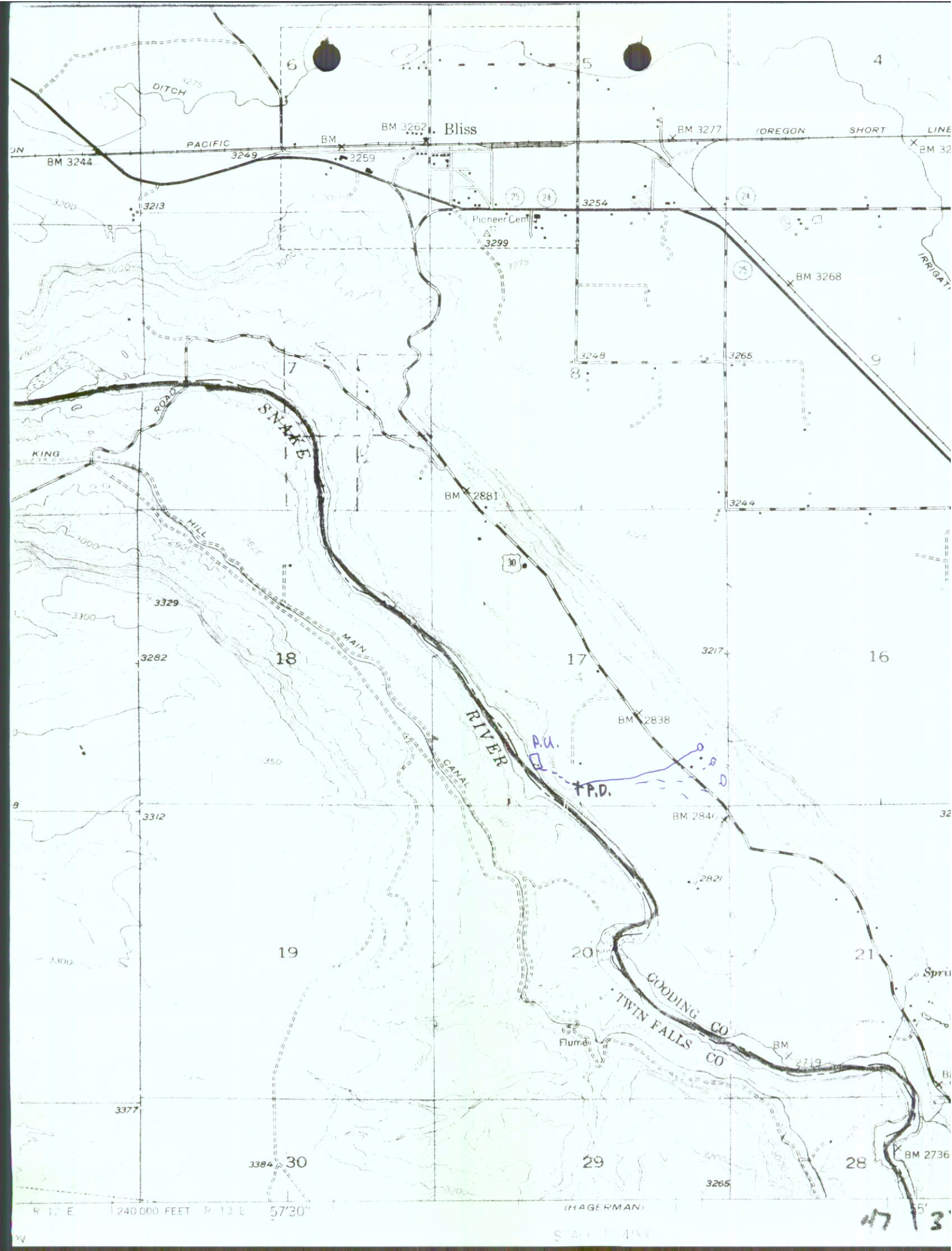


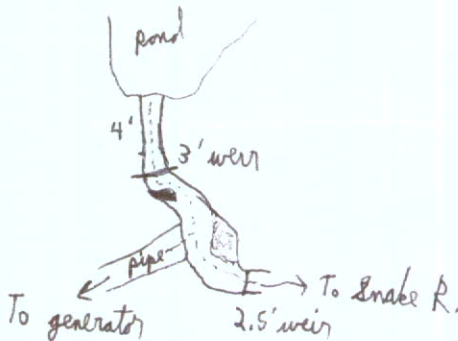


MAP (Attach Aerial Photo)

MICROFILMED

SCHEMATIC DIAGRAM OF SYSTEM

(Include distance from pump to measuring device, if applicable.)



Point(s) of diversion: Lot 3 Sec. 17 T. 6S R. 13E ✓ same as permit

Place(s) of Use ✓ same as permit

TWP.	RGE.	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
6S	13E	17												LT 3					
														X					

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

Examiner's Signature J E Stanton
 Date 9-16-81

Checked by Al J Smith
 Date 12-14-81

Approved by Kay Walker
 Date 1-24-84

Sec. 7

Sec. 8

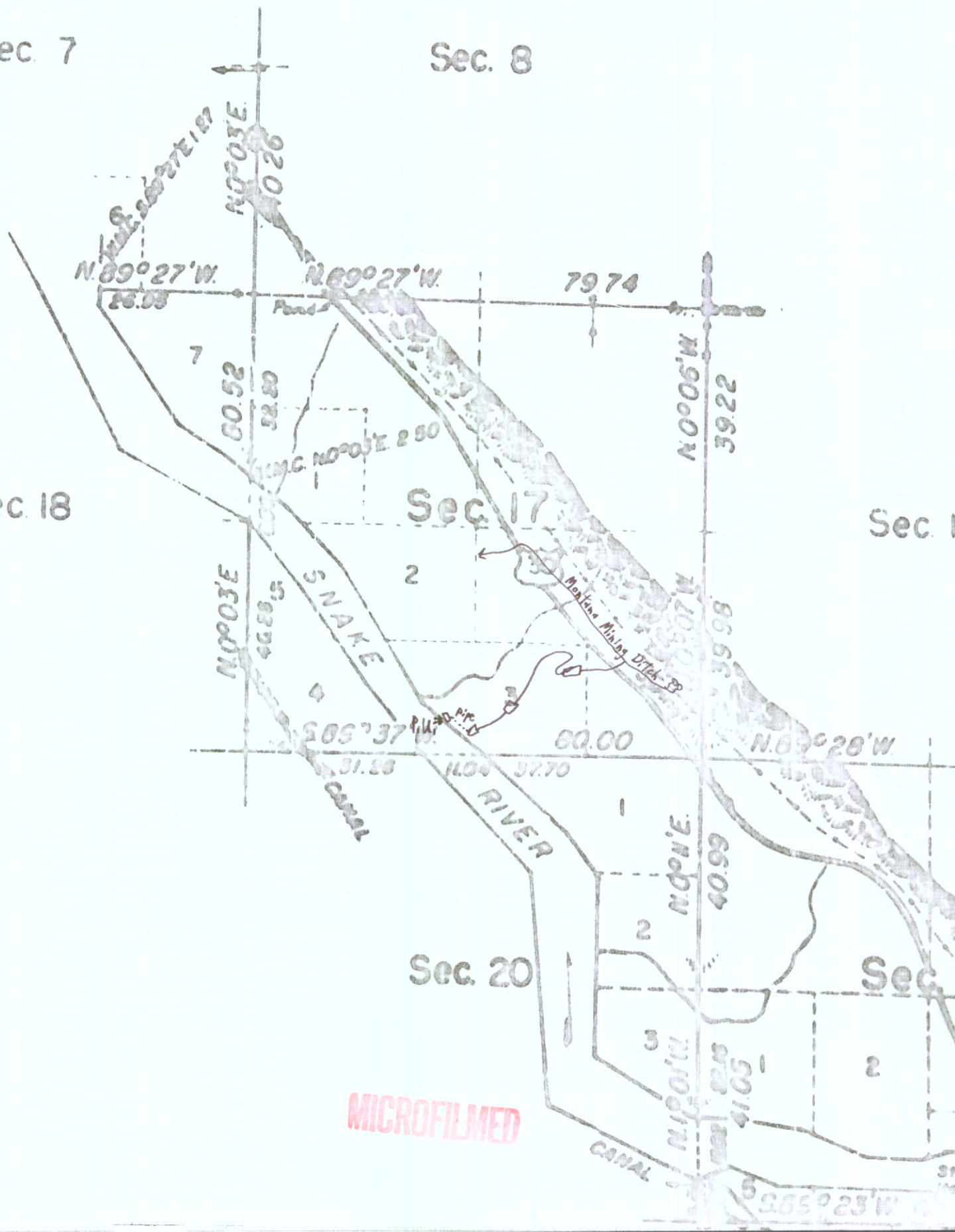
Sec. 18

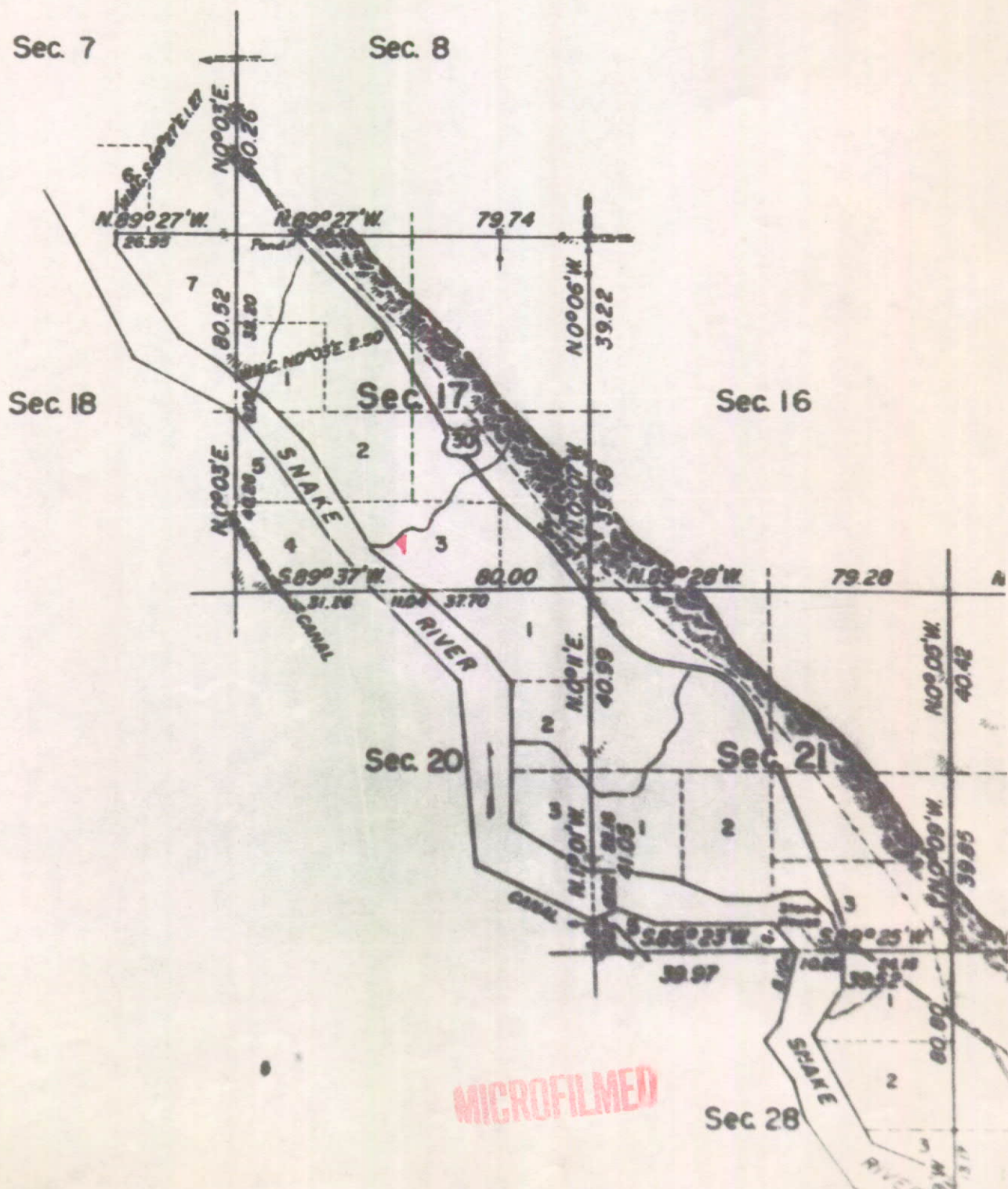
Sec. 1

Sec. 17

Sec. 20

Sec. 19





MEMORANDUM

DATE: February 2, 1999
TO: Norm Young
THRU: Glen Saxton
FROM: Don Shaff 
RE: Lynn E. Stevenson / AR #S000024
Water Rights 37-07749 & 37-07750

The adjudication claims referenced above were filed but rejected for failing to pay, after two installments, the claims fees on the two rights in question along with three others. The claimant contacted IDWR in April, 1998, with a commitment to pay the fee balance, but we have not received any monies as of this date.

Adjudications will not investigate or report the five water right claims unless payment is received.

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 37-7749 Priority November 29, 1978 Amount 5.21 cfs

THIS IS TO CERTIFY, that Lynn E. Stevenson
of Bliss, Idaho, has complied with the terms and conditions of Permit
No. 37-7749 issued pursuant to Application for Permit dated November 29, 1978,
and has submitted proof to the Department of Water Resources on August 7, 1980,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 5.21 cfs of water from an unnamed stream,
tributary to SNAKE RIVER, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Power	from January 1 to December 31	at 5.21 cfs and	N/A
	from to	cfs and	
	from to	cfs and	

(both dates inclusive)

Subject, however, to the condition that no more than 5.21 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
N/A acre feet per year, said waters to be diverted within the Gov. Lot 3 (SE 1/4 SW 1/4)
Section 17, Twp 6S, Rge 13E in the County of Gooding

Description and location of place of use:

Twp.	Range	Sec.	NE 1/4				NW 1/4				SE 1/4				SW 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	
6S	13E	17																	

The diversion and use of water under this license is subject to review by the Director 30 years from the
date of issuance. 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.

The rights for the use of water confirmed in this license shall be junior and subordinate to all rights
for the use of water, other than hydropower, within the State of Idaho that are initiated later in time
than the priority of this license and shall not give rise to any right or claim against any future
rights for the use of water, other than hydropower, within the State of Idaho initiated later in time
than the priority of this license.

Note: Modifications to or variance from this license must be made within the limits of Section 42-222,
Idaho Code, or the applicable Idaho law. This right may be forfeited by five years of non-use.

The right to the use of water hereby confirmed is restricted and appurtenant to the lands or place of
use herein described, and is subject to all prior water rights, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 20th day of

November, 19 80.

Director

Acting for the

MICROFILMED

note:

Power last
generated in
1992 or 1993.

WJ
1-21-99

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

RECEIVED

To appropriate the public waters of the State of Idaho

MAY 60 1978
APPROVED

Department of Water Resources
Southern District Office

1. Name of applicant Lynn E. Stevenson Phone 352-4652

Post office address Star Route Box 3, Bliss, Idaho 83314

2. Source of water supply Unnamed Stream which is a tributary of Snake River

3. Location of point of diversion is $\frac{1}{4}$ of Lot 3 $\frac{1}{4}$ of Section 17 Township 6S

Range 13E B.M. Gooding County, additional points of diversion if any:

4. Water will be used for the following purposes:

Amount 9.0 cfs for Power purposes from Jan 1 to Dec 31 (both dates inclusive)
(cfs or acre-feet per annum)

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

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

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

5. Total quantity to be appropriated:

a. 9.0 cubic feet per second and/or b. acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Check dam & pipeline

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

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

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

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

8. Description of proposed uses:

a. If water is not for irrigation:

(1) Give the place of use of water: $\frac{1}{4}$ of Lot 3 $\frac{1}{4}$ of Section 17 Township 6S
Range 13E B.M.

(2) Amount of power to be generated: 80 KW / horsepower under 130 feet of head.

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

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

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

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

[illegible]

Total number of acres to be irrigated _____

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

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

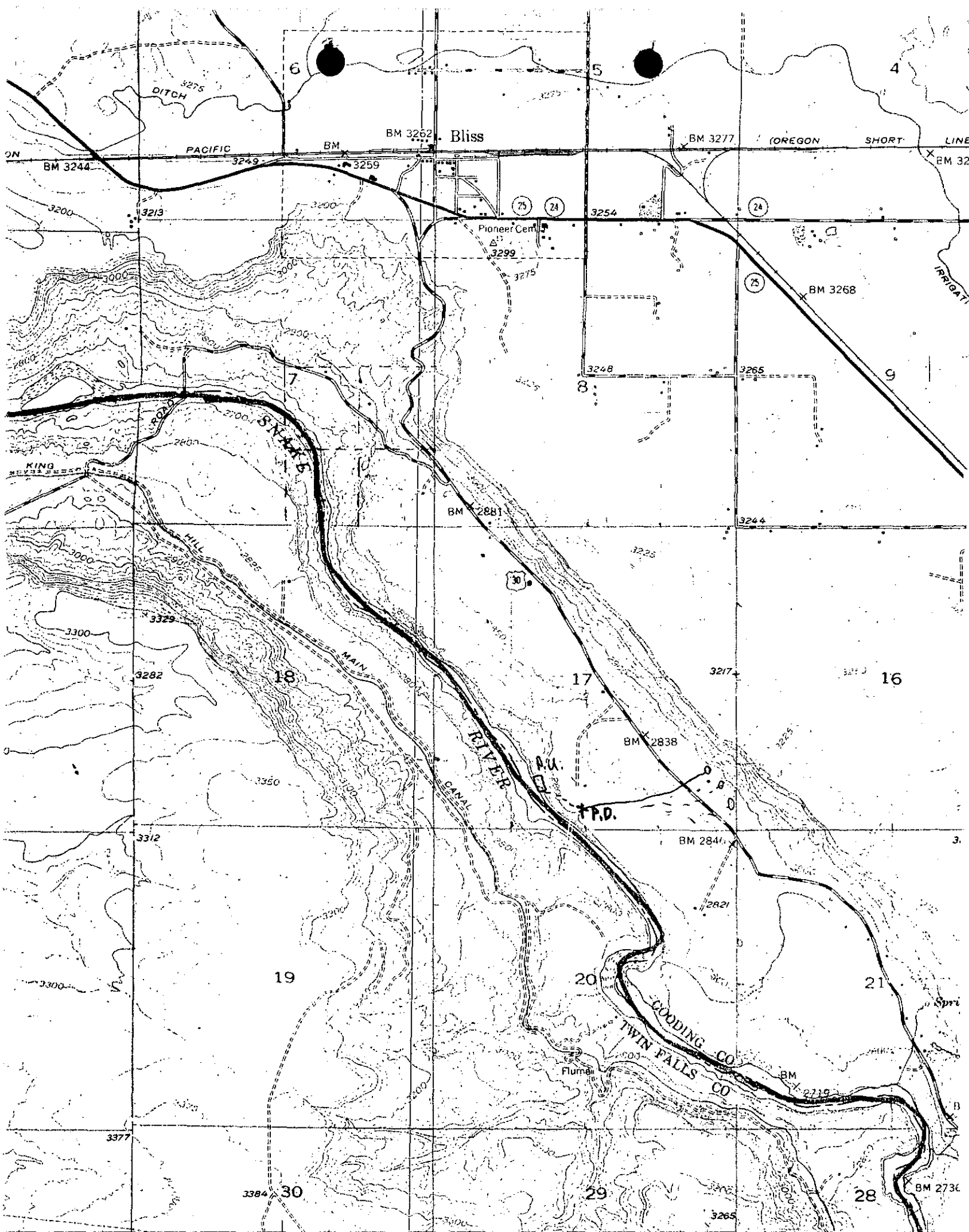
b. Who owns the land to be irrigated or place of use _____ " _____

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 At the point of diversion, the stream includes spring water and waste

water. This water is already used in fish ponds owned by the applicant

upstream from the proposed diversion for power.



R. 12 E 240 000 FEET R. 13 E 57'30"

(HAGERMAN)

Scale 1:24,000

47 3

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

[illegible]

Scale: 2 inches equal 1 mile.

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

Lynn E. Stevenson
(Applicant)

(Applicant)

Proposed Priority 11-29-78

Received by JS Date 11-29-78 Time 4:15 pm

Preliminary check by ADM Fee \$ 115⁰⁰

Receipted by marry Date 11/29/78 12629

Publication prepared by marry Date 12/13/79

Published in Gooding Co. Record

Publication dates 12/28/78 1/4 + 1/11/79

Publication approved _____ Date _____

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by J.S.

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. 37-7749, 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 February 1, 19 84.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. Other: An access port or other device as specified by the Department shall be

installed by the permit holder to provide for the installation of measuring

equipment and the determination of the rate of diversion by the Department.

II. 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 cancella-

tion of this permit. III. This project shall be operated in a manner that

will not conflict or interfere with the future upstream diversion of water for

irrigation or other beneficial consumptive uses.

Witness my hand this 28th day of February, 1979.

J. Glen Saxton
Chief, Operations Bureau

Individual Owner

AFFIDAVIT TO ESTABLISH RESIDENCE

I, Lynn E. Stevenson of Star Route, Bliss, County of Gooding, State of Idaho, being duly sworn, do hereby certify that I am a bona fide resident of the State of Idaho.

/s/ Lynn E. Stevenson

Subscribed and sworn to before me this 29th day of November, 19 78

/s/ Loren O. Halme

Notary Public
Residence Twin Falls, Id
My Commission Expires Life



Corporation or Association

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

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

/s/ _____

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

/s/ _____

Notary Public
Residence _____
My Commission Expires _____

NOTARY PUBLIC

AFFIDAVIT of PUBLICATION

RECEIVED

State of Idaho,

County of Gooding.

SS.

Kim R. Compton 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 4 day of January

19 79, and the date of the last publication was on the 4

day of January, 19 79.

Kim R. Compton

Subscribed and sworn to before me this 4

day of January, 19 79.
(SEAL)

Gannon H. H. H.
NOTARY PUBLIC

GOODING COUNTY LEADER

Gooding, Idaho

COST OF PUBLICATION

Number of Lines in Notice	<u>24</u>
Number of Insertions	<u>2</u>
Lines tabular at	315c
Lines straight at <u>24</u>	21c <u>17.64</u>
Subsequent lines at <u>24</u>	15c <u>12.60</u>
TOTAL COST	<u>30.24</u>

original in file # 37-7750

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.

37-7750
STEVENSON, LYNN E.
STAR ROUTE BOX 3,
BLISS, ID 83314
Source: UNNAMED
SPRINGS tributary to
SNAKE RIVER

Date Filed: 11/29/1978
Amount: 9.00 CFS
Diversion Point: SENE Sec 17 T 06S R 13E LOT 07 Sec 18 T 06S R 13E LOT 07 Sec 18 T 06S R 13E (REDIVERSI, GOODING Co.

Use: POWER (9.00 CFS) from 01/01 to 12/31
Place of Use: LOT 07 Sec 18 T 06S R 13E
Diversion Means: CHECK DAMS AND DITCHES

37-7749
STEVENSON, LYNN E.
STAR ROUTE BOX 3,
BLISS, ID 83314
Source: UNNAMED
STREAM tributary to
SNAKE RIVER

Date Filed: 11/29/1978
Amount: 9.00 CFS
Diversion Point: LOT 03 Sec 17 T 06S R 13E, GOODING Co.

Use: POWER (9.00 CFS) from 01/01 to 12/31
Place of Use: LOT 03 Sec 17 T 06S R 13E
Diversion Means: CHECK DAM AND PIPELINE

37-7746
CUTRIGHT, DUANE E.
6601 GLENBROOK ROAD,
CHEVY CHASE, MD 20015
Source: UNNAMED
SPRING tributary to
SNAKE RIVER

Date Filed: 11/28/1978
Amount: 0.74 CFS
Diversion Point: NWNW Sec 21 T 06S R 13E, GOODING Co.

Use: IRRIGATION (0.74 CFS) from 03/15 to 11/15
Place of Use: SWSW Sec 16 T 06S R 13E NWNW Sec 21 T 06S R 13E FOR 56 ACRES
Diversion Means: DITCH &/OR FLUME

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 on or before JANUARY 22, 1979.

/s/ C. Stephen Allen
Director

RECEIVED

JAN 08 1999

Office of the Secretary
Service Date
January 7, 1999

Department of Water Resources

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

File 37-07749

IN THE MATTER OF THE APPLICATION OF) CASE NO. IPC-E-98-10
IDAHO POWER COMPANY REGARDING ITS)
PROPOSED CANCELLATION OF TWO FIRM)
ENERGY SALES AGREEMENTS.) ORDER NO. 27861
_____)

On July 1, 1998, Idaho Power Company (Idaho Power; Company; IPCo) filed an Application with the Idaho Public Utilities Commission (Commission) in Case No. IPC-E-98-10 requesting Commission approval of the Company's proposed cancellation of two Firm Energy Sales Agreements (Sales Agreements) between Lynn E. Stevenson and Arrowhead Trust (hereinafter collectively referred to as "Stevenson) and Idaho Power. Reference Agreement to Cancel dated June 10, 1998.

In 1984, Lynn E. Stevenson and Idaho Power entered into two Firm Energy Sales Agreements for the purchase of electrical capacity and energy to be generated by two under 1 megawatt qualified small power hydro electric production facilities (QFs) in Gooding County, Idaho, known as Stevenson Site No. 1 and Stevenson Site No. 2.

As reflected in the Application, the Stevenson QFs did not generate electricity during most of 1992. In July of 1993 a landslide occurred in the Snake River Canyon. Water in the Snake River backed up against the landslide and the increased water level upstream of the landslide inundated the Stevenson QF projects. As reported, it is not known at this time when, if ever, the Stevenson QF projects, as currently configured, will be capable of resuming operation.

In 1996 Idaho Power states that it served Stevenson with several notices of default (for lack of performance in the 1995-1996 period), which defaults have not been cured. Stevenson, Idaho Power represents, has disputed the occurrence of any defaults and has responded that if any defaults have occurred, they are excused by the "force majeure" provision of the underlying Sales Agreements.

Idaho Power and Stevenson have agreed that to avoid litigation of the issue of defaults and disputed claims it would be preferable to cancel the Sales Agreements. On June 10, 1998, the parties entered into an Agreement to Cancel the Firm Energy Sales Agreements thereby agreeing and

acknowledging that cancellation is "a full and complete release and settlement of all claims for injury or damage, or underpayment or overpayment which any party may sustain as a result of the other party's performance" of the Sales Agreements and the cancellation of same. IPCo reserves the right to remove (at its expense) all interconnect facilities and Stevenson waives any claim for salvage value. The effectiveness of the Cancellation Agreement is contingent on Commission approval. The Cancellation Agreement recites an effective date of May 1, 1996.

The Sales Agreements for the Stevenson QF projects, Idaho Power states, provided for payments to Stevenson at the rate of approximately 62 mills per kWh. The current purchase price of QF energy utilizing Idaho Power's approved avoided cost for small under one megawatt QFs is approximately 30 mills/kWh. Cancellation of the Sales Agreements, Idaho Power represents, would provide a significant purchase price reduction if the Stevenson QF projects are rebuilt in the future.

Commission Notices of Application and Modified Procedure in Case No. IPC-E-98-10 were issued on October 9, 1998. The deadline for filing written comments was October 30. Commission Staff filed comments on October 30. Reply comments were filed by Idaho Power on December 1st and Lynn Stevenson and Arrowhead Trust on December 2nd.

Commission Staff

As reflected in Staff's comments, the underlying QF contracts were for a term of 35 years. Site No. 1 has a capacity of 75 kW, a projected contract annual net energy amount of 286,000 kWh, and a projected annual revenue stream of approximately \$16,590. Site No. 2 has a capacity of 65 kW, a projected contract net annual energy amount of 194,000 kWh, and a projected annual revenue stream of approximately \$11,212.

Staff believes that the key issue in this case was Stevenson's failure to perform according to the Sales Agreements prior to the occurrence of the landslide in 1993 (i.e., the Stevenson QFs failed to generate electricity during most of 1992 and failed in 1992 to maintain required insurance coverages). Staff believes that the initial instance of default in these Sales Agreements occurred prior to the landslide when Stevenson failed to maintain the required Valued Loss of Income insurance. The primary purpose of this security provision, Staff contends, is to ensure that funds will be available to Stevenson to pay any debts owed to Idaho Power in the event the Sales Agreement is prematurely terminated, i.e., in this case the accrued overpayment liability resulting from leveled

rates. As the overpayment liability, Staff contends, existed at the time of the initial default, Staff believes force majeure occurring subsequent to the default cannot excuse the overpayment liability.

Based on records provided by Idaho Power, Staff believes that the failure of Stevenson to maintain insurance was not due to insurance being unavailable, but rather due to failure to promptly pay the premiums. While Stevenson is primarily responsible for maintaining insurance, Staff believes Idaho Power had a concomitant obligation of contract oversight and should shoulder some responsibility for ensuring that project owners maintain adequate insurance coverage in order to protect the Company's ratepayers. Staff believes that the Commission in considering this Application should attempt to protect ratepayers from shouldering the loss.

Idaho Power has calculated the amount of overpayment liability as \$90,908 for Site No. 1 and \$60,699 for Site No. 2, or a total of \$151,607. In addition, Idaho Power contends Stevenson owes \$3,066 for unpaid operation and maintenance of interconnection facilities. The total amount owed Idaho Power is \$154,674. Staff agrees with these figures.

Idaho Power and Staff believe that Stevenson was not excused from the overpayment liability as a result of force majeure. Stevenson disagrees. Staff recognizes that the dispute between the parties is a contractual matter falling within the jurisdiction of the District Courts.

Idaho Power has suggested that the cancellation agreement be viewed similar to a contract buy-out. In exchange for forfeiting any claim to overpayment liability and unpaid O&M charges, Idaho Power would be relieved of any future obligations under the existing contract to purchase energy in the event the projects are rebuilt. The existing contracts include levelized rates of 57.79 mills /kWh. Today's avoided cost rates for projects like Stevenson's are 31.06 mills/kWh. Given the difference in rates today, and Idaho Power's forecast of what those rates may be in the future, Idaho Power calculates that it could save \$383,911 over the remaining life of the contracts by acquiring an equivalent amount of energy from some source other than the Stevenson projects. The present worth of these savings is \$116,553 (computed at 9.199%, Idaho Power's overall rate of return as determined in their last rate case).

Staff questions the reasonableness of the Company's contract buy-out analogy. Staff queries whether Stevenson has ever seriously intended to rebuild the projects and continue to generate under the existing contracts. Indeed, for a period of more than four years, Stevenson has made no apparent attempt to remedy the force majeure. Furthermore, Staff contends that it is

significant that neither project was generating for most of the year before the landslide occurred. Staff contends that Idaho Power, had it exercised proper oversight, should have been able to terminate both Sales Agreements at no cost to Idaho Power or its ratepayers. Ratepayers would have benefited from termination of the contracts, and Idaho Power should have been able to collect the overpayment liability owed.

Staff believes that Stevenson owes Idaho Power \$154,674 and that this obligation remains in force, whether the Sales Agreements are canceled or not. However, despite its belief regarding overpayment liability, Staff also agrees with Idaho Power that the expense associated with pursuing the matter in court, and the small likelihood of being able to collect on any judgment, makes settlement a preferred alternative, albeit with one small but significant caveat. Staff recommends that as a result of the outstanding overpayment liability, approval of the cancellation agreement must be conditioned upon a requirement that Stevenson repay the overpayment liability from the salvage value of any generation equipment (if realized) and/or prior to the execution of any new contracts should Stevenson choose to sell his interest in the project sites or to redevelop and sell the generation from either site.

Idaho Power Reply

Idaho Power in its Reply states that it has no objection to any of Staff's proposed conditions but notes that in these pre-292 Sales Agreements the Company possesses no recorded security interest in the generation equipment or the real property. Obtaining such a security interest (without a court judgment) would require the cooperation and consent of Stevenson.

Idaho Power agrees that regardless of the size of the project, it is important for the Company to actively monitor and enforce contract terms and conditions. The Company states however, that in allocating its limited resources, it concentrated its enforcement efforts on the large QFs because of the magnitude of the overpayment liability risk. The Company reports that most of the larger QFs that previously relied on Valued Loss of Income insurance have converted to the new security provisions approved by the Commission in the U-1006-292 security case. Idaho Power commits to increase its efforts to enforce the terms of all contracts.

Idaho Power notes that in its enforcement of the legal and technical requirements of QF contracts, particularly for small QF projects, the Company has been guided by prior expressions of the Commission that utilities work with the owners and operators of QF projects to avoid requiring

Commission intervention in contract matters. As a result, the Company states that it has tried to make the intensity of its enforcement of legal and technical requirements commensurate with the level of legal and technical sophistication of the QF owners and operators. Should it be the Commission's desire that Idaho Power modify this approach in the future, the Company requests specific guidance.

Stevenson Reply

Stevenson disputes the calculation of the alleged net overpayment liability, contending that the amount is roughly \$75,000 rather than the estimated \$151,607. The reason for the disparity, Stevenson contends, is that the projects never generated the projected amounts of energy during their operational period.

Stevenson states that Staff is correct in its assertion that Stevenson did not maintain Valued Loss of Income insurance during the project's operational period. Stevenson disputes Staff's contention however, that the required Valued Loss of Income insurance was available, contending that despite repeated inquiries he was never able to obtain a premium quote.

Stevenson maintains that the force majeure event relieved him from the obligation to repay any alleged overpayments and entitled him to reinstate the contracts should generation at the site again become possible. Under these circumstances and because of what he contends is his legitimate legal claim, it is represented that the proposed settlement is a reasonable resolution of competing contractual rights and claims. The Commission is advised by Stevenson that it "should not lightly interfere with such a settlement proposal, particularly when no authority has been cited for the Staff's implied assumption that the Commission has the power to void or alter a proposed settlement of a contract dispute."

Notwithstanding the above, however, Stevenson states he is willing to agree to the proposed condition requiring delivery to Idaho Power of any net salvage value derived from the projects. However, Stevenson states that he cannot agree to the proposed condition that sale of the Stevenson real property or redevelopment of the site(s) would trigger payments to Idaho Power. This condition, Stevenson states, would effectively negate the settlement in its entirety. The result of such a condition, Stevenson states, would be exactly the same as if he abandoned perfectly legitimate legal claims and defenses and confessed judgment in an Idaho Power collection action.

COMMISSION FINDINGS

The Commission has reviewed and considered the filings of record in Case No. IPC-E-98-10 including the comments of the Commission Staff, and reply comments of Idaho Power and Stevenson. We have also reviewed the underlying Sales Agreements and take general notice of our subsequent security requirements in Case No. U-1006-292.

The Sales Agreements under consideration were an early generation of PURPA contracts preceding the Commission's -292 security requirements. We note as indicated by Idaho Power that availability (or lack thereof) of Valued Loss of Income insurance was one the factors that precipitated the initiation of the -292 security case. The risk to ratepayers of premature termination in PURPA contracts with levelized (or front loaded) rates was a focus of discussion in the -292 case. If a levelized contract terminates prematurely there exists an overpayment to the QF, in this case calculated by Idaho Power (albeit disputed by Stevenson) to be a total of approximately \$155,000. The two Sales Agreements under consideration demonstrate that the risk is not just hypothetical, that without proper security provisions and liens there may be no practical method of recovering any accrued overpayment liability. It is also significant, we note, that the insurance and banking industry have exhibited an unwillingness to provide required insurance and escrow services. We also note that while we encourage working out contract disputes, we never intended that the Company forego ongoing contract oversight.

We find the Company's proposed method of handling the Stevenson contracts to be acceptable. The justification for doing so can be based on the difference between the QF contract rates and the existing rates for QF power. Idaho Power notes that it has no security lien, that the cost of litigation may be prohibitive and that even should it prevail it may not be able to collect. Stevenson for his part alleges that the force majeure event excuses performance, including repayment of the overpayment obligation. We find that the facts in this case are in dispute and we recognize that contract disputes generally fall within the jurisdiction of the District Court, not this Commission.

Stevenson acquiesces to Staff's recommendation that if the project equipment is sold for salvage value that the monies be applied to satisfy the overpayment obligation. We accept Stevenson's offer and condition our approval of the cancellation agreement on Stevenson's following through with his commitment. We expect Stevenson to notify Idaho Power of any sale of project equipment for salvage value.

CONCLUSIONS OF LAW

The Idaho Public Utilities Commission has jurisdiction over Idaho Power Company, an electric utility, pursuant to the authority and power granted it under Title 61 of the Idaho Code.

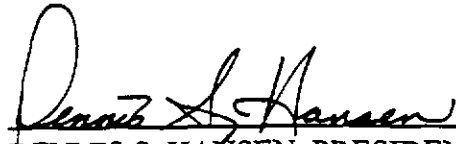
The Idaho Public Utilities Commission has authority under the Public Utility Regulatory Policies Act of 1978 (PURPA) and implementing regulations of the Federal Energy Regulatory Commission (FERC) to set avoided costs, to order electric utilities to enter into fixed term obligations to purchase energy from small power producers and to implement FERC rules.

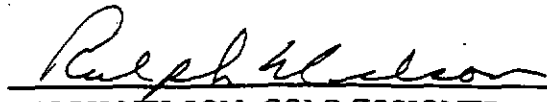
ORDER

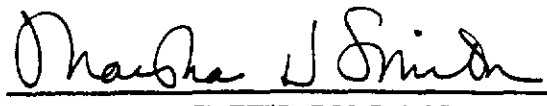
In consideration of the foregoing and as more particularly described and qualified above, IT IS HEREBY ORDERED that the Cancellation Agreement submitted in Case No. IPC-E-98-10 related to the Stevenson Site No. 1 and No. 2 projects be approved.

THIS IS A FINAL ORDER. Any person interested in this Order may petition for reconsideration within twenty-one (21) days of the service date of this Order. Within seven (7) days after any person has petitioned for reconsideration, any other person may cross-petition for reconsideration. See *Idaho Code* § 61-626.

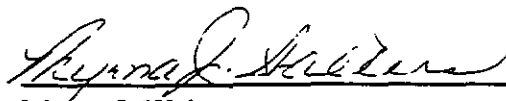
DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 7th
day of January 1999.


DENNIS S. HANSEN, PRESIDENT


RALPH NELSON, COMMISSIONER


MARSHA H. SMITH, COMMISSIONER

ATTEST:


Myrna J. Walters
Commission Secretary

vid/O:IPC-E-98-10.sw

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UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Department of Water Resources

Lynn E. Stevenson

Project No. 8866-003
Idaho

ORDER AMENDING LICENSE AND REVISING ANNUAL CHARGES

(Issued September 4, 1990)

The Stevenson No. 2 Project has a total installed capacity of 85 kW, which is higher than the authorized capacity of 70 kW in the license. ^{1/} The increase in the generating capacity has minimal effects on the project's hydraulic capacity causing no additional environmental impacts. Therefore, the license will be amended to show the project's total authorized installed capacity to be 85 kW. In addition, the annual charge article will be amended effective March 1, 1984, the first day of the month during which the project interconnected with Idaho Power Company's transmission system.

The Director orders:

(A) Ordering paragraph B of the license for the Stevenson No. 2 Project, FERC No. 8866, is revised to show the authorized installed capacity to be 85 kW.

(B) License article 23 is amended, to read as follows:

"The Licensee shall pay the United States, effective as of March 1, 1984, for the purpose of reimbursing the United States for the cost of administration of Part I of the Act, a reasonable amount, as determined in accordance with the provisions of the Commission's regulations in effect from time to time." The authorized installed capacity for that purpose is 113 horsepower."

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


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

^{1/} The license was issued on March 18, 1986, 34 FERC ¶62,530.

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Lynn E. Stevenson) Project No. 8865-000

ORDER ISSUING LICENSE FOR CONSTRUCTED MINOR PROJECT
(Issued March 18, 1986)

Mr. Lynn E. Stevenson (Applicant) filed on January 7, 1985, an application for license under Part I of the Federal Power Act (Act) to operate and maintain Project No. 1, PERC Project No. 8865. The project is located on an unnamed stream in Gooding County, Idaho, and affects the interests of interstate or foreign commerce.

Notice of the application has been published and comments have been received from interested Federal, state and local agencies. No protests or motions to intervene have been received. The significant concerns of the agencies are discussed below.

PROJECT DESCRIPTION AND OPERATION

The project consists of: an intake at elevation 2,810 feet; a 14-inch-diameter, 580-foot-long steel penstock; a powerhouse containing a single generating unit with a rated capacity of 75 kW; a tailrace discharging into the Snake River; and a 7.5-mile-long, 34.5-kV transmission line.^{1/} The project is operated run-of-river.

ENVIRONMENTAL CONSIDERATIONS

Fish and Wildlife Resources

The U.S. Department of the Interior recommends that the project be consistent with Section 1204(a) and (b) of the Northwest Power Planning Council's Columbia River Basin Fish and Wildlife Program (Program) and Appendix E of the Northwest Conservation and Electric Power Plan (Plan).

Pursuant to Section 4(h) of the Pacific Northwest Electric Power Planning and Conservation Act of 1980 (Pacific Act),^{2/} the Northwest Power Planning Council (NPPC) developed the Program to protect, mitigate, and enhance fish and wildlife resources affected by the development and operation of hydroelectric projects on the Columbia River and its tributaries. Section 4(h) states that

^{1/} See Ordering Paragraph (B) for a more detailed description.

^{2/} 16 U.S.C. 5839b(h)(11)(A).

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Department of Water Resources

responsible Federal agencies should exercise their responsibilities to provide equitable treatment for fish and wildlife resources with the other purposes for which hydropower is developed and that these agencies shall take into account to the fullest extent practicable the Program adopted thereunder. Agencies are directed to consult with the Federal and state fish and wildlife agencies, appropriate Indian Tribes, and affected project operators.

The Commission's regulations require applicants to initiate pre-filing consultation with these entities and provide post-filing opportunities to review and comment on the application. The Applicant has complied with these regulations.

Section 1200 of the Program and Appendix E of the Plan provide a framework for assessing and mitigating the impacts of new hydroelectric development on fish and wildlife resources and lists a number of mitigative measures that should be implemented. There are no naturally occurring fish in the project area, and Federal and state agencies did not request minimum flows, screening, or fish passage facilities. Transmission lines have already been constructed to prevent raptor mortality and there is no new construction proposed. The license is consistent with Section 1200 and Appendix E and is therefore consistent with the Pacific Act.

Nevertheless, Article 25 of the license reserves to the Commission the authority to order upon its own motion, or upon the recommendation of Federal and state fish and wildlife agencies or affected Indian tribes, future alterations of project structures and operation to take into account to the fullest extent practicable the NPPC's Program.

Water Quality

Structural failure of project facilities could introduce sediment into the Snake River and adversely affect water quality by causing increases in turbidity. The Idaho Department of Fish and Game (IDFG) requests that the Applicant notify IDFG within 24 hours of any structural failure that could introduce sediment into any watercourse. Article 20 requires the Licensee to notify IDFG within 24 hours of any event such as a structural failure. The IDFG also requests that the Applicant provide IDFG personnel access for inspection of the facility. Article 21 requires the Licensee to grant IDFG personnel access for inspection of the facility as requested.

Cultural Resources

No known archeological or historic sites will be affected by the project. Article 22 requires the protection of archeological or historic sites in the event of any future construction at the project.

Other Environmental Criteria

Water quality certification, as required by Section 401 of the Clean Water Act, was issued by the State of Idaho, Department of Health and Welfare, on October 11, 1985.

No Federally listed threatened or endangered species or critical habitat will be affected by the project.

FINDING OF NO SIGNIFICANT IMPACT

No new construction is proposed. The transmission line has been constructed to prevent raptor mortality, and there are no naturally occurring fish in the project area. Continued operation of the existing project could adversely affect the water quality of the Snake River by introducing sediment into the river as a result of structural failure of project facilities.

The mitigative measures proposed and the provisions of the license articles included herein will protect the fishery, wildlife, water quality, and cultural resources at the project.

In accordance with the National Environmental Policy Act of 1969, an Environmental Assessment was prepared for the Project No. 1 Hydroelectric Project (FERC No. 8865).^{3/} On the basis of the record and the Staff's independent analysis, issuance of a license, as conditioned herein, will not constitute a major Federal action significantly affecting the quality of the human environment.

ENGINEERING CONSIDERATIONS

Safety and Adequacy

The constructed project structures impound an insignificant amount of water and their failure would not endanger downstream life or property. The project has been in operation since 1979.

The project was inspected by San Francisco Regional Office staff on March 6, 1985. The application exhibits were verified and the project was classified as having low hazard potential.

ECONOMIC FEASIBILITY

The project has an installed capacity of 75 kW and generates an average of 644,280 kWh annually. The applicant has a power sales contract with Idaho Power Company for the project power.

^{3/} Environmental Assessment, Project No. 1 Hydroelectric Project, FERC No. 8865-000--Idaho, Division of Environmental Analysis, Office of Hydropower Licensing, Federal Energy Regulatory Commission, October 31, 1985. This document is available in the Division of Public Information and in the Commission's public file associated with this proceeding.

OTHER ASPECTS OF COMPREHENSIVE DEVELOPMENT

The constructed project makes good use of the natural spring flow and head of the site, is not in conflict with any existing or planned developments and will be best adapted to the comprehensive development of the Snake River Basin for beneficial public use, upon compliance with the terms and conditions of this license.

TERM OF LICENSE

The generation of electricity at this site began August 4, 1979, for the sole use of the Applicant on his farm. The Applicant on July 12, 1984, interconnected with Idaho Power Company's existing transmission line. As indicated to the Applicant in the Order Ruling on Declaration of Intention, issued on August 16, 1984, 28 FERC ¶62,355 (1984), should the power generated by the project be transmitted in interstate commerce by an interconnected system, interstate commerce would be affected and a license would be required. Section 23(b) of the Federal Power Act, 16 U.S.C. §817, provides that a project affecting interstate commerce shall not be constructed, maintained, or operated prior to obtaining a license. Therefore, this license shall be made effective the first day of the month in which the project interconnected with Idaho Power Company's system.

The Director orders:

(A) This license is issued to Mr. Lynn E. Stevenson (Licensee), under Part I of the Federal Power Act (Act) for a period of 40 years, effective as of July 1, 1984, the first day of the month in which the project was interconnected with Idaho Power Company's transmission line, for the operation and maintenance of Project No. 1, FERC Project No. 8865, located in Gooding County, Idaho on an unnamed stream. This license is subject to the terms and conditions of the Act, which is incorporated by reference as part of this license and subject to the regulations the Commission issues under the provisions of the Act.

(B) Project No. 1 (FERC No. 8865) consists of:

(1) All lands, to the extent of the Licensee's interests in those lands, constituting the project area and enclosed by the project boundary. The project area and boundary are shown and described by a certain exhibit that forms part of the application for license and that is designated and described as:

EXHIBIT C-

FERC DRAWING NO. 8865-

TITLE

1

3

Project Map

(2) Project works consisting of: (1) an intake at elevation 2,810 feet; (2) a 14-inch-diameter, 580-foot-long steel penstock; (3) a 10-foot by 12-foot metal powerhouse containing a single stage 14-inch reversible pump turbine and a synchronous generator with a rated capacity of 75 kW, operating under a head of 130 feet and producing an estimated average annual generation of 644,280 kwh; (4) a tailrace discharging project flows into the Snake River; (5) 0.48-kV generator leads; (6) a 0.48/34.5-kV step-up transformer; (7) a 7.5-mile-long, 34.5-kV transmission line, interconnected to an Idaho Power Company line; and (8) appurtenant facilities.

The location, nature, and character of these project works are generally shown and described by the exhibit cited above and more specifically shown and described by the following exhibits that also form a part of the application for license and that are designated and described as:

Exhibit A, entitled "Project No. 1 Description", pages A-1 through A-2, filed January 7, 1985.

EXHIBIT F-	PERC DRAWING NO. 8865-	TITLE
1	1	Overall Project View
2	2	Powerhouse View

(3) All of the structures, fixtures, equipment, or facilities used or useful in the operation or maintenance of the project and located within the project boundary, all portable property that may be employed in connection with the project, located within or outside the project boundary, as approved by the Commission, and all riparian or other rights that are necessary or appropriate in the operation or maintenance of the project.

(C) Exhibits A, F, and G, as designated in ordering paragraph (B) above are approved and made a part of the license.

(D) Pursuant to Section 10(i) of the Act, it is in the public interest to waive the following sections of Part I of the Act, and they are excluded from the license:

Section 4(b), except the second sentence; 4(e), insofar as it relates to approval of plans by the Chief of Engineers and the Secretary of the Army; 6, insofar as it relates to public notice and to the acceptance and expression in the license of terms and conditions of the Act that are waived here; 10(c), insofar as it relates to depreciation reserves; 10(d); 10(f), 14, except insofar as the power of condemnation is reserved; 15; 16; 19; 20; and 22.

(E) This license is also subject to the terms and conditions set forth in Form L-12 (revised October 1975), entitled "Terms and Conditions of License for Constructed Minor Project Affecting the Interests of Interstate or Foreign Commerce," designated as articles 1 through 18, attached to and made a part of this license and also subject to the terms and conditions in the following articles:

Article 19. The Licensee shall continue to consult and to cooperate with the appropriate Federal, state, and other natural resource agencies for the protection and development of the environmental resources and values of the project area. The Commission reserves the right to require changes in the project works or operation that may be necessary to protect and enhance those resources and values.

Article 20. The Licensee shall notify the Idaho Department of Fish and Game within 24 hours of any structural failure of facilities associated with the project that could introduce sediment into any watercourse.

Article 21. The Licensee shall allow representatives of Idaho Department of Fish and Game, showing proper credentials, access to project lands for official inspection of the facility.

Article 22. The Licensee, prior to any future construction at the project, shall consult with the Idaho State Historic Preservation Officer (SHPO) about the need for a cultural resource survey and for salvage work. Documentation of the nature and extent of consultation, including a cultural resources management plan, and a schedule to conduct any necessary investigation before construction, and a copy of a letter from the SHPO accepting the plan, shall be filed with the Commission 6 months before any construction activity. The Licensee shall make available funds in a reasonable amount for any required work. If any previously unrecorded archeological or historic sites are discovered during the course of the construction or development of any project works or associated facilities, construction activity in the vicinity shall be halted, a qualified archeologist shall be consulted to determine the significance of the sites, and the Licensee shall consult with the SHPO to develop a mitigative plan for the protection of significant archeological or historic resources. If the Licensee and the SHPO cannot agree on the amount of money to be expended on archeological or historical work related to the project, the Commission reserves the right to require the Licensee, at its own expense, to conduct any necessary work.

Article 23. The Licensee shall pay the United States, effective as of July 1, 1984, for the purpose of reimbursing the United States for the cost of administration of Part I of the Act, a reasonable annual charge as determined by the Commission in accordance with the provisions of its regulations, in effect from time to time. The authorized installed capacity for such purposes is 100 horsepower.

Article 24. (a) In accordance with the provisions of this article, the Licensee shall have the authority to grant permission for certain types of use and occupancy of project lands and waters and to convey certain interests in project lands and waters for certain other types of use and occupancy, without prior Commission approval. The Licensee may exercise the authority only if the proposed use and occupancy is consistent with the purposes of protecting and enhancing the scenic, recreational, and other environmental values of the project. For those purposes, the Licensee shall also have continuing responsibility to supervise and control the uses and occupancies for which it grants permission, and to monitor the use of, and ensure compliance with the covenants of the instrument of conveyance for, any interests that it has conveyed, under this article. If a permitted use and occupancy violates any condition of this article or any other condition imposed by the Licensee for protection and enhancement of the project's scenic, recreational, or other environmental values, or if a covenant of a conveyance made under the authority of this article is violated, the Licensee shall take any lawful action necessary to correct the violation. For a permitted use or occupancy, that action includes, if necessary, cancelling the permission to use and occupy the project lands and waters and requiring the removal of any non-complying structures and facilities.

(b) The types of use and occupancy of project lands and waters for which the Licensee may grant permission without prior Commission approval are: (1) landscape plantings; (2) non-commercial piers, landings, boat docks, or similar structures and facilities that can accommodate no more than 10 watercraft at a time and where said facility is intended to serve single-family type dwellings; and (3) embankments, bulkheads, retaining walls, or similar structures for erosion control to protect the existing shoreline. To the extent feasible and desirable to protect and enhance the project's scenic, recreational, and other environmental values, the Licensee shall require multiple use and occupancy of facilities for access to project lands or waters. The Licensee shall also ensure, to the satisfaction of the Commission's authorized representative, that the uses and occupancies for which it grants permission are maintained in good repair and comply with applicable state and local health and safety requirements. Before granting permission for construction of bulkheads or retaining walls, the Licensee shall: (1) inspect the site of

the proposed construction, (2) consider whether the planting of vegetation or the use of riprap would be adequate to control erosion at the site, and (3) determine that the proposed construction is needed and would not change the basic contour of the reservoir shoreline. To implement this paragraph (b), the Licensee may, among other things, establish a program for issuing permits for the specified types of use and occupancy of project lands and waters, which may be subject to the payment of a reasonable fee to cover the Licensee's costs of administering the permit program. The Commission reserves the right to require the Licensee to file a description of its standards, guidelines, and procedures for implementing this paragraph (b) and to require modification of those standards, guidelines, or procedures.

(c) The Licensee may convey easements or rights-of-way across, or leases of, project lands for: (1) replacement, expansion, realignment, or maintenance of bridges and roads for which all necessary state and Federal approvals have been obtained; (2) storm drains and water mains; (3) sewers that do not discharge into project waters; (4) minor access roads; (5) telephone, gas, and electric utility distribution lines; (6) non-project overhead electric transmission lines that do not require erection of support structures within the project boundary; (7) submarine, overhead, or underground major telephone distribution cables or major electric distribution lines (69-kV or less); and (8) water intake or pumping facilities that do not extract more than one million gallons per day from a project reservoir. No later than January 31 of each year, the Licensee shall file three copies of a report briefly describing for each conveyance made under this paragraph (c) during the prior calendar year, the type of interest conveyed, the location of the lands subject to the conveyance, and the nature of the use for which the interest was conveyed.

(d) The Licensee may convey fee title to, easements or rights-of-way across, or leases of project lands for: (1) construction of new bridges or roads for which all necessary state and Federal approvals have been obtained; (2) sewer or effluent lines that discharge into project waters, for which all necessary Federal and state water quality certificates or permits have been obtained; (3) other pipelines that cross project lands or waters but do not discharge into project waters; (4) non-project overhead electric transmission lines that require erection of support structures within the project boundary, for which all necessary Federal and state approvals have been obtained; (5) private or public marinas that can accommodate no more than 10 watercraft at a time and are located at least one-half mile from any other private or public marina; (6) recreational development consistent with an approved Exhibit R or approved report on recreational resources of an Exhibit E; and (7) other uses, if: (i) the amount of land conveyed for a particular use is five acres or less; (ii) all of the land conveyed is located at least

75 feet, measured horizontally, from the edge of the project reservoir at normal maximum surface elevation; and (iii) no more than 50 total acres of project lands for each project development are conveyed under this clause (d)(7) in any calendar year. At least 45 days before conveying any interest in project lands under this paragraph (d); the Licensee must file a letter to the Director, Office of Hydropower Licensing, stating its intent to convey the interest and briefly describing the type of interest and location of the lands to be conveyed (a marked Exhibit G or K map may be used), the nature of the proposed use, the identity of any Federal or state agency official consulted, and any Federal or state approvals required for the proposed use. Unless the Director, within 45 days from the filing date, requires the Licensee to file an application for prior approval, the Licensee may convey the intended interest at the end of that period.

(e) The following additional conditions apply to any intended conveyance under paragraphs (c) or (d) of this article:

(1) Before conveying the interest, the Licensee shall consult with Federal and state fish and wildlife or recreation agencies, as appropriate, and the State Historic Preservation Officer.

(2) Before conveying the interest, the Licensee shall determine that the proposed use of the lands to be conveyed is not inconsistent with any approved Exhibit R or approved report on recreational resources of an Exhibit E; or, if the project does not have an approved Exhibit R or approved report on recreational resources, that the lands to be conveyed do not have recreational value.

(3) The instrument of conveyance must include covenants running with the land adequate to ensure that: (i) the use of the lands conveyed shall not endanger health, create a nuisance, or otherwise be incompatible with overall project recreational use; and (ii) the grantee shall take all reasonable precautions to ensure that the construction, operation, and maintenance of structures or facilities on the conveyed lands will occur in a manner that will protect the scenic, recreational, and environmental values of the project.

(4) The Commission reserves the right to require the Licensee to take reasonable remedial action to correct any violation of the terms and conditions of this article, for the protection and enhancement of the project's scenic, recreational, and other environmental values.

(f) The conveyance of an interest in project lands under this article does not in itself change the project boundaries. The project boundaries may be changed to exclude land conveyed under

this article only upon approval of revised Exhibit G or K drawings (project boundary maps) reflecting exclusion of that land. Lands conveyed under this article will be excluded from the project only upon a determination that the lands are not necessary for project purposes, such as operation and maintenance, flowage, recreation, public access, protection of environmental resources, and shoreline control, including shoreline aesthetic values. Absent extraordinary circumstances, proposals to exclude lands conveyed under this article from the project shall be consolidated for consideration when revised Exhibit G or K drawings would be filed for approval for other purposes.

Article 25. The Commission reserves the authority to order upon its own motion or upon the recommendation of Federal or state fish and wildlife agencies or affected Indian tribes, alterations of project structures and operations to take into account to the fullest extent practicable the regional fish and wildlife program developed pursuant to the Pacific Northwest Electric Power Planning and Conservation Act.

(F) 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. In acknowledgement of acceptance of this order and these terms and conditions, it shall be signed by the Licensee and returned to the Commission within 60 days from the date this order is issued.

Don Gember
for Kenneth M. Pusateri
Acting Director, Office of
Hydropower Licensing

Project No. 8865-000

Form L-12
(Revised October, 1975)

IN TESTIMONY of his acknowledgment of acceptance of all of the terms and conditions of this order, Lynn E. Stevenson this _____ day of _____, 19____, has caused his name to be signed hereto.

By _____

Attest:

(Executed in quadruplicate)

FEDERAL ENERGY REGULATORY COMMISSION

TERMS AND CONDITIONS OF LICENSE FOR CONSTRUCTED
MINOR PROJECT AFFECTING THE INTERESTS OF
INTERSTATE OR FOREIGN COMMERCE

Article 1. The entire project, as described in this order of the Commission, shall be subject to all of the provisions, terms, and conditions of the license.

Article 2. No substantial change shall be made in the maps, plans, specifications, and statements described and designated as exhibits and approved by the Commission in its order as a part of the license until such change shall have been approved by the Commission: Provided, however, That if the Licensee or the Commission deems it necessary or desirable that said approved exhibits, or any of them, be changed, there shall be submitted to the Commission for approval a revised, or additional exhibit or exhibits covering the proposed changes which, upon approval by the Commission, shall become a part of the license and shall supersede, in whole or in part, such exhibit or exhibits theretofore made a part of the license as may be specified by the Commission.

Article 3. The project area and project works shall be in substantial conformity with the approved exhibits referred to in Article 2 herein or as changed in accordance with the provisions of said article: Except when emergency shall require for the protection of navigation, life, health, or property, there shall not be made without prior approval of the Commission any substantial alteration or addition not in conformity with the approved plans to any dam or other project works under the license or any substantial use of project lands and waters not authorized herein; and any emergency alteration, addition, or use so made shall thereafter be subject to such modification and change as the Commission may direct. Minor changes in project works, or in uses of project lands and waters, or divergence from such approved exhibits may be made if such changes will not result in a decrease in efficiency, in a material increase in cost, in an adverse environmental impact, or in impairment of the general scheme of development; but any of such minor changes made without the prior approval of the Commission, which in its judgment have produced or will produce any of such results, shall be subject to such alteration as the Commission may direct.

Article 4. The project, including its operation and maintenance and any work incidental to additions or alterations authorized by the Commission, whether or not conducted upon lands of the United States, shall be subject to the inspection and supervision of the Regional Engineer, Federal Power Commission, in the region wherein the project is located, or of such other officer or agent as the Commission may designate, who shall be the authorized representative of the Commission for such purposes. The Licensee shall cooperate fully with said representative and shall furnish him such information as he may require concerning the operation and maintenance of the project, and any such alterations thereto, and shall notify him of the date upon which work with respect to any alteration will begin, as far in advance thereof as said representative may reasonably specify, and shall notify him promptly in writing of any suspension of work for a period of more than one week, and of its resumption and completion. The Licensee shall submit to said representative a detailed program of inspection by the Licensee that will provide for an adequate and qualified inspection force for construction of any such alterations to the project. Construction of said alterations or any feature thereof shall not be initiated until the program of inspection for the alterations or any feature thereof has been approved by said representative. The Licensee shall allow said representative and other officers or employees of the United States, showing proper credentials, free and unrestricted access to, through, and across the project lands and project works in the performance of their official duties. The Licensee shall comply with such rules and regulations of general or special applicability as the Commission may prescribe from time to time for the protection of life, health, or property.

Article 5. The Licensee, within five years from the date of issuance of the license, shall acquire title in fee or the right to use in perpetuity all lands, other than lands of the United States, necessary or appropriate for the construction, maintenance, and operation of the project. The Licensee or its successors and assigns shall, during the period of the license, retain the possession of all project property covered by the license as issued or as later amended, including the project area, the project works, and all franchises, easements, water rights, and rights of occupancy and use; and none of such

properties shall be voluntarily sold, leased, transferred, abandoned, or otherwise disposed of without the prior written approval of the Commission, except that the Licensee may lease or otherwise dispose of interests in project lands or property without specific written approval of the Commission pursuant to the then current regulations of the Commission. The provisions of this article are not intended to prevent the abandonment or the retirement from service of structures, equipment, or other project works in connection with replacements thereof when they become obsolete, inadequate, or inefficient for further service due to wear and tear; and mortgage or trust deeds or judicial sales made thereunder, or tax sales, shall not be deemed voluntary transfers within the meaning of this article.

Article 6. The Licensee shall install and thereafter maintain gages and stream-gaging stations for the purpose of determining the stage and flow of the stream or streams on which the project is located, the amount of water held in and withdrawn from storage, and the effective head on the turbines; shall provide for the required reading of such gages and for the adequate rating of such stations; and shall install and maintain standard meters adequate for the determination of the amount of electric energy generated by the project works. The number, character, and location of gages, meters, or other measuring devices, and the method of operation thereof, shall at all times be satisfactory to the Commission or its authorized representative. The Commission reserves the right, after notice and opportunity for hearing, to require such alterations in the number, character, and location of gages, meters, or other measuring devices, and the method of operation thereof, as are necessary to secure adequate determinations. The installation of gages, the rating of said stream or streams, and the determination of the flow thereof, shall be under the supervision of, or in cooperation with, the District Engineer of the United States Geological Survey having charge of stream-gaging operations in the region of the project, and the Licensee shall advance to the United States Geological Survey the amount of funds estimated to be necessary for such supervision, or cooperation for such periods as may be mutually agreed upon. The Licensee shall keep accurate and sufficient records of the foregoing determinations to the satisfaction of the Commission, and shall make return of such records annually at such time and in such form as the Commission may prescribe.

Article 7. The Licensee shall, after notice and opportunity for hearing, install additional capacity or make other changes in the project as directed by the Commission, to the extent that it is economically sound and in the public interest to do so.

Article 8. The Licensee shall, after notice and opportunity for hearing, coordinate the operation of the project, electrically and hydraulically, with such other projects or power systems and in such manner as the Commission may direct in the interest of power and other beneficial public uses of water resources, and on such conditions concerning the equitable sharing of benefits by the Licensee as the Commission may order.

Article 9. The operations of the Licensee, so far as they affect the use, storage and discharge from storage of waters affected by the license, shall at all times be controlled by such reasonable rules and regulations as the Commission may prescribe for the protection of life, health, and property, and in the interest of the fullest practicable conservation and utilization of such waters for power purposes and for other beneficial public uses, including recreational purposes, and the Licensee shall release water from the project reservoir at such rate in cubic feet per second, or such volume in acre-feet per specified period of time, as the Commission may prescribe for the purposes hereinbefore mentioned.

Article 10. On the application of any person, association, corporation, Federal agency, State or municipality, the Licensee shall permit such reasonable use of its reservoir or other project properties, including works, lands and water rights, or parts thereof, as may be ordered by the Commission, after notice and opportunity for hearing, in the interests of comprehensive development of the waterway or waterways involved and the conservation and utilization of the water resources of the region for water supply or for the purposes of steam-electric, irrigation, industrial, municipal or similar uses. The Licensee shall receive reasonable compensation for use of its reservoir or other project properties or parts thereof for such purposes, to include at least full reimbursement for any damages or expenses which the joint use causes the Licensee to incur. Any such compensation shall be fixed by the Commission either by approval of an agreement between the Licensee and

the party or parties benefiting or after notice and opportunity for hearing. Applications shall contain information in sufficient detail to afford a full understanding of the proposed use, including satisfactory evidence that the applicant possesses necessary water rights pursuant to applicable State law, or a showing of cause why such evidence cannot concurrently be submitted, and a statement as to the relationship of the proposed use to any State or municipal plans or orders which may have been adopted with respect to the use of such waters.

Article 11. The Licensee shall, for the conservation and development of fish and wildlife resources, construct, maintain, and operate, or arrange for the construction, maintenance, and operation of such reasonable facilities, and comply with such reasonable modifications of the project structures and operation, as may be ordered by the Commission upon its own motion or upon the recommendation of the Secretary of the Interior or the fish and wildlife agency or agencies of any State in which the project or a part thereof is located, after notice and opportunity for hearing.

Article 12. Whenever the United States shall desire, in connection with the project, to construct fish and wildlife facilities or to improve the existing fish and wildlife facilities at its own expense, the Licensee shall permit the United States or its designated agency to use, free of cost, such of the Licensee's lands and interests in lands, reservoirs, waterways and project works as may be reasonably required to complete such facilities or such improvements thereof. In addition, after notice and opportunity for hearing, the Licensee shall modify the project operation as may be reasonably prescribed by the Commission in order to permit the maintenance and operation of the fish and wildlife facilities constructed or improved by the United States under the provisions of this article. This article shall not be interpreted to place any obligation on the United States to construct or improve fish and wildlife facilities or to relieve the Licensee of any obligation under this license.

Article 13. So far as is consistent with proper operation of the project, the Licensee shall allow the public free access, to a reasonable extent, to project waters and adjacent project lands owned by the Licensee for the purpose of full public utilization of

such lands and waters for navigation and for outdoor recreational purposes, including fishing and hunting: Provided, That the Licensee may reserve from public access such portions of the project waters, adjacent lands, and project facilities as may be necessary for the protection of life, health, and property.

Article 14. In the construction, maintenance, or operation of the project, the Licensee shall be responsible for, and shall take reasonable measures to prevent, soil erosion on lands adjacent to streams or other waters, stream sedimentation, and any form of water or air pollution. The Commission, upon request or upon its own motion, may order the Licensee to take such measures as the Commission finds to be necessary for these purposes, after notice and opportunity for hearing.

Article 15. The Licensee shall clear and keep clear to an adequate width lands along open conduits and shall dispose of all temporary structures, unused timber, brush, refuse, or other material unnecessary for the purposes of the project which results from the clearing of lands or from the maintenance or alteration of the project works. In addition, all trees along the periphery of project reservoirs which may die during operations of the project shall be removed. All clearing of the lands and disposal of the unnecessary material shall be done with due diligence and to the satisfaction of the authorized representative of the Commission and in accordance with appropriate Federal, State, and local statutes and regulations.

Article 16. If the Licensee shall cause or suffer essential project property to be removed or destroyed or to become unfit for use, without adequate replacement, or shall abandon or discontinue good faith operation of the project or refuse or neglect to comply with the terms of the license and the lawful orders of the Commission mailed to the record address of the Licensee or its agent, the Commission will deem it to be the intent of the Licensee to surrender the license. The Commission, after notice and opportunity for hearing, may require the Licensee to remove any or all structures, equipment and power lines within the project boundary and to take any such other action necessary to restore the project waters, lands, and facilities remaining

within the project boundary to a condition satisfactory to the United States agency having jurisdiction over its lands or the Commission's authorized representative, as appropriate, or to provide for the continued operation and maintenance of nonpower facilities and fulfill such other obligations under the license as the Commission may prescribe. In addition, the Commission in its discretion, after notice and opportunity for hearing, may also agree to the surrender of the license when the Commission, for the reasons recited herein, deems it to be the intent of the Licensee to surrender the license.

Article 17. The right of the Licensee and of its successors and assigns to use or occupy waters over which the United States has jurisdiction, or lands of the United States under the license, for the purpose of maintaining the project works or otherwise, shall absolutely cease at the end of the license period, unless the Licensee has obtained a new license pursuant to the then existing laws and regulations, or an annual license under the terms and conditions of this license.

Article 18. The terms and conditions expressly set forth in the license shall not be construed as impairing any terms and conditions of the Federal Power Act which are not expressly set forth herein.

WATER RIGHT NUMBER 37-7749

OWNER LAST NAME - STEVENSON

FIRST NAME - LYNN E.

ORIG OWNER -

ADDRESS LINE 1 - STAR ROUTE BOX 3

ADDRESS LINE 2 -

ADDRESS LINE 3 -

CITY - BLISS

STATE - ID ZIP CODE - 83314

SOURCE - UNNAMED STREAM

TRIBUTARY OF - SNAKE RIVER

STAGE - LICENSE

STATUS -

PRIORITY - 11-29-1978 COUNTY - GOODING

TOTAL DIV. RATE - 5.2100 -CFS

TOTAL DIV. VOLUME -

.00 AFA TRFR/AMEND -

WATER DIST. -

DLE/CAREY ACT -

RIGHT BASIS -

DIVERSION POINT - SESW 17 06S 13E LOT 03 REDIV -

272.0

0.0

0.0

0.0

0.0

0.0

0.0

0.0

0.0

0.0

567.9

FROM - 01-01 TO - 12-31 USE - POWER

USE DIV. RATE -

5.2100 CFS

USE DIV. VOLUME -

.00 AFA

USE - POWER

PLACE OF USE - TWN 06S RNG 13E SEC 17 TRACT SESW LOT 03 AC

DATE -

TOTAL ACRES 0

DECREE NAME -

REMARKS -

NON IRRIG USE -

OTHER RIGHTS FOR SAME USE -

PROOF DUE - 02-01-1984 PERMIT/DENIED - 02-28-1979 PROTESTED -

HEARING -

OLD NO. -

PROOF MADE - P FLD EXAM - COND. OF APPROVAL - R20 R22

DIVERSION MEANS - CHECK DAM AND PIPELINE

November 21, 1984

RE: Permit No. 37-7749

Lynn E. Stevenson
Star Rt., Box 3
Bliss, ID 83314

Dear Mr. Stevenson:

Enclosed herewith is a copy of the Water Right License issued on the above referenced Permit.

Sincerely,



JIM JOHNSON
Water Distribution Supervisor

JJ:kw
Enclosure

MICROFILMED



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

September 28, 1984

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

RE: Permit No. 37-7749

Lynn E. Stevenson
Star Rt., Box 3
Bliss, ID 83314

Dear Mr. Stevenson:

A representative of this Department has made an examination of the works covered by your Permit No. 37-7749, and has found the following:

Amount of water that can be recognized as beneficially used under Idaho law: 5.21 cfs Source: an unnamed stream trib to Snake River

The maximum quantity diverted shall not exceed n/a acre feet per year.

Point(s) of diversion: Gov. Lot 3 (SE $\frac{1}{4}$ SW $\frac{1}{4}$) Sec. 17, Twp 6S, Rge 13E

Beneficial Use: Power within Lot 3(SE $\frac{1}{4}$ SW $\frac{1}{4}$) Sec. 17, Twp 6S, Rge 13E

Priority date established: November 29, 1978

Conditions (if any): The diversion & use of water under this license is subject to review by the Director 30 yrs. from the date of issuance. Upon appropriate finding 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.*

If you do not concur with these findings, please contact us within 10 days, otherwise a water license will be issued as set forth above.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:sc

*The rights for the use of water confirmed in this license shall be junior & subordinate to all rights for the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this license & shall not give rise to any right or claim against any future right for the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this license.

MICROFILMED

State of Idaho
DEPARTMENT OF WATER RESOURCES
FIELD REPORT

37-7749

Permit No.

CONTACT WITH PERMIT HOLDER

	DATE	INITIALS	REMARKS
☒ Appointment letter mailed:	8-14-80	GLP	
☐ Telephone call made: (List Telephone No. used)			
☒ Appointment scheduled for: (Date, time, location)	9-15-81 10am	js	

EXAMINATION

Date 9-15-81 Accompanied by Gerry Stevenson Total Q measured 5.21 cfs
 If source is surface water, estimate total flow of source
 Methods of measurement contracted rectangular weirs Meets Permit requirements? ☒

Measurement calculations:

Measured 0.81' hd at 3' weir above pipe inlet = 6.89 cfs Measured 0.35' at 2.5' weir below pipe inlet = 1.68 cfs
6.89 cfs - 1.68 cfs = 5.21 cfs ✓ OK

right angle gear drive								
WELL/DIVERSION* NO.	HP	MOTOR MAKE	MOTOR SERIAL NO.	PUMP MAKE	PUMP SERIAL NO.	MEASURING DEVICE TYPE	CONDITION OF MEAS. DEV.	REMARKS
	60	Amarillo	560 127630	U.S. Pump	26846	Contracted rect. weirs	Good	

System Description Spring feed into Montana Mining Co. ditch & are then re-diverted by Mr. Stevenson for fish ponds. Water used by another right holder also feeds into Mr. Stevenson's ditch above his lowest fish pond. This water flows into a 16" pipe below the fish pond, said pipe falls 140' to a generator producing 103.8 kW.

*Code with map on reverse side. Disregard code if only one.

Genio Ullis

RECOMMENDED AMOUNTS

USE	Irrigation requirement =	AFA/Acre
	Q (cfs) <u>OK capacity</u>	V (afa)
<u>power</u>	<u>5.21</u>	<u>1-1</u>
		<u>12-31</u>

Total

5.21

N/A

Remarks Weir ratings based on formula $cfs = 3.33 (L - 0.2H) H^{3/2}$ (see Stevens Water Resources Data Book 3rd ed.).

UNCORRECTED

e = efficiency

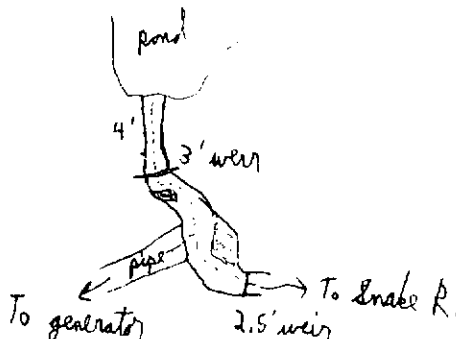
$$e = \frac{103.8(11.8)}{5.21 \times 140'} = \frac{1224.84}{729.4} = 1.68e \leftarrow \text{NOT REASONABLE}$$

$$P = \frac{5.21 \times 140' \times 8}{11.8} = \frac{583.52}{11.8} = 49.45 \text{ kW}$$

? Apparently the kW rating is too high, given the measured flow. DRT 11/19/84

[illegible]

(Include distance from pump to measuring device, if applicable.)



Point(s) of diversion: Lot 3 Sec. 17 T. 65 R. 13E ✓ same as permit.

Place(s) of Use ✓ Same as permit

[illegible]

5.) Change P.D. as reflected above

☐ Add P.D. as reflected above☒ None

3.1 Change P.U. as reflected above

☐ Add P.U. as reflected above☐ Other

Examiner's Signature

Checked by

Approved by _____

Date 9-16-81

Date 12-14-81

Date 1-24-84

Sec. 7

Sec. 8

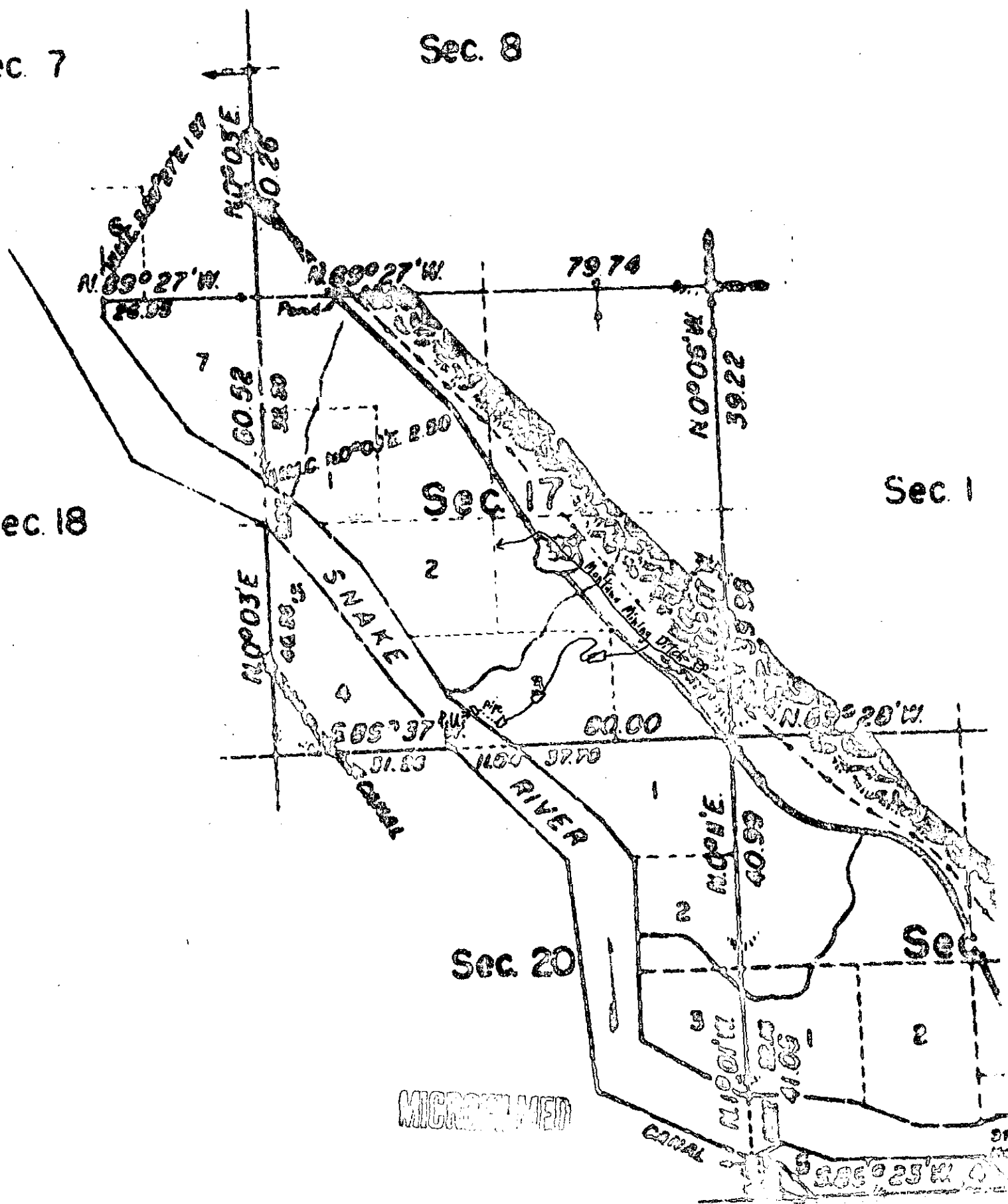
Sec. 18

Sec. 1

Sec. 20

Sect

MICROBIAL MED



Sec. 7

Sec. 8

Sec. 18

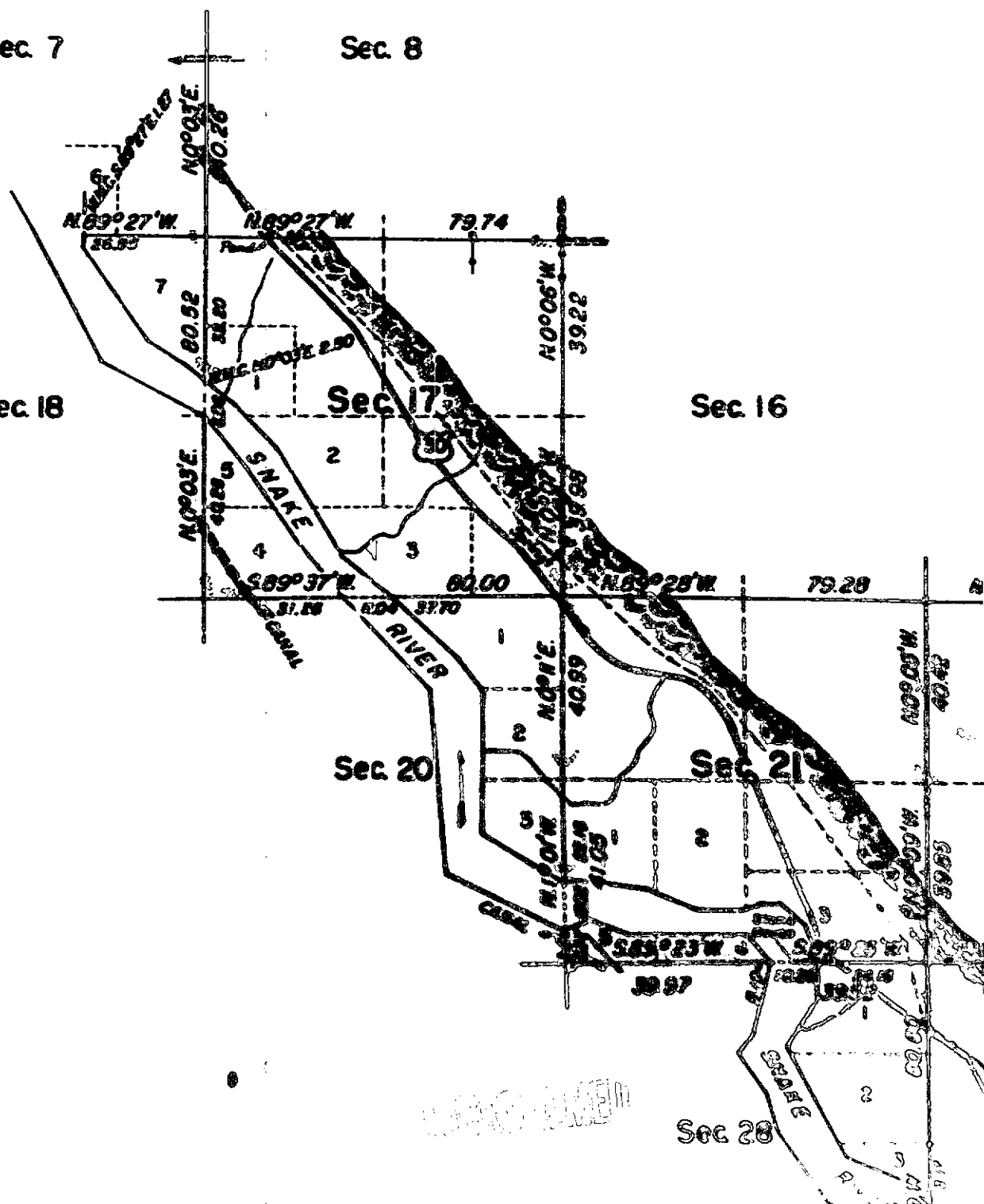
Sec. 17

Sec. 16

Sec. 20

Sec. 21

Sec. 28



37-7749

DATA ENTRY LOG

[illegible]

DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources will consider this card as a statement that the permit holder(s) has completed development to the extent shown below of Permit No. 37-7749

Name(s) of Permit Holder: Lynn E. Stevenson

Post Office Address: Star Route Box 3, Bliss, Id 83314

Tel. No. 352-4692

Source of Water: Unnamed Stream

Extent of Use:

☐ Domestic	(number of households)
☐ Stockwater	(number and type of stock)
☐ Irrigation	(acres)
☐ Other	<u>Power</u>

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

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

Aug. 6, 1980
Date

Lynn E. Stevenson
Signature of Permit Holder

RECEIVED

AUG 7 1980

Department of Water Resources



IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

PLACE
TEN CENT
STAMP
HERE

February 12, 1979

MEMO:

TO: File

FROM: Gary L. Funderburg *GLF*

SUBJECT: Surface Water Application #37-7750 and #37-7749 - Lynn E. Stevenson

February 5, 1979, I made a surface water pre-exam for Application No. 37-7750 and No. 37-7749. Lynn E. Stevenson, applicant, accompanied me during the exam. The source for the applications is located at two individual springs. Springs (1) is located on applicants' property and is the sole user of this spring before discharging into the Snake River. Applicant has fish propagation and irrigation rights out of this spring. Applicant plans to pick this water up from the fish ponds and run the water through the proposed powerplant. Spring (2) is located on Martin Slanes' property and diverted into the Montana Ditch, which conveys the water to the ditch diverting from spring (1). The comingle water is then conveyed through an existing ditch to the proposed power plant. Applicant has irrigation and fish propagation rights from this spring. There are other users above applicants' place of use.

At the time of the exam there appeared to be 10 cfs available in the lower ditch from both springs.

I do not foresee a problem with this application, therefore, I suggest the application be approved.

MICROFILMED



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

Mailing address:
Storehouse
Boise, Idaho 83720
(208) 384-2215

March 2, 1979

Re: Permit No. 37-7749

Lynn E. Stevenson
Star Route, Box 3
Bliss, Idaho 83314

Dear Mr. Stevenson:

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

Be sure to note the special condition requiring you to install an access port or other device to provide for the installation of measuring equipment by the Department. The Department will provide specifications for the installation to you.

Sincerely,

David R. Tuthill Jr.

DAVID R. TUTHILL, JR.
Supervisor, Water Allocations Section

DRT:lr

Enclosure

*Access port
letter sent 8/9/79
Fatty Byington*

MICROFILMED

37-7749

STAFF REVIEW - STATE OFFICE

1. ✓ Name vs. Signature
2. ✓ Source
3. ✓ Point of Diversion
4. 9.0 Amnt. & Period of Use
5. ✓ Descrip. of Diverting Wrks.
6. 5 Time req. for Proof of B/U
7. 7 Place of Use for other than irrig.
8. N/A Place of Use for irrigation (add acres)
9. A Property Owner at Pt. of Div. & Pl. of Use
10. ✓ Map
11. 115 Fee & Rec't. No.

AFFIDAVIT ✓

Copies Sent To:

<u>NO</u> Idaho Health Department	<u>NO</u> U.S.F.S.
<u>7</u> Idaho Fish & Game Dept.	<u>7</u> Dept. of Lands
<u>7</u> Bureau of Land Management	<u>7</u> Other

Dam Safety Information N/A (Goes to Permit Section)

Check:

Critical G.W. Area yes ✓ noOther rights on same land N/AWithdrawals of all protests received N/A yes no

Conditions:

ID Power Co. Letter - Snake R. NOID Power Co. Letter - G.W. & Tribs. NOSnake River Condition NOPayette River Letter NOPriority Date 11/29/78Water Quality #16 NOWater Quality #10 intrastate interstateMeas. Dev. or Sc. Meas. yesTotalizing meter NOSupplemental NORight-of-Way Cond. NOWatermaster Cond. NO
Wtr. Dist No. 7Meas. Dev. Cond. for apps within
a Water Dist. 7

Condition # 20
21

John
Reviewer
2/26/79
Date

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

Application No. 31-7747 Lynn E. Stevenson

☒ Source
☒ Point of Diversion
☒ County
☒ Quantity of Water and Period of Use
☒ Description of Diverting Works
☒ Time required for B/U of water
☒ Place of Use or Acres Irrigated
☒ Map
☒ Signature
☒ Fee

Residence Affidavit

In form to receipt.

Send Copies to:

☐ Idaho State Health Department
☐ Idaho Fish and Game Department
☐ Bureau of Land Management

☐ Request Special Use Permit from U.S.F.S.
☐ Request Easement from B.L.M.
☐ Request Information from Applicant
☐ Request Dam Safety Information

In form for advertising

Platted on Map No. _____

Located within Water District No. _____

Critical groundwater area: yes _____ no _____

Groundwater levels:

_____ Declining, _____ Stable, _____ Increasing

(comment) _____

Other rights on the same place of use

Comments: _____

Affidavit of Publication received (date) 1-15-79

Final date for protests 1-22-79

Protests received: yes _____ no X

All requested information received from agencies or applicant: yes _____ no _____

Action recommended:

_____ Approve _____ Deny

_____ Proposed Priority

_____ Reason for Reduction _____

_____ Measuring device required

_____ See attached sheet for other conditions of approval

_____ No special conditions for approval

MICROFILMED

RECEIVED
JAN 23 1979

Department of Water Resources

(15) District

By

Date

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
Southern Region

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

DECEMBER 13, 1978

Goodins County Leader
P.O. Box 56
Goodins, 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 salley proof to this office for review before the first publication date. If you cannot publish the notice on the proposed dates, please contact us immediately.

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

Please send the affidavit of publication and publication billing to this office before JANUARY 8, 1979.

Yours truly,

Mary A. Hill
Secretary

Encl.

RECEIVED
DEC 14 1978

NOTICE OF APPLICATION FOR WATER RIGHT

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

32-2249

STEVENSON, LYNN E.

STAR ROUTE BOX 3, BLISS, ID 83314

Source: UNNAMED STREAM tributary to SNAKE RIVER

Date Filed: 11/29/1978

Amount: 9.00 CFS

Diversion Point: LOT 03 Sec 17 T 06S R 13E, GOODING Co.

Use: POWER (9.00 CFS) from 01/01 to 12/31

Place of Use: LOT 03 Sec 17 T 06S R 13E

Diversion Means: CHECK DAM AND PIPELINE

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 on or before

C. STEPHEN ALLRED JANUARY 8, 1979.

Director

Published 12/21 & 12/28.

MAILED 11/29/78

WATER RIGHT NUMBER 37-2749 ✓

ACT
ION

N OWNER LAST NAME - STEVENSON ✓

FIRST NAME - LYNN E. ✓

N ADDRESS LINE 1 - STAR ROUTE BOX 3 ✓

CITY - BLISS ✓

STATE - ID ZIP CODE - 83314 ✓

N SOURCE - UNNAMED STREAM ✓

TRIBUTARY OF - SNAKE RIVER ✓

N STAGE - APPLICATION ✓

PRIORITY - 11-29-1978 ✓ COUNTY - GOODING ✓ TOTAL DIV. RATE - 9.0000

N DIVERSION POINT - 17 06S 13E LOT 03 ✓

N FROM - 01-01 TO - 12-31 USE - POWER ✓

USE DIV. RATE - 9.0000CFS ✓

N USE - POWER ✓

PLACE OF USE - TWN 06S RNG 13E SEC 17

LOT 03 ✓

N DIVERSION MEANS - CHECK DAM AND PIPELINE ✓