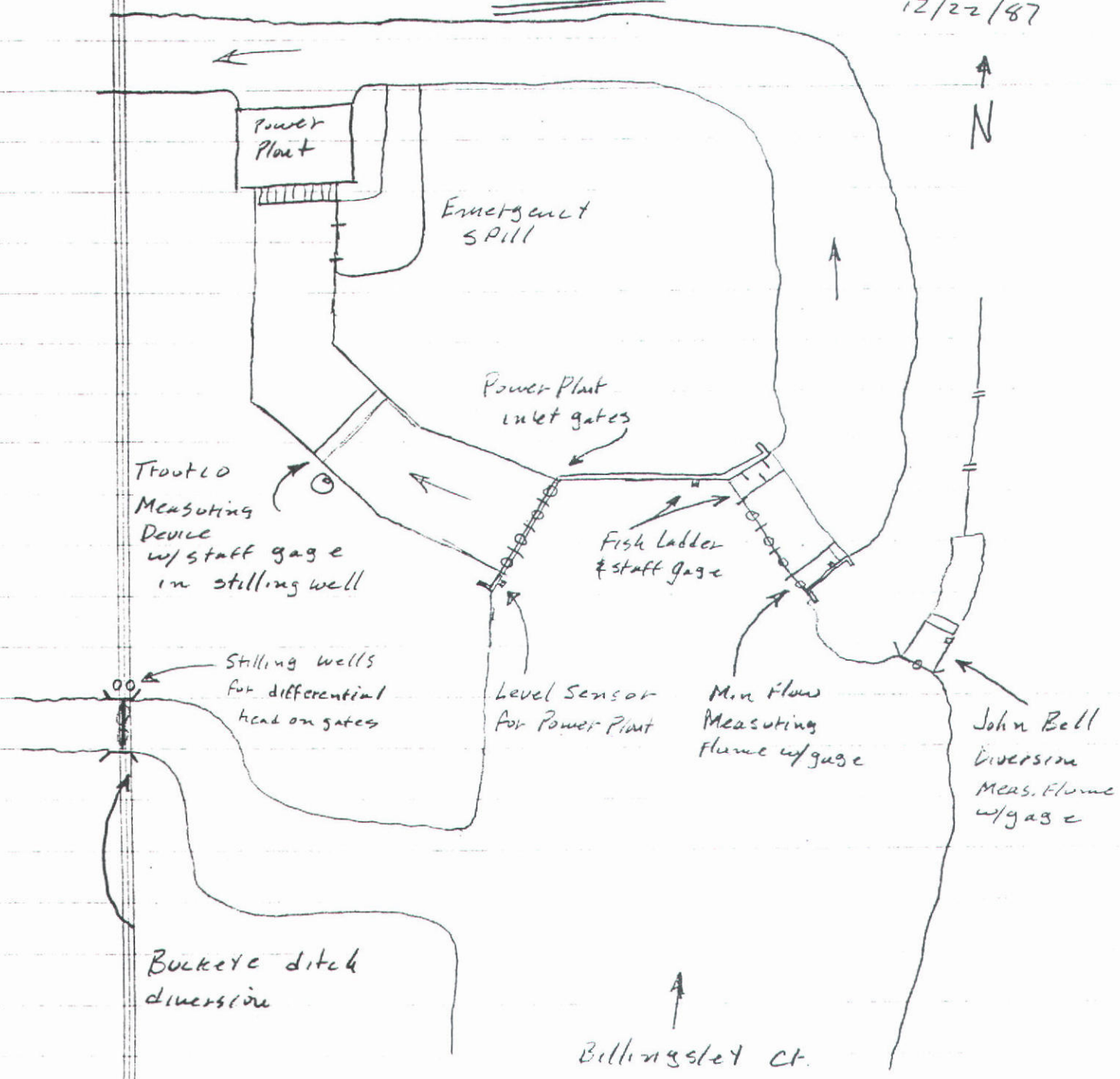




Trout Co Power Plant Schematic

No Scale

12/22/87

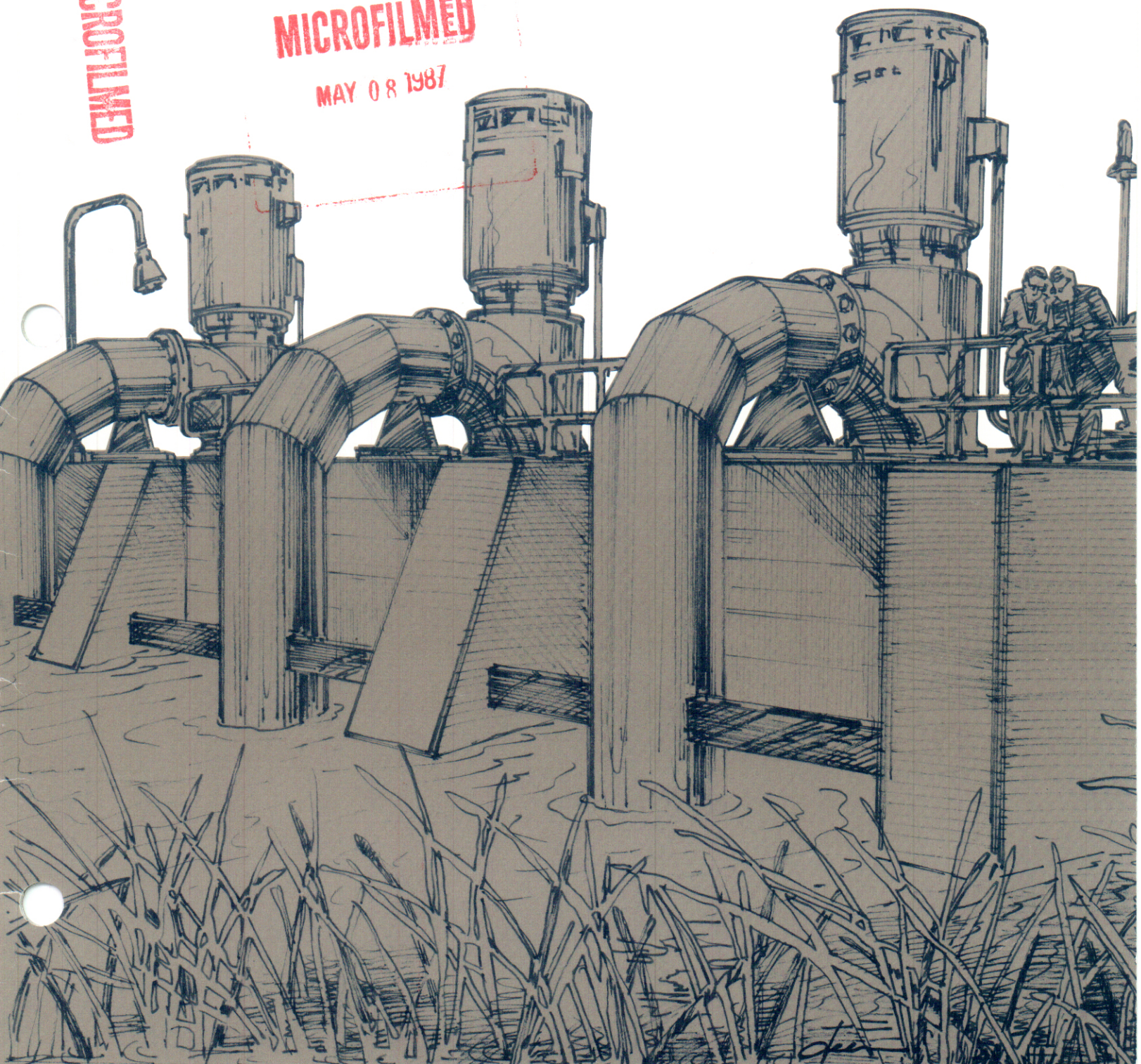


MICROFILMED
MAR 16 1989

CASCADE AXIAL FLOW PUMPS

MICROFILMED

MICROFILMED
MAY 08 1987



FORWARD

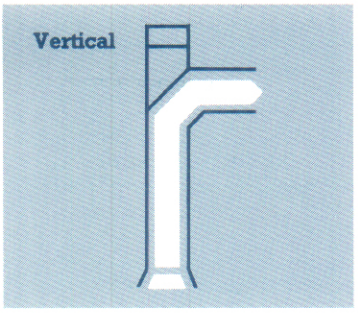
Cascade Pump Company is a lea[illegible] in the area of Axial and Mixed Flow pump design and manufacturing. Product reliability combined with sound application engineering are among the reasons for our success.

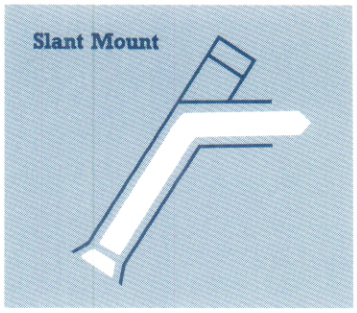
For over thirty-five years we have devoted o[illegible] skills exclusively to this unique branch of the pump industry. Our experience in environmental, industrial, water treatment, irrigation and marine applications, both domestic and foreign, gives assurance of an efficient quality engineered pumping unit when you specify Cascade.

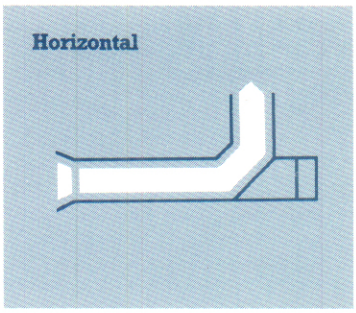
RANGE OF SERVICE

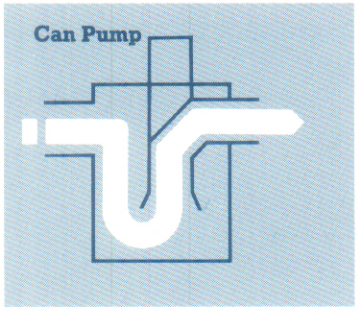
Axial Flow	Heads:	5 thru 26 feet per stage
	Capacity:	200 thru 200,000 GPM
Mixed Flow	Heads:	10 thru 40 feet per stage (To 55 feet on selected sizes)
	Capacity:	500 thru 100,000 GPM

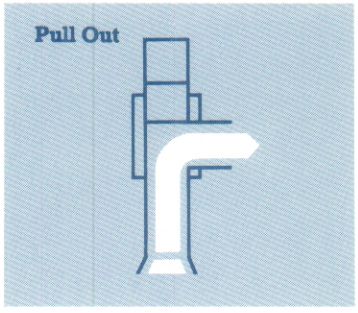
TYPICAL INSTALLATIONS

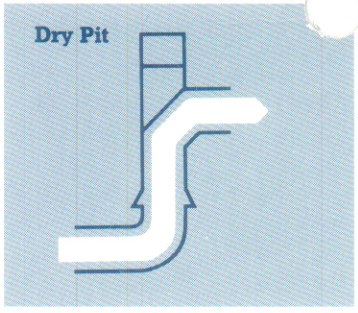


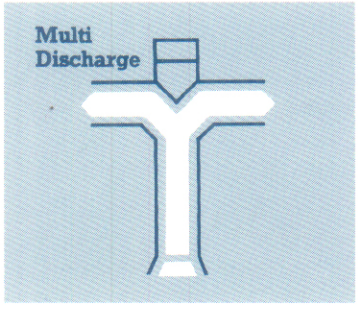


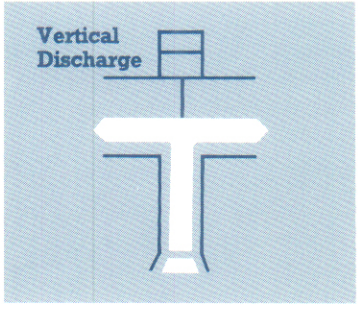


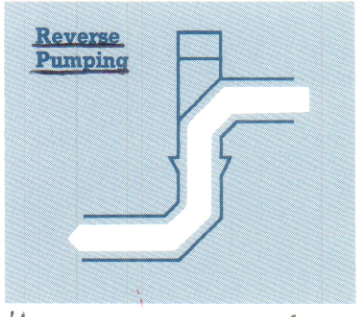












HYDRO TURBINE APPLICATION

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MAY 08 1987
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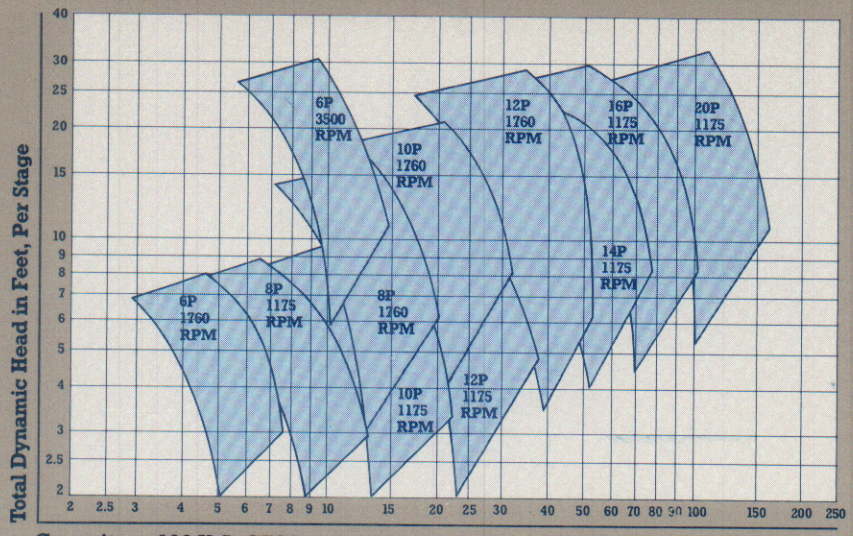
PERFORMANCE

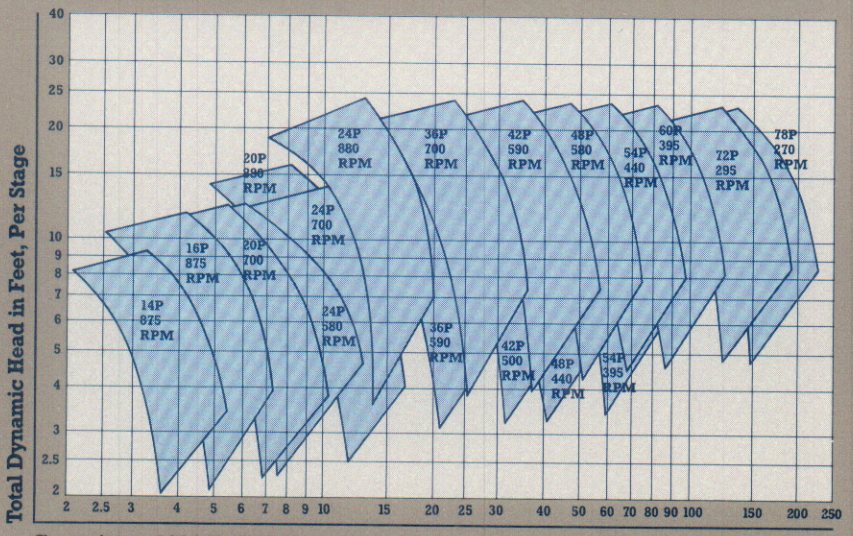
Below are predicted performance curve families showing pump sizes and full load speeds for 60 hz. operation of standard NEMA induction motors most commonly used for each given pump size.

Performance is based on pumping clear water (specific gravity 1.0) below 85°F (30°C).

These curves are to be used for guidance only. For more specific performance characteristics refer to General Catalog Curves.

For multiple, variable and other speed applications contact your Cascade representative or the factory.





ENGINEERING DATA

Standard Construction

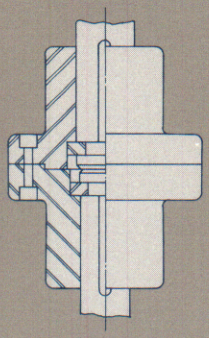
Model	6	8	10	12	14	16	20	24	36	42	48	54	60
Maximum Sphere Size	1 1/2"	2"	2 1/4"	3"	3 3/4"	3 3/4"	4 1/2"	6"	9"	10 1/2"	11 1/4"	12"	14"
Propeller Diameter (Nominal)	5 1/4"	7 1/2"	8 9/16"	10"	13"	14 1/4"	17 1/8"	20"	26"	31"	36"	41 1/8"	48"
Propeller Eye—Above Bell	3 19/32"	5 3/8"	6 1/16"	7 3/16"	9 1/4"	10"	12"	14 1/4"	18 3/8"	21 5/8"	25 7/8"	25 1/8"	34 1/16"
Shaft Diameter—Standard	3/4"	1"	1"	1 3/16"	1 3/16"	1 1/2"	1 1/2"	1 15/16"	2 3/16"	2 11/16"	2 15/16"	3 3/16"	3 15/16"
Shaft Diameter—Range	3/4"	3/4"-1"	1"	1 3/16"-1 11/16"	1 3/16"-1 11/16"	1 1/2"-2 3/16"	1 1/2"-2 3/16"	1 15/16"-2 1/16"	2 3/16"-2 11/16"	2 7/16"-3 15/16"	2 11/16"-3 15/16"	2 15/16"-3 15/16"	3 7/16"-4 3/4"
Suction Bell Diameter (E)	10"	14"	16"	19"	25"	27"	32"	38"	47"	55"	67"	64"	90"
Minimum Submergence Required (Q)*	20"	23"	27"	31"	31"	34"	42"	50"	56"	60"	70"	78"	96"
Thrust Constant 'K'	6.1	19.2	24.7	34.0	57.5	69.0	99.2	136.0	229.0	326.0	439.0	573.0	783.0
WR^2 Each Stage - Lbs. - $Ft.^2$ (Dry/Wet)	.03/.03	.15/.17	.28/.31	.60/.66	2.0/2.2	3.0/3.3	8.0/8.8	19/20.9	72/79.2	170/187	367/404	700/770	1560/1716
Maximum Bowl Working Pressure (All Models) – 75 PSIG													

*Q is the submergence normally required to avoid damaging vortices. It may be necessary to increase Q to satisfy the required NPSH of the pump.

MICROFILMED MAY 08 1987 MICROFILM

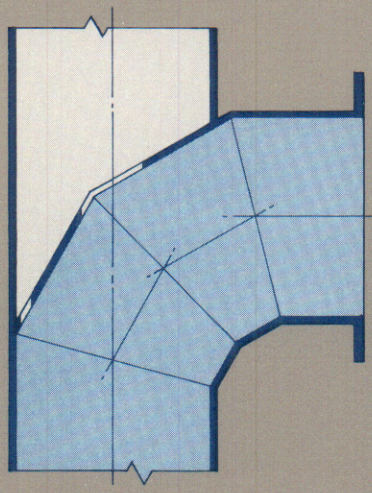
MATERIALS OF CONSTRUCTION (Standard Bronze Fitted-Oil Lubricated)

ALTERNATE COUPLING
Vertical Solid Shaft Driver

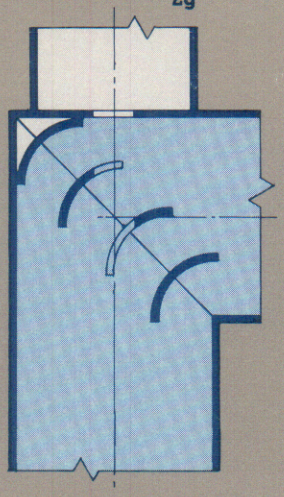


ELBOW OPTIONS

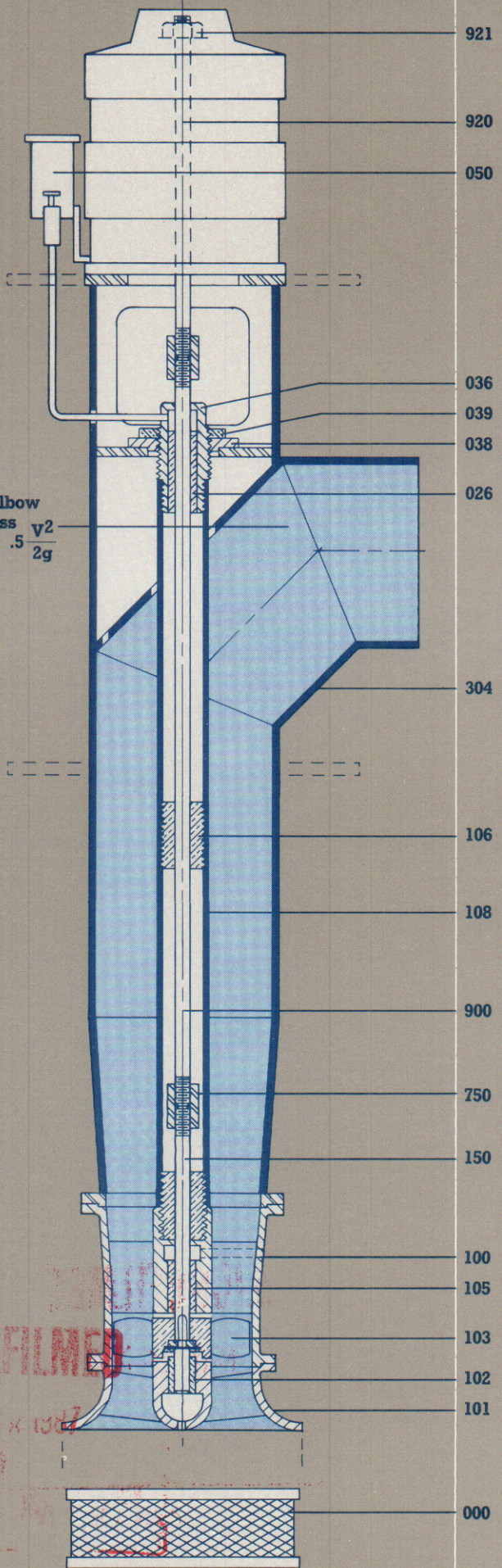
Long Radius Elbow
Friction Loss Coefficient $.25\frac{v^2}{2g}$



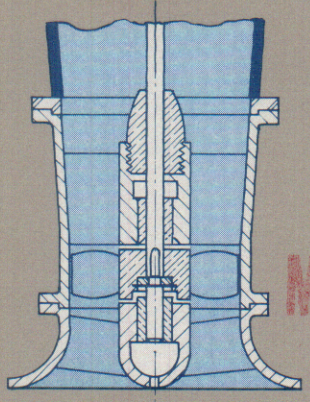
Right Angle Vaned Elbow
Friction Loss Coefficient $.25\frac{v^2}{2g}$



Standard Elbow
Friction Loss Coefficient $.5\frac{v^2}{2g}$



ALTERNATE BOWL
Product Lubricated



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MAY 0 X 1982
MICROFILMED

Part Number	Part Name	Material
921	**Adjusting nut**	Steel ASTM-A-108, gr. C-1018
920	**Head shaft/Coupling** (g)	C.F. Steel ASTM-B-108, gr. C-1045, PSQ
050	**Oil reservoir** (e) (h)	Aluminum ASTM-SC64Ds
036	**Tension nut body** (b)(g)	C.I. ASTM-A-48, Cl. 30
039	**Lock ring** (b)	Bronze ASTM-B-144, gr. 3B (CDA 932)
038	**Tension nut** (b)	C.I. ASTM-A-48, Cl. 30
026	**Tension nut body bushing** (b)(d)	Bronze ASTM-B-144, gr. 3B (CDA 932)
304	**Discharge elbow** (f)(g)	Steel ASTM-A-53, gr. B
106	**Lineshaft bearing**	Bronze ASTM-B-145, gr. 5A (CDA 844)
108	**Enclosing tube**	Sch. 80 Pipe ASTM-A-120, gr. B
900	**Lineshaft** (a)	C.F. Steel ASTM-A-108, gr. C-1045, PSQ
750	**Lineshaft coupling**	Steel ASTM-A-108, gr. C-1020
150	**Bowl shaft/Thrust collar & key** (c)	Stn. Stl. ASTM-A-276, Type 416, PSQ
100	**Discharge bowl**	C.I. ASTM-A-48, Cl. 30
105	**Discharge bowl bushing**	Bronze ASTM-B-144, gr. 3B (CDA 932)
103	**Propeller**	Bronze ASTM-B-145, gr. 4A (CDA 836)
102	**Suction bowl bushing**	Bronze ASTM-B-144, gr. 3B (CDA 932)
101	**Suction bowl**	C.I. ASTM-A-48, Cl. 30
000	**Strainer** (optional)	Galvanized steel

Notes to Material List:

(a) 416 stn. stl. on product lubrication. (See Lubrication Section)

(b) Packing box with bushing and gland furnished on product lubrication. (See Lubrication Section)

(c) No. 6, 8 and 10 utilize set screws instead of thrust collar and key.

(d) On shaft sizes 1 ½" and smaller, Part No. 036 and 026 are combined and made of bronze ASTM-B-145, gr. 4A (CDA 836).

(e) 1 Quart capacity for shaft sizes 1-11/16" and smaller.
1 Gallon capacity for shaft sizes 1-15/16" and larger.
Other capacities available

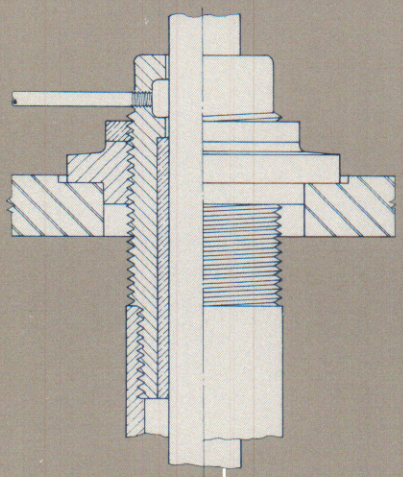
(f) Optional motor stand.

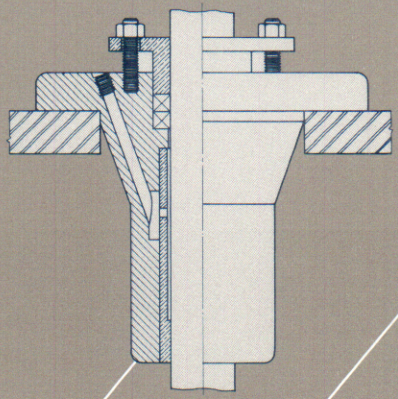
(g) Optional OSHA approved coupling guards.

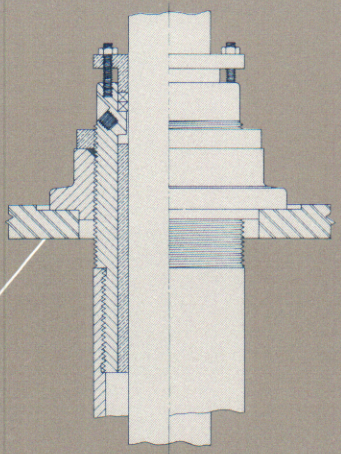
(h) Furnished with solenoid valve & dripper.

Materials on all items can be varied to meet your requirements as necessary.

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	OIL LUBRICATION	PRODUCT LUBRICATION	WATER FLUSH AND GREASE LUBRICATION		
Applications	Flood Control Storm Water Irrigation Canal Diversion Amusement Parks Booster Pumping Drainage Dewatering Tail Water Recovery Ditch Pumping	Municipal Water Circulation Process Salt Water Dry Docks Shipboard Quarries Irrigation Fish Hatcheries Chemicals	Sewage Treatment Paper Pulp Stock Pumping Steel Slag Raw Water Effluent Disposal Storm Water Mines	Flood Control Storm Water Raw Water Canal Diversion Amusement Parks Booster Pumping Drainage	Flood Control Storm Water Sewage Treatment Effluent Disposal Raw Water Drainage
Liquid Condition	Clear Water Slight Sand Slight Silt Slight Abrasive Slight Corrosive	Clear Water Potable Water Corrosive Chemicals	Severe Sand Severe Silt Severe Abrasive Severe Corrosive	Clear Water Slight Sand Slight Silt Slight Abrasive	Sand Silt Abrasive
Type Lubrication	Oil Gravity Feed	Pumped Product	Positive Water Flush	Grease Packed	Manual Pressurized Grease
Description	Gravity feed to enclosed lineshaft bearings and bowl bushings from oil reservoir with solenoid valve. Grease packed suction bowl bushing.	Open stainless steel lineshaft with fluted rubber lineshaft bearings. Grease lubricated packing box with gland.	Positive clean water flush to all bearings. Enclosed stainless steel lineshaft. Separate flushline to suction bowl bushing. Packing box with gland.	Factory grease packed enclosed lineshaft and suction bowl bushing. Gland or seal at stuffing box.	Factory grease packed enclosed lineshaft. Grease lines to bowl bearing points. Gland or seal at stuffing box.
Initial Relative Cost	1.0	1.0 — 1.2 approximately	1.2 approximately	1.2 approximately	2.0 approximately
Operation and Maintenance	1 Quart of oil per 24 hours of operation.	Packing adjustment and replacement.	Supply of clean water of 1-5 GPM at pressure higher than pump working pressure. Packing adjustment and replacement.	Periodic recharge of packed tube.	Periodic grease replenishment to system.
Alternate Construction Examples	Grease line to suction bowl bushing. Oversized oil reservoir.	Special shaft and bearing materials. Shaft sleeves. Mechanical seal. Perforated enclosing tubes.	Special shaft and bearing materials. Shaft sleeves. Lube water flow alarm system.	Grease lines to bowl bearing points. Constant pressure weight loaded lubricator.	Automatic grease pump system. Separate grease lines to all bearing points.

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TESTING LABORATORY

Factory testing per specified requirements can be very helpful where absolute performance conditions are critical and where field performance testing is not feasible.

Cascade's high capacity test facility is specifically designed for performance testing vertical wet pit axial and mixed flow pumps. Included is the ability to test prototype and model pumps with simulated field sump conditions and submergences.

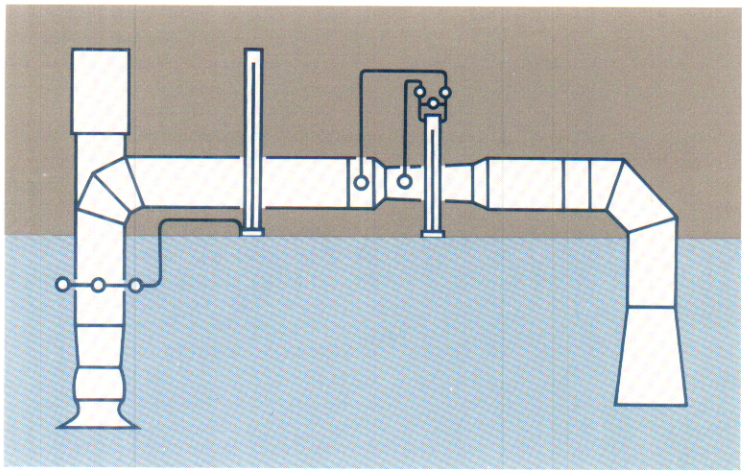
Standard test set-ups include the actual job bowl assembly with a laboratory motor and elbow. Fully or partially assembled pumps can also be tested with either job drivers or laboratory motors.

Where full size testing is not practical or economical, testing of homologous model bowl assemblies can predict full size performance using the affinity relationships.

Capacities are measured through venturi type flow meters to 110,000 GPM with discharge heads being measured from vacuum to 150 feet of water. Shaft rotative speed is measured with a magnetic transducer and counter to within .1 revolution per minute. Motor input is measured through current transformers on a watt meter to 1500 brake horsepower and can be measured on a vertical dynomometer to 250 brake horsepower.

The available power supply is 3 phase 60 H_Z 240v, 480v, 2300v and 4160v.

Hydrostatic tests can be performed when specified. These tests are normally run up to the greater of 150% shut-off pressure or 200% of maximum operating pressure. Hydrostatic testing is particularly important in dry sump applications and all pumps sold for this service include a hydrostatic test as standard.

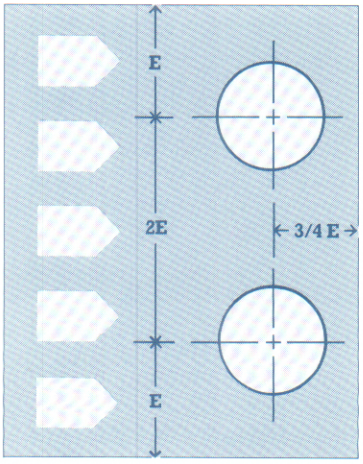


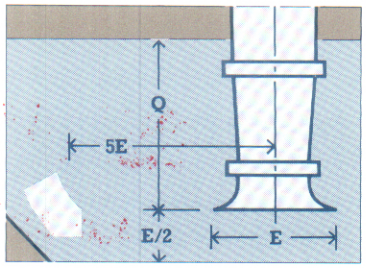
SUMP DESIGN

Proper sump design is important to efficient system operation. Water entering the sump should have minimum turbulence and a velocity of about 1 foot per second. The entrance velocity to the suction bell inlet should approximate 2 feet per second or less. It is recommended that sudden changes in sump profile be greater than 5 bell diameters away from the centerline of the pump.

Vortexing caused by improper sump design or submergence may damage the pump. Harmful vortexing can be eliminated by increasing submergence or incorporating a suction umbrella to reduce inlet velocity.

For specific recommendations on sump design contact the factory or consult the current standards of the Hydraulic Institute.





Where:

E = Suction bell diameter

Q = Minimum submergence required in average installations for continuous operation not over 4,000 ft. above sea level. For higher altitude installations refer to factory.

Submergence and bottom clearance can be reduced by the addition of a suction umbrella. Consult the factory for specific design requirements.

Refer to "Engineering Data" section of this brochure for applicable dimensions.

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SAMPLE SPECIFICATION

(Standard Pumping Application)

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General

The pump shall be of the vertical submerged axial flow propeller/mixed flow type, Cascade Model .... or approved equal. The pump is to be suspended from a mounting baseplate at elevation .... The pumping element shall be suspended on a sufficient length of column to permit dewatering the sump to elevation .... The centerline of the horizontal discharge shall be above/below the mounting baseplate at elevation .... The discharge connection shall be plain end suitable for a flexible pipe coupling/flanged with an ASA rating of ...../grooved for a rigid type pipe coupling. The suction inlet shall be flared to resist the formation of damaging vortices. The complete unit when operating within the specified head range shall be free of excessive vibration, cavitation and noise. The design of component parts shall be interchangeable with parts of like equipment. The column sections shall be flanged on each end with a register machined on centers to assure positive alignment when connected to mating parts. The maximum length of column shall be 10'0". The pump driver shall incorporate a thrust bearing capable of withstanding the hydraulic thrust produced by the pump when operating at any condition in the specified head range of the pump. Design shall be such that no damage will occur in the event of reverse rotation caused by backflow of water through the pump.

Performance Requirements

The pump shall be designed to give ... GPM while operating against a total head of ... feet as measured at the pump discharge. The total head includes the vertical difference in feet between the normal operating water level in the sump and highest water elevation in the system, all internal friction losses in the piping system and the velocity head for the design capacity. It shall be the pump manufacturer's responsibility to compute and add the internal pump losses to the total head to determine the total dynamic head of the pump. In addition to the rated head and capacity the pump must be capable of pumping .... GPM at a total head of .... feet and .... GPM at a total head of .... feet. The minimum bowl efficiency at the rated total dynamic head shall be .... %. The discharge pipe shall be sized such that the velocity of the water being pumped, at the maximum capacity condition, will not exceed 12 feet per second.

Construction

Bowl Assembly The suction and discharge bowl shall be of cast iron with a minimum tensile strength of 30,000 p.s.i. The impeller/propeller shall be cast bronze and locked to the pump shaft by a key and thrust collar.

The pump shaft shall be made from type 416 stainless steel and polished at each bearing journal. The size of the shaft shall be sufficient to safely transmit the required brake horsepower to the impeller to produce the specified performance. Bronze bushings shall be provided immediately above and below the impeller/propeller.

Discharge Elbow and Column
The elbow and column shall be of fabricated mild steel with a minimum thickness of 1/4". The elbow shall be 45° insert/long radius/right angle vaned type. The lower section may be tapered for connection to the discharge bowl.

The lineshaft shall be made from carbon steel and supported by bearings. The lineshaft bearings shall be threaded externally to act as a coupling for extra heavy steel enclosing tubes. The lineshaft bearings shall be bronze of the removable type and must be provided with a means of passing oil from one bearing to the next. A means shall be provided for tension loading of the enclosing tube.

Lubrication The lineshaft bearings shall be lubricated by a drip-feed oil system utilizing an oil reservoir, solenoid valve with a voltage of .... and needle valve dripper. The suction bowl bushing shall be grease packed.

TO EXPEDITE YOUR INQUIRY...

In requesting information for estimating or planning purposes, please advise the following: ☐ Performance Requirements (capacity and total head). ☐ Application (industrial, water treatment, marine, irrigation, etc.). ☐ Water quality. ☐ Construction. ☐ Configuration of discharge elbow. ☐ Length of pump (mounting floor elevation, sump floor elevation or sump depth). ☐ Lubrication (oil, product, water flush, grease, etc.) ☐ Type of driver (electric motor, right angle gear/engine, etc.). ☐ Any special features.

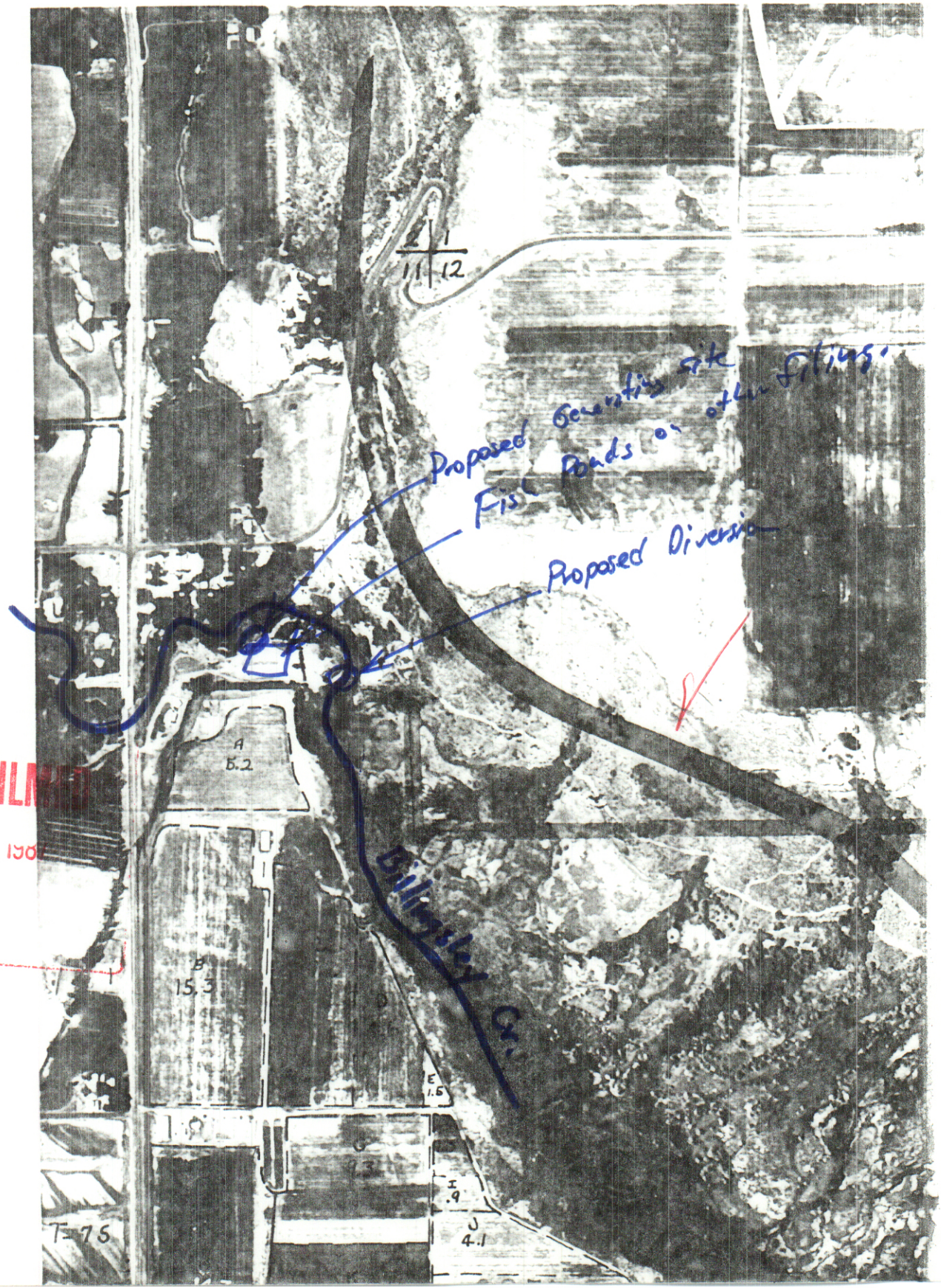
Please Note: The information contained herein is general in nature and is not intended for specific application, construction, or installation purposes. Cascade Pump Co. reserves the right to make changes in the information shown herein, add improvements, or discontinue manufacture at any time without notice or obligation.

CASCADE PUMP COMPANY
10107 South Norwalk Boulevard P.O. Box 2767 / Santa Fe Springs, California 90670-0767
213 / 946-1414 Telex: 69-8456

IDAHO PUMP SUPPLY, INC.
P.O. Box 901
Twin Falls, Idaho 83301

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HYDRAULIC INSTITUTE 1917 MEMBER



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State of Idaho
Department of Water Resources

Amended

Water Right License

Amended

WATER RIGHT NO. 36-08058

Priority: February 3,1982

Maximum Diversion Rate: 97.00 CFS
Maximum Diversion Volume: 70,200.0 AF

It is hereby certified that MICHAEL G BRANCHFLOWER And KATHERINE L BRANCHFLOWER
PO BOX 575
HAGERMAN ID 83332-0575 have complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated February 3, 1982; and have submitted Proof of Beneficial Use on February 28, 1991. An examination indicates that the works have a diversion capacity of 197.0 cfs of water from:

SOURCE
BILLINGSLEY CREEK **Tributary:** SNAKE RIVER

and a water right has been established as follows:

BENEFICIAL USE	PERIOD OF USE	DIVERSION RATE	ANNUAL DIVERSION VOLUME
POWER	01/01 to 12/31	97.00 CFS	70,200.0 AF

LOCATION OF POINT(S) OF DIVERSION:
BILLINGSLEY CREEK SE¼NE¼ Sec. 11, Twp 7S, Rge 13E, B.M. GOODING County

PLACE OF USE: POWER

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
07S 13E 11				X													

CONDITIONS OF APPROVAL

1. This right does not constitute Idaho Public Utilities Commission or Federal Energy Regulatory Commission approval that may be required.
2. Use of water under this right shall be non-consumptive.
3. Use of water under this water right will be regulated by the watermaster of State Water District No. 36A.
4. Right 36-07834 is also diverted through the point of diversion described above.
5. The rights for the use of water confirmed in this license shall be junior and subordinate to all rights for the use of water other than hydropower, within the State of Idaho that are initiated later in time than the priority of this right and shall not give rise to any right or claim against any future rights for the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this right.

State of Idaho
Department of Water Resources

Amended

Water Right License

Amended

WATER RIGHT NO. 36-08058

CONDITIONS OF APPROVAL CONTINUED

6. The diversion and use of water for hydropower purposes under this license is subject to review by the Director on or after March 1, 2011. 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 right holder shall allow a bypass flow past the diversion structure in Billingsley Creek, in conjunction with Right 36-07834, according to the schedule below:
   35 cfs from 1/1 through 9/30
   70 cfs from 10/1 through 11/15
   35 cfs from 11/16 through 12/31

8. A rated section to accurately measure and determine the rate of flow diverted to the generators shall be maintained and measuring devices of a type approved by the department shall be maintained to measure the by-pass flows.

9. The right holder shall re-rate the intake channel flow and submit the information to IDWR once every three years or as determined necessary by the Director.

10. Use of water under this approval shall comply with applicable water quality standards of the Department of Environmental Quality.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 17th day of MAY, 2002.

KARL J. DREHER
Director

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF WATER RIGHT LICENSE NO. 36-8058 IN THE NAME OF MICHAEL G. BRANCHFLOWER AND KATHERINE L. BRANCHFLOWER	)))))	**ORDER GRANTING PETITION FOR RECONSIDERATION**

This matter having come before the Department of Water Resources (Department) as a petition to reconsider the issuance of a water right license, the Department makes the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1. On March 14, 2002, the Department issued Water Right License No. 36-8058 (license) to Michael G. Branchflower and Katherine L. Branchflower (right holders) for the use of 6,800 acre-feet per year, diverted at a maximum rate 53.4 cubic feet per second, from Billingsley Creek for power generation purposes in Gooding County.

2. The license was issued as a preliminary order (order) of the Department pursuant to §67-5243, *Idaho Code,* and Rule 730 of the Department's Rules of Procedure (IDAPA 37.01.01.730).

3. On March 15, 2002, the Department served a true and correct copy of the order to the right holders by U. S. Mail.

4. Rule 730.02.a. of the Department's Rules of Procedure (IDAPA 37.01.01.730.02.a.) provides in pertinent part as follows:

> Any party may file a petition for reconsideration of this preliminary order with the hearing officer issuing the order within fourteen (14) days of the service date of this order. The hearing officer issuing this order will dispose of the petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law.

5. On March 25, 2002, the Department received a petition for reconsideration of the order (petition) from one of the right holders. In the petition the right holder asks IDWR for additional time to submit "pertinent flow information."

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CONCLUSIONS OF LAW

1. The petition was filed timely.

2. The Department should grant the petition to provide an opportunity for the right holder to submit additional information regarding the water use authorized by the license.

ORDER

IT IS HEREBY ORDERED that the petition for reconsideration of the preliminary order issuing Water Right License No. 36-8058 is **GRANTED** pursuant to §67-5243, *Idaho Code*, to allow the right holders 30 days to provide information demonstrating that the license should be changed to recognize the diversion and use of water in a greater amount than is currently authorized by the license.

IT IS FURTHER ORDERED that if the petitioners do not submit additional information in support of the petition within 30 days of the service date of this order, the March 14, 2002, preliminary order issuing the license is automatically reinstated and shall again be in full force and effect.

Dated this 1st day of April, 2002.

NORMAN C. YOUNG
Administrator, Water Management Division

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JUN 05 2002

State of Idaho
Department of Water Resources

Water Right License

WATER RIGHT NO. 36-08058

Priority: February 03,1982

Maximum Diversion Rate: 53.40 CFS
Maximum Diversion Volume: 6,800.0 AF

It is hereby certified that MICHAEL G BRANCHFLOWER And KATHERINE L BRANCHFLOWER
PO BOX 575
HAGERMAN ID 83332-0575 have complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated February 03, 1982; and have submitted Proof of Beneficial Use on February 28, 1991. An examination indicates that the works have a diversion capacity of 153.4 cfs of water from:

SOURCE
BILLINGSLEY CREEK **Tributary:** SNAKE RIVER

and a water right has been established as follows:

BENEFICIAL USE	PERIOD OF USE	DIVERSION RATE	ANNUAL DIVERSION VOLUME
POWER	01/01 to 12/31	53.40 CFS	6,800.0 AF

LOCATION OF POINT OF DIVERSION:
BILLINGSLEY CREEK SE¼NE¼ Sec. 11, Twp 07S, Rge 13E, B.M., GOODING County

PLACE OF USE: POWER

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
07S 13E 11				X													

CONDITIONS OF APPROVAL

1. This right does not constitute Idaho Public Utilities Commission or Federal Energy Regulatory Commission approval that may be required.
2. Use of water under this right shall be non-consumptive.
3. Use of water under this water right will be regulated by the watermaster of State Water District No. 36A.
4. Right 36-07834 is also diverted through the point of diversion described above.
5. The rights for the use of water confirmed in this license shall be junior and subordinate to all rights for the use of water other than hydropower, within the State of Idaho that are initiated later in time than the priority of this right and shall not give rise to any right or claim against any future rights for the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this right.
6. The diversion and use of water for hydropower purposes under this license is subject to review by the Director on or after March 1, 2011. Upon appropriate findings relative to the interest of the public, the Director may cancel all or any part of the use authorized herein and may revise, delete or add conditions under which the right may be exercised.

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State of Idaho
Department of Water Resources

Water Right License

WATER RIGHT NO. 36-08058

7. The right holder shall allow a bypass flow past the diversion structure in Billingsley Creek, in conjunction with Right 36-07834, according to the schedule below:
   35 cfs from 1/1 through 9/30
   70 cfs from 10/1 through 11/15
   35 cfs from 11/16 through 12/31

8. A rated section to accurately measure and determine the rate of flow diverted to the generators shall be maintained and measuring devices of a type approved by the department shall be maintained to measure the by-pass flows.

9. The right holder shall re-rate the intake channel flow and submit the information to IDWR once every three years or as determined necessary by the Director.

10. Use of water under this approval shall comply with applicable water quality standards of the Department of Environmental Quality.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 14TH day of MARCH, 2002.

Acting for KARL J. DREHER
Director

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 20, 2002

MICHAEL G BRANCHFLOWER
KATHERINE L BRANCHFLOWER
PO BOX 575
HAGERMAN ID 83332-0575

RE: Water Right License 36-8058

Dear Mr. And Mrs. Branchflower:

The Department of Water Resources (IDWR) has issued the enclosed amended Water Right License for Water Right 36-8058. The license has been amended to change the authorized diversion rate and annual diversion volume. The amended license is an **amended preliminary order** issued by the Department pursuant to §67-5243, *Idaho Code*. It supersedes the Water Right License issued on March 14, 2002. **The preliminary order can and will become a final order without further action of the Department unless a party petitions for reconsideration or files an exception and/or brief as further described in the enclosed information sheet.**

If you have questions, please contact me at (208) 327-7946.

Sincerely,

Shelley W. Keen

Shelley W. Keen
Water Rights Supervisor

Enclosure

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CERTIFICATE OF MAILING

I hereby certify that on the **20th** day of **May, 2002**, I mailed a true and correct copy, postage prepaid, of the foregoing **PRELIMINARY ORDER (Approved License)** to the person(s) listed below:

Water Right No. 36-8058

MICHAEL G BRANCHFLOWER
KATHERINE L BRANCHFLOWER
PO BOX 575
HAGERMAN ID 83332-0575

Kari Lynn Townsend
Secretary

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JUN 11 2002

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

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FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

> Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:
>
> (a) the petition for reconsideration is disposed of; or
> (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

i. A hearing was held,
ii. The final agency action was taken,
iii. The party seeking review of the order resides, or
iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

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MEMORANDUM

DATE: May 17, 2002

TO: Water Right File 36-8058

FROM: Shelley W. Keen (SWK)

RE: Licensed diversion rate

Water Right License 36-8058 is being amended to change the authorized diversion rate from 53.4 cfs to 97.0 cfs. The original rate of 53.4 cfs was based on records from 1995, which is the best set of flow data available since the permit was issued. The right holder petitioned for reconsideration of the license, asserting that the rate should be higher. On April 30, 2002, the right holder submitted data sheets obtained from John Sandy, the original permit holder, showing the KW being generated by the three turbines at the power plant in December of 1990. Using the rating curve established by C. E. Brockway in 1988, the data shows that the flow was 197 cfs. The rating curve correlates a KW reading for turbine one with a certain flow rate, depending on how many turbines are operating. One hundred cfs was licensed under water right no. 36-7834, leaving 97 cfs to be licensed under this right. The annual diversion volume is also being adjusted in accordance with the change to the diversion rate.

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Keen, Shelley

From: Luke, Tim
Sent: Friday, May 10, 2002 12:02 PM
To: Keen, Shelley
Subject: RE: Message from Keen, Shelley

To File

Shelley,
I recall that there was a gage on Billingsley Creek at one time. I know too that there have been miscellaneous measurements at a number of different locations on the creek. Your best bet would be to talk to Bill Ondrechen to get past station data. Hydrology also has a USGS book of all miscellaneous measurement sites and measurements through 1977 but there is no similar report or book for post 1977 data other than what is in the individual annual reports. The planning section has been working with the board on several minimum instream flow applications on Billingsley Creek and may already have the data you are seeking. Try contacting Dee Carlson or Bill Graham. They have used some of our reported diversion measurement data for their instream flow analysis, applications or proposals.

-----Original Message-----
From: Keen, Shelley
Sent: Friday, May 10, 2002 10:39 AM
To: Luke, Tim
Subject: Message from Keen, Shelley

5/13/2002

I spoke with Dee Carlson, who told me that she and Bill Ondrechen could not find any recent flow measurement data on Billingsley Creek.

Shelley Keen

5/16/2002

Today I spoke with Mike Branchflower about the "Gen On/Off" data column. He said he contacted Bob Parkinson of Current Control in Jerome who originally designed + installed the monitoring system. According to Mr. Branchflower, Parkinson told him that 0 = off and 1 = on, but the data wasn't reliable. The "KW" column was more reliable. Mr. Branchflower is going to try to find a page showing "1221" in the data. Shelley Keen

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36-8058

RECEIVED
MAY 1 2002
DEPARTMENT OF WATER RESOURCES

RECEIVED
APR 30 2002
DEPARTMENT OF WATER RESOURCES

TROUTCO HYDROELECTRIC PROJECT

DISCHARGE RATING FOR LEFFEL TURBINE UNIT

LEFFEL KW METER READING KW	LEFFEL UNIT ONLY CFS	WITH UNIT 2 OPERATING CFS	WITH UNIT 3 OPERATING CFS	WITH UNITS 2&3 OPERATING CFS
0 *	14.2	87.5	90.3	162.8
5	19.1	92.4	95.2	167.7
10	23.4	96.6	99.4	171.9
15	27.0	100.2	102.9	175.4
20	30.0	103.3	105.9	178.5
25	32.6	105.9	108.5	181.1
30	34.9	108.3	110.7	183.4
35	37.0	110.4	112.7	185.5
40	38.9	112.5	114.6	187.4
45	40.9	114.5	116.5	189.4
50	42.9	116.5	118.6	191.4
55	45.1	118.7	120.8	193.7
60	47.7	121.2	123.4	196.2
65	50.6	124.1	126.4	199.1
**0		73.3	75.9	148.5

* LEFFEL UNIT OPERATING IN SYNC
** LEFFEL UNIT GATES CLOSED

REVISED 6/1/88
C.E. BROCKWAY P.E.

DISCHARGE CHECKS	UNITS RUNNING	LEFFEL READING KW	CURRENT METER CFS	RATING CURVE CFS	DIFF. %
DEC. 21, 1989 CEB	1&3	59.15	123.7	123.0	0.6

MICROFILMED

36-8058

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MAY 1 2002
DEPARTMENT OF WATER RESOURCES

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APR 30 2002
DEPARTMENT OF WATER RESOURCES

TIME HR:MN	WATER LEVEL inch	GEN ON/ OFF	KW 1	KW 2	KW 3	SPEED 1 HZ	SPEED 2 RPM	SPEED 3 RPM	IPC O/C	MS 500 O/C	FAULT TABLE
:09	33.4	011	61.5	080.1	082.5	60.1	1200	1212			
00:09	33.6	011	61.5	081.0	083.7	60.1	1207	1214	1	2	
00:10	33.4	011	61.5	080.0	081.1	60.1	1207	1212	1	2	
00:10	33.4	011	61.5	081.5	081.5	60.1	1208	1213	1	2	
00:11	33.4	011	61.5	079.0	082.1	60.1	1207	1213	1	2	
00:11	33.4	011	61.5	080.5	081.7	60.1	1207	1212	1	2	
00:12	33.4	011	61.5	079.1	082.3	60.1	1208	1213	1	2	
00:12	33.4	011	61.5	081.1	081.7	60.1	1207	1212	1	2	
00:13	33.4	011	61.5	081.0	081.5	60.1	1207	1213	1	2	
00:13	33.4	011	61.5	079.0	082.3	60.1	1207	1213	1	2	
00:14	33.4	011	61.5	080.0	082.5	60.1	1207	1213	1	2	
00:14	33.4	011	61.5	081.4	082.7	60.1	1207	1213	1	2	
00:15	33.2	011	61.5	080.1	081.9	60.1	1207	1213	1	2	
00:15	33.4	011	61.5	081.5	082.7	60.1	1208	1212	1	2	
00:16	33.4	011	61.5	081.0	082.5	60.1	1207	1213	1	2	
00:16	33.4	011	61.5	079.8	080.1	60.1	1207	1212	1	2	
00:17	33.4	011	61.5	079.4	081.7	60.1	1207	1212	1	2	
00:17	33.6	011	61.5	080.0	081.7	60.1	1207	1213	1	2	
00:18	33.4	011	61.5	078.2	081.3	60.1	1207	1213	1	2	
00:18	33.4	011	61.5	081.5	081.9	60.1	1207	1213	1	2	
00:19	33.2	011	61.5	079.0	081.3	60.1	1207	1214	1	2	
00:19	33.4	011	61.5	079.1	080.9	60.1	1207	1213	1	2	
00:20	33.4	011	61.5	080.0	082.1	60.1	1207	1213	1	2	
00:20	33.2	011	61.5	080.0	081.3	60.1	1207	1213	1	2	
00:21	33.4	011	61.5	081.7	082.3	60.1	1207	1213	1	2	
00:21	33.2	011	61.5	080.0	080.7	60.1	1207	1213	1	2	
00:22	32.7	011	61.5	080.4	082.0	60.1	1207	1212	1	2	
00:22	33.2	011	61.5	080.4	081.7	60.1	1207	1212	1	2	
00:23	32.9	011	61.5	080.0	082.5	60.1	1208	1213	1	2	
00:23	32.9	011	61.5	078.2	081.3	60.1	1207	1212	1	2	
00:24	32.9	011	61.5	079.0	079.0	60.1	1207	1212	1	2	
00:24	32.7	011	61.5	078.8	080.7	60.1	1207	1212	1	2	

12/06/90 -340 (0-OFF,OPEN; 1-ON,CLOSED) SANDY HYDROPOWER STATION

TIME HR:MN	WATER LEVEL inch	GEN ON/ OFF	KW 1	KW 2	KW 3	SPEED 1 HZ	SPEED 2 RPM	SPEED 3 RPM	IPC O/C	MS 500 O/C	FAULT TABLE
00:01	32.7	011	61.5	079.8	080.5	60.1	1207	1213	1	2	
00:01	32.7	011	61.5	080.6	081.5	60.1	1207	1213	1	2	
00:02	32.9	011	61.5	078.4	080.3	60.1	1208	1212	1	2	
00:02	32.5	011	61.5	078.4	080.5	60.1	1207	1212	1	2	
00:03	32.7	011	61.5	080.6	081.1	60.1	1207	1213	1	2	
00:03	32.5	011	61.5	079.4	080.7	60.1	1207	1211	1	2	
00:04	32.7	011	61.5	079.2	081.4	60.1	1208	1212	1	2	
00:04	32.7	011	61.5	080.2	080.5	60.1	1207	1213	1	2	
00:05	32.5	011	61.5	078.5	080.3	60.1	1208	1212	1	2	
00:05	32.5	011	61.5	078.2	081.0	60.1	1207	1212	1	2	
00:06	32.5	011	61.5	077.6	081.4	60.1	1208	1213	1	2	
00:06	32.0	011	61.5	078.8	081.0	60.1	1207	1213	1	2	
00:07	32.5	011	61.5	077.6	080.0	60.1	1208	1212	1	2	
00:07	32.0	011	61.5	078.0	079.0	60.1	1207	1213	1	2	
00:08	32.2	011	61.5	077.2	080.1	60.1	1208	1213	1	2	
00:08	32.2	011	61.5	077.2	078.8	60.1	1207	1213	1	2	
00:09	32.2	011	61.5	078.4	078.5	60.1	1207	1213	1	2	
00:09	32.5	011	61.5	076.6	080.0	60.1	1207	1212	1	2	
00:10	32.5	011	61.5	077.2	080.4	60.1	1207	1211	1	2	
:10	32.0	011	61.5	077.4	079.4	60.1	1207	1212	1	2	
:11	33.2	011	61.5	080.1	082.9	60.1	1207	1213	1	2	
00:11	33.2	011	61.5	080.5	082.9	60.1	1207	1213	1	2	
00:12	33.4	011	61.5	080.5	082.5	60.1	1207	1213	1	2	
00:12	33.2	011	61.5	080.4	081.3	60.1	1207	1212	1	2	
00											

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LOW WATER -Gen 2 at 00:13.

00:13	38.9	001	61.[redacted]	000.0	088.0	60.1	00[redacted]	1214	1	2

LOW WATER -Gen 2 at 00:1[redacted]

LOW WATER -Gen 2 at 00:14.

00:14	35.8	011	61.5	082.7	084.3	60.1	1208	1213	1	2
[redacted]:14	34.1	011	61.5	080.1	082.5	60.1	1207	1212	1	2
[redacted]:15	35.1	011	61.5	082.5	080.5	60.1	1208	1214	1	2
00:15	34.4	011	61.5	081.5	084.3	60.1	1206	1214	1	2
00:16	34.4	011	61.5	080.5	081.1	60.1	1208	1213	1	2
00:16	34.4	011	61.5	081.5	081.9	60.1	1208	1214	1	2
00:17	34.4	011	61.5	080.5	083.9	60.1	1208	1213	1	2
00:17	34.4	011	61.5	080.7	081.9	60.1	1207	1213	1	2
00:18	34.1	011	61.5	081.5	081.9	60.1	1208	1213	1	2
00:18	34.1	011	61.5	080.1	081.9	60.1	1208	1213	1	2
00:19	33.9	011	61.5	080.5	082.3	60.1	1208	1213	1	2
00:19	33.9	011	61.5	079.4	082.7	60.1	1208	1212	1	2
00:20	34.9	011	61.5	081.5	080.7	60.1	1208	1213	1	2
00:20	33.9	011	61.5	081.5	082.9	60.1	1207	1213	1	2
00:21	34.1	011	61.5	081.0	081.9	60.1	1207	1213	1	2
00:21	34.4	011	61.5	080.2	082.7	60.1	1207	1213	1	2
00:22	33.9	011	61.5	080.0	081.9	60.1	1208	1213	1	2
00:22	33.9	011	61.5	080.0	081.9	60.1	1208	1212	1	2
00:23	34.4	011	61.5	080.1	080.3	60.1	1208	1213	1	2
00:23	34.1	011	61.5	080.4	082.9	60.1	1207	1213	1	2
00:24	33.9	011	61.5	080.5	082.5	60.1	1207	1214	1	2
00:24	33.9	011	61.5	081.5	082.7	60.1	1207	1213	1	2

FR- 12/07/90 -341 (0-OFF,OPEN; 1-ON,CLOSED) SANDY HYDROPOWER STATION

TIME HR:MN	WATER LEVEL inch	GEN ON/ OFF	KW 1	KW 2	KW 3	SPEED 1 HZ	SPEED 2 RPM	SPEED 3 RPM	IPC O/C	MS 500 O/C	FAULT TABLE
00:01	33.9	011	61.5	078.1	082.3	60.1	1207	1213	1	2	
00:01	33.9	011	61.5	080.1	081.0	60.1	1208	1213	1	2	
00:02	33.6	011	61.5	080.5	084.7	60.1	1207	1213	1	2	
00:02	34.1	011	61.5	079.1	082.9	60.1	1208	1212	1	2	
00:03	34.1	011	61.5	080.5	080.7	60.1	1207	1212	1	2	
00:03	33.6	011	61.5	080.4	080.3	60.1	1207	1213	1	2	
00:04	33.6	011	61.5	080.0	082.5	60.1	1207	1213	1	2	
00:04	33.6	011	61.5	081.5	081.4	60.1	1207	1212	1	2	
00:05	33.9	011	61.5	080.1	079.9	60.1	1207	1213	1	2	
00:05	33.6	011	61.5	080.1	080.7	60.1	1208	1213	1	2	
00:06	33.6	011	61.5	081.5	081.5	60.1	1207	1214	1	2	
00:06	33.6	011	61.5	080.4	081.7	60.1	1206	1214	1	2	
00:07	33.4	011	61.5	080.8	080.0	60.1	1207	1213	1	2	
00:07	33.9	011	61.5	077.5	080.3	60.1	1208	1212	1	2	
00:08	33.6	011	61.5	080.0	081.5	60.1	1207	1213	1	2	
00:08	33.6	011	61.5	079.0	081.5	60.1	1207	1213	1	2	
00:09	33.4	011	61.5	079.5	081.3	60.1	1208	1213	1	2	
00:09	33.6	011	61.5	080.8	081.4	60.1	1207	1212	1	2	
00:10	34.1	011	61.5	079.5	081.5	60.1	1207	1212	1	2	
00:10	33.6	011	61.5	080.0	081.1	60.1	1208	1213	1	2	
00:11	33.9	011	61.5	080.0	079.5	60.1	1207	1213	1	2	
00:11	33.9	011	61.5	080.0	080.5	60.1	1207	1212	1	2	
00:12	34.1	011	61.5	081.6	083.5	60.1	1207	1213	1	2	
00:12	33.9	011	61.5	079.4	081.0	60.1	1207	1213	1	2	
[redacted]:13	33.9	011	61.5	080.1	078.5	60.1	1207	1212	1	2	
[redacted]:13	33.9	011	61.5	080.4	082.5	60.1	1207	1213	1	2	
00:14	33.9	011	61.5	080.7	080.3	60.1	1207	1212	1	2	
00:14	33.9	011	61.5	080.1	079.0	60.1	1207	1212	1	2	
00:15	33.9	011	61.5	080.0	081.1	60.1	1207	1213	1	2	
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:15	34.1	011	61.5	079.5	079.4	60.1	1207	1213	1	2
00:16	34.1	011	61.5	080.4	080.7	60.1	1207	1213	1	2
00:16	33.9	011	61.5	080.0	080.0	60.1	1207	1212	1	2
00:17	34.1	011	61.5	080.5	080.2	60.1	1207	1212	1	2
00:17	33.9	011	61.5	080.5	080.8	60.1	1207	1213	1	2
00:18	34.1	011	61.5	080.0	081.4	60.1	1208	1214	1	2
00:18	34.1	011	61.5	081.8	080.1	60.1	1208	1212	1	2
00:19	34.1	011	61.5	080.1	080.5	60.1	1208	1213	1	2
00:19	34.1	011	61.5	080.5	081.7	60.1	1208	1213	1	2
00:20	34.1	011	61.5	080.0	080.0	60.1	1206	1212	1	2
00:20	33.9	011	61.5	080.5	080.7	60.1	1207	1213	1	2
00:21	34.4	011	61.5	080.7	082.1	60.1	1207	1213	1	2
00:21	34.9	011	61.5	080.5	080.0	60.1	1208	1212	1	2
00:22	34.1	011	61.5	080.3	081.4	60.1	1208	1213	1	2
00:22	33.9	011	61.5	080.0	080.7	60.1	1207	1212	1	2
00:23	34.1	011	61.5	079.4	080.1	60.1	1207	1212	1	2
00:23	33.9	011	61.5	079.0	081.5	60.1	1207	1212	1	2
00:24	34.4	011	61.5	081.5	080.0	60.1	1207	1212	1	2
00:24	34.1	011	61.5	081.5	080.5	60.1	1207	1213	1	2

SB- 12/08/90 -342 (0-OFF,OPEN; 1-ON,CLOSED) SANDY HYDROPOWER STATION

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DEPARTMENT OF WATER RESOURCES

TIME	WATER LEVEL	GEN ON/	KW			SPEED			IPC	MS 500	FAULT
						1	2	3			
HR:MN	inch	OFF	1	2	3	HZ	RPM	RPM	O/C	O/C	TABLE
00:01	33.9	011	61.5	078.5	077.0	60.1	1207	1212	1	2	
00:01	33.9	011	61.5	080.7	078.5	60.1	1207	1212	1	2	
00:02	33.9	011	61.5	080.1	079.7	60.1	1207	1213	1	2	
00:02	33.4	011	61.5	081.7	081.1	60.1	1208	1213	1	2	
00:03	33.9	011	61.5	081.4	078.2	60.1	1207	1213	1	2	
00:03	33.9	011	61.5	080.5	080.1	60.1	1208	1212	1	2	
00:04	34.1	011	61.5	080.0	081.3	60.1	1205	1213	1	2	
00:04	33.9	011	61.5	080.1	080.0	60.1	1207	1212	1	2	
00:05	34.1	011	61.5	078.8	080.0	60.1	1207	1212	1	2	
00:05	33.9	011	61.5	081.5	080.4	60.1	1208	1212	1	2	
00:06	33.9	011	61.5	078.1	081.0	60.1	1207	1213	1	2	
00:06	33.6	011	61.5	080.0	079.4	60.1	1207	1213	1	2	
00:07	33.9	011	61.5	080.5	078.4	60.1	1208	1213	1	2	
00:07	34.1	011	61.5	080.4	079.1	60.1	1207	1212	1	2	
00:08	33.6	011	61.5	080.5	080.5	60.1	1207	1213	1	2	
00:08	33.6	011	61.5	080.0	079.7	60.1	1208	1213	1	2	
00:09	33.9	011	61.5	079.4	078.5	60.1	1207	1212	1	2	
00:09	33.9	011	61.5	080.0	080.2	60.1	1207	1212	1	2	
00:10	33.9	011	61.5	079.2	080.5	60.1	1207	1213	1	2	
00:10	33.9	011	61.5	079.0	079.7	60.1	1207	1212	1	2	
00:11	33.4	011	61.5	081.1	080.0	60.1	1208	1212	1	2	
00:11	34.1	011	61.5	081.0	081.0	60.1	1207	1212	1	2	
00:12	34.1	011	61.5	080.4	081.0	60.1	1207	1213	1	2	
00:12	34.1	011	61.5	081.5	080.1	60.1	1207	1212	1	2	
00:13	33.9	011	61.5	080.0	079.0	60.1	1207	1212	1	2	
00:13	33.9	011	61.5	078.0	079.5	60.1	1207	1211	1	2	
00:14	33.1	011	61.5	079.5	080.0	60.1	1207	1212	1	2	
00:14	33.9	011	61.5	078.5	080.4	60.1	1207	1213	1	2	
00:15	34.1	011	61.5	081.1	079.0	60.1	1207	1212	1	2	
00:15	34.1	011	61.5	080.4	080.5	60.1	1207	1212	1	2	
00:16	34.1	011	61.5	081.5	080.8	60.1	1207	1212	1	2	
00:16	34.1	011	61.5	080.4	080.8	60.1	1207	1212	1	2	
00:17	33.9	011	61.5	078.0	080.2	60.1	1208	1212	1	2	
00:17	34.1	011	61.5	080.0	079.5	60.1	1207	1212	1	2	
00:18	33.9	011	61.5	080.2	079.5	60.1	1208	1212	1	2	
00:18	34.1	011	61.5	080.5	080.5	60.1	1207	1213	1	2	
00:19	34.4	011	61.5	081.5	080.5	60.1	1208	1213	1	2	
00											

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APR 30 2002
DEPARTMENT OF WATER RESOURCES

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JUN 05 2002

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 2, 2002

MICHAEL G BRANCHFLOWER
KATHERINE L BRANCHFLOWER
PO BOX 575
HAGERMAN ID 83332

RE: Order In the Matter of Water Right License 36-8058

Dear Water Right Holder(s):

Enclosed please find Order Granting Petition for Reconsideration issued by the department in reference to the above listed information.

If you have any questions regarding this matter, please call me at 327-7940.

Sincerely,

for Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosure

MICROFILMED

Michael G. Branchflower
P.O. Box 575
Hagerman, Idaho 83332

March 22, 2002

Idaho Dept. of water Resources
Attn: Shelley W. Keen
P.O. Box 83720
Boise, Idaho 83720-0098

I respectfully request a petition for reconsideration regarding water right #36-08058. I would like additional time for the previous owners, Alfred, Florence, and John Sandy to be able to go through their records and get any pertinent flow information prior to our purchase .

Sincerely,

Michael G. Branchflower

MICROFILMED

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 15, 2002

MICHAEL G BRANCHFLOWER
KATHERINE L BRANCHFLOWER
PO BOX 575
HAGERMAN ID 83332-0575

RE: License No. 36-8058 - Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your license.

The license is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

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

If you have any questions, please contact me at 208-327-7946.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SWK:klt

Enclosure(s)

MICROFILMED

CERTIFICATE OF SERVICE

I hereby certify that on March 15, 2002 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved License) to the person(s) listed below:

RE: WATER RIGHT NO. 36-8058

MICHAEL G BRANCHFLOWER
KATHERINE L BRANCHFLOWER
PO BOX 575
HAGERMAN ID 83332-0575

Kari Lynn Townsend
Secretary

MICROFILMED

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

MICROFILMED

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

> Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:
>
> (a) the petition for reconsideration is disposed of; or
> (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

i. A hearing was held,
ii. The final agency action was taken,
iii. The party seeking review of the order resides, or
iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MICROFILMED

MEMORANDUM

TO: File 36-08058

FROM: KAY WALKER KW

RE: Local Public Interest

Date: March 11, 2002

Mr. Branchflower did not receive good response to his request for comments on this power project. The responses he did receive were not negative. I recommend we issue the license as proposed.

MICROFILMED

Dept. of Water Resource
Attn: Kay Walker
P.O. Box 83720
Boise, Id. 83720-0098

Dear Ms. Walker:

Please find enclosed the responses to my phone calls and letters. If I receive any more I will send them on to you. I hope this is what you are looking for.

If you have any questions in regard to this matter, please do not hesitate to contact me. Phone # 208-543-2322.

Michael Branchflower

MICROFILMED

February 18, 2002

To Whom It May Concern:

Mike Branchflower's power plant on Billingsley Creek causes no adverse conditions for our ditch company, John Bell Ditch. We take out at the same location on the creek as the power plant. Mr. Branchflower has been very good to work with.

Sincerely,

Layne Osborne

Layne Osborne
President, John Bell Ditch

MICROFILMED

IDAHO FISH & GAME
MAGIC VALLEY REGION
868 East Main Street
P.O. Box 428
Jerome, Idaho 83338-0428

Dirk Kempthorne / Governor
Steven Huffaker / Director

March 5, 2002

Michael G. Branchflower
P.O. Box 575
Hagerman, Idaho 83332

Re: Water Right Permit Nos. 36-07834 and 36-08058, Troutco Hydro Project on Billingsly Creek

Dear Michael,

We have reviewed IDWR water right reports for the above referenced permits for your hydropower facility on Billingsly Creek. Current water rights for this facility require a minimum bypass flow of 35 cfs from 1/1 through 9/30, 70 cfs from 10/1 through 11/15, and 35 cfs from 11/16 through 12/31. This is a requirement under FERC Article 2 listing terms and conditions that fish and wildlife agencies have listed as appropriate measures to prevent loss of or damage to fish and wildlife resources. We provide no further comments on reassignment of this water right permit under the condition that no changes in the bypass requirements are being applied for. Please contact Chuck Warren, Environmental Staff Biologist at this office if you have any questions.

Sincerely,

David Parrish,
Magic Valley Regional Supervisor

IDFG-NRPB
IDWR-Kay Walker
1301 North Orchard St.
Boise, ID 83706

MICROFILMED

Michael Branchflower
PO Box 575
Hagerman, Id. 83332

Board of Gooding County Comm.
PO Box 417
Gooding, Id. 83330

February 13, 2002

In order to comply with the Idaho Department of Water Resource's request, we would appreciate a letter of comment from you regarding the Troutco Hydro Project, located on Billingsley Creek.

If you have any questions in regard this matter, please call:
Mike Branchflower, 208-543-2322.

Sincerely,

_____

Michael G. Branchflower

MICROFILMED

Michael Branchflower
PO Box 575
Hagerman, Id. 83332

Dept. Of Environmental Quality
1410 North Hilton
Boise, Id. 83706

February 13, 2002

In order to comply with the Idaho Department of Water Resource's request, we would appreciate a letter of comment from you regarding the Troutco Hydro Project, located on Billingsley Creek.

If you have any questions in regard this matter, please call:
Mike Branchflower, 208-543-2322.

Sincerely,

_____

Michael G. Branchflower

MICROFILMED
JUN 0 5 2002

Michael Branchflower
PO Box 575
Hagerman, Id. 83332

Idaho Dept. of Fish & Game
PO Box 428
Jerome, Id. 83338

February 13, 2002

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If you have any questions in regard this matter, please call:
Mike Branchflower, 208-543-2322.

Sincerely,

_____

Michael G. Branchflower

MICROFILMED
JAN 0 5 2002

IDAHO FISH & GAME
MAGIC VALLEY REGION
868 East Main Street
P.O. Box 428
Jerome, Idaho 83338-0428

Dirk Kempthorne / Governor
Steven Huffaker / Director

March 5, 2002

Michael G. Branchflower
P.O. Box 575
Hagerman, Idaho 83332

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Sincerely,

David Parrish,
Magic Valley Regional Supervisor

IDFG-NRPB
[redacted]R-Kay Walker
1301 North Orchard St.
Boise, ID 83706

MICROFILMED

U.S. Postal Service

CERTIFIED MAIL RECEIPT

(Domestic Mail Only; No Insurance Coverage Provided)

7099 3220 0005 5178 4554

Article Sent To:

MICHAEL G. BRANCHFLOWER

Postage	$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	**$**

Postmark Here

CERTIFIED

2.11.02

KLT

Name (Please Print Clearly) (To be completed by mailer)

MICHAEL G. BRANCHFLOWER

Street, Apt. No.; or PO Box No.

PO Box 575

City, State, ZIP+ 4

HAGERMAN ID 83332

Certified Mail Provides:

- A mailing receipt
- A unique identifier for your mailpiece
- A signature upon delivery
- A record of delivery kept by the Postal Service for two years

Important Reminders:

- Certified Mail may ONLY be combined with First-Class Mail or Priority Mail.
- Certified Mail is not available for any class of international mail.
- NO INSURANCE COVERAGE IS PROVIDED with Certified Mail. For valuables, please consider Insured or Registered Mail.
- For an additional fee, a Return Receipt may be requested to provide proof of delivery. To obtain Return Receipt service, please complete and attach a Return Receipt (PS Form 3811) to the article and add applicable postage to cover the fee. Endorse mailpiece "Return Receipt Requested". To receive a fee waiver for a duplicate return receipt, a USPS postmark on your Certified Mail receipt is required.
- For an additional fee, delivery may be restricted to the addressee or addressee's authorized agent. Advise the clerk or mark the mailpiece with the endorsement "Restricted Delivery".
- If a postmark on the Certified Mail receipt is desired, please present the article at the post office for postmarking. If a postmark on the Certified Mail receipt is not needed, detach and affix label with postage and mail.

IMPORTANT: Save this receipt and present it when making an inquiry.

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write *"Return Receipt Requested"* on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

MICHAEL G BRANCHFLOWER
KATHERINE L BRANCHFLOWER
PO BOX 595
HAGERMAN ID 83332

4a. Article Number

7099 3220 0005 5178 4554

4b. Service Type

☐ Registered ☒ Certified
☐ Express Mail ☐ Insured
☐ Return Receipt for Merchandise ☐ COD

PERMITS 36-07834 / 36-08[illegible]

MICROFILMED

7. Date of Delivery

JUN [illegible] 2003

5. Received By: *(Print Name)*

6. Signature: *(Addressee or Agent)*

X Kathy Branchflower

8. Addressee's Address *(Only if requested and fee is paid)*

PS Form **3811**, December 1994

Domestic Return Receipt

Thank you for using Return Receipt Service.

UNITED STATES POSTAL SERVICE

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Print your name, address, and ZIP Code *in this box* •

KARI LYNN TOWNSEND
DEPARTMENT OF WATER RESOURCES
1301 N. ORCHARD ST.
BOISE, ID 83706-2237

MICROFILMED
JUN 0 5 2002

RECEIVED
FEB 13 2002

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

DIRK KEMPTHORNE
Governor
KARL J. DREHER
Director

February 11, 2002

MICHAEL G BRANCHFLOWER
KATHERINE L BRANCHFLOWER
PO BOX 575
HAGERMAN ID 83332

Re: Permit Nos. 36-07834 and 36-08058

Dear Mr. and Mrs. Branchflower:

We have received and processed the assignment of permit forms for the above referenced permits. Enclosed, for your files, are proof reports showing you as the current owners. We are in the process of preparing licenses for these permits and find we need some additional information regarding Permit 36-08058.

Permit No. 36-08058 was issued with a condition of approval that we must follow-up on before issuing a license. The condition states:

> The right developed under this permit and any subsequent license shall be subject to termination by the Director at the end of fifteen (15) years. The Director may review the project using the criteria for a new project and if he determines that a new permit would be issued for the project, the life of the permit or subsequent license will be extended for fifteen (15) more years with the same priority as the original permit.

We have reviewed the project in regard to Rule 40.5 (c through f) and Rule 45 but find we need you to address Rule 40.5.g that discusses Local Public Interest. The rule is as follows:

IDAHO ADMINISTRATIVE CODE IDAPA 37.03.08
Department of Water Resources Water Appropriation Rules
040. PROCESSING APPLICATIONS FOR PERMIT AND REPROCESSING PERMITS (Rule 40).
05. Additional Information Requirements.
g. Information Relative to Conflict with the Local Public Interest, Section 42-203A(5)(e), Idaho Code, shall be submitted as follows:
The applicant shall seek comment and shall submit all letters of comment on the effects of the construction and operation of the proposed project from the governing body of the city and/or county within which the point of diversion and place of use are located, the Idaho Department of Fish and Game, the Idaho Department of Environmental Quality, and any irrigation district or canal company within which the proposed project is located and from other entities as determined by the director. (7-1-93)

MICROFILMED

In order to satisfy the condition on the permit, we would like you to request comment letters from the entities shown above and submit them to this office within the next thirty (30) days. If we don't receive the comment letters within this thirty (30) day period we will assume that you are not interested in pursuing the license for this permit and take action to void it from our records.

If you have any questions in regard to this matter, please do not hesitate to contact this office. My phone number, at my desk, is (208)327-7944.

Sincerely,

Kay Walker

KAY WALKER
Sr. Water Resource Agent

KW:k
Enclosures

MICROFILMED

MEMORANDUM

TO: File 36-08058

FROM: KAY WALKER

RE: Comment Letters Requested 1/9/2002

Date: February 11, 2002

I called Michael Branchflower this morning to find out how he was coming on getting the comment letters requested in my letter of 1/9/2002. Mr. Branchflower said he had never received my letter and knew nothing in regard to requesting comment letters. I asked him if his mailing address was still: PO Box 575, Hagerman, and he said it was. He suggested we send the letter certified so we can be sure he receives it.

MICROFILMED
JUN 05 2002

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 9, 2002

MICHAEL G BRANCHFLOWER
KATHERINE L BRANCHFLOWER
PO BOX 575
HAGERMAN ID 83332

Re: Permit Nos. 36-07834 and 36-08058

Dear Mr. and Mrs. Branchflower:

We have received and processed the assignment of permit forms for the above referenced permits. Enclosed, for your files, are proof reports showing you as the current owners. We are in the process of preparing licenses for these permits and find we need some additional information regarding Permit 36-08058.

Permit No. 36-08058 was issued with a condition of approval that we must follow-up on before issuing a license. The condition states:

> The right developed under this permit and any subsequent license shall be subject to termination by the Director at the end of fifteen (15) years. The Director may review the project using the criteria for a new project and if he determines that a new permit would be issued for the project, the life of the permit or subsequent license will be extended for fifteen (15) more years with the same priority as the original permit.

We have reviewed the project in regard to Rule 40.5 (c through f) and Rule 45 but find we need you to address Rule 40.5.g that discusses Local Public Interest. The rule is as follows:

IDAHO ADMINISTRATIVE CODE IDAPA 37.03.08
Department of Water Resources Water Appropriation Rules
040. PROCESSING APPLICATIONS FOR PERMIT AND REPROCESSING PERMITS (Rule 40).
05. Additional Information Requirements.
g. Information Relative to Conflict with the Local Public Interest, Section 42-203A(5)(e), Idaho Code, shall be submitted as follows:
The applicant shall seek comment and shall submit all letters of comment on the effects of the construction and operation of the proposed project from the governing body of the city and/or county within which the point of diversion and place of use are located, the Idaho Department of Fish and Game, the Idaho Department of Environmental Quality, and any irrigation district or canal company within which the proposed project is located and from other entities as determined by the director. (7-1-93)

MICROFILMED

In order to satisfy the condition on the permit, we would like you to request comment letters from the entities shown above and submit them to this office within the next thirty (30) days. If we don't receive the comment letters within this thirty (30) day period we will assume that you are not interested in pursuing the license for this permit and take action to void it from our records.

If you have any questions in regard to this matter, please do not hesitate to contact this office.

Sincerely,

Kay Walker

KAY WALKER
Sr. Water Resource Agent

KW:k
Enclosures

MICROFILMED
JUN [illegible] 2002

MEMORANDUM

To: Shelley Keen

From: Kay Walker

RE: Permit 36-08058

Date: December 19, 2001

****

Permit No. 36-08058 was conditioned as follows:

> This right developed under this permit and any subsequent license shall be subject to termination by the Director at the end of fifteen (15) years. The Director may review the project using the criteria for a new project and if he determines that a new permit would be issued for the project, the life of the permit or subsequent license will be extended for fifteen (15) more years with the same priority as the original permit.

In order to determine if that condition of approval has been met, we are reviewing the permit under IDWR Rule 40.5 and Rule 45.

Rule 40.5 (C through F)

C. Information submitted concerning any design, construction, or operation techniques that will be used to eliminate or reduce the impact on other water rights:

- See FERC application documents in File 36-07834 (file 2)
- This water right is non-consumptive and subordinated to other rights so there should be no impact.

D. Information relative to sufficiency of water supply:

- See attached listing of recommendations and water rights from this source. More than 5 users on this creek.
- This right is non-consumptive and subordinated – should have no impact on other rights.

E. Information relative to good faith, delay, or speculative purposes of the applicant:

- This project was developed and in production so the applicant was not speculating when the application was filed.

F. Information relative to financial resources:

- Project developed and in production. Financial resource information submitted when application for this project was first submitted.

Rule 45.

1. Will the proposed use reduce the quantity of water under existing water rights?
   - No – this is a non-consumptive use of water.
2. Is the water supply insufficient for the proposed use?
   - No – the permit was developed and field examiner determined that 99.1 cfs of water has been put to beneficial use under this right. The system has been in service for 14 years.

3. Is the application made in good faith?
   - Yes – system has been in production for 14 years.
4. Does the applicant have sufficient financial resources to complete the project?
   - Yes – system has been in production for 14 years.
5. Does the project conflict with the local public interest criteria?
   - Unknown – however, we don't have any information in our records that state this system has bothered anyone in the area.

1. How do we go about finding information to make sure this project meets local public interest criteria?

2. Do we carry this condition over to the license for this right?

Listing of Water Rights and Recommendations for rights diverted from Billingsley Creek

Basin	Sequence	Split	Priority Date	Rate	Water Use List	Owner List	Version	Source Table
36	3		1884-09-10	20.00	IRRIGATION	NEW INTERNATIONAL MORTGAGE BANK		wrWaterRight
36	3	A	1884-09-10	0.41	IRRIGATION, STOCKWATER	REA, EDNA M	1	wrAdjudicationRecommendation
36	3	A	1884-09-10	0.45	IRRIGATION, STOCKWATER	REA, EDNA M	2	wrAdjudicationRecommendation
36	3	A	1884-09-10	0.57	IRRIGATION, STOCKWATER	REA, EDNA M	3	wrAdjudicationRecommendation
36	3	B	1884-09-10	5.00	IRRIGATION, STOCKWATER	KINGSTON PROPERTIES LP	1	wrAdjudicationRecommendation
36	3	B	1884-09-10	5.00	IRRIGATION, STOCKWATER	KINGSTON PROPERTIES LP	2	wrAdjudicationRecommendation
36	3	B	1884-09-10	7.16	FISH PROPAGATION, IRRIGATION, STOCKWATER	KINGSTON PROPERTIES LP	3	wrAdjudicationRecommendation
36	3	C	1884-09-10	0.30	IRRIGATION	BABINGTON, KATHY L ; BABINGTON, LYNN J	1	wrAdjudicationRecommendation
36	3	C	1884-09-10	0.30	IRRIGATION	BABINGTON, KATHY L ; BABINGTON, LYNN J	2	wrAdjudicationRecommendation
36	3	C	1884-09-10	0.87	IRRIGATION, STOCKWATER	BABINGTON, KATHY L ; BABINGTON, LYNN J	3	wrAdjudicationRecommendation
36	3	D	1884-09-10	0.24	IRRIGATION	HARBISON, TERRI A ; HARBISON, THOMAS L	1	wrAdjudicationRecommendation
36	3	D	1884-09-10	0.24	IRRIGATION	MC CLURE, KAREN J ; MC CLURE, RAYBURN B	2	wrAdjudicationRecommendation
36	3	D	1884-09-10	0.24	IRRIGATION	MC CLURE, KAREN J ; MC CLURE, RAYBURN B	3	wrAdjudicationRecommendation
36	3	E	1884-09-10	0.20	IRRIGATION	VERNON, EDITH L	1	wrAdjudicationRecommendation
36	3	E	1884-09-10	0.20	IRRIGATION, STOCKWATER	VERNON, EDITH L	2	wrAdjudicationRecommendation
36	3	F	1884-09-10	0.80	IRRIGATION	SIMCOE, DOYT H ; SIMCOE, ROXIE J	1	wrAdjudicationRecommendation
36	3	F	1884-09-10	0.80	IRRIGATION	SIMCOE, DOYT H ; SIMCOE, ROXIE J	2	wrAdjudicationRecommendation
36	3	F	1884-09-10	1.54	IRRIGATION, STOCKWATER	SIMCOE, DOYT H ; SIMCOE, ROXIE J	3	wrAdjudicationRecommendation
36	3	G	1884-09-10	0.19	DOMESTIC, IRRIGATION	LLOYD, BETTY ; LLOYD, CLEAVE C	1	wrAdjudicationRecommendation
36	3	G	1884-09-10	0.19	DOMESTIC, IRRIGATION	LLOYD, BETTY ; LLOYD, CLEAVE C		wrWaterRight
36	3	H	1884-09-10	11.90	IRRIGATION	BUCKEYE FARMS INC	1	wrAdjudicationRecommendation
36	3	H	1884-09-10	11.90	IRRIGATION	BUCKEYE FARMS INC		wrWaterRight
36	3	J	1884-09-10	0.46	IRRIGATION, STOCKWATER		1	wrAdjudicationRecommendation
36	3	K	1884-09-10	0.03	IRRIGATION	ANDERSON, MARIA YVONNE ; ENGLES, MIKE	1	wrAdjudicationRecommendation
36	3	K	1884-09-10	0.04	IRRIGATION, STOCKWATER	KINGSTON PROPERTIES LP	2	wrAdjudicationRecommendation
36	3	L	1884-09-10	0.43	IRRIGATION, STOCKWATER	BABINGTON, KATHY L ; BABINGTON, LYNN J	1	wrAdjudicationRecommendation
36	4		1884-09-10	4.51	IRRIGATION, STOCKWATER	WESTERN LEGENDS LC	1	wrAdjudicationRecommendation
36	4		1884-09-10	15.00	IRRIGATION, STOCKWATER	WESTERN LEGENDS LC	2	wrAdjudicationRecommendation
36	4		1884-09-10	15.00	IRRIGATION	CURREN, MARY		wrWaterRight
36	5		1884-09-10	3.00	IRRIGATION	GOODING, AMANDA J		wrWaterRight
36	5	A	1884-09-10	0.09	IRRIGATION, STOCKWATER	BABINGTON, KATHY L ; BABINGTON, LYNN J	1	wrAdjudicationRecommendation
36	5	B	1884-09-10	0.55	IRRIGATION, STOCKWATER	KINGSTON PROPERTIES LP	1	wrAdjudicationRecommendation
36	6		1885-04-01	0.92	IRRIGATION	STRANGE, LOUISE ; STRANGE, WILLIAM	1	wrAdjudicationRecommendation
36	6		1885-04-01	1.08	IRRIGATION, STOCKWATER	TURNER, PENELOPE F	2	wrAdjudicationRecommendation
36	6		1885-04-01	3.50	IRRIGATION	BARLOGI, NORA B ; BARLOGI, REX		wrWaterRight
36	7		4/1/1907	1.08	IRRIGATION	BARLOGI, NORA B ; BARLOGI, REX		wrWaterRight
36	8		1880-04-01	0.64	IRRIGATION, STOCKWATER	STRANGE, LOUISE ; STRANGE, WILLIAM	1	wrAdjudicationRecommendation
36	8		1880-04-01	0.90	IRRIGATION, STOCKWATER	TURNER, PENELOPE F	2	wrAdjudicationRecommendation
36	8		1880-04-01	2.00	IRRIGATION	BARLOGI, NORA B ; BARLOGI, REX		wrWaterRight
36	18		4/1/1917	20.00	IRRIGATION	BUCKEYE FARMS INC	1	wrAdjudicationRecommendation
36	18		4/1/1917	20.00	IRRIGATION	BUCKEYE FARMS INC		wrWaterRight
36	18		4/1/1917	20.00	IRRIGATION			xrFromAdjClaimList

36	18		4/1/1917	20.00	IRRIGATION			xrToAdjClaimList
36	19		1884-09-10	2.16	IRRIGATION	BELL, HARLAN		wrWaterRight
36	19	B	1884-09-10	1.92	IRRIGATION, STOCKWATER	KINGSTON PROPERTIES LP	1	wrAdjudicationRecommendation
36	19	D	1884-09-10	0.24	IRRIGATION	MC CLURE, RAYBURN B	1	wrAdjudicationRecommendation
36	21		1884-03-30	4.82	IRRIGATION, STOCKWATER	GISLER, HARRY R	1	wrAdjudicationRecommendation
36	21		1884-03-30	14.40	IRRIGATION	BELL, GLENN ; BELL, LEO R ; BELL, MRS E M		wrWaterRight
36	21	B	1884-03-30	7.32	IRRIGATION, STOCKWATER	GISLER, HARRY R	2	wrAdjudicationRecommendation
36	21	C	1884-03-30	0.30	IRRIGATION	UNITED STATES OF AMERICA ACTING THROUGH	1	wrAdjudicationRecommendation
36	24		1884-03-30	0.87	IRRIGATION	PETERSON, ORLAND	1	wrAdjudicationRecommendation
36	24		1884-03-30	0.87	IRRIGATION	PETERSON, ORLAND		wrWaterRight
36	24		1884-03-30	2.40	IRRIGATION			xrFromAdjClaimList
36	24	A	1884-03-30	0.59	IRRIGATION			xrToAdjClaimList
36	24	B	1884-03-30	0.28	IRRIGATION			xrToAdjClaimList
36	26		1884-03-30	1.05	IRRIGATION, STOCKWATER	BROWN, LLOYD	1	wrAdjudicationRecommendation
36	26		1884-03-30	2.08	IRRIGATION, STOCKWATER	BROWN, LLOYD	2	wrAdjudicationRecommendation
36	26		1884-03-30	2.40	IRRIGATION	BLACKHART, MABEL		wrWaterRight
36	27		1884-09-10	0.40	IRRIGATION	BLACKHART, MABEL		wrWaterRight
36	34		1884-03-30	1.50	IRRIGATION	CLIFFORD, DOYLE O ; CLIFFORD, EDNA N ; CLIFFORD, FRANCES M ; CLIFFORD, HOWARD F ; CLIFFORD, RICHARD C ; CLIFFORD, WILLIAM H ; MC CORKLE, ELVIRA E ; SMITH, ETHEL C		wrWaterRight
36	34	B	1884-03-30	0.02	IRRIGATION	SHAFFER, ROGER	1	wrAdjudicationRecommendation
36	34	B	1884-03-30	0.03	IRRIGATION	SHAFFER, ROGER	2	wrAdjudicationRecommendation
36	34	E	1884-03-30	0.10	IRRIGATION	BROWN, KATHLEEN ; BROWN, LLOYD	1	wrAdjudicationRecommendation
36	34	E	1884-03-30	0.10	IRRIGATION	BROWN, KATHLEEN ; BROWN, LLOYD		wrWaterRight
36	34	F	1884-03-30	0.06	IRRIGATION	MARTINAT, RICK L ; MARTINAT, SHERRI	1	wrAdjudicationRecommendation
36	34	F	1884-03-30	0.06	IRRIGATION	MARTINAT, RICK L ; MARTINAT, SHERRI	2	wrAdjudicationRecommendation
36	35	A	1884-09-10	1.00	IRRIGATION	CLIFFORD, DOYLE O ; CLIFFORD, EDNA N ; CLIFFORD, FRANCES M ; CLIFFORD, HOWARD F ; CLIFFORD, MILTON L ; CLIFFORD, RICHARD C ; CLIFFORD, WILLIAM H ; MC CORKLE, ELVIRA E		wrWaterRight
36	35	B	1884-09-10	0.60	IRRIGATION	STURTEVANT, FRED I		wrWaterRight
36	35	C	1884-09-10	0.02	DOMESTIC	HOFFMAN, DENNIS N ; HOFFMAN, TINA I		wrWaterRight
36	35	E	1884-09-10	0.21	IRRIGATION	BROWN, KATHLEEN ; BROWN, LLOYD	1	wrAdjudicationRecommendation
36	35	E	1884-09-10	0.21	IRRIGATION	BROWN, KATHLEEN ; BROWN, LLOYD		wrWaterRight
36	35	G	1884-09-10	0.02	DOMESTIC	VARGO, JANANNE		wrWaterRight
36	35	H	1884-09-10	0.20	IRRIGATION	DRAGE, GORDON ; DRAGE, NELLIE	1	wrAdjudicationRecommendation
36	35	H	1884-09-10	0.20	IRRIGATION	DRAGE, GORDON ; DRAGE, NELLIE		wrWaterRight
36	35	J	1884-09-10	0.40	IRRIGATION	SKAAR, KENT ; SKAAR, SARAH	1	wrAdjudicationRecommendation
36	35	J	1884-09-10	0.40	IRRIGATION	SKAAR, KENT ; SKAAR, SARAH	2	wrAdjudicationRecommendation
36	36		4/1/1909	0.41	IRRIGATION	DUNN, PATSY	1	wrAdjudicationRecommendation
36	36		4/1/1909	0.41	IRRIGATION	DUNN, PATSY		wrWaterRight

36	37		1880-04-01	3.00	IRRIGATION	CLIFFORD, DOYLE O ; CLIFFORD, EDNA N ; CLIFFORD, FRANCES M ; CLIFFORD, HOWARD F ; CLIFFORD, RICHARD C ; CLIFFORD, WILLIAM H ; MC CORKLE, ELVIRA E ; SMITH, ETHEL C		wrWaterRight
36	37	A	1880-04-01	0.61	IRRIGATION	RIVER GROVE FARMS INC		wrWaterRight
36	37	B	1880-04-01	0.69	IRRIGATION	STURDIVANT, PETER L		wrWaterRight
36	37	C	1880-04-01	0.21	IRRIGATION, STOCKWATER	TALBOTT, VERNITA	1	wrAdjudicationRecommendation
36	37	C	1880-04-01	0.21	IRRIGATION, STOCKWATER	TALBOTT, VERNITA		wrWaterRight
36	39	A	1891-01-02	2.14	IRRIGATION	DILATUSH, ALICE I ; DILATUSH, E W		wrWaterRight
36	39	B	1891-01-02	0.03	IRRIGATION	BECK, BARBARA A ; BECK, GERALD L	1	wrAdjudicationRecommendation
36	39	B	1891-01-02	0.03	IRRIGATION	BECK, BARBARA A ; BECK, GERALD L	2	wrAdjudicationRecommendation
36	39	B	1891-01-02	0.26	IRRIGATION	SHOKAL, EDWARD C ; SHOKAL, RUTH C		wrWaterRight
36	39	C	1891-01-02	0.06	IRRIGATION	VEENENDAAL, DICK J ; VEENENDAAL, SIGRID E	1	wrAdjudicationRecommendation
36	39	C	1891-01-02	0.06	IRRIGATION	VEENENDAAL, DICK J ; VEENENDAAL, SIGRID E	2	wrAdjudicationRecommendation
36	39	D	1891-01-02	0.06	IRRIGATION, STOCKWATER	WALMSLEY, FRED J ; WALMSLEY, SUSAN K	1	wrAdjudicationRecommendation
36	39	D	1891-01-02	0.06	IRRIGATION, STOCKWATER	WALMSLEY, FRED J ; WALMSLEY, SUSAN K	2	wrAdjudicationRecommendation
36	39	E	1891-01-02	0.04	IRRIGATION	GLAUNER, FRANK L ; GLAUNER, JEAN	1	wrAdjudicationRecommendation
36	39	E	1891-01-02	0.04	IRRIGATION	GLAUNER, FRANK L ; GLAUNER, JEAN		wrWaterRight
36	39	F	1891-01-02	0.04	IRRIGATION	BOLDUC, CHRISTINA J ; BOLDUC, MARK E	1	wrAdjudicationRecommendation
36	39	F	1891-01-02	0.04	IRRIGATION	BOLDUC, CHRISTINA J ; BOLDUC, MARK E		wrWaterRight
36	39	G	1891-01-02	0.04	IRRIGATION, STOCKWATER	MC FADDAN, LINDA L ; MC FADDAN, MATTHEW	1	wrAdjudicationRecommendation
36	39	G	1891-01-02	0.04	IRRIGATION, STOCKWATER	MC FADDAN, LINDA L ; MC FADDAN, MATTHEW		wrWaterRight
36	39	H	1891-01-02	0.04	DOMESTIC	ROESER, JANINE LEYDET ; ROESER, JED B	1	wrAdjudicationRecommendation
36	39	H	1891-01-02	0.04	DOMESTIC	ROESER, JANINE LEYDET ; ROESER, JED B	2	wrAdjudicationRecommendation
36	39	J	1891-01-02	0.04	DOMESTIC	POTTER, MARK B ; POTTER, SUSAN H	1	wrAdjudicationRecommendation
36	39	J	1891-01-02	0.06	IRRIGATION	POTTER, MARK B ; POTTER, SUSAN H	2	wrAdjudicationRecommendation
36	39	K	1891-01-02	0.20	IRRIGATION, STOCKWATER	EASTERDAY, LOVA U ; EASTERDAY, RAY R	1	wrAdjudicationRecommendation
36	39	K	1891-01-02	0.20	IRRIGATION, STOCKWATER	EASTERDAY, LOVA U ; EASTERDAY, RAY R		wrWaterRight
36	39	L	1891-01-02	0.03	IRRIGATION	EVANS, GREGORY R ; SPANO, NANCY J	1	wrAdjudicationRecommendation
36	39	L	1891-01-02	0.03	IRRIGATION	EVANS, GREGORY R ; SPANO, NANCY J	2	wrAdjudicationRecommendation
36	39	M	1891-01-02	0.04	DOMESTIC	WOOLLEY, BLANCHE ; WOOLLEY, MAX J		wrWaterRight
36	39	N	1891-01-02	0.04	DOMESTIC	KORBIS, GEORGE J ; KORBIS, NELLIE W		wrWaterRight
36	39	P	1891-01-02	0.04	DOMESTIC	BOTHWELL, BRUCE R ; BOTHWELL, MARY L	1	wrAdjudicationRecommendation
36	39	P	1891-01-02	0.14	AESTHETIC, DOMESTIC, IRRIGATION	BOTHWELL, BRUCE R ; BOTHWELL, MARY L	2	wrAdjudicationRecommendation
36	39	Q	1891-01-02	0.20	IRRIGATION	JOINT HAGERMAN SCHOOL DISTRICT NO 233	1	wrAdjudicationRecommendation
36	48		1885-11-04	10.00	IRRIGATION	FLORENCE LIVESTOCK CO		wrWaterRight
36	48	A	1885-11-04	1.04	IRRIGATION	IDAHO STATE BUILDING AUTHORITY	1	wrAdjudicationRecommendation
36	48	A	1885-11-04	1.10	IRRIGATION	IDAHO STATE BUILDING AUTHORITY	2	wrAdjudicationRecommendation
36	48	B	1885-11-04	0.06	IRRIGATION	ROBINSON, GEORGE E ; ROBINSON, JACQUELINE M	1	wrAdjudicationRecommendation
36	48	B	1885-11-04	0.06	IRRIGATION	ROBINSON, GEORGE E ; ROBINSON, JACQUELINE M		wrWaterRight
36	48	C	1885-11-04	0.03	DOMESTIC	PETRICK, IRMA M		wrWaterRight

36	51		1881-06-26	1.20	IRRIGATION	GLAUNER, EMMA A ; GLAUNER, JOHN		wrWaterRight
36	51	A	1881-06-26	0.12	IRRIGATION	LOVELAND, LAMAR ; LOVELAND, RAIDA	1	wrAdjudicationRecommendation
36	51	A	1881-06-26	0.12	IRRIGATION	LOVELAND, LAMAR ; LOVELAND, RAIDA	2	wrAdjudicationRecommendation
36	51	B	1881-06-26	0.15	IRRIGATION, STOCKWATER	WOOD, CONNIE L ; WOOD, ERNESTATE	1	wrAdjudicationRecommendation
36	51	B	1881-06-26	0.15	IRRIGATION, STOCKWATER	WOOD, CONNIE L ; WOOD, ERNESTATE		wrWaterRight
36	51	C	1881-06-26	0.15	IRRIGATION, STOCKWATER	ZABALA, CARMEN M ; ZABALA, IGNACIO NICK	1	wrAdjudicationRecommendation
36	51	C	1881-06-26	0.15	IRRIGATION, STOCKWATER	ZABALA, CARMEN M ; ZABALA, IGNACIO NICK		wrWaterRight
36	51	D	1881-06-26	0.19	IRRIGATION		1	wrAdjudicationRecommendation
36	51	E	1881-06-26	0.05	IRRIGATION, STOCKWATER	ZABALA, CARMEN M ; ZABALA, IGNACIO NICK	1	wrAdjudicationRecommendation
36	51	E	1881-06-26	0.05	IRRIGATION, STOCKWATER	ZABALA, CARMEN M ; ZABALA, IGNACIO NICK		wrWaterRight
36	51	F	1881-06-26	0.31	IRRIGATION	LAUGHLIN, CRAIG J	1	wrAdjudicationRecommendation
36	51	G	1881-06-26	0.14	IRRIGATION	ZABALA, CARMEN ; ZABALA, IGNACIO NICK	1	wrAdjudicationRecommendation
36	51	H	1881-06-26	0.11	IRRIGATION	LAUGHLIN, CRAIG J	1	wrAdjudicationRecommendation
36	52		1881-06-26	0.40	IRRIGATION	GLAUNER, EMMA A ; GLAUNER, JOHN		wrWaterRight
36	64		1884-09-10	5.60	IRRIGATION	HOMES, BEN ; HOMES, GERTRUDE		wrWaterRight
36	64	B	1884-09-10	0.72	IRRIGATION	FLEMING, MICHAEL J ; FLEMING, PAUL F	1	wrAdjudicationRecommendation
36	64	B	1884-09-10	0.72	IRRIGATION	FLEMING, MICHAEL J ; FLEMING, PAUL F	2	wrAdjudicationRecommendation
36	65		1884-09-10	0.18	IRRIGATION	BECKSTEAD, FRED A ; COATES, FAYE	1	wrAdjudicationRecommendation
36	65		1884-09-10	0.70	IRRIGATION	BECKSTEAD, FRED A ; COATES, FAYE	2	wrAdjudicationRecommendation
36	65		1884-09-10	0.70	IRRIGATION	JENSEN, J H ; JENSEN, MRS J H		wrWaterRight
36	66		1885-04-01	1.40	IRRIGATION	JENSEN, J H ; JENSEN, MRS J H		wrWaterRight
36	66	A	1885-04-01	0.24	IRRIGATION	BRUHN, MONTE W ; CLARK, MARLENE M BRUHN	1	wrAdjudicationRecommendation
36	66	A	1885-04-01	0.24	IRRIGATION	BRUHN, MONTE W ; CLARK, MARLENE M BRUHN	2	wrAdjudicationRecommendation
36	66	B	1885-04-01	0.61	IRRIGATION	BECKSTEAD, FRED A ; COATES, FAYE	1	wrAdjudicationRecommendation
36	66	B	1885-04-01	0.61	IRRIGATION	BECKSTEAD, FRED A ; COATES, FAYE	2	wrAdjudicationRecommendation
36	67		1884-03-30	0.19	IRRIGATION	BECKSTEAD, FRED A ; COATES, FAYE	1	wrAdjudicationRecommendation
36	67		1884-03-30	0.50	IRRIGATION	BECKSTEAD, FRED A ; COATES, FAYE	2	wrAdjudicationRecommendation
36	67		1884-03-30	0.50	IRRIGATION	JENSEN, J H ; JENSEN, MRS J H		wrWaterRight
36	71		1881-06-26	2.00	IRRIGATION	JUSTICE, WILLA		wrWaterRight
36	71	A	1881-06-26	0.56	IRRIGATION	HARNEY, BETTY JO ; HARNEY, ROBERT L	1	wrAdjudicationRecommendation
36	71	A	1881-06-26	0.56	IRRIGATION	HARNEY, BETTY JO ; HARNEY, ROBERT L		wrWaterRight
36	71	B	1881-06-26	1.23	IRRIGATION, STOCKWATER	OSBORNE, JUDY ; OSBORNE, LAYNE	1	wrAdjudicationRecommendation
36	76		1881-06-26	0.60	IRRIGATION	LEWELLEN, NETTIE M ; LEWELLEN, ROY		wrWaterRight
36	76	A	1881-06-26	0.69	IRRIGATION	GOSSI, MARILYN L ; GOSSI, PHILLIP C	1	wrAdjudicationRecommendation
36	76	A	1881-06-26	0.69	IRRIGATION	GOSSI, MARILYN L ; GOSSI, PHILLIP C		wrWaterRight
36	77		1884-03-30	4.80	IRRIGATION	EVANS, LETA M ; MARINER, F C ; MARINER, MYRTA M		wrWaterRight
36	77	A	1884-03-30	0.10	IRRIGATION	ROWLAND, BYRON J ; ROWLAND, PHYLLIS D	1	wrAdjudicationRecommendation
36	77	A	1884-03-30	0.10	IRRIGATION	ROWLAND, BYRON J ; ROWLAND, PHYLLIS D		wrWaterRight
36	77	B	1884-03-30	0.70	IRRIGATION, STOCKWATER	CHILDS LIVING TRUST, THOMAS JACKSON	1	wrAdjudicationRecommendation
36	77	B	1884-03-30	0.70	IRRIGATION, STOCKWATER	CHILDS LIVING TRUST, THOMAS JACKSON		wrWaterRight
36	77	D	1884-03-30	2.34	IRRIGATION, STOCKWATER	GISLER, BRADLEY	1	wrAdjudicationRecommendation
36	77	E	1884-03-30	0.09	IRRIGATION, STOCKWATER	ADKISON, ALBERT L ; ADKISON, CORALIE M	1	wrAdjudicationRecommendation
36	77	E	1884-03-30	0.09	IRRIGATION, STOCKWATER	ADKISON, ALBERT L ; ADKISON, CORALIE M		wrWaterRight

36	79		1888-04-01	0.27	IRRIGATION, STOCKWATER	BOYER, DALE E ; BOYER, ELAINE	1	wrAdjudicationRecommendation
36	79		1888-04-01	1.03	IRRIGATION, STOCKWATER	BOYER, DALE E ; BOYER, ELAINE	2	wrAdjudicationRecommendation
36	79		1888-04-01	1.40	IRRIGATION	MOORE, DANIEL ; MOORE, DOROTHY		wrWaterRight
36	80		1885-04-01	2.00	IRRIGATION	NEAL, EFFIE M ; NEAL, HARRY H ; NEAL, LOUIS ; REED, ALVA		wrWaterRight
36	80	B	1885-04-01	0.36	IRRIGATION	SHOKAL, EDWARD C ; SHOKAL, RUTH C	1	wrAdjudicationRecommendation
36	80	B	1885-04-01	0.73	IRRIGATION, STOCKWATER	SHOKAL, RUTH C	2	wrAdjudicationRecommendation
36	80	C	1885-04-01	0.24	IRRIGATION	KING, THOMAS E ; MARTIN, JAMIE	1	wrAdjudicationRecommendation
36	80	C	1885-04-01	0.38	IRRIGATION	KING, THOMAS E	2	wrAdjudicationRecommendation
36	81		4/1/1910	1.00	IRRIGATION	NEAL, EFFIE M ; NEAL, HARRY H ; NEAL, LOUIS ; REED, ALVA		wrWaterRight
36	81	C	4/1/1910	0.58	IRRIGATION	KING, THOMAS E	2	wrAdjudicationRecommendation
36	82		1891-01-02	2.00	IRRIGATION	CUNNINGTON, FRED		wrWaterRight
36	82	A	1891-01-02	0.25	IRRIGATION	SHOKAL, EDWARD C ; SHOKAL, RUTH C	1	wrAdjudicationRecommendation
36	82	A	1891-01-02	0.69	IRRIGATION	SHOKAL, RUTH C	2	wrAdjudicationRecommendation
36	82	B	1891-01-02	0.12	IRRIGATION	MC KENZIE, BRET A ; MC KENZIE, PAULA JOAN	1	wrAdjudicationRecommendation
36	82	B	1891-01-02	0.12	IRRIGATION	MC KENZIE, BRET A ; MC KENZIE, PAULA JOAN		wrWaterRight
36	82	C	4/1/1910	0.12	IRRIGATION		1	wrAdjudicationRecommendation
36	82	D	1891-01-02	0.12	IRRIGATION	LAUGHLIN, SUSAN	1	wrAdjudicationRecommendation
36	82	D	1891-01-02	0.12	IRRIGATION	LAUGHLIN, SUSAN	2	wrAdjudicationRecommendation
36	82	E	1891-01-02	0.14	IRRIGATION	UMEK, JOHN A ; UMEK, PAGE	1	wrAdjudicationRecommendation
36	82	E	1891-01-02	0.14	IRRIGATION	UMEK, JOHN A ; UMEK, PAGE	2	wrAdjudicationRecommendation
36	85		1884-09-10	1.20	IRRIGATION	PARROTT, FLORENCE		wrWaterRight
36	85	A	1884-09-20	0.15	IRRIGATION	MILLER, MARILYN J	1	wrAdjudicationRecommendation
36	85	A	1884-09-10	0.20	IRRIGATION, STOCKWATER	MILLER, MARILYN J	2	wrAdjudicationRecommendation
36	85	B	1884-09-10	0.04	IRRIGATION	WAITE, RICHARD H	1	wrAdjudicationRecommendation
36	85	B	1884-09-10	0.04	IRRIGATION	WAITE, RICHARD H		wrWaterRight
36	85	C	1884-09-10	0.34	IRRIGATION	HOWARD, AL ; HOWARD, HENRY	1	wrAdjudicationRecommendation
36	85	C	1884-09-10	0.34	IRRIGATION	HOWARD, AL ; HOWARD, HENRY		wrWaterRight
36	85	D	1884-09-10	0.02	IRRIGATION	ANDERTON, ALICE A	1	wrAdjudicationRecommendation
36	85	D	1884-09-10	0.02	IRRIGATION	ANDERTON, ALICE A		wrWaterRight
36	87		1884-03-30	2.40	IRRIGATION	PETERSON, ORLAND	1	wrAdjudicationRecommendation
36	87		1884-03-30	2.40	IRRIGATION	PETERSON, ORLAND		wrWaterRight
36	87		1884-03-30	2.40	IRRIGATION			xrFromAdjClaimList
36	87		1884-03-30	2.40	IRRIGATION			xrToAdjClaimList
36	89	A	1881-06-26	0.04	IRRIGATION	CLOUSER, DORIS H ; CLOUSER, JOHN F		wrWaterRight
36	89	B	1881-06-26	0.03	IRRIGATION	WARD, JOHN P	1	wrAdjudicationRecommendation
36	89	B	1881-06-26	0.03	IRRIGATION	WARD, JOHN P		wrWaterRight
36	89	C	1881-06-26	0.03	IRRIGATION	MECKLER, KATHY ; MECKLER, STEVE	1	wrAdjudicationRecommendation
36	89	C	1881-06-26	0.06	IRRIGATION	BILLINGSLEY CREEK LODGE & RETREAT LLC	2	wrAdjudicationRecommendation
36	89	D	1881-06-26	0.03	IRRIGATION	STEELE, CARMEN I ; STEELE, RAMON G	1	wrAdjudicationRecommendation
36	89	D	1881-06-26	0.03	IRRIGATION	STEELE, CARMEN I ; STEELE, RAMON G	2	wrAdjudicationRecommendation
36	89	E	1881-06-26	0.04	DOMESTIC	CULBERTSON, MILDRED		wrWaterRight
36	89	F	1881-06-26	0.02	IRRIGATION	ALVAREZ, FRANKIE A	1	wrAdjudicationRecommendation

36	89	G	1881-06-26	0.02	IRRIGATION	HUNT, BOB R ; HUNT, JANA C	1	wrAdjudicationRecommendation
36	91		1884-09-10	0.80	IRRIGATION	PREWETT, M M ; PREWETT, MARGARET		wrWaterRight
36	91	A	1884-09-10	0.64	IRRIGATION	ELLSTON, ARTHUR	1	wrAdjudicationRecommendation
36	91	A	1884-09-10	0.64	IRRIGATION	ELLSTON, ARTHUR		wrWaterRight
36	91	B	1884-09-10	0.16	IRRIGATION	SEARS, JUANITA P ; SEARS, WILLIAM M	1	wrAdjudicationRecommendation
36	91	B	1884-09-10	0.16	IRRIGATION	FOBES, BETTY ; FOBES, GORDON		wrWaterRight
36	94		1881-06-26	0.60	IRRIGATION	SANBORN, JESSIE M ; SANBORN, JOHN C		wrWaterRight
36	94	A	1881-06-26	0.08	IRRIGATION	RUSH, RUTH E ; WARD, JOHN P	2	wrAdjudicationRecommendation
36	95		1881-06-26	1.20	IRRIGATION	SANBORN, JESSIE M ; SANBORN, JOHN C		wrWaterRight
36	96		1881-06-26	5.70	IRRIGATION	SANBORN, JESSIE M ; SANBORN, JOHN C		wrWaterRight
36	96	A	1881-06-26	0.10	IRRIGATION, STOCKWATER	MARTIN, KIRT L	2	wrAdjudicationRecommendation
36	97		4/1/1905	1.50	IRRIGATION	SANDS, BESSIE		wrWaterRight
36	98		1895-04-01	7.00	IRRIGATION	ARCHIE, JOSEPH PATRICK ; ARCHIE, SARAH ELLEN ; COLLINS, E A ; COOPER, KATHLEEN ; COOPER, ROSS ; GARY COOK CORP ; M J & SHARON WIENS JR FAMILY TRUST ; SLOPE COMPACTION	2	wrAdjudicationRecommendation
36	98		1895-04-01	7.00	IRRIGATION	SANDS, JESSIE ; SANDS, LAPRAEL		wrWaterRight
36	99		1888-04-01	1.31	IRRIGATION	PORTER, BOB ; SURBAUGH, FRED	1	wrAdjudicationRecommendation
36	99		1888-04-01	1.31	IRRIGATION	PORTER, BOB ; SURBAUGH, FRED	2	wrAdjudicationRecommendation
36	99		1888-04-01	8.00	IRRIGATION	SANDS, MARTHA A		wrWaterRight
36	100		4/1/1905	1.20	IRRIGATION	SCHOOLER, HENRIETTA		wrWaterRight
36	101		4/1/1905	2.00	IRRIGATION	SHEPARD, ALMA A ; SHEPARD, FRANK R		wrWaterRight
36	103		1884-09-10	1.00	IRRIGATION	SKINNER, CHARLES ; SKINNER, IVA E		wrWaterRight
36	103	B	1884-09-10	0.04	IRRIGATION	MOORE, KAYE M	1	wrAdjudicationRecommendation
36	103	B	1884-09-10	0.04	IRRIGATION	MOORE, KAYE M		wrWaterRight
36	103	C	1884-09-10	0.04	IRRIGATION	MC KINNON, DOROTHY E ; MC KINNON, ERNESTATE L	1	wrAdjudicationRecommendation
36	103	C	1884-09-10	0.04	IRRIGATION	MC KINNON, DOROTHY E ; MC KINNON, ERNESTATE L	2	wrAdjudicationRecommendation
36	103	E	1884-09-10	0.07	AESTHETIC	ROBINSON, GORDON ; ROBINSON, SHELVIE		wrWaterRight
36	103	F	1884-09-10	0.02	DOMESTIC	ZINK, BASIL LESTER ; ZINK, MYRLE HYDE		wrWaterRight
36	106		1880-04-01	0.44	IRRIGATION	RIVER GROVE FARMS INC	1	wrAdjudicationRecommendation
36	106		1880-04-01	0.50	IRRIGATION, STOCKWATER	RIVER GROVE FARMS INC	2	wrAdjudicationRecommendation
36	106		1880-04-01	2.00	IRRIGATION	TERRY, JOHN D ; TERRY, SARAH F		wrWaterRight
36	107		1887-04-30	1.00	IRRIGATION	TERRY, JOHN D ; TERRY, SARAH F		wrWaterRight
36	108		1884-09-10	5.40	IRRIGATION	THOMPSON, MABEL ; THOMPSON, T E		wrWaterRight
36	108	A	1884-09-10	0.30	IRRIGATION, STOCKWATER		1	wrAdjudicationRecommendation
36	108	B	1884-09-10	0.51	IRRIGATION	BONNING II, WALTER J ; BONNING, JUDY L	1	wrAdjudicationRecommendation
36	108	B	1884-09-10	0.55	IRRIGATION, STOCKWATER	BONNING II, WALTER J ; BONNING, JUDY L	2	wrAdjudicationRecommendation
36	108	C	1884-09-10	0.07	IRRIGATION, STOCKWATER	MYERS, ROSELLA F	1	wrAdjudicationRecommendation
36	108	C	1884-09-10	0.07	IRRIGATION, STOCKWATER	MYERS, ROSELLA F		wrWaterRight
36	108	D	1884-09-10	0.14	IRRIGATION	BLANDFORD, CARL ; BLANDFORD, VELDA	1	wrAdjudicationRecommendation
36	108	D	1884-09-10	0.14	IRRIGATION	BLANDFORD, CARL ; BLANDFORD, VELDA		wrWaterRight

36	108	E	1884-09-10	3.28	IRRIGATION		1	wrAdjudicationRecommendation
36	108	G	1884-09-10	0.02	IRRIGATION	TUSSEY, GARY K ; TUSSEY, KAREN J	1	wrAdjudicationRecommendation
36	108	G	1884-09-10	0.02	IRRIGATION	TUSSEY, GARY K ; TUSSEY, KAREN J	2	wrAdjudicationRecommendation
36	108	H	1884-09-10	0.12	IRRIGATION, STOCKWATER	JONES, BRADY ; JONES, KARI	1	wrAdjudicationRecommendation
36	108	H	1884-09-10	0.12	IRRIGATION, STOCKWATER	JONES, BRADY ; JONES, KARI		wrWaterRight
36	108	J	1884-09-10	0.50	IRRIGATION, STOCKWATER	EASTERDAY, LOVA U ; EASTERDAY, RAY R	1	wrAdjudicationRecommendation
36	108	J	1884-09-10	0.50	IRRIGATION, STOCKWATER	EASTERDAY, LOVA U ; EASTERDAY, RAY R		wrWaterRight
36	108	L	1884-09-10	0.17	IRRIGATION	GRIDLEY, DORIS M	1	wrAdjudicationRecommendation
36	108	N	1884-09-10	0.16	IRRIGATION	BROOKS, CRAIG ; BROOKS, LAURIE	1	wrAdjudicationRecommendation
36	108	P	1884-09-10	0.10	IRRIGATION	VEENENDAAL, DICK J ; VEENENDAAL, SIGRID E	1	wrAdjudicationRecommendation
36	108	Q	1884-09-10	0.20	IRRIGATION, STOCKWATER	HUNTER, DALE E ; HUNTER, LINDA G	1	wrAdjudicationRecommendation
36	108	R	1884-09-10	0.02	IRRIGATION	ARMIN & CAROL SUTTERLIN LIVING TRUST ; ARMIN AND CAROL SUTTERLIN LIVING TRUST	1	wrAdjudicationRecommendation
36	108	R	1884-09-10	0.02	IRRIGATION	ARMIN & CAROL SUTTERLIN LIVING TRUST ; ARMIN AND CAROL SUTTERLIN LIVING TRUST		wrWaterRight
36	108	S	1884-09-10	2.37	IRRIGATION	BOTHWELL, BRUCE ; MESSERSMITH, R G	1	wrAdjudicationRecommendation
36	108	T	1884-09-10	0.02	IRRIGATION	BROOKS, RAYMOND D ; HOFF, DORITA	1	wrAdjudicationRecommendation
36	108	U	1884-09-10	0.12	IRRIGATION	BEANE, STEPHEN W ; BEANE, TRUDY	1	wrAdjudicationRecommendation
36	108	V	1884-09-10	0.06	IRRIGATION	BEANE, STEPHEN W ; BEANE, TRUDY	1	wrAdjudicationRecommendation
36	108	W	1884-09-10	0.02	IRRIGATION	METZGER, JEAN S ; METZGER, ROBERT J	1	wrAdjudicationRecommendation
36	110		1885-04-01	1.50	IRRIGATION	TROVILLO, D C ; TROVILLO, ESTELLA		wrWaterRight
36	110	A	1885-04-01	0.43	IRRIGATION		1	wrAdjudicationRecommendation
36	110	B	1885-04-01	0.20	IRRIGATION	WOODHEAD, FRAN M ; WOODHEAD, TERRY G	1	wrAdjudicationRecommendation
36	110	B	1885-04-01	0.43	IRRIGATION	WOODHEAD, FRAN M ; WOODHEAD, TERRY G	2	wrAdjudicationRecommendation
36	110	C	1885-04-01	0.12	IRRIGATION, STOCKWATER	FLINT, VERA C ; FLINT, WILLIAM E	1	wrAdjudicationRecommendation
36	110	D	1885-04-01	0.99	IRRIGATION, STOCKWATER	J3G HOLDINGS		wrWaterRight
36	111		4/1/1910	0.50	IRRIGATION	TROVILLO, D C ; TROVILLO, ESTELLA		wrWaterRight
36	111	B	4/1/1910	0.20	IRRIGATION	WOODHEAD, FRAN M ; WOODHEAD, TERRY G	2	wrAdjudicationRecommendation
36	111	D	4/1/1910	0.32	IRRIGATION	J3G HOLDINGS		wrWaterRight
36	112	A	1891-01-02	0.80	IRRIGATION	J3G HOLDINGS		wrWaterRight
36	112	B	1891-01-02	0.43	IRRIGATION	WOODHEAD, FRAN M ; WOODHEAD, TERRY G	1	wrAdjudicationRecommendation
36	112	B	1891-01-02	1.20	IRRIGATION	WOODHEAD, FRAN M ; WOODHEAD, TERRY G	2	wrAdjudicationRecommendation
36	112	B	1891-01-02	1.20	IRRIGATION	POPE, J L		wrWaterRight
36	113	B	1881-06-26	0.04	IRRIGATION	STROM, ROBERT M		wrWaterRight
36	113	C	1881-06-26	0.52	IRRIGATION	TROVILLO, D C ; TROVILLO, ESTELLA		wrWaterRight
36	113	D	1881-06-26	0.04	IRRIGATION	UPPIANO, GRETCHEN S ; UPPIANO, RICHARD		wrWaterRight
36	113	E	1881-06-26	0.08	IRRIGATION, STOCKWATER	FOWLER, HELEN S ; FOWLER, JERRY R	1	wrAdjudicationRecommendation
36	113	E	1881-06-26	0.08	IRRIGATION, STOCKWATER	FOWLER, HELEN S ; FOWLER, JERRY R		wrWaterRight
36	113	G	1881-06-26	0.12	IRRIGATION	REED, BILLEE ; REED, COLE	1	wrAdjudicationRecommendation
36	113	G	1881-06-26	0.12	IRRIGATION	REED, BILLEE ; REED, COLE		wrWaterRight
36	113	H	1881-06-26	0.03	IRRIGATION	WOODHEAD, FRAN M ; WOODHEAD, TERRY G	1	wrAdjudicationRecommendation
36	113	H	1881-06-26	0.07	IRRIGATION	WOODHEAD, FRAN M ; WOODHEAD, TERRY G	2	wrAdjudicationRecommendation
36	113	J	1881-06-26	0.18	IRRIGATION	WOODHEAD, FRAN M ; WOODHEAD, TERRY G	1	wrAdjudicationRecommendation
36	113	J	1881-06-26	0.18	IRRIGATION	WOODHEAD, FRAN M ; WOODHEAD, TERRY G	2	wrAdjudicationRecommendation

36	125		1884-09-10	0.20	IRRIGATION	WEACH, JANE ; WEACH, WILLIAM		wrWaterRight
36	125	A	1884-09-10	0.03	DOMESTIC	BEUTLER, DAVID E ; BEUTLER, LYNNE D		wrWaterRight
36	140		1888-04-01	6.40	IRRIGATION	SANDS, BETTY ; SANDS, FLORENCE ; SANDS, JESSIE ; SANDS, MARTHA A		wrWaterRight
36	141		1895-04-01	6.00	IRRIGATION	SANDS, BETTY ; SANDS, FLORENCE ; SANDS, JESSIE ; SANDS, MARTHA A		wrWaterRight
36	142		4/1/1905	1.08	IRRIGATION	SANDS, BETTY ; SANDS, FLORENCE ; SANDS, JESSIE ; SANDS, MARTHA A		wrWaterRight
36	143		1885-04-01	0.80	IRRIGATION	DILATUSH, CHARLES N		wrWaterRight
36	144		1890-04-01	1.60	IRRIGATION	REED, ALVA ; REED, MRS ALVA		wrWaterRight
36	145		1885-04-01	4.00	IRRIGATION	BARLOGI, AGNES ; BARLOGI, JAMES ; BARLOGI, LOUISE ; BARLOGI, RETA ; BARLOGI, REX		wrWaterRight
36	146		4/1/1907	0.92	IRRIGATION	BARLOGI, AGNES		wrWaterRight
36	147		1885-04-01	0.24	IRRIGATION	TROVILLO, D C ; TROVILLO, ESTELLA J		wrWaterRight
36	148		4/1/1909	0.24	IRRIGATION	CLIFFORD, MRS W H ; CLIFFORD, W H		wrWaterRight
36	150		1885-04-01	0.40	IRRIGATION	MOORE, JOHN ; MOORE, MRS JOHN		wrWaterRight
36	151		1885-04-01	0.40	IRRIGATION	MOORE, DANIEL ; MOORE, MRS DANIEL		wrWaterRight
36	2082		12/10/1948	5.00	COOLING, FIRE PROTECTION, IRRIGATION	IDAHO POWER CO	1	wrAdjudicationRecommendation
36	2082		12/10/1948	5.00	COOLING, FIRE PROTECTION, IRRIGATION	IDAHO POWER CO		wrWaterRight
36	2734		10/5/1965	100.00	FISH PROPAGATION	IDAHO STATE BUILDING AUTHORITY	1	wrAdjudicationRecommendation
36	2734		10/5/1965	100.00	FISH PROPAGATION	IDAHO STATE BUILDING AUTHORITY	2	wrAdjudicationRecommendation
36	2734		10/5/1965	100.00	DOMESTIC, FISH PROPAGATION	IDAHO SPRINGS TROUT CO		wrWaterRight
36	4011		12/1/1965	12.00	FISH PROPAGATION	IDAHO STATE BUILDING AUTHORITY	1	wrAdjudicationRecommendation
36	4011		12/1/1965	12.00	FISH PROPAGATION	IDAHO STATE BUILDING AUTHORITY	2	wrAdjudicationRecommendation
36	4011		12/1/1965	50.00	FISH PROPAGATION	THOUSAND SPRINGS TROUT FARMS INC		wrWaterRight
36	4022		4/1/1961	1.20	IRRIGATION, STOCKWATER	SMITH, ETHEL C ; SMITH, O S		wrWaterRight
36	4115		3/15/1935	0.50	IRRIGATION, STOCKWATER	PUGMIRE, DARWIN		wrWaterRight
36	4261		5/5/1966	0.02	DOMESTIC	TYLER, BRUCE H ; TYLER, DENNY		wrWaterRight
36	7081		8/26/1969	4.00	WILDLIFE	ARCHIE, JOSEPH PATRICK ; ARCHIE, SARAH ELLEN ; COLLINS, E A ; COOPER, KATHLEEN ; COOPER, ROSS ; GARY COOK CORP ; M J & SHARON WIENS JR FAMILY TRUST ; SLOPE COMPACTION	1	wrAdjudicationRecommendation
36	7081		8/26/1969	4.00	WILDLIFE	ARCHIE, JOSEPH PATRICK ; ARCHIE, SARAH ELLEN ; COLLINS, E A ; COOPER, KATHLEEN ; COOPER, ROSS ; GARY COOK CORP ; M J & SHARON WIENS JR FAMILY TRUST ; SLOPE COMPACTION	2	wrAdjudicationRecommendation
36	7081		8/26/1969	4.00	FISH PROPAGATION	COOK, RICHARD L		wrWaterRight
36	7129		5/22/1970	11.57	FISH PROPAGATION	BOYER, DALE E ; BOYER, ELAINE		wrWaterRight

36	7172		3/25/1971	4.00	DOMESTIC, STOCKWATER, WILDLIFE	PORTER, BOB ; SURBAUGH, FRED		wrWaterRight
36	7229		3/30/1972	10.50	WILDLIFE	ARCHIE, JOSEPH PATRICK ; ARCHIE, SARAH ELLEN ; COLLINS, E A ; COOPER, KATHLEEN ; COOPER, ROSS ; GARY COOK CORP ; M J & SHARON WIENS JR FAMILY TRUST ; SLOPE COMPACTION	1	wrAdjudicationRecommendation
36	7229		3/30/1972	10.50	WILDLIFE	ARCHIE, JOSEPH PATRICK ; ARCHIE, SARAH ELLEN ; COLLINS, E A ; COOPER, KATHLEEN ; COOPER, ROSS ; GARY COOK CORP ; M J & SHARON WIENS JR FAMILY TRUST ; SLOPE COMPACTION	2	wrAdjudicationRecommendation
36	7229		3/30/1972	10.50	FISH PROPAGATION	COOK, RICHARD L		wrWaterRight
36	7233		4/17/1972	9.20	WILDLIFE	PORTER, BOB ; SURBAUGH, FRED		wrWaterRight
36	7271		11/17/1972	4.62	FIRE PROTECTION, FISH PROPAGATION	KING, THOMAS E ; MARTIN, JAMIE G ; SHOKAL, RUTH C		wrWaterRight
36	7282		1/5/1973	36.00	FISH PROPAGATION	ECKLES, CALVIN J ; ECKLES, MYRLE		wrWaterRight
36	7314		3/15/1973	20.00	FISH PROPAGATION	SMITH, ETHEL ; SMITH, O S		wrWaterRight
36	7314	A	3/15/1973	20.00	FISH PROPAGATION	TALBOTT, VERNITA		wrWaterRight
36	7314	B	3/15/1973	15.00	FISH PROPAGATION	RIVER GROVE FARMS INC		wrWaterRight
36	7314	C	12/31/1986	5.00	FISH PROPAGATION	STURDIVANT, PETER	1	wrAdjudicationRecommendation
36	7314	C	12/31/1986	5.00	FISH PROPAGATION	STURDIVANT, PETER	2	wrAdjudicationRecommendation
36	7658		11/16/1976	0.04	DOMESTIC	KIPP, ELBERTA M ; KIPP, RUDY B		wrWaterRight
36	7725		11/29/1976	100.00	FISH PROPAGATION	CLEAR LAKES TROUT CO INC	1	wrAdjudicationRecommendation
36	7725		11/29/1976	100.00	FISH PROPAGATION	CLEAR LAKES TROUT CO INC	2	wrAdjudicationRecommendation
36	7725		11/29/1976	100.00	FISH PROPAGATION	CLEAR LAKES TROUT CO INC		wrWaterRight
36	7742		8/1/1977	20.00	FISH PROPAGATION	BUCKEYE FARMS INC		wrWaterPermit
36	7750	A	9/19/1977	25.00	FISH PROPAGATION	RIVER GROVE FARMS INC		wrWaterPermit
36	7750	B	9/19/1977	25.00	FISH PROPAGATION	STURDIVANT, PETER L		wrWaterPermit
36	7834		12/21/1978	100.00	POWER	BRANCHFLOWER, KATHERINE L ; BRANCHFLOWER, MICHAEL G	1	wrAdjudicationRecommendation
36	7834		12/21/1978	100.00	POWER	BRANCHFLOWER, KATHERINE L ; BRANCHFLOWER, MICHAEL G	2	wrAdjudicationRecommendation
36	7834		12/21/1978	100.00	POWER	BRANCHFLOWER, KATHERINE L ; BRANCHFLOWER, MICHAEL G		wrWaterRight
36	7834		12/21/1978	100.00	POWER	TROUTCO		wrWaterPermit
36	7875		10/24/1979	10.00	FISH PROPAGATION	YA TA HAY INVESTMENTS INC		wrWaterRight
36	8058		2/3/1982	100.00	POWER	BRANCHFLOWER, KATHERINE L ; BRANCHFLOWER, MICHAEL G	1	wrAdjudicationRecommendation
36	8058		2/3/1982	100.00	POWER	BRANCHFLOWER, KATHERINE L ; BRANCHFLOWER, MICHAEL G	2	wrAdjudicationRecommendation
36	8058		2/3/1982	99.10	POWER	BRANCHFLOWER, KATHERINE L ; BRANCHFLOWER, MICHAEL G		wrWaterRight

36	8058		2/3/1982	100.00	POWER	BRANCHFLOWER, KATHERINE L ; BRANCHFLOWER, MICHAEL G		wrWaterPermit
36	8089		6/2/1982	120.20	POWER	FISHERIES DEVELOPMENT CO		wrWaterRight
36	8099		7/12/1982	1.92	POWER	RIVER GROVE FARMS INC	1	wrAdjudicationRecommendation
36	8099		7/12/1982	2.00	POWER	RIVER GROVE FARMS INC	2	wrAdjudicationRecommendation
36	8099		7/12/1982	1.92	POWER	WATKINS, INEZ S ; WATKINS, PAUL E		wrWaterRight
36	8319		12/15/1986	15.00	AESTHETIC, FISH PROPAGATION, POWER	HARDY, EARL M		wrWaterApplication
36	8335		9/24/1987	12.00	AESTHETIC, RECREATION, WILDLIFE	BUCKEYE FARMS INC		wrWaterPermit
36	8596		6/24/1991	140.00	MINIMUM INSTREAM FLOW			wrWaterApplication
36	8730		9/24/1987	20.00	AESTHETIC, RECREATION, WILDLIFE	BUCKEYE FARMS INC		wrWaterPermit
36	8783		2/17/1998	15.00	AESTHETIC, FISH PROPAGATION, RECREATION, WILDLIFE	BUCKEYE FARMS INC		wrWaterApplication
36	8784		2/17/1998	12.00	AESTHETIC, FISH PROPAGATION, RECREATION, WILDLIFE	BUCKEYE FARMS INC		wrWaterApplication
36	8786		12/2/1998	15.00	AESTHETIC, RECREATION, WILDLIFE	WESTERN LEGENDS LC		wrWaterApplication
36	8793		7/16/1999	100.00	MINIMUM INSTREAM FLOW			wrWaterApplication
36	10120		1881-06-26	0.03	DOMESTIC	KIPP, ELBERTA ; KIPP, RUDY B		wrWaterRight
36	10283	A	1881-06-26	1.30	IRRIGATION, STOCKWATER	YA TA HAY INVESTMENTS INC	1	wrAdjudicationRecommendation
36	10283	A	1881-06-26	2.38	IRRIGATION, STOCKWATER	YA TA HAY INVESTMENTS INC	2	wrAdjudicationRecommendation
36	10283	B	1881-06-26	0.30	IRRIGATION, STOCKWATER	RIGHT LANE TRUST	1	wrAdjudicationRecommendation
36	10283	B	1881-06-26	0.30	IRRIGATION, STOCKWATER	RIGHT LANE TRUST		wrWaterRight
36	15184		1881-06-26	0.35	IRRIGATION	OSBORNE, LAYNE	1	wrAdjudicationRecommendation
36	15184		1881-06-26	0.35	IRRIGATION	OSBORNE, LAYNE	2	wrAdjudicationRecommendation
36	15384		1895-04-01	10.10	IRRIGATION	ARCHIE, JOSEPH PATRICK ; ARCHIE, SARAH ELLEN ; COLLINS, E A ; COOPER, ROSS AND/OR KATHLEEN ; GARY COOK CORP ; M J & SHARON WIENS JR FAMILY TRUST ; SLOPE COMPACTION A CALIFORNIA CORP	1	wrAdjudicationRecommendation
36	15463		10/12/1954	0.14	IRRIGATION	JOINT HAGERMAN SCHOOL DISTRICT NO 3	1	wrAdjudicationRecommendation
36	15467		4/1/1905	2.95	IRRIGATION	ARCHIE, JOSEPH PATRICK ; ARCHIE, SARAH ELLEN ; COLLINS, E A ; COOPER, KATHLEEN ; COOPER, ROSS ; GARY COOK CORP ; M J & SHARON WIENS JR FAMILY TRUST ; SLOPE COMPACTION	1	wrAdjudicationRecommendation
36	15534		2/15/1946	14.10	DIVERSION TO STORAGE, IRRIGATION, WILDLIFE, WILDLIFE STORAGE	WESTERN LEGENDS LC	1	wrAdjudicationRecommendation
36	15541		11/1/1970	1.40	FISH PROPAGATION	BOYER, DALE E ; BOYER, ELAINE	1	wrAdjudicationRecommendation

36	15683		7/9/2001		AESTHETIC STORAGE	MARTIN, KIRT L		wrWaterApplication
36	15683		7/9/2001		AESTHETIC STORAGE	MARTIN, KIRT L		wrWaterPermit

LICENSE REVIEW CHECKLIST

Permit No. 36-8058 Date: 11-8-01 Reviewer: Kay Walker

Change/OK

Name/Address change address per phone & letter

Source ok
Point of Diversion: ok

Does change clarify original intended source? If no, void permit.
Change (P39/P49) Add (P45/P44) Feds (P40)

W32 (multiple in 1/4/1/4)
W36 (overlap)
W59 (subdivision description)

Place of Use ok

Change (P41/P49) Add (P41/P44) Feds (P43)

W60 (subdivision description)
W27 (ppu acre limit)

Overlaps: Right(s): 36-07834 - also on license proceed
File reviewed____ Profile reports printed_____

P/D & P/U amend (P37) Feds (P48)

Rate of Diversion:

Permitted rate 100.00 cfs
Fee Limit 100.0 cfs
Measured ~~99.1~~ cfs
Theoretical _____ cfs

Recommended Total Diversion Rate ~~99.1~~ 53.4
153.4 - see water msmt record 95-99 in file 36-07834

Season of Use per new Standards _____

Water Uses ok Change (P46)

Irrigation	____ cfs	____ af
Stockwater	____ cfs	____ af
Domestic	____ cfs	____ af
Power	~~99.1~~ cfs	____ af
____	____ cfs	____ af
Total	~~99.1~~ cfs	____ af
	53.4	6800.

Irrigation - overlap(R58-R61, **R62-R65, R66-R69)**
supp. Gw (WB7/065/104)
overlap spec combined rts (W35)
<1 acre (W31)
Domestic (W01/wb5/070/071/075)
Power (W42 or W43/025/027/R22 or R23
Fish (042)
Fire (077)
Water Quality (081/R07)
Payette – (W22/047/27A)
Stockwater for US (R37)

water msmt. records for 1997 show annual volume at 79170 AF. allow 72,400 under 36-7920 right – 6800 AF under this permit. Area msmt. records in file 36-7834. KW

Volume Determination
99.1 cfs x 1.9835 x 365 days = 71746.2 af (vs) _____ acres x _____ (FHR) = _____ af
≈ 71700.

Remarks: W36 (36-07834)

Additional Conditions YES Watermaster Control 36A
____ GW Measurement/Measuring Device
____ Other
Trust R55 – remove 051)
Non-trust (048/049)

GW Dist? _____
Water Msmt. Dist? _____
Crit. GWMA? _____
GWMA? _____
Government Lots? _____

Advance Priority? ____yes ____no If yes, explain why below.

SRBA Claim? YES - pending

Adjust memo ____

Amend Letters _____ **P87, S06** **Second Amendment Notice** _____ **S06**

MEMORANDUM

TO: Files 36-07834 and 36-08058

FROM: KAY WALKER

RE: License Recommendations

Date: December 14, 2001

The volumes recommended on these proposed licenses were based on the flow rates the permit holder used is 1997. There were no flow records in the water district records for Billingsley Creek prior to 1995. In 1995 Billingsley Creek began reporting flow records to the Water Distribution Section and these records are what I have based the volumes for the proposed licenses. 1997 was the year with the highest recorded volumes for this system. Mr. Branchflower takes flow readings every week and submits them to IDWR. The flow records can be found in File 36-07834.

I propose we allow 72,400 acre feet for Permit 36-07834 so that the senior right has the maximum allowable volume. Permit 36-08058 will receive 6,800 acre feet which remains after I removed the volume for the senior permit.

72,400
6,800
79,200. (Rounded to 3 digits per Admin. Memo – A pp Processing No. 6.

The bypass flows required under this right are not recorded by Water Distribution Section. However, the bypass flows can be measured and regulated (per phone conversation with Cindy Hodges of Water Distribution Section) if necessary.

MICROFILMED
NOV 03 2002

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 36-8058 V2

WATER RIGHT NUMBER: 36-8058 V2

Owner Type	Name and Address
Current Owner	KATHERINE L BRANCHFLOWER PO BOX 392 WENDELL, ID 83355
Directors Report Owner	TROUT-CO PO BOX 326 HAGERMAN, ID 83332 (208)837-4554
Current Owner	MICHAEL G BRANCHFLOWER PO BOX 392 WENDELL, ID 83355

Priority Date: 02/03/1982

Basis: Permit

Status: Active

Source	Tributary
BILLINGSLEY CREEK	SNAKE RIVER

Beneficial Use	From To	Diversion Rate	Annual Volume
POWER	1/01 to 12/31	100.000 CFS	
	Total Diversion:	100.000 CFS	

Location of Point(s) of Diversion

BILLINGSLEY CREEK SE1/4SE1/4NE1/4 Sec. 11, Twp 07S, Rge 13E, B.M.

GOODING County

Place of Use

POWER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	13E	11				X													

Conditions of Approval:

1. A01 THIS RIGHT IS CONDITIONED UPON COMPLETION OF THE APPROPRIATION IN ACCORDANCE WITH THE STATUTORY PROCEDURE FOR APPROPRIATION OF WATER RIGHTS. THIS RIGHT REMAINS SUBJECT TO ALL CONDITIONS SET FORTH IN THE PERMIT UPON WHICH THIS RIGHT IS BASED, AND WILL BE SUBJECT TO ALL CONDITIONS SET FORTH IN THE LICENSE ISSUED BY IDWR UPON COMPLETION OF THE STATUTORY APPROPRIATION PROCESS.

Remarks:

MICROFILMED

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 36-8058 V2

Comments:

1. TBACKLUN 3/1/1996 NAME CHANGE
Comment: OWNERSHIP CHANGE MADE WITH 42-1409(7). SF3 WAS SENT TO NEW OWNERS. WARRANTY DEED INCLUDED.

2. CFRITSCH 6/25/1999 COPIED FROM REMARKS
Comment: FEET OF HEAD = 20 FEET HORSEPOWER = 227 HYDRO-POWERPLANT

Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag: NONE RECEIVED
State or Federal: S
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

MICROFILMED
JUN 0 5 2002

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 36-8058 V1

WATER RIGHT NUMBER: 36-8058 V1

Owner Type	Name and Address
Current Owner	MICHAEL G BRANCHFLOWER PO BOX 392 WENDELL, ID 83355
Directors Report Owner	TROUT-CO PO BOX 326 HAGERMAN, ID 83332 (208)837-4554
Current Owner	KATHERINE L BRANCHFLOWER PO BOX 392 WENDELL, ID 83355

Priority Date: 02/03/1982

Basis: Permit

Status: Active

Source	Tributary
BILLINGSLEY CREEK	SNAKE RIVER

Beneficial Use	From To	Diversion Rate	Annual Volume
POWER	1/01 to 12/31	100.000 CFS	
	Total Diversion:	100.000 CFS	

Location of Point(s) of Diversion

BILLINGSLEY CREEK SE1/4SE1/4NE1/4 Sec. 11, Twp 07S, Rge 13E, B.M.

GOODING County

Place of Use

POWER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	13E	11				X													

Conditions of Approval:

1. A01 THIS RIGHT IS CONDITIONED UPON COMPLETION OF THE APPROPRIATION IN ACCORDANCE WITH THE STATUTORY PROCEDURE FOR APPROPRIATION OF WATER RIGHTS. THIS RIGHT REMAINS SUBJECT TO ALL CONDITIONS SET FORTH IN THE PERMIT UPON WHICH THIS RIGHT IS BASED, AND WILL BE SUBJECT TO ALL CONDITIONS SET FORTH IN THE LICENSE ISSUED BY IDWR UPON COMPLETION OF THE STATUTORY APPROPRIATION PROCESS.

Remarks:

1. General FEET OF HEAD = 20 FEET HORSEPOWER = 227

MICROFILMED
JUN 0 5 2003

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 36-8058 V1

Comments:

1. TBACKLUN 3/1/1996 NAME CHANGE
Comment: OWNERSHIP CHANGE MADE WITH 42-1409(7). SF3 WAS SENT TO NEW OWNERS. WARRANTY DEED INCLUDED.

Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag: NONE RECEIVED
State or Federal: S
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

MICROFILMED
JUN 05 2002

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

December 5, 2001

MICHAEL G &/OR KATHY L BRANCHFLOWER
PO BOX 575
HAGERMAN ID 83332

RE: Permit Nos. 36-07834 and 36-08058

Dear Mr. and Mrs. Branchflower:

We are in receipt of the "Change in Address" form and the "Affidavit for Water Rights to be used for Power Purposes". Before we can take further action on the above referenced permits, we need to have the "Assignment of Permit" forms that I had mailed to TroutCo on November 14, 2001. The permits are considered personal property and TroutCo must assign the permits to you before we can proceed with our review. The assignment of permit forms requires a $25.00 filing fee for each permit being assigned. I am enclosing 2 more assignment forms for your convenience.

If you have any questions regarding this matter, please do not hesitate to contact me.

Sincerely,

Kay Walker

KAY WALKER
Sr. Water Resource Agent

KW:k
Enclosures

MICROFILMED
JUN 0 3 2002

Department of Water Resources
P.O. Box 83720
Boise, Id. 83720-0098

RECEIVED
DEC - 5 2001
Department of Water Resources

December 2, 2001

Attention: Kay Walker

Please find inclosed: a change of address form,
Affidavit for water rights to be used for power purposes form,
The intake channel flow cannot be re-rated at this point in time. Two of the three generators are under going maintenance and repair. After consulting with Charles Brockway Jr. PHD of Brochway Engineering of Twin Falls, Idaho, he confirmed that all three generating units must be functional to achieve an accurate intake channel flow rating. When repairs have been completed on unites one and two, we will contact Brockway Engineering and have them conduct a flow re-rating at that time.

Michael Branchflower

MICROFILMED
JUN 0 5 2002

* 11/99

For Office Use Only
$25 filing fee 25.00
Receipt # C235409
Date 12-13-01

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

ASSIGNMENT OF PERMIT

To change the ownership of a permit

K

I, Trout Co, hereby assign to Michael G. & Katherine L. Branchflower
of, P.O. Box 575 Hagerman, Idaho 83332 208-543-2322
(Full Address) (Phone)

All my right, title, and interest in and to Permit No. 36-08058 to appropriate the public waters of the State of Idaho.

OR (for partial assignments)

The following described portion of my right, title, and interest in and to for Permit No. _____ to appropriate the public waters of the State of Idaho.
(Describe portion of the application for permit assigned, listing the number of acres in each 40 acre subdivision, point of diversion location, and amount of the water in cubic feet per second.)

_____

_____

_____

_____

Made this 11 day of December, 20 01

Trout Co by W.A. Sandy President
Permit Holder(s)

State of Idaho)
)ss
County of Gooding)

On this 11th day of December, 20 01, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

SEAL

STACEE CLARK NOTARY PUBLIC STATE OF IDAHO

Stacee Clark
Notary Public residing at
Hagerman, ID 83332

My commission expires: 1-14-2005

MICROFILMED

JAN 15 2002

36-7834
36-8058

Water Right No.

Form 205/206
4/85

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, Michael G Stanoch Joseph of Hagerman,
(name) (city),

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

2. Corporation:

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

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

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

of the said corporation as required by Section 30-1-12, **Idaho Code**, at _____
(city)

Idaho, wherein are kept the corporate records required by Section 30-1-52, **Idaho Code**: and that _____

_____ is a corporation qualified to do business in the State of Idaho under the laws
(name of corporation)

of the State of Idaho.

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

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

(check one)

☒ Will **not** utilize existing man-made irrigation facilities such as a dam or a canal.

☐ Will utilize existing man-made irrigation facilities such as a dam or a canal, and permission of the owner is documented in an affidavit attached hereto.

☐ Will utilize existing man-made irrigation facilities such as a dam or a canal, and the owner of the facilities is the signee of this affidavit.

Applicant

State of Idaho)
County of Gooding) ss.

On this 30 day of November, 2001, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

seal

STATE OF IDAHO NOTARY PUBLIC DAVID M. DAVIS

David M. Davis
Notary Public residing at Jerome, ID
Comm. Expires 8/25/05

My commission expires:
8/25/05

RECEIVED
JUN 05 2002

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT NOS. 36-7834 AND 36-8058 IN THE NAME OF TROUT-CO

ORDER

WHEREAS, on May 24, 1988, the Idaho Department of Water Resources (department) issued an order in connection with the above captioned permits with the following condition of approval:

> A rated section to accurately measure and determine the rate of flow diverted to the generators shall be maintained and measuring devices of a type approved by the department shall be permanently installed and maintained to measure the by-pass flows.

and,

WHEREAS, the order also required the permit holder to re-rate the intake channel flow and submit the information to the department once a year or as determined necessary by the Director; and,

WHEREAS, the intake channel was rated in April 1988 and was re-rated in 1989 and in 1990 with differences in measured flow which were within the measurement accuracy of the current meter used to re-rate the channel; and

WHEREAS, the permit holder has asked the department to change the approval conditions to require re-rating of the channel every third year instead of every year;

IT IS THEREFORE, HEREBY ORDERED that the condition of approval requiring re-rating of the intake channel flow be changed to a frequency of every third year with the next rating being required in December 1993.

Dated this 12th day February, 1992.

L. Glen Saxton

L. GLEN SAXTON, Chief
Water Allocation Bureau

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JUN 0 5 2002

Form 217
07/90

RECEIVED

FEB 28 1991

Department of Water Resources
Southern Region Office

36-7834

For Office Use Only ee
Amt. of Fee $600
Date 2-28-91
Receipt No. 5013061
Received by JMB

36-8058 { $600 4-9-91 5013215 JB

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

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

1. Permit No. 36-7834 and 36-8058 Telephone No. 837-4401 or 4554
2. Name(s) of Permit Holder(s): Trout Co
3. Post Office Address: Box 326 Hagerman, Idaho 83332
4. Source of Water: Billingsley Creek

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

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

5. Extent of Use:

   Domestic _____ (No. of households) Irrigation _____ (No. of acres)

   Stockwater _____ (No. and type of stock) Other Hydro Power

6. Total rate and/or volume for which proof is submitted 200 cfs _____ acre/feet
7. Refer to the approval conditions on your permit and respond accordingly: See attached

   Measuring device: Required? X Yes __ No Installed? __ Yes __ No

   OR

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

8. Fee Enclosed: $ 600.00 (See License Examination Fee Schedule)
9. Person to contact to accompany the Department representative during the field examination:

   John A. Sandy (Name) 837-4554 or 6680 (Telephone No.)

   1304 S 1200 E Hagerman, Idaho 83332 (Address)

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

Feb 28, 1991 (Date) John D. Sandy Sec./Treas Trout Co (Signature (and title if on behalf of a company or organization))

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Ref: Item 7 of Proof of Beneficial Use form.

The method of measurement of the water used by our hydro has been Amended by the Idaho Dept. of Wate Resources.

Our water is now measured by A discharge rating curve which is checked annually by A hydrologist.

A copy of this discharge rating curve is on file with the IDWR And is also Attached.

John Sandy

Sec./Trea Trout Co

RECEIVED
FEB 28 1991
Department of Water Resources
Southern Region Office

MICROFILMED
JUN 0 5 2002

36-7834, 36-8058

RECEIVED
FEB 28 1991
Department of Water Resources
Southern Region Office

TROUTCO HYDROELECTRIC PROJECT

DISCHARGE RATING FOR LEFFEL TURBINE UNIT

LEFFEL KW METER READING KW	LEFFEL UNIT ONLY CFS	WITH UNIT 2 OPERATING CFS	WITH UNIT 3 OPERATING CFS	WITH UNITS 2&3 OPERATING CFS
0 *	14.2	87.5	90.3	162.8
5	19.1	92.4	95.2	167.7
10	23.4	96.6	99.4	171.9
15	27.0	100.2	102.9	175.4
20	30.0	103.3	105.9	178.5
25	32.6	105.9	108.5	181.1
30	34.9	108.3	110.7	183.4
35	37.0	110.4	112.7	185.5
40	38.9	112.5	114.6	187.4
45	40.9	114.5	116.5	189.4
50	42.9	116.5	118.6	191.4
55	45.1	118.7	120.8	193.7
60	47.7	121.2	123.4	196.2
65	50.6	124.1	126.4	199.1
**0		73.3	75.9	148.5

* LEFFEL UNIT OPERATING IN SYNC
** LEFFEL UNIT GATES CLOSED

REVISED 6/1/88
C.E. BROCKWAY P.E.

DISCHARGE CHECKS	UNITS RUNNING	LEFFEL READING KW	CURRENT METER CFS	RATING CURVE CFS	DIFF. %
DEC. 21, 1989 CEB	1&3	59.15	123.7	123.0	0.6

MICROFILMED
JUN 05 2002

36-7834, 36-8058

Form 204
4/86

RECEIVED
FEB 13 1989
Department of Water Resources
Southern Region Office

FEB 13 1989
For Office Use Only
$15 FEE Receipted by CP
Date 2/13/89
Receipt # 0005537

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

REQUEST FOR EXTENSION OF TIME

To provide additional time in which to submit proof of beneficial use for a water right permit

RECEIVED
FEB 16 1989
Department of Water Resources

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time in which to complete development of a water right under the provisions of Section 42-204, Idaho Code.

Permit No. 36-08058

Name(s) of Permit Holder: Troutco Inc.

Post Office Address: P. O. Box 326, Hagerman, ID 83332

Telephone No. 837-4554

Date Proof is Due: 3-1-1989

Describe what work has been completed toward the development of this water right:
(This must be filled out! If no work has been completed, show "none".)

All work has been completed. Power plant has been in operation for two years.

Costing $ 400,000.

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

Due to low stream flows, the full amount of water needed at this site has not been available. Proof is due on the other permit for this plant in 1991. We would like two years time so that one exam could be done for both permits by a licensed private engineer.

Permit holder(s) request an extension to 3-1, 19 91.
(1 yr. minimum)

John D. Sands Sec/Treas
(Signature)*

*IF OTHER THAN PERMIT HOLDER, POWER OF ATTORNEY MUST BE SUPPLIED.

FEE: $15.00

MAR 13 1989

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be APPROVED and the time within which to submit proof of beneficial use is extended to March 1, 1991.

Signed this 6th day of March, 19 89.

L. Glen Saxton
Chief, Water Allocation Bureau

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT NOS. 36-7834)
AND 36-8058 IN THE NAME OF TROUT-CO) ORDER
)

WHEREAS, on March 14, 1984, the Idaho Department of Water Resources (IDWR) issued Permit No. 36-7834 with a condition of approval which states:

> A measuring device of the type approved by this Department shall be permanently installed and maintained at the point of diversion.

and,

WHEREAS, on March 31, 1986, IDWR issued Permit No. 36-8058 with a condition of approval which states:

> Measuring devices of the types approved by this Department shall be permanently installed and maintained at the point of diversion and on Billingsley Creek to measure the by-pass flows.

and,

WHEREAS, on December 2, 1987, the permit holder requested a waiver of the measuring device condition due to backwater flooding conditions associated with the broadcrested weir which is installed in the intake canal to the power plant; and,

WHEREAS, the permit holder has rated the intake canal flow to the generators and has provided the information to IDWR for review and approval; and,

WHEREAS, department staff have conducted a site visit and have determined that the rating provided for the intake channel is sufficient to determine the rate of flow diverted;

NOW, THEREFORE, IT IS HEREBY ORDERED that the condition of approval requiring the installation and maintenance of the measuring device (broadcrested weir in the intake canal) is changed to be as follows:

> A rated section to accurately measure and determine the rate of flow diverted to the generators shall be maintained and measuring devices of a type approved by the department shall be permanently installed and maintained to measure the by-pass flows.

IT IS FURTHER HEREBY ORDERED, that the permit holder shall re-rate the intake channel flow and submit the information to IDWR once a year or as determined necessary by the Director.

Dated this 24th day of May, 1988.

L. Glen Saxton

L. GLEN SAXTON
Chief, Operations Bureau

BEFORE THE DIRECTOR OF THE DEPARTMENT

OF WATER RESOURCES OF THE

STATE OF IDAHO

IN THE MATTER OF PROTEST AGAINST APPROVAL OF APPLICATION FOR PERMIT NO. 36-8058 IN THE NAME OF TROUT-CO	ORDER ISSUING PROPOSED DECISION

A. Kenneth Dunn, Director of the Department of Water Resources, having reviewed the attached proposed decision prepared by his appointee, Bobby D. Fleenor, who conducted the hearing or who has read the record in this case, hereby approves the same as a proposal for decision pursuant to Idaho Code, § 67-5211 and orders that said proposed decision and a copy of this order be served upon each of the parties to these proceedings who appeared at the hearing on July 29, 1982, of this matter or upon their attorneys in accordance with Rule 7.3 of the Rules of Practice and Procedure of this Department.

Each party to these proceedings who appeared at the hearing is hereby afforded the opportunity, pursuant to Idaho Code §§ 42-1701A and 67-5211, to file exceptions to the attached proposed decision and to present briefs and oral agruments in accordance with the provisions of this order. Exceptions may not be filed and briefs and oral agruments may not be presented by parties who did not appear at the hearing of this case. If no timely and proper exceptions are received, an order by the Director will be entered adopting and issuing the proposed decision as his final decision.

I.
EXCEPTIONS

A. To be considered by the Director, exceptions must:

1. be received by the Director on or before the 15th day following the day of service of this Order and the proposed decision,

2. specifically identify the portions of the proposed decision to which exceptions are made and specifically state the grounds for those exceptions, and

3. be sent to each of the parties who appeared or their attorneys.

B. Exceptions not in compliance with the above stated requirements will not be considered and will be deemed an acceptance of the propose decision.

II.
BRIEFS

A. Any briefs in support of exceptions to the proposed decision shall be filed with the Director at the same time that party's exceptions are filed with the Director.

B. Any party desiring to file a brief in response to any exceptions filed by any other party may do so by filing such brief with the Director on or before the 15th day following the last day any exceptions by any other party were served upon that party desiring to respond.

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MICROFILMED

III.
ORAL ARGUMENTS

A. No oral arguments before the Director on the proposed decision will be held unless specifically requested by a party filing exceptions to the proposed decision and unless that request is filed with the Director concurrently with the filing of that party's exceptions.

B. If oral agruments have been properly requested by a party filing exceptions, any other party, upon reasonable notice to the Director, shall have the right to present oral arguments in response to the exceptions filed.

C. Oral arguments before the Director on exceptions to the proposal for decision shall be heard at the discretion of the Director, pursuant to Idaho Code, § 42-1701A. After all exceptions, briefs and requests for oral arguments have been received, the Director will decide whether to hear oral agruments. If oral arguments are to be heard, the Director will, within a reasonable time, set the case for oral agruments and notify each party of the place, date and hour the oral agruments will take place and of the period of time allocated for the arguments of this case. Unless the Director orders otherwise, all oral agruments shall be heard in Boise, Idaho.

IV.
CERTIFICATION OF SERVICE

A. All exceptions, briefs, requests for oral arguments and other matters filed with the Director in connection with the proposed decision shall be served on all other parties to these proceedings in accordance with Rule 7.2.

V.
FINAL DECISION

A. Following the submission of all exceptions and briefs and oral agruments, if they are heard, the Director shall issue a final decision adopting, modifying or rejecting and replacing the proposed decision. Copies of the decision and order shall be served on all parties.

Dated this 1st day of February, 1984.

A. KENNETH DUNN
Director
Department of Water Resources

MICROFILMED
MAY 08 1984

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF PROTEST AGAINST APPROVAL OF APPLICATION FOR PERMIT NO. 36-8058 IN THE NAME OF TROUT-CO

CERTIFICATE OF MAILING

I HEREBY CERTIFY That on this 1st day of February, 1984, true and correct copies of the foregoing ORDER ISSUING PROPOSED DECISION and PROPOSED MEMORANDUM DECISION AND ORDER, were mailed postage prepaid to:

Trout-Co
c/o Nyal Hoffman
Rt. 1
Filer, ID 83328

Cole and Billie Reed
P. O. Box 416
Hagerman, ID 83332

William L. Mauk
Skinner, Fawcett & Mauk
P. O. Box 700
Boise, ID 83701

John D. and Betty Pember
Rt. 1, Box 378
Hagerman, ID 83332

Leon E. Smith
Smith, Beeks & Goss
210 6th Avenue East
Box 508
Twin Falls, ID 83301

RITA I. FLECK
Secretary/Records Manager
Idaho Department of Water Resources

MICROFILMED

MICROFILMED
MAY 08 1984

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF PROTESTS AGAINST APPROVAL OF APPLICATION FOR PERMIT NO. 36-8058 IN THE NAME OF TROUT CO	ORDER ADOPTING PROPOSED DECISION AND ISSUING PERMIT

WHEREAS, on February 1, 1984, the Proposed Memorandum Decision and Order was issued for Application for Permit No. 36-8058; and,

WHEREAS, the parties were allowed until February 16, 1984 to file exceptions to the Proposed Decision; and,

WHEREAS, an exception was filed by protestants, Cole and Billie Reed through their attorney, William Mauk; and,

WHEREAS, no oral argument before the the Director was requested; and,

WHEREAS, the Director has considered the exception as filed and rejects it for the following reasons given in the same order as the arguments described in the exception.

1. The application as originally filed did show the location of the point of diversion and the description of the proposed works, the time required for completion of the project and a plan of the project. This information was expanded upon during the hearing that was held to consider the protest against the approval of the application. Further, since this project is for the use of the same diversion facilities as that of Application for Permit No. 36-7834 on which many hours of Department as well as court hearings have been held involving the excepting parties, there could be no doubt about their understanding of the physical element of this application.
2. The question of simultaneous adjudication of this application and appealed Application for Permit No. 36-7834 is addressed and is prevented by Conclusion of Law #4 and condition of approval #6 in the Order.
3. The conditions proposed by the protestants were considered and rejected by the Director. Rejection of a condition proposed by one

MICROFILMED
MAY 08 1301

of the parties is not a valid reason for the Director to modify his decision.

4. It is clear that this permit must survive on it's own regardless of what happens to Application for Permit No. 36-7834. Condition of Approval #6 in the Order prohibits the diversion under this application of any portion of the 100 cfs of water requested to be diverted under Application for Permit No. 36-7834.

5. The question of 25 cfs being adequate was not raised at the hearing or in the written agruments, but the applicant offered to allow the amount of flow past the diversion structure. This is also the amount found to be necessary by the Director on Permit No. 36-7834.

THEREFORE, the Proposed Memorandum Decision and Order dated January 27, 1984 is hereby adopted as the Final Decision with the condition that proof of construction of works and application of water to beneficial use be submitted on or before March 1, 1989.

Dated this 14th day of March, 1984.

A. KENNETH DUNN
Director

MICROFILMED
MAY 08 1984

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF PROTESTS AGAINST APPROVAL OF APPLICATION FOR PERMIT NO. 36-8058 IN THE NAME OF TROUT-CO	CERTIFICATE OF MAILING

I HEREBY CERTIFY That on this 16th day of March, 1984, a true and correct copy of the foregoing ORDER ADOPTING PROPOSED DECISION AND ISSUING PERMIT was mailed, postage prepaid to:

Trout-Co
c/o Nyal Hoffman
Rt. 1
Filer, ID 83328

Cole and Billie Reed
P. O. Box 416
Hagerman, ID 83332

William L. Mauk
SKINNER, FAWCETT & MAUK
P. O. Box 700
Boise, ID 83701

John D. and Betty Pember
Rt. 1, Box 378
Hagerman, ID 83332

Leon E. Smith
SMITH, BEEKS & GOSS
210 16th Avenue East
Box 508
Twin Falls, ID 83301

Rita I. Fleck

RITA I. FLECK
Secretary/Records Manager
Idaho Department of Water Resources

MICROFILMED

MICROFILMED
MAY 08 1984

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF PROTEST AGAINST APPROVAL OF APPLICATION FOR PERMIT NO. 36-8058 IN THE NAME OF TROUT-CO	PROPOSED MEMORANDUM DECISION AND ORDER

On February 3, 1982, Trout-Co, an Idaho corporation, filed an application with the Department of Water Resources to appropriate 100 cubic feet per second of water from Billingsley Creek tributary to the Snake River for the purpose of power generation. The application proposed to divert and use the water within the SE1/4NE1/4, Sec. 11, Twp. 7S, Rge. 13E, B.M., Gooding County.

Notice of the application was published in the Gooding County Leader on March 3 and 10, 1982.

A protest was received against granting of the application from Gordon E. Dahlgren on March 18, 1982. Additional protests were received on March 22, 1982 from Cole and Billie Reed through their attorney William L. Mauk, John D. and Betty Pember, and the Idaho Department of Fish and Game.

On June 30, 1982, a notice of hearing was sent to all parties.

The Department of Fish and Game withdrew its protest on July 21, 1982.

On July 28, 1982, William L. Mauk, attorney for Cole and Billie Reed requested the consideration of a written argument without appearing at the hearing.

On July 29, 1982, a hearing was held at Gooding, Idaho. The applicant was represented by Nyal Hoffman, secretary of Trout-Co, and by Leon E. Smith, attorney. The protestant, Gordon E. Dahlgren was present but withdrew his protest prior to the hearing. Protestant Betty D. Pember was present. Neither the protestants, Cole and Billie Reed, nor their attorney appeared at the hearing but on August 2, 1982 submitted a written argument.

On October 13, 1982, the Director by Order accepted the protestants' written argument and allowed the applicant 20 days to file a response to the written argument of the protestants'.

The written argument of Cole and Billie Reed raised the following issues:

1) The adequacy of the information contained in the application,

2) the conflict with the local public interest,

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3) the applicant has not and cannot show any real probability exists that it will develop the water for hydropower generation, and

4) the applicant is attempting to adjudicate through a separate proceeding an application which is pending before the Director.

On November 2, 1982, a response to the issues raised was received from Leon Smith.

The applicant entered the following exhibits at the July 29, 1982 hearing:

1) A cost estimate of the project,

2) A Statement of Environmental Aspects,

3) A plan of Trout-Co Trout Rearing Facilities and Power Generation Plant,

4) A plan of diversion works for Hydro Generation Plant

5) Flow Measurements and Analysis,

6) Two bids, dated March 11, 1982 and July 29, 1982 from Idaho Pump Supply, and

7) Letter dated February 12, 1982 from Idaho First National Bank.

Official notice was taken of the deeds and lease options on the place of use entered as exhibits in the hearing held by the Department on Application for Permit No. 36-7834 filed also by Trout-Co.

Official notice was also taken of the United States Geological Survey Publications from which the applicant's Exhibit 5 is a summary.

The estimated cost of the project, made by Bill Block, a professional engineer with JUB Engineers, is $242,000 with an estimated income of $108,600 annually. A bid for the cost of the generation equipment was obtained from Idaho Pump Supply. Mr. Block also offered, on behalf of Co-generation Company, to entirely finance the construction of the project and also operate the system for a percentage of the income.

The applicant intends to maintain a minimum flow in Billingsley Creek of 25 cubic feet per second between the point of diversion and the point, about 700 feet downstream, where the water is returned to the stream.

The secretary of the Trout-Co stated that the shareholders intend to develop and manage the project themselves and that the construction will begin within one year.

The protestant, Betty Pember, is concerned with a reduction in the flow of Billingsley Creek past her residence.

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On June 13, 1983, Judge Smith of the district court issued a decision in the case of Shokal, et al vs Dunn, et al on Trout-Co's Application for Permit No. 36-7834.

Judge Smith remanded that application back to the department for consideration of additional evidence on the final plans and the financial ability of the applicant. The matter is presently on appeal to the Idaho Supreme Court, Case No. 15227.

Because of the district court's decision, the Department asked for and received from the applicant the final plans and their financial ability to complete the power generation project proposed under Application No. 36-8058. Copies of the final construction drawings, a brochure on the type of generator proposed and a letter concerning the financing of the project from Zions Leasing Company were sent to the protestants along with a letter allowing until October 21 for comments. Protestant, Betty Pember, objected on October 15, 1983 to the consideration of the additional information and also commented on the specific information as follows:

1) That the Trout-Co. plans do not indicate any protective measure to prevent the water discharged from the generator from washing away the stream bank.
2) That the locations of the measuring devices are not adequate to assure the required flow is allowed to pass the diversion structure.
3) That the letter from Zions Leasing Company encompasses both the fish hatchery and power generation. The question is then raised, "Would Zions Leasing Company finance only the power generation project?"

The questions raised by the protestants were sufficient to require an additional hearing which was held on January 10, 1984. The applicant submitted additional evidence about the financing of the project and about the plans that have been prepared.

The protestant, Betty D. Pember expressed concern about the financing of the project, about the noise level of the generators, and about the velocity of the water entering Billingsley Creek from the power plant.

The applicant entered four exhibits at the January 10 hearing as follows:

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A) A letter from Zions Leasing Company dated September 1, 1983

B) A plan of the diversion works for hydro generation plant

C) A plant of the generator building and discharge channel

D) A cross section of the generator building and the discharge channel

Based upon his understanding of the law and the evidence submitted at the hearing, in the arguments, in the final plans and letter of financial ability and the protestant's written comments; the hearing officer proposes the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1) The applicant intends by this application to divert 100 cubic feet per second of water in addition to the 100 cubic feet per second proposed to be diverted for fish propagation and power generation purposes under Permit No. 36-7834.

2) Discharge records for Billingsley Creek show that flows at the applicant's point of diversion exceed 200 cubic feet per second at times.

3) Applicant has a commitment from Zions Leasing Company to finance the hydro-electric plant as proposed. Zions Leasing Company has a net worth of over two billion dollars and has provided financing for the construction of four similar hydro-power plants.

4) The turbine will not contaminate the water with oil or lubricants. The water quality will not change due to the operation of the facilities proposed in this application.

5) The applicant will maintain at least 25 cubic feet per second of water in Billingsley Creek between the point where the water is diverted and where it is returned.

6) The powerhouse will be buried to reduce the noise.

7) Noise from a powerhouse above ground and a high speed, 1750 rpm turbine can be heard for about 100 feet.

8) The turbines will be low speed, about 750 rpm, which will lessen the noise.

9) The discharge channel is designed to reduce the velocity of the discharge water to less than four feet per second which is sightly less than the natural velocity of the stream.

10) The protestants' house is located more than 75 feet from the powerhouse.

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CONCLUSIONS OF LAW

1) The applicant has made an adequate showing that the proposed hydroelectric project is economically feasible.

2) Based on the evidence and testimony, the applicant has available adequate financial resources to complete the project.

3) A minimum flow of 25 cubic feet per second between the point of diversion and the point where the water is returned will protect the stream values in that stream reach and, therefore, is in the interest of the local public.

4) Since this application is for the use of water above the 100 cubic feet per second of water requested for power purposes on Application for Permit No. 36-7834, which is now on appeal to the Idaho Supreme Court, only water above 100 cubic feet per second can be diverted without interferring with the court's jurisdiction on the appeal of Permit No. 36-7834.

ORDER

IT IS, THEREFORE, HEREBY ORDERED that Application for Permit No. 36-8058 be and is APPROVED subject to the following conditions:

1) A measuring device of the type approved by this Department shall be permanently installed and maintained at the point of diversion.

2) Use of water under this permit is subject to control by the watermaster of State Water District No. 36A, Billingsley Creek.

3) 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.

4) This permit shall be subject to future operation so that use of water under this permit will not conflict or interfere with the future upstream diversion of water for irrigation or other beneficial consumption.

5) The permit holder shall allow a minimum of 25 cubic feet per second of water to flow past the diversion structure to maintain the instream values.

6) The diversion of water under this permit is limited to the amount of water available in Billingsley Creek above the 100 cubic feet per second applied for on Application No. 36-7834.

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

8) This right developed under this permit and any subsequent license shall be subject to termination by the Director at the end of fifteen (15)

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years. The Director may review the project using the criteria for a new project and if he determines that a new permit would be issued for the project, the life of the permit or subsequent license will be extended for fifteen (15) more years with the same priority as the original permit.

9) Proof of construction of works and application of water to beneficial use must be submitted on or before the date indicated on the final order.

Dated this 27 of January, 1984.

Bobby D. Fleenor

BOBBY D. FLEENOR
Hearing Officer

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MAY 08 1984

Form 202
3/78

Ident. No. 36-8058

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

To appropriate the public waters of the State of Idaho

1. Name of applicant Trout-Co [redacted] Phone 326-5680

   Post office address Box 425, Hagerman, I.D. 83332

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

3. Location of point of diversion is SE ¼ of NE ¼ of Section 11 Township 7S

   Range 13 E. B.M. Gooding County, additional points of diversion if any: None

4. Water will be used for the following purposes:

   Amount 100 C.F.S. (cfs or acre-feet per annum) for Power Gen. purposes from 1-1 to 12-31 (both dates inclusive)

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

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

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

5. Total quantity to be appropriated:

   a. 100 cubic feet per second and/or b. N/A acre-feet per annum.

6. Proposed diverting works:

   a. Description of ditches, flumes, pumps, headgates, etc. Improved existing Rock diversion, Concrete Flume and/or pipe to penstock.

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

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

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

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

8. Description of proposed uses:
   a. If water is **not** for irrigation:
      (1) Give the place of use of water: SE ¼ of NE ¼ of Section 11 Township 7S

      Range 13 E B.M.

      (2) Amount of power to be generated: 227 [redacted] N.H. horsepower under 20 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

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

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

Total number of acres to be irrigated N/A

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

9. a. Who owns the property at the point of diversion Routco

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

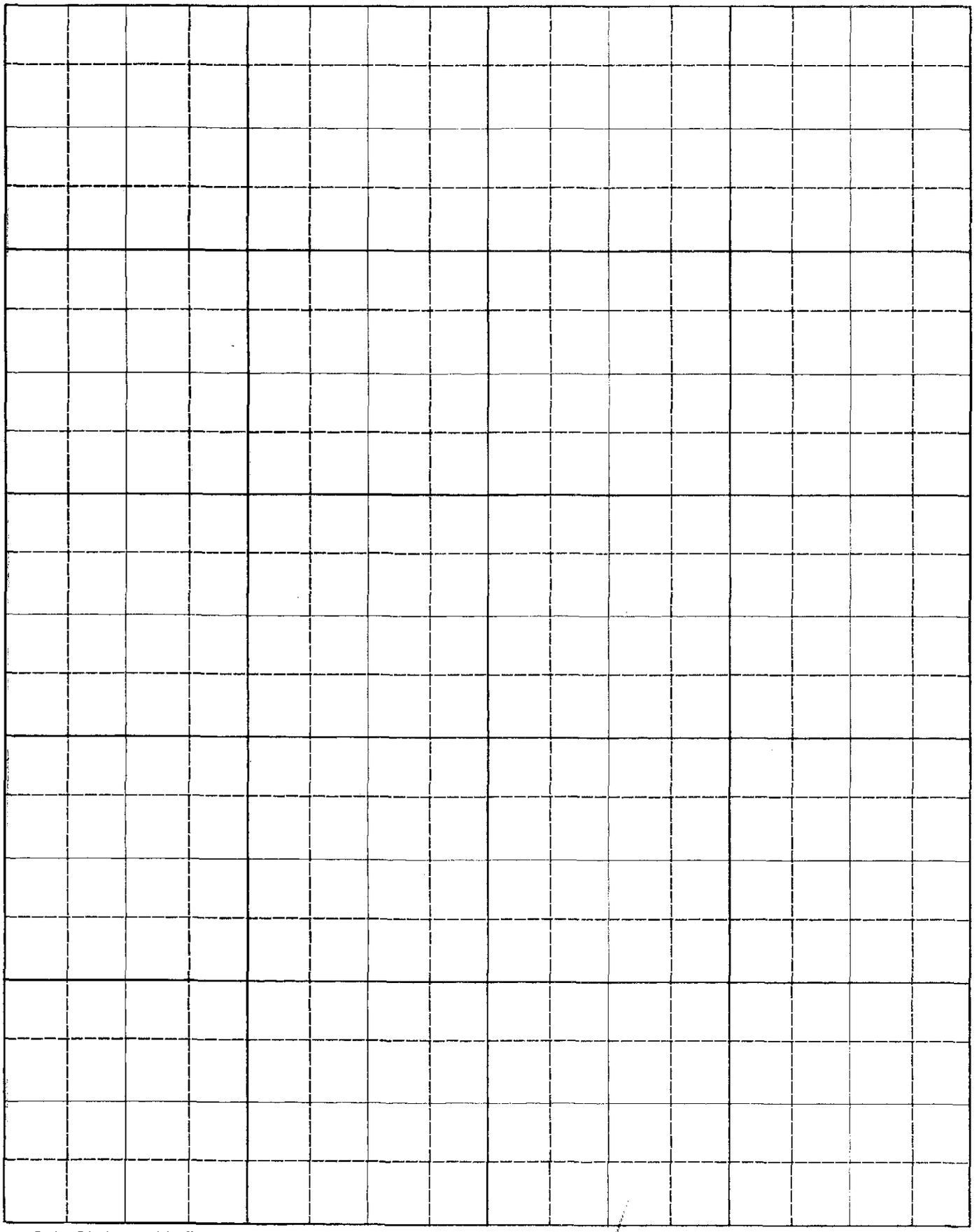
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing _____

10. Remarks _____

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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.

MAY 03 1991

TROUTCO by Myal C. Hoffman Sec.
(Applicant)

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Received by LH Date 2/3/82 Time 3:00 PM

Preliminary check by ADM TGB Fee $ 1225.00 # 22003

Receipted by marge Date 2/3/82

Publication prepared by marge Date 2/26/82

Published in Gooding Co. Leader

Publication dates 3/3 & 3/10/82

Publication approved _____ Date _____

Protests filed by: ~~Gordon B. Dahlgren~~ w/drawn

Cole & Billie Reed, John & Betty Pember

~~Dept of Fish & Game~~ w/drawn

Copies of protests forwarded by _____

Hearing held by BF Date _____

Recommended for (approval) denial by LH

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. 36-8058, 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 March 1, 1989.

   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.

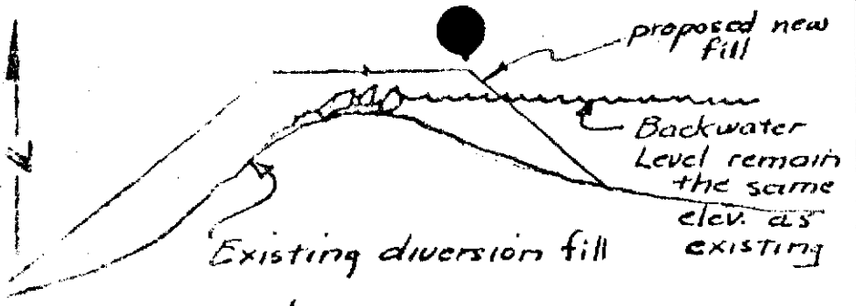
   d. Other: PURSUANT TO PROPOSED MEMORANDUM DECISION AND ORDER.

A. Kenneth Dunn

A. KENNETH DUNN
Director

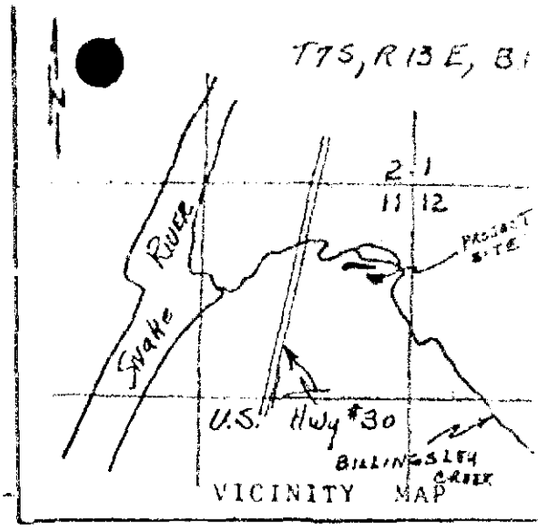
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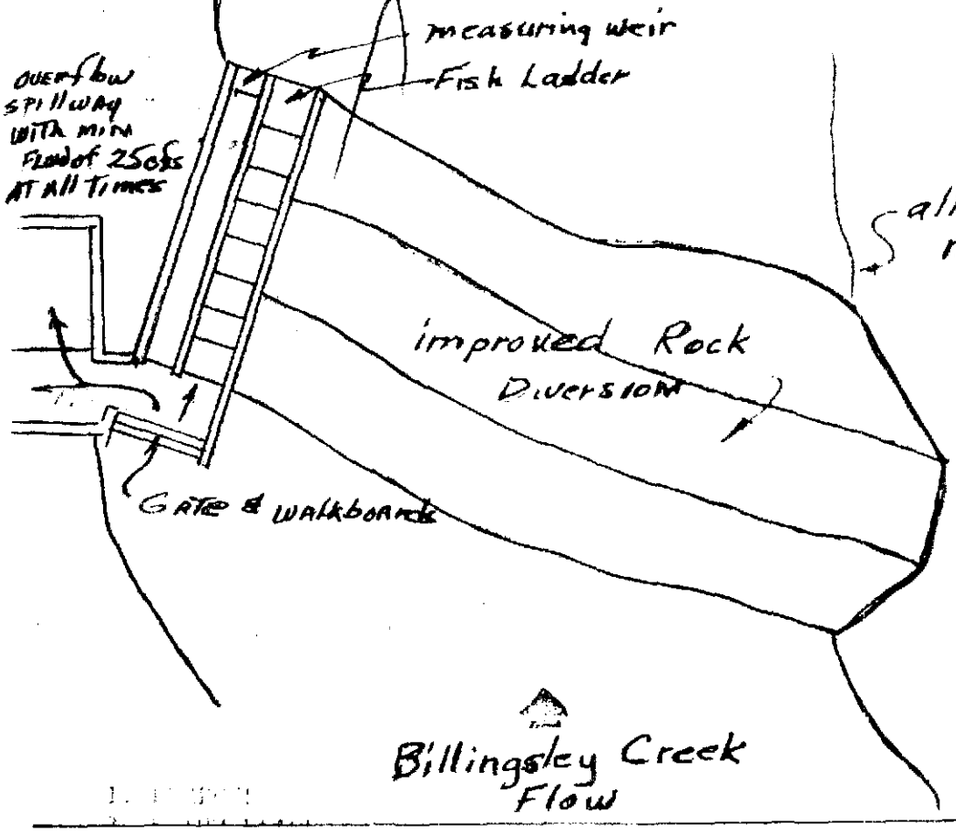


no scale

Cross Section of Improved Rock Diversion

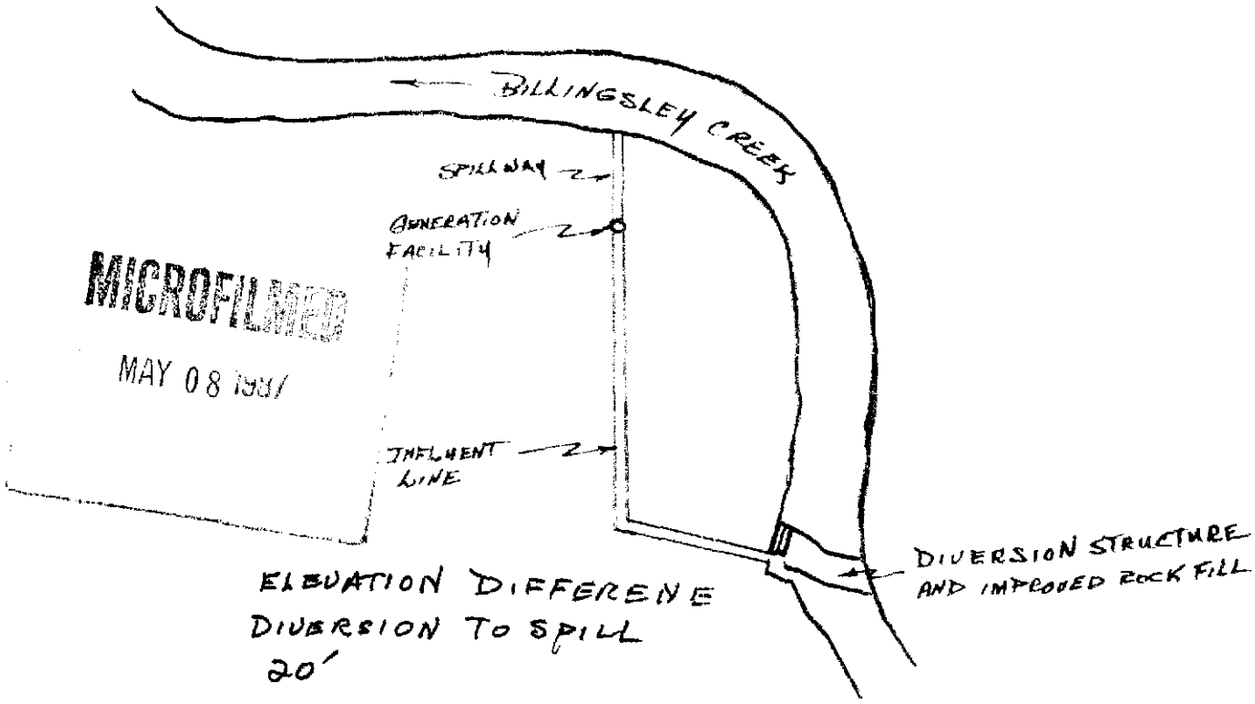


From



Plan
no scale

OVERALL PLAN OF FACILITY
NO SCALE



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MAY 08 1981
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ELEVATION DIFFERENE
DIVERSION TO SPILL
20'

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF PROTEST AGAINST APPROVAL OF APPLICATION FOR PERMIT NO. 36-8058 IN THE NAME OF TROUT CO.	ORDER

On February 3, 1982, Trout Co. filed Application No. 36-8058 for a permit to appropriate 100 cubic feet per second of water from Billingsley Creek for power generation.

On March 22, 1982, the Department received protests against the approval of the application from Cole and Billie Reed through their attorney William L. Mauk, from John D. and Betty D. Pember, from Gordon E. Dahlgren and from the Idaho Department of Fish and Game.

On June 30, 1982, notice of hearing was sent to all of the parties. The notice was accompanied by an information sheet stating that failure of a party to appear at the time and place set for hearing may allow the Department to dismiss without prejudice the application or the protest.

On July 21, 1982, the Idaho Department of Fish and Game withdrew their protest and on July 29, 1982, Gordon E. Dahlgren withdrew his protest.

On July 28, 1982, William Mauk, attorney for Cole and Billie Reed contacted the Department's attorney about not appearing at the hearing but requesting the consideration of written agrument. He was not informed at that time that the written argument would not be considered.

On July 29, 1982, a hearing was held at Gooding, Idaho. The applicant was present along with his attorney, Leon Smith. Mr. Dahlgren was present but withdrew his protest prior to the hearing. Protestant Betty D. Pember was present and represented also John D. Pember. Neither the protestants, Cole and Billie Reed, nor their attorney appeared at the hearing.

On August 2, 1982, the Department received on behalf of Cole and Billie Reed a Written Argument of Protestants which had been mailed on July 29, 1982 in lieu of appearing at the hearing.

On August 5, 1982, Leon Smith filed with the Director a Motion to Quash the Written Argument of the Protestants and to have the protest dismissed with prejudice based upon Rule 9 of the Department's Rules and Regulations, Practice and Procedure.

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With respect to the motion to dismiss the protest, Rule 9.2 of the Department's Practice and Procedure, Rules and Regulations authorizes dismissal with prejudice of a petition, application or complaint before the Department for failure to appear at a hearing. The rule does not, however, speak to dismissal of a protest for failure of a protestant to appear at a Department hearing. There remains the question of whether the Reed protest should be dismissed without prejudice, in accordance with the information sheet accompanying the notice of hearing, for failure to attend or be represented at the hearing. The interest of the Department in this regard is to protect the integrity of the hearing process. The interests of both the Department and the applicant are adequately protected in this respect by the provision in Idaho Code, Section 42-203 which limits the right of appeal to those aggrieved persons or corporations who formally appeared at the Department hearing. The Department, therefore, elects not to dismiss the Reed protest in this proceeding.

With respect to the Motion to Quash the Written Argument of Protestants for failure to attend the hearing, it is observed that the written submission filed by the protestants in lieu of attending the hearing is limited to legal arguments to which the applicant may be given an opportunity to make timely response. Protestants' written submission does not contain factual evidence for which the applicant would have been entitled to cross-examine the protestants had they appeared at the hearing. It does not appear that the applicant will be impermissibly prejudiced by the Department's consideration of the Written Argument of Protestants in this matter. The Motion to Quash will be denied.

NOW, THEREFORE, IT IS HEREBY ORDERED that the Applicant's Motion to Quash the Written Argument of Protestants and to have the protest of Cole and Billie Reed dismissed with prejudice is denied.

IT IS FURTHER ORDERED That the applicant may within twenty days from the entry of this Order file written response to the Written Argument of Protestants.

Dated this 13 day of October, 1982.

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MAY 08 1991

A. KENNETH DUNN, Director

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF PROTEST AGAINST APPROVAL OF APPLICATION FOR PERMIT NO. 36-8058 IN THE NAME OF TROUT CO.	CERTIFICATE OF MAILING

I HEREBY CERTIFY That on this 22nd day of October, 1982, a true and correct copy of the foregoing ORDER was mailed postage prepaid to:

Leon E. Smith, Jr.
SMITH & BEEKS
P. O. Box 508
Twin Falls, ID 83301

William Mauk
SKINNER, DONNELLY, FAWCETT & MAUK
P. O. Box 700
Boise, ID 83701

Betty D. Pember
Rt. 1 Box 378
Hagerman, ID 83332

RITA I. FLECK
Sr. Secretary
Idaho Department of Water Resources

Form 205/206
7/81

Ident. No._____

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, NYAL C. HOFFMAN of FILER,
(name) (city)

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

TROUT-CO: 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 #1 FILER Idaho, wherein are kept the corporate records required
(city)

by Section 30-1-52, Idaho Code: and that TROUT-CO
(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.

Trouteo by Nyal C. Hoffman
Applicant
See.

State of Idaho)
County of Twin Falls) ss.

On this 3rd day of February, 1982, 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
MAY 08 1501

Loren O Kalmen
Notary Public residing at
Twin Falls, ID

My commission expires:
Life

AFFIDAVIT of PUBLICATION

State of Idaho, } SS.
County of Gooding }

Gary Marsh, 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 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 3 day of March 19 82 and the date of the last publication was on the 10 day of March, 19 82

Subscribed and sworn to before me this 10 day of March, 19 82
(SEAL)

NOTARY PUBLIC

GOODING COUNTY LEADER
Gooding, Idaho

COST OF PUBLICATION

Number of Lines in Notice		32
Number of Insertions		2
Lines tabular at	315c	
Lines straight at 32	21c	13.24
Subsequent lines at 32	15c	6.72
TOTAL COST		16.96

COPY OF NOTICE

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:

36-8058
TROUT-CO
BOX 425, HAGERMAN, ID 83332
Source: BILLINGSLEY CREEK tributary to SNAKE RIVER
Date Filed: 02/03/1982
Amount: 100.00 CFS
Diversion Point: SENE Sec 11 T 07S R 13E, GOODING Co.
Use: POWER (100.00 CFS) from 01/01 to 12/31
Place of Use: SENE Sec 11 T 07S R 13E
Diversion Means: ROCK DIVERSION, CONCRETE FLUME AND/OR PIPE TO PENSTOCK

RECEIVED
MAR 13 1982
Department of Water Resources
Southern District Office

PUBLICATION RATES
(Idaho Code, Rev. Statutes 1971)

7 pt. per line, straight	21c
7 pt. per line, tabular	315c
7 pt. per line, successive insertions	15c

No. 2766
40357

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CHANGE IN ADDRESS

This form can be used to notify the Department of a change in address of the owners of record for the listed water rights.
(Please print or type)

[ ] Water Right Number(s): 36-7834
36-8058
36-10751
36-10752
36-8058

[ ] Name(s): Michael G Broadbent
Kathy L Broadbent

[ ] Old Mailing Address: Box 392 Wendell
Idaho 83355

[ ] New Mailing Address: Box 575
Hagerman
Idaho 83332

Telephone Number: (208) 543 - 2322

[ ] Signature(s) of Owner(s) Michael G Broadbent
Katherine L Beamsderfer

(Include your title if on behalf of company or organization)

Date: 12/01/2001

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Permits 36-07834 & 36-08058
Mail Receipt
Karie Lyman
11.27.01

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. Box 83720
Boise, Idaho 83720-0098 –

Return Service Requested

PRESORTED
FIRST CLASS

BOISE ID NOV 14'01
PB METER 7110094
0.255
U.S. POSTAGE

RECEIVED
NOV 23 2001
Department of Water Resources

MICHAEL & KATHERINE BRANCHFLOWER
PO BOX 392
WENDELL ID 83355

BRAN392 83355:2011 1101 05 11/19/01
RETURN TO SENDER
BRANCHFLOWER
PO BOX 575
WAGERMAN ID 83332-0575

RETURN TO SENDER

83720-0098

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

DIRK KEMPTHORNE
Governor
KARL J. DREHER
Director

November 14, 2001

TROUT CO
PO BOX 326
HAGERMAN ID 83332

RE: Permit Nos. 36-07834 and 36-08058

Gentlemen:

The Department of Water Resources (IDWR) is in the process of reviewing the above referenced permits for licensing purposes and find we have some questions that must be resolved before we can take further action.

We find that parties other than the permit holder of record claimed these permits in the Snake River Basin Adjudication. The permits have been claimed by Michael G. and Katherine L. Branchflower. The permits were each issued with a condition of approval that states:

> This permit is subject to the provisions of Sec. 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.

Enclosed, for your convenience and information is a copy of the above referenced sections of Idaho Code. If your project is being sold, please note that the sale is subject to the requirements of Section 42-207, Idaho Code. I have enclosed forms which consist of an assignment of permit form and an affidavit for water rights to be used for power purposes which must be completed and submitted to IDWR, along with the appropriate filing fees.

We also noted in our records that the permits were conditioned as follows

> A rated section to accurately measure and determine the rate of flow diverted to the generators shall be maintained and measuring devices of a type approved by the department shall be permanently installed and maintained to measure the by-pass flows. IT IS FURTHER HEREBY ORDERED, that the permit holder shall re-rate the intake channel flow and submit the information to IDWR once a year or as determined necessary by the Director.

MICROFILMED
NOV 15 2001

11-28-01 Mike Branchflower called - thought these permits had had an change in owner. Sent him an affidavit of residence + change of address form

In February, 1992, upon request of the permit holder, IDWR changed this condition to state:

> The condition of approval requiring re-rating of the intake channel flow be changed to a frequency of every third year with the next rating being required in December 1993.

The water right files indicate that the re-rating of the intake channel was submitted in 1987, 1988, 1989, 1990, 1994 and 1998. We have not received the information as of this year, which would be 3 years since last submittal of the information. Please submit the information regarding the re-rating of the intake channel to bring our records up to date.

Please respond to the items identified above within 30 days of the date of this letter. If we do not receive a response from you, we will assume you are no longer interested in these permits and we will recommend that the permits be voided. If you have any questions in regard to this matter, please do not hesitate to contact our office.

Sincerely,

Kay Walker

KAY WALKER
Sr. Water Resource Agent

KW:k
Enclosures

Cc: Michael and Katherine Branchflower
PO Box 392
Wendell ID 83355

MICROFILMED
JUN 05 20

MEMORANDUM

March 10, 1999

TO: Water Right Files 36-07834, 36-08058, Water Distribution POD File

FROM: Cindy Hodges

RE: Present water right owners, possible modifications in system since BU exam

The new owners of this right, per SRBA decree and Water Distribution records, are:

Mike and Kathy Branchflower
PO Box 392
Wendell ID 83355
208-536-2594

The new owners have been reporting to the Department under the water measurement program (diverters in Billingsley Creek WD are reporting directly instead of through watermaster). Diversion records are available back to 1995.

Recently, we received a report from officials of the Buckeye Ditch that Branchflowers had increased the elevation of the diversion pool by as much as one foot, causing water to overtop the Buckeye diversion control structure. Buckeye Ditch diverts just upstream, in the backwaters of the Branchflower diversion pool. The physical problem will be resolved this spring with the installation of a new control and measurement structure for the Buckeye Ditch. However, I am concerned that the reason for the pool elevation may be a change in facility operations which is either expanding use under the permit(s) or violating a condition of permit approval.

Permit 36-07834 requires a minimum stream flow be maintained between the diversion and the powerhouse outflow, as measured at the bypass gates near the entry to the powerhouse channel. (Diversions to hydropower are measured by other means) File notes from Loren Holmes indicate that weirs and fish ladders had been installed at the bypass gates. Dan Yore with Buckeye informs me that he was not aware of bypass flows this winter in the creek channel above the powerhouse discharge. If bypass flows are being retained, this may be the cause of the diversion pool increase.

I'm not sure if the increase in diversion pool elevation was intended to provide greater flow or just greater head to the turbines, or if either violates the water rights. Reported diversions from December 1998 are actually less than those from winter 1997 and both are well below 200 cfs authorized by the rights. (Note: Brockway's 1998 scheduled re-measurement of this system adjusted rating curves downward, giving a system capacity of about 13% less than recommended on the 1991 field exams in this file. See Brockway's discussion in file.) I plan on conducting a field inspection of the Buckeye construction this spring and will investigate Branchflower as well.

In the meantime, I have referred Dan Yore to the Watermaster, who still has a regulatory function on Billingsley Creek.

RECEIVED
JUN 19 1998
Department of Water Resources

RECEIVED
JUN 17 1998
Department of Water Resources
Southern Region

BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics
Hydrology
Water Resources

June 16, 1998

Mr. Allen Merritt
Idaho Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301

Re: Troutco power plant – discharge rating check

Dear Allen:

In compliance with the order allowing the rating of the generators at the Troutco Power Plant in lieu of a discharge measuring device, I am submitting the data on the required three-year discharge measurement conducted to check the rating curve.

Discharge measurements were made using a current meter in the forebay canal using standard USGS procedures for current meter. There was no flow over the check boards on the side-channel spillway. The water level in the forebay was approximately 0.1 feet below the top of the boards. Operating conditions appeared to be substantially the same as during the original rating in 1988 and during subsequent rating curve checks.

A measurement was made on February 2, 1998 with the Leffel turbine (#1) and the #3 turbine operating. Based on the 1988 rating curve for the Leffel + #3 operating, the discharge is 126.4 cfs. However, the measured discharge was 106.1 cfs. A second measurement was taken with the Leffel shut off and running in synchronous mode, and units #2 and #3 operating. The rated discharge is 162.8 cfs, but the measurement indicated 135.2 cfs.

Because of the significant discrepancy found from the first measurements, additional measurements were made on May 29 and June 4, 1998 to check the curves at other operating points. Measurements were made with the Leffel + #2 and the Leffel + #3 operating, with the Leffel at two different power settings. Also, a measurement was made with the Leffel operating alone and the other two units shut off.

All measurements indicate that the actual discharge is significantly lower than the rated discharge for the same power output of the Leffel turbine by about 12.5 cfs for the Leffel + #2 configuration and 13.3 cfs for the Leffel + #3 configuration. No major alterations to the system forebay, inlet structure, or turbine configuration have been made since the 1994 rating curve check, which showed the curves to be reliable. However, both the #2 and #3 turbines

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36-08058 / 36-07834

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

CHARLES G. BROCKWAY, PH.D.

2016 NORTH WASHINGTON STREET • SUITE 4

TWIN FALLS, IDAHO 83301

208•736•8543

FAX: 736•8506

were overhauled in 1997, and the guide vanes in the approach to the impeller were heavily clogged with seaweed. The seaweed was removed. This work could have increased the turbine efficiency to some degree. The only other changes since 1994 have been the installation of a new trash screen of substantially the same construction as the old screen in the #3 bay, and an increase in the forebay water level by about 4" due to slightly wider check boards.

Whatever the explanation, I am confident that the rating curve has changed and that a shift is warranted. The two curves representing the Leffel + #2 and Leffel + #3 configurations were shifted downward by the average difference between the 1988 curve value and the measured value. The fact that the shift is virtually unchanged over a wide range of Leffel power output is a strong indication that the discrepancy is due to the #2 and #3 turbines, and not the Leffel. Also, the difference between measured and rated values for the Leffel + #2 + #3 curve with the Leffel at zero kW is very nearly twice the difference for the Leffel + #2 and Leffel + #3 curves. This is additional confirmation that the Leffel turbine is operating as it was in 1988.

Therefore, the Leffel curve was calculated as it was originally, by subtracting the flow of the fixed units from the total measured flow for each curve. The fixed unit flows were adjusted by the shifts indicated by the measured values. The Leffel + #2 + #3 curve was calculated by adding the Leffel only curve to the adjusted fixed flows of units #2 and #3. The resulting curve falls within 1.5% of the measured point.

A check of the Leffel only curve was made with the power output at 34.8 kW and the fixed-speed units off. The measured discharge was significantly lower than the rated discharge. However, the measurement may not have been reliable since the forebay velocities were generally less than 0.5 ft/s. In light of the additional evidence provided above, it was decided to discount this measurement.

The revised rating curves showing the measured points and shifted curves are attached. Please call if you have any questions.

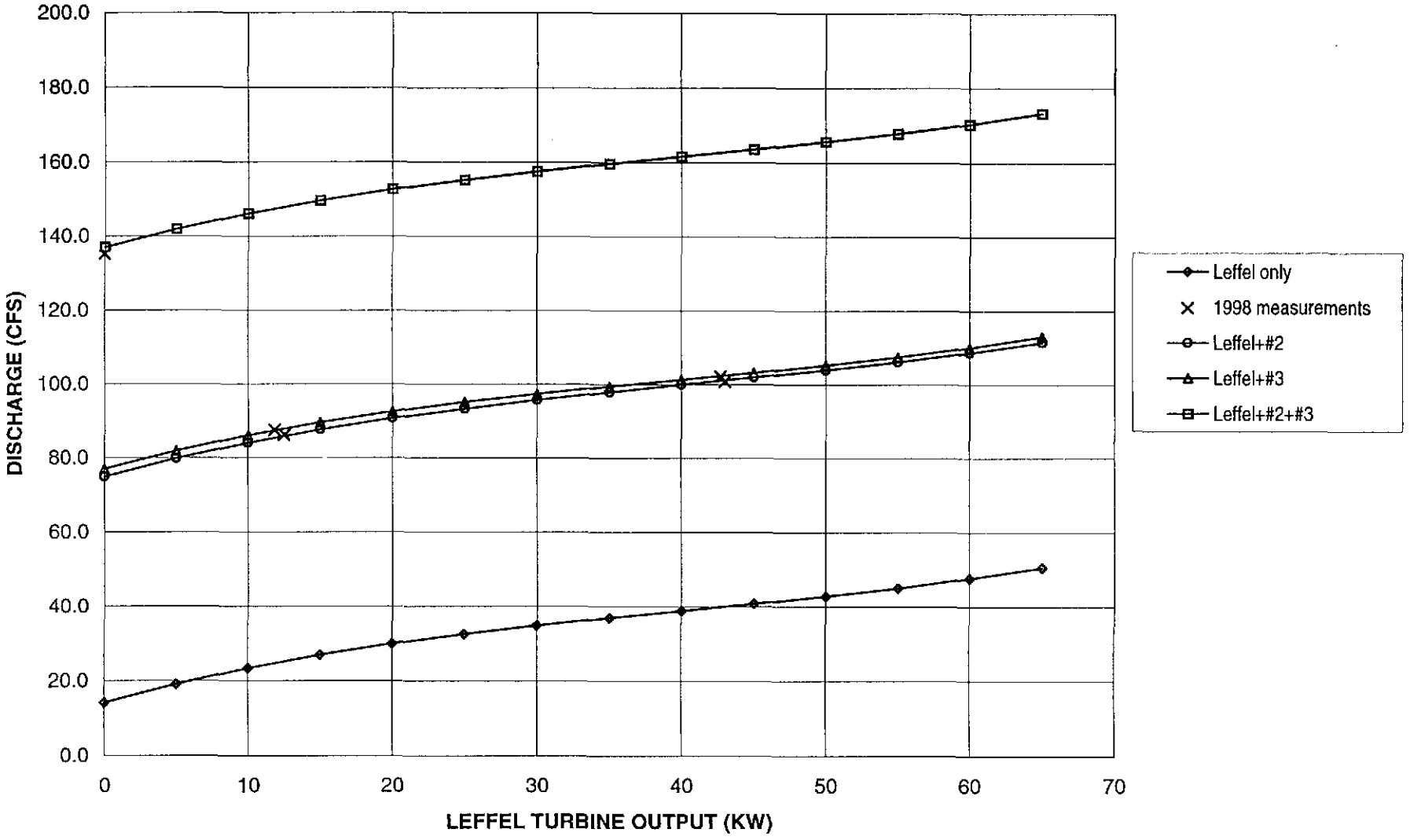
Sincerely,

Charles G. Brockway

cc: Mike Branchflower

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TROUTCO HYDRO DISCHARGE RATING - REVISED JUNE 1998



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CHARLES
BROCKWAY
ENGINEERING

RECEIVED
NOV 3 0 1994
Department of Water Resources

November 25, 1994

Mr. Allen Merritt
Idaho Department of Water Resources
222 Shoshone Street East
Twin Falls, Idaho 83301

Subject: Check of Discharge Rating at Troutco Power Plant- 1994

Dear Alan:

In compliance with the order allowing the rating of the generators at the Troutco Power Plant in lieu of a discharge measuring device, I am submitting the data on the required three year discharge measurement conducted to check the rating curve.

On November 25, 1994 I measured the inflow to the power house using a current meter in the forbay canal 20 feet upstream of the concrete bridge across the canal. The measurement, conducted using standard USGS recommended procedures, indicated 110.6 cfs flowing with the Leffel unit (#1) and Unit #2 operating. There was no flow over the check boards on the side-channel spillway. The water level in the forbay was approximately 0.2 ft below the top of the side channel spillway boards. All conditions appeared to be similar to those during the calibration period in April 1988. Based on the 1988 rating curve for Units 1 and 2 operating, the rated discharge is 114.2 cfs. The measured discharge is therefore 3.2% less than the rating curve discharge which is within the accuracy of the current meter measurement. This difference does not warrant a change in the discharge rating curve for the project and the turbine rating still appears to be reliable.

Sincerely,

C. E. Brockway, P.E.

cc John Sandy
Enclosures: Current meter field sheet
Current meter computer output

NOV 28 1994
Department of Water Resources
Southern Region Office

MICROFILMED

CHARLES E.
BROCKWAY,
PHD, P.E.

706 SUNRISE
BOULEVARD
NORTH

TWIN FALLS,
IDAHO 83301

208•733•0938
FAX: 733•1746

DISCHARGE MEASUREMENT — CURRENT METER

PARTY CEB. METER OTT 47966

LOCATION Tabuteo Power Canal

LOCATION (numeric)	METER CODE	DATE	NUMBER SECTIONS	GAGE
01		11/25/94		.

See Turbine Output

SEC. #	DISTANCE	DEPTH	REV. .6 or .2	REV. 0.8	TIME (sec.)	ANGLE CORRECTION
Wall 01	0.50	3.92	0	13	50	.
02	1.00	3.92	20	78		.
03	2.00	3.92	41	114		.
04	3.00	3.92	85	123		.
05	4.00	3.93	96	128		.
06	5.00	3.91	102	135		.
07	6.00	3.93	101	143		.
08	7.00	3.95	108	145		.
09	8.00	3.94	114	152		.
10	9.00	3.93	107	153		.
11	10.00	3.90	111	152		.
12	11.00	3.91	116	148		.
13	12.00	3.90	111	144		.
14	13.00	3.92	54	143		.
15	14.00	3.90	27	158		.
16	15.00	3.98				.
17	15.50	3.92	0			.
18		.				.
19		.				.
20		.				.
21		.				.
22		.				.
23		.				.
24		.				.
25		.				.

METER CODES

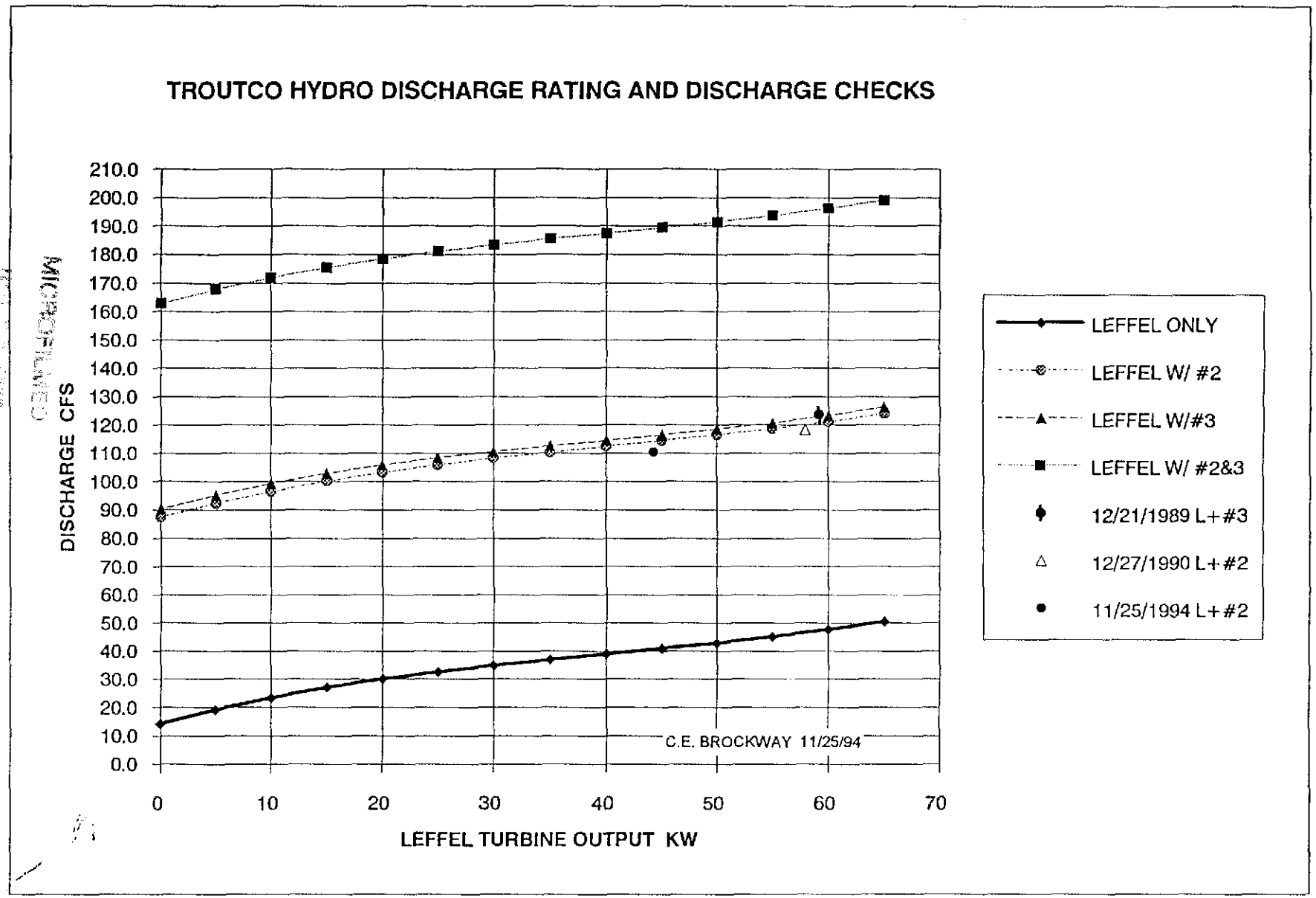
1 = HOFF 551	6 = NEYRPIC MIG. BLUE (4)	11 = MICROFILMED
2 = DAVID WHITE	7 = NEYRPIC MIG. RED (6)	12 =
3 = HOFF 183-3	8 = NEYRPIC CABLE	13 =
4 = HOFF 183-4	9 = OTT — 47966	14 =
5 = OTT - 446 (1)	10 = HOFF 557	15 =

REMARKS #1 on = #2 on "A" (Heffel) reading 44.3 @ 1322 hw

Zero flow over boards. W.L ≈ 0.2' below equalizer 44.3 @ 1417 hw

Generator #2 916 KW 127 amps Time on 1:21 Time off 4:21

916 KW @ 1417 hw


TROUTCO HYDRO DISCHARGE RATING AND DISCHARGE CHECKS
DISCHARGE CFS
210.0
200.0
190.0
180.0
170.0
160.0
150.0
140.0
130.0
120.0
110.0
100.0
90.0
80.0
70.0
60.0
50.0
40.0
30.0
20.0
10.0
0.0
0
10
20
30
40
50
60
70
LEFFEL TURBINE OUTPUT KW
C.E. BROCKWAY 11/25/94
LEFFEL ONLY
LEFFEL W/ #2
LEFFEL W/#3
LEFFEL W/ #2&3
12/21/1989 L+#3
12/27/1990 L+#2
11/25/1994 L+#2

CURRENT METER CALCULATIONS

TROUTCO POWER PLANT FORBAY CANAL 20 FT UPSTREAM OF BRIDGE

UNIT NO 2 AND LEFFEL UNIT (#1) OPERATING
NOVEMBER 25,1994 C.E. BROCKWAY P.E. FILE CMETER94
OTT METER 47966*

SEC,	DIST.	DEPTH	REV .6-.	REV .8	TIME SEC	ANGLE CORR.	VEL1	VEL2	AVG VEL	DELTA AREA	DELTA Q	SUM Q
1	0.50	3.92	0	0	50	1	0.00	0.00	0.00	0.00	0.00	0.00
2	1.00	3.92	20	98	50	1	0.38	1.69	1.03	1.96	1.01	1.01
3	2.00	3.92	41	114	50	1	0.72	1.96	1.34	3.92	4.64	5.65
4	3.00	3.92	85	123	50	1	1.46	2.11	1.79	3.92	6.12	11.77
5	4.00	3.93	96	128	50	1	1.65	2.19	1.92	3.93	7.28	19.06
6	5.00	3.93	102	135	50	1	1.75	2.31	2.03	3.93	7.77	26.83
7	6.00	3.93	101	143	50	1	1.74	2.45	2.09	3.93	8.11	34.94
8	7.00	3.92	108	145	50	1	1.86	2.48	2.17	3.93	8.37	43.30
9	8.00	3.92	114	152	50	1	1.96	2.60	2.28	3.92	8.72	52.03
10	9.00	3.90	107	153	50	1	1.84	2.62	2.23	3.91	8.81	60.84
11	10.00	3.90	107	152	50	1	1.84	2.60	2.22	3.90	8.68	69.52
12	11.00	3.91	111	148	50	1	1.91	2.53	2.22	3.91	8.67	78.19
13	12.00	3.90	116	144	50	1	1.99	2.47	2.23	3.91	8.69	86.88
14	13.00	3.90	111	143	50	1	1.91	2.45	2.18	3.90	8.59	95.47
15	14.00	3.90	54	158	50	1	0.94	2.70	1.82	3.90	7.80	103.27
16	15.00	3.88	27	119	50	1	0.49	2.04	1.26	3.89	6.00	109.27
17	15.50	3.82	0	0	50	1	0.06	0.06	0.06	1.93	1.28	110.55

*CALIBRATION
FOR N(REV/T)<.68 V= 0.7872 *N + 0.062
FOR N(REV/T)>.68 V= 0.8496 *N + 0.020
SEE LOOLUP TABLE N9.P12

AVG VELOCITY 1.88 FPS
AREA 58.67 SQ FT
DISCHARGE 110.55 CFS

LEFFEL TURBINE(#1) READING BEFORE= 44.30 KW
LEFFEL TURBINE(#1) READING AFTER= 44.30 KW
AVG 44.30 KW
DISCHARGE FROM 1988 RATING= 114.2 CFS
MEASURED DISCHARGE 11/25/94 = 110.5 CFS
DEVIATION FROM RATING = -3.20 %
DEVIATION DOES NOT WARRANT CHANGING RATING

DISCHARGE RATING CHECKS

DATE	KW	1988 RATING	MEASURED		
12/21/1989 L+#3	59.15	123.0	123.7	0.57	% dIFF
12/27/1990 L+#2	57.95	120.2	118.3	-1.58	% dIFF
11/25/1994 L+#2	44.30	114.2	110.5	-3.20	% dIFF

Form 219
6/86

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

BENEFICIAL USE FIELD REPORT

RECEIVED
OCT 27 1994
Department of Water Resources

A. GENERAL INFORMATION

Permit No. 36-8058

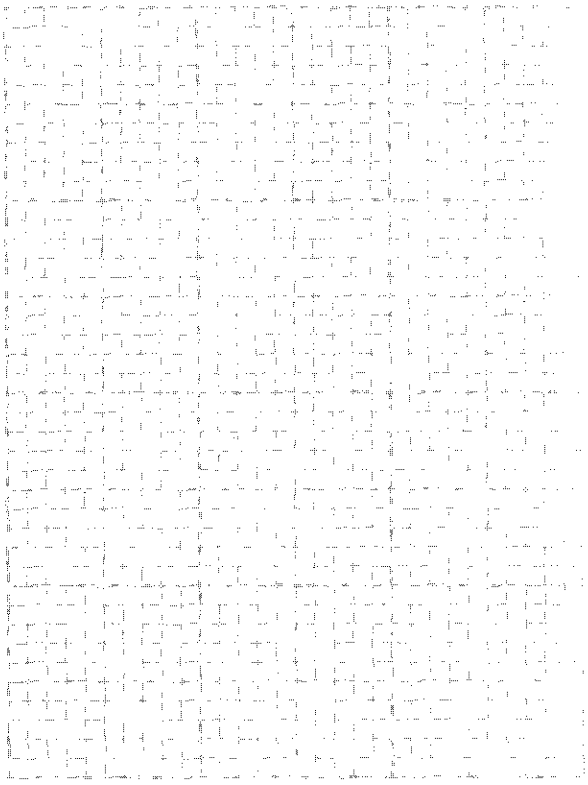
1. Owner: Trout Co Phone No. 837-4401 or 4554
   Current Address: P.O. Box 326, Hagerman, ID 83332
2. Accompanied by: John Sandy EXAM. DATE: 1-4-91
   Address: 1304 S. 1200 E., Hagerman, ID 83332 Phone No. 837-4554 or 6680
   Relationship to Permit Holder: Sec./Treasurer
3. Source: Billingsley Creek tributary to Snake River

B. OVERLAP REVIEW

1. Other water rights with same place of use: 36-7834
   ☐ Copies Attached
2. Other water rights with same point of diversion: 36-7834
   ☐ 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



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Scale: 1" = _____ .

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.

System Description (continued)

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

Concrete diversion canal from Billingsley Creek to power plant. Plant has 1 large & 2 smaller generator units. Discharge back into Billingsley Cr.

☐ See Remarks on page 4 for continuation

4.

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

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

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

Ident. No.	Gov't. Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
			SE	NE	11	7S	13E	Gooding	

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

Twp.	Rge.	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
7S	13E	11				P													

Do not use this space

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Do not use this space

D. FLOW MEASUREMENTS

☒ Additional Data Sheets Attached

1.

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

2. **Measurements:**

Plant capacity measured ~~at 120.68 cfs on 12-21-88~~ by Dr. C.E. Brockway. Rating curve shows a capacity of 199.1 cfs

E. FLOW CALCULATIONS

☒ Additional Computation Sheets Attached

1. Measured Method:

199.1 - 100 cfs to be licensed under 36-7839 = 99.1 cfs

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 Ampsx .001732 = _____ (6)

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

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

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

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

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

2. Volume Calculations for Other Uses:

MICROFILMED

H. REMARKS AND OVERLAP REVIEW ANALYSIS

Original filing (36-7834) covers first 100 cfs of diverted flow to this power plant. The second filing (36-8058) covers all diverted flow above 100 cfs. Both filings cover the same 3 generating units (plant was not enlarged under the second filing).
Field work for exam was done by Gary Funderburg, but he is too involved with well drillers to write up the exam.
See exam 36-7834 for photos of system.

I. RECOMMENDATIONS

1. **Recommended Amounts**

Beneficial Use	Period of Use From	Period of Use To	Rate of Diversion Q (cfs)	Annual Volume V (afa)
Power	1-1	12-31	~~100.0~~ 99.1	
		Totals:	99.1	

2. **Recommended Amendments**

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

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

J. AUTHENTICATION

Field Examiner's Name: J. E. Stanton

Signature: J E Stanton

Certification Date:

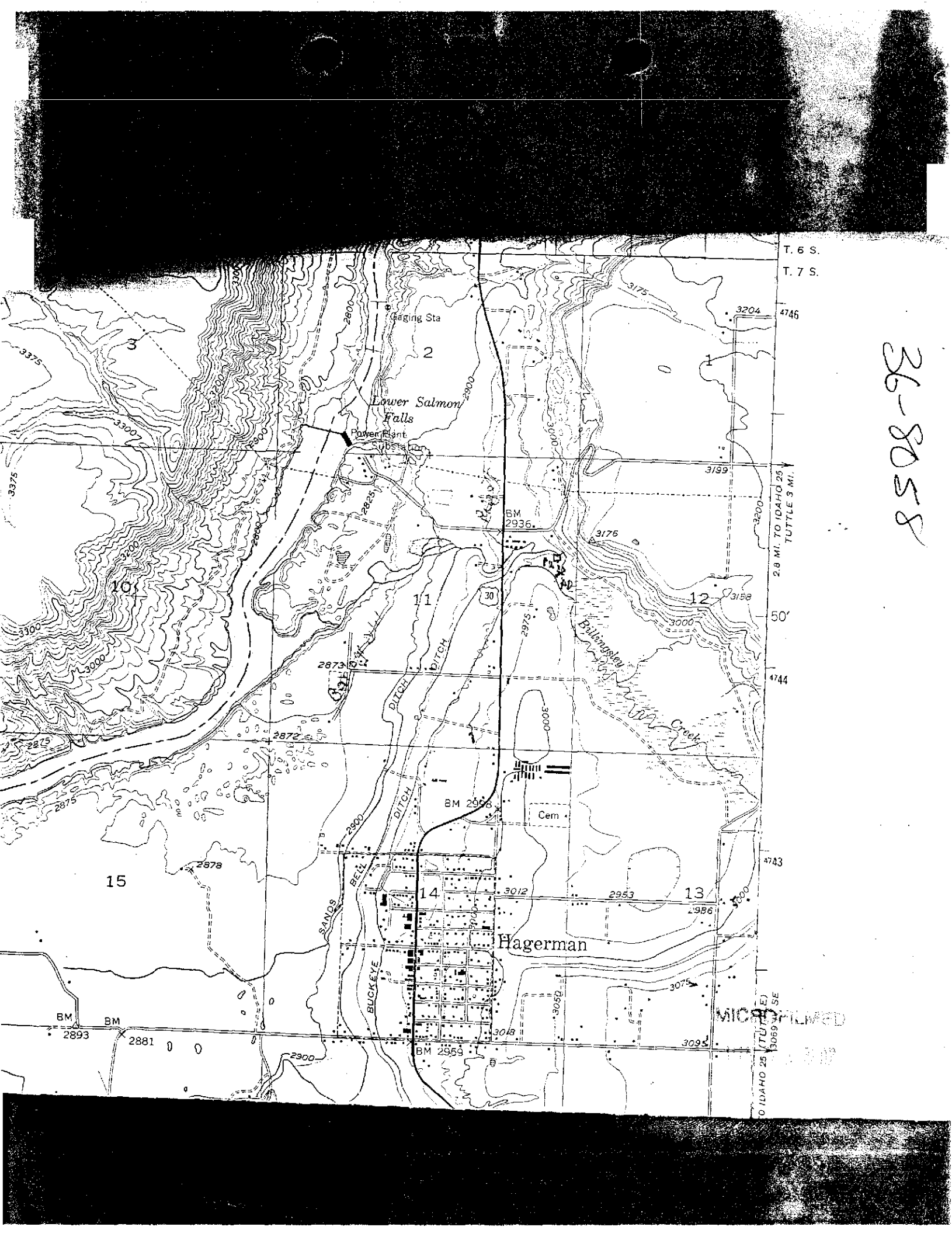
Field Report Preparation Date: 9-30-91

CONSULTANT SEAL

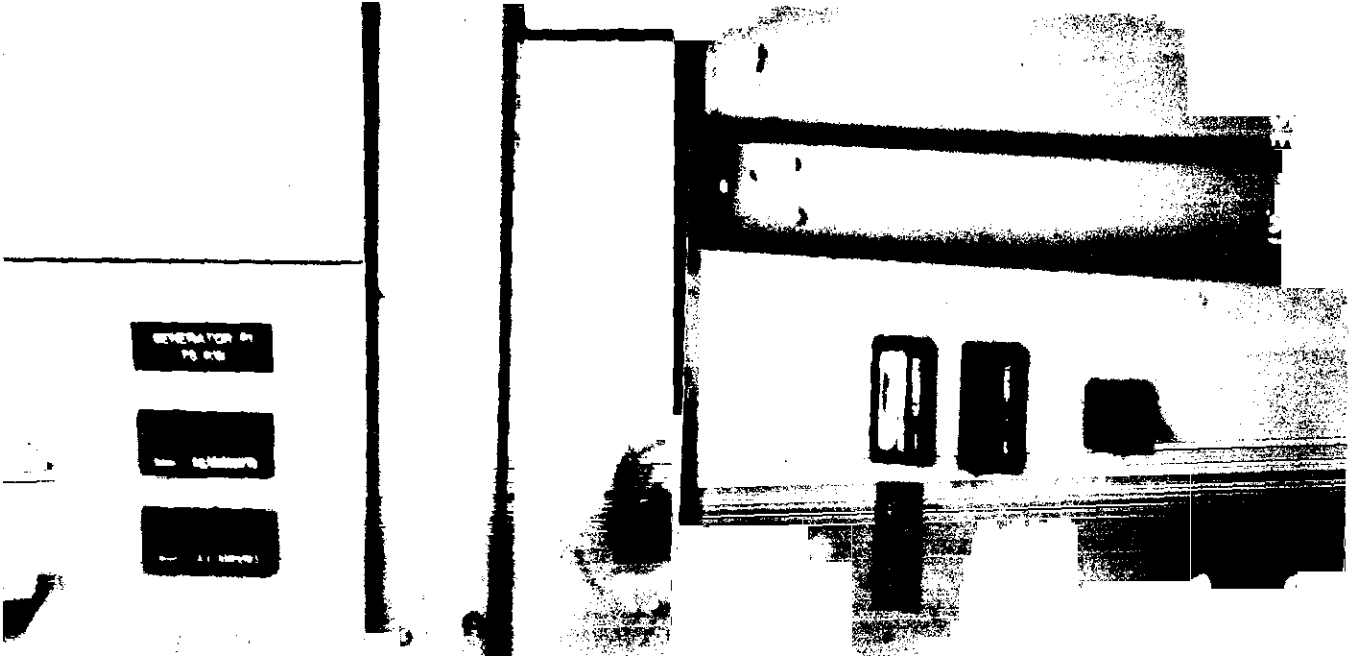
K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee *on a computer printout* attached hereto.

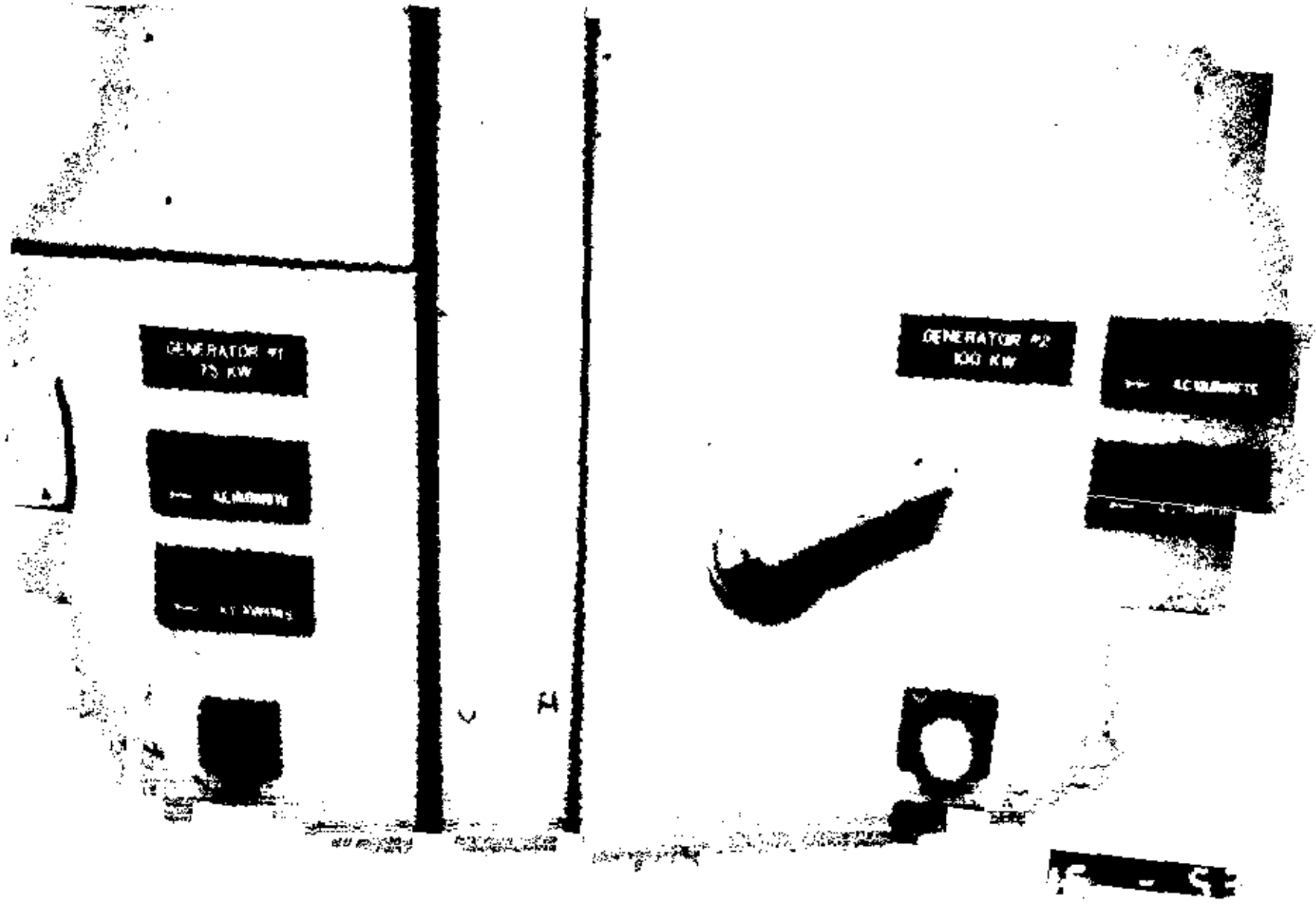
MICROFILMED

JUN 05 2002


T. 6 S.
T. 7 S.
Gaging Sta
Lower Salmon Falls
Power Plant
Substation
BM 2936
BM 2958
Cem
Billingsley Creek
Hagerman
BM 2893
BM 2881
BM 2959
DITCH
BELL DITCH
BUCKEYE DITCH
SANDS DITCH
2.8 MI. TO IDAHO 25
TUTTLE 3 MI.
MICROFILMED

Photos
for
36-08058




GENERATOR #1
75 KW
GENERATOR #2
100 KW

[redacted]

[redacted]

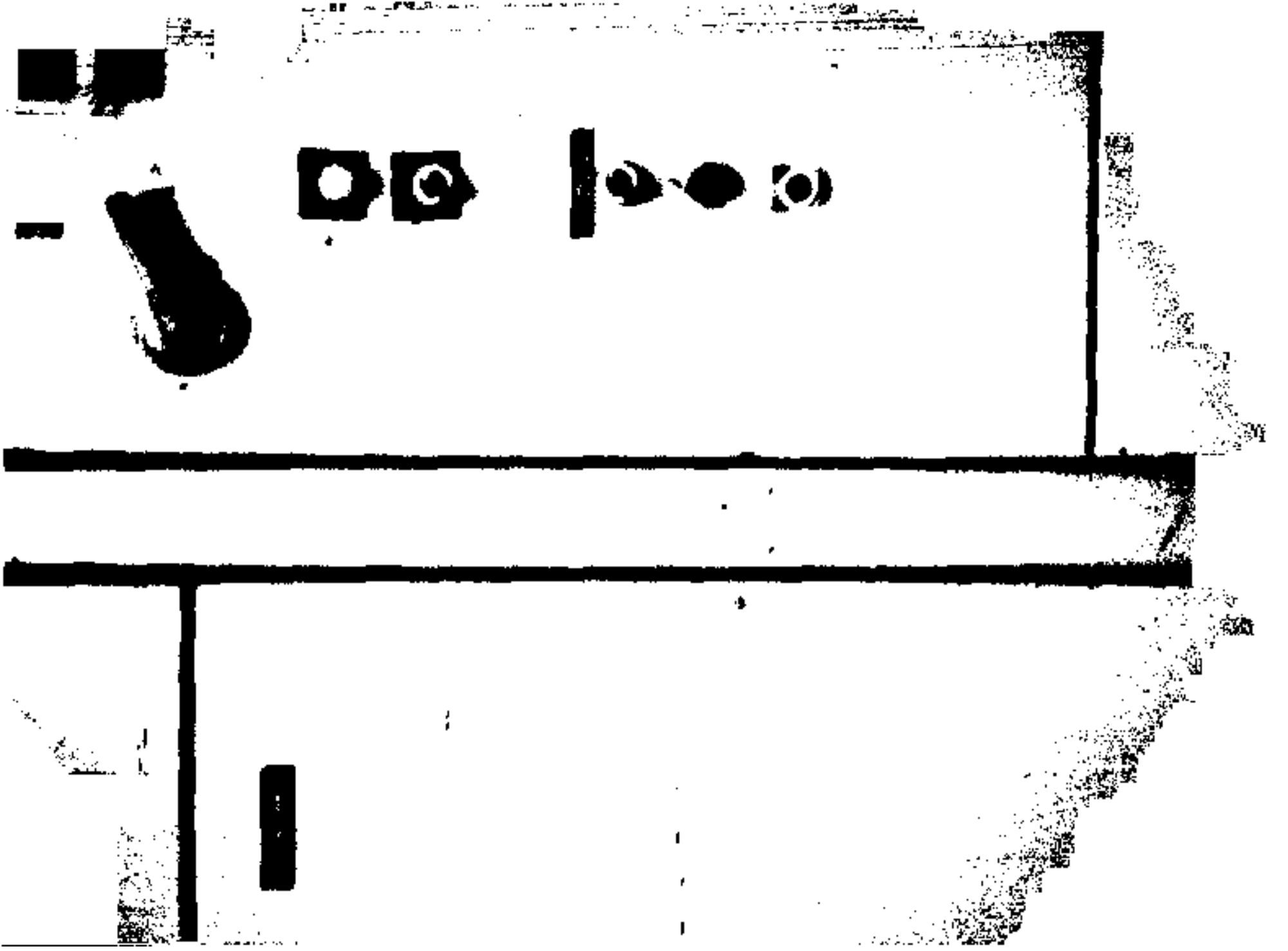
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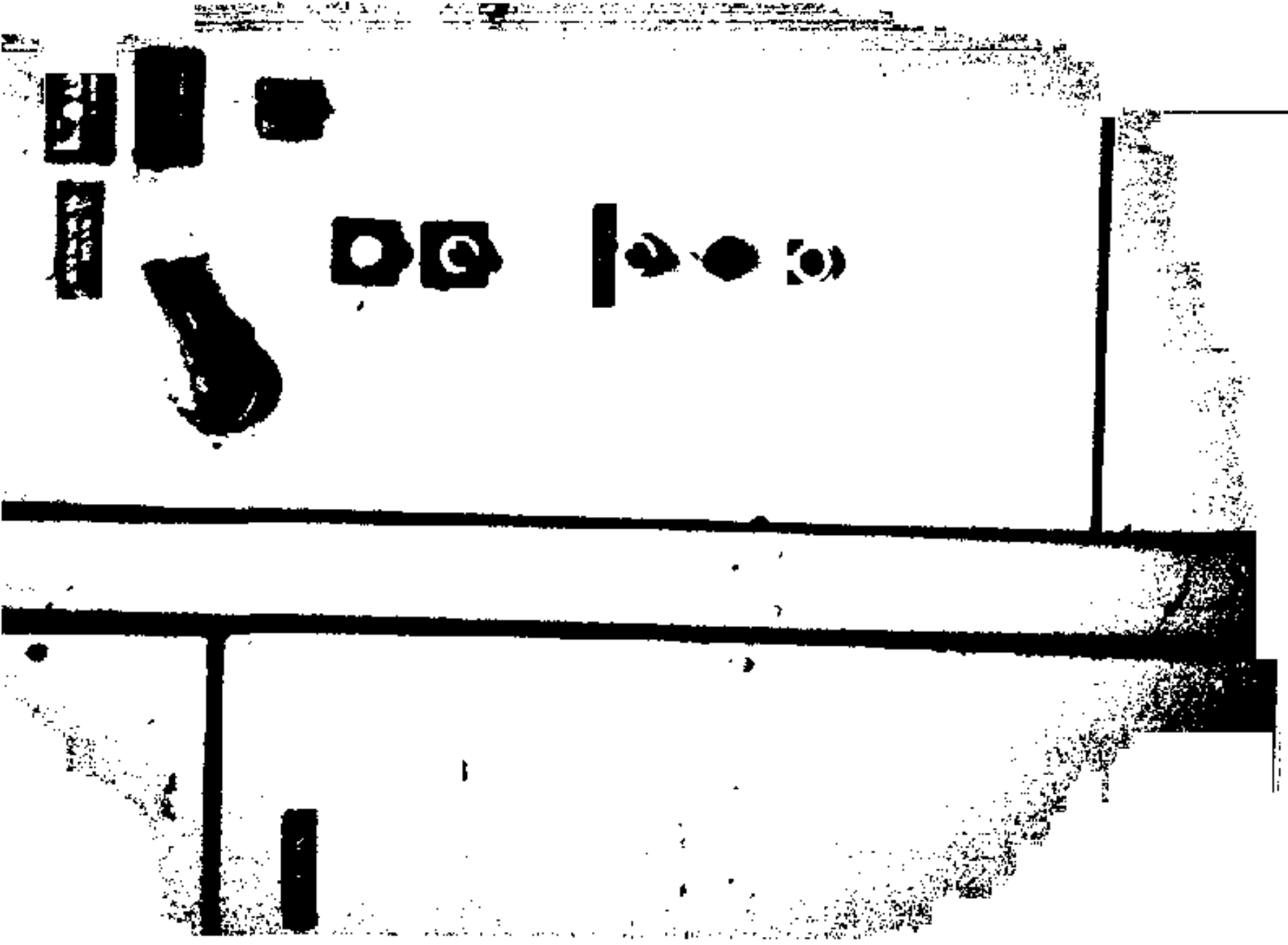
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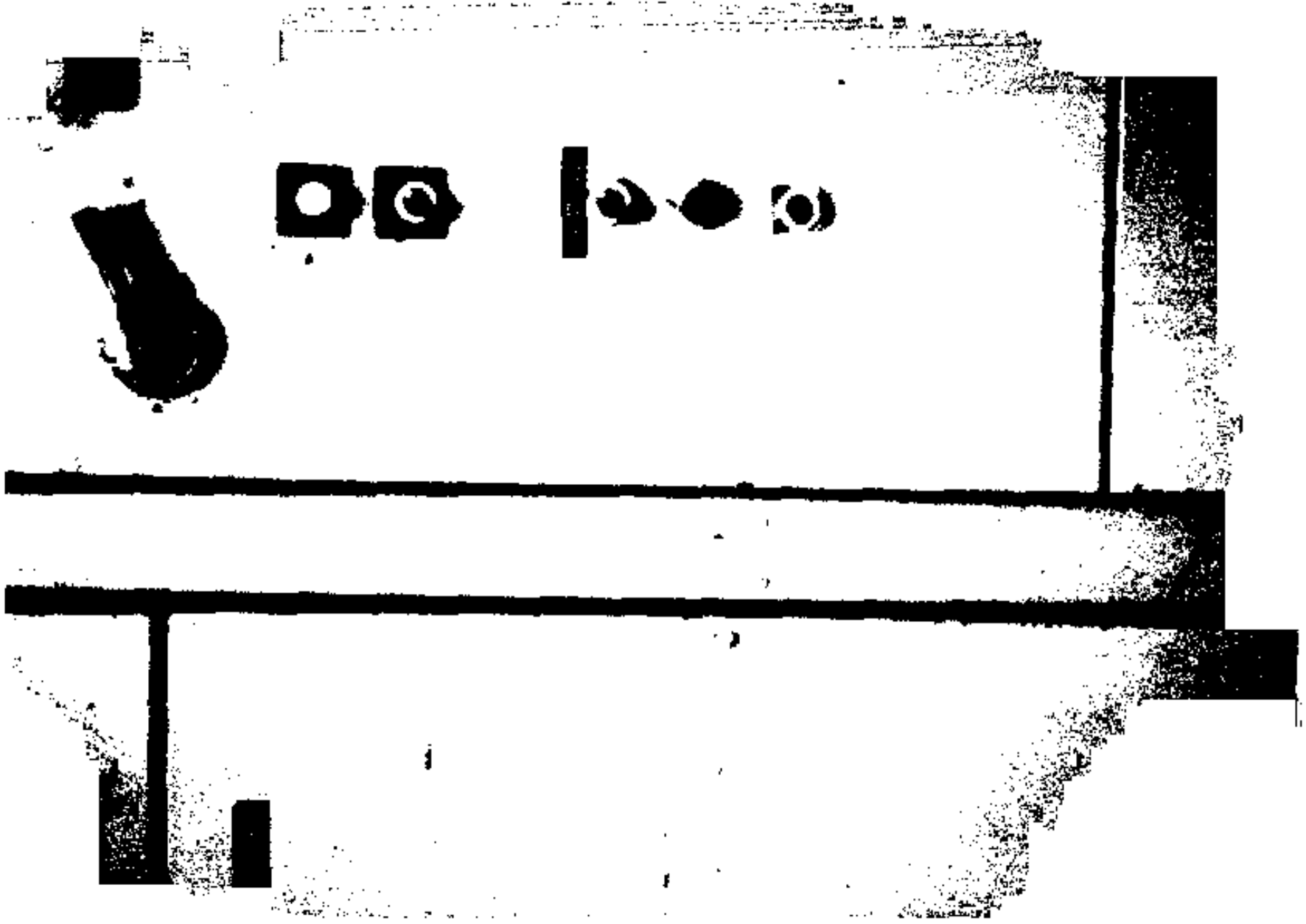
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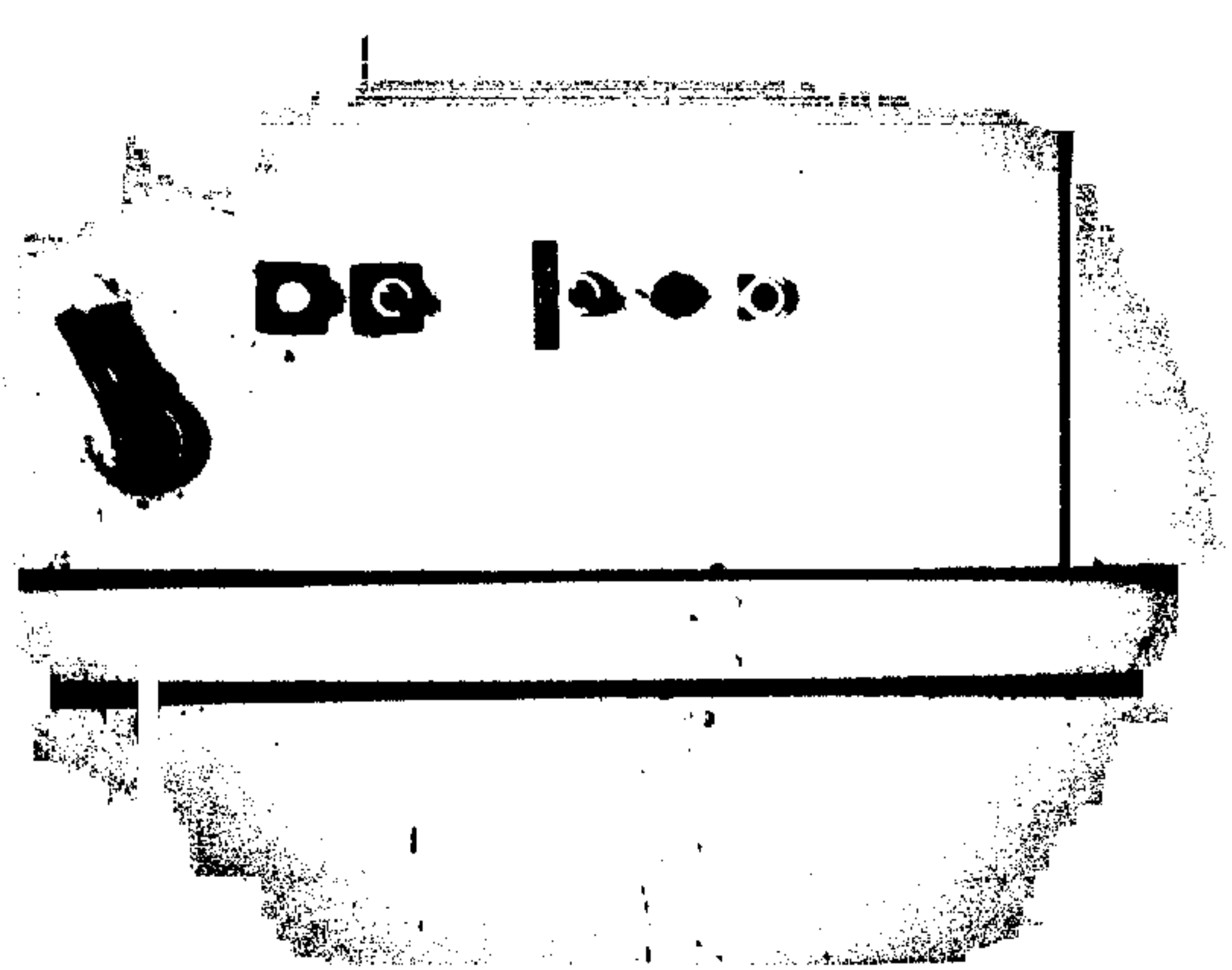
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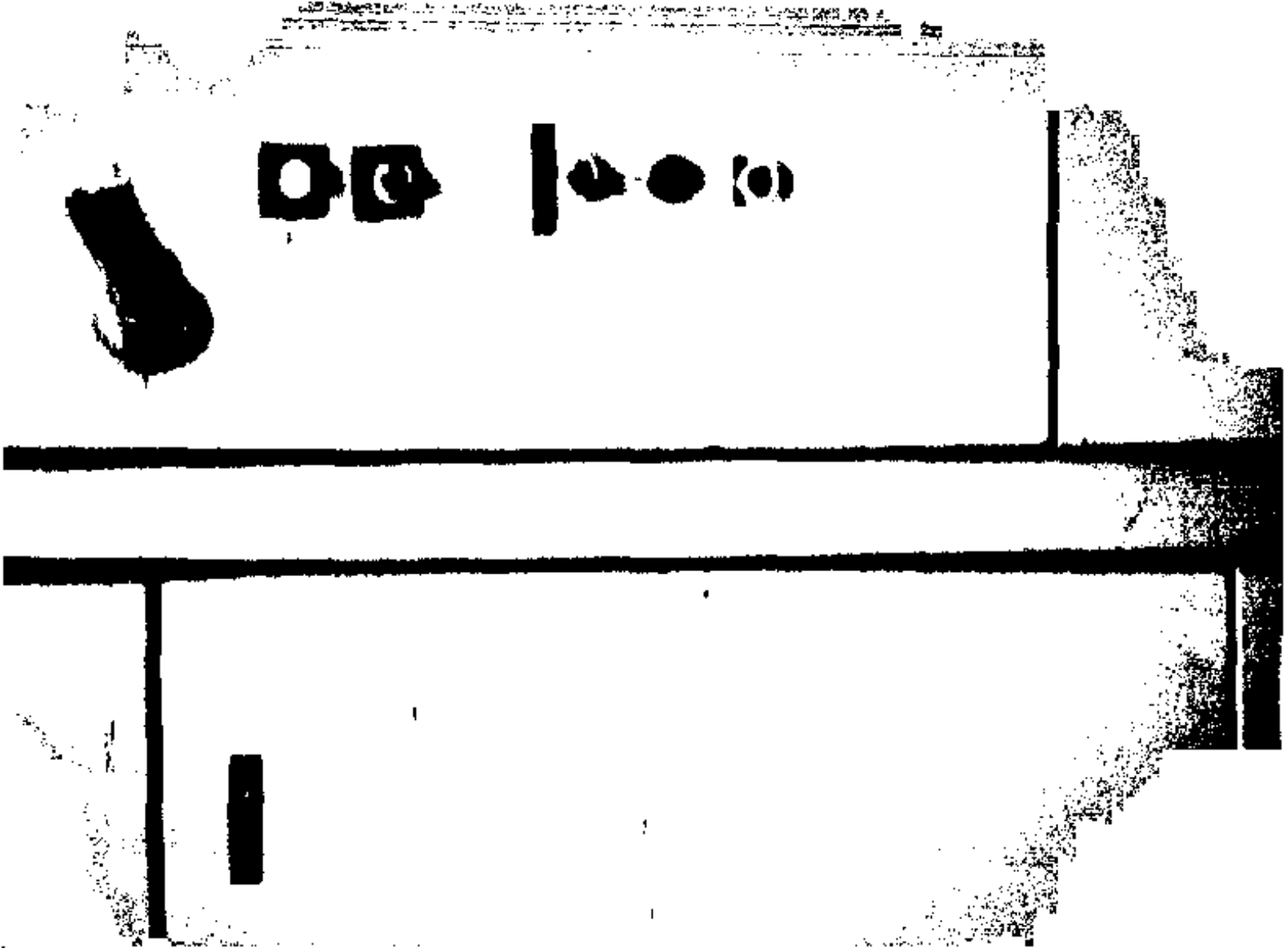
[redacted]

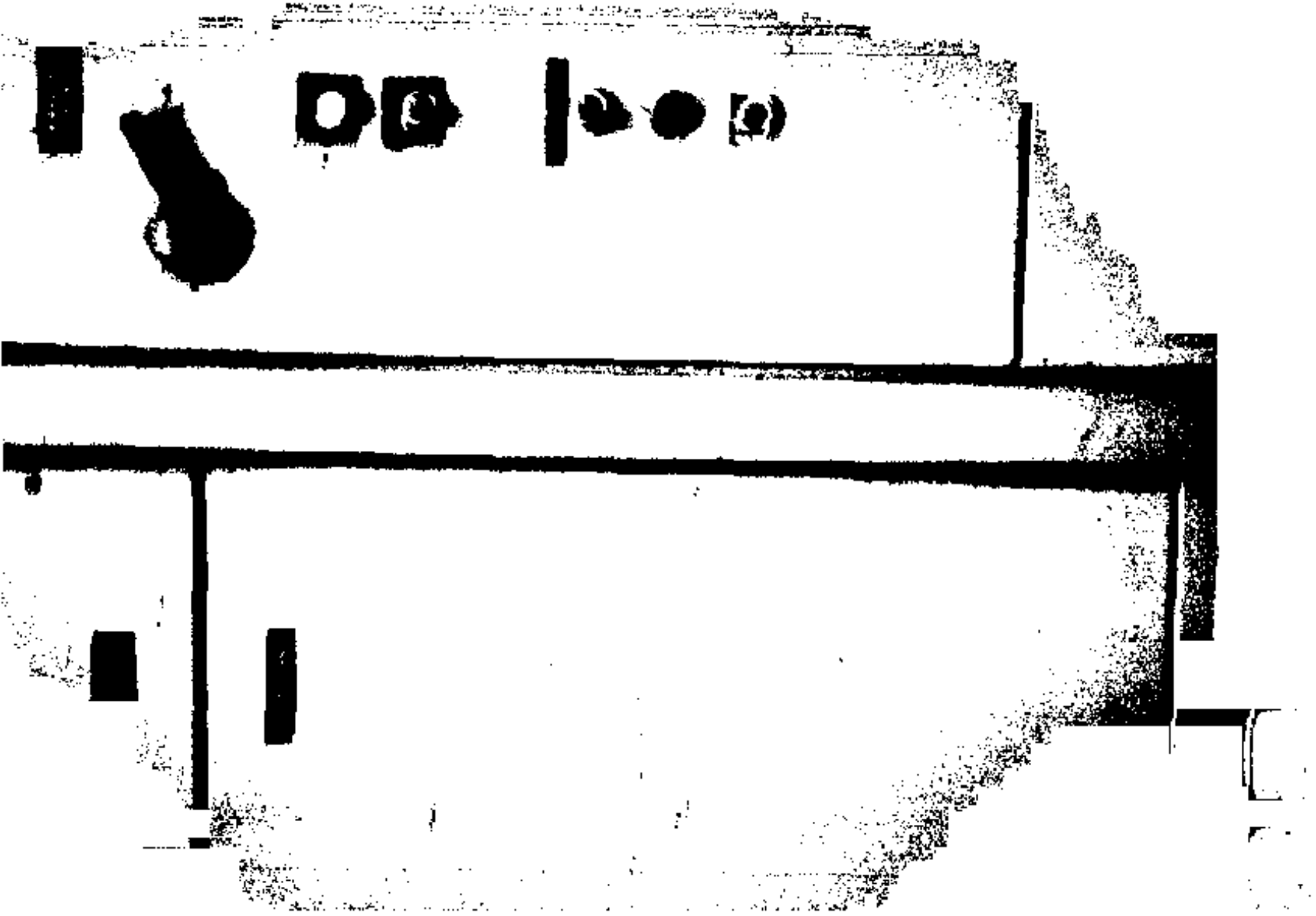




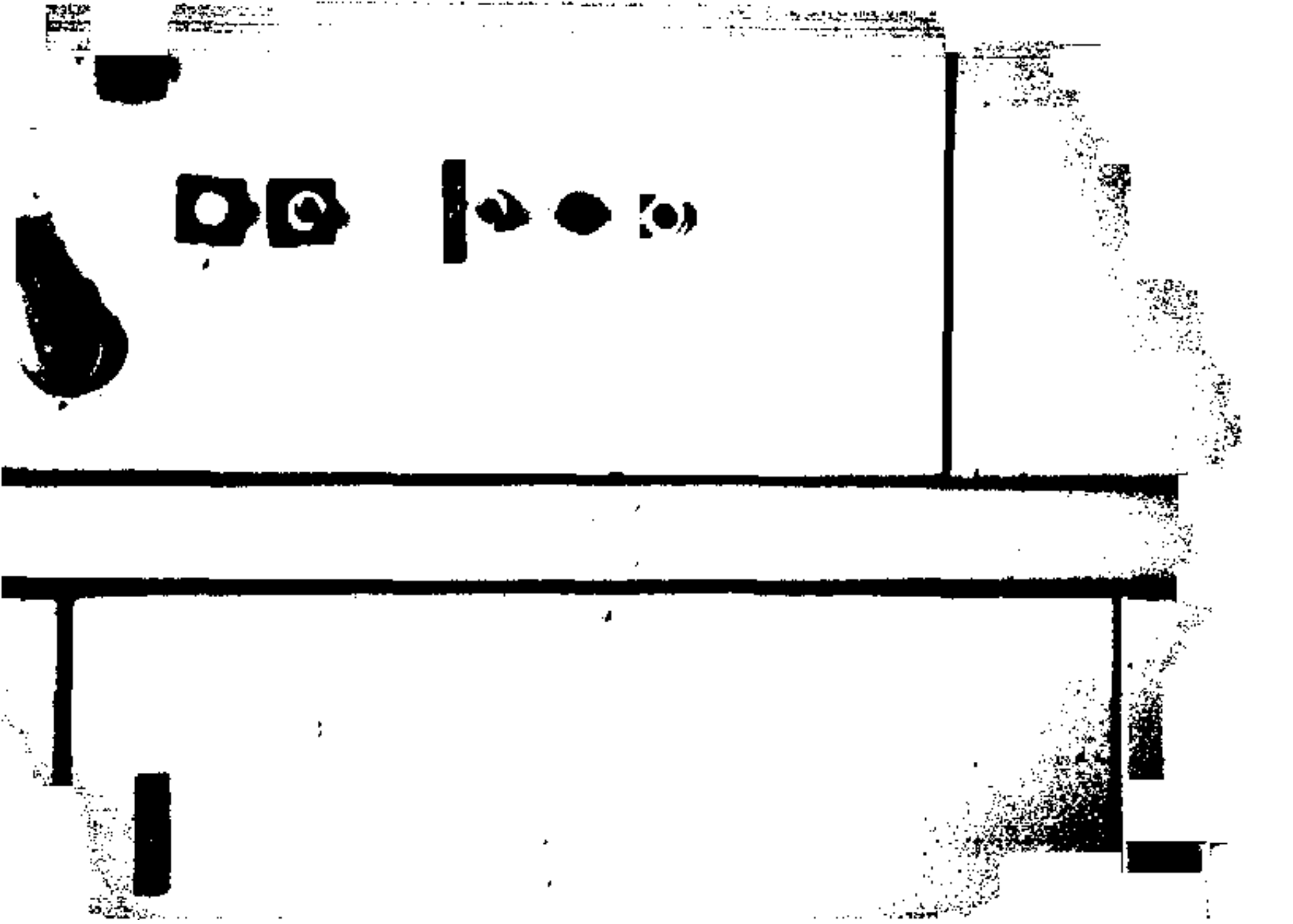


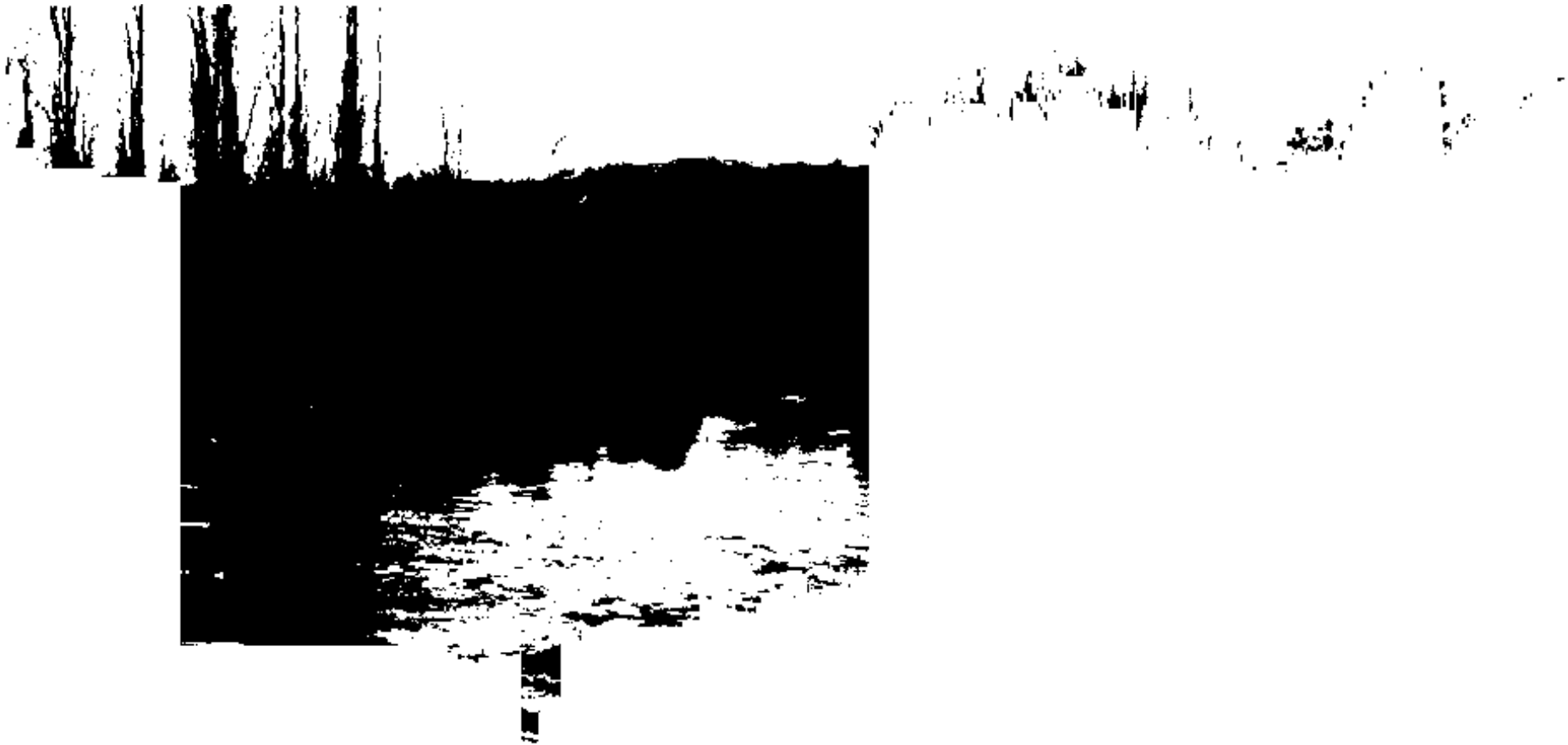




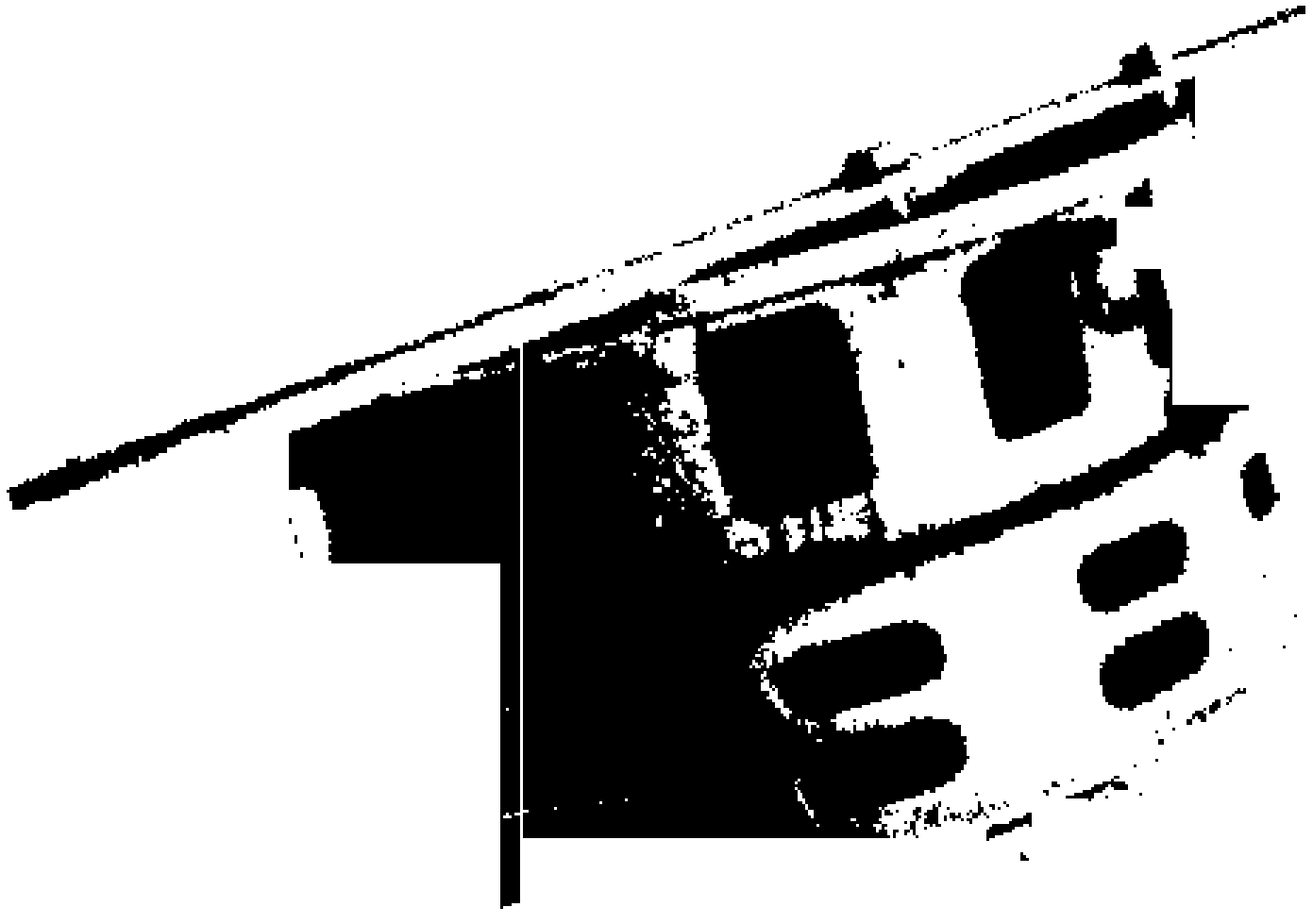


[redacted]



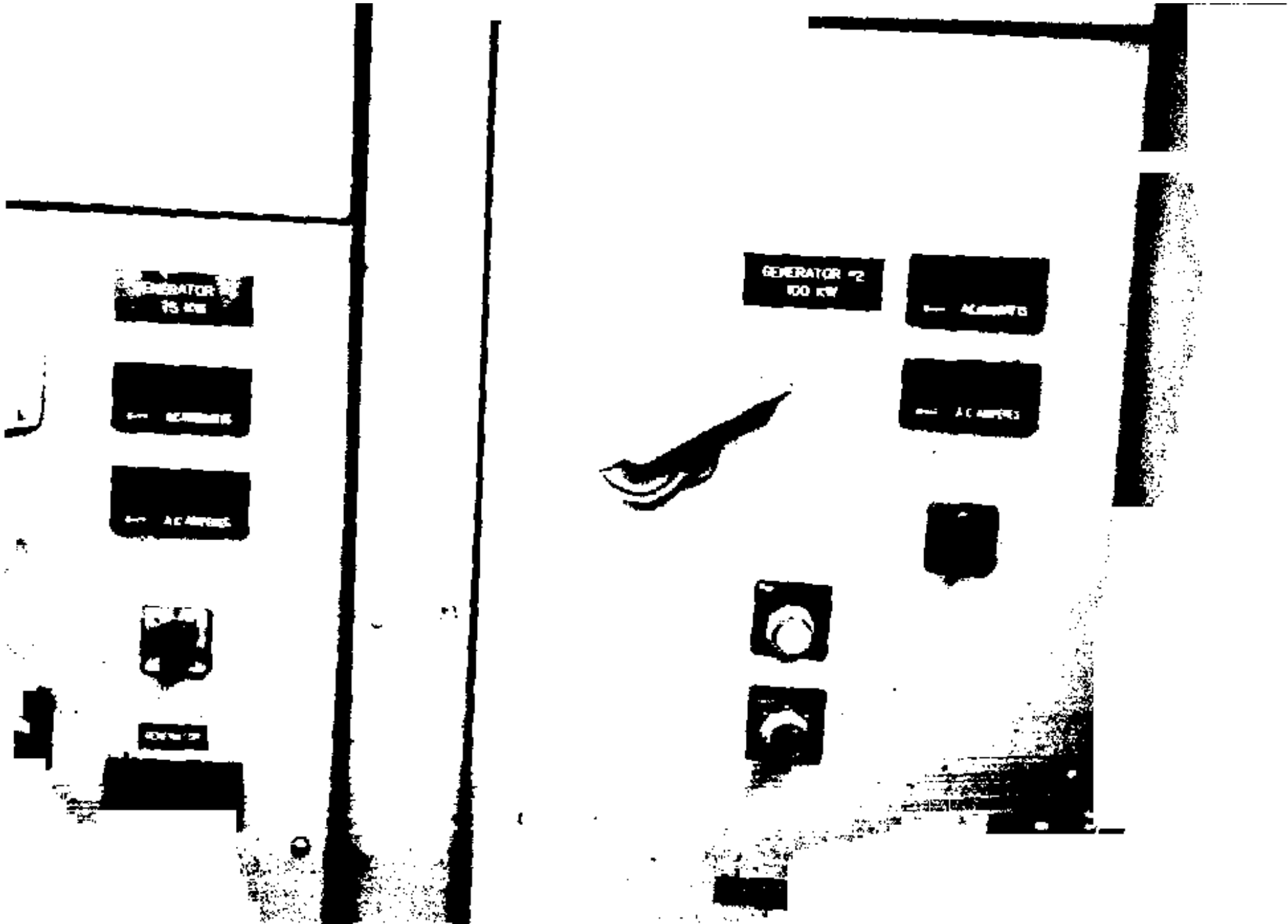


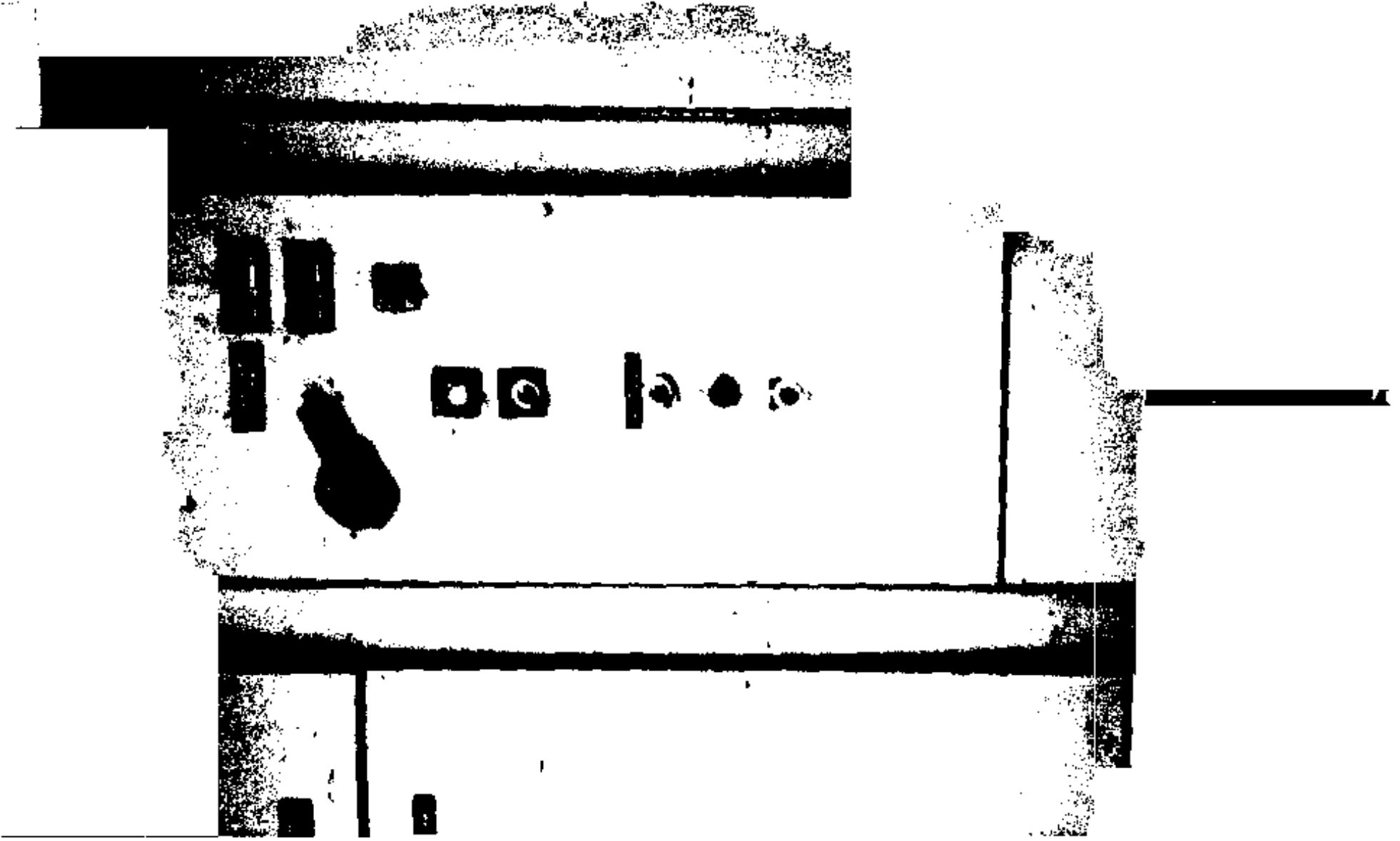


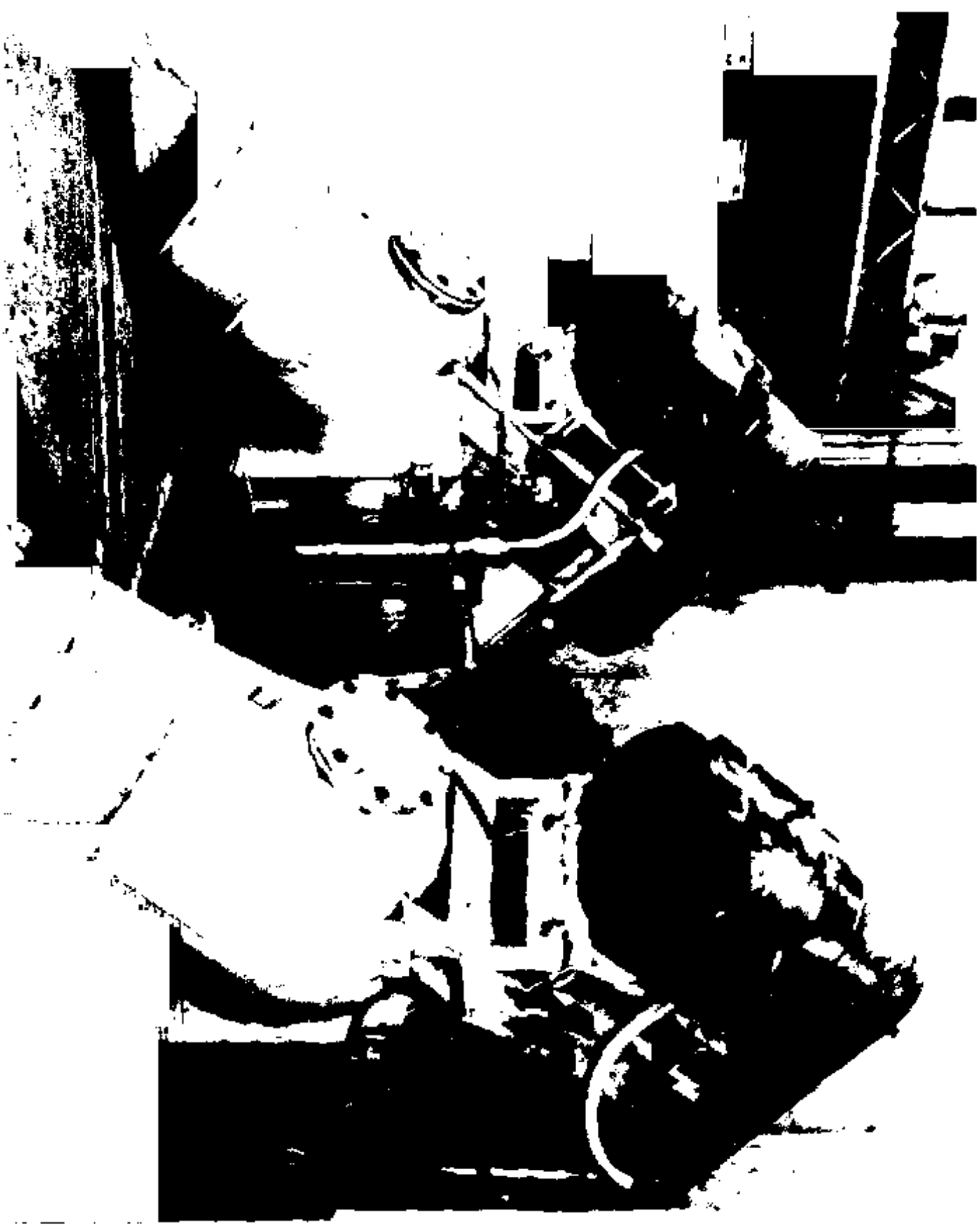


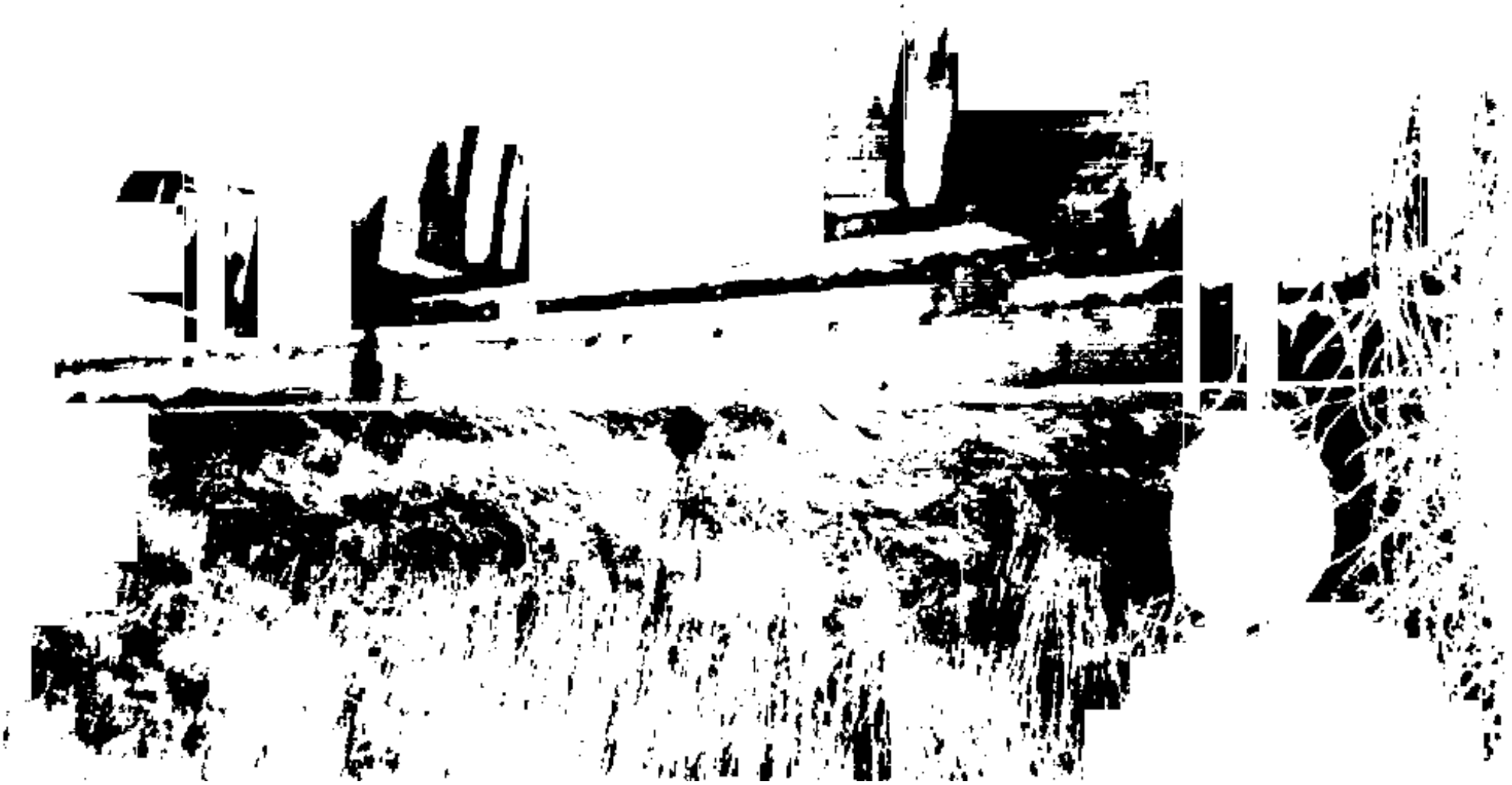


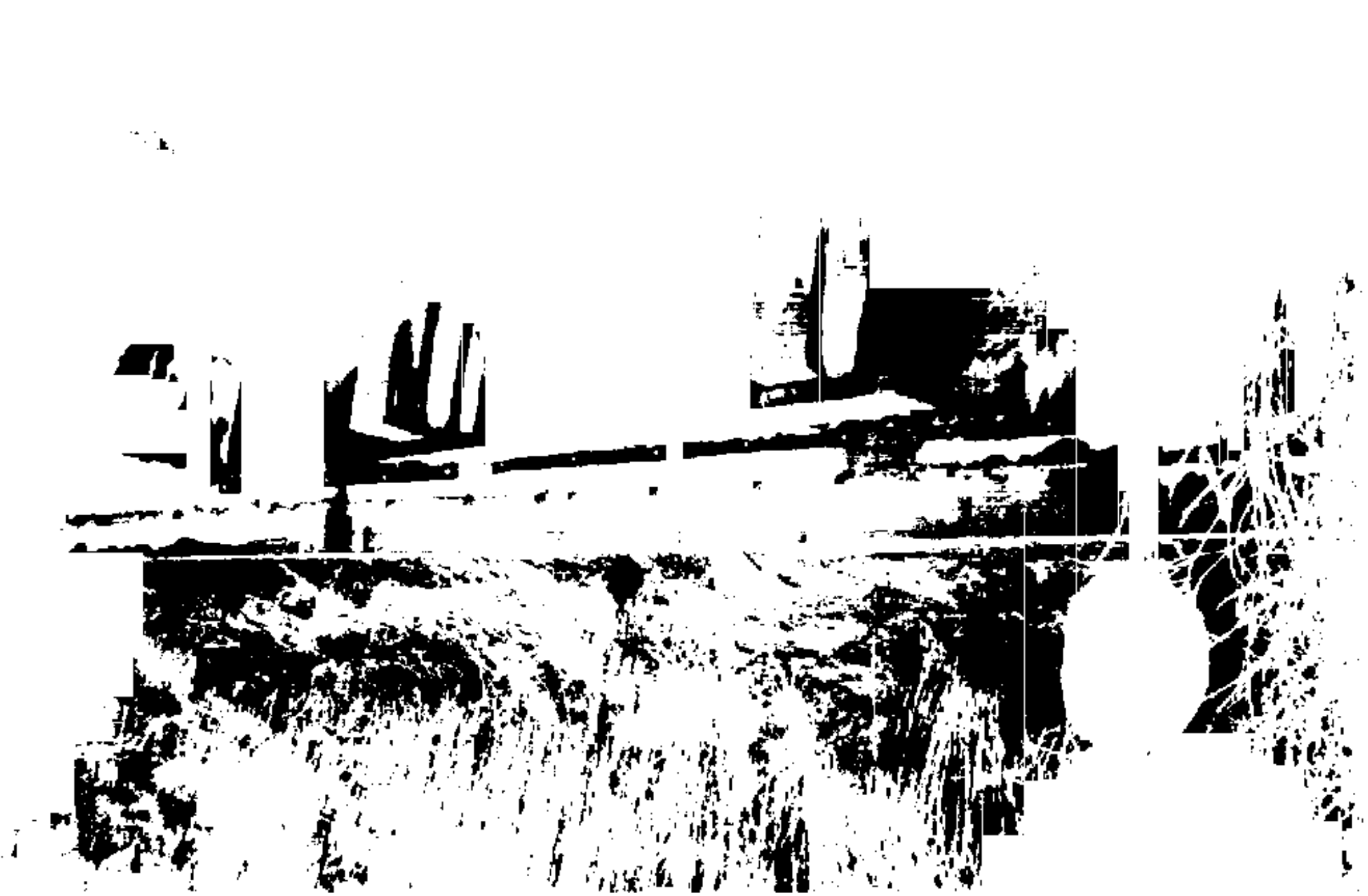



GENERATOR #2
100 KW

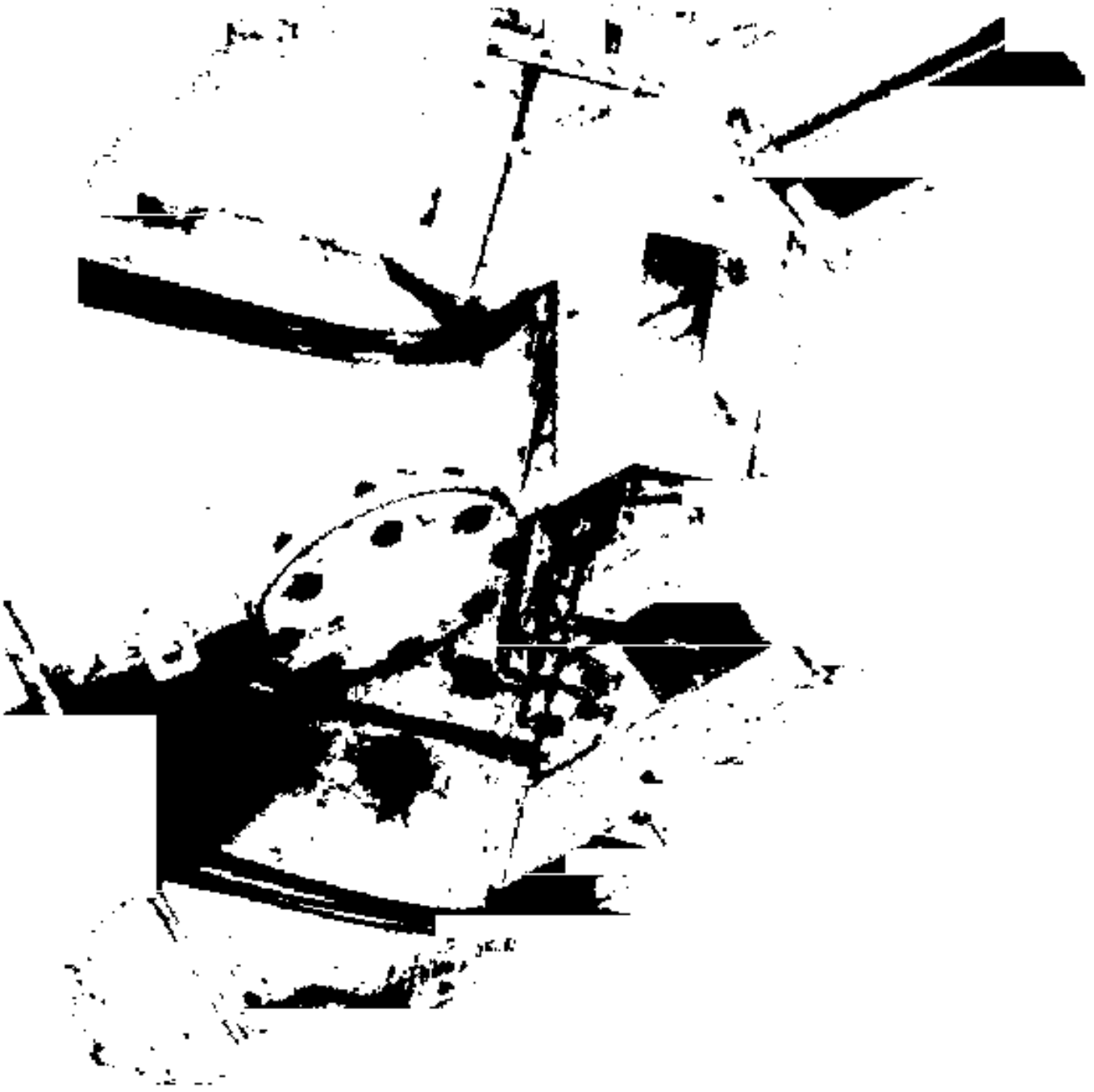






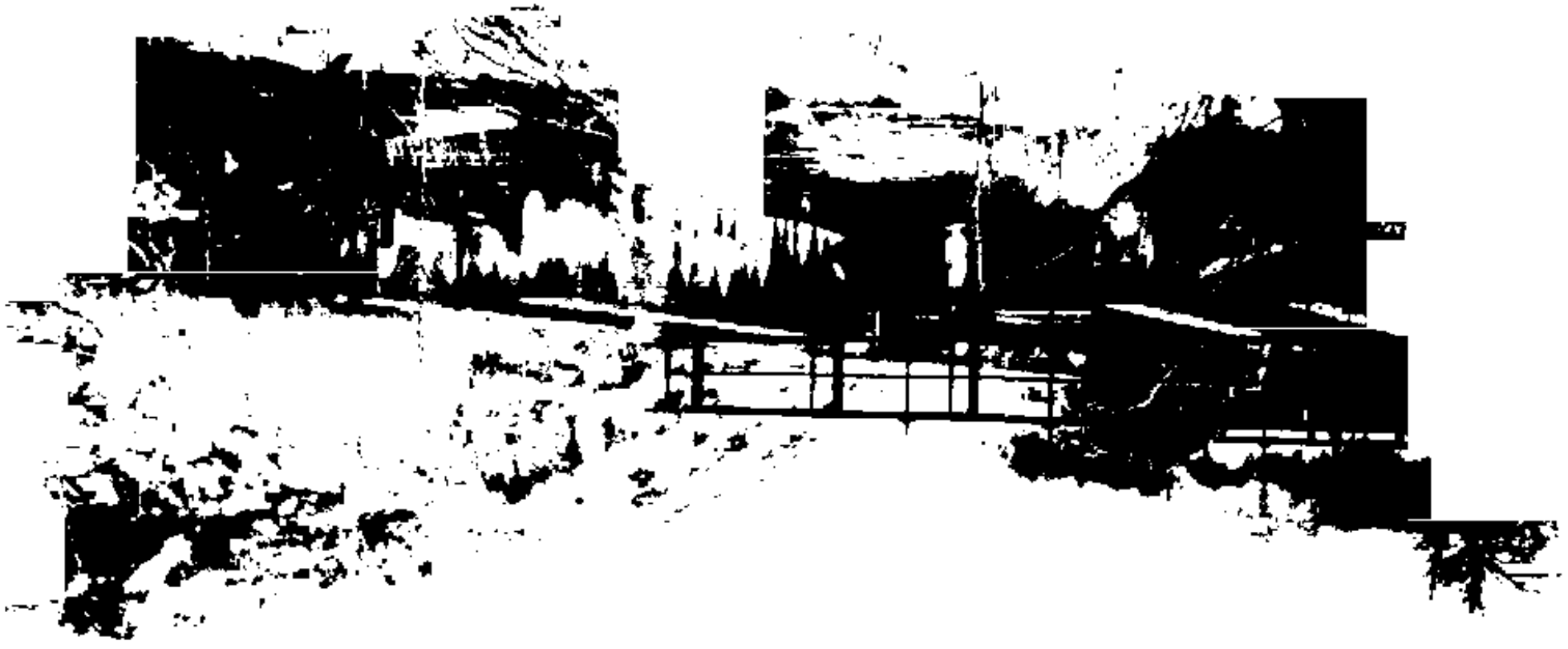


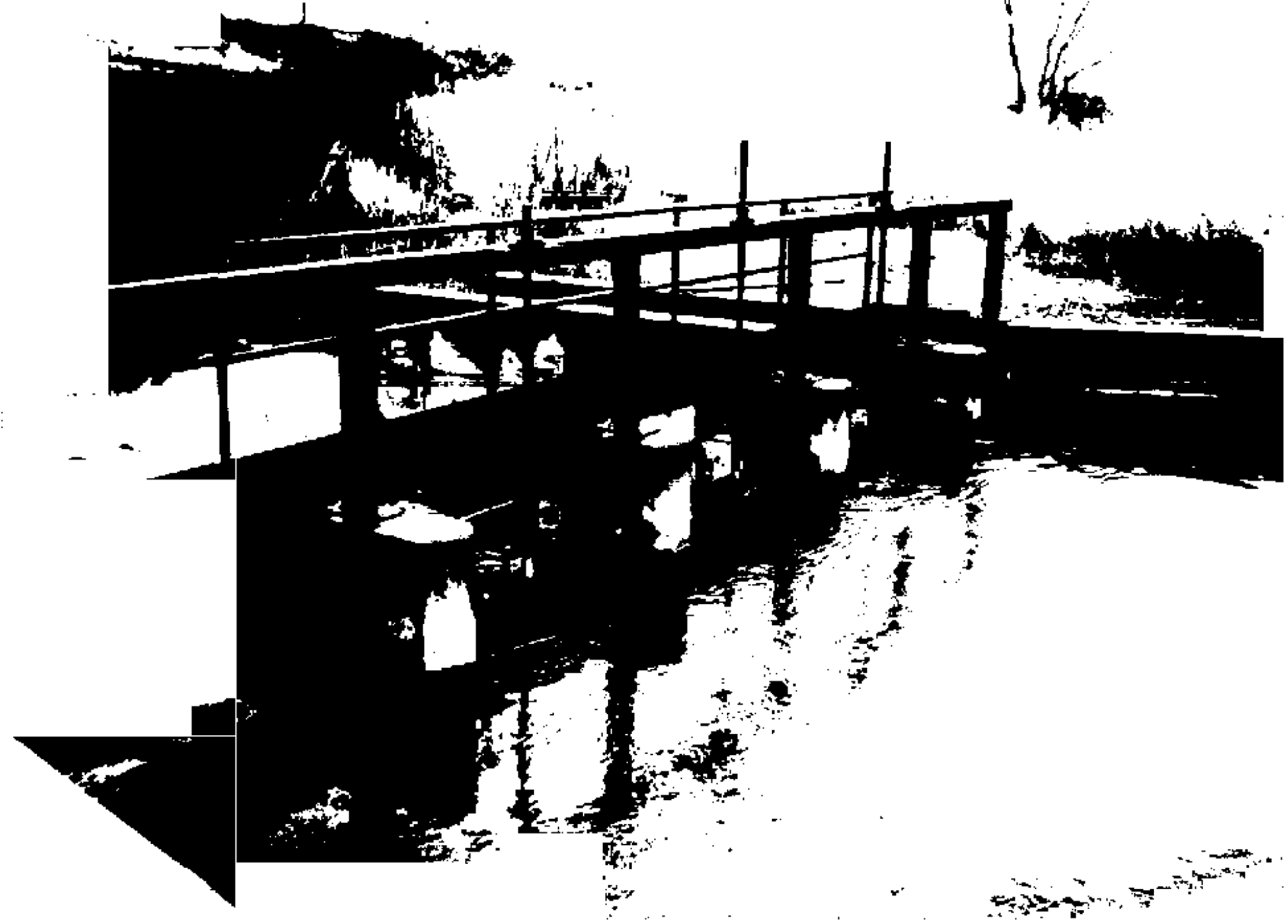














CHARLES
BROCKWAY
ENGINEERING

February 3, 1992

RECEIVED
FEB 05 1992
Department of Water Resources
Southern Region Office

Mr. Loren Holmes
Idaho Dept. of Water Resources
222 Shoshone St East
Twin Falls, ID 83301

Subject: TROUTCO Power Plant Discharge Rating Check

Dear Loren:

The water permit for the Troutco hydroelectric plant on Billingsley Creek requires a yearly check on the discharge rating curve developed for the plant. The discharge is rated against the power output of the turbines and was rated in April 1988 from a series of discharge and power readings. The rating curve has been checked twice by current meter since the initial calibration. On December 21, 1989 the rating curve indicated a discharge 0.6% lower than the current metered discharge. On December 27, 1990, the rating curve indicated 1.5 percent more than the current metered discharge. The differences are well within the measurement accuracy of the current meter even in the concrete channel.

Since the hydraulic conditions at the inlet have not changed and the ratings appear to be stable, it seems prudent to consider decreasing the frequency of discharge evaluation. I am therefore requesting, on behalf of Mr. John Sandy, that the discharge rating curve be checked every three years instead of every year. This would require the next discharge check by December 1993.

Please let me know if you need additional information.

Sincerely,

C. E. Brockway, P.E.

cc: John Sandy

CHARLES E.
BROCKWAY,
PHD., P.E.

706 SUNRISE
BOULEVARD
NORTH

TWIN FALLS,
IDAHO 83301

208•733•0938

April 16, 1991

TROUTCO
P.O. BOX 425
HAGERMAN, ID 83332

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 36-08058

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)734-3578.

Sincerely,

Rita Fleck
Secretary/Records Manager

c: IDWR - Region

ANALYSIS SHEET
for
PROOF OF BENEFICIAL USE

Permit No. 36-8058 Date 4-16-91

GENERAL CONSIDERATIONS

Y Name same as permit?
Y Address same as permit? If no, indicate below.
Y Proof timely received? If no, complete priority advancement below. See memo of 4-9-91

SOURCE OF WATER

Y Surface water source
Ground water source
Drill permit req'd?
Copy in file? Drill permit no. _____
Amt paid for drilling permit? ____ Correct?
Well log in file?

LICENSE EXAMINATION FEE

Y Required?
600. Amount submitted?
Y Correct amount?

MEASURING DEVICE

Measuring device or access port required?
Installed?
Waiver requested or needed?

DEFICIENCIES OR ACTION ITEMS

* See measurement dispute
Proof acceptable

PRIORITY CALCULATION – See Jim's memo of 4-9-91

Date proof received _____ ____
Date proof due _____ - ____
No. of days late = ____
Priority date _____ + ____
NEW PRIORITY DATE _____ = ____

ACTION REQUIRED

FROM: Jim, Southern

TO: Rita Fleck 4-9-91

SUBJECT: Examination Fee, Permit 36-8085

Per your request, John Sandy of Trout-Co today paid the $600. exam fee under Receipt S013215. On 2-28-91, he filed proof of beneficial use on this permit and on 36-7834. He was incorrectly advised that $600. was the correct exam fee, when in fact that amount was due on each permit. So it is the Department's fault that the correct fees were not paid. Gary has completed the licensing exam on both permits, since the two filings cover the same power plant.

L38392

December 31, 1990

TROUTCO
P.O. BOX 425
HAGERMAN, ID 83332

PROOF DUE NOTICE

RE: PERMIT NO. 36-08058

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 March 1, 1991. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

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

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

SINCERELY,

Rita Fleck
Secretary/Records Manager

Enclosures

CHARLES
BROCKWAY
ENGINEERING

W/L [illegible]
36-8078

RECEIVED
DEC 31 1990
Department of Water Resources
Southern Region

December 28, 1990

Mr. Loren Holmes
Idaho Department of Water Resources
222 Shoshone Street East
Twin Falls, Idaho 83301

Subject: Check of Discharge Rating at Troutco Power Plant- 1990

Dear Loren:

In compliance with the order allowing the rating of the generators at the Troutco Power Plant in lieu of a discharge measuring device, I am submitting the data on the required yearly discharge measurement conducted to check the rating curve.

On December 27, 1990, I measured the inflow to the power house using a current meter in the forbay canal 20 feet upstream of the concrete bridge across the canal. The measurement, conducted using standard USGS recommended procedures, indicated 118.3 cfs flowing with the Leffel unit (#1) and Unit #2 operating. Flow over the check boards on the side-channel spillway was minimal. All conditions appeared to be similar to those during the calibration period in April 1988. Based on the rating curve for Units 1 and 2 operating, the rated discharge is 120.2 cfs. The measured discharge is therefore 1.5% less than the rating curve discharge which is well within the accuracy of the current meter measurement.. This difference does not warrant a change in the discharge rating curve for the project.

Please let me know if you need additional information on this measurement or the rating curves for the units.

Sincerely,

C. E. Brockway, P.E.

CEB:
cc John Sandy
Enclosures: Current meter field sheet
Current meter computer output

CHARLES E. BROCKWAY, PHD., P.E.

706 SUNRISE BOULEVARD NORTH

TWIN FALLS, IDAHO 83301

208•733•0938

CURRENT METER CALCULATIONS

TROUTCO POWER PLANT FORBAY CANAL 20 FT UPSTREAM OF BRIDGE

UNIT NO 2 AND LEFFEL UNIT (#1) OPERATING

DECEMBER 27, 1990 C.E. BROCKWAY P.E. FILE CMETER90

OTT METER 47966*

SEC,	DIST.	DEPTH	REV .6-.2	REV .8	TIME SEC	ANGLE CORR.	VEL1	VEL2	AVG VEL	DELTA AREA	DELTA Q	SUM Q
1	6.00	4.00	0	0	50	1	0.00	0.00	0.00	0.00	0.00	0.00
2	6.50	4.00	82	77	50	1	1.41	1.33	1.37	2.00	1.37	1.37
3	7.00	4.00	102	99	50	1	1.75	1.70	1.73	2.00	3.10	4.47
4	8.00	4.00	129	109	50	1	2.21	1.87	2.04	4.00	7.54	12.01
5	9.00	4.00	126	96	50	1	2.16	1.65	1.91	4.00	7.90	19.91
6	10.00	4.00	125	86	50	1	2.14	1.48	1.81	4.00	7.44	27.34
7	11.00	4.00	125	75	50	1	2.14	1.29	1.72	4.00	7.06	34.41
8	12.00	4.00	146	93	50	1	2.50	1.60	2.05	4.00	7.54	41.95
9	13.00	4.00	154	127	50	1	2.64	2.18	2.41	4.00	8.92	50.86
10	14.00	4.05	163	107	50	1	2.79	1.84	2.31	4.03	9.50	60.36
11	15.00	4.00	159	119	50	1	2.72	2.04	2.38	4.03	9.45	69.81
12	16.00	4.05	152	132	50	1	2.60	2.26	2.43	4.03	9.69	79.50
13	17.00	4.05	147	121	50	1	2.52	2.08	2.30	4.05	9.58	89.08
14	18.00	4.05	146	103	50	1	2.50	1.77	2.14	4.05	8.98	98.06
15	19.00	4.05	144	111	50	1	2.47	1.91	2.19	4.05	8.75	106.81
16	20.00	4.00	88	92	50	1	1.52	1.58	1.55	4.03	7.52	114.33
17	20.50	4.00	68	68	50	1	1.18	1.18	1.18	2.00	2.72	117.05
18	21.05	4.00	0	0	50	1	0.00	0.00	0.00	2.20	1.29	118.34

AVG VELOCITY	1.96	FPS
AREA	60.45	SQ FT
DISCHARGE	118.34	CFS

*CALIBRATION

FOR N(REV/T)<.68 V= 0.7872 *N + 0.062

FOR N(REV/T)>.68 V= 0.8496 *N + 0.020

SEE LOOLUP TABLE N9.P12

LEFFEL TURBINE(#1) READING BEFORE=	59.40	KW
LEFFEL TURBINE(#1) READING AFTER=	56.50	KW
AVG =	57.95	KW
DISCHARGE FROM 1988 RATING=	120.2	CFS
MEASURED DISCHARGE 12/27/90 =	118.3	CFS
DEVIATION FROM RATING =	-1.5	%

DEVIATION DOES NOT WARRANT CHANGING RATING

DISCHARGE MEASUREMENT — CURRENT METER

PARTY J E B METER C22 2 750

LOCATION TROUTDALE - Sta in Sand Co

LOCATION (numeric)	METER CODE	DATE	NUMBER SECTIONS	GAGE
01	07	12/3/[illegible]		

SEC. #	DISTANCE	DEPTH	REV. .6 or .2	REV. 0.8	TIME (sec.)	ANGLE CORRECTION
Bank Right 4:20						
01	6.0	4.0	50	77	50	1.0
02	7.0	4.0	40	99		
03	8.0	4.0	40	90		
04	9.0	4.0	40	96		
05	10.0	4.0	40	96		
06	11.0	4.0	40	85		
07	12.0	4.05	40	93		
08	13.0	4.0	40	87		
09	14.0	4.0	40	87		
10	15.0	4.05	40	80		
11	16.0	4.05	40	82		
12	17.0	4.05	40	83		
13	18.0	4.05	40	83		
14	19.0	4.05	40	83		
15	20.0	4.0	40	83		
16	20.5	4.0	40	80		
Bank 17	21.05	4.0	00	00		
End 4:52						
18						
19						
20						
21						
22						
23						
24						
25						

METER CODES

1 = HOFF 551	6 = NEYRPIC MIG. BLUE (4)	11 =
2 = DAVID WHITE	7 = NEYRPIC MIG. RED (6)	12 =
3 = HOFF 183-3	8 = NEYRPIC CABLE	13 =
4 = HOFF 183-4	9 = OTT – 47966	14 =
5 = OTT – 446 (1)	10 = HOFF 557	15 =

REMARKS Generators running - #2 & Kaplan

Before 3:58pm 83.5 KW on #2 Kaplan (both) 59.4 KW

After 4:53pm 83.5 KW on #2 Kaplan (both) 76.5 KW

Kaplan was shut down, at before measurement & clear water from gates

Operator indicates 4 unit decreases 1/2 ft after following

RECEIVED
DEC 28 1989
Department of Water Resources
Southern Region Office

WR # 36-7834
36-8058

December 26, 1989

CHARLES BROCKWAY ENGINEERING

Mr. Loren Holmes
Idaho Department of Water Resources
2148 4th Avenue East
Twin Falls, Idaho 83301

Subject: Check of Discharge Rating at Troutco Power Plant

Dear Loren:

In compliance with the order allowing the rating of the generators at the Troutco Power Plant in lieu of a discharge measuring device, I am submitting the data on a discharge measurement conducted to check the rating curve.

On December 21, 1989, I measured the inflow to the power house using a current meter in the forbay canal approximately 20 feet upstream of the concrete bridge across the canal. The measurement, conducted using standard USGS recommended procedures, indicated 123.7 cfs flowing with the Leffel unit (#1) and Unit #3 operating. Flow over the check boards on the side-channel spillway was minimal. All conditions appeared to be similar to those during the calibration period in April 1988. Based on the rating curve for Units 1 and 3 operating, the rated discharge is 123.0 cfs. The measured discharge is therefore 0.6% more than the rating curve discharge which is well within the accuracy of the current meter measurement.. This difference does not warrant a change in the discharge rating curve for the project.

Please let me know if you need additional information on this measurement or the rating curves for the units.

Sincerely,

C. E. Brockway, P.E.

CEB:
cc John Sandy
Enclosures: Current meter field sheet
Current meter computer output
Rating table

CHARLES E. BROCKWAY, PHD., P.E.

706 SUNRISE BOULEVARD NORTH

TWIN FALLS, IDAHO 83301

208•733•0938

RECEIVED
JAN 3 1990
Department of Water Resources

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

~~Water District 01~~

DISCHARGE MEASUREMENT NOTES

Meas. No. .....

Comp. by .....

Checked by .....

Sta. No. .....

Trout Powerplant Forebay canal

Date Dec. 21, 1982 Party CE Brockway

Width 15.1' Area 61.0 ± Vel. 2.03 G. H. — Disch. 123.65

Method 2-8 No. secs. 50 G. H. change ..... in ..... hrs. Susp. .....

Method coef. ..... Hor. angle coef. 1 Susp. coef. ..... Meter No. 017

Leffel ~~GAGE~~ READINGS

Time		Recorder	Inside	Outside
14:30		60.0	Kw	
15:12		58.3	Kw	
Weighted M. G. H.				
G. H. correction				
Correct M. G. H.				

Type of meter Propeller

Date rated ..... for rod, other.

Meter ..... ft. above bottom of weight

Spin before meas. ..... after .....

Meas. plots ±1.9% diff. from rating 4188

Wading, cable, ice, boat, (upstr.) downstr., side

(bridge) ..... feet, mile, above, below

gage, and 20' above bridge

Check-bar, found .....

changed to ..... at .....

Correct .....

Levels obtained .....

Measurement rated (excellent (2%)), good (5%), fair (8%), poor (over 8%), based on following conditions: Cross section .....

Flow ..... Weather Clear - 46°F

Other ..... Air .....°F@ .....

Gage ..... Water .....°F@ .....

..... Record removed ..... Intake flushed U .....

Observer .....

.....

Control .....

.....

Remarks See remarks re accretion ice runs

Leffel AUX Kw 59.15 Unit 3 operating

.....

G. H. of zero flow ..... ft.

River at—

Angle coefficient	Dist. from initial point	Width	Depth *	Observation depth	Revolutions	Time in seconds	VELOCITY: At point	VELOCITY: Mean in vertical	Adjusted for hor. angle or	Area	Discharge
	5.05		4.0		8	50			1		
	5.50		4.0		93 / 21						
	6.50		4.0		124 / 94						
	7.50		4.05		130 / 116						
	8.50		4.05		132 / 124						
	9.50		4.05		132 / 131						
	10.50		4.05		134 / 122						
	11.50		4.05		140 / 129						
	12.50		4.05		145 / 124						
	13.50		4.05		149 / 130						
	14.50		4.05		145 / 120						
	15.50		4.05		142 / 123						
	16.50		4.05		141 / 121						
	12.50		4.05		141 / 116						
⊙	18.50		4.05		122 / 102						
	19.50		4.02		94 / 70						
	20.15		4.02		8						

* Includes .10' boot on rod.

.0 .10 .20 .30 .40 .50 .60 .70 .75

CURRENT METER CALCULATIONS FILE TROUT891
TROUTCO POWER PLANT FORBAY CANAL 20 FT UPSTREAM OF BRIDGE
UNIT NO 3 AND LEFFEL UNIT (#1) OPERATING
DECEMBER 21, 1989 C.E. BROCKWAY P.E.
OTT METER 47966*

SECT.	DIST.	DEPTH	REV .6-.2	REV .8	TIME SEC	ANGLE CORR.	VEL1	VEL2	AVG VEL	DELTA AREA	DELTA Q	SUM Q
1	5.05	4.00	0	0	50	1	0.00	0.00	0.00	0.00	0.00	0.00
2	5.50	4.00	71	93	50	1	1.23	1.60	1.41	1.80	1.27	1.27
3	6.50	4.00	94	124	50	1	1.62	2.13	1.87	4.00	6.57	7.84
4	7.50	4.05	116	130	50	1	1.99	2.23	2.11	4.03	8.01	15.86
5	8.50	4.05	124	132	50	1	2.13	2.26	2.19	4.05	8.72	24.57
6	9.50	4.05	131	132	50	1	2.25	2.26	2.25	4.05	9.01	33.58
7	10.50	4.05	122	134	50	1	2.09	2.30	2.19	4.05	9.01	42.59
8	11.50	4.05	128	140	50	1	2.19	2.40	2.30	4.05	9.10	51.69
9	12.50	4.05	124	145	50	1	2.13	2.48	2.31	4.05	9.32	61.01
10	13.50	4.05	130	149	50	1	2.23	2.55	2.39	4.05	9.51	70.52
11	14.50	4.05	120	145	50	1	2.06	2.48	2.27	4.05	9.44	79.96
12	15.50	4.05	123	142	50	1	2.11	2.43	2.27	4.05	9.20	89.16
13	16.50	4.05	121	141	50	1	2.08	2.42	2.25	4.05	9.15	98.31
14	17.50	4.05	116	141	50	1	1.99	2.42	2.20	4.05	9.01	107.32
15	18.50	4.05	102	122	50	1	1.75	2.09	1.92	4.05	8.36	115.67
16	19.50	4.02	70	74	50	1	1.21	1.28	1.24	4.04	6.39	122.06
17	20.15	4.02	0	0	50	1	0.00	0.00	0.00	2.61	1.62	123.69

AVG VELOCITY 2.03 FPS
AREA 61.02 SQ FT
DISCHARGE 123.69 CFS

*CALIBRATION
FOR N(REV/T)<.68 V= 0.7872 *N + 0.062
FOR N(REV/T)>.68 V= 0.8496 *N + 0.020
SEE LOOLUP TABLE N9.P12

LEFFEL TURBINE(#1) READING BEFORE= 60.00 KW
LEFFEL TURBINE(#1) READING AFTER= 58.30 KW
AVG = 59.15 KW
DISCHARGE FROM 1988 RATING= 123.0 CFS
MEASURED DISCHARGE 12/21/89 = 123.7 CFS
DEVIATION FROM RATING = 0.6 %
DEVIATION DOES NOT WARRANT CHANGING RATING

TROUTCO HYDROELECTRIC PROJECT

DISCHARGE RATING FOR LEFFEL TURBINE UNIT

LEFFEL KW METER READING KW	LEFFEL UNIT ONLY CFS	WITH UNIT 2 OPERATING CFS	WITH UNIT 3 OPERATING CFS	WITH UNITS 2&3 OPERATING CFS
0 *	14.2	87.5	90.3	162.8
5	19.1	92.4	95.2	167.7
10	23.4	96.6	99.4	171.9
15	27.0	100.2	102.9	175.4
20	30.0	103.3	105.9	178.5
25	32.6	105.9	108.5	181.1
30	34.9	108.3	110.7	183.4
35	37.0	110.4	112.7	185.5
40	38.9	112.5	114.6	187.4
45	40.9	114.5	116.5	189.4
50	42.9	116.5	118.6	191.4
55	45.1	118.7	120.8	193.7
60	47.7	121.2	123.4	196.2
65	50.6	124.1	126.4	199.1
**0		73.3	75.9	148.5

* LEFFEL UNIT OPERATING IN SYNC
** LEFFEL UNIT GATES CLOSED

REVISED 6/1/88
C.E. BROCKWAY P.E.

DISCHARGE CHECKS	UNITS RUNNING	LEFFEL READING KW	CURRENT METER CFS	RATING CURVE CFS	DIFF. %
DEC. 21, 1989 CEB	1&3	59.25	123.7	123.0	0.6

March 8, 1989

John Sandy, Sec./Trea.
Troutco Inc.
P. O. Box 326
Hagerman, ID 83332

Dear Mr. Sandy:

Re: Permit No. 36-8058

Enclosed is a copy of the approved request for extension of time. The time within which to submit proof of beneficial use is extended to March 1, 1991.

I wish to remind you of the requirements of the order dated May 24, 1988. The order changed the measuring device requirement to a rated section and required the permit holder to submit a re-rate of the intake channel flow and submit the information to the department once a year.

If you have any questions concerning these requirements, please contact our Southern Region office in Twin Falls.

Sincerely,

RITA I. FLECK
Secretary/Records Manager

Enclosure

STAFF REVIEW SHEET - EXTENSION OF TIME

Permit No. 36-8058 Reviewed by JJ Date 3-6-89

BASIC INFORMATION

Y Date stamp received
Y Extension received timely
(not prior to 6 month before proof due date or after reinstatement period)
Y Fee received and receipted
Y Name and signature same as permit
N Address change (indicate on coding sheet)

BASIS FOR EXTENSION REQUEST

Y Has adequate work been completed to demonstrate due diligence?
Y Has the cost incurred been adequate to demonstrate an intent to complete the project?
N/A Has the permit been involved in litigation?
a. Swan Falls _____ Dismissed from Swan Falls _____
Other _____ Identify _____
b. Is supporting documentation needed to complete the file? _____
Requested _____
c. Calculate the period of delay

Date litigation completed _____

Date litigation began - _____

Total period of delay = _____

Present proof due date + _____

NEW PROOF DUE DATE = _____

N/A Is delay by a government agency?
Is supporting documentation needed to complete the file? _____
Requested? _____

ACTION TAKEN - Recommend approval based on due diligence for two years

Special conditions or remarks:

N/A Reinstate

Date extention received	_____	=	_____
Proof due date	_____	=	- _____
No. of days late	_____	=	_____
Priority date	_____	=	+ _____
ADJUSTED PRIORITY DATE	_____	=	_____

Y Prepare coding sheet
Y Change rolodex card

May 25, 1988

John Sandy, Sec.-Treas.
Trout-CO
Box 326
Hagerman, ID 83332

Dear Mr. Sandy:

Re: Permit No. 36-7834 and 36-8058 - Trout-Co

Enclosed is a copy of the order which changes the measuring device.

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

Sincerely,

RITA I. FLECK
Secretary/Records Manager

Enc.

c: S. Region
George Lemmon
Charles Brockway

RECEIVED
MAY 23 1988
Department of Water Resources

MEMORANDUM

DATE: May 19, 1988

FROM: Loren Holmes

TO: Glen Saxton

SUBJECT: Troutco Measuring Device, 36-7834, 36-8058

Based on my inspections of the power plant and review of the material submitted by Chuck Brockway, I would recommend that the request to remove the broad-crested weir be granted.

The plant has a data recording system which prints out the date, time, and KW output of each generating unit. These printouts can be used to produce a continuous record of flow from the plant rating.

Measuring devices are in place to monitor the bypass flows.

Until we know the effect of age and wear on the plant rating, we may wish to require an annual re-rating.

C. E. BROCKWAY P. E.

ENGINEERING CONSULTANT

Groundwater, Hydrology,
and Hydraulic Engineering

706 Sunrise Blvd. N.
Twin Falls, Idaho 83301 733-0938

RECEIVED

APR 27 1988

Department of Water Resources
Southern Region Office

April 22 , 1988

Mr. Loren Holmes
Idaho Department of Water Resources
2148 4th Avenue East
Twin Falls, Idaho 83301

Subject: Discharge Measurement at Troutco Power Plant

Dear Loren:

Some time ago we discussed the possibility of rating the generators at the Troutco plant in lieu of maintaining the broad crested weir in the forbay channel. The concept was that, since all three turbines are relatively short coupled with short penstocks coming from a common regulated forbay, the discharge through any combination of units should be related to the generator output.

The general mode of operation of the three units at Troutco is to operate at least one of the two fixed units at constant output and utilize unit one, the Leffel unit, for all discharge over and above that required for the fixed units. It is not anticipated that available flow will ever be so low (less than 50 cfs) that only the Leffel unit will be on line. The forbay elevation is regulated by an overflow weir and the tailrace elevation is retained by an overflow sill into Billingsley Creek. It is expected that the net head will remain relatively constant and the associated discharge through any one turbine will be relatively constant provided the trash racks are clean.

To examine this concept, tests were run with various combinations of units on line and the discharge regulated at the inlet to the forbay canal so that the forbay water level was essentially constant at the level of the overflow weir. The discharge was measured utilizing the rating for the broad crested weir in the forbay canal. In the first series of tests, unit 3 was operated wide open and the Leffel unit, unit 1, was regulated through a range of output from 0 to 63 KW and the resulting discharge measured while the forbay elevation was at the top of the overflow weir. The first four columns of the attached table show the KW output for the Leffel unit and unit 3 with associated discharges. In this series when the Leffel unit output is zero, the unit is

still on line but running in synchronous mode. It requires approximately 14 cfs to operate the unit with zero output. Below that discharge, the unit requires power to operate.

A similar series of tests utilizing unit 2 was performed and those results are shown in the attached table.

A series of 14 measurements were taken with only unit 2 operating, the forbay elevation regulated, and the discharge constant at 73.3 cfs. A series of 18 measurements were taken with only unit 3 operating, the forbay elevation regulated, and the discharge constant at 75.9 cfs. A third series of measurements were taken with both units 2 and 3 operating at full capacity only and with a constant discharge of 148.5 cfs. In these tests, any units not operating were gated off and not running in synchronous mode.

These three series of tests showed that the discharge of units 2 and 3 is, for practical purposes, independent of the number of units operating since the combined discharge differs less than 0.5% from the sum of the discharges with each unit running separately. It can therefore be implied that the discharge of unit 1 will be independent of the number of units on line and the generated output of unit 1 will be indicative of the total discharge with other units operating. A third degree polynomial curve was fitted to the two series of output vs discharge data. The attached plot shows the fitted curves and measured data for the two units. The discharges for unit 3 with the Leffel unit on are slightly greater than for unit 2 with the Leffel unit on for the same Kw output of the Leffel unit.

On this premise, the discharge of the Leffel unit, unit 1, was calculated by subtracting the flow of the fixed units from the total measured flow for each series. The combined flow for units 2 and 3 and the Leffel unit operating was then calculated by adding the average Leffel unit flow for any output to the fixed flow of both unit 2 and 3. The attached figure shows the plot of the Leffel unit Kw output vs. the combined flow of unit 2 and 3 plus the Leffel unit flow. Using these plots, the discharge can be determined by reading the KW output of the Leffel unit and then, knowing which of units 2 or 3 are operating, read the total discharge from the proper curve. For instance, if the Leffel output is 30 KW and unit 3 is also operating, the middle curve in the figure shows that the total discharge is 111 cfs. A rating table showing the discharge for any combination of units operating at specific Leffel unit output is attached.

I believe this approach provides a sufficiently accurate discharge rating to allow removal of the broad crested weir. This will allow the upstream creek level to be decreased and alleviate some problems with adjacent users. As a check on

the continued reliability of these relationships, the discharge could be measured periodically by current metering the forbay canal and comparing it with the measured output from the Leffel unit.

If you have additional questions or need additional information please call.

Sincerely,

C. E. Brockway, P.E.

CEB:

cc John Sandy

4/22/88 C E BRO[redacted]Y

CALIBRATION OF TURBINE-GENERATORS

DATA OBTAINED BY OPERATING FIXED GENERATOR UNITS (2 & 3) WITH VARIABLE FLOW UNIT 1 (LEFFEL)
AND COMPARING KW OUTPUT OF LEFFEL UNIT WITH BROAD CRESTED WEIR DISCHARGE

			MEASURED DATA										
UNIT	LEFFEL KW	UNIT2 KW	UNIT3 KW	GAGE FT	DISCHARGE CFS	LEFFEL + UNIT 3 LKW	LKW^2	LKW^3	MEAS Q	LEFFEL + UNIT 2 LKW	LKW^2	LKW^3	MEAS Q
	63.0		81.4	1.89	125.8	63.0	3969.0	250047.0	125.8	62.4	3889.6	242581.5	122.7
	60.0		80.6	1.86	122.7	60.0	3600.0	216000.0	122.7	55.6	3087.7	171570.7	118.5
	55.0		80.3	1.84	120.6	55.0	3025.0	166375.0	120.6	49.5	2450.3	121287.4	116.5
	50.0		81.5	1.82	118.5	50.0	2500.0	125000.0	118.5	44.6	1986.2	88517.8	114.5
	45.0		79.8	1.80	116.5	45.0	2025.0	91125.0	116.5	40.0	1600.0	64000.0	112.5
	41.5		81.2	1.79	115.5	41.5	1719.5	71301.3	115.5	34.9	1220.3	42630.5	110.5
	36.6		80.2	1.77	113.5	36.6	1339.6	49027.9	113.5	30.0	897.0	26865.2	108.5
	31.3		80.9	1.75	111.5	31.3	981.8	30762.4	111.5	24.9	620.0	15438.2	105.5
	24.9		79.8	1.72	108.5	24.9	620.0	15438.2	108.5	19.6	384.2	7529.5	102.6
	20.2		80.4	1.69	105.5	20.2	408.0	8242.4	105.5	15.2	231.0	3511.8	100.7
	14.6		80.2	1.66	102.6	14.6	214.1	3133.5	102.6	9.7	93.4	903.3	96.8
	10.1		80.2	1.63	99.7	10.1	101.3	1020.1	99.7	5.2	27.0	140.6	92.1
	5.8		79.4	1.59	95.9	5.8	33.3	191.8	95.9	0.0	0.0	0.0	87.5
	0.0			1.53	90.3	0.0	0.0	0.0	90.3		0.0	0.0	

					Regression Output: W/UNIT3				Regression Output:W/UNIT2			
	62.4	80.4		1.86	122.7	Constant		90.25288	Constant		87.45730	
	55.6	80.9		1.82	118.5	Std Err of Y Est		0.384803	Std Err of Y Est		0.374302	
	49.5	81.2		1.80	116.5	R Squared		0.998979	R Squared		0.999055	
	44.6	79.9		1.78	114.5	No. of Observations		14	No. of Observations		13	
	40.0	80.4		1.76	112.5	Degrees of Freedom		10	Degrees of Freedom		9	
	34.9	81.2		1.74	110.5							
	30.0	81.6		1.72	108.5	X Coefficient(s)	1.073449	-0.01743 0.000145	X Coefficient(s)	1.057201	-0.01591 0.000127	
	24.9	81.5		1.69	105.5	Std Err of Coef.	0.046896	0.001736 0.000017	Std Err of Coef.	0.045918	0.001749 0.000018	
	19.6	81.0		1.66	102.6							
	15.2	81.5		1.64	100.7							
	9.7	81.4		1.60	96.8	LEFFEL KW	CALC Q3	CALC Q2		CALC Q3	CALC Q2	AVG = LEFFEL	AVG+148.5 =2+3
	5.2	80.5		1.55	92.1	65	126.4	124.1		-75.9	-73.3		
	0.0	81.4		1.50	87.5	60	123.4	121.2		50.5	50.8	50.6	199.1
						55	120.8	118.7		47.5	47.9	47.7	196.2
						50	118.6	116.5		44.9	45.4	45.2	193.7
14MEA	OFF	80.90	OFF	1.34	73.3	45	116.5	114.5		42.7	43.2	42.9	191.4
						40	114.6	112.5		40.6	41.2	40.9	189.4
18MEA	OFF	OFF	83.80	1.37	75.9	35	112.7	110.4		38.7	39.2	38.9	187.4
						30	110.7	108.3		36.8	37.1	37.0	185.5
4 MEA	OFF	80.90	82.42	2.1	148.5 Q	25	108.5	105.9		34.8	35.0	34.9	183.4
						20	105.9	103.3		32.6	32.6	32.6	181.1
						15	102.9	100.2		30.0	30.0	30.0	178.5
						10	99.4	96.6		27.0	26.9	26.9	175.4
						5	95.2	92.4		23.5	23.3	23.4	171.9
						0	90.3	87.5		19.3	19.1	19.2	167.7
										14.4	14.2	14.3	162.8

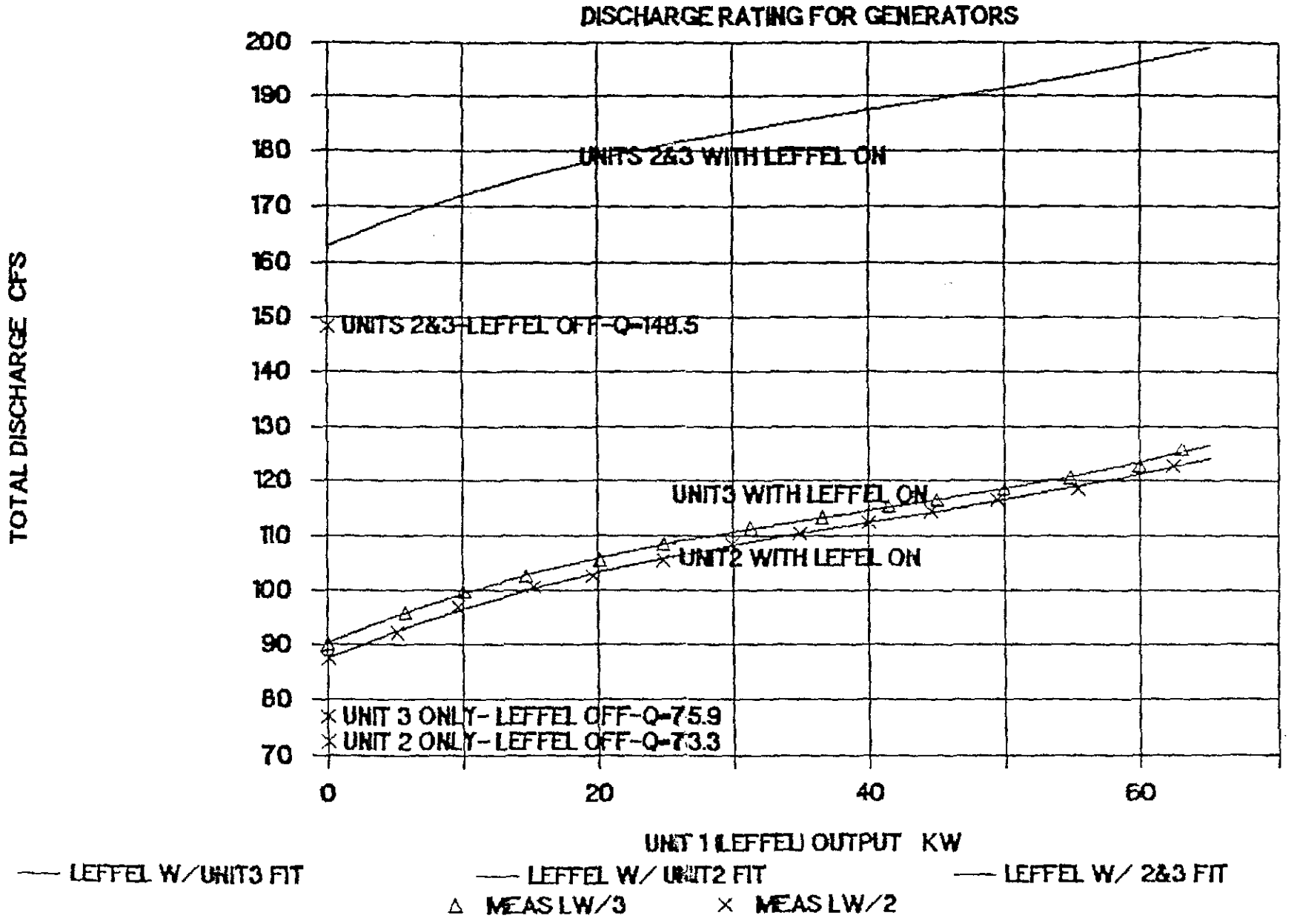
TROUTCO HYDROELECTRIC PROJECT

DISCHARGE RATING FOR LEFFEL TURBINE UNIT

LEFFEL KW METER READING KW	WITH UNIT 2 OPERATING CFS	WITH UNIT 3 OPERATING CFS	WITH UNITS 2&3 OPERATING CFS
*0	87.5	90.3	162.8
5	92.4	95.2	167.7
10	96.6	99.4	171.9
15	100.2	102.9	175.4
20	103.3	105.9	178.5
25	105.9	108.5	181.1
30	108.3	110.7	183.4
35	110.4	112.7	185.5
40	112.5	114.6	187.4
45	114.5	116.5	189.4
50	116.5	118.6	191.4
55	118.7	120.8	193.7
60	121.2	123.4	196.2
65	124.1	126.4	199.1
**0	73.3	75.9	148.5

* LEFFEL UNIT OPERATING IN SYNC
** LEFFEL UNIT GATES CLOSED

TROUTCO HYDROPOWER PROJECT



C. E. BROCKWAY P. E.
ENGINEERING CONSULTANT

Groundwater, Hydrology,
and Hydraulic Engineering

706 Sunrise Blvd. N.
Twin Falls, Idaho 83301 733-0938

RECEIVED
APR 27 1988
Department of Water Resources
Southern Region Office

April 22 , 1988

Mr. Loren Holmes
Idaho Department of Water Resources
2148 4th Avenue East
Twin Falls, Idaho 83301

Subject: Discharge Measurement at Troutco Power Plant

Dear Loren:

Some time ago we discussed the possibility of rating the generators at the Troutco plant in lieu of maintaining the broad crested weir in the forbay channel. The concept was that, since all three turbines are relatively short coupled with short penstocks coming from a common regulated forbay, the discharge through any combination of units should be related to the generator output.

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To examine this concept, tests were run with various combinations of units on line and the discharge regulated at the inlet to the forbay canal so that the forbay water level was essentially constant at the level of the overflow weir. The discharge was measured utilizing the rating for the broad crested weir in the forbay canal. In the first series of tests, unit 3 was operated wide open and the Leffel unit, unit 1, was regulated through a range of output from 0 to 63 KW and the resulting discharge measured while the forbay elevation was at the top of the overflow weir. The first four columns of the attached table show the KW output for the Leffel unit and unit 3 with associated discharges. In this series when the Leffel unit output is zero, the unit is

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the continued reliability of these relationships, the discharge could be measured periodically by current metering the forbay canal and comparing it with the measured output from the Leffel unit.

If you have additional questions or need additional information please call.

Sincerely,

C. E. Brockway, P.E.

CEB:

cc John Sandy

TROUTCO 4/22/88 C E BROCK

CALIBRATION OF TURBINE-GENERATORS

DATA OBTAINED BY OPERATING FIXED GENERATOR UNITS (2 & 3) WITH VARIABLE FLOW UNIT 1 (LEFFEL)
AND COMPARING KW OUTPUT OF LEFFEL UNIT WITH BROAD CRESTED WEIR DISCHARGE

MEASURED DATA

UNIT LEFFEL KW	UNIT2 KW	UNIT3 KW	GAGE FT	DISCHARGE CFS	LEFFEL + UNIT 3 LKW	LKW^2	LKW^3	MEAS Q	LEFFEL + UNIT 2 LKW	LKW^2	LKW^3	MEAS Q
63.0		81.4	1.89	125.8	63.0	3969.0	250047.0	125.8	62.4	3889.6	242581.5	122.7
60.0		80.6	1.86	122.7	60.0	3600.0	216000.0	122.7	55.6	3087.7	171570.7	118.5
55.0		80.3	1.84	120.6	55.0	3025.0	166375.0	120.6	49.5	2450.3	121287.4	116.5
50.0		81.5	1.82	118.5	50.0	2500.0	125000.0	118.5	44.6	1986.2	88517.8	114.5
45.0		79.8	1.80	116.5	45.0	2025.0	91125.0	116.5	40.0	1600.0	64000.0	112.5
41.5		81.2	1.79	115.5	41.5	1719.5	71301.3	115.5	34.9	1220.3	42630.5	110.5
36.6		80.2	1.77	113.5	36.6	1339.6	49027.9	113.5	30.0	897.0	26865.2	108.5
31.3		80.9	1.75	111.5	31.3	981.8	30762.4	111.5	24.9	620.0	15438.2	105.5
24.9		79.8	1.72	108.5	24.9	620.0	15438.2	108.5	19.6	384.2	7529.5	102.6
20.2		80.4	1.69	105.5	20.2	408.0	8242.4	105.5	15.2	231.0	3511.8	100.7
14.6		80.2	1.66	102.6	14.6	214.1	3133.5	102.6	9.7	93.4	903.3	96.8
10.1		80.2	1.63	99.7	10.1	101.3	1020.1	99.7	5.2	27.0	140.6	92.1
5.8		79.4	1.59	95.9	5.8	33.3	191.8	95.9	0.0	0.0	0.0	87.5
0.0			1.53	90.3	0.0	0.0	0.0	90.3		0.0	0.0	

					Regression Output: W/UNIT3				Regression Output:W/UNIT2			
62.4	80.4		1.86	122.7	Constant			90.25288	Constant			87.45730
55.6	80.9		1.82	118.5	Std Err of Y Est			0.384803	Std Err of Y Est			0.374302
49.5	81.2		1.80	116.5	R Squared			0.998979	R Squared			0.999055
44.6	79.9		1.78	114.5	No. of Observations			14	No. of Observations			13
40.0	80.4		1.76	112.5	Degrees of Freedom			10	Degrees of Freedom			9
34.9	81.2		1.74	110.5								
30.0	81.6		1.72	108.5	X Coefficient(s)	1.073449	-0.01743	0.000145	X Coefficient(s)	1.057201	-0.01591	0.000127
24.9	81.5		1.69	105.5	Std Err of Coef.	0.046896	0.001736	0.000017	Std Err of Coef.	0.045918	0.001749	0.000018
19.6	81.0		1.66	102.6								
15.2	81.5		1.64	100.7								
9.7	81.4		1.60	96.8								
5.2	80.5		1.55	92.1								
0.0	81.4		1.50	87.5								

						LEFFEL KW	CALC Q3	CALC Q2	CALC Q3 -75.9	CALC Q2 -73.3	AVG = LEFFEL	AVG+148.5 =2+3
						65	126.4	124.1	50.5	50.8	50.6	199.1
						60	123.4	121.2	47.5	47.9	47.7	196.2
						55	120.8	118.7	44.9	45.4	45.2	193.7
						50	118.6	116.5	42.7	43.2	42.9	191.4
14MEA	OFF	80.90	OFF	1.34	73.3	45	116.5	114.5	40.6	41.2	40.9	189.4
						40	114.6	112.5	38.7	39.2	38.9	187.4
18MEA	OFF	OFF	83.80	1.37	75.9	35	112.7	110.4	36.8	37.1	37.0	185.5
						30	110.7	108.3	34.8	35.0	34.9	183.4
4 MEA	OFF	80.90	82.42	2.1	148.5 Q	25	108.5	105.9	32.6	32.6	32.6	181.1
						20	105.9	103.3	30.0	30.0	30.0	178.5
						15	102.9	100.2	27.0	26.9	26.9	175.4
						10	99.4	96.6	23.5	23.3	23.4	171.9
						5	95.2	92.4	19.3	19.1	19.2	167.7
						0	90.3	87.5	14.4	14.2	14.3	162.8

TROUTCO HYDROELECTRIC PROJECT

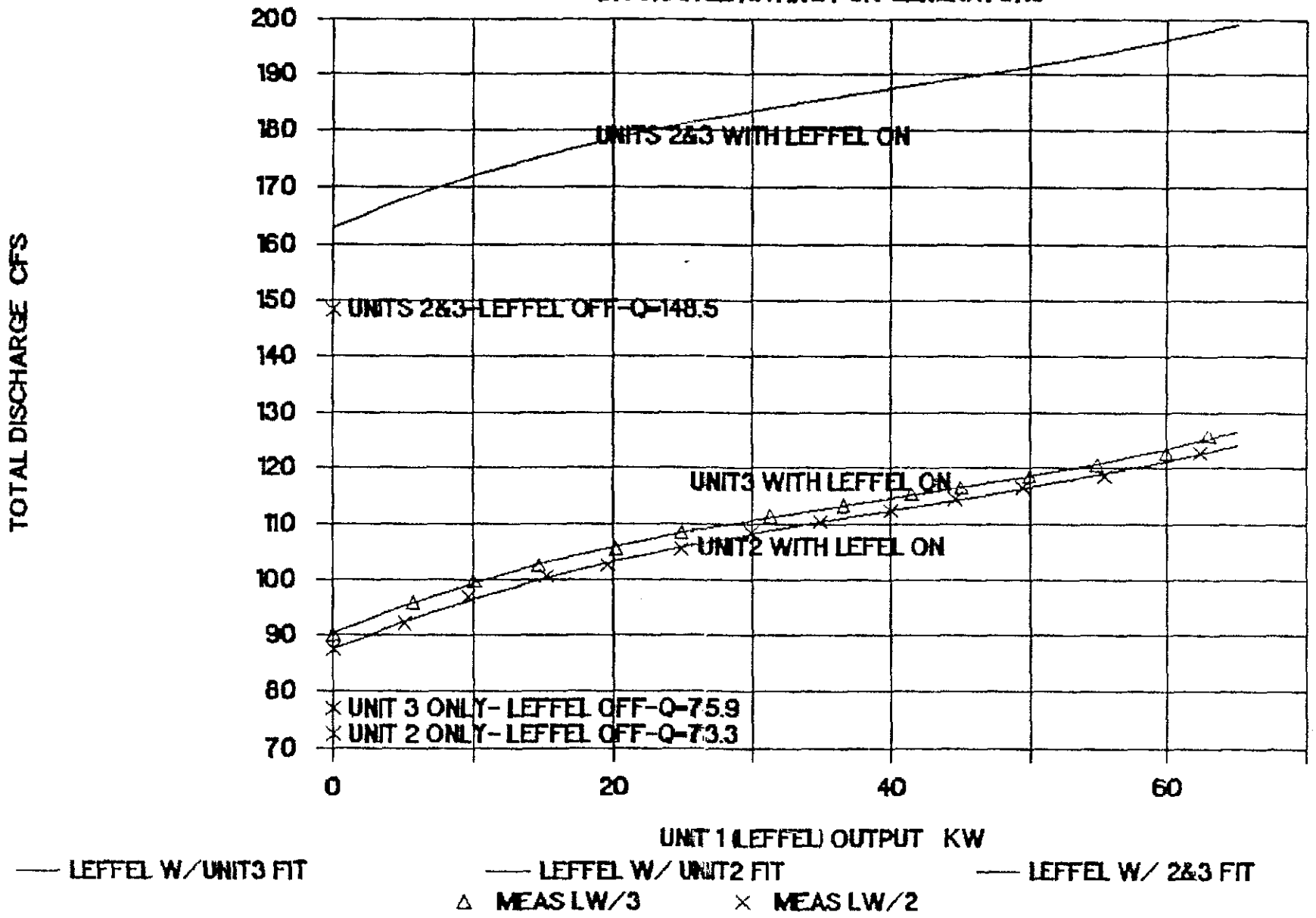
DISCHARGE RATING FOR LEFFEL TURBINE UNIT

LEFFEL KW METER READING KW	WITH UNIT 2 OPERATING CFS	WITH UNIT 3 OPERATING CFS	WITH UNITS 2&3 OPERATING CFS
*0	87.5	90.3	162.8
5	92.4	95.2	167.7
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25	105.9	108.5	181.1
30	108.3	110.7	183.4
35	110.4	112.7	185.5
40	112.5	114.6	187.4
45	114.5	116.5	189.4
50	116.5	118.6	191.4
55	118.7	120.8	193.7
60	121.2	123.4	196.2
65	124.1	126.4	199.1
**0	73.3	75.9	148.5

* LEFFEL UNIT OPERATING IN SYNC
** LEFFEL UNIT GATES CLOSED

TROUTCO HYDROPOWER PROJECT

DISCHARGE RATING FOR GENERATORS



MEMORANDUM

Date: January 13, 1988

To: File 36-7834 and 36-8058

From: L. Glen Saxton

RE: ANALYSIS OF REQUEST TO REMOVE MEASURING DEVICE

I discussed the request to remove the measuring device with Loren Holmes today. We concluded that the department should not totally remove the measuring device condition but is willing to allow a differnt type of measuring device. The reason for considering an alternative device rather than removal of the measuring device condition is that an alternate device or method of measurement will not be an amendment to the permit and will not require notice to all parties originally involved in the contested application.

Loren will contact the permit holder and request the submittal of a proposal describing the alternate measuring device or system which is proposed. Upon submittal of the proposal, the department will review the adequacy of the proposal and will then respond accordingly to the proposal.

MEMORANDUM

DATE: December 28, 1987

FROM: Loren Holmes

TO: Glen Saxton

RECEIVED
DEC 29 1987
Department of Water Resources

SUBJECT: Troutco measuring device
Permits 36-7834, 36-8058

At the request of John Sandy I visited the Troutco power plant on 12/22/87.

Also present at my inspection were Cleave Lloyd, Manager of the Buckeye Ditch and Dan McFadden, Owner of the Emerald Valley Ranch which has land along the creek upstream from the diversion.

The Troutco project included construction of measuring devices for the minimum flow bypassing the power plant and flows into the John Bell ditch. The Buckeye ditch has stilling wells for measurement of differential head on the gates, but according to Mr. Lloyd, these have not been rated.

Flows into the power plant are measured by a broad-crested weir in the intake canal. The weir causes a head loss in the canal of about .8 foot. It appears that the plant was designed without taking the head required by the weir into account, with the result that a high headwater must be maintained to force the permitted flow over the weir into the power plant.

Billingsley Creek has a very flat gradient upstream from the diversion, so water backs up for about a mile upstream. At my inspection, the stream was over its banks for about 3/4 miles upstream.

Mr. McFadden indicated that the continuous high water is causing boggy conditions in some of his low-lying fields and is raising alkalai in the soil.

The high water also causes undue pressure on the Buckeye Ditch headgate. When inspected, the water was just barely being contained, with some flow over the top of the gates.

Removal of the Troutco weir would not have any affect on the ability to measure and regulate bypass flows. It would reduce upstream water levels and take some pressure off the Buckeye ditch headgate. Another method would have to be found to gage flows through the power plant. Equipment in the power plant records headwater level and power output. A rating of the plant could probably be used to get water flow information.

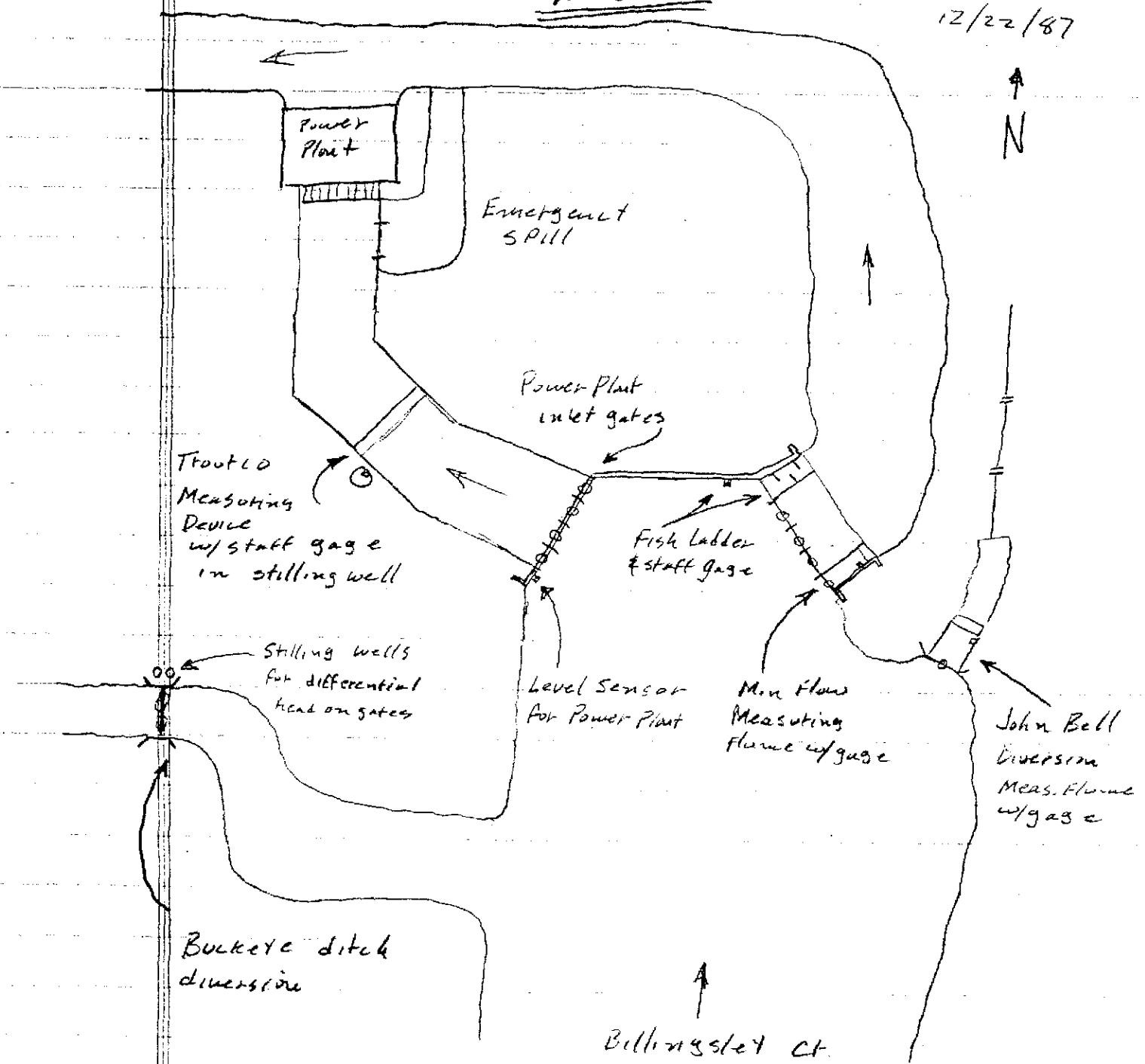
There are no diversions in the bypass reach. Given the somewhat relaxed watermaster regulation in Water District 36-A, I would not have a problem with removing the measuring device condition entirely except that the district is subject to an order dated 12/24/80 to install headgates and measuring devices on all diversions.

I would recommend that the existing weir be removed, and that the permits be modified to allow for some alternate means of measurement of the power diversion. The most important aspect of measurent of this diversion is determining water district assesment.

Troutco Power Plant Schematic

No Scale

12/22/87



TROUTCO MIN. FLOW STRUCTURE 7/18/87 C. E. BROCKWAY

FLUME RATING CURVE

WIDTH	4.04 FT
SILL HT.	1.08 FT
THROAT L	2.00 FT
GAGE DIST	3.00 FT
SILL ELEV.	97.08
TOP OF WALL ELEV.	101
ZERO OF STAFF GAGE	98

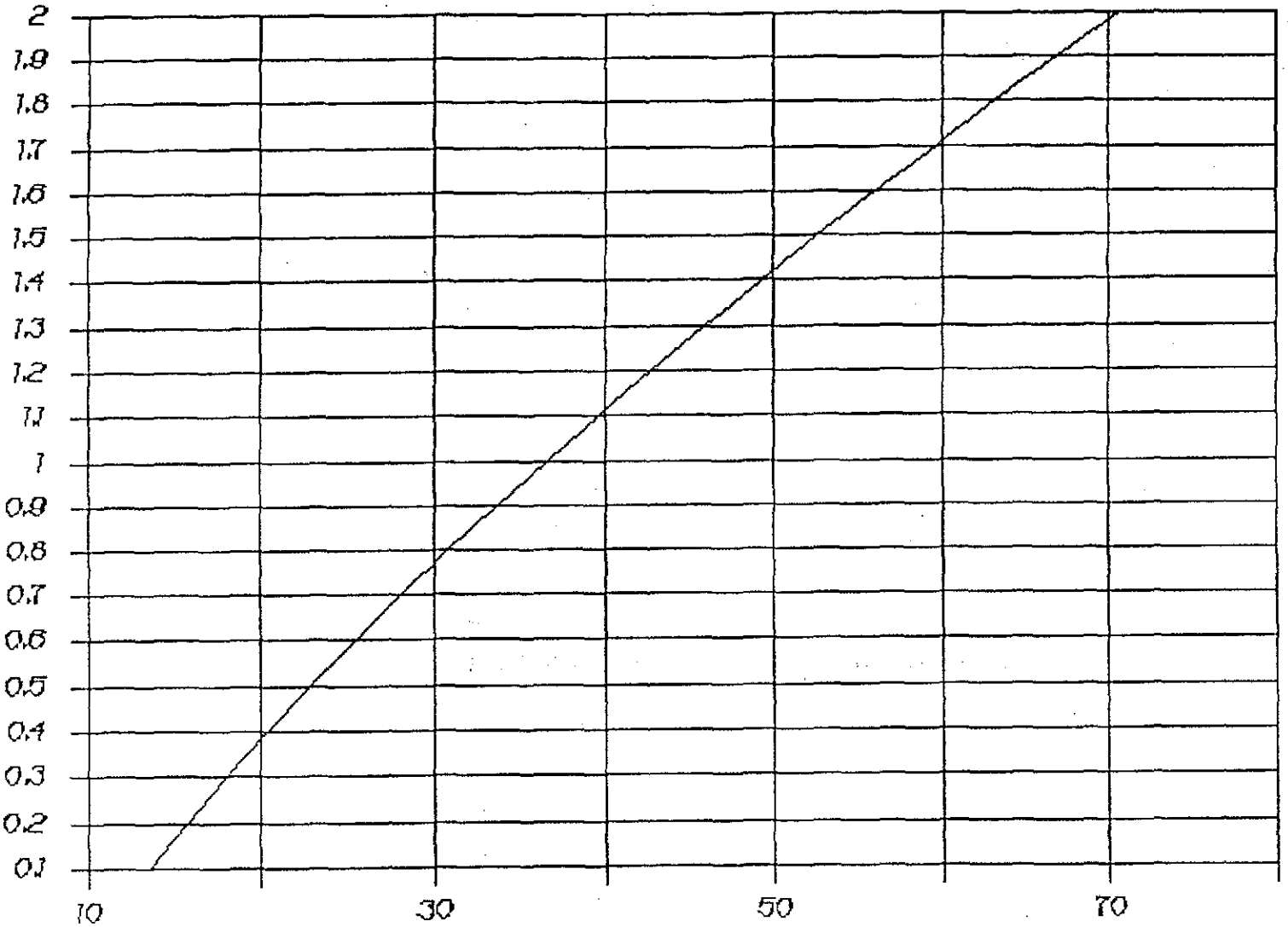
Q=13.06*(H+.004)**1.5732

DISCHARGE IN CFS

SILL REF. HEAD	STAFF GAGE READING	DISCHARGE CFS 0	0.01	0.02	0.03	0.04	0.05	0.06	0.07	0.08	0
1.02	0.10	13.56	13.77	13.98	14.19	14.40	14.61	14.83	15.04	15.26	15.48
1.12	0.20	15.70	15.92	16.14	16.36	16.58	16.81	17.03	17.26	17.49	17.72
1.22	0.30	17.95	18.18	18.41	18.65	18.88	19.12	19.35	19.59	19.83	20.07
1.32	0.40	20.31	20.55	20.79	21.04	21.28	21.53	21.78	22.02	22.27	22.52
1.42	0.50	22.77	23.03	23.28	23.53	23.79	24.04	24.30	24.56	24.82	25.08
1.52	0.60	25.34	25.60	25.87	26.13	26.39	26.66	26.93	27.20	27.46	27.73
1.62	0.70	28.01	28.28	28.55	28.82	29.10	29.37	29.65	29.93	30.21	30.49
1.72	0.80	30.77	31.05	31.33	31.61	31.90	32.18	32.47	32.75	33.04	33.33
1.82	0.90	33.62	33.91	34.20	34.49	34.79	35.08	35.38	35.67	35.97	36.27
1.92	1.00	36.56	36.86	37.16	37.46	37.77	38.07	38.37	38.68	38.98	39.29
2.02	1.10	39.60	39.91	40.22	40.53	40.84	41.15	41.46	41.77	42.09	42.40
2.12	1.20	42.72	43.04	43.35	43.67	43.99	44.31	44.63	44.95	45.28	45.60
2.22	1.30	45.93	46.25	46.58	46.90	47.23	47.56	47.89	48.22	48.55	48.88
2.32	1.40	49.22	49.55	49.88	50.22	50.56	50.89	51.23	51.57	51.91	52.25
2.42	1.50	52.59	52.93	53.27	53.62	53.96	54.30	54.65	55.00	55.34	55.69
2.52	1.60	56.04	56.39	56.74	57.09	57.45	57.80	58.15	58.51	58.86	59.22
2.62	1.70	59.57	59.93	60.29	60.65	61.01	61.37	61.73	62.09	62.46	62.82
2.72	1.80	63.18	63.55	63.92	64.28	64.65	65.02	65.39	65.76	66.13	66.50
2.82	1.90	66.87	67.24	67.62	67.99	68.37	68.74	69.12	69.50	69.88	70.26
2.92	2.00	70.63	71.02	71.40	71.78	72.16	72.54	72.93	73.31	73.70	74.09

TROUTCO HYDROPOWER PROJECT

MINIMUM FLOW WEIR



—— C.E. BROCKWAY T/BT

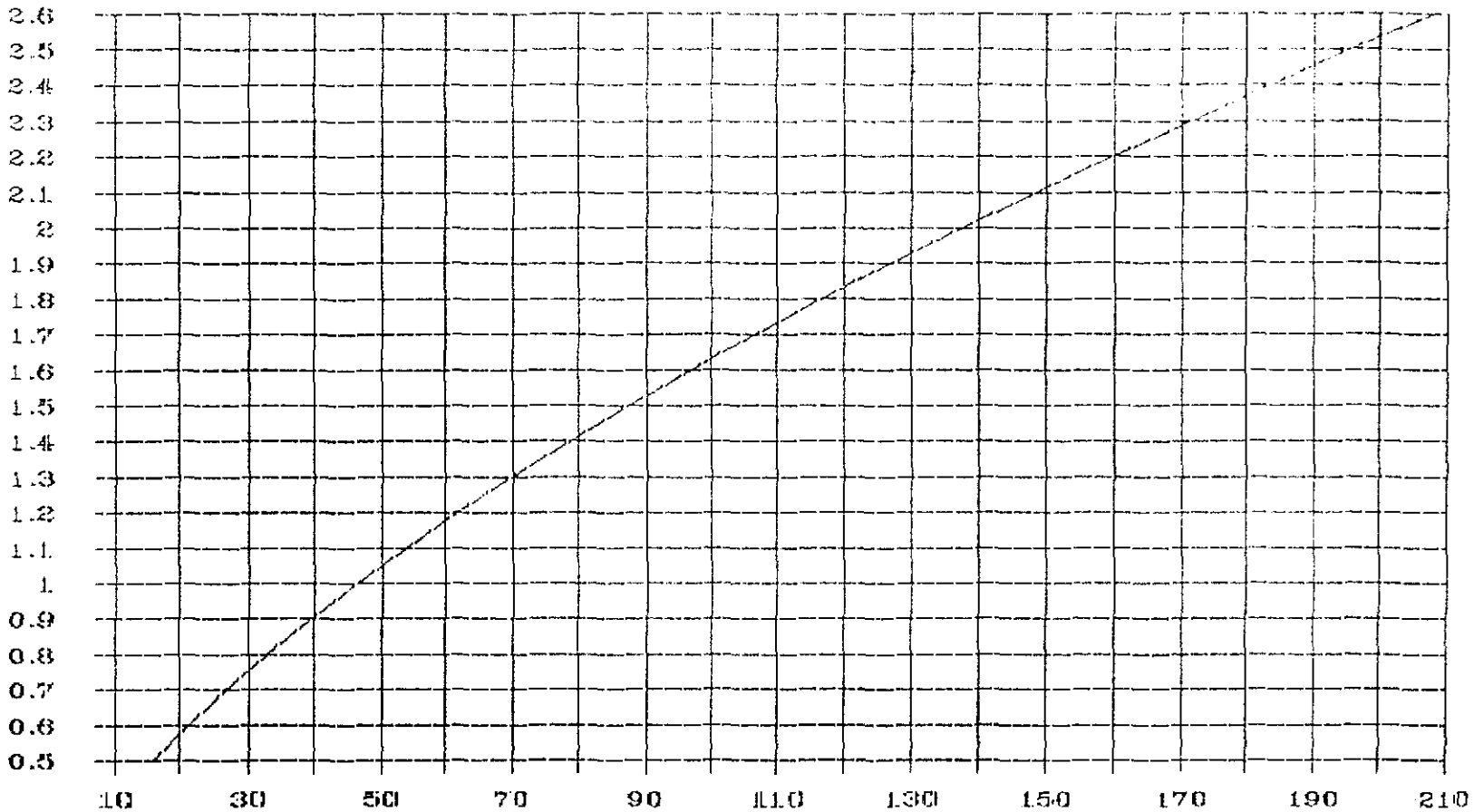
Add 1 foot to gage reading then go to table

'ROUTCO MAIN FLUME AS BUILT
FLUME RATING CURVE
WIDTH 14.99 FT
SILL HT. 2.12 FT
THROAT L 4.00 FT
GAGE DIST 4.00 FT
Q=44.76*(H+.0234E-01)**1.5925
DISCHARGE IN CFS

GAGE	D I S C H A R G E C F S									
READING	0	0.01	0.02	0.03	0.04	0.05	0.06	0.07	0.08	0.09
0.5	15.96	16.45	16.95	17.45	17.95	18.46	18.98	19.50	20.02	20.55
0.6	21.09	21.63	22.18	22.73	23.28	23.85	24.41	24.98	25.56	26.14
0.7	26.73	27.32	27.91	28.51	29.12	29.73	30.34	30.96	31.59	32.21
0.8	32.85	33.48	34.13	34.77	35.42	36.08	36.74	37.41	38.07	38.75
0.9	39.43	40.11	40.79	41.48	42.18	42.88	43.58	44.29	45.00	45.72
1.0	46.44	47.16	47.89	48.63	49.36	50.10	50.85	51.60	52.35	53.11
1.1	53.87	54.64	55.41	56.18	56.96	57.74	58.53	59.32	60.11	60.91
1.2	61.71	62.51	63.32	64.14	64.95	65.77	66.60	67.43	68.26	69.09
1.3	69.93	70.78	71.62	72.47	73.33	74.19	75.05	75.92	76.79	77.66
1.4	78.54	79.42	80.30	81.19	82.08	82.97	83.87	84.77	85.68	86.59
1.5	87.50	88.42	89.34	90.26	91.19	92.12	93.05	93.99	94.93	95.88
1.6	96.83	97.78	98.73	99.69	100.65	101.62	102.59	103.56	104.54	105.51
1.7	106.50	107.48	108.47	109.46	110.46	111.46	112.46	113.47	114.48	115.49
1.8	116.51	117.52	118.55	119.57	120.60	121.63	122.67	123.71	124.75	125.80
1.9	126.84	127.90	128.95	130.01	131.07	132.14	133.20	134.27	135.35	136.43
2.0	137.51	138.59	139.68	140.77	141.86	142.96	144.06	145.16	146.27	147.37
2.1	148.49	149.60	150.72	151.84	152.97	154.09	155.22	156.36	157.49	158.63
2.2	159.78	160.92	162.07	163.22	164.38	165.54	166.70	167.86	169.03	170.20
2.3	171.37	172.55	173.73	174.91	176.10	177.28	178.47	179.67	180.87	182.07
2.4	183.27	184.47	185.68	186.89	188.11	189.33	190.55	191.77	193.00	194.23
2.5	195.46	196.69	197.93	199.17	200.41	201.66	202.91	204.16	205.42	206.68
2.6	207.94	209.20	210.47	211.74	213.01	214.28	215.56	216.84	218.13	219.41

TROUTCO HYDROPOWER PROJECT

FLUME DISCHARGE RATING CURVE



—— C.E. BROCKWAY 11/86

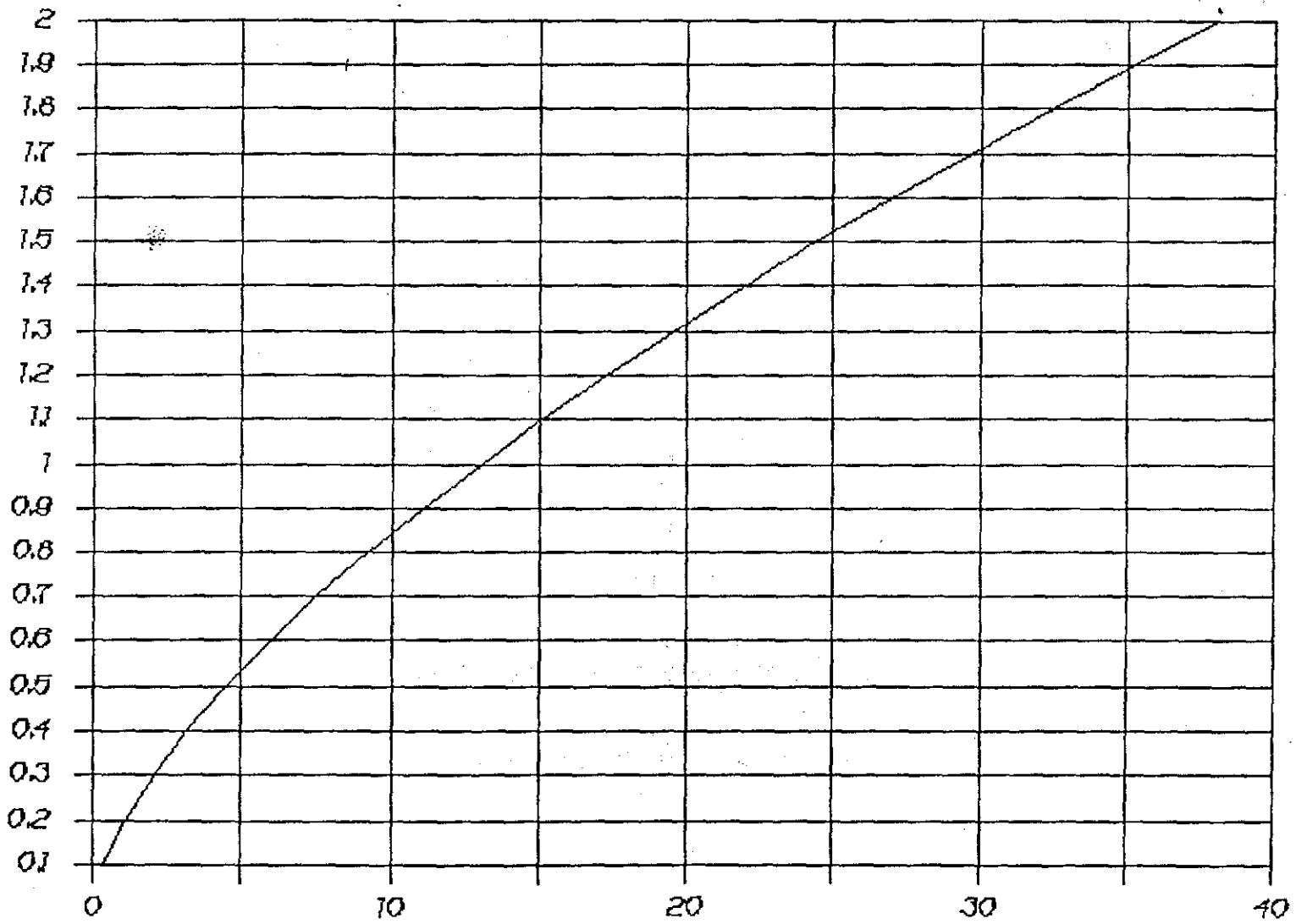
TROUTCO JOHN BELL DITCH 7/18/87 C. E. BROCKWAY
FLUME RATING CURVE
WIDTH 4.00 FT
SILL HT. 1.00 FT
THROAT L 1.25 FT
GAGE DIST 3.00 FT
SILL ELEV. 98.36
TOP OF WALL ELEV. 101.00
ZERO OF STAFF GAGE 98.00
Q=13.00*(H+.001)**1.5501
DISCHARGE IN CFS

D I S C H A R G E C F S

GAGE READING	0	0.01	0.02	0.03	0.04	0.05	0.06	0.07	0.08	0.09
0.10	0.37	0.43	0.49	0.56	0.62	0.69	0.77	0.84	0.92	1.00
0.20	1.08	1.17	1.25	1.34	1.43	1.53	1.62	1.72	1.82	1.92
0.30	2.02	2.13	2.23	2.34	2.45	2.57	2.68	2.80	2.91	3.03
0.40	3.15	3.28	3.40	3.53	3.65	3.78	3.91	4.05	4.18	4.32
0.50	4.45	4.59	4.73	4.87	5.02	5.16	5.31	5.45	5.60	5.75
0.60	5.90	6.06	6.21	6.37	6.52	6.68	6.84	7.00	7.17	7.33
0.70	7.50	7.66	7.83	8.00	8.17	8.34	8.51	8.69	8.86	9.04
0.80	9.22	9.40	9.58	9.76	9.94	10.12	10.31	10.49	10.68	10.87
0.90	11.06	11.25	11.44	11.64	11.83	12.03	12.22	12.42	12.62	12.82
1.00	13.02	13.22	13.43	13.63	13.84	14.04	14.25	14.46	14.67	14.88
1.10	15.09	15.30	15.52	15.73	15.95	16.17	16.38	16.60	16.82	17.05
1.20	17.27	17.49	17.72	17.94	18.17	18.40	18.62	18.85	19.08	19.31
1.30	19.55	19.78	20.01	20.25	20.49	20.72	20.96	21.20	21.44	21.68
1.40	21.92	22.17	22.41	22.66	22.90	23.15	23.40	23.65	23.90	24.15
1.50	24.40	24.65	24.90	25.16	25.41	25.67	25.93	26.18	26.44	26.70
1.60	26.96	27.22	27.49	27.75	28.01	28.28	28.55	28.81	29.08	29.35
1.70	29.62	29.89	30.16	30.43	30.70	30.98	31.25	31.53	31.81	32.08
1.80	32.36	32.64	32.92	33.20	33.48	33.76	34.05	34.33	34.62	34.90
1.90	35.19	35.48	35.76	36.05	36.34	36.63	36.92	37.22	37.51	37.80
2.00	38.10	38.39	38.69	38.99	39.29	39.58	39.88	40.18	40.49	40.79

TROUTCO HYDROPOWER PROJECT

JOHN BELL DITCH RATING CURVE

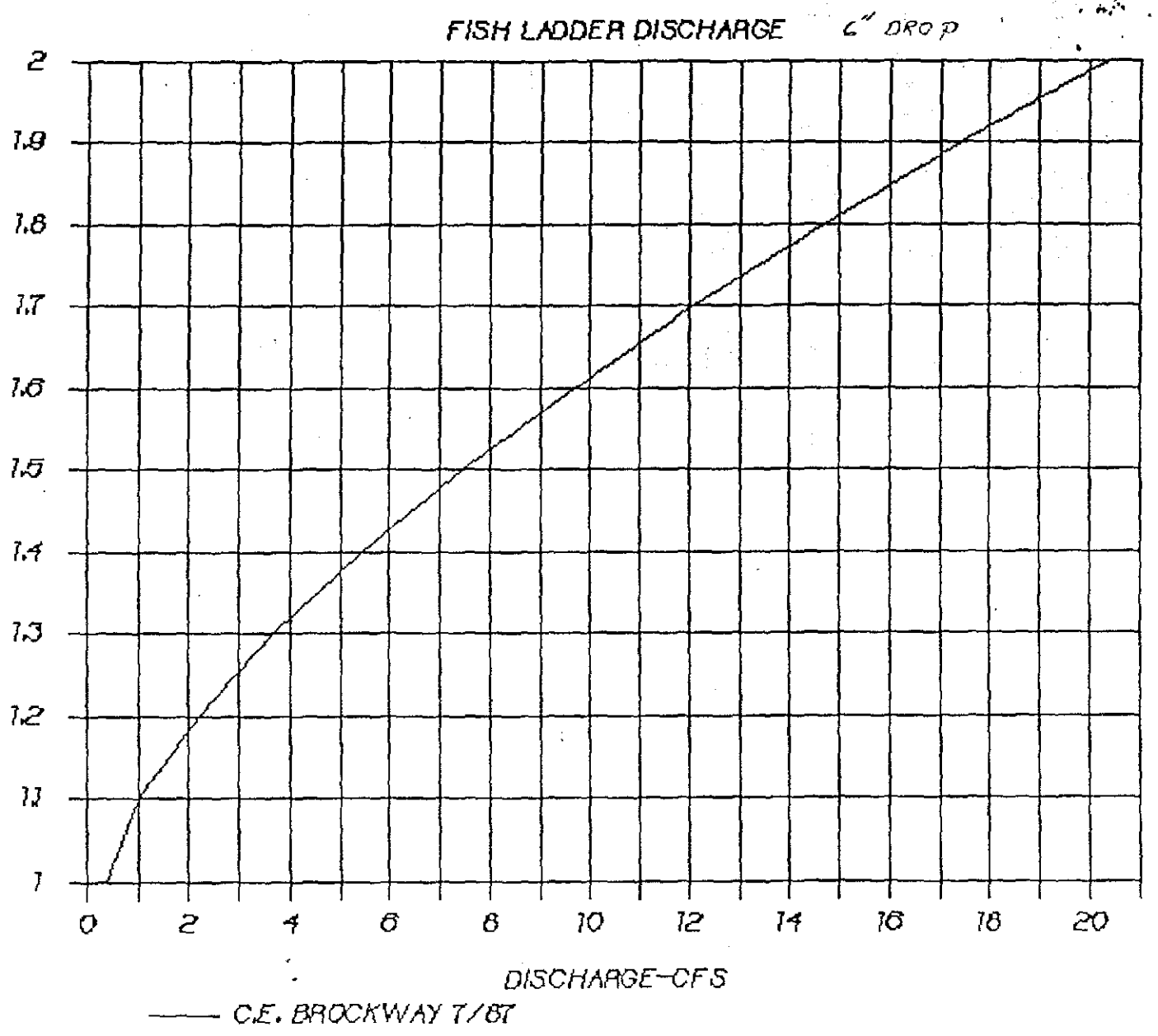


—— C.E. BROCKWAY 7/87

TROUTCO FISH LADDER JULY 17, 1987
WEIR AND ORIFICE FLOW
WIDTH 6 FT
ORIFICE OPENING 4IN X 4IN AREA= 16 SQ IN
TOP OF BOARDS AT ELEVATION 99.0
GAGE ZERO IS ELEVATION 98.0
NET HEAD DROP OVER FIRST BOARD SET= 6 IN.

GAGE READING	HEAD ON BOARDS	DISCHARGE THROUGH ORIFICE	DISCHARGE OVER BOARDS	TOTAL DISCHARGE
1.00	0.00	0.38	0.00	0.38
1.10	0.10	0.38	0.63	1.02
1.20	0.20	0.38	1.79	2.17
1.30	0.30	0.38	3.28	3.67
1.40	0.40	0.38	5.05	5.44
1.50	0.50	0.38	7.06	7.45
1.60	0.60	0.38	9.29	9.67
1.70	0.70	0.38	11.70	12.09
1.80	0.80	0.38	14.30	14.68
1.90	0.90	0.38	17.06	17.44
2.00	1.00	0.38	19.98	20.36

TROUTCO HYDROPOWER PROJECT



December 17, 1987

John Sandy, Sec/Treas.
Trout-Co
Box 326
Hagerman, ID 83332

RE: PERMIT NOS. 36-7834 and 36-8058 - TROUT-CO

Dear Mr. Sandy:

The department has reviewed your letter dated December 2, 1987, in which you request a waiver of the measuring device requirement in connection with the above referenced permit.

The department is willing to consider waiving the measuring device requirement but needs to first have a staff recommendation from the department's Southern regional office based on a field review of the facility. One of the considerations which must be reviewed is the reliability and capability of readily determining that the by-pass flow requirements are being met.

If the department is willing to waive the measuring device condition as a result of the field review, we would provide notice to all affected parties prior to any action to remove the condition.

By copy of this letter this office will request the field review of the matter by our Southern regional office and the preparation of a staff recommendation.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

c: Loren Holmes

RECEIVED
DEC 04 1987
Department of Water Resources

TroutCo
Box 326
Hagerman, Idaho
83332

December 2, 1987

Attention Normand C. Young

H. Kieth Higginson
Director
State of Idaho
Department of Water Resources
Statehouse
Boise, Idaho 83720

Ref: December 1, 1987 telephone conversation with [illegible]
Water permit numbers 36-7034 and 36-7058

Dear Mr. Higginson,

Referring to our telephone discussion with Mr. Young, I would like to summarize the general layout of the TroutCo hydro project.

Our diversion structure in Billingsley Creek has been constructed so that at any water depth given amounts of water are passing through our minimum bypass channel and also our fish ladder. This water depth can be read manually on a staff guage which is installed at the head works. In addition we have a head level sensor installed at the headworks. This sensor is connected to a printer in our power house so that the water level is recorded every 30 minutes.

We have the capability with this sensor to automatically regulate one of our turbines and thus to maintain a nearly constant water depth.

Presently we have a broad crested weir in our diversion canal in compliance with our water permit. This weir restricts the passage of water in the canal and takes away our ability to automatically regulate the water level. In addition during periods of high water flow the weir causes enough restriction that water is backing to higher than desired depths above our diversion.

We are requesting a waiver of the requirement in our permit which states we have to have a water measuring device.

We are basing our request on the following reasons.

1. Our weir is an obstruction which is limiting our capability to automacally regulate the water depth.

2. A constant water depth will be beneficial to both the Hackett and the John Bell ditches which have their diversions immediately up stream from our diversion.

3. The weir is limiting water passage during high water and causing higher than desired water depths upstream.

4. Water velocity over the weir is higher than desired for fish passage.

5. We do not have the capacity in our plant to use more than the amount of our permitted water.

6. We have constant monitoring of the water level so that minimum stream flow requirements are met.

7. There are no diversions of water from Billingsley Creek between our diversion and where we return the water to the Creek.

As you can see by the attached letters we have had on sight inspections by both the Idaho Department of Fish and Game and the local water master and both have approved our proposal. In addition Gary Funderburg of the Idaho Department of Water Resources Twin Falls office has inspected the sight.

We would recommend that representatives from the Boise office meet with us at the sight so that your questions can hopefully be answered.

Sincerely,

John L. Sandy

John Sandy
Sec/Trea Trout Co

600 South Walnut • Box 25
Boise, Idaho 83707

November 18, 1987

Mr. John Sandy
Trout Company
Box 326
Hagerman, Idaho 83332

RE: Billingsley Creek Hydro, FERC No. 6208

Dear Mr. Sandy:

Thank you for your letter of November 6, 1987, to Mr. Grant Christensen concerning the removal of the broad crested weir. Grant and Al Van Vooren were on-site earlier this year to inspect the system and have no problem with your proposal. You are authorized to remove the weir as long as the water-level recorder is maintained and operated properly and the minimum stream flow is maintained.

Your letter to Grant mentioned a letter from Mr. George Lemmon, but it was not attached. Could you please send it for my files.

Sincerely,

for William D. Horton
Staff Biologist

cc: FERC (Portland)
USFWS (Wolflin)
Region 4 (Bell)

EQUAL OPPORTUNITY EMPLOYER

Hagerman, Idaho
March 10, 1987

Idaho Dept. of Water Resources
State House
Boise, Idaho 83720

36-7834
Re: Water permit 36-2058

John Sandy ask me to review the water diversion problems they were having between Billingsley Creek and the power plant. The problem is caused by a weir between the power plant and the electric Billingsley Creek water level sensor which controls the amount of water the power plant draws. As far as I am concerned there is no need for the weir ~~in their~~ in their head canal for three reasons:

1. There is no diversion of water from Billingsley Creek between where they divert from and where they return the water to the creek.
2. Without the weir the electronic sensor can maintain a constant level in the creek at the diversion so that the Buckey ditch, the Bell ditch and the bypass will get their water before the power plant takes its water.
3. The power plant has a continuous monitor on it that records how much water it is drawing at all times.

Sincerely yours:

George H Lemmon
Water Master 36A

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

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

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

May 2, 1984

RE: Water Right Nos. 36-7080, 36-7664, 36-7725, 36-7731, 36-7800, 36-8058 & 36-8089

Nyal Hoffman
Box 421
Twin Falls, ID 83303

Dear Mr. Hoffman:

Upon receipt of the Affidavits for Water Rights to be used for power purposes for Permit Nos. 36-7800, 36-8058 and 36-8089, I have reviewed your water rights and find the following:

Your letter of April 11, 1984, is sufficient in answer to the Department's Order to Show Cause of March 30, 1984. We will not, at this time, take any further action in regard to cancelling these permits.

The proof of beneficial use of Permit No. 36-7731 is due on July 1, 1984, and the proof of Permit No. 36-7800 is due on August 1, 1984. In your letter regarding these permits, I note that you wish to file an extension of time for these permits. I am enclosing two applications for extension of time with instructions, for your use in this matter.

I have also noticed that Permit Nos. 36-7731, 36-7800, 36-7725 and 36-7664 belong to Fisheries Development Co., Mac C. Martin, Jeffrey M. &/or Joy Martin, and Michael K. &/or Vicki Martin. Even though you now own Fisheries Development Company, the Company and the Martins are the owners of these water right permits. It would be in your interest to have the Martins assign their interest in these permits to you since you are now the owner. I have enclosed four assignment forms for your convenience.

Permit Nos. 36-8058 and 36-8089 (which were approved in January and March of 1984, respectively), are in good standing at this time. Be sure to submit a statement of commencement of works as noted on the Orders approving these permits.

Right 36-7080 is now a licensed water right in the name of Fisheries Development Company, Mac D. Martin, Jeffrey M. & Joy Martin, and Michael K. & Vicki Martin. Since this right has been licensed, it is appurtenant to the land for which it was issued. I am enclosing a copy of the License for your records.

As for the Affidavits you submitted, as mentioned in the beginning of this letter, I have included them in the water right file for which they are appurtenant.

If we can be of any further assistance to you, or if you have any questions please feel free to contact our office.

Sincerely,

KAY WALKER
Technical Records Specialist

KW:sc

Enclosures

cc: Southern Region

FORM 203/2[illegible]
7/81

RECEIVED
APR 26 1984
Department of Water Resources

Ident. No. 36-8058

RECEIVED
APR 26 1984
Department of Water Resources
Southern Idaho Office

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

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

1. Individual Applicant or Individual Members of a Partnership:

I, _____ (name) of _____ (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, NEAL HOFFMAN (name) of [illegible] (city),

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

TROUT CO INC, (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

TWIN FALLS (city) Idaho, wherein are kept the corporate records required by Section 30-1-52, Idaho Code: and that TROUT CO (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.

Neal Hoffman
Applicant

State of Idaho)
County of Twin Falls) ss.

On this 12 day of April, 19 84, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Jean E. Carlton
Notary Public residing at
Twin Falls Idaho

seal

My commission expires:
[illegible]

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

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

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

March 16, 1984

Trout-Co.
c/o Nyal Hoffman
Box 425
Hagerman, ID 83332

Gentlemen:

Re: Application for Permit No. 36-8058

Enclosed is a copy of your approved Application for Permit No. 36-8058 along with a copy of the Proposed Memorandum Decision and Order and Order Adopting Proposed Decision and Issuing Permit. We direct your attention to the conditions of approval as set forth in the Proposed Memorandum Decision and Order.

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

We have enclosed instructions entitled "Making Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit. Also enclosed for your convenience is the statement of beneficial use postcard that must be submitted when your project is completed.

Any person who does not agree with the decision of the Department may request a rehearing before the Director within twenty (20) days, or may appeal directly to the district court within thirty (30) days of the date the decision is mailed.

Sincerely,

L. Glen Saxton

L. GLEN SAXTON
Chief, Operations Bureau

LGS:rf

Enclosures

cc: Cole and Billie Reed
William L. Mauk
John D. and Betty Pember
Leon E. Smith

Form No. 202a
3/79

36 -

State of Idaho

Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

TROUT-CO

INITIAL REVIEW BY: ADM APPLICATION NUMBER: 36-8058

CHECK:

- [x] Source.
- [x] Point of diversion.
- [x] County.
- [x] Quantity of water and period of use.
- [x] Description of diverting works.
- [x] Time required for beneficial use of water.
- [x] Place of use or acres irrigated.
- [x] Map.
- [x] Signature.
- [x] Fee.

Field check by: _____
Date: _____
Comments: _____

- ☐ Yes [x] No Field check required.
- ☐ Yes [x] No Critical groundwater area.
- ☐ Yes [x] No Request dam safety information. Sent by: _____ Date: _____
- [x] Yes ☐ No* In form to receipt.

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT:

Affid of Pos. recieved with application

Send Power Letter Sent 2/11/82 by ADM

SEND COPIES TO:

	Copies sent by:	Date:
☐ Idaho State Health Department.		
[x] Idaho Fish and Game Department.	3/15/82	marya
☐ Idaho Department of Lands.		
☐ U.S. Bureau of Land Management.		
☐ U.S. Forest Service.		
☐ Other _____		

PROCESSING:

- ☐ Yes ☐ No Platted by: _____ Map No. _____
- ☐ Yes ☐ No Other rights on same place of use. _____
- ☐ Yes ☐ No* In form for advertising. Final date for protests: 3/22/82
- ☐ Yes ☐ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- [x] Affidavit of publication received. Date: 3/13/82
- [x] Application published correctly. If not, record action taken: _____
- [x] Fee amount, receipt date & number, recorded on application.
- [x] Publication dates and paper, recorded on application.
- [x] Protests, dates, withdrawal, etc., recorded on application.
- [x] Recommendation & initial, recorded on application.
- [x] Yes ☐ No Measuring device required.
- ☐ Yes [x] No Access port required.
- [x] Yes ☐ No Will water be delivered by watermaster? If yes, what district? _____

2/3/1982 Date of priority recommended.

Special conditions of approval or cover letter. _____

See Memorandum Decision & Order

RECEIVED
MAY 08 1984

By: Loren O Kuhn Date: 3/25/83

STATE OFFICE REVIEW:

Memo Decision

☐ See attached sheet for more information.

By: _____ Date: 1/12/83

RECEIVED
MAR 30 1983
Department of Water Resources

POINT OF DIVERSION AND STREAM INDEX INFORMATION

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
SENE	11	07S	13E			1.2

IDAHO STREAM CODE INDEX

272.0 389.0

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

Smith, Beeks & Goss

210 6TH AVE. EAST
BOX 508
TWIN FALLS, IDAHO 83303-0508
(208) 733-6684

Attorneys at Law

Leon E. Smith, Jr.
Paul M. Beeks
Gregory S. Goss

RECEIVED
MAR 6 1984
Department of Water Resources

March 6, 1984

Mr. Bobby D. Fleenor
State of Idaho
Department of Water Resources
Statehouse
Boise, Idaho 83720

RE: Trout Co. Application #36-8058 and
Fisheries Development Application #36-8089

Dear Bob:

This is a follow up to our telephone conversation of March 5, 1984, wherein you reported to me on the status of the Orders in the two above cited applications for water permits.

On the Trout Co. application we had a hearing on January 10, 1984 and you issued a proposed Order granting our permit, on January 27, 1984. Betty Pember was the only protestant with any standing to raise any issues on the proposed Order. She did not do so. You indicated to me, on March 5, that your proposed Order granting the permit should be out within a week.

Our Fisheries Development application was also heard on January 10, 1984, and we have had no proposed Order on that application. In our telephone conversation you indicated that you were just now sending out an Order to Show Cause for the Reeds to answer. They must show cause within ten (10) days why they did not appear at the hearing and Mr. Shokal attempted to appear for them. You also indicated that within two (2) weeks of our phone call you anticipated having some proposed Order sent out, assuming that the Reeds have no justifiable reason for failure to attend the hearing.

Bob, I certainly hope you will expedite these applications and Orders as quickly as possible. There is no good reason why these permits shouldn't issue and issue within the next two (2) weeks. The applicants have plans for construction and they anticipate

doing this during the spring construction. Please do not delay these matters any longer. The simple Trout Co. application has been pending before your Department for almost two (2) years. The Fisheries Development application has not been pending that long but there is absolutely no reason why this permit for simultaneous non-consumptive use of water, totally within the confines of the applicant's property, should not be granted expeditiously so that the applicant is not further harmed financially by your Department's delays. We appreciate your cooperation when we get it.

Yours truly,

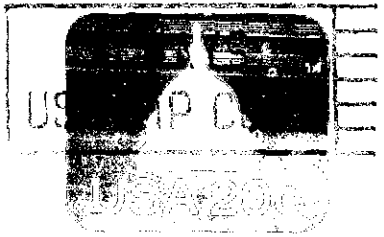
SMITH, BEEKS & GOSS

Leon E. Smith, Jr.

LES/vu
cc: N. Hoffman
Kerry Collins

Smith, Beeks & Goss
Attorneys at Law
210 6th AVE. EAST
BOX 508
TWIN FALLS, IDAHO 83303-0508

TWIN FALLS, ID
PM
7 MAR
1984



Mr. Bobby D. Fleenor
State of Idaho
Department of Water Resources
Statehouse
Boise, Idaho 83720

MEMORANDUM

TO: Bob Fleenor

FROM: Phil Rassier

RE: App. No. 367659 Hidden Springs Trout Ranch, Inc.

DATE: February 17, 1984

The department issued its memorandum decision and order in this matter July 21, 1978.

The applicant appealled the decision to district court asking that condition No. 4,thereof, authorizing a reopening of the record to consider "local public interest" be struck.

The district court held on March 5, 1979 that Condition No. 4 should not be struck. The Supreme Court affirmed this decision on October 23, 1981. 102 Idaho 623. The decision became final and was remitted back to the district court on November 16, 1981.

Contrary to the reference to a remand in my December 7, 1981 memo, there was no need for the district court to remand the case to the department. The district court had merely refused to strike Condition No. 4 from the department's decision. The department may therefore proceed consistent with that condition.

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES OF THE STATE OF IDAHO

RECEIVED
FEB 18 1982
Department of Water Resources

IN THE MATTER OF PROTEST AGAINST APPROVAL OF APPLICATION FOR PERMIT NO. 36-8058 IN THE NAME OF TROUT CO.	EXCEPTIONS OF PROTESTANTS REED

COME NOW Cole and Billie Reed, by and through their undersigned attorney, and submit the following exceptions to the Proposed Memorandum Decision and Order in the above entitled matter. Indicated below are the Protestants' objections and exceptions followed by the portions of the Proposed Memorandum to which they apply:

1. The Proposal fails to address or answer in any respect the legal arguments raised by Protestants' Written Argument of July 29, 1981 insofar as it alleges the application is defective in failing to provide information required by I.C. Section 42-202. Specifically,

(a) The location of the point of diversion and description of proposed works,

(b) The time required; and

(c) Submission of an accompanying "plan and map".

Protestants submit that as a matter of law this information is required at the time of application and cannot be supplied thereafter. The authorities for this proposition are cited in Protestants' Written Argument.

2. The Proposal fails to address or answer in any respect

Conclusion of Law #4 [illegible]

SKINNER, FAWCETT & MAUK
Phone (208) 345-2654
P.O. Box 700
603 W. Franklin Street
Boise, Idaho 83701

the legal argument raised by Protestants' Written Argument of July 29, 1981 insofar as it alleges that the simultaneous adjudication of this application and Application for Permit No. 36-7834 conflicts with Rule 12(b)(8) of the Idaho Rules of Civil Procedure.

3. The Proposal fails to address or respond to the conditions which Protestants recommended be imposed upon the permit, as set forth in their Written Argument of July 29, 1981 at pages 4 and 5.

4. Proposed Finding of Fact No. 1, Conclusion of Law No. 4 and Order No. 6 all fail to explain the effect of granting this permit should the Application for Permit No. 36-7834 be denied or dismissed.

5. Proposed Finding of Fact No. 5, Conclusion of Law No. 25 and Order No. 5 fail to explain how maintenance of a minimum flow of 25 s.f.c. will protect stream values and not conflict with local public interest.

RESPECTFULLY SUBMITTED this 16th day of February, 1984.

SKINNER, FAWCETT & MAUK

by _____
WILLIAM L. MAUK, of the Firm
Attorneys for Protestants Reed

CERTIFICATE OF MAILING

I CERTIFY that on this 16th day of February, 1984, I mailed correct copies of the foregoing document to the following:

John D. and Betty Pember
Rt. 1, Box 378
Hagerman, ID 83332

SKINNER, FAWCETT & MAUK
Phone (208) 345-2654
P.O. Box 700
603 W. Franklin Street
Boise, Idaho 83701

Leon E. Smith
Smith, Beeks & Goss
P.O. Box 508
Twin Falls, ID 83301

WILLIAM L. MAUK

SKINNER, FAWCETT & MAUK
Phone (208) 345-2654 603 W. Franklin Street
P.O. Box 700 Boise, Idaho 83701

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

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

January 12, 1984

Leon Smith
Attorney at Law
P. O. Box 508
Twin Falls, Idaho 83301

Dear Mr. Smith:

Here is a list of the exhibits submitted on application no. 36-8058 (Trout-CO.)

Exhibit No.	Description
1	Document showing extimated project cost and income
2	Report entitled Hydroelectric Site Evnironmental Aspects
3	Plan showing trout rearing facility and power generation plant
4	Plan showing diversion works for hydro generation plant
5	Discharge measurements, - by C. E. Brockway
6	Two letters, 3-11-82, 7-29-82, from Idaho Pump Supply to Trout-Co quoting equipment costs
7	Letter from Idaho First National Bank to Nyal Hoffman dated 3-11-82
A	Letter from Zions Leasing Co. to whom it may concern dated 9-1-83
B	Plan same as exhibit 4 with additional information
C	Plan of generator building and discharge spillway
D	Cross section of generator building and discharge spillway

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

Very truly yours,

Loren O. Holmes
Southern Region Supervisor

LOH:marya

Applicant Exhibit #1

7-29-82 DDF

TROUTCO
HYDROELECTRIC SITE
ESTIMATED PROJECT COSTS
AND ESTIMATED PROJECT INCOME
July 28, 1982

Estimated Project Costs

The following estimated project costs are based on a hydroelectric facility utilizing 200 cfs for 6 mo. operation and 100 cfs for the remaining 6 mo. of operation each year. The project has 20 feet of head available and would have an installed capacity of 272 kw.

Item No.	Description	Cost
1.	Creek Diversion Structure	$ 14,000.00
2.	Control Gate with Operator	16,000.00
3.	Diversion Canal	8,000.00
4.	Penstock Headworks	6,500.00
5.	72-Inch Penstock	24,500.00
6.	Powerhouse Building	19,000.00
7.	Tailrace	2,500.00
8.	Turbine-Generators	62,000.00
9.	Electrical Controls, Switch Gear Transformer	30,000.00
10.	Power Transmission Line	5,500.00
11.	Metered Intertie	5,000.00
	Subtotal	$193,000.00
12.	Contingency	19,000.00
13.	Engineering, Construction Management	30,000.00
	Total Estimated Project Cost	$242,000.00

Estimated Project Income

The proposed hydroelectric facility will produce an estimated 1,609,000 kw-hr annually. The projected income is based on Idaho Power Company contract Option 3, Firm Energy and Non-Dispatchable Resource Capacity. The project income is for a 35 year contract with Idaho Power Company with start up in 1983.

Option 3 - Estimated Income

Contract Capacity	=	$\frac{1,609,000}{8,760 \times 75\%}$	=	245 kw
Capacity Income	=	245 kw x $318/kw-yr.	=	$ 77,910.00
Energy Income	=	1,609,000 kw-hr/yr. x $0.0191/kw-hr	=	$ 30,732.00
Total Annual Estimated Income			=	$108,600.00

Applicants Exhibit #2

TROUTCO

HYDROELECTRIC SITE
ENVIRONMENTAL ASPECTS

Water Quality

No significant water quality problems are anticipated from the proposed Troutco Hydroelectric Project.

Some Increase in stream turbidity from construction activity will be unavoidable, but should be minor in its impact on Billingsley Creek.

Properly designed turbines will not change nitrogen or oxygen concentrations in the water because there is no place in the closed system to increase or decrease these levels. Design of the proposed penstock and headgate structures would avoid any problem of this sort by eliminating any possibility of air entrappment in the penstock. The reason that some generation facilities face the problem of oxygen depletion is that water is taken from the lower levels of a lake or reservoir that is low or void in oxygen due to the lack of photosynthesis to replace oxygen used by decomposition. Design of a "run of the creek" hydroelectric project which has little or no water storage capacity totally avoids this problem.

The only foreign matters which the turbines might introduce into the streams would be miniscule quantities of grease or oil. The proposed turbines would use sealed bearings or water lubricated bearings which would minimize this potential problem. Turbine manufacturers contacted have indicated they would include a statement to the effect that their turbines do not contain any heavy metals or induce hazardous substances into the water. The turbines which will be specified are very similar in construction to many pumps which are used in and around fish facilities throughout the state of Idaho.

The proposed project would be operated on a "run of the creek" basis and all water diverted through the power plant would be returned to the creek. There would be no significant impact on downstream uses as this water usage is non-consumptive in nature.

Small "run of the creek" power plants do not change water temperature within detectable units. Adverse temperature changes normally result from the impoundments of free flowing streams. Temperature changes would not be a problem from the proposed project.

The inlet to the penstock will be screened to prevent any ingestion of foreign objects into the turbine and will, also screen out any fish that might be in the diversion.

Applicant Exhibit # 5

DISCHARGE MEASUREMENTS - BILLINGSLEY CREEK NEAR HIGHWAY 30

The following flow data for Billingsley Creek was excerpted from various volume of "Water Resources Data for Idaho" and "Miscellaneous Streamflow Measurements in Idaho (1894-1967), both publications of the U. S. Geological Survey in cooperation with the Idaho Department of Water Resources.

Date	Discharge cfs	Date	Discharge
Sept 17, 1917	159	Apr 2, 1965	161
Sept 24, 1919	128	Apr 8, 1966	153
July 10, 1924	87.3	Mar 24, 1967	199
Aug 13, 1924	99.6	Mar 30, 1968	215
Sept 5, 1924	105	Apr 14, 1969	145
Oct 29, 1924	160	Mar 29, 1970	234
May 28, 1925	110	Mar 30, 1971	218
Aug 26, 1925	149	Mar 30, 1972	226
Oct 7, 1925	125	Mar 25, 1974	231
Oct 7, 1931	125	Mar 10, 1975	222
Apr 5, 1956	212	Mar 9, 1976	228
Apr 9, 1957	172	Feb 28, 1977	198
Mar 31, 1958	217	Nov 3, 1977	187
		Mar 27, 1978	177
Mar 27, 1959	205	Mar 27, 1979	156
May 30, 1963	159	Mar 24, 1980	143
		Nov 4, 1980	214
Apr 10, 1964	198	Mar 9, 1981	166
		Mar 25, 1982	196

Evaluation of flow data on other springs from the Snake Plain Aquifer indicate that normal low flow occurs in late March or early April prior to irrigation commencement and maximum flow in late September or October. Flows reported for Billingsley Creek at Highway 30 are minimum and maximum flow can be expected to be in excess of published flow by 18-23% based on Box Canyon continuous flow records.

RECEIVED
MAY 08 1987

C. E. Brockway, P.E.
July 29, 1982

REGISTERED PROFESSIONAL ENGINEER
STATE OF IDAHO
CHARLES E. BROCKWAY

IDAHO PUMP SUPPLY
P.O. Box 901
Twin Falls, Idaho 83301
Phone 733-5535

July 29,1982

Trout-co
Box 425
Hagerman, Idaho

Dear Mr. Hoffman;

Idaho Pump Supply proposes to supply in addition to previous quote in March of $69,320.00, the following equipment:

1- 100 cfs 48" reverse pump mode hydro turbine.

1- speed increasing gearset with 120 K.W. induction generator.

1- 48" fail closed butterfly valve.

The total price on the above equipment is $93,000.00.

This project including our previous quote for price and project feasibility qualifies for 100% financing through our financing source, Intermountain West, Inc. of Boise, Idaho.

Sincerely yours,

Theron Witherspoon, President

AM/gg
cc/Intermountain West, Inc.

Exhibit #6
7-29-82 BDF

IDAHO PUMP SUPPLY

P.O. Box 901
Twin Falls, Idaho 83301
Phone 733-5535

RECEIVED
MAR 11 1982
Department of Water Resources
Southern District Office

Trout--co
Box 425
Hagerman, Idaho

1 ea 50 CFS Hydro turbine to produce 24" propellor	$ 24,300.00
1 ea " " " " " "	24,300.00
Control for up to 250 KW, including protective relaying	11,420.00
Installation, manifolding, & wiring	2,300.00
Total	$ 69,320.00

Idaho Pump Supply will supply the above equipment for Hydro Electric Project on Billingsly Creek, delivery subject to receipt of order, not to exceed 180 days.

Aaron Witherspoon, President

Idaho Pump Supply, Inc.

RECEIVED
MAY 08 1987

Applicants Exhibit #6

idaho first

BUHL OFFICE

February 17, 1982

RECEIVED

MAR 11 1982

Department of Water Resources
Southern District Office

Mr. Nyal Hoffman
Route 1
Filer, ID 83328

Dear Nyal:

The Idaho First National Bank has made some preliminary studies on your hydroelectric project in Hagerman. At the time of financing, should that project remain as promising to cash flow as the preliminary figures indicate and you can furnish the bank with proper titles to property and permits, we will be very interested in arranging your financial needs.

Please let me know of any progress you are making.

Sincerely,

Frank M. Arana

Frank M. Arana
Manager

lf

Applicants Exhibit #7
7-29-82 BDF

ZIONS LEASING COMPANY

10 West Broadway Building,
P.O. Box 2324,
Salt Lake City, Utah 84110
Phone: (801) 364-1906

161 Main Ave. W.
P.O. Box 308
Twin Falls, Idaho 83303
Phone: 733-9456

September 1, 1983

TO WHOM IT MAY CONCERN:

Gentlemen:

This letter is to inform those concerned that Zions Leasing Company will finance the hydro electric plant to include the fish facility proposed by Trout Co., c/o Nyal Hoffman on Billingsly Creek in Hagerman, Idaho.

They will be financed on a turn key financing plan as soon as all necessary permits are obtained and all legal restrictions are cleared.

Sincerely,
Zions Leasing Company

Kerry C. Collins
Manager

KCC/ds
cc file

A 1/10/84
1/10/84

36-803

Continued Hearing 1/10/84

Smith - Introduction - Objects to appearance by Parties not appearing at original hearing

Smith Direct Exam - Nyal Hoffman
Financing Commitment from Zions Leasing Co. Conditional on issuance of Permit.
FERC Exemption is granted
Design Capacity - 117 kw

Exhibits B, C, D admitted.
Exhibit A admitted -
Betty Pember Questions
Noise Level
Smith - Direct exam Aaron Witherspoon
Hydroelectric Plant designer & builder
has visited site 4-5 times
familiar w/ Project plans
Noise Level not objectionable - Low-speed machines -

MICROFILMED
MAY 08 1984

Smith - Direct Exam Charles Blackham
B.S.C.E. M.S.C.E. Ph.D
Stipulate that Blackham is qualified witness
Per Previous hearing.
Designed outlet structure. - Velocities 3-4 ft/sec, Less than present Velocity of Creek.

Smith Direct Exam – Kathy Collins

Mgt, Twin Falls Branch, Zions Leasing Corp.

Reviews & submits loan applications to Committee

Feels this Project is financially feasible

Will finance Project if Permit issued.

Pember – Q

Loan for Power Project was considered based on Power only.

Betty Pember – statement.

Project will degrade quality & life of Protestant – Noise & reduction of water flows past Property.

* What guarantees that Project will built according to Plans.

Smith – Notice Court decision in Previous Transfer case re Riparian rights.

MICROFILMED

MAY 08 1981

MICROFILMED

Continuation of Hearing

36-8058 Trout-Co. 1-10-84

July 29, 1982 1st part of hearing

Protestants

+Betty Pamber - Present

+Billie Reed - Present

Issues

Financial Ability. }
Adaquate Plans. }

117,000 Watt

History of the filing →

Nyal Hoffman Principle in Trout-Co.

Cost of Project —

Proposal by Co-Gen not viable

Zions leasing Co. will finance this project -

Kelly Collins

Has a commitment - unconditional upon receipt of this permit -

Have obtained a FERC exemption

Construction to begin immediately following the appeal period

Power will be marketed by IPCo

Energy 117 KW Q = 100 H = 20

Project can be built with the plans submitted at previous hearing

Generation equipment has been

Exhibit B C D admitted —

MICROFILMED
MAY 08 1981

1-10-84

Revenue projections —

Public Interest

Exhibit 2 Bill Block ~~EIS~~ Environmental Aspects —

Powerhouse to be buried

Tailrace widened — sill ~~be~~ will be installed — .

No rip-rap on opposite side of creek

No white-water

Provide jobs

Area to ~~be~~ landscaped —

Noise could not be heard — across the creek

Provide energy

Exhibit A admitted letter —

X-exam —

How far away is the Pember's house

~~Will~~ Will have some effect on Pember's property

Will ~~not~~ have some effect of property value —

MICROFILMED
MAY 08 1984

Arron Witherspoon - Constructor of Hydroelectric plants —

Has looked at the site 4 or 5 times

Have built 4 or 5 other project — Doug Hulls project is most similar

It is above ground — Can't hear it 75' away — ~~650~~

Nyals project is 650'rpm —

X-exam

No ~~I~~ interference with radios

Not synchronous generators

Charles E. Brockway —

Responsible for Research and Engineering at Kimberly

Consultant —

Familiar with this project →

Sill is designed so the velocity is 3½ to 4 ft/sec

Velocity should actually be less than at present →

K.W. = 120 KW Efficiency 72% water to wire

No hydrolic damage

No gases would be introduced —

Kerry Collins —

Manage TF ~~office~~ branch of Zions Leasing Co.

2 billion net worth

licensed in 47 states including Idaho

Exhit A Letter from Zions —

Financing other projects

47 applications, 4 constructed, 3 being constructed,

Mud Creek plant built within a subdivision with no problem with noise that project's turbine are out in the open —

Project is financially sound —

MICROFILMED
MAY 08 1901

No problem of connection with

X-exam

Adverse effects —

Ms. Pember — Protestant #

Reduced flow degrades the quality of life we are used to —

She lives on the stream. -

Object to the gain by hydropower at expense of landowners —

Use ~~the~~ their property all the way to edge of the stream —

Judgement on objectionable noise -

Frequency problems — should be investigated —

Statement of effect should be sufficient —

Plans don't have property corners shown —

X-exam -

Riparian

Redirect

MICROFILMED

MAY 08 1987

3C-8058 Trout-Co Formal Hrg

Direct exam by Leon Smith
D.W. (Bill) Block — JUB Engrs

Application is for Add'l 100 cfs
Applt's Ex # 1 — Cost Estimate —
Income — $108,000/yr based on ex#1
Offices in Logan Irrigation Inc —
Logan would operate & fund project At 85% net gross
Trout-Co would receive 15% royalty.
Applt's Ex # 2 — Environmental report
Q- Fencher — what is estimate of IPCo payment
A- 67 mils/kwh — option 3 contract.
* Applt's Ex 1 & 2 Admitted — (243)
Direct exam Nyal Hoffman by Leon Smith
Smith — motion to incorporate files on 3C-7834 as exhibits —
Pleanor — will take official notice — rule on exhibits as required.
Trout-Co — President — Richard Eggertsen
V.P. Norman Stoudal
Sec-Treas — Nyal Hoffman.
Assets of Corp — $500,000 —
Corp has spent $105,000 primarily on getting Permit.
* Incorporate Deeds to Property from other file as Exhibits.
Exhibits 3 & 4 — plans & title facility & property.
Ex 3 & 4 Admitted
Has an agreement w/Brackett Ditch Co for diversion
No conflict w Agencies for Add'l 100 cfs.
Diversion structure will not be

MICROFILMED
MAY 08 1987

3C-7834
Exhibit # 5 — Summary of water flows
based on experience & Records — Sufficient flow At Cmo.
to fill 200 cfs + 20 cfs M&I + other RTs.

* Ex # 5 Admitted

Smith: Take official Notice of USGS Records reflected to in Ex # 5 — Fleenor, etc

Smith: Take official notice of Public USGS Records in 36-7834 — Fleenor, etc

Financing: Finance from Id. 1st Nat. Bank

Exhibit # 6 — Bids from Idaho Pump Supply

* Ex # 6 - Admitted

Ex # 7 — Letter from Id 1st Nat. Bank

Applicants have offers to finance from Bank, Id. Pump Supply, Cogeneration Inc. - Can also finance themselves.

* Ex # 7 Admitted

Betty Pember Questions

will be Significantly more Oxygenated?

- No Substantial benefit from Power Plant.

How many will Most hire → 1 Person.

will Plans to sanction affect Property Values? - NO

Betty Pember Statement

1) will ruin beauty of Site.

2) Speculation — would not have borrowing Power to develop without Permit.

1 Acre on creek worth $30-40 Thousand

Most Assets are Value of Hydro Permit

Smith: Objects to Post-Hrg Brief by Applicant.

MICROFILMED
MAY 08 1987

Re: TROUT-CO - 36-8058

Place: Conference room - Gooding County City Hall, 308 5th Ave. West, Gooding, Idaho

Date: Tuesday, = January 10, 1984 - 1:30 p.m.

Hearing Officer Bob Fremont

Assisted by Loren Holmes

ROSTER OF ATTENDANCE

Name	Address	Representing
Leon Smith	Box 508 T.F.	Trout Co
Myal Hoffman	Route #1 TILER ID	Trout Co
Charles Brockway	706 Sunrise W. Twin Falls ID	" "
Lucien J. Lee	P.O. 416 Hagerman	
Betty M. Pencker	Rt. 1 Bx 378 Hagerman	John D & Betty D Pencker
Ruth C. Shotwell	Rt. 1 Box 440 Hagerman	
Edward A. Shotwell	"	Citizens
Terry Collins	P.O. Box 305 T.F. 2L	Trout Co.
Dawn Mamer	1720 9th Ave E T.F.	

LAW OFFICES
SKINNER, FAWCETT & MAUK

RICHARD A. SKINNER
CHARLES W. FAWCETT
WILLIAM LLOYD MAUK
W. CRAIG JAMES

603 WEST FRANKLIN STREET
POST OFFICE BOX 700
BOISE, IDAHO 83701

TELEPHONE 345-2654
AREA CODE 208

January 3, 1984

RECEIVED
JAN 5 1984
Department of Water Resources

Mr. Bobby D. Fleenor, Chief
Regional Office Bureau
Department of Water Resources
450 W. State Street
Boise, Idaho 83720

Re: Application for Permit No. 36-8058 (Trout Co).

Dear Mr. Fleenor:

Sometime immediately prior to Christmas I received a telephone call from Mr. Loren Holmes concerning scheduling of the hearing in the above matter. At that time he indicated that the hearing would be scheduled for January 10, 1984 in Gooding. I explained to Mr. Holmes that I had had a conflict on that date. I am scheduled to argue a summary judgment motion here in Ada County beginning at 10:00 o'clock a.m., and believe it would be impossible for me to be in Gooding by 1:30 p.m. Despite this information, Mr. Holmes said that he had already scheduled the hearing and would be sending me a notice.

I have now received that notice. As I indicated to Mr. Holmes I would do what I can to work around his schedule. Unfortunately it now appears impossible for me to accommodate the January 10th hearing date. I have, however, written Mr. Reed and Mr. Shokal to see if they wish to attend independently without my representation. I will let you know if this is agreeable, but do want you to be on notice of my conflict.

Very truly yours,

SKINNER, FAWCETT & MAUK

WILLIAM L. MAUK

/dg

cc: Loren Holmes, Southern Regional Supervisor
Idaho Department of Water Resources

Cole Reed
Ed Shokal

LAW OFFICES
SKINNER, FAWCETT & MAUK
POST OFFICE BOX 700
BOISE, IDAHO 83701

Mr. Bobby D. Fleenor, Chief
Regional Office Bureau
Department of Water Resources
450 W. State Street
Boise, Idaho 83720

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Print your name, address, and ZIP Code in the space below.

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- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.



PENALTY FOR PRIVATE USE, $300

RETURN TO

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DEC 20 1982

IDAHO DEPARTMENT OF WATER RESOURCES
SOUTHERN DISTRICT OFFICE
1341 FILLMORE-LAKES BLVD. NORTH
TWIN FALLS, IDAHO 83301

(Name of Sender)

(Street or P.O. Box)

(City, State, and ZIP Code)

PS Form 3811, July 1982

* **SENDER:** Complete items 1, 2, 3, and 4.
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(CONSULT POSTMASTER FOR FEES)

1. The following service is requested (check one).
   - ☐ Show to whom and date delivered ..... ____¢
   - ☐ Show to whom, date, and address of delivery .. ____¢
2. ☐ RESTRICTED DELIVERY ..... ____
   (The restricted delivery fee is charged in addition to the return receipt fee.)

TOTAL $____

3. ARTICLE ADDRESSED TO:
Skinner Fawcett & Mauk
P.O. Box 700
Boise, Idaho 83701

4. TYPE OF SERVICE:
   - ☐ REGISTERED ☐ INSURED
   - ☐ CERTIFIED ☐ COD
   - ☐ EXPRESS MAIL

ARTICLE NUMBER
171

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

5. DATE OF DELIVERY

POSTMARK (May be affixed here)
DEC 25 1985

6. ADDRESSEE'S ADDRESS *(Only if requested)*

7. UNABLE TO DELIVER BECAUSE:

7a. EMPLOYEE'S INITIALS

RETURN RECEIPT

36-8058

* GPO: 1982-379-593

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OFFICIAL BUSINESS

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- Endorse article "Return Receipt Requested" adjacent to number.

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PENALTY FOR PRIVATE USE, $300

IDAHO DEPARTMENT OF WATER RESOURCES
SOUTHERN DISTRICT OFFICE
1341 BLUE LAKES BLVD. NORTH
TWIN FALLS, IDAHO 83301

RETURN TO

(Name of Sender)

(Street or P.O. Box)

(City, State, and ZIP Code)

RECEIVED
DEC 22 1983

PS Form 3811, July 1982

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   - ☐ Show to whom and date delivered ..... ____¢
   - ☐ Show to whom, date, and address of delivery .. ____¢
2. ☐ RESTRICTED DELIVERY ..... ____
   (The restricted delivery fee is charged in addition to the return receipt fee.)

TOTAL $____

3. ARTICLE ADDRESSED TO:
Cole & Billie Reed
P.O. Box 416
Hagerman, Idaho 83332

4. TYPE OF SERVICE:
   - ☐ REGISTERED ☐ INSURED
   - ☐ CERTIFIED ☐ COD
   - ☐ EXPRESS MAIL

ARTICLE NUMBER
170

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

5. DATE OF DELIVERY
12-23-82

POSTMARK
(may be on reverse side)

6. ADDRESSEE'S ADDRESS *(Only if requested)*

7. UNABLE TO DELIVER BECAUSE:

7a. EMPLOYEE'S INITIALS

RETURN RECEIPT

★ GPO: 1982-379-583

36-8058

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below.
- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

U.S.MAIL

PENALTY FOR PRIVATE USE, $300

IDAHO DEPARTMENT OF WATER RESOURCES
SOUTHERN DISTRICT OFFICE
1341 BLUE LAKES BLVD. NORTH
TWIN FALLS, IDAHO 83301

RETURN TO

RECEIVED

JAN 9 1984

(Name of Sender)

(Street or P.O. Box)

Department of Water Resources
Southern District Office

(City, State, and ZIP Code)

PS Form 3811, July 1982

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Add your address in the "RETURN TO" space on reverse.

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1. The following service is requested (check one).
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2. ☐ RESTRICTED DELIVERY ..... ____¢
   (The restricted delivery fee is charged in addition to the return receipt fee.)

TOTAL $____

3. ARTICLE ADDRESSED TO:

John & Betty Pember
Rt. 1 Box 378
Hagerman, Idaho 83332

4. TYPE OF SERVICE:
   - ☐ REGISTERED ☐ INSURED
   - ☐ CERTIFIED ☐ COD
   - ☐ EXPRESS MAIL

ARTICLE NUMBER: 169

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

5. DATE OF DELIVERY

POSTMARK (may be on reverse side)

6. ADDRESSEE'S ADDRESS *(Only if requested)*

7. UNABLE TO DELIVER BECAUSE:

7a. EMPLOYEE'S INITIALS

RETURN RECEIPT

☆ GPO: 1982-379-593

36-8058

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OFFICIAL BUSINESS

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- *Attach to front of article if space permits, otherwise affix to back of article.*
- *Endorse article "Return Receipt Requested" adjacent to number.*



PENALTY FOR PRIVATE USE, $300

RETURN TO

IDAHO DEPARTMENT OF WATER RESOURCES
SOUTHERN DISTRICT OFFICE
1341 BLUE LAKES BLVD. NORTH
TWIN FALLS, IDAHO 83301

(Name of Sender)

(Street or P.O. Box)

(City, State, and ZIP Code)

PS Form 3811, July 1982

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2. ☐ RESTRICTED DELIVERY ..... ____
   (The restricted delivery fee is charged in addition to the return receipt fee.)

TOTAL $ ____

3. ARTICLE ADDRESSED TO:
   Leon E. Smith, Jr.
   210 6th Ave. E.
   Twin Falls, Idaho 83301

4. TYPE OF SERVICE:
   - ☐ REGISTERED ☐ INSURED
   - ☐ CERTIFIED ☐ COD
   - ☐ EXPRESS MAIL

ARTICLE NUMBER: 168

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

5. DATE OF DELIVERY

POSTMARK (may be on reverse side)

6. ADDRESSEE'S ADDRESS *(Only if requested)*

7. UNABLE TO DELIVER BECAUSE:

7a. EMPLOYEE'S INITIALS

RETURN RECEIPT

★ GPO: 1982-379-593

36-8058

UNITED STATES POSTAL SERVICE
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PENALTY FOR PRIVATE USE, $300

RETURN TO

IDAHO DEPARTMENT OF WATER RESOURCES
SOUTHERN DISTRICT OFFICE
1341 BLUE LAKES BLVD. NORTH
TWIN FALLS, IDAHO 83301

(Name of Sender)

(Street or P.O. Box)

(City, State, and ZIP Code)

PS Form 3811, July 1982

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   - ☐ Show to whom and date delivered ..... ____¢
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2. ☐ RESTRICTED DELIVERY ..... ____¢
   (The restricted delivery fee is charged in addition to the return receipt fee.)

TOTAL $ ____

3. ARTICLE ADDRESSED TO:
Nyal Hoffman
P. O. Box 422 421 83303
Twin Falls, Idaho ~~83301~~

4. TYPE OF SERVICE:
   - ☐ REGISTERED ☐ INSURED
   - ☐ CERTIFIED ☐ COD
   - ☐ EXPRESS MAIL

ARTICLE NUMBER
167

(Always obtain signature of addressee or agent)

I have received the article described above.
SIGNATURE ☐ Addressee ☐ Authorized agent

5. DATE OF DELIVERY

POSTMARK (may be on reverse)

6. ADDRESSEE'S ADDRESS *(Only if requested)*

7. UNABLE TO DELIVER BECAUSE:

7a. EMPLOYEE'S INITIALS

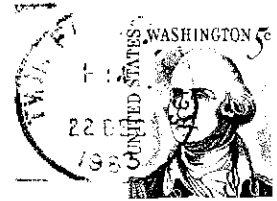
RETURN RECEIPT

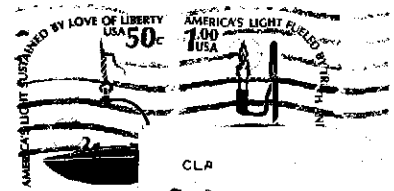
★ GPO: 1982-379-583

36-8058

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region Office
1341 Blue Lakes Blvd. North
Twin Falls, Idaho 83301

ATTEMPTED
NOT-KNOWN





CERTIFIED MAIL
NO. 167
RETURN RECEIPT REQUESTED

Nyal Hoffman
Trout-Co
~~P. O. Box 422~~ Box 421
Twin Falls, Idaho 83301

83303

MAY 08 PM

Wrong Address
Hand Delivered 1/3/84

CLA
34
CLAIM CHECK NO.
132820
DATE
HOLD
DATE
1ST
1ST NOTICE
2NC
2ND NOTICE
RI
RETURN
Detache
PS Forn
Oct. 19
Detached from
PS Form 3849—A
Oct. 1980

NAME AND ADDRESS OF SENDER

Grant-Co 12/22/83 36.8058

Indicate type of mail
- ☐ Registered
- ☐ Insured
- ☐ COD
- ☐ Certified

I certify that we have
- ☐ Commercial Insurance
- ☐ A deductible clause of $

Affix stamp here if issued as certificate of mailing or for additional copies of this bill.
POSTMARK AND DATE OF RECEIPT

ACCEPTANCE OF REGISTERED, INSURED, C.O.D. AND CERTIFIED MAIL

LINE	NUMBER OF ARTICLE	NAME OF ADDRESSEE, STREET, AND POST-OFFICE ADDRESS	POSTAGE	FEE	Handling Charge	Actual Value (If Registered)	DUE SENDER IF C.O.D.	R. R. FEE	S.D. FEE	S. H. FEE	REST. DEL. FEE / REMARKS
1	167	Grant-Co. Myal Hoffman									
2	168	Leon Smith - attorney									
3	169	John & Letty Pemberton									
4	170	Dale & Lillie Reed									
5	171	Skinner Faucett & Mauk									
6											
7											
8											
9											
10											
11											
12											
13											
14											
15											

TOTAL NUMBER OF PIECES LISTED BY SENDER	TOTAL NUMBER OF PIECES RECEIVED AT POST OFFICE	*POSTMASTER, PER (Name of receiving employee)*
5		

The full declaration of value is required on all domestic and international registered mail. Commercial Insurance—Payment of the full registry fee is required on articles valued up to $1,000 or the full amount of the deductible *if the deductible exceeds* $1,000. The maximum indemnity payable is $25,000 for registered mail, $400 for COD and $400 for insured mail. Special handling charges apply only to third- and fourth-class parcels. Special delivery service also includes special handling service.

FORM MUST BE COMPLETED BY TYPEWRITER, INK OR BALL POINT PEN

PS Form 3877 April 1980

* U.S. GOVERNMENT PRINTING OFFICE : 1980 O - 317-867

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PROTESTS AGAINST APPROVAL OF APPLICATION FOR PERMIT NO. 36-8058 IN THE NAME OF TROUT-CO	NOTICE OF HEARING AND/OR CONFERENCE

On February 3, 1982, Trout-Co, an Idaho corporation, filed an application with the Department of Water Resources to appropriate the public waters of the State of Idaho.

The application was protested, and on July 29, 1982 a hearing in the matter was held in Gooding, Idaho

On June 13, 1983, the District Court in Ada County issued a decision in the case of Shokal vs Dunn. As a result of this court decision the Department has determeined that additional hearing in the matter of this application is necessary to receive evidence and testimony on the financial capability of the applicant to complete the project and on the adequacy of the project design as it relates to the local public interest.

The Department has set the matter of protest for hearing for Tuesday, January 10, 1984, at 1:30 p.m. in the conference room of the Gooding County City Hall, 308 5th Ave. West, Gooding, Idaho. The hearing will be held in accordance with Chapter 2, Title 42 of the IDAHO CODE and adopted Rules of Practice and Procedure of the Department of Water Resources. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

DATED This 22 day of December, 1983.

Loren O Holmes
LOREN O. HOLMES
Southern Region Supervisor

CONFERENCE AND HEARING INFORMATION

IN THE MATTER OF APPLICATION FOR PERMIT NO. 36-8058

In accordance with IDAHO CODE, Section 42-203, the following issues are involved in the consideration of the application and protest(s):

1) Has the applicant sufficient financial resources with which to complete the project?

2) Will the proposed use conflict with the local public interest?

Any party may request in writing five (5) days before any hearing that the oral proceedings thereof be taken in the form of stenographic notes at the expense of the requesting party. Any party may have such stenographic notes of the oral proceedings, or part thereof, transcribed at his own expense. A taped record of the proceedings will be maintained for the appeal period.

If the hearing is conducted by a hearing officer appointed by the Director, rather than the Director himself, a proposed decision will be submitted to the parties and the parties may be afforded an opportunity to file exceptions to the proposed decision and present briefs and oral arguments to the Director prior to the issuance of a final decision by the Director. This procedure is required by IDAHO CODE, Section 42-1701A.

The parties by written stipulation may waive their right to a proposed decision, however, the failure of either party to waive a proposed decision will not prejudice the Diretor's review of a party's evidence and arguments. However such a waiver will shorten the decision-making process and may expedite substantially the issuance of a final decision. Whether compliance with Section 42-1701A is waived will not affect a party's right to petition for a rehearing of the final decision pursuant to Rule 11 of the Department's Rules of Practice and Procedure or affect a party's right to appeal the final decision to the district court.

Under the provision of IDAHO CODE, Sections 42-1701a and 67-5215, any court review of the department's decision on appeal shall be confined to the record created before the department.

Failure to appear at the time and place set for hearing by the applicant or protestant(s) may allow the Department to dismiss without prejudice the protest(s) or the application. Any and all cost incurred by reason of such non-appearance may be assessed against such non-appearing parties.



MAY 08 1987

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

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

December 21, 1983

Mrs. Isabel Cahoon
Gooding City Hall
308 5th Ave. West
Gooding, Idaho 83330

Dear Mrs. Cahoon:

This is to confirm the use of the conference room for conference and/or hearing to be held by this office on Tuesday, January 10, 1984, at 9:30 a.m.

Thank you for your cooperation in this matter.

Very truly yours,

Mary A.Newby
Sec/Office Coord.

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MAY 08 1984

Smith, Beeks & Goss

210 6TH AVE. EAST
BOX 508
TWIN FALLS, IDAHO 83301-0508
(208) 733-6684

Attorneys at Law

Leon E. Smith, Jr.
Paul M. Beeks
Gregory S. Goss

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DEC 21 1983
Department of Water Resources

Hearing set for 1-11-84
BDF
ok to file

December 20, 1983

Bobby D. Fleenor
Chief, Regional Office Bureau
State of Idaho
Department of Water Resources
450 West State Street
Boise, Idaho 83720

RE: Application for Permit No. 36-8058

Dear Bob:

I am really getting exasperated with the way your Department keeps giving us the run-around. I have had so many commitments from you and Ken Dunn that have not been honored, I am beginning to question your sincerity. Every time you indicate that you need additional information from us we send it in. You indicate that an order decision will be forthcoming within the next week or the decision is laying on Ken Dunn's desk awaiting signature. Your guide lines seem to change constantly. Your requirements for proof change every time we get some communication from your Department. Trout Co seems to be the experimenting ground for your Department.

Originally we had an almost uncontested hearing in this case. Betty Pember was the only one present and we put on sufficient proof that we should have a power permit granted promptly. You set a new precedent by allowing written argument from a party who wasn't even present at the hearing to protest. You delayed that decision for months. You have delayed every decision for months. Every time you tell me a decision will be right out we get another stall. Now you indicate you are going to have another hearing, to satisfy people who weren't even present at the first hearing. I am beginning to feel that this is a deliberate attempt to bankrupt Nyal and Judy Hoffman. Your Department is only partly responsible for the five (5) years delay in the other Trout Co. case. Your Department is totally and solely responsible for the approximate year and a half to two (1½-2)

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MAY 08 1984

year delay in this Application. There have been no outside forces compelling you to drag your feet in a case like you have in this one.

Again you set a new precedent and set another hearing on an Application that has already been heard and should have been decided a year and a half ago. If your Department is going to insist on another hearing, then set the hearing and get this thing done. I see no need for another hearing and I object to another hearing on behalf of Trout Co.

I have a conflict with other trials from January 18th through February 7th; February 16th through February 24th. I would appreciate your setting this new hearing, if you think you have to have it, as soon as possible. There is no reason to penalize Nyal and Judy Hoffman anymore than you already have. What are you trying to do to this case?

Yours truly,

SMITH, BEEKS & GOSS

Leon E. Smith, Jr.

LES/vu
cc: Ken Dunn
Nyal Hoffman

Smith, Beeks & Goss
Attorneys at Law
210 6th AVE. EAST
BOX 508
TWIN FALLS, IDAHO 83303-0508

TWIN FALLS, ID 833
PM
20 DEC
1983

USA 20c

Bobby D. Fleenor
Chief, Regional Office Bureau
State of Idaho
Department of Water Resources
450 West State Street
Boise, Idaho 83720

December 6, 1983

William L. Mauk
SKINNER, FAWCETT & MAUK
P. O. Box 700
Boise, ID 83701

Dear Mr. Mauk:

Re: Application for Permit No. 36-8058

Perhaps, as pointed out in your letter of November 18, we misunderstood the necessity for further delay since no response had been received from your clients. We would not deny that you are entitled to rely upon the technical expertise of others and an extension for that purpose would have been granted.

You now have asked for an opportunity to cross-examine the applicant and present rebuttal testimony on the additional information submitted by Trout-Co.

A hearing, where Trout-Co presents evidence about its financial ability to complete the power project and about their final plans for the construction of the project, is needed and will be scheduled shortly after the first of the year. We will notify you of the date, time, and place for the hearing.

If you have any questions, please let me know.

Sincerely,

BOBBY D. FLEENOR
Chief, Regional Offices Bureau

BDF:rf

cc: Cole and Billie Reed
Leon E. Smith
Trout-Co
John D. and Betty D. Pember

RECEIVED
MAY 08 1984

December 6, 1983

Trout-Co.
c/o Nyal Hoffman
Box 425
Hagerman, ID 83332

Gentlemen:

Re: Application for Permit No.36-8058

The additional information you submitted to show your ability to finance your power project and your final plans for construction have raised several questions which can best be answered at an additional hearing. We anticipate that the hearing on the additional information will be held shortly after the first of the year.

Enclosed is a copy of the November 18 letter from Mr. Mauk about his concerns and you were previously sent a copy of Mrs. Pember's letter.

If you have any questions concerning your application, please feel free to contact me.

Sincerely,

BOBBY D. FLEENOR
Chief, Regional Offices Bureau

Enc.

cc: Leon E. Smith
William L. Mauk
Cole and Billie Reed
John D. and Betty D. Pember

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MAY 08 1987

Smith, Beeks & Goss

210 6TH AVE. EAST
BOX 508
TWIN FALLS, IDAHO 83301-0508
(208) 733-6684

Attorneys at Law

Leon E. Smith, Jr.
Paul M. Beeks
Gregory S. Goss

RECEIVED
NOV 28 1983
Department of Water Resources

November 22, 1983

Bobby D. Fleenor
Chief, Regional Office Bureau
State of Idaho
Dept. Water Resources
450 West State Street
Boise, Idaho 83720

RE: Application for Permit No. 36-8058 - Protested

Dear Bobby:

I received your letter of November 10, 1983. I presume that this is the one we talked about on the telephone where you asked me some of these same questions and related that it pertained to the letter you received from Mr. and Mrs. John D. Pember. All of these questions appear to be questions that were covered at the hearing. Of course any turbulence where water re-enters the stream from a power pen stock is going to be rip rap and there is going to be erosion control. The measuring devices have been thoroughly covered in other hearings and also the hearing that we held on this water application.

Concerning the loan from Zions, the proposal we presented to you only pertains to the power generating facility. This application is only for water for power generation and so therefore you may assume, as we have indicated, we are only talking about power generation. It has been represented to me that Zions is prepared to make the loan for power generation only, if that is all we have permit for.

I believe that answers any questions that the Pembers may have and certainly doesn't add anythning to what has already been presented to the Department of Water Resources. We may still

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MAY 08 1987

go with a Co-Gen proposal as submitted at the time of the hearing. We have sent you additional information about potential financing from Zions because they have indicated an interest and have indicated that they will finance the power generating facility if we decide not to go with Co-Gen. This is merely an update in our constantly changing financial world.

Yours truly,

SMITH, BEEKS & GOSS

Leon E. Smith, Jr.

LES/vu
cc: N. Hoffman

LAW OFFICES
SKINNER, FAWCETT & MAUK

RICHARD A. SKINNER
CHARLES W. FAWCETT
WILLIAM LLOYD MAUK

W. CRAIG JAMES

603 WEST FRANKLIN STREET
POST OFFICE BOX 700
BOISE, IDAHO 83701

TELEPHONE 345-2654
AREA CODE 208

November 18, 1983

Mr. Bobby D. Fleenor, Chief
Regional Office Bureau
Department of Water Resources
450 W. State St.
Boise, ID 83720

re: Application for Permit No. 36-8058
Trout Co.

Dear Mr. Fleenor:

I am in receipt of your letter dated November 9, 1983 in the above entitled matter.

First, allow me to respond to your decision denying additional time within which to respond. As you are aware, on October 14, 1983, I received a letter erroneously addressed to John and Betty Pember, which I returned to you on October 21, 1983. Subsequently, I did receive correspondence from you indicating what matter the correspondence pertained, and requesting a response to the submissions of Trout Co.'s attorney within ten days. You are incorrect in indicating that copies of the material previously provided were sent to Edward Shokal. I retained those copies in my file, since I did not understand the relevancy of the documents, although I did send Mr. Shokal a copy of my letter to you dated October 21. You are correct that Mr. Shokal is not a protestant to this application; however, Mr. Shokal has served as a technical advisor to both me and the Reeds in their protest against this and other permit applications before the Department. Like all others involved in this matter, I believe we are entitled to rely upon the techical expertise of others, whether or not those experts may be formal protestants.

As for the fact that correspondence was sent to the Reeds and to me previously, I want to emphasize that nothing in the corresondence which we have received in any way described the procedures intended to be followed by you, other than requesting comment upon

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MAY 08 1984

the documents within ten days. It has not been clear to me, and is not now clear to me, whether you intend to open the record in this case for the submission of additional evidence. If you intend to do so, it certainly would seem appropriate that my clients and I be given an opportunity to cross-examine with respect to that evidence, and to submit rebuttal testimony, should we so desire. I must say that at this point, I am at a complete loss to understand the status of the above application and your intentions. All indications are that you apparently intend to make a decision without additional input.

Under the circumstances, I must strongly protest. I believe that your conduct on behalf of the Department clearly prejudices the rights of my clients, and denies them constitutional protections of due process of law.

Secondly, with respect to the materials received from Trout Co.'s attorney, allow me to respond as best I can. Mr. Shokal has not had an opportunity to review those documents, and has advised me accordingly. Acting upon the technical advice of Mr. Shokal, it is the position of my clients, Cole and Billie Reed, that the brochure and drawing which have been provided by the applicant are completely inadequate and of questionable utility in making a decision on whether or not the application should be granted. From these documents, it is impossible to assess whether the proposal will materially degrade the
1. quality of residential living in the vicinity of the development. There are no specifications related to
2. low and high frequency noise levels, low frequency or
3. high frequency electromagnetic waves, limitations or
4. data upon electromagnetic fluxes that would be undesirable or damaging to adjacent residential occupants or the wildlife that reside in this area. Nothing is said
5. in these documents concerning questions of aesthetics. At best, what has been submitted is only a listing of materials to be used and a design of mechanical parts for a range of products.

Without additional information, it is impossible for us to properly respond, and, in our opinion, it is impossible for you or the Director to determine whether the proposed development comports with applicable state

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law. In addition to these comments, we continue to rely on the written argument and points of law raised in our submission of July 29, 1981.

Very truly yours,

SKINNER, FAWCETT & MAUK

Wm L. Mauk/sh

WILLIAM L. MAUK

jw
cc Edward Shokal
Cole Reed

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MAY 08 1984

Smith, Keeks & Goss
Attorneys at Law
210 6th AVE. EAST
BOX 508
TWIN FALLS, IDAHO 83303-0508

TWIN FALLS, ID 83
PM
22 NOV
1983

USA 20c

Bobby D. Fleenor
Chief, Regional Office Bureau
State of Idaho
Dept. Water Resources
450 West State Street
Boise, Idaho 83720

November 10, 1983

Trout-Co
c/o Myal Hoffman
Box 425
Hagerman, ID 83332

Gentlemen:

Re: Application for Permit No. 36-8058 - Protested

Enclosed is a copy of a letter sent to the Department by Mrs. John D. Pember commenting on information sent to her.

Please review the letter and submit any comments you might have in ten days.

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

Sincerely,

BOBBY D. FLEENOR
Chief, Regional Office Bureau

BDF:rf

Enclosure

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

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

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

November 9, 1983

William L. Mauk
Skinner, Fawcett & Mauk
P.O. Box 700
Boise, ID 83701

RE: Application for Permit No. 36-8058 (Trout-Co.)

Dear Mr. Mauk:

You requested on November 2 additional time to respond to the material sent to you on the Trout Co. application.

We notice that you sent a copy of the material to Edward Shokal and wanted to call to your attention that Mr. Shokal is not a protestant against this application by Trout Co. for power generation. On October 11 we sent copies to Colle and Billie Reed and have received no response.

Therefore, we feel that your clients, Mr. and Mrs. Reed have had sufficient time to answer and an extension of time is not warranted.

We will proceed with the preparation of the decision considering the information we have received from the applicant and the protestants.

Sincerely,

Bobby D. Fleenor

BOBBY D. FLEENOR, Chief
Regional Office Bureau

BDF:ldt

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ACCOUNTING
MAY 08 1984

LAW OFFICES
SKINNER, FAWCETT & MAUK

RICHARD A. SKINNER
CHARLES W. FAWCETT
WILLIAM LLOYD MAUK

W. CRAIG JAMES

803 WEST FRANKLIN STREET
POST OFFICE BOX 700
BOISE, IDAHO 83701

TELEPHONE 345-2654
AREA CODE 208

November 2, 1983

Mr. Bobby D. Fleenor
Chief, Regional Office Bureau
Department of Water Resources
Statehouse
Boise, ID 83720

re: Application for Permit No. 36-8058 - Trout Co.

Dear Mr. Fleenor:

Thank you for your letter of October 24, 1983, and the enclosed material concerning the above application.

This material was received on October 27, and I have forwarded it to my clients for review. Inasmuch as my clients do not reside in Boise, I anticipate that it will take a few days for the mail to reach them, and for them to reply.

Accordingly, I would appreciate it if you would provide us an additional ten days within which to respond. I do believe that our response will be timely within that extension.

Very truly yours,

SKINNER, FAWCETT & MAUK

WILLIAM L. MAUK

jw
cc Edward Shokal

LAW OFFICES
SKINNER, FAWCETT & MAUK
POST OFFICE BOX 700
BOISE, IDAHO 83701

BOISE, ID
PM
3 NOV
1983

Mr. Bobby D. Fleenor
Chief, Regional Office Bureau
Department of Water Resources
Statehouse
Boise, ID 83720

October 24, 1983

William L. Mauk
SKINNER, FAWCETT & MAUK
P. O. Box 700
Boise, ID 83701

Dear Mr. Mauk:

Re: Application for Permit No. 36-8058 - Trout-Co.

I apologize for the mix up of correspondence addressed to John D. and Betty D. Pember and sent to you.

As before, enclosed are copies of a letter from Zions Leasing Company, a diagram of the proposed system and a brochure showing the design of the generator facility. Please review and return any comments within ten days.

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

Sincerely,

BOBBY D. FLEENOR
Chief, Regional Office Bureau

BDF:rf

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MAY 08 1984

LAW OFFICES
SKINNER, FAWCETT & MAUK

RICHARD A. SKINNER
CHARLES W. FAWCETT
WILLIAM LLOYD MAUK

W. CRAIG JAMES

603 WEST FRANKLIN STREET
POST OFFICE BOX 700
BOISE, IDAHO 83701

TELEPHONE 345-2654
AREA CODE 208

October 21, 1983

Mr. Bobby C. Fleenor
Chief, Regional Office Bureau
Department of Water Resources
450 West State St.
Boise, ID 83720

HAND DELIVERED

Dear Mr. Fleenor:

On October 14, 1983, I received the enclosed letter addressed to John D. & Betty D. Pember, including attachments from Trout Co.'s attorney, Leon Smith. The envelope was addressed to me at the above address, and apparently originated from your office.

I am at a loss as to how to respond. It would appear that the mailing was not intended for me. Nevertheless, you are aware, I represent protestants in two pending permit applications involving Trout Co. (Permit No. 36-8058 and Permit No. 36-7834). None of the documents received indicate if they apply to either of these applications.

Your letter to the Pembers requests comment within ten days. My clients may desire to comment if this pertains to either of the above applications, but I am uncertain if any reply is appropriate under the circumstances. Could you please clarify.

Very truly yours,

SKINNER, FAWCETT & MAUK

WILLIAM L. MAUK

jw
enc.
cc Ed Shokal

GENERAL COPY

RECEIVED
MAY 08 1987

Mr. & Mrs. John D. Pember
Rt. 1 Box 378
Hagerman, Idaho 83332

October 14, 1983

Bobby D. Fleenor
Dept. of Water Resources
450 S. State Street
Boise, Idaho 83720

Dear Mr. Fleenor:

We are taking this opportunity to respond to your letter of October 11th. and to comment on the documents which Trout Co. wishes to add to the record regarding their pending permit.

1. We are terribly concerned about the velocity and direction of the water at the spill at the end of the facility. Our property is directly across the creek from the proposed spill site. Our home is built very close to the edge of the creek. We are afraid that the fast-moving water entering the creek will wash away the bank on our side of the creek and create problems that could be minimal or catastrophic to us. Who knows? Do you? Does Trout Co.? The plan they would like to submit does not elaborate and it does nothing to alleviate our fears.

2. Although their plans shows measuring devices at at least two sites on the project, it does not show a measuring device at the spillway at the diversion point. We would like some guarantee that at least 25 c.f.s. will be allowed to pass at all times. By the way, who will monitor the device if there is one?

3. We have some questions regarding the loan from Zions. We understand that the loan will be in excess of $400,000.00. How can such a small power plant generate the income to re-pay this amount plus interest? The letter from Kerry Collins states that Zions will finance the hydro-electric plant to include the fish facility proposed by Trout Co. If indeed the financing is dependent in some way on a "future" fish facility, then it should not even be considered as evidence on the second permit application which clearly states that it is for power generation only. It is also our understanding that no new information can be supplemented to the first application at this time as it is still under litigation.

4. We would also respectfully submit that Trout Co. should not be allowed to supplement or up-date the record at all. The protestants were refused the opportunity to do this several times during the hearings.

5. We still oppose granting the permit, as always, on the grounds that no one should be allowed to divert this beautiful body of water at all. If they are allowed to use the water, they should be forced to put it back into the creek at the point of removal. If this makes their plan economically un-feasable----then so be it.

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WATER RESOURCES
MAY 08 1984

Sincerely,

Mrs. John D. Pember

Pember
Rt. 1 Box 378
Hagerman, Idaho 83332

Department of Water Resources
Statehouse
450 W. State St.
Boise, Idaho 83720

Attn: Bob Fleenor

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

October 11, 1983

John D. and Betty D. Pember
Rt. 1, Box 378
Hagerman, ID 83332

Dear Mr. and Mrs. Pember:

Enclosed are copies a letter from Zions Leasing Company, a diagram of the proposed system and a brochure showing the design of the generator facility sent to the department to supplement the record.

You are allowed ten days in which to comment on these documents.

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

Sincerely,

Bobby D. Fleenor

BOBBY D. FLEENOR
Chief, Regional Office Bureau

BDF:rf

Enclosures

cc: Trout-co, c/o N. Hoffman

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MAY 08 1984

October 11, 1983

William Mauk
Skinner, Donnelly, Fawcett & Mauk
P. O. Box 700
Boise, ID 83701

Dear Mr. Mauk:

Enclosed are copies a letter from Zions Leasing Company, a diagram of the proposed system and a brochure showing the design of the generator facility sent to the department to supplement the record.

You are allowed ten days in which to comment on these documents.

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

Sincerely,

BOBBY D. FLEENOR
Chief, Regional Office Bureau

BDF:rf

Enclosures

cc: Trout-co, c/o N. Hoffman

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MAY 08 1984

October 11, 1983

Cole and Billie Reed
P. O. Box 416
Hagerman, ID 83332

Dear Mr. and Mrs. Reed:

Enclosed are copies a letter from Zions Leasing Company, a diagram of the proposed system and a brochure showing the design of the generator facility sent to the department to supplement the record.

You are allowed ten days in which to comment on these documents.

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

Sincerely,

BOBBY D. FLEENOR
Chief, Regional Office Bureau

BDF:rf

Enclosures

cc: Trout-co, c/o N. Hoffman

RECEIVED
MAY 08 1984

October 11, 1983

John D. and Betty D. Pember
Rt. 1, Box 378
Hagerman, ID 83332

Dear Mr. and Mrs. Pember:

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

Sincerely,

BOBBY D. FLEENOR
Chief, Regional Office Bureau

BDF:rf

Enclosures

cc: Trout-co, c/o N. Hoffman

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MAY 08 1987

Smith, Beeks & Goss
210 6TH AVE. EAST
BOX 508
TWIN FALLS, IDAHO 83301-0508
(208) 733-6684

RECEIVED
SEP 13 1983
Department of Water Resources

Attorneys at Law

Leon E. Smith, Jr.
Paul M. Beeks
Gregory S. Goss

September 9, 1983

Mr. Bob Fleener
State of Idaho
Department of Water Resources
Statehouse
Boise, Idaho 83720

RE: TROUT CO.

Dear Bob:

Enclosed is a brochure showing the design of a generator facility of the type contemplated for installation in the Trout Co hydropower station on Billingsly Creek. There are a number of options available for installation and the exact generator design will depend upon the state of the art, the amount of water available for use and the best deal offered, after the permit is granted.

If the permit is granted to Trout Co in the very near future, Trout Co will probably install the type of generator shown on the center page layout of this brochure.

There is no "design" of the generator to be done by Trout Co. It is merely a matter of installing an already designed generator of the type shown in this brochure.

Please include this with the Trout Co application file.

Yours truly,

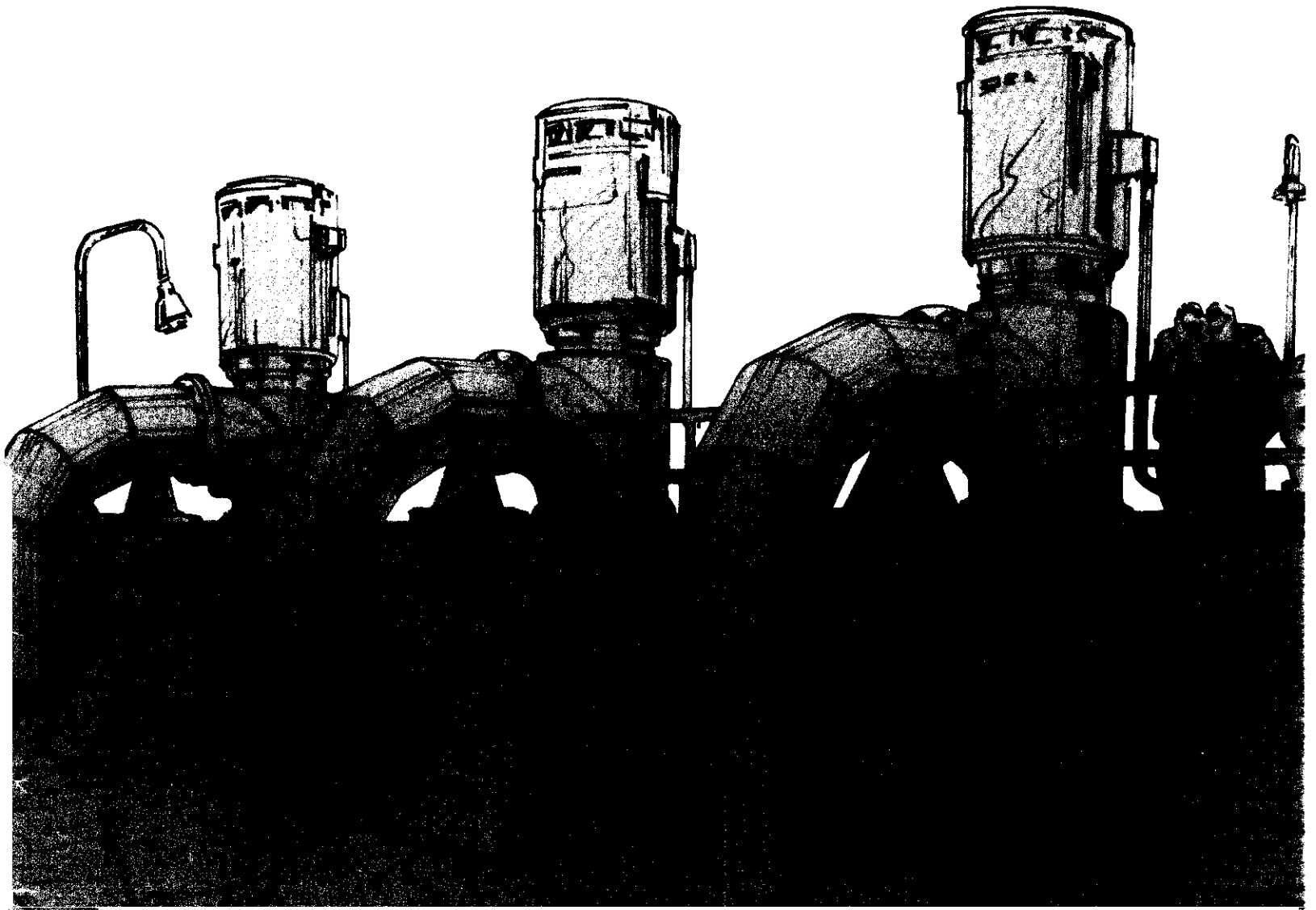
SMITH, BEEKS & GOSS

Leon E. Smith, Jr.

LES/vu
enc.
cc: N. Hoffman

RECEIVED
MAY 08 1984

CASCADE AXIAL FLOW PUMPS



FORWARD

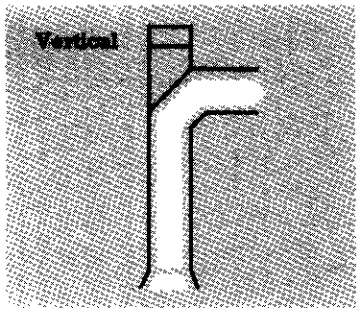
Cascade Pump Company is a lea[illegible] in the area of Axial and Mixed Flow pump design and manufacturing. Product reliability combined with sound application engineering are among the reasons for our success.

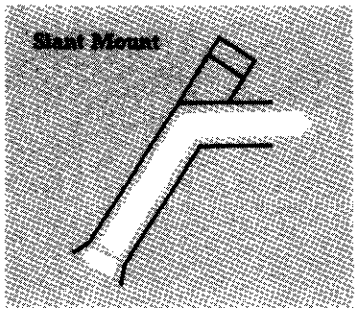
For over thirty-five years we have devoted o[illegible] skills exclusively to this unique branch of the pump industry. Our experience in environmental, industrial, water treatment, irrigation and marine applications, both domestic and foreign, gives assurance of an efficient quality engineered pumping unit when you specify Cascade.

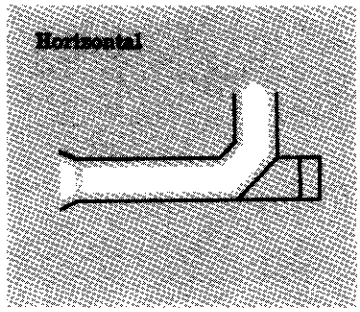
RANGE OF SERVICE

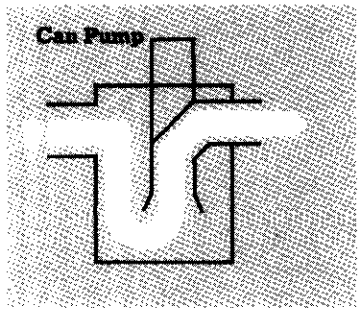
Axial Flow	Heads:	5 thru 26 feet per stage
	Capacity:	200 thru 200,000 GPM
Mixed Flow	Heads:	10 thru 40 feet per stage (To 55 feet on selected sizes)
	Capacity:	500 thru 100,000 GPM

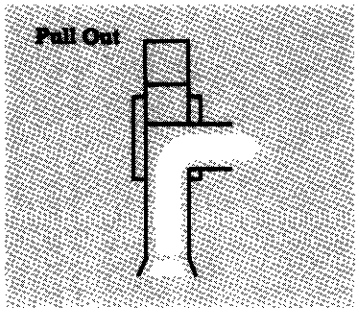
TYPICAL INSTALLATIONS

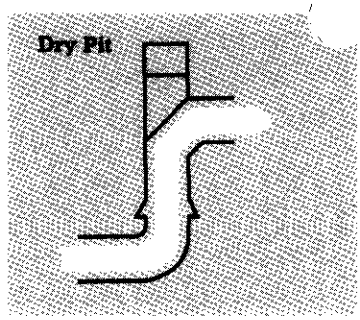


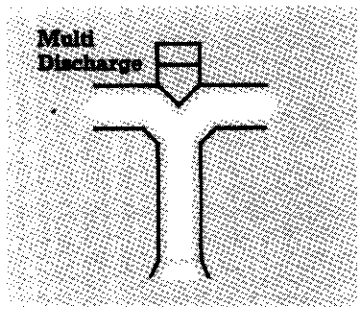


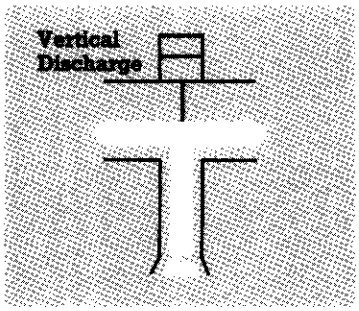


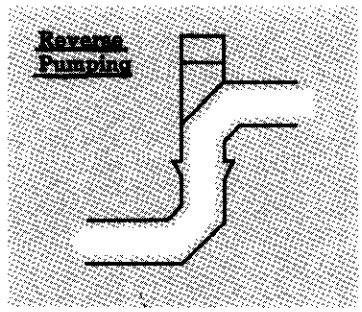










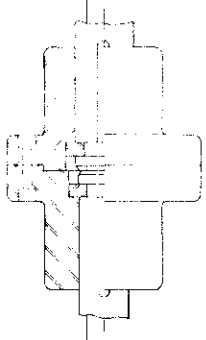


HYDRO TURBINE APPLICATION

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MAY 08 1981
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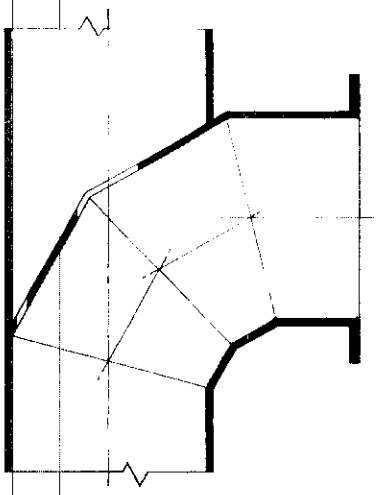
MATERIALS OF CONSTRUCTION (Standard Bronze Fitted-Oil Lubricated)

ALTERNATE COUPLING
Vertical Solid Shaft Driver

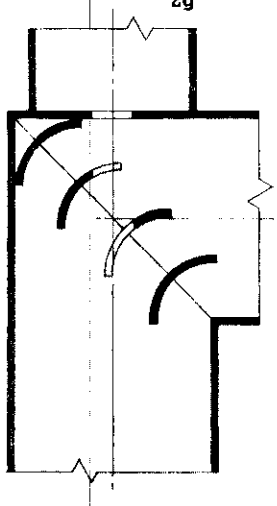


ELBOW OPTIONS

Long Radius Elbow
Friction Loss Coefficient $.25 \frac{V^2}{2g}$

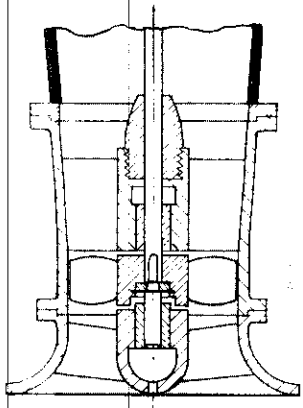


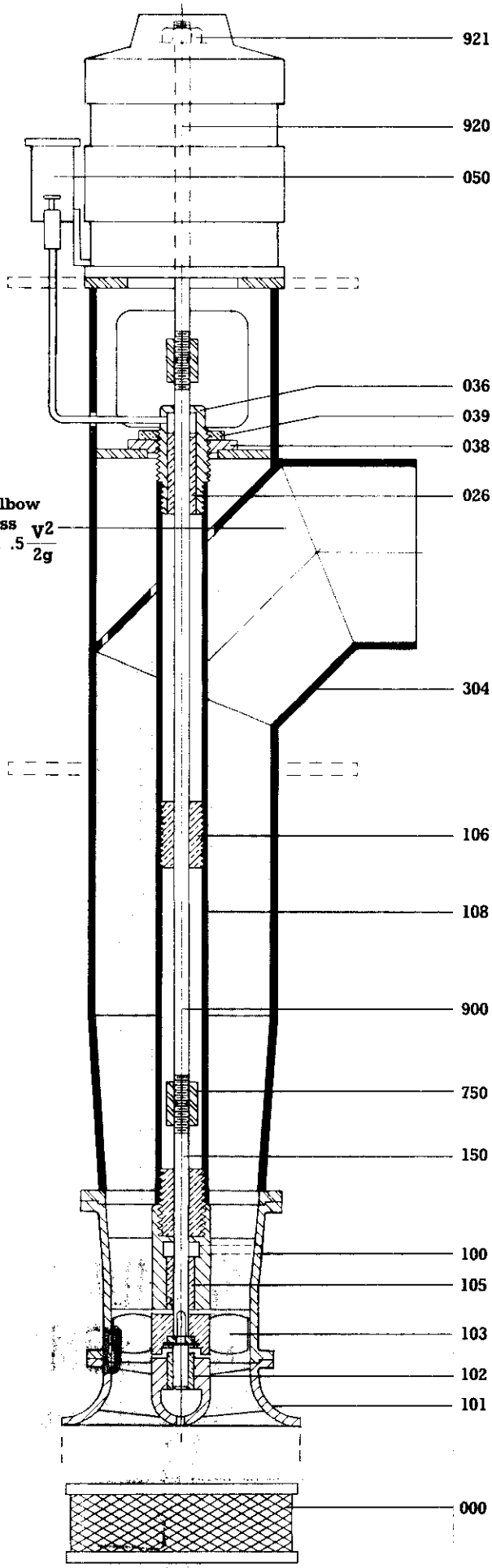
Right Angle Vaned Elbow
Friction Loss Coefficient $.25 \frac{V^2}{2g}$



Standard Elbow
Friction Loss Coefficient $.5 \frac{V^2}{2g}$

ALTERNATE BOWL
Product Lubricated





Part Number	Part Name	Material
921	**Adjusting nut**	Steel ASTM-A-108, gr. C-1018
920	**Head shaft/Coupling** (g)	C.F. Steel ASTM-B-108, gr. C-1045, PSQ
050	**Oil reservoir** (e) (h)	Aluminum ASTM-SC64Ds
036	**Tension nut body** (b)(g)	C.I. ASTM-A-48, Cl. 30
039	**Lock ring** (b)	Bronze ASTM-B-144, gr. 3B (CDA 932)
038	**Tension nut** (b)	C.I. ASTM-A-48, Cl. 30
026	**Tension nut body bushing** (b)(d)	Bronze ASTM-B-144, gr. 3B (CDA 932)
304	**Discharge elbow** (f)(g)	Steel ASTM-A-53, gr. B
106	**Lineshaft bearing**	Bronze ASTM-B-145, gr. 5A (CDA 844)
108	**Enclosing tube**	Sch. 80 Pipe ASTM-A-120, gr. B
900	**Lineshaft** (a)	C.F. Steel ASTM-A-108, gr. C-1045, PSQ
750	**Lineshaft coupling**	Steel ASTM-A-108, gr. C-1020
150	**Bowl shaft/Thrust collar & key** (c)	Stn. Stl. ASTM-A-276, Type 416, PSQ
100	**Discharge bowl**	C.I. ASTM-A-48, Cl. 30
105	**Discharge bowl bushing**	Bronze ASTM-B-144, gr. 3B (CDA 932)
103	**Propeller**	Bronze ASTM-B-145, gr. 4A (CDA 836)
102	**Suction bowl bushing**	Bronze ASTM-B-144, gr. 3B (CDA 932)
101	**Suction bowl**	C.I. ASTM-A-48, Cl. 30
000	**Strainer** (optional)	Galvanized steel

Notes to Material List:

(a) 416 stn. stl. on product lubrication. (See Lubrication Section)

(b) Packing box with bushing and gland furnished on product lubrication. (See Lubrication Section)

(c) No. 6, 8 and 10 utilize set screws instead of thrust collar and key.

(d) On shaft sizes 1 ½" and smaller, Part No. 036 and 026 are combined and made of bronze ASTM-B-145, gr. 4A (CDA 836).

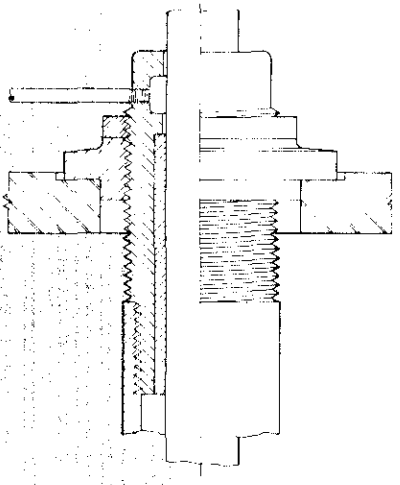
(e) 1 Quart capacity for shaft sizes 1-11/16" and smaller.
1 Gallon capacity for shaft sizes 1-15/16" and larger.
Other capacities available

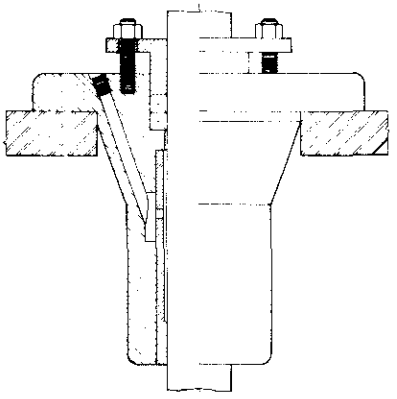
(f) Optional motor stand.

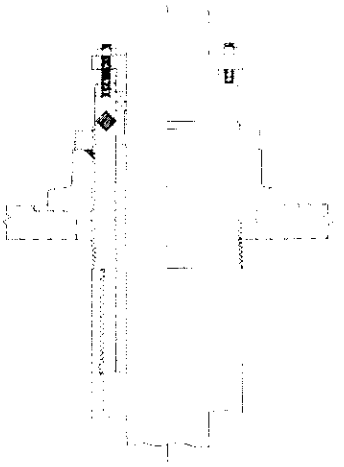
(g) Optional OSHA approved coupling guards.

(h) Furnished with solenoid valve & dripper.

Materials on all items can be varied to meet your requirements as necessary.







	OIL LUBRICATION	PRODUCT LUBRICATION	WATER FLUSH AND GREASE LUBRICATION		
Applications	Flood Control Storm Water Irrigation Canal Diversion Amusement Parks Booster Pumping Drainage Dewatering Tail Water Recovery Ditch Pumping	Municipal Water Circulation Process Salt Water Dry Docks Shipboard Quarries Irrigation Fish Hatcheries Chemicals	Sewage Treatment Paper Pulp Stock Pumping Steel Slag Raw Water Effluent Disposal Storm Water Mines	Flood Control Storm Water Raw Water Canal Diversion Amusement Parks Booster Pumping Drainage	Flood Control Storm Water Sewage Treatment Effluent Disposal Raw Water Drainage
Liquid Condition	Clear Water Slight Sand Slight Silt Slight Abrasive Slight Corrosive	Clear Water Potable Water Corrosive Chemicals	Severe Sand Severe Silt Severe Abrasive Severe Corrosive	Clear Water Slight Sand Slight Silt Slight Abrasive	Sand Silt Abrasive
Type Lubrication	Oil Gravity Feed	Pumped Product	Positive Water Flush	Grease Packed	Manual Pressurized Grease
Description	Gravity feed to enclosed lineshaft bearings and bowl bushings from oil reservoir with solenoid valve. Grease packed suction bowl bushing.	Open stainless steel lineshaft with fluted rubber lineshaft bearings. Grease lubricated packing box with gland.	Positive clean water flush to all bearings. Enclosed stainless steel lineshaft. Separate flushline to suction bowl bushing. Packing box with gland.	Factory grease packed enclosed lineshaft and suction bowl bushing. Gland or seal at stuffing box.	Factory grease packed enclosed lineshaft. Grease lines to bowl bearing points. Gland or seal at stuffing box.
Initial Relative Cost	1.0	1.0 — 1.2 approximately	1.2 approximately	1.2 approximately	2.0 approximately
Operation and Maintenance	1 Quart of oil per 24 hours of operation.	Packing adjustment and replacement.	Supply of clean water of 1-5 GPM at pressure higher than pump working pressure. Packing adjustment and replacement.	Periodic recharge of packed tube.	Periodic grease replenishment to system.
Alternate Construction Examples	Grease line to suction bowl bushing. Oversized oil reservoir.	Special shaft and bearing materials. Shaft sleeves. Mechanical seal. Perforated enclosing tubes.	Special shaft and bearing materials. Shaft sleeves. Lube water flow alarm system.	Grease lines to bowl bearing points. Constant pressure weight loaded lubricator.	Automatic grease pump system. Separate grease lines to all bearing points.

MAY 0 8 1980

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TESTING LABORATORY

Factory testing per specified requirements can be very helpful where absolute performance conditions are critical and where field performance testing is not feasible.

Cascade's high capacity test facility is specifically designed for performance testing vertical wet pit axial and mixed flow pumps. Included is the ability to test prototype and model pumps with simulated field sump conditions and submergences.

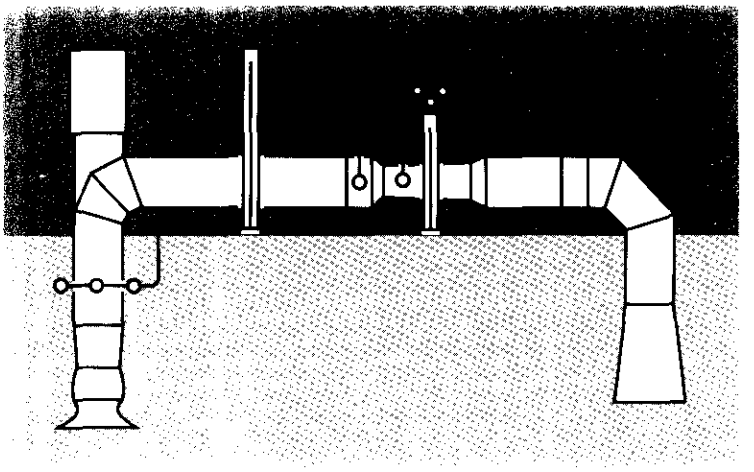
Standard test set-ups include the actual job bowl assembly with a laboratory motor and elbow. Fully or partially assembled pumps can also be tested with either job drivers or laboratory motors.

Where full size testing is not practical or economical, testing of homologous model bowl assemblies can predict full size performance using the affinity relationships.

Capacities are measured through venturi type flow meters to 110,000 GPM with discharge heads being measured from vacuum to 150 feet of water. Shaft rotative speed is measured with a magnetic transducer and counter to within .1 revolution per minute. Motor input is measured through current transformers on a watt meter to 1500 brake horsepower and can be measured on a vertical dynomometer to 250 brake horsepower.

The available power supply is 3 phase 60 H_Z 240v, 480v, 2300v and 4160v.

Hydrostatic tests can be performed when specified. These tests are normally run up to the greater of 150% shut-off pressure or 200% of maximum operating pressure. Hydrostatic testing is particularly important in dry sump applications and all pumps sold for this service include a hydrostatic test as standard.

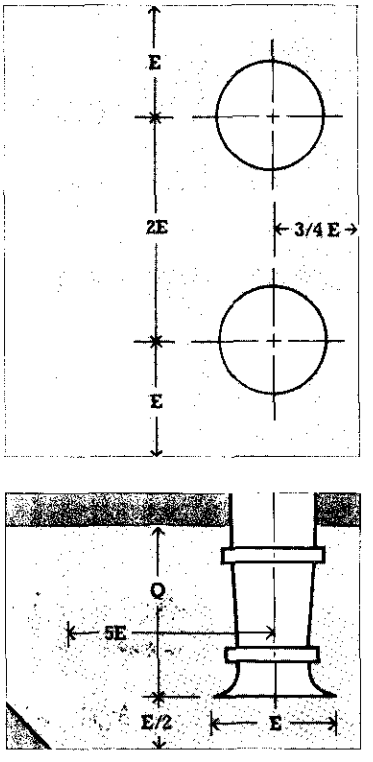


SUMP DESIGN

Proper sump design is important to efficient system operation. Water entering the sump should have minimum turbulence and a velocity of about 1 foot per second. The entrance velocity to the suction bell inlet should approximate 2 feet per second or less. It is recommended that sudden changes in sump profile be greater than 5 bell diameters away from the centerline of the pump.

Vortexing caused by improper sump design or submergence may damage the pump. Harmful vortexing can be eliminated by increasing submergence or incorporating a suction umbrella to reduce inlet velocity.

For specific recommendations on sump design contact the factory or consult the current standards of the Hydraulic Institute.



Where:

E = Suction bell diameter

Q = Minimum submergence required in average installations for continuous operation not over 4,000 ft. above sea level. For higher altitude installations refer to factory.

Submergence and bottom clearance can be reduced by the addition of a suction umbrella. Consult the factory for specific design requirements.

Refer to "Engineering Data" section of this brochure for applicable dimensions.

SAMPLE SPECIFICATION

(Standard Pumping Application)

General

The pump shall be of the vertical submerged axial flow propeller/mixed flow type, Cascade Model .... or approved equal. The pump is to be suspended from a mounting baseplate at elevation .... The pumping element shall be suspended on a sufficient length of column to permit dewatering the sump to elevation .... The centerline of the horizontal discharge shall be above/below the mounting baseplate at elevation .... The discharge connection shall be plain end suitable for a flexible pipe coupling/flanged with an ASA rating of..../grooved for a rigid type pipe coupling. The suction inlet shall be flared to resist the formation of damaging vortices. The complete unit when operating within the specified head range shall be free of excessive vibration, cavitation and noise. The design of component parts shall be interchangeable with parts of like equipment. The column sections shall be flanged on each end with a register machined on centers to assure positive alignment when connected to mating parts. The maximum length of column shall be 10'0". The pump driver shall incorporate a thrust bearing capable of withstanding the hydraulic thrust produced by the pump when operating at any condition in the specified head range of the pump. Design shall be such that no damage will occur in the event of reverse rotation caused by backflow of water through the pump.

Performance Requirements

The pump shall be designed to give ... GPM while operating against a total head of ... feet as measured at the pump discharge. The total head includes the vertical difference in feet between the normal operating water level in the sump and highest water elevation in the system, all internal friction losses in the piping system and the velocity head for the design capacity. It shall be the pump manufacturer's responsibility to compute and add the internal pump losses to the total head to determine the total dynamic head of the pump. In addition to the rated head and capacity the pump must be capable of pumping .... GPM at a total head of .... feet and .... GPM at a total head of .... feet. The minimum bowl efficiency at the rated total dynamic head shall be .... %. The discharge pipe shall be sized such that the velocity of the water being pumped, at the maximum capacity condition, will not exceed 12 feet per second.

Construction

Bowl Assembly The suction and discharge bowl shall be of cast iron with a minimum tensile strength of 30,000 p.s.i. The impeller/propeller shall be cast bronze and locked to the pump shaft by a key and thrust collar.

The pump shaft shall be made from type 416 stainless steel and polished at each bearing journal. The size of the shaft shall be sufficient to safely transmit the required brake horsepower to the impeller to produce the specified performance. Bronze bushings shall be provided immediately above and below the impeller/propeller.

Discharge Elbow and Column
The elbow and column shall be of fabricated mild steel with a minimum thickness of 1/4". The elbow shall be 45° insert/long radius/right angle vaned type. The lower section may be tapered for connection to the discharge bowl.

The lineshaft shall be made from carbon steel and supported by bearings. The lineshaft bearings shall be threaded externally to act as a coupling for extra heavy steel enclosing tubes. The lineshaft bearings shall be bronze of the removable type and must be provided with a means of passing oil from one bearing to the next. A means shall be provided for tension loading of the enclosing tube.

Lubrication The lineshaft bearings shall be lubricated by a drip-feed oil system utilizing an oil reservoir, solenoid valve with a voltage of .... and needle valve dripper. The suction bowl bushing shall be grease packed.

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TO EXPEDITE YOUR INQUIRY...

In requesting information for estimating or planning purposes, please advise the following: ☐ Performance Requirements (capacity and total head). ☐ Application (industrial, water treatment, marine, irrigation, etc.). ☐ Water quality. ☐ Construction. ☐ Configuration of discharge elbow. ☐ Length of pump (mounting floor elevation, sump floor elevation or sump depth). ☐ Lubrication (oil, product, water flush, grease, etc.) ☐ Type of driver (electric motor, right angle gear/engine, etc.). ☐ Any special features.

Please Note: The information contained herein is general in nature and is not intended for specific application, construction, or installation purposes. Cascade Pump Co. reserves the right to make changes in the information shown herein, add improvements, or discontinue manufacture at any time without notice or obligation.

CASCADE PUMP COMPANY
10107 South Norwalk Boulevard P.O. Box 2767/Santa Fe Springs, California 90670-0767
213/946-1414 Telex: 69-8456

IDAHO PUMP SUPPLY, INC.
P.O. Box 901
Twin Falls, Idaho 83301

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Smith, Beeks & Goss

210 6TH AVE. EAST
BOX 508
TWIN FALLS, IDAHO 83301-0508
(208) 733-6684

Attorneys at Law

Leon E. Smith, Jr.
Paul M. Beeks
Gregory S. Goss

September 6, 1983

Mr. Ken Dunn, Director
Idaho Dept. of Water Resources
Statehouse, Room 210
Boise, ID 83720

RE: Trout Co. Application for Permit No. 36-8058

Dear Ken:

Over a year ago (July 29, 1982) we had a hearing on an Application for 100 cfs of water for hydro power generation. At the conclusion of that hearing there was only one contestant present and later a written argument was presented by Cole and Billie Reed. The only contestants were the Reeds and Mrs. Pember. We presented all the evidence required by the Department under the rules and regulations governing the granting of a hydro power permit at that time. Since that time we have had Judge Smith's ruling on the other Trout Co. case (permit No. 36-7834). He required a little more in the way of evidence concerning financial ability and detailed plans than what had previously been required.

We do not have any change in plans to submit to you, from the plans we originally submitted (the two sheets of the working drawings from which Nyal Hoffman will build a hydro generating facility.) A close examination of the notations and locations of things on the two plan exhibits should satisfy the director that these plans are sufficient for construction of the facility. However, if the Department would like to have more detailed plans we provide an additional drawing to put with the other two drawings. This drawing is enclosed with this letter.

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Co-generation is still interested in and would like to be involved with the Trout Co. hydropower site. However, there are other people also interested in this site and I am enclosing herewith a letter from Zion's Leasing Company indicating their interest in financing this project. This is an unequivocal, unconditioned letter of commitment to financing the entire project (including trout hatchery) when the permit is finally obtained.

It has been far too long before a decision has been reached in this matter and we would appreciate it if you would address this issue so that the construction season will not be gone before we can commence construction of the facility for hydropower generation. This, of course, assumes that you are going to grant the permit. Hopefully that will be the case and I would appreciate hearing from you as soon as possible.

Yours truly,

SMITH, BEEKS & GOSS

LEON E. SMITH, JR.

Les/Jdw

cc: Phil Rassier

Mr. William L. Mauk
Attorney at Law
P.O. Box 700
Boise, ID 83701

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IDAHO DEPARTMENT OF FISH AND GAME
REGION 4
868 East Main • Box 428
Jerome • Idaho • 83338

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NOV 10 1982
Department of Water Resources
Southern District Office

November 8, 1982

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

Re: Application 071-0YC-4-002051
Corps of Engineers 404 Permit - Billingsley Creek Hydro
and Trout Hatchery Project - Nyal Hoffman

Dear Loren:

The Department of Fish and Game has reviewed the proposed diversion structure project proposed by Nyal Hoffman on Billingsley Creek. The Department has no objection to the project if the listed special conditions are adhered to.

Mr. Hoffman has agreed to the following stream flows for his hydro project:

April 15 - June 15 -	25 cfs
June 16 - October 1 -	35 cfs
October 2 - November 15 -	50 cfs
November 16 - April 14 -	35 cfs

Sincerely,

William E. Webb

William E. Webb
Supervisor, Region 4

cc: Bureau of Program Coordination R482-035

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(208) 733-6684

Attorneys at Law

Leon E. Smith, Jr.
Paul M Beeks

Gregory S. Goss

November 1, 1982

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DEPARTMENT OF WATER RESOURCES

Department of Water Resouces
Statehouse
Boise, ID 83720

RE: Permit No. ~~36-8085~~ 36-8058

Ladies and Gentlemen:

Enclosed is an original Response to Written Argument of Protestants, Cole and Billie Reed, in the above matter. Please file it in the appropriate Departmental file.

Thank you for your cooperatioon.

Very truly yours,

SMITH & BEEKS

Leon Smith

Leon E. Smith, Jr.

LES/ej

Copy: Client w/Enclosure

Enclosure

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MAY 9 - 1984

SMITH & BEEKS
210 Sixth Avenue East
P. O. Box 508
Twin Falls, Idaho 83301-0508
Telephone 733-6684
Attorneys for .....Applicant.....

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

.....

In the Matter of Protest Against) Approval of Application for) Permit No. 36-8058 in the Name) of Trout Co.)	RESPONSE TO WRITTEN ARGUMENT OF PROTESTANTS, COLE AND BILLIE REED

.....

By reason of Departmental Order dated October 13, 1982, Trout Co. responds to the Written Argument presented by protestants, Cole and Billie Reed, through their attorney, William L. Mauk, after the hearing of this matter and without protestants' appearance at the public hearing or protest. Under no circumstances should this Response be a waiver of any rights Trout Co. has to protest this procedural development. The public hearing laws of this state were enacted to give a water applicant and protestants an opportunity to confront one another and have an exchange of information and positions, with the Department acting as mediator and decision maker for the issues remaining between the parties. It was contemplated that all parties be present at a hearing and submit their arguments and protestations. The applicant is surely expected to be there and present his responses as well as his evidence of what he intends to do with the water application should it be granted. The same rule should apply to both sides. Cole and Billie Reed had no apparent interest in attending the public hearing with or without their attorney. They did not participate

in the exchange of ideas and information which took place at the public hearing. They did not review the applicant's contemplated design and ideas for diversion and return of the water. They did not participate in the give-and-take, question-and-answer and compromises in position that took place at the hearing. Rather, they preferred to be absent and submit their complaints in writing, requiring Trout Co. to respond to these written protests thus incurring additional costs, legal fees and loss of valuable time.

Protestants, Cole and Billie Reed, begin their written protestations with a complaint that the application is defective because it failed to provide information they apparently claim to be needed in order to understand Trout Co.'s application. It is submitted that if Cole and Billie Reed had been present at the hearing they would have had no questions about any of the issues raised in this part of their Argument. It was all explained clearly and completely discussed at the public hearing. Furthermore, Cole and Billie Reed have been protestants for the last four years on this same type of water application, same point of diversion, same building site, same hydro-power project and the same point of return to Billingsley Creek, same applicants, same protestants and the same situation. Only the water has changed. It is a different 100 cubic feet applied for. Permit has already been granted for the first 100 cubic feet and now Trout Co. desires to use another 100 cubic feet when and if available, through the same facilities for additional hydro-power generation.

Trout Co. shall address the written protests of Cole and Billie Reed in the same order as presented.

1. Contention that the application is defective in failing to provide information required by Idaho Code, Section 42-402.

The protestants claim that necessary information was deleted or never set forth in Trout Co.'s application. The form used for the application is one approved by the Department and used for many years. All of the applicable blanks were filled in and a map, with a design of the facility and points of diversion,

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P.O. BOX 508
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application and return of the water were all identified on the drawing.

In their Argument, protestants complained that the drawings and the map and legal description provided did not adequately show where the point of diversion is. The point of diversion is shown at the exact location of the present diversion, which protestants have been aware of through other hearings and proceedings for the last four years. Trout Co.'s point of diversion is demonstrated within one foot of where it is intended to be placed as indicated by the cross-section drawing of the diversion dam. It is inconceivable that the application can be any more explicit than that. Protestants' Argument presupposes that applicant should submit final design drawings with specifications and detailed working drawings. This I submit is preposterous, has never been required, cannot be done until the permit is granted and final study is completed and this contention of protestants violates the very concept of the procedure through which one of these applications must go.

Protestants next complain that the "five years" set forth in the application as the time for putting water to beneficial use in some way violates applicable law. Of course five years is the maximum amount of time that the project should be completed and put to beneficial use, as required by law. Further, for the hydro-power project there is no way of predicting the amount of time it will take to obtain all of the necessary permits, licenses and satisfy the state agencies, federal agencies, Corps of Engineers, public utilities, etc. The actual influent line, generation facility and spillway could be constructed in a matter of a month. However, this would not put the water to beneficial use for hydro-power purposes.

Next, the protestants complain about the lack of financial data. A financial statement was filed previously with the Department and a bank financing letter was filed contemporaneously with the application for water permit. This is an approved procedure by the Department of Water Resources and sufficient data was included

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therein to satisfy that requirement. If Cole and Billie Reed or their attorney had been present at the hearing, they could have inquired about the financial matters as they did for several hours at the previous hearing. They could have reviewed the financial information submitted at the hearing. They could have seen the proposals submitted by the engineering firm for cost and anticipated revenue. They could have fully satisfied themselves that the financial information was adequate and current. This is another example of why Trout Co. is prejudiced by this procedure of allowing argument without appearance at the public hearing.

2. Contention that the application filed by applicant conflicts with the standards set forth in Idaho Code, Section 42-203.

This particular protest is not understood by this answering writer at all. The use of an additional 100 cubic feet of water is not in conflict with anything set forth in the original granted permit for 100 cfs. This second complaint prattles on about what the protestants think the law should be and what the protestants think Trout Co. should do but is not based in any way upon any applicable law, whether it be case law or statutory law. As a matter of fact, the factual contentions set forth in this paragraph are completely inapposite to the application and the intended use. Consequently, this writer will not take up any of the Director's time reciting absurd rebuttal to an absurd argument.

3. Contention that the applicant has failed to show, and cannot show, that any real probability exists for him to develop the water for hydropower generation as is required by Idaho Code, Section 42-108A.

In this argument protestants' first sentence says it all. It certainly does, "appear(s) from the application that Applicant intends to construct a hydropower generation facility for the purpose of selling electrical power to a public utility." That is precisely what Trout Co. intends to do and if Cole and Billie had attended the public hearing, they would have seen the

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ATTORNEYS AT LAW
P.O. BOX 508
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plans, documents, engineering study and other matters relating to this issue.

4. Contention that the application should be dismissed as an attempt to adjudicate through a separate proceeding an application which is already pending before the Director.

This is a preposterous contention of Cole and Billie Reed that this additional 100 cubic feet of water applied for is in some way adjudicating another permit that has already been issued by the Department; as if this application would have anything to do with the hearing now set before Judge Smith in District Court in Ada County. This contention defies response. It is quite obvious from the application and from all of the evidence submitted at the hearing that the 100 cubic feet of water applied for is an additional 100 cubic feet and has nothing to do with the 100 cubic feet of water already granted by permit for hydropower generation. If the protestants had attended the public hearing, they would have realized what the purpose of the application was instead of submitting frivolous contentions by a "Written Argument."

C O N C L U S I O N

It is respectfully submitted that the Department has erred in permitting this type of procedure to take place, to wit: written argument in lieu of a protestant's appearance at the hearing. From this Response it is obvious that the arguments don't apply and need not be made at all if the protestants had been present at the hearing. It is a disservice to Applicant Trout Co. to compel this additional expense and time delay. The hearing was held on July 29, 1982. The Order did not come forth from the Department until October 13, 1982, that this "Written Argument" would be accepted. This constituted a delay of over two and one-half months and we are no further ahead in the decision-making process than we were at the conclusion of the hearing on July 29, 1982. It is extremely important to Trout Co. that the decision be made on its application expeditiously. There is no reason or any ground for denial of the application, based in law or fact.

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P.O. BOX 508
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Trout Co. urges that the Department disregard the frivolus arguments set forth in the "Written Argument" of protestants, Billie and Cole Reed, and issue a permit for the 100 cubic feet of water applied for by Trout Co.

DATED: May 1, 1982.

Respectfully submitted,

SMITH & BEEKS

BY: Leon E. Smith, Jr.
LEON E. SMITH, JR.
Attorneys for Applicant

CERTIFICATE OF MAILING

I hereby certify that the foregoing Response to Written Argument of Protestants, Cole and Billie Reed, was served upon the parties entitled to service in this action by mailing copies of the same to the individuals at the addresses listed below on May 1, 1982.

Mr. William L. Mauk
Attorney at Law
P. O. Box 700
Boise, ID 83701

Mr. Phillip J. Rassier
Deputy Attorney General
Department of Water Resources
Statehouse
Boise, ID 83720

Mr. A. Kenneth Dunn, Director
Department of Water Resources
Statehouse
Boise, ID 83720

Leon E. Smith, Jr.
LEON E. SMITH, JR.

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INTER-DEPARTMENT MEMO — 1

FROM Phil Rossier

DATE 8/13/82

TO Bob Fleenor

SUBJECT attached

As I read our Rule 9.2 on failure to appear, it applies to the applicant (only)? also objector in this case and not to the protestants whom Bill represents.

I suggest we deny Leon's motion and state that we will consider the written argument giving the applicants 30 days in which to respond if desired.

Phil Rossier

SIGNATURE

TO: DIRECTOR
IDAHO DEPT. OF WATER RESOURCES

FROM: Smith & Beeks
Attorneys at Law
210 - 6TH AVE. EAST
BOX 508
TWIN FALLS, IDAHO 83301

SUBJECT: Application for Permit No. 36-8058

MESSAGE:

DATE: August 3, 1982

Enclosed is the Applicant's Motion to Quash for filing and consideration.

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AUG 6 1982
Department of Water Resources

Leon Smith

SIGNED Leon E. Smith, Jr.

REPLY:

DATE:

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SIGNED

INSTRUCTIONS TO SENDER:
1. KEEP PINK COPY
2. SEND WHITE AND YELLOW COPIES

INSTRUCTIONS TO RECEIVER:
1. WRITE REPLY
2. KEEP YELLOW COPY;
RETURN WHITE COPY TO SENDER

STANDARD-TWIN FALLS

RECEIVED
AUG 3 1982
Department of Water Resources

SMITH & BEEKS
210 Sixth Avenue East
P. O. Box 508
Twin Falls, Idaho 83301-0508
Telephone 733-6684
Attorneys for Applicant

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

In the Matter of Protest Against Approval of Application for Permit No. 36-8058 in the Name of Trout Co.	MOTION TO QUASH

COMES NOW applicant, Trout Co, by and through its attorney of record, Leon E. Smith, Jr. of the law firm of Smith & Beeks, Twin Falls, Idaho, to move the Director of the Department of Water Resources to quash the Written Argument of Protestants: Cole and Billie Reed.

This Motion is made upon the grounds that are of record. It is of record that Cole and Billie Reed failed to appear at the hearing held in Gooding City Municipal Building on July 29, 1982, at 1:00 o'clock P.M. and their attorney of record, William L. Mauk, also failed to appear at the hearing. The hearing was conducted in their absence and no objections were made.

Rule 9 of the Idaho Department of Water Resources Rules and Regulations-Practice and Procedure, entitle applicant to have this Written Argument of Protestants: Cole and Billie Reed, stricken and the protests of same be dismissed with prejudice.

The Written Argument of Protestants: Cole and Bille Reed, was submitted by their attorney sometime in July of 1982, presumably subsequent to the hearing of this matter and a copy of the same was received by this writer on August 2, 1982. No hearing is required on this Motion as applicant Trout Co is entitled to a procedural ruling as a matter of law. No facts need to be introduced into evidence and applicant requests an ex-parte ruling by

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the Director. Cole and Billie Reed cannot be heard to claim that notice was not received. Their attorney, William Mauk, informed the Department of Water Resources prior to the hearing that he would not attend. He would attempt to make his thoughts known by a written document subsequent to the hearing. This matter was recited at the commencement of the hearing and is a part of the record.

Respectfully submitted this 3rd day of August, 1982.

SMITH & BEEKS

Leon E. Smith, Jr.

Attorneys for Applicant

CERTIFICATE OF MAILING

I, the undersigned, a resident attorney of the State of Idaho, hereby certify that on the 3rd day of August, 1982, I caused a true and correct copy of the foregoing Motion to be served upon the protestants named therein, by depositing the same in the United States Post Office at Twin Falls, Idaho, postage prepaid, addressed to protestants' counsel of record, to-wit:

William Mauk
Skinner, Donnelly, Fawcett & Mauk
P.O. Box 700
Boise, Idaho 83701

Leon E. Smith, Jr.

cc: Loren O. Holmes,
Southern Regional Supervisor

Steve Goddard,
Dept. Fish & Game

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SMITH & BEEKS
ATTORNEYS AT LAW
P. O. BOX 508
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Department of Water Resources

WILLIAM L. MAUK
SKINNER, DONNELLY, FAWCETT & MAUK
603 W. Franklin St.
P.O. Box 700
Boise, ID 83701
Telephone: (208) 345-2654

Attorneys for Protestants

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

In the Matter of Protest Against Approval of Application for Permit No. 36-8058 in the Name of Trout Co.	WRITTEN ARGUMENT OF PROTESTANTS

This written argument is being submitted in lieu of appearance at the hearing scheduled July 29, 1982, in the above entitled matter. Protestants in this case are Cole and Billie Reed, represented by the undersigned attorney. These Protestants have requested an opportunity to submit their objections in writing rather than appear at the hearing, because of scheduling conflicts of their counsel and the unnecessary cost which would be incurred in traveling to the hearing in order to submit objections and concerns which, perhaps, can best be submitted in writing.

Formal protest was made on behalf of Cole and Billie Reed on March 19, 1982. The grounds set forth therein, and discussed in more detail below, comprise the principal objections to the application. Additional arguments and concerns which we ask the Director to consider in passing on the application are addressed below.

ARGUMENT

1. The Application is defective in failing to provide information required by Idaho Code, Section 42-402.

Section 42-202 sets forth certain information which must

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Phone (208) 345-2654
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603 W. Franklin Street
Boise, Idaho 83701

be included in an application to appropriate water. The requirements which are most relevant here are those instructing the applicant to state:

a) "The location of the point of diversion and description of the proposed ditch, canal, well or other work, and the amount of water to be diverted and used."

b) "The time required for the completion of such works, and the application of water to the proposed use"; and

c) "An accompanying 'plan and map of proposed works for the diversion and application of the water to a beneficial use, showing the character, location and dimensions of the proposed reservoirs, dams, canals, ditches, pipelines, wells and other works proposed to be used by them in the diversion of the water, and the area and location of the lands proposed to be irrigated, or location of a place of other use.'"

Additionally, the statute provides that if the application involves more than 25 cfs of water, the applicant may be required by the Director to furnish a statement of financial ability. It is the Protestants' contention that the application is defective in each of these respects.

In an attempt to comply with the requirements stated above, the only submission made by the Applicant is a handwritten drawing and the indication that the time for completion of the works will be the maximum allowed, five years. These submissions completely fail to apprise the Department or the Protestants of the Applicant's intentions. The drawing only generally identifies the point of diversion. It in no way describes the proposed ditch or channel or other works intended to be used. It in no way provides sufficient data from which to calculate the necessary of a 100 cfs application, or for that matter any data on which to calculate any cubic foot need of water whatsoever. The drawing submitted by the Applicant is not a "plan and map" of proposed work; by Applicant's own admission, it is not drawn to scale, provides few, if any, dimension whatsoever, and omits entirely any description of the proposed hydropower generation facility.

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It is evident from the case of Marshall v. Niagara Springs Orchard Co., 22 Idaho 144, 125 P. 208, 210 (1925), that specific detailed drawings are required to be submitted with an application. In that case, the Supreme Court had occasion to review and consider Section 32-53 of the Idaho Revised Codes pertaining to applications for water appropriation. This former statutory provision is, with minor exception, virtually identical to I.C. §42-202. In particular, the former provision requires a description of the proposed works and a map and plan of the diversion and location of lands proposed for diversion and use. With reference to these requirements, the Court stated:

> "It clearly appears, from the application required by this statute, that such application must state facts which can only be secured by an entrance to the place where the appropriation is made, and a survey of the premises and surroundings at the point of diversion and plan of improvement, and also a survey of the realty to be taken for dams and ditches to be used in appropriating the water to a beneficial use, and especially in a case where it is necessary to construct buildings and other works necessary for the utilization of water for power purposes. Plans and maps are required to be prepared showing the character and location and dimensions of the works and the area and location of lands proposed to be irrigated or otherwise used." 125 P. at 210.

There is no question that the submission made by the Applicant in this case falls far short of these requirements.

Additionally, there is no indication whatsoever of the time required for the completion of the construction works, other than a request for the maximum amount of time allowed by law. Protestants submit that the law requires more specificity in this regard, particularly a timetable for construction purposes which allay any concern that the application is amde in bad faith or for speculative purposes. We further believe that the application is defective in failing to provide adequate financial data. In this regard, reference is made to the case of Keller v. Magic Water Co., 92 Idaho 276, 280, 441 P.2d 725 (1968), which implies that the omission of financial information

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is a notable defect with respect to I.C. §42-203.

2. The Application filed by the Applicant conflicts with the standards set forth in Idaho Code, Section 42-203.

Protestants have a number of concerns with respect to the intentions of the Applicant and how those intentions may, if fulfilled, be injurious to aesthetic, recreational and environmental values, and generally in conflict with local public interest. As the Director is well aware, there are numerous appropriative rights on Billingsley Creek, and a host of pending applications for water from this Creek for both fish propagation and hydropower facilities. We submit that the instant application cannot be viewed in isolation from these other existing rights and appropriative requests. Local public interest in preserving this stream for aesthetic, recreational and environmental purposes is well noted by previous protests made by residents in the vicinity of the proposed development. Protestants contend that the combined existing uses of water from Billingsley Creek has seriously degraded both the quality of the stream and jeopardized public interest therein. The addition of a new diversion for hydropower purposes will, we submit, only further jeopardize these conditions to the prejudice of Protestants and the public generally.

If the application is to be approved, certain conditions, we contend, must be imposed upon the permit. Protestants request, in particular:

1) That the Applicant be required to conduct an in-stream flow study of the affected area of Billingsley Creek; that such study be conducted by an independent agency and that the findings of such study be submitted to the Department and the Protestants before any construction or diversion takes place;

2) That the findings of the aforementioned study specifically with respect to minimum stream flow be accomodated and that a minimum stream flow requirement consistent with the findings of the study be made a condition of future use;

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3) That the Applicant be required to return all water diverted and not consumed in use directly to Billingsley Creek;

4) That the Applicant be required to obtain approval from the Department of Fish & Game prior to construction of its diversion fill and fish ladder, and that the study required above include an assessment of impact upon the aquatic habitat caused by the proposed diversion facility; and that specific conditions be later imposed upon the Applicant's construction of the diversion works which will, to the maximum extent possible, minimize impact upon aquatic life and other environmental considerations.

3. That the Applicant has failed to show, and cannot show, that any real probability exists for him to develop the water for hydropower generation as is required by Idaho Code, Section 42-108A.

It appears from the application that Applicant intends to construct a hydropower generation facility for the purpose of selling electrical power to a public utility. Applicant's precise intentions in this regard are not at all clear at this juncture. It is probable, however, that in conjunction with a subsequent arrangement for the sale of hydroelectric power, a lease will be entered into between the Applicant and a public utility concerning the water right at issue here. Unless the Department requires a separate hearing on such lease at some later date, we believe it is imperative that Applicant demonstrate prior to the Department granting a permit that some realistic probability exists for the sale of electricity. Absent such a showing, Protestants submit that there is insufficient justification to allow Applicant to tie up the water of Billingsley Creek for potentially as much as five years.

4. That the application should be dismissed as an attempt to adjudicate through a separate proceeding an application which is already pending before the Director.

As the Director is well aware, the Applicant, Trout Co., has previously filed for the appropriation of 100 cfs of water

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from Billingsley Creek for the combined purpose of fish propagation and hydropower generation. See, Application for Permit No. 36-7834 in the Name of Trout Co. It would appear from a comparison of that prior application and the instant application that, insofar as they address hydropower generation, the requests are virtually identical. Protestants contend that the simultaneous adjudication of virtually identical applications is improper, and impermissible.

Rule 12(b)(8) declares that it shall be grounds for dismissal of an action where "another action (is) pending between the same parties for the same cause". The obvious purpose of this rule is to disallow simultaneous litigation of identical claims or causes, to avoid forum shopping, and to force litigants to elect the manner and procedure in which they wish to pursue legal action. These purposes are undermined by allowing the Applicant here to make a subsequent request for the diversion of water for hydropower purposes where it has previously elected to combine that same request with an application for fish propagation purposes, and the former application is unresolved. In the Application for Permit No. 36-7834, a Final Order was issued by the Director on July 21, 1982. Protestants in that action, which include Protestants here, are now reviewing the Director's Order and considering what further proceedings may be appropriate. In order to protect the interests of the Protestants, a Petition for Review was previously filed from the Director's Memorandum Decision in this former case, and is now pending before the District Court.

It is obvious that what the Applicant wishes to do in this instance is separate from the pending proceedings that portion of its former application which pertains to hydropower. This, we submit, it cannot do. Having elected to pursue its request in one fashion, it may not now institute a separate action to litigate

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that same request so long as the legal proceedings pertaining to the first application remain unconcluded.

CONCLUSION

For the reasons stated hereinabove, Protestants request that the Application for Permit No. 36-8058 be denied, or, in the alternative, that should the Permit be granted, the recommendations discussed hereinabove be included as conditions to the Permit.

RESPECTFULLY SUBMITTED this 29th day of July, 1981.

SKINNER, DONNELLY, FAWCETT & MAUK

by _____
WILLIAM L. MAUK, of the Firm
Attorney for Protestants

I CERTIFY that on this 29 day of July, 1982, I mailed a correct copy of the foregoing document to Mr. Bobby D. Flenor, Director's Office, Department of Water Resources, Statehouse, Boise, ID 83720; Mr. Loren O. Holmes, Southern Regional Supervisor, Department of Water Resources, 1041 Blue Lakes Blvd. N., Twin Falls, ID 83301; Trout Co., P.O. Box 425, Hagerman, ID 83332; Leon Smith, Jr., SMITH & BEEKS, P.O. Box 508, Twin Falls, ID 83301; Steve Goddard, Dept. of Fish & Game, P.O. Box 25, Boise, ID 83707; postage prepaid.

_____

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In the matter of application for permit no 36-8058 in the name of Trout - Co.

Protest Withdrawal

Following a discussion of application no 36-8058 I am assured that the diversion dam will be constructed in a manner that will ~~protect the~~ not interfere with the water rights or diversion of water into the John Bell Ditch. Therefore I withdraw my ~~protest~~ protest against application no 36-8058. COST OF CONSTRUCTION OF HEADGATE & SUPPLY PIPE TO BE OBLIGATION OF APPLICANT

Signed at Gooding Idaho this 29th day of July 1982

Gordon E Dahlgren

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MAY 08 1991

Re: TROUT-CO - 36-8058

Place: Gooding City Hall - 308 5th Ave. West, Gooding, Idaho

Date: Thursday, July 29, 1982 - 1:00 p.m.

Hearing Officer Bob Fleenor

Assisted by Loren Holmes

ROSTER OF ATTENDANCE

Name	Address	Representing
Leon E Smith Jr.	Box 508 Twin Falls	Trout Co
Hyal C. Hoffman	Route #1 Filer Id.	Trout Co
Judy Hoffman	Rt 1 Filer Id.	Trout Co
Gordon L Dahlgren	Box 325 Hagerman	John Bell-Dietch
Betty J. Dahlgren	Rt 1 Box 378 Hagerman	property owners
G J Price	442 Wyoming, Gooding	—
BILL BLOCK	TWIN FALLS	J-U-B ENGR. TROUT CO.

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MAY 08 1984

IDAHO DEPARTMENT OF FISH AND GAME
REGION 4
868 East Main • Box 428
Jerome • Idaho • 83338

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JUL 21 1982
Department of Water Resources
Southern District Office

July 20, 1982

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

Re: Application #36-8058, Billingsley Creek,
Troutco Incorporated.

Dear Loren:

The Idaho Department of Fish and Game withdraws their protest against the granting of the above referenced application. The applicant has agreed to meet all the stipulations placed upon the project by the Department of Fish and Game including a suitable minimum instream maintenance flow.

Sincerely,

Bill Gorgen

Bill Gorgen
Acting Regional Supervisor, Region 4

cc: Bureau of Program Coordination

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MAY 04 1987

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

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

July 1, 1982

Isabel Cahoon - Deputy
Gooding City Hall
308 5th Ave. West
Gooding, Idaho 83330

Dear Mrs. Cahoon:

This is to confirm the use of the conference room of the Gooding City Hall for conference and/or hearing to be held by this office on Monday, July 26 at 1:30 p.m., Wednesday, July 28, at 9:30 a.m., and 1:30 p.m., Thursday, July 29, at 9:30 a.m., and 1:00 p.m., and Friday, July 30, at 10:00 a.m.

Thank you for your cooperation in this matter.

Very truly yours,

Mary A. Hill
Secretary

for

Loren O. Holmes
Southern Region Supervisor

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TROUT CO

FORM 3811, JUNE 1979

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED

SENDER: Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one.)
XX Show to whom and date delivered..... ¢
☐ Show to whom, date and address of delivery..... ¢
☐ RESTRICTED DELIVERY
Show to whom and date delivered..... ¢
☐ RESTRICTED DELIVERY
Show to whom, date, and address of delivery $____

(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:

Trout-Co
Box 425
Hagerman, Idaho 83332

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	216	

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐Addressee ☐Authorized agent

X [signature]

4. DATE OF DELIVERY
7-14-82

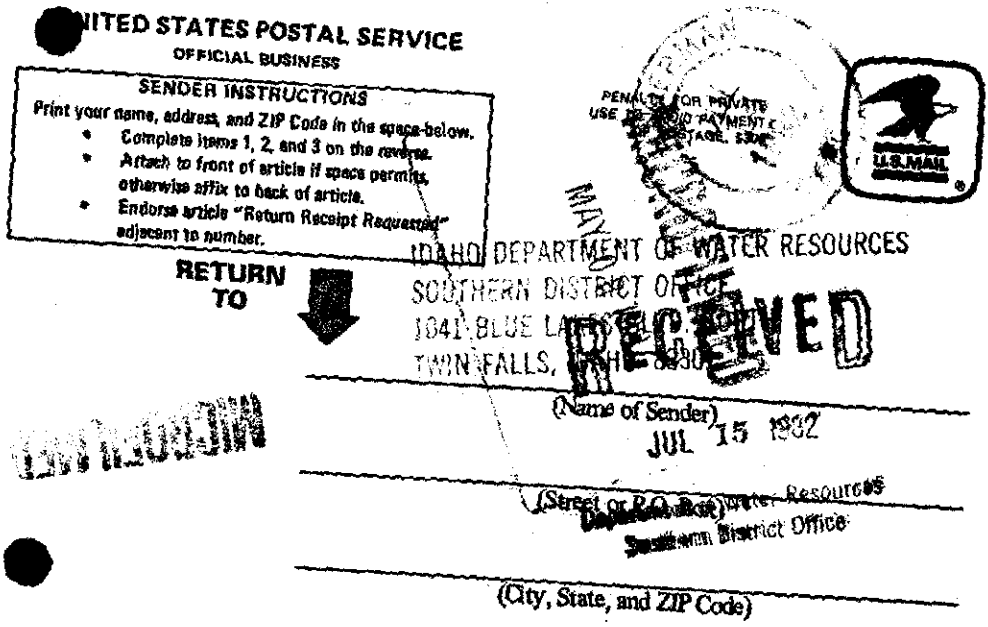
5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

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- Endorse article "Return Receipt Requested" adjacent to number.

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IDAHO DEPARTMENT OF WATER RESOURCES
SOUTHERN DISTRICT OFFICE
1341 BLUE LAKES BLVD.
TWIN FALLS, IDAHO 83301

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Water Resources
Southern District Office

(Name of Sender)

(Street or P.O. Box)

(City, State, and ZIP Code)

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U.S. MAIL

TROUT CO 36-8058

PS Form 3811, Dec. 1980

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on reverse.

(CONSULT POSTMASTER FOR FEES)

1. The following service is requested (check one).

XX☐ Show to whom and date delivered ..... ___¢

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2. ☐ RESTRICTED DELIVERY ___¢
(The restricted delivery fee is charged in addition to the return receipt fee.)

TOTAL $___

3. **ARTICLE ADDRESSED TO:**

Wm L. Mauk - Attny at Law
P. O. Box 700
Boise, Idaho 83701

4. **TYPE OF SERVICE:**
☐ REGISTERED ☐ INSURED
☒ CERTIFIED ☐ COD
☐ EXPRESS MAIL

ARTICLE NUMBER
217

(Always obtain signature of addressee or agent)

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SIGNATURE ☐ Addressee ☐ Authorized agent

5. Shelley Arnold

DATE OF DELIVERY

POSTMARK

6. **ADDRESSEE'S ADDRESS** *(Only if requested)*

7. **UNABLE TO DELIVER BECAUSE:**

7a. **EMPLOYEE'S INITIALS**

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SOUTHERN DISTRICT OFFICE
1341 BLUE LAKES BLVD. NORTH
TWIN FALLS, IDAHO 83301

(Name of Sender)

(Street or P.O. Box)

(City, State, and ZIP Code)

JUL 7 1992

Department of Water Resources
Southern District Office

TROUT CO 36-8058

PS Form 3811, Dec. 1980

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2. ☐ RESTRICTED DELIVERY ¢
(The restricted delivery fee is charged in addition to the return receipt fee.)

TOTAL $

3. **ARTICLE ADDRESSED TO:**

John D. & Betty D. Pember
Rt 1 Box 378
Hagerman, Idaho 83332

4. **TYPE OF SERVICE:**
☐ REGISTERED ☐ INSURED
☐ CERTIFIED ☐ COD
☐ EXPRESS MAIL

ARTICLE NUMBER
218

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SIGNATURE ☒ Addressee ☐ Authorized agent

5. **DATE OF DELIVERY**
7-6-82

POSTMARK
JUL 6 1982

6. **ADDRESSEE'S ADDRESS** *(Only if requested)*

7. **UNABLE TO DELIVER BECAUSE:**

7a. **EMPLOYEE'S INITIALS**

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(Name of Sender)

(Street or P.O. Box)

(City, State, and ZIP Code)

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Department of Water Resources
Southern District Office

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2. ☐ RESTRICTED DELIVERY ¢
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TOTAL $

3. ARTICLE ADDRESSED TO:

William E. Webb - Supervisor
Dept. of Fish & Game - Region 4
Box 428 - Jerome, Idaho 83338

4. TYPE OF SERVICE:
☐ REGISTERED ☐ INSURED
☐ CERTIFIED ☐ COD
☐ EXPRESS MAIL

ARTICLE NUMBER

219

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SIGNATURE ☐ Addressee ☐ Authorized agent

X

5. DATE OF DELIVERY

7-2-

POSTMARK

6. ADDRESSEE'S ADDRESS (*Only if requested*)

7. UNABLE TO DELIVER BECAUSE:

7a. EMPLOYEE'S INITIALS

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MAY 28 1982

IDAHO DEPARTMENT OF WATER RESOURCES
SOUTHERN DISTRICT OFFICE
1041 BLUE LAKES BLVD. NORTH
TWIN FALLS, IDAHO 83301

(Name of Sender)

(Street or P.O. Box)

(City, State, and ZIP Code)

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Department of Water Resources
Southern District Office

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JUL 6 1982

TROUT CO 36-8058

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on reverse.

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1. The following service is requested (check one).

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2. ☐ **RESTRICTED DELIVERY** ¢
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TOTAL

3. **ARTICLE ADDRESSED TO:**

Gordon E. Dahlgren
Box 325
Hagerman, Idaho 83332

4. **TYPE OF SERVICE:**
☐ REGISTERED ☐ INSURED
☐ CERTIFIED ☐ COD
☐ EXPRESS MAIL

ARTICLE NUMBER
220

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I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

5. Mrs. H. Dahlgren

DATE OF DELIVERY
7-2-82

POSTMARK
HAGERMAN, IDAHO JUL 2 1982

6. **ADDRESSEE'S ADDRESS** *(Only if requested)*

7. **UNABLE TO DELIVER BECAUSE:**

7a. **EMPLOYEE'S INITIALS**

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IDAHO DEPARTMENT OF WATER RESOURCES
SOUTHERN DISTRICT OFFICE
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(Name of Sender)

(Street or P.O. Box)

(City, State, and ZIP Code)

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2. ☐ **RESTRICTED DELIVERY** ¢
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TOTAL $

3. **ARTICLE ADDRESSED TO:**

Cole & Betty Reed
P. O. Box 416
Hagerman Idaho 83332

4. **TYPE OF SERVICE:**
   - ☐ REGISTERED ☐ INSURED
   - ☐ CERTIFIED ☐ COD
   - ☐ EXPRESS MAIL

ARTICLE NUMBER
221

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SIGNATURE ☐ Addressee ☐ Authorized agent

5. Cole Reed

DATE OF DELIVERY
7-7-82

POSTMARK
HAGERMAN JUL 7 1982

6. **ADDRESSEE'S ADDRESS** *(Only if requested)*

7. **UNABLE TO DELIVER BECAUSE:**

7a. **EMPLOYEE'S INITIALS**

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1041 BLUE LAKES BLVD. NORTH
TWIN FALLS, IDAHO 83301

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(Street or P.O. Box)

(City, State, and ZIP Code)

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Department of Water Resources
Southern District Office

ACCEPTANCE OF REGISTERED, INSURED, C.O.D. AND CERTIFIED MAIL

PS Form 3877 - Aug. 1976

NAME AND ADDRESS OF SENDER: Trout - Co. 36-8058

Indicate type of mail
☐ REGISTERED ☐ COD
☐ INSURED ☐ CERTIFIED

I certify that we have
☐ Commercial Insurance
☐ A deductible clause of $

Affix stamp here if issued as certificate of mailing or for additional copies of this bill.
POSTMARK AND DATE OF RECEIPT

	NUMBER OF ARTICLE	NAME OF ADDRESSEE, STREET, AND POST-OFFICE ADDRESS	POSTAGE	FEE	Handling Charge	Actual Value (If Registered)	DUE SENDER IF C.O.D.	R. R. FEE	S. D. FEE	S. H. FEE	REST. DEL. FEE / REMARKS
1	216	Trout - Co	20	60	75						
2	217	Wm L. Mauk									
3	218	John A. & Betty A. Fenlon									
4	219	Wm. E. Nichols - Fish & game	Protest withdrawn 7/16/82								
5	220	Gordon E. Dahlgren									
6	221	Carl & Betty Reed									
7											
8											
9		[illegible] - 7/13/82									
10											
11											
12											
13											
14											
15											

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The full declaration of value is required on all domestic and international registered mail. Commercial Insurance—Payment of the full registry is required on articles valued up to $1,000 or the full amount of the deductible if the deductible exceeds $1,000. The maximum indemnity payable is $10,000 for registered mail, $300 for COD and $200 for insured mail. Special handling charges apply only to third- and fourth-class parcels. Special delivery service also includes special handling service.

FORM MUST BE COMPLETED BY TYPEWRITER, INK OR BALL POINT PEN

*USGPO: 1977 — 227-168

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF PROTEST AGAINST APPROVAL OF APPLICATION FOR PERMIT NO. 36-8058 IN THE NAME OF TROUT-CO	NOTICE OF HEARING AND/OR CONFERENCE

On February 3, 1982, Trout Co of Hagerman, Idaho filed with the Department of Water Resources an application to appropriate the public waters of the State of Idaho. On March 22, 1982, the Department received protests against approval of said application from William L. Mauk, attorney, on behalf of Cole and Billie Reed, John D. and Betty D. Pember, William E. Webb, supervisor, Department of Fish and Game, and Gordon E. Dahlgren.

The Department has set the matter of protest for hearing for Thursday, July 29, 1982, at 1:00 p.m., at the Gooding City Hall, 308 5th Avenue West, Gooding, Idaho. The hearing will be held in accordance with Chapter 2, Title 42 of the IDAHO CODE and adopted Rules of Practice and Procedure of the Department of Water Resources. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

DATED This 30 day of June, 1982.

Loren O Holmes

LOREN O. HOLMES
Southern Region Supervisor

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MAY 0 8 1991

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1341 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-2378

March 23, 1982

Trout-Co
% Nyal Hoffman
Box 425
Hagerman, Idaho 83332

Re: Application for Permit No. 36-8058

Dear Mr. Hoffman:

Enclosed are copies of protests filed against the issuance of a permit pursuant to your Application No. 36-8058 . The Department requests that 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 water rights?

2. Is the proposed water supply insufficient for the purposes sought?

3. Is the application made in good faith or for delay or speculative purposes?

4. Has the applicant sufficient financial resources and means 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:marya

Encl:

RECEIVED
MAY 0 8 1982

PROOF FILED

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

March 23, 1982

William L. Mauk
Attorney at Law
P. O. Box 700
Boise, Idaho 83701

Re: Application for Permit No. 36-8058

Dear Mr. Mauk:

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

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

1) Will the proposed use reduce the quantity of water under existing water rights?

2) Is the proposed water supply insufficient for the purpose intended?

3) Is the application made in good faith or for delay or speculative purposes?

4) Has the applicant sufficient financial resources with which to complete the project?

5) Will the proposed use conflict with the local public interest?

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

Sincerely,

LOREN O. HOLMES
Southern Region Supervisor

LOH:marya

MICROFILMED

MICROFILMED
MAY 0 8 1987

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

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

March 23, 1982

John D. & Betty D. Pember
Rt. 1 Box 378
Hagerman, Idaho 83332

Re: Application for Permit No. 36-8050

Dear Mr. & Mrs. Pember:

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

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

1. Will the proposed use reduce the quantity of water under existing water rights?

2. Is the proposed water supply insufficient for the purpose intended?

3. Is the application made in good faith or for delay or speculative purposes?

4. Has the applicant sufficient financial resources with which to complete the project?

5. Will the proposed use 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:marya

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MICROFILMED
MAY 0 8 1987

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor
A. KENNETH DUNN
~~Stephen Allred~~
Director

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

March 23, 1982

William E. Webb
Supervisor, Region 4
Idaho Department of Fish & Game
Box 428
Jerome, Idaho 83338

Re: Application for Permit No. 36-8050

Dear Mr. Webb:

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

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

1. Will the proposed use reduce the quantity of water under existing water rights?

2. Is the proposed water supply insufficient for the purpose intended?

3. Is the application made in good faith or for delay or speculative purposes?

4. Has the applicant sufficient financial resources with which to complete the project?

5. Will the proposed use 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:marya

MICROFILMED
MAY 08 1991
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

March 23, 1982

Gordon E. Dahlgren
Box 325
Hagerman, Idaho 83332

Re: Application for Permit No. 36-8050

Dear Mr. Dahlgren:

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):

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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 c

Very truly yours,

LOREN O. HOLMES
Southern Region Supervisor

LOH:marya

MICROFILMED
MAY 08 1981

IDAHO DEPARTMENT OF FISH AND GAME
REGION 4
868 East Main • Box 428
Jerome • Idaho • 83338

RECEIVED
MAR 22 1982
Department of Water Resources
Southern District Office

March 22, 1982

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

Re: Billingsley Creek

Dear Loren:

The Idaho Department of Fish and Game protests the granting of application #36-8058 for diversion of 100 cfs of Billingsley Creek water for hydropower generation. The drastic reduction in stream flow in the stream section between the point of diversion and return could adversely affect fisheries and wildlife populations in the area involved. A considerable loss of aquatic, waterfowl and furbearer habitat could occur.

The existing numerous diversions on Billingsley Creek for fish rearing facilities have already substantially impacted the stream and the Department does not feel this requested hydropower development would be in the best public interest.

Sincerely,

William E. Webb

William E. Webb
Supervisor, Region 4

MICROFILMED
MAY 08 1981

cc: Bureau of Program Coordination

Withdrawn 7/21/82

MICROFILMED

RECEIVED
MAR 22 1982
Department of Water Resources
Southern District Office

To: State of Idaho
Dept. of Water Resources
1041 Blue Lakes Blvd. N.
Twin Falls, Idaho 83301

From: John D. and Betty D. Pember
Rt. 1 Box 378
Hagerman, Idaho 83332

3/22/82

To Whom It May Concern:

We would like to protest filing #368058 by Trout Co. on Billingsley Creek for the production of power.

We Own the neighboring property and are concerned with the manner in which they plan to accomplish their plans and the effect it will have on the appearance of the creek and also the effect on wildfowl and wildfish habitat.

Thank you

John D. Pember
Betty D. Pember

MICROFILMED
MAY 08 1987

WILLIAM L. MAUK
SKINNER, DONNELLY, FAWCETT & MAUK
603 W. Franklin St.
P.O. Box 700
Boise, ID 83701
Telephone: (208) 345-2654

Attorneys for Protestants

RECEIVED
OCT 22 1982
Department of Water Resources
Southern District Office

BEFORE THE DIRECTOR, DEPARTMENT OF WATER RESOURCES, STATE OF IDAHO

In the Matter of Application for Permit No. 36-8058 in the name of Trout Co.	P R O T E S T

COME NOW Cole and Billie Reed, P.O. Box 416, Hagerman, Idaho 83332, by and through their undersigned attorney, and protest Application No. 36-8058 giling by Trout Co. for the appropriation of 100 c.f.s. from Billingsley Creek, a tributary of the Snake River.

I.

That the Protestants are the owners in fee simply of property bordering on Billingsley Creek for which the Applicant is desirous of appropriating 100 c.f.s. of water.

II.

That the application filed by the Applicant is defective in failing to provide that information required by Idaho Code, Section 42-202.

III.

That the Application filed by the Applicant conflicts with standards set forth in Idaho Code, Section 42-203, in that the proposed use: (1) will potentially reduce the quantity of water under existing water rights, (2) is not made in good faith, but rather for the purpose of delay and speculation, and (3) will conflict with local public interest.

SKINNER, DONNELLY, FAWCETT & MAUK
603 W. Franklin Street
Boise, Idaho 83701
Phone (208) 345-2654
P.O. Box 700

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MAY 08 1987

IV.

That the proposed use will be injurious to aesthetic and recreational values, damaging to fish and wildlife habitat, and otherwise prejudicial to the natural ecology and human environment of and adjacent to Billingsley Creek.

V.

That the applciation is made for the primary purpose of tying up and reserving water and/or with the intent of sale to others without any real interest to commit to beneficial use.

VI.

That the Applicant is not the real party in interest in this Application.

VII.

That the Applicant has failed to show, and cannot show, that any real probability exists for him to develope the water for hydropower generation as is required by Idaho Code Section 42-108A.

VIII.

That Protestants hereby protest upon any and all additional legal grounds legally available to them.

WHEREFORE, It is respectfully requested that the State of Idaho, Department of Water Resources, acting through its Director, reject and deny the Application and provide such other and further relief as deemed advisable in the premises.

DATED this 19th day of March, 1982.

SKINNER, DONNELLY, FAWCETT & MAUK

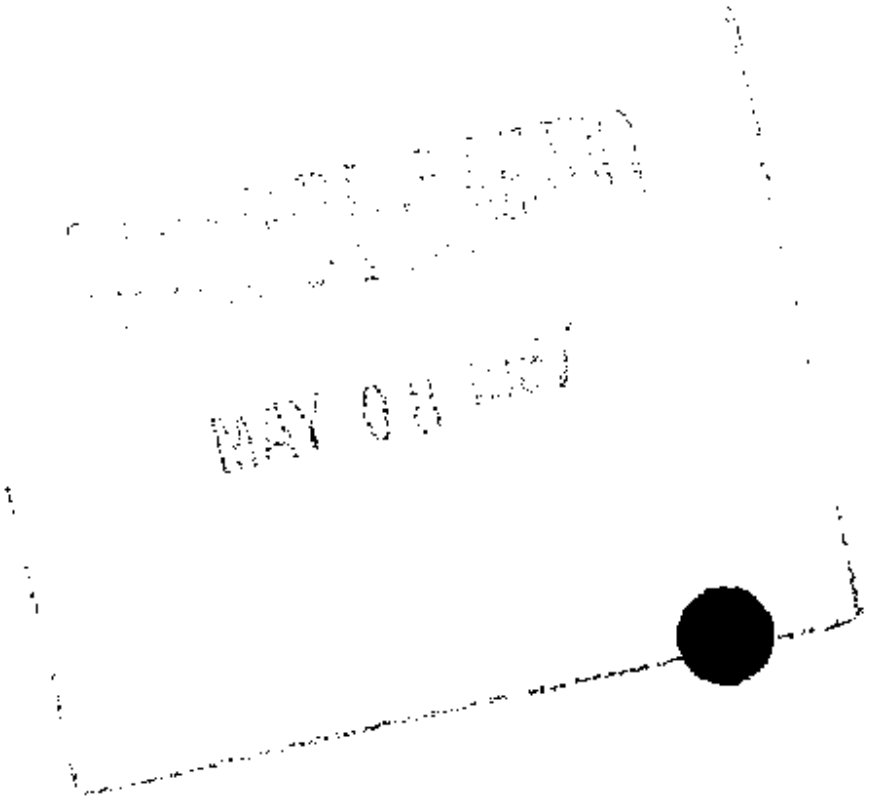
by _____
WILLIAM L. MAUK
Attorney for Protestants

SKINNER, DONNELLY, FAWCETT & MAUK
603 W. Franklin Street
Boise, Idaho 83701
Phone (208) 345-2654
P.O. Box 700

MICROFILMED
MAY 08 1987

myal Hoffmen
#1
files,





March 12, 1982

Director of the Department of Water Resources, Idaho

Gentlemen:

I protest application #36-8058 filed by Trout-Co. requesting appropriation of waters in the amount of 100.00 CFS from Billingsley Creek.

Gordon E. Dahlgren

Gordon E. Dahlgren
Box 325
Hagerman, Idaho, 83332

MICROFILMED
MAY 08 1987

RECEIVED
MAR 16 1982
Department of Water Resources
Southern District Office

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

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

March 15, 1982

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

Re: Application for Permit No. 47-7794- 36-8058

Dear Mr. Bell:

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

Sincerely,

Mary A. Hill
Secretary

for

Loren O. Holmes
Southern Region Supervisor

Encl:

RECEIVED
MAY 08 1982

Idaho first

BUHL OFFICE

February 17, 1982

RECEIVED
MAR 11 1982
Department of Water Resources
Southern District Office

Mr. Nyal Hoffman
Route 1
Filer, ID 83328

Dear Nyal:

The Idaho First National Bank has made some preliminary studies on your hydroelectric project in Hagerman. At the time of financing, should that project remain as promising to cash flow as the preliminary figures indicate and you can furnish the bank with proper titles to property and permits, we will be very interested in arranging your financial needs.

Please let me know of any progress you are making.

Sincerely,

Frank M. Arana
Manager

lf

MAY 0 R 1981

IDAHO PUMP SUPPLY
P.O. Box 901
Twin Falls, Idaho 83301
Phone 733-5535

RECEIVED
MAR 11 1982
Department of Water Resources
Southern District Office

Trout-co
Box 425
Hagerman, Idaho

1 ea 50 CFS Hydro turbine to produce 24" propellor	$ 24,300.00
1 ea " " " " " "	24,300.00
Control for up to 250 KW, including protective relaying	11,420.00
Installation, manifolding, & wiring	9,300.00
Total	$ 69,320.00

Idaho Pump Supply will supply the above equipment for Hydro Electric Project on Billingsly Creek, delivery subject to receipt of order, not to exceed 180 days.

Aaron Witherspoon, President
Idaho Pump Supply, Inc.

MICROFILMED

TRI-WEST ENTERPRISES
101 4th Ave. S.
Buhl, Idaho 83316

Civil Works to connect Hydroelectric plant at Trout Co site on Billingsley Creek.

400 ft. (10 ft. by 4 ft.) Canal	$11,500.00
Diversion Structure as per plans	3,500.00
Screening Structure as per plans	2,000.00
Rock Dam as per plans	1,500.00
	$18,500.00

Nyal Hoffman, Partner

Nyal Hoffman

Orig 42

PRE-PERMIT EXAM

Applic. No: 36-8058 Date: 3/8/87

Source: Billingsley Creek Trib. to: Snake River

Stream flow data:

Other uses in general area: Application of permit by Trout Co. at same site for this proposition.

Special considerations:

Water District or Canal Company which may have jurisdiction: 36

Explain:

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

Explain:

Recommendation and other comments: Approve

Signed: Alan R Merritt

Persons present during review of site:

None

RECEIVED
MAY 08 1987

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
Southern Region

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

FEBRUARY 26, 1982

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 MARCH 22, 1982.

Yours truly,

Mary A. Hill
Secretary

Encl.

RECEIVED
MAY 08 1982

NOTICE OF APPLICATION FOR WATER RIGHT

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

36-8058

TROUT-CO

BOX 425, HAGERMAN, ID 83332

Source: BILLINGSLEY CREEK tributary to SNAKE RIVER

Date Filed: 02/03/1982

Amount: 100.00 CFS

Diversion Point: SENE Sec 11 T 07S R 13E, GOODING Co.

Use: POWER (100.00 CFS) from 01/01 to 12/31

Place of Use: SENE Sec 11 T 07S R 13E

Diversion Means: ROCK DIVERSION, CONCRETE FLUME AND/OR PIPE TO PENSTOCK

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 MARCH 22, 1982.

MICROFILMED
MAY 08 1982

A. KENNETH DUNN

Director

MICROFILMED

Published 3/3 & 3/10/82.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region

JOHN V. EVANS
Governor
A. KENNETH DUNN
Director

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

February 11, 1982

TROUT-CO
P.O. Box 425
Hagerman, Idaho
83332

RE: Application for Permit

Gentlemen:

This office is currently processing your Application for Permit filed on February 3, 1982.

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

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

An itemized estimate of the cost of constructing the facility.

A statement of the financial resources of the applicant and the means by which funds are to be provided for construction of the project. This information will be reviewed in confidence and returned to you.

Advertising and regional office review of your application should be completed by March 12, 1982. If the above requested information is received by that date, no additional delay in processing in this office will be incurred before we forward your application to the IDWR State Office for final review.

If you have questions regarding these requirements, please contact our office.

Sincerely,

Allen D. Merritt

Allen D. Merritt
Senior Water Resource Analyst

MICROFILMED

MICROFILMED
MAY 08 1987