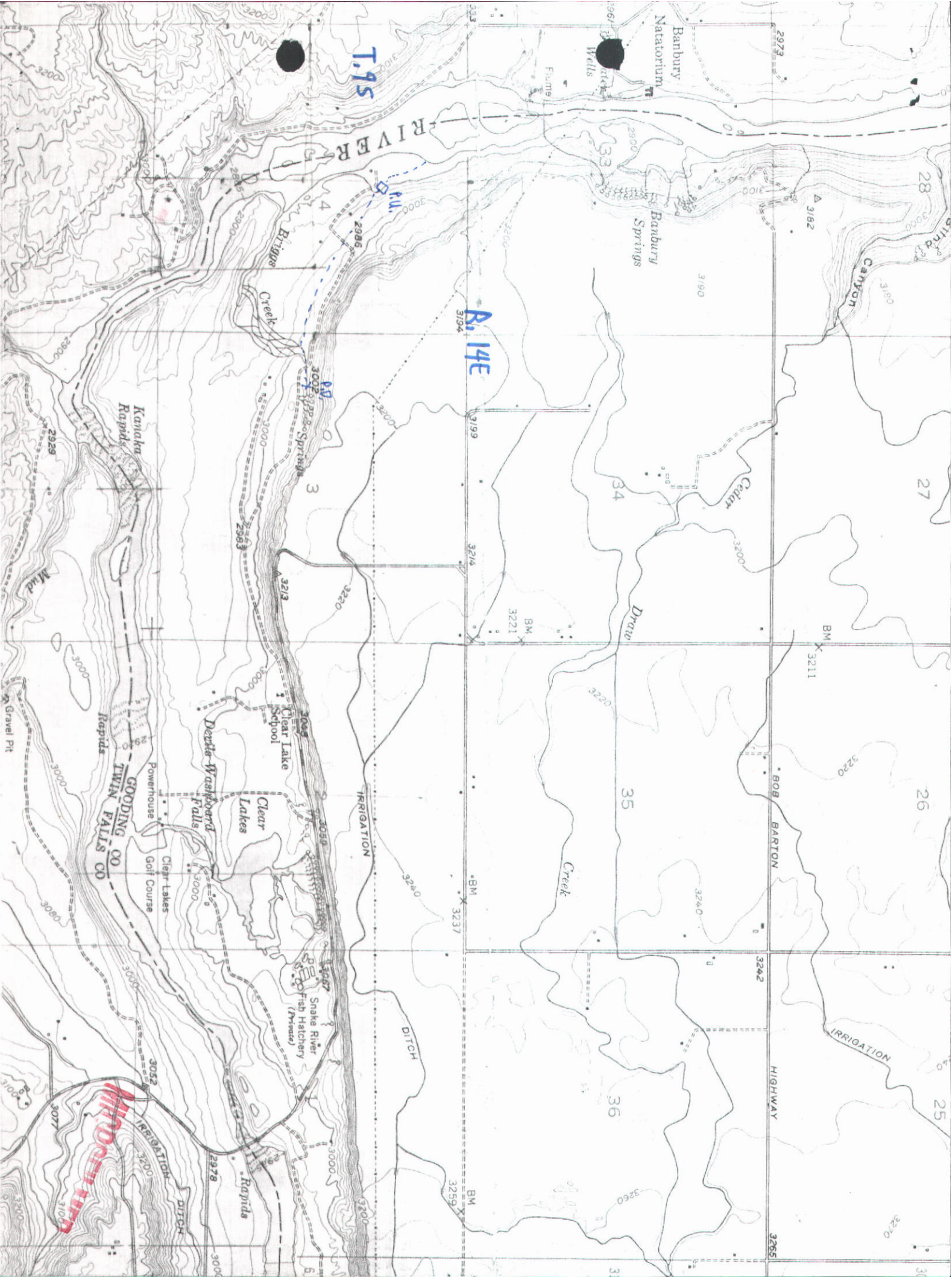
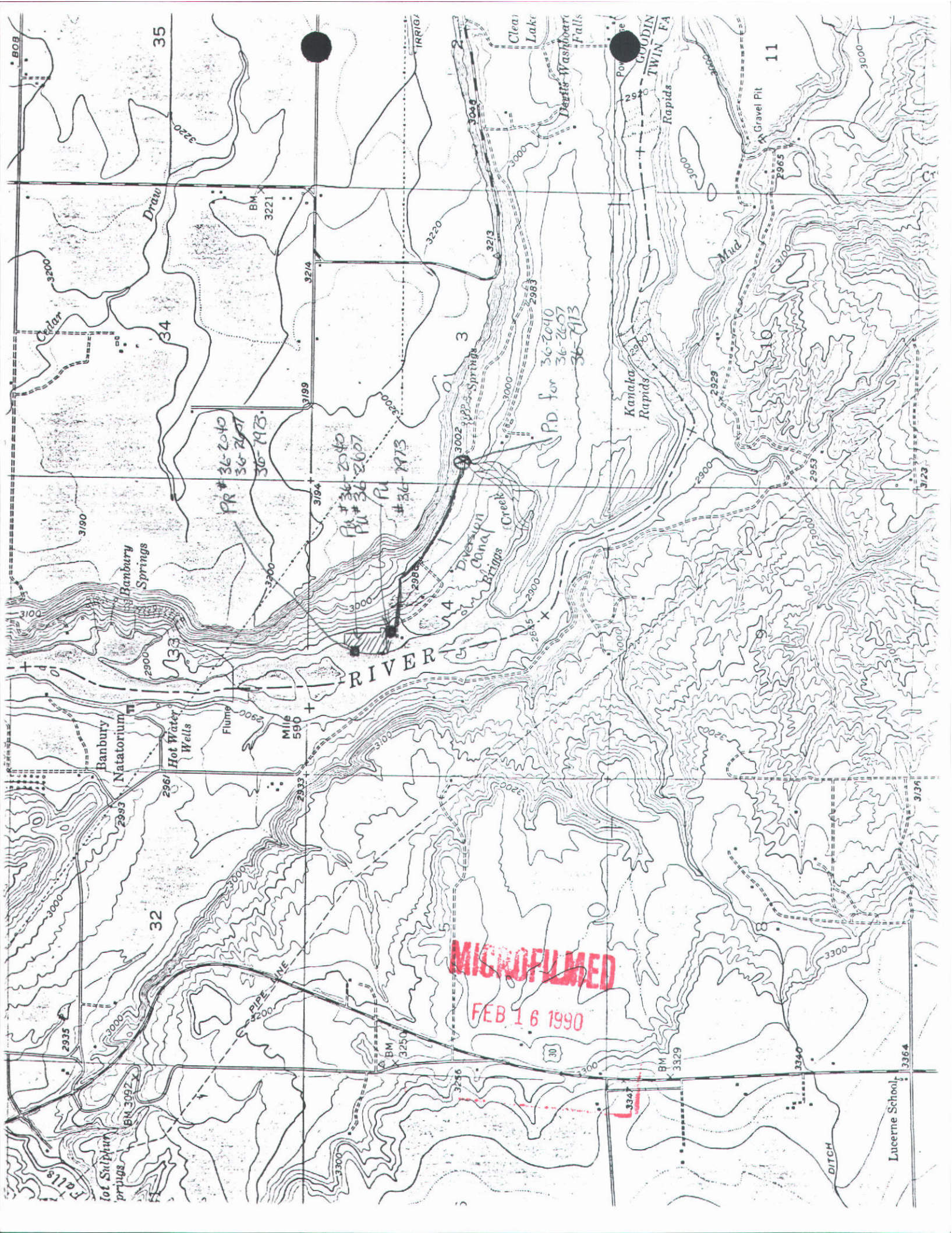


T. 9 S

R. 14 E





808

35

Draw

BM 3221

3199

3194

PR # 36-2040  
36-2007  
36-7413

Pu # 36-2040  
Pu # 36-2007  
Pu # 36-7413

RIVER

Mile 5.90

Banbury Natatorium

Hot Water Wells

32

PIPE LINE

BM 3250

MICROFILMED

FEB 16 1990

BM 3329

Lucerne School

3364

DITCH

11

Gravel Pit

Mud

Kanaka Rapids

GOULDIN TWIN FA

Rapids

Dentle Washburn Falls

Clean Lake

3002

3000

2985

2965

2945

2925

2905

2885

2865

2845

2825

2805

2785

2765

2745

2725

2705

2685

2665

2645

2625

2605

2585

2565

2545

2525

2505

2485

2465

2445

2425

2405

2385

2365

2345

2325

2305

2285

2265

2245

2225

2205

2185

2165

2145

2125

2105

2085

2065

2045

2025

2005

1985

1965

1945

1925

1905

1885

1865

1845

1825

1805

1785

1765

1745

1725

1705

1685

1665

1645

1625

1605

1585

1565

1545

1525

1505

1485

1465

1445

1425

1405

1385

1365

1345

1325

1305

1285

1265

1245

1225

1205

1185

1165

1145

1125

1105

1085

1065

1045

1025

1005

985

965

945

925

905

885

865

845

825

805

785

765

745

725

705

685

665

645

625

605

585

565

545

525

505

485

465

445

425

405

385

365

345

325

305

285

265

245

225

205

185

165

145

125

105

85

65

45

25

5

15

35

55

75

95

115

135

155

175

195

215

235

255

275

295

315

335

355

375

395

415

435

455

475

495

515

535

555

575

595

615

635

655

675

695

715

735

755

775

795

815

835

855

875

895

915

935

955

975

995

1015

1035

1055

1075

1095

1115

1135

1155

1175

1195

1215

1235

1255

1275

1295

1315

1335

1355

1375

1395

1415

1435

1455

1475

1495

1515

1535

1555

1575

1595

1615

1635

1655

1675

1695

1715

1735

1755

1775

1795

1815

1835

1855

1875

1895

1915

1935

1955

1975

1995

2015

2035

2055

2075

2095

2115

2135

2155

2175

2195

2215

2235

2255

2275

2295

2315

2335

2355

2375

2395

2415

2435

2455

2475

2495

2515

2535

| PROJECT                               | UTILITY | NUMBER OF CASE | NUMBER OF ORDER | DATE OF APPROVAL | TYPE OF FACILITY | GENER. STATE | GENER. COUNTY | LOCATION<br>STREAM DRAINAGE | TYPE OF FUEL   | FERC NUMBER   | AGREEMENT (IN YRS) TERM | CONTRACT DATE | DATE OF ADDENDUM | DATE ON-LINE | CAPACITY (KW) | INTERCON. COST |
|---------------------------------------|---------|----------------|-----------------|------------------|------------------|--------------|---------------|-----------------------------|----------------|---------------|-------------------------|---------------|------------------|--------------|---------------|----------------|
| AFTON ENERGY, INC.                    | IPCo    | U-1004-199     | 19676           | 14-May-85        | STEAM            | WYO.         | ?             | N/A                         | N/A            | WOOD WASTE    | LATER 1981 35           | 12-Aug-82     | 15-Apr-86        | 30-Dec-83    | 8,864         | ?              |
| BARBER DAM (INTERWEST)                | IPCo    | U-1006-295     | 21359           | 27-Jul-87        | HYDRO            | IDAHO        | ADA           | BOISE RIVER                 | SNAKE RIVER    | N/A           | LATER 1981 35           | 13-Jul-87     | NONE             | E. 10-01-87  | 2,400         | \$76,219       |
| BIRCH CREEK TROUT CO.                 | IPCo    | ---            | M/E             | 09-Sep-83        | HYDRO            | IDAHO        | GOODING       | BRICH CREEK                 | SNAKE RIVER    | N/A           | LATER 6458 35           | 01-Jul-83     | NONE             | 29-Mar-84    | 50            | \$18,036       |
| BLACK CANYON #3                       | IPCo    | ---            | S/A             | 11-Apr-84        | HYDRO            | IDAHO        | GOODING       | N. GOODING CANAL            | SNAKE RIVER    | N/A           | LATER 6137 35           | 02-Mar-84     | NONE             | 16-Apr-84    | 139           | \$63,324       |
| BLIND CANYON HYDRO                    | IPCo    | ---            | M/E             | 12-Aug-86        | HYDRO            | IDAHO        | GOODING       | CEAR DRAIN CREEK            | SNAKE RIVER    | N/A           | LATER 6375 35           | 21-Jul-86     | NONE             | **10-31-86   | 1,600         | \$22,962       |
| BRIGGS CREEK (RICHARD KASTER)         | IPCo    | U-1006-236     | 18996           | 13-Jul-84        | HYDRO            | IDAHO        | TWIN FALLS    | BRIGGS CREEK                | SNAKE RIVER    | N/A           | LATER 1360 35           | 21-Jun-84     | NONE             | 30-Sep-85    | 600           | \$28,311       |
| RY-PASS LTD.                          | IPCo    | U-1006-285     | 20900           | 03-Dec-86        | HYDRO            | IDAHO        | JEROME        | BY-PASS CANAL               | SNAKE          | N/A           | LATER 907035            | 12-Nov-86     | NONE             | E. 04-01-88  | 9,960         | LATER          |
| CANYON SPRINGS                        | IPCo    | U-1006-228     | 18852           | 04-May-84        | HYDRO            | IDAHO        | TWIN FALLS    | SPRING                      | SNAKE RIVER    | N/A           | LATER NONE 20           | 12-Apr-84     | NONE             | 20-Sep-84    | 130           | \$18,613       |
| CEAR DRAIN                            | IPCo    | U-1006-227     | 18852           | 04-May-84        | HYDRO            | IDAHO        | TWIN FALLS    | CANAL                       | SNAKE RIVER    | N/A           | LATER 7448 35           | 10-May-84     | NONE             | 02-May-84    | 1,550         | \$152,819      |
| CITY OF HAILEY                        | IPCo    | U-1006-263     | 19760           | 24-Jun-85        | HYDRO            | IDAHO        | BLAINE        | INDIAN CREEK                | SNAKE RIVER    | N/A           | LATER 7016 35           | 14-Jun-85     | NONE             | 17-Feb-85    | 62            | \$23,377       |
| CLEAR SPRINGS TROUT                   | IPCo    | ---            | S/A             | 28-Dec-82        | HYDRO            | IDAHO        | TWIN FALLS    | CANAL                       | SNAKE RIVER    | N/A           | LATER 6583 35           | 16-Dec-82     | NONE             | 02-Nov-83    | 520           | \$75,425       |
| CONGENERATION, INC. (ROCK CREEK)      | IPCo    | ---            | S/A             | 18-Mar-82        | HYDRO            | IDAHO        | LINCOLN       | CANAL                       | SNAKE RIVER    | N/A           | LATER 6450 35           | 13-Oct-81     | NONE             | 11-Sep-83    | 2,045         | ?              |
| CRYSTAL SPRINGS                       | IPCo    | U-1006-231     | 18852           | 04-May-84        | HYDRO            | IDAHO        | TWIN FALLS    | CRYSTAL SPRINGS             | SNAKE RIVER    | N/A           | LATER 8278 35           | 31-Mar-84     | NONE             | 30-Nov-85    | 2,441         | \$152,819      |
| CURRY CATTLE CO.                      | IPCo    | ---            | S/A             | 13-Dec-83        | HYDRO            | IDAHO        | TWIN FALLS    | CANAL                       | SNAKE RIVER    | N/A           | LATER 6676 35           | 07-Feb-83     | NONE             | 04-Jun-83    | 222           | \$29,270       |
| DEEP CREEK (DAN HUDSON)               | IPCo    | U-1006-257     | 20525           | 03-Jun-86        | HYDRO            | IDAHO        | TWIN FALLS    | DEEP CREEK                  | SNAKE RIVER    | N/A           | 83-169788 35            | 19-Mar-86     | NONE             | **11-30-86   | 268           | \$32,049       |
| DIEHRICH DROP (BPC)                   | IPCo    | U-1006-296     | 21360           | 27-Jul-87        | HYDRO            | IDAHO        | JEROME        | ? CANAL                     | SNAKE RIVER    | N/A           | LATER 9909 35           | 13-Jul-87     | NONE             | E. 03-01-88  | 4,500         | \$192,345      |
| ELK CREEK                             | IPCo    | U-1006-243     | 19186           | 17-Oct-84        | HYDRO            | IDAHO        | IDAHO         | ELK CREEK                   | SALMON RIVER   | N/A           | LATER 5503 35           | 31-Aug-84     | NONE             | 03-Apr-86    | 2,000         | \$57,208       |
| EMMETT SAWMILL                        | IPCo    | U-1006-222     | 18757           | 15-May-84        | COGEN            | IDAHO        | GEM           | N/A                         | N/A            | WOOD          | LATER 20                | 17-Jan-84     | 15-Mar-84        | 30-May-85    | 14,000        | \$205,000      |
| EVERGREEN ENERGY (TAMARACK)           | IPCo    | ---            | S/A             | 06-Dec-81        | STEAM            | IDAHO        | ADAMS         | N/A                         | N/A            | WOOD WASTE    | LATER 35                | 16-Sep-81     | NONE             | 16-May-83    | 5,000         | \$28,480       |
| FALL CREEK (BENSON)                   | IPCo    | U-1006-228     | 18852           | 04-May-84        | HYDRO            | IDAHO        | POWER         | FALL CREEK                  | SNAKE RIVER    | N/A           | LATER 7276 35           | 08-May-84     | NONE             | DEFAULT      | 150           | \$14,191       |
| FAULKNER L&L                          | IPCo    | U-1006-286     | 20986           | 09-Jan-87        | HYDRO            | IDAHO        | GOODING       | NORTHSIDE CANAL             | SNAKE          | N/A           | 7592 35                 | 11-Dec-86     | NONE             | E. 07-15-87  | 900           | LATER          |
| GEO-BOW II (GEORGE ARKOOSH)           | IPCo    | U-1006-237     | 19530           | 08-Mar-85        | HYDRO            | IDAHO        | LINCOLN       | LITTLE WOOD R.              | SNAKE RIVER    | N/A           | LATER 7593 35           | 01-Mar-85     | NONE             | 10-Oct-86    | 1,150         | \$111,515      |
| H.E.F.D. CO. (SLAUGHTERHOUSE GULCH)   | IPCo    | U-1006-278     | 20658           | 05-Aug-86        | HYDRO            | IDAHO        | TWIN FALLS    | SLAUGHTER. GULCH            | SNAKE RIVER    | N/A           | LATER 6375 35           | 06-Aug-86     | NONE             | 01-Feb-83    | 55            | \$14,561       |
| IRIG, JESS (CONTRACT REVOKED)         | IPCo    | ---            | M/E             | 01-Oct-83        | WIND             | IDAHO        | POWER         | NA.                         | NA.            | WIND          | LATER 10                | 07-Oct-83     | NONE             | 26-Aug-83    | 10            | \$0            |
| JDL LEASING (WARDS CHEESE)            | IPCo    | ---            | S/A             | 19-Aug-85        | COGEN            | IDAHO        | LINCOLN       | NA.                         | NA.            | COAL          | LATER 35                | 18-Feb-82     | NONE             | DEFAULT      | 200           | \$2,362        |
| JIM KNIGHT (MUTUAL ENERGY CO.)        | IPCo    | U-1006-250     | 19728           | 07-Jun-85        | HYDRO            | IDAHO        | LINCOLN       | BIG WOOD CANAL              | SNAKE RIVER    | N/A           | LATER 7686 35           | 01-Apr-85     | NONE             | 14-Sep-85    | 340           | \$26,392       |
| JOHN LEMOYNE                          | IPCo    | U-1006-264     | 19772           | 28-Jun-85        | HYDRO            | IDAHO        | GOODING       | THOUSAND SPRINGS            | SNAKE RIVER    | N/A           | LATER 4563 35           | 23-Apr-85     | 17-Jun-85        | 10-Dec-84    | 35            | \$21,648       |
| KASEL & WITHERSPOON                   | IPCo    | ---            | S/A             | 30-Jul-85        | HYDRO            | IDAHO        | TWIN FALLS    | CANAL                       | SNAKE RIVER    | N/A           | LATER 6410 35           | 23-Jun-83     | NONE             | 30-Dec-83    | 909           | \$78,458       |
| KOYLE SMALL HYDRO PROJECT             | IPCo    | U-1006-206     | 18004           | 08-Apr-83        | HYDRO            | IDAHO        | GOODING       | LITTLE WOOD RIVER           | SNAKE RIVER    | N/A           | LATER 4052 35           | 15-Feb-83     | NONE             | 30-Dec-83    | 1,250         | \$46,937       |
| LAIFERAL NO. 10                       | IPCo    | U-1006-234     | 18933           | 08-Jun-84        | HYDRO            | IDAHO        | TWIN FALLS    | SALMON FALLS CR.            | SNAKE RIVER    | N/A           | LATER 6250 35           | 08-Jun-84     | NONE             | 21-Jun-85    | 1,600         | \$32,334       |
| LITTLE WOOD RESERVOIR                 | IPCo    | U-1006-238     | 19068           | 22-Aug-84        | HYDRO            | IDAHO        | PLAIN         | LITTLE WOOD R.              | SNAKE RIVER    | N/A           | LATER 7487 35           | 08-Jul-84     | 17-Aug-84        | 23-Feb-85    | 2,400         | \$465,000      |
| LITTLE WOOD (WILLIAM ARKOOSH)         | IPCo    | U-1006-254     | 19754           | 24-Jun-85        | HYDRO            | IDAHO        | LINCOLN       | LITTLE WOOD R.              | SNAKE RIVER    | N/A           | 84-257753035            | 11-Jun-85     | NONE             | 05-Aug-86    | 740           | \$69,914       |
| LOW LINE CANAL (BONNVILLE-PACIFIC)    | IPCo    | U-1006-235     | 18933           | 08-Jun-84        | HYDRO            | IDAHO        | TWIN FALLS    | LOW LINE CANAL              | SNAKE RIVER    | N/A           | LATER 3216 35           | 08-Jun-84     | NONE             | 05-Apr-85    | 7,970         | \$405,000      |
| LOW LINE II                           | IPCo    | U-1006-281     | 20823           | 14-Nov-86        | HYDRO            | IDAHO        | TWIN FALLS    | LOW LINE CANAL              | SNAKE RIVER    | N/A           | LATER 8961 35           | 12-Sep-86     | NONE             | NOL          | 2,790         | LATER          |
| MAGIC DAM (COOK ELECTRIC)             | IPCo    | U-1006-294     | 21358           | 27-Jul-87        | HYDRO            | IDAHO        | BLAINE        | BIG WOOD RIVER              | SNAKE RIVER    | N/A           | LATER 3407 35           | 10-Jul-87     | NONE             | E. 06-01-88  | 9,900         | \$149,936      |
| MALAD RIVER (RAVENSCROFT)             | IPCo    | ---            | S/A             | 15-Sep-82        | HYDRO            | IDAHO        | GOODING       | MALAD RIVER                 | SNAKE RIVER    | N/A           | LATER 4055 35           | 02-Sep-82     | 07-Mar-84        | 15-Nov-83    | 615           | \$50,825       |
| MARCO RANCHES (RANCHER'S IRRIGATION)  | IPCo    | ---            | M/E             | 14-Mar-85        | HYDRO            | IDAHO        | JEROME        | IRRIGATION CANAL            | SNAKE RIVER    | N/A           | 85-255717035            | 28-Feb-85     | NONE             | 01-Jun-85    | 1,200         | \$39,489       |
| MITCHELL BUTTE                        | IPCo    | ?              | ?               | N/A              | HYDRO            | OREGON       | ?             | ?                           | ?              | N/A           | LATER ?                 | 06-Jun-85     | NONE             | N/A          | 1,675         | ?              |
| MUD CREEK (S & S LIMITED PARTNERSHIP) | IPCo    | ?              | ?               | 05-Dec-81        | HYDRO            | IDAHO        | TWIN FALLS    | MUD CREEK                   | SNAKE RIVER    | N/A           | LATER 4769 35           | 30-Oct-81     | 28-Feb-83        | 20-Feb-82    | 520           | \$40,602       |
| OWYHEE DAM POWER PROJECT              | IPCo    | N/A            | N/A             | N/A              | HYDRO            | OREGON       | N/A           | ?                           | SNAKE RIVER    | N/A           | LATER 30                | 27-Apr-84     | NONE             | N/A          | 5,000         | ?              |
| PIGEON COVE POWER COMPANY             | IPCo    | ---            | S/A             | 17-Jul-85        | HYDRO            | IDAHO        | TWIN FALLS    | ?                           | ?              | N/A           | LATER 5767 35           | 11-May-83     | NONE             | 30-Sep-84    | 1,890         | ?              |
| POCAHONTAS WASTEWATER                 | IPCo    | U-1006-266     | 19821           | 10-Jul-85        | STEAM            | IDAHO        | BANNOCK       | N/A                         | N/A            | METHANE       | 84-64 35                | 24-Apr-85     | 28-Jun-85        | 05-Dec-85    | 150           | \$12,728       |
| REYNOLDS IRRIGATION                   | IPCo    | U-1006-224     | 19794           | 03-Jul-85        | HYDRO            | IDAHO        | CANYON        | ARTESIAN WELL               | SNAKE RIVER    | N/A           | LATER 6229 35           | 01-Apr-85     | NONE             | 23-Apr-86    | 264           | \$37,634       |
| RICHARD KASTER                        | IPCo    | ---            | M/E             | 12-Nov-83        | HYDRO            | IDAHO        | TWIN FALLS    | SPRING                      | SNAKE RIVER    | N/A           | LATER 4003 35           | 07-Oct-83     | NONE             | 22-Dec-83    | 356           | ?              |
| ROCK CREEK II (BPC)                   | IPCo    | U-1006-297     | 21361           | 27-Jul-87        | HYDRO            | IDAHO        | TWIN FALLS    | ROCK CREEK                  | SNAKE RIVER    | N/A           | LATER 8046 35           | 13-Jul-87     | NONE             | E. 03-01-88  | 1,750         | \$8,359        |
| SAGEBRUSH (MUTUAL ENERGY CO.)         | IPCo    | U-1006-251     | 19728           | 07-Jun-85        | HYDRO            | IDAHO        | LINCOLN       | LITTLE WOOD R.              | SNAKE RIVER    | N/A           | LATER 2046 35           | 01-Apr-85     | NONE             | 02-Jun-85    | 433           | \$27,127       |
| SCHAFNER                              | IPCo    | U-1006-256     | 20253           | 04-Feb-86        | HYDRO            | IDAHO        | LEHMI         | INTERMIT. STREAM            | SALMON RIVER   | N/A           | 85-282643835            | 20-Dec-85     | NONE             | 08-Aug-86    | 525           | \$93,174       |
| SHIMLON CREEK (WILLIS)                | IPCo    | ---            | M/E             | 22-Dec-82        | HYDRO            | IDAHO        | IDAHO         | SHIMLON CREEK               | SALMON RIVER   | N/A           | LATER 4025 35           | 19-Aug-82     | NONE             | 15-Jul-83    | 110           | \$29,437       |
| SHOSHONE (SHORLOCK HYDRO, INC.)       | IPCo    | ?              | N/A             | N/A              | HYDRO            | IDAHO        | GOODING       | LITTLE WOOD RIVER           | SNAKE RIVER    | N/A           | LATER 7182 35           | 19-Oct-81     | NONE             | 21-Jun-82    | 450           | \$40,306       |
| SIMPLON II                            | IPCo    | U-1006-275     | M/E             | 16-Jan-86        | COGEN            | IDAHO        | POWER         | N/A                         | N/A            | ELEM. SULPHUR | LATER 35                | 08-Jan-86     | NONE             | 13-Jan-86    | 12,000        | ?              |
| SNAKE RIVER POTTERY                   | IPCo    | U-1006-230     | 18977           | 13-Jul-84        | HYDRO            | IDAHO        | GOODING       | THOUSAND SPRINGS            | SNAKE RIVER    | N/A           | LATER 5651 35           | 03-Jul-84     | NONE             | 19-Nov-84    | 70            | \$17,887       |
| SNEDIGAR RANCH                        | IPCo    | U-1006-229     | 18852           | 04-May-84        | HYDRO            | IDAHO        | TWIN FALLS    | CANAL                       | SNAKE RIVER    | N/A           | LATER 5731 35           | 24-Feb-84     | NONE             | 31-Dec-84    | 540           | \$27,531       |
| STEVENSON SITE 1                      | IPCo    | ---            | M/E             | 23-Feb-84        | HYDRO            | IDAHO        | GOODING       | SPRING                      | SNAKE RIVER    | N/A           | LATER 8865 35           | 12-Jan-84     | NONE             | 23-Apr-84    | 75            | \$7,301        |
| STEVENSON SITE 2                      | IPCo    | ---            | M/E             | 23-Feb-84        | HYDRO            | IDAHO        | GOODING       | SPRING                      | SNAKE RIVER    | N/A           | LATER 8866 35           | 12-Jan-84     | NONE             | 05-Jul-84    | 65            | \$7,301        |
| TROUT CO.                             | IPCo    | ---            | M/E             | 05-Mar-85        | HYDRO            | IDAHO        | GOODING       | CLEAR SPRINGS               | SNAKE RIVER    | N/A           | LATER 6209 35           | 07-Jan-85     | NONE             | 30-Nov-86    | 238           | \$20,085       |
| TUNNEL #1 POWER PROJECT               | IPCo    | ?              | ?               | N/A              | HYDRO            | OREGON       | ?             | ?                           | ?              | N/A           | LATER ?                 | 06-Jun-85     | NONE             | N/A          | 4,800         | ?              |
| TWIN EAGLE POWER                      | IPCo    | U-1006-287     | 21043           | 06-Feb-87        | HYDRO            | IDAHO        | TWIN FALLS    | SALMON FALLS CRK.           | SNAKE          | N/A           | LATER 35                | 31-Dec-86     | NONE             | E. 07-01-87  | 400           | LATER          |
| WHITE WATER RANCH                     | IPCo    | ---            | M/E             | 18-May-84        | HYDRO            | IDAHO        | GOODING       | SPRINGS                     | SNAKE RIVER    | N/A           | LATER 6271 35           | 24-Feb-84     | NONE             | 11-Jul-85    | 160           | \$15,869       |
| WHITE/MUD CREEK                       | IPCo    | U-1006-271     | 19849           | 22-Jul-85        | HYDRO            | IDAHO        | TWIN FALLS    | MUD CREEK                   | SNAKE RIVER    | N/A           | LATER 4115 35           | 15-Apr-85     | NONE             | 10-Jan-86    | 205           | \$29,269       |
| Y-B (NORTHSIDE CANAL CO.)             | IPCo    | ---            | S/A             | 18-Jul-85        | HYDRO            | IDAHO        | JEROME        | CANAL                       | SNAKE RIVER    | N/A           | LATER 6630 35           | 20-Apr-83     | NONE             | 19-May-83    | 85            | \$21,101       |
| JIM WHITE                             | IPCo    | END            | ?               | ?                | N/A              | HYDRO        | IDAHO         | BONNER                      | DEER CREEK     | CLARK FORK R. | LATER 3922 35           | 12-Feb-82     | NONE             | 01-Feb-82    | 250           | ?              |
| AMY, JAKE                             | IPCo    | END            | ?               | ?                | N/A              | HYDRO        | IDAHO         | BONNER                      | DEER CREEK     | CLARK FORK R. | LATER 3922 35           | 12-Feb-82     | NONE             | 01-Feb-82    | 250           | ?              |
| BIRCH CREEK POWER COMPANY, INC.       | IPCo    | U-1009-174     | 21018           | 23-Jan-87        | HYDRO            | IDAHO        | BUTTE         | LATER                       | LITTLE LOST R. | N/A           | LATER 8700 35           | 03-Jan-85     | NONE             | NOL          | 600           | LATER          |
| BLUE CRANE CREEK                      | IPCo    | U-1009-154     | 19451           | 14-Feb-85        | HYDRO            | IDAHO        | CLARK         | RENO DITCH (CANAL)          | SNAKE RIVER    | N/A           | LATER 7194 35           | 21-Aug-84     | NONE             | ?            | 2,800         | \$56,756       |
| BUNNEVILLE PACIFIC CORPORATION        | IPCo    | ---            | M/E             | 12-Aug-86        | HYDRO            | IDAHO        | BANNOCK       | BLUE CRANE CREEK            | SNAKE RIVER    | N/A           | LATER 5                 | 30-Apr-86     | NONE             | 01-Apr-86    | 7.5           | \$1,500        |
| BRIGGS PROJECT--TETON RIVER           | IPCo    | U-1009-149     | 19365           | 09-Jan-85        | HYDRO            | IDAHO        | TETON         | TETON RIVER                 | SNAKE RIVER    | N/A           | LATER 5089 35           | 02-Dec-84     | NONE             | ?            | 6,000         | \$91,313       |
| CITY OF PRESTON                       | IPCo    | U-1009-156     | 19658           | 20-Jul-86        | HYDRO            | IDAHO        | FREEMONT      | TETON RIVER                 | SNAKE RIVER    | N/A           | LATER 8083 35           | 12-Feb-85     | NONE             | ?            | 275           | \$18,463       |
| D & D STAUFFER                        | IPCo    | P-300-12       | 17218           | 03-Apr-82        | HYDRO            | IDAHO        | FRANKLIN      | CITY'S WATER LINE           | N/A            | N/A           | LATER 5972 35           | 24-Feb-82     | NONE             | ?            | 400           | \$35,042       |
| ENERGENICS SYSTEMS, INC.              | IPCo    | U-1009-153     | 19450           | 14-Feb-85        | HYDRO            | IDAHO        | BUTTE         | CANAL                       | SNAKE RIVER    | N/A           | LATER 9134 35           | 30-Nov-84     | NONE             | ?            | 3,560         | \$9,119        |
| GEORGETOWN IRRIGATION COMPANY         | IPCo    | U-1009-152     | 19449           | 14-Feb-85        | HYDRO            | IDAHO        | FREEMONT      | HENRY'S FORK RIVER          | SNAKE RIVER    | N/A           | LATER 3991 35           | 07-May-84     | NONE             | ?            | 1,750         | \$15,685       |
| INGRAM WARM SPRINGS RANCH             | IPCo    | U-1009-151     | 19448           | 14-Feb-85        | HYDRO            | IDAHO        | BEAR LAKE     | CANYON CREEK                | BEAR RIVER     | N/A           | LATER 445 35            | 02-Jul-84     | NONE             | ?            | 100           | \$20,410       |
| JOHN R. WHEELER                       | IPCo    | U-1009-145     | 20503           | 22-May-86        | HYDRO            | IDAHO        | CUSTER        | WARM SPRINGS                | SALMON RIVER   | N/A           | LATER 498 35            | 04-Mar-86     | NONE             | ?            | 2,380         | \$4,753        |
| LAST CHANCE CANAL                     | IPCo    | U-1009-155     | 19452           | 14-Feb-85        | HYDRO            | IDAHO        | BONNEVILLE    | IDAHO CANAL                 | SNAKE RIVER    | N/A           | LATER 35                | 14-Feb-85     | NONE             | ?            | 100           | ?              |
| MARSH VALLEY HYDRO                    | IPCo    | P-300-12       | 17219           | 08-Apr-82        | HYDRO            | IDAHO        | CARIBOU       | IRRIGATION CANAL            | BEAR RIVER     | N/A           | LATER 4530 35           | 24-Feb-81     | NONE             | ?            | 1,400         | \$15,000       |
| MYRON & MOLA JONES                    | IPCo    | U-1009-172     | 20979           | 07-Jan-87        | HYDRO            | IDAHO        | BANNOCK       | PORTNEUF-M.V. CNL           | SNAKE          | N/A           | LATER 35                | 21-Nov-86     | NONE             | NOL          | 1,700         | LATER          |
|                                       | IPCo    | U-1009-166     | 20680           | 12-Aug-86        | HYDRO            | IDAHO        | ONEIDA        | MILL CREEK                  | BEAR RIVER     | N/A           | LATER 7714 35           | 14-Mar-86     | NONE             | 01-Dec-86    | 260           | \$47,200       |

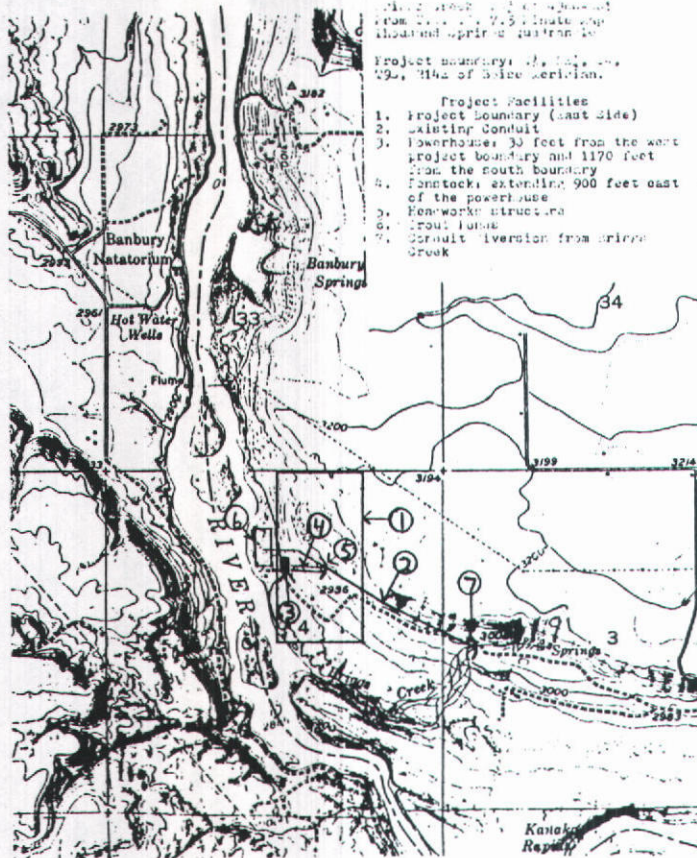
| PROJECT                               | UTILITY | STATE OF INTERCON. | COGENERATION INDUSTRIAL PROCESS | CONTRACT TYPE | CONTRACT CAPACITY (KW/YR) | CAPACITY PAYMENT (\$/KW-YR) | ANNUAL NET ENERGY AMOUNT (KWH/YR) | CONTRACT KW-I | ENERGY KW-II        | BY SEASON KW-III | (KWH) KW-IV | ENERGY FIXED F8-I | COST (M/KWH) F8-II | ENERGY F8-III | ENERGY F8-IV | ENERGY V8-I |
|---------------------------------------|---------|--------------------|---------------------------------|---------------|---------------------------|-----------------------------|-----------------------------------|---------------|---------------------|------------------|-------------|-------------------|--------------------|---------------|--------------|-------------|
| AFTON ENERGY, INC.                    | IPCo    | IDAHO              | N/A                             | N/A           | B                         | 8,064                       | 350                               | 50,471,239    | N/A                 | N/A              | N/A         | N/A               | 0.00               | 0.00          | 0.00         | 23.49       |
| BARDER DAM (INTERWEST)                | IPCo    | IDAHO              | N/A                             | N/A           | B                         | 50                          | 350                               | 19,970,208    | 7,091,151           | 7,934,162        | 4,944,895   | 30.10             | 48.10              | 40.10         | N/A          | 3.26        |
| BIRCH CREEK TRIBUT CO.                | IPCo    | IDAHO              | N/A                             | N/A           | B                         | 50                          | 350                               | 400,000       | N/A                 | N/A              | N/A         | 0.00              | 0.00               | 0.00          | 0.00         | 23.49       |
| BLACK CANYON # 3                      | IPCo    | IDAHO              | N/A                             | N/A           | C                         | N/A                         | N/A                               | 560,400       | 0                   | 204,288          | 235,152     | 70.00             | 46.70              | 70.00         | 46.70        | 5.21        |
| BLIND CANYON HYDRO                    | IPCo    | IDAHO              | N/A                             | N/A           | C                         | N/A                         | N/A                               | 8,675,685     | 0                   | 2,682,020        | 4,385,110   | 0.00              | 27.90              | 44.50         | 37.10        | 0.00        |
| BRIGGS CREEK (RICHARD KASTER)         | IPCo    | IDAHO              | N/A                             | N/A           | A                         | N/A                         | N/A                               | 5,256,000     | 1,314,000           | 1,314,000        | 1,314,000   | 70.00             | 46.70              | 70.00         | 46.70        | 5.21        |
| RY-PASS LTD.                          | IPCo    | IDAHO              | N/A                             | N/A           | A                         | N/A                         | N/A                               | 33,378,000    | 7,383,000           | 23,183,000       | 2,812,000   | 30.10             | 48.10              | 40.00         | N/A          | 3.26        |
| CANYON SPRINGS                        | IPCo    | IDAHO              | N/A                             | N/A           | A                         | N/A                         | N/A                               | 774,000       | N/A                 | N/A              | N/A         | 70.00             | 46.70              | 70.00         | 46.70        | 5.21        |
| CEDAR CREEK                           | IPCo    | IDAHO              | N/A                             | N/A           | A                         | N/A                         | N/A                               | 6,187,000     | 2,588,000           | 937,000          | 666,000     | 73.30             | 48.90              | 73.30         | 48.90        | 5.21        |
| CITY OF HAILEY                        | IPCo    | IDAHO              | N/A                             | N/A           | A                         | N/A                         | N/A                               | 494,000       | 123,500             | 123,500          | 123,500     | 0.00              | 0.00               | 0.00          | 0.00         | 23.49       |
| CLEAR SPRINGS TRIBUT                  | IPCo    | IDAHO              | N/A                             | N/A           | B                         | 791                         | 319                               | 4,504,500     | N/A                 | N/A              | N/A         | 0.00              | 0.00               | 0.00          | 0.00         | 23.49       |
| CONGENERATION, INC. (ROCK CREEK)      | IPCo    | IDAHO              | N/A                             | N/A           | B                         | 1,732                       | 319                               | 11,380,877    | N/A                 | N/A              | N/A         | 73.30             | 48.90              | 73.30         | 48.90        | 5.21        |
| CRYSTAL SPRINGS                       | IPCo    | IDAHO              | N/A                             | N/A           | A                         | N/A                         | N/A                               | 9,387,000     | 1,195,000           | 1,848,000        | 2,984,000   | 0.00              | 0.00               | 0.00          | 0.00         | 23.49       |
| CURRY CATTLE CO.                      | IPCo    | IDAHO              | N/A                             | N/A           | B                         | 170                         | 319                               | 1,115,545     | N/A                 | N/A              | N/A         | 80.10             | 53.40              | 80.10         | 53.40        | 5.21        |
| DEEP CREEK (DAN HUDSON)               | IPCo    | IDAHO              | N/A                             | N/A           | A                         | N/A                         | N/A                               | 1,058,559     | 219,231             | 227,831          | 323,173     | 30.10             | 48.10              | 40.10         | N/A          | 3.26        |
| DIETRICH DROP (BPC)                   | IPCo    | IDAHO              | N/A                             | N/A           | C                         | N/A                         | N/A                               | 21,727,516    | 5,693,930           | 12,753,200       | 3,280,686   | 73.30             | 48.90              | 73.30         | 48.90        | 5.21        |
| ELK CREEK                             | IPCo    | IDAHO              | N/A                             | N/A           | A                         | N/A                         | N/A                               | 5,140,434     | 216,964             | 2,234,820        | 2,661,445   | 61.20             | 40.80              | 61.20         | 40.80        | 5.21        |
| EMMETT SAWMILL                        | IPCo    | IDAHO              | SAWMILL                         | ?             | A                         | N/A                         | N/A                               | 72,100,000    | 20,200,000          | 10,700,000       | 25,200,000  | 0.00              | 0.00               | 0.00          | 0.00         | 23.49       |
| EVERGREEN ENERGY (TAMARACK)           | IPCo    | IDAHO              | N/A                             | N/A           | B                         | 4,942                       | 319                               | 28,139,748    | N/A                 | N/A              | N/A         | 70.00             | 46.70              | 70.00         | 46.70        | 5.21        |
| FAIR CREEK (BENSON)                   | IPCo    | IDAHO              | N/A                             | N/A           | A                         | N/A                         | N/A                               | 1,208,880     | 298,080             | 304,704          | 304,704     | 80.10             | 53.40              | 80.10         | 53.40        | 5.21        |
| FAIRVIEW LAI                          | IPCo    | IDAHO              | N/A                             | N/A           | A                         | N/A                         | N/A                               | 5,254,700     | 677,200             | 1,205,400        | 1,833,500   | 76.70             | 51.10              | 76.70         | 51.10        | 5.21        |
| GEO HUN II (GEORGE ARKUSH)            | IPCo    | IDAHO              | N/A                             | N/A           | A                         | N/A                         | N/A                               | 4,743,728     | 525,551             | 1,310,104        | 2,156,249   | 0.00              | 27.90              | 44.50         | 37.10        | 0.00        |
| H.E.F.D. CO. (SLAUGHTERHOUSE GULCH)   | IPCo    | IDAHO              | N/A                             | N/A           | C                         | N/A                         | N/A                               | 442,080       | 0                   | 108,720          | 212,400     | 0.00              | 0.00               | 0.00          | 0.00         | N/A         |
| IRON, JESS (CONTRACT REVOKED)         | IPCo    | IDAHO              | N/A                             | N/A           | REVOKED                   | N/A                         | N/A                               | N/A           | N/A                 | N/A              | N/A         | 0.00              | 0.00               | 0.00          | 0.00         | 23.49       |
| JOL LIVING (WARDS CHEESE)             | IPCo    | IDAHO              | CHEESE                          | ?             | B                         | 231                         | 319                               | 1,314,000     | N/A                 | N/A              | N/A         | 73.30             | 48.90              | 73.30         | 48.90        | 5.21        |
| JIM KNIGHT (MUTUAL ENERGY CO.)        | IPCo    | IDAHO              | N/A                             | N/A           | A                         | N/A                         | N/A                               | 2,100,000     | 200,000             | 550,000          | 800,000     | 73.30             | 48.90              | 73.30         | 48.90        | 5.21        |
| JOHN LEMOYNE                          | IPCo    | IDAHO              | N/A                             | N/A           | A                         | N/A                         | N/A                               | 232,000       | 58,000              | 58,000           | 58,000      | 48.70             | 48.70              | 48.70         | 48.70        | 22.78       |
| KASEL & WITHERSPOON                   | IPCo    | IDAHO              | N/A                             | N/A           | ?                         | N/A                         | N/A                               | ?             | ALL ENERGY PRODUCED | N/A              | N/A         | 0.00              | 0.00               | 0.00          | 0.00         | 23.49       |
| KYLE SMALL HYDRO PROJECT              | IPCo    | IDAHO              | N/A                             | N/A           | B                         | 946                         | 350                               | 6,217,000     | N/A                 | N/A              | N/A         | 73.30             | 48.90              | 73.30         | 48.90        | 5.21        |
| LATERAL NO. 10                        | IPCo    | IDAHO              | N/A                             | N/A           | A                         | N/A                         | N/A                               | 15,450,000    | 3,450,000           | 4,000,000        | 3,450,000   | 73.30             | 48.90              | 73.30         | 48.90        | 5.21        |
| LITTLE WOOD RESERVOIR                 | IPCo    | IDAHO              | N/A                             | N/A           | A                         | N/A                         | N/A                               | 8,360,000     | 0                   | 3,590,000        | 4,320,000   | 76.70             | 51.10              | 76.70         | 51.10        | 5.21        |
| LITTLE WOOD (WILLIAM ARKUSH)          | IPCo    | IDAHO              | N/A                             | N/A           | A                         | N/A                         | N/A                               | 4,001,500     | 450,300             | 982,000          | 1,628,400   | 73.30             | 48.90              | 73.30         | 48.90        | 5.21        |
| LOW LINE CANAL (BONNVILLE-PACIFIC)    | IPCo    | IDAHO              | N/A                             | N/A           | A                         | N/A                         | N/A                               | 46,841,000    | 1,404,000           | 11,782,000       | 17,459,000  | 30.10             | 48.10              | 40.00         | N/A          | 5.20        |
| LOW LINE II                           | IPCo    | IDAHO              | N/A                             | N/A           | A                         | N/A                         | N/A                               | 15,755,610    | 5,187,920           | 7,730,780        | 2,836,910   | 30.10             | 48.10              | 40.10         | N/A          | 3.26        |
| MAGIC DAM (COOP ELECTRIC)             | IPCo    | IDAHO              | N/A                             | N/A           | C                         | N/A                         | N/A                               | 31,221,200    | 8,934,226           | 21,445,417       | 841,556     | 73.30             | 48.90              | 73.30         | 48.90        | 5.21        |
| MALAD RIVER (RAVENSCROFT)             | IPCo    | IDAHO              | N/A                             | N/A           | B                         | 488                         | 319                               | 3,209,000     | 0                   | 2,493,333        | 2,493,333   | ?                 | ?                  | ?             | ?            | ?           |
| MARION RANCHES (RANCHER'S IRRIGATION) | IPCo    | IDAHO              | N/A                             | N/A           | N/A                       | N/A                         | N/A                               | 7,480,000     | ?                   | 2,493,333        | 2,493,333   | ?                 | ?                  | ?             | ?            | ?           |
| MITCHELL BUTTE                        | IPCo    | IDAHO              | N/A                             | N/A           | B                         | 445                         | 290                               | 2,922,000     | N/A                 | N/A              | N/A         | 0.00              | 0.00               | 0.00          | 0.00         | 23.49       |
| MUD CREEK (S & S LIMITED PARTNERSHIP) | IPCo    | IDAHO              | N/A                             | N/A           | ?                         | N/A                         | N/A                               | ?             | ?                   | ?                | ?           | ?                 | ?                  | ?             | ?            | ?           |
| MYHRE DAM POWER PROJECT               | IPCo    | IDAHO              | N/A                             | N/A           | B                         | 1,555                       | 350                               | 10,216,700    | N/A                 | N/A              | N/A         | 76.70             | 51.10              | 73.30         | 48.90        | 5.21        |
| PIGEON COVE POWER COMPANY             | IPCo    | IDAHO              | N/A                             | N/A           | A                         | N/A                         | N/A                               | 1,296,000     | 324,000             | 324,000          | 324,000     | 76.70             | 51.10              | 76.70         | 51.10        | 5.21        |
| POCAHELLO WASTEWATER                  | IPCo    | IDAHO              | N/A                             | N/A           | A                         | N/A                         | N/A                               | 1,848,472     | 529,200             | 447,512          | 336,680     | 70.00             | 46.70              | 70.00         | 46.70        | 5.21        |
| REYNOLDS IRRIGATION                   | IPCo    | IDAHO              | N/A                             | N/A           | A                         | N/A                         | N/A                               | 3,122,721     | 686,999             | 624,544          | 936,816     | 30.10             | 48.10              | 40.10         | N/A          | 3.26        |
| RICHARD KASTER                        | IPCo    | IDAHO              | N/A                             | N/A           | A                         | N/A                         | N/A                               | 14,073,550    | 3,950,280           | 5,244,300        | 4,878,970   | 73.30             | 48.90              | 73.30         | 48.90        | 5.21        |
| ROCK CREEK II (BPC)                   | IPCo    | IDAHO              | N/A                             | N/A           | C                         | N/A                         | N/A                               | 2,210,890     | 185,750             | 570,620          | 887,620     | 76.70             | 51.10              | 76.70         | 51.10        | 5.21        |
| SAGEBRUSH (MUTUAL ENERGY CO.)         | IPCo    | IDAHO              | N/A                             | N/A           | A                         | N/A                         | N/A                               | 2,311,800     | 321,900             | 643,900          | 795,000     | 0.00              | 0.00               | 0.00          | 0.00         | 23.49       |
| SCHAFNER                              | IPCo    | IDAHO              | N/A                             | N/A           | B                         | 80                          | 290                               | 528,737       | N/A                 | N/A              | N/A         | 0.00              | 0.00               | 0.00          | 0.00         | 23.49       |
| SHINGLE CREEK (WILLIS)                | IPCo    | IDAHO              | N/A                             | N/A           | B                         | 450                         | 290                               | 2,564,350     | N/A                 | N/A              | N/A         | 0.00              | 0.00               | 0.00          | 0.00         | 23.49       |
| SHOSHONE (SHOROCK HYDRO, INC.)        | IPCo    | IDAHO              | N/A                             | N/A           | ?                         | N/A                         | N/A                               | ?             | ?                   | ?                | ?           | 70.00             | 46.70              | 70.00         | 46.70        | 5.21        |
| SIMPLIST                              | IPCo    | IDAHO              | N/A                             | N/A           | A                         | N/A                         | N/A                               | 389,316       | 139,104             | 92,362           | 67,034      | 73.30             | 48.90              | 73.30         | 48.90        | 5.21        |
| SNAKE RIVER POTTERY                   | IPCo    | IDAHO              | N/A                             | N/A           | A                         | N/A                         | N/A                               | 1,407,000     | 338,000             | 251,000          | 342,800     | 70.00             | 46.70              | 70.00         | 46.70        | 5.21        |
| SNEDIGAR RANCH                        | IPCo    | IDAHO              | N/A                             | N/A           | A                         | N/A                         | N/A                               | 644,280       | 163,800             | 152,880          | 163,800     | 70.00             | 46.70              | 70.00         | 46.70        | 5.21        |
| STEVENSSON SITE 1                     | IPCo    | IDAHO              | N/A                             | N/A           | A                         | N/A                         | N/A                               | 491,400       | 131,040             | 120,120          | 109,200     | 73.30             | 48.90              | 73.30         | 48.90        | 5.21        |
| STEVENSSON SITE 2                     | IPCo    | IDAHO              | N/A                             | N/A           | A                         | N/A                         | N/A                               | 1,056,893     | 260,604             | 266,395          | 266,395     | ?                 | ?                  | ?             | ?            | ?           |
| TRIBUT CO.                            | IPCo    | IDAHO              | N/A                             | N/A           | ?                         | N/A                         | N/A                               | ?             | ?                   | ?                | ?           | 30.10             | 48.10              | 40.10         | N/A          | 3.26        |
| TUNNEL #1 POWER PROJECT               | IPCo    | IDAHO              | N/A                             | N/A           | A                         | N/A                         | N/A                               | 2,827,000     | 717,000             | 775,000          | 1,335,000   | 70.00             | 46.70              | 70.00         | 46.70        | 5.21        |
| TWIN FABLE POWER                      | IPCo    | IDAHO              | N/A                             | N/A           | A                         | N/A                         | N/A                               | 712,256       | 226,540             | 169,619          | 143,608     | 73.30             | 48.90              | 73.30         | 48.90        | 5.21        |
| WHITE WATER RANCH                     | IPCo    | IDAHO              | N/A                             | N/A           | A                         | N/A                         | N/A                               | 2,200,000     | 400,000             | 600,000          | 550,000     | 41.10             | 21.60              | 63.80         | 26.80        | 9.20        |
| WHITE MUD CREEK                       | IPCo    | IDAHO              | N/A                             | N/A           | B                         | 80                          | 60.72                             | 560,682       | 75,600              | 118,572          | 233,051     | ---               | ---                | ---           | ---          | ---         |
| Y-B (NORTHIDE CANAL CO.)              | IPCo    | IDAHO              | N/A                             | N/A           | B                         | 80                          | 60.72                             | 560,682       | 75,600              | 118,572          | 233,051     | ---               | ---                | ---           | ---          | ---         |
| JIM WHITE                             | IPCo    | IDAHO              | N/A                             | N/A           | B                         | 200                         | 5.06                              | 1,000,000     | N/A                 | N/A              | N/A         | ---               | ---                | ---           | ---          | ---         |
| ANY, JAKE                             | UPBL    | IDAHO              | N/A                             | N/A           | A                         | N/A                         | N/A                               | 3,942,000     | ---                 | ---              | ---         | 40.49             | N/A                | N/A           | N/A          | 14.00       |
| BIRCH CREEK POWER COMPANY, INC.       | UPBL    | IDAHO              | N/A                             | N/A           | A                         | N/A                         | N/A                               | ?             | ---                 | ---              | ---         | 40.49             | 40.49              | 40.49         | 40.49        | 14.00       |
| BLUE CRANE CREEK                      | UPBL    | IDAHO              | N/A                             | N/A           | A                         | N/A                         | N/A                               | ?             | ---                 | ---              | ---         | 40.49             | 40.49              | 40.49         | 40.49        | 14.00       |
| BONNEVILLE PACIFIC CORPORATION        | UPBL    | IDAHO              | N/A                             | N/A           | A                         | N/A                         | N/A                               | ?             | ---                 | ---              | ---         | 40.49             | 40.49              | 40.49         | 40.49        | 14.00       |
| BRIGGS PROJECT--TETON RIVER           | UPBL    | IDAHO              | N/A                             | N/A           | A                         | N/A                         | N/A                               | ?             | ---                 | ---              | ---         | 37.00             | 37.00              | 37.00         | 37.00        | 12.00       |
| CITY OF FRESTON                       | UPBL    | IDAHO              | N/A                             | N/A           | A                         | N/A                         | N/A                               | ?             | ---                 | ---              | ---         | 40.49             | 40.49              | 40.49         | 40.49        | 14.00       |
| D & D STAUFFER                        | UPBL    | IDAHO              | N/A                             | N/A           | A                         | N/A                         | N/A                               | ?             | ---                 | ---              | ---         | 40.49             | 40.49              | 40.49         | 40.49        | 14.00       |
| ENERGENICS SYSTEMS, INC.              | UPBL    | IDAHO              | N/A                             | N/A           | A                         | N/A                         | N/A                               | ?             | ---                 | ---              | ---         | 40.49             | 40.49              | 40.49         | 40.49        | 14.00       |
| GEORGETOWN IRRIGATION COMPANY         | UPBL    | IDAHO              | N/A                             | N/A           | A                         | N/A                         | N/A                               | ?             | ---                 | ---              | ---         | 40.49             | 40.49              | 40.49         | 40.49        | 14.00       |
| INGRAM WARM SPRINGS RANCH             | UPBL    | IDAHO              | N/A                             | N/A           | A                         | N/A                         | N/A                               | ?             | ---                 | ---              | ---         | 40.49             | 40.49              | 40.49         | 40.49        | 14.00       |
| JOHN R. WHEELER                       | UPBL    | IDAHO              | N/A                             | N/A           | A                         | N/A                         | N/A                               | ?             | ---                 | ---              | ---         | 40.49             | N/A                | N/A           | N/A          | 14.00       |
| LAST CHANCE CANAL                     | UPBL    | IDAHO              | N/A                             | N/A           | A                         | N/A                         | N/A                               | 6,621,300     | ---                 | ---              | ---         | 40.49             | 40.49              | 40.49         | 40.49        | 14.00       |
| MARSH VALLEY HYDRO                    | UPBL    | IDAHO              | N/A                             | N/A           | A                         | N/A                         | N/A                               | ?             | ---                 | ---              | ---         | ---               | ---                | ---           | ---          | ---         |
| MYRON & NOLA JONES                    | UPBL    | IDAHO              | N/A                             | N/A           | B                         | 260                         | 266                               | ?             | ---                 | ---              | ---         | ---               | ---                | ---           | ---          | ---         |

FEB 16 1990

RECEIVED

FEB 16 1990

| PROJECT                               | UTILITY | VARIABLE COST (M/KWH)    |          |       |
|---------------------------------------|---------|--------------------------|----------|-------|
|                                       |         | V8-II                    | V8-III   | V8-IV |
| AFTON ENERGY, INC.                    | IPCo    | 23.49                    | 23.49    | 23.49 |
| BARBER DAM (INTERWEST)                | IPCo    | 5.21                     | 4.34     | N/A   |
| BIRCH CREEK TROUT CO.                 | IPCo    | 23.49                    | 23.49    | 23.49 |
| BLACK CANYON # 3                      | IPCo    | 3.47                     | 5.21     | 3.47  |
| BLIND CANYON HYDRO                    | IPCo    | 3.26                     | 5.21     | 4.34  |
| BRIGGS CREEK (RICHARD KASTER)         | IPCo    | 3.47                     | 5.21     | 3.47  |
| BY-PASS LTD.                          | IPCo    | 5.21                     | 4.34     | N/A   |
| CANYON SPRINGS                        | IPCo    | 3.47                     | 5.21     | 3.47  |
| CEDAR DRAW                            | IPCo    | 3.47                     | 5.21     | 3.47  |
| CITY OF HAILEY                        | IPCo    | 3.47                     | 5.21     | 3.47  |
| CLEAR SPRINGS TROUT                   | IPCo    | 23.49                    | 23.49    | 23.49 |
| CONGENERATION, INC. (ROCK CREEK)      | IPCo    | 23.49                    | 23.49    | 23.49 |
| CRYSTAL SPRINGS                       | IPCo    | 3.47                     | 5.21     | 3.47  |
| CURRY CATTLE CO.                      | IPCo    | 23.49                    | 23.49    | 23.49 |
| DEEP CREEK (DAN HUDSON)               | IPCo    | 3.47                     | 5.21     | 3.47  |
| DIETRICH DROP (BPC)                   | IPCo    | 5.21                     | 4.34     | N/A   |
| ELK CREEK                             | IPCo    | 3.47                     | 5.21     | 3.47  |
| EMMETT SAWMILL                        | IPCo    | 3.47                     | 5.21     | 3.47  |
| EVERGREEN ENERGY (TAMARACK)           | IPCo    | 23.49                    | 23.49    | 23.49 |
| FALL CREEK (IRENSON)                  | IPCo    | 3.47                     | 5.21     | 3.47  |
| FAULKNER L&L                          | IPCo    | 3.47                     | 5.21     | 3.47  |
| GED-RON II (GEORGE ARNDOSH)           | IPCo    | 3.47                     | 5.21     | 3.47  |
| H.F.E.D. CO. (SLAUGHTERHOUSE GULCH)   | IPCo    | 3.26                     | 5.21     | 4.34  |
| IRON JES (CONTRACT REVOKED)           | IPCo    | N/A                      | N/A      | N/A   |
| JIM LEASING (WARDS LILIESE)           | IPCo    | 23.49                    | 23.49    | 23.49 |
| JIM MIGHT (MUTUAL ENERGY CO.)         | IPCo    | 3.47                     | 5.21     | 3.47  |
| JOHN EDWYNE                           | IPCo    | 3.47                     | 5.21     | 3.47  |
| KASSEL WITHERSPOON                    | IPCo    | 22.78                    | 22.78    | 22.78 |
| KOPEL SMALL HYDRO PROJECT             | IPCo    | 23.49                    | 23.49    | 23.49 |
| KUTERNA MD. 10                        | IPCo    | 3.47                     | 5.21     | 3.47  |
| LITTLE WOOD RESERVIOR                 | IPCo    | 3.47                     | 5.21     | 3.47  |
| LITTLE WOOD (WILLIAM ARNDOSH)         | IPCo    | 3.47                     | 5.21     | 3.47  |
| LOW LINE CANAL (BONNVILLE-PACIFIC)    | IPCo    | 3.47                     | 5.21     | 3.47  |
| LOW LINE II                           | IPCo    | 8.40                     | 7.00     | N/A   |
| MADISON DAM (COOK ELECTRIC)           | IPCo    | 5.21                     | 4.34     | N/A   |
| MADISON RIVER (RAVENSHAW II)          | IPCo    | SEE CONTRACT AMENDMENTS  |          |       |
| MADON RANCHES (RANCHER'S IRRIGATION)  | IPCo    | 3.47                     | 5.21     | 3.47  |
| MICHELL BUTTE #                       | IPCo    | ?                        | ?        | ?     |
| MUD CREEK (S & S LIMITED PARTNERSHIP) | IPCo    | 23.49                    | 23.49    | 23.49 |
| OWYHEE DAM POWER PROJECT              | IPCo    | ?                        | ?        | ?     |
| PIGEON COVE POWER COMPANY             | IPCo    | 23.49                    | 23.49    | 23.49 |
| POCAHELLO WASTEWATER                  | IPCo    | 3.47                     | 5.21     | 3.47  |
| REYNOLDS IRRIGATION                   | IPCo    | 3.47                     | 5.21     | 3.47  |
| RICHARD KASTER                        | IPCo    | 3.47                     | 5.21     | 3.47  |
| ROCK CREEK II (BPC)                   | IPCo    | 5.21                     | 4.34     | N/A   |
| SAGEBRUSH (MUTUAL ENERGY CO.)         | IPCo    | 3.47                     | 5.21     | 3.47  |
| SCHAFFNER                             | IPCo    | 3.47                     | 5.21     | 3.47  |
| SHINGLE CREEK (WILLIS)                | IPCo    | 23.49                    | 23.49    | 23.49 |
| SHOSHONE (SHOROCK HYDRO, INC.)        | IPCo    | 23.49                    | 23.49    | 23.49 |
| SIMPLIST **                           | IPCo    | NON-FIRM PRICE           |          |       |
| SNAKE RIVER POTTERY                   | IPCo    | 3.47                     | 5.21     | 3.47  |
| SNEDIGAR RANCH                        | IPCo    | 3.47                     | 5.21     | 3.47  |
| STEVENSON SITE 1                      | IPCo    | 3.47                     | 5.21     | 3.47  |
| STEVENSON SITE 2                      | IPCo    | 3.47                     | 5.21     | 3.47  |
| TROUT CO.                             | IPCo    | 3.47                     | 5.21     | 3.47  |
| TUNNEL #1 POWER PROJECT *             | IPCo    | ?                        | ?        | ?     |
| TWIN EAGLE POWER                      | IPCo    | 5.21                     | 4.34     | N/A   |
| WHITE WATER RANCH                     | IPCo    | 3.47                     | 5.21     | 3.47  |
| WHITE/MUD CREEK                       | IPCo    | 3.47                     | 5.21     | 3.47  |
| Y-B (NORTHSIDE CANAL CO.)             | IPCo    | 9.20                     | 9.20     | 9.20  |
| =====                                 |         | IPCo                     | END===== |       |
| JIM WHITE                             | PP&L    | SEE CONTRACT PAGE 5 ---- |          |       |
| =====                                 |         | PP&L                     | END===== |       |
| AMY, JAKE                             | UP&L    | N/A                      | N/A      | N/A   |
| BIRCH CREEK POWER COMPANY, INC.       | UP&L    | 14.00                    | 14.00    | 14.00 |
| BLUE CRANE CREEK                      | UP&L    | 14.00                    | 14.00    | 14.00 |
| BONNEVILLE PACIFIC CORPORATION        | UP&L    | 14.00                    | 14.00    | 14.00 |
| BRIGGS PROJECT--TETON RIVER           | UP&L    | 14.00                    | 14.00    | 14.00 |
| CITY OF PRESTON                       | UP&L    | 12.00                    | 12.00    | 12.00 |
| D & D STAUFFER                        | UP&L    | 14.00                    | 14.00    | 14.00 |
| ENERGENICS SYSTEMS, INC.              | UP&L    | 14.00                    | 14.00    | 14.00 |
| GEORGETOWN IRRIGATION COMPANY         | UP&L    | 14.00                    | 14.00    | 14.00 |
| INGRAM WARM SPRINGS RANCH             | UP&L    | 14.00                    | 14.00    | 14.00 |
| JOHN R. WHEELER                       | UP&L    | ?                        | ?        | ?     |
| LAST CHANCE CANAL                     | UP&L    | 12.00                    | 12.00    | 12.00 |
| MARSH VALLEY HYDRO                    | UP&L    | N/A                      | N/A      | N/A   |
| MYRON & NOLA JONES                    | UP&L    | 14.00                    | 14.00    | 14.00 |

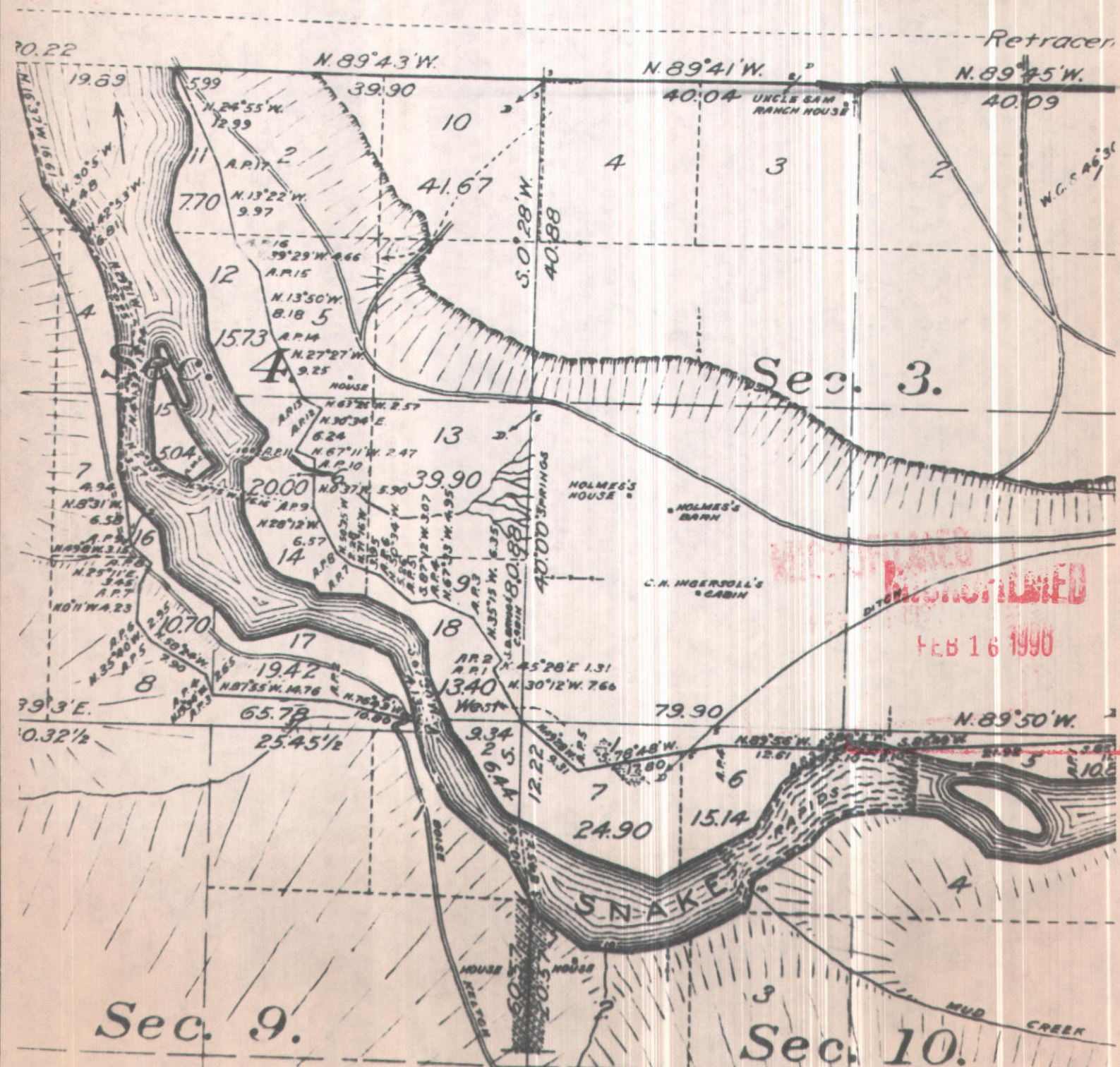


**MICROFILMED**

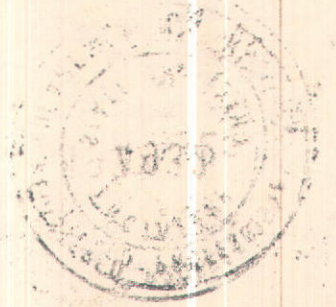
**FEB 16 1990**

*Township N<sup>o</sup> 9 South, Range N<sup>o</sup> 14*

Scale 20 Chains



1" = 660'



FISH  
Ponds



900' of 5' diameter steel pipe

Power House

Canal to penstock structure  
with trash screens

2200' of 10 to 33 ft  
wide canal  
(earthen)

Measurement location  
~200' upstream of  
structure

SE 1/4 of 4-9S-14E

NW 1/4 of 3-9S-14E

North  
Scale 1" = 660'

MICROFILMED

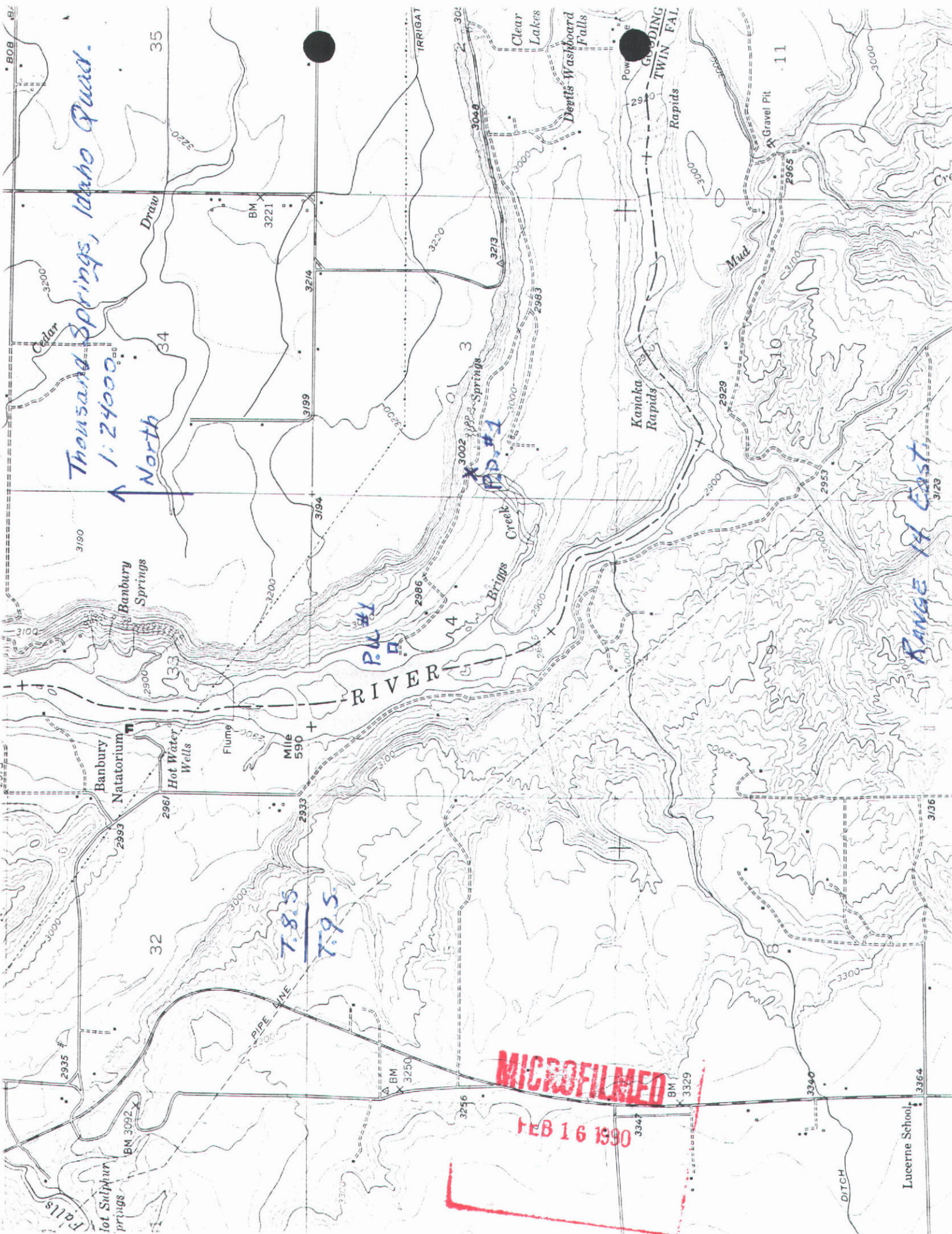
FEB 16 1990

Briggs Creek



Diversion Structure

Briggs Springs



Thousand Springs, Idaho Quad.

1:24000

North

P.W. #1

P.D. #1

7.8.5

7.9.5

RANGE 14 East

MICROFILMED

FEB 16 1990



Photograph #1. Brigg's Creek Diversion to Canal



Photograph #2. Canal to Penstock Diversion Structure

**MICROFILMED**

FEB 16 1990



Photograph #3. Canal Upstream of Penstock Diversion  
Measurement Cross Section in Background



Photograph #4. Powerhouse and Tailrace Dumping into Fish Pond

**MICROFILMED**

**FEB 16 1990**



Photograph #5. Fish Ponds Downstream of Powerhouse

MICROFILMED

FEB 13 1989



Banbury Natatorium

Banbury Springs

Hot Water Wells

Flume

RIVER

Fish Ponds  
Pump Plant

Briggs Creek

36-0199 (#1)  
36-2039  
P/O 36-2047  
36-2113

P/O 36-0199 (#2)  
36-2040  
Springs

Undeveloped Rights Not Shown

Kanahua Rapids

Devils Wash

Power

GO TWIN

Rapids

Gravel Pit

MELON

VALLEY

**MICROFILMED**  
MAY 08 1981

7/29/86

36-2040

36-2607

36-7973



Briggs Creek  
Looking upstream  
from Kuster diversion



Looking downstream.

Briggs Ct. goes  
left, Canal goes  
Right.

Sheldon has a  
diversion downstream  
on Briggs Ct.

MICROFILMED

MAY 08 1987

Kaster Lease  
1974

LEASE AGREEMENT

This lease agreement, made and entered into this 22 day of January, 1974, ~~1973~~, by and between GEORGE MYRON SHELTON and PHYLLIS SHELTON; HOWARD L. SHELTON and LOUISE SHELTON; WILLARD B. SHELTON and HEDY SHELTON; and MYRIEL SHELTON TROUNSON and WLS TROUNSON, hereinafter collectively referred to as the "Lessors" and RICHARD KASTER and ~~LOUISE~~ <sup>EDITH</sup> KASTER, hereinafter referred to as the "Lessees".

W I T N E S S E T H :

That for and in consideration of the following rents, covenant Lessors hereby lease unto Lessees, the premises described as:

That property located in Gooding County, Idaho, outlined in red on Exhibit "A", which is attached hereto; and

ALSO TOGETHER WITH the right of ingress and egress across the Lessors' property to the leased premises.

TERM: It is understood that the terms of this lease will end December 31 in the year 1999.

PURPOSE: Lessee will operate and maintain a fish farm on said premises.

CONSIDERATION: For and in consideration of the lease of said premises, Lessees shall pay to Lessors, the sum equal to five (5%) percent of the gross sales of fish raised by Lessee on said fish farm under the private production method of calculating rent. For the farm-out program method, the consideration shall be twenty-five (25%) percent of the gross sales. The gross sales shall be calculated at the end of each tax year of the Lessees. ~~The consideration shall be paid directly to each of the four Lessors, husband and wife. Payment shall be made directly by the purchaser of the fish and Lessees shall cooperate in any way necessary to effectuate such payment.~~ Annual payment shall be not less than \$14,000.

ASSIGNMENT OR SALE OF LEASE: Lessees will not assign or sell lease to another party without permission of Lessors. If

**MICROFILMED**

MAY 08 1987

M.L.  
R.H.K.  
G.K.  
GMS  
PMS

Lessees are allowed to sell lease to another party, the twenty-five (25%) percent of the consideration received by Lessees shall be directly paid to the Lessors by the purchaser and divided up according to the method of payment set forth above. (3/4 cash and 1/4 terms to Lessees and 1/4 cash and 1/4 terms to Lessors.

MINERAL, GRAVEL, WATER: Mineral, gravel, water and thermal water rights to remain in name of Lessors, and same to be used on said property by Lessees for fish production only. If Lessee should drill well or wells for water, water rights to remain in name of Lessors subject to this lease.

TAXES: Lessees shall pay all taxes and assessments on said leased premises. Lessees shall take such action as may be necessary to require separate assessment of the property leased herein and Lessors shall cooperate with Lessee in that regard. In the event of separate assessment of the demised premises cannot be accomplished, the parties agree to equitably prorate the total tax bill and assessments for the parcel demised herein, but with all taxes and assessments based upon improvements made on the demised premises to be reimbursed by Lessees to Lessor.

INSURANCE: Lessors shall be named as additional insureds on a policy of liability insurance. Lessees shall maintain a minimum of \$100,000 per person and \$300,000 per occurrence limits in said policy. A certificate of such insurance shall be supplied to Lessor at their request.

NOTICES: All notices and payments required by the terms of this attached lease shall be sent to each of the above Lessors and Lessees.

ACCOUNTING AND RECORDS: Lessees further agree to keep a true and exact accounting system to be made available to Lessors. It is understood that the Lessees shall not have the right or privilege to in any way create or cause to be created any mechanic's or materialmen's liens against the said premises during the term of this agreement. In the event Lessors disagree with any report

**MICROFILMED**

MAY 08 1987

STATE OF )  
COUNTY OF ) ss

On this 22 day of January, 1974, before me, the undersigned, a Notary Public in and for said County and State, duly commissioned and sworn, personally appeared GEORGE MYRON SHELTON and PHYLLIS SHELTON, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

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

Michael J. [Signature]

STATE OF )  
COUNTY OF ) ss

On this \_\_\_\_\_ day of \_\_\_\_\_, 1974, before me, the undersigned, a Notary Public in and for said County and State, duly commissioned and sworn, personally appeared HOWARD L. SHELTON and LOUISE SHELTON, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

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

\_\_\_\_\_

STATE OF PENNA. )  
COUNTY OF PHILA. ) ss

On this 18 day of JANUARY, 1974, before me, the undersigned, a Notary Public, in and for said County and State, duly commissioned and sworn, personally appeared WILLARD B. SHELTON and HEDY SHELTON, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

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

6039 FRANKLIN AVENUE

Notary Public, PHILA. CO., PA.

My Commission Expires Sept. 10, 1975

Frederick [Signature]

STATE OF )  
COUNTY OF ) ss

On this 22 day of January, 1974, before me, the undersigned, a Notary Public, in and for said County and State, duly commissioned and sworn, personally appeared MYRIEL SHELTON TROUNSON and WES TROUNSON, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

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

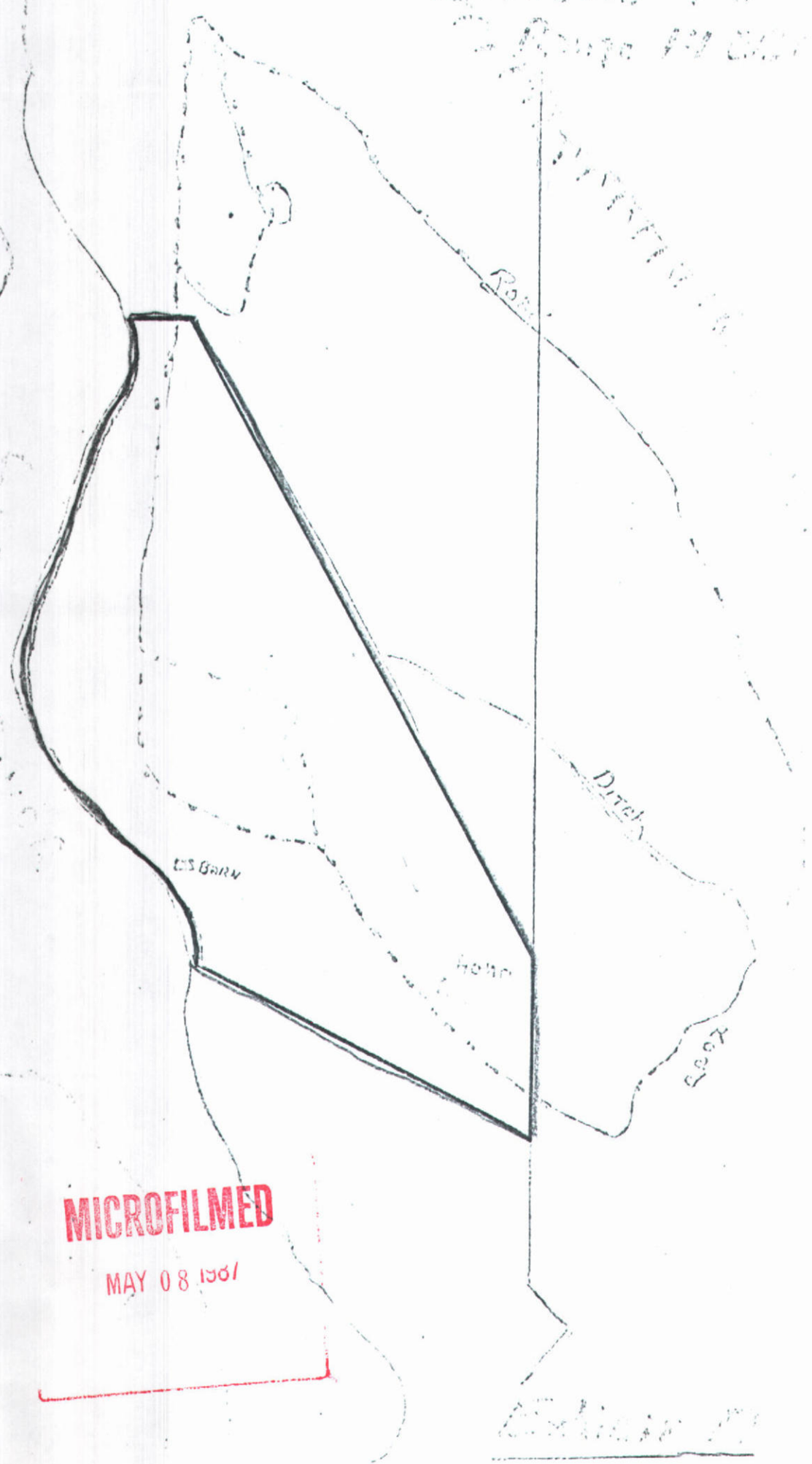
\_\_\_\_\_

MICROFILMED

MAY 08 1987

with Kaster  
 Richard Kaster  
 Wm. M. Sheldon  
 on Sheldon  
 V. Tronson  
 Myriel Tronson

1/4 Section  
 Township 9 S  
 Range 14 E

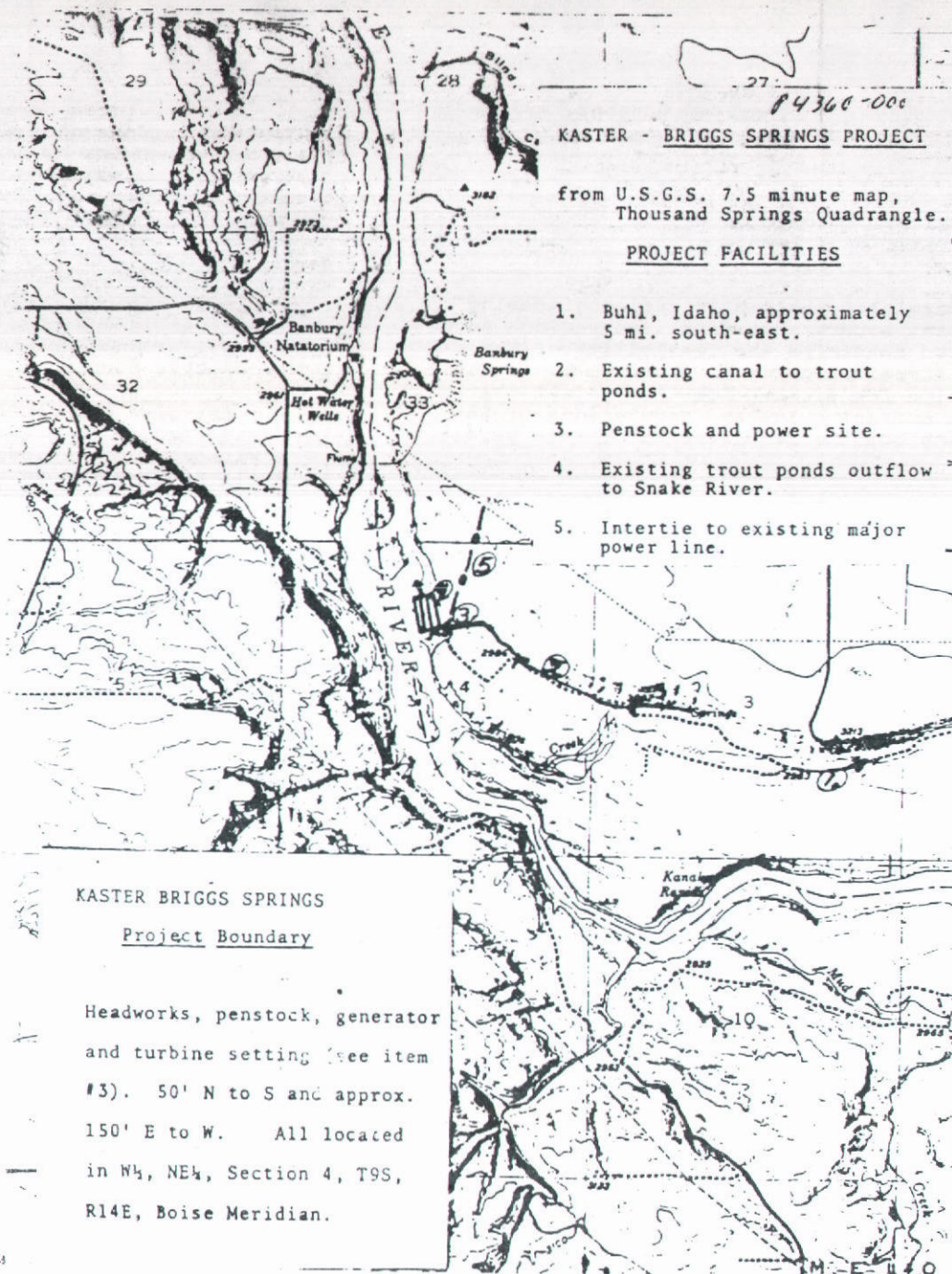


**MICROFILMED**

MAY 08 1961

1/4 = 16'  
 1/4 = 330'

Section 14



84360-000

# KASTER - BRIGGS SPRINGS PROJECT

from U.S.G.S. 7.5 minute map,  
Thousand Springs Quadrangle.

## PROJECT FACILITIES

1. Buhl, Idaho, approximately 5 mi. south-east.
2. Existing canal to trout ponds.
3. Penstock and power site.
4. Existing trout ponds outflow to Snake River.
5. Intertie to existing major power line.

## KASTER BRIGGS SPRINGS

### Project Boundary

Headworks, penstock, generator and turbine setting (see item #3). 50' N to S and approx. 150' E to W. All located in NW, NE, Section 4, T9S, R14E, Boise Meridian.

MICROFILMED

UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

- 2 -

Richard H. Kaster

Project No. 4360-000

## ORDER ISSUING PRELIMINARY PERMIT

( Issued September 3, 1981 )

The Permittee 1/ filed an application for preliminary permit under Section 4(f) of the Federal Power Act (Act), 16 U.S.C. 797(f), for the proposed water power project as described in the attached public notice. 2/

Notice of the application was published in accordance with Section 4(f) of the Act and the Commission's regulations. All protests that have been submitted, petitions to intervene that have been granted, together with all comments filed by Federal, state, and local agencies have been fully considered in determining whether to issue this permit. No party or agency commenting on the application objected to the issuance of the permit.

EFFECTS OF THIS PRELIMINARY PERMIT:

The purpose of any preliminary permit is to maintain priority of application for a license during the term of the permit while the Permittee conducts investigations and secures data necessary to determine the feasibility of the proposed project and to prepare an acceptable application for license. A preliminary permit does not authorize construction of any project works. This permit does require the Permittee to conduct certain studies, but under conditions which will assure that those studies cause no significant adverse environmental impacts. For these reasons, the issuance of this preliminary permit is not a major Federal action significantly affecting the quality of the human environment.

Any concerns raised in the comments, protests, or petitions to intervene addressing the potential effects of actually constructing and operating the proposed project are not affected by the issuance of a preliminary permit.

It is concluded that the standard permit articles and Articles 7 through 11 of this permit provide for studies, in coordination with the appropriate agencies, to address the technical, economic, and environmental considerations related to the proposed project. Should the Permittee find the project to be feasible and file an application for a license, all interested persons and agencies will be given notice and have an opportunity to review the application, present their comments concerning the project and the effects of its construction and operation, and seek to participate in the licensing proceeding.

TERM OF PERMIT:

The proposed project is considered a small scale development. Feasibility studies for small projects are limited in scope and should not require the maximum term for a preliminary permit (36 months) permitted under the Act. Therefore, the term of this permit is limited to 24 months. Review of this project indicates that this permit term should be fully adequate to complete the necessary studies if they are pursued expeditiously. Extension of the term of this permit will not be granted, except in unusual circumstances where good cause for extension is clearly demonstrated.

It is ordered that:

(A) A preliminary permit is issued to the Permittee for the proposed project as described in the attached notice, for a period effective the first day of the month in which this permit is issued, and ending either 24 months from the effective date or on the date that an application for license submitted by the Permittee has been accepted for filing, whichever occurs first. This permit is subject to the terms and conditions of the Federal Power Act (Act), which is incorporated by reference as part of this permit, and subject to the regulations the Commission issues under the provisions of the Act.

(B) This permit is also subject to Articles 1 through 6 set forth in Form P-1 (revised October 1975), entitled "Terms and Conditions of Preliminary Permit," attached to and made a part of this permit, and subject to the following special conditions set forth as additional articles:

- 1/ In this, "Permittee" refers to the applicant or applicants named in the caption for this proceeding.
- 2/ Authority to act on this matter is delegated to the Director, Division of Hydropower Licensing, Office of Electric Power Regulation, under §375.308 of the Commission's regulations, 45 Fed. Reg. 21211, as amended by Order No. 112 in Docket No. RM81-5, issued November 21, 1980, (45 Fed. Reg. 79024).

MICROFILMED



State of Idaho  
Department of Water Resources

# WATER RIGHT LICENSE

WATER RIGHT NO. 36-07973

Priority: May 22, 1981

Maximum Diversion Rate: 70.00 CFS  
Maximum Diversion Volume:<sup>1</sup> 50678.4 AF

This is to certify, that RICHARD KASTER  
RT. 4

BUHL, ID 83316 has complied with the terms and conditions  
of the permit, issued pursuant to Application for Permit dated March 11, 1981; and  
has submitted Proof of Beneficial Use on March 19, 1987. An examination indicates  
that the works have a diversion capacity of 84.950 cfs of water from:

BRIGGS SPRINGS tributary to SNAKE RIVER

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

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>RATE OF DIVERSION</u> | <u>ANNUAL VOLUME</u> |
|-----------------------|----------------------|--------------------------|----------------------|
| POWER                 | 01/01 to 12/31       | 70.00 CFS                | 50678.4 AF           |

LOCATION OF POINT(S) OF DIVERSION: NWNWSW , Sec. 3, Township 09S, Range 14E  
GOODING County

PLACE OF USE: POWER

TWN RGE SEC

09S 14E 4 LOT 12(SWNE)

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to reflect cropping patterns or acceptable standards of water delivery efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works.
6. Return flow if discharged to a surface water system shall meet Idaho Water Quality Standards.

**MICROFILMED**

FEB 10 1980

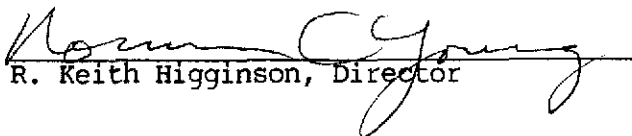
State of Idaho  
Department of Water Resources**WATER RIGHT LICENSE**

WATER RIGHT NO. 36-07973

CONDITIONS/REMARKS:

7. The water right confirmed in this license for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this license and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this license.
8. The diversion and use of water under this license is subject to review by the Director 30 years from the date of issuance. Upon appropriate findings relative to the interest of the public, the Director may cancel all or any part of the use authorized herein and may revise, delete or add conditions under which the right may be exercised.
9. The rate of diversion under this license shall not exceed 70.0 cfs when combined with Rights 36-2040 & 36-2607.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 13<sup>TH</sup> day of DECEMBER, 1989.

  
R. Keith Higginson, Director

RECORDED  
INDEXED

FEB 16 1990

IN THE MATTER OF PERMIT  
NO. 36-7973 IN THE NAME OF  
RICHARD KASTER

May 96 158M

CONCLUSIONS OF LAW

1. In order to provide for accurate measurement of flows and reliable delivery of prior water rights, lockable control works and a structure specifically designed for the purpose of measuring water is needed at the permit holder's diversion.

2. Permit No. 36-7973 is for the re-use of flows diverted under License Nos. 36-2040 and 36-2607 which are senior to the undeveloped filings, therefore, flows of water available for use under Permit No. 36-7973 would not be changed by development of the undeveloped applications and permits.

ORDER

It is therefore, hereby ORDERED that the condition of approval requiring installation of a measuring device is modified as follows:

1. A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works.

2. Installation of the required structures shall be completed within sixty (60) days of the date of this order.

Dated this 14<sup>th</sup> day of April, 1987.

  
L. GLEN SAXTON  
Chief, Operations Bureau

MAY 08 1987

**RECEIVED**

DEC 12 1986

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

## REQUEST FOR EXTENSION OF TIME

Department of Water Resources  
Southern Region OfficeTo provide additional time in which to submit proof  
of beneficial use for a water right permit

For Office Use Only

\$15 FEE Received by M. BaldwinDate 12/12/86Receipt # 40624

(Cash)

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. 36-7973Name(s) of Permit Holder: Richard KasterPost Office Address: Rt 4 Buhl, ID 83316

Telephone No. \_\_\_\_\_

Date Proof is Due: 10/1/1986

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".)

The Power Plant is Complete & in Operation.The required measuring device is being designed.Costing \$ 1.2 Million

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

The Certified Water Right Examiner has not completed  
the Field Report due to the need for the measuring  
device required by the Permit

Permit holder(s) request an extension to Oct 1, 19 87.  
(1 yr. minimum)Richard Kaster  
(Signature)\*

FEE: \$15.00

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

## 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 October 1, 1987.

IT IS FURTHER ORDERED that the permit be REINSTATED and the priority advanced to May 22, 1981, pursuant to Section 42-218a, Idaho Code.

Signed this 18<sup>th</sup> day of December, 19 86.

J. Glen Saxton  
Chief, Operations Bureau

INTER-DEPARTMENT MEMO — 1

DATE 2-24-86

FROM Jim Johnson

TO File 36-7973

SUBJECT Assignment of permit AS SECURITY

Note! The attached Assignment did not change the ownership of the permit.

A copy of all correspondence in reference to this permit should be sent to 

ZION LEASING COMPANY  
310 SOUTH MAIN STREET  
P.O. BOX 180  
SALT LAKE CITY, UTAH 84110-180

JAN 25 1986

SIGNATURE

RECEIVED  
JAN 18 1986

Department of Water Resources  
Southern District Office

RECEIVED  
JAN 16 1986

Department of Water Resources

Department of Water Resources

ASSIGNMENT OF PERMIT

RICHARD H. KASTER and  
EDITH M. KASTER

hereby assign to

ZIONS LEASING  
COMPANY

of P. O. Box 180, Salt Lake City, Utah, 84110  
address

X All of our right, title, and interest in and to Permit  
No. 36-7973 to appropriate the public waters of the  
State of Idaho.

       The following described portion of our right, title,  
and interest in and to Permit No.            to  
appropriate the public waters of the State of Idaho.  
(Describe that portion of the permit being assigned  
by listing the acreage within each 40 acre sub-  
division, the point of diversion and the amount of  
water in cubic feet per second for direct diversion,  
or acre feet for storage.)

This assignment is given as collateral security  
for the obligations of Richard H. Kaster and  
Edith M. Kaster to Zions Leasing Company, said  
obligations are further secured by, among other  
things, a conditional assignment for security,  
leasehold mortgage and security agreement which  
which covers the real property described in said  
permit, and and a mortgage covering other lands.

Made this 30 day of December, 1985.

Richard H. Kaster

RICHARD H. KASTER, Permit Holder

MICROFILMED

JAN 28 1986

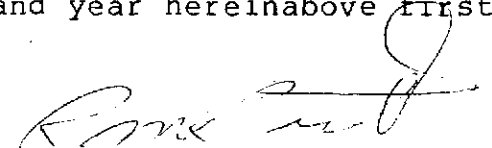
Edith M. Kaster

EDITH M. KASTER, Spouse of Permit  
Holder

STATE OF IDAHO, )  
 )ss  
County of Twin Falls. )

On this 20<sup>th</sup> day of December, 1985, before me, the under-  
signed, a Notary Public for said state, personally appeared  
RICHARD M. KASTER and EDITH M. KASTER, husband and wife, known to  
me to be the persons whose names are subscribed to the foregoing  
instrument, and acknowledged to me that they executed the same.

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

  
\_\_\_\_\_  
Notary Public for Idaho  
Residing at Twin Falls, Idaho

APPROVAL BY DEPARTMENT OF WATER RESOURCES

The State of Idaho, Department of Water Resources, by and  
through its duly authorized agent, hereby approves the assignment  
for security of the foregoing permit, and agrees to notify Zions  
Leasing Company, P. O. Box 180, Salt Lake City, Utah, 84110, of  
any and all facts, information, claims, delinquencies, lapses,  
etc., that may be filed and/or brought to our attention in connec-  
tion with Water Permit No. 36-7973.

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

By \_\_\_\_\_  
Title: \_\_\_\_\_

**MICROFILMED**

JAN 20 1986

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 Richard Kaster Phone None

Post office address Route #4, Buhl, Idaho 83316

2. Source of water supply Briggs Springs which is a tributary of Snake R.

3. Location of point of diversion is NW  $\frac{1}{4}$  of SW  $\frac{1}{4}$  of Section 3 Township 9S

Range 14E B.M. Gooding County, additional points of diversion if any: \_\_\_\_\_

4. Water will be used for the following purposes:

70 R.R.R. 8/19/81  
Amount 100 cfs for Power purposes from Jan 1 to Dec 31 (both dates inclusive)  
(cfs or acre-feet per annum)

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

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

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

5. Total quantity to be appropriated:

70 R.R.R. 8/19/81  
a. 100 cubic feet per second and/or b. \_\_\_\_\_ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Ditch & pipeline to generator

b. Height of storage dam \_\_\_\_\_ 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 \_\_\_\_\_ to \_\_\_\_\_ inclusive.  
(Month/Day) (Month/Day)

c. Proposed well diameter is \_\_\_\_\_ 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: SW  $\frac{1}{4}$  of NE  $\frac{1}{4}$  of Section 4 Township 9S

Range 14E B.M.

(2) Amount of power to be generated: 636\* JJ 9/30/81  
--908-- horsepower under 100 feet of head.

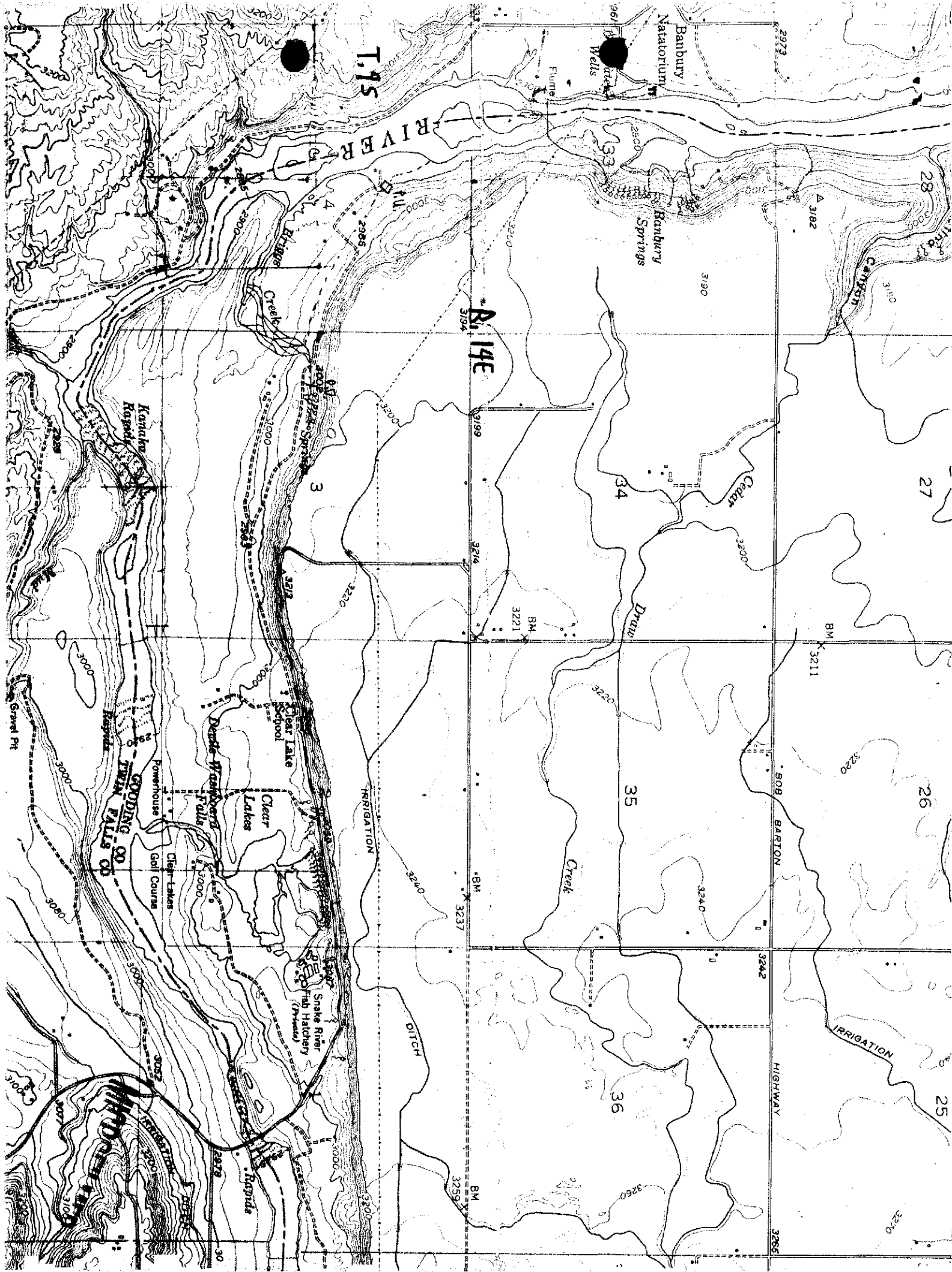
(3) List number of each kind of livestock to be watered \_\_\_\_\_

(4) Name of municipality to be served \_\_\_\_\_, or number of families to be \_\_\_\_\_  
served with domestic water \_\_\_\_\_

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

RECORDED





1

A full-page sheet of white graph paper featuring a uniform grid of thin black lines. The grid consists of 20 columns and 20 rows, creating a total of 400 small squares. The lines are evenly spaced and extend across the entire page, leaving no margins or additional markings.

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.

State of Idaho a

**MICROFILMED**

Richard Kaster  
(Applicant)

Proposed Priority 3/11/1981

Received by OP Date 3-11-81 Time 10 am

Preliminary check by TGB Fee \$ 1225<sup>00</sup> # 16877

Received by maria Date 3/1/81

Publication prepared by Lh Date 3/23/81

Published in Gooding Co. Leader

Publication dates 4/8 & 4/15/81

Publication approved maria Date 4/1/81

Protests filed by: Gary & Catherine Wright  
Protests withdrawn at Conference 8/19/81

Copies of protests forwarded by \_\_\_\_\_

Hearing held by LH & BDP Date 8/19/81

Recommended for approval denial by LH RC

#### 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. 36-7973, 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 October 1, 19 86.

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

d. Other: A measuring device of a type approved by the Department shall be permanently installed and maintained as part of the diverting works.

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.

This project shall be operated in a manner that will not conflict or interfere with the future diversion of water for irrigation or other beneficial consumption.

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

The rate of diversion under this permit shall not exceed 70.0 cfs when combined with prior rights 36-2040 and 36-2607.

Witness my hand this 8<sup>th</sup> day of October, 1981.

J. Glen Saxton  
Chief, Operations Bureau

MICROFILMED

BEFORE THE DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO

RECEIVED

APR 24 1981

BD

IN THE MATTER OF APPLICATION FOR )  
PERMIT NO. 36-7973 in the name of )  
Richard Kaster )

Department of Water Resources  
Southern District Office  
Protest of Catherine &/or  
Gary Wright

We the undersigned, Catherine &/or Gary Wright, file this protest to the granting of a water permit in connection with the above application for the appropriation of water from Briggs Spring as is more particularly described in the notice of Application No. 36-7973 submitted on 3/11/81. Said protest is based upon the following grounds:

- 1) The above named protestants have on file with the Department of Water Resources, State of Idaho, an application ( No. 36-7806) to appropriate 40 cfs from the above named water source for use as Fish Propagation. This application is dated 7/26/78. The memorandum decision and order on application No. 36-7806 is pending at this time with the Department of Water Resources.
- 2) Measurements of water from Briggs Spring taken by the U.S. Geo. Survey indicate an average of 111 CFS available. This average is based on measurements taken over a ten year period from 1969 through 1978. Therefore there is not sufficient water in Briggs Spring to supply water for both of the permits listed above, plus these permits already in force on these waters, namely license no. 36-2039, 36-2040, 36-2607.
- 3) Protestants application, No. 36-7806, proposes use of 40CFS in Sections 2 & 3 of Township 9S, Range 14E B.M. and Gov. Lots 5 & 6, Section 10, Twp. 9S, Rge. 14E., B.M. which would not be compatible with the proposed use in Section 4 of Twp. 9S, Rge. 14E. per application No. 36-7973.

Therefore, we request that application No. 36-7973 be denied, and if it is not denied any water rights granted pursuant thereto be made subordinate to those of the undersigned.

Dated this 22nd day of April, 1981

*Catherine Wright*  
*Gary Wright*  
Catherine &/or Gary Wright  
Rt 4 Box 228  
Buhl, Idaho 83316

MICROFILMED

RECEIVED

AUG 3 1981

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

Department of Water Resources  
Southern District Office

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.

Richard Kaster  
Applicant

State of Idaho )  
County of Twin Falls ) ss.

On this 3rd day of August, 19 81, personally  
appeared before me the signer(s) of the above instrument, who duly acknowledged  
to me that he (she) (they) executed the same.

Loren O. Palmer  
Notary Public residing at

seal

Twin Falls

My commission expires:

LS

MICROFILMED

## Briggs Creek Project

|                                                         |               |
|---------------------------------------------------------|---------------|
| Head canal improvements                                 | 30,000        |
| Headworks (concrete, rebar, ect.)                       | 15,000        |
| 500' - 48" penstock (steel)                             | 30,000        |
| In-house equipment                                      | 300,000       |
| Interconnection line                                    | 15,000        |
| Substation                                              | 15,000        |
| Powerhouse Foundation<br>(draft tube and building slab) | 10,000        |
| Steel building                                          | <u>10,000</u> |
|                                                         | \$ 425,000    |

Estimated output - 700 Kw average

MICROFILMED

RECEIVED

APR 10 1981

Department of Water Resources  
Southern District Office

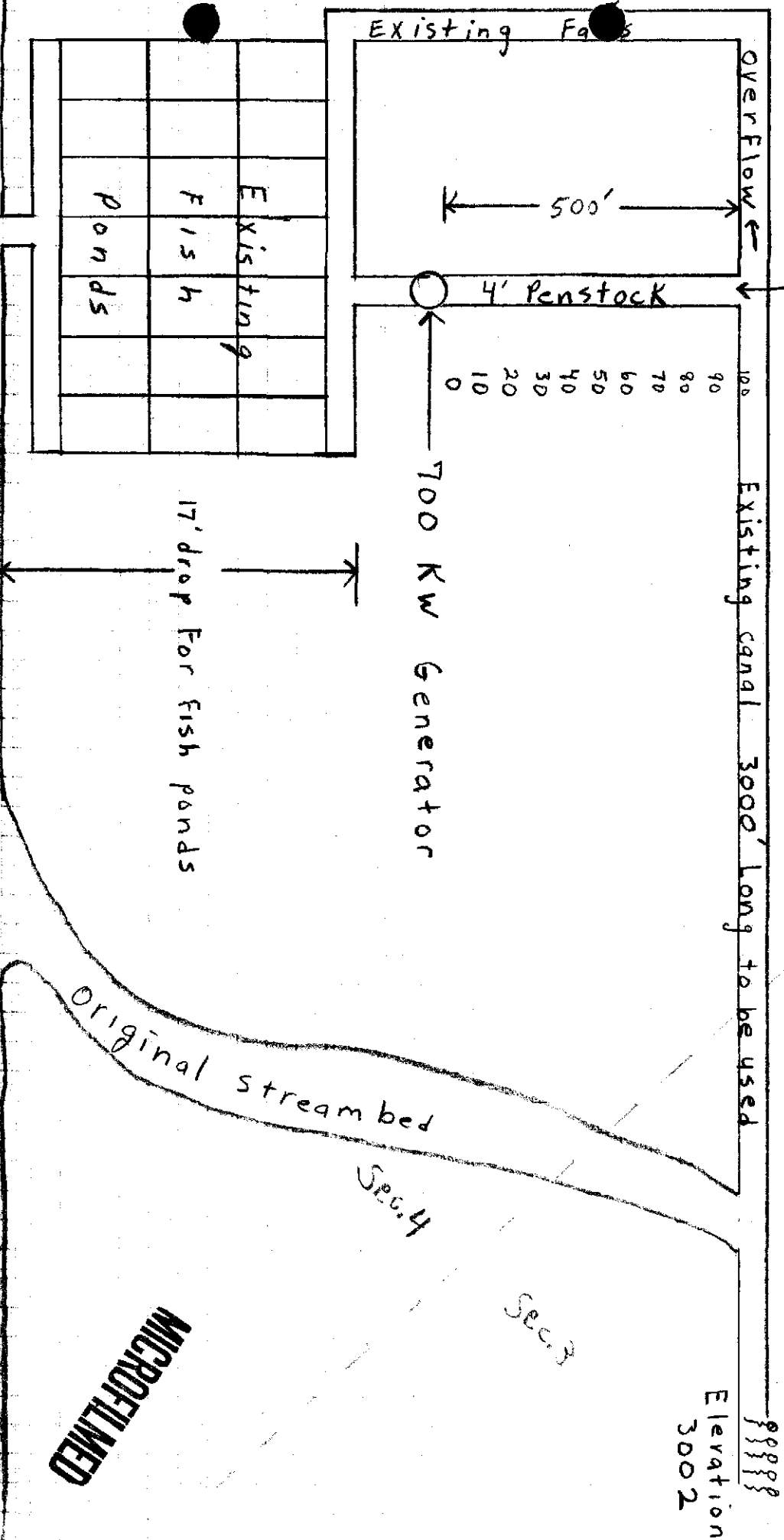
# Briggs Creek Project

Richard Kaster applicant



Simple concrete  
diversion structure

Existing  
diversion



INTER-DEPARTMENT MEMO — 1

DATE 3-11-1981

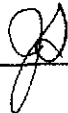
FROM Jim Stanton

TO File

SUBJECT Financial Statement of Richard Kaster

On this date, Richard Kaster filed an application for permit to appropriate 100 cfs from Briggs Springs for power production. He stated that the project would cost \$225,000 to develop. I examined his financial statement, and it appeared that he has sufficient financial resources to develop this project.

MILITARY UNIT

  
SIGNATURE

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
AFFIDAVIT OF RESIDENCY OR QUALIFICATION TO DO BUSINESS  
IN AND UNDER THE LAWS OF IDAHO

A. Individual Applicant or Individual Members of a Partnership:

I Richard Kaster of Buhl, County of  
(name) (city)  
Twin Falls, State of Idaho, being duly sworn, do hereby certify that I am a bona fide resident  
of the State of Idaho.

/s/ Richard Kaster

Subscribed and sworn to before me this 11th day of March, 19 81

/s/ Mary A. Hill

Notary Public

Residence Twin Falls, Id

My Commission expires Life

B. Corporation:

I \_\_\_\_\_ of \_\_\_\_\_, County of  
(name) (city)  
\_\_\_\_\_, State of Idaho, being first duly sworn, depose and say: That I am the designated  
registered agent of the \_\_\_\_\_;  
(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 \_\_\_\_\_  
(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  
(name of corporation)

State of Idaho under the laws of the State of Idaho.

/s/ \_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_

/s/ \_\_\_\_\_

Notary Public

Residence \_\_\_\_\_

My Commission Expires \_\_\_\_\_

MICROFILMED

# AFFIDAVIT of PUBLICATION

State of Idaho, }  
County of Gooding } SS.

Gary Brock 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 8 day of April

19 81, and the date of the last publication was on the 15

day of April 1981.

Subscribed and sworn to before me this 15

day of April, 1981.  
(SEAL)

Gweneth D. Hsia  
NOTARY PUBLIC

GOODING COUNTY LEADER

Gooding, Idaho

**COST OF PUBLICATION**

*old merge*

Number of Lines in Notice 32  
Number of Sections 2  
Lines tabular at 38  
Lines straight at 32 29 9.28  
Subsequent lines at 32 19 6.08  
TOTAL COST 15.36

## COPY OF NOTICE

(Paste Here)

36-7973 Horton

TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Dyck of Water  
BILL TO

36-7973

KASTER, RICHARD  
RT. 4, BUHL, ID 83316  
Source: BRIGGS SPRINGS  
tributary to SNAKE RIVER  
Date Filed: 03/11/1981  
Amount: 100.00 CFS  
Diversion Point: NWSW Sec  
03 T 09S R 14E, GOODING  
Co.  
Use: POWER (100.00 CFS)  
from 01/01 to 12/31  
Place of Use: SWNE Sec 04 T  
09S R 14E  
Diversion Means: DITCH &  
PIPELINE

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 APRIL 27, 1981.

/s/ C. STEPHEN ALLRED  
Director

Pub: 4-8, 15

RECEIVED

36605

APR 23 1981

N<sup>o</sup> 2731  
Department of Water Resources  
Southern District Office

December 29, 1989

RICHARD KASTER  
RT. 4  
BUHL, ID 83316

RE: PERMIT NO. 36-07973

Dear Permit Holder(s):

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

Sincerely,

JIM JOHNSON  
Water Rights Supervisor

JJ:sc

Enclosure

**MICROFILMED**

FEB 18 1990

MEMORANDUM

TO: File no. 36-7973  
FROM: Gary Spackman *Gary*  
DATE: March 9, 1989  
RE: Term of license

Idaho Code § 42-203B(7) requires that the Director designate a number of years through which the term of the license shall extend. It also lists factors to be considered in establishment of the term. The four factors are: (1) The term of power purchase contract, (2) The policy of the Public Utilities Commission, (3) The term of a FERC license, and (4) Existing downstream water uses.

A FERC exemption was obtained for the power use under permit 36-7973. An exemption does not specify a term of years.

The term of the power purchase contract is 35 years.

The Idaho Public Utilities Commission (PUC) approved the power sales contract and the 35 year term.

There are other water rights of Briggs Creek and the Snake River downstream from this hydropower plant. Most of the water rights are earlier in time, and they will require bypass of water. There is not much chance of upstream development that would deplete flows.

The power sales contract is the controlling document. It was signed in June, 1984. The power sales contract has been effective for approximately 5 years. I suggest that the term of condition 7 on the license be changed to 30 years instead of 35 years to correspond with the expiration of the power sales contract.

RECEIVED

FEB 16 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 334-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

February 16, 1989

Richard Kaster  
Rt. 4  
Buhl, ID 83316

RE: Permit to appropriate water no. 36-7973 proposing diversion  
of 70 cfs for fish propagation from Briggs Springs

Dear Mr. Kaster:

The department has reviewed a field examination for permit no. 36-7973 completed by Clarence Robison, and find that his field examination is complete. We need one more piece of information, however, to allow us to issue a license on this permit.

Idaho Code § 42-203B mandates that we issue a license for a term of years that corresponds with the FERC licensing period, the generation sales contract, and policy of the public utilities commission. Would you please provide me with a copy of the electrical sales contract, or at least that portion that talks about the duration of the contract. Would you also tell me what the policy of the PUC regarding the length of time of the generating contract.

With submittal of this information, I believe I can recommend that a license be issued.

Sincerely,

Gary Spackman, Manager  
Water Right Permits Section

**MICROFILMED**

FEB 16 1990

**CMR Consulting**

Clarence Wm. Robison, P.E.

Route 2, 230 Maxine

Kimberly, Idaho 83341

(208) 423-4972

**RECEIVED**

JUL 21 1988

Department of Water Resources

July 20, 1988

Gary Spackman, Supervisor  
Water Allocation Section  
Idaho Department of Water Resources  
1301 North Orchard Street  
Statehouse Mail  
Boise, Idaho 83720

Re: Filed Exam for Permit No. 36-7973

Dear Mr. Spackman:

With regard to the file field examination for water permit number 36-7973 for power generation two items requested for clarification concerning Rule 5,1,6. and 5,1,5. The first item,

The first item, permanent measuring and lockable control devices - Rule 5,1,6., was noted in the cover letter attached to the exam as being not acceptable on the date of the exam. Since that date the permit holder has installed a permanent flow measuring device with acceptable lockable control gates at the point of diversion. I have attached a copy of the rating curve and table for the broad crested weir he installed which was designed by C.E. Brockway, PE. I personally visited the point of diversion on the 16th of June, 1987 with Mr. Brockway when we surveyed in the staff gage and performed a current meter measurement to verify the rating curve.

As to the second item, point of return of the diverted waters - Rule 5,1,5., I was under the impression from discussions with IDWR personnel and my interpretation of the rule that it was not required of this permit due to the fact that the power generation permit was on water covered by water rights #36-2040 and #36-2607 for fish propagation and that the physical place of power generation occurs upstream of these prior rights that the point of return was not a public water source. However, it appears that I was wrong. After passing through the turbines covered by permit #36-7973, the water leaves the power plant in a tail race which also functions as a distribution system for the fish propagation ponds covered by the above mentioned rights. After leaving the ponds the water is returned to the Snake River in NE1/4 of the NW1/4 of Section 4 Township 9 South, Range 14 East.

Sincerely,



Clarence Wm. Robison, P.E.  
Agricultural Engineer

**RECEIVED**

FEB 16 1990

cc: Richard Kaster  
Southern Region

April 4, 1987pl

Mr. Rick Kaster  
North of City  
Buhl, Idaho 83316

Subject: Rating Curve and Dimensions of Briggs Spring Weir

Dear Rick:

Enclosed is the rating table and curve for the design dimensions of the broadcrested weir you are constructing for Briggs springs.

Note that the design dimensions call for a sill height of 1.4 feet which results in a ramp length of 2.8 feet. The sill length is 3.0 feet and the stilling well or staff gage location is 6 feet upstream of the beginning of the ramp. The sill drops off to the floor elevation at the end of the 3.0 foot sill.

It is important to construct the sill as level as possible and to install the staff gage in the stilling well so that the zero of the staff gage is at the exact average elevation of the sill. After construction, the exact as-built dimensions and elevations will need to be secured and the rating table and curve recalculated if necessary.

Let me know if you need additional information.

Sincerely,

C. E. Brockway, P.E.

CEB:

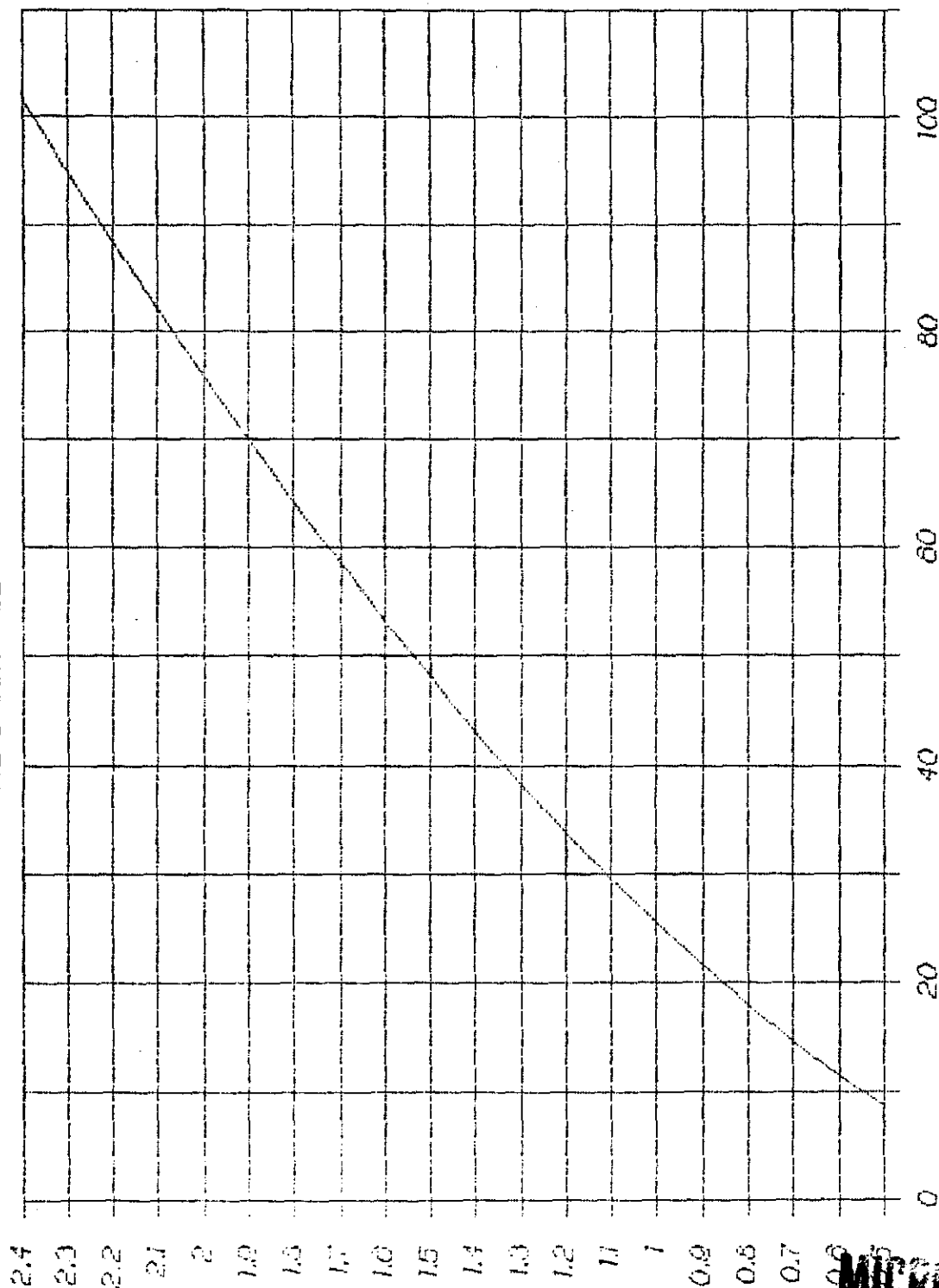
cc. C.W. Robison ✓

**MICROFILMED**

FEB 16 1990

# BRIGGS SPRING HYDRO AND FISH PROJECT

FLUME DISCHARGE RATING CURVE



DISCHARGE CFS

— C.E. BROCKWAY 4/87

**MICROFILMED**

FEB 16 1990

GAGE READING FEET

KASTER BRIGGS SPRING FLUME 4/4/87 C. E. BROCKWAY

FLUME RATING CURVE DESIGN DIMENSIONS

WIDTH 8.00 FT

SILL HT. 1.40 FT

THROAT L 3.00 FT

GAGE DIST 6.00 FT

$Q = 24.21 * (H + 0.0288)^{3/2}$  1.6147

DISCHARGE IN CFS

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

| GAGE<br>READING | 0      | 0.01   | 0.02   | 0.03   | 0.04   | 0.05   | 0.06   | 0.07   | 0.08   | 0.09   |
|-----------------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
| 0.5             | 8.65   | 8.92   | 9.19   | 9.46   | 9.73   | 10.01  | 10.29  | 10.58  | 10.86  | 11.15  |
| 0.6             | 11.45  | 11.74  | 12.04  | 12.34  | 12.64  | 12.95  | 13.26  | 13.57  | 13.89  | 14.21  |
| 0.7             | 14.53  | 14.85  | 15.18  | 15.50  | 15.83  | 16.17  | 16.51  | 16.84  | 17.19  | 17.53  |
| 0.8             | 17.88  | 18.23  | 18.58  | 18.93  | 19.29  | 19.65  | 20.01  | 20.38  | 20.75  | 21.12  |
| 0.9             | 21.49  | 21.86  | 22.24  | 22.62  | 23.00  | 23.39  | 23.77  | 24.16  | 24.55  | 24.95  |
| 1.0             | 25.35  | 25.74  | 26.15  | 26.55  | 26.96  | 27.36  | 27.78  | 28.19  | 28.60  | 29.02  |
| 1.1             | 29.44  | 29.86  | 30.29  | 30.71  | 31.14  | 31.58  | 32.01  | 32.44  | 32.88  | 33.32  |
| 1.2             | 33.77  | 34.21  | 34.66  | 35.11  | 35.56  | 36.01  | 36.47  | 36.93  | 37.39  | 37.85  |
| 1.3             | 38.31  | 38.78  | 39.25  | 39.72  | 40.19  | 40.67  | 41.14  | 41.62  | 42.11  | 42.59  |
| 1.4             | 43.08  | 43.56  | 44.05  | 44.54  | 45.04  | 45.54  | 46.03  | 46.53  | 47.04  | 47.54  |
| 1.5             | 48.05  | 48.56  | 49.07  | 49.58  | 50.09  | 50.61  | 51.13  | 51.65  | 52.17  | 52.70  |
| 1.6             | 53.22  | 53.75  | 54.28  | 54.81  | 55.35  | 55.89  | 56.42  | 56.96  | 57.51  | 58.05  |
| 1.7             | 58.60  | 59.15  | 59.70  | 60.25  | 60.80  | 61.36  | 61.92  | 62.48  | 63.04  | 63.60  |
| 1.8             | 64.17  | 64.73  | 65.30  | 65.88  | 66.45  | 67.02  | 67.60  | 68.18  | 68.76  | 69.34  |
| 1.9             | 69.93  | 70.51  | 71.10  | 71.69  | 72.28  | 72.88  | 73.47  | 74.07  | 74.67  | 75.27  |
| 2.0             | 75.87  | 76.48  | 77.09  | 77.69  | 78.30  | 78.92  | 79.53  | 80.15  | 80.76  | 81.38  |
| 2.1             | 82.00  | 82.63  | 83.25  | 83.88  | 84.51  | 85.14  | 85.77  | 86.40  | 87.04  | 87.67  |
| 2.2             | 88.31  | 88.95  | 89.60  | 90.24  | 90.89  | 91.53  | 92.18  | 92.83  | 93.49  | 94.14  |
| 2.3             | 94.80  | 95.46  | 96.12  | 96.78  | 97.44  | 98.11  | 98.77  | 99.44  | 100.11 | 100.78 |
| 2.4             | 101.46 | 102.13 | 102.81 | 103.49 | 104.17 | 104.85 | 105.54 | 106.22 | 106.91 | 107.60 |

NOT RECORDED

FEB 16 1990

BRIGGS SPRING 8 FT BROAD CRESTED WEIR KASTER 6/16/87 C.E. BROCKWAY  
 FLUME RATING CURVE AS BUILT

WIDTH 8.04 FT

SILL HT. 1.36 FT

THROAT L. 3.00 FT

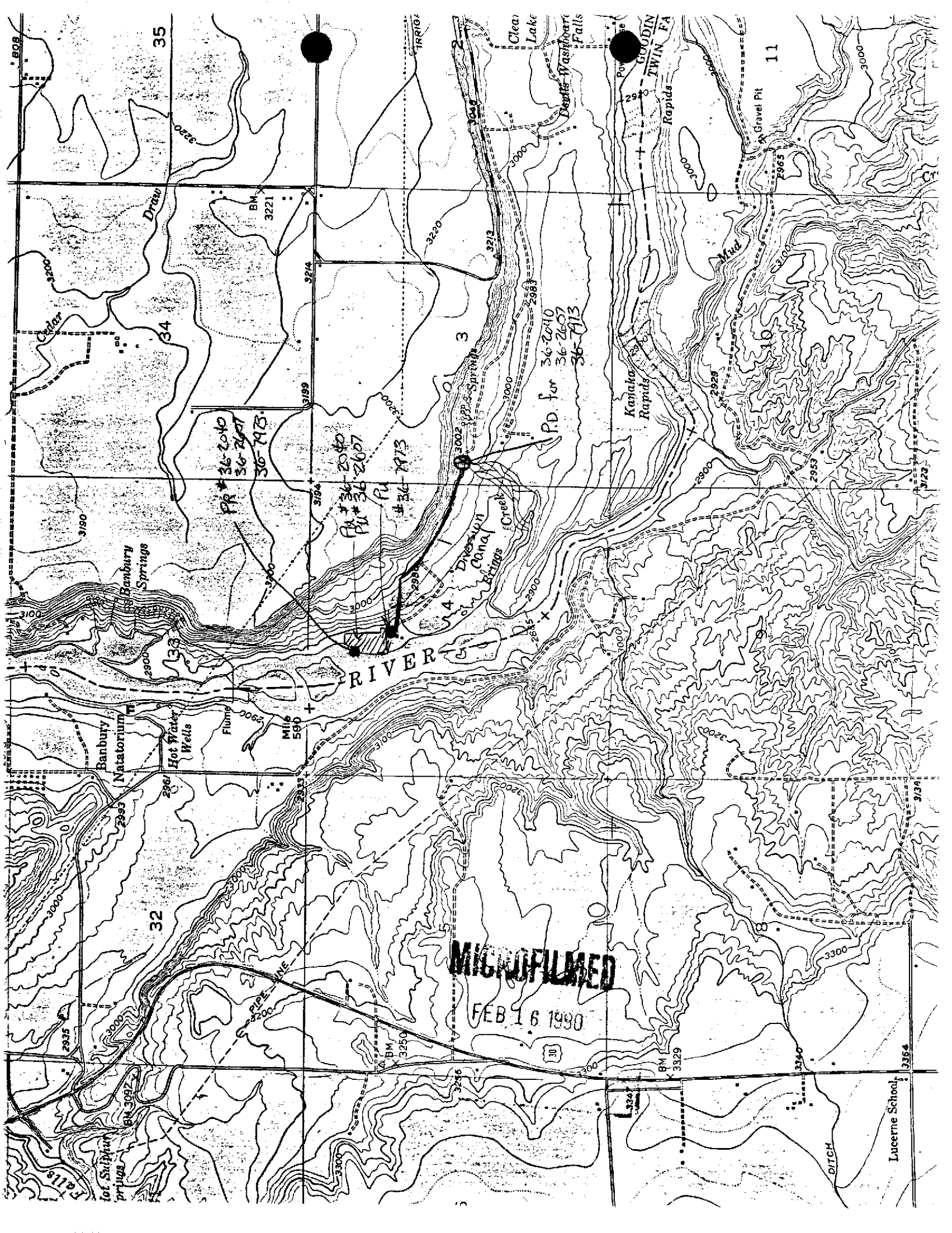
GAGE DIST. 6.63 FT

Q= 24.64 \* ( H + 0.0222 ) ^ 1.6049

| GAGE<br>FT | 0     | 0.01  | 0.02  | D I S<br>0.03 | C H<br>0.04 | A R G<br>0.05 | E<br>0.06 | C F S<br>0.07 | 0.08  | 0.09  |
|------------|-------|-------|-------|---------------|-------------|---------------|-----------|---------------|-------|-------|
| 0.5        | 8.69  | 8.95  | 9.23  | 9.50          | 9.78        | 10.06         | 10.34     | 10.63         | 10.92 | 11.21 |
| 0.6        | 11.51 | 11.80 | 12.11 | 12.41         | 12.72       | 13.03         | 13.34     | 13.65         | 13.97 | 14.29 |
| 0.7        | 14.62 | 14.94 | 15.27 | 15.60         | 15.94       | 16.27         | 16.61     | 16.95         | 17.30 | 17.65 |
| 0.8        | 18.00 | 18.35 | 18.70 | 19.06         | 19.42       | 19.78         | 20.15     | 20.52         | 20.89 | 21.26 |
| 0.9        | 21.64 | 22.01 | 22.39 | 22.78         | 23.16       | 23.55         | 23.94     | 24.33         | 24.73 | 25.12 |
| 1.0        | 25.52 | 25.93 | 26.33 | 26.74         | 27.15       | 27.56         | 27.97     | 28.39         | 28.80 | 29.23 |
| 1.1        | 29.65 | 30.07 | 30.50 | 30.93         | 31.36       | 31.80         | 32.23     | 32.67         | 33.11 | 33.56 |
| 1.2        | 34.00 | 34.45 | 34.90 | 35.35         | 35.80       | 36.26         | 36.72     | 37.18         | 37.64 | 38.11 |
| 1.3        | 38.58 | 39.04 | 39.52 | 39.99         | 40.47       | 40.94         | 41.42     | 41.91         | 42.39 | 42.88 |
| 1.4        | 43.36 | 43.85 | 44.35 | 44.84         | 45.34       | 45.84         | 46.34     | 46.84         | 47.34 | 47.85 |
| 1.5        | 48.36 | 48.87 | 49.38 | 49.90         | 50.42       | 50.93         | 51.46     | 51.98         | 52.50 | 53.03 |
| 1.6        | 53.56 | 54.09 | 54.62 | 55.16         | 55.69       | 56.23         | 56.77     | 57.32         | 57.86 | 58.41 |
| 1.7        | 58.96 | 59.51 | 60.06 | 60.61         | 61.17       | 61.73         | 62.29     | 62.85         | 63.41 | 63.98 |
| 1.8        | 64.55 | 65.12 | 65.69 | 66.26         | 66.84       | 67.41         | 67.99     | 68.57         | 69.15 | 69.74 |
| 1.9        | 70.32 | 70.91 | 71.50 | 72.09         | 72.69       | 73.28         | 73.88     | 74.48         | 75.08 | 75.68 |
| 2.0        | 76.29 | 76.89 | 77.50 | 78.11         | 78.72       | 79.34         | 79.95     | 80.57         | 81.19 | 81.81 |
| 2.1        | 82.43 | 83.06 | 83.68 | 84.31         | 84.94       | 85.57         | 86.21     | 86.84         | 87.48 | 88.11 |
| 2.2        | 88.76 | 89.40 | 90.04 | 90.69         | 91.33       | 91.98         | 92.63     | 93.28         | 93.94 | 94.59 |

RECORDED

FEB 16 1990



808

35

Draw

BM 3221

34

P.D. # 36-2010  
36-2007  
36-1913

P.D. # 36-2010  
36-2007  
36-1913

P.D. # 36-1913

P.D. for 36-2010  
36-2007  
36-1913

Banbury Springs

Banbury Natatorium

Hot Water Wells

Flume

Mile 5.90

RIVER

MICROFILMED

FEB 16 1990

32

Hot Springs

Hot Springs

Hot Springs

PIPE LINE

BM 3250

BM 3329

Lucerne School

DITCH

Gravel Pit

Mud

Kanaka Rapids

Dueson Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

Canal

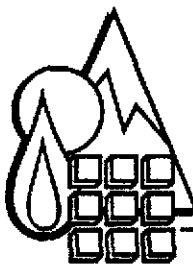
Canal

Canal

Canal

Canal

Canal



# IDAHO PUBLIC UTILITIES Commission

CECIL D. ANDRUS, GOVERNOR

STATEHOUSE, BOISE, IDAHO 83720 (208) 334-3143

DEAN J. (JOE) MILLER, PRESIDENT  
PERRY SWISHER, COMMISSIONER  
RALPH NELSON, COMMISSIONER

RECEIVED  
MAR 08 1989

March 3, 1989

Department of Water Resources

Mr. Richard Kaster  
Route 4  
Buhl, ID 83316

Re: Briggs Creek Hydroelectric Project; Requested Contract and  
comments on Commission policy; Our Telecon of Feb. 28,  
1989:

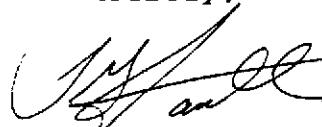
Dear Mr. Kaster:

Please find enclosed a copy of the subject contract dated  
June 21, 1984. In response to your question about policy  
regarding water rights for PURPA projects:

Typically, the Commission is neutral to water rights  
except as regards security provisions. Specifically,  
the Commission expects water rights to be a condition  
precedent to FERC licensing. Since hydro projects  
must be licensed by FERC to operate, water rights are  
considered assured. With respect to security against  
overpayment due to levelization, the Commission  
requires water rights equal to twice the project's  
design flow in order for the developer to avoid  
having to maintain a "K" factor escrow account (see  
Order No. 21690 for details). Because the Briggs  
Creek project was contracted prior to Order No.  
21690, this requirement is not applicable.

If you have any questions, please call me.

Sincerely,

  
Tom Faull, P.E.  
(208) 334-2469

MICROFILMED

FEB 16 1990

TF/709Q

LOCATED AT 472 WEST WASHINGTON, BOISE, IDAHO

Approved per Commission Orders  
18190 and 18996 (U-1006-236)

RECEIVED

MAR 08 1989

Facility No: 31515100  
Project: Briggs Creek

Myrna J. Walters  
Myrna J. Walters  
Commission Secretary

Department of Water Resources

### FIRM ENERGY SALES AGREEMENT

THIS AGREEMENT, entered into on this 21<sup>st</sup> day of June, 1984, is between RICHARD H KASTER, an individual (Seller), and IDAHO POWER COMPANY, a Maine corporation (Idaho) hereinafter sometimes referred to collectively as "parties" or individually as "party."

#### WITNESSETH:

WHEREAS, Seller plans to construct, own and operate an electric generation facility; and

WHEREAS, Seller wishes to sell, and Idaho wishes to purchase, electric energy from that facility,

THEREFORE, In consideration of the mutual covenants and agreements hereinafter set forth, the Parties agree as follows:

#### ARTICLE I: DEFINITIONS

As used in this Agreement and the appendices attached hereto, the following terms shall have the following meanings:

- 1.1 "Annual Net Energy" - The amount of Net Energy Seller estimates it will deliver to Idaho at the Point of Delivery during each Contract Year.
- 1.2 "Commission" - The Idaho Public Utilities Commission.
- 1.3 "Contract Year" - The period commencing each calendar year on the same calendar date as the Operation Date and ending 364 days thereafter.
- 1.4 "Designated Dispatch Facility" - Idaho's Boise Bench System Dispatch Center.

MICROFILMED

FEB 16 1990

1.5 "Disconnection Equipment" - Any device or combination of devices located on the interconnection between the Facility and Idaho's system by which Idaho can manually and/or automatically interrupt the flow of power from the Facility to Idaho's system. Disconnection Equipment includes such enclosures or other facilities as may be required to ensure that only Idaho will have access to the devices.

1.6 "First Energy Date" - The date when Seller has been interconnected with Idaho's system and begins delivering electric energy to Idaho for purposes of demonstrating to Idaho the Facility's degree of completion and reliability.

1.7 "Facility" - That electric generation facility described in Appendix B of this Agreement.

1.8 "Interconnection Facilities" - All facilities required to be installed solely to interconnect and deliver energy from the Facility to Idaho's system including, but not limited to, connection, switching, metering, relaying, communications and safety equipment.

1.9 "Losses" - The loss of energy occurring as a result of the transformation and transmission of energy between the Facility and the Point of Delivery.

1.10 "Net Energy" - The electric energy produced by the Facility, expressed in kilowatt hours ("kwh"), delivered to Idaho at the Point of Delivery less Station Use and less Losses.

1.11 "Operation Date" - The day commencing at 0001 hours, following the day during which all features and equipment of the Facility have reached a degree of completion and reliability, such that they are capable of operating simultaneously to deliver Net Energy continuously into Idaho's system.

**MICROFILMED**

FEB 16 1990

1.12 "Point of Delivery" - The location specified in Appendix B, where Idaho's and Seller's electrical facilities are interconnected.

1.12 "Prudent Electrical Practices" - Those practices, methods and equipment that are commonly and ordinarily used in electrical engineering and operations to operate electric equipment lawfully and with safety, dependability, efficiency and economy.

1.13 "Scheduled Operation Date" - The date specified in Appendix B when Seller anticipates achieving the Operation Date.

1.14 "Season" - The four periods of three months each identified in Article VI.

1.15 "Seasonal Net Energy" - The amounts of Net Energy Seller estimates it will deliver to Idaho at the Point of Delivery during each Season.

1.16 "Special Facilities" - Those additions and alterations to Idaho's system which are reasonable required by Prudent Electrical Practices and the national Electric Safety Code to interconnect the Facility safely to Idaho's system.

1.17 "Station Use" - Electric energy which is used solely to operate the Facility's equipment which is auxiliary or directly related to the production of electricity and which, but for the generation of electricity, would not be consumed by Seller.

1.18 "Surplus Energy" - Net Energy which is delivered and accepted prior to the Operation Date.

## ARTICLE II: NO RELIANCE ON IDAHO

2.1 Seller Independent Investigation - Except for the Disconnection Equipment and any other facilities exclusively within the control of Seller

**MICROFILMED**

FEB 16 1990

Seller warrants and represents to Idaho that in entering into this Agreement and the undertaking by Seller of the obligation set forth herein, Seller has investigated and determined that it is capable of performing hereunder and has not relied upon the advice, experience or expertise of Idaho in connection with the transactions contemplated by this Agreement.

2.2 Seller Independent Experts - Except for the Disconnection Equipment and any other facilities within the exclusive control of Idaho, all professionals or experts including, but not limited to, engineers, attorneys or accountants, that Seller may have consulted or relied on in undertaking the transactions contemplated by this Agreement, have been solely those of Seller.

#### ARTICLE III: WARRANTIES

3.1 No Warranty by Idaho - Any review, acceptance or failure to review Seller's design, specifications, equipment or facilities shall not be an endorsement or a confirmation by Idaho, and Idaho makes no warranties, express or implied, regarding any aspect of Seller's design, specifications, equipment or facilities, including but not limited to safety, durability, reliability, strength, capacity, adequacy or economic feasibility.

3.2 Qualifying Facility Status - Seller warrants that the Facility is a "qualifying facility," as that term is used and defined in 18 CFR, Part 292. Seller will take such steps as may be required to maintain the Facility's "qualifying facility" status during the term of this Agreement.

#### ARTICLE IV: CONDITIONS TO INTERCONNECTION

4.1 Prior to the First Energy Date and as a condition of interconnection with Idaho, Seller shall:

FEB 16 1990

4.1.1 Submit proof to Idaho that all licenses, permits or approvals necessary for Seller's operations have been obtained from applicable federal, state or local authorities, including but not limited to those licenses, permit or approvals specified in Appendix C;

4.1.2 Make payment to Idaho for all costs of Disconnection Equipment, metering equipment and Special Facilities as provided for in Appendix B of this Agreement;

4.1.3 Obtain written acceptance from Idaho as provided in paragraph 8.3;

4.1.4 Submit proof to Idaho of all insurance required in Article XIV;

4.1.5 Demonstrate to Idaho's satisfaction that Seller's Facility has been completed, and is capable of operating safely to commence deliveries of electric energy into Idaho's system.

4.1.6 Submit to Idaho a statement from a licensed professional engineer certifying that the design of and equipment in Seller's Facilities comply with the standards of this Agreement and with Prudent Electrical Practices.

4.1.7 Obtain written confirmation from Idaho that all conditions to interconnection have been fulfilled. It is understood that such written confirmation shall not be unreasonably withheld by Idaho.

#### ARTICLE V: TERM AND OPERATION DATE

5.1 Term - This Agreement shall become effective on the date first above written, and shall continue in full force and effect for a period of thirty-five (35) Contract Years.

5.2 Operation Date - The Operation Date may occur only after Seller has achieved the First Energy Date, and the necessary degree of completion and reliability has been demonstrated to Idaho's satisfaction and Idaho has confirmed that satisfaction in writing. Seller shall have the duty to obtain that confirmation and it will not be unreasonably withheld by Idaho.

#### ARTICLE VI: SALE OF NET ENERGY

6.1 Delivery and Acceptance of Net Energy - Except when either party's performance is prevented by events of force majeure (Article XVI) or otherwise excused as provided herein, Idaho shall purchase all of the Net Energy and Surplus Energy delivered by Seller to the Point of Delivery.

6.2 Seasonal Net Energy Amounts - Based on long-term historical water flow records and average long-term energy estimates based thereon, Seller estimates that it can deliver Net Energy in the following amounts:

|          |           |               |
|----------|-----------|---------------|
| Season 1 | December  | 1,314,000 KWH |
|          | January   |               |
|          | February  |               |
| Season 2 | March     | 1,314,000 KWH |
|          | April     |               |
|          | May       |               |
| Season 3 | June      | 1,314,000 KWH |
|          | July      |               |
|          | August    |               |
| Season 4 | September | 1,314,000 KWH |
|          | October   |               |
|          | November  |               |

6.3 Annual Net Energy Amount - The Annual Net Energy shall be 5,256,000 KWH and shall be the sum of the four Seasonal Net Energy amounts Seller specified above.

FEB 16 1990

MICROFILMED

6.4 Normal Water Conditions - For hydroelectric generating facilities, the Net Energy amounts Seller has estimated it can supply are based upon the anticipated water flows at the Facility. The parties have reviewed these anticipated water flows and the water records supporting those projected water flows and have agreed that, for purposes of this Agreement, the projected water flows used to calculate the Annual Net Energy amount are reasonable and shall constitute the water flows available to the Facility under "normal" water conditions. No later than 120 days after the Operation Date, Seller will install such water flow measuring equipment as is reasonably required to permit the parties to monitor the water flows at the Facility site. Seller will operate and maintain this water flow measuring equipment and will perform such other water flow analyses as may be required to carry out the provisions of 21.2.1.

6.5 Net Energy Changes - If, as a result of some action by Seller (for example, procurement of additional long-term water or other fuel supplies, or installation of larger or more efficient generating equipment), Seller is able to permanently increase the amount of annual Net Energy delivered to Idaho by more than 10% above the amount specified in paragraph 6.3 above, Idaho shall purchase this increased amount of Net Energy under the terms and conditions of this Contract except that the price paid to Seller for the increased increment of Net Energy shall not be determined in accordance with paragraph 7.1 of this Agreement, but instead will be priced at the firm energy rate in effect at the time of such increase for a Contract term equal in length to the period commencing in the year of the Net Energy increase and ending in the year in which this Agreement expires.

**MICROFILMED**

FEB 16 1990

ARTICLE VII: PURCHASE PRICE AND METHOD OF PAYMENT;  
ADJUSTMENT OF PURCHASE PRICE

7.1 Net Energy Purchase Price - The price to be paid to Seller for Net Energy which is not Surplus Energy will be the sum of the following payments:

7.1.1 Base Payment -

|          |                |
|----------|----------------|
| Season 1 | 70.0 Mills/KWH |
| Season 2 | 46.7 Mills/KWH |
| Season 3 | 70.0 Mills/KWH |
| Season 4 | 46.7 Mills/KWH |

7.1.2 Adjustable Payment - In addition to the Base Payment specified in paragraph 7.1.1, Idaho shall pay to Seller an Adjustable Payment of 8.0 mills per kilowatt hour for Net Energy delivered and accepted in Seasons 1 and 3 and 5.4 mills per KWH for Net Energy delivered and accepted in Seasons 2 and 4. The Adjustable Payment shall be subject to change pursuant to Commission Order at such time as Idaho's retail rates are revised by Commission Order.

7.2 Surplus Energy Purchase Price - Surplus Energy will be purchased at the non-firm avoided energy rate in effect at the time of delivery. This rate is calculated monthly and is filed with the Commission.

ARTICLE VIII: FACILITY AND INTERCONNECTION

8.1 Design of Facility - Seller shall design, construct, install, own, operate and maintain the Facility. The Facility shall be designed and constructed so as to allow safe, reliable delivery of electric energy to Idaho's system.

MICROFILMED

FEB 16 1990

8.2 Interconnection Facilities - Except for the Special Facilities, metering equipment and Disconnection Equipment specified in Appendix B, Seller shall construct, install, own, and maintain all Interconnection Facilities. Seller will pay all costs of interconnecting the Facility with Idaho.

8.3 Idaho Review - To assure the Facility and Seller-furnished Interconnection Facilities are of suitable size and are compatible with Idaho's system, Seller shall submit the designs, plans, specifications and performance data for the Facility and Seller-furnished Interconnection Facilities to Idaho for review. Idaho shall, in writing and in conformance with paragraph 4.1.3, notify Seller of its acceptance and confirmation of system compatibility or conversely, notify Seller, in writing, of any changes which, consistent with Prudent Electrical Practices, Idaho determines are necessary to assure the safe delivery of electric energy from the Facility to Idaho's system.

#### ARTICLE IX: DISCONNECTION EQUIPMENT

9.1 Disconnect Equipment - Idaho will, at Seller's expense, provide, install, own, operate, and maintain all Disconnection Equipment. At Seller's request, Idaho will provide Seller with the general specifications and an itemization by category of the costs of such Disconnection Equipment. Idaho will establish the settings of Disconnection Equipment to disconnect automatically from the Facility for the protection of Idaho's system and personnel consistent with Prudent Electrical Practices. Upon Seller's request, Idaho will notify Seller as to the original setting and any adjustments thereof. Except as otherwise required by Prudent Electrical Practices, Disconnection

RECEIVED

FEB 16 1990

Equipment will be designed so that the closure of any breaker or other disconnecting device which connects the Facility to Idaho's system shall be controlled by equipment which will perform the following:

(1) Automatically monitor the status of the electrical system on Idaho's side of the disconnecting device; as to voltage and frequency; and

(2) Prohibit closure or reconnection until voltage and frequency have been within approved limits for a continuous period of not less than five minutes; and

(3) Operate so that if Idaho's system is de-energized within ten seconds after the initial closure of the disconnecting device, the disconnecting device will immediately open and not close again until Idaho has been satisfied that Idaho can safely reclose the Disconnecting Equipment.

9.2 Security of Disconnect Equipment - The Disconnection Equipment will be located in an enclosure secured by a lock or otherwise secured in a manner designed to ensure that only Idaho's authorized personnel will have access to the disconnecting devices.

9.3 Remote Disconnection - Other Disconnection Equipment, including equipment which will provide Idaho's operating personnel with the ability to remotely control and monitor the status of the breaker or other disconnecting device by radio or hard-wire circuit between the Facility and the Designated Dispatch Facility may be specified by Idaho when, in Idaho's reasonable judgment, such equipment is required by Prudent Electrical Practices. Seller recognizes that such remote control equipment may not initially be required by Idaho, but at such time as operating conditions on Idaho's system dictate, Idaho will install this remote control equipment at Seller's expense. If Seller disputes Idaho's determination that the installation of such remote

MICROFILMED

FEB 16 1990

Disconnection Equipment is required, such dispute shall be submitted to the Commission for resolution.

9.4 Interference with Disconnection Equipment - If Seller attempts to modify, adjust or otherwise interfere with the Disconnection Equipment or its enclosure, such action shall constitute an event of default pursuant to Article XXI.

#### ARTICLE X: METERING

10.1 Metering - Idaho shall, for the account of Seller, provide, install, and maintain required metering equipment to be located at a mutually agreed upon location to record and measure power flows to Idaho in accordance with the standards set forth in Appendix A. If required by Idaho, metering will also include measurement of kilovar-hours in a manner agreed to by both parties. All meter equipment, installation, ownership, and administration costs therefor, shall be borne by Seller, including costs incurred by Idaho for inspecting and testing such equipment at reasonable intervals at Idaho's actual cost of providing this equipment and services. The point of metering shall be at the location described in Appendix B. All meters used to determine the billing hereunder shall be sealed and the seals shall be broken only upon occasions when the meters are to be inspected, tested or adjusted.

10.2 Meter Inspection - Idaho shall inspect and test all meters upon their installation and at least once every four years thereafter. If requested by Seller, Idaho shall make a special inspection or test of a meter and Seller shall pay the reasonable costs of such special inspection. Both parties shall be notified of the time when any inspection or test shall take place, and each party may have representatives present at the test or inspection.

**RECEIVED**

is found to be inaccurate or defective, it shall be adjusted, repaired, or replaced, at Idaho's expense, in order to provide accurate metering. If a meter fails to register, or if the measurement made by a meter during a test varies by more than two percent from the measurement made by the standard meter used in the test, adjustment to the payments Seller has received shall be made to correct those payments affected by the inaccurate meter for the actual period during which inaccurate measurements were made. If the actual period cannot be determined, corrections to the payments will be based on the shorter of (1) a period equal to one-half the time from the date of the last previous test of the meter to the date of the test which established the inaccuracy of the meter; or (2) six (6) months.

#### ARTICLE XI: RECORDS

11.1 Maintenance of Records - Seller shall maintain at the Facility or such other location mutually acceptable to the parties, adequate metering and related power production records, in a form and content recommended by Idaho.

11.2 Inspection - Either party, after reasonable notice to the other party, shall have the right, during normal business hours, to inspect and audit any or all such metering and related power production records pertaining to Seller's account.

#### ARTICLE XII: PROTECTION

12.1 Seller shall construct, operate and maintain the Facility and Seller-furnished Interconnection Facilities in accordance with Appendix A, Prudent Electrical Practices, the National Electric Safety Code and any other

**MICROFILMED**

applicable local, state, and federal codes. If, in the reasonable opinion of Idaho, Seller's operation of the Facility or Interconnection Facilities is unsafe or may otherwise adversely affect Idaho's equipment, personnel, or service to its customers, Idaho may physically interrupt the flow of energy from the Facility or take such other reasonable steps as Idaho deems appropriate. Except in the case of an emergency, Idaho will attempt to notify Seller of such interruption prior to its occurrence as provided in paragraph 13.8. Seller shall provide and maintain adequate protective equipment sufficient to prevent damage to the Facility and Seller-furnished Interconnection Facilities.

#### ARTICLE XIII: OPERATIONS

13.1 Emergency Conditions - Seller agrees that in the event of and during a period of a shortage of power on Idaho's system as declared by Idaho in its reasonable discretion, Seller shall, at Idaho's request and within the limits of reasonable safety requirements as determined by Seller, use its best efforts to provide requested Net Energy, and shall, if necessary, delay any scheduled shutdown of the Facility.

13.2 Communications - Idaho and Seller shall maintain appropriate operating communications through Idaho's Designated Dispatch Facility, and Seller shall report to Idaho at the times and in the manner set forth in Appendix A.

13.3 Energy Acceptance - Idaho shall be excused from accepting and paying for Net Energy delivered by Seller to the Point of Delivery under the following circumstances:

**MICROFILMED**

FEB 16 1990

13.3.1 If it is prevented from doing so by an event of force majeure.

13.3.2 If Idaho determines that curtailment, interruption or reduction of Net Energy deliveries is necessary because of line construction or maintenance requirements, emergencies, operating conditions on its system, or as otherwise required by Prudent Electrical Practices. If, for reasons other than an event of force majeure, Idaho requires such a curtailment, interruption or reduction of Net Energy deliveries for a period that exceed twenty days beginning with the twenty-first day of such interruption, curtailment or reduction, Seller will be deemed to be delivering Net Energy at a rate determined by dividing the Annual Net Energy amount by 8760 hours. Idaho will notify Seller when the interruption, curtailment or reduction is terminated.

13.4 Voltage Levels - Seller shall use its best efforts to minimize voltage swings and to maintain voltage levels acceptable to Idaho. Idaho may, upon one hundred eighty (180) days' notice to Seller, change its nominal operating voltage level by more than ten percent (10%) at the Point of Delivery, in which case Seller shall modify, at Idaho's expense, Seller's equipment as necessary to accommodate the modified nominal operating voltage level.

13.5 Power Factor - Seller shall provide power within plus or minus 5% of unity power factor. The generator shall be equipped with controls or equipment which give it the capability of operating anywhere within this range.

13.6 Scheduled Maintenance - Seller shall submit a proposed maintenance schedule for each calendar year on or before the preceding February 1,

**MICROFILMED**

FEB 16 1990

and Idaho and Seller shall mutually agree as to the acceptability or unacceptability of the proposed date(s). The parties' determination as to the acceptability of Seller's timetable for scheduled maintenance will take into consideration Prudent Electrical Practices and neither party shall unreasonably withhold its acceptance of the proposed date for scheduled maintenance.

13.7 Maintenance Coordination - The parties shall, to the extent practical, coordinate their respective line and Facility maintenance schedules such that they occur simultaneously.

13.8 Contact Prior to Curtailment - Idaho will make a reasonable attempt to contact Seller prior to exercising its rights to curtail, interrupt or reduce deliveries from Seller. Seller understands that in the case of emergency circumstances, no notice will be given to Seller prior to interruption, curtailment, or reduction.

#### ARTICLE XIV: INDEMNIFICATION AND INSURANCE

14.1 Indemnification - Each party shall agree to hold harmless and to indemnify the other party, its officers, agents, and employees against all loss, damage, expense and liability to third persons for injury to or death of person or injury to property, proximately caused by the indemnifying party's construction, ownership, operation or maintenance of, or by failure of, any of such party's works or facilities used in connection with this Agreement. The indemnifying party shall, on the other party's request, defend any suit asserting a claim covered by this indemnity. The indemnifying party shall pay all costs that may be incurred by the other party in enforcing this indemnity.

14.2 Insurance - During the term of this agreement, Seller shall secure and continuously carry:

FEB 16 1990

14.2.1 Comprehensive General Liability Insurance for both bodily injury and property damage equivalent to the amount of \$1,000,000 combined single limit. Such insurance shall:

- (a) include an endorsement naming Idaho as an additional insured insofar as work performed under this agreement is concerned; and
- (b) include a provision stating that such liability policies shall not be canceled or their limits of liability reduced without thirty (30) days' written notice to Idaho.

14.2.2 Valued Loss of Income Insurance covering, at a minimum, the perils of fire, extended coverage, vandalism and malicious mischief, earthquake and flood and loss arising out of accidents to boilers and/or pressure vessels and mechanical and electrical breakdown coverage for turbines and generators. Such policies shall:

- (a) be in amounts equal to the repayment amounts shown in Appendix E that would be owed to Idaho pursuant to paragraph 21.2.
- (b) include a provision stating that this policy shall not be canceled or the limits reduced without thirty (30) days' written notice to Idaho.
- (c) include Idaho as an additional insured and loss payee.

14.2.3 Seller to Provide Copies of Policies of Insurance - It is a requirement of this contract that a certified copy of the original policies and all endorsements be furnished Idaho as soon as reasonably possible.

ARTICLE XV: LAND RIGHTS

15.1 Seller to Provide Access - Seller hereby grants to Idaho for the term of this Agreement all necessary rights of way and easements to install, operate, maintain, replace, and remove Idaho's metering equipment, Disconnection Equipment and other Special Facilities necessary or useful to this agreement, including adequate and continuing access rights on property of Seller. Seller warrants that it has procured sufficient easements and rights of way from third parties so as to provide Idaho with the access described above. All documents granting such easements or rights of way shall be subject to Idaho's approval and in recordable form.

15.2 Use of Public Rights-of-Way - The parties agree that it is necessary to avoid the adverse environmental and operating impacts that would occur as a result of duplicate electric lines being constructed in close proximity. Therefore, subject to Idaho's compliance with paragraph 15.4, Seller agrees that should Seller seek and receive from any local, state or federal governmental body the right to erect, construct and maintain Seller-furnished Interconnection Facilities upon, along and over any and all public roads, streets and highways, then the use by Seller of such public right-of-way shall be subordinate to any future use by Idaho of such public right-of-way for construction and/or maintenance of electric distribution and transmission facilities and Idaho may claim use of such public right-of-way for such purposes at any time. Except as required by paragraph 15.4, Idaho shall not be required to compensate Seller for exercising its rights under this paragraph 15.2.

15.3 Joint Use of Facilities - Subject to Idaho's compliance with paragraph 15.4, Idaho may use and attach its distribution and/or transmission facilities to Seller's facilities.

**MICROFILMED**

FEB 16 1990

facilities to Seller's Interconnection Facilities, may re-construct Seller's Interconnection Facilities to accommodate Idaho's usage or Idaho may construct its own distribution or transmission facilities along, over and above any public right-of-way acquired from Seller pursuant to paragraph 15.2, attaching Seller's Interconnection Facilities to such newly constructed facilities. Except as required by paragraph 15.4, Idaho shall not be required to compensate Seller for exercising its rights under this paragraph 15.3.

15.4 Conditions of Use - It is the intention of the parties that the Seller be left in substantially the same condition, both financially and electrically, as Seller existed prior to Idaho's exercising its rights under this Article XV. Therefore, the parties agree that the exercise by Idaho of any of the rights enumerated in paragraphs 15.2 and 15.3 shall: (1) comply with all applicable laws, codes and Prudent Electrical Practices, (2) Equitably share the costs of installing, owning and operating jointly used facilities and rights of way. If the parties are unable to agree on the method of apportioning these costs, the dispute will be submitted to the Commission for resolution and the decision of the Commission will be binding on the parties, and (3) shall provide Seller with an interconnection to Idaho's system of equal capacity and durability as existed prior to Idaho exercising its rights under this Article XV.

#### ARTICLE XVI: FORCE MAJEURE

As used in this Agreement, "force majeure" or "an event of force majeure" means any cause beyond the control of the Seller or of Idaho which, despite the exercise of due diligence, such party is unable to foresee, prevent or overcome, including but not limited to an act of God, flood, fire, war, pestilence, or any other cause beyond the control of the parties.

explosion, strike, sabotage, an act of the public enemy, civil or military authority, court orders, laws or regulations, insurrection or riot, an act of the elements or lack of precipitation resulting in reduced water flows for power production purposes. If either party is rendered wholly or in part unable to perform its obligations under this Agreement because of an event of force majeure, both parties shall be excused from whatever performance is affected by the event of force majeure, provided that:

(1) The non-performing party shall, as soon as is reasonably possible after the occurrence of the event of force majeure, give the other party written notice describing the particulars of the occurrence.

(2) The suspension of performance shall be of no greater scope and of no longer duration than is required by the event of force majeure.

(3) No obligations of either party which arose before the occurrence causing the suspension of performance and which could and should have been fully performed before such occurrence shall be excused as a result of such occurrence.

#### ARTICLE XVII: LIABILITY; DEDICATION

Nothing in this Agreement shall be construed to create any duty to, any standard of care with reference to, or any liability to any person not a party to this Agreement. No undertaking by one party to the other under any provision of this Agreement shall constitute the dedication of that party's system or any portion thereof to the other party or to the public, nor affect the status of Idaho as an independent public utility corporation, or Seller as an independent individual or entity.

**MICROFILMED**

#### ARTICLE XVIII: SEVERAL OBLIGATIONS

Except where specifically stated in this Agreement to be otherwise, the duties, obligations and liabilities of the parties are intended to be several and not joint or collective. Nothing contained in this Agreement shall ever be construed to create an association, trust, partnership, or joint venture or impose a trust or partnership duty, obligation or liability on or with regard to either party. Each party shall be individually and severally liable for its own obligations under this Agreement.

#### ARTICLE XIX: WAIVER

Any waiver at any time by either party of its rights with respect to a default under this Agreement, or with respect to any other matters arising in connection with this Agreement, shall not be deemed a waiver with respect to any subsequent default or other matter.

#### ARTICLE XX: CHOICE OF LAWS

This Agreement shall be construed and interpreted in accordance with the laws of the State of Idaho.

#### ARTICLE XXI: DEFAULT, NOTICE AND LIQUIDATED DAMAGES

21.1 Notice - In the event either party defaults in the performance of any of the terms or conditions of this Agreement, the nondefaulting party shall cause notice in writing to be given to the defaulting party, specifying the manner in which such default occurred. If the defaulting party shall fail to cure such default within the 30 days after service of such notice, then, and

**MICROFILMED**

only then, may the nondefaulting party pursue any remedy which it may have in law or equity, including an action to terminate this Agreement, to enforce the terms of this Agreement, or to recover damages for breach thereof. This article shall not be construed as restricting in any way Idaho's rights under Article XII, or paragraph A-4.1 of Appendix A to immediately interrupt flows of energy from the facility to Idaho's system.

21.2 Liquidated Damages. The parties agree that the amount of the payment which Idaho is to make to Seller is based on the agreed value to Idaho of Seller's performance of its obligation to provide Net Energy as set out in Article VI for the full term of the Agreement. The parties further agree that if Idaho does not receive such full performance (1) Idaho shall be deemed damaged by reason thereof, (2) it would be impractical or extremely difficult to fix the actual damages to Idaho resulting therefrom, (3) the payments as provided below are in the nature of adjustments in Net Energy prices and liquidated damages and not a penalty, and are a reasonable attempt by the parties to estimate a fair compensation to Idaho for the reasonable losses that would result from such total or partial default.

21.2.1 Failure to Deliver for Term of Agreement - If, at any time prior to the end of the term of the Agreement, Seller permanently curtails in whole or in part its deliveries of the Annual Net Energy amount Seller shall pay to Idaho, as Idaho's sole and exclusive remedy for damages arising out of this permanent curtailment of Net Energy deliveries, the appropriate lump sum repayment amount specified in Appendix E, multiplied by the difference in megawatt-hours between the annual Net Energy amount specified in paragraph 6.3 and the reduced Annual

**MICROFILMED**

Net Energy amount. This payment amount will bear interest from sixty (60) days after Idaho receives notice of Seller's permanent reduction of the annual Net Energy amount, until paid, at a rate equal to the average of the prime interest rates of the Idaho First National Bank in effect during each month of that period. For purposes of this paragraph, reduced deliveries of Net Energy due to below-normal water conditions (paragraph 6.4) shall not be considered a permanent curtailment.

#### ARTICLE XXII: GOVERNMENTAL AUTHORIZATION

This Agreement is subject to the jurisdiction of those governmental agencies having control over either party or this Agreement.

#### ARTICLE XXIII: COMMISSION ORDER

Idaho has advised the Commission that Idaho believes that the rates contained in this Agreement are too high, and that Idaho does not believe that entering into this Agreement is in the public interest. The parties acknowledge that prior to their execution of this Agreement, the Commission has ordered Idaho to enter into fixed-term contracts for the purchase of power offered by cogenerators and small power producers at the rates set forth in this Agreement; and that the Commission has ordered that all payments to be made under this Agreement shall be allowed as prudently incurred expenses for ratemaking purposes.

In discussing this Article, Idaho has advised the Seller as follows:

(1) It will not utilize this Article as grounds for attempting to avoid its obligations under this Agreement unless the purchased power costs Idaho will

**MICROFILMED**

pay under this Agreement are disallowed when determining Idaho's revenue requirements, and (2) It will not seek an Order from the Commission disallowing these costs for revenue requirement purposes.

Seller, has advised Idaho that in entering into this Agreement, Seller has relied upon Idaho's representations described above.

#### ARTICLE XXIV: SUCCESSORS AND ASSIGNS

This Agreement and all of the terms and provisions hereof shall be binding upon and inure to the benefit of the respective successors and assigns of the parties hereto, save that no assignment hereof by Seller shall become effective without the written consent of Idaho being first obtained. Such consent shall not be unreasonably withheld. This article shall not prevent a financing entity with recorded or secured rights from exercising all rights and remedies available to it under law or contract. Idaho shall have the right to be notified by the financing entity that it is exercising such rights or remedies.

#### ARTICLE XXV: MODIFICATION

No modification to this Agreement shall be valid unless it is in writing and signed by both parties.

#### ARTICLE XXVI: TAXES

25.1 Each party agrees to pay its own federal and state taxes on its share of income attributable to the parties' performance of this Agreement, and any other tax, including any tax in the nature of an excise tax.

25.2 Each party shall pay before delinquency all ad valorem taxes and other governmental charges which if failed to be paid when due could result in a lien upon the Facility or the Interconnection Facilities.

#### ARTICLE XXVII: NOTICES

All written notices under this Agreement shall be directed as follows, and shall be considered delivered when deposited in the U S Mail, first-class postage prepaid, as follows:

To Seller: Richard H Kaster  
Route 3  
Buhl, Idaho 83316

To Idaho: Vice President, Power Operations  
Idaho Power Company  
P O Box 70  
1220 Idaho Street  
Boise, Idaho 83707

#### ARTICLE XXVIII: ADDITIONAL TERMS AND CONDITIONS

This Agreement includes the following appendices, which are attached hereto and included by reference:

|            |   |                                                                           |
|------------|---|---------------------------------------------------------------------------|
| Appendix A | - | Standards for Interconnection and Metering                                |
| Appendix B | - | Special Facilities, Point(s) of Delivery and Metering, and Operation Date |
| Appendix C | - | Schedule of Required Licenses and Permits                                 |
| Appendix D | - | Lump Sum Payment                                                          |

#### ARTICLE XXIX - ENTIRE AGREEMENT

This Agreement constitutes the entire Agreement of the parties concerning the subject matter hereof and supersedes all prior or contemporaneous oral or written agreements between the parties concerning the subject matter hereof.

**MICROFILMED**

IN WITNESS WHEREOF, The parties hereto have caused this Agreement to be executed in their respective names as of the date first above written.

IDAHO POWER COMPANY

By *D. E. Barclay*  
Vice President - Planning  
and Resources

"Idaho"

By *Richard H. Kaster*  
Richard H Kaster

"Seller"

**MICROFILMED**

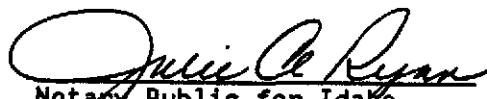
FEB 16 1990

STATE OF IDAHO       )  
                              ) ss  
County of Ada        )

On this 21<sup>st</sup> day of June, 1984, before me, the undersigned, a Notary Public, personally appeared DONALD E BARCLAY, personally known, who being duly sworn, did say that he is the Vice President - Planning & Resources of the corporation that executed the within instrument, and acknowledged to me that such corporation executed the same as the free act and deed of said corporation.

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

(NOTARIAL SEAL)

  
Notary Public for Idaho  
Residing at Boise, Idaho

STATE OF IDAHO       )  
                              ) ss  
County of Blaine Falls )

On this 25 day of June, 1984, before me, the undersigned, a Notary Public, personally appeared RICHARD H KASTER, personally known, who being duly sworn, did say that he is the individual who executed the within instrument, and acknowledged to me that he executed the same as the free act and deed.

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

(NOTARIAL SEAL)

  
Notary Public for Idaho  
Residing at: Blaine Falls, Idaho

**MICROFILMED**

FEB 16 1990

APPENDIX A  
STANDARDS FOR INTERCONNECTION AND METERING

A-1 GENERAL PROVISIONS

A-1.1 It is the policy of Idaho to permit Seller to operate its Facility in parallel with Idaho's electric system, whenever this can be done without adverse effect to Idaho's equipment, personnel or other customers

A-1.2 These guidelines contain the minimum metering, interconnection, protection, operation, and communications requirements for the safe and effective parallel operation of Seller's Facility with Idaho's system. Although these guidelines are established to provide a uniform approach for evaluating Seller's generation projects, each interconnection must be examined by Idaho individually. Idaho and the Seller will be guided by this document, which is a part of the Firm Energy Sales Agreement, in planning an interconnection between Idaho's system and the Seller.

A-1.3 Idaho may provide limited technical assistance for Seller, but will not perform any engineering, construction or repair work on power production equipment.

A-2 GENERAL DESIGN CONSIDERATIONS

A-2.1 All Seller generators larger than 20 KVA shall be three-phase generators connected to three-phase circuits unless otherwise approved by Idaho: Generators 20 KVA and smaller may be either single-phase or three-phase.

A-2.2 Except in certain instances to be determined by Idaho, Seller's generator(s) shall be isolated from Idaho's system by a transformer. The Seller may be required to limit the fault current contribution to Idaho's system by generator impedance, neutral grounding or other means.

REPRODUCED FROM  
FILMED

A-2.3 Idaho will not assume any responsibility for protection of the Seller's generator or of any other portion of the Seller's electrical equipment. The Seller is fully responsible for protecting his equipment from faults or disturbances on Idaho's system.

A-2.4 Seller is hereby notified that certain conditions on Idaho's system may cause negative sequence currents to flow in the Seller's generator. It is the sole responsibility of the Seller to protect his equipment from excessive negative sequence currents, reverse power flow, and single phasing.

### A-3 METERING REQUIREMENTS

A-3.1 Unless otherwise agreed by the Parties, metering will be provided for recording net output of the Facility and will be separate from any metering of Seller's load. Metering required will be determined by Idaho on a case-by-case basis, but will generally follow the guidelines below:

A-3.1.1 Capacity Under 750 KVA - A kilowatt-hour/demand meter will be installed.

A-3.1.2 Capacity of 750 KVA and Above - Two meters will be installed. These will measure KWH/KW demand, and reactive power flow to and from the generator. These meters will have pulse outputs to a solid state recorder in order to determine power factor and demand.

### A-4 FACILITY PROTECTION

A-4.1 The Seller has full responsibility for the maintenance of his generating equipment and the equipment protecting the Facility. If, in the opinion of Idaho, the Seller has failed to provide proper maintenance of the facility or its protection, and this failure could adversely impact Idaho or other Idaho customers, Idaho can require the Seller to cease parallel operation.

RECEIVED

#### A-5 SYNCHRONOUS GENERATORS

A-5.1 If a governor is used, the governor characteristics may be adjusted to at least 5% droop.

A-5.2 A check interlock for synchronizing of the Seller's generator is required.

#### A-6 INDUCTION GENERATORS

A-6.1 Overvoltage can become a serious problem when an induction generator is isolated to a portion of a transmission or distribution system. Overvoltage relay shall be provided that will open the generator breaker in the event that the voltage reaches predetermined limits consistent with the overvoltage capability of the generator and the system. Undervoltage protection may also be required. On larger units, underfrequency and overfrequency relaying may be required.

A-6.2 Vars for excitation of the induction generator will need to be supplied from the power system or from capacitors as a component of a static Var source. Appendix B to this Agreement provides for compensation to Idaho for Vars supplied.

#### A-7 DC TO AC CONVERTERS

A-7.1 Direct current generators may be operated in parallel with Idaho system through a synchronous inverter. The inverter installation will be designed such that an Idaho system interruption will result in the immediate removal of the inverter power flow to Idaho. Harmonics and/or spurious frequencies generated by the Seller's generator-inverter combinations must be limited to avoid causing any reduction in quality of electric service to Idaho's other customers.

**RECEIVED**

FEB 16 1990

A-8 SWITCHING REQUIREMENTS

A-8.1 Idaho reserves the right to open and secure by lock any disconnecting device without prior notice to Seller for any of the following reasons:

A-8.1.1 System emergency.

A-8.1.2 Inspection of the Seller's Facility protective equipment reveals a condition which might adversely impact Idaho or Idaho's other customers.

A-8.1.3 Seller's generating equipment interferes with other customers, or with Idaho's system.

A-8.2 Seller shall maintain a written record of all operating (opening and closing) by Seller of the Seller's interconnection with Idaho. Each operation will be recorded by the date, hour and minute and will include the generator kilowatt hour reading at the time of the operation. This record will be maintained on a monthly basis and the original will be mailed to Idaho on the first business day of the following month. Idaho will provide the forms necessary for filing this monthly switching report.

A-9 GENERATION SCHEDULING AND REPORTING

A-9.1 For installations under 750 KVA, the Seller shall read his generator kilowatt hour meter within the 24-hour period following 12:00 noon on the last day of each month. That kilowatt hour meter reading is to be recorded on the monthly switching report that is mailed to Idaho.

A-9.2 For installations 750 KVA and above, before 10:00 A M each day, the Seller shall provide the Designated Dispatch Facility with an estimate of what the Seller will generate on the following day or days as may be required. In order to maintain a continuous record of energy actually generated and delivered, the Seller shall, by means acceptable to Idaho, obtain the kilowatt hour reading at midnight of each day and shall notify the Designated Dispatch

**MICROFILMED**

FEB 16 1990

Facility, the following day, of that meter reading. Additionally, the kilowatt hour meter reading, corresponding to midnight at the end of the last day of each month, shall also be recorded on the monthly switching report that is mailed to Idaho.

A-9.3 The written record of the end-of-month meter reading on the monthly switching report, subject to subsequent review and correction by Idaho, will be the basis of payment for energy purchased by Idaho from the Seller. An adjustment in the kilowatt hours delivered will be made to compensate for the losses in B-6.

**MICROFILMED**

FEB 16 1990

APPENDIX B  
SPECIAL FACILITIES, POINTS OF DELIVERY AND METERING,  
AND OPERATION DATE  
BRIGGS CREEK PROJECT

**B-1 DESCRIPTION OF FACILITY**

The Seller's Facility is described as two hydro units with synchronous nameplate ratings of 325 KW and 325 KW at 2,400 volts, three phase, 60 hertz, driven by horizontal Francis Turbines.

**B-2 LOCATION OF FACILITY**

The Facility is located in the NE Quarter of Section 4, Township 9 South, Range 14 East, Boise Meridian, Twin Falls County, Idaho.

**B-3 SCHEDULED OPERATION DATE**

Seller has selected November 1, 1984, as the Scheduled Operation Date and October 1, 1984, as the First Energy Date. In making these selections, Seller recognizes that to allow for adequate testing of the Facility's degree of completion and reliability, it must achieve its First Energy Date at least thirty (30) days prior to the Operation Date. Idaho, based on the information supplied by Seller, will schedule its construction so that all Special Facilities, Disconnection Equipment and metering equipment will be completed in time so as not to delay Seller's achieving the First Energy Date. However, if Seller fails to pay the costs specified in B-11 below at the time specified therein, or materially changes the specifications or design of the Facility or Seller-furnished Interconnection Facilities from what was previously provided to Idaho, Idaho may be required to reschedule its construction of these facilities which could

RECEIVED  
FEB 16 1990

adversely impact Seller's ability to achieve its scheduled First Energy Date.

**B-4 FAILURE TO ACHIEVE OPERATION DATE**

If Seller has not achieved the Operation Date within eleven (11) months of the Scheduled Operation Date, such failure shall be deemed to be an event of default pursuant to Article XXI.

**B-5 POINT OF DELIVERY**

The Point of Delivery of Energy from the Seller to Idaho will be the third pole West of the NE corner of Section 4, Township 9 South, Range 14 East, Boise Meridian. The transformer bank will be a 1,500 KVA three phase bank, 2,400 volts to 19.9/34.5 KV, connected grounded-wye high side, ungrounded-wye low side, located approximately 100 feet from the Generator, and will be owned and maintained by the Seller.

**B-6 LOSSES**

Losses shall be 0.95% of the metered energy.

**B-7 METERING**

The metering equipment will be on the 2,400 volt side of the transformer bank, and will consist of potential and current transformers, a KWH meter, a KVARH meter, and a recording meter. The meter will register kilowatt-hours and kilowatts of demand. Metering equipment will be owned and maintained by Idaho, with total cost of purchase, installation, operation, and maintenance, including administrative cost; to be reimbursed to Idaho by the Seller.

**B-8 SPECIAL FACILITIES**

The reconstruction of approximately one quarter mile of single phase 19.9 KV overhead line to three phase line will be provided by Idaho as Special

Facilities. The total cost of these Special Facilities will be reimbursed to Idaho by the Seller.

#### B-9 REACTIVE POWER

The Seller will operate the synchronous generator within plus or minus 5% of unity power factor.

#### B-10 DISCONNECTION EQUIPMENT

Disconnection Equipment is required to insure that the Seller's Facility will be disconnected from Idaho's system in the event of a disturbance on either Idaho's system or the Seller's Facility. This equipment is for the protection of Idaho's equipment only. Idaho will supply and install the Interconnection Equipment which consists of a pole mounted 34.5 KV rated oil switch to be used as the breaker, an interconnection panel which includes the relays and associated logic, a pole mounted transformer bank for ground fault detection and a safety switch. Seller will supply and install all cable, conduit, and generator connection necessary for the operation of the Disconnection Equipment. Idaho will supply details for the interconnection panel and will connect and test the equipment prior to operation of the Facility. Seller will provide drawings of the interconnection wiring for engineering approval before installation. The total cost of the Disconnection Equipment, connection and testing will be reimbursed to Idaho by the Seller.

#### B-11 COSTS

The total cost of Special Facilities and Metering Equipment is \$15,435. The total cost of the Disconnecting Equipment is \$12,876. Total amount to be paid to Idaho by the Seller is \$28,311, less the \$1,000 Application Fee. This represents the amount that will be charged by Idaho if the

Seller makes the payment on or before July 3, 1984. If the Seller does not make this payment by the specified date, the amount will be subject to adjustment by Idaho. Idaho will not schedule construction or order Special Facilities which are not ordinarily maintained in Idaho's inventory until payment has been made. In addition, to the installation and construction charges above, during the term of the Agreement, Seller will pay Idaho an operation and maintenance charge of 0.7% per month times the total amount specified above. The monthly operations and maintenance charge may be adjusted during the term of the Agreement to reflect changes in the costs upon which the charge is based. Idaho will maintain on file with the Commission a schedule showing the cost components and calculation of the monthly operation and maintenance charge.

#### B-12 SALVAGE

No later than sixty (60) days after the termination or expiration of this Agreement, Idaho will prepare and forward to Seller an estimate of the remaining value of those Idaho Power furnished Interconnection Facilities described in this Appendix, less the cost of removal and transfer to Idaho's nearest warehouse, if the Interconnection Facilities will be removed. If Seller elects not to retain ownership of the Interconnection Facilities but instead wishes that Idaho purchase such facilities from Seller at the net salvage value, Idaho may then be invoiced by Seller for the net salvage value estimated by Idaho for the Interconnection Facilities and shall pay such amount to Seller within thirty (30) days after receipt of said invoice. Seller shall have the right to offset the invoice amount against any present or future payments due Idaho.

**MICROFILMED**

FEB 16 1990

APPENDIX C

SCHEDULE OF REQUIRED LICENSES AND PERMITS

1. Evidence of compliance with Part 1 of the Federal Power Act. Acceptable evidence of compliance will be an Order from FERC: (1) issuing a License for the Facility, or (2) exempting the Facility from Licensing.
2. Permit for the appropriation of water for power production purposes issued by the Idaho Department of Water Resources.
3. Evidence of compliance with Subpart B of CFR §292.707. For this Facility, self-certification is sufficient.

MICROFILMED  
FEB 16 1990

# APPENDIX D

## LUMP SUM REFUND PAYMENT FOR PERMANENT CURTAILMENT OF PORTION OR ALL OF ANNUAL NET ENERGY AMOUNT UNDER 35-YEAR CONTRACT DOLLARS PER ANNUAL MEGAWATT HOUR

| <u>Contract Year<br/>of Curtailment<br/>Commencement</u> | <u>Facility Operation Date</u> |             |             |             |
|----------------------------------------------------------|--------------------------------|-------------|-------------|-------------|
|                                                          | <u>1984</u>                    | <u>1985</u> | <u>1986</u> | <u>1987</u> |
| 1                                                        | 20                             | 20          | 20          | 20          |
| 2                                                        | 40                             | 40          | 40          | 40          |
| 3                                                        | 60                             | 60          | 60          | 65          |
| 4                                                        | 80                             | 80          | 80          | 85          |
| 5                                                        | 100                            | 100         | 105         | 105         |
| 6                                                        | 120                            | 120         | 125         | 125         |
| 7                                                        | 140                            | 140         | 145         | 145         |
| 8                                                        | 160                            | 160         | 165         | 165         |
| 9                                                        | 180                            | 180         | 185         | 185         |
| 10                                                       | 195                            | 195         | 200         | 200         |
| 11                                                       | 210                            | 210         | 215         | 220         |
| 12                                                       | 225                            | 230         | 235         | 240         |
| 13                                                       | 240                            | 250         | 260         | 270         |
| 14                                                       | 255                            | 265         | 270         | 300         |
| 15                                                       | 275                            | 290         | 310         | 325         |
| 16                                                       | 300                            | 315         | 335         | 355         |
| 17                                                       | 325                            | 340         | 360         | 385         |
| 18                                                       | 350                            | 365         | 385         | 410         |
| 19                                                       | 370                            | 390         | 410         | 435         |
| 20                                                       | 390                            | 410         | 430         | 460         |
| 21                                                       | 405                            | 425         | 450         | 480         |
| 22                                                       | 420                            | 440         | 465         | 495         |
| 23                                                       | 435                            | 455         | 480         | 510         |
| 24                                                       | 440                            | 465         | 490         | 520         |
| 25                                                       | 445                            | 470         | 500         | 525         |
| 26                                                       | 445                            | 470         | 495         | 520         |
| 27                                                       | 440                            | 465         | 490         | 510         |
| 28                                                       | 420                            | 445         | 475         | 495         |
| 29                                                       | 400                            | 420         | 450         | 475         |
| 30                                                       | 370                            | 390         | 410         | 430         |
| 31                                                       | 330                            | 345         | 365         | 385         |
| 32                                                       | 270                            | 280         | 295         | 315         |
| 33                                                       | 200                            | 200         | 220         | 220         |
| 34                                                       | 100                            | 100         | 110         | 110         |
| 35                                                       | 0                              | 0           | 0           | 0           |

MICROFILMED

| PROJECT                               | UTILITY | NUMBER OF CASE | NUMBER OF ORDER | DATE OF APPROVAL | TYPE OF FACILITY | GENER. STATE | GENER. COUNTY | LOCATION<br>STREAM DRAINAGE | TYPE OF FUEL       | AGREEMENT<br>FERC (IN YRS) TERM | CONTRACT DATE | DATE OF ADDENDUM | DATE ON-LINE | CAPACITY (KW) | INTERCOM. COST |
|---------------------------------------|---------|----------------|-----------------|------------------|------------------|--------------|---------------|-----------------------------|--------------------|---------------------------------|---------------|------------------|--------------|---------------|----------------|
| AFON ENERGY, INC.                     | IPCO    | U-1006-199     | 19676           | 14-May-85        | STEAM            | WYO.         | ?             | N/A                         | WOOD WASTE         | LATER 1001 35                   | 12-Aug-82     | 15-Apr-86        | 30-Dec-83    | 8,864         | ?              |
| BARBER DAM (INTEREST)                 | IPCO    | U-1006-295     | 21359           | 27-Jul-87        | HYDRO            | IDAHO        | ADA           | BOISE RIVER                 | SNACK RIVER        | LATER 1001 35                   | 13-Jul-87     | NONE             | E.10-01-87   | 2,400         | \$76,219       |
| BIRCH CREEK TRIBUT CO.                | IPCO    | ---            | N/A             | 09-Sep-83        | HYDRO            | IDAHO        | ---           | BRICK CREEK                 | SNACK RIVER        | LATER 1001 35                   | 01-Jul-83     | NONE             | 29-Mar-84    | 50            | \$18,036       |
| BLACK CANYON #3                       | IPCO    | ---            | S/A             | 11-Apr-84        | HYDRO            | IDAHO        | ---           | GOODING                     | SNACK RIVER        | LATER 1001 35                   | 02-Mar-84     | NONE             | 16-Apr-84    | 139           | \$63,324       |
| BLIND CANYON HYDRO                    | IPCO    | ---            | N/A             | 12-Aug-86        | HYDRO            | IDAHO        | ---           | GOODING                     | SNACK RIVER        | LATER 1001 35                   | 21-Jul-86     | NONE             | 10-31-86     | 1,600         | \$22,962       |
| BRIGGS CREEK (RICHARD KASTER)         | IPCO    | U-1006-236     | 18996           | 13-Jul-84        | HYDRO            | IDAHO        | ---           | BRIGGS CREEK                | SNACK RIVER        | LATER 1001 35                   | 21-Jun-84     | NONE             | 30-Sep-85    | 600           | \$28,311       |
| BY-PASS LTD.                          | IPCO    | U-1006-285     | 20900           | 03-Dec-86        | HYDRO            | IDAHO        | ---           | BY-PASS CANAL               | SNACK RIVER        | LATER 1001 35                   | 12-Nov-86     | NONE             | E.04-01-88   | 9,960         | LATER          |
| CANYON SPRINGS                        | IPCO    | U-1006-220     | 18852           | 04-May-84        | HYDRO            | IDAHO        | ---           | SPRING                      | SNACK RIVER        | LATER 1001 35                   | 12-Apr-84     | NONE             | 20-Sep-84    | 130           | \$18,613       |
| CEDAR DROW                            | IPCO    | U-1006-227     | 18852           | 04-May-84        | HYDRO            | IDAHO        | ---           | CANAL                       | SNACK RIVER        | LATER 1001 35                   | 10-May-84     | NONE             | 02-May-84    | 1,550         | \$152,819      |
| CITY OF HAILEY                        | IPCO    | U-1006-263     | 19760           | 24-Jun-85        | HYDRO            | IDAHO        | ---           | INDIAN CREEK                | SNACK RIVER        | LATER 1001 35                   | 14-Jun-85     | NONE             | 17-Feb-85    | 62            | \$23,377       |
| CLEAR SPRINGS TROUT                   | IPCO    | ---            | S/A             | 28-Dec-82        | HYDRO            | IDAHO        | ---           | CANAL                       | SNACK RIVER        | LATER 1001 35                   | 16-Dec-82     | NONE             | 02-Nov-83    | 520           | \$75,425       |
| CONGENERATION, INC. (ROCK CREEK)      | IPCO    | ---            | S/A             | 18-Mar-82        | HYDRO            | IDAHO        | ---           | LINCOLN                     | SNACK RIVER        | LATER 1001 35                   | 13-Oct-81     | NONE             | 11-Sep-83    | 2,045         | ?              |
| CRYSTAL SPRINGS                       | IPCO    | U-1006-231     | 18852           | 04-May-84        | HYDRO            | IDAHO        | ---           | CRYSTAL SPRINGS             | SNACK RIVER        | LATER 1001 35                   | 31-Mar-84     | NONE             | 30-Nov-85    | 2,441         | \$152,819      |
| CURRY CATTLE CO.                      | IPCO    | ---            | S/A             | 13-Dec-83        | HYDRO            | IDAHO        | ---           | CANAL                       | SNACK RIVER        | LATER 1001 35                   | 07-Feb-83     | NONE             | 04-Jun-83    | 222           | \$29,270       |
| DEEP CREEK (DAN HUDSON)               | IPCO    | U-1006-257     | 20525           | 03-Jun-86        | HYDRO            | IDAHO        | ---           | DEEP CREEK                  | SNACK RIVER        | LATER 1001 35                   | 19-Mar-86     | NONE             | 11-30-86     | 268           | \$32,049       |
| DIEBICH DROW (BPC)                    | IPCO    | U-1006-296     | 21360           | 27-Jul-87        | HYDRO            | IDAHO        | ---           | JEROME                      | SNACK RIVER        | LATER 1001 35                   | 13-Jul-87     | NONE             | E.03-01-88   | 4,500         | \$192,345      |
| ELK CREEK                             | IPCO    | U-1006-243     | 19186           | 17-Oct-84        | HYDRO            | IDAHO        | ---           | ELK CREEK                   | SALMON RIVER       | LATER 1001 35                   | 31-Aug-84     | NONE             | 03-Apr-86    | 2,000         | \$57,208       |
| EMMETT SAWMILL                        | IPCO    | U-1006-222     | 18757           | 15-May-84        | COGEN            | IDAHO        | ---           | N/A                         | WOOD WASTE         | LATER 1001 35                   | 17-Jan-84     | 15-Mar-84        | 30-May-85    | 14,000        | \$205,000      |
| EVERGREEN ENERGY (TAMARACK)           | IPCO    | ---            | S/A             | 06-Dec-81        | STEAM            | IDAHO        | ---           | ADAMS                       | WOOD WASTE         | LATER 1001 35                   | 16-Sep-81     | NONE             | 16-May-83    | 5,000         | \$28,480       |
| FALL CREEK (BENSON)                   | IPCO    | U-1006-228     | 18852           | 04-May-84        | HYDRO            | IDAHO        | ---           | POWER                       | SNACK RIVER        | LATER 1001 35                   | 08-May-84     | NONE             | DEFAUL       | 1,100         | \$14,191       |
| FALKNER L&L                           | IPCO    | U-1006-286     | 20986           | 09-Jan-87        | HYDRO            | IDAHO        | ---           | GOODING                     | SNACK RIVER        | LATER 1001 35                   | 11-Dec-86     | NONE             | E.07-15-87   | 900           | LATER          |
| GEORGE ARKDOOSH                       | IPCO    | U-1006-257     | 20525           | 03-Jun-86        | HYDRO            | IDAHO        | ---           | LINCOLN                     | SNACK RIVER        | LATER 1001 35                   | 01-Mar-85     | NONE             | 10-Oct-86    | 1,150         | \$111,515      |
| H.E.E.D. CO. (SLAUGHTERHOUSE GULCH)   | IPCO    | U-1006-278     | 20658           | 05-Aug-86        | HYDRO            | IDAHO        | ---           | TWIN FALLS                  | SNACK RIVER        | LATER 1001 35                   | 06-Aug-86     | NONE             | 01-Feb-83    | 55            | \$14,561       |
| HOBBS, JESS (CONTRACT REVOKED)        | IPCO    | ---            | N/A             | 01-Oct-83        | WIND             | IDAHO        | ---           | POWER                       | WIND               | LATER 1001 35                   | 07-Oct-83     | NONE             | 26-Aug-83    | 10            | \$0            |
| JOL LEASING (HARDS CHEESE)            | IPCO    | ---            | S/A             | 19-Aug-85        | COGEN            | IDAHO        | ---           | LINCOLN                     | COAL               | LATER 1001 35                   | 18-Feb-82     | NONE             | DEFAUL       | 200           | \$2,362        |
| JIM KNIGHT (MUTUAL ENERGY CO.)        | IPCO    | U-1006-250     | 19728           | 07-Jun-85        | HYDRO            | IDAHO        | ---           | LINCOLN                     | R18 WOOD CANAL     | LATER 1001 35                   | 01-Apr-85     | NONE             | 14-Sep-85    | 340           | \$26,392       |
| JOHN LEMAY                            | IPCO    | U-1006-264     | 19772           | 28-Jun-85        | HYDRO            | IDAHO        | ---           | GOODING                     | SNACK RIVER        | LATER 1001 35                   | 23-Apr-85     | 17-Jun-85        | 10-Dec-84    | 35            | \$21,848       |
| KASEL & WITHERSPOON                   | IPCO    | ---            | S/A             | 30-Jul-85        | HYDRO            | IDAHO        | ---           | TWIN FALLS                  | SNACK RIVER        | LATER 1001 35                   | 23-Jun-83     | NONE             | 30-Dec-83    | 909           | \$78,458       |
| KOYLE SMALL HYDRO PROJECT             | IPCO    | U-1006-206     | 18004           | 08-Apr-83        | HYDRO            | IDAHO        | ---           | GOODING                     | SNACK RIVER        | LATER 1001 35                   | 15-Feb-83     | NONE             | 30-Dec-83    | 1,250         | \$46,937       |
| LAFAYETTE CO                          | IPCO    | U-1006-234     | 18933           | 08-Jun-84        | HYDRO            | IDAHO        | ---           | TWIN FALLS                  | SNACK RIVER        | LATER 1001 35                   | 08-Jun-84     | NONE             | 21-Jun-85    | 1,600         | \$32,334       |
| LITTLE WOOD RESERVOIR                 | IPCO    | U-1006-238     | 19068           | 22-Aug-84        | HYDRO            | IDAHO        | ---           | BLAINE                      | SNACK RIVER        | LATER 1001 35                   | 08-Jul-84     | 17-Aug-84        | 23-Feb-85    | 2,400         | \$165,000      |
| LITTLE WOOD (WILLIAM ARKDOOSH)        | IPCO    | U-1006-254     | 19754           | 24-Jun-85        | HYDRO            | IDAHO        | ---           | LINCOLN                     | SNACK RIVER        | LATER 1001 35                   | 11-Jun-85     | NONE             | 05-Aug-86    | 740           | \$69,914       |
| LOW LINE CANAL (BONNYVILLE-PACIFIC)   | IPCO    | U-1006-235     | 18933           | 08-Jun-84        | HYDRO            | IDAHO        | ---           | TWIN FALLS                  | SNACK RIVER        | LATER 1001 35                   | 08-Jun-84     | NONE             | 05-Apr-85    | 7,970         | \$405,000      |
| LOW LINE II                           | IPCO    | U-1006-281     | 20823           | 14-Nov-86        | HYDRO            | IDAHO        | ---           | TWIN FALLS                  | SNACK RIVER        | LATER 1001 35                   | 12-Sep-86     | NONE             | NOL          | 2,790         | LATER          |
| MAGIC DAM (COOK ELECTRIC)             | IPCO    | U-1006-294     | 21358           | 27-Jul-87        | HYDRO            | IDAHO        | ---           | BLAINE                      | SNACK RIVER        | LATER 1001 35                   | 10-Jul-87     | NONE             | E.06-01-88   | 9,900         | \$149,936      |
| MALAD RIVER (RAVENSCROFT)             | IPCO    | ---            | S/A             | 15-Sep-82        | HYDRO            | IDAHO        | ---           | GOODING                     | SNACK RIVER        | LATER 1001 35                   | 02-Sep-82     | 07-Mar-84        | 15-Nov-83    | 615           | \$50,823       |
| MARCO RANCHES (RANCHER'S IRRIGATION)  | IPCO    | ---            | N/A             | 14-Mar-85        | HYDRO            | IDAHO        | ---           | JEROME                      | SNACK RIVER        | LATER 1001 35                   | 28-Feb-85     | NONE             | 01-Jun-85    | 1,200         | \$39,489       |
| MICHELL BUTTE                         | IPCO    | ---            | ?               | ?                | HYDRO            | OREGON       | ---           | ?                           | ?                  | LATER 1001 35                   | 06-Jun-85     | NONE             | N/A          | 1,675         | ?              |
| MUD CREEK (S & S LIMITED PARTNERSHIP) | IPCO    | ---            | ?               | 05-Dec-81        | HYDRO            | IDAHO        | ---           | TWIN FALLS                  | SNACK RIVER        | LATER 1001 35                   | 30-Oct-81     | 28-Feb-83        | 20-Feb-82    | 520           | \$40,602       |
| OWNEY DAM POWER PROJECT               | IPCO    | N/A            | N/A             | N/A              | HYDRO            | OREGON       | ---           | N/A                         | ?                  | LATER 1001 35                   | 27-Apr-84     | NONE             | N/A          | 5,000         | ?              |
| PIGEON COVE POWER COMPANY             | IPCO    | ---            | S/A             | 17-Jul-85        | HYDRO            | IDAHO        | ---           | TWIN FALLS                  | ?                  | LATER 1001 35                   | 11-May-83     | NONE             | 30-Sep-84    | 1,890         | ?              |
| POCAHONTAS WASTEWATER                 | IPCO    | U-1006-266     | 19821           | 10-Jul-85        | HYDRO            | IDAHO        | ---           | BANNOCK                     | METHANE            | LATER 1001 35                   | 24-Apr-85     | 28-Jun-85        | 05-Dec-85    | 150           | \$12,728       |
| REYNOLDS IRRIGATION                   | IPCO    | U-1006-224     | 19794           | 03-Jul-85        | HYDRO            | IDAHO        | ---           | CANYON                      | ?                  | LATER 1001 35                   | 01-Apr-85     | NONE             | 23-Apr-86    | 284           | \$39,634       |
| RICHARD KASTER                        | IPCO    | ---            | N/A             | 12-Nov-83        | HYDRO            | IDAHO        | ---           | TWIN FALLS                  | ?                  | LATER 1001 35                   | 07-Oct-83     | NONE             | 22-Dec-83    | 336           | ?              |
| ROCK CREEK II (BPC)                   | IPCO    | U-1006-297     | 21361           | 27-Jul-87        | HYDRO            | IDAHO        | ---           | TWIN FALLS                  | ?                  | LATER 1001 35                   | 13-Jul-87     | NONE             | E.03-01-88   | 1,750         | \$8,359        |
| SAGEBRUSH (MUTUAL ENERGY CO.)         | IPCO    | U-1006-251     | 19728           | 07-Jun-85        | HYDRO            | IDAHO        | ---           | LINCOLN                     | ?                  | LATER 1001 35                   | 01-Apr-85     | NONE             | 02-Jun-85    | 433           | \$27,127       |
| SCHAFNER                              | IPCO    | U-1006-256     | 20253           | 04-Feb-86        | HYDRO            | IDAHO        | ---           | LENNI                       | ?                  | LATER 1001 35                   | 20-Dec-85     | NONE             | 08-Aug-86    | 525           | \$95,174       |
| SHINGLE CREEK (WILLIS)                | IPCO    | ---            | N/A             | 22-Dec-82        | HYDRO            | IDAHO        | ---           | IDAHO                       | ?                  | LATER 1001 35                   | 19-Aug-82     | NONE             | 15-Jul-83    | 110           | \$29,437       |
| SHOSHONE (SHORWICK HYDRO, INC.)       | IPCO    | ---            | ?               | ?                | HYDRO            | IDAHO        | ---           | GOODING                     | ?                  | LATER 1001 35                   | 19-Oct-81     | NONE             | 21-Jun-82    | 450           | \$40,306       |
| SIMPLIST                              | IPCO    | U-1006-275     | N/A             | 16-Jan-86        | COGEN            | IDAHO        | ---           | POWER                       | ?                  | LATER 1001 35                   | 08-Jan-86     | NONE             | 13-Jan-86    | 12,000        | ?              |
| SNACK RIVER POTTERY                   | IPCO    | U-1006-230     | 18997           | 13-Jul-84        | HYDRO            | IDAHO        | ---           | GOODING                     | ?                  | LATER 1001 35                   | 03-Jul-84     | NONE             | 19-Nov-84    | 70            | \$17,887       |
| SNEOJGAR RANCH                        | IPCO    | U-1006-229     | 18852           | 04-May-84        | HYDRO            | IDAHO        | ---           | TWIN FALLS                  | ?                  | LATER 1001 35                   | 24-Feb-84     | NONE             | 31-Dec-84    | 540           | \$27,331       |
| STEVENSON SITE 1                      | IPCO    | ---            | N/A             | 23-Feb-84        | HYDRO            | IDAHO        | ---           | GOODING                     | ?                  | LATER 1001 35                   | 12-Jan-84     | NONE             | 23-Apr-84    | 75            | \$7,301        |
| STEVENSON SITE 2                      | IPCO    | ---            | N/A             | 23-Feb-84        | HYDRO            | IDAHO        | ---           | GOODING                     | ?                  | LATER 1001 35                   | 12-Jan-84     | NONE             | 05-Jul-84    | 65            | \$7,301        |
| TROUT CO.                             | IPCO    | ---            | N/A             | 05-Mar-85        | HYDRO            | IDAHO        | ---           | GOODING                     | ?                  | LATER 1001 35                   | 07-Jan-85     | NONE             | 30-Nov-86    | 238           | \$20,085       |
| TUNNEL #1 POWER PROJECT               | IPCO    | ---            | ?               | ?                | HYDRO            | OREGON       | ---           | ?                           | ?                  | LATER 1001 35                   | 06-Jun-85     | NONE             | N/A          | 4,800         | ?              |
| TWIN EAGLE POWER                      | IPCO    | U-1006-287     | 21043           | 06-Feb-87        | HYDRO            | IDAHO        | ---           | TWIN FALLS                  | ?                  | LATER 1001 35                   | 31-Dec-86     | NONE             | E.07-01-87   | 400           | LATER          |
| WHITE WATER RANCH                     | IPCO    | ---            | N/A             | 18-May-84        | HYDRO            | IDAHO        | ---           | GOODING                     | ?                  | LATER 1001 35                   | 24-Feb-84     | NONE             | 11-Jul-85    | 160           | \$15,869       |
| WHITE/MUD CREEK                       | IPCO    | U-1006-271     | 19849           | 22-Jul-85        | HYDRO            | IDAHO        | ---           | TWIN FALLS                  | ?                  | LATER 1001 35                   | 15-Apr-85     | NONE             | 10-Jan-86    | 205           | \$29,269       |
| Y-B (NORTHSIDE CANAL CO.)             | IPCO    | ---            | S/A             | 18-Jul-85        | HYDRO            | IDAHO        | ---           | JEROME                      | ?                  | LATER 1001 35                   | 20-Apr-83     | NONE             | 19-May-83    | 85            | \$21,101       |
| JIM WHITE                             | IPCO    | ---            | ?               | ?                | N/A              | HYDRO        | IDAHO         | BONNER                      | DEER CREEK         | LATER 1001 35                   | 12-Feb-82     | NONE             | 01-Feb-82    | 250           | ?              |
| ANY, JOKE                             | IPCO    | U-1009-174     | 21018           | 23-Jan-87        | HYDRO            | IDAHO        | ---           | BUTTE                       | LITTLE LOST R.     | LATER 1001 35                   | 03-Jan-85     | NONE             | NOL          | 600           | LATER          |
| BIRCH CREEK POWER COMPANY, INC.       | IPCO    | U-1009-154     | 19451           | 14-Feb-85        | HYDRO            | IDAHO        | ---           | BLAKE                       | REMO DITCH (CANAL) | LATER 1001 35                   | 21-Aug-84     | NONE             | ?            | 2,800         | \$56,756       |
| BLUE CRANE CREEK                      | IPCO    | ---            | N/A             | 12-Aug-86        | HYDRO            | IDAHO        | ---           | BANNOCK                     | BLUE CRANE CREEK   | LATER 1001 35                   | 30-Apr-86     | NONE             | 01-Apr-86    | 7.5           | \$1,500        |
| BUNNEVILLE PACIFIC CORPORATION        | IPCO    | U-1009-149     | 19365           | 09-Jan-85        | HYDRO            | IDAHO        | ---           | TETON                       | SNACK RIVER        | LATER 1001 35                   | 02-Dec-84     | NONE             | ?            | 6,000         | \$91,313       |
| BRIGGS PROJECT-TETON RIVER            | IPCO    | U-1009-156     | 19658           | 20-Jul-86        | HYDRO            | IDAHO        | ---           | TETON                       | SNACK RIVER        | LATER 1001 35                   | 12-Feb-85     | NONE             | ?            | 275           | \$18,463       |
| CITY OF PRESTON                       | IPCO    | P-300-12       | 17218           | 03-Apr-82        | HYDRO            | IDAHO        | ---           | FRANKLIN                    | CITY'S WATER LINE  | LATER 1001 35                   | 24-Feb-82     | NONE             | ?            | 400           | \$35,042       |
| D & D STAUFFER                        | IPCO    | U-1009-153     | 19450           | 14-Feb-85        | HYDRO            | IDAHO        | ---           | BUTTE                       | CANAL              | LATER 1001 35                   | 30-Nov-84     | NONE             | ?            | 3,580         | \$9,119        |
| ENERGENICS SYSTEMS, INC.              | IPCO    | U-1009-152     | 19447           | 14-Feb-85        | HYDRO            | IDAHO        | ---           | FREEHOLD                    | HENRY'S FORK RIVER | LATER 1001 35                   | 07-May-84     | NONE             | ?            | 1,750         | \$15,685       |
| GEORGETOWN IRRIGATION COMPANY         | IPCO    | U-1009-151     | 19448           | 14-Feb-85        | HYDRO            | IDAHO        | ---           | BEAR LAKE                   | CANYON CREEK       | LATER 1001 35                   | 02-Jul-84     | NONE             | ?            | 100           | \$20,410       |
| INGRAHAM WARM SPRINGS RANCH           | IPCO    | U-1009-145     | 20503           | 22-May-86        | HYDRO            | IDAHO        | ---           | CUSTER                      | WARM SPRINGS       | LATER 1001 35                   | 04-Mar-86     | NONE             | ?            | 2,380         | \$4,753        |
| JOHN R. WIEGER                        | IPCO    | U-1009-155     | 19452           | 14-Feb-85        | HYDRO            | IDAHO        | ---           | BONNEVILLE                  | IDAHO CANAL        | LATER 1001 35                   | 14-Feb-85     | NONE             | ?            | 100           | ?              |
| LAST THINCE CANAL                     | IPCO    | P-300-12       | 17219           | 08-Apr-82        | HYDRO            | IDAHO        | ---           | CARIBOU                     | IRRIGATION CANAL   | LATER 1001 35                   | 24-Feb-81     | NONE             | ?            | 1,400         | \$15,000       |
| MARSH VALLEY HYDRO                    | UPCL    | U-1009-162     | 20299           | 07-Jan-87        | HYDRO            | IDAHO        | ---           | BANNOCK                     | PORTNEUF-N.V. CML  | LATER 1001 35                   | 21-Nov-86     | NONE             | NOL          | 1,700         | LATER          |
| MYRON & NOLA JONES                    | UPCL    | U-1009-166     | 20600           | 12-Aug-86        | HYDRO            | IDAHO        | ---           | ONEIDA                      | MILL CREEK         | LATER 1001 35                   | 14-Mar-86     | NONE             | 01-Dec-86    | 260           | \$47,200       |

FEB 16 1990

| PROJECT                         | UTILITY | STATE OF INTERCOM. | COGENERATION/INDUSTRIAL PROCESS | CONTRACT TYPE | CONTRACT CAPACITY (KW/YR) | ANNUAL NET ENERGY AMOUNT (KWH/YR) | CONTRACT   | ENERGY | BY SEASON | KN-IV | KN-III | KN-II | KN-I | CONTRACT   | ENERGY | FIXED | COST  | ENERGY (M/KWH) | ENERGY |
|---------------------------------|---------|--------------------|---------------------------------|---------------|---------------------------|-----------------------------------|------------|--------|-----------|-------|--------|-------|------|------------|--------|-------|-------|----------------|--------|
| ATLANTIC ENERGY, INC.           | IPCO    | IDAHO              | N/A                             | B             | 6,084                     | 50,471,239                        | 7,091,151  | N/A    | N/A       | N/A   | N/A    | N/A   | N/A  | 7,091,151  | 30.10  | 0.00  | 0.00  | 0.00           | 23.49  |
| BORER DAN (INTERWEST)           | IPCO    | IDAHO              | N/A                             | C             | 350                       | 19,970,208                        | 0          | N/A    | N/A       | N/A   | N/A    | N/A   | N/A  | 0          | 0.00   | 0.00  | 0.00  | 0.00           | 23.49  |
| BLACK CANYON (INTERWEST)        | IPCO    | IDAHO              | N/A                             | A             | 350                       | 400,000                           | 0          | N/A    | N/A       | N/A   | N/A    | N/A   | N/A  | 0          | 0.00   | 0.00  | 0.00  | 0.00           | 23.49  |
| BLIND CANYON # 3                | IPCO    | IDAHO              | N/A                             | A             | 350                       | 560,460                           | 0          | N/A    | N/A       | N/A   | N/A    | N/A   | N/A  | 0          | 0.00   | 0.00  | 0.00  | 0.00           | 23.49  |
| BLIND CANYON HYDRO              | IPCO    | IDAHO              | N/A                             | A             | 350                       | 8,675,685                         | 0          | N/A    | N/A       | N/A   | N/A    | N/A   | N/A  | 0          | 0.00   | 0.00  | 0.00  | 0.00           | 23.49  |
| BURNS CREEK (WILCHARD KASTER)   | IPCO    | IDAHO              | N/A                             | A             | 350                       | 5,256,000                         | 1,314,000  | N/A    | N/A       | N/A   | N/A    | N/A   | N/A  | 1,314,000  | 70.00  | 46.70 | 70.00 | 46.70          | 23.49  |
| BY-PROG LTD.                    | IPCO    | IDAHO              | N/A                             | A             | 350                       | 33,378,000                        | 7,383,000  | N/A    | N/A       | N/A   | N/A    | N/A   | N/A  | 7,383,000  | 70.00  | 46.70 | 70.00 | 46.70          | 23.49  |
| CANYON SPRINGS                  | IPCO    | IDAHO              | N/A                             | A             | 350                       | 774,000                           | 0          | N/A    | N/A       | N/A   | N/A    | N/A   | N/A  | 0          | 0.00   | 0.00  | 0.00  | 0.00           | 23.49  |
| CECER DRAIN                     | IPCO    | IDAHO              | N/A                             | A             | 350                       | 6,187,000                         | 2,588,000  | N/A    | N/A       | N/A   | N/A    | N/A   | N/A  | 2,588,000  | 70.00  | 46.70 | 70.00 | 46.70          | 23.49  |
| CITY OF HAILEY                  | IPCO    | IDAHO              | N/A                             | A             | 350                       | 4,494,000                         | 123,500    | N/A    | N/A       | N/A   | N/A    | N/A   | N/A  | 123,500    | 70.00  | 46.70 | 70.00 | 46.70          | 23.49  |
| CLEAR SPRINGS TROUT             | IPCO    | IDAHO              | N/A                             | A             | 350                       | 4,504,000                         | 123,500    | N/A    | N/A       | N/A   | N/A    | N/A   | N/A  | 123,500    | 70.00  | 46.70 | 70.00 | 46.70          | 23.49  |
| CONSERVATION, INC. (ROCK CREEK) | IPCO    | IDAHO              | N/A                             | A             | 350                       | 11,380,877                        | 1,195,000  | N/A    | N/A       | N/A   | N/A    | N/A   | N/A  | 1,195,000  | 70.00  | 46.70 | 70.00 | 46.70          | 23.49  |
| CRYSTAL SPRINGS                 | IPCO    | IDAHO              | N/A                             | A             | 350                       | 9,397,000                         | 1,195,000  | N/A    | N/A       | N/A   | N/A    | N/A   | N/A  | 1,195,000  | 70.00  | 46.70 | 70.00 | 46.70          | 23.49  |
| CURRY CATTLE CO.                | IPCO    | IDAHO              | N/A                             | A             | 350                       | 1,115,545                         | 227,831    | N/A    | N/A       | N/A   | N/A    | N/A   | N/A  | 227,831    | 70.00  | 46.70 | 70.00 | 46.70          | 23.49  |
| DEEP CREEK (JOHN HUSON)         | IPCO    | IDAHO              | N/A                             | A             | 350                       | 1,058,559                         | 219,231    | N/A    | N/A       | N/A   | N/A    | N/A   | N/A  | 219,231    | 70.00  | 46.70 | 70.00 | 46.70          | 23.49  |
| DEWEATER DROP (OPC)             | IPCO    | IDAHO              | N/A                             | A             | 350                       | 21,727,516                        | 5,691,530  | N/A    | N/A       | N/A   | N/A    | N/A   | N/A  | 5,691,530  | 70.00  | 46.70 | 70.00 | 46.70          | 23.49  |
| ELK CREEK                       | IPCO    | IDAHO              | N/A                             | A             | 350                       | 5,140,434                         | 214,844    | N/A    | N/A       | N/A   | N/A    | N/A   | N/A  | 214,844    | 70.00  | 46.70 | 70.00 | 46.70          | 23.49  |
| EMERIT SANMILL                  | IPCO    | IDAHO              | N/A                             | A             | 350                       | 72,100,000                        | 20,200,000 | N/A    | N/A       | N/A   | N/A    | N/A   | N/A  | 20,200,000 | 70.00  | 46.70 | 70.00 | 46.70          | 23.49  |
| EVERGREEN ENERGY (TAMARACK)     | IPCO    | IDAHO              | N/A                             | A             | 350                       | 28,139,748                        | 2,980,000  | N/A    | N/A       | N/A   | N/A    | N/A   | N/A  | 2,980,000  | 70.00  | 46.70 | 70.00 | 46.70          | 23.49  |
| FALL CREEK (BENSON)             | IPCO    | IDAHO              | N/A                             | A             | 350                       | 1,208,880                         | 298,080    | N/A    | N/A       | N/A   | N/A    | N/A   | N/A  | 298,080    | 70.00  | 46.70 | 70.00 | 46.70          | 23.49  |
| FA                              | IPCO    | IDAHO              | N/A                             | A             | 350                       | 5,256,000                         | 1,314,000  | N/A    | N/A       | N/A   | N/A    | N/A   | N/A  | 1,314,000  | 70.00  | 46.70 | 70.00 | 46.70          | 23.49  |
| FA                              | IPCO    | IDAHO              | N/A                             | A             | 350                       | 4,743,728                         | 525,551    | N/A    | N/A       | N/A   | N/A    | N/A   | N/A  | 525,551    | 70.00  | 46.70 | 70.00 | 46.70          | 23.49  |
| FA                              | IPCO    | IDAHO              | N/A                             | A             | 350                       | 4,402,000                         | 0          | N/A    | N/A       | N/A   | N/A    | N/A   | N/A  | 0          | 0.00   | 0.00  | 0.00  | 0.00           | 23.49  |
| FA                              | IPCO    | IDAHO              | N/A                             | A             | 350                       | 1,314,000                         | N/A        | N/A    | N/A       | N/A   | N/A    | N/A   | N/A  | N/A        | 0.00   | 0.00  | 0.00  | 0.00           | 23.49  |
| FA                              | IPCO    | IDAHO              | N/A                             | A             | 350                       | 21,100,000                        | 580,000    | N/A    | N/A       | N/A   | N/A    | N/A   | N/A  | 580,000    | 70.00  | 46.70 | 70.00 | 46.70          | 23.49  |
| FA                              | IPCO    | IDAHO              | N/A                             | A             | 350                       | 7,232,000                         | 58,000     | N/A    | N/A       | N/A   | N/A    | N/A   | N/A  | 58,000     | 70.00  | 46.70 | 70.00 | 46.70          | 23.49  |
| FA                              | IPCO    | IDAHO              | N/A                             | A             | 350                       | 7,232,000                         | 58,000     | N/A    | N/A       | N/A   | N/A    | N/A   | N/A  | 58,000     | 70.00  | 46.70 | 70.00 | 46.70          | 23.49  |
| FA                              | IPCO    | IDAHO              | N/A                             | A             | 350                       | 6,217,000                         | N/A        | N/A    | N/A       | N/A   | N/A    | N/A   | N/A  | N/A        | 0.00   | 0.00  | 0.00  | 0.00           | 23.49  |
| FA                              | IPCO    | IDAHO              | N/A                             | A             | 350                       | 15,450,000                        | 3,450,000  | N/A    | N/A       | N/A   | N/A    | N/A   | N/A  | 3,450,000  | 70.00  | 46.70 | 70.00 | 46.70          | 23.49  |
| FA                              | IPCO    | IDAHO              | N/A                             | A             | 350                       | 8,350,000                         | 3,590,000  | N/A    | N/A       | N/A   | N/A    | N/A   | N/A  | 3,590,000  | 70.00  | 46.70 | 70.00 | 46.70          | 23.49  |
| FA                              | IPCO    | IDAHO              | N/A                             | A             | 350                       | 4,001,500                         | 450,300    | N/A    | N/A       | N/A   | N/A    | N/A   | N/A  | 450,300    | 70.00  | 46.70 | 70.00 | 46.70          | 23.49  |
| FA                              | IPCO    | IDAHO              | N/A                             | A             | 350                       | 46,841,000                        | 11,782,000 | N/A    | N/A       | N/A   | N/A    | N/A   | N/A  | 11,782,000 | 70.00  | 46.70 | 70.00 | 46.70          | 23.49  |
| FA                              | IPCO    | IDAHO              | N/A                             | A             | 350                       | 15,755,610                        | 5,087,920  | N/A    | N/A       | N/A   | N/A    | N/A   | N/A  | 5,087,920  | 70.00  | 46.70 | 70.00 | 46.70          | 23.49  |
| FA                              | IPCO    | IDAHO              | N/A                             | A             | 350                       | 31,121,200                        | 8,934,226  | N/A    | N/A       | N/A   | N/A    | N/A   | N/A  | 8,934,226  | 70.00  | 46.70 | 70.00 | 46.70          | 23.49  |
| FA                              | IPCO    | IDAHO              | N/A                             | A             | 350                       | 3,209,000                         | 0          | N/A    | N/A       | N/A   | N/A    | N/A   | N/A  | 0          | 0.00   | 0.00  | 0.00  | 0.00           | 23.49  |
| FA                              | IPCO    | IDAHO              | N/A                             | A             | 350                       | 7,180,000                         | 2,493,333  | N/A    | N/A       | N/A   | N/A    | N/A   | N/A  | 2,493,333  | 70.00  | 46.70 | 70.00 | 46.70          | 23.49  |
| FA                              | IPCO    | IDAHO              | N/A                             | A             | 350                       | 2,922,000                         | ?          | N/A    | N/A       | N/A   | N/A    | N/A   | N/A  | ?          | 0.00   | 0.00  | 0.00  | 0.00           | 23.49  |
| FA                              | IPCO    | IDAHO              | N/A                             | A             | 350                       | 10,216,700                        | ?          | N/A    | N/A       | N/A   | N/A    | N/A   | N/A  | ?          | 0.00   | 0.00  | 0.00  | 0.00           | 23.49  |
| FA                              | IPCO    | IDAHO              | N/A                             | A             | 350                       | 1,296,000                         | 324,000    | N/A    | N/A       | N/A   | N/A    | N/A   | N/A  | 324,000    | 70.00  | 46.70 | 70.00 | 46.70          | 23.49  |
| FA                              | IPCO    | IDAHO              | N/A                             | A             | 350                       | 1,448,472                         | 336,880    | N/A    | N/A       | N/A   | N/A    | N/A   | N/A  | 336,880    | 70.00  | 46.70 | 70.00 | 46.70          | 23.49  |
| FA                              | IPCO    | IDAHO              | N/A                             | A             | 350                       | 3,122,721                         | 686,999    | N/A    | N/A       | N/A   | N/A    | N/A   | N/A  | 686,999    | 70.00  | 46.70 | 70.00 | 46.70          | 23.49  |
| FA                              | IPCO    | IDAHO              | N/A                             | A             | 350                       | 14,073,550                        | 5,244,300  | N/A    | N/A       | N/A   | N/A    | N/A   | N/A  | 5,244,300  | 70.00  | 46.70 | 70.00 | 46.70          | 23.49  |
| FA                              | IPCO    | IDAHO              | N/A                             | A             | 350                       | 2,210,890                         | 185,750    | N/A    | N/A       | N/A   | N/A    | N/A   | N/A  | 185,750    | 70.00  | 46.70 | 70.00 | 46.70          | 23.49  |
| FA                              | IPCO    | IDAHO              | N/A                             | A             | 350                       | 2,311,800                         | 643,900    | N/A    | N/A       | N/A   | N/A    | N/A   | N/A  | 643,900    | 70.00  | 46.70 | 70.00 | 46.70          | 23.49  |
| FA                              | IPCO    | IDAHO              | N/A                             | A             | 350                       | 528,737                           | 321,900    | N/A    | N/A       | N/A   | N/A    | N/A   | N/A  | 321,900    | 70.00  | 46.70 | 70.00 | 46.70          | 23.49  |
| FA                              | IPCO    | IDAHO              | N/A                             | A             | 350                       | 2,581,350                         | ?          | N/A    | N/A       | N/A   | N/A    | N/A   | N/A  | ?          | 0.00   | 0.00  | 0.00  | 0.00           | 23.49  |
| FA                              | IPCO    | IDAHO              | N/A                             | A             | 350                       | 389,316                           | 92,362     | N/A    | N/A       | N/A   | N/A    | N/A   | N/A  | 92,362     | 70.00  | 46.70 | 70.00 | 46.70          | 23.49  |
| FA                              | IPCO    | IDAHO              | N/A                             | A             | 350                       | 1,407,000                         | 342,800    | N/A    | N/A       | N/A   | N/A    | N/A   | N/A  | 342,800    | 70.00  | 46.70 | 70.00 | 46.70          | 23.49  |
| FA                              | IPCO    | IDAHO              | N/A                             | A             | 350                       | 251,000                           | 67,034     | N/A    | N/A       | N/A   | N/A    | N/A   | N/A  | 67,034     | 70.00  | 46.70 | 70.00 | 46.70          | 23.49  |
| FA                              | IPCO    | IDAHO              | N/A                             | A             | 350                       | 152,880                           | 163,800    | N/A    | N/A       | N/A   | N/A    | N/A   | N/A  | 163,800    | 70.00  | 46.70 | 70.00 | 46.70          | 23.49  |
| FA                              | IPCO    | IDAHO              | N/A                             | A             | 350                       | 644,280                           | 109,200    | N/A    | N/A       | N/A   | N/A    | N/A   | N/A  | 109,200    | 70.00  | 46.70 | 70.00 | 46.70          | 23.49  |
| FA                              | IPCO    | IDAHO              | N/A                             | A             | 350                       | 491,100                           | 131,040    | N/A    | N/A       | N/A   | N/A    | N/A   | N/A  | 131,040    | 70.00  | 46.70 | 70.00 | 46.70          | 23.49  |
| FA                              | IPCO    | IDAHO              | N/A                             | A             | 350                       | 1,056,893                         | 266,395    | N/A    | N/A       | N/A   | N/A    | N/A   | N/A  | 266,395    | 70.00  | 46.70 | 70.00 | 46.70          | 23.49  |
| FA                              | IPCO    | IDAHO              | N/A                             | A             | 350                       | 2,872,000                         | 717,000    | N/A    | N/A       | N/A   | N/A    | N/A   | N/A  | 717,000    | 70.00  | 46.70 | 70.00 | 46.70          | 23.49  |
| FA                              | IPCO    | IDAHO              | N/A                             | A             | 350                       | 717,256                           | 169,619    | N/A    | N/A       | N/A   | N/A    | N/A   | N/A  | 169,619    | 70.00  | 46.70 | 70.00 | 46.70          | 23.49  |
| FA                              | IPCO    | IDAHO              | N/A                             | A             | 350                       | 2,200,000                         | 600,000    | N/A    | N/A       | N/A   | N/A    | N/A   | N/A  | 600,000    | 70.00  | 46.70 | 70.00 | 46.70          | 23.49  |
| FA                              | IPCO    | IDAHO              | N/A                             | A             | 350                       | 560,682                           | 118,572    | N/A    | N/A       | N/A   | N/A    | N/A   | N/A  | 118,572    | 70.00  | 46.70 | 70.00 | 46.70          | 23.49  |
| FA                              | IPCO    | IDAHO              | N/A                             | A             | 350                       | 1,000,000                         | N/A        | N/A    | N/A       | N/A   | N/A    | N/A   | N/A  | N/A        | 0.00   | 0.00  | 0.00  | 0.00           | 23.49  |
| FA                              | IPCO    | IDAHO              | N/A                             | A             | 350                       | 3,942,000                         | N/A        | N/A    | N/A       | N/A   | N/A    | N/A   | N/A  | N/A        | 0.00   | 0.00  | 0.00  | 0.00           | 23.49  |
| FA                              | IPCO    | IDAHO              | N/A                             | A             | 350                       | ?                                 | N/A        | N/A    | N/A       | N/A   | N/A    | N/A   | N/A  | N/A        | 0.00   | 0.00  | 0.00  | 0.00           | 23.49  |
| FA                              | IPCO    | IDAHO              | N/A                             | A             | 350                       | ?                                 | N/A        | N/A    | N/A       | N/A   | N/A    | N/A   | N/A  | N/A        | 0.00   | 0.00  | 0.00  | 0.00           | 23.49  |
| FA                              | IPCO    | IDAHO              | N/A                             | A             | 350                       | ?                                 | N/A        | N/A    | N/A       | N/A   | N/A    | N/A   | N/A  | N/A        | 0.00   | 0.00  | 0.00  | 0.00           | 23.49  |
| FA                              | IPCO    | IDAHO              | N/A                             | A             | 350                       | ?                                 | N/A        | N/A    | N/A       | N/A   | N/A    | N/A   | N/A  | N/A        | 0.00   | 0.00  | 0.00  | 0.00           | 23.49  |
| FA                              | IPCO    | IDAHO              | N/A                             | A             | 350                       | ?                                 | N/A        | N/A    | N/A       | N/A   | N/A    | N/A   | N/A  | N/A        | 0.00   | 0.00  | 0.00  | 0.00           | 23.49  |
| FA                              | IPCO    | IDAHO              | N/A                             | A             | 350                       | ?                                 | N/A        | N/A    | N/A       | N/A   | N/A    | N/A   | N/A  | N/A        | 0.00   | 0.00  | 0.00  | 0.00           | 23.49  |
| FA                              | IPCO    | IDAHO              | N/A                             | A             | 350                       | ?                                 | N/A        | N/A    | N/A       | N/A   | N/A    | N/A   | N/A  | N/A        | 0.00   | 0.00  | 0.00  | 0.00           | 23.49  |
| FA                              | IPCO    | IDAHO              | N/A                             | A             | 350                       | ?                                 | N/A        | N/A    | N/A       | N/A   | N/A    | N/A   | N/A  | N/A        | 0.00   | 0.00  | 0.00  | 0.00           | 23.49  |
| FA                              | IPCO    | IDAHO              | N/A                             | A             | 350                       | ?                                 | N/A        | N/A    | N/A       | N/A   | N/A    | N/A   | N/A  | N/A        | 0.00   | 0.00  | 0.00  | 0.00           | 23.49  |
| FA                              | IPCO    | IDAHO              | N/A                             | A             | 350                       | ?                                 | N/A        | N/A    | N/A       | N/A   | N/A    | N/A   | N/A  | N/A        | 0.00   | 0.00  | 0.00  | 0.00           | 23.49  |
| FA                              | IPCO    | IDAHO              | N/A                             | A             | 350                       | ?                                 | N/A        | N/A    | N/A       | N/A   | N/A    | N/A   | N/A  | N/A        | 0.00   | 0.00  | 0.00  | 0.00           | 23.49  |
| FA                              | IPCO    | IDAHO              | N/A                             | A             | 350                       | ?                                 | N/A        | N/A    | N/A       | N/A   | N/A    | N/A   | N/A  | N/A        | 0.00   | 0.00  | 0.00  | 0.00           | 23.49  |
| FA                              | IPCO    | IDAHO              | N/A                             | A             | 350                       | ?                                 | N/A        | N/A    | N/A       | N/A   | N/A    | N/A   | N/A  | N/A        | 0.00   | 0.00  | 0.00  | 0.00           | 23.49  |
| FA                              | IPCO    | IDAHO              | N/A                             | A             | 350                       | ?                                 | N/A        | N/A    | N/A       | N/A   | N/A    | N/A   | N/A  | N/A        | 0.00   | 0.00  | 0.00  | 0.00           | 23.49  |
| FA                              | IPCO    | IDAHO              | N/A                             | A             | 350                       | ?                                 | N/A        | N/A    | N/A       | N/A   | N/A    | N/A   | N/A  | N/A        | 0.00   | 0.00  | 0.00  | 0.00           | 23.49  |
| FA                              | IPCO    | IDAHO              | N/A                             | A             | 350                       | ?                                 | N/A        | N/A    | N/A       | N/A   | N/A    | N/A   | N/A  | N/A        | 0.00   | 0.00  | 0.00  | 0.00           | 23.49  |
| FA                              | IPCO    | IDAHO              | N/A                             | A             | 350                       | ?                                 | N/A        | N/A    | N/A       | N/A   | N/A    | N/A   | N/A  | N/A        | 0.00   | 0.00  | 0.00  | 0.00           | 23.49  |



## FIELD EXAM REVIEW

TO: File 36-7973

FROM: ~~Jim Johnson~~ GARY SPACKMAN

DATE: 6/13/88

## Review of Compliance with Beneficial Use Rules & Regulations

### Rule 3. Authority of Representative

3,1.                      3,2.

#### Rule 4. Qualification

4.1.

### Rule 5. Examination for Beneficial Use

### 5.1. Field Report:

|                  |                  |                  |                                        |                  |
|------------------|------------------|------------------|----------------------------------------|------------------|
| <u>✓</u> 5,1,2.  | <u>✓</u> 5,1,3.  | <u>✓</u> 5,1,4.  | <u>—</u> 5,1,5.                        | <u>—</u> 5,1,6.  |
| <u>✓</u> 5,1,7.  | <u>✓</u> 5,1,8.  | <u>✓</u> 5,1,9.  | <u>see remarks</u><br><u>✓</u> 5,1,10. | <u>✓</u> 5,1,11. |
| <u>✓</u> 5,1,12. | <u>✓</u> 5,1,13. | <u>✓</u> 5,1,14. | <u>✓</u> 5,1,15.                       | <u>✓</u> 5,1,16. |
| 5,1,17.          |                  |                  |                                        |                  |

### 5.2. Field Report Acceptability:

✓ 5,2,1.    ✓ 5,2,2.    ✓ 5,2,3.    ~ 5,2,4.

### 5.3. General:

$\checkmark 5,3,1.$      $\checkmark 5,3,2.$      $\checkmark 5,3,3.$      $\checkmark 5,3,4.$      $\checkmark 5,3,5.$

### Rule 6. Water Measurement

### 6.1. Measurement Terminology:

6,1,1.    6,1,2.    6,2.    6,3.    6,4.  
6,5.

**MICROFILMED**

~~-----~~  
FEB 16 1990

## Remarks:

5,1,5. Need description of point where water is returned to a public source - and name of source

5,1,6. Compliance with each condition of approval (condition of permanent measuring device.)

5,1,10. Total volume of water

---

5,2,4.

UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

- 2 -

Richard Kaster )

Project No. 4360-001

ORDER GRANTING EXEMPTION FROM LICENSING FOR  
A CONDUIT HYDROELECTRIC PROJECT

( Issued February 17, 1984 )

The Applicant 1/ filed an application for exemption from all or part of Part I of the Federal Power Act pursuant to 18 C.F.R. Part 4 Subpart J (1980) implementing Section 30 of the Federal Power Act (Act) for a project as described in the attached public notice. 2/

Notice of the application was published and comments were requested from interested Federal and State agencies including the U.S. Fish and Wildlife Service and the State Fish and Wildlife Agency. All comments, protests and petitions to intervene that were filed have been considered. No agency has any objection relevant to issuance of this exemption.

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

1/ Richard Kaster, Project No. 4360-001, filed on August 25, 1983.

2/ Authority to act on this matter is delegated to the Deputy Director, Office of Electric Power Regulation, under §375.308 of the Commission's regulations, 18 C.F.R. §375.308 (1983). This order may be appealed to the Commission by any party within 30 days of its issuance pursuant to Rule 1902, 18 C.F.R. §385.1902, (1983). Filing an appeal and final Commission action on that appeal are prerequisites for filing an application for rehearing as provided in Section 313(a) of the Act. Filing an appeal does not operate as a stay of the effective date of this order or of any other date specified in this order, except as specifically directed by the Commission.

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

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

It is ordered that:

(A) Briggs Creek Project No. 4360-001 as described and designated in Richard Kaster's application filed on August 25, 1983, is exempted from all of the requirements of Part I of the Federal Power Act, including licensing, subject to the standard articles in §4.94 of the Commission's regulations attached hereto as Form E-1, 18 C.F.R. §4.94 (1981), and the following Special Articles.

Article 3. The construction, operation, and maintenance of the exempt project may be reviewed by the Commission and subjected to further requirements for consistency with the terms and conditions of the regional fish and wildlife program developed pursuant to the Pacific Northwest Electric Power Planning and Conservation Act. Inconsistencies between the regional program and the mandatory conditions under Article 2 will be resolved by the Commission.

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

*Robert E. Cackowski*

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

Attachment  
R-1 Form

§ 4.94 Standard terms and conditions of exemption.

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

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

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

P-4360-001

UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

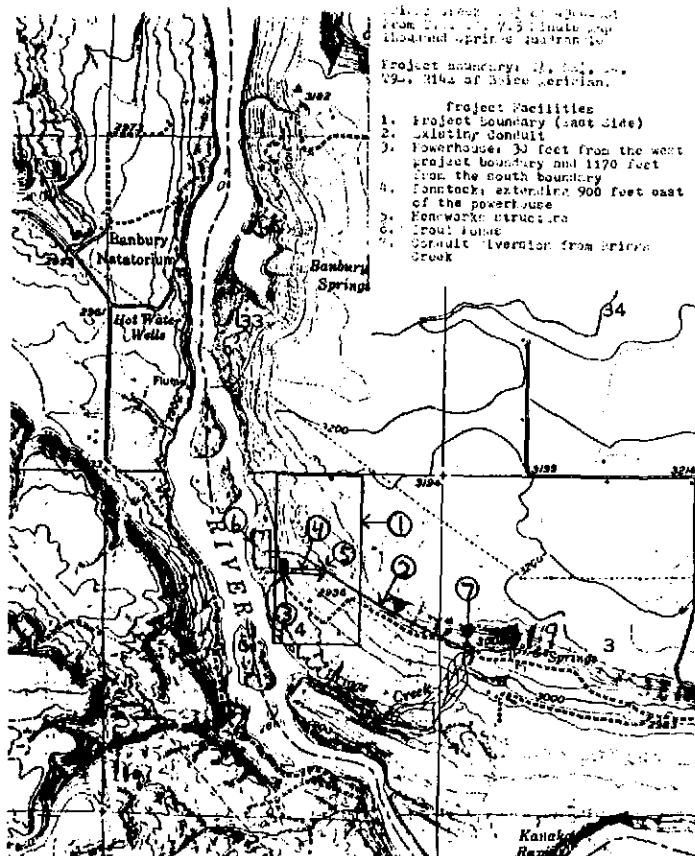
Notice of Application Filed with the Commission  
(November 29, 1983)

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

- a. Type of Application: Exemption (Small Conduit)
- b. Project No: 4360-001
- c. Date Filed: August 25, 1983
- d. Applicant: Richard Kaster
- e. Name of Project: Briggs Creek Project
- f. Location: On Briggs Creek, tributary of the Snake River, near the town of Buhl in Godding County, Idaho
- g. Filed Pursuant to: Energy Security Act of 1980, Section 408, 16 U.S.C. §§2705 and 2706 as amended
- h. Contact Person: Mr. Rick Kaster, Route 3, Buhl, Idaho 83316
- i. Comment Date: JAN 3 1984
- j. Description of Project: The proposed project would utilize an existing diversion structure and a 2500-foot-high headworks. New construction will consist of: (1) a 10-foot-long canal structure which would divert flow from the conduit to the penstock; (2) a 900-foot-long, 54-inch-diameter penstock; (3) a powerhouse containing two generating units with a total installed capacity of 750 kW; and (4) a plunge pool discharging the water into a canal leading to fish ponds. The average annual energy production would be 4,721,640 kWh.
- k. Purpose of Project: Project power would be sold to local utility companies.
- l. This notice also consists of the following standard paragraphs: A4, B, C, D3b

MICROFILMED

FEB 16 1984



**MICROFILMED**

FEB 16 1990



State of Idaho  
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 334-7900

CECIL D. ANDRUS  
GOVERNOR  
R. KEITH HIGGINSON  
DIRECTOR

June <sup>21</sup>~~18~~, 1988

Clarence Wm. Robison, P.E.  
Route 2, 230 Maxine  
Kimberly, ID 83341

Re: Filed Exam for Permit No. 36-7973

Dear Mr. Robison:

I compliment you on the filed examination you prepared in conjunction with permit no. 36-7973 for Richard Kaster. The exam was clear, and fulfilled most of the requirements of our beneficial use examination rules and regulations. A couple of items must be clarified, however:

1. Rule 5,1,6. requires an explanation of compliance with all conditions of approval. Permit no. 36-7973 required installation of a permanent measuring and lockable control devices. We must receive verification from you of installation and confirmation that it is presently operable.

2. Rule 5,1,5. requires that the point where water is returned to the Snake River must be located on a map and described.

Please submit the above requested information within thirty (30) days of the date of this letter.

Sincerely,

*Gary Spackman*  
GARY SPACKMAN, Supervisor  
Water Allocation Section

GS:jf

CC: Southern Region  
Richard Kaster  
Jeff Stoker

**MICROFILMED**  
FEB 16 1990

1 copy of all  
pre-license corres.

Jeff Stoker  
Box 1597

Twin Falls, Id.

734-83303  
MICROFILMED  
FEB 16 1990

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**LICENSING REPORT**

Permit No. \_\_\_\_\_

**1. Measurement Calculations**

- a) Field Measurement Calculations (Include theoretical capacities and system capacity)

*permit limits use to 70.0 cfs -  
kw*

- b) Volume Calculations for Irrigation:

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$  \_\_\_\_\_  
 $V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$  \_\_\_\_\_  
 $V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} =$  \_\_\_\_\_

- c) Volume Calculations for Other Uses:

*70 cfs  $\times$  1.9835  $\times$  365 days = 50678.425 AFA*

**2. Overlap Review**

- a) Other water rights with same place of use: *36-7985 power (all other  
rights in this 40 ac. tract are irrigation uses)*
- b) Other water rights with same point of diversion: *see computer abstract*

- c) Analysis:

**MICROFILMED**

FEB 16 1990

## RECOMMENDED AMOUNTS

| Permit No. | Priority  | Amount   | App. Date | Date Proof Submitted | System Capacity |
|------------|-----------|----------|-----------|----------------------|-----------------|
| 36-7973    | 5-22-1981 | 70.0 cfs | 3-11-1981 | 3-19-1987            | 84.95 cfs       |

5. Source: Briggs Creek Springs tributary to Snake River

**Allowable Maximums:**

7. Point(s) of Diversion: ✓

[illegible]

8. Place(s) of Use ☒

[illegible]

**9. Recommended Conditions/Remarks:**

R39 R08 R20 R23  
The rate of diversion under this license shall not exceed 70.0 cfs when combined with Rights 36-2040 and 36-2607.  
Send a copy of all pre-license corres. & license to Jeff Stoker, Attorney, Box 1597, Twin Falls 83303.  
and Zion Leasing Company (see file for address).

## 10. 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 \_\_\_\_\_

11. Examiner's Signature \_\_\_\_\_

Checked in Regional Office by \_\_\_\_\_

Approved in State Office by Karl Walker

**Date**

Date \_\_\_\_\_

Date \_\_\_\_\_

FEB 16 1990

**MICROFILMED**

Date 4-27-88

27-Apr-1988

POINT OF DIVERSION: Township 09S Range 14E Section 03 Tract NWSW

WR-NUMBER:  
36-0199CURRENT OWNER:  
GEORGE W. IRLEPRIORITY DATE:  
19-Apr-1929STAGE:  
DECREE

COUNTY: GOODING

SOURCE: BRIGGS SPRINGS

TRIBUTARY: SNAKE RIVER

WATER USE:

DIVERSION-RATE:

DIVERSION-VOLUME:

IRRIGATION

8.000 CFS

0.00 AF

DOMESTIC

0.000 CFS

0.00 AF

DOMESTIC

0.000 CFS

0.00 AF

TOTAL RATE:

8.000 CFS

TOTAL VOLUME:

0.00 AF

REMARKS: P/U INCOMPLETE. SEE DECREE.

|                     |      |      |     |      |
|---------------------|------|------|-----|------|
| POINT OF DIVERSION: | T09S | R14E | S03 | NWSW |
|                     | T09S | R14E | S03 | NESW |

|               |      |      |     |           |
|---------------|------|------|-----|-----------|
| PLACE OF USE: | T09S | R14E | S03 | NESW      |
|               | T09S | R14E | S03 | NWSW      |
|               | T09S | R14E | S03 | SWSW      |
|               | T09S | R14E | S03 | SESW      |
|               | T09S | R14E | S03 | NWSE      |
|               | T09S | R14E | S04 | NWNE LT02 |
|               | T09S | R14E | S04 | SWNE LT05 |
|               | T09S | R14E | S04 | SENE      |
|               | T09S | R14E | S04 | NESE LT13 |
|               | T09S | R14E | S04 | NWSE LT06 |
|               | T09S | R14E | S04 | NWSE LT14 |
|               | T09S | R14E | S04 | SWSE LT14 |
|               | T09S | R14E | S04 | SESE LT09 |
|               | T09S | R14E | S04 | SESE LT18 |
|               | T09S | R14E | S09 | NENE LT02 |
|               | T09S | R14E | S10 | NENW LT01 |
|               | T09S | R14E | S10 | NENW LT06 |
|               | T09S | R14E | S10 | NWNW LT01 |
|               | T09S | R14E | S10 | NWNW LT07 |

POINT OF DIVERSION: Township 09S Range 14E Section 03 Tract NWSW

WR-NUMBER:  
36-2040CURRENT OWNER:  
W. B. SHELDONPRIORITY DATE:  
18-Jul-1927STAGE:  
LICENSE

COUNTY: GOODING

SOURCE: BRIGGS SPRINGS

TRIBUTARY: SNAKE RIVER

WATER USE:

DIVERSION-RATE:

DIVERSION-VOLUME:

FISH PROPAGATION

10.000 CFS

0.00 AF

TOTAL RATE:

10.000 CFS

TOTAL VOLUME:

0.00 AF

POINT OF DIVERSION: T09S R14E S03 NWSW

PLACE OF USE: T09S R14E S04 SENE LT11

POINT OF DIVERSION: Township 09S Range 14E Section 03 Tract NWSW

WR-NUMBER:  
36-2607CURRENT OWNER:  
GEORGE MYRON  
HOWARD L. SHELDON  
WILLARD B. SHELDON  
MYRIEL SHELDON TROUNSONPRIORITY DATE:  
27-Nov-1964STAGE:  
LICENSE

COUNTY: GOODING

SOURCE: BRIGGS SPRINGS

TRIBUTARY: SNAKE RIVER

MICROFILMED

FEB 16 1990

no use overlap

different used, no overlap

WATER USE: FISH PROPAGATION  
DIVERSION-RATE: 60.000 CFS  
TOTAL RATE: 60.000 CFS  
DIVERSION-VOLUME: 0.00 AF  
TOTAL VOLUME: 0.00 AF  
POINT OF DIVERSION: T09S R14E S03 NWSW  
PLACE OF USE: T09S R14E S04 NENW  
T09S R14E S04 SENW

no use  
overlap

POINT OF DIVERSION: Township 09S Range 14E Section 03 Tract NWSW

WR-NUMBER: 36-7537  
CURRENT OWNER: WES TROUNSON  
PRIORITY DATE: 8-Apr-1975  
STAGE: PERMIT

COUNTY: GOODING  
SOURCE: BRIGGS SPRINGS

TRIBUTARY: SNAKE RIVER

WATER USE: IRRIGATION  
DIVERSION-RATE: 5.680 CFS  
DIVERSION-VOLUME: 0.00 AF  
RECREATION 4.140 CFS 0.00 AF  
DOMESTIC 0.180 CFS 0.00 AF  
TOTAL RATE: 10.000 CFS  
TOTAL VOLUME: 0.00 AF

no use  
overlap

POINT OF DIVERSION: T09S R14E S03 NESW  
T09S R14E S03 NWSW

PLACE OF USE: T09S R14E S10 NENW LT01 AC 19  
T09S R14E S10 NWNW LT07 AC 25  
T09S R14E S09 NENE LT02 AC 06  
T09S R14E S04 SWNE LT05 AC 15  
T09S R14E S04 SENE AC 15  
T09S R14E S04 NESE AC 25  
T09S R14E S04 NWSE LT14 AC 20  
T09S R14E S04 SWSE LT09 AC 16  
T09S R14E S04 SESE LT18 AC 13  
T09S R14E S03 NESW AC 15  
T09S R14E S03 NWSW AC 25  
T09S R14E S03 SWSW AC 40  
T09S R14E S03 SESW AC 40  
T09S R14E S03 NWSE AC 10

TOTAL ACRES: 284

MICROFILMED

FEB 16 1990

POINT OF DIVERSION: Township 09S Range 14E Section 03 Tract NWSW

WR-NUMBER: 36-7538  
CURRENT OWNER: WES TROUNSON  
PRIORITY DATE: 16-Apr-1975  
STAGE: PERMIT

COUNTY: GOODING  
SOURCE: BRIGGS SPRINGS

TRIBUTARY: SNAKE RIVER

WATER USE: POWER  
DIVERSION-RATE: 30.000 CFS  
DIVERSION-VOLUME: 0.00 AF  
FISH PROPAGATION 30.000 CFS 0.00 AF  
TOTAL RATE: 30.000 CFS  
TOTAL VOLUME: 0.00 AF

no proof  
of B/U  
made yet;  
no overlap.

POINT OF DIVERSION: T09S R14E S03 NESW  
T09S R14E S03 NWSW

PLACE OF USE: T09S R14E S03 NWSW  
T09S R14E S04 NESE LT13

POINT OF DIVERSION: Township 09S Range 14E Section 03 Tract NWSW

WR-NUMBER: 36-7806  
CURRENT OWNER: CATHERINE WRIGHT  
GARY WRIGHT  
PRIORITY DATE: 26-Jul-1978  
STAGE: APPLICATION

COUNTY: GOODING

SOURCE: BRIGGS SPRINGS

TRIBUTARY: SNAKE RIVER

WATER USE:

DIVERSION-RATE:

DIVERSION-VOLUME:

FISH PROPAGATION

40.000 CFS

0.00 AF

TOTAL RATE:

40.000 CFS

TOTAL VOLUME:

0.00 AF

REMARKS: LOT 1 IN N 1/2 OF SEC. 10.

DECISION PENDING.

ISSUANCE DEPENDS ON DEVEL. OF 36-7537 &amp; 38-TROUNSON

|                     |      |      |     |           |
|---------------------|------|------|-----|-----------|
| POINT OF DIVERSION: | T09S | R14E | S03 | NWSW      |
| PLACE OF USE:       | T09S | R14E | S11 | NENW LT02 |
|                     | T09S | R14E | S11 | NWNW LT11 |
|                     | T09S | R14E | S10 | NENE LT01 |
|                     | T09S | R14E | S10 | NWNE LT05 |
|                     | T09S | R14E | S10 | NENW LT06 |
|                     | T09S | R14E | S10 | NWNW LT07 |
|                     | T09S | R14E | S03 | SWSE      |
|                     | T09S | R14E | S03 | SESE      |
|                     | T09S | R14E | S02 | SWSW      |
|                     | T09S | R14E | S02 | SESW      |

POINT OF DIVERSION: Township 09S Range 14E Section 03 Tract NWSW

WR-NUMBER:  
36-7973CURRENT OWNER:  
RICHARD KASTERPRIORITY DATE:  
22-May-1981STAGE:  
PERMIT

COUNTY: GOODING

SOURCE: BRIGGS SPRINGS

TRIBUTARY: SNAKE RIVER

WATER USE:

DIVERSION-RATE:

DIVERSION-VOLUME:

POWER

70.000 CFS

0.00 AF

TOTAL RATE:

70.000 CFS

TOTAL VOLUME:

0.00 AF

REMARKS: THE RATE OF DIVERSION UNDER THIS PERMIT SHALL NOT EXCEED 70.0 CFS  
WHEN COMBINED WITH PRIOR RIGHTS 36-2040 AND 36-2607.  
REINSTATED 12-18-1986.

POINT OF DIVERSION: T09S R14E S03 NWSW

PLACE OF USE: T09S R14E S04 SWNE

POINT OF DIVERSION: Township 09S Range 14E Section 03 Tract NWSW

WR-NUMBER:  
36-7985CURRENT OWNER:  
IDAHO POWER CO.PRIORITY DATE:  
5-May-1981STAGE:  
APPLICATION

COUNTY: GOODING

SOURCE: BRIGGS CREEK

TRIBUTARY: SNAKE RIVER

WATER USE:

DIVERSION-RATE:

DIVERSION-VOLUME:

POWER

105.000 CFS

0.00 AF

TOTAL RATE:

105.000 CFS

TOTAL VOLUME:

0.00 AF

REMARKS: HEAD = 130 FT.

PROTESTANTS: GARY & CATHERINE WRIGHT, GEORGE SHELDON,  
HOWARD SHELDON, WILLARD SHELDON

|                     |      |      |     |      |
|---------------------|------|------|-----|------|
| POINT OF DIVERSION: | T09S | R14E | S03 | NESW |
|                     | T09S | R14E | S03 | NWSW |

PLACE OF USE: T09S R14E S04 SWNE

KW  
4/27/88no use  
overlap

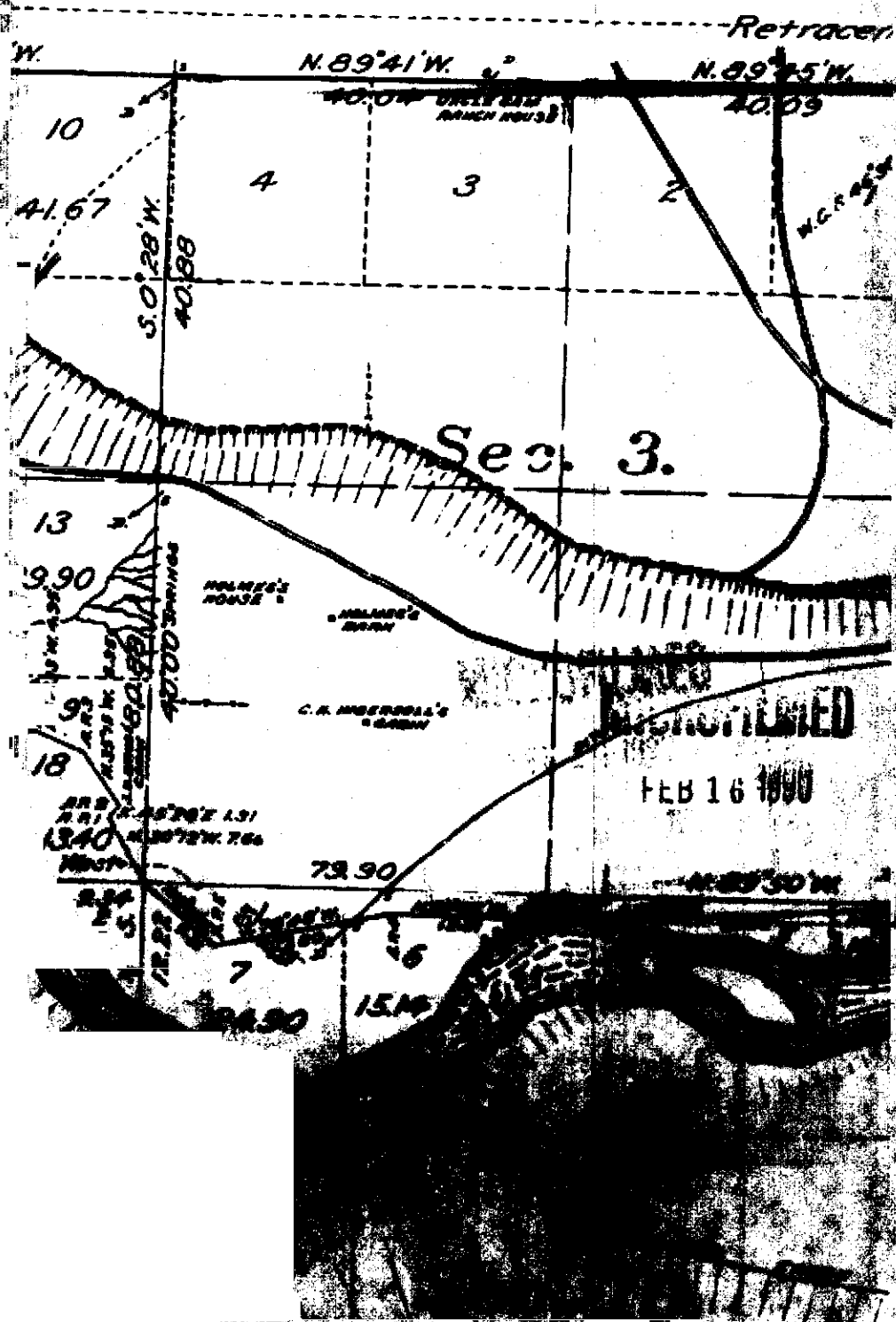
MICROFILMED

FEB 16 1990

this  
rightprotested-  
app.-  
no overlap.

# T<sup>9</sup> 9 South, Range N<sup>o</sup> 14

Scale 20 Chains



STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**BENEFICIAL USE FIELD REPORT**

**A. GENERAL INFORMATION**

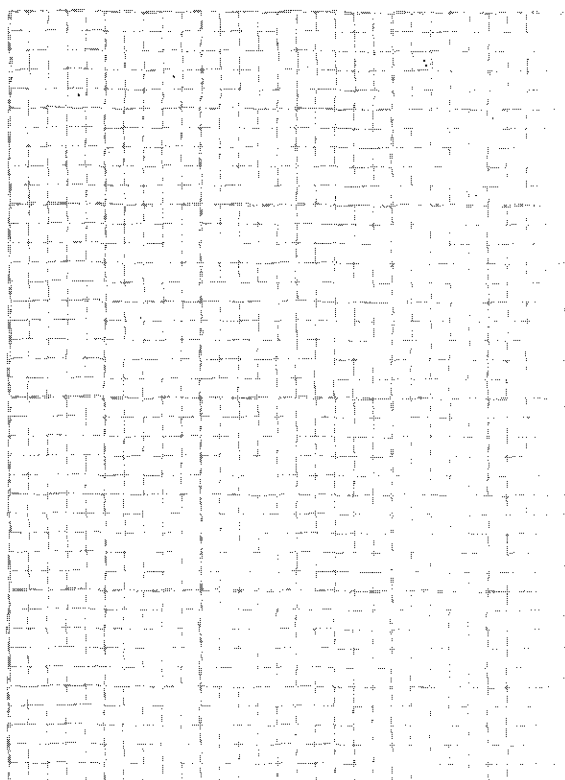
1. Owner: RICHARD KASTER Permit No. 36-7473  
Current Address: Route 4, Buhl, Idaho 83316 Phone No. NONE  
2. Accompanied by: Richard Kaster EXAM. DATE: 12-4-86  
Address: Route 4, Buhl Idaho 83316 Phone No. NONE  
Relationship to Permit Holder: Permit Holder  
3. Source: Briggs Springs tributary to Snake River

**B. OVERLAP REVIEW**

1. Other water rights with same place of use: Fish propagation 16720/36-2040  
and 32174/36-2607 ☒ Copies Attached  
2. Other water rights with same point of diversion: Fish propagation 16720/36-2040  
and 32174/36-2607 ☒ Copies Attached ☐ Copies of Field Exam's Attached

**C. SYSTEM DESCRIPTION**

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



Scale: 1" = \_\_\_\_\_

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.)

Water is diverted from Brigg's creek, photo #1, through an earthen  
runnel to a secondary diversion structure, photo #2. At the  
second structure the water enters a 5' dia steel penstock. The  
penstock travels approx. 900' to the power generation facility where  
the water exits into a series of fish ponds.

☐ See Remarks on page 4 for continuation

4.

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

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

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

| Ident. No. | Gov't. Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County  | Method of Determination/Remarks |
|------------|------------|-----|-----|-----|------|------|------|---------|---------------------------------|
| #1         |            | NW  | NW  | SW  | 3    | 9S   | 14E  | Gooding | U.S.G.S. QUAD                   |
|            |            |     |     |     |      |      |      |         |                                 |
|            |            |     |     |     |      |      |      |         |                                 |
|            |            |     |     |     |      |      |      |         |                                 |

6. **Place(s) of Use:**

Indicate Method of Determination U.S.G.S. QUAD

| Twp. | Rge. | Sec. | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | Totals |
|------|------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|      |      |      | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |        |
| 9S   | 14E  | 4    |        |        | X      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Do not use this space

~~Do not use this space~~

#### D. FLOW MEASUREMENTS

☒ Additional Data Sheets Attached

1.

| Measurement Equipment | Type      | Make | Model No. | Serial No. | Size  | Calib. Date |
|-----------------------|-----------|------|-----------|------------|-------|-------------|
| Old Current Meter     | Propeller | Old  | 10.002    | 47966      | 125mm | 1/13/77     |
|                       |           |      |           |            |       |             |
|                       |           |      |           |            |       |             |
|                       |           |      |           |            |       |             |

2. Measurements:

|                       |                    |                                                                                                                                  |
|-----------------------|--------------------|----------------------------------------------------------------------------------------------------------------------------------|
| Channel width         | 33 feet            | $n = \text{rev/s} \quad V = \text{ft/s}$<br>$n < .68 \rightarrow V = 0.7872n + .065$<br>$n > .68 \rightarrow V = 0.8495n + .020$ |
| Channel flow area     | 81.9 $\text{ft}^2$ |                                                                                                                                  |
| Mean Channel Velocity | 1.04 $\text{ft/s}$ |                                                                                                                                  |
| Discharge             | 84.95 $\text{cfs}$ |                                                                                                                                  |

#### E. FLOW CALCULATIONS

☒ Additional Computation Sheets Attached

1. Measured Method: Flow rate 84.9  $\text{cfs}$

2. Alternate Method for Checking Purposes:

#### F. PUMP EFFICIENCY DATA (Optional) N/A

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)  $\div$  8.8 = \_\_\_\_\_ (5)

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

Meter Input HP: (6) x 1.34 = \_\_\_\_\_ (7)

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

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

#### G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation: N/A

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

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

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

2. Volume Calculations for Other Uses: Power Generation

$$84.9 \frac{\text{ft}^3}{\text{s}} \times 365 \text{ days} \times 1.9835 \frac{\text{af}}{\text{ft}^3 \text{ days}} = 61,466 \text{ af}$$

61,500 af

## H. REMARKS AND OVERLAP REVIEW ANALYSIS

*Note: The water use occurs in the diversion system for fish propagation rights # 36-2040 and #36-2607.*

## I. RECOMMENDATIONS

### 1. Recommended Amounts

| Beneficial Use          | Period of Use |              | Rate of Diversion<br>Q (cfs) | Annual Volume<br>V (afa) |
|-------------------------|---------------|--------------|------------------------------|--------------------------|
|                         | From          | To           |                              |                          |
| <i>Power Generation</i> | <i>1/1</i>    | <i>12/31</i> | <i>84.9</i>                  | <i>61500</i>             |
|                         |               |              |                              |                          |
|                         |               |              |                              |                          |
| Totals:                 |               |              | <i>84.9</i>                  | <i>61500</i>             |

### 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

*Clarence Wm Robison*

Signature

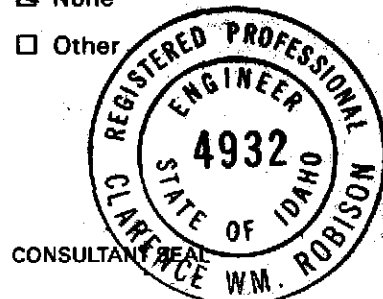
*Clarence Wm Robison*

Certification Date

*9-10-86*

Field Report Preparation Date

*Dec 19 1986*

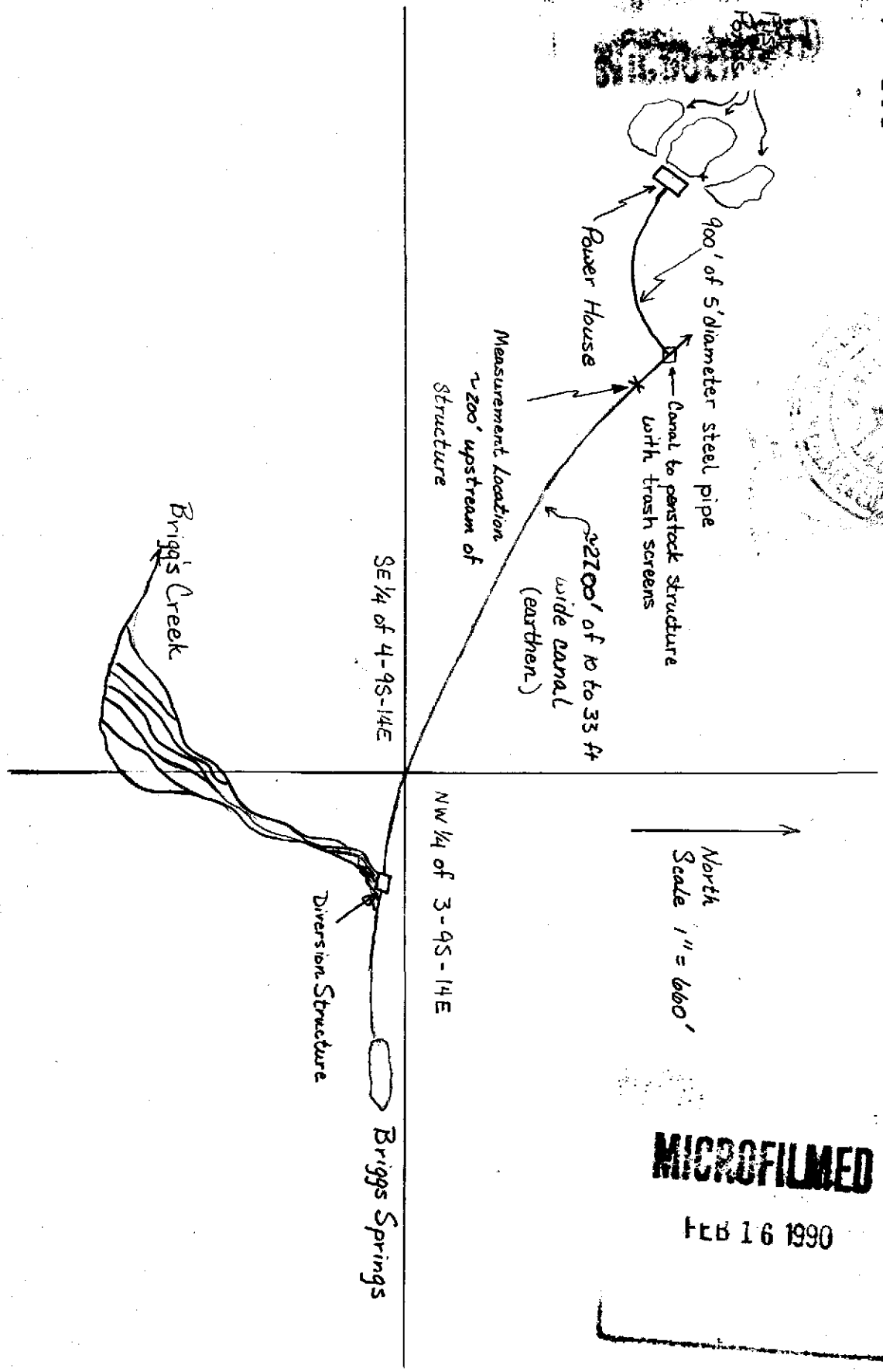


K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.

**MICROFILMED**

**FEB 16 1990**

1" = 660'



**MICROFILMED**

FEB 16 1990

# DISCHARGE MEASUREMENT - CURRENT METER

PARTY Robison METER OTT 47966

LOCATION Kaster Diversion Canal From Briggs Creek

16:15 → 17:30

LOCATION (numeric) 1 METER CODE 09 DATE 12/04/86 NUMBER SECTIONS 18 GAGE —

| SEC. # | DISTANCE | DEPTH | REV. 6 or 2 | REV. 0.8 | TIME (sec.) | ANGLE CORRECTION |
|--------|----------|-------|-------------|----------|-------------|------------------|
| 01     | 2.00     | 0.00  | 0           | 0        | 50          | 1.00             |
| 02     | 4.00     | 0.90  | 0           | 0        | 50          | 1.00             |
| 03     | 6.00     | 1.20  | 9           | 0        | 50          | 0.98             |
| 04     | 8.00     | 1.90  | 9           | 0        | 50          | 1.00             |
| 05     | 10.00    | 2.40  | 28          | 22       | 50          | 0.99             |
| 06     | 12.00    | 2.90  | 66          | 65       | 50          | 1.00             |
| 07     | 14.00    | 2.20  | 113         | 20       | 50          | 0.99             |
| 08     | 16.00    | 3.50  | 102         | 65       | 50          | 0.99             |
| 09     | 18.00    | 3.40  | 105         | 80       | 50          | 1.00             |
| 10     | 20.00    | 3.40  | 93          | 48       | 50          | 1.00             |
| 11     | 22.00    | 3.50  | 95          | 69       | 50          | 1.00             |
| 12     | 24.00    | 3.50  | 104         | 68       | 50          | 1.00             |
| 13     | 26.00    | 3.50  | 79          | 70       | 50          | 1.00             |
| 14     | 28.00    | 2.90  | 43          | 41       | 50          | 1.00             |
| 15     | 30.00    | 1.90  | 23          | 0        | 50          | 1.00             |
| 16     | 32.00    | 1.85  | 37          | 0        | 50          | 1.00             |
| 17     | 34.00    | 1.20  | 10          | 0        | 50          | 1.00             |
| 18     | 55.2     | 0.20  | 0           | 0        | 50          | 1.00             |
| 19     | END      |       |             |          |             |                  |
| 20     |          |       |             |          |             |                  |
| 21     |          |       |             |          |             |                  |
| 22     |          |       |             |          |             |                  |
| 23     |          |       |             |          |             |                  |
| 24     |          |       |             |          |             |                  |
| 25     |          |       |             |          |             |                  |

## METER CODES

- 1 = HOFF 551
- 2 = DAVID WHITE
- 3 = HOFF 183-3
- 4 = HOFF 183-4
- 5 = OTT - 446 (I)

- 6 = NEYRPIC MIG. BLUE (4)
- 7 = NEYRPIC MIG. RED (6)
- 8 = NEYRPIC CABLE
- 9 = OTT - 47966
- 10 = HOFF 557

**MICROFILMED**

12 =  
13 = FEB 16 1990  
14 =  
15 =

REMARKS  $V = 0.7872(n) + 0.062$   $0 < n < 0.68$   
 $V = 0.8495(n) + 0.020$   $n > 0.68$

# KASTER DIVERSION CANAL FROM BRIGGS CREEK, ROBISON

## INPUT DATA FROM FIELD

| Sta   | Depth | Rev<br>(.6or.2) | Rev<br>(.8) | Time  | Angle Corr |
|-------|-------|-----------------|-------------|-------|------------|
| 2.00  | .00   | .00             | .00         | 50.00 | 1.00       |
| 4.00  | .90   | .00             | .00         | 50.00 | 1.00       |
| 6.00  | 1.20  | 9.00            | .00         | 50.00 | .99        |
| 8.00  | 1.90  | 9.00            | .00         | 50.00 | .99        |
| 10.00 | 2.40  | 26.00           | 22.00       | 50.00 | .99        |
| 12.00 | 2.90  | 66.00           | 65.00       | 50.00 | 1.00       |
| 14.00 | 3.20  | 113.00          | 80.00       | 50.00 | .99        |
| 16.00 | 3.50  | 102.00          | 65.00       | 50.00 | .99        |
| 18.00 | 3.40  | 105.00          | 50.00       | 50.00 | 1.00       |
| 20.00 | 3.40  | 93.00           | 48.00       | 50.00 | 1.00       |
| 22.00 | 3.50  | 95.00           | 69.00       | 50.00 | 1.00       |
| 24.00 | 3.50  | 104.00          | 68.00       | 50.00 | 1.00       |
| 26.00 | 3.50  | 79.00           | 70.00       | 50.00 | 1.00       |
| 28.00 | 2.90  | 43.00           | 41.00       | 50.00 | 1.00       |
| 30.00 | 1.90  | 23.00           | .00         | 50.00 | 1.00       |
| 32.00 | 1.85  | 37.00           | .00         | 50.00 | 1.00       |
| 34.00 | 1.20  | 10.00           | .00         | 50.00 | 1.00       |
| 35.20 | .20   | .00             | .00         | 50.00 | 1.00       |

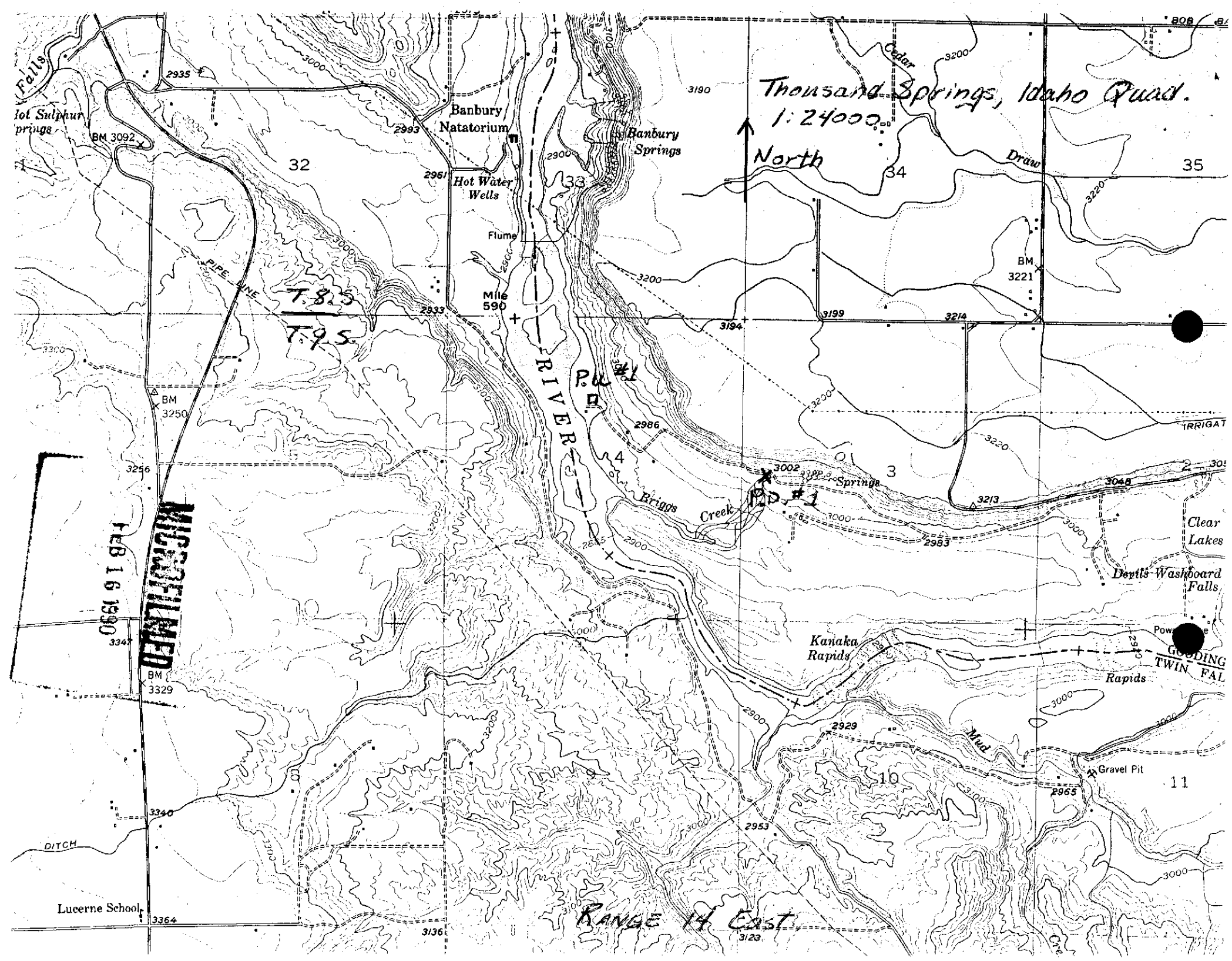
## KASTER DIVERSION CANAL FROM BRIGGS CREEK, ROBISON

| Dist | Depth | N    | S    | V    | W    | Area | Sarea | Q     | SumQ  |
|------|-------|------|------|------|------|------|-------|-------|-------|
| 2.0  | .0    | .00  | .00  | .00  | .00  | .00  | .00   | .00   | .00   |
| 4.0  | .9    | .00  | .00  | .00  | .00  | .90  | .90   | .00   | .00   |
| 6.0  | 1.2   | .18  | .00  | .20  | .00  | 2.10 | 3.00  | .21   | .21   |
| 8.0  | 1.9   | .18  | .00  | .20  | .00  | 3.10 | 6.10  | .63   | .84   |
| 10.0 | 2.4   | .56  | .44  | .50  | .41  | 4.30 | 10.40 | 1.40  | 2.24  |
| 12.0 | 2.9   | 1.32 | 1.30 | 1.14 | 1.12 | 5.30 | 15.70 | 4.20  | 6.44  |
| 14.0 | 3.2   | 2.26 | 1.60 | 1.94 | 1.38 | 6.10 | 21.80 | 8.47  | 14.90 |
| 16.0 | 3.5   | 2.04 | 1.30 | 1.75 | 1.12 | 6.70 | 28.50 | 10.28 | 25.18 |
| 18.0 | 3.4   | 2.10 | 1.00 | 1.80 | .87  | 6.90 | 35.40 | 9.53  | 34.70 |
| 20.0 | 3.4   | 1.86 | .96  | 1.60 | .84  | 6.80 | 42.20 | 8.69  | 43.39 |
| 22.0 | 3.5   | 1.90 | 1.38 | 1.63 | 1.19 | 6.90 | 49.10 | 9.08  | 52.47 |
| 24.0 | 3.5   | 2.08 | 1.36 | 1.79 | 1.18 | 7.00 | 56.10 | 10.13 | 62.60 |
| 26.0 | 3.5   | 1.58 | 1.40 | 1.36 | 1.21 | 7.00 | 63.10 | 9.68  | 72.28 |
| 28.0 | 2.9   | .86  | .82  | .75  | .72  | 6.40 | 69.50 | 6.46  | 78.74 |
| 30.0 | 1.9   | .46  | .00  | .42  | .00  | 4.80 | 74.30 | 2.78  | 81.52 |
| 32.0 | 1.9   | .74  | .00  | .65  | .00  | 3.75 | 78.05 | 2.01  | 83.53 |
| 34.0 | 1.2   | .20  | .00  | .22  | .00  | 3.05 | 81.10 | 1.32  | 84.86 |
| 35.2 | .2    | .00  | .00  | .00  | .00  | .84  | 81.94 | .09   | 84.95 |

| Location | Date    | Meter | Vel<br>fps | Area<br>sqft | Discharge<br>cfs | GAUGE |
|----------|---------|-------|------------|--------------|------------------|-------|
| 1.       | 12-4-86 | 9     | 1.04       | 81.94        | 84.95            | .00   |

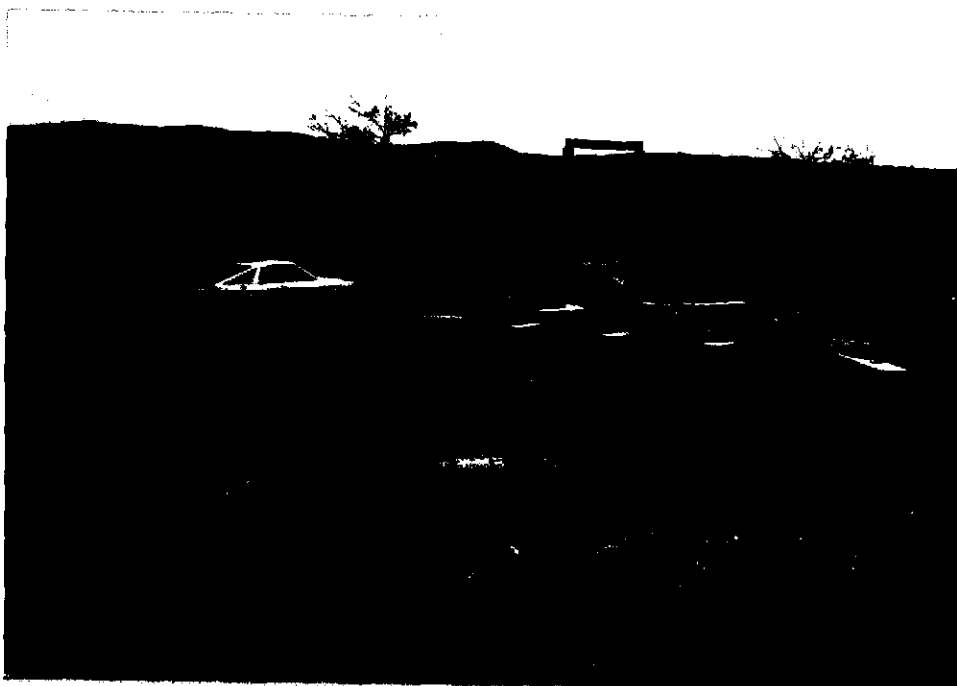
**MICROFILMED**

FEB 16 1990





Photograph #1. Brigg's Creek Diversion to Canal



Photograph #2. Canal to Penstock Diversion Structure

**MICROFILMED**

FEB 16 1990



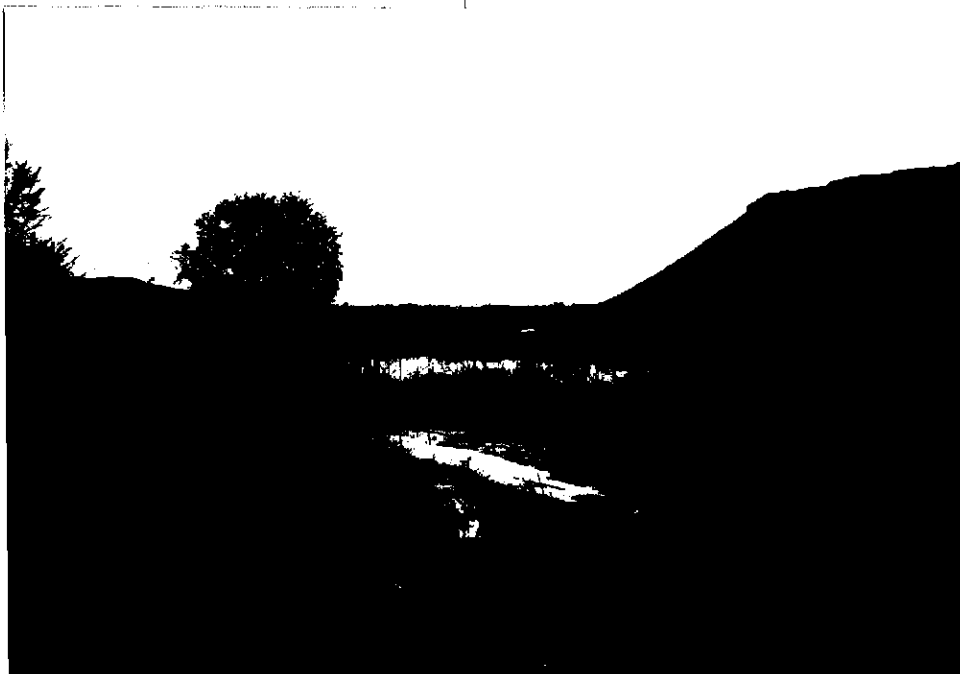
Photograph #3. Canal Upstream of Penstock Diversion  
Measurement Cross Section in Background



Photograph #4. Powerhouse and Tailrace Dumping into Fish Pond

**MICROFILMED**

FEB 16 1990



Photograph #5. Fish Ponds Downstream of Powerhouse

MICROFILMED

FEB 15 1980

# State of Idaho

## License and Certificate of Water Right

Water License No. 16720Amount 10 Sec. Ft.

Water District No. \_\_\_\_\_

Priority July 18, 1927

THIS IS TO CERTIFY that W. B. Sheldon  
 of Buhl, Idaho, made application for a permit to appropriate the  
 public waters of the State of Idaho, dated July 18,, 1927; that Permit No. 16720  
 was issued under said application; that Certificate of Completion of works, with a carrying capacity of  
10 second feet, was issued thereunder on September 15,, 1930, showing that said works  
 were completed on the 4th day of June, 1930; and that on the 20th  
 day of July, 1931,

W. B. Sheldon

of Buhl, State of Idaho, made proof to the satisfaction of the  
 Commissioner of Reclamation of Idaho, of the right to use the waters of Briggs Springs  
, a tributary of Snake River, for the purpose of Fish Farming  
, under Use Permit No. 16720 of the Commissioner of Reclamation  
 and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is  
 hereby confirmed by the Commissioner of Reclamation of Idaho and entered of record in Volume 7  
 of Licenses, at page 3681, on the 26th day of January, 1932;

The right hereby confirmed dates from July 18,, 1927;

The Point of Diversion is located 2640' S. & 397' E. distant from the NW Cor. of Sec. 3  
Tp. 9 S., R. 14 E.B.M., and is on the East & West Subdivision line of Sec. 3, Tp. 9 S. R. 14 E.  
in the 1/4 Sec. 1/4, Tp. 9 S., R. 14 E., B.M.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid,  
 is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 10  
 cubic feet per second.

Description and location of use:

| Twp. | Range | Sec. | Forty-acre Tract                      | No. Acres<br>Described in Permit | No. Acres<br>Actually Irrigated |
|------|-------|------|---------------------------------------|----------------------------------|---------------------------------|
| 9 S. | 14 E. | 4    | For Fish Hatchery and farm on Lot 11, |                                  | Section 4                       |
|      |       |      |                                       |                                  |                                 |
|      |       |      |                                       |                                  |                                 |
|      |       |      |                                       |                                  |                                 |
|      |       |      |                                       |                                  |                                 |
|      |       |      |                                       |                                  |                                 |
|      |       |      |                                       |                                  |                                 |
|      |       |      |                                       |                                  |                                 |
|      |       |      |                                       |                                  |                                 |

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use  
 herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the Commissioner of Reclamation, affixed at Boise, Idaho,  
 this 26th day of January, 1932.

(SEAL)

MICROFILMED

FEB 10 1990

R. W. FARIS  
 Commissioner of Reclamation

36 2040

State of Idaho  
Department of Water Resources

RECEIVED

MAR 4 1976

WATER RIGHT LICENSE

License of Water Right No. 32174/36-2607 Priority Nov. 27, 1964

Department of Water Resources  
Southern District Office  
Amount 60.0 cfs

THIS IS TO CERTIFY, that Geo. Myron Sheldon, Howard L. Sheldon, Willard B. Sheldon, Myriel Sheldon-Trounson, and spouses  
of Wendell, Idaho, have ~~xxx~~ complied with the terms and conditions of Permit

No. 32174/36-2607 issued pursuant to Application for Permit dated November 27, 1964

and has submitted proof to the Department of Water Resources on December 1, 1975

that he has applied water to a beneficial use; an examination by the Department indicates that the work have a capacity for the diversion of 71.0 cfs of water from Briggs Springs

tributary to the Snake River, and that the permit holder has applied to a beneficial use and established a right to use water as follows:

| Beneficial Use     | Period of Use                        | Rate of Diversion      | Annual Volume |
|--------------------|--------------------------------------|------------------------|---------------|
| <u>Fish</u>        | from <u>Jan. 1</u> to <u>Dec. 31</u> | at <u>60.0</u> cfs and | <u>n/a</u>    |
| <u>Propagation</u> | from _____ to _____                  | at _____ cfs and       | _____         |
|                    | from _____ to _____                  | at _____ cfs and       | _____         |

(both dates inclusive)

Subject, however, to the condition that no more than 60.0 cfs of water be diverted at any one time, and that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed n/a acre feet per year, said waters to be diverted within the NW $\frac{1}{4}$ SW $\frac{1}{4}$  of Sec. 3,

Twp. 9 S, Rge. 14 E, B. M. in the County of Gooding

Description and location of place of use:

| Twp. | Range | Sec. | NE $\frac{1}{4}$ |                  |                  |                  | NW $\frac{1}{4}$ |                  |                  |                  | SW $\frac{1}{4}$ |                  |                  |                  | SE $\frac{1}{4}$ |                  |                  |                  | Totals |
|------|-------|------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|--------|
|      |       |      | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ |        |
| 9 S  | 14 E  | 4    |                  |                  |                  |                  | X                |                  |                  | X                |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |

Total number of acres irrigated \_\_\_\_\_

RECORDED

FEB 10 1990

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 4 day of March, 19 76.

Director

RECEIVED

INTER-DEPARTMENT MEMO — 1

FROM Loren Holmes

JUN 26 1987

DATE 6/25/87

TO Glen Saxton

Department of Water Resources

MAILED

FEB 10 1990

SUBJECT Permit 36-7973, Kaster

Rick Kaster called & Jim Stanton also made an inspection of the diversion on 6/24/87.

A broad-crested weir has been installed & the concrete work is done for installation of control gates.

Rick Kaster assured me the gates are on order & would be installed soon.

*RLH*

SIGNATURE

FROM

Glen

DATE

6-15-87

TO

File 36-7973

SUBJECT

- I called Loren Holmes, S. Region, today and asked that he follow-up the Apr 14, 1987 order requiring work within 60 days.

- I asked Loren to send a memo for our files describing the status.



SIGNATURE

DO HAVE MEASURING  
DEVICE IN

ENGINEER WILL INSTALL  
STAFF GAGE ON MONDAY.

CAN INSPECT NEXT WEEK.

CAERYL -

PER ALAN -  
SOUTHERN

6-12-7

*This copy is exactly  
the same as the order  
dated 4-14-87. ??*

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT  
NO. 36-7973 IN THE NAME OF  
RICHARD KASTER

ORDER MODIFYING CONDITION  
OF APPROVAL

A request having been received from Richard Kaster, the permit holder, to change a condition of approval, the Department of Water Resources finds, concludes, and orders as follows:

FINDINGS OF FACT

1. In an order dated January 5, 1987, in the matter of Gooding County Civil Case No. 19615, the Fifth District Court ordered the permit holder to cease and desist diverting more than 70 cubic feet per second of water from Briggs Creek, deliver all flows in excess of 70 cubic feet per second down the natural channel of Briggs Creek, and to install a measuring device which will accurately calculate the flow of water diverted.

2. Decreed right No. 36-0199 and License No. 36-2039 are prior in time to Permit No. 36-7973. All or part of the water under these rights must be delivered past the permit holder's diversion structure.

3. Licenses Nos. 36-2040 (priority 7/18/1927) and 36-2607 (priority 11/27/1964) authorize diversion of 70 cubic feet per second of water for fish propagation. The permit holder makes additional use of the same 70 cubic feet per second of water for power generation under Permit No. 36-7973.

4. There are additional permits and pending applications which are undeveloped and are prior in time to Permit No. 36-7973.

RECORDED  
FILMED

MAY 08 1987

CONCLUSIONS OF LAW

1. In order to provide for accurate measurement of flows and reliable delivery of prior water rights, lockable control works and a structure specifically designed for the purpose of measuring water is needed at the permit holder's diversion.

2. Permit No. 36-7973 is for the re-use of flows diverted under License Nos. 36-2040 and 36-2607 which are senior to the undeveloped filings, therefore, flows of water available for use under Permit No. 36-7973 would not be changed by development of the undeveloped applications and permits.

ORDER

It is therefore, hereby ORDERED that the condition of approval requiring installation of a measuring device is modified as follows:

1. A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works.

2. Installation of the required structures shall be completed within sixty (60) days of the date of this order.

Dated this 7<sup>th</sup> day of April, 1987.

  
L. GLEN SAXTON  
Chief, Operations Bureau

MICROFILMED

MAY 08 1987

FOR REGISTERED, INSURED, C.O.D., CERTIFIED, AND EXPRESS MAIL

NAME AND  
ADDRESS  
OF SENDER

DEPARTMENT OF WATER RESOURCES

STATEHOUSE  
BOISE, IDAHO 83720

Indicate type of mail

- ☐ Registered  
☐ Insured  
☐ COD  
☒ Certified ☐ Express Mail

Check appropriate block for

- Registered Mail:  
☐ With Postal Insurance  
☐ Without Postal Insurance

Affix stamp here if issued as  
certificate of mailing or for  
additional copies of this bill.

POSTMARK AND DATE OF RECEIPT

| Line | Number of<br>Article | Name of Addressee, Street, and Post-Office Address | Postage | Fee | Handling<br>Charge | Act. Value<br>(If Regis.) | Insured<br>Value | Due Sender<br>If C.O.D. | R. R.<br>Fee | S. D.<br>Fee | S. H.<br>Fee | Rest. Del. Fee<br>Remarks |
|------|----------------------|----------------------------------------------------|---------|-----|--------------------|---------------------------|------------------|-------------------------|--------------|--------------|--------------|---------------------------|
| 1    | 138421               | Richard Kaster                                     | 22      | 8   |                    |                           | 70               |                         |              |              |              | 36-7973                   |
| 2    |                      | Rt 4, Buhl, ID 833116                              |         |     |                    |                           |                  |                         |              |              |              |                           |
| 4    |                      |                                                    |         |     |                    |                           |                  |                         |              |              |              |                           |
| 5    |                      |                                                    |         |     |                    |                           |                  |                         |              |              |              |                           |
| 6    |                      |                                                    |         |     |                    |                           |                  |                         |              |              |              |                           |
| 7    |                      |                                                    |         |     |                    |                           |                  |                         |              |              |              |                           |
| 8    |                      |                                                    |         |     |                    |                           |                  |                         |              |              |              |                           |
| 9    |                      |                                                    |         |     |                    |                           |                  |                         |              |              |              |                           |
| 10   |                      |                                                    |         |     |                    |                           |                  |                         |              |              |              |                           |
| 11   |                      |                                                    |         |     |                    |                           |                  |                         |              |              |              |                           |
| 12   |                      |                                                    |         |     |                    |                           |                  |                         |              |              |              |                           |
| 13   |                      |                                                    |         |     |                    |                           |                  |                         |              |              |              |                           |
| 14   |                      |                                                    |         |     |                    |                           |                  |                         |              |              |              |                           |
| 15   |                      |                                                    |         |     |                    |                           |                  |                         |              |              |              |                           |

MICROFILMED

MAY 08 1987

RECEIVED

APR 16 1987

Department of Water Resources

POSTMASTER, PER (Name of receiving employee)

Secretary

Total Number of Pieces  
Listed by SenderTotal Number of Pieces  
Received at Post Office

The full declaration of value is required on all domestic and international registered mail. The maximum indemnity payable for nonnegotiable documents under Express Mail document reconstruction insurance is \$50,000 per piece subject to a limit of \$500,000 per occurrence. The maximum indemnity payable on Express Mail merchandise insurance is \$500. 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

U.S. G.P.O. 1985-478-804

April 14, 1987

certified mail  
138421

Richard Kaster  
Rt. 4  
Buhl, ID 83316

Dear Mr. Kaster:

Re: Permit No. 36-7973

Enclosed is a copy of the order modifying the conditions of approval on this permit.

Note that installation of the required structures shall be completed with sixty days.

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

Sincerely,

RITA I. FLECK  
Secretary/Records Manager

Enclosure

MICROFILMED

MAY 08 1987

MEMORANDUM

Date: March 31, 1987  
From: Loren Holmes, Southern Region Supervisor *LH*  
To: File 36-7973  
Subject: Background on attached Field Exam, Court Order & Correspondence.

On 7/29/86 this office received a request from Fish & Game to investigate an excessive diversion on Briggs Creek by Richard Kaster.

Their request was based on a citizen complaint that the Creek had been dried up.

Kaster operates a power plant and fish farm under water rights 36-2040, 36-2607, & 36-7973. The power right (36-7973) is conditioned to restrict total diversion to 70 cfs, which is the total of the prior fish rights.

Kaster leases the land the fish farms and power plant are on from the Sheldon family.

On investigation, a flow of 84 cfs was measured in the diversion canal 100 yds above the penstock intake.

Later I was called by the Sheldon's attorney, John Healzer, to testify as to the water measurement in Case 19615, Sheldon vs. Kaster. The suit primarily involved Sheldon's right to power plant royalties but the Court also ordered Kaster to cease diversion of more than 70 cfs and to provide a measuring device within 45 days of December 11, 1986 (1/25/87).

Proof was due on the permit on 10/1/87, and a private certified examiner was retained to do the exam.

On 3/12/87, Mr. Kaster delivered a written request to this office, asking that the Department accept a rated section of his diversion canal as meeting the permit requirement for two (2) years until a more permanent device could be installed.

I accepted the rated section on a temporary basis, but because of the litigation and the need to provide for regulation of the water flows, drafted the attached Order modifying the condition of approval.

**MICROFILMED**

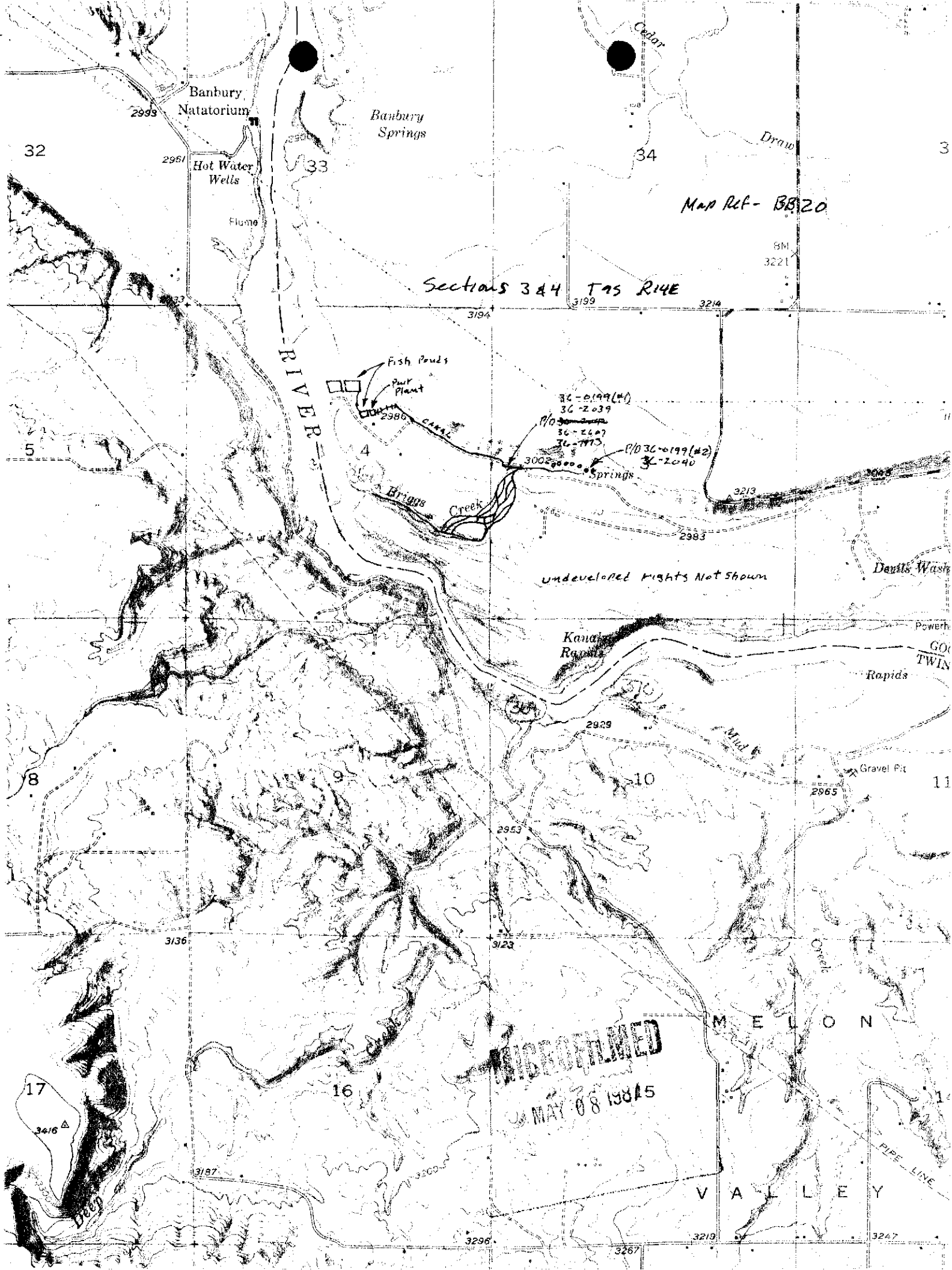
MAY 08 1987

SUMMARY OF WATER RIGHTS ON BRIGGS SPRINGS  
3/23/87

| NUMBER  | STAGE | PRIORITY                                                                                                   | OWNER                                   | AMOUNT | USE             |
|---------|-------|------------------------------------------------------------------------------------------------------------|-----------------------------------------|--------|-----------------|
| 36-0199 | D     | 4/19/1929                                                                                                  | SHELDON EST.                            | 8.0    | IRR.            |
| 36-2039 | L     | 7/18/1927                                                                                                  | SHELDON EST.                            | .47    | IRR., DOM.      |
| 36-2040 | L     | 7/18/1927                                                                                                  | SHELDON EST.<br>(leased by Kaster)      | 10.0   | FISH            |
| 36-2607 | L     | 11/27/1964                                                                                                 | SHELDON EST.<br>(Leased by Kaster)      | 60.0   | FISH            |
| 36-7537 | P     | 4/8/1975<br>Undeveloped,                                                                                   | TROUNSON<br>Proof due 1/1/89            | 10.0   | IRR, DOM, REC.  |
| 36-7538 | P     | 4/16/1975<br>Undeveloped,                                                                                  | TROUNSON<br>Proof due 2/1/89            | 30.0   | FISH, POWER     |
| 36-7806 | A     | 7/26/1978<br>Insuff. water.                                                                                | WRIGHT<br>Pending devel. of 7537 & 7538 | 40.0   | FISH            |
| 36-7819 | A     | 9/13/1978                                                                                                  | IWRB                                    | 56.0   | MIN. STREAMFLOW |
| 36-7973 | P     | 3/11/1981<br>Not to exceed 70 cfs when combined w/36-2040 & 2607<br>Priority may be delayed by late proof. | KASTER                                  | 70.0   | POWER           |
| 36-7985 | A     | 5/5/1981<br>Protested by Wright & Sheldon.                                                                 | ID. POWER                               | 105.0  | POWER           |
| 36-7998 | A     | 6/29/1981<br>Pending prior filings.                                                                        | ID. POWER                               | 100.0  | FISH            |

MICROFILMED

MAY 08 1987



Banbury Natatorium

Banbury Springs

Hot Water Wells

Fume

Sections 3 & 4 T95 R14E

Map Ref- BB20

BM 3221

RIVER

Fish Ponds  
Pump Plant

36-0199(M)  
36-2039  
36-2407  
36-1115  
P/O 36-0199(M2)  
36-2040  
Springs

Briggs Creek

undeveloped rights Not shown

Devils Wash

Kanab Rapids

Power

GO TWIN

Rapids

Gravel Pit

MELON

VALLEY

MICROFILMED

MAY 08 1985

PIPE LINE

7/29/86

36-2040

36-2607

36-7973



Briggs Creek  
Looking upstream  
from Kaster diversion



Looking downstream.

Briggs ct. goes  
left, Canal goes  
Right.

Sheldon has a  
diversion downstream  
over Briggs ct.

MICROFILMED

MAY 08 1987

LAW OFFICES  
JOHN J. HEALZER  
141 FIRST AVENUE EAST  
P.O. BOX 563  
JEROME, IDAHO 83338  
(208) 324-8131

RECEIVED

MAR 27 1987

Department of Water Resources  
Southern Region Office

March 24, 1987

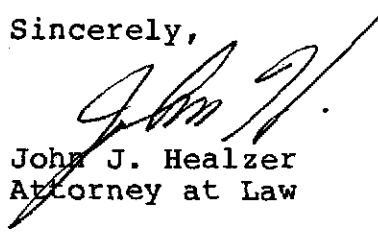
Loren Holmes  
Department of Water Resources  
2148 4th Avenue East  
Twin Falls, ID. 83301

Dear Mr. Holmes:

Thank you for sending a copy of the Department of Water Resources Application for Permit pertaining to Richard Kaster. I wish to advise you and the Department of Resources that Richard Kaster's filing is in contravention of an existing lease with my clients, Sheldons and McCormicks, which agreement provides that the mineral, gravel, and water rights are to remain in the name of the Lessors (Sheldons) and that the water is to be used upon the property for fish propagation only. (See page 2 of attached Lease Agreement).

I request that you make this letter and a copy of the attached lease a part of the records in Mr. Kaster's application for permit and annotate the file so that we may be advised of any developments concerning Mr. Kaster's attempt to attain a water right.

Sincerely,

  
John J. Healzer  
Attorney at Law

JJH:lm

cc: Nancy McCormick

MICROFILMED

MAY 08 1987

KASTER  
1974 Lease

LEASE AGREEMENT

This lease agreement, made and entered into this 22 day of January, 1974, by and between GEORGE MARION SHELTON and PHYLLIS SHELTON; HOWARD L. SHELTON and LOUISE SHELTON; WILLARD B. SHELTON and HEDY SHELTON; and MYRIEL SHELTON TROUNSON and WES TROUNSON, hereinafter collectively referred to as the "Lessors" and RICHARD KASTER and ~~LOUISE~~ <sup>EDITH</sup> KASTER, hereinafter referred to as the "Lessees".

W I T N E S S E T H :

That for and in consideration of the following rents, covenant Lessors hereby lease unto Lessees, the premises described as:

That property located in Gooding County, Idaho, outlined in red on Exhibit "A", which is attached hereto; and

ALSO TOGETHER WITH the right of ingress and egress across the Lessors' property to the leased premises.

TERM: It is understood that the terms of this lease will end December 31 in the year 1999.

PURPOSE: Lessee will operate and maintain a fish farm on said premises.

CONSIDERATION: For and in consideration of the lease of said premises. Lessees shall pay to Lessors, the sum equal to five (5%) percent of the gross sales of fish raised by Lessee on said fish farm under the private production method of calculating rent. For the farm-out program method, the consideration shall be twenty-five (25%) percent of the gross sales. The gross sales shall be calculated at the end of each tax year of the Lessees. ~~The consideration shall be paid directly to each of the four Lessors, husband and wife. Payment shall be made directly by the purchaser of the fish and Lessees shall cooperate in any way necessary to effectuate such payment.~~ Annual payment shall be not less than \$4,000.

ASSIGNMENT OR SALE OF LEASE: Lessees will not assign or sell lease to another party without permission of Lessors. If

**MICROFILMED**

MAY 08 1987

M. J.  
R.H.K.  
G.K.  
GMS  
DMS

Lessees are allowed to sell lease to another party, the twenty-five (25%) percent of the consideration received by Lessees shall be directly paid to the Lessors by the purchaser and divided up according to the method of payment set forth above. (3/4 cash and 1/4 terms to Lessees and 1/4 cash and 1/4 terms to Lessors.

MINERAL, GRAVEL, WATER: Mineral, gravel, water and thermal water rights to remain in name of Lessors, and same to be used on said property by Lessees for fish production only. If Lessee should drill well or wells for water, water rights to remain in name of Lessors subject to this lease.

TAXES: Lessees shall pay all taxes and assessments on said leased premises. Lessees shall take such action as may be necessary to require separate assessment of the property leased herein and Lessors shall cooperate with Lessee in that regard. In the event of separate assessment of the demised premises cannot be accomplished, the parties agree to equitably prorate the total tax bill and assessments for the parcel demised herein, but with all taxes and assessments based upon improvements made on the demised premises to be reimbursed by Lessees to Lessor.

INSURANCE: Lessors shall be named as additional insureds on a policy of liability insurance. Lessees shall maintain a minimum of \$100,000 per person and \$300,000 per occurrence limits in said policy. A certificate of such insurance shall be supplied to Lessor at their request.

NOTICES: All notices and payments required by the terms of this attached lease shall be sent to each of the above Lessors and Lessees.

ACCOUNTING AND RECORDS: Lessees further agree to keep a true and exact accounting system to be made available to Lessors. It is understood that the Lessees shall not have the right or privilege to in any way create or cause to be created any mechanic's or materialman's liens against the said premises during the term of this agreement. In the event Lessors disagree with any report

**MICROFILMED**

MAY 08 1981

supplied, Lessors shall have the right to request an independent audit by certified public accountants. In the event said audit shows discrepancies in the amount of gross gain of fish weight exceeding five (5%) percent, then Lessees shall bear the cost of such independent audit.

PROCEDURE UPON DEFAULT: Time is of the essence of this agreement, and it is agreed between the parties hereto that if default be made in the payment of the rents above reserved or any part thereof, or in any of the covenants and agreements herein contained, to be kept by the Lessee, it shall be lawful for the Lessors, their heirs and assigns, at their election to declare said term at an end and to re-enter and take possession of said leased premises or any part thereof, with or without process of law, and to remove said Lessees and other persons in possession thereof, using such force as may be necessary to do so, and to repossess the said leased premises without prejudice to any remedies which might otherwise be used for arrears of rent or breach of covenants. If either of the parties hereto find it necessary to retain the services of an attorney to enforce their rights under this agreement, the prevailing party will be entitled to recover, in addition to other sums recovered, a reasonable attorney fee.

It is expressly provided, however, that in the event of default said Lessors shall have none of the remedies above mentioned until they have given said ninety (90) days written notice of the default or defaults alleged and the Lessees shall have failed, refused or neglected within said ninety (90) day period to correct the same. Lessees agree that in the event their business to be conducted hereon should in any way be abandoned, all improvements, real fixtures and construction set upon this parcel of land shall revert to the ownership of the Lessors.

Lessee is to assume all responsibility of placing water on said land and is to cooperate with other parties using roads and water source.

**MICROFILMED**

MAY 08 1981

Lessees shall assign to Lessors 60 cfs of water from Lessees' present filings. Lessees under this lease shall be entitled to use of 40 cfs of first use water from now existing head canal. Upon prior written consent of Lessors, Lessees can use additional water upon payment of \$1,000 per year per each 10 cfs used. Upon having obtained consent to use additional water, Lessees shall be entitled to continue using said water at the above annual rate. If said use is abandoned, however, then Lessees must obtain a consent of Lessors again.

Lessors reserve the right to go on said premises for the purpose of inspection, hunting and fishing, at no cost to Lessors, but this privilege shall not be assignable and provided that the Lessors shall properly present themselves to Lessees or notify Lessees of such intent. No fishing or hunting shall be enjoyed by Lessors on or in Lessees' ponds.

This lease shall be binding upon the heirs, representatives and successors, and permitted assigns of the parties hereto.

RIGHT OF FIRST REFUSAL: In the event during the term of this lease, or any renewals or extensions thereof, should Lessors wish to sell said premises, Lessees are hereby granted the right of first refusal to purchase under the following terms and conditions: Lessors shall submit to Lessees any bona fide offer received by them for the purchase of the property reciting all terms and conditions of the purchase. Lessee shall have a right of first refusal for a period of thirty (30) days thereafter to enter into a written contract providing for terms and conditions no less favorable than those presented in such bona fide offer. In the event Lessees do not wish to purchase, Lessors shall then be free to sell said premises subject to then existing lease or leases with Lessee herein.

SIGNATURES:

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands, the day and year in this agreement first above written.

**MICROFILMED**

MAY 08 1987

Page 44 attached

Lessors agree Lessee has no restrictions on amount of water available for 1974. Minimum payment will be based on maximum flow of water used in 1974.

The 1974 flow rate will determine the amount of water in excess of the 40 CFS base of this lease which will be available to Lessor. Lessee will give written statement of the CFS used in 1974 on January 1, 1975. This statement is the written consent agreement specified on page 4 of the lease.

Page 1 annual payment shall be changed to not less than \$4,000 (Four-Thousand dollars)

THIS SHEET 4-A IS TO BE INCLUDED PRIOR TO SIGNATURE PARAGRAPH ON PAGE 4.

**MICROFILMED**

MAY 08 1971

LESSORS

George M. Sheldon  
GEORGE HYRON SHELTON

Phyllis M. Sheldon  
PHYLLIS SHELTON  
M.

HOWARD L. SHELTON

LOUISE SHELTON

Willard B. Sheldon  
WILLARD B. SHELTON

Hedy Sheldon  
HEDY SHELTON

Myriel Sheldon Truinson  
MYRIEL SHELTON TRUINSON

Wes Truinson  
WES TRUINSON

LESSEES

Richard Kaster  
RICHARD KASTER

Edith Kaster  
EDITH KASTER  
EDITH

REMICROFILMED

MAY 08 1987

STATE OF )  
 ) ss  
COUNTY OF )

On this 22 day of JANUARY, 1974, before me, the undersigned, a Notary Public in and for said County and State, duly commissioned and sworn, personally appeared GEORGE MYRON SHELTON and PHYLLIS SHELTON, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

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

*[Signature]*

STATE OF )  
 ) ss  
COUNTY OF )

On this      day of     , 1974, before me, the undersigned, a Notary Public in and for said County and State, duly commissioned and sworn, personally appeared HOWARD L. SHELTON and LOUISE SHELTON, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

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

\_\_\_\_\_

STATE OF PENNA. )  
 ) ss  
COUNTY OF PHILA. )

On this 18 day of JANUARY, 1974, before me, the undersigned, a Notary Public, in and for said County and State, duly commissioned and sworn, personally appeared WILLARD E. SHELTON and HEDY SHELTON, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

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

6029 FRANKFORD AVENUE

Notary Public, Phila., Penn. Co. No. 1-111

My Commission Expires September 9, 1975

*[Signature]*

STATE OF )  
 ) ss  
COUNTY OF )

On this 22 day of JANUARY, 1974, before me, the undersigned, a Notary Public, in and for said County and State, duly commissioned and sworn, personally appeared MYRIEL SHELTON TROUNSON and WES TROUNSON, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

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

\_\_\_\_\_

MICROFILMED

MAY 08 1987

STATE OF

COUNTY OF

) ss

On this 22 day of January, 1978, before me, the undersigned, a Notary Public in and for said County and State, duly commissioned and sworn, personally appeared RICHARD KASTER and LOUISE KASTER, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

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

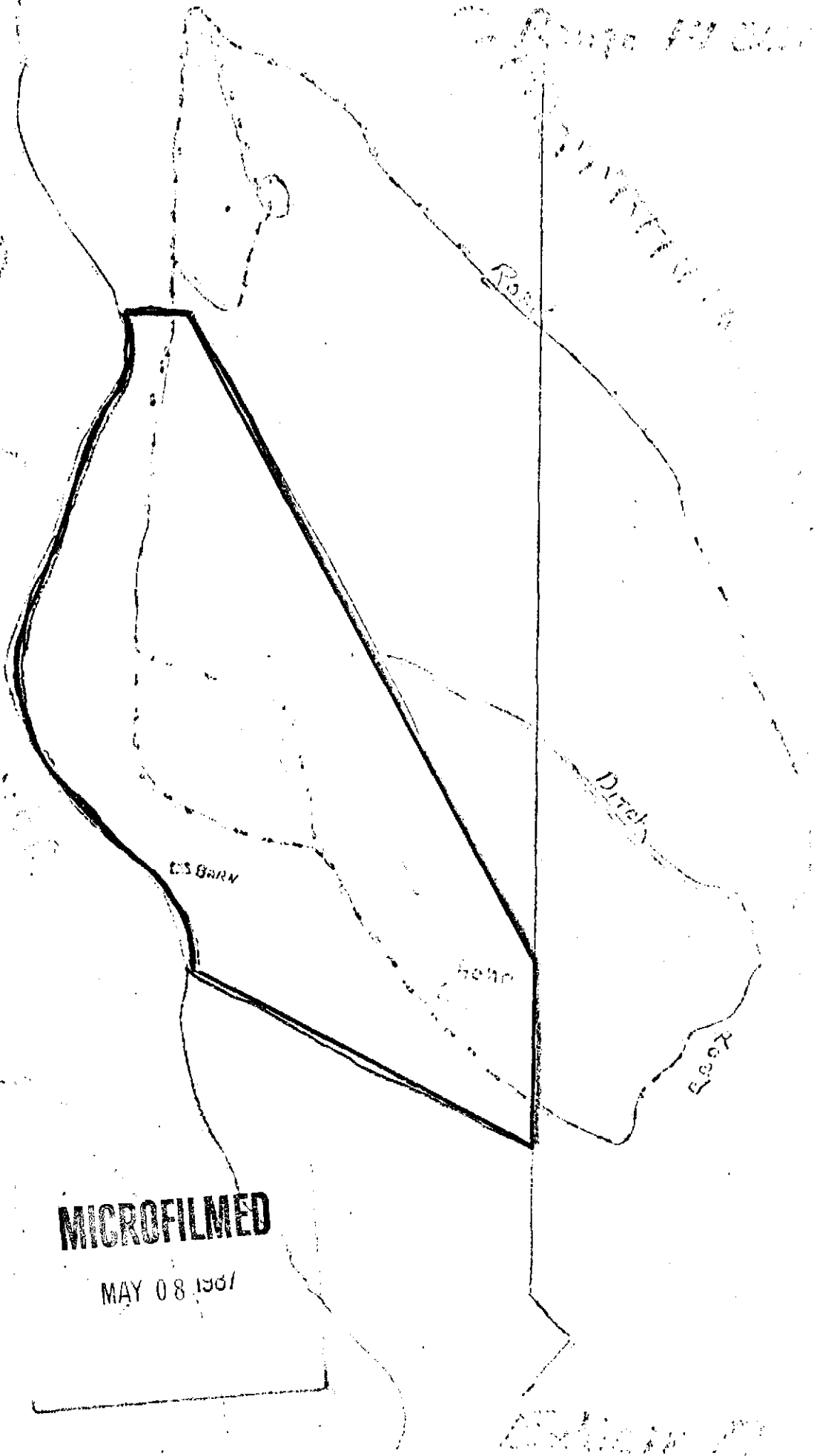
William A. Wilson

**MICROFILMED**

MAY 08 1981

with Kaster  
 Richard Kaster  
 Wm. M. Sheldon  
 on Sheldon  
 V. Brownson  
 Myriel Brownson

20 Section  
 Township 9 S  
 Range 14 E



**MICROFILMED**

MAY 08 1961

11. = 16"  
 11. = 330'

Sheldon

**CMR Consulting**

Clarence Wm. Robison, P.E.

Route 2, 230 Maxine

Kimberly, Idaho 83341

(208) 423-4972

RECEIVED

March 18, 1987

MAR 19 1987

Mr. Loren Holmes, Regional Supervisor  
Idaho Department of Water Resources,  
Southern Region  
2148 4th Ave. East  
Twin Falls, ID 83301

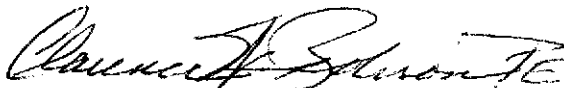
Department of Water Resources  
Southern Region Office

RE: Field Examination Report for Permit #36-7973

Mr. Holmes:

Please find enclosed the field examination report for water permit #36-7973 held by Mr. Richard Kaster. The field examination was conducted in December 1986, at which time he did not have an acceptable measuring device installed and operating. It is my understanding that he is in the process of obtaining an acceptable device. When he sent his affidavit to accompany the field examination, he requested that I go ahead and submit the report rather than waiting for the installation of the measurement device.

Sincerely,



Clarence Wm. Robison, P.E.  
Agricultural Engineer

enc

MICROFILMED

MAY 08 1987

RECEIVED

MAR 19 1987

Department of Water Resources  
Southern Region Office

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

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

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

Permit No. 36-7973

Name(s) of Permit Holder: Richard Kaster

Post Office Address: Route 4, Buhl Idaho 83316

Telephone No. NONE

Source of Water: Brigg's Springs

Extent of Use:

Domestic \_\_\_\_\_ (number of households) Stockwater \_\_\_\_\_ (number and type of stock)

Irrigation \_\_\_\_\_ (acres) Other/Remark POWER GENERATION

Total rate and/or volume for which proof is submitted 84.9 cfs 61,500 acre-feet

Show the date water was first diverted and beneficially used under this permit: Sept 30, 1985

Measuring Device: Required? ☒ Yes ☐ No  
Installed? ☐ Yes ☒ No  
Fee enclosed \$ \_\_\_\_\_  
(See License Examination Fee Schedule)

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

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

(Name)

(Telephone Number)

(Address)

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.

MICROFILMED

Dec. 19, 1986  
Date

Richard Kaster  
Signature of Permit Holder (and title, if appropriate)

MAY 08 1987

RECEIVED

MAR 11 1987

Department of Resources  
Southern Region Office

AFFIDAVIT OF RICHARD KASTER

STATE OF IDAHO )

) ss

County of Gooding )

I, Richard Kaster, on behalf of myself and being of lawful age  
and duly sworn upon oath, depose and state as follows:

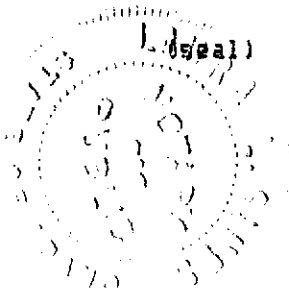
1. I, Richard Kaster, have retained Clarence Wm. Robison, a  
certified water rights examiner, to conduct the field  
examination of my water rights permit number 36-7973.
2. I, Richard Kaster, also give Clarence Wm. Robison authority  
to submit the necessary documents on my behalf for proof of  
beneficial use to the Idaho Department of Water Resources as  
outlined in BENEFICIAL USE EXAMINATION RULES AND REGULATIONS  
adopted by the Department.

DATED this 18 day of February 1987.

Richard Kaster  
Richard Kaster

SUBSCRIBED and sworn before me this 18 day of

February 1987.



Louise J. Gies  
NOTARY PUBLIC OF IDAHO  
Residing at: Filler, Idaho  
Commission expires: Aug 15, 1991

MICROFILMED

MAY 08 1987

LAW OFFICES  
JOHN J. HEALZER  
141 FIRST AVENUE EAST  
P.O. BOX 563  
JEROME, IDAHO 83338  
(208) 324-8131

RECEIVED

MAR 17 1987

Department of Water Resources  
Southern Region Office

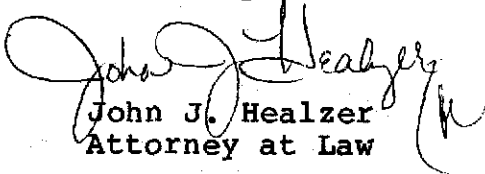
March 16, 1987

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

Dear Loren:

Enclosed please find the copy of the Order you requested. We request that you return a copy of the permit filing made by Richard Kaster.

Sincerely,

  
John J. Healzer  
Attorney at Law

JJH/rl

enc.

MICROFILMED

MAY 08 1987

1 JOHN J. HEALZER  
2 Attorney at Law  
3 141 First Avenue East  
4 Post Office Box 563  
Jerome, ID. 83338  
Tel. No. 208/324-8131  
Attorney for Plaintiff

*John J. Healzer & Co.  
Boise*

10:30

6 IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
7 STATE OF IDAHO, IN AND FOR THE COUNTY OF GOODING

8 \* \* \* \* \*

9 GEORGE MYRON SHELTON, et-al, ) Case No. 19615  
10 )  
11 Plaintiffs, )  
12 vs. ) ORDER  
13 )  
14 RICHARD KASTER, )  
15 )  
16 )  
17 Defendant. )

14 On December the 11th this Court's Order directing the defen-  
15 dant, Richard Kaster to show cause why he should not be prevented  
16 from diverting an excess flow of water and why he should not be  
17 required to produce an adequate means of diversion and adequate  
18 flow of water to allow for irrigation of pasture and timberlands  
19 upon Briggs Creek Ranch; the Court's Order directing the defen-  
20 dant to show cause why he should not be required to provide a  
21 more detailed accounting to include a statement of all monies  
22 received from hydroelectric power sales from the Power Plant at  
23 Briggs Creek and a statement showing the distribution of all  
24 monies to any persons receiving revenues produced by the plant;  
25 and plaintiffs' Motion to compel the defendant, Richard Kaster,  
26 to answer the plaintiffs' Interrogatories and Requests For

MICROFILMED

MAY 08 1981

1 Production dated October 14, 1986, came before the Court for  
2 Hearing.

3 Having considered all evidence presented during the course  
4 of the Hearing on December 11, 1986 and being duly advised in the  
5 premises the Court finds that the defendant, Richard Kaster, has  
6 the right to divert no more than 70 cubic feet per second of  
7 water from Briggs Creek and should be and is hereby ordered to  
8 acquire and install within 45 days from December 11, 1986 a  
\* 9 measuring device which will accurately calculate the amount of  
10 water in cubic feet per second which is being diverted to fish  
11 ponds and/or the hydroelectric power plant operated by the defen-  
12 dant, Richard Kaster upon Briggs Creek Ranch. The defendant  
13 should be and is hereby ordered to cease and desist within 45  
14 days of December 11, 1986 diverting or utilizing more than 70  
15 cubic feet per second of water from Briggs Creek and is ordered  
16 to cause any diversion facility now constructed, which diverts  
17 water to the power plant to be modified to such extent that all  
18 water from Briggs Creek in excess of 70 cubic feet ~~per~~ second is  
19 diverted or spilled into the natural channels and water courses  
20 which carried the water before the construction or modification  
21 of the diversion which has caused an amount of water in excess of  
22 70 cubic feet per second to be diverted toward the power plant  
23 facilities.

24 Richard Kaster should be and is hereby ordered to provide to  
25 the plaintiffs on a monthly basis, at least once per month, a  
26 complete and accurate accounting showing all monies received from

1 hydroelectric power plant sales at Briggs Creek and a statement  
2 showing the distribution of all monies received from  
3 hydroelectric power plant sales to any persons or entities  
4 receiving revenues which are generated from those sales.

5 The plaintiffs' Motion to compel the defendant, Richard  
6 Kaster, to answer plaintiffs' Interrogatories and Requests For  
7 Production dated October 14, 1986 and filed with this Court on  
8 October 21, 1986 should be and is hereby granted in all respects.  
9 The defendant, Richard Kaster, should be and is hereby ordered to  
10 answer fully and accurately each of the three interrogatories and  
11 to provide complete and accurate information in response to  
12 Requests for Production Nos. 1 and 2 within 45 days from December  
13 11, 1986, provided, however, with regard to Interrogatory No. 1,  
14 the defendant, Richard Kaster, is required to identify each major  
15 item of equipment or component part utilized in the construction  
16 of Briggs Creek hydroelectric power plant, showing the persons or  
17 corporation from whom the parts were acquired, the approximate  
18 date of acquisition, and the cost of every major piece of equip-  
19 ment, component part or material. However, the defendant,  
20 Richard Kaster, shall be allowed, in answering this  
21 Interrogatory, to lump together in one figure his minor,  
22 insignificant or miscellaneous items of equipment, component  
23 parts, or quantity of material utilized in the construction of  
24 the power plant in the event that these items cannot be readily  
25 distinguished or accounted for. Provided, however, that the  
26 defendant, Richard Kaster, shall be required to provide an

1 accurate figure showing the costs of any miscellaneous insignifi-  
2 cant equipment parts or materials.

3 IT IS SO ORDERED. <sup>TH</sup>

4 DATED This 5 day of

JAN. 1, 1987.  
Lois M. Moore  
JUDGE GRANATA

7 CERTIFICATION OF MAILING

8 PURSUANT TO IRCP 5(B), I certify that I am an employee  
9 of JOHN J. HEALZER, Attorney at Law, and that on this 22 day  
10 of December, 1986, I deposited for mailing at Jerome, Idaho a  
true copy of Order to:

11 Stephen W. Beane  
12 Attorney at Law  
13 824 West Franklin Street  
14 Boise, ID. 83702

Lois M. Moore  
Lois M. Moore

15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
MICROFILMED

MAY 08 1987



State of Idaho  
**DEPARTMENT OF WATER RESOURCES**  
SOUTHERN REGION

CECIL D. ANDRUS  
Governor

A. KENNETH DUNN  
Director

2148 4th Ave. E.  
Twin Falls, Idaho 83301  
(208) 734-3578

Richard Kaster  
Rt. 3  
Buhl, ID 83316

Re: Permit 36-7973

Dear Mr. Kaster:

Your proposal to substitute a rated section of channel for an installed measuring structure is acceptable to the department on a temporary basis.

We are preparing an order modifying the conditions of approval on the permit to require both a measuring device and controlling works at the diversion, and specifying a suitable amount of time for installation.

Very truly yours,

Loren O. Holmes, P.E.  
Southern Region Supervisor

LH:mb

**MICROFILMED**

MAY 08 1967

RECEIVED

MAR 12 1987

Department of Water Resources  
Southern Region Office

Rt 3  
Buhl, Idaho 83316  
February 5, 1987

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

Subject: License Nos. 36-2040 Briggs Spring  
36-2607  
Permit No. 36-7973

I understand that requirements of this permit include a measuring structure acceptable to the Department at the point of diversion. We are proceeding with planning for the device.

As you know, the status of water rights on Briggs Spring is not finalized, with several rights pending of various priorities and points of diversion. When we install the measuring device structure, our plan is to combine it with a controllable diversion structure to accommodate all diversions. At this time, since the water rights and development are not firm, we are reluctant to install a structure that may not service all needs in the future. An interim procedure to secure measurement of the allowable discharge under the fish and power permits would be to develop a rated section just downstream of the current diversion point. There is adequate elevation drop in the stream so that backwater from the power plant intake would not interfere.

I am therefore requesting that we be allowed to develop a rated section in lieu of the measuring structure until such time as the water rights and development are firm. I estimate that this would require at least two years. I have contacted Dr. Charles Brockway P.E. to develop the rating section, perform the current metering required, and certify the measurements and rating curve.

We are anxious to begin securing discharge measurements and hope that this proposal can be approved.

Sincerely,

MICROFILMED

*Richard Kaster*

MAY 08 1987

Richard Kaster

*Richard*

December 22, 1986

Richard Kaster  
Rt. 4  
Buhl, ID 83316

Dear Mr. Kaster:

Re: Permit No. 36-7973

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 October 1, 1987. Note that the permit has been reinstated and the priority advanced since the proof was not acceptable and the extension request was submitted late.

If you have any questions concerning the water right, please feel free to contact this office.

Sincerely,

RITA I. FLECK  
Secretary/Records Manager

Enclosure

## STAFF REVIEW SHEET - EXTENSION OF TIME

Permit No. 36-7973Reviewed by [Signature]Date 12-17-1986

## 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  
y 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?  
 — 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 withdrawing proof & extending b/p date for one year based on due diligence*

Special conditions or remarks:

y Reinstatement Date extension received Dec. 12 = 346  
 Proof due date Oct. 1 = -274  
 No. of days late \_\_\_\_\_ = 72  
 Priority date Mar. 11, 1987 = + 70  
 ADJUSTED PRIORITY DATE May 22, 1987 = 142

MICROFILMED

JAN 29 1987

- \_\_\_\_ Prepare coding sheet  
 \_\_\_\_ Change rolodex card

November 23, 1986

Richard Kaster  
Rt. 4  
Buhl, ID 83316

Dear Mr. Kaster:

Re: Permit No. 36-7973

Pursuant to our telephone conversation, I reviewed the above referenced file. The file shows that on July 31, 1986, I sent you notice that a proof submittal was due October 1, 1986 and indicated that the proof submittal consisted of either the proof and the examination fee or the proof and a completed field report conducted by a certified water right examiner. In answer to the proof due notice, I received a proof form and a statement from Clarence Robison that he and Charles Brockway had been retained to conduct the field examination. On October 23, 1986, I corresponded with you to determine the status of the field examination.

As I explained on the telephone, the time requirements related to the examination are somewhat different for permits on which proof had been submitted prior to the enactment of amended Sec. 42-217, Idaho Code as compared to those permits for which proof had not been submitted prior to the enactment of the amendment.

For exams included in the backlog, a fee or a statement showing that a certified water right examiner has been retained was required to be submitted along with a fee information sheet. For exams in this backlog to be conducted by a certified examiner, the rules and regulations allowed one year to complete the field report.

For permits on which a proof due notice letter was sent after the enactment of amendment to Sec. 42-217, Idaho Code, the code requires that the proof of beneficial use form and either a fee or the completed field report must be submitted by the proof due date.

Since the proof submittal for permit No. 36-7973 was not complete, a day of priority is being lost for every day that the proof is incomplete. Please note, however, that the department has not yet sent the lapse

RECEIVED

JAN 23 1987

notice in connection with the permit and is willing to delay that mailing in order to prevent the permit from becoming of no force nor effect and to allow time for the exam to be conducted. Please provide this office a reasonable time frame within which the exam can be conducted and submitted to the department.

Sincerely,

RITA FLECK  
Secretary/Records Manager

MICROFILMED

October 23, 1986

Richard Kaster  
Rt. 4  
Buhl, ID 83316

Dear Mr. Kaster:

Re: Permit No. 36-7973

On July 31, 1986 the department sent you a certified notice that proof was due on or before October 1, 1986. In response to the notice letter, you submitted the proof of beneficial use form. The notice letter also explained that as a required part of the proof submittal, you had an option of allowing the department to conduct a field examination by submitted a fee based on the amount of diversion or by submitting a field examination report conducted by a certified water right examiner. The notice stated that either the fee or the report must accompany the proof form.

On September 30, 1986, the department received from you the proof of beneficial use form in connection with the above referenced permit. On the form you indicated that you have hired a certified water right examiner to complete the exam. On October 1, 1986, the department received a statement from Clarence William Robison, a certified water right examiner the he would be conducting the exam.

Please advise the department within thirty (30) days of the status of the field examination report. If no response is received within this time period, the department may take action to lapse the permit.

If you have any questions or problems concerning this matter, please feel free to contact me to discuss them.

Sincerely,

RITA I. FLECK  
Secretary/Records Manager

cc: Zion Leasing Company

**MICROFILMED**

JAN 29 1987

**CERTIFICATION OF MAILING**

I hereby certify that on 10-23-1986  
~~a copy~~ an original of this document was  
deposited in the United States mail,  
postage prepaid addressed to the  
individual(s) named above.

Rita I. Fleck

RECEIVED

SEP 30 1986

For Office Use Only

Fee Received NA

Date 9/29/86 *LD*

Receipt #       

Receipt by       

Reviewed by       

Sent to region       

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

Permit No. 36-7973

Name(s) of Permit Holder: Richard Kaster

Post Office Address: Rt #4, Buhl, ID

Telephone No. 543-6150

Source of Water: Briggs Springs

Extent of Use:

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

Irrigation        (acres) Other/Remark Power

Total rate and/or volume for which proof is submitted 70 cfs        acre-feet

Show the date water was first diverted and beneficially used under this permit: Sept 30, 1985

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

Fee enclosed \$ NA - hired examiner  
(See License Examination Fee Schedule)

*Certified examiner will provide a rated section*

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

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

Richard Kaster  
(Name) (Telephone Number)

See Above -  
(Address)

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.

Sept. 29, 1986  
Date

Richard Kaster  
Signature of Permit Holder (and title, if appropriate)

JAN 29 1987

RECEIVED

OCT 1 1986

*hand delivered*  
Department of Water Resources

Clarence Wm. Robison, PE  
Route 2, 230 Maxine  
Kimberly, Idaho 83341

September 29, 1986

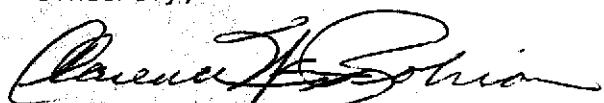
Mr. Richard Kaster  
Route 4  
Buhl, Idaho 83316

RE: Field Examination of Water Permit #36-7973

Mr. Kaster:

This letter is to confirm that you have retained Charles Brockway and myself, Clarence Wm. Robison, to conduct the field examination of your water permit as required by state law.

Sincerely,



Clarence Wm. Robison, PE  
Certified Water Right Examiner 86-111

RECEIVED

JAN 29 1987

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

STATEHOUSE  
BOISE, IDAHO 83720  
(208) 334-4440  
CERTIFIED MAIL  
JULY 31, 1986

KASTER, RICHARD  
RT. 4  
BOHLE, ID 83316

138954

PROOF DUE NOTICE

RE: PERMIT NO. 36-7973

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 OCTOBER 1, 1986. (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 COMPLETED 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,

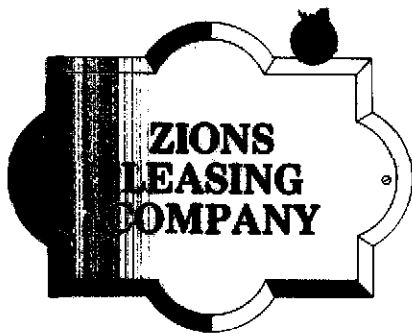
RITA FLECK  
SECRETARY/RECORDS MANAGER

ENCLOSURES

cc: Zions Leasing Co.

MICROFILMED

JAN 29 1987



310 South Main Street  
P.O. Box 180  
Salt Lake City, Utah 84110-180  
Phone: (801) 364-1906

**RECEIVED**  
FEB 6 1986

Department of Water Resources

February 4, 1986

Mr. Jim Johnson  
State of Idaho  
Dept. of Water Resources  
State House  
Boise, Idaho 83702

Re: Assignment of Water Permit #36-7973

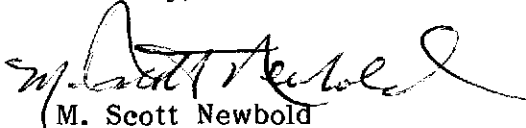
Dear Mr. Johnson:

This letter is to confirm our telephone conversation regarding the assignment that Zions Leasing has taken of the Richard Kaster Water Permit. Our assignment has been taken strictly for security, and we are not requesting that you change ownership of the permit to us. Therefore, the permit should remain in the name of Richard Kaster, but I would appreciate it if you could put a notice in your file that this water permit has been assigned for security to Zions Leasing Company.

I would appreciate it if you could acknowledge the consent form that I previously sent to you, acknowledging Zions Leasing's assignment of this water permit and sending the original to me in the enclosed envelope.

Should you have any questions or should there be any problems in this regard, feel free to contact me.

Sincerely,

  
M. Scott Newbold  
Assistant Vice President

MSN:jm

**RECEIVED**

JAN 20 1986

January 21, 1986

RE: Permit No. 36-7973

Zions Leasing Co.  
Attn: M. Scott Newbold  
310 S. Main St.  
P.O. Box 180  
Salt Lake City, UT 84110-180

Dear Mr. Newbold:

The Department is in receipt of an assignment of the above referenced permit changing ownership of the permit to you.

Before we can formally change our records reflecting the ownership change we must be in receipt of an affidavit stating that the new owner is established to do business in Idaho in accordance with the provisions of Section 42-205, Idaho Code.

Please complete and return the enclosed affidavit.

If you have any questions, please let us know.

Sincerely,

JIM JOHNSON  
Water Rights Supervisor

JJ:sc

Enclosure

RECEIVED  
JAN 22 1986

JAN 22 1986

Permit No. 36-7973

ASSIGNMENT REVIEW CHECK LIST

1. Signature of Permit Holder? Yes
2. Notary? Yes
3. a. Full Assignment? Yes  
b. Partial Assignment?
4. "No assignment" condition on permit? - Yes - NEED AFFIDAVIT
5. Commencement of Works received? Yes  
a. Commencement of works requested?  
b. Show Cause Order drafted & sent?  
c. Cancellation necessary?  

SEE CORRESPONDANCE  
OF 2-4-86 - ownership  
of permit not changed
6. Affidavit of residency required? Yes -
7. Extension granted due to litigation?  
(If yes, commencement of works is not required.)

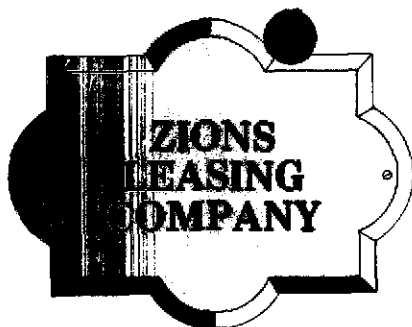
1. Type permit summary sheet.
2. Coding sheet.
3. Acknowledgement letter type.
4. Copy to region.

Date \_\_\_\_\_

Employee \_\_\_\_\_

RECEIVED

JAN 29 1987



310 South Main Street  
P.O. Box 180  
Salt Lake City, Utah 84110-180  
Phone: (801) 364-1906

RECEIVED

JAN 15 1986

DEPARTMENT OF WATER RESOURCES  
SALT LAKE DISTRICT OFFICE

January 9, 1986

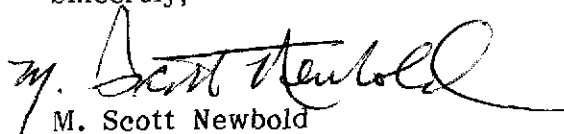
State of Idaho  
Department of Water Resources  
1041 Blue Lakes Boulevard North  
Twin Falls, Idaho 83301

Dear Sirs:

Enclosed please find an assignment of permit along with one copy of the Richard H. Kaster and Edith M. Kaster water permit #36-7973. The Kaster's have given this assignment for security regarding obligations due to Zions Leasing Company. We would greatly appreciate it if you could see that the appropriate person would acknowledge your approval to this assignment. Once this has been done, would you please return the original assignment of permit to me in the self-addressed stamped envelope enclosed for your convenience.

Should you have any questions, feel free to contact me at my #801-364-1906.

Sincerely,

  
M. Scott Newbold  
Assistant Vice President

MSN:jm

Enclosures

RECEIVED

JAN 25 1986

Complete Equipment Leasing Service/Commercial—Industrial—Transportation—Agri-business—Medical

MEMBER AMERICAN ASSOCIATION OF EQUIPMENT LESSORS



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

SEPTEMBER 1, 1985

DEAR PERMIT HOLDER:

ACCORDING TO OUR RECORDS, YOU ARE THE HOLDER OF A WATER PERMIT ON WHICH PROOF OF BENEFICIAL USE OF WATER WAS NOT SUBMITTED BEFORE JULY 1, 1985, WHICH INDICATES YOUR PROJECT IS NOT COMPLETE. THEREFORE, YOU NEED TO BE AWARE OF CHANGES IN IDAHO LAW, EFFECTIVE JULY 1, 1985, WHICH IMPACT ALL WATER PERMITS ISSUED BY THIS DEPARTMENT.

SPECIFICALLY, PURSUANT TO SECTION 42-203D, IDAHO CODE, THE DEPARTMENT MUST REVIEW ALL PERMITS FOR WHICH DEVELOPMENT OF WATER USE WAS NO COMPLETED ON OR BEFORE JULY 1, 1985, TO DETERMINE IF THEY MEET THE NEW REQUIREMENTS OF CHAPTER 2, TITLE 42, IDAHO CODE. RULES AND REGULATIONS GOVERNING THE RE-EVALUATION OF PERMITS ARE NOT YET FINALIZED. HOWEVER, IF YOU COMPLETED THE DEVELOPMENT UNDER YOUR PERMIT BEFORE JULY 1, 1985, YOU SHOULD SUBMIT A PROOF OF BENEFICIAL USE STATEMENT, STATING THAT THE PROJECT WAS COMPLETED BEFORE JULY 1, 1985 SO THAT YOUR PERMIT WILL NOT BE SUBJECT TO THE REVIEW REQUIREMENTS OF SECTION 42-203D, WHICH READS AS FOLLOWS:

42-203D. REVIEW OF PERMITS - OPPORTUNITY FOR HEARING. - (1)THE DEPARTMENT SHALL REVIEW ALL PERMITS ISSUED PRIOR TO THE EFFECTIVE DATE [JULY 1, 1985] OF THIS SECTION, EXCEPT TO THE EXTENT A PERMIT HAS BEEN PUT TO BENEFICIAL USE PRIOR TO JULY 1, 1985, TO DETERMINE WHETHER THEY COMPLY WITH THE PROVISIONS OF CHAPTER 2, TITLE 42, IDAHO CODE. IF THE DEPARTMENT FINDS THAT THE PROPOSED USE DOES NOT SATISFY THE CRITERIA OF CHAPTER 2, TITLE 42, IDAHO CODE, THEN THE DEPARTMENT SHALL EITHER CANCEL THE PERMIT OR IMPOSE THE CONDITIONS REQUIRED TO BRING THE PERMIT INTO COMPLIANCE WITH CHAPTER 2, TITLE 42, IDAHO CODE. IF THE DEPARTMENT FINDS THAT THE PERMIT SATISFIES THE CRITERIA ESTABLISHED IN CHAPTER 2, TITLE 42, IDAHO CODE, THEN THE DEPARTMENT SHALL ENTER AN ORDER CONTINUING THE PERMIT. (2)THE DEPARTMENT SHALL PROVIDE AN OPPORTUNITY FOR HEARING IN ACCORDANCE WITH SECTION 42-1701A, IDAHO CODE, AND SECTIONS 67-5209 THROUGH 67-5215, IDAHO CODE, FOR EACH HOLDER OF A PERMIT THAT IS PROPOSED EITHER TO BE CANCELLED OR MADE SUBJECT TO NEW CONDITIONS.

YOU MAY OBTAIN PROOF OF BENEFICIAL USE FORMS FROM THE DEPARTMENT. IF YOU HAVE ANY QUESTIONS, PLEASE LET US KNOW.

SINCERELY,

L. GLEN SAXTON  
CHIEF, OPERATIONS BUREAU

RECEIVED

JAN 29 1987

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

---

STATEHOUSE  
BOISE, IDAHO 83720  
(208) 334-4440

KASTER, RICHARD  
RT. 4  
BUHL, ID 83316

OCTOBER 29, 1981

RE: PERMIT NO. 36-7973

DEAR PERMIT HOLDER:

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

WE HAVE ENCLOSED A FORM ENTITLED "MAKING PROOF OF BENEFICIAL USE". PLEASE READ THE INSTRUCTIONS CAREFULLY SINCE YOU MUST TAKE FURTHER ACTION TO DEVELOP THIS PERMIT INTO A LICENSE.

SINCERELY,

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

ENCLOSURE

MICROFILMED

36-7973

Rick Kaster

Route 3

Buhl, Idaho 83316

208-543-6150

November 2, 1981

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

RECEIVED

NOV 11 1981

Department of Water Resources  
Twin Falls, Idaho

Dear Mr. Holmes,

In regards to our phone conversation of November 2 concerning the Briggs Creek Project, FERC No. 4360, please find enclosed a copy of the application for preliminary permit and a copy of the approved permit.

I will be acting as liaison officer on this project and using the above address and telephone number.

A reply acknowledging our contact would be appreciated.

Sincerely,

*Rick Kaster*

Rick Kaster

Liaison Officer

RK/enc

MICROFILMED



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 2, 1981

Richard Kaster  
Rt 4  
Buhl, ID 83316

RE: Application for Permit No. 36-7973

Dear Applicant:

On July 24, 1981 this office sent to you a letter that identified an additional requirement for the above referenced hydropower project. Section 42-205, Idaho Code, now requires that if a proposed hydropower project will use existing irrigation facilities, consent by the owner of the facilities must be obtained before an application for permit to develop a water right can be approved.

Enclosed we are sending another affidavit which we must receive before we can complete the review of your application. Please return either the affidavit or an explanation of why the affidavit cannot be obtained no later than November 15, 1981. If we have not heard from you by that date we must begin action to void the application due to incomplete information.

If you have questions about this requirement please feel free to call me at (208) 334-4104.

Sincerely,

DAVID R. TUTHILL, JR., P. E.  
Supervisor, Water Allocation Section

DRT:rc

Enclosure

MICROFILMED

FEDERAL ENERGY REGULATORY COMMISSION  
TERMS AND CONDITIONS OF  
PRELIMINARY PERMIT

Article 1. The Permittee shall make such engineering and other investigations, secure such data, and perform such acts as are necessary to determine the feasibility of the proposed project and, if said project is found to be feasible, to prepare an application for license for the project that will be in conformance with current rules and regulations of the Commission. In carrying out the requirements of this permit the Permittee shall:

A. Install as soon as practicable, and thereafter maintain, such stream gages and stream-gaging stations as the District Engineer of the United States Geological Survey having charge of stream-gaging operations in the region shall designate as necessary and best adapted for the purpose of determining the stage and flow of the stream or streams affected by the proposed project, and shall provide for the required reading of such gages and for the adequate rating of such stations. The number, design, location, and time of installation of gages and stations, the rating of such stations, and the determination of the flow of the affected stream or streams, shall be made under the supervision of, or in cooperation with, the District Engineer of the United States Geological Survey having charge of stream-gaging in the region of said project; and the Permittee shall advance to said Geological Survey the amount of funds estimated to be necessary for such supervision, or cooperation for such periods as may be mutually agreed upon. The Permittee shall, to the satisfaction of the Commission, keep accurate and sufficient records of the stage and flow of the affected stream or streams, and shall make such records available to the Commission at such times as the Commission may prescribe.

B. Sink such test pits or make such borings or other foundation explorations, and make such detailed geologic studies and tests on foundations and fill materials, as are necessary to support preliminary engineering designs and cost estimates.

C. Begin the required investigations within 60 days after acceptance of the permit, and thereafter prosecute said investigations in such manner and at such rate as in the judgment of the Commission will ensure their completion within the period of the permit.

D. Furnish with any application for license subsequently filed with the Commission copies of engineering and geologic reports, results of tests and analyses, and any other information secured in connection with the investigations, examinations and surveys conducted under this permit.

E. Exercise appropriate measures at all times during field studies to prevent irreparable damage to the environment of the proposed project. All test sites shall be restored as closely as possible to their original condition, and to the satisfaction of the Commission's authorized representative, or, where Federal lands are affected, to the satisfaction of the agency administering such lands.

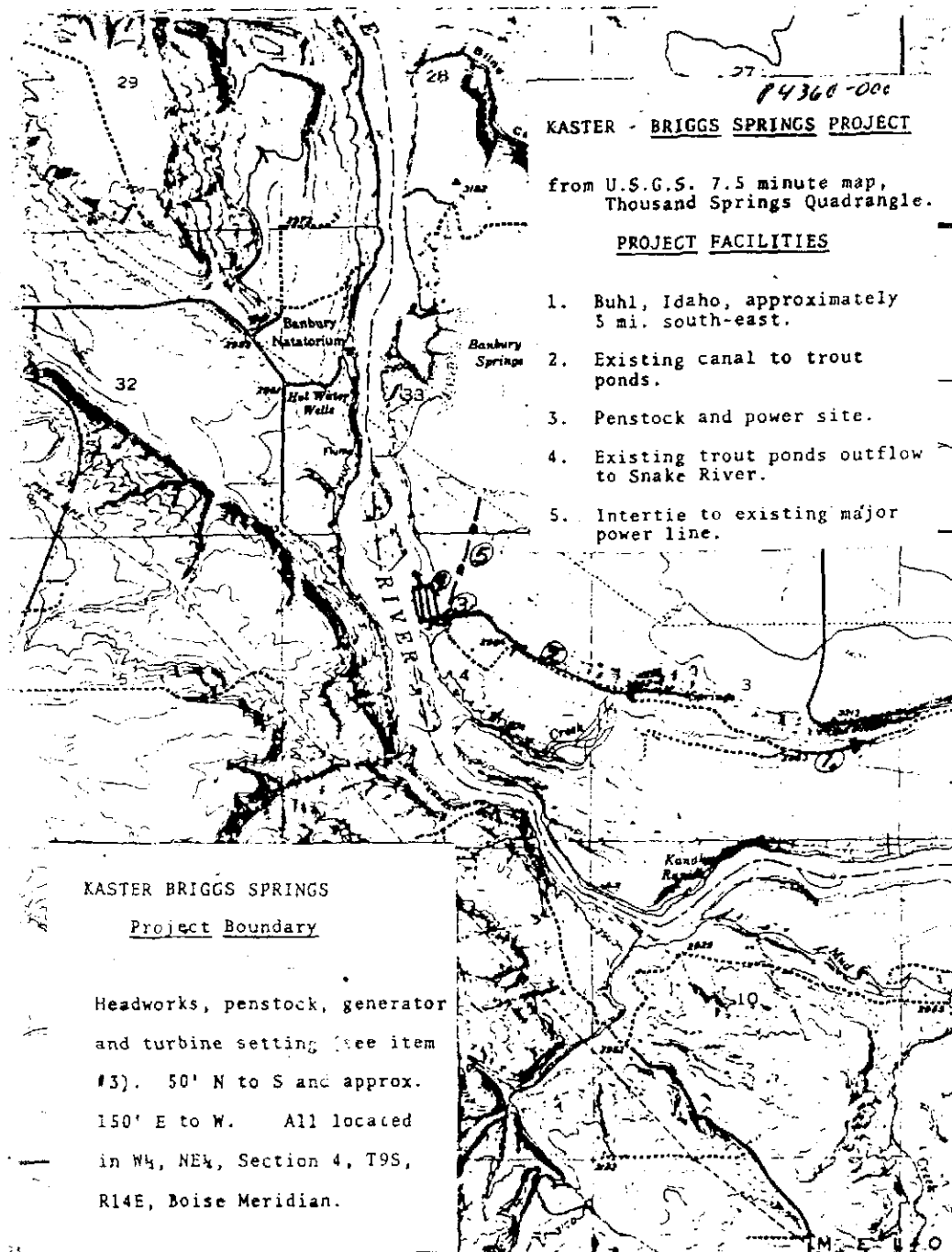
Article 2. A license will be issued for the proposed project only if in the judgment of the Commission said project will be best adapted to a comprehensive plan for the improvement or development of a waterway or waterways for the use or benefit of interstate or foreign commerce, for the improvement and utilization of water power development, and for other beneficial public uses, including recreational purposes. In reaching a decision on the desirability of issuing a license, the Commission will consider, among other things:

A. Whether the maps, plans, and specifications are such:

- (1) That full, practicable utilization will be made of the water, storage possibilities, and head at the site to be developed;
- (2) That the structures will be safe and constructed in accordance with good engineering practice; and
- (3) That all unnecessary energy losses, whether in hydraulic works or in mechanical or electrical equipment, will be avoided.

B. Whether in relation to existing or probable future projects upon the same or adjacent streams, the potential for the fullest practicable utilization of the available water, storage possibilities, and head will be maintained.

MICROFILMED



C. Whether said project will be in general accord with the most beneficial utilization of the water for navigation, water power, irrigation, or other public uses, and for aiding flood control, reclamation, and similar developments.

D. Whether proper provision is made for present or future electrical interconnection with other projects or systems in order to take advantage of diversity of streamflow and of power demands.

E. Whether the use to which the power will be devoted is, in general, in accord with the public interest.

F. Whether the applicant is financially able to carry out the development.

G. Whether the construction, maintenance, and operation of the proposed project works will interfere or be inconsistent with the purpose for which any reservation, as defined in the Federal Power Act, was created or acquired

Article 3. The priority granted under the permit shall be lost if the Permittee fails to fulfill the requirements of the permit, if the permit is canceled by order of the Commission, or if the Permittee fails, on or before the expiration date of the permit, to file with the Commission or its designated agent an application for license for the proposed project in conformity with the Commission's rules and regulations then in effect.

Article 4. The Permittee shall keep accurate records of all expenditures made for the purposes authorized by the permit, together with all vouchers and other supporting data relating to such expenditures, which records and related materials shall be retained by the Permittee.

Article 5. The permit confers no authority upon the Permittee to undertake construction of the proposed project, or any part thereof, or to occupy or use lands or other property of the United States for the purposes of construction, unless specific permission is given by the Commission for such occupancy or use; and neither the granting of such authority nor the performance of construction work, whether with or without such authority, shall be deemed to have created any equities or to have established any rights with respect to issuance of a license for the proposed project, beyond what would have been created or established had such authority not been given or such work not been performed.

Article 6. The permit is not transferable and may be canceled by order of the Commission upon failure of the Permittee to begin in good faith, or to prosecute diligently, the investigations, examinations, and surveys contemplated under the permit, or to comply with any other conditions therein, or for any other good cause shown after notice and opportunity for hearing.

MICROFILMED

(C) This order is final unless a petition appealing it to the Commission is filed within 30 days from the date of its issuance, as provided in Section 1.7(d) of the Commission's regulations, 18 C.F.R. 1.7(d) (1979), as amended, 44 Fed. Reg. 46449 (1979). The filing of a petition appealing this order to the Commission or an application for rehearing as provided in Section 313(a) of the Act does not operate as a stay of the effective date of this permit or of any other date specified in this order, except as specifically ordered by the Commission.

*Ronald A. Corso*

Ronald A. Corso  
Director, Division of  
Hydropower Licensing

MICROFILMED

UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

Richard H. Kaster

Project No. 4360-000

NOTICE OF APPLICATION FOR PRELIMINARY PERMIT  
(June 10, 1981)

Take notice that Richard H. Kaster (Applicant) filed on March 17, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a) - 825(r)] for Project No. 4360 known as the Briggs Creek located on Briggs Creek in Gooding County, Idaho. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Richard H. Kaster, Route 3, Buhl, Idaho 83316.

Project Description - The proposed project would consist of: (1) a 4-foot high diversion structure; (2) a 500-foot long penstock; (3) a powerhouse containing a 750 kW generating unit; (4) a 0.75-mile long transmission line. The Applicant estimates that the average annual energy output would be 5,987,520 kwh.

Proposed Scope of Studies under Permit - A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 30 months, during which time it would perform engineering and technical electrical studies and design. The cost of these studies is estimated by the Applicant to be \$3,000 to \$5,000.

Project No. 4360-000

-2-

Competing Applications - Anyone desiring to file a competing application must submit to the Commission, on or before August 17, 1981, either the competing application itself [See 18 C.F.R. §4.33(a) and (d)(1980)] or a notice of intent [See 18 C.F.R. §4.33(b) and (c)(1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than October 16, 1981.

Agency Comments - Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies only directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene - Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 C.F.R. 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before August 17, 1981.

Filing and Service of Responsive Documents - Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

DC-A-16

Kenneth F. Plumb  
Secretary

MICROFILMED

**Article 7.** In the interest of protecting and developing the natural resources and other environmental values of the project area, the Permittee shall consult with the appropriate Federal, State, and local agencies in their fields of responsibility and expertise, shall conduct its project investigations in a manner which protects the environmental integrity of the area, and shall fully explore all feasible alternatives to the project and alternative project designs, taking into account impacts on natural resources and other environmental values. These resources and values include, but are not limited to: forests, land management and treatment, fish, wildlife, recreation and public use, flood regulation, water and air quality (including water supply, groundwater studies, waste treatment and disposal), public health and safety, archeological, historic and cultural sites, threatened or endangered species of flora and fauna, and scenic and aesthetic values. The Permittee shall initiate and conduct, or have conducted, any studies that may be necessary to determine the impact of the construction and operation of the proposed project on these natural resources and values and measures needed to protect and develop them or to provide for their mitigation or replacement, including alternative designs and operational measures, and shall utilize the results of these studies in the preparation of the relevant exhibits or reports required to accompany any application for a license to construct and operate the project. In connection with studies pertaining to archeological and historic and cultural sites, the Permittee shall consult with the State Historic Preservation Officer for each state in which any part of the project would be located, and the Heritage Conservation and Recreation Service of the U. S. Department of the Interior.

**Article 8.** The Permittee shall submit in triplicate at the close of each six-month period from the effective date of this permit, to the Director, Office of Electric Power Regulation, with a copy to the FERC Regional Engineer for the Region in which the proposed project would be located (the Commission's authorized representative for the purposes of this permit), or to any other officer the Commission may designate, and a copy, if requested, to any agency consulted, accurate statements of the progress of all investigations, consultations, and studies accomplished during the period and of work contemplated under this permit for the ensuing period.

**Article 9.** The Permittee shall, for the purpose of assuring the cooperation required by the terms of the permit, designate a liaison officer to act for the Permittee in keeping appropriate Federal, State, and local agencies specified in this permit currently informed about the progress of investigations throughout the term of the permit. The liaison officer shall communicate with those agencies within 60 days from the date of issuance of this permit.

**Article 10.** The Permittee shall, during the initial period of the permit, consult with the U. S. Fish and Wildlife Service of the Department of the Interior, the State fish and game agencies, and the National Marine Fisheries Service of the U.S. Department of Commerce if the project affects anadromous fish, to obtain their views and recommendations on studies to be conducted during the term of the permit to assess the effect that the proposed project might have on fish and wildlife resources, and the facilities or measures that may be needed to conserve and develop those resources. A copy of the report on the Permittee's study shall be filed as part of the fish and wildlife exhibits or reports of any subsequent application for license.

**Article 11.** Prior to undertaking ground-disturbing activities, the Permittee shall consult and cooperate with the Idaho State Historic Preservation Officer (SHPO) to design an archeological survey of those areas that would be disturbed by the preliminary permit studies. The survey shall be conducted by a professional archeologist in a manner satisfactory to the SHPO, and shall identify and evaluate sites or properties that may be eligible for the National Register of Historic Places.

At least 30 days before any ground-disturbing activity at the project site is scheduled to commence, the Permittee shall file with the SHPO and the Commission a report on the scope, methods, and findings of the survey and the Permittee's proposed measures for avoiding or protecting any sites or properties for the National Register. If this report is inadequate to permit a determination of eligibility to the National Register, for the resources identified at a particular location, the Director of the Commission's Office of Electric Power Regulation may stay any ground-disturbing activity at that location. Otherwise, if the archeological survey has found no evidence of sites or properties at a particular location that might meet the criteria for eligibility to the National Register, and the SHPO concurs, ground-disturbing activity at that location may proceed. If, however, the archeological survey has found evidence of sites or properties at a particular location that appear to be eligible for the National Register, then ground-disturbing activity at that location may not proceed until: (1) the U.S. Department of the Interior has determined the eligibility of the sites or properties for the National Register; (2) the Advisory Council on Historic Preservation has been afforded a reasonable opportunity to comment on the effect of the particular ground-disturbing activity on sites or properties determined to be eligible for the National Register; and (3) mitigative or salvage measures, if necessary, are completed at a particular location to the satisfaction of the SHPO. The Commission reserves the right to resolve any difference of opinion between the Permittee and the SHPO as to proper mitigation. If any unrecorded archeological sites are discovered during the course of ground-disturbing activity, that activity shall be halted, a qualified archeologist shall be consulted, the Permittee shall consult with the SHPO, and the resumption of ground-disturbing activity at that location shall await the further directive of the Director, Office of Electric Power Regulation.

MICROFILMED

UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

- 2 -

Richard H. Kaster

Project No. 4360-000

## ORDER ISSUING PRELIMINARY PERMIT

( Issued September 3, 1981 )

The Permittee 1/ filed an application for preliminary permit under Section 4(f) of the Federal Power Act (Act), 16 U.S.C. 797(r), for the proposed water power project as described in the attached public notice. 2/

Notice of the application was published in accordance with Section 4(f) of the Act and the Commission's regulations. All protests that have been submitted, petitions to intervene that have been granted, together with all comments filed by Federal, State, and local agencies have been fully considered in determining whether to issue this permit. No party or agency commenting on the application objected to the issuance of the permit.

EFFECTS OF THIS PRELIMINARY PERMIT:

The purpose of any preliminary permit is to maintain priority of application for a license during the term of the permit while the Permittee conducts investigations and secures data necessary to determine the feasibility of the proposed project and to prepare an acceptable application for license. A preliminary permit does not authorize construction of any project works. This permit does require the Permittee to conduct certain studies, but under conditions which will assure that those studies cause no significant adverse environmental impacts. For these reasons, the issuance of this preliminary permit is not a major Federal action significantly affecting the quality of the human environment.

Any concerns raised in the comments, protests, or petitions to intervene addressing the potential effects of actually constructing and operating the proposed project are not affected by the issuance of a preliminary permit.

It is concluded that the standard permit articles and Articles 7 through 11 of this permit provide for studies, in coordination with the appropriate agencies, to address the technical, economic, and environmental considerations related to the proposed project. Should the Permittee find the project to be feasible and file an application for a license, all interested persons and agencies will be given notice and have an opportunity to review the application, present their comments concerning the project and the effects of its construction and operation, and seek to participate in the licensing proceeding.

TERM OF PERMIT:

The proposed project is considered a small scale development. Feasibility studies for small projects are limited in scope and should not require the maximum term for a preliminary permit (36 months) permitted under the Act. Therefore, the term of this permit is limited to 24 months. Review of this project indicates that this permit term should be fully adequate to complete the necessary studies if they are pursued expeditiously. Extension of the term of this permit will not be granted, except in unusual circumstances where good cause for extension is clearly demonstrated.

It is ordered that:

(A) A preliminary permit is issued to the Permittee for the proposed project as described in the attached notice, for a period effective the first day of the month in which this permit is issued, and ending either 24 months from the effective date or on the date that an application for license submitted by the Permittee has been accepted for filing, whichever occurs first. This permit is subject to the terms and conditions of the Federal Power Act (Act), which is incorporated by reference as part of this permit, and subject to the regulations the Commission issues under the provisions of the Act.

(B) This permit is also subject to Articles 1 through 6 set forth in Form P-1 (revised October 1975), entitled "Terms and Conditions of Preliminary Permit," attached to and made a part of this permit, and subject to the following special conditions set forth as additional articles:

- 1/ In this, "Permittee" refers to the applicant or applicants named in the caption for this proceeding.
- 2/ Authority to act on this matter is delegated to the Director, Division of Hydropower Licensing, Office of Electric Power Regulation, under §375.308 of the Commission's regulations, 45 Fed. Reg. 2121, as amended by Order No. 112 in Docket No. RM81-5, issued November 21, 1980, (45 Fed. Reg. 79024).

MICROFILMED

Initial Statement

RECEIVED  
1974 JUN 10 1921  
COMMISSIONER OF PUBLIC UTILITIES  
IDAHO DEPARTMENT OF REVENUE

BEFORE THE  
FEDERAL ENERGY REGULATORY COMMISSION  
APPLICATION FOR PRELIMINARY PERMIT

Richard H. Kaster applies to the Federal Energy Regulatory Commission for a Preliminary Permit for the proposed Briggs Creek water power project, as described in the attached exhibits. This application is made in order that the applicant may secure and maintain priority of application for a license for the project under Part I of the Federal Power Act while obtaining the data and performing the acts required to determine the feasibility of the project and to support an application for a license.

The location of the proposed project is:

|              |                                      |
|--------------|--------------------------------------|
| State:       | Idaho                                |
| County:      | Gooding                              |
| Nearby town: | Buhl                                 |
| Stream:      | Briggs Creek feeding<br>Snake River. |

MICROFILMED

The exact name and business address of the applicant is:

Name: Richard H. Kaster  
Address: Route 3  
Buhl, Idaho 83316  
Phone: (208) 543-6150

The exact name and business address of each person authorized to act as agent for the applicant in this application are:

Name: Vern Ravenscroft  
Helen Chenoweth  
Business: Consulting Associates, Inc.  
Address: P.O. Box 893  
Boise, Idaho 83701  
Phone: (208) 345-2670

Richard H. Kaster is an individual residing and doing business in the state of Idaho.

The proposed term of the requested permit is understood to be for a period of time not to exceed 30 months past the date of issuance.

UNRECORDED

Exhibit I

DESCRIPTION OF THE PROPOSED PROJECT

1. Dams:

The diversion will be nothing more than a substantial cement division box. The existing streambed will be excavated four feet (4') below the streambed level, and cement footings poured. Backfill will be added and a reinforced cement slab poured at creekbed level.

Four foot (4'), upright sides and dividers with moveable splash boards will complete the diversion and the existing streambed will continue to care for all spillage.

There will be only one cement division box.

The physical composition will be reinforced cement with earth backfill behind the cement wall. Wood splash board dividers will be used to move the water from one channel to the other.

The dimensions of the structure will be approximately four feet (4') high, and one (1') to two (2') feet thick to include the cement walls and divide supporters.

The general configuration will be "T" shaped.

The structure will be newly constructed in its entirety.

MICROFILMED

There need be only one interconnection constructed.

4. Energy production:

The total estimated average annual energy production will be approximately 5,987,520 K.W.H.

There is one generation unit proposed with a rated capacity of 750 K.W.

New turbines will be used for this project.

The condition of the generator will be new or rebuilt to new standards.

5. Land description:

Please see attached map (U.S.G.S.) and profile drawing.

6. Narrative on how the proposed project would develop, conserve and utilize, in the public interest, the water resources in the region.

Briggs Springs Creek rises and flows entirely within one property ownership. The total flow is known to be approximately 120 C.F.S. The bulk of the flow (70 C.F.S.) is currently under longterm lease to the applicants for this preliminary permit.

Another 40 C.F.S. is undeveloped, but Idaho State water permits are pending in the name of the property owners. The remaining 10 C.F.S. is allowed as a voluntary minimum flow for environmental considerations.

MICROFILMED

For spillways, the alternative channel is sufficient to care for the total flow. The spring fed stream has only minor run-off and little variation in flow.

The penstock will be approximately five-hundred (500') long, and will be steel construction. Exact dimensions and configuration will be provided in the feasibility studies.

The powerhouse will be constructed of concrete walls and steel roof.

The tailrace waters will exhaust directly to the fish farm ponds.

Headworks will exist above the penstock as needed for screening purposes as well as possible overflow and diversion of water in emergency shutdown periods. Feasibility studies will provide final determinations and details.

2. Reservoirs:

There are no existing or proposed reservoirs in this project. No reservoirs will be created by the diversion structure.

3. Primary transmission lines:

There will be only one intertie line built to connect to the Idaho Power system which is three-fourths (3/4) of a mile from the proposed site.

The Idaho Power system is a three (3) phase line with voltage of 34,500 volts (34.5 KV)

MICROFILMED

This project can maximize energy production from prior appropriated waters totally within the confines of a single private property parcel and in conduit with existing and potential trout rearing facilities.

This preliminary permit is needed to protect both the leasee (applicant) and the lessor (owner) during the necessary negotiation and feasibility study periods.

**MICROFILMED**

Exhibit 2

1. Work plan: (Administration)

A major time consuming item will be the negotiations between the leasee (longterm) and the lessor to govern this additional use of existing appropriated water.

Since the entire project will be contained on leased land and an existing canal system, no major tests or surveys are needed. Feasibility study will be the final determination.

Produced power will be sold to the Idaho Power Company as per I.P.U.C. Order #16025.

Engineering and technical electrical studies and design will be necessary to qualify for the terms of the contract mandated by said order.

Technical engineering and electrical studies and design will be done by Peter Burno  
Route 1, Box 297  
Edgerton, Wisconsin 53534

In the planned preparations for application for licensure of this project, the negotiations between leasee and lessor are progressing. When the project details are complete, a joint application for an in-conduit exemption will be filed.

No new roads are necessary for construction of this project.

MICROFILMED

2. Work plan for new dam construction

No new major dam is involved in this project. A simple diversion box will be constructed at the point of the existing diversion.

Construction work will be done with the leasees' equipment and no new significant excavation is necessary.

Construction activity will not involve any significant disturbance to the lands or waters in the vicinity of the proposed project and the necessary measures will be taken to minimize any minor disturbance.

Measures will be taken to restore the altered or disturbed areas. The topsoil and creek rubble removed for the construction of the footings and the slab will be spread to serve as backfill under the slab and behind the cement side-walls of the diversion box (added to the natural bank).

MICROFILMED

Work Flow Chart

Spring and Summer - 1981 \* \* \* Negotiations between  
leasee and lessor completed.

Summer - 1981 \* \* \* \* \* Project design, feasibility  
and engineering studies  
completed by project engineer:  
Peter Burno  
Route 1, Box 297  
Edgerton, Wisconsin 53534

Fall - 1981 \* \* \* \* \* Apply for exemption

1982 \* \* \* \* \* Construct project

1983 \* \* \* \* \* Energy generation on line.

Note: Detailed work flow chart will be provided during  
and upon completion of the feasibility study.

MILWAUKEE

Exhibit 3

ESTIMATED COSTS AND FINANCING

Engineering and feasibility studies will range between three and five thousand dollars (\$3,000 and \$5,000).

There will possibly be legal expense incurred in the final negotiations with the owner of the property. This and other miscellaneous fees may range as high as \$2,500 to \$3,000.

U.S.G.S. maps are available for the Preliminary permit and future map expense will be minimal.

There is not likely to be expenses involved in testing and surveys.

The applicant, Richard H. Kaster, will personally finance the necessary work needed in the feasibility study.

The applicant will contract to sell power generated at the Briggs Springs ranch to the Idaho Power Company per Idaho Public Utilities Commission's Order No. 16025 as required by the Public Utility Regulatory Policies Act of 1978 for co-generation and small power production with generating capacity of not more than 10,000 kilowatts.

Energy payment as produced by Idaho Public Utilities Commission order equals .01639 cents per KWH.

In addition, avoided cost, by virtue of the same order, and assuming a 1983 production contract will equal \$318.00 per KW of avoided thermal capacity on a thirty-five (35) year contract.

Exhibit 4

Maps

Please see, attached, a copy of a section of the 7.5 minute topographic United States Geological Survey map.

This attachment will show the location of the project as a whole with reference to the affected stream and nearby town. The Briggs Creek Springs and Banbury Springs feeding the Snake River will be visible on the map.

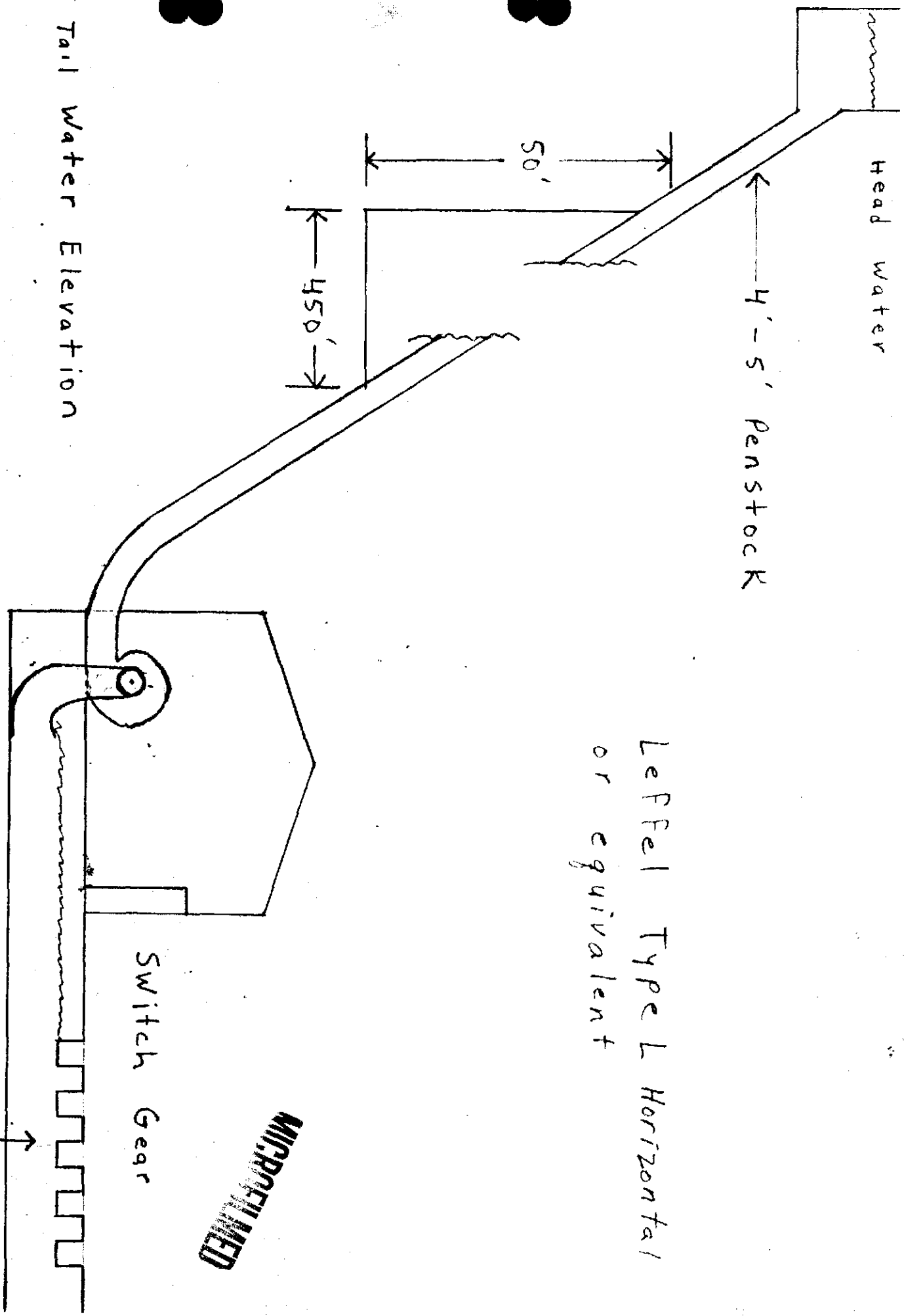
The map will also show the relative locations and physical interrelationships of the principal project features.

There are no areas within or in the vicinity of the proposed project boundary which are included in or have been designated for study for inclusion in the National Wild and Scenic Rivers System.

There are no areas within the project boundary that, under the provisions of the Wilderness Act, have been designated as wilderness area, or recommended for designation as wilderness area, or designated as wilderness study area.

**MICROFILMED**

Leffel Type L Horizontal  
or equivalent



MICROFILMED

Tail Water Elevation

0 5 10 460

500

530

Head Canal 1st  
Set of Fish Ponds

State of Idaho  
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET KASTER, Richard

INITIAL REVIEW BY: T.G. Blau

APPLICATION NUMBER: 36-7973

CHECK:

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

Field check by: \_\_\_\_\_

Date: \_\_\_\_\_

Comments: \_\_\_\_\_

\*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT:

plans received 4-9-81 gl

SEND COPIES TO:

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

Copies sent by: \_\_\_\_\_

Date: \_\_\_\_\_

PROCESSING:

- ☐ Yes ☒ No  
☐ Yes ☐ No

Platted by: \_\_\_\_\_ Map No. BB-20

Other rights on same place of use. DNA

- ☒ Yes ☐ No\*

In form for advertising.

Final date for protests: 4/27/81 ✓

- ☒ Yes ☐ No

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

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: 4/23/81  
☒ Application published correctly. If not, record action taken: \_\_\_\_\_  
☒ Fee amount, receipt date & number, recorded on application.  
☒ Publication dates and paper, recorded on application.  
☒ Protests, dates, withdrawal, etc., recorded on application.  
☒ Recommendation & initial, recorded on application.

- ☒ Yes ☐ No

Measuring device required.

- ☐ Yes ☒ No

Access port required.

- ☐ Yes ☒ No

Will water be delivered by watermaster? If yes, what district? \_\_\_\_\_

- ☒ Yes ☐ No

Date of priority recommended. 3/11/81

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

THIS PERMIT DOES NOT CONSTITUTE IDAHO PUBLIC UTILITIES COMMISSION  
OR FEDERAL ENERGY REGULATORY COMMISSION APPROVAL THAT MAY BE REQUIRED.

Department of Water Resources

By: Loren O'Halloran

Date: 8/20/81

STATE OFFICE REVIEW:

52<sup>nd</sup>/102 01, 08A, 17 & special cond, Type correction on item 80(2) as shown

- ☐ See attached sheet for more information.

By: Reyn

Date: 9/22/81

POWER CALCULATIONS FOR APPLICATION NO. 36-7973

P = Kilowatts .74 X hp 908

Q = cfs

H = feet

e = efficiency

proposed  
= 671.92 Kw  
70.0 cfs  
100 ft  
?

$$e = \frac{P(11.8)}{QH} = \frac{671.92(11.8)}{70 \times 100} = \frac{7928.656}{7000} = 1.13 \text{ or } 113\%$$

Based on the above calculations the proposed project must have an 113 % efficiency.

RC 9/22  
81

Assume e = 80%

$$H = \frac{P(11.8)}{Qe} = \frac{7928.66}{70 \times .80} = \frac{7928.7}{56} = \underline{141.6'}$$

$$Q = \frac{P(11.8)}{He} = \frac{7928.7}{100 \times .80} = \frac{7928.7}{80} = \underline{99 \text{ cfs}}$$

$$P = \frac{eQH}{11.8} = \frac{.80(70)100}{11.8} = \frac{5600}{11.8} = \underline{474.6 \text{ Kw}} \text{ or } 641 \text{ HP}$$

MICROFILMED

APPLICANT WILL NOT BE ABLE TO PRODUCE AS MUCH POWER AS INDICATED ON APPLICATION,

Recommend that Horsepower amount be reduced by 30% - approved by DRT

RECEIVED

36-1973

SEP 15 1981

Department of Water Resources

16 FERC ¶62,344

UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

- 2 -

Richard H. Kaster ) Project No. 4360-000

ORDER ISSUING PRELIMINARY PERMIT

( Issued September 3, 1981 )

The Permittee 1/ filed an application for preliminary permit under Section 4(f) of the Federal Power Act (Act), 16 U.S.C. 797(f), for the proposed water power project as described in the attached public notice. 2/

Notice of the application was published in accordance with Section 4(f) of the Act and the Commission's regulations. All protests that have been submitted, petitions to intervene that have been granted, together with all comments filed by Federal, State, and local agencies have been fully considered in determining whether to issue this permit. No party or agency commenting on the application objected to the issuance of the permit.

EFFECTS OF THIS PRELIMINARY PERMIT:

The purpose of any preliminary permit is to maintain priority of application for a license during the term of the permit while the Permittee conducts investigations and secures data necessary to determine the feasibility of the proposed project and to prepare an acceptable application for license. A preliminary permit does not authorize construction of any project works. This permit does require the Permittee to conduct certain studies, but under conditions which will assure that those studies cause no significant adverse environmental impacts. For these reasons, the issuance of this preliminary permit is not a major Federal action significantly affecting the quality of the human environment.

Any concerns raised in the comments, protests, or petitions to intervene addressing the potential effects of actually constructing and operating the proposed project are not affected by the issuance of a preliminary permit.

1/ In this, "Permittee" refers to the applicant or applicants named in the caption for this proceeding.

2/ Authority to act on this matter is delegated to the Director, Division of Hydropower Licensing, Office of Electric Power Regulation, under §375.308 of the Commission's regulations, 45 Fed. Reg. 21216 (1980), as amended by Order No. 112 in Docket No. RM81-5, issued November 21, 1980, (45 Fed. Reg. 79024).

DC-A-18

It is concluded that the standard permit articles and Articles 7 through 11 of this permit provide for studies, in coordination with the appropriate agencies, to address the technical, economic, and environmental considerations related to the proposed project. Should the Permittee find the project to be feasible and file an application for a license, all interested persons and agencies will be given notice and have an opportunity to review the application, present their comments concerning the project and the effects of its construction and operation, and seek to participate in the licensing proceeding.

TERM OF PERMIT:

The proposed project is considered a small scale development. Feasibility studies for small projects are limited in scope and should not require the maximum term for a preliminary permit (36 months) permitted under the Act. Therefore, the term of this permit is limited to 24 months. Review of this project indicates that this permit term should be fully adequate to complete the necessary studies if they are pursued expeditiously. Extension of the term of this permit will not be granted, except in unusual circumstances where good cause for extension is clearly demonstrated.

It is ordered that:

(A) A preliminary permit is issued to the Permittee for the proposed project as described in the attached notice, for a period effective the first day of the month in which this permit is issued, and ending either 24 months from the effective date or on the date that an application for license submitted by the Permittee has been accepted for filing, whichever occurs first. This permit is subject to the terms and conditions of the Federal Power Act (Act), which is incorporated by reference as part of this permit, and subject to the regulations the Commission issues under the provisions of the Act.

(B) This permit is also subject to Articles 1 through 6 set forth in Form P-1 (revised October 1975), entitled "Terms and Conditions of Preliminary Permit," attached to and made a part of this permit, and subject to the following special conditions set forth as additional articles:

- 3 -

Article 7. In the interest of protecting and developing the natural resources and other environmental values of the project area, the Permittee shall consult with the appropriate Federal, State, and local agencies in their fields of responsibility and expertise, shall conduct its project investigations in a manner which protects the environmental integrity of the area, and shall fully explore all feasible alternatives to the project and alternative project designs, taking into account impacts on natural resources and other environmental values. These resources and values include, but are not limited to: forests, land management and treatment, fish, wildlife, recreation and public use, flood regulation, water and air quality (including water supply, groundwater studies, waste treatment and disposal), public health and safety, archeological, historic and cultural sites, threatened or endangered species of flora and fauna, and scenic and aesthetic values. The Permittee shall initiate and conduct, or have conducted, any studies that may be necessary to determine the impact of the construction and operation of the proposed project on these natural resources and values and measures needed to protect and develop them or to provide for their mitigation or replacement, including alternative designs and operational measures, and shall utilize the results of these studies in the preparation of the relevant exhibits or reports required to accompany any application for a license to construct and operate the project. In connection with studies pertaining to archeological and historic and cultural sites, the Permittee shall consult with the State Historic Preservation Officer for each state in which any part of the project would be located, and the Heritage Conservation and Recreation Service of the U. S. Department of the Interior.

Article 8. The Permittee shall submit in triplicate at the close of each six-month period from the effective date of this permit, to the Director, Office of Electric Power Regulation, with a copy to the FERC Regional Engineer for the Region in which the proposed project would be located (the Commission's authorized representative for the purposes of this permit), or to any other officer the Commission may designate, and a copy, if requested, to any agency consulted, accurate statements of the progress of all investigations, consultations, and studies accomplished during the period and of work contemplated under this permit for the ensuing period.

Article 9. The Permittee shall, for the purpose of assuring the cooperation required by the terms of the permit, designate a liaison officer to act for the Permittee in keeping appropriate Federal, State, and local agencies specified in this permit currently informed about the progress of investigations throughout the term of the permit. The liaison officer shall communicate with those agencies within 60 days from the date of issuance of this permit.

- 4 -

Article 10. The Permittee shall, during the initial period of the permit, consult with the U. S. Fish and Wildlife Service of the Department of the Interior, the State fish and game agencies, and the National Marine Fisheries Service of the U.S. Department of Commerce if the project affects anadromous fish, to obtain their views and recommendations on studies to be conducted during the term of the permit to assess the effect that the proposed project might have on fish and wildlife resources, and the facilities or measures that may be needed to conserve and develop those resources. A copy of the report on the Permittee's study shall be filed as part of the fish and wildlife exhibits or reports of any subsequent application for license.

Article 11. Prior to undertaking ground-disturbing activities, the Permittee shall consult and cooperate with the Idaho State Historic Preservation Officer (SHPO) to design an archeological survey of those areas that would be disturbed by the preliminary permit studies. The survey shall be conducted by a professional archeologist in a manner satisfactory to the SHPO, and shall identify and evaluate sites or properties that may be eligible for the National Register of Historic Places.

At least 30 days before any ground-disturbing activity at the project site is scheduled to commence, the Permittee shall file with the SHPO and the Commission a report on the scope, methods, and findings of the survey and the Permittee's proposed measures for avoiding or protecting any sites or properties for the National Register. If this report is inadequate to permit a determination of eligibility to the National Register, for the resources identified at a particular location, the Director of the Commission's Office of Electric Power Regulation may stay any ground-disturbing activity at that location. Otherwise, if the archeological survey has found no evidence of sites or properties at a particular location that might meet the criteria for eligibility to the National Register, and the SHPO concurs, ground-disturbing activity at that location may proceed. If, however, the archeological survey has found evidence of sites or properties at a particular location that appear to be eligible for the National Register, then ground-disturbing activity at that location may not proceed until: (1) the U.S. Department of the Interior has determined the eligibility of the sites or properties for the National Register; (2) the Advisory Council on Historic Preservation has been afforded a reasonable opportunity to comment on the effect of the particular ground-disturbing activity on sites or properties determined to be eligible for the National Register; and (3) mitigative or salvage measures, if necessary, are completed at a particular location to the satisfaction of the SHPO. The Commission reserves the right to resolve any difference of opinion between the Permittee and the SHPO as to proper mitigation. If any unrecorded archeological sites are discovered during the course of ground-disturbing activity, that activity shall be halted, a qualified archeologist shall be consulted, the Permittee shall consult with the SHPO, and the resumption of ground-disturbing activity at that location shall await the further directive of the Director, Office of Electric Power Regulation.

(C) This order is final unless a petition appealing it to the Commission is filed within 30 days from the date of its issuance, as provided in Section 1.7(d) of the Commission's regulations, 18 C.F.R. 1.7(d) (1979), as amended, 44 Fed. Reg. 46449 (1979). The filing of a petition appealing this order to the Commission or an application for rehearing as provided in Section 313(a) of the Act does not operate as a stay of the effective date of this permit or of any other date specified in this order, except as specifically ordered by the Commission.

*Ronald A. Corso*

Ronald A. Corso  
Director, Division of  
Hydropower Licensing

UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

Richard H. Kaster

) Project No. 4360-000

NOTICE OF APPLICATION FOR PRELIMINARY PERMIT  
(June 10, 1981)

Take notice that Richard H. Kaster (Applicant) filed on March 17, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a) - 825(r)] for Project No. 4360 known as the Briggs Creek located on Briggs Creek in Gooding County, Idaho. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Richard H. Kaster, Route 3, Buhl, Idaho 83316.

Project Description - The proposed project would consist of: (1) a 4-foot high diversion structure; (2) a 500-foot long penstock; (3) a powerhouse containing a 750 kW generating unit; (4) a 0.75-mile long transmission line. The Applicant estimates that the average annual energy output would be 5,987,520 kWh.

Proposed Scope of Studies under Permit - A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 30 months, during which time it would perform engineering and technical electrical studies and design. The cost of these studies is estimated by the Applicant to be \$3,000 to \$5,000.

Project No. 4360-000

-2-

Competing Applications - Anyone desiring to file a competing application must submit to the Commission, on or before August 17, 1981, either the competing application itself [See 18 C.F.R. §4.33(a) and (d)(1980)] or a notice of intent [See 18 C.F.R. §4.33(b) and (c)(1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than October 15, 1981.

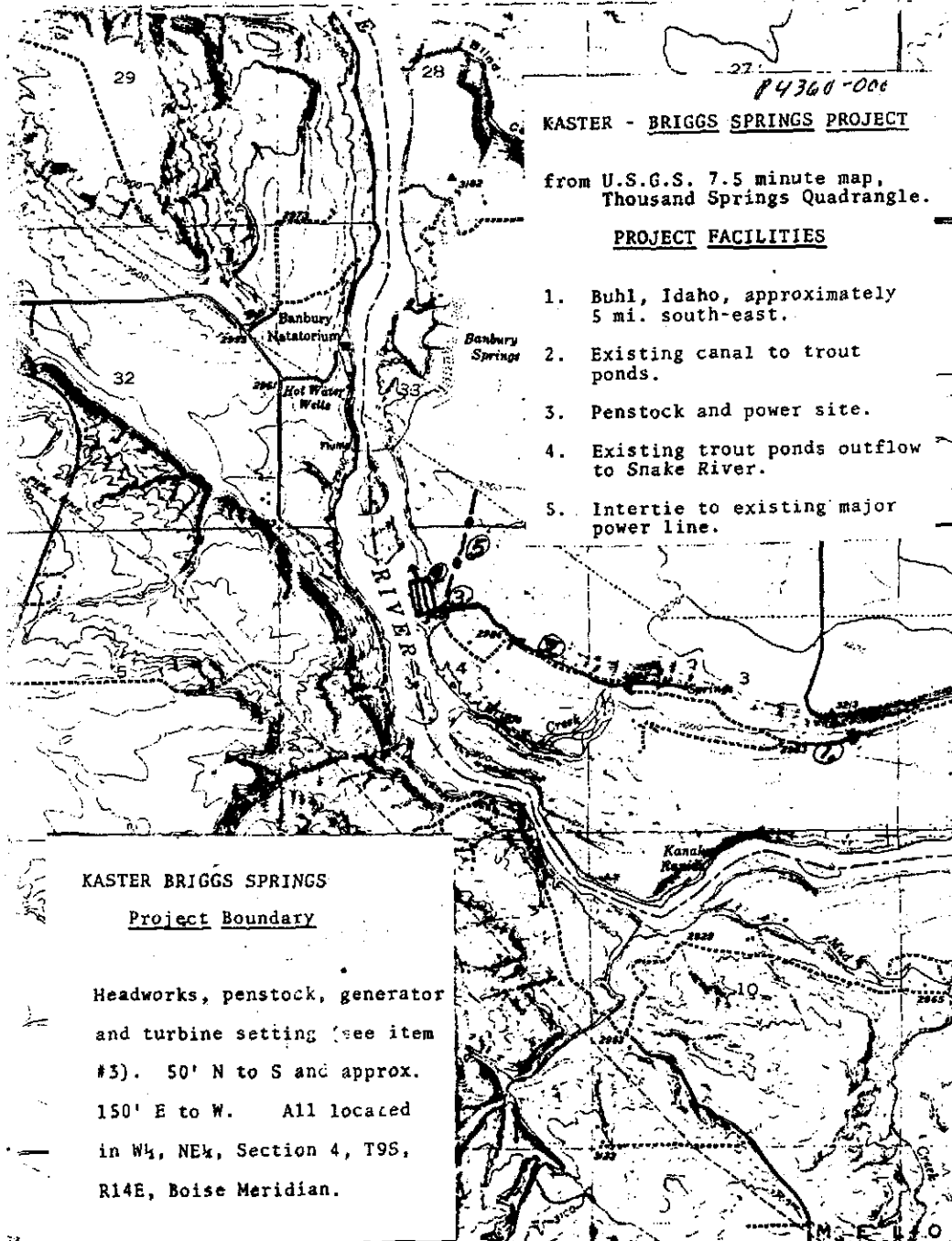
Agency Comments - Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies only directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene - Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 C.F.R. 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before August 17, 1981.

Filing and Service of Responsive Documents - Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

DC-A-16

Kenneth F. Plumb  
Secretary



FEDERAL ENERGY REGULATORY COMMISSION  
TERMS AND CONDITIONS OF  
PRELIMINARY PERMIT

Article 1. The Permittee shall make such engineering and other investigations, secure such data, and perform such acts as are necessary to determine the feasibility of the proposed project and, if said project is found to be feasible, to prepare an application for license for the project that will be in conformance with current rules and regulations of the Commission. In carrying out the requirements of this permit the Permittee shall:

A. Install as soon as practicable, and thereafter maintain, such stream gages and stream-gaging stations as the District Engineer of the United States Geological Survey having charge of stream-gaging operations in the region shall designate as necessary and best adapted for the purpose of determining the stage and flow of the stream or streams affected by the proposed project, and shall provide for the required reading of such gages and for the adequate rating of such stations. The number, design, location, and time of installation of gages and stations, the rating of such stations, and the determination of the flow of the affected stream or streams, shall be made under the supervision of, or in cooperation with, the District Engineer of the United States Geological Survey having charge of stream-gaging in the region of said project; and the Permittee shall advance to said Geological Survey the amount of funds estimated to be necessary for such supervision, or cooperation for such periods as may be mutually agreed upon. The Permittee shall, to the satisfaction of the Commission, keep accurate and sufficient records of the stage and flow of the affected stream or streams, and shall make such records available to the Commission at such times as the Commission may prescribe.

B. Sink such test pits or make such borings or other foundation explorations, and make such detailed geologic studies and tests on foundations and fill materials, as are necessary to support preliminary engineering designs and cost estimates.

C. Begin the required investigations within 60 days after acceptance of the permit, and thereafter prosecute said investigations in such manner and at such rate as in the judgment of the Commission will ensure their completion within the period of the permit.

D. Furnish with any application for license subsequently filed with the Commission copies of engineering and geologic reports, results of tests and analyses, and any other information secured in connection with the investigations, examinations and surveys conducted under this permit.

E. Exercise appropriate measures at all times during field studies to prevent irreparable damage to the environment of the proposed project. All test sites shall be restored as closely as possible to their original condition, and to the satisfaction of the Commission's authorized representative, or, where Federal lands are affected, to the satisfaction of the agency administering such lands.

Article 2. A license will be issued for the proposed project only if in the judgment of the Commission said project will be best adapted to a comprehensive plan for the improvement or development of a waterway or waterways for the use or benefit of interstate or foreign commerce, for the improvement and utilization of water power development, and for other beneficial public uses, including recreational purposes. In reaching a decision on the desirability of issuing a license, the Commission will consider, among other things:

A. Whether the maps, plans, and specifications are such:

- (1) That full, practicable utilization will be made of the water, storage possibilities, and head at the site to be developed;
- (2) That the structures will be safe and constructed in accordance with good engineering practice; and
- (3) That all unnecessary energy losses, whether in hydraulic works or in mechanical or electrical equipment, will be avoided.

B. Whether in relation to existing or probable future projects upon the same or adjacent streams, the potential for the fullest practicable utilization of the available water, storage possibilities, and head will be maintained.

C. Whether said project will be in general accord with the most beneficial utilization of the water for navigation, water power, irrigation, or other public uses, and for aiding flood control, reclamation, and similar developments.

D. Whether proper provision is made for present or future electrical interconnection with other projects or systems in order to take advantage of diversity of streamflow and of power demands.

E. Whether the use to which the power will be devoted is, in general, in accord with the public interest.

F. Whether the applicant is financially able to carry out the development.

G. Whether the construction, maintenance, and operation of the proposed project works will interfere or be inconsistent with the purpose for which any reservation, as defined in the Federal Power Act, was created or acquired

Article 3. The priority granted under the permit shall be lost if the Permittee fails to fulfill the requirements of the permit, if the permit is canceled by order of the Commission, or if the Permittee fails, on or before the expiration date of the permit, to file with the Commission or its designated agent an application for license for the proposed project in conformity with the Commission's rules and regulations then in effect.

Article 4. The Permittee shall keep accurate records of all expenditures made for the purposes authorized by the permit, together with all vouchers and other supporting data relating to such expenditures, which records and related materials shall be retained by the Permittee.

Article 5. The permit confers no authority upon the Permittee to undertake construction of the proposed project, or any part thereof, or to occupy or use lands or other property of the United States for the purposes of construction, unless specific permission is given by the Commission for such occupancy or use; and neither the granting of such authority nor the performance of construction work, whether with or without such authority, shall be deemed to have created any equities or to have established any rights with respect to issuance of a license for the proposed project, beyond what would have been created or established had such authority not been given or such work not been performed.

Article 6. The permit is not transferable and may be canceled by order of the Commission upon failure of the Permittee to begin in good faith, or to prosecute diligently, the investigations, examinations, and surveys contemplated under the permit, or to comply with any other conditions therein, or for any other good cause shown after notice and opportunity for hearing.

FEDERAL ENERGY  
REGULATORY COMMISSION  
WASHINGTON, D.C. 20426

OFFICIAL BUSINESS  
PENALTY FOR PRIVATE USE, \$300

POSTAGE AND FEES PAID  
FEDERAL ENERGY  
REGULATORY COMMISSION  
FERC 351



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

P-4860

I do hereby withdraw my protest against  
approval of Application for Permit NO 36-7973  
with the understanding that the Application  
will be reduced from 100 cfs of water  
to 70 cfs

Signed at Twin Falls, Idaho

August 19, 1981

Catherine B. Wright

Mary Wright

MICK FILMED

36-7973 - Richard Kaster

Jury Room - Twin Falls County Courthouse, - Twin Falls, Idaho

Wednesday - August 19, 1981 - 10:00 a.m.

ROSTER OF ATTENDANCE

| NAME                | ADDRESS                   | REPRESENTING |
|---------------------|---------------------------|--------------|
| R. Mary Wright      | Rt #4 Buhl, Ida.          | Myself       |
| Richard Kaster      | Route 4 Buhl Idaho        | Myself       |
| Catherine B. Wright | Rt. 4 Box 228 Buhl, Idaho |              |
| Bob Fleenor         |                           | D.W.R        |
| Loren Holmes        |                           | D.W.R.       |

MICROFILMED

8-17.

19 79 Revised

Water District No. \_\_\_\_\_

[illegible]

WIPPOET MEF



**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 24, 1981

Susan Echols, Secretary  
Commissioners Office  
Twin Falls Courthouse  
Twin Falls, Idaho 83301

Dear Mrs. Echols:

This is to confirm the use of the Jury Room #3 for conference and/or hearing to be held by this office Wednesday, August 19, 1981 at 10:00 a.m. and 1:00 p.m.

Thank you for your cooperation in this matter.

Very truly yours,

Mary A. Hill  
Sr. Secretary

for

Loren O. Holmes  
Southern Region Supervisor

**MICROFILMED**

Kaster, Richard

36-7973

PS Form 3811, Jan. 1979

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

● **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.)

- ☒ 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:

Gary &/or Catherine Wright  
 Rt. Box 228  
 Buhl, Idaho 83316

## 3. ARTICLE DESCRIPTION:

| REGISTERED NO. | CERTIFIED NO. | INSURED NO. |
|----------------|---------------|-------------|
|                | 72            |             |

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

*Ralph B. Wright*

DATE OF DELIVERY

7-27-81

POSTMARK

## 5. ADDRESS (Complete only if requested)

## 6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

# UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

## SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below.

- Complete items 1, 2, and 3 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.

PENALTY FOR PRIVATE  
USE TO AVOID PAYMENT  
OF POSTAGE. \$300



IDAHO DEPARTMENT OF WATER RESOURCES  
SOUTHERN DISTRICT OFFICE  
1041 BLUE LAKES BLVD. NORTH  
TWIN FALLS, IDAHO 83301

**RETURN  
TO**



**MICROFILMED**

(Name of Sender)

(Street or P.O. Box)

(City, State, and ZIP Code)

36-7973 Kaster

PS Form 3811, Jan. 1979

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

- **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.)

☒ 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:

Richard Kaster  
Rt. 4  
Buhl, Idaho 83316

## 3. ARTICLE DESCRIPTION:

REGISTERED NO.

CERTIFIED NO.

INSURED NO.

71

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE

☐ Addressee☐ Authorized agent

*Richard Kaster*

DATE OF DELIVERY

POSTMARK

7-28-81

## 5. ADDRESS (Complete only if requested)

## 6. UNABLE TO DELIVER BECAUSE:

CLERK'S  
INITIALS

**UNITED STATES POSTAL SERVICE**  
**OFFICIAL BUSINESS**

**SENDER INSTRUCTIONS**

Print your name, address, and ZIP Code in the space below.

- Complete items 1, 2, and 3 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.

PENALTY FOR PRIVATE  
USE TO AVOID PAYMENT  
OF POSTAGE, \$300



IDAHO DEPARTMENT OF WATER RESOURCES  
SOUTHERN DISTRICT OFFICE  
1041 BLUE LAKES BLVD. NORTH  
TWIN FALLS, IDAHO 83301

RETURN  
TO  
UNDELIVERED



\_\_\_\_\_  
(Name of Sender)

\_\_\_\_\_  
(Street or P.O. Box)

\_\_\_\_\_  
(City, State, and ZIP Code)

PS Form 3877 - Aug. 1976

N

FORM MUST BE COMPLETED BY TYPEWRITER, INK OR BALL POINT PEN

**AUSGPO: 1977 - 227-168**

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES  
OF THE  
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR )  
PERMIT NO. 36-7973 IN THE NAME )  
OF RICHARD KASTER )  
\_\_\_\_\_ )

NOTICE OF HEARING  
AND/OR CONFERENCE

On March 11, 1981, Richard Kaster filed with the Department of Water Resources an application to appropriate the public waters of the State of Idaho. On April 24, 1981, the Department received a protest against approval of said application from Catherine and/or Gary Wright.

The Department has set the matter of protest for hearing for Wednesday, August 19, 1981, at 10:00 a.m., in Jury Room #3, Twin Falls County Courthouse, Twin Falls, Idaho. The hearing will be held in accordance with provisions of Chapters 2 and 17, Title 42, and Chapter 52, Title 67, 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. A pre-hearing conference may be held beginning at the above set time and prior to the hearing.

In accordance with IDAHO CODE, Section 42-203, the following issues are involved in the consideration of the application and protest:

- 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?

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.

Microfilm

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 Director'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.

Failure to appear at the time and place set for hearing by the applicant or protest may allow the Department to dismiss without prejudice the protest of the application. Any and all cost incurred by reason of such non-appearance may be assessed against such non-appearing parties.

DATED This 24 Day of July, 1981.

  
LOREN O. HOLMES  
Hearing Officer

MICROFILMED



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

*Copy*

JOHN V. EVANS  
Governor

A. KENNETH DUNN  
Director

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

*36-7973*

July 24, 1981

RE: Application for Permit No.

Dear Applicant:

The 1981 Idaho Legislature made a change in Section 42-205, Idaho Code, that may affect the above referenced application. The change requires that if a proposed hydropower project will use existing irrigation facilities, the approval of the owner of the facilities must be obtained before an application for permit to develop a water right can be approved.

Please find enclosed an affidavit which we must receive before we can complete the review of your application. Please complete the affidavit, sign it before a notary, and return it to this office at your earliest convenience, no later than August 15, 1981.

Sincerely,

*David R. Tuthill Jr.*

DAVID R. TUTHILL JR., P. E.  
Supervisor, Water Allocation Section

DRT:jg

Enclosure

**MICROFILMED**

June 16, 1981

Mr. Kenneth F. Plumb  
Secretary,  
Federal Energy Regulatory Commission  
825 North Capitol Street, NE.  
Washington, D. C. 20426

RE: Project No. 4360-000 "COMMENTS"

Gentlemen:

We are in receipt of a Notice of Application for Preliminary Permit for the above referenced project, in the name of Richard H. Kaster.

A review of our water right records reveals that on March 11, 1981, Richard H. Kaster submitted to this Department an Application for Permit to appropriate the public waters of the State of Idaho, for the above referenced project. This application, identified as No. 36-7973 has been protested by Gary and Catherine Wright. No action has been taken on the application pending a conference/hearing to be scheduled by this office.

We wish to express a concern that any hydropower development must comply with Idaho water law. Processing by the Commission and by this Department must be coordinated to avoid conflicting approvals. At the present time we will make no specific objections, but we wish to be appraised of significant developments regarding this project.

Sincerely,

A. KENNETH DUNN  
Director

AKD:JJ:jg

c.c. Fred Springer

RECEIVED  
JUN 17 1981



STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
SOUTHERN REGION

John V. Evans  
Governor

G. Stephen Alfred  
Director

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

April 28, 1981

Richard Kaster  
Route 4  
Buhl, Idaho 83316

Re: Application for Permit No. 36-7973

Dear Mr. Kaster:

Enclosed is a copy of a protest filed against the issuance of a permit pursuant to your Application No. 36-7973. The Department suggests you contact the protestant directly in an effort to determine the nature of the protest and to attempt to resolve the protest.

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

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

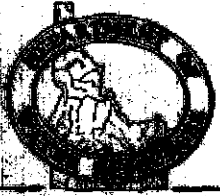
If this office can be of further assistance, please contact us.

Very truly yours,

LOREN O. HOLMES  
Southern Region Supervisor

LOH:marya

Enc1:



# 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

April 28, 1981

Gary &/or Catherine Wright  
Route 4 - Box 228  
Buhl, Idaho 83316

Re: Application for Permit No. 36-7973

Dear Mr. & Mrs. Wright:

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

BEFORE THE DEPARTMENT OF WATER RESOURCES

RECEIVED

APR 24 1981

STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR )

PERMIT NO. 36-7973 in the name of )

Richard Kaster )

Department of Water Resources

Southern District Office

Protest of Catherine &/or

Gary Wright

We the undersigned, Catherine &/or Gary Wright, files this protest to the granting of a water permit in connection with the above application for the appropriation of water from Briggs Spring as is more particularly described in the notice of Application No. 36-7973 submitted on 3/11/81. Said protest is based upon the following grounds:

- 1) The above named protestants have on file with the Department of Water Resources, State of Idaho, an application ( No. 36-7806) to appropriate 40 cfs from the above named water source for use as Fish Propagation. This application is dated 7/26/78. The memorandum decision and order on application No. 36-7806 is pending at this time with the Department of Water Resources.
- 2) Measurements of water from Briggs Spring taken by the U.S. Geo. Survey indicate an average of 111 CFS available. This average is based on measurements taken over a ten year period from 1969 through 1978. Therefore there is not sufficient water in Briggs Spring to supply water for both of the permits listed above, plus those permits already in force on these waters, namely license n0. 36-2039, 36-2040, 36-2607,
- 3) Protestants application, No. 36-7806, proposes use of 40CFS in Sections 2 & 3 of Township 9S, Range 14E B.M. and Gov. Lots 5 & 6, Section 10, Twp. 9S, Rge. 14E., B.M. which would not be compatible with the proposed use in Section 4 of Twp. 9S, Rge. 14E. per application No. 36-7973.

Therefore, we request that application No. 36-7973 be denied, and if it is not denied any water rights granted pursuant thereto be made subordinate to those of the undersigned.

Dated this 22nd day of April, 1981

*Catherine Wright*  
*Gary Wright*  
Catherine &/or Gary Wright  
Rt 4 Box 228  
Buhl, Idaho 83316

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

April 2, 1981

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

Re: Application for Permit No. 36-7973 - 37-7889 - 02-7331 - 47-7716

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:

**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

April 2, 1981

Richard Kaster  
Route 4  
Buhl, Idaho 83316

Re: Application for Permit No. 36-7973

Dear Mr. Kaster:

This office is currently processing your Application for Permit No. 36-7973 filed on March 11, 1981.

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

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

Advertising and regional office review of the application should be completed by April 27, 1981. If the requested information is received by that date, no additional delay in processing will be incurred.

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

Very truly yours,

JOHN O. HOLMES  
Southern Region Supervisor

LOH:marya

S T A T E   O F   I D A H O  
D E P A R T M E N T   O F   W A T E R   R E S O U R C E S  
S o u t h e r n   R e g i o n

---

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

MARCH 24, 1981

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 APRIL 27, 1981.

Yours truly,

Mary A. Hill  
Secretary

Encl.

MICROFILMED

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:

36-2923-

KAster, RICHARD

RT. 4, BUHL, ID 83316

Source: BRIGGS SPRINGS tributary to SNAKE RIVER

Date Filed: 03/11/1981

Amount: 100.00 CFS

Diversion Point: NWSW Sec 03 T 09S R 14E, GOODING Co.

Use: POWER (100.00 CFS) from 01/01 to 12/31

Place of Use: SWNE Sec 04 T 09S R 14E

Diversion Means: DITCH & PIPELINE

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 APRIL 27, 1981.

C. STEPHEN ALLRED

Director

Published 4/8 & 4/15/81.

RECORDED  
INDEXED

36-7973

KASTER, RICHARD  
RT. 4, BUHL, ID 83316  
Source: BRIGGS SPRINGS  
tributary to SNAKE RIVER  
Date Filed: 03/11/1981

Amount: 100.00 CFS  
Diversion Point: NWSW Sec  
03 T 09S R 14E, GOODING  
Co.

Use: POWER (100.00 CFS)  
from 01/01 to 12/31

Place of Use: SWNE Sec 04 T  
09S R 14E

Diversion Means: DITCH &  
PIPELINE

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 De-  
partment of Water Re-  
sources, 1041 Blue Lakes  
Bldg. North, Twin Falls,  
Idaho 83301 and received on  
or before APRIL 27, 1981.

/s/ C. STEPHEN ALLRED  
Director

Pub: 4-8, 15

*al*  
*maye*  
*4/1/81*

3/79

IDENT. NO. 36-7973

IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT  
DATA ENTRY LOG

Initials

Date \_\_\_\_\_

Item

24

3-23-81

Original form entered

7

3-24-81

Edit Report Correct

Date Protested

Date of Hearing

Date Approved/Denied  
(Proof due date, stage and/or status,  
conditions of approval, water district)

Record Verified

Amendment Approved

Extension Approved

### Partial Proof

Proof Complete

Field Exam Received

Field Exam Accepted  
and changes entered

License Signed

Transfer Approved

Keypunched by State Office