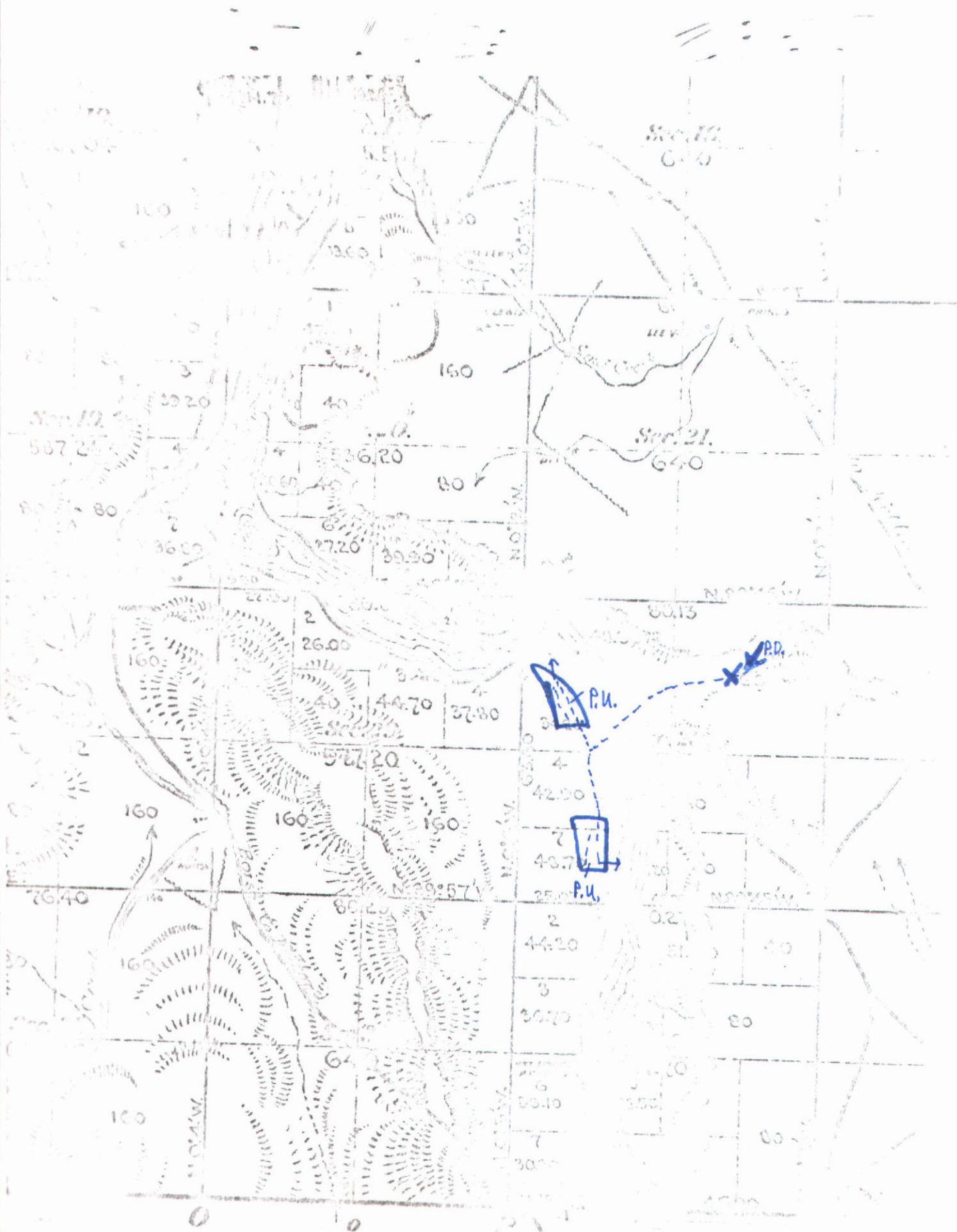


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



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.

Richard Kaster
(Applicant)

AFFIDAVIT of PUBLICATION

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

Frank T. Crow Jr., 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 13 day of March 1984, and the date of the last publication was on the 20 day of March, 1984.

Frank T. Crow Jr.

Subscribed and sworn to before me this 20 day of March, 1984.
(SEAL)

Cindy Haines
NOTARY PUBLIC
GOODING COUNTY LEADER
Gooding, Idaho

COST OF PUBLICATION

Number of Lines in Notice. 44
Number of Insertions. 2
Lines tabular at 42¢
44 Lines straight at 32¢ 14.08
44 Subsequent lines at 21¢ 9.24
Total Cost 23.32

COPY OF NOTICE

NOTICE OF AMENDMENT TO A WATER PERMIT

NO. 36-7824

Notice is hereby given that Richard Kaster of Buhl, Idaho is the holder of approved permit No. 36-7824 authorizing the diversion of 300 cubic feet per second of water from Box Canyon Spring tributary of Snake River in the SW 1/4 NE 1/4, SE 1/4 NE 1/4, Sec. 28 T8S, R14E, B.M. Re-diverted Lts 3, 4, Sec. 28, T8S, R14E County of Gooding, to be used for Fish Propagation, 30.0 cfs; Power, 270.0 cfs within Lts. 3, 4, 7, Sec. 28, T8S, R14E. The permit holder has applied to the Department of Water Resources for an Amendment to the permit, to change the nature of use as follows: Point(s) of Diversion: No change USE: Power, 300.0 cfs Jan. 1 to Dec. 31 Place of Use: No change Any protest against approval of the amending of Permit No. 36-7824 as set forth above must be filed with the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho, 83301, on or before March 30, 1984.

A. KENNETH DUNN
Director

PUB: 3-13, 20

RECEIVED

MAR 20 1984

Department of Water Resources
Twin Falls, Idaho

PUBLICATION RATES

(Idaho Code, Rev. Statutes 1971)

7 pt. per line, straight 32¢
7 pt. per line, tabular 42¢
7 pt. per line, successive insertions 21¢

No. 3301

AFFIDAVIT of PUBLICATION

State of Idaho, }
County of Gooding } SS.

Gary Grant, 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

1981, and the date of the last publication was on the 15

day of April, 1981.

Gary Grant

Subscribed and sworn to before me this 15

day of April, 1981.
(SEAL)

Gemma V. Hise
NOTARY PUBLIC

GOODING COUNTY LEADER

Gooding, Idaho

COST OF PUBLICATION

ok memo

Number of Lines in Notice 40

Number of Insertions 2

Lines tabular at 38

Lines straight at 40 29 11.60

Subsequent lines at 40 19 2.60

TOTAL COST 19.20

COPY OF NOTICE

(Paste Here)

36-7824 Kaster

TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Dept of Water
BILL TO

NOTICE OF AMENDMENT TO A WATER PERMIT

NO. 36-7824

Notice is hereby given that Richard Kaster is the holder of approved permit No. 36-7824 authorizing the diversion of 300 cubic feet per second of water from Box Canyon Spring tributary of Snake River in the SW 1/4-NE 1/4, SE 1/4-NE 1/4, Sec 28 T.8S, R.14E; Re-diverted Lts 3 & 4, Sec. 28, T.8S, R.14E. B.M. County of Gooding, to be used for fish propagation purposes from Jan. 1 to Dec. 31 (on acres) within Lts 3, 4, 7, Sec. 28, T.8S, R.14E, B.M.

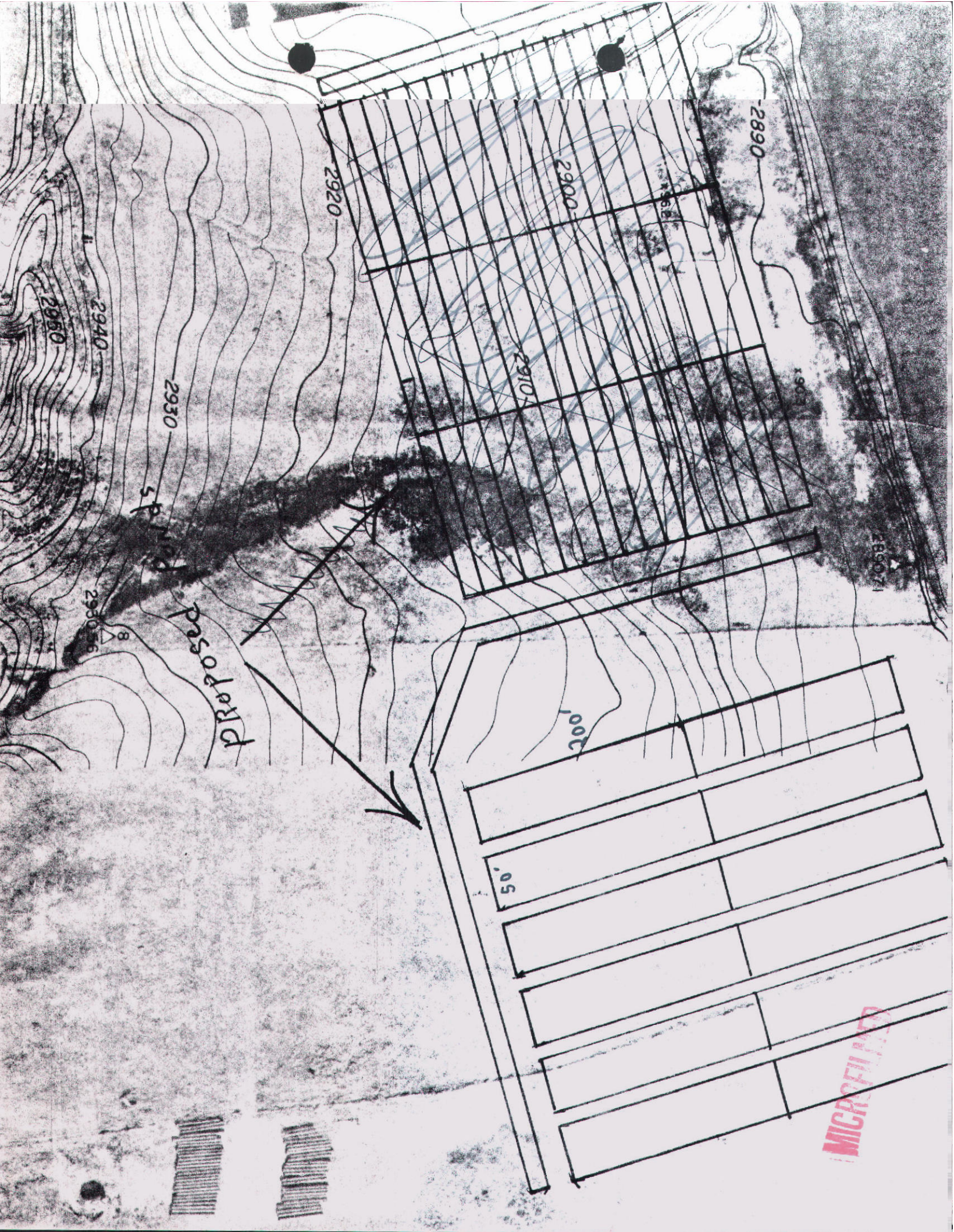
The permit holder has applied to the Department of Water Resources for an Amendment to the permit, to add an additional use. Point of Diversion: Same Additional Use: Power purposes from Jan. 1 to Dec. 31 Place of Use: Same

Any protest against approval of the amending of Permit No. 36-7824 as set forth above must be filed with the Idaho Department of Water Resources, 1041 Blue Lakes Blvd., North, Twin Falls, Idaho 83301, on or before April 27, 1981.

/s/ C. STEPHEN ALLRED
Director
Pub: 4-8, 15

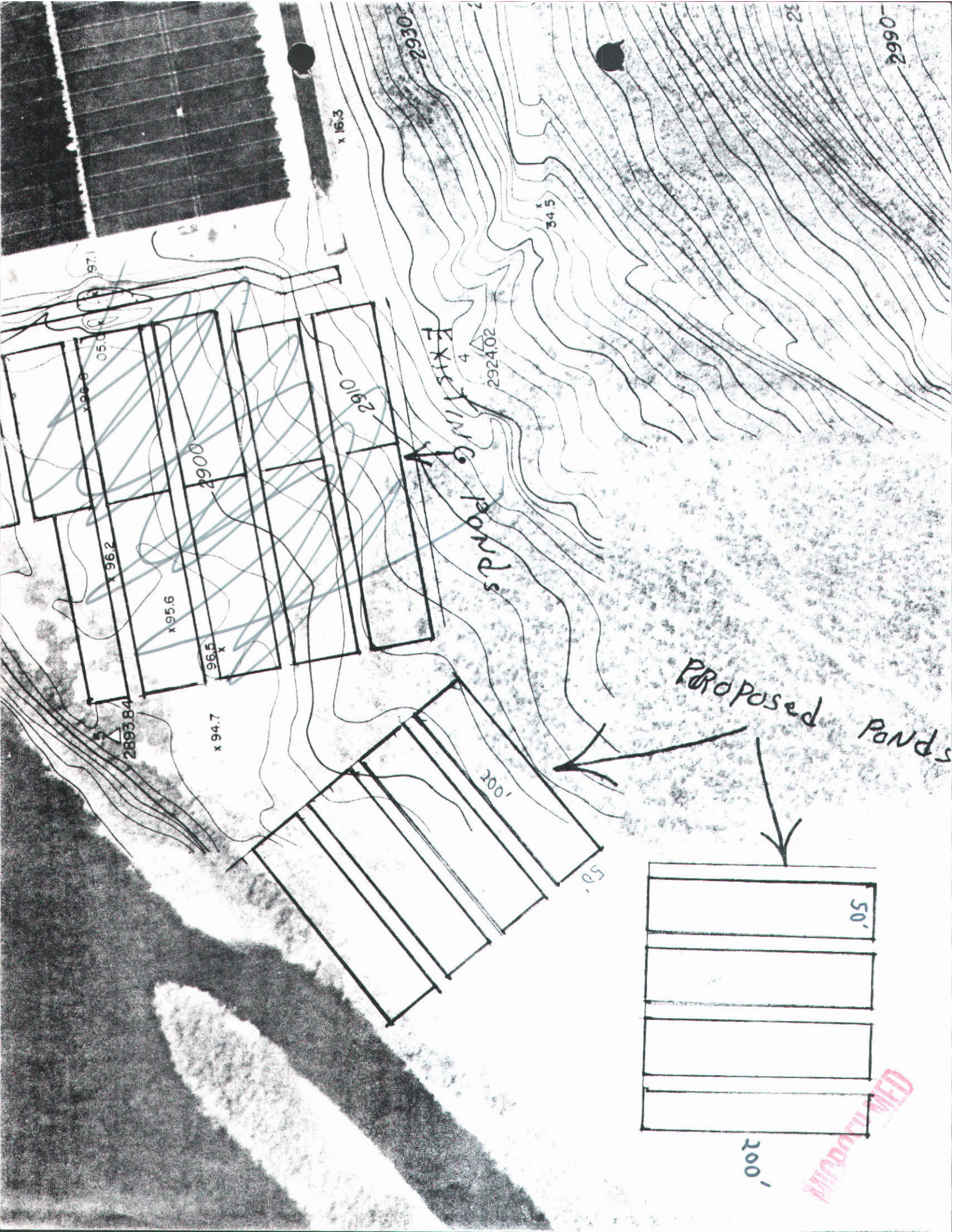
Dep- Southern

Resources
Office



old proposed

MICROFILM



Proposed Ponds

Proposed Ponds

Proposed Ponds

AFFIDAVIT of PUBLICATION

State of Idaho, }
County of Gooding } SS.

Kim R. Compton 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 consecu-
tive weeks prior to the first publication of the annexed notice, and is
a newspaper qualified to publish legal notices as provided by act of
the 1919 session of the legislature of the State of Idaho, known as
House Bill 145; that the annexed advertisement was published once

each week for 2 consecutive issues in said newspaper
proper and not in a supplement; that the date of the first publication

of said advertisement was on the 28 day of September

19 78, and the date of the last publication was on the 5

day of October, 19 78.

Subscribed and sworn to before me this

day of October, 19 78.

(SEAL)

Garnet Bliss

NOTARY PUBLIC

GOODING COUNTY LEADER

Gooding, Idaho

COST OF PUBLICATION

Number of Lines in Notice 48

Number of Insertions 2

Lines tabular at 315c

Lines straight at 48 21c 10.08

Subsequent lines at 48 15c 7.20

TOTAL COST 17.28

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given
that Richard Kaster, Buhl,
Idaho has on 9/13/78 sub-
mitted Application No. 36-
7824 for a permit to appro-
priate 300 cubic feet per sec-
ond of water from Box Can-
yon Spring tributary of
Snake River by means of
Existing diversion dam and
pipe line to Clear Springs
Trout Co. Fish hatchery.
Pipes and flumes from Clear
Springs outfall to new place
of use within the SW $\frac{1}{4}$ NE $\frac{1}{4}$,
Sec. 28, Twp. 8S, Rge.14E,
B.M., Gooding County. Addi-
tional point of diversion,
SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 28; Re-di-
verted Lots 3 & 4 Sec. 28,
Twp. 8S Rge.14E. to be used
from Jan. 1 to Dec. 31 for
fish propagation within the
Lots 3,4,7, Sec. 28, Twp. 8S,
Rge. 14E.

If issued, this permit
will be subject to all prior
water rights. Protests
against the granting of the
permit must be filed with the
Idaho Department of Water
Resources, 1041 Blue
Lakes Blvd., North, Twin
Falls, Idaho, 83301 on or be-
fore Oct. 16, 1978.

/s/ C. Stephen Allred
Director

Pub: 9-28; 10-6

PUBLICATION RATES

(Idaho Code, Rev. Statutes 1971)

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

RECEIVED

77236 OCT 10 1978

NO. 1805
Department of Water Resources
Southern District Office

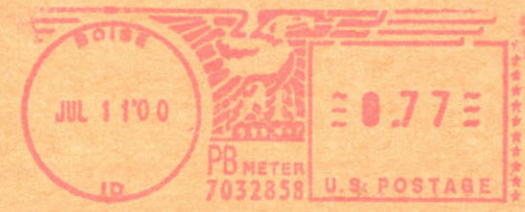
MICROFILMED

Richard N. Greene CPA
SLC UT

201-581-9095

36-07824

MICROFILMED
SEP 11 2000



7.21.00 Resent to Manteck
c/o B C Hydro per
Ray Walker
P.S. Enclosed change
in WR ownership
from [signature]

RECEIVED
JUL 20 2000
Department of Water Resources

IDAHO DEPARTMENT OF WATER RESOURCES
1301 North Orchard St.
P.O. Box 83720
Boise, ID 83720-0098
(208) 327-7900

TO

MANTECH INC
1400 S FOOTHILL DR #525
SALT LAKE CITY UT 84108

RETURN TO SENDER
SUFFICIENT NUMBER
REFUSED - NOT KNOWN
NOT DELIVERABLE AS ADDRESSED
NOT DELIVERABLE TO FORWARD
Initials

Twin Falls Co.

Gooding Co.

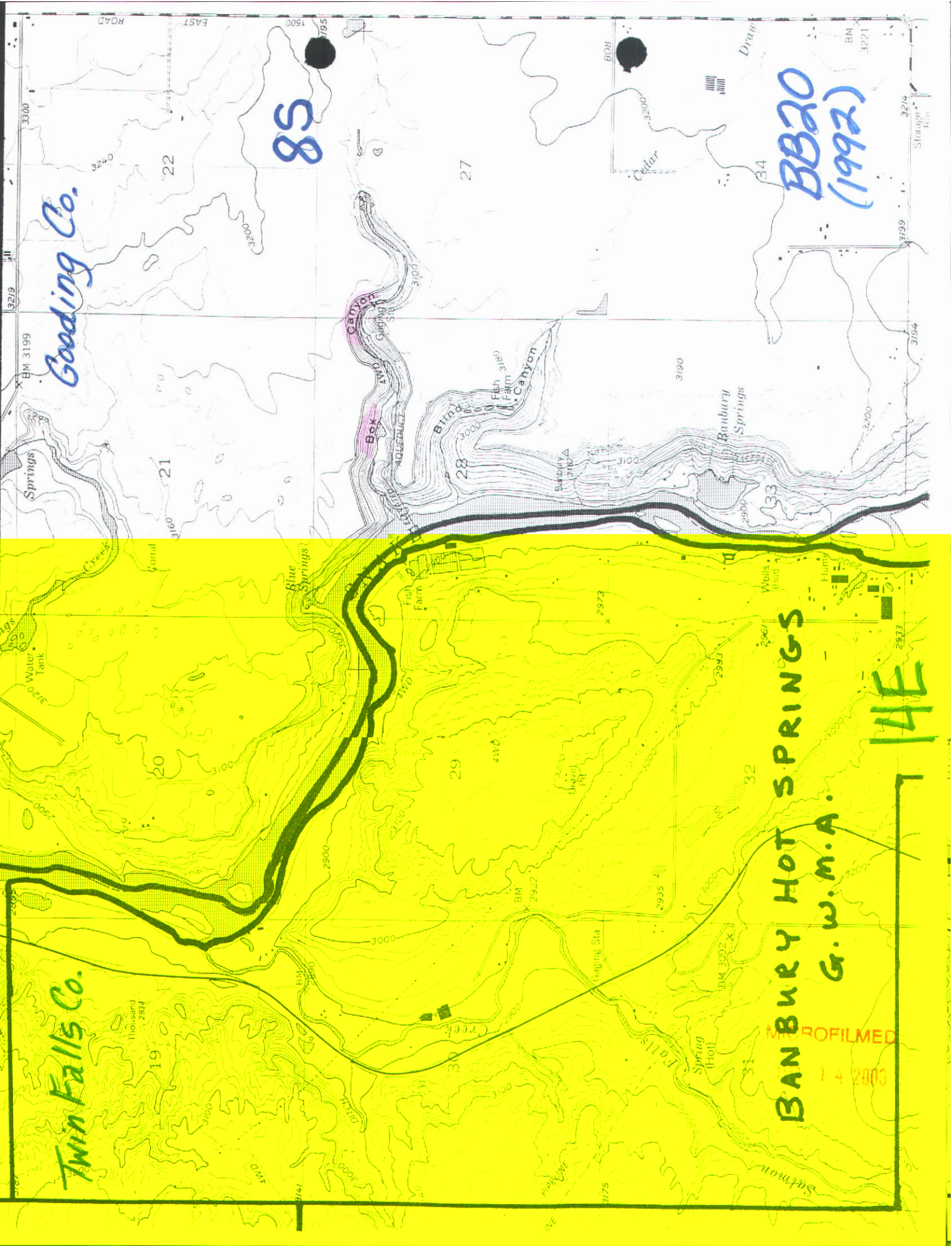
BANBURY HOT SPRINGS

G.W.M.A.

**BB20
(1992)**

85

14E



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

Department of Water Resources

Permit No. 36-7824

A. GENERAL INFORMATION

1. Owner: Montech, Inc.

Phone No. 801-363-1241

Current Address: 515 S. 700 E., Suite 3R, Salt Lake City, UT 84102 (Richard Greene)

2. Accompanied by: Scott Kaster

EXAM. DATE: 8-7-91

Address: Rt. 3 Box 430, Buhl, ID

Phone No. 543-5991

Relationship to Permit Holder: plant operator

3. Source: Box Canyon Spring tributary to Snake River
Creek

B. OVERLAP REVIEW

1. Other water rights with same place of use: —

☐ Copies Attached

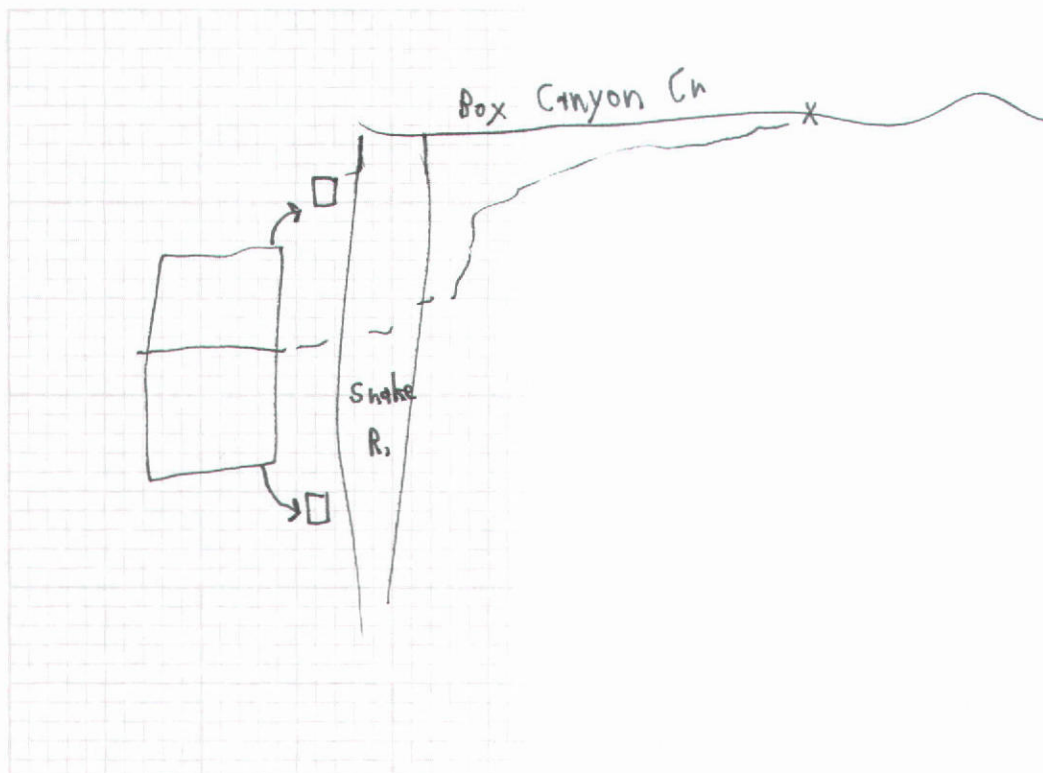
2. Other water rights with same point of diversion: 36-7040, 36-7797

☐ 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).

☒ Photo of Diversion and System Attached

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

☐ Aerial Photo Attached

(required for irrigation of 10 acres or more)

MICROFILMED
JUL 14 2003





MICROFILMED

JUL 14 2000

36-7824

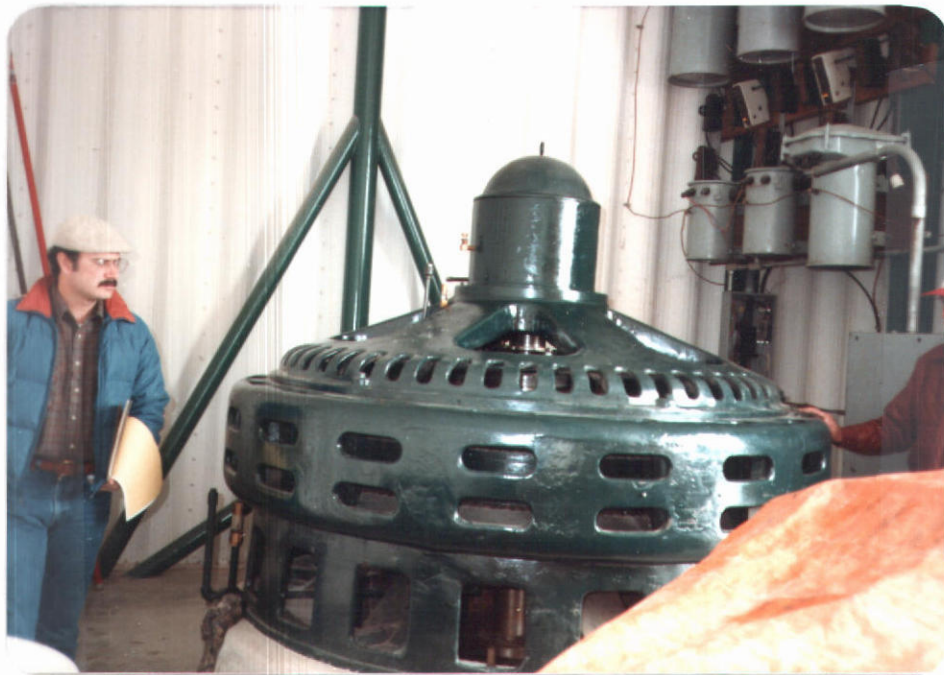


North Plant Power Meter

MICROFILMED
JUL 14 2000

36-7824

North plant
Generator



outlet to
Snake R.



MICROFILMED
JUL 14 2000

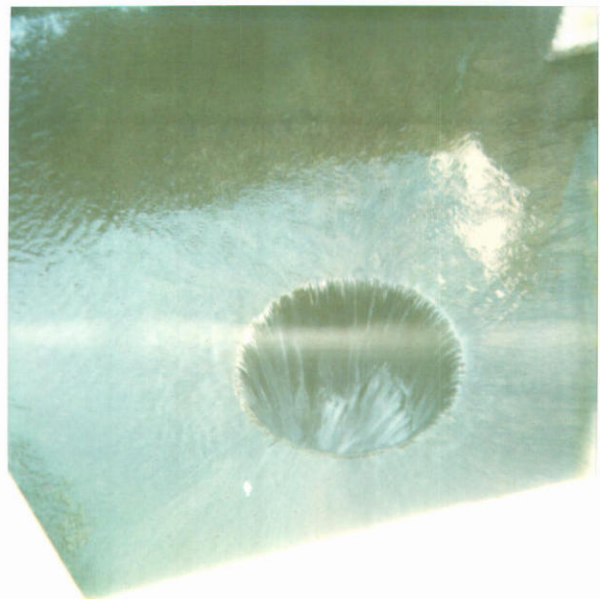
36-7824

North Plant
Inlet



Inlet

MICROFILMED
JUL 14 2000



Seepage Loss From Inlet

36-7824



Inlet Canal - South Plant

MICROFILMED
JUL 14 2000

36-7824



South Plant Outlet



Generator

Power Meter -
South Plant



MICF FILMED
JUL 14 2000

— REGIONAL

EXPRESS

COMPANY —

P.O. Box 2775

Boise, Idaho 83701

Phone (208) 343-2524

DATE

Aug. 13, 1984

ORIGIN STATION I.D.

BIDA

AIR BILL NO.

06754

IF HOLD FOR PICK-UP
PHONE NUMBERFROM (YOUR NAME) **Kent W. Foster**
HOLDEN, KIDWELL, HAHN & CRAPO

COMPANY

DEPT.

TO (CONSIGNEE'S NAME)

MR. PHILIP RASSIER

COMPANY

DEPT.

Dept. of Water Resources

STREET ADDRESS

P.O. Box 129

CITY

Idaho Falls

STATE

ID

ZIP CODE

83402

SHIPPERS REFERENCE NO.

STREET ADDRESS

Statehouse

CITY

Boise

STATE

ID

ZIP CODE

83720

PURCHASE ORDER NO. OR

CONSIGNEE'S REFERENCE NO.

CONSIGNEE'S ACCOUNT NO.

ACCOUNT NO.

PAYMENT:



BILL SHIPPER



BILL RECIPIENT'S REX ACCT.



CASH IN ADVANCE



BILL 3rd PARTY REX ACCT.

REX EMPLOYEE NUMBER

RECEIVED AT

SHIPPER'S DOOR

☒ REGULAR STOP☒ ON-CALL STOPREX Loc. **208**

SHIPPER AGREES THAT REX SHALL NOT BE LIABLE FOR SPECIAL INCIDENTAL OR CONSEQUENTIAL DAMAGES ARISING FROM CARRIAGE HEREOF. REX DISCLAIMS ALL WARRANTIES, EXPRESS OR IMPLIED WITH RESPECT TO THIS SHIPMENT. THIS IS A NON-NEGOTIABLE AIRBILL SUBJECT TO CONDITIONS OF CONTRACT SET FORTH ON REVERSE OF SHIPPER'S COPY. UNLESS YOU DECLARE A HIGHER VALUE, THE LIABILITY OF REGIONAL EXPRESS COMPANY IS LIMITED TO \$100.00.

RECEIVED BY CONSIGNEE IN GOOD
CONDITION EXCEPT AS NOTED:

PIECES

DIM. WT.

WEIGHT

DECLARED VALUE

ITEM

AMOUNT

AIR FREIGHT CHARGES

DECLARED VALUE

ADVANCE ORIGIN

ADVANCE DESTINATION

SPECIAL HANDLING INSTRUCTIONS:

RESTRICTED ARTICLE
SURCHARGE

OTHER

EXCISE TAX

TOTAL CHARGES

☒ EXPRESS LETTER (3 1/2 ounces)☐ EXPRESS ENVELOPE (1-2 POUNDS)☐ EXPRESS BOX (1-5 POUNDS)☐ EXPRESS PACKAGE (1-100 POUNDS)☐ AIR FREIGHT (SECOND PRIORITY)☐ PRIORITY AIR FREIGHT (50% SURCHARGE)☐ RESTRICTED ARTICLE☐ PROOF OF DELIVERY REQUESTED☐ SPEC. RATE

X

Helen A. Birch

8-14-84

DATE

AIR BILL NO.

06754

TIME

7:57 am

File # 3962

MICROFILMED

CONSIGNEE

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Richard Kaster

Project No. 4608-001

-2-

NOTICE OF APPLICATION FOR EXEMPTION FOR SMALL HYDROELECTRIC
INFER PROJECT UNDER 5 MW CAPACITY
(December 9, 1981)

That on October 13, 1981, Richard Kaster, Applicant, filed an application under Section 408 of the Federal Energy Act of 1980 (Act) (16 U.S.C. §52705 and 2708 as amended), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed small hydroelectric project (FERC Project No. 4608) would be located on the Applicant's fish hatchery site on Box Canyon Springs, in Twin Falls County near Buhl, Idaho. Correspondence with the Applicant should be directed to: Vernon Ravenscroft/Helen Chenoweth, Consulting Associates, Inc., P.O. Box 893, Boise, Idaho 83701.

Project Description - The project would consist of: 1) an existing diversion structure on Box Canyon Springs; 2) an existing flume; 3) an existing pipeline (directing water to Box Canyon Fish Hatchery); 4) two 25 to 30-foot long penstocks to be located at each end of the fish hatchery; and 5) two powerhouses with a total installed capacity of 116 kW.

Purpose of Project - The power generated by the project would be sold to Idaho Power Company.

Agency Comments - The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the Idaho Department of Fish and Game are requested, for the purposes set forth in Section 408 of the Act, to submit within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

DC-A-10

Competing Applications - Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before JAN 25 1982, either the competing license application that proposes to develop at least 7.5 megawatts in that project, or a notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than 120 days from the date that comments, protests, etc. are due. Applications for preliminary permit will not be accepted.

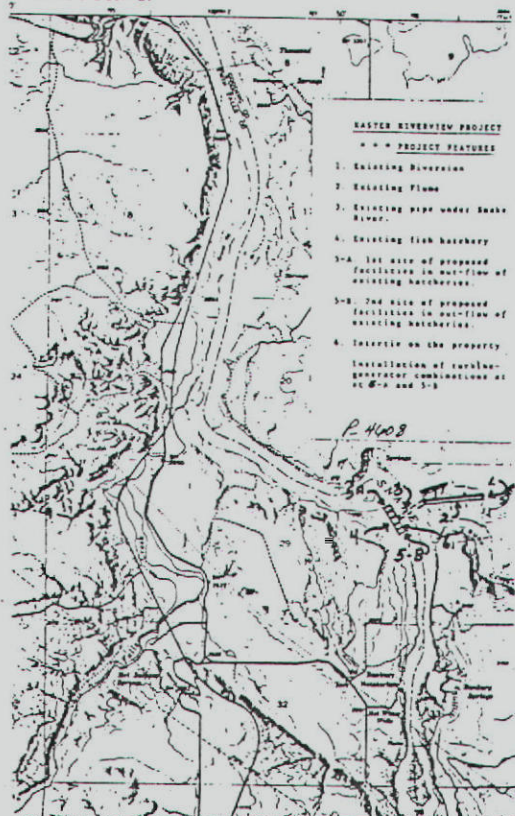
A notice of intent must conform with the requirements of 18 C.F.R. §4.33(b) and (c) (1980). A competing license application must conform with the requirements of 18 C.F.R. §4.33(a) and (d) (1980).

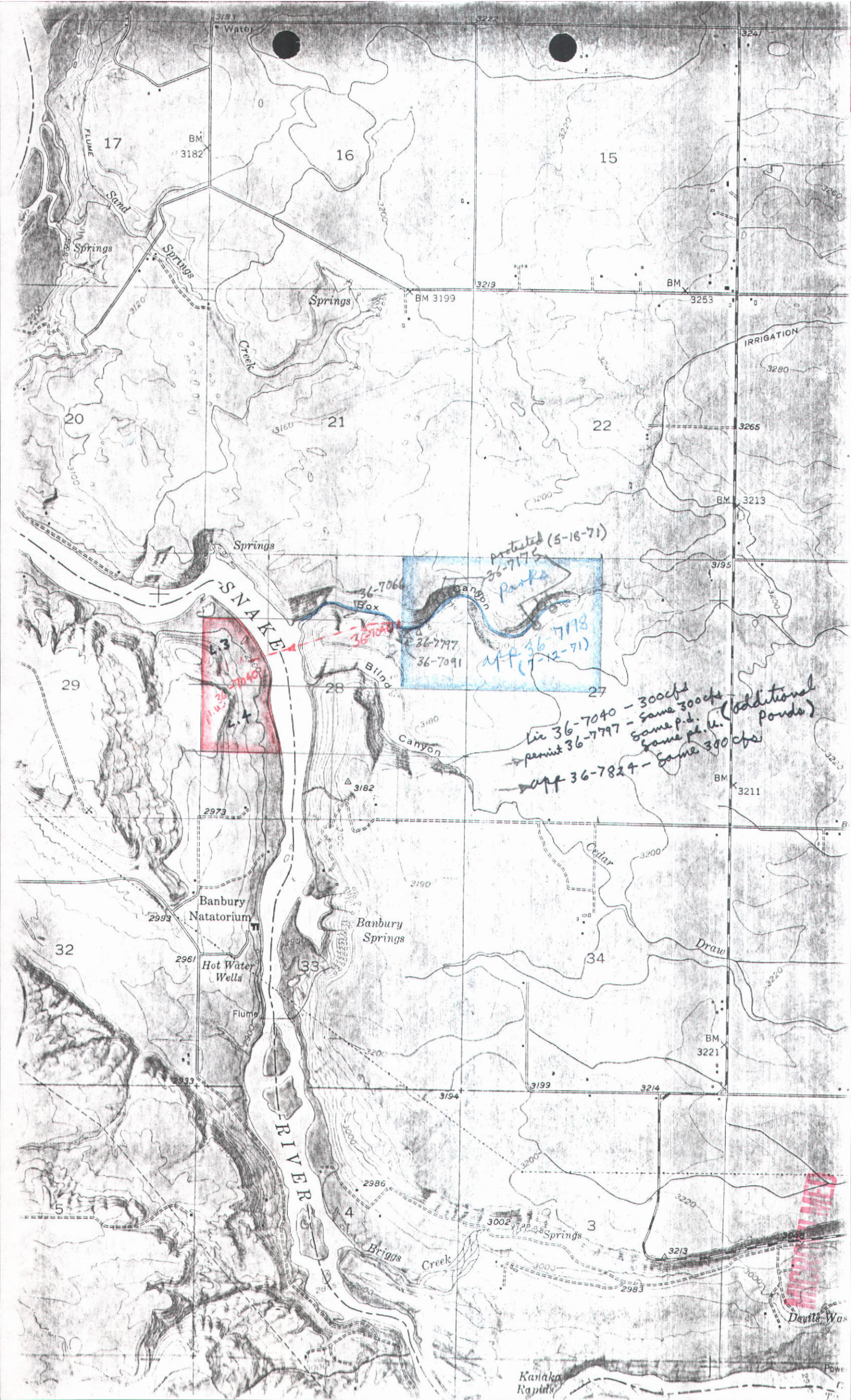
Comments, Protests, or Petitions to Intervene - Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of its Rules of Practice and Procedure, 18 C.F.R. §1.8 or §1.10 (1980). In determining the appropriate action to take, the Commission will consider all 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, protests, or petitions to intervene must be received on or before JAN 25 1982.

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, N.E., 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, 825 North Capitol Street, N.E., Washington, D.C. 20426. 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.

Kenneth F. Plumb
Secretary

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY





RECEIVED

AUG 28 2000

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
<u>36-07824</u>	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) Mantech, Inc.
1400 S. Foothill Dr, #525 SLC, UT 84108
4. New Owner/Claimant(s) B.C. Hydro Limited
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 6405 S. 3000 E. Suite 201
- City, State and ZIP Code Salt Lake City, UT 84121
- New Telephone Number (801) 993-2230
5. Date you acquired the property December 30, 1983

MICROFILMED

SEP 11 2000

6. **If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7.** If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT		
(If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number <u>36-07824</u>		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other <u>Hydro-Electric</u>	<u>300.00 cfs</u>	_____
Total	<u>300.00 cfs</u>	

DESCRIPTION OF YOUR PORTION OF WATER RIGHT		
(If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	

7. Signature of New Owner(s) or Claimant(s) Richard A. Quinn, PRES. OF MANTECH, INC.
(include title if applicable) GENERAL PARTNER OF R.C. HYDRO LTD.

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by _____ Date _____ Fee \$35.00
 Received by J. Quinn Date AUG 29 2000 Receipt No. 0050245
 Processed by _____ AJ Date _____ Date _____

SEP 11 2000



CLAWSON GREENE LLC
1400 South Foothill Drive, Suite B25
Salt Lake City, UT 84108
(801)581-9095
Fax: (801)581-9280

FAX TRANSMISSION

To: Kay Lynn **Date:** August 30, 2000
Fax #: 208-327-7866 **Pages:** 2, including this cover sheet.
From: Richard N. Greene
Subject: B.C. Hydro Assignment Document

This facsimile transmission is intended for the addressee indicated above. It may contain information that is privileged, confidential, or otherwise protected from disclosure. Any review, dissemination or use of this transmission or its contents by persons other than the addressee is strictly prohibited. If you have received this transmission in error, please notify us immediately by telephone and mail the original to us at the above address.

COMMENTS:

MICROFILMED
SEP 11 2000

Agreement and Assignment of Water Rights

THIS ASSIGNMENT AND AGREEMENT is between Mantech, Inc., a Utah corporation with an address of 6405 S. 3000 E., Salt Lake City, Utah, suite 201 ("Mantech"), and B.C. Hydro Limited Partnership, a Utah limited partnership with an address of 6405 S. 3000 E., Salt Lake City, Utah, suite 201 ("B.C. Hydro").

Recitals

- A. On August 24, 2000 Mantech agrees to transfer their interest in the water right, as identified by the State of Idaho Department of Water Resources as water right number 36-07824 to B.C. Hydro.
- B. Pursuant to the water right, the point of diversion and also the place of use is as follows:

POINT OF
DIVERSION:

SWNE, SEC. 28, TOWNSHIP 08S, RANGE 14E
GOODING COUNTY

PLACE OF USE:
TWN RGE SEC
08S 14E 28

POWER

Lot 3 (SWNW) Lot 4 (NESW)

Agreement

In consideration of the mutual promises contained herein, the parties hereby agree as follows:

1. Assignment. Mantech hereby sells, assigns, and conveys to B.C. Hydro the right, title and interest arising under or pursuant to water right number 36-07824.

THIS AGREEMENT HAS BEEN EXECUTED on the respective dates set forth below, to be effective for all purposes as of August 24, 2000.

Dated:

AUGUST 24, 2000

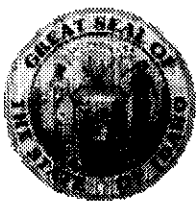
Richard N. Greene
Richard N. Greene, President
Mantech, Inc.

Dated:

AUGUST 24, 2000

by Richard N. Greene
Richard N. Greene, President
Mantech, Inc., general partner
B.C. Hydro Limited Partnership

MICROFILMED
SEP 11 2000

**Idaho Secretary of State
Business Entity Search**

B. C. Hydro Limited Partnership

Ste 900 50 S Main ST
Salt Lake City, UT 84144

Type of Business: Limited Partnership

Status: Current

State of Origin: Utah

Date of 05 Apr 1984

Origination/Authorization:

Current Registered Agent: Richard H. Kester
Rural RT. 4
Buhl, ID 83316

Filing Number: L-663

Number of Authorized Stock N/A
Shares:

Date of Last Annual Report: N/A

Related Documents: 05 Apr 1984 - Reg. of Foreign (B. C. Hydro
Limited Partnership)

Get a certificate of filing for B. C. Hydro Limited Partnership

[New Search](#)

MICROFILMED
SEP 11 2000

State of Idaho
Department of Water Resources
Water Right License

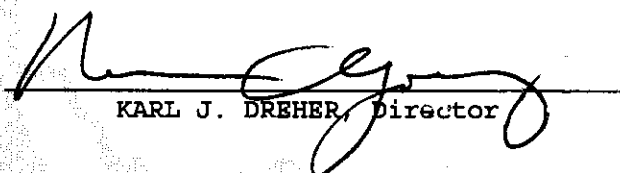
WATER RIGHT NO. 36-07824

CONDITIONS OF APPROVAL AND REMARKS

6. Rights 36-07040, 36-08080 and 36-07824 when combined shall not exceed a total diversion rate of 300.0 cfs and a total annual maximum diversion volume of 217193.3 af.
7. Rights 36-07040 and 36-08080 are also diverted through the point of diversion described above.
8. The diversion and use of water for hydropower purposes under this license is subject to review by the Director on or after June 12, 2020. 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.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Signed and sealed this 7th day of

July, 2000.


KARL J. DREHER, Director

MICROFILMED
JUL 14 2000

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF PERMIT NO.)
36-07824 IN THE NAME OF)
MANTECH, INC.)
_____)

**ORDER ADVANCING THE
DATE OF PRIORITY**

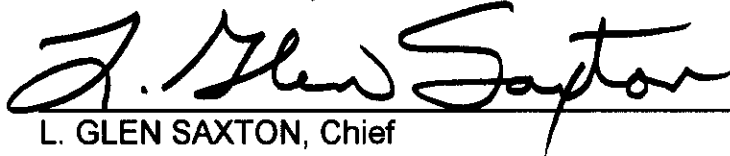
WHEREAS, on February 2, 1988, the Department sent the permit holder an Examination Fee Notice informing him that he had 60 days to submit the required examination fee; and,

WHEREAS, Section 42-217, Idaho Code, provides that the Department may lapse a permit for failure of the permit holder to submit either the license examination fee or an acceptable field examination report prepared by or under the supervision of a certified water right examiner; and,

WHEREAS, on January 25, 1989, the permit holder submitted the examination fee. The fee was 297 days late, but the Department did not issue an order advancing the priority date;

IT IS, THEREFORE, HEREBY ORDERED that the priority date of Permit No. 36-07824 be advanced to July 7, 1979.

DATED this 9th day of June, 2000.



L. GLEN SAXTON, Chief
Water Allocation Bureau

MICROFILMED

JUL 14 2000

RECEIVED

JAN 25 1989

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

Department of Water Resources
Southern Region Office

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

1. Individual Applicant or Individual Members of a Partnership:

I, B. C. Hydro, Limited Pshp--Mantech, Inc. GP of Idaho Falls,
(name) (city)

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

2. Corporation:

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

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

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

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

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

by Section 30-1-52, Idaho Code: and that _____
(name of corporation)

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

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

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

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

State of Idaho
County of Salt Lake) ss.

Richard W. Thomas, PRES. H.C.P.
Applicant

On this 23 day of January, 1989, personally appeared
before me the signer(s) of the above instrument, who duly acknowledged to me that
he (she) (they) executed the same.

seal

Shirley V. Hebl
Notary Public residing at

Salt Lake City, Utah

My commission expires:

10-9-90

MICROFILMED
JUL 14 2000

DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources will consider this card as a statement that the permit holder(s) has completed development to the extent shown below of permit No. 36-7824.

Name(s) of Permit Holder: Richard Kaster

Post Office Address: Route #4, Buhl, ID

Tel. No. --

Source of Water: Box Canyon Springs

Extent of Use: ☐ Domestic (number of households)
☐ Stockwater (number and type of stock)
☐ Irrigation (acres)
☒ Other Hydropower (300 cfs by amendment)

Measuring Device: Required? ☒ Yes ☐ No Installed? ☐ Yes ☒ No will be
 Access Port: Required? ☐ Yes ☐ No Installed? ☐ Yes ☐ No installed

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

February 16, 1984
 Date

Richard Kaster
 Signature of Permit Holder

RECEIVED
MICROFILMED
FEB 16 1984

Department of Water Resources
Sachem's Chamber Office



IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

PLACE
13 CENT
STAMP
RECEIVED
FEB 22 1984

Department of Water Resources

State of Idaho
Department of Water Resources

RECEIVED

AUG 14 1984

ASSIGNMENT OF PERMIT

Department of Water Resources

I, Richard H. Kaster, hereby assign to Mantech, Inc.
of c/o Kent W. Foster, Holden, Kidwell, Hahn & Crapo, Idaho First National Bank Bldg.
Address Idaho Falls, Idaho 83402

CHECK ONE

☒ All my right, title, and interest in and to Permit No. 36-7824
to appropriate the public waters of the State of Idaho.

☐ The following described portion of my 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 subdivision, the point of diversion and the amount of water in cubic
feet per second for direct diversion, or acre feet for storage)

Made this 10th day of August, 19 84.

Richard H. Kaster
Permit Holder

Edith M. Kaster
Spouse of Permit Holder

State of Idaho)
County of Twin Falls) ss.

On this 10 day of August, 19 84, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged to me
that he (she) (they) executed the same.

seal

Kerry C. Collins
Notary Public residing at

Twin Falls, Idaho

My commission expires:

Life

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR AMENDMENT OF A PERMIT

To change the point of diversion and/or the place of use.

APPROVED

Comes now Richard Kaster

of (address) Route #4, Buhl, ID 83316, and represents to the
Director of the Idaho Department of Water Resources:

That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho
No. 36-7824, and requests that the permit and permit map be changed as follows:

1. Point of diversion: N. C. 1/4 1/4, Section _____, Township _____, Range _____, B.M.,
County of _____ . Other points of diversion: _____

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.)

Amount 300cfs 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)

3. Place of use or land to be irrigated: No Change

TWP	RGE	SEC	NE1/4				NW1/4				SW1/4				SE1/4				TOTALS
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	

Total number of acres to be irrigated = _____

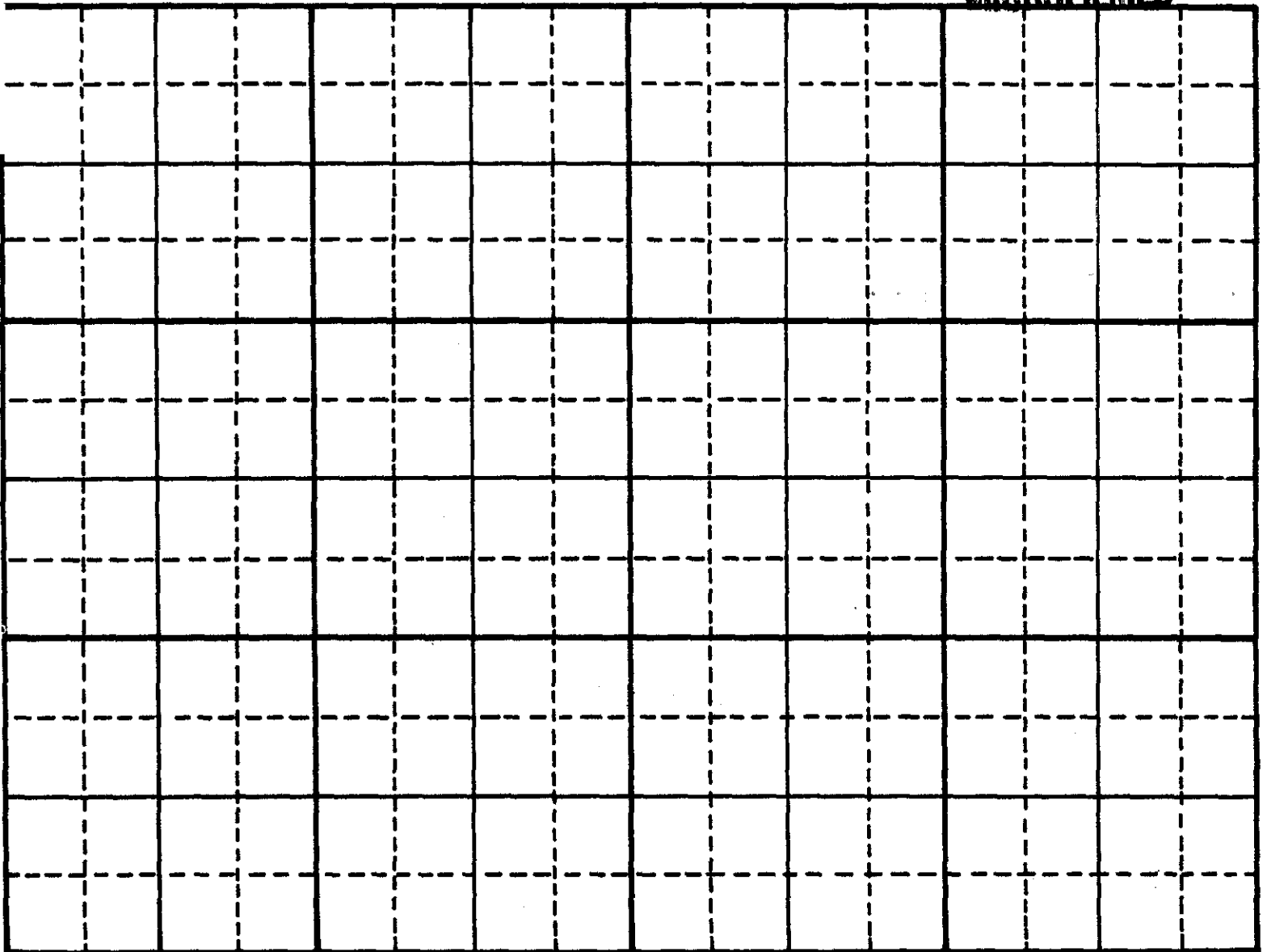
4. a. Who owns the property at the point of diversion? Earl Hardy (P.D.): Clear Springs Trout Co.
(re-diversion)
b. Who owns the land to be irrigated or the place of use? Applicant
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the
applicant to make this filing: _____

MICROFILMED

Complete the following map by showing land and point of diversion as proposed by this amendment.

Show 40-acre subdivisions, townships, ranges and ditches.

MICROFILMED



Scale: 2 inches equal 1 mile.

That no one will be injured by such change, and that such change will be made at permit holder's own risk.

Signed at Twin Falls, this 16 day of February, 1984.

Richard Koster
(Signature)

FOR DEPARTMENT USE ONLY

Preliminary check by SL Fee = \$20.00 Received by Q Date 2-16-84 #32991
Publication prepared by mary z Date 3/1/84 Published in Gooding Co. Ledger
Publication dates 3/13 & 3/20/84

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

I, L. GLEN SAXTON, of the Department of Water Resources hereby

Approve the above Application for Amendment of Permit No. 36-7824 subject to conditions of approval as outlined on page 4 of the permit and this permit is subject to the provisions of Sections 42-205 through 42-210, Idaho Code, restricting the sale, transfer, assignment, or mortgage of this permit. Failure to comply with these provisions is cause for immediate cancellation of this permit. Use of water under this permit for power purposes is subordinated to future diversion of water either upstream or downstream for irrigation or other consumptive beneficial uses.

Witness my hand this 23rd day of July, 1984.

L. Glen Saxton
Chief, Operations Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES **APPROVED**
APPLICATION FOR AMENDMENT OF A PERMIT

To change the point of diversion and/or the place of use.

Comes now Richard Kaster
of (address) Route #4, Buhl, Idaho 83316, and represents to the
Director of the Idaho Department of Water Resources:

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho
No. 36-7824, and requests that the permit and permit map be changed as follows:

1. Point of diversion: N. C. 1/4 1/4, Section , Township , Range , B.M.,
County of . Other points of diversion:

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.)

ALLOW: *30.0

Amount 300 cfs for Fish Prop. purposes from Jan 1 to Dec 31 (both dates inclusive)
(cfs or acre feet per annum)

ALLOW: *270.0

Amount 300 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)

Note: Total diversion rate of 300 cfs

3. Place of use or land to be irrigated:

No Change *Pursuant to Kaster letter dated 11-17-83

TWP	RGE	SEC	NE1/4				NW1/4				SW1/4				SE1/4				TOTALS
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	

Total number of acres to be irrigated =

4. a. Who owns the property at the point of diversion? Earl Hardy (P. D.); Clear Springs Trout Co.
(re-diversion)
- b. Who owns the land to be irrigated or the place of use? Applicant
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the
applicant to make this filing:

Show 40-acre subdivisions, townships, ranges and ditches.

[illegible]

That no one will be injured by such change, and that such change will be made at permit holder's own risk.

Signed at Richard Kaster, this 11 day of March, 19 81.

Richard Kaster
(Signature)

Preliminary check by TGB Fee = \$20.00

NT USE ONLY #16877
Received by mmj Date 3/11/81

Publication prepared by _____ Date _____

Published in _____

Publication dates
1990-1999
2000-2009
2010-2019
2020-2029
2030-2039
2040-2049
2050-2059
2060-2069
2070-2079
2080-2089
2090-2099
2100-2109
2110-2119
2120-2129
2130-2139
2140-2149
2150-2159
2160-2169
2170-2179
2180-2189
2190-2199
2200-2209
2210-2219
2220-2229
2230-2239
2240-2249
2250-2259
2260-2269
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3090-3099
3100-3109
3110-3119
3120-3129
3130-3139
3140-3149
3150-3159
3160-3169
3170-3179
3180-3189
3190-3199
3200-3209
3210-3219
3220-3229
3230-3239
3240-3249
3250-3259
3260-3269
3270-3279
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3300-3309
3310-3319
3320-3329
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3730-3739
3740-3749
3750-3759
3760-3769
3770-3779
3780-3789
3790-3799
3800-3809
3810-3819
3820-3829
3830-3839

1. L. GLEN SAXTON

of the Department of Water Resources hereby

APPROVE the above Application for Amendment of Permit No. 36-7824 subject to conditions

of approval as outlined on page four of the permit and this permit is subject to the provisions of Sections 42-205 through 42-210, Idaho Code, restricting the sale, transfer, assignment, or mortgage of this permit. Failure to comply with these provisions is cause for immediate cancellation of this permit. Use of water under this permit for power purposes is subordinated to future diversion of water either upstream or downstream for irrigation or other consumptive beneficial uses.

Witness my hand this 25 day of February, 1983.

L. Glen Saxton
Chief, Operations Bureau

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 Box Canyon Spring which is a tributary of Snake River

3. Location of point of diversion is SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 28 Township 8S

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

SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 28; Re-diverted Lots 3 & 4 Sec. 28 T. 8S R. 14E

4. Water will be used for the following purposes:

Amount 300 cfs for fish prop. purposes from Jan 1 to Dec 31 (both dates inclusive)
(cfs or acre-feet per annum)

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

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

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

5. Total quantity to be appropriated:

a. 300 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Existing diversion dam and pipeline to
Clear Springs Trout Co. fish hatchery. Pipes and flumes from Clear Springs
outfall to new place of use.

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: Lots 3,4,7 of Section 28 Township 8S
Range 14E B.M.

(2) Amount of power to be generated: _____ horsepower under _____ 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
supplied with domestic water _____

(5) If water is to be used for other purposes describe: commercial fish propagation

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

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

Total number of acres to be irrigated _____

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

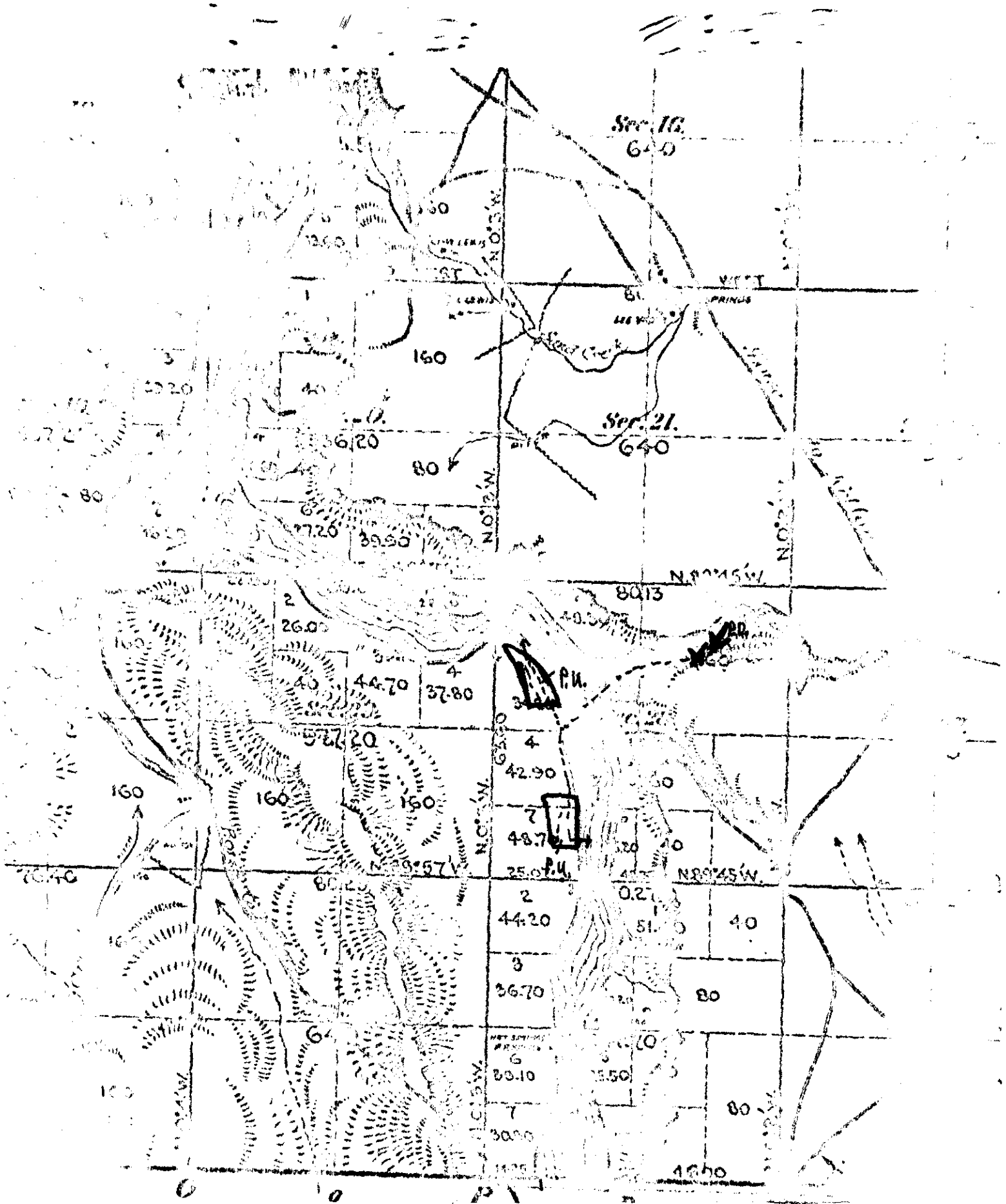
9. a. Who owns the property at the point of diversion Box Canyon Trout Co.

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

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing Clear Springs Trout Co. has easement to point of diversion,
and applicant has agreement with Clear Springs Trout Co.

10. Remarks This filing will not increase the amount of water taken from Box Canyon
Spring, as this is the same water now being diverted under License 36-7040
and Permit 36-7797. Water will be re-diverted by applicant after it leaves
Clear Springs Trout Co. facilities.
Water will be spilled into Snake River in Lots 3 & 7 Sec. 28 T. 8S R. 14E.
Estimated Cost of Project: \$200,000.

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



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.

Richard Kaster
(Applicant)

Proposed Priority 9-13-78

Received by QA Date 9-13-78 Time 4:30 pm

Preliminary check by _____ Fee \$ 1025.00

Receipted by marya Date 9/13/78 # 10563

Publication prepared by marya Date 9/21/78

Published in Gooding County Leader

Publication dates 9/28/78 + 10/6/78

Publication approved 10/11/78 Date marya

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by Lt J. J.

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. 36-7824, and said application is hereby APPROVED.

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

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before March 1, 19 84.
- 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: (1) Measuring devices of a type approved by this Department shall be permanently installed and maintained at the point of diversion and the point of effluent discharge. (2) The issuance of this permit in no way grants any right-of-way or easement across the land of another. (3) The permit shall not be assigned or sold without first securing the written approval of the Department of Water Resources. (4) The maximum rate of diversion under this permit when combined with Water Right No.'s 36-7040 & 36-7797 shall not exceed 300 cubic feet per second. (5) Return water shall be treated to insure that the effluent meets intrastate stream water quality standards.

Witness my hand this 28 day of March, 1979.

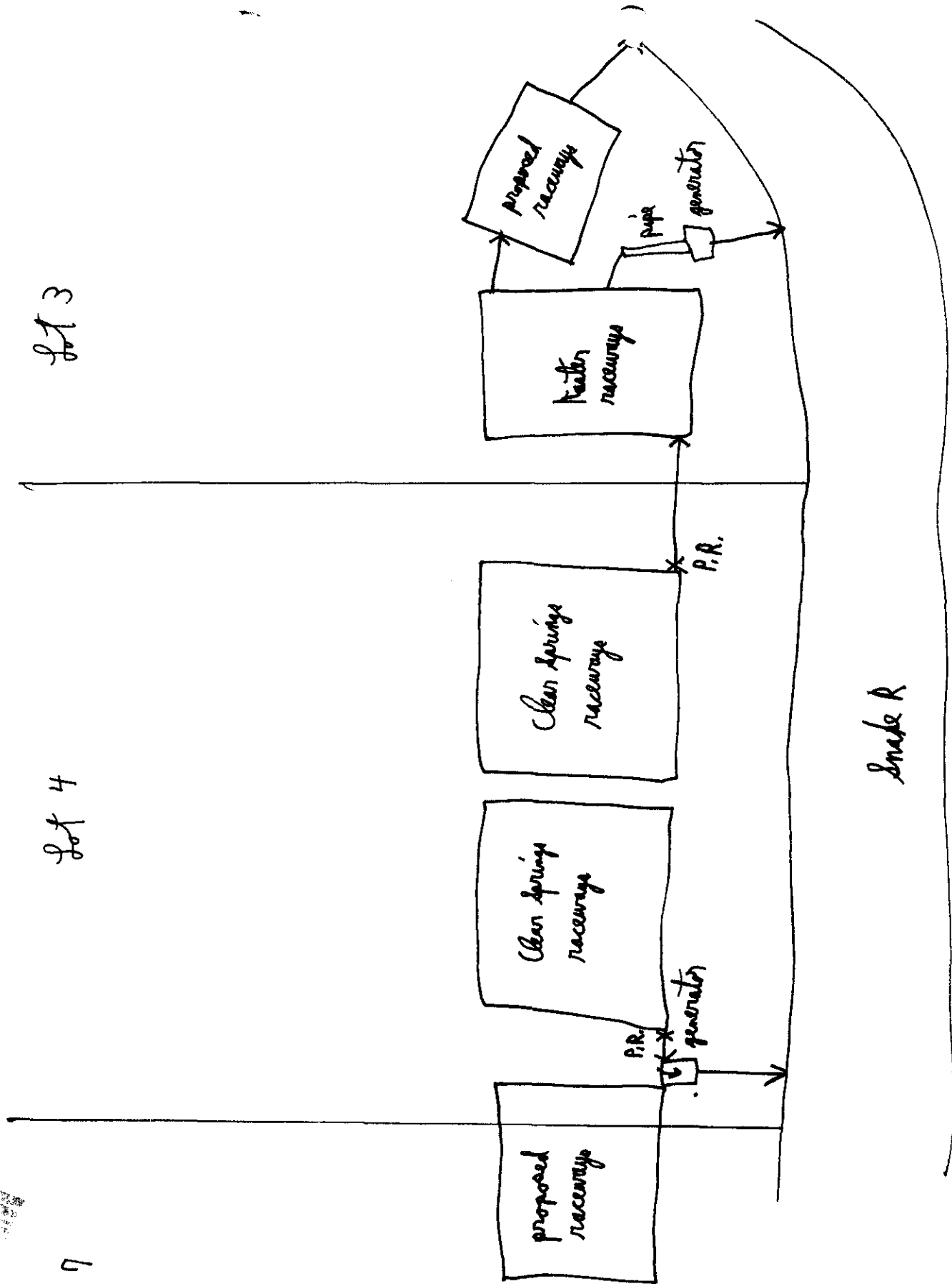
C. Stephen Allred
DIRECTOR

69-11111

lot 7

lot 4

lot 3



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

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

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

Permit:

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

(check one)

☐ 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 11 day of November, 19 82, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Patricia A. Hopkins
Notary Public residing at

seal

Buhl Idaho 83316

My commission expires:

25 Feb. 1985

MICROFILMED

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 _____

RECEIVED
MAR 12 1981
IDAHO DEPT. OF WATER RESOURCES
BOISE, IDAHO

AFFIDAVIT of PUBLICATION

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

Frank T. Crow Jr., 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 13 day of March 1984, and the date of the last publication was on the 20 day of March, 1984.

Frank T. Crow Jr.

Subscribed and sworn to before me this 20 day of March, 1984.
 (SEAL)

Cindy Haines
 NOTARY PUBLIC

GOODING COUNTY LEADER
 Gooding, Idaho

COST OF PUBLICATION

MICROFILMED

Number of Lines in Notice. 44
 Number of Insertions. 2
 Lines tabular at 42¢
44 Lines straight at 32¢ 14.08
44 Subsequent lines at 21¢ 9.24
 Total Cost 23.32

COPY OF NOTICE

[Large blacked-out redacted area with handwritten notes "adment" and "met" at the top right.]

RECEIVED

MAR 26 1984

Department of Water Resources
 Bureau of Reclamation

[Handwritten signature/initials]

PUBLICATION RATES

(Idaho Code, Rev. Statutes 1971)

7 pt. per line, straight 32¢
 7 pt. per line, tabular 42¢
 7 pt. per line, successive
 insertions 21¢

No. 3301

ADVERTISING

PRINTING

OFFICE SUPPLIES

PHONE 934-4449

BOX 56

GOODING, IDAHO 83330

GOODING COUNTY LEADER

ONE MEDIUM • ONE COVERAGE • ONE COST

ACCOUNT NO.		DATE		CASH ☐	
		4/15/81		CHARGE ☒	
				ON ACCT. ☐	
M		Deposit of Water Revenue		PAID OUT ☐	
				DISPLAY ☐	
				GLASS ☐	
				SUPPLIES ☐	
				MISC. ☐	

QUAN.	DESCRIPTION	AMOUNT
	36-7824	14.20

JE	SPECIAL RATE	START DATE	EXP. DATE

NEW ACCT.	RENEWAL	PZ	STATE	BILL	CYCLE	LEGAL NO.

PSA	NO. PAP.	RATE	SORT KEY	SACK	PRINTING NO.
					2227

36601

BY

PLEASE RETAIN THIS TICKET FOR YOUR RECORDS
MOORE DEALER - GOODING COUNTY LEADER

AFFIDAVIT of PUBLICATION

State of Idaho, }
County of Gooding } SS.

Gary Grant, 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 1981, and the date of the last publication was on the 15 day of April, 1981.

[Signature]

Subscribed and sworn to before me this 15

day of April, 1981.
(SEAL)

Gemma Ysias
NOTARY PUBLIC

GOODING COUNTY LEADER Gooding, Idaho COST OF PUBLICATION

Number of Lines in Notice 40
Number of Insertions 2
Lines tabular at 38
Lines straight at 40 29 11.60
Subsequent lines at 40 19 7.60
TOTAL COST ... 19.20

COPY OF NOTICE

(Paste Here)

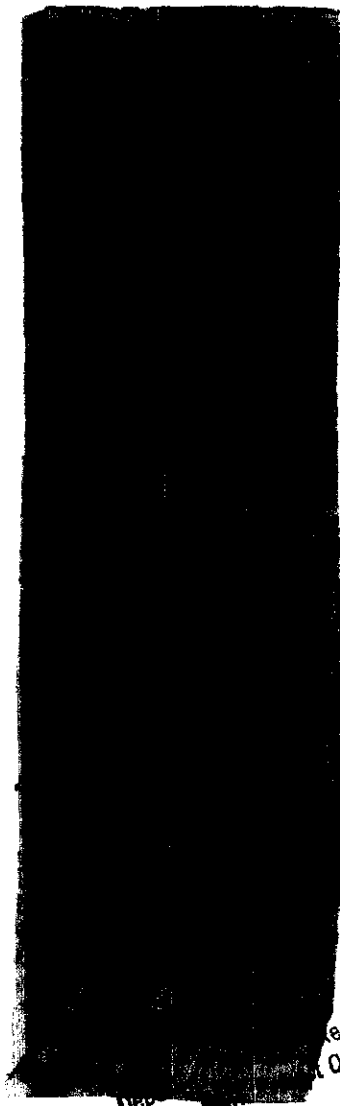
36-7824 Haster
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

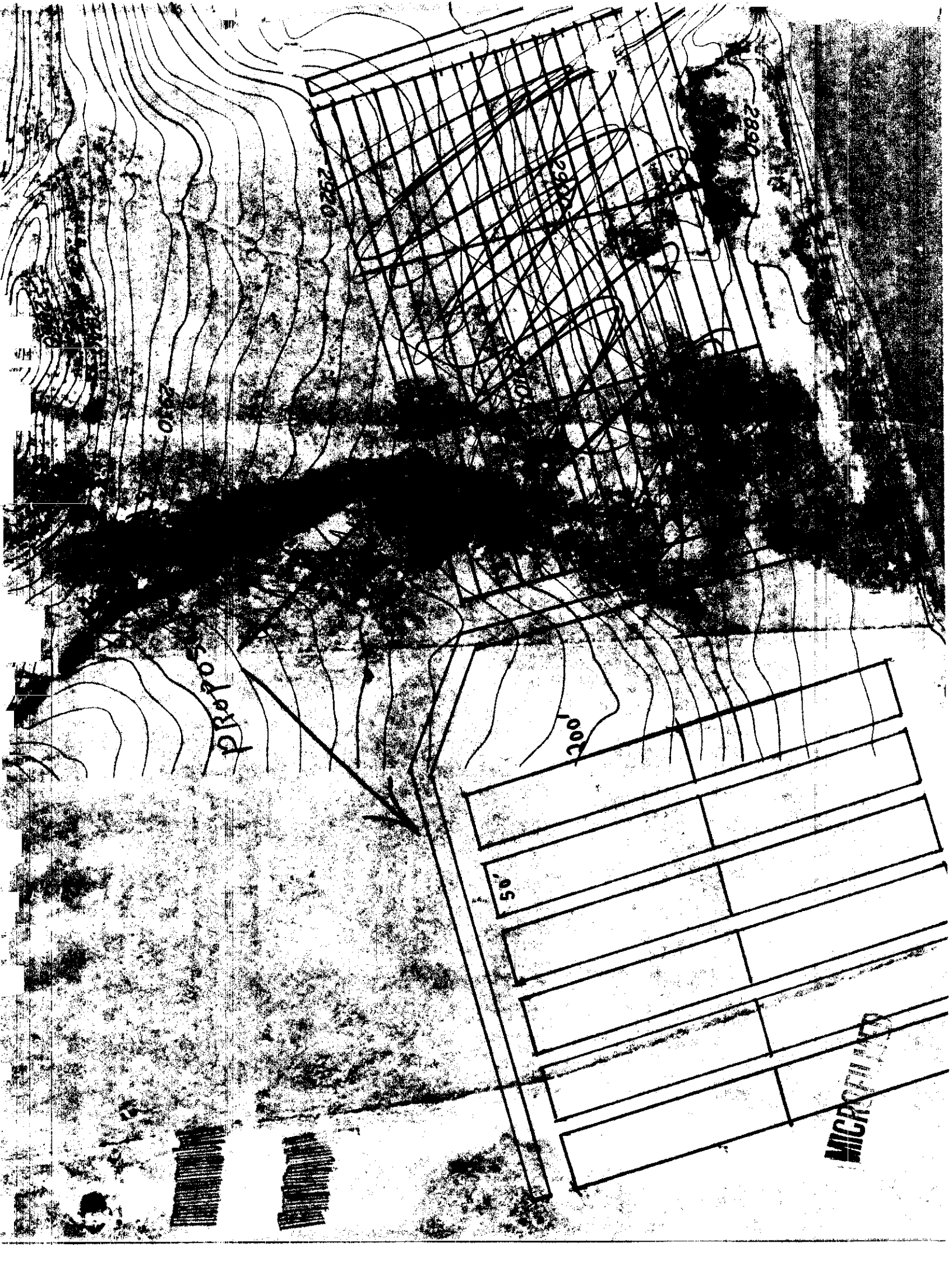
PLAINTIFF

State of Idaho
BILL TO



21c
15c
15c

Resources
Office



2890

2880

2870

2860

2850

200'

50'

MICROFILM

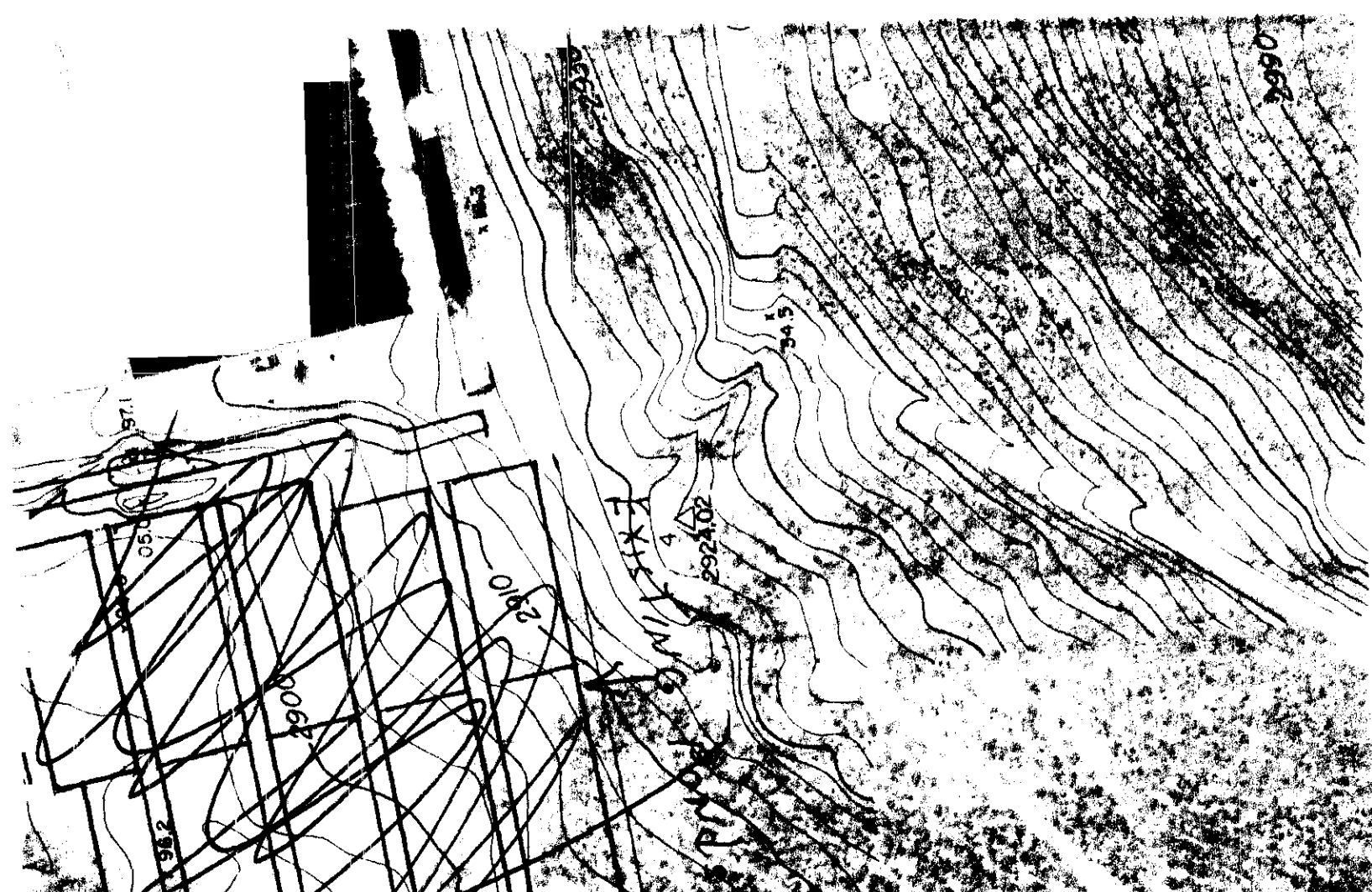
2840

2830

2820

2810

prop



1 AGREEMENT

2
3 PARTIES:

4 THIS AGREEMENT, made and entered into this 29th day of
5 December, 1976, by and between Richard Kaster and Edith Kaster,
6 husband and wife, who reside at Route 4, Buhl, County of Gooding,
7 State of Idaho, hereinafter referred to as "Kaster"; Clear Springs
8 Trout Co., an Idaho corporation with its mailing address being
9 P. O. Box 548, Buhl, County of Twin Falls, State of Idaho, here-
10 inafter referred to as "Clear Springs", and Harold E. Thomas and
11 Phyllis Thomas, husband and wife, of 5727 Hill Road, Boise, County
12 of Ada, State of Idaho, hereinafter referred to as "Thomas";

13 WITNESSETH:

14 WHEREAS, Kaster originally owned all of the property
15 described on Exhibit "A" attached hereto and made a part hereof
16 by reference, hereinafter referred to as Parcel "A", and,

17 WHEREAS, Kaster sold to Clear Springs a portion of
18 Parcel "A" described on Exhibit "B", which is attached hereto and
19 made a part hereof by reference, said parcel being referred
20 hereto as Parcel "B", and,

21 WHEREAS, Kaster has sold to Thomas a portion of Parcel
22 "A", a legal description of which is attached hereto as Exhibit
23 "C" and made a part hereof by reference, said parcel being
24 referred hereto as Parcel "C", and,

25 WHEREAS, Clear Springs has an option to purchase Parcel
26 "C" from Thomas, and,

27 WHEREAS, the parties to this agreement desire to make
28

1 certain agreements which are to the mutual benefit of all parties
2 concerned.

3 NOW, THEREFORE, it is understood and agreed as follows:

4 I.

5 Kaster shall have the right to use the spillwater from
6 Clear Springs' Box Canyon Hatchery from State of Idaho Water
7 Permit No. 36-7040 (300 c.f.s.) after the water has flowed through
8 the raceways constructed or to be constructed by Clear Springs or
9 Thomas upon Parcels "B" and "C".

10 Approximately 150 c.f.s. of water shall be made avail-
11 able to Kaster at the northeast corner of the tail ditch of the
12 existing facilities located on Parcel "B" until construction is
13 completed of the additional raceways on Parcel "C". Following
14 construction of the additional raceway facilities on Parcel "C",
15 delivery of such water to Kaster will thenceforth be made at the
16 north boundary of Parcel "C".

17 Approximately 150 c.f.s. of water shall be made avail-
18 able to Kaster at the southeast corner of the existing tail ditch
19 located on Parcel "B". Following Clear Springs' construction of
20 additional raceway facilities south of the existing facilities
21 located on Parcel "B", such water will be delivered for Kaster's
22 use at or near the south boundary of Parcel "B".

23 (a) Water delivered at the northeast corner of Parcel
24 "B" before construction on Parcel "C" shall be at an elevation
25 measured by the bottom of the northmost tail ditch. Water
26 delivered at the north boundary of Parcel "C" after construction

RECEIVED
MAY 10 1960

1 of the contemplated additional facilities will be delivered at an
2 elevation of 1½ feet below the bottom of the tail ditch of
3 existing facilities referred to above.

4 (b) Water to be delivered to Kaster at the southeast
5 end of the existing tail ditch shall be delivered at an elevation
6 measured by the bottom of said tail ditch at that point. Follow-
7 ing construction of the contemplated additional raceways on Parcel
8 "B" south of the existing facilities, the water to be delivered to
9 Kaster at or about the south boundary line of said Parcel "B" shall
10 be delivered at an elevation 3 feet below the bottom of the
11 south end of the tail ditch of the existing facilities. With res-
12 pect to both elevations, the purpose of these are illustrated by
13 the drawing on the attachment being Exhibit "D".

14 (c) Clear Springs agrees to construct upon Parcels "B"
15 or "C" or both, as Clear Springs determines, spill ditches to
16 return to the river water from Permit # 36-7040 which Kaster does
17 not use. Said spill ditches shall be of sufficient size to
18 return all water to the river during those times when Kaster uses
19 no water.

20 II.

21 Clear Springs agrees that Kaster shall have the use of
22 the above-referred-to water until and during construction as
23 follows:

24 (a) Until construction is commenced upon fish raceways
25 on Parcel "C" or the south side of Parcel "B", Kaster shall have
26 the right to pipe water from the above-referred-to points of
27 delivery across Parcels "B" or "C", as the case may be, for use in
28 fish ponds to be located on land north of Parcel "C" or south of
Parcel "B". Kaster shall be responsible for all such construction

1 the terms proposed by Kaster, Kaster shall, however, be at liberty
2 to deal with third parties on the terms offered to Clear Springs.

3 It is understood and agreed between the parties hereto
4 that the law firm of Hepworth, Nungester & Felton has been
5 retained by Clear Springs to represent Clear Springs.

6 The covenants in this contract shall extend to and bind
7 the heirs, personal representatives, assigns and successors of
8 the respective parties hereto.

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

12
13 Richard Kaster
14 Richard Kaster

15 Edith Kaster
16 Edith Kaster

17 CLEAR SPRINGS TROUT CO.

18 ATTEST:

BY Jess O. Estman
President

1 the undersigned, a Notary Public in and for said County and State,
2 personally appeared Richard Kaster and Edith Kaster, known to me
3 to be the persons whose names are subscribed to the foregoing
4 instrument, and acknowledged to me that they executed the same.

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

7
8 Alta Gannon
9 Notary Public for Idaho
Residing at Buhl, Idaho

10 STATE OF IDAHO :
11 : ss.
12 County of Twin Falls :

13 On this 31st day of December, 1976, before me, a
14 Notary Public in and for said State, personally appeared Jess O.
15 Eastman, Jr., and John C. Hepworth, President and Secretary of
16 the corporation that executed this instrument or the persons who
17 executed the instrument on behalf of said corporation, and acknowl-
18 edged to me that such corporation executed the same.

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

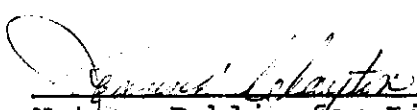
21 Alta Gannon
22 Notary Public for Idaho
23 Residing at Buhl, Idaho

24 STATE OF IDAHO :
25 : ss.
26 County of Ada :

27 On this 31st day of January, 1977, before me,
28 the undersigned, a Notary Public in and for said County and State,

1 personally appeared Harold E. Thomas and Phyllis Thomas, husband
2 and wife, known to me to be the persons whose names are subscribed
3 to the foregoing instrument, and acknowledged to me that they
4 executed the same.

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

7
8 
9 Notary Public for Idaho
10 Residing at
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1

EXHIBIT "A"

2

parcel "A":

RECEIVED, the full amount of all State, County, City, School, Road and other taxes for year 1977 due upon the following described property situated in Twin Falls County, Idaho, as shown by Assessment Rolls of said County, from

Richard H Kaster, et ux 12808-
Route #4
Buhl, Idaho 83316

Sec 28 T 8 R 14 412 B
Lot 3, exc S 587.0'; Lot 4, exc
N 1020'; Lot 7 exc S 660'

Paid

Acres	Values
1.75	84
7.75	128
25.75	45
14.80	
Buildings	

TOTAL ASSESSED VALUE

257

For 2nd Installment and Delinquent

Delinquent Tax

Penalty

Interest

SECOND INSTALLMENT

12.17

TOTAL PAID

Distribution of Consolidated Tax

Highway Tax	School Tax	Buhl Bridge
2.57	11.20	.77
City	State	County Tax
	.01	9.38
West End Cem.	Filer Rec.	Hagerman Fire
4.1		

ALL DELINQUENT TAXES ARE
NOTED BELOW

Certificate No.

Year

FULL CASH VALUE

1465

CODE	VALUE	AMOUNT
Consolidated Tax		
11	257	24.34
Less Exemption		
SUBTOTAL		
American Falls		
Weed Erad.		
Fire Protection		
TOTAL TAX		24.34
		Total Tax

1977

THIS RECEIPT IS ISSUED SUBJECT TO
BANK CLEARANCE OF CHECK

Personal Property	No.	Amount
Machinery		
Furniture and Fixtures		
S. S. Equipment		
House Trailer		
Other		

Check ☒
Cash ☐

Date 6-20-78

RUTH K. JONES, Tax Collector
Box 88 Twin Falls, Idaho 83301

By CR Deputy

RECEIVED

INTER-DEPARTMENT MEMO — 1

DATE 10/3/78

FROM Allen Merritt

TO File Applic 36-7824

SUBJECT Review of Financial Statement

I have reviewed a recent financial statement of Richard Kaster and this statement indicates that Mr. Kaster has sufficient resources to finance the proposed work outlined in his application # 36-7824.

ADM

SIGNATURE

MICROFILMED

AFFIDAVIT of PUBLICATION

State of Idaho, }
County of Gooding } SS.

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

each week for 2 consecutive issues in said newspaper
proper and not in a supplement; that the date of the first publication

of said advertisement was on the 28 day of September
1978, and the date of the last publication was on the 5
day of October, 1978.

Kim R. Compton
Subscribed and sworn to before me this
day of October, 1978.
(SEAL)

Garnes Clark
NOTARY PUBLIC

GOODING COUNTY LEADER Gooding, Idaho COST OF PUBLICATION

Number of Lines in Notice 48
Number of Insertions 2
Lines tabular at 315c
Lines straight at 48 21c 10.08
Subsequent lines at 48 15c 7.20
TOTAL COST 17.28

PUBLICATION RATES		
(Idaho Code, Rev. Statutes 1971)		
7 pt. per line, straight	21c	
7 pt. per line, tabular	315c	
7 pt. per line, successive insertions	15c	

RECEIVED
27726
OCT 10 1978
No. 1805
Department of Water Resources
Southern District Office

MICROFILMED



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

September 6, 2000

BC HYDRO LTD
6405 S 3000 E #201
SALT LAKE CITY UT 84121

RE: Change of Ownership for Water Right 36-07824

Dear Water Right Holder(s):

The department acknowledges receipt of correspondence changing ownership of the above referenced water right to you. The department has modified its records to reflect the change in ownership and has enclosed a computer-generated report for your records. Also enclosed is a receipt for the \$25.00 filing fee.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

Please feel free to contact the department if you have questions.

Sincerely,

for Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosures

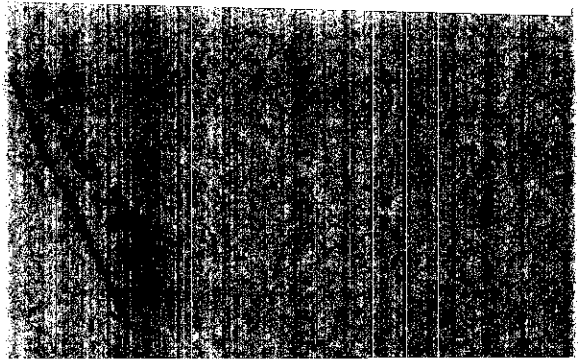
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SEP 11 2000

RECEIVED

JUL 20 2000

Department of Water Resources



IDAHO DEPAF

10

E

MANTECH
146
LAKE



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

July 11, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

MANTECH INC
1400 S FOOTHILL DR
SUITE 525
SALT LAKE CITY UT 84108

RE: Water Right 36-07824

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed license confirming that a water right has been established in accordance with Section 42-219, Idaho Code. We found that this right has been partially decreed in the Snake River Basin Adjudication (SRBA), however pursuant to Section 42-1421, Idaho Code, we must complete the statutory licensing procedure. We have included copies of the above referenced sections of Idaho Code for your convenience. Once the license has been issued the Department will reflect the completion of the licensing process in its water rights database. Please note that we have also included an Order Advancing the Date of Priority for this water right.

The license is a preliminary order issued by the Department pursuant to Section 67-5243, Idaho Code. It can and will become a final order without further action of the Department unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.

Also, please note that water right owners are required to report any change of water right ownership and/or change of mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet at <http://www.idwr.state.id.us/> to obtain the proper reporting form.

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

Sincerely,

Shelley W. Keen
Water Rights Supervisor

MICROFILMED

JUL 14 2000

Enclosures

CERTIFICATE OF MAILING

I hereby certify that on the 11th day of July, 2000, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved License) to the person(s) listed below:

RE: Water Right 36-07824

MANTECH INC
1400 S FOOTHILL DR
SUITE 525
SALT LAKE CITY UT 84108


Kari Lynn Townsend
Secretary

MICROFILMED

JUL 14 2000

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

REQUEST FOR HEARING

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

MICROFILMED
JUL 14 2000

FINAL ORDER

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

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

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

SRBA

PARTIAL DECREE 36-07824

Issued on 01-15-1998.

This is not an official copy.

Contact IDWR or the Court for a Certified Copy.

Choose Landscape Orientation when printing.

NAME AND ADDRESS:	B.C. HYDRO LIMITED PARTNERSHIP RICHARD N. GREEN, PRESIDENT 1400 S FOOTHILL DRIVE #B25 SALT LAKE CITY, UT 84108		
SOURCE:	BOX CANYON SPRING	TRIBUTARY:	SNAKE RIVER
QUANTITY:	300.00 CFS		
PRIORITY DATE:	09/13/1978		
POINT OF DIVERSION:	T08S R14E S28	SWNE SENE	Within Gooding County
PURPOSE AND PERIOD OF USE:	PURPOSE OF USE Power	PERIOD OF USE 01-01 TO 12-31	QUANTITY 300.00 CFS
PLACE OF USE:	Power	Within Twin Falls Co	
	T08S R14E S28 LOT 03 (SWNW)	LOT 04 (NESW)	
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT: THIS RIGHT IS CONDITIONED UPON COMPLETION OF THE APPROPRIATION IN ACCORDANCE WITH THE STATUTORY PROCEDURE FOR APPROPRIATION OF WATER RIGHTS. THIS RIGHT REMAINS SUBJECT TO ALL CONDITIONS SET FORTH IN THE PERMIT UPON WHICH THIS RIGHT IS BASED, AND WILL BE SUBJECT TO ALL CONDITIONS SET FORTH IN THE LICENSE ISSUED BY IDWR UPON COMPLETION OF THE STATUTORY APPROPRIATION PROCESS. THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).			

[Return to SRBA Home Page](#)

*signed copy
not available at
this time - per
Sandy Egbert 6/16
RW*

MICROFILMED
JUL 14 2000

SRBA SUBCASE SUMMARY REPORT 36-07824

Return to SRBA Home Page

SRBA

SUBCASE SUMMARY REPORT

HTML12

06-14-2000

SUBCASE: 36-07824

FILE#: 00597

CLAIMANT: B.C. HYDRO LIMITED PARTNERSHIP

STATUS: PD ISSUED

WATER SOURCE: BOX CANYON SPRING, SNAKE RIVER

****** PARTIES INVOLVED ******

B.C. HYDRO LIMITED PARTNER C PRO SE

****** ROA ENTRIES ******

07-20-1994 CHANGE OF ADDRESS FILED

01-15-1998 PARTIAL DECREE FILED

01-15-1998 CERTIFICATE OF MAILING - PARTIAL DECREE

07-20-1994
01-15-1998

Return to SRBA Home Page

MICROFILMED
JUL 14 2000

Goding Co.

85

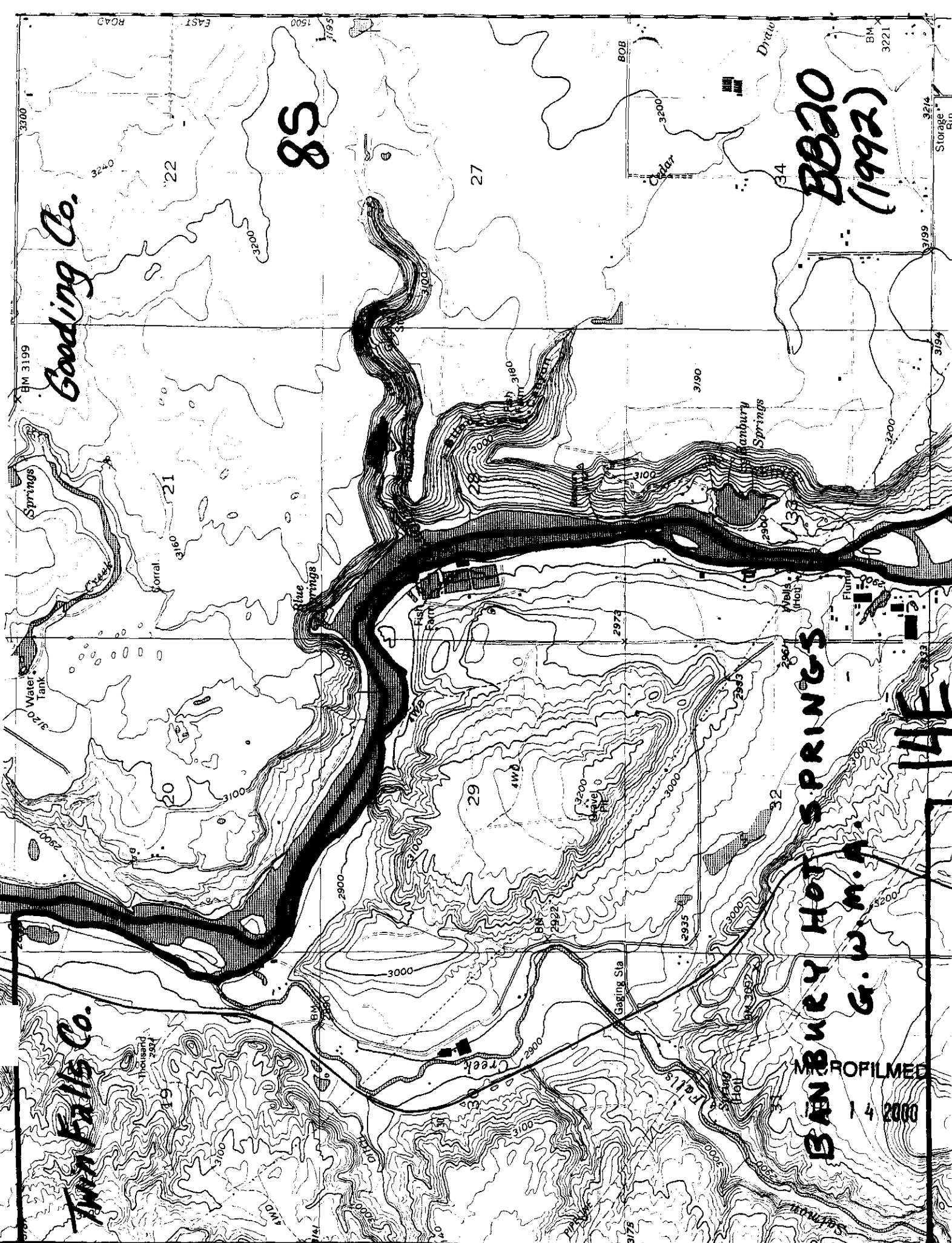
**BB20
(1992)**

BANBURY HOT SPRINGS

G.W.M.A.

14E

**MICROFILMED
14 2000**



MEMORANDUM

TO: File 36-07824

FROM: Kay Walker

RE: License Recommendations

Date: June 12, 2000
.....

This permit has been decreed by the SRBA Court as a permit and I was asked to pursue licensing so we could clear up our records. I reviewed the file and prepared a license based on findings of field examiner.

The field examiner did not address a diversion volume on his recommendation. I have used a maximum diversion volume of 217193.3 AF as was used on licenses for Clear Springs that were issued using the same water as being licensed under this permit. License 36-07040 was recommended to the SRBA Court using 300 cfs and 217193.0 AFA. License 36-08080 (not required to be included in the SRBA) was issued for 300 cfs and 217193.3 AFA. The volume is based the following: $300 \text{ cfs} \times 1.9835 \times 365 \text{ days/year} = 217193.3 \text{ afa}$. Since this license is for same water as above licenses, I recommend we use same volume amount.

Proof of beneficial use for this right was filed on February 16, 1984. Since 10 years have passed since proof was made, I had recommended review by the Director on 2/16/2004. Since there is not much time between today and 2004, Shelley recommended we allow 20 years from today for review by the Director. I have corrected my recommendation to show review by the Director to be June 12, 2020.

MICROFILMED
JUL 14 2000

LICENSE REVIEW CHECKLIST

Permit No. 36-07824 Date: 10-8-2000 Reviewer: Kay Walker

Change/OK

Name/Address OK

Source OK
Point of Diversion: OK

Does change clarify original intended source? If no, void permit.
Change (P39/P49) Add (P45/P44) Feds (P43) - see memo of

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

7/10/92 by
Sharla Curtis

Place of Use OK

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

W60 (subdivision description)
W27 (ppu acre limit)

Overlaps: Right(s): 36-08080, 36-07040
File reviewed ✓ Profile reports printed ✓

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

Rate of Diversion:

Permitted rate 300 cfs
Fee Limit 300 cfs
Measured 300 cfs
Theoretical 300 cfs

Recommended Total Diversion Rate 300

Water Uses OK

Change (P46)

Irrigation 300 cfs af
Stockwater 300 cfs af
Domestic 300 cfs af
power 300 cfs 217193.3
Total 300 cfs 217193.3

Irrigation - overlap (R58-R61, R62-R65, R66-R69)
supp. Gw (WB7/065/079)
overlap spec combined rts (W35)
>1 acre (W31)
Domestic (W01/wb5/070/071/075)
Power (W42 or W43/025/027/R22 or R23)
Fish (042)
Fire (077)
Water Quality (081/R07)
Payette - (W22/047/27A)

Rt. claimed
as permit -
"A01" on
decree

P/D OL's

W36 - 36-07040
- 36-08080
permits 36-07334
no 36-07040
af proof 36-07040

see
memo
of 6/12/2000

Volume Determination

300 cfs x 1.9835 x 365 days = 217193.3 af (vs) _____ acres x _____ (FHR) = _____ af

Remarks: W35 - gnt volume 004, W36

Additional Conditions ✓ Watermaster Control
✓ GW Measurement/Measuring Device
✓ Other
✓ Trust (052/R55 - remove 051)
Non-trust (048/049)

Government Lots? yes

Advance Priority? ✓ yes
no

If yes, explain why below.

late exam fee

SRBA Claim? yes

Adjust memo _____

Amend Letters _____

P87, S06

Second Amendment Notice _____

S06

MEMORANDUM

TO: File 36-07824

FROM: Kay Walker *kw*

Date: June 6, 2000

RE: Licensing Recommendations
.....

In a review of this file, I found that the measuring device condition had been complied with. The water under this right is measured when it is diverted under Rts. 36-07040 and 36-08080, which have the same point of diversion, before it is discharged to the power use under this permit.

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CALCULATION OF NEW PRIORITY DATES LATE EXAM FEES

FOR PERMIT NO. 36-07824
 BY: Kay Walker
 DATE: 6-8-2000

	DATE	NUMBER OF DAYS (From Table of Days Between Two Dates)
A. EXAMINATION FEE NOTICE SENT	<u>2-2-88</u>	<u>33</u>
B. DATE FEE DUE (60 days)	<u>4-3-88</u>	<u>93</u> ($365 - 93 = 272$)
C. DATE FEE RECEIVED - <i>see letter of 1/20/89</i>	<i>Rec'd</i> <u>1-25-89</u>	<u>25</u> + 272
D. NUMBER OF DAYS LATE (C - B) <i>fee receipted 2/7/89</i>		<u>297</u>
E. ORIGINAL PRIORITY DATE (Check Reinstatement, etc)	<u>9-13-78</u>	<u>256</u> $\begin{matrix} 553 \\ - 365 \\ \hline 188 \end{matrix}$
F. NEW PRIORITY DATE (D + E)	<u>7-7-79</u>	<u>188</u>

REMARKS:

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JUL 14 2000

DATE: 06/08/00
PAGE: 1

Misc: Water District Number: Field Exam Fee: R (Received)

no SRBA claim
not reqd.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECORDED
NOV 19 1991

Department of Water Resources

A. GENERAL INFORMATION

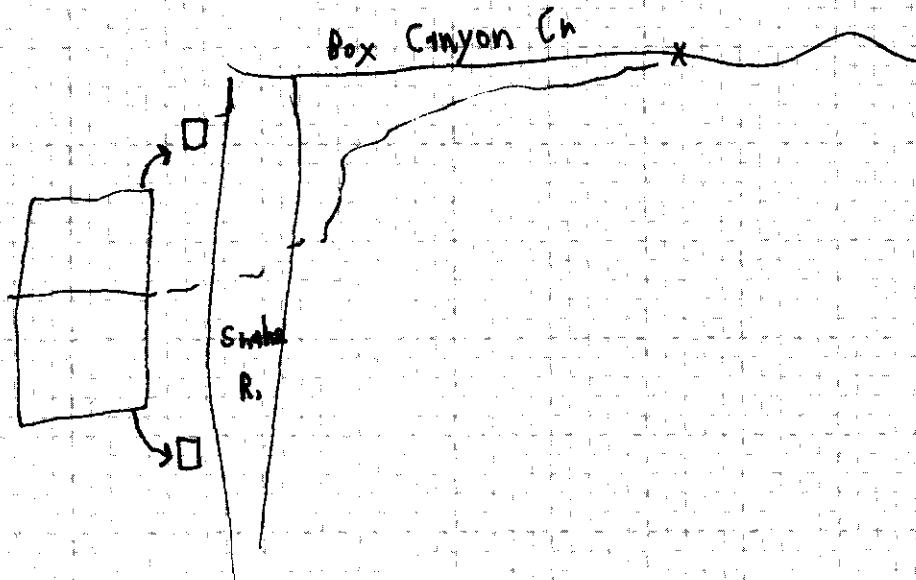
1. Owner: Mantech, Inc. Permit No. 36-7824
Current Address: 515 S. 700 E., Suite 3A, Salt Lake City, UT 84102 (Richard Greene) Phone No. 801-363-1241
2. Accompanied by: Scott Kester EXAM. DATE: 8-7-91
Address: RT. 3 Box 430, Duhl, ID Phone No. 543-5971
Relationship to Permit Holder: plant operator
3. Source: Box Canyon Spring tributary to Sage River
Creek

B. OVERLAP REVIEW

1. Other water rights with same place of use: — ☐ Copies Attached
2. Other water rights with same point of diversion: 36-7040, 36-7797 ☐ 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).

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11/14/2000

System Description (continued)

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

Existing diversion works From Box Canyon Creek, pipeline under Snake River to Clear Springs Trout Co. power/fish propagation Facility.
 North plant - Electric Machinery Mfg. Co. synchronous generator #504169
 150 kW at 200 rpm. Produces 125 kW AC power per meter in building. About 17' head
 South plant - same equipment, no tag. About 13' head. 75-80 AC kW generation

☐ See Remarks on page 4 for continuation

4.

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

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

5. Point(s) of Diversion:

Ident. No.	Gov't. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		NE	SW	NE	28	85	14E	Gooding	Site inspection, good map
		SW	NW	NE					
	3		SW	NW					Re-div. to north plant
	4		NW	SW					Re-div. to south plant

6. Place(s) of Use:

Indicate Method of Determination

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
85	14E	28							LT 3 P										

Do not use this space

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JUL 1 1980

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

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

2. Measurements:

Flow from Box Canyon diversion previously measured & licensed for 300 cfs where pipeline enters Clear Springs Trout Co. system.

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method:

2. Alternate Method for Checking Purposes:

F. PUMP EFFICIENCY DATA (Optional)

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

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

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

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

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

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

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

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

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

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

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

2. Volume Calculations for Other Uses:

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JUL 14 2000

H. REMARKS AND OVERLAP REVIEW ANALYSIS

Source could be deemed to be wastewater, since the water does not enter the permit holder's system until after being used for fish propagation & power production by Clear Springs Trout Co. The diversion works from Box Canyon Creek to the Clear Springs Facility were built & are controlled by Clear Springs.

Plants are designed for 150 cfs each. Spill not reaching north plant estimated 3 cfs. South plant loses 15-20 cfs to hatchery building for Clear Springs, etc.

Water discharges into Snake River directly below power plants.

North plant should get 145 cfs, & south plant should get 130 cfs, according to Clear Springs Trout Co. Recommend this amount be licensed.

Recommend requirement for inlet & outlet measuring devices be removed - not practical & would not provide any needed information.

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Power	1-1	12-31	275.0	17,091.711
Totals:			275.0	

2. Recommended Amendments

☒ Change P.D. as reflected above

☐ Add P.D. as reflected above

☐ None

☐ Change P.U. as reflected above

☐ Add P.U. as reflected above

☐ Other

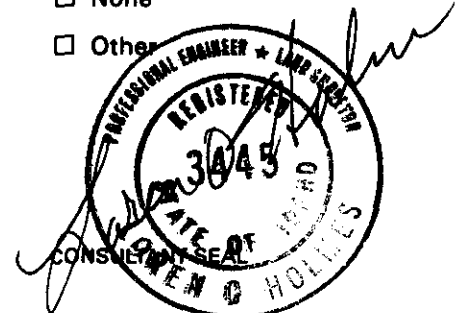
J. AUTHENTICATION

Field Examiner's Name J. E. Stenton

Signature J. E. Stenton

Certification Date 8/10/91

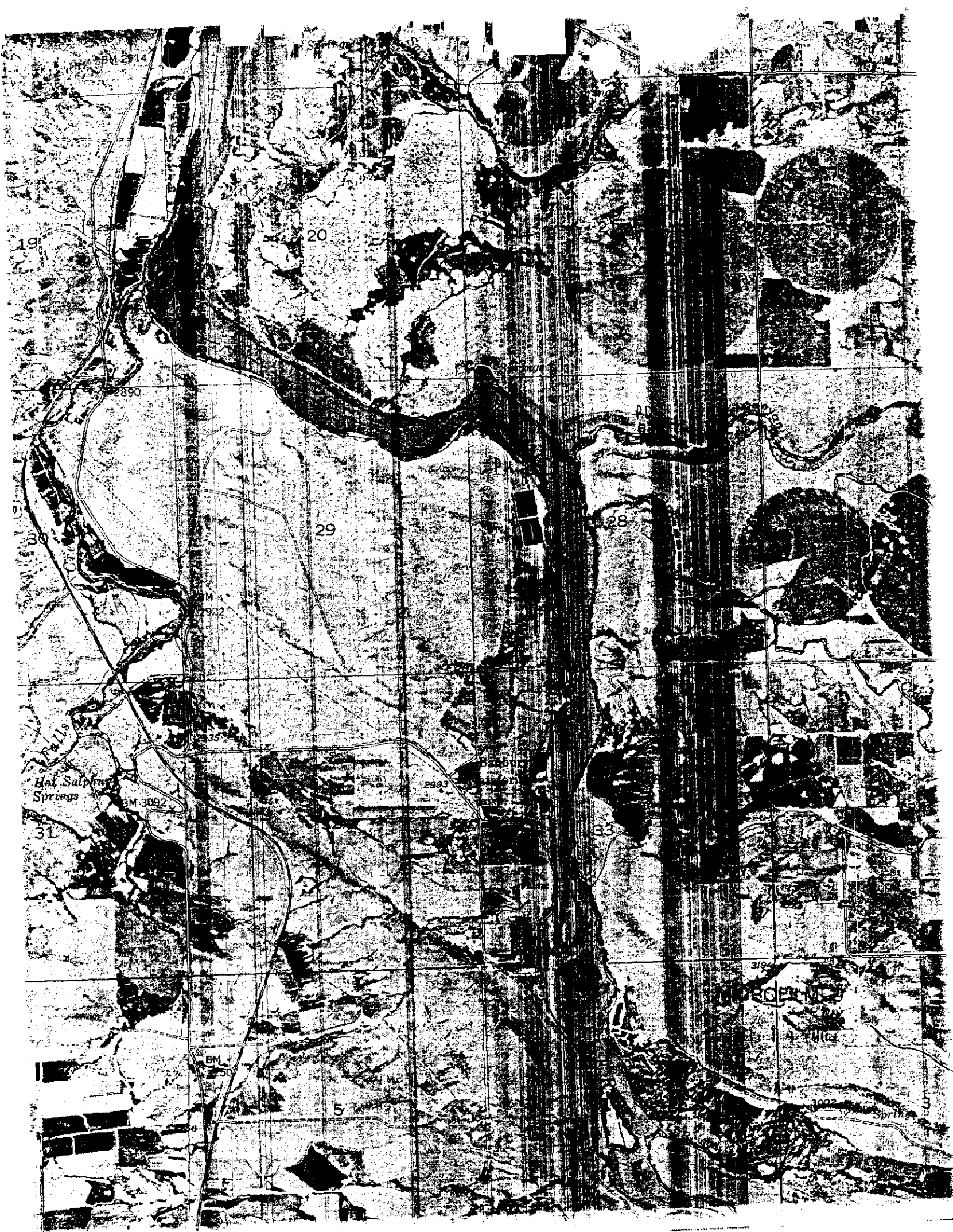
Field Report Preparation Date 8-8-91



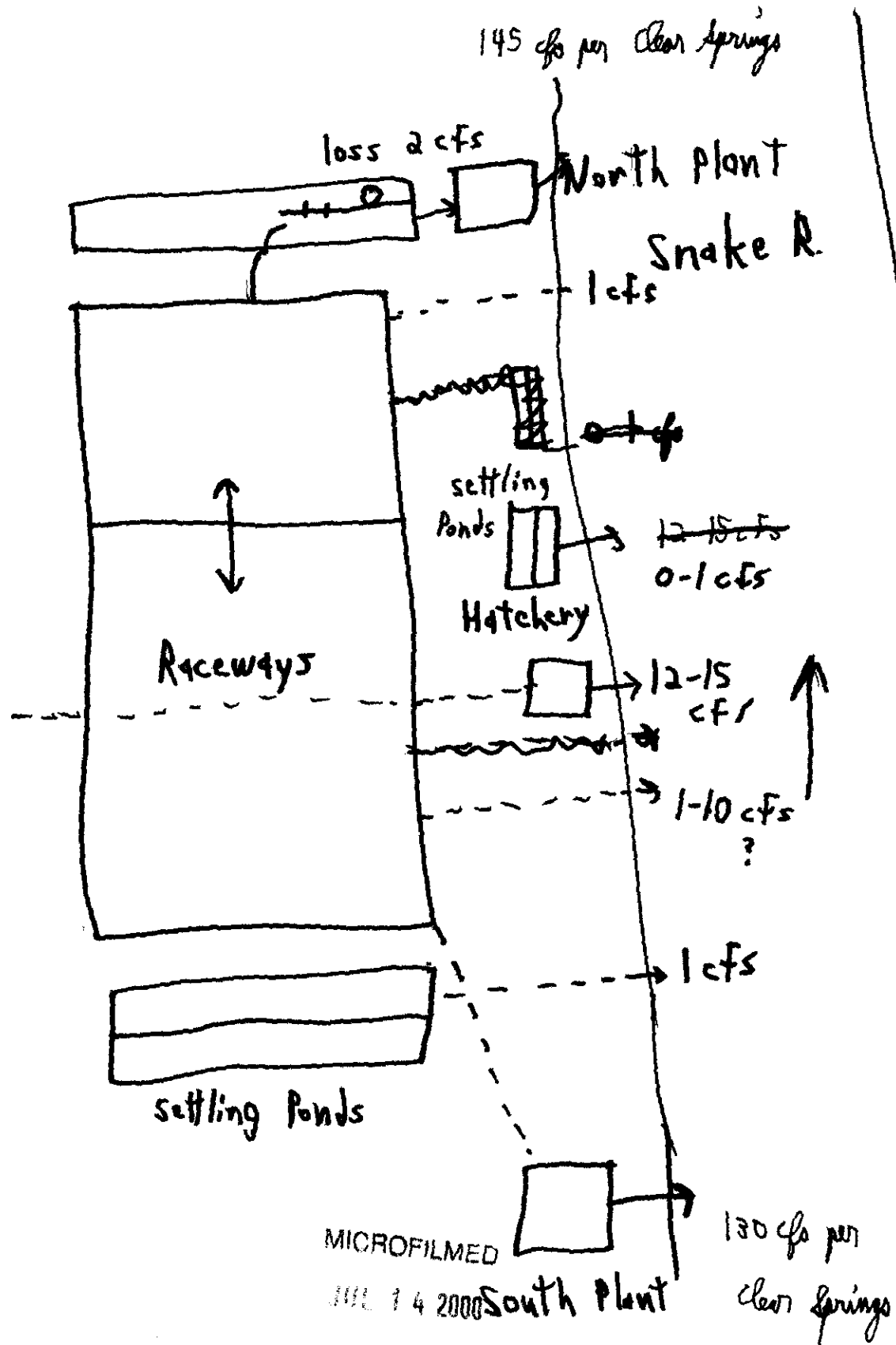
K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.

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JUL 14 2000



36-7824



36-7824



North Plant Power Meter

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JUL 14 2000

36-7824

North plant
Generator



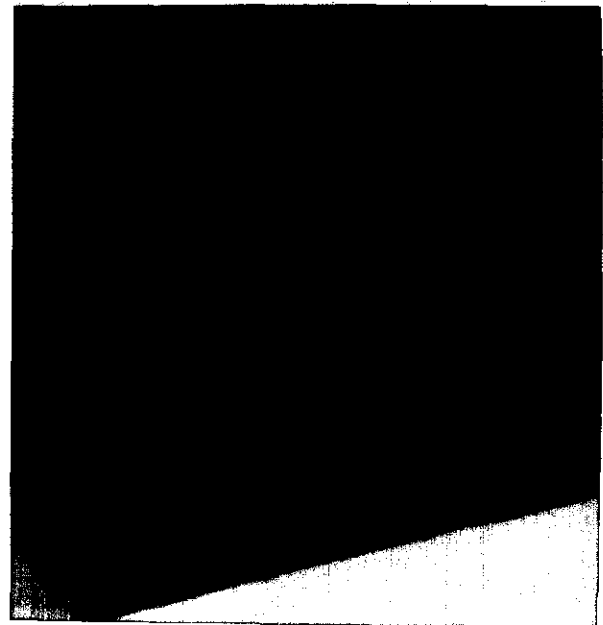
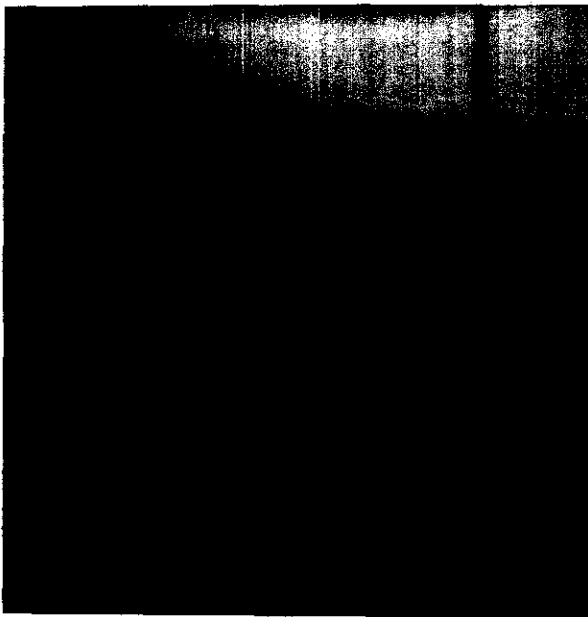
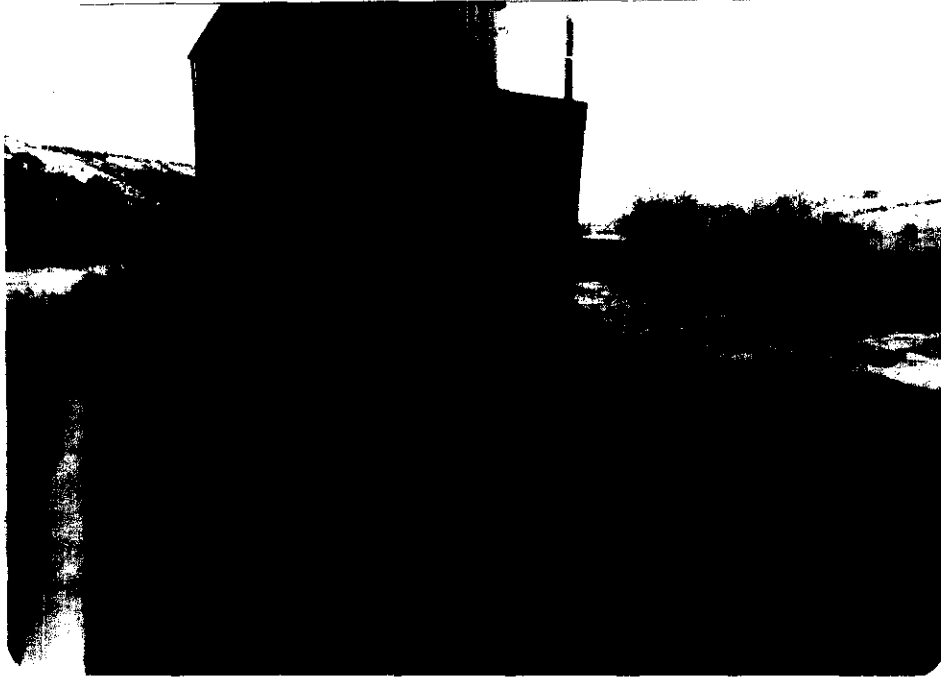
outlet to
Snake R.



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36-7824

North Plant
Inlet



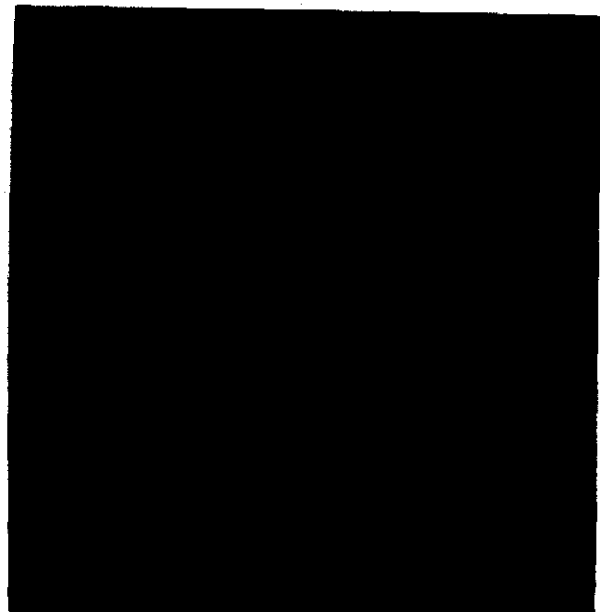
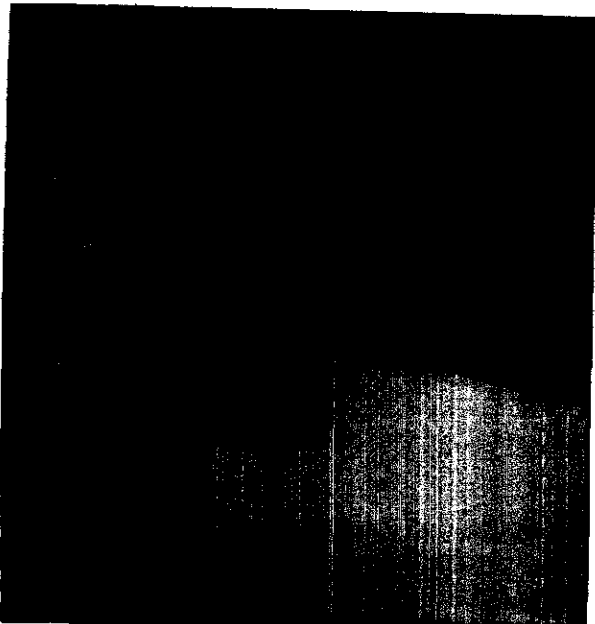
Inlet

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JUL 14 2000

Seepage Loss From Inlet

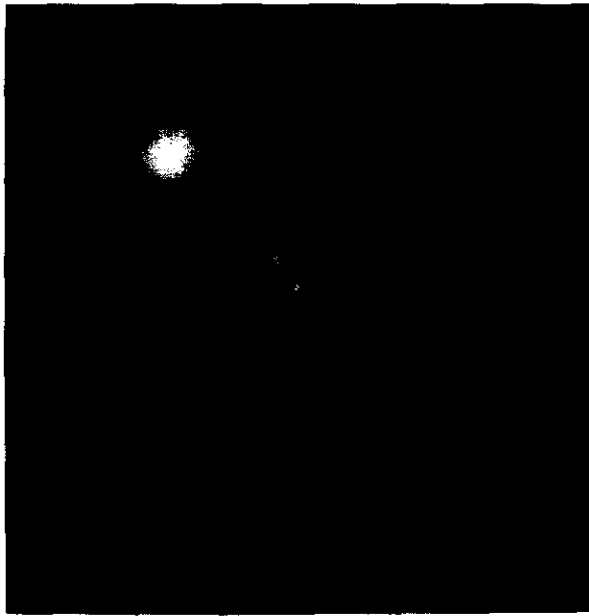
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Inlet Canal - South Plant



36-7824

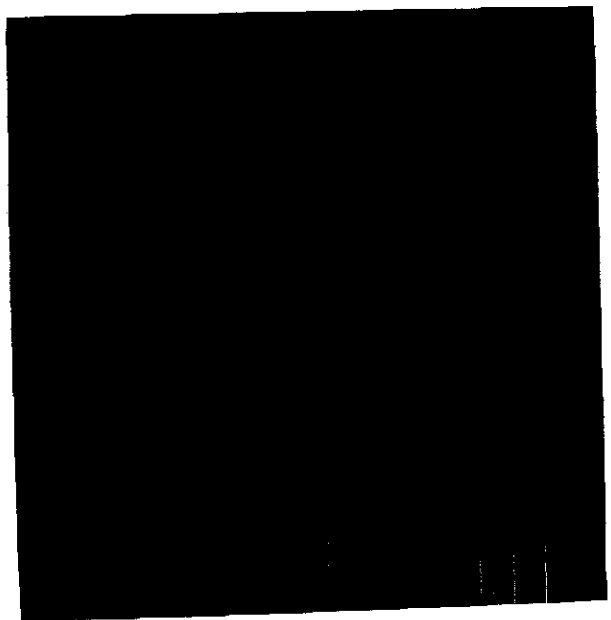
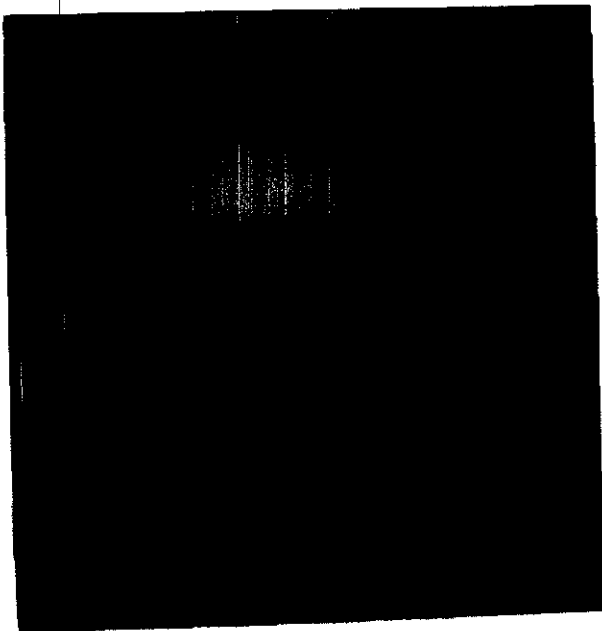
NOT
RECORDED



Power Meter -
South Plant

South Plant Outlet

Generation



RECEIVED

AUG 06 1993

Department of Water Resources

RICHARD N. GREENE

Certified Public Accountant

1400 South Foothill Dr., Suite B25

Salt Lake City, Utah 84108

(801) 581-9095
FAX (801) 581-9280

August 4, 1993

Idaho Department of Water Resources
1301 North Orchard
Boise, ID 83706-2237

RE: B.C. Hydro Limited Partnership
Mantech, Inc.

To whom it may concern:

There has been a change of address that we have notified you about recently. We just received the receipt for the water rights and our old address is still being used. Please update your records as soon as possible to our new address, which is as follows:

B.C. Hydro Limited Partnership
1400 S. Foothill Dr., Suite B25
Salt Lake City, UT 84108
(801) 581-9095

Kindest personal regards,



Richard N. Greene

*Addr. updated
in database 6/1/99
SC*

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JUL 14 2000

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Richard Kaster

Project No. 4608-004
Idaho P: 36-7824

ORDER AMENDING EXEMPTION

(Issued March 30, 1993)

On March 12, 1993, Richard Kaster, exemptee for the Kaster Riverview Project, FERC No. 4608, filed a request for an amendment of his exemption with the Commission. The amendment would revise the project description to reflect its installed capacity.

The project is authorized with an installed capacity of 316 kW. The actual total nameplate capacity of the units installed is 300 kW. The generating units installed are similar to what was exempted by the Commission and there is no change in the hydraulic capacity of the project.

This minor change in installed capacity will not result in any additional environmental impacts other than those identified during the original project review. The issuance of this order is necessary to revise the project's description to reflect the actual installed capacity.

Director orders:

(A) The exemption for the Kaster Riverview Project, FERC No. 4608, is revised as provided by this order, effective the first day of the month in which this Order Amending Exemption is issued.

(B) Appendix A of the Notice of Application for Exemption for Small Hydroelectric Power Project under 5 MW Capacity, issued December 9, 1981, is revised, in part, to read as follows:

Project Description: the project consists of (1) a diversion structure on Box Canyon Springs; (2) a flume and a pipeline which directs water to the Box Canyon Fish Hatchery; (4) a rectangular flume, approximately 65 feet long, leading to; (5) the North Powerhouse which contains one generating unit with a generator nameplate rating of 150 kW; (6) a penstock, approximately 50 feet long, leading to;

Order Granting Exemption from Licensing of a Small Hydroelectric Project of 5 MW or Less, issued February 26, 1982, 18 FERC 162,320.

DC-A-1

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JUL 14 2000

-2-

(7) the South Powerhouse which contains one generating unit with a generator nameplate rating of 150 kW, for a total installed project capacity of 300 kW.

(C) The exemptee shall notify the Commission of any future proposed changes to the project prior to implementing them.

(D) This order constitutes final agency action. Requests for rehearing by the Commission may be filed within 30 days of the date of issuance of this order, pursuant to 18 C.F.R. §385.713.

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

RECEIVED

APR - 6 1993

Department of Water Resources

RICHARD N. GREENE

Certified Public Accountant

515 South 700 East, Suite 3R

Salt Lake City, Utah 84102-2812

(801) 322-3513
FAX (801) 322-3620

RECEIVED

OCT 05 1992

Department of Water Resources

October 2, 1992

Sharla Curtis
State of Idaho
Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, ID 83720-9000

Dear Sharla:

In response to your letter dated July 1, 1992 it is with great difficulty and reservation to consent to a reduction below the 300 cfs. This is primarily due to the fact of the dispute that exists between Clear Springs Foods (Clear Springs) and Richard Kaster (Kaster).

I sent a copy of your letter to Larry Cope, President and CEO of Clear Springs. Mr. Cope acknowledges the dispute between his company and Kaster and also stated that the water being delivered to the power plants is between 283.5 cfs and 290.5 cfs. A copy of Mr. Cope's letter is enclosed.

On December 29, 1976 Kaster signed an agreement with Clear Springs Trout Company (now known as Clear Springs Foods). A copy of this agreement is enclosed. It is Kaster's position that this agreement requires Clear Springs to deliver 300 cfs to the point specified in the contract. Clear Spring's position is that they are to provide the 300 cfs to Kaster only if they have it. This is why the copy of the contract, dated August 17, 1984, that I provided earlier, titled License, Easement and Option Agreement, states in paragraph 2A that a dispute exists over the nature of the water rights and references the December 29, 1976 contract.

If I was to consent to a reduction in our water rights, I would be subject to potential litigation from Kaster in establishing a position for Clear Springs to resolve their dispute. I cannot be put in that position.

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JUL 14 2000

Sharla Curtis
October 2, 1992
Page -2-

Another concern is if Clear Springs was to abandon their facility, who would have the right to the water? If I agreed to an amount less than 300 cfs, would I lose that portion of the 300 cfs currently being delivered to the property? For example, if I agreed to a reduction to 280 cfs and Clear Springs abandoned their facility, would I lose the rights to the additional 20 cfs?

Because I represent a group of limited partners, I have a fiduciary responsibility in looking out for their best interest. If I consent to a reduction in the water rights without adequate legal counsel knowing I have exhausted all my rights, I could possibly be damaging the value of their asset. I therefore, subject myself again to potential litigation.

As you can see I am in a situation of bringing litigation on myself by consenting to the reduction below 300 cfs unless I am willing to spend a great deal of money and time to defend the 300 cfs level. Therefore, I propose that the permit be left at 300 cfs. If this is not possible, then the Idaho Attorney General might be needed to help resolve the dispute between Kaster and Clear Springs regarding the 1976 agreement. Your consideration on this matter will be greatly appreciated.

Kindest personal regards,

Richard N. Brown

Richard N. Greene

RNG:csd
Enclosures

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CLEAR SPRINGS FOODS, INC.
Corporate Office P.O. Box 712, Buhl, Idaho 83316

Phone 208 543-4316
Sales 800 635-8211
Fax 208 543-5608

July 24, 1992

Richard N. Greene
B.C. Hydro Limited Partnership
515 South 700 East, Suite 3R
Salt Lake City, Utah 84102-2812

Dear Richard:

I am responding to your letter of July 17th regarding your negotiations with the Idaho Department of Water Resources (IDWR) with respect to permit 36-7824.

Before addressing the matter of the discharges from Clear Springs I note that the second paragraph of the letter to you from Sharla Curtis of IDWR indicates that they (IDWR) have reviewed the agreement with Clear Springs and determined that "The agreement in fact granted Mantech Inc. the receipt and utilization of 300 cfs." We find that to be a misstatement of fact. You may direct their attention to Section 2. A. Dispute as to nature of rights; reservation of rights of the August 17, 1984 agreement so there is no misunderstanding.

I have reviewed the diagram IDWR sent to you showing their measurements with respect to discharges from Clear Springs' facilities. They (IDWR) have identified three categories of discharges.

1. Discharges directly back to the Snake River. I have noted these as points "A" on the diagram. These represent alternative points of discharge in the event that primary discharge points are not available. The amount observed during the field exam is simply a nominal amount of leakage in such small volume as to be, for practical purposes, unmeasurable. The amount of two (2) cfs attributed to this source is overstated.

2. Discharges from settling ponds. Water is only directed toward the settling ponds (noted as points "B" on the diagram) during working hours; not a continuous flow. Our operations periods for which this flow is required represent approximately seven (7) hours per day, six (6) days per week.

We estimate that the combined flow from both items #1 and #2 above represent at most one and one half (1.5) cfs. That amount may vary somewhat as dictated by future circumstances.

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JUL 14 2000

Richard N. Greene

July 24, 1992

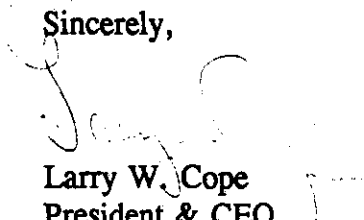
Page 2

3. Discharge from our hatchery building. This point of discharge is identified on the diagram as point "C". The flows through the hatchery building are continuous but variable. Flows through the hatchery building would range from eight (8) cfs to fifteen (15) cfs.

In summary it would appear that the water currently delivered to points other than those noted above would be an approximate range Two Hundred eighty three and one half (283.5) cfs to Two Hundred Ninety and one half (290.5).

I hope you find this information helpful. Please feel free to contact me should you have questions. Thank you.

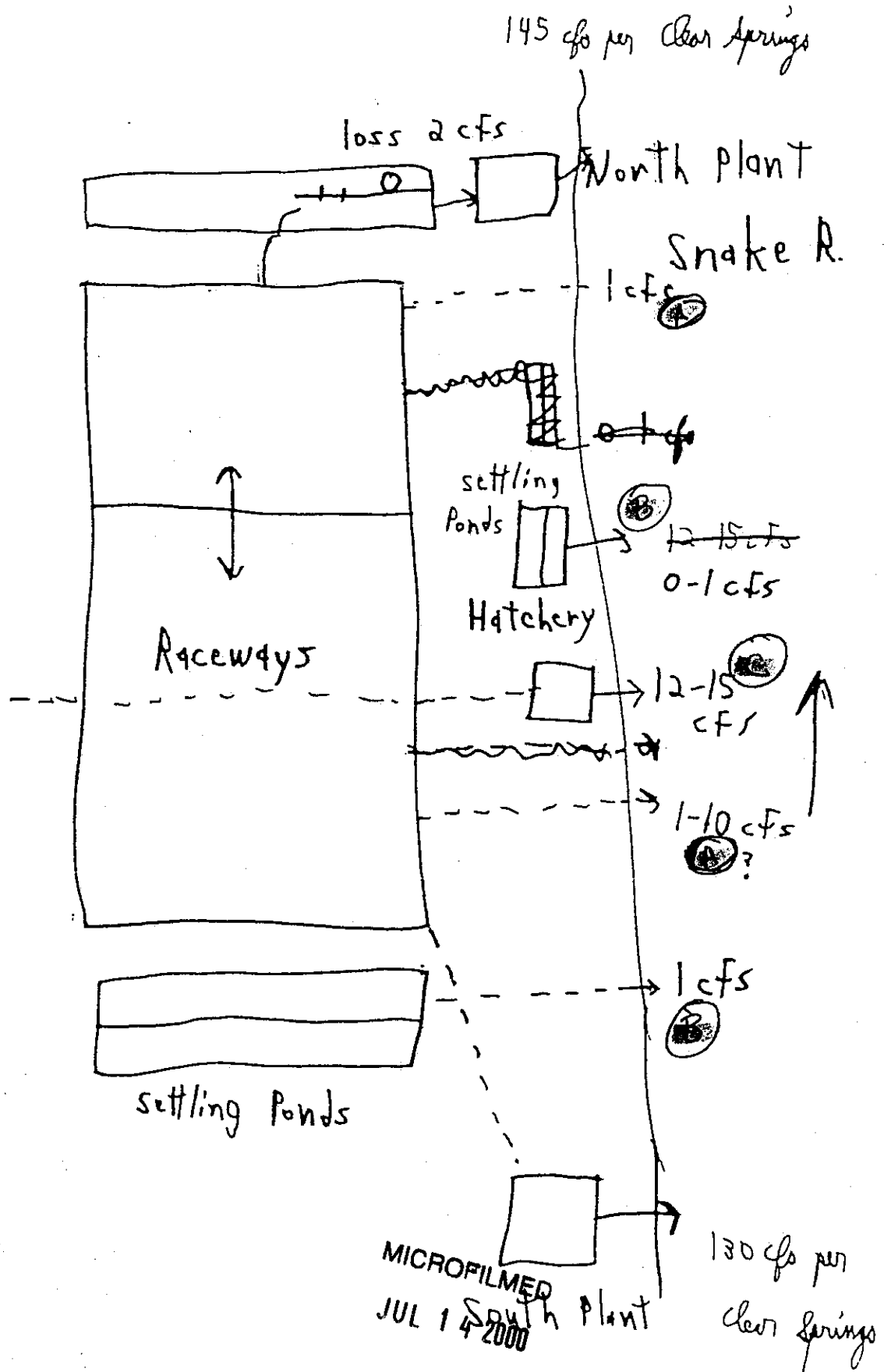
Sincerely,


Larry W. Cope
President & CEO

Enclosure

MICROFILMED
JUL 14 2000

36-7824



AGREEMENT

COPY

PARTIES:

THIS AGREEMENT, made and entered into this 29th day of December, 1976, by and between Richard Kaster and Edith Kaster, husband and wife, who reside at Route 4, Buhl, County of Gooding, State of Idaho, hereinafter referred to as "Kaster"; Clear Springs Trout Co., an Idaho corporation with its mailing address being P. O. Box 548, Buhl, County of Twin Falls, State of Idaho, hereinafter referred to as "Clear Springs", and Harold E. Thomas and Phyllis Thomas, husband and wife, of 5727 Hill Road, Boise, County of Ada, State of Idaho, hereinafter referred to as "Thomas";

WITNESSETH:

WHEREAS, Kaster originally owned all of the property described on Exhibit "A" attached hereto and made a part hereof by reference, hereinafter referred to as Parcel "A", and,

WHEREAS, Kaster sold to Clear Springs a portion of Parcel "A" described on Exhibit "B", which is attached hereto and made a part hereof by reference, said parcel being referred hereto as Parcel "B", and,

WHEREAS, Kaster has sold to Thomas a portion of Parcel "A", a legal description of which is attached hereto as Exhibit "C" and made a part hereof by reference, said parcel being referred hereto as Parcel "C", and,

WHEREAS, Clear Springs has an option to purchase Parcel "C" from Thomas, and,

WHEREAS, the parties to this agreement desire to make

COPY

1 certain agreements which are to the mutual benefit of all parties
2 concerned.

3 NOW, THEREFORE, it is understood and agreed as follows:

4 I.

5 Kaster shall have the right to use the spillwater from
6 Clear Springs' Box Canyon Hatchery from State of Idaho Water
7 Permit No. 36-7040 (300 c.f.s.) after the water has flowed through
8 the raceways constructed or to be constructed by Clear Springs or
9 Thomas upon Parcels "B" and "C".

10 Approximately 150 c.f.s. of water shall be made avail-
11 able to Kaster at the northeast corner of the tail ditch of the
12 existing facilities located on Parcel "B" until construction is
13 completed of the additional raceways on Parcel "C". Following
14 construction of the additional raceway facilities on Parcel "C",
15 delivery of such water to Kaster will thenceforth be made at the
16 north boundary of Parcel "C".

17 Approximately 150 c.f.s. of water shall be made avail-
18 able to Kaster at the southeast corner of the existing tail ditch
19 located on Parcel "B". Following Clear Springs' construction of
20 additional raceway facilities south of the existing facilities
21 located on Parcel "B", such water will be delivered for Kaster's
22 use at or near the south boundary of Parcel "B".

23 (a) Water delivered at the northeast corner of Parcel
24 "B" before construction on Parcel "C" shall be at an elevation
25 measured by the bottom of the northmost tail ditch. Water
26 delivered at the north boundary of Parcel "C" after construction

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-2-JUL 14 2000

COPY

1 of the contemplated additional facilities will be delivered at an
2 elevation of 1 1/2 feet below the bottom of the tail ditch of
3 existing facilities referred to above.

4 (b) Water to be delivered to Kaster at the southeast
5 end of the existing tail ditch shall be delivered at an elevation
6 measured by the bottom of said tail ditch at that point. Follow-
7 ing construction of the contemplated additional raceways on Parcel
8 "B" south of the existing facilities, the water to be delivered to
9 Kaster at or about the south boundary line of said Parcel "B" shall
10 be delivered at an elevation 3 feet below the bottom of the
11 south end of the tail ditch of the existing facilities. With res-
12 pect to both elevations, the purpose of these are illustrated by
13 the drawing on the attachment being Exhibit "D".

14 (c) Clear Springs agrees to construct upon Parcels "B"
15 or "C" or both, as Clear Springs determines, spill ditches to
16 return to the river water from Permit # 36-7040 which Kaster does
17 not use. Said spill ditches shall be of sufficient size to
18 return all water to the river during those times when Kaster uses
19 no water.

20 II.

21 Clear Springs agrees that Kaster shall have the use of
22 the above-referred-to water until and during construction as
23 follows:

24 (a) Until construction is commenced upon fish raceways
25 on Parcel "C" or the south side of Parcel "B", Kaster shall have
26 the right to pipe water from the above-referred-to points of
27 delivery across Parcels "B" or "C", as the case may be, for use in
28 fish ponds to be located on land north of Parcel "C" or south of

COPY

1 which shall be done at Kaster's expense and in such a manner as
2 to not interfere with Clear Springs' operation of the Box Canyon
3 Hatchery. Clear Springs shall approve design of the proposed
4 hookups prior to actual hookups and shall offer consulting advice
5 to Kaster if requested and shall have an agent present during the
6 construction of such hookups. Kaster shall be responsible to
7 advise Ted Eastman or some other person designated by Clear
8 Springs as to the proposed date and time of such proposed con-
9 struction in order that Clear Springs shall have adequate oppor-
10 tunity to have a representative present during the construction
11 hookup.

12 When construction of additional fish ponds, etc., is
13 undertaken by Clear Springs on the south end of Parcel "B" and/or
14 Parcel "C", Kaster agrees that any construction or work done by
15 him under this paragraph shall be removed or modified by Kaster
16 at Kaster's expense at the direction of Clear Springs. Kaster
17 will remove any pipe at Kaster's expense and neither Clear Springs
18 nor Thomas will reimburse Kaster for any such expense. It is
19 understood that after Clear Springs' construction has been com-
20 pleted that Kaster may replace said pipeline for delivery of
21 spillwater to his property in such a manner that it will not
22 interfere with Clear Springs' operation of the Box Canyon Hatchery
23 including the new construction.

24 (b) Clear Springs agrees that prior to the time it
25 enters into construction which shall interfere with the operation
26 of Kaster's facility or facilities that it will give Kaster six
27 (6) months notice of the date it will be necessary to discontinue
28

COPY

1 delivery of water to his property. Kaster agrees that once notice
2 has been given that Kaster will complete the crop or crops of fish
3 being raised in the affected ponds and that as soon as said fish
4 can be removed Kaster will do so. As soon as the fish have been
5 removed, Clear Springs may turn off the water for the purpose of
6 construction. Clear Springs agrees to make every effort to keep
7 to a minimum the period of time which the water cannot be delivered
8 to Kaster. Clear Springs shall have a reasonable time for such
9 construction.

10 III.

11 It is understood and agreed that Clear Springs grants
12 to Kaster a license to use the existing road through Parcel "B"
13 for ingress and egress to property owned by Kaster located north
14 of Parcels "B" and "C". This license, however, may be revoked
15 after reasonable notice in which case Kaster may be required to
16 construct a new road at a location west of the present roadway
17 giving reasonable access to the property retained by Kaster; the
18 location of said roadway to be determined by Clear Springs and
19 located at a place reasonably suited for its purpose of ingress
20 and egress to the Kaster property.

21 Any new roadway constructed shall be at Kaster's sole
22 expense both in terms of construction and maintenance. That
23 portion of Clear Springs' existing roadway across Parcel "B" to
24 be used by Kaster shall be jointly maintained by Kaster and Clear
25 Springs.

26 IV.

27 Kaster hereby agrees to give to Clear Springs the first

28

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JUL 14 2000

COPY

option

1 right of refusal for the purchase of any portion of the balance of
2 Parcel "A" which Kaster owns. Should Kaster desire to sell any
3 part of said Parcel "A", Kaster agrees to first offer said
4 property to Clear Springs, setting forth the property description,
5 purchase price and terms of payment; said notice to be delivered
6 to the Secretary of Clear Springs. Clear Springs shall then have
7 ninety (90) days within which to accept or reject said offer. If
8 Clear Springs rejects the offer, then Kaster may sell said
9 property to any third party upon the same price and terms rejected
10 by Clear Springs. With respect to the parcel being sold, if the
11 price or terms of sale are changed in any manner, the above
12 process must be repeated. If the sale to a third party is not
13 completed within thirty (30) days after being rejected by Clear
14 Springs, it must be re-offered to Clear Springs before being sold
15 to a third party.

16 V.

17 Kaster hereby gives to Clear Springs an option to pur-
18 chase or to farm pond all fish grown by Kaster on Parcel "A". This
19 opportunity shall be offered annually or longer by Kaster to Clear
20 Springs beginning with the date that Kaster first uses ponds to
21 be constructed by him on Parcel "A" for fish propagation. This
22 first right-of-refusal by Clear Springs shall continue indefinitely
23 and Kaster shall have no right to deal with third parties for farm
24 ponding or sale of fish raised on ponds owned by Kaster on Parcel
25 "A" at a lesser price or on terms more favorable than those offered
26 to Clear Springs. If Clear Springs is unwilling to contract on
27
28

COPY

1 the terms proposed by Kaster, Kaster shall, however, be at liberty
2 to deal with third parties on the terms offered to Clear Springs.

3 It is understood and agreed between the parties hereto
4 that the law firm of Hepworth, Nungester & Felton has been
5 retained by Clear Springs to represent Clear Springs.

6 The covenants in this contract shall extend to and bind
7 the heirs, personal representatives, assigns and successors of
8 the respective parties hereto.

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

12
13 Richard Kaster
14 Richard Kaster

15 Edith Kaster
16 Edith Kaster

17 CLEAR SPRINGS TROUT CO.

18 ATTEST:

19 J. A. Lynworth
20 Secretary

21 By James P. Thomas
22 President

23 Harold E. Thomas
24 Harold E. Thomas

25 Phyllis Thomas
26 Phyllis Thomas

27 STATE OF IDAHO :
28 : ss.
County of Twin Falls :

On this 31st day of December, 1976, before me,

NOTARIAL
JUL 14, 2000

COPY

1 the undersigned, a Notary Public in and for said County and State,
2 personally appeared Richard Kaster and Edith Kaster, known to me
3 to be the persons whose names are subscribed to the foregoing
4 instrument, and acknowledged to me that they executed the same.

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

7

8

Art. Hannon
Notary Public for Idaho
Residing at Buhl, Idaho

9

10 STATE OF IDAHO :
: ss.
11 County of Twin Falls :

12 On this 31st day of December, 1976, before me, a
13 Notary Public in and for said State, personally appeared Jess O.
14 Eastman, Jr., and John C. Hepworth, President and Secretary of
15 the corporation that executed this instrument or the persons who
16 executed the instrument on behalf of said corporation, and acknowl-
17 edged to me that such corporation executed the same.

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

20

21

Art. Hannon
Notary Public for Idaho
Residing at Buhl, Idaho

22

23

24 STATE OF IDAHO :
: ss.
25 County of Ada :

26 On this 31st day of January, 1977, before me,
27 the undersigned, a Notary Public in and for said County and State,

28

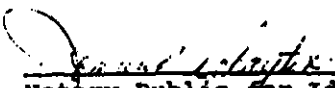
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COPY

1 personally appeared Harold E. Thomas and Phyllis Thomas, husband
2 and wife, known to me to be the persons whose names are subscribed
3 to the foregoing instrument, and acknowledged to me that they
4 executed the same.

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

7
8 
9 Notary Public for Idaho
Residing at

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EXHIBIT "A"

Parcel "A":

All of Lot 7, EXCEPT the South 660 feet thereof, and all of Lots 3 and 4, all in Section 28, Township 8 South, Range 14 E., B.M., Twin Falls County, Idaho, as shown on the records of the Twin Falls County Recorder.

EXHIBIT "B"

Parcel "B":

A tract of land being the South 587.0 feet of Lot 3 and the North 1020 feet of Lot 4, Section 28, Township 8 South, Range 14 E., B.M., Twin Falls County, Idaho, as shown on the records of the Twin Falls County Recorder.

EXHIBIT "C"

Parcel "C":

A parcel of land in Lot 3, Section 28, Township 8 South, Range 14 E., B.M., Twin Falls County, Idaho, more particularly described as follows:

Commencing at the southwest corner of said Lot 3; thence along the westerly boundary of said Lot 3 North 0°03' West 587.00 feet; thence South 89°55'37" East 676.53 feet to the True Point of Beginning; thence continuing South 89°55'37" East 525.84 feet to the approximate high water mark of the Snake River; thence northerly along the approximate high water mark of the Snake River North 30°16'32" West 449.09 feet; thence South 79°05'26" West 353.31 feet; thence South 8°26'05" East 323.80 feet to the True Point of Beginning, as shown on the records of the Twin Falls County Recorder.

MEMORANDUM

TO: File 36-7824
FROM: Sharla
DATE: July 15, 1992
RE: Telecon with Richard Greene

On this date, Mr. Green contacted me regarding my correspondence of 7/1.

He requested that we hold license issuance for 60 days to allow him to talk to Clear Springs Trout Co. He understands that we cannot issue a license for water that does not reach their power sites, however, he wants to pursue the legal issue of the contract which states that CSTC will supply 300 cfs to Mantech.

He will contact me again at the end of the 60-day period.

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JUL 14 2000

MEMORANDUM

TO: File 36-7824

FROM: Sharla

DATE: July 10, 1992

RE: Point of Diversion Description

The point of diversion from Box Canyon Creek under this right is the same system as licensed under 36-7040. In a telephone conversation with Allen Merritt (Southern) on July 9, he stated that the point of diversion had been verified by Adjudication personnel as being the SWNE as licensed under 36-7040.

The point of diversion description under 36-7824 will be changed to the SWNE. This voids the requirement for an amendment. When this file is called up on August 1, it can be sent up for licensing.

MICROFILMED

JUL 14 2000



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

July 1, 1992

RE: Permit No. 36-7824

Richard N. Greene
Mantech Inc.
515 S. 700 E. #3R
Salt Lake City, UT 84102

Dear Mr. Greene:

First, I apologize for the delay in responding to your correspondence of March 16. It has been a busy spring and it looks like summer could get even worse.

I have reviewed the agreement with Clear Springs Trout Co. and have discussed the matter with my supervisor. Clear Springs Trout Co. has a water right (No. 36-7040) which entitles them to divert a total of 300 cfs from Box Canyon Creek for fish propagation use. Your permit is for the re-use of this water for power purposes. The agreement in fact granted Mantech Inc. the receipt and utilization of 300 cfs. However, our field examiner verified that a certain amount of water leaving the raceways enters the Snake River before reaching your power plants. I have enclosed the diagram drawn by our examiner for this determination.

If you have evidence to show that the entire 300 cfs reaches your plants and that the losses shown to occur are incorrect, we are willing to review it upon submittal. I will withhold action on this right for 30 days to allow you to respond. If I do not hear from you within that time, the license will be issued as originally proposed.

Sincerely,

SHARLA CURTIS
Sr. Water Resource Agent

Enclosure

MICROFILMED

JUL 14 2000

MEMORANDUM

TO: File 36-7824
FROM: Sharla *JS*
DATE: April 1, 1992
RE: Rate of Diversion

After receiving the pre-license correspondence sent on 3/9, Richard Greene (president of Mantech) called me to discuss the rate of diversion proposed. He stated that an agreement existed with Clear Springs Trout Co. which specifically set out the rate to which they were entitled (300 cfs as permitted). Since the examiner had indicated on the report that the rate proposed was based specifically upon information from CSTC, I told him to send me a copy of the agreement for the file.

The agreement has been received. Although one of the parties to the agreement has changed (Kaster is no longer involved), the agreement discusses Kaster's sale of the parcels involved and it is assumed that Clear Springs Trout Co. did not contest the sale nor did they revoke the agreement. The agreement does specifically indicate that Mantech is entitled to 300 cfs. However, Jim Stanton included a diagram with the field report outlining the losses occurring between the raceways and the power plants. It is not logical to issue the license for the entire 300 cfs when it is evident that 300 cfs does not reach the power plants. A letter will be sent to the right holder explaining the reason for reduction and an opportunity will be given for response.

The condition placed on the permit requiring measuring devices at the point of diversion and point of effluent discharge is not entirely applicable to the license. A measuring device at the point of effluent discharge is required for fish propagation; however, the nature of use was changed to power, therefore, such a measuring device is not required. A measuring device is located at the point of diversion, therefore, the standard condition requiring the maintenance of such will be imposed on the license.

MICROFILMED

JUL 14 2000

RICHARD N. GREENE

Certified Public Accountant

515 South 700 East, Suite 3R

Salt Lake City, Utah 84102-2812

(801) 322-3513
FAX (801) 322-3620

March 16, 1992

RECEIVED
MAR 18 1992

Sharla Curtis
Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, ID 83720-9000

Department of Water Resources

RE: Water Right No. 36-07824

Dear Sharla:

Enclosed is the agreement between Clear Springs Trout Company, Richard & Edith Kaster and B.C. Hydro Limited Partnership dated August 17, 1984. As you can see from this agreement we are to receive 300 CFS.

Your consideration in changing the Application for Amendment from 275 CFS to 300 CFS would be appreciated. Please let me know your decision as soon as possible.

Kindest personal regards,



Richard N. Greene

RNG:csd
Enclosure

MICROFILMED
JUL 14 2000

LICENSE, EASEMENT AND OPTION AGREEMENT

This License, Easement and Option Agreement entered into this 17th day of ~~July~~^{August}, 1984, by and between CLEAR SPRINGS TROUT COMPANY (hereinafter "CSTC"), an Idaho corporation, RICHARD KASTER and EDITH KASTER (hereinafter "Kaster"), husband and wife and B. C. HYDRO LIMITED PARTNERSHIP (hereinafter "BC"), a Utah limited partnership.

WHEREAS CSTC is the owner and operator of a commercial trout hatchery operation known as the "Box Canyon Hatchery," located adjacent to and on the west side of the Snake River in Twin Falls County, Idaho, on real property more particularly described in Exhibit "A" attached hereto; and

WHEREAS, Kaster owns certain real property located near the Box Canyon Hatchery in Twin Falls County, Idaho, more particularly described in Exhibit "B" attached hereto, and also owns two parcels of real property more particularly described as set forth on Exhibit "C" attached hereto, immediately north and south of CSTC's Box Canyon Hatchery, and utilizes water transmitted by CSTC from natural springs located on the east side of the Snake River to its hatchery facilities for use in connection with its fish raising operations; and

WHEREAS, Kaster has leased to BC the real property described in Exhibit "C," and has also sold the subject hydro-electric power generation facilities to BC; and

1 WHEREAS, the parties have reached an agreement in
2 principle which they desire to memorialize in writing;

3 NOW, THEREFORE, the parties covenant, contract and
4 agree as follows:

5 1. LICENSE AND EASEMENT GRANTED

6 A. License granted: It is understood and agreed that
7 for and in consideration of the mutual covenants, promises and
8 options hereby created, Kaster and BC are hereby granted a
9 permanent and irrevocable license to receive and utilize three
10 hundred cubic feet per second (300 c.f.s) of water owned and
11 beneficially appropriated by CSTC pursuant to Permit No. 36-7040
12 issued by the State of Idaho, Department of Water Resources.
13 It is understood and agreed that such water shall first be
14 passed through CSTC's Box Canyon Hatchery for use in its fish
15 propogation and raising operation, and shall then be discharged
16 into tail ditches or other works for delivery to the licensees.

17 B. Easement granted: In addition, CSTC herewith
18 grants, sells and conveys to Kaster and BC a nonexclusive ease-
19 ment and right of way through, over and across its Box Canyon
20 Hatchery property, which is more particularly described in
21 Exhibit "A" appended hereto, for the purpose of conveying the
22 licensed water, and water appropriated by Kaster pursuant to
23 permit No. 36-7824 issued by the State of Idaho, Department of
Water Resources. The easement granted is intended and shall
innure to the benefit of the parcels described in Exhibit "C"
appended hereto.

1 C. Assignment of right to use: CSTC also grants,
2 conveys and assigns to Kaster and BC, the right to share the
3 use of an easement and right of way granted to CSTC by the
4 State of Idaho for purposes of installing and maintaining a
5 pipeline beneath the surface and on the bed of the Snake River
6 as described in Exhibit "E" appended hereto. In addition, CSTC
7 grants, conveys and assigns to Kaster and BC any rights of way
8 or easements arising from or relating to that certain Right-of-
9 Way Deed recorded July 11, 1973, as Instrument No. 46155,
10 records of Gooding County, Idaho, and more particularly described
11 on Exhibit "D" attached hereto. CSTC also grants to Kaster and
12 BC the right to share the use of the conveyance system now used
13 to transport the water to the Box Canyon Hatchery facility.
14 It is understood and agreed that Kaster and BC shall utilize
15 the subject facilities for the purposes of conveying the licensed
16 water and the water appropriated by Kaster and BC as described
17 above to the parcels described in Exhibit "C" for the purpose of
18 hydroelectric power generation.

17 2. NATURE OF LICENSE AND LICENSEES' RIGHTS; NATURE AND EXTENT
18 OF LICENSOR'S OBLIGATIONS

19 A. Dispute as to nature of rights; reservation of
20 rights: There exists a substantial disagreement between Kaster
21 and CSTC as respects the nature and extent of rights created by
22 or arising from that certain agreement entered into between
23 Kaster and CSTC dated December 29, 1976. Kaster maintains that

1 such agreement creates an obligation on the part of CSTC to de-
2 liver water to Kaster, while CSTC maintains that such agreement
3 authorizes Kaster to divert and utilize such matter as may be
4 discharged from CSTC's Box Canyon Hatchery. It is understood
5 and agreed that this agreement is not intended to resolve this
6 dispute, nor to alter or change the rights, if any, which either
7 party may enjoy by virtue of such agreement. It is understood
8 and agreed that by executing this agreement, neither party
9 waives, relinquishes or otherwise prejudices such existing
10 rights, if any, and this agreement is executed with the under-
11 standing that both parties fully reserve all such rights, which
may later be determined in any appropriate manner.

12 It is further understood and agreed, however, that BC
13 makes no claim or contention that CSTC is obligated to deliver
14 or guarantee the delivery of any water for its benefit and use
15 in the use, possession or operation of the real property described
16 in Exhibit "C" and/or the hydroelectric generation facilities
17 located thereon. It is understood and agreed between CSTC and
18 BC that neither the referenced 1976 agreement, nor this agree-
19 ment, constitutes nor is it intended to constitute a guaranty
20 on the part of CSTC that water will be delivered at all times
21 or in any specific amount. However, it is agreed and confirmed
22 that all water actually diverted and used by CSTC through its
23 facility will continue to be discharged, as at present, by CSTC
at the points specified in said 1976 agreement, whenever and in
such amounts as the same is available to CSTC.

1 B. Abandonment or repair of facilities by CSTC: It
2 is understood and agreed that CSTC retains, in its sole and
3 absolute discretion, the right to abandon or otherwise cease
4 the beneficial use of the water, or all or any part of the Box
5 Canyon Hatchery facilities, the canal, pipeline or any other
6 fixtures or improvements now utilized for the purpose of convey-
7 ing the subject water. Similarly, in the event any one or more
8 of the integral parts of the system are damaged, destroyed or
9 suffer deterioration of any kind or to any extent, it is under-
10 stood and agreed that CSTC retains the right, in its sole and
11 absolute discretion, to repair, replace, redesign or reconstruct
12 such facilities, or to decline to do so despite the fact that
13 such a declination will or may result in the inability of
14 Kaster and/or BC to deliver the licensed water. Such abandon-
15 ment or refusal to repair or replace integral parts of the
16 system shall be subject to the provisions of the following
17 subsection C.

18 C. Notification to licensees in the event of inter-
19 ruption, abandonment or declination to repair or replace: In
20 the event that any or all of the conveyance system shall be
21 damaged or destroyed, or for any other reason it appears reason-
22 ably certain to CSTC that some event will result in an inter-
23 ruption of the delivery of water to the Box Canyon Hatchery,
and thus to Kaster and/or BC, CSTC agreed to provide reasonable
verbal or written notification to BC within forty-eight (48)

1 hours of the time when such interruption shall occur. In the
2 event that CSTC concludes to abandon or cease its use of the
3 water or the facilities used to convey it, or concludes to de-
4 cline to repair or replace any damaged, destroyed, deteriorated
5 or obsolescent portion of the system, it is understood and
6 agreed that CSTC will provide the licensees with written notice
7 of its intention to abandon or to decline to repair or replace
8 ninety (90) days in advance of the date upon which its election
9 shall become effective. The notice provided for in this para-
10 graph shall be effective when the same shall have been deposited
11 in the United States mail, postage prepaid, and addressed to
the licensees at the following addresses:

12 Richard Kaster
13 Rt. #4
Buhl, ID 83316

B. C. Hydro Limited Partnership
185 South State Street; Suite 204
Salt Lake City, UT 84111

14
15
16
17
18 D. Rights of licensees in the event of election:

19 In the event that CSTC shall elect to abandon, or decline to
20 repair or replace any portion of the facilities, and shall have
21 provided the notice described in subsection C of this paragraph,
22 then and in such event Kaster and BC shall have the right and
23 prerogatives as set forth herein.

1 In the event that CSTC shall elect to abandon or
2 cease its use of the subject water or conveyance system, Kaster
3 and/or BC are authorized to commence the continued use of such
4 portion of CSTC's facilities as are reasonably and minimally
5 required to secure the delivery of the licensed water. It is
6 recognized and understood that the cost of operating, using and
7 maintaining such facilities as may be used shall be the sole
8 and exclusive responsibility of Kaster and BC, and these licensees
9 agree to hold CSTC harmless, and to indemnify it against any cost
10 loss or liability of any kind arising from such use or operation,
including reasonable attorney's fees and costs.

11 In the event that CSTC shall elect to decline to repair,
12 replace or reconstruct any portion of the system which shall
13 deteriorate or become obsolete, or which shall be damaged or
14 destroyed or otherwise rendered unuseable, Kaster and BC are
15 authorized to undertake or commission repairs, replacement or
16 reconstruction of the conveyance system at their sole and
17 exclusive expense. It is understood and agreed that CSTC shall
18 have the right to review the plans, specifications and all
19 documents relating to any proposed repairs, replacements or
20 reconstruction planned by the licensees, and may approve or
21 disapprove of such plans. It is understood and agreed that
22 CSTC's approval or refusal to approve such proposed plans shall
23 take place within a period of thirty (30) days after CSTC shall
have received the proposed plans, specifications and other per-

1 inent documents, and CSTC agrees to provide Kaster and BC with
2 reasonable notification of its approval or refusal to approve,
3 together with a statement of its reasons therefore. It is
4 understood and agreed that neither Kaster or BC will undertake
5 to remove, disturb, alter, repair, replace or reconstruct any
6 facility owned by CSTC until CSTC shall have reviewed and
7 approved such measures as are to be taken. It is further
8 agreed that any and all facilities constructed in order to
9 repair or replace any existing portion of the system shall
10 become the property of CSTC, free and clear of any right, title
11 or ownership of Kaster or BC, but subject to all rights granted
12 to such licensees pursuant to this agreement. In addition, it
13 is understood and agreed that CSTC may, at any time, and at its
14 sole and exclusive expense, replace the repairs, replacements
15 or modifications constructed by Kaster and/or BC.

16 3. RIGHT OF FIRST REFUSAL TO BUY HYDROELECTRIC FACILITY GRANTED
17 TO CSTC; SUBORDINATION

18 A. Right of first refusal: Pursuant to Kaster's
19 contractual arrangement with BC, he has been granted a right of
20 first refusal to purchase the hydroelectric power generation
21 facilities in the event that BC desires to sell the same. BC
22 herewith grants to CSTC a right of first refusal to purchase
23 the subject facilities. It is understood and agreed by and
 between the parties that the right of first refusal granted to
 Kaster in his contract between Kaster and BC is subordinated to

1 the right hereby granted to CSTC, and shall be a second right of
2 refusal.

3 B. Exercise of right and terms: It is understood and
4 agreed that if at any time BC desires or proposes to sell or
5 transfer all or any part of the subject hydroelectric generation
6 facility, BC shall first make a written offer to sell such
7 interest to CSTC on the same terms and conditions as BC proposes
8 to transfer such interest to any other party or third party.
9 CSTC shall have the right for a period of thirty (30) days
10 after actual receipt of such offer to elect to purchase the
11 interest offered. The right to purchase shall not be effective
12 unless CSTC agrees to purchase the entire interest offered. In
13 order to exercise its right to purchase, CSTC shall, within
14 ninety (90) days, make payment for such interest on the same
15 terms and conditions as were originally proposed. It is agreed
16 that BC will make available to CSTC all proposed contractual
17 documents and financial information and computations relating
18 to the proposed sale in order that CSTC may intelligently
19 evaluate the proposal.

20 C. Leases to trigger right of first refusal: It is
21 understood and agreed that the proposed sale or transfer which
22 shall trigger CSTC's right of first refusal shall include any

1 lease agreements or conveyances collectively having a term
2 longer than one (1) year.

3 D. Failure to exercise; limitation on untimely trans-
4 fers: In the event that CSTC shall elect not to purchase the
5 interest offered, BC may sell or transfer the offered interest
6 to any other person upon the same terms and conditions as
7 contained in the offer to CSTC. However, in the event that
8 such transfer is not made within one hundred twenty (120) days
9 after CSTC's right to purchase has terminated, a new offer
10 shall be made to CSTC and the provisions of this section shall
again apply.

11 E. Reacquisition of right of first refusal: In the
12 event that CSTC shall be afforded, but shall decline to exercise,
13 the opportunity to exercise its right of first refusal to
14 purchase the hydroelectric facilities, and in the event that
15 Kaster shall exercise his second right of refusal to purchase
16 them, it is understood and agreed that CSTC shall have and is
17 hereby granted by Kaster a right of first refusal to purchase
18 such hydroelectric facilities in the event that Kaster shall
19 thereafter desire to sell the same, or shall desire to enter
20 into a lease transaction of the type described in subsection C
21 of this provision. It is understood and agreed that CSTC shall
22 be notified of and may exercise this right in the same manner on
23 the same terms as set forth in subsection B above, the terms of
which are incorporated herein by reference. In addition, the

1 parties also incorporate herein by reference the provisions of
2 subsection D above.

3 4. RIGHT TO PURCHASE; SUBORDINATION

4 A. Right to purchase granted: As a part of his agree-
5 ment with BC, Kaster has been granted the right to purchase the
6 hydroelectric facilities, leasehold and other necessary assets,
7 licenses and permits during the month of January 1989. BC
8 herewith grants to CSTC the right to purchase all such assets
9 at their then-prevailing fair market value during the month of
10 January 1989. If CSTC exercises such right, the assets will be
11 conveyed to CSTC on an "AS IS, WHERE IS" basis, without any
12 warranties whatsoever and BC shall assume all liabilities then
13 relating to the facility. It is understood and agreed that
14 CSTC shall have until January 20, 1989 to notify BC and Kaster
15 of its election to exercise, and during such interim, Kaster's
16 right to purchase shall be subordinated and secondary to CSTC's
17 right. In the event CSTC fails to exercise its right and to
18 notify the other parties accordingly, the right shall expire
19 and lapse.

20 B. Acquisition of right of first refusal: In the
21 event that CSTC shall be afforded and shall decline the oppor-
22 tunity to exercise its right to purchase the assets, and in the
23 event Kaster shall exercise his right to purchase them, it is
understood and agreed that CSTC shall have and is hereby granted
by Kaster a right of first refusal to purchase all such assets

1 in the event that Kaster shall thereafter propose to sell all
2 or any portion thereof. It is understood and agreed that CSTC
3 shall be notified of and may exercise this right in the same
4 manner and on the same terms as provided for in subsection E of
5 paragraph 3, which is incorporated herein by reference.

6 5. RIGHT OF FIRST REFUSAL AND OPTION AS TO REAL PROPERTY OWNED
7 BY KASTER GRANTED TO CSTC; TERMS

8 A. Right of first refusal and option granted: Kaster
9 herewith grants to CSTC a right of first refusal and an option
10 to purchase the real property described in Exhibits "B" and "C"
11 appended hereto, subject to the terms and conditions set forth
12 below.

13 B. Events triggering right of refusal and option:
14 The rights granted to CSTC by this section shall be triggered
15 by any proposal by Kaster to sell all or any portion of the real
16 property described in Exhibits "B" and "C," or any proposal by
17 Kaster to lease or otherwise in any manner convey the same for
18 a period of one year or more, or to lease or in any manner
19 convey the same for any shorter period which, by virtue of any
20 one or more subsequent renewals shall collectively have a term
longer than one year.

C. Extent of right, option and terms: The two
parcels of real property upon which the hydroelectric facilities

1 Hatchery property as described in Exhibit "A." In addition,
2 each of the two parcels described in Exhibit "C" are also con-
3 tiguous to two larger parcels owned by Kaster. These larger
4 parcels are likewise respectively located at the north and
5 south boundaries of CSTC's Box Canyon Hatchery property, but
are not contiguous to each other, and are described in Exhibit

1 to sell, lease or convey, but the immediately adjacent Exhibit
2 "B" or Exhibit "C" parcel as well, as the case may be.

3 In the event that Kaster's proposal to sell shall
4 encompass less than both the Exhibit "C" and the larger, adjacent
5 Exhibit "B" parcel to which CSTC's option extends, then CSTC
6 shall be entitled to purchase that portion which Kaster proposes
7 to sell or transfer at the price and on the terms proposed to
8 any third party, and the rest and remainder of the north and/or
9 south combined Exhibit "B" and "C" parcel at its then-prevailing
10 fair market value. In the event that the parties cannot agree
11 as to the fair market value of such remaining property, the
12 parties stipulate and agree that the dispute or disagreement
13 shall be submitted to binding and conclusive arbitration, and
14 the parties designate and appoint the American Arbitration
15 Association as the arbitrator and all proceedings shall be
16 conducted in accordance with its then-prevailing rules and
17 procedures. The results of such arbitration shall be binding
18 and conclusive, and may be enforced as provided in Title 7,
19 Chapter 9, Idaho Code and section 7 of this agreement.

20 6. INDEMNIFICATION; INSURANCE

21 It is understood and agreed by and between the parties
22 that Kaster and BC will indemnify CSTC, and hold it harmless
23 from any and all liability, loss, damage or expense of any
kind as a result of the licensee's use, operation, ownership or
possession of the subject hydroelectric facilities, water and/or

1 conveyance devices. In the event any claim shall be made against
2 CSTC as a result of such use, operation, ownership or possession
3 by the licensees, Kaster and BC agree to provide a defense to
4 such claims for CSTC before any court or administrative agency,
5 and agree to indemnify and hold CSTC harmless from any judgments
6 or orders.

Kaster and BC agree that they will not sue CSTC.

1 tives of the the respective parties cannot be adequately pro-
2 tected by assessments of money damages. Accordingly, the
3 parties stipulate and agree that this agreement and the rights
4 created hereby may be enforced, or its breach prevented or
5 remedied by any and all extraordinary, equitable remedies,
6 including specific performance, injunctions, restraining orders
and the like.

7 In the event that it becomes necessary for any party
8 to institute litigation to enforce, or restrain or obtain other
9 relief for its breach, or to secure its construction or inter-
10 pretation, the prevailing party shall be entitled to recover
11 reasonable attorney's fees in addition to all other relief, both
12 at trial and in connection with any subsequent appeals.

13 8. INTEGRATED AGREEMENT

14 This written agreement contains the entire and complete
15 contractual agreement entered into by and between the parties,
16 and neither party has received or relied upon any representa-
17 tions or other statements of any party, except as set forth
herein.

18 9. SIGNATURES

19 In witness of their agreement to the above and fore-
20 going terms, conditions and covenants, the parties hereto set
21 their signatures the date and year first above written.

22 CLEAR SPRINGS TROUT COMPANY

23 By Larry W. Cope
MICROFILMED Title, President
JUL 14 2000

Richard Kaster
RICHARD KASTER

Edith Kaster
EDITH KASTER

B. C. HYDRO LIMITED PARTNERSHIP
BY MANTECH, INC. GENERAL PARTNER.

By Richard N. Quinn

Title PRESIDENT

STATE OF IDAHO)

: ss.

County of Twin Falls)

On this 19 day of July, 1984, before me, the undersigned, a Notary Public in and for the said County and State, personally appeared Larry W. Cope, known to me to be the President of CLEAR SPRINGS TROUT COMPANY, an Idaho corporation, who executed the foregoing instrument on behalf of said corporation and acknowledged to me that such corporation executed the same.

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

Kent S. Quigley
Notary Public for Idaho
Residing at Bellevue

1 STATE OF IDAHO)

2 County of TWIN FALLS)

: ss.

3 On this 24 day of July, 1984, before me, the
4 undersigned, a Notary Public in and for said State, personally
5 appeared RICHARD KASTER and EDITH KASTER, husband and wife,
6 known to me to be the persons whose names are subscribed to the
7 foregoing instrument and acknowledged to me that they executed
8 the same.

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

12 [Signature]
Notary Public for Idaho

13 Residing at: Twin Falls, Idaho

14 STATE OF UTAH)

15 County of SALT LAKE)

: ss.

16 On this 17th day of August, 1984, before me, the
17 undersigned, a Notary Public in and for the said County and
18 State, personally appeared Richard N. Greene,
19 known to me to be the president of Alantech, Inc.,
20 general partner of B. C.
21 HYDRO LIMITED PARTNERSHIP, a Utah limited partnership, who
22 executed the foregoing instrument for Alantech, Inc. on behalf of said limited
23 partnership and acknowledged to me that such limited partner-
ship executed the same.

MICROFILMED
JUL 14 2000

LICENSE AND OPTION AGREEMENT

-18-

March 9, 1992

MANTECH INC
515 S 700 E #3R
SALT LAKE CITY UT 84102

RE: WATER RIGHT NO. 36-07824

Dear Water Right Holder(s):

The above referenced water right is in the process of being licensed. However, before a license can be issued, your permit must be amended to correspond with the findings of the Department's field examiner.

The enclosed application for amendment contains information that will be included on the license when it is issued. Please review carefully and if you concur, sign the amendment and return with the \$20.00 filing fee within 15 days.

If you do not concur with these findings or if you have any questions, please contact us within the 15-day period.

Sincerely,

SHARLA CURTIS
Water Resource Agent

SC:clh

Enclosure

MICROFILMED
JUL 14 2000

DATE: 03/06/92
PAGE: 1

O RICHARD KASTER

Stage: LICENSE

NEW ME

III

NE

ITEM

5th

42

11

	NENE	NWNE	SWNE	SENE	NEEW	NWNW	SWNW	SENW	NESS	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE
T	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
R	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
03S 14E 28					03-P								04-P			

Other Water Rights Listing Overlapping Place(s) of use:			
36-02038	36-04160	36-04161	36-04162

004 - The issuance of this permit in no way grants any right-of-way or

- R09 - Return water shall be treated to insure that the effluent meets Idaho Water quality standards.
- R20 - The diversion and use of water under this license is subject to review by the Director 35 years from the date of issuance.
- Upon appropriate findings relative to the interest of the public, the Director may cancel all or any part of the use authorized herein and may revise, delete or add conditions under which the right may be exercised.
- R23 - 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.

Dates:	App. Received:	09/13/1978	Priority Date:	07/20/1979
	Proof Due Date:	03/01/1984	Proof Made Date:	02/16/1984
	Exam Made Date:	08/07/1991	Exam Sent to S.O.:	11/18/1991
	Licensed Date:			

Misc: Water District Number: Field Exam Fee: R (Received)

MANTECH, INC.
515 East 700 South, Suite 3R
Salt Lake City, Utah 84102
(801) 364-1150

RECEIVED
SEP 26 1989

September 19, 1989

State of Idaho
Department of Water Resources
State House Mall
Boise, Idaho 83702

Department of Water Resources

Re: Water Permit #36-7824

Gentlemen:

It is respectfully requested that the address for the above-listed water permit in the name of Mantech, Inc. be changed to the following address:

Mantech, Inc.
515 South 700 East, Suite 3R
Salt Lake City, Utah 84102

Please send all future correspondence and notices to this address. If you have any questions regarding this change in address, please call at the above stated number.

Sincerely yours,
Mantech, Inc.



Richard N. Greene, President

RMG/s

Computer updated 9/29/89
SC

MICROFILMED
JUL 14 2000

B. C. HYDRO, LIMITED
185 South State Street, Suite 206
Salt Lake City, UT 84111

RECEIVED

January 20, 1989

JAN 25 1989

Department of Water Resources
Southern Region Office

Loren O. Holmes, P.E.
Souther Region Manager
Sate of Idaho
Department of Water Resources
2148 4th Avenue, East
Twin Falls, ID 83301

Dear Mr. Holmes:

Enclosed is the Affidavit for Water Rights to be Used for Power Purposes and the Examination Fee Information with a check for \$600.

I contacted Dr. C. E. Brockway to determine if he could complete the field examination to certify our water usage. During 1988 he completed measuring the water leaving the west side of the Clear Springs Trout Farm facility flowing into the first hydroelectric plant. Dr. Brockway stated he would not be able to accurately measure the flow on the east side leading into our second plant, therefore, we respectfully submit to you the payment of \$600 for the department of Water Resources of the State of Idaho to complete the field examination.

B. C. Hydro is a registered Idaho limited partnership. It was registered with the Secretary of State on April 6, 1984, No. 39830. The Idaho address is c/o Kent Foster, Holden, Kidwell, Hann & Crapo, First National Bank Building, Idaho Falls, Idaho 83402. The General Partner of this partnership is Mantech, Inc., an S Corporation. I am the President of Mantech, Inc. and would appreciate all correspondence regarding this matter or any other be forwarded to the address listed above.

You also need to be advised that the existing water permit (No. 36-7824) needs to be modified to waive the requirement of having a measuring device at our in-take structure. Our source of water commences from the Box Canyon Spring that is diverted and flows under the Snake River into the Clear Springs Trout Farm. This water is then diverted through our facility into the Snake River. It is my understanding that Clear Springs Trout Farm measures the water at point of origin. We have no access to this location, and because our in-take is taking the water from the confluence of Clear Springs Trout Farm, it should not be necessary for us to measure the water again.

MICROFILMED

JUL 14 2000

January 20, 1989

I hope this information will put us in compliance with the requirements of Idaho Code Sections 42-205 and 206. If for any reason you find us still being deficient, would you please notify me immediately by calling me at 801-533-0211.

Yours very truly,

MANTECH, INC.
General Partner



Richard N. Greene, President

RNG:kkm
enclosures

MICROFILMED
JUL 14 2000



FEB 09 1989

STATE OF IDAHO

For Office Use Only
Fee Received 600.00
Date 2/7/89
Receipt # 5006244
Receipt by T. G. Spier
Sent to S.O. 2/8/89

Department of Water Resources

DEPARTMENT OF WATER RESOURCES

EXAMINATION FEE INFORMATION

1. Permit No. 36-7824

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

☒ I choose to have the department make the field examination of this permit; attached is the examination fee. (If this box is marked, complete items 1 thru 8.)

2. Permit Holder: B. C. Hydro, Limited (Mantech, Inc. General Partner)

3. Post Office Address: c/o Richard N. Greene, 185 South State Street, Suite 206
Salt Lake City, UT 84101 Telephone No. 801-533-0211

4. Source of Water: Box Canyon Spring, Buhl, Idaho-Clear Springs Trout Farm

5. Extent of Use:
Domestic _____ (No. of households) Stockwater _____ (No. and type of stock)
Irrigation _____ (acres) Other/Remark Hydroelectric

6. Total rate &/or volume for which proof is submitted 300 cfs _____ acre-feet

7. Show the date water was first diverted and beneficially used under this permit:
3-1-84

8. Person to contact to accompany the department representative during the field examination:
Richard N. Greene
(Name)

185 South State Street, Suite 206, Salt Lake City, UT 84101 801-533-0211
(Address) (Telephone Number)

☐ I choose to have the field examination conducted by a certified water right examiner. Attached is a statement from the certified examiner I have selected verifying that he has been retained to conduct the examination. (If this box is marked, complete items 1 thru 7.)

Date 1/20/89

Richard N. Greene PRES. OF B.C.H.
Signature of Permit Holder (and title if appropriate)

100 1-4 2000



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

RECEIVED
NOV 29 1988
Department of Water Resources
R. KEITH HIGGINSON
Director

CECIL D. ANDRUS
Governor

28-Nov-1988

Todd Zagorec
Key Bank of Utah Legal Dept.
50 S Main St. Suite 2011
Salt Lake City, UT 84144

Re: Permit No. 36-7824

Dear Mr. Zagorec:

Enclosed as requested are copies of recent correspondence regarding the permit and forms for submitting the examination fee, assigning the permit, and complying with the requirements of Idaho Code Sections 42-205 and 206.

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

Very Truly yours,

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

Encl: Exam Fee notice 2/2/88
Assignment form
Examination Fee Information form
Form 205/206

MICROFILMED

JUL 14 2000



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

Mailing Address:
Southern Region
2148 4th Ave. East
Twin Falls, Idaho 83301
(208) 734-3578

February 2, 1988

Mantech Inc.
c/o Kent W. Foster
P.O. Box 129
Idaho Falls, ID 83402

Gentlemen:

Re: Permit No. 36-7824

Enclosed is a notice that a fee as required by IDAHO CODE section 42-217 is due before a licensing examination can be completed on the above referenced permit. Also enclosed is correspondence related to the permit.

Agents from this office had done some work on a licensing examination prior to the effective date of the fee requirement, so the fee was temporarily waived pending speedy completion of that examination.

On our initial inspection, we determined that measuring devices were not installed at the inlet and outlet of the project as required by the permit. The project operator, Mr. Richard Kaster, was advised that it would be possible to change this condition upon written request because the water is effluent from the Clear Springs Trout Co. facility diverted under other rights, and is contained in a closed conduit after it leaves the Clear Springs facility.

To date, this office has received no indication that a change in the condition of approval has been requested or that the required measuring devices have been installed. Because of the amount of time that has passed since our initial inspection, all work previously done in this examination will have to be repeated. Therefore, the required fee must be submitted prior to completion of the examination by the Department.

MICROFILMED

JUL 14 2000

February 2, 1988

Page 2

If you have any questions, please contact this office.

Very Truly yours,

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

LH

MICROFILMED
JUL 14 2000

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT NO.)
36-7824 IN THE NAME OF MANTECH) EXAMINATION FEE NOTICE
INC.)
)
)
)

Department records show that proof of beneficial use has been submitted for the above-referenced permit, but that a field examination has not been completed to determine the extent of beneficial use of the water for licensing purposes.

House Bill 671 (effective April 4, 1986) enacted by the 1986 Idaho Legislature requires the payment of a fee before the department can conduct the field examination needed to issue the license confirming use of water under the permit. this notice is notification that the license examination fee is due within sixty (60) days of the date of this notice. The examination fee information sheet (enclosed) must be returned with the fee.

As an alternative to submitting the fee, the department will accept a field examination report completed by a certified water right examiner from the private sector. If you choose to have the examination done by a certified water right examiner, you need not submit the license examination fee to the department, but you must within sixty (60) days of the date of this letter return to the department, the examination fee information sheet showing appropriate information together with a statement from the certified water right examiner to verify that you have retained a certified examiner to conduct the field examination. If you choose this alternative, a completed field examination report must be submitted within one year of the date of this letter. You cannot later change your decision to use this alternative and submit the fee needed for the department to conduct the field examination, but you may change to another certified examiner.

Certified water right examiners are licensed engineers or geologists certified by the department to conduct water right examinations. A current list of certified examiners is attached.

MICROFILMED

JUL 14 2000

EXAMINATION FEE NOTICE

Page 2

The license examination fee is to be based on the amount of water you indicate that you have developed, as listed in item 6 on the examination fee information sheet. The amount of water on which the examination fee is based can be less than the permitted amount, if less water has been diverted and beneficially used. The licensed amount of water, however, will not exceed the amount you claim on the examination fee information sheet. The enclosed license examination fee schedule shows a listing of applicable fees.

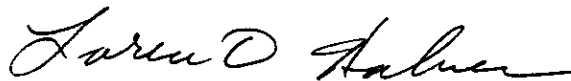
FAILURE TO SUBMIT WITHIN THE SIXTY (60) DAY PERIOD, THE FEE OR THE STATEMENT THAT A CERTIFIED EXAMINER HAS BEEN RETAINED TO MAKE THE FIELD EXAMINATION, WILL BE CAUSE TO ADVANCE THE PRIORITY OF THE PERMIT ONE DAY FOR EACH DAY FOR EACH DAY THAT THE FEE SUBMITTAL IS LATE.

FAILURE TO SUBMIT THE FEE OR THE COMPLETED FIELD EXAMINATION REPORT WITHIN A YEAR WILL BE CAUSE TO CONSIDER THE PROOF OF BENEFICIAL USE TO BE INCOMPLETE AND TO LAPSE THE PERMIT.

The attached examination fee information sheet and the fee may be submitted to the following department office:

Idaho Department of Water Resources
Southern Region
2148 4th Avenue East
Twin Falls, ID 83301

Signed this 2 day of February, 19 88



Loren O. Holmes
Southern Region Manager

MICROFILMED

JUL 14 2000

RECEIVED

OCT 13 1987

MANTECH, INC.

P. O. Box 436
Hampton, Iowa 50441

Department of Water Resources

October 7, 1987

Garry Spackman
Water Resource Department
State House Mall
Boise, Idaho 83702

Re: Water Permit #36-7824

Dear Mr. Spackman:

I received notification from a Mr. Richard Kaster that your notices regarding water measuring devices for the above stated permit have been sent to Mr. Kent Foster in Idaho Falls. Unfortunately these notices have not been sent to my attention.

It is my understanding that we are required to install a measuring device to assure that we are not receiving more water than authorized by our permit. I would respectfully request that this requirement be waived due to the fact we are only receiving the return water from Clear Springs Trout Farm that is measured before it enters their facility.

Therefore, if Clear Springs is measuring the water as it enters their facility, and we are only using their discharge water, it would be impossible for us to obtain more water than the permit would require. This of course assumes Clear Springs is in compliance.

I would appreciate your consideration on this matter and please call me at (515) 456-5636 if you would like to discuss this further. Also please send all future correspondence to the above address.

Sincerely yours,

MANTECH, INC.

Richard N. Greene

Richard N. Greene

RNG:klm

MICROFILMED
JUL 14 2000

*request for
waiver of
meas device*

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region

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

MAY 15, 1984

RICHARD KASTER
ROUTE 4
BUHL

ID 83315

RE: Permit No. 36-7824

Dear Permit Holder:

We acknowledge receipt of your statement submitted as proof of beneficial use for the above referenced permit.

Before a license can be issued, a field examination must be made by a representative of this department.

A condition of approval of your original permit required the installation of a measuring device which, according to the proof card submitted by you, has not been installed. A measuring device must be installed and operating at the time the field examination is made. If a measuring device is not installed your permit may be subject to cancellation.

A field examiner will contact you to arrange to examine your system.

If you have any questions regarding the field examination, please contact this office by phone at 734-3578 or in person at our office at 1041 Blue Lakes Blvd. N. Twin Falls, Idaho.

Sincerely,
s/Mary A. Newby
Secretary

MICROFILMED

JUL 14 2000



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

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

October 31, 1984

Kent W. Foster
Attorney at Law
P. O. Box 129
Idaho Falls, Idaho 83402

Re: Permit 36-7824

Dear Mr. Foster:

We are in receipt of the Proof of Beneficial Use card from Richard Kaster for the above referenced permit for power purposes.

We would like to make an appointment with you or the responsible party of the holder of the permit on Tuesday, November 13, 1984 at 1:00 p.m. to complete a field report on the system so a license can be issued.

If this does not meet with your schedule, please contact this office so we can arrange a time convenient for both of us.

Very truly yours,

Gary L. Funderburg
Sr. Water Resource Agent

LOH:GLF:marya

chg to 20th

MICROFILMED

JUL 14 2000



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

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

January 23, 1985

Richard Kaster
Route 4
Buhl, Idaho 83316

Re: Permit 36-7824

Dear Mr. Kaster:

This letter is in regards to the waiver of measuring devices, inlet and outlet, we discussed on January 9, 1985 at the power plant near Box Canyon.

If you would like to waive the outlet device, we suggest you write to our State Office and make this request.

Since your source is waste water from the fish farms you will need to install a measuring device near the location of the power unit or you may want to have an engineer make a measurement and submit it to our office.

Before we can complete the field exam for the beneficial use of power one of the above requirements must be complied with.

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

Very truly yours,

GARY L. FUNDERBURG
Sr. Water Resource Agent

LOH:GLF:marya

MICROFILMED

JUL 14 2000



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

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

A. Kenneth Dunn
Director

August 28, 1986

Richard Kaster
Route 4
Buhl, ID 83316

RE: Permit 36-7824, SECOND ISSUE

Dear Mr. Kaster:

This letter is in regards to the waiver of measuring devices, inlet and outlet, we discussed on January 9, 1985 at the power plant near Box Canyon.

If you would like to waive the outlet device, we suggest you write to our State Office and make this request.

Since your source is waste water from the fish farms, you will need to install a measuring device near the location of the power unit or you may want to have an engineer make a measurement and submit it to our office.

Before we can complete the field exam for the beneficial use of power, one of the above requirements must be complied with.

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

Very truly yours,

Gary L. Funderburg
Sr. Water Resource Agent

GF:MB

MICROFILMED

JUL 14 2000



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

August 14, 1984

RE: Permit No. 36-7824

Mantech, Inc.
c/o Kent W. Foster
Kidwell, Hahn & Crapo
Idaho First National Bank Bldg.
Idaho Falls, ID 83402

Gentlemen:

We are in receipt of the assignment of Permit No. 36-7824 from Richard Kaster to Mantech, Inc. Enclosed is a copy of the permit for your records. We have changed our file to identify Mantech, Inc. as the permit holder.

As stated in your letter of August 13, 1984, Mr. Kaster has completed the requirements necessary to develop this permit into a license. However, prior to licensing of this right, our Southern Regional Office in Twin Falls must complete an examination of the project. We will forward a copy of your August 13 letter to them and ask them to expedite their examination so we can prepare a water right license in the near future.

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

Sincerely,

KAY WALKER
Technical Records Specialist

KW:sc

Enclosure

cc: Southern Region

MICROFILMED

Permit No. 36-7824

ASSIGNMENT REVIEW CHECK LIST

1. Signature of Permit Holder? ✓
2. Notary? ✓
3. (a.) Full Assign?
b. Partial Assign?
4. "No assignment" condition on permit? yes
5. Commencement of works received? proof submitted 2-22-84
6. Affidavit of Residency required? yes - ok, see memo of 8/14/84 from Phil

1. Type Permit Summary sheet ✓
2. Coding sheet ✓
3. Acknowledgement letter type see draft
4. Copy to region ✓

Date: 8-14-84

Employee: R. Walker

MICROFILMED

INTER-DEPARTMENT MEMO — 1

FROM Phil Rassier

DATE Aug. 14, 1984

TO Glen Saxton

SUBJECT Assignment of Permit 36-7824

Kent Foster called me on this matter on Aug. 12 and 13. I confirmed with the Secretary of State's Office that Mantech, Inc. is qualified to do business in the State of Idaho.

If the file is otherwise in order we should be able to approve of the assignment as Kent has requested.

Also please note the request in Kent's letter for an expedited processing of the license for this permit. Proof was submitted February 16, 1984.

MICROFILMED

Phil

SIGNATURE

LAW OFFICES

HOLDEN, KIDWELL, HAHN & CRAPO

IDAHO FIRST NATIONAL BANK BUILDING

P. O. BOX 129

IDAHO FALLS, IDAHO 83402

TELEPHONE 523-0620

AREA CODE 208

ARTHUR W. HOLDEN (1877-1967)

ROBERT B. HOLDEN (1911-1971)

TERRY L. CRAPO (1939-1982)

WILLIAM S. HOLDEN
R. VERN KIDWELL, P. A.
FRED J. HAHN
KENT W. FOSTER
ROBERT E. FARNAM
WILLIAM D. FALER, P. A.
STEPHEN E. MARTIN
CHARLES A. HOMER
GARY L. MEIKLE
CURT R. THOMSEN
RANDALL K. BARTON
MICHAEL D. CRAPO

JAMES D. HOLMAN
GAYLE A. SORENSON
DONALD L. HARRIS
BRUCE T. SMITH
GREGOR S. CHVISUK

RECEIVED

AUG 14 1984

August 13, 1984

Department of Water Resources

Mr. Philip Rassier
Department of Water Resources
Statehouse
Boise, Idaho 83720

RE: Permit No. 36-7824

Dear Phil:

In our recent telephone conversations, I have made you aware that our client, B.C. Hydro, a Utah Limited Partnership qualified to do business in Idaho, has recently purchased two small hydro-plants near Wendell, Idaho, from Richard H. and Edith M. Kaster. The facilities are constructed and are presently in operation.

Idaho Water Right Permit No. 36-7824 for 300 cubic feet per second for fish propagation was originally issued to Richard Kaster in 1978. It was subsequently amended to change 270 cfs of the right from fish propagation purposes to power generation. A second amendment, which we understand has recently been, or is about to be approved, was filed February 16, 1984, to change the remaining 30 cfs also to power generation.

One of the general partners of B.C. Hydro Limited Partnership is a Utah corporation, Mantech, Inc., which has recently qualified with the Idaho Secretary of State's Office to do business in Idaho. Our firm has been named statutory agent in Idaho for this corporation. The Kasters have assigned the permit to this corporation, which will hold the permit until the right is licensed. We are enclosing with this letter the original "Assignment of Permit" which has been completed on the standard Idaho Department of Water Resource form.

MICROFILMED

Page 2
Mr. Philip Rassier
Department of Water Resources
August 13, 1984

Proof of application to beneficial use for this right was submitted on February 16, 1984. We were advised by Mr. Jim Johnson, of the department, that it might be possible to request an expedited processing and issuance of the license and we have been instructed to do so by our client. Would you please ask the appropriate personnel in the Department of Water Resources to process this proof as quickly as possible to the end that the license may be issued at the earliest possible date.

In our discussions with you, we advised that the lending institution in this matter is Commercial Security Bank of Salt Lake City, Utah, a member of a national banking association. We had originally understood the permit would be assigned or mortgaged to the bank as part of the security for the loan. It now appears that will not be the case, and that the permit will remain unencumbered. If that status changes, we will advise you as promptly as we can and complete any necessary compliance with Idaho Code Sections 42-206 and 207.

We would appreciate it if, at the earliest convenience, you would advise us by letter of the department's approval of the assignment of the permit by Kastars to Mantech, Inc. If you have any questions, or if any problems arise, please contact us as soon as possible. Thank you for your kind assistance in this matter.

Yours very truly,



Kent W. Foster

KWF/cl
3962.
Enclosures

MICROFILMED

— REGIONAL

EXPRESS

COMPANY—

P. 30x 2775

Boise, Idaho 83701

Phone (208) 343-2524

DATE

Aug. 13, 1.

ORIGIN STATION I.D.

BIDA

AIR BILL NO.

06754

IF HOLD FOR PICK-UP
PHONE NUMBERFROM (YOUR NAME) **Kent W. Foster**
HOLDEN, KIDWELL, HARRIS & CRAFOTO (CONSIGNEE'S NAME)
MR. PHILIP RASSIER

COMPANY

DEPT.

COMPANY

DEPT.

Dept. of Water Resources

STREET ADDRESS

P.O. Box 129

STREET ADDRESS

Statehouse

CITY

Idaho Falls

STATE

ID

ZIP CODE

83402

CITY

Boise

STATE

ID

ZIP CODE

83720

SHIPPERS REFERENCE NO.

PURCHASE ORDER NO. OR
CONSIGNEE'S REFERENCE NO.

ACCOUNT NO.

CONSIGNEE'S ACCOUNT NO.

PAYMENT:



BILL SHIPPER



BILL RECIPIENT'S REX ACCT.



CASH IN ADVANCE



BILL 3rd PARTY REX ACCT.

REX EMPLOYEE NUMBER

RECEIVED AT

SHIPPERS DOOR

☒ REGULAR STOP☒ ON-CALL STOP

REX Loc

ILFRECEIVED BY CONSIGNEE IN GOOD
CONDITION EXCEPT AS NOTED:

SPECIAL HANDLING INSTRUCTIONS:

MICROFILMED

X

8-14-84

DATE

AIR BILL NO.

7:57 am

TIME

06754

File # 3962

CONSIGNEE

1. In tendering the shipment for carriage the shipper agrees to these TERMS AND CONDITIONS OF CONTRACT which no agent or employee of the parties may alter and that this REGIONAL EXPRESS COMPANY airbill is NON-NEGOTIABLE and has been prepared by him or on his behalf by REGIONAL EXPRESS COMPANY (hereinafter called REX)

2. The shipper agrees that carriage is subject to terms and conditions of contract stated herein and those terms and conditions which are also stated in the most recent REX Service Guide, which is available for inspection and incorporated into this contract by reference.

3. In tendering the shipment for carriage, THE SHIPPER WARRANTS that the shipment is packaged adequately to protect the enclosed goods and to insure safe transportation with ordinary care and handling, and that each package is appropriately labeled and is in good order (except as noted) for carriage as specified.

4. When the destination of the shipment is not within the REX air terminal zone as listed in the most recent REX Service Guide, REX makes no commitment with respect to time of delivery of the shipment.

5. In the event of international carriage of any shipment hereunder, the rules relating to liability established by the Convention for the Unification of Certain Rules Relating to International Carriage by Air signed at Warsaw, Poland on October 12, 1929 shall apply to the carriage insofar as the same is governed thereby.

6. Federal Transportation Excise Tax. Pursuant to Section 4271 of the Internal Revenue Code, a 5% tax on air transportation portion of the service and the accessorial services related thereto is not included within the basic rate.

7. DECLARED VALUE AND LIMITATION OF LIABILITY. THE LIABILITY OF REGIONAL EXPRESS IS LIMITED TO THE SUM OF \$100.00 unless a higher value is declared for carriage herein and a greater charge paid at the rate of 30¢ per \$100.00 value. In the case of Express Package Service the maximum higher declared value is \$5,000.00 per shipment. In the case of Express Envelope, Express Box, Air Freight, and Priority Air Freight Service, the maximum higher declared value is \$2,000.00 per shipment. In the case of Express Letters, the maximum higher declared value is \$500.00. Shipments containing items of extraordinary value, including, but not limited to drawings, paintings, sculpture, porcelain, ceramics, furs, jewelry, fur trimmed clothing, watches, gems, stones, money, bullion, currency, coins, trading stamps, or other extraordinary valuable items, are limited to a maximum declared value of \$500.00. In the case of Express Package Service when multiple packages are placed on a single airbill but the shipper has not specified the

the shipment, the nature of the contents or any defect, characteristic of inherent vice thereof; violation by the shipper or consignee of any of the conditions of contract contained in this airbill or in the REX Service Guide, including, but not limited to, improper or insufficient packing, securing, marking or addressing, or failure to observe any of the rules relating to shipments not acceptable for transportation or shipments acceptable only under certain conditions: acts of God; perils of the air, public enemies, public authorities acting with actual or apparent authority, authority of law, acts or omissions of customs or quarantine officials, riots, strikes or other local disputes, civil commotions, hazards incident to a state of war, weather conditions or mechanical delay of the aircraft or acts of omissions of any person other than REX including compliance with delivery instructions from the shipper or consignee. REX shall not be liable for the loss of articles loaded and sealed in packages by the shipper provided the seal is unbroken at the time of delivery and the package retains its basic integrity. REX SHALL NOT BE LIABLE IN ANY EVENT FOR ANY SPECIAL, INCIDENTAL OR CONSEQUENTIAL DAMAGES, INCLUDING BUT NOT LIMITED TO LOSS OF PROFITS OR INCOME WHETHER OR NOT REX HAD KNOWLEDGE THAT SUCH DAMAGES MIGHT BE INCURRED.

8. Claims. WRITTEN NOTICE OF LOSS DUE TO DAMAGE, SHORTAGE OR DELAY MUST BE REPORTED BY THE SHIPPER WITHIN 15 DAYS AFTER THE DELIVERY OF THE SHIPMENT. WRITTEN NOTICE OF LOSS DUE TO NON-DELIVERY MUST BE REPORTED BY THE SHIPPER WITHIN 90 DAYS AFTER ACCEPTANCE OF THE SHIPMENT OR CARRIAGE. Written notification will be considered to have been made if the shipper calls and notifies the REX Call Center (208) 343-2524, and as soon as practicable thereafter files a written notification. Documentation of all claims other than overcharge claims must be submitted in writing to REX within ninety (90) days after receipt of written notification. No claim for damage will be entertained until all transportation charges have been paid. The amount of a claim may not be deducted from the transportation charges. Receipt of the shipment by the consignee without written notification of damage on the delivery receipt shall be *prima facie* evidence that the shipment was delivered in good condition, except that in the case of claims for concealed damage which is not discovered at the time of delivery, the shipper shall notify REX in writing as promptly as possible after the discovery thereof and in any event not later than 15 days from the date of delivery. The shipper must make the original shipping cartons and packing available for inspection by REX. Claims for overcharges and refunds must be made in writing to REX within twelve (12) months of billing date. All claims must be filed by the shipper.

9. All shipments are subject to inspection by REX including, but not limited to, opening the

July 24, 1984

RE: Permit No. 36-7824

Richard Kaster
Rt. 4
Buhl, ID 83316

Dear Mr. Kaster:

Enclosed is a copy of the approved application for amendment submitted in connection with the above referenced permit.

If you have any questions concerning this matter, please contact us.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:sc

Enclosure

UNRECORDED

RECEIVED

MAR 8 1982

Department of Water Resources

terms or conditions that were
cies in their letters of comment
icle 2, the Commission shall
terms or conditions are outside

No. 4608 as described and
application filed on October 13,
requirements of Part I of
licensing, subject to the
Commission's regulations
P.R. §4.106 45 Fed. Reg.

ess a petition appealing it
30 days from the date of
ion 1.7(d) of the Commission's
1), as amended, 44 Fed.
a petition appealing this
lication for rehearing as
Act does not operate as a
s order, except as specifically

Robert E. Cackowski

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

§ 4.106 Standard terms and conditions of exemption from licensing.

Any exemption from licensing granted under this subpart for a small hydroelectric power project 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 project. If any term or condition of the exemption is violated, the Commission may revoke the exemption, issue a suitable order under section 4(g) of the Federal Power Act, or take appropriate action for enforcement, forfeiture, or penalties under Part III of the Federal Power Act.

(b) Article 2. The construction, operation, and maintenance of the exempt project must comply with any terms and conditions that 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, as specified in Exhibit E of the application for exemption from licensing or in the comments submitted in response to the notice of the exemption application.

(c) Article 3. The Commission may accept a license application by any qualified license applicant and revoke this exemption if actual construction or development of any 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.

(d) Article 4. This exemption is subject to the navigation servitude of the United States if the project is located on navigable waters of the United States.

(e) Article 5. This exemption does not confer any right to use or occupy any Federal lands that may be necessary for the development or operation of the project. Any right to use or occupy any Federal lands for those purposes must be obtained from the administering Federal land agencies. The Commission may accept a license application by any qualified license applicant and revoke this exemption, if any necessary right to use or occupy Federal lands for those purposes has not been obtained within one year from the date on which this exemption was granted.

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UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Richard Kaster

Project No. 4608-001

-2-

NOTICE OF APPLICATION FOR EXEMPTION FOR SMALL HYDROELECTRIC
PROJECT UNDER 5 MW CAPACITY
(December 9, 1981)

That on October 13, 1981, Richard Kaster, Applicant, filed an application under Section 408 of the Federal Energy Regulatory Act of 1980 (Act) (16 U.S.C. §§2705 and 2708 as amended), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed small hydroelectric project (FERC Project No. 4608) would be located on the Applicant's fish hatchery site on Box Canyon Springs, in Twin Falls County near Buhl, Idaho. Correspondence with the Applicant should be directed to: Vernon Ravenscroft/Welen Chenoweth, Consulting Associates, Inc., P.O. Box 893, Boise, Idaho 83701.

Project Description - The project would consist of: 1) an existing diversion structure on Box Canyon Springs; 2) an existing flume; 3) an existing pipeline (directing water to Box Canyon Fish Hatchery); 4) two 25 to 30-foot long penstocks to be located at each end of the fish hatchery; and 5) two powerhouse with a total installed capacity of 315 kW.

Purpose of Project - The power generated by the project would be sold to Idaho Power Company.

Agency Comments - The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the Idaho Department of Fish and Game are requested, for the purposes set forth in Section 408 of the Act, to submit within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Competing Applications - Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before ~~the date of~~ ^{the date of} the competing license application that proposes to develop at least 7.5 megawatts in that project, or a notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than 120 days from the date that comments, protests, etc. are due. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 C.F.R. §4.33(b) and (c) (1980). A competing license application must conform with the requirements of 18 C.F.R. §4.33(a) and (d) (1980).

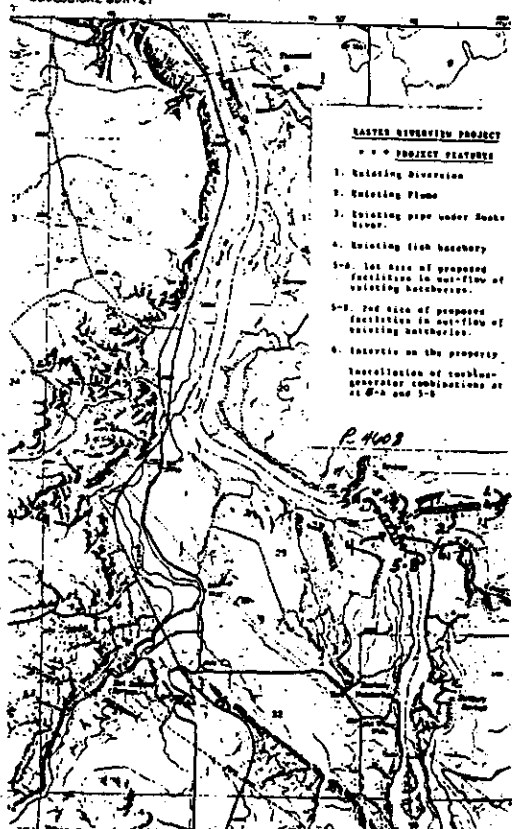
Comments, Protests, or Petitions to Intervene - Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of its Rules of Practice and Procedure, 18 C.F.R. §1.8 or §1.10 (1980). In determining the appropriate action to take, the Commission will consider all 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, protests, or petitions to intervene must be received on or before ~~the date of~~ ^{the date of} the competing application.

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, N.E., 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 288 AB, 825 North Capitol Street, N.E., Washington, D.C. 20426. 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.

Kenneth F. Plumb
Secretary

DC-3-10

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY



June 5, 1984

RE: Application for Amendment for Permit No. 36-7824

Richard Kasger
Route 4
Buhl, ID 83316

Dear Mr. Kasger:

This correspondence is in reference to an Application for Amendment of Permit No. 36-7824 in which you request 30 cfs of fish propagation use be change to power thereby making 300 cfs under said permit for power use.

Normally the Department withholds approval of water rights for hydropower purposes until the right holder receives approval of a preliminary permit or a waiver from the Federal Energy Regulatory Commission.(FERC). Our file indicates that on February 16, 1984 you submitted a statement of proof of water to beneficial use. Therefore, it appears that you have already received the necessary FERC approvals and are ready to have a field examination made by the Department.

Before final action can be taken on approval of your amendment, we must request that you provide us a copy of FERC approval for your project. Please submit this information on or before June 20, 1984.

If you have any questions, please let us know.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:sc

UNRECORDED

State of Idaho
Department of Water Resources

AMENDMENT ANALYSIS SHEET

INITIAL REVIEW BY: Lundberg

Right Number 36-7824

Applicant KASTER, Richard

Purpose of Amendment: ☐ Change point of diversion. ☐ Add diversion point(s).

☐ Increase amount.

☒ Change place of use.

☐ Other

chg use

CHECK:

N/A ☒ Description of amended point(s) of diversion.

☒ ~~Amount, nature and period of use. If increased, delay date of priority.~~

☒ ~~Description of amended places of use. If expanded, delay date of priority.~~

☒ Ownership of point of diversion and place of use.

☒ Map.

☒ Signature (must be permit holder).

☒ Fee.

N/A ☒ Existing water rights from the same source, amended place of use.

☐ Right number(s) N/A

☒ Yes ☐ No Should amendment be advertised?

☐ Yes ☒ No Should date of priority be delayed? If yes, to what date?

FINAL REGIONAL PROCESSING REVIEW:

☒ Affidavit of publication received.

☒ Amendment published correctly.

☒ Protests processed. - N/A

☒ Approve.

☐ Deny.

Conditions

OIF OH
OTA, OFA, 17C
17F, 25, 26A

what about
FERC compliance?

no-proof
has been
made

By

ADL

Date

5/24/84

STATE OFFICE PROCESSING:

☒ Amendment correct and complete. By Jim

☐ Approved copy sent to applicant and to Region. By

kw 6-1-84

MICROFILMED

Date

5-31-84

REC

MAY 30 1984

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region

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

MAY 15, 1984

RICHARD KASTER
ROUTE 4
BUHL

ID 83316

RE: Permit No. 36-7824

Dear Permit Holder:

We acknowledge receipt of your statement submitted as proof of beneficial use for the above referenced permit.

Before a license can be issued, a field examination must be made by a representative of this department.

A condition of approval of your original permit required the installation of a measuring device which, according to the proof card submitted by you, has not been installed. A measuring device must be installed and operating at the time the field examination is made. If a measuring device is not installed your permit may be subject to cancellation.

A field examiner will contact you to arrange to examine your system.

If you have any questions regarding the field examination, please contact this office by phone at 734-3578 or in person at our office at 1041 Blue Lakes Blvd. N. Twin Falls, Idaho.

Sincerely,

s/Mary A. Newby
Secretary

Mary A. Newby

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN DISTRICT

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

March 1, 1984

Gooding County Leader
Box 56
Gooding, Idaho 83330

Re: Notice of Amendment to a Water Permit No. 36-7824

Gentlemen:

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

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

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

Sincerely,

Mary A. Newby
Sec/Office Coord.

Encl:

MICROFILMED

NOTICE OF AMENDMENT TO A WATER PERMIT

NO. 36-7824

Notice is hereby given that Richard Kaster of Buhl, Idaho is the holder of approved permit No. 36-7824 authorizing the diversion of 300 cubic feet per second of water from Box Canyon Spring / tributary of Snake River in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec.28 T8S, R14E, B.M. Re-diverted Lts 3, 4, Sec. 28, T8S, R14E County of Gooding, to be used for Fish Propagation, 30.0 cfs; Power, 270.0 cfs from Jan. 1 to Dec. 31 within Lts. 3,4,7, Sec. 28, T8S, R14E

The permit holder has applied to the Department of Water RESources for an Amendment to the permit, to change the Mature of use as follows:

Point(s) of Diversion: No change

USE: Power, 300.0 cfs Jan. 1 to Dec. 31

Place of Use: No change

Any protest against approval of the amending of Permit No. 36-7824 as set forth above must be filed with the Idaho Department of Water Resources 1041 Blue Lakes Blvd. North, Twin Falls, Idaho, 83301, on or before March 26, 1984.

A. KENNETH DUNN
Director

Published in the Gooding County Leader March 7 and March 14, 1984

on _____ AND _____.

MICROFILMED

OK
F.M.
3/1/84

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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

KASTER, RICHARD
RT. 4
BUHL, ID 83316

~~138297~~

138297

PROOF DUE NOTICE

DECEMBER 31, 1983

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 36-7824 WAS THAT PROOF OF THE EXTENT OF YOUR BENEFICIAL USE MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE MARCH 01, 1984. (SEE LAST PAGE OF YOUR APPROVED PERMIT OR YOUR LAST APPROVED EXTENSION REQUEST). ENCLOSED IS A POSTCARD WHICH MAY BE USED TO SUBMIT THE REQUIRED PROOF.

IF YOU HAVE NOT FULLY COMPLETED YOUR PROJECT, AND YOU OR A PREVIOUS OWNER OF THIS PERMIT HAVE NOT RECEIVED A PRIOR EXTENSION OF TIME, YOU MAY REQUEST AN EXTENSION OF TIME IF THE DELAY IS FOR REASONABLE CAUSE AS PROVIDED IN SECTION 42-204, IDAHO CODE. IF YOU HAVE BEEN PREVENTED FROM PROCEEDING BY A GOVERNMENTAL AGENCY OR BY LITIGATION, MORE THAN ONE EXTENSION OF TIME CAN BE GRANTED. AN EXTENSION OF TIME REQUEST FORM IS ENCLOSED FOR YOUR CONVENIENCE.

EITHER THE BENEFICIAL USE POSTCARD OR A REQUEST FOR AN EXTENSION OF TIME MUST BE RECEIVED BY THIS DEPARTMENT ON OR BEFORE THE ABOVE DESCRIBED PROOF DUE DATE. IF NEITHER IS RECEIVED, THE DEPARTMENT WILL SEND YOU A LAPSE NOTICE. WITHIN SIXTY (60) DAYS OF THE MAILING OF THE LAPSE NOTICE, THE PERMIT WILL NO LONGER BE OF ANY FORCE NOR EFFECT.

SINCERELY,

RITA FLECK
SECRETARY/RECORDS MANAGER

ENCLOSURES

MICROFILMED

February 28, 1983

RE: Permit No. 36-7824

Richard Kaster
Route #4
Buhl, ID 83316

Dear Mr. Kaster:

Enclosed is a copy of your approved application for amendment of the above referenced permit. Be sure to note the conditions of approval as listed on the bottom of the second page.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:kw
Enclosure

TO: File

FROM: J.m

Search by Computer

By Robyn 2-14-83

FOR OTHER EXISTING POWER APPS.

Source ← Box Canyon Spring

36-7334

P/D ← SENE Sec 28 T8S R14E

36-7040 Irr, Fish, Rec

36-7091 Fish

36-7334 Fish

36-7797 Fish

36-7824 Fish -

← SENE Sec 28 T8S R14E

36-7091 Fish

36-7334 Fish

36-7797 Fish

36-7824 Fish

36-7775 Fish

36-8080 Fish

Re-diversion ← Lot 3 Sec 28 T8S R14E

36-7824 Fish

36-7822 Min Stream Flow

Cont

Re-diversion

← Lot 4 Sec 28 T85 R14E

36-7824 Fish

36-7822 Min Stream Flow

P/U ← Lot 3 Sec 28 T85 R14E

36-7797 Fish

36-2038 Irr - Source Blind Springs

(Priority
11-10-22)

36-7824 Fish

← P/D SWNE S33 T82 R14E

36-8080 Power

← Lot 4 Sec 28 T85 R14E

36-7797 Fish

36-2038 Irr.

36-7824 Fish

← ~~8~~ Lot 7 Sec 28 T85 R14E

None

Conclusion:

No conflicting Rights found.

J.J. 2-15-83

RECEIVED

NOV 24 1982

Department of Water Resources

November 17, 1982

Mr. David R. Tuthill, Jr. P.E.
Supervisor, Water Allocation Section
Department of Water Resources
Statehouse
Boise, Idaho 83720

RE: PERMIT NO 36-7824

Dear Sir:

In response to your letter dated October 28, 1982, I have completed and enclosed Form 205. Also in requesting the conversion of water rights to power use, I wish to convert 270 c.f.s. at this time, reserving 30 c.f.s. under fish propagation. At a future date, I would like to convert the remaining 30 c.f.s. to power use.

The conversion of water rights use from fish propagation to power will not effect any other water rights since the points of diversion and discharge and time of use will not be changed.

Sincerely,

Richard Kaster

Richard Kaster

RECEIVED

October 28, 1982

Mr. Richard Kaster
Route #4
Buhl, Idaho 83316

RE: Permit No. 36-7824

Dear Mr. Kaster:

On May 4, 1982 Glen Saxton wrote you a letter regarding your Application For Amendment of the above referenced permit. During our subsequent telephone conversation we clarified details of our interpretation of the application, but we have still not been formally notified of how you wish to proceed.

If you do wish to convert the entire rate of flow to a power use, please (1) complete the enclosed Form 205, (2) indicate in a letter the rate of flow for which you wish to convert the use from fish propagation to power, and (3) send these documents to me no later than December 1, 1982. Please call me at 334-4104 if you wish to discuss this matter further.

Sincerely,

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

DRT:jg

Enclosure

May 4, 1982

Mr. Richard Kaster
Route 4
Buhl, ID 83316

Dear Mr. Kaster:

Re: Application for Amendment of Permit No. 36-7824

This office is currently reviewing the above-referenced application for amendment. The delay in processing was due to legal interpretation of Section 42-211, Idaho Code, and to establish department policy regarding the addition of a use to an existing permit. The interpretation has been completed and is described as follows: The statutes provide that an amendment of a permit can change water uses but not add water uses. A change from one use to more than one use can be approved only if the sum of the diversion rates is not increased and if junior water rights will not be injured by such a change.

With respect to Permit No. 36-7824, all or part of the fish propagation use can be changed to power use if the water diverted reenters Box Canyon Creek upstream from the points of diversion of the junior water rights that propose to divert within the SW1/4NE1/4, Sec. 28, Twp. 8S, Rge. 14E B.M. The rate of flow for a power use would be the rate of flow deleted from fish propagation use. For example, the permit could be changed to show 100 cubic feet per second for power and 200 cubic feet per second for fish propagation, totaling the 300 cubic feet per second.

Please advise this office of how you wish to proceed on the pending application for amendment. If you have questions relative to this matter, please contact Dave Tuthill at 334-4104.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

cc: Alan McKitt - Southern

3/10/92

TO: DAVE

FROM: Jim

RE: AMENDMENT OF PERMIT 36-7824

WE RECEIVED THE ORIGINAL AMENDMENT OF PERMIT FORM FROM SOUTHERN REGION TO PROCESS ON 6/10/81 HOWEVER THE WATER RIGHT FILE WAS CHECKED OUT TO PHIL R.

TODAY CHERYL GAVE ME THIS FILE PER REQUEST I HAD MADE ON 6/10/81.

AFTER REVIEWING THE COMMENTS MADE CONCERNING THE PROPOSED AMENDMENT IT APPEARS THAT WE WOULD NOT ACCEPT BOTH USES AS PRESENTED ON THE AMENDMENT,

HOWEVER, IT ALSO APPEARS THAT A FINAL DECISION ON THIS IS STILL PENDING, BUT THERE IS NOTHING IN THE FILE TO INDICATE THIS.

THE REGION HAS RECOMMENDED APPROVAL BUT I'M NOT SURE WE WANT TO PREPARE THE AMENDMENT WITH THAT RECOMMENDATION.

INTER-DEPARTMENT MEMO — 1

FROM Phil R

DATE 4-3-21

TO Homer Y.

SUBJECT

It is my opinion that the hydro power right sought under the application for amendment could only be obtained by filing a new application for permit; or by changing the existing fish use to hydro under the new change in nature of use legislation.

SIGNATURE

INTER-DEPARTMENT MEMO — 1

FROM Glen S.
TO Norm Y.

DATE 4-2-81

— Phil your thoughts
please not

SUBJECT — Plz review this matter of adding
a use such as power to a permit.

— Fleenor points out that the
"addition" of a use is not proper under
an amendment to a permit unless something
is given up from original permitted use(s),
even if all use involved are non consumptive.

— Other problems include, ^{i.e., something must be changed} fee differential
& the potential of power being added for a 20th
fee to every permit on file.

HYJ SIGNATURE

INTER-DEPARTMENT MEMO — 1

DATE 3/3/81

FROM Dave T

TO Glen

SUBJECT Attached

Terry Blau's question becomes interesting if we consider the possibility of an applicant tacking on a power use to an existing permit simply to obtain repeated extensions of time due to lack of approval by the Federal govt of a FERC license.

Do you agree that this is a realistic problem?
Thoughts?

SIGNATURE

Dave

36-782

RECEIVED

INTER-DEPARTMENT MEMO — 1

FROM TERRY Blau

MAR 30 1981

DATE 3-19-81

TO Dave Tuthill

Department of Water Resources

SUBJECT Adding uses by Amendment.

I have discussed this App. for Amendment with Loren and he suggested that I request a policy statement on adding a nature of use to an existing permit. Can this be done? and if so what effect would it have on the existing permit? his priority state right to extensions? Should he be required to submit a financial statement + cost of construction? Also should his financial statement show sufficient financial resources to develop all of the projects he has under permit for over 25 cfs or only this one?

TB

SIGNATURE

INTER-DEPARTMENT MEMO — 1

DATE 3/31/81

FROM Dave Tuthill

TO Terry Blau

Draft

SUBJECT 36-7824 App for Amendment

1. Change in nature of use for a Permit is specifically allowed in Sec 42-211, I.C.
2. If the change in nature of use would not result in an increased diversion and use of water, then the priority date of the permit is not affected. The ability to request extensions of time would not be affected either. We may have to ask the permit holder to see if more water ^{will be used.}
3. When a use of "power" is added, information unique to that use must be provided by the permit holder. Head must be provided to enable the Dept to compute power generated and thus any requirement for a financial statement. In this case a financial statement is required anyway since Q225 cfs. ^(over)

SIGNATURE

4. In this case the permit holder must ^{provide} ~~show~~ a financial statement that shows the ability to develop all of the ~~uses~~ ^{uses} ~~projects~~ proposed ~~on this permit~~ both the fish prop facility and the power producing facility.

Amended

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 317

BY RESOURCES AND CONSERVATION COMMITTEE

1 AN ACT
2 RELATING TO PERMITS FOR APPROPRIATION OF WATER FOR HYDROPOWER PURPOSES;
3 AMENDING SECTION 42-205, IDAHO CODE, TO PROVIDE A PREFERENCE FOR APPLI-
4 CATIONS FOR A PERMIT FILED BY THE OWNER OF EXISTING RIGHTS OR HIS
5 AGENT; AND DECLARING AN EMERGENCY.

6 Be It Enacted by the Legislature of the State of Idaho:

7 SECTION 1. That Section 42-205, Idaho Code, be, and the same is hereby
8 amended to read as follows:

42-205. ISSUANCE OF PERMIT -- RESTRICTIONS -- PREFERENCE. (1) No permit shall be issued by the department of water resources of the state of Idaho, for the appropriation of water for power purposes, nor shall any such permit be assigned, transferred, mortgaged, sold or conveyed to any person, firm or corporation except in accordance with the provisions of this act.

15 (2) When competing applications for a permit are filed for the addi-
16 tional use for hydropower purposes that would utilize facilities that are
17 owned or controlled by the holder of an existing water permit, license,
18 decree, or established constitutional water usage, the director shall give
19 preference to the application of the owner of the existing rights or his
20 agent.

21 SECTION 2. An emergency existing therefor, which emergency is hereby
22 declared to exist, this act shall be in full force and effect on and after
23 its passage and approval.

IN THE SENATE
SENATE AMENDMENTS TO H.B. NO. 317

AMENDMENTS TO SECTION 1

1
2 On page 1 of the printed bill, following line 14, insert:
3 "(2) Water cannot be appropriated for hydropower development uses
4 within or using existing man-made irrigation facilities without the permis-
5 sion of the owner thereof."; at the beginning of line 15, delete "(2)" and
6 insert in lieu thereof: "(3)"; and following "permit" delete "are filed"
7 and insert in lieu thereof: "have been filed prior to the effective date of
8 this act".

CORRECTION TO TITLE

9
10 On page 1 of the printed bill, in line 3, following "CODE," insert "TO
11 PROHIBIT APPROPRIATIONS OF WATER FOR HYDROPOWER DEVELOPMENT USES WITHOUT
12 PERMISSION OF THE OWNER OF MAN-MADE IRRIGATION FACILITIES, AND".

effective 4/1/81

IN THE SENATE
SENATE AMENDMENTS TO H.B. NO. 253

AMENDMENTS TO SECTION 1

1
2 On page 1 of the printed bill, in line 30, following "any", insert:
3 "permanent", and in line 33, following: "legislature", insert: ". Any lease
4 within the state of Idaho for a term of less than three (3) years may be
5 approved by the director without legislative approval".

AMENDMENT TO SECTION 3

6
7 On page 3 of the printed bill, in line 44, following: "area", insert:
8 ". The director shall not approve such a change in nature of use of a water
9 right if a change has previously been allowed except where the change is
10 back to the original use".

CORRECTION TO TITLE

11
12 On page 1 of the printed bill, at the beginning of line 7, delete
13 "THAT", and insert in lieu thereof: "WHEN THE".

effective 3/27/81

Amended

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 253

BY RESOURCES AND CONSERVATION COMMITTEE

1 AN ACT
2 RELATING TO THE APPROPRIATION OF WATER; AMENDING SECTION 42-108, IDAHO
3 CODE, TO PROVIDE THAT PERIOD OF USE AND NATURE OF USE OF A WATER RIGHT
4 MAY BE CHANGED; AMENDING SECTION 42-221, IDAHO CODE, TO PROVIDE A FEE
5 FOR SUBMITTING AN APPLICATION TO CHANGE THE PERIOD OF USE OR NATURE OF
6 USE OF A WATER RIGHT; AMENDING SECTION 42-222, IDAHO CODE, TO PROVIDE
7 THAT PERIOD OF USE AND NATURE OF USE OF A WATER RIGHT MAY BE CHANGED;
8 AND DECLARING AN EMERGENCY.

9 Be It Enacted by the Legislature of the State of Idaho:

10 SECTION 1. That Section 42-108, Idaho Code, be, and the same is hereby
11 amended to read as follows:

12 42-108. CHANGE IN POINT OF DIVERSION, AND PLACE OF USE, PERIOD OF USE,
13 OR NATURE OF USE -- APPLICATION OF ACT. The person entitled to the use of
14 water or owning any land to which water has been made appurtenant either by
15 a decree of the court or under the provisions of the constitution and stat-
16 utes of this state, may change the point of diversion, period of use, or
17 nature of use, and/or may voluntarily abandon the use of such water in
18 whole or in part on the land which is receiving the benefit of the same and
19 transfer the same to other lands, if the water rights of others are not
20 injured by such change in point of diversion, or place of use, period of
21 use, or nature of use, provided; if the right to the use of such water, or
22 the use of the diversion works or irrigation system is represented by
23 shares of stock in a corporation or if such works or system is owned and/or
24 managed by an irrigation district, no change in the point of diversion, or
25 place of use, period of use, or nature of use of such water shall be made
26 or allowed without the consent of such corporation or irrigation district,
27 ~~except-to-lands-which-may-be-irrigated-through-the-same--system;--and--pro-~~
28 ~~vided-further;--that-the-provisions-of-this-act-shall-have-no-application-to~~
29 ~~irrigation-systems-operating-under-the-provisions-of-the-act-of-congress-of~~
30 ~~the-United-States-known-as-the-Garey-Act;~~ provided, any change in period or
31 nature of use in or out-of-state for a quantity greater than fifty (50) cfs
32 or for a storage volume greater than five thousand (5,000) acre-feet shall
33 require the approval of the legislature.

34 Any person desiring to make such change of point of diversion, or place
35 of use, period of use, or nature of use of water shall make application for
36 change with the department of water resources under the provisions of
37 section 42-222, Idaho Code. After the effective date of this act, no person
38 shall be authorized to change the period of use or nature of use, point of
39 diversion or place of use of water unless he has first applied for and
40 received approval of the department of water resources under the provisions
41 of section 42-222, Idaho Code.

42 SECTION 2. That Section 42-221, Idaho Code, be, and the same is hereby
43 amended to read as follows:

1 42-221. FEES OF DEPARTMENT. The department of water resources shall
 2 collect the following fees which shall constitute a fund to pay for legal
 3 advertising, the publication of public notices and for investigations
 4 required of the department in connection with the issuance of permits and
 5 licenses as provided in this chapter:

6 A. For filing an application for a permit to appropriate the public
 7 waters of this state:

- 8 1. For a quantity of 0.2 c.f.s. or less or for a storage volume of 20
 9 acre feet or less \$30.00
- 10 2. For a quantity greater than 0.2 c.f.s. but not exceeding 1.0 c.f.s.
 11 or for a storage volume greater than 20 acre feet but not exceeding 100
 12 acre feet \$45.00
- 13 3. For a quantity greater than 1.0 c.f.s. but not exceeding 20 c.f.s.,
 14 or for a storage volume greater than 100 acre feet but not exceeding
 15 2,000 acre feet \$45.00
 16 plus \$20.00 for each additional c.f.s. or part thereof or 100 acre feet
 17 or part thereof over the first 1.0 c.f.s. or 100 acre feet.
- 18 4. For a quantity greater than 20.0 c.f.s. but not exceeding 100
 19 c.f.s. or for a storage volume greater than 2,000 acre feet but not
 20 exceeding 10,000 acre feet \$425.00
 21 plus \$10.00 for each additional c.f.s. or part thereof or 100 acre feet
 22 or part thereof over the first 20.0 c.f.s. or 2,000 acre feet.
- 23 5. For a quantity greater than 100.0 c.f.s. but not exceeding 500.0
 24 c.f.s., or for a storage volume greater than 10,000 acre feet but not
 25 exceeding 50,000 acre feet \$1,225.00
 26 plus \$5.00 for each additional c.f.s. or part thereof or 100 acre feet
 27 or part thereof over the first 100 c.f.s. or 10,000 acre feet.
- 28 6. For a quantity greater than 500 c.f.s., or for a storage volume
 29 greater than 50,000 acre feet \$3,225.00
 30 plus \$1.00 for each additional 1.0 c.f.s. or part thereof or 100 acre
 31 feet or part thereof over the first 500.0 c.f.s. or 50,000 acre feet.

32 B. For filing application for change of point of diversion, or place,
 33 period, or nature of use of water of established rights; for exchange of
 34 water; or for an extension of time within which to resume the use of water
 35 under a vested right:

- 36 1. For a quantity of 0.2 c.f.s. or less or for a storage volume of 20
 37 acre feet or less \$30.00
- 38 2. For all other amounts \$50.00
- 39 C. For filing application for amendment of permit \$20.00
- 40 D. For filing claim to use right under section 42-243, Idaho Code
 41 \$30.00

42 E. For readvertising application for permit, change, exchange, or
 43 extension to resume use \$20.00

44 F. For certification, each document \$1.00

45 G. For making photo copies of office records, maps and documents for
 46 public use A reasonable charge as determined by the department.

47 H. For filing request for extension of time within which to submit
 48 proof of beneficial use on a water right permit \$15.00

49 I. For tasks requiring in excess of one (1) hour research or for com-
 50 puterized data provided for public use A reasonable charge as deter-
 51 mined by the department.

1 All fees received by the department of water resources under the provi-
2 sions of this chapter shall be transmitted to the state treasurer for
3 deposit in the water administration fund account.

4 SECTION 3. That Section 42-222, Idaho Code, be, and the same is hereby
5 amended to read as follows:

6 42-222. CHANGE IN POINT OF DIVERSION, OR PLACE OF USE, PERIOD OF USE,
7 OR NATURE OF USE OF WATER UNDER ESTABLISHED RIGHTS -- FORFEITURE AND EXTEN-
8 SION -- APPEALS. (1) Any person, entitled to the use of water whether
9 represented by license issued by the department of water resources, by
10 claims to water rights by reason of diversion and application to a benefi-
11 cial use as filed under the provisions of this chapter, or by decree of the
12 court, who shall desire to change the point of diversion, or place of use,
13 period of use or nature of use of all or part of the water, under the right
14 shall first make application to the department of water resources for
15 approval of such change. Such application shall be upon forms furnished by
16 the department and shall describe the right licensed, claimed or decreed
17 which is to be changed and the changes which are proposed, and shall be
18 accompanied by the statutory filing fee as in this chapter provided. Upon
19 receipt of such application it shall be the duty of the director of the
20 department of water resources to examine same and if otherwise proper to
21 cause notice of the proposed change to be published once a week for two (2)
22 consecutive weeks in a newspaper published and of general circulation
23 within the county where the water is diverted, if there is such paper,
24 otherwise in a newspaper of general circulation within the county. Such
25 notice shall advise that anyone who desires to protest the proposed change
26 shall file notice of protests with the department within ten (10) days of
27 the last date of publication. Upon the receipt of any protest it shall be
28 the duty of the director of the department of water resources to investi-
29 gate the same and to conduct a hearing thereon. He shall also advise the
30 watermaster of the district in which such water is used of the proposed
31 change and the watermaster shall notify the director of the department of
32 water resources of his recommendation on the application, and the director
33 of the department of water resources shall not finally determine the action
34 on the application for change until he has received from such watermaster
35 his recommendation thereof, which action of the watermaster shall be
36 received and considered as other evidence.

37 The director of the department of water resources shall examine all the
38 evidence and available information and shall approve the change in whole,
39 or in part, or upon conditions, provided no other water rights are injured
40 thereby, and the change does not constitute an enlargement in use of the
41 original right, and the change is in the local public interest as defined
42 in section 42-203, Idaho Code; except the director shall not approve a
43 change in the nature of use from agricultural use where such change would
44 significantly affect the agricultural base of the local area. A copy of the
45 approved application for change shall be returned to the applicant and he
46 shall be authorized upon receipt thereof to make the change and the origi-
47 nal water right shall be presumed to have been amended by reason of such
48 authorized change. In the event the director of the department of water
49 resources determines that a proposed change shall not be approved as pro-
50 vided in this section, he shall deny the same and forward notice of such

1 action to the applicant by certified mail, which decision shall be subject
2 to judicial review as hereafter provided.

3 (2) All rights to the use of water acquired under this chapter or
4 otherwise shall be lost and forfeited by a failure for the term of five (5)
5 years to apply it to the beneficial use for which it was appropriated and
6 when any right to the use of water shall be lost through nonuse or forfei-
7 ture such rights to such water shall revert to the state and be again
8 subject to appropriation under this chapter. Provided, further, that upon
9 proper showing before the director of the department of water resources of
10 good and sufficient reason for nonapplication to beneficial use of such
11 water for such term of five (5) years, the director of the department of
12 water resources is hereby authorized to grant an extension of time extend-
13 ing the time for forfeiture of title for nonuse thereof, to such waters for
14 a period of not to exceed five (5) additional years. Application for an
15 extension shall be made before the end of the five (5) year period upon
16 forms to be furnished by the department of water resources and shall fully
17 describe the right on which an extension of time to resume the use is
18 requested and the reasons for such nonuse and shall be accompanied by the
19 statutory filing fee. Upon the receipt of such application it shall be the
20 duty of the director of the department of water resources to examine same
21 and to cause notice to be published once a week for two (2) consecutive
22 weeks in a newspaper published and of general circulation within the county
23 where the water has been diverted if there is such a paper, otherwise in a
24 newspaper of general circulation within the county. The notice shall fully
25 describe the right, the extension for which is requested and the reason for
26 such nonuse and shall state that any person desiring to object to the
27 requested extension may submit a protest to the director of the department
28 of water resources within ten (10) days of the last date of publication.
29 Upon receipt of a protest it shall be the duty of the director of the
30 department of water resources to investigate and conduct hearing thereon as
31 in this chapter provided. The director of the department of water
32 resources shall find from the evidence presented in any hearing, or from
33 information available to the department, the reasons for such nonuse of
34 water and where it appears to the satisfaction of the director of the
35 department of water resources that other rights will not be impaired by
36 granting an extension of time within which to resume the use of the water
37 and good cause appearing for such nonuse, he may grant one (1) extension of
38 five (5) years within which to resume such use. In his approval of the
39 application for an extension of time under this section the director of the
40 department of water resources shall set the date when the use of water is
41 to be resumed. Sixty (60) days before such date the director of the depart-
42 ment of water resources shall forward to the applicant at his address of
43 record a notice by certified mail setting forth the date on which the use
44 of water is to be resumed and a form for reporting the resumption of the
45 use of the water right. If the use of the water has not been resumed and
46 report thereon made on or before the date set for resumption of use such
47 right shall revert to the state and again be subject to appropriation, as
48 provided in this section. In the event the director of the department of
49 water resources determines that a proposed extension of time within which
50 to resume use of a water right shall not be approved as provided in this
51 section he shall deny same and forward notice of such action to the appli-
52 cant by certified mail, which decision shall be subject to judicial review

1 as hereafter provided.

2 (3) Any person or persons feeling themselves aggrieved by the determi-
3 nation of the department of water resources in approving or rejecting an
4 application to change the point of diversion, place, period of use or
5 nature of use of water under an established right or an application for an
6 extension of time within which to resume the use of water as provided in
7 this section, may, if a protest was filed and a hearing held thereon, seek
8 judicial review pursuant to section 42-1701A(4), Idaho Code. If no protest
9 was filed and no hearing held, the applicant may request a hearing pursuant
10 to section 42-1701A(3), Idaho Code, for the purpose of contesting the
11 action of the director and may seek judicial review of the final order of
12 the director following the hearing pursuant to section 42-1701A(4), Idaho
13 Code.

14 SECTION 4. An emergency existing therefor, which emergency is hereby
15 declared to exist, this act shall be in full force and effect on and after
16 its passage and approval.

II253

Compiler's notes. Section 4 of S.L. 1980,
ch. 238 is compiled as § 42-211.

42-211. Amended application or permit — Appeals. — Whenever a permit has been issued pursuant to the provisions of this act, and the permit holder desires to change the place, period, or nature of the intended use, or make other substantial changes in the method of diversion or proposed use or uses of the water, he shall file an application for amendment upon forms to be furnished by the Department of Water Resources, together with the statutory fee for filing and recording same, and upon receipt thereof it shall be the duty of the Department of Water Resources to examine same and if approval thereof would not result in the diversion and use of more water than originally permitted and if the rights of others will not be adversely affected thereby, the Director of the Department of Water Resources shall approve said application and return an approved copy to the permit holder. The Director of the Department of Water Resources shall give such notice to other affected water users as he deems appropriate and may grant the amendment, in whole or in part or upon conditions, or may deny same. Notice of partial approval or conditions or denial of an amendment shall be forwarded to the applicant by certified mail and shall be subject to judicial review as hereafter provided. The priority of the right established pursuant to a permit which has been amended under these provisions shall date from the date of the original application for permit, provided the permit holder has complied with other provisions of this act.

In connection with any application on which permit has not been issued, amendments may be made by indorsement by the applicant or his agent on the original application, which indorsement shall be initialed and dated. If the amendment will result in the use of more water than originally asked, the priority of the right shall be changed to the date of said amendment. The applicant shall also be required to pay any additional filing fee as a result of an amendment of the rate of diversion or volume of storage requested in such amended application. If amendment is made after publication of notice of the original application, said notice shall be republished following amendment, upon payment by the applicant of the statutory fee for republication as in this act provided. *

The notice shall be published in the same manner as provided by section 42-203, Idaho Code, for publication of notice of an application for permit. Protests to the application for amendment may be filed with and heard by the Director in the same manner as provided by section 42-203, Idaho Code, for protests to an application for a permit.

If a protest is filed and a hearing on the protest held, any person aggrieved by the final decision of the Director following the hearing may seek judicial review thereof pursuant to section 42-1701A(4), Idaho Code.

If no protest is filed and the Director grants the amendment in part or on conditions or rejects the amendment without a hearing, the applicant may request a hearing pursuant to section 42-1701A(3), Idaho Code, for the purpose of contesting the action of the Director and following the hearing and the issuance of a final decision by the Director may seek judicial review

Box Canyon (Riverview) Project

Headworks -	15,000
Powerhouse Foundation - (scroll case)	10,000
Draft tube -	5,000
Turbine rebuild -	3,000
Generator rebuild -	25,000
Governor rebuild -	2,000
Switch board -	45,000
Substation -	15,000
Interconnection line -	10,000
Concrete slab and Steel building -	15,000
	\$ 145,000

Estimated output - 175 Kw average

These Figures are For one of two identical powerplants involved in this project. Costs For 2nd powerplant will be similar. Output will also be same.

State of Idaho
Department of Water Resources

AMENDMENT ANALYSIS SHEET

INITIAL REVIEW BY: TG Blau

Right Number 36-7824 Applicant KASTER, Richard

Purpose of Amendment: ☐ Change point of diversion. ☐ Add diversion point(s).
☐ Increase amount. ☐ Change place of use. ☒ Other Nature of use added

CHECK:

- ☒ Description of amended point(s) of diversion.
- ☒ Amount, nature and period of use. If increased, delay date of priority.
- ☒ Description of amended places of use. If expanded, delay date of priority.
- ☒ Ownership of point of diversion and place of use.
- ☒ Map.
- ☒ Signature (must be permit holder).
- ☒ Fee.
- ☒ Existing water rights from the same source, amended place of use.
- ☒ Right number(s) 36-7040, 36-7797
- ☒ Yes ☐ No Should amendment be advertised?
- ☐ Yes ☒ No Should date of priority be delayed? If yes, to what date? _____

Sent copy + memo to Dave Tietzel 3-17-81
FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received.
 - ☒ Amendment published correctly.
 - ☒ Protests processed. None
 - ☒ Approve.
 - ☐ Deny.
- Conditions Same as original permit + OBA

By ADM Date 5/11/81

STATE OFFICE PROCESSING:

- ☐ Amendment correct and complete. By _____ Date _____
- ☐ Approved copy sent to applicant and to Region. By _____ Date _____

RECEIVED
MAY 11 1981

March 30, 1981

Gooding County Leader
Box 56
Gooding, Idaho 83330

Re: Notice of Proposed Change of Water Right No. 37-0607A
Notice of Proposed Change of Water Right No. 36-0055I
Notice of Amendment of a Water Permit No. 36-7824

Gentlemen:

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

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

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

Sincerely,

Bill submitted: _____

NOTICE OF AMENDMENT TO A WATER PERMIT

NO. 36-7824

Notice is hereby given that Richard Kaster is the holder
of approved permit No. 36-7824 authorizing the diversion of 300
cubic feet per second of water from Box Canyon Spring/ tributary of Snake River
in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec 28
T.8S, R14E; Re-diverted Lts 3 & 4, Sec. 28, T8S, R14E. B.M..

County of Gooding, to be used for fish propagation purposes from Jan 1 to Dec. 31
(on _____ acres) within Lts 3, 4, 7, Sec. 28, T8S, R.14E, B.M.

The permit holder has applied to the Department of Water Resources for an Amendment
to add an additional use
to the permit, ~~to exchange the (Point) of diversion (and place of use) as follows~~
Point of Diversion:
~~Point of Diversion~~ Same

Additional Use: Power purposes from Jan 1 to Dec. 31

Place of Use: same

Any protest against approval of the amending of Permit No. 36-7824
as set forth above must be filed with the Idaho Department of Water Resources
1041 Blue Lakes Blvd. North, Twin Falls, Idaho, 83301, on or before _____
April 27, 1981.

C. STEPHEN ALLRED
Director

Gooding County Leader
Published in the April 8 and April 15, 1981

on _____ AND _____.

**NOTICE OF AMENDMENT
TO A WATER PERMIT
NO. 36-7824**

Notice is hereby given that Richard Kaster is the holder of approved permit No. 36-7824 authorizing the diversion of 300 cubic feet per second of water from Box Canyon Spring tributary of Snake River in the SW $\frac{1}{4}$ -NE $\frac{1}{4}$, SE $\frac{1}{4}$ -NE $\frac{1}{4}$, Sec 28 T.8S, R.14E; Re-diverted Lts 3 & 4, Sec. 28, T.8S, R.14E. B.M. County of Gooding, to be used for fish propagation purposes from Jan. 1 to Dec. 31 (on acres) within Lts 3, 4, 7, Sec. 28, T.8S, R.14E, B.M.

The permit holder has applied to the Department of Water Resources for an Amendment to the permit, to add an additional use.

Point of Diversion: Same

Additional Use: Power purposes from Jan. 1 to Dec. 31

Place of Use: Same

Any protest against approval of the amending of Permit No. 36-7824 as set forth above must be filed with the Idaho Department of Water Resources, 1041 Blue Lakes Blvd., North, Twin Falls, Idaho 83301, on or before April 27, 1981.

/s/ C. STEPHEN ALLRED
Director

Pub: 4-8, 15

*ok
mayer
4/7/81*

March 29, 1979

Re: Permit No. 36-7824

Richard Kaster
Route 4
Buhl, Idaho 83316

Dear Mr. Kaster:

Enclosed is a copy of your approved Application for Permit. We direct your attention to the conditions of approval as listed on the fourth page.

Be sure to note the special condition requiring you to install and maintain a measuring device at your point of diversion prior to submitting proof of beneficial use of water. We have enclosed a letter describing the different types of measuring devices accepted by this office.

Please be advised that, depending upon your plans for fish propagation, you may be subject to regulations of the Department of Fish and Game. We suggest that you check with them before starting construction.

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

Sincerely,

DAVID R. TUTHILL, JR.
Supervisor, Water Allocations Section

DRT:lr

Enclosures

36-7824

STAFF REVIEW - STATE OFFICE

1. ✓ Name vs. Signature
2. Spr Source
3. ✓ Point of Diversion
4. 300 Amnt. & Period of Use
5. ✓ Descrip. of Diverting Wrks.
6. 5 Time req. for Proof of B/U
7. ✓ Place of Use for other than irrig.
8. N/A Place of Use for irrigation (add acres)
9. Other Property Owner at Pt. of Div. & Pl. of Use
10. ✓ Map
11. 1025 Fee & Rec't. No.

$$\begin{array}{rcl} 100 \text{ cfs} & = & \$625 \\ 200 \text{ cfs} (\$2.00) & = & 400 \\ \hline 300 \text{ cfs} & = & \$1025 \end{array}$$

Copies Sent To:

<u>Yes</u> Idaho Health Department	<u>No</u> U.S.F.S.
<u>Yes</u> Idaho Fish & Game Dept.	<u>No</u> Dept. of Lands
<u>No</u> Bureau of Land Management	<u>No</u> Other

Dam Safety Information N/A (Goes to Permit Section)

Check:

Critical G.W. Area yes ✓ no

Other rights ^{for use} on same land 36-7040 36-7797

Withdrawals of all protests received N/A yes no

Conditions:

ID Power Co. Letter - Snake R. NO

ID Power Co. Letter - G.W. & Tribs. NO

Snake River Condition NO

Payette River Letter NO

Priority Date 9-13-78

Water Quality #16 NO

Water Quality #10 Yes
intrastate ✓ interstate NO

Add F & G paragraph

Add condition # 8

Meas. Dev. or Sc. Meas. Yes #3

Totalizing meter NO

Supplemental NO

Right-of-Way Cond. Yes

Watermaster Cond. NO

Wtr. Dist No. 7

Meas. Dev. Cond. for apps within a Water Dist. NO

Add # 23 36-7040 & 36-7797
"300 cfs"

Jimi
Reviewer

3/22/79
Date

Box^{canyon} Spring } relative 1/2
analysis } to app
36-7824 (R. Kaster)

- Code Sec 67-4310

Provides that the State Park Board may appropriate natural spring flow from Box Canyon Creek in NW⁴ - Sec 27 & E² NE⁴ - Sec 28, T8S, R14E to preserve the water for scenic beauty & recreation purposes for citizens of Idaho. [1971]

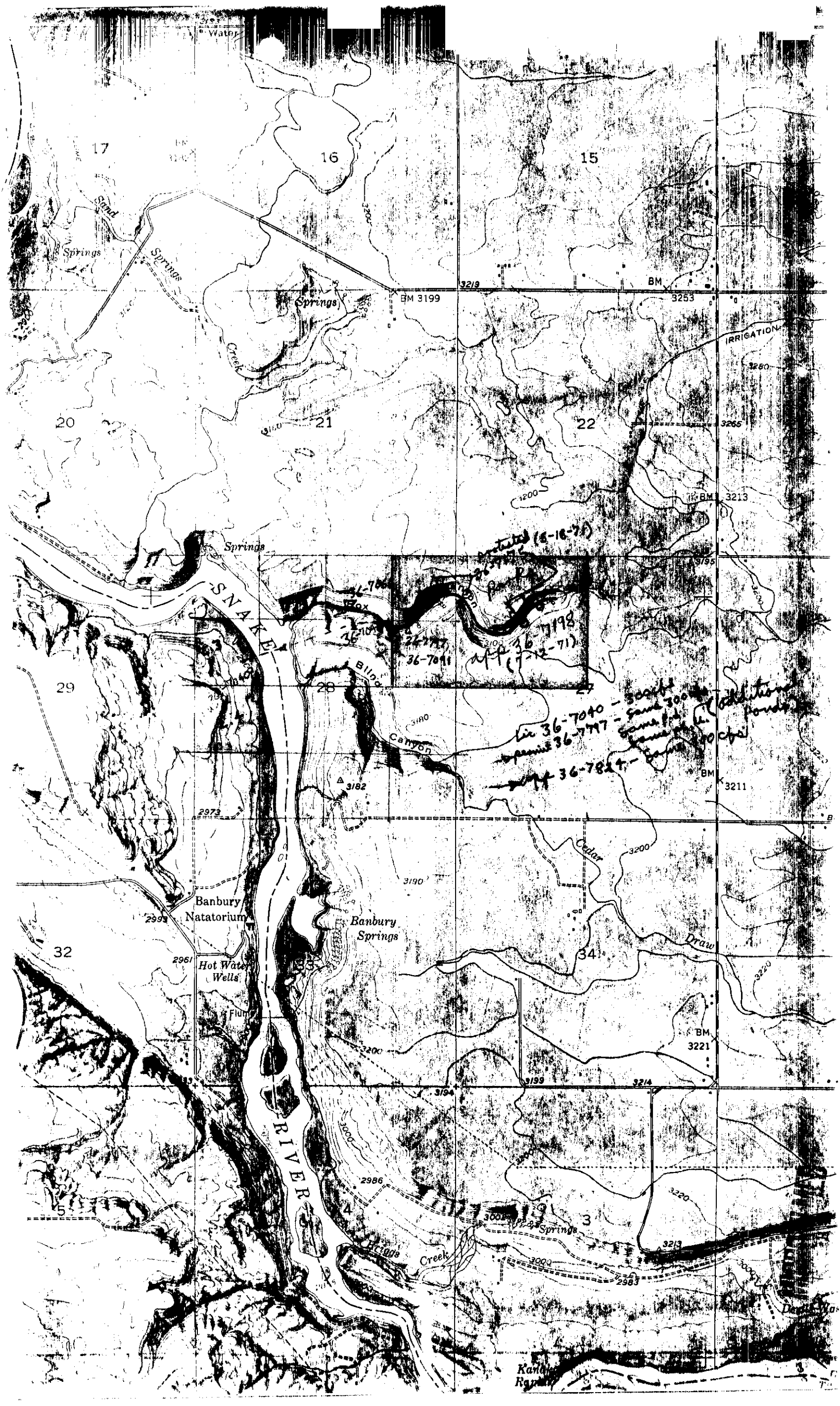
- app. 36-7198 was filed by Dept of parks on 7-12-71 for 850 cfs for scenic beauty & recreation.

- P.d & P. u. described same as in Code Sec 67-4310.

- app was protested by many people & has not yet been resolved.

- Fleenor advises that the majority of the problems assoc. w/ the filing have been resolved. The original file is in the region for scheduling of a hearing in the matter.

- The apphc by Parks Dept is upstream from the other fish propagation filings on Box Spring.
- There appears to be no reason not to approve app 36-7824 recently submitted by Richard Foster w/ the conditions as shown.
- Comment ?



DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

Application No. 36-7824 -Richard Kaster -

☒ Source
☒ Point of Diversion
☒ County
☒ Quantity of Water and Period of Use
☒ Description of Diverting Works
☒ Time required for B/U of water
☒ Place of Use or Acres Irrigated
☒ Map
☒ Signature
☒ Fee

(1) ADM 9-19-78

In form to receipt

(2) IB 9-21-78

Send Copies to:

☒ Idaho State Health Department *Div. of Environment*
☒ Idaho Fish and Game Department
Bureau of Land Management

(3) ~~IB~~ _____

Request Special Use Permit from U.S.F.S.
Request Easement from B.L.M.
Request Information from Applicant
Request Dam Safety Information

(4) IB 9-21-78

In form for advertising

(5) LH 3-13-79

Platted on Map No. BB-20

(6) _____

Located within Water District No. _____

(7) _____

Critical groundwater area: yes _____ no _____

(8) _____

Groundwater levels:

_____ Declining, _____ Stable, _____ Increasing

(comment) _____

(9) _____

Other rights on the same place of use

(10) _____

Comments: _____

(11) marpa 10/10/78

Affidavit of Publication received (date) 10/10/78

(12) marpa 9/21/78

Final date for protests 10/16/78

Protests received: yes _____ no _____

(13) JA 3-9-79

All requested information received from agencies or applicant: yes ☒ no _____

(14) LH 3-13-79

Action recommended:

☒ Approve _____ Deny

7-13-78 Proposed Priority

Reason for Reduction _____

☒ Measuring device required

See attached sheet for other conditions approval

No special conditions for approval

(15) District S By Loren O. Holmes Date 3-13-79

RECEIVED
MAR 19 1979
Department of Water Resources

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

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

March 5, 1979

Richard Kaster
Route #4
Buhl, Idaho 83316

Re: Application for Permit No. 36-7824 - Richard Kaster

Dear Mr. Kaster:

This letter is to remind you that our office is still holding your Application for Permit #36-7824. We will continue to hold the application until you submit the requested plans as indicated in our letter to you dated November 8, 1978 and in our telephone conversation of that date.

Please submit the requested plans as soon as possible so we may forward the application to Boise for its final approval.

If you cannot submit the plans within 10 days, please contact our office to make other arrangements.

Sincerely,

Allen D. Merritt
Water Resource Analyst

ADM:marya

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

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

November 8, 1978

Richard Kaster
Route 4
Buhl, Idaho, 83316

RE: Application for permit #36-7824

Dear Mr. Kaster:

This letter is to confirm our telephone conversation on November 8, 1978. As I explained our office is currently holding up processing of your application until our office has received from you the requested construction plans for your proposed facility.

The requested plans should include enough information to enable our office to visualize how the facility will be constructed. (dimensions, number, ect.)

Our office requests that these plans be submitted as soon as possible. You stated in our phone conversation that you would submit the plans by

PRE-PERMIT SURFACE-WATER EXAMINATION DATA SHEET

Date 10-17-78 Examiner Jim Stanton Application No. 36-7824

Applicant(s) Interviewed Yes

Upstream Users Interviewed Dwayne Wilson Dwayne Wilson, Manager of Clear Lakes Trout

&/or Upstream Diversions Inspected Co. trout farm using the 300 cfs filed on

Downstream Users Interviewed None

&/or Downstream Diversions Inspected

Legal Description Verified By Map (or give proper description) Yes

Water Flow: Visual Estimate 300 cfs Channel Width Average Depth

Water Velocity Channel Slope

Do Additional Inflows Enter Downstream From This Diversion? Unknown

Does This Water Enter Canal-Company Waterways? No Canal Co. Approval?

Source Of Waste Water: Legal Description N/A

Proportion Of Water Flow Arising On Applicant's Land

Does There Appear To Be Sufficient Water To Fulfill This Application Without Harming

Downstream Users? Yes XX No

Do Other Aspects Of The Application Appear To Be As Stated? Yes XX No

Notes applicant will pick up the water, already licensed to Clear Lakes Trout Co., after
it leaves the Clear Lakes facility. Company manager stated that the entire 300 cfs
will be used by Mr. Kaster.

Signed J. Stanton



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

October 13, 1978

Mr. Earl Hardy
1301 Vista Avenue
Boise, Idaho 83705

Re: Application for Permit #36-7824

Dear Mr. Hardy:

Enclosed is a copy of Application #36-7824 and the attached agreement which you requested as per our telephone conversation on the 13th of October, 1978. The charge for the copies is .25¢, and eleven copies the total amount will be \$2.75.

I was able to talk with Jim about his application. He indicated that Mr. Kastor did not intend to use any diversion other than the original Clear Springs diversion and that the reason 2 points of diversion were indicated was that the diversion is located on the line dividing the two quarter-quarters.

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

Sincerely,

Terry G. Blau
Senior Water Resource Agent

TGB:marya
Encl:

September 21, 1978

Gooding County Leader
Box 56
Gooding, Idaho 83330

Re: Application for Permit #36-7824 - Richard Kaster
Gentlemen:

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

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

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

Sincerely,

Mary A. Hill
Secretary

for

Loren O. Holmes
Southern Region Supervisor

Encl:

Bill submitted: _____

MICROFILMED

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Richard Kaster
Buhl, Idaho
has on 9/13/78 submitted Application No. 36-7824
for a permit to appropriate 300 cubic feet per second ~~approx. 600 cfs~~
of water from Box Canyon Spring tributary of Snake River
by means of Existing diversion dam and pipe line to Clear Springs Trout Co. fish
hatchery. Pipes and flumes from Clear Springs outfall to new place of use.
within the SW 1/4, Sec. 28, Twp. 8S, Rge. 14E, B.M., Gooding County. Additional
point of diversion, SE 1/4, Sec. 28; Re-diverted Lots 3 & 4 Sec. 28, Twp. 8S
Rge. 14E.
to be used from Jan. 1 to Dec. 31
for fish propagation
within the Lots 3, 4, 7, Sec. 28, Twp. 8S, Rge. 14E

If issued, this permit will be subject to all prior water rights. Protests
against the granting of the permit must be filed with the Idaho Department of
Water Resources, 1041 Blue Lakes Blvd., North, Twin Falls, Idaho, 83301 on or be-
fore Oct. 16, 1978.

C. STEPHEN ALLRED

Director

Published in the Gooding County Leader
on Sept. 28, 1978 and Oct. 6, 1978

**NOTICE OF APPLICATION
FOR WATER PERMIT**

South

Notice is hereby given that Richard Kaster, Buhl, Idaho has on 9/13/78 submitted Application No. 36-7824 for a permit to appropriate 300 cubic feet per second of water from Box Canyon Spring tributary of Snake River by means of Existing diversion dam and pipe line to Clear Springs Trout Co. Fish hatchery. Pipes and flumes from Clear Springs outfall to new place of use within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 28, Twp. 8S, Rge. 14E, B.M., Gooding County. Additional point of diversion, SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 28; Re-diverted Lots 3 & 4 Sec. 28, Twp. 8S Rge. 14E. to be used from Jan. 1 to Dec. 31 for fish propagation within the Lots 3,4,7, Sec. 28, Twp. 8S, Rge. 14E.

*op
marg
9/27/78*

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 1041 Blue Lakes Blvd., North, Twin Falls, Idaho, 83301 on or before Oct. 16, 1978.

/s/ C. Stephen Allred
Director

Pub: 9-28; 10-6

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 36-07824

Priority: July 7, 1979

Maximum Diversion Rate: 300.00 CFS

Maximum Diversion Volume: 217193.3 AF

This is to certify, that MANTECH INC
1400 S FOOTHILL DR
SUITE B25

SALT LAKE CITY UT 84108 has complied with the terms and conditions
of the permit, issued pursuant to Application for Permit dated September 13, 1978; and
has submitted Proof of Beneficial Use on February 16, 1984. An examination indicates
that the works have a diversion capacity of 300.000 cfs of water from:

BOX CANYON CREEK 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	300.00 CFS	217193.3 AF

LOCATION OF POINT(S) OF DIVERSION: SWNE , Sec. 28, Township 08S, Range 14E
GOODING County

PLACE OF USE: POWER

TWN RGE SEC

08S 14E 28 Lot 3 (SWNW) Lot 4 (NESW)

CONDITIONS OF APPROVAL AND REMARKS

1. This right does not constitute Idaho Public Utilities Commission or Federal Energy Regulatory Commission approval that may be required.
2. Use of water under this right shall be non-consumptive.
3. The rights for the use of water confirmed in this license shall be junior and subordinate to all rights for the use of water other than hydropower, within the State of Idaho that are initiated later in time than the priority of this right and shall not give rise to any right or claim against any future rights for the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this right.
4. A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.
5. Use of water under this right may be affected by an agreement between the right holder of this right and the right holders of Rights 36-07040 and 36-08080.

MICROFILMED & SCANNED

JUN 14 2009

OCT 16 2009

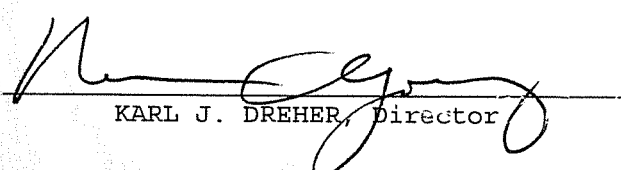
State of Idaho
Department of Water Resources**Water Right License**

WATER RIGHT NO. 36-07824

CONDITIONS OF APPROVAL AND REMARKS

6. Rights 36-07040, 36-08080 and 36-07824 when combined shall not exceed a total diversion rate of 300.0 cfs and a total annual maximum diversion volume of 217193.3 af.
7. Rights 36-07040 and 36-08080 are also diverted through the point of diversion described above.
8. The diversion and use of water for hydropower purposes under this license is subject to review by the Director on or after June 12, 2020. 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.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Signed and sealed this 7th day of July, 2000.


KARL J. DREHER, Director

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COPIED JUL 14 2000

OCT 16 2009