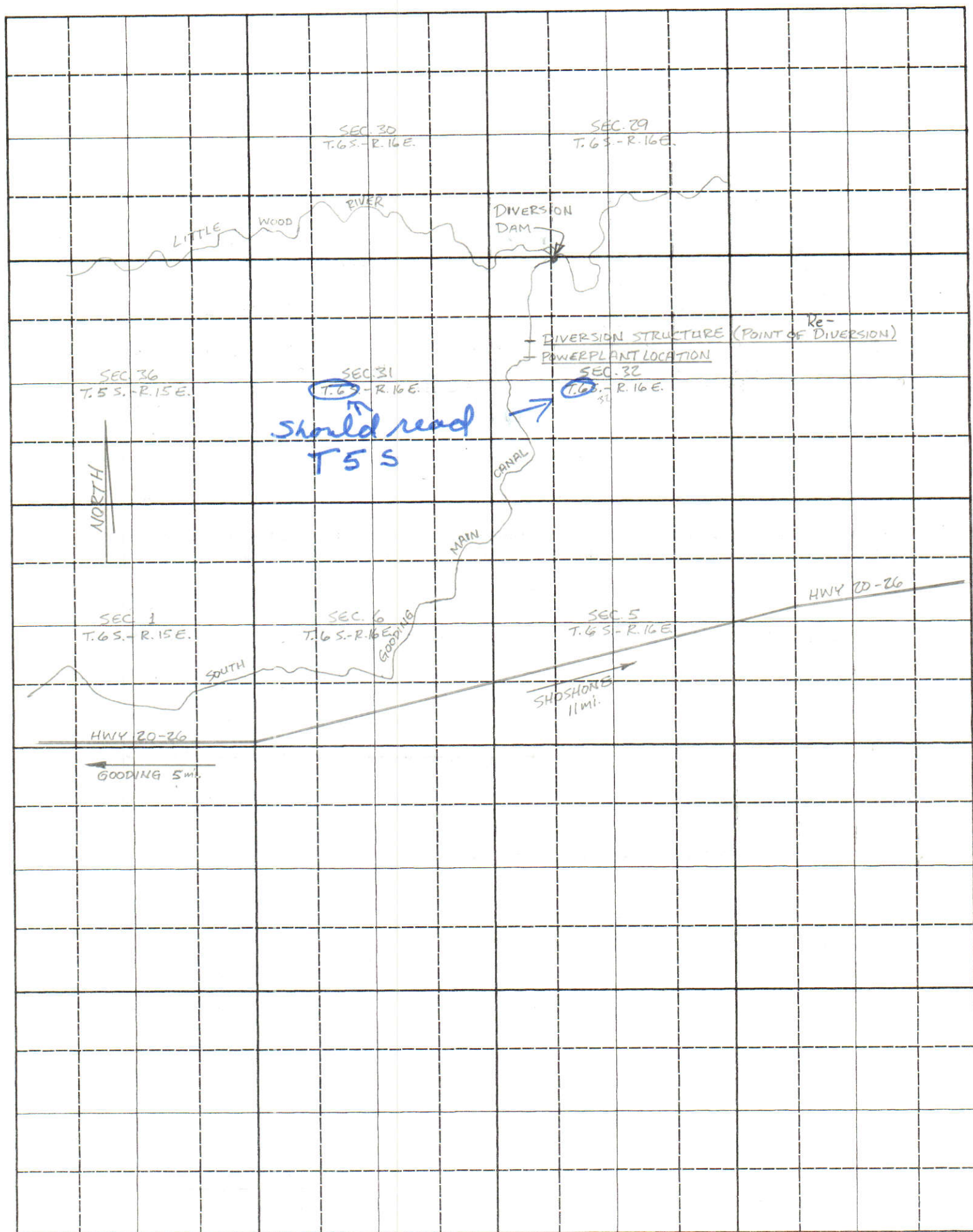


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

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

Donald S. S. S.
President* (Applicant)

*per affidavit attachment- kw 1/15/1985

MICROFILMED

3hp pump in
340' well to one
home, attendant
household stock
and approx. one
acre of irrig.

YUPP4

**NOTICE OF APPLICATION
FOR WATER RIGHT**

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

37-8169

BIG WOOD CANAL CO.
P.O. BOX C, SHOSHONE, ID
83352

Source: LITTLE WOOD
RIVER trib. to MALAD RIV-
ER

Date Filed: 04/02/1984

Diversion Pt: NENE Sec 32
T 05S R 16E SWNW Sec 32 T
05S R 16E (REDIVERS-
ION)

Use: POWER (232.00 CFS)

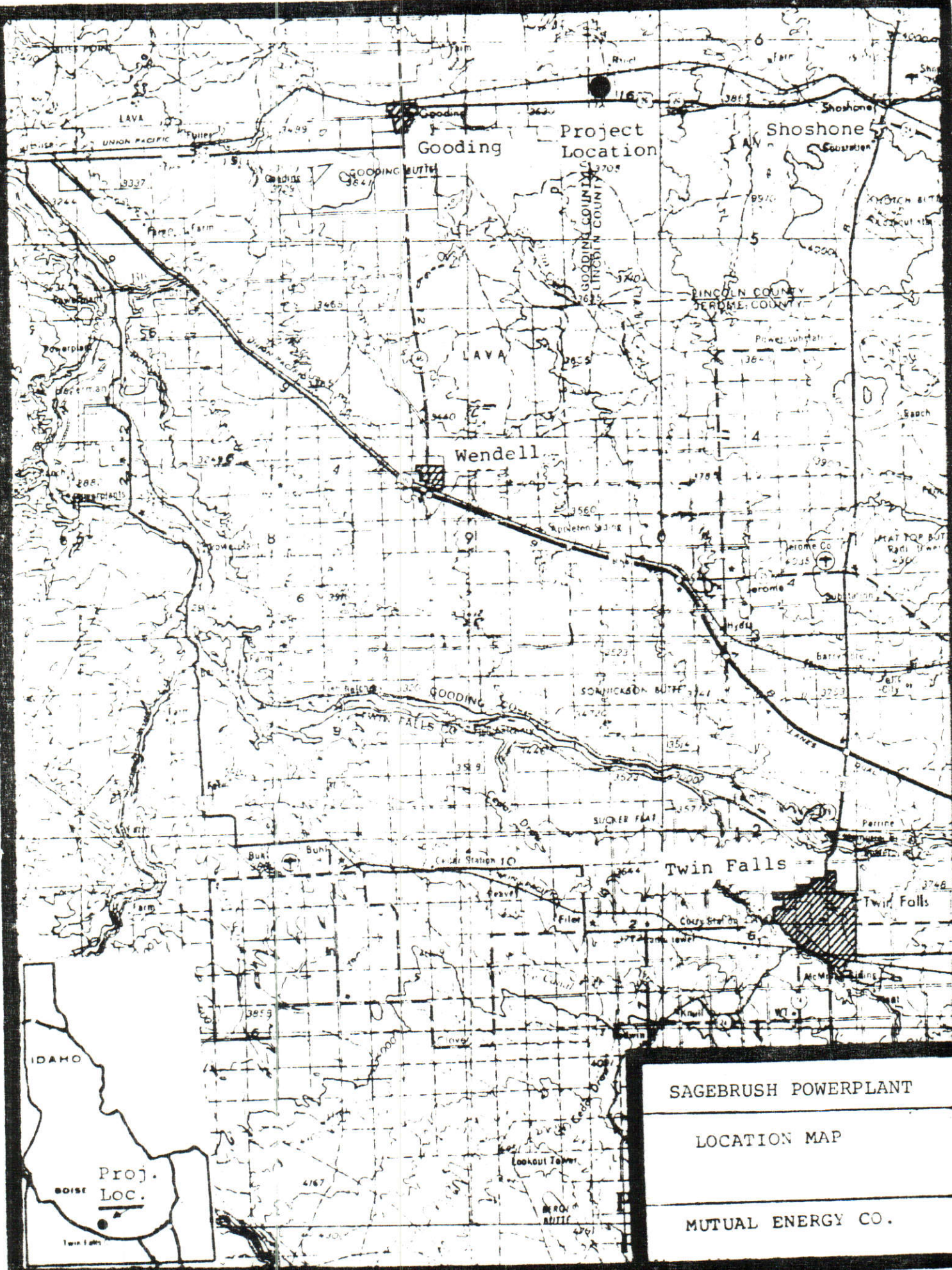
In: SWNW Sec 32 T 05S R 16E

If issued, the permit(s)
will be subject to all prior
water rights. Protests a-
gainst the granting of any
permit must be filed with the
Director of the Idaho De-
partment of Water Resourc-
es, 1041 Blue Lakes Blvd.
North, Twin Falls, Idaho
83301 and received on or
before MAY 4, 1984.

A. KENNETH DUNN

Director

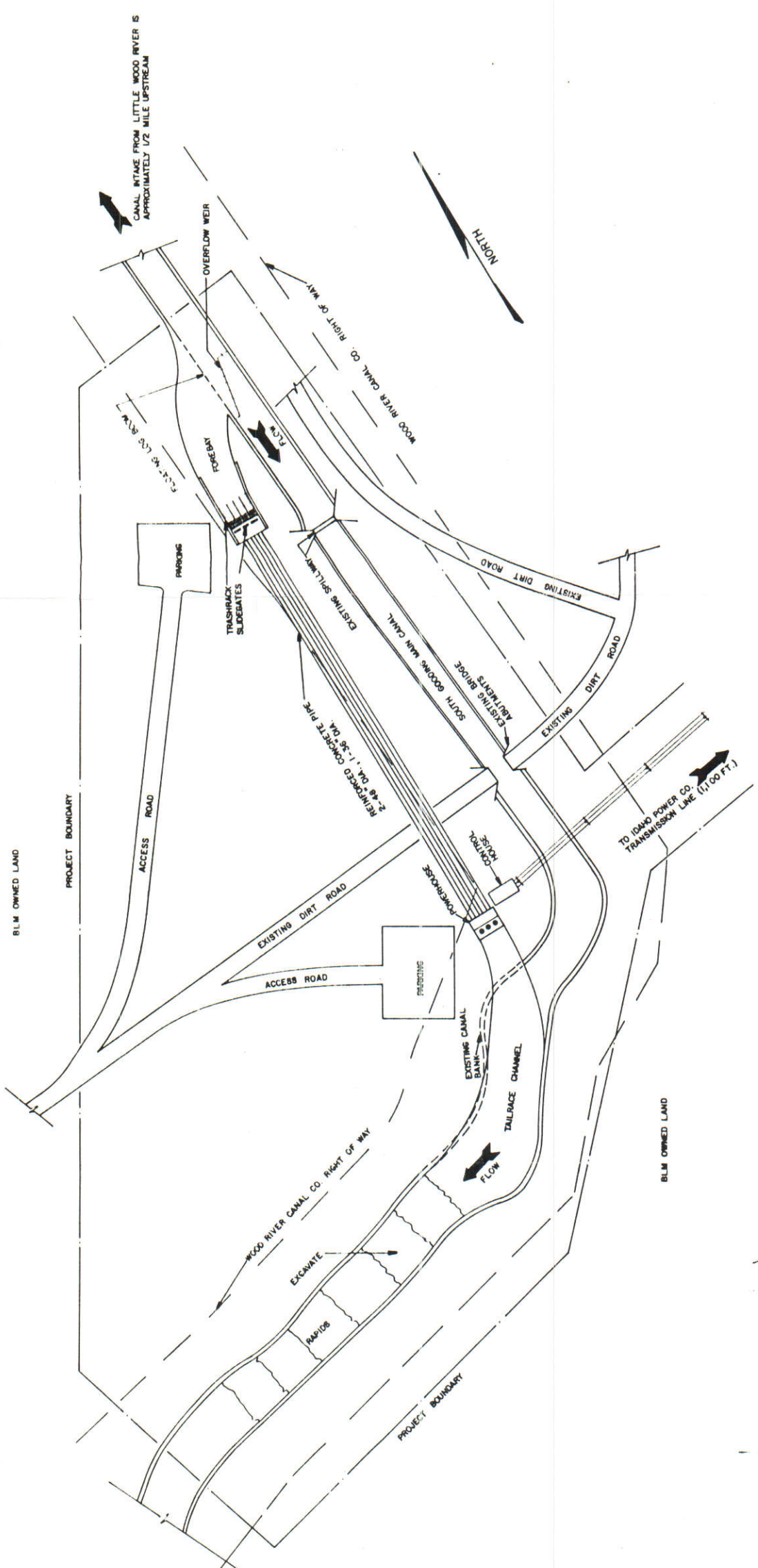
PUB: 4-17, 24 #3334



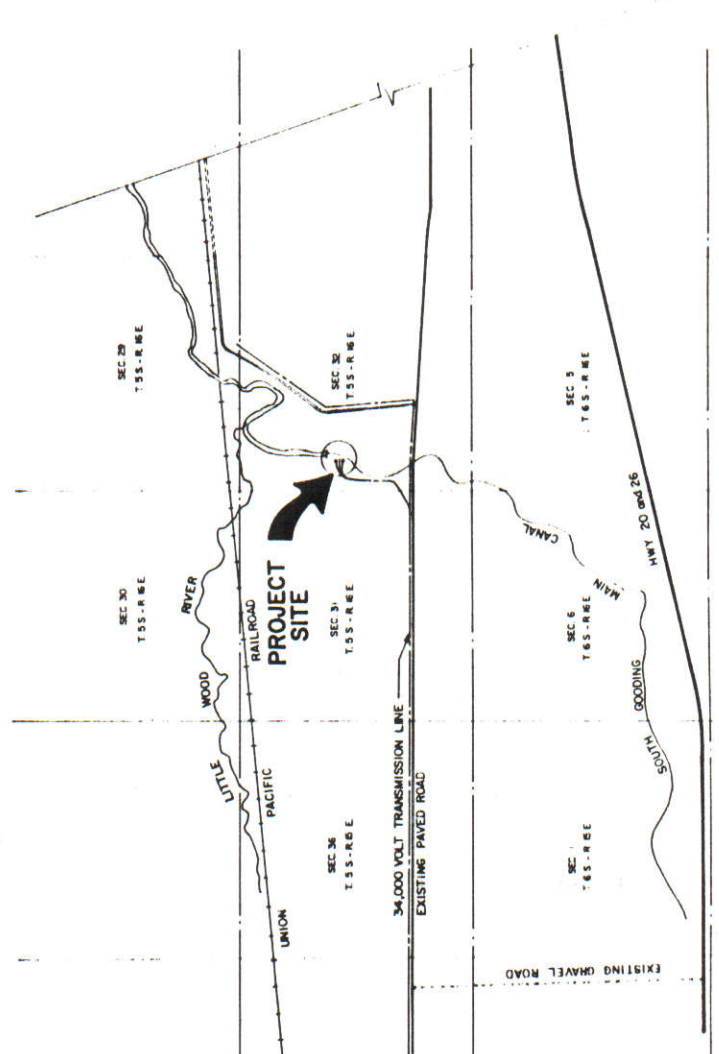
SAGEBRUSH POWERPLANT

LOCATION MAP

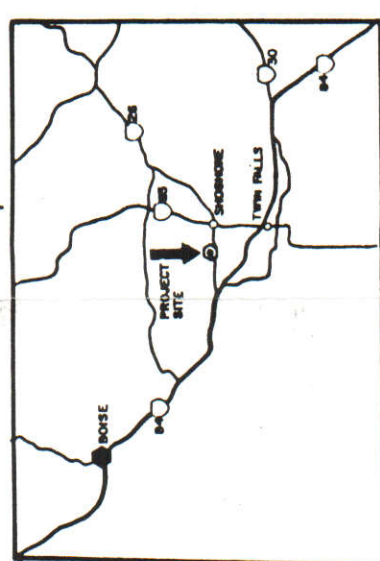
MUTUAL ENERGY CO.



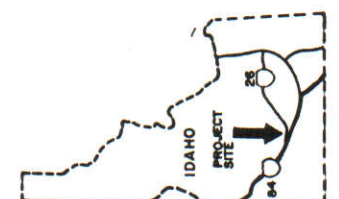
SITE PLAN



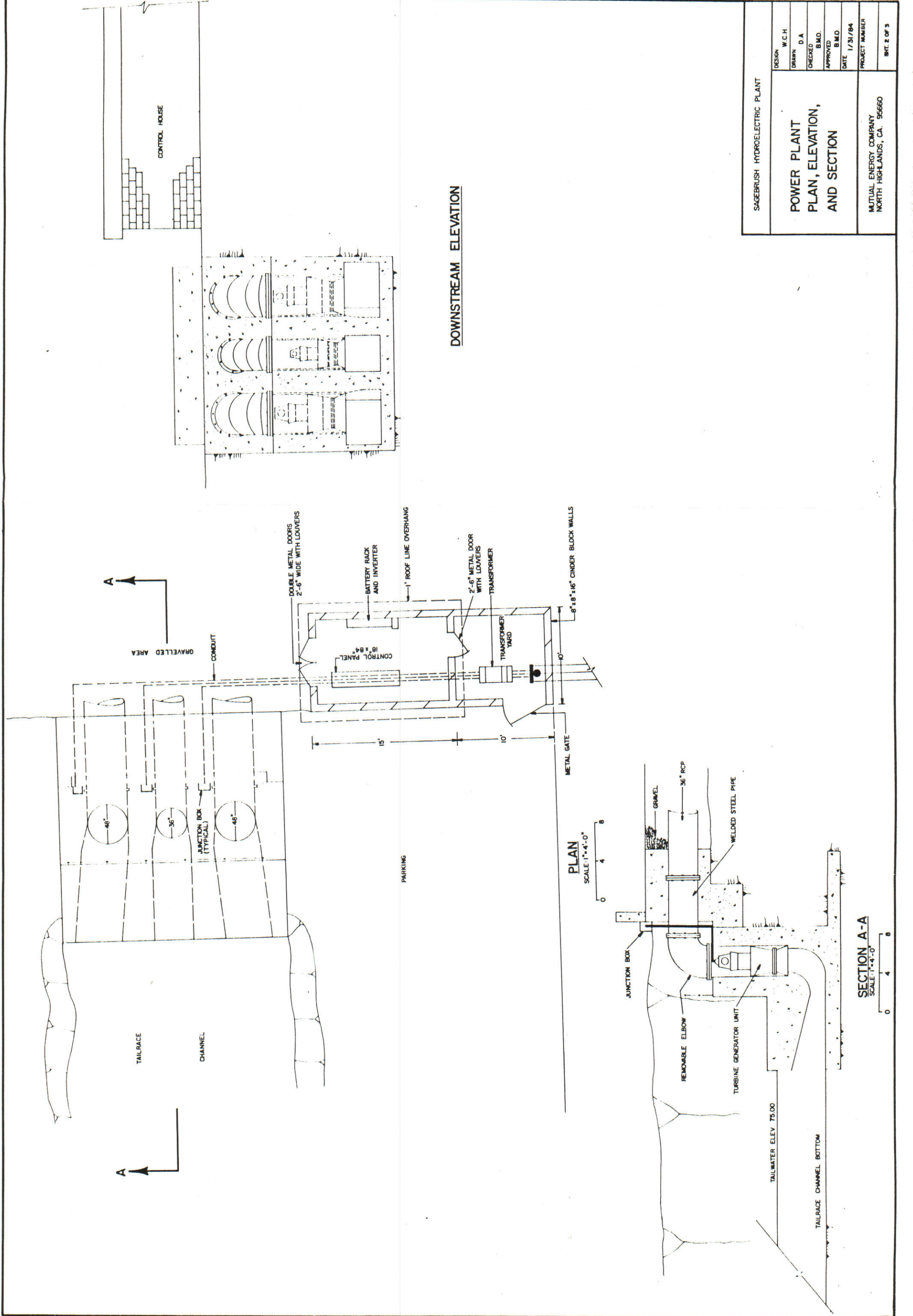
LOCATION MAP
SCALE 1" = 24,000'



LOCATION MAP



SAGEBRUSH HYDROELECTRIC PLANT		DESIGN	W.C.H.
LOCATION MAPS AND SITE PLAN		DRAWN	D.A.
		CHECKED	W.C.H.
		APPROVED	B.M.O.
		DATE	1/27/84
MUTUAL ENERGY COMPANY NORTH HIGHLANDS, CA. 95660		PROJECT DRAWING	
		SHT. 1 OF 3	



DOWNSTREAM ELEVATION

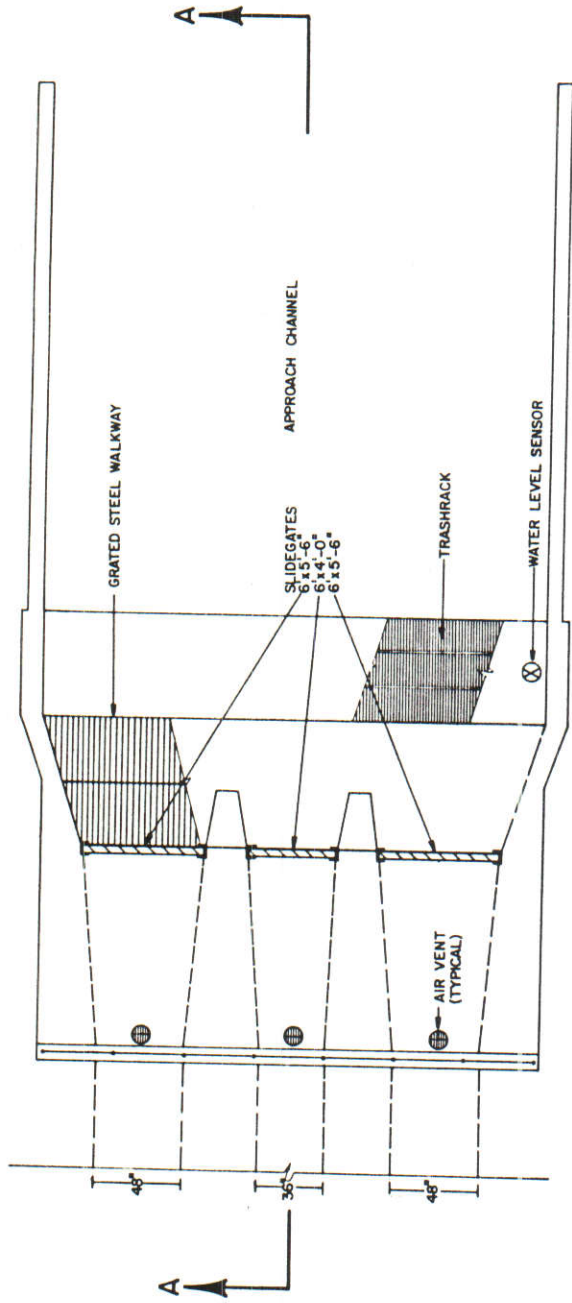
PLAN
SCALE: 1"=4'-0"

SECTION A-A
SCALE: 1"=4'-0"

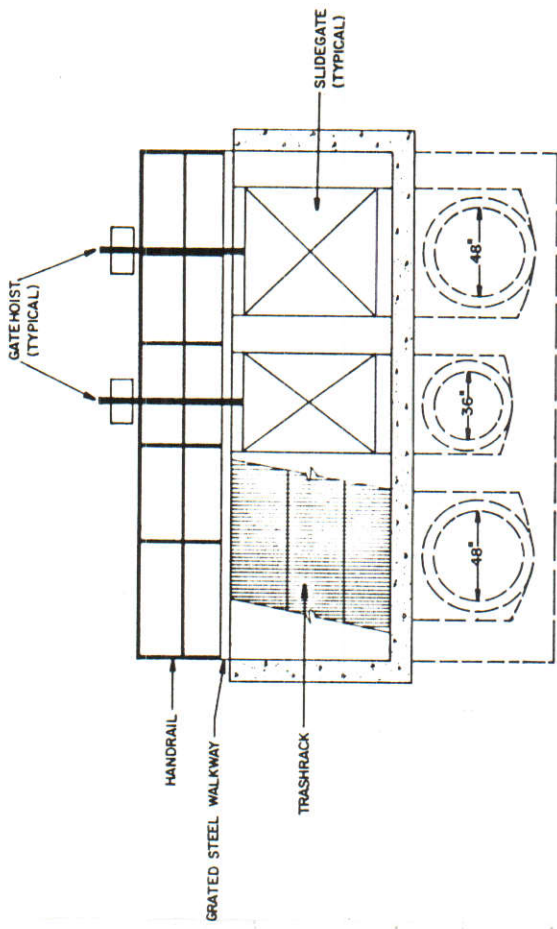
SAGEBRUSH HYDROELECTRIC PLANT

DESIGN	W.C.H.
DRAWN	D.A.
CHECKED	B.M.D.
APPROVED	B.M.D.
DATE	1/31/84
PROJECT NUMBER	
MUTUAL ENERGY COMPANY NORTH HIGHLANDS, CA. 95660	
SHEET 2 OF 3	

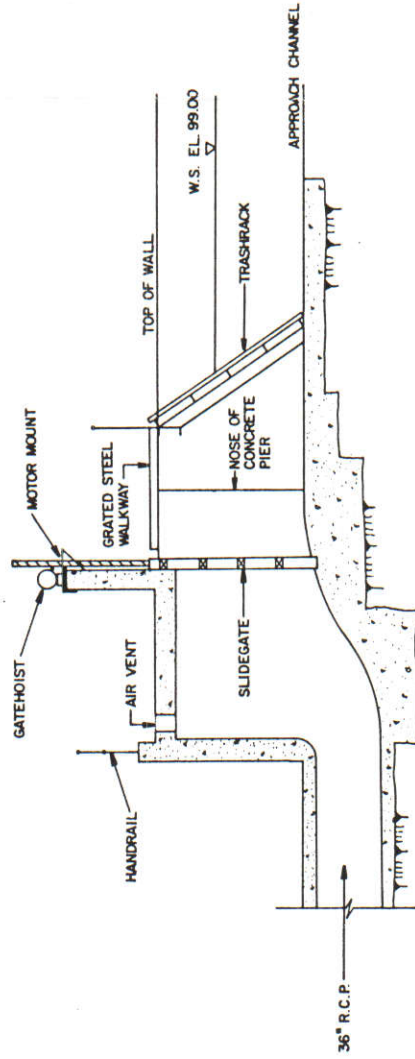
POWER PLANT
PLAN, ELEVATION,
AND SECTION



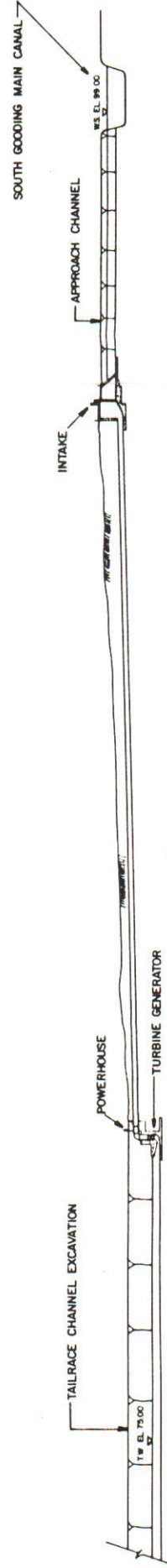
PLAN
SCALE: 1" = 4'



ELEVATION
SCALE: 1" = 4'



SECTION A-A
SCALE: 1" = 4'



PROFILE
SCALE: 1" = 40'

SAGEBRUSH HYDROELECTRIC PLANT		DESIGN	W.C.H.
		DRAWN	D.A.
		CHECKED	B.M.O.
		APPROVED	B.M.O.
		DATE	2/1/84
		PROJECT NUMBER	
		SHT. 3 OF 3	

PROJECT PROFILE
INTAKE PLAN, SECTION,
AND ELEVATION

MUTUAL ENERGY COMPANY
NORTH HIGHLANDS, CA. 95560

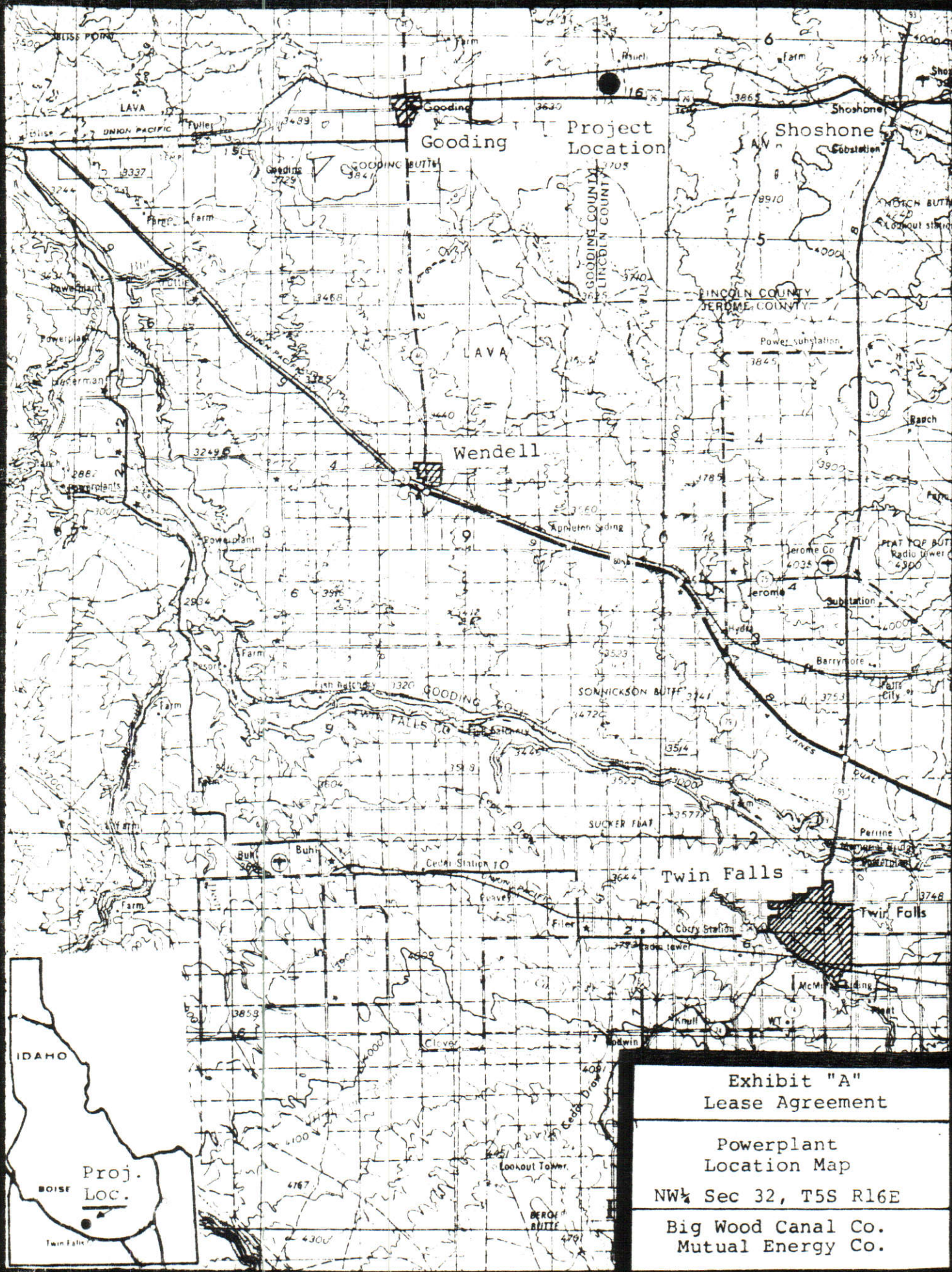


Exhibit "A"
Lease Agreement

Powerplant
Location Map

NW 1/4 Sec 32, T5S R16E

Big Wood Canal Co.
Mutual Energy Co.

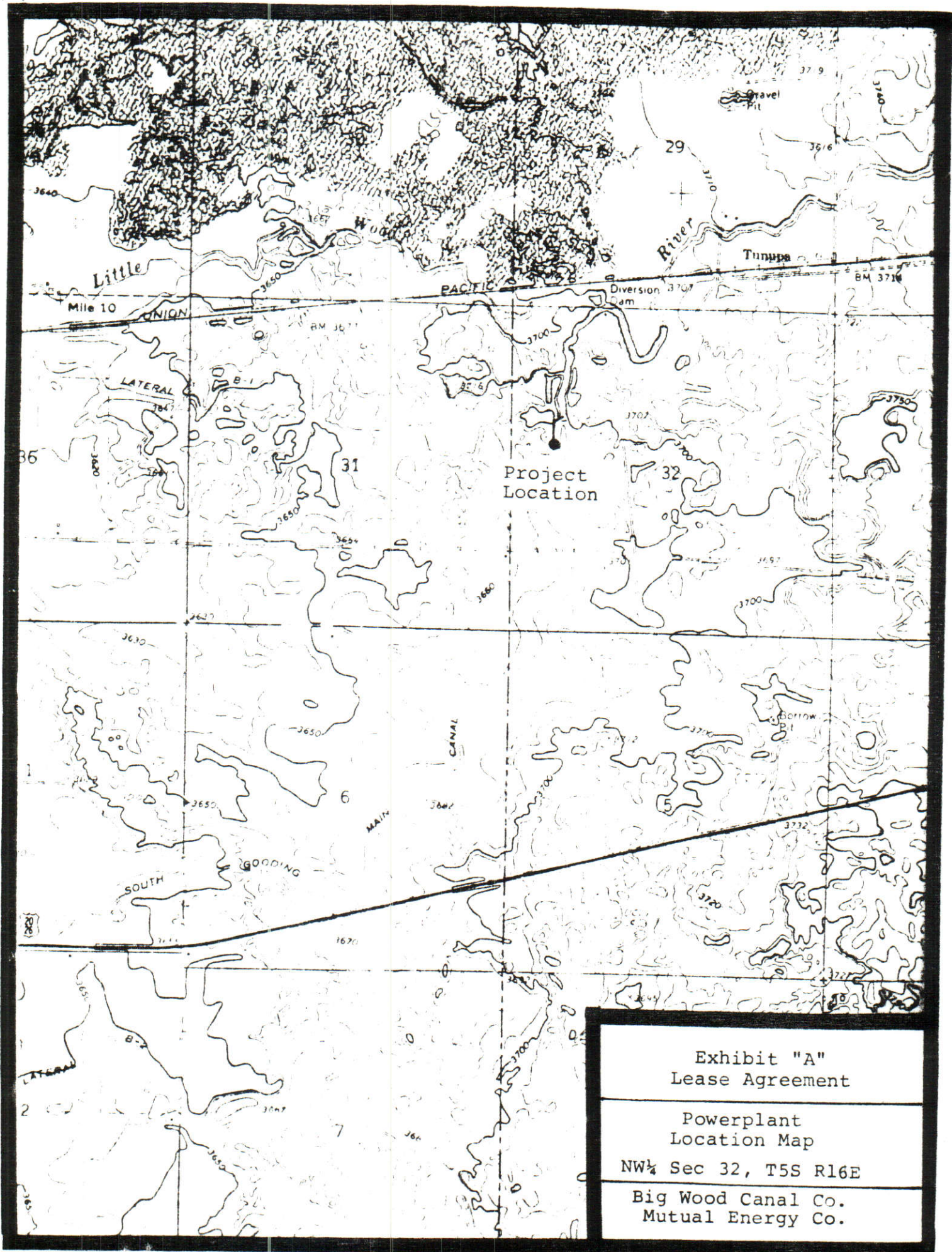
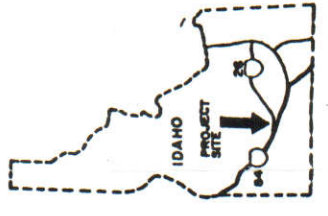
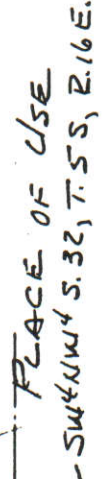


Exhibit "A"
Lease Agreement

Powerplant
Location Map

NW $\frac{1}{4}$ Sec 32, T5S R16E

Big Wood Canal Co.
Mutual Energy Co.



PERMIT NO. 37-8169
EXHIBIT A.1

SAGEBRUSH HYDROELECTRIC PLANT	DESIGN	W.C.H.
	DRAWING	D.A.
	CHECKED	W.C.H.
	APPROVED	B.M.O.
	DATE	1/27/84
	PROJECT DRAWING	
	MUTUAL ENERGY COMPANY NORTH HIGHLANDS, CA. 95660 SHEET 1 OF 3	

A

A

TAILRACE

CHANNEL

GRAVELLED AREA

CONDUIT

JUNCTION BOX
(TYPICAL)

DOUBLE METAL DOORS
2'-6" WIDE WITH LOUVERS

BATTERY BANK
AND INVERTER

1' ROOF LINE OVERHANG

2'-6" METAL DOOR
WITH LOUVERS

TRANSFORMER

CONTROL PANEL
18" x 84"

TRANSFORMER
YARD

METAL GATE

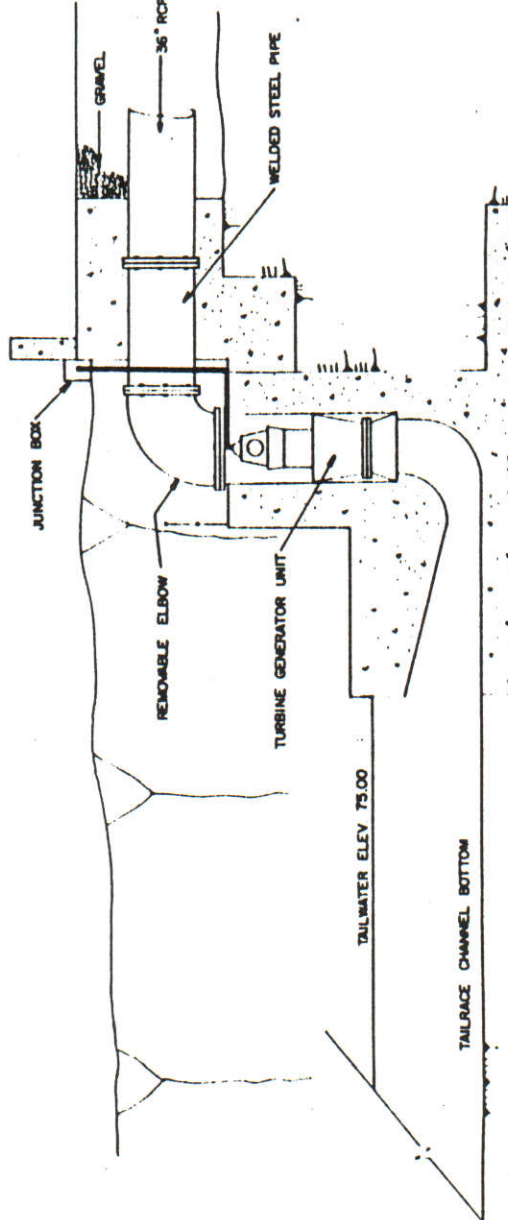
6" x 8" x 16" CINDER BLOCK WALLS

PARKING

PLAN

SCALE: 1" = 4'-0"

0 4 8



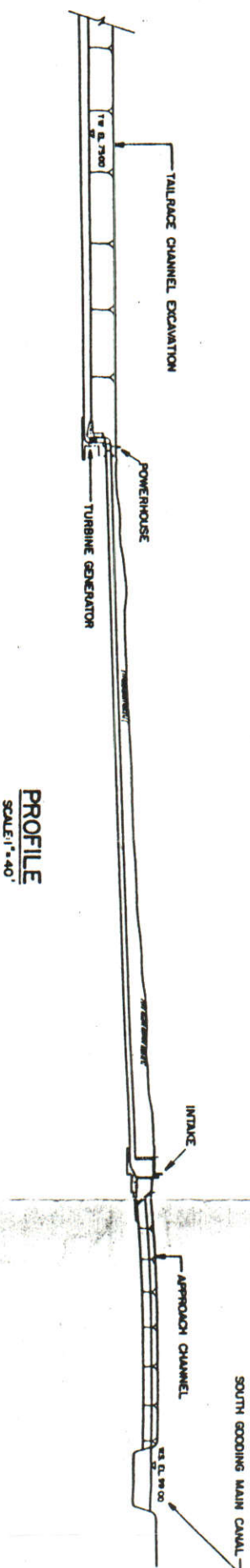
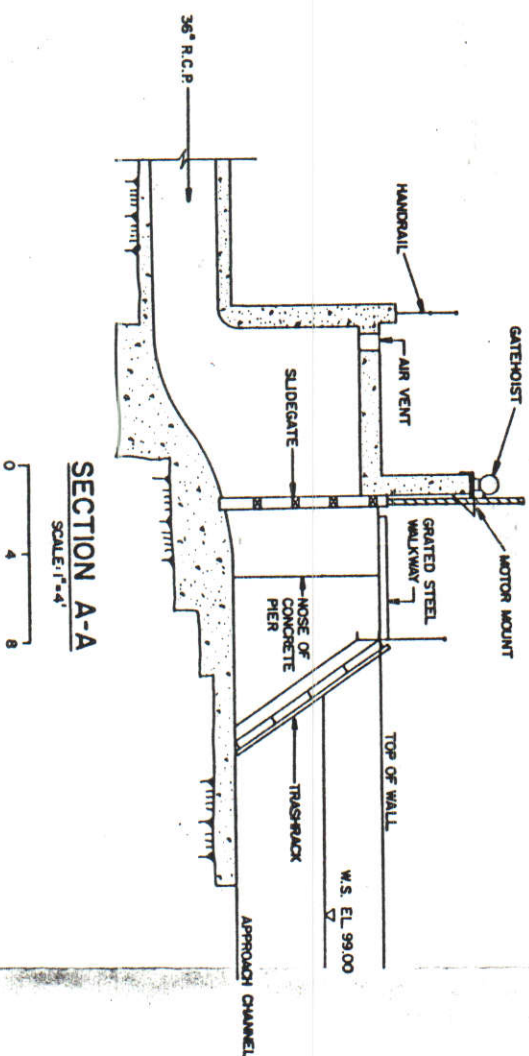
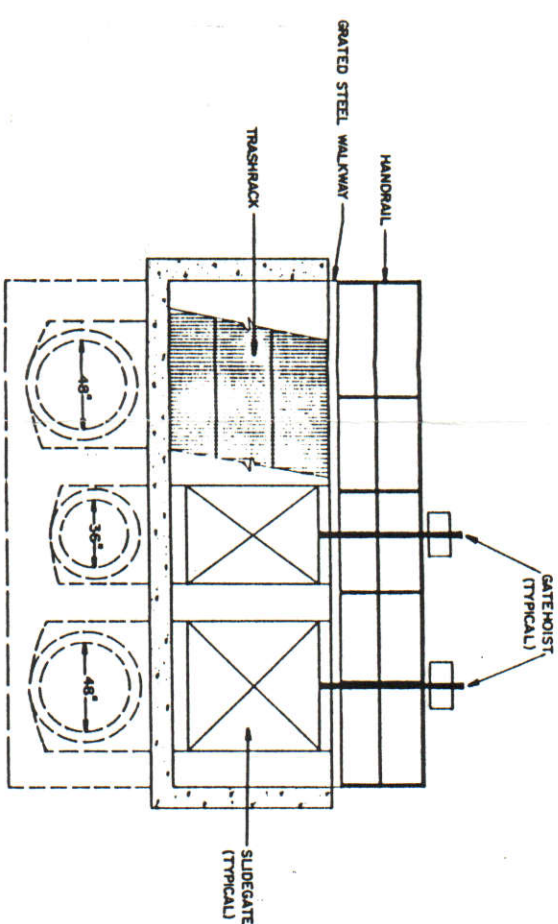
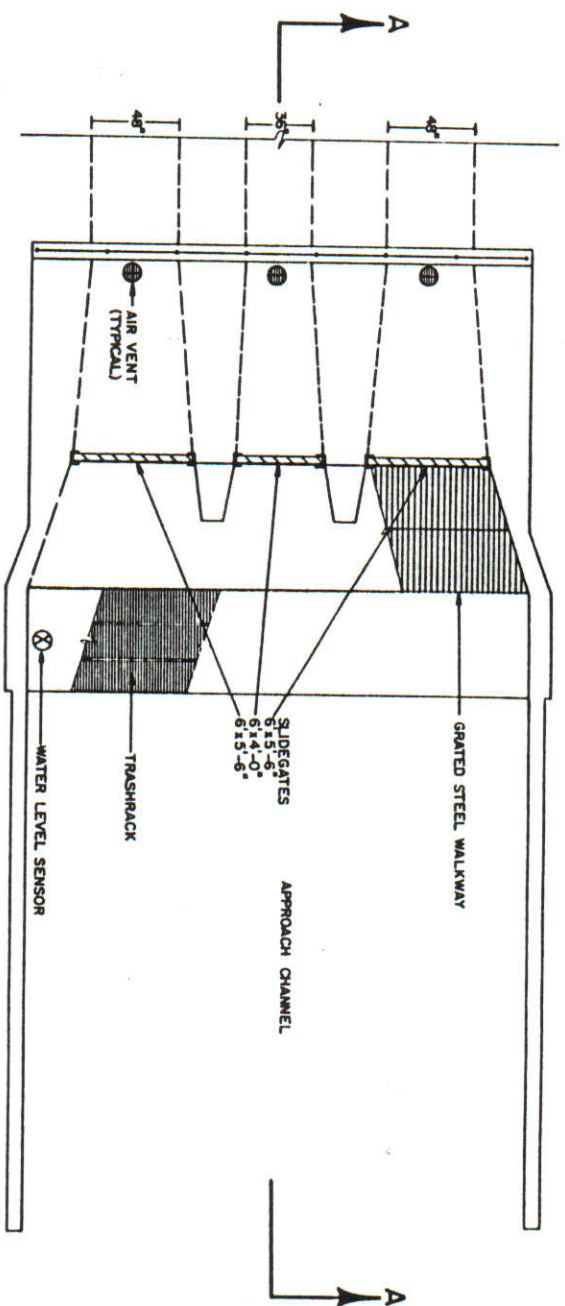
CONTROL HOUSE

DOWNSTREAM ELEVATION

PERMIT NO. 37-8169
EXHIBIT A.2

SAGEBRUSH HYDROELECTRIC PLANT

DESIGN	W.C.H.
DRAWN	D.A.
CHECKED	B.M.D.
APPROVED	B.M.D.
DATE	1/31/84
PROJECT NUMBER	
MUTUAL ENERGY COMPANY NORTH HIGHLANDS, CA. 95660	
SHEET 2 OF 3	

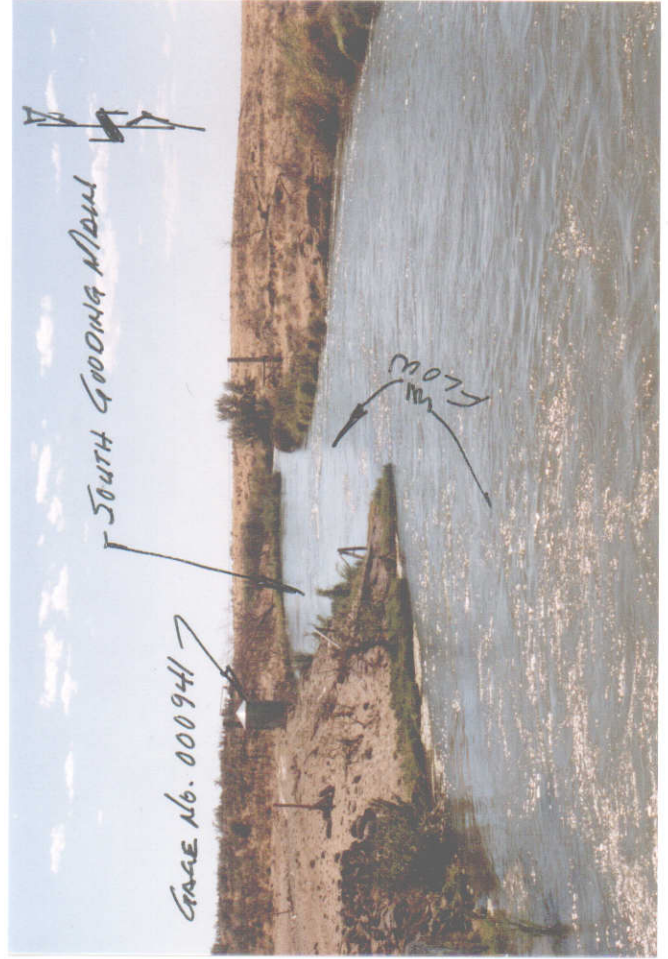


SAGEBRUSH HYDROELECTRIC PLANT	
PROJECT PROFILE	
INTAKE PLAN, SECTION, AND ELEVATION	
DESIGN	W.C.H.
DRAWN	D.A.
CHECKED	B.M.O.
APPROVED	B.M.O.
DATE	2/1/84
PROJECT NUMBER	
MUTUAL ENERGY COMPANY	
NORTH HIGHLANDS, CA. 95660	
SHT. 3 OF 3	

PERMIT 46.37-8169
EXHIBIT A.3



POINT OF DIVERSION



PERMIT No. 37-8169

EXHIBIT B.1



PLACE OF USE



PERMIT NO. 37-8169
EXHIBIT B.2



PLACE OF USE



PERMIT NO. 37-8169
EXHIBIT B.3

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

To appropriate the public waters of the State of Idaho

1. Name of applicant Big Wood Canal Co. Phone (208) 886-2331
Post office address P.O. Box C., Shoshone, ID 83352
*Little Wood River *Malad River
2. Source of water supply ~~S. Gooding Main Canal~~ which is a tributary of ~~Little Wood River~~
*NE NW
3. Location of point of diversion is SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 32 Township 5S
Range 16E B.M. *Gooding County, additional points of diversion if any: _____

To be Rediverted from S. Gooding Main Canal within SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 32, T5S, R16E, B.M.

* Changed per phone conversation with Okeefe of Mutual Irrigation Co., 4/9/84 ADM

4. Water will be used for the following purposes:
232 Allow April 1 to November 1 LGS 3/18/85
Amount 233 cfs for Power Gener- purposes from Jan 1 to Dec 31 (both dates inclusive)
(cfs or acre-feet per annum) ation
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:
*232
a. 233 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:
Intake adjacent to Main Canal with
a. Description of ditches, flumes, pumps, headgates, etc. adequate bypass. Intake has 3 -5'x6'
gates; 3 pipes (48" - 36" - 48") from the intake to the powerhouse,
tailrace from the powerhouse back to the canal. See attached FERC
Application.
b. Height of storage dam N/A feet, active reservoir capacity N/A acre-feet; total reservoir
capacity N/A acre-feet, materials used in storage dam: N/A
Period of year when water will be diverted to storage N/A to N/A inclusive.
(Month/Day) (Month/Day)
c. Proposed well diameter is N/A inches; proposed depth of well is _____ feet.
7. Time required for the completion of the works and application of the water to the proposed beneficial
use is one year (minimum 1 year - maximum 5 years).

8. Description of proposed uses:
a. If water is not for irrigation:
(1) Give the place of use of water: SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 32 Township 5S
Range 16E B.M.
(2) Amount of power to be generated: 580 horsepower under 24 feet of head.
(3) List number of each kind of livestock to be watered None

(4) Name of municipality to be served None, or number of families to be
supplied with domestic water _____
(5) If water is to be used for other purposes describe: Electrical power generation power
to be sold to Idaho Power Co.

MICROFILMED

MICROFILMED

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 None

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

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

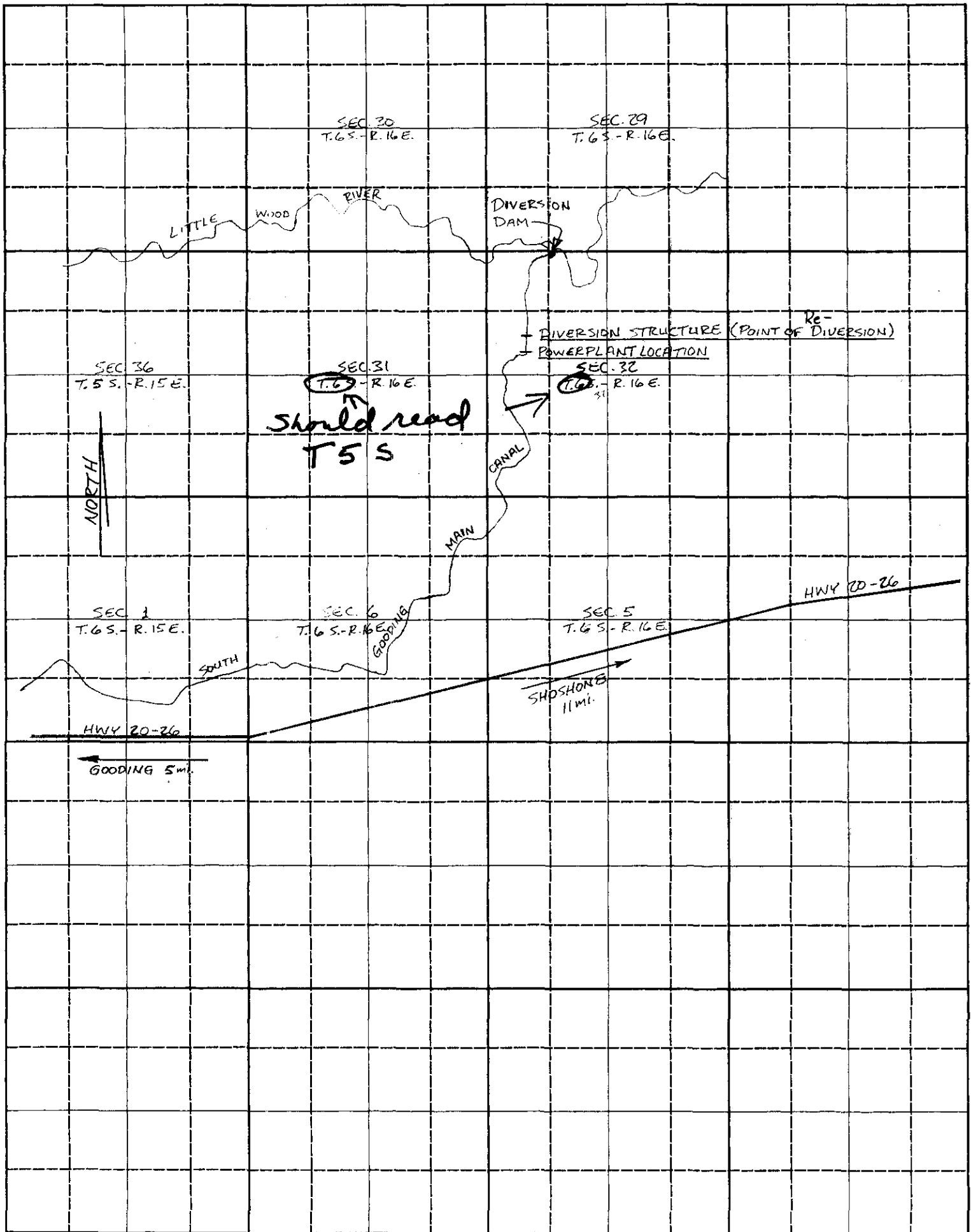
b. Who owns the land to be irrigated or place of use Big Wood Canal Co.

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing (1) Portions of the pipelines and possibly portions of the powerhouse will be outside of the Big Wood Canal Co. Right-of-Way. The part of the facilities that are outside of the

~~XXXXXX~~ Right-of-Way are on U.S. Bureau of Land Management property.

A Use Permit is being secured from the USBR for the use of this land. (2) Big Wood Canal Co. has leased the powerplant site to Mutual Energy Co. for the purpose of developing a hydroelectric facility. After a number of years the powerplant will revert to Big Wood Canal Co. Title to the site and the water right will remain with Big Wood Canal Co. (3) Technical questions regarding this application should be addressed to: Mr. Bart M. O'Keefe, Mutual Energy Co., 3451 Longview Drive, Suite 130, North Highlands, CA 95660, (916) 971-3717.

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



Scale: 2 inches equal 1 mile.

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


President* (Applicant)

*per affidavit attachment- kw 1/15/1985

REFERENCES

Proposed Priority 4/2/84

Received by marya Date 4/2/84 Time 12:00p

Preliminary check by ADN Fee \$ 1885⁰⁰

Receipted by marya Date 4/2/84 # 33038

Publication prepared by marya Date 4/11/84

Published in Gardening Co. Leader

Publication dates 4/17 + 4/24/84

Publication approved MDL 4/30/84 Date _____

Protests filed by: None

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by ADN 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. 37-8169, 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 April 1, 19 86.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. Other:

SEE ATTACHED SHEET FOR CONDITIONS OF APPROVAL d thru n.

Witness my hand this 18th day of March, 1985.

J. Glen Saylor
Chief, Operations Bureau

DET

ATTACHMENT TO CONDITIONS OF APPROVAL
For Permit No. 37-8169

- d. Use of water under this permit shall be non-consumptive.
- e. A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works.
- f. The diversion and use of water under this permit and any license subsequently issued is subject to review by the Director thirty (30) years from the date of issuance of this permit. Upon appropriate findings relative to the interest of the public, the Director may cancel all or any part of the use authorized herein and may revise, delete or add conditions under which the right may be exercised.
- g. 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.
- h. This permit does not constitute Idaho Public Utilities Commission or Federal Energy Regulatory Commission approval that may be required.
- i. The issuance of this permit in no way grants any right-of-way or easement across the land of another.
- j. 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.
- k. Water used under this permit if discharged into a natural channel or subsurface system shall meet Idaho Water Quality Standards.
- l. Use of water under this permit is subject to control by the watermaster of State Water District No. 37M. Little Wood River.
- m. The combined flow for this water right and Water Right No. 37-8166 shall not exceed 232 cfs.
- n. The period of use authorized by this permit shall be April 1 to November 1 of each year.

Witness my hand this 18th day of March, 1985.


Chief, Operations Bureau

MICROFILMED

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

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

1. Individual Applicant or Individual Members of a Partnership:

I, _____ 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, Donald Sandy of Shoshone,
(name) (city)
County of Lincoln, State of Idaho, being duly sworn, depose
and say: That I am the designated registered agent of the Big Wood Canal Co.
: 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
Shoshone Idaho, wherein are kept the corporate records required
(city)
by Section 30-1-52, Idaho Code: and that Big Wood Canal Co.
(name of corporation)
is a corporation qualified to do business in the State of Idaho under the laws of
the State of Idaho.

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

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

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

State of Idaho }
County of Lincoln } ss.

Donald Sandy
Applicant Big Wood Canal Co.
Donald Sandy, President

On this 14th day of March, 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

Dorothy Silva
Notary Public residing at
Shoshone

My commission expires:

Life

MICROFILMED

AFFIDAVIT of PUBLICATION

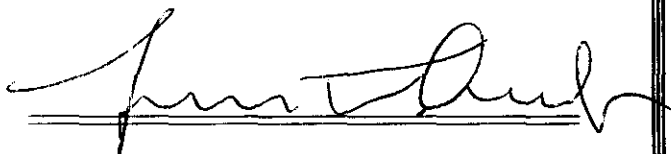
RECEIVED

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

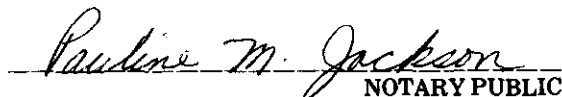
APR 30 1984

Department of Water Resources
Southern District Office

FRANK T. CROW, JR., being first duly sworn, deposes and says that he is the printer (publisher) of the Gooding County Leader, a newspaper published every week in Gooding, County of Gooding, State of Idaho, that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 17 day of APRIL 19 84, and the date of the last publication was on the 24 day of APRIL, 19 84.



Subscribed and sworn to before me this 24 day of APRIL, 19 84.
(SEAL)


NOTARY PUBLIC

GOODING COUNTY LEADER
Gooding, Idaho

COST OF PUBLICATION

Number of Lines in Notice. 38
Number of Insertions. 2
Lines tabular at 42¢
38 Lines straight at 32¢ \$12.16
38 Subsequent lines at 21¢ 7.98
Total Cost \$20.14

COPY OF NOTICE (Paste Here)

NOTICE OF APPLICATION
TITLE OF NOTICE

OF WATER RIGHTS

#37-8169

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

~~BIG WOOD CANAL CO.~~

BILL TO

~~P.O. BOX 6~~

~~SHOSHONE, ID 83352~~

DEPT. WATER
RESOURCES



PUBLICATION RATES

(Idaho Code, Rev. Statutes 1971)

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

No. 3334

MICROFILMED

3hp pump in
340' well to one
home, attendant
household stock
and approx. one
acre of irrig.

YUPPY

**NOTICE OF APPLICATION
FOR WATER RIGHT**

Notice is hereby given
that the following applica-
tion has been submitted
to appropriate the
water of the State of
Idaho:

27-8189

BIG WOOD CANAL CO.
P.O. BOX 200 SHOSHONE, ID.

Filed for record

on May 4, 1904

at the County Clerk's Office

of Blaine County, Idaho

for the purpose of

securing a water right

in the Big Wood Canal

in Blaine County, Idaho

for the purpose of

irrigating the land

owned by the Big Wood

Canal Company, and

for the purpose of

securing a water right

in the Big Wood Canal

in Blaine County, Idaho

for the purpose of

irrigating the land

owned by the Big Wood

Canal Company, and

for the purpose of

securing a water right

in the Big Wood Canal

in Blaine County, Idaho

for the purpose of

irrigating the land

owned by the Big Wood

Canal Company, and

for the purpose of

securing a water right

in the Big Wood Canal

in Blaine County, Idaho

Director of the Idaho De-
partment of Water Resour-
ces, 1001 Blue Lake Road,
North, Twin Falls, Idaho

and received on or

before MAY 4, 1904

A. BENNETH DUNN

Director

PGS 4-17, 24 #3334

BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION

**APPLICATION FOR EXEMPTION OF
SMALL CONDUIT HYDROELECTRIC FACILITY
FROM LICENSING**

**SAGEBRUSH
HYDROELECTRIC
POWER PLANT**

MUTUAL ENERGY COMPANY, INC.

FEBRUARY 1984

Mutual Energy Co., Inc.

HYDROELECTRIC ENGINEERS & DEVELOPERS

3451 LONGVIEW DRIVE, SUITE 130
NORTH HIGHLANDS / SACRAMENTO, CALIFORNIA 95660
(916) 971-3717

Mr. Kenneth F. Plumb, Secretary
Federal Energy Regulatory Commission
825 North Capitol Street, N.E.
Washington, D.C. 20246

Dear Mr. Plumb:

Please find enclosed the original and fourteen (14) copies of the Application for Exemption from Licensing of the Sagebrush Small Conduit Hydroelectric plant. This filing is pursuant to Sub-Part J of Part 4, Chapter I, 18 CFR.

This application contains an introductory statement, Exhibit A, B, E and G, plus an appendix showing property interest in the site, and a Certificate of Service showing those agencies which have received a copy of this application.

Please direct all comments and technical questions to myself or to Mr. Wayne Huber, Project Engineer, at the address provided in the introductory statement.

Sincerely,



Bart M. O'Keefe

Enclosures

BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION

**APPLICATION FOR EXEMPTION OF
SMALL CONDUIT HYDROELECTRIC FACILITY
FROM LICENSING**

**SAGEBRUSH
HYDROELECTRIC
POWER PLANT**

MUTUAL ENERGY COMPANY, INC.

FEBRUARY 1984

SAGEBRUSH HYDROELECTRIC POWERPLANT
APPLICATION FOR EXEMPTION FROM LICENSING

TABLE OF CONTENTS

I	-	INTRODUCTORY STATEMENT
II	-	VERIFICATION STATEMENT
III	-	EXHIBIT A - PROJECT DESCRIPTION
IV	-	EXHIBIT B - GENERAL LOCATION MAP
V	-	EXHIBIT E - ENVIRONMENTAL REPORT
VI	-	EXHIBIT G - PROJECT DRAWINGS
VII	-	APPENDIX - EVIDENCE OF REAL PROPERTY INTERESTS IN PROJECT LANDS
	-	CERTIFICATE OF SERVICE

BEFORE THE FEDERAL ENERGY
REGULATORY COMMISSION
APPLICATION FOR EXEMPTION FOR
SMALL CONDUIT HYDROELECTRIC FACILITY

Mutual Energy Company Inc. applies to the Federal Energy Regulatory Commission for an exemption for the Sagebrush Powerplant, a small conduit hydroelectric facility that meets the requirements of Article 4.91(f) of this subpart from certain provisions of Part I of the Federal Power Act.

The location of the Project is:

State or Territory:	Idaho
County:	Lincoln
Township or Nearby Town	Gooding

The exact name and business address of the Applicant is:

Mutual Energy Company
3451 Longview Drive, Suite 130
North Highlands, CA 95660

The exact name and business address of the person authorized to act as Agent for the Applicant is:

Bart M. O'Keeffe, President
Mutual Energy Company
3451 Longview Drive, Suite 130
North Highlands, CA 95660

Mutual Energy Company is a Corporation incorporated under the laws of the State of California, plus being licensed to conduct business in the State of Idaho.

The provisions of Part I of the Federal Power Act for which exemption is requested is Article 4.91(f), Sub-Part J of Part 4, Chapter I, 18 CFR.

VERIFICATION

STATE OF CALIFORNIA

County of Sacramento

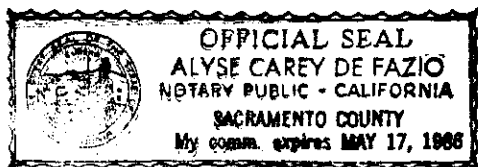
}

BART M. O'KEEFFE, being first duly sworn deposes and says that he is President of MUTUAL ENERGY COMPANY, the Applicant herein named, and makes his verification for and on behalf of said Applicant; that he has read the foregoing application and knows the contents thereof; and that the same are true to the best of his knowledge and belief.

Bart M. O'Keeffe

BART M. O'KEEFFE

SUBSCRIBED AND SWORN to before me this First
day of February, 1984, by BART M. O'Keeffe, for MUTUAL ENERGY COMPANY.



Alyse Carey De Fazio
Notary Public

My Commission Expires:

May 17, 1986

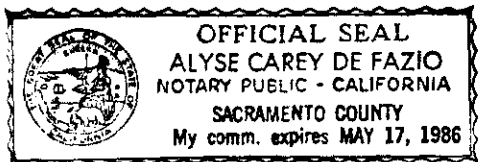


EXHIBIT A
PROJECT DESCRIPTION

1. The proposed Sagebrush Project is located on the South Gooding Main Canal, an agricultural irrigation canal, owned and operated by the Big Wood Canal Company. The powerplant will be located in the S $\frac{1}{2}$, NW $\frac{1}{4}$, Sec 32, T5S, R16E, BB&M, approximately 9 miles east of Gooding, Idaho, the nearest municipality.
2. The project lies partially within the canal right-of-way owned by the Big Wood Canal Company, and partially on Bureau of Land Management property located in the S $\frac{1}{2}$, NW $\frac{1}{4}$, Sec 32, T5S, R16E, BB&M. As indicated by the lease presented in the Appendix, Evidence of Real Property interests in Project Lands, Mutual Energy Company has leased a portion of the project site from the Big Wood Canal Company for the express purpose of construction and operating a powerplant.
3. As is further evidenced by the above referenced lease, the construction and operation of the powerplant will in no way effect or impinge upon the movement of agricultural irrigation water through the canal. Agricultural irrigation water will move in the canal strictly as it has in past years under the sole control of the Big Wood Canal Company. The generation of electrical power at the Sagebrush Powerplant will be solely an incidental function.
4. The South Gooding Main Canal is some 20 to 30 feet wide and approximately 4 feet deep carrying up to 265 cfs of agricultural irrigation water at the powerplant site. A powerplant forebay will convey water from the main canal to an intake structure. From the intake, water will be transmitted to the powerplant by 3 reinforced concrete pipelines diameter of 48 inches, 36 inches, and 48 inches respectively. The pipelines are approximately 400 feet long and terminate at a powerplant consisting of the three vertical axis turbines described under Item 6. The powerplant will discharge into a 100 foot long tailrace channel which will return water to the South Gooding Main Canal.

The decrease in water surface elevation from the forebay to the powerplant tailrace channel will be approximately 24 feet.

5. The Sagebrush Powerplant will utilize a design flow of 223 cfs of the above maximum flow of 255 cfs. The increment of flow between the 223 cfs design flow and the 255 cfs maximum flow occurs so infrequently that it is not economically justifiable to design for the 255 cfs maximum flow. The 223 design flow across the 24 feet available at the site will justify an installed capacity of 348 kilowatts. The facility will produce an estimated 2,114,000 kilowatt-hours of energy per year. This is the equivalent of burning 3200 barrels of oil per year.

6. The powerplant will contain 3 self-contained vertical axis units manufactured by Flygt Corporation. Two units will be sized at 135 kilowatts each and the third at 80 kilowatts. The facility will be designed for semiautomatic operation, that is with manual start up, automatic shut-down and a remote monitoring system.

7. The powerplant will be serviced by a three-phase, 34,500 volts powerline extending 1100 feet to an existing Idaho Power Company powerline.

8. Summary of Project Statistics

Natural Source of Water	- Little Wood River
Powerplant Source of Water	- South Gooding Main Canal
Conduit	- South Gooding Main Canal
Purpose of Conduit	- Supply Consumptive Agricultural Water
Approx. Elevation of Headwater	- 3695 MSL
Approx. Elevation of Tailwater	- 3670 MSL
Number of Generating Units	- 3
Size of Units	- 2 at 135 kw each 1 at 80 kw
Total Generating Capacity	- 350 kilowatt

WATER RIGHT NO. 37-08169

Priority: April 2, 1984 Amount: 232.00 CFS

This is to certify, that BIG WOOD CANAL CO.

P.O. BOX C

SHOSHONE, ID 83352

has complied with the terms and conditions of the permit issued pursuant to Application for Permit dated March 5, 1986, and has submitted proof to the Department of Water Resources on March 5, 1986, that water has been applied to a beneficial use; an examination by the Department indicates that the works have a diversion capacity of .000 cfs of water from:

LITTLE WOOD RIVER tributary to MALAD RIVER

source and that a water right has been established as follow:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>VOLUME</u>
POWER	01/01 to 12/31	232.00 CFS	

LOCATION OF POINT OF DIVERSION(S): NENE , Sec. 32, Township 05S, Range 16E
SWNW , Sec. 32, Township 05S, Range 16E
GOODING County

PLACE OF USE: POWER

TWN RGE SEC

05S 16E 32 SWNW

CONDITIONS/REMARKS:

1. The right to the use of water hereby confirmed is limited to the amount which can actually be beneficially used and is restricted and appurtenant to the lands or place of use and to the purpose herein described, as provided by the laws of Idaho.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.

WATER RIGHT NO. 37-08169

CONDITIONS/REMARKS:

4. The diversion and use of water under this permit and any license subsequently issued is subject to review by the Director thirty-five (35) years from the date of issuance of this permit. Upon appropriate findings relative to the interest of the public, the Director may cancel all or any part of the use authorized herein and may revise, delete or add conditions under which the right may be exercised.
5. 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.
7. 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.
8. A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works.
10. Water used under this permit if discharged into a natural channel or subsurface system shall meet Idaho Water Quality Standards.
12. The water right confirmed in this license for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this license and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this license.
13. FEET OF HEAD = 24 HORSEPOWER = 580
USE OF WATER UNDER THIS PERMIT SHALL BE NON-CONSUMPTIVE.
14. APPROVAL OF THIS PERMIT IN NO WAY GRANTS ANY RIGHT-OF-WAY OR EASEMENT ACROSS THE LAND OF ANOTHER.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this _____ day of _____, 19____.

Director

EXHIBIT A
PROJECT DESCRIPTION

Type of Units	- Vertical Axis Kaplan Type (Flygt Corp. Manufacture)
Average Annual Generation	- 2,114,000 kilowatt-hours
Average Head on Plant	- 24 feet
Hydraulic Capacity of Plant	- 223 cfs
Maximum Flow in Canal	- 255 cfs
Powerline	- 1100 feet of 34,500 Volt Line
Average Annual Flow at Powerplant	- 150 cfs
Average Annual Flow Available for Power Production	- 145 cfs
Planned Date for Beginning Construction	- July, 1984

Water from the facility continues on down the South Gooding Main Canal.

9. Description of project physical facilities: Refer to Exhibit "G" drawings for the location of the various facilities.

a. South Gooding Main Canal - This canal is the water source for the project. It is approximately 20 feet to 30 feet wide and 4 feet deep with a maximum carrying capacity of slightly over 300 cfs.

b. Overflow Weir - The weir will be a stoplog structure 4 feet high and 50 feet long. It will be composed of wood supported by steel stanchions. The weir will be capable of passing the canal capacity with an overflow depth of 1.75 feet. The wooden stoplogs will be removable if it becomes necessary to dewater the forebay for maintenance purposes.

c. Intake Structure - This is a concrete structure designed to ensure a smooth transition between the approach channel and the pipelines. It contains the trashrack and vertical lift gates which control the flow to the turbines. Included in this structure is a steel grated walkway for access to the trashracks for cleaning and a concrete overpass for vehicles and hoist equipment.

d. Trashrack - The trashrack is a steel structure fabricated as a grill of 2" x $\frac{1}{4}$ " x 6' steel bars spaced $1\frac{1}{4}$ " apart. This structure serves the purpose of keeping foreign objects such as small tree branches from passing through the turbines.

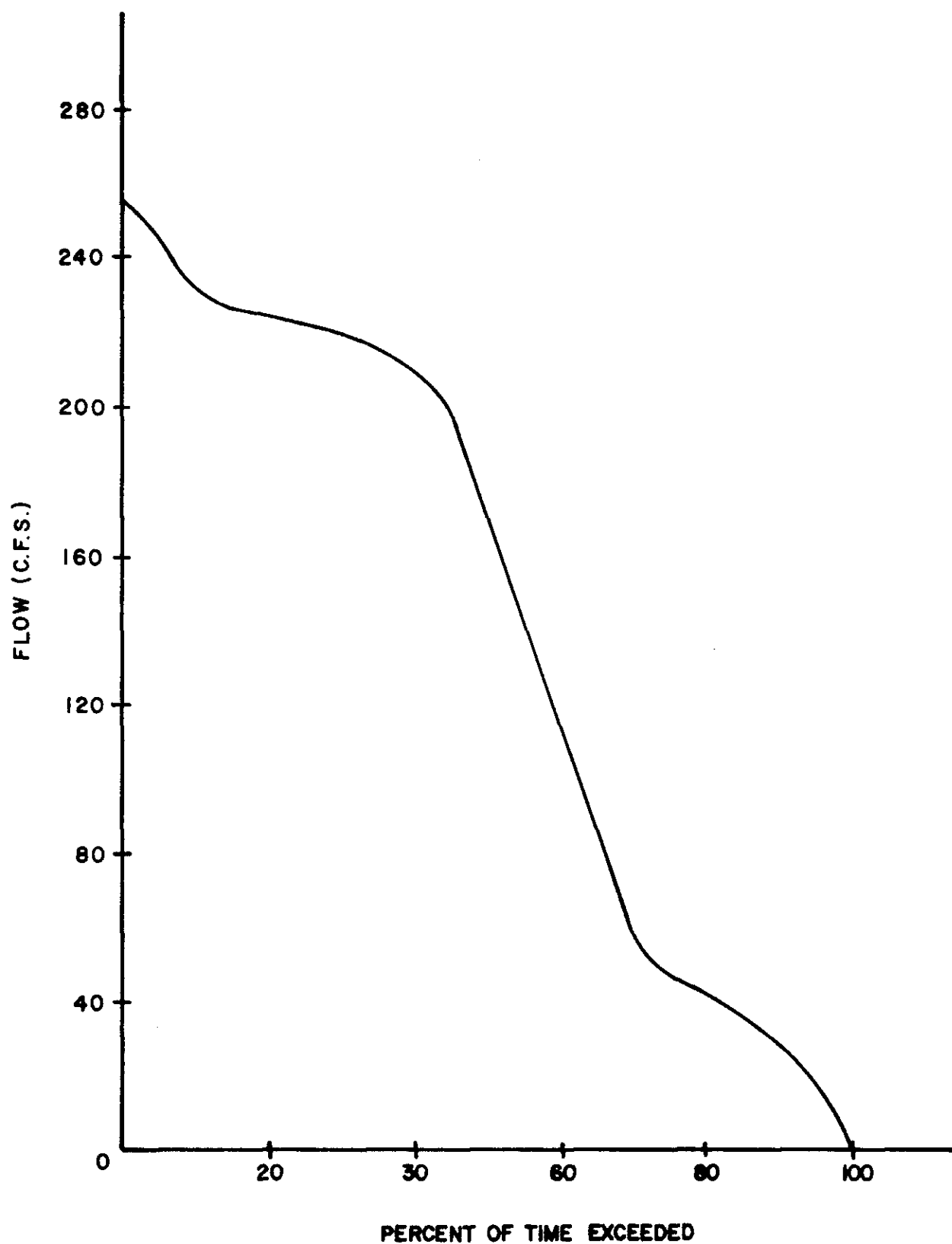
e. Turbine Shutoff Slide Gates - These are three steel gates, one located immediately upstream from the intake to each pipeline. These gates can be operated either manually, by remote control, or automatically in the case of emergency turbine shutdown. They are motor driven steel structures, two being 6' x $5\frac{1}{2}$ ' and one being 6' x 4'.

f. Turbine/Generators - There are three self-contained submersible turbine/generators of FLYGT manufacture. The two larger units designated, EL 7570's, have a generating capacity of 135 kilowatts each. The smaller unit designated, EL 7550, has a generating capacity of 80 kilowatts. All three turbine/generators will have the capability of automatic or manual shutdown, and startup.

g. Powerhouse Structure - This structure consists of concrete encasement and steel lining to house the turbine units and draft tubes. The structure also supports and anchors a 90 degree elbow for a change in pipeline direction. The turbine units can be removed for maintenance by removing the 90 degree elbow.

h. Control House - The control house will be a cinder block building with a concrete floor and wooden shake roof. It will contain the turbine/generator control panels with their associated instruments, plus containing the batteries and inverter to be used for emergency shutdown of the gates and turbine/generators. The control house will also contain a telephone, remote telemetering equipment and a small work area.

i. Transformer Yard/Transformer - The transformer yard will be an area enclosed by a cinder block fence adjacent to the control house. It will have secured access to prevent unauthorized entry to the transformer area. The transformer will be a pad mounted 480/34,500 volt installation connected through the appropriate metering and safety equipment to the adjacent Idaho Power Co. 34,500 volt transmission line.



FLOW EXCEEDENCE CURVE
SAGEBRUSH HYDROELECTRIC PLANT

EXHIBIT "B"
GENERAL LOCATION MAP

Exhibit B shows the proposed location of the Sagebrush Hydroelectric Plant

Description of Lands

Within the Sagebrush Hydroelectric Plant Project Boundary

All lands within the project boundary are within the S $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Section 32, T5S, R16E, BB&M. This parcel of land is owned by the U.S. Bureau of Land Management, administered by:

U. S. Bureau of Land Management
Shoshone District Office
400 West F Street
Shoshone, Idaho 83352
Telephone (208) 886-2206

Across the above parcel of land, the Big Wood Canal Co. owns the right-of-way for the South Gooding Main Canal. This right-of-way is 150 feet wide, 75 feet each side of the canal centerline.

The project will be primarily within this 150 feet wide right-of-way, however extending beyond the right-of-way as shown on the Location Map site plan, Sheet 1 of Exhibit "G".

The real property interest necessary to construct the project is evidenced by a lease on the required property granted by the Big Wood Canal Co. to Mutual Energy co. A copy of this lease is presented in the Appendix of this application.

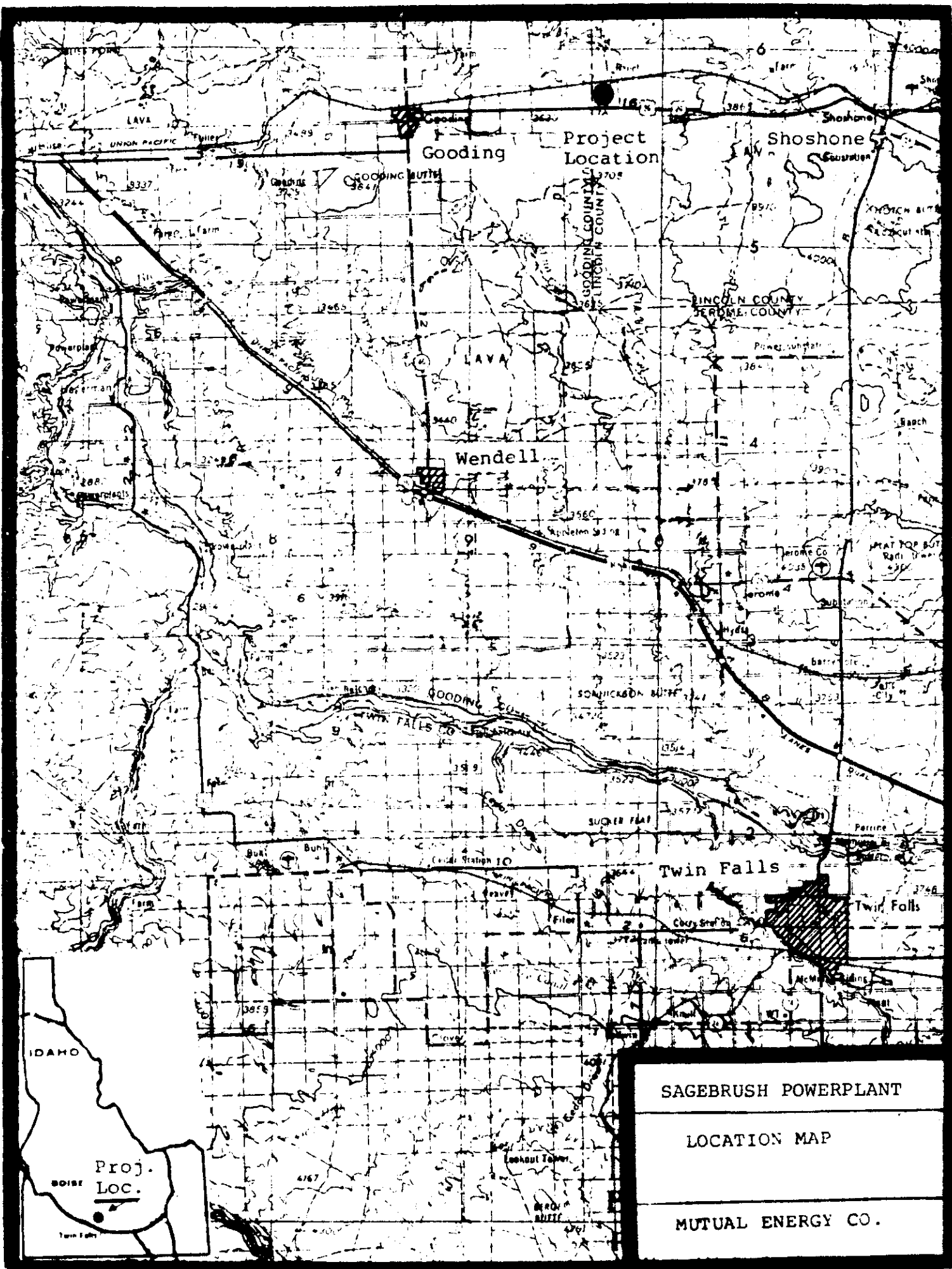


EXHIBIT "E"
ENVIRONMENTAL REPORT

1. Description of Environmental Setting:

The Sagebrush Powerplant is located on the South Gooding Main Canal. This is an irrigation canal used to carry consumptive water for agricultural irrigation. The canal was constructed in the early 1900's.

The canal diverts water from the Little Wood River and traverses through a dry grass pasture upland. This dry pasture is on top of a level of volcanic lava flow with minimum value for the growing of crops. The sites of the powerplant and intake are located $\frac{1}{2}$ mile downstream from the points of diversion. This is well within the lava flow area.

The intake is located slightly upstream from an existing 8 foot high concrete headgate. This headgate height plus a 16 foot decrease in elevation in the rapids downstream of the structure provide a gross head of 24 feet for power generation. An existing road traverses along the canal providing access to the site. Therefore no new roads are required.

2. Fish and Wildlife Resources:

There are no fisheries associated with the powerplant environment. The water source is an irrigation canal used entirely for agricultural consumptive use. ~~The canal is sometimes dry for approximately three months each winter.~~ Wildlife associated with the project would primarily be ground squirrels and other borrowing rodents that habitat these dry pastures. In reference to the concern expressed in the letter from the Idaho Department of Fish and Game, meetings have been held with the Idaho Department of Fish and Game and the Idaho Power Company concerning the construction of the facilities. The type of construction used on the powerline will be that type used by the Idaho Power Company in area habitated by raptors.

3. Land and Water Uses:

The project including intake, pipeline, powerplant and tailrace channel will take up an area less than 2 acres. It will occupy land in a dry grass pasture having minimal commercial value. The water use associated with the project is water that moves down the irrigation canal, crop irrigation water which is used additionally to power the electrical generating equipment. **No change of mode in the operation of the irrigation canal or its water will be made.** With the exception of the actual site, the powerplant occupies no change in land use patterns by the construction or operation of the powerplant.

A Water Right Permit will be obtained from the State of Idaho for the Project.

4. Recreation Use:

There is no recreational use associated with the existing canal. No recreational use will be instituted with this project.

5. Historical and Archaeological Resources:

As indicated by the Idaho State Historical Society in their attached letter dated December 14, 1983; there are no significant archaeological or historical properties in the vicinity of the project. However, if antiquities are discovered during the course of construction, the Idaho State Historical Society will be notified.

6. Effect on Water Quality:

The project will not effect the quality of the water as it moves down the canal and through the powerplant.

Most of the project will be constructed separate from the canal itself. The portion of the project which requires excavation in or adjacent to the canal will be constructed during that period of the year when there is little or no water in the canal. Therefore the construction process will have a minimal effect on the turbidity of water passing down the canal.

As is evidenced by the attached letter from the Idaho Department of Health and Welfare, that Department has no comment concerning the impact of the project on water quality or water quality protection.

The project removes no additional water from the Little Wood River that would not otherwise be removed for irrigation purposes. Thus, the project will have no effect on the water quality of the Little Wood River.

7. Endangered or Threatened Plant or Animal Species:

The project occupies less than 2 acres in a dry land pasture. It is extremely doubtful if any endangered or threatened species could be present in this environment. No mention of any such species was made during meetings with the Idaho Department of Fish and Game or in the attached letter from the Idaho Department of Fish and Game received on January 19, 1984, or in the attached letter from USDI Fish and Wildlife Service.

8. Critical Habitat:

No critical habitat exists in this dry land pasture. It is similar to thousands of acres of other pasture lands in South Central Idaho.

9. Socio-economic Conditions:

The project is of such a small magnitude that it will have an insignificant impact on the socio-economic conditions of the area. It will provide approximately 50-man months of construction employment to an area that certainly needs this employment. Also, it will provide the energy equivalent of burning some 3200 barrels of oil annually. This will aid the national economy toward energy independence.

10. Visual Resources:

There will be minimal impact on the visual resources of the area. The top of the powerhouse will be essentially at ground level, and the control house will

be recessed into the ground with a low profile. The facility is located in a farming/dairy area where rural type buildings are a common feature of the landscape.

11. Construction Impacts:

Any disturbance to the land will be during construction only, and will be confined to the project boundaries. Disturbed soil areas will be reseeded with natural grass. Little impact on area wildlife is anticipated, and then only during construction. Noise will not be a serious problem since the site is relatively isolated.

12. Operational Impacts:

The powerplant will be semiautomatic in operation with occasional maintenance visits. Therefore, human activity in the area will be minimal.

13. Proposed Changes in the Canal Flow Regime:

None. Water discharged from the powerhouse will continue on down the canal for agricultural consumptive use. ~~There will not be any additional diversions of water.~~

14. Agencies Consulted:

See attached list, as per Idaho State Clearinghouse Project Review Notification and U.S. Fish and Wildlife Service.

Mutual Energy Co., Inc.

HYDROELECTRIC ENGINEERS & DEVELOPERS

3451 LONGVIEW DRIVE, SUITE 130
NORTH HIGHLANDS / SACRAMENTO, CALIFORNIA 95860
(916) 971-3717

December 5, 1983

LIST OF AGENCIES THIS LETTER WAS SENT IS ATTACHED.

Subject: Sagebrush Powerplant

Gentlemen:

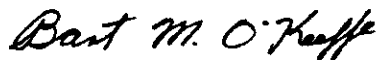
Mutual Energy Company is undertaking the development of a conduit small hydroelectric facility. The facility will be located on the Big Wood River Canal Co.'s main canal in Section 32, R16E, T5S, BB&M. This is some nine miles east of the town of Gooding, Idaho. The site is located at a control structure on the canal.

The facility will have an installed capacity of 410 kilowatts, utilizing the 265 cfs flow in the canal with the 24 foot natural drop.

Upon the receipt of a response from yourselves and other interested agencies, Mutual Energy Company will be filing an Application for Exemption with the FERC for a small hydroelectric facility to be located on a canal or conduit.

An early response would be appreciated as we would like to construct the required concrete facilities in the canal during this coming winter when the canal is dry.

Sincerely,



Bart M. O'Keefe
President

LIST OF IDAHO AGENCIES LETTERS WERE SENT FOR THE SAGEBRUSH POWERPLANT - RESPONSES

Agency

Response

Idaho Department of Fish
and Game
600 South Walnut
Box 25
Boise, ID 83707

See letter dated Jan. 10, 1984, and
comments in Exhibit "E", Items 2 and 7

Department of the Interior
Fish and Wildlife Service
Ecological Services
4620 Overland Road, Room 209
Boise, ID 83705

See letter dated Jan. 13, 1984, and
comments in Exhibit "E", Items 2 and 7

Idaho State Historical Society
610 North Julia Davis Drive
Boise, ID 83706

See letter dated Dec. 14, 1983, and
comments in Exhibit "E", Item 5

State of Idaho
Department of Health and
Welfare
Division of Environment
801 Reserve Street
Boise, ID 83702

See letter dated Dec. 16, 1983, and
comments in Exhibit "E", Item G

State of Idaho
Department of Water Resources
Energy Office
State Capitol Building
Boise, ID 83720
Attention: Mr. Bol Trener

See letter dated Dec. 14, 1983, Water
Rights application is forthcoming



IDAHO DEPARTMENT OF FISH AND GAME

REGION 4

868 East Main • Box 428
Jerome • Idaho • 83338

January 10, 1984

Mr. Bart M. O'Keefe
Mutual Energy Co., Inc.
3451 Longview Drive
Suite 130
North Highlands
Sacramento, CA 95660

Re: Sagebrush Power Plant, Main Canal, Big Wood River Canal Co.,
Gooding County, Mutual Energy Co., Inc. Early Consultation
Application for Exemption From FERC Licensing

Dear Mr. O'Keefe:

Based on the descriptive narrative and maps you provided, we suggest you be prepared to address the following concerns regarding the referenced project:

Any small hydropower project at this location on the creek would require the following: (1) transmission lines either buried or designed to prevent raptor mortalities; (2) avoidance of short- and long-term erosion in the project construction and undue disturbance of riparian habitat. Replacement of vegetation may be required.

Required facilities will have to be constructed according to design criteria approved by the Idaho Department of Fish and Game. Acceptable design criteria for transmission lines are available from our Department.

These comments do not constitute submission of terms and conditions under Section 408 of the Energy Security Act of 1980. Terms and conditions will be submitted after notice of application from the Federal Energy Regulatory Commission (FERC).

As required by Section 4.107(a), (2) of the FERC order No. 106, please forward a copy of the exemption application to the Idaho Department of Fish and Game, P. O. Box 25, Boise, Idaho 83707 at the time it is submitted to the Federal Energy Regulatory Commission.

Sincerely,

William E. Webb
Supervisor, Region 4

cc: Fisheries
USFWS



United States Department of the Interior

FISH AND WILDLIFE SERVICE
ECOLOGICAL SERVICES
4620 Overland Road, Room 209
Boise, Idaho 83705

January 13, 1984

Bart M. O'Keeffe, President
Mutual Energy Co., Inc.
3451 Longview Drive, Suite 130
North Highlands
Sacramento, California 95660

Re: Early Consultation FERC
Draft Exemption Application
Sagebrush Powerplant - Gooding, Idaho

Dear Mr. O'Keeffe:

The U.S. Fish and Wildlife Service (Service) has reviewed the referenced draft application for exemption received with your letter of December 5, 1984. We have determined, to the best of our present knowledge, that there are no Federally listed threatened or endangered species present in the area of the proposed project.

The project could kill or cripple raptors and other birds through electrocution or collision from improperly designed and/or located powerlines and poles. The power transmission system should be designed and located to prevent such losses. A possible reference to assist you is entitled, Suggested Practices for Raptor Protection on Powerlines, published by the Edison Electric Institute, 1981.

Due to budget and personnel constraints, the Service will take no further action on the referenced draft application. The Idaho Department of Fish and Game may have additional fish and wildlife concerns from their management perspective. You should incorporate measures responsive to their concerns as well as Service concerns in your application to the Federal Energy Regulatory Commission.

Sincerely yours,


John P. Wolflin
Field Supervisor

cc: IDFG, Hdqtrs., Boise
IDFG, Region 4, Jerome
FWS, SE, Boise (1-4-84-SP-142)
FWS, RO, AFA-SE, Portland

RECEIVED

JAN 14 1984

NOT RECORDED

IDAHO STATE HISTORICAL SOCIETY

610 NORTH JULIA DAVIS DRIVE BOISE, 83702



December 14, 1983

Mr. Bart M. O'Keeffe
President
Mutual Energy Co., Inc.
3451 Longview Drive, Suite 130
North Highlands
Sacramento, California 95660

Dear Mr. O'Keeffe:

Sagebrush Powerplant

Thank you for notifying our office of the proposed Sagebrush Powerplant facility.

We have consulted our records and have determined that the facility will have no effect on significant archaeological or historic properties since the area has been previously disturbed and the area has a low potential for yielding such resources.

Sincerely,

A handwritten signature in cursive script, reading "Thomas J. Green".

Thomas J. Green
State Archaeologist
State Historic Preservation Office

TJG/bhd

RECEIVED

DEC 22 1983

REF _____



STATE OF IDAHO

DEPARTMENT OF HEALTH AND WELFARE 734-9520

DIVISION OF ENVIRONMENT
P. O. Box 1626
Twin Falls, ID 83303-1626

December 16, 1983

Bart M. O'Keeffe
Mutual Energy Co., Inc.
3451 Longview Drive, Suite 130
North Highlands
Sacramento, California 95660

Re: Sagebrush Power Plant

Dear Mr. O'Keeffe,

At this time we have no comments relative to the above referenced development of a conduit small hydroelectric facility since the proposed project will be located in the Big Wood Canal Company main canal. Water quality impacts on the Big Wood River would elicit comments in regard to water quality protection.

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in cursive script that reads "Michael J. McMaster".

Michael J. McMaster
Source Control Field Officer

MJM/ta
cc: Jerry Yoder

RECEIVED

REF. _____



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

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

December 14, 1983

Mutual Energy Co., Inc.
3451 Longview Drive, Suite 130
North Highlands
Sacramento, CA 95660

Attention: Bart M. O'Keefe

Gentlemen:

Your letter of December 5, 1983 relative to a proposed hydroelectric facility on the Big Wood River Canal Company's main canal in Section 32, Twp. 5S, Rge. 16E, B.M. has been referred to me for response.

A review of our water right records does not show that an application for permit to appropriate the public waters of the state has been submitted to this office. Such an application is required and may only be submitted by an actual bona fide resident of the state of Idaho or by a corporation qualified to do business in the state of Idaho.

Amendment of Section 42-205, Idaho Code in 1981, provides that the owners of existing facilities have preference of hydropower development over others unless the owners of the irrigation facilities grant permission of another entity to use the facilities for hydropower purposes.

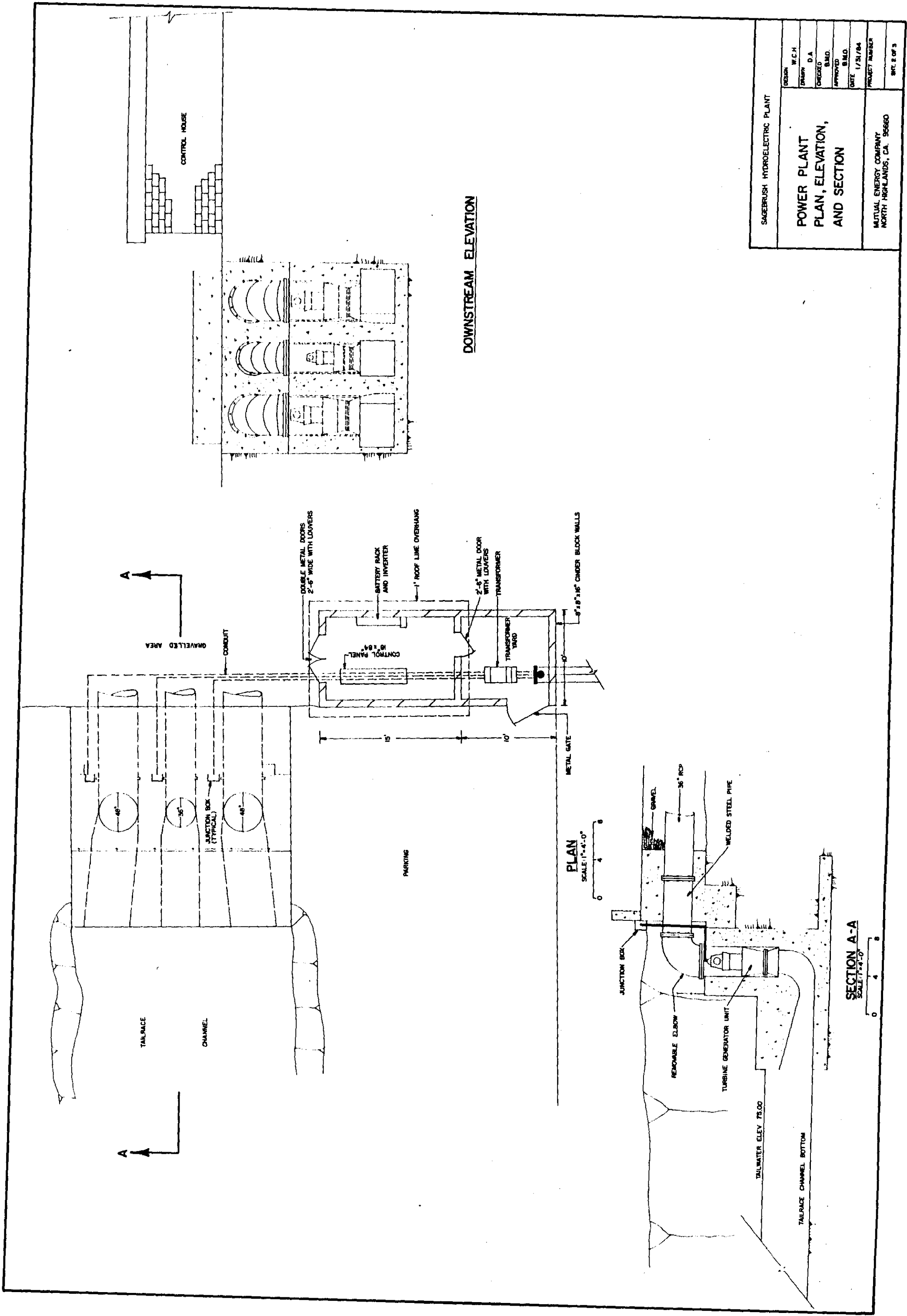
This office appreciates the opportunity to comment on your proposal.

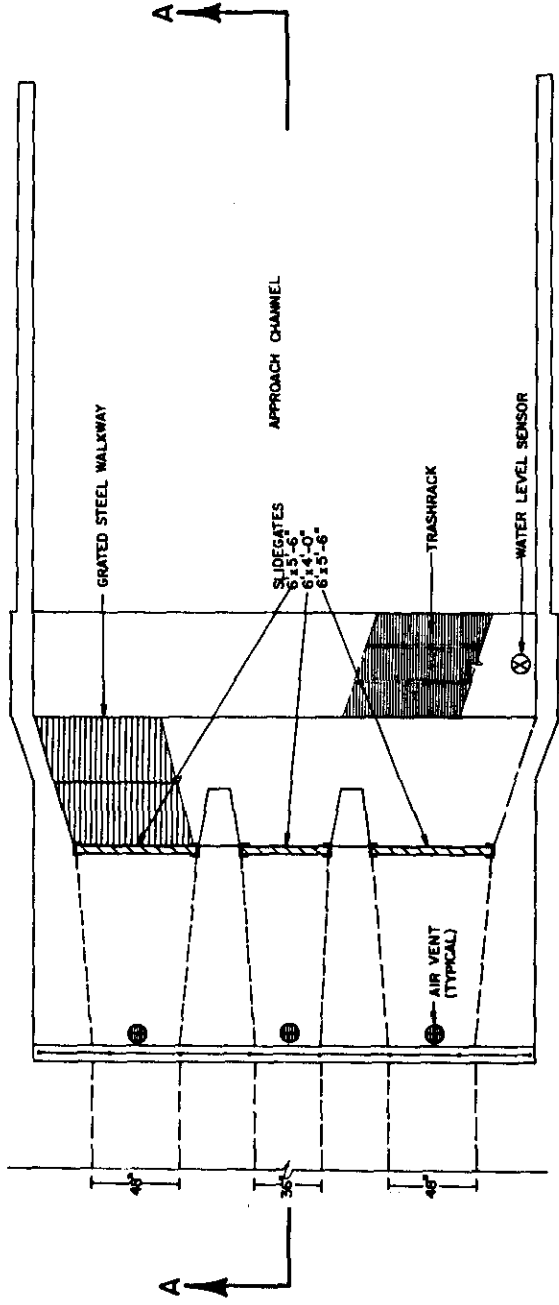
Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

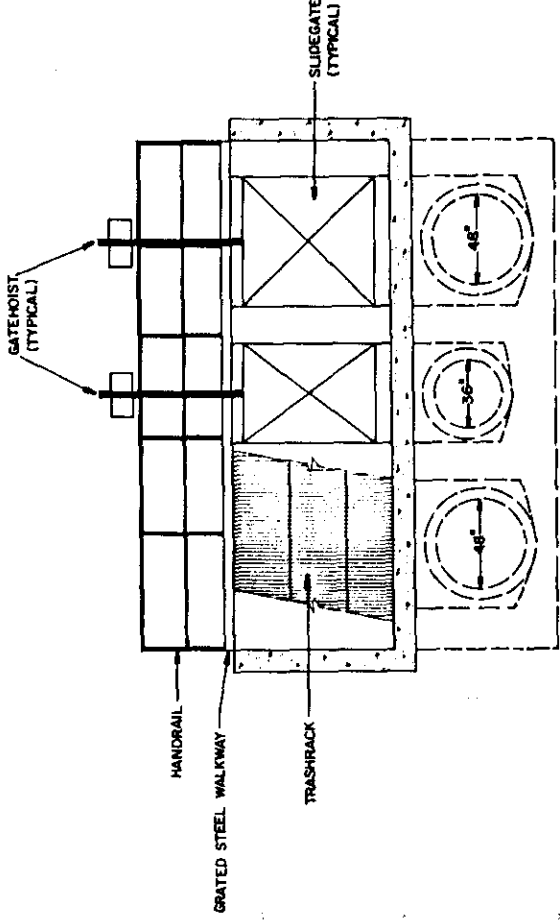
LGS:rf

EXHIBIT "G"
PROJECT DRAWINGS

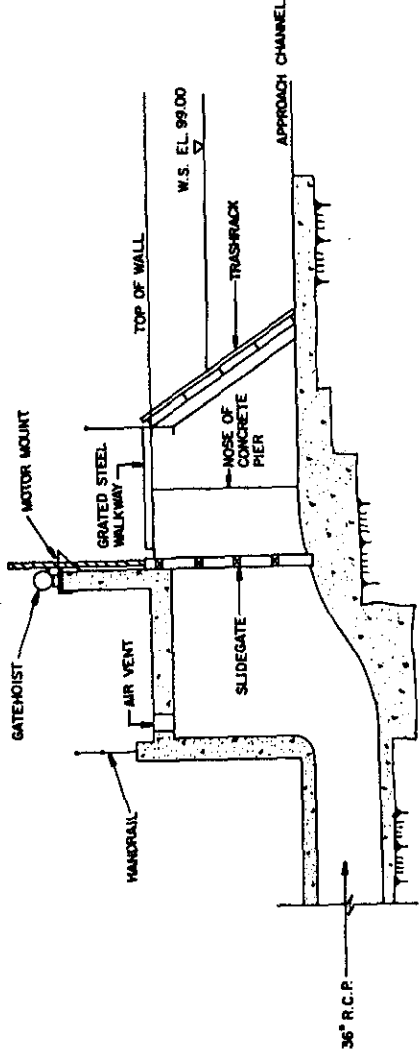




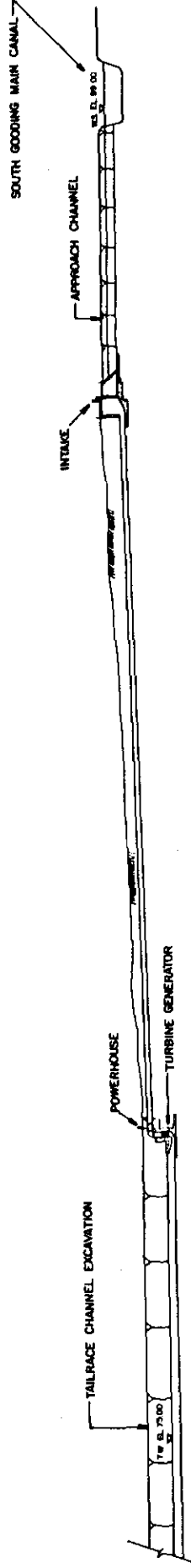
PLAN
SCALE: 1" = 4'



ELEVATION
SCALE: 1" = 4'



SECTION A-A
SCALE: 1" = 4'



PROFILE
SCALE: 1" = 40'

SAGEBRUSH HYDROELECTRIC PLANT

PROJECT PROFILE
INTAKE PLAN, SECTION,
AND ELEVATION

MUTUAL ENERGY COMPANY
NORTH HIGHLANDS, CA. 95660

DESIGN W.C.H.
DRAWN D.A.
CHECKED B.M.O.
APPROVED B.M.O.
DATE 2/1/84

PROJECT NUMBER
SHEET 5 OF 5

APPENDIX

Documentary Evidence
of Property Interests
in Project Lands

The following Lease on the project site is provided as evidence that Mutual Energy Company, Inc. has the necessary property interests to develop the Sagebrush Powerplant on lands covered by the Lease.

Bart M. O'Keefe

BART M. O'KEEFFE
President
Mutual Energy Company

LEASE AGREEMENT

The Big Wood Canal Company, an irrigation company whose office is located at P.O. (C), Shoshone, Idaho, 83352, herein called "Big Wood Canal", hereby leases to Mutual Energy Co., Inc., a California corporation, having its principal place of business at 3451 Longview Drive, Suite 130, North Highlands, CA 95660, herein called "Mutual Energy" that site described in Exhibit A attached hereto, hereinafter referred to as "the site", on the following terms and conditions:

1. Purpose. The purpose of this Lease is to provide a location for the construction and operation of a hydroelectric facility, herein called "the facility."

2. Term. This Lease shall commence upon its execution and terminate on December 31, 2013, unless sooner terminated as provided herein.

3. Termination. In addition to the grounds for termination set out in Section 9 hereof:

a. This lease may be terminated by Big Wood Canal without liability on its part upon 30 days' written notice at any time after June 30, 1986, if Mutual Energy has not completed construction of and commercially operated a power generating facility at the site prior to the date of notice.

b. This Lease may be terminated by either party without liability on the part of the terminating party upon 90 days' written notice at any time after June 30, 1986, if Mutual Energy fails to commercially operate the power generating facility for 18 consecutive months.

c. As used in this Paragraph 3, the term "commercially operated" and "commercially operate" shall mean operation of the facility in such a manner that the facility generated more than one-half of its rated monthly capacity in any calendar month. The parties agree that the facility's rated monthly capacity is 100,000 kilowatt hours per month.

d. Non payment of rent for a period of three months.

e. The failure to create, establish and transfer title to the Big Wood Canal Company of the replacement fund herein-after identified and described in paragraph 5.

4. Rent. Mutual Energy agrees to pay to Big Wood Canal rent in the following amounts.

a. The sum of \$1,000.00 upon execution of this Lease.

b. For a period of seven (7) years beginning with the first month of commercial operation Mutual Energy will pay to Big Wood Canal a sum equal to five (5) percent of the gross revenue generated from the sale of electricity at the facility. Said payment due on the first of each month following the receipt of sales revenue by Mutual Energy from the power purchaser.

c. For the period following the seven (7) year period identified in Paragraph (b) above and ending on December 31, 2013, Mutual Energy will pay to Big Wood Canal a sum equal to fifteen (15) percent of the gross revenue generated from the sale of electricity at the facility. Said payment due on the first of each month following the receipt of sales revenue by Mutual Energy from the power purchaser.

All rent that becomes due and payable under this Lease shall be paid to Big Wood Canal at the office of Big Wood Canal at P.O. (C) Shoshone, Idaho, 83352, or such other place or places as Big Wood Canal may from time to time designate by written notice given to Mutual Energy.

5. Replacement Fund. Mutual Energy shall establish a replacement fund prior to the end of the first year of commercial operation. One year after commercial operation commences title and interest in the fund shall be transferred to Big Wood Canal.

The fund will be established by the purchase of a bond, annuity or similar instrument approved by Big Wood Canal. Mutual Energy will purchase such an instrument for approximately \$15,000 bearing an interest of approximately 11 percent which will provide an anticipated \$300,000 + fund as of December 31, 2014. The establishment of this fund constitutes Mutual Energy's sole responsibility as to the payment of this replacement fund.

6. Duty to Construct. Mutual Energy shall prior to June 30, 1986, at Mutual Energy's sole cost and expense, construct or cause to be constructed on the site, power generating facilities, in the manner and according to the terms and conditions specified in this Paragraph. No structure or other improvement of any kind shall be erected or maintained on the site unless and until the plans, specifications, location and operation of said structure or improvement has been approved in writing by Big Wood Canal.

Big Wood Canal hereby licenses Mutual Energy, Mutual Energy's agents and any party involved in said construction or in the preparation for said construction, to enter the site of Big Wood Canal for the purpose of conducting site investigations, inspections, construction, operation and maintenance of said project for the entire term of this Lease.

7. Use of Site. The site may, during the term of this Lease be used by Mutual Energy for the sole purpose of constructing and operating a power generating facility on the site.

The construction, operation and maintenance of the facility shall in no way interfere with the flow of waters through the power generating facilities and it is understood between the parties that the passage of irrigation water through the site shall take priority over any activities by Mutual Energy.

8. Title to Improvements. Mutual Energy shall own any and all buildings, equipment and improvements placed or erected on the site as part of the facility as well as any and all other alterations, additions, improvements and fixtures made or placed in or on the site by Mutual Energy or any other person for the period of this Lease.

9. Permits. Mutual Energy shall be responsible for obtaining and maintaining in force and effect, all necessary permits, licenses and other authorizations from any applicable federal, state or local jurisdiction. All rights acquired through such permits

by Mutual Energy shall be subordinate to and subject to Big Wood Canal's prior and superior rights as they may exist on these facilities, or in the water to be utilized by said facilities. Failure to obtain a necessary permit or authorization under this provision shall be grounds for termination of the agreement by Big Wood Canal or Mutual Energy, at either's option.

10. Big Wood Canal's Right to Inspection. Big Wood Canal retains all rights to enter upon the site for the purpose of inspection and maintenance of the irrigation facilities of Big Wood Canal.

11. Mutual Energy's Right to Encumber. Mutual Energy may, at any time and from time to time during the term of this Lease, encumber to any person or entity, by deed of trust or mortgage or other security instrument, all of Mutual Energy's interest under this Lease and the leasehold estate thereby created in Mutual Energy for any purpose or purposes without the consent of Big Wood Canal; provided, however, that no encumbrance incurred by Mutual Energy pursuant to this section shall, and Mutual Energy shall not have power to, incur any encumbrance that will constitute in any way a lien or encumbrance on the fee of the site or any interest of Big Wood Canal in the site. To insure compliance with this provision prior to any such action being taken by Mutual Energy, Mutual Energy shall submit said financing plan, along with any requested details of said financing and encumbrance, or other transfer of the property, or interest therein, to Big Wood Canal for Big Wood Canal's review and approval. If Big Wood Canal determines that said encumbrances will in any way affect Big Wood Canal's own interest in operating its facilities or underlying rights, Big Wood Canal may reject said financing. Mutual Energy shall insure that any encumbrance or other transfer of said facilities for the purpose of financing, will be subordinate to and secondary to, the rights of Big Wood Canal and the underlying landowners, and shall obtain with any such encumbrance agreement written subordination and present the same to Big Wood Canal.

12. Obligation of Big Wood Canal. Big Wood Canal agrees to make available the interest of the Big Wood Canal in the right-of-way of Big Wood Canal for the purpose of constructing, operating and maintaining the facility. Big Wood Canal has no obligation to furnish any right-of-way which may be required out side of the existing canal right-of-way.

It is further agreed that Big Wood Canal is obligated to furnish only that water which may be routed down the canal for irrigation purposes as dictated by the demands of stockholders of Big Wood Canal or other beneficial purposes as may be determined by the Big Wood Canal Company. Such water will remain under the complete control of Big Wood Canal.

13. Maintenance. At all times during the term of this Lease, Mutual Energy shall, at Mutual Energy's own cost and expense, keep and maintain said site and all improvements now and hereafter on the site as well as all facilities now and hereafter appurtenant, to said site in good order and repair and in a safe and clean condition.

Mutual Energy 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.

14. Idemnity and Insurance. Mutual Energy shall indemnify and hold Big Wood Canal and the property of Big Wood Canal, free and harmless from any and all liability, claims, loss, damages or expenses resulting from Mutual Energy's occupation and use of the site.

Mutual Energy shall, at Mutual Energy's own cost and expense, secure promptly after execution of this Lease, and maintain during the entire term of this Lease a broad form comprehensive coverage policy of public liability insurance issued by an insurance

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

a. \$3,000,000 (CSL), for injury to or death of one person and, subject to such limitation for the injury or death of one person, of not less than \$3,000,000 (CSL), for injury to or death of two or more persons as a result of any accident or incident; and

b. \$3,000,000 (CSL), for damage to or destruction of any property of others, including property of lessor.

Provided, however, that if the insurance requirements of any Power Sales Agreement entered into by Mutual Energy with a third party are more stringent or require higher limits, Mutual Energy shall comply with such other more stringent and higher limits requirements.

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

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 Canal of less than 90 days.

15. Delays. Except as otherwise expressly provided in this Lease, should the performance of any act required by this Lease to be performed by either Big Wood Canal or Mutual Energy prevented or delayed by reason of any act of God, strike, lockout, labor trouble, restrictive governmental laws or regulations, or any other intervening cause except financial inability not the fault of the party required to perform the act, the time for performing of the act will be extended for a period equivalent to the period of delay and performance of the act during the period of delay will be excused; provided, however, that nothing contained in this section shall execute the prompt payment of rent by Mutual Energy.

as required by this Lease or the performance of any rendered difficult or impossible solely because of the financial condition of the party, Mutual Energy or Big Wood Canal, required to perform the act.

16. Notices. Any and all notices or other communications required or permitted by this Lease or by law to be served on, given to or delivered to any party hereto by any other party to this Lease shall be in writing and shall be deemed duly served, given or delivered when personally delivered to the party or to an officer of the party, or in lieu of such personal delivery, when deposited in the United States mail, first class postage prepaid, addressed to that party at its principal place of business. The principal place of business of Big Wood Canal shall be P.O. (C), Shoshone, Idaho 83352, and the principal place of business of Mutual Energy shall be 3451 Longview Drive, Suite 130, North Highlands, California 95660.

17. Governing Law. This Lease, and all matters relating to this Lease, shall be governed by the laws of the State of Idaho in force at the time any need for interpretation of this Lease or any decision or holding concerning this Lease arises.

18. Binding on Heirs and Successors. This Lease shall be binding on and shall inure to the benefit of the successors and assigns of Big Wood Canal and Mutual Energy.

19. Attorneys Fees. If any action should be instituted on this Lease, the prevailing party shall be responsible for any and all reasonable attorneys fees.

20. Sole and Only Agreement. This instrument constitutes the sole and only agreement between Big Wood Canal and Mutual Energy respecting the site and correctly sets forth the obligations of Big Wood Canal and Mutual Energy to each other under this Lease as of its date. Any agreements or representations respecting said premises, their leasing to Mutual Energy by Big Wood Canal, or any other matter discussed in this lease not expressly set forth in this instrument are null and void.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals this 17th day of November, 1983.
1st December

BIG WOOD CANAL COMPANY

ATTEST:

BY: *[Signature]*

[Signature]
Secretary

MUTUAL ENERGY CO., INC.

ATTEST:

BY: *Bart M. O'Keeffe*

Beverly M O'Keeffe
Secretary

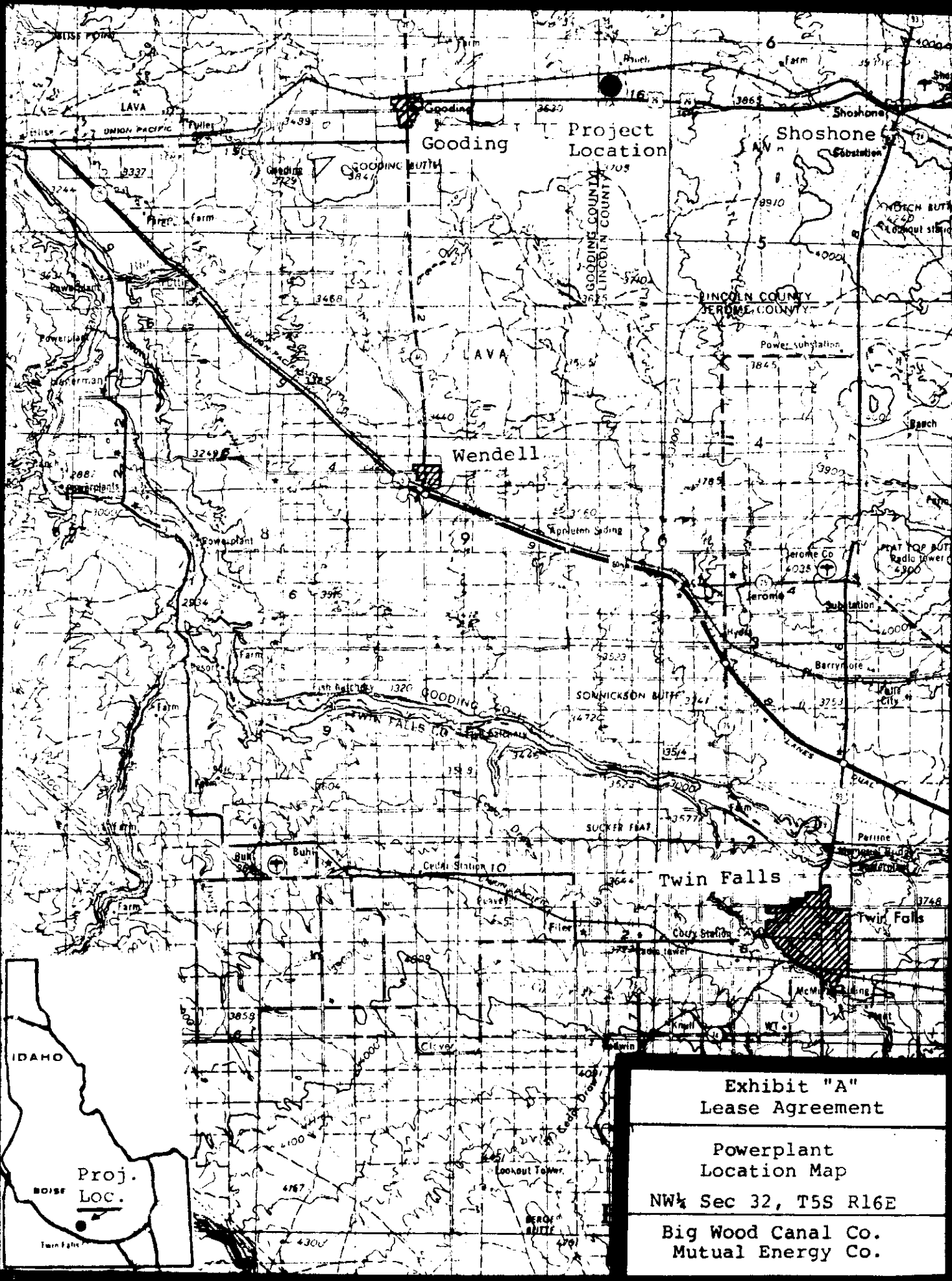


Exhibit "A"
Lease Agreement

Powerplant
Location Map

NW $\frac{1}{4}$ Sec 32, T5S R16E

Big Wood Canal Co.
Mutual Energy Co.

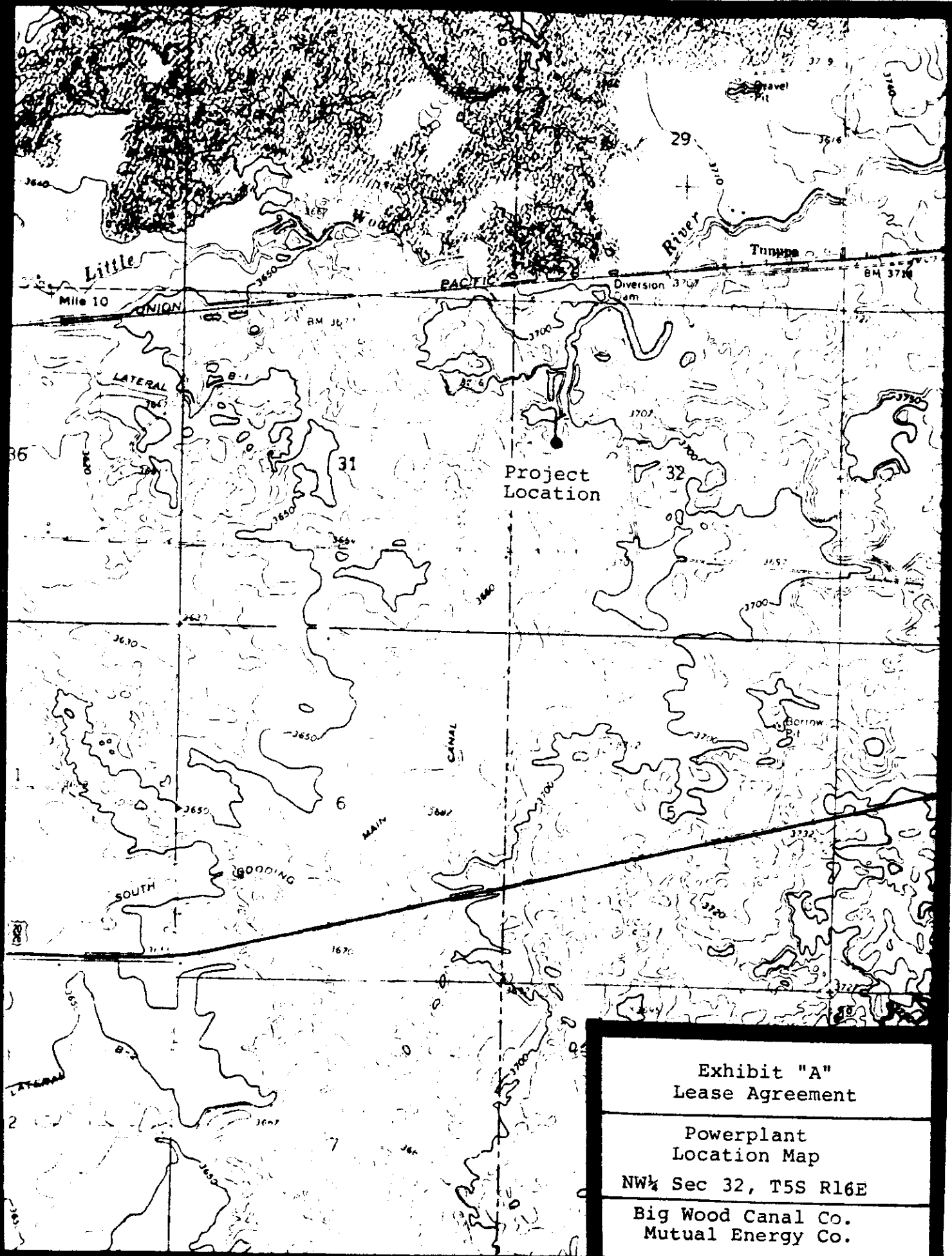


Exhibit "A"
Lease Agreement

Powerplant
Location Map

NW $\frac{1}{4}$ Sec 32, T5S R16E

Big Wood Canal Co.
Mutual Energy Co.

STATE OF CALIFORNIA)
) AFFIDAVIT OF MAILING NOTICE
County of Sacramento)

That he is a citizen of the United States, over the age of twenty-one years; that on the 2nd day of February 1984, he caused to be served or deposited in the United States mail, postage prepaid certified mail, return receipt requested, an Application for Exemption from Licensing for the Sagebrush Hydro-electric Project, to the following:

Director
Northwest Region
National Marine Fisheries Service
7600 Sand Point Way
Seattle, Washington 98115

State of Idaho
Fish and Game Department
Jerome, Idaho 83338

Bart M. O'Keefe
Bart M. O'Keefe



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

February 28, 1989

Thomas K. Schafer, P.E./L.S.
CH2M Hill
P.O. Box 8748
Boise, ID 83707

RE: Field examination and beneficial use for permit no. 37-8169

Dear Thomas:

This letter acknowledges receipt of a field examination for permit no. 37-8169 on February 21, 1989. According to my previous representations to you, the receipt of the field examination will toll the running of any penalties until you can fully measure the flow of water. I recognize that last year was a drought year, and that you were not able to measure the full diversion capacity of the hydropower generators. I will wait approximately six months for additional information. If you have not been able to measure water flows at that time, we probably should visit about some alternate method of determining capacity.

Sincerely,

A handwritten signature in cursive script that reads "Gary Spackman".

Gary Spackman, Manager
Water Right Permits Section



Engineers
Planners
Economists
Scientists

RECEIVED
FEB 21 1989

Department of Water Resources

February 17, 1989

BOI21352.A0

Mr. Gary Spackman, Supervisor
Water Allocation Section
Idaho Department of Water Resources
1301 North Orchard Street
Boise, Idaho 83706-2237

Dear Mr. Spackman:

Subject: Proof of Beneficial Use--Permit No. ID37-8169

On December 21, 1988, the Department of Water Resources issued a "Lapse Notice" to Bigwood Canal Company as permit holder for the above-referenced water permit. We discussed this matter on December 22, 1988. At that time, I reported that I had conducted a field examination of this project on August 17, 1988.

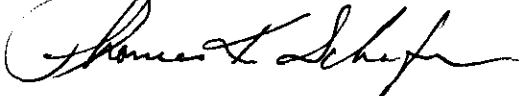
Because of drought conditions throughout southern Idaho during 1988, insufficient water was available to reasonably establish a recommended beneficial use. You advised that a partial Beneficial Use Field Report could be submitted to stay the loss of the permit pending an additional field measurement of this project under more normal water conditions.

Attached is a partial field report. I have recommended a verification of flow for this project by a second field examination in June of 1989. I trust this will meet with your approval and is consistent with our discussion in this matter.

Mr. Gary Spackman
Page 2
February 17, 1989
BOI21352.A0

Should you have any questions or desire additional information,
please call.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Thomas K. Schafer".

Thomas K. Schafer, P.E./L.S.
Certified Water Right Examiner

BOC1/016/cas
Enclosure
cc: Big Wood Canal Company

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
FEB 01 1989

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 37-8169

1. Owner: BIG WOOD CANAL COMPANY Phone No. (208) 886-2331
Current Address: 112 SOUTH APPLE, BOX C, SHOSHONE, IDAHO 83352
2. Accompanied by: Richard M. Oneida EXAM. DATE: 8/17/88
Address: P.O. Box C, Shoshone, Idaho Phone No. (208) 886-2331
Relationship to Permit Holder: MANAGER
3. Source: LITTLE WOOD RIVER tributary to MAJAD RIVER

B. OVERLAP REVIEW

1. Other water rights with same place of use: NONE

☐ Copies Attached
2. Other water rights with same point of diversion: NONE

☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

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

Scale: 1" = _____

2. ☒ Copy of U.S.G.S. Quadrangle Attached ☐ Aerial Photo Attached
Showing location(s) of point(s) of diversion and (required for irrigation of 10 acres or more).
place(s) of use (required).
☒ Photo of Diversion and System Attached
(required for all but single household domestic groundwater, and stockwater).

System Description (continued)

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

Installation: Consists of gated concrete intake structure into two each 48" and one each 36" diameter by $\pm 350'$ long concrete penstocks. Turbines are FLIGHT submersible units. Two turbines are 126 Kw and one turbine is 72 Kw (nameplate rated). A $32\frac{1}{2}'$ rectangular weir is incorporated into the intake structure to bypass flows not entering the powerhouse generation units. Diversion from the Little Island River into the South Gooding Main Canal is located $\pm \frac{1}{2}$ mile north of the powerplant. Flows

☐ See Remarks on page 4 for continuation

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
~~State Gage No 000941~~					

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

5. Point(s) of Diversion:

Ident. No.	Gov't. Lot	$\frac{1}{4}$	$\frac{1}{4}$	$\frac{1}{4}$	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
ID. GAGE # 000941				NE NW	32	5S	16E	GOODING	USGS QUAD CONSTRUCTION DWGS.

6. Place(s) of Use:

Indicate Method of Determination _____

Twp.	Rge.	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
5S	16E	32							X										

Do not use this space

Do not use this space

D. FLOW MEASUREMENTS

☒ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
STATE GAGE No. 000941	F	STEVENS	68	UK.	UK.	UK.
CIPOLLETTI WEIR	INSTREAM		LATERAL B-1		9 FT.	
RECTANGULAR WEIR	" "		BYPASS		32.5 FT	

2. Measurements:

Gage No. 000941, Stage = 3.31, Q = 318 cfs
 B-1 Cipolletti Weir, L = 9 ft., H = 17 1/2 in.
 Bypass Weir, L = 8.5 ft @ H = 4 in, L = 20 ft. @ H = 13 in.

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method:

Cipolletti Weir

$$H = 17.5" : Q/ft = 5.88 \text{ cfs} \times 9' = 52.92 \text{ cfs}$$

$$H = 4" : Q/ft = 0.55 \text{ cfs} \times 8.5' = 4.68 \text{ cfs}$$

$$H = 13" : Q/ft = 3.84 \text{ cfs} \times 20' = 76.80 \text{ cfs}$$

2. Alternate Method for Checking Purposes:

* From TABLE 10, USBR WATER MEAS. MANUAL

BENEFICIAL USE SUMMARY

$$Q \text{ GAGE No 000941} = 318 \text{ cfs}$$

$$\text{LESS Diversion/Bypass} = 134 \text{ cfs}$$

$$\text{NET } Q = 184 \text{ cfs}$$

F. PUMP EFFICIENCY DATA (Optional)

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

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

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

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

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

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

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

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = \underline{\hspace{2cm}}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = \underline{\hspace{2cm}}$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = \underline{\hspace{2cm}}$$

2. Volume Calculations for Other Uses:

USE PERIOD: April 1, thru Nov. 30 = 244 days

$$V = (184 \text{ cfs}) (1.9835 \text{ A.F./cfs day}) (244 \text{ days}) = 89,051 \text{ A.F.}$$

H. REMARKS AND OVERLAP REVIEW ANALYSIS

into the canal are recorded at Idaho State Gage No. 000941 on a Stevens recorder. Big Wood Canal Co. Lateral B-1 diverts a portion of the flow out of the South Gording Main Canal $\pm$ 1/4 mile north of the powerplant. Flows diverted into Lateral B-1 are measured by a 9' Cipolletti Weir and recorded daily by Big Wood Canal Co. Flow at the powerplant is measured at Idaho State Gage No. 000941 less Lateral B-1 measured at the Cipolletti weir and less any flow passing over the rectangular bypass weir adjacent to the powerplant intake. Richard Oneida stated that flows had been substantially reduced because of the drought. Only one turbine/generator was in operation at the time of the inspection. Flow records maintained by Big Wood Canal Co. indicate the average flow at the site for the period 1978 thru 1983 was 305 cfs.

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		

It is recommended that flows be remeasured during June, 1989 to establish a more representative flow rate without the influence of drought.

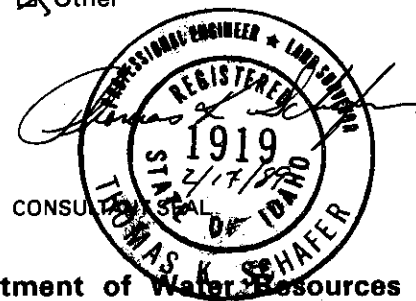
Totals: Recommendations Pending Remeasure

2. Recommended Amendments

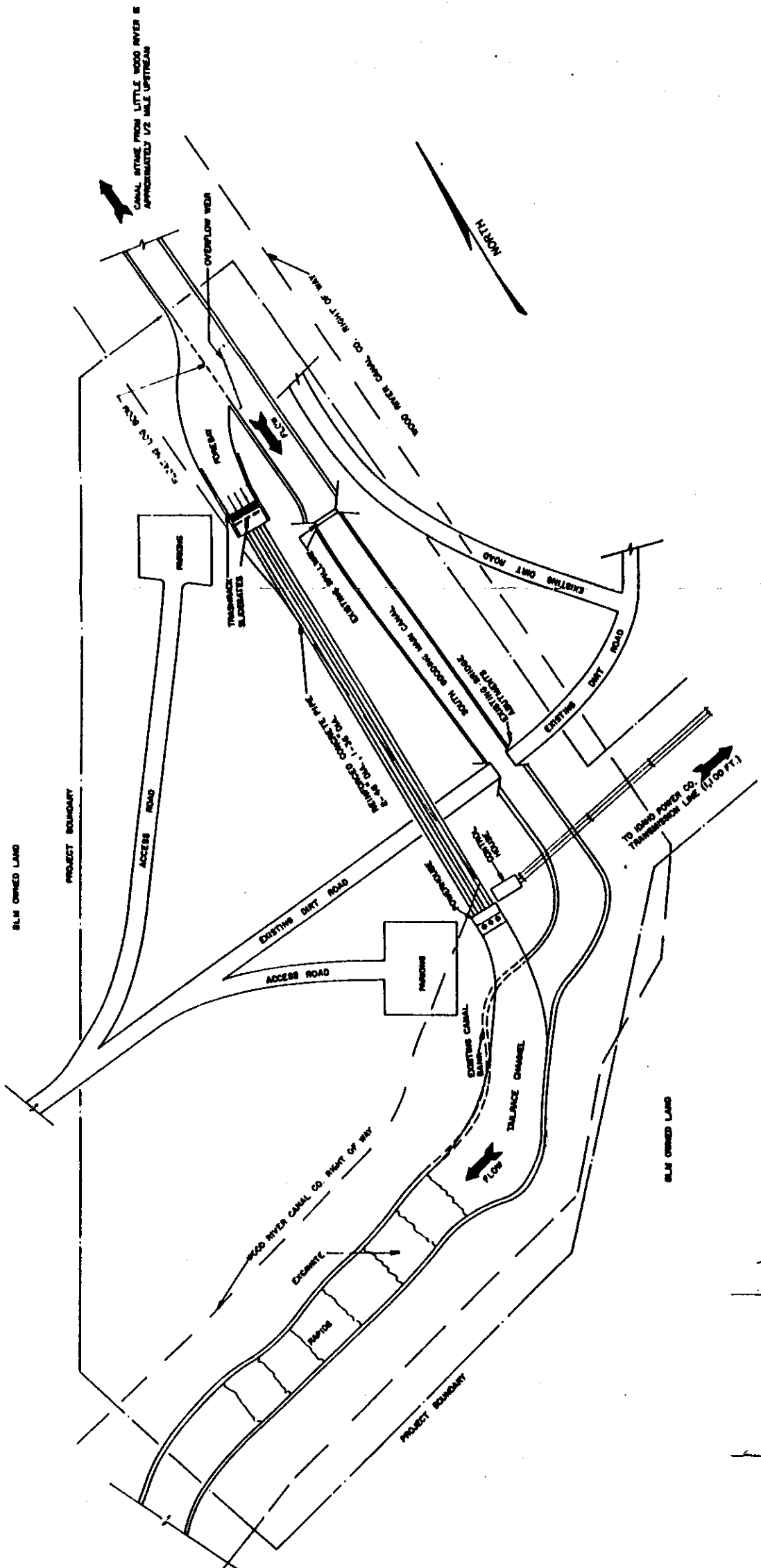
- | | | |
|---|--|---|
| ☐ Change P.D. as reflected above | ☐ Add P.D. as reflected above | ☐ None |
| ☐ Change P.U. as reflected above | ☐ Add P.U. as reflected above | ☒ Other |

J. AUTHENTICATION

Field Examiner's Name THOMAS K. SCHAFER
 Signature Thomas K. Schaffer
 Certification Date FEBRUARY 17, 1989
 Field Report Preparation Date AUGUST 17, 1989

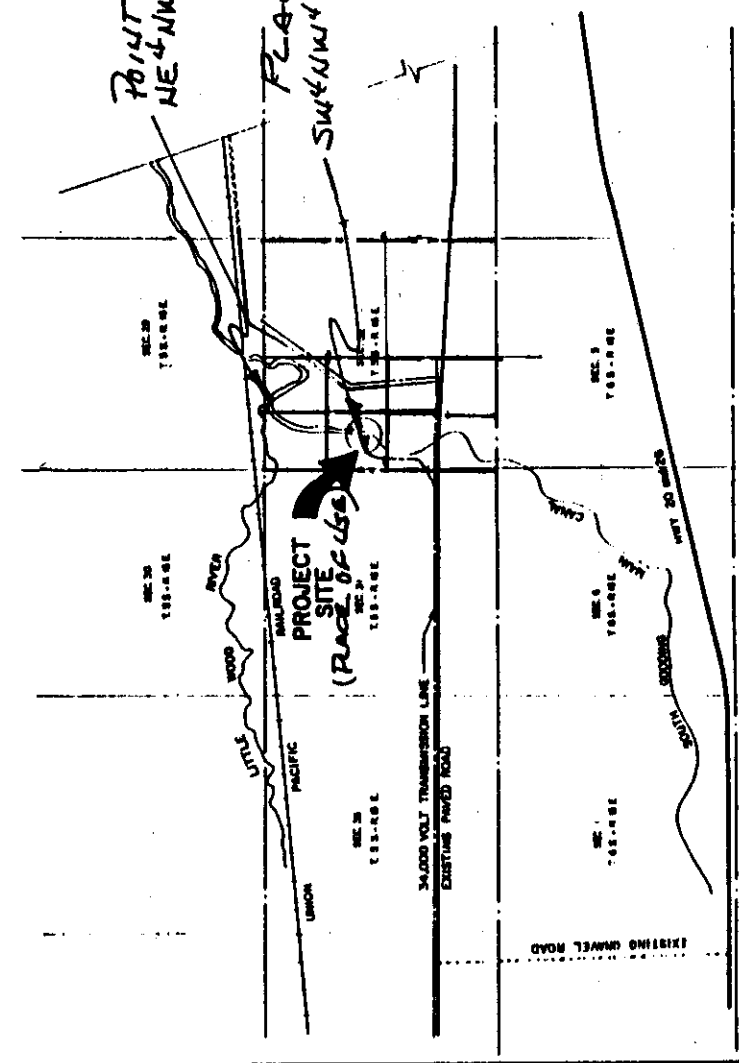


K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.

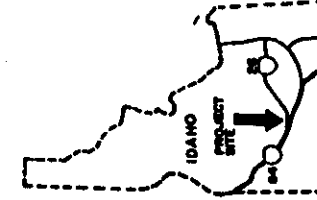
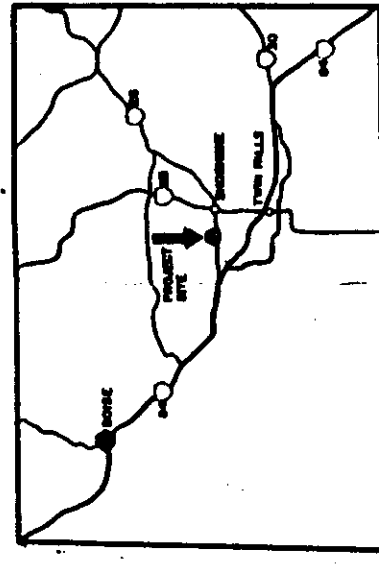


POINT OF DIVERSION
NE 4 NW 4 S. 32, T. 5 S., R. 16 E.

PLACE OF USE
SW 4 NW 4 S. 32, T. 5 S., R. 16 E.

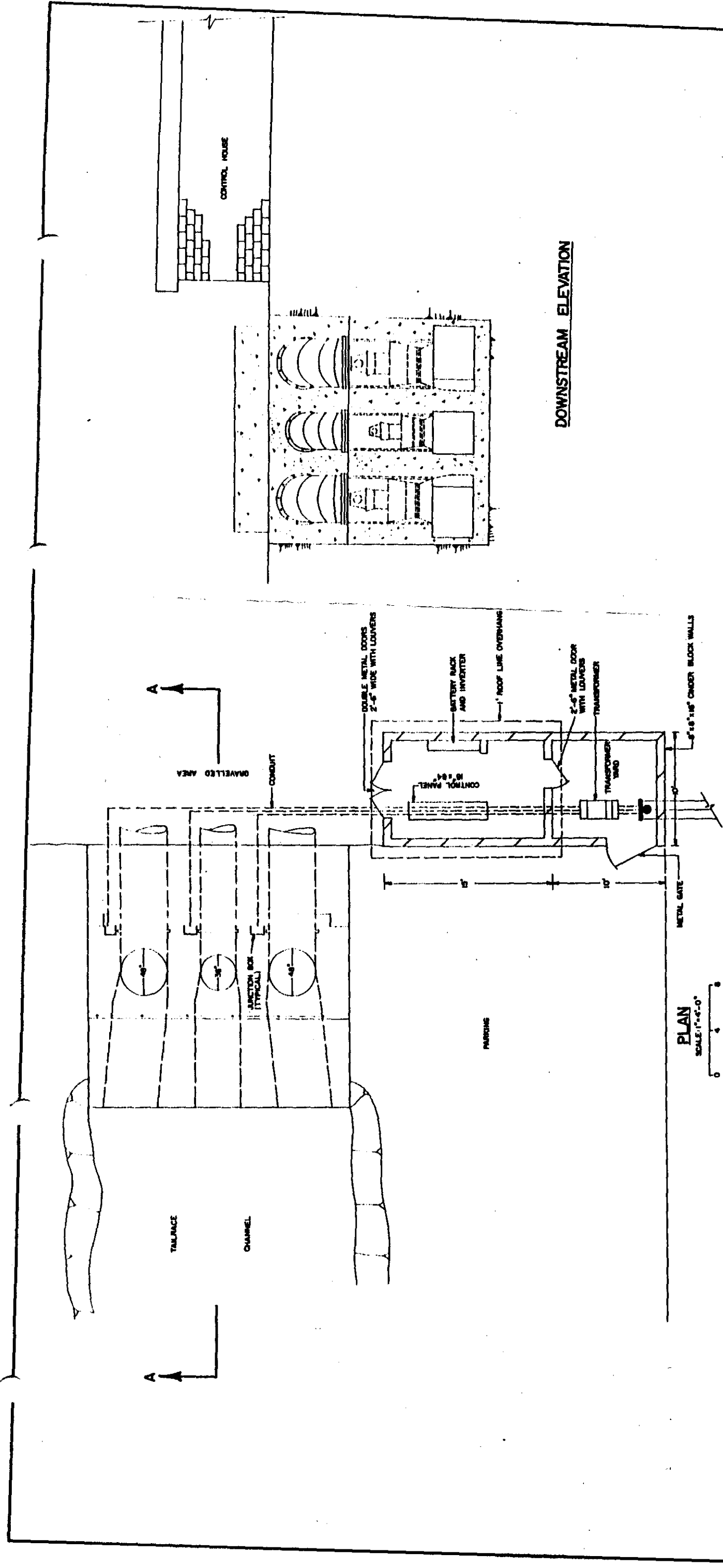


LOCATION MAP



PERMIT NO. 37-8169
EXHIBIT A.1

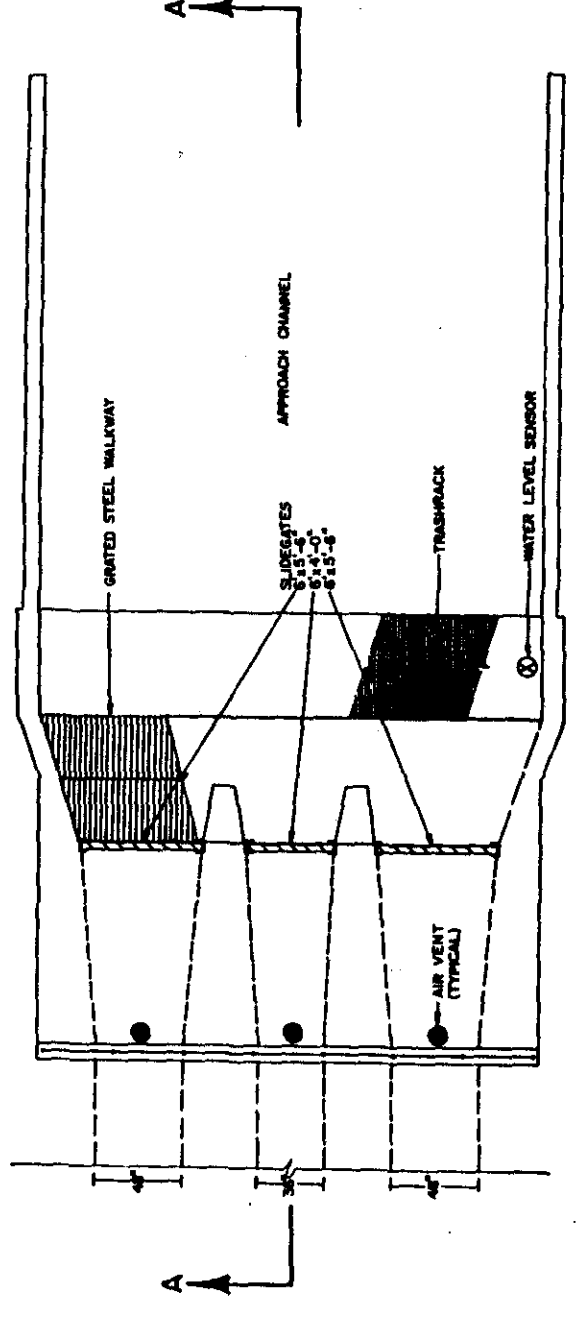
SAGEBRUSH HYDROELECTRIC PLANT		DESIGN	W.C.H.
LOCATION MAPS AND SITE PLAN		CHECKED	D.A.
		APPROVED	W.C.H.
		DATE	1/27/84
PROJECT DRAWING		DATE	1/27/84
MUTUAL ENERGY COMPANY NORTH HIGHLANDS, CA. 95660		SHEET	1 OF 3



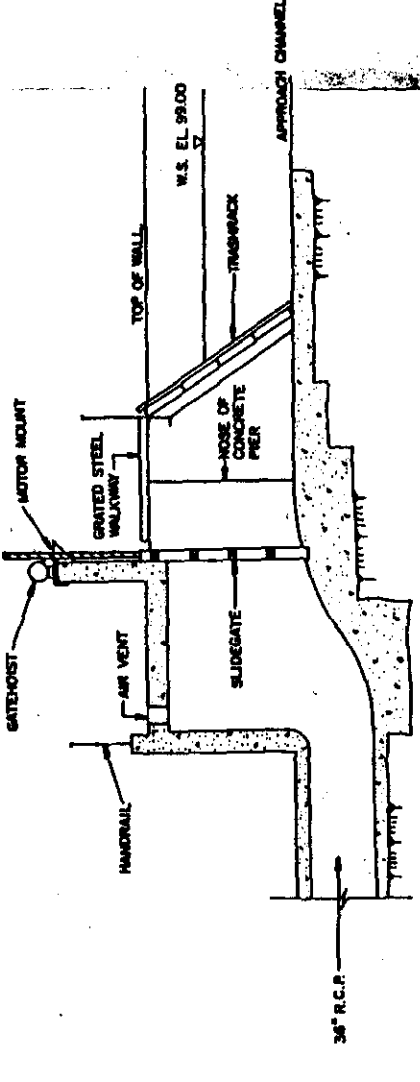
DOWNSTREAM ELEVATION

PERMIT NO. 37-8169
EXHIBIT A.2

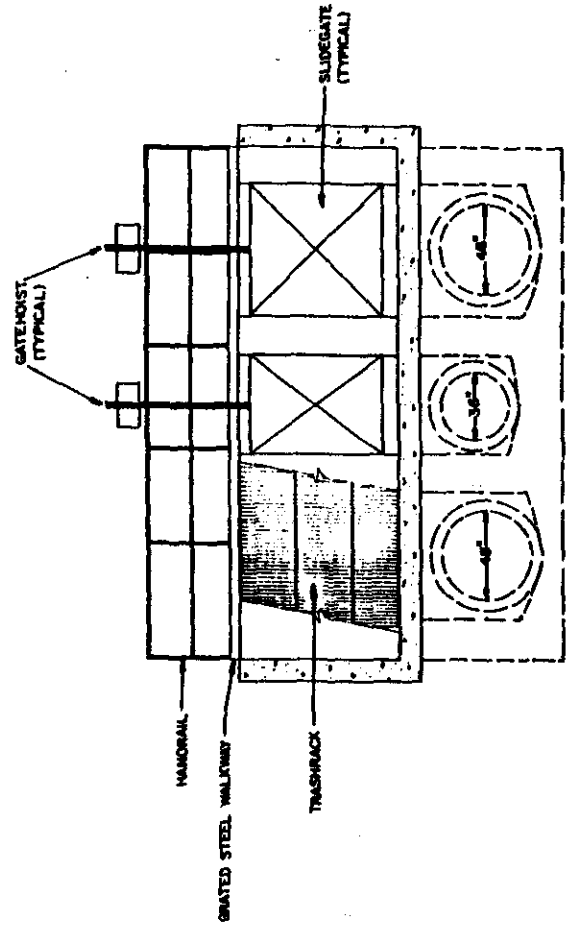
SAGEBRUSH HYDROELECTRIC PLANT	POWER PLANT PLAN, ELEVATION, AND SECTION	DESIGN	W.C.H.
		DRAWN	D.A.
		CHECKED	S.M.D.
		APPROVED	
		DONE	1/31/64
		PROJECT NUMBER	
		SHEET 2 OF 9	
MUTUAL ENERGY COMPANY NORTH HIGHLANDS, CA. 95660			



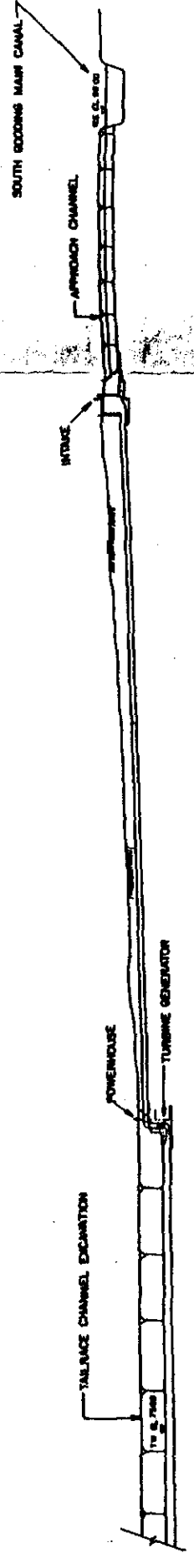
PLAN
SCALE: 1" = 4'



SECTION A-A
SCALE: 1" = 4'



ELEVATION
SCALE: 1" = 4'



PROFILE
SCALE: 1" = 40'

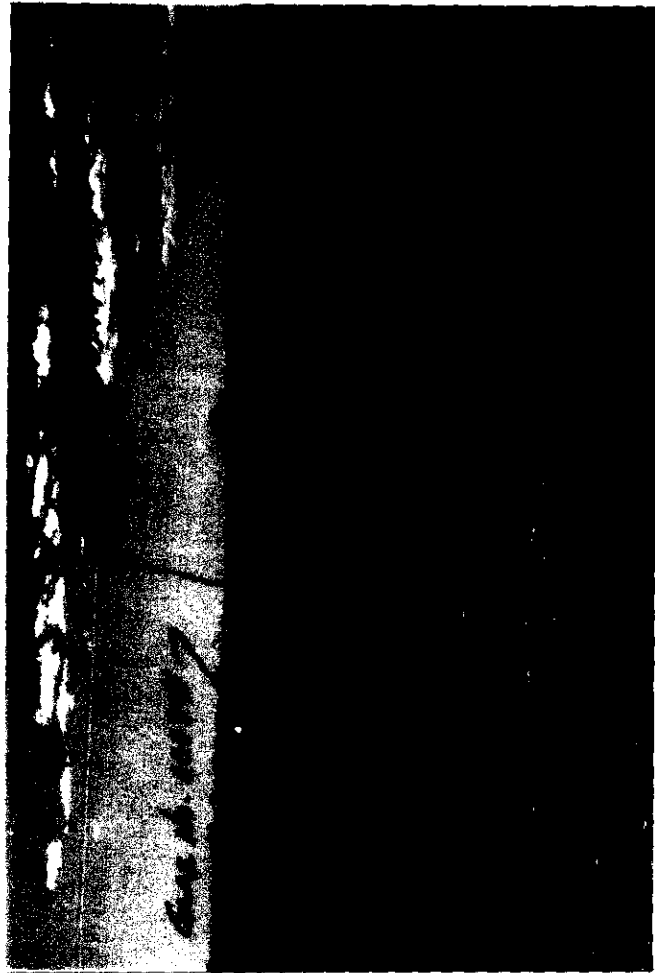
PERMIT 16.37-8169
EXHIBIT A.3

SAGEBRUSH HYDROELECTRIC PLANT		DESIGN	W.C.H.
		DRAWN	D.A.
		CHECKED	B.M.O.
		APPROVED	B.M.O.
		DATE	2/1/84
		PROJECT NUMBER	
		MUTUAL ENERGY COMPANY NORTH HIGHLANDS, CA. 95560	
		SHEET 3 OF 3	

**PROJECT PROFILE
INTAKE PLAN, SECTION,
AND ELEVATION**

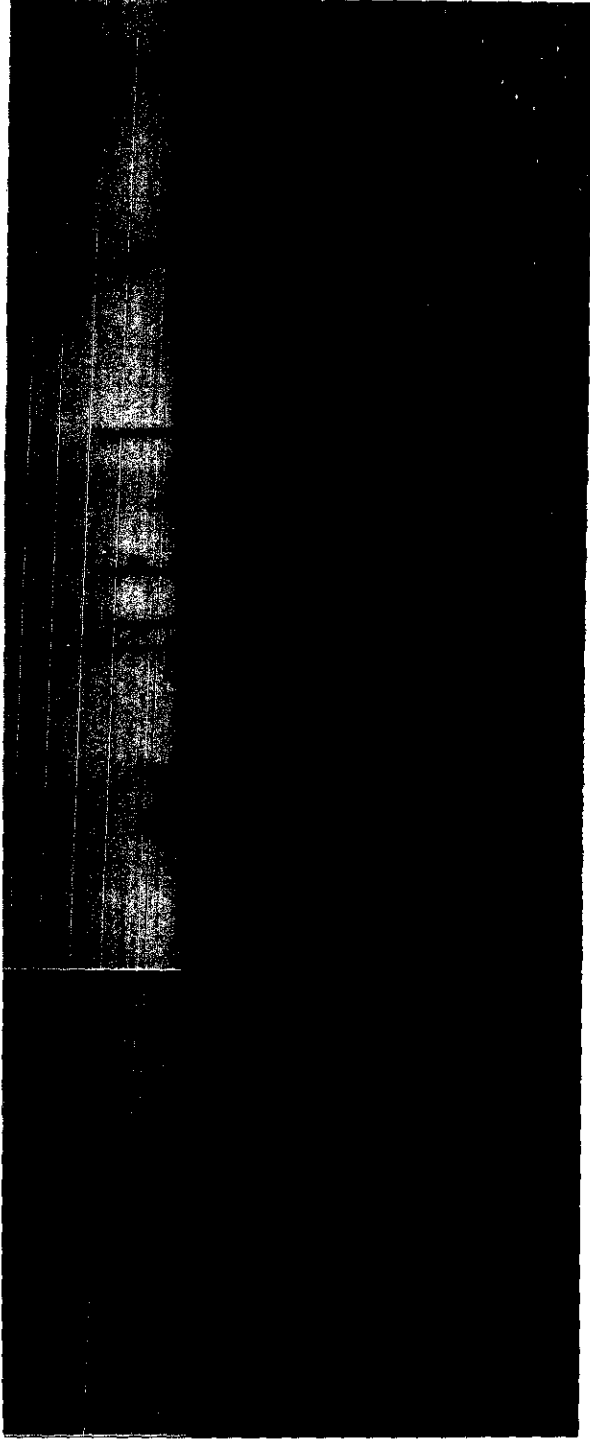


POINT OF DIVERSION

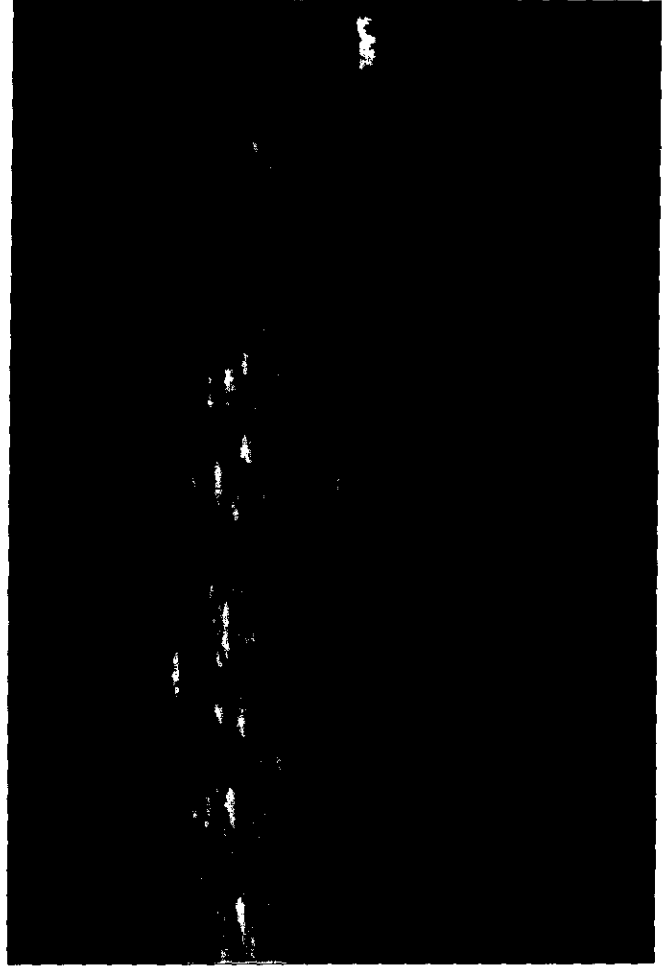


PERMIT NO. 37-8169

EXHIBIT B.1



PLACE OF USE



PERMIT NO. 37-8/6^c
EXHIBIT B.2



PLACE OF USE



PERMIT NO. 37-8169
EXHIBIT B. 3

MEMORANDUM

TO: File 37-8169
FROM: Gary Spackman *Gary*
RE: Submittal of field examination from Thomas Schafer
DATE: January 9, 1989

I spoke with Thomas Schafer, a certified field examiner who was retained to examine the use of water under permit no. 37-8169. Mr. Schafer stated that he conducted the examination in the summer of 1988, but that flows were so low at the hydropower plant that he decided not to submit the measurement values for fear, and wait until 1989 for a more representative flow.

I told Mr. Schafer that the permit had lapsed, and that a day of priority was being lost for every day the examination was late. I suggested to Mr. Schafer that he submit the examination in its present form, and that the department would toll the running of the loss of priority until he could measure the hydropower flows in a more normal year.



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

December 21, 1988

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

Big Wood Canal Co.
112 S. Apple, Box C
Shoshone, ID 83352

Dear Permit Holder(s):

Re: Permit No. 37-8169

LAPSE NOTICE
LICENSE EXAMINATION FEE

You are hereby notified that under the provisions of Sec. 42-217 and 42-218a, Idaho Code, the above referenced permit lapsed and is of no further force nor effect for failure of the permit holder(s) to submit either the license examination fee or an acceptable field examination report prepared by or under the supervision of a certified water right examiner.

Provisions of Sec. 42-217, Idaho Code and the Beneficial Use Examination Rules and Regulations provide that failure of the permit holder(s) to submit either the fee or an acceptable field examination report within one year and sixty days after notification by the director that the submittal is due is cause for the director to reject the proof of beneficial use and lapse the permit. The department notified you of the required submittal on August 11, 1987.

The lapsed permit can be reinstated upon a showing of reasonable cause for late submittal of proof of beneficial use, if you submit to the department within sixty days, either the license examination fee or an acceptable field examination report prepared by or under the supervision of a certified water right examiner.

Enclosed is a fee information sheet that must be completed and submitted to the department to keep the permit in good standing. If you have questions, please contact any office of the department.

Sincerely,

L. GLEN SAXTON, Chief
Water Allocation Bureau

Enclosure

c: Ch2M-Hill



Engineers
Planners
Economists
Scientists

RECEIVED

OCT 08 1987

Department of Water Resources

October 8, 1987

B21352.A0

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

Gentlemen:

Subject: Permit No. 37-8169

This letter will verify that I am a Certified Water Right Examiner duly appointed by the Director of the Department of Water Resources, on June 3, 1987. I further verify that Big Wood Canal Company has retained me to conduct the field examination of Permit No. 37-8169.

Respectfully submitted,

A handwritten signature in cursive script, reading "Thomas K. Schafer".

Thomas K. Schafer, P.E./L.S.
WRE Certification No. 87-110

cs

cc: Big Wood Canal Company

4/86

RECEIVED

OCT 08 1987

For Office Use Only
Fee Received _____
Date _____
Receipt # _____
Receipt by _____
Sent to S.O. _____

Department of Water Resources
STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

EXAMINATION FEE INFORMATION

1. Permit No. 37-8169

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

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

2. Permit Holder: Big Wood Canal Co

3. Post Office Address: Box C Shoshone, Id. 83352

Telephone No. 886-2331

4. Source of Water: Little Wood River

5. Extent of Use:

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

Irrigation _____ (acres) Other/Remark Power Generation

6. Total rate &/or volume for which proof is submitted 232 cfs _____ acre-feet

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

July 1, 1985

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

(Name)

(Address)

(Telephone Number)

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

Date

10/8/87

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

RECEIVED

OCT - 8 1987

CHAM HILL
2000

State of Idaho

Department of Water Resources

LICENSE EXAMINATION FEE SCHEDULE

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

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

Checks should be made payable to the
Department of Water Resources

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



DEPARTMENT OF WATER RESOURCES

SOUTHERN REGION

CECIL D. ANDRUS
Governor

A. KENNETH DUNN
Director

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

August 11, 1987

37-8169
Big Wood Canal Company
112 So. Apple
Box C
Shoshone, ID 83352

138858

CERTIFIED MAIL

EXAMINATION FEE NOTICE

Dear Permit Holder:

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

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

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

Examination Fee Notice
Page 2

Certified water right examiners are licensed engineers or geologists certified by the department to conduct water right examinations. The procedure for certifying examiners results from the recently enacted HB 671 and is being developed at this time. A listing of certified water right examiners will be available from this department when examiners have been certified.

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

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

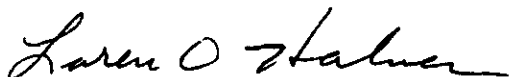
FAILURE TO SUBMIT WITHIN THE SIXTY (60) DAY PERIOD, THE FEE OR THE STATEMENT THAT A CERTIFIED EXAMINER HAS BEEN RETAINED TO MAKE THE FIELD EXAMINATION, WILL BE CAUSE TO ADVANCE THE PRIORITY OF THE PERMIT ONE DAY FOR EACH DAY THAT THE FEE SUBMITTAL IS LATE.

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

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

Southern Region
Idaho Dept. of Water Resources
2148 4th Avenue East
Twin Falls, ID 83301
Phone: 734-3578

Sincerely,



LOREN HOLMES
Southern Region Supervisor

Enclosures

S T A T E O F I D A H O
DEPARTMENT OF WATER RESOURCES
Southern Region

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

APRIL 9, 1986

BIG WOOD CANAL COMPANY
112 SO. APPLE
BOX C
SHOSHONE ID 83352

RE: Permit No. 37-8169

Dear Permit Holder:

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

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

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

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

Sincerely,
s/Mary A. Newby
Secretary

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
PROOF OF BENEFICIAL USE

RECEIVED
MAR 5 1986

Department of Water Resources

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has completed development under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below:

Permit No. 37-8169

Name(s) of Permit Holder: Big Wood Canal Company

Post Office Address: 112 So. Apple, Box C, Shoshone, Idaho 83352

Telephone No. (208) 886-2331

Source of Water: Little Wood River

Extent of Use:

Domestic _____ (number of households)

Stockwater _____ (number and type of stock)

Irrigation _____ (acres)

Other/Remarks 232 cfs for power generation from April 1 to November 1 annually

Indicate the date water was first diverted and beneficially used under this permit: August 15, 1985

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

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

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

Richard M. Oneida, Manager Big Wood Canal Co.
(Name)

112 So. Apple, Shoshone, Idaho (Address) (208) 886-2331 (Telephone Number)

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

3-3-86
Date

x Jerry Nance
Signature of Permit Holder (and Title, if appropriate)

MICROFILMED

3-26-86
JD

Big Wood Canal Co.

112 So. Apple, Box C

Shoshone, Idaho 83352



**Idaho Department of Water Resources
Statehouse Mail
Boise, ID 83720**

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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

138757

BIG WOOD CANAL CO.
P.O. BOX C
SHOSHONE, ID 83352

PROOF DUE NOTICE

RE: PERMIT NO. 37-8169

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF THE ABOVE REFERENCED WATER PERMIT WAS THAT PROOF OF THE EXTENT OF YOUR BENEFICIAL USE MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE APRIL 1, 1986. (SEE LAST PAGE OF YOUR APPROVED PERMIT OR YOUR LAST APPROVED EXTENSION REQUEST.) ENCLOSED IS A FORM WHICH MAY BE USED TO SUBMIT THE REQUIRED PROOF.

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

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

SINCERELY,

RITA FLECK
SECRETARY/RECORDS MANAGER

ENCLOSURES

MICROFILMED



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

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

SEPTEMBER 1, 1985

DEAR PERMIT HOLDER:

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

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

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

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

SINCERELY,

L. GLEN SAXTON
CHIEF, OPERATIONS BUREAU

MICROFILMED



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

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

March 18, 1985

RE: Permit No. 37-8169

Big Wood Canal Co.
P.O. Box C
Shoshone, ID 83352

Gentlemen:

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

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

Be sure to note the special condition requiring you to install a measuring device and lockable controlling works that will enable the watermaster to control your rate of diversion.

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. Also enclosed for your convenience is the statement of beneficial use postcard that must be submitted when your project is completed.

Sincerely,

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

DRT:sc
Enclosures

MICROFILMED



Mutual Energy Co., Inc.

HYDROELECTRIC ENGINEERS & DEVELOPERS

3451 LONGVIEW DRIVE, SUITE 130
NORTH HIGHLANDS / SACRAMENTO, CALIFORNIA 95660
(916) 971-3717

February 20, 1985

RECEIVED
FEB 22 1985

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

Department of Water Resources

Attention: Mr. Jim Johnson

Subject: Water Rights Application No. 37-8169
Sagebrush Hydroelectric Plant, FERC No. 8046

This letter is to clarify a seeming discrepancy between the application to the Federal Energy Regulatory Commission (FERC) for Exemption from Licensing for the above plant, and the application to the State of Idaho for a water right for the above plant.

The above referenced application, to^{which} the FERC refers, in Exhibit A, page 1 and Exhibit E, page 1, to irrigation water moving down the canal as being used for power production purposes. The application to the State of Idaho for a water right requests that all water moving down the canal throughout the year be used for power production purposes.

It is the intent and request of the developer, Mutual Energy Co., to be able to use that water which is in the canal for irrigation purposes plus other incidental water which may be available at other times of the year for power production purposes.

Sincerely,

MUTUAL ENERGY CO. INC.

Bart M. O'Keeffe

Bart M. O'Keeffe
President

BMO/gs

Copy to: Con E. O'Keeffe

MICROFILMED

CONVERSATION MEMORANDUM

DATE 2-11-85FILE 37-8169NAME OF PARTY Dick OneidaEMPLOYEE Jim JohnsonRE: The above returned my call this A.M.concerning the B. Wood Canal Co. project.

He stated that high water in the springs
may be diverted when available. He also
said that they had another permit which allowed
year round use which was on the same
water supply system as this one. i.e.
power site located down stream on same
canal.

I told him I would talk this over
and would not make any changes without
notifying him.

2-11-85 1:45 P.M.

TALKED TO MR. ONEIDA - he will contact
A REPRESENTATIVE OF MUTUAL ENERGY COMPANY
TO RESOLVE THE PROBLEM ADDRESSED IN THE INTERDEPARTMENT
MEMOS.

MR. BART O'Keeffe of Mutual Energy Co.
contacted me and will follow-up with a letter of explanation describing
the intent of the company to use water in Canal.

MICROFILMED

RICHARD ONEIDA

CALL - 9:00 AM.

WEDNESDAY

2-6-85

CALLED - 2-6-85 - ONEIDA IS
IN COURT - PROBABLY WON'T BE
BACK UNTIL 2-12-85. I LEFT
MESSAGE TO HAVE HIM CALL ME.

INTER-DEPARTMENT MEMO — 1

DATE 2/1/85

FROM Dave T

TO Jim

SUBJECT

- Plz call the applicant's rep about Norm's

concern re: irr season (See tabbed pages in FERC
filing pages, vs. year-round season on app.)

- No problem on min flow - this rt is downstream
from the Board's filing.

Dave

SIGNATURE

FROM *Ncy*

TO Glen

SUBJECT

37-8169

INTER-DEPARTMENT MEMO — 1

DATE 1/25/85

Write to applicant to determine subject of limiting to irrigation season before we take such an action. In any event, specifically condition for the Water Board minimum flow. If diversion is allowed ~~just to~~ during irrigation season determine where water will be returned + require the minimum reach of stream to be ~~not~~ ^{not} impacted. This is upstream from Proposed hydropower project. No net impact on river.

INTER-DEPARTMENT MEMO — 1

FROM Glen

DATE 1-25-85

TO Room

SUBJECT - With "Devine's project on Big Wood R. in mind, I wonder if we should limit by a condition, the season of use to that of the irrig season?

Reason - prevent winter dewatering of L. Wood R. note that this would ~~is type~~ be consistent w/ comments in FERC document,

SIGNATURE



Mutual Energy Co., Inc.

HYDROELECTRIC ENGINEERS & DEVELOPERS

3451 LONGVIEW DRIVE, SUITE 130
NORTH HIGHLANDS / SACRAMENTO, CALIFORNIA 95660
(916) 971-3717

December 5, 1984

RECEIVED
DEC 7 1984

Mr. Jim Johnson
Department of Water Resources
Statehouse
Boise, ID 83720

Department of Water Resources

Subject: Water Rights Application No. 37-8169
Sagebrush Hydroelectric Project, FERC No. 8046

Dear Mr. Johnson:

Enclosed you will find a copy of FERC's order granting license exemption on the above subject project, per our phone conversation this date.

Sincerely,

MUTUAL ENERGY CO., INC.

Gay Smith

Gay Smith
Administrative Assistant

GS/m

Enclosure

MICROFILMED

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Mutual Energy Company) Project No. 8046-000

ORDER GRANTING EXEMPTION FROM LICENSING FOR
A CONDUIT HYDROELECTRIC PROJECT

(Issued June 28, 1984)

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

The proposed project would divert water from the South Gooding Main Canal and would consist of: (1) a 4-foot-high, 50-foot-long overflow weir at elevation 3,695 feet; (2) three penstocks each 400 feet long; (3) a powerhouse containing three generating units with a total installed capacity of 350 kW; (4) a 100-foot-long tailrace which would return water to the South Gooding Main Canal; and (5) a 1100-foot-long, 34.5-kV transmission line. The average annual energy output is estimated to be 2.1 million kWh.

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

1/ Mutual Energy Company, Project No. 8046, filed on February 3, 1984.

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

DC-A-23

- 2 -

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

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

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

It is ordered that:

(A) Sagebrush Hydroelectric Project No. 8046 as described and designated in Mutual Energy Company's application filed on February 3, 1984, is exempted from all of the requirements of Part I of the Federal Power Act, including licensing, subject to the standard articles in §4.94 of the Commission's regulations attached hereto as Form 8-1, 18 C.F.R. §4.94 (1981), and the following Special Article.

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

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

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

MICROFILMED

§ 4.94 Standard terms and conditions of exemption.

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

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

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

POWER CALCULATIONS FOR APPLICATION NO. 37-81169

P = 429.2 Kilowatts .74 X 580 hp

proposed

Q = cfs 232

H = feet 24'

e = efficiency

- see letter under app. of 3-23-84
- ☒ 1.) Affidavit of Residency
 - ☒ 2.) Ownership of Facilities
 - ☒ 3.) *Financial Ability
 - ☒ 4.) Feasibility of Project

or. Plans, drawings

*. Economic analysis

~~has applied for exemption~~ exemp.

*Compliance w/FERC

only for projects of more than 25 cfs or more than 500 horsepower.

$$e = \frac{P(11.8)}{QH} = \frac{429.2(11.8)}{232 \times 24} = \frac{5064.56}{5568} = 0.91 \checkmark$$

Based on the above calculations the proposed project must have an 91 % efficiency.

OVERLAP REVIEW

per terminal 1/15/85

(P/D sec) 37-2036 - irrig., domestic
37-7884 - irrig. stock
37-4170 - stock
37-8166 - power - Big Wood Canal Co.

(P/U sec) 37-7591 irrig.
37-0059A " "
37-0613 " "
37-7884 " "

no other power rights in this plu

BYPASSED AREA

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State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

BIG WOOD CANAL CO.

INITIAL REVIEW BY: ADM APPLICATION NUMBER: 37-8169

CHECK:

- ☒ Source. Changed to Little Wood River Field check by: _____
☒ Point of diversion. Changed to be consistent with 37-8169 Date: _____
☒ County. _____ Comments: _____
☒ Quantity of water and period of use. Reduced to agree with fee submitted
☒ Description of diverting works. _____
☒ Time required for beneficial use of water. _____
☒ Place of use or acres irrigated. _____
☒ Map. _____
☒ Signature. _____
☒ Fee. _____
☐ Yes ☐ No Field check required.
☐ Yes ☐ No Critical groundwater area.
☐ Yes ☐ No Request dam safety information. Sent by: _____ Date: _____
☒ Yes ☐ No* In form to receipt.

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT:

Submitted with applic. Applic for Fee Exempt.
Cost Est.
Financial Statement in form of
letter

SEND COPIES TO:

- ☐ Idaho State Health Department. Copies sent by: _____ Date: _____
☐ Idaho Fish and Game Department. _____
☐ Idaho Department of Lands. _____
☐ U.S. Bureau of Land Management. _____
☐ U.S. Forest Service. _____
☒ Other W.M. for Dist. 37-M marja 4/9/84

PROCESSING:

- ☐ Yes ☒ No Platted by: _____ Map No. _____
☐ Yes ☒ No Other rights on same place of use. _____
☒ Yes ☐ No* In form for advertising. _____
Final date for protests: 5/4/84
☐ Yes ☒ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: _____
☒ 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-M
4/2/84 Date of priority recommended.
Special conditions of approval or cover letter. OIA or OIE, 05, 08A, 17E
26A, 25

minimum stream flow on Little Wood-
37-7739.

By: ADM

Date: 5/24/84

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STATE OFFICE REVIEW:

27 OIE 05 (37-M, Little Wood River)
30 04 08A 09E 17E 17K 25

- ☐ See attached sheet for more information.

By: CW

Date: 1/15/85

app only requested by for b/a submitted
held for FERC exemption to 5-30-84

POINT OF DIVERSION AND STREAM INDEX INFORMATION

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

IDAHO STREAM CODE INDEX

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

IDAHO STREAM CODE INDEX

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

IDAHO STREAM CODE INDEX

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

IDAHO STREAM CODE INDEX

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

IDAHO STREAM CODE INDEX

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FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426
OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE: \$300

State of Idaho P-8046
Dept. of Water Resources
State House
Boise, Idaho 83720

POSTAGE AND FEES PAID
FEDERAL ENERGY
REGULATORY COMMISSION
FERC-351



Attachment
E-1 Form

§ 4.94 Standard terms and conditions of exemption.

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

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

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

27 FERC 162, 369

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Mutual Energy Company) Project No. 8046-000

ORDER GRANTING EXEMPTION FROM LICENSING FOR
A CONDUIT HYDROELECTRIC PROJECT

(Issued June 28, 1984)

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

The proposed project would divert water from the South Gooding Main Canal and would consist of: (1) a 4-foot-high, 50-foot-long overflow weir at elevation 3,695 feet; (2) three penstocks each 400 feet long; (3) a powerhouse containing three generating units with a total installed capacity of 350 kW; (4) a 100-foot-long tailrace which would return water to the South Gooding Main Canal; and (5) a 1100-foot-long, 34.5-kV transmission line. The average annual energy output is estimated to be 2.1 million kWh.

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

1/ Mutual Energy Company, Project No. 8046, filed on February 3, 1984.

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

DC-A-23

- 2 -

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

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

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

It is ordered that:

(A) Sagebrush Hydroelectric Project No. 8046 as described and designated in Mutual Energy Company's application filed on February 3, 1984, is exempted from all of the requirements of Part I of the Federal Power Act, including licensing, subject to the standard articles in \$4.94 of the Commission's regulations attached hereto as Form E-1, 18 C.F.R. \$4.94 (1981), and the following Special Article.

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

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

Robert E. Cackowski

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

MICROFILMED

N.R. 9-25-84 37-8169

June 1, 1984

RE: Application for Permit No. 37-8169

Big Wood Canal Co.
P.O. Box C
Shoshone, ID 83352

Gentlemen:

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

For power projects that are under the jurisdiction of the Federal Energy Regulatory Commission (FERC), we withhold final action on the application pending FERC approval of (1) a preliminary permit, or (2) an exemption.

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

Sincerely,

by DRT

for L. GLEN SAXTON
Chief, Operations Bureau

LGS:sc

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P-8046-000

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Notice of Application Filed with the Commission

(April 17, 1984)

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

- WRL 7-25-84 37-8169 8046-000
- a. Type of Application: Exemption (Small Conduit Facility)
 - b. Project No: 8046-000
 - c. Date Filed: February 3, 1984
 - d. Applicant: Mutual Energy Company
 - e. Name of Project: Sagebrush Hydroelectric Power Plant
 - f. Location: On South Gooding Main Canal, partially located within U.S. lands administered by Bureau of Land Management, near Gooding Township, in Lincoln County, Idaho
 - g. Filed Pursuant to: Energy Security Act 1980 (16 USC §2705 and 2708 as amended)
 - h. Contact Person: Mr. Bart M. O'Keefe, President, Mutual Energy Company, 3451 Longview Drive, Suite 130, North Highlands, California 95660
 - i. Comment Date: MAY 26 1984
 - j. Description of Project: The proposed project would divert water from the South Gooding Main Canal and would consist of:
(1) a 4-foot-high, 50-foot-long diversion structure at elevation 3,695 feet; (2) three penstocks each 400-foot-long; (3) a powerhouse containing three generating units with a total installed capacity of 350 kW; (4) a 100-foot-long tailrace which would return water to the South Gooding Main Canal; and (5) a 1100-foot-long, 34.5-kV transmission line. The average annual energy output is estimated to be 2.1 million kWh.

Purpose of Exemption - An exemption, if issued, gives an Exemptor priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptor from permit or license applicants that would seek to take or develop the project.
 - k. Purpose of Project: The project power would be sold to Idaho Power Company.
 - l. This notice also consists of the following standard paragraphs: A3, A9, B, C, D3b.

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A3. License or Conduit Exemption -- Any qualified license, conduit exemption, or small hydroelectric exemption applicant desiring to file a competing application must submit to the Commission, on or before the specified comment date for the particular application, either a competing license, conduit exemption, or small hydroelectric exemption application, or a notice of intent to file such an application. Submission of a timely notice of intent allows an interested person to file the competing license, conduit exemption, or small hydroelectric exemption application no later than 120 days after the specified comment date for the particular application. Applications for preliminary permit will not be accepted in response to this notice.

This provision is subject to the following exception: if an application described in this notice was filed by the preliminary permittee during the term of the permit, a small hydroelectric exemption application may be filed by the permittee only (license and conduit exemption applications are not affected by this restriction).

A9. Notice of intent -- A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, include an unequivocal statement of intent to submit, if such an application may be filed, either (1) a preliminary permit application or (2) a license, small hydroelectric exemption, or conduit exemption application, and be served on the applicant(s) named in this public notice.

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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.

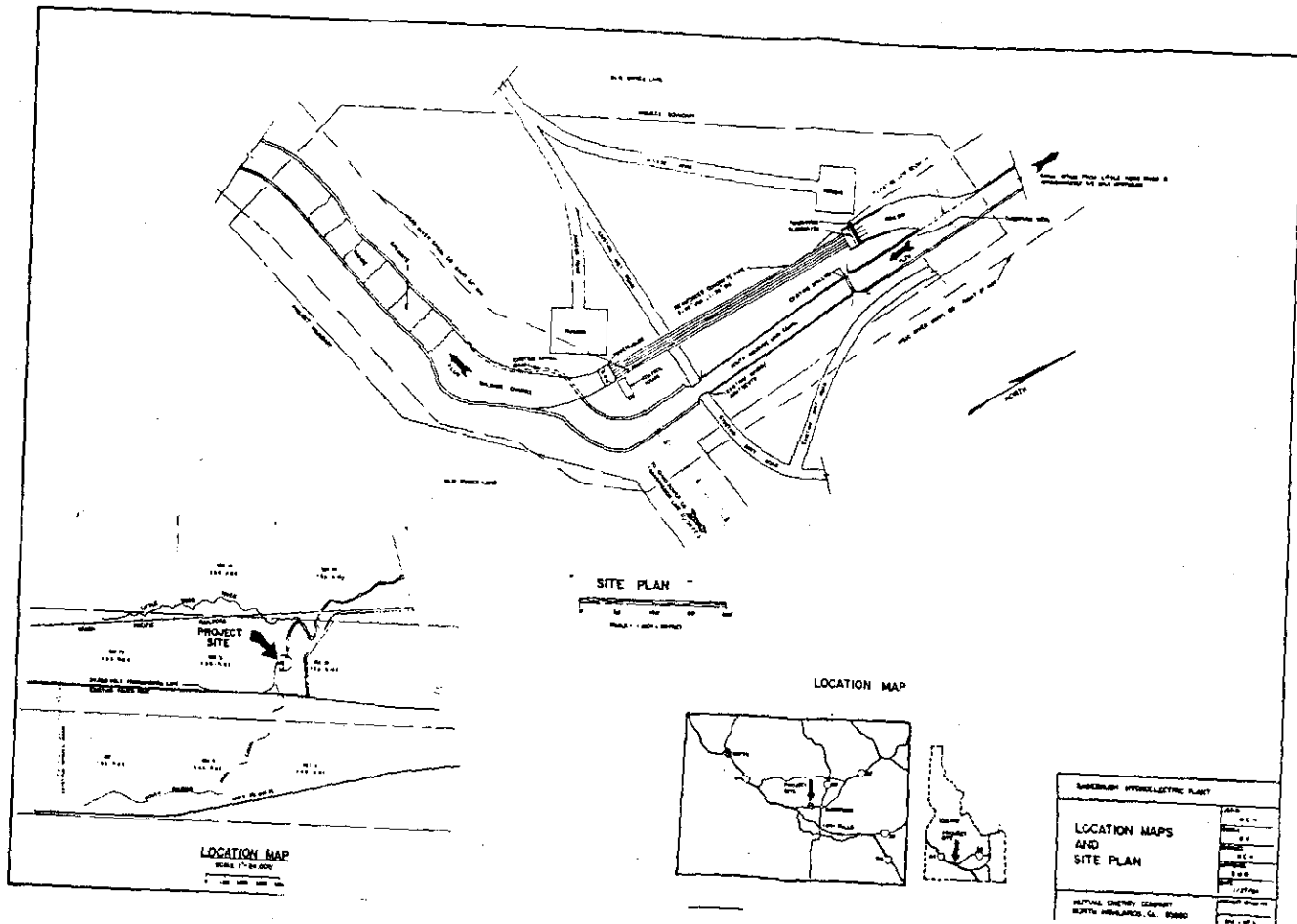
C. Filing and Service of Responsive Documents - Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST" or "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which 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: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Deputy Director, Project Management, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

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D3b.

Agency Comments - The U.S. Fish and Wildlife Service, the National Marine Fisheries Service, and the State Fish and Game agency(ies) are requested, for the purposes set forth in Section 30 of the Federal Power Act, to file within 45 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 15 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Kenneth F. Plumb
Secretary



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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region

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

APRIL 11, 1984

Gooding County Leader
P.O. Box 56
Gooding, Idaho 83330

Gentlemen:

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

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

Please send the affidavit of publication and publication billing to this office before MAY 4, 1984.

Yours truly,

Mary A. Newby
Secretary

Encl.

MICROFILMED

NOTICE OF APPLICATION FOR WATER RIGHT

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

37-8169.

BIG WOOD CANAL CO.

P.O. BOX C, SHOSHONE, ID 83352

Source: LITTLE WOOD RIVER trib. to MALAD RIVER

Date Filed: 04/02/1984

Diversion Pt: NENE Sec 32 T 05S R 16E SWNW Sec 32 T 05S R 16E (REDIVERSION)

Use: POWER (232.00 CFS)

In: SWNW Sec 32 T 05S R 16E

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 MAY 4, 1984.

A. KENNETH DUNN

Director

Published 4/17 & 4/24/84.

MICROFILMED

APR 27 1984

MICROFILMED

**NOTICE OF APPLICATION
FOR WATER RIGHT**

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

37-8169

BIG WOOD CANAL CO.
P.O. BOX C, SHOSHONE, ID
83352

Source: LITTLE WOOD
RIVER trib. to MALAD RIVER

Date Filed: 04/02/1984

Diversion Pt: NENE Sec 32
T 05S R 16E SWNW Sec 32 T
05S R 16E (REDIVERS-
ION)

Use: POWER (232.00 CFS)
In: SWNW Sec 32 T 05S R 16E

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 MAY 4, 1984.

A. KENNETH DUNN

Director

PUB: 4-17, 24

ok
maye
4/9/84



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

April 9, 1984

Reid J. Newby
Watermaster District 37- -37-M
Box T
Shoshone, Idaho 83352

Re: Application for Permit No. 37-8169

Dear Mr. Newby:

Enclosed is a copy of the above referenced application for permit
for your information and files.

Very truly yours,

Mary A. Newby
Sec/Office Coord.

Encl:

MICROFILMED

Mutual Energy Co., Inc.

HYDROELECTRIC ENGINEERS & DEVELOPERS

3451 LONGVIEW DRIVE, SUITE 130
NORTH HIGHLANDS / SACRAMENTO, CALIFORNIA 95660
(916) 971-3717

March 23, 1984

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

Subject: Sagebrush Powerplant

Gentlemen:

Enclosed is a completed application for a water right permit for the Sagebrush Powerplant.

As is set forth in the attached Application for Exemption from Licensing, Mutual Energy Co., Inc. has leased the powerplant site from the Big Wood Canal Co. The lease will expire on December 31, 2013. At that time the powerplant will revert to the Big Wood Canal Co. It has been agreed upon that the water right will be obtained in the name of the Big Wood Canal Co. and remain under their name when the lease expires.

Both the Big Wood Canal Co. and Mutual Energy Co. are registered corporations, authorized to do business in the State of Idaho.

Enclosed are:

- (1) The completed application for water right permit
- (2) Check for filing fee of \$1885
- (3) Application for exemption of small conduit hydroelectric facility from licensing
- (4) Itemized estimate of the cost of constructing the facility
- (5) Financial statement showing how funds are to be provided for the construction of the facility.

If there are any questions, please contact myself at Mutual Energy Co., (916) 971-3717, or contact the Big Wood Canal Co. at (208) 886-2331.

Sincerely,

Bart M. O'Keeffe
Bart M. O'Keeffe

RECEIVED

APR 2 1984

Department of Water Resources
Southern District Office

MICROFILMED

Mutual Energy Co., Inc.

HYDROELECTRIC ENGINEERS & DEVELOPERS

3451 LONGVIEW DRIVE, SUITE 130
NORTH HIGHLANDS / SACRAMENTO, CALIFORNIA 95660
(916) 971-3717

March 23, 1984

State of Idaho
Department of Water Resources
1401 Blue Lake Blvd. North
Twin Falls, Idaho 83301

Attn: Mr. Loren O. Holmes

RE: Financial Statement
Application for Permit
Big Wood Canal Co. (Sagebrush Powerplant)

Dear Mr. Holmes:

In support of the above Application for Permit, I am enclosing a cost estimate for the construction of the Sagebrush Powerplant.

Also, this letter is being submitted as the financial statement for the project.

Mutual Energy Company is the developer of the project, having leased the site for thirty years from the Big Wood Canal Co. This lease is part of the application to the FERC for exemption from licensing, a copy of which is being submitted with the application for the water right permit.

The project is being funded by Mr. Carl E. Berg under an agreement with Mutual Energy Company. Mr. Berg is funding the Sagebrush Project on a cash basis, paying the bills as they become due. He is considered a very well to do individual, having extensive real estate holdings in California and Oregon, plus partial ownership of an electronics company and a professional sports team. Mr. Berg currently has interests in five hydroelectric projects, one operating in California, two under construction in California, plus the Jim Knight Project and the Sagebrush Project in Idaho.

Detailed information on Mr. Berg's financial capability may be obtained by contacting his agent, Dr. Raymond E. Staepelaere, at the following address:

914 Elsinore Drive
Palo Alto, CA 94303

If you need additional information, please contact Dr. Staepelaere or myself.

Sincerely,

Bart M. O'Keeffe
Bart M. O'Keeffe

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*Mr. Berg's financial ability
has been established for
other projects. ✓ DRT 1/17/85*

March 26, 1984

COST ESTIMATE

SAGEBRUSH POWERPLANT

1. Forebay/intake structure excavation - 1250 cy @ \$10.00		\$ 12,500
2. Tailrace/powerplant excavation - 4300 cy @ \$12.00		51,600
3. Pipeling installation		
(a) Excavation - 1555 cy @ \$10.00	\$15,500	
(b) 48" dia conc. pipe - 730 ln. ft. @\$70.15	51,210	
(c) 36" dia conc. pipe - 365 ln. ft. @\$41.96	15,320	
(d) Backfill - 1100 cy @\$5.00	5,500	
	<u>\$87,530</u>	87,530
4. Structural concrete		
(a) Intake structure - 48 cy @\$200	\$9,600	
(b) Powerplant structure - 37 cy @\$200	7,400	
(c) Control room - 9 cy @\$200	1,800	
(d) Misc. - 5 cy @\$200	1,000	
	<u>\$19,800</u>	19,800
5. Mass concrete		
(a) Intake structure - 17 cy @\$70	\$1,190	
(b) Powerplant structure - 208 cy @\$70	14,560	
	<u>\$15,750</u>	15,750
6. Structural steel		
(a) Trashracks		
(b) Draft tubes/elbows		
(c) Handrails		
(d) Weir stachions		
(e) Slidegates		27,000
7. Installation of structural steel		3,000
8. Control mechanism for slidegates		12,000
9. Turbine/generators		
(a) Flyte EL 7555,40-57-1	\$37,000	
(b) Flyte EL 7570,51-56-1	58,000	
(c) Flyte EL 7570,51-56-1	58,000	
	<u>\$153,000</u>	153,000

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Cost Estimate - Sagebrush Powerplant
March 26, 1984
Page 2

10. Turbine/generator control and monitoring system		
(a) Generator control panels		
(b) Turbine/generator monitoring		
(c) Emergency battery system with inverter		
(d) Chatterbox alarm		
(e) Printer		\$ 45,500
11. Water level sensor		3,000
12. Installation and commissioning of turbine/generator electrical and electronics		15,000
13. Idaho Power Co. interconnection		11,000
14. Control house with domestic electrical system		4,000
15. Electrical transformer 480/34,500, 1000 amps		12,000
16. Powerline with poles		
(a) 1100 ft of wire @\$3.00	\$3,300	
(b) 5 poles @\$400	2,000	
(c) 4 down guys @\$300	1,200	
	<u>\$6,500</u>	6,500
17. Manhole covers/walkway		3,000
18. Fencing		1,000
19. Sales tax		12,000
	Direct Construction Cost	<u>\$495,180</u>
20. Leasing fee		1,000
21. Rehabilitation bond		16,000
22. Water Rights fee		1,885
23. Contingency (5%)		25,700
24. Engineering/const. mgmt./admin. (10%)		54,000
		<u>\$593,765</u> =====

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