

# Affidavit of Publication

RECEIVED

DEC 4 1969

State of Idaho, }  
County of Gooding } SS.

Department of Reclamation

Thomas D. Miller

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 13 day

of Nov, 1969, and the date of the last publication

was on the 20 day of Nov., 1969

Thomas D. Miller

Subscribed and sworn to before me this 3

day of December, 1969  
(SEAL)

Andrey C. Bilsker  
NOTARY PUBLIC

## GOODING COUNTY LEADER

Gooding, Idaho

## COST OF PUBLICATION

Number of Lines in Notice.....

Number of Insertions .....

Lines at 14c .....

Lines at 10c .....

TOTAL COST .....

47 4005

## COPY OF NOTICE

Title of Notice

Claim to a  
Water Right

Title of Notice

# 47-4005

Plaintiff Attorney

## NOTICE OF CLAIM TO A WATER RIGHT NO. 47-4005

Notice is hereby given that Aldrich Bowler and/or B. W. Farnsworth, Star Route, Bliss, Idaho, have filed a claim to a water right established by diversion and application to beneficial use of 17.0 cubic feet per second of water from an unnamed creek tributary to the Snake River with point of diversion in Gov't. Lot 3, Sec. 21, T. 6S, R. 13E, B.M., Gooding County; the water is claimed to be used from January 1 to December 31 for power with a priority of November 1, 1934; the place of use is within Gov't. Lot 3, Sec. 21, T. 6S, R. 13E, B.M.

Any exception to this claim of water right may be filed with the Department of Reclamation.

R. Keith Higginson  
State Reclamation  
Engineer

11-13-2tc

## PUBLICATION RATES:

|                                   |     |
|-----------------------------------|-----|
| (Idaho Code, (Rev. Statutes) 1956 |     |
| 7 pt. per line, straight          | 14c |
| 7 pt. per line, tabular           | 20c |
| 7 pt. per line, successive        |     |
| insertions                        | 10c |
| 6 pt. per line, straight          | 15c |
| 6 pt. per line, tabular           | 20c |
| 6 pt. per line, successive        |     |
| insertion                         | 10c |

No 645

Bill submitted  
12-8-69 dr

UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

Snake River Pottery ) Project No. 5651-002

NOTICE OF APPLICATION FOR EXEMPTION FOR SMALL HYDROELECTRIC  
POWER PROJECT UNDER 5 MW CAPACITY  
(May 28, 1982)

Take notice that on May 3, 1982, Snake River Pottery (Applicant) filed an application under Section 408 of the Energy Security Act of 1980 (Act) (16 U.S.C. §§2705 and 2708 as amended), for exemption of a proposed hydroelectric project (from licensing under Part I of the Federal Power Act). The proposed small hydroelectric project (Project No. 5651) would be located on an unnamed Spring near Bliss, in Gooding County, Idaho. Correspondence with the Applicant should be directed to: Mr. Dale Hatch, P.O. Box 1071, Twin Falls, Idaho 83301.

**Project Description** - Applicant proposes to rehabilitate its existing project by replacing two existing generating units with installed capacity of 30 kW with new generating units with total rated capacity of 97 kW. The existing project consists of: (1) an intake structure; (2) a 650-foot-long penstock; (3) a powerhouse at elevation 2,710 feet m.s.l. that the Applicant would move to an elevation outside the A.J. Wiley Project No. 2845 reservoir boundary on the Snake River, when it is licensed for construction; and (4) a proposed 12.5-kV, 1,270-foot-long transmission line connecting the project with an existing Idaho Power Company line north of the project.

**Purpose of Exemption** - An exemption, if issued, gives the 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.

**Agency Comments** - The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the Idaho Department of Fish and Game are requested, for the purposes set forth in Section 408 of the Act, to submit within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed

to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

**Competing Application** - Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before AUG 9 1982, either the competing license application that proposes to develop at least 7.5 megawatts in that project, or notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than 120 days from the date that comments, protests, etc. are due. Applications for preliminary permit will not be accepted.

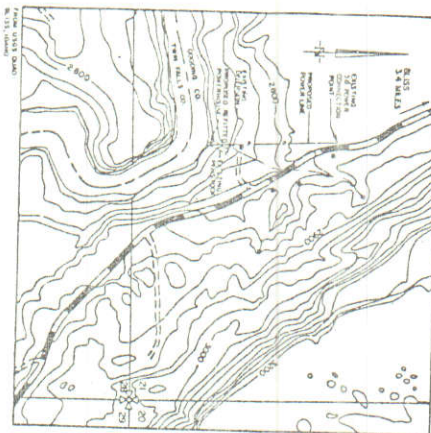
A notice of intent must conform with the requirements of 18 C.F.R. §4.33(b) and (c) (1980). A competing license application must conform with the requirements of 18 C.F.R. §4.33(a) and (d) (1980).

**Comments, Protests, or Petitions to Intervene** - Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 C.F.R. §1.8 or §1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before AUG 9 1982.

**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 "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth P. Plumb, Secretary, Federal Energy Regulatory Commission, 325 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, 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 petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth P. Plumb  
Secretary

DC-A-27



FERC Project No. 5651

ENGINEER:  
PETER ASSOCIATES, INC.  
P.O. BOX 212  
PAID, WA, 99101EXHIBIT A-1  
Snake River Pottery Project  
P.O. BOX 212  
PAID, WA, 99101

**NOTICE OF CLAIM TO A  
WATER RIGHT**

**NO. 47-4005**

Notice is hereby given that Aldrich Bowler and/or B. W. Farnsworth, Star Route, Bliss, Idaho, have filed a claim to a water right established by diversion and application to beneficial use of 17.0 cubic feet per second of water from an unnamed creek tributary to the Snake River with point of diversion in Gov't. Lot 3, Sec. 21, T. 6S, R. 13E, B.M., Gooding County; the water is claimed to be used from January 1 to December 31 for power with a priority of November 1, 1934; the place of use is within Gov't. Lot 3, Sec. 21, T. 6S, R. 13E, B.M.

Any exception to this claim of water right may be filed with the Department of Reclamation.

R. Keith Higginson *ote jms*  
State Reclamation  
Engineer

11-13-2tc

37-4147

Identification No. \_\_\_\_\_  
Claim No. 47-4005  
Map No. \_\_\_\_\_

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
CLAIM TO A WATER RIGHT  
Established by Diversion and Application to Beneficial Use

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. **The filing of this claim does not confirm the water right but will serve for information purposes only.** It may, however, become the basis for future adjudication of the water right by the Court.

(Please refer to the instructions on the back of this form)

1. Name of claimant ALDRICH BOWLER and/or B.W. FARNSWORTH  
post office address STAR RT BLISS, IDAHO 83314  
2. The point of diversion is in Govt. # of 3 1/4 Section 21 Township 6S, 13E  
Range 13E B.M. located on UNNAMED CREEK (name of source)  
tributary to SNAKE RIVER in GOODING County.

3. Dates of priority claimed: list the priority for each separate quantity that you claim. Priority dates should be based upon the earliest diversion of the water which has resulted in continued beneficial use since that time. If there has been an interval of five years or greater when the water was not beneficially used for the same purpose as originally appropriated, the priority that you claim should date from the time that the water was again beneficially applied following the period of non-use.

a. Date of priority claimed:  
NOV 1 1934 amount: 17 c.f.s. or \_\_\_\_\_ acre feet  
\_\_\_\_\_ amount: \_\_\_\_\_ c.f.s. or \_\_\_\_\_ acre feet  
\_\_\_\_\_ amount: \_\_\_\_\_ c.f.s. or \_\_\_\_\_ acre feet  
Total claimed 17 c.f.s. or \_\_\_\_\_ acre feet.

b. Explain the purpose for which the water has been used and the time during the year when you have used the right claimed:  
use GENERATION OF POWER period of use from 1/1 to 12/31 (both dates inclusive)  
use \_\_\_\_\_ period of use from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
use \_\_\_\_\_ period of use from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
use \_\_\_\_\_ period of use from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive).

4. Description of diverting works:  
a. Surface water diversion dam and/or headgate: material is composed of INTO PENSTOCK  
LEADING TO GENERATOR; length is \_\_\_\_\_ feet; height is \_\_\_\_\_ feet;  
width at bottom is \_\_\_\_\_ feet; with at top is \_\_\_\_\_ feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known \_\_\_\_\_  
LENGTH OF PENSTOCK IS 207 FT WITH 60  
FT OF HEAD TO DRAFT TUBE

b. Underground water diverting works: is well flowing or pumped \_\_\_\_\_; depth of well is \_\_\_\_\_ feet; diameter of well is \_\_\_\_\_ inches; type of pump is \_\_\_\_\_  
capacity of pump is \_\_\_\_\_ g.p.m.; name and address of well driller is \_\_\_\_\_

\_\_\_\_\_

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if feeder canal is used give maximum carrying capacity\_\_\_\_\_c.f.s.; if reservoir is off stream, describe location of reservoir by 40-acre subdivisions\_\_\_\_\_

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5. a. Where water is used for irrigation, describe area irrigated by 40-acre subdivisions and give total acres:

[illegible]

Total number of acres to be irrigated \_\_\_\_\_

---

b. Do you get water through a ditch owned by several users? \_\_\_\_\_ If yes, give the name of the ditch \_\_\_\_\_ The other users and their respective interests in the ditch are (if known) \_\_\_\_\_

6. Where water is used for stock watering, give number of each kind of stock watered \_\_\_\_\_

7. Where water is used for domestic or municipal purposes give number of families served \_\_\_\_\_ name of town supplied \_\_\_\_\_

8. Where water is used for other purposes not above enumerated, give the nature of use, the extent of use, and any details regarding the initiation of the right or subsequent later expansion. Be as specific as possible, giving dates and quantities \_\_\_\_\_

9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation

FROM MAY TO OCTOBER ANNUAL IRRIGATION  
USE REDUCES THE WATER IN THE STREAM TO  
10-12 SEC FT AND THE POWER PLANT IS GATED  
BACK TO KEEP THE PENSTOCK FULL AND OPERATING  
ON THE REDUCED FLOW. ALSO THE LEAKAGE  
KEEPS THE STREAM ALIVE FOR FISH.

State of Idaho

County of ADA

ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiants knowledge.

Sworn to before me this

20<sup>TH</sup>

day of

OCTOBER

19<sup>69</sup>

Residing at

My commission expires

JAN 19, 1973

For Department Use Only

Received by ej Date 10-21-69

Exception filed by:

Forwarded to  
claimant by:

Date

Prelim. check by EP Date 10/20

Fee received by ej Date 10/21-69 Fee \$ 10.00

Approved for publication by

Published in Gooding Leader Dates 11-13+20-69

47 4005

## INSTRUCTIONS

Your claim should set forth all necessary information to describe your claimed right. Failure to give enough information may make your claim of little value. Some of the items in the form may not apply to your situation. Please use additional sheets if space provided is not sufficient to fully answer the questions.

### Paragraph No.

1. Give full name and post office address of person or company making the claim.
2. Describe the point of diversion by 40-acre subdivision. Give the name of the source, the drainage to which it is tributary if surface water, and the county in which the point of diversion is located. If there is more than one point of diversion, list others in the remarks section.
3. Give the priority dates and the quantities of water that you claim. You should accurately list the dates that you initiated each new use of the water. List separately the dates and amounts of water involved in each enlargement of the diversion. (Example: if you diverted 0.8 c.f.s. of water for irrigation on May 18, 1871, for the first time for use on 40 acres of land, and then later you enlarged the diversion by diverting an additional 0.4 c.f.s. of water to irrigate an additional 20 acres of land on June 1, 1901, your right should be described as follows:

|                           |                       |         |                      |                             |
|---------------------------|-----------------------|---------|----------------------|-----------------------------|
| Date of priority claimed: | <u>May 18, 1871</u>   | amount: | <u>0.8</u> c.f.s. or | <u>          </u> acre feet |
|                           | <u>June 1, 1901</u>   | amount: | <u>0.4</u> c.f.s. or | <u>          </u> acre feet |
|                           | <u>Total claimed:</u> |         | <u>1.2</u> c.f.s. or | <u>          </u> acre feet |

Since the water was used for irrigation between April 1 and October 31 on that particular farm, part b. would be completed as follows:

use irrigation period of use from April 1 to October 31 (both dates inclusive). If the water had been used for any other purpose, you would have described the priority date, amount, use, and period of use in a similar manner.

4. Describe the diversion works and explain any changes since the right was first initiated.
5. If the water is used for irrigation, give the total acreage and list the lands irrigated by 40-acre subdivisions and complete the other questions.
- 6, 7, & 8. Describe any other uses of water.
9. In the remarks section, give any information or details that you feel are not fully covered or that need clarifying. You might explain your operation, where the water is returned to if for an industrial or non-consumptive right, the condition and temperature of the returned water, and any other information to help explain your claim.

You may wish to include as a part of your claim, affidavits of witnesses who are familiar with your right and who have a personal knowledge of the circumstances which you have described in your claim. You may submit maps, drawings, certified copies of posted notices which may have been filed in the county courthouse, water measurement records, or any other document which you feel will support your claim.

Your claim will be advertised in a county newspaper for two weeks. Exceptions to your claim which dispute the water right that you have described may be received by the Department of Reclamation and you will be provided a copy of such exceptions.

The fee for filing this claim with the Department of Reclamation, Room 107, Statehouse, Boise, Idaho 83701, is \$10.00.

# Affidavit of Publication

State of Idaho, }  
County of Gooding } ss.

Department of Recd

Thomas D. Miller 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 13 day of Nov, 1969, and the date of the last publication was on the 20 day of Nov., 1969.

Thomas D. Miller

Subscribed and sworn to before me this 2

day of December, 1969.  
(SEAL)

Andrew C. Belcher  
NOTARY PUBLIC

## GOODING COUNTY LEADER

Gooding, Idaho

## COST OF PUBLICATION

Number of Lines in Notice.....

Number of Insertions .....

Lines at 14c .....

Lines at 10c .....

TOTAL COST

47 4005

## COPY OF NOTICE

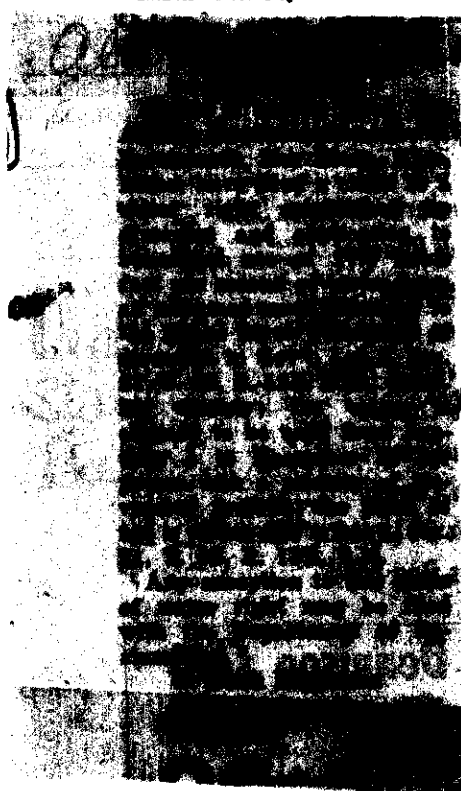
Title of Notice

Claim to a Water Right

Title of Notice

# 47-4005

Plaintiff Attorney



## PUBLICATION RATES:

|                                   |     |
|-----------------------------------|-----|
| (Idaho Code, (Rev. Statutes) 1956 |     |
| 7 pt. per line, straight .....    | 14c |
| 7 pt. per line, tabular .....     | 20c |
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| 6 pt. per line, straight .....    | 15c |
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| 6 pt. per line, successive        |     |
| insertion .....                   | 10c |

No 645

Bill submitted  
12-8-69

~~37-4147~~  
37-4147

SEP 7 1982

Department of Water Resources

20 FERC 162,394

-2-

UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

Snake River Pottery ) Project No. 5651-002

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

( Issued September 2, 1982 )

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 K (1980) implementing in part Section 408 of the Energy Security Act (Act) of 1980 for a project as described in the attached public notice. 2/ 3/

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

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/ Snake River Pottery, Project No. 5651-002, filed on May 3, 1982.
- 2/ Pub. Law 96-294, 94 Stat. 611. Section 408 of the ESA amends inter alia, Sections 405 and 408 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. §§2705 and 2708).
- 3/ Authority to act on this matter is delegated to the Deputy Director, Office of Electric Power Regulation, under §375.308 of the Commission's regulations, 18 C.F.R. §375.308(1981). 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, 47 Fed. Reg. 19047(1982). 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 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.

It is ordered that:

Snake River Pottery Project No. 5651 as described and designated in Snake River Pottery application filed on May 3, 1982, exempted from all of the requirements of Part I of the Federal Power Act, including licensing, subject to the standard articles in §4.106 of the Commission's regulations attached hereto as Form E-2, 18 C.F.R. §4.106, 45 Fed. Reg. 76115 (November 18, 1980), and the following Special Article.

Article 6. 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 to the regional fish and wildlife program developed pursuant to the Pacific Northwest Electric Power Planning and Conservation Act. Inconsistencies between the regional plan and the mandatory conditions under Article 2 will be resolved by the Commission.

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

\$\$\$

Project No. 5651-002

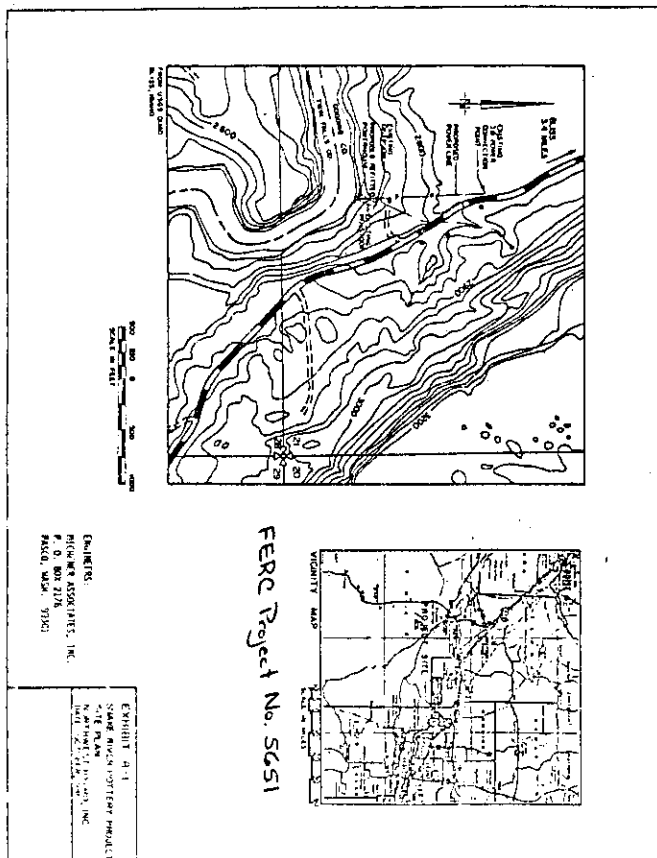
(May 28, 1982)

**Agency Comments:** The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the Idaho Department of Fish and Game are requested, for the purposes set forth in Section 408 of the Act, to submit within 60 days from the date of issuance of the Notice the provisions appropriate to the project to protect fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions including any special management actions and restrictions identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed

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 "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth P. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred R. Springer, Chief, Application Branch, Division of Hydroelectric Projects, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb  
Secretary

DC-A-27



§ 4.106 Standard terms and conditions of exemption from licensing.

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

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

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

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

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

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



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

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 334-4440

March 27, 1985

Aldrich Bowler  
Snake River Pottery  
HC-60, Box 110  
Bliss, ID 83314

Re: Water Rights for Power Production Purposes

Dear Mr. Bowler:

The purpose of this letter is to document our conversation of Friday, March 22, 1985, which included discussions regarding water rights for your power plant located on an unnamed stream tributary to the Snake River.

Based on the information that you provided during your visit, a data summary table has been developed, as shown below:

| <u>Date of Use</u> | <u>Rate of Flow<br/>Utilized</u> | <u>Power Generated</u> | <u>Head</u> |
|--------------------|----------------------------------|------------------------|-------------|
| 1934               | 17 cfs                           | 7.5 kw                 | 50'         |
| 1952               | 17 cfs                           | 25 kw                  | 50'         |
| 1979               | 17 cfs                           | 25 kw total            | 90'         |
| Dec. 18, 1984      | 17 cfs                           | 86 kw                  | 90'         |

During our conversation you indicated that although some changes have been made to the power generation system during the last fifty years, the point of diversion and place of use have remained in the same forty-acre tract, and the rate of flow utilized has not been changed significantly. As you indicated, the increase in amount of power generated in 1952 versus 1934 was caused by the updating of turbine equipment. You further described that in 1979 you changed the point of diversion somewhat, resulting in an increase of head from fifty feet to ninety feet, but our Department advised you that no change in the water right was necessary because the point of diversion remained in the same forty-acre tract. Although we would require a transfer if such a change were made today, our interpretation in 1979 was different and no transfer was required at that time.

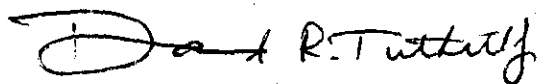
Mr. Aldrich Bowler  
March 27, 1985  
Page 2

You have indicated that on December 18, 1984, new equipment was brought on line to increase the power output to 86 kilowatts using the same amount of water and head as had been utilized for several years. Even though the amount of power generated has increased, because the rate of flow utilized has not been increased no additional water right filing is required.

Copies of this letter will be placed in our files for Claims to Water Rights Nos. 37-4007 and 37-4147. If information provided in this letter is incorrect, or if interpretations herein are erroneous, please advise this office.

I enjoyed your visit to this office and wish you good luck in operation of your power generating system.

Sincerely,



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

DRT/ljs

cc: Files 37-4007 and 37-4147

December 8, 1969

Re: Claim to a Water Right No. 47-4005

Aldrich Bowler and/or  
B. W. Farnsworth  
Star Route  
Bliss, Idaho 83314

Gentlemen:

The Department of Reclamation has completed the processing of your claim to a water right, and no further action is authorized under Section 42-225 of the Idaho Code. Notice of your claim was published and no one has filed an exception to your claim. Your claim will remain in our files and will be available at any time for your or the courts use.

As you are aware, the filing of your claim does not, in itself, guarantee you a water right; it only records and preserves the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or evidence that you would like to have included in your claim file, you may add that information at any time. Please refer to your claim number when corresponding with this office.

We are enclosing, for your records, a copy of your claim. If you have any questions or if we can be of further assistance, please feel free to call upon us.

Very truly yours,

Donald W. McEldowney  
Appropriation Examiner

DWM:mjl

Enclosures: Copy of Claim

Receipt No. 3743

47 4005

**December 1, 1969**

**Re: Claim to a Water Right No. 47-4005 - Aldrich Bowler and/or B. W. Farnsworth  
47-4006 - B. W. Farnsworth**

**Gooding Leader  
Box 54  
Gooding, Idaho 83330**

Gentlemen:

Would you please submit an affidavit of publication and a certified bill in connection with the above referenced item(s). The legal notice was to be published in your paper on **November 13 and 20, 1969.**

As the above permit application cannot be approved until we are in receipt of the affidavit, it is important that we receive it as soon as possible.

May we please have your prompt attention to this matter.

Very truly yours,

Donald W. McEldowney  
Appropriation Examiner

DWM:DR

47 4005

November 5, 1969

Re: Claim to a Water Right No. 47-4005 - Aldrich Bowler and/or B. W. Farnsworth  
47-4006 - B. W. Farnsworth

Gooding Leader  
Box 56  
Gooding, Idaho 83330

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 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 of Reclamation along with the publication bill. In order to receive payment, the following certification must appear on the bill:

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

\_\_\_\_\_  
(Signature of the claimant)

Very truly yours,

Donald W. McElDowney  
Appropriation Examiner

DWM:DR  
Enc: Legal notices (2)

47 4005

**NOTICE OF CLAIM TO A  
WATER RIGHT**

**NO. 47-4005**

Notice is hereby given that Aldrich Bowler and/or B. W. Farnsworth, Star Route, Bliss, Idaho, have filed a claim to a water right established by diversion and application to beneficial use of 17.0 cubic feet per second of water from an unnamed creek tributary to the Snake River with point of diversion in Gov't. Lot 3, Sec. 21, T. 6S, R. 13E, B.M., Gooding County; the water is claimed to be used from January 1 to December 31 for power with a priority of November 1, 1934; the place of use is within Gov't. Lot 3, Sec. 21, T. 6S, R. 13E, B.M.

Any exception to this claim of water right may be filed with the Department of Reclamation.

R. Keith Higginson *de jure*  
State Reclamation  
Engineer

11-13-2tc

NOTICE OF CLAIM TO A WATER RIGHT

No. 47-4005

Notice is hereby given that Aldrich Bowler and/or B. W. Farnsworth,  
Star Route, Bliss, Idaho, have ~~has~~ filed a claim to a water right  
established by diversion and application to beneficial use of 17.0  
cubic feet per second/~~1000~~ of water from an unnamed creek tributary  
to the Snake River with point of diversion in the Gov't.  
Lot 3, Sec. 21, T. 6S, R. 13E, B.M., Gooding County ; the water is  
claimed to be used from January 1 to December 31 for power  
with a priority of November 1, 1934  
; the place of use is within the Gov't.  
Lot 3, Sec. 21, T. 6S, R. 13E, B.M.

Any exception to this claim of water right may be filed with the Department  
of Reclamation.

R. KEITH HIGGINSON  
State Reclamation Engineer

Published in the Gooding Leader, Gooding, Idaho.  
on November 13 and November 20, 1969.