



Proof of Publication
The Post-Register

RECEIVED

NOV 27 1985

Department of Water Resources
Southern District Office

State of Idaho, }
County of Bonneville } ss.

I, J. Robb Brady, first being duly sworn, depose and say: That I am the
Principal Clerk of The Post Company, a corporation of Idaho Falls, Bonneville
County, Idaho, publishers of The Post-Register, a newspaper of general circulation, published daily,
except Saturday, at Idaho Falls, Idaho; said Post-Register being a consolidation of the Idaho Falls
Times, established in the year 1890, The Idaho Register, established in the year 1880 and the Idaho
Falls Post, established in 1903, such consolidation being made on the 1st day of November, 1931,
and each of said newspapers having been published continuously and uninterruptedly, prior to consoli-
dation, for more than seventy-eighty (78) weeks and said Post-Register having been published contin-
uously and uninterruptedly from the date of such consolidation, up to and including the last publica-
tion of notice hereinafter referred to.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was pub-
lished in said Post-Register for two consecutive weeks, first publication having been made
on the 31st day of October, 1985, last publication
having been made on the 7th day of November, 1985, and that the
said notice was published in the regular and entire issue of said paper on the respective dates of
publication, and that such notice was published in the newspaper and not in a supplement.

Subscribed and sworn to before me, this 25th day of November, 1985.

Deon R. Haplin
Notary Public

My commission expires September 30, 1988.

B10, 1M,

**NOTICE OF APPLICATION
FOR WATER RIGHT**

The following application(s) is (are) being
advertised to allow all parties affected by the
addition of the public interest criteria Sec.
42-203C, Idaho Code the opportunity to pro-
test:

37-7943
ARKOOSH, BILL &/or KAREN
RT. 2 BOX 50, GOODING, ID 83330
Source: LITTLE WOOD RIVER tributary to
MALAD RIVER
Date Filed: 09/23/1981
Amount: 600.00 CFS
Diversion Point: NWNE Sec 28T 05S R 16E
SENE Sec 27 T 05S R 16E, LINCOLN Co.
Use: POWER (600.00 CFS) from 01/01 to
12/31
Place of Use: SENW Sec 28 T 05S R 16E
Diversion Means: CHECK DAM & DITCH
TO PENSTOCK & GENERATOR
Protests must be filed with the Director,
Department of Water Resources, Southern
Region, 1041 Blue Lakes Blvd. North, Twin
Falls, Idaho 83301 on or before November 18,
1985.

A KENNETH DUNN
Director
Published: October 31, November 7, 1985

MICROFILMED

**NOTICE OF
APPLICATION FOR
WATER RIGHT**

The following applica-
tion(s) is (are) being
advertised to allow all
parties affected by the
addition of the public in-
terest criteria Sec. 42-
203C, Idaho code the
opportunity to protest:
37-7943

ARKOOSH, BILL &/or
KAREN
Rt. 2, Box 50, Gooding,
ID 83330

Source: Little Wood
River tributary to
MALAD RIVER

Date Filed: 09/23/1981

Amount: 600.00 CFS

Diversion Point: NWNE

Sec 28 T 05S R 16E SENE

Sec 27 T 05S R 16E, LIN-

COLN Co.

Use: Power (600.00

CFS) from 01/01 to 12/31

Place of Use: SENW Sec

28 T 05S R 16E

Diversion Means: Check

Dam & Ditch to Penstock

& Generator

Protests must be filed

with the Director,

Department of Water

Resources, Southern

Region, 1041 Blue Lakes

Bldv. North, Twin Falls,

Idaho 83301 on or before

November 18, 1985.

A. KENNETH DUNN

Director

PUBLISH: Thursday, Oc-

tober 31, and November

7, 1985.

MICROFILMED

Affidavit of Publication

STATE OF IDAHO,

COUNTY OF TWIN FALLS

ss.

No 15655

I, Linda Capps McSwine

being first duly sworn up

oath, depose and say that I am Print Clerk of the **TIMES-NEWS**,
published daily, at Twin Falls, Idaho, and do solemnly swear that a copy of
the notice of advertisement, as per clipping attached, was published in the regular and

entire issue of said newspaper, and not in any supplement thereof, for Two
consecutive Weeks, commencing with the issue dated

October 31, 1985, and ending with the issue dated
November 7, 1985.

And I do further certify that said newspaper is a consolidation, effective February 16,
1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the Twin
Falls News, published theretofore daily except Monday, both of which newspapers prior to
consolidation had been published under said names in said city and county continuously and
uninterruptedly during a period of more than twelve consecutive months, and said TIMES-
NEWS, since such consolidation, has been published as a daily newspaper except Saturday,
until July 31, 1978, at which time said newspaper began daily publication under said name
in said city and county continuously and uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week
has been designated as the day on which legal notice by law or by order of any court of com-
petent jurisdiction within the state of Idaho, to be published weekly, will be published; and
that the head of the editorial column of said combined newspapers, and in each issue there-
of Thursday is announced as the day on which said legal notices will be published.

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NOV 19 1985

Subscribed and sworn to before me on this

Linda Capps McSwine

November 15, 1985 day of

Department of Water Resources
Southern District Office

Deanna Kruse
Notary Public in and for the County of Twin Falls,
State of Idaho, residing at Twin Falls, Idaho

TRIBUNE PUBLISHING COMPANY, INC.

The Lewiston Morning Tribune

505 C St., P.O. Box 957

Lewiston, Idaho 83501

(208) 743-9411

**LEGAL ADVERTISING
INVOICE**

Date 110785 INVOICE No. L00060641
Account No. 42662
Description 60641NOTIC
Times 2 Lines 33
Tab Lines _____

SOLD TO:

STATE OF IDAHO
DEPT. OF WATER RESOURCES
1041 BLUE LAKES BLVD. NO.
TWIN FALLS
ID 83301

\$ 28.88

NOTICE: This is an invoice of Purchase made by you. Statement will be rendered the first of the month.
Please Retain This Invoice as Your Statement Will Refer To Invoice by No. Only.

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, ss.
County of Nez Perce

S. L. Stone

being duly sworn,
deposes and says, I am the Legal Clerk
of the Tribune Publishing Company, a corporation organized and existing
under and by virtue of the laws of the State of Idaho, publishers of the
LEWISTON MORNING TRIBUNE, a newspaper of general circulation
published at Lewiston, Nez Perce County, Idaho; That the said Lewiston
Morning Tribune is an established paper and has been published regular-
ly and issued regularly at least once a day for more than 21 consecutive
years next immediately preceding the first publication of this notice, and
has been so published uninterrupted for said period; that the

NOTICE OF APPLICATION FOR WATER RIGHT

attached hereto and which is made a part of this affidavit was published in
the said Lewiston Morning Tribune, 2 time(s). Publication be-
ing on 103185, or once a
week for two consecutive weeks, the first
publication thereof being on the 103185, and the last pub-
lication thereof being on the 110785, and said

NOTICE OF APPLICATION FOR WATER RIGHT

was so published in the regular and entire issue of said newspaper and
not in a supplement thereof and was so published in every issue and
number of the said paper, during the period and times of publication as
set forth above.

S. L. Stone
SUBSCRIBED AND SWORN BEFORE ME THIS THE 12th
day of November 1985

Shirley M. Lentz
Notary Public in and for the State of Idaho,
residing at Lewiston, therein.

**NOTICE OF APPLICATION
FOR WATER RIGHT**

The following application(s) is
(are) being advertised to allow all
parties affected by the addition of
the public interest criteria Sec. 42-
203C, Idaho Code, the opportunity to
protest:

32-7943

ARKOOSH, BILL &/or KAREN

RT. 2 BOX 50, BOODING, ID 83330

Source: LITTLE WOOD RIVER

tributary to MALAD RIVER

Date Filed: 09/23/1981

Amount: 600.00C FS

Diversion Point: NWNE Sec 28 T

05S R 16E SENE Sec 27 T 05S R 16E,

LINCOLN Co.

use: POWER (600.00 CFS) from

01/01 to 12/31

Place of Use: SENW Sec 28 T 05S

R 16E

Diversion Means: CHECK DAM &

DITCH TO PENSTOCK & GENERA-

TOR

Protests must be filed with the Di-
rector, Department of Water Re-
sources, Southern Region, 1041 Blue
Lakes Blvd. North, Twin Falls, Ida-
ho 83301 on or before November 18,
1985.

A. KENNETH DUNN
Director

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NOV 18 1985

Department of Water Resources
Southern District Office

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**NOTICE OF APPLICATION FOR WATER
RIGHT**

The following application(s) is (are) being advertised to allow all parties affected by the addition of the public interest criteria Sec. 42-203C, Idaho Code the opportunity to protest:

37-7943

ARKOOSH, BILL &/or KAREN
RT. 2 BOX 50, GOODING, ID 83330
Source: LITTLE WOOD RIVER tributary to
MALAD RIVER

Date Filed: 09/23/1981

Amount: 600.00 CFS

Diversion Point: NWNE Sec 28 T 05S R 16E

SENE Sec 27 T 05S R 16E, LINCOLN Co.

Use: POWER (600.00 CFS) from 01/01 to 12/31

Place of Use: SENW Sec 28 T 05S R 16E

Diversion Means: CHECK DAM & DITCH TO
PENSTOCK & GENERATOR

Protests must be filed with the Director,
Department of Water Resources, Southern
Region, 1041 Blue Lakes Blvd. North, Twin
Falls, Idaho 83301 on or before November 18,
1985.

/s/ **A. KENNETH DUNN**
Director

PUB: 10-31; 11-7

Company Name ID Dept. of Water Resources, So.
Account Number 100632Cost: \$ 33.60STATE OF IDAHO)
) ss.
COUNTY OF ADA)

Laura Gay Barnes, being duly sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto; that said notice was published in The Idaho Statesman in conformity with Section 60-108, Idaho Code as amended, for Two (2) consecutive weekly insertions, beginning with the issue of

October 31, 19 85, and ending
with the issue of November 7, 19 85.

Laura Gay Barnes

Subscribed and sworn to before me this 7thday of November, 19 85.

Jeanne M. Hawk

Notary Public for Idaho, Residing at Boise, Idaho.

**NOTICE OF APPLICATION
FOR WATER RIGHT**

The following application(s) is (are) being advertised to allow all parties affected by the addition of the public interest criteria, Sec. 42-203C, Idaho Code, the opportunity to protest:

37-7943

Arkoosh, Bill
and/or Karen
Rt. 2, Box 50
Gooding, ID 83330

Source: Little Wood River
tributary to Malad River
Date Filed: 09/23/1981

Amount: 600.00 CFS

Diversion Pt: NWNE Sec. 28

T 05S R 16E

SENE Sec. 27 T 05S R 16E

Lincoln Co.

Use: Power (600.00 CFS)

from 01/01 to 12/31

Place of Use: SENW Sec. 28

T 05S R 16E

Diversion Means: Check Dam and

Ditch to Penstock and Generator

Protests must be filed with the Director, Department of Water Resources, Southern Region, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301 on or before November 18, 1985.

A. KENNETH DUNN

Director

Pub. Oct. 31, Nov. 7, 1985

9470

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NOV 8 1985

Department of Water Resources
Southern District Office**MACROFILMED**

DEFENDANT

PLAINTIFF

LEGALS

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:

37-7943

ARKOOSH, BILL &/or KAREN
RT. 2 BOX 50, GOODING, ID 83330

Source: LITTLE WOOD RIVER
tributary to MALAD RIVER

Date Filed: 09/23/1981

Amount: 600.00 CFS

Diversion Point: NWNE Sec 28 T
05S R 16E SENE Sec 27 T 05S R
16E, LINCOLN Co.

Use: POWER (600.00 CFS) from
01/01 to 12/31

Place of Use: SENW Sec 28 T 05S
R 16 E

Diversion Means: CHECK DAM &
DITCH TO PENSTOCK & GENERATOR

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 OCTOBER 26, 1981.

/s/ A. KENNETH DUNN
Director

PUB: 10-8, 15, 1981

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
SEP 4 1990
Department of Water Resources

A. GENERAL INFORMATION

1. Owner: Bill Arkoosh

Permit No. 37-7943

Phone No. (208) 934-4423

Current Address: Rt. 2, Box 50, Gooding, Idaho 83330

2. Accompanied by: Cecil A. Thomas

EXAM. DATE: May 21, 1990

Address: Box 868, Homedale, Idaho 83628

Phone No. (208) 337-3206

Relationship to Permit Holder: Certified water rights examiner.

3. Source: Little Wood River tributary to Big Wood River

B. OVERLAP REVIEW

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

☐ Copies Attached

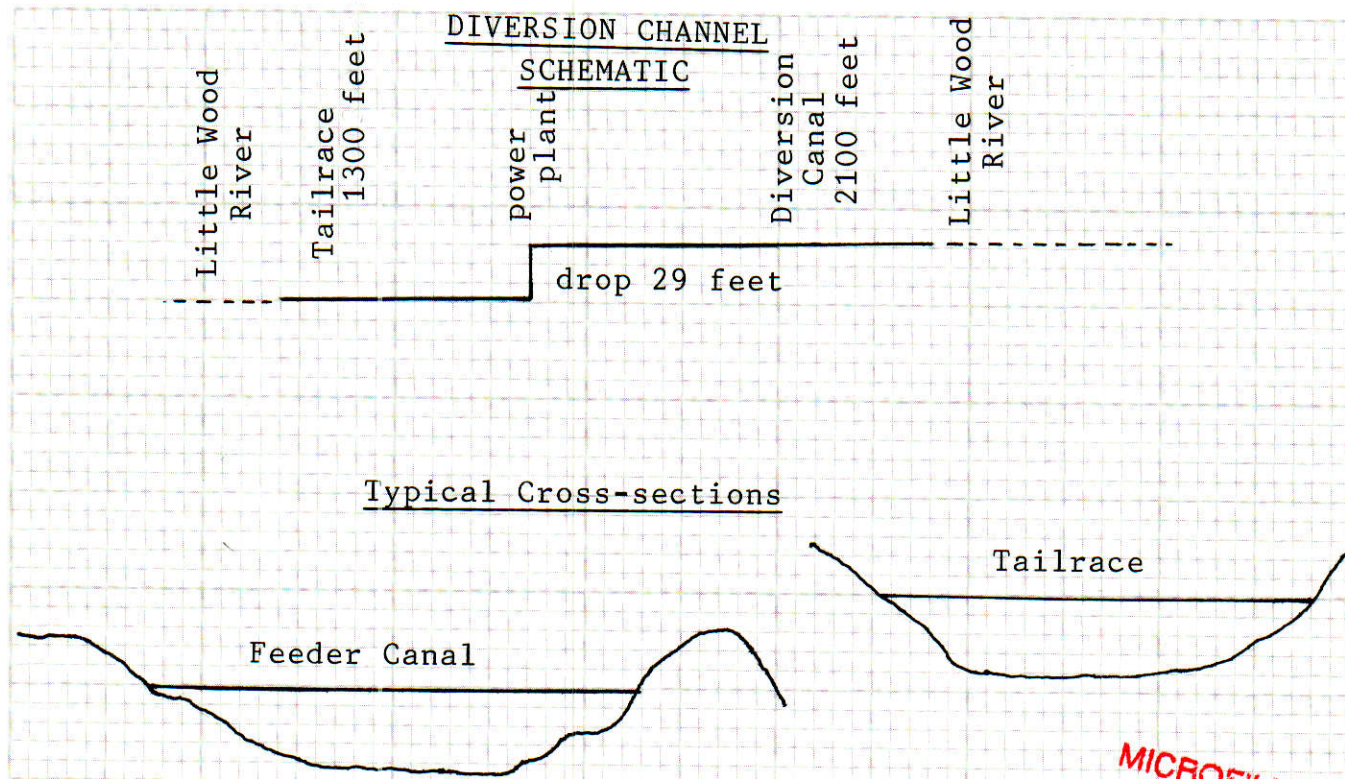
2. Other water rights with same point of diversion: none

☐ 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



Schematic:
Scale: 1" = 1000 ft. (horizontal)

Cross sections:
1" = 20 ft.

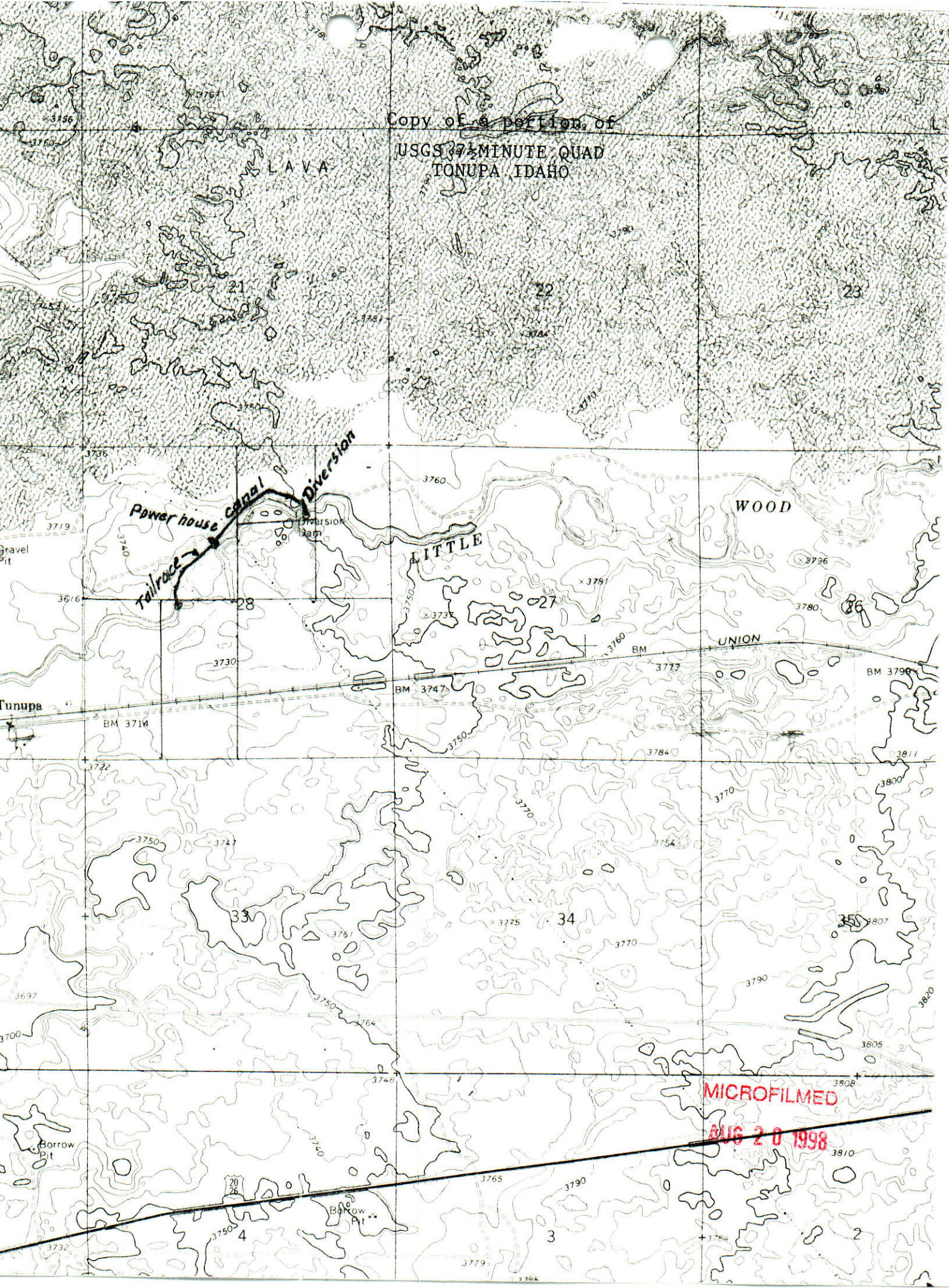
MICROFILMED
AUG 20 1998

2. ☒ Copy of U.S.G.S. Quadrangle Attached
Showing location(s) of point(s) of diversion and
place(s) of use (required).

☐ Aerial Photo Attached
(required for irrigation of 10 acres or more).

☐ Photo of Diversion and System Attached
(required for all but single household domestic groundwater, and stockwater).

Copy of a portion of
USGS 7 1/2 MINUTE QUAD
TONUPA, IDAHO



MAP OF RAIL AND/OR POWER PLANT

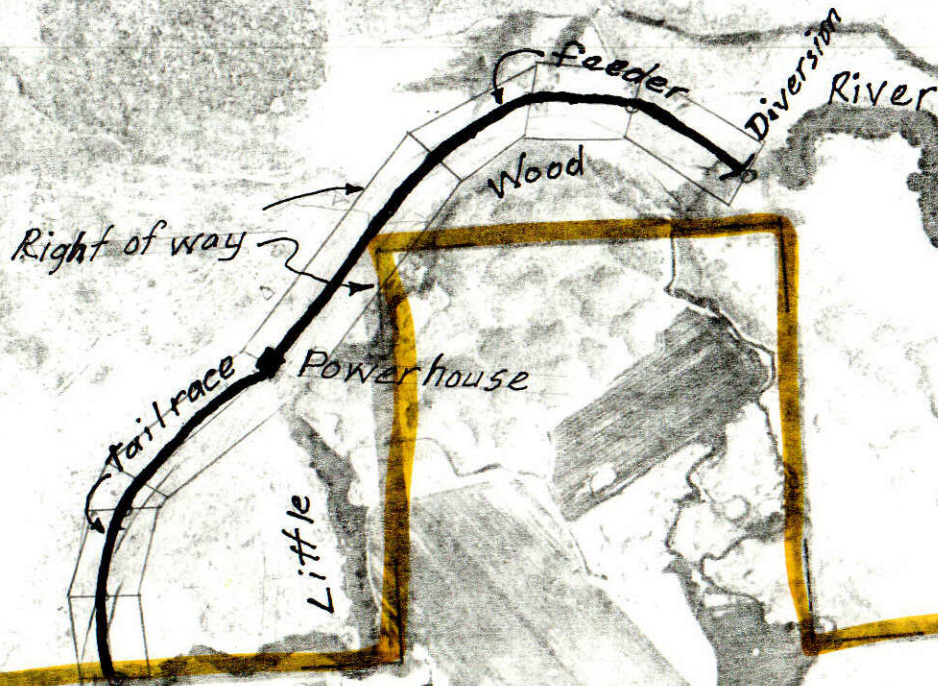
based on SCS photo

A715
(62a)

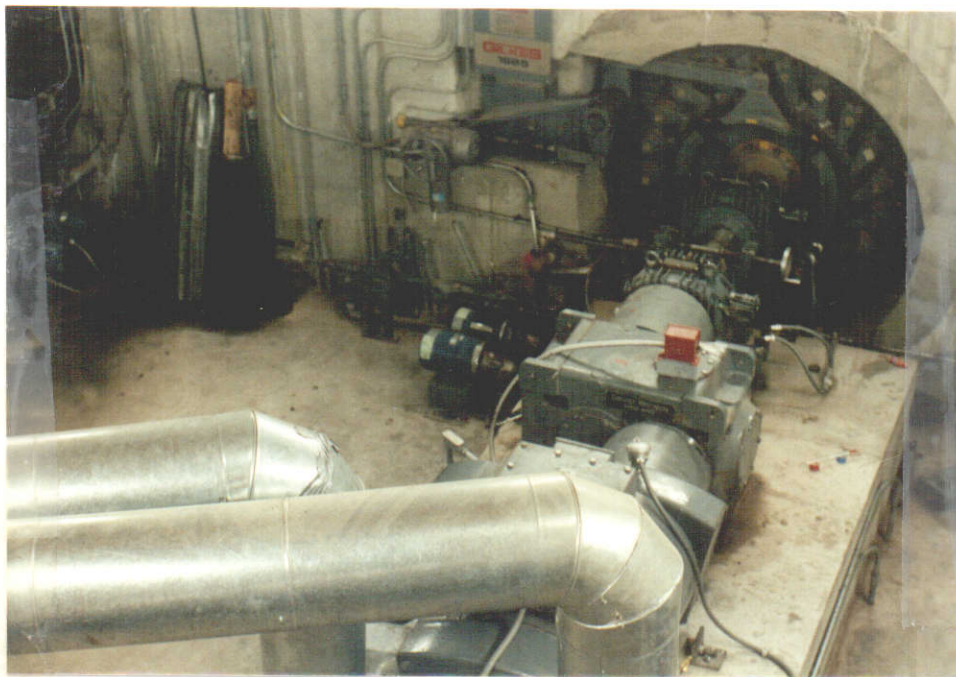
N 1/2 Sec. 28
T. 5 S. R. 16 E.

21 22
28 27

20 21
29 28

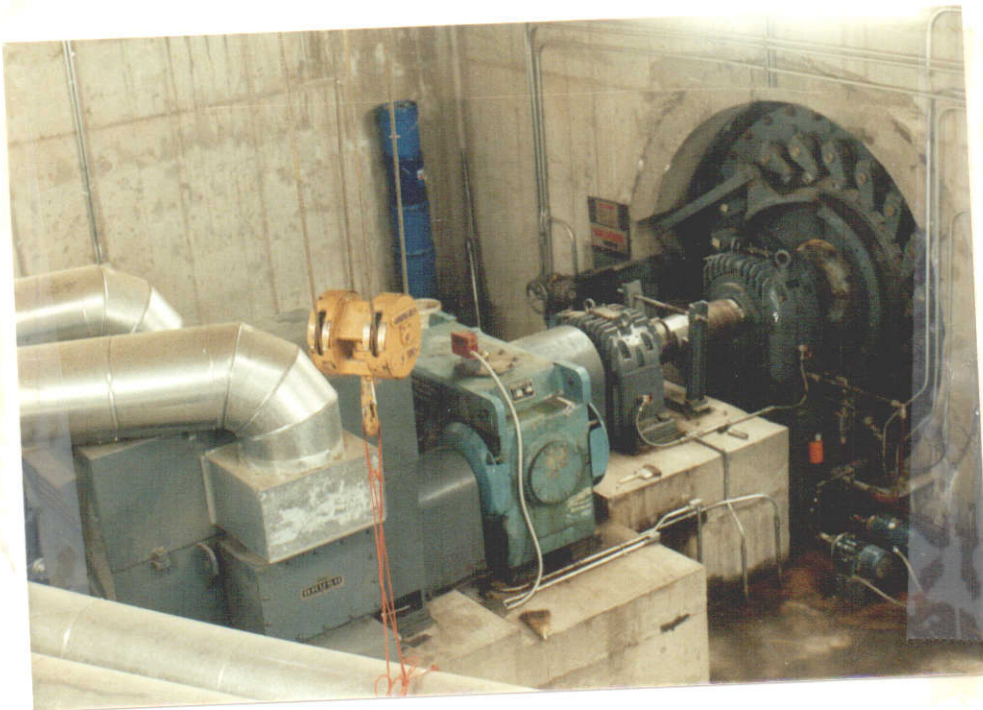


MICROFILMED
AUG 20 1998



Photos of the smaller generator
Permit No. 37-7943

MICROFILMED
AUG 20 1998



Photos of the larger generator
Permit No. 37-7943

MICROFILMED
AUG 20 1998



Looking upstream at the gates, spillways, downstream
and measuring bridge on far left



Control gates. Forebay on left. Feeder canal on right.

Permit 37-7943

APR 20 1998



Looking upstream at feeder canal retaining wall on left,
gate controls upper left, spill gates in center and
low flow control in sluiceway on right

Permit 37-7943

MICROFILMED
AUG 20 1998



Powerhouse. Tailrace is in excavated canyon on right.
Permit 37-7943



Concrete wall and spillway at head of feeder canal
Permit 37-7943

MICROFILMED

AUG 20 1998

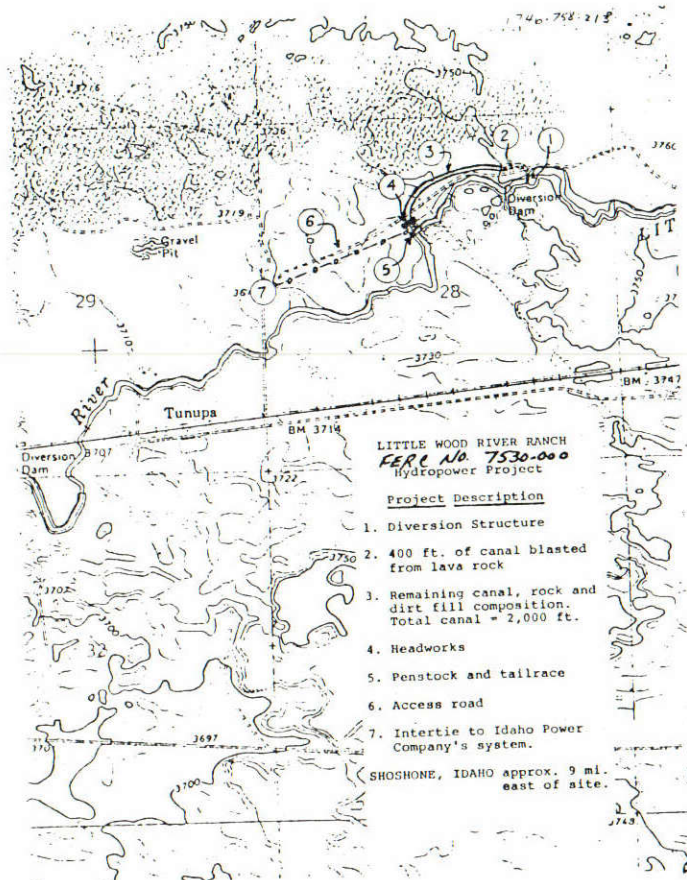
§ 4.106 Standard terms and conditions of exemption from licensing.

Any exemption from licensing granted under this subpart for a small hydroelectric power project is subject to the following standard terms and conditions:

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

(b) Article 2. The construction, operation, and maintenance of the exempt project must comply with any terms and conditions that any Federal or state fish and wildlife agencies have determined are appropriate to prevent loss of, or damage to, fish or wildlife resources or otherwise to carry out the purposes of the Fish and Wildlife Coordination Act, as specified in Exhibit E of the application for exemption from licensing or in the comments submitted in response to the notice of the exemption application.

(c) Article 3. The Commission may accept a license application by any qualified license applicant and revoke this exemption if actual construction or development of any proposed generating facilities has not begun within 18 months, or been completed within four years, from the date on which this exemption was granted. If an exemption is revoked, the Commission will not accept a subsequent application for exemption within two years of the revocation.



MICROFILMED

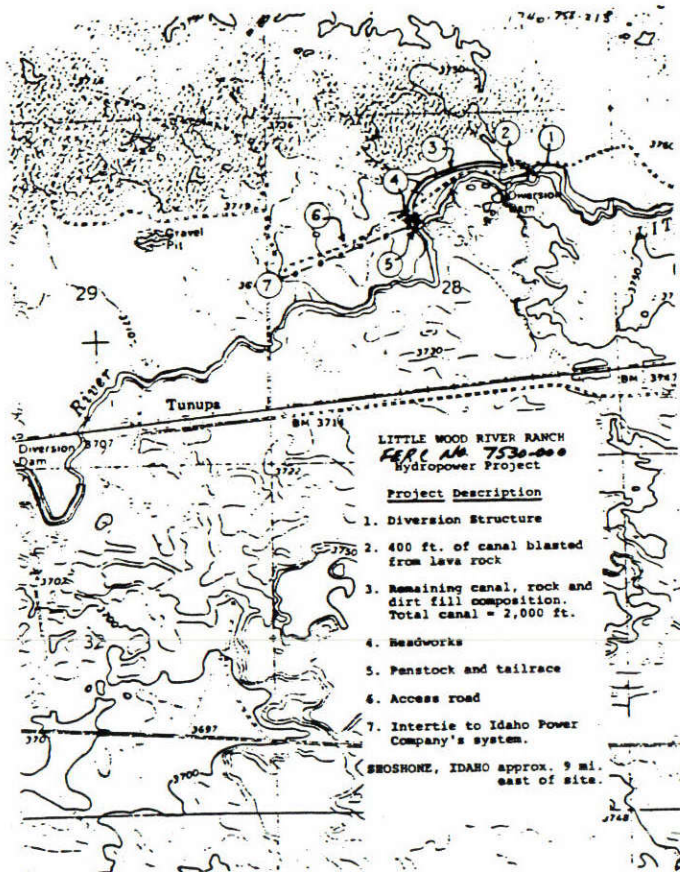
§ 4.106 Standard terms and conditions of exemption from licensing.

Any exemption from licensing granted under this subpart for a small hydroelectric power project is subject to the following standard terms and conditions:

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

(b) **Article 2.** The construction, operation, and maintenance of the exempt project must comply with any terms and conditions that any Federal or state fish and wildlife agencies have determined are appropriate to prevent loss of, or damage to, fish or wildlife resources or otherwise to carry out the purposes of the Fish and Wildlife Coordination Act, as specified in Exhibit E of the application for exemption from licensing or in the comments submitted in response to the notice of the exemption application.

(c) **Article 3.** The Commission may accept a license application by any qualified license applicant and revoke this exemption if actual construction or development of any proposed generating facilities has not begun within 18 months, or been completed within four years, from the date on which this exemption was granted. If an exemption is revoked, the Commission will not accept a subsequent application for exemption within two years of the revocation.



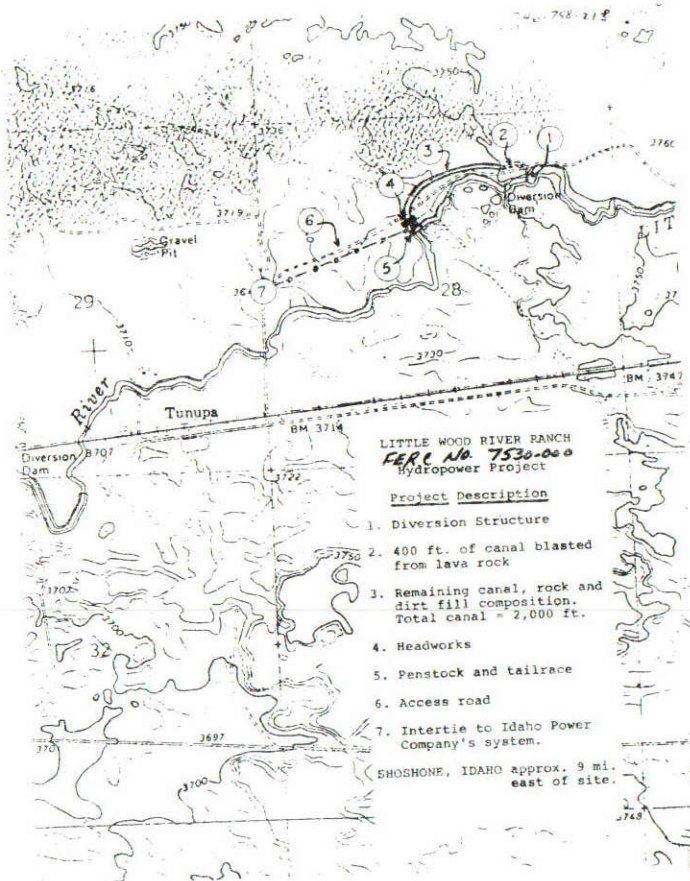
§ 4.106 Standard terms and conditions of exemption from licensing

Any exemption from licensing granted under this subpart for a small hydroelectric power project is subject to the following standard terms and conditions:

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

(b) Article 2. The construction, operation, and maintenance of the exempt project must comply with any terms and conditions that any Federal or state fish and wildlife agencies have determined are appropriate to prevent loss of, or damage to, fish or wildlife resources or otherwise to carry out the purposes of the Fish and Wildlife Coordination Act, as specified in Exhibit E of the application for exemption from licensing or in the comments submitted in response to the notice of the exemption application.

(c) Article 3. The Commission may accept a license application by any qualified license applicant and revoke this exemption if actual construction or development of any proposed generating facilities has not begun within 18 months, or been completed within four years, from the date on which this exemption was granted. If an exemption is revoked, the Commission will not accept a subsequent application for exemption within two years of the revocation.



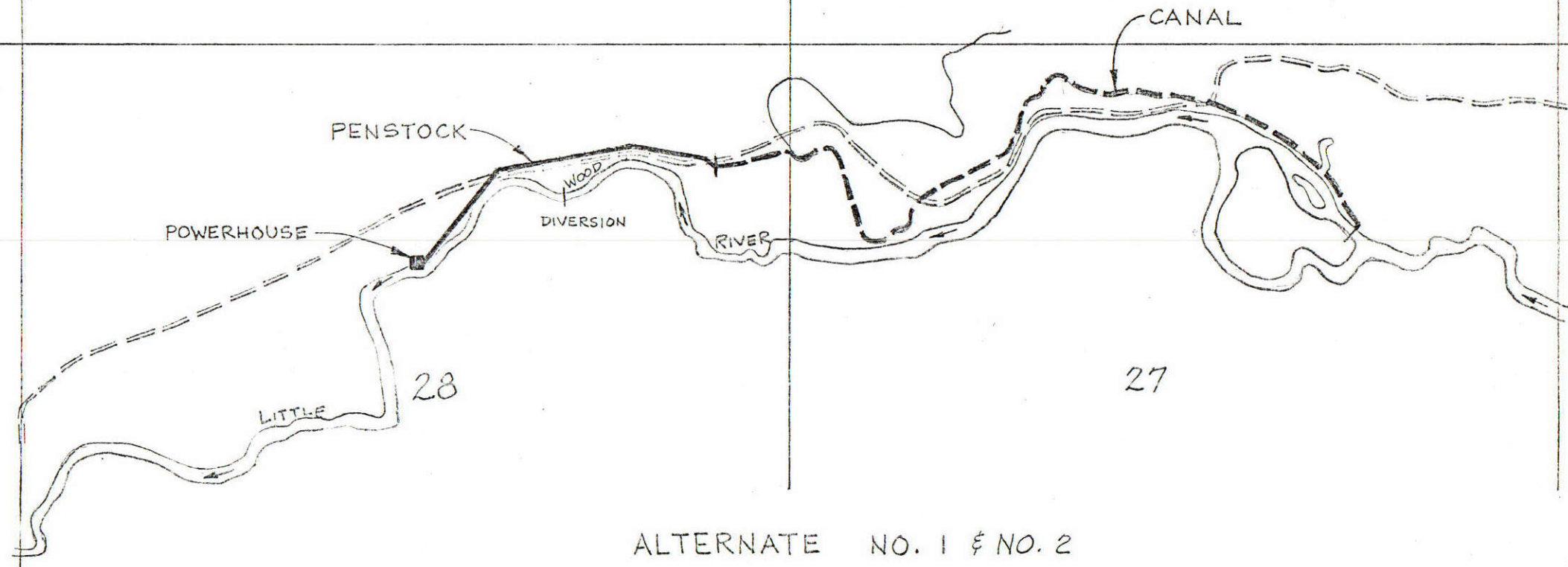
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DEC 1 1981

Department of Water Resources
Southern District Office

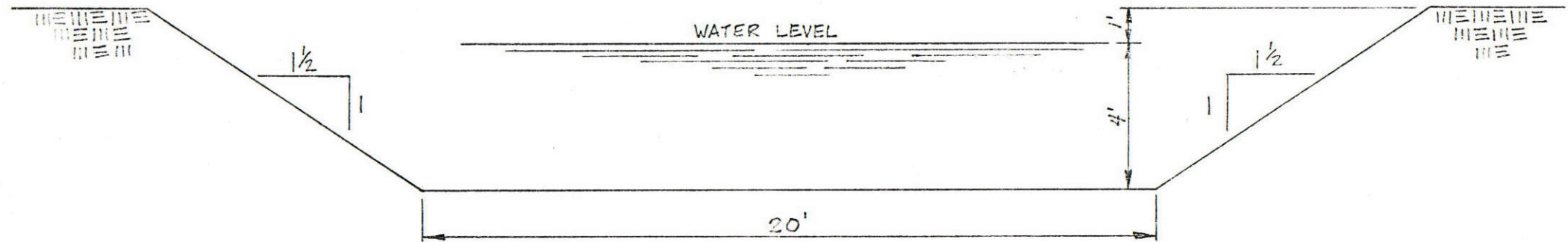
21

22



ALTERNATE NO. 1 & NO. 2

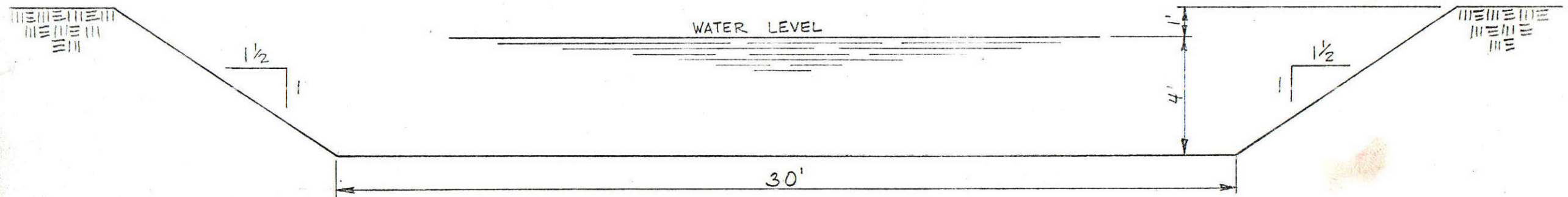
MICROFILMED



CANAL SECTION

FLOW = 275 C.F.S.

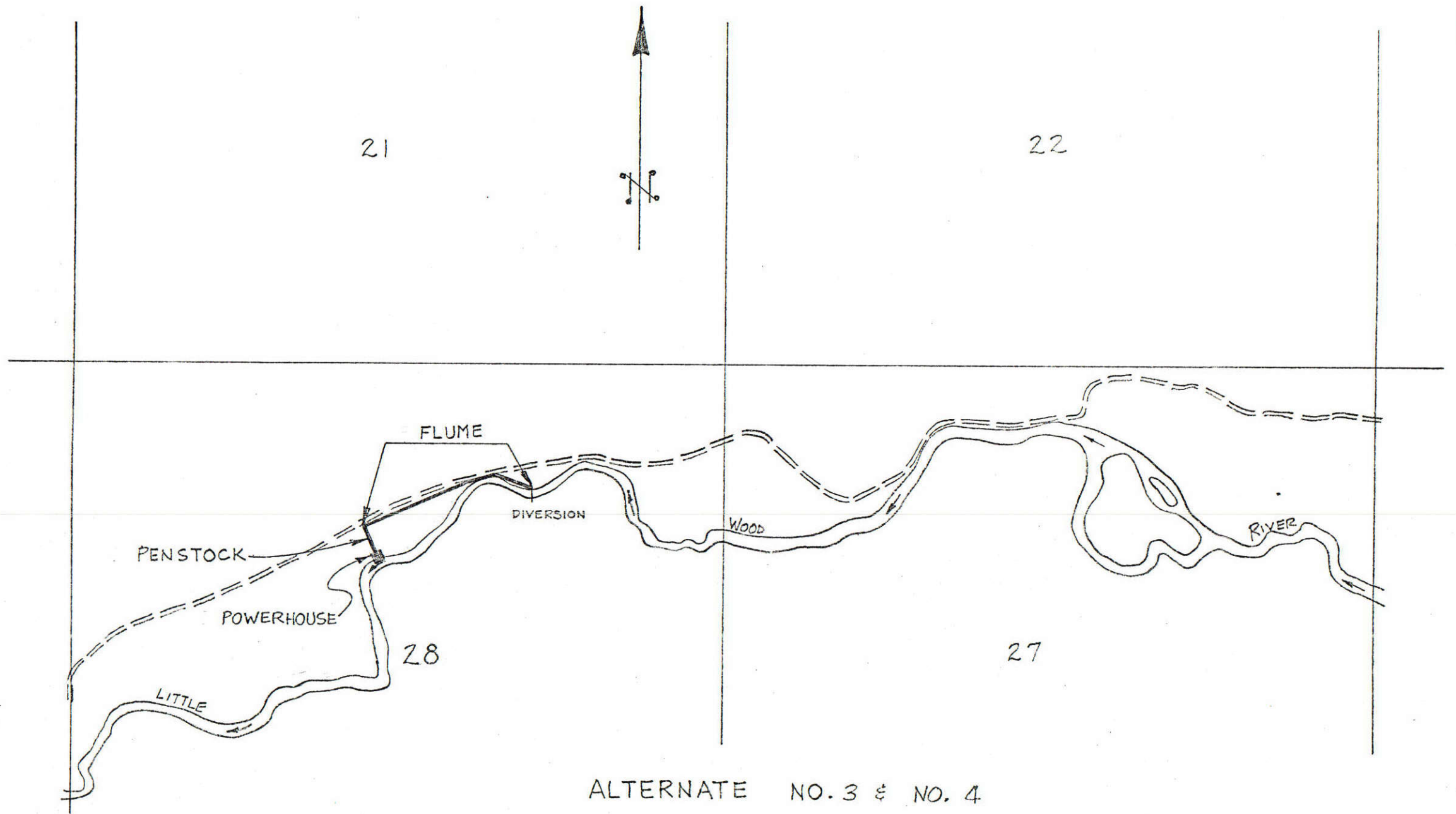
VEL. = 2.64 F.P.S.



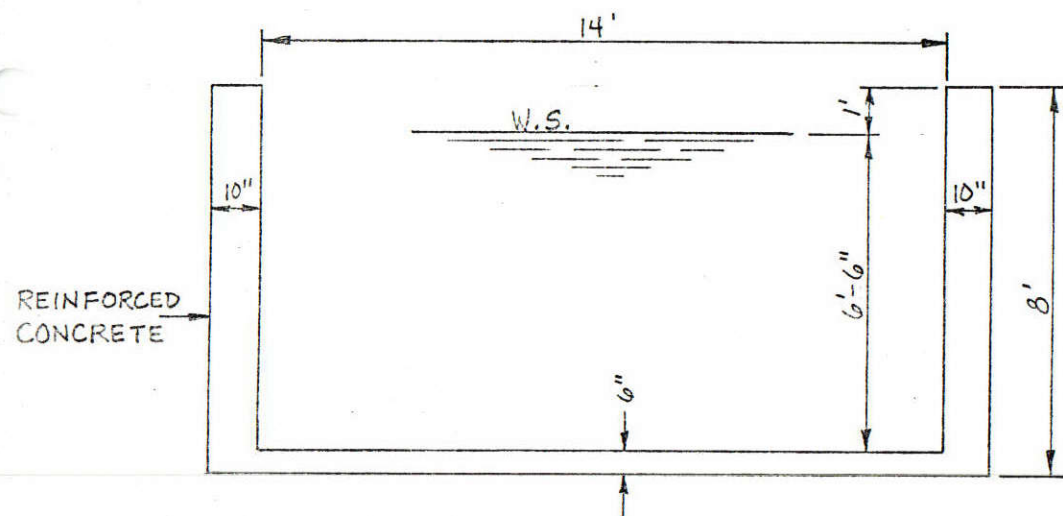
CANAL SECTION

FLOW = 382 C.F.S.

VEL. = 2.66 F.P.S.

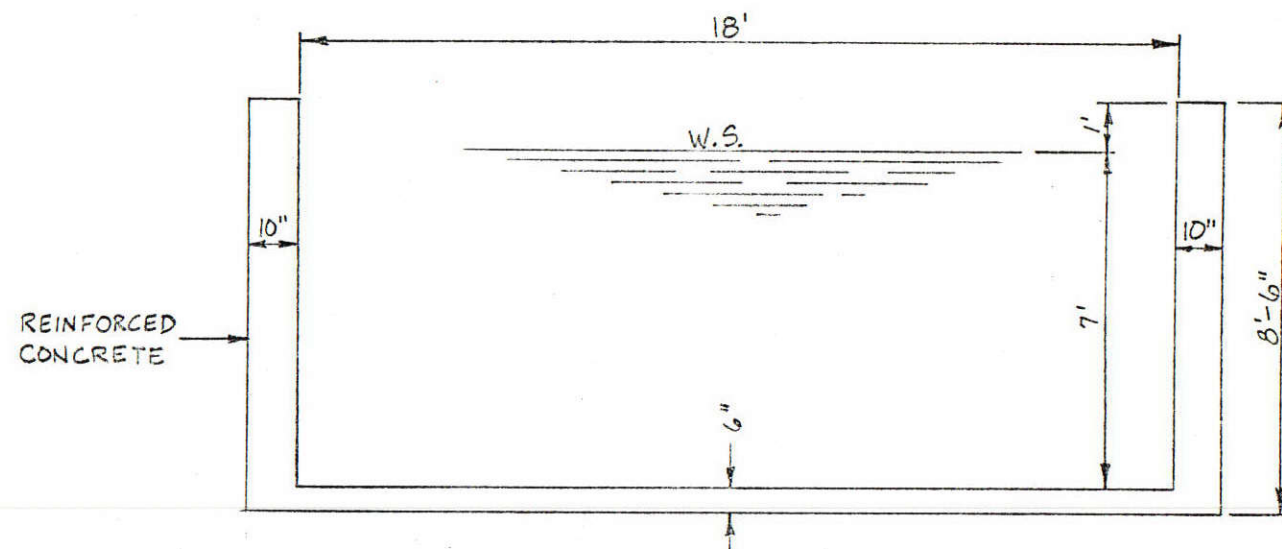


MICROFILMED



FLUME SECTION

FLOW = 275 C.F.S.
VEL. = 3.37 F.P.S.
SLOPE = 0.0002 FT./FT.



FLUME SECTION

FLOW = 375 C.F.S.
VEL. = 5.92 F.P.S.
SLOPE = 0.0005 FT./FT.

RECEIVED

AUG 10 1998

Department of Water Resources

State of Idaho

Department of Water Resources

ASSIGNMENT OF PERMIT

#0043081
8.10.98
KS

RECEIVED

FEB 03 1998

Department of Water Resources

I, William F. Arkoosh, hereby assign to First Security Bank, N.A.
of 3295 Elder Street, Suite 420, Boise, Idaho 83705
Address

All my right, title, and interest in and to Permit No. 37-7943
to appropriate the public waters of the State of Idaho.

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

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

Made this 29th day of January, 19 98.

William F. Arkoosh
Permit Holder William F. Arkoosh

Karen A. Arkoosh
Spouse of Permit Holder

Karen A. Arkoosh

State of Idaho)
County of Jerome) ss

On this 29th day of January, 19 98, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged
to me that he (she) (they) executed the same.

Nancy P. Jackson
Notary Public residing at Jerome

MICROFILMED

My commission expires:

3-1-98

AUG 20 1998

State of Idaho
Department of Water Resources

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

Water Right No.
RECEIVED

AUG 10 1998

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

Department of Water Resources

1. Individual Applicant or Individual Members of a Partnership:

I, William F. Arkoosh of Gooding,
(name) (city).

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

2. Corporation:

I, William F. Arkoosh of Gooding,
(name) (city).

County of Lincoln, State of Idaho, being duly sworn, depose
and say: That I am the designated registered agent of the Arkoosh Hydro Inc.

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

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

Idaho, wherein are kept the corporate records required by Section 30-1-52, Idaho Code: and that

Arkoosh Hydro Inc. is a corporation qualified to do business in the State of Idaho under the laws
(name of corporation)
of the State of Idaho.

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

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

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

William F. Arkoosh
Applicant

State of Idaho
County of Lincoln) ss.

On this 8th day of May, 19 98, personally appeared before me
the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Karen
Notary Public residing at
Gooding
AUG 20 1998

My commission expires:

4/04

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 Bill &/or Karen Arkoosh Phone 934-5387

Post office address Route #2 Box 50, Gooding, ID 83330

2. Source of water supply Little Wood River which is a tributary of Malad River

3. Location of point of diversion is NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 28 Township 5S

Range 16E B.M. Lincoln County, additional points of diversion if any: _____

Alternate Diversion Point: SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 27 T. 5S R. 16E

4. Water will be used for the following purposes:

Amount 600 cfs for Power purposes from Jan 1 to Dec 31 (both dates inclusive)
(cfs or acre-feet per annum)

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

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

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

5. Total quantity to be appropriated:

a. 600 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Check dam & ditch to penstock & generator

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

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

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

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years (minimum 1 year — maximum 5 years).

8. Description of proposed uses:

a. If water is not for irrigation:

(1) Give the place of use of water: SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 28 Township 5S
Range 16E B.M.

(2) Amount of power to be generated: 1668 horsepower under 35 feet of head.

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

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

(5) If water is to be used for other purposes describe: _____

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

[illegible]

Total number of acres to be irrigated

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

9. a. Who owns the property at the point of diversion Applicants or B. L. M.

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

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

10. Remarks



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

[illegible]

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.

Bill Arkosh
(Applicant)

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Proposed Priority 9/23/81

Received by JS Date 9-23-81 Time 4pm

MICROFILMED

Preliminary check by Don J. Sub Fee \$ 3325.⁰⁰ # 18771

Receipted by maya Date 9/23/81

Publication prepared by maya Date 9/25/81 The Idaho Statesman
Post-Register

Published in Lincoln Co. Journal & Times-News
Lewiston Morning Tribune

Publication dates 10/8 & 10/15/81 10/31 & 11/7/85
re-ad

Publication approved maya Date 10/14/81 10/21/85

Protests filed by: None

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by JS 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. 37-7943, 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 December 1, 19 90.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. Other: SEE ATTACHED SHEET FOR CONDITIONS d thru m.

Witness my hand this 23rd day of December, 1985.

J. Glen Gayton
Chief, Operations Bureau

ATTACHMENT TO CONDITIONS OF APPROVAL

For Permit No. 37-7943

- d. The issuance of this permit in no way grants any right-of-way or easement across the land of another.
- e. A measuring device of a type approved by the Department shall be permanently installed and maintained as part of the diverting works.
- f. Water used under this permit if discharged into a natural channel or subsurface system shall meet Idaho Water Quality Standards.
- g. The Director retains jurisdiction of this permit in order to limit the use of water for hydropower generation purposes to a specific term of years as required by Section 42-203B(7), Idaho Code.
- h. 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.
- i. Use of water under this permit shall be non-consumptive.
- j. A separate stream alteration permit from the IDWR is required for any activity in the stream channel other than construction and/or maintenance of the diversion structure. If your proposed construction or operation involves construction of an outfall or any other work in the stream channel other than a water diversion, you must contact the Department and obtain a Stream Channel Alteration permit prior to the start of construction.
- k. 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.
- l. This permit does not constitute Idaho Public Utilities Commission or Federal Energy Regulatory Commission approval that may be required.
- m. Use of water under this permit is subject to control by the watermaster of State Water District No. 37M, Little Wood River.

Witness my hand this 23rd day of December, 1985.


Chief, Operations Bureau

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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, Bill Arkoosh of Gooding,
(name) (city)

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

2. Corporation:

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

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

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

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

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

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

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

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

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

State of Idaho)
County of Twin Falls) ss.

Bill Arkoosh
Applicant

On this 23rd day of September, 1981, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged
to me that he (she) (they) executed the same.

[Signature]
Notary Public residing at

seal

Twin Falls, ID

My commission expires:

Life

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Proof of Publication
The Post-Register

RECEIVED

NOV 27 1985

Department of Water Resources
Southern District Office

State of Idaho,
County of Bonneville } ss.

I, J. Robb Brady, first being duly sworn, depose and say: That I am the Principal Clerk of The Post Company, a corporation of Idaho Falls, Bonneville County, Idaho, publishers of The Post-Register, a newspaper of general circulation, published daily, except Saturday, at Idaho Falls, Idaho; said Post-Register being a consolidation of the Idaho Falls Times, established in the year 1890, The Idaho Register, established in the year 1880 and the Idaho Falls Post, established in 1903, such consolidation being made on the 1st day of November, 1931, and each of said newspapers having been published continuously and uninterruptedly, prior to consolidation, for more than seventy-eighty (78) weeks and said Post-Register having been published continuously and uninterruptedly from the date of such consolidation, up to and including the last publication of notice hereinafter referred to.

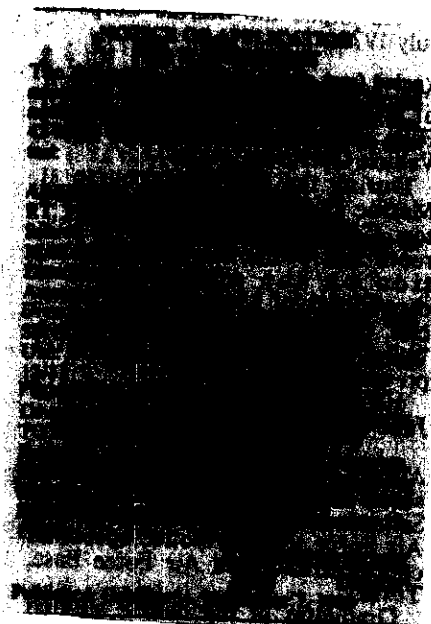
That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post-Register for two consecutive weeks, first publication having been made on the 31st day of October, 1985, last publication having been made on the 7th day of November, 1985, and that the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.

Subscribed and sworn to before me, this 25th day of November, 1985.

Leon R. Papini
Notary Public

My commission expires September 30, 1988.

B10, 1M,



*ok
mace*

MICROFILMED

**NOTICE OF
APPLICATION FOR
WATER RIGHT**

The following application(s) is (are) being advertised to allow all parties affected by the addition of the public interest criteria Sec. 42-203C, Idaho code the opportunity to protest:

37-7943

ARKOOSH, BILL &/or
KAREN

Rt. 2, Box 50, Gooding,
ID 83330

Source: Little Wood
River tributary to
MALAD RIVER

Date Filed: 09/23/1981

Amount: 600.00 GFS

Diversion Point: NWNE
Sec 26 T 05S R 16E SENE
Sec 27 T 05S R 16E, LIN-
COLN Co.

Use: Power (600.00
CFS) from 11/01 to 12/31
Place of Use: SENW Sec
28 T 05S R 16E

Diversion Means: Check
Dam & Ditch to Penstock
& Generator

Protests must be filed
with the Director,
Department of Water
Resources, Southern
Region, 1041 Blue Lakes
Blvd. North, Twin Falls,
Idaho 83301 on or before
November 18, 1985.

A. KENNETH DUNN
Director

PUBLISH: Thursday, Oc-
tober 31, and November

Affidavit of Publication

STATE OF IDAHO,

COUNTY OF TWIN FALLS }

ss.

No 15655

1. Linda Capps McSwine

being first duly sworn up

oath, depose and say that I am Print Clerk of the **TIMES-NEWS**, published daily, at Twin Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per clipping attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for Two consecutive Weeks, commencing with the issue dated

October 31, 1985, and ending with the issue dated

November 7, 1985.

And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except Monday, both of which newspapers prior to consolidation had been published under said names in said city and county continuously and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-NEWS, since such consolidation, has been published as a daily newspaper except Saturday, until July 31, 1978, at which time said newspaper began daily publication under said name in said city and county continuously and uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated as the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho, to be published weekly, will be published; and that the head of the editorial column of said combined newspapers, and in each issue thereof, Thursday is announced as the day on which said legal notices will be published.

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NOV 19 1985

Subscribed and sworn to before me on this

Linda Capps McSwine

15 day of

November, 1985.

Dennis Bruce

Notary Public in and for the County of Twin Falls,
State of Idaho, residing at Twin Falls, Idaho

Department of Water Resources
Southern District Office

MICROFILMED

TRIBUNE PUBLISHING COMPANY, INC.
The Lewiston Morning Tribune
505 C St., P.O. Box 957
Lewiston, Idaho 83501
(208) 743-9411

Date 110785 INVOICE No. L00060641

Account No. 42662

Description 60641NDTIC

Times 2 Lines 33

Tab Lines

**LEGAL ADVERTISING
INVOICE**

SOLD TO: STATE OF IDAHO
DEPT. OF WATER RESOURCES
1041 BLUE LAKES BLVD. NO.
TWIN FALLS
ID 83301

\$ 28.88

NOTICE: This is an invoice of Purchase made by you. Statement will be rendered the first of the month.
Please Retain This Invoice as Your Statement Will Refer To Invoice by No. Only.

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, ss.
County of Nez Perce

S. L. Stone

being duly sworn,
deposes and says, I am the Legal Clerk
of the Tribune Publishing Company, a corporation organized and existing
under and by virtue of the laws of the State of Idaho, publishers of the
LEWISTON MORNING TRIBUNE, a newspaper of general circulation
published at Lewiston, Nez Perce County, Idaho; That the said Lewiston
Morning Tribune is an established paper and has been published regular-
ly and issued regularly at least once a day for more than 21 consecutive
years next immediately preceding the first publication of this notice, and
has been so published uninterrupted for said period; that the

NOTICE OF APPLICATION FOR WATER RIGHT

attached hereto and which is made a part of this affidavit was published in
the said Lewiston Morning Tribune, 2 time(s). Publication be-
ing on 103185, or once a
week for two consecutive weeks, the first
publication thereof being on the 103185, and the last pub-
lication thereof being on the 110785, and said

NOTICE OF APPLICATION FOR WATER RIGHT

was so published in the regular and entire issue of said newspaper and
not in a supplement thereof and was so published in every issue and
number of the said paper, during the period and times of publication as
set forth above.

SUBSCRIBED AND SWORN BEFORE ME THIS THE 12th

day of November 1985

Shirley M. Lentz
Notary Public in and for the State of Idaho,
residing at Lewiston, therein.

NOTICE OF APPLICATION
FOR WATER RIGHT
The following application(s) is
(are) being advertised to allow all
persons interested in the addition of
water to the project to file their
objections, if any, with the Di-
rector, Department of Water Re-
sources, Southern Region, 1041 Blue
Lakes Blvd. North, Twin Falls, Id.
on or before November 18,
1985.
A. KENNETH DUNN
Director

ab mayer
RECEIVED

NOV 18 1985

Department of Water Resources
Southern District Office

MICROFILMED

AFFIDAVIT of PUBLICATION

State of Idaho, }
County of Lincoln } SS.

Cheri Miller, being first duly sworn, deposes and says that he is the printer (publisher) of the **Lincoln County Journal**, a newspaper published every week in Shoshone, Lincoln County, 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 31 day of October, 1985, and the date of the last publication was on the 7 day of November, 1987

Cheri Miller

Subscribed and sworn to before me this 7 day of November, 1985.
(SEAL)

Mary Ann Dagen
NOTARY PUBLIC

LINCOLN COUNTY JOURNAL Shoshone, Idaho COST OF PUBLICATION

Number of Lines in Notice

Number of Insertions

Lines tabular at 315c

28 Lines straight at 524 14.56
21c

28 Subsequent lines at 394 10.92
15c

TOTAL COST 25.48

COPY OF NOTICE

(Paste Here)

Water Right

TITLE OF NOTICE

37-1943-Arkovich
PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

BILL TO

deep Water Res.

RECEIVED

NOV 12 1985

Department of Water Resources
Southern District Office

PUBLICATION RATES

(Idaho Code, Rev. Statutes 1971)

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

No 2755

MICROFILMED

37-7943

Date Filed: 09/23/1981

Amount: 600.00 CRS

Wynton Point NWNE Sec 28 T 05S R 16E

SENE Soc 27 T 05S R 16E, LINCOLN Co.

Use POWER (60000 CPS) from 01/01 to 12/31

Place of Use: SENW Sec 28 T 85S R 10E

Division Memo: CHECK DAM & DITCH TO

PENSTOCK & GENERATOR

Protests must be filed with the Director,
Department of the Interior

Department of Water Resources, Southern

Region, 1041 Blue Blvd. North, Twin

before November 18,

October 10,

V. A. KENNETH DUNN

Director

PUB: 10-31; 11-7

1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 26

STATE OF IDAHO)
) ss.
COUNTY OF ADA)

Laura Gay Barnes, being duly sworn, deposes and says: That she is the Principal Clerk of ~~The Idaho Statesman~~, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto; that said notice was published in The Idaho Statesman in conformity with Section 60-108, Idaho Code as amended, for Two (2) consecutive weekly insertions, beginning with the issue of

October 31, 1985, and ending with the issue of November 7, 1985.

Laura Gay Barnes

Subscribed and sworn to before me this 7th
day of November, 1985.

Jeanne M. Hawk

Notary Public for Idaho, Residing at Boise, Idaho.

RECEIVED

NOV 8 1985

Department of Water Resources
Southern District Office

MICROFILMED

AFFIDAVIT OF PUBLICATION

State of Idaho, }
County of Lincoln } SS.

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

each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 8 day of October, 1981, and the date of the last publication was on the 15 day of October, 1981.

Melba Thorne

Subscribed and sworn to before me this 15 day of October, 1981.
(SEAL)

Margaret Hagen
NOTARY PUBLIC

LINCOLN COUNTY JOURNAL Shoshone, Idaho COST OF PUBLICATION

ok may

Number of Lines in Notice

Number of Insertions

Lines tabular at 315c

48 Lines straight at 39 21c 18.72

48 Subsequent lines at 26 15c 12.48

TOTAL COST ... 31.20

COPY OF NOTICE

(Paste Here)

Water Right
TITLE OF NOTICE

37-7943 Arkoosh
PLAINTIFF ATTORNEY

BILL TO

Dept of Water Resources

PUBLICATION RATES

(Idaho Code, Rev. Statutes 1971)

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

RECEIVED

NOV 10 1981

Department of Water Resources
Southern District Office

MICROFILMED

DEFENDANT

PLAINTIFF

THE UNITED STATES OF AMERICA
vs.
JAMES EARL RAY
Defendant

That the Defendant, JAMES EARL RAY, has been
found guilty of the crime of kidnapping and
obstruction of justice, and that the
Defendant is a fugitive from justice.

IT IS THE ORDER OF THE COURT, in and to the
effect that the Defendant, JAMES EARL RAY,
shall be committed to the custody of the
Federal Marshal at the Federal Reformatory for
Men, Lincoln, Nebraska.

Witness my hand and the seal of the Court
this 12th day of June, 1968.

/s/ A. KENNETH SMITH
Judge

FUR: 12-12-68



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

August 11, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

FIRST SECURITY BANK N A
3295 ELDER ST # 420
BOISE ID 83705

RE: ASSIGNMENT OF PERMIT 37-07943

Dear Permit Holder(s):

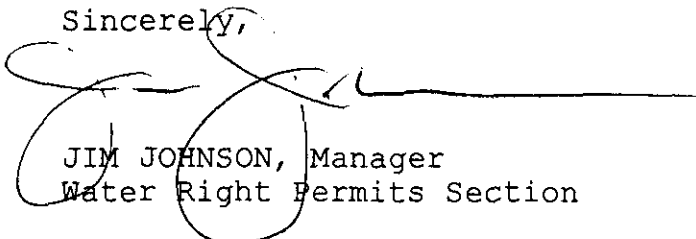
We acknowledge receipt of the correspondence changing ownership of the above referenced water right to you. We have modified our computer records to reflect this change in ownership. A computer generated report is enclosed for your information.

Also, please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address to the department. If you have acquired a water right or have changed your mailing address **PRIOR** TO July 1, 1996, you have until July 30, 1998, to notify the department. If you acquire a water right or change your mailing address **AFTER** July 1, 1996, you must notify the department within 120 days of the change.

Failure to report these changes could result in a \$100 late filing fee. Contact any office of the department to obtain the proper reporting form.

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

Sincerely,


JIM JOHNSON, Manager
Water Right Permits Section

JJ:klt

Enclosure

MICROFILMED

AUG 20 1998



RECEIVED

AUG 10 1998

Department of Water Resources

State of Idaho
Department of Water Resources
Attention: Jim Johnson
1301 North Orchard Street
P.O. Box 83720
Boise, Idaho 83720

RE: Permit 37-07943

Dear Jim:

Enclosed are the following documents for processing:

Assignment of Permit
Affidavit for Water Rights
Check #1255 in the amount of \$25.00

Also enclosed is a copy of the letter you sent to us.

After these are processed, please return them to:

First Security Bank
Attn: Lorri L. Nally
3295 Elder St. Suite 420
Boise, Idaho 83705

If you have any questions, please call me at 393-4188.

Thank you,

Lorri L. Nally
Administrative Assistant

Enc:

MICROFILMED
AUG 20 1998



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

April 2, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

GARY LOCKE
FIRST SECURITY BANK
PO BOX 7069
BOISE ID 83730

RE: Permit 37-07943

Dear Mr. Locke:

I have received your letter of January 29, 1998 and the Assignment of Permit form for permit 37-07943, however the required \$25.00 filing fee was not included. I have enclosed a copy of an Assignment of Permit form that shows the filing fee requirement for your information only. It is not necessary to fill out the new form.

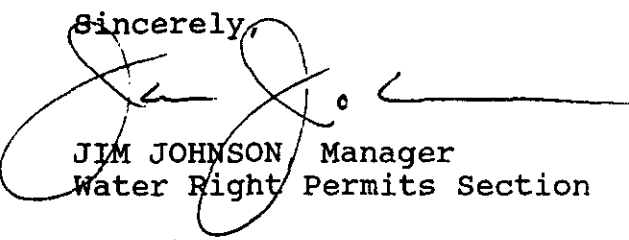
Because this permit states that water will be used for power purposes it will be necessary to have the enclosed Affidavit completed and returned to our office. A copy of the Idaho Code sections that are in reference to water used for power purposes is enclosed for your information.

Also enclosed is the Assignment of Permit form that was submitted with your letter. Please return it with the companion paperwork as mentioned elsewhere in this letter.

We will be happy to proceed with the processing of the Assignment of Permit upon receipt of the completed Affidavit, the Assignment of Permit form and the \$25.00 filing fee.

If you have any questions regarding this matter please call me at 208-327-7947.

Sincerely,



JIM JOHNSON Manager
Water Right Permits Section

JJ:klt

Enclosures

MICROFILMED
AUG 20 1998



RECEIVED
FEB 03 1998
Department of Water Resources

January 29, 1998

Idaho Department of Water Resources
Adjudication Bureau, Technical Support
1301 North Orchard St.
P.O. Box 83720
Boise, Idaho 83720-0098
~~Attn: Sally Sherman~~ W.A.

RE: Assignment of Permit No. 37-7943

To whom it may concern:

We are enclosing an Assignment of Permit between William F. Arkoosh and First Security Bank, N.A. After you have processed the documents, please return these documents to First Security Bank, N.A., Attn: CLDC, Post Office Box 8203, Boise, Idaho 83707.

Thank you for your assistance. If you have any questions, please contact Gary Locke at (208)393-4870.

Sincerely,

Gary Locke
Vice President & Manager
Business Banking Administration

enc/bw

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
SEP 4 1990
Department of Water Resources

A. GENERAL INFORMATION

Permit No. 37-7943

1. Owner: Bill Arkoosh

Phone No. (208) 934-4423

Current Address: Rt. 2, Box 50, Gooding, Idaho 83330

2. Accompanied by: Cecil A. Thomas

EXAM. DATE: May 21, 1990

Address: Box 868, Homedale, Idaho 83628

Phone No. (208) 337-3206

Relationship to Permit Holder: Certified water rights examiner.

3. Source: Little Wood River tributary to Big Wood River

B. OVERLAP REVIEW

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

☐ Copies Attached

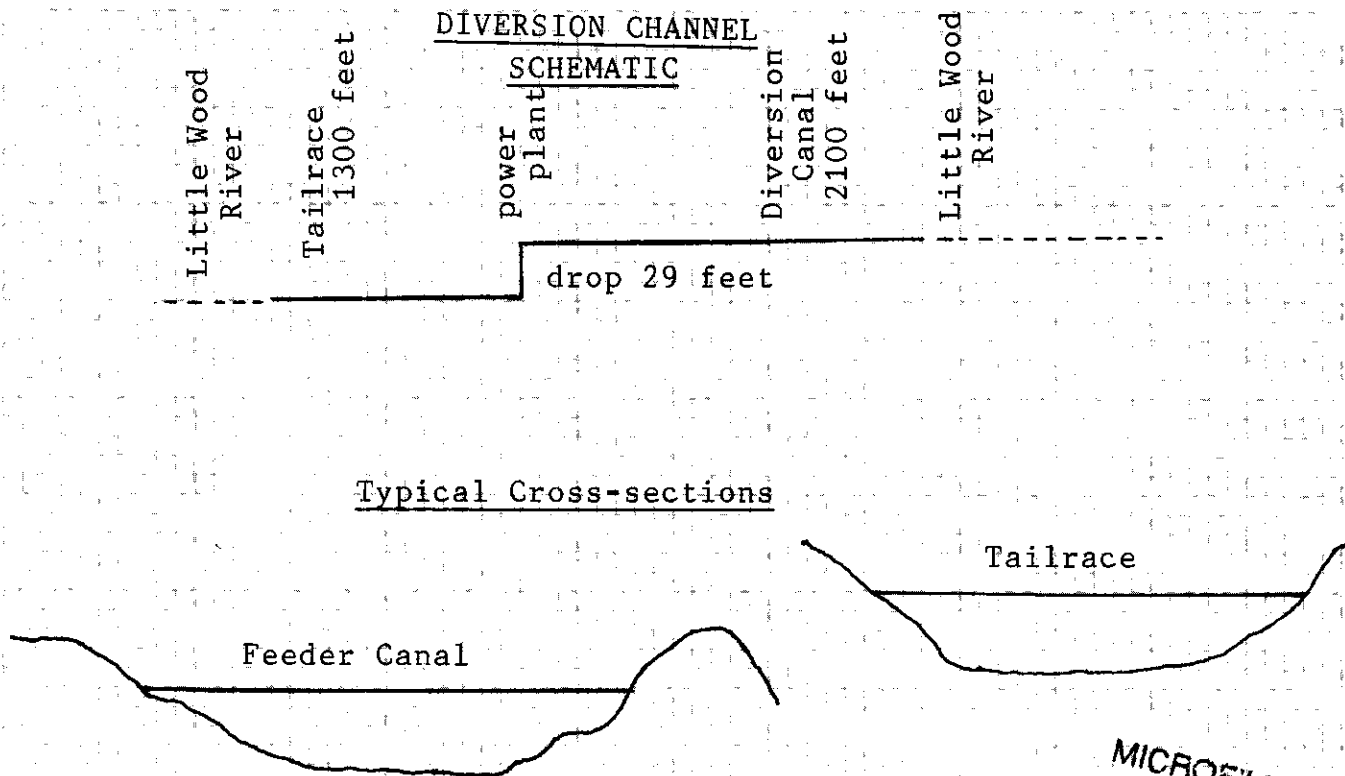
2. Other water rights with same point of diversion: none

☐ 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



Typical Cross-sections

Schematic:

Scale: 1"=1000 ft.(horizontal)

Cross sections:

1"= 20 ft.

2. ☒ Copy of U.S.G.S. Quadrangle Attached
Showing location(s) of point(s) of diversion and
place(s) of use (required).

☐ Photo of Diversion and System Attached

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

☐ Aerial Photo Attached
(required for irrigation of 10 acres or more).

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AUG 20 1998

System Description (continued)

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

The system consists of a diversion dam and spillway in Little Wood River in SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 28, T5S, R16E, in Lincoln County, Idaho. Flows up to 490 cfs of Little Wood River can be diverted and used to generate up to 1385 BHP (1041 BKW) of electricity. The flow is diverted into a feeder canal 2100 feet long through 2 generators and is returned into the Little Wood River channel through a tailrace 1300 feet long. The operating head through the generators is 29 feet.

☐ See Remarks on page 4 for continuation

4.

Well or Diversion Identification No.*	Motor Make	B Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	Brush	435	56290	Gilkes	155 cfs
	Brush	950	56289	Gilkes	335 cfs

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

See photos of nameplates attached.

5. Point(s) of Diversion:

Ident. No.	Gov't. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
Diversion	SE	NW	NE		28	5S	16E	Lincoln	SCS and USGS Topo maps
Return:	NW	NE	SW		28	5S	16E	Lincoln	SCS and USGS Topo maps
Powerhouse	NE	SE	NW		28	5S	16E	Lincoln	SCS and USGS Topo maps

6. Place(s) of Use:

Indicate Method of Determination Survey by Ted

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 $\frac{1}{4}$	
	See 5 above																		

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Aug 5 1996

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D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Current meter	AA	Price		CAT		03/05/70
Meter suspended on a 30 lb. weight from a cable car at cableway near downstream end of tailrace.						

2. Measurements:

May 5, 1987 measured 391 cfs

May 12, 1987 " 398 cfs

May 12, 1990 " 440 cfs

These measurements do not represent the maximum flow available after instream requirements have been met because 1987 and 1990 are years

E. FLOW CALCULATIONS:

☐ Additional Computation Sheets Attached

of low flow.

1. Measured Method:

2. Alternate Method for Checking Purposes: During years of high flow such as 1984, 1985 and others when upstream reservoirs spill, flows past the point of diversion would permit use of 490 cfs and permit maximum generation.

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 = _____ %

Discharge records at upstream sites show that Snake River flows past Milner

G. VOLUME CALCULATIONS:

and Little Wood River flows past Carey at times during some years October to March as well as the irrigation season, April to September. In addition, localized flooding occurs from rainfall and snowmelt. These random flows could be utilized for non-con-

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

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

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

sumptive power production.

2. Volume Calculations for Other Uses:

On some high years flow could allow maximum use of 490 cfs for 180 days during the irrigation and 90 days during the non-irrigation period for a total of $490 \times 1.9835 \times 270 = 262400$ acre-feet. An estimated flow of 300 cfs could be available for the remaining 95 days for a total of 318900 acre feet in a year of high flow.

H. REMARKS AND OVERLAP REVIEW ANALYSIS

Sliding gates are provided in the feeder channel and the river channel and instream flow in the Little Wood River is gaged below the point of diversion.

A cableway is provided near the lower end of the tailrace from which flow in the system can be measured by current meter and a footbridge is provided near the upstream end of the feeder canal from which a current meter can be suspended on a rod for measuring flow there.

I. RECOMMENDATIONS

1. Recommended Amounts

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

Discharge up to 490 cfs in the feeder when available after instream demands are filled. See sections E&G.

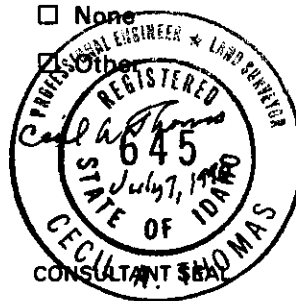
Totals:

2. Recommended Amendments

- | | |
|---|--|
| ☐ Change P.D. as reflected above | ☐ Add P.D. as reflected above |
| ☐ Change P.U. as reflected above | ☐ Add P.U. as reflected above |

J. AUTHENTICATION

Field Examiner's Name Cecil A. Thomas
Signature Cecil A. Thomas
Certification Date March 28, 1990
Field Report Preparation Date July 6, 1990

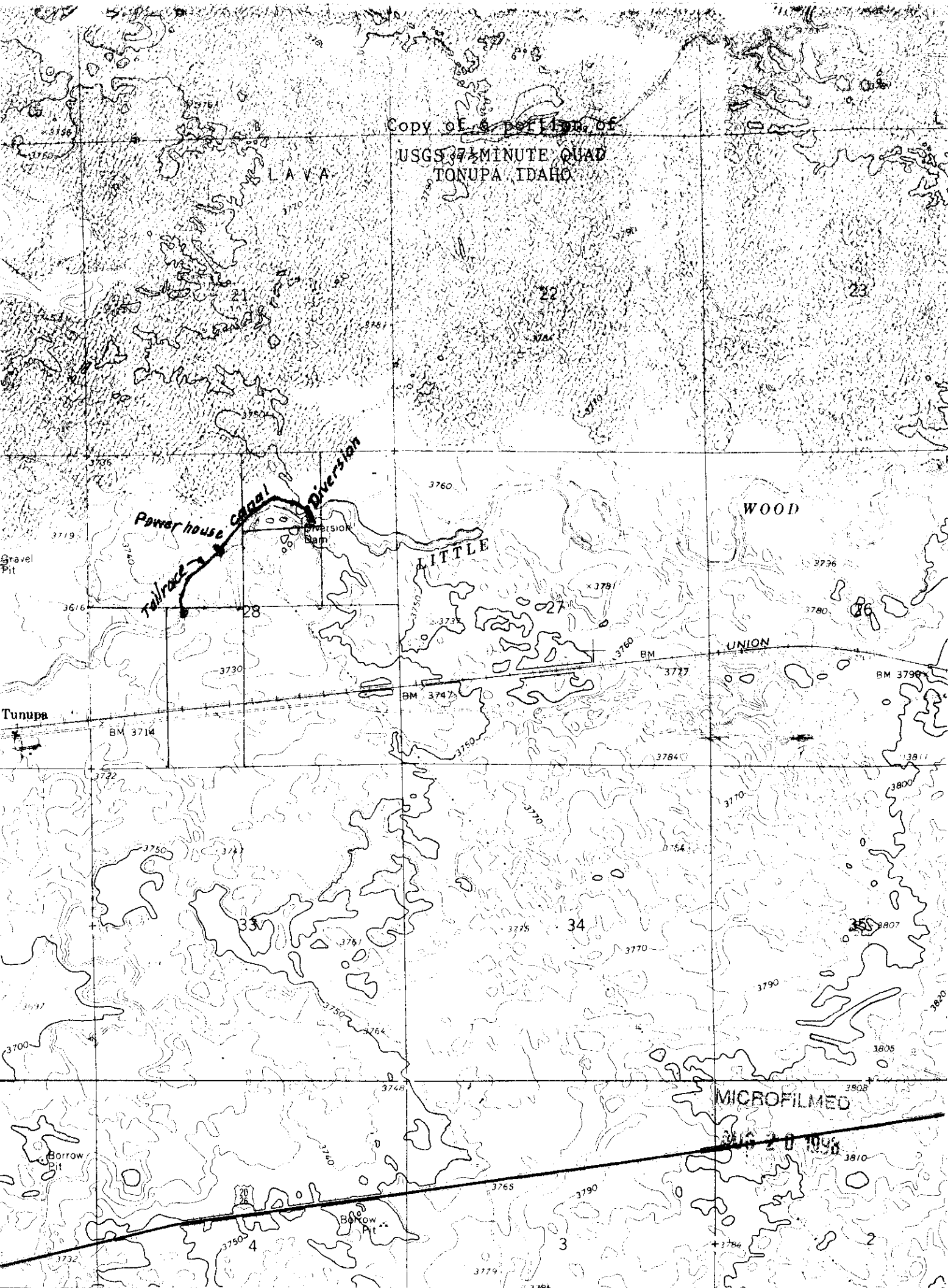


K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.

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AUG 20 1998

Copy of a portion of
USGS 7.5-MINUTE QUAD
TONUPA, IDAHO



MICROFILMED

2016 2-0 1996

A715
(630)

N¹/₂ Sec. 28
T. 5 S. R. 16 E.

29 27

20 21
29 28

Diversion
River

border

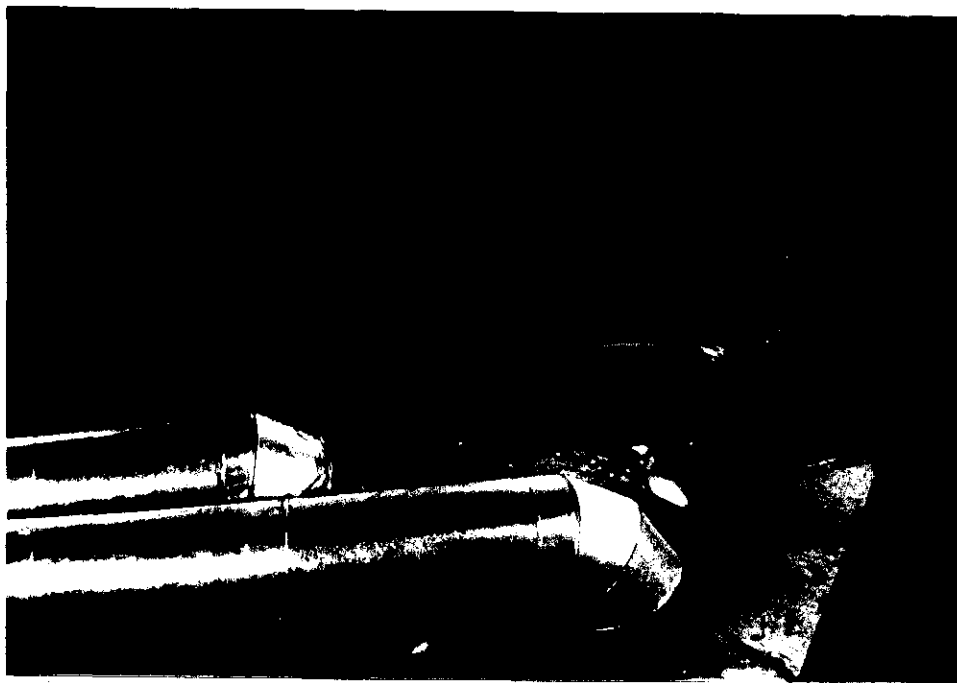
road

Right of way

face

Little

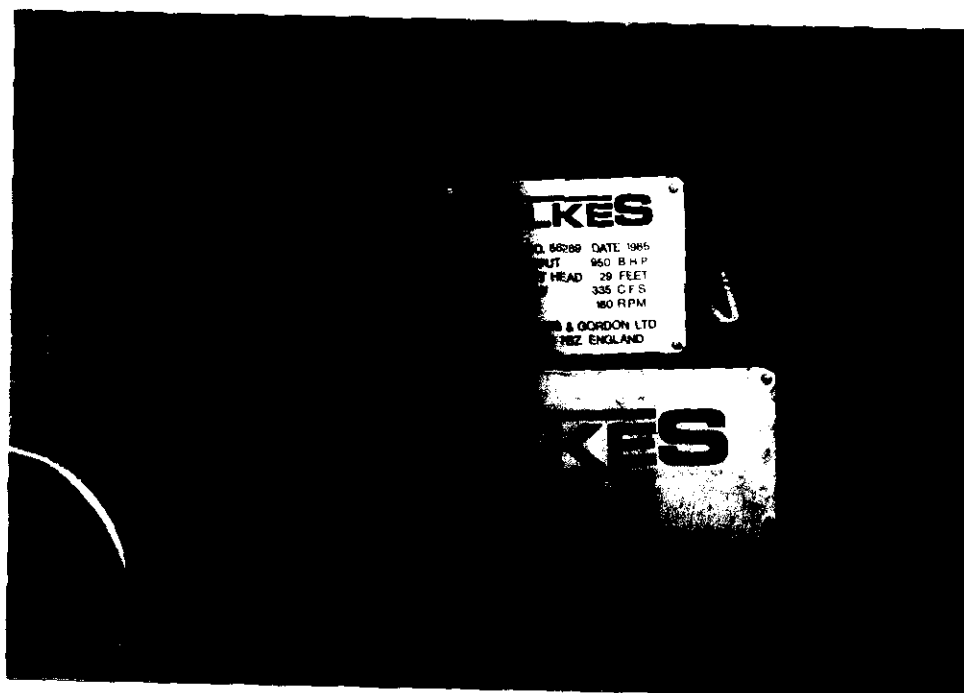
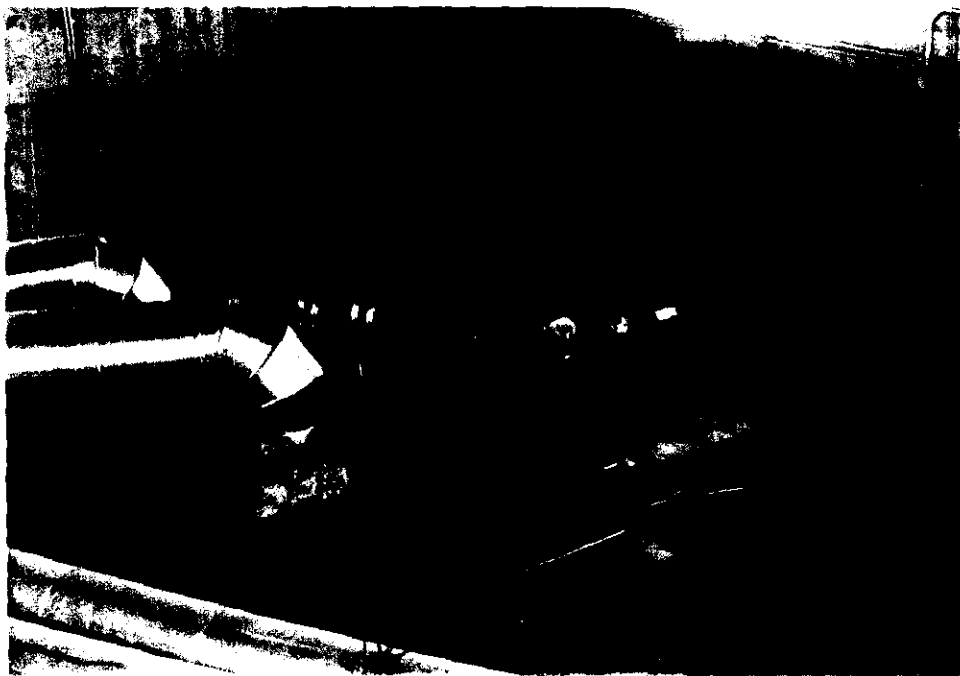
RECORDED
16 20 1986



Photos of the smaller generator

Permit No. 37-7943

MICROFILMED
JUN 21 1967



Photos of the larger generator
Permit No. 37-7943

MICROFILMED
JAN 27 1966

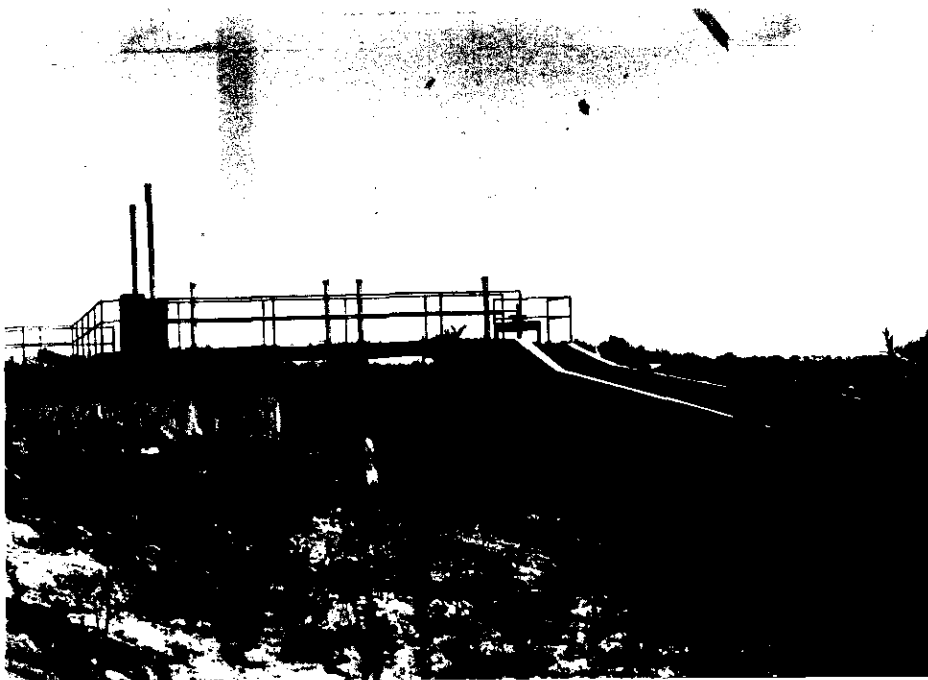


Looking upstream at the gates, spillways, downstream
and measuring bridge on far left



Control gates. Forebay on left. Feeder canal on right.

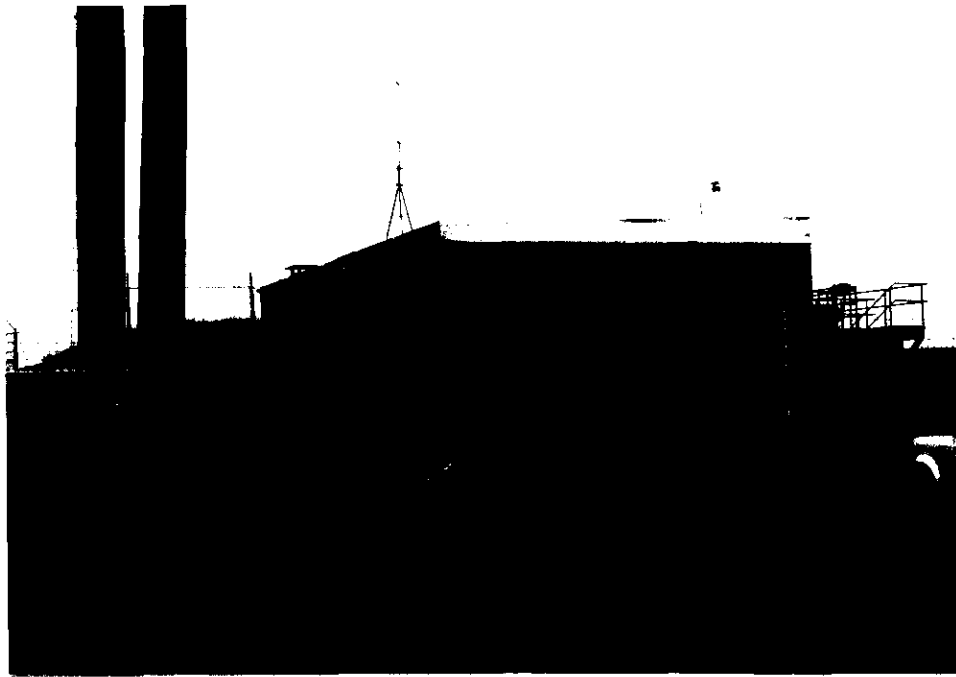
Permit 37-7943



Looking upstream at feeder canal retaining wall on left,
gate controls upper left, spill gates in center and
low flow control in sluiceway on right

Permit 37-7943

1976



Powerhouse. Tailrace is in excavated canyon on right.
Permit 37-7943



Retaining wall

Concrete wall and spillway at head of feeder canal
Permit 37-7943

MICROFILM

7-14-20-1950

Cecil A. Thomas

Consulting Hydrologist, Civil Engineer, Land Surveyor
Idaho License No. 645

3775 N. Locust Grove
Meridian, ID 83642
Ph. (208) 888-3087

May 20, 1987

LEAKAGE IN BILL ARKOOSH"DIVERSION FROM LITTLE WOOD RIVER
NEAR GOODING, IDAHO

Investigation of the results of 8 measurements by the Wood River Watermaster and 13 measurements using a current meter suspended on a 30 pound lead weight in the diversion canal were used as a basis of the following:

The measuring section at the head of the canal is a few feet downstream from an extreme contraction in the cross-section of the canal. A wide section at the diversion structure more than a hundred feet across abruptly narrows to 24 feet at the measuring bridge. Flow under the bridge is converging at variable angles not perpendicular as desired. Measurement of the appropriate angle coefficient, the cosine of the angle of the flow past the measuring section, was measured to be as low as 0.94 in some sections. In addition, the meter travelled under the bridge from side to side which estimated to be as much as 1 % of the velocity or more in some sections. These 2 items both cause results to be too high. The cross-section has near-vertical sides on either side which are somewhat jagged and a larger percentage of the area is difficult to define than the edges of most sections. Thomas measured twice with a boat about 400 feet below the bridge. The canal is lined with rocks 2+ feet in size and the banks are very rough. This precludes accurate definition of depths and velocities. He also measured twice at a section a few feet above the foot of the trashracks above the penstocks. The depths were well defined, but convergence into the section caused horizontal angles as at the footbridge. However, measurements at the penstock compare favorably with the measurements at the cableway. The measurements made from the cable are believed most accurate because there are no horizontal angles in the section, the rock lining the canal at the section are smaller than at other sections,, and other conditions are favorable for good measurements. MICROFILM

I believe the data indicate that measurements at the footbridge give results that are too high unless effect from horizontal angles and meter travel are measured and results are adjusted. Adjustments are necessarily approximate because angles and meter travel are sporadic.

806 20 1988

To verify the conclusions, seepage tests were conducted in the power plant channels after the water was turned into the river channel by the water-master.

Gates leak and the leakage into the canal was measured near the gates to be 8.10 feet, and slightly above the penstocks to be 7.76 cfs. They show a loss of 0.34 cfs, but the difference is well within the possible error in measurement and are inconclusive except to show that losses in the bottom of the canal is small, if any. The canal bottom, about 25 feet in width, was covered under about 1 foot of water during the measurements. After flows had stabilized, food coloring was dumped into the tailrace under the cableway, which is just above the confluence of the tailrace and the river channel and flow from the river backs into the tailrace channel. The plume from the dye moved slowly down stream toward the river channel indicating there was no substantial leakage in the tailrace reach of the diversion channel, since the leakage from the headgates at the head of the canal produced some downstream velocity under the cable. These results were further verified by filling the canal to a high operating level, the height of the river passing the gates, closing the gates and the gates through the power plant. The leakage through the headgates was considerably reduced because of lowering the head on them. Lowering of the level in the canal was then a measure of leakage in the canal section above the canal. The canal level lowered 0.33 feet in 10 hours. This is computed to be at a rate of 0.8 cfs from the area of 92,400 square feet of the canal as estimated from the length and the width estimated from the discharge measurements. Leakage at the head of the canal and through the power plant cannot be measured, but the inflow into the reach through the headgates is considerably less than the 8 cfs measured when the gates were closed and the water level in the canal was low.

With this small leakage in the canal there was still downstream movement in the tailrace section as indicated by several dye tests at the cableway.

Conclusions from the measurements and dye tests are that loss in the channel from the headgates to the return to the river as determined by measurement at the footbridge compared with the measurement at the cable are in error. The dye tests and the seepage tests indicate no leakage out of the system and that the leakage if any is more likely to be from the river channel into the tailrace than from the diversion, in which case the leakage returns to the river through the tailrace.

Comparative readings on gages above the backwater of the diversion and below the confluence of the tailrace and the river showed no measureable change when flows were changed from the canal to the river and vice-versa.

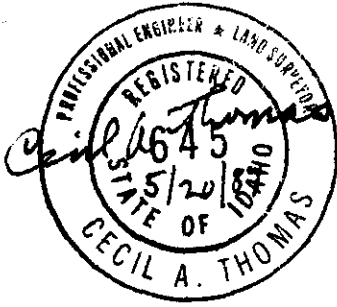
MICHOEN
AUG 20 1968

(3)

Observations supported by gagesscattered through the system and dye tests and the seepage tests all support the conclusion that there is no leakage out of the system because of diversion through the canal.

Sincerely,

Cecil A. Thomas, P.E.



MICROFILM
MAY 20 1980

October 4, 1990

Bill Arkoosh
Rt 2 Box 50
Gooding, ID 83330

Dear Mr. Arkoosh:

Re: Permit No. 37-7943

This office acknowledges receipt of the proof of beneficial use form and the beneficial use field report.

The next step is for the department to review to field report and prepare license. I cannot tell you when this procedure will be done due to the pending backlog of licenses to be issued. The department will, however, notify you of what is being recommended and give you an opportunity to respond before the license is issued.

If you have any questions, please contact this office.

Sincerely,

RITA I. FLECK
Secretary/Records Manager

c: Cecil Thomas
region

MICROFILMED

AUG 20 1998

1/88

PROOF OF BENEFICIAL USE

ANALYSIS SHEET

Permit No. 37-7943

Date: 10-1-90

General Considerations:

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

Source of Water:

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

Extent of Use and Rate of Diversion:

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

Measuring Device:

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

Remarks:

field exam included
Proof acceptable

Priority Calculation:

Date proof received	<u>NA</u>	
Date proof due		-
No. of days late		=
Priority date		+
NEW PRIORITY DATE		=

SEND FILES TO DATA ENTRY AND THEN TO MICROFILM

MICROFILMED

AUG 20 1998

03/86

For Office Use Only

Fee Received _____

Date _____

Receipt # _____

Received by _____

Reviewed by 25-10-3-90

Sent to region _____

RECEIVED
SEP 4 1990

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Department of Water Resources

PROOF OF BENEFICIAL USE

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

Permit No. 37-7943Name(s) of Permit Holder: Bill Arkoosh Rt. 2, Box 50, Gooding, Idaho 83330

Post Office Address: _____

Telephone No. (208) 934-4423Source of Water: Little Wood and Snake River and Big Wood River

Extent of Use:

Domestic _____ (number of households) Stockwater _____ (number and type of stock)

Irrigation _____ (acres) Other/Remark Hydropower productionTotal rate and/or volume for which proof is submitted 490 cfs Maximum 355,000 acre-feet

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

Measuring Device: Required? ☒ Yes ☐ No Fee enclosed \$ measuring bridge on canal at upstream endInstalled? ☐ Yes ☐ No (See License Examination Fee Schedule)Cableway at dstream end of canal.Flow Measurement Port: Required? ☐ Yes ☐ NoInstalled? ☐ Yes ☐ No

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

Bill Arkoosh Rt. 2, Box 50, Gooding, Idaho 83330 (208) 934-4423
(Name) (Telephone Number)2568 E 1775 So Gooding ID 83330
(Address)

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

* Aug 9, 1990
Date

* Bill Arkoosh
Signature of Permit Holder (and title, if appropriate)

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AUG 20 1998

May 30 1990



Department of Water Resources

State of Idaho
Department of Water Resources
1301 North Orchard Street
Boise, Idaho 83720

This is to certify that Cecil A. Thomas has been authorized to represent me in preparing the proof of beneficial use for Permit No. 37-7943 on Little Wood River in Lincoln County, Idaho.


Bill Arkoosh

MICROFILMED

AUG 20 1998



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

Governor

A. KENNETH DUNN

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 334-4440

MEMORANDUM

FROM: Norman C. Young *ny*

31-7943

DATE: May 21, 1987

RE: Record of Various Telephone Conversations and Meetings Relative to the Bill Arkoosh Hydroelectric Power Site Held During the Period of April 30 through May 14, 1987.

April 30, 1987 -- Meeting with Bill Arkoosh and Reid Newby at the hydropower plant near Gooding. I accompanied Reid Newby to a meeting with Bill Arkoosh concerning the loss of water through the hydro plant that was affecting prior rights. Newby indicated that he was unable to supply rights later than 1890 or perhaps even earlier than that in that reach. He indicated to Bill Arkoosh that the measured loss on three occasions was 18 to 20 cfs through the Arkoosh hydropower plant based upon current meter measurements at the upstream and downstream sections. I indicated that the loss could be either made up by using early priority valid rights or water from another source, that repair could be made to reduce the amount of loss or turn off the hydropower plant until 1984 rights were able to be supplied, and that needed to be done immediately to avoid apparent injury to the prior water rights. After further discussion we did agree to leave the system on until May 4, 1987 to give Arkoosh time to evaluate the loss and determine the repair. Arkoosh had contacted Cecil Thomas, a licensed engineer specializing in hydrology to evaluate the loss and suggest ways of repairing. I explained to Arkoosh that this was not to come down to a current meter measuring contest, that his consultant should be encouraged to use tests that were more accurate and more precise than the current meter, for example, a pondage test. Arkoosh agreed to commit water to the river from early priority rights that he and others had for irrigation. I asked that applications for transfer be filed if replacement water was going to be used for a long term method of mitigating the loss. We looked at the old channel that had been

MICROFILMED

AUG 20 1988

bypassed by the hydro project. I could not identify either a significant gain or loss in the amount of water that was flowing in the stream.

May 11, 1987 -- 8:00 a.m. Conversation with Bill Arkoosh. Arkoosh called and I encouraged him to file the necessary transfers in order to mitigate the loss on a long term basis. I indicated to him that I could no longer accept just leaving the water in the river because under the priority doctrine system without complying with the transfer procedures, the water should go to the next in time rather than to a specific late in time user. Arkoosh indicated that those loaning irrigation water couldn't do so much longer because they would need the water soon. He indicated that he might simply allow the system to be shut down to aid in measuring the loss and locating the areas to repair. I indicated to him that what we were talking about in terms of make-up water was not the entire gross loss but it was the net loss.

May 11, 1987 -- 2:00 p.m. Conversation with Cecil Thomas at my office. Cecil reviewed his loss measurements with me.

Date	Inflow	Penstock	Outflow
May 2, 1987	398	393	404
May 5, 1987	391	382	381
May 6, 1987	346*		338
May 9, 1987	335/351*		336

*Measured 300 feet downstream from the inlet in a boat

Cecil Thomas agreed that the measurements while irratic did indicate a loss perhaps in the neighborhood of 8 to 10 cfs. He discussed in some detail the inadequacy of the flow meter test. I encouraged him to develop and submit for prior approval to the department a pondage or an on/off test which would have greater accuracy than comparing current meter tests. I encouraged him to get the owners approval for a more accurate test and run it once and for all.

May 11, 1987

5:00 p.m. -- Conversation with Reid Newby. Newby called indicating that he needed to shut off the Arkoosh hydropower plant to supply prior right holders downstream. He was needing the water to supply rights for a priority cut about 1890 or earlier. He indicated that prior rights were being damaged and that other users were resisting his regulation because of the perception of loss at the hydropower plant. He had talked with Thomas and agreed that Thomas was saying the loss was in the 8 to 10 cfs range. There had been no change in nature of use filed and I indicated to Newby I supported shutting off the Arkoosh hydropower unit if it was necessary to supply prior rights.

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AUG 20 1988

9:15 p.m. -- Conversation with Cecil Thomas. Mr. Thomas requested a delay of several hours to allow him to instrument the river upstream and downstream from the hydropower plant in order to observe the effect of turning the plant on and off. I talked to Reid Newby at 9:20 p.m.; he agreed to wait until 2:00 p.m. the next day before shutting off the unit.

I called Thomas again and okayed the instrumenting to watch the change.

May 12, 1987 -- 1:30 p.m. Conversation with Tom Arkoosh, Attorney. We discussed the legal authority to regulate and shut off. I indicated the authority was under Chapter 6, Title 42, Idaho Code in order to protect prior rights within a water district, sufficient rights had been adjudicated to administer the rights, indicated that a hearing was not appropriate before shutting off a junior right, provided Arkoosh copies of the approved permit, a copy of the letter dealing with measurement of losses and application for transfer forms. We discussed the acceptable tests that should be more accurate than current meter tests such as the pondage or on/off tests. We talked about in order to avoid being turned off they could mitigate by making up the loss with water from another source, that I reiterated that needed to be done with an application filed pursuant to the change in nature of use statutes in order to protect other users. I described the loss measurements of both Newby and Thomas and I described the apparent damage to senior rights that was occurring because of the loss. I emphasized the need for filing the transfers and not simply committing the water to the river because of the need to simply supply such water to the next junior in line without any credit to the hydropower unit without the paper being filed.

May 13, 1987 -- 10:00 a.m. Visit to office by Tom Arkoosh, Attorney. He described the results of Thomas' test the night before and early that morning on the facility after the water had been turned off. He insisted that Thomas believed the leakage was less than 8 1/2 cfs by the method he used and so was able to conclude that there was no leakage. Therefore, we should allow them to turn on the hydropower facility. After questioning Arkoosh on some of the details of the tests, it became apparent that I had some concerns about the method used. He agreed to have Thomas give me a call and explain the procedures.

May 13, 1987 -- 4:00 p.m. Conversation between myself, Cecil Thomas, and Tom Arkoosh, Attorney. Mr. Thomas described the tests that he had made as the facility was shut off and after it was shut down. At the inlet canal, he measured the leakage through the gates with essentially no water in the canal and found that the maximum leakage was about 8 cfs. He measured the flow going through the penstocks to be 7.7 cfs. All measurements were made using pygmy meters. He used a dye test to determine that water was not moving in from the river into the tail race section; apparently water was moving out towards the river. From this he concluded the loss was less than 8 cfs per second. I expressed my concern that the upstream test on the upstream

AUG 20 1986

canal needed to be done at full operating level and that the test on the bypass section or the tail race section needed to be done at full operating level and a very careful injection of the dye at various section and at various depths to insure there wasn't a circulation of flow at that point. They agreed to repeat the test with extreme care to take care of all variables.

May 13, 1987 -- 5:00 p.m. Conversation with Reid Newby. I related the May 13 conversation with Thomas and Arkoosh and described the tests to be done. Newby indicated that the tests should be okay and if I'm satisfied, he'd be satisfied. He's concerned for disturbing the users downstream as the canal is filled and the other tests are taken.

May 14, 1987 -- 9:30 a.m. Conversation with Cecil Thomas and Tom Arkoosh, Attorney. Thomas reported the results of the overnight test. He indicated that the upstream channel section when filled completely with water with the head across the inlet gate equalized so that there would be no inflow and with about 1 cfs estimated leaking through the turbines, all loss of volume was fully accounted for. So he concluded that there was no measureable leakage in the upper section. He repeated the dye test on the tail race section and again concluded that there was no water being brought in from the river. He indicated that the wind may have been a problem with the dye test and I asked him to repeat it. He agreed to do so.

May 14, 1987 -- 10:00 a.m. Conversation with Reid Newby. I related the details of the 9:30 a.m. call. Newby agreed the results as reported supported reinstating the operation if the next dye test was negative for leakage. He indicated he would not be present at turning the facility on but simply requested a slow turn off to avoid interference with downstream users.

May 14, 1987 -- 11:20 a.m. Conversation with Tom Arkoosh, Attorney. Arkoosh reported the results of the dye test performed by Cecil Thomas. Said both surface and subsurface dye moved out of the channel toward the river. I told Arkoosh that it was okay to turn on immediately. There was no need to wait for Newby. Just simply turn on slowly so as not to either make a hole or bump in the river. Ask and was assured I would receive an engineering report of the tests with Cecil Thomas' engineering seal attached.

May 14, 1987 -- 5:15 p.m. Conversation with Reid Newby. I told him the details of the 11:20 a.m. call.

— structured

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AUG 20 1988

SENDER: Complete items 1, 2, 3 and 4.

your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for service(s) requested.

1. ☐ Show to whom, date and address of delivery.
 2. ☐ Restricted Delivery.

3. Article Addressed to:

Bill and/or Karen Arkoosh
 Route 2 Box 50
 Gooding, ID 83330

4. Type of Service:

- ☐ Registered ☐ Insured
☐ Certified ☐ COD
☐ Express Mail

Article Number

138510

Always obtain signature of addressee or agent and
DATE DELIVERED.

5. Signature - Addressee

X

6. Signature - Agent

X

7. Date of Delivery

5-9-87

8. Addressee's Address (ONLY if requested and fee paid)

FILMED

AUG 20 1998

DOMESTIC RETURN RECEIPT

37-7943

UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

SENDER INSTRUCTIONS

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

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

**RETURN
TO**

RECEIVED
MAY 11 1987

Department of Water Resources



MICROFILMED

MAY 20 1988



PENALTY FOR PRIVATE
USE, \$300

DEPARTMENT OF WATER RESOURCES

STATEHOUSE

BOISE, IDAHO 83720

(Name of Sender)

(No. and Street, Apt., Suite, P.O. Box or R.D. No.)

(City, State, and ZIP Code)

NAME AND
ADDRESS
OF SENDER

DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

Indicate type of mail

☐ Registered
☐ Insured
☐ COD
☒ Certified ☐ Express Mail

Check appropriate block for
Registered Mail:

☐ With Postal Insurance
☐ Without Postal Insurance

Affix stamp here if issued as
certificate of mailing or for
additional copies of this bill.

POSTMARK AND DATE OF RECEIPT

Line	Number of Article	Name of Addressee, Street, and Post-Office Address	Postage	Fee	Handling Charge	Act. Value (If Regis.)	Insured Value	Due Sender If C.O.D.	R. R. Fee	S. D. Fee	S. H. Fee	Rest. Del. Fee Remarks
1	138506	Bonneville Pacific Corp. c/o David Hirschi 185 S. State St. P.O. Box 11898 Salt Lake City, UT 84147 37-7889 & 37-7916	22	X								
2												
4	138507	Geobon II Assoc. Ltd. Partnership 1200 Quail St., Suite 260 Newport Beach, CA 92660 37-8096 & 37-8251										
5												
6												
7	138508	Bonneville Pacific Corp. c/o Vernon F. Ravenscroft P.O. Box 983 Boise, ID 83701 37-7857, 37-7865, 37-7922										
8												
9												
10	138509	Shorock Hydro, Inc. Box 1787 Twin Falls, ID 83303-1787 37-7911 & 37-7863										
11												
12												
13	138510	Bill and/or Karen Arkoosh Route 2 Box 50 Gooding, ID 83330 37-7943										
14												
15												
Total Number of Pieces Listed by Sender		Total Number of Pieces Received at Post Office	POSTMASTER, PER (Name of receiving employee)		The full declaration of value is required on all domestic and international registered mail. The maximum indemnity payable for nonnegotiable documents under Express Mail document reconstruction insurance is \$50,000 per piece subject to a limit of \$500,000 per occurrence. The maximum indemnity payable on Express Mail merchandise insurance is \$500. The maximum indemnity payable is \$25,000 for Registered Mail, \$400 for COD and \$400 for Insured Mail. Special handling charges apply only to Third- and Fourth-Class parcels. Special delivery service also includes special handling service.							
5		5	K. E. Hirschi									

RECEIVED
 MAY 11 1987
 Department of Water Resources
 MICROFILMED
 AUG 20 1998

5-8-87

May 7, 1987

CERTIFIED MAIL

Bill and/or Karen Arkoosh
Rt. 2 Box 50
Gooding, ID 83330

Dear Mr. and Mrs. Arkoosh:

Re: Permit No. 37-7943

Department records show that the above referenced permit was issued to you for the purpose of hydropower generation purposes. One of the conditions of approval of the permit was that the use of water be non-consumptive. The assumption that hydropower uses are non-consumptive in nature is the very reason the department could justify approving late in time appropriations on stream systems which essentially have been fully appropriated in most cases for many years.

The department has been advised by watermasters in several water districts that substantial loss is occurring in some of the conveyance systems, particularly those where water is delivered to the power generating facility through a non-enclosed conduit, and the only use being made of the water is power generation.

You are hereby required to determine the loss occurring within your hydropower project and to provide the information to the department within twenty (20) days of the date of this letter. The determination must be made by a professional engineer licensed to practice in Idaho or by a certified water right examiner using procedures acceptable to the department. In the interim, if the watermaster has measurements indicating that water is being lost within your project and that the water is needed by holders of prior rights, he has been instructed to regulate your diversion as needed to protect the prior rights, even though the herein required loss measurement has not been completed.

The runoff from surface water sources in 1987 is by far less than a normal year, so it is very likely any diversion for hydropower use experiencing a loss will be shut off by the duly authorized water master.

Authority for regulation of diversions by the watermaster is

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AUG 20 1988

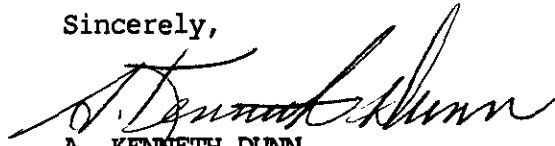
provided in Section 42-607, Idaho Code.

Hydropower users subject to being shut off may want to augment the stream system through acquisition of stored water or non-tributary water from some external source of supply in exchange for the water being lost in their conveyance system. Such arrangements may require approval under Section 42-222, Idaho Code.

Prior notice of the watermaster's action to regulate diversions cannot always be provided. If your generating equipment is subject to damage by the reduction of water flows, it is your responsibility to contact the watermaster to arrange a procedure to provide for regulation of the diversion without damage to your facilities.

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

Sincerely,



A. KENNETH DUNN,
Director

c: Regional office
Watermaster

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AUG 20 1998



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

January 7, 1986

Bill &/or Karen Arkoosh
Rt. 2, Box 50
Gooding, ID 83330

Dear Mr. and Mrs. Arkoosh:

We were in the process of microfilming Permit No. 37-7943 and came upon a packet of information that was marked "confidential". This information was submitted to our office in March of 1985, and since approval of your permit, we find that it is no longer necessary to have this information in our files. Therefore, you will find the contents of the confidential envelope enclosed.

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

Sincerely,

Kay Walker
KAY WALKER
Technical Records Specialist

KW:sc

Enclosures

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AUG 20 1986



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 23, 1985

RE: Permit No. 37-7943

Bill &/or Karen Arkoosh
Rt. 2, Box 50
Gooding, ID 83330

Dear Mr. and Mrs. Arkoosh:

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

Be sure to note the special condition requiring you to install and maintain a measuring device at your point of diversion. We have enclosed a description of the different types of measuring devices accepted by this office.

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.

We have enclosed the financial packet materials that were submitted by Mr. John Arkoosh on October 8, 1985. He requested that these materials be returned to you.

If you have any questions regarding your permit, or any of the above, please feel free to contact our office.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:kw
Enclosures

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State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY: _____ APPLICATION NUMBER: 37-7943

CHECK:

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

Field check by: _____

Date: _____

Comments: _____

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

SEND COPIES TO:

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

Copies sent by: _____ Date: _____

PROCESSING:

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

FINAL REGIONAL PROCESSING REVIEW:

- ☐ Affidavit of publication received. Date: _____
☐ 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? 37M
☒ 9-23-1981 Date of priority recommended.
Special conditions of approval or cover letter. _____

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advised statewide
12-20-85 per review of quad sheets 275, 276 & 226 the minimum stream flow permit 37-7739 is upstream from the pld for this power app. minimum stream flow # 37-7739 29 & 120? - no impact on M.S.F. permit.

STATE OFFICE REVIEW:

By: 30 01 09E 04 05 (37-M...)
27 08A 25
☐ See attached sheet for more information.
By: kw Date: 5/9/84
12/18/85 Department of Water Resources

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

MEMO

FROM: Kay Walker *kw*

DATE: December 23, 1985

TO: File 37-7943

RE: Bypass flows recommended by Fish and Game on FERC Project #7530-000

On this date I contacted Al VanVooren, of Fish and Game, and requested he give me the bypass flows for the above project. Mr. VanVooren stated the below flows are the ones that Fish and Game has requested that FERC use on their project permission:

<u>For the month of</u>	<u>Amount</u>
October thru March	13.0 cfs
April	42.0 cfs
May	55.0 cfs
June	48.0 cfs
July	35.0 cfs
August	36.0 cfs
September	36.0 cfs

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POWER CALCULATIONS FOR APPLICATION NO. **37-7943**

1234.32 1668
P = Kilowatts .74 X hp
Q = cfs 600
H = feet 35'
e = efficiency

proposed

- see letter of 11/23/81 exemption granted
- ✓ 1.) Affidavit of Residency
 - ✓ 2.) Ownership of Facilities
 - ✓ 3.) *Financial Ability
 - ✓ 4.) Feasibility of Project
 - ✓ a. Plans, drawings
 - ✓ b. Economic analysis
 - ✓ 5.) *Compliance w/FERC
 - *only for projects of more than 25 cfs or more than 500 horsepower.

$$e = \frac{P(11.8)}{QH} = \frac{1234.32 \times 11.8}{600 \times 35} = \frac{14,564.976}{21000} = 0.693 \quad \checkmark OK$$

Based on the above calculations the proposed project must have an 69 % efficiency.

OVERLAP REVIEW per terminal 5/9/84

P/D/sec - 37-2136 - irr. dom.
37-7357 - irr.
37-0614 - irr.
37-0613 - irr.
37-1127 - irr., stock, dom.
37-7952 - irr.

P/U/sec - 37-2136 (W1/2SW)
-0326 (SWNE, NESW, W1/2SE)
-0327 same as ↑
-0328 "
-7357 (SWSW, SESW) "
-0059 same as 37-0326
-0329 "
-1127 (W1/2SW)
-7952 (S1/2S1/2)

BYPASSED AREA

MICROFILMED

~~37-7943~~
~~26A 04~~

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

ARKOOSH, Bill &/or Karen

INITIAL REVIEW BY: Harry Indeburg

APPLICATION NUMBER: 37-7943

CHECK:

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

Field check by: _____

Date: _____

Comments: _____

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

✓ 205 & All
✓ Plans

SEND COPIES TO:

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

Copies sent by: marga Date: 10/1/81

marga 10/1/81

marga 10/1/81

marga 10/1/81

marga 10/1/81

PROCESSING:

- ☐ Yes ☐ No Platted by: _____ Map No. AA-22
☐ Yes ☐ No Other rights on same place of use. _____

- ☒ Yes ☐ No* In form for advertising. 10/26/81 ✓
☐ Yes ☒ No Final date for protests: _____
☐ Yes ☒ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: 10/16/81 ✓
☒ 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
9/23/81 Date of priority recommended.
Special conditions of approval or cover letter. OIE, 05, 08A, 17

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* THIS PERMIT DOES NOT CONSTITUTE IDAHO PUBLIC UTILITIES COMMISSION
OR FEDERAL ENERGY REGULATORY COMMISSION APPROVAL THAT MAY BE REQUIRED.

By: Loren Ostlund Date: 12/4/81

STATE OFFICE REVIEW:

SLW/LO8

OIE, 04, 05/37-M

- ☐ See attached sheet for more information.

By: Rolyn Date: 12/30/81

SEND FERC LETTER

DO NOT APPROVE NOW Jim

Department of Water Resources

RECEIVED
DEC 07 1981

POWER CALCULATIONS FOR APPLICATION NO. 37-7943

P = Kilowatts .74 X hp

Q = cfs

H = feet

e = efficiency

proposed
1234.32
600 cfs
35 ft
?

$$e = \frac{P(11.8)}{QH} = \frac{1234.32(11.8)}{600 \times 35} = \frac{14,564.976}{21,000} = .69 \text{ or } 69\%$$

Based on the above calculations the proposed project must have an 69 % efficiency.

Rc 12/30
81

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STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

SOUTHERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

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

October 21, 1985

Lincoln County Journal
P. O. Box 704
Shoshone, Idaho 83352

Re: Application for Permit No. 37-7943

Gentlemen:

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

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

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

Very truly yours,

Mary A. Newby
Sec/Office Coord.

Encl:

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

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

October 21, 1985

Idaho Statesman
Box 40
Boise, Idaho 83707

Attn: Catherine Briggs - Legal Officer

Re: Application for Permit No. 37-7943

Gentlemen:

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

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

Very truly yours,

Mary A. Newby
Sec/Office Coord.

Encl:

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

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

October 21, 1985

Lewiston Morning Tribune
505 C Street
Lewiston, Idaho 83501

Re: Application for Permit No. 37-7943

Gentlemen:

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

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

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

Very truly yours,

Mary A. Newby
Sec/Office Coord.

Encl:

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

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

October 21, 1985

Post Register
P. O. Box 1800
Idaho Falls, Idaho 83402

Re: Application for Permit No. 37-7943

Gentlemen:

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

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

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

Very truly yours,

Mary A. Newby
Sec/Office Coord.

Encl:

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

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

October 21, 1985

Times News
P. O. Box 548
Twin Falls, Idaho 83301

Re: Application for Permit No. 37-7943

Gentlemen:

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

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

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

Very truly yours,

Mary A. Newby
Sec/Office Coord.

Encl:

MICROFILMED

NOTICE OF APPLICATION FOR WATER RIGHT

The following application(s) is (are) being advertised to allow all parties affected by the addition of the public interest criteria Sec. 42-203C, Idaho Code the opportunity to protest:

32-2943-

ARKOOSH, BILL &/or KAREN

RT. 2 BOX 50, GOODING, ID 83330

Source: LITTLE WOOD RIVER tributary to MALAD RIVER

Date Filed: 09/23/1981

Amount: 600.00 CFS

Diversion Point: NWNE Sec 28 T 05S R 16E SENE Sec 27 T 05S R 16E.
LINCOLN Co.

Use: POWER (600.00 CFS) from 01/01 to 12/31

Place of Use: SENW Sec 28 T 05S R 16E

Diversion Means: CHECK DAM & DITCH TO PENSTOCK & GENERATOR

Protests must be filed with the Director, Department of Water Resources, Southern Region, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301 on or before November 18, 1985.

A.KENNETH DUNN
Director

Published: Idaho Statesman on
Lewiston Morning Tribune
Post Register
Lincoln County Journal
Times News

✓Oct. 31 & Nov. 7, 1985	11/8/85
✓Oct. 31 & Nov. 7, 1985	11/28/85
✓Oct. 31 & Nov. 7, 1985	
✓Oct. 31 & Nov. 7, 1985	11/12/85
✓Oct. 31 & Nov. 7, 1985	11/19/85

MICROFILMED

LEGAL-PRUF

NOTICE OF APPLICATION
FOR WATER RIGHT

60641

The following application(s) is (are) being advertised to allow all parties affected by the addition of the public interest criteria Sec. 42-203C, Idaho Code, the opportunity to protest:

37-7943

ARKOOSH, BILL &/or KAREN
RT. 2 BOX 50, BOODING, ID 83330
Source: LITTLE WOOD RIVER
tributary to MALAD RIVER

Date Filed: 09/23/1981

Amount: 600.00C FS

Diversion Point: NWNE Sec 28 T
05S R 16E SENE Sec 27 T 05S R 16E,
LINCOLN Co.

Use: POWER (600.00 CFS) from
01/01 to 12/31

Place of Use: SENW Sec 28 T 05S
R 16E

Diversion Means: CHECK DAM &
DITCH TO PENSTOCK & GENERA-
TOR

Protests must be filed with the Di-
rector, Department of Water Re-
sources, Southern Region, 1041 Blue
Lakes Blvd. North, Twin Falls, Ida-
ho 83301 on or before November 18,
1985.

A. KENNETH DUNN
Director

NOTICE OF
APPLICATION FOR
WATER RIGHT

The following applica-
tion(s) is (are) being
advertised to allow all
parties affected by the
addition of the public in-
terest criteria Sec. 42-
203C, Idaho code the
opportunity to protest:

37-7943

ARKOOSH, BILL &/or
KAREN
Rt. 2, Box 50, Gooding,
ID 83330

Source: Little Wood
River tributary to
MALAD RIVER

Date Filed: 09/23/1981

Amount: 600.00 CFS

Diversion Point: NWNE
Sec 28 T 05S R 16E SENE
Sec 27 T 05S R 16E, LIN-
COLN Co.

Use: Power (600.00
CFS) from 01/01 to 12/31
Place of Use: SENW Sec
28 T 05S R 16E

Diversion Means: Check
Dam & Ditch to Penstock
& Generator

Protests must be filed
with the Director,
Department of Water
Resources, Southern
Region, 1041 Blue Lakes
Blvd. North, Twin Falls,
Idaho 83301 on or before
November 18, 1985.

A. KENNETH DUNN
Director

PUBLISH: Thursday, Oc-
tober 31, and November
7, 1985.



—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

October 17, 1985

RE: Application for Permit No. 37-7943

Bill Arkoosh
Rt. 2, Box 50
Gooding, ID 83330

Dear Mr. Arkoosh:

We have received and reviewed the financial statement packet that Mr. John Arkoosh submitted on your behalf. We find that the information that was included is acceptable and you have met our requirement regarding said financial statement. We will return the enclosures, pursuant to Mr. John Arkoosh's request, once final action has been taken on the application.

Please be advised that prior to final action, we must re-advertise Application 37-7943. All applications for essentially non-consumptive uses of water, which were advertised prior to July 1, 1985, must be re-advertised notifying the public that they may be protested with respect to the new public interest criteria of Section 42-203, Idaho Code.

Also, Section 42-203, Idaho Code, as amended, now requires that all applications for permit to divert more than 10 cubic feet per second must be advertised statewide.

If no protests are received, we will be able to finalize processing of this application.

This letter is written to advise you of this new requirement. Please feel free to contact either this office or our regional office in Twin Falls if you have any questions regarding the above.

Sincerely,

KAY WALKER
Technical Records Specialist

KW:sc

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INTER-DEPARTMENT MEMO — 1

FROM Jim Johnson

DATE 10/16/85

TO File 37-7943

SUBJECT Review of Financial Commitment to Fund Project Development

I reviewed: (1) financial statement for Mr. Arkoosh
(2) a commitment letter from Signal Capital Corp. to provide
financing for this project
(3) copies showing expenses of \$140,000.00

and found that said information satisfied the Department's request of
6/17/85. Said information will be returned with copy of approved permit.

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SIGNATURE

CONVERSATION MEMORANDUM

DATE 10-15-85FILE 37-7943

NAME OF PARTY

Bill Arpoosh

EMPLOYEE

Kay Walker

RE:

Submittal of Financial Resources Info.

Mr. Arpoosh called to see if we had received & reviewed the information submitted by John Arpoosh. I had not seen the information, and relayed to Mr. Arpoosh that if this info was not acceptable we would contact his cousin, John Arpoosh, at 934-8401.

Bill Arpoosh believes that all is nearly finalized at his end - said he expected only another 6-week period delay. He is very anxious not to have detrimental action taken towards his application.

MICROFILMED

JOHN C. ARKOOSH
Attorney at Law
P.O. Box 32
116 Fourth Avenue West
Gooding, Idaho 83330
Telephone: (208) 934-8401

RECEIVED
OCT 10 1985

October 8, 1985

Department of Water Resources

Mr. Jim Johnson
Water Rights Supervisor
IDAHO DEPARTMENT OF WATER RESOURCES
Statehouse
450 West State Street
Boise, Idaho 83720

RE: Application for Permit No. 37-7943

Dear Mr. Johnson:

This letter is in response to your September 11, 1985 letter to my client, Mr. William Arkoosh, Route 2 Box 50, Gooding, Idaho 83330, concerning the necessity of your reviewing his financial statement prior to processing the above-mentioned application.

Please find enclosed the following:

1. A current financial statement for Mr. Arkoosh.
2. A commitment letter from Signal Capital Corporation, dated September 20, 1985. You will note that this commitment has since expired but it does show that it is a financable project.
3. Paperwork showing that to date, Mr. Arkoosh has invested up to \$140,000.00 in equipment for this project.

It is requested that you keep the above material confidential and, after having reviewed it as requested, that you return it directly to Mr. Arkoosh at the above-mentioned address.

If the above is not sufficient for you to proceed with the processing of Mr. Arkoosh's application, please contact me immediately and tell me what else is required from your office.

In any event, please advise.

Sincerely,


JOHN C. ARKOOSH

JCA:rw
Enclosures
cc: William Arkoosh

MICROFILMED

CONVERSATION MEMORANDUM

DATE 9-13-85FILE 37-7943NAME OF PARTY Bill ArkooshEMPLOYEE Ray WalkerRE: Jim's letter requesting
financial statement -

Mr. Arkoosh expects financial statement to be in by October 15th, but called to let us know he got the letter and is diligently working towards supplying required information.

He will also relay the above in written correspondence per my suggestion — kw

10-8-85

Mr. John Arkoosh called (for Bill Arkoosh) regarding the required financial statement. He indicated that they have already spent monies for equipment and they would send in a financial statement along with a notice of monies already spent. kw

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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 11, 1985

RE: Application for Permit No. 37-7943

Bill Arkoosh
Rt. 2, Box 50
Gooding, ID 83330

Dear Mr. Arkoosh:

A review of the above application shows that we are still waiting for a financial statement so that we can proceed with processing this right.

Please submit said statement on or before October 15, 1985. If we do not hear from you by that date, we will have no other alternative but to void your application.

If you have any questions on this matter, please let me know.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

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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

June 17, 1985

Bill Arkoosh
Route #2, Box 50
Gooding, ID 83330

Re: Application for Permit No. 37-7943

Dear Mr. Arkoosh:

Pursuant to your telephonic request of June 14, 1985, this letter is provided to advise you of the current status of the above-referenced Application for Permit, which proposes a diversion of 600 cfs for power purposes from the Little Wood River at points of diversion located in Sections 27 and 28, Twp 5S, Rge 16E, B.M., Lincoln County.

At this time, the only information needed prior to approval of the Application for Permit is a commitment of financing. This commitment can be in the form of a letter from a financial institution which identifies an intent to finance the hydropower project described in Application for Permit No. 37-7943. Upon receipt of an adequate showing of financial commitment, the Department is prepared to issue a permit subject to various conditions of approval, including subordination to future upstream consumptive uses and a term of years limitation.

In reference to your question about procedures relative to this water right after issuance of the permit, please be advised that construction of diverting works will be required to commence within one year of the date of approval of the permit. Five years will be allowed after the date of approval for completion of works and application of water to beneficial use. When the water diversion is completed and the system is operating as proposed, the permit holder will be required to submit proof

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Bill Arkoosh
June 17, 1985
Page 2

of completion of works and application of water to beneficial use. Subsequently, the Department will examine the system and will issue a water right license based on the finding of the examination.

Please continue to advise the Department regarding financing of the proposed project. If you desire a more complete synopsis of Department procedures relative to this water right or have other questions, please feel free to contact this office.

Sincerely,

A handwritten signature in cursive script, reading "L. Glen Saxton". The signature is written in dark ink and is positioned above the typed name and title.

L. GLEN SAXTON
Chief, Operations Bureau

LGS/DRT/ljs

MICROFILMED

JOHN C. ARKOOSH
Attorney at Law
P.O. Box 32
116 Fourth Avenue West
Gooding, Idaho 83330
Telephone: (208) 934-8401

RECEIVED
MAY 9 1985

Department of Water Resources

May 7, 1985

Mr. David Tuthill
DEPARTMENT OF WATER RESOURCES
Statehouse
Boise, Idaho 83720

RE: Bill Arkoosh - LITTLE WOOD RIVER RANCH PROJECT
Water Application No. 37-7943

Dear Dave:

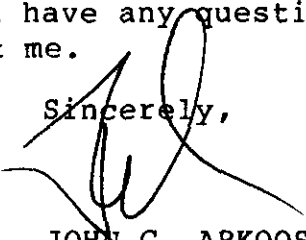
Please find enclosed a copy of the FERC Order reinstating the exemption in the Little Wood River site. The outcome of this order is to grant William Arkoosh and exemption from licensing.

It is also my understanding that Mr. Arkoosh is having the financial information you requested sent. You might actually have that in hand by this time.

I understand that the FERC Order and the financial information were the only items which you needed to grant this application permit status. If that is not the case, please let me know.

In the meantime, if you have any questions or problems, please feel free to contact me.

Sincerely,


JOHN C. ARKOOSH

JCA:rw

Enclosures

Still awaiting financial info.
DWR 5/28/85

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The Commission orders:

(A) The following issued exemptions were miscategorized under ordering paragraph (B) of Eagle Power as void because it appeared that physical construction had not commenced by May 10, 1984. They are recategorized under Part IV(A) of that order because physical construction had in fact commenced by that date, so that Tulalip will not be retroactively applied to them.

Frank B. Nichols (erroneously identified as Frank C. Nicols in <u>Eagle Power</u>)	)	Project No. 5766-000
Thomas K. and Jody L. Budde	)	Project No. 7754-000
Northern Resources, Inc.	)	Project No. 3590-001
Southern Pacific Land Co.	)	Project No. 6028-000
Southern Pacific Land Co.	)	Project No. 6061-000
Mega Hydro, Inc.	)	Project No. 7057-000
Xenophon Enterprises, Inc.	)	Project No. 7010-001
Neocene Explorations, Inc.	)	Project No. 7006-000
William Arkoosh	)	Project No. 7530-000 <i>Lat. am</i>
Steven W. Ricketts (erroneously identified as Steven W. Picketts in <u>Eagle Power</u>)	)	Project No. 7192-000
Dan D. Hudson	)	Project No. 6788-000
Paul N. Zeller	)	Project No. 7422-000

(B) The following issued exemptions were miscategorized as being void under ordering paragraph (B) of Eagle Power by the order of August 8, 1984, because it appeared that physical construction had not commenced by May 10, 1984. They are recategorized under Part IV(A) of Eagle Power because physical construction had in fact commenced by that date, so that Tulalip will not be retroactively applied to them.

Henwood Associates, Inc.	)	Project No. 3730-001
George Arkoosh	)	Project No. 7548-000 <i>the Sun</i>

MICROFILMED

(C) The following pending, accepted exemption application was miscategorized as a valid natural water feature exemption under Part IV(B)(1) of Pigeon Cove; it is now recategorized under Part III of Snowbird since it is a project invalidated by Tulalip. For this project, the deadlines established in Snowbird shall be calculated from the date of this order.

Harder Farms, Inc. and
Scott Ranch

) Project No. 7390-000
)

(D) The following pending exemption application was inadvertently miscategorized by the August 8, 1984, order as an unaccepted application and was dismissed under ordering paragraph (C) of Snowbird. Since it had in fact been accepted, it is recategorized under Part III of Snowbird and reinstated. For this project, the deadlines established in Snowbird shall be calculated from the date of this order.

Pan-Pacific Hydro, Inc.

) Project No. 6955-002
)

(E) The following pending, unaccepted exemption application was inadvertently excluded from the July 18, 1984, and August 8, 1984, orders. It is now categorized as dismissed under ordering paragraph (C) of Snowbird.

Douglas Water Power Co.

) Project No. 7442-000
)

(F) The following pending, accepted exemption application was inadvertently excluded from the July 18, 1984, and August 8, 1984, orders. It is now categorized as under Part III of Snowbird. For this project, the deadlines established in Snowbird shall be calculated from the date of this order.

Birch Creek Hydro

) Project No. 6186-000
)

(G) The following issued exemption was mistakenly included in ordering paragraph (B) of Eagle Power as void because it appeared that physical construction had not commenced by May 10, 1984. It would in fact use an existing dam and is therefore not a natural water feature exemption. Consequently, it is hereby deleted from Eagle Power and reinstated.

DCH Development Co.

) Project No. 6920-001
)

(H) The following pending, unaccepted exemption application was mistakenly included as a valid natural water feature exemption in Part IV(B)(2) of Pigeon Cove. It would in fact divert water from a man-made canal and therefore does not qualify for a natural water feature exemption. Consequently, it is hereby deleted from Pigeon Cove.

UNRECORDED

Duane Hutton

Project No. 6362-001

(I) The following pending, unaccepted exemption applications were mistakenly included in ordering paragraph (C) of Snowbird and were dismissed. Because they do not qualify for natural water feature exemptions, they are deleted from Snowbird and are hereby reinstated as pending, unaccepted applications for existing dam exemptions.

BMB Enterprises, Inc.

Project No. 8192-000

Great Western Power & Light, Inc.

Project No. 8230-000

(J) The following pending, accepted exemption application was mistakenly included in Part III of Snowbird. Because it does not qualify for a natural water feature exemption, it is therefore deleted from Snowbird, and is hereby reinstated as a pending, unaccepted application for an existing dam exemption.

William A. Curtis

Project No. 7878-000 *Shalen Spring*

(K) 1) On July 20, 1984, Northwestern Resources, Inc. (successor in interest to Frank B. Nichols) filed a motion to stay and modify Eagle Power as it relates to Project No. 5766-000, and on August 8, 1984, filed a petition for rehearing of Eagle Power as it relates to Project No. 5766-000. The motion to modify and the request for rehearing are granted. See ordering paragraph (A). The motion to stay is thus denied as moot.

2) On August 16, 1984, Thomas K. and Jody L. Budde filed a petition for rehearing of Eagle Power as it relates to Project No. 7754-000. The request for rehearing is granted. See ordering paragraph (A).

3) On August 9, 1984, Northern Resources, Inc. filed a petition for rehearing of and motion to modify Eagle Power as it relates to Project No. 3590-001. The motion to modify and the petition for rehearing are granted. See ordering paragraph (A).

4) On August 14, 1984, Southern Pacific Land Company filed a petition for rehearing of Eagle Power as it relates to Project Nos. 6028-000 and 6061-000. The request for rehearing is granted. See ordering paragraph (A).

5) On August 14, 1984, Mega Hydro, Inc. filed a petition for rehearing of Eagle Power as it relates to Project No. 7057-000. The request for rehearing is granted. See ordering paragraph (A).

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6) On August 1, 1984, Xenophon Enterprises, Inc. filed a petition for rehearing of and motion to stay and modify Eagle Power as it relates to Project No. 7010-001. The motion to modify and the petition for rehearing are granted. See ordering paragraph (A). The motion to stay is thus denied as moot.

7) On August 8, 1984, Neocene Explorations, Inc. filed a petition for rehearing of Eagle Power as it relates to Project No. 7006-000. The request for rehearing is granted. See ordering paragraph (A).

8) On August 6, 1984, Dan D. Hudson filed a petition for rehearing of Eagle Power as it relates to Project No. 6788-000. The request for rehearing is granted. See ordering paragraph (A).

9) On August 10, 1984, William Arkoosh filed a petition for rehearing of Eagle Power as it relates to Project No. 7530-000. The request for rehearing is granted. See ordering paragraph (A).

10) On August 28, 1984, Henwood Associates, Inc. filed a petition for rehearing of the order of August 8, 1984, as it relates to Project No. 3730-001. The request for rehearing is granted. See ordering paragraph (B).

11) On September 5, 1984, George Arkoosh filed a petition for rehearing of and motion to stay and modify the order of August 8, 1984, as it relates to Project No. 7548-000. The motion to modify and the petition for rehearing are granted. See ordering paragraph (B). The motion to stay is thus denied as moot. }

12) On August 6, 1984, DCH Development Co. filed a petition for rehearing of Eagle Power as it relates to Project No. 6920-001. The request for rehearing is granted. See ordering paragraph (G).

13) The stay of the Director of the Office of Electric Power Regulation's April 30, 1984, order issuing an exemption for Project No. 7010-001 included in the Commission's May 30, 1984, order is hereby lifted.

14) The stay of the August 8, 1984, "Order Correcting Orders" included in the Commission's September 7, 1984, order is hereby lifted in regards to Project Nos. 7548-000 and 6955-002.

By the Commission, Commission Richard concurred with a separate statement attached.

(S E A L)

Kenneth F. Plumb

Kenneth F. Plumb,
Secretary.

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FEDERAL ENERGY REGULATORY COMMISSION

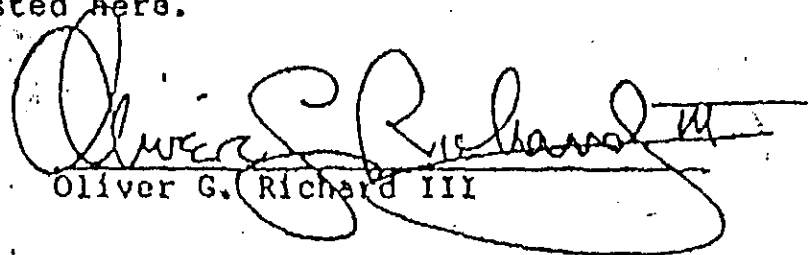
Frank B. Nichols)

Project No. 5766-002,
et al.

(Issued September 27, 1984)

RICHARD, Commissioner, concurring:

I will concur for the purpose of promoting conformity with our previous orders on this issue. The Eagle Power Co. cases have been tolled pending action on requests for rehearing. My vote here does not preclude reconsideration of the original list nor the corrections listed here.


Oliver G. Richard III

MICROFILMED

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

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

RECEIVED

State of Idaho P-7530
Dept. of Water Resources
State House
Boise, Idaho 83720

37-7943

Department of Water Resources



POSTAGE AND FEES PAID
FEDERAL ENERGY
REGULATORY COMMISSION
FERC 381

RECEIVED
APR 23 1984

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

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Mr. William Arkoosh) Project No. 7530-000

ORDER GRANTING EXEMPTION FROM LICENSING OF A
SMALL HYDROELECTRIC PROJECT OF 5 MW OR LESS

(Issued April 13, 1984)

The Applicant 1/ filed an application for exemption from all or part of Part I of the Federal Power Act (Act) pursuant to 18 C.F.R. Part 4 Subpart K (1980) implementing in part Section 408 of the Energy Security Act (ESA) of 1980 for a project as described in the attached public notice. 2/ 3/

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

- 1/ Mr. William Arkoosh, Project No. 7530, filed on August 16, 1983.
- 2/ Pub. Law 96-294, 94 Stat. 611. Section 408 of the ESA amends inter alia, Sections 405 and 408 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. §§2705 and 2708).
- 3/ Authority to act on this matter is delegated to the Deputy Director, Office of Electric Power Regulation, under §375.308 of the Commission's regulations, 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-4

-2-

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) Little Wood River Ranch Project No. 7530 as described and designated in Mr. William Arkoosh's application filed on August 16, 1983, is exempted from all of the requirements of Part I of the Federal Power Act, including licensing, subject to the standard articles in §4.106 of the Commission's regulations attached hereto as Form E-2, 18 C.F.R. §4.106, 45 Fed. Reg. 76115 (November 18, 1980), and the following Special Articles.

Article 6. Any exempted small hydroelectric power project that utilizes a dam which is more than 33 feet in height above streambed, as defined in 18 CFR 12.31(c) of this chapter, impounds more than 2,000 acre-feet of water, or has a significant or high hazard potential, as defined in 33 CFR Part 222, is subject to the following provisions of 18 CFR Part 12:

- (i) Section 12.4(b)(1)(i) and (ii), (2)(i), (iii)(A) and (B), (iv), and (v);
- (ii) Section 12.4(c);
- (iii) Section 12.5;
- (iv) Subpart C; and
- (v) Subpart D.

For the purposes of applying these provisions of 18 CFR Part 12, the exempted project is deemed to be a licensed project development and the owner of the exempted project is deemed to be a licensee.

Article 7. 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.

Robert E. Cackowski

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

RECORDED

MICROFILMED

P-7530-000

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Notice of Application Filed with the Commission
(November 4, 1983)

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

- a. Type of Application: Exemption (5MW or Less)
- b. Project No: 7530-000
- c. Date Filed: August 16, 1983
- d. Applicant: Mr. William Arkoosh
- e. Name of Project: Little Wood River Ranch
- f. Location: On Little Wood River, Lincoln County, Idaho, near the town of Shoshone
- g. Filed Pursuant to: Energy Security Act of 1980 (16 U.S.C. §§2705 and 2708 as amended)
- h. Contact Person: Mr. Vernon Ravenacroft, Consulting Associates, Inc., P.O. Box 893, Boise, Idaho 83702
- i. Comment Date: DEC 15 1983
- j. Description of Project: The proposed project would consist of: (1) a 10-foot-high, diversion structure at elevation 3,743 feet; (2) a 2,000-foot-long canal; (3) a headwork structure; (4) a 112-inch-diameter, 100-foot-long penstock; (5) a powerhouse containing a single generating unit with a rated capacity of 662 kW operating under a head of 23 feet; (6) a tailrace; and (7) a 34.5-kV, one-mile-long transmission line tying into an existing Idaho Power Company line. The estimated average annual energy output is 2,970,000 kWh.
Purpose of Exemption - An exemption, if issued, gives an Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.
- k. Purpose of Project: The proposed project power will be sold to the Idaho Power Company.
- l. This notice also consists of the following standard paragraphs: A1, A9, B, C and D3a

DC-A-11

A1. Exemption for Small Hydroelectric Power Project under 5MW Capacity -- Any qualified license or conduit 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 or conduit exemption application that proposes to develop at least 7.5 megawatts in that project, or a notice of intent to file such an application. Any qualified 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 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.

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.

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. §§186.210, .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.

D3a. 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 408 of the Act, to file within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Kenneth F. Plumb
Secretary

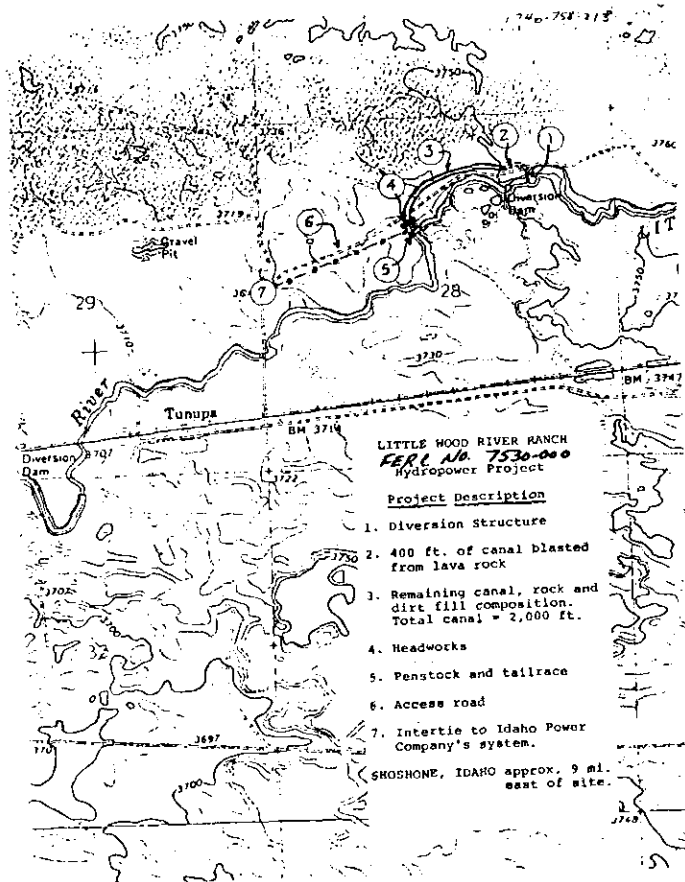
§ 4.106 Standard terms and conditions of exemption from licensing.

Any exemption from licensing granted under this subpart for a small hydroelectric power project is subject to the following standard terms and conditions:

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

(b) Article 2. The construction, operation, and maintenance of the exempt project must comply with any terms and conditions that any Federal or state fish and wildlife agencies have determined are appropriate to prevent loss of, or damage to, fish or wildlife resources or otherwise to carry out the purposes of the Fish and Wildlife Coordination Act, as specified in Exhibit E of the application for exemption from licensing or in the comments submitted in response to the notice of the exemption application.

(c) Article 3. The Commission may accept a license application by any qualified license applicant and revoke this exemption if actual construction or development of any proposed generating facilities has not begun within 18 months, or been completed within four years, from the date on which this exemption was granted. If an exemption is revoked, the Commission will not accept a subsequent application for exemption within two years of the revocation.



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CONVERSATION MEMORANDUM

DATE April 8, 1985

FILE 37-7943

NAME OF PARTY John Arkoosh

EMPLOYEE Dave Tuthill *DT*

RE: Additional Requirements Prior to Approval of
Application for Permit

On this day Mr. Arkoosh returned my call regarding the above-referenced application. I informed him that prior to approval of the Application for Permit, the following two items would be needed:

- A. FERC Approval. Mr. Arkoosh provided copies of two FERC documents with his letter dated March 5, 1985. One copy was of the Order Granting Exemption from Licensing of a Small Hydroelectric Project, FERC No. 7530. Our records had shown that this Order was subsequently revoked due to the Tulalip decision. The other copy was of an Order Correcting Previous Order dated September 27, 1984. This Order indicates that a request for rehearing with respect to the above-referenced exemption application was granted on August 10, 1984. Mr. Arkoosh did not include information which indicates that the exemption has been reinstated and is currently valid.
- B. Financial Statement. Although Mr. Arkoosh submitted information showing a limited partnership has been formed whereby additional individuals would be financing the hydroelectric project, no financial statement for those individuals has yet been provided. Regarding this requirement, I indicated that either financial statements of the various individuals or a letter from a financial institution indicating that these individuals have sufficient finances to build the proposed project would be sufficient.

Mr. Arkoosh indicated that it could take some time to obtain the necessary financial information. I advised him that the application is currently in good standing and that we could allow up to six weeks to provide the information based on his telephone conversation. Therefore, this file should be pulled for review approximately June 1, 1985.

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John C. Arkoosh
Attorney at Law
P.O. Box 32
116 Fourth Ave. West
Gooding, Idaho 83330
(208) 934-8401

RECEIVED
MAR 7 1985

Department of Water Resources

March 5, 1985

Mr. Dave Tuthill *DM*
DEPARTMENT OF WATER RESOURCES
Statehouse
Boise, Idaho 83720

RE: Bill Arkoosh - Little Wood River Ranch Project
Application No. 37-7943

Dear Mr. Tuthill:

Please find enclosed a copy of the following documents

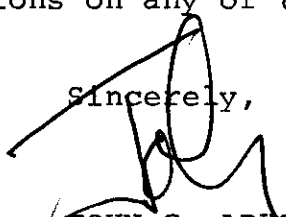
1. FERC Order Granting Exemption From Licensing
of a Small Hydroelectric Project of 5MW or Less issued
April 13, 1984.
2. Order Correcting Previous Orders issued September 27,
1984.
3. Certificate and Agreement of Limited Partnership
and Sales Agreement entered into on the 21st day of February,
1985, between Bill Arkoosh and Valentine, Larson and Barclay.

It is my understanding that this is all that is required
to make the application a permit. Time is of the essence.
Please contact me next week and let me know where we stand
on this.

I would ask that you not microfilm the limited partner-
ship agreement nor the Sales Agreement and keep both confi-
dential as both documents are private business contracts of
a confidential nature. If you have any questions regarding
either of these two documents, please feel free to contact
Scott Barclay or Bill Arkoosh.

If you have any questions on any of the above, please
feel free to contact me.

Sincerely,


JOHN C. ARKOOSH

JCA:rw

Enclosures

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Before Commissioners: Raymond J. O'Connor, Chairman;
Georgiana Sheldon, A. G. Sousa,
Oliver G. Richard III and Charles G. Stalon.

Frank B. Nichols	)	Project No. 5766-002
Thomas K. and Jody L. Budde	)	Project No. 7754-001
Northern Resources, Inc.	)	Project No. 3590-004
Southern Pacific Land Co.	)	Project No. 6028-002
Southern Pacific Land Co.	)	Project No. 6061-002
Mega Hydro, Inc.	)	Project No. 7057-001
Xenophon Enterprises, Inc.	)	Project No. 7010-002
Neocene Explorations, Inc	)	Project No. 7006-001
Steven W. Ricketts	)	Project No. 7192-000
Dan D. Hudson	)	Project No. 6788-001
Paul N. Zeller	)	Project No. 7422-000
William Arkoosh	)	Project No. 7530-001
Henwood Associates, Inc.	)	Project No. 3730-003
George Arkoosh	)	Project No. 7548-001
Harder Farms, Inc. and Scott Ranch	)	Project No. 7390-000
Pan-Pacific Hydro, Inc.	)	Project No. 6955-002
Douglas Water Power Co.	)	Project No. 7442-000
Birch Creek Hydro	)	Project No. 6186-000
DCH Development Co.	)	Project No. 6920-001
Duane Hutton	)	Project No. 6362-001
BMB Enterprises, Inc.	)	Project No. 8192-000
Great Western Power & Light, Inc.	)	Project No. 8230-000
William A. Curtis	)	Project No. 7878-000

ORDER CORRECTING PREVIOUS ORDERS

(Issued September 27, 1984)

On July 18, 1984, we issued four orders 1/ resolving the status of issued and applied-for natural water feature exemptions in light of the Ninth Circuit's decision in Tulalip Tribes of Washington v. FERC, 732 F.2d 1451 (9th Cir. 1984). Due to the administrative complexity of this task, the four orders mistakenly excluded, included, or miscategorized certain exemptions. Accordingly, on August 8, 1984, we issued an "Order Correcting Orders" to rectify those errors. It now appears from supplemental information available to the Commission and from additional information contained in various petitions filed for rehearing of the July 18, 1984, and August 8, 1984, orders that these orders contain additional factual errors. This order rectifies those errors.

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1/ Pigeon Cove Power Co., 28 FERC ¶ 61,064 (1984); Forward Power and Energy Co., 28 FERC ¶ 61,063 (1984); Eagle Power Co., 28 FERC ¶ 61,061 (1984); Snowbird, Ltd., 28 FERC ¶ 61,062 (1984).

The Commission orders:

(A) The following issued exemptions were miscategorized under ordering paragraph (B) of Eagle Power as void because it appeared that physical construction had not commenced by May 10, 1984. They are recategorized under Part IV(A) of that order because physical construction had in fact commenced by that date, so that Tulalip will not be retroactively applied to them.

Frank B. Nichols (erroneously identified as Frank C. Nicols in <u>Eagle Power</u>)	)	Project No. 5766-000
Thomas K. and Jody L. Budde	)	Project No. 7754-000
Northern Resources, Inc.	)	Project No. 3590-001
Southern Pacific Land Co.	)	Project No. 6028-000
Southern Pacific Land Co.	)	Project No. 6061-000
Mega Hydro, Inc.	)	Project No. 7057-000
Xenophon Enterprises, Inc.	)	Project No. 7010-001
Neocene Explorations, Inc.	)	Project No. 7006-000
William Arkoosh	)	Project No. 7530-000 <i>Little was</i>
Steven W. Ricketts (erroneously identified as Steven W. Picketts in <u>Eagle Power</u>)	)	Project No. 7192-000
Dan D. Hudson	)	Project No. 6788-000
Paul N. Zeller	)	Project No. 7422-000

(B) The following issued exemptions were miscategorized as being void under ordering paragraph (B) of Eagle Power by the order of August 8, 1984, because it appeared that physical construction had not commenced by May 10, 1984. They are recategorized under Part IV(A) of Eagle Power because physical construction had in fact commenced by that date, so that Tulalip will not be retroactively applied to them.

Henwood Associates, Inc.	)	Project No. 3730-001
George Arkoosh	)	Project No. 7548-000 <i>See Ser 2</i>

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(C) The following pending, accepted exemption application was miscategorized as a valid natural water feature exemption under Part IV(B)(1) of Pigeon Cove; it is now recategorized under Part III of Snowbird since it is a project invalidated by Tulalip. For this project, the deadlines established in Snowbird shall be calculated from the date of this order.

Harder Farms, Inc. and
Scott Ranch

) Project No. 7390-000
)

(D) The following pending exemption application was inadvertently miscategorized by the August 8, 1984, order as an unaccepted application and was dismissed under ordering paragraph (C) of Snowbird. Since it had in fact been accepted, it is recategorized under Part III of Snowbird and reinstated. For this project, the deadlines established in Snowbird shall be calculated from the date of this order.

Pan-Pacific Hydro, Inc.

) Project No. 6955-002
)

(E) The following pending, unaccepted exemption application was inadvertently excluded from the July 18, 1984, and August 8, 1984, orders. It is now categorized as dismissed under ordering paragraph (C) of Snowbird.

Douglas Water Power Co.

) Project No. 7442-000
)

(F) The following pending, accepted exemption application was inadvertently excluded from the July 18, 1984, and August 8, 1984, orders. It is now categorized as under Part III of Snowbird. For this project, the deadlines established in Snowbird shall be calculated from the date of this order.

Birch Creek Hydro

) Project No. 6186-000
)

(G) The following issued exemption was mistakenly included in ordering paragraph (B) of Eagle Power as void because it appeared that physical construction had not commenced by May 10, 1984. It would in fact use an existing dam and is therefore not a natural water feature exemption. Consequently, it is hereby deleted from Eagle Power and reinstated.

DCN Development Co.

) Project No. 6920-001
)

(H) The following pending, unaccepted exemption application was mistakenly included as a valid natural water feature exemption in Part IV(B)(2) of Pigeon Cove. It would in fact divert water from a man-made canal and therefore does not qualify for a natural water feature exemption. Consequently, it is hereby deleted from Pigeon Cove.

MICROFILMED

Duane Hutton

)

Project No. 6362-001

(I) The following pending, unaccepted exemption applications were mistakenly included in ordering paragraph (C) of Snowbird and were dismissed. Because they do not qualify for natural water feature exemptions, they are deleted from Snowbird and are hereby reinstated as pending, unaccepted applications for existing dam exemptions.

BMB Enterprises, Inc.

)

Project No. 8192-000

Great Western Power & Light, Inc.

)

Project No. 8230-000

(J) The following pending, accepted exemption application was mistakenly included in Part III of Snowbird. Because it does not qualify for a natural water feature exemption, it is therefore deleted from Snowbird, and is hereby reinstated as a pending, unaccepted application for an existing dam exemption.

William A. Curtis

)

Project No. 7878-000 *Thaler Spring*

(K) 1) On July 20, 1984, Northwestern Resources, Inc. (successor in interest to Frank B. Nichols) filed a motion to stay and modify Eagle Power as it relates to Project No. 5766-000, and on August 8, 1984, filed a petition for rehearing of Eagle Power as it relates to Project No. 5766-000. The motion to modify and the request for rehearing are granted. See ordering paragraph (A). The motion to stay is thus denied as moot.

2) On August 16, 1984, Thomas K. and Jody L. Budde filed a petition for rehearing of Eagle Power as it relates to Project No. 7754-000. The request for rehearing is granted. See ordering paragraph (A).

3) On August 9, 1984, Northern Resources, Inc. filed a petition for rehearing of and motion to modify Eagle Power as it relates to Project No. 3590-001. The motion to modify and the petition for rehearing are granted. See ordering paragraph (A).

4) On August 14, 1984, Southern Pacific Land Company filed a petition for rehearing of Eagle Power as it relates to Project Nos. 6028-000 and 6061-000. The request for rehearing is granted. See ordering paragraph (A).

5) On August 14, 1984, Mega Hydro, Inc. filed a petition for rehearing of Eagle Power as it relates to Project No. 7057-000. The request for rehearing is granted. See ordering paragraph (A).

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6) On August 1, 1984, Xenophon Enterprises, Inc. filed a petition for rehearing of and motion to stay and modify Eagle Power as it relates to Project No. 7010-001. The motion to modify and the petition for rehearing are granted. See ordering paragraph (A). The motion to stay is thus denied as moot.

7) On August 8, 1984, Neocene Explorations, Inc. filed a petition for rehearing of Eagle Power as it relates to Project No. 7006-000. The request for rehearing is granted. See ordering paragraph (A).

8) On August 6, 1984, Dan D. Hudson filed a petition for rehearing of Eagle Power as it relates to Project No. 6788-000. The request for rehearing is granted. See ordering paragraph (A).

9) On August 10, 1984, William Arkoosh filed a petition for rehearing of Eagle Power as it relates to Project No. 7530-000. The request for rehearing is granted. See ordering paragraph (A). }

10) On August 28, 1984, Henwood Associates, Inc. filed a petition for rehearing of the order of August 8, 1984, as it relates to Project No. 3730-001. The request for rehearing is granted. See ordering paragraph (B).

11) On September 5, 1984, George Arkoosh filed a petition for rehearing of and motion to stay and modify the order of August 8, 1984, as it relates to Project No. 7548-000. The motion to modify and the petition for rehearing are granted. See ordering paragraph (B). The motion to stay is thus denied as moot. }

12) On August 6, 1984, DCH Development Co. filed a petition for rehearing of Eagle Power as it relates to Project No. 6920-001. The request for rehearing is granted. See ordering paragraph (G).

13) The stay of the Director of the Office of Electric Power Regulation's April 30, 1984, order issuing an exemption for Project No. 7010-001 included in the Commission's May 30, 1984, order is hereby lifted.

14) The stay of the August 8, 1984, "Order Correcting Orders" included in the Commission's September 7, 1984, order is hereby lifted in regards to Project Nos. 7548-000 and 6955-002.

By the Commission. Commission Richard concurred with a separate statement attached.

(S E A L)

Kenneth F. Plumb

Kenneth F. Plumb,
Secretary.

RECORDED

FEDERAL ENERGY REGULATORY COMMISSION

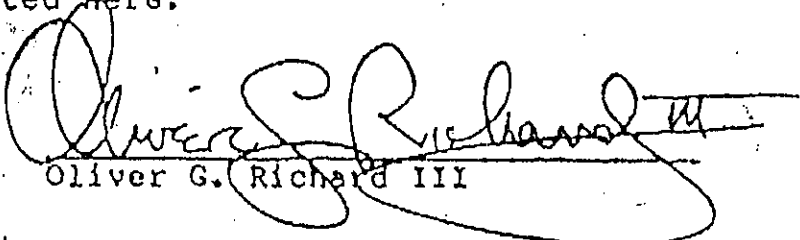
Frank B. Nichols)

Project No. 5766-002,
et al.

(Issued September 27, 1984)

RICHARD, Commissioner, concurring:

I will concur for the purpose of promoting conformity with our previous orders on this issue. The Eagle Power Co. cases have been tolled pending action on requests for rehearing. My vote here does not preclude reconsideration of the original list nor the corrections listed here.


Oliver G. Richard III

MICROFILMED

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Mr. William Arkoosh) Project No. 7530-000

ORDER GRANTING EXEMPTION FROM LICENSING OF A
SMALL HYDROELECTRIC PROJECT OF 5 MW OR LESS

(Issued April 13, 1984)

The Applicant 1/ filed an application for exemption from all or part of Part I of the Federal Power Act (Act) pursuant to 18 C.F.R. Part 4 Subpart K (1980) implementing in part Section 408 of the Energy Security Act (ESA) of 1980 for a project as described in the attached public notice. 2/ 3/

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

- 1/ Mr. William Arkoosh, Project No. 7530, filed on August 16, 1983.
- 2/ Pub. Law 96-294, 94 Stat. 611. Section 408 of the ESA amends inter alia, Sections 405 and 408 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. §§2705 and 2708).
- 3/ Authority to act on this matter is delegated to the Deputy Director, Office of Electric Power Regulation, under §375.308 of the Commission's regulations, 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-4

-2-

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) Little Wood River Ranch Project No. 7530 as described and designated in Mr. William Arkoosh's application filed on August 16, 1983, is exempted from all of the requirements of Part I of the Federal Power Act, including licensing, subject to the standard articles in §4.106 of the Commission's regulations attached hereto as Form E-2, 18 C.F.R. §4.106, 45 Fed. Reg. 76115 (November 18, 1980), and the following Special Articles.

Article 6. Any exempted small hydroelectric power project that utilizes a dam which is more than 33 feet in height above streambed, as defined in 18 CFR 12.31(c) of this chapter, impounds more than 2,000 acre-feet of water, or has a significant or high hazard potential, as defined in 33 CFR Part 222, is subject to the following provisions of 18 CFR Part 12:

- (i) Section 12.4(b)(1)(i) and (ii), (2)(i), (iii)(A) and (B), (iv), and (v);
- (ii) Section 12.4(c);
- (iii) Section 12.5;
- (iv) Subpart C; and
- (v) Subpart D.

For the purposes of applying these provisions of 18 CFR Part 12, the exempted project is deemed to be a licensed project development and the owner of the exempted project is deemed to be a licensee.

Article 7. 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.

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

MICROFILMED

EXHIBIT A

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Notice of Application Filed with the Commission
(November 4, 1983)

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

- a. Type of Application: Exemption (SMW or Less)
 - b. Project No: 7530-000
 - c. Date Filed: August 16, 1983
 - d. Applicant: Mr. William Arkoosh
 - e. Name of Project: Little Wood River Ranch
 - f. Location: On Little Wood River, Lincoln County, Idaho, near the town of Shoshone
 - g. Filed Pursuant to: Energy Security Act of 1980 (16 U.S.C. §§3705 and 3706 as amended)
 - h. Contact Person: Mr. Vernon Ravenscroft, Consulting Associates, Inc., P.O. Box 893, Boise, Idaho 83703
 - i. Comment Date: DEC 15 1983
 - j. Description of Project: The proposed project would consist of: (1) a 10-foot-high, diversion structure at elevation 3,743 feet; (2) a 2,000-foot-long canal; (3) a headwork structure; (4) a 112-inch-diameter, 100-foot-long penstock; (5) a powerhouse containing a single generating unit with a rated capacity of 662 kW operating under a head of 23 feet; (6) a tailrace; and (7) a 34.5-kV, one-mile-long transmission line tying into an existing Idaho Power Company line. The estimated average annual energy output is 2,970,000 kWh.
- Purpose of Exemption** - An exemption, if issued, gives an Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.
- k. Purpose of Project: The proposed project power will be sold to the Idaho Power Company.
 - l. This notice also consists of the following standard paragraphs: A1, A9, B, C and D3a

DC-A-11

- A1. **Exemption for Small Hydroelectric Power Project under SMW Capacity** -- Any qualified license or conduit 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 or conduit exemption application that proposes to develop at least 7.5 megawatts in that project, or a notice of intent to file such an application. Any qualified 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 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.
- 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.
- 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, 16 C.F.R. §§383.318, .311, .314. 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 P. 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 AB 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.
- D3a. **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 408 of the Act, to file within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representative.

Kenneth P. Plumb
Secretary

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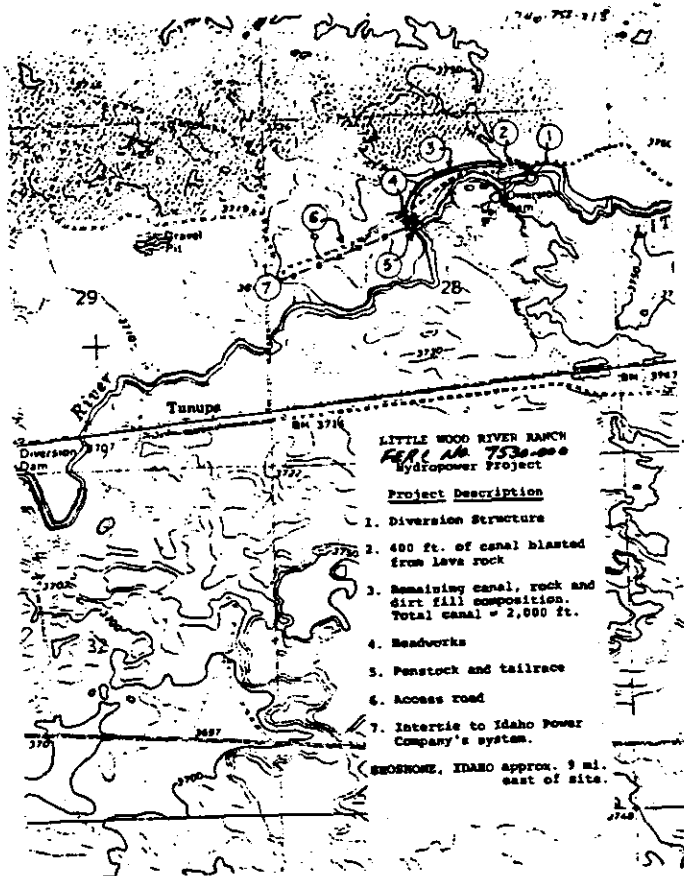
§ 4.106 Standard terms and conditions of exemption from licensing.

Any exemption from licensing granted under this subpart for a small hydroelectric power project is subject to the following standard terms and conditions:

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

(b) **Article 2.** The construction, operation, and maintenance of the exempt project must comply with any terms and conditions that any Federal or state fish and wildlife agencies have determined are appropriate to prevent loss of, or damage to, fish or wildlife resources or otherwise to carry out the purposes of the Fish and Wildlife Coordination Act, as specified in Exhibit E of the application for exemption from licensing or in the comments submitted in response to the notice of the exemption application.

(c) **Article 3.** The Commission may accept a license application by any qualified license applicant and revoke this exemption if actual construction or development of any proposed generating facilities has not begun within 18 months, or been completed within four years, from the date on which this exemption was granted. If an exemption is revoked, the Commission will not accept a subsequent application for exemption within two years of the revocation.



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

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

William Arkoosh P-7530
Route 2
Gooding, Idaho 83330

RECEIVED



POSTAGE AND FEES PAID
FEDERAL ENERGY
REGULATORY COMMISSION
FERC 301

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

CONVERSATION MEMORANDUM

DATE Mar 5, 1985

FILE 37-7943

NAME OF PARTY John Arkoosh

EMPLOYEE D. Tutthill

RE: Add'l Requirements

Mr Arkoosh called to say he will be
sending the FERC approval & the financial
statement.

DRT

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WATER RIGHT NUMBER 37-7943 ✓

OWNER LAST NAME - ARKOCSEH ✓

FIRST NAME - BILL ✓

ORIG OWNER -

OWNER LAST NAME - ARKOCSH ✓

FIRST NAME - KAREN ✓

ORIG COWNER -

ADDRESS LINE 1 - RT. 2 BCX 50 ✓

ADDRESS LINE 2 -

ADDRESS LINE 3 -

CITY - GOODING ✓

STATE - ID / ZIP CODE - 83330 /

SOURCE - LITTLE WOOD RIVER ✓

TRIBUTARY OF - MALAD RIVER

STAGE - APPLICATION / STATUS -

PRIORITY - 09-23-1981 / COUNTY - LINCOLN / TCTAL CIV. RATE - 600.0000 / CFS

TOTAL DIV. VOLUME - .00 AFA TRFR/AMEND -

WATER DIST. - OLE/CAREY ACT - RIGHT BASIS -

DIVERSION POINT - NWNE 28 05S 16E LGT

RECIV -

0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0

SENE-27-055-16E-LOT

REDIV -

[illegible]

FROM - 01-01/TC - 12-31/USE - POWER-

USE DIV. RATE - 600.0000 / CFS USE DIV. VOLUME - .00 AFA

USE - POWER -

PLACE OF USE - TWN 05S-RNG 16E-SEC 28-TRACT SENW LOT AC

DATE -

TOTAL ACRES 0

DECREE NAME -

REMARKS -

NON IRRIG USE -

OTHER RIGHTS FOR SAME USE -

PROOF DUE - PERMIT/DENIED -

PROTESTED -

HEARING -

OLD NO. -

PROOF MADE - FLD EXAM - CONC. OF APPROVAL -

DIVERSION MEANS - CHECK DAM & DITCH TO PENSTOCK & GENERATOR



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 334-4440

August 24, 1984

RE: Application for Permit No. 37-7943

Bill Arkoosh
Route #2, Box 50
Gooding, ID 83330

Dear Mr. Arkoosh:

Pursuant to our telephone conversation this afternoon, I am enclosing a copy of your water right application and attachments that we have in our file. If you need anything else pertaining to this application that we might be able to provide, please feel free to contact us.

I am also enclosing two blank application for permit forms, instructions for completion, two affidavit forms for use in applying for a power project with our Department and a booklet entitled "The Idaho Micro Hydro Handbook". I have enclosed this booklet so that you could read Chapter 5 - Regulatory Requirements. This might help you in re-applying for your FERC license.

If I can be of any further assistance, please feel free to contact me. Good luck with your application with FERC.

Sincerely,

KAY WALKER
Technical Records Specialist

KW:k
Enclosures

MICROFILMED

CONVERSATION MEMORANDUM

DATE 8/7/84FILE 37-7943NAME OF PARTY Bill ArkooshEMPLOYEE Dave TuttleRE: App for Permit for Power Purposes

The recent decision by the Ninth Circuit Court of Appeals re: Exemptions from filing with FERC has resulted in a dismissal of Mr. Arkoosh's Exemption for the hydropower project identified in the above-referenced App.

He indicated that he is beginning the procedure of re-filing for FERC approval. Until FERC makes a decision, it is pointless for him to pursue financing.

I indicated to Mr. Arkoosh that we would hold the file in our hold drawer until the end of the year to allow him to secure FERC approval.

Dnt 8/7/84

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

August 2, 1984

Bill Arkoosh
Route 2, Box 50
Gooding, ID 83330

RE: Application for Permit No. 37-7943, Little Wood River Hydroelectric Project

Dear Mr. Arkoosh:

Our continuing review of the above-referenced application reveals that we have still not received any information regarding financing of the proposed project.

We request that you provide us a status update regarding financing of the project to this office no later than September 1, 1984, in order to maintain the application in a valid status.

Sincerely,

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

DRT:ls

MICROFILMED

May 28 1984

RE: Permit No. 37-7943, Little Wood River Hydroelectric Project
(#7530)

Bill Arkoosh
Room #2, Box 50
Gooding, ID 83330

Dear Mr. Arkoosh:

On this day I had a telephone conversation with Mr. Rick Thiel of First Security Leasing Company regarding the above referenced hydro-power project. Mr. Thiel did not indicate that approval of a loan to finance the hydropower project was merely pending government approvals. Instead, he indicated that the loan required more extensive review of your financial situation and that of the proposed project. Therefore, the information provided by First Security Leasing Company does not satisfy Department requirements for showing financial capability to develop the project.

Please be advised that we will continue to hold your application pending your showing of financial ability. Feel free to contact me at 334-4104 if you have any questions about this requirement.

Sincerely,

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

DRT:sc

MICROFILMED

FIRST SECURITY LEASING COMPANY

AIRPORT PLAZA

P.O. BOX 7069

BOISE, IDAHO 83730

TELEPHONE: (208) 338-4061

May 21, 1984

RECEIVED
MAY 22 1984

State of Idaho
Department of Water Resources
Statehouse
Boise, ID 83720
Attn: David R. Tuthill, Jr., P.E.

Department of Water Resources

Subject: Little Wood River hydroelectric project (#7530)
Permit # 37-7943

Dear Mr. Tuthill:

First Security Leasing Company is in the process of reviewing the aforementioned hydroelectric project. The review includes a thorough understanding of the potential revenues generated from the project, as well as a complete financial analysis of Mr. Bill Arkoosh as well as the businesses he operates.

A final approval for funding of the hydroelectric project by First Security Leasing Company has not been made. A final determination or commitment from First Security Leasing Company can not be made until the application for permit has been accepted by the Department of Water Resources.

If you have any comments or questions in regard to the financing of this project please contact the writer.

Sincerely yours,


R.J. "Rick" Thiel

cc: Bill Arkoosh

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

May 15, 1984

Bill Arkoosh
Route #2 Box 50
Gooding, ID 83330

RE: Permit No. 37-7943

Dear Mr. Arkoosh:

This office has recently received a copy of the "ORDER GRANTING EXEMPTION FROM LICENSING OF A SMALL HYDROELECTRIC PROJECT OF 5MW OR LESS", issued by the Federal Energy Regulatory Commission.

Please be advised that the Application for Permit appears to be totally in order and we are prepared to issue the permit. However, there is one item that first must be clarified in the file.

As you are aware, for a project including a power use that utilizes more than 25 cubic feet per second rate of flow, the applicant must show the financial ability to develop the project. Our file contains a letter dated November 23, 1981, from John W. Swan of the Southern Idaho Production Credit Association, in which he indicated that he could "see no reason why this association would not continue financing Arkoosh Cattle Company". Currently we require that a letter from the lending institution specifically refer to the anticipated hydroelectric project, with an indication of a definite showing of financial commitment to that project.

Upon the receipt by this office of a suitable letter from the financial institution, we will expedite final processing of your Application for Permit.

Sincerely,

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

DRT:ns

MICROFILMED

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Mr. William Arkoosh

Project No. 7530-000

ORDER GRANTING EXEMPTION FROM LICENSING OF A
SMALL HYDROELECTRIC PROJECT OF 5 MW OR LESS

(Issued April 13, 1984)

The Applicant 1/ filed an application for exemption from all or part of Part I of the Federal Power Act (Act) pursuant to 18 C.F.R. Part 4 Subpart K (1980) implementing in part Section 408 of the Energy Security Act (ESA) of 1980 for a project as described in the attached public notice. 2/ 3/

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

- 1/ Mr. William Arkoosh, Project No. 7530, filed on August 16, 1983.
- 2/ Pub. Law 96-294, 94 Stat. 611. Section 408 of the ESA amends inter alia, Sections 405 and 408 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. §§2705 and 2708).
- 3/ Authority to act on this matter is delegated to the Deputy Director, Office of Electric Power Regulation, under §375.308 of the Commission's regulations, 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-4

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) Little Wood River Ranch Project No. 7530 as described and designated in Mr. William Arkoosh's application filed on August 16, 1983, is exempted from all of the requirements of Part I of the Federal Power Act, including licensing, subject to the standard articles in §4.106 of the Commission's regulations attached hereto as Form E-2, 18 C.F.R. §4.106, 45 Fed. Reg. 76115 (November 18, 1980), and the following Special Articles.

Article 6. Any exempted small hydroelectric power project that utilizes a dam which is more than 33 feet in height above streambed, as defined in 18 CFR 12.31(c) of this chapter, impounds more than 2,000 acre-feet of water, or has a significant or high hazard potential, as defined in 33 CFR Part 222, is subject to the following provisions of 18 CFR Part 12:

- (i) Section 12.4(b)(1)(i) and (ii), (2)(i), (iii)(A) and (B), (iv), and (v);
- (ii) Section 12.4(c);
- (iii) Section 12.5;
- (iv) Subpart C; and
- (v) Subpart D.

For the purposes of applying these provisions of 18 CFR Part 12, the exempted project is deemed to be a licensed project development and the owner of the exempted project is deemed to be a licensee.

Article 7. 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.

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

MICROFILMED

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Notice of Application Filed with the Commission
(November 4, 1983)

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

- a. Type of Application: Exemption (SMW or Less)
- b. Project No: 7530-000
- c. Date Filed: August 16, 1983
- d. Applicant: Mr. William Arkoosh
- e. Name of Project: Little Wood River Ranch
- f. Location: On Little Wood River, Lincoln County, Idaho, near the town of Shoshone
- g. Filed Pursuant to: Energy Security Act of 1980 (16 U.S.C. §§2705 and 2708 as amended)
- h. Contact Person: Mr. Vernon Ravenacraft, Consulting Associates, Inc., P.O. Box 893, Boise, Idaho 83702
- i. Comment Date: DEC 15 1983
- j. Description of Project: The proposed project would consist of: (1) a 10-foot-high, diversion structure at elevation 3,743 feet; (2) a 2,000-foot-long canal; (3) a headwork structure; (4) a 112-inch-diameter, 100-foot-long penstock; (5) a powerhouse containing a single generating unit with a rated capacity of 662 kw operating under a head of 23 feet; (6) a tailrace; and (7) a 34.5-kV, one-mile-long transmission line tying into an existing Idaho Power Company line. The estimated average annual energy output is 2,870,000 kWh.
- Purpose of Exemption - An exemption, if issued, gives an Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.
- k. Purpose of Project: The proposed project power will be sold to the Idaho Power Company.
- l. This notice also consists of the following standard paragraphs: A1, A9, B, C and D3a

DC-A-11

- A1. Exemption for Small Hydroelectric Power Project under SMW Capacity -- Any qualified licensee or conduit 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 or conduit exemption application that proposes to develop at least 7.5 megawatts in that project, or a notice of intent to file such an application. Any qualified 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 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.
- 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.
- 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 the protests or other comments filed, but only those who file a protest 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.
- D3a. 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 408 of the Act, to file within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Kenneth F. Plumb
Secretary

MICROFILMED

MICROFILMED

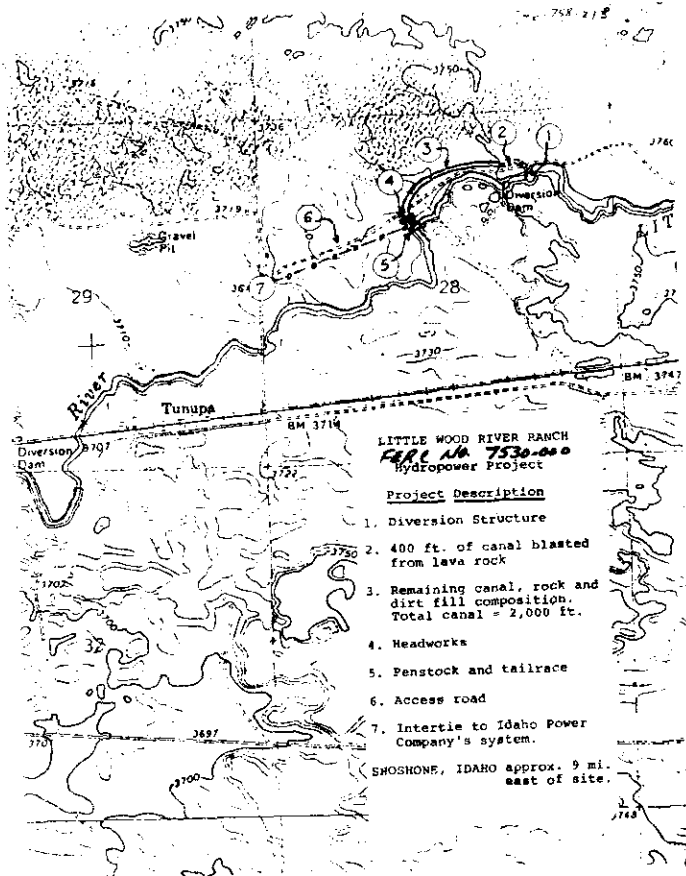
§ 4.106 Standard terms and conditions of exemption from licensing

Any exemption from licensing granted under this subpart for a small hydroelectric power project is subject to the following standard terms and conditions:

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

(b) **Article 2.** The construction, operation, and maintenance of the exempt project must comply with any terms and conditions that any Federal or state fish and wildlife agencies have determined are appropriate to prevent loss of, or damage to, fish or wildlife resources or otherwise to carry out the purposes of the Fish and Wildlife Coordination Act, as specified in Exhibit X of the application for exemption from licensing or in the comments submitted in response to the notice of the exemption application.

(c) **Article 3.** The Commission may accept a license application by any qualified license applicant and revoke this exemption if actual construction or development of any proposed generating facilities has not begun within 18 months, or been completed within four years, from the date on which this exemption was granted. If an exemption is revoked, the Commission will not accept a subsequent application for exemption within two years of the revocation.



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

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

State of Idaho P-7530
Dept. of Water Resources
State House
Boise, Idaho 83720

Department of Water Resources

RECEIVED
APR 23 1984

POSTAGE AND FEES PAID
FEDERAL ENERGY
REGULATORY COMMISSION
FERC 381



RECEIVED

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

May 3, 1984

RE: Application for Permit 37-7943

Bill &/or Karen Arkoosh
Route #2, Box 50
Gooding, ID 83330

Dear Mr. and Mrs. Arkoosh:

On September 23, 1981, you submitted the above referenced application to appropriate the public waters of the State of Idaho for power generation purposes.

In our correspondence dated April 19, 1982, we advised that the continued validity of the application is contingent on your proceeding with due diligence in obtaining necessary approvals including authorizations which may be required from the Federal Energy Regulatory Commission (FERC) and/or the Idaho Public Utilities Commission (PUC).

Since our letter we have not received correspondence from you in this regard. Please advise this office of progress in this matter on or before June 1, 1984 in order to keep this application in good standing.

If you have any questions, please contact this office.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

LGS:sc

RECEIVED

CONVERSATION MEMORANDUM

DATE 1/23/84FILE 37-7943NAME OF PARTY Bill ArkooshEMPLOYEE Kay WheelerRE: approval of application

Mr. Arkoosh called in regards to necessary material needed for approval of his application.

I told him from looking through the file it appears only FERC approval is needed for us to proceed w/processing of his app.

He said he expected to hear from FERC within the next month and would forward necessary papers at the time he received them.

MICROFILMED

kw



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

April 19, 1982

RE: Application for Permit No. 37-7943

Bill &/or Karen Arkoosh
Route #2, Box 50
Gooding, ID 83830

Dear Mr. and Mrs. Arkoosh:

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. If you have not yet contacted FERC, the address below is a good starting point:

Regional Engineer
San Francisco Regional Office
Federal Energy Regulatory Commission
333 Market Street, Sixth Floor
San Francisco, CA 94105-2195
Telephone No. (415) 974-7177

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

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

LGS:kw

MICROFILMED

Southern Idaho
Production Credit Association
Box 416

GOODING, IDAHO 83330
Telephone: Area Code 208 934-4475
934-4476
934-5754



Complete intermediate credit service
for Ranch and Livestock operations.

November 23, 1981

RECEIVED

DEC 1 1981

Department of Water Resources
Southern District Office

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

TO WHOM IT MAY CONCERN:

Bill Arkoosh has requested that I write a letter concerning the financial position of Arkoosh Cattle Co.

They have financed with Production Credit Association since 1960 and all of our financial dealings with them have been handled very satisfactorily.

In reference to future financing, I can see no reason why this association would not continue financing Arkoosh Cattle Co.

If you have any further questions, feel free to contact me at any time.

Yours very truly,

John W. Swan
Field Representative

JWS:vp

MICROFILMED

PROJECT BILL ARKOOSH

JOB NO. _____

SHEET 1 of 8DESIGNED H. H.DATE 11-10-81ITEM Canal & Penstock Quantities

CHECKED _____

DATE _____

ALTERNATE NO. 1

Canal width @ Bottom = 30'

Flow = 375 C.F.S. - Head = 30 feet

Length of Canal estimated in dirt - 2,000 L.F.

Length of Canal estimated in rock - 4,000 L.F.

Length of Penstock - 2,400 L.F.

Size of Penstock - 3- 60" Diameter Pipes

RECEIVED

DEC 3 1981

Department of Water Resources
Southern District OfficeDIRT SECTION

Depth of cut to make dikes = 2.1 feet

Volume per 100 L.F. = 258 C.Y.

Total Volume = 258 C.Y. x 20 = 5,160 C.Y.

Estimated construction cost of dirt canal:

$$5,160 \text{ C.Y.} \times \$4.00/\text{C.Y.} =$$

\$20,640.00

ROCK SECTION

Depth of rock cut = 2.5 feet

Volume per 100 L.F. = 313 C.Y.

Total Volume = 313 x 40 = 12,520 C.Y.

$$12,520 \text{ C.Y.} \times \$20.00/\text{C.Y.} =$$

\$250,400.00

Volume of Borrow to make dikes

154 C.Y. Per 100 L.F.

$$154 \text{ C.Y.} \times 40 = 6,160 \text{ C.Y.}$$

$$6,160 \text{ C.Y.} \times \$4.00/\text{C.Y.} =$$

24,640.00

MICROFILMED

PROJECT BILL ARKOSH

JOB NO. _____

SHEET 2 OF 8DESIGNED D.W.B.DATE 11-10-81

ITEM _____

CHECKED _____

DATE _____

RECEIVEDALT. NO. 1 CONTD.PENSTOCK

3 - 60" pipe TOTAL LENGTH 7,200 L.F.

$$7,200 \text{ L.F.} \times \$100.00/\text{L.F.} = \$720,000.00$$

DIVERSION STRUCTURECONCRETE DIVERSION AND
CONTROL GATE STRUCTURE

\$ 30,000.00

PENSTOCK INLET STRUCTURECONCRETE INLET STRUCTURE
& SPILLWAY WEIR

\$ 15,000.00

POWERHOUSE AND TAILRACECONCRETE & STEEL POWERHOUSE
CONCRETE TAILRACE35,000.00

CIVIL WORKS COST

1,095,680.00

ENGINEERING & CONTINGENCIES

219,140.00

TOTAL CIVIL WORKS COST

1,314,820.00

TOTAL ELECTRICAL COST

453,648.00

TOTAL PROJECT COST

\$ 1,768,468.00**MICROFILMED**

PROJECT BILL ARKOOSH

JOB NO. _____

SHEET 3 of 8DESIGNED H.H.DATE 11-10-81ITEM Canal & Penstock Quantities

CHECKED _____

DATE: _____

ALTERNATE NO. 2

Canal width @ Bottom = 20'

Flow = 275 CFS. - Head = 30 feet

Length of Canal estimated in dirt - 2,000 L.F.

Length of Canal estimated in rock - 4,000 L.F.

Length of Penstock - 2,400 L.F.

Size of Penstock - 2 - 72" Diameter pipes

Department of Water Resources
Division of WaterDIRT SECTION:

Depth of cut to make Dikes = 2.5 feet

Volume per 100 L.F. = 220 C.Y.

Total Volume = 220 C.Y. x 20 = 4,400 C.Y.

Estimated construction cost of dirt canal:

$$4,400 \text{ C.Y.} \times \$4.00/\text{C.Y.} = \$17,600.00$$

ROCK SECTION

Depth of Rock Cut = 2.5 feet

Volume per 100 L.F. = 220 C.Y.

Total Volume = 220 C.Y. x 40 = 8,800 C.Y.

$$8,800 \text{ C.Y.} \times \$20.00 = \$176,000.00$$

Volume of Borrow to make Dikes

130 C.Y. per 100 L.F.

$$130 \text{ C.Y.} \times 40 = 5,200 \text{ C.Y.}$$

$$5,200 \text{ C.Y.} \times \$4.00 = \$20,800.00$$

MICROFILMED

PROJECT BILL ARKOOSH

JOB NO. _____

SHEET 4 of 8DESIGNED H.H.DATE 11-10-81ITEM Canal & Penstock Quantities

CHECKED _____

DATE _____

ALTERNATE NO. 2 Cont'dPenstock

2 - 72" pipes - Total length = 4,800 L.F.

$$4,800 \text{ L.F.} \times \$120.00/\text{ft} = \$576,000.00$$

DIVERSION STRUCTURECONCRETE DIVERSION AND
CONTROL GATE STRUCTURE

\$25,000.00

PENSTOCK INLET STRUCTURECONCRETE INLET
STRUCTURE & SPILLWAY WEIR

\$10,000.00

POWERHOUSE AND TAILRACE

\$28,000.00

CIVIL WORKS COST

\$853,400.00

ENGINEERING & CONTINGENCIES

170,680.00

TOTAL CIVIL WORKS COST

\$1,024,080.00

TOTAL ELECTRICAL COST

355,450.00

TOTAL PROJECT COST

\$1,379,530.00

MICROFILMED

PROJECT BILL W. RKOOSH

JOB NO. _____

SHEET 5 of 8DESIGNED HHDATE 11-11-81ITEM Flume & Penstock

CHECKED _____

DATE _____

ALTERNATE NO. 3

Flow = 375 C.F.S.

Head = 15 feet

Length of Flume = 1500 feet

Size of flume - 18' Bottom - 8.5' walls

Length of Penstock = 300 feet

Size of Penstock = 3- 60" Dia. Pipes

CONCRETE FLUME

Volume of Conc. = 0.80 C.Y. Per foot

Total Volume = 1500' x 0.80 = 1,200 C.Y.

 $1,200 \times \$200.00/\text{C.Y.} =$

\$240,000.00

Estimated rock Exc.:

 $\frac{1}{3}$ of depth = 2.83'

20' wide

2.1 C.Y. per foot

Volume = 2.1 x 1500' = 3,150 C.Y.

 $3,150 \text{ C.Y.} \times \$20.00/\text{C.Y.} =$

63,000.00

PENSTOCK

3- 60" pipes - Total Length = 900 L.F.

 $900 \text{ L.F.} \times \$100.00/\text{Ft.} =$

90,000.00

MICROFILMED

PROJECT BILL ARKOOSH

JOB NO. _____

SHEET 6 of 8DESIGNED H. H.DATE 11-11-81ITEM Flume & Penstock

CHECKED _____

DATE _____

ALTERNATE NO. 3 Cont'dDIVERSION STRUCTURECONCRETE DIVERSION AND
CONTROL GATE STRUCTURE

30,000.00

PENSTOCK INLET STRUCTURECONCRETE INLET STRUCTURE
AND SPILLWAY WEIR

15,000.00

POWERHOUSE AND TAILRACECONCRETE & STEEL POWERHOUSE
CONCRETE TAILRACE

35,000.00

CIVIL WORKS COST

473,000.00

23% ENGINEERING & CONTINGENCIES

94,600.00

TOTAL CIVIL WORKS COST

567,600.00

TOTAL ELECTRICAL COST

312,682.00

TOTAL PROJECT COST

880,282.00

MICROFILMED

PROJECT BILL ARKOOSH

JOB NO. _____

SHEET 7 of 8DESIGNED H. H.DATE 11-11-81ITEM Flume & Penstock

CHECKED _____

DATE _____

ALTERNATE NO. 4

Flow = 275 C.F.S.

Head = 15 feet

Length of Flume = 1500 feet

Size of Flume - 14' Bottom - 8' walls

Length of Penstock = 300 feet

Size of Penstock = 2-72" Dia. Pipes

CONCRETE FLUME

Volume of Conc. = 0.75 C.Y. per foot

Total Volume = 1500' x 0.75 = 1125 C.Y.

$$1125 \times \$200.00/\text{C.Y.} = \$225,000.00$$

Estimated Rock Excav.:

 $\frac{1}{3}$ of depth = 2.67'

16' wide

1.58 C.Y. per foot

Volume = 1.58 x 1500 = 2,370 C.Y.

$$2,370 \text{ C.Y.} \times \$20.00/\text{C.Y.} = \$47,400.00$$

PENSTOCK

2-72" Pipes - Total length = 600 L.F.

$$600 \text{ L.F.} \times \$120.00/\text{ft} = \$72,000.00$$

MICROFILMED

PROJECT BILL ARKDOOSH

JOB NO. _____

SHEET 8 of 8DESIGNED H. H.DATE 11-11-81ITEM FLUME & PENSTOCK

CHECKED _____

DATE _____

ALTERNATE NO. 4 Cont'd.DIVERSION STRUCTURECONCRETE DIVERSION AND
CONTROL GATE STRUCTURE

25,000

PENSTOCK INLET STRUCTURECONCRETE INLET STRUCTURE
AND SPILLWAY WEIR

10,000

POWERHOUSE AND TAILRACECONCRETE & STEEL POWERHOUSE
CONCRETE TAILRACE

28,000

CIVIL WORKS COST \$ 398,400

ENGINEERING & CONTINGENCIES 79,680

TOTAL CIVIL WORKS COST \$ 478,080

TOTAL ELECTRICAL COST 285,121TOTAL PROJECT COST \$ 763,201

MICROFILMED

PROJECT BILL ARKOOSH

JOB NO. _____

SHEET _____

DESIGNED D. W. B.DATE 11-11-81

ITEM _____

CHECKED _____

DATE _____

PROJECT COST TO INCOME RATIO

$$\text{ALT. 1.} \quad \frac{\$1,768,468}{\$250,673} = 7.05$$

$$\text{ALT. 2.} \quad \frac{\$1,379,530}{\$211,880} = 6.51$$

$$\text{ALT. 3} \quad \frac{\$880,282}{\$124,928} = 7.05$$

$$\text{ALT. 4} \quad \frac{\$763,201}{\$105,940} = 7.02$$

MICROFILM

PROJECT BILL ARKOOSH

JOB NO. _____

SHEET _____

DESIGNED D.W.BDATE 11-11-81

ITEM _____

CHECKED _____

DATE _____

PROJECT COST PER INSTALLED CAPACITY (KW)

$$\text{ALT. 1.} \quad \frac{\$1,7168,468}{750 \text{ KW}} = \$2,358/\text{KW}$$

$$\text{ALT. 2} \quad \frac{\$1,379,530}{550 \text{ KW}} = \$2,508/\text{KW}$$

$$\text{ALT. 3} \quad \frac{\$880,282}{375 \text{ KW}} = \$2,347/\text{KW}$$

$$\text{ALT. 4} \quad \frac{\$763,201}{275 \text{ KW}} = \$2,775/\text{KW}$$

MICROFILMED

RECEIVED

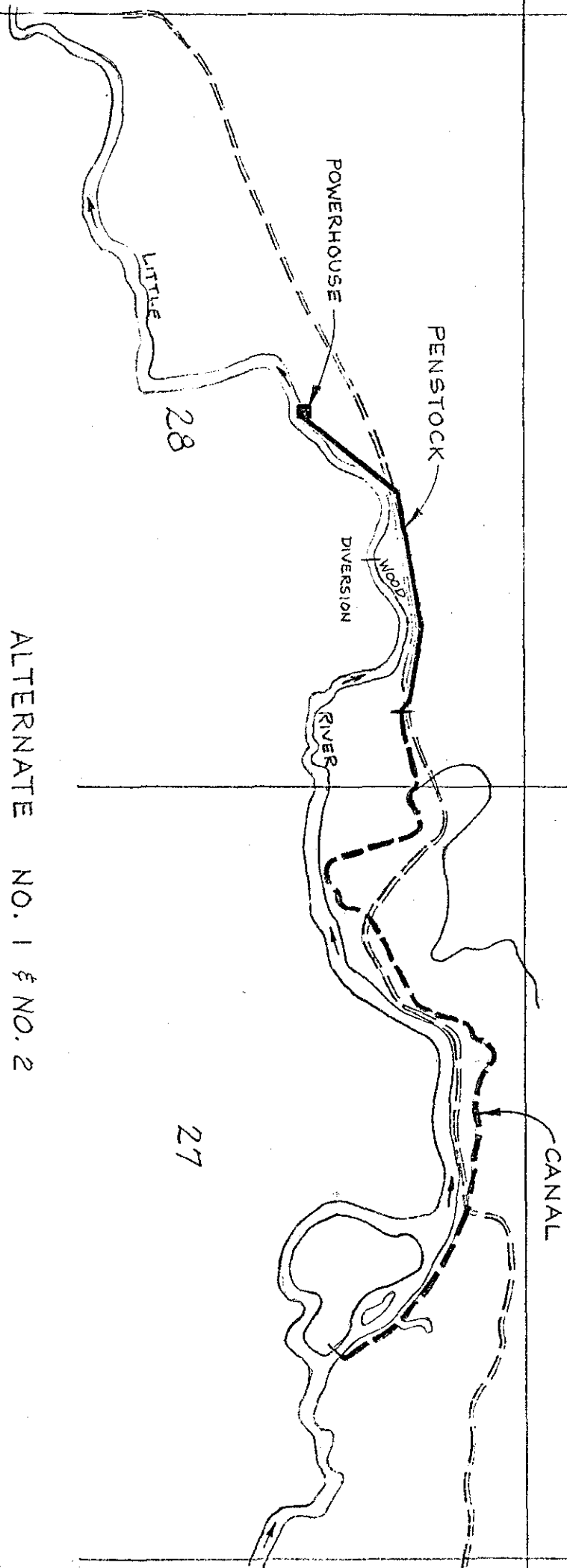
DEC 1 1981

Department of Water Resources
Southern District Office

21

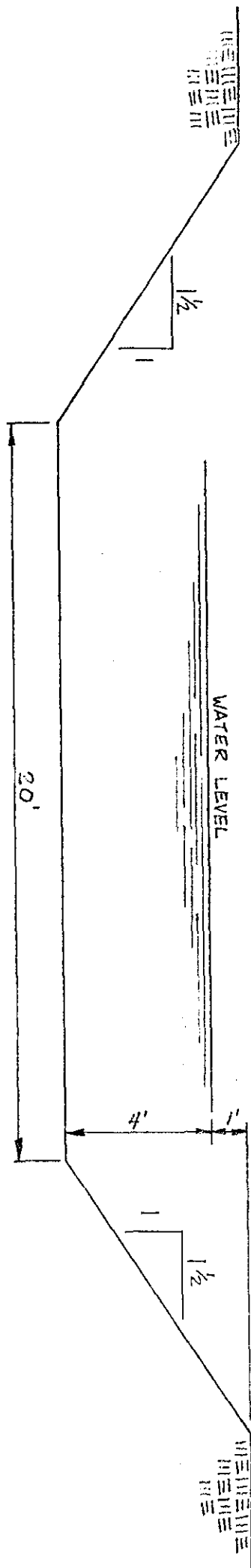


22



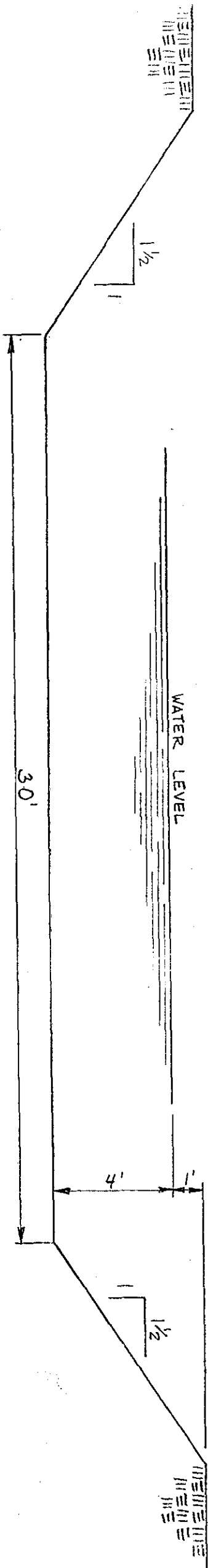
ALTERNATE NO. 1 & NO. 2

MICROFILMED



CANAL SECTION

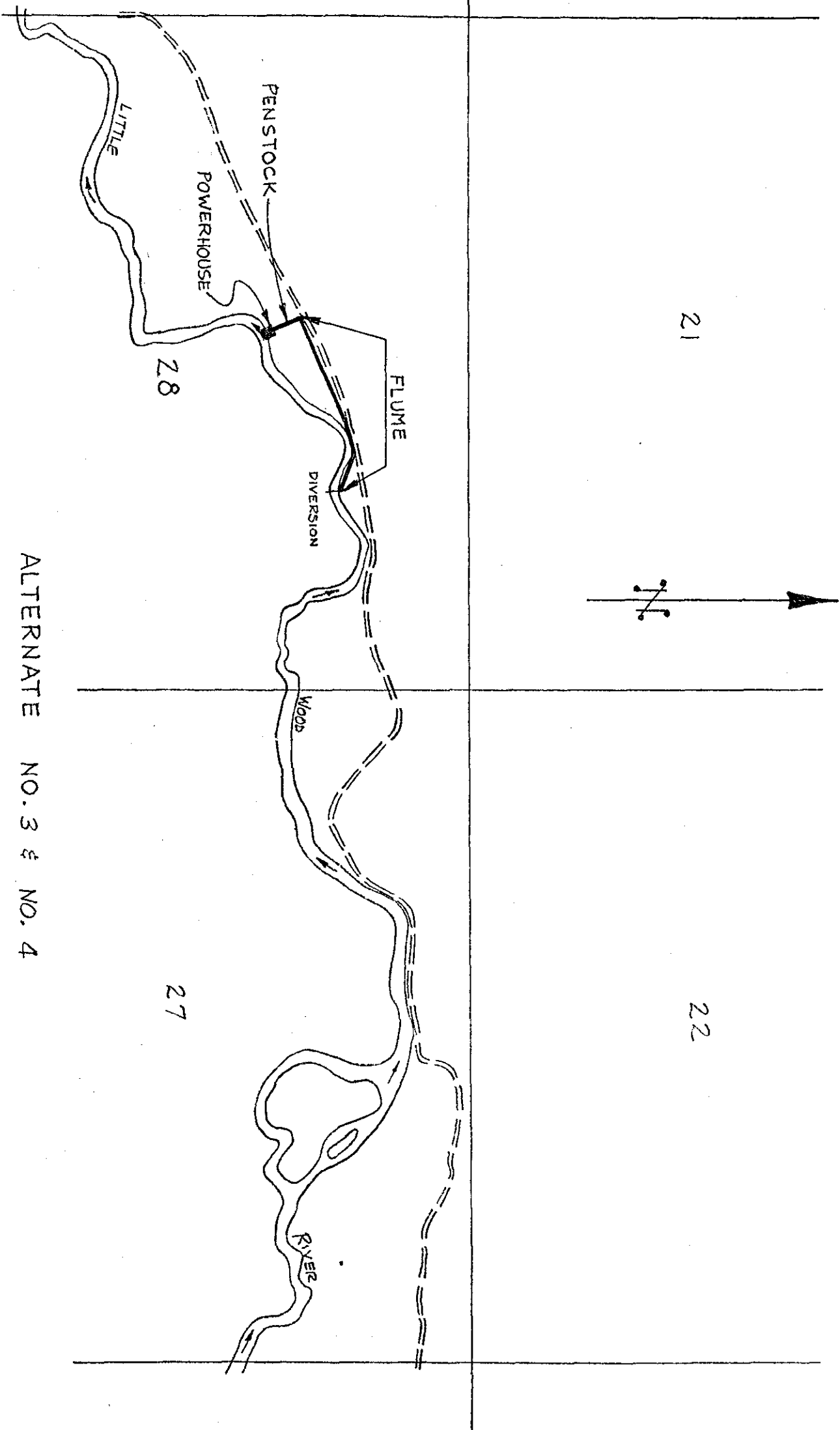
FLOW = 275 C.F.S.
VEL. = 2.64 F.P.S.



CANAL SECTION

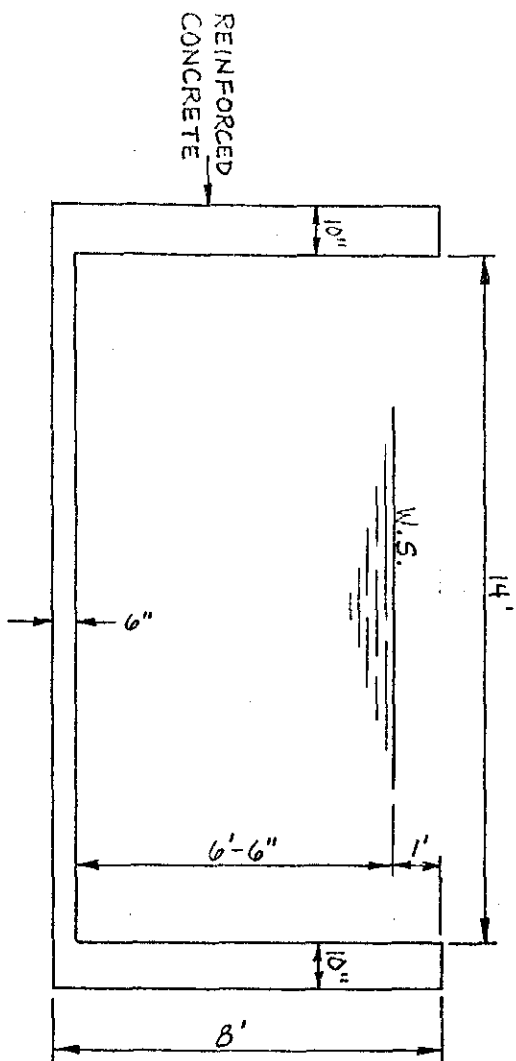
FLOW = 382 C.F.S.
VEL. = 2.66 F.P.S.

MICROFILMED



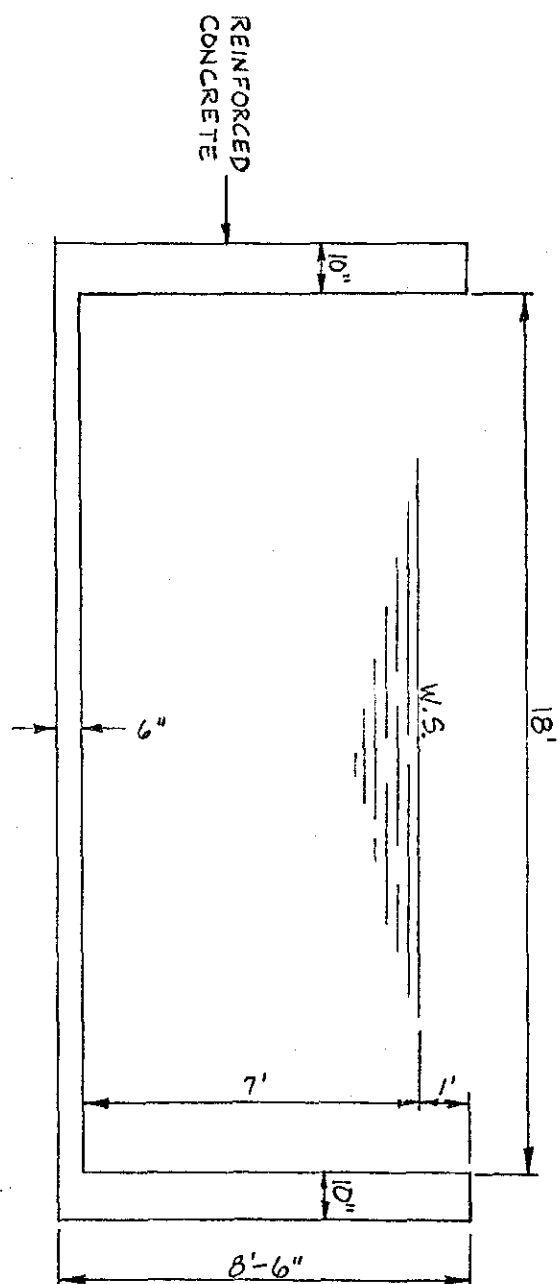
ALTERNATE NO. 3 & NO. 4

MICROFILMED



FLUME SECTION

FLOW = 275 C.F.S.
 VEL. = 3.37 F.P.S.
 SLOPE = 0.0002 FT./FT.



FLUME SECTION

FLOW = 375 C.F.S.
 VEL. = 5.92 F.P.S.
 SLOPE = 0.0005 FT./FT.

MICROFILMED



STATE OF IDAHO

DEPARTMENT OF LANDS

STATEHOUSE, BOISE, IDAHO 83720

GORDON C. TROMBLEY
DIRECTOR

STATE BOARD OF LAND COMMISSIONERS

JOHN V. EVANS
GOVERNOR AND PRESIDENT
PETE T. CENARRUSA
SECRETARY OF STATE
DAVID H. LEROY
ATTORNEY GENERAL
JOE R. WILLIAMS
STATE AUDITOR
JERRY L. EVANS
SUP'T OF PUBLIC INSTRUCTION

October 6, 1981

Department of Water Resources
Western Region
Statehouse Mail

RECEIVED

OCT 14 1981

Department of Water Resources
Southern District Office

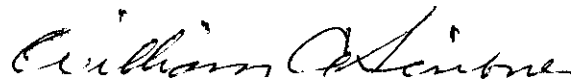
RE: 37-7943
Arkoosh, B.

Gentlemen:

The work proposed in the above numbered application will not affect state land or a navigable stream.

Thank you for the opportunity to review the application.

Very truly yours,


WILLIAM A. SCRIBNER, Chief
Bureau of Navigable Waters

WAS:bv

RECEIVED

OCT 15 1981

Department of Water Resources
Western Regional Office

EQUAL OPPORTUNITY EMPLOYER

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

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

October 1, 1981

Department of Lands
Statehouse
Boise, Idaho 83720

Re: Application for Permit No. 37-7943

Gentlemen:

Enclosed is a copy of the above referenced Application for Permit
for your information and files.

Sincerely,

Mary A. Hill
Sr. Secretary

for

Loren O. Holmes
Southern Region Supervisor

Encl:

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

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

C. Stephen Allred
Director

October 1, 1981

Mr. Alex Schaefer
Department of Health & Welfare
Division of Environment
P. O. Box 1626
Twin Falls, Idaho 83301

Re: Application for Permit No. 37-7943

Dear Mr. Schaefer:

Please find enclosed a copy of the above referenced application for permit for your information and files.

Sincerely,

Mary A. Hill
Secretary

for

Loren O. Holmes
Southern Region Supervisor

Encl:

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

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

October 1, 1981

Mr. Bob Bell, Regional Fisheries Biologist
Idaho Fish & Game Department
Region #4
P. O. Box 428
Jerome, Idaho 83338

Re: Application for Permit No. 37-7943

Dear Mr. Bell:

Please find enclosed a copy of the above referenced application for permit for your information and files.

Sincerely,

Mary A. Hill
Secretary

for

Loren O. Holmes
Southern Region Supervisor

Encl:

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

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

October 1, 1981

U. S. Bureau of Land Management
Shoshone District
112 So. Cherry Box 2B
Shoshone, Idaho 83352

Re: Application for Permit No. 37-7943

Gentlemen:

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

Sincerely,

Mary A. Hill
Sr. Secretary

for

Loren O. Holmes
Southern Region Supervisor

Encl:

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

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

C. Stephen Allred
Director

October 1, 1981

Reid Newby
Watermaster District 37
Box T
Shoshone, Idaho 83352

Re: Application for Permit No. 37-7943

Dear Mr. Newby:

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

Sincerely,

Mary A. Hill
Sr. Secretary

for

Loren O. Holmes
Southern Region Supervisor

Encl:

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

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

September 28, 1981

Bill &/or Karen Arkoosh
Route 2 Box 50
Gooding, Idaho 83330

Re: Application for Permit No. 37-7943

Dear Mr. & Mrs. Arkoosh:

This office currently processing your Application for Permit No. 37-7943 filed on September 23, 1981.

Since the application seeks to establish a water right for power generating purposes, and it appears that a commercially marketable amount of power may be produced, the following information must be submitted for inclusion with your application in accordance with Section 42-202 of the IDAHO CODE:

- 1) A plan for the facility. This must include a scale drawing showing the proposed layout of the plant on the property, and must give approximate locations, dimensions, and elevations of all major components of the facility.
- 2) An itemized estimate of the cost of constructing the facility.
- 3) A statement of the financial resources of the applicant and the means by which funds are to be provided for construction of the project. This information will be reviewed in confidence and returned to you.

Advertising and regional office review of the application should be completed by October 26, 1981. If the requested information is received by that date, no additional delay in processing will be incurred.

If you have any questions regarding these requirements, please contact this office.

Sincerely,

Gary L. Funderburg
Senior Water Resource Agent

GLF:marya

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region

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

SEPTEMBER 25, 1981

Lincoln County Journal
P. O. Box 704
Shoshone, Idaho 83352

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 OCTOBER 26, 1981.

Yours truly,

Mary A. Hill
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-Z943-

ARKOOSH, BILL &/or KAREN

RT. 2 BOX 50, GOODING, ID 83330

Source: LITTLE WOOD RIVER tributary to MALAD RIVER

Date Filed: 09/23/1981

Amount: 600.00 CFS

Diversion Point: NWNE Sec 28 T 05S R 16E SENE Sec 27 T 05S R 16E,
LINCOLN Co.

Use: POWER (600.00 CFS) from 01/01 to 12/31

Place of Use: SENW Sec 28 T 05S R 16E

Diversion Means: CHECK DAM & DITCH TO PENSTOCK & GENERATOR

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 OCTOBER 26, 1981.

A. KENNETH DUNN

Director

Published 10/8 & 10/15/81.

MICROFILMED

SHONI, LEGAL (312) 12

**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:

37-7943

ARKOOSH, BILL &/or KAREN
RT. 2 BOX 50, GOODING, ID 83330

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05S R 16E SENE Sec 27 T 05S R
16E, LINCOLN Co.

Use: POWER (600.00 CFS) from
01/01 to 12/31

Place of Use: SENW Sec 28 T 05S
R 16 E

Diversion Means: CHECK DAM &
DITCH TO PENSTOCK & GENE-
RATOR

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 OCTOBER 28, 1981.

/s/ A. KENNETH DUNN
Director

PUB: 10-8, 15, 1981

*ab
merge
10/14/81*