

Affidavit of Publication

State of Idaho,
County of Gooding

SS.

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 6 day of November, 1969, and the date of the last publication

was on the 13 day of November, 1969.

Subscribed and sworn to before me this 3

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

*Bill submitted
12-8-69 de*

COPY OF NOTICE

Title of Notice

Water Application

NOTICE OF CLAIM TO A WATER RIGHT NO. 37-4007

Notice is hereby given that Aldrich Bowler, Star Route, Bliss, Idaho, has filed a claim to a water right established by diversion and application to beneficial use of 0.5 cubic feet per second of water from an unnamed creek tributary to the Snake River with point of diversion in the NE 1/4 SE 1/4 of Sec. 21, T. 6S R. 13E, B.M., Gooding County; the water is claimed to be used from May 1 to Oct. 15 for irrigation and from Jan. 1 to Dec. 31 for domestic and power with a priority of November 1, 1947; the place of use is within the NE 1/4 SE 1/4 of Sec. 21, T. 6S, R. 13E, B.M. Any exception to this claim of water right may be filed with the Department of Reclamation.

11-6-2tc

RECEIVED

DEC 4 1969

Department of Reclamation

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 641

37 4007

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, 825 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



RECEIVED

OCT 24 1969

Department of Reclamation

Identification No. 8

Claim No. 37-4007

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
post office address STAR RT BLISS IDAHO 83314
2. The point of diversion is in NE $\frac{1}{4}$ of SE $\frac{1}{4}$ Section 21 Township 6 SOUTH
Range 13 EAST B.M. located on UNNAMED CREEK (SPRING)
(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 1947 amount: 0.5 ~~0.02~~ c.f.s. or _____ acre feet
 _____ amount: _____ c.f.s. or _____ acre feet
 _____ amount: _____ c.f.s. or _____ acre feet
 Total claimed _____ 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 <u>DOMESTIC</u>	period of use from <u>1/1</u>	to <u>12/31</u>	(both dates inclusive)
use <u>IRRIGATION</u>	period of use from <u>5/1</u>	to <u>10/15</u>	(both dates inclusive)
use <u>POWER</u>	period of use from <u>1/1</u>	to <u>12/31</u>	(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 DIVERSON BOX PIPE LINE; length is _____ feet; height is _____ feet; width at bottom is _____ feet; width at top is _____ feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known _____

 - 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 _____

_____; if so, give dates and explain _____

(DOMESTIC)

PIPELINE TO HOUSE IRRIGATION

Conveying works: length of ditch to place of use is 175 feet; width of ditch at top is 1 feet; width of bottom of ditch is $\frac{1}{2}$ feet; depth of water is $\frac{1}{2}$ feet; grade of ditch per 1000 feet is 0.2 feet; material through which ditch passes is SOD + LOAM; maximum length of pipe line to first place of use is _____ feet; diameter of pipe line is _____ inches; type of pipe _____; grade of pipe per 1000 feet is _____.

Please explain any changes or increase in size of conveying system since water was first appropriated, giving date and dimensions if possible_____

d. If water is stored: name of reservoir _____ ;
total capacity of reservoir is _____ acre feet; active capacity of reservoir is _____ acre feet;
year construction commenced _____ ; year completed _____ ; date first used _____
period of storage is from _____ to _____ ; is reservoir drained each year _____ ;
is reservoir on or off stream _____ explain _____

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_____

has there been any enlargement of the reservoir since it was first built _____, if so, give dates and describe _____

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 _____

Explain any significant increase in area irrigated since first use, give dates and acreages if known _____

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 1 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

APRIL 15 1950
IN 1950 I PUT IN SERVICE UNDER THIS
HEAD OF SPRING WATER A 6' FT FITZ
COMMERCIAL OVERSHOT WATER WHEEL
CAPACITY 1 H.P. UNDER 1 CFS OF WATER
PUMPING WATER & MILLING GLAZE

I ALSO USE THIS UNNAMED CREEK TO
IRRIGATE DIVERTING IT AT THE SAME
WEIR WHERE I FEED THE DOMESTIC
WATER TO MY PIPELINE RUNNING TO
MY HOUSE,

State of Idaho

County of _____

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.

Aldrich Bowley
Claimant

Sworn to before me this 22nd day of Oct 1969

Leslie J. Jenkins
Notary Public

Residing at Bliss Idaho

My commission expires 4-15-72

For Department Use Only

Received by KH Date 10-24-69

Exception filed by: _____

Forwarded to
claimant by: _____

Date _____

Prelim. check by DR Date 10-27-69

Fee received by ej Date 10-27-69 Fee \$ 10.00

Approved for publication by _____

Published in Blissing Leader Dates 11-6 and 13-69

37 4007

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 c.f.s. or</u>	<u> </u>	acre feet
	<u>June 1, 1901</u>	amount:	<u>0.4 c.f.s. or</u>	<u> </u>	acre feet
		Total claimed:	<u>1.2 c.f.s. or</u>	<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.

[illegible]

THE UNITED STATES OF AMERICA

Department of Education

State of Idaho)
County of)

Mrs. Anita J. Standal being first duly sworn,
deposes and says: TO MY CERTAIN KNOWLEDGE
ALDRICH BOWLER ~~XXXXXXXXXXXXXXXXXXXX~~
HAVE USED AND ARE USING THE
WATER IN THE UNNAMED CREEK AS
CLAIMED

(Signature)

Subscribed and sworn to before me this 21st day of Oct, 1969.

(Notary Public)

Residing at Bliss Idaho
My Commission Expires 4-15-73

37 400?

IN THE MATTER OF:)

AFFIDAVIT

RECEIVED

OCT 24 1969

Department of Reclamation

State of Idaho
County of _____

Ronald Stroy

being first duly sworn,

deposes and says: TO MY CERTAIN KNOWLEDGE
ALDRICH BOWLER HAS USED AND IS
USING FROM THE WATERS OF THE
UNNAMED CREEK THE WATER BEING
CLAIMED.

Ronald Stroy
(Signature)

Subscribed and sworn to before me this 21st day of OCT., 1969.

Leslie F. Lenker
(Notary Public)

Residing at Bliss Idaho
My Commission Expires 4-15-72

IN THE MATTER OF:)
)
)
)
)
)
)
)
State of Idaho)
County of _____)

AFFIDAVIT

RECEIVED
JUL 27 1968
U.S. DEPARTMENT OF AGRICULTURE

Mrs Anita J. Standal being first duly sworn,
deposes and says: TO MY CERTAIN KNOWLEDGE
ALDRICH BOWLER ^{and} B.W. FARNSWORTH
HAVE USED AND ARE USING THE
WATER IN THE UNNAMED CREEK AS
CLAIMED

Mrs Anita J. Standal
(Signature)

Subscribed and sworn to before me this 20 day of Oct., 1968

Lusli F. Lenker
(Notary Public)

Residing at Bliss, Idaho
My Commission Expires 4-15-72

[illegible]

REF ID: A66087

Department of Reclamation

B W FARNSWORTH

deposes and says:

TO MY CERTAIN KNOWLEDGE

ALDRICH BOWLER HAS USED AND IS
USING FROM THE WATER OF THE
UNNAMED CREEK THE WATER BEING
CLAIMED.

Subscribed and sworn to before me this 21st day of Oct, 1969

Residing at Bliss Idaho
My Commission Expires 4-15-72

))))))

RECEIVED
JUN 10 1964
Department of Enrolment

)

being first duly sworn,

deposes and says: TO MY CERTAIN KNOWLEDGE
ALDRICH BOWLER ^{and} / or B.W. FARNSWORTH
HAVE USED & ARE USING THE
WATER IN THE UNNAMED CREEK
AS CLAIMED

Signature _____

Lisli F. Jenken
(Notary Public)

Residing at Elvis, Idaho
My Commission Expires 4-15-72

4-15-72

RECORDED

2. 19

State of Idaho
County of _____

Ronald Stou

deposes and says: TO MY CERTAIN KNOWLEDGE
BW. FARNSWORTH HAS USED AND IS
USING FROM THE WATER OF THE UNNAMED
CREEK THE WATER BEING CLAIMED

Ronal Street
(Signature)

Subscribed and sworn to before me this 21st day of Oct., 1968

Leslie F. Lenka
(Notary Public)

Residing at Bliss Idaho
My Commission Expires 4-15-22

IN THE MATTER OF:)

AFFIDAVIT

Department of P. Section

State of Idaho
County of _____

ALDRICH BOWLER being first duly sworn,

deposes and says: TO MY CERTAIN KNOWLEDGE

B.W. FARNSWORTH HAS USED AND
IS USING FROM THE WATER OF
THE UNNAMED CREEK THE WATER
BEING CLAIMED

Aldrich Bowler
(Signature)

Subscribed and sworn to before me this 21st day of Oct., 1967.

L. J. Lumber
(Notary Public)

Residing at Bliss Idaho
My Commission Expires 4-15-72

Affidavit of Publication

State of Idaho, }
County of Gooding } SS.

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Thomas D. Miller
Subscribed and sworn to before me this 3 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

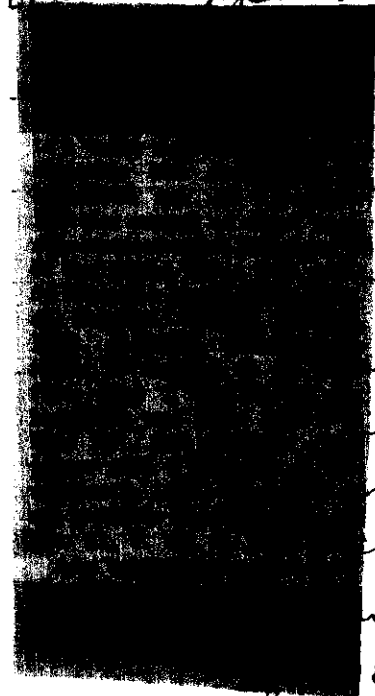
Bill submitted
12-8-69

TOTAL COST

COPY OF NOTICE

Title of Notice

Water Application



RECEIVED

DEC 6 1969

Gooding County, Idaho

PUBLICATION RATES:

(Idaho Code, (Rev. Statutes) 1958)	
7 pt. per line, straight	14c
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6 pt. per line, straight	15c
6 pt. per line, tabular	20c
6 pt. per line, successive	
insertion	10c

No 641

37 4007



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 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.

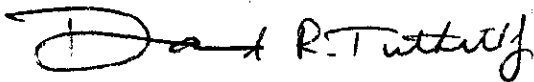
Mr. Aldrich Bowler
March 27, 1985
Page 2

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,

A handwritten signature in dark ink, appearing to read "David R. Tuthill, Jr.", with a stylized, cursive script.

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

DRT/ljs

cc: Files 37-4007 and 37-4147

37-4007

RECEIVED

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

\$\$\$

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)

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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.

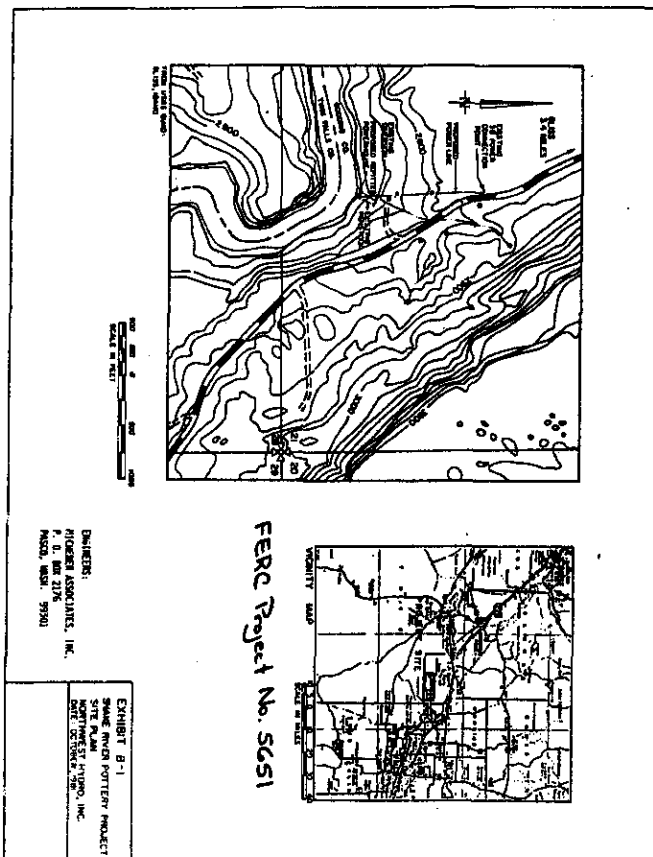
A notice of intent must conform with the requirements of 18 C.F.R. §4.33(b) and (c) (1980). A competing license application must conform with the requirements of 18 C.F.R. §4.33(a) and (d) (1980).

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 F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, 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 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.

FEDERAL ENERGY REGULATORY COMMISSION

WASHINGTON, D. C. 20426
EQUAL OPPORTUNITY EMPLOYER

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FERC-351
FIRST CLASS MAIL



State of Idaho P-5651
Dept. of Resources
State House
Boise, Idaho 83720

December 8, 1969

Re: Claim to a Water Right No. 37-4007

Aldrich Bowler
Star Route
Bliss, Idaho 83314

Dear Mr. Bowler:

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. 3772

37 4007

November 24, 1969

Re: Application for Permit No. 36-7091 - Earl M. Hardy & Richard Kaster
Claim To A Water Right No. 37-4007 - Aldrich Bowler

Gooding Leader
Box 26
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 6th, and 13th, 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

934-4449

37 4007

DON SAMUELSON
GOVERNOR



R. KEITH HIGGINSON
State Reclamation Engineer

October 29, 1969

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
STATEHOUSE - ANNEX 2
BOISE, IDAHO 83707

Re: Application for Permit No. 36-7090 - Earl M. Hardy
" " " " 36-7091 - Earl M. Hardy & Richard Kaster
Claim to a Water Right No. 37-4007 - Aldrich Bowler

Gooding Leader
Box 16
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:DF
Enc: legal notice (1)

37 4007

NEED PROOF
NOTICE OF CLAIM TO A
WATER RIGHT NO. 37-4007

Notice is hereby given that Aldrich Bowler, Star Route, Bliss, Idaho, has filed a claim to a water right established by diversion and application to beneficial use of 0.5 cubic feet per second of water from an unnamed creek tributary to the Snake River with point of diversion in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 21, T. 6S R. 13E, B.M., Gooding County; the water is claimed to be used from May 1 to Oct. 15 for irrigation and from Jan. 1 to Dec. 31 for domestic and power with a priority of November 1, 1947; the place of use is within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 21, T. 6S, R. 13E, B.M. Any exception to this claim of water right may be filed with the Department of Reclamation.

11-6-2tc

NOTICE OF CLAIM TO A WATER RIGHT

No. 37-4007

Notice is hereby given that Aldrich Bowler, Star Route, Bliss,
Idaho, has filed a claim to a water right
established by diversion and application to beneficial use of 0.5
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to Dec. 31 for domestic and power with a priority of November 1, 1947
; the place of use is within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of
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 6 and November 13, 1969.

K.H.