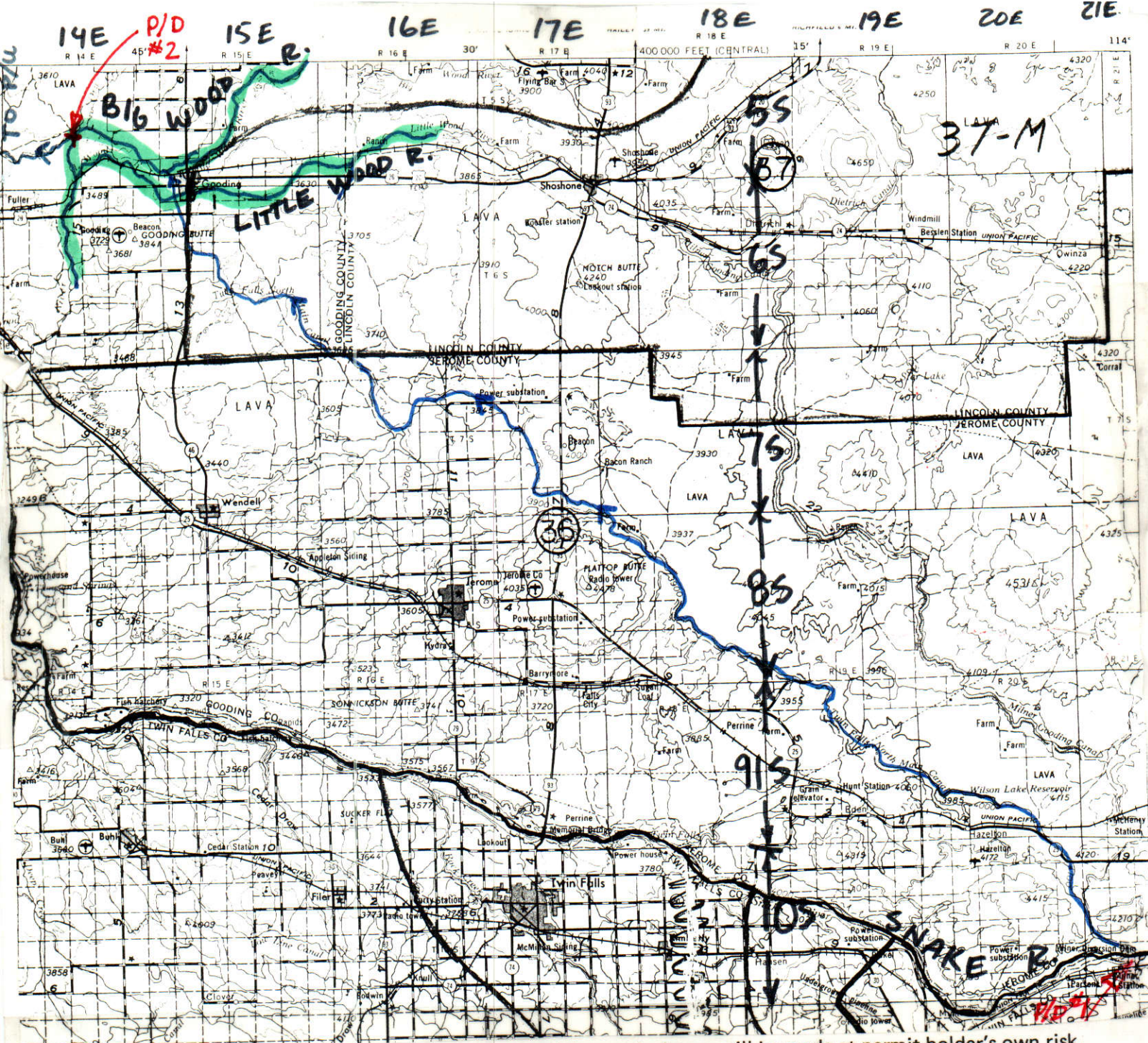




That no one will be injured by such change, and that such change will be made at permit holder's own risk.

Signed at Gooding, this 29 day of May, 19 85.
John S. Faulkner
 (Signature)

FOR DEPARTMENT USE ONLY

Preliminary check by LA Fee = \$20.00

Received by map Date 5/30/85 # 35373

Publication prepared by mary, 2 Date 6/11/85

Published in _____

Publication dates _____

MICROFILMED

MAY 23 1990

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, L. GLEN SAXTON, of the Department of Water Resources hereby

Approve the above referenced Amendment provided the conditions as set forth on page 4 of Permit No. 37-7891 are met. Use of water under this right is subject

to control by the watermasters of State Water District Nos. 37, Big Wood River and 01, Snake River. th

Witness my hand this 30 day of July, 19 85

L. Glen Saxton
 Chief, Operations Bureau

AFFIDAVIT of PUBLICATION

State of Idaho, }
County of Jerome } SS.

GORDON O. GLASMANN

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

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

of said advertisement was on the 19th day of June

19 85, and the date of the last publication was on the 26th

day of June, 19 85.

Subscribed and sworn to before me this 26th

day of June, 19 85
(SEAL)

Darla Bratt

NOTARY PUBLIC

NORTH SIDE NEWS

Jerome, Idaho

COST OF PUBLICATION

Numer of Picas per Line 13
Number of Lines in Notice 36
Number of Insertions 2

Lines tabular at 36 5¢/Pica

Lines straight at 36 18.72 4¢/Pica

Subsequent lines at 36 14.04 3¢/Pica

TOTAL COST 32.76

COPY OF NOTICE

(Paste Here)

37-7891/01-7086
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Dept of Water
BILL TO

Faulkner asks to amend water permit

NOTICE OF AMENDMENT TO A WATER PERMIT NO. 37-7891/01-7086

Notice is hereby given that Faulkner Land & Livestock Co., Inc., is the holder of approved permit No. 37-7891 authorizing the diversion of 54 cubic feet per second of water from Northside Canal Co., Ltd. and "Y" Canal in the SESE, SWSE, Sec. 27, T5S, R12E, B.M., County of Gooding, 54 cfs to be used for power generation from April 1 to November 1, and 10 cfs for power generation from November 1 to April 1 within SWSW, Sec. 27, T5S, R12E, B.M.

The permit holder has applied to the Department of Water Resources for an Amendment to the Permit, to clarify the point of diversion as follows:

Point of Diversion: Snake River - Lt5 (SWNW), Sec. 28, T10S, R21E, B.M., Jerome County - Big Wood River - SESW, Sec. 22, T5S, R14E, B.M., Gooding County 54 cfs to be used for power from April 1 to October 31 and 10 cfs for power from November 1 to March 31.

Any protest against approval of the amending of permit No. 37-7891 as set forth above must be filed with the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301 on or before July 8, 1985.

A. Kenneth Dunn
Director
6-19-2c

RECEIVED

No 2123

JUN 27 1985

MICROFILME

Department of Water Resources

Southern District Office MAY 23 1990

AFFIDAVIT of PUBLICATION

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

Frank T. Crow, Jr., being first duly sworn, deposes and says that he is the printer (publisher) of the Gooding County Leader, a newspaper published every week in Gooding, County of Gooding, State of Idaho, that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 18 day of June 19 85, and the date of the last publication was on the 25 day of June, 19 85.

[Signature]

Subscribed and sworn to before me this 25 day of June, 19 85.
(SEAL)

[Signature: Linda E. Esterbrook]
NOTARY PUBLIC

GOODING COUNTY LEADER
Gooding, Idaho

COST OF PUBLICATION

JUL 2 1985

Department of Water Resources
Bozeman District Office

Number of Lines in Notice 42
Number of Insertions 2
Lines tabular at 48¢
42 Lines straight at 38¢ \$15.96
42 Subsequent lines at .285¢ \$11.97
Total Cost \$27.93

COPY OF NOTICE (Paste Here)

~~Notice of Amend to a water~~
TITLE OF NOTICE permit
#37-7891 01-7086

PLAINTIFF ATTORNEY

NOTICE OF AMENDMENT TO A WATER PERMIT NO. 37-7891/01-7086

Notice is hereby given that Faulkner Land & Livestock Co., Inc. is the holder of approved permit No. 37-7891 authorizing the diversion of 54 cubic feet per second of water from Northside Canal Co., Ltd. and 'Y' Canal in the SESE, SWSE, Sec. 27, T5S, R12E, B.M., County of Gooding, 54 cfs to be used for power generation from April 1 to November 1, and 10 cfs for power generation from November 1 to April 1 within SWSW, Sec. 27, T5S, R12E, B.M.

Dep
104
Twil
8330

The permit holder has applied to the Department of Water Resources for an Amendment to the Permit, to clarify the point of diversion as follows:

Point of Diversion: Snake River - Lt5 (SWNW), Sec. 28, T10S, R21E, B.M., Jerome County - Big Wood River - SESW, Sec. 22, T5S, R14E, B.M., Gooding County 54 cfs to be used for power from April 1 to October 31 and 10 cfs for power from November 1 to March 31

Any protest against approval of the amending of permit No. 37-7891 as set forth above must be filed with the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho, 83301 on or before July 5, 1985.

/s/ A. KENNETH DUNN
Director

PUB: 6-18, 25 #3712

PUBLICATION RATES

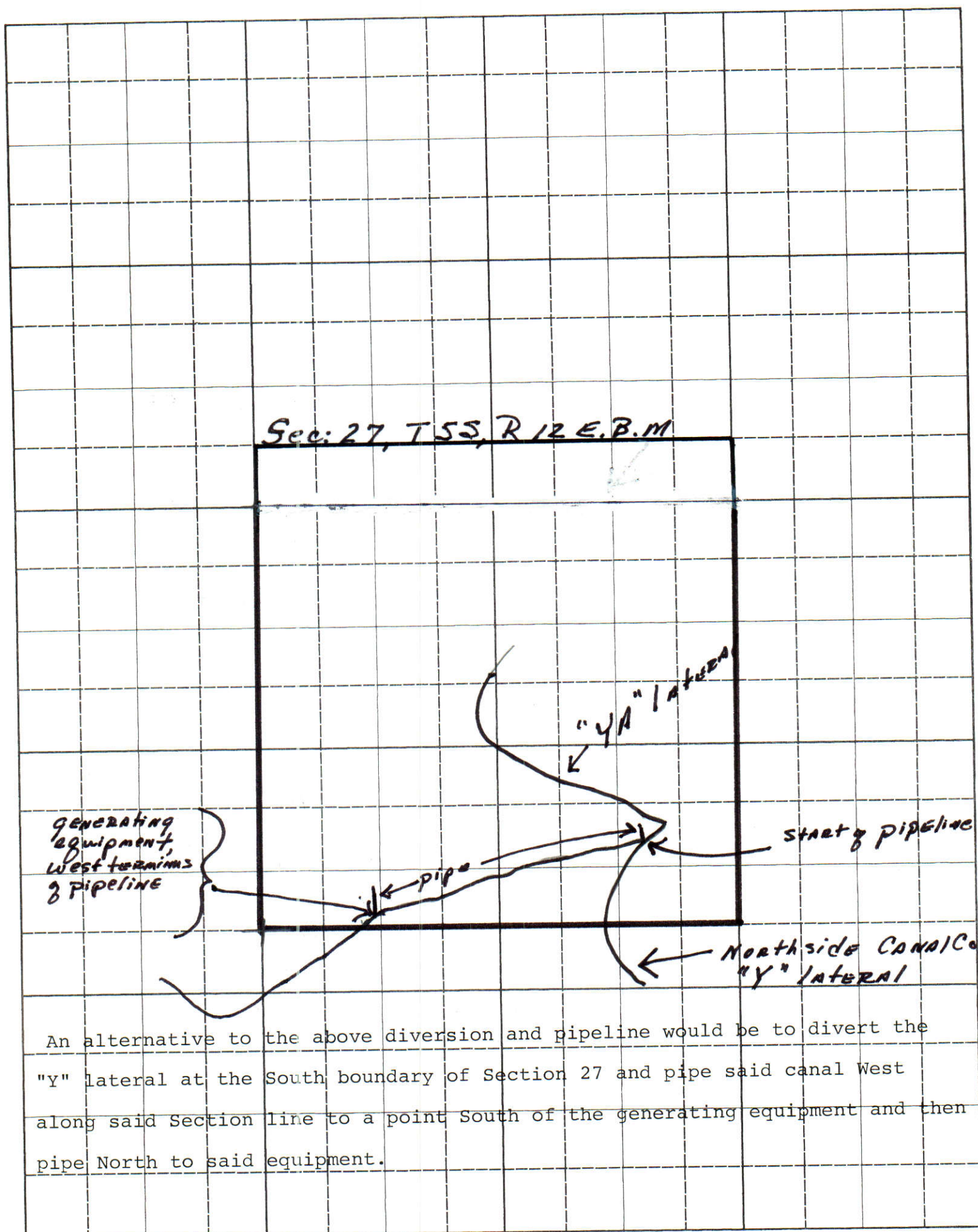
(Idaho Code, Rev. Statutes 1971)
7 pt. per line, straight 38¢
7 pt. per line, tabular 48¢
7 pt. per line, successive
insertions 28.5¢

MICROFILMED

MAY 23 1990

No. #3712

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



Scale: 2 inches equal 1 mile.

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

FAULKNER LAND AND LIVESTOCK, CO., INC.
BY: Barth Faulkner
(Applicant)

MICROFILMED

This topographic map depicts a section of the Snake River Plain, Idaho, with a focus on a proposed diversion project. The map features a grid system with section numbers (e.g., 21, 22, 23, 26, 27, 28, 33, 34, 35) and elevation contours (e.g., 3100, 3200, 3300, 3400). Handwritten annotations in black ink highlight key features: 'Penstock' and 'Canal' are marked along a line extending from the upper left towards the center; 'Power Plant' is indicated near a bend in this line; 'DIVERSION' is written with an arrow pointing to a specific location on the right side of the map; 'IRRIGATION' and 'DITCH' are labeled near a curved feature on the right; and 'LAWEE' is written below the ditch. A scale bar at the bottom left shows distances from 0 to 1 mile. The map is labeled 'Twp 5S Rg 2E' and 'BLISS 3069 IV NW'. Other labels include 'WC', 'Airway Beacon 3379', 'VABM', and 'BM 3179'.

John St. Faulkner
(Applicant)

MICROFILMED

AFFIDAVIT of PUBLICATION

State of Idaho, }
County of Gooding } SS.

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

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

of said advertisement was on the 22 day of April, 1981, and the date of the last publication was on the 29 day of April, 1981.

Subscribed and sworn to before me this 29 day of April, 1981.
(SEAL)

Mary Ann Nage
NOTARY PUBLIC

GOODING COUNTY LEADER
Gooding, Idaho
COST OF PUBLICATION

Number of Lines in Notice 44
Number of Insertions 2
Lines tabular at 38
Lines straight at 44 29 12.76
Subsequent lines at 44 19 8.36
TOTAL COST 21.12

MICROFILMED

COPY OF NOTICE

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:

37-7891

FAULKNER LAND & LIVE-STOCK CO., INC.

RT. 2, GOODING, ID 83330

Source: Y CANAL

Date Filed: 03/23/1981

Amount: 54.00 CFS

Diversion Point: SESE SW-SE Sec 27 T 05S R 12E, GOODING Co.

Use: POWER (54.00 CFS) from 04/01 to 11/01

POWER (10.00 CFS) from 11/01 to 04/01

Place of Use: SWSW Sec 27 T 05S R 12E

Diversion Means: CANAL & PENSTOCK

If issued, the permit(s) will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301 and received on or before MAY 11, 1981.

/s/ C. STEPHEN ALLRED
Director

Pub: 4-22, 29, 1981

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

MAY 3 6 24 PM 1981
Department of Water Resources
Southern District Office

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

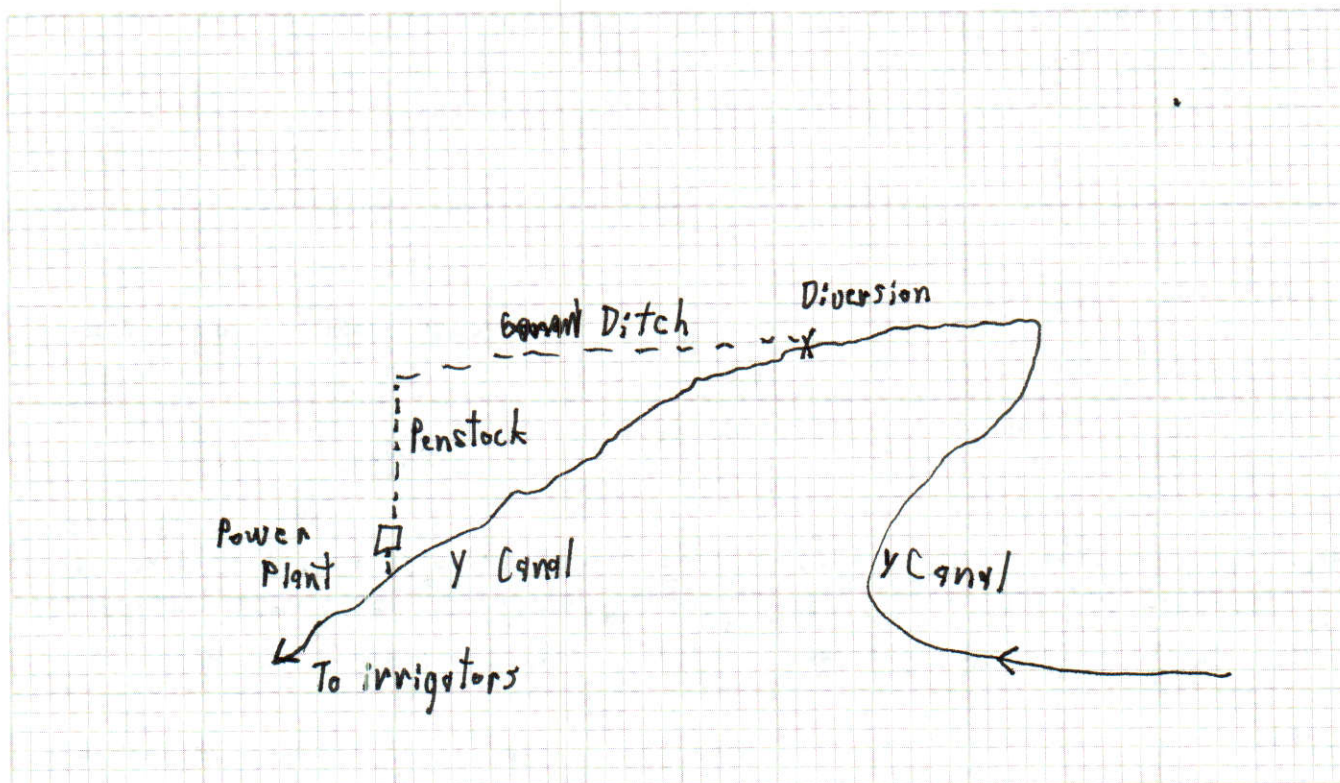
RECEIVED
NOV 02 1994

Department of Water Resources

- A. GENERAL INFORMATION** *Faulkner Bros. Hydro*
1. Owner: *Faulkner Land & Livestock Co. Inc.* Permit No. *01-7086*
37-7891
Current Address: *1997 S. 1875 E., Gooding, ID 83330* Phone No. *934-4456 5391*
2. Accompanied by: *Jack & Jim Faulkner* EXAM. DATE: *7-12-93*
Address: _____ Phone No. _____
Relationship to Permit Holder: *Jim - plant operator*
3. Source: *Snake River* tributary to _____ via *Y Canal*
Malad River
- B. OVERLAP REVIEW** *Big & Little Wood Rivers (all thru Northside Canal Co. system)*
1. Other water rights with same place of use: *none* ☐ Copies Attached
2. Other water rights with same point of diversion: *Many* ☐ Copies Attached ☐ Copies of Field Exam's Attached

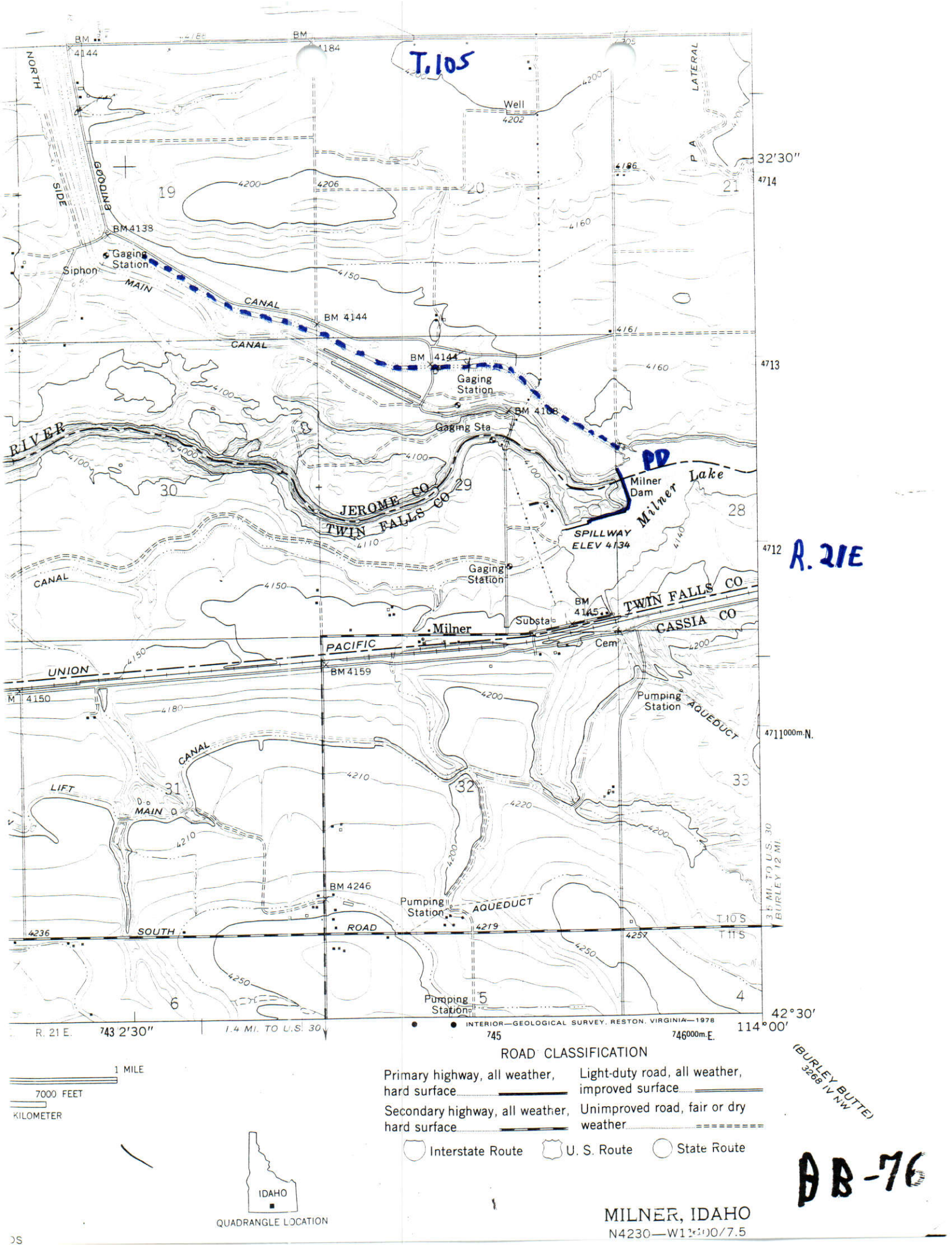
C. SYSTEM DESCRIPTION

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



Scale: 1" = _____.

2. ☒ Copy of U.S.G.S. Quadrangle Attached 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).



T.105

A.21E

DB-76

ROAD CLASSIFICATION

- | | |
|--|--|
| Primary highway, all weather, hard surface | Light-duty road, all weather, improved surface |
| Secondary highway, all weather, hard surface | Unimproved road, fair or dry weather |

- Interstate Route ○ U. S. Route ○ State Route

MILNER, IDAHO
N4230—W11200/7.5

FILES
THE ARMY
ENGINEERS

GOODING BUTTE QUADRANGLE
IDAHO-GOODING CO.
7.5 MINUT SERIES (TOPOGRAPHIC)

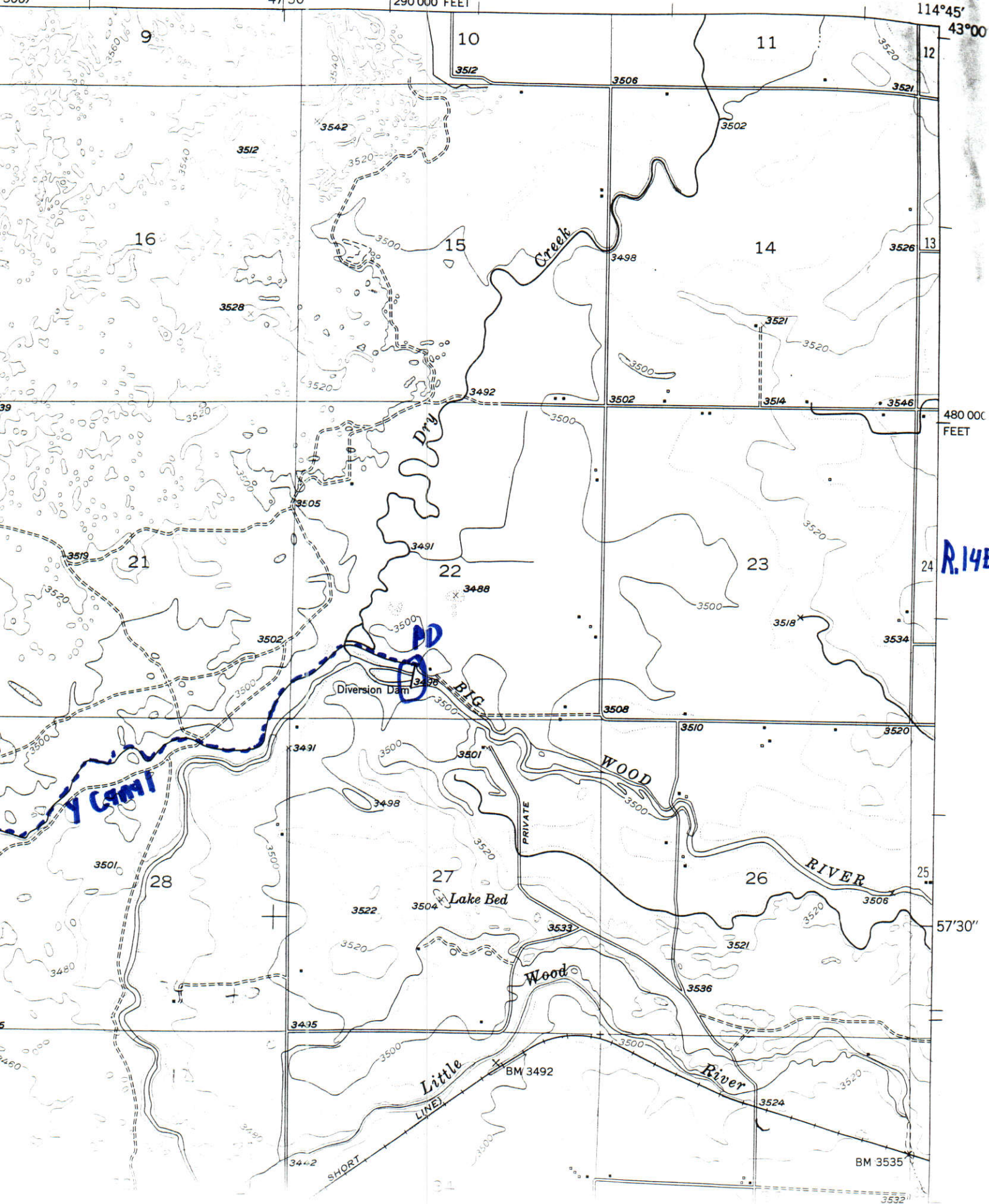
500'

47°30'

290 000 FEET

114°45'

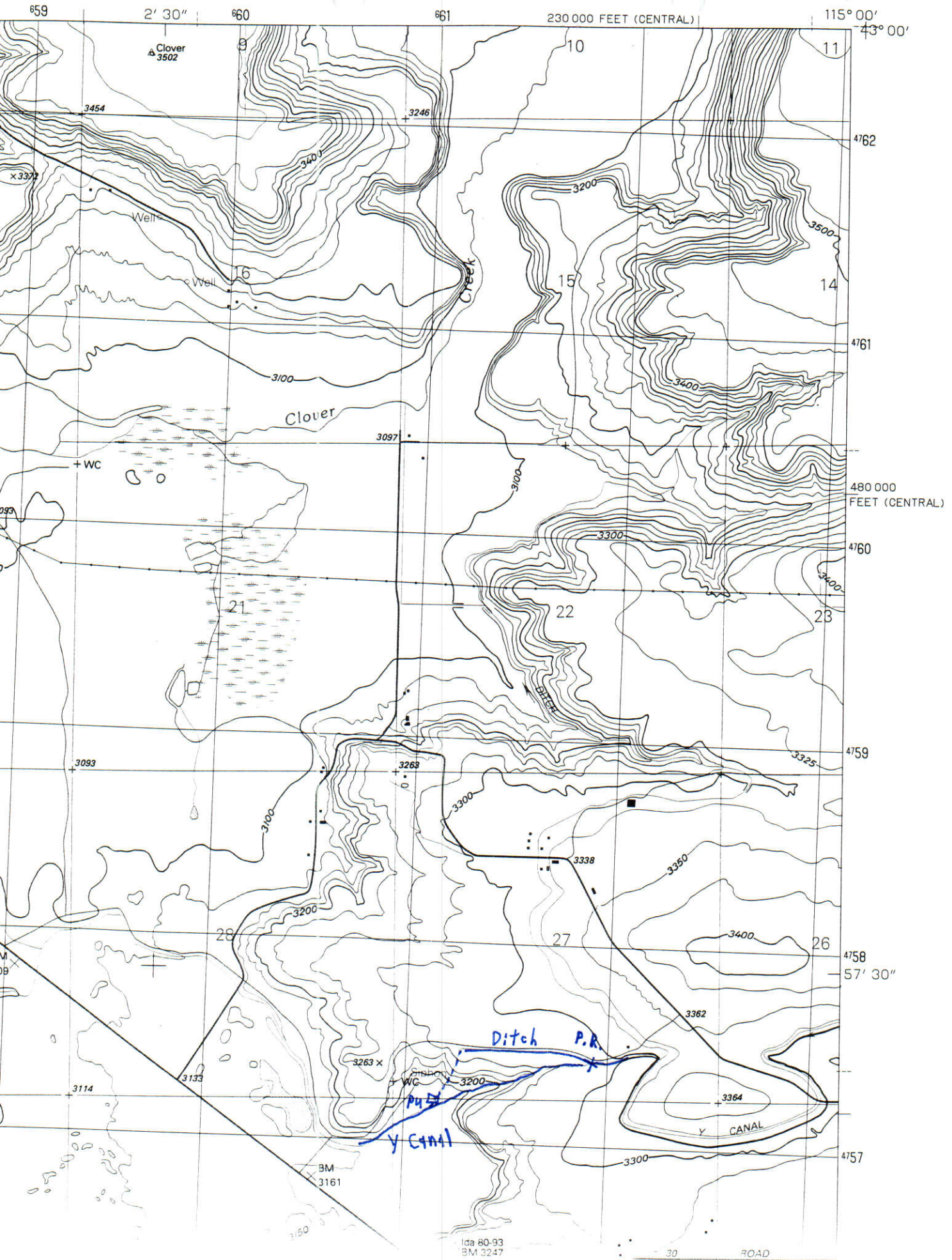
43°00'



TICESKA QUADRANGLE

IDAHO

7.5 MINUTE SERIES (TOPOGRAPHIC)



37-7891



Diversion from Canal



Ditch to Penstock

Head of
Penstock



37-7891

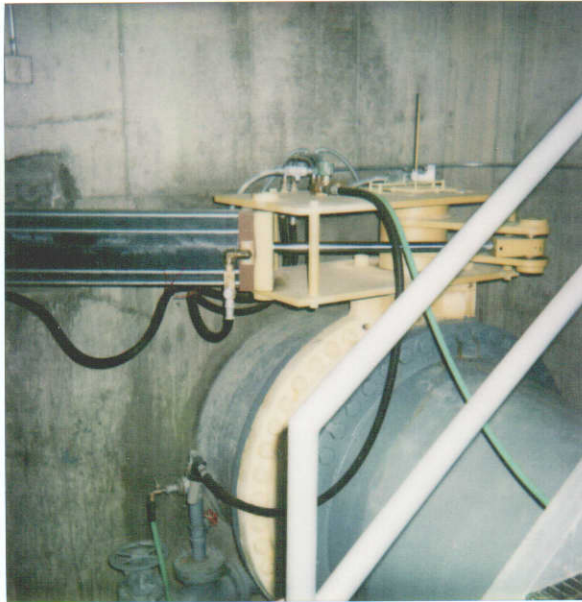


Power House



Outlet Back Into Canal

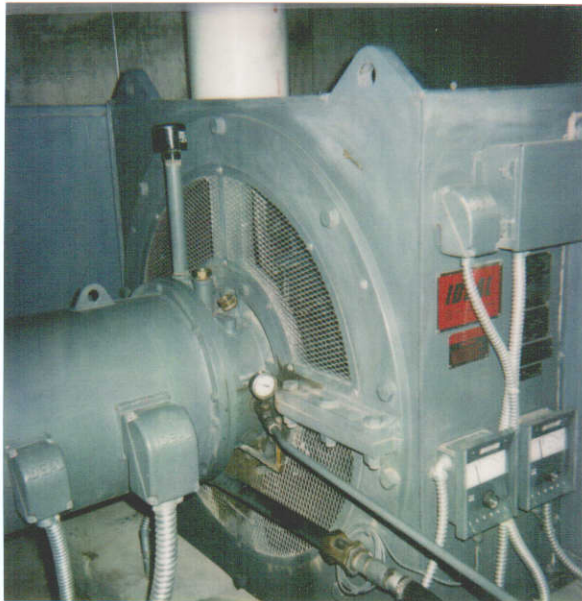
37-7891



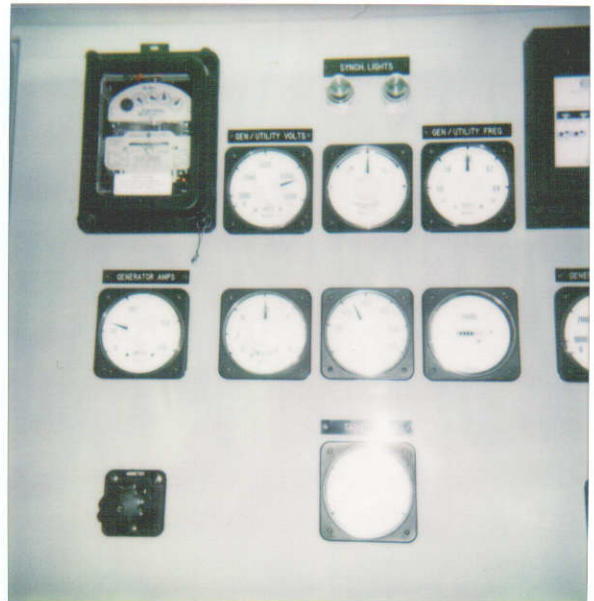
Control Valve & Inlet
To Power House



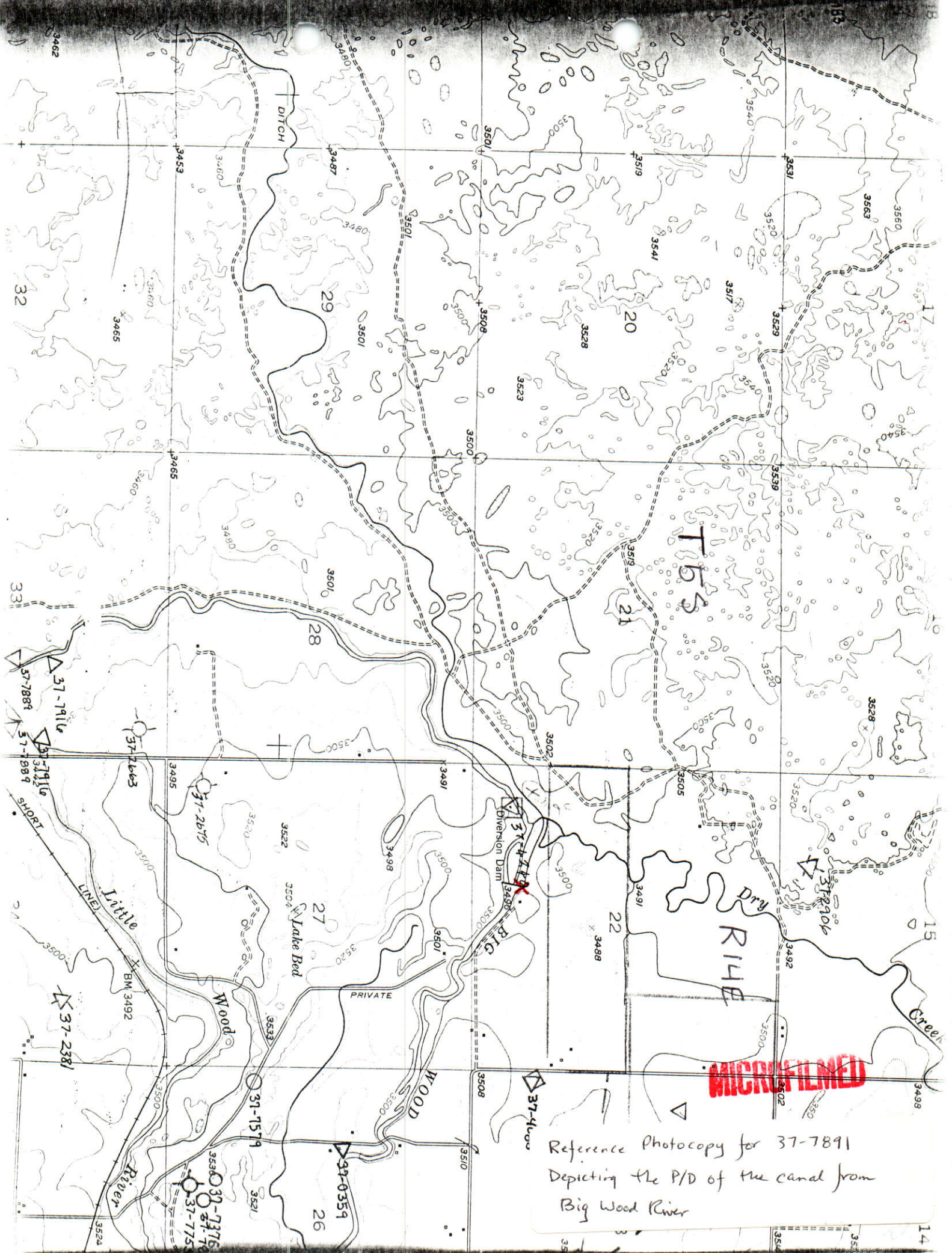
Turbine



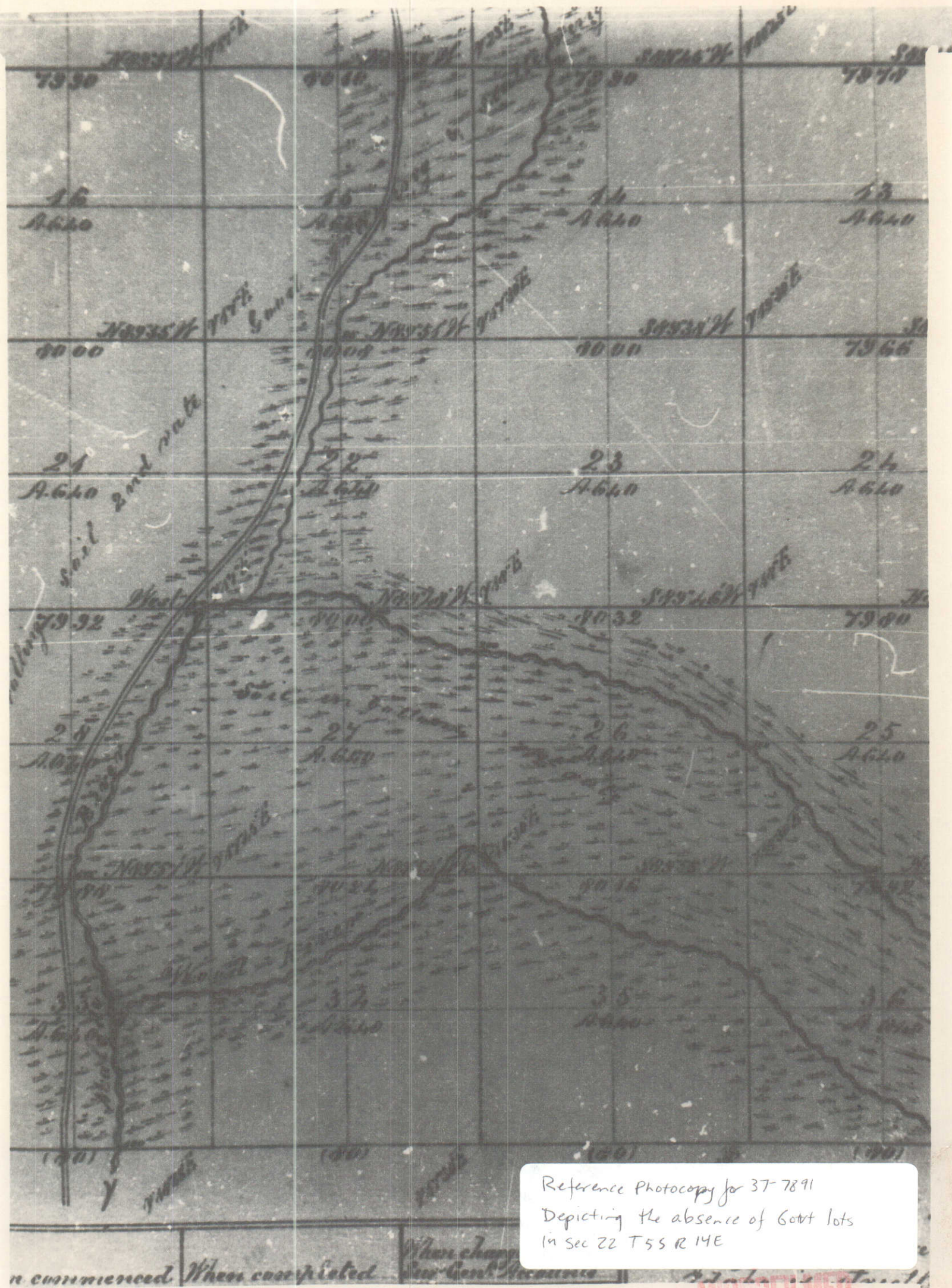
Generator



Control Gauges



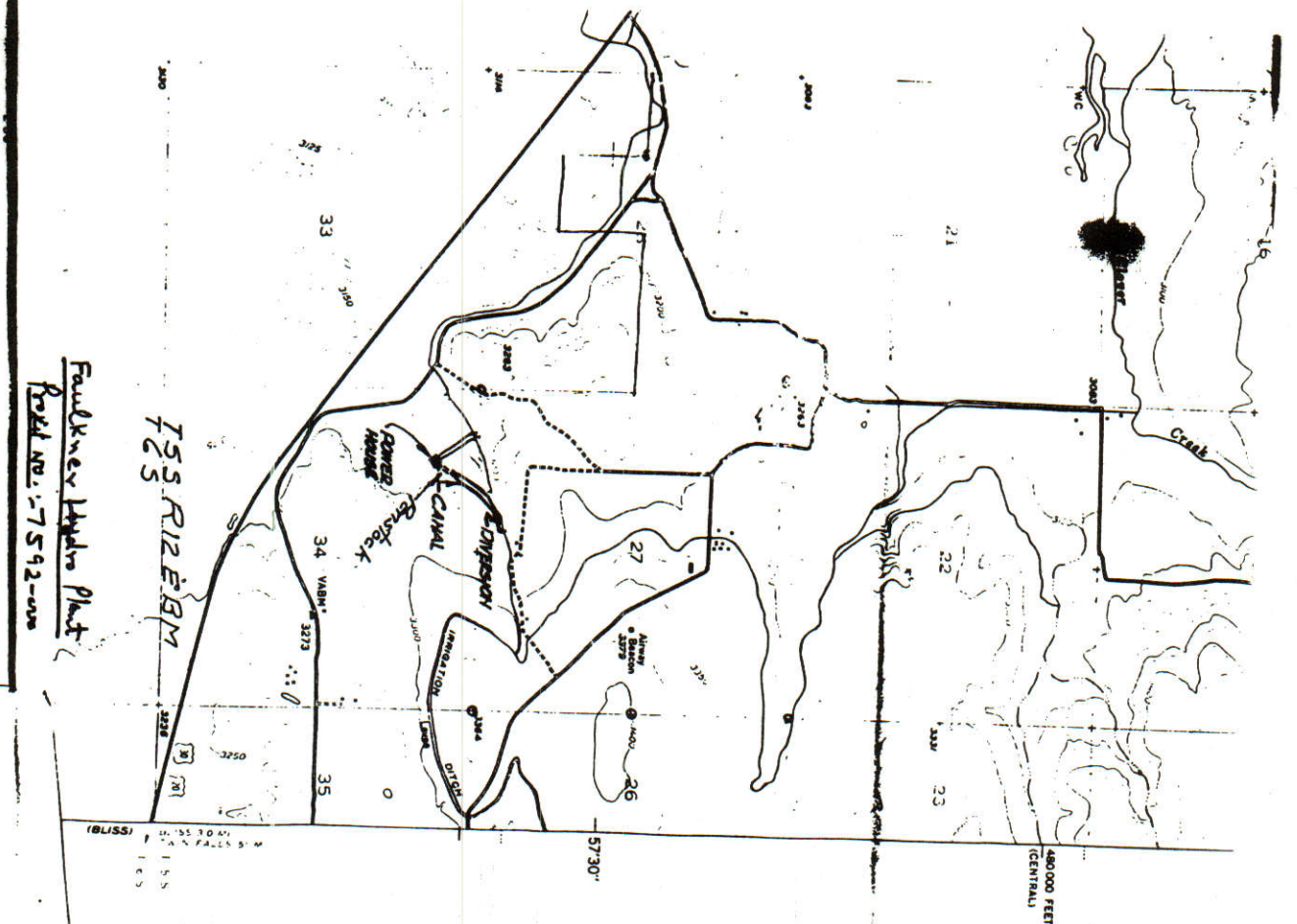
T 55 R 14E



RECEIVED

MAR 6 1984

- a. Type of Application: Exemption for Small Conduit Facility
 - b. Project No: 7592-000
 - c. Date Filed: September 9, 1983
 - d. Applicant: Faulkner Land and Livestock Co., Inc.
 - e. Name of Project: Faulkner Hydro Plant
 - f. Location: On Northside "y" Canal, near town of Bliss, in Gooding County, Idaho
 - g. Filed Pursuant to: Energy Security Act, 1980 (16 U.S.C. §§2705 and 2708 as amended)
 - h. Contact Person: Mr. Severt Swenson, Jr., 122 Fourth Avenue West, Gooding, Idaho 83330
 - i. Comment Date: **APR 23 1984**
 - j. Description of Project: The proposed project would divert water from the Northside "y" Canal and would consist of: (1) a 1400-foot-long, 15-foot-wide diversion canal; (2) a powerhouse containing a single 400-kw generating unit; and (3) a 700-foot-long exit canal, which would discharge water back into the Northside "y" Canal. The average annual energy output would be 173,321 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 project power would be sold to Idaho Power Company.
 - l. This notice also consists of the following standard paragraphs: A3, A9, B, C, D3b



Kenneth F. Plumb
Secretary



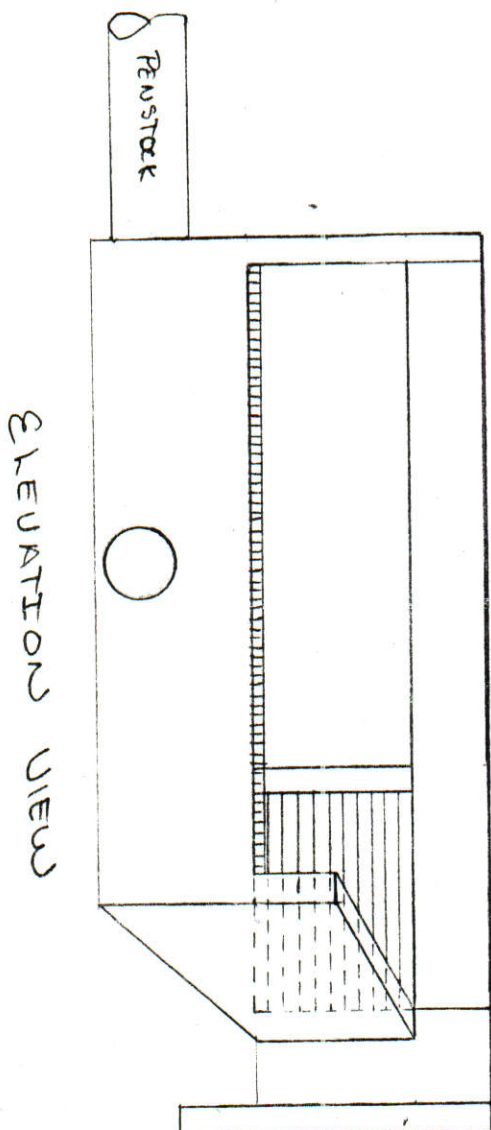
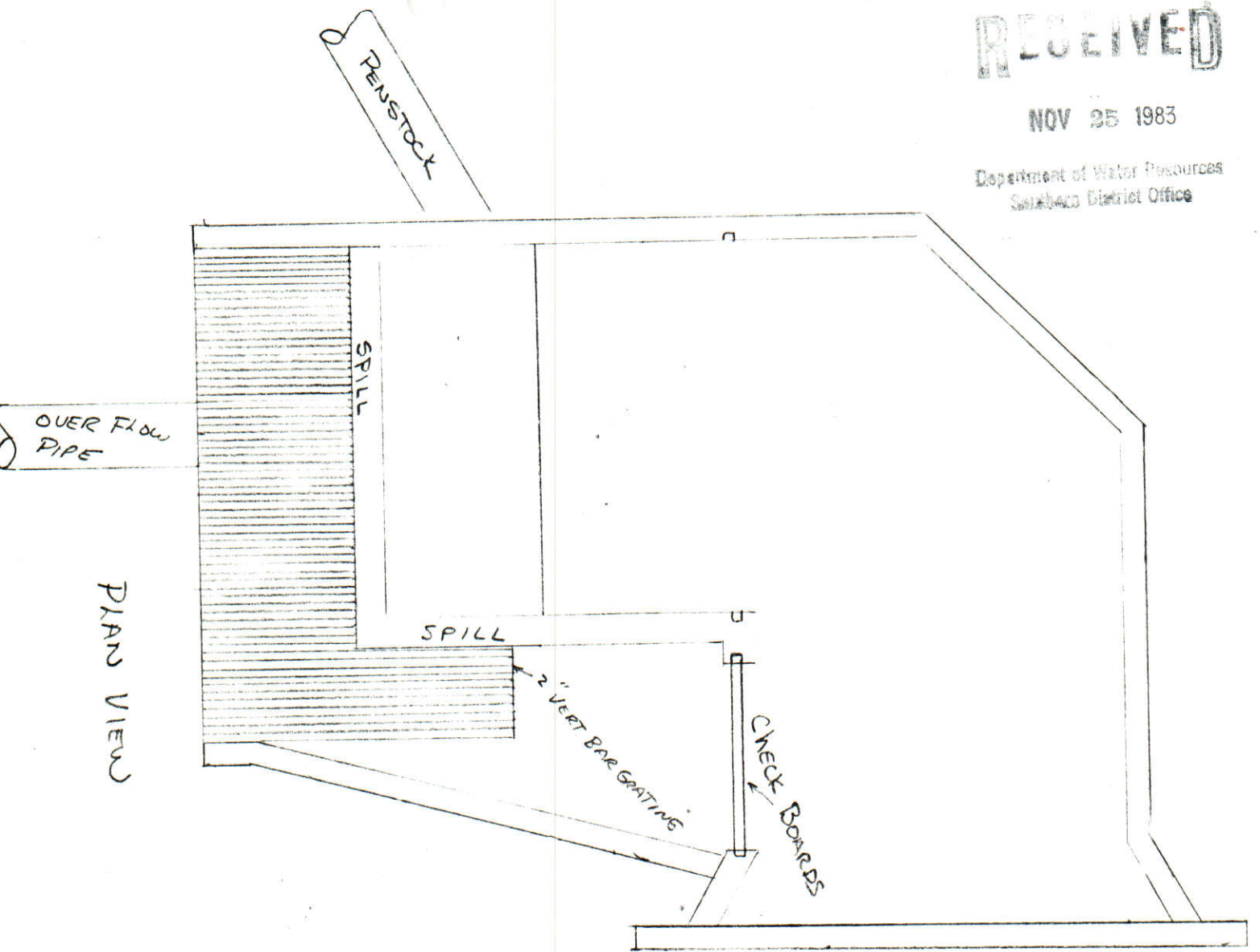
Faulkner Hydro Plant
Project No.: 7592-000

MICROFILMED

RECEIVED

NOV 25 1983

Department of Water Resources
San Diego District Office



INLET TO PENSTOCK
FAULKNER HYDRO-SHE

MICROFILMED

Scale 1/16" = 1'

RECEIVED

NOV 25 1983

Water Resources
Division Office

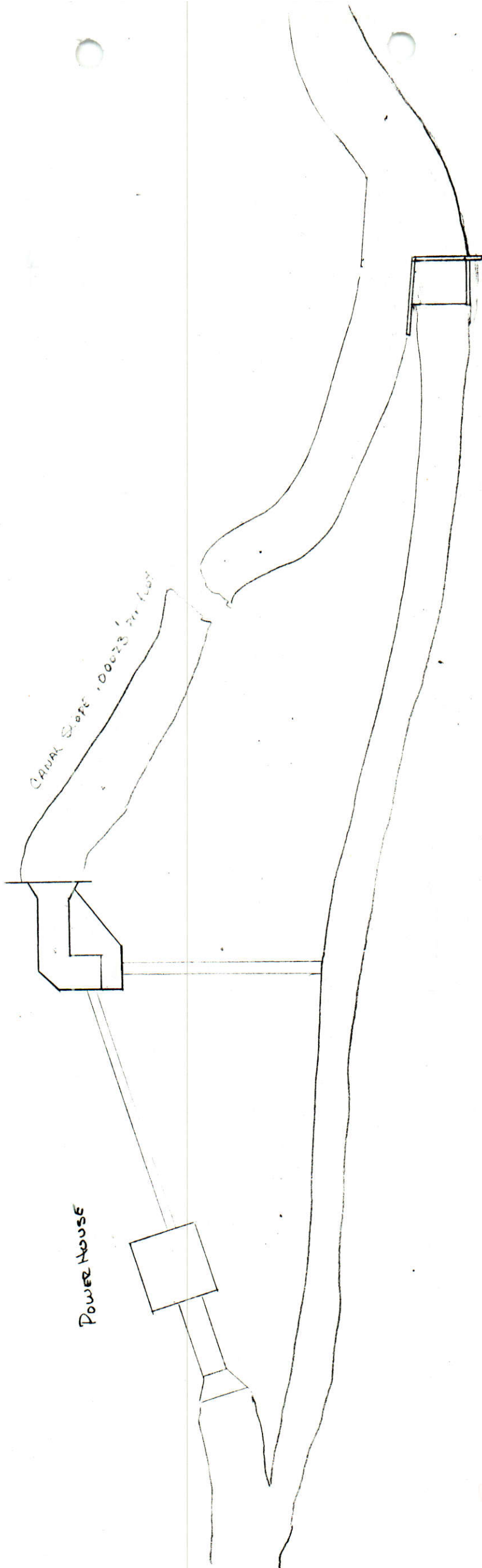
DIVERSION

INLET

CANAL Slope 100:23 in 100'

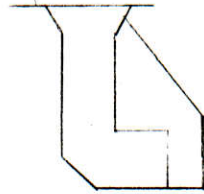
Power House

MICROFILMED

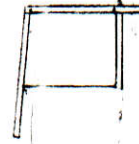
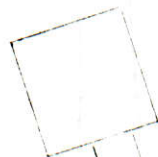


MICROFILMED

INLET



POWER HOUSE



DIVERSION

RECEIVED

NOV 25 1983

Department of Water Resources
Southern District Office

SPILL WALL

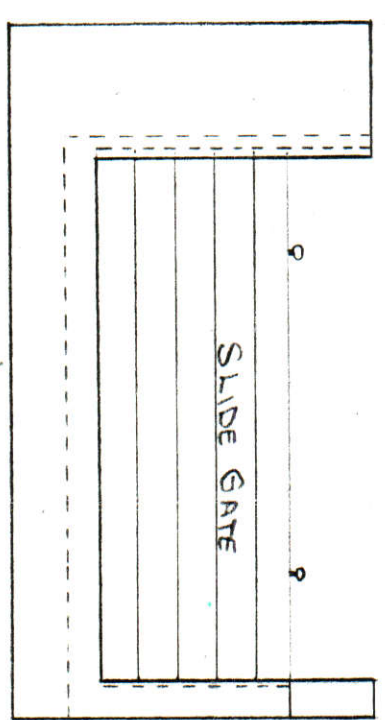
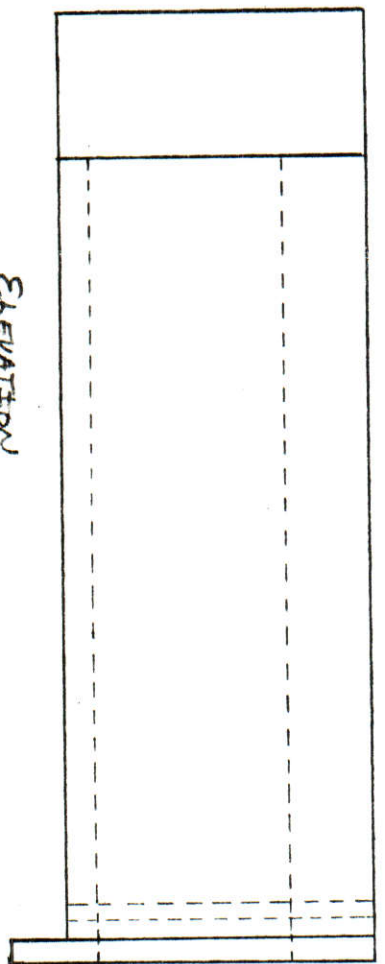
SLIDE GATE →

PLAN

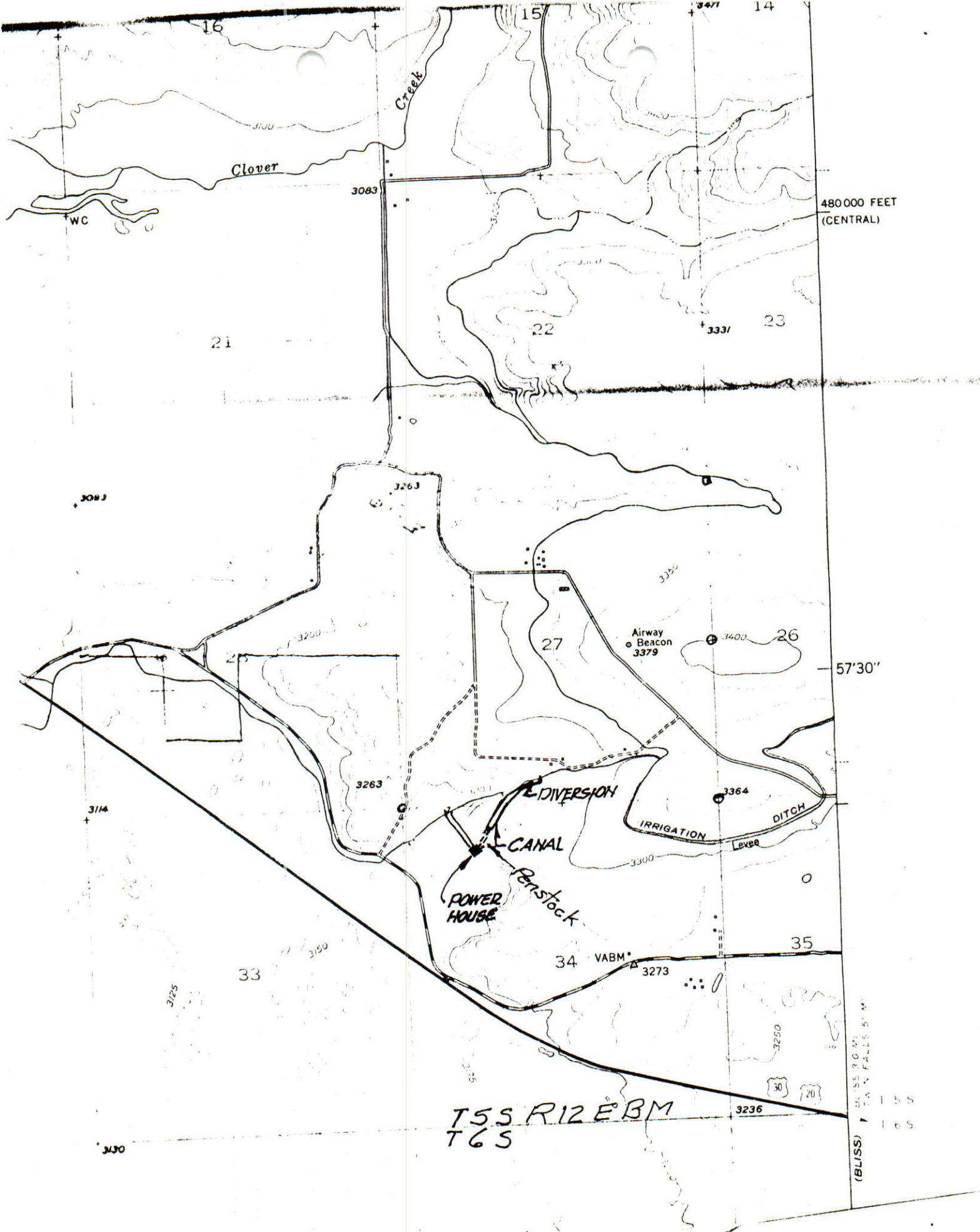
DIVERSION INLET STRUCTURE
FAULKNER HYDRO SITE

MICROFILMED

ELEVATION



SCALE 1"=5'



T55 R12 E BM
T6 S

MICROFILMED

ROAD CLASSIFICATION

HARD-SURFACE ALL WEATHER ROADS		DRY WEATHER ROADS	
Heavy-duty	-----	Improved dirt	=====
Medium-duty	-----	Unimproved dirt	=====
Loose-surf.	-----	aded, or narrow hard-surface	-----
U. Route	○	State Route	○

TICESKA, IDAHO
N4252.5-W11500/7.5

EDITION OF 1949

WATER RIGHT SUMMARY

ACTION	RIGHT NO.	NAME	CFS
Original Application	37-07891	Faulkner Land and Livestock Co Inc	54.0
Full Assignment	37-07891	Faulkner Bros Hydro	54.0

RECORDED

APR 2 1993

RECEIVED

MAR 11 1993

Department of Water Resources

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

RECEIVED

MAR 08 1993

Department of Water Resources
Southern Region Office

ASSIGNMENT OF APPLICATION FOR PERMIT

I, Faulkner Land & Livestock Co. Inc., hereby assign to Faulkner Bros. Hydro
of, 1997 S. 1875 E., Gooding, Idaho 83330
(Full Address)

All my right, title, and interest in and to Application for Permit
No. 31-07891 to appropriate the public waters of the State of Idaho.

OR (for partial assignments)

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

Describe portion of the application assigned listing the number of acres in each 40 acre
subdivision, point of diversion location, and the amount of water in cubic feet per second.

Made this 8th day of March, 1993.

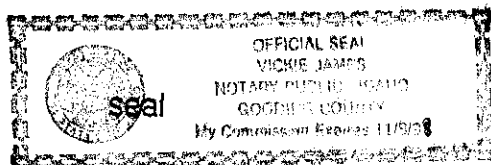
John L. Faulkner
John L. Faulkner, Applicant President

State of Idaho)

ss

County of Gooding)

On this 9th day of March, 1993, personally appeared before me the signer of the
above instrument, duly acknowledged to me that he (she) (they) executed the same.



Vickie James
Notary Public

My commission expires: 11/8/98

APR 12 1993

STATE OF IDAHO

RECEIVED

MAY 30 1985

APPLICATION FOR AMENDMENT OF A PERMIT

Department of Water Resources
Boise District Office

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

APPROVED

Comes now Faulkner Land & Livestock Co., Inc. Phone 934-4950
of (address) Rt. 2 Gooding, ID 83330, and represents to the
Director of the Idaho Department of Water Resources:

That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho
No. 37-7891, and requests that the permit and permit map be changed as follows:

- The purpose of this amendment is to clarify that source is the supply for Northside Canal Co. Ltd.
Source: Snake River P/D in Lt5 (SW $\frac{1}{4}$ NW $\frac{1}{4}$) Sec. 28, Twp 10S, Rge 21E, B.M. Jerome Co.
Source: Big Wood River P/D in SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 22, Twp 5S, Rge 14E, B.M. Gooding Co.

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

Amount 54.0 for Power purposes from 4/1 to 10/31 (both dates inclusive)
(cfs or acre feet per annum)
Amount 10.0 for Power purposes from 11/1 to 3/31 (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)

- Place of use or land to be irrigated:
No change

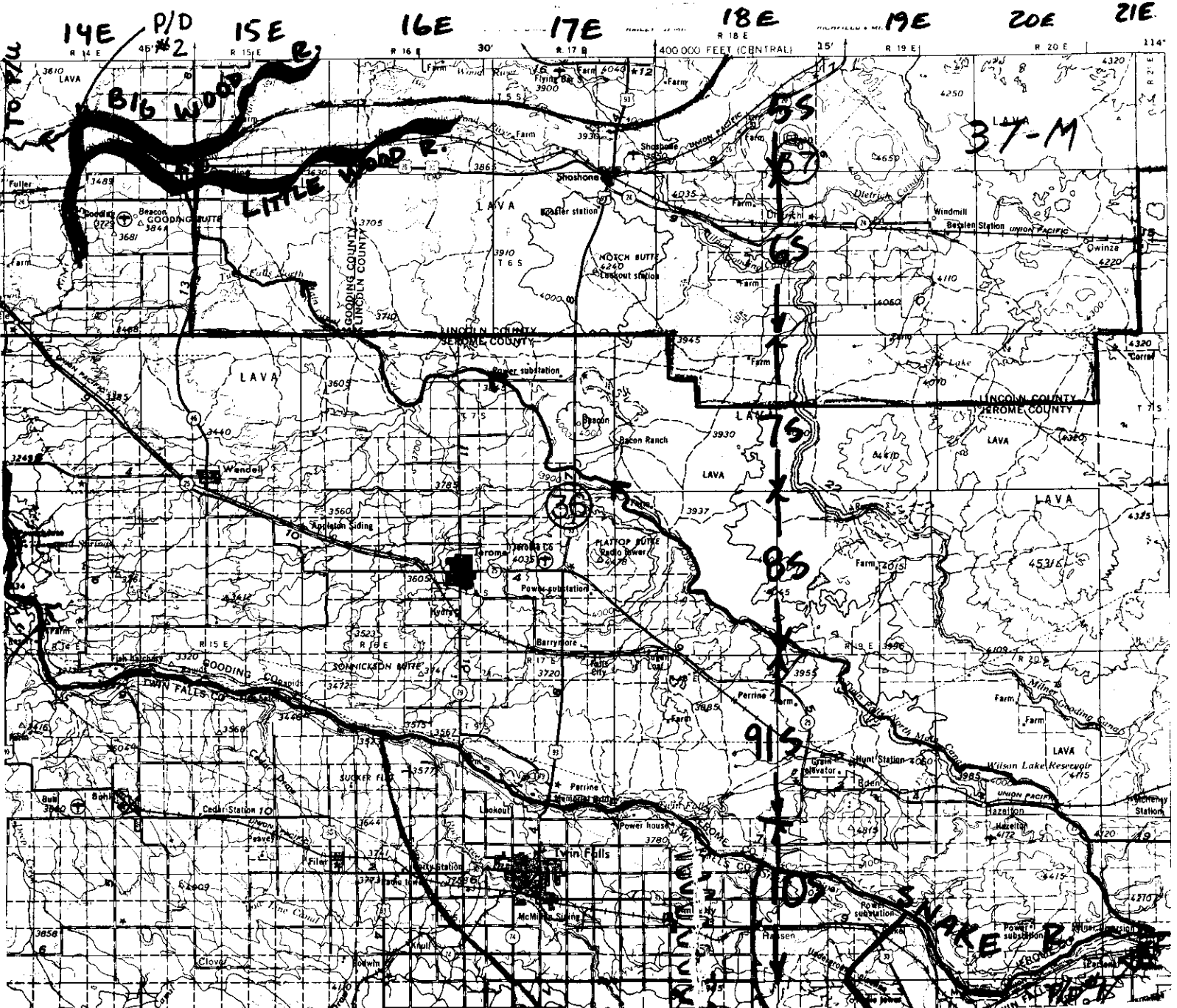
TWP	RGE	SEC	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	

Total number of acres to be irrigated = _____

- Who owns the property at the point of diversion? Northside Canal Co., Ltd.
 - Who owns the land to be irrigated or the place of use? Applicant
 - If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: Agreement dated August 20, 1984

MICROFILMED

MAY 25 1990



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

Signed at Gardiner, this 29 day of May, 1985.
[Signature]
(Signature)

FOR DEPARTMENT USE ONLY

Preliminary check by LA Fee = \$20.00
Publication prepared by mary z Date 6/11/85
Publication dates _____

Received by mary Date 5/30/85 # 35373

Published in _____
MICROFILMED
MAY 23 1990

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, L. GLEN SAXTON, of the Department of Water Resources hereby
Approve the above referenced Amendment provided the conditions as set forth on
page 4 of Permit No. 37-7891 are met. Use of water under this right is subject
to control by the watermasters of State Water District Nos. 37, Big Wood River
and 01, Snake River.

Witness my hand this 30 day of July, 1985
[Signature]
Chief, Operations Bureau

AFFIDAVIT of PUBLICATION

State of Idaho, }
County of Jerome } SS.

GORDON O. GLASMANN

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

each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 19th day of June, 1985, and the date of the last publication was on the 26th day of June, 1985.

Subscribed and sworn to before me this 26th day of June, 1985
(SEAL)

Darla Bratt
NOTARY PUBLIC

NORTH SIDE NEWS

Jerome, Idaho

COST OF PUBLICATION

Numer of Picas per Line 13
Number of Lines in Notice 36
Number of Insertions 2

Lines tabular at 5¢/Pica
36 Lines straight at 18.72 4¢/Pica
36 Subsequent lines at 14.04 3¢/Pica

TOTAL COST 32.76

COPY OF NOTICE

(Paste Here)

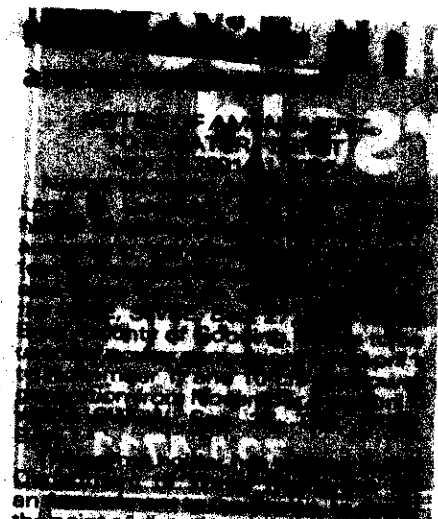
37-7891/01-7086
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Dept of Water
BILL TO



an
the point of diversion as follows:
Point of Diversion: Snake River - Lot
(SWNW) Sec. 28, T10S, R12E, E.M.,
Jerome County - Big Wood River -
SESW, Sec. 28, T10S, R12E, E.M.,
Gooding County 64 cfs to be used for
power from April 1 to October 31 and
10 cfs for power from November 1 to
March 31.

Any protest against approval of the
issuance of permit No. 37-7086 as set
forth above must be filed with the
Idaho Department of Water Re-
sources, 1047 Blue Lakes Blvd. North,
Twin Falls, Idaho 83301 on or before
July 8, 1985.

A. Kenneth Dunn
Director

RECEIVED

No 2123

JUN 27 1985

MICROFILME

Department of Water Resources

Bozeman District Office MAY 23 1990

AFFIDAVIT of PUBLICATION

[illegible]

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

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

of said advertisement was on the 18 day of June

19 85, and the date of the last publication was on the 25

day of June, 1985.

Subscribed and sworn to before me this 25

day of June, 19 85.
(SEAL)

Linda E. Esterbrook
NOTARY PUBLIC

GOODING COUNTY LEADER
Gooding, Idaho

COST OF PUBLICATION

JUL 2 1985

Department of Water Resources

Number of Lines in Notice 42 ~~Estimated~~ District Office

Number of Insertions 2

Lines tabular at 48¢

42 Lines straight at 38¢ \$15.96

42 Subsequent lines at .28.5¢ \$11.97

Total Cost \$27.93

COPY OF NOTICE
(Paste Here)

~~Notice of Amend to a water~~
TITLE OF NOTICE permit

#37-7891 01-7086

PLAINTIFF ATTORNEY

[illegible]

Dep

104

Tw

8330

PUB: 4-28, 23 1971

PUBLICATION RATES

(Idaho Code, Rev. Statutes 1971)

7 pt. per line, straight 38¢

7 pt. per line, tabular 48¢

7 pt. per line, successive
insertions

MAY 23 1990

No. #3712

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

APPROVED

1. Name of applicant FAULKNER LAND AND LIVESTOCK CO., INC. Phone 934-4956

Post office address Route #2, Gooding, Idaho 83330

2. Source of water supply Northside Canal Co., Ltd. which is a tributary of "Y" Canal

3. Location of point of diversion is SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 27 Township 5 S.

Range 12 E. B.M. Gooding County, additional points of diversion if any:

SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 27 Twp. 5S. Rge. 12 E.

4. Water will be used for the following purposes:

Amount 54 ~~60~~ for Power purposes from April 1 to Nov. 1 (both dates inclusive)
(cfs or acre-feet per annum) Generation

Amount 10 for Power purposes from Nov. 1 to April 1 (both dates inclusive)
(cfs or acre-feet per annum) Generation

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. 54 ~~Sixty (60)~~ cubic feet per second and/or b. acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. (See "10 Remarks")

b. Height of storage dam N/A 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 N/A to inclusive.
(Month/Day) (Month/Day)

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

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

8. Description of proposed uses:

a. If water is not for irrigation:

(1) Give the place of use of water: SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 27 Township 5 S.

Range 12 E. B.M.

(2) Amount of power to be generated: 600 horsepower under 125 feet of head.

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

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

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

MICROFILMED

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

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
							N/App.												

Total number of acres to be irrigated _____

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

NONE

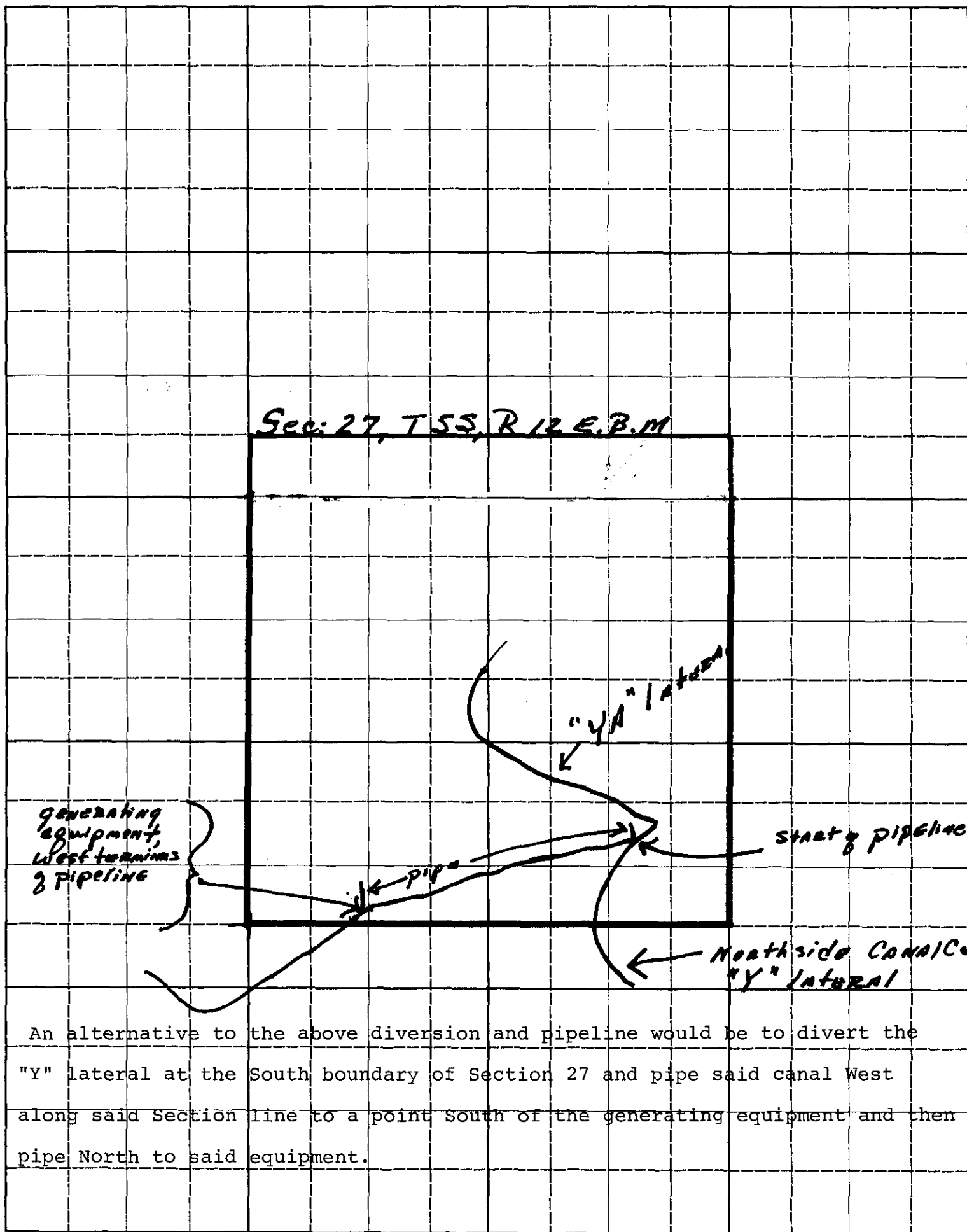
9. a. Who owns the property at the point of diversion FAULKNER LAND & LIVESTOCK CO., INC.

b. Who owns the land to be irrigated or place of use FAULKNER LAND & LIVESTOCK CO., INC.

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 The proposed application seeks to use the 60 cubic second feet of water (during irrigation season) flowing in the North Side Canal Co., Ltd. "Y" Canal for power generation use only. From the point of diversion set forth herein, the project would require placing the entire flow of the canal within a 3-4 foot diameter pipeline for an approximate distance of 2700 feet. The amount of fall of the water in this 2700 foot distance is approximately 125 feet. Appropriate power generation equipment would be installed at the western terminus of the pipeline, together with construction of necessary transmission lines. All electricity generated shall be sold or used by applicant in its farming operation. During winter months applicant has approximately 10 cubic second feet of water flowing in the canal.

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



Scale: 2 inches equal 1 mile.

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

FAULKNER DAND AND LIVESTOCK, CO., INC.
BY: Barth Faulkner
(Applicant)

MICROFILMED

Proposed Priority 3/23/81

MICROFILMED

Received by T.G. Blau Date 3-23-81 Time 2:00 PM

Preliminary check by ADM Fee \$ 765⁰⁰/₁₀₀

Receipted by T.G. Blau Date 3-23-81 Rept # 16920

Publication prepared by Lh Date 4/12/81

Published in Grading County Leader

Publication dates 4/22 & 4/29/81

Publication approved monya Date 4/16/81

Protests filed by: ~~None~~ North Side Canal Company (Withdrawn 7/19/83)

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by ADM

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. 37-7891, and said application is hereby APPROVED.

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

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before May 1, 19 90.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. Other: SEE* ATTACHED SHEET FOR CONDITIONS d thru n.

Witness my hand this 6th day of May, 1985.

J. Glen Saylor
Chief, Operations Bureau

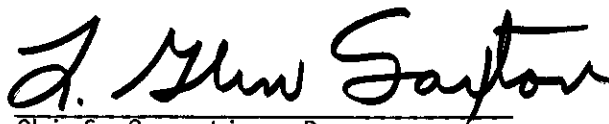
DRT

ATTACHMENT TO CONDITIONS OF APPROVAL

For Permit No. 37-7891

- d. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
- e. This permit is subject to the agreement dated 8/20/1984 between permit holder and protestant(s) to the extent such agreement covers matters within the jurisdiction of the Department of Water Resources.
- f. This permit is subject to the provisions of Sections 42-205 through 42-210, Idaho Code, restricting the sale, transfer, assignment, or mortgage of this permit. Failure to comply with these provisions is cause for immediate cancellation of this permit.
- g. The issuance of this permit in no way grants any right-of-way or easement across the land of another.
- h. Water used under this permit if discharged into a natural channel or subsurface system shall meet Idaho Water Quality Standards.
- i. The permit holder shall either install a measuring device or a flow measurement port or provide a certified measurement or computation of flow based upon system design to be prepared by a professional engineer.
- j. Use of water under this permit shall be non-consumptive.
- k. This permit does not constitute Idaho Public Utilities Commission or Federal Energy Regulatory Commission approval that may be required.
- l. The diversion and use of water under this permit and any license subsequently rissued is subject to review by the Director thirty (30) years from the date of issuance of this permit. Upon appropriate findings relative to the interest of the public, the Director may cancel all or any part of the use authorized herein and may revise, delete or add conditions under which the right may be exercised.
- m. 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.
- n. The sources of water used under this permit are the Snake River and the Big Wood River.

Witness my hand this 6th day of May, 1985.


Chief, Operations Bureau

DRF

MICROFILMED

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

RECEIVED
FEB 12 1985

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

1. Individual Applicant or Individual Members of a Partnership:

Department of Water Resources

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

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

2. Corporation:

I, John F. Faulkner of Gooding,
(name) (city)

County of Gooding, State of Idaho, being duly sworn, depose

and say: That I am the designated registered agent of the Faulkner Land
and Livestock Co., Inc.: that as such I am in charge of the registered
(name of corporation)

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

Rt #2, Gooding Idaho, wherein are kept the corporate records required
(city)

by Section 30-1-52, Idaho Code: and that Faulkner Land and Livestock Co., Inc.
(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.
(Agreement in file, dated August 20, 1984)
- ☐ 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 Gooding) ss.

John F. Faulkner
Applicant

On this 7th day of FEBRUARY, 19 85, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged
to me that he (she) (they) executed the same.

seal

Robert Lawrence Jr.
Notary Public residing at
Gooding, Idaho

My commission expires:

Lifetime

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

AMENDED

To appropriate the public waters of the State of Idaho

VOID-
see memo
of 1/3/85.

1. Name of applicant Faulkner Land & Livestock Co., Inc. Phone 934-4956

Post office address Rt. 2 - Gooding, Idaho 83330

2. Source of water supply Northside Canal Co., Ltd. which is a tributary of "Y" Canal

3. Location of point of diversion is SW ~~SE~~ $\frac{1}{4}$ of SE ~~SW~~ $\frac{1}{4}$ of Section 27 Township 5S

Range 12E B.M. Gooding County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 54 for power purposes from April 1 to Nov 1 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 10 for power purposes from Nov. 1 to April 1 (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. 54 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Canal & Penstock

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

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

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

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

8. Description of proposed uses:

a. If water is **not** for irrigation: SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 27 Township 5S
(1) Give the place of use of water: NW ~~NW~~ 34

Range 12E B.M.

(2) Amount of power to be generated: 523 horsepower under 104 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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MICROFILMED

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

[illegible]

Total number of acres to be irrigated _____

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

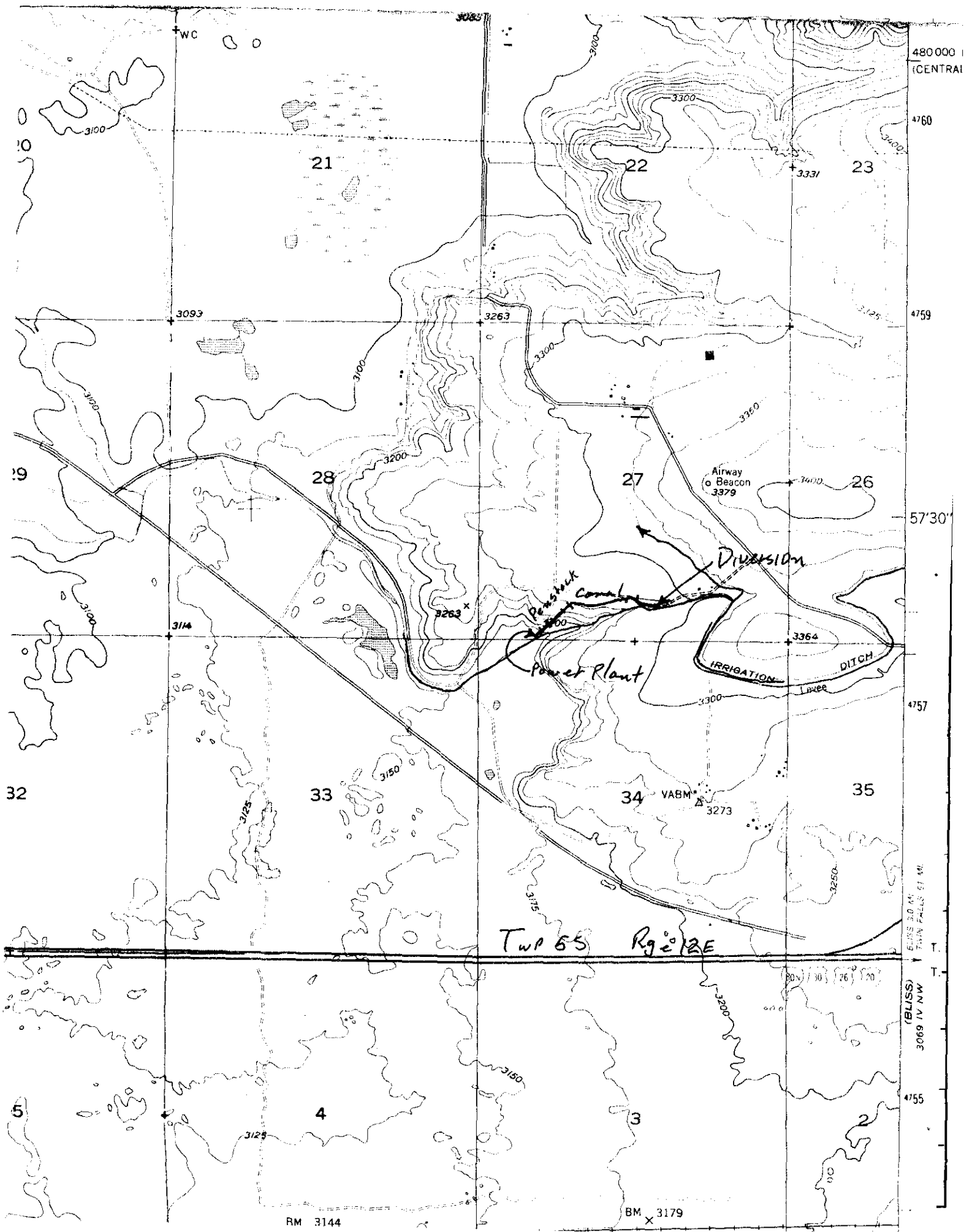
9. a. Who owns the property at the point of diversion applicant

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

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

10. Remarks _____

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



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.

John St. Faulkner
(Applicant)

MICROFILMED

MICROFILMED

Received by LH Date 10/29/84 Time 4:30

Preliminary check by JP Fee \$ 10.00 Amended App.

Receipted by LH Date 10/29/84 # 35215

Publication prepared by _____ Date _____

Published in _____

Publication dates _____

Publication approved _____ Date _____

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. _____, and said application is hereby _____.

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 _____, 19 ____.
- 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:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
AFFIDAVIT OF RESIDENCY OR QUALIFICATION TO DO BUSINESS
IN AND UNDER THE LAWS OF IDAHO

A. Individual Applicant or Individual Members of a Partnership:

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

/s/ _____

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

/s/ _____

Notary Public

Residence _____

My Commission expires _____

B. Corporation:

I Ralph Faulkner of Rt. #1, Gooding, County of _____
(name) (city)

Gooding, State of Idaho, being first duly sworn, depose and say: That I am the designated
registered agent of the FAULKNER LAND & LIVESTOCK CO., 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 Rt. #1, Gooding, Idaho
(city)

Idaho, wherein are kept the corporate records required by Section 30-1-52, *Idaho Code*; and that _____
Faulkner Land and Livestock Co., Inc. is a corporation qualified to do business in the
(name of corporation)

State of Idaho under the laws of the State of Idaho.

/s/ Ralph Faulkner

Subscribed and sworn to before me this 23rd day of March, 1981

MICROFILMED

/s/ Levat L. L. L.

Notary Public

Residence Gooding, Idaho

My Commission Expires Lifetime

AFFIDAVIT of PUBLICATION

State of Idaho, }
County of Gooding } SS.

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

each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 22 day of April 1981, and the date of the last publication was on the 29 day of April 1981.

Subscribed and sworn to before me this 29 day of April, 1981.
(SEAL)

Mary Ann Wagon
NOTARY PUBLIC

GOODING COUNTY LEADER Gooding, Idaho COST OF PUBLICATION

Number of Lines in Notice 44
Number of Insertions 2
Lines tabular at 38
Lines straight at 44 29 12.76
Subsequent lines at 44 19 8.36
TOTAL COST ... 21.12

MICROFILMED

COPY OF NOTICE

[Illegible text from a document, possibly a notice or affidavit, with some words like "I hereby certify" visible.]

PUBLICATION RATES	
(Idaho Code, Rev. Statutes 1971)	
7 pt. per line, straight	21c
7 pt. per line, tabular	31.5c
7 pt. per line, successive insertions	15c

RECEIVED
MAY 3 1981
No. 2747
Department of Motor Vehicles
Southern District Office

ADVERTISING		PRINTING		OFFICE SUPPLIES	
PHONE 934-4449		BOX 56			
GOODING, IDAHO 83330					
GOODING COUNTY LEADER					
ONE MEDIUM • ONE COVERAGE • ONE COST					
ACCOUNT NO.		DATE		CASH ☐ CHARGE ☒ ON ACCT ☐ PAID OUT ☐ DISPLAY ☐ CLASS ☐ SUPPLIES ☐ MISC. ☐	
		4-24-81			
M <i>Steven Allard</i>					
QUAN.	DESCRIPTION			AMOUNT	
	<i>application of</i>				
	<i>water rights</i>			<i>21 12</i>	
JE	SPECIAL RATE	START DATE	EXP. DATE		
NEW ACCT	RENEWAL	PZ	STATE	BILL	CYCLE
					LEGAL NO.
					<i>2747</i>
PSA	NO PAP	RATE	SORT KEY	SACK	PRINTING NO.
36268 BY <i>CD</i>					

PLEASE RETAIN THIS TICKET FOR YOUR RECORDS
MOORE DEALER - GOODING COUNTY LEADER

RECEIVED
NOV 02 1994

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

Department of Water Resources

A. GENERAL INFORMATION

Faulkner Bros. Hydro

Permit No.

01-7086

37-7871

1. Owner: ~~*Faulkner Land & Livestock Co. Inc.*~~

Phone No.

934-4556 5391

Current Address: *1799 S. 1875 E., Gooding, ID 83330*

2. Accompanied by: *Jack & Jim Faulkner*

EXAM. DATE:

7-12-93

Address:

Phone No.

Relationship to Permit Holder: *Jim - plant operator*

3. Source: *Snake River*

tributary to

via Y Canal

Malad River

B. OVERLAP REVIEW

Big & Little Wood Rivers (all thru Northside Canal Co. system)

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

☐ Copies Attached

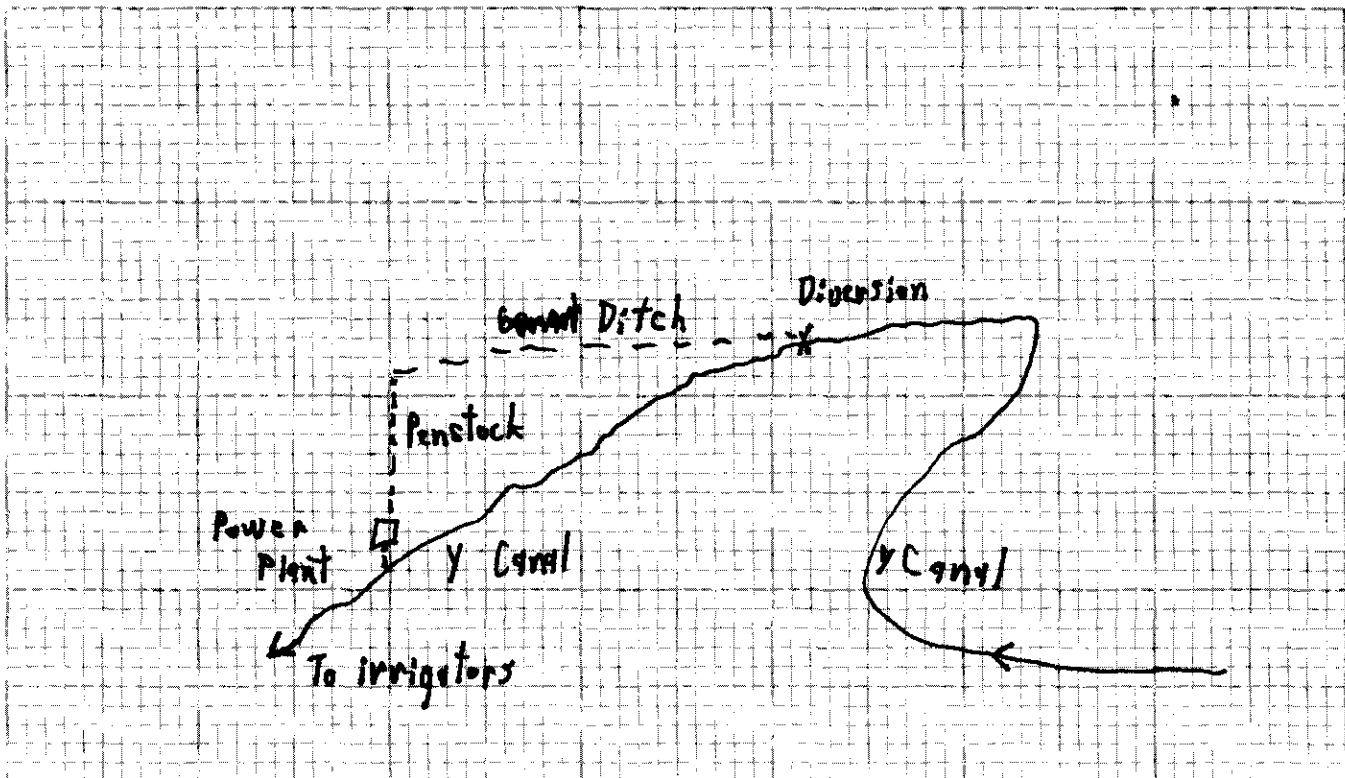
2. Other water rights with same point of diversion: *Many*

☐ Copies Attached

☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

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



Scale: 1" = _____

2. ☒ Copy of U.S.G.S. Quadrangle Attached
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).

System Description (continued)

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

~~Headgate & penstock from Y Canal to power plant, return flow to Y Canal~~

Turbine rated 1163 BHP at 140' head & 80 cfs, 720 rpm

Generator rated 870 KW at 720 rpm

Diversion from Snake River at Milner Dam into Big Wood R. via Milner-Gooding Canal. Diversion from Big Wood River into Y Canal. Re-diversion from Y Canal to private ditch. Penstock from private ditch to power plant, return flow to Y Canal

☐ See Remarks on page 4 for continuation

4.

Well or Diversion Identification No.*	Turbine Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
Turbine	Gilkes		56331		
Generator	Ideal Electric		337651		

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

5. Point(s) of Diversion:

Ident. No.	Gov't. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
	5		SW	NW	28	10S	21E	Jerome	Milner Dam, Milner-Gooding Canal
			SE	SW	22	5S	14E	Gooding	Head of Y Canal from Big Wood R.
			SW	SW	27	5S	12E	"	Re-diversion from Y Canal

6. Place(s) of Use:

Indicate Method of Determination _____

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
5S	12E	27											P						

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

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

2. Measurements:

Not measured. No measuring device installed. Using the formula $Flow = (Power \times 11.8) \div (Head \times efficiency)$, 480 kW needs 48 cfs at about 82% efficiency, or 57.8 cfs at 70% efficiency (140' of head). Quad map shows 100' of head. So 480 kW would require 80.1 cfs at 70% eff. Data shows that way over the permitted amount is available. Recommend measuring device requirement be dropped. Use is almost totally non-consumptive. This is all North side Cent/ Co. water, & they have not required a measuring device.

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method:

2. Alternate Method for Checking Purposes:

F. PUMP EFFICIENCY DATA (Optional)

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

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

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

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

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

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

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

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

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

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

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

2. Volume Calculations for Other Uses:

H. REMARKS AND OVERLAP REVIEW ANALYSIS

Dale Hobdy

No measuring device installed. Ditch river confirmed that about 80 cfs is available in summer most times. in winter, flow varies from 0-20 cfs from under 10% of the time to maybe 75% of the time. On an average winter, at least 10 cfs is available 2/3 of the time.

According to owner, 1 cfs produces about 10 kW. Production during exam was 480 kW, corresponding to a flow of 48 cfs. Valve was only open 40% due to flow problems. Highest production figure has been 750 kW since operation began in 1987. Highest winter figure was 160 kW. No chart available for flow/power curve.

Ditch river said 150 cfs was turned into Y Canal from Big Wood R., with about 50% diverted between there & re-diversion point.

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Power	4-1	10-31	54.0	
"	11-1	3-31	10.0	
Totals:			54.0	

2. Recommended Amendments

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

J. AUTHENTICATION

Field Examiner's Name J. E. Stanton

Signature J. E. Stanton

Certification Date _____

Field Report Preparation Date 7-13-93

CONSULTANT SEAL

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

Water Right Number - 37-07891

Adj. Flag Translation: Standard Water Right Number

Old (D) Number -

Last Name -

First Name -

Address -

Status -

*** C - CURRENT OWNER ***
FAULKNER LAND & LIVESTOCK CO. INC.

1 - RT. 2

2 -

3 -

City- GOODING

Phone - 208-000-0000

State- ID Zip- 83330

Priority Date - 03/23/1981

17

Region -

Stage - P - PERMIT

Tributary -

SNAKE RIVER
BIG WOOD RIVERCOLUMBIA RIVER
MALAD RIVER

Twn	Rng	Sec	Tract	Lot	Rflg	County	Point of Diversion	Stream Index (Blank if no Index Code)
05S	14E	22	SE SW			(53) JEROME		
10S	21E	28	SW NW	5		(53) JEROME		

Code	Description	Period From	Period To	Water Use	Diversion Rate	Diversion Volume
28 - POWER		11/01	03/31		10.000	
28 - POWER		04/01	10/31		54.000	

Total Div. Rate	Total Div. Volume	Total Div. Capacity	Total Consumptive Use	KW Usage
54.000				

Twn	Rng	Sec	Tract	Lot	Acres	Place of Use	Code	Description	County
05S	12E	27	SW SW				28	POWER	(53) JEROME

Total Acres:

Diversion Means - CANAL & PENSTOCK

Non-Irrigation Use -

Other Rights for Same Use -

REMARKS
HEAD = 25 RT. THE ISSUANCE OF THIS PERMIT IN NO WAY GRANTS ANY RIGHT-OF-WAY OR EASEMENT ACROSS THE LAND OF ANOTHER. USE OF WATER UNDER THIS PERMIT SHALL BE NON-CONSUMPTIVE. THIS PERMIT IS SUBJECT TO THE AGREEMENT DATED 8/20/84 BETWEEN PERMIT HOLDER & PROTESTANT TO THE EXTENT SUCH AGREEMENT COVERS MATTERS WITHIN THE JURISDICTION OF THE IDWR. USE OF WATER UNDER THIS RT. IS SUBJECT TO CONTROL BY THE WATERMASTERS OF STATE WATER DISTRICT NOS. 37, BIG WOOD RIVER & 01, SNAKE RIVER. P/D ALSO IN GOODING CO.

Water right number - 37-07891

Adj. flag translation: Standard Water Right Number

+ - - - - Old Water Right Number - - - - - +

+ - - - - Old Water Right Number - - - - - +

No Old Water Right Numbers found.

+ - - - - Conditions of Approval - - - - - +

17F - The diversion and use of water under this permit and any license subsequently issued is subject to review by the Director thirty-five (35) years from the date of issuance of this permit. Upon appropriate findings relative to the interest of the public, the Director may cancel all or any part of the use authorized herein and may revise, delete or add conditions under which the right may be exercised.

17K - 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.

26A - Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.

01F - The permit holder shall either install a measuring device or a flow measurement port or provide a certified measurement of a computation of flow based upon system design to be prepared by a professional engineer.

08A - 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.

09E - Water used under this permit if discharged into a natural channel or subsurface system shall meet Idaho Water Quality Standards.

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

016 - See remarks for additional conditions of approval.

+ - - - - Decree Plaintiff - - - - + - - - - Decree Defendant - - - - + - - - - Decree Date - - - - +

00/00/0000

+ - - - - Audit Fields - 09/22/87 05/28/88 CONVERT 06/26/89 CURTIS 05/17/90 CURTIS + - - - - Water Rights Dates and Flags Area - - - - - +

Proof Due Date	- 05/01/1990	Field Exam Made	- 00/00/0000	Field Exam Fee	- R
Approved/Denied	- 05/06/1985	Protested Date	- 00/00/0000	Swan Falls	- 3
Proof Made Date	- 03/28/1990	Hearing Date	- 00/00/0000	Temporary Right	- P
Start Work Date	- 00/00/0000	Verified Date	- 00/00/0000	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	-

WR2810NP
(OD-26)

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT CLAIMS PROOF READING REPORT

05/18/90 11:11:29
Page 3

Water right number - 37-07891	Adj. flag translation: Standard Water Right Number
+ - - - -	
Licensed Date - 00/00/0000	Water Rights Dates and Flags Area - - - - -
Decree Date - 00/00/0000	Appl Received - 00/00/0000
	Presumption Flag -
	Transfer/Amended - A
	Microfilm Roll Number -
+ - - - -	

RECEIVED

RECEIVED

MAR 11 1993

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

RECEIVED

MAR 02 1993

MAR 31 1993

Department of Water Resources
Southern Region Office

Department of Water Resources
Southern Region Office

ASSIGNMENT OF APPLICATION FOR PERMIT

I, Faulkner Land & Livestock Co. Inc., hereby assign to Faulkner Bros. Hydro
of, 1997 S. 1875E., Gooding, Idaho 83330
(Full Address)

All my right, title, and interest in and to Application for Permit
No. 37-07891 to appropriate the public waters of the State of Idaho.

OR (for partial assignments)

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

Describe portion of the application assigned listing the number of acres in each 40 acre
subdivision, point of diversion location, and the amount of water in cubic feet per second.

Made this 8th day of March, 1993.

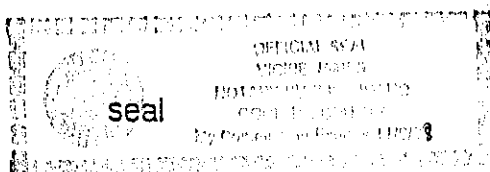
John L. Faulkner
John L. Faulkner, Applicant President

State of Idaho)

ss

County of Gooding)

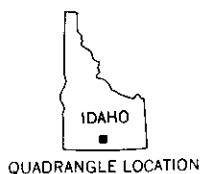
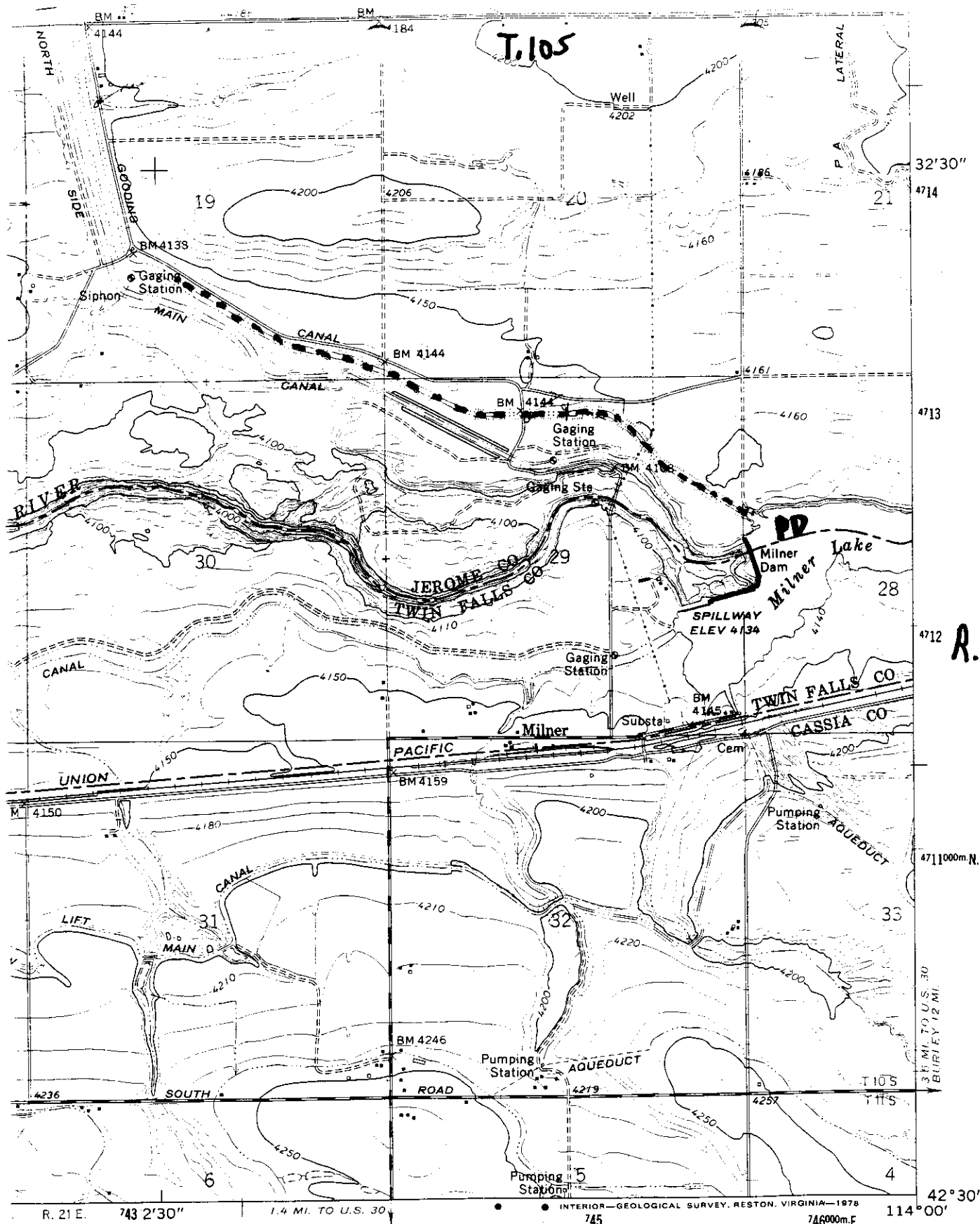
On this 9th day of March, 1993, personally appeared before me the signer of the
above instrument, duly acknowledged to me that he (she) (they) executed the same.



Vickie R. Jones
Notary Public

My commission expires: 11/8/98

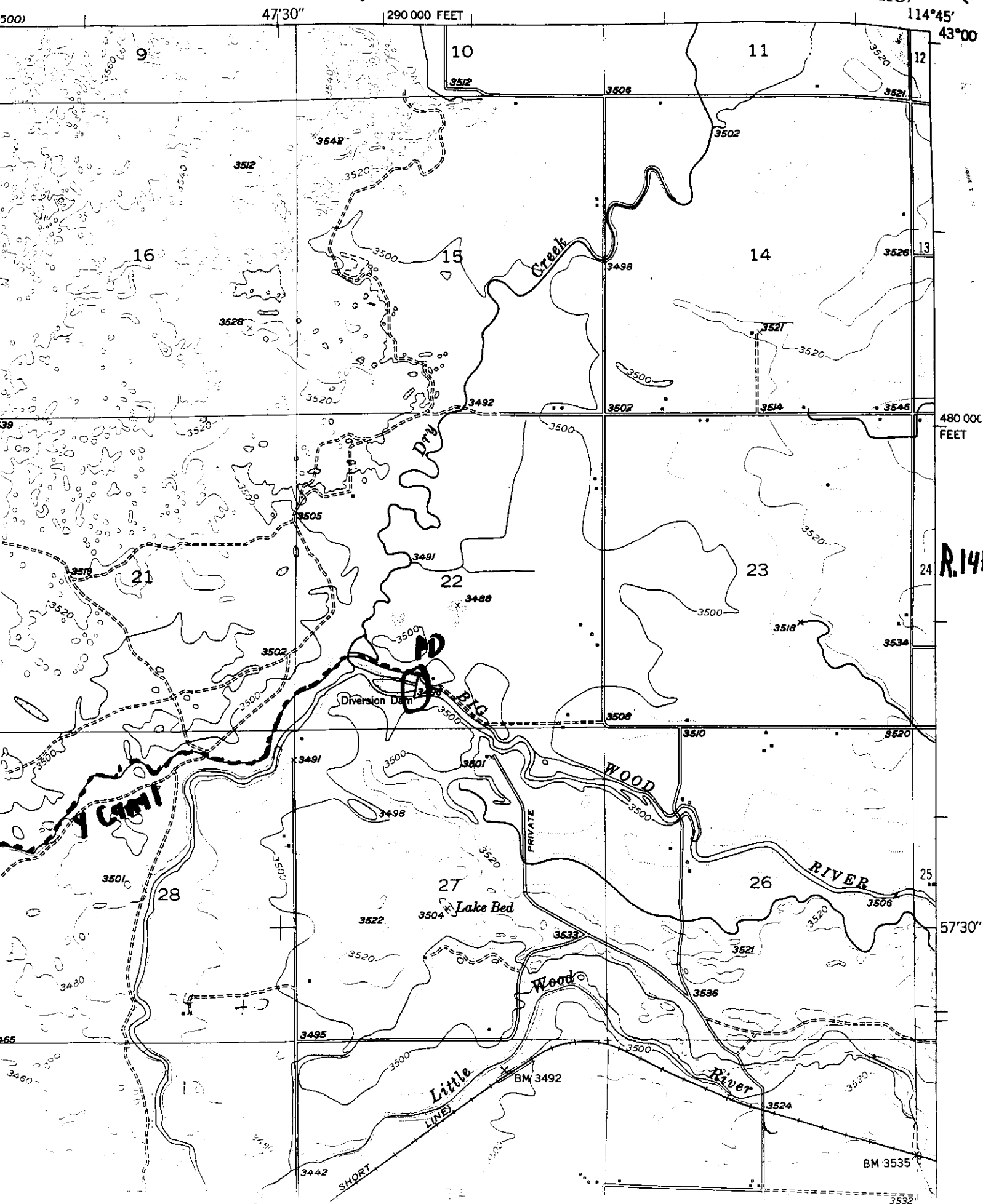
37-07891



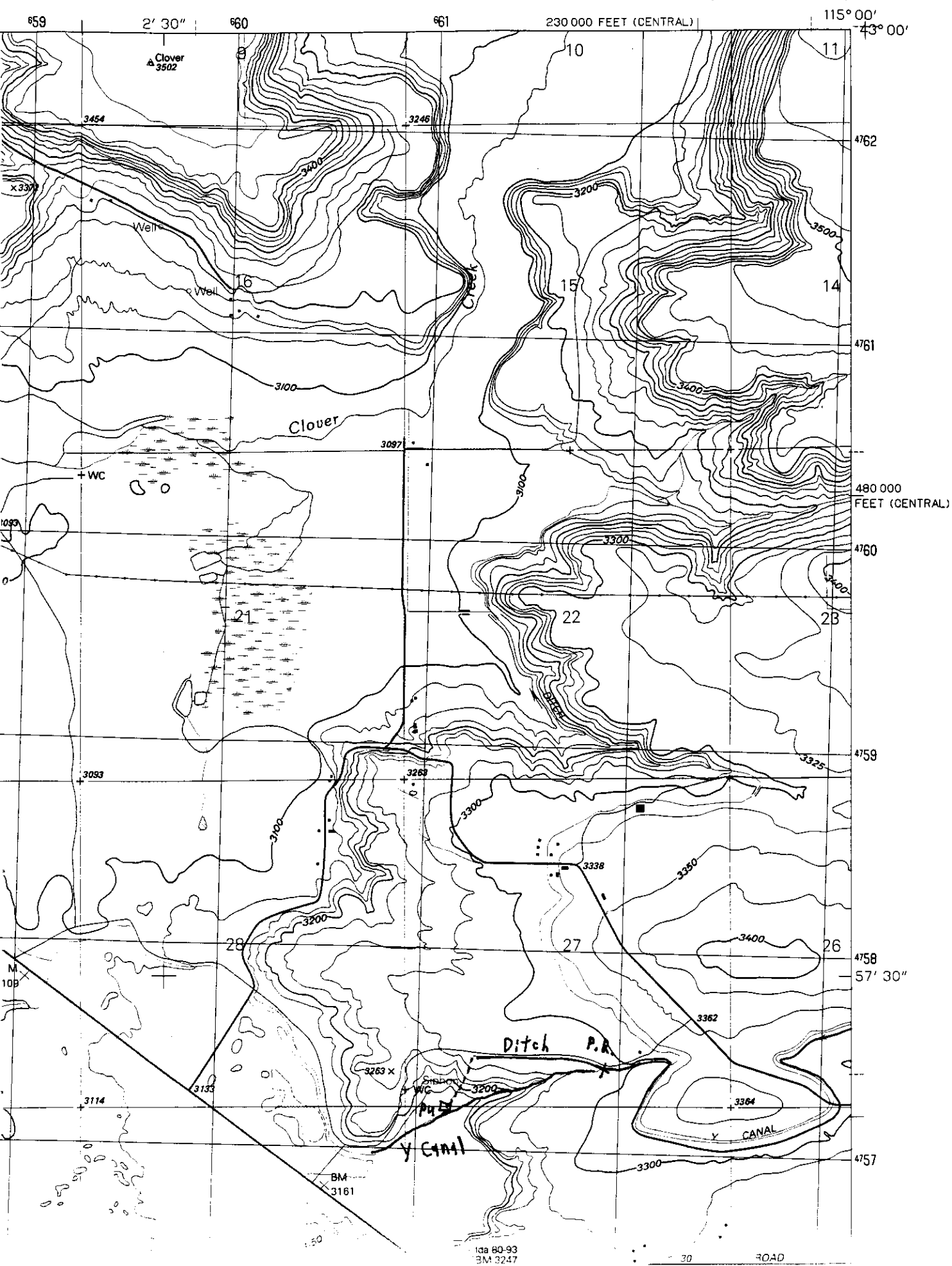
MILNER, IDAHO
N4230—W1100/7.5

DB-76

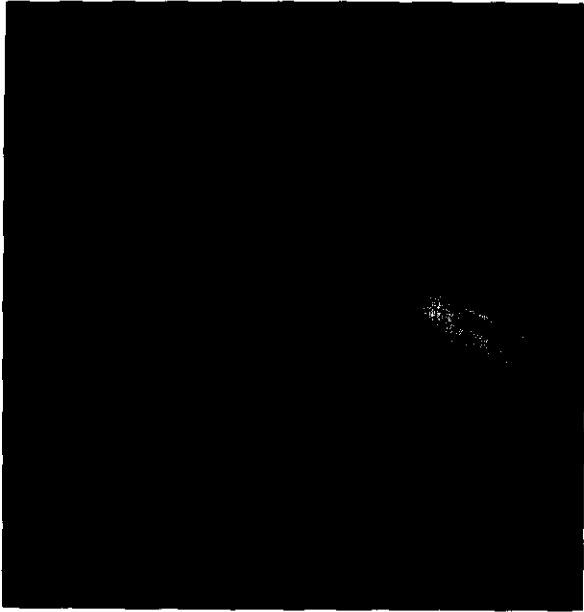
7.5 MINUT SERIES (TOPOGRAPHIC)



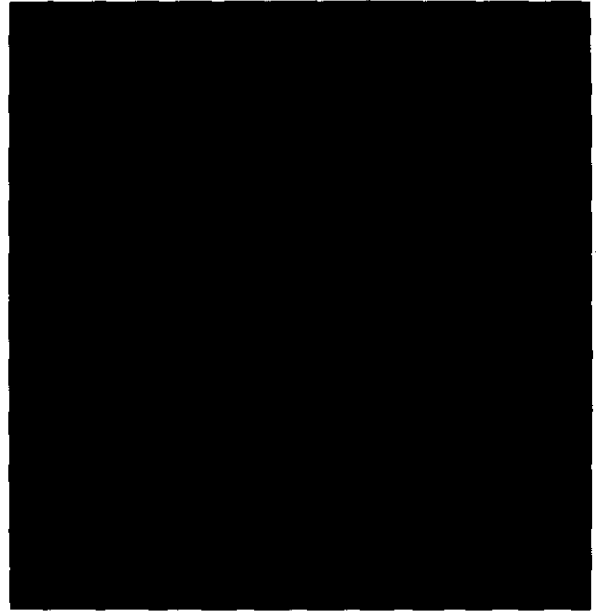
IDAHO
7.5 MINUTE SERIES (TOPOGRAPHIC)



37-7891

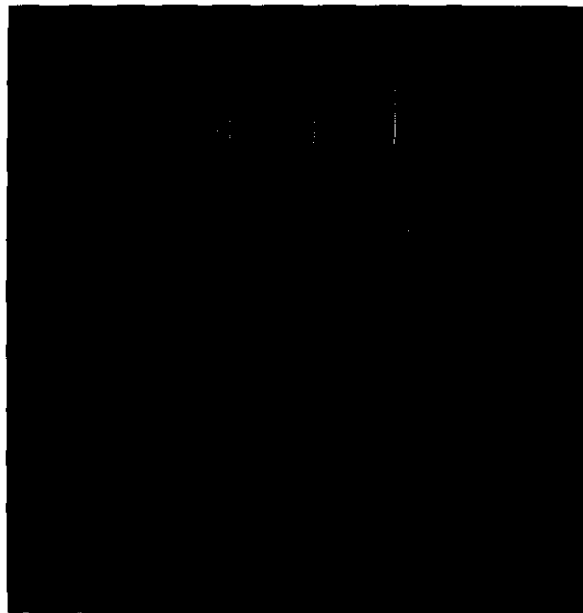


Diversion from Canal



Ditch to Penstock

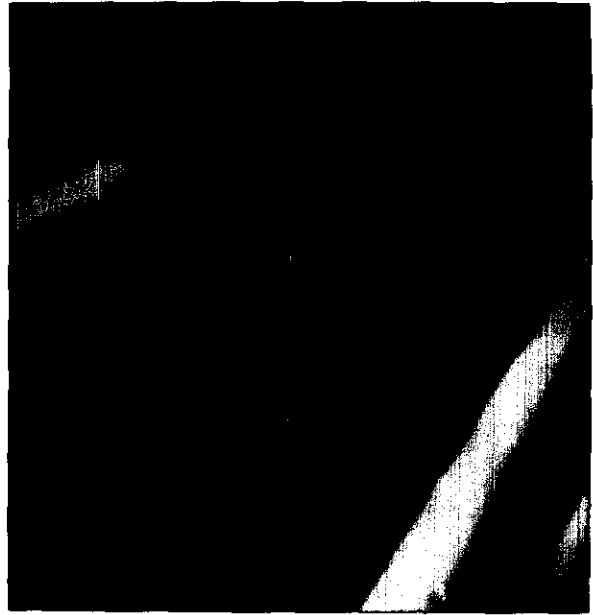
Head of
Penstock



97-7891

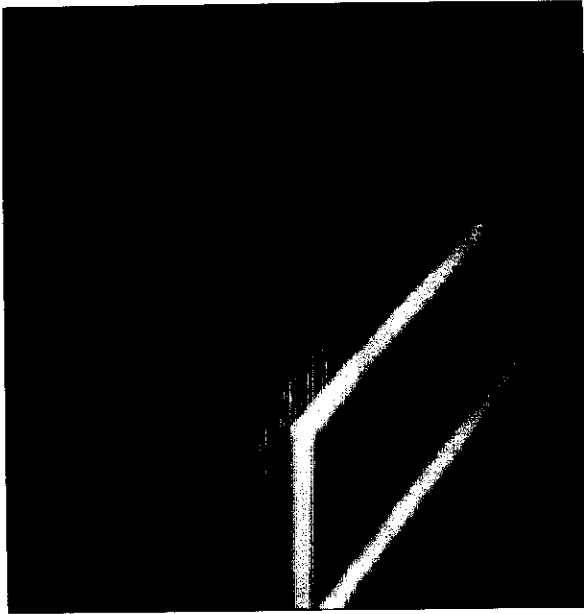


Power House

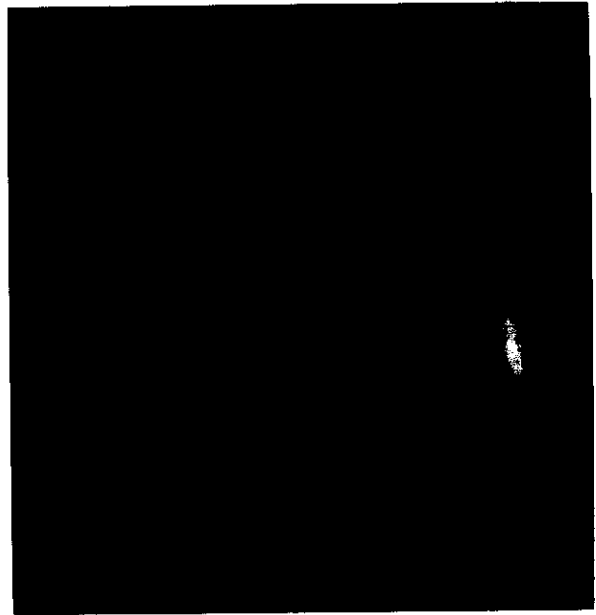


Outlet Back Into Canal

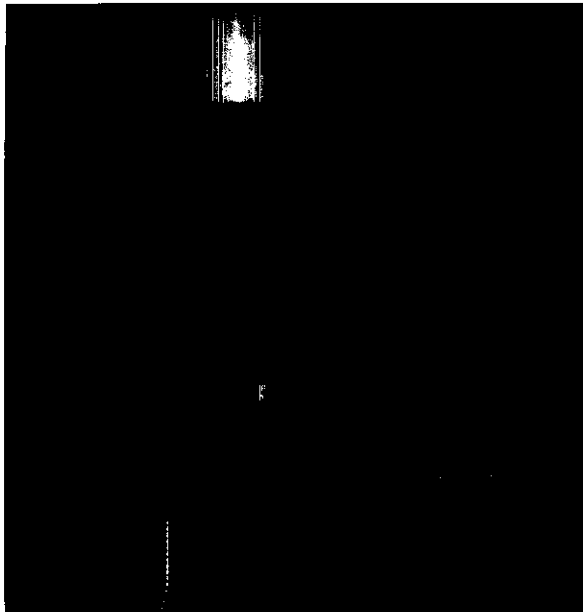
37-7891



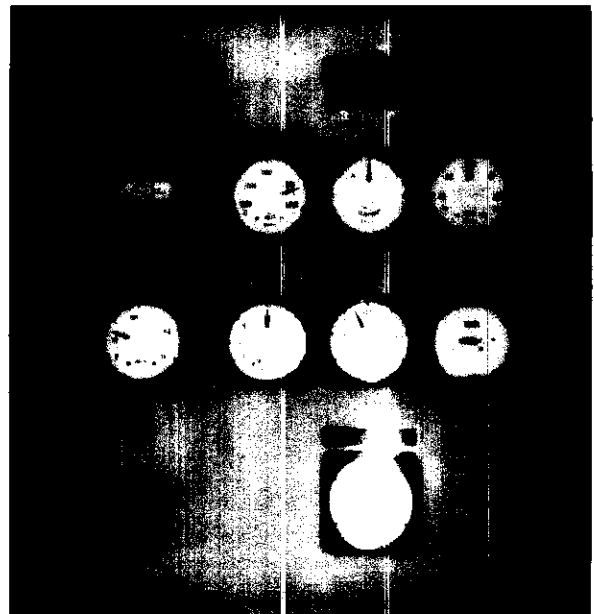
Control Valve & Inlet
To Power House



Turbine



Generator



Control Gauges



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

March 25, 1993

FAULKNER BROS HYDRO
1997 S 1875 E
GOODING ID 83330

Re: Permit No. 37-07891

Dear Permit Holder(s):

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

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

Sincerely,

A handwritten signature in cursive script that reads "Brenda L. Chapman".

BRENDA L. CHAPMAN
Water Resource Agent

BLC:cz

MICROFILMED

APR 12 1993



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

March 15, 1993

RECEIVED

MAR 17 1993

Department of Water Resources

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

FAULKNER BROTHERS HYDRO
1997 S 1875 E
GOODING ID 83330

RE: ASSIGNMENT OF PERMIT NO 37-07891

Gentlemen:

We are in receipt of the correspondence concerning transferring ownership of the above referenced permit to Faulkner Brothers Hydro.

Before we can process power permit assignments, according to Section 42-206, Idaho Code, we must have proof that Faulkner Brothers Hydro is authorized to conduct business in the state of Idaho.

Once the required documentation is received, I will complete the assignment process.

Sincerely,

Brenda L. Chapman

Brenda L. Chapman
Water Resource Agent

*Please see attached -
Susan Faulkner*

RECEIVED

APR 12 1993

PETE T. CENARRUSA
SECRETARY OF STATE
STATE CAPITOL
BOISE, IDAHO

Department of State

CERTIFICATE OF INCORPORATION
OF

FAULKNER BROTHERS HYDRO, INC.

I, PETE T. CENARRUSA, Secretary of State of the State of Idaho, hereby certify that duplicate originals of Articles of Incorporation for the incorporation of the above named corporation, duly signed pursuant to the provisions of the Idaho Business Corporation Act, have been received in this office and are found to conform to law.

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

Dated: December 15, 1992

MICROFILMED

APR 12 1993



Pete T. Cenarrusa
SECRETARY OF STATE

By *Valerie Taylor*

ARTICLES OF INCORPORATION

OF

FAULKNER BROTHERS HYDRO, INC.

92 DEC 15 17 8 23

00 09 00 09 01 01188K(DOC)
1 60.00 121 18 YC
2 1570 2825 0900 51212551
1992 12 15 17 8 23
IDAH0 SECRETARY OF STATE

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

FIRST: The name of the corporation is **FAULKNER BROTHERS HYDRO, INC.**

SECOND: The period of its duration is perpetual.

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

FOURTH: The aggregate number of shares which the corporation shall have authority to issue is Two Thousand (2,000) shares common stock with a par value of One Hundred Dollars (\$100.00) per share.

FIFTH: There are no provisions denying preemptive rights.

SIXTH: The address of the initial registered office of the corporation is 1851 Highway 26, Gooding, Idaho 83330, and the name of its initial registered agent at such address is John L. Faulkner.

SEVENTH: The number of directors constituting the initial board of directors of the corporation is three (3), and the names and addresses of the persons who are to serve as directors until the first annual meeting of shareholders or until their successors are elected and shall qualify are:

John L. Faulkner	1851 Highway 26 Gooding, Idaho 83330
R. Fredrick Faulkner	1997 South 1875 East Gooding, Idaho 83330
James E. Faulkner	14 Faulkner Lane Bliss, Idaho 83314

EIGHTH: The name and address of each incorporator is:

John L. Faulkner	1851 Highway 26 Gooding, Idaho 83330
R. Fredrick Faulkner	1997 South 1875 East Gooding, Idaho 83330
James E. Faulkner	14 Faulkner Lane Bliss, Idaho 83314

DATED this 11th day of December, 1992.

John L. Faulkner
Incorporator

James E. Faulkner
Incorporator

R. Fredrick Faulkner
Incorporator

APR 12 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

March 15, 1993

FAULKNER BROTHERS HYDRO
1997 S 1875 E
GOODING ID 83330

RE: ASSIGNMENT OF PERMIT NO 37-07891

Gentlemen:

We are in receipt of the correspondence concerning transferring ownership of the above referenced permit to Faulkner Brothers Hydro.

Before we can process power permit assignments, according to Section 42-206, Idaho Code, we must have proof that Faulkner Brothers Hydro is authorized to conduct business in the state of Idaho.

Once the required documentation is received, I will complete the assignment process.

Sincerely,

A handwritten signature in cursive script that reads "Brenda L. Chapman".

Brenda L. Chapman
Water Resource Agent

RECORDED

APR 12 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director
RECEIVED

MAR 09 1993

Department of Water Resources
Southern Region Office

12-Feb-1993 09:46

Mr. John L. Faulkner
Faulkner Land and Livestock Co. Inc.
Rt. 2 1989 South 1875 E.
Gooding, ID 83330

Dear Mr. Faulkner:

I enclose your original of the change of ownership form that you submitted to the department regarding permit 37-07891 for hydropower.

The water right was incorrectly identified with an A prefix indicating that the claim had been filed in the Snake River Basin Adjudication. The usage is still in permit stage pending a field exam based on your filing of proof of beneficial use March 28, 1990. This usage is not required to be filed in the adjudication at this time.

Please fill out the enclosed assignment form and return it to this office so we can complete the change of ownership for you.

Thank you for your attention to this request. Please call this office if you have any questions.

Sincerely yours,

Francis G. Hitchcock
Senior Water Resource Agent

enclosure

RECORDED

APR 12 1993

May 15, 1990

FAULKNER LAND & LIVESTOCK CO. INC.
RT. 2
GOODING, ID 83330

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 37-07891

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

If you have questions concerning this matter, please feel free to contact the SOUTHERN Regional Office in Twin Falls at (208)734-3578.

Sincerely,

Rita Fleck
Secretary/Records Manager

c: IDWR - Region

MICROFILMED

MAY 23 1990

1/88

PROOF OF BENEFICIAL USE

ANALYSIS SHEET

Permit No. 37-7891

Date: 5-9-90

General Considerations:

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

Source of Water:

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

Extent of Use and Rate of Diversion:

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

Measuring Device:

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

Remarks:

Proof acceptable

N/A Priority Calculation:
Date proof received _____
Date proof due _____
No. of days late _____
Priority date _____
NEW PRIORITY DATE _____

SEND FILES TO DATA ENTRY AND THEN TO MICROFILM

RECEIVED

MAR 28 1990

For Office Use Only
Amt. of Fee \$ 200.00
Date 3-28-90
Receipt No. 6015979
Received by gy

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/have 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. 37-07891 Telephone No. 208-934-4956Name(s) of Permit Holder(s): Faulkner Land and Livestock Co. INC.Post Office Address: 1989 South 1875 East, Gooding, Id. 83330Source of Water: Snake River / Big Wood River / Silver Creek

If ground water, well driller's name: _____ Date drilled: _____

Extent of Use:

Domestic _____ (No. of households)

Irrigation _____ (No. of acres)

Stockwater _____ (No. and type of stock)

Other PowerTotal rate and/or volume for which proof is submitted 54 cfs _____ acre/feetShow date water was first diverted and beneficially used under this permit: August 15, 1987

One of the following may be a condition of approval of your permit:

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

OR

Flow Measurement Port: Required? Yes ☒ NoInstalled? Yes ☒ No Flow meter on Electrical Panel
INSIDE POWER HOUSEFee Enclosed: \$ 600.⁰⁰ (See License Examination Fee Schedule)

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

Name John L. Faulkner Telephone No. 208-934-4956Address 1989 South 1875 East, Gooding, Id. 83330

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.

MICROFILMED

MAY 23 1990

Date 3-22-90Signature (and title if on behalf of a company or organization) John L. Faulkner

138222

February 28, 1990

FAULKNER LAND & LIVESTOCK CO. INC.
RT. 2
GOODING, ID 83330

PROOF DUE NOTICE

RE: PERMIT NO. 37-07891

Dear Permit Holder:

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

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

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

SINCERELY,

Rita Fleck
Secretary/Records Manager

Enclosures

MICROFILMED

MAY 23 1990

37-7891

47 FEB 18 1989

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Faulkner Land and Livestock Co., Inc. Project No. 7592-003
Idaho

ORDER AMENDING EXEMPTION
(Issued June 6, 1989)

On March 6, 1989, on behalf of the exemptee, Faulkner Land and Livestock Co., Inc., Mr. C. Tom Arkoosh, Attorney, filed a request for an amendment to the conduit exemption for the Faulkner Hydro Project, FERC Project No. 7592.

The licensed project consists of a diversion canal, a powerhouse containing a single 400-kW generating unit, and a tailrace. The amendment would increase the plant's authorized generating capacity from 400-kW to 800-kW. The existing diversion canal and penstock are adequately sized to support the increase in the project's generating capacity.

Comments were requested from interested Federal and State agencies including the U.S. Fish and Wildlife Service, the State Fish and Game, and the State Historical Society. No agency offered any objections to the proposed increase in the project's installed capacity.

The Director orders:

(A) The exemption for the Faulkner Hydro Project, FERC Project No. 7592, is amended as provided in this order, effective the first day of the month in which this order is issued.

(B) The project description, referenced in Ordering Paragraph (A) of the Order Granting Exemption, issued on June 5, 1984, is revised to read as follows:

Description of Project: The project diverts water from the Northside "Y" Canal and consists of: (1) a 8.5-foot-high, 68-foot-long, reinforced concrete diversion structure with a normal water surface elevation of 3286.5 m.s.l.; (2) a 2100-foot-long earthen diversion canal; (3) a 860-foot-long, 51-inch-diameter steel penstock; (4) a 32-foot by 24-foot powerhouse containing a single 800-kW generating unit; and (5) a 700-foot-long exit canal, which discharges water back into the Northside "Y" Canal. The average annual energy output would be 3.368 GWh.

MICROFILMED
MAY 23 1990

DC-A-6

-2-

(C) This order is issued under authority delegated to the Director and is final unless appealed to the Commission under Rule 1902 within 30 days from the date of this order. Failure to file a petition appealing this order to the Commission shall constitute acceptance of this order.

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

RECEIVED

JUN 13 1989

Department of Water Resources

WATER RIGHT NUMBER 37-7891

OWNER LAST NAME - FAULKNER LAND & LIVESTOCK CO., INC. FIRST NAME - ORIG OWNER -
ADDRESS LINE 1 - RT. 2 ADDRESS LINE 2 -
ADDRESS LINE 3 - CITY - GOODING STATE - ID ZIP CODE - 83330
SOURCE - SNAKE RIVER TRIBUTARY OF - COLUMBIA RIVER
SOURCE - BIG WOOD RIVER TRIBUTARY OF - MALAD RIVER
STAGE - PERMIT STATUS - PRIORITY - 03-23-1981 COUNTY - JEROME TOTAL DIV. RATE - 54.0000 -CFS
TOTAL DIV. VOLUME - .00 AFA TRFR/AMEND - A WATER DIST. - DLE/CAREY ACT - RIGHT BASIS -
DIVERSION POINT - SWNW 23 108 21E LDT 05 REDIV - 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0
SESW 22 058 14E LDT REDIV - 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0
FROM - 11-01 TO - 03-31 USE - POWER USE DIV. RATE - 10.0000 CFS USE DIV. VOLUME - .00 AFA
FROM - 04-01 TO - 10-31 USE - POWER USE DIV. RATE - 54.0000 CFS USE DIV. VOLUME - .00 AFA
USE - POWER PLACE OF USE - TWN 058 RNC 12E SEC 27 TRACT SWSW LDT AC
DECREE NAME - DATE - TOTAL ACRES 0
REMARKS - HEAD = 25 RT. THE ISSUANCE OF THIS PERMIT IN NO WAY GRANTS ANY
RIGHT-OF-WAY OR EASEMENT ACROSS THE LAND OF ANOTHER. USE OF
WATER UNDER THIS PERMIT SHALL BE NON-CONSUMPTIVE. THIS PERMIT IS
SUBJECT TO THE AGREEMENT DATED 8/20/84 BETWEEN PERMIT HOLDER &
PROTESTANT TO THE EXTENT SUCH AGREEMENT COVERS MATTERS WITHIN THE
JURISDICTION OF THE IDWR. USE OF WATER UNDER THIS RT. IS SUBJECT
TO CONTROL BY THE WATERMASTERS OF STATE WATER DISTRICT NOS. 37,
BIG WOOD RIVER & 01, SNAKE RIVER. P/D ALSO IN GOODING CO.
NON IRRIG USE -
OTHER RIGHTS FOR SAME USE -
PROOF DUE - 05-01-1990 PERMIT/DENIED - 05-06-1985 PROTESTED - 04-27-1981 HEARING - OLD NO. -
PROOF MADE - FLD EXAM - COND. OF APPROVAL - 17P 17K 26A 01P 08A 09E 25 16
DIVERSION MEANS - CANAL & PENSTOCK



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

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

SEPTEMBER 1, 1985

DEAR PERMIT HOLDER:

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

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

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

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

SINCERELY,

L. GLEN SAXTON
CHIEF, OPERATIONS BUREAU

MICROFILMED
MAY 23 1990

August 14, 1985

Mr. and Mrs. John Faulkner
Faulkner Land and Livestock, Inc.
Rt. 2
Gooding, ID 83330

Dear Mr. and Mrs. Faulkner:

Re: Permit Nos. 63-9438 and 37-7891/01-7086

Pursuant to my telephone conversation with Mrs. Faulkner, enclosed is the request for extension of time form submitted for Permit No. 63-9438. The filing fee will be returned to you by the Auditor's Office at a later date.

Permit No. 63-9438 is for the diversion of water from Kelly Creek in Elmore County for watering of 3,000 sheep. I understand the water is being used for this purpose and that you are ready to submit proof of beneficial use. Please complete and return the enclosed form by October 1, 1985 to keep your permit in good standing.

Permit No. 01-7086/37-7891 is for the diversion of water from the Snake River and Wood River for power generation. This permit has several years of construction time left in which to complete the project and at this time, the department could not consider approval of an extension of time to submit proof of beneficial use.

For the reasons stated above, I'm returning the extension request and encouraging submittal of proof of beneficial use for Permit No. 63-9438.

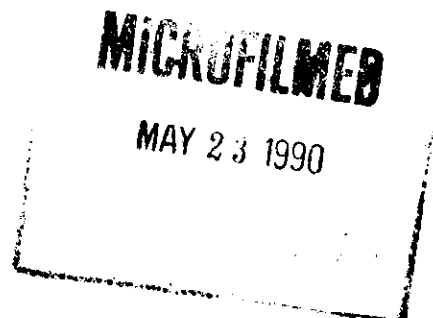
If you have any questions concerning your permits, please feel free to contact this office.

Sincerely,

RITA I. FLECK
Secretary/Records Manager

Enclosures

cc: Accounting Section



August 1, 1985

RE: Permit No. 37-7891

Faulkner Land & Livestock Co., Inc.
Rt. 2
Gooding, ID 83330

MICROFILMED

MAY 23 1990

Dear Permit Holder(s):

Enclosed is a copy of the approved Application for Amendment submitted in connection with the above referenced permit.

The Department would like to call to your attention some changes in Section 42-203, Idaho Code, effective July 1, 1985, of which you should be aware. Section 42-2038 authorizes the Director of the Department to limit the term of a permit or license for power purposes to a specific number of years. The code section states that in the determination of the number of years in the term, the Director must consider:

- (a) The term of any power purchase contract which is, or reasonably may become, applicable to, such permit or license;
- (b) The policy of the Idaho Public Utilities Commission (IPUC) regarding the term of power purchase contracts as administered by the IPUC under and pursuant to the authority of the Public Utility Regulatory Policy Act of 1978 (PURPA);
- (c) The term of any Federal Energy Regulatory Commission (FERC) license granted, or which reasonably may be granted, with respect to any particular permit or license for power purpose;
- (d) Existing downstream water uses established pursuant to state law.

Any license issued pursuant to a permit for power purposes will be subject to such a term.

RE: Permit No. 37-7891

Page 2

The other major change in Section 42-203, Idaho Code which bears on your permit is codified as 42-203D which is described as follows:

42-203D. Review of permits - Opportunity for hearing.

(1) The Department shall review all permits issued prior to the effective date [July 1, 1985] of this section, except to the extent a permit has been put to beneficial use prior to July 1, 1985, to determine whether they comply with the provisions of Chapter 2, Title 42, Idaho Code. If the Department finds that the proposed use does not satisfy the criteria of Chapter 2, Title 42, Idaho Code, then the Department shall either cancel the permit or impose the conditions required to bring the permit into compliance with Chapter 2, Title 42, Idaho Code. If the Department finds that the permit satisfies the criteria established in Chapter 2, Title 42, Idaho Code, then the Department shall enter an order continuing the permit.

(2) The Department shall provide an opportunity for hearing in accordance with Section 42-1701A, Idaho Code, and Section 67-5209 and 67-5215, Idaho Code, for each holder of a permit that is proposed either to be cancelled or made subject to new conditions.

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

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

MICROFILMED

MAY 23 1990

State of Idaho
Department of Water Resources

AMENDMENT ANALYSIS SHEET

INITIAL REVIEW BY: H. J. Anderson

Right Number 37-7891/01-7086 Applicant FAULKNER LAND & LIVESTOCK CO., INC.

Purpose of Amendment: ☐ Change point of diversion. ☐ Add diversion point(s).
☐ Increase amount. ☐ Change place of use. ☒ Other to clarify P.D. as required by Dept. W.R.S.

CHECK:

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

Copies sent to watermasters - 37 and 01 4/12/85

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received.
- ☒ Amendment published correctly.
- ☒ Protests processed. -None
- ☒ Approve.
- ☐ Deny.

Conditions Same as original permit
plus 05 for districts 37 & 01

By ADM Date 7/10/85

STATE OFFICE PROCESSING:

- ☒ Amendment correct and complete. By Juni
- ☐ Approved copy sent to applicant and to Region. By _____

RECEIVED
Date
JUL 12 1985

Department of Water Resources



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

June 11, 1985

Gooding County Leader
Box 56
Gooding, Idaho 83330

Re: Notice of Amendment to a Water Permit No. 37-7891 /01-7086
Notice of Proposed Change of Water Right No. 36-2493A

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

MAY 23 1990

NOTICE OF AMENDMENT TO A WATER PERMIT

NO. 37-7891/01-7086

Notice is hereby given that Faulkner Land & Livestock Co., Inc., is the holder of approved permit No. 37-7891 authorizing the diversion of 54 cubic feet per second of water from Northside Canal Co., Ltd. and "Y" Canal in the SESE, SWSE, Sec. 27, T5S, R12E, B.M., County of Gooding, ^{54 cfs} /to be used for power generation from April 1 to November 1, and 10 cfs for power generation from November 1 to April 1 within SWSW, Sec. 27, T5S, R12E, B.M.

The permit holder has applied to the Department of Water Resources for an Amendment to the Permit, to clarify the point of diversion as follows:

Point of Diversion: Snake River - Lt5 (SWNW), Sec. 28, T10S, R21E, B.M., Jerome County - Big Wood River - SESW, Sec. 22, T5S, R14E, B.M., Gooding County
54 cfs to be used for power from April 1 to October 31 and 10 cfs for power from November 1 to March 31

Any protest against approval of the amending of permit No. 37-7891 as set forth above must be filed with the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho, 83301 on or before July 5, 1985.

A. KENNETH DUNN
Director

Published in the Gooding County Leader on June 18 and 25, 1985.

XXXXXXXXXXXXXXXXXXXXXXXXXXXX

MICROFILMED

MAY 23 1990

OK
ADM



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

A. Kenneth Dunn
Director

June 11, 1985

North Side News
P. O. Box 468
Jerome, Idaho 83338

Re: Notice of Amendment to a Water Permit No. 37-7891/01-7086

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

MAY 23 1990

NOTICE OF AMENDMENT TO A WATER PERMIT

NO. 37-7891 /01-7086

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The permit holder has applied to the Department of Water Resources for an Amendment to the Permit, to clarify the point of diversion as follows:

Point of Diversion: Snake River - Lt5 (SWNW), Sec. 28, T10S, R21E, B.M., Jerome County - Big Wood River - SESW, Sec. 22, T5S, R14E, B.M., Gooding County
54 cfs to be used for power from April 1 to October 31 and 10 cfs for power from November 1 to March 31

Any protest against approval of the amending of permit No. 37-7891 as set forth above must be filed with the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho, 83301 on or before July 8, 1985.

A. KENNETH DUNN
Director

Published in the ~~Gooding County Record~~ XXXXXXXXXX
~~and~~ North Side News on June 19 and 26, 1985

MICROFILMED

MAY 23 1990

OK
ADM

Faulkner asks to amend water permit

NOTICE OF AMENDMENT TO A WATER PERMIT NO. 37-7891/01-7086

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Any protest against approval of the amending of permit No. 37-7891 as set forth above must be filed with the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301 on or before July 8, 1985.

A. Kenneth Dunn
Director
6-19-2tc

*gD
mcy
6/14/85*

Correction made

INTER-DEPARTMENT MEMO — 1

FROM Mary, Southern Region per Telephone Conversation

DATE 6-12-85

TO File 37-7891

SUBJECT Amendment forthcoming to clarify sources

Mary requested an additional water right number (01-7086) for file 37-7891 to be issued a double water right number (01-7086/37-7891). Data entry will be necessary after the amendment is approved.

MICROFILMED

MAY 23 1990

SIGNATURE



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 6, 1985

RE: Permit No. 37-7891

Faulkner Land & Livestock Co., Inc.
Rt. 2
Gooding, ID 83330

Dear Permit Holder:

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

During the review of this Application for Permit it was noted that the source of water was originally described as "Northside Canal Co. Ltd. "Y" Canal. Please be advised that although we recognize that the water to be diverted through the proposed power system is intended to be diverted from the "Y Lateral", the source of water for the permit is more properly described as the primary sources of water for the canal, which in this case are likely the Snake River and Big Wood River.

We have determined that because the application (1) has more than four years of seniority, (2) is otherwise ready for approval, and (3) requires a clarification of source rather than a change of source, the application should be approved at this time, with a condition of approval regarding the actual source, shown on the final page as condition n. However, prior to licensing the water right, the point(s) of diversion must be formally documented and advertised. The mechanism for enacting this clarification is to file an Application for Amendment of a Permit. Enclosed we have provide for your convenience a completed Amendment of Permit which is intended to clarify the source of your Approved Permit. We suggest that you review the Application for Amendment, and if you concur with the information therein, sign and return it to our Southern Regional Office located at 1041 Blue Lakes Blvd. N., Twin Falls, ID 83301, with the associated filing fee of \$20.00.

MICROFILMED

Faulkner Land & Livestock Co., Inc.

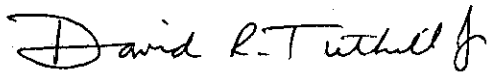
Page 2

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

Please note the requirement that as a permit holder you must commence the excavation or construction of diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The enclosed blue card must be completed and returned to this office as soon as you commence construction, no later than one year from the date the permit was approved.

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

Sincerely,

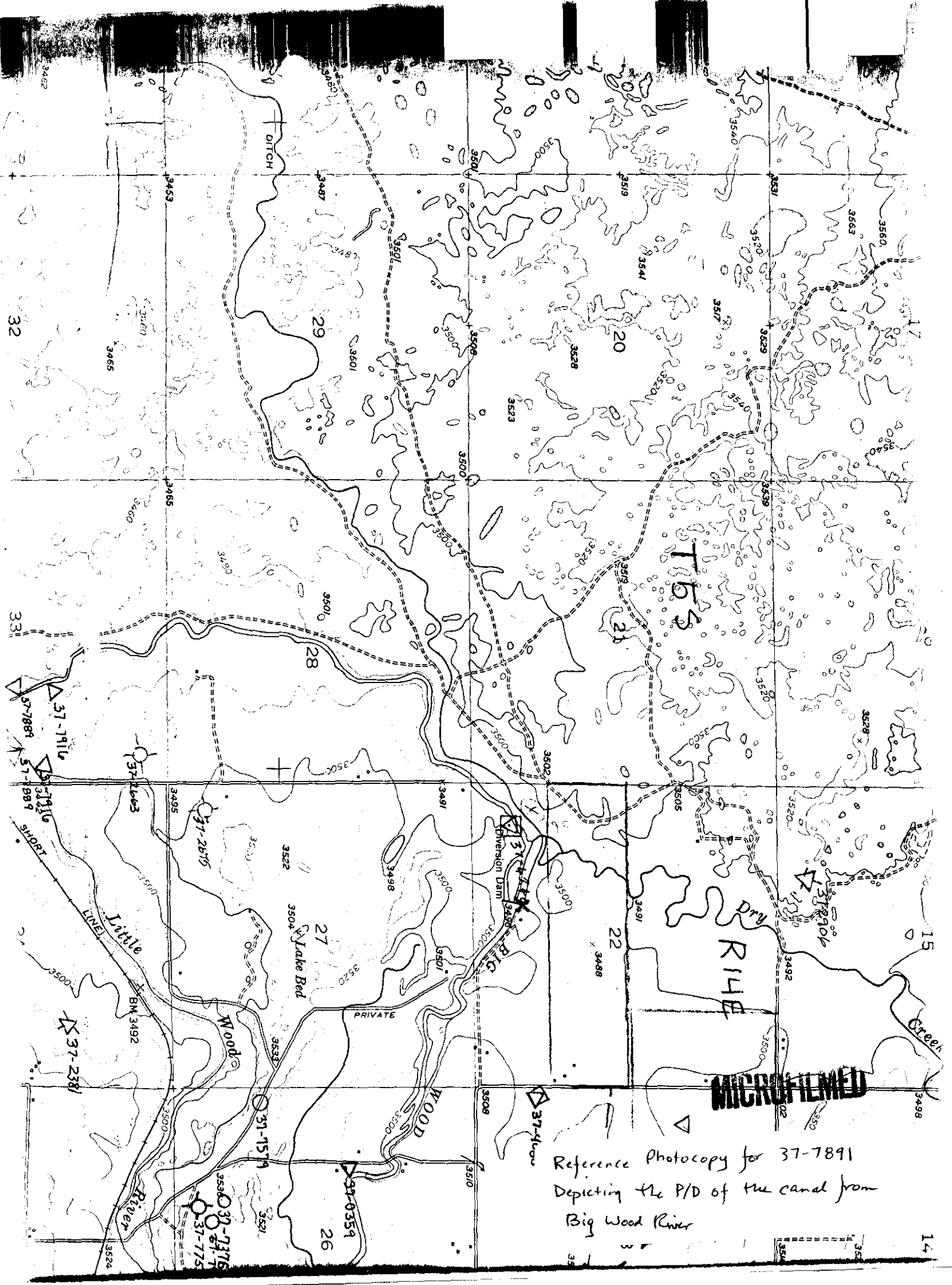


DAVID R. TUTHILL, JR., P.E.
Supervisor, Water Allocation Section

DRT:sc
Enclosures

cc: Southern Region

MICROFILMED



Reference Photocopy for 37-7891
Depicting the P/D of the canal from
Big Wood River

T 55 R 14E

Reference Photocopy for 37-7871
Depicting the absence of Gert lots
In Sec 22 T 55 R 14E

STATE OF IDAHO
Department of Water Resources

{ N^o 35215

Boise, Idaho, Oct 29, 1984

RECEIVED
FROM

Dorla Faulkner of Gooding ID \$ 10⁰⁰
Ten and 00/100 DOLLARS

Cash

FOR

	\$	
	\$	
	\$	
	\$	
<u>Amended App</u>	\$	<u>10 00</u>
TOTAL - - -	\$	<u>10 00</u>

Loren O Faulner

POWER CALCULATIONS FOR APPLICATION NO. 37-7891

444
P = Kilowatts .74 X hp 600

Q = cfs 54.

H = feet 125'

e = efficiency

proposed

- rec'd 2-12-85* →
- ☒ 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.

$$e = \frac{P(11.8)}{QH} = \frac{444(11.8)}{54 \times 125} = \frac{5239.2}{6750} = .78$$

Based on the above calculations the proposed project must have an 78 % efficiency.

OVERLAP REVIEW

per terminal 1/8/85

(P/D sec) *none*

(P/U sec) *none*

BYPASSED AREA

no rights

RECEIVED

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET FAULKNER LAND & LIVESTOCK CO.

INITIAL REVIEW BY: ADM APPLICATION NUMBER: 37-7891

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: _____

1. Agreement with canal co.
2. plans
3. cost estimate
4. Financial statement.

SEND COPIES TO:

- ☐ Idaho State Health Department. Copies sent by: _____ Date: _____
☐ Idaho Fish and Game Department. _____
☐ Idaho Department of Lands. _____
☐ U.S. Bureau of Land Management. _____
☐ U.S. Forest Service. _____
☒ Other North Side Canal Co. maaya 3/30/81
in Jerome

PROCESSING:

- ☐ Yes ☒ No Platted by: ADM Map No. AA-18
☐ Yes ☒ No Other rights on same place of use. Not looked up
☒ Yes ☐ No* In form for advertising.
Final date for protests: 5/11/81
☐ 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? _____
3/23/81 Date of priority recommended.

Special conditions of approval or cover letter. OIC or F for div. from Snake River and
at each power site, 05 for dist. 01, 04, 08A, 17K, 25

could not locate
file copy

file copy destroyed
3-13-85

By: ADM Date: 1/3/85

STATE OFFICE REVIEW:

L19,
L17a
01K 2622 20A (8/20/1984) 04 08A 09B
17F 17K 25 27

- ☐ See attached sheet for more information.
By: fw Date: 3-13-85

MICROFILMED

3/79

IDENT. NO. 37-7891

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

WATER RIGHT
DATA ENTRY LOG

[illegible]



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 8, 1985

RE: Application for Permit No. 37-7891

RECEIVED
FEB 12 1985

Faulkner Land & Livestock Co., Inc.
Route 2
Gooding, ID 83330

Department of Water Resources

Gentlemen:

During the final review of your application for permit (as referenced above) for power production purposes, it was noted that you have not submitted a current affidavit of residency form.

Section 42-205/206 of the Idaho Code requires that you must submit an affidavit of residency and a statement regarding the ownership of the hydropower facilities, before your application can be considered for approval. I have enclosed our form 205/206 for your use in this matter. Please note that the affidavit must be signed in the presence of a notary to be complete.

Please complete the form and return it to our office by February 15, 1985 so we can complete the processing of your application in a timely manner.

Sincerely,

Kay Walker
KAY WALKER
Technical Records Specialist

KW:sc

Enclosure

2/11/85
John Faulkner should have given you a copy of the agreement w/ Northside Canal Co. several weeks ago.

Scott Johnson

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

January 8, 1985

RE: Application for Permit No. 37-7891

Faulkner Land & Livestock Co., Inc.
Route 2
Gooding, ID 83330

Gentlemen:

During the final review of your application for permit (as referenced above) for power production purposes, it was noted that you have not submitted a current affidavit of residency form.

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Please complete the form and return it to our office by February 15, 1985 so we can complete the processing of your application in a timely manner.

Sincerely,

KAY WALKER
Technical Records Specialist

KW:sc

Enclosure

MICROFILMED

State of Idaho
Department of Water Resources

AMENDED

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY: J. F. Stanton

APPLICATION NUMBER: 37-7891 Amended

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.

Field check by: _____

Date: _____

Comments: _____

☒ Fee.

☒ Yes ☐ No Field check required.

☐ Yes ☒ No Critical groundwater area.

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

☒ Yes ☐ No* In form to receipt.

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

SEND COPIES TO:

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

PROCESSING:

- ☐ Yes ☒ No Platted by: JS Map No. AA-18
☐ Yes ☐ No Other rights on same place of use. N/A
☐ 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? _____
Date of priority recommended. _____

Special conditions of approval or cover letter. _____

*could not
locate a "file"
copy of this
app. of 1-8-85.
DW*

By: _____ Date: _____

STATE OFFICE REVIEW:

- ☐ See attached sheet for more information.

By: _____ Date: _____

RECEIVED
JAN 08 1985
Department of Water Resources

POINT OF DIVERSION AND STREAM INDEX INFORMATION

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

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

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

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

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

January 3, 1985

MEMO:

FROM: Loren O. Holmes *LH*
Southern Region Supervisor

TO: File 37-7891 - Faulkner Land & Livestock

RE: Amended Application

The amended application was drafted in this office and sent to Severt, Swenson, Faulkner's attorney, with a recommendation that it be filed to make the water right agree with the description of the project given in the FERC Exemption.

On October 29, 1984, John Faulkner brought the draft amended application to the office to file. However, when he filed the amended application, he explained that his plans had changed and so the P/D and P/U were changed to reflect his description of the project.

On review, it was discovered that the amended application was the same as the original application. Therefore, the amended application has not been advertised.

A fee of \$10.00 was improperly charged for the amended application, but this should be refunded because no processing of the amended application has been done.

The original receipt #35215 is in the file.

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*Routed 2 copies of memo & receipt to
fiscal for refund - kw 1/8/85*

INTER-DEPARTMENT MEMO — 1

FROM Loren Holmes

DATE 10/29/84

TO File 37-7891

SUBJECT Amended Application

The amended app was drafted & sent to Senett Swenson, Faulkner's attorney, with the recommendation he file it to make the water right agree with the FERC exemption. on 10/29/84, John Faulkner filed the amended application & a copy of his agreement with NSCC. He changed the description of the Power Plant & Locations to agree with his Current Plans. Now the amended app does not agree with the FERC Exemption, but it is the same as the original application.

~~but when we are through advertising we will forward the file.~~

No advertising necessary

MICROFILMED

SIGNATURE

RECEIVED

OCT 20 1984

AGREEMENT

Department of Water Resources
Southern District Office

This Agreement made and entered into by Faulkner Land & Livestock Company, Inc., an Idaho corporation, (hereinafter referred to as "Faulkner") and Northside Canal Company, Ltd., an Idaho corporation (hereinafter referred to as "Northside"):

W I T N E S S E T H:

WHEREAS, Faulkner has applied to the Department of Water Resources to appropriate water of the Snake River delivered into the canal system of Northside, more particularly the Y & ~~the~~ canals; and

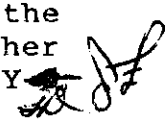
WHEREAS, Faulkner wishes to divert the waters of said canal system for use in the generation of hydro electric power and seeks Northside's permission; and

WHEREAS, Faulkner has filed an application for a conduit exemption with the Federal Energy Regulatory Commission for Project P-7592; and

WHEREAS, it is necessary for the parties to set forth terms, conditions, rights and responsibilities of the respective parties;

NOW, THEREFORE, IN CONSIDERATION OF THE TERMS AND CONDITIONS CONTAINED HEREIN, the parties agree as follows:

1. That each party has received a copy of the Department of Water Resources Application for Water Permit filed by Faulkner, together with a copy of the FERC Application and drawings of the proposed diversion works and generation facility. The parties agree that all references hereinafter made are to the above-mentioned documents which are made a part of this Agreement except as herein otherwise specifically modified.

2. Faulkner shall construct a head works for the diversion facility which shall be owned and controlled by Northside Canal Company. Said head works will facilitate the control of the total flow down the canal or into Faulkner's power diversion. Construction will not in any way interfere with irrigation deliveries. Faulkner warrants that the diversion facility will be constructed in a manner as will not back up water or in any way interfere with the operation of the Y-8 power plant of Northside Canal Company. Northside further grants Faulkner an easement in common with Northside on the Y-8 ~~the~~ 

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Canal at the point of diversion for the purpose of operation, construction, maintenance and repair of the diversion facility. Said easement will be prepared by Faulkner for review by Northside after the surveyed descriptions are available. If the parties can agree to the installation of an automatic gate that will operate to divert down the canal when the plant load is rejected, Faulkner agrees to provide safety features to eliminate risk to persons who may be in danger if the plant is by-passed.

3. Northside hereby grants to Faulkner the right to divert the entire water flow of the ~~Y-8~~ Canal into the diversion facility below the discharge from Northside's "Y-8" hydroelectric facility. ~~Faulkner~~ agrees to discharge all water back into Northside's ~~Y-8~~ Canal at a point approximately 1600 - 2100 feet west of the point of diversion.

4. Faulkner shall be responsible for erosion caused at the point of discharge. Faulkner further agrees that the project shall not waste nor use the water for any purpose other than generation of hydroelectric power, but prior to construction shall be subject to the approval by Northside Canal Company's general manager of the plans, specs, and design for the project as well as the plan of construction. Faulkner shall pay Northside Canal Company for review of the plans. At any time in Northside's discretion, that the deliveries to downstream stockholders of Northside Canal Company are being interfered with, Northside may divert the flows from Faulkner's hydro plant down the presently existing channel of the Y-8 Canal to correct the situation. ~~Faulkner~~, as the adjacent landowner to this portion of the ~~Y-8~~ that will be by-passed when the power plant is operating, herein binds the corporation and their successors and assigns, and covenants that no claim will be made against Northside Canal Company in regard to ownership or use of the canal, and acknowledges that abandonment, forfeiture, adverse possession, estoppel, or laches will not be asserted against Northside. Faulkner also agrees to maintain the portion of the canal to be by-passed at his own expense at the direction of Northside Canal Company and will agree to pay for such maintenance when in Northside's discretion it is necessary to perform such maintenance because it has not been timely performed by Faulkner.

5. In consideration of the diversion and use of the water from Northside's ~~Y-8~~ Canal, Faulkner agrees to pay Northside a royalty on all power generated by its hydroelectric facility. The parties hereby agree that the royalties shall be paid in the following amounts and schedule:

- a. First five years of production (years 1-5) -
\$.002 per kilowatt hour.
- b. Second five years of production (years 6-10) -
\$.0026 per kilowatt hour.
- c. Third five years of production (years 11-15) -
\$.00388 per kilowatt hour.
- d. Fourth five years of production (years 16-20) -
\$.00452 per kilowatt hour.
- e. Fifth five years of production (years 21-25) -
\$.00588 per kilowatt hour.
- f. Sixth five years of production (years 26-30) -
\$.00764 per kilowatt hour.
- g. Seventh five years of production (years 31-35) -
\$.00993 per kilowatt hour.
- h. Eighth five years of production (years 36-40) -
\$.01291 per kilowatt hour.
- i. Ninth five years of production (years 41-45) -
\$.01680 per kilowatt hour.
- j. Tenth five years of production (years 46-50) -
\$.02184 per kilowatt hour.
- k. After the 50th year, Faulkner shall pay such amount as the parties would then negotiate for a 25 year extension. However, if the parties cannot then agree, Faulkner shall have an extension for up to 25 years so long as Faulkner pays 20% of the gross revenues from power generation in accordance with this Article. This Agreement shall terminate after 75 years following the first year of power production, unless previously terminated by mutual agreement.

The royalties shall be paid quarterly on the gross production of all electricity produced by Faulkner. All royalties shall be paid within 15 days of the receipt of the income from the electricity produced, unless otherwise agreed by the parties. Faulkner agrees that it will provide Northside with accountings of all kilowatt hours produced and sold to any purchaser at the time of payment to Northside. Faulkner covenants to use his best efforts to generate electricity when water is available and shall operate and maintain the plant for 50 years.

6. Northside runs about 60 c/f/s at this location in the ~~Y~~ Canal from approximately April 1st through November 1st for irrigation purposes. Northside traditionally runs 20 c/f/s at this location in the other months so long as ice is not a problem. If Northside elects to run water to the ~~Y~~ Canal in excess of the 20 c/f/s traditionally diverted and flowing in the ~~Y~~ Canal during the period of November 1st through April 1st of each year, whether pursuant to Northside's irrigation and stock water rights or Northside's or Faulkner's hydro power water rights, and the delivery of such excess water is used by

Faulkner to increase generation within the hydraulic capacity of Faulkner's plant, in addition to the payments of Paragraph 5 hereof which are made on traditional water flows, Faulkner agrees to pay Northside Canal Company 50% of the net revenues from kilowatt sales that would not have been generated except for the excess water made available during the period of November 1st through April 1st of each non-irrigation season. Northside reserves the right to cease running water in the non-irrigation season when, in Northside's opinion, ice is a problem.

7. This Agreement shall be binding upon the parties, their successors and assigns. The parties agree that this Agreement shall not limit in any manner whatsoever the right of Faulkner to transfer, assign, or sell any of the right, title or interest in the hydroelectric facility for financing purposes, together with any permits, or contracts hereafter obtained. This Agreement shall not be assigned for other than financing purposes without the written consent of Northside. Said written consent will also be required if the project is owned by a corporation and 51% or more of the stock is proposed for sale.

8. Faulkner agrees that Northside Canal Company does not guarantee water at the location of the plant, but that the rights herein discussed are merely to allow diversion when the water is available in accord with this Agreement. Faulkner hereby waives and releases Northside Canal Company from any claim by reason of the unavailability of water.

9. It is understood that Northside shall not be responsible for flooding at the location of Faulkner's plant even if caused by the negligence of Northside and Faulkner waives any claim for damages to the power facility and his adjacent property against Northside.

10. Faulkner agrees that its diversion of the entire flow of the ~~the~~ Canal shall not deprive any downstream user of the use of water for irrigation purposes and herein agrees to indemnify and hold harmless Northside Canal Company and any agents thereof from any claim or claims of Northside Canal Company stockholders or any other third parties, including reasonable attorney's fees of Northside. Faulkner further agrees to protect, indemnify, and hold harmless the Northside for or on account of any injury, bodily or otherwise, property damage, or death of a person or entity resulting from or arising out of or in any way connected with, the construction, maintenance, and operation of the facility or the connection, or interconnection between the facility and other facilities or with power transmission lines. Without limiting the foregoing,

Faulkner agrees to pay all costs, expenses, and fees, including attorney's fees, which may be incurred by the Northside as a result of any claim or demand, or the defense of any litigation resulting therefrom, against the Northside by any third person or entity as a result of the operation, construction or maintenance of the hydro electric facility by Faulkner in the Y~~e~~ Canal area.

11. In the event that either party shall be required to retain an attorney to enforce its rights in this Agreement or file suit for any breach, the prevailing party shall be entitled to receive or recover reasonable attorneys fees.

IN WITNESS WHEREOF the parties have executed this Agreement this 20 day of August, 1984.

NORTHSIDE CANAL COMPANY, LTD.

By C. J. Marshall

FAULKNER LAND & LIVESTOCK CO., INC.

By John L. Faulkner

STATE OF IDAHO)
County of Jerome) ss.

On this 20 day of August, 1984, before me, a Notary Public, in and for said County and State, personally appeared C. J. Marshall and John L. Faulkner, known or identified to me to be the President and Secretary, respectively of Northside Canal Company, Ltd., the corporation that executed the foregoing instrument, and acknowledged to me that such corporation executed the same.

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

William J. Diehl
NOTARY PUBLIC FOR IDAHO
Residing at Jerome

STATE OF IDAHO)
) ss.
County of _____)

On this 20 day of August, 1984, before me, a Notary Public, in and for said County and State, personally appeared John L. Faulkner and _____, known or identified to me to be the President and Secretary, respectively of Faulkner Land & Livestock Company, Inc., the corporation that executed the foregoing instrument, and acknowledged to me that such corporation executed the same.

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

William J. Diehl
NOTARY PUBLIC FOR IDAHO
Residing at Jerome

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FILE SUMMARY

September 7, 1984

37-7891 - Faulkner Land & Livestock Co.

Filed: March 23, 1981

Advertised: 4/22 & 4/29/81 - Protest date 5/11/81

Action Since Protest:

- 7/21/83 - NSCC Protest withdrawn
- 7/26/83 - By letter advised applicant of protest withdrawn and requested additional information for file
- 9/8/83 - Received copy of FERC application for exemption and cost estimate
- 10/27/83 - Received amended FERC application
- 11/16/83 - Letter to applicant requested detailed plan & financial showing based on Trout-Co case
- 11/25/83 - Received plans with survey showing plant in Sec. 27
- 6/18/84 - Received copy of FERC exemption showing plant in Sec. 34 and financial statement

STATUS AS OF 9/7/84

- 1) P/U shown in plans & application does not agree with location in FERC exemption
- 2) No copy of agreement with NSCC is in file

Above requested by letter to Severt Swenson.

RECEIVED

Severt Swenson, Jr.
Attorney at Law

Steve Botimer
Associate

122 Fourth Avenue West
Gooding, Idaho 83330
Phone (208) 934-8414

June 18, 1984

Mr. Loren Holmes
Department of Water Resources
1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301

RE: FAULKNER LAND & LIVESTOCK POWER PLANT
WATER APPLICATION #37-7891

Dear Mr. Holmes:

Just a short status note on this application. Faulkner has received its F.E.R.C. exemption and we are basically in agreement with Northside Canal Co. on the agreement regarding the use of the canal and the proposed diversions.

With respect to your last request, finances, we are compiling this now and shall provide this to you in the near future.

Yours truly,


SEVERT SWENSON, JR.

SS:cmt

RECEIVED

JUN 19 1984

Department of Water Resources
Southern District Office

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UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Faulkner Land and Livestock Co., Inc.) Project No. 7592-000

ORDER GRANTING EXEMPTION FROM LICENSING FOR
A CONDUIT HYDROELECTRIC PROJECT

(Issued June 5, 1984)

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

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

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

1/ Faulkner Land and Livestock Co., Inc.'s, Project No. 7592, filed on September 9, 1983.

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

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) Faulkner Hydro Plant Project No. 7592 as described and designated in Faulkner Land and Livestock Co., Inc.'s application filed on September 9, 1983, is exempted from all of the requirements of Part I of the Federal Power Act, including licensing, subject to the standard articles in \$4.94 of the Commission's regulations attached hereto as Form E-1, 18 C.F.R. \$4.94 (1981), and the following Special Article.

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

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



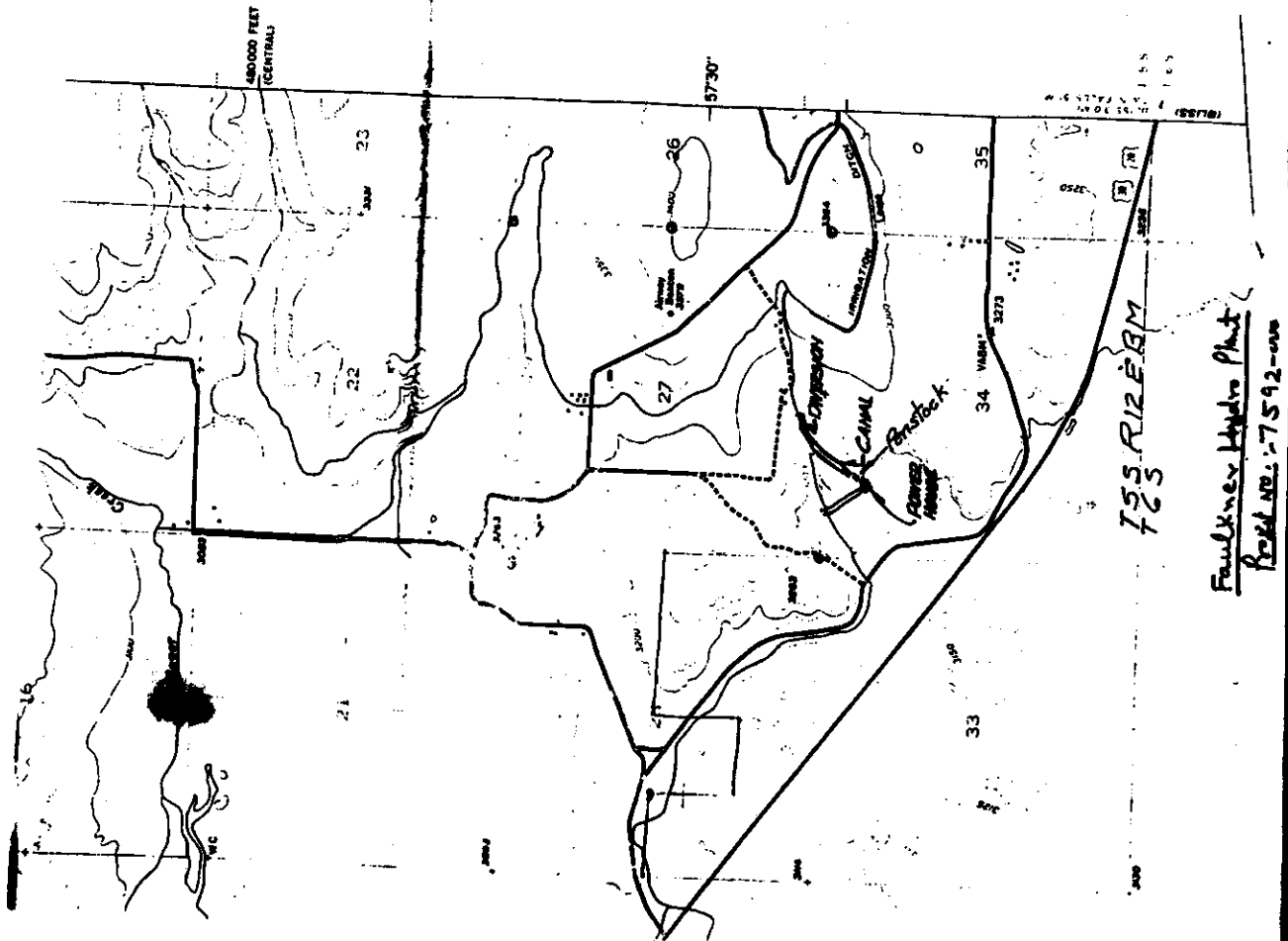
Robert E. Cackowski
Deputy Director, Office of
Electric Power Regulation

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RECEIVED

MAR 6 1984

- a. Type of Application: Exemption for Small Conduit Facility
- b. Project No: 7592-000
- c. Date Filed: September 9, 1983
- d. Applicant: Faulkner Land and Livestock Co., Inc.
- e. Name of Project: Faulkner Hydro Plant
- f. Location: On Northside "Y" Canal, near town of Bliss, in Gooding County, Idaho
- g. Filed Pursuant to: Energy Security Act, 1980 (16 U.S.C. §§2705 and 2708 as amended)
- h. Contact Person: Mr. Severt Swenson, Jr., 122 Fourth Avenue West, Gooding, Idaho 83330
- i. Comment Date: APR 23 1984
- j. Description of Project: The proposed project would divert water from the Northside "Y" Canal and would consist of: (1) a 1400-foot-long, 15-foot-wide diversion canal; (2) a powerhouse containing a single 400-kW generating unit; and (3) a 700-foot-long exit canal, which would discharge water back into the Northside "Y" Canal. The average annual energy output would be 173,321 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 project power would be sold to Idaho Power Company.
- l. This notice also consists of the following standard paragraphs: A3, A9, B, C, D3b



§ 4.94 Standard terms and conditions of exemption.

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

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

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

**FEDERAL ENERGY
REGULATORY COMMISSION
WASHINGTON, D.C. 20426**

**OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE, \$300**

Falkner Land & Livestock Co.
Route #2 P-7592
Gooding, Idaho 83330

**POSTAGE AND FEES PAID
FEDERAL ENERGY
REGULATORY COMMISSION
FERC 351**



UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Notice of Application Filed with the Commission

(March 6, 1984)

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

- Out 37-7891
P-7592-000
- a. Type of Application: Exemption for Small Conduit Facility
 - b. Project No: 7592-000
 - c. Date Filed: September 9, 1983
 - d. Applicant: Faulkner Land and Livestock Co., Inc.
 - e. Name of Project: Faulkner Hydro Plant
 - f. Location: On Northside "Y" Canal, near town of Bliss, in Gooding County, Idaho
 - g. Filed Pursuant to: Energy Security Act, 1980 (16 U.S.C. §§2705 and 2708 as amended)
 - h. Contact Person: Mr. Severt Swenson, Jr., 122 Fourth Avenue West, Gooding, Idaho 83330
 - i. Comment Date: APR 23 1984
 - j. Description of Project: The proposed project would divert water from the Northside "Y" Canal and would consist of: (1) a 1400-foot-long, 15-foot-wide diversion canal; (2) a powerhouse containing a single 400-kw generating unit; and (3) a 700-foot-long exit canal, which would discharge water back into the Northside "Y" Canal. The average annual energy output would be 173,321 kWh.
 - k. Purpose of Project: The project power would be sold to Idaho Power Company.
1. This notice also consists of the following standard paragraphs: A3, A9, B, C, D3b

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.

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

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

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

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

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

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Kenneth F. Plumb
Secretary





FINANCIAL STATEMENT — INDIVIDUAL

Wendell

OFFICE, THE IDAHO FIRST NATIONAL BANK,

Wendell

IDAHO

NAME John L. FaulknerOFFICE ADDRESS Rt. 2 Gooding, Idaho 83330For the purpose of obtaining credit from you from time to time the following is submitted as my/our true and correct statement on December 15, 19 83KIND OF BUSINESS 1/2 owner Faulkner Land & Livestock Co.

ASSETS	AMOUNT	LIABILITIES	AMOUNT
CURRENT:		CURRENT: (Payable within one year)	
Cash on hand		Notes payable to this bank (Schedule D)	
Cash in Idaho First National Bank		Notes payable to other banks (Schedule D)	
Cash in other banks 1st Security Bank	1,200 00	Notes payable to others (Schedule D)	
Notes and contracts receivable (Schedule C) (Amount due within one year)			
Accounts receivable (Schedule C)		Due to relatives (Schedule D)	
		Accounts payable (Schedule D)	
		Contract purchases and chattel mortgages (Schedule D)	
Stocks and bonds — listed (Schedule B)	38,000 00	Real estate mortgages and contracts (Schedule A, amount due within one year)	
Cash value life insurance		Loans against life insurance policies	
TOTAL CURRENT ASSETS	39,200 00	Accrued taxes and assessments	
NON-CURRENT:		TOTAL CURRENT LIABILITIES	NONE
Stocks and bonds—unlisted (Schedule B)		NON-CURRENT: (Payable after one year)	
Real estate and buildings (Schedule A)	100,000 00	Real estate mortgages and contracts (Schedule A, amount due after one year)	
Machinery and equipment		Other liabilities (describe)	
Furniture, fixtures and personal property			
Automobiles and trucks Furnished by Corp.			
Notes and contracts receivable (Schedule C) (Amount due after one year)			
Other assets (describe)			
1/3 Faulkner Bros.	104,667 00		
1/2 Faulkner Land & Livestock Co.	2,956,288 90	Total Liabilities	NONE
TOTAL ASSETS	3,200,155 90	Net Worth	3,200,155 90
		TOTAL LIABILITIES AND NET WORTH	3,200,155 90

ANNUAL INCOME: Salary \$1,200/mo. plus auto & ins. prem. Est. @ Bonus or Commissions \$ Other *\$24M Total Comp.

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

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

Liability as endorser or guarantor for others \$ yes Explain Faulkner Land & Livestock Co.

Have you any judgments or suits filed against you? If so, give details No

Have you ever filed a petition in bankruptcy or approved a wage-earner plan for yourself? No

Life insurance carried \$ 250,000 Payable to wife

Do you wish credit life and A&H insurance? No Amount of insurance on buildings: covered

I am 51 years old, and have resided at my present location for life years.

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

REFERENCES:

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

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

APPLICANT'S SIGNATURE:

S/ John L. Faulkner

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

Schedule A

REAL ESTATE

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

Type and Location of Property	Date Acquired	Title In Name Of	Income Per Month	Original Cost	Market Value	*Mortgages		Holder of Lien
						Present Balance	Payment Terms	
House with 2 A	1957	John Faulkner		100,000				clear

Schedule B

STOCKS AND BONDS

Number of Shares	Description—Rate—Maturity, If Pledged, To Whom	Market Value	Book Value If No Market
1900	Crystal Oil (American Exch.)	20	38,000

Schedule C

NOTES, CONTRACTS AND ACCOUNTS RECEIVABLE

Due From (Name)	Date of Obligation	Balance		Payment Terms	Due Date	Description of Collateral If Any
		Original	Present			

Schedule D

NOTES, CONTRACTS AND ACCOUNTS PAYABLE

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

Remarks:

Faulkner Land and Livestock
Fair Market Value Balance Sheet
February 12, 1984

ASSETS

Current Assets:

PCA B-stock	\$ 126,880	
Accounts Receivable (Sch 1)	254,000	
Crops to sell (Sch 2)	347,035	
Crops to feed (Sch 3)	222,950	
Livestock (Sch 4)	2,615,775	
Current portion of contracts receivable	<u>44,176</u>	
Total Current Assets		\$ 3,610,816

Other Assets:

Equipment (Sch 5)	\$ 305,585	
Titled vehicles (Sch 6)	238,000	
Contracts Receivable (Sch 7)	\$318,700	
Accrued Interest (Sch 7)	5,042	
Less Current Portion	<u>(44,176)</u>	
Net Contract Receivable	279,566	
Land (Sch 8)	4,961,100	
AUM'S (Sch 3)	1,202,565	
Forrest (Sch 8)	373,680	
Federal Land Bank B-Stock	200,000	
17,333 shares Magic Valley Macking	<u>10,000</u>	
Total Other Assets		<u>7,570,496</u>
TOTAL ASSETS		<u>\$11,181,312</u>

LIABILITIES AND NET WORTH

Current Liabilities:

Southern Idaho PCA payable	\$1,586,000	
Shareholder loans payable	95,000	
Accounts payable (Sch 9)	192,232	
Current portion of Long term debt	<u>483,879</u>	
Total Current Liabilities		\$2,357,111

Long Term Liabilities:

Federal Land Bank Payable	\$2,075,226	
Contracts payable (Sch 10)	809,321	
Accrued Interest (Sch 10)	207,585	
Less Current portion of Long term debt	<u>(483,879)</u>	
Total Long Term Liabilities		<u>2,608,253</u>
Total Liabilities		\$4,965,364

NET WORTH

TOTAL LIABILITIES AND NET WORTH

6,215,948
\$11,181,312

MICROFILM

Faulkner Land and Livestock
Attachment to February 12, 1984 Fair Market Value Balance Sheet

Schedule 1 Accounts Receivable:

<u>Item</u>	<u>Payment Dates</u>	<u>Amount</u>
Potato Finals from Simplot	March	\$ 20,000
Beet Finals from Amalgamated	May1/2, Oct1/2	34,000
Wool Incentive	April	200,000
Total Accounts Receivable		<u>\$254,000</u>

Schedule 2 Crops to sell:

<u>Crop</u>	<u>Payment Dates</u>	<u>Amount</u>	<u>Price</u>	<u>Value</u>
Potatoes	April	28,000 cwt	\$7.00	\$266,000
Pinto Beans	March	3,877 cwt	19.00	73,663
Red Beans	March	388 cwt	19.00	7,372
Total Crops to sell				<u>\$347,035</u>

Schedule 3 Crops to feed:

<u>Crop</u>	<u>Amount</u>	<u>Price</u>	<u>Value</u>
Wheat	4,000 bu	\$ 3.15	\$ 12,600
Hay	2,000 Ton	60.00	120,000
Straw	300 Ton	20.00	6,000
Corn Silage	500 Ton	15.00	7,500
Barley	18,000 bu	2.70	48,600
Oats	3,500 bu	2.50	8,750
Corn	6,000 bu	3.25	19,500
Total Crops to feed			<u>\$222,950</u>

Schedule 4 Livestock:

<u>Number</u>	<u>Type</u>	<u>Value/head</u>	<u>Total Value</u>
9300	Ewes with lambs	\$ 80.00	\$ 744,000
300	Old Ewes	15.00	4,500
950	Feeder lambs	120 lbs @ .64	71,820
2100	Ewe lambs	55.00	115,500
170	Bucks	150.00	25,500
1320	Bred Cows	600.00	792,000
260	pairs	600.00	156,000
55	Fat heifers	1100 lbs @ .64	35,200
1370	Yearling calves	630 lbs @ .685	591,155
50	Bulls	1000.00	50,000
40	Horses	580.00	23,200
23	mules	300.00	6,900
Total Livestock			<u>\$ 2,615,775</u>

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Faulkner Land and Livestock
Attachment to 12-12-84 Balance sheet

Schedule 5 Equipment

<u>Description</u>	<u>Value</u>
1976 Case 2470 tractor	\$20,500
1974 John Deere 4630 tractor	14,500
1981 Case 2090 tractor	15,750
John Deere 4040 tractor	14,750
John Deere 4240 tractor	12,000
Case loader	2,800
International 560 tractor	750
John Deere M tractor	200
International M tractor	350
International 300 tractor	500
International 340 tractor with post hole digger	500
three row corrugator with slide and gauges	300
17 foot triple K cultivator	1,450
Brillion 6 row cultavator	2,800
double bar cultivator	250
6 bottom watts plow	4,500
International 575 spreader	2,400
International 1460 combine	53,950
John Deere 7100 6 row planter	5,000
Hyster with squeeze	3,250
Eversman 3212 land plane	1,475
International 401 mower	250
3 acme six foot harrows	100
two point cultivator	85
three point blade	100
Ace 14 foot packer	875
New Holland 1075 stacker	27,000
Heston 575 Beet Harvester	600
John Deere Ditcher	300
Freeman 330 baler	8,000
22 foot Eisenman bed	1,800
Farmhand hay chopper	300
Allen hay rakes	4,500
International D18 Cat with 12 foot hyd dozer	15,000
41k Cat 930 loader with bucket and squeeze	20,000
12 foot towner disc with rams	2,200
8 foot miskin box scraper	575
two John Deere 6 row 482 topper units	1,700
post driver for cat	1,200
Opal 350 beet harvester	500
18 foot John Deere 235 disc	5,000
3 acme 6 foot harrows	300
International 145 plow	5,250
78 U 931 Cat loader and backhoe	15,000
Century sprayer tank and Assembly	1,100

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Schedule 5 Equipment continued

3 water tanks	\$1,750
powder river chute and corrals	2,000
powder river calf creeper	250
Misc. shop equipment	5,000
tandem metal trailer	2,000
old machinery trailer	225
fencing trailer at pellet plant	600
snow machine trailer	100
snow machines	2,000
25 pack outfits and saddles	2,000
11 camp wagons	11,000
10 trap wagons and feed wagons	2,750
squeeze chute on wheels	1,200

total equipment

\$305,535Schedule 6 Titled vehicles

1980 Peterbilt truck with bed and trailer	\$63,000
1972 Peterbilt Semi with western trailer	40,000
International transtar truck with trailer	14,500
1981 mercury car	8,000
1980 chevy van	7,100
1982 chevy 4x4 pickup	9,000
81 chevy 3/4 T 4x4	7,000
80 chevy 3/4 T	4,000
82 chevy 3/4 T	9,500
69 chevy 2 T truck	3,500
79 chevy 2 T dump truck	9,000
Army truck with hay bed	2,000
1970 Kiser truck	6,500
78 chevy 4x4	4,400
76 chevy 1/2 ton	700
73 ford 1/2 ton	400
73 international 1/2 ton	200
1/2 ton chevy 1976	800
chevy 1/2 ton 1977	3,000
4 irrigator pickups @ 200.00	800
Dump bed semi trailer	5,000
74 western star water truck	12,500
2 crane carrier trucks	6,750
International 1710 cargo star with western bed	3,500
Army truck with water tank	3,500
1962 International 4000 with ross spreader	4,750
international 1600 truck with harsh feedbox	4,100
one horse trailer	500
four horse trailer	4,000

\$238,000**MICROFILMED**

Faulkner Land and Livestock
Attachment to 2/12/84 Fair Market Value Balance Sheet

Schedule 7 Contracts Receivable:

<u>Contract</u>	<u>Interest Rate</u>	<u>Payment Date</u>	<u>Payment Amount</u>	<u>Balance 2-12-84</u>	<u>Interest Accrued</u>
States Investment	8 %	Dec.	\$15,000	\$81,261	\$1,083
Bastian	12 %	Dec.	25,300	197,957	3,959
Lawrence Creek	9.5%	Monthly	323	39,482	-0-
				<u>\$318,700</u>	<u>\$5,042</u>

Schedule 8 :

<u>Land Item</u>	<u>Total Acres</u>	<u>Acres Farmed</u>	<u>Waste & Grazing</u>	<u>value</u>
Home Ranch	981	897	84	\$1,524,900
Home Ranch Improvements				602,100
Airport Land	684	268	416	360,000
Feedlot				195,000
Malad place	550	248	302	328,500
Hollifield Acreage	30		30	17,000
State Land	320		320	16,000
Bliss Highway land	112		112	34,000
Swamp at Hill City	600		600	105,000
Farmer Dryland	945	300	645	126,600
Chicken springs 1/2 interest	340		340	34,000
Lawrence creek	100		100	60,000
Jampson creek	750		750	75,000
Hailey unit	2382		2382	287,000
1331 AUM'S Hailey unit				100,000
9000 shares Sawtooth Grazing				63,000
Chimney creek	7664		7664	821,000
State Leases 3,000 Acres				30,000
Improvements Chimney creek				30,000
Sawtooth Grazing (Solosabal)				21,000
Pellet Mill				120,000
Solosabal	110		110	11,000
Total Land	<u>15,568</u>	<u>1,713</u>	<u>13,855</u>	<u>\$4,961,100</u>

AUM'S

<u>Allotment</u>	<u>Type</u>	<u>Number</u>	<u>Value</u>	<u>Total Value</u>
Indian	Horse	39	\$100	\$ 3,900
Indian	Cattle	1181	75	88,575
I dian	Sheep	3360	50	168,000
Saylor creek	S & C	5615	100	561,500
Norht Gooding	Sheep	1439	50	71,950
Macon flat	Sheep	418	40	16,720
Roanhide	Sheep	60	50	3,000
Bar Creek	Cattle	388	75	29,100
Shoestring	Sheep	137	10	1,370
Goodtime	Cattle	3179	75	238,425
Square Mountain	Cattle	267	75	20,025
Total AUM'S		16083		<u>\$1,202,565</u>

Forrest Privileges

Sheep	10260	28	\$ 287,280
Cattle	<u>1152</u>	75	<u>86,400</u>
Total Forrest	11412		<u>\$373,680</u>

MICROFILMED

Faulkner Land and Livestock
Attachment to 2-12-84 Fair Market Value Balance Sheet

Schedule 9 Accounts payable:

<u>Description</u>	<u>Amount</u>
Hay purchased in december	\$ 68,340
Interest on hay purchased in December	2,392
Hay purchased in February	70,000
Bills on hand to be paid	36,500
Pasture bills payable	15,000
Total Accounts Payable	<u>\$192,232</u>

Schedule 10 Contracts Payable:

<u>Contract</u>	<u>Interest Rate</u>	<u>Payment Date</u>	<u>Payment Amount</u>	<u>Balance 2-12-84</u>	<u>Interest Accrued</u>
Faulkner Hayhook Ranches	Floats	Dec.	*129,505	\$450,000	\$ 5,082
State of Idaho	6 %	Dec.	5,500	31,603	325
Brailsford	8 %	April	15,000	98,022	6,535
Fields	12 %	Oct.	49,935	155,268	6,211
Case Tractor	8.8%	March	10,047	33,003	2,662
Fields House	Various	Monthly	741	41,425	-0-
Total Contracts payable				\$809,321	\$ 20,815
Federal Land Bank Mortgage		**	\$265,000	\$2,075,226	186,770
Total Accrued Interest					\$207,585

* This contract will be at the Idaho First National Bank Interest Rate for Faulkner Hayhook Ranches on their Dissolution funds which is currently 13.55% and will be amortized over a period of five years.

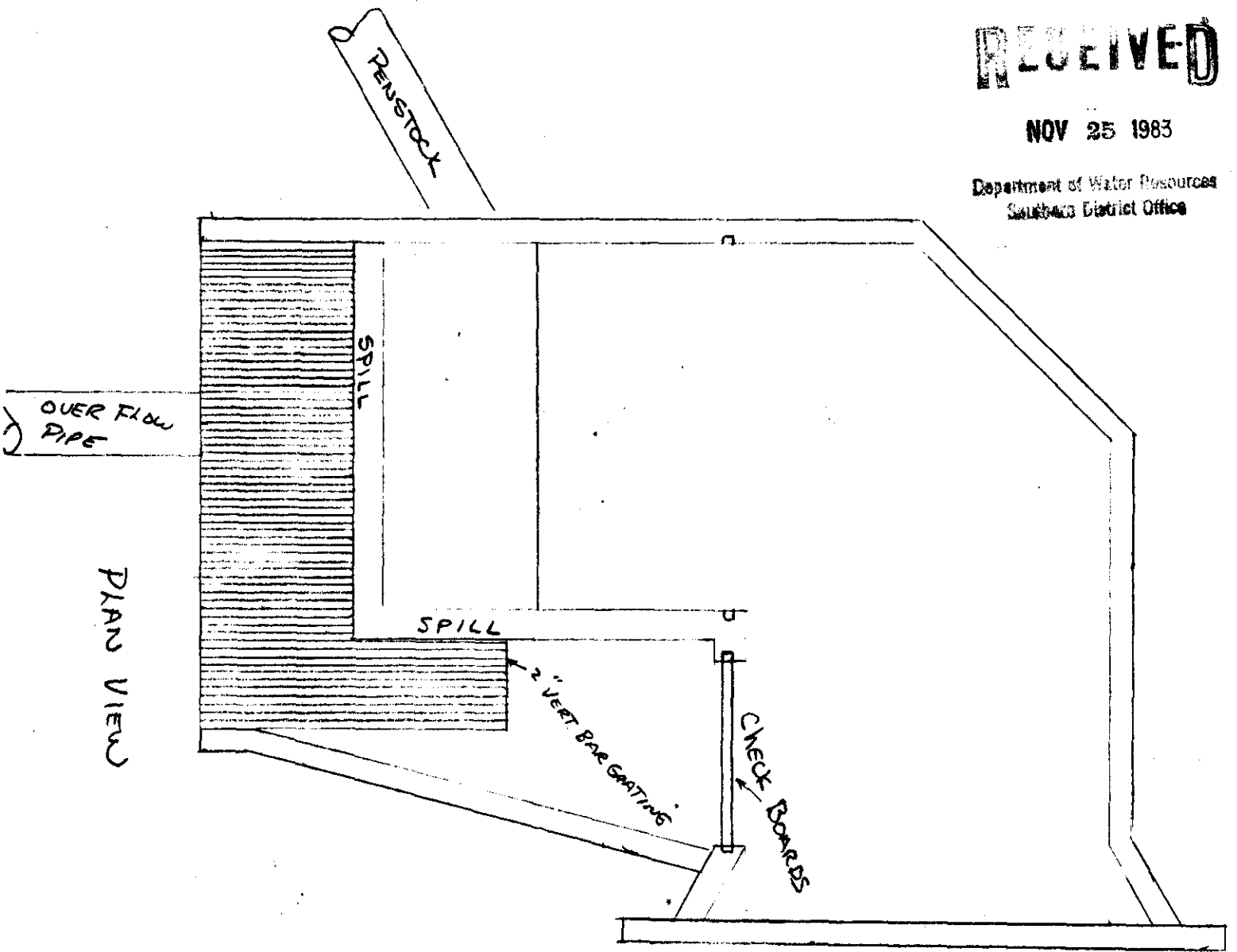
** The Federal Land Bank will retire some of its B-Stock and reamortize its loan within the next month, the payments will then be approximately \$265,000.

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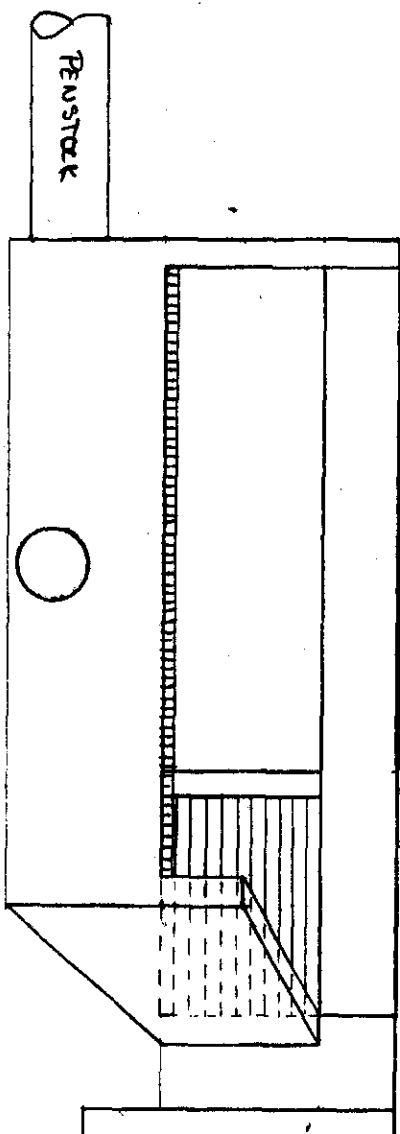
RECEIVED

NOV 25 1983

Department of Water Resources
Southern District Office



PLAN VIEW



ELEVATION VIEW

INLET TO PENSTOCK
FAULKNER HYDRO-SHE

MICROFILMED

SCALE 1"=5'

RECEIVED

NOV 25 1965

Water Resources
Division Office

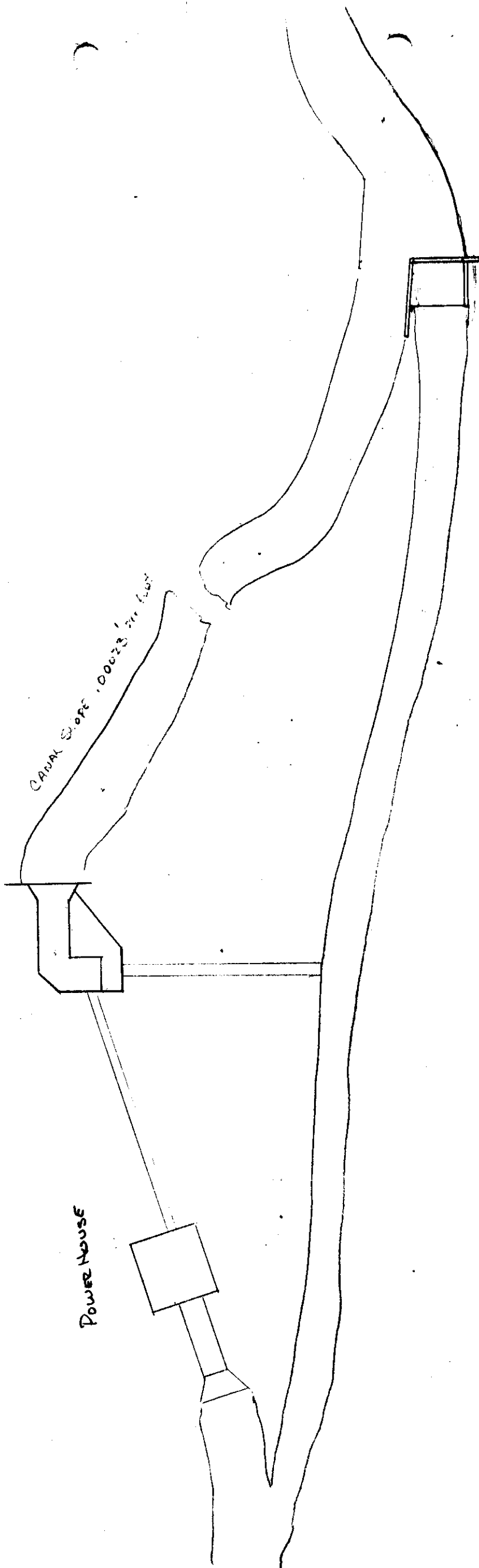
DIVERSION

INLET

CANAL SLOPE 1:00023' H:100'

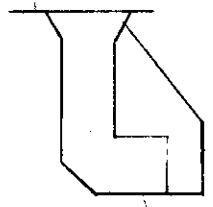
POWER HOUSE

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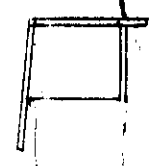
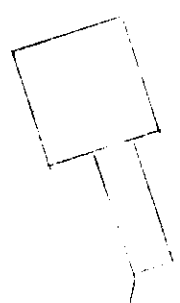


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INLET



Power House

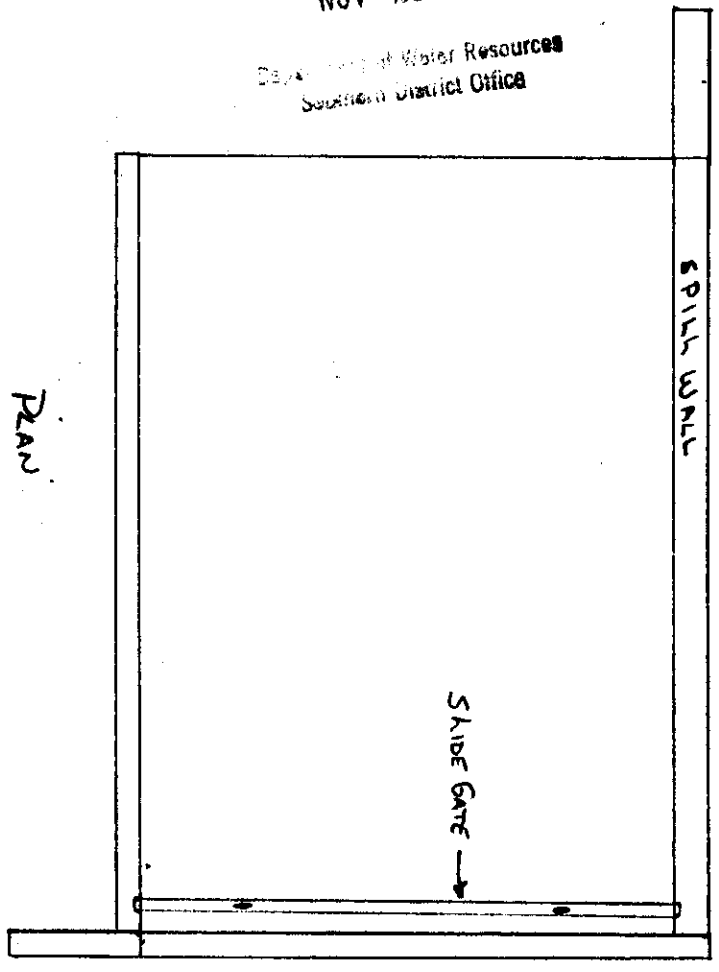


DIVERSION

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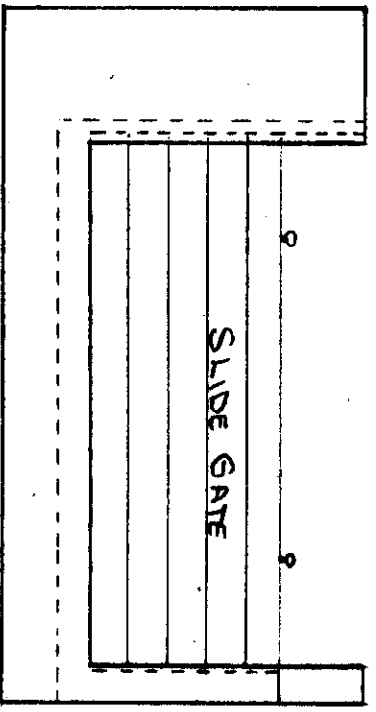
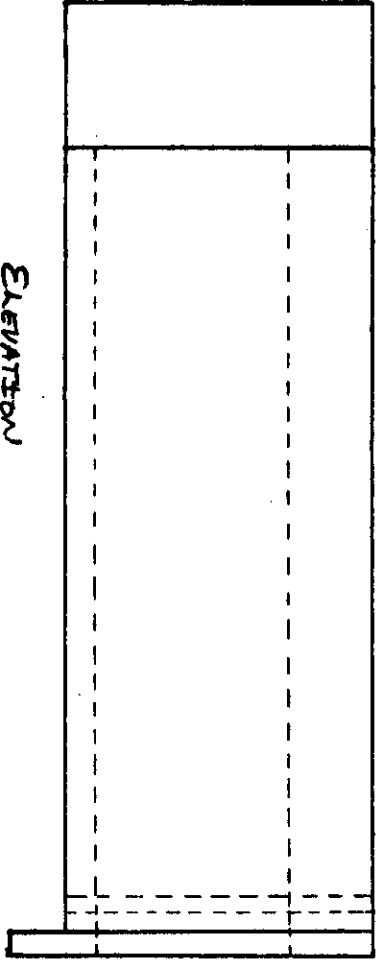
NOV 25 1983

Department of Water Resources
Southern District Office



DIVERSION INLET STRUCTURE
FAULKNER HYDRO SITE

MICROFILMED



SCALE 1"=5'

Severt Swenson, Jr.
Attorney at Law

Steve Botimer
Associate

November 18, 1983

122 Fourth Avenue West
Gooding, Idaho 83330
Phone (208) 934-8414

Mr. Loren O. Holmes
State of Idaho
Department of Water Resources
1041 Blue Lakes Blvd.
Twin Falls, Idaho 83301

RECEIVED

NOV 21 1983

Department of Water Resources
Southern District Office

RE: APP. FOR PERMIT #37-7891

Dear Mr. Holmes:

Critzers' in Jerome have prepared the necessary drawings which you require. A copy of this letter is being forwarded to them and they shall be able to send you a copy of the same.

With respect to the financial commitment, we can forward you a balance sheet if this will suffice. At the present time the source of funds has not been finalized. We have been awaiting the determination from FERC.

As soon as John Faulkner reviews your letter, perhaps we can provide you with the written commitment from a lending institution or others.

Yours truly,



SEVERT SWENSON, JR.

SS:gh
PC: Critzer
John Faulkner

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

November 16, 1983

Severt Swenson, Jr.
Attorney at Law
122 Fourth Ave. West
Gooding, Idaho 83330

Re: Application for Permit No. 37-7891

Dear Mr. Swenson:

This is intended to update you on the status of your client's application for permit.

In the recent decision in the Trout-Co case (Shokal et al vs Dunn et al), the district court determined two specific requirements which must be met before an application can be approved. First, the applicant must show that he has, then and there, the financial resources to complete the project; and second, the design drawings should be complete.

The project plans submitted to this office so far are too preliminary to meet the court's requirements.

In addition, a showing of a here-and-now financial commitment for the project is still needed.

Because the project is to be located on a waterway in the North Side Canal Company system, an agreement with the canal company is also needed. I understand that this agreement is being negotiated.

If you have any questions regarding the application, please feel free to contact this office.

Very truly yours,

Loren O. Holmes
Southern Region Supervisor

cc: Faulkner Land & Livestock
LOH:marya

MICROFILMED

Severt Swenson, Jr.
Attorney at Law

37-7891

Steve Botimer
Associate

October 26, 1983

122 Fourth Avenue West
Gooding, Idaho 83330
Phone (208) 934-8414

Loren O. Holmes
Depart. of Water Resources
1041 Blue Lakes Blvd. N.
Twin Falls, Idaho 83301

RECEIVED
OCT 28 1983
U.S. Department of Water Resources
Southern District Office

RE: FAULKNER LAND AND LIVESTOCK CO., INC.
FERC APPLICATION- Project No. 7592-000 Idaho

Dear Mr. Holmes:

First on behalf of my client, I wish to express my appreciation for your comments and response to our application to the Federal Energy Regulatory Commission.

The original application previously mailed to you was filed with the Commission on September 9, 1983, and received the above project number.

By letter from the Commission dated October 18, 1983, two deficiencies were noted on Exemption Exhibit E. As a result of your comments, we filed an Amended Exemption Exhibit E. A copy is enclosed for your review. All additions are underscored and contained on the last two pages thereof. Also attached are the responses from the various agencies.

Yours truly,

Severt Swenson, Jr.
SEVERT SWENSON, JR.

SS:gh
enclosure

MICROFILMED

Dear Loren, In our permit is such a stage as to be issued or are you awaiting our written agreement with the canal company. We are presently negotiating this agreement

AMENDED

EXEMPTION EXHIBIT "E"

(i) The proposed hydroelectric facility is located some 2 miles North and 3 miles West of the Village of Bliss, Idaho; Township 5 South, Range 12 East, at a point West of where the "Y-8" Canal is diverted from the main "Y" Canal. The site is on lands owned by the corporation and used for agricultural purposes.

The access to the site would be by means of a lane over the corporations property.

In general, all of the surrounding lands for a 4 mile radius are irrigated with water that is diverted from the Snake River at Milner some 50 miles East. Insofar as the lands served by the North Side Canal Co. Ltd. are concerned, intensive farming has been conducted for 75 years. For those lands off the North Side Project to the North of what farmland there is, is served by deep well pumps. The rest is primarily brush ground ideally suited for grazing. The general slope of the land is to the West and North, toward the Snake River and Clover Creek.

Essentially the "Y" Canal is not a fishery since there is no way that fish can migrate to the location of the proposed site unless they follow the Canal System down through several regulating facilities some 10 miles from the Malad River. The area has generally been known as favorable for a ring-necked pheasant habitat. Since the late 1950's and early 1960's, there has been a decline in the population of these birds attributed to a reduction in the habitat base in the agricultural areas due to changes in farming practices. (e.g., cleaner farming, better herbicides, conversion from gravity to sprinkler irrigation, fall plowing, etc.) all other species of game and non-game wildlife are also dependent to some degrees on the same habitat base and have likewise been adversely affected by the changing farm practices. Demand for both consumptive and non-consumptive use of wildlife resource in the general area has increased due to increasing population and increased leisure time. An existing Department of Interior, Bureau of Reclamation proposal for the development of additional irrigation lands within the Salmon Falls Division project not far to the North of the proposed site will also mean the restriction of habitat, although mitigating features are planned as a part of that comprehensive project.

In addition to the pheasant, Hungarian partridge, quail, songbirds, mammals, reptiles, muskrat, badger, skunk, and some other fur bearing animals such as ground squirrels, and rock chucks, inhabit the general area.

The soils are essentially sandy loam. The soils are high in mineral nutrients with varying degrees of compactness and subsoil, generally shallow underlined by basalt and in some areas including that of the hydrosite a hard, impregnable, layer of hard pan caliche type material. The lands irrigated have poor water holding capacities due to the sandy loam and the underlying porous basalt material. Due to the type of soil most lands are well drained and have a low clay content which makes it susceptible to erosion by both wind and water.

The water supplies which will be used at the proposed Hydroelectric project come from the Snake River and are generally as good as those diverted at the head of the system at Milner. Nearly 3 million acres of irrigated land lie to the east in Idaho and during the irrigation season, silt levels are up in the Snake River along with the Big Wood Company, Ltd.'s "Y" System. However, the proposed project should have no impact on the waters of the United States for the reason that the Project will discharge into the canal system just as it has for the past 75 years, and eventually to individual farmers, prior to any of the water being returned to natural stream channels.

The air quality of the area is generally good, but is degraded substantially by intensified farming operations and high winds which prevail in the early spring. The annual rainfall in the area approximates 8 inches per year and occurs during the late fall, winter, spring, 1/3 of the annual precipitation occurs as snow in the winter. The spring is typified by intermittent rain squalls, blustery winds, and cool weather. The general climate of the area is arid to semiarid with hot summers and moderately cold winters. Hail falls occasionally but storms are often of limited extent or intensity and do not generally cause serious damage. Air quality is measured by the Idaho department of Health and Welfare's Air Quality Bureau located in Twin Falls. They monitor suspended particulates, sulphur dioxide, carbon monoxides, and nitrogen dioxide, SO₂, NO₂, and CO shows insignificant concentrations. Records show that between 1968 and 1976 the 24 hour primary standard for TSP was violated in Twin Falls on 41 occasions. These violations occurred on windy days. Bare fields, unpaved traffic areas, and stock and waste piles were the major sources of the dust. However, the concentrations are not deemed as major problems because of the high level dispersal.

The recreational uses in and about the project area generally revolve around the hunting of pheasant's, Hungarian partridge, quail, and some migratory water fowl to the extent that they utilize the canal system during their annual stay in the area. Some varmit hunting occurs to the extent that ground hogs, rock chucks, etc., become targets for small firearm marksmen. Fishing in the area is generally confined to the natural streams. Clover Creek to the North offers Pioneer Reservoir for the sportsmen and the Snake to the South and West supports a host of recreational activities. Motorcycle and bicycle traffic along some of the canal right-of-ways does occur but is discouraged. Horseback riding is of prime interest in a western county such as Gooding and is substantial recreational outlet. While some tubing and rafting occurs in parts of the canal system in the valley, it is discouraged by reason of the safety hazards and liability problems created for the irrigation companies. No kyaking or white water sport has been enjoyed in this section of the "Y" canal, for the reason that there are no suitable waters for such in this area.

Economically and socially, the economy of the Bliss area is primarily agricultural, with irrigated cropland devoted to cash crop and forage production. Forage crops are used for beef cattle production in conjunction with large acreages of nearby grazing land.

The canal system was constructed between 1900 and 1910. but for the historical value the facilities which were then constructed to provide farms, jobs, and income for the people who homesteaded within the project this area is of little historical significance. The Oregon Trail passes by the proposed site but is several miles to the South. There is an indian archeological dig in the Snake River Canyon near the mouth of Clover Creek, but it also is several miles away. Pictures of the original construction and progress toward completion of the project are available through the Jerome Historical Society and many have been preserved by local photographers and the Canal Company themselves. This hydroelectric project area has no known archeological resources.

As to visual resources, the North Side project is bounded to the South by the 400 foot deep Snake River Canyon. The Northern boundary is formed by the foothills of the Sawtooth Mountain range and the drainages of the Big and Little Wood Rivers which are conduits for the Big Wood Canal Company. East of the project, gently rolling uplands of the Snake River Plain extend for several miles and to the West the project is bounded by the Snake

River. Within 5 miles to the North of the localized area of the proposed project, lie the low foothills of the Sawtooth Mountains. The Snake River Canyon breaks lie to the North, and South. In the Eastern direction lie mainly the irrigated farm ground within the third segregation of the North Side Canal Project. The landscape is a mosaic of cash crop farms and pastures interspersed with areas of idle or dry lands above the line of the main canals. Farm residences are common but widespread and most sections are bounded on the outside by asphalt paved farm-to-market roads. Many large trees grown near the various farmsteads which were planted by the early settlers. The general character of the project area would be classified as rural-agricultural.

There are no endangered or threatened plant or animal species in the general area, nor are there any critical habitats.

There are no known sites that have been declared eligible for the national register of historic places within miles of the project.

(ii) Generally, the applicant expects no environmental impact resulting from the operation of a small conduit hydroelectric facility. To the extent that no fishery resources exists, and the habitat of the pheasant and other wildlife species will not be disturbed it is unlikely that any adverse impacts will occur.

Copies of the application were forwarded to the various agencies for their pre-filing consultations for their specific concerns for the protection and enhancement of environmental resources and any adverse impact thereon. Based upon their comments by return letter no specific concerns are identified.

Copies of the responses by the various agencies are attached hereto.

(iii) Idaho is quickly running out of major hydro-sites. The last remaining major hydro sites of our State has been placed in a National Recreation Area in the Lower Snake River which precludes development of hydro power. Some 8 years ago, the public utility serving the largest area in the State of Idaho applied to the Public Utilities Commission for permission to build a coal fired plant. None exist in the state. The citizens defeated the proposal on a referendum citing air quality reasons. Even though one of the nuclear experiment stations exist in Arco, in Southeastern Idaho, migration of citizens to Idaho from other parts of the United States has brought a large block of economically substantial people seeking to depart crowded urban areas and their associated problems. It is suspected that a proposal to build a nuclear power plant in Idaho would be met with the same opposition as was the coal fired plant. Consequently, with the population increasing to the extent that local utilities experience a request for up to 10% increased power per year, the most feasible and logical alternatives

for power in our state appears to be pursuing the major projects which exist on natural streams and canal systems. The hydro power produced on irrigation systems is attractive because they provide power during the time peak demand for electricity in South Central Idaho. Summertime is when irrigation pumping is at its highest.

(iv) The applicant has contacted the U.S. Department of Interior (Fish and Wildlife Service), Idaho Department of Fish and Game, Idaho Department of Parks and Recreation, and the Idaho State Historical Society regarding any possible impact of the proposed project in their area of concern.

A copy of the above-named agencies, comments on the application forwarded to them are attached hereto. No areas of specific concern are set forth, except by the Idaho Department of Fish and Game. Applicant shall comply with all terms and conditions of said department regarding protection of raptors and destruction of riparian habitat.



IN REPLY REFER TO:
Land Services

United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

PORTLAND AREA OFFICE

POST OFFICE BOX 3783

PORTLAND, OREGON 97208

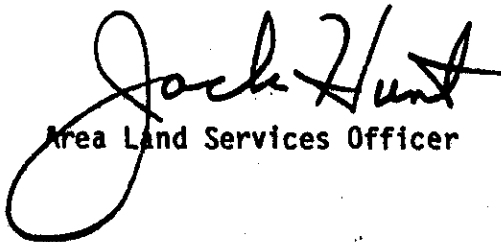
SEP 26 1983

Mr. Severt Swenson, Jr.
Attorney at Law
122 Fourth Avenue West
Gooding, Idaho 83330

Dear Mr. Swenson:

We have reviewed the material provided with you September 15, 1983 letter on the proposed Faulkner Land and Livestock small hydro project. It appears the proposed action will not impact trust resources. Therefore, we have no further comment at this time.

Sincerely,


Area Land Services Officer

MICROFILMED

DEPARTMENT OF THE ARMY
WALLA WALLA DISTRICT, CORPS OF ENGINEER
BUILDING 602, CITY-COUNTY AIRPORT
WALLA WALLA, WASHINGTON 99362

REPLY TO
ATTENTION OF:

12 September 1983

NPWPL-PP

Mr. Severt Swenson, Jr.
Attorney at Law
122 Fourth Avenue West
Gooding, Idaho 83330

Dear Mr. Swenson:

The application for exemption from license for the Faulkner Land and Livestock Company, Inc., hydroelectric project, submitted with your letter dated August 29, 1983, has been reviewed with respect to Corps of Engineers responsibilities. Those responsibilities include flood control, navigation and regulatory functions, and requirements under Section 102(2)(c) of the National Environmental Policy Act of 1969.

We have no objections to the project or the exemption from license. However, in compliance with Section 404 of the Clean Water Act, a Department of the Army permit will be required if any materials will be discharged or dredged below ordinary high water level of any wetlands. In addition, the Walla Walla District should be a cooperating agency if the project requires preparation of an environmental impact statement.

Sincerely,


L. V. Armacost
Chief, Planning Division

MICROFILMED



United States Department of the Interior

NATIONAL PARK SERVICE

Pacific Northwest Region
Westin Building, Room 1920
2001 Sixth Avenue
Seattle, Washington 98121

IN REPLY REFER TO:

L7619 (PNR-RE)
Unnumbered FERC

September 23, 1983

Mr. Severt Swenson Jr.
122 Fourth Ave. West
Gooding, Idaho 83330

Dear Mr. Swenson:

In response to your August 29 request for comments and recommendations regarding the Faulkner Land and Livestock Co. Hydroelectric Project, please consider the following:

IMPACTS ON THE NATIONAL PARK SYSTEM:

It appears, on the basis of the material provided, that no existing or proposed units of the National Park System will be affected either directly or indirectly by the proposed action.

RECREATION RESOURCES:

On the basis of the information supplied by the applicant, the proposed project would not have a major impact upon existing recreational opportunities. A project of this size (400 kw) is not normally expected to include any major expenditure for recreation facility development unless an unusual opportunity or need is shown to exist. Again, given the information supplied by the applicant, no such unusual opportunity or need appears to exist.

CULTURAL RESOURCES:

Historic and cultural resources must be identified and a plan for their protection prepared prior to FERC issuance of a license. Such resources must also be identified and protected if an exemption from license is sought; see Title 18, Code of Federal Regulations (CFR), Part 4.51(f)(4). The procedural guidelines to be followed in assessing cultural resources are found in CFR 800 "Protection of Historic and Cultural Resources." This is best accomplished by early consultation with the State Historic Preservation Officer (SHPO).

Sincerely,

Richard L. Winters
Associate Regional Director
Recreation Resources and Professional Services

MICROFILMED

U.S. ENVIRONMENTAL PROTECTION AGENCY
REGION X

1200 SIXTH AVENUE
SEATTLE, WASHINGTON 98101



REPLY TO
ATTN OF:

M/S 443

SEP 8 1983

Mr. Severt Swenson, Jr.
Attorney at Law
122 Fourth Avenue West
Gooding, Idaho 83330

Re: Application for Exemption from Licensing
Faulkner Land and livestock Co., Inc.

Dear Mr. Swenson:

The Environmental Protection Agency (EPA) has completed its review of the above exemption application. Since the project only will add power generation facilities to an existing irrigation system and operation of the facility should not adversely impact water quality, EPA has no comments on the project.

We appreciate the opportunity to review and comment on the proposed project.

Sincerely,

Richard R. Thiel, P.E., Chief
Environmental Evaluation Branch

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United States Department of the Interior

OFFICE OF THE SECRETARY

PACIFIC NORTHWEST REGION

500 N.E. Multnomah Street, Suite 1692, Portland, Oregon 97232

September 9, 1983

Mr. Severt Swenson, Jr.
Attorney at Law
Steve Botimer Associate
122 Fourth Avenue West
Gooding, Idaho 83330

Dear Mr. Swenson:

This is in reply to your letter concerning a proposed hydroelectric power project near Bliss, Gooding County, Idaho by the Faulkner Land and Livestock Co.

This office serves as the Departmental field coordinator for FERC activities. Technical assistance is provided by Bureaus within this Department. I suggest that you coordinate project activities with the following offices:

Bureau of Reclamation
Box 043, 550 W. Fort Street
Boise, Idaho 83724

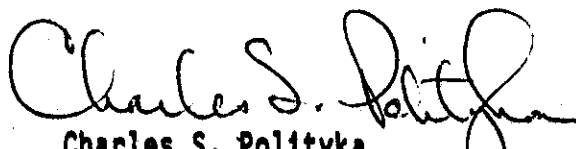
U.S. Fish and Wildlife Service
4620 Overland Road, Room 209
Boise, Idaho 83705

Bureau of Land Management
3380 Americana Terrace
Boise, Idaho 83706

Bureau of Indian Affairs
Lloyd Plaza, 1425 N.E. Irving St.
P.O. Box 3785
Portland, Oregon 97208

If you require any assistance in that coordination, please let me know.

Sincerely,


Charles S. Polityka
Regional Environmental Officer

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IDAHO PUBLIC UTILITIES COMMISSION

STATEHOUSE
BOISE, IDAHO 83720
334-3143



CONLEY WARD, JR., *President*
PERRY SWISHER, *Commissioner*
RICHARD S. HIGH, *Commissioner*

JOHN V. EVANS
Governor

September 6, 1983

Severt Swenson, Jr.
122 Fourth Avenue West
Gooding, ID 83330

Dear Mr. Swenson:

Thank you for the courtesy of notice regarding your hydro project. We are always happy to learn about such projects.

In August, 1980, the Idaho Public Utilities Commission issued Order No. 15746. That Order stated that the Commission had no intention of regulating small power production facilities.

Our sole jurisdiction is in setting the rates to be paid for the output from such facilities and in approving the contracts and interconnect specifications required. Generally, we have been hearing recently that utility representatives have been cooperative in handling these issues. I encourage you to contact them directly. We stand ready to help if you should run into any problems.

Cordially,

John J. McMahon
Chief Counsel

hc223

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IDAHO STATE HISTORICAL SOCIETY
610 NORTH JULIA DAVIS DRIVE BOISE, 83702



September 6, 1983

Mr. Severt Swenson, Jr.
Attorney at Law
122 Avenue West
Gooding, Idaho 83330

RE: FERC Application -- Faulkner Land and Livestock Company, Inc.

Dear Mr. Swenson:

Thank you for providing information for review and comment about the proposed project referenced above. We have no records of any archaeological or historic properties in the project area, and we do not think it likely that they exist. In our opinion, the project will have no effect on such properties.

Sincerely,

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

Thomas J. Green
State Archaeologist
State Historic Preservation Office

TJG/bhd

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) 734-3570

July 26, 1983

Faulkner Land & Livestock Co., Inc.
Rt. 2
Gooding, Idaho 83330

Re: Application for Permit No. 37-7891

Gentlemen:

Enclosed is a copy North Side Canal Company's letter withdrawing its protest against your Application for Permit conditional upon an agreement to protect the interests of the canal company.

Since the withdrawal of the protest is conditional, a copy of any agreement entered into must be provided to this office for inclusion in your file.

As previously requested, the following information must also be submitted for inclusion with your application in accordance with Section 42-202 of the IDAHO CODE:

- 1) A plan of 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.

A copy of your application for a FERC exemption or license will satisfy these requirement with the possible exception of the financial statement.

In a recent phone conversation with your attorney, Mr. Severt Swensen, he indicated you may wish to assign your application for permit. An assignment form used by the Department is enclosed, as well as an affidavit of residence which must be submitted to qualify the assignee applicant under IDAHO CODE, Section 42-205-/206.

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

Very truly yours,

Loren O. Holmes
Loren O. Holmes
Southern Region Supervisor
cc: Severt Swensen ✓
LOH:mmb/4

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IDAHO DEPARTMENT OF FISH AND GAME
REGION 4
868 East Main • Box 428
Jerome • Idaho • 83338

October 4, 1983

Mr. Severt Swenson, Jr.
122 Fourth Ave. West
Gooding, Idaho 83330

Re: Faulkner Land & Livestock Co. (Small Conduit) Hydroelectric Project.
Early Consultation. Application for Exemption From FERC Licensing.

Dear Mr. Swenson:

Based on the descriptive narrative and location map provided with your letter of August 29, 1983, we suggest you be prepared to address the following concerns regarding the referenced project:

Based on our present information, any small hydropower project in the Y or Y-8 Canals would require the following: 1) transmission lines either buried or designed to prevent raptor mortalities; 2) project construction would have to avoid creating short- and long-term erosion and undue disturbance of riparian habitat. Replacement of vegetation may be required.

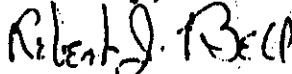
Required facilities will have to be constructed according to design criteria approved by the Idaho Department of Fish and Game.

Acceptable design criteria for transmission lines are available from our Department.

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

As required by Section 4.107 (a), (2) of the FERC Order No. 106, please forward a copy of the exemption application to the Idaho Department of Fish and Game, P. O. Box 25, Boise, Idaho 83701 at the time it is submitted to the Federal Energy Regulatory Commission.

Sincerely,



(for) William E. Webb
Supervisor, Region 4

cc: USFWS, Fisheries

• EQUAL OPPORTUNITY EMPLOYER •

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United States Department of the Interior

FISH AND WILDLIFE SERVICE

ECOLOGICAL SERVICES

4620 Overland Road, Room 209

Boise, Idaho 83705

October 11, 1983

Severt Swenson, Jr.
Attorney at Law
122 Fourth Avenue West
Gooding, Idaho 83330

Re: FERC: Faulkner Land & Livestock
Co., Inc. (FWS-1-4-83-SP-407)

Dear Mr. Swenson:

This responds to your letter of September 15, 1983, concerning the proposed application for a hydro project in Gooding County, Idaho. We have reviewed your letter according to requirements of the Endangered Species Act of 1973, as amended.

Our records indicate that no threatened or endangered species presently occur in your area of concern.

The Fish and Wildlife Service has no further comments, but we encourage you to contact the Idaho Department of Fish and Game to determine if they have any specific concerns and recommendations in addition to the general comments to the Federal Energy Regulatory Commission concerning your Preliminary Permit.

Sincerely yours,

John P. Wolflin
Field Supervisor

cc: RO, Portland, OR (AFA-SE)
IDFG, Hdqtrs., Boise, ID
IDFG, Region 4, Pocatello, ID
SE, Boise, ID

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IDAHO DEPARTMENT of PARKS & RECREATION

Warehouse Mail, 2177 Warm Springs Ave., Boise, Idaho. 83720

(208) 334-2154

Dale R. Christiansen, Director
Robert L. Meinen, Deputy Director



John V. Evans, Governor

October 21, 1983

Mr. Severt Swensen, Jr.
122 Uta Ave. W.
Gooding, ID 83330

Dear Mr. Swenson:

Thank you for consulting us in regard to the Faulkner
Land and Livestock Company's FERC application.

We have no comments.

Sincerely,

DALE R. CHRISTIANSEN
DIRECTOR

A handwritten signature in dark ink, appearing to read "Tod Graeff", with a long horizontal flourish extending to the right.

Tod Graeff
State Trails Coordinator

dc

EQUAL OPPORTUNITY EMPLOYER

MICROFILMED

Severt Swenson, Jr.
Attorney at Law

Steve Botimer
Associate

August 29, 1983

122 Fourth Avenue West
Gooding, Idaho 83330
Phone (208) 934-8414

Mr. Loren Holmes
Supervisor, Southern Region
1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301

RECEIVED

SEP 8 1983

Department of Water Resources
Southern District Office

RE: APPLICATION FOR PERMIT NO.-37-7891

Dear Mr. Holmes:

Enclosed herewith please find a copy of our application to be filed with the Federal Energy Regulatory Commission. With respect to the remainder of the information to be filed, we shall provide this to you as it is completed.

Yours truly,


SEVERT SWENSON, JR.

SS:gh
enclosure

MICROFILMED



I N C O R P O R A T E D

104 East F
Jerome, ID 83338

(208) 324-8824

(208) 324-1292

RECEIVED

June 16, 1983

SEP 8 1983

John Faulkner
Southwest of Gooding
Gooding, Idaho 83330

Department of Water Resources
Southern District Office

RE: Y-Canal Hydroelectric Site

Dear John:

The following costs are for estimating the feasibility of your Y-8 Site.

1. Turbine and electrical package....\$141,900.00
 2. Diversion, 1400 L.F. Canal,.....\$175,020.00
Penstock and power house (Concrete)
 3. Idaho Power - Powerline and.....\$ 25,000.00
Interface
 4. 700 L.F. Exit Channel.....\$ 12,000.00
- TOTAL COST:\$353,920.00
- a. Annual Income.....\$115,000.00
 - b. Investment Credit.....??
 - c. Energy Credit.....??
 - d. Estimated operation,..\$ 15,000.00
Maintenance and
Management

The numbers used are based on current materials and labor costs and should be good for sixty to ninety days.

Until the detailed design is done, this is very close to the money you should plan for.

This information is based on the upper plant costs to construct and income produced.

Sincerely,

R. D. Critser

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RECEIVED

SEP 8 1983

Department of Water Resources
Southern District Office

APPLICATION OF
FAULKNER LAND AND LIVESTOCK CO., INC
GOODING, IDAHO, FOR EXEMPTION FOR
HYDROELECTRIC FACILITY
August 15, 1983

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BEFORE THE FEDERAL ENERGY REGULATORY COMMISSION

* * * * *

FAULKNER LAND AND LIVESTOCK, CO., INC.
an Idaho Corporation,

APPLICATION FOR
EXEMPTION FOR
HYDROELECTRIC FACILITY

* * * * *

Faulkner Land and Livestock Co., Inc. a corporation organized under the laws of the State of Idaho, having its office and principal place of business in Gooding, Idaho, applies to the Federal Energy Regulatory Commission for an exemption for a small hydroelectric facility that meets the requirements of 18 CFR of § 4.91(f), from certain provisions of part 1 of the Federal Power Act.

1. The location of the facility is:

A. State or territory: State of Idaho

B. County: Gooding County

C. Township or nearby town: The proposed hydroelectric facility is located some 2 miles north and 3 miles west of the Village of Bliss, Idaho; in Township 5 South, Range 12 East, Boise Meridian.

2. The exact name and business address of the applicant is:

FAULKNER LAND AND LIVESTOCK CO., Inc., Gooding, Idaho

3. The exact name and business address of each person authorized to act as an agent for the applicant Faulkner Land and Livestock Co., Inc. and to whom correspondence in regard to this application should be sent is:

Severt Swenson, Jr.
Attorney at Law
122 Fourth Avenue West
Gooding, Idaho 83330
Telephone (208) 934-8414

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Mr. John Faulkner, Vice President
Faulkner Land and Livestock Co., Inc.
Rt. #2
Gooding, Idaho 83330
Telephone (208) 934-4093

Faulkner Land and Livestock Co., Inc. is a corporation incorporated under the laws of the State of Idaho.

The provisions of part 1 of the Federal Power Act for which exemption is requested are:

All provisions contained therein (16 USCS 797a et seq.) relative to requirement of a preliminary permit and license for the construction, maintenance and operation of hydro-electric facilities.

DATED this 15th day of August, 1983.

Faulkner Land and Livestock Co., Inc.

By


John Faulkner-Vice President

VERIFICATION

STATE OF IDAHO

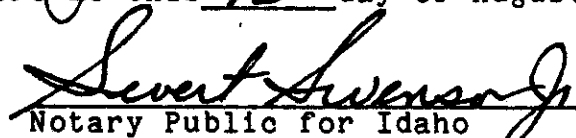
County of Gooding

JOHN FAULKNER, being duly sworn on behalf of Faulkner Land and Livestock Co., Inc., a corporation says:

That he is the Vice-President of said corporation, that he has read the foregoing Application for Exemption for Small Conduit Hydroelectric Facility, knows the contents thereof, and believes the same to be true.


John Faulkner-Vice President

SUBSCRIBED AND SWORN to before me this 15th day of August, 1983.


Notary Public for Idaho
residing at Gooding

EXEMPTION EXHIBIT "A"

(1) The Faulkner Land and Livestock Co., Inc. Hydroelectric Project is located near Bliss, Idaho in Section 34, Township 5 South, Range 12 East, Boise Meridian. A gate structure in the North Side "Y" Canal is used to regulate the water elevation required for delivery to the head of the "Y-8" Lateral. Downstream from the gate structure the water drops about 30 feet in a distance of approximately 50 feet, which head is presently being used by the Northside Canal Co. Ltd. for generation of hydroelectric power. The Northside Canal Co. Ltd. facility is known as the "Y-8" Hydroelectric Project and is presently completed.

The hydroelectric project would divert the present Y-Canal at its point of discharge from the Northside Canal Co., Ltd.'s "Y-8" hydroelectric facility into a 15 foot wide canal which would be approximately 1400 feet long and develop 104 feet of head at the power plant. An additional 700 feet exit canal will be constructed to discharge the water back into the Y-Canal.

The project would develop the 104 feet of head and the 60 cfs flow during the irrigating months of April through September. During the six remaining months the flow would diminish to 20 cfs.

(ii) The Northside Canal Company Ltd. is a complex irrigation system which provides irrigation water to approximately 170,000 acres of land in Jerome, Gooding and Elmore Counties. The primary water right is derived from natural flows to the Snake River in the amounts of 400 cfs with a priority date of October 11, 1900, 2250 cfs on October 1905; 890 cfs on June 16, 1908; 300 cfs on December 23, 1915; and 1260 cfs on August 6, 1920. The Company has the right to certain upstream reservoir storage space in the American Falls Reservoir in the amount of 438,360 acre feet, 116,600 acre feet in the Palisades Reservoir, and 312,007 acre feet in the Jackson Lake Reservoir. These storage right are used to supplement declining natural flows during the later irrigation season months. Faulkner Land and Livestock Co., Inc. is a shareholder in the canal company.

The average annual diversion of both natural flow and storage water from the Snake River in the 20 year period, 1962-1981, has been 1,101,298 acre feet with the maximum diversion being the amount of 1,270,510 acre feet. Even though these flows are diverted by the Northside Canal Company, Ltd. into the main canal system, the Faulkner Land and Livestock Co., Inc., hydro-project is located on the extreme lower end of the project where only 20-60 cfs will be available for hydro-generation. Faulkner Land and Livestock Co., Inc. by application dated March 23, 1981, applied to the Idaho Department of Water Resources for the diversion and use of the water for hydroelectric power generation.

The Northside Canal Co. Ltd. originally protested this application but withdrew its protest on July 19, 1983.

(iii) The present "Y" Canal is essentially used only for the delivery of irrigation water during the irrigation season and for stock water during the off season, and the Northside Canal Co. Ltd., 85KW hydroelectric facility.

(iv) The powerhouse will house a single 400 kw induction generator and there will be no auxilliary units nor will there be any provisions made for the installation of future units at this site.

(v) The turbine will be a Pacific Hydro Works cross flow device. The unit was selected due to its unique high efficiency in low head, high flow conditions. The complete unit will comprise turbine, generator and all necessary drive and switch gear.

(vi) The plant will be operated manually year round in as much as the site is located on the applicant's property. The plant will not be constructed or used for peaking power.

(vii) The following are estimations of:

A. The average annual generation in Kilowatt Hrs:

MONTHS	CFS	KW	KW HOURS
January	20.	130	93620
February	20.	130	84560
March	20.	130	93620
April	20.	130	90600
May	60.	390	290160
June	60.	390	280800
July	60.	390	290160
August	60.	390	290160
September	60.	390	280800
October	60.	390	290160
November	20.	130	90600
December	20.	130	93620
Average	48.3	260	173321.6

B. The hydraulic capacity of the plant (flow through the plant) in cubic feet per second; See A above.

C. The monthly average flow of the conduit at the plant or point of diversion is illustrated in A above.

D. The average amount of the flow described in clause D available for power generation: All water would be available to generate power except when flows are below 5 cfs.

(viii) The planned date for beginning construction of the facility is on or before October 1, 1983.

(ix) There will be no discharge into a natural body of water. Water will be discharged into and retained in the canal system and delivered to the irrigated acreages below the power plant.

(x) The project general arrangement is shown on the map under Exhibit "G". It consists of a diversion canal commencing at the point of discharge of the Northside Canal Co. Ltd. "Y-8" hydro-works and delivers the water to a penstock and the turbine. The water is discharged through a 200 foot canal back into the original canal channel.

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EXEMPTION EXHIBIT "B"

(i) The physical structures of the small conduit hydroelectric facility in relation to the conduit and any dam to which any of these structures are attached.

See Exemption Exhibit "G" which details the proposed structures as it relates to the Y Canal and specifically describes the project location.

(ii) A proposed boundary for the small conduit hydroelectric facility by indicating distances from the facilities structures.

See Exemption Exhibit "G" which generally details the proposed structures and their location.

(iii) The property upon which the entire hydroelectric facility will be located is owned by and is deeded to the Faulkner Land and Livestock Co., Inc. Adjacent land owners will not be affected by the facility either during construction or after completion.

EXEMPTION EXHIBIT "E"

(i) The proposed hydroelectric facility is located some 2 miles North and 3 miles West of the Village of Bliss, Idaho; Township 5 South, Range 12 East, at a point West of where the "Y-8" Canal is diverted from the main "Y" Canal. The site is on lands owned by the corporation and used for agricultural purposes.

The access to the site would be by means of a lane over the corporations property.

In general, all of the surrounding lands for a 4 mile radius are irrigated with water that is diverted from the Snake River at Milner some 50 miles East. Insofar as the lands served by the North Side Canal Co. Ltd. are concerned, intensive farming has been conducted for 75 years. For those lands off the North Side Project to the North of what farmland there is, is served by deep well pumps. The rest is primarily brush ground ideally suited for grazing. The general slope of the land is to the West and North, toward the Snake River and Clover Creek.

Essentially the "Y" Canal is not a fishery since there is no way that fish can migrate to the location of the proposed site unless they follow the Canal System down through several regulating facilities some 10 miles from the Malad River. The area has generally been known as favorable for a ring-necked pheasant habitat. Since the late 1950's and early 1960's, there has been a decline in the population of these birds attributed to a reduction in the habitat base in the agricultural areas due to changes in farming practices. (e.g., cleaner farming, better herbicides, conversion from gravity to sprinkler irrigation, fall plowing, etc.) all other species of game and non-game wildlife are also dependent to some degrees on the same habitat base and have likewise been adversely affected by the changing farm practices. Demand for both consumptive and non-consumptive use of wildlife resource in the general area has increased due to increasing population and increased leisure time. An existing Department of Interior, Bureau of Reclamation proposal for the development of additional irrigation lands within the Salmon Falls Division project not far to the North of the proposed site will also mean the restriction of habitat, although mitigating features are planned as a part of that comprehensive project.

In addition to the pheasant, Hungarian partridge, quail, songbirds, mammals, reptiles, muskrat, badger, skunk, and some other fur bearing animals such as ground squirrels, and rock chucks, inhabit the general area.

The soils are essentially sandy loam. The soils are high in mineral nutrients with varying degrees of compactness and subsoil, generally shallow underlined by basalt and in some areas including that of the hydrosite a hard, impregnable, layer of hard pan caliche type material. The lands irrigated have poor water holding capacities due to the sandy loam and the underlying porous basalt material. Due to the type of soil most lands are well drained and have a low clay content which makes it susceptible to erosion by both wind and water.

The water supplies which will be used at the proposed Hydroelectric project come from the Snake River and are generally as good as those diverted at the head of the system at Milner. Nearly 3 million acres of irrigated land lie to the east in Idaho and during the irrigation season, silt levels are up in the Snake River along with the Big Wood Company, Ltd.'s "Y" System. However, the proposed project should have no impact on the waters of the United States for the reason that the Project will discharge into the canal system just as it has for the past 75 years, and eventually to individual farmers, prior to any of the water being returned to natural stream channels.

The air quality of the area is generally good, but is degraded substantially by intensified farming operations and high winds which prevail in the early spring. The annual rainfall in the area approximates 8 inches per year and occurs during the late fall, winter, spring, 1/3 of the annual precipitation occurs as snow in the winter. The spring is typified by intermittent rain squalls, blustery winds, and cool weather. The general climate of the area is arid to semiarid with hot summers and moderately cold winters. Hail falls occasionally but storms are often of limited extent or intensity and do not generally cause serious damage. Air quality is measured by the Idaho department of Health and Welfare's Air Quality Bureau located in Twin Falls. They monitor suspended particulates, sulphur dioxide, carbon monoxides, and nitrogen dioxide, SO₂, NO₂, and CO shows insignificant concentrations. Records show that between 1968 and 1976 the 24 hour primary standard for TSP was violated in Twin Falls on 41 occasions. These violations occurred on windy days. Bare fields, unpaved traffic areas, and stock and waste piles were the major sources of the dust. However, the concentrations are not deemed as major problems because of the high level disbursement.

The recreational uses in and about the project area generally revolve around the hunting of pheasant's, Hungarian partridge, quail, and some migratory water fowl to the extent that they utilize the canal system during their annual stay in the area. Some varmit hunting occurs to the extent that ground hogs, rock chucks, etc., become targets for small firearm marksmen. Fishing in the area is generally confined to the natural streams. Clover Creek to the North offers Pioneer Reservoir for the sportsmen and the Snake to the South and West supports a host of recreational activities. Motorcycle and bicycle traffic along some of the canal right-of-ways does occur but is discouraged. Horseback riding is of prime interest in a western county such as Gooding and is substantial recreational outlet. While some tubing and rafting occurs in parts of the canal system in the valley, it is discouraged by reason of the safety hazards and liability problems created for the irrigation companies. No kyaking or white water sport has been enjoyed in this section of the "Y" canal, for the reason that there are no suitable waters for such in this area.

Economically and socially, the economy of the Bliss area is primarily agricultural, with irrigated cropland devoted to cash crop and forage production. Forage crops are used for beef cattle production in conjunction with large acreages of nearby grazing land.

The canal system was constructed between 1900 and 1910. but for the historical value the facilities which were then constructed to provide farms, jobs, and income for the people who homesteaded within the project this area is of little historical significance. The Oregon Trail passes by the proposed site but is several miles to the South. There is an indian archeological dig in the Snake River Canyon near the mouth of Clover Creek, but it also is several miles away. Pictures of the original construction and progress toward completion of the project are available through the Jerome Historical Society and many have been preserved by local photographers and the Canal Company themselves. This hydroelectric project area has no known archeological resources.

As to visual resources, the North Side project is bounded to the South by the 400 foot deep Snake River Canyon. The Northern boundary is formed by the foothills of the Sawtooth Mountain range and the drainages of the Big and Little Wood Rivers which are conduits for the Big Wood Canal Company. East of the project, gently rolling uplands of the Snake River Plain extend for several miles and to the West the project is bounded by the Snake

River. Within 5 miles to the North of the localized area of the proposed project, lie the low foothills of the Sawtooth Mountains. The Snake River Canyon breaks lie to the North, and South. In the Eastern direction lie mainly the irrigated farm ground within the third segregation of the North Side Canal Project. The landscape is a mosaic of cash crop farms and pastures interspersed with areas of idle or dry lands above the line of the main canals. Farm residences are common but widespread and most sections are bounded on the outside by asphalt paved farm-to-market roads. Many large trees grown near the various farmsteads which were planted by the early settlers. The general character of the project area would be classified as rural-agricultural.

There are no endangered or threatened plant or animal species in the general area, nor are there any critical habitats.

There are no known sites that have been declared eligible for the national register of historic places within miles of the project.

(ii) Generally, the applicant expects no environmental impact resulting from the operation of a small conduit hydroelectric facility. To the extent that no fishery resources exists, and the habitat of the pheasant and other wildlife species will not be disturbed it is unlikely that any adverse impacts will occur.

(iii) Idaho is quickly running out of major hydro sites. The last remaining major hydro sites of our State has been placed in a National Recreation Area in the Lower Snake River which precludes development of hydro power. Some 8 years ago, the public utility serving the largest area in the State of Idaho applied to the Public Utilities Commission for permission to build a coal fired plant. None exist in the state. The citizens defeated the proposal on a referendum citing air quality reasons. Even though one of the nuclear experiment stations exist in Arco, in Southeastern Idaho, migration of citizens to Idaho from other parts of the United States has brought a large block of economically substantial people seeking to depart crowded urban areas and their associated problems. It is suspected that a proposal to build a nuclear power plant in Idaho would be met with the same opposition as was the coal fired plant. Consequently, with the population increasing to the extent that local utilities experience a request for up to 10% increased power per year, the most feasible and logical alternatives

for power in our state appears to be pursuing the major projects which exist on natural streams and canal systems. The hydro power produced on irrigation systems is attractive because they provide power during the time peak demand for electricity in South Central Idaho. Summertime is when irrigation pumping is at its highest.

(iv) The applicant has contacted the U.S. Department of Interior (Fish and Wildlife Service) and the Idaho State Historical Society regarding any possible impact of the proposed project in their area of concern. When a response is received, it will be forwarded to the Commission. The Applicant is filing its application for a "special use permit" with the Gooding County Planning and Zoning Commission.

EXEMPTION EXHIBIT "G"

A. The legal description and location of the project (on lands owned by applicant) by government subdivision are as follows:

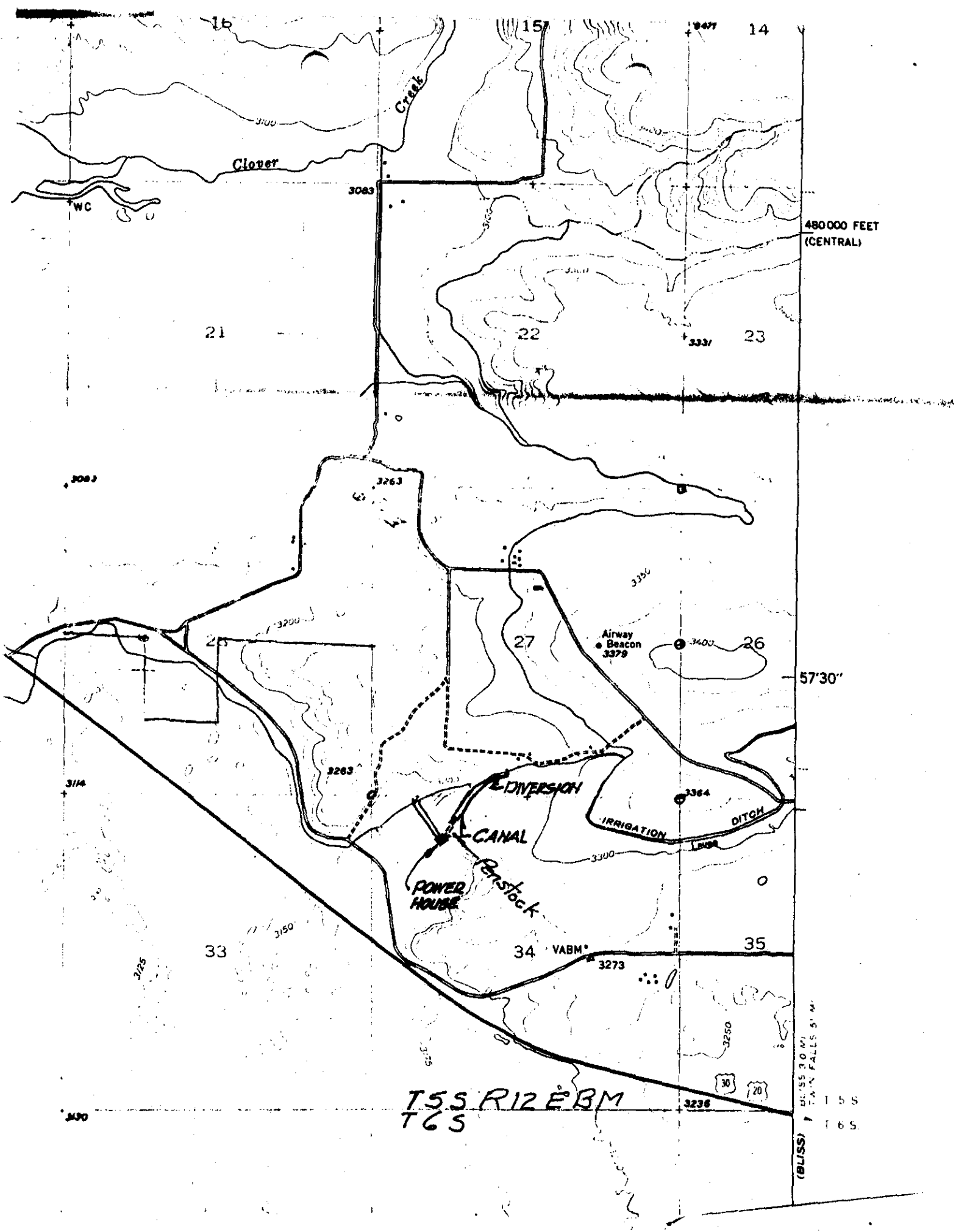
STATE OF IDAHO, COUNTY OF GOODING

Township 5 South, Range 12 E.B.M.

Section 27: S $\frac{1}{2}$ SW $\frac{1}{4}$

Section 34: N $\frac{1}{2}$ NW $\frac{1}{4}$

B. Attached is a portion of an area map with the general location of the proposed facilities in Sections 27 and 34. Detail drawings of the hydro-electric facility will be provided on request.



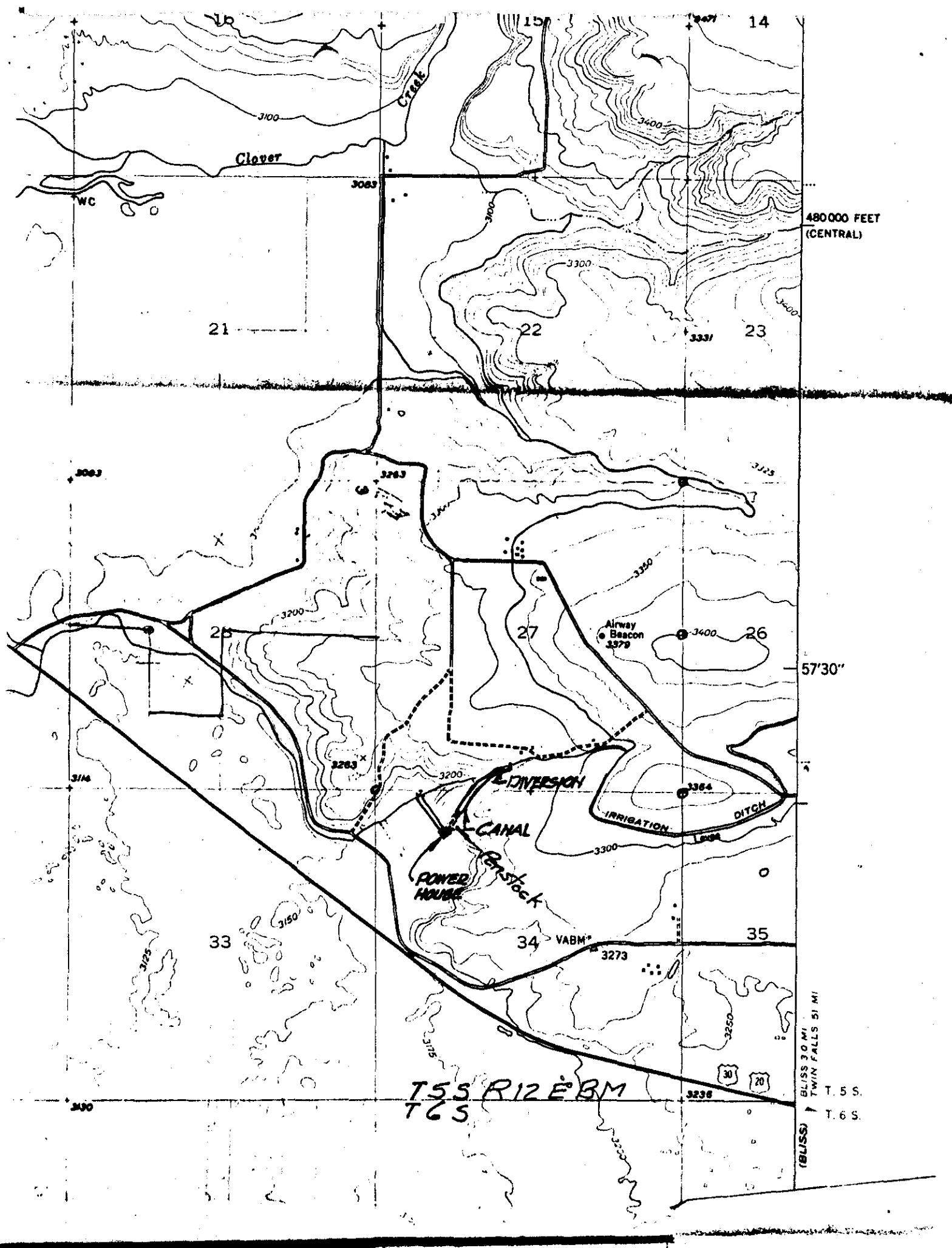
MICROFILMED

ROAD CLASSIFICATION

HARD-SURFACE ALL WEATHER ROADS		DRY WEATHER ROADS	
Heavy-duty	4 LANE	Improved dirt	-----
Medium-duty	4 LANE	Unimproved dirt	-----
Loose-surf.	ided, or narrow hard-surface		-----
U. Route		State Route	

TICESKA, IDAHO
N4252.5-W11500/7.5

EDITION OF 1949



ROAD CLASSIFICATION

HARD-SURFACE ALL WEATHER ROADS		DRY WEATHER ROADS
Heavy-duty.....	1 LANE 16 LANE	Improved dirt.....
Medium-duty.....	1 LANE 16 LANE	Unimproved dirt.....
Loose-surface, graded, or narrow hard-surface.. - - -		
U. S. Route		State Route

MICROFILMED

TICESKA, IDAHO
N4252.5-W11500/7.5

EDITION OF 1949



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

July 26, 1983

Faulkner Land & Livestock Co., Inc.
Rt. 2
Gooding, Idaho 83330

Re: Application for Permit No. 37-7891

Gentlemen:

Enclosed is a copy North Side Canal Company's letter withdrawing its protest against your Application for Permit conditional upon an agreement to protect the interests of the canal company.

Since the withdrawal of the protest is conditional, a copy of any agreement entered into must be provided to this office for inclusion in your file.

As previously requested, the following information must also be submitted for inclusion with your application in accordance with Section 42-202 of the IDAHO CODE:

- 1) A plan of 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.

A copy of your application for a FERC exemption or license will satisfy these requirement with the possible exception of the financial statement.

In a recent phone conversation with your attorney, Mr. Severt Swensen, he indicated you may wish to assign your application for permit. An assignment form used by the Department is enclosed, as well as an affidavit of residence which must be submitted to qualify the assignee applicant under IDAHO CODE, Section 42-205-/206.

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

Very truly yours,

Loren O. Holmes
Loren O. Holmes
Southern Region Supervisor
cc: Severt Swens-
LOH:marya

MICROFILMED

NORTH SIDE CANAL COMPANY

921 NORTH LINCOLN AVENUE

PHONE 324-2319 — 324-2310

JEROME, IDAHO 83338

July 19, 1983

RECEIVED

JUL 21 1983

Loren Holmes
Department of Water Resources
1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301

Department of Water Resources
Southern District Office

Dear Loren:

Concerning our phone conversation about the Faulkner power filing. The North Side Canal Company Board has agreed to drop the protest if Mr. Faulkner is willing to sign an agreement with the Company. Our first obligation is delivery of irrigation water, and we have to control the water. To protect the Company, we have to have an agreement with all the protection it needs for that purpose.

If you have any questions please call.

Yours truly,

NORTH SIDE CANAL COMPANY, LTD.



Ted Diehl
Manager

TD/dh

MICROFILMED

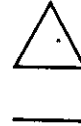


Faulkner Land & Livestock, Inc.

ROUTE 2

GOODING, IDAHO

83330



RECEIVED

31 July 1981

JUL 31 1981

Department of Water Resources

David R. Tuthill Jr., P. E.
Supervisor, Water Allocation Section
Department of Water Resources
Statehouse
Boise, Idaho 83720

Dear Mr. Tuthill:

On April 23rd of this year, we filed our application with the Department of Water Resources. They accepted our filing fee and indicated they had not received a previous filing. We assumed that they were knowledgeable in that area and that our filing was all right. Afterwards, North Side Canal Company manager Ted Diehl protested because the canal company had previously filed under application #367977. Application #367977 happened to be a waste water filing in a different locality.

After talking to Loren Holmes recently, our outfit agreed to postpone the appeal hearing until this fall when the North Side Canal Company board meets. The board will then have time to discuss it since their overall filing has existed for four years and they may decide to drop portions of it.

We are enclosing the form you sent to us but we cannot complete it at this time.

Sincerely,

John Faulkner

DRT:

File. No response necessary until protest is resolved. 8/3/81

MICROFILMED

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

RECEIVED

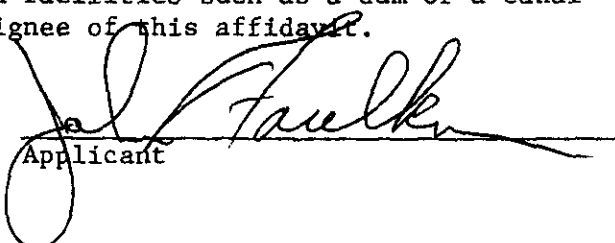
JUL 31 1981

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

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

Permit:

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


Applicant

State of Idaho)
County of _____) ss.

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

seal

Notary Public residing at

My commission expires:

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

37-7891

July 24, 1981

RE: Application for Permit No.

Dear Applicant:

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

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

Sincerely,

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

DRT:jg

Enclosure

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

May 27, 1981

Mr. Ted Diehl
North Side Canal Co.
921 N. Lincoln
Jerome, Idaho 83338

Re: Application for Permit No. 37-7891

Dear Mr. Diehl:

Mr. Faulkner contacted me on May 15, 1981, and indicated that he desired some time to negotiate with the canal company in regard to the protest against his application to appropriate water for power purposes in the Y Canal.

Unless you have objections I intend to grant his request and not schedule the matter for hearing prior to September, 1981.

Very truly yours,

Loren O. Holmes
Southern Region Supervisor

LOH:marya

cc: John Faulkner

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

May 11, 1981

Ralph Fordham
Faulkner Land & Livestock Co., Inc.
Rt. 2
Gooding, Idaho 83330

Re: Application 37-7891

Dear Mr. Fordham:

Enclosed is a copy of a protest filed against the issuance of a permit pursuant to your Application No. 37-7891. The Department suggests you contact the protestant directly in an effort to determine the nature of the protest and to attempt to resolve the protest.

If you do not advise us within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying an application for permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use conflict with the local public interest?

If this office can be of further assistance, please contact us.

Very truly yours,

LOREN O. HOLMES
Southern Region Supervisor

LOH:marya

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

May 1, 1981

Ted Diehl - Manager
North Side Canal Company
921 North Lincoln Avenue
Jerome, Idaho 83338

Re: Application for Permit No. 37-7891

Dear Mr. Diehl:

Your protest against the approval of the above-referenced application has been received and a copy has been sent to the applicant. The Department suggests you contact the applicant directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

If you do not advise us within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying an application for permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use conflict with the local public interest?

If this office can be of further assistance, please contact us.

Very truly yours,

LOREN O. HOLMES
Southern Region Supervisor

LOH:marya

MICROFILMED

NORTH SIDE CANAL COMPANY

921 NORTH LINCOLN AVENUE

PHONE 324-2319 — 324-2310

JEROME, IDAHO 83338

April 24, 1981

RECEIVED

APR 27 1981

Department of Water Resources
Southern District Office

Loren O. Holmes
Southern Region Supervisor
Department of Water Resources
1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301

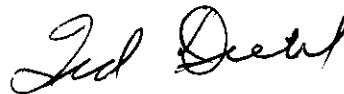
Dear Loren:

I am writing you in protest of water filing 37-7891 issued to Faulkner Land and Livestock Company, Inc. for power. As I told you per our phone conversation of April 24, 1981, the North Side Canal Company has already filed on that power site. Our filing permit number is 36-7977. *(Not right #) See 01-7010*

If I can be of any further help, please advise.

Very Truly Yours,

NORTH SIDE CANAL COMPANY, LTD.



Ted Diehl,
Manager

TD/dh

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

April 15, 1981

Faulkner Land & Livestock Co., Inc.
Rt. 2
Gooding, Idaho 83330

Re: Application for Permit No. 37-7891

Gentlemen:

This office is currently processing your Application for Permit No. 37-7891 filed on March 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 May 11, 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.

Very truly yours,

LOREN O. HOLMES
Southern Region Supervisor

LOH:marya

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region

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

APRIL 8, 1981

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

Gentlemen:

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

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

Please send the affidavit of publication and publication billings to this office before MAY 11, 1981.

Yours truly,

Mary A. Hill
Secretary

Encl.

MICROFILMED

NOTICE OF APPLICATION FOR WATER PERMIT

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

3Z=Z891-

FAULKNER LAND & LIVESTOCK CO., INC.

RT. 2, GOODING, ID 83330

Source: Y CANAL

Date Filed: 03/23/1981

Amount: 54.00 CFS

Diversion Point: SESE SWSE Sec 27 T 05S R 12E, GOODING Co.

Use: POWER	(54.00 CFS)	from 04/01 to 11/01
POWER	(10.00 CFS)	from 11/01 to 04/01

Place of Use: SWSW Sec 27 T 05S R 12E

Diversion Means: CANAL & PENSTOCK

If issued, the permit(s) will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301 and received on or before MAY 11, 1981.

C. STEPHEN ALLRED

Director

Published 4/22 & 4/30/81.

MICROFILMED

**NOTICE OF APPLICATION
FOR WATER RIGHT**

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

37-7891

FAULKNER LAND & LIVE-
STOCK CO., INC.

RT. 2, GOODING, ID 83330

Source: Y CANAL

Date Filed: 03/23/1981

Amount: 54.00 CFS

Diversion Point: SESE SW-
SE Sec 27 T 05S R 12E,
GOODING Co.

Use: POWER (54.00 CFS)
from 04/01 to 11/01

POWER (10.00 CFS) from
11/01 to 04/01

Place of Use: SWSW Sec 27 T
05S R 12E

Diversion Means: CANAL &
PENSTOCK

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 De-
partment of Water Re-
sources, 1041 Blue Lakes
Blvd. North, Twin Falls,
Idaho 83301 and received on
or before MAY 11, 1981.

/s/ C. STEPHEN ALLRED
Director

Pub: 4-22, 29, 1981

MICROFILMED

*ok
mace
4/16/81*



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

March 30, 1981

Ted Diehl
North Side Canal Co.
921 N. Lincoln
Jermoe, Idaho 83338

Re: Application for Permit No. 37-7891

Dear Mr. Diehl:

Enclosed for your information is a copy of a notice of application for water permit which has been filed with this office.

The application seeks to divert surface water within your service area, and may therefore, be of interest to you.

Any permit issued will be subject to all prior water rights and will not constitute an easement or right-of-way upon lands or in ditches not belonging to the applicant.

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

Very truly yours,

Loren O. Holmes
Southern Region Supervisor

LOH:marya

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

March 30, 1981

Faulkner Land & Livestock Co., Inc.
Route 2
Gooding, Idaho 83330

Gentlemen:

Our office is currently processing your Application for Permit filed on March 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.
- 4) A copy of the agreement between you and the North Side Canal Company which allows you to construct the facility on the North Side Canal Company lateral.

Please submit this information within thirty days to speed processing of your application.

If you have any questions please don't hesitate to contact our office.

Sincerely,

Allen D. Merritt
Senior Water Resource Analyst

ADM:marya

MICROFILMED