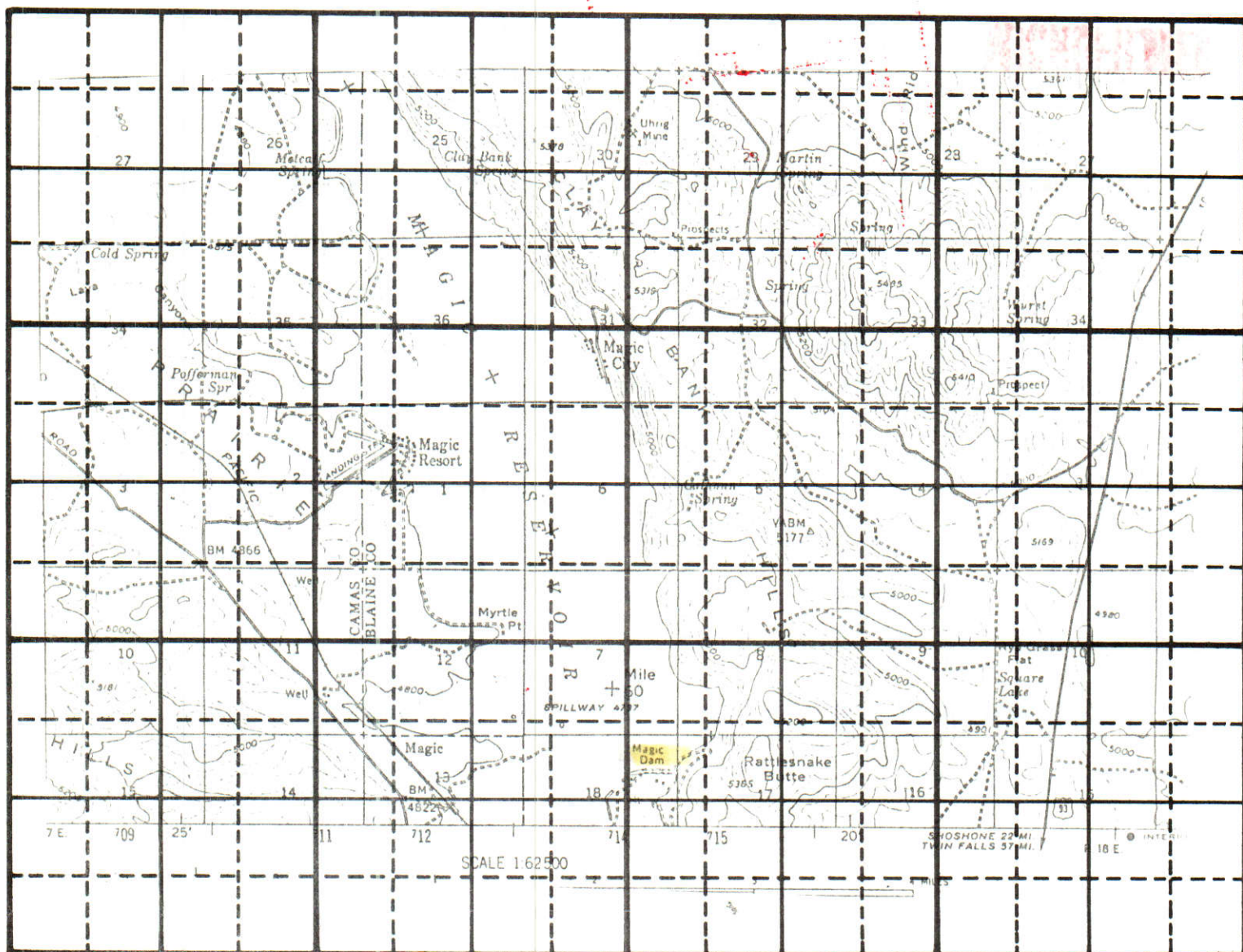


Complete the following map by showing land and point of diversion as proposed by this amendment.
Show 40-acre subdivisions, townships, ranges and ditches.



Scale: 2 inches equal 1 mile.

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

Signed at Twin Falls, Idaho , this 15 day of September , 19 87 .

Warren P. Chapman Pres.
(Signature)

FOR DEPARTMENT USE ONLY

Preliminary check by JD Fee = \$20.00

Ch. 1315 R# 44249
Received by MB Date 9/30/87

Publication prepared by _____ Date _____

Published in Not advertised

Publication dates _____

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, L. GLEN SAXTON , of the Department of Water Resources hereby
Approve the above referenced Amendment provided the conditions as set forth in
Permit No. 37-8178 are met.

Witness my hand this

30th

day of

September

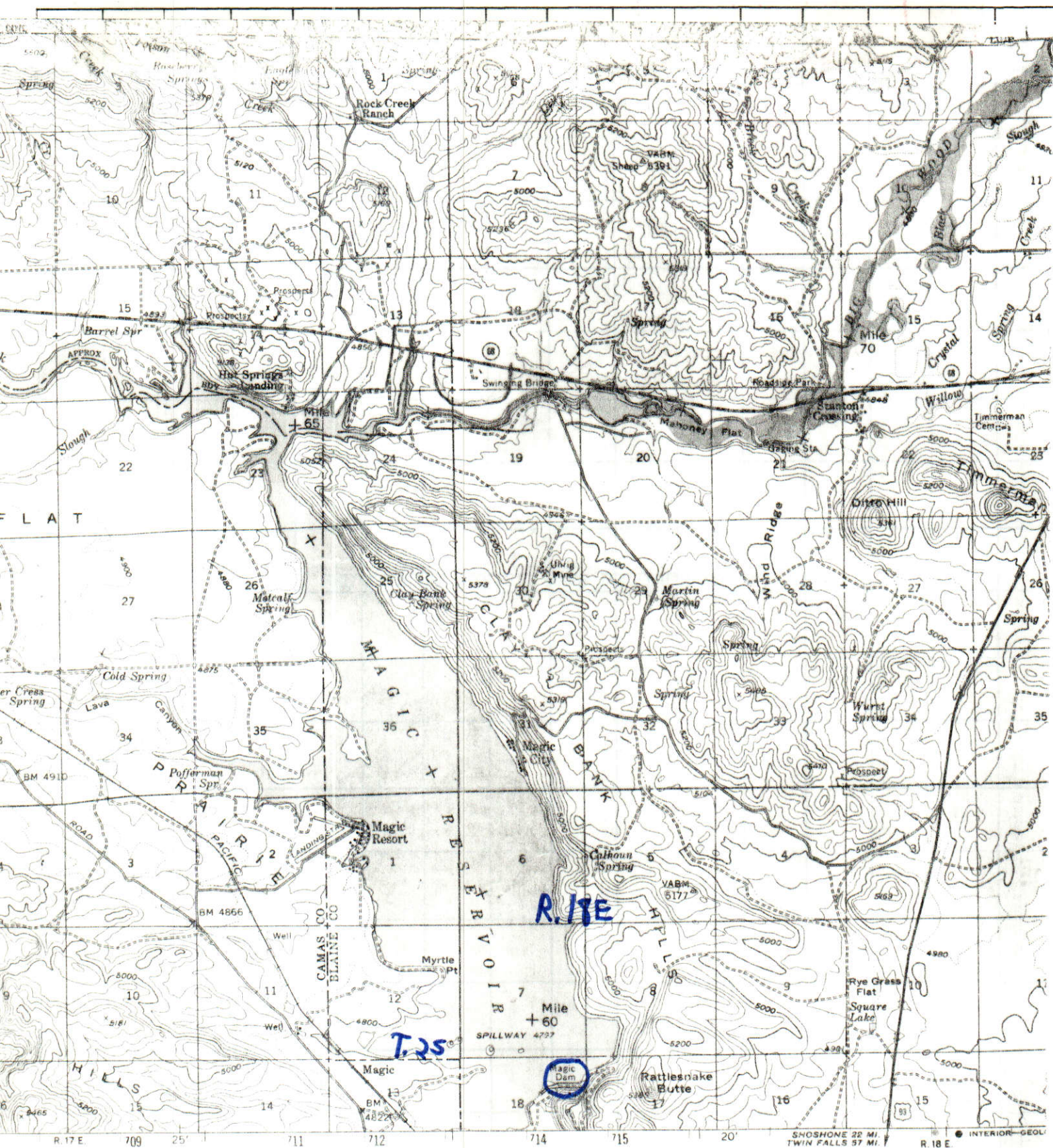
, 19 88

MICROFILMED

FEB 29 1988

L. Glen Saxton
Chief, Operations Bureau

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



SCALE 1:62,500



CONTOUR INTERVAL 40 FEET
DOTTED LINES REPRESENT 20 FOOT CONTOURS
DATUM IS MEAN SEA LEVEL

MICROFILMED

FEB 29 1988

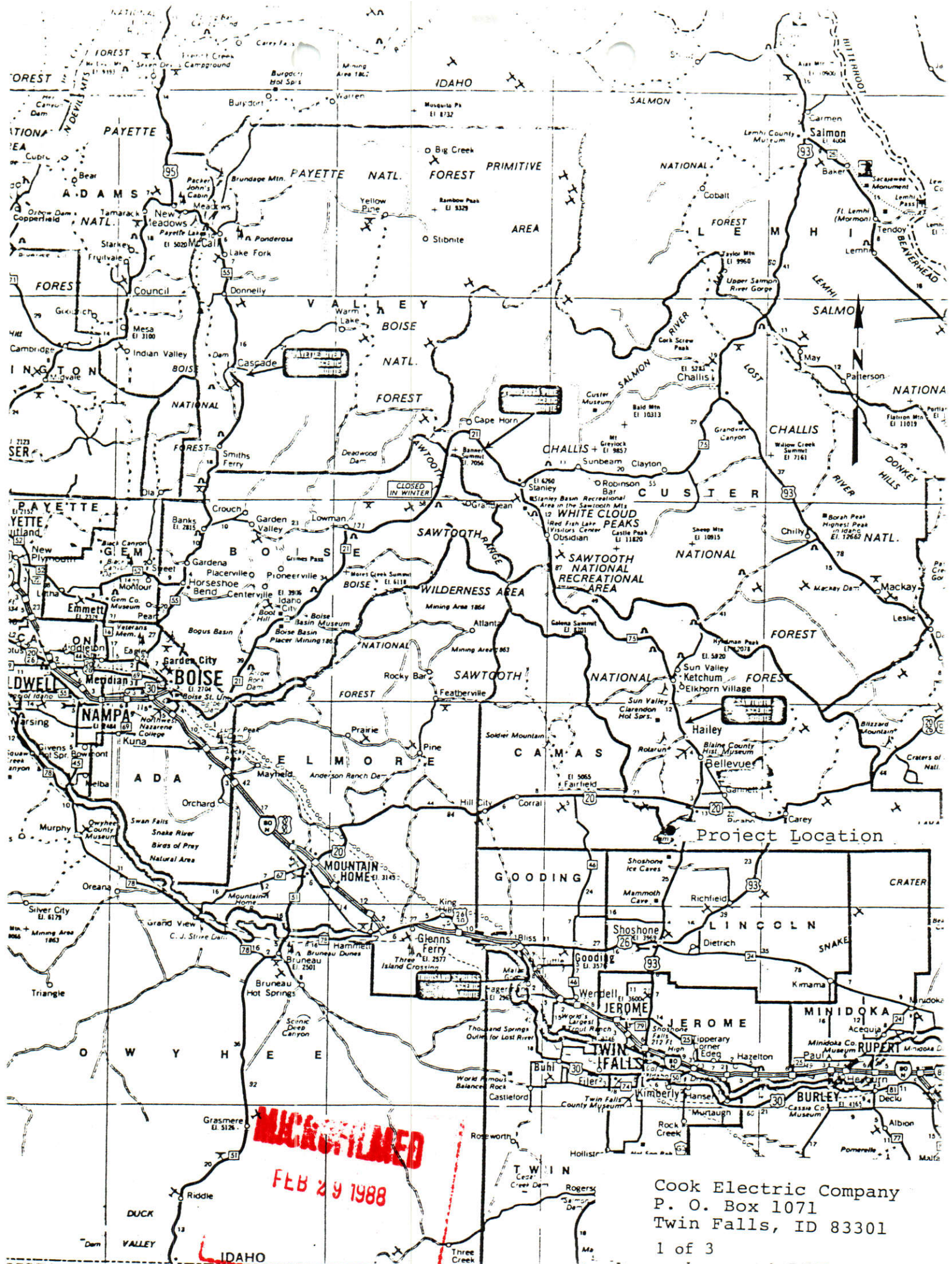
THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS
FOR SALE BY U. S. GEOLOGICAL SURVEY, DENVER, COLORADO 80225 OR WASHINGTON, D. C. 20242
A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST

QUADRANGLE LOCATION

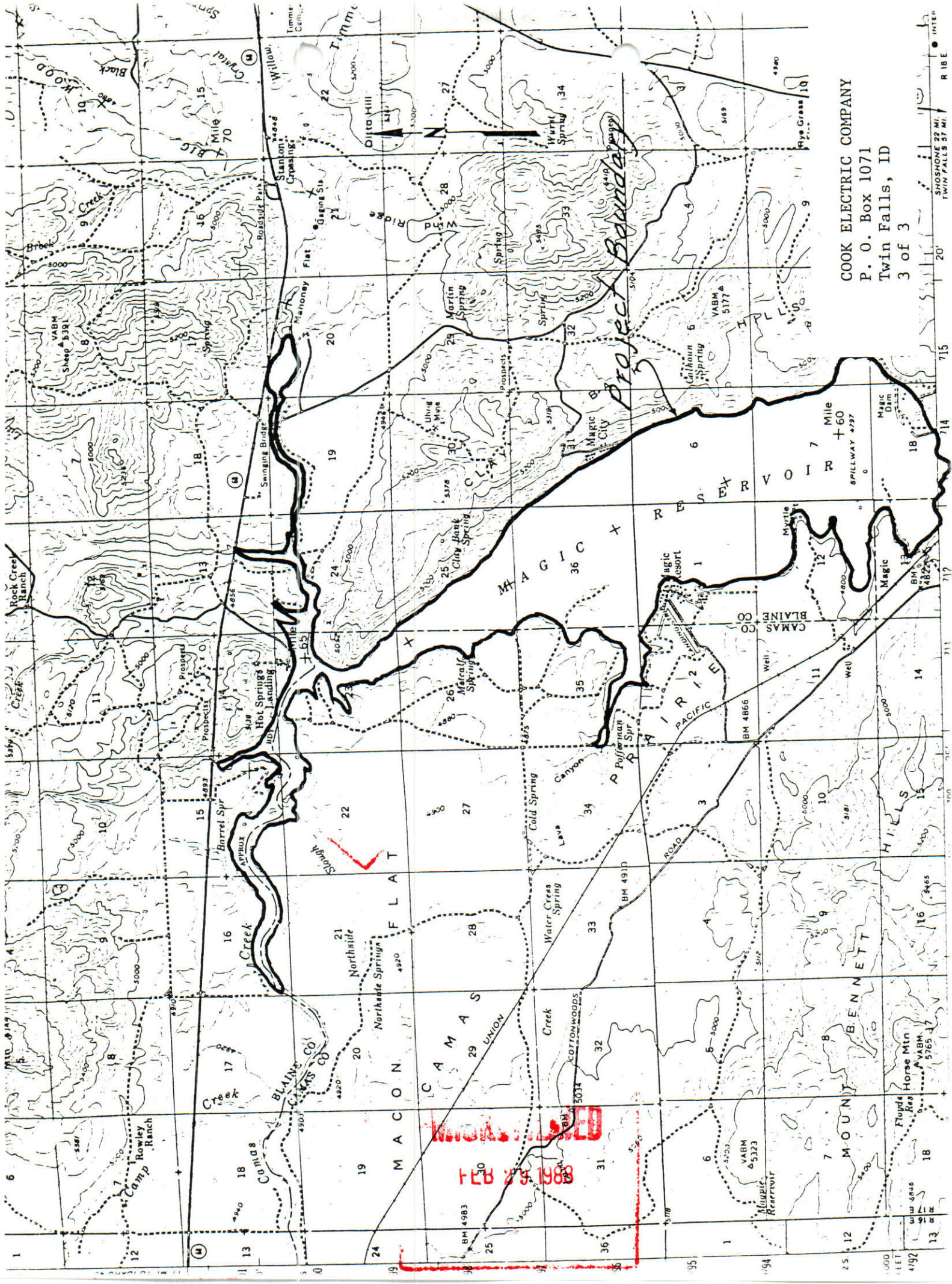
MICROFILMED

FEB 29 1988

By: Warren P. Chapman, President
(Applicant)

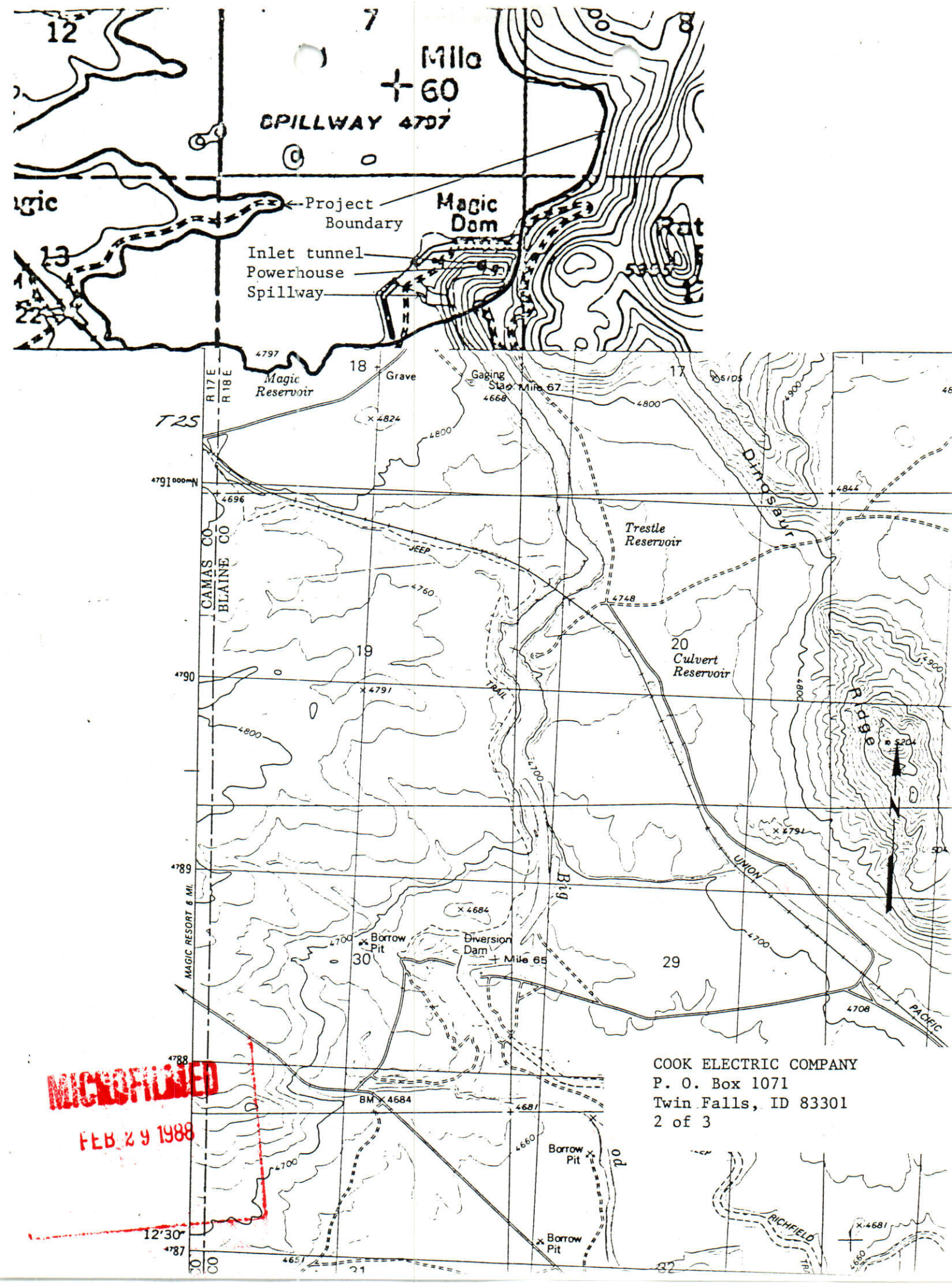


Cook Electric Company
P. O. Box 1071
Twin Falls, ID 83301
1 of 3



COOK ELECTRIC COMPANY
P. O. Box 1071
Twin Falls, ID
3 of 3

SHOSHONE 22 MI
TWIN FALLS 57 MI
R 18 E



R
Mile
+ 60
SPILLWAY 4797



0

MAGIC
DOWNTOWN

Project Bdry.

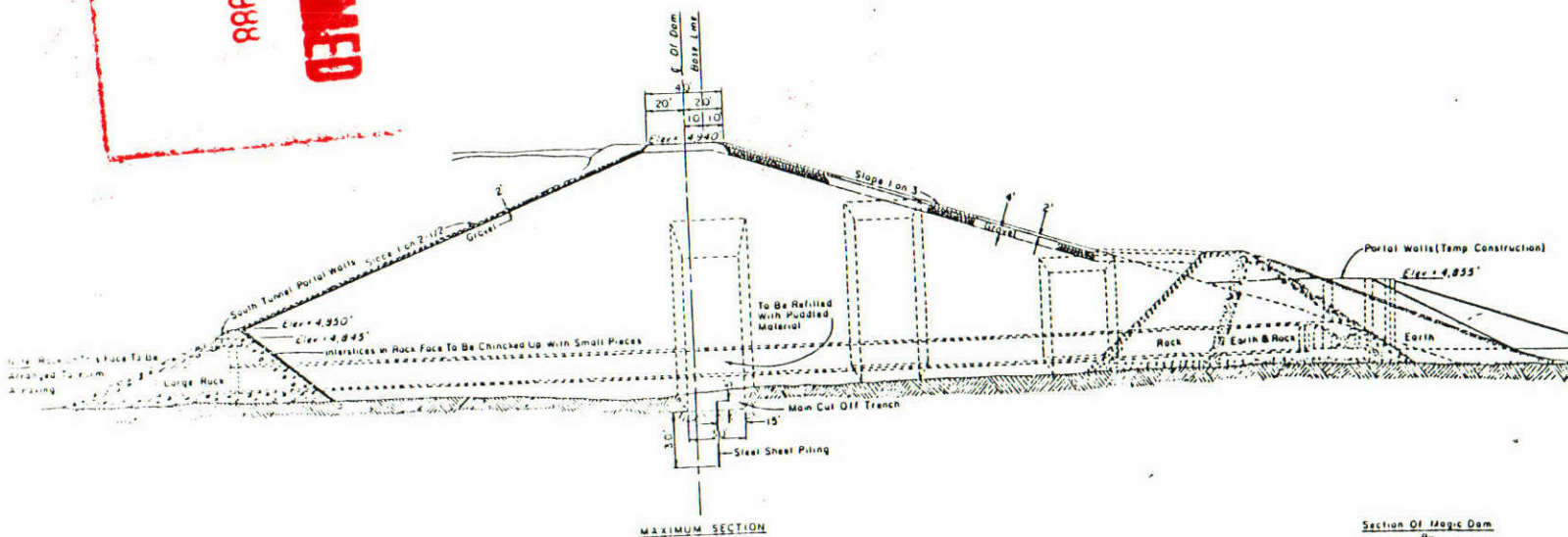
Powerhouse
Spillway

18

MICROFILMED

FEB 29 1988

MICROFILMED
FEB 29 1988

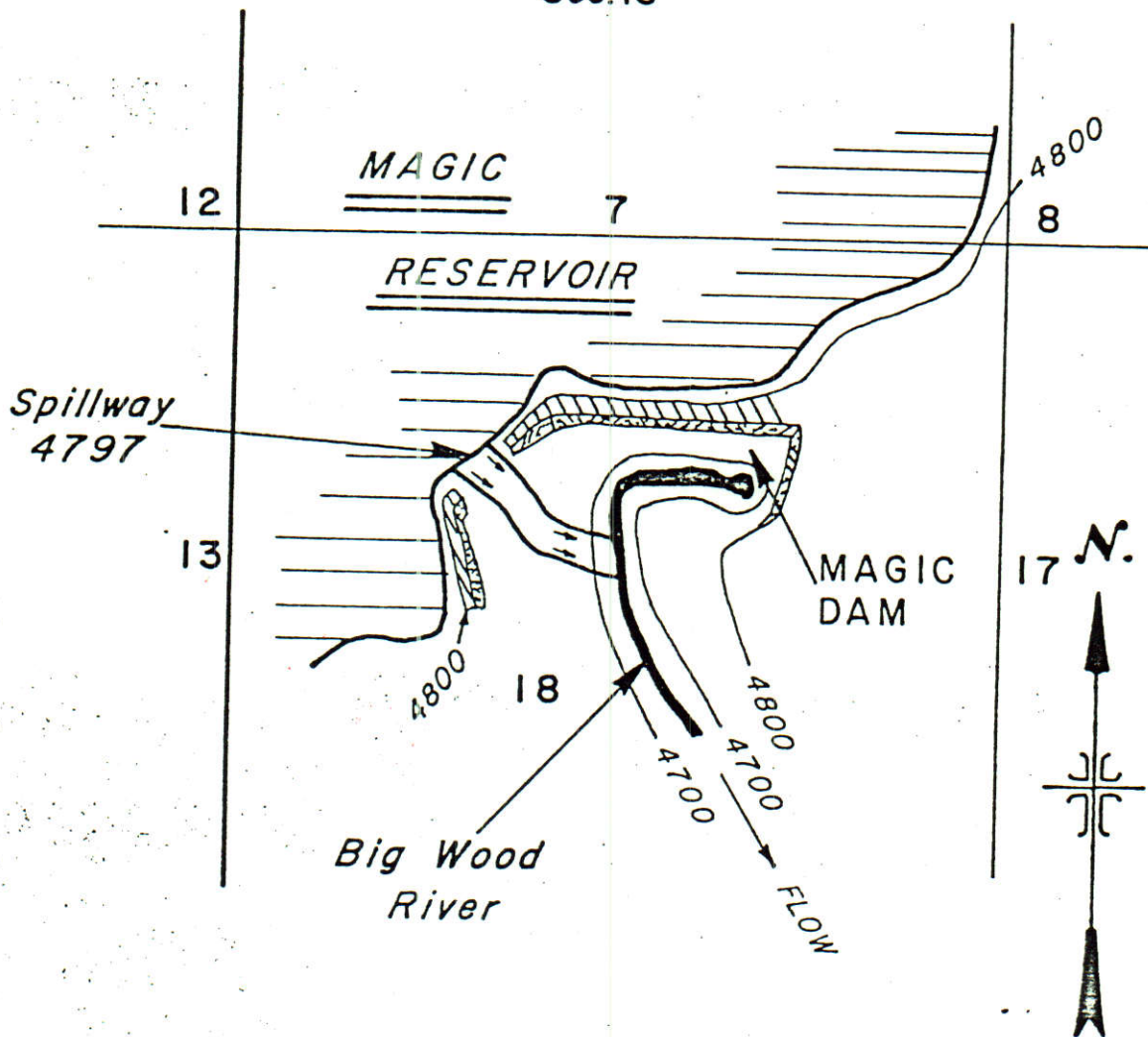


Section Of Magic Dam
By
J.C. White & Co., Inc.
New York & London
Date - 9/25/08
No Scale
Re-Drawn By Rch

FIGURE 1

MAGIC DAM

T. 2 S., R. 18 E.,
Sec. 18



MICROFILMED

FEB 29 1988

1 05
Recon
All

33 53

33 59 H 05560
Recon

470241
D/C

PROJECT BOUNDARY

17

16

T2S, R18E, B.M.

SG 7/3/1890

33 62 H 05560
Recon

33 65

112707
10'

33 58

33 68

33 63

19

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30

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32 94

MICROFILMED

FEB 29 1988

33 05

31

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21

29

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642
D/C

538
D/C

760
D/C

32

1277
D/C

729
D/C

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Recon US
All Min

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Apn

H 011244

5/20/192
Recon US
All Min

33

158438
D/C

1 06631
Recon US
All Min

5/20/192
Recon US
All Min

AFFIDAVIT OF PUBLICATION

State of Idaho, }
County of Blaine } SS.

GORDON O. GLASMANN

being first duly sworn, deposes and says that he is the printer (publisher) of the Wood River Journal, a newspaper published every week in Hailey, County of Blaine, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once

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

of said advertisement was on the 19th day of July

19 84, and the date of the last publication was on the 26th

day of July, 19 84

Subscribed and sworn to before me this 26th

day of July, 19 84.
(SEAL)

Darla Bratt
NOTARY PUBLIC

WOOD RIVER JOURNAL

Hailey, Idaho

COST OF PUBLICATION

Numer of Picas per Line 11

Number of Lines in Notice 30

Number of Insertions 2

30 Lines tabular at 13.20 5¢/Pica

30 Lines straight at 9.90 4¢/Pica

30 Subsequent lines at 23.10 3¢/Pica

TOTAL COST 23.10

COPY OF NOTICE

(Paste Here)

App # 37-8178
TITLE OF NOTICE Port Elect.

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Dept of Water
BILLING

Water right app. filed by Cook Electric

NOTICE OF APPLICATION FOR WATER RIGHT

NOTICE IS HEREBY GIVEN, That the following application has been submitted for permit to appropriate the public waters of the State of Idaho:

37-8178

COOK ELECTRIC, INC.
Post Office Box 1071
Twin Falls, Idaho 83303

Source: BIG WOOD RIVER
tributary to SNAKE RIVER

Date Filed: 07/02/1984

Diversion Point: NENE Sec 18 T
02S R 18E

Use: POWER (250.00 CFS)

In: NENE Sec 18 T 02S R 18E

If issued, the permit will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 1041 Blue Lakes Boulevard North, Twin Falls, Idaho 83301, and received ON OR BEFORE AUGUST 6, 1984.

A. KENNETH DUNN
Director

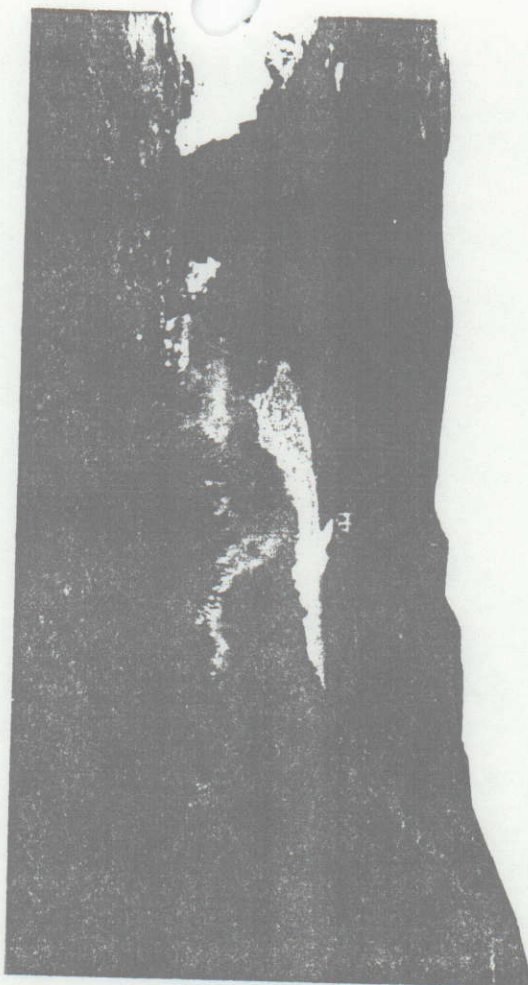
Publish: Wood River Journal—July
19 & 26, 1984.

RECEIVED
No 3512

JUL 30 1984

Department of Water Resources
Southern District Office

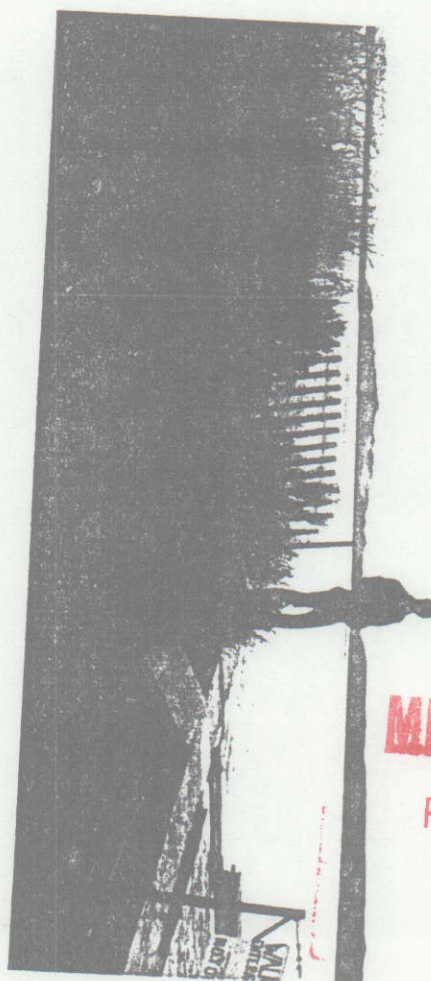
1



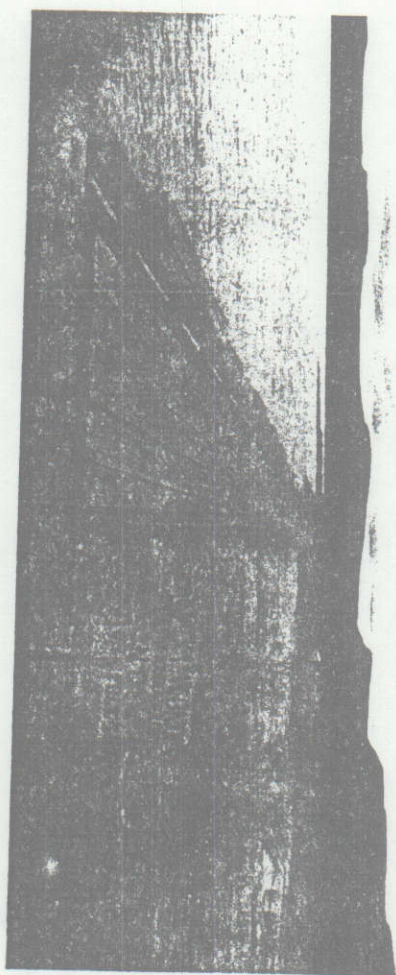
3



2

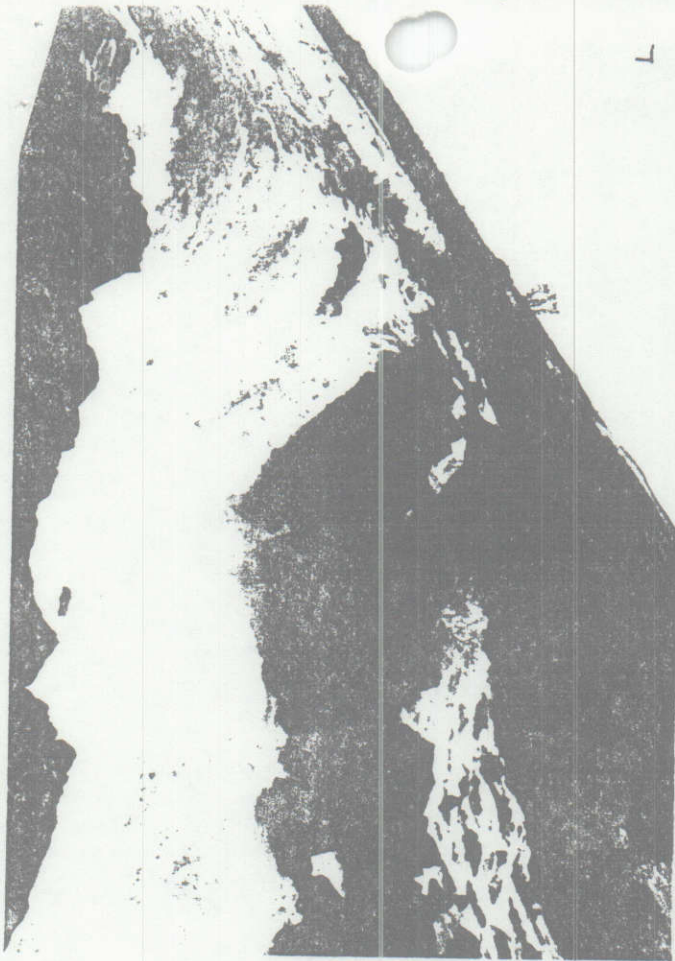


4



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FEB 25 1988



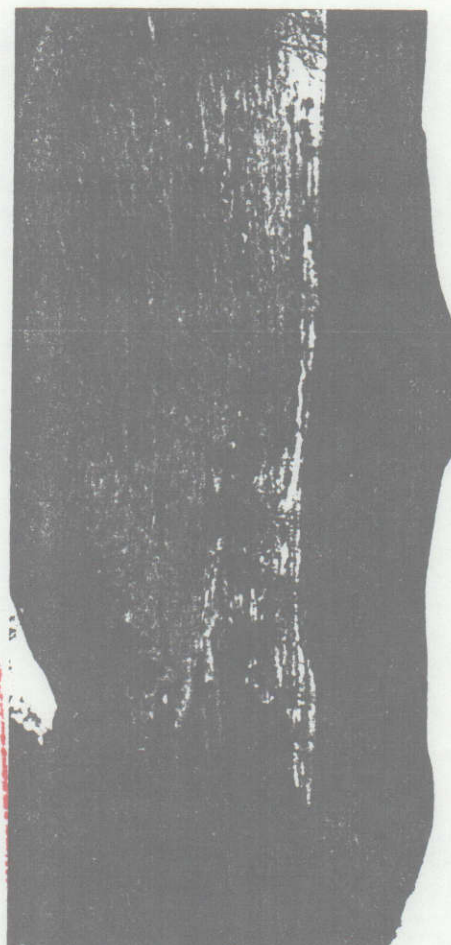
7



5



8



6

MICROFILMED

FEB 29 1988

RECEIVED

02

MAY 18 1988

State of Idaho
Department of Water Resources

ASSIGNMENT OF PERMIT

Department of Water Resources

I, Cook Electric, Inc., hereby assign to Magic Reservoir Hydroelectric, Inc.
of 2399 South Orchard Street, Suite 201, Boise, ID 83705
Address

CHECK ONE



All my right, title, and interest in and to Permit No. 37-8178
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 16 day of May, 19 88.

Cook Electric, Inc
By Warren P. Chapman Pres.
Permit Holder

Elaine Chapman, Secretary
Spouse of Permit Holder

MICROFILMED

State of Idaho

County of TWIN FALLS

ss.

MAR 22 1990

On this 16 day of MAY, 19 88, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged to me
that he (she) (they) executed the same.

Donna R Brown

Notary Public residing at

TWIN FALLS, IDAHO

My commission expires:

6-19-92

RECEIVED
SEP 15 1987
Department of Water Resources
Boise Region Office

STATE OF IDAHO

RECEIVED
OCT 02 1987

APPLICATION FOR AMENDMENT OF A PERMIT

Department of Water Resources

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

APPROVED

Comes now Cook Electric, Inc.

Phone 208-734-3252

of (address) P.O. Box 1071, Twin Falls, Idaho 83303-1071, and represents to the

Director of the Idaho Department of Water Resources:

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 37-8178, and requests that the permit and permit map be changed as follows:

1. Point of diversion: N E ¼ N E ¼, Section 18, Township 2 So., Range 18 E, B.M., County of Blaine. Other points of diversion: _____

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

Amount 250 cfs for power purposes from Jan. 1 to Dec 31 (both dates inclusive)
(cfs or acre feet per annum)

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

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

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

3. Place of use or land to be irrigated:

TWP	RGE	SEC	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
2S	18 E	18	X	X															

Total number of acres to be irrigated = _____

4. a. Who owns the property at the point of diversion? Big Wood Canal Co. and BLM
- b. Who owns the land to be irrigated or the place of use? Big Wood Canal Co. and BLM
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: Agreement between Big Wood Canal Co. and

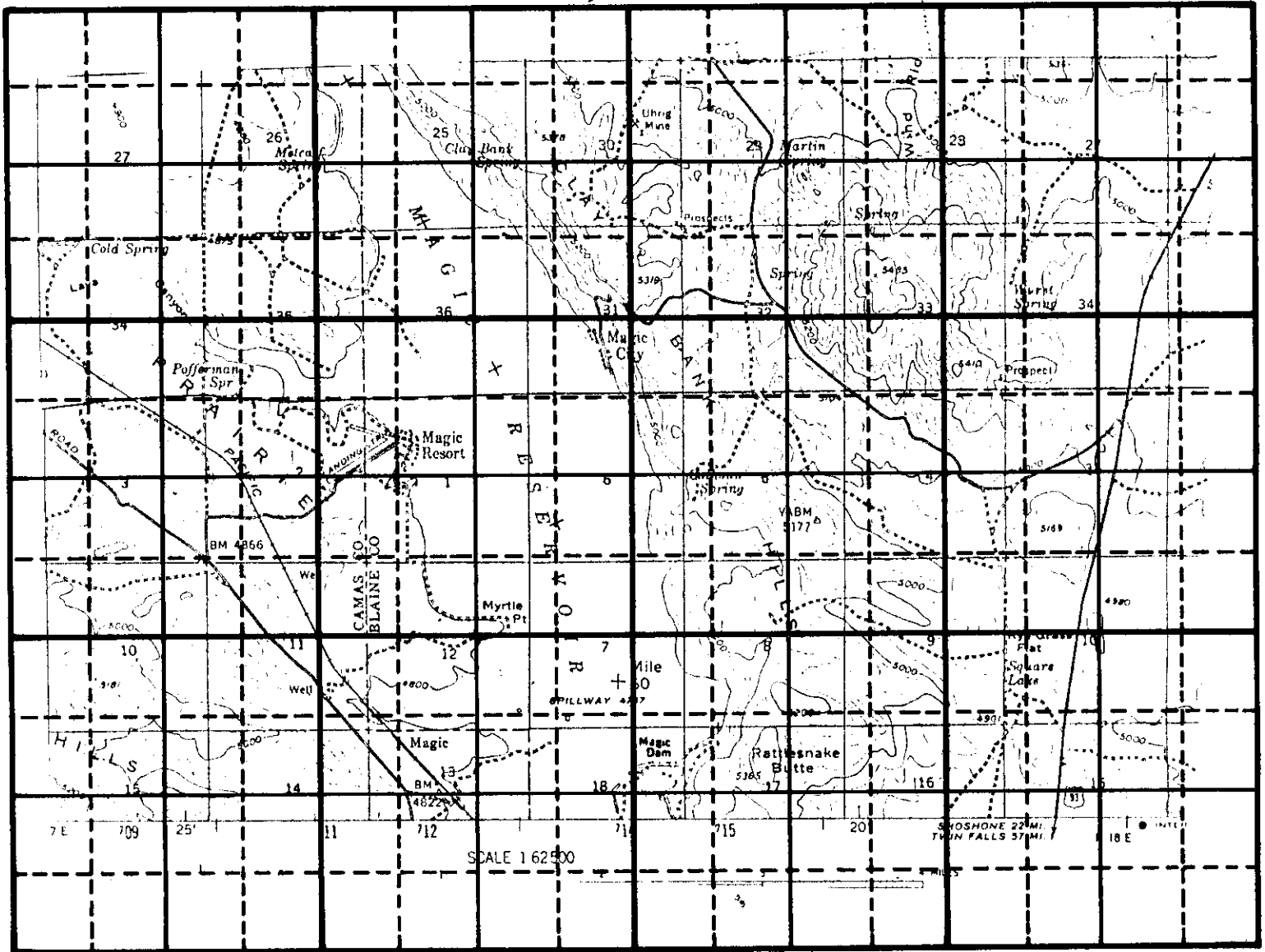
license from the Federal Energy Regulatory Commission, No. 3407-004 and
Exhibit I and Power Purchase Agreement, approved by

MICROFILMED

FEB 29 1988

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

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



Scale: 2 inches equal 1 mile.

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

Signed at Twin Falls, Idaho, this 15 day of September, 1987.

Warren P. Chapman Pres.
(Signature)

FOR DEPARTMENT USE ONLY

Preliminary check by JD Fee = \$20.00

Ch. 1315 R# 44249
Received by MB Date 9/30/87

Publication prepared by _____ Date _____

Published in Not advertised

Publication dates _____

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, L. GLEN SAXTON, of the Department of Water Resources hereby
Approve the above referenced Amendment provided the conditions as set forth in
Permit No. 37-8178 are met.

Witness my hand this 30 day of September, 1988

MICROFILMED

FEB 29 1988

L. Glen Saxton
Chief, Operations Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

RECEIVED
JUL 2 1984

To appropriate the public waters of the State of Idaho

Department of Water Resources
Southern District Office

1. Name of applicant Cook Electric, Inc. Phone (208) 734-3252

Post office address P.O. Box No. 1071, Twin Falls, Idaho 83303-1071

2. Source of water supply Big Wood River which is a tributary of Snake River

3. Location of point of diversion is NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 18 Township 2 South

Range 18 E. B.M. Blaine County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 250 CFS for Power purposes from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)

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

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

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

5. Total quantity to be appropriated:

a. 250 cubic feet per second and/or b. 91,250 acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Existing Magic Dam together with
existing intake structure, outlet gates and appurtenances.

b. Height of storage dam 135 feet, active reservoir capacity 190,000 acre-feet; total reservoir
capacity 191,500 acre-feet, materials used in storage dam: Earth Fill with Concrete Spillway

Period of year when water will be diverted to storage Jan 1 to Dec. 31 inclusive.
(Month/Day) (Month/Day)

c. Proposed well diameter is N.A. inches; proposed depth of well is N.A. 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: NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 18 Township 2 South
Range 18 E. B.M.

(2) Amount of power to be generated: 1,800 horsepower under 85 feet of head.

(3) List number of each kind of livestock to be watered N.A.

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

(5) If water is to be used for other purposes describe: Power generated by this facility will be
sold to a public utility in accordance with Idaho P.U.C. Orders pertaining
to privately generated power.

FEB 29 1988

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. Cook Electric, Inc.
has made a prior application for 800 C.F.S. on August 14, 1980, Ident. No. 37-7848.

9. a. Who owns the property at the point of diversion Big Wood Canal Company

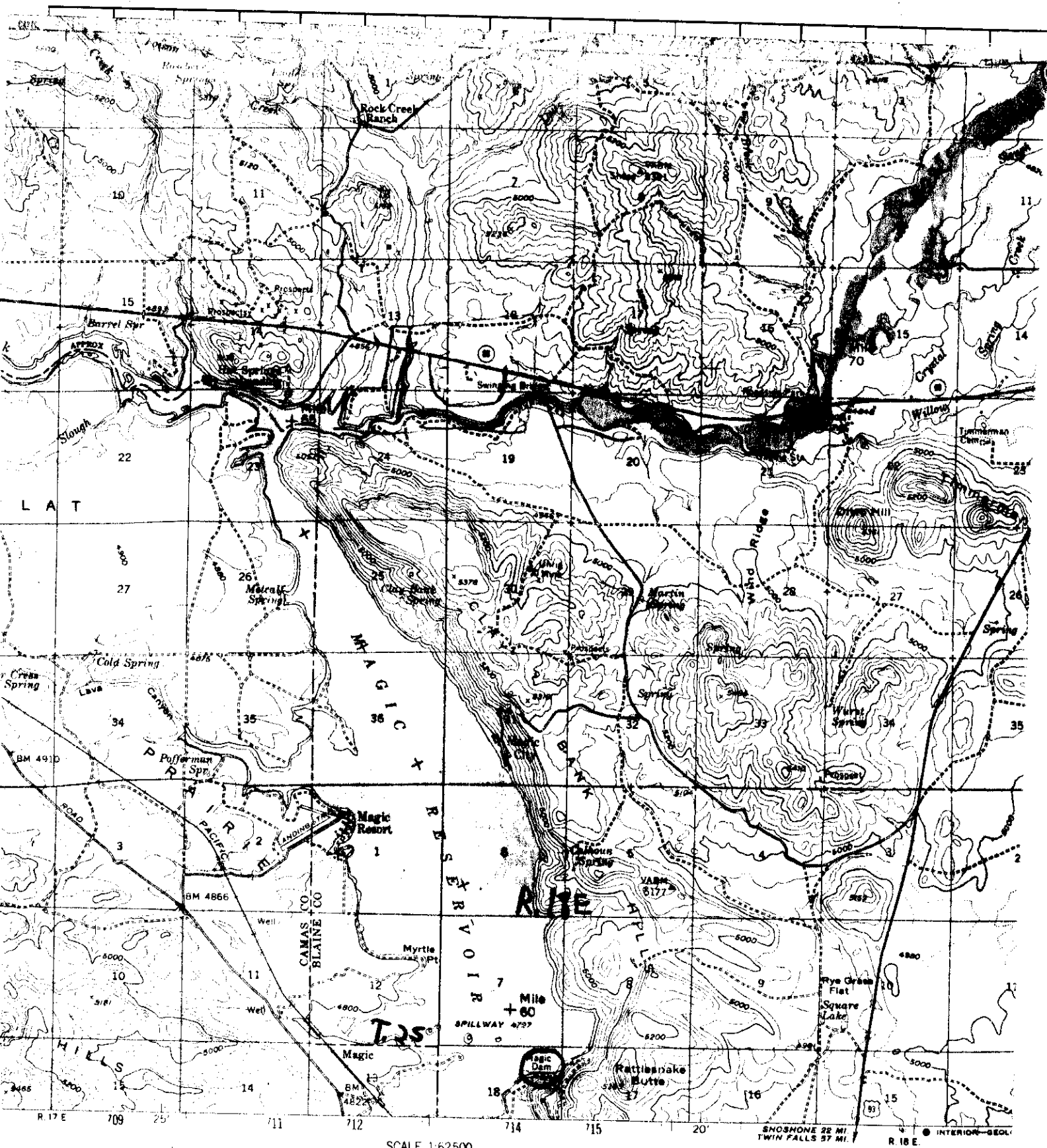
b. Who owns the land to be irrigated or place of use Big Wood Canal Company

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the
 applicant to make this filing See attached Agreement by and between Big Wood Canal
Company and Cook Electric, Inc. made and entered into the 10th day of May,
1984.

10. Remarks We are requesting that this application and application Ident. No. 37-
7848 be approved simultaneously, in view of our Agreement with Big Wood Canal
Company. Intensive studies have been and are being conducted by J-U-B Engin-
eers, Inc. under a contractual Agreement with Cook Electric, Inc., in order
to obtain a license from the Federal Energy Regulatory Commission.

MAILED
FEB 29 1988

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



SCALE 1:62,500

CONTOUR INTERVAL 40 FEET
 DOTTED LINES REPRESENT 20 FOOT CONTOURS
 DATUM IS MEAN SEA LEVEL

MICROFILMED

FEB 29 1988

THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS
 FOR SALE BY U. S. GEOLOGICAL SURVEY, DENVER, COLORADO 80225 OR WASHINGTON, D. C. 20242
 A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST

QUADRANGLE LOCATION

IDAHO

Heavy duty
 Medium duty

MICROFILMED

FEB 29 1988

By: Warren P. Chapman, President
 (Applicant)

Proposed Priority 7/2/84

Received by marrya Date 7/2/84 Time 11:30 a
Preliminary check by JP Fee \$ 1975.00 # 33133
Receipted by marrya Date 7/3/84
Publication prepared by marrya Date 7/2/84
Published in Wood River Journal
Publication dates 7/19 + 7/26/84
Publication approved marrya Date 7/30/84
Protests filed by: none

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by SA 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. 37-8178, 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 September 1, 19 92.
- 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 d thru p.

Witness my hand this 1st day of September, 1987.

J. Glen Gayton
Chief, Operations Bureau

MICROFILMED

FEB 29 1988

ATTACHMENT TO CONDITIONS OF APPROVAL

For Permit No. 37-8178

- d. 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.
- e. 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.
- f. The issuance of this permit in no way grants any right-of-way or easement across the land of another.
- g. 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.
- h. Water used under this permit if discharged into a natural channel or subsurface system shall meet Idaho Water Quality Standards.
- i. The diversion and use of water under this permit and any license subsequently issued is subject to review by the Director on the date(s) of expiration of any license issued by the Federal Energy Regulatory Commission. 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.
- j. 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.
- k. Permanent measuring devices must be installed in such a manner that the amount of water entering the reservoir and the amount of water released from the reservoir can be measured.
- l. This permit does not constitute Idaho Public Utilities Commission or Federal Energy Regulatory Commission approval that may be required.
- m. Use of water under this permit shall be non-consumptive.
- n. 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 your proposed construction or operation involves construction of an outfall or any other work in the stream channel other than a water diversion, you must contact the Department and obtain a Stream Channel Alteration permit prior to the start of construction.
- o. The design and construction of the hydro facility to be installed at Magic Dam shall be approved by the Department, pursuant to the Safety of Dams Statutes, Idaho Code.
- p. Use of water under this permit is subject to control by the water of State Water District No. 37, Big Wood River.

Witness my hand this 1st day of September, 1987.

J. Glen Saxton
Chief, Operations Bureau

RECEIVED
FEB 29 1988

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

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

1. Individual Applicant or Individual Members of a Partnership:

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

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

2. Corporation:

I, Warren P. Chapman of Twin Falls,
(name) (city)

County of Twin Falls, State of Idaho, being duly sworn, depose

and say: That I am the designated registered agent of the COOK ELECTRIC, INC.

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

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

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

by Section 30-1-52, Idaho Code: and that COOK ELECTRIC, INC.
(name of corporation)

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

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

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

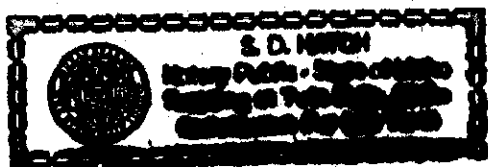
- ☐ Will not utilize existing man-made irrigation facilities such as a dam or a
canal.
- ☒ Will utilize existing man-made irrigation facilities such as a dam or a canal,
and permission of the owner is documented in an affidavit attached hereto.
(SEE AGREEMENT BETWEEN BIG WOOD CANAL COMPANY AND COOK ELECTRIC, INC. ATTACHED)
- ☐ 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.

Warren P. Chapman
Warren P. Chapman
Applicant

State of Idaho)
County of Twin Falls) ss.

On this 29th day of June, 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



S.D. Hatch
S.D. Hatch
Notary Public residing at

Twin Falls, Idaho

My commission expires:

Life Term

FEB 29 1988

AGREEMENT

THIS AGREEMENT Made and entered into this 10th day of May, 1984, by and between Big Wood Canal Company, a corporation, Shoshone, Idaho, (hereinafter "Big Wood"), and Cook Electric, Inc., an Idaho Corporation, (hereinafter "Cook").

WHEREAS, Big Wood is the owner of a dam situate on the Big Wood River and located in Section 18, Township 2 South, Range 18 E.B.M., Blaine County, Idaho, commonly and usually referred to as Magic Dam and which dam causes the impoundment of water in a reservoir commonly and usually referred to as Magic Reservoir; and

WHEREAS, the purpose of the construction and maintenance and operation of Magic Dam and the reservoir is for the purpose of providing irrigation water to stockholders of Big Wood; and

WHEREAS, Cook is currently in the process of filing an Application with the Federal Energy Regulatory Commission for the purpose of obtaining a license for the installation of a hydro electric project at Magic Dam; and

WHEREAS, a letter of intent was entered into by and between representatives of Big Wood and Cook on the 27th day of July, 1983, a copy of which is attached hereto; and

WHEREAS, the parties desire to amend and supplement the terms and provisions of said letter of intent;

NOW, THEREFORE, it is hereby agreed:

1. Construction of facility. Cook shall install and construct at its expense all facilities required for the installation of a hydro electric project of a minimum capacity of five megawatts. Cook acknowledges and agrees that the existing dam and outlet facilities at Magic Dam are an integral part of any hydro electric facility and that the structural integrity of the dam and outlet facilities must be inspected, replaced or rehabilitated as may be required to meet the standards for "safety-in-dams" and all costs associated with such inspection, replacement or rehabilitation will become part of any hydro electric development at Magic Dam.

MICROFILMED

FEB 29 1988

2. Approval of plans. The construction of any facility or modification of any existing facility shall not be initiated until the designated representative of Big Wood has approved in writing the designs and specifications.

3. Operation of Magic Dam. Magic Dam will continue to be operated by Big Wood in a manner so that (1) the present storage rights of the stockholders of Big Wood shall not be altered or changed, (2) Cook shall not obtain any storage rights in Magic Reservoir, and (3) the primary irrigation purpose and the incidental purpose of Magic Reservoir shall not be impaired by the subordinate utilization for power generation at the power plant of the water released from Magic Reservoir. Big Wood is not obligated to operate Magic Dam in a manner to have water in Magic Reservoir for power generation or to operate to increase the head in Magic Reservoir for power generation.

Operation of Magic Dam and the reservoir is subject at all times to scheduled interruptions for inspections, maintenance and repairs of the dam and at all times for any emergency operating situations relating to Magic Dam.

4. Payment. In consideration of the use of Magic Dam and the falling water impounded in Magic Reservoir, Cook will pay Big Wood payments in accordance with the schedule of payments attached hereto.

Payments shall be made quarterly, in arrears, computed on the production of the previous three months and projections of production for the ensuing three months.

The first payment to be made three months following the date of the first production of power.

5. Term of use of property. The right of Cook to use the facility constructed shall remain in full force and effect and be binding upon the parties hereto from and after the date hereof and shall continue for a term of thirty (30) years from the date of first power production by the facility so constructed.

At the end of the term for the use of the property as specified, Cook agrees to abandon the premises and to transfer, without cost to seller, by good and sufficient bills of sale, quitclaim deeds or assignment, all of its rights, titles and interests in and

to the project, power production contracts, FERC exemptions or license and any and all improvements or personal property constituting a part of the project.

6. Early termination agreement. This agreement may be terminated and cancelled without liability to Big Wood if, for any reason, the hydro electric facility is not in operation on or before the 10th day of May, 19 87.

7. Maintenance. At all times during the term of this agreement, Cook shall, at Cook's own cost and expense, keep and maintain the hydro electric project and all improvements now or hereafter placed on the project as well as all facilities now or hereafter appurtenant to the project in good order and repair and in a safe and clean condition. Cook shall operate and maintain the facilities in accordance with Prudent Electrical Practices, the National Electric Safety Code in effect from time to time, and other applicable local, state and federal codes, and shall provide and maintain adequate protective equipment sufficient to prevent damage to the facility.

8. No liability for water shortage or interruption. No liability shall accrue against Big Wood or any of its officers, agents, or employees for damage, direct or indirect, arising by reason of shortages in the quantity of water available through Magic Dam or interruptions in water releases resulting from drought, inaccuracy in distribution, hostile diversion, prior or superior claims, accident to or failure of Magic Dam, or the by-passing of water around the power plant, whether or not attributable to negligence of the officers, agents or employees of Big Wood or other causes of whatsoever kind.

9. Indemnity and insurance. Cook shall indemnify and hold Big Wood and the property of Big Wood Canal Company free and harmless from any and all liability, claims, loss, damages or expenses resulting from Cook's occupation and use of the site.

Cook shall, at Cook's own cost and expense, secure promptly after execution of this agreement and maintain during the entire term of the agreement a broad form comprehensive coverage policy

of public liability insurance issued by an insurance company acceptable to Big Wood and authorized to issue liability insurance in Idaho insuring Cook and Big Wood against loss and liability caused by or connected with Cook's occupation and use of the site in amounts not less than:

(a) \$ 500,000.00 for injury to or death of one person and, subject to such limitations for the injury or death of one person, but not less than \$ 1,000,000.00 for injury or death of two or more persons as a result of an accident or incident.

(b) \$ 1,000,000.00 for damage to or destruction of any property of others, including property of Big Wood.

Provided, however, that if the insurance requirements of any power sales agreement entered into by Cook with a third party are more stringent or require higher limits, Cook shall comply with such other more stringent and higher limit requirements.

Evidence of the issuance of the continuation of full force and effect of all such policies shall be supplied to Big Wood upon the request of Big Wood.

All of such policies shall contain a provision to the effect that the policy or policies may not be cancelled without a written Notice to Big Wood of less than ninety (90) days.

10. Regulatory body requirements. Any and all enhancement or mitigation requirements or water quality facilities which may be imposed by governmental bodies having authority to do so, shall be constructed, operated and maintained by Cook.

11. Default. In the event Cook is in default under this agreement, and such default is not cured within thirty (30) days after written notice of the default is delivered to Cook, Big Wood shall have the right to bring one or more of the following actions:

(a) An action for specific performance under this agreement;

(b) An action for damages incurred as a result of the default;

and

(c) Any other rights and remedies provided by law, including

the right to assume possession and control and operation of the hydro electric project.

In the event of default, the defaulting party shall pay all costs and fees incurred by the non-defaulting party in enforcing this agreement against such defaulting party, including reasonable attorney fees and court costs.

12. Suspension or termination of use of water by Cook upon default. In the event of the failure of Cook to pay when due all or any part of the payments, as hereinabove provided, in addition to the other remedies as hereinabove provided, Big Wood shall take such steps as shall be necessary to suspend all rights of Cook to the use of any water for the generation of power.

13. Notices. All notices required or permitted hereunder shall be deemed duly delivered when personally delivered or when sent by United States Mail, postage prepaid, certified mail, with return receipt requested, and addressed to the parties as follows

Big Wood Canal Company
111 South Apple
Shoshone, Idaho 83352

Cook Electric
P.O. Box 1071
Twin Falls, Idaho 83301

14. Binding agreement. This agreement shall inure to the benefit of the parties hereto and their successors and assigns.

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

BIG WOOD CANAL COMPANY

BY: Donald L. Loney
Pres.

ATTEST:

Harold L. Loney
Secretary

AGREEMENT
Big Wood -- Cook Electric

Page 5

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FEB 29 1988

COOK ELECTRIC, INC.,

BY: Warren P. Chapman
President

ATTEST:

Dale Hatch
Secretary

STATE OF IDAHO)
) SS.
County of Lincoln)

On this 14th day of May, 1984, before me, the undersigned, a Notary Public in and for said State, personally appeared Donald Sandy and Dorothy Silva, who being by me duly sworn, did say, each for himself, that he, the said Donald Sandy is the President, and she, the said Dorothy Silva is the secretary of Big Wood Canal Company, a corporation and that the within and foregoing instrument was signed on behalf of said corporation by authority of a resolution of its board of directors and said Donald Sandy and Dorothy Silva each duly acknowledged to me that the said corporation executed the same and that the seal affixed is the seal of the corporation.

David D. Whiteley
Notary Public for the State of
Idaho; Residing at: Gooding,
Idaho.

STATE OF IDAHO)
) SS.
County of Twin Falls)

On this 10th day of May, 1984, before me, the undersigned, a Notary Public in and for said State, personally appeared Warren P. Chapman and Dale Hatch, who being by me duly sworn, did say, each for himself, that he the said Warren P. Chapman is the president, and he, the said Dale Hatch is the secretary of Cook Electric, Inc., a Corporation, and that the within and foregoing instrument was signed on behalf of said corporation by authority of a resolution of its board of directors and said Warren P. Chapman and Dale Hatch each duly acknowledged to me that said corporation executed the same and that the seal affixed is the seal of the corporation.

Warren P. Chapman
Notary Public for the State of
Idaho; Residing at: Twin Falls, Idaho
Idaho.

MICROFILMED

FEB 29 1988

FIFTY YEAR PERIOD FOLLOWING FIRST POWER PRODUCTION

<u>CAPACITY</u>	<u>KWH</u>	<u>GROSS ANNUAL REVENUE</u>	<u>PERCENT OF GROSS REVENUE TO BIG WOOD</u>
5 MW	15,602,238	\$ 1,045,350.00	-0-
5 MW	5,397,762	361,650.00	38.9%
6.2 MW	18,611,194	1,246,950.00	-0-
6.2 MW	5,388,806	361,050.00	44.5%
8.9 MW	22,444,776	1,503,800.00	-0-
8.9 MW	5,555,224	372,300.00	50.4%
9.5 MW	24,335,820	1,630,500.00	-0-
9.5 MW	5,664,180	379,500.00	53.0%

Big Wood shall receive 1/4 of the gross revenues received for production of KWH in excess of the following

5 MW facility - 21,000,000 KWH
 6.2 MW facility - 24,000,000 KWH
 8.9 MW facility - 28,000,000 KWH
 9.5 MW facility - 30,000,000 KWH

REMAINDER OF TERM OF AGREEMENT

Big Wood and Cook will each receive fifty percent (50%) of the gross sales revenues above the operation and maintenance costs. For purposes of this calculation not more than 20% of gross sales revenues can be deducted as operation and maintenance costs.

The foregoing schedule of payments is predicated upon the assumption that Cook will enter into a Power Sales Agreement with IPC for the sale of energy at an average annual rate of 67 mills.

In the event that the average annual rate is lower or higher than 67 mills, the foregoing schedule of payments shall be adjusted proportionately.

SCHEDULE OF PAYMENTS

RECORDED

FEB 29 1988

COOK ELECTRIC, Inc.

PHONE:
734-3252

P. O. BOX 1071
TWIN FALLS, IDAHO
83301

July 27, 1983

Big Wood Canal Co.
112 South Apple
Shoshone, Idaho

Attn: Mr. Thomas K. Schafer, Hydro Project Manager

Dear Tom:

I have briefed principals of Cook Electric on our discussions last week. I am authorized to execute this letter of intent detailing what Cook Electric would agree to do towards the creation of a hydroelectric facility at Magic Dam.

Irrigation Function. Cook Electric realizes that the irrigation function at Magic Dam is and must be superior to all other uses. Accordingly, hydroelectric production must be done in conformity with on-going irrigation releases at the site. Further, Cook Electric acknowledges and agrees that the existing dam and outlet facilities at Magic Dam must be considered to be an integral part of any hydroelectric facility and accordingly, the structural integrity of the dam and outlet facilities must be inspected, replaced or rehabilitated as may be required to meet the standards for "Safety-in-Dams" and all costs associated with such inspection, replacement or rehabilitation will become part of any hydroelectric development at Magic Dam.

Cooperative Effort. Cook Electric has always maintained that the cooperation of affected parties is necessary for optimum development. That was the reason for Warren Chapman meeting with the Directors of the Big Wood Canal Company in the fall of 1980. It was never the intent of Cook Electric to file at the Magic Dam site for purposes of speculation. The company has an outstanding reputation before the Federal Energy Regulatory Commission as a developer which files for hydroelectric sites in good faith. The Board should understand, as I know you do, that in pursuing a cooperative approach to development at Magic Dam, Cook Electric is not intending to exploit a speculative filing, but rather is making a good faith effort by the Board to lay down the sword and join forces for optimum development. The moves underway for cooperative development are merely a recognition that continued resistance may be mutually self-

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destructive.

Specifically, all efforts made by Cook Electric must be taken with regard to the law which prohibits speculative filings. Cook Electric is willing to do all that it can within the confines of the law to achieve optimum development through cooperative efforts. I understand that Big Wood is requesting nothing from Cook Electric that would jeopardize its status as a preliminary permittee.

Ownership Interest Recognized. A cornerstone of our mutual efforts is the recognition by Cook Electric that Big Wood Canal Company owns the dam and irrigation facilities. Its ownership interest and economic purpose must and will be fully and fairly compensated as follows:

1. The financing entity to make principal, interest, operation and maintenance payments, and tax credits for the life of the financial contract.
2. Five percent (5%) of the gross income is to be allocated to operation and maintenance of the project.
3. Cook Electric, Inc. is to receive a payment equal to five percent (5%) of the net cash flow of the project.
4. Big Wood Canal Company is to receive forty percent (40%) of the net cash flow of the project.
5. Cook Electric, Inc. and Big Wood Canal Company's net payments are subordinate to items 1 and 2 above.
6. Cook Electric, Inc. agrees to assign their hydroelectric licenses to Big Wood Canal Company after the period of twenty (20) years, subject to the approval of the Federal Energy Regulatory Commission.
7. Fifty-five percent (55%) of the net cash flow will be received by the financing entity. This entity will be responsible for payment of principal, interest, and operation and maintenance expenses.
8. In the alternative any arrangement mutually acceptable to Cook Electric, Inc., Big Wood Canal Company and the project financial entity that would be acceptable to Federal Energy Regulatory Commission.

Financing. Cook Electric realizes that suitable financing can most easily be obtained through the cooperative efforts of the parties. It also recognizes that Bonneville Corporation has been identified as the primary financing entity. An agreement must be executed between

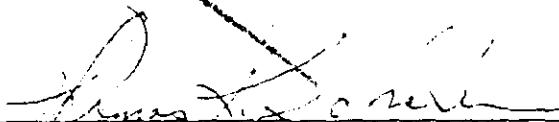
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FEB 29 1988

the parties and Bonneville Corporation giving it something in the nature of the first right of refusal on financing the project. Should Bonneville Corporation be interested in such a position it must agree to provide front money for inspection and design..

Cooperative Entity. If allowable under the Federal Power Act, a cooperative entity should be established between Cook Electric, Big Wood Canal Company and a third person, to act in the event of dead-lock on any issue. Each party should designate a sole representative. This entity would look at the issue of whether conduit exemption is the preferable legal status for development. If this election can be made without prejudicing Cook Electric's interest in the project under the Federal Power Act, the entity should have the right to make the election.

Inspection and Testing. Cook Electric understands that Big Wood Canal Company has knowledge of the negotiations by and between Cook Electric and Big Wood Authorized Representative and upon approval by the Board of Directors of Big Wood Canal Company on August 1, 1983, of the terms and conditions of this letter of intent, access for purposes of inspection and non-destructive testing would be granted for the purpose of preserving the existing Federal Energy Regulatory Commission Preliminary Permit until a joint determination can be reached concerning the best legal procedure to follow for a joint development of a hydroelectric project at Magic Dam. Please regard this letter as one of intent. If it meets your approval, please indicate by your signature in the place provided below.

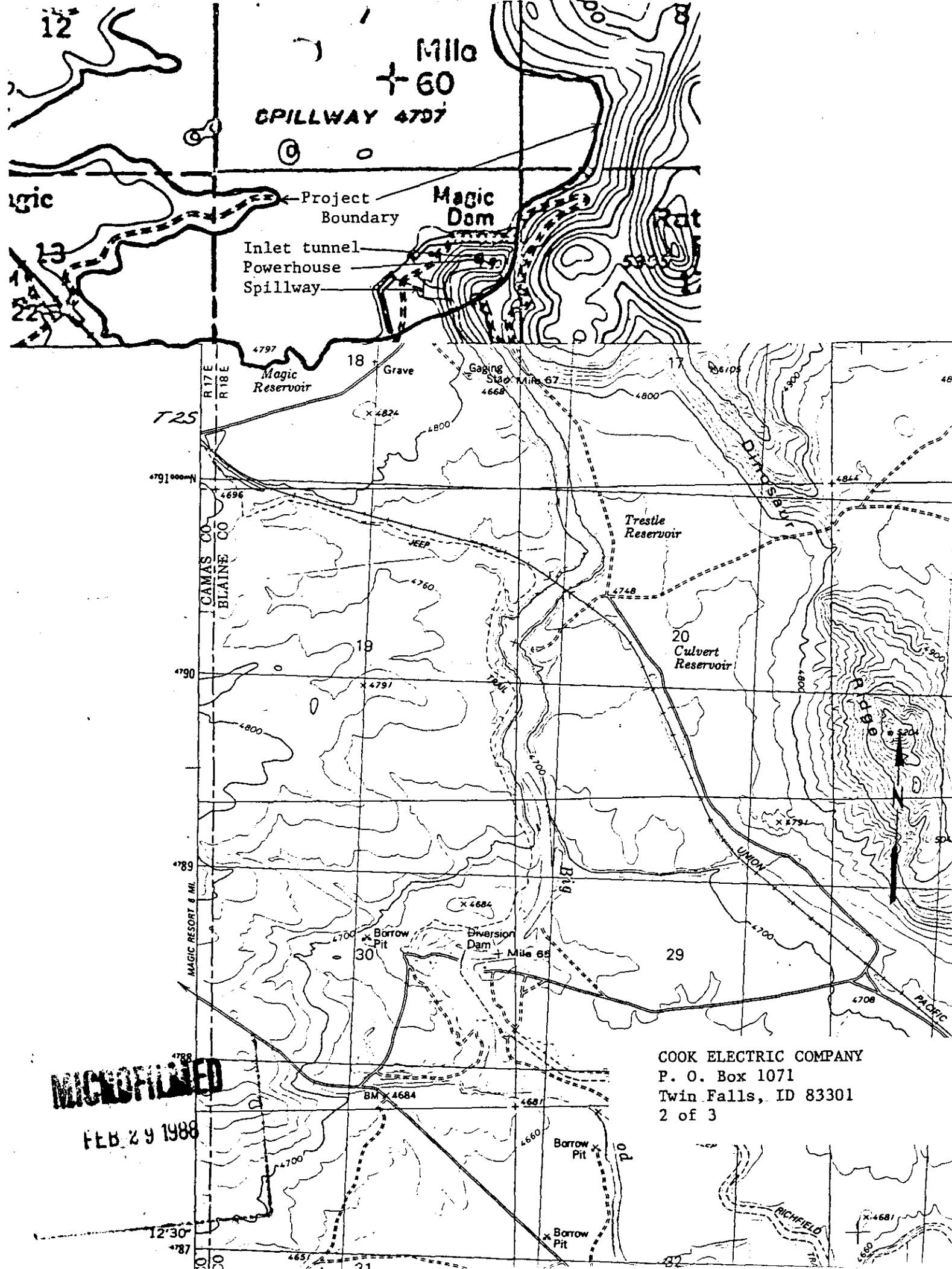
Sincerely yours,


Thomas K. Schafer
Authorized Agent for
Big Wood Canal Company
July 27, 1983


Dennis S. Voorhees
Authorized Agent for
Cook Electric, Inc.
July 27, 1983

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COOK ELECTRIC COMPANY
P. O. Box 1071
Twin Falls, ID 83301
2 of 3

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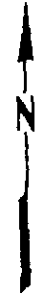
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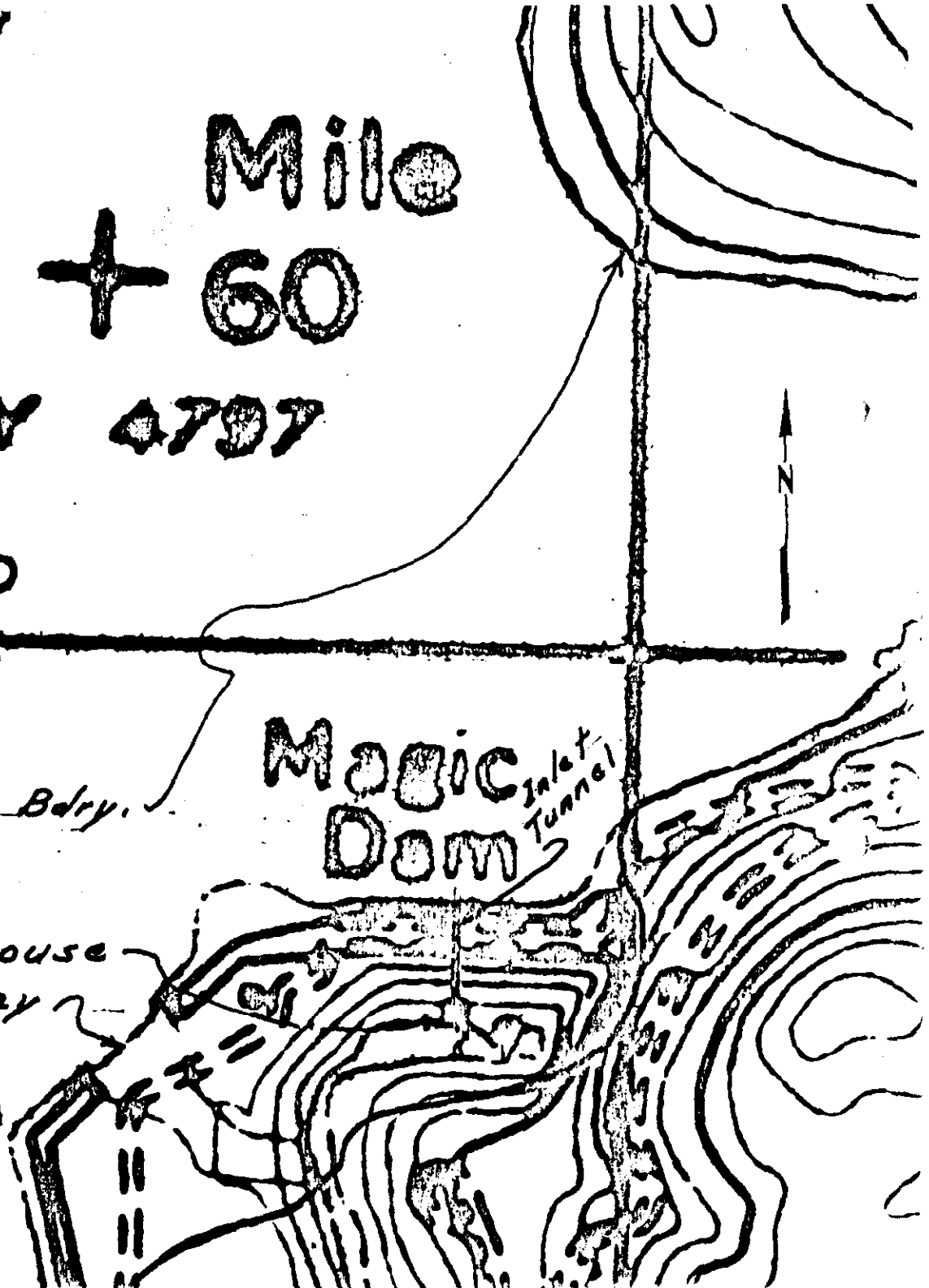
Magic Dam
Islet Tunnel

Powerhouse
Spillway

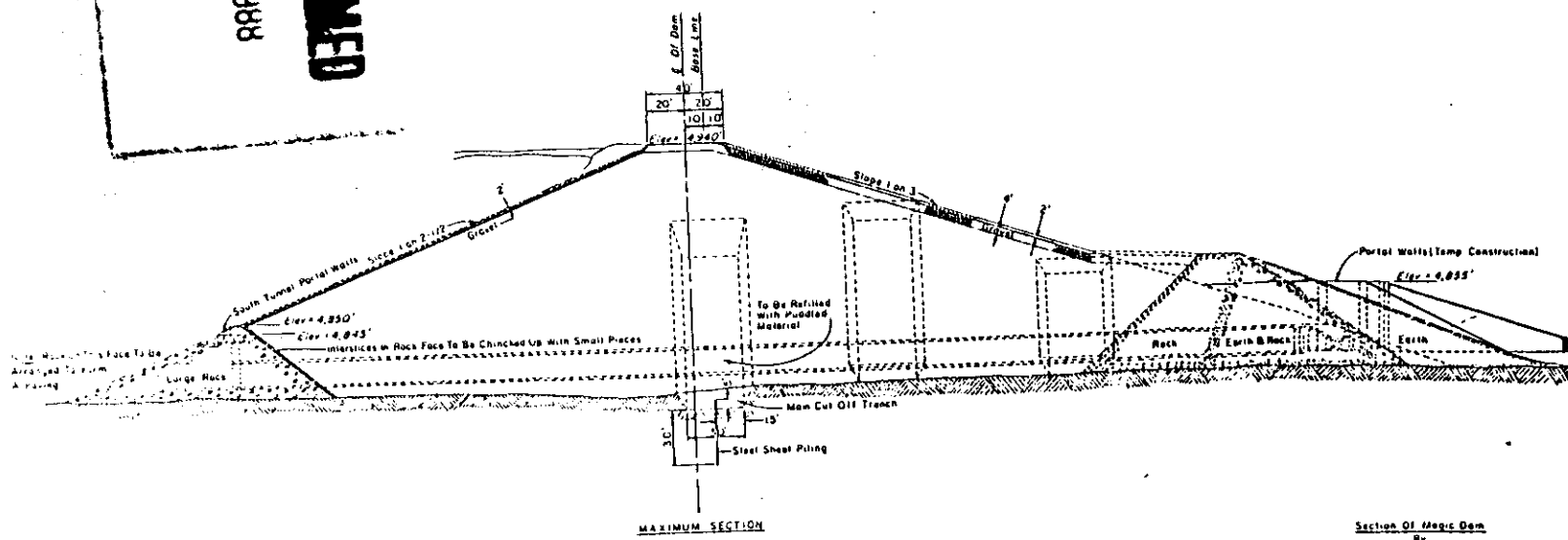
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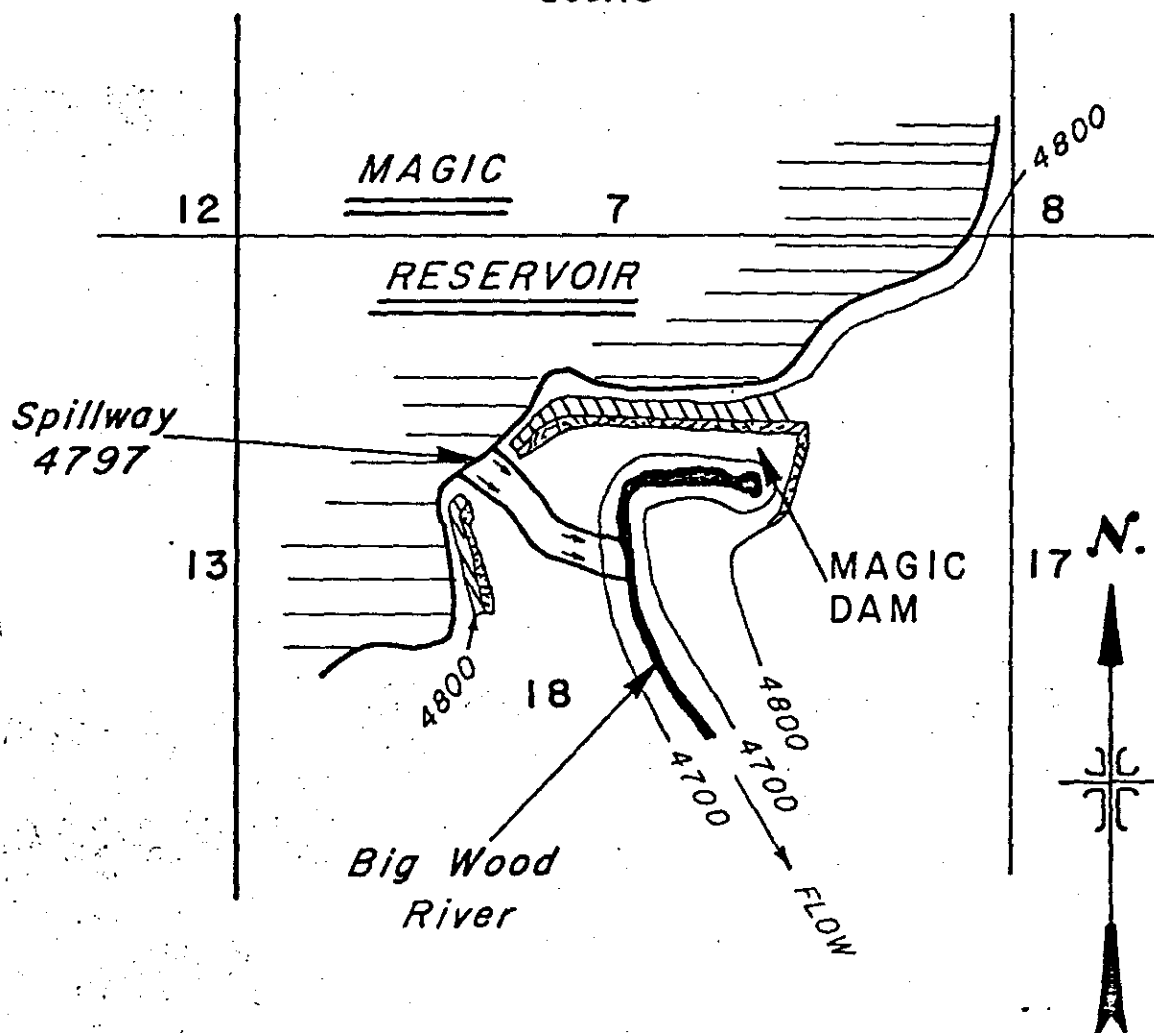
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FEB 29 1988



Section Of Magic Dam
By
J.C. White & Co., Inc.
New York & London
Date - 9/25/08
No Scale
As Drawn By Res
FIGURE 1

MAGIC DAM

T. 2 S., R. 18 E.,
Sec. 18



MICROFILMED

FEB 29 1988

AFFIDAVIT OF PUBLICATION

State of Idaho, }
County of Blaine } SS.

GORDON O. GLASMANN

, being first duly sworn, deposes and says that he is the printer (publisher) of the Wood River Journal, a newspaper published every week in Hailey, County of Blaine, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once

each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 19th day of July, 1984, and the date of the last publication was on the 26th day of July, 1984.

day of July, 1984

Subscribed and sworn to before me this 26th

day of July, 1984
(SEAL)

Darla Bratt

NOTARY PUBLIC

WOOD RIVER JOURNAL

Hailey, Idaho

COST MICROFILMED

Numer of Picas per Line 11
Number of Lines in Notice 30
Number of Insertions 2

30 Lines tabular at 13.70 5/Pica
30 Lines straight at 9.90 4/Pica
30 Subsequent lines at 23.10 3/Pica

TOTAL COST 23.10

COPY OF NOTICE

(Paste Here)

App # 37-8178

TITLE OF NOTICE

Box Elect.

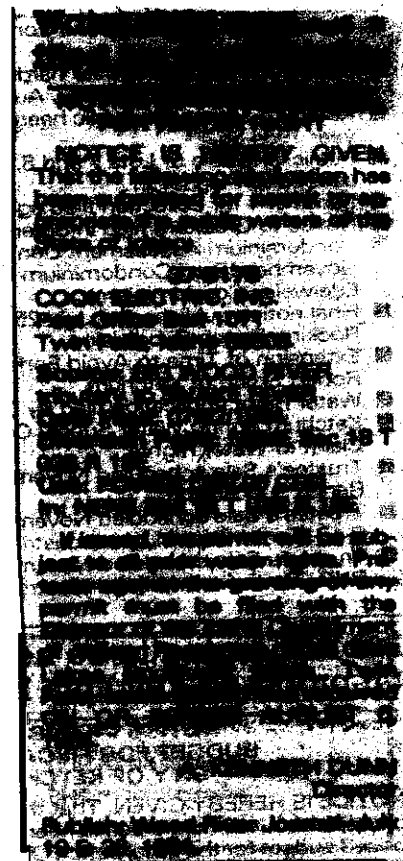
PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Dept of Water

BILITIO



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JUL 30 1984

Department of Water Resources
Southern District Office

80 PERC 62,219

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Magic Reservoir) Project No. 3407-073
Hydroelectric, Inc.)

ORDER APPROVING DISSOLVED OXYGEN REQUIREMENTS

(Issued September 10, 1997)

On January 24, 1997, Magic Reservoir Hydroelectric, Inc. (Licensee) filed an application for permanent modification of the dissolved oxygen (DO) requirements for the Magic Dam Project. The project is located in Blaine County, Idaho, on the Big Wood River.

BACKGROUND

Article 403 of the Magic Dam license, issued on January 15, 1987, requires maintenance of minimum DO levels in the project tailrace at 90 percent saturation from April 1 through July 31 and 5 milligrams per liter (mg/L) for the rest of the year. 1/

On November 13, 1990, the licensee filed an application for amendment of license for the project, which it subsequently amended on December 20, 1990. The licensee requested that the DO levels required by article 403 be revised for the 1991 operating year to reflect an agreement between the licensee and Idaho Department of Fish and Game (IDFG). Under the agreement, article 403 would be revised for the 1991 operating year as follows:

Dissolved oxygen limits (mg/L)

Time Period	10-Day Mean	2-Day Minimum	Instantaneous Minimum
April 1-June 30	6.0	5.0	4.5
July 1-October 15	6.0	4.7	3.5

After the 1991 operating year, the licensee would consult with the IDFG for the purpose of either modifying the above DO standards or making them permanent. Additional material, dated April 25, 1991, was provided by the licensee to support its request.

1/ 36 PERC ¶ 62,034

Project No. 3407-073

-2-

On May 8, 1991, the Commission issued the Order Approving Temporary Modification of Dissolved Oxygen Requirement, which revised article 403 for the 1991 operating year as requested by the licensee. 2/ The order also required the licensee to monitor the large pool at the base of Magic Dam with respect to DO levels and fish resources. Based on the results of the monitoring, the licensee could request a permanent amendment of the original DO requirements of the license, provided the state and federal resource agencies concur.

Since the 1991 operating year, the licensee has been given additional time to monitor DO levels in order to amass a sufficient record of monitoring DO levels under varying operating conditions to support its request for permanent modification of project DO standards.

LICENSEE'S PROPOSAL

The licensee requests that article 403 be revised to require maintenance of DO levels consistent with the temporary standards set in the Commission's May 8, 1991 order. The licensee states it has developed an operating plan for DO with the IDFG, U.S. Fish and Wildlife Service (FWS), and the Idaho Department of Environmental Quality (IDEQ). The operating plan includes constant monitoring of DO levels and the wherewithal to effectuate rapid response to low DO levels. When the DO levels approach the allowable limits, flow, or some portion of the flow, is passed through the Howell-Bunger valves to raise DO levels in the pool below Magic Dam. Additionally, the licensee proposes that, should a problem related to the subject DO standards occur in the future, it would, at the request of the Commission or the resource agencies, investigate the concern and modify project operations temporarily or permanently, if necessary.

AGENCY COMMENTS AND LICENSEE'S RESPONSE

By letter dated February 24, 1997, we requested the licensee provide comments on its proposal from the IDEQ, FWS, IDFG, and the U.S. Bureau of Land Management (BLM).

The IDEQ, by letter dated March 12, 1997, stated that the licensee's monitoring verifies that the temporary DO standards protect water quality and approves their being made permanent. The IDEQ also requests that the operating plan developed with IDEQ, IDFG, and the FWS be included in a revised article 403 license condition, along with provisions for monitoring quality control to ensure monitoring and recording equipment operational integrity. The IDEQ also requested that monthly monitoring data

2/ 55 PERC ¶ 62,122

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Department of Water Resources

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Department of Water Resources
Southern Region Office

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Magic Reservoir Hydroelectric, Inc.) Project No. 3407-031

ERRATA NOTICE

(March 11, 1991)

NOTICE GRANTING EXTENSION OF TIME
TO SUPPLEMENT APPEAL

(March 5, 1991)

On March 5, 1991, a Notice Granting Extension of Time To Supplement Appeal was issued under Project No. 3407-040. The notice should have been issued under Project No. 3407-031.

Lois D. Cashell
Secretary

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Project No. 3407-040

-2-

Magic Reservoir Hydroelectric, Inc.) Project No. 3407-040

NOTICE GRANTING EXTENSION OF
TIME TO SUPPLEMENT APPEAL

(March 5, 1991)

On March 13, 1990, the Director, Division of Project Compliance (Director), issued a compliance order 1/ informing Magic Reservoir Hydroelectric, Inc. (Magic Reservoir), licensee for the Magic Dam Project No. 3407, located on the Big Wood River in Blaine and Camas Counties, Idaho, that it had failed to maintain the dissolved oxygen (DO) levels in the project discharge, as required by Article 403 of its license, 2/ and to record the DO levels, as specified by the Commission's September 22, 1988 order approving and modifying in part the DO monitoring plan for the project. 3/ The Director ordered Magic Reservoir to provide monthly reports detailing compliance with Article 403. On April 12 1990, Magic Reservoir filed a timely appeal of the Director's action.

On December 3, 1990, the Commission issued a final rule in Docket No. RM90-11-000, 55 Fed. Reg. 50,677 (December 10, 1990), which amended Section 385.1902 of the Commission's regulations to provide that all appeals of staff action that were pending on that date are deemed to be requests for rehearing. The rule provided a 30-day period following the rule's issuance date, ending January 2, 1991, for persons who, prior to December 3, 1990, had timely filed appeals which were pending on that date, to file pleadings updating or supplementing those appeals.

On January 22, 1991, Magic Reservoir filed comments supplementing its April 12 appeal and a motion requesting an extension of time to file the comments. Pursuant to Rule 2008 of

1/ 50 FERC ¶ 62,168 (1990).

2/ The license for Project No. 3407 was originally issued to Cook Electric, Inc. on January 15, 1987. 38 FERC ¶ 62,034 (1987). By order issued August 17, 1988, the license was transferred to Magic Reservoir. 44 FERC ¶ 62,144 (1988).

3/ 44 FERC ¶ 62,287 (1988).

the Commission's Rules of Practice and Procedure, 4/ a motion for extension of time made after the expiration of a specified period may be granted if the movant shows extraordinary circumstances sufficient to justify its failure to act in a timely manner. In support of its request, Magic Reservoir states that it was not aware of the January 2, 1991 deadline until it contacted the Commission to inquire about the status of its appeal, that the supplementary pleading is being filed only several weeks after the prescribed deadline, and that the late filing will not delay or disrupt the proceeding or prejudice any party to the proceeding.

In view of the apparent relevance of the comments submitted, the extension should be granted. Magic Reservoir is granted an extension of time for the purpose of supplementing its appeal with the material filed in this proceeding on January 22, 1991.

Lois D. Cashell
Secretary

4/ 18 C.F.R. § 385.2008(b) (1990).

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MAR 14 1991

Department of Water Resources
Southern Region Office

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FEB - 6 1991

Department of Water Resources
Southern Region Office

UNITED STATES OF AMERICA

BEFORE THE

FEDERAL ENERGY REGULATORY COMMISSION

WASHINGTON, D.C.

MAGIC RESERVOIR	)	
HYDROELECTRIC, INC.	)	Project No. 3407-031
	)	Idaho
	)	
	)	

COMMENTS TO SUPPLEMENT APPEAL

On March 13, 1990 the Director of the Commission's Division of Project Compliance and Administration issued a Compliance Order in this docket. That Order put Magic Reservoir on notice of violations of Article 403 of the license pertaining to "Dissolved Oxygen Standards." On April 12, 1990, Magic Reservoir appealed the March 13, 1990 Compliance Order. On May 9, 1990, the Commission entered its Notice of Intent To Act. To date the Commission has taken no further action on Magic Reservoir's appeal.

Magic Reservoir operated during the 1990 season (shortened by drought conditions) for 65 days with the Dissolved Oxygen equipment working and reports submitted as required.

In the meantime an important development has occurred which Magic Reservoir would like to share with the Commission. Magic Reservoir and the pertinent state and federal agencies have consulted and negotiated with each other regarding a modification of the dissolved oxygen standards contained in License Article 403. Specifically, subject to approval by the Commission, the parties have reached an agreement to modify the Dissolved Oxygen Plan and License Article 403 for the 1991 operating year. A copy of

the Ageement and the letters in support are attatched hereto as Exhibits "A", "B", and "C".

Under the Agreement, License Article 403 and the Dissolved Oxygen Monitoring Plan would be revised for the 1991 operating year as follows:

Dissolved Oxygen Limits (in mg/l)

<u>Time Period</u>	<u>30-Day Mean</u>	<u>7-Day Mean Minimum</u>	<u>Instantaneous Minimum</u>
April 1-June 30	6.0	5.0	4.5
July 1-October 15	6.0	4.7	3.5

The 90% saturation standard shall be deleted and shall no longer be in effect.

The 1991 operating year will be starting in a few short months and it is in the best interests of all concerned that the new dissovled oxygen standards be approved and be in effect prior to commencement of the 1991 operating year. Therefore, Magic Reservoir respectfully requests the Commission to expedite the review and approval of Magic Reservoir's Application for Amendment of License Article 403

Dated this 21st day of January, 1991.

Respectfully submitted,

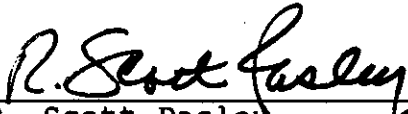
MAGIC RESERVOIR HYDOELECTRIC, INC.

By David H. Hawk
DAVID H. HAWK

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon each person designated on the official service list compiled by the Secretary in this proceeding, in accordance with the requirements of Rule 2010 of the Commission's Rules of Practice and Procedure.

DATED at Boise, Idaho, this 21st day of January, 1991.



R. Scott Pasley
Attorney for Magic Reservoir
Hydroelectric, Inc.

00071R

AGREEMENT TO AMEND LICENSE

FERC PROJECT 3407

THIS AGREEMENT, made and entered into this 6th day of December, 1990, by and between MAGIC RESERVOIR HYDROELECTRIC, INC., ("Licensee"), and the IDAHO DEPARTMENT OF FISH AND GAME ("DFG");

WITNESSETH:

WHEREAS, on November 13th, 1990, Licensee filed an Application for Amendment of License Project No. 3407, and

WHEREAS, subsequently the above parties have consulted and negotiated with each other regarding a modification of the dissolved oxygen standards contained in License Article 403, and

WHEREAS, the parties have reached an agreement to modify the Dissolved Oxygen Monitoring Plan and License Article 403 for the 1991 operating year, and

WHEREAS, the parties wish to reduce the agreement to written form for submission to the Federal Energy Regulatory Commission for its approval.

NOW, THEREFORE, the parties agree to amend the Dissolved Oxygen Monitoring Plan and License Article 403 subject to the approval by FERC as follows:

1. Amendment. License Article 403 and the Dissolved Oxygen Monitoring Plan shall be revised for the 1991 operating year as follows:

Dissolved Oxygen Limits (in mg/l)

<u>Time Period</u>	<u>30-Day Mean</u>	<u>7-Day Mean Minimum</u>	<u>Instantaneous Minimum</u>
April 1-June 30	6.0	5.0	4.5
July 1-October 15	6.0	4.7	3.5

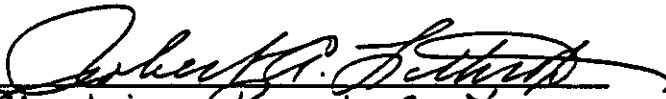
The 90% saturation standard shall be deleted and shall no longer be in effect.

2. Effect. Subject to FERC approval, the above standards apply for the 1991 operating year. Following completion of the 1991 operating year, the parties will

review and consult with each other for the purpose of either modifying the above DO standards or making them permanent. If the parties are unable to reach an agreement, the parties reserve the right to petition FERC for a modification or approval of the plan. Nothing herein shall be construed to abrogate the rights of any party to bring before FERC those items that are within its jurisdiction and regulatory purview.

IN WITNESS WHEREOF, the parties have signed this Agreement on the date and year first above written.

MAGIC RESERVOIR HYDROELECTRIC, INC.

By 
Its: Vice President

IDAHO DEPARTMENT OF FISH & GAME

By 
Its: Act Director

3307z



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Boise Field Station
4696 Overland Road, Room 576
Boise, Idaho 83705

December 7, 1990

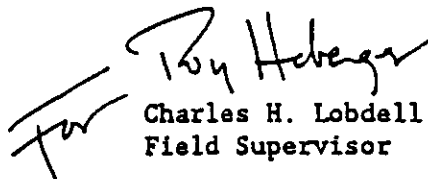
Mr. David Hawk, Agent
Magic Reservoir Hydroelectric, Inc.
P.O. Box 27
Boise, Idaho 83707

Re: Magic Dam Hydroelectric
FERC No. 3407

Dear Mr. Hawk:

The U. S. Fish and Wildlife Service has reviewed the proposal to amend the license issued for the subject project by the Federal Energy Regulatory Commission. As we understand it, the amendment involves the dissolved oxygen (DO) monitoring plan (Article 403). The changes are those proposed in the material hand delivered to our office by Mr. Bill Wendell. Based on our understanding of the material we have received thusfar, we have no objection to the revised DO plan.

Sincerely,


Charles H. Lobdell
Field Supervisor

cc: FERC, Portland
FERC, DC, OHL
IDFG, HQ, Program Coordination
IDHW, Boise
IDHW, Twin Falls



State of Idaho
DEPARTMENT OF HEALTH AND WELFARE
Division of Environmental Quality

CECIL D. ANDRUS
Governor
RICHARD P. DONOVAN
Director

P.O. Box 1626
Twin Falls, ID 83303-1626
(208) 734-9520

December 6, 1990

Dave Hawk
J. R. Simplot Company
P. O. Box 27
Boise, Idaho 83707

Re: Amendment to FERC License for Magic Reservoir Hydroelectric,
Inc. Project - No. 3407

Dear Mr. Hawk:

We have reviewed the proposed amendment to Article 403 of the license which includes the following changes in the Dissolved Oxygen Monitoring Plan for the 1991 operating year.

DISSOLVED OXYGEN LIMIT (mg/l)

<u>Time Period</u>	<u>30 Day Mean</u>	<u>7 Day Mean Minimum</u>	<u>Instantaneous Minimum</u>
4/1-6/30	6.0	5.0	4.5
7/1-10/15	6.0	4.7	3.5

We have determined the changes will be consistent with requirements in Section 01.2276 of the Idaho Water Quality Standards and Wastewater Treatment Requirements.

The 90% saturation requirement was established to protect fishery resources in the river below Magic Dam. It is our understanding that the Idaho Department of Fish and Game agrees with the proposed changes including the deletion of the 90% saturation requirement for the one year operating period.

Following completion of the 1992 operating year, IDHW-DEQ, IFG, and Magic Reservoir Hydroelectric Inc. will review monitoring data and consult with each other for the purpose of determining the adequacy of the D.O. standards and determining whether a modification is required.



Printed on Recycled Paper

EXHIBIT

C

Should you have any questions, please contact our office.

Sincerely,

Michael J. McMaster

Michael J. McMaster
Water Quality Field Supervisor

MJM/ta

cc: Al E. Murrey
Susan Martin
Doug Conde
Jerry Yoder
Chip Corsi

RECEIVED

FEB - 6 1991

Department of Water Resources
Southern Region Office

UNITED STATES OF AMERICA

BEFORE THE

FEDERAL ENERGY REGULATORY COMMISSION

WASHINGTON, D.C.

MAGIC RESERVOIR
HYDROELECTRIC, INC.

)
)
)
)
)

Project No. 3407-031
Idaho

MOTION FOR LEAVE TO FILE SUPPLEMENT
TO APPEAL OUT OF TIME

Pursuant to Rule 2008 of the Commission's Rules of Practice and Procedure, 18 C.F.R. §385.2008, Magic Reservoir Hydroelectric, Inc. ("Magic Reservoir"), hereby moves for leave to file the accompanying Comments to Supplement to Appeal Out Of Time. In support of this Motion, Magic Reservoir represents as follows:

1. Magic Reservoir is an Idaho corporation with its principal place of business located at Boise, Idaho. Magic Reservoir was unaware that on December 3, 1990, the Federal Energy Regulatory Commission ("Commission") amended its regulations to streamline its procedures for review of staff actions (18 C.F.R. §385.1902).

2. Specifically, as amended, 18 C.F.R. §385.1902 (Rule 1902) provides in subpart (c) that "No later than January 2, 1991, persons who had timely filed appeals of staff action prior to December 3, 1990, which were pending before the Commission on that date may file additional pleadings to update or supplement those appeals."

MOTION FOR LEAVE TO FILE SUPPLEMENT
TO APPEAL OUT OF TIME - 1

3. Magic Reservoir never received any actual notice from FERC or from any other source of the January 2, 1991 deadline for filing additional comments or pleadings in this pending appeal. Magic Reservoir only learned of the January 2, 1991, deadline when it telephoned FERC officials on January 18, 1991, to inquire as to the status of the appeal.

4. The accompanying Comments to Supplement Appeal is being filed only several weeks later than the date prescribed by Rule 1902.

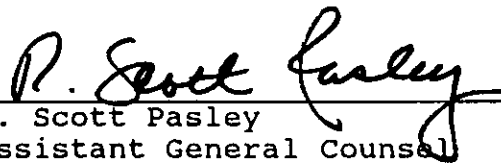
5. Magic Reservoir submits that the circumstances recited above are extraordinary and sufficient to justify its failure to file its Comments to Supplement Appeal by the prescribed date. See, Rule 2008(b), 18 C.F.R. §385.2008(b) (1989). Simply put, Magic Reservoir was wholly unaware of the amendment to 18 C.F.R. §385.1902 and its prescribed deadline for filing additional comments.

6. Magic Reservoir further submits that neither the Commission, its staff nor any party to these proceedings will be prejudiced by Magic Reservoir's filing its Comments to Supplement Appeal out of time. Nor will Magic Reservoir's late filing delay or disrupt this proceeding in any way.

WHEREFORE, for the reasons set forth above, Magic Reservoir respectfully moves for leave to file the accompanying Comments to Supplement Appeal in the captioned proceedings out of time.

Respectfully Submitted,

MAGIC RESERVOIR HYDROELECTRIC, INC.

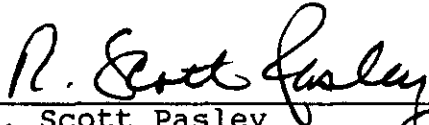
By 
R. Scott Pasley
Assistant General Counsel
P. O. Box 27
Boise, Idaho 83707

DATED: January 21, 1991

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon each person designated on the official service list compiled by the Secretary in this proceeding, in accordance with the requirements of Rule 2010 of the Commission's Rules of Practice and Procedure.

DATED at Boise, Idaho, this 21st day of January, 1991.



R. Scott Pasley
Attorney for Magic Reservoir
Hydroelectric, Inc.

3392z

37-8178
37-8389

50 FERC 162,168

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Magic Reservoir Hydroelectric, Inc.

Project No. 3407-0
Idaho

COMPLIANCE ORDER

(Issued March 13, 1990)

Magic Reservoir Hydroelectric, Inc. (licensee) has violated article 403 of the January 15, 1987, license issued for the Magic Dam Project and the Commission's September 22, 1988 order approving and modifying in part a dissolved oxygen (DO) monitoring plan and revising article 403.

Pursuant to the aforementioned documents, the licensee is required to monitor DO levels in the project's tailrace, measure water temperature concurrent with DO, maintain a 90 percent DO saturation level during April 1 through July 31 to protect rainbow trout spawning and egg incubation, maintain DO levels of 5 milligrams per liter the remainder of the year, effect rapid alteration of project operation if DO levels fall below those required, and report any violations of these requirements within 10 days of the violation.

By letter dated September 19, 1989, the Commission's Portland Regional Office noted that the project's DO monitoring and recording system had been inoperable since the start of project operation. By letter dated September 22, 1989, the licensee stated that radiation from the transmission line disrupts the DO probe signal and that an alternate communication method would be implemented next operating season. Spot checks of DO levels were made that resulted in periodic releases from the bypass valve to increase DO levels. The power plant DO and temperature log for the period July 6 through September 1, 1989, shows that the DO concentrations were not recorded until July 6, 1989, and that the recorded levels were well below the 90 percent DO saturation level requirement of article 403 from July 6 through July 31, 1989.

The licensee failed to maintain the required DO levels in the project discharge and to notify the Commission of the violations.

To protect the fishery downstream from the project, the licensee must maintain the required DO concentrations. The licensee must also ensure that DO levels are recorded as required by the Commission's September 22, 1988 order. To ensure such, the licensee should be required to notify the Commission on the operational status of the DO and temperature monitoring and recording equipment within 10 days of the start of project operation in 1990. The licensee should also be required to

DC-A-10

APR 12 1990

Department of Water Resources

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-2-

provide monthly reports to the Commission that detail compliance with article 403.

By the Director's October 20, 1989 letter, the licensee was put on notice of the penalty and enforcement provisions of section 31 of the Federal Power Act (Act). Section 31 of the Act provides for assessment of civil penalties of up to \$10,000 per day for each day of violation. This order is issued under section 31(a).

The Director orders:

(A) The licensee shall file a report with the Director, Division of Project Compliance and Administration, within 10 days of the start of project operation in 1990, on the operational status of the dissolved oxygen (DO) and temperature monitoring equipment. Based on the report, the Commission reserves the right to require changes in project design or operation, to include cessation of project generation, to ensure maintenance of the required DO concentrations below the project.

(B) The licensee shall file with the Director, Division of Project Compliance and Administration, monthly reports that detail compliance with article 403. The reports shall include minimum and maximum daily DO levels recorded, concurrent temperature readings, average daily DO levels, and, if DO levels are observed to fall below those concentrations required by article 403, the duration of the observance. The report shall be filed by the 10th of the month for data recorded in the preceding month. Should data provided in the reports show that DO concentrations required by article 403 are not being maintained, the Commission reserves the right to require changes in project design or operation, to include cessation of project generation, to ensure maintenance of the required DO concentrations below the project.

(C) This order issued under authority delegated to the Director (section 375.314, 18 C.F.R.). Section 385.1902 of the Commission's regulations (18 C.F.R.) provides 30 days from the date of this order for an appeal to the Commission of this action. Filing an appeal does not stay the effective date of this order or any date specified therein.

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

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MAR 20 1990

Department of Water Resources
Southern Region Office

FILED - 37-8178 ✓
37-8389

February 23, 1990

R. Scott Pasley
Magic Reservoir Hydroelectric, Inc.
P. O. Box 27
Boise, ID 83707

Dear Mr. Pasley:

Re: Permit No. 37-7848, 37-8178, and 37-8389

PROOF ACKNOWLEDGEMENT LETTER

The department received the additional fees to complete the proof of beneficial use submittals. For Permit Nos. 37-7848 and 37-8178, the additional fees are timely. However, for Permit No. 37-8389, the permit lapsed and is reinstated with an advance in priority. See the enclosed order.

The next step is for the department to conduct the field inspections and to confirm and determine the extent of beneficial use. An agent from the department's Southern Regional office will contact and schedule a convenient time for David Hawks to accompany him.

If you have any questions, please contact me.

Sincerely,

RITA I. FLECK
Secretary/Records Manager

Enclosure

MICROFILMED

MAR 22 1990

1/08

PROOF OF BENEFICIAL USE

ANALYSIS SHEET

Permit No. 37-8/78

Date: 2-22-90
2/7/90

General Considerations:

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

Source of Water:

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

Extent of Use and Rate of Diversion:

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

Measuring Device:

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

Remarks:

Prog. acceptable

5/A Priority Calculation:

Date proof received

Date proof due

No. of days late

Priority date

NEW PRIORITY DATE

SEND FILES TO DATA ENTRY AND THEN TO MICROFILM

MAGIC RESERVOIR HYDROELECTRIC, INC.

P.O. BOX 27
BOISE, IDAHO 83707
TELEPHONE 208-336-2110

February 12, 1990

Ms. Rita I. Fleck
State of Idaho
Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, ID 83720

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FEB 15 1990

Department of Water Resources

RE: Permit Nos. 37-7848, 37-8178, 37-8389

Dear Ms. Fleck:

As you know, Magic Reservoir Hydroelectric, Inc. recently submitted three Proofs of Beneficial Use forms with reference to the permits identified above. Included with the Proofs were certain examination fees as required by the Idaho Code.

You have called to our attention that the examination fees were insufficient for the cfs involved -- unfortunately this was a result of our misreading of the License Examination Fee Schedule. We acknowledge our mistake and apologize for any inconvenience.

Below is a summary of the amounts previously paid and the difference now owing for each permit.

Permit No.	Amount Submitted	Actual Fee	Difference
37-7848	\$300.00	\$ 600.00	\$ 300.00
37-8178	150.00	600.00	450.00
37-8389	175.00	600.00	425.00
	<u>\$625.00</u>	<u>\$1,800.00</u>	<u>\$1,175.00</u>

Accordingly, please find enclosed Magic Reservoir Hydroelectric, Inc.'s check in the sum of \$1,175.00 in payment of the additional fees due and owing. Again, we regret any inconvenience this error may have caused the Department of Water Resources. Thank you for your assistance in this matter.

Sincerely,

R. Scott Pasley
R. SCOTT PASLEY
Assistant General Counsel

MICROFILMED

MAR 22 1990

3378v

Enclosure

February 6, 1990

Magic Reservoir Hydroelectric Inc.
P. O. Box 27
Boise, ID 83707

Gentlemen:

Re: Permit No. 37-8389 and 37-8178

On January 29, 1990, the department received the proof of beneficial use forms for the above referenced permits.

For Permit No. 37-8389, I find that you submitted proof for the diversion of 300 cfs, but submitted only \$175.00 as the fee. For the diversion of 300 cfs, the filing fee is \$600.00 (see enclosed instruction sheet). With the submittal of \$175.00, the maximum the department could issue a water right license is 3 to 4 cfs.

For Permit No. 37-8278, I find that you submitted proof for the diversion of 250 cfs, but submitted only \$150.00 as the fee. For the diversion of 250 cfs, the filing fee is \$600.00 (see enclosed instruction sheet). With the submittal of \$150.00, the maximum the department could issue a water right license is 2 to 3 cfs.

Please advise the department what action you wish to take by either submitting the additional fee or, by letter, indicating you wish the rate of diversion reduced to the smaller cfs rate.

If you have questions, please contact this office.

Sincerely,

RITA I. FLECK
Secretary/Records Manager

Enclosure

RECEIVED

MAR 22 1990

RECEIVED
JAN 29 1990

Department of Water Resources

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

For Office Use Only
 Fee Received 150.00
 Date 1/30/90
 Receipt # C014296
 Receipt by C. Wong
 Reviewed by _____
 Sent to region _____

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

Permit No. 37-8178Name(s) of Permit Holder: Magic Reservoir Hydroelectric, Inc.Post Office Address: P.O. Box 27 Boise, ID 83707Telephone No. 208-336-2110Source of Water: Big Wood River

Extent of Use:

Domestic _____ (number of households)

Stockwater _____ (number and type of stock)

Irrigation _____ (acres)

Other/Remark Power PurposesTotal rate and/or volume for which proof is submitted 250 cfs _____ acre-feetShow the date water was first diverted and beneficially used under this permit: May 17, 1989

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

Fee enclosed \$ 150.00
 (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:

David Hawk208-389-7306

(Name)

(Telephone Number)

P.O. Box 27 Boise, ID 83707

(Address)

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

MAR 22 1990

1/29/90
 Date

James L. Young - Secretary
 Signature of Permit Holder (and title, if appropriate)

PAYEE: DETACH THIS STATEMENT BEFORE DEPOSITING

MAGIC RESERVOIR HYDROELECTRIC, INC. - Boise, Idaho 83707

No.

0905

INVOICE NO.	DESCRIPTION	ACCOUNT	CENTER	AMOUNT	PROJECT	DESC. II
	Water Permit No. 37-8178	9101		\$150.00		
RECEIVED MAR 22 1990						

Cook Electric
37-7848

47 FERC 61,364

JUN 9 1989

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Department of Water Resources
Project No. 3407-006
Project No. 8908-002

-2-

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MAR 22 1990

Before Commissioners: Martha O. Hesse, Chairman;
Charles G. Stalon, Charles A. Trabandt,
Elizabeth Anne Moler and Jerry J. Langdon.

37-8178 }
37-8389 }
Magic Reservoir Hydroelectric, Inc.) Project No. 3407-006
Idaho Renewable Resources,)
Bonneville Pacific Corp.,) Project No. 8909-002
and Big Wood Canal Company)

ORDER DENYING AND DISMISSING APPEALS

(Issued June 9, 1989)

By orders issued January 15, 1987, 1/ and May 22, 1987, 2/ respectively, the Director, Office of Hydropower Licensing (Director), issued licenses to Cook Electric, Inc. for the Magic Dam Project No. 3407, 3/ and jointly to Idaho Renewable Resources, Bonneville Pacific Corp., and Big Wood Canal Company for the Dietrich Drop Water Power Project No. 8909. Project No. 3407 is located on the Big Wood River in Blaine County, Idaho. Project No. 8909 is located in Lincoln County, Idaho, on the U.S. Bureau of Reclamation's (Bureau) Milner Gooding Canal, which takes flows diverted from the Bureau's Milner Dam on the Snake River. Intervenor Idaho Department of Water Resources (Department) and Idaho Power Company (Company) filed timely appeals of both orders issuing license. For the reasons discussed below, we are denying the Department's appeals and dismissing the Company's appeals.

Discussion

A. Department's Appeals

Section 10(a)(2)(A) of the Federal Power Act (FPA), 16 U.S.C. § 803(a)(2)(A), as amended by the Electric Consumers Protection Act of 1986, Pub. L. No. 99-495 (Oct. 16, 1986),

1/ 38 FERC ¶ 62,034 (1987).

2/ 39 FERC ¶ 62,210 (1987).

3/ By order issued August 17, 1988, the Commission approved the transfer of the license for Project No. 3407 from Cook Electric, Inc. to Magic Reservoir Hydroelectric, Inc. See 44 FERC ¶ 62,144 (1988).

requires the Commission to consider the extent to which a project proposed for licensing is consistent with comprehensive plans (where they exist) for improving, developing, or conserving a waterway or waterways affected by the project. The Commission will treat as a comprehensive plan under Section 10(a)(2)(A) of the FPA a plan that: (1) is prepared by an agency established by federal law that has the authority to prepare such a plan, or by a state; (2) is a comprehensive study of one or more of the beneficial uses of a waterway or waterways; (3) articulates the standard applied, the data relied upon, and the methodology used; and (4) is filed with the Secretary of the Commission. 4/

The orders issuing licenses for Project Nos. 3407 and 8909 did not indicate that the 1986 Idaho State Water Plan (Water Plan) developed by the Department is a Section 10(a)(2)(A) comprehensive plan. In addition, the orders rejected requests made by the Department in its motions to intervene that each license include provisions subordinating project operations to upstream depletionary uses as specified in the Water Plan. 5/ The orders concluded that inclusion of such subordination provisions in the licenses would cloud the financial and operational future of the projects and, contrary to the intent of the FPA, would vest in the Department rather than in the Commission ultimate control over operation and viability of the projects. 6/

The Department contends on appeal that the Water Plan is a state comprehensive plan under Section 10(a)(2)(A) and that the failure of the orders to either recognize this or specifically consider the consistency of the projects with the Water Plan and its subordination provisions was arbitrary and capricious. The Department also contends that the license orders impermissibly failed to consider the subordination requests under the provisions of Section 10(a)(2)(B) of the FPA, 16 U.S.C. § 803(a)(2)(B), which requires the Commission to consider the recommendations of federal and state agencies exercising jurisdiction over, *inter alia*, flood control, navigation, and irrigation. Finally, the Department contends that inclusion of the requested water subordination provisions in the licenses is fully consistent with Section 27 of the FPA's recognition of

4/ See Order No. 481-A, 43 FERC ¶ 61,120 (April 27, 1988), 53 Fed. Reg. 15802 (May 4, 1988), III FERC Stats. & Regs. ¶ 30,811.

5/ See 38 FERC at 63,067-68 (Project No. 3407), 39 FERC at 63,497 (Project No. 8909).

6/ *Id.*

LISTER
(RMG)

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS REPORT

DATE: 07/11/89
PAGE: 1

WR-NUMBER:
37-07848

CURRENT OWNER:
COOK ELECTRIC INC.
P.O. BOX 1071
TWIN FALLS, ID 83301

PRIORITY DATE:
08-14-1980

STAGE:
PERMIT

COUNTY: BLAINE
SOURCE: BIG WOOD RIVER
WATER USE:
POWER

TRIBUTARY: SNAKE RIVER
DIVERSION RATE:
800.000
TOTAL: 800.000
DIVERSION VOLUME:

WATER-DIST: 37

PERIOD FROM: 04/01
PERIOD TO: 10/01

REMARKS: THE DESIGN & CONSTRUCTION OF THE HYDRO FACILITY TO BE
INSTALLED AT MAGIC DAM SHALL BE APPROVED BY THE DEPT.,
PURSUANT TO THE SAFETY OF DAMS STATUTES, IDAHO CODE.
FEET OF HEAD = 70. HORSEPOWER = 5405.

POINT OF DIVERSION:	Twp	Rge	Sec	Tract	Lot
	02S	18E	18	NE NE	

PLACE OF USE:	Twp	Rge	Sec	Tract	Lot	Acres
	02S	18E	18	NE NE		

MICROFILMED

MAR 22 1990

WR-NUMBER:
37-07881

CURRENT OWNER:
BIG WOOD CANAL CO.
AMERICAN FALLS RESERVOIR DISTRICT NO. 2
112 SOUTH APPLE
SHOSHONE, ID 83352

PRIORITY DATE:
02-20-1981

STAGE:
APPLICATION

COUNTY: BLAINE
SOURCE: BIG WOOD RIVER
WATER USE:
POWER

TRIBUTARY: MALAD RIVER
DIVERSION RATE:
2000.000
TOTAL: 2000.000
DIVERSION VOLUME:

WATER-DIST: 37

PERIOD FROM: 01/01
PERIOD TO: 12/31

REMARKS: (175 DROP) SESE, S19, T4S, R18E; 160 CFS, 345 HP @ 22'.
(PENDLETON DROP) SWSE, S35, T4S, R17E; 155 CFS, 380 HP @ 25'.
(498 DROP) SENW, S34, T4S, R17E; 150 CFS, 200 HP @ 14'.
(GUTHERIES DROP) NWNW, S34, T4S, R17E; 150 CFS, 145 HP @ 145'.
(702 LATERAL) SWNE, S9, T6S, R19E; 80 CFS, 130 HP @ 17'.
(#11 CUT DIETRICH MAIN) SWSE, S25, T4S, R19E; 200 CFS, 330 HP @ 17'.
(J.B. SLOUGH MOUTH) SESE, S13, T4S, R19E; 132 CFS, 75 HP @ 6'.
(END WEST MAIN) SENW, S9, T4S, R19E; 90 CFS, 420 HP @ 48'.
(HEAD J.B. SLOUGH) NENE, S19, T3S, R19E; 94 CFS, 300 HP @ 33'.
(#513) NWNE, S27, T3S, R19E; 30 CFS, 425 HP @ 146'.
(OLD HIGHWAY) SESE, S4, T3S, R18E; 237 CFS, 1850 HP @ 80'.
(#7 END OF BYPASS) NESW, S15, T4S, R18E; 184 CFS, 2300 HP @ 128'.

POINT OF DIVERSION:	Twp	Rge	Sec	Tract	Lot
	02S	18E	18	NE NE	
	02S	18E	30	SE NE	
	03S	18E	4	SE SE	
	04S	18E	15	NE SW	
	03S	19E	19	NE NE	
	03S	19E	23	SE SE	

LISTER
(RMG)

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS REPORT

DATE: 07/11/89
PAGE: 2

WR-NUMBER: 37-07881 (cont'd)

PLACE OF USE:	Twp	Rge	Sec	Tract	Lot	Acres
	04S	18E	15	NE SW		
	03S	18E	4	SE SE		
	03S	19E	27	NW NE		
	03S	19E	19	NE NE		
	04S	19E	9	SE NW		
	04S	19E	13	SE SE		
	04S	19E	25	SW SE		
	06S	19E	9	SW NE		
	04S	17E	34	SE NW		
	04S	17E	34	NW NW		
	04S	17E	35	SW SE		
	04S	18E	19	SE SE		
	02S	18E	18	NE NE		

WR-NUMBER:
37-07916

CURRENT OWNER:
BONNEVILLE PACIFIC CORP.
C/O DAVID P. HIRSCHI
PARSONS BEHLE & LATIMER
P.O. BOX 11898
SALT LAKE CITY, UT 84147

PRIORITY DATE:
06-15-1981

STAGE:
PERMIT

COUNTY: GOODING
SOURCE: BIG WOOD RIVER
LITTLE WOOD RIVER

TRIBUTARY: MALAD RIVER
MALAD RIVER

WATER-DIST: 37

WATER USE: DIVERSION RATE:
POWER 280.000
TOTAL: 280.000

DIVERSION VOLUME:

PERIOD FROM: PERIOD TO:
01/01 12/31

REMARKS: HEAD = 50 FT.
SOURCES ARE BIG WOOD RIVER, TRIB. MALAD RIVER; LITTLE WOOD RIVER,
TRIB. MALAD RIVER.
WATER DIST. 37 & 37M.

POINT OF DIVERSION:	Twp	Rge	Sec	Tract	Lot
	05S	14E	33	SW NE	
	05S	14E	33	SE NE	

PLACE OF USE:	Twp	Rge	Sec	Tract	Lot	Acres
	05S	14E	33	NE SE		

WR-NUMBER:
37-08178

CURRENT OWNER:
MAGIC RESERVOIR HYDROELECTRIC INC.
2399 S. ORCHARD ST.
SUITE 201
BOISE, ID 83705

PRIORITY DATE:
07-02-1984

STAGE:
PERMIT

COUNTY: BLAINE
SOURCE: BIG WOOD RIVER

TRIBUTARY: SNAKE RIVER

WATER-DIST: 37

MICROFILMED
MAR 22 1990

LISTER
(RMG)

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS REPORT

DATE: 07/11/89
PAGE: 3

WR-NUMBER: 37-08178 (cont'd)

WATER USE:
POWER

DIVERSION RATE:
250.000
TOTAL: 250.000

DIVERSION VOLUME:

PERIOD FROM: 01/01
PERIOD TO: 12/31

REMARKS: FEET OF HEAD = 85 HORSEPOWER = 1800
THE DESIGN & CONSTRUCTION OF THE HYDRO FACILITY TO BE
INSTALLED AT MAGIC DAM SHALL BE APPROVED BY THE DEPT.,
PURSUANT TO THE SAFETY OF DAMS STATUTES, IDAHO CODE.

POINT OF DIVERSION:	Twp	Rge	Sec	Tract	Lot
	02S	18E	18	NE NE	

PLACE OF USE:	Twp	Rge	Sec	Tract	Lot	Acres
	02S	18E	18	NE NE		

WR-NUMBER:
37-08389

CURRENT OWNER:
MAGIC RESERVOIR HYDROELECTRIC, INC.
C/O JAY R. JACKSON, PRES.
2399 S. ORCHARD ST. STE. 201
BOISE, ID 83705

PRIORITY DATE:
10-28-1988

STAGE:
PERMIT

COUNTY: BLAINE
SOURCE: BIG WOOD RIVER

TRIBUTARY: SNAKE RIVER

WATER USE:
POWER

DIVERSION RATE:
300.000
TOTAL: 300.000

DIVERSION VOLUME:

PERIOD FROM: 01/01
PERIOD TO: 12/31

POINT OF DIVERSION:	Twp	Rge	Sec	Tract	Lot
	02S	18E	18	NE NE	

PLACE OF USE:	Twp	Rge	Sec	Tract	Lot	Acres
	02S	18E	18	NE NE		

END OF REPORT

NOT FILMED

MAR 22 1990

37-8384
37-848
37-8178

RECEIVED
MAY 09 1989

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION Department of Water Resources

Magic Reservoir Hydroelectric, Inc.

Project No. 3407-018
Idaho

ORDER GRANTING AN EXTENSION OF TIME

(Issued May 2, 1989)

On August 17, 1988, the Magic Reservoir Hydroelectric, Inc., licensee for the Magic Dam Project (FERC No. 3407) filed a Report on Recreational Resources (Plan) as required by article 407 of the project license. The plan includes a proposal to purchase 40 acres of land that is suitable for recreational use and then transfer this land to the Bureau of Land Management.

By letter dated March 24, 1989, the licensee notified the Commission that the owner of the 40 acres is no longer willing to sell the land. The licensee requests an extension of time to pursue alternative ways to meet the article 407 requirements.

The reasons advanced by the licensee in support of the requested extension of time are reasonable and justify the extension. As a result the August 17, 1988 plan, should be dismissed.

The Director orders:

(A) The deadline for filing the Report on Recreational Resources, as required by article 407 of the license, is extended to June 30, 1989. The Report on Recreational Resources filed on August 17, 1988, is dismissed.

(B) This order is issued under authority delegated to the Director and is final unless appealed to the Commission under Rule 1902 within 30 days from the date of this order.

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

MICROFILMED

MAR 22 1990

DC-A-1



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

November 2, 1988

RE: Permit No. 37-8178

Magic Reservoir Hydroelectric Inc.
2399 S. Orchard, Suite 201
Boise, ID 83705

Gentlemen:

Enclosed is a copy of the approved Application for Amendment submitted in connection with the above referenced permit. Note that this amendment was submitted by Cook Electric prior to the assignment of the right to you.

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

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure



DEC 07 1988



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

September 13, 1988

RE: Permit Nos. 37-7848/8178

Magic Reservoir Hydroelectric, Inc.
2399 S. Orchard St.
Suite 201
Boise, ID 83705

Gentlemen:

We acknowledge receipt of the correspondence transferring ownership of the above referenced water rights to you. We have modified our computer records to reflect this change in ownership.

We assume you are aware of requirements remaining to finalize the permits into licenses.

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

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc



DEC 07 1988

RECEIVED

SEP 09 1988

Department of Water Resources

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Magic Reservoir Hydro, Inc.

Project No. 3407-014
Idaho

ORDER GRANTING EXTENSION OF TIME

(Issued August 23, 1988)

On July 17, 1988, the licensee for the Magic Dam Project filed a request for a 90 day extension of the deadline for filing a turbine mortality monitoring plan pursuant to article 404. The licensee states that the extension would allow for agency review and approval of the plan.

On July 13, 1987, the licensee requested, and by Commission order issued on August 5, 1987, was granted, an extension of time until July 15, 1988, for filing the plan. The licensee was also directed to file quarterly reports with the Secretary of the Commission on the progress made towards compliance with article 404, beginning on October 15, 1987. No progress reports were filed until May 8, 1988. The licensee's July 17, 1988, filing, however, contained a proposed turbine mortality study plan, thereby demonstrating progress in the completion of the requirements of article 404.

Failure to submit the quarterly reports as required by the Commission's August 5, 1987, order has put the licensee in violation of the conditions of its license. However, because the licensee is progressing to completion of the requirements of articles 404 and no adverse impacts to environmental resources have resulted, no enforcement action or penalties pursuant to section 31 of the Federal Power Act (Act), as amended by the Electric Consumers Protection Act of 1986, will be recommended at this time. This violation, however, will become part of the non-compliance record for this project.

With respect to the request for an additional extension of time to comply with article 404, since project construction has not been completed and the extension of time would not delay the post-operation monitoring, the extension of time is granted, herein. Failure to comply with the required due date, however, may lead to this matter being referred for enforcement action or penalties pursuant to section 31 of the Act, as amended by the Electric Consumers Protection Act of 1986.

37-7848
37-8178

2

The Director orders:

(A) The request for an extension of time to October 15, 1988, for filing the turbine mortality monitoring plan required by article 404, is approved.

(B) This order is issued under authority delegated to the Director, and is final unless appealed to the Commission under Rule 1902, within 30 days from the date of this order.

Fred Springer
Fred E. Springer
Director, Office of
Hydropower Licensing

RECORDED

MAR 22 1990



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

September 8, 1988

RE: Permit Nos. 37-7848/8178

Magic Reservoir Hydroelectric, Inc.
2399 S. Orchard St.
Suite 201
Boise, ID 83705

Gentlemen:

We acknowledge receipt of the assignments of the above referenced permits to you. We have modified our computer records to reflect this change in ownership.

Please be advised that since these water rights are still in the permit stage, further requirements may be required of the permit holder to finalize the water rights into licenses. The Department will subsequently notify you of these requirements.

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

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

MAILED
DEC 07 1988

MEMORANDUM

TO: FILE

FROM: GARY SPACKMAN

RE: APPLICATION FOR AMENDMENT

DATE: 9-7-88

=====

An application for amendment of permit was received in this office several months ago, however, because of waiting for answers from the applicant to questions asked during an eariler review the amendment was not processed until now.

The amendment requests to change the annual volume of the permit and to change the amount of KW generated. The purpose of filing the amendment was to adjust the permit so that it agreed with the provisions of the FERC license. In light of this purpose and since the changes to the permit are not viewed to be significant the amendment has been processed for approval.

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DEC 07 1988

37-08178
37-08389

44 LEG 162 144

Names & Ref

RECEIVED

AUG 26 1988

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Cook Electric, Inc.
Magic Reservoir Hydroelectric, Inc.

Project No. 3407-010
Idaho

ORDER APPROVING TRANSFER OF LICENSE

(Issued August 17, 1988)

Cook Electric Inc. seeks Commission approval to transfer its license for the Magic Dam Project to Magic Reservoir Hydroelectric, Inc. The project is located on the Big Wood River in Blaine and Camas Counties, Idaho. The purpose of the transfer is to facilitate financing of the project.

Cook Electric Inc. has fully complied with the terms of the license and agrees to pay annual charges that have accrued to the date of the transfer. Magic Reservoir Hydroelectric, Inc. is qualified to hold the license and operate the property under license and agrees to accept all of the terms and conditions of the license and to be bound by the license as if it were the original licensee.

No motions to intervene were filed in response to the public notice of the application to transfer the license. One letter in protest was filed, but subsequently withdrawn. Comments filed by agencies have been fully considered in determining whether to issue this order. Transfer of the license for this project is consistent with the Commission's regulations and is in the public interest.

The Director orders:

(A) Transfer of the license for this project is approved.

(B) Approval of the transfer is contingent upon transfer of title of the properties under license and delivery of all license instruments to Magic Reservoir Hydroelectric, Inc., which shall be subject to all terms and conditions of the license as though it were the original licensee. Magic Reservoir Hydroelectric Inc. shall submit certified copies of all instruments of conveyance within 60 days from the date of this order.

-2-

Department of Water Resources

(C) This order is issued under authority delegated to the Director and is final unless appealed to the Commission within 30 days from the date of this order. Magic Reservoir Hydroelectric Inc. shall acknowledge acceptance of this order and its terms and conditions by signing and returning the attached acceptance sheet within 60 days from the date of this order.

Dean L. Shumway
Dean L. Shumway
Director, Division
of Project Review

MAR 22 1990

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DC-A-1

RECEIVED
MAY 23 1988

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Notice of Application Filed with the Commission
(May 11, 1988)

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

- a. Type of Filing: Transfer of License
b. Project No.: 3407-010 Department of Water Resources
c. Date Filed: April 6, 1988
d. Applicants: Cook Electric, Inc. and Magic Reservoir Hydroelectric, Inc.
e. Name of Project: Magic Dam Project
f. Location: On the Big Wood River in Blaine and Camas Counties, Idaho. The project would occupy lands of the United States administered by the Bureau of Land Management.
g. Filed Pursuant to: Federal Power Act, 16 U.S.C. § 791(a)-825(r)
h. Applicant
Contacts: Warren P. Chapman Jay R. Jackson
Cook Electric, Inc. Magic Reservoir Hydro-
2356 Beryl Avenue electric, Inc.
P.O. Box 1071 2399 S. Orchard Street
Twin Falls, ID 83303 Suite 201
(208) 734-3252 Boise, ID 83705
(208) 336-3189
i. FERC Contact: Thomas Dean, (202) 376-9562
j. Comment Date: JUN 22 1988
k. Description of Application: Cook Electric, Inc. (transferor) proposes to transfer its license issued on January 15, 1987, to Magic Reservoir Hydroelectric, Inc. (transferee) in order to facilitate the financing of the licensed project. The transferee is a corporation organized under the Idaho Business Corporation Act. The transferee states that it will comply with all applicable State laws as required by section 9(b) of the Federal Power Act.
l. This notice also consists of the following standard paragraphs: B & C

RECORDED

MAR 22 1990

B. Comments, Protests, or Motions to Intervene - Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 C.F. R. §§385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

C. Filing and Service of Responsive Documents - Any filings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST" or "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing is in response. Any of the above named documents must be filed by providing the original and the number of copies required by the Commission's regulations to: the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street N.E., Washington, D.C. 20426. An additional copy must be sent to: Dean Shumway Acting Director, Division of Project Review, Federal Energy Regulatory Commission, Room 203-RB, at the above address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

Lois D. Cashell
Acting Secretary

FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE, \$300

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MAR 22 1990

RECEIVED

MAY 23 1988

Department of Water Resources

P -0003407010 101465
STATE OF IDAHO DIRECTOR
IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE

BOISE, ID 83720



POSTAGE AND FEES PAID
FEDERAL ENERGY
REGULATORY COMMISSION
FENC-361



Norm Y

37-08178

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Cook Electric, Inc.

Project No. 3407-009
Idaho

ORDER GRANTING EXTENSION OF TIME

(Issued February 16, 1988)

On January 11, 1988, the licensee for the Magic Dam Project requested an extension of time until August 14, 1988, to file the information required by articles 401, 402, 403, 405, 407, and 408 of the license. The licensee states that it executed a final power purchase agreement on November 27, 1987, with Idaho Power Company, and now has a financial commitment for the project. The licensee is in the process of retaining a firm to complete the studies required by the above articles.

On February 8, 1988, the licensee complied with article 408 by filing a letter stating that no type of use and occupancy of project lands and waters were conveyed to date, therefore the extension of time to comply with article 408 is moot. The reasons advanced by the licensee in support of the requested extension of time are reasonable and justify the extension of articles 401, 402, 403, 405, and 407.

The Director orders:

(A) The deadline to comply with articles 401, 402, 403, 405, and 407 is extended to August 14, 1988. In conjunction with this extension, a status report must be filed with the Secretary of the Commission indicating the progress that has been made toward compliance with these articles. The report should identify any conferences or meetings, include letters of consultation with agencies, and a schedule for completing any remaining work. The report will be due 3 months from the date of this order. Failure to comply with the order's due date, or timely file the status report showing that adequate progress has been made, may lead to an enforcement action.

(B) This order is issued under authority delegated to the Director and is final unless appealed to the Commission under Rule 1902 within 30 days from the date of this order.

Edward A. Abrams
Edward A. Abrams
Acting Director, Division
of Project Management

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MAR 22 1990

RECEIVED

FEB 29 1988

Department of Water Resources

37-08178

RECEIVED

AUG 13 1987

Department of Water Resources

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

-2-

Cook Electric, Inc.

Project No. 3407-008

ORDER GRANTING EXTENSION OF TIME

(Issued August 5, 1987)

Article 404 of the license for the Magic Dam Project, FERC No. 3407, requires Cook Electric, Inc. (licensee) to submit a turbine mortality monitoring plan by July 15, 1987. On July 13, 1987, the licensee requested an extension of time until July 15, 1988, for filing the plan. The licensee states that this extension would provide time needed to develop the plan. Because project operation is not scheduled to begin until June 1988, the requested extension would not significantly delay the required post-operation monitoring. The requested extension of time, therefore, should be granted.

In conjunction with this time extension, the licensee must file a report with the Secretary of the Commission, every 3 months from the date of issuance of this order on the progress that has been made toward compliance with article 404. The first report will be due on October 15, 1987.

Failure to comply with the required due date or to timely file quarterly reports showing that adequate progress has been made, may lead to this matter being referred for enforcement action.

The Director orders:

- (A) The request for an extension of time to July 15, 1988, for filing the turbine mortality monitoring plan required by license article 404, is approved.
- (B) The licensee must file a report with the Secretary of the Commission every 3 months from the date of issuance of this order on the progress made toward compliance with article 404. The reports should include a description of any completed work, identification of any conferences or meetings with the resource agencies, and copies of any important correspondence, and should include a schedule for completing any remaining work. The first report will be due on October 15, 1987.

- (C) This order is issued under authority delegated to the Director, and is final unless appealed to the Commission under Rule 1902 within 30 days from the date of this order.

Dean L. Shumway
Dean L. Shumway
Director, Division of
Environmental Analysis

MICROFILMED

MAR 22 1990

RLZ
Rosen
Specimen

Page 5 of 5

MEMORANDUM

TO: File Nos. 37-8178 and 37-7848

FROM: Gary Spackman *Gary*

DATE: July 30, 1987

RE: Review for application approval

I have reviewed Applications to Appropriate Water Nos. 37-8178 and 37-7848 filed in the name of Cook Electric, Inc. for generation of hydropower at Magic Dam. Attached is a rough checklist of the required information under Rule No. 4,5,3. of the Water Allocation Rules and Regulations for large diversions.

After reviewing the applications and supporting documents, I find that Cook Electric, Inc. has supplied the necessary information required by the Department to evaluate the applications.

Based upon my review, the following is a summary of use of the evaluation criteria contained in Rule 5.1 of the Water Appropriate Rules and Regulations:

Will the proposed use reduce the quantity of water under existing water rights?

These filings will not reduce normal delivery practices by the Big Wood Canal Company for irrigation purposes. The applicant has entered into a contract with Big Wood Canal Company which subordinates the delivery of water for hydropower generation to the demands for irrigation flows and maintenance of the delivery systems.

Water quality has been evaluated by the Department of Health and Welfare, and it appears that the water quality will be maintained.

Is the water supply sufficient for the proposed use?

Water will be available in sufficient quantities to operate the proposed turbines in various combinations during the irrigation season. Some additional high run-off flows may also contribute to the hydropower generation. During the winter time, power will probably not be generated because of storage for irrigation in the upcoming irrigation season.

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MAR 22 1990

Is the application made in good faith?

By agreement with Big Wood Canal Company, the applicant has access to the dam and the surrounding lands for construction. The applicant has also obtained a FERC license for the project. There are not obvious impediments to the successful completion of the project.

Does the applicant have sufficient financial resources?

The file contains a confidential statement from persons or entities willing to participate in the project and assist in financing its completion. Earnest money has already been paid to Cook Electric as part of the financial arrangement. The information is confidential and should be returned following this review.

Does the project conflict with the local public interest?

The project will assist the economy at least temporarily during the construction of the hydropower facilities. Following completion, there will probably not be a lot of direct economic benefit, although the plant will supply power to the Idaho Power grid. The shareholders in Big Wood Canal Co., primarily farmers, will benefit from revenues generated.

The Department of Fish and Game has commented on the proposed plan, and the applicants are proposing to screen the present spillway to prevent fish passage over the spillway.

The applicants plan appears to comply with air and water quality standards.

Based on the above review, I recommend that we issue a permit to appropriate water to Cook Electric, Inc. for the above applications with the standard hydropower conditions attached and a condition of years equal to the number of years imposed by the FERC license.

MICROFILMED

MAR 22 1990

Form No.
7/87

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

37-8178
37-7848

CHECKLIST OF REQUIREMENTS
Rule 4,5,3.

EFFECT ON EXISTING RIGHTS

- N/A ☐ Yes ☐ No Springs/surface streams with 5 or less existing users
☐ Identification number of impacted rights } Should this information be recorded
☐ Name and address of users } on this form.
☐ Location of points of diversion
☐ Nature of use of the existing rights
N/A ☐ Yes ☐ No Groundwater
☐ Plat showing proposed well and any other wells &/or
springs within 1/4 mile radius
N/A ☐ Yes ☐ No Statement of design construction, or operation techniques
which will be used to reduce impact on existing rights
Irrigation Company owning rights has agreement w/ Cook Electric Co.

SUFFICIENCY OF WATER SUPPLY

- Water Requirements of Proposed Project
☒ Required diversion rate during peak use
☒ Required diversion rate during average use period
☒ Volume to be diverted per year
☒ Period of year water required
☒ Volume to be consumptively used/year
Quantity of Water Available from Source
☒ Flow rates for surface water sources available during peak
and average water demand period
☒ Properties of aquifers
☒ Other sources available for supplementation

GOOD FAITH, DELAY OR SPECULATION

- Agreement w/ Big Wood Canal Co. ? Yes
☒ Copies of deeds, leases, easements, and right-of-ways from
☒ Power applications affidavit form 205/206 is required
☐ Yes ☒ No Other needed permits, licenses, or approvals required. If
yes, FILL License Issued
☒ Financial resources
☒ Current certified financial statement NO
☒ Financial commitment letter/financial statement from
committed party NO
☒ Project design/plans along with cost estimation to
complete project
☒ Project impacts/implications report

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MAR 22 1990

LOCAL PUBLIC INTEREST

Comments received from:

W/A ☐ City ☒ Idaho Fish & Game ☒ Irrigation District
N/A ☒ County ☒ Idaho Health & Welfare ☒ Canal Company
☐ Reservations ☒ Division of Environment ☐ Other _____

COMMENTS

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MAR 22 1980

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OCT 02 1987

State of Idaho
Department of Water Resources

AMENDMENT ANALYSIS SHEET

INITIAL REVIEW BY: J. Stanton

Department of Water Resources

Right Number 37-8178 Applicant COOK ELECTRIC, INC.

Purpose of Amendment: ☐ Change point of diversion. ☐ Add diversion point(s).
☐ Increase amount. ☐ Change place of use. ☒ Other increase power generation

CHECK:

- ☒ Description of amended point(s) of diversion.
- ☒ Amount, nature and period of use. If increased, delay date of priority.
- ☒ Description of amended places of use. If expanded, delay date of priority.
- ☒ Ownership of point of diversion and place of use.
- ☒ Map.
- ☒ Signature (must be permit holder).
- ☒ Fee.
- ☒ Existing water rights from the same source, amended place of use.
- ☒ Right number(s) 37-7848
- ☐ Yes ☒ No Should amendment be advertised?
- ☐ Yes ☒ No Should date of priority be delayed? If yes, to what date? 9-16-87
if approved

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received.
- ☒ Amendment published correctly.
- ☒ Protests processed.
- ☒ Approve.
- ☐ Deny.

Conditions Same as original Permit

By Adm Date 10/1/87

STATE OFFICE PROCESSING:

- ☒ Amendment correct and complete. By Jim Date 9-7-88
- ☐ Approved copy sent to applicant and to Region. By _____ Date _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

OCT 02 1987 IDENT. No. 37-8178

JUL 2 1984

To appropriate the public waters of the State of Idaho

Department of Water Resources
Southern District Office

1. Name of applicant Cook Electric, Inc. Phone (208) 734-3252

Post office address P.O. Box No. 1071, Twin Falls, Idaho 83303-1071

2. Source of water supply Big Wood River which is a tributary of Snake River

3. Location of point of diversion is NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 18 Township 2 South

Range 18 E. B.M. Blaine County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 250 CFS for Power purposes from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)

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

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

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

5. Total quantity to be appropriated:

a. 250 cubic feet per second and/or b. 120312 average ~~91,250~~ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Existing Magic Dam together with existing intake structure, outlet gates and appurtenances.

b. Height of storage dam 135 ~~135~~ feet, active reservoir capacity 191,000 ~~190,000~~ acre-feet; total reservoir capacity 191,500 acre-feet, materials used in storage dam: Earth Fill with Concrete Spillway

Period of year when water will be diverted to storage Jan 1 to Dec. 31 inclusive.
(Month/Day) (Month/Day)

c. Proposed well diameter is N.A. inches; proposed depth of well is N.A. 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: NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 18 Township 2 South

Range 18 E. B.M.

(2) Amount of power to be generated: 2350 KW ~~1,800~~ horsepower under 125 ~~85~~ feet of head.

(3) List number of each kind of livestock to be watered N.A.

(4) Name of municipality to be served N.A. or number of families to be supplied with domestic water N.A. **MICROFILMED** FEB 29 1988

(5) If water is to be used for other purposes describe: Power generated by this facility will be sold to a public utility in accordance with prior Idaho P.U.C. Orders pertaining to privately generated power.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

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

September 30, 1987

Cook Electric, Inc.
P.O. Box 1071
Twin Falls, ID 83303

Re: Water Permits 37-8178 & 37-7848

Dear Sirs:

We have received your Applications for Amendment of the above-referenced permits. The amendment for Permit 37-8178 is acceptable, and will be forwarded to our Boise office without being advertised. A receipt for your filing fee is attached.

We are returning your Amendment for Permit 37-7848. Increasing the period of use would increase the annual volume of water diverted under this permit, which is not allowed by Section 42-211 of the IDAHO CODE. If we did process this amendment, it would eventually be denied. If you wish to use this water for longer than the April 1 to November 1 period now shown on this permit, you will have to apply for a new water permit to cover the expanded use.

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

Very truly yours,

James E. Stanton
Sr. Water Resource Agent

JS:MB

Enclosures

MICROFILMED

FEB 29 1988

COOK ELECTRIC, Inc.

PHONE:
734-3252

P. O. BOX 1071
TWIN FALLS, IDAHO
83301

September 16, 1987

HAND DELIVERED

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

ATT: Mr. Loren Holmes

Dear Mr. Holmes:

Enclosed you will find an Application for Amendment of this Permit, No. 37-8178 to correspond with our Federal Energy Regulatory Commission, License No. 3704-004.

Also enclosed is the corrections to correspond with the Federal Energy Regulatory Commission, Agreement with Big Wood Canal Company, owner of the facilities, Federal Energy Regulatory Commission License and the Power Purchase Agreement, approved by the Idaho Public Utilities Commission.

Enclosed you will find a check for twenty dollars.

We are requesting that you expedite these Amendments as soon as reasonably possible.

Sincerely yours,

COOK ELECTRIC, INC.

Warren P. Chapman

Warren P. Chapman
President

RECEIVED

SEP 16 1987

Department of Water Resources
Southern Region Office

MICROFILMED

FEB 29 1988

RECEIVED

OCT 02 1987

Department of Water Resources



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

August 23, 1988

RE: Permit Nos. 37-7848 & 37-8178

Magic Reservoir Hydroelectric, Inc.
2399 S. Orchard, Suite 201
Boise, ID 83705

Gentlemen:

The Department is in receipt of assignments of the above referenced permits changing ownership of the permits to you.

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

Please complete and return the enclosed affidavit.

If you have any questions, please let us know.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

MYERS ENGINEERING COMPANY, P.A.

Consulting Engineers

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

RECEIVED
MAY 18 1988

May 17, 1988

Department of Water Resources

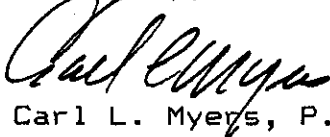
Mr. Jim Johnson
Idaho Water Resources Board
Statehouse
Boise, ID 83720

Re: Assignment of Permit No's 37-7848 & 37-8178

Dear Mr. Johnson:

Enclosed are copies of the above assignment forms from the original applicant Cook Electric Inc. to Magic Reservoir Hydroelectric Inc. Please note this action in your records. The original documents can be furnished at a later date if required; they are currently in the mail to us.

Sincerely,



Carl L. Myers, P.E.

Enclosure

cc: Magic Hydroelectric Inc.
Owen Orndorff

MEMORANDUM

TO: Norm Young, Glen Saxton, Jim Johnson, and File Nos.
37-8178 and 37-7848

FROM: Gary Spackman *Gary*

DATE: September 9, 1987

RE: Establishment of Term of Years for Hydropower Permits

Under Idaho Code 42-203B(7), the Director is required to designate the number of years through which the term of license will extend. It appears that the Director should impose the term of years for the license, if possible, at the time the permit is issued.

Four criteria must be evaluated prior to establishing the term of years: (1) The term of any power purchase contract, (2) Policy of the Idaho Public Utilities Commission, (3) The term of a FERC license, and (4) Existing downstream uses. The power purchase contract has a term of thirty-five (35) years. The Public Utilities Commission approved the contract for thirty-five years. The FERC license was granted for forty (40) years. The hydropower use proposed will not affect downstream users, in fact, the use is in conjunction with water being released to downstream users.

As a result of the above evaluation, I recommend that we grant a period of license of forty (40) years, which is the FERC license period. The conditions should read as follows:

The duration of the diversion and use of water under this permit and any license subsequently issued is forty (40) years from the date of the issuance of this permit. Prior to the expiration of the license, the use will be reviewed relative to the interest of the public, and the Director may reissue the license to include all or any part of the use authorized herein any may revise, delete, or add conditions under which the right may be exercised.

Note: - This memo got separated from the files and the permits were issued w/out a specific term of years. The duration of the right can be established at the time of licensing.

B.S.

RECEIVED
FEB 29 1988

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

- - - - -

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440
SEPTEMBER 03, 1987

COOK ELECTRIC, INC.
P.O. BOX 1071
TWIN FALLS, ID 83303

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 37-8178

DEAR PERMIT HOLDER:

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

BE SURE TO NOTE THE SPECIAL CONDITION REQUIRING YOU TO INSTALL 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,

GARY SPACKMAN
SUPERVISOR, WATER ALLOCATION SECTION

GS: SC
ENCLOSURES

MICROFILMED

FEB 29 1988

MEMORANDUM

TO: File Nos. 37-8178 and 37-7848

FROM: Gary Spackman *Gary*

DATE: July 30, 1987

RE: Review for application approval

I have reviewed Applications to Appropriate Water Nos. 37-8178 and 37-7848 filed in the name of Cook Electric, Inc. for generation of hydropower at Magic Dam. Attached is a rough checklist of the required information under Rule No. 4,5,3. of the Water Allocation Rules and Regulations for large diversions.

After reviewing the applications and supporting documents, I find that Cook Electric, Inc. has supplied the necessary information required by the Department to evaluate the applications.

Based upon my review, the following is a summary of use of the evaluation criteria contained in Rule 5.1 of the Water Appropriate Rules and Regulations:

Will the proposed use reduce the quantity of water under existing water rights?

These filings will not reduce normal delivery practices by the Big Wood Canal Company for irrigation purposes. The applicant has entered into a contract with Big Wood Canal Company which subordinates the delivery of water for hydropower generation to the demands for irrigation flows and maintenance of the delivery systems.

Water quality has been evaluated by the Department of Health and Welfare, and it appears that the water quality will be maintained.

Is the water supply sufficient for the proposed use?

Water will be available in sufficient quantities to operate the proposed turbines in various combinations during the irrigation season. Some additional high run-off flows may also contribute to the hydropower generation. During the winter time, power will probably not be generated because of storage for irrigation in the upcoming irrigation season.

MICROFILMED

FEB 29 1988

Is the application made in good faith?

By agreement with Big Wood Canal Company, the applicant has access to the dam and the surrounding lands for construction. The applicant has also obtained a FERC license for the project. There are not obvious impediments to the successful completion of the project.

Does the applicant have sufficient financial resources?

The file contains a confidential statement from persons or entities willing to participate in the project and assist in financing its completion. Earnest money has already been paid to Cook Electric as part of the financial arrangement. The information is confidential and should be returned following this review.

Does the project conflict with the local public interest?

The project will assist the economy at least temporarily during the construction of the hydropower facilities. Following completion, there will probably not be a lot of direct economic benefit, although the plant will supply power to the Idaho Power grid. The shareholders in Big Wood Canal Co., primarily farmers, will benefit from revenues generated.

The Department of Fish and Game has commented on the proposed plan, and the applicants are proposing to screen the present spillway to prevent fish passage over the spillway.

The applicants plan appears to comply with air and water quality standards.

Based on the above review, I recommend that we issue a permit to appropriate water to Cook Electric, Inc. for the above applications with the standard hydropower conditions attached and a condition of years equal to the number of years imposed by the FERC license.

MICROFILMED

FEB 29 1988

COOK ELECTRIC, Inc.

PHONE:
734.3252

P. O. BOX 1071
TWIN FALLS, IDAHO
83301

August 20, 1987

RECEIVED

AUG 21 1987

27.7845

State of Idaho
Department of Water Resources
Statehouse
Boise, Idaho 83720

Department of Water Resources

ATT: Mr. Gary Spackman

Dear Mr. Spackman:

We are writing you this letter according to our telephone conversation yesterday. We are requesting you contact the personnel at the Idaho Water Resources Board, that we discussed yesterday to help expedite the water application.

We are requesting you treat the water application, requested by Cook Electric, Inc., on Magic Dam Hydroelectric Project, FERC No. 3407-004, under an emergency status for the following reasons:

1. The immediate repair required to meet the Federal Energy Regulatory Commission's regulations.

2. The Magic Dam Reservoir is at a very low level at the present time, which is required to install safety equipment at the inlet structure on the penstock.

3. It would be a shame to have to drain the reservoir in the future to install the safety equipment.

4. Our finance for this equipment is being held up until this water permit is obtained.

Thank you,

COOK ELECTRIC, INC.

Warren P. Chapman

Warren P. Chapman
President

MICROFILMED

FEB 29 1988

MEMORANDUM

TO: File Nos. 37-8178 and 37-7848
FROM: Gary Spackman *Gary*
DATE: July 30, 1987
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Water quality has been evaluated by the Department of Health and Welfare, and it appears that the water quality will be maintained.

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Water will be available in sufficient quantities to operate the proposed turbines in various combinations during the irrigation season. Some additional high run-off flows may also contribute to the hydropower generation. During the winter time, power will probably not be generated because of storage for irrigation in the upcoming irrigation season

MICROFILMED

FEB 29 1988

Is the application made in good faith?

By agreement with Big Wood Canal Company, the applicant has access to the dam and the surrounding lands for construction. The applicant has also obtained a FERC license for the project. There are not obvious impediments to the successful completion of the project.

Does the applicant have sufficient financial resources?

The file contains a confidential statement from persons or entities willing to participate in the project and assist in financing its completion. Earnest money has already been paid to Cook Electric as part of the financial arrangement. The information is confidential and should be returned following this review.

Does the project conflict with the local public interest?

The project will assist the economy at least temporarily during the construction of the hydropower facilities. Following completion, there will probably not be a lot of direct economic benefit, although the plant will supply power to the Idaho Power grid. The shareholders in Big Wood Canal Co., primarily farmers, will benefit from revenues generated.

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The applicants plan appears to comply with air and water quality standards.

Based on the above review, I recommend that we issue a permit to appropriate water to Cook Electric, Inc. for the above applications with the standard hydropower conditions attached and a condition of years equal to the number of years imposed by the FERC license.

MICROFILMED

FEB 29 1988



MAY 22 1987

Department of Water Resources

OFFICE OF THE GOVERNOR

STATE CAPITOL

BOISE

May 15, 1987

CECIL D. ANDRUS
GOVERNOR

Mr. Warren Chapman, President
Cook Electric, Inc.
P.O. Box 1071
Twin Falls, ID 83301

37-8178

Dear Mr. Chapman:

Thank you for your letter of April 20, 1987, providing an update on your project. It is inappropriate for me to intervene in the present contract negotiations with Idaho Power Company. That issue is presently being considered by the Idaho Public Utilities Commission in quasi-judicial proceedings that must be decided using the record developed by the PUC and the law governing the matter. A generic case considering this matter is set for hearing before the PUC in June and your specific request is scheduled for June 18, 1987.

Immediate development of the project cannot be encouraged until the state of Idaho's appeal of the FERC license has been resolved. The state routinely requests that FERC include a subordination condition in the federal license to insure that large nonconsumptive uses of water do not lock up the water supplies of a basin thereby preventing needed upstream development. FERC was asked to include a subordination condition in the Magic Dam hydro project license, but failed to do so. The state is appealing the license conditions, and has not at this time issued a state permit to allow appropriation of water for the project. While I am confident that this issue will be resolved, I cannot encourage development of the project while the issue is still pending.

I have conveyed copies of your letter and special request to the PUC and the Department of Water Resources with instructions to consider your request as your motion for summary judgment and application for water permit as evaluated.

With best regards,

Sincerely,

Cecil D. Andrus
Governor

FEB 29 1988

cc: Kenneth Dunn, IDWR
Perry Swisher, PUC
CDA:lmg
0158G/1863r/spuc
A/C/F

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET COOK ELECTRIC

INITIAL REVIEW BY: JF Stanton

APPLICATION NUMBER: 37-8178

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: _____

- ☐ 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: _____

PROCESSING:

- ☐ Yes ☒ No Platted by: JK Map No. Y-23
☒ Yes ☐ No Other rights on same place of use. _____
☒ Yes ☐ No* App. 37-7848 by same applicant
In form for advertising. 8/6/84
Final date for protests: _____
☐ Yes ☒ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: 7/30/84
☒ Application published correctly. If not, record action taken: _____
☒ Fee amount, receipt date & number, recorded on application.
☒ Publication dates and paper, recorded on application.
☒ Protests, dates, withdrawal, etc., recorded on application.
☒ Recommendation & initial, recorded on application.
☒ Yes ☐ No Measuring device required.
☐ Yes ☒ No Access port required.
☒ Yes ☐ No Will water be delivered by watermaster? If yes, what district? 37
7/21/84 Date of priority recommended.

Special conditions of approval or cover letter.

01F, 05, 08A, 17K, 17M, 18A, 25, 27, 30

STATE OFFICE REVIEW:

By: Loren O. Thum

Date: 7/21/87

L19, L17

30 27 04 01F 08A 09E 17G 17K
18A 25 26A 05 (37, Big Wood River)

- ☐ See attached sheet for more information.

By: KW

Date: 8/25/87

POINT OF DIVERSION AND STREAM INDEX INFORMATION

TRACT SEC TWP RGE gov't rediv.
lot (R) REACH

IDAHO STREAM CODE INDEX

TRACT SEC TWP RGE gov't rediv.
lot (R) REACH

IDAHO STREAM CODE INDEX

TRACT SEC TWP RGE gov't rediv.
lot (R) REACH

IDAHO STREAM CODE INDEX

TRACT SEC TWP RGE gov't rediv.
lot (R) REACH

IDAHO STREAM CODE INDEX

TRACT SEC TWP RGE gov't rediv.
lot (R) REACH

IDAHO STREAM CODE INDEX

Water Right Files

37-7848, 37-8178

RECEIVED

MAR 31 1987

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION
Department of Water Resources
Southern Region Office

Cook Electric, Inc.

)

Project No. 3407-007

NOTICE TO INTENT TO ACT

(March 19, 1987)

The appellant 1/, pursuant to 18 C.F.R. § 385.1902 (1986), has appealed the Commission staff's action 2/ in the above-captioned proceeding. Further time is required to consider the issues raised on appeal. The Commission intends to act on appellant's appeal, which shall not, therefore, be deemed denied by operation of law pursuant to Section 385.1902(c) of the Commission's Rules of Practice and Procedure.

By direction of the Commission.

(S E A L)

Kenneth F. Plumb

Kenneth F. Plumb,
Secretary.

-
- 1/ The Idaho Department of Water Resources.
2/ Cook Electric, Inc., 38 FERC ¶ 62,034 (1987).

RECEIVED

FEB 29 1988

DC-A-17

37-8178

COOK ELECTRIC, Inc.

PHONE:
734.3252

P. O. BOX 1071
TWIN FALLS, IDAHO
83301

January 23, 1986

*no response
yet
1-27-86*

RECEIVED

JAN 27 1986

State of Idaho
Department of Water Resources
State House
Boise, Idaho 83720

37-17848
37-8178 ✓ Department of Water Resources

Project No. 3407-004
Magic Dam

We are requesting that you comment on the above project, along the lines of the rough draft, which is enclosed, and other comments that you might have to assist Cook Electric, Inc., in obtaining their license on this project, so we can start construction on a new 600 feet of spillway, which is required by our studies that you have copies of.

Sincerely,

COOK ELECTRIC, INC.

Warren P. Chapman

Warren P. Chapman
President

RECEIVED

FEB 29 1988

LETTER HEAD
OF AGENCY

January , 1986

Cook Electric, Inc.
P.O. Box 1071
Twin Falls, Idaho 83301

ATT: Warren P. Chapman, President

Project No. 3407-004
Magic Dam

We support the applicant for hydro license, Ferc No. 3407-004,
for the following reasons:

To improve dam safety, your plans show an additional 600 ft. of spillway, which should reduce fish loss over the spillway and improve soil erosion down stream from the dam. This would let you maintain higher water levels in the dam with this additional spillway. It would also assist Big Wood Canal Co., in managing the reservoir levels. We feel it is in the best interest of the general public to improve irrigation storage, dam safety, boating, fish loss and other recreation needs.

Sincerely,

Agencies Name

MICROFILMED

FEB 29 1988

MAGIC DAM

1. Powerhouse Site
2. Magic Reservoir
3. Spillway
4. Spillway
5. Spillway
6. Spillway
7. Spillway
8. Big Wood River Below Dam

MICROFILMED

FEB 29 1988

1



3



2

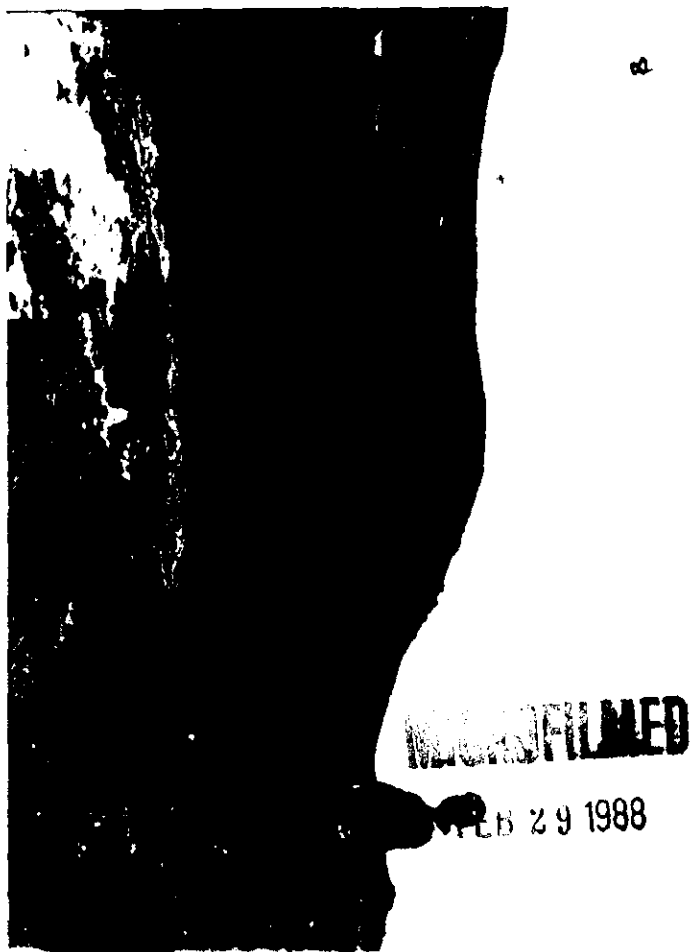


4



MICROFILMED

FEB 10 1988



REPRODUCED

FEB 29 1988

INTER-DEPARTMENT MEMO — 1

FROM

Glenn Saylor

TO

File 37-7848

37-81781✓

SUBJECT

- The nine (9) bound documents transmitted by Cook Electric with the Dec 3, 1985 letter have been filed in Dam Safety Sec.

RECORDED

FEB 14 1986

[Signature]

SIGNATURE

COOK ELECTRIC, Inc.

PHONE:
734-3252

P. O. BOX 1071
TWIN FALLS, IDAHO
83301

December 3, 1985

RECEIVED
DEC 5 1985

State of Idaho
Department of Water Resources
State House
Boise, Idaho 83720

Department of Water Resources

Reference: Magic Hydroelectric Project, FERC Project No.
3407-004 - Idaho

Gentlemen:

Enclosed please find one (1) copy each of nine (9) bound documents, which constitute our application for license of the referenced project.

Pursuant to the Federal Energy Regulatory Commission's letter of November 8, 1985, to you, copies of the subject application are being sent to you for your information and any comments and recommendations you may have involving your interests. Please submit your comments to the Secretary, Federal Energy Regulatory Commission, Washington, D.C. 20426, with a copy directly to the Applicant, within 60 days of the date of this letter. If you have not submitted comments, or requests that the Commission grant an extension of time within that period, the Commission will assume that you have none.

If you have any questions, please call Mr. Warren P. Chapman or Mr. Randy Chapman at (208) 734-3252.

Thank you for your cooperation.

Respectfully submitted,
COOK ELECTRIC, INC.

Warren P. Chapman

Warren P. Chapman
President

WPC:gc
cc:FERC

RECEIVED

FEB 29 1988



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

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

August 23, 1984

Big Wood Canal Company
112 South Apple Street
Box C
Shoshone, Idaho 83352

Re: 37-7848 & 37-8178 - Cook Electric

Gentlemen:

This office currently holds Applications for Permit Numbers 37-7848 and 37-8178 in the name of Cook Electric, Inc., to appropriate water for hydroelectric power generation at Magic Dam.

Application 37-7848 was protested by Big Wood Canal Company in August, 1980 and has been held pending a hearing.

We recently received a copy of an agreement between Cook Electric and Big Wood Canal Company indicating the two parties are going to cooperate on the construction of the Magic Dam power project.

We are assuming that the agreement resolves the matter of the protest. Unless advised otherwise, the protest will be considered withdrawn, and we will proceed with processing of application 37-7848 without a hearing.

Very truly yours,

LOREN O. HOLMES
Southern Region Supervisor

LOH:marya

cc: Warren Chapman

RECORDED

FEB 29 1988

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
Southern Region

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

JULY 12, 1984

Wood River Journal
P.O. Box 988
Hailey ID 83333

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before AUGUST 6, 1984.

Yours truly,

Mary A. Newby
Secretary

Encl.

MICROFILMED

FEB 29 1988

NOTICE OF APPLICATION FOR WATER RIGHT

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

32-8128-

COOK ELECTRIC, INC.

P.O. BOX 1071, TWIN FALLS, ID 83303

Source: BIG WOOD RIVER trib. to SNAKE RIVER

Date Filed: 07/02/1984

Diversion Pt: NENE Sec 18 T 02S R 18E

Use: POWER (250.00 CFS)

In: NENE Sec 18 T 02S R 18E

If issued, the permit(s) will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301 and received on or before AUGUST 6, 1984.

R. KENNETH DUNN

Director

Published 7/19 & 7/26/84.

RECORDED

FEB 29 1988

IDENT. NO. _____

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]