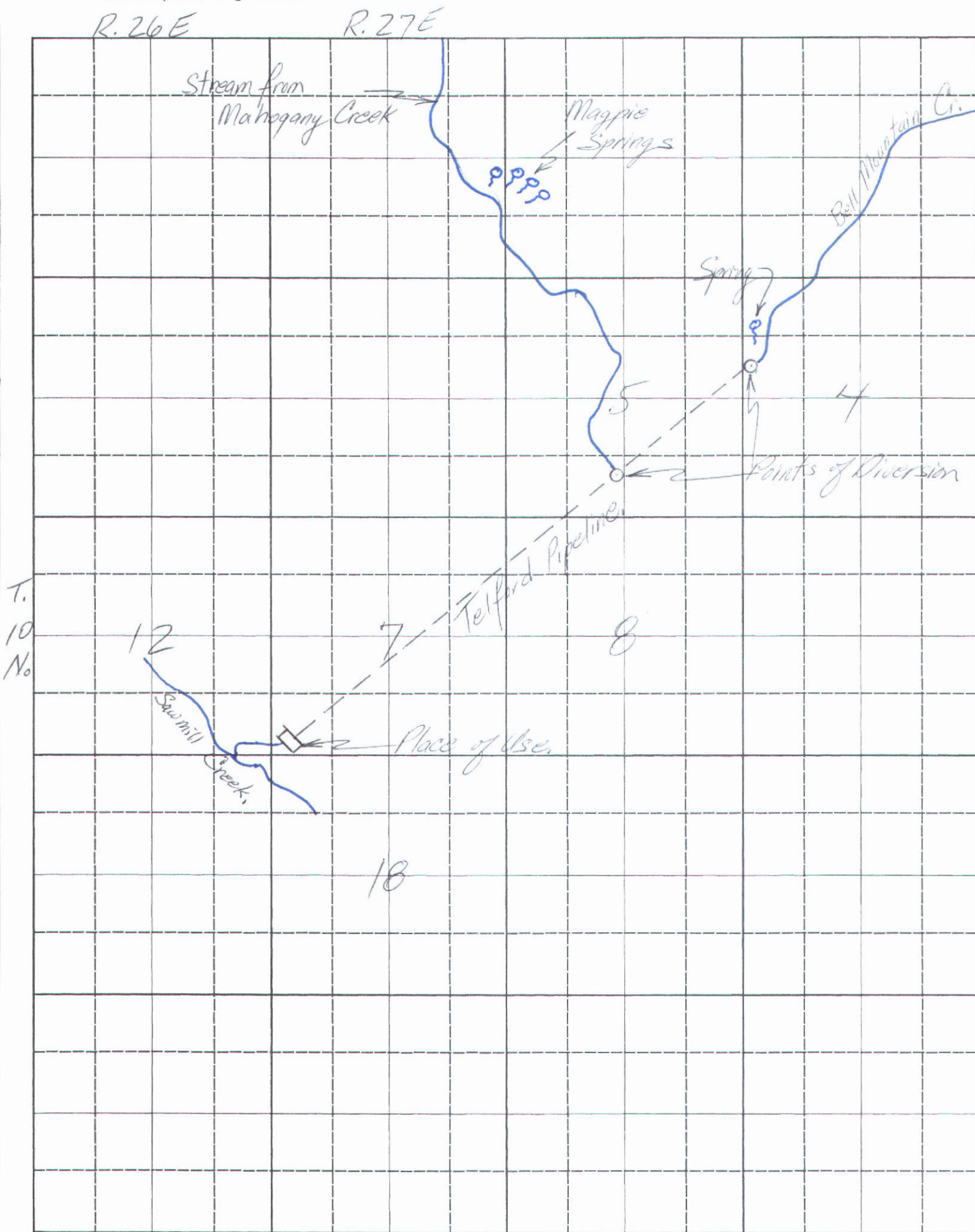


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



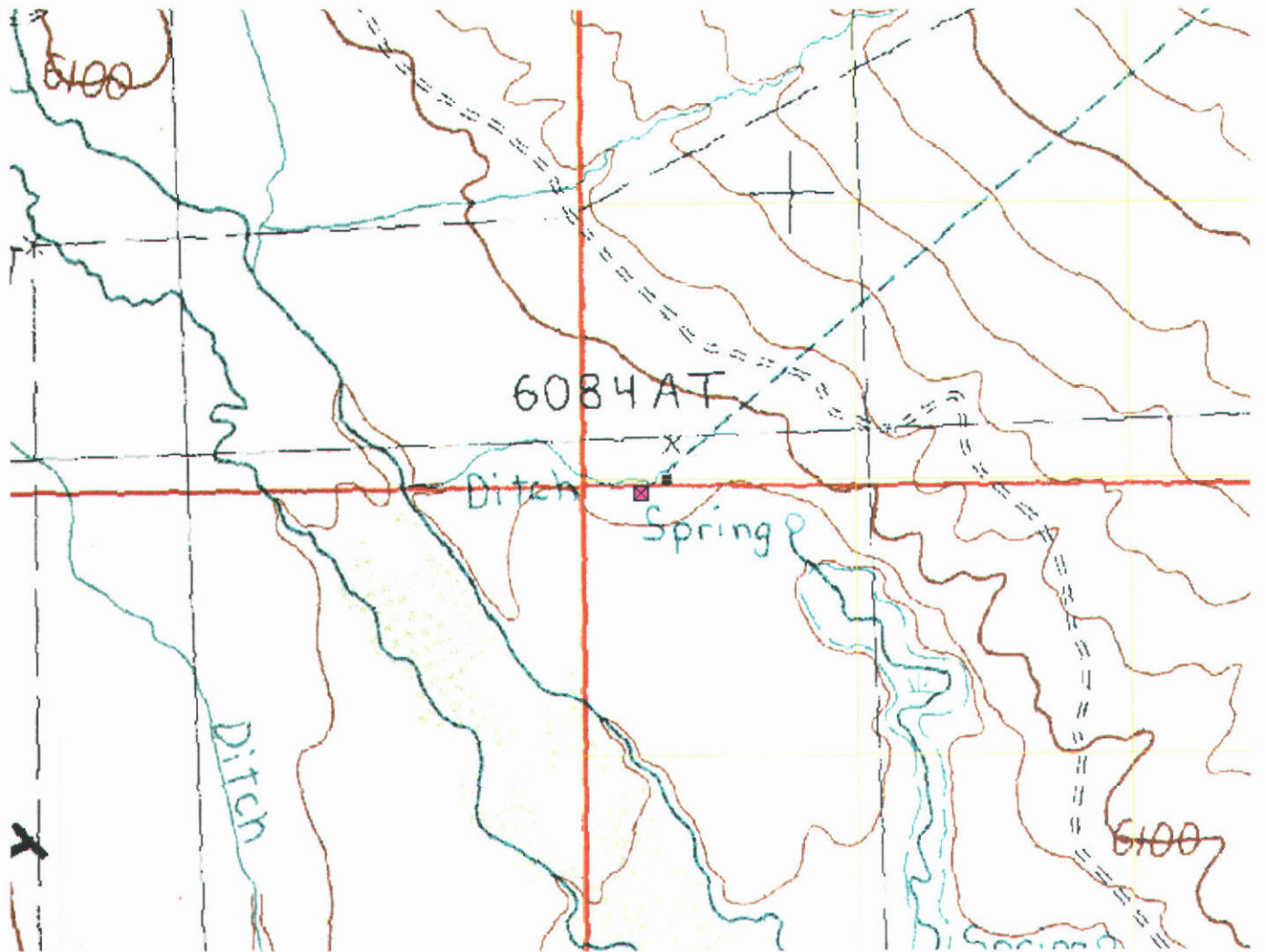
Scale: 2 inches equal 1 mile.

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

MICROFILMED

(Applicant)

33-07087
Request for License Amendment



0.3 0 0.3 0.6 Miles

■ 33-7087 actual POU



MICROFILMED

NOV 13 2002

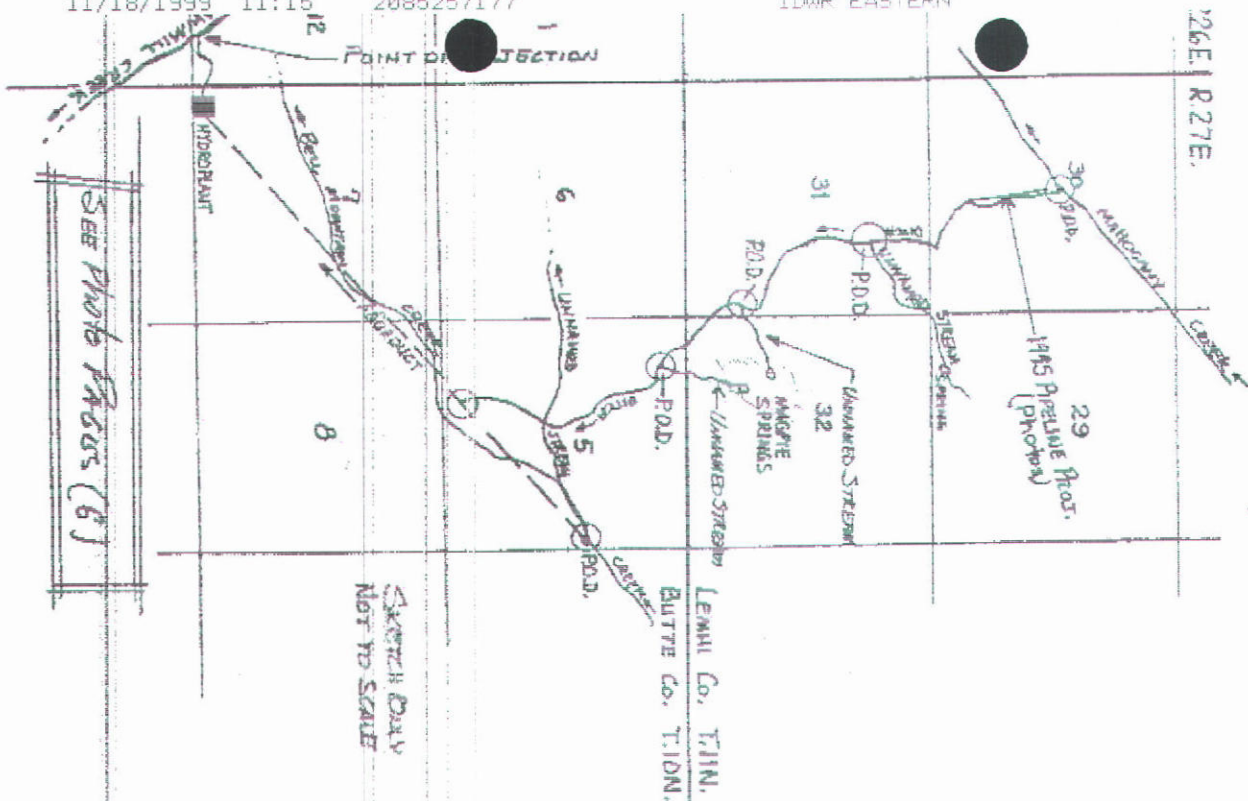
NOT OF DIVISION RIVER GAGE CONTINUED

CLAIM NUMBER: A33 00005

DATE: 24 OCT 95

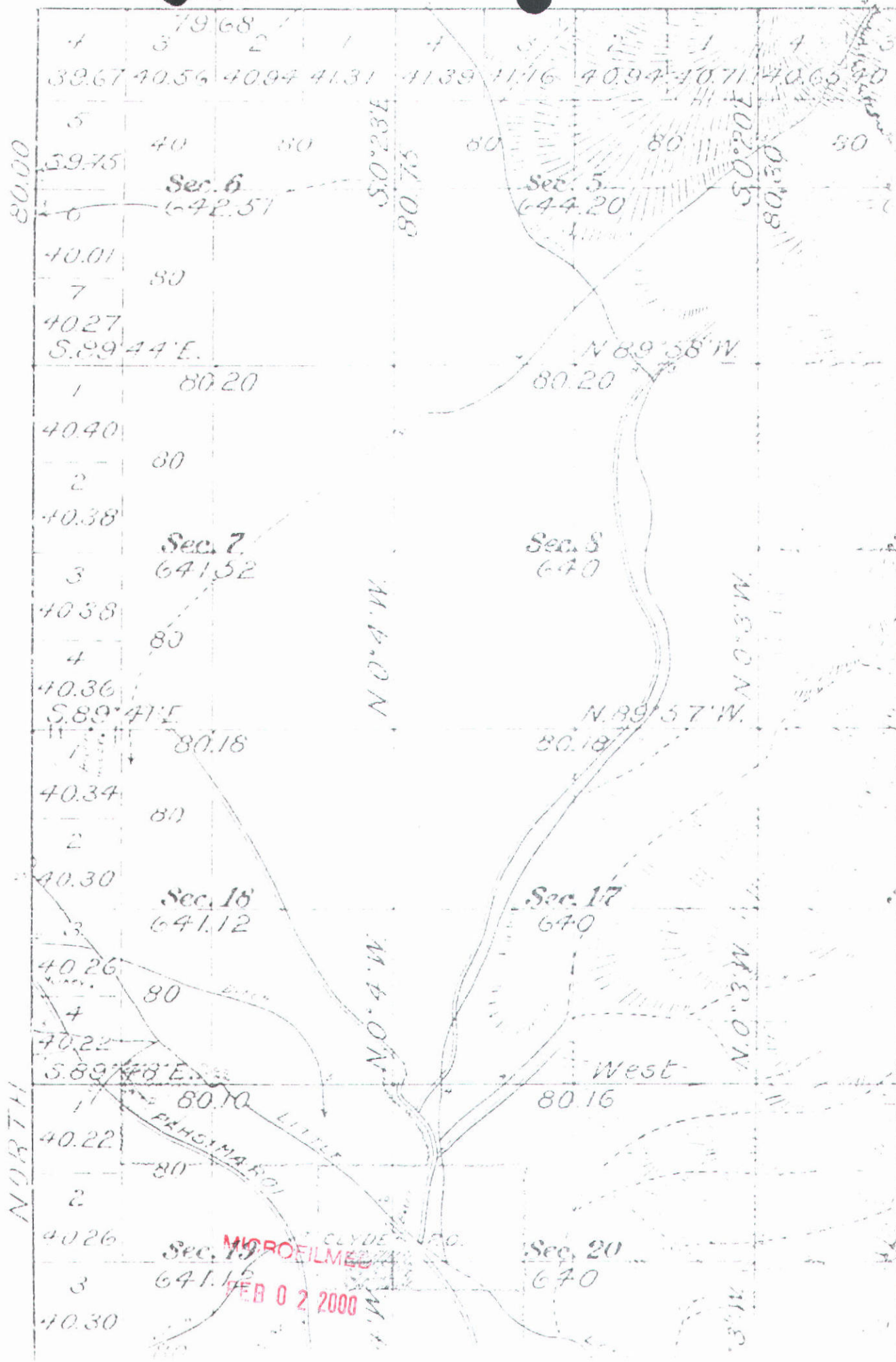
REVIEWED BY: *McGowan*
 GAGE DESCRIPTION: DELETED BELOW (), SEE LITRAGE FILE (), OR SEE ATTACHMENT ()

26E R 27E.

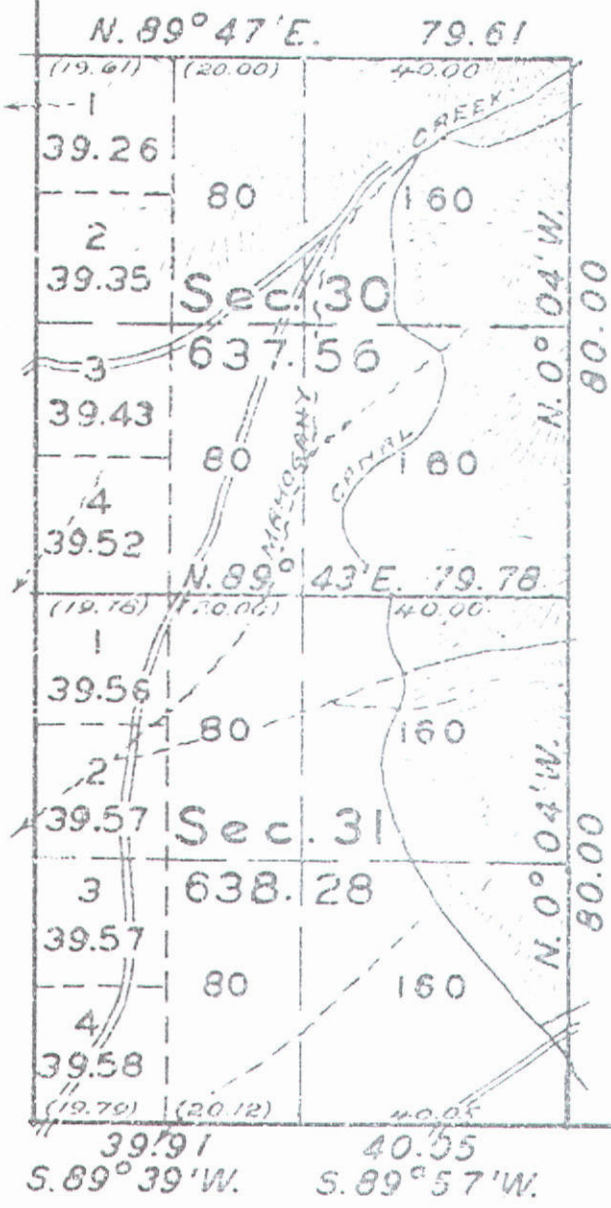


MICROFILMED
 FEB 02 2000

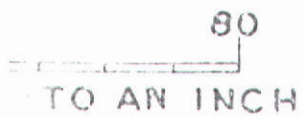
2



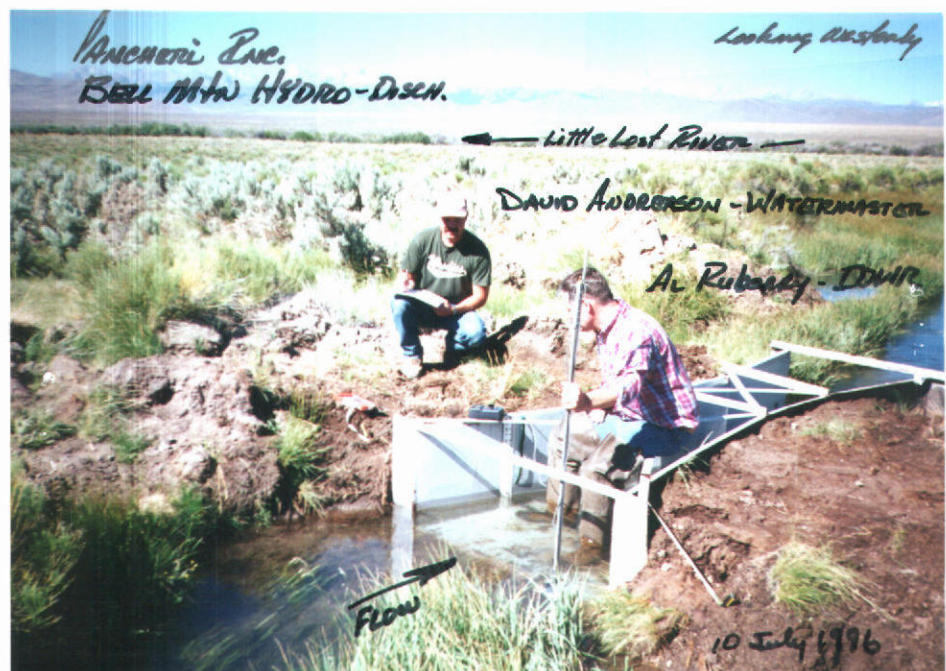
11N-2E



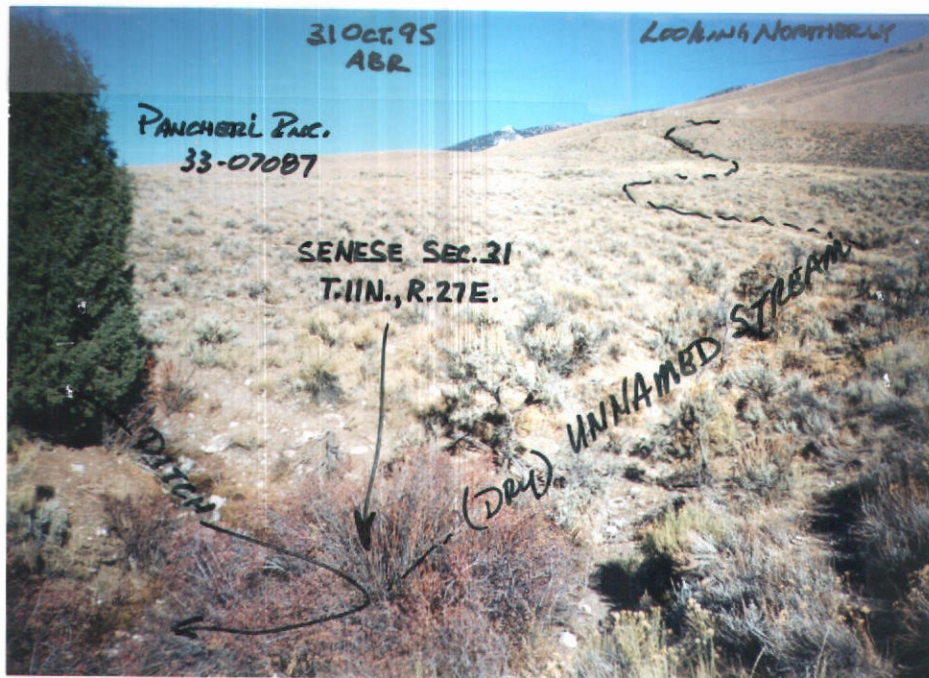
IDE $44^{\circ}14'40''N.$
 UDE $113^{\circ}17'30''W.$



MICROFILMED
FEB 02 2000



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FEB 02 2000



MICROFILMED
FEB 02 2000

PANORAMIC VIEW OF BELL Mtn. HYDROPOWER SOURCES & CONDUITS

33-07087

LOOKING EAST - LEMNI RANGE

MAGPIE SPS. (AKA: QUAKEN ASP SPS.)
BELL Mtn. CK. R.O.D. Photo 9.
MAHOGANY CK. R.O.D. Photos 1-4
DITCH
RIVER
SO. DIVERSION Photo 7.
N.O. DIVERSION Photo 6.
DITCH
AQUADUCT
HYDROPOWER PLANT Photos 10-12

Photos Taken: 4 Oct. 95
ABERDEEN

MICROFILMED
FEB 02 2000



Photo 1.

MANOGANY CK P.O.D.
LOOKING UPSTREAM

4 Oct 95 ABR

33-07087



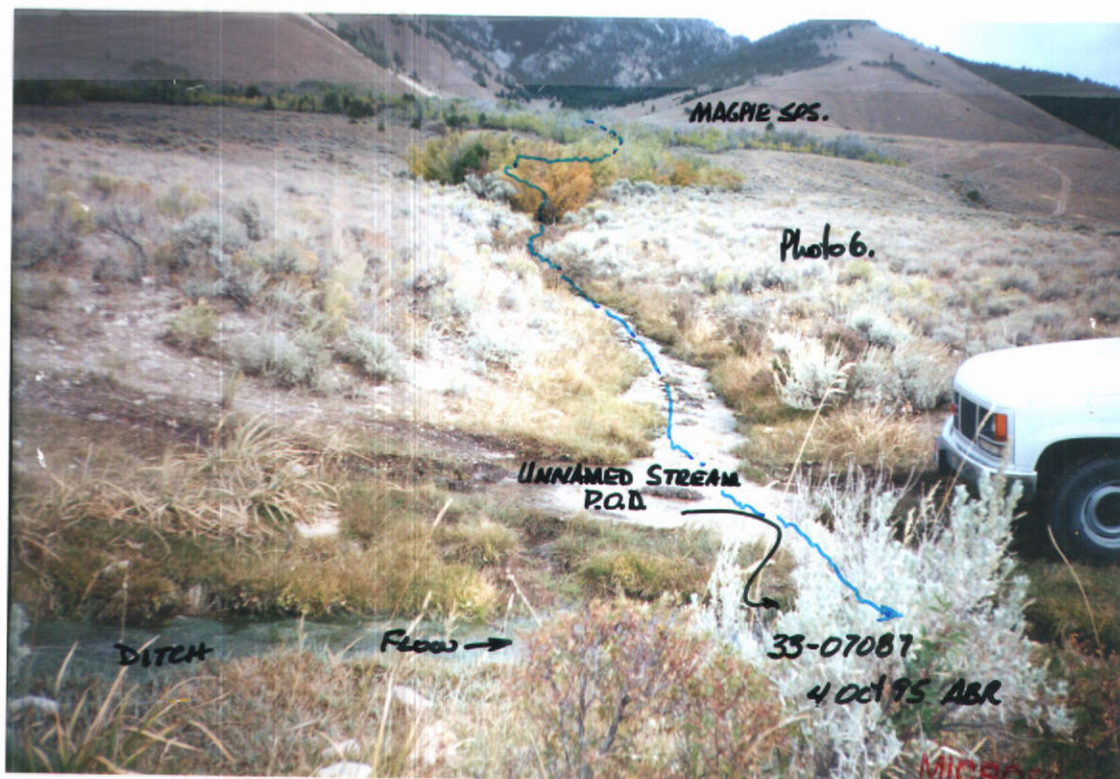
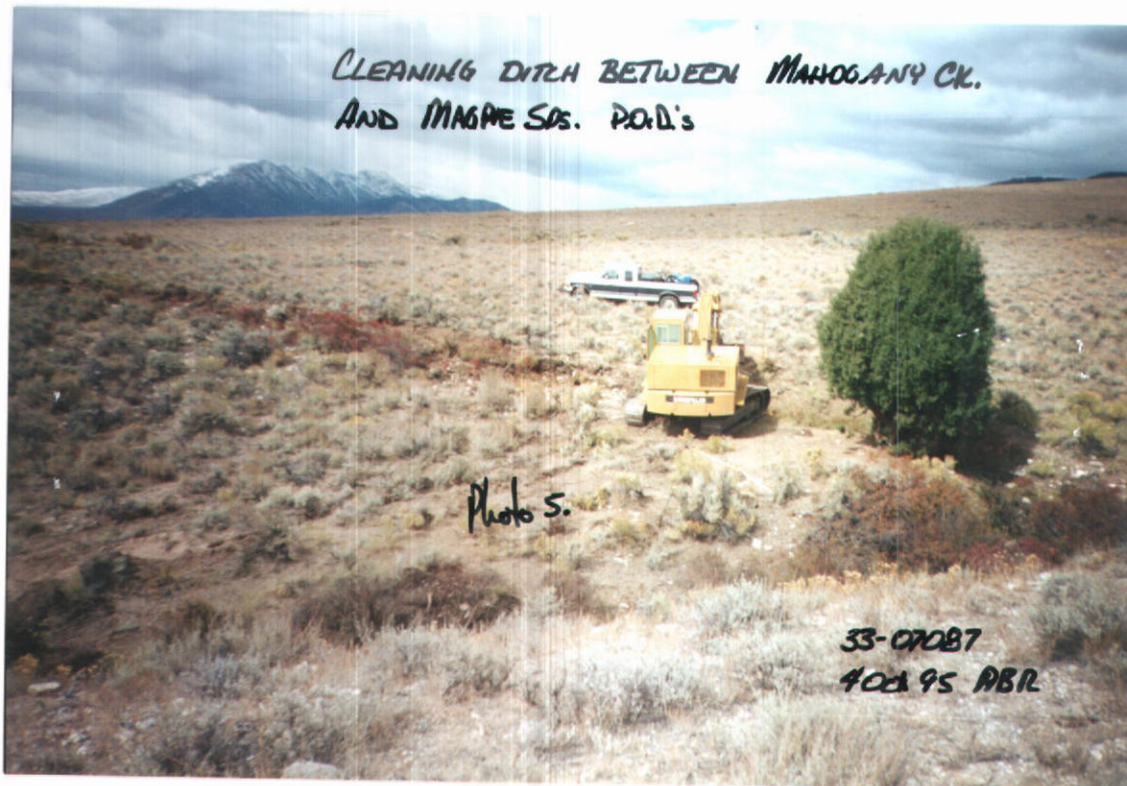
Photo 2.

MANOGANY CK WEIR
33-07087
4 Oct 95 ABR

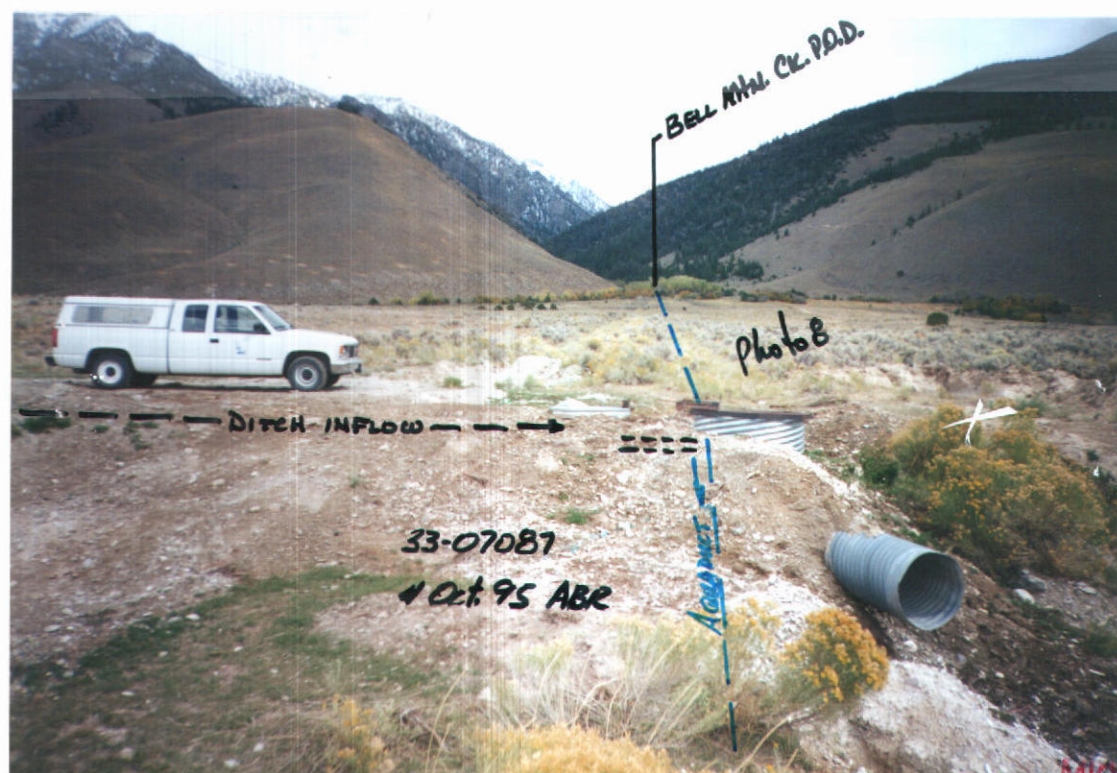
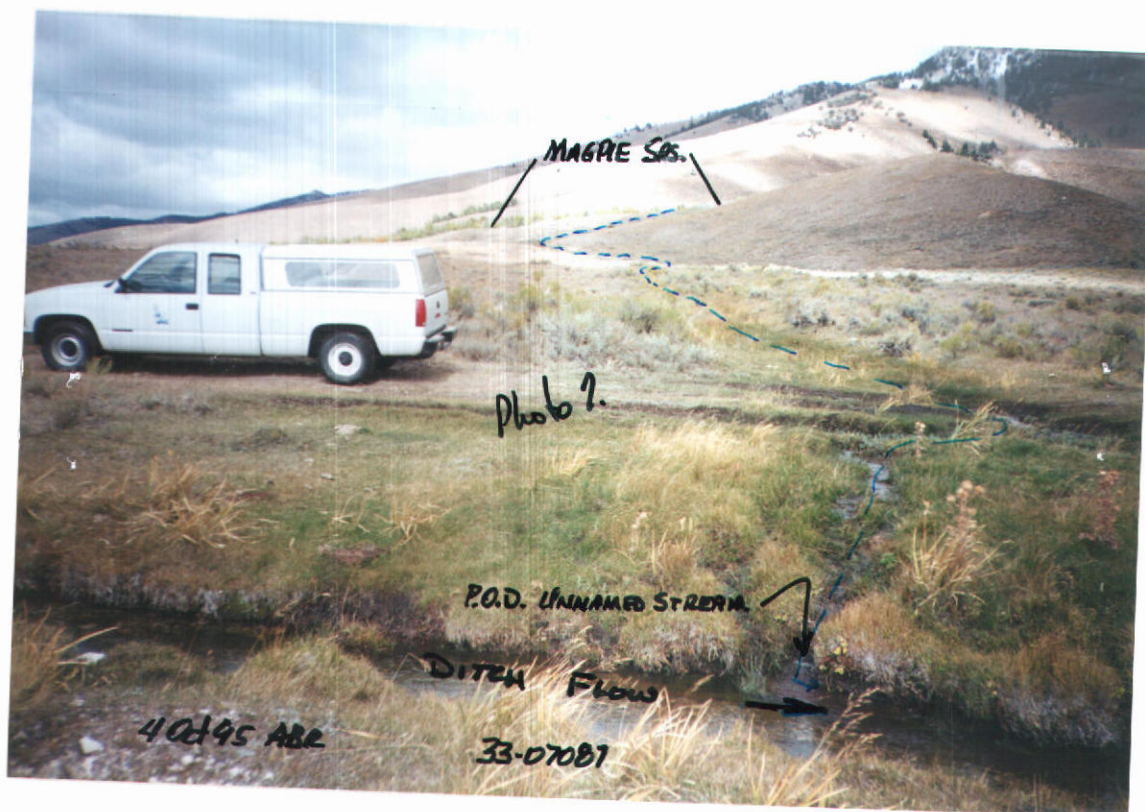
MICROFILMED
FEB 02 2000



MICROFILMED
FEB 02 2000



FEB 02 2000



MICROFILMED
 FEB 02 2000

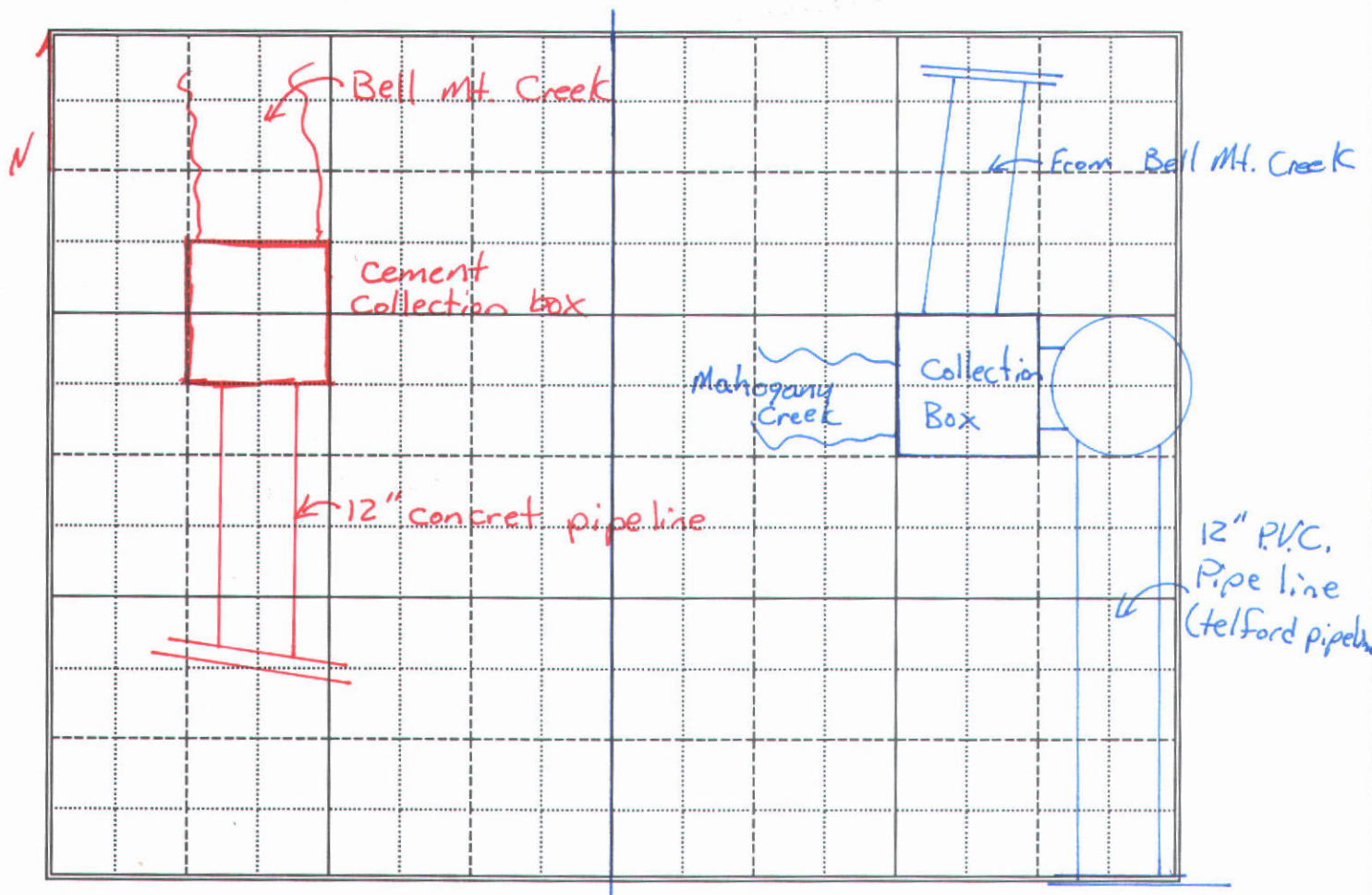


MICROFILMED
FEB 02 2000



MICROFILMED
FEB 02 2000

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable.



Scale: 1" = _____

____ Copy of USGS 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)

____ Photo of Diversion and System Attached

4.

NA

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

D. FLOW MEASUREMENTS

1.

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

2. Measurements:

see attached Manning equations

MICROFILMED

FEB 02 2000

MODE SELECT
INPUT

MODE SELECT
DATA SET

DATA SET MODE
? PRINTER

PRINTER USE
? YES

MODE SELECT
INPUT

OUTER DIAMETER
8.0370 IN

PIPE MATERIAL
? CS, SS

WALL THICKNESS
0.1480 IN

INNER LINING
? NO LING.

KIND OF FLUID
? ANOTHER

SOUND VELOCITY
1440 M/S-

SENSOR MOUNTING
? U

TYPE OF SENSOR
? SMALL

DATA CHANGE
? NO

SPACING
5.682 IN U

MODE SELECT
TO CHECK

0297.2 MMSEC
100.48 % TO

ZERO MODE
AUT ZERO

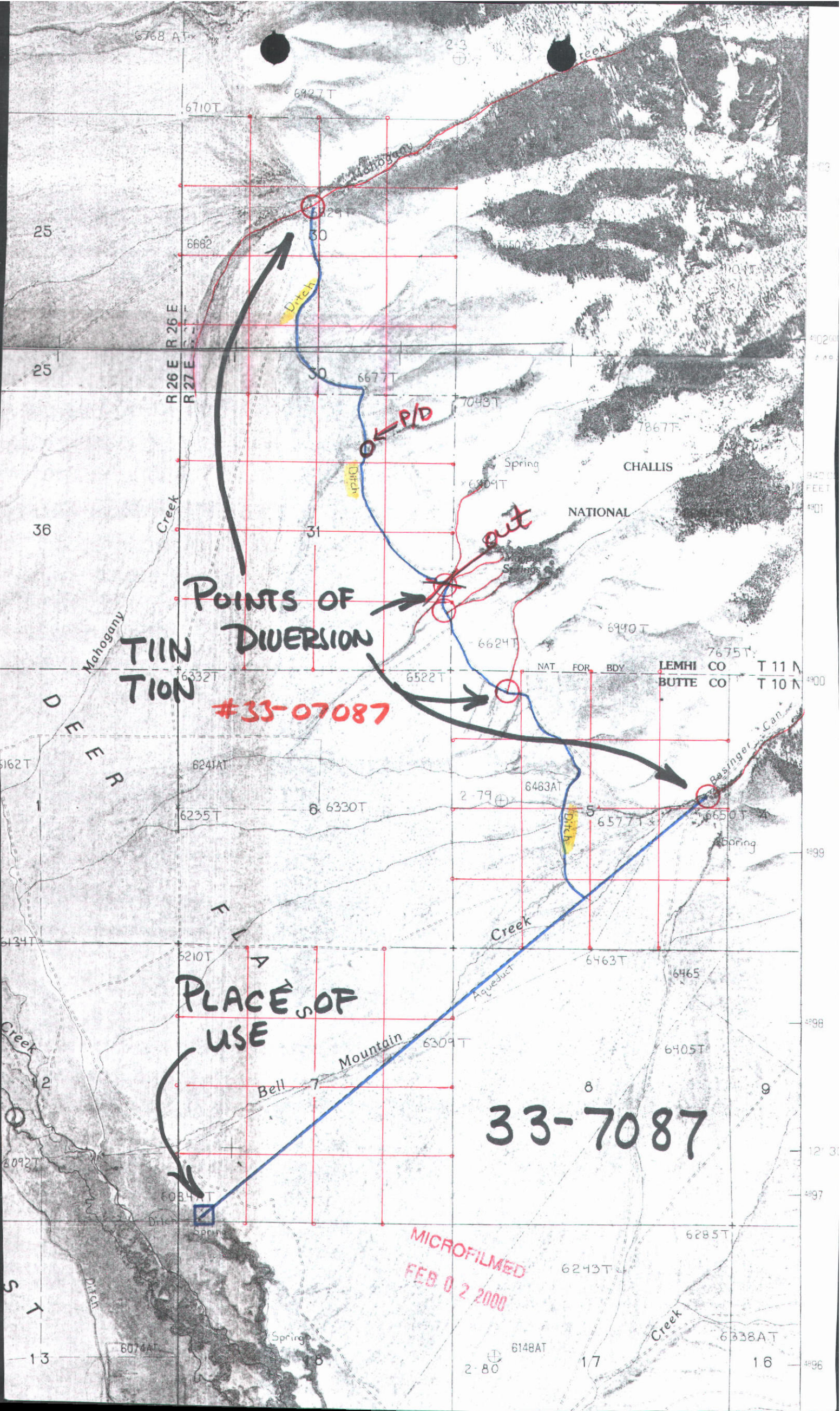
00-00 00:0800 *R
+679.714E 0GPM

00-00 00:0800 *R
+669.676E 0GPM

00-00 00:0800 *R
+694.772E 0GPM

00-00 00:0800 *R
+692.395E 0GPM

33-7087 at power plant



POINTS OF
DIVERSION

#33-07087

PLACE OF
USE

33-7087

MICROFILMED
FEB 02 2000

State of Idaho
Department of Water Resources

Amended

Water Right License

Amended

WATER RIGHT NO. 33-07087

Priority: January 8, 1981

Maximum Diversion Rate 7.00 CFS
Maximum Diversion Volume 5,070.0 AF

It is hereby certified that PANCHERI INC
C/O JERRY PANCHERI PRES
1494 HWY 22
HOWE ID 83244 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated January 8, 1981, and has
submitted Proof of Beneficial Use on July 15, 1983. An examination indicates that the works have a
diversion capacity of 10.1 cfs of water from:

SOURCE

BELL MOUNTAIN CREEK	Tributary: SINKS
MAHOGANY CREEK	SINKS
UNNAMED STREAM	SINKS

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
POWER	1/01 to 12/31	7.00 CFS	5,070.0 AF

LOCATION OF POINT(S) OF DIVERSION:

MAHOGANY CREEK	NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$	Sec. 30, Twp 11N, Rge 27E, B.M.	BUTTE County
UNNAMED STREAM	L4 (NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$)	Sec. 5, Twp 10N, Rge 27E, B.M.	BUTTE County
BELL MOUNTAIN CREEK	SE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$	Sec. 5, Twp 10N, Rge 27E, B.M.	BUTTE County
UNNAMED STREAM	NE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$	Sec. 31, Twp 11N, Rge 27E, B.M.	BUTTE County
UNNAMED STREAM	SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$	Sec. 31, Twp 11N, Rge 27E, B.M.	BUTTE County

PLACE OF USE: POWER

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10N 27E 18						X											
						L1											

CONDITIONS OF APPROVAL

- 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

NOTED
JUL 15 1983

State of Idaho
Department of Water Resources

Amended

Water Right License

Amended

WATER RIGHT NO. 33-07087

CONDITIONS OF APPROVAL continued

- 2 This right does not constitute Idaho Public Utilities Commission or Federal Energy Regulatory Commission approval that may be required
- 3 Use of water under this water right will be regulated by the watermaster of State Water District No. 33
- 4 A measuring device of a type approved by this Department shall be maintained as a part of the diverting works
- 5 The issuance of this right does not grant any right-of-way or easement across the land of another.
- 6 Use of water under this right shall be non-consumptive
- 7 The diversion and use of water for hydropower purposes under this license is subject to review by the Director on or after March 1, 2013. 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
8. Rights 33-00065 and 33-07087 when combined shall not exceed a total diversion rate of 7.00 cfs.
9. Right 33-00065 is also diverted through the points of diversion described above

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

Signed and sealed this 16th day of OCTOBER, 2002.

Acting for


KARL J. DREHER
Director

RECEIVED

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF PETITION TO)
CORRECT WATER RIGHT LICENSE)
NO. 33-7087)
_____)

**PRELIMINARY ORDER
CORRECTING LICENSE**

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

FINDINGS OF FACT

- 1 On March 17, 1983, the Department issued Permit 33-7087 (permit) to Pancheri, Inc , (right holder) for the diversion of 70 cfs from Bell Mountain Creek, Mahogany Creek, Magpie Springs, and other springs, for the purpose of generating power at a facility located within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 7, Township 10 North, Range 27 East, B M
- 2 On July 15, 1983, the Department received the right holder's proof of beneficial use statement for the permit.
- 3 On January 15, 1990, the right holder claimed the permit in the Snake River Basin Adjudication (SRBA)
- 4 On June 3, 1992, a Department field examiner conducted a field examination to verify the beneficial use established in accordance with the permit The field examiner reported that the power generation use was established in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 7, Township 10 North, Range 27 East, B M
- 5 On December 29, 1999, the Department issued Water Right License 33-7087 (license) to Pancheri, Inc , with the place of use described as Govt Lot 4 (SW $\frac{1}{4}$ SW $\frac{1}{4}$), Section 7, Township 10 North, Range 27 East, B. M., as had been permitted and reported by the Department field examiner.
- 6 On February 1, 2000, the Department submitted a Director's Report to the SRBA court recommending that the place of use for Water Right 33-7087 be decreed as licensed.
- 7 On April 7, 2000, the United States Department of Interior, Bureau of Land Management, (BLM) submitted an objection to the Director's Report for Water Right 33-7087 to the SRBA

court. The objection stated, "One of the Points of Diversion is misdescribed and should reflect the actual location."

8. On October 25, 2000, the SRBA court held a hearing concerning the objection filed by the BLM against the Department's recommendation for Water Right 33-7087. The BLM, the Department, and Kent Foster (attorney for the right holder) participated in the hearing. The BLM, Mr Foster and the Department agreed that the points of diversion for water right 33-7087 were correct as licensed and recommended in the Director's Report and that the statement of purpose for the objection was in error. Additionally, BLM staff reported that Global Positioning System data they had collected during their investigation of the objection indicated the location of the power generation use was incorrectly described on the license and subsequent recommendation.
9. The Department has received the BLM's Global Positioning System data showing that the place of use for water right 33-7087 is in Govt. Lot 1 (NW $\frac{1}{4}$ NW $\frac{1}{4}$), Section 18, Township 10 North, Range 27 East, B. M.
10. On March 18, 2002, the right holder, through attorney Kent Foster, submitted a petition asking the Department to correct the license by changing the place of use description to Govt. Lot 1 (NW $\frac{1}{4}$ NW $\frac{1}{4}$), Section 18, Township 10 North, Range 27 East, B. M.
11. On October 15, 2002, the Department received an application for amendment to change the permitted place of use to Govt. Lot 1 (NW $\frac{1}{4}$ NW $\frac{1}{4}$), Section 18, Township 10 North, Range 27 East, B. M.

CONCLUSIONS OF LAW

1. Under Section 42-219, *Idaho Code*, the Department has a statutory obligation to issue a water right license that accurately portrays the extent of beneficial use of water developed in accordance with the permit.
2. When issuing Water Right License 33-7087, the Department incorrectly described the place of use of the water right.
3. The place of use for Water Right 33-7087 should be described as Govt. Lot 1 (NW $\frac{1}{4}$ NW $\frac{1}{4}$), Section 18, Township 10 North, Range 27 East, B. M.
4. The Department should approve the application to amend Permit 33-7087.
5. The Department should revise the place of use description on the license.

ORDER

IT IS HEREBY ORDERED that the application to amend Permit 33-7087 submitted to the Department on October 15, 2002, is approved.

IT IS FURTHER HEREBY ORDERED that the place of use description for Water Right License 33-7087 is **CORRECTED** as set forth in the Amended Water Right License issued on this date in conjunction with this order.

Dated this 16TH day of OCTOBER, 2002


NORMAN C YOUNG
Administrator, Water Management Division

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 33-07087

RECEIVED

OCT 15 2001

Department of Water Resources

Date of Priority: January 8, 1981

Maximum Diversion Rate 7.00 CFS
Maximum Diversion Volume 5,070.0 AF

Comes now PANCHERI INC
C/O JERRY PANCHERI PRES
1494 HWY 22

HOWE ID 83244 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. 33-07087, and requests that the permit be changed as follows:

Source: BELL MOUNTAIN CREEK Tributary: SINKS
MAHOGANY CREEK SINKS
UNNAMED STREAMS SINKS

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
POWER	1/1 to 12/31	7.00 CFS	5,070.0 AF

LOCATION OF POINT(S) OF DIVERSION:

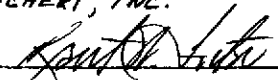
MAHOGANY CREEK	NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$	Sec. 30, Twp 11N, Rge 27E, B.M.	BUTTE County
UNNAMED STREAM	L4 (NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$)	Sec. 5, Twp 10N, Rge 27E, B.M.	BUTTE County
BELL MOUNTAIN CREEK	SE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$	Sec. 5, Twp 10N, Rge 27E, B.M.	BUTTE County
UNNAMED STREAM	NE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$	Sec. 31, Twp 11N, Rge 27E, B.M.	BUTTE County
UNNAMED STREAM	SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$	Sec. 31, Twp 11N, Rge 27E, B.M.	BUTTE County

PLACE OF USE: POWER

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10N 27E 18						X											
						L1											

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk. Signed this 11th day of OCTOBER, 2002.

BY KENT W. FOSTER, ATTORNEY FOR
PANCHERI, INC.


(Signature)

MICROFILMED

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 33-07087

FOR DEPARTMENT USE ONLY
Preliminary check by _____ Fee = 50.00 Received by [Signature] # 065150 Date 10-15-02

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, Karl J. Dreher, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No 33-07087 with the following.

CONDITIONS OF APPROVAL

1. 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.
2. This right does not constitute Idaho Public Utilities Commission or Federal Energy Regulatory Commission approval that may be required.
3. Use of water under this water right will be regulated by the watermaster of State Water District No 33
4. A measuring device of a type approved by this Department shall be maintained as a part of the diverting works
5. The issuance of this right does not grant any right-of-way or easement across the land of another.
6. Use of water under this right shall be non-consumptive.
7. The diversion and use of water for hydropower purposes under this license is subject to review by the Director on or after March 1, 2013. 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
8. Rights 33-00065 and 33-07087 when combined shall not exceed a total diversion rate of 7 00 cfs
9. Right 33-00065 is also diverted through the points of diversion described above

Witness my hand this 16TH day of OCTOBER, 2002.

Acting for 
KARL J. DREHER
Director

MICROFILMED

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 33-07087

Priority: January 8, 1981

Maximum Diversion Rate: 7.00 CFS

Maximum Diversion Volume: 5070.0 AF

This is to certify, that PANCHERI INC

HOWE ID 83244

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated January 8, 1981; and has submitted Proof of Beneficial Use on July 15, 1983. An examination indicates that the works have a diversion capacity of 10.100 cfs of water from:

BELL MOUNTAIN CREEK	tributary to	SINKS
MAHOGANY CREEK	tributary to	SINKS
UNNAMED STREAMS	tributary to	SINKS

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	7.00 CFS	5070.0 AF

LOCATION OF POINT(S) OF DIVERSION:

SESENE , Sec. 5, Township 10N, Range 27E
Lot 4 (NENWNW), Sec. 5, Township 10N, Range 27E
NESENW , Sec. 30, Township 11N, Range 27E
SEWNWE , Sec. 31, Township 11N, Range 27E
NESESE , Sec. 31, Township 11N, Range 27E
BUTTE County

PLACE OF USE: POWER

TWN RGE SEC

10N 27E 7 Lot 4 (SWSW)

CONDITIONS OF APPROVAL AND REMARKS

1. 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.
2. This right does not constitute Idaho Public Utilities Commission or Federal Energy Regulatory Commission approval that may be required.
3. Use of water under this water right will be regulated by the watermaster of State Water District No. 33.
4. A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.

ALL REFILED

4 2010

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

WATER RIGHT NO. 33-07087

CONDITIONS OF APPROVAL AND REMARKS

5. The issuance of this right does not grant any right-of-way or easement across the land of another.
6. Use of water under this right shall be non-consumptive.
7. The diversion and use of water for hydropower purposes under this license is subject to review by the Director on or after March 1, 2013. 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.
8. Rights 33-00065 and 33-07087 when combined shall not exceed a total diversion rate of 7.00 cfs.
9. Right 33-00065 is also diverted through the points of diversion described above.

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 29th day of DECEMBER, 1999.

Acting for


KARL J. DREHER, Director

MICROFILMED

1999

RECEIVED

NOV 12 1999

State of Idaho
Department of Water Resources

Department of Water Resources

APPLICATION FOR AMENDMENT

(For Licensing Purposes)

WATER RIGHT NO. 33-07087

Date of Priority: January 8, 1981

Maximum Diversion Rate: 7.00 CFS

Maximum Diversion Volume: 5070.0 AF

Comes now PANCHERI INC
HOWE ID 83244

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. 33-07087, and requests that the permit be changed as follows:

Source: BELL MOUNTAIN CREEK tributary to SINKS
Source: MAHOGANY CREEK tributary to SINKS
Source: UNNAMED STREAMS tributary to SINKS

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
POWER	01/01 to 12/31	7.00 CFS	5070.0 AF

LOCATION OF POINT(S) OF DIVERSION:

SESENE , Sec. 5, Township 10N, Range 27E
Lot 4 (NENWNW), Sec. 5, Township 10N, Range 27E
NESENE , Sec. 30, Township 11N, Range 27E
SENESE , Sec. 31, Township 11N, Range 27E
NESESE , Sec. 31, Township 11N, Range 27E
BUTTE County

PLACE OF USE: POWER

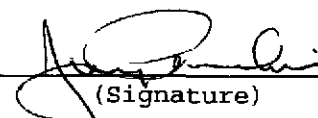
TWN RGE SEC

10N 27E 7 Lot 4 (SWSW)

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

Signed at Idaho Falls, this 8 day of Nov 1999.

MICROFILMED


(Signature)

1999 11 12

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 33-07087

FOR DEPARTMENT USE ONLY

Preliminary check by SWK Fee = \$50. Receipted by JC # E025449 Date 11-8-99

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, Karl J. Dreher, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 33-07087 with the following;

CONDITIONS OF APPROVAL AND REMARKS

1. 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.
2. This right does not constitute Idaho Public Utilities Commission or Federal Energy Regulatory Commission approval that may be required.
3. Use of water under this water right will be regulated by the watermaster of State Water District No. 33.
4. A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.
5. The issuance of this right does not grant any right-of-way or easement across the land of another.
6. Use of water under this right shall be non-consumptive.
7. The diversion and use of water for hydropower purposes under this license is subject to review by the Director on or after March 1, 2013. 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.
8. Rights 33-00065 and 33-07087 when combined shall not exceed a total diversion rate of 7.00 cfs.
9. Right 33-00065 is also diverted through the points of diversion described above.

Witness my hand this 29TH day of DECEMBER, 1999.
MICROFILMED

DEC 02 2000

Acting for


KARL J. DREHER, Director

4/86

RECEIVED

JUL 11 1986

Department of Water Resources
Eastern District Office

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

EXAMINATION FEE INFORMATION

JUL 22 1986

Department of Water Resources

For Office Use Only
Fee Received 250
Date 7-11-86
Receipt # 39773
Receipt by CW
Sent to S.O. _____

wants Exam done
May 1987

1. Permit No. 33-7087

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: Pancheri Inc

3. Post Office Address: Howe Idaho 83244

Telephone No. 767-3419

4. Source of Water: Bell Mt Creek, Mahogany Ck, Maggie Spring & Springs

5. Extent of Use:

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

Irrigation _____ (acres) Other/Remark Power Generation

6. Total rate &/or volume for which proof is submitted 7 cfs _____ acre-feet

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

Aug 1983

8. Person to contact to accompany the department representative during the field examination:

Jerry Pancheri

(Name)

Same

(Address)

767-3419

(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.)

11 July 1986
Date

[Signature]
Signature of Permit Holder (and title, if appropriate)

State of Idaho

Department of Water Resources

LICENSE EXAMINATION FEE SCHEDULE

(c.f.s. = cubic feet per second
AF = acre feet)

cfs	AF	Fee
0 - 0.04	0 - 4	\$ 0
.05 - 0.20	5 - 20	50.00
.21 - 1.0	21 - 100	100.00
1.01 - 2.0	101 - 200	125.00
2.01 - 3.0	201 - 300	150.00
3.01 - 4.0	301 - 400	175.00
4.01 - 5.0	401 - 500	200.00
5.01 - 6.0	501 - 600	225.00
6.01 - 7.0	601 - 700	250.00
7.01 - 8.0	701 - 800	275.00
8.01 - 9.0	801 - 900	300.00
9.01 - 10.0	901 - 1000	325.00
10.01 - 11.0	1001 - 1100	350.00
11.01 - 12.0	1101 - 1200	375.00
12.01 - 13.0	1201 - 1300	400.00
13.01 - 14.0	1301 - 1400	425.00
14.01 - 15.0	1401 - 1500	450.00
15.01 - 16.0	1501 - 1600	475.00
16.01 - 17.0	1601 - 1700	500.00
17.01 - 18.0	1701 - 1800	525.00
18.01 - 19.0	1801 - 1900	550.00
19.01 - 20.0	1901 - 2000	575.00
20.01 & over	2001 & over	600.00

Checks should be made payable to the
Department of Water Resources

No fee is required for single family
domestic use or stockwater use.

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. 35-7087.

Name(s) of Permit Holder P. J. Miller, et al.

Post Office Address: 1111 E. 1st St.

Tel. No. _____

Source of Water: _____

Extent of Use. ☐ Domestic (number of households)
☐ Stockwater (number and type of stock)
☐ Irrigation (acres)
☒ Other Pesticide

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

Access Port: Required? ☐ Yes ☐ No Installed? ☐ Yes ☐ No

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

June 24, 1983
Date

[Signature]
Signature of Permit Holder

PLACE
13 CENT
STAMP
HERE



IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

**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 PANCHERI INC. Phone 767-3419

Post office address Howe, Idaho 83244

2. Source of water supply Magpie Springs which is a tributary of Saw Mill Creek

3. Location of point of diversion is SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 4 Township 10N

Range 27E B.M. Butte County, additional points of diversion if any: _____

SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 5, T. 10N, R. 27E

4. Water will be used for the following purposes:

Amount 7.0 cfs for Power Generation purposes from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)

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

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

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

5. Total quantity to be appropriated:

a. 7.0 cfs. cubic feet per second and/or b. acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Telford Pipeline

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

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

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

7. Time required for the completion of the works and application of the water to the proposed beneficial

use is 5 years (minimum 1 year – maximum 5 years).

8. Description of proposed uses:

a. If water is not for irrigation:

(1) Give the place of use of water: SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 7 Township 10N

Range 27E B.M.

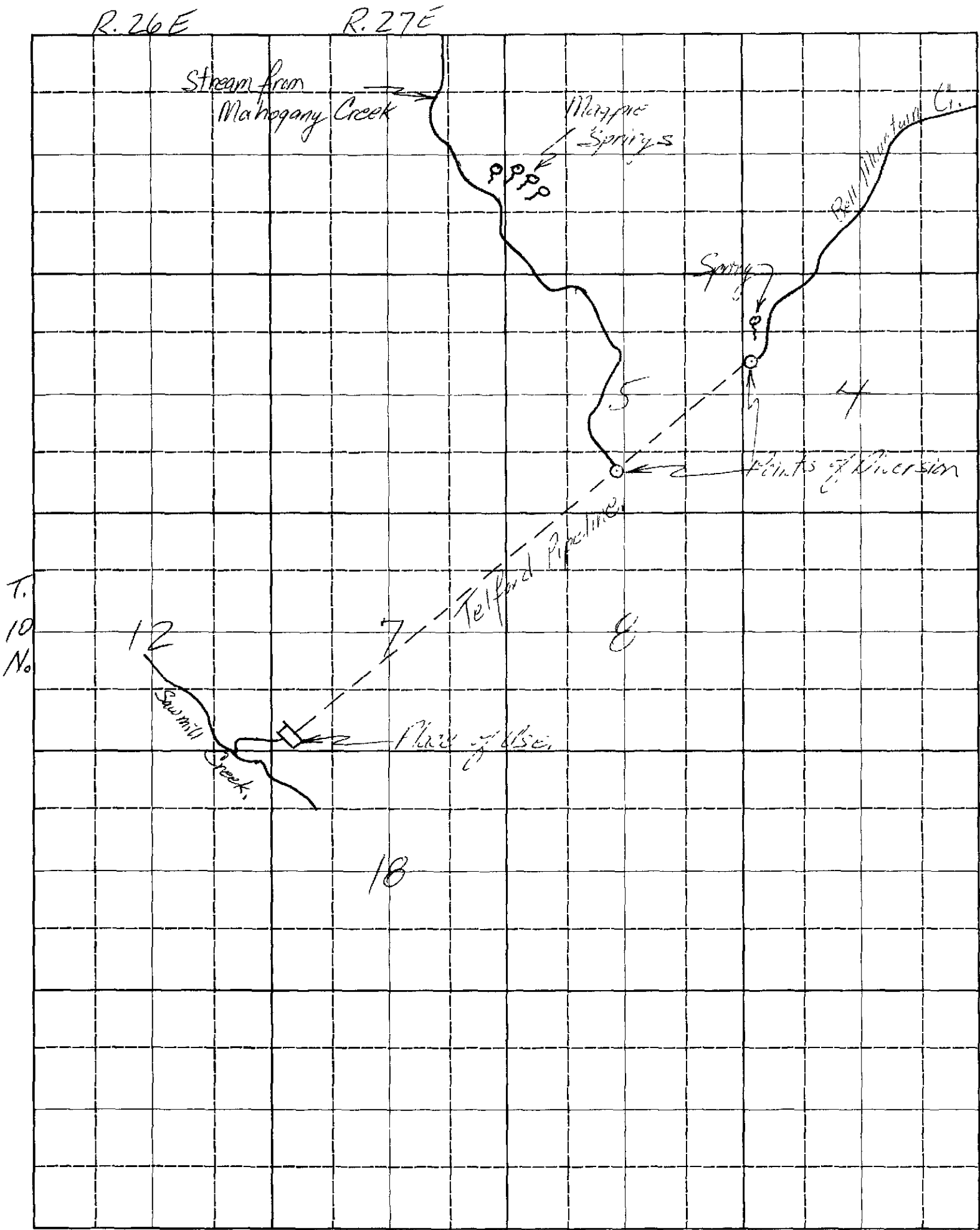
(2) Amount of power to be generated: 500 kw horsepower under 640 feet of head.

(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:

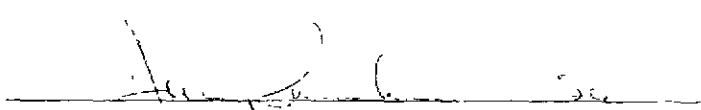
11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale 2 inches equal 1 mile.

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

RECORDED


(Applicant)

Proposed Priority 1/8/1981

Received by EMC Date 1-8-1981 Time 3:15
Preliminary check by SM Fee \$
Receipted by EMC Date 1-8-1981 #16150
Publication prepared by kw Date 1/15/81
Published in Arco Advertiser
Publication dates 1/22 & 1/29/81
Publication approved ku Date 2/18/81
Protests filed by: None

Copies of protests forwarded by
Hearing held by Date
Recommended for approval denial by EMC RA

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. 33-7087, 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 88.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. Other:
 - A measuring device of a type approved by the Department shall be permanently installed and maintained as part of the diverting works.
 - The issuance of this permit in no way grants any right-of-way or easement across the land of another.
 - Use of water under this permit is subject to control by the watermaster of State Water District No. 33, Little Lost River.
 - This permit does not constitute Idaho Public Utilities Commission or Federal Energy Regulatory Commission approval that may be required.
 - 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.
 - Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.
 - Use of water under this permit is subordinated to future diversion of water either upstream or downstream for irrigation or other consumptive beneficial uses.

Witness my hand this 17th day of March, 1983.

L. Glen Saxton
Chief, Operations Bureau

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

RECEIVED
AUG 11 1981

AUG 11 1981

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

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.

[Signature]
Applicant

State of Idaho)
County of Butte) ss.

On this 10 day of August, 1981, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged
to me that he (she) (they) executed the same.

seal

[Signature]
Notary Public residing at

Hamlet, Id 83244

My commission expires:

8-6-85

Individual Owner

AFFIDAVIT TO ESTABLISH RESIDENCE

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

/s/ _____

Subscribed and sworn to before me this _____ day of _____, 19____

/s/ _____
Notary Public
Residence _____
My Commission expires _____

NOTE: This permit is issued subject to the provisions of S. L. 1937, Ch. 142;
am. 1957, Ch. 66. (Idaho Code, Sections 42-205 to 42-210).

Corporation or Association

AFFIDAVIT TO ESTABLISH RESIDENCE
OR QUALIFICATIONS TO DO BUSINESS UNDER THE LAWS OF
IDAHO...

I, Jerry Pancheri of Howe County of Butte
State of Idaho, being first duly sworn, depose and say:

That I am the designated statutory agent of the Pancheri Inc.,
that as such I am in charge of the registered office of the said corporation
_____, as provided by Section 30-143, Idaho Code, at Howe,
Idaho, wherein are kept the records provided by Section 30-144, Idaho Code, and
that Pancheri Inc. is a legal agent qualified to do business
in the State of Idaho under the laws of the State of Idaho.

Subscribed and sworn to before me this 8 day of January, 1981

/s/ [Signature]
Notary Public
Residence Idaho Falls
My commission expires 2/15/1983

NOTE: This permit is issued subject to the provisions of S. L. 1937, Ch. 142;
am. 1957, Ch. 66 (Idaho Code Sections 42-205 to 42-210).

• •

This
Right has been
Decreed in the
SRBA.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE
Governor

KARL J DREHER
Director

October 17, 2002

PANCHERI INC
C/O JERRY PANCHERI PRES
1494 HWY 22
HOWE ID 83244

RE Water Right License 33-7087

Dear Water Right Holder:

The Department of Water Resources (IDWR) has issued the enclosed order amending the Water Right License for Water Right 33-7087. The order is a **preliminary order** issued by the Department pursuant to §67-5243, *Idaho Code*. The water right license issued in connection with the order supersedes the license issued on December 29, 1999. **The preliminary order can and will become a final order without further action of the Department unless a party petitions for reconsideration or files an exception and/or brief as further described in the enclosed information sheet.**

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

Sincerely,

Shelley W. Keen
Water Rights Supervisor

Enclosure

cc: Kent Foster
Roxanne Brown, IDWR Adjudication Bureau

MICROFILMED

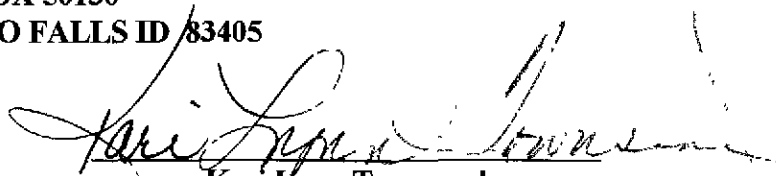
CERTIFICATE OF SERVICE

I hereby certify that on the 17th day of **October, 2002**, I mailed a true and correct copy, postage prepaid, of the foregoing **PRELIMINARY ORDER (Approved License)** to the person(s) listed below

Water Right No. 33-7087

**PANCHERI INC
C/O JERRY PANCHERI PRES
1494 HWY 22
HOWE ID 83244**

**KENT W FOSTER
HOLDEN KIDWELL HAHN & CRAPO LLC
PO BOX 50130
IDAHO FALLS ID 83405**

A handwritten signature in cursive script, appearing to read "Kari Lynn Townsend", written over a horizontal line.

**Kari Lynn Townsend
Secretary**

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

REQUEST FOR HEARING

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

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.

*Prepared by
IDWR staff.*

Water Right No.: 33-7087
Request for License Amendment
Based on GPS Information

Background

Pancheri Inc built a power house at the end of the existing Telford Pipeline delivering irrigation water to their lands in Butte County. Pancheri had previously obtained Permit 33-7087, claiming a place of use in the SWSW, S07, T10N, R27E.

A field exam was conducted on June 3, 1992. The examiner found the power house to be located as claimed; a copy of an orthophotoquad attached to the field exam identifies the points of diversion, the pipeline ("aqueduct") and the place of use at the end of the pipeline.

A license was issued December 29, 1999. The POU on the license is the same POU on the original permit and the exam. The water right had been claimed in the Snake River Basin Adjudication (SRBA) and was recommended to the Court as licensed. The Bureau of Land Management (BLM) filed an objection to the recommendation in April 2000, stating that "One of the points of diversion is misdescribed and should reflect the actual location". BLM subsequently collected GPS data which resolved the objection as to the point of diversion, but then discovered the powerhouse actually lies not on BLM ground (as licensed) but on Pancheri's private land.

Kent Foster, acting on behalf of the Pancheri's, has made a formal request to the Department that license 33-07087 be amended to comport with the GPS findings (letter attached).

Data Review and Investigation

BLM has provided the GPS data. Adjudication staff have reviewed the data; a copy of the resulting ArcView shapefile is attached. The difference between the license and the actual location of the place of use is as follows:

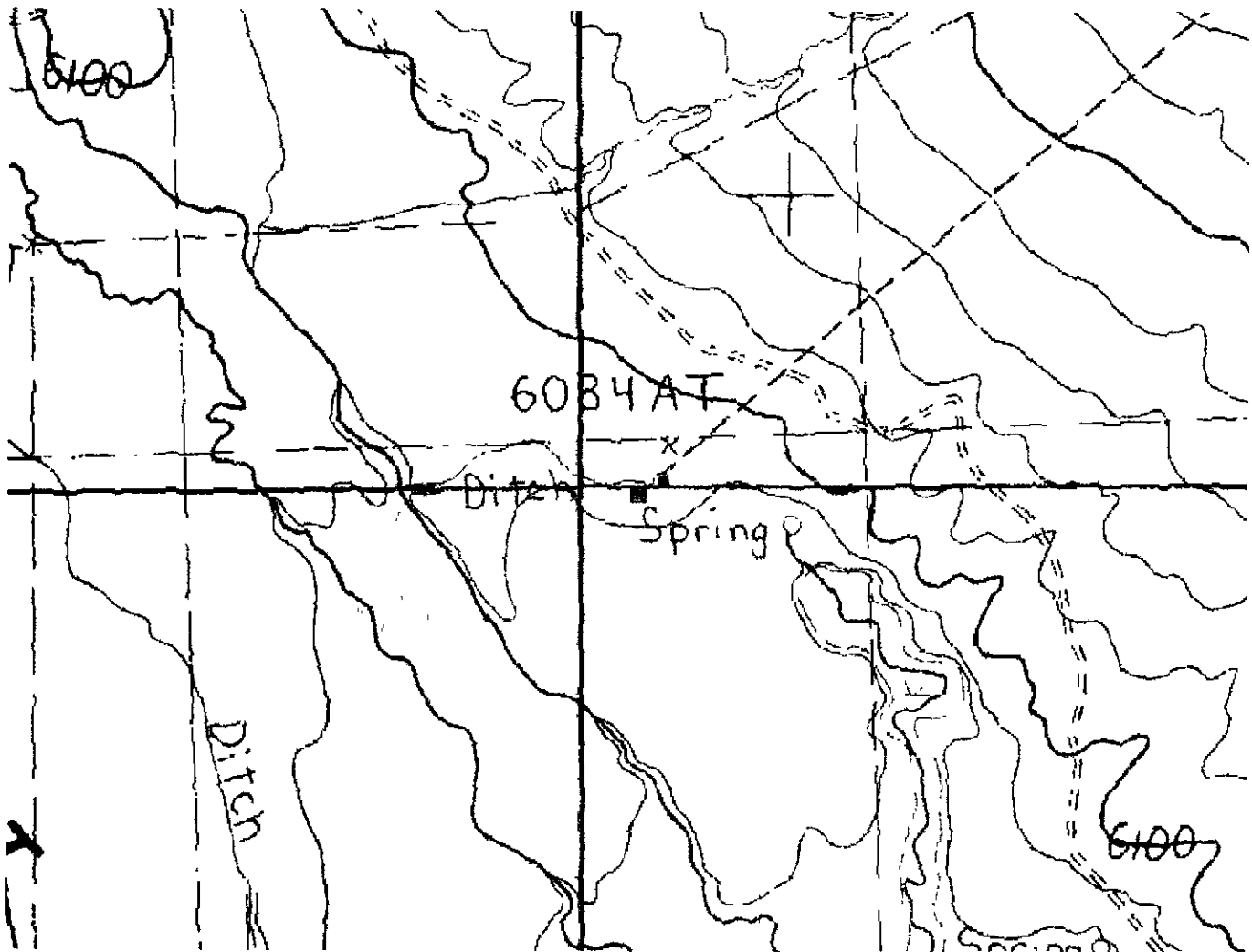
Place of Use	Township	Range	Section	Lot	10-acre tract	Quarter	Quarter
As licensed	10N	27E	7	4		SW	SW
GPS data	10N	27E	18	1		NW	NW

Recommendation

It is recommended that license 33-07087 be amended as to the place of use in keeping with the GPS data supplied by the Bureau of Land Management. **The correct place of use for license 33-07087 should be T10N, R27E, S18, Lot 1 (NWNW).**

-30-07087

33-07087
Request for License Amendment

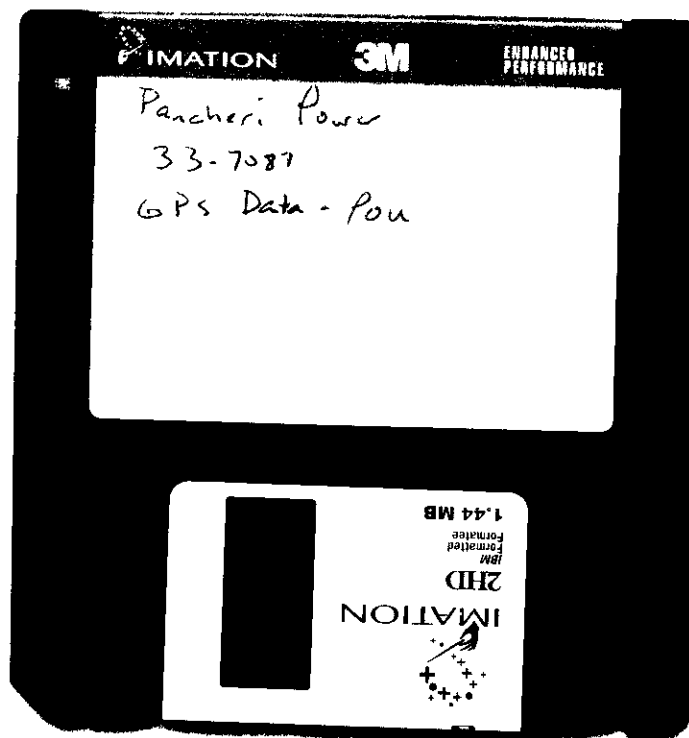


0.3 0 0.3 0.6 Miles

■ 33-7087 actual POU



MICROFILMED



33-7087 Data

MICROFILMED
SEP 1 2007

exp1113a.txt

Export Version 2.80 2.80 Started.

Using Export Setup: Default

The following files in D:\gis\Pfdata\b33irrigation\pancheri_hydro will be exported:
V033022a.cor

Reading file V033022a.cor

File V033022a.cor read successfully

1 input file(s) read.

185 position(s) read.

A total of 1 feature(s) read or created.

1 point feature(s) read.

1 feature(s) exported.

3 output file(s) written to D:\gis\Pfdata\b33irrigation\pancheri_hydro

d:\gis\pfdata\b33irrigation\pancheri_hydro\point.shp

d:\gis\pfdata\b33irrigation\pancheri_hydro\point.shx

d:\gis\pfdata\b33irrigation\pancheri_hydro\point.dbf

The file D:\gis\Pfdata\b33irrigation\pancheri_hydro\V033022a.inf contains
information on the settings used.

The file V:\expfiles.txt contains a list of the files created.

Pou Data

See Diskette Attached for Raw data

Law Offices
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

KENT W FOSTER
ROBERT E FARNAM
WILLIAM D FALER
CHARLES A HOMER
GARY L MEIKLE
DONALD L HARRIS
DALE W STORER
MARIE T TYLER
ROBERT M FOLLETT
FREDERICK J HAHN, III
KARL R DECKER
THEL W CASPER
SHAN B PERRY
AMELIA A SHEETS

US BANK BUILDING
330 SHOUP AVENUE, THIRD FLOOR
P O BOX 50130
IDAHO FALLS, IDAHO 83405

TELEPHONE (208) 523-0620
FACSIMILE (208) 523-9518
E-MAIL KFOSTER@HOLDENLEGAL.COM

RECEIVED

MAR 21 2002

Idaho Department of Water Resources

Arthur W. Holden
(1877-1967)
Robert B. Holden
(1911-1971)
Terry L. Crapo
(1939-1982)
William S. Holden
(1907-1988)

Of Counsel
Fred J. Hahn

March 18, 2002

Candice McHugh
Idaho Department of Water Resources
1301 N. Orchard St.
Boise, ID 83706

RE: Water right 33-07087 - Pancheri, Inc.

Dear Candice:

We are writing this letter on behalf Pancheri, Inc. to request amendment of water right license 33-07087 to change the place of use from Lot 4(SWSW) of Section 7, Township 10 N., Range 27 E. to Lot 1(NWNW) of Section 18 of said Township and Range. This request is of course based upon our telephone conversations and the GPS work that has been done and submitted by BLM showing that the power house is in fact located slightly south of the line separating the two government lots, and within Lot 1(NWNW) of said Section 18.

If we may be of any assistance in this matter please feel free to call upon us at your convenience. Thank you very much for your continued attention to this matter.

Yours very truly,



Kent W. Foster

cc: Larry Brown



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

December 29, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

PANCHERI INC
HOWE ID 83244

RE: WATER RIGHT NO. 33-07087

Dear Water Right Holder(s):

The Department of Water Resources (the Department) has issued the enclosed license confirming that a water right has been established in accordance with the permit referenced above. 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.

For your records I have also enclosed a copy of your Application for Amendment of Permit, which was approved.

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 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

SK:klt

Enclosure

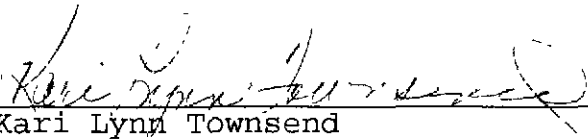
MICROFILMED

CERTIFICATE OF MAILING

I hereby certify that on the **29th** day of **December, 1999**, I mailed a true and correct copy, postage prepaid, of the foregoing **PRELIMINARY ORDER (Approved License)** to the person(s) listed below:

Water Right No. 33-07087

PANCHERI INC
HOWE ID 83244



Kari Lynn Townsend
Secretary

W. J. F. M. L.

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. **A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief as further described 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 the 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 twenty-one (21) 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 a 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. Otherwise, a preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

If the Department grants a petition to review a preliminary order, the Department 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 Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department orders otherwise, all oral arguments will be heard in Boise, Idaho.

RECORDED

FILED

CERTIFICATE OF SERVICE

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

FINAL ORDER

The Department 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 Department may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

MICROFILMED

FEB 02 2000



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

December 10, 1999

RE: Permit No. 33-07087

Pancheri Inc.
Howe, ID 83244

Dear Mr. Pancheri:

We have withheld issuing a license on the above referenced permit awaiting information concerning the amount of power you have produced from your power plant on Bell Mountain Creek. Our records do not contain enough information to identify how much volume your plant needs and the power records would be a big help to identify how much annual volume to license. We have reviewed the water district records that show how much water was measured at the "Hartmann" diversion which I believe is where the watermaster measures the water after it has gone through your plant but I don't know if that measurement would actually cover all of the water you have diverted for power production. The power produced records would probably be a better source to derive the annual volume from if you could send them to me.

I'm sorry if this causes you some inconvenience but we want to issue the license as accurately as possible. Please let me know if there is a problem in submitting your records. I would like to finalize this license before the Snake River Basin Adjudication (SRBA) Court receives the director's report for your area.

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

Sincerely,

Kay Walker
KAY WALKER
Sr. Water Resource Agent

KW:k

MICROFILMED

12-21-99
Pancheri's were in
to visit Al Ruby -
they want this permit
licensed as proposed on
lic. amendment. Power
production records
reflect ~~low~~ low - that
efficiency - they
do not want
us to base license on those - kw

Memorandum

To: File 33-07087

From: Kay Walker

Date: 11/18/99

Re: Licensing Recommendations
.....

I contacted Allen Ruberry about his recommendations in the SRBA for Rt. 33-00065 because Shelley did not understand why the "R" record for this right did not show the points of diversion shown on 33-07087. Allen sent me a copy of pages out of his CVR which show that he intends to show the points of diversion under this permit on 33-00065. The recommendations for 33-00065 are not completed yet which is why the points of diversion are not a match.

As for the combined use remark limiting the license for this permit and 33-00065 – Allen says that a combined use remark would be inappropriate because the rights are not used together. 33-00065 is considered developed water after it goes through the hydro plant, the water master measures it, assesses a shrink of up to 35%, then it goes downstream 30-40 miles before being rediverted for irrigation purposes.

I believe we could add a remark stating when both rights are combined they should not exceed 7.0 cfs so the right holder doesn't think he has 7.0 cfs under this right and an additional 6.4 cfs under 33-00065. I am also adding a remark stating that 33-00065 is also diverted from the points of diversion shown on 33-07087.

RECEIVED

NOV 24 1999

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION
IDAHO FALLS, ID
ph. (208) 525-7161

FAX NO. (208) 525-7177

TRANSMITTAL COVER SHEET

OMNIFAX

FROM:

W. BERRY

TO:

Ray M. Hulse

DOCUMENT DESCRIPTION: *33-00065*

TOTAL NUMBER OF PAGES (including this page): *4*

* BILLING ADDRESS: *
* _____ *
* _____ *
* NO. OF PAGES COST/PAGE TOTAL CHARGE *
* _____ *
* _____ *

327-7866

MICROFILMED

1789-1800 (1800-1801)

the fact that the oxide is dissolved in the water surface film. The rate of dissolution is proportional to the area of the exposed surface of the oxide film. The rate of dissolution is proportional to the area of the exposed surface of the oxide film.

$\mathcal{P}_1^{\text{max}} = \{ \mathbf{p}_1^{\text{max}} \}$

1. $\frac{1}{2}$

[illegible]

DATE OF BIRTH 20.7.1955.. FILE NO. 25501P-2

A.K.ABERNETHY

Actual Prod. is unspecified. By December, and consistently through February to little short of late, TBSI adds additional names in 1955 at T.G.N. R. 29 & 30E and T.G.N. R. 29E. - By this action these waters become "covered water" in 1955.

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Sources

Q. 10. $\frac{1}{x^2} = x^{-2}$.
 $\therefore \frac{d}{dx} x^{-2} = -2x^{-3}$
 $= -\frac{2}{x^3}$

Locality	Altitude	Soil	Plant	Notes
1/10	2700	SE	NE	1/10
1/11	2700	SE	NE	1/11
1/12	2700	SE	NE	1/12
1/13	2700	SE	NE	1/13
1/14	2700	SE	NE	1/14
1/15	2700	SE	NE	1/15
1/16	2700	SE	NE	1/16
1/17	2700	SE	NE	1/17
1/18	2700	SE	NE	1/18
1/19	2700	SE	NE	1/19
1/20	2700	SE	NE	1/20
1/21	2700	SE	NE	1/21
1/22	2700	SE	NE	1/22
1/23	2700	SE	NE	1/23
1/24	2700	SE	NE	1/24
1/25	2700	SE	NE	1/25
1/26	2700	SE	NE	1/26
1/27	2700	SE	NE	1/27
1/28	2700	SE	NE	1/28
1/29	2700	SE	NE	1/29
1/30	2700	SE	NE	1/30

MICROF

Reg. Mortuary Clerk.

Straleno AS P SpA 93

My Home and Country

UNITED STATES (S)

TRIN - MEM - MINISTRY OF DEFENSE

As a "Devoted Wife" since 1945

100

CHIEF AT NOTED POINT OF DISSECTION

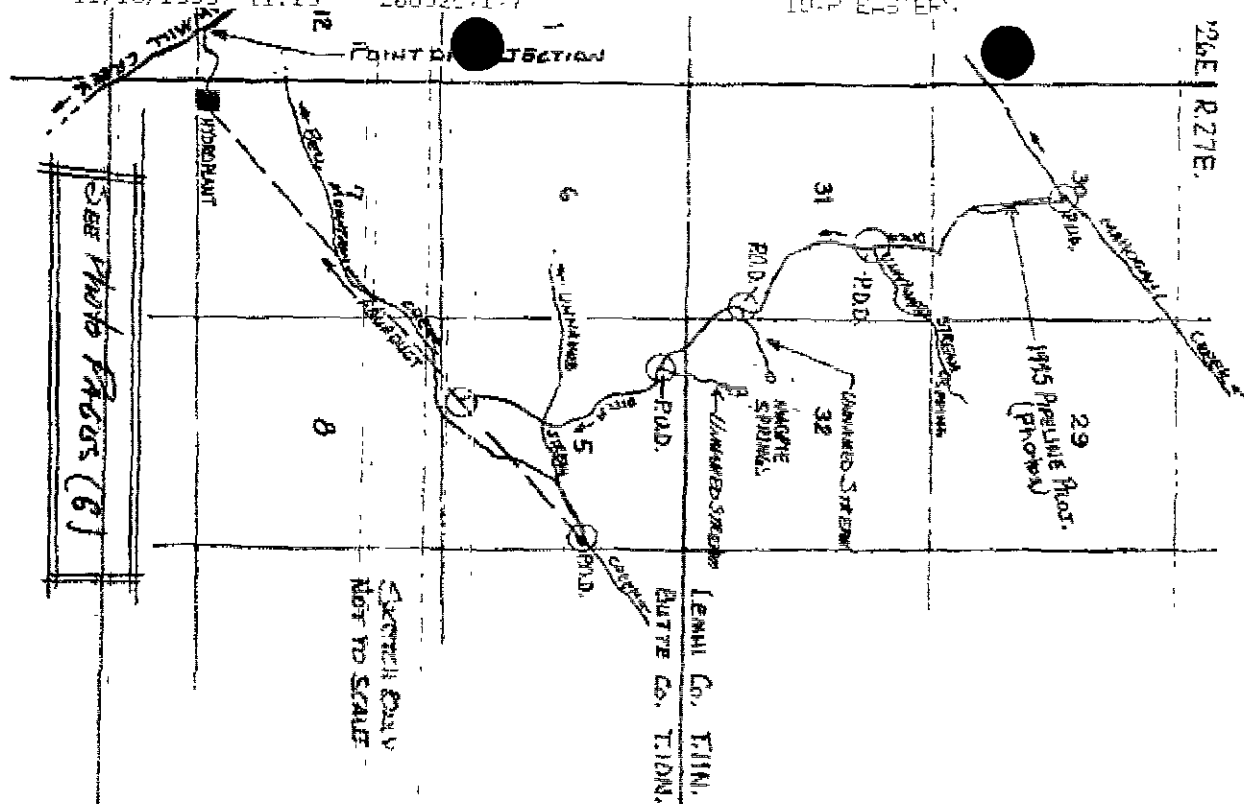
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[illegible]

1. *Introduction*
 2. *Background*
 3. *Methodology*
 4. *Results*
 5. *Discussion*
 6. *Conclusion*
 7. *References*
 8. *Appendix*
 9. *Index*
 10. *Table of Contents*
 11. *Abstract*
 12. *Summary*
 13. *Key Words*
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26E1 R.27E.



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100-44388-100



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

October 28, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

PANCHERI INC
HOWE ID 83244

RE: WATER RIGHT NO. 33-07087

Dear Permit Holder(s):

The Department of Water Resources is reviewing the permit referenced above prior to issuing a water right license. By issuing a license, the Department confirms that a water right has been established in compliance with the terms of the permit. The examiner who verified your water use reported that the point(s) of diversion developed is in a location other than what was described on your permit. Therefore, before a license can be issued, your permit must be amended to depict your water use as it was actually developed.

The enclosed Application for Amendment form depicts the point(s) of diversion and other information as it will appear on the license when it is issued. Please review the amendment form carefully. If you concur with the information presented, please sign the form and return it with the \$50.00 filing fee within 14 days.

Also, please note that some of the proposed conditions of approval and remarks may be modified upon further administrative review.

If you do not concur, or if you have any questions about this information, please contact me as soon as possible. My telephone number is (208) 327-7944.

Sincerely,

KAY WALKER
Sr. Water Resource Agent

KW:klt

Enclosure

UNRECORDED

Memorandum

To: Files 33-07087

From: Kay Walker *KW*

Date: 10/25/99

Re: Licensing Recommendations
.....

I contacted Allen Ruberry of Eastern to find out how this permit should be recommended since he was the last IDWR representative to visit this system. Allen found a point of diversion located in the SENWNE, S31, T11N, R27E. He found no diversion located in the SENESE, S31, T11N, R27E. I have made these changes to the map attached to the original field report that was submitted in 1994.

After this water goes through the power plant it is then injected into Sawmill Creek where it is sent downstream and rediverted from the Little Lost River to supply Rt. 33-00065. Since this injection and rediversion do not involve water used under this permit, I leave that information to Allen to include on his SRBA recommendation of 33-00065.

MICROFILMED

LICENSE REVIEW CHECKLIST

Permit No. 33-07087 Date 10/25/99 Reviewer Kay Walker *KW*

Change/OK

Name/Address *OK*

Source *OK*

Point of Diversion. *change*

Does change clarify original intended source? If no, void permit
Change (P39/P47) Add (P45/P42) Feds (P43)

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

Place of Use *OK*

Change (P41/P47) Add (P41/P42) Feds (P43)

W60 (subdivision description)
W27 (ppu acre limit)

Overlaps. Right(s): none in WR
File reviewed _____ Profile reports printed _____

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

Rate of Diversion:

Permitted rate 7.0 cfs
Fee Limit 7.0 cfs
Measured 10.1 cfs
Theoretical _____ cfs

Recommended Total Diversion Rate 7.0

Water Uses *OK*

Change (P46)

Irrigation _____ cfs _____ af
Stockwater _____ cfs _____ af
Domestic _____ cfs _____ af
Power 7.0 cfs 506.8 af
Total 7.0 cfs 506.8 af

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) *NO*
Power (W42 or W43/025/027/R22 or R23)
Fish (042)
Fire (077)
Water Quality (081/R07)
Payette - (W22/047/27A)

*no pld overlaps
no plu overlap*

Volume Determination

7 cfs x 1 9835 x 365 days = 5067.8 af (vs) _____ acres x _____ (FHR) = _____ af

Remarks

~ 5068. ~ 5070. ← 3 sig. figures

*conditions
025
R22
027*

Additional Conditions

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

Government Lots? *YES - see attached*

Advance Priority? yes If yes, explain why below
no

SRBA Claim? *YES*

Adjust memo *YES*

Amend Letters

P39, P87, S06

Second Amendment Notice

P49, P87, S06

*Selling power to Utah Power & Light -
Need power purchase contract - see back*

Karen Jreder@PUC 334-0342 - info coming 10/27

agreement for power purchase

3/1/1983

+ 30 yrs.

3/1/2013

POWER PURCHASE AGREEMENT

BETWEEN

PANCHERI, INC.

AND

UTAH POWER & LIGHT COMPANY

Approved 6/2/83
IPUC

Myrna J. Walters

Myrna J. Walters
Commission Secretary

THIS AGREEMENT is entered into this 01 day of March 1983, 1982, by and between Pancheri, Inc., hereinafter referred to as "Seller," and UTAH POWER & LIGHT COMPANY, hereinafter referred to as "Buyer," a corporation organized and existing under the laws of the State of Utah. Seller and Buyer are sometimes referred to hereinafter collectively as "Parties" and individually as "Party".

WITNESSETH:

WHEREAS, Seller agrees to construct, own, operate and maintain a hydro-electric power plant with a capacity of ^{8 JP} ~~150~~ kilowatts, hereinafter referred to as Facility*; and

WHEREAS, Seller wishes to sell to Buyer and Buyer wishes to purchase all electric energy from the Facility.

*Initial capitalization of words and phrases other than proper names indicates that these terms are defined in Appendix A hereof.

MICROFILMED

NOW, THEREFORE, in consideration of the mutual covenants and agreements hereinafter set forth, the parties agree as follows:

ARTICLE I

TERM OF AGREEMENT

Subject to the terms and conditions hereof, this Agreement shall be binding upon execution and shall remain in effect for a term of thirty (30) years from the date energy is first delivered by Seller to Buyer. It is anticipated that testing of the Facility and in-service generation will commence in 1982.

ARTICLE II

SALE OF POWER

A. Seller agrees to sell and deliver and Buyer agrees to purchase and accept all energy generated from the subject Facility in accordance with Appendix A.

B. Seller's proposed Facility shall be located at Range 27E, Township 10N - Section 13, Boise Base Meridian, near Clyde, Butte County, Idaho, and shall provide energy as set forth herein.

ARTICLE III

PURCHASE PRICE AND METHOD OF PAYMENT

A. Buyer shall pay Seller, for energy delivered at the point specified herein, the sum of:

UNRECORDED

1. A fixed rate of 33 mills per kilowatt-hour, reflecting a 1982 scheduled in-service date and a thirty (30) year term as shown in Appendix B. This rate shall not change due to a delay in completion of construction nor shall it be subject to escalation.

2. A variable rate of 15.0 mills per kilowatt-hour, updated annually, as specified in Appendix B, to reflect the current average price of coal to Buyer with the base at 1982 being 15.0 mills per kilowatt-hour.

B. The kilowatt-hours for which Buyer shall be obligated to purchase shall be the kilowatt-hours measured on Buyer's meters located on the secondary side of Seller's transformers, reduced by the losses of the transformers. Seller shall provide transformer loss data to Buyer to facilitate kilowatt-hour calculation.

C. Buyer's obligation to pay Seller for energy furnished to Buyer shall commence on the date Seller first delivers energy to Buyer from the Facility.

ARTICLE IV

APPENDICES

This Agreement includes Appendices A, B, C, D, E, F, and G, all of which are attached hereto and incorporated herein by reference.

ARTICLE V

NOTICES

All written notices shall be addressed as follows:

To Buyer: Corporate Secretary
Utah Power & Light Company
P.O. Box 899
Salt Lake City, UT 84110

To Seller: Jerry Pancheri
Howe, ID 83244

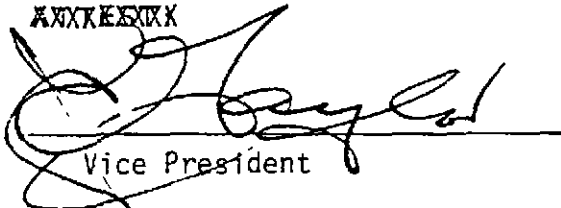
Inquiries concerning meter readings, billings, etc., should be addressed to:

Customer Service Manager
Utah Power & Light Company
P.O. Box 130
250 East Main Street
Rexburg, ID 83440

IN WITNESS WHEREOF, the Parties hereto have caused this Agreement to be executed by their duly authorized representatives as of the first date hereinabove set forth.

BUYER:

UTAH POWER & LIGHT COMPANY
~~XXXXXXXX~~


Vice President

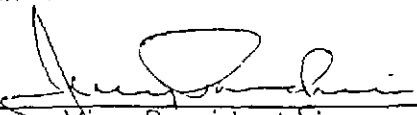
ATTEST:



SELLER:
PANCHERI, INC.

By: 
Per.

~~XXXXXXXX~~ ATTEST:
~~UTAH POWER & LIGHT COMPANY~~

By: 
Vice President Sec

Customer Service Department
LJJ:cc11
6-30-82

STATE OF IDAHO)
County of Madison): ss

On this 1 day of March, 1983, before me, a Notary Public in and for said State, personally appeared Walter Pancheri & Jerry Pancheri Known to me to be the persons whose names subscribed to the within instrument, and acknowledged to me that they executed the same.

APPENDIX A
POWER PURCHASE GENERAL TERMS AND CONDITIONS

A. DEFINITIONS

Whenever used in this Agreement, and/or Appendices, the following terms shall have the following meanings:

1. Buyer's Review and/or Acceptance - Buyer's review and/or acceptance, or failure to review or accept Seller's specifications and/or equipment shall not constitute nor be construed as approval or endorsement or as a warranty of safety, durability, strength adequacy, or reliability thereof.

2. Designated Dispatch Facility - Buyer's System or local dispatching operators with whom all operating communications and required reports will be made by Seller.

3. Facility - The hydro-electric generation facility and appurtenant facilities constructed, owned, operated, and maintained by Seller.

4. Interconnection Facilities - All facilities required by Appendix D to be installed solely to interconnect and deliver power from Seller's Facility to Buyer's system.

5. Prudent Electrical Practices - The practices and methods, as changed from time to time, that are commonly used in the electrical industry to operate electric equipment lawfully and with safety and dependability.

6. Special Facilities - Facilities supplied, purchased, and owned by Buyer at Seller's request, or because such facilities are necessary additions and/or reinforcements to Buyer's system, all as set forth in Exhibit E.

B. CONSTRUCTION

1. Land Rights - Seller, at its sole expense, shall, for the term of this Agreement, grant to Buyer, or acquire instruments of grant for Buyer in recordable form, conveying all necessary rights-of-way and easements, both on and off Seller's real and personal property, to install, operate, maintain, replace and remove Buyer's Special Facilities.

2. Facility and Equipment Design and Construction - Except for Special Facilities, Seller shall design, construct, install, own, operate, and maintain the Facility and all equipment needed to generate and deliver energy in accordance with Appendix D. Seller agrees to meet the requirements established by Buyer in Appendix D for those portions of Seller's Facility and equipment producing or transmitting electrical power and such other equipment which directly or indirectly affect Buyer's system. To aid in determination of compliance with Buyer's requirements, Seller shall submit the Facility and equipment specifications to Buyer for review prior to Seller's purchase of equipment. Seller agrees to change, at Buyer's expense its Facility and equipment as may be required by Buyer to meet changing requirements of Buyer's system except Seller, at its

WDRG

sole expense, will make those alterations to protective equipment as specified in Appendix D, Subpart B. 3. h.

Seller shall ensure that wave forms, voltage flicker, power factor, and inverter techniques conform with criteria established by Buyer as set forth in Appendix D.

C. OPERATION

1. Point of Delivery - Seller shall deliver the energy designated in Article I at the point of delivery as set forth in Appendix G.

2. Communications - Buyer and Seller shall maintain operating communications through Buyer's Designated Dispatch Facility in accordance with Appendix D.

3. Facility and Equipment Operations and Maintenance - Seller shall operate and maintain its Facility and equipment according to Prudent Electrical Practices.

Seller's scheduled outages shall be performed between March 1 and May 31 unless otherwise agreed to Buyer.

Buyer shall not be obligated to accept, and Buyer may require Seller to curtail, interrupt or reduce deliveries of energy if Buyer determines that curtailment, interruption or reduction is necessary because of emergencies, operating conditions on its system or as otherwise required by Prudent Electric Practices.

Except in case of emergency, in order not to interfere unreasonably with the other Party's operations, the curtailing, interrupting or reducing Party shall give the other Party reasonable

prior notice of any curtailment, interruption or reduction, the reason for its occurrence and its probably duration. Seller shall notify Buyer within two (2) hours of any Facility outage.

4. Meters - All meters used to determine the billing hereunder shall be as specified by Buyer and shall be sealed and the seals shall be broken only upon occasions when the meters are to be inspected, tested or adjusted.

Buyer shall, at Seller's expense, inspect and test all meters upon their installation and at least once every two (2) years thereafter. If requested to do so by Seller, Buyer shall inspect or test a meter more frequently than every two (2) years, but the expense of such inspection or test shall be paid by Seller unless upon being inspected or tested the meter is found to register inaccurately by more than two (2) percent of full scale, in which case Buyer shall pay the expense of the test. Each Party shall give reasonable notice of the time when any inspection or test shall take place to the other Party, and that Party may have representatives present at the test or inspection. If a meter is found to be inaccurate or defective, it shall be adjusted, repaired or replaced, at Seller's expense, in order to provide accurate metering.

If a meter fails to register, or if the measurement made by a meter during a test varies by more than two (2) percent from the measurement made by the standard meter used in the test, adjustment shall be made correcting all measurements made by the inaccurate meter for:

a. the actual period during which inaccurate measurements were made, if the period can be determined, or if not,

b. the period immediately preceding the test of the meter equal to one-half (1/2) the time from the date of the last previous test of the meter; provided, that the period covered by the correction shall not exceed six (6) months.

Each Party, after reasonable notice to the other Party, shall have the right of access to all metering and related records.

D. BILLING

Buyer shall send a statement to the Seller on or after the 20th day of the monthly billing period showing the kilowatt-hours, kilovar-hours, the applicable rates for all energy received from Seller, the kilovar-hours received from Buyer, the expenses incurred pursuant to Appendix E, and the expected payment to Seller. If the statement is acceptable, Seller shall sign and return it to Buyer.

E. PAYMENT

Buyer shall make payment to Seller on or before the 15th day after the approved billing statement is received by Buyer. Where the 15th day falls on a Saturday, Sunday or holiday, the payment shall be due on the next following business day.

F. FORCE MAJEURE

The term "force majeure" as used herein, means unforeseeable causes beyond the reasonable control of, and without the fault or negligence of,

WITNESSETH

the Party claiming force majeure. If either Party because of force majeure is rendered wholly or partly unable to perform its obligations under this Agreement, that Party shall be excused from whatever performance is affected by the force majeure to the extent so affected provided that:

1. The nonperforming Party, within two weeks after the occurrence of the force majeure, gives the other Party written notice describing particularly the nature of the occurrence;
2. The suspension of performance is of no greater scope and of no longer duration than is required by the force majeure;
3. No obligations of either Party which arose before the occurrence causing the suspension of performance are excused as a result of the occurrence; and
4. The non-performing Party uses its best efforts to remedy its inability to perform. This subparagraph shall not require the settlement of any strike, walkout, lockout or other labor dispute on terms which, in the sole judgement of the Party involved in the dispute, are contrary to its interest. It is understood and agreed that the settlement of strikes, walkouts, lockouts or other labor disputes shall be entirely within the discretion of the Party involved.
5. Failure, however, to remedy any event of force majeure within two (2) years after its occurrence shall constitute termination of this Agreement and the provisions of Appendix C, Subpart B shall apply.

G. INDEMNITY

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

H. SEVERAL OBLIGATIONS

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

I. WAIVER

Any waiver at any time by either Party of its rights with respect to a default under this Agreement, or with respect to any other matters

arising in connection with this Agreement, shall not be deemed a waiver with respect to any subsequent default or other matter.

J. ASSIGNMENT

Neither Party shall voluntarily assign its rights nor delegate its duties under this Agreement, or any part of such rights or duties, without the written consent of the other Party, except in connection with the sale or merger of a substantial portion of its properties including Interconnection Facilities which it owns, and any such assignment or delegation made without such written consent shall be null and void. Consent for assignment shall not be withheld unreasonably.

K. CHOICE OF LAWS

This Agreement shall be construed and interpreted in accordance with the laws of the State of Idaho, excluding any choice of law rules which may direct the application of the laws of another jurisdiction.

L. GOVERNMENTAL JURISDICTION AND AUTHORIZATION

This Agreement is subject to the approval of those governmental agencies having jurisdiction over the Parties hereto and shall not become effective until all required authorizations and permits are first obtained. Further, this Agreement shall not become effective unless it is approved in its entirety by such governmental agencies without change in terms or conditions.

It is understood by and between the Parties that this Agreement is entered into and the rates paid for generation supplied to Buyer hereunder

are based upon the Idaho Public Utility Commission Order No. _____,
a copy of which is attached hereto as Appendix F. In the event this
Order is subsequently amended or altered in any way, this Agreement
shall terminate and the provisions of Appendix C, Subpart B shall apply.

Customer Service Department
LJJ:cc12
6-30-82

200801

200801

APPENDIX B
SCHEDULE OF ENERGY PURCHASED RATES

Fixed Energy Rates

<u>Scheduled Commencement of Service</u>	<u>Term of Agreement (Years)</u>							
	<u>4</u>	<u>6</u>	<u>10</u>	<u>15</u>	<u>20</u>	<u>25</u>	<u>30</u>	<u>35</u>
1982-\$/kW-Yr	96	105	123	146	171	195	219	242
-Mills/kWh*	15	16	19	22	26	30	33	37
1983-\$/kW-Yr	106	115	133	161	188	215	241	266
-Mills/kWh*	16	18	20	25	29	33	37	40

The fixed energy rate figure shall not be subject to escalation.

Variable Energy Rate

(Mills/kWh)

1982 15.0

The variable energy rate figure shall be updated annually to reflect the current price of coal to Buyer with the base at 1982 being 15.0 Mills/kWh. This adjustment may be up or down.

*Based on a 75 percent capacity factor.

Customer Service Department
LJJ:cc13
6-30-82

4480

APPENDIX C
ADJUSTMENT OF PAYMENTS
IN THE EVENT OF TERMINATION

A. GENERAL PROVISIONS

1. The Parties understand and agree that the Seller may terminate this Agreement at any time. The Parties further understand and agree that the payment Buyer makes to Seller for power generated is based on Seller's performance during the full term of this Agreement and that in the event Seller does not perform during the full term:

- a. Buyer shall be deemed damaged by reason thereof,
- b. It would be impracticable or extremely difficult to fix the actual damages to Buyer resulting therefrom,
- c. The refund and payments as provided in Appendix C, Subpart B, are in the nature of adjustments in power purchase prices and liquidated damages, and not a penalty, and are fair and reasonable, and
- d. Such refunds and payments represent a reasonable endeavor by the Parties to estimate a fair compensation for the reasonable losses that result from such termination.

2. Seller shall be invoiced by Buyer for all refunds and payments due under this Appendix and shall pay such amounts to Buyer within thirty (30) days after receipt of said invoice.

3. Buyer shall have the right to offset any amounts due it against any present or future payments due Seller.

B. ADJUSTMENT UPON TERMINATION OF CONTRACT

In the event this Agreement is terminated, Seller shall refund to Buyer an amount equal to one-half the difference between:

1. The sum of the fixed energy payments paid to Buyer pursuant to Article 3 to the date of termination, and;

2. The sum of the fixed energy payments which would have been paid to Buyer based on a term of agreement extending to the date of termination, as derived or interpolated from Appendix B.

Example

Assuming this Agreement was terminated at the end of ten (10) years, and the annual generation from the Facility had been 1,000 kWh for each year of the ten (10) year period, then the refund to Buyer would be calculated as follows:

Total Ten-Year Generation = 10,000 kWh

Total Payment To Seller = 10,000 kWh x 33 Mills/kWh = \$330

Total Payment If Seller Had

Contracted For Ten Years = 10,000 kWh x 19 Mills/kWh* = \$190

Refund to Buyer = $\frac{\$330 - \$190}{2}$ = \$ 70

*Rate from Appendix B for a Ten-Year Contract Term in 1982.

Customer Service Department
LJJ:cc14
6-30-82

MICRO

APPENDIX D

Parallel Generation Interconnection Requirements

For Single And Three Phase Generation

A. GENERAL REQUIREMENTS FOR ALL GENERATORS

1. All installations made for the purpose of interconnection with Buyer's system shall comply with Buyer's requirements, the National Electrical Code, and the National Electrical Safety Code.

2. Seller shall provide at its sole cost an accessible, visible, lockable disconnect switch in the generator circuit. This switch is to be identified by Seller as the Generator Disconnect switch. This switch may be locked in the open position by Buyer's personnel under the following conditions:

a. For the protection of the line crews while doing any work on Buyer's lines or equipment.

b. If inspection of Sellers equipment reveals hazardous conditions or a lack of proper maintenance.

c. If Seller's generating equipment interferes with Buyer's customers, or with the operation or integrity of Buyer's system.

3. Seller's Protective System shall be designed to automatically disconnect from Buyer's system when Buyer's service is interrupted.

10/10/00

10/10

4. Seller shall maintain its equipment (generator, protective equipment, and other associated equipment) in good working order. The equipment shall be subject to Buyer's inspection.

5. Seller's Facility shall be interconnected only after all legally required inspections and written approvals are completed and when such interconnection shall not reduce the integrity of Buyer's system. As a guide, total harmonic distortion introduced into Buyer's system shall not exceed five (5) percent with no single harmonic contribution of more than three (3) percent. However, in no case shall interconnection be allowed to produce abnormal voltages or voltage fluctuations, or harmonic content that would cause undue interference with Buyer's customer loads or Buyer's equipment.

6. Metering Equipment

a. The Seller shall provide adequate space for Buyer's metering equipment including, but not limited to, billing meters, current and voltage transformers, test switches, and modems in accordance with Buyer's requirements.

b. Seller shall pay all costs of metering equipment in excess of those which would ordinarily be required to meter Seller's load; however, Seller shall have no ownership in meters, instrument transformers, and associated revenue metering equipment.

c. Metering will be installed to measure the reactive power and energy supplied from Buyer's system to the Facility. When the Facility is generating, Seller shall maintain a power factor of unity at all times. Any kilowatt-hour or kilovar-hour

input to Seller will be paid for by Seller at the rate of \$0.30 per kvar month. This rate will be subject to annual adjustment, as determined by Buyer, and to regulatory authorities having jurisdiction.

7. Seller shall provide adequate space to Buyer to install a third meter in the generator circuit for the measurement of the generator output for research studies as may be deemed necessary by Buyer.

8. Hydro Generation

a. DC Generators with Synchronous Inverter:

1) The total harmonic distortion introduced onto Buyer's system by an inverter shall not be more than 5%.

2) No single harmonic produced by the inverter shall contribute more than 3% distortion onto Buyer's system.

b. Induction Generators:

1) The generators shall be equipped with an over frequency or speed relay set such that frequency cannot exceed 64 Hertz, and under voltage relays set no lower than 90% of nominal voltage and over voltage relays set no higher than 110% of nominal voltage in order to automatically disconnect the generator when Buyer's service is interrupted.

2) The generators shall be equipped with reverse current (or power) relays to prevent the generators from acting as a motor.

WATER 1.2.1

1.1.1

of synchronous machines, proper excitation and voltage control equipment. Buyer may require protection and control systems in addition to that supplied with the generators.

2. Prior to initial energizing of Seller's generating system, inspection and/or tests shall be jointly performed by both Seller and Buyer to verify the proper operation of such generators and related equipment.

3. Seller is fully responsible for the protection of all generators and all of their associated equipment. Protection shall be provided for Seller's own equipment failures and for fault and other disturbance on Buyer's system.

a. Each location's protection arrangements and design drawings shall be reviewed by Buyer's Engineering Department and accepted in writing prior to installation. The completed installation is subject to a final inspection and tests by Buyer personnel before commencement of parallel generation is permitted.

b. Seller shall provide automatic equipment suitable to Buyer to disconnect Seller's generators from Buyer's system in the event of a power outage or a fault on Buyer's system. The relays used to control the automatic disconnect device shall be so engineered, designed and set that they can detect the loss of voltage or fault occurring on Buyer's system.

As a minimum requirement, the protective relays shall include over/under voltage and over/under frequency relays for sensing abnormal voltage and/or system disturbances. Additions

to the minimum requirement may be necessary for certain system arrangements and installations. Buyer reserves the right to determine the adequacy of relaying, and if additional relaying will be required. For synchronous machines a voltage restrained over current-type or impedance-type relay shall be provided to detect a phase fault and an over current or ground fault voltage detector relay for sensing a ground fault.

c. Recommended relay settings:

Over frequency:	64 Hertz	10 cycle time delay
Under frequency	59 Hertz	10 cycle time delay
Over voltage:	110 Percent	No time delay
Under voltage:	90 Percent	No time delay

Fault detecting relay to be provided after consultation with Buyer's Engineering Department.

d. Seller understands that a phase unbalance disturbance on Buyer's system can result in over heating of the Seller's generators. A negative sequence-type relay (current or voltage) is necessary to initiate tripping under phase unbalanced conditions, and may also be used to block closing of the automatic disconnecting device if Buyer's system is single phased.

e. Seller shall be fully responsible for the routine maintenance of the generators and protecting equipment and the keeping of records of such maintenance. These records shall be available to Buyer for inspection at all times.

f. Seller is solely responsible for the protection of his equipment from transient surges initiated by lightning, switching or other system disturbances.

7/17/81

g. Any modification of Seller's equipment shall require an engineering review and written acceptance by Buyer's Engineering Department.

h. Seller, at its sole expense, shall modify existing protective equipment in the event such modifications are required by government or industry regulations and/or standards.

4. The generator nameplate voltage shall be the same as the nominal voltage supplied by Buyer. If generation occurs at voltages other than the nominal voltages supplied by Buyer, Seller shall supply a dedicated generator transformer to transform the total capacity of the generator to the nominal voltage supplied by Buyer. The transformer configuration shall be specified by Buyer. Connections shall be ungrounded Wye-Delta or Delta-Delta with the generator connected to the Delta side. (The grounded Wye-grounded Wye connection will allow generator harmonic currents to flow into Buyer's system which may cause interference with Buyer's customers and/or communications equipment.) The transformer connection shall provide for relay protection to Buyer's system.

C. SPECIFIC REQUIREMENTS FOR THREE-PHASE GENERATORS

1. Synchronous Generators

Seller shall provide either automatic synchronizing or manual synchronizing, supervised by a synchronism check relay.

2. Induction Generators

None

3. DC Generators with Inverters

The AC output of the synchronous inverter shall be

compatible with Buyer's system voltage and frequency.

4. AC Generators With Static Frequency Changer

The AC output of the static frequency changer shall be compatible with Buyer's voltage and frequency.

Customer Service Department
LJJ:cc15
6-30-82

APPENDIX E
SPECIAL FACILITIES

A. SPECIAL FACILITIES REQUIRED

The Special Facilities Required under this Agreement are described as follows:

1. One (1) 35-foot pole and anchor; and
2. One (1) lot of 480 volt metering equipment.

The cost of the aforementioned facilities, including installation, will be approximately \$4,064.00.

B. PAYMENT FOR SPECIAL FACILITIES

Seller shall reimburse Buyer for the Special Facilities described herein within thirty (30) days of receipt of bill from Buyer. Thereafter, Seller shall pay Buyer monthly, within fifteen (15) days of receipt of bill from Buyer, for all the annual expenses including but not limited to Operation and Maintenance, Advalorem Taxes, Administrative and General, and Working Capital expense.

C. REMOVAL OF SPECIAL FACILITIES

Within sixty (60) days of the termination of this Agreement, Buyer shall prepare and forward to Seller an estimate of the remaining value of the Special Facilities described in this Appendix, Subpart A, less removal costs and costs involved in the transfer of the removed material to Buyer's nearest warehouse.

Buyer shall then be invoiced by Seller for the net amount due as estimated by Buyer for the Special Facilities and Buyer shall pay such amount to Seller within thirty (30) days after receipt of said invoice.

Customer Service Department

LJJ:cc16

6-30-82

RECEIVED

JUN 30 1982

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF RULEMAKING	:	
PROCEEDINGS AS REQUIRED BY THE	:	<u>MOTION</u>
PUBLIC UTILITY REGULATORY ACT	:	
OF 1978 FOR THE CONSIDERATION	:	
OF CO-GENERATION AND SMALL	:	
POWER PRODUCTION	:	Case No. P-300-12

Comes now Utah Power & Light Company ("Utah Power") and moves the Commission for an Order:

1. Approving that certain contract between UTAH POWER & LIGHT COMPANY and PANCHERI, INC., a copy of which is attached hereto and by this reference made a part hereof;

2. Ordering that all costs Utah Power incurs in connection with the Contract, together with all kilowatt hours and capacity generated thereunder, shall be assigned directly to Utah Power's Idaho service territory for purposes of interstate allocation; and

3. Ordering that for the purposes of interstate allocation for the State of Idaho, the capacity contribution of the subject small hydro plant in any month shall be the average kilowatt output during "heavy load hours" in such month; provided that, in any summer season such amount in any month shall not exceed the amount determined for July of that summer season and the amount in any winter month shall not exceed the amount determined for December in that winter season. In such determination, "heavy load hours" are defined as:

Those hours each day between 9:00 a.m. and 9:00 p.m., Mountain Standard Time, except Saturdays, Sundays and the following holidays: January 1, Presidents Day, Memorial Day, July 4, July 24, Labor Day, Thanksgiving Day and Christmas Day; provided, however, that in the event any such holiday, except July 24, occurs on Sunday, the following Monday will be considered a holiday.

Summer season shall be defined as the months April through September and winter season shall be defined as the months October through March.

The capacity and energy contributions of the subject small hydro plant shall be subtracted from the Company's Idaho jurisdiction loads prior to the interstate allocation.

DATED this 23rd day of May, 1983.

THOMAS W. FORSGREN
Attorney for Utah Power &
Light Company
1407 West North Temple
Salt Lake City, Utah 84116

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF RULEMAKING	:	
PROCEEDINGS AS REQUIRED BY	:	<u>ORDER</u>
THE PUBLIC UTILITY REGULATORY	:	
ACT OF 1978 FOR THE CONSIDER-	:	
ATION OF COGENERATION AND	:	
SMALL POWER PRODUCTION	:	Case No. P-300-12

Based upon the Motion of Utah Power & Light Company and good cause appearing therefor, it is hereby ordered as follows:

1. That certain Agreement between Utah Power & Light Company and Pancheri, Inc. is hereby approved.

2. That all costs Utah Power incurs in connection with the Contract, together with all kilowatt hours and capacity generated thereunder shall and hereby are assigned directly to Utah Power's Idaho service territory for purposes of interstate allocation.

3. That for the purposes of interstate allocation for the State of Idaho, the capacity contribution of Pancheri, Inc.'s hydro plant in any month shall be the average kilowatt output during "heavy load hours" in such month; provided that, in any summer season such amount in any month shall not exceed the amount determined for July of that summer season and the amount in any winter month shall not exceed the amount determined for December in that winter season. In such determination, "heavy load hours" are defined as:

Those hours each day between 9:00 a.m. and 9:00 p.m., Mountain Time, except Saturdays, Sundays and the following holidays: January 1, President's Day, Memorial Day, July 4, July 24, Labor Day, Thanksgiving Day and Christmas Day; provided, however, that in the event any such holiday, except July 24, occurs on Sunday, the following Monday will be considered a holiday.

Summer season shall be defined as the months April through September and winter season shall be defined as the months October through March.

The capacity and energy contributions of said hydro plant shall be subtracted from the Company's Idaho jurisdiction loads prior to the interstate allocation.

The Commission notes that the parties to these contracts have made significant departures from the standard form contract approved and on file at this Commission. The parties, of course, have the right to make changes that are in their own interests and that are not adverse to the public interest. We do not consider such changes to be of precedential value as in any way modifying the approved contract that is available to all project sponsors.

Finally, we limit the effect of this Order to the facts of this case. Anyone having an interest in this Order shall have the right within twenty (20) days from the service date of this Order to apply for a rehearing in regard to any matter determined herein.

DONE by Order of the Idaho Public Utilities Commission
at Boise, Idaho, this _____ day of _____, 1983.

President

Commissioner

Commissioner

ATTEST:

Secretary

WCR

10/1/83

APPENDIX C
POINT OF DELIVERY

Seller shall deliver the energy designated in Article I at the point of delivery, more specifically described as follows:

A parcel of land located in Section 18, Lot 1, Township 10 West, Range 27 East, Boise Base Meridian, more particularly described as follows:

Beginning at a point 214.22 ft. East along the Section Line from the Northwest corner of Section 18, Township 10 West, Range 27 East, East 200 ft, then South 200 ft, then West 200 ft, then North 200 ft. to the beginning.

Customer Service Department
LJJ:cc18
6-30-82

APPROVED

Myrna J. Walters
MYRNA J. WALTERS
COMMISSION SECRETARY

AMENDMENT TO
POWER PURCHASE AGREEMENT

BETWEEN
PANCHERI, INC.

AND

UTAH POWER & LIGHT COMPANY

RECEIVED

OCT 27 1999

Department of Water Resources

This Amendment to Power Purchase Agreement is entered into this 20th day of March, 1992, by and between Pancheri, Inc. ("Seller") and Utah Power & Light Company ("Buyer") with respect to the Power Purchase Agreement between Seller and Buyer dated March 1, 1983 ("Power Purchase Agreement").

A. Pursuant to the Power Purchase Agreement, Seller agreed to construct, own, operate and maintain a hydro-electric power plant and sell the electrical energy from the Facility to Buyer, and Buyer agreed to purchase the electric energy from the Facility.

B. A dispute has arisen over the calculation of the variable energy rate to be paid by Buyer to Seller for energy delivered pursuant to the Power Purchase Agreement.

C. The Parties wish to resolve their dispute over the variable energy rate by amending the Power Purchase Agreement as specified herein.

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

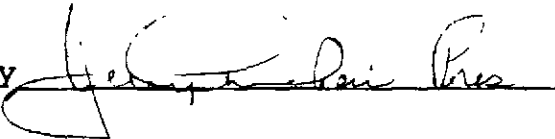
MICROFILMED

1. Definitions. The terms used in this Amendment to Power Purchase Agreement shall have the same meaning as specified in the Power Purchase Agreement, including all Appendices.

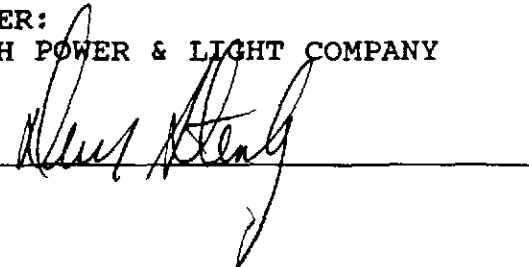
2. Appendix B. The Variable Energy Rate portion of Appendix B to the Power Purchase Agreement is hereby amended in its entirety to read as set forth in the Restated Appendix B which is attached hereto and incorporated herein by reference.

IN WITNESS WHEREOF, the Parties have executed this Amendment to Power Purchase Agreement as of the date hereinabove set forth.

SELLER:
PANCHERI, INC.

By 

BUYER:
UTAH POWER & LIGHT COMPANY

By 

RESTATED APPENDIX B
SCHEDULE OF ENERGY PURCHASED RATES

Fixed Energy Rates

<u>Scheduled Commencement of Service</u>	<u>Term of Agreement (Years)</u>							
	<u>4</u>	<u>6</u>	<u>10</u>	<u>15</u>	<u>20</u>	<u>25</u>	<u>30</u>	<u>35</u>
1982-\$/kW-Yr	96	105	123	146	171	195	219	242
-Mills/kWh ¹	15	16	19	22	26	30	33	37
1983-\$/kW-Yr	106	115	133	161	188	215	241	266
-Mills/kWh	16	18	20	25	29	33	37	40

The fixed energy rate figure shall not be subject to escalation.

Variable Energy Rate

(Mills/kWh)

1982 15.00

1. Through June 30, 1992, the variable energy rate shall remain 15 mills per kWh.

2. Effective July 1, 1992 and continuing through June 30, 2003, the variable energy rate shall be 14 mills per kWh, which represents Buyer's estimated levelized variable fuel and operation and maintenance (O&M) cost during that time period.

3. Beginning July 1, 2003 and continuing throughout the Term of the Power Purchase Agreement, including any extensions, the variable energy rate shall be calculated in accordance with the following methodology:

(a) The variable energy rate shall be the sum of Buyer's fuel cost and variable O&M cost.

(b) Buyer's fuel cost shall be the average cost of fuel consumed in Buyer's Utah Division coal-fired generating stations, specifically the Carbon, Hale, Naughton, Huntington and Hunter generating plants. If any of the specified plants does not operate as a coal-fired power plant in any calendar year, such plant shall be excluded from the calculation of the

¹ Based on a 75 percent capacity factor.

MICROFILMED

1982

average cost of fuel. The average cost of fuel shall be calculated using data reported in Buyer's FERC Form 1. For 1990, Buyer's fuel costs are reported at pages 402-403, lines 12 and 21 of the FERC Form 1. In the event that the FERC Form 1 ceases to include the cost of fuel or net generation data, comparable data based upon Buyer's normal accounting practices shall be used.

(c) Buyer's variable O&M cost shall be calculated using the methodology adopted by the Idaho Public Utilities Commission in Order No. 23738 for determining the variable avoided O&M cost of the Surrogate Avoidable Resource, excluding the State of Montana generation tax and the line loss adjustment. For example, Buyer's variable O&M cost for 1990 would be \$1.089 per MWh (based on Colstrip 1989 costs) and for 1991 would be \$1.401 per MWh (based on Colstrip 1990 costs).

(d) The variable energy rate shall be updated annually effective July 1 of each year based upon Buyer's fuel cost and variable O&M cost for the preceding calendar year. The adjustment to the variable energy rate may be up or down. Buyer shall notify Seller and the Idaho Public Utilities Commission of the updated variable energy rate on or before July 1 of each year.

AJ5809NP
No. R33-07087

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 10/26/99
PAGE: 3

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	PANCHERI INC C/O JERRY PANCHERI PRES HC 65 BOX 2104 HOWE ID 83244 (208) 767-3419	01/08/1981	POWER	01-01 12-31	7.000 CFS	
TOTAL DIVERSION:					7.000 CFS	

Water Source: MAHOGANY CREEK
UNNAMED STREAM
UNNAMED STREAM
UNNAMED STREAM
BELL MOUNTAIN CREEK

Tributary to: SINKS
SINKS
SINKS
SINKS
SINKS

Stage: PERMIT

Point(s) of Diversion: T10N R27E S05 SESENE NENWNW BUTTE County
T11N R27E S30 NESENW BUTTE County
S31 SENWNE NESESE BUTTE County

Place of use Legal Description for: POWER

NE				NW				SW				SE			
T	R	S	: Lt Ac	T	R	S	: Lt Ac	T	R	S	: Lt Ac	T	R	S	: Lt Ac
10N	27E	7	:				:				:				:
			:				:				:				:

POU County: BUTTE

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
33-10511 33-10643 33-10649 A33-10511 A33-10512 A33-10643 A33-10649

Conditions of Approval:

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

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: 33 Field Inspection Flag:
Presumption Flag:

Comments: Date: 10/25/1999 User-ID: ARUBERRY Subject: DEVELOPED WATER, 33-00065.
THIS DEVELOPED WATER (TX#851, 1955) IS INJECTED INTO SAWMILL

water is dumped
into Sawmill ck.
after use in
power facility -
then re-diverted
for
use.

AJ5809NP
No. R33-07087

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 10/26/99
PAGE: 4

Comments: Date: 10/25/1999 User-ID: ARUBERRY Subject: DEVELOPED WATER, 33-00065.
CREEK AND REDIVERTED IN THE LOWER VALLEY, OUT OF SEQUENCE AND
AHEAD OF OTHER PRIORITIES AS RIGHT 33-00065.

Audit: 10/30/95 ARUBERRY 08/05/99 ARUBERRY 10/22/99 JCRABTRE 10/25/99 ARUBERRY

ARUBERRY
10/25/99

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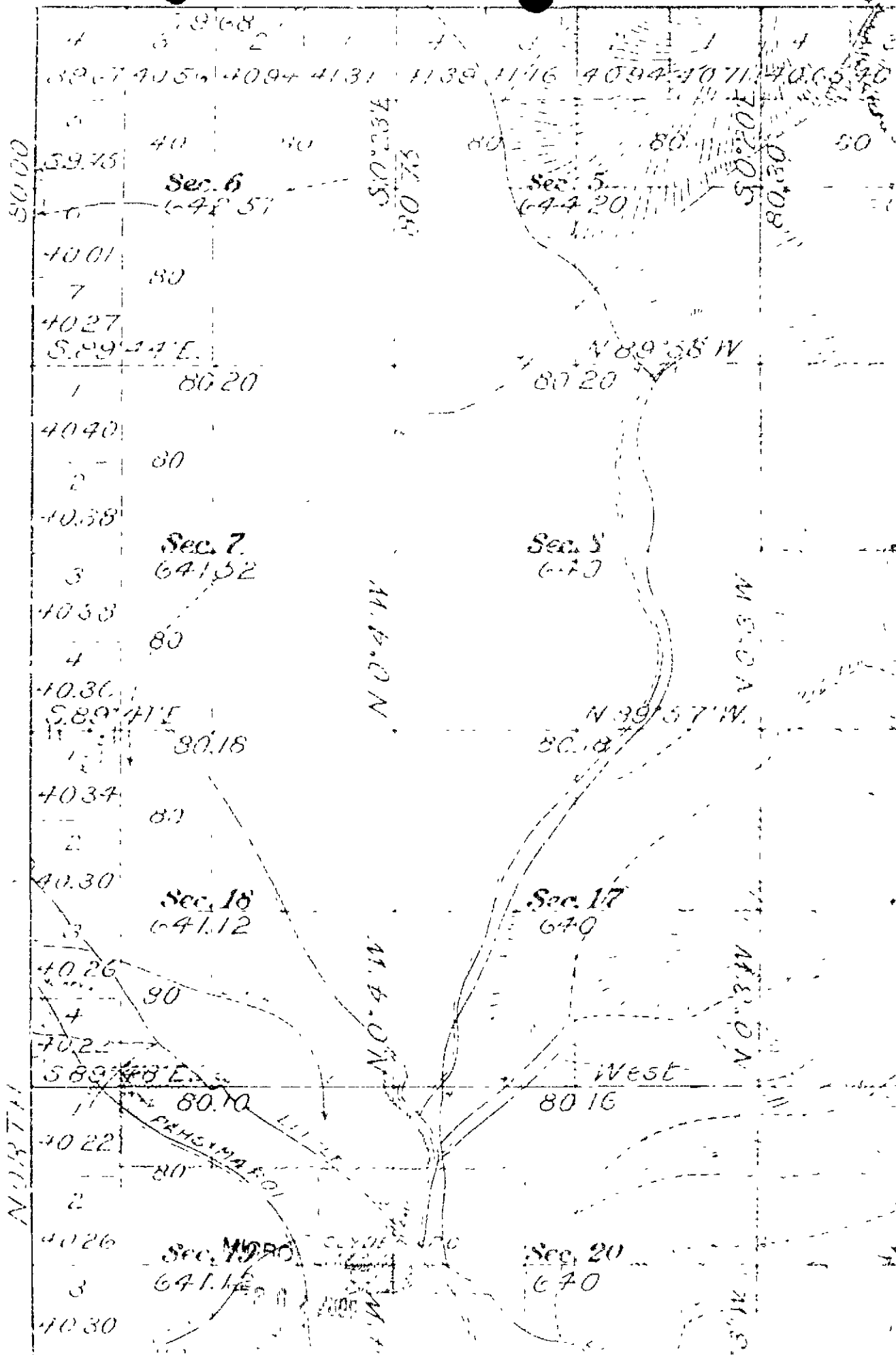
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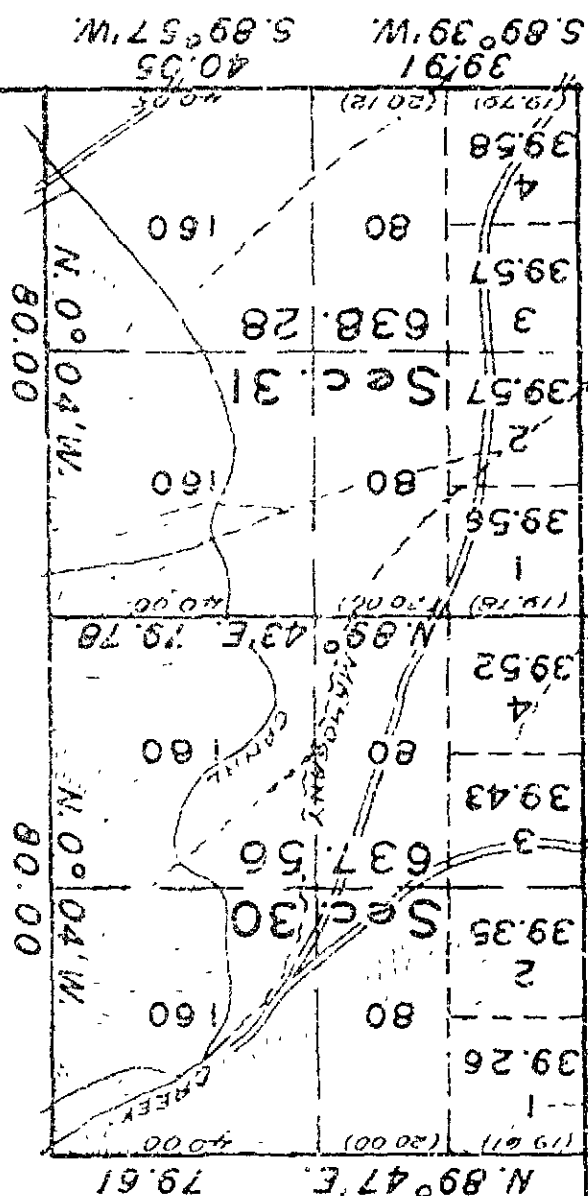
11-27E



08

1000 2 0 2 0000
MICROFILM

10E 44° 14' 40" N.
10E 113° 17' 30" W.



FILED

NORTH

39.91 " 39.91
S. 89° 39' W. S. 89° 57' W.

$$\frac{N. 0^{\circ} 00'}{80.00}$$

100.00

N. 89° 47' E. 79.61

BILLING CODE 6717-01-M

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Pancheri Inc.

)

Project No. 5637-003

NOTICE OF AVAILABILITY OF ENVIRONMENTAL ASSESSMENT

(May 14, 1998)

An environmental assessment (EA) is available for public review. The EA is for an application to amend the Pancheri Hydroelectric Project. The application is to rehabilitate the existing project by upgrading the existing pipe water conveyance system and building a new powerhouse. The EA finds that approval of the application would not constitute a major federal action significantly affecting the quality of the human environment. The Pancheri Hydroelectric Project is located on the Sawmill Creek in Butte County, Idaho.

The EA was written by staff in the Office of Hydropower Licensing, Federal Energy Regulatory Commission. Copies of the EA can be viewed at the Commission's Public Reference Room, Room 2A, 888 First Street, N.E., Washington, D.C. 20426. Copies can also be obtained by calling the project manager listed below. For further information, please contact the project manager, Jean A. Potvin, at (202) 219-0022.

David P. Boergers
Acting Secretary

RECEIVED

MAY 26 1998

Department of Water Resources

ENVIRONMENTAL ASSESSMENT
AMENDMENT OF EXEMPTION

Pancheri Project
FERC Project No. 5637

FEDERAL ENERGY REGULATORY COMMISSION
OFFICE OF HYDROPOWER LICENSING
DIVISION OF LICENSING AND COMPLIANCE
888 FIRST STREET, NE
WASHINGTON, D.C. 20426

May 1998

DC-A-17

MICROFILMED
1998 07 01

ENVIRONMENTAL ANALYSIS

The EA contains background information, support for including a special cultural resources article, and analysis of impacts. The proposed action would cause only minor temporary surface erosion during construction, that would be offset by the proposed project benefits. The EA forms the basis for a finding that approval of the amendment would not constitute a major federal action significantly affecting the quality of the human environment.

Standard article 2 of the exemption, requires compliance with any terms and conditions that Federal or State fish and wildlife agencies have determined appropriate to prevent loss of or damage to fish and wildlife resources.

The exemptee agreed to apply the BLM terms and conditions, and the terms and conditions of the FWS and IDFG, to the project features as well (Pancheri, Inc., 1996). The terms and conditions set by the consulting agencies are adequate to protect the fish and wildlife resources of the project area.

A cultural resource inventory was conducted in the project area in May 1995. The ISHS reviewed the archaeological report and concluded the Telford Pipeline and the powerhouse do not meet the age requirement for properties of historical significance. The ISHS also concluded there would be no archaeological resources impacted by the project. However, the ISHS reserved the authority to review the archaeological significance of any archaeological remnants discovered during construction. During construction previously unidentified cultural resources could be found and the ISHS would like to review any artifacts that are found. To ensure protection of cultural resources, ordering paragraph (D) has been added to require the exemptee to file with the Commission, for approval, a Cultural Resources Management Plan if any new discoveries are made during the course of construction.

CONCLUSIONS

The proposed modifications to construct a new powerhouse, install a 290 kW generating unit, extend the transmission line to the new powerhouse, replace the existing penstock and extend it to the new generating unit would improve the operation at the Pancheri Project. The proposed modifications would increase power generation at the project by benefitting from the improvements to the irrigation system. The proposed modifications would result in no significant impacts to

RECEIVED
MAY 26 1998

ENVIRONMENTAL ASSESSMENT
AMENDMENT OF EXEMPTION

Pancheri Project
FERC Project No. 5637

Department of Water Resources

Federal Energy Regulatory Commission
Office of Hydropower Licensing
Division of Licensing and Compliance
888 First Street, NE
Washington, D.C. 20426

May 1998

MICROFILMED
MAY 2 1998

Min. Rate	0.00	PCS
Max. Rate	4.99	PCS
Avg. Rate	3.54	PCS
FLOW RATE	3.50	PCS
NET TOT(X1)	981504	NLL
POS TOT(X1)	308426	NLL
NEG TOT(X1)	13985	NLL

FRANCIS'S 1870, 1871, 1872, 1873, 1874, 1875, 1876, 1877, 1878, 1879, 1880, 1881, 1882, 1883, 1884, 1885, 1886, 1887, 1888, 1889, 1890, 1891, 1892, 1893, 1894, 1895, 1896, 1897, 1898, 1899, 1900, 1901, 1902, 1903, 1904, 1905, 1906, 1907, 1908, 1909, 1910, 1911, 1912, 1913, 1914, 1915, 1916, 1917, 1918, 1919, 1920, 1921, 1922, 1923, 1924, 1925, 1926, 1927, 1928, 1929, 1930, 1931, 1932, 1933, 1934, 1935, 1936, 1937, 1938, 1939, 1940, 1941, 1942, 1943, 1944, 1945, 1946, 1947, 1948, 1949, 1950, 1951, 1952, 1953, 1954, 1955, 1956, 1957, 1958, 1959, 1960, 1961, 1962, 1963, 1964, 1965, 1966, 1967, 1968, 1969, 1970, 1971, 1972, 1973, 1974, 1975, 1976, 1977, 1978, 1979, 1980, 1981, 1982, 1983, 1984, 1985, 1986, 1987, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 255

MICRO

[illegible]

Power - Eastern
St. Anthony
23 July 1976

Department of Water Resources

11-6-59

RECEIVED

PANCHISTO'S Bell Mtn. HYDRO Measurement

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
~~Water District 01~~
DISCHARGE MEASUREMENT NOTES

Meas. No. _____
Comp. by _____
Checked by _____

Sta. No. _____

Date 11 July, 1996 Party Al Ruberry - Dave ANDREASON
Width _____ Area _____ Vel. _____ G. H. _____ Disch. _____
Method Swiffer No. secs. _____ G. H. change _____ in _____ hrs. Susp. _____
Method coef. _____ Hor. angle coef. _____ Susp. coef. _____ Meter No. _____

GAGE READINGS				Type of meter
Time	Recorder	Inside	Outside	
				Date rated _____ for rod, other
				Meter _____ ft. above bottom of weight
				Spin before meas _____ after _____
				Meas. plots _____ % diff from rating _____
				Wading, cable, ice, boat, upstr., downstr., side
				bridge _____ feet, mile, above, below
				gage, and _____
				Check-bar, found _____
				changed to _____ at _____
				Correct _____
				Levels obtained _____
Weighted M G H _____				
G. H. correction _____				
Correct M G H _____				

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

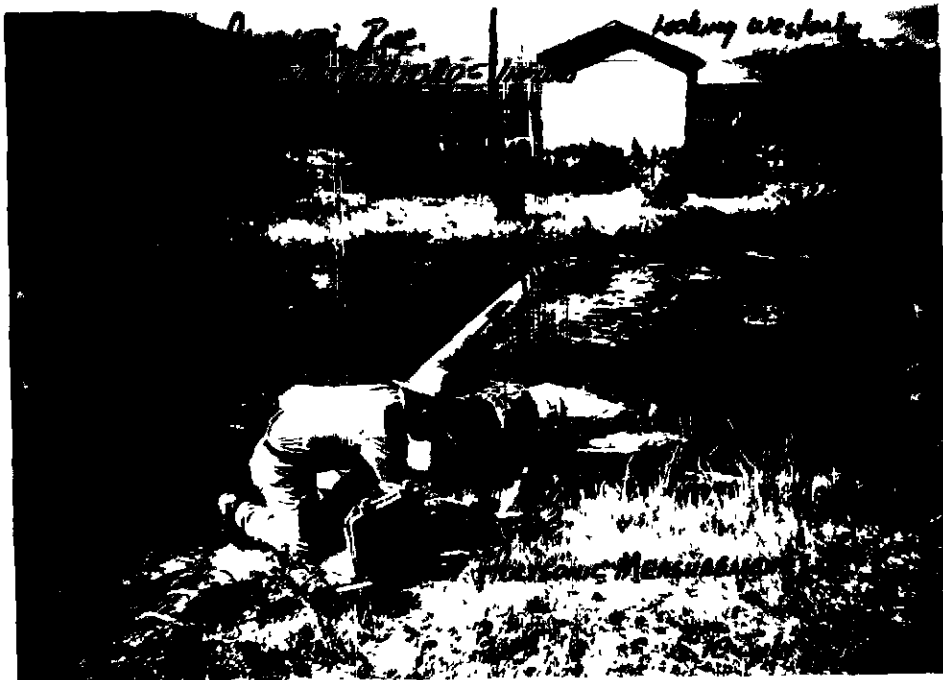
Flow _____ Weather _____
Other _____ Air _____ °F@ _____
Gage _____ Water _____ °F@ _____
Record removed _____ Intake flushed ^U _____
Observer _____

Control _____

Remarks Parshall Flume 2'

Reading .68 10:30am → 4.40 cfs
G. H. of zero flow _____ ft.

MICRO. 11
11/16/96 11/16/96



HYDROFILMED

RECEIVED
NOV 13 1995
Department of Water Resources

MEMORANDUM

7 NOVEMBER 1995

TO: S.W. KEEN

FROM: A.B. RUBERRY

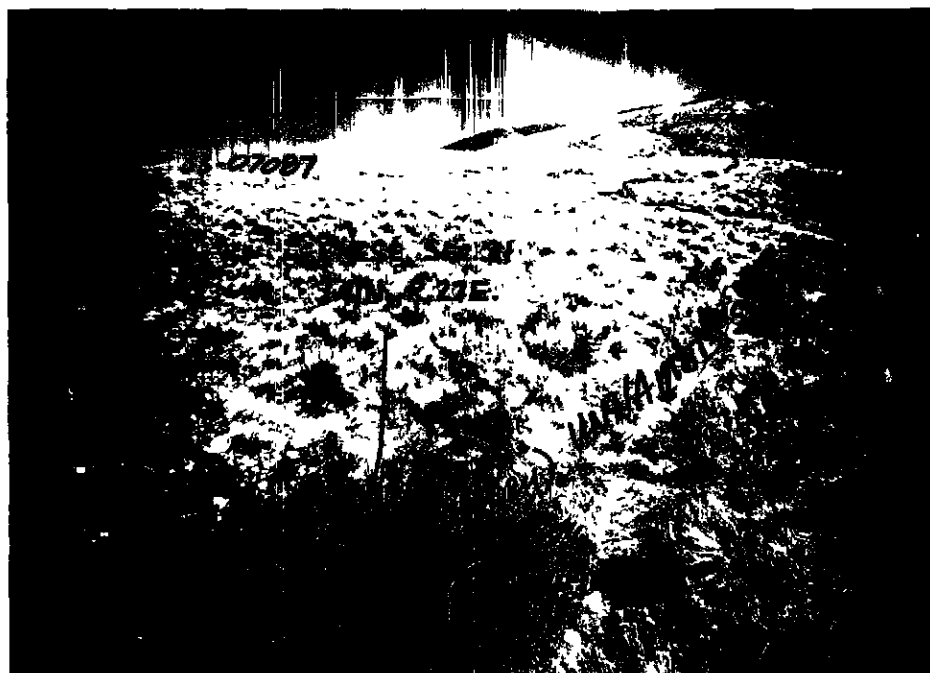
SUBJECT: PANCHERI, INC. HYDRO (A)33-07087 PERMIT
ADDITIONAL PHOTOS

WALTER, THESE ARE THE ADDITIONAL PHOTOS OF THE PROPOSED NEW POINT OF DIVERSION AND THE ONE THAT I RECOMMEND BE DELETED. HOPE THESE ARE OF HELP. LET ME KNOW, I'LL ADJUST THE AJ CVR TO REFLECT THE LICENSE RECOMMENDATION.

ABR.....

*THE 33-07202 IS THE PERMIT OF PANCHERI'S
THAT HAS LAPSED- JUST IN-CASE YOU WANT
THIS.*

ABR



UNNAMED STREAM

07007

Map of Bell Mtn. Hydro Power Site & Surroundings

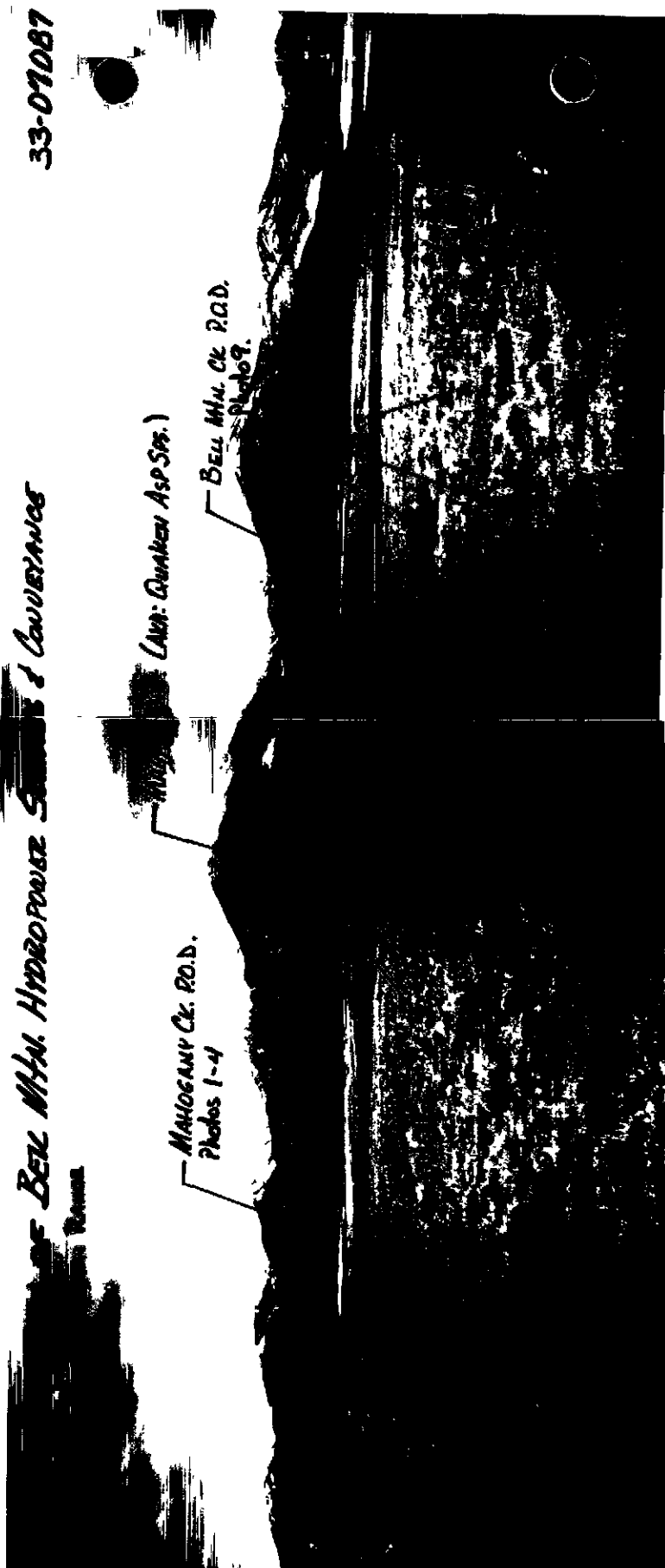
33-07087

Power House

Map of Bell Mtn. Hydro Power Site & Surroundings

MAIDEN CK. R.O.D.
Photos 1-4

Bell Mtn. Cr. R.O.D.
Photos 5-9



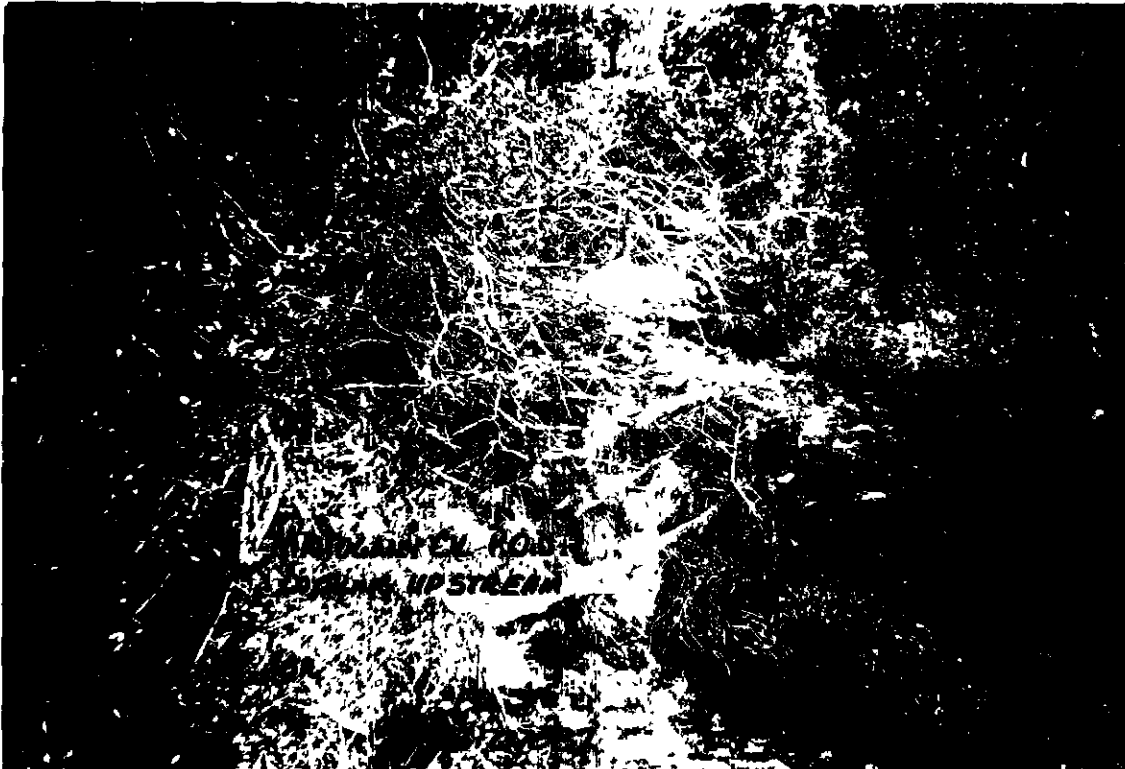


Photo 2.



UPSTREAM

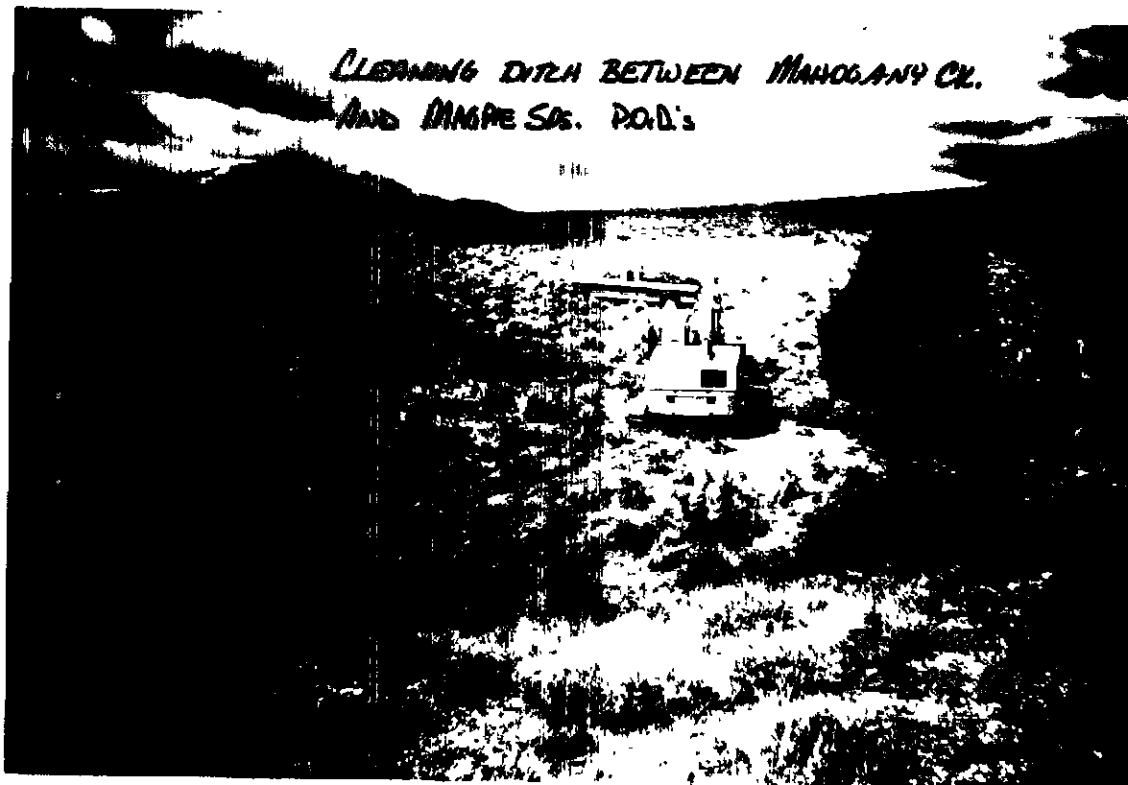


33-07087
404.95 ARE
INSTALLATION OF NEW RIVER AT
MANOGANY CR. RD./WEIR



33-07087
404.95
INSTALLATION OF NEW RIVER AT
MANOGANY CR. RD./WEIR

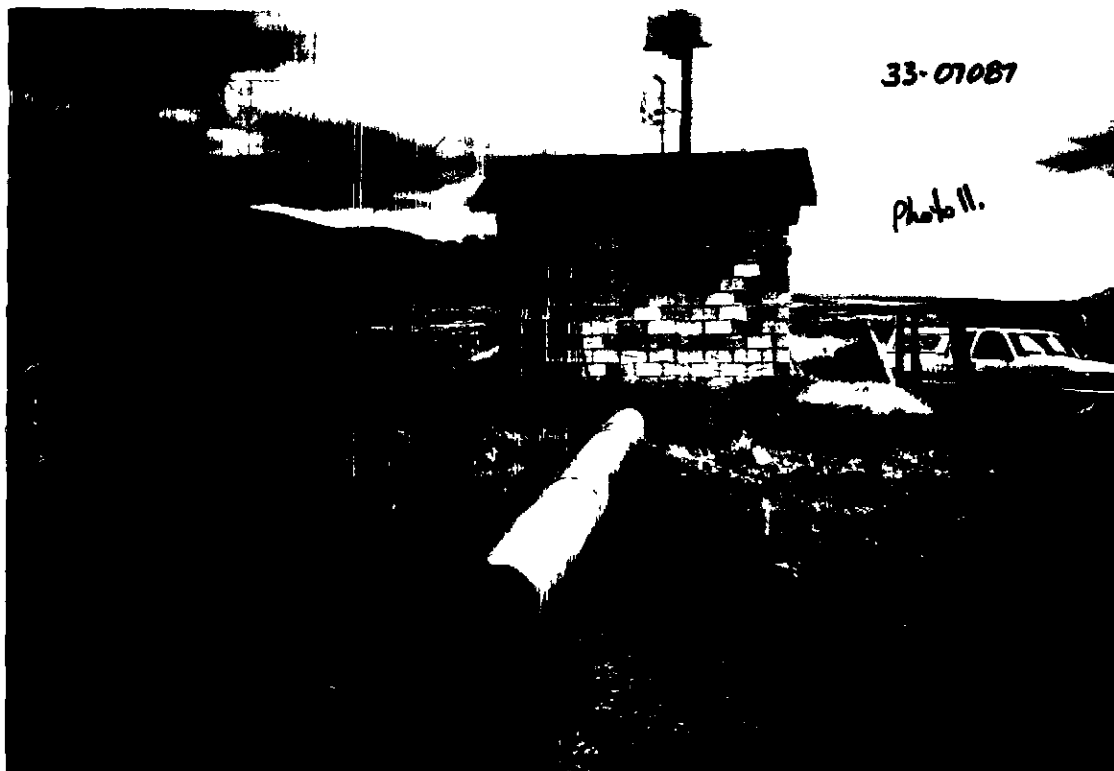
CLEANING DITCH BETWEEN MANOGANY CR.
AND IMPRE SDC. P.O.D.'s







5810
11-12-71



33-07087

Photo 11.



Photo 12.

33-07087

Oct. 95 ABR

100%



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

RECEIVED

EASTERN REGION

NOV 08 1995

PHILIP E. BATT
GOVERNOR

KARI J. DREHER
DIRECTOR

Department of Water Resources

3 NOVEMBER 1995

PANCHERI INC
JERRY PANCHERI PRES
HOWE ID 83244

RE: WATER RIGHT NO. 33-07087 (Bell Mtn. Hydro)

Dear Jerry:

Regarding your inquiry today concerning the letter you received dated October 4, 1995, from Shelley Keen, IDWR state office, which made reference to a fee due of \$50.00 for an amendment to the above referenced water right.

As I have instructed you during our conversation, please disregard the 14 day fee period. I have, this date, contacted Mr. Keen to inform him of our conversation. He and I are working on the elements of the water right so it will be represented by the License in correct form. As I mentioned to you, we are making amendments to include the unnamed stream between Mahogany Creek and Magpie Springs and certain other details of the right which we feel can be made more correct.

You will receive other correspondence from Mr. Keen regarding the(se) amendment(s). In the meantime, please disregard the October 4 letter.

Thank you for your inquiry, should you have additional questions regarding your water rights please do not hesitate to contact me.

Respectfully submitted,

Allen B. Ruberry
Sr. Water Resource Agent
Adjudications Bureau

CC: File

Kent Foster, Atty. (w/enclosure)
Shelley Keen, IDWR

Enclosures: Above Referenced October 4, 1995 letter (copy)

NOV 10 1995

M E M O R A N D U M

DATE: October 17, 1995

TO: File 33-07087

FROM: Shelley W. Keen (SWK)

RE: Concerns about the draft license

=====

Allen Ruberry of Eastern Region called last week to discuss the draft license prepared for right 33-07087. He is familiar with the Bell Mountain hydro development because of his efforts to investigate Basin 33 SRBA claims. Allen had the following concerns about the proposed license.

- 1) Magpie Springs is listed as a source for this right. Allen feels the source should be a pair of unnamed streams leading away from Magpie Springs.
- 2) There is an unnamed stream intersected by the ditch at NWNE, S31, T11N, R27E. Allen thinks this unnamed stream may also be a source of water for this right.
- 3) The water diverted under this right is the same water diverted under some older decreed irrigation rights. The decree apparently states that Bell Mountain Creek water is not tributary to the Little Lost River, and the rights are delivered accordingly. On 33-07087, however, the examiner has recommended the sources be listed as tributary to Sawmill Creek, which is tributary to the Little Lost River.
- 4) Because 33-07087 is an additional use of water diverted for irrigation purposes under senior rights, we should consider adding a combined use limitation to 33-07087.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

October 4, 1995

PANCHERI INC
HOWE ID 83244

RE: WATER RIGHT NO. 33-07087

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 depict your water right as it has actually been developed.

The enclosed Application for Amendment contains information that will be included on the license when it is issued. The amendment reflects a change in the location of the point(s) of diversion. Please review carefully and if you concur, sign the amendment and return with the \$50.00 filing fee within 14 days.

The last page of the Application for Amendment form contains a list of CONDITIONS/REMARKS proposed for the license when it is issued. These conditions/remarks may be modified upon further administrative review.

If you do not concur, or if you have any questions about this information, please contact me as soon as possible. My telephone number is (208) 327-7946.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:rl

Enclosure

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SEP 11 1995

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
MAY 31 1994
Department of Water Resources

A. GENERAL INFORMATION

Permit No. 33-7087

1. Owner: Pancheri, Inc. % Jerry Pancheri Phone No. 767-5419

Current Address: Howe, Id. 83244

2. Accompanied by: Jerry Pancheri EXAM DATE: 6-3-92

Address: _____ Phone No. _____

Relationship to Permit Holder: Pres.

3. Source: Bell Mt. Creek, Mahogany Creek tributary to Township 7 N
Maggie Springs

B. OVERLAP REVIEW

1. Other water rights with the same place of use: N.A.

2. Other water rights with the same point of diversion: N.A.

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
			NW	NW	5	10N	27E	Butte	Springs
			SE	SE	31	11N	27E	Butte	"
			NE	SE	31	11N	27E	"	"
			SE	NW	30	11N	27E	"	Mahogany Creek
			SE	NE	5	10N	27E	"	Bell Mt. Creek

2. Place(s) of Use:

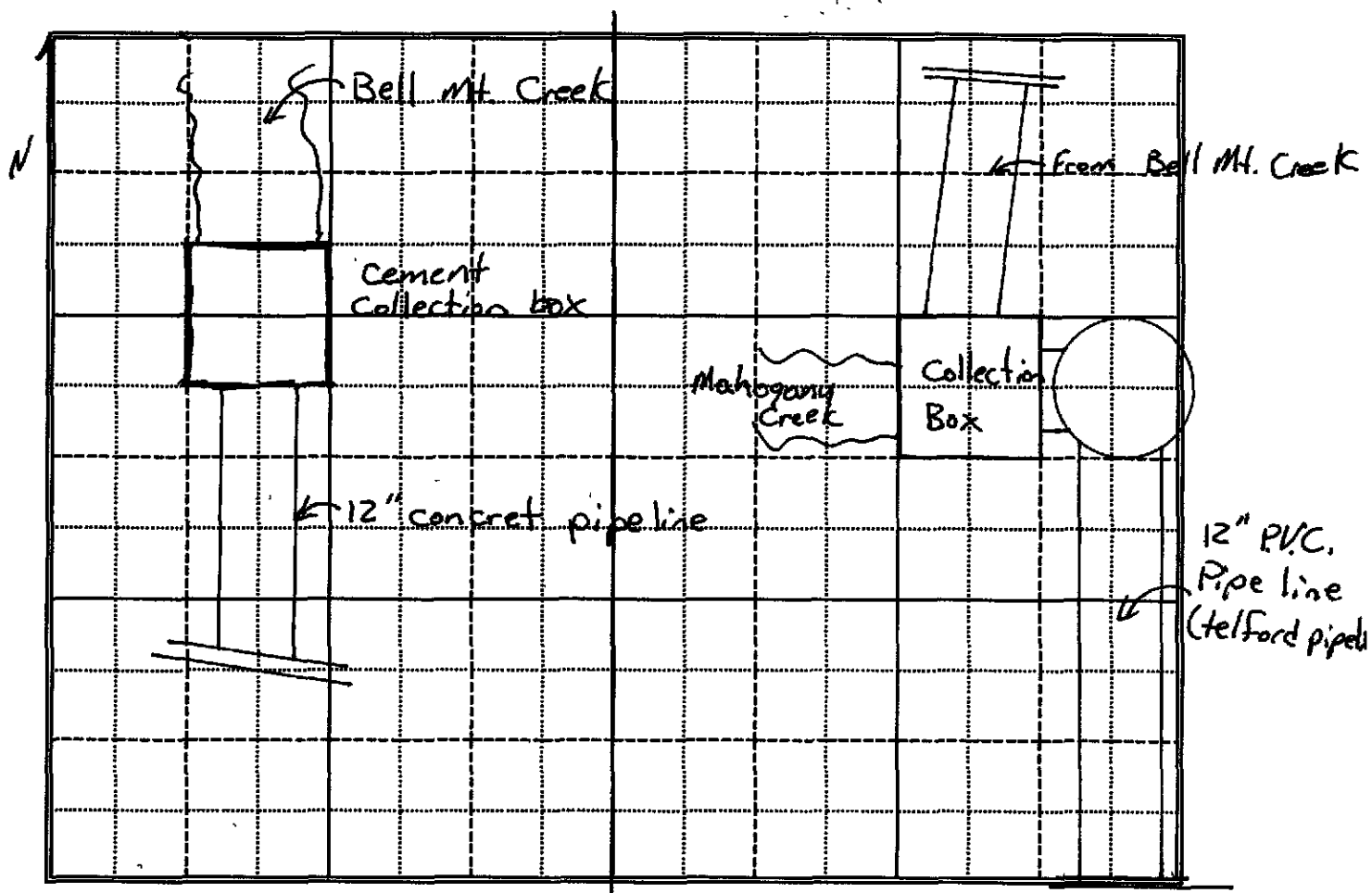
Indicate Method of Determination

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10N	27E	7											P						

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SEP 8 1993

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable.



Scale: 1" = _____.

____ Copy of USGS Quadrange Attached Showing location(s) of point(s) of diversion and place(s) of use (required)

____ Aerial Photo Attached (required for irrigation of 10+ acres)

____ Photo of Diversion and System Attached

4.

N.A.

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

D. FLOW MEASUREMENTS

1.

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

2. Measurements: see attached Manning equations

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FEB 02

* Springs + Mahogany creek dump into free ditch thru into pipeline.

E. NARRATIVE/REMARKS/COMMENTS

Bell Mountain Creek is diverted into 12" concrete pipeline to collection box where Mahogany creek is diverted into same collection box to 12" P.V.C. then on to 15" telford pipeline to power plant discharged to sawmill creek.

(Capacity of telford pipeline was measured to be 11.3 cfs)

Measuring device condition should be waived in favor of system capacity.

* Mannings Equation For Round Pipe is;

$$Q = \frac{0.463}{n} D^{2.667} S^{0.50}$$

n = Roughness coefficient

D = Diameter of pipe in ft.

S = Slope

$$Q = \frac{0.463}{0.009} 0.98^{2.667} \sqrt{0.01433}$$

$$Q = 51.44 \times 0.941 \times 0.208$$

$$Q = 10.1 \text{ cfs}$$

This assumes free flow but there is a power plant on the bottom of the pipeline which slows the velocity.

7/6/00

Have conditions of permit approval been met? ☐ yes ☐ no

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MAY 2 2000

F. FLOW CALCULATIONSX Additional Computation Sheets Attached

Measured Method:

Bell Mt. creek max. flow is 17.96 cfs
Mahogany Creek max. flow is 3.89 cfs
telford pipeline max flow is 11.3 cfs

G. VOLUME CALCULATIONS

N.A.

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:

H. 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	7.00 cfs	
Totals:			7.00	

2. Recommended Amendments

X 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

I. AUTHENTICATIONField Examiner's Name Gary Bass Date _____Reviewer A.C. Jones Date 5-3-94

SEAL
MICROFILMED
FEB 02 2009

33-07087

capacity of pipe line

MANNING EQUATION CHANNEL CAPACITY RESULTS 08-13-1992

File Number: 33-7087
Claimant: panchari inc.
Channel measured: telford pipeline
Date of measurement: 8-12-92
Measurement location:

Measurement taken from collection box down stream 400'.
Calculation prepared by: Dexter
Comments about the measurement:

The results of the calculation are: 0.89
The channel cross section is ~~2.24~~ ft-sq.
The wetted perimeter is ~~2.24~~ ft.
The hydraulic radius is ~~0.22~~ ft.
The slope is 0.0433
The roughness coefficient is 0.0090 PVC.
The flow velocity is 12.699 ft/sec.
The rate of flow is ~~6.46~~ cfs.

11.3

see corrected value on 'Channel' & T
5-1-92

MICROFILM
11-10

33-07087

MANNING EQUATION CHANNEL CAPACITY RESULTS 08-13-1992

File Number: 33-7087
Claimant: pancheri inc.
Channel measured: Bell Mt. Creek
Date of measurement: 8-12-92
Measurement location:

Bell Mt. Creek was measured from the collection box Northeast 100' upstream.
Calculation prepared by: Gary Buss
Comments about the measurement:
The heavy brush and trees prevented me from measuring a greater distance.

The results of the calculation are:

The length of the channel measured is 100 feet.
The upstream and downstream rod readings are 1.28 and 5.36 feet.
The channel cross section is 4.33 ft-sq.
The wetted perimeter is 7.58 feet.
The hydraulic radius is 0.57 feet.
The slope is 0.0408
The roughness coefficient is 0.0500
The flow velocity is 4.145 ft/sec.
The rate of flow is 17.96 cfs.

MICROFILMED
1993/9/2

CROSS SECTION NUMBER 1

For File Number 33-7087 for the Bell Mt. Creek

Number	Rod Reading	Water Depth	Distance
1	4.20	0.00	4.00
2	4.54	0.34	4.92
3	4.96	0.76	6.00
4	4.98	0.78	7.25
5	4.98	0.78	8.58
6	4.82	0.62	10.58
7	4.20	0.00	11.17

The area for this cross section is 4.33 square feet
and the wetted perimeter is 7.58 feet.

#33-07087

MANNING EQUATION CHANNEL CAPACITY RESULTS 08-13-1992

File Number: 33-7087
Claimant: pancheri inc.
Channel measured: Mahogany Creek
Date of measurement: 8-12-92
Measurement location:

Measurements have been taken on Mahogany Creek from the collection box extending Northwest 400' upstream.

Calculation prepared by: Gary Buss
Comments about the measurement:

The results of the calculation are:

The length of the channel measured is 400 feet.
The upstream and downstream rod readings are 7.32 and 8.58 feet.
The channel cross section is 3.22 ft-sq.
The wetted perimeter is 5.23 feet.
The hydraulic radius is 0.61 feet.
The slope is 0.0031
The roughness coefficient is 0.0500
The flow velocity is 1.209 ft/sec.
The rate of flow is 3.89 cfs.

MICROFILM

SEP 0 1992

CROSS SECTION NUMBER 1

For File Number 33-7087 for the Mahogany Creek

Number	Rod Reading	Water Depth	Distance
1	7.48	0.00	4.83
2	8.44	0.96	6.00
3	8.46	0.98	6.75
4	8.38	0.90	7.67
5	8.18	0.70	8.67
6	7.48	0.00	9.42

The area for this cross section is 3.22 square feet
and the wetted perimeter is 5.23 feet.

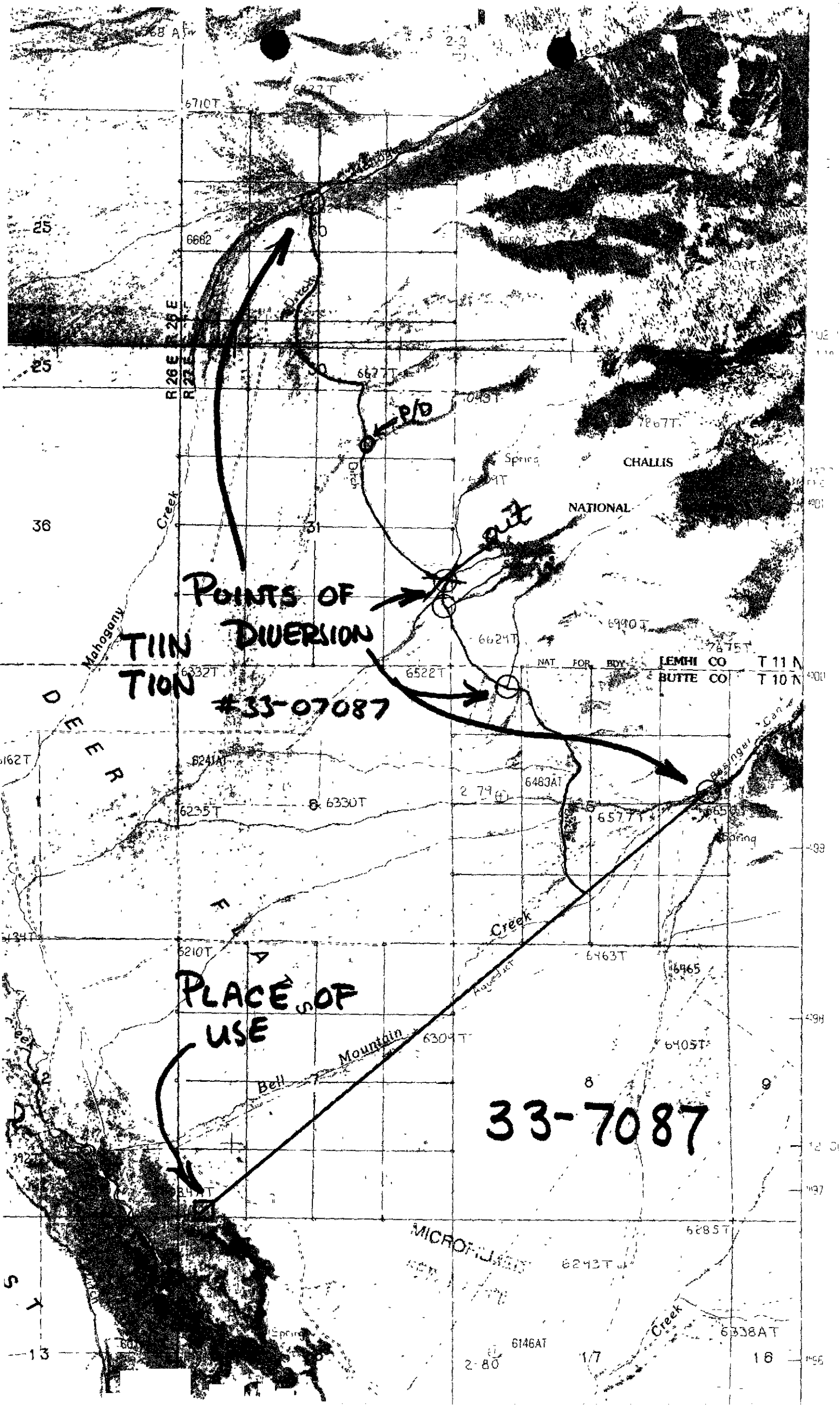
MODE SELECT
 INPUT
 MODE SELECT
 0-1, 10-
 DATA SET MODE
 PRINTER
 PRINTER USE
 YES
 MODE SELECT
 INPUT
 OUTER DIAMETER
 2.6370 IN
 PIPE MATERIAL
 CS-95
 WALL THICKNESS
 0.1460 IN
 INNER LINING
 NO LING.
 KIND OF FLUID
 ANOTHER
 SOUND VELOCITY
 1440 M/S-
 SENSOR MOUNTING
 II
 TYPE OF SENSOR
 SMALL
 DATA CHANGE
 NO
 SPACING
 5.682 IN II
 MODE SELECT
 TO CHECK
 0297.2 MMSEC
 100.45 1.70
 00-00 00:0000 *P
 +876.714E 06PM
 00-00 03:0000 *P
 +889.678E 06PM
 00-00 00:0000 *P
 +894.771E 06PM
 00-00 00:0000 *P
 +897.772E 06PM

33-7087
 at power plant

Doesn't say
 where at
 the plant

FAC
 33-7087

33-7051 At Power Plant



POINTS OF
DIVERSION
#33-07087

PLACE OF
USE

33-7087

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

150 Shoup — Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

A. Kenneth Dunn

Di

33-7087
PANCHERI INC.
HOWE, ID 83244

June 16, 1986

138787

CERTIFIED MAIL

EXAMINATION FEE NOTICE

Dear Permit Holder:

Department records show that proof of beneficial use has been submitted for the above-referenced permit, but that a field examination has not yet been conducted 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 this department can conduct the field examination needed to issue a license confirming use of water under the permit. This letter is notification that the license examination fee is due within sixty (60) days of the date of this letter. 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 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. The procedure for certifying examiners results from the recently enacted HB 671 and is being developed at this time. A listing of certified water

135 OF 111

right examiners will be available from this department when examiners have been certified.

If your permitted use, in fact, has already been examined by the department and you have not asked to have the examination repeated, the fee requirement is not applicable to your permit. If you believe this is the case, please contact the department.

The license examination fee is to be based on the amount of water you indicate 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 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 offices.

Eastern Region
Idaho Dept. of Water Resources
150 Shoup Avenue
Suite 15
Idaho Falls, ID 83401
Phone: 525-7161

Sincerely,

Ron D. Carlson
my

RONALD D. CARLSON
Regional Manager

Enclosure

RECEIVED

MAR 22 1982

Department of Water Resources

- 2 -

Pancher1, Inc.) Project No. 5637-000

(Issued March 15, 1982)

Notice of the application was published in accordance with Section 408 of the Act and the Commission's regulations and comments were requested from interested Federal and State agencies including the U. S. Fish and Wildlife Service and the State Fish and Wildlife Agency. All comments, protests and petitions to intervene that were filed have been considered. No agency has any objection relevant to issuance of this exemption.

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

It is ordered that:

(A) Pancheri Project No. 5637 as described and designated in Pancheri, Inc.'s application filed on November 9, 1981, is exempted from all of the requirements of Part I of the Federal Power Act, including licensing, subject to the standard articles in §4.106 of the Commission's regulations attached hereto as Form E-2, 18 C.F.R. §4.106 45 Fed. Reg. 76115 (November 18, 1980).

(B) This order is final unless a petition appealing it to the Commission is filed within 30 days from the date of its issuance, as provided in Section 1.7(d) of the Commission's regulations, 18 C.F.R. 1.7(d)(1981), as amended, 44 Fed. Reg. 46449 (1981). The filing of a petition appealing this order to the Commission or an application for rehearing as provided in Section 313(a) of the Act does not operate as a stay of the effective date of this order, except as specifically ordered by the Commission.

Robert E. Cackowich

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

222

- 1/ Pancheri, Inc., Project No. 5637, filed on November 9, 1981.
- 2/ Pub. Law 96-294, 94 Stat. 611. Section 408 of the ESA amends inter alia, Sections 405 and 408 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. §§2705 and 2708).
- 3/ Authority to act on this matter is delegated to the Deputy Director, Office of Electric Power Regulation under §375.308 of the Commission's regulations 45 Fed. Reg. 21216 (1980), as amended by Order No. 112 in Docket No. RM81-5, issued November 21, 1980, (45 Fed. Reg. 79024).

MICROFILMED

2000 2 0 2 2000

- 2 -

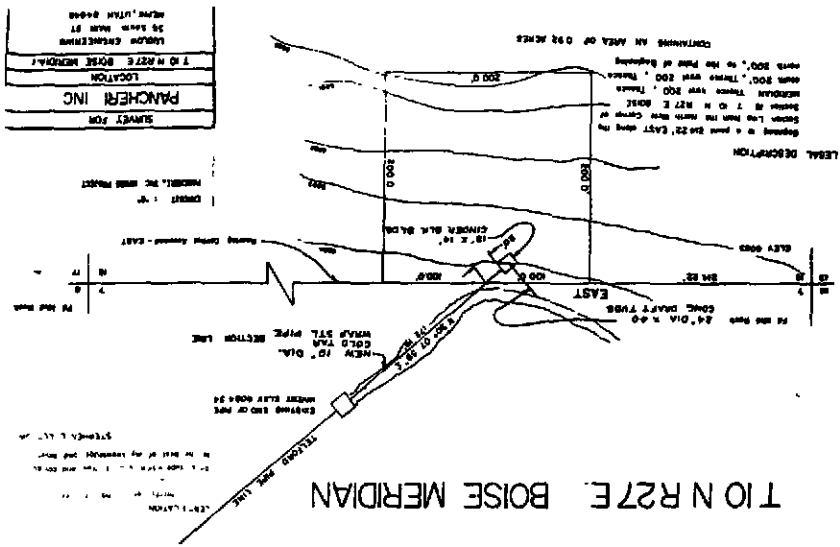
Completed Application - Any qualified licensee applicant desiring to file a competing application must submit to the Commission, at least 75 days before the date of the hearing, a license application that proposes to develop at least 75 megawatts in that project, or notice of intent to file such a license 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. 54.23(b) and (c) (1980). A competing license application must conform with the requirements of 18 C.F.R. 54.23(a) and (d) (1980). Comments, protests, or applications 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. 51.8 or 51.10 (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 February 10, 1980.

Take notice that on November 9, 1981, Pancher, Inc. (Applicant) filed an application under Section 408 of the Energy Security Act of 1980 (Act) (16 U.S.C. 552705 and 2708 as amended), for exemption of a proposed hydroelectric project from licensing under Part 1 of the Federal Power Act. The proposed small hydroelectric project (Project No. 5637) would be located on the national riparian in Butte County, Idaho corresponding to the proposed project would consist of a powerhouse containing a single 150-KW generating unit and (2) a 7000-foot long, 25-KV transmission line. The project would have an average annual generation of 1,046 MWh. Purpose of Project - Project power would be sold to the Utah Power and Light Company.

Agency Comments - The U.S. Fish and Wildlife Service, The National Game and Fish 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 conservation 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, the agency will be presumed to have none. The time period, and local agencies are requested to provide any comments they may have in accordance with the duties and responsibilities. No other formal requests for license or exemption should be made. Comments should be submitted to the Commission by the date of issuance. If an agency does not file comments within 60 days from the date of issuance, 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-4-34



Kenneth P. Plumb
Secretary

§ 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.

FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON D. C. 20426
EQUAL OPPORTUNITY EMPLOYER

POSTAGE AND FEES PAID
FEDERAL ENERGY REGULATORY COMMISSION
FERC-351
FIRST CLASS MAIL



State of Idaho P-5637
Department of Water Resources
State House
Boise, Idaho 83720

MICROFILMED
FEB 22 2003



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES EASTERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

150 Shoup
Idaho Falls, Idaho 83401
(208) 525-7161

August 4, 1983

MICROFILMED
Rancheri Inc.
Howe,
Idaho 83244

RE: Permit #33-7007

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 field examination of your system has been scheduled for _____.

If this time and date is not convenient for you, please contact this office as soon as possible.

X 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.

Sincerely,

KEITH C. WILSON
Sr. Resource Agent

KCW:JK

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440

PANCHERI, INC.
HOWE, ID 83244

MARCH 29, 1983

RE: PERMIT NO. 33-7087

DEAR PERMIT HOLDER:

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

BE SURE TO NOTE THE SPECIAL CONDITION REQUIRING YOU TO INSTALL AND MAINTAIN A MEASURING DEVICE AT YOUR POINT OF DIVERSION. WE HAVE ENCLOSED A DESCRIPTION OF THE DIFFERENT TYPES OF MEASURING DEVICES ACCEPTED BY THIS OFFICE.

THE 1982 IDAHO LEGISLATURE ADDED A REQUIREMENT THAT AS A PERMIT HOLDER YOU MUST COMMENCE THE EXCAVATION OR CONSTRUCTION OF DIVERTING WORKS WITHIN ONE YEAR OF THE DATE THE PERMIT WAS ISSUED, AND YOU MUST PROCEED DILIGENTLY UNTIL THE PROJECT IS COMPLETED. THE ENCLOSED BLUE CARD MUST BE COMPLETED AND RETURNED TO THIS OFFICE AS SOON AS YOU COMMENCE CONSTRUCTION, NO LATER THAN ONE YEAR FROM THE DATE THE PERMIT WAS APPROVED.

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

NOTED

RE: PERMIT 33-7087

PAGE 01
MARCH 29, 1983

SINCERELY,

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

ENCLOSURE

cc: George Smith
P.O. Box 1016
Idaho Falls, ID 83402

MICROFILMED

INTER-DEPARTMENT MEMO — 1

FROM Dave Tuttle

DATE 3-17-83

TO 33-7087

SUBJECT

MICROFILMED
 This application originally showed a predicted power generated of 500 kw. Therefore, approval of a FERC preliminary permit or exemption was considered to be required before the application could be approved. We discovered, however, that the power generated should be closer to 341.7 kw based on the predicted head and flow.

Therefore this application can be approved prior to compliance with FERC requirements, since 341.7 kw is less than our guideline of 500 hp.

DRF

SIGNATURE

POWER CALCULATIONS FOR APPLICATION NO. 33-7087

P = Kilowatts $.74^6 \times \text{hp}$

Q = cfs

H = feet

e = efficiency

proposed

?

7.0 cfs

640 ft

90% or .9

$$e = \frac{P(11.8)}{QH} = \underline{\hspace{2cm}} = \underline{\hspace{2cm}} =$$

$$P = \frac{QHe}{11.8} = \frac{7 \times 640 \times .9}{11.8} = \frac{4032}{11.8} = 341.7 \text{ KW or } \frac{461.8 \text{ HP}}{252.8 \text{ hp}}$$

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

Overlap

P/D SWNW Sec 4 TION RZTE none.

SESW Sec 5 TION RZTE none.

P/U SWSW Sec 7 TION RZTE none.

RECEIVED

3/11/83

July 8, 1982

RE: Application for Permit No. 33-7087

Pancheri Inc.
Howe,
Idaho 83244

Gentlemen:

On January 8, 1981 you submitted the above referenced application to appropriate the public waters of the State of Idaho for power generation purposes.

In our correspondence dated June 18, 1981 we advised that the continued validity of the application is contingent on your proceeding with due diligence in obtaining necessary approvals including authorizations which may be required from the Federal Energy Regulatory Commission (FERC) and/or the Idaho Public Utilities Commission (PUC).

Since our letter we have not received correspondence from you in this regard. Please advise this office of progress in this matter on or before August 10, 1982 in order to keep this application in good standing.

If you have any questions, please contact this office.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

RECEIVED
JUL 14 1982
Kw



United States Department of the Interior

IN REPLY REFER TO
1-17569 (943)

BUREAU OF LAND MANAGEMENT

Idaho State Office
Federal Building - Box 042
550 W Fort Street
Boise, Idaho 83724

SEP 98 1998

Pancheri, Inc.
Howe, Idaho 83244

Gentlemen:

Your application for a ditch and pipeline road-of-way has been recommended for approval, subject to the following:

1. Your acceptance of the enclosed stipulations (in triplicate) which will be made a part of the grant.
2. Payment of the rental. The fair market rental for use of the area has been determined to be \$100 per year.
3. Filing, in this office, a copy of your approved water permit.

Please return, within 30 days, all three copies of the executed stipulations along with your rental payment and copy of your water permit.

Sincerely yours,

Wincent S. Strobel

Vincent Strobel, Chief
Branch of LI Operations

PANCHERI, INC.
 PHONE 767-3419
 HOWE, IDAHO 83244

1585

August 11 1981

Pay to the order of Reverse of Land Warrant \$ 100 Dollars

one hundred and 00/100

BY ENDORSEMENT THIS CHECK WHEN PAID IS ACCEPTED IN FULL PAYMENT OF THE DEBT OR ACCOUNT OF

Easement

[Signature]

001585 12103016104 012488

STIPULATIONS
BUREAU OF LAND MANAGEMENT
RIGHT-OF-WAY 1117169

1. The holder shall comply with the applicable Federal and State laws and regulations concerning the use of pesticides (i.e., insecticides, herbicides, fungicides, rodenticides, and other similar substances) in all activities/operations under this permit. The permittee shall obtain from the Authorized Officer approval of a written plan prior to the use of such substances. The plan must provide the type and quantity of material to be used; the pest, insect, fungus, etc. to be controlled; the method of application; the location for storage and disposal of containers; and other information that the Authorized Officer may require. The plan should be submitted no later than December 1 of any calendar year that covers the proposed activities for the next fiscal year. Emergency use of pesticides may occur. The use of substances on or near the right-of-way shall be in accordance with the approved plan. A pesticide shall not be used if the Secretary of the Interior has prohibited its use. A pesticide shall be used only in accordance with its registered uses and within other limitations if the Secretary has imposed limitations. Pesticides shall not be permanently stored on public lands authorized for use under this grant.
2. Permittee shall survey and clearly mark the exterior limits of the right-of-way. All activities directly or indirectly associated with the construction or maintenance of the ditch and pipeline must be conducted within the limits of the right-of-way.
3. There is reserved to the Secretary of the Interior, or his lawful delegate, the right to grant additional right-of-way or permits for compatible uses on, over, under, or adjacent to the land involved in this grant.
4. This right-of-way may be renewed. If renewed, the right-of-way will be subject to regulations existing at the time of renewal and such other terms and conditions deemed necessary to protect the public interest.
5. This right-of-way is subject to all applicable regulations in 43 CFR Part 2800 which are hereby incorporated in and made a part of this grant.
6. There is reserved to the United States a continuing right of access onto the public lands covered by the right-of-way grant, and upon reasonable notice to the holder, access and entry to any facility constructed on the right-of-way or permit area.
7. The permittee, by accepting this right-of-way grant, agrees and consents to comply with and be bound by the following terms and conditions:
 - (a) To the extent practicable, all State and Federal laws applicable to the authorized use and such additional State and Federal laws along with the implementing regulations, that may be enacted and issued during the term of the grant or permit.
 - (b) That in the construction, operation, maintenance and termination of the authorized use, there shall be no discrimination against any employee or applicant for employment because of race, creed, color, sex or national origin and all subcontracts shall include an identical provision.
 - (c) To rebuild and repair roads, fences, and established trails that may be destroyed or damaged by construction, operation or maintenance of the project and to build and maintain suitable crossings for existing roads and significant trails that intersect the project.
 - (d) To do everything reasonably within his or her power, both independently and upon request of the Authorized Officer, to prevent and suppress fires on or in the immediate vicinity of the right-of-way or permit area. This includes making available such construction and maintenance forces as may be reasonably obtained for the suppression of fires.

8. This grant is subject to periodic review at the end of the twentieth year and at regular intervals thereafter not to exceed ten years.
9. When construction of the project has been completed, the permittee shall clean up the area and remove from the public land all debris generated by its activities under this grant.
10. Permittee shall contain vegetative disturbance to the area of construction.
11. Permittee shall construct no new roads in association with this or subsequent right-of-way activities such as maintenance.
12. No additional structures or improvements, other than those mentioned in the original right-of-way grant, shall be placed on the public land without the prior written approval of the Authorized Officer, Idaho Falls District of the Bureau of Land Management.
13. Permittee shall install a valve on the south side of the pipeline in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 7, T.10 N., R. 17 E., B.1N., to allow connection of a 1 $\frac{1}{2}$ inch water line to serve a livestock trough.

CADDERE, INC

Accepted by

Signature

Title

Date

Sept 11, 1981

RECEIVED

RECEIVED

INTER-DEPARTMENT MEMO — 1

FROM

Ernest

SEP 17 1981

DATE

Sept 15/1981

TO

Jim Johnson.

Department of Water Resources

SUBJECT

33-7087 - Attached is the Right-of-Way agreement we required before recommending final action on Mr. Bachan's application. Although agreement is not effective until B.W.R. has copy of approved permit I think we can proceed with the understanding the Right-of-Way will go into effect. If possible please send a copy of the permit to: George Smith
P.O. Box 1016
Idaho Falls, Idaho 85402

Ernest

SIGNATURE



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Copy

JOHN V EVANS
Governor

A KENNETH DUNN
Director

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

33-7087

July 24, 1981

RE: Application for Permit No.

Dear Applicant:

The 1981 Idaho Legislature made a change in Section 42-205, Idaho Code, that may affect the above referenced application. The change requires that if a proposed hydropower project will use existing irrigation facilities, the approval of the owner of the facilities must be obtained before an application for permit to develop a water right can be approved.

Please find enclosed an affidavit which we must receive before we can complete the review of your application. Please complete the affidavit, sign it before a notary, and return it to this office at your earliest convenience, no later than August 15, 1981.

Sincerely,

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

DRT:jg

Enclosure

RECEIVED
JUL 27 1981
WATER RESOURCES
DIVISION



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

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

June 18, 1981

Pancher1 Inc.
Howe,
Idaho 83244

Dear Sirs,

RE: Permit No. 33-7087

We have completed a preliminary review of the above referenced application. This review has included advertising by the regional office and a verification that all required preliminary information has been provided.

At this time we see no reason that the application will not be approved with certain conditions of approval. However, for power projects that are under the jurisdiction of the Federal Energy Regulatory Commission (FERC), we withhold final action on the application pending (1) approval of a preliminary permit by FERC, or (2) FERC granting an exemption. If you have not yet contacted FERC, the address below is a good starting point:

Federal Energy Regulatory Commission
Regional Engineer's Office
Attn: Mr. Jerry Leach
6th Floor, 333 Market Street
San Francisco, CA 94105
(Tel. No. (415) 764-7150)

The continued validity of this application is contingent on your proceeding with due diligence toward obtaining an approval or an exemption from FERC. Please keep this office informed of progress in this regard.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

RECEIVED
JUN 21 1981
DEPARTMENT OF WATER RESOURCES
BOISE, IDAHO

Power Calculations for 33-7087

P = kW	500 kW ✓
Q = cfs	7.0 cfs ✓
H = feet	640 ft ✓
e = efficiency	80% ✓

$$Q = \frac{P(11.8)}{He} = \frac{500 \times 11.8}{640 \times .8} = \frac{5900}{512} = \underline{\underline{11.5}} \text{ cfs}$$

$$P = \frac{QHe}{11.8} = \frac{7.0 \times 640 \times .8}{11.8} = \frac{3584}{11.8} = \underline{\underline{303.7}} \text{ kW}$$

RT 3/11/81
OK Jim 3/12/81

Hold application until project is approved by
FERC.

Send FERC cover letter.

MICROFILM



STATE OF IDAHO

DEPARTMENT OF FISH AND GAME

REGION 6
1515 LINCOLN ROAD
IDAHO FALLS, IDAHO 83401

March 4, 1981

Mr. Ernest Carlsen
Sr. Resource Analyst
Department of Water Resources
Eastern Region
150 Shoup Avenue
Idaho Falls, Idaho 83401

Dear Ernie:

Re: Appl. No. 33-7087 Pancheri Inc.

Personnel from our Department have reviewed the above referenced application for a permit to repair the existing Telford Pipeline and install power generation facilities at it's lower end. We have no comment on this work.

Thank you for the opportunity to review and comment on this application.

Sincerely,

A handwritten signature in cursive script that reads "Tom Reinecker".

Tom Reinecker
Regional Supervisor
Region 6

RECEIVED

RECEIVED

MAR 6 1981

Department of Water Resources
Regional Office

150 Shoup Ave. _____

525-7161

February 27, 1981

RE: Application for Permit No. 33-7087

Tom Rainecker
Dept. of Fish and Game
1515 Lincoln Road
Idaho Falls, ID 83401

Dear Tom:

Enclosed please find a copy of an application filed some time ago by Pancheri Inc. for power generation at the upper end of the Little Lost River Drainage on Saw Mill Creek. It is my understanding that should the application be approved, Mr. Jerry Pancheri intends to repair the existing Telford Pipeline and install power generation facilities at it's lower end.

Although the period for protesting this application has expired, your Department may want to contact the applicant concerning possible installation of fish screening structures.

Feel free to contact me if you have any questions concerning this application.

Respectfully submitted,

ERNEST CARLSEN
Sr. Resource Analyst

EC:kw
Enclosures

MICROFILMED

INTER-DEPARTMENT MEMO — 1

FROM

Emile.

DATE

2-23-1981

TO

SUBJECT

Right of Way or Easement: Applicant has been advised of necessity for obtaining permission from B.L.M. to construct project.

NOTE - applicant was not advised of possible jurisdictional requirements ~~under~~ ^{by} P.U.C. & F.E.R.C.

MICROFILMED

SIGNATURE

Power Generation - Requires right of way or easement from B.L.M.

150 Shoup Ave. _____

525-7161

February 13, 1981

Pancheri Inc.
Hwy
Idaho 83244

RE: Applications for Permit Nos. 33-7086 and 33-7087

Dear Mr. Pancheri:

Enclosed you will find a copy of the letter our Department recently received from the Bureau of Land Management addressing the necessity of your obtaining an easement for both of the proposed power generation facilities. In addition, you should be aware that the Department cannot take final action on either application until it is verified you either have possessory interest in, or have been granted access to the respective points of diversion. Since it is unlikely this can be accomplished by the near future, your application will be forwarded to our State Office once regional processing is completed, where they will be held until the above information is received.

Respectfully submitted,

ERNEST CARLSEN
Sr. Resource Analyst

EC:kw
cc: Bureau of Land Management
Idaho Falls District
940 Lincoln Road
Idaho Falls, ID 83401

MICROFILMED



United States Department of the Interior

IN REPLY REFER TO

7250

BUREAU OF LAND MANAGEMENT

Idaho Falls District
940 Lincoln Road
Idaho Falls, Idaho 83401

February 6, 1981

Ernest Carlsen
Idaho Department of Water Resources
150 Shoup
Idaho Falls, Idaho 83401

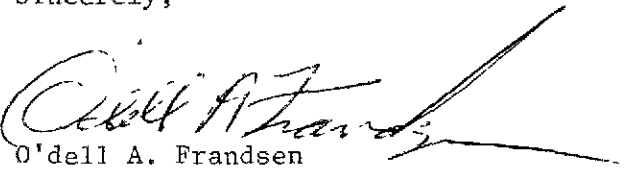
Dear Mr. Carlsen:

In regard to Pancheri Inc.'s application for Permit No. 33-/087 for a diversion of 7.0 cfs through the Telford pipeline, we have had up to 50 head of cattle watering from unrepaired areas in the pipeline. Easement would be required and would be allowed Pancheri Inc. with a possible stipulation that they construct or allow diversion of .01 cfs to continue our stock use.

In reference to Pancheri, Inc.'s application for Permit No. 33-7086 for a diversion of 1.0 cfs from Horse Creek, we feel that construction of the proposed pipeline may have an adverse effect on Horse Creek fisheries. We do not have complete data on the stream at this time to enable us to make a judgement on the impact of a pipeline. Since the area is inaccessible at this time of year, we request that you delay action on the application until we can assess the possible impact on fisheries. This assessment could not be completed before June 30.

In the event the application were approved, easement granted by BLM would contain a possible provision that the Pancheri Company construct or allow a diversion of .02 cfs by BLM for 75-100 head of cattle which have been watering from Horse Creek in the area of the proposed pipeline.

Sincerely,


O'dell A. Frandsen
District Manger

Enclosures



January 23, 1981

RE: Application for Permit No. 33-7086 and 33-7087 PANCHERI, INC.

Kirk Smith, Watermaster
Little Lost River
Howe, Idaho 83244

Dear Mr. Smith:

We are enclosing a copy of an application that may be of interest to your water district. Please review the application and submit any comments you may have to our Department as soon as possible. The last date of protest is February 9, 1981, and we are required to take final action shortly thereafter.

If we may be of further assistance, please feel free to contact us.

Respectfully submitted,

ERNEST CARLSEN
Sr. Resource Analyst

EC:cw:kw

Enclosure (2)

January 23, 1981

RE: Application for Permit No. 33-7086 and 33-7087 PANCHERI, INC.

Kirk Smith, Watermaster
Little Lost River
Howa, Idaho 83244

Dear Mr. Smith:

We are enclosing a copy of an application that may be of interest to your water district. Please review the application and submit any comments you may have to our Department as soon as possible. The last date of protest is February 9, 1981, and we are required to take final action shortly thereafter.

If we may be of further assistance, please feel free to contact us.

Respectfully submitted,

ERNEST CARLSEN
Sr. Resource Analyst

EC:cw:kw

Enclosure (2)

MICROFILMED

Affidavit of Publication

of the Arco Advertiser, a weekly newspaper of general circulation, published weekly at Arco, Idaho, since March, 1909, do solemnly swear that a copy of this notice, per clipping attached, was published weekly in the regular and entire issue of said newspaper, and not in any supplement thereof,

for consecutive weeks, commencing with the issue dated and ending with the issue dated

Subscribed and sworn to before me this

day of , 19

Notary Public

Residence: Arco, Idaho.
My commission expires , 19

PUBLIC NOTICES

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that the following applications have been submitted for permit to appropriate the public waters of the State of Idaho.

33-7086

PANCHERI INC.
HOWE, ID 83244
Source: HORSE CREEK
tributary to SINKS
Date Filed: 01-08-1981
Amount: 1.00 CFS
Diversion Point: SESE Sec 5 T
09N R 27E, BUTTE COUNTY
Use: POWER — (1.00 CFS) from
01-01 to 12-31
Place of Use: NWNW Sec 22 T
09N R 27E
Diversion Means: HEADBOX,
PIPELINE & GENERATION
FACILITY.

33-7087

PANCHERI INC.
HOWE, ID 83244
Source: BELL MOUNTAIN
CREEK tributary to SAW MILL
CREEK — MAHOGANY CREEK
tributary to SAW MILL CREEK —
MAGPIE SPRINGS tributary to
SAW MILL CREEK — SPRINGS
tributary to SAW MILL CREEK
Date Filed: 01-08-1981
Amount: 7.00 CFS
Diversion Point: SWNW Sec 04 T
10N R 27E SESW Sec 05 T 10N R
27E, BUTTE COUNTY
Use: POWER — (7.00 CFS) from
01-01 to 12-31
Place of Use: SWSW Sec 07 T 10N
R 27E
Diversion Means: TELFORD
PIPELINE.

34-7283

STEWART, BRUCE N.
RT. 1, BOX 65, MOORE, ID 83255
Source: GROUNDWATER
Date Filed: 01-12-1981
Amount: 0.16 CFS
Diversion Point: NENW Sec 27 T
04N R 26E, BUTTE COUNTY
Use: IRRIGATION — (0.12 CFS)
from 04-01 to 10-15; DOMESTIC —
(0.04 CFS) from 04-01 to 03-31
Place of Use: NENW Sec 27 T 04N
R 26E FOR 6 ACRES
Diversion Means: WELL, PUMP,
PIPELINE & SPRINKLER
SYSTEM.

If issued, the permits will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, Idaho 83401 on or before FEBRUARY 9, 1981.

C. STEPHEN ALLRED,
Director

Published 01-22 & 01-29-81.

RECEIVED

FEB 4 1981

Department of Water Resources
Eastern District Office

NOTICE OF APPLICATION FOR WATER RIGHT

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

If issued, the permit(s) will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 150 Shoup... Idaho Falls, Idaho 83401 on or before FEBRUARY 9, 1981.

C. STEPHEN ALLRED

Director

Published 01/22 & 01/29/81.

33-2082-

PANCHERI INC.

HOWE. ID 83244

Source: BELL MOUNTAIN CREEK tributary to SAW MILL CREEK
MAHOGANY CREEK tributary to SAW MILL CREEK
MAGPIE SPRINGS tributary to SAW MILL CREEK
SPRINGS tributary to SAW MILL CREEK

Date Filed: 01/08/1981

Amount: 7.00 CFS

Diversion Point: SWNW Sec 04 T 10N R 27E SESW Sec 05 T 10N R 27E,
BUTTE Co.

Use: POWER (7.00 CFS) from 01/01 to 12/31

Place of Use: SWSW Sec 07 T 10N R 27E

Diversion Means: TELFORD PIPELINE.

RECEIVED
JAN 10 1981
WATER RESOURCES
DIVISION
SALT LAKE CITY