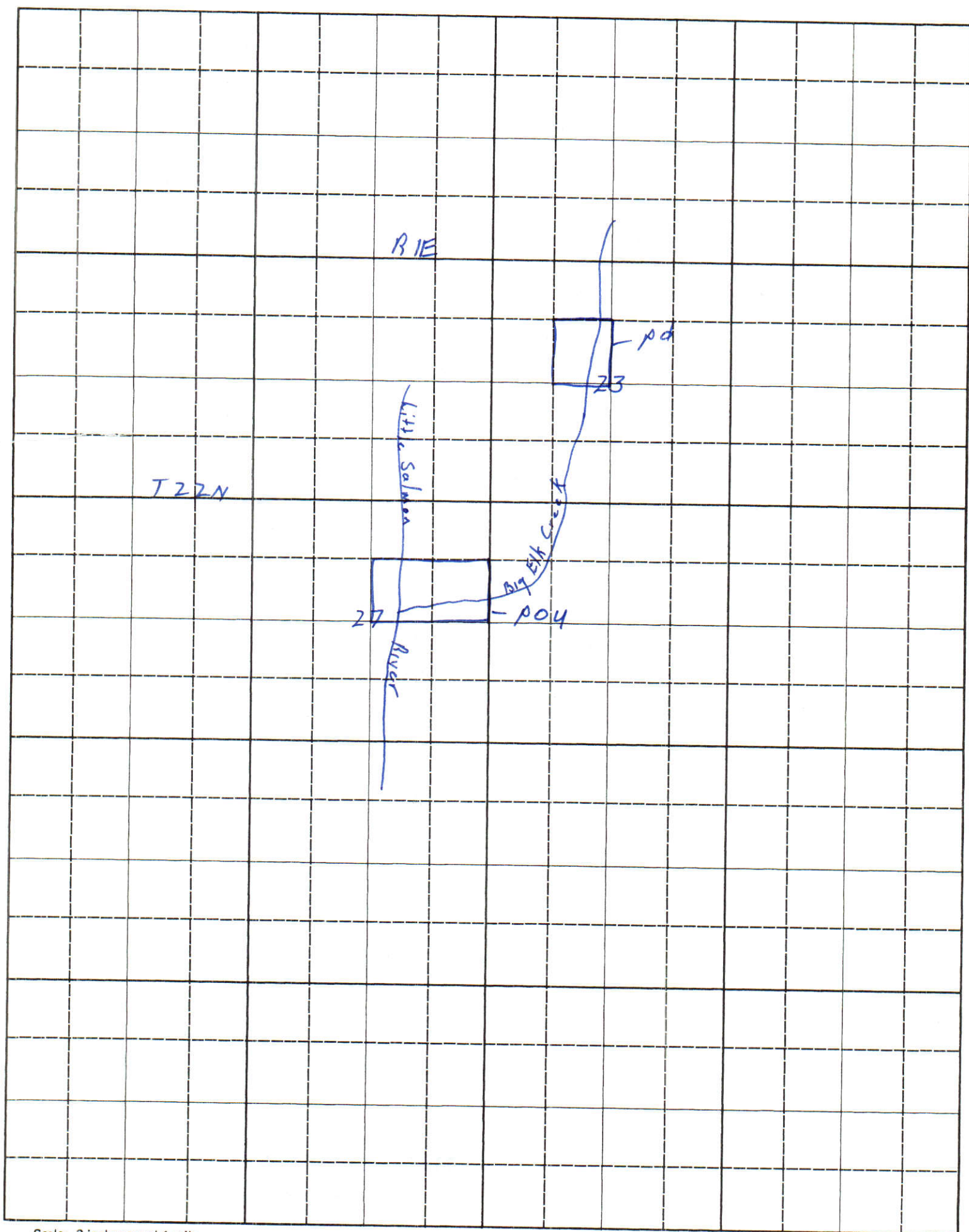


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



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.

x James B. Hull
(Applicant)

MICROFILMED

NOTICE OF APPLICATION
FOR WATER RIGHT
The following application has
been filed to appropriate the public
waters of the State of Idaho:
78-7254 *118*
HOWELL, JAMES B.
1984 PANAMA, BOISE, Idaho
83705
Source: BIG ELK CREEK trib. to
LITTLE SALMON RIVER
Date Filed: October 11, 1983
Diversion Pt: SENW Sec 23 T 22N
R 01E
Use: POWER (50.00 CFS)
In: SWNE SENE Sec 27 T 22N R
01E
The permit will be subject to all
prior water rights. Protests must
be filed with the Director, Dept. of
Water Resources, Western Region,
Statehouse, Boise, Idaho 83720 on
or before NOVEMBER 7, 1983.
KENDUNN
Director
October 20, 27, 1983

AFFIDAVIT OF PUBLICATION
STATE OF IDAHO)

) SS.
County of Canyon)

Connie Cutberth

of Nampa, Canyon County, Idaho, being first duly
sworn, deposes and says:

1. That I am a citizen of the United States of
America, and at all times hereinafter mentioned
was over the age of eighteen years, and not a party
to the above entitled action.

2. That I am the Principal Clerk of the Idaho
Press-Tribune, a daily, (except Saturday)
newspaper published in the City of Nampa and
Caldwell, in the County of Canyon, State of Idaho;
that the said newspaper is in general circulation
in the said County of Canyon, and in the vicinity of
Nampa and Caldwell, and has been uninterrupted-
ly published in said County during a period of
seventy-eight consecutive weeks prior to the first
publication of the notice, a copy of which is hereto
attached.

3. That the notice, of which the annexed is a prin-
ted copy, was published in said newspaper

Two times

in the regular and entire issue of said paper, and
was printed in the newspaper proper, and not in a
supplement.

4. That said notice was published the following
dates:

October 20, 27, 1983

RECEIVED
OCT 28 1983

Department of Water Resources
Western Regional Office

Connie Cutberth

Subscribed and sworn to before me this 27th
day of October

19 83

Janet Lusk
Notary Public, Residing at Nampa, Idaho

MY COMMISSION EXPIRES
JULY 12th, 1985

MICROFILMED



Picture of Earth Fill Dam at Point of
Diversion



Earth Fill Dam with Penstock Diversion
to Irrigation and Livestock Pond

MICROFILMED

Estimated: 3500000 to 4000000
1919-20

Integrated Financial Reporting
 → Financial Reporting
 → Non-Financial Reporting

Methyl red

MICROFILMED

DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

BOISE
MAY - 8 '85
IDAHO
6018343
U.S. POSTAGE
0.56

MICROFILMED

can. well
phone
per phone
to: 83705
and Panam
1984
Boise
5/21/85

RETURN TO SENDER
NO LONGER AT THIS ADDRESS

Elk Creek Hydro Electric Partners
415 N. Camden Dr.
Beverly Hills, CA 90210

RECEIVED
MAY 20 1985

Department of Water Resources

JAMES B. HOWELL WATER RTS.

AS OF 2/25/85 DRT

RIE

ELK CREEK

78-7254 ELK CR. Hydro Electric Partners
40 cfs - A

, ELK CR. HYDRO ELE. PAR-P- 7.72 cfs

78-7150 - ID ENV. DEV. CORP. - P - 0.28 cfs

78-7154
78-7188

ELK CR HYDRO ELECTRIC PARTNERS 10.0 cfs - P

ELK CR. Hydro Electric Partners 8.0 cfs - P

78-7155
78-7207

JAMES B. HOWELL 150 cfs - P

JAMES B. HOWELL 150 cfs - P

T22N

↑ N

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Exhibit 1

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

James B. Howell) Project No. 3503-001

NOTICE OF APPLICATION FOR EXEMPTION FOR SMALL
HYDROELECTRIC POWER PROJECT UNDER 5 MW CAPACITY
(March 30, 1981)

Take notice that on January 21, 1981, James B. Howell (Applicant) filed an application, under Section 408 of the Energy Security Act of 1980 (Act) [Public Law 96-294, 94 Stat. 611] (16 U.S.C. 552705, and 2708 as amended), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed James B. Howell Small Hydroelectric project (FEC Project No. 3503) would be located on Elk and Little Elk Creeks and the Little Salmon River in Idaho County, Idaho. Correspondence with the Applicant should be directed to: J-U-B Engineers, Inc., Barber Engineering Division, Mr. J.W. Barber, Manager, 250 South Beechwood Avenue, Suite 111, Boise, Idaho 83709. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description - The proposed project would consist of: (1) an existing rock dam; (2) an intake structure; (3) an 18-inch diameter and 3,500-foot long penstock; (4) Powerhouse No. 1 containing one generating unit rated at 661 kW; (5) a concrete diversion structure; (6) a 24-inch diameter and 4700-foot long penstock; (7) Powerhouse No. 2 containing one generating unit rated at 554 kW; (8) a concrete diversion structure; (9) a 60-inch diameter and 3,960-foot long penstock; (10) Powerhouse No. 3 containing two generating units, each rated at 394 kW; and (11) transmission lines.

Purpose of Project - Project energy would be sold to the Idaho Power Company.

Estimated Cost - The cost of the project is estimated by the Applicant to be \$3,000,000.

Agency Comments - The U.S. Fish and Wildlife Service and the Idaho Department of Fish and Game are requested, for the purposes set forth in Section 408 of the Act, to submit appropriate terms and conditions to protect any fish and wildlife resources. Other Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application and may obtain additional information on the proposal from the applicant at the above address. No other formal requests for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Application - Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before May 15, 1981, either a competing license application that proposes to develop at least 7.5 megawatts in that project, or a notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than September 14, 1981. Applications for a preliminary permit will not be accepted.

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

Comments, Protests, or Petitions to Intervene - Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 C.F.R. §1.8 or §1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before May 15, 1981.

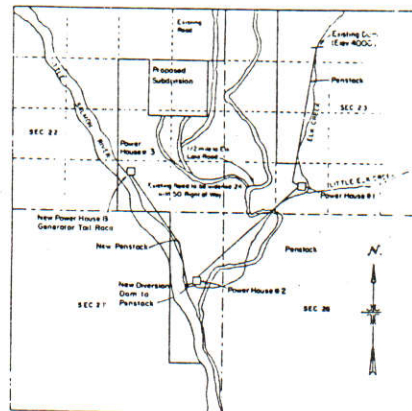
Filing and Service of Responsive Documents - Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for exemption for Project No. 3503.

DC-A-13

-3-

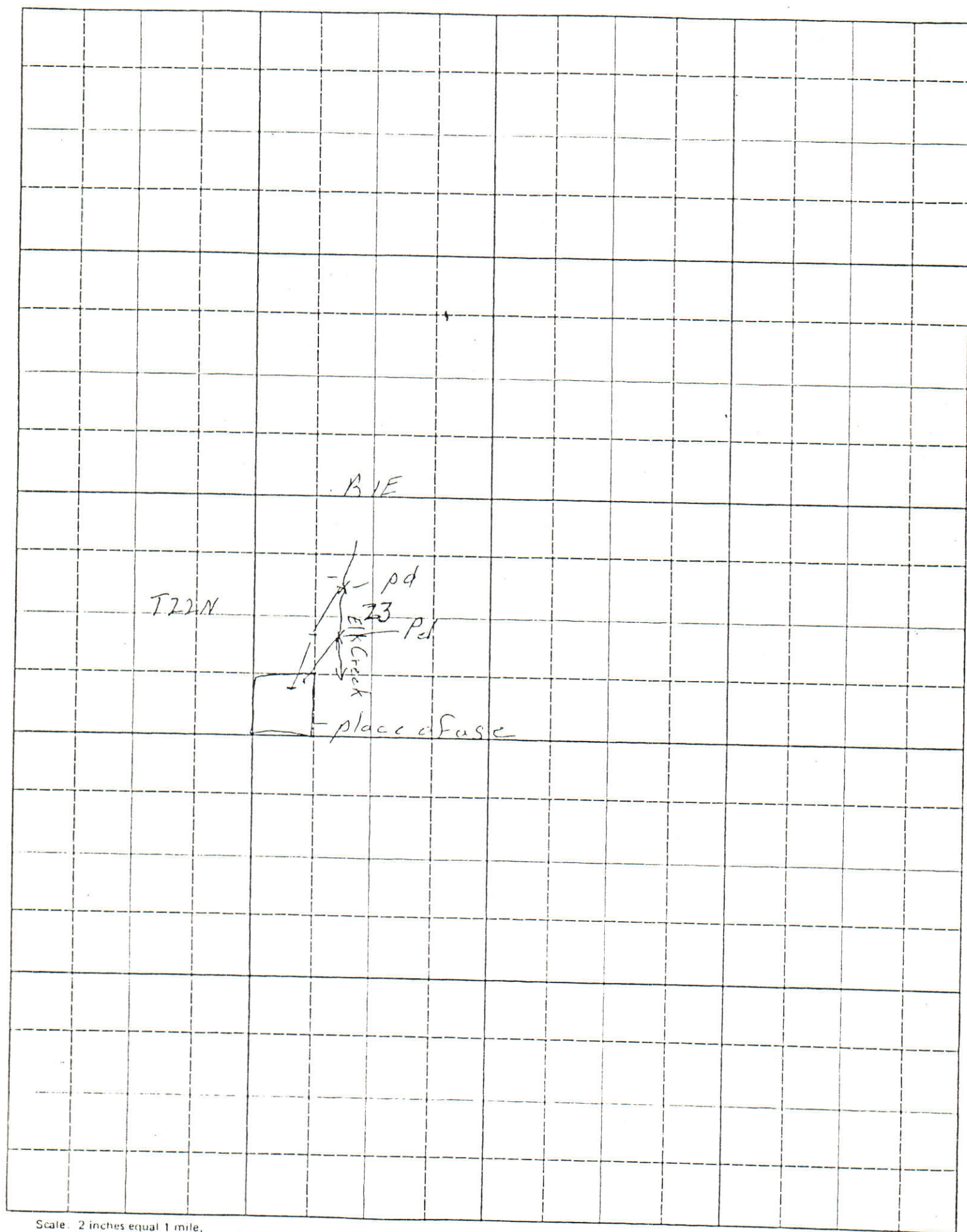
Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, Room 208 RB Building, N.E. Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb
Secretary



JAMES B. HOWELL
HYDRO-ELECTRIC DEVELOPMENT

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

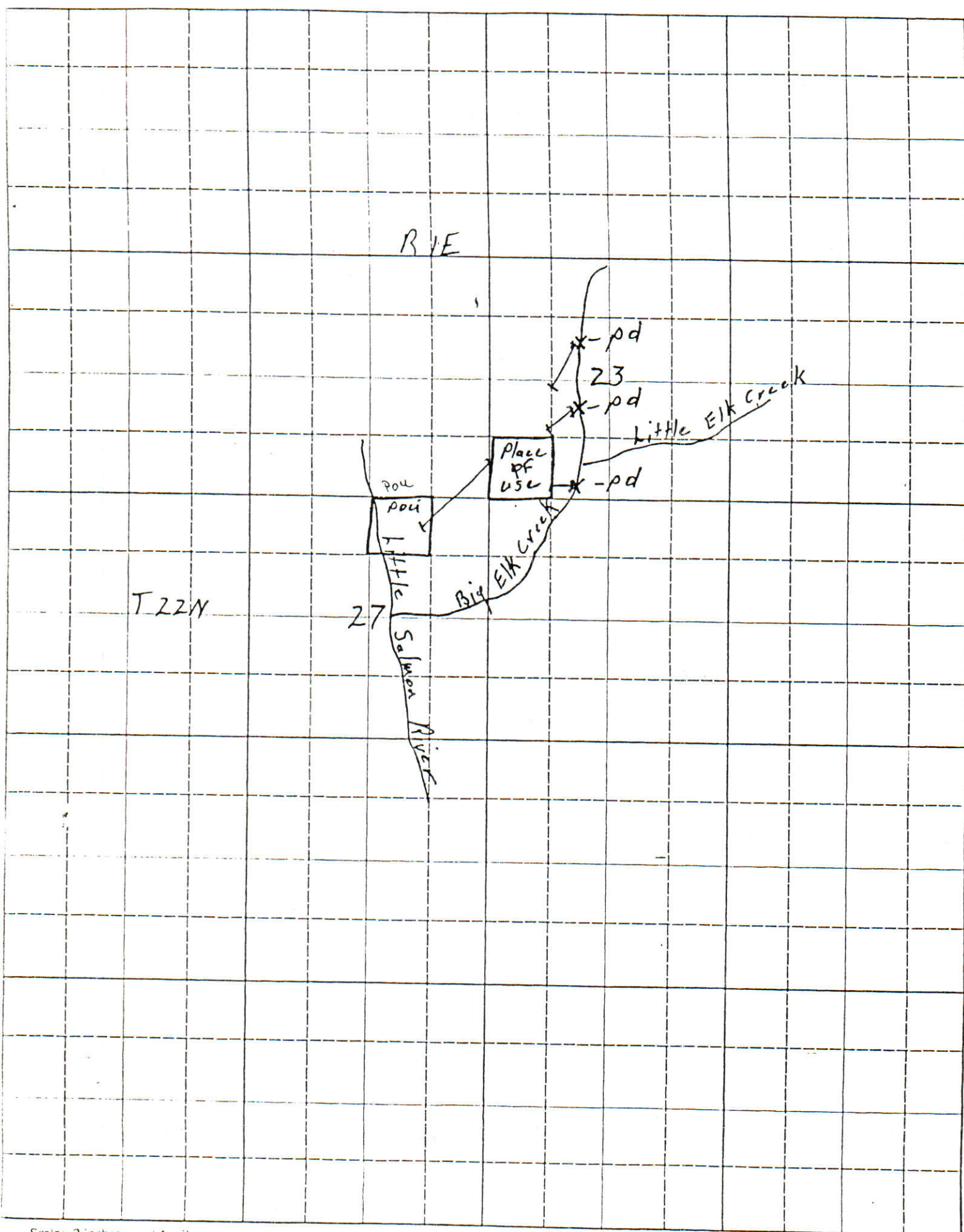


BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

[Signature]
(Applicant)

MICROFILMED

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



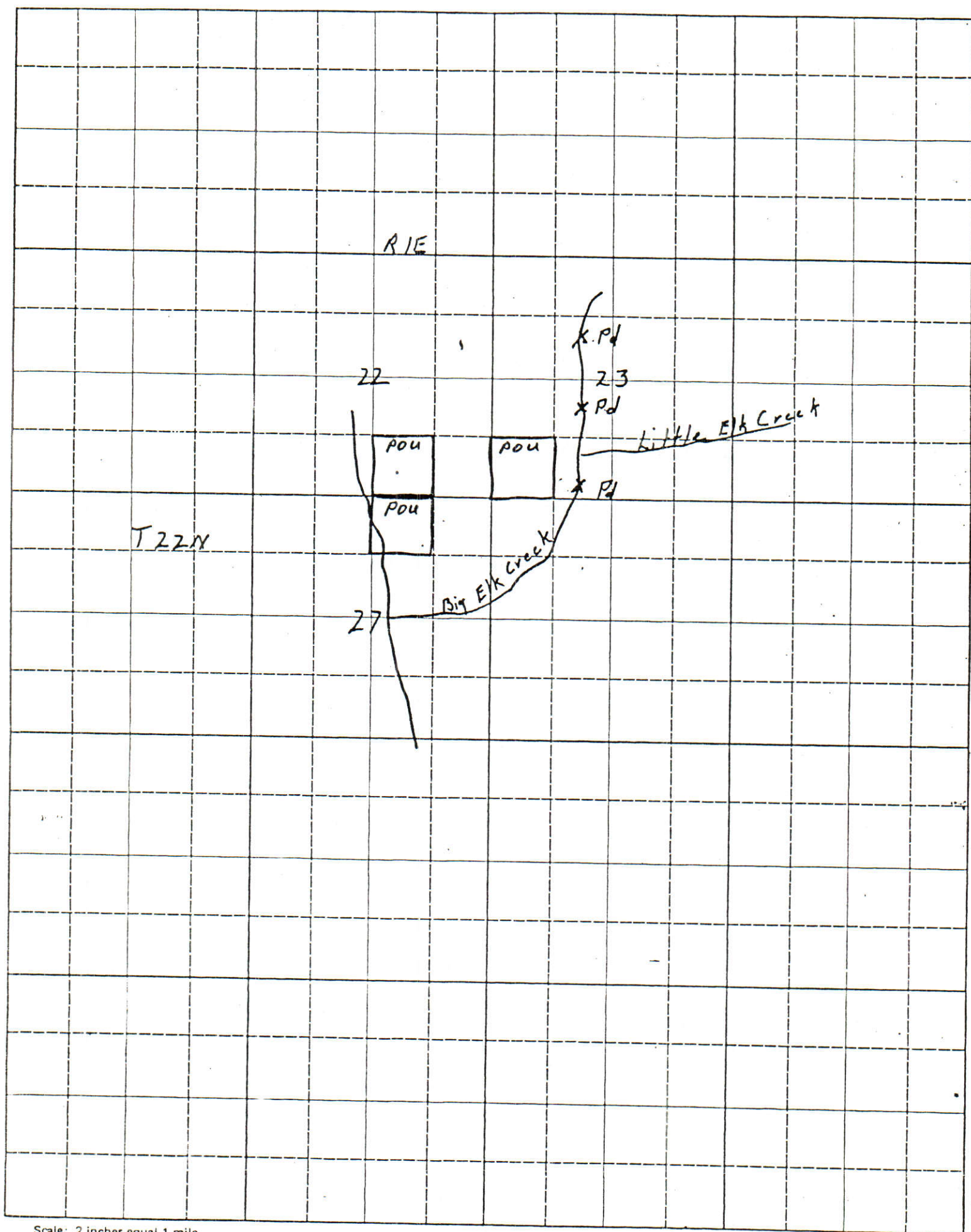
Scale: 2 inches equal 1 mile.

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.

James B. Howell
(Applicant)

RECEIVED

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

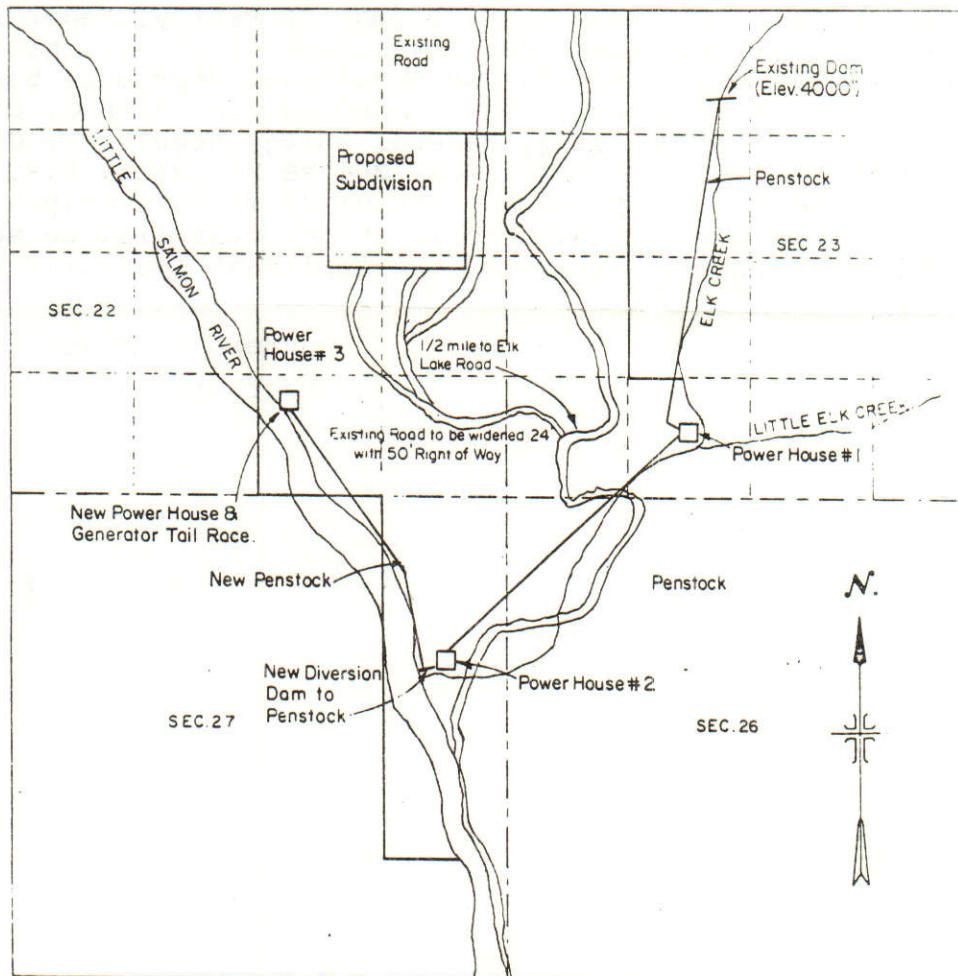


Scale: 2 inches equal 1 mile.

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.

James H. Howell
(Applicant)

MICROFILMED



JAMES B. HOWELL
HYDRO-ELECTRIC DEVELOPMENT

FEDERAL ENERGY
REGULATORY COMMISSION
WASHINGTON, D.C. 20426

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE, \$300

POSTAGE AND FEES PAID
FEDERAL ENERGY
REGULATORY COMMISSION
FERC 351



MICROFILMED

Dept of Water Resources
State House
Boise, Idaho 83720

P-3503

RECEIVED

APR 13 1981

Department of Water Resources

WATER RIGHT SUMMARY

<u>ACTION</u>	<u>RIGHT NO.</u>	<u>NAME</u>	<u>AMOUNT CFS</u>
Original Application	78-7254	Howell, James B.	40.0
Full Assignment	78-7254	Elk Creek Hydro Electric	40.0
Full Assignment (Permit)	78-7254	El Dorado Hydro	40.0

MICROFILMED

MAR 09 1987

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 78-7254 IN THE)
NAME OF EL DORADO HYDRO) ORDER OF REINSTATEMENT
_____)

WHEREAS, the Department issued the above-captioned permit with the condition that proof of construction of works and application of water to beneficial use (proof of beneficial use) be submitted on or before May 1, 1990; and,

WHEREAS, the Department notified the permit holder by certified mail that proof was due and instructed the permit holder of the steps to be taken to submit the proof of beneficial use; and,

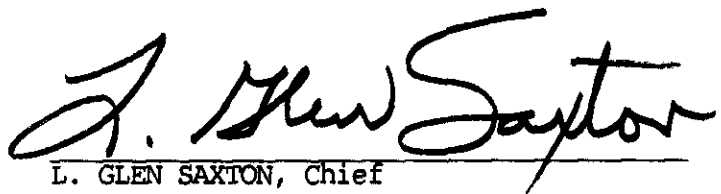
WHEREAS, the Department notified the permit holder that the permit lapsed for failure of the permit holder to submit the proof of beneficial use; and,

WHEREAS, Section 42-218a of the Idaho Code provides that a permit may be reinstated upon a showing of reasonable cause within sixty days of the date of the notice of lapsing; and,

WHEREAS, the permit holder has provided a reasonable showing why the permit should be reinstated by submitting proof of beneficial use on July 10, 1990;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 78-7254 be REINSTATED and the priority advanced to February 20, 1984.

Dated this 22nd day of August, 1990.


L. GLEN SAXTON, Chief
Water Allocation Bureau

MICROFILMED

SEP 21 1990

RECEIVED

JUL 12 1990

For Office Use Only

Fee Received \$250.00

Date 7/10/90

Receipt # W012537

Receipt by [Signature]

Reviewed by _____

Sent to region _____

RECEIVED

JUL 10 1990

STATE OF IDAHO Department of Water Resources

DEPARTMENT OF WATER RESOURCES

Department of Water Resources
Western Regional Office

PROOF OF BENEFICIAL USE

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

Permit No. 78-07254Name(s) of Permit Holder: EL DORADO HYDROPost Office Address: 10464 GARVERDALE COURT-SUITE-710 BOISE, IDAHO 83604 OR135 E 57th - 2300 FLOOR N.Y., NYTelephone No. 208-375-1106 OR
212-755-7600Source of Water: ELK CREEK10022

Extent of Use:

Domestic _____ (number of households)

Stockwater _____ (number and type of stock)

Irrigation _____ (acres)

Other/Remark HydroelectricTotal rate and/or volume for which proof is submitted 7 cfs 700 acre-feetShow the date water was first diverted and beneficially used under this permit: 1986Measuring Device: Required? ☒ Yes ☐ No
Installed? ☒ Yes ☐ NoFee enclosed \$ 250.00
(See License Examination Fee Schedule)Flow Measurement Port: Required? ☐ Yes ☒ No
Installed? ☐ Yes ☒ No

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

DAVE WILSONSHERY HUBER (Name)628-383902 628-3561(Telephone Number)
375-110610464 GARVERDALE CT-Suite-710 Boise, ID. 83604

(Address)

MICROFILMED

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

SEP 21 1990

7-10-90

Date

El Dorado Hydro by Sherry Huber

Signature of Permit Holder (and title, if appropriate)

State of Idaho
Department of Water Resources
ASSIGNMENT OF PERMIT

RECEIVED

NOV 13 1986

Elk Creek
I, Hydro-Electric Partners, hereby assign to El Dorado Hydr, a
California general partnership
of 3377 Barham Boulevard, Los Angeles, California 90068
Address

CHECK ONE

☒ All my right, title, and interest in and to Permit No. 78-7254
to appropriate the public waters of the State of Idaho.

☐ The following described portion of my right, title, and interest in and to Permit
No. _____ to appropriate the public waters of the State of Idaho.

(Describe that portion of the permit being assigned by listing the acreage within
each 40 acre subdivision, the point of diversion and the amount of water in cubic
feet per second for direct diversion, or acre feet for storage)

Made this 20th day of October, 1986.

Elk Creek Hydro-Electric Partners
By: Elk Creek Hydro-Electric, Inc., its
By: general partner
Permit Holder

Spouse of Permit Holder

State of ~~Idaho~~ New York)
County of New York) ss.

On this 20th day of October, 1986, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged to me
that he (she) (they) executed the same.

seal

Beth Alexander

Notary Public residing at

319 W 42nd St, NY, NY 10018

My commission expires:

3/30/87

MICROFILMED

MAR 09 1987

BETH ALEXANDER
Notary Public, State of New York
No. 31-4842465
Qualified in New York County
Commission Expires March 30, 1987

RECEIVED

DEC 30 1986

Department of Water Resources

**AFFIDAVIT FOR WATER RIGHTS TO BE USED
FOR POWER PURPOSES**

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

1. Individual Applicant or Individual Members of a Partnership:

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

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

2. Corporation:

I, Roy Eiguren of Boise,
(name) (city).

County of Ada, State of Idaho, being duly sworn, depose
and say: That I am the designated registered agent of the general partners of El Dorado Hydro,
a California general partnership : that as such I am in charge of the registered office
(name of corporation)

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

Idaho, wherein are kept the corporate records required by Section 30-1-52, Idaho Code: and that each of the
general partners of
El Dorado Hydro * is a corporation qualified to do business in the State of Idaho under the laws
(name of corporation)

of the State of Idaho. El Dorado Hydro has filed a Certificate of Assumed or
Fictitious Name in Idaho County, Idaho.

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

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

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

*See attached sheet

Roy L. Eiguren
Applicant Roy Eiguren, Registered Agent

State of Idaho)
County of Ada) ss.

On this 23rd day of December, 19 86, personally appeared before me
the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Andrea Armstrong
Notary Public residing at
Boise, Idaho

seal

My commission expires:

Jan 26, 1987

MICROFILMED

MAR 03 1987

RECEIVED
DEC 30 1986

El Dorado Hydro, a California general partnership

General Partners: Olympe, Inc., a California corporation
Motherlode Hydro, Inc., a California corporation
Cal Hydro Electric Power Company, a California corporation

All three general partners are qualified to transact business in the State of Idaho pursuant to Idaho Code Section 30-1-12. CT Corporation System is the registered agent in Idaho for each general partner.

MICROFILMED

MAR 09 1981

STATE OF IDAHO

Assigned 11/5/1984 to:
Elk Ck. Hydro Electric
Partners
415 N. Camden Dr.
Beverly Hills, CA
90210

DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant JAMES B. HOWELL Phone 345-5335
Post office address 1984 Panama, Boise, ID 83705
2. Source of water supply Big Elk Creek which is a tributary of Little Salmon River
3. Location of point of diversion is SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 23 Township 22N
Range 1E B.M. Idaho County, additional points of diversion if any:

4. Water will be used for the following purposes:

Amount 40.0 ^{40.0 12-12-83} for power purposes from 3/1 ^{6/5 10/12/83} to 6/30 ^{6/5 10/12/83 per phone call} 7/31 (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. 40 ^{40 12-12-83} 50.0 cubic feet per second and/or b. acre-feet per annum.

6. Proposed diverting works:

- a. Description of ditches, flumes, pumps, headgates, etc. Small diversion dam and pipeline
to power generating facility
- 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: SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 27 Township 22N
1E
Range 1E B.M.
- (2) Amount of power to be generated: 3360 kw (commensurate with reduction in rate of flow) DRT
~~4200 KW~~ ~~horsepower~~ under 1163 feet of head. 2/25/85
- (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:

MICROFILMED

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

[illegible]**Total number of acres to be irrigated**

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

78-7154, 78-7150, Little Salmon 78-7207, 78-7155

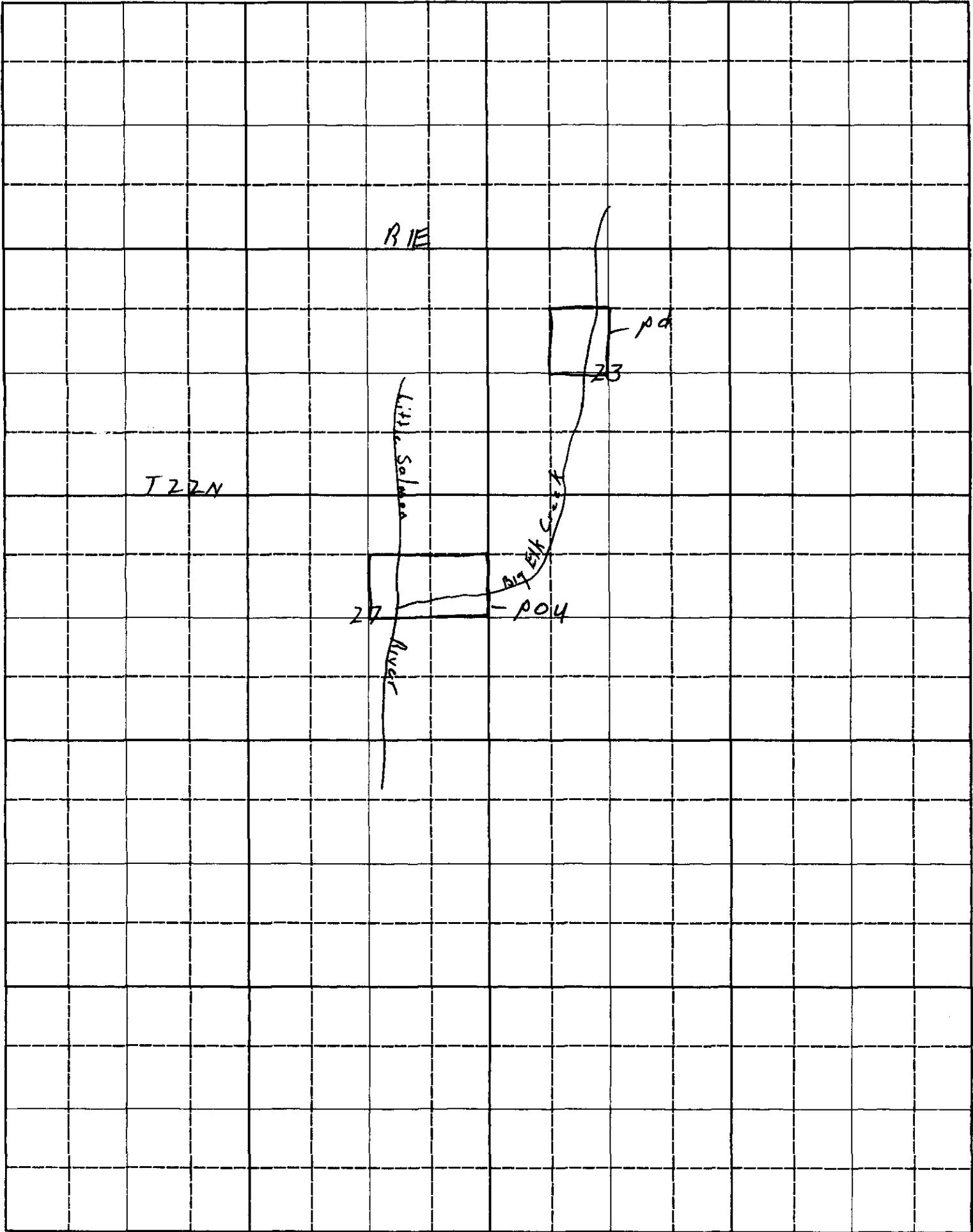
9. a. Who owns the property at the point of diversion Applicant

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

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

10. Remarks

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.

x James B. Howell
(Applicant)

MICROFILMED

MICROFILMED

Proposed Priority 12/12/83

12-17-83 (see memo of 12-12-83 by Dave Shaw)

Received by GLS Date 10/11/83 Time 10:48

Preliminary check by GLS Fee \$ 725.00 # 32460

Receipted by JP Date 10/11/83

Publication prepared by JP Date 10/13/83

Published in Idaho County Free Press

Publication dates 10/19 & 10/27/83

Publication approved JP Date 10/23/83

Protests filed by: none

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by nos kw

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 78-7254, 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 May 1, 19 90.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. Other: SEE ATTACHED SHEET FOR CONDITIONS OF APPROVAL d thru n.

Witness my hand this 2nd day of May 1985

A. Glen Saylor
Chief, Operations Bureau

RECEIVED
NOV 5 1984

State of Idaho
Department of Water Resources

Department of Water Resources
Western Regional Office

ASSIGNMENT OF PERMIT

I, James B. Howell, hereby assign to Elk Creek Hydro Electric Partners
of 415 N. Camden Drive, Beverly Hills California, 90210, a California General Partnership
at Idaho Qualified Corporations Address

CHECK ONE

☒ All my right, title, and interest in and to Permit No. 78-7254
to appropriate the public waters of the State of Idaho.

☐ The following described portion of my right, title, and interest in and to Permit
No. _____ to appropriate the public waters of the State of Idaho.

(Describe that portion of the permit being assigned by listing the acreage within
each 40 acre subdivision, the point of diversion and the amount of water in cubic
feet per second for direct diversion, or acre feet for storage)

Made this 1st day of November, 19 84.

James B. Howell
Permit Holder

Josephine H. Howell
Spouse of Permit Holder

State of Idaho)
County of Ada) ss.

On this 30th day of October, 19 84, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged to me
that he (she) (they) executed the same.

seal

Candice Armstrong
Notary Public residing at
Boise, Idaho

My commission expires:

MICROFILMED

ATTACHMENT TO CONDITIONS OF APPROVAL

For Permit No. 78-7254

- d. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
- e. The permit holder shall either install a measuring device or a flow measurement port or provide a certified measurement or computation of flow based upon system design to be prepared by a professional engineer.
- f. 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.
- g. This permit does not constitute Idaho Public Utilities Commission or Federal Energy Regulatory Commission approval that may be required.
- h. The issuance of this permit in no way grants any right-of-way or easement across the land of another.
- i. Water used under this permit if discharged into a natural channel or subsurface system shall meet Idaho Water Quality Standards.
- j. A separate stream alteration permit from the IDWR is required for any activity in the stream channel other than construction and/or maintenance of the diversion structure. If the proposed construction or operation involves construction of an outfall or any other work in the stream channel other than a water diversion, the permit holder must contact the Department and obtain a Stream Channel Alteration permit prior to the start of construction.
- k. The diversion and use of water under this permit and any license subsequently issued is subject to review by the Director thirty (30) years from the date of issuance of this permit. 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.
- l. The water right acquired under this permit for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.
- m. Use of water under this permit shall be non-consumptive.
- n. The structural integrity of the project works shall be certified by a professional engineer licensed in the State of Idaho and shall be filed with the IDWR prior to construction.

Witness my hand this

2nd day of May 1985

J. Glen Saxton
Chief, Operations Bureau

MICROFILMED

RECEIVED
JAN 25 1985

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

Department of Water Resources
Western Regional Office

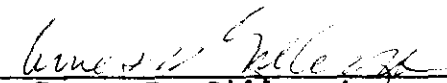
STATE OF IDAHO)
)ss.
County of Ada)

COMES NOW JAMES R. GILLESPIE, attorney at law, and
first being duly sworn, deposes and says as follows:

I am a partner of the law firm of Eberle, Berlin,
Kading, Turnbow & Gillespie, at 300 North 6th Street, Boise,
Idaho, and serve as local registered agent for the C T Corpora-
tion System. The C T Corporation System is registered agent
for General Hydro, Inc., an Idaho corporation and Elk Creek
Hydro-Electric, Inc., and Paris Hydro-Electric, Inc., corpora-
tions qualified to do business in Idaho.

The water rights to be used for power generating pur-
poses under permits 78-7150, 78-7154, 78-7188 and 78-7254 will
be developed by a partnership called Elk Creek Hydro-Electric
Partners (Elk Creek Partnership), is made up of the three cor-
porations noted above and will not utilize existing and operat-
ing man-made irrigation facilities such as a dam or canal,
although the upper diversion incorporates a rock and earth fill
impoundment not currently used for irrigation.

Further your affiant sayeth not.


James R. Gillespie

SUBSCRIBED AND SWORN TO before me this 25th day of
January, 1985.


Notary Public for Idaho
Residing at Boise, Idaho

MICROFILMED

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

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

1. Individual Applicant or Individual Members of a Partnership:

I, JAMES HOWELL of BOISE,
(name) (city)

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

2. Corporation:

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

County of _____, State of Idaho, being duly sworn, depose
and say: That I am the designated registered agent of the _____
(name of corporation): that as such I am in charge of the registered

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

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

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

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

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

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

State of Idaho)
County of Ada) ss.

James B. Howell
Applicant

On this 11 day of October, 19 83, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged
to me that he (she) (they) executed the same.

sub.

Nancy M. Hartwig
Notary Public residing at
Boise

My commission expires:

Life

MICROFILMED

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR PERMIT
NO. 78-7254 IN THE NAME OF JAMES B. HOWELL

ORDER TO SHOW CAUSE

WHEREAS, on December 12, 1983, James B. Howell applied to the Department of Water Resources for a permit to appropriate 40.0 cubic feet per second of water from Big Elk Creek tributary to the Little Salmon River within the SE1/4NW1/4, Sec. 23, Twp. 22N, Rge. 1E, B.M., Idaho County to be used for power generation purposes; and,

WHEREAS, on April 10, 1984, the Department requested engineering plans and evidence of financial capability from the applicant to determine compliance with provisions of Sec. 42-204, Idaho Code; and,

WHEREAS, the applicant has not responded and has not provided the requested information; and,

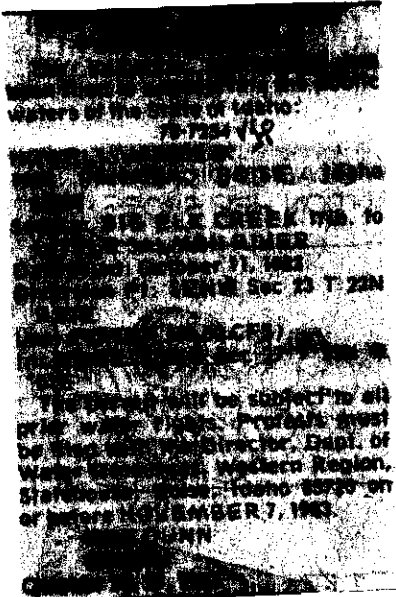
WHEREAS, the Director cannot determine that the application was not filed for speculative purposes;

IT IS, THEREFORE, HEREBY ORDERED that the permit holder show cause before the Director of the Department of Water Resources on or before June 21, 1984 why Application for Permit No. 78-7254 should not be VOIDED.

Dated this 21st day of May, 1984.

L. Glen Saxton
L. GLEN SAXTON
Chief, Operations Bureau

MICROFILMED



AFFIDAVIT OF PUBLICATION
STATE OF IDAHO)
County of Canyon) ss.
County of Canyon)

Connie Cutberth
of Nampa, Canyon County, Idaho, being first duly sworn, deposes and says:

1. That I am a citizen of the United States of America, and at all times hereinafter mentioned was over the age of eighteen years, and not a party to the above entitled action.

2. That I am the Principal Clerk of the Idaho Press-Tribune, a daily, (except Saturday) newspaper published in the City of Nampa and Caldwell, in the County of Canyon, State of Idaho; that the said newspaper is in general circulation in the said County of Canyon, and in the vicinity of Nampa and Caldwell, and has been uninterruptedly published in said County during a period of seventy-eight consecutive weeks prior to the first publication of the notice, a copy of which is hereto attached.

3. That the notice, of which the annexed is a printed copy, was published in said newspaper

Two times
in the regular and entire issue of said paper, and was printed in the newspaper proper, and not in a supplement.

4. That said notice was published the following dates:

October 20, 27, 1983

Connie Cutberth

Subscribed and sworn to before me this 27th
day of October
19 83.

Janet Lusk
Notary Public, Residing at Nampa, Idaho

MY COMMISSION EXPIRES
JULY 12th, 1985

RECEIVED
OCT 28 1983

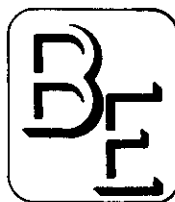
Department of Water Resources
Western Regional Office

MICROFILMED

**JAMES B. HOWELL
HYDRO ELECTRIC DEVELOPMENT
ELK CREEK SITE
IDAHO COUNTY , IDAHO**

1980

**DEPARTMENT OF ENERGY
FEASIBILITY STUDY
LOAN APPLICATION**



BARBER ENGINEERING

a division of J·U·B ENGINEERS, Inc.

Office Phone: (208) 376-8480
376-7330

250 So. Beechwood Ave., Suite III
Boise, Idaho 83709

MICROFILMED

DEPARTMENT OF ENERGY

FEASIBILITY STUDY

LOAN APPLICATION

SUBMITTED BY:

JAMES B. HOWELL
BOISE, IDAHO

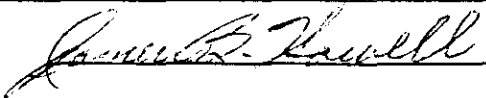
PREPARED BY:

J-U-B ENGINEERS, INC.
BOISE, IDAHO

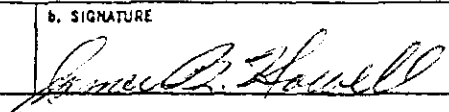
PROJECT NO. 14133

LOAN PROGRAM FOR
SMALL HYDROELECTRIC PROJECTS

Copy Number _____ Application Number _____
DOE use only

1. TYPE AND AMOUNT OF LOAN REQUIRED Feasibility Study Loan
2. APPLICANT'S NAME James B. Howell
3. APPLICANT'S ADDRESS Barber Engineering, a Division of J-U-B ENGINEERS, Inc.
250 S. Beechwood Ave., Boise, Idaho 83709
4. TYPE OF BUSINESS Personal Investment - part of land development project
5. PRINCIPAL CONTACT James W. Barber - (208) 376-8480
6. TELEPHONE NUMBER (208) 376-8480
7. STATUS OF APPLICANT Private Developer
8. LOCATION OF PROPOSED SITE Section 23, 26 and 27, T.22N., R.1E.
9. DATE CONSTRUCTION WAS COMPLETED ON DAM 1957
10. ESTIMATED POTENTIAL CAPACITY OF PROPOSED SITE, BASED ON 25% EXCEEDENCE
VALUE OF FLOW DURATION CURVE (USE THE AVERAGE FLOW IF DURATION CURVE IS
UNAVAILABLE) AND AVERAGE HEAD 1st Unit-212 kW, 2nd Unit-515 kW
11. PROPOSED INSTALLED CAPACITY OF PROJECT 747 kW
12. HAS PROPOSED SITE EVEN BEEN USED TO GENERATE POWER? _____ YES _____ X NO
IF YES, WHAT DATE WAS POWER LAST GENERATED _____
- 13a. INDIVIDUAL APPLICANTS ONLY, CHECK APPROPRIATE BOX:
U.S. CITIZEN: X YES _____ NO
IF NO, APPLICANT IS A CITIZEN OF _____
- 13b. ORGANIZATIONAL APPLICANTS ONLY, ENTER NAME OF STATE OR TERRITORY UNDER
WHOSE LAWS THE PRINCIPAL APPLICANT IS ORGANIZED _____
14. SIGNATURE(S) 

The signature(s) of the responsible individual(s) must appear on the cover page, or on an attached encorsement page. By his/her signature, the signer(s) indicates that to the best of his/her knowledge the information contained in the application is true and complete and that he/she is authorized to sign for the applicant.

FEDERAL ASSISTANCE		2. APPLICANT'S APPLICATION	a. NUMBER	3. STATE APPLICATION IDENTIFIER	a. NUMBER
1. TYPE OF ACTION ☐ PREAPPLICATION ☐ APPLICATION ☐ NOTIFICATION OF INTENT (Opt) ☐ REPORT OF FEDERAL ACTION (Mark appropriate box)		b. DATE Year month day 19 80 7 23		b. DATE Year month day ASSIGNED 19	
4. LEGAL APPLICANT/RECIPIENT		5. FEDERAL EMPLOYER IDENTIFICATION NO.			
a. Applicant Name : James B. Howell b. Organization Unit : Private Party c. Street/P.O. Box : 1984 Panama Street d. City : Boise e. County : Ada f. State : Idaho g. ZIP Code : 83705 h. Contact Person (Name & telephone No.) : J. W. Barber (208) 376-8480-Boise		6. PRO-GRAM (From Federal Catalog) a. NUMBER b. TITLE Loan for small hydro-electric power project feasibility study			
7. TITLE AND DESCRIPTION OF APPLICANT'S PROJECT		8. TYPE OF APPLICANT/RECIPIENT			
Elk Creek site near Little Salmon River Section 22, 23, 26 and 27, T.22N., R.1E.		A-State B-Interstate C-Substate D-County E-City F-School District G-Special Purpose District H-Community Action Agency I-Higher Educational Institution J-Indian Tribe K-Other (Specify): Private Party Enter appropriate letter ☒ K			
10. AREA OF PROJECT IMPACT (Names of cities, counties, States, etc.)		11. ESTIMATED NUMBER OF PERSONS BENEFITING		12. TYPE OF APPLICATION	
Adams County, Idaho		50		A-New B-Renewal C-Revision D-Continuation E-Augmentation Enter appropriate letter ☒ A	
13. PROPOSED FUNDING		14. CONGRESSIONAL DISTRICTS OF:		15. TYPE OF CHANGE (For 1st or 2nd)	
a. FEDERAL \$ 26,183 .00 b. APPLICANT 2,910 .00 c. STATE .00 d. LOCAL .00 e. OTHER .00 f. TOTAL \$ 29,093 .00		a. APPLICANT First b. PROJECT First 16. PROJECT START DATE Year month day 19 80 9 1 17. PROJECT DURATION 4 Months 18. ESTIMATED DATE TO BE SUBMITTED TO FEDERAL AGENCY 19 80 11 1		A-Increase Dollars B-Decrease Dollars C-Increase Duration D-Decrease Duration E-Cancellation F-Other (Specify): Enter appropriate letter(s)	
20. FEDERAL AGENCY TO RECEIVE REQUEST (Name, City, State, ZIP code)		21. REMARKS ADDED			
Hydroelectric Loan Program DOE, 550 2nd st., Idaho Falls		☐ Yes ☒ No			
22. THE APPLICANT CERTIFIES THAT		23. CERTIFYING REPRESENTATIVE			
a. To the best of my knowledge and belief, data in this preapplication/application are true and correct, the document has been duly authorized by the governing body of the applicant and the applicant will comply with the attached assurances if the assistance is approved. b. If required by OMB Circular A-95 this application was submitted, pursuant to instructions therein, to appropriate clearinghouses and all responses are attached:		(1) State of Idaho (2) (3)			
24. AGENCY NAME		25. APPLICANT'S SIGNATURE		26. DATE SIGNED	
James B. Howell				Year month day 19	
27. ORGANIZATIONAL UNIT		28. ADMINISTRATIVE OFFICE		29. FEDERAL APPLICATION IDENTIFICATION	
29. ADDRESS		30. FEDERAL GRANT IDENTIFICATION		31. ACTION TAKEN	
31. ACTION TAKEN		32. FUNDING		33. ACTION DATE	
☐ a. AWARDED ☐ b. REJECTED ☐ c. RETURNED FOR AMENDMENT ☐ d. DEFERRED ☐ e. WITHDRAWN		a. FEDERAL \$.00 b. APPLICANT .00 c. STATE .00 d. LOCAL .00 e. OTHER .00 f. TOTAL \$.00		Year month day 19	
34. STARTING DATE		35. CONTACT FOR ADDITIONAL INFORMATION (Name and telephone number)		36. ENDING DATE	
19				19	
37. REMARKS ADDED		38. FEDERAL AGENCY A-95 ACTION			
☐ Yes ☒ No		a. In taking above action, any comments received from clearinghouses were considered, if agency response is due under provisions of Part I, OMB Circular A-95, it has been or is being made. b. FEDERAL AGENCY A-95 OFFICIAL (Name and telephone no.)			

Individual Owner

AFFIDAVIT TO ESTABLISH RESIDENCE

I, James B. Howell of Boise, County of Ada, State of Idaho, being duly sworn, do hereby certify that I am a bona fide resident of the State of Idaho.

/s/ James B. Howell

Subscribed and sworn to before me this 24th day of July, 1980

/s/ Robert Proske

Notary Public

Residence Nampa, Idaho

My Commission Expires N/A

Corporation or Association

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

I, _____ of _____, County of _____, State of Idaho, being first duly sworn, depose and say: That I am the designated statutory agent of the _____, that as such I am in charge of the registered office of the said _____, as provided by Section 30-143, Idaho Code, at _____, Idaho, wherein are kept the records provided by Section 30-144, Idaho Code, and that _____ is a legal _____ qualified to do business in the State of Idaho under the laws of the State of Idaho.

/s/ _____

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

/s/ _____

Notary Public

Residence _____

My Commission Expires _____

I. DAM

A. ELEVATIONS/HEIGHTS: DATA SOURCE(S) Applicant - USGS Map

DAM 4,000; SPILLWAY 4,000; INLET 3,985; OUTLET 3,985;

TAILWATER 3,986 ~~XX~~ constant; NORMAL POOL 3,999 to _____;
1st unit elevation 3,600 = head 400 ft.
2nd unit elevation 3,000 = head 740 ft.
FLOOD POOL 4,000; OPERATING GROSS HEAD _____ to _____

B. SIZE/CAPACITY: DATA SOURCE(S) Applicant - USGS Maps

STORAGE (NORMAL POOL) None ACRES; None ~~ACRES~~; SPILLWAY 20 cfs;

PENSTOCK None; GATES None; VALVE None

C. STRUCTURES: DATA SOURCE(S) Applicant - Field Inspection

DAM TYPE Earth Fill; SPILLWAY TYPE Earth Fill; PENSTOCK TYPE None;

GATE TYPE None; GATE LOCATION None;

POWERHOUSE None; CURRENT USE OF DAM Irrigation and Livestock Pond

I. DAM (CONTINUED)

D. DATES: DATA SOURCE(S) Applicant - Field Inspection

CONSTRUCTION 1957; LAST RENOVATION None;

POWERHOUSE (DATE LAST USED) None; (DATES LAST USED) - DIVERSION AND INTAKE in service;

PENSTOCK None; GATES None; SAFETY INSPECTION AGENCY applicant;

LAST SAFETY INSPECTION DATE 1980; INSPECTION CONCLUSIONS stable but repairs needed

E. CONDITION: DATA SOURCE(S) Applicant - Field Inspection

MAIN STRUCTURE Good

SPELLWAY Good

POWERHOUSE None

PENSTOCK None

GATES None

TAILRACE None

II. HYDROLOGY & DATA SOURCE(S) Applicant

AVERAGE DISCHARGE 8, 10* cfs; FLOW DURATION, 5% _____, 15% _____

25% _____, 35% _____, 45% _____, 55% _____

65% _____, 85% _____, 95% _____

GROSS HEAD 400 ft. NET HEAD 380
740 ft. 308 706; DRAINAGE AREA 2sq.mile GAGE STATION NUMBER None

*NOTE: Flow duration curve unavailable at this time due to insufficient data.
Measurements taken in July, 1980 indicate 55 cfs flow in creek. 8 cfs
and 10 cfs used because of water right filings.

III. POWER

CAPACITY 1st unit kW = 8 x 380 x .073 = 222 kW
2nd unit kW = 10 x 706 x .073 = 515 kW

ANNUAL ENERGY 53 x 380 x 8 x 12 = 1,933,440 kW hr.
kWh = 53 x 706 x 10 x 12 = 4,490,160 kWh

SIZES AND NUMBER OF UNITS 1-225 kW, 1-522 kW

LENGTH & SIZE OF NEW TRANSMISSION LINE 1/2 mile to 3 phase power on 2nd unit

LENGTH & SIZE OF NEW PENSTOCK 1st unit 3,100 ft., 2nd unit 5,000 ft. both 18" steel pipe

LENGTH & SIZE OF NEW TAILRACE 1st unit discharges into 2nd unit penstock
2nd unit tailrace into Little Salmon River

PROPOSED OPERATION MODE run of river

MICROFILMED

IV. PERSONNEL

PROJECT MANAGER J. W. Barber, P.E.

EXPERIENCE Numerous hydrogeneration projects

A/E CONSULTANT FIRM Barber Engineers Division of J-U-B ENGINEERS, Inc.

EXPERIENCE consultant on several small hydro power projects

OTHER Jim Howell, applicant

EXPERIENCE No previous hydroelectric experience

V. BUSINESS/FINANCIAL DATA

A. APPLICANT STATUS

NAME James B. Howell

TYPE AND AGE OF BUSINESS Owner - Land Developer

SITE DEVELOPER Owner - Contractors

SITE OWNER James B. Howell

RECEIVED
MAY 1967

V. BUSINESS/FINANCIAL DATA (CONTINUED)

B. MARKET

CUSTOMER(S) Idaho Power Company

STATUS will negotiate purchase contract in feasibility study phase

Annual Energy = 6,423,600 kW hr.

ENERGY VALUE Assume .90 plant factor or 5,781,240 @ .03 = \$173,437.00

C. FINANCING

DESCRIBE PLAN FOR FINANCING PROJECT REA Financing or other governmental agencies

or private financing

D. LOAN

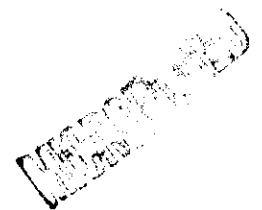
FEASIBILITY STUDY COST \$29,093.00

LOAN AMOUNT \$26,183.00

EQUITY AMOUNT \$ 2,910.00

EQUITY TYPE In kind labor by applicant

EQUITY SOURCE James B. Howell



V. BUSINESS/FINANCIAL DATA (CONTINUED)

E. FEDERAL ASSISTANCE

Is any other Federal financial assistance expected to be applied for or already applied for or obtained No

If yes, describe _____

VI. MAJOR TASKS

COMPLETE SCHEDULE AND COSTS TABLE

See attachment

VII. ENVIRONMENTAL

A. RIVER OR STREAM DAM IS LOCATED ON Elk Creek Tributary to Little Salmon River

B. IS RIVER OR STREAM CLASSIFIED OR UNDER CONSIDERATION FOR WILD AND/OR SCENIC STATUS No

SOURCE Idaho Dept. of Water Resource IF YES, GIVE STATUS _____

C. IS THE PROPOSED SITE LOCATED IN A WILDLIFE PRESERVE, RECREATIONAL AREA, NATIONAL OR STATE PARK, HISTORICAL SITE, OR IN ANY OTHER RESTRICTED-ACTIVITY AREA (INCLUDING THOSE RESTRICTED UNDER FEDERAL, STATE OR LOCAL LAW FOR FUTURE DEVELOPMENTS) No

IF YES, GIVE STATUS _____

VII. ENVIRONMENTAL (CONTINUED)

- D. IS THE PROPOSED SITE LOCATED NEARBY OR ADJACENT TO DESIGNATED WILDERNESS AREAS OR AT AREAS OTHERWISE RESTRICTED FROM DEVELOPMENT UNDER FEDERAL, STATE OR LOCAL LAW No

IF YES, GIVE STATUS _____

- E. ARE ANY RARE AND ENDANGERED SPECIES LOCATED IN THE VICINITY OF THE PROPOSED DEVELOPMENT No

IF YES, SPECIES NAME _____

- F. ARE ANY MIGRATORY FISH PRESENT IN THE RIVER OR STREAM DURING ANY PART OF THE YEAR No

IF YES, IS THERE A FUNCTIONAL FISHWAY LOCATED AT THE PROPOSED SITE AND LIST SPECIES _____

- G. SPECIES OF FISH AFFECTED BY THE DEVELOPMENT None on Elk Creek

- H. ANIMALS OR BIRDS AFFECTED BY THE DEVELOPMENT None

VII. ENVIRONMENTAL (CONTINUED)

- I. LIST THE SPECIES OF RAPTORS (BIRDS OF PREY, I.E., EAGLES, HAWKS, ETC.) FOUND IN THE VICINITY OF THE SITE unknown at this time

VIII. INSTITUTIONAL

- A. WILL THE PROPOSED HYDROPOWER INSTALLATION ALTER THE CURRENT DAM USE Yes

DAM USE irrigation livestock watering pond

IF YES, DESCRIBE IMPACT Power penstock will not dry upstream flow and will leave flow for livestock and irrigation purposes.

- B. IS THE DAM SITE SUBJECT TO RIPARIAN WATER RIGHTS No

IF YES, WILL THE PROJECT CHANGE FLOW OR OTHERWISE AFFECT THE DOWNSTREAM HOLDERS RIGHT TO UNDIMINISHED FLOW. DOES THE PROPOSER HAVE RIGHTS TO THE PROPOSED WATER USE EITHER BY RIGHT OF OWNERSHIP, ACQUISITION OR LEASE _____

IF YES, GIVE STATUS _____

- C. IS THE DAM SITE SUBJECT TO PRIOR APPROPRIATION OF WATER RIGHTS No

IF YES, WILL INTENDED USE HAVE ANY IMPACT ON PRIOR RIGHT HOLDERS USE OF WATER _____

VIII. INSTITUTIONAL (CONTINUED)

D. DOES THE PROPOSER HAVE RIGHT OF ACCESS TO PROJECT SITE Yes

DESCRIBE All deeded land - see attachment on land description

E. HAS THE PROPOSED ACQUIRED RIGHT OF WAY FOR TRANSMISSION BY EASEMENT, OWNERSHIP, LONG TERM (FIRM) LEASE AGREEMENT OR CONDEMNATION all on deeded land

IF YES, GIVE STATUS _____

F. IS SITE LOCATED IN AN ECONOMICALLY DEPRESSED AREA No

G. DOES PROPOSER COMPLY WITH EEO, MINORITY BUSINESS AND OTHER STATE REQUIREMENTS Yes

H. ARE THERE ANY OTHER INSTITUTIONAL RESTRAINTS THAT MAY IMPACT SITE DEVELOPMENT No

IF YES, GIVE STATUS _____

RECEIVED
MAY 19 1980

SCHEDULE AND COSTS

TASK NO.	SUGGESTED KEY TASK	TIME ELAPSE IN WEEKS															
		2	4	6	8	10	12	14	16	18	20	22	24	26	28	30	32
1	SITE SELECTION AND PERFORMANCE CHARACTERISTICS																
2	ENGINEERING FOR SELECTED SITE AND ASSESSMENT OF PERFORMANCE																
3	AVAILABILITY AND COST ANALYSIS OF TURBINE/GENERATOR																
4	POWER TRANSMISSION PLAN																
5	ENVIRONMENTAL ASSESSMENT AND ACQUISITION OF RIGHTS AND EASEMENTS PLAN																
6	POWER USE PLAN, LICENSING AND POWER GENERATION PLAN																
7	PROJECT COST ESTIMATE AND SCHEDULE																
8	PROJECT FINANCIAL PLAN WITH CASH FLOW/B-C RATIO INCLUDING O & M COSTS																
9	PROJECT ADMINISTRATION AND COORDINATION																
TOTAL PROJECT TIME																	

UNCLASSIFIED

ASSIGNMENT OF SUGGESTED KEY TASKS FOR PROJECT

PROJECT TASK NO.	PERFORMING ORGANIZATION	KEY INDIVIDUAL	MAN HOURS	MATERIAL COSTS	DIRECT* COSTS	INDIRECT COSTS	OTHER	TOTAL
1	J-U-B	Redmond	50		1550			
1	Barber	Barber	16		912			
1	Barber	Murphy	32		1184			
1	J-U-B	Preston	20		1140			
1	Applicant	Howell		2000*				
2	J-U-B	Preston	20		1140			
2	J-U-B	Redmond	71		2225			
2	Barber	Barber	8		456			
2	Barber	Murphy	40		1480			
3	Barber	Barber	7		399			
3	Barber	Murphy	30		1110			
4	Barber	Barber	16		912			
4	Barber	Murphy	30		1110			
5	J-U-B	Preston	8		456			
5	J-U-B	Redmond	48		1488			
6	Barber	Barber	16		912			
6	Barber	Murphy	32		1184			
7	J-U-B	Redmond	40		1240			
7	J-U-B	Preston	20		1140			
7	Barber	Barber	16		912			
7	Barber	Murphy	40		1480			
8	J-U-B	Redmond	20		610			
8	Barber	Murphy	24		888			
8	Applicant	Howell	25		875			
9	J-U-B	Preston	20		1140			
9	J-U-B	Barber	20		1140			
SUBTOTAL FEE/PROFIT				2000	27093			29093
TOTAL								

*Applicant will construct weir and measure stream flow as part of feasibility study.

RECEIVED
FEB 1 1968

PRELIMINARY COST ESTIMATE
JAMES B. HOWELL
HYDROGENERATION PROJECT
ELK CREEK PROJECT

GENERATOR UNIT NO. 1:

1.	Diversion Dam Improvements	\$ 2,000.00
2.	Penstock 18" Pipe Installed	99,200.00
3.	Powerhouse Building	22,800.00
4.	Bypass Valve and Control	5,000.00
5.	Tailrace Connection to No. 2 Penstock	510.00
6.	Turbine Generator	26,735.00
7.	Electrical Control	7,452.00
8.	Transformer	5,400.00
9.	Transmission Line	<u>10,568.00</u>

SUBTOTAL \$179,665.00

GENERATOR UNIT NO. 2:

1.	Penstock 18" Pipe Installed	\$153,000.00
2.	Penstock Intake Structure	4,000.00
3.	Powerhouse Building	22,800.00
4.	Tailrace Construction	638.00
5.	Bypass Valve and Control	5,000.00
6.	Turbine Generator	48,978.00
7.	Electrical Control	9,392.00
8.	Transformer	7,200.00
9.	Transmission Line and Intertie to Utility	<u>2,000.00</u>

SUBTOTAL \$237,132.00

Total Two Units \$416,797.00
Contingencies Engineering
and Project Management (25%) 104,199.00

Cost of Licensing, Permits,
Impact Statements \$ 10,000.00

Grand Total \$530,996.00

PREPARED BY
JAMES B. HOWELL

DESCRIPTIVE NARRATIVE
ELK CREEK HYDRO POWER DEVELOPMENT
PROJECT NO. 14133

This project looks very feasible based on the preliminary information of head and flow. The elevations from the existing dam down to where Elk Creek discharges into the Little Salmon River offers a great amount of head potential.

The stream flows on Elk Creek and Little Elk Creek have been estimated but our application shows the 8 cubic feet per second on the hydro power project based on existing water rights. The applicant has filed for additional water on both Elk Creek and Little Elk Creek for hydro power development and expect no difficulty in increasing the amount of water rights.

The applicant constructed a basic weir for measuring the flow of the stream at the diversion dam and based on water levels and velocity of water at that point, he measured 57.8 cubic feet per second on July 24, 1980. The Elk Creek is fed from Elk Lake and has a year-round flow with the minimum flow during the summer. The Little Elk Creek has an average flow that is approximately 1/3 of the Elk Creek.

The proposed development is to install a penstock from the existing dam to a hydrogeneration plant located at the confluence of the Elk Creek and the Little Elk Creek. A second penstock would take the discharge from the first hydro power plant and add some flow from Little Elk Creek to a penstock that would discharge at the confluence of the Elk Creek with the Little Salmon. Again, the water flow could be increased based on data that will be generated as part of the feasibility study on the annual flows of Elk Creek and Little Elk Creek.

The applicant intends to construct a weir on both Elk Creek and Little Elk Creek and measure the flow during the project feasibility study so that actual data can be generated to size the turbine generators and the hydro-generating plants. Again, the application is based on the 8 cubic feet per second which is a known annual flow, but in all probability, increased potential is available once the flows are actually measured on both of these creeks.

The intent is to discharge the second hydro power plant located at the confluence of Elk Creek with the Little Salmon into another turbine generator penstock that will run along the Little Salmon River. The drop along the applicants land along the Little Salmon is 100'. It is proposed that a small diversion dam be constructed at the discharge point of the last power plant on Little Elk Creek into a penstock adding some stream flow from the Little Salmon River into this penstock to develop two additional hydro power generating plants.

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JUL 27 1980

~~There are no fish problems on the Elk Creek as migratory fish would have~~
~~impossible task of migrating up the Elk Creek.~~ This creek tumbles down the
canyon over large rocks with no pools for fish within this creek.

There is some existing logging roads on the upper ridge of Elk Creek that would allow for some facility to install penstock to the existing dam. The location and projected length of the penstock would be a result of actual surveying of this site to determine the most economical location and length of penstock.

The three phase power is available from Idaho Power Company across the river, that is the Little Salmon River, from the proposed last powerhouse on Little Elk Creek. This is three phase, 60 cycle, 12470 volt power. There is a single phase line that is owned by Idaho Power Company that goes up the hill to the confluence of the Little Elk Creek location. This would have to have the addition of cross arms and three phase conductors to bring three phase power to the upper powerhouse. This existing single phase line is relatively new with poles in good condition and would require only the cross arms and reconducting to make this a suitable source of three phase power.

The ultimate development of this area which is all land owned by the applicant would include a subdivision for some 50 homes for a resort type of installation.

Again, the application indicates the heads which are known from existing maps but based on the 8 cubic feet per second flow. It is very feasible to expect that the additional flow can be obtained from these creeks without any adverse affect on the streams or drying up the streams during minimum flow conditions. However, this data will not be known until some time into the feasibility study stage when actual flows are known on Elk Creek and Little Elk Creek.

There is no known water flow data available from any agency that shows the stream flows on this creek. The fact that it is all located on deeded land does not give us any problems of right-of-way or water condition impact on other persons, property or governmental agencies.

The applicant has filed for water rights to divert water from the Little Salmon River with 100' head drop located on his property. Of course, these water rights have 90 days to protest but his preliminary information indicated that some years ago a application was made for water rights to construct a dam on this part of the reach of the Little Salmon River. These water rights have been expired and again there is no indication of any problems obtaining the water rights for additional flow into a penstock from the Little Salmon River.

It is our sincere belief that this project offers considerable potential for hydro power development and be economically feasible with our projections

78-7155
150 ft
MICROFILMED

based on 8 cubic feet per second and any additional flow that can be obtained on an average year-round basis would only contribute to additional power that is available from this site.

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Picture of Earth Fill Dam at Point of
Diversion



Earth Fill Dam with Penstock Diversion
to Irrigation and Livestock Pond

REPRODUCED



FINANCIAL STATEMENT — INDIVIDUAL

OFFICE, THE IDAHO FIRST NATIONAL BANK, Boise IDAHO

NAME James B. Howell OFFICE ADDRESS 1454 Panama St., Boise, Idaho 83725For the purpose of obtaining credit from you from time to time the following is submitted as my/our true and correct statement on July 25, 1980, 1980.KIND OF BUSINESS Real Estate

ASSETS	AMOUNT	LIABILITIES	AMOUNT
CURRENT:		CURRENT: (Payable within one year)	
Cash on hand	74,000.00	Notes payable to this bank (Schedule D)	
Cash in Idaho First National Bank		Notes payable to other banks (Schedule D)	
Cash in other banks		Notes payable to others (Schedule D)	
Notes and contracts receivable (Schedule C) (Amount due within one year)	33,000.00	Due to relatives (Schedule D)	
Accounts receivable (Schedule C)		Accounts payable (Schedule D)	
Stocks and bonds — listed (Schedule B)		Contract purchases and chattel mortgages (Schedule D)	102,500.00
Cash value life insurance		Real estate mortgages and contracts (Schedule A, amount due within one year)	
TOTAL CURRENT ASSETS	107,000.00	Loans against life insurance policies	
NON-CURRENT:		Accrued taxes and assessments	
Stocks and bonds—unlisted (Schedule B)		TOTAL CURRENT LIABILITIES	102,500.00
Real estate and buildings (Schedule A)	420,000.00	NON-CURRENT: (Payable after one year)	
Machinery and equipment	20,000.00	Real estate mortgages and contracts (Schedule A, amount due after one year)	
Furniture, fixtures and personal property	15,000.00	Other liabilities (describe)	
Automobiles and trucks	21,000.00		
Notes and contracts receivable (Schedule C) (Amount due after one year)			
Other assets (describe)	tools 3,000.00		
TOTAL ASSETS	592,000.00	Total Liabilities	102,500.00
		Net Worth	592,000.00
		TOTAL LIABILITIES AND NET WORTH	694,500.00

ANNUAL INCOME: Salary \$Estimate 130,000.00 Bonus or Commissions \$ Other *\$

* You need not disclose alimony, child support or separate maintenance payments unless you choose to have the bank rely on such income for payment of the debt.

Have you any assets or liabilities not listed on this financial statement? NO If so, explain and state why not included Liability as endorser or guarantor for others \$ 0 Explain Have you any judgments or suits filed against you? If so, give details NOHave you ever filed a petition in bankruptcy or approved a wage-earner plan for yourself? NOLife insurance carried \$1,000.00 Payable to Josephine HowellDo you wish credit life and A&H insurance? NO Amount of insurance on buildings: 21,000.00I am 66 years old, and have resided at my present location for 66 years.I am ☒ Married ☐ Unmarried ☐ Separated I have 1 dependents.REFERENCES:

There are no judgments outstanding, or settlements pending, against the applicant in any Court of this State or of the United States of America; nor are there any unrecorded deeds, mortgages, contracts, attachments or claims at law against it or the above property, except as set forth in the financial statement.

I/We hereby certify that the foregoing statement and schedules have been read by the undersigned before signing and that the information disclosed is true to the best of my/our knowledge and belief.

APPLICANT'S SIGNATURE:

James B. Howell

The foregoing statement is a copy of the original in the credit files of this branch.

RECORDED

REAL ESTATE

[illegible]

STOCKS AND BONDS

NOTES, CONTRACTS AND ACCOUNTS RECEIVABLE

NOTES, CONTRACTS AND ACCOUNTS PAYABLE

Remarks:

SCHEDULE C

B 874440
9466

The land referred to in this policy is situated in the State of Idaho
of Idaho and is described as follows:

Twp. 22 N., Rge. 1 E. BM.

Sec. 22: S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$

Sec. 23: W $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, that part of SE $\frac{1}{4}$ SW $\frac{1}{4}$ lying West of
Elk Creek

Sec. 26: NW $\frac{1}{4}$ NW $\frac{1}{4}$ lying West of Elk Creek

Sec. 27: All that part of E $\frac{1}{2}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$ lying East of
Little Salmon River

EXCEPT that part of SE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ lying South and East
of Elk Creek;
that part of NE $\frac{1}{4}$ SE $\frac{1}{4}$ lying East of Elk Creek
road;
that part of SW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ lying South and West
of the center of Elk Creek; and
that part of NE $\frac{1}{4}$ SE $\frac{1}{4}$ lying West and North of
the Elk Lake Road and East of the Little
Salmon River

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Identification No. _____
Claim No. 78-4000
Map No. _____

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
CLAIM TO A WATER RIGHT
Established by Diversion and Application to Beneficial Use

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. The filing of this claim does not confirm the water right but will serve for information purposes only. It may, however, become the basis for future adjudication of the water right by the Court.

(Please refer to the instructions on the back of this form)

1. Name of claimant Irwin H. Derry
post office address Rt. #1. New Meadows, Idaho.
2. The point of diversion is in NE $\frac{1}{4}$ of SW $\frac{1}{4}$ Section 23 Township 22N
Range I and E $\frac{1}{2}$ of NW $\frac{1}{4}$ of Sec. 26
B.M. located on (big) Elk Creek
(name of source)
tributary to Little Salmon River in Idaho County.
3. Dates of priority claimed: list the priority for each separate quantity that you claim. Priority dates should be based upon the earliest diversion of the water which has resulted in continued beneficial use since that time. If there has been an interval of five years or greater when the water was not beneficially used for the same purpose as originally appropriated, the priority that you claim should date from the time that the water was again beneficially applied following the period of non-use.
 - a. Date of priority claimed: The attached affidavits confirm the fact that water from Elk Creek was used for irrigation, stock, and domestic needs, continually for past twenty-five (25) years.
6-12-98 amount: 8 c.f.s. or 2 acre feet
amount: _____ c.f.s. or _____ acre feet
Total claimed _____ c.f.s. or _____ acre feet.
 - b. Explain the purpose for which the water has been used and the time during the year when you have used the right claimed:
use Irrigation period of use from April 1 to Nov. 1 (both dates inclusive)
use Stock period of use from Jan. 1 to Jan. 1 (both dates inclusive)
use Domestic period of use from Jan. 1 to Jan. 1 (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive).
4. Description of diverting works:
 - a. Surface water diversion dam and/or headgate: material is composed of _____
Lumber Headgate; length is 6 feet; height is 2 feet;
width at bottom is 3 feet; width at top is 3 feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known _____
Ditches enlarged and repaired 1964
 - b. Underground water diverting works: is well flowing or pumped _____; depth of well is _____ feet; diameter of well is _____ inches; type of pump is _____
capacity of pump is _____ g.p.m.; name and address of well driller is _____

78-4000
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b. Do you get water through a ditch owned by several users? no If yes, give the name of the ditch _____ The other users and their respective interests in the ditch are (if known) _____

6. Where water is used for stock watering, give number of each kind of stock watered Cattle: summer months: from 200 to 350, winter months: from 50 to 100, horses: around 6

7. Where water is used for domestic or municipal purposes give number of families served _____ name of town supplied Domestic use, one family only

8. Where water is used for other purposes not above enumerated, give the nature of use, the extent of use, and any details regarding the initiation of the right or subsequent later expansion. Be as specific as possible, giving dates and quantities _____

9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation ~~THESE CHANGES WERE MADE TO CORRECT THE~~

The "highest and best" use of this ranch is for pasture and we have been running up to 300 head of cattle throughout spring, summer, and fall. During the dry months of August, Sept., and Oct. there is not sufficient water to do a thorough job of irrigating.

BE IT KNOWN that the undersigned hereby makes claim to a water right as described above together with all attached information and certifies that all statements are true and accurate to the best of his knowledge.

12 45 69
(Date)

James W. Conroy
(Signature of Claimant)

State of Idaho

County of Idaho ss.

On this 25 day of February 1969, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Gordon H. Hager
Notary Public residing at Idaho

My commission expires 4/30/69

For Department Use Only

Received by D. L. Date 4-11-69

Exception filed by: _____

Forwarded to claimant by: _____

Date _____

Prelim. check by W. L. Date 4-4-69

Fee received by W. L. Date 4-4-69 Fee \$ 10.00

Approved for publication by W. L. Date 4-11-69

Published in Idaho Dates 4-17/21-24-69

Rec'd 1006 # 2826

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LITTLE S. LAGOON RIVER

Longhairs

Estimated:
3500000 to 4000000
irrigated.

irrigated pasture
dwelling
APRIL 1961
GRAZE

following figures are estimated, however they are close.

d. If water is stored: name of reservoir _____;
total capacity of reservoir is _____ acre feet; active capacity of reservoir is _____ acre feet;
year construction commenced _____; year completed _____; date first used _____;
period of storage is from _____ to _____; is reservoir drained each year _____;
is reservoir on or off stream _____ explain _____

has there been any enlargement of the reservoir since it was first built _____, if so, give dates and describe _____

5. a. Where water is used for irrigation, describe area irrigated by 40-acre subdivisions and give total acres:

[illegible]

Total number of acres to be irrigated _____

Explain any significant increase in area irrigated since first use, give dates and acreages if known _____



INSTRUCTIONS

Your claim should set forth all necessary information to describe your claimed right. Failure to give enough information may make your claim of little value. Some of the items in the form may not apply to your situation. Please use additional sheets if space provided is not sufficient to fully answer the questions.

Paragraph No.

1. Give full name and post office address of person or company making the claim.
2. Describe the point of diversion by 40-acre subdivision. Give the name of the source, the drainage to which it is tributary if surface water, and the county in which the point of diversion is located. If there is more than one point of diversion, list others in the remarks section.
3. Give the priority dates and the quantities of water that you claim. You should accurately list the dates that you initiated each new use of the water. List separately the dates and amounts of water involved in each enlargement of the diversion. (Example: if you diverted 0.8 c.f.s. of water for irrigation on May 18, 1871, for the first time for use on 40 acres of land, and then later you enlarged the diversion by diverting an additional 0.4 c.f.s. of water to irrigate an additional 20 acres of land on June 1, 1901, your right should be described as follows:

Date of priority claimed:	May 18, 1871	amount:	0.8 c.f.s. or	acre feet
	June 1, 1901	amount:	0.4 c.f.s. or	acre feet
	Total claimed:		1.2 c.f.s. or	acre feet

Since the water was used for irrigation between April 1 and October 31 on that particular farm, part b. would be completed as follows:

use irrigation period of use from April 1 to October 31 (both dates inclusive). If the water had been used for any other purpose, you would have described the priority date, amount, use, and period of use in a similar manner.

4. Describe the diversion works and explain any changes since the right was first initiated.
5. If the water is used for irrigation, give the total acreage and list the lands irrigated by 40-acre subdivisions and complete the other questions.
- 6, 7, & 8. Describe any other uses of water.
9. In the remarks section, give any information or details that you feel are not fully covered or that need clarifying. You might explain your operation, where the water is returned to if for an industrial or non-consumptive right, the condition and temperature of the returned water, and any other information to help explain your claim.

You may wish to include as a part of your claim, affidavits of witnesses who are familiar with your right and who have a personal knowledge of the circumstances which you have described in your claim. You may submit maps, drawings, certified copies of posted notices which may have been filed in the county courthouse, water measurement records, or any other document which you feel will support your claim.

Your claim will be advertised in a county newspaper for two weeks. Exceptions to your claim which dispute the water right that you have described may be received by the Department of Reclamation and you will be provided a copy of such exceptions.

The fee for filing this claim with the Department of Reclamation, Room 107, Statehouse, Boise, Idaho 83701, is \$10.00.

APPENDIX

11/11/11

PERSONAL RESUME

NAME: James W. Barber, Jr., P.E.
Electrical Engineer

Manager
BARBER ENGINEERING, Boise, Idaho,
a Division of J-U-B Engineers, Inc.

Mr. Barber has been practicing engineering and engineering management almost continually since 1948 upon graduation from the University of Idaho with a degree in Electrical Engineering. Prior to graduation he served for three years in the U. S. Army Signal Corps. His work included installation and maintenance of long line telephone and radio equipment in the European Theater of Operations in World War II. Following graduation he entered the Engineering Test Training Program with General Electric Company in Schenectady, New York. After working in motor and control work for GE in New York City, he was transferred to the Caracas office of General Electric de Venezuela, a subsidiary of General Electric, in late 1949.

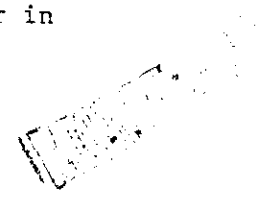
For the 17 years after 1949, Mr. Barber held many positions with GE de Venezuela in both Caracas and Puerto La Cruz, including Supervisor Caracas Apparatus Service Shop, Supervisor Engineering Section, District Manager (Puerto La Cruz District located in the petroleum and iron ore mining area of Eastern Venezuela) and Division Manager, finally becoming Vice President, General Electric de Venezuela.

During his over 17 years in Venezuela, Mr. Barber's engineering work was in the utility and industrial fields. The utility work included generation (hydro, steam turbine, diesel and gas turbine drives) substations, distribution and small system design.

Upon returning to the Northwest United States, Mr. Barber worked for the Idaho Power Company for about one year.

In 1972 Mr. Barber entered into private practice, owning and operating Barber Engineering in Boise, Idaho. In 1979 Barber Engineering became a division of J-U-B Engineers, Inc. Mr. Barber remains as Manager of Barber Engineering. His work with Barber Engineering has been in the industrial, utility, municipal and architectural areas. Municipal work has included electrical design for water and wastewater treatment plants and water control systems, and the architectural work has consisted of electrical design for buildings.

Mr. Barber is a member of the Institute of Electrical and Electronic Engineers and the National Society of Professional Engineers, and he is a Registered Professional Engineer in Idaho and Oregon.



NAME: D. Michael Preston, P.E./L.S.

REGISTRATION: Professional Engineer: Idaho 1970; Oregon 1977; Montana 1975.
Professional Land Surveyor: Idaho 1970.

EDUCATION: High School: Hagerman High, Hagerman, Idaho 1960
College: AA Engineering, Brigham Junior College, 1962
BES Engineering, Brigham Young University, Provo

CONFERENCES:

- Value Engineering Workshop
- Mobile Home Park Seminar
- Planned Unit Development Seminar
- Short Course in Sanitary Sewerage Design

PROFESSIONAL AFFILIATIONS:

- Past President - Consulting Engineers of Idaho
- Past President - Southern Idaho Section of ASCE
- ASCE
- ISPE
- NSPE
- PEPP

WORK
EXPERIENCE: 1978 - Present
J-U-B ENGINEERS, Inc. - Area Manager
250 South Beechwood Avenue, Boise, Idaho 83709

Responsible for the management of the Boise office for completing all Engineering, Planning and Surveying Projects. Specific duties include business development, personnel and management, project administration, and business management of the Boise office. In addition, Mr. Preston is currently on the Board of Directors of J-U-B ENGINEERS, Inc., and Aerial Mapping Company, Inc.

NAME: Robert E. Murphy, P.E.
Electrical Engineer

EDUCATION: Graduate Gonzaga University, Spokane, Washington
Bachelor of Science Electrical Engineering

REGISTRATION: Idaho State Professional Engineer License #2900 1975
Utah State Professional Engineer License #3407 1971
Washington State Professional Engineer License #7428 1962
Idaho State Real Estate Broker License #527 1957

AFFILIATIONS: Institute of Electrical and Electronic Engineers, Inc.
#7420152

WORK

EXPERIENCE: Various work assignments with Westinghouse Electric Corporation beginning on the Graduate Student Training Program In 1952 with various field assignments in application engineering for Spokane District Office, Seattle District Office, Salt Lake City District Office and Boise, Idaho Office. Responsibility included application engineering on all types of electrical apparatus with major industrial accounts including the Boeing Company, Weyerhaeuser, Simpson Timber and various pulp and paper companies.

Recent activity with Westinghouse included large irrigation projects in Idaho and Washington including electrical design of distribution system for a large irrigation project in Libya.

Present activity with Barber Engineering is project Electrical Engineer on small hydro electric generating stations.



December 31, 1979 - Unaudited

TYPICAL PAYROLL BURDEN AND FRINGE COSTS

F.I.C.A.-----	8.83%
Employment Security (State and Federal Unemployment Insurance)----	2.63
Group Insurance-----	5.52
Workmens Compensation-----	1.86
Retirement-----	1.68
Holidays, Vacation, Sick Leave-----	<u>14.41</u>
Total Payroll Burden and Fringe Costs-----	<u>33.93%</u>

December 31, 1979 - Unaudited

TYPICAL COMPOSITION OF GENERAL OVERHEAD

	Percentage of Total Overhead to Base <u>Assignable Salaries</u>
Business Taxes - Sales	.22
Business Taxes - Personal Property	.16
Field and Testing Supplies	2.51
Office Supplies & Expenses	8.75
Postage & Freight	1.26
Printing - Commercial	1.37
Construction Services	.62
Meals & Lodging	2.10
Vehicle Expense	3.99
Mileage Expense	4.81
Travel Expense	1.63
Professional Dues, Licenses & Mortgages	1.49
Education Expense	.02
Insurance - General	6.62
Telephone Expense	4.71
Rent - Office	14.54
Rent - Equipment	2.55
Office Operation & Maintenance	1.57
Accounting and Legal	.83
Depreciation Expense	5.52
Moving Expense - Employees	.27
Maintenance - Office and Field	1.34
Computer Services	1.14
Unassignable Salaries Expense	
Secretarial	10.71
Supervision & Administration	22.74
Non-Productive	<u>24.83</u>
Percentage of Total Overhead to Job Assignable Salaries	<u>126.30%</u>

MICROFILMED

December 31, 1979 - Unaudited

Payroll-----	100.00%
Payroll Burden and Fringe Costs-----	33.93%
General Overhead-----	<u>126.30%</u>
Subtotal Covering All Assigned Engineering Costs-----	260.23%
Profit at 15% of Assigned Engineering Costs-----	<u>39.03%</u>
Total-----	<u>299.26%</u>

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RECEIVED

AUG 25 1997

Department of Water Resources

August 21, 1997

KariLynn Townsend
Department of Water Resources
1301 North Orchard
Boise, Idaho 83706

Dear Ms. Townsend:

Confirming our conversation this morning, please be advised that the current mailing address for S.E. Hazelton is:

450 Lexington Avenue
37th Floor
New York, NY 10017
Telephone: 212-450-9000

You may also wish to check your records for El Dorado Hydro and Bypass, Ltd., which are also located at this address.

Very truly yours,



Sandra J. Manilla
Treasurer

WR #'s 01-07084B
01-07010B
78-07150B
78-07154
78-07188
78-07254

} all files updated
for address correction
on WR 2.
8.26.97
Kari Lynn



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

A. KENNETH DUNN
Director

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

February 4, 1987

RE: Permit Nos. 78-7150B/7154/7188/7254

El Dorado Hydro
3377 Barham Blvd.
Los Angeles, CA 90068

Dear Permit Holder:

This office acknowledges receipt of the Assignment of the above referenced permits to you.

Enclosed for your records are copies of the permits. Be sure to note the special conditions of approval on the fourth pages that identify requirements necessary for developing the permits into licensed water rights.

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

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc
Enclosures

MICROFILMED

MAR 03 1987

Permit No. Jim

ASSIGNMENT REVIEW CHECK LIST

78-7188
78-7150 B
78-7154-ALL
78-7254-ALL

1. Signature of Permit Holder? - Yes
 2. Notary? - Yes
 3. a. Full Assignment? - Yes of Part B
b. Partial Assignment?
 4. "No assignment" condition on permit? Yes.
 5. Commencement of Works received? NO - Extension requested
 - a. Commencement of works requested? -
 - b. Show Cause Order drafted & sent? -
 - c. Cancellation necessary? -
 6. Affidavit of residency required? Yes - rec'd
 7. Extension granted due to litigation? - N/A
(If yes, commencement of works is not required.)
-
1. Type permit summary sheet. ✓
 2. Coding sheet. ✓
 3. Acknowledgement letter type.
 4. Copy to region. ✓

Sharla -

Sharla - Part B

#IP

sharla

Date 2-2-87

Emp
MICROFILMED

MAR 09 1987



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
BOISE 83720

JIM JONES
ATTORNEY GENERAL

DEPARTMENT OF WATER RESOURCES
STATEHOUSE, BOISE, IDAHO 83720
TELEPHONE: (208) 334-4448

November 14, 1986

Roy Eiguren, Esq.
LINDSAY, HART, NEIL & WEIGLER
350 North Ninth Street, Suite 400
Boise, Idaho 83720

Wesley S. Kumagai, Esq.
JONES, DAY, REAVIS & POGUE
355 South Grand Avenue, Suite 3000
Los Angeles, California 90071

Re: Assignment for Security of Idaho Department of
Water Resources Permit; Permit Nos. 78-7150, -B
78-7154, 78-7188, 78-7254 and 01-7010

Gentlemen:

This office has received a copy of the November 4, 1986, LM&C draft Loan Agreement between EL DORADO HYDRO, a California general partnership, BY-PASS LIMITED, an Idaho limited partnership, and ROCK CREEK LIMITED PARTNERSHIP, a California limited partnership ("the Borrowers") and BANQUE NATIONALE DE PARIS acting through its Los Angeles Agency ("the Bank"); and Exhibit S-6 thereto, entitled ASSIGNMENT OF GOVERNMENTAL APPROVALS.

It is our understanding, based upon these documents, that the Borrowers, El Dorado Hydro and By-Pass Limited, the present holders of the referenced water right permits, intend to assign the permits to the Bank, which is not presently qualified to do business in and under the laws of the state of Idaho, for the purpose of providing partial security for financing four hydroelectric power stations.

It is further our understanding that neither the assignment nor any action or actions on the part of the Bank shall constitute an assumption by the Bank of any of Borrowers' obligations under the water right permits unless a Potential Event of Default or an Event of Default occurs under the Loan Agreement and the Bank shall have given written notice to the Idaho Department of Water Resources of its election to assume such obligations.

RECEIVED

MAR 09 1987



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

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

December 15, 1986

RE: Permit Nos. 78-7150/7154/7188/7254

Sithe-Energies USA, Inc.
Attn: Judy L. Porter
885 Third Ave., Suite 1700
New York NY, 10022-4802

Dear Ms. Porter:

As you probably known by now, I returned the assignment forms for the above referenced permits on 12/9/86. Therefore, we cannot comply with your request of 12/2/86.

If you have any questions, let me know.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

MICROFILMED

MAR 09 1987

Sithe-Energies U.S.A. inc.

A Member of the Sithe/Energies Group

885 Third Avenue, Suite 1700

New York, New York 10022

Telephone (212) 230-2100

Telecopier (212) 230-2120

December 2, 1986

RECEIVED
DEC 5 1986

Department of Water Resources

State of Idaho
Department of Water Resources
450 W. State Street
Boise, Idaho 83720

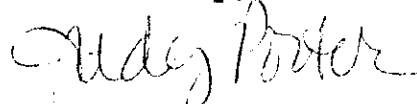
Re: Permit Nos. 78-~~17~~50, 78-7154, 78-7188, 78-7254

Dear Sir or Madam:

An Assignment of Permit for each of the above referenced permits was forwarded to your office for filing last month to assign the permits to El Dorado Hydro Partners, a California general partnership. An error was made on the assignment forms concerning the name of the assignee. The correct name of the partnership is El Dorado Hydro, not El Dorado Hydro Partners. Please modify your records to show the correct name of the partnership to be El Dorado Hydro.

Please do not hesitate to contact the undersigned if you have any questions or require anything further in order to accomodate such request.

Sincerely,



Judy L. Porter
Operations Coordinator

cc: Linda Grant-Williams

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MAR 09 1987



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 334-4440

December 9, 1986

RE: Permit Nos. 78-7154/7254/7188/7150

Sithe-Energies USA, Inc.
Attn: Judy L. Porter
885 Third Ave., Suite 1700
New York, NY 10022-4802

Dear Ms. Porter:

I am in receipt of four assignment of permit forms assigning ownership of the above referenced permits from Elk Creek Hydro-Electric Partners to El Dorado Hydro Partners.

This Department cannot accept these assignments because the attached affidavits do not state that El Dorado Hydro Partners is registered in the State of Idaho as required by Section 30-1-12, Idaho Code.

The assignments are being returned and no action will be taken until the assignments are received with the proper affidavit.

If you have any questions on this matter or if I can be of any assistance, please let me know.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosures

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MAR 09 1987

RUNFT, LEROY, STECHER, COFFIN & O'RIORDAN, CHARTERED

LAWYERS AND COUNSELORS AT LAW
IDAHO FIRST NATIONAL BANK - EMPIRE BUILDING
205 NORTH TENTH STREET, SUITE 200
P.O. BOX 1960
BOISE, IDAHO 83701

JOHN L. RUNFT
DAVID H. LEROY
DAVID J. STECHER
TERRY E. COFFIN
W. HUGH O'RIORDAN
ROY L. EIGUREN
STEVEN R. MATTHEWS
CARL E. OLSSON

TELEPHONE
(208) 344-6100

Lloyd E. Haight
of Counsel

January 28, 1985

David Mercer, Esq.
Jones, Day, Reavis & Pogue
2029 Century Park E., Suite 3600
Los Angeles, CA 90067

Re: Completion of the Submission of Data
for the Water Rights Transfer

Dear Dave:

Attached is a copy of an original affidavit which I filed today with the Department of Water Resources. As you will note, your registered agent, Jim Gillespie, signed the affidavit to provide all of the detail necessary for the Department to complete the assignment of water rights from Jim Howell to the Elk Creek Hydro-Electric Partners. I believe the Department will act with dispatch to accomplish the transfer. This should complete and extinguish the obligations which the Howell partnership had to you under the Agreement for the Sale of Assets.

Very truly yours,

David H. Leroy

DHL:aa

Enclosure

cc: David Shaw
Jim Howell
Cliff Powell
Jerry Lausmann
Carl Myers

RECEIVED
JAN 30 1985

Department of Water Resources
Western Regional Office

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
COMMENCEMENT OF WORKS

Permit No. 78-7254
Name(s) of Permit Holder(s): Elk Creek Hydro Electric Partners
Post Office Address: 1801 Avenue of the Stars, Suite 815
Los Angeles, California 90067 Tel. No. (213) 203-0281

- ☒ I hereby certify that construction of diversion works for the above referenced permit began on May 20, 1990. I understand that I must continue to develop the water system with due diligence to maintain a valid permit.
- ☐ I hereby certify that construction of diverting works on the above referenced project has not yet begun due to the following reason beyond my control*:

*Note: A financing difficulty is not an acceptable reason.

7/29/95
Date

[Signature]
Signature of Permit Holder

Elk Creek Irrigation Partners
1801 Avenue of the Stars, Ste 815
Los Angeles, CA 90067



MICROFILMED

SEP 21 1990



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AUG 1 1985
IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

Department of Water Resources

SITHE-ENERGIES U.S.A. inc.

A Member of the Sithe/Energies Group

885 Third Avenue, Suite 1700

New York, New York 10022-4802

(212) 230-2100
Telecopy (212) 230-2120

November 12, 1986

RECEIVED
NOV 13 1986

State of Idaho
Department of Water Resources
450 W. State Street
Boise, Idaho 83720

Department of Water Resources

Re: Permit Nos. 78-7154, 78-7254, 78-7188, 78-7150

Gentlemen:

Enclosed for filing please find the Assignment of Permit and Affidavit For Water Rights To Be Used For Power Purposes in connection with the assignment of the above-referenced permits to El Dorado Hydro, a California general partnership. Please forward a copy of the acknowledgment of such assignment to the undersigned.

If you have any questions regarding this assignment, please feel free to give me a call.

Sincerely,


Judy L. Porter

Enclosures

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MAR 09 1987

September 7, 1990

EL DORADO HYDRO
3377 BARHAM BLVD.
LOS ANGELES, CA 900680000

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 78-07254

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. Enclosed is an order advancing the priority of the permit since the proof was received after the proof due date. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

If you have questions concerning this matter, please feel free to contact the WESTERN Regional Office in Boise at (208)334-2190.

Sincerely,

Rita Fleck
Secretary/Records Manager

c: IDWR - Region

Enclosure

MICROFILMED
SEP 21 1990

1/88

PROOF OF BENEFICIAL USE

ANALYSIS SHEET

Permit No. 78-7254

Date: 8-10-90

General Considerations:

☒ Name same as permit
☒ Signature the same as permit holder
☒ Address change If yes, prepare a data entry
☒ Proof received timely
 Reinstated

Source of Water:

☒ Surface water
☒ Groundwater
 1. well log in file
 2. drilling permit
 A. amount of drilling fee paid for proposed uses

Extent of Use and Rate of Diversion:

☒ Rate of diversion appropriate for uses
☒ Is rate or volume and fee appropriate?
☒ Has permit holder indicated when water was first put to a beneficial use?

Measuring Device:

☒ Is a measuring device or access port required?
☒ Has one been installed?
☒ Waiver or modification of measuring device requested

Remarks:

Priority Calculation:

Date proof received	<u>July 10, 1990</u>	<u>191</u>
Date proof due	<u>May 1, 1990</u>	<u>- 121</u>
No. of days late		<u>= 70</u>
Priority date	<u>Dec 12, 1983</u>	<u>+ 346</u>
NEW PRIORITY DATE	<u>Feb 20, 1984</u>	<u>= 416</u>
		<u>51</u>

416
365
51

SEND FILES TO DATA ENTRY AND THEN TO MICROFILM

Use house address on Concordale

RE: Files 78-07150B
 78-07154
 78-07188
 78-07254

Power plant on Elk Creek.

in-line flowmeter measurement on 5/19/88.

This data sheet submitted by Sherry Huber
 is obtained from company engineer.

ELK CREEK HYDROELECTRIC PROJECT BENEFICIAL USE WATER ANALYSIS

BASE INFORMATION

pipe ID dia (ft) 1.95
 pipe area (sf) 2.98
 pipe length (ft) 9136
 misc pipe losses (K) 5
 gross head (ft) 1140
 pipe friction (f) 0.013
 turbine range (cfs) 3 - 33
 generator power (kW) 2390 max
 power factor 1

WATER USAGE TABLE

FLOW (cfs)	VELOCITY (ft/sec)	HEAD LOSS (ft)	NET HEAD (ft)	TURBINE (eff)	GENERATOR (eff)	POWER (kW)
3	1.01	1.04	1139	0.81	0.94	220
5	1.68	2.88	1137	0.85	0.95	389
10	3.36	11.52	1128	0.88	0.95	799
15	5.03	25.93	1114	0.875	0.95	1177
20	6.71	46.10	1094	0.88	0.96	1566
25	8.39	72.03	1068	0.88	0.96	1911
28	9.40	90.35	1050	0.88	0.96	2104
30	10.07	103.72	1036	0.875	0.96	2213
33	11.07	125.50	1015	0.875	0.96	2383

RECEIVED

JUL 10 1990

Department of Water Resources
 Western Regional Office

MICROFILMED

SEP 21 1990

CONVERSATION MEMORANDUM

DATE 6/11/90

FILE 78-07150 B

NAME OF PARTY Cherry Huber 375-1106

-07154

EMPLOYEE Steve Lester

-07188

-07254

RE: Please use the following local address for
all correspondence for the above permits:

Sithe Energies / EL Dorado Hydro

10464 Garvendale Court

Suite 710

Bose, ID 83704

MICROFILMED

SEP 21 1990

WARNING

CANCELLED OR LAPSED

This permit has been officially CANCELLED or LAPSED.

Ninety days following the date of official action this file will be DESTROYED.

May 16, 1990

EL DORADO HYDRO
3377 BARHAM BLVD.
LOS ANGELES, CA 900680000

LAPSE NOTICE

RE: PERMIT NO. 78-07254

Dear Permit Holder:

You are hereby notified that under the provisions of Section 42-218A, Idaho Code, the above referenced permit has lapsed and is of no further force nor effect. The department provided the proper forms to you in our proof due notice dated February 28, 1990. No further construction or additional development is authorized under this permit unless it is reinstated.

The permit can only be reinstated if you submit an acceptable proof of beneficial use or an acceptable request for extension of time to the department within sixty (60) days of the mailing of this lapse notice. An acceptable proof of beneficial use submittal must include the examination fee or a completed field examination report. A request for extension of time must be accompanied by a fifteen dollar (\$15) fee.

Enclosed again for your use are a proof of beneficial use form and a request for extension of time form. Please note that only one extension of time can be granted unless the project has not been completed because of lack of a necessary approval by a government agency or by litigation which may bring title to the water in question.

L. GLEN SAXTON
Chief, Water Allocation Bureau

Enclosures

LGS:RF

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SEP 21 1990

CERTIFICATION OF MAILING

I hereby certify that on 5-18-90
~~a copy~~ an original of this document was
deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above.



138241
February 28, 1990

EL DORADO HYDRO
3377 BARHAM BLVD.
LOS ANGELES, CA 900680000

PROOF DUE NOTICE

RE: PERMIT NO. 78-07254

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before May 1, 1990. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

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

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

SINCERELY,

Rita Fleck
Secretary/Records Manager

Enclosures

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SEP 21 1990

DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

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arr. well
none RETURN TO SENDER
NO LONGER AT THIS ADDRESS

Elk Creek Hydro Electric Partners
415 N. Camden Dr.
Beverly Hills, CA 90210

RECEIVED
MAY 20 1985

Department of Water Resources

Boise
5/21/85

May 8, 1985

RE: Permit No. 78-7254

Elk Creek Hydro Electric Partners
415 N. Camden Drive
Beverly Hills, CA 90210

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.

Please be advised that prior applications for permit have been filed to appropriate water from your source which may impact the availability of water to be used under this permit. Therefore, you should be sure to analyze the impact of these rights before making a major investment into your water use project.

Be sure to note the special condition requiring you to install a measuring device, or a flow measurement port, or to provide a certified measurement or computation of flow based upon the design of the system to be prepared by a professional engineer.

Please note the 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.

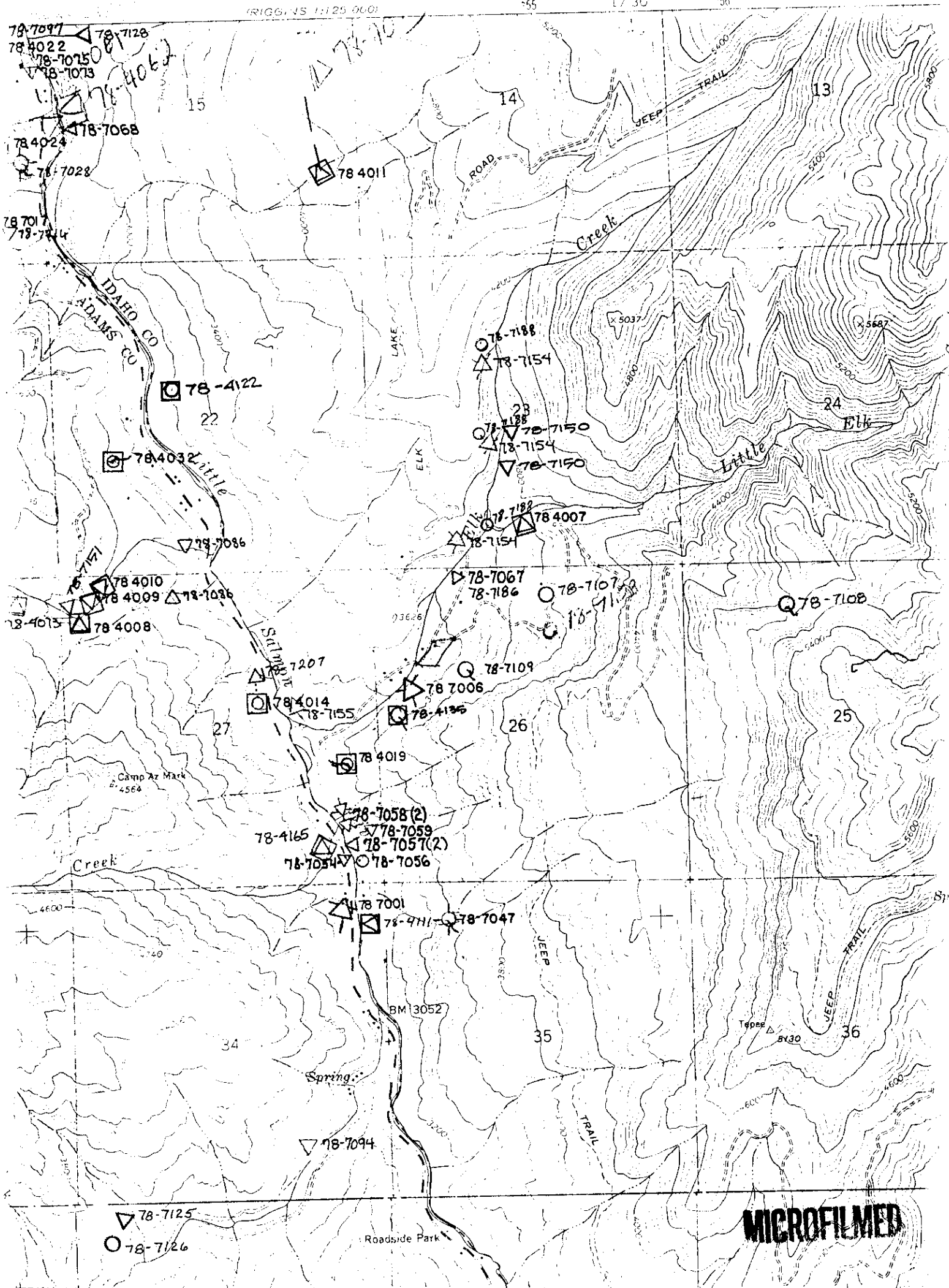
We have enclosed a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit into a license.

Sincerely,

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

DRT:sc
Enclosures

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⊗ = Point of DIVERSION

NAME OF APPLICANT

Form No. 1

JAMES B. HOWELL WATER RTS.

AS OF 2/25/85 DRT

R1E

ELK CREEK

78-7254 ELK CR. Hydro Electric Partners
40 cfs - A

ELK CR. HYDRO ELE. PART - P - 7.72 cfs

78-7150-ID ENV. DEV. CORP. - P - 0.28 cfs

78-7154
78-7188

ELK CR HYDRO ELECTRIC PARTNERS 10.0 cfs - P

ELK CR. Hydro Electric Partners 8.0 cfs - P

T22N

78-7155
78-7207

JAMES B. HOWELL 150 cfs - P

JAMES B. HOWELL 150 cfs - P

27

26

N

LITTLE

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State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY: 6LS

APPLICATION NUMBER: 78-7254

CHECK:

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

Field check by: _____

Date: _____

Comments: Mr. Howell would like a rough put on this

☐ Yes ☒ No Field check required.

☐ Yes ☒ No Critical groundwater area.

☐ Yes ☒ No Request dam safety information. Sent by: _____ Date: _____

☒ Yes ☐ No* In form to receipt.

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

SEND COPIES TO:

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

Copies sent by: _____

Date: _____

SP

10/14/83

PROCESSING:

- ☐ Yes ☐ No Platted by: _____ Map No. 78-7188
☒ Yes ☐ No Other rights on same place of use. All power 78-7154-78-7150
Little Salmon 78-7207-78-7155
☐ Yes ☐ No* In form for advertising.
Final date for protests: November 7, 1983
☐ Yes ☐ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: 12/28/83
☒ Application published correctly. If not, record action taken: _____
☒ Fee amount, receipt date & number, recorded on application. 72500 & 32400
☒ Publication dates and paper, recorded on application. Idaho County free press
10/19 & 10/20/83
☒ Protests, dates, withdrawal, etc., recorded on application.
☒ Recommendation & initial, recorded on application.
☐ Yes ☒ No Measuring device required.
☐ Yes ☐ No Access port required.
☐ Yes ☒ No Will water be delivered by watermaster? If yes, what district? _____

12/12/83 Date of priority recommended.

Special conditions of approval or cover letter. Right-of-way condition

(26) (08A) (170) (25)

A minimum flow of 3 cfs shall be maintained in the channel of Big Elk Creek at all times when water is being diverted under this permit.

By: DBS

Date: 12/12/83

STATE OFFICE REVIEW:

L14, L19

L17a

condition above
(01F) (08A) (170) (25)

☐ See attached sheet for more information.

By: kw

Date: 2-16-84

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30
04 202 09E

17A 17K 27
2/12/85

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

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

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

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

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

I D A H O D E P A R T M E N T O F W A T E R R E S O U R C E S

WATER RIGHT
DATA ENTRY LOG

[illegible]

POWER CALCULATIONS FOR APPLICATION NO.

78-7254

P = $\frac{4200}{.74}$ X hp

proposed

Q = cfs 40.0

H = feet 1163

e = efficiency

- ✓ 1.) Affidavit of Residency
- ✓ 2.) Ownership of Facilities
- ✓ 3.) *Financial Ability
- ✓ 4.) Feasibility of Project
 - ✓ a. Plans, drawings
 - ✓ b. Economic analysis
- ✓ 5.) *Compliance w/FERC
 - *only for projects of more than 25 cfs or more than 500 horsepower.

(see 78-7154 (advise in cover letter he can't exceed 5 megawatts.))

$$e = \frac{P(11.8)}{QH} = \frac{4200(11.8)}{40.0 \times 1163} = \frac{49560}{46520} = 1.07 \text{ NOT REASONABLE}$$

$$P = \frac{QHe}{11.8} = \frac{40.0 \times 1163 \times .8}{11.8} = 3153.9 \text{ kW at } 80\%e$$

Based on the above calculations the proposed project must have an 80 % efficiency.

$$\frac{4200 \text{ kW}}{50 \text{ cfs}} = \frac{x \text{ kW}}{40 \text{ cfs}} \text{ (assuming eff is the same)}$$

$$50 \times = 168,000$$

$$x = 3360 \text{ kW}$$

OVERLAP REVIEW

P/D Sec 78-4004 irr. & domestic

78-4003 "

78-4002 irr, domestic & stock

78-4000 stock irrigation

78-4007 irrigation

*claims no additional review required.

78-7150 permit, for power name of Spence

78-7154 permit for power "

78-7188 "

78-4005 irrig. - claim*

(pusec) - 26 - 78-7113, 78-2072, 78-4007, 78-4005, 78-4004, 78-4003, 78-4002, 78-4000, 78-7014, 78-7006, 78-7109, 78-7108, 78-7107, 78-4135, 78-7186, 78-4160, 78-7067, 78-7250 (all irrig. & domestic uses) (pusec) - 27 - 78-4010, 78-4002, 78-4073, 78-7088, 78-7086, 78-7006, 78-4019, 78-4014, 78-4009, 78-4008, 78-7151, 78-7155, 78-7154, 78-7188, 78-7057, 78-7054, 78-4165, 78-7200, 78-7207, 78-7254

BYPASSED AREA

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see attached sheet
Recommended L14 for approval letter

permit 78-7150 power — spence
Big Elk Creek — ** Same permit
holder as 78-7254

permit 78-7154 power **
Big Elk Creek

permit 78-7188 power **
Big Elk Creek

license 78-2072 ir. & domestic
unnamed streams

pd — ~~78-4004 Elk Ck.~~
~~78-4003 Little Elk Ck.~~
78-4002 Big Elk Ck. — claim*
~~78-4000 Little Elk Ck.~~
~~78-4007 Little Elk Ck.~~
78-7150 permit Big Elk Ck.
78-7154 " " " " **
~~78-4005 Little Elk Ck.~~
78-7188 power Big Elk Ck. **
{78-7254 app. power Big Elk Ck.} This
APP.

7.5 MINUTE

(RIGGINS 1:125 000)

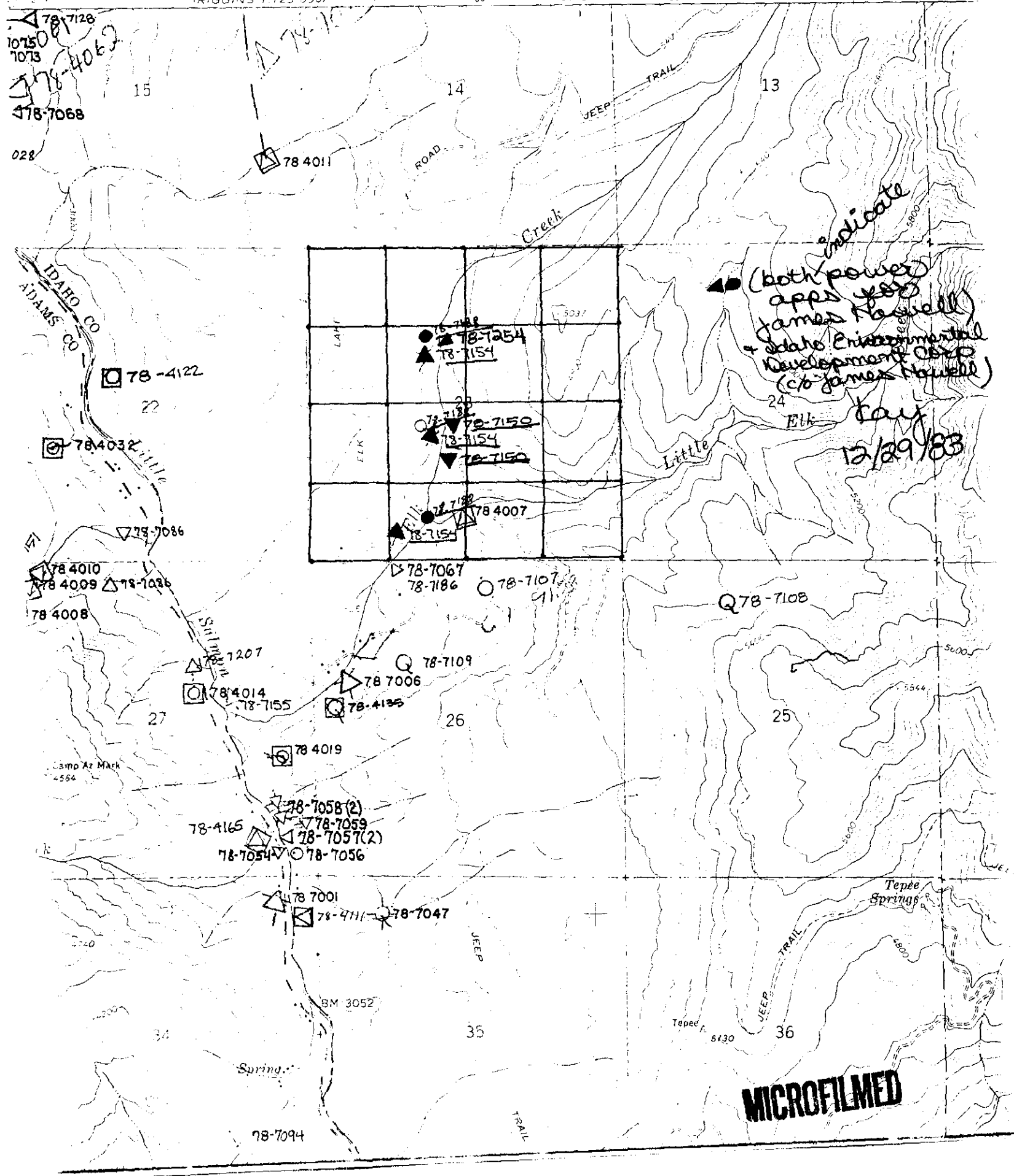
555

17'30"

556

557

R 1 E R 2 E



additional
overlap review for power
permit no. 78-7254

Right 78-7188 - James Howell
Big Elk Creek

overlaps
78-7254

p/d: NESW, Sec. 23, Twp. 22N, Rge. 1E
→ SENW, SESW, Sec. 23, Twp. 22N, Rge. 1E

for power - 8.00 cfs

p/u: SWSE, Sec. 22

NWNE, Sec. 27

SWSW, Sec. 23

Twp. 22N, Rge. 1E
no overlap

(exempted from FERC - see copy
in file)

Right 78-7154 - James Howell
Big Elk Ck.

overlaps
78-7254

p/d: NESW, Sec. 23, T. 22N, R. 1E

→ SENW, SESW, Sec. 23, T. 22N, R. 1E

for power - 10.00 cfs

p/u: same as 78-7188 (see above)

(exempted from FERC (see copy
in file))

Right 78-7150 - Idaho Environmental
Development Corp.
(James Howell)
Big Elk Creek

overlaps
78-7254

→ p/d: NESW, SENW, Sec. 23, T. 22N, Rge. 1E
for power - 8.0 cfs

No over
lap

→ p/u: SWSW, Sec. 23, T. 22N, R. 1E
(no FERC corres. in file)

kw 12/29/83

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RUNFT, LEROY, STECHER, COFFIN & O'RIORDAN, CHARTERED

LAWYERS AND COUNSELORS AT LAW
IDAHO FIRST NATIONAL BANK - EMPIRE BUILDING
205 NORTH TENTH STREET, SUITE 200
P.O. BOX 1960
BOISE, IDAHO 83701

JOHN L. RUNFT
DAVID H. LEROY
DAVID J. STECHER
TERRY E. COFFIN
W. HUGH O'RIORDAN
ROY L. FIGUREN
STEVEN R. MATTHEWS
CARL E. OLSSON

TELEPHONE
(208) 344-6100

Lloyd E. Haight
of Counsel

January 10, 1985

RECEIVED
JAN 11 1985

David Shaw
Western Regional Supervisor
Dept. of Water Resources
State of Idaho
Statehouse
Boise, Idaho 83720

Department of Water Resources
Western Regional Office

Re: Elk Creek Hydro (78-7150,
78-7154, 78-7188, 78-7254)

Dear Dave:

Since our last telephone conversation and receipt of your letter of December 13, 1984, I have followed up with David Mercer, California counsel, and the Secretary of State's office regarding the residency and ownership affidavit to complete the transfer on the above four permits. It would seem to me that the following documents and certifications would provide the Department's needs to satisfy technical requirements for the Elk Creek Partnership composed of General Hydro, Inc., an Idaho corporation, and Elk Creek Hydro-Electric, Inc. and Paris Hydro-Electric, Inc., Idaho qualified to do business corporations:

1. A copy of the Secretary of State's Certificate of Incorporation for General Hydro, Inc., together with the Articles of Incorporation filed October 29, 1984, indicate the C T Corporation System as registered agent here in Boise. (Copies attached.)

2. A Certificate of Authority as an Idaho qualified to do business corporation for both Elk Creek Hydro-Electric, Inc., and Paris Hydro-Electric, Inc., with copies of their application filed October 24, 1984, indicating the C T Corporation System in Boise as registered agent. (Copies attached.)

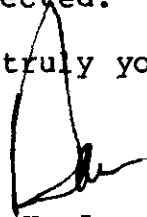
3. An affidavit by Jim Gillespie of Eberle, Berlin, 300 North 6th Street, Boise, 83702, who acts as the local registered agent for the C T Corporation System. This affidavit covers the law firm status as designated registered agent for the three corporations and reiterates they are each qualified to do business in Idaho, and addresses the ownership of the facilities as required in your standard form. By a copy of

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David Shaw
Idaho Dept. of Water Resources
January 10, 1985
Page Two

this draft affidavit to yourself and to Jim Gillespie, I solicit any changes in the language which either of you may request or feel necessary. After your approval by telephone or otherwise. I will present a copy to Jim for his signature and file it with the Department. Once we have accomplished this to the satisfaction of the Department, I understand that the full transfer to the partnership will be effected.

Very truly yours,



David H. Leroy

DHL:aa

cc: James Gillespie, Esq.
David Mercer, Esq.
Steven D. Burton, Esq.
James B. Howell

MICROFILMED

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**AFFIDAVIT FOR WATER RIGHTS TO BE USED
FOR POWER GENERATING PURPOSES**

STATE OF IDAHO)
)ss.
County of Ada)

COMES NOW JAMES R. GILLESPIE, attorney at law, and
first being duly sworn, deposes and says as follows:

I am a partner of the law firm of Eberle, Berlin,
Kading, Turnbow & Gillespie, at 300 North 6th Street, Boise,
Idaho, and serve as local registered agent for the C T
Corporation System. C T Corporation System is registered
agent for General Hydro, Inc., an Idaho corporation and Elk
Creek Hydro-Electric, Inc., and Paris Hydro-Electric, Inc.,
corporations qualified to do business in Idaho.

The water rights to be used for power generating pur-
poses under permits No. 78-7150, 78-7154, 78-7188 and 78-7254
will be developed by a partnership of the three corporations
noted above and will not utilize existing man-made irrigation
facilities such as a dam or canal.

Further your affiant sayeth not.

James R. Gillespie

SUBSCRIBED AND SWORN TO before me this ____ day of
January, 1985.

Notary Public for Idaho
Residing at Boise, Idaho

MICROFILMED

RECEIVED

JAN 11 1985

Department of Water Resources
Western Regional Office

State of Idaho

Department of State

CERTIFICATE OF AUTHORITY OF

PARIS HYDRO-ELECTRIC, INC.

I, PETE T. CENARRUSA, Secretary of State of the State of Idaho, hereby certify that duplicate originals of an Application of PARIS HYDRO-ELECTRIC, INC.

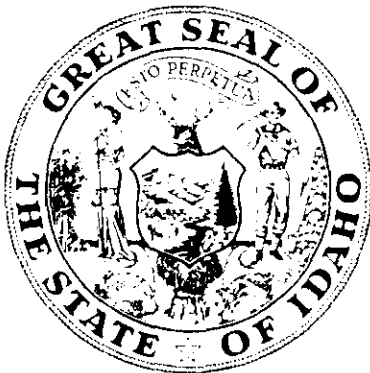
_____ for a Certificate of Authority to transact business in this State, duly signed and verified pursuant to the provisions of the Idaho Business Corporation Act, have been received in this office and are found to conform to law.

ACCORDINGLY and by virtue of the authority vested in me by law, I issue this Certificate of Authority to PARIS HYDRO-ELECTRIC, INC.

to transact business in this State under the name PARIS HYDRO-ELECTRIC, INC.

_____ and attach hereto a duplicate original of the Application for such Certificate.

Dated November 13, 1984



Pete T. Cenarrusa

SECRETARY OF STATE

Marian Walker

Corporation Clerk

RECEIVED

JAN 1 1985

Department of Water Resources
Western Regional Office



CERTIFICATE OF INCORPORATION
OF

GENERAL HYDRO INC.

I, PETE T. CENARRUSA, Secretary of State of the State of Idaho, hereby certify that
duplicate originals of Articles of Incorporation for the incorporation of _____

GENERAL HYDRO INC.

duly signed pursuant to the provisions of the Idaho Business Corporation Act, have been received
in this office and are found to conform to law.

ACCORDINGLY and by virtue of the authority vested in me by law, I issue this Certificate of
Incorporation and attach hereto a duplicate original of the Articles of Incorporation.

Dated: October 29, 1984



Pete T. Cenarrusa

SECRETARY OF STATE

by: _____

OCT 29 PM 9 23

ARTICLES OF INCORPORATION
OF
GENERAL HYDRO INC.

RECORDED
STATE

The undersigned, acting as incorporator of a corporation under the Idaho Business Corporation Act, adopts the following Articles of Incorporation for such corporation:

FIRST: The name of the corporation is GENERAL HYDRO INC.

SECOND: The period of its duration is perpetual.

THIRD: The purpose or purposes for which the corporation is organized are: The transaction of any or all lawful business for which corporations may be incorporated under the Idaho Business Corporation Act.

FOURTH: The aggregate number of shares which the corporation shall have authority to issue is 10,000 shares of Common Stock, \$1.00 par value per share.

FIFTH: None.

SIXTH: None.

SEVENTH: The address of the initial registered office of the corporation is 300 North 6th Street, Boise, Idaho 83701 and the name of its initial registered agent at such address is CT CORPORATION SYSTEM.

EIGHTH: The number of directors constituting the initial board of directors of the corporation is one, and the name and address of the person who is to serve as director until the first annual meeting of shareholders or until his successor is elected and shall qualify is:

<u>NAME</u>	<u>ADDRESS</u>
Robert T. Rambo	375 Highland Avenue Jenkintown, Pennsylvania 19046

NINTH: The name and address of each incorporator is:

RECORDED

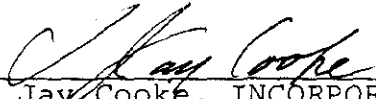
NAME

S. Jay Cooke, Esquire

ADDRESS

Suite 3600, 1600 Market Street
Philadelphia, Pennsylvania 19103

Dated: October 26, 1984.



S. Jay Cooke, INCORPORATOR

No. 77139

Articles of Incorporation

GENERAL HYDRO INC.

Perpetual
\$10,000.00

STATE OF IDAHO
Department of State
Boise, Idaho

Approved, filed and admitted to the
corporation records of the State
of Idaho

Date October 29, 1984

Time 9:23 AM

FEES PAID

Filing \$ 60.00

Tax \$

Pete T. Cenarrusa

SECRETARY OF STATE

Registered Agent:
C T Corporation System
300 North 6th Street
Boise, Idaho 83701

By: *[Signature]*

COR 70427
INV 46309

Filed by:
Schnader, Harrison, Segal
& Lewis
1600 Market Street, Suite 3600
Philadelphia, Pennsylvania 19130

COR QUALITY ORIGINAL

MICROFILMED

RECEIVED

JAN 11 1985

Department of Water Resources
Western Regional Office

State of Idaho

Department of State

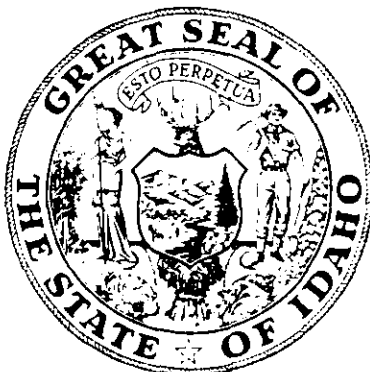
CERTIFICATE OF AUTHORITY OF

ELK CREEK HYDRO-ELECTRIC, INC.

I, PETE T. CENARRUSA, Secretary of State of the State of Idaho, hereby certify that duplicate originals of an Application of ELK CREEK HYDRO-ELECTRIC, INC. for a Certificate of Authority to transact business in this State, duly signed and verified pursuant to the provisions of the Idaho Business Corporation Act, have been received in this office and are found to conform to law.

ACCORDINGLY and by virtue of the authority vested in me by law, I issue this Certificate of Authority to ELK CREEK HYDRO-ELECTRIC, INC. to transact business in this State under the name ELK CREEK HYDRO-ELECTRIC, INC. and attach hereto a duplicate original of the Application for such Certificate.

Dated October 26, 1984



Pete T. Cenarrusa

SECRETARY OF STATE

Lucy J. Clark
Corporation Clerk

APPLICATION FOR CERTIFICATE OF AUTHORITY

To the Secretary of State of Idaho.

Pursuant to Section 30-1-110, **Idaho Code**, the undersigned Corporation hereby applies for a Certificate of Authority to transact business in your State, and for that purpose submits the following statement:

1. The name of the corporation is **ELK CREEK HYDRO-ELECTRIC, INC.**

SECRETARY OF STATE

2. *The name which it shall use in Idaho is **ELK CREEK HYDRO-ELECTRIC, INC.**

3. It is incorporated under the laws of **California**

4. The date of its incorporation is **September 5, 1984** and the period of its duration is **perpetual.**

5. The address of its principal office in the state or country under the laws of which it is incorporated is **415 North Camden Drive, Ste. 218, Beverly Hills, California 90210**

6. The address to which correspondence should be addressed, if different from that in item 5 **the same**

7. The street address of its proposed registered office in Idaho is **300 North 6th Street**
Boise, Idaho 83701, and the name of its proposed registered agent in Idaho at that address is **C T CORPORATION SYSTEM**

8. The purpose or purposes which it proposes to pursue in the transaction of business in Idaho are:
Any lawful act or activity

9. The names and respective addresses of its directors and officers are:

Name	Office	Address
William Krieger	President, Secretary	415 No. Camden Drive, Ste. 218
	Treasurer	Beverly Hills, California 90210

10. The aggregate number of shares which it has authority to issue, itemized by classes, par value of shares, and shares without par value, is:

Number of Shares	Class	Par Value Per Share or Statement That Shares Are Without Par Value
100	Common	No par value

(continued on reverse)

11. The aggregate number of its issued shares, itemized by classes, par value of shares, and shares without par value, is:

Number of Shares	Class	Par Value Per Share or Statement That Shares Are Without Par Value
100	Common	No par value

12. The corporation accepts and shall comply with the provisions of the Constitution and the laws of the State of Idaho.

13. This Application is accompanied by a certificate of corporate existence or status, issued by the proper officer of the state or country of incorporation. (The certificate should not be over 90 days old)

Dated October 24, 1984

ELK CREEK HYDRO-ELECTRIC, INC.

By William Kriegel
Its President

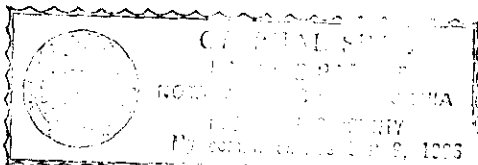
and William Kriegel
Its Secretary

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss:

I, Linda C. Parent, a notary public, do hereby certify that on this 24th day of October, 1984, personally appeared before me William Kriegel, who being by me first duly sworn, declared that he is the President of ELK CREEK HYDRO-ELECTRIC, INC.

that he signed the foregoing document as

President of the corporation and that the statements therein contained are true.



Linda C. Parent
Notary Public

*Pursuant to section 30-1-108(b)(1), Idaho Code, if the corporation assumes a name other than its true name, this application must be accompanied by a resolution of the Board of Directors to that effect.

RECORDED

STATE CAPITAL
BOISE, IDAHO

No. 77101

ELK CREEK HYDRO-ELECTRIC, INC.

Foreign - California

Perpetual

a.c.s. - 100 shares npv

STATE OF IDAHO
Department of State
Boise, Idaho

Approved, filed and admitted to the
corporation records of the State
of Idaho

Date October 26, 1984

Time 8:51 a.m.

FEES PAID

Filing \$ 60.00

Tax \$ _____

Pete T. Cenarrusa

SECRETARY OF STATE

By: _____

Registered Agent: C T CORPORATION SYSTEM
300 North Sixth Street
Boise, Idaho 83701

Filed By: C T CORPORATION SYSTEM
800 South Figueroa Street, Suite 1000
Los Angeles, California 90017

RECORDED
INDEXED



BANQUE NATIONALE DE PARIS
NEW YORK BRANCH

499 PARK AVENUE, NEW YORK, N.Y. 10022 — TELEPHONE (212) 750-1400 — TELEX 82759 "BNPNY"

October 25, 1984

Idaho Department of Water Resources
Statehouse
Boise, Idaho 83701

Attention: Mr. David Shaw

Gentlemen:

This letter is to inform those concerned that the Elk Creek partnership, a Californian partnership and its partners are qualified to transact business in the State of Idaho, has the financial means to undertake the Elk Creek Project (Federal Energy Regulatory Commission - F.E.R.C. exemption No. 3503 - water rights no. 78-7150/78-7154/78-7188/78-7254).

Very truly yours,

BANQUE NATIONALE DE PARIS

cc: Mr. Robert T. Rambo
Treasurer
Anjou International Company
cc: Mr. William Kriegel
President
Sithes Energies USA

RECEIVED
OCT 26 1984

Department of Water Resources
Western Regional Office

MICROFILMED

CONVERSATION MEMORANDUM

DATE 10/9/84FILE 78-7254NAME OF PARTY Lou EspositoEMPLOYEE David ShawRE: Financial Capability

I explained my concern that the letter of 10/2/84 was for a California partnership that could not hold the water right permit under Idaho Law. Mr. Esposito called back later in the day & said an Idaho Corporation would be established & asked if we needed a new letter from the bank. I told him we would to reflect the financial capability of the Idaho Corp. I also asked if the letter could be more positive & say they had the financial resources to complete, not just undertake, the project and if possible to reference all water right numbers involved. He said he was sure we could be accommodated.

Mr. Esposito asked if this delay would cause the app to be voided and I told him as long as they were making a diligent effort I felt they were ok.

We should be receiving the new information soon - if we have concerns we should contact David Leroy or Lou Esposito.

MICROFILMED



BANQUE NATIONALE DE PARIS

NEW YORK BRANCH

499 PARK AVENUE NEW YORK, N.Y. 10022 - TELEPHONE (212) 750-1400 - TELEX 82759 "BNPNY"

October 2, 1984

Idaho Department of Water Resources
Statehouse
Boise, Idaho 83701

Attention: Mr. David Tuthill

Gentlemen:

This letter is to inform those concerned that the Elk Creek partnership, a California partnership and its partners, has the financial means to undertake the Elk Creek and Little Salmon projects (Federal Energy Regulatory Commission - F.E.R.C. exemption No. 3503).

Very truly yours,

BANQUE NATIONALE DE PARIS

cc: Mr. Robert T. Rambo
Treasurer
Anjou International Company

RECEIVED
OCT 5 1984

Department of Water Resources
Western Regional Office

CONVERSATION MEMORANDUM

DATE 10/1/84FILE 78-72521NAME OF PARTY David LeroyEMPLOYEE David ShawRE: Financial Info.

Info had been requested by 9/30 & will not be delivered until 10/2. I told Mr Leroy I would make a phone memo & should not be a problem to receive info tomorrow.

Financial support is "no problem" as will be reflected in writing tomorrow.

MICROFILMED



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

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

July 24, 1984

Runft, Leroy, Stecher, Coffin &
O'Riordan, Chartered
Attn: Mr. David H. Leroy
P.O. Box 1960
Boise, ID 83701

RE: Application for Permit No. 78-7254 in the name of James B. Howell

Dear Dave:

We are in receipt of a letter from Mr. George S. Telford, Vice President of First Interstate Bank, dated July 17, 1984, regarding the above-referenced project. The letter from Mr. Telford indicates that his bank is processing a funding request concerning the Elk Creek hydroelectric project, but that various details need to be resolved before a commitment is issued.

We will allow Mr. Telford's letter to extend the time period for submittal of a letter of financial commitment. However, the Department will require a more positive letter of commitment prior to approval of the Application for Permit.

Please provide follow-up information in this regard prior to September 30, 1984, to maintain the Application for Permit in a valid status.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

LGS:DRT:ls

MICROFILMED

**First
Interstate
Bank**

First Interstate Bank
of Idaho, N.A.
National Accounts
700 West Idaho
Boise, ID 83702
208 383-5000

George S. Telford
Vice President

July 17, 1984

RECEIVED
JUL 19 1984

Mr. L. Glen Saxton
Chief of Operations
Idaho Department of Water Resources
Statehouse
Boise, Idaho 83720

Department of Water Resources

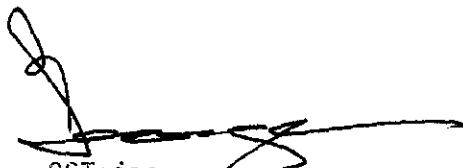
Re: Application 78-7254

Dear Mr. Saxton:

First Interstate Bank is processing a credit request for Creamer & Noble to finance their Elk Creek hydro-electric project. As a result of the complexities of the credit, we anticipate a time delay in processing and the ultimate funding of the request. We still need to resolve the various details before a commitment is issued; however, we feel confident that the commitment will be in place in the near future.

If you wish to discuss this matter with me, please contact me at 383-5379.

Sincerely,


GST:jae

MICROFILMED



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 334-4440

July 10, 1984

Runft, Leroy, Stecher, Coffin & O'Riordan, Chartered
Attn: Mr. David H. Leroy
P.O. Box 1960
Boise, ID 83701

RE: Application for Permit No. 78-7254 in the name of James B. Howell

Dear Mr. ^{Dave}Leroy:

We are in receipt of your letter dated June 29, 1984, in which you provided information concerning the above-referenced water right application.

Your letter implied that our letter dated April 10, 1984, was the most recent information that you had received from the Department concerning Application for Permit No. 78-7254. Enclosed for your information is a copy of an Order to Show Cause that was mailed to Mr. James B. Howell on May 21, 1984, regarding the application.

Our file indicates that on May 22, 1984, Mr. Howell spoke with Mr. David Tuthill of this office concerning the remaining required information. As a result of the discussion, the deadline for submittal of the required information was extended by one month, to July 21, 1984. Our file shows that Mr. Howell indicated that financing of the proposed hydropower project will be provided by General Electric and that he would request that a letter of financial commitment be sent to this office by that firm.

On May 23, 198^A4, this office received copies of engineering plans and drawings of the proposed project, thus satisfying one information requirement. However, to date no statement of financial commitment has been received. This information must be received by July 21, 1984, to maintain the application in a valid status.

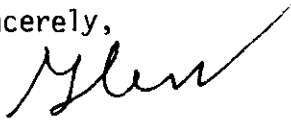
Regarding the Commencement of Works postcards which accompanied your letter, this letter will acknowledge receipt of the cards for Permits Nos. 78-7188

MICROFILMED

Mr. David H. Leroy
July 10, 1984
Page 2

and 78-7150. The cards for Permits Nos. 78-7155 and 78-7207 were not needed because the rate of flow for each is in excess 25.0 cubic feet per second.

Sincerely,



L. GLEN SAXTON
Chief, Operations Bureau

LGS:DRT:ls

Enclosure

MICROFILMED

RUNFT, LEROY, STECHER, COFFIN & O'RIORDAN, CHARTERED

LAWYERS & COUNSELORS AT LAW
IDAHO FIRST NATIONAL BANK - EMPIRE BUILDING
205 NORTH TENTH STREET, SUITE 200
P.O. BOX 1960
BOISE, IDAHO 83701

JOHN L. RUNFT
DAVID H. LEROY
DAVID J. STECHER
TERRY E. COFFIN
W. HUGH O'RIORDAN
ROY L. EIGUREN
STEVEN R. MATTHEWS
CARL E. OLSSON

TELEPHONE
(208) 344-6100

Lloyd E. Haight
of Counsel

RECEIVED
JUL 2 1984

June 29, 1984

Department of Water Resources

Glen Saxton
Idaho Dept. of Water Resources
Statehouse
Boise, Idaho 83720

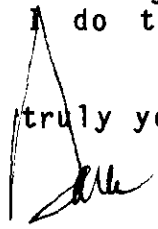
Re: Application for Permit No 78-7254

Dear Glen:

In reviewing our law office file for James B. Howell, applicant on the above permit, we have located an April 10, 1984 letter in which you request certain information, including confirmation that application 7254 is to be a part of the same small hydroelectric usage system as permits numbered 7254 and 7188, a copy of the engineering plans and financial capability submissions on Clifton Powell and Jerry Lausmann. My understanding is that by a combination of contacts from various sources you have received the requested information. Would you please confirm that your file now contains the required information on each and all of the above topics? 7154 DET

In addition, by separate copy of the old June 24, 1982, form letter which someone had redated in longhand, April 9, 1984, we were requested to return signed Commencement of Workspost cards for each permit. I do that herewith per your request.

Very truly yours,


DAVID H. LEROY

DHL:aa

Enclosures/4

MICROFILMED

CONVERSATION MEMORANDUM

DATE May 22, 1984FILE 78-7254NAME OF PARTY James B. HowellEMPLOYEE Dave TutthillRE: Order to Show Cause

Mr Howell responded as follows:

1. This application is for the same purposes as permits nos. 78-7154 and 78-7188. This app is intended to provide additional flows for spring runoff utilization in the power turbines.

Rec'd
5/22/84

2. Mr. Howell will send to this office a copy of the general layout. Engineering drawings are being prepared by General Electric.

3. Mr. Lausmann & Mr. Powell are Mr. Howell's partners in this venture, according to Mr. Howell. He will ask General Electric, which is providing financing, to send us a letter concerning the financing commitment.

I told Mr. Howell that we would allow him one additional month to provide the additional required information.

DRT

MICROFILMED

- **SENDER:** Complete items 1, 2, 3, and 4.
Add your address in the "RETURN TO"
space on reverse.

(CONSULT POSTMASTER FOR FEES)

1. The following service is requested (check one).
☒ Show to whom and date delivered \$
☐ Show to whom, date, and address of delivery .. \$
 2. ☐ **RESTRICTED DELIVERY** \$
 (The restricted delivery fee is charged in addition
to the return receipt fee.)

TOTAL \$ _____**ARTICLE ADDRESSED TO:**

James B. Howell
1984 Panama, Boise, ID
83705

4. TYPE OF SERVICE:

- ☐ REGISTERED ☐ INSURED
☒ CERTIFIED ☐ COD
☐ EXPRESS MAIL

ARTICLE NUMBER

138726

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent**DATE OF DELIVERY**

May 16 1982
 6. ADDRESSEE'S ADDRESS (Only if requested)

POSTMASTER
 (May be on only one side)

TABLE TO DELIVER BECAUSE:**7a. EMPLOYEE'S INITIALS****MICROFILMED**

78-7254

rf

★ GPO: 1982-379-583

RETURN RECEIPT

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS



SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below.

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested"
- adjacent to number.



PENALTY FOR PRIVATE
USE, \$300

MICROFILMED

RETURN

TO

DEPARTMENT OF WATER RESOURCES

STATEHOUSE

BOISE, IDAHO 83720

(Name of Sender)

(Street or P.O. Box)

(City, State, and ZIP Code)

Department of Water Resources

MAY 24 1984

RECEIVED

INDUCEMENT
RESOLUTION NO. 84-18

A RESOLUTION OF THE IDAHO WATER RESOURCE BOARD RELATING
TO THE FINANCING OF CERTAIN WATER RESOURCE FACILITIES
AND AUTHORIZING CERTAIN ACTS IN PREPARATION THEREFOR.

WHEREAS, the Idaho Water Resource Board (the "Board") was established pursuant to the provisions of Section 7 of Article 15 of the Constitution of the State of Idaho, under and pursuant to Title 42 of Chapter 17 of the Idaho Code (collectively, the "Act"), as a constitutional agency of the State of Idaho (the "State"); and

WHEREAS, the Board is authorized by the Act to formulate an integrated, coordinated program for conservation, development and use of all unappropriated water resources from the State, and to accept, receive, initiate, investigate, consider and promote such water projects as it deems to be in the public interest, and to acquire, purchase, lease, or exchange land, rights, water rights, easements, franchises and other property deemed necessary or proper for the construction, operation and maintenance of water projects, and to enter into contracts with political subdivisions, municipal entities, private corporations, individuals and others for the sale and lease of water, use of water, water storage, electric power, or other service, to turn over projects to water users after pay-out and to lease facilities, sell, lease or dispose of surplus facilities, and to exercise eminent domain, to enter into loan, lease or installment sale agreements with water project sponsors, to enter into other contracts, and to finance said projects by the issuance of revenue bonds, to pledge any revenues available to the Board to secure said bonds, exclusive of any revenues derived from legislative appropriations, and to pool the revenues from one or more projects constructed or operated by the Board, all in accordance with the purpose of the Act to provide for the welfare of the people of the State and to protect the waters of the State from diversion out of State through development of a coordinated, integrated, multiple use water resource policy to enhance conservation and optimum use of the State's water resources; and

WHEREAS, R & S Investments, doing business in the State (the "Company") has notified the Board that, as a "local water project sponsor" under the terms of the Act, it is considering installing, acquiring, renovating and constructing certain water resource facilities including hydropower production facilities (the "Facilities"); and

MICROFILMED

WHEREAS, the Company has filed its Application with the Board requesting that the Board consider issuing its revenue bonds (the "Bonds") pursuant to the Act in one or more issues or series, at such various times as funds are required for the renovation, acquisition, construction, installation and improvement of the Facilities, in an aggregate principal amount sufficient to finance all or a portion of the total cost of planning, developing, renovating, acquiring, constructing and installing the Facilities, including all costs incurred in connection with the issuance of said revenue bonds by the Board (the "Cost of the Facilities"); and

WHEREAS, the presently estimated Cost of the Facilities is \$2,750,000; and

WHEREAS, a determination by the Board to issue the Bonds under the Act, if so requested by the Company, in one or more issues or series, and to use the proceeds thereof to finance for the Company the Cost of the Facilities under a lease agreement, installment sale agreement, loan agreement or other form of agreement or any combination thereof, which will provide that payments thereunder shall be at least sufficient to pay the principal of and interest and redemption premium, if any, on the Bonds and such other costs in connection therewith as may be incurred by the Board, will assist the Company in the implementation of its programs; and

WHEREAS, it is intended that this Resolution shall constitute official action toward the issuance of the Bonds within the meaning of the applicable United States Treasury Regulations;

NOW, THEREFORE, Be It Resolved by the Idaho Water Resource Board as follows:

Section 1. The issuance of the Bonds in one or more series or issues in order to finance the Facilities will serve the purpose of the Act to provide for the welfare of the people of the State and to protect the waters of the State from diversion out of the State through development of a coordinated, integrated, multiple use water resource policy to enhance conservation and optimum use of the State's water resources.

Section 2. There is hereby authorized to be issued and this Board hereby determines to issue the Bonds pursuant to the Act, if so requested by the Company, in one or more issues or series in an aggregate principal amount not to exceed the Cost of the Facilities for the purpose of financing the said Facilities under a lease agreement, installment sale agreement, loan agreement or other form of agreement, or any combination thereof with the Company as a local water project sponsor in accordance with the provisions of the Act which agreements will provide that payments thereunder shall be at least sufficient to pay the principal of and interest and redemption premium, if any, on the Bonds and such other costs in connection therewith as may be incurred by the Board, subject to the terms contained herein and in the Act.

MICROFILMED

Section 3. The Bonds shall be issued subject to the conditions that (i) the Board and the Company shall have first agreed to mutually acceptable terms for the Bonds and of the sale and delivery thereof, and mutually acceptable terms and conditions of the lease agreement, installment sale agreement, loan agreement or other form of agreement, or any combination thereof; and (ii) all other requisite governmental approvals shall have been first obtained.

Section 4. The Board will enter into all agreements necessary to be entered into by the Board in connection with the issuance and sale of the bonds. All agreements to be entered into in connection with the issuance of the Bonds shall be subject to the approval of the Board's Bond Counsel, and such agreements shall be authorized and approved after due consideration by the Board prior to their execution by the Board.

Section 5. The Board and its duly authorized officers, the Idaho Department of Water Resources and its agents and employees, and the Board's Bond Counsel are hereby authorized and directed to take such further actions as may be necessary to effect the intent and purpose of this Resolution, the accomplishment of the Facilities, and the sale and issuance of the Bonds.

Section 6. All resolutions, parts of resolutions and prior actions of the Board in conflict herewith are hereby repealed to the extent of such conflict.

Section 7. This Resolution is an affirmative action of the Board toward the issuance of the Bonds in accordance with the purposes of the laws of the State of Idaho and the applicable United States Treasury Regulations.

Section 8. This Resolution shall take effect immediately upon its passage.

APPROVED, PASSED AND SIGNED This 7th day of March, 1984.

Donald Kramer
Chairman

Attest:

Franklin Jones
Secretary

(Seal)



CREAMER & NOBLE ENGINEERS

P.O. BOX 1094, ST. GEORGE, UTAH 84770
PHONE (801) 673-4677

March 3, 1984

Mr. Jim C. Wrigley
Chief Economist
Idaho Department of Water Resources
Statehouse, 450 West State
Boise, ID 83720

Re: Elk Creek Hydro Project
Near Pollock, Idaho

Dear Mr. Wrigley:

We appreciated the opportunity to meet with you and to review the above referenced project. Enclosed is an application for a Revenue Bond for the project. In addition to the application, to indicate the readiness of the project, copies of the following are attached:

Exhibit 1 -	The Approved FERC Exemption
Exhibit 2 -	The Financial Plan
Exhibit 3A - 3C	The Approved Water Rights
Exhibit 4 -	The Draft Purchase Agreement with the Idaho Power Company
Exhibit 5 -	Idaho PUC Approved Co-generation Rates

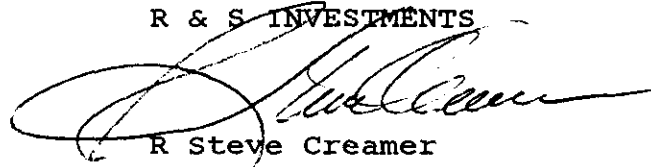
A number of the above documents are in the name of Mr. Jim Howell from whom we have purchased the project.

We appreciate your consideration of this application, and look forward to meeting with you and your Board on March 7, 1984.

If you have any questions, please contact us.

Very truly yours,

R & S INVESTMENTS



R Steve Creamer
General Partner

RSC/ng

Enclosures

2/N1

MICROFILMED

April 10, 1984

James B. Howell
1984 Panama St.
Boise, ID 83705

Dear Mr. Howell:

Re: Application for Permit No. 78-7254

The Department's regional office has forwarded the above-referenced water right application to this office for review. A search of Department records shows that Permit Nos. 78-7154 and 78-7188 with the same source of water have previously been issued to you. Is Application No. 78-7254 proposed to be part of the same system as the other two permits or a separate system?

A copy of engineering plans of the project will be most helpful to more fully understand the physical layout of the proposed facility. Please forward a copy of the plans.

The financial capability information submitted includes a statement of Clifton A. Powell, apparently a contractor in California and for J. S. Lausmann. Appropriate evidence is needed to show the connection between their assets and your financial ability to construct the project.

Please forward a copy of the requested information within thirty (30) days pursuant to Idaho Code Section 42-204, in order that the Department may further consider the application.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

LGS:rf

MICROFILMED

1 1:9:4/20

1/	Applicants James B. Howell, Project No. 3501-001, filed on January 21, 1981.
2/	Inter. Law 96-247, 94 Stat. 611, section 408 of the ESA amends inter. alia Sections 405 and 406 of the Public Utility Regulatory Policies Act of 1979 (16 U.S.C. §§2705 and 2706).
3/	Authority to act on this matter is delegated to the Director (1910) of Electric Power Regulation under 18 C.F.R. §175.108 (1976), as amended by Reg. 181.1013 (1981).

William M. Lindsay
Director, Office of Electric
Power Regulation

referred to in Article 7 are contained in any letter of comment by these agencies which have been forwarded to the Applicant in conjunction with this exemption.

ORDER GRANTING EXEMPTION FROM LICENSING OF SMALL NUCLEAR-ELECTRIC PRODUCTS OF 5 MEGAWATTS OR LESS

(Issued July 1, 1981)

The Applicant /I/ filed an application for exemption from all or part of Part I of the Federal Power Act pursuant to its clarification of Part II regarding the exemption of small hydroelectric projects of 5 megawatts or less in the energy security Act (Act) of 1980 for a project as described in the attached public notice. /Z/

Notice to the applicant was published in accordance with Section 406 of the act and the Commission's regulation and recommendations requested from the Federal Energy Regulatory Commission were received from the American Nuclear Society and the Electric Power Research Institute and the Western States Public Utilities Association. All comments, protests and petitions to intervene that were filed have been considered. No agency has any objection relevant to issuance of this exemption.

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

16 FEB 62 29A

Should the applicant contest any terms or conditions that were proposed by Federal or State agencies in their letters of comment or in their request for a hearing, the Commission shall determine the scope of Article 2, the Commission shall determine the scope of Article 3, disputed terms or conditions are outside the scope of Article 3. It is ordered that:

(A) The James B. Howell Project No. 3503-00 as described and designated in James B. Howell's application filed on January 21, 1981, is exempted from all of the requirements of Part I of the Federal Power Act, including licensing, subject to the standards articulated in Section 4.06 of the Commission's regulation, 18 C.F.R. §4.106 as Fed. Reg. 76151, (November 19, 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 7.7(d) of the Commission's regulation, 18 C.F.R. §4.106 as Fed. Reg. 76151, (November 19, 1980).

(C) The effective date of this permit or of any other date specified in this order, except as specifically ordered by the Commission.

- 2 -

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

POSTAGE AND FEES PAID
FEDERAL ENERGY REGULATORY COMMISSION
FERC351
FIRST CLASS MAIL



James B. Howell
1984 Panama Street
Boise, Idaho 83705

Exhibit 3A

Ident. No. 78-7150

Little Salmon River Christian Reat
James B. Howell
1984 Panama,
Boise, Idaho 83705
Sept. 30, 1980

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

To appropriate the public waters of the State of Idaho

NOTE: Permittee to James B. Howell
for construction of dam and pipeline
3/25/80

1. Name of applicant CHARLES R. SPENCE &/or BARBARA S. SPENCE Phone
Post office address Riggins, Idaho 83549
2. Source of water supply Big Elk Creek which is a tributary of Little Salmon River
3. Location of point of diversion is NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 23 Township 22N
Range 1E B.M. Idaho County, additional points of diversion if any:
SENE, Sec. 23, T. 22N, R. 1E
4. Water will be used for the following purposes:
Amount 8.0 for power purposes from 1/1 to 12/31 (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. 8.0 cubic feet per second and/or b. acre-feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. Small dam with pipeline to
generating plant.

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 23 Township 22N
Range 1E B.M.
(2) Amount of power to be generated: 55 horsepower under 100 feet of head.
(3) List number of each kind of livestock to be watered

(4) Name of municipality to be served , or number of families to be
supplied with domestic water .
(5) If water is to be used for other purposes describe: Power production

MICROFILMED

MICROFILMED

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

[illegible]

Total number of acres to be irrigated

c. Describe any other water rights used for the same purposes as described above. None

9. a. Who owns the property at the point of diversion Firmin Gotzinger

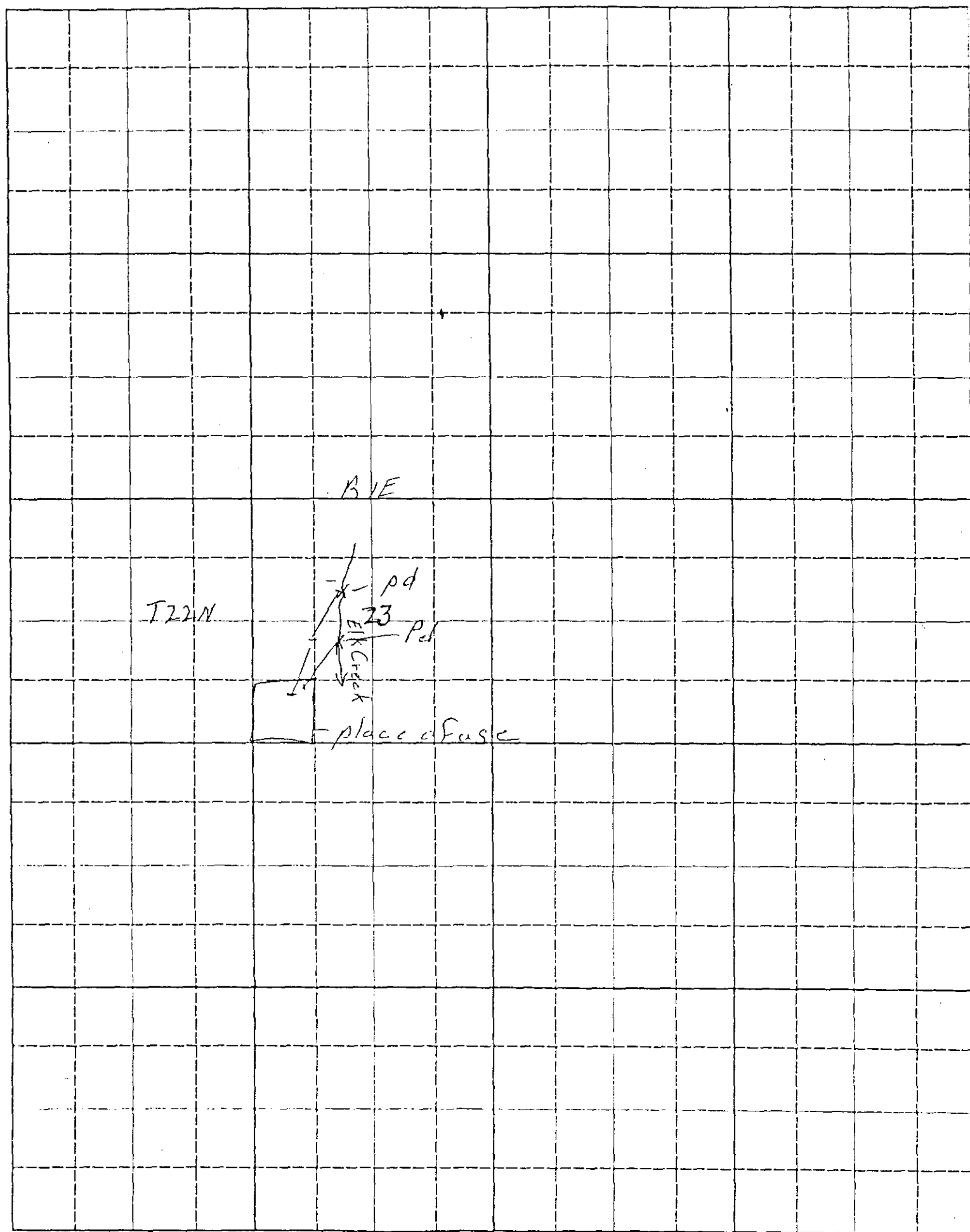
b. Who owns the land to be irrigated or place of use Applicant

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

10. Remarks

[illegible]

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.

[Signature]
(Applicant)

MICROFILMED

Proposed Priority 6/23/80

Received by hjh Date 6/23/80 Time 9:25 a.m.

Preliminary check by CWB Fee \$ 105.00 # 16390

Receipted by hjh Date 6/23/80

Publication prepared by hjh Date 6/26/80

Published in Idaho Co. Free Press

Publication dates 7/24/80

Publication approved hjh Date 7-21-80

Protests filed by: CWB

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by DBS RH Jim

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. 78-7150, 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 August 1, 19 85.
- 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:

An access port or other device as specified by the Department shall be installed by the permit holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.

The issuance of this permit in no way grants any right-of-way or easement across the land of another.

This permit is subject to the provisions of Sections 42-205 through 42-210, Idaho Code, restricting the sale, transfer, assignment, or mortgage of this permit. Failure to comply with these provisions is cause for immediate cancellation of this permit.

This permit shall be subject to future operation so that use of water under this permit will not conflict or interfere with the future upstream diversion of water for irrigation or other beneficial consumptive uses or with future instream flows authorized by state law.

Witness my hand this 8th day of August 19 80.

L. Glen Saxton
Chief, Operations Bureau

Exhibit 3B

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant James B. Howell Phone 345-5335

Post office address 1984 Panama, Boise, Idaho 83705

2. Source of water supply Big Elk Creek which is a tributary of Little Salmon River

3. Location of point of diversion is NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 23 Township 22N

Range 1E B.M. Idaho County, additional points of diversion if any: _____

SENW, SESW, Sec. 23, T 22N, R 1E

4. Water will be used for the following purposes:

Amount 10.00 for Power purposes from 1/1 to 12/31 (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. 10.00 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Small diversion dam and pipeline
to power generating

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: SW SE 22 22N
NW NE 27 22N
(1) Give the place of use of water: SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 23 Township 22N

Range 1E B.M.
1E

(2) Amount of power to be generated: 1000 KW ~~not power~~ under 1000 feet of head.

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

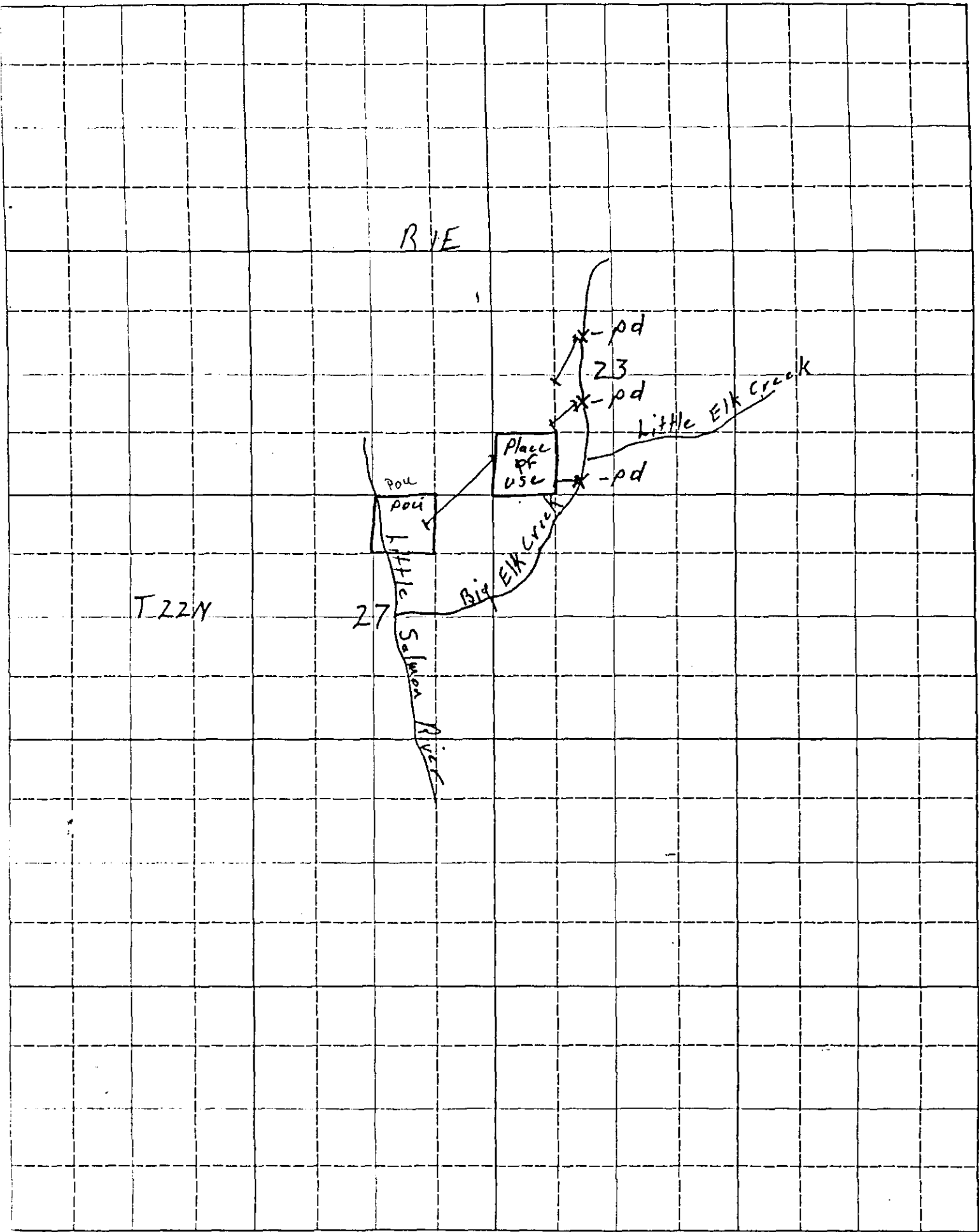
(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water _____

(5) If water is to be used for other purposes describe: Power - Production: non consumptive use.

Four Generating Units

MICROFILMED

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.

James B. Howell
(Applicant)

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

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

Total number of acres to be irrigated _____

c. Describe any other water rights used for the same purposes as described above. 78-7150

for 8 cfs

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

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

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

10. Remarks _____

MICROFILMED

Proposed Priority: 7/28/1980

Received by GLS Date 7/28/80 Time 10:30
Preliminary check by f Fee \$ 225.00
Receipted by h/h Date 7-28-80 # 15637
Publication prepared by h/h Date 7/28/80
Published in Idaho Co. Free Press
Publication dates 8/7 & 8/14/80
Publication approved h/h Date 8/28/80
Protests filed by: none

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

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. 78-7154, and said application is hereby APPROVED.

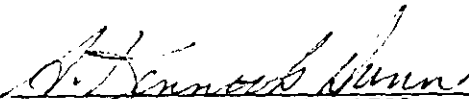
1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before October 1, 19 86.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. Other: This permit is subject to the provisions of Sections 42-205 through 42-210, Idaho Code, restricting the sale, transfer, assignment, or mortgage of this permit. Failure to comply with these provisions is cause for immediate cancellation of this permit.

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

An access port or other device as specified by the Department shall be installed by the permit holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.

Witness my hand this 25 day of October, 1981.


A. KENNETH DUNN, DIRECTOR

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 JAMES B. HOWELL Phone 345-5335
Post office address 1984 Panama, Boise, ID 83705
2. Source of water supply Big Elk Creek which is a tributary of Little Salmon River
3. Location of point of diversion is NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 23 Township 22N
Range 1E B.M. Idaho County, additional points of diversion if any: SENE, SESW, Sec. 23, T. 22N, R. 1E
4. Water will be used for the following purposes:
Amount 8.00 for power purposes from 1/1 to 12/31 (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. 8.0 cubic feet per second and/or b. _____ acre-feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. Small diversion dam and pipeline
to power generating plant

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 23 Township 22N
Range 1E B.M.
(2) Amount of power to be generated: 474 KW horsepower under 1000 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: Power production, non-consumptive use

MICROFILMED

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

[illegible]

Total number of acres to be irrigated _____

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

78-7150, 78-7154

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

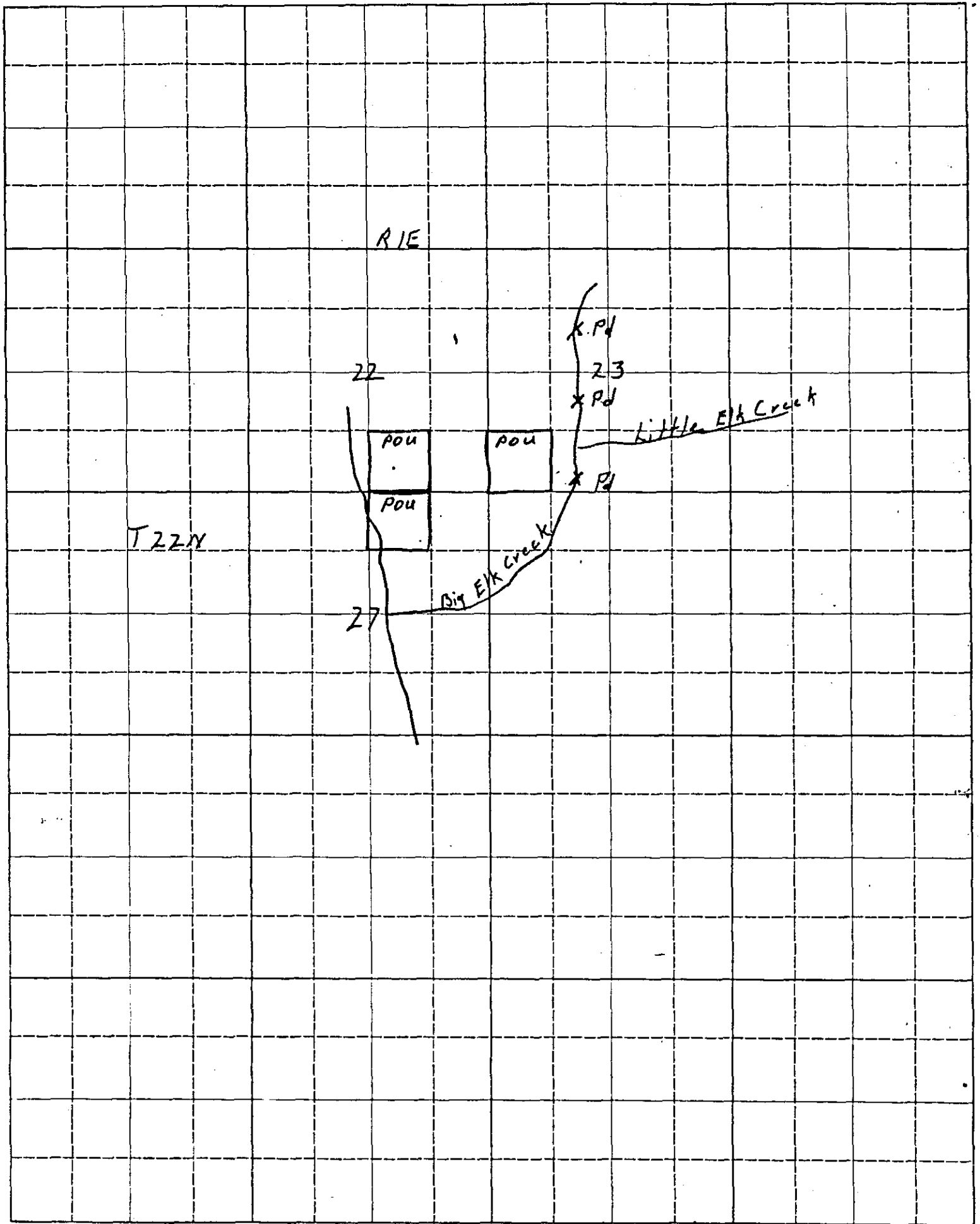
b. Who owns the land to be irrigated or place of use Applicant

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

10. Remarks

[illegible]

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.

James H. Howell
(Applicant)

MICROFILMED

Proposed Priority 10/29/1981

Received by LLS Date 10/29/81 Time 2:00

Preliminary check by JG Fee \$ 185.00

Receipted by LLS Date 10/29/81 # 20308

Publication prepared by LLS Date 11/5/81

Published in Idaho County Free Press

Publication dates 11/12 & 11/19/81

Publication approved JG Date 11-27-81

Protests filed by: None

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by DAS RC

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 78-7188, 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 July 1, 19 87.
- 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: An access port or other device as specified by the Department shall be installed by the permit holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.

This permit is subject to the provisions of Sections 42-205 through 42-210, Idaho Code, restricting the sale, transfer, assignment, or mortgage of this permit. Failure to comply with these provisions is cause for immediate cancellation of this permit.

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

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

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.

Witness my hand this 21st day of July, 1982.

J. Glen Saxton
Chief, Operations Bureau



Exhibit 4

Facility No: _____
Project: _____

FIRM ENERGY SALES AGREEMENT

THIS AGREEMENT, entered into on this ____ day of _____, 1983,
is between _____, a(n) (partnership, corporation, individual)
(Seller), and IDAHO POWER COMPANY, a Maine corporation (Idaho) hereinafter
sometimes referred to collectively as "parties" or individually as "party."

WITNESSETH:

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

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

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

ARTICLE I: DEFINITIONS

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

1.1 "Annual Net Energy" - The amount of Net Energy Seller estimates
it will deliver to Idaho at the Point of Delivery during each Contract Year.

1.2 "Commission" - The Idaho Public Utilities Commission.

1.3 "Contract Year" - The period commencing each calendar year on
the same calendar date as the Operation Date and ending 364 days thereafter.

1.4 "Designated Dispatch Facility" - Idaho's Boise Bench System
Dispatch Center.

UNRECORDED

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

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

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

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

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

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

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

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

ARTICLE II: NO RELIANCE ON IDAHO

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

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

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

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

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

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

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

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

ARTICLE V: TERM AND OPERATION DATE

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

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

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

ARTICLE VIII: FACILITY AND INTERCONNECTION

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

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

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

ARTICLE IX: DISCONNECTION EQUIPMENT

9.1 Disconnect Equipment - Idaho will, at Seller's expense, provide, install, own, operate, and maintain all Disconnection Equipment. At Seller's request, Idaho will provide Seller with the general specifications and an itemization by category of the costs of such Disconnection Equipment. Idaho will establish the settings of Disconnection Equipment to disconnect automatically from the Facility for the protection of Idaho's system and personnel

Idaho, but at such time as operating conditions on Idaho's system dictate, Idaho will install this remote control equipment at Seller's expense. If Seller disputes Idaho's determination that the installation of such remote Disconnection Equipment is required, such dispute shall be submitted to the Commission for resolution.

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

ARTICLE X: METERING

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

10.2 Meter Inspection - Idaho shall inspect and test all meters upon their installation and at least once every four years thereafter. If requested by Seller, Idaho shall make a special inspection or test of a meter and Seller

ARTICLE XII: PROTECTION

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

ARTICLE XIII: OPERATIONS

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

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

13.6 Scheduled Maintenance - Seller shall submit a proposed maintenance schedule for each calendar year on or before the preceding February 1, and Idaho and Seller shall mutually agree as to the acceptability or unacceptability of the proposed date(s). The parties' determination as to the acceptability of Seller's timetable for scheduled maintenance will take into consideration Prudent Electrical Practices and neither party shall unreasonably withhold its acceptance of the proposed date for scheduled maintenance.

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

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

ARTICLE XIV: INDEMNIFICATION AND INSURANCE

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

ARTICLE XV: LAND RIGHTS

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

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

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

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

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

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

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

ARTICLE XVII: LIABILITY; DEDICATION

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

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

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

21.2.1 Failure to Deliver for Term of Agreement - If, at any time prior to the end of the term of the Agreement, Seller permanently curtails in whole or in part its deliveries of the Annual Net Energy amount Seller shall pay to Idaho, as Idaho's sole and exclusive remedy for damages arising out of this permanent curtailment of Net Energy deliveries, the appropriate lump sum repayment amount specified in Appendix E, multiplied by the difference in megawatt-hours between the annual Net Energy amount specified in paragraph 6.3 and the reduced Annual Net Energy amount. This payment amount will bear interest from sixty (60) days after Idaho receives notice of Seller's permanent reduction of the

ARTICLE XXIV: MODIFICATION

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

ARTICLE XXV: TAXES

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

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

ARTICLE XXVI: NOTICES

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

To Seller:

To Idaho:

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

ARTICLE XXVII: ADDITIONAL TERMS AND CONDITIONS

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

STATE OF IDAHO)
) ss
County of Ada)

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

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

(NOTARIAL SEAL)

Notary Public for Idaho
Residing at Boise, Idaho

STATE OF IDAHO)
) ss
County of _____)

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

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

(NOTARIAL SEAL)

Notary Public for Idaho
Residing at: _____

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

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

A-3 METERING REQUIREMENTS

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

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

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

A-4 FACILITY PROTECTION

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

A-8 SWITCHING REQUIREMENTS

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

A-8.1.1 System emergency.

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

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

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

A-9 GENERATION SCHEDULING AND REPORTING

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

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

APPENDIX B

SPECIAL FACILITIES, POINTS OF DELIVERY AND METERING,
AND OPERATION DATE

B-1 DESCRIPTION OF FACILITY

B-2 LOCATION OF FACILITY

The Facility is located in _____ of Section _____
Range _____, Boise Meridian, _____ County, Idaho.

B-3 SCHEDULED OPERATION DATE

Seller has selected _____ as the Scheduled Operation Date
and _____ as the First Energy Date. In making these
selections, Seller recognizes that to allow for adequate testing of the
Facility's degree of completion and reliability, it must achieve its First
Energy Date at least thirty (30) days prior to the Operation Date. Idaho,
based on the information supplied by Seller, will schedule its construc-
tion so that all Special Facilities, Disconnection Equipment and metering
equipment will be completed in time so as not to delay Seller's achieving
the First Energy Date. However, if Seller fails to pay the costs
specified in B-10 below at the time specified therein, or materially
changes the specifications or design of the Facility or Seller-furnished
Interconnection Facilities from what was previously provided to Idaho,
Idaho may be required to reschedule its construction of these facilities

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

B-9 REACTIVE POWER

Total Reactive Power required to be supplied by Idaho to the Seller is _____ KVAR, as provided in information by the Seller. Idaho will install and maintain facilities on its system so as to meet this requirement with total cost of installation to be reimbursed to Idaho by the Seller.

B-10 DISCONNECTION EQUIPMENT

Disconnection Equipment is required to insure that the Seller's Facility will be disconnected from Idaho's system in the event of a disturbance on either Idaho's system or the Seller's Facility. This equipment is for the protection of Idaho's equipment only. Idaho will supply a cabinet containing a circuit breaker, relays, and associated wiring and logic. Seller will supply a safety switch, and will install the switch, cabinet, and all wiring and conduit necessary for the operation of the Disconnection Equipment. Idaho will supply details for the interconnection panel and will connect and test the equipment prior to operation of the Facility. Seller will provide drawings of the interconnection wiring for engineering approval before installation. The total cost of the Disconnection Equipment, connection and testing will be reimbursed to Idaho by the Seller.

B-11 COSTS

The cost of Special Facilities and Metering Equipment is \$_____. The cost of providing of Reactive Power is \$_____. The cost of the Disconnecting Equipment is \$_____. Total amount to be paid to Idaho by the Seller is \$_____. This represents the amount that will be charged by

APPENDIX C

SCHEDULE OF REQUIRED LICENSES AND PERMITS

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

APPENDIX E

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

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

- Exhibit 5

IDAHO PUBLIC UTILITIES COMMISSION
APPROVED
DIRECTIVE

AUG 16 '83

SEP - 1 '83

IDAHO POWER COMPANY
COGENERATION AND SMALL POWER PRODUCTION
RATE SCHEDULE FOR 35-YEAR CONTRACTS
U-1006-200

ENERGY PAYMENTS
(Mills/KWH)

	<u>DEC-FEB</u>	<u>MAR-MAY</u>	<u>JUN-AUG</u>	<u>SEP-NOV</u>
<u>CONTRACTS BEGINNING IN 1983:</u>				
35-Year Levelized Payment	66.8	44.6	66.8	44.6
Adjustable Payment (*)	<u>8.0</u>	<u>5.4</u>	<u>8.0</u>	<u>5.4</u>
Total Payment	74.8	50.0	74.8	50.0
<u>CONTRACTS BEGINNING IN 1984:</u>				
35-Year Levelized Payment	70.0	46.7	70.0	46.7
Adjustable Payment (*)	<u>8.0</u>	<u>5.4</u>	<u>8.0</u>	<u>5.4</u>
Total Payment	78.0	52.1	78.0	52.1
<u>CONTRACTS BEGINNING IN 1985:</u>				
35-Year Levelized Payment	73.3	48.9	73.3	48.9
Adjustable Payment (*)	<u>8.0</u>	<u>5.4</u>	<u>8.0</u>	<u>5.4</u>
Total Payment	81.3	54.3	81.3	54.3
<u>CONTRACTS BEGINNING IN 1986:</u>				
35-Year Levelized Payment	76.7	51.1	76.7	51.1
Adjustable Payment (*)	<u>8.0</u>	<u>5.4</u>	<u>8.0</u>	<u>5.4</u>
Total Payment	84.7	56.5	84.7	56.5
<u>CONTRACTS BEGINNING IN 1987:</u>				
35-Year Levelized Payment	80.1	53.4	80.1	53.4
Adjustable Payment (*)	<u>8.0</u>	<u>5.4</u>	<u>8.0</u>	<u>5.4</u>
Total Payment	88.1	58.8	88.1	58.8

(*) The adjustable rate component shall be adjusted in connection with general retail rate changes authorized by the Idaho Public Utilities Commission.

MICROFILMED

RECEIVED

FEB 16 1984

FEASIBILITY STUDY

for

Department of Water Resources

IDAHO ENVIRONMENTAL DEVELOPMENT CORPORATION

Mr. James B. Howell, President

1984 Panama
Boise, Idaho 83705

on

SMALL HYDROELECTRIC DEVELOPMENT

ELK CREEK

IDAHO COUNTY

IDAHO

CARL L. MYERS, P.E.

750 Warm Springs Ave.
Boise, Idaho 83712
Telephone: (208) 336-1425

February 14, 1984

MICROFILMED

ELK CREEK HYDROELECTRIC PROJECT

FEASIBILITY SUMMARY

This project is for the private development of hydroelectric power for sale to the Idaho Power Company under the Public Utility Regulatory Policy Act of 1978 (PURPA); as implemented by the Idaho Public Utilities Commission Order Nos. 16025 and 16048. Under these rulings, the Public Utility (Idaho Power Company) is required to purchase privately produced hydroelectric power. The differential cost between Idaho Power Company's hydro-based system rate and the cost of fuel-based power is called the "avoided cost," and is the rate Idaho Power is required to pay private producers. This rate has been fixed by the Public Utilities Commission; a copy is attached.

The Elk Creek Project will be a single unit, run-of-river plant without storage, diverting at elevation 4033 to a 22" pipeline 9,600' long, developing a static head of 1123'. Installed generating capacity will be 2000 kw, with an average annual power production of 5,226,000 kwh.

There are no streamflow records on Elk Creek or Little Elk Creek, except spot base flow measurements made in 1981. The Elk Creek basin is typical of all the streams in this basin, with high flood flows rapidly diminishing to a fairly stable base flow. It is a high mountain, high yield drainage, with most of its production originating above elevation 5000 feet. Synthetic flow-duration curves were constructed for both Elk Creek and Little Elk Creek at the proposed points of diversion, using existing stream flow and precipitation records in the surrounding area. From these the economic pipe size was calculated to produce the most revenue at the least cost, assuming an effective interest rate of 9.5% for 15 years. A considerable variation in either interest or term does not change the selected pipe size, which for the plant is 22". Performance is as follows:

Installed capacity, kw	2,000
Average annual production, kwh	5,226,000
Cost	\$1,738,000
Average annual revenue	\$514,000
Annual operation & maintenance, taxes and insurance	\$64,600

Costs are preliminary and conservative, intended to reflect the probable cost for construction in 1984. They include engineering and other professional services, and interest during construction taken at 18% for one year. The revenue is based on a 1984 startup.

All environmental clearances for this project have been secured; a FERC exemption from licensing has been received.

MICROFILMED

ENTER I. J. FILENAME? ELKUP
 ELK CREEK - LOWER
 ENTER PENSTOCK DIAMETER (IN.)? 30
 ENTER TURBINE CODE (1-PELTON, 2-7/I, 3-HCTI, 4-HCTI-TWIN JET)? 3
 ENTER TURBINE DESIGNATION? 25

ELK CREEK - LOWER

HAZEN-WILLIAMS FORMULA

05/18/83

STATIC HEAD= 1123FT. SLOPE DISTANCE= 9000FT. NOM. PIPE SIZE=30.00IN.

WALL THICKNESS MAXIMUM = .3472 IN. AVERAGE = .2361 IN.

MONTH	FLOW CFS.	HYD. GRAD.	VEL. FPS.	NET HEAD	THEORY KW.	TURB. KW.	ACT. KW.	ANNUAL KWH.	EFFICIENCY TUR. GEN.	STREAM FLOW-CFS.
JAN-										2.9
										3.2
FEB-										3.1
										3.5
MARCH	1.3	.0000	.3	1122	125	16	3	1097	.132 .182	3.0
	2.4	.0000	.5	1122	227	54	17	6511	.239 .329	3.0
APRIL	4.4	.0001	.9	1122	416	181	109	40061	.437 .603	3.0
	12.9	.0007	2.6	1117	1220	853	779	284580	.700 .913	3.0
MAY-	36.4	.0045	7.4	1082	3336	2869	2740	1000253	.860 .955	3.0
	60.6	.0116	12.3	1018	5229	4497	4317	1575822	.860 .960	19.4
JUNE-	60.6	.0116	12.3	1018	5229	4497	4317	1575822	.860 .960	44.4
	60.6	.0116	12.3	1018	5229	4497	4317	1575822	.860 .960	22.3
JULY-	58.3	.0108	11.9	1026	5065	4387	4211	1537278	.866 .960	3.0
	37.7	.0048	7.7	1079	3446	2974	2842	1037679	.863 .956	3.0
AUG-	17.6	.0012	3.6	1112	1657	1257	1172	428120	.759 .933	3.0
	8.5	.0003	1.7	1120	806	515	445	162743	.639 .865	3.0
SEPT-	3.3	.0001	.7	1122	316	105	48	17610	.332 .459	3.0
										4.2
OCT-										3.3
										3.2
NOV-										3.0
										2.9
DEC-										3.3
										3.0

PEAK KW.= 4317 AVOIDED KW.= 1407 TOTAL KWH.= 9243403

% FLOW	FLOW CFM.	NET HEAD	THEORY KW.	THEORY HP.	TURB. KW.	TURB. HP.	RPM	RUNAWAY RPM
100	3637.	1019.	5229.	7010.	4497.	6028.	1206	2111

PERIOD	ACTUAL KWH	FACTOR	EQUIV. KWH
WINTER	0	1.25	0
SPRING	2908327	.50	1454163
SUMMER	6317466	1.50	9476199
FALL	17610	.75	13207
TOTAL	9243403		10943570

CONTINUE WITH A COST ESTIMATE (Y OR N)? Y
 ENTER DIFFICULTY FACTOR FOR CIVIL CONSTRUCTION (I.E. 1.0 = AVE.)? 1.3
 ENTER BLASTING COST \$(000)? 110.2

DO YOU WANT DETAILS (Y OR N)? N

TOTAL COST \$(000) = \$ 2158.95

COST/KW. = \$ 500 COST/MWH. = \$ 234

RECEIVED
 FEB 16 1984

Department of Water Resources

MICROFILMED

ENTER INPUT FILENAME? ELKLP
 ELK CREEK - UPPER
 ENTER PENSTOCK DIAMETER (IN.)? 30
 ENTER TURBINE CODE (1-PELTON, 2-7/1, 3-HCTI, 4-HCTI-TWIN JET)? 3
 ENTER TURBINE DESIGNATION? 25

ELK CREEK - UPPER

HAZEN-WILLIAMS FORMULA

05/18/83

STATIC HEAD= 897FT. SLOPE DISTANCE= 6500FT. NOM. PIPE SIZE=30.00IN.

MALL THICKNESS MAXIMUM = .2774 IN. AVERAGE = .2012 IN.

MONTH	FLOW CFS.	HYD. GRAD.	VEL. FPS.	NET HEAD	THEORY KW.	TURB. KW.	ACT. KW.	ANNUAL KWH.	EFFICIENCY TUR.	GEN.	STREAM FLOW-CFS.
JAN-											2.9
-											3.2
FEB-											3.1
-											3.5
MARCH	1.3	.0000	.3	896	100	14	2	1070	.146	.201	3.0
-	2.4	.0000	.5	896	181	47	17	6350	.264	.364	3.0
APRIL	4.4	.0001	.9	896	332	160	107	39071	.483	.667	3.0
-	12.9	.0007	2.6	892	975	698	642	234367	.717	.919	3.0
MAY-	36.4	.0045	7.4	867	2674	2323	2223	811649	.869	.957	3.0
-	54.9	.0096	11.2	834	3875	3333	3200	1168002	.860	.960	25.1
JUNE-	54.9	.0096	11.2	834	3875	3333	3200	1168002	.860	.960	50.1
-	54.9	.0096	11.2	834	3875	3333	3200	1168002	.860	.960	28.0
JULY-	54.9	.0096	11.2	834	3875	3333	3200	1168002	.860	.960	6.4
-	37.7	.0048	7.7	865	2763	2410	2308	842562	.872	.958	3.0
AUG-	17.6	.0012	3.6	889	1325	1027	962	351405	.775	.937	3.0
-	8.5	.0003	1.7	895	644	419	367	134258	.652	.876	3.0
SEPT-	3.3	.0001	.7	896	252	92	47	17174	.367	.507	3.0
-	1.2	.0000	.2	896	91	12	2	803	.132	.183	3.0
OCT-											3.3
-											3.2
NOV-											3.0
-											2.9
DEC-											3.3
-											3.0

PEAK KW.= 3200

AVOIDED KW.= 1082

TOTAL KWH.= 7110723

% FLOW	FLOW CFM.	NET HEAD	THEORY KW.	THEORY HP.	TURB. KW.	TURB. HP.	RPM	RUNAWAY RPM
100	3291.	835.	3876.	5196.	3333.	4468.	1091	1910

PERIOD	ACTUAL KWH	FACTOR	EQUIV. KWH
WINTER	0	1.25	0
SPRING	2260512	.50	1130256
SUMMER	4832233	1.50	7248349
FALL	17978	.75	13483
TOTAL	7110723		8392089

CONTINUE WITH A COST ESTIMATE (Y OR N)? Y
 ENTER DIFFICULTY FACTOR FOR CIVIL CONSTRUCTION (I.E. 1.0 = AVE.)? 1.3
 ENTER BLASTING COST \$(000)? 79.6

DO YOU WANT DETAILS (Y OR N)? N

TOTAL COST \$(000) = \$ 1809.34

COST/KW. = \$ 565 COST/MWH. = \$ 254

MICROFILMED

ENTER INPUT FILENAME? ELKUP
 ELK CREEK - COMBINED
 ENTER PENSTOCK DIAMETER (IN.)? 26
 ENTER TURBINE CODE (1-PELTON, 2-1, 3-HCTI, 4-HCTI-TWIN JET)? 1
 ENTER TURBINE DESIGNATION? 60

ELK CREEK - COMBINED

HAZEN-WILLIAMS FORMULA

05/18/83

STATIC HEAD= 2020FT. SLOPE DISTANCE= 15500FT. NOM. PIPE SIZE=26.00IN.

WALL THICKNESS MAXIMUM = .5413 IN. AVERAGE = .3332 IN.

MONTH	FLOW CFS.	HYD. GRAD.	VEL. FPS.	NET HEAD	THEORY KW.	TURB. KW.	ACT. KW.	ANNUAL KWH.	EFFICIENCY TUR.	GEN.	STREAM FLOW-CFS.
JAN-											2.9
											3.2
FEB-											3.1
											3.5
MARCH	1.3	.0000	.4	2019	225	52	15	5552	.232	.290	3.0
	2.4	.0001	.6	2019	408	171	90	32946	.420	.526	3.0
APRIL	4.4	.0002	1.2	2017	748	505	420	153603	.675	.833	3.0
	12.9	.0013	3.5	1999	2184	1853	1715	626318	.848	.926	3.0
MAY-	36.4	.0090	9.9	1879	5794	5116	4860	1774133	.883	.950	3.0
	37.3	.0094	10.1	1873	5911	5201	4941	1803696	.880	.950	42.7
JUNE-	37.3	.0094	10.1	1873	5911	5201	4941	1803696	.880	.950	67.7
	37.3	.0094	10.1	1873	5911	5201	4941	1803696	.880	.950	45.6
JULY-	37.3	.0094	10.1	1873	5911	5201	4941	1803696	.880	.950	24.0
	37.3	.0094	10.1	1873	5911	5201	4941	1803696	.880	.950	3.4
AUG-	17.6	.0024	4.8	1983	2955	2614	2452	895161	.884	.938	3.0
	8.5	.0006	2.3	2010	1447	1138	1027	374870	.787	.902	3.0
SEPT-	3.3	.0001	.9	2018	569	333	244	89080	.585	.733	3.0
	1.2	.0000	.3	2019	205	43	11	4171	.211	.264	3.0
OCT-											3.3
											3.2
NOV-											3.0
											2.9
DEC-											3.3
											3.0

PEAK KW.= 4942 AVOIDED KW.= 1975 TOTAL KWH.= 12974319

% FLOW	FLOW CFM.	NET HEAD	THEORY KW.	THEORY HP.	TURB. KW.	TURB. HP.	RPM	RUNAWAY RPM
100	2235.	1874.	5911.	7924.	5202.	6973.	798	1396

PERIOD	ACTUAL KWH	FACTOR	EQUIV. KWH
WINTER	0	1.25	0
SPRING	4396250	.50	2198125
SUMMER	8484816	1.50	12727225
FALL	93252	.75	69939
TOTAL	12974319		14995289

CONTINUE WITH A COST ESTIMATE (Y OR N)? Y
 ENTER DIFFICULTY FACTOR FOR CIVIL CONSTRUCTION (I.E. 1.0 = AVE.)? 1.3
 ENTER BLASTING COST \$(000)? 154.2

DO YOU WANT DETAILS (Y OR N)? N

TOTAL COST \$(000) = \$ 3067.03

COST/KW. = \$ 621 COST/MWH. = \$ 236

WINDFARM



FINANCIAL STATEMENT — INDIVIDUAL

RECEIVED

FEB 16 1984

Capitol OFFICE, THE IDAHO FIRST NATIONAL BANK, Boise, IDAHO

NAME James B. Howell & Josephine H. Howell OFFICE ADDRESS L984 Panama, Boise Department of Water Resources

For the purpose of obtaining credit from you from time to time the following is submitted as my/our true and correct statement on January 12, 1984

KIND OF BUSINESS Hydro Electric Plants

ASSETS	AMOUNT	LIABILITIES	AMOUNT
CURRENT:		CURRENT: (Payable within one year)	
Cash on hand		Notes payable to this bank (Schedule D)	
Cash in Idaho First National Bank	2,752.43	Notes payable to other banks (Schedule D)	
Cash in other banks		Notes payable to others (Schedule D)	
Notes and contracts receivable (Schedule C) (Amount due within one year)		Due to relatives (Schedule D)	
Accounts receivable (Schedule C)	33,000.	Accounts payable (Schedule D)	
Stocks and bonds — listed (Schedule B)		Contract purchases and chattel mortgages (Schedule D)	
Cash value life insurance	1,000.	Real estate mortgages and contracts (Schedule A, amount due within one year)	
TOTAL CURRENT ASSETS	36,752.43	Loans against life insurance policies	
NON-CURRENT:		Accrued taxes and assessments	
Stocks and bonds—unlisted (Schedule B)		TOTAL CURRENT LIABILITIES	
Real estate and buildings (Schedule A)	2,563,333.33	NON-CURRENT: (Payable after one year)	
Machinery and equipment		Real estate mortgages and contracts (Schedule A, amount due after one year)	
Furniture, fixtures and personal property	18,000.	Other liabilities (describe)	
Automobiles and trucks	15,400.		
Notes and contracts receivable (Schedule C) (Amount due after one year)			
Other assets (describe)			
		Total Liabilities	4,000.
		Net Worth	2,629,485.76
TOTAL ASSETS	2,633,485.76	TOTAL LIABILITIES AND NET WORTH	2,633,485.76

ANNUAL INCOME: Salary \$ Retired Bonus or Commissions \$ Other *\$

* You need not disclose alimony, child support or separate maintenance payments unless you choose to have the bank rely on such income for payment of the debt.

Have you any assets or liabilities not listed on this financial statement? no If so, explain and state why not included

Liability as endorser or guarantor for others \$ Explain

Have you any judgments or suits filed against you? If so, give details

Have you ever filed a petition in bankruptcy or approved a wage-earner plan for yourself?

Life insurance carried \$ Payable to

Do you wish credit life and A&H insurance? Amount of insurance on buildings: 120,000.00

I am 66 years old, and have resided at my present location for years.

I am ☒ Married ☐ Unmarried ☐ Separated I have 1 dependents.

REFERENCES: Idaho First Nat. Bank, Boise

David E. Leader, Boise

Kathleen Haynes, Boise

MICROFILMED

Are any assets encumbered or debts secured except as indicated? ☐ Yes ☒ No If yes, please itemize by debt and security as follows:

Do you have any other business connections? ☐ Yes ☐ No If yes, please give details:

Are there any pending suits or unpaid judgments against you? ☐ Yes ☒ No If yes, please give details:

Have you ever applied for or obtained credit under another name? ☐ Yes ☒ No If yes, please give other names:

Have you filed for bankruptcy or compromised a debt during the past 14 years? ☐ Yes ☒ No

Are you a U. S. citizen? ☐ Yes ☒ No

Have you made a will? ☒ Yes ☐ No Number of dependents (excluding spouse):

Ages:

Are your principal cash deposits held in joint tenancy? ☒ Yes ☐ No If yes, with whom?

RECEIVED

~~FEB 16 1984~~

^s Department of Water Resources

COMPLETE PROPERTY ADDRESS	TYPE OF IMPROVEMENT	NAME(S) OF OWNER(S) AND HOW HELD (JOINT TENANTS, TENANTS IN COMMON, COMMUNITY PROP., SEPARATE PROP., ETC.)	ESTIMATED VALUE	AMOUNT OWING	MORTGAGEE OR LIEN HOLDER'S NAME AND ADDRESS
2001 ... Creek Rd Property	...	C.H. & R.G. Powell (Joint Ten)	316,600	114,170	...

NO OF SHARES AMT OF BONDS	DESCRIPTION		CURRENT CASH BALANCE	BANK BALANCE	NET ASSETS
	Enterprise Center Building, Co.		1,590,775	160,170	Bank of America
	Makum, Co. Property		1,125,000	None	—
	Lots on Huntington & Alameda		141,000	None	—
	Home 5350 Huntington Dr.		245,000	None	—
		Total \$	3,101,775		

SCHEDULE C - GOOD ACCOUNTS/NOTES RECEIVABLE AND TRUST DEEDS (Mortgages) OWNED

NAME OF DEBTOR	HOW PAID	BALANCE DUE	FINAL MATURITY DATE	COLLATERAL
Casa Blanca Motel 113 N. Market Redding	\$ per \$ 1500.00 per mo \$ per \$ per	\$ 128,189.24 7500— 3220—	3006	Casa Blanca Motel
	TOTAL	\$ 189,409.24		

If additional space is needed for Schedule A, Schedule B or Schedule C, list on separate sheet and attach.

Comments: If I am married, here are assets shown on this statement other than those shown in Schedules A and B above, which are NOT held as community property by myself and my spouse(s):

MICROFILMED

INSURANCE

Life Insurance \$	Name of Insured	Name of Company	
Beneficiary's name	Address	Relationship	
Life Insurance \$	Name of Insured	Name of Company	
Beneficiary's name	Address	Relationship	
Automotive Insurance	Public Liability - ☐ Yes ☐ No	Property Damage - ☐ Yes ☐ No	Comprehensive Personal Liability - ☒ Yes ☐ No

INTERVIEW OF SAIR OFFICER

I have examined this financial statement, including any attachments, and have compared it with those of the maker already in this bank's files. Insofar as the bank's records reveal, the statement is correct and accurate. It is the original signed by the maker or a copy of it.

I certify that all the information on this statement - and on any attachments - represents my current - and continuing - financial condition accurately. I authorize the bank to verify any of the information from whatever source it deems appropriate. I understand that the bank may receive information about me from others, and it may furnish information about its credit experience with me to others seeking the information.

BANK OF AMERICA

POOR QUALITY ORIGINAL

X [Signature]
 APPICANT'S SIGNATURE

X

Schedule A

REAL ESTATE

*Show amount of delinquent taxes on each property under mortgages. If due in installments show amount and whether payment includes interest and at what rate.

Type and Location of Property	Date Acquired	Title In Name Of	Income Per Month	Original Cost	Market Value	*Mortgages		Holder of Lien
						Present Balance	Payment Terms	
506 acres	8-25-80	James Howell		106,000.	2,558,833.	33none	none	
ome, 1984 Panama St.	1974	Josephine Howell		50,000.	80,000.		none	
ommercial lot	1970			15,000.	90,000.		none	
2-Building lots	1978			18,000.	22,000.		none	
1/2 acres 400 N. Cole	1972	H. & G. Inc.	300.00	36,000.	112,500.	4,000.	137.per.	mo.private con

Schedule B

STOCKS AND BONDS

Number of Shares	Description—Rate—Maturity, If Pledged, To Whom	Market Value	Book Value If No Market

Schedule C

NOTES, CONTRACTS AND ACCOUNTS RECEIVABLE

Due From (Name)	Date of Obligation	Balance		Payment Terms	Due Date	Description of Collateral If Any
		Original	Present			
Boise Water Co.	10-9-72	10,300	8,000.	varries	1992	Water Contract

Schedule D

NOTES, CONTRACTS AND ACCOUNTS PAYABLE

Due To (Name)	Date Incurred	Balance		Payment Terms	Due Date	Description of Collateral If Any
		Original	Present			

Remarks:

MICROFILMED

CLIFTON A. POWELL

GENERAL CONTRACTOR - ELECTRICAL CONTRACTOR

5250 HUNTINGTON DRIVE

REDDING, CALIFORNIA 96001

PROJECTION ON 506 ACERS RACCH IN IDAHO

#1----	49 one acer lot subdivision, 16 lots @ \$20,000--	320,000
	32 lots @ \$15,000--	480,000
		800,000
	cost of development	100,000
		700,000

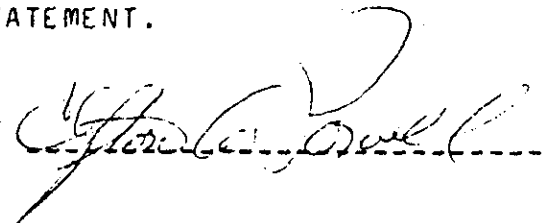
#2---- Shale rock (1 million to 3 million ton. @ \$1.00) 1,000,000

#3----	Hidro electric development	\$2,000,000
	Cost of development	3,500,000
		\$4,500,000

#4---- 457 acer remaining acers @ \$1,000 \$450.000

\$700,000
1,000,000
4,500,000
450,000
\$6,650,000

One third of this would be.-----\$2,216,666
This could be added on to my FINANCIAL STATEMENT.




INVESTMENTS AND
FIXED ASSETS: J. S. LAUSMANN
AS OF January 5, 1984

			J.S. Lausmann Book Value	Replacement Insured or True Value
<u>INVESTMENTS</u>				
Commonwealth Oil	100 shares		1,071.64	A.A.
Blyvoonitz Gold ADR	200 shares		1,736.35	A.A.
Security National Life Ins. Co.	100 shares		800.00	A.A.
Colonial Banking Company	3,000 shares		30,000.00	47,000.00
Western Bank	250 shares PF		3,212.50	A.A.
EMI Ltd.	200 shares		807.25	A.A.
Safeco Equity Fund	1,000 shares		9,638.92	11,500.00
General Telephone & Telegraph	175 shares		6,225.21	4,725.00
Hood River Bank	100 shares		1,200.00	1,200.00
Investor Syndicate	-		2,605.20	2,605.20
Keystone Polaris Fund	192 shares		1,220.39	2,500.00
Washington Energy Co.	100 shares		1,772.50	A.A.
Kogap Manufacturing Stock	2,848 non-voting	243 voting (B)	85,539.35	
Kogap Due from Estate	1,590 non-voting	297 voting		
	4,438 non-voting	540 voting =72%		
My cost will be Estate Valuation of 185.00/sh. or more, as K.M.C. For Tax purposes uses 185/sh. No differentiation being made for voting or non-voting class. There are 750 shares of voting stock and 9,250 shares of non-voting (class B) A minimum Asset entry would likely be:				349,000.00
Kogap Manufacturing Co. Profit Sharing Plan Equity			90,584.33	
Kogap Lumber Industries Profit Sharing Plan Equity			85,818.00	

INSURANCE

Life Insurance \$105,000.00 CASH VALUE 38,274.63

FIXED ASSETS

B= Book T= Tax TV= True Value R= Replacement

Residence @ Medford		(B)53,208.45	208,000.00(R)
Two lots @ Medford Heights		(B) 5,500.00	15,000.00(T)
Klamath Cabin		(B)11,227.83	85,000.00(TV)
Personal Property	202,781.74 Appraised Values	202,781.74	499,668.00
Personal Property Jewelry	46,390.00		
Personal Property Furs	2,650.00		
Fine Arts and Clocks	198,250.00		
Fine Arts Misc.	117,820.00		
Fine Arts Silver	31,440.00		
Fine Arts Silver Bars	8,000.00		
Contents Current Appraisal	95,118.00		
	499,668.00		
1968 Boat		4,000.00	1,000.00
1973 Lincoln Continental		9,034.60	1,500.00
1967 Lamborghini Restored		4,500.00	25,000.00
Home @ Brookings Harbor &		147,000.00	170,000.00
Misc. Gold & Silver Coins Separate from above		8,000.00	A.A.

LIABILITIES

Due on Brookings Home	(135,000.00)
Open Account on Books of Corporation	(86,000.00)
Due A.A. Lausmann Estate	(15,000.00)
Jerry S. Lausmann income/yr (Corporate & Estates)	+ 150,000.00

RECEIVED
FEB 16 1984

Department of Water Resources

MICROFILMED

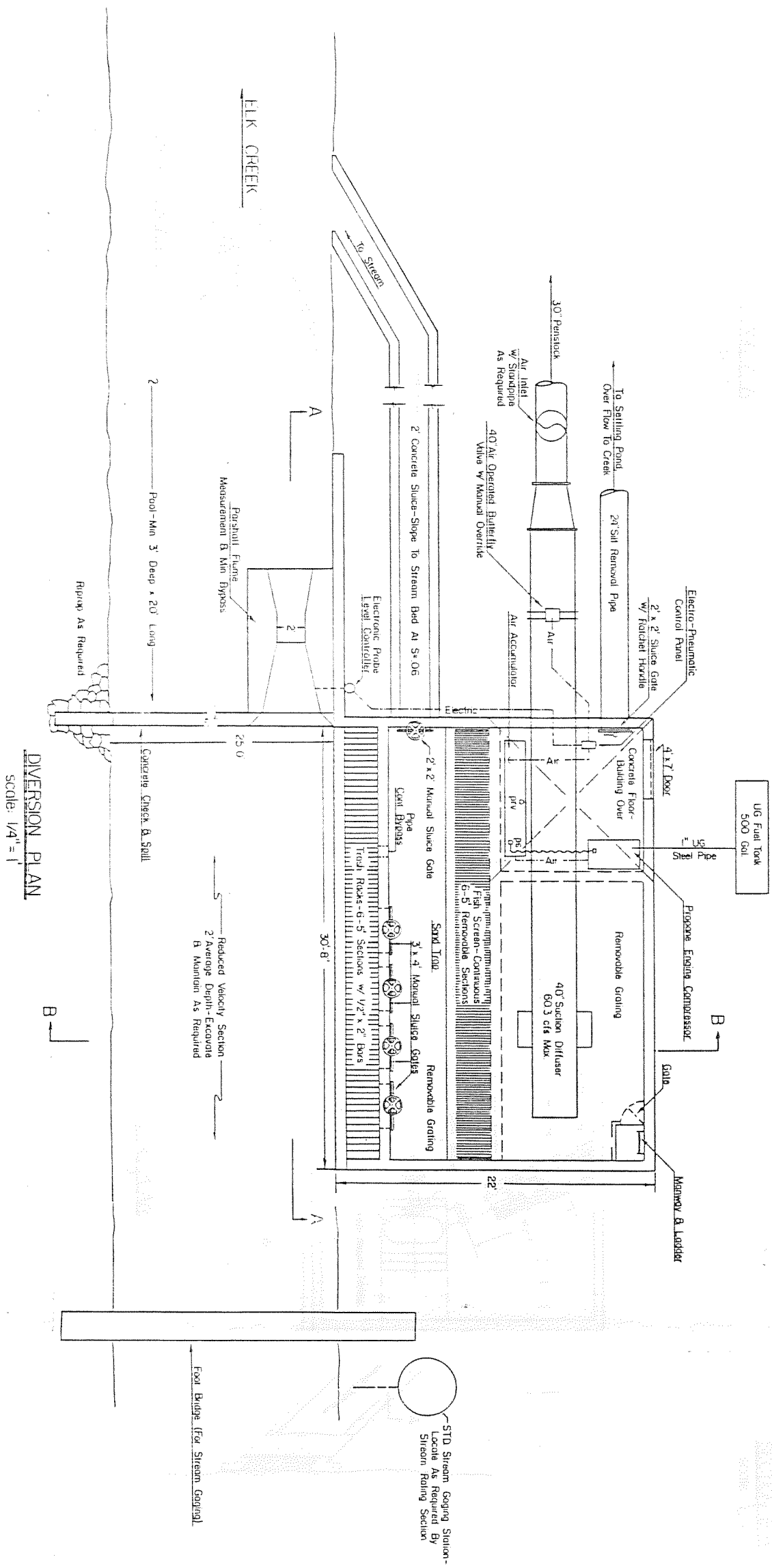
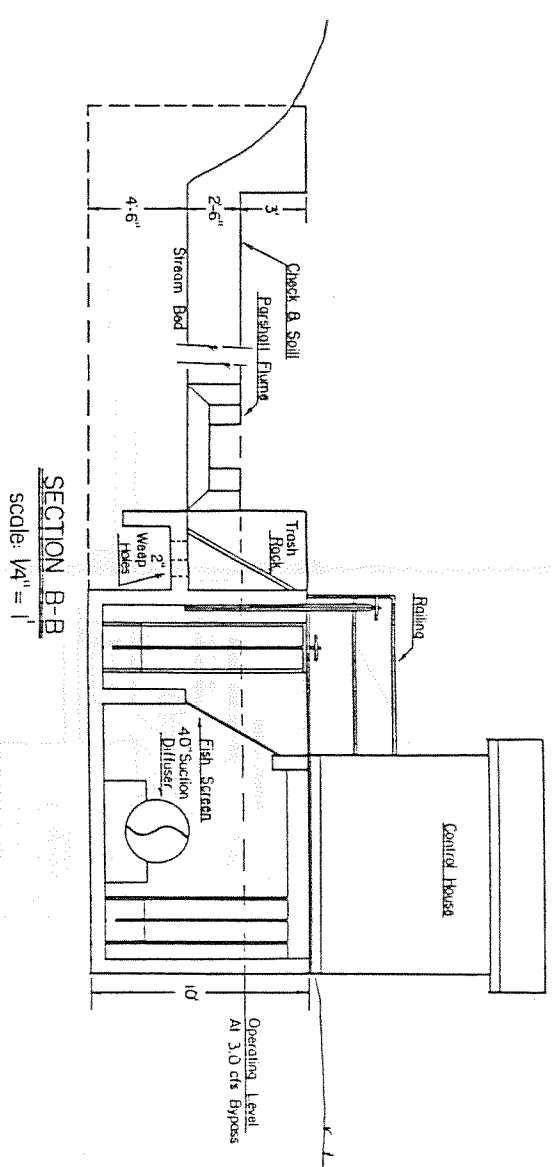
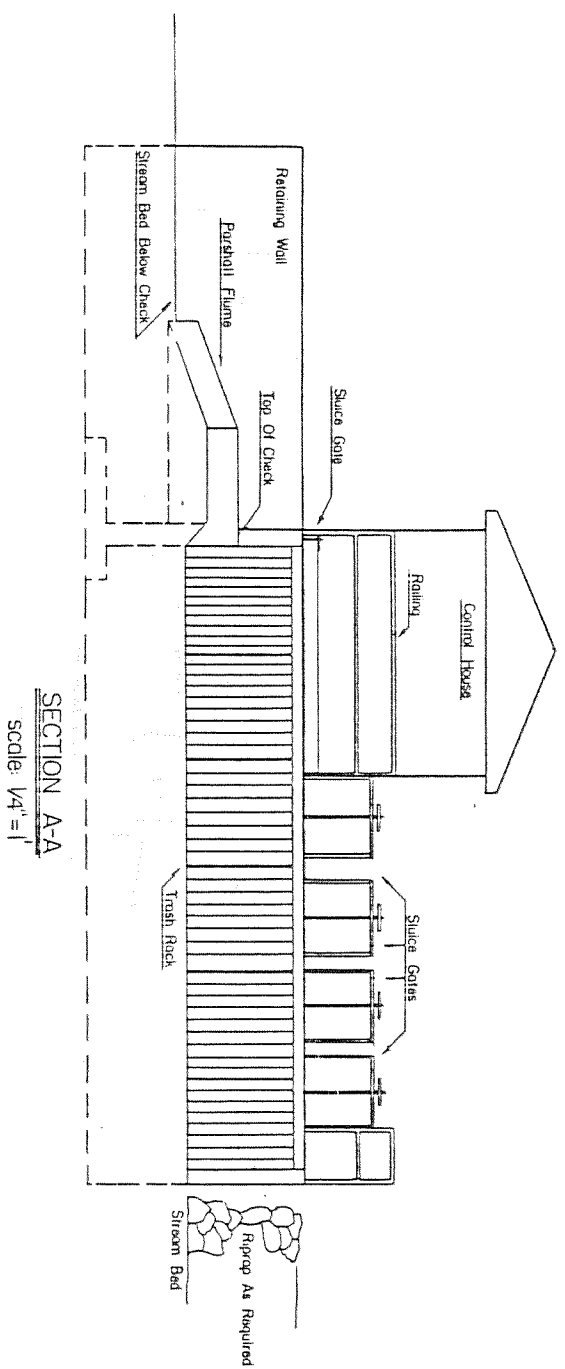
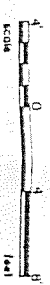


EXHIBIT G-1

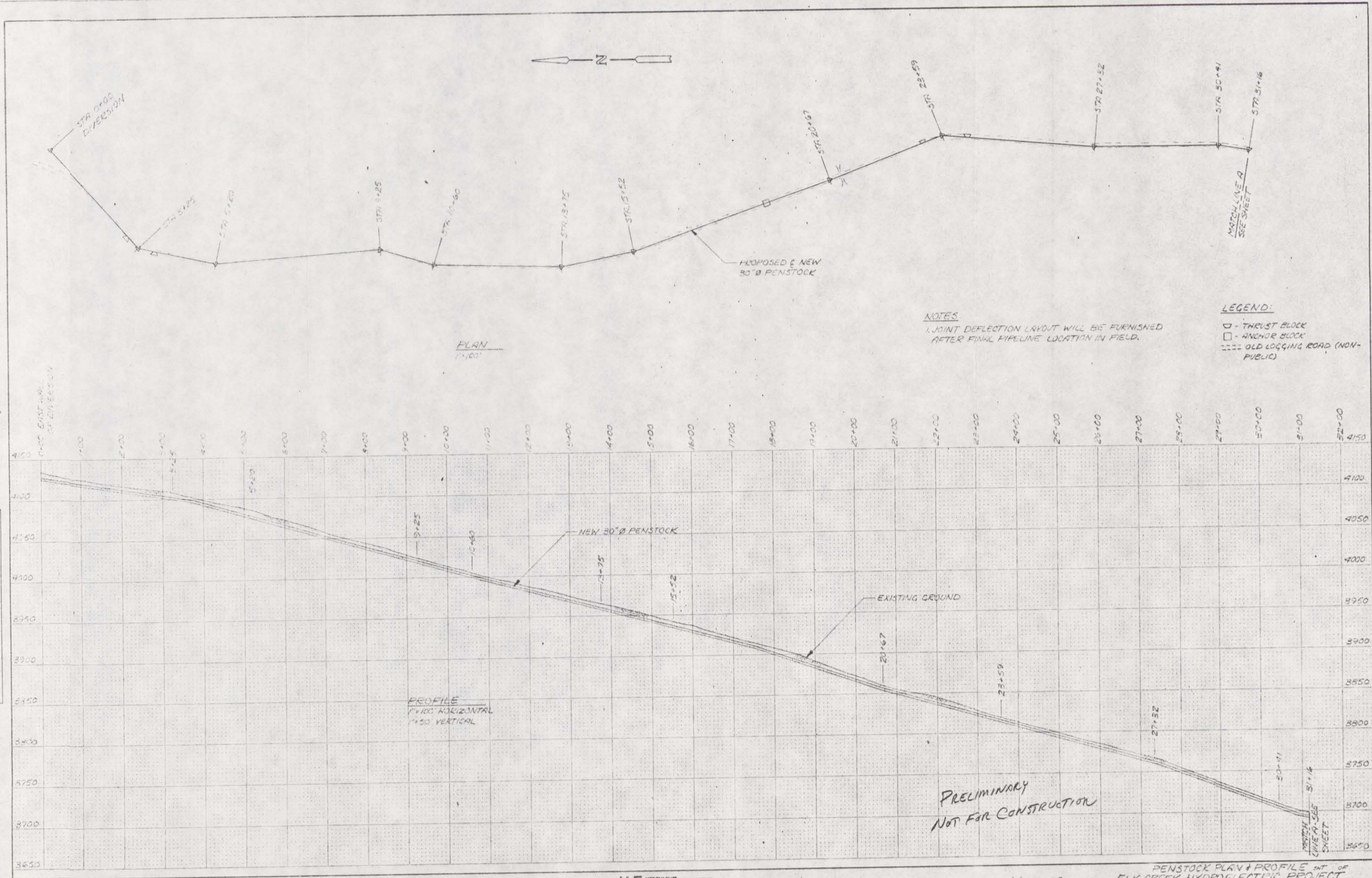
ELN CREIK HYDROELECTRIC PROJECT

Diversion Plan and Sections



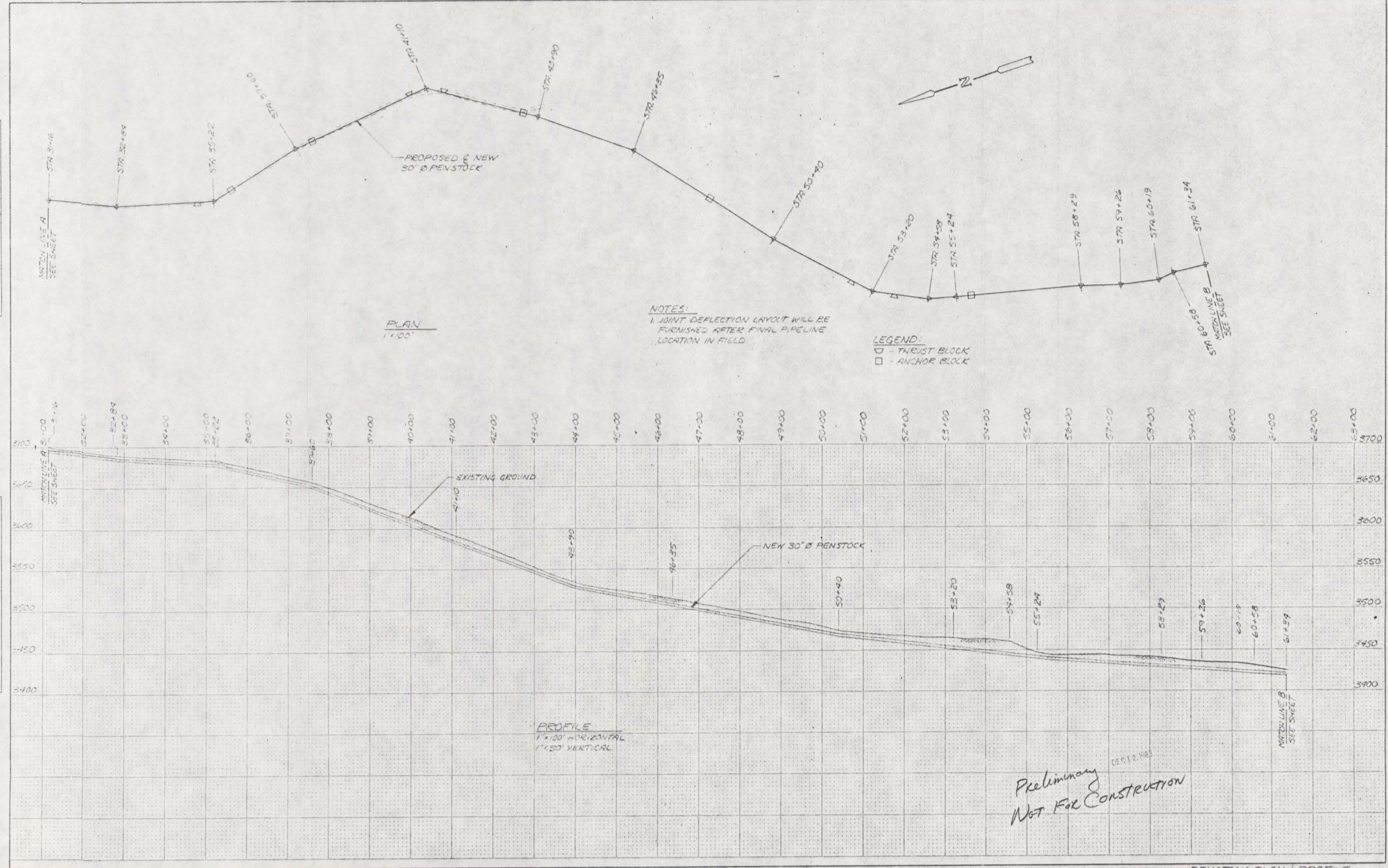
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DESIGNED BY	DATE
CHECKED BY	
NOTED BY	
NO.	

PROFILE	
DESIGNED BY	DATE
CHECKED BY	
NOTED BY	
NO.	



PLAN	DATE
REVISIONS:	
NOTE BOOK	BY
BY	DATE

PROFILE	DATE
REVISIONS:	
NOTE BOOK	BY
BY	DATE



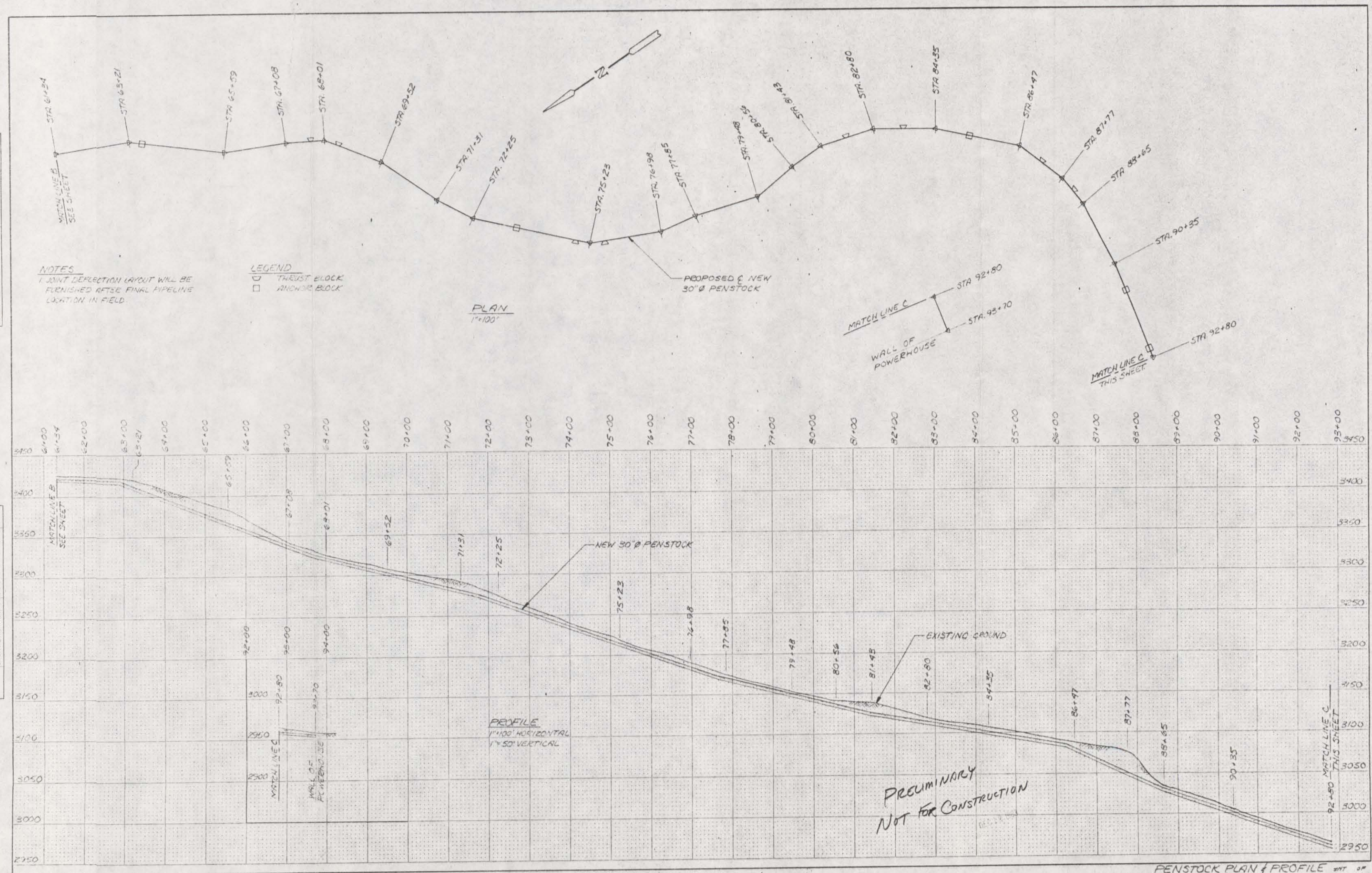
K-E HERCULENE CRYSTALINE

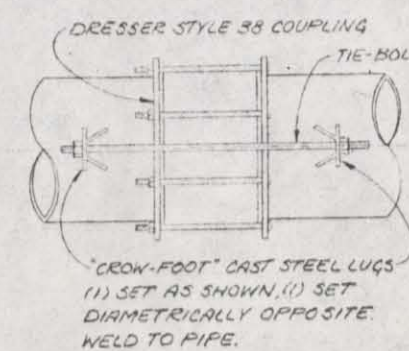
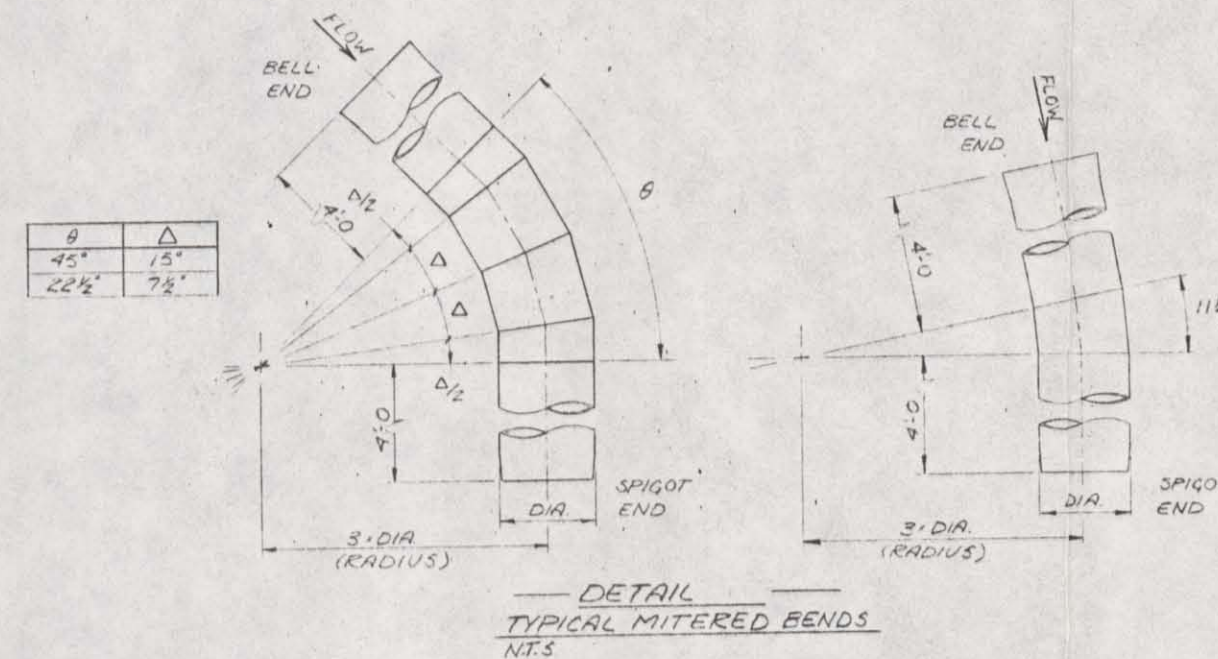
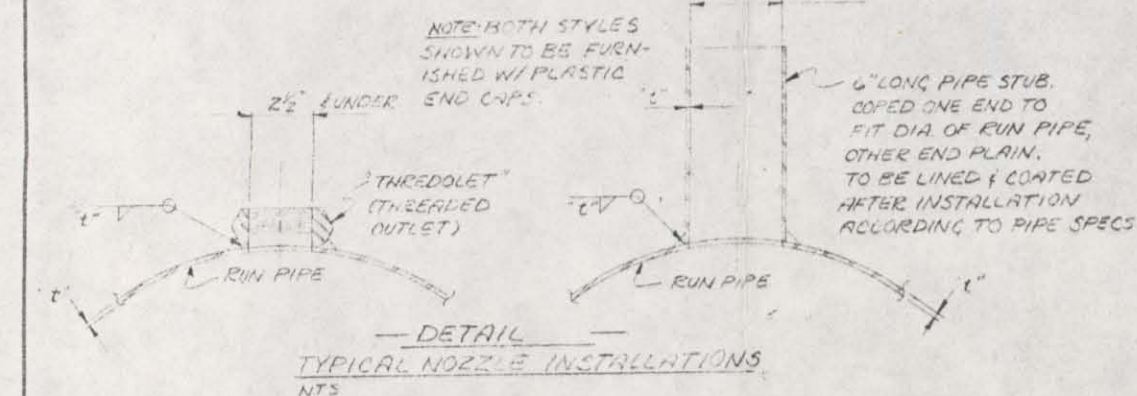
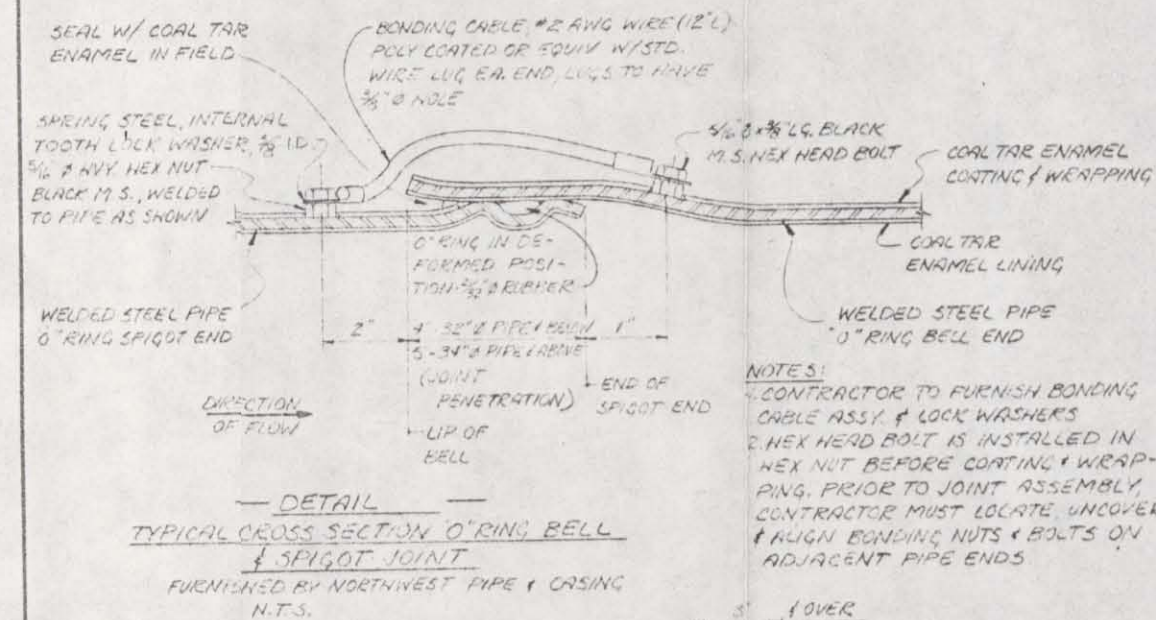
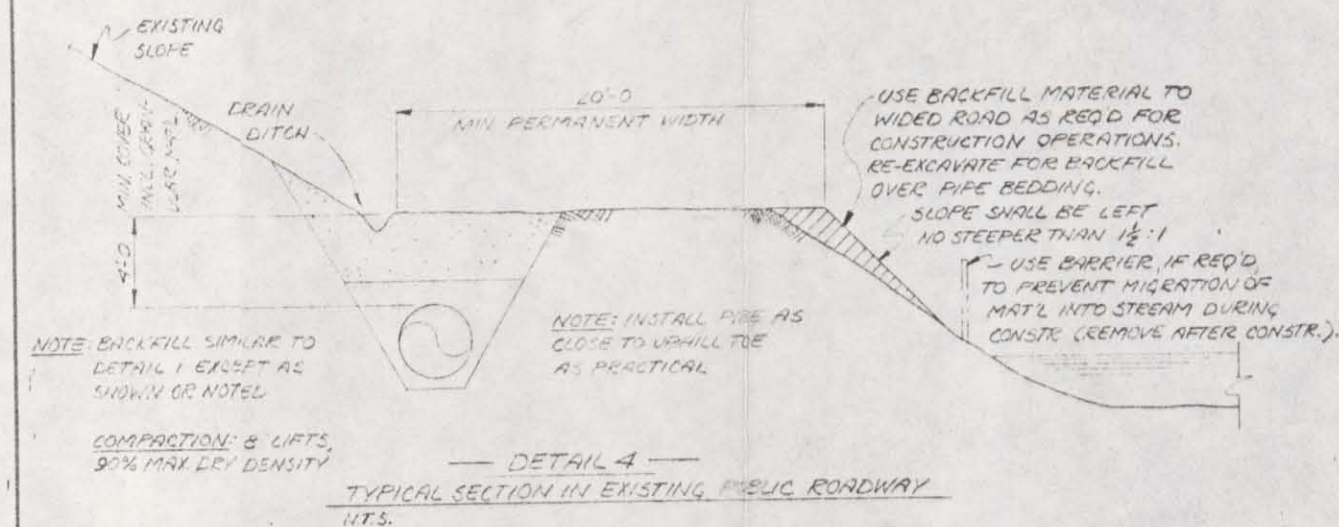
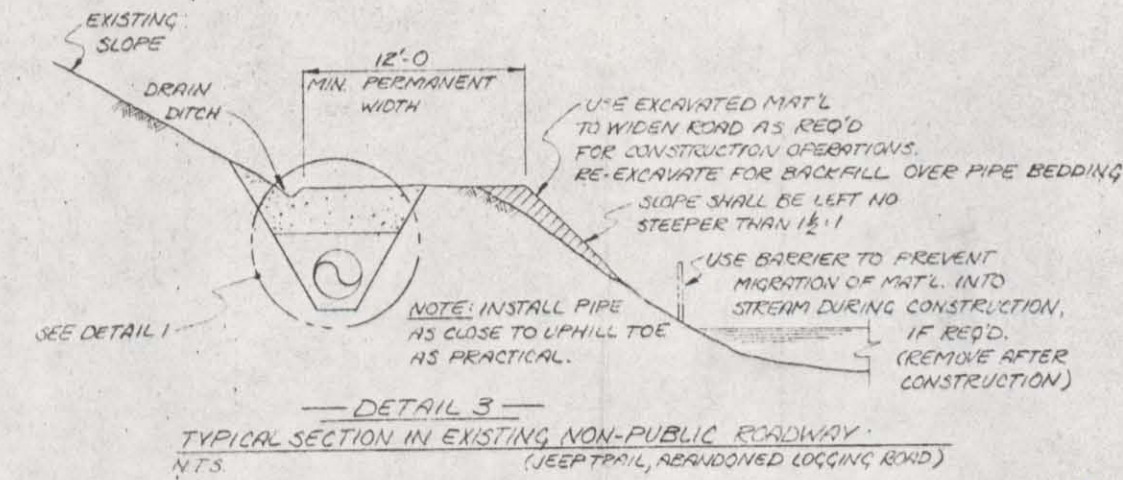
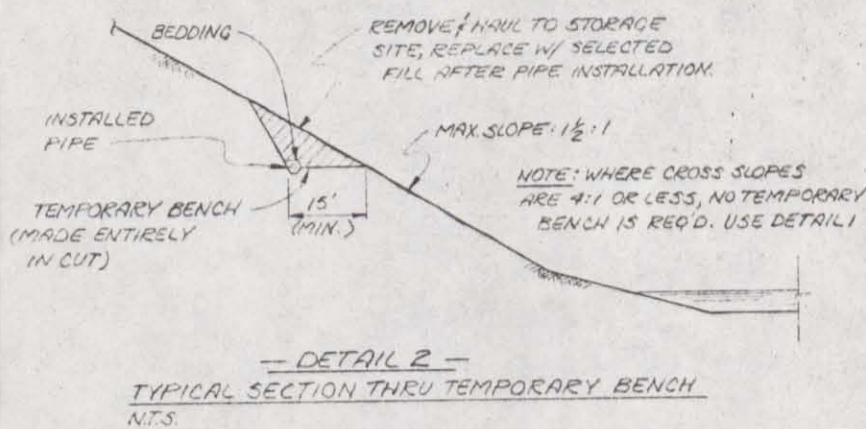
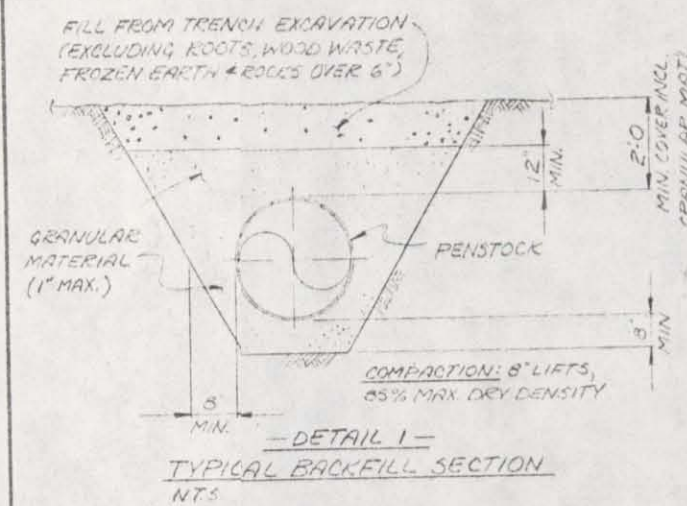
11/2/15 1:10

PENSTOCK PLAN & PROFILE
ELK CREEK HYDROELECTRIC PROJECT

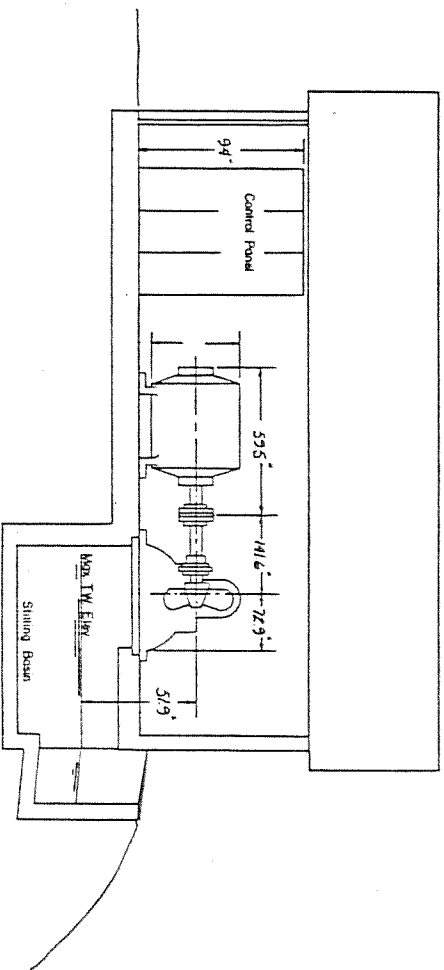
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	CHECKED	BY
	NOTED	DATE
	DATE	BY

PROFILE	DESIGNED	DATE
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	NOTED	DATE
	DATE	BY

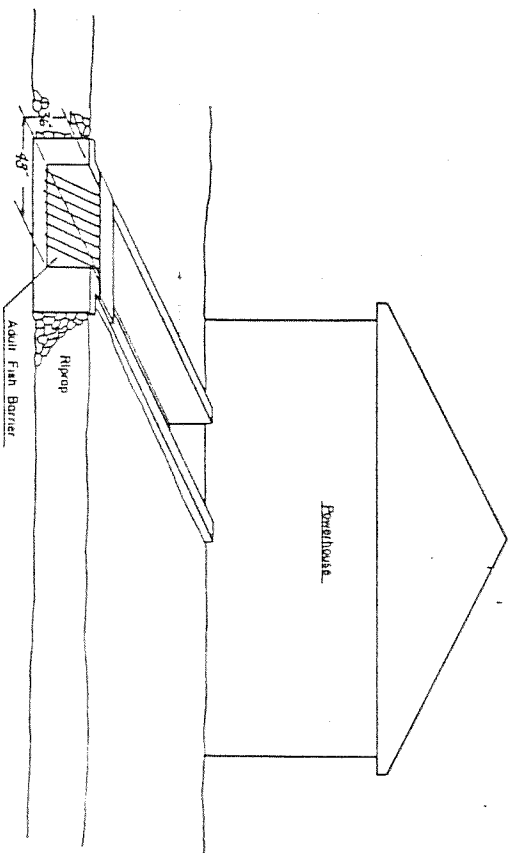




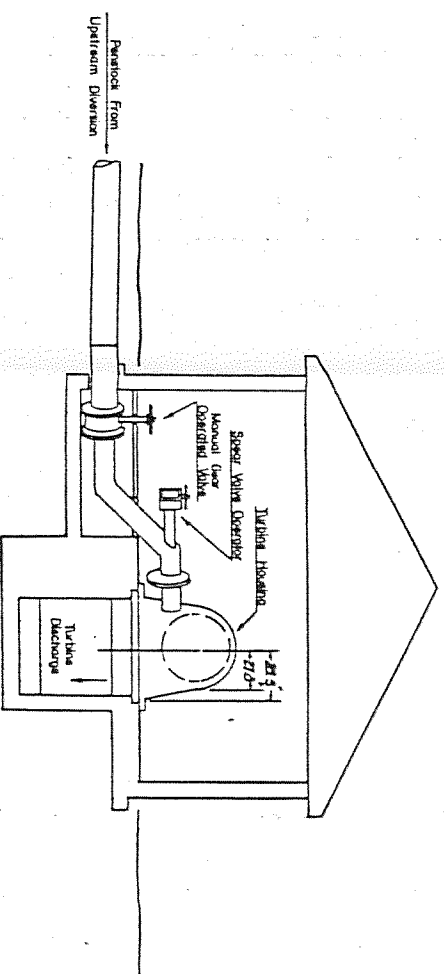
PRELIMINARY
NOT FOR CONSTRUCTION



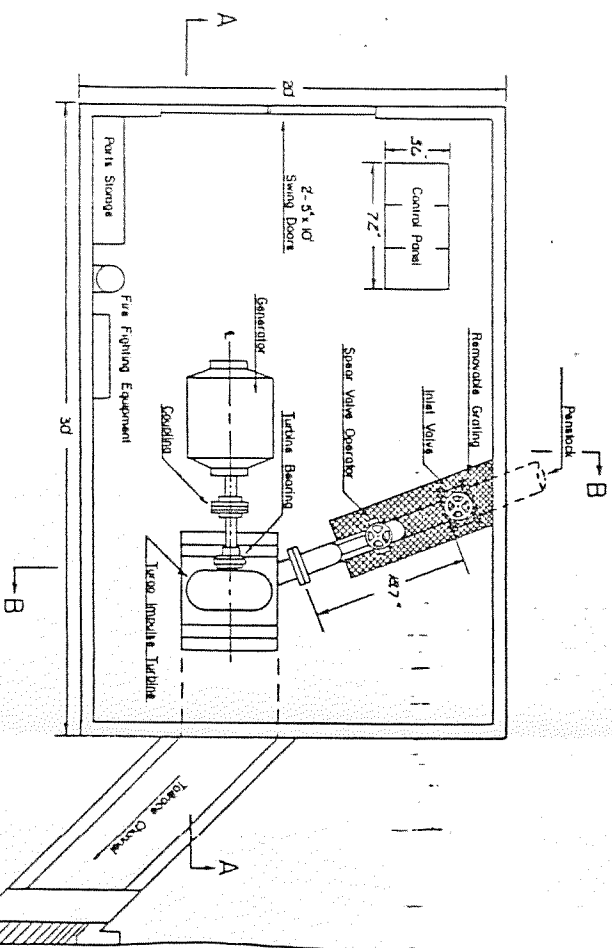
SECTION A-A
scale: 1/4" = 1'



TAIL RACE CHANNEL
scale: 1/4" = 1'



SECTION B-B
scale: 1/4" = 1'



POWERHOUSE PLAN
scale: 1/4" = 1'

EXHIBIT Q-2

Elk Creek Hydroelectric Project



POWERHOUSE PLAN AND SECTIONS

February 9, 1984

RE: Application for Permit No. 88-7254

James B. Howell
1984 Panama
Boise, ID 83705

Dear Mr. Howell:

This is just a reminder that we need a financial support statement and a copy of the feasibility study before we can complete the processing of your application for permit as referenced above. Please note that this information is for your application for power on Big Elk Creek, filed on October 11, 1983.

Please submit the above requested information so we can complete our processing of this application.

Sincerely,

KAY WALKER
Technical Records Specialist

KW:sc

MICROFILMED

CONVERSATION MEMORANDUM

DATE 12/29/83FILE 78-7254NAME OF PARTY James B. HowellEMPLOYEE Dave TuttleRE: Additional info needed

I informed Mr. Howell that based on our current review requirements the info in the file concerning financial ability and feasibility are inadequate. He indicated that he will provide a letter from General Electric of Salt Lake City re: financing and a copy of a recent feasibility study.

DTC

MICROFILMED

December 12, 1983

Mr. Stacy Gebhards
Region 3 Supervisor
Idaho Department of Fish & Game
109 West Forty-Fourth Street
Boise, ID 83704

Re: Application for Permit No. 78-7254/ Howell

Dear Stacy:

I am in receipt of your letter dated November 8, 1983 concerning the above application for permit. The final date for accepting protests on this application was November 7, 1983 and since your letter was not received until November 10, 1983 it cannot be considered as a protest against this application.

Since the application was advertised the applicant has reduced the amount of water sought to 40 cfs. The application is for the spring runoff season only. The flow duration information submitted with the application show a 3 cfs flow to be maintained in the stream, when it is available, before power diversions begin.

If you have additional information that would be helpful to the Department in considering this application please send it to me as soon as possible. I will send a copy of your letter to the applicant.

Yours truly,

DAVID B. SHAW
Western Regional Supervisor

DBS:jp

cc: James B. Howell

UNRECORDED

CONVERSATION MEMORANDUM

DATE 12/12/83FILE 78-7254NAME OF PARTY James B. HowellEMPLOYEE David ShawRE: Application changes.

Mr. Howell came into the office today and changed his application to fit the flow duration and quantity (flow rate) data submitted for his project.

The flow duration submitted by his engineer showed he needed to extend the season of diversion through July. The flow required was an additional 34.6 cfs over existing permits. Mr. Howell said his engineer advised him the units would use up to 10% over their rated capacity if the water was available. Allowing for the 10% the flow sought was reduced from 50 to 40 cfs.

Neither change requires re-advertising & a re-advertising fee was not collected. Extending the diversion season will cause a priority date adjustment to 12/12/83.

Mr. Howell also said permit 78-7188 could be used in this project.

MICROFILMED

IDAHO DEPARTMENT OF FISH AND GAME
REGION 3
109 West Forty-fourth Street
Boise • Idaho • 83704

November 8, 1983

Mr. David B. Shaw
Western Regional Supervisor
Department of Water Resources
Statehouse
Boise, Idaho 83720

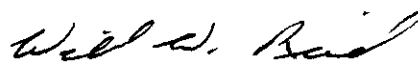
Dear Dave:

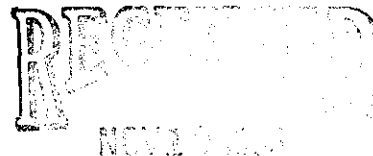
RE: No. 78-7254/Howell

Idaho Department of Fish and Game personnel have reviewed the above referenced application to appropriate 50 cfs of water from Big Elk Creek and object to issuance of a permit until instream resource needs have been determined.

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

Sincerely,

For 
Stacy Gebhards
Regional Supervisor
Region 3



Department of Water Resources
Western Regional Office

MICROFILMED

ENTER THE FOLLOWING DATA
 OR EXISTING PROJECT
 ENTER PROJECT NO. (1-9999) 0001
 ENTER PROJECT TITLE (1-9999) 0001
 ENTER TUNNEL DESIGNATION? 20

ELK CREEK - LOWER

WATERWHEEL

Q147123

STATIC HEAD= 1125FT. SLOPE DISTANCE= 9000FT. NOM. PIPE SIZE=24.00IN.

WALL THICKNESS MAXIMUM = .3472 IN. AVERAGE = .1871 IN.

MONTH	FLOW CFS.	HYD. GRAD.	VEL. FPS.	NET HEAD	THEORY KW.	TURB. KW.	ACT. KW.	ANNUAL KWH.	EFFICIENCY TUR.	EFFICIENCY GEN.	STREAM FLOW CFS.
JAN-											2.2
FEB-											3.2
MARCH	1.3	.0000	.3	1122	129	113	3	1097	.132	.132	3.0
APRIL	2.4	.0000	.5	1122	227	214	17	3511	.239	.239	3.0
MAY-	4.4	.0001	.9	1122	413	381	109	40131	.437	.437	3.0
JUNE-	12.9	.0007	2.6	1117	1229	853	771	204813	.700	.700	3.0
JULY-	38.4	.0045	7.4	1082	3333	2329	2740	173213	.689	.689	3.0
AUG-	60.6	.0116	12.3	1018	9209	4497	4317	152562	.830	.830	19.4
SEPT-	60.6	.0116	12.3	1018	9209	4497	4317	152562	.830	.830	44.4
OCT-	38.4	.0045	7.4	1018	5205	4497	4317	152562	.830	.830	22.3
NOV-	52.3	.0108	11.9	1024	8065	4237	4211	1517079	.866	.866	3.0
DEC-	37.7	.0043	7.7	1029	3446	2574	2342	1037679	.863	.863	3.0
JAN-	17.3	.0012	3.6	1112	1357	1257	1172	418139	.750	.750	3.0
FEB-	8.5	.0003	1.7	1120	806	518	443	181743	.830	.830	3.0
MARCH	3.3	.0001	.7	1122	316	105	48	17310	.230	.459	3.0
APRIL											4.1
MAY-											3.2
JUNE-											3.2
JULY-											3.0
AUG-											2.2
SEPT-											3.3
OCT-											3.0

PEAK KW.= 4317

AVOIDED KW.= 1407

TOTAL KWH.= 9143403

% FLOW	FLOW CFM.	NET HEAD	THEORY KW.	THEORY HP.	TURB. KW.	TURB. HP.	ANNUAL KWH.
100	3637.	1019.	5229.	7010.	4497.	6023.	1204

PERIOD	ACTUAL KWH	FACTOR	EQUIV. KWH
WINTER	0	1.25	0
SPRING	2908327	.50	1454163
SUMMER	6317466	1.50	9476199
FALL	17310	.75	13007
TOTAL	9143403		10543570

CONTINUE WITH A COST ESTIMATE (Y OR N)? Y

ENTER DIFFICULTY FACTOR FOR CIVIL CONSTRUCTION (I.E. 1.0 = AVE.)? 1.3

ENTER BLASTING COST \$1000/? 110.2

DO YOU WANT DETAILS (Y OR N)? N

TOTAL COST \$(000) = \$ 2158.95

COST/KW. = \$ 500 COST/KWH. = \$.234

This is project to be developed.

POOR QUALITY ORIGINAL

MICROFILMED

ENTER INLET FLOW (CFS) 2.0
 ELK CREEK - OFFER
 ENTER PERMITS/REG. FEE (CFS) 0
 ENTER TURBINE CODE (1-1000) 1-1000
 ENTER TURBINE DESIGNATION? 25

ELK CREEK - OFFER

HAZER-WILLIAMS FORMULA

05/10/83

STATIC HEAD= 897.7 FT. SLOPE DISTANCE= 0.000 FT. NOM. PICO SLIPAGE= 0.0 IN.

WALL THICKNESS MAXIMUM = .2774 IN. AVERAGE = .2011 IN.

MONTH	FLOW CFS.	HYD. GRAD.	VEL. FPS.	NET HEAD	THEORY KW.	TURB. KW.	ACT. KW.	ANNUAL TWH.	EFFICIENCY TURB.	EFFICIENCY GEN.	STREAM FLOW-CFS.
JAN-											2.9
FEB-											3.1
MARCH	1.3	.0000	.3	896	100	14	2	1070	.148	.201	3.0
APRIL	2.4	.0000	.5	896	181	47	17	6350	.144	.201	3.0
MAY-	4.4	.0001	.9	896	330	160	107	39071	.473	.667	3.0
JUNE-	12.9	.0007	2.6	892	975	693	642	234037	.717	.919	3.0
JULY-	36.4	.0045	7.4	867	2674	2323	2223	811649	.869	.957	3.0
AUG-	54.9	.0096	11.2	834	3875	3333	3200	1168002	.860	.960	25.1
SEPT-	54.9	.0096	11.2	834	3875	3333	3200	1168002	.860	.960	50.1
OCT-	37.7	.0048	7.7	865	2763	2410	2308	842562	.872	.958	23.0
NOV-	17.6	.0012	3.6	889	1315	1027	962	351405	.775	.937	3.0
DEC-	8.5	.0003	1.7	895	644	419	367	134253	.652	.875	3.0
	3.3	.0001	.7	896	252	92	47	17174	.307	.507	3.0
	1.2	.0000	.2	896	91	12	2	803	.132	.133	3.0
											3.3
											3.2
											3.0
											2.9
											3.3
											3.0

PEAK KW. = 3200

AVOIDED KW. = 1082

TOTAL KWH. = 7110723

% FLOW	FLOW CFM.	NET HEAD	THEORY KW.	THEORY HP.	TURB. KW.	TURB. HP.	RPM	RUNAWAY RPM
100	3291.	885.	3874.	5196.	3333.	4468.	1091	1910

PERIOD	ACTUAL KWH	FACTOR	ESQIV. KWH
WINTER	0	1.25	0
SPRING	2260512	.50	1130256
SUMMER	4882233	1.50	7248349
FALL	17978	.75	13483
TOTAL	7110723		8392089

CONTINUE WITH A COST ESTIMATE (Y OR N)? Y
 ENTER DIFFICULTY FACTOR FOR CIVIL CONSTRUCTION (I.E. 1.0 = AVE.)? 1.0
 ENTER BLASTING COST \$(000)? 79.6

DO YOU WANT DETAILS (Y OR N)? N

TOTAL COST \$(000) = \$ 1809.34

COST/KW. = \$ 565 COST/MWH. = \$ 254

POOR QUALITY ORIGINAL

MICROFILMED

ENTER INPUT FILE NAME: ELK
 ELK CREEK - COMBINED
 ENTER PERIOD: 12/1/1971-12/31/1971
 ENTER TAILING SPILL (1=NO, 2=1/4, 3=1/2, 4=3/4, 5=100% WITH OUT)? 1
 ENTER TURBINE DESIGNATION? 20

ELK CREEK - COMBINED

HAZEN-WILLIAMS FORMULA

05/10/73

STATIC HEAD= 2020FT. SLOPE DISTANCE= 15000FT., NOM. PIPE SIZE=24.00IN.

WALL THICKNESS MAXIMUM = .5413 IN. AVERAGE = .3302 IN.

MONTH	FLOW CFS.	HYD. GRAD.	VOL. FPS.	NET HEAD	THEORY KW.	TURB. KW.	NET KW.	ANNUAL KWH.	EFFICIENCY TUR.	EFFICIENCY GEN.	STREAM FLOW-CFS.
JAN-											2.9
FEB-											3.2
MARCH	1.3	.0000	.4	2019	225	52	15	5552	.082	.230	3.0
	2.4	.0001	.6	2019	408	171	90	32944	.420	.524	3.0
APRIL	4.4	.0002	1.2	2017	748	505	420	153603	.675	.813	3.0
	12.9	.0013	3.5	1999	2184	1833	1715	626318	.849	.924	3.0
MAY	34.4	.0090	9.9	1879	5794	5116	4860	1774133	.883	.950	3.0
	37.3	.0094	10.1	1873	5911	5201	4941	1803696	.880	.950	31.7
JUNE	37.3	.0094	10.1	1873	5911	5201	4941	1803696	.880	.950	47.7
	37.3	.0094	10.1	1873	5911	5201	4941	1803696	.880	.950	45.6
JULY	37.3	.0094	10.1	1873	5911	5201	4941	1803696	.880	.950	24.9
	37.3	.0094	10.1	1873	5911	5201	4941	1803696	.880	.950	3.4
AUG-	17.6	.0024	4.8	1983	2955	2614	2452	895161	.884	.933	3.0
	8.5	.0006	2.3	2010	1447	1138	1027	374870	.737	.902	3.0
SEPT-	3.3	.0001	.9	2018	569	333	244	89080	.505	.733	3.0
	1.2	.0000	.3	2019	205	43	11	4171	.211	.264	3.0
OCT-											3.3
NOV-											3.2
DEC-											2.9
											3.3
											3.0

PEAK KW.= 4942

AVOIDED KW.= 1975

TOTAL KWH.= 12974319

% FLOW	FLOW CFM.	NET HEAD	THEORY KW.	THEORY HP.	TURB. KW.	TURB. HP.	RPM	RUNAWAY RPM
100	2235.	1874.	5911.	7924.	5202.	6973.	798	1396

PERIOD	ACTUAL KWH	FACTOR	EQUIV. KWH
WINTER	0	1.25	0
SPRING	4396250	.50	2198125
SUMMER	8484816	1.50	12727225
FALL	93252	.75	69939
TOTAL	12974319		14993239

CONTINUE WITH A COST ESTIMATE (Y OR N)? Y
 ENTER DIFFICULTY FACTOR FOR CIVIL CONSTRUCTION (I.E. 1.0 = AVE.)? 1.3
 ENTER BLASTING COST \$(000)? 154.2

DO YOU WANT DETAILS (Y OR N)? N

TOTAL COST \$(000) = \$ 3067.03

COST/KW. = \$ 621 COST/MWH. = \$ 236

POOR QUALITY ORIGINAL

MICROFILMED

78-1150 Big Elk 8 cfs 55 hp P/O NESW, SENW 23 22N 1E
 Permit P/u SWSW 23 22N 1E

78-7154 Big Elk 10 cfs 1341 hp P/O NESW, SENW, SEW 23 22N 1E
 Permit P/u SWSW 23 22N 1E
 SWSE 22 " "
 NWNE 27 " "

78-7155 Little Salmon 150 cfs 1341 hp P/O SENE 27 22N 1E
 Permit P/u NWNE 27 " "
 SWSE 22 " "

78-7189 Big Elk 8 cfs 635 hp P/O NESW, SENW, SEW 23 22N 1E
 Permit P/u SWSL 22 " "
 NWNE 27 " "
 SWSW 22 " "

78-7207 Little Salmon 150 cfs 1341 hp P/O SWNE 27 22N 1E
 Permit P/u NWNE 27 " "
 SWSE 22 " "

78-7254 Big Elk 50 cfs $\frac{3}{1}$ - $\frac{6}{30}$ 5632 hp P/O SENW 23 22N 1E
 App P/u SENE 27 22N 1E
 SWNE 27 " "

MICROFILMED



State of Idaho
DEPARTMENT OF WATER RESOURCES
WESTERN REGION, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-2190

October 14, 1983

Steve Gehlards
Regional Supervisor
Wildlife Department of Fish & Game
Nampa House Region 3
Nampa, ID 83723

Re: No. 78-1234/Case 01

Dear Sir:

Enclosed is a copy of the above referenced application for permit which may be of interest to your agency. Please review the application and submit any comments you may have.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter, however, if your agency desires to file a formal protest against the approval of this application, your written protest must be received in this office by November 7, 1983.

If you have any questions regarding the application, please contact this office.

Sincerely,

DAVID B. SHAW
Western Regional Supervisor

DBS:jp

Enclosure

MICROFILMED

28-2254-

HOWELL, JAMES B.

1984 PANAMA, BOISE, ID 83705

Source: BIG ELK CREEK trib. to LITTLE SALMON RIVER

Date Filed: 10/11/1983

Diversion Pt: SENW Sec 23 T 22N R 01E

Use: POWER (50.00 CFS)

In: SWNE SENE Sec 27 T 22N R 01E

MICROFILMED

78-7154 P 78-7155 P 78-7188 P 78-7207 P 78-7254 a
RECEIVED
JUL 6 1981
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Department of Water Resources

James B. Howell

)

Project No. 3503-001

NOTICE GRANTING INTERVENTION

(June 29, 1981)

A petition to intervene has been filed by the following petitioner:

National Marine Fisheries Service

This petition has been filed with respect to the application for exemption set forth below:

Project No. 3503-001

Applicant: James B. Howell

No objections to the petition have been received.

It appears to be in the public interest to allow the petitioner to appear in this proceeding.

Pursuant to §375.302 of the Commission's regulations (18 C.F.R. 375.302 (1980)), the petitioner is permitted to intervene in the proceeding subject to the Commission's rules and regulations under the Federal Power Act (16 U.S.C. §§791(a)-825(r)). Participation of the intervenor shall be limited to matters affecting asserted rights and interests specifically set forth in its petition to intervene. The admission of the intervenor shall not be construed as recognition by the Commission that it might be aggrieved by any order entered in this proceeding.

Kenneth F. Plumb

Secretary

Route To	Date	Initial
7-6-81		
Director		
Deputy Dir.		
Reso. Adm.		
Reso. Analysis		
Oper. Bureau		
Proj. Stud. Bu.		
Reg. Off. Bu.		
Tech. Serv. Bu.		
File:		

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FEDERAL ENERGY REGULATORY COMMISSION

WASHINGTON, D. C. 20426

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FERC-351

FIRST CLASS MAIL



Dept of Water Resources
State House
Boise, Idaho 83720

P-3503

file copy

April 20, 1981

Mr. Kenneth F. Plumb
Secretary,
Federal Energy Regulatory Commission
825 North Capitol Street, NE.
Washington, D. C. 20426

RE: Project No. 3503-001 "COMMENTS"

Gentlemen:

We are in receipt of a Notice of Application for Exemption for a small Hydro-electric Power Project under 5 MW capacity for the above referenced project, in the name of James B. Howell.

A review of our water right records reveals that on July 28, 1980 and on July 29, 1980 James B. Howell submitted proper applications for permit to appropriate the public waters of the State of Idaho from Big Elk Creek and the Little Salmon River respectively for the above referenced project.

We wish to express that any hydropower development must comply with Idaho water law. Processing by the Commission and by this Department must be coordinated to avoid conflicting approvals.

At the present time we have no objections, but we wish to be appraised of significant developments regarding this project.

Sincerely,

A. KENNETH DUNN
Director

AKD:LGS:jg

c.c. Fred Springer

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APR 13 1981

Department of Water Resources

James B. Howell

)

NOTICE OF APPLICATION FOR EXEMPTION FOR SMALL HYDROELECTRIC POWER PROJECT UNDER 5 MW CAPACITY

Take notice that on January 21, 1981, James B. Howell (Applicant) filed an application, under Section 408 of the Energy Security Act of 1980 (Act) [Public Law 96-294, 94 Stat. 611] (16 U.S.C. §§2705, and 2708 as amended), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed James B. Howell small hydroelectric project (FERC Project No. 3503) would be located on Elk and Little Elk Creeks and the Little Salmon River in Idaho County, Idaho. Correspondence with the Applicant should be directed to: J-U-B Engineers, Inc., Barber Engineering Division, Mr. J.W. Barber, Manager, 250 South Beechwood Avenue, Suite 111, Boise, Idaho 83709. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description - The proposed project would consist of: (1) an existing rock dam; (2) an intake structure; (3) an 18-inch diameter and 3,500-foot long penstock; (4) Powerhouse No. 1 containing one generating unit rated at 661 kW; (5) a concrete diversion structure; (6) a 24-inch diameter and 4700-foot long penstock; (7) Powerhouse No. 2 containing one generating unit rated at 554 kW; (8) a concrete diversion structure; (9) a 60-inch diameter and 3,960-foot long penstock; (10) Powerhouse No. 3 containing two generating units, each rated at 394 kW; and (11) transmission lines.

Purpose of Project - Project energy would be sold to the Idaho Power Company.

Estimated Cost - The cost of the project is estimated by the Applicant to be \$3,000,000.

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~~DC-A-13~~

Agency Comments - The U.S. Fish and Wildlife Service and the Idaho Department of Fish and Game are requested, for the purposes set forth in Section 408 of the Act, to submit appropriate terms and conditions to protect any fish and wildlife resources. Other Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application and may obtain additional information on the proposal from the applicant at the above address. No other formal requests for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Application - Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before May 15, 1981, either a competing license application that proposes to develop at least 7.5 megawatts in that project, or a notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than September 14, 1981. Applications for a preliminary permit will not be accepted.

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

Comments, Protests, or Petitions to Intervene - Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 C.F.R. §1.8 or §1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before May 15, 1981.

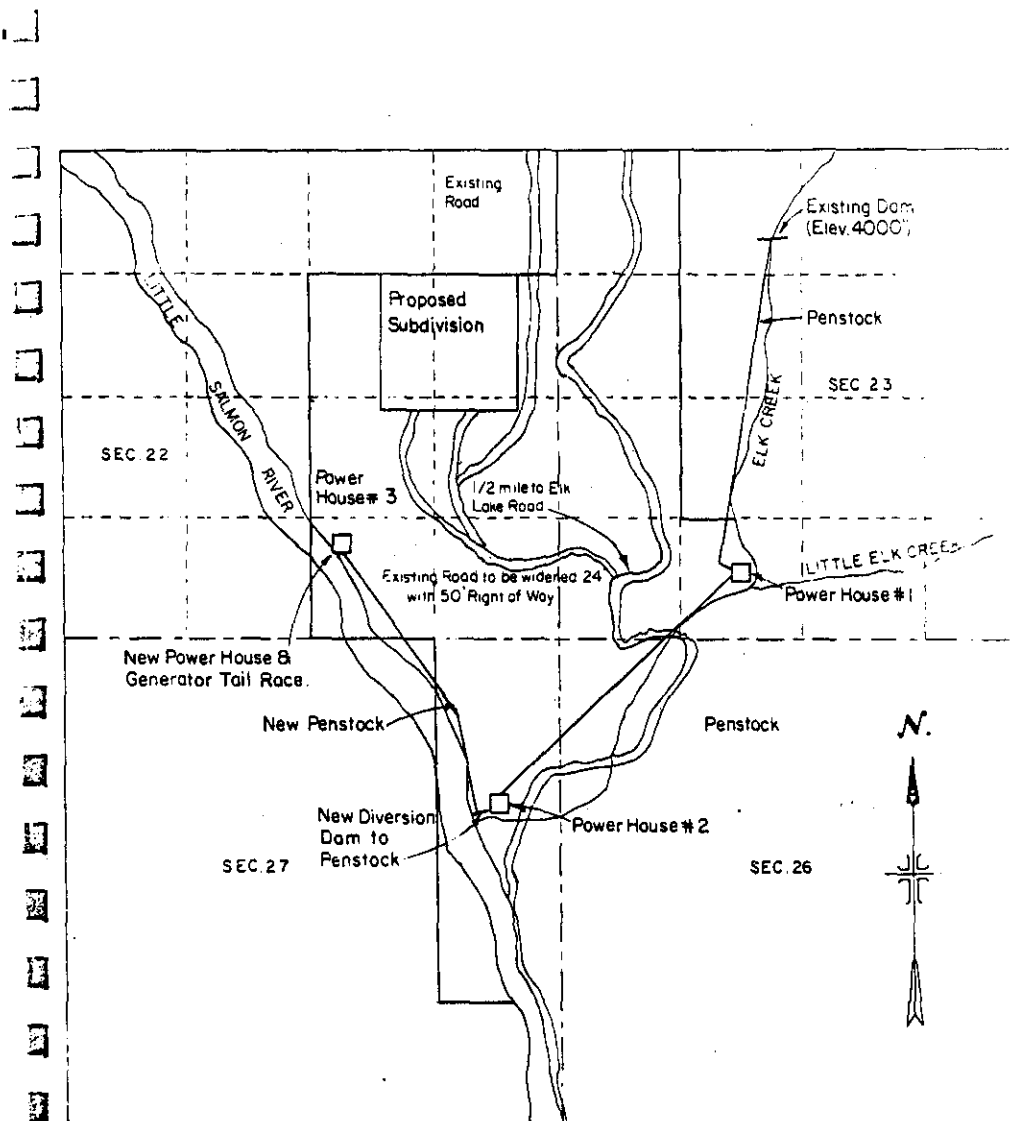
Filing and Service of Responsive Documents - Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for exemption for Project No. 3503.

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Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, Room 208 RB Building, N.E., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb
Secretary

MICROFILMED



**JAMES B. HOWELL
HYDRO-ELECTRIC DEVELOPMENT**

FEDERAL ENERGY
REGULATORY COMMISSION
WASHINGTON, D.C. 20426

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE, \$300

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REGULATORY COMMISSION
FERC 351



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Dept. of Water Resources
State House
Boise, Idaho 83720

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APR 13 1981

Department of Water Resources