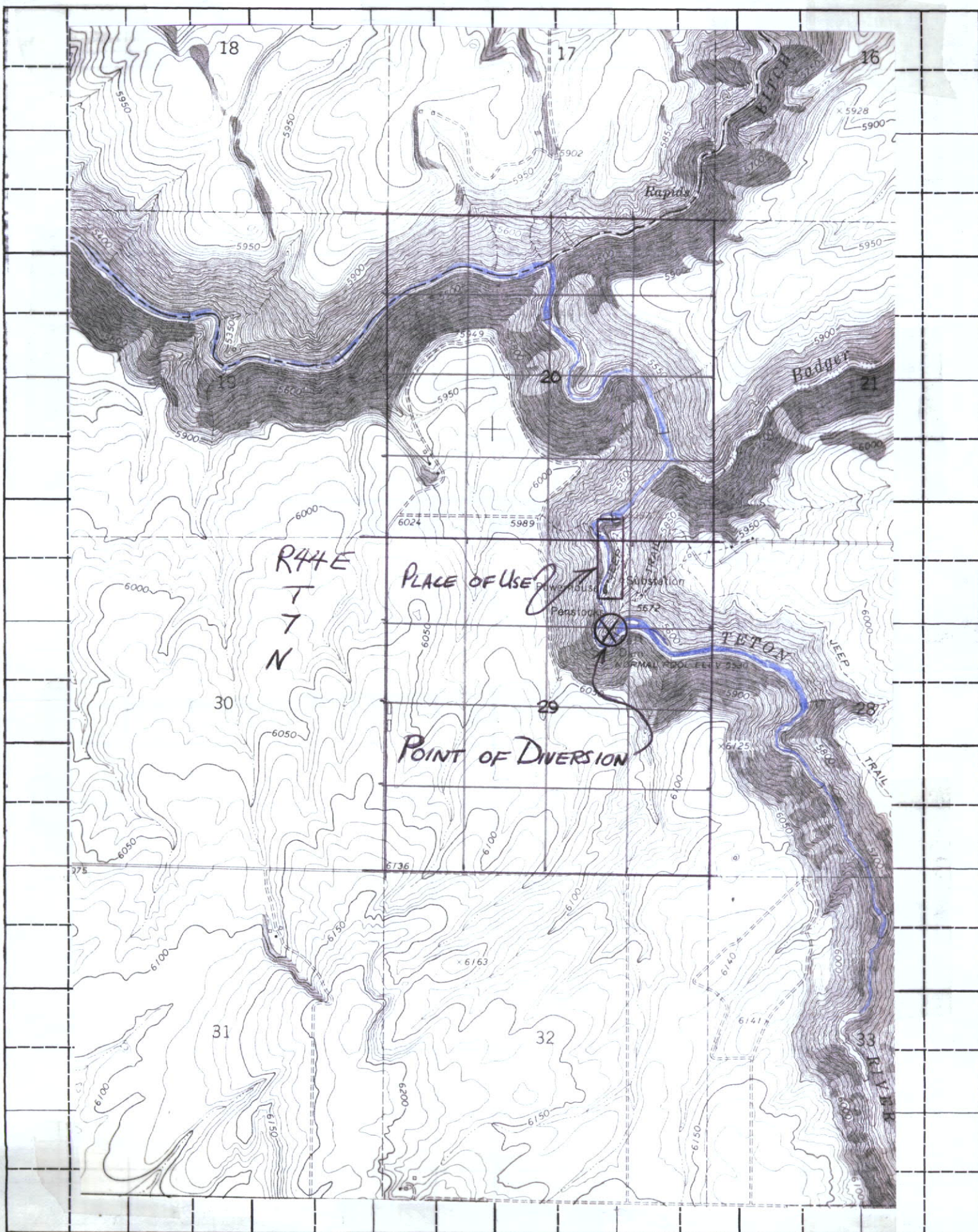


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.

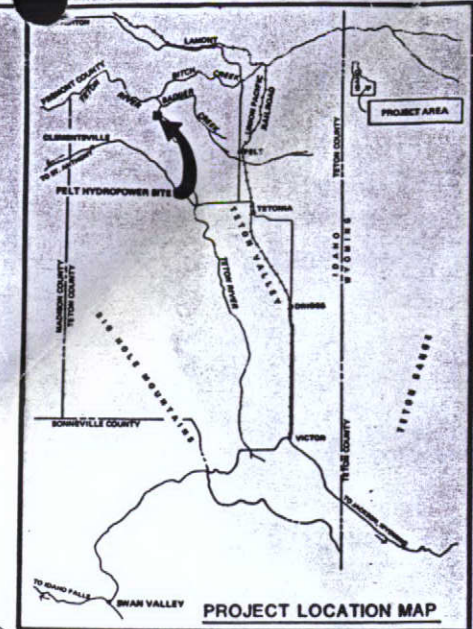
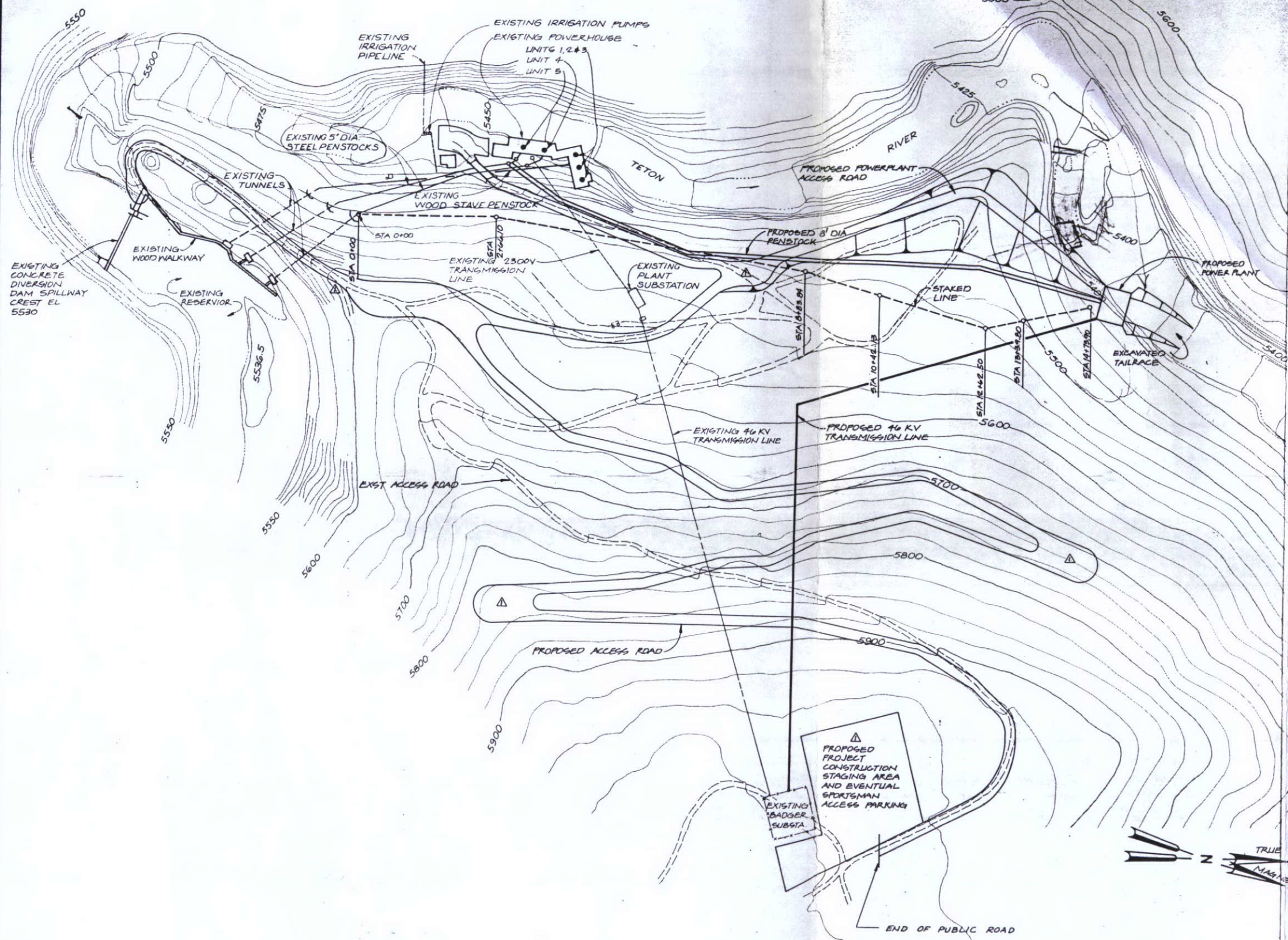


Scale: 2 inches equal 1 mile.

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

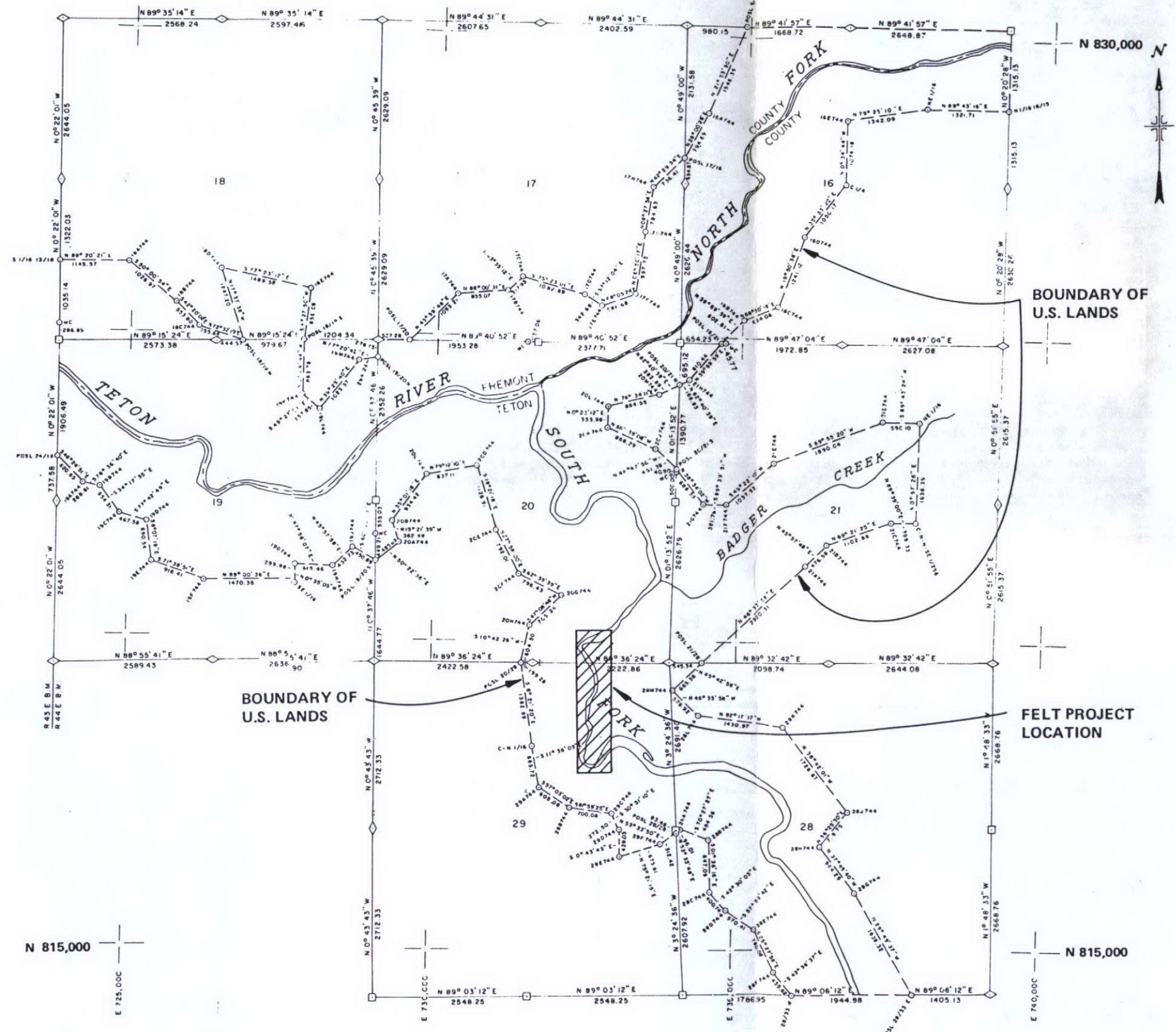
Ray L. Egan
(Applicant)
Attorney for Fall River

MICROFILMED



NO.	DATE	REVISION	BY	APP.
1	4-15-82	ACCESS ROADS AND PARKING	DVBS	BES
EXHIBIT F				
APPLICATION FOR LICENSE				
GENERAL DESIGN DRAWINGS				
FELT HYDROELECTRIC PROJECT				
PROJECT LAYOUT				
FALL RIVER RURAL ELECTRIC COOPERATIVE INC.				
FEBRUARY 1982	0 100 200 300 FT			SHEET 1 OF 4

MICROFILMED

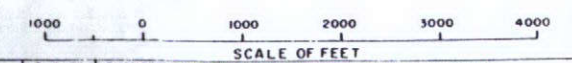


LEGEND

- WC WITNESS CORNER
- SECTION CORNER BRASS CAP
- 16A742 U.S.B.R. R.O.W. BRASS CAP AND NUMBER
- CORNER NOT SET
- U.S.B.R. RIGHT-OF-WAY

CONVERSION OF MEASURED DISTANCES AND COORDINATES SHOWN ON DRAWING TO IDAHO COORDINATE SYSTEM (FAST ZONE) IS MADE BY MULTIPLYING BY A FACTOR OF .9997528

FIGURE A-3
LANDS OF THE UNITED STATES
FELT LICENSE APPLICATION



7-8-74	CHANGED SOME DISTANCES AND REDEFINED SOME POINTS.
6-10-74	CHANGED ACQUISITION LINE IN SECTIONS 18 & 29 T.7N., R.44E.
1-17-74	CHANGED ACQUISITION LINE IN SECTIONS 16, 19, 20 & 29 T.7N., R.44E. ALSO MINOR CHANGES OF BEARINGS & DISTANCES IN REMAINING SECTIONS. ADDED COUNTY LINES.
10-11-74	CHANGED ACQUISITION LINE IN SECTION 29, T.7N., R.44E.
8-23-74	CHANGED ACQUISITION LINE IN SECTIONS 16, 20 & 21, T.7N., R.44E.

ALWAYS THINK SAFETY

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
TETON BASIN PROJECT
LOWER TETON DIVISION - IDAHO

**TETON DAM
RESERVOIR RIGHT-OF-WAY**

DESIGNED: J.P.M. SUBMITTED: [Signature]
DRAWN: K.V.R. RECOMMENDED: [Signature]
CHECKED: J.C. [Signature] APPROVED: [Signature]

NEWDALE, IDAHO SHEET 4 OF 4 JULY 16, 1973 549-147-203

AFFIDAVIT OF PUBLICATION

State of Idaho)
) ss
County of Teton)

I, Anne Hatch.....
being first duly sworn depose and
say that I am the
of the Teton Valley News, a
newspaper as defined by Idaho
Codes Annotated, Section 58-106,
as amended, and that said
newspaper is a weekly newspaper
printed and published at Driggs, in
Teton County, Idaho, having a
general circulation in said county,
and that said newspaper has been
printed in said county for more
that 78 consecutive weeks prior to
the first publication of the attached
notice, advertisement or publica-
tion of

Application for permit
no. 22-7482

And affiant further says that said
attached notice, advertisement or
publication, as per clipping
attached, was published in said
newspaper, in the regular and
entire issue thereof, and not in any
supplement issue thereof, for
consecutive issues thereof; first
publication having been made on
the day of 1984
and last publication on the day
of 1984

And affiant further says that at
the times herein mentioned said
newspaper was made up of at least
eight pages of at least five columns
each, printed from type matter, of
at least sixteen inches deep.

Anne Hatch

Subscribed in my presence and
sworn to before me this day of
Nov, 1984

(SEAL) Notary Public for the state
of Idaho, residence and postoffice
address, Driggs, Idaho.

Ronda Hammer

My Commission expires

9/29 1986

RECEIVED

NOV 23 1984

Department of Water Resources
Eastern District Office

NOTICE OF APPLICATION FOR WATER RIGHT

The following application(s)
have been filed to appropriate
the public waters of the State of
Idaho:

22-7482

Fall River Rural Electric Co-op,
Inc.

P.O. Box 617, Ashton, ID 83420
Source: Teton River trib. to
Snake River

Date Filed: 10-03-1984

Diversion Pt: NWNE SWNE Sec
29 T 07N R 44E

Use: Power (80.00 cfs)

In: SWSE Sec 20 T 07N R 44E
NWNE Sec 29 T 07N R 44E

The permit(s) will be subject to
all prior water rights. Protests
must be filed with the Director,
Dept. of Water Resources, 150
Shoup Ave., Suite 15, Idaho
Falls, Idaho 83402 on or before
November 19, 1984.

Ken Dunn, Dir.

Published in the Teton Valley
News November 1 and 8, 1984.

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

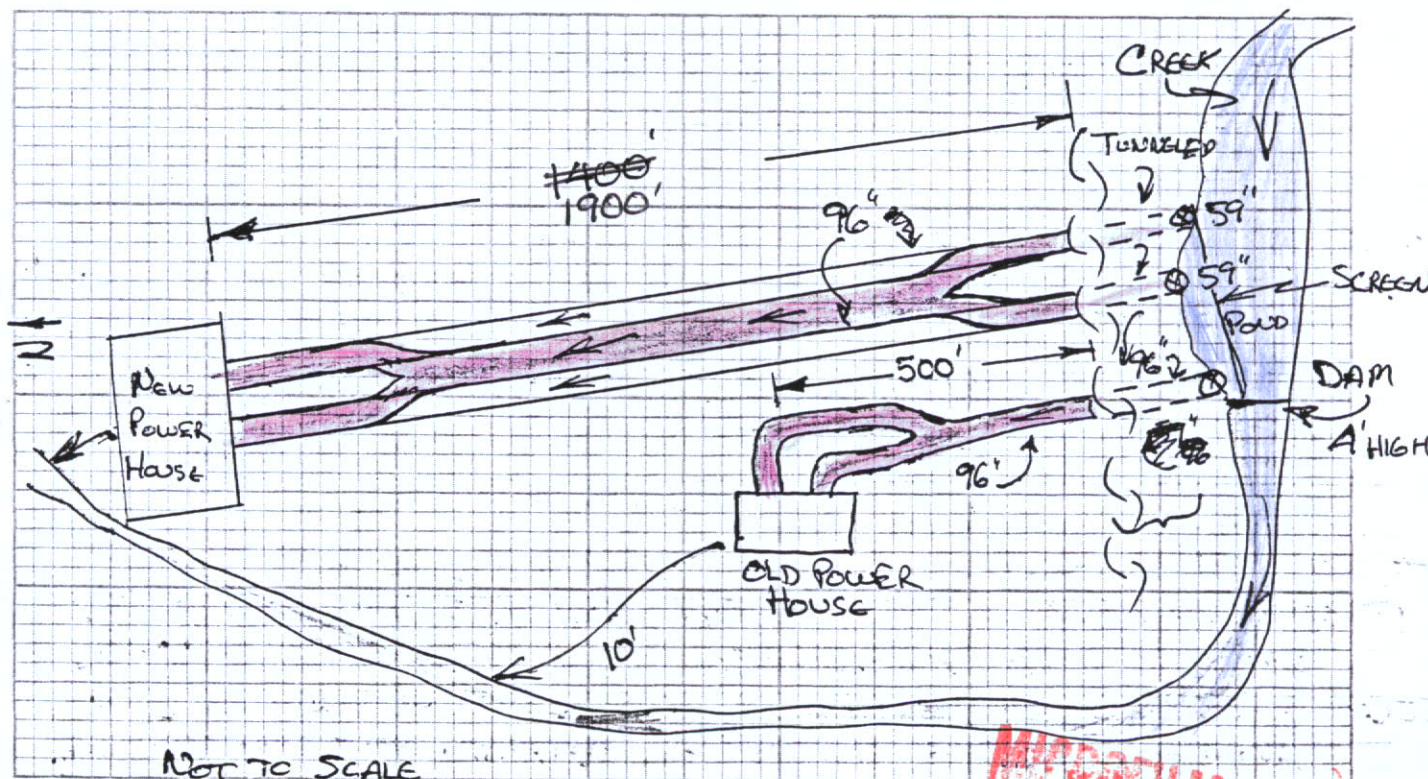
1. Owner: FALL RIVER RURAL ELECTRIC COOP., INC. Permit No. 22-7482B
Current Address: P.O. Box AE, ASHTON, ID. 83420 Phone No. 652-7431
2. Accompanied by: ZANE LARSON EXAM. DATE: 9-OCT-1987
Address: Box 111 Tetonia Phone No. 456-2364
Relationship to Permit Holder: PLANT MANAGER
3. Source: TETON RIVER tributary to SNAKE RIVER

B. OVERLAP REVIEW

1. Other water rights with same place of use: 22-0606, 2123, 2126, 22-7487/7351
☐ Copies Attached
2. Other water rights with same point of diversion: 22-0606, 2123, 2126, 7487, 7482A, 7351
☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

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



Scale: 1" = _____

2. ☒ Copy of U.S.G.S. Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).
☒ Photo of Diversion and System Attached (required for all but single household domestic groundwater, and stockwater).
☐ Aerial Photo Attached (required for irrigation of 10 acres or more).

JUN 28 1994

FELT POWER PLANTS

NEW POWER HOUSE

OLD POWER HOUSE

POINT OF DIVERSION

TN

R44E

22-7482B

APPROVED
JUN 28 1994

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

SPLIT BY EXAM

A. GENERAL INFORMATION

1. Owner: FALL RIVER RURAL ELECTRIC COOP, INC.
Current Address: P.O. Box AE, Ashton, ID. 83420
2. Accompanied by: ZANE LARSON
Address: Box 111 Teton
Relationship to Permit Holder: PLANT MANAGER
3. Source: TETON RIVER tributary to SNAKE RIVER

Permit No. 22-7482A
Phone No. 652-7431

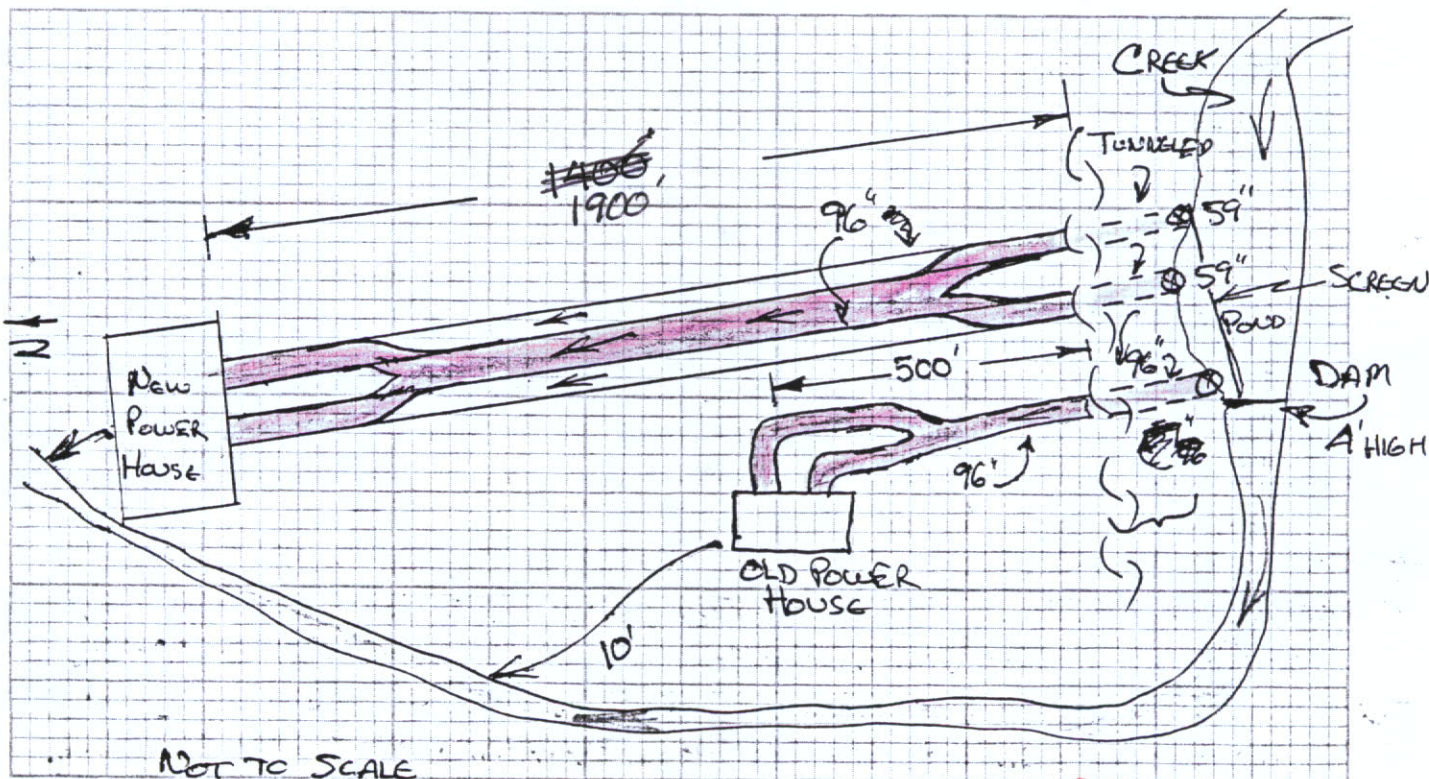
EXAM. DATE: 9-OCT-1987
Phone No. 456-2364

B. OVERLAP REVIEW

1. Other water rights with same place of use: 22-0606, 2123, 2126,
☐ Copies Attached
2. Other water rights with same point of diversion: 22-0606, 2123, 2126,
☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

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



Scale: 1" = _____

2. ☒ Copy of U.S.G.S. Quadrangle Attached
Showing location(s) of point(s) of diversion and
place(s) of use (required).
- ☒ Photo of Diversion and System Attached
(required for all but single household domestic groundwater, and stockwater).
- ☐ Aerial Photo Attached
(required for irrigation of 10 acres or more)

APPROVED
JUN 20 1994

FELT POWER PLANTS

NEW POWER HOUSE

OLD POWER HOUSE

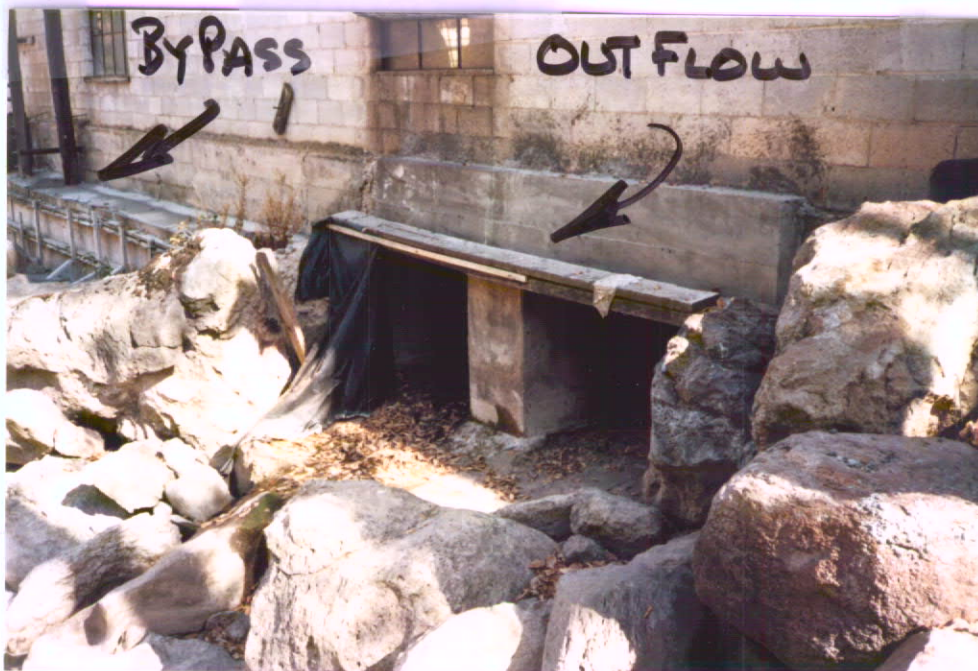
POINT OF DIVERSION

T7N
R44E

22-7482A

JUN 28 1994

OLD
POWER
PLANT



REPRODUCED
X-9-11
JUN 28 1994

Part B

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 22-07482B

Priority: November 12, 1984 Maximum Diversion Rate: 40.00 CFS

This is to certify, that FALL RIVER RURAL ELECTRIC COOPERATIVE
PO BOX 830

ASHTON ID 83420 has complied with the terms and conditions
of the permit, issued pursuant to Application for Permit dated October 1, 1984; and
has submitted Proof of Beneficial Use on April 28, 1986. An examination indicates
that the works have a diversion capacity of 520.000 cfs of water from:

TETON RIVER tributary to HENRYS FORK

source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
POWER	01/01 to 12/31	40.00 CFS	

LOCATION OF POINT(S) OF DIVERSION: NWNE , Sec. 29, Township 07N, Range 44E
TETON County

PLACE OF USE: POWER

TWN RGE SEC

07N 44E 20 SESE

CONDITIONS/REMARKS:

1. This water right is appurtenant to the described place of use.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. The water right confirmed in this license for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this license and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this license.
5. Use of water under this water right will be regulated by the watermaster of State Water District No. 01.
6. Use of water under this right shall be non-consumptive.
7. The issuance of this right in no way grants any right-of-way or easement across the land of another.

Handwritten signature

JUN 28 1994

State of Idaho
Department of Water Resources**WATER RIGHT LICENSE**

WATER RIGHT NO. 22-07482B

CONDITIONS/REMARKS:

8. A measuring device of a type approved by this Department shall be required at the diversion from the Teton River if determined to be necessary by either the Department of Water Resources or the watermaster of Water District 01.
9. The diversion and use of water under this license is subject to review by the Director upon expiration of the FERC license on September 1, 2023. 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.
10. Any loss of water to the Teton River resulting from conveyance and use pursuant to this license shall be mitigated with replacement water.
11. Use of water under this license shall not cause fluctuation in the flows of the Teton River which impairs the ability of prior right holders to divert their water.
12. This right is used in connection with Right Nos. 22-07351 and 22-07487.
13. A flow of 20.0 cfs must bypass the diversion at all times and flow uninterrupted to the powerhouse tailrace except during the three month period of cutthroat spawning, determined by the Idaho Department of Fish and Game, when the bypass flow must be increased to 50.0 cfs.
14. The diversion dam is located in the SWNE, S29, T07N, R44E.
15. The point of discharge to the Teton River is in the SESE, S20, T07N, R44E.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 17th
day of June, 1994.

Acting for R. Keith Higginson, Director

JUN 28 1994

APPROVED

State of Idaho
Department of Water Resources

RECEIVED

MAR 24 1994

Department of Water Resources

APPLICATION FOR AMENDMENT

(For Licensing Purposes)

WATER RIGHT NO. 22-07482B

Date of Priority: November 12, 1984 Maximum Diversion Rate: 40.00 CFS
Comes now FALL RIVER RURAL ELECTRIC COOPERATIVE
PO BOX ~~51~~ 830
ASHTON ID 83420 and represents to the Director of the

Idaho Department of Water Resources:

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 22-07482B, and requests that the permit be changed as follows:

Source: TETON RIVER tributary to SNAKE RIVER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
POWER	01/01 to 12/31	40.00 CFS	

LOCATION OF POINT(S) OF DIVERSION: NWNE, Sec. 29, Township 07N, Range 44E
TETON County

PLACE OF USE: POWER

TWN RGE SEC

07N 44E 20

SESE

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

Signed at Ashton Idaho, this 22nd day of MARCH, 1994.

JUN 28 1994

Dee M. Reynolds
(Signature)

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 22-07482B

FOR DEPARTMENT USE ONLY

Preliminary check by _____ Fee = 20⁰⁰ Receipted by dw # C029877 Date 3/24/94

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, R. Keith Higginson, of the Department of Water Resources hereby approve the above Application for Amendment for Permit No. 22-07482B with the following;

CONDITIONS/REMARKS:

1. This water right is appurtenant to the described place of use.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. The water right confirmed in this license for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this license and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this license.
5. Use of water under this water right will be regulated by the watermaster of State Water District No. 01.
6. Use of water under this right shall be non-consumptive.
7. The issuance of this right in no way grants any right-of-way or easement across the land of another.

[Handwritten signature]

JUN 28 1994

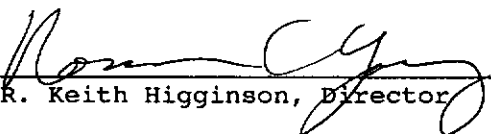
State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 22-07482B

CONDITIONS/REMARKS:

8. A measuring device of a type approved by this Department shall be required at the diversion of the Teton River if determined to be necessary by either the Department of Water Resources or the watermaster of Water District 01.
9. The diversion and use of water under this license is subject to review by the Director upon expiration of the FERC license on September 1, 2023. 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.
10. Any loss of water to the Teton River resulting from conveyance and use pursuant to this license shall be mitigated with replacement water.
11. Use of water under this license shall not cause fluctuation in the flows of the Teton River which impairs the ability of prior right holders to divert their water.
12. This right is used in connection with Right Nos. 22-07351 and 22-07487.
13. A flow of 20.0 cfs must bypass the diversion at all times and flow uninterrupted to the powerhouse tailrace except during the three month period of cutthroat spawning, determined by the Idaho Department of Fish and Game, when the bypass flow must be increased to 50.0 cfs.
14. The diversion dam is located in the SWNE, S29, T07N, R44E.
15. The point of discharge to the Teton River is in the SESE, S20, T07N, R44E.

Witness my hand this 17th day of June, 1994.

Acting for  R. Keith Higginson, Director

JUN 28 1994

Part A

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE
WATER RIGHT NO. 22-07482A

Priority: November 12, 1984

Maximum Diversion Rate:

40.00 CFS

This is to certify, that FALL RIVER RURAL ELECTRIC COOPERATIVE
PO BOX 617

ASHTON ID 83420 has complied with the terms and conditions
of the permit, issued pursuant to Application for Permit dated October 1, 1984; and
has submitted Proof of Beneficial Use on April 28, 1986. An examination indicates
that the works have a diversion capacity of 420.000 cfs of water from:

TETON RIVER

tributary to HENRYS FORK

source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
POWER	01/01 to 12/31	40.00 CFS	

LOCATION OF POINT(S) OF DIVERSION:

NWNE , Sec. 29, Township 07N, Range 44E
TETON County

PLACE OF USE: POWER

TWN RGE SEC

07N 44E 29

NWNE

CONDITIONS/REMARKS:

1. This water right is appurtenant to the described place of use.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. The water right confirmed in this license for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this license and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this license.
5. Use of water under this water right will be regulated by the watermaster of State Water District No. 01.
6. Use of water under this right shall be non-consumptive.
7. The issuance of this right in no way grants any right-of-way or easement across the land of another.

RECEIVED
NOV 15 1984
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

State of Idaho
Department of Water Resources

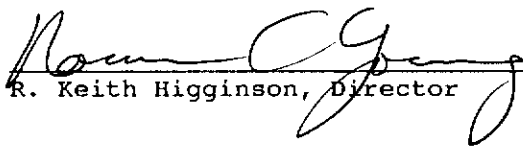
WATER RIGHT LICENSE

WATER RIGHT NO. 22-07482A

CONDITIONS/REMARKS:

8. A measuring device of a type approved by this Department shall be required at the diversion from the Teton River if determined to be necessary by either the Department of Water Resources or the watermaster of Water District 01.
9. The diversion and use of water under this license is subject to review by the Director upon the expiration of the FERC license on September 1, 2023. 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.
10. Any loss of water to the Teton River resulting from conveyance and use pursuant to this license shall be mitigated with replacement water.
11. Use of water under this license shall not cause fluctuation in the flows of the Teton River which impairs the ability of prior right holders to divert their water.
12. This right is used in connection with Right Nos. 22-00606, 22-02123A, 22-02123B and 22-02126.
13. A flow of 20.0 cfs must bypass the diversion at all times and flow uninterrupted to the powerhouse tailrace, except during the three month period of cutthroat spawning, determined by the Idaho Department of Fish and Game, when the bypass flow must be increased to 50.0 cfs.
14. The diversion dam is located in the SWNE, S29, T07N, R44E.
15. The point of discharge to the Teton River is in the NWNE, S29, T07N, R44E.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 17th day of JUNE, 1994.

Acting for  R. Keith Higginson, Director

RECEIVED

JUN 28 1994

ORIGINAL

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

RECEIVED
OCT 1 1984

APPROVED

To appropriate the public waters of the State of Idaho

Department of Water Resources

1. Name of applicant Fall River Rural Electric Cooperative, Inc. Phone 208/652-7431

Post office address P.O. Box 617 Ashton, Idaho 83420

2. Source of water supply Teton River which is a tributary of SNAKE RIVER

3. Location of point of diversion is * W-1/2 $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 29 Township 7N

Range 44E B.M. Teton County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 80 for Power Product. 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. 80 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. All facilities are existing and are being used to produce power at Fall River Electric's "Felt Power Plant."*And for additional proposed power plant. Diversion structure, penstocks (with headgate) to power plant and discharge thru tailrace back into Teton River.

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

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

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

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

8. Description of proposed uses: SEE ATTACHED FERC LICENSE APPLICATION FIGURES

a. If water is not for irrigation: * SW SE 20
(1) Give the place of use of water: NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 29 Township 7N
Range 44E B.M.

(2) Amount of power to be generated: 1200 horsepower under 150 feet of head.

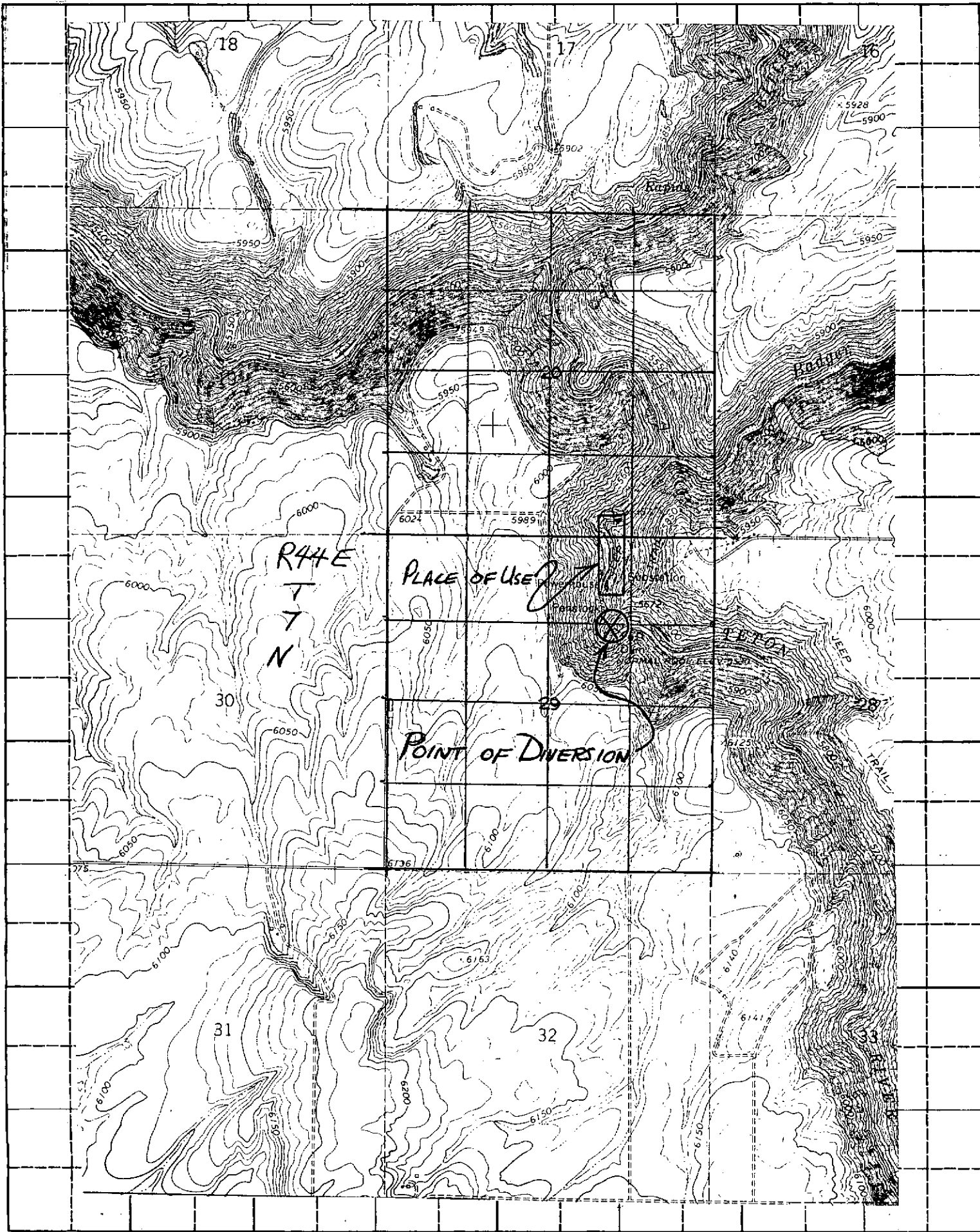
(3) List number of each kind of livestock to be watered N/A

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

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

MICROFILMED

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



Scale: 2 inches equal 1 mile.

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

Ray L. Egan
(Applicant)
Attorney for Fall River

MICROFILMED

10/1/84 CW 10-03-84 2:00 PM
Received by [Signature] Date 10-1-84 Time 3:36 PM
Preliminary check by _____ Fee \$ #1025.00 (2 checks) #34300 #34301
Received by my Date 10-3-84
Publication prepared by my Date 10-24-84
Published in Sutton Valley News
Publication dates 11-18-11-20-1984
Publication approved CW Date 11-23-84
Protests filed by: none

Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by CW

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. 22-7482, 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 June 1, 19 86.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. Other: SEE ATTACHED SHEET FOR CONDITIONS d thru n.

Witness my hand this 8th day of May, 1985.

J. Glen Saxton
Chief, Operations Bureau

201

ATTACHMENT TO CONDITIONS OF APPROVAL

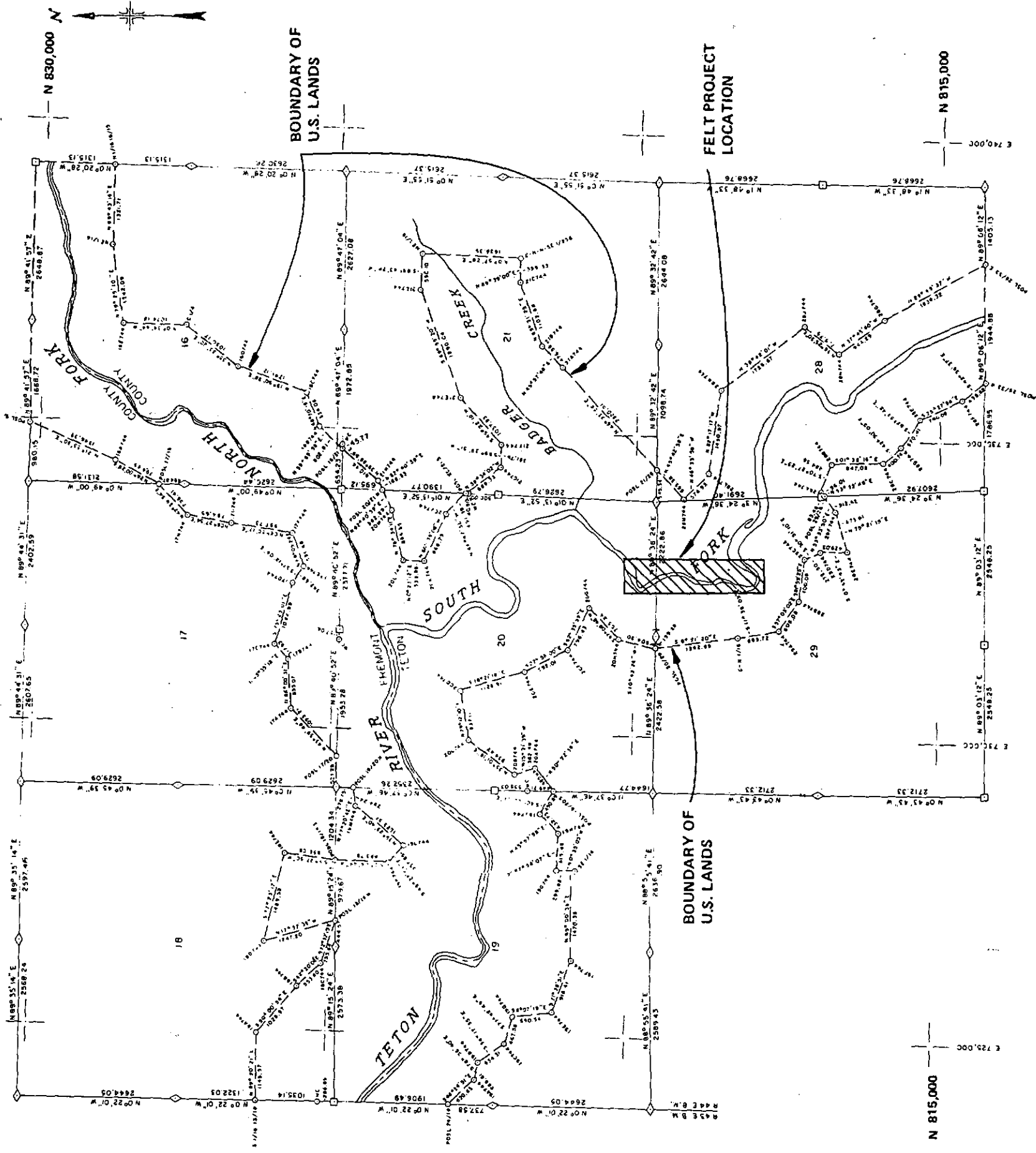
For Permit No. 22-7482

- d. This permit does not constitute Idaho Public Utilities Commission or Federal Energy Regulatory Commission approval that may be required.
- e. Water used under this permit if discharged into a natural channel shall meet Idaho Water Quality Standards.
- f. The issuance of this permit in no way grants any right-of-way or easement across the land of another.
- g. A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works.
- h. This permit is subject to the provisions of Sections 42-205 through 42-210, Idaho Code, restricting the sale, transfer, assignment, or mortgage of this permit. Failure to comply with these provisions is cause for immediate cancellation of this permit.
- i. Use of water under this permit shall be non-consumptive.
- j. The water right acquired under this permit for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.
- k. The diversion and use of water under this permit and any license subsequently issued is subject to review by the Director on the date(s) of expiration of any license issued by the Federal Energy Regulatory Commission. 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.
- l. Use of water under this permit is subject to control by the watermaster of State Water District No. 01, Snake River.
- m. A separate stream alteration permit from the IDWR is required for any activity in the stream channel other than construction and/or maintenance of the diversion structure. If your proposed construction or operation involves construction of an outfall or any other work in the stream channel other than a water diversion, you must contact the Department and obtain a Stream Channel Alteration permit prior to the start of construction.
- n. Diversion and use of water under this permit is subject to an agreement between permit holder and the Idaho Department of Fish and Game to the extent such agreement covers matters within the jurisdiction of the Department of Water Resources.

Witness my hand this 8th day of May, 1985.

A. Glen Saxton
Chief, Operations Bureau

MICROFILMED



LEGEND

WITNESS CORNER

SECTION CORNER BRASS CAP

U.S.B.R. R.O.W. BRASS CAP AND NUMBER

CORNER NOT SET

U.S.B.R. RIGHT-OF-WAY

16A742

CONVERSION OF MEASURED DISTANCES AND COORDINATES
SHOWN ON DRAWING TO IDAHO COORDINATE SYSTEM
(FAST ZONE) IS MADE BY MULTIPLYING BY A FACTOR
OF .9997528

FIGURE A-3 LANDS OF THE UNITED STATES FELT LICENSE APPLICATION

1000	0	1000	2000	3000	4000
SCALE OF FEET					
1-8-74	CHANGED SOME DISTANCES AND REDETERMINED SOME POINTS.				
1-9-74	CHANGED ACQUISITION LINE IN SECTIONS 16, 17, 18, 19, 20, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 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1688, 1689, 1690, 1691, 1692, 1693, 1694, 1695, 1696, 1697, 1698, 1699, 1700, 1701, 1702, 1703, 1704, 1705, 1706, 1707, 1708, 1709, 1710, 1711, 1712, 1713, 1714, 1715, 1716, 1717, 1718, 1719, 1720, 1721, 1722, 1723, 1724, 1725, 1726, 1727, 1728, 1729, 1730, 1731, 1732, 1733, 1734, 1735, 1736, 1737, 1738, 1739, 1740, 1741, 1742, 1743, 1744, 1745, 1746, 1747, 1748, 1749, 1750, 1751, 1752, 1753, 1754, 1755, 1756, 1757, 1758, 1759, 1760, 1761, 1762, 1763, 1764, 1765, 1766, 1767, 1768, 1769, 1770, 1771, 1772, 1773, 1774, 1775, 1776, 1777, 1778, 1779, 1780, 1781, 1782, 1783, 1784, 1785, 1786, 1787, 1788, 1789, 1790, 1791, 1792, 1793, 1794, 1795, 1796, 1797, 1798, 1799, 1800, 1801, 1802, 1803, 1804, 1805, 1806, 1807, 1808, 1809, 1810, 1811, 1812, 1813, 1814, 1815, 1816, 1817, 1818, 1819, 1820, 1821, 1822, 1823, 1824, 1825, 1826, 1827, 1828, 1829, 1830, 1831, 1832, 1833, 1834, 1835, 1836, 1837, 1838, 1839, 1840, 1841, 1842, 1843, 1844, 1845, 1846, 1847, 1848, 1849, 1850, 1851, 1852, 1853, 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2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239				

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

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

1. Individual Applicant or Individual Members of a Partnership:

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

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

2. Corporation:

I, Calvin H. Wickham of Ashton,
(name) (city)

County of Fremont, State of Idaho, being duly sworn, depose
and say: That I am the designated registered agent of the Fall River Rural
Electric Cooperative, Inc. : that as such I am in charge of the registered
(name of corporation)

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

by Section 30-1-52, Idaho Code: and that Fall River Rural Electric Cooperative, Inc.
(name of corporation)

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

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

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

(check one)

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

State of Idaho
County of Fremont } ss.

Calvin H. Wickham
Applicant

On this 12th day of October, 19 84, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged
to me that he (she) (they) executed the same.

seal

Charles Lee Oawsey
Notary Public residing at
Ashton, Idaho

My commission expires:

5/1/85

MICROFILMED

AFFIDAVIT OF PUBLICATION

State of Idaho)
) ss
County of Teton)

I, Anne Hatch
being first duly sworn depose and
say that I am the
of the Teton Valley News, a
newspaper as defined by Idaho
Codes Annotated, Section 58-106,
as amended, and that said
newspaper is a weekly newspaper
printed and published at Driggs, in
Teton County, Idaho, having a
general circulation in said county,
and that said newspaper has been
printed in said county for more
than 78 consecutive weeks prior to
the first publication of the attached
notice, advertisement or publica-
tion of

Application for permit

NO. 22-7482

And affiant further says that said
attached notice, advertisement or
publication, as per clipping
attached, was published in said
newspaper, in the regular and
entire issue thereof, and not in any
supplement issue thereof, for
consecutive issues thereof; first
publication having been made on
the day of Nov, 1984
and last publication on the day
of Nov, 1984

And affiant further says that at
the times herein mentioned said
newspaper was made up of at least
eight pages of at least five columns
each, printed from type matter, of
at least sixteen inches deep.

Anne Hatch

Subscribed in my presence and
sworn to before me this 3/5 day of
Nov, 1984

(SEAL) Notary Public for the state
of Idaho, residence and postoffice
address, Driggs, Idaho.

Ronda Hume
My Commission expires

9/29 1986

RECEIVED

NOV 23 1984

Department of Water Resources
Eastern District Office

NOTICE OF APPLICATION FOR WATER RIGHT

The following application(s)
have been filed to appropriate
the public waters of the State of
Idaho:

22-7482

Fall River Rural Electric Co-op,
Inc.

P.O. Box 617, Ashton, ID 83420

Source: Teton River trib. to
Snake River

Date Filed: 10-03-1984

Diversion Pt: NWNE SWNE Sec
29 T 07N R 44E

Use: Power (80.00 cfs)

In: SWSE Sec 20 T 07N R 44E

NWNE Sec 29 T 07N R 44E

The permit(s) will be subject to
all prior water rights. Protests
must be filed with the Director,
Dept. of Water Resources, 150
Shoup Ave., Suite 15, Idaho
Falls, Idaho 83402 on or before
November 19, 1984.

Ken Dunn, Dir.

Published in the Teton Valley
News November 1 and 8, 1984.

MICROFILMED

Part B



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

June 21, 1994

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

FALL RIVER RURAL ELECTRIC COOPERATIVE
PO BOX 830
ASHTON ID 83420-0830

RE: WATER RIGHT NOS. 22-07482A and 22-07482B

Dear Water Right Holder(s):

Enclosed herewith are copies of the Water Right Licenses issued on the above referenced permits along with a copy of the approved Application for Amendment for Water Right No. 22-07482B.

If you have any questions about these documents, please feel free to contact this office.

Sincerely,

A handwritten signature of Jim Johnson, consisting of a stylized 'J' and 'J' followed by a horizontal line.

JIM JOHNSON
Water Rights Supervisor

JJ:dc

Enclosures

MAILED JUN 28 1994

JUN 28 1994

FALL RIVER RURAL ELECTRIC
COOPERATIVE, INC.

714 MAIN STREET
P.O. BOX 830
ASHTON, IDAHO 83420
208-652-7431
FAX: 208-652-7825

March 22, 1994

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MAR 24 1994

Department of Water Resources

Mr. Jim Johnson
State of Idaho
Department of Water Resources
Statehouse Mail
Boise, Idaho 83720-9000

Dear Mr. Johnson:

Enclosed you will find the Application for Amendment of water right numbers 22-07487, 2207482B, and 22-07351.

Also enclosed is a check for \$60.00 as requested.

Thank you for your work in the preparation of these permits. We look forward to receiving the finished permit for this project.

Respectfully,


Dee M. Reynolds
General Manager

Enclosure

RECEIVED

JUN 28 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

March 10, 1994

RE: Permit Nos. 22-07351, 22-07482A/B, 22-07487

Fall River Rural Electric Cooperative
Box 617
Ashton, ID 83420

Gentlemen:

The above referenced water rights for power generation are being reviewed for licensing. Permit No. 22-07482A pertains to the old power plant, while Permit Nos. 22-07482B, 22-07351 and 22-07487 are for the new power plant.

Capacity of New Plant	520 cfs
Capacity of Old Plant	420 cfs

Below is a compilation of existing rights and those proposed to be licensed to cover these capacities.

New Plant -

22-07351	300.0 cfs	Priority - 04/29/81
22-07482B	40.0 cfs	Priority - 11/12/84
22-07487	<u>180.0 cfs</u>	Priority - 04/09/85
	520.0 cfs	

Old Plant -

22-00606	80.0 cfs	Priority - 10/01/21
22-02123A	70.0 cfs	Priority - 11/17/36
22-02126	150.0 cfs	Priority - 02/02/46
22-02123B	80.0 cfs	Priority - 03/14/48
22-07482A	<u>40.0 cfs</u>	Priority - 11/12/84
	420.0 cfs	

Enclosed is a draft copy of the license proposed to be issued on Permit No. 22-07482A. We ask that you review the proposed license and if you do not concur with the information, let us know within 10 days.

RECEIVED

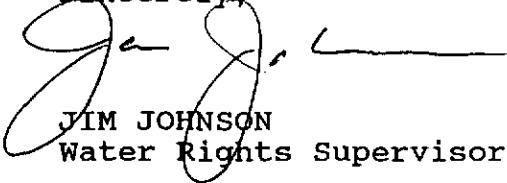
JUN 28 1994

Fall River Rural Electric Cooperative
March 10, 1994
Page 2

Before licenses can be issued on the remaining permits, they must be amended to correspond with the findings of the field examiner. The enclosed applications for amendment contain information that will be included on the licenses when they are issued. The amendments reflect changes in the location of the place of use descriptions. Please review carefully and if you concur, sign the amendments and return with the filing fees (\$20.00 each amendment) within 14 days.

If you have any questions concerning these matters, please contact me as soon as possible.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Jim Johnson', with a horizontal line extending to the right.

JIM JOHNSON
Water Rights Supervisor

Enclosures

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MAR 28 1994

DATE: 03/09/94
PAGE: 5

Stage: LICENSE

Amendment - p/u

WR5809NP
No. L22-074828

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 03/09/94
PAGE: 6

Remarks: 22-7487.

This license is subject to revocation pursuant to Section 42-350, Idaho Code.

A flow of 20.0 cfs must bypass the diversion at all times and flow uninterrupted to the powerhouse tailrace except during the three month period of cutthroat spawning, determined by the Idaho Department of Fish and Game, when the bypass flow must be increased to 50.0 cfs.

The diversion dam is located in the SWNE, S29, T07N, R44E.

The point of discharge to the Teton River is in the SESE, S20, T07N, R44E.

Dates:	App. Received:	10/01/1984	Priority Date:	11/12/1984
	Proof Due Date:	06/01/1986	Proof Made Date:	04/28/1986
	Exam Made Date:	10/09/1987	Exam Sent to S.O.:	11/30/1987
	Licensed Date:			

Misc: Water District Number: 01 Field Exam Fee: R (Received)

Audit: 11/19/92 SKAGGS

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

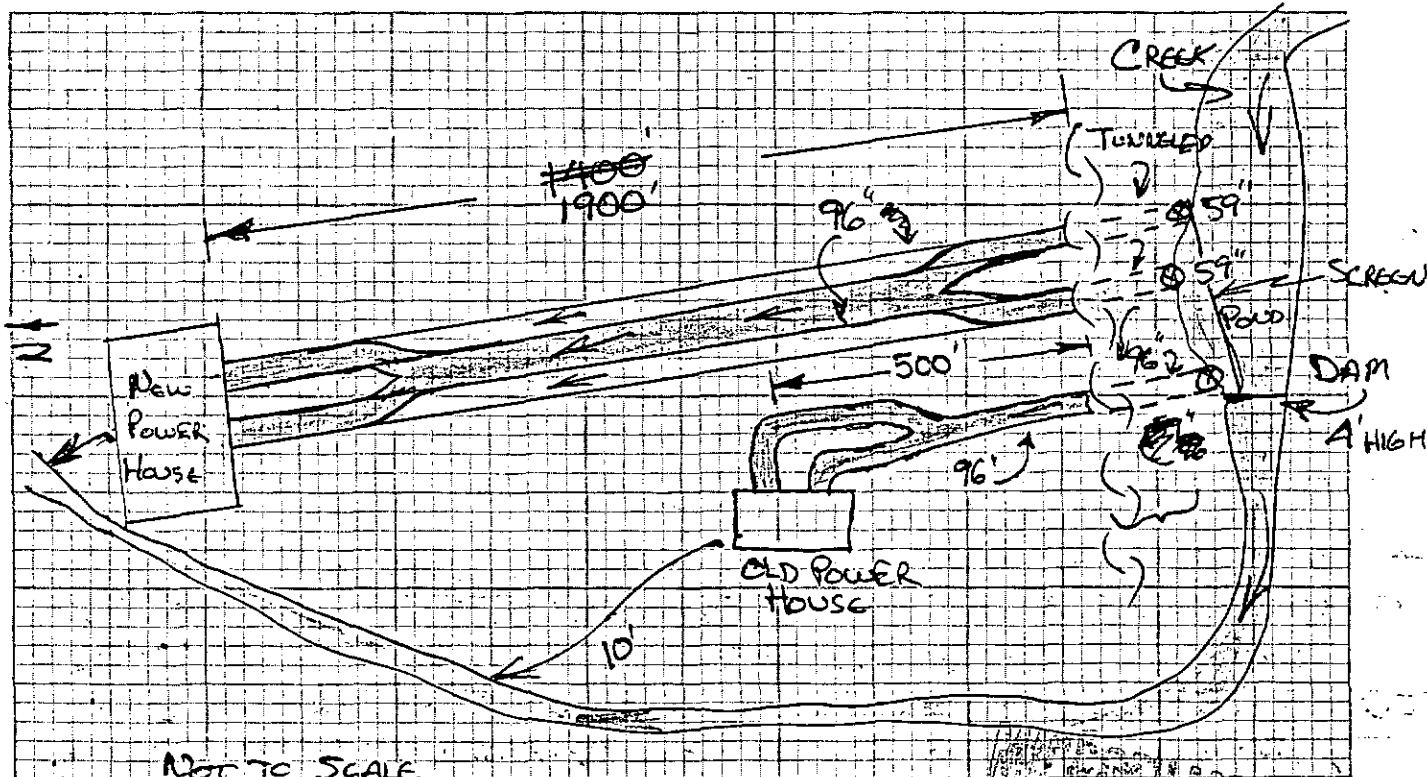
Permit No. 22-7482B
Phone No. 652-7431
1. Owner: FALL RIVER RURAL ELECTRIC COOP, INC.
Current Address: P.O. Box AE, ASHTON, ID. 83420
2. Accompanied by: ZANE LARSON EXAM. DATE: 9-OCT-1987
Address: Box 111 Teton Phone No. 456-2369
Relationship to Permit Holder: PLANT MANAGER
3. Source: TETON RIVER tributary to SNAKE RIVER

B. OVERLAP REVIEW

1. Other water rights with same place of use: 22-0606, 2123, 2126, 22-7487/7351 ☐ Copies Attached
2. Other water rights with same point of diversion: 22-0606, 2123, 2126, 7487, 7482A, 7351
☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

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



Scale: 1" = _____

2. ☒ Copy of U.S.G.S. Quadrangle Attached
Showing location(s) of point(s) of diversion and
place(s) of use (required). ☐ Aerial Photo Attached
(required for irrigation of 10 acres or more).
☒ Photo of Diversion and System Attached
(required for all but single household domestic groundwater, and stockwater).

JUN 28 1994

System Description (continued)

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

THIS SYSTEM INCLUDES WATER USED TO GENERATE ^{ELECTRIC} POWER AT 2 SEPARATE POWER PLANTS. THE DIVERSION IS A 4' HIGH DAM THAT DIVERTS WATER INTO 2 LARGE PIPELINES. AT THE DIVERSION, 3 PIPELINES HAVE BEEN TUNNELED THROUGH THE HILLSIDE. THE FIRST PIPE SENDS WATER TO THE ORIGINAL POWERHOUSE (WATER Rts. 22-0606/2123/2126). A NEW POWER PLANT WAS ADDED TO THE SYSTEM UNDER THESE NEW APPLICATIONS. TWO 59" PIPES, TUNNELED THROUGH THE HILLSIDE, CONVERGE INTO AN 8' PIPELINE WHICH SENDS WATER TO THE NEW POWER PLANT.

☒ See Remarks on page 4 for continuation

4.

JAMES LEFFEL 1/2.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
No. 1 Generator	Westinghouse	950KW	W1325	360RPM	
Lib. 2	Westinghouse	720KW	409305	360RPM	
Unit 1 New Plant	Idem Elect	3840	12	52W 600RPM	330080 / 155' HEAD
Unit 2 New Plant	"	3840	11	600RPM	330083 / 155' HEAD

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

5. Point(s) of Diversion:

Ident. No.	Gov't. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
					NE SW NE	29	7N	44E	TETON ON SITE / USGS

6. Place(s) of Use:

Indicate Method of Determination

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
7N	44E	20																P	

Do not use this space

JUN 28 1994

Do not use this space

D. FLOW MEASUREMENTS

☒ Additional Data Sheets Attached

1.

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

2. Measurements:

~~AS DESIGNED~~ AS BUILT DESIGN CAPACITIES
NEW PLANT: (UNIT 1) 260 cfs + (UNIT 2) 260 cfs = 520 cfs.
OLD PLANT: (No. 1) cfs + (UNIT 2) cfs = cfs
TOTAL cfs

E. FLOW CALCULATIONS

☒ Additional Computation Sheets Attached 520 cfs CAPACITY AS DESIGNED

1. Measured Method:

$$22-7351 (300 \text{ cfs}) + 22-7487 (204 \text{ cfs}) = 504 \text{ cfs}$$

2. Alternate Method for Checking Purposes:

$$Q = 16 \text{ cfs TO LIEGUSE UNDER 22-7482B}$$

F. PUMP EFFICIENCY DATA (Optional)

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

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

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

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

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

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

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

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

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

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

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

2. Volume Calculations for Other Uses:

N/A - NON CONSUMPTIVE USE.

JUN 28 1994

H. REMARKS AND OVERLAP REVIEW ANALYSIS

* THIS PORTION IS APPLIED TO NEW PLANT.

UNDER NORMAL CONDITIONS THE OLD POWER HOUSE IS ABLE TO RUN DURING HIGH WATER IN THE SPRING. DURING THE REMAINDER OF THE YEAR ANY UNAPPROPRIATED FLOW GOES THROUGH THE NEW POWER PLANT. THE COMBINED CAPACITY OF FLOW W/ BOTH PLANTS ON TO CAPACITY IS CFS. A MINIMUM STREAM FLOW IS ALLOWED THROUGH THE DIVERSION ~~SB~~ TO SATISFY FISH NEEDS B/T HEADGATES AND POWER PLANT OUTFLOWS.

THERE ARE 2 TURBINES/GENERATORS IN EACH POWER HOUSE. WATER IS RETURNED TO TETON RIVER.

THIS DEVELOPMENT IS KNOWN AS THE "FELT POWER PLANTS"

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion	Annual Volume
	From	To	Q (cfs)	V (afa)
Power	1/1	12/31	16.0 cfs	
Totals:			16.0 cfs	

2. Recommended Amendments

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

J. AUTHENTICATION

Field Examiner's Name

ERIC SVERKER

Signature

Eric Sverker

Certification Date

23-Nov-1987

Field Report Preparation Date

20-Nov-1987

CONSULTANT SEAL

Steve McCormick

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

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JUN 28 1994

FELT POWER PLANTS

NEW POWER HOUSE

OLD POWER HOUSE

POINT OF DIVERSION

TN

R44E

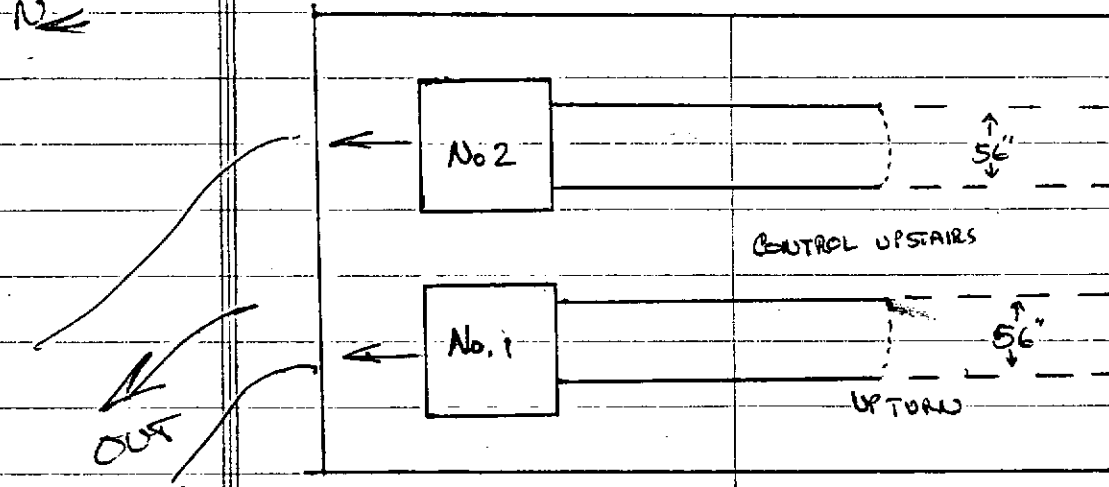
22-7482B

The diagram illustrates a two-stage gas turbine engine. Air enters from the top left, passes through a filter, and is compressed by stage No. 2. The compressed air then passes through a duct to stage No. 1. The air is then heated in a combustor (indicated by a flame) and expands through a turbine. The turbine is connected to a generator. The exhaust air exits through a duct at the top right. Labels include 'No. 2.', 'No. 1.', 'GENERATOR', and '10'.

OLD POWER PLANT TETON

NEW Power Plant

	VEHICLE TURBINES
--	------------------



YETON RIVER

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28 1994

NOT TO SCALE

Field Exams 22-7351/7482/7487

Current Rights through Power Plant:

<u>No.</u>	<u>AMT</u>	<u>PRIORITY</u>
22-0606	80 80 cfs	10-1-1921
22-2123A	70 cfs	11-17-1936
22-2123B	80 cfs	3-14-1948
22-2126	<u>150 cfs</u>	2-2-1946
<u>TOTAL RIGHT:</u>	<u>380 cfs</u>	(OLD PLANT ORIGINAL CAPACITY)

OR

U PLANT
PLANT
GRADE
H WATER
+ PLANTS.

<u>PERMITS</u>	<u>ALLOW</u>
22-7351 300 cfs 3-18-81	300 cfs
22-7482 80 cfs 10-1-84	40 cfs A New Plant 16 cfs B
22-7487 <u>204 cfs</u> 2-25-85	<u>204 cfs</u>
ADDITIONAL REQUESTED: 584 cfs	560 cfs + 380 <u>940 cfs</u>

MAX. POSSIBLE TO LICENCE: =
(INCLUDING PREVIOUS RTS.)

964 cfs LIMITED BY CAP.
TO 940 cfs

CAPACITY OF POWER FACILITY:

OLD PLANT AS BUILT CAPACITY = 420 cfs

NEW PLANT AS BUILT CAPACITY = 520 cfs

TOTAL CAPACITY = 940 cfs

ANALYSIS

- PERMIT 22-7351 - LICENSE 300 cfs NEW PLANT POU
- PERMIT 22-7482 - LICENSE — 80 cfs UNDER 'A' FOR OLD PLANT
16 cfs UNDER 'B' FOR NEW PLANT
- PERMIT 22-7487 - LICENSE 204 cfs NEW PLANT POU

JUN 28 1994

Part A



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

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

June 21, 1994

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

FALL RIVER RURAL ELECTRIC COOPERATIVE
PO BOX 830
ASHTON ID 83420-0830

RE: WATER RIGHT NOS. 22-07482A and 22-07482B

Dear Water Right Holder(s):

Enclosed herewith are copies of the Water Right Licenses issued on the above referenced permits along with a copy of the approved Application for Amendment for Water Right No. 22-07482B.

If you have any questions about these documents, please feel free to contact this office.

Sincerely,

A handwritten signature in dark ink, appearing to be 'Jim Johnson', with a long horizontal line extending to the right.

JIM JOHNSON
Water Rights Supervisor

JJ:dc

Enclosures

MISSOURI MEN

JUN 28 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

March 10, 1994

RE: Permit Nos. 22-07351, 22-07482A/B, 22-07487

Fall River Rural Electric Cooperative
Box 617
Ashton, ID 83420

Gentlemen:

The above referenced water rights for power generation are being reviewed for licensing. Permit No. 22-07482A pertains to the old power plant, while Permit Nos. 22-07482B, 22-07351 and 22-07487 are for the new power plant.

Capacity of New Plant	520 cfs
Capacity of Old Plant	420 cfs

Below is a compilation of existing rights and those proposed to be licensed to cover these capacities.

New Plant -

22-07351	300.0 cfs	Priority - 04/29/81
22-07482B	40.0 cfs	Priority - 11/12/84
22-07487	<u>180.0 cfs</u>	Priority - 04/09/85
	520.0 cfs	

Old Plant -

22-00606	80.0 cfs	Priority - 10/01/21
22-02123A	70.0 cfs	Priority - 11/17/36
22-02126	150.0 cfs	Priority - 02/02/46
22-02123B	80.0 cfs	Priority - 03/14/48
22-07482A	<u>40.0 cfs</u>	Priority - 11/12/84
	420.0 cfs	

Enclosed is a draft copy of the license proposed to be issued on Permit No. 22-07482A. We ask that you review the proposed license and if you do not concur with the information, let us know within 10 days.

RECEIVED

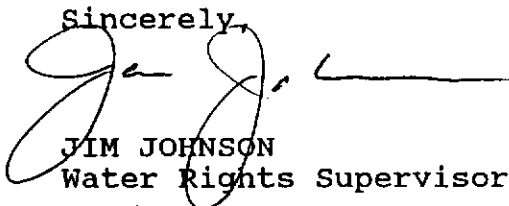
JUN 28 1994

Fall River Rural Electric Cooperative
March 10, 1994
Page 2

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If you have any questions concerning these matters, please contact me as soon as possible.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Johnson", is written over the typed name and title.

JIM JOHNSON
Water Rights Supervisor

Enclosures

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JUN 28 1994

WR5809NP
No. L22-07482A

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 03/09/94
PAGE: 3

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	FALL RIVER RURAL ELECTRIC COOPERATIVE PO BOX 617 ASHTON ID 83420	11/12/1984	POWER	01-01 12-31	40.00 CFS	
TOTAL DIVERSION:					40.00 CFS	

Water Source: TETON RIVER

Tributary to: SNAKE RIVER

Stage: LICENSE

Point(s) of Diversion Capacity: 420.00 CFS

Point(s) of Diversion: T07N R44E S29 NWNE TETON County

Place of use Legal Description for: POWER

NE				NW				SW				SE						
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:
07N	44E	29	:			P	:											:

Pou County: TETON

Conditions of Approval:

- R23 - The water right confirmed in this license for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this license and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this license.
- R04 - Use of water under this water right will be regulated by the watermaster of State Water District No. 01.
- 027 - Use of water under this right shall be non-consumptive.
- 004 - The issuance of this right in no way grants any right-of-way or easement across the land of another.

Remarks: A measuring device of a type approved by this Department shall be required at the diversion of the Teton River if determined to be necessary by either the Department of Water Resources or the watermaster of Water District 01.

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.

Any loss of water to the Teton River resulting from conveyance and use pursuant to this license shall be mitigated with replacement water.

Use of water under this license shall not cause fluctuation in the flows of the Teton River which impairs the ability of prior right holders to divert their water.

This right is used in connection with Right Nos. 22-0606,

10-day

Remarks: 22-2123A, 22-2123B and 22-2126.
This license is subject to revocation pursuant to Section 42-350,
Idaho Code.
A flow of 20.0 cfs must bypass the diversion at all times and
flow uninterrupted to the powerhouse tailrace, except during the
three month period of cutthroat spawning, determined by the Idaho
Department of Fish and Game, when the bypass flow must be
increased to 50.0 cfs.
The diversion dam is located in the SWNE, S29, T07N, R44E.
The point of discharge to the Teton River is in the NWNE, S29,
T07N, R44E.

Dates: App. Received: 10/01/1984 Priority Date: 11/12/1984
Proof Due Date: 06/01/1986 Proof Made Date: 04/28/1986
Exam Made Date: 10/09/1987 Exam Sent to S.O.: 11/30/1987
Licensed Date:

Misc: Water District Number: 01 Field Exam Fee: R (Received)

Audit: 11/19/92 SKAGGS

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

SPLIT BY EXAM

A. GENERAL INFORMATION

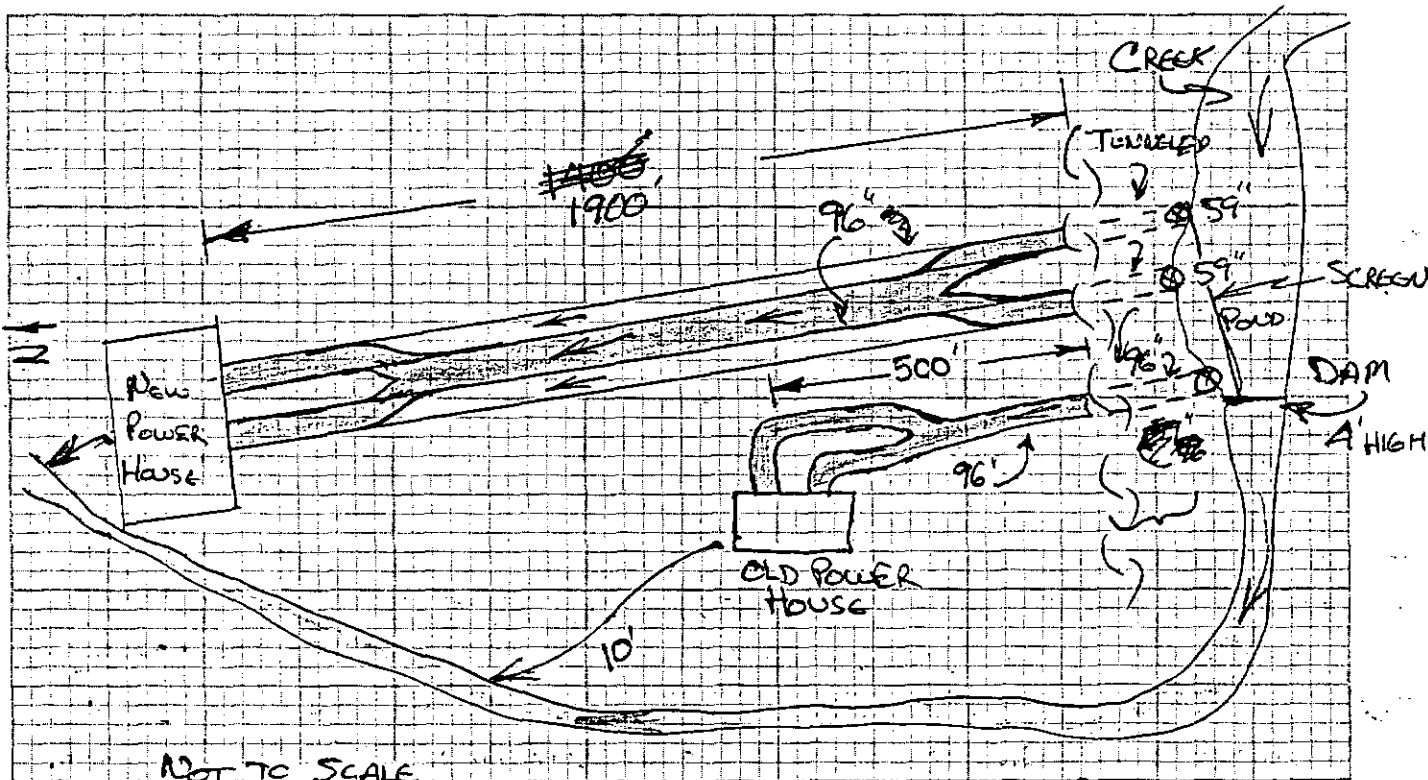
1. Owner: FALL RIVER RURAL ELECTRIC COOP, INC. Permit No. 22-7482A
Current Address: P.O. Box AE, ASHTON, ID. 83420 Phone No. 652-7431
2. Accompanied by: ZAUE LARSON EXAM. DATE: 9-OCT-1987
Address: Box 111 Tetonica Phone No. 456-2364
Relationship to Permit Holder: PLANT MANAGER
3. Source: TETON RIVER tributary to SNAKE RIVER

B. OVERLAP REVIEW

1. Other water rights with same place of use: 22-0606, 2123, 2126, ☐ Copies Attached
2. Other water rights with same point of diversion: 22-0606, 2123, 2126, ☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

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



Scale: 1" = _____

2. ☒ Copy of U.S.G.S. Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required). ☐ Aerial Photo Attached (required for irrigation of 10 acres or more)
☒ Photo of Diversion and System Attached (required for all but single household domestic groundwater, and stockwater.)

RECEIVED
JUN 20 1994

Do not use this space

D. FLOW MEASUREMENTS

☒ Additional Data Sheets Attached

1.

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

2. Measurements:

~~AS DESIGNED~~ AS BUILT DESIGN CAPACITIES
NEW PLANT: (UNIT 1) 260 cfs + (UNIT 2) 260 cfs = 520 cfs.
OLD PLANT: (No. 1) cfs + (UNIT 2) cfs = cfs
TOTAL cfs

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method:

CAPACITY OF OLD POWER PLANT 420 cfs (UPGRADED)
Q PREVIOUSLY LICENSED OR DECREED 380 cfs

2. Alternate Method for Checking Purposes:

B' PORTION OF RT. APPLIED TO NEW PLANT.
Q - 85 cfs -> 40 cfs -> NEW WATER DEVELOPED FOR LICENSING.

F. PUMP EFFICIENCY DATA (Optional)

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

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

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

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

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

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

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

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

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

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

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

2. Volume Calculations for Other Uses:

N/A - NON CONSUMPTIVE USE.

JUN 28 1994

System Description (continued)

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

THIS SYSTEM INCLUDES WATER USED TO GENERATE ^{ELECTRIC} POWER AT 2 SEPARATE POWER PLANTS. THE DIVERSION IS A 4' HIGH DAM THAT DIVERTS WATER INTO 2 LARGE PIPELINES. AT THE DIVERSION, 3 PIPELINES HAVE BEEN TUNNELED THROUGH THE HILLSIDE. THE FIRST PIPE SENDS WATER TO THE ORIGINAL POWERHOUSE (WATER RTS. 22-0606/2123/2126). A NEW POWER PLANT WAS ADDED TO THE SYSTEM UNDER THESE NEW APPLICATIONS. TWO 59" PIPES, TUNNELLED THROUGH THE HILLSIDE, CONVERGE INTO AN 8' PIPELINE WHICH SENDS WATER TO THE NEW POWER PLANT.

☒ See Remarks on page 4 for continuation

4. JAMES LEFFEL 1/2.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
No. 1 Generator	Westinghouse	950KW	W1325	360RPM	
Id. 2	Westinghouse	720KW	4099305	360RPM	
Unit 1 NEW PLANT	IDEAL Elect	3840	12	52W 600RPM	330080 / 155' HEAD
Unit 2 NEW PLANT	"	3840	11	600RPM	330083 / 155' HEAD

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

5. Point(s) of Diversion:

Ident. No.	Gov't. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		NE	SW	NE	29	7N	44E	TETON	USGS / ON SITE

6. Place(s) of Use:

Indicate Method of Determination

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
7N	44E	29	P																

JUN 28 1994

Do not use this space

THIS PORTION COVERS EXPANDED CAPACITY OF
OLD POWER PLANT.

H. REMARKS AND OVERLAP REVIEW ANALYSIS

UNDER NORMAL CONDITIONS THE OLD POWER HOUSE IS ABLE TO RUN DURING HIGH WATER IN THE SPRING. DURING THE REMAINDER OF THE YEAR ANY UNAPPROPRIATED FLOW GOES THROUGH THE NEW POWER PLANT. THE COMBINED CAPACITY OF FLOW W/ BOTH PLANTS ON TO CAPACITY IS CFS. A MINIMUM STREAM FLOW IS ALLOWED THROUGH THE DIVERSION ~~SO~~ TO SATISFY FISH NEEDS B/T HEADGATES AND POWER PLANT OUTFLOWS.

THERE ARE 2 TURBINES/GENERATORS IN EACH POWER HOUSE.
WATER IS RETURNED TO TETON RIVER.

THIS DEVELOPMENT IS KNOWN AS THE "FELT POWER PLANTS"

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Power	1/1	12/31	40 cfs	
Totals:			40 cfs	

2. Recommended Amendments

☐ Change P.D. as reflected above

☐ Add P.D. as reflected above

☒ None

☐ Change P.U. as reflected above

☐ Add P.U. as reflected above

☐ Other (split into A & B)

PORTION

Steve McInerney

J. AUTHENTICATION

Field Examiner's Name

ERIC SVERNER

Signature

Eric Sverner

Certification Date

11-23-87

Field Report Preparation Date

Nov-20-1987

CONSULTANT SEAL

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

APPROVED

JUN 28 1994

FELT POWER PLANTS

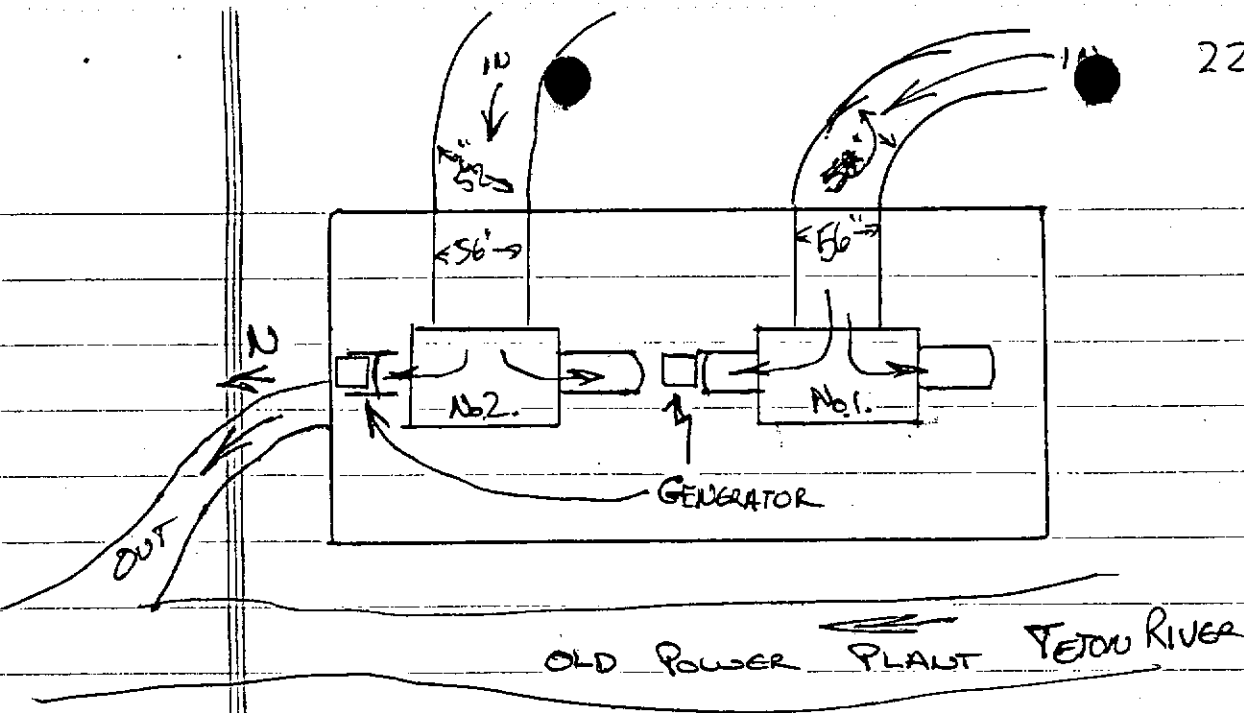
NEW POWER HOUSE

OLD POWER HOUSE

POINT OF DIVERSION

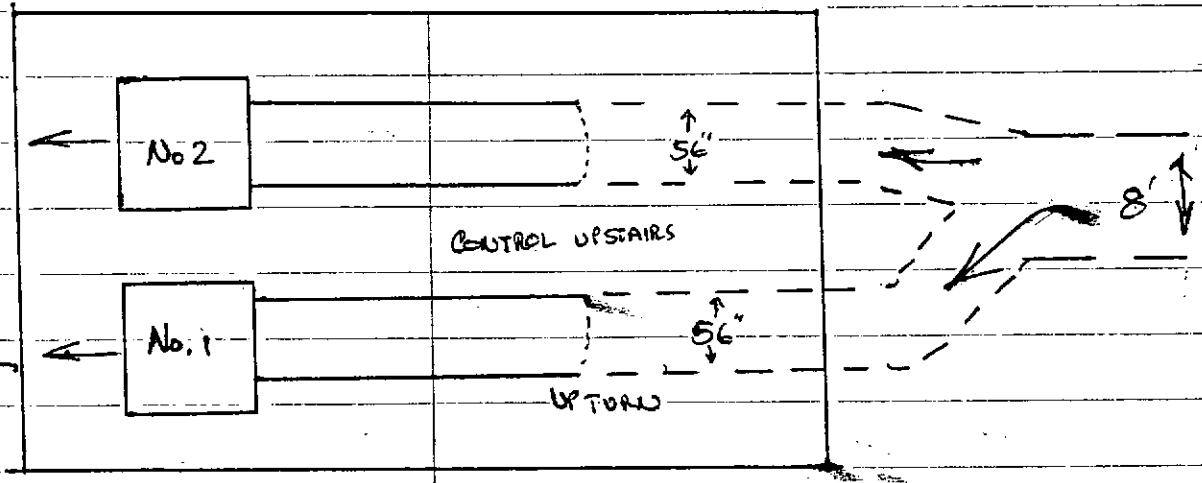
T7N
R44E

22-7482A



NEW Power PLANT

VERTICAL TURBINES



TETON RIVER

JUN 28 1994

NOT TO SCALE

Field Exams 22-7351 / 7482 / 7487

Current Rights through Power Plant:

No.	AMT	PRIORITY
22-0606	80 cfs 80 cfs	10-1-1921
22-2123A	70 cfs	11-17-1936
22-2123 B	80 cfs	3-14-1948
22-2126	<u>150 cfs</u>	2-2-1946

TOTAL RIGHT: 380 cfs - (OLD PLANT ORIGINAL CAPACITY)

FOR

PERMITSALLOWNEW PLANT
OLD PLANT
IP-GRADE
HIGH WATER
BOTH PLANTS.

22-7351	300 cfs	3-18-81	300 cfs
22-7482	80 cfs	10-1-84	40 cfs A 16 cfs B
22-7487	<u>204 cfs</u>	2-25-85	<u>204 cfs</u>
ADDITIONAL REQUESTED:	584 cfs		560 cfs + 380 <u>940 cfs</u>

MAX. POSSIBLE TO LICENSE: =
(INCLUDING PREVIOUS RTS.)964 cfs / LIMITED BY CAP.
TO 940 cfs

CAPACITY OF POWER FACILITY:

OLD PLANT AS BUILT CAPACITY = 420 cfs

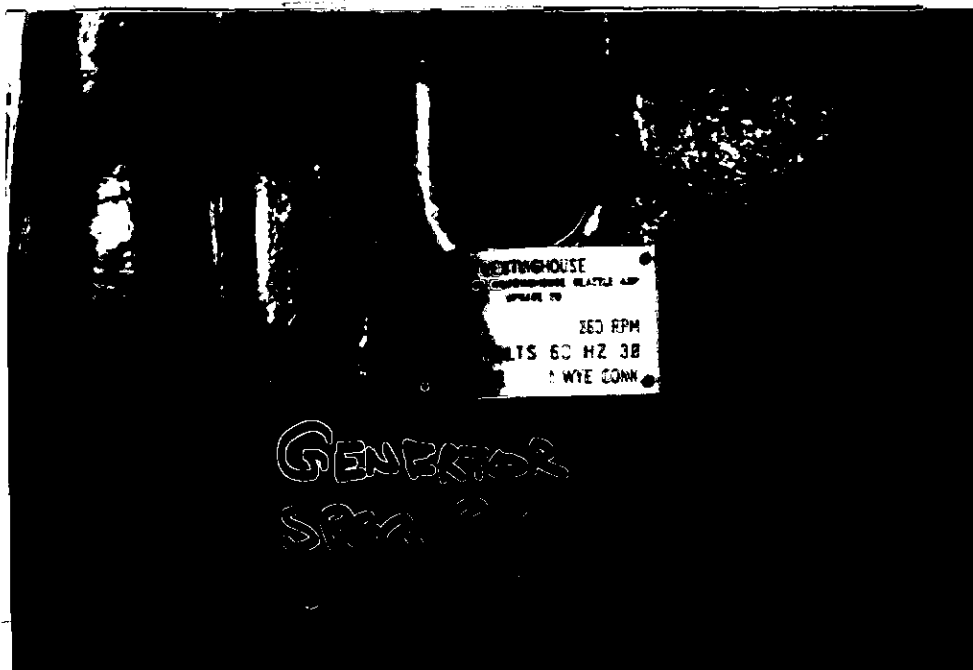
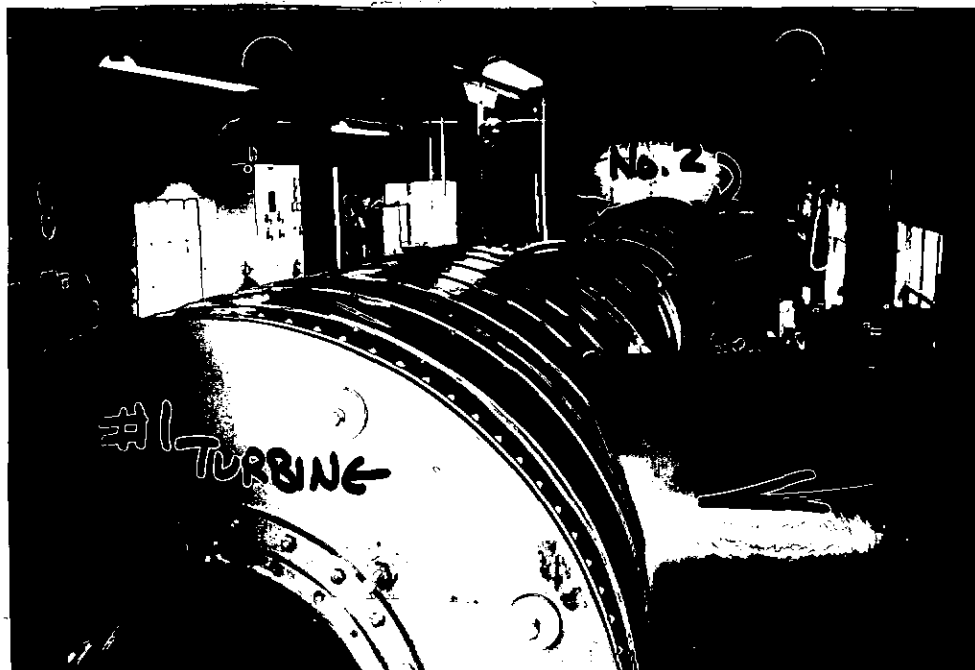
NEW PLANT AS BUILT CAPACITY = 520 cfs

TOTAL CAPACITY = 940 cfs

ANALYSIS

- PERMIT 22-7351 - LICENSE 300 cfs NEW PLANT POU
- PERMIT 22-7482 - LICENSE — 80 cfs UNDER A FOR OLD PLANT
16 cfs UNDER B FOR NEW PLANT
- PERMIT 22-7487 - LICENSE 204 cfs NEW PLANT POU

OLD
POWER
PLANT



22-7482A



RECEIVED
JUN 28 1994

Original Part

MEMORANDUM

TO: Files Nos. 22-07351, 22-07482 & 22-07487
FROM: Gary Spackman *Gau*
DATE: November 18, 1992

RE: License Preparation

In reviewing the field examinations for permits nos. 22-07351, 22-07482 and 22-07487, I found that all three permits must be amended prior to licensing. I also followed the examiner's calculation that the priority date must be advanced 42 days.

The beneficial use under this right was examined by a Department examiner and a certified water right examiner. Fall River Rural Electric apparently paid a certified water right examiner, and also paid an examination fee to the Department. As a result, two field examinations have been filed.

A single copy of the beneficial use field report completed by the certified water right examiner is contained in file no. 22-07351. The original copy of the field report completed by the Department is contained in file no. 22-07351, and some original photographs of the old power plant are also contained in file no. 22-07482. The reason the original photographs for the old plant were filed in file no. 22-07482 is because 22-07351 will apply only to the new power plant. Partial copies of the Department exam are also contained in the other files.

After the two examinations were submitted to the Department, deficiencies were identified, and Department staff conducted an auxiliary examination. As part of the auxiliary examination, the water rights were split between the old plant and the new plant. Rights nos. 22-07351, 22-07487 and a portion of 22-07482B were allocated to the new power plant. The other portion of 22-07482A was allocated to the old power plant.

Permit no. 22-07482 authorized year around diversion of 80.0 cfs. Forty cfs was dedicated to the old power plant. The Department examiner recommended that the full amount authorized by 22-07351 and 22-07487 be licensed, and, although 40.0 cfs could be licensed under right no. 22-07482B, only 16.0 cfs would be licensed because any additional flow rate would exceed the capacity of the power plant. After reviewing the recommendation, I propose that the entire 40.0 cfs of 22-07482B be licensed, and the later-in-time priority right, 22-07487, which also authorizes a shortened diversion season, be reduced to reflect the capacity of the system. As a result, 22-07487 will be reduced to 180.0 cfs.

[Handwritten signature]

JUN 28 1994

TO: GARY

FROM: QUENTIN

DATE: 5/17/91

SUBJECT: Permit No.'s 22-7487, 7351, + 7482

ATTACHED ARE THE FELT Hydropower Permits. I BELIEVE EVERY THING THAT IS REQUIRED FOR THIS PERMIT IS HERE, EXCEPT FOR DOCUMENTATION VERIFYING THE CAPACITY OF THE OLD POWER PLANT. ERIC VERNERS ADDENDUM TO FIELD EXAMS DATED JULY 18, 1989, SAYS THAT THE CAPACITY IS 420 cfs. WHICH, WAS OBTAINED FROM A PHONE CONVERSATION WITH BRENT VAN WAGNER. I CONTACTED MR. VAN WAGNER 5/9/91 AND HE SAID THERE IS NO RECORD OF THE CAPACITY. THE TURBINES HAVE BEEN REBUILT AND MODIFIED. THE 420 cfs IS WHAT BONNEVILLE PACIFIC ESTIMATED THE CAPACITY TO BE AND IS BASED ON SOME TESTS THAT THEY DID, BUT THERE IS NO DOCUMENTATION ON THOSE TESTS. ALSO, BOTH THE OLD PLANT AND THE NEW PLANT FEED INTO THE SAME POWER METER. THEREFORE, MAKING IT HARD TO DETERMINE WHAT EACH PLANT IS PUTTING OUT INDIVIDUALLY. I TOLD MR. VAN WAGNER WE WOULD PROBABLY REQUIRE SOME KIND OF MEASUREMENT, NOT JUST TAKING HIS WORD FOR IT.

ANOTHER ITEM THAT WAS NOT INCLUDED IN THE ORIGINAL EXAM AND IS NOT MENTIONED IN ERIC VERNER'S ADDENDUM TO FIELD EXAMS IS THE LEGAL DESCRIPTION OF THE POINT OF DISCHARGE BACK INTO THE RIVER. I HAVE LOCATED THIS FROM LOOKING AT MAPS THAT WERE INCLUDED WITH THE FIELD EXAMINATION. THE POINTS OF DISCHARGE ARE AS FOLLOWS:

Old - NWNE Sect 29 TN 44E

NEW - SESE Sect 20 TN 44E.

ALSO, THERE ARE COPIES OF TWO OTHER LICENCES FOR HYDROPOWER THAT ARE FAIRLY RECENT WHICH CAN BE USED AS EXAMPLES.

QUENTIN VERNER

JUN 28 1994

ADDENDUM TO FIELD EXAMS 22-7351, 22-7487, 22-7482A & 22-7482B

As requested, I conducted a follow-up examination of the above referenced field examinations on July 15, 1989. I was accompanied by Zane Larsen, Plant Manager and Keith Wilson of the Department of Water Resources.

The purpose of the visit was to resolve differences between the beneficial use field report I prepared on October 9, 1987 and the report submitted by certified water rights examiner, J.U.B. Engineering. The following summarizes my findings regarding the discrepancies listed in the review sheet compiled by Gary Spackman.

A) Serial numbers of Generators at new plant:

Unit 1 - #330080
Unit 2 - #330081 (#330083 on IDWR exam is serial no. of brushes)

Department of Water Resources B) Legal description of Point of Diversion: Recommend 2 (two) points of diversion. First diversion is dam across river and the second is the pipeline intakes. The descriptions are:

Dam - NE1/4 SW1/4 NE1/4 SEC 29 T7N R44E
Intakes - SE1/4 NW1/4 NE1/4 SEC 29 T7N R44E

C) Plant capacities:

New plant - 520 cfs (usually runs at 85% to 90%.
Monitor recorded 452cfs on this day)
Old plant - 420 cfs (verified by phone conversation with
Bret Van Wagner of Bonneville Pacific Corp.)
208 734-0551

D) Measuring device and lockable works: Per conversations with Ron Carlson, I suggested Bonneville Pacific ask that this condition be dropped from the permits. Since inflow equals outflow, there is no apparent need for the Water Master to measure the inflow into the plants. There is a measuring device (rect. weir) on the dam to measure the minimum flow condition. Bret Van Wagner said he would draft a letter for this request. He is also submitting a description of the measuring device used at the new plant.

E) Recommendations for licensing amounts of water: See attached summary sheet.

Submitted by: Eric Verner, July 18, 1989

Eric Verner

JUN 28 1994

FELT HYDRO POWER PLANT WATER RIGHTS SUMMARY
FOR BENEFICIAL USE FIELD EXAMINATIONS 22-7351
22-7487 AND 22-7482

GIVEN: New Plant Capacity is 520 cfs
Old Plant Capacity is 420 cfs

VERIFIED BY PICTURES OF NAMPLATE - EACH PAVED AT TURBINE IS (SEE GREEN Folder) 260 cfs
ONLY VERIFIED BY PH. CONDENSATION

Right Number	Amount (cfs)	Priority	For Plant
<i>af 1/2</i>			
**22-7351✓	300.0	217,190	3-18-1981 new
**22-7487	204.0	147,689	2-25-1985 new
**22-7482B	16.0	11,583	10-1-1984 new
TOTAL	520.0		
*22-0606	80.0✓		10-1-1921 old
*22-2123A	70.0✓		11-17-1936 old
*22-2123B	80.0✓		3-14-1948 old
*22-2126	150.0✓		2-2-1946 old
**22-7482A	40.0	28,459	10-1-1984 old
TOTAL	420.0		

- * - Existing rights
** - Recommendations for amounts under these permits

P. U.

OLD PLANT:

NW 1/4 NE 1/4 Sect 29. 7N 44E

NEW PLANT:

SE 1/4 SE 1/4 Sect 20 7N 44E

28 1984



State of Idaho

DEPARTMENT OF WATER RESOURCES

150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

RECEIVED

AUG 18 1989

Department of Water Resources

August 14, 1989

RE: Felt Hydroelectric Plant Water Right Nos.
22-07482, 22-07487, 22-07351, 22-00606, 22-02123A
22-02123B, 22-02126

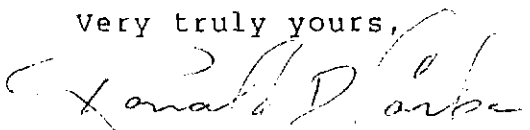
Mr. Brett Van Wagoner
Bonneville Pacific Services
P.O. Box 2467
Twin Falls, Idaho 83303-2467

Dear Mr. Van Wagoner:

We have reviewed your request to have the measuring device and lockable controlling device requirement removed from the above referenced water right permits. The Department has agreed to defer the imposition of this condition and has modified it as follows:

The Department of Water Resources permanently retains jurisdiction over this right to impose at any time such measuring device and lockable control works as the Director may deem necessary for the proper delivery of this and other water rights.

Very truly yours,


RONALD D. CARLSON
Eastern Regional Manager

RDC:cw

cc: IDWR - State Office

RECEIVED

JUN 28 1994

From: DWR70::VERNER 5-JUL-1989 11:27
To: DWR03::SPACKMAN,VERNER
Subj: Field exams for 22-7351, 22-7482 and 22-7487

Since your initial memo, these exams have made the rounds-from me, to Skip, to Keith, to Skip and now, back to me (what goes around comes around?!). We have finally had a little lull in activity so I hope to visit the site next week. Sorry it's taken so long. I'll let you know as soon as we get the matter resolved.

Eric

RECEIVED
JUL 26 1989

Department of Water Resources

Ch n 7-15-89

452 new plant

Brent VanWagner

*Twin Falls - Bonneville Pacific
Services*

208 734-0551

MEMORANDUM

TO: Eric Verner
FROM: Gary Spackman *Gary*
DATE: June 27, 1989

RE: Field Exams for 22-7351, 22-7482, and 22-7487

Attached is a memo which I sent to you in February 1989 about coordination of your field examination of the above rights with JUB Engineers. Has anything happened since I last communicated with you about this?

RECEIVED

JUN 28 1989

MEMORANDUM

TO: Eric Verner
FROM: Gary Spackman *Gary*
DATE: February 28, 1989
RE: Field examination of the Fall River Rural Electric
Cooperative Felt Plant on the Teton River: Water right nos.
22-7351 and 22-7482

Approximately six months ago, I wrote a letter to David Curtis of JUB Engineers regarding the field examination for the Felt project. We received a field examination from both JUB Engineers and from the department. I had identified deficiencies, and indicated in the letter that you would contact him. I don't recall whether I spoke to directly about this, but I noticed that the letter was carbon copied to you.

Could you provide me an update of what is happening with coordination of submittal of the deficiencies. Thank You.

RECEIVED
JUN 28 1984



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 334-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

August 29, 1988

David L. Curtis, Professional Engineer
JUB Engineers, Inc.
800 Falls Avenue
Twin Falls, ID 83301

RE: Beneficial Use Examination for Permit Nos. 22-7351,
22-7482, & 22-7487: Felt Hydroelectric Project

Dear Mr. Curtis:

The Department has reviewed the field exam submitted by JUB Engineers, Inc. for the Felt Hydroelectric Project. The Department was surprised to receive a field examination from you, because our staff examined the system during October, 1987. We received field examinations from our staff for all of the permits approximately a month-and-a-half prior to receiving your exam. Our records reflect that Fall River Rural Electric Cooperative, Inc. paid a \$600 examination fee to the Department for each of the permits. Your employment by Bonneville Pacific Corporation was apparently not coordinated with Fall River Rural Electric Cooperative, Inc.

I am not certain how to reconcile differences between the duplicate examinations. At this point, I am willing to accept both sets of exams, and combine the information contained therein. The following additional information required by the beneficial use examination rules and regulations must be submitted to the Department prior to the final review of the exams:

- (1) Rule 5, 1, 5. requires that the point of discharge back into the Teton River be described. By referring to the maps, it appears that the old system discharges in the NW 1/4 NE 1/4, Section 29, Township 7N, Range 44E, and that the new hydropower system discharges into the Teton River in the SE 1/4 SW 1/4, Section 20, Township 7N, Range 44E. This information must be confirmed or corrected.
- (2) Rule 5, 1, 7. requires that the field examination explain how conditions of approval on the permit were complied with. In particular, a condition on each of the permits states that a measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting

JUN 28 1994

David L. Curtis
Page 2
August 29, 1988

works. Your examination refers to an insertion flow meter in the penstock with a digital readout. More information must be submitted regarding measurement, and will be discussed further in paragraph 4 below. An express representation of how the conditions of approval have been satisfied must accompany the field examination.

- (3) Rule 5, 1, 10. implies that total annual volume must be submitted on all examinations except examinations for municipal and fire protection uses. Total volume should be calculated based on the total annual flow that is available for hydropower production.
- (4) Rule 5, 1, 15. requires that the amount of water licensed shall be limited to the smaller of (a) the permitted amount, (b) the amount on which the license exam fee is paid, (c) the capacity of the diversion works, or (d) the amount beneficially used. To determine the amount of water beneficially used, a water flow measurement must be submitted. The exam states that a flow of 400 cfs was observed on the day of the examination. We would normally use the amount of water measured by the examiner as the maximum amount of water that could be licensed. In this case, another measurement may be necessary to determine the maximum amount of water that can physically be diverted.
- (5) Rule 6, 4. states that theoretical diversion rates or theoretical carrying capacities are not acceptable as the rate of diversion except for some diversion systems where an exception is granted by the Director. An exception has not been granted on these permits. Since a measurement is required, the requirements of Rule 6, 2. and 6, 3. must be satisfied. Rule 6, 2. requires that the flow shall be measured with the project works fully in place operating at normal capacity. I interpret normal capacity to mean the capacity of the system during the highest flows. Rule 6, 3. requires, among other things, that the field report describe the method used in measuring, including submittal rating tables and/or calibration information to enable

JUN 28 1994

David L. Curtis
Page 3
August 29, 1988

the Department to check the quantity of water measured in each case.

Several differences between the Department's exam and the exam performed by JUB Engineers are evident. The Department's examiner recommended a specific flow rate for each of the permits based on his review of the permits and other existing water rights. Your examination lumps all the permits together, and recommends a total flow rate of 520 cfs without accounting for existing water rights. It also does not account for any new capacity for the old plant.

There is also a difference in the serial nos. on the new turbines. The Department field exam lists the number as 330083, but your exam lists it as 330081. You list two points of diversion, and the Department examination only lists one point of diversion which matches in the SW 1/4 NE 1/4, Section 29, Township 7N, Range 44E. Finally, the flow recommended respectively by the examinations for the old plant do not agree. The Department examiner stated that the flow in the old plant was 420 cfs (which is design capacity) and you stated that the capacity of the old plant is 300 cfs. This discrepancy must be resolved.

Eric Verner of our Eastern Regional Office in Idaho Falls was the person who examined the hydropower facility. I have asked him to visit with you to resolve these questions. He should be contacting you within the next thirty days. Once the additional information is submitted, we can proceed with final review of the permits.

Sincerely,



GARY SPACKMAN, Manager
Water Allocation Section

GS:hm

cc: Fall River Electric Cooperative
Eric Verner, Eastern Region

MAILED
JUN 28 1994

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Staff Analysis Sheet
for
Beneficial Use Field Report

22-7482
Permit No.

Split into A & B
By Exam

RECEIVED

NOV 30 1987

Department of Water Resources

A. Prior to Conducting the Exam, the File Contains:

- ☒ Blank Field Report Form
☒ Copy of Permit
☒ Copies of any Amendments/Orders with conditions of approval
☐ Computer Data Proof Report
☒ Copy of U.S.G.S. Quad
☒ Check for Government Lots. If so, make a copy of Government Plat

Check of P/D index GB 10-8-87 (Initial and date)

Overlap? ☒ yes ☐ no If yes: ☐ copy of exam(s) attached?
Type of Overlap? ☐ Add acres or uses to existing system
☐ Increase rate of flow or volume
☐ Other: See 22-7351

Check of P/U index GB 10-8-87 (Initial and date)

Overlap? ☒ yes ☐ no If yes: ☐ copy of water right(s) attached?
Type of Overlap? ☐ Increase rate of flow or volume
☐ Add P/D's
☐ Increase number of acres within tracts
☐ Other: See 22-7351

Aerial Photo

Required? ☐ yes ☐ no If yes: ☐ copy attached?

Scheduling Letter sent? _____ (Initial and date)

☐ Appointment made and telephone conversation memo attached

B. After Conducting the Exam, the File Contains:

- ☒ Fully completed and signed Field Report Form
☒ Photographs of Point of Diversion and Place of Use
☐ Corrected Computer Data Proof Report with recommended license information, and date and signature of examiner.

C. Review and Processing:

Exam Completed 9-a-r-1987 SG (Signature of examiner and date)

Exam Reviewed by Senior Water Resource Agent FLH 11-20-87 (Initial and date)

Exam Reviewed by Manager of Regional Office SM 11-23-87 (Initial and date)

Exam Date Entered in Computer _____ (Initial and date)

Exam sent to State Office _____ (Initial and date)

Copy of Staff Analysis Sheet sent to Manager of Regional Office and Original
Refiled in White File _____ (Initial and date)



J-U-B ENGINEERS, INC.

800 Falls Avenue • Twin Falls, Idaho 83301 • Telephone (208) 733-2414

RECEIVED

FEB - 5 1988

Department of Water Resources

January 18, 1988

RECEIVED

JAN 19 1988

Mr. Loren Holmes
State of Idaho
Department of Water Resources
2148 4th Avenue East
Twin Falls, Idaho 83301

Department of Water Resources
Boise Region Office

Re: Beneficial Use Examination for Permit Nos. 22-7351, 22-7482,
& 22-7487-Felt Hydroelectric Project

Dear Mr. Holmes:

This letter serves to formally notify you that J-U-B ENGINEERS, Inc., has been retained by Bonneville Pacific Corporation to conduct the Proof of Beneficial Use field examination for the above noted project and permit.

The beneficial use field report was prepared under the supervision of Mr. David L. Curtis, P.E., of our Boise office who is a certified water rights field examiner. The field examination was conducted on November 5, 1986.

Sincerely yours,

J-U-B ENGINEERS, Inc.

David D. Joerger, E.I.T.

DDJ:al

cc: Mr. Orlin V. Clements, Bonneville Pacific Corp.

RECEIVED

JUN 28 1994

INTER-DEPARTMENT MEMO — 1

FROM ERIC VERNER

DATE 5-11-87

TO FILES

SUBJECT LATE EXAM FEE PAYMENT FOR PERMIT No. 22-7482

FEE DUE DATE: 3-27-87

FEE RECIVED: 5-8-87

Permit should therefore loose 42 days priority.



SIGNATURE

RECEIVED
JUN 28 1994

4/86

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EXAMINATION FEE INFORMATION

For Office Use Only
Fee Received Ent 600.00
Date 8 May 87
Receipt # #1180
Receipt by emc
Sent to S.O. 5-15-87

RECEIVED

MAY 20 1987

1. Permit No. 22-7482

ONE OF THE FOLLOWING BOXES SHOULD BE MARKED TO DESIGNATE YOUR CHOICE: Department of Water Resources

☒ I choose to have the department make the field examination of this permit; attached is the examination fee. (If this box is marked, complete items 1 thru 8.)

2. Permit Holder: Fall River Rural Electric Co-Op, Inc.

3. Post Office Address: P.O. Box 617, Ashton, Idaho 83420

Telephone No. 625-7431

4. Source of Water: Teton River

5. Extent of Use:

Domestic _____ (No. of households) Stockwater _____ (No. and type of stock)

Irrigation _____ (acres) Other/Remark Power Generation

6. Total rate &/or volume for which proof is submitted 80.0 cfs _____ acre-feet

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

December, 1985

8. Person to contact to accompany the department representative during the field examination:

Zane Lerner
(Name)

Tetonia, Idaho
(Address)

(208) 456-2364
(Telephone Number)

☐ I choose to have the field examination conducted by a certified water right examiner. Attached is a statement from the certified examiner I have selected verifying that he has been retained to conduct the examination. (If this box is marked, complete items 1 thru 7.)

5/8/87
Date

Calvin H. Lushbaugh
Signature of Permit Holder (and title, if appropriate)

JUN 28 1994

State of Idaho

Department of Water Resources

LICENSE EXAMINATION FEE SCHEDULE

(c.f.s. = cubic feet per second

AF = acre feet)

cfs	AF	Fee
0 - 0.04	0 - 4	\$ 0
.05 - 0.20	5 - 20	50.00
.21 - 1.0	21 - 100	100.00
1.01 - 2.0	101 - 200	125.00
2.01 - 3.0	201 - 300	150.00
3.01 - 4.0	301 - 400	175.00
4.01 - 5.0	401 - 500	200.00
5.01 - 6.0	501 - 600	225.00
6.01 - 7.0	601 - 700	250.00
7.01 - 8.0	701 - 800	275.00
8.01 - 9.0	801 - 900	300.00
9.01 - 10.0	901 - 1000	325.00
10.01 - 11.0	1001 - 1100	350.00
11.01 - 12.0	1101 - 1200	375.00
12.01 - 13.0	1201 - 1300	400.00
13.01 - 14.0	1301 - 1400	425.00
14.01 - 15.0	1401 - 1500	450.00
15.01 - 16.0	1501 - 1600	475.00
16.01 - 17.0	1601 - 1700	500.00
17.01 - 18.0	1701 - 1800	525.00
18.01 - 19.0	1801 - 1900	550.00
19.01 - 20.0	1901 - 2000	575.00
20.01 & over	2001 & over	600.00

Checks should be made payable to the
Department of Water Resources

No fee is required for single family
domestic use or stockwater use.

INTER-DEPARTMENT MEMO — 1

FROM ERIC VERNER

TO FILES

SUBJECT LATE EXAM FEE PAYMENT FOR PERMIT No. 22-7482

DATE 5-11-87

RECEIVED

MAY 20 1987

Department of Water Resources

FEE DUE DATE: 3-27-87

FEE RECIVED: 5-8-87

Permit should therefore loose 42 days priority.



SIGNATURE

RECEIVED

JUN 28 1994



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

EASTERN REGION

John V. Evans
Governor

150 Shoup — Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

A. Kenneth Dunn

Director

May 6, 1987

22-7482
FALL RIVER RURAL ELECTRIC CO-OP, I
P.O. BOX 617
ASHTON, ID 83420

Dear Permit Holder:

On January 26, 1987 this Department sent you a certified letter explaining the recent statutory changes in the licensing procedure that will pertain to the above referenced permit. The new statutes provide the permit holder with a choice of who will perform the licensing field examination. You may either choose a certified water rights examiner from the private sector, or select the Department. If you elect to have the examination done by the Department there is now a fee for this service based on the amount of water being diverted.

The letter advised you had a period of 60 days to notify the Department of your decision. You were to notify the Department by returning the examination fee information form which accompanied the certified letter and the appropriate examination fee, provided you wanted the Department to do the examination. As indicated in the certified letter, failure to return the form and submit the examination fee, within 60 days would cause the priority of your permit to be advanced.

Our records indicate you did not respond within the 60 day period. Starting with March 27, 1987 the priority of your permit will be advanced one day for each day your response is late. Failure to submit a completed examination fee information form, with the examination fee, by March 27, 1988 will result in the permit being lapsed.

As always our staff is available to assist you or answer questions concerning the above matter. For your convenience, we have enclosed another examination fee information form.

Respectfully submitted,

Ernest Carlsen
Assistant Regional Manager

EC/md

Enclosure

RECEIVED

JUN 28 1994



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

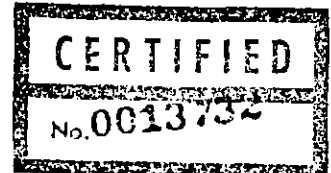
John V. Evans
Governor

150 Shoup — Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

A. Kenneth Dunn
Director

22-7482
FALL RIVER RURAL ELECTRIC CO-OP, I
P.O. BOX 617
ASHTON, ID 83420

January 26, 1987



NOTIFICATION FEE NOTICE

Dear Permit Holder:

Department records show that proof of beneficial use has been submitted for the above-referenced permit, but that a field examination has not yet been conducted to determine the extent of beneficial use of the water for licensing purposes.

House Bill 671 (effective April 4, 1986) enacted by the 1986 Idaho Legislature requires the payment of a fee before this Department can conduct the field examination needed to issue a license confirming use of water under the permit. This letter is notification that the license examination fee is due within sixty (60) days of the date of this letter. The examination fee information sheet (enclosed) must be returned with the fee.

As an alternative to submitting the fee, the Department will accept a field examination report completed by a certified water right examiner from the private sector. If you choose to have the examination done by a certified water right examiner, you need not submit the license examination fee to the Department, but you must within sixty (60) days of the date of this letter return to the Department, the examination fee information sheet showing appropriate information together with a statement from the certified examiner to verify that you have retained a certified examiner to conduct the field examination. If you choose this alternative, a completed field examination report must be submitted within one year of the date of this letter. You cannot later change your decision to use this alternative and submit the fee needed for the Department to conduct the field examination, but you may change to another certified examiner.

Certified water right examiners are licensed engineers, geologists, or land surveyors certified by the Department to conduct water right examinations. The procedure for certifying examiners results from the recently enacted HB 671 and is being developed at this time. A listing of certified water right examiners will be available from this Department when examiners have been certified.

JUN 28 1994

If your permitted use, in fact, has already been examined by the Department and you have not asked to have the examination repeated, the fee requirement is not applicable to your permit. If you believe this is the case, please contact the Department.

The license examination fee is to be based on the amount of water you indicate you have developed, as listed in item 6 on the examination fee information sheet. The amount of water on which the examination fee is based can be less than the permitted amount, if less water has been diverted and beneficially used. The licensed amount of water, however, will not exceed the amount you claim on the examination fee information sheet. The enclosed license examination fee schedule shows a listing of applicable fees.

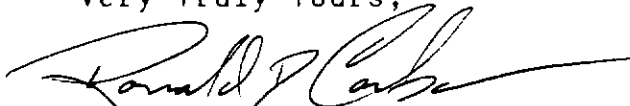
FAILURE TO SUBMIT WITHIN THE SIXTY (60) DAY PERIOD THE FEE OR THE STATEMENT THAT A CERTIFIED EXAMINER HAS BEEN RETAINED TO MAKE THE FIELD EXAMINATION WILL BE CAUSE TO ADVANCE THE PRIORITY OF THE PERMIT ONE DAY FOR EACH DAY THAT THE FEE SUBMITTAL IS LATE.

FAILURE TO SUBMIT THE FEE OR THE COMPLETED FIELD EXAMINATION REPORT WITHIN A YEAR WILL BE CAUSE TO CONSIDER THE PROOF OF BENEFICIAL USE TO BE INCOMPLETE AND TO LAPSE THE PERMIT.

The attached examination fee information sheet and the fee may be submitted to the following Department office:

Eastern Region
Idaho Dept. of Water Resources
150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83401
Phone: 525-7161

Very Truly Yours,


Ronald D. Carlson
Eastern Regional Manager

Enclosures

RECEIVED
JUN 28 1984

INTER-DEPARTMENT MEMO — 1

FROM

Linda S. *LS*

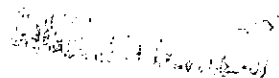
DATE October 3, 1986

TO

File No. 22-0606, 22-2123A, 22-2126, 22-7351, 22-7482

SUBJECT

Lease and Assignment Agreement, Felt Project; Partial Assignment of Lease and Assignment Agreement; Third Party Easement and Water Rights Mortgage, Assignment of Rents, Security Agreement and Fixture Filing can all be found in 22-7487.


SIGNATURE



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

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

September 29, 1986

Fall River Rural Electric Cooperative, Inc.
POB AE
Ashton, ID 83420
Attention: Manager

Bonneville Pacific Corporation
200 East South Temple, Suite 300
Salt Lake City, UT 84111
Attention: Robert L. Wood

Hydro Valley Development, Inc.
c/o Bonneville Pacific Corporation
200 East South Temple, Suite 300
Salt Lake City, UT 84111
Attention: L. Wynn Johnson

Prudential Interfunding Corp.
Four Embarcadero Center
Suite 2750
San Francisco, CA 94111

Re: Leases and Third Party Easement and Water Rights
Mortgage, Assignment of Rents, Security Agreement
and Fixture Filing Affecting Decreed Right 22-0606,
Licensed Rights 22-2123A and 22-2126 and Permit
Nos. 22-7351, 22-7482 and 22-7487

Gentlemen:

This office has received a copy of the Lease and Assignment Agreement dated December 18, 1984, whereunder Fall River Rural Electric Cooperative, Inc. ("Fall River") has leased the above-referenced decreed, licensed, and permitted water rights (collectively "Water Rights") to Bonneville Pacific Corporation ("Bonneville"), and a copy of the Partial Assignment of Lease and Assignment Agreement dated June 14, 1985, whereunder Bonneville has further assigned the leased Water Rights to Hydro Valley Development, Inc. ("Hydro Valley"). We have also received the Third Party Easement and Water Rights Mortgage, Assignment of Rents,

UNRECORDED

Security Agreement and Fixture Filing (the "Security Agreement") whereunder Hydro Valley intends to mortgage the leasehold interest in the Water Rights to Prudential Interfunding Corp. ("Prudential") to facilitate the permanent financing for Felt Dam Hydroelectric Project located in Teton County, Idaho, which permanent financing is being obtained by CDM Hydroelectric Company ("CDM"), a Colorado limited partnership.

According to the information we have received, the following transactions have occurred: Fall River has leased the above-referenced Water Rights to Bonneville, Bonneville has assigned the lease of said Water Rights to Hydro Valley, and Hydro Valley has assigned the lease of the Water Rights to First Interstate Bank of Idaho, N.A., as trustee for First Interstate Bank of Utah. It is further our understanding that Hydro Valley desires to mortgage the leasehold interest in the Water Rights held by First Interstate Bank of Idaho to Prudential, as partial security for the performance by CDM of certain obligations to Prudential in connection with permanent financing for the Felt Dam Hydroelectric Project to which the Water Rights relate.

This office has reviewed the lease, assignments of lease and mortgage agreements, and understands CDM will be the principle developer of the project. Based on representations made by Craig B. Terry of Parsons, Behle and Latimer during a telephone conversation on September 25, 1986, the participation of CDM in the development is for the purpose of generating capital through the limited partnership mechanism, and Hydro Valley, as a general partner in CDM, is mortgaging a leasehold interest currently held by First Interstate Bank on behalf of CDM by means of a third party mortgage. This arrangement does not appear to be in bad faith, or for purposes of delay or speculation, but rather appears to be an effort to facilitate financing arrangements.

The lease and assignments previously approved by the Department and the proposed third party mortgage comply with the requirements of Sections 42-206 and 42-207, Idaho Code. Bonneville is not currently registered to do business in the State of Idaho, but non-registration is not defective provided that the partial assignment to Hydro Valley is deemed as a complete assignment of the property needed for the proposed development.

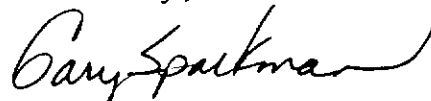
Hydro Valley, CDM, and Prudential are qualified to do business in the State of Idaho. Specifically, Prudential is qualified to hold a security interest in the Water Rights.

According to our records, however, First Interstate Bank of Idaho is currently the owner of the Water Rights. The approval of Prudential's proposed security interest is contingent upon the full relinquishment or reassignment of ownership of the leasehold interest by First Interstate Bank of Idaho, N.A., trustee for First Interstate Bank of Utah, N.A.

Please be informed that the lease, assignments of lease, and proposed mortgage of Water Rights will not change the name of the owner of the rights in the records of the Department. The future approval of

the leasing of the Water Rights and assignment of leasehold interests therein will not constitute a waiver by this Department or the State of Idaho of the right to seek appropriate regulatory actions against the entities identified within this letter for any and all violations of any state statute, rule or regulation, notably with respect to stream channel alterations.

Sincerely,

A handwritten signature in cursive script, appearing to read "Gary Spackman".

GARY SPACKMAN

Supervisor, Water Allocation Section

ls

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JAN 11 1974
WATER ALLOCATION SECTION

PARSONS, BEHLE & LATIMER

Please be further advised that pursuant to the terms of that certain Partial Assignment of Lease and Assignment Agreement, dated June 14, 1985, between Bonneville and Hydro Valley Development, Inc. ("Hydro Valley"), Bonneville has assigned its leasehold interest in the Water Permits to Hydro Valley, a copy of which Partial Assignment of Lease and Assignment Agreement is enclosed herewith. Both Bonneville and Hydro Valley are Utah corporations qualified to do business in the State of Idaho.

Mr. Norman C. Young
September 22, 1986
Page Two

Please be further advised that in connection with obtaining the permanent financing for the Felt Dam Hydroelectric Project by CDM Hydroelectric Company, a Colorado limited partnership in which Bonneville and Hydro Valley are general partners, Hydro Valley is being required by Prudential Interfunding Corp., a Delaware corporation qualified to do business in Idaho ("Prudential"), to assign its leasehold interest in and to the Water Permits to Prudential as security for the permanent financing. This assignment will be made in accordance with the terms of a Third Party Easement and Water Rights Mortgage, Assignment of Rents, Security Agreement and Fixture Filing (the "Security Agreement") a copy of which is enclosed herewith. I will forward to your office a fully-executed copy of the Security Agreement after it is executed.

Pursuant to the provisions of Sections 42-206 and 42-207, Idaho Code, we are requesting the consent and approval of the Idaho Department of Water Resources to the above-described transfers of leasehold interests in the Water Permits. Our review of appropriate Idaho law indicates that the lease of the Water Permits from Fall River to Bonneville and the lease of the Water Permits from Bonneville to Hydro Valley, and the proposed Security Agreement, whereunder the leasehold interest in the Water Permits is assigned to Prudential, are in conformance with Section 42-206 and 42-207, Idaho Code, and we therefore request that the Department of Water Resources consent to and approve such leases and assignments.

The assignment of the Water Permits to First Interstate Bank of Idaho, N.A., as trustee for First Interstate Bank of Utah, N.A. in connection with the construction financing for this project, which was previously approved by the Department of Water Resources on June 28, 1985, will be released. I am enclosing for your reference a copy of the approval letter of the Department of Water Resources dated June 25, 1985.

For your convenience, I have enclosed herewith a form letter which has been approved by the parties to the leases and by Prudential. Please review the enclosed materials and contact me at your earliest convenience with any questions or comments which you may have thereon. If the Department of Water Resources

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SEP 23 1986
WATER RESOURCES

Mr. Norman C. Young
September 22, 1986
Page Three

approves the proposed assignment, please have the enclosed letter or a letter in substantially similar form prepared on Department of Water Resources letterhead and send the original copy executed by the Director or Administrator of the Department of Water Resources to me for use in the loan closing. The loan closing is presently scheduled for September 29, 1986, and we will appreciate your processing this application for approval as soon as possible.

Very truly yours,

Craig B. Terry

Craig B. Terry
of and for
PARSONS, BEHLE & LATIMER

CBT:jp
Enclosure
cc: Robert L. Wood

RECEIVED
SEP 23 1986
U.S. DEPARTMENT OF
WATER RESOURCES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

150 Shoup, Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

JUNE 30, 1986

FALL RIVER RURAL ELECTRIC COOP, INC.
P.O. BOX 617
ASHTON ID 83420

RE: Permit No. 22-7482

Dear Permit Holder:

We acknowledge receipt of your statement submitted as proof of beneficial use for the above referenced permit.

Before a license can be issued, a field examination must be made by a representative of this department.

A field examiner will contact you to arrange to examine your system.

If you have any questions regarding the field examination, please contact this office by phone at 525-7161 or in person in the third floor State Office Building, 150 Shoup, Idaho Falls, Idaho.

Sincerely,
s/HAROLD W. JONES
Sr. Resource Agent

RECEIVED
JUN 30 1986
IDaho Falls, Idaho

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
APR 28 1986

PROOF OF BENEFICIAL USE

Department of Water Resources
Western Regional Office

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has completed development under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below:

Permit No. 22-7482

Name(s) of Permit Holder: Fall River Rural Electric Co-Op, Inc.

Post Office Address: P.O. Box 617 Ashton, Idaho 83420

Telephone No. 625-7431

Source of Water: Teton River

Extent of Use:

Domestic _____ (number of households)

Stockwater _____ (number and type of stock)

Irrigation _____ (acres)

Other/Remarks Power Production 80 CFS

Indicate the date water was first diverted and beneficially used under this permit: December 1985

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

Flow Measurement Port: Required? ☐ Yes ☐ No
Installed? ☐ Yes ☐ No

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

R. Brett Van Wagoner

(Name)

P.O. Box 23

Tetonia, Idaho

456-2808

(Address)

(Telephone Number)

MICROFILMED

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

Date

4/22/86

Signature of Permit Holder (and Title, if appropriate)

Charles Lee Ramsey Assistant Manager

6-16-86
17

FALL RIVER RURAL ELECTRIC
COOPERATIVE, INC.

714 MAIN STREET
P.O. BOX AE
ASHTON, IDAHO 83420
208-652-7431

RECEIVED
APR 28 1986

Department of Water Resources
Western Regional Office

April 23, 1986

Mr. Dave Tuthhill, Supervisor
Water Allocation Section
State of Idaho
Department of Water Resources
State Office, 450 W. State Street
Boise, ID 83720

Dear Dave,

Enclosed are copies of "Proof of Beneficial Use" forms for the water permits nos. 22-7482, 22-7351, and 22-7487 which are held by Fall River Electric Cooperative, Inc., Ashton, Idaho. As you may recall, these permits are to appropriate water for the Felt Hydro Project.

If any additional information is required, please contact my office.

Sincerely yours,

Chuck

C.L. Dawsey
Assistant Manager

Enclosures

ENCLOSURE

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

- - - - -

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440
CERTIFIED MAIL
MARCH 31, 1986

138034

FALL RIVER RURAL ELECTRIC CO-OP, INC.
P.O. BOX 617
ASHTON, ID 83420

PROOF DUE NOTICE

RE: PERMIT NO. 22-7482

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF THE ABOVE REFERENCED WATER PERMIT WAS THAT PROOF OF THE EXTENT OF YOUR BENEFICIAL USE MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE JUNE 1, 1986. (SEE LAST PAGE OF YOUR APPROVED PERMIT OR YOUR LAST APPROVED EXTENSION REQUEST.) ENCLOSED IS A FORM WHICH MAY BE USED TO SUBMIT THE REQUIRED PROOF.

IF YOU HAVE NOT FULLY COMPLETED YOUR PROJECT, AND YOU OR A PREVIOUS OWNER OF THIS PERMIT HAVE NOT RECEIVED A PRIOR EXTENSION OF TIME, YOU MAY REQUEST AN EXTENSION OF TIME IF THE DELAY IS FOR REASONABLE CAUSE AS PROVIDED IN SECTION 42-204, IDAHO CODE. IF YOU HAVE BEEN PREVENTED FROM PROCEEDING BY A GOVERNMENTAL AGENCY OR BY LITIGATION WHICH MIGHT BRING TITLE TO THE WATER IN QUESTION, MORE THAN ONE EXTENSION OF TIME CAN BE GRANTED. AN EXTENSION OF TIME REQUEST FORM IS ENCLOSED FOR YOUR CONVENIENCE.

EITHER A COMPLETED PROOF OF BENEFICIAL USE FORM OR A REQUEST FOR AN EXTENSION OF TIME MUST BE RECEIVED BY THIS DEPARTMENT ON OR BEFORE THE ABOVE DESCRIBED PROOF DUE DATE. IF NEITHER IS RECEIVED, THE DEPARTMENT WILL SEND YOU A LAPSE NOTICE. WITHIN SIXTY (60) DAYS OF THE MAILING OF THE LAPSE NOTICE, THE PERMIT WILL NO LONGER BE OF ANY FORCE NOR EFFECT.

SINCERELY,

RITA FLECK
SECRETARY/RECORDS MANAGER

ENCLOSURES

MICROFILMED



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

September 24, 1985

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

Mr. David P. Hirschi, Esq.
PARSONS, BEHLE & LATIMER
P.O. Box 11898
Salt Lake City, Utah 84147-0898

RE: Decreed Right 22-0606, Licensed Rights 22-2123 and 22-2126
and Permit Numbers 22-7351, 22-7487 and 22-7482

Dear Mr. Hirschi:

This is in response to your letter of September 18, 1985, in which you ask the department to respond to the propriety of a proposed arrangement for the ownership of the above referenced water rights.

It is our understanding that the water rights are presently owned by Fall River Rural Electric Cooperative, Inc. and leased to Hydro Valley Development, Inc., a Utah corporation qualified to do business in Idaho. Your letter states that CDM Hydroelectric Company, a Colorado limited partnership qualified to do business in Idaho, may purchase all of the issued and outstanding shares of Hydro Valley Development Company. Your letter also states that if the stock purchase occurs, Hydro Valley Development Company will continue to hold the leasehold interest in the water rights and that Hydro Valley will become a wholly owned subsidiary corporation of CDM.

In answer to your question, it is the interpretation of the department that the provisions of Sections 42-206 and 42-207, Idaho Code, will continue to be satisfied even if Hydro Valley becomes a wholly owned subsidiary corporation of CDM Hydroelectric Company, as long as the referenced water permits continue to be held by Hydro Valley Development Company as a foreign corporation qualified to do business in the State of Idaho.

Sincerely,

NORMAN C. YOUNG
Administrator
Resources Administration
Division

PJR:NCY:plb

NOT RECORDED

LAW OFFICES OF
PARSONS, BEHLE & LATIMER

A PROFESSIONAL CORPORATION

185 SOUTH STATE STREET, SUITE 700
POST OFFICE BOX 11898
SALT LAKE CITY, UTAH 84147-0898
TELEPHONE (801) 532-1234
TELECOPIER (801) 532-1234, EXT. 273

1801 "K" STREET, N.W., SUITE 1109L
WASHINGTON, D.C. 20006
TELEPHONE (202) 659-0862

FORMERLY
DICKSON, ELLIS, PARSONS & MCCREA
1882-1959

OF COUNSEL
GEORGE W. LATIMER
CONSTANCE K. LUNDBERG
†LYNNE O. FINNEY

JOHN B. WILSON
ROBERT C. HYDE
CRAIG B. TERRY
DAVID A. ANDERSON
KENT O. ROCHE
PATRICIA J. WINMILL
JAN P. BENSON
RANDY M. GRIMSHAW
J. STEPHEN RUSSELL
DANIEL W. HINDERT
T. PATRICK CASEY
ALICE L. HEARST
HENRY D. MARSH
VALDEN P. LIVINGSTON
JOHN A. ANDERSON
D. R. CHAMBERS
BYRON W. MILSTEAD
LOIS A. BAAR
*MARK E. RINEHART
MICHAEL L. LARSEN
JONATHAN K. BUTLER
DAVID G. MANGUM
JULIA C. WEBB
DEREK LANGTON
HAL J. POS
*ADMITTED IN COLORADO ONLY
†ADMITTED IN CALIFORNIA AND
DISTRICT OF COLUMBIA ONLY

KEITH E. TAYLOR
JAMES B. LEE
SCOTT M. MATHESON
GORDON L. ROBERTS
F. ROBERT REEDER
WILLIAM L. CRAWFORD
LAWRENCE E. STEVENS
DANIEL M. ALLRED
HOWARD J. MARSH
YAN M. ROSS
ERIE V. BOORMAN
DAVID S. DOLOWITZ
KENT W. WINTERHOLLER
BARBARA K. POLICH
RANDY L. DRYER
CHARLES H. THRONSON
DAVID R. BIRD
RAYMOND J. ETCHEVERRY
FRANCIS M. WIKSTROM
DAVID W. TUNDERMANN
KREGE B. CHRISTENSEN
JAMES M. ELEGANTE
DAVID P. HIRSCHI
VAL R. ANTCHAK
PATRICK J. GARVER
SPENCER E. AUSTIN

C.C. PARSONS
1907-1968

CALVIN A. BEHLE
1947-

September 18, 1985

RECEIVED
SEP 20 1985

Norman C. Young, Administrator
Resources Administration Division
Department of Water Resources
Statehouse
Boise, Idaho 83720

Department of Water Resources

Re: Decreed Right 22-0606, Licensed Rights 22-2123 and
22-2126 and Permit Numbers 22-7351, 22-7487 and 22-7482

Dear Norm:

I received your letter of September 12, 1985 responding to our request for approval of an assignment of lease of the above referenced rights and permits. While we are disappointed in the opinions rendered relating to our request, we understand your conclusions and we appreciate the thoroughness of your response.

We now request that your department render an opinion relating to the ownership of the shares of Hydro Valley Development Company, the Lessee of the above referenced rights and permits. It is likely that in the near future CDM Hydroelectric Company, a Colorado limited partnership qualified to do business in Idaho will purchase all of the issued and outstanding shares of Hydro Valley Development Company, a Utah corporation qualified to do business in the State of Idaho. It is anticipated that Hydro Valley Development Company will continue to hold the Leasehold Interest in the above referenced water rights and permits and that Hydro Valley Development Company will become a wholly owned subsidiary corporation of CDM Hydroelectric Company. A question has arisen concerning the propriety of this arrangement in light of Sections 42-206 and 42-207 Idaho Code and the analysis of your letter dated September 12, 1985.

MICROFILMED

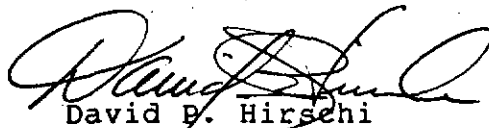
September 18, 1985
Norman C. Young
Page 2

My reading of these Sections would indicate that the Department of Water Resources will not look to the residency of the shareholders of a corporation to determine the ability of a corporation to hold water rights in the State of Idaho. In other words, if the corporation is otherwise qualified to hold water rights under Sections 42-206 and 42-207, the residency and qualification of the shareholders of that corporation are immaterial. If you are in agreement with this analysis, please advise me of the same by return mail.

We appreciate your cooperation in assisting us in this matter.

Very truly yours,

PARSONS, BEHLE & LATIMER


David B. Hirschi

cc: Robert L. Wood
Jim E. Sorenson
Phillip J. Rassier

MICROFILMED

22-74821
22-7487

32 FERCL62, 498

MICROFILME

Department of Water Resources
SEP 12 1985

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Fall River Rural Electric Cooperative, Inc.) Project No. 5089-004
Hydro Valley Development, Inc.)

ORDER APPROVING TRANSFER OF MAJOR LICENSE
(Issued August 30, 1985)

On February 20, 1985, Fall River Rural Electric Cooperative, Inc. (Fall River), licensee, and Hydro Valley Development, Inc. (Hydro Valley), jointly filed an application for transfer of the major license for the Felt Hydroelectric Project No. 5089 to Fall River and Hydro Valley, as joint licensees. 1/ The license for Project No. 5089 was issued on September 9, 1983, 2/ and amended on July 8, 1985. 3/ The project is located on the Teton River, near Teton in Teton County, Idaho.

In order to facilitate the proposed transfer, Fall River and Bonneville Pacific Corporation (BPC), parent corporation of Hydro Valley, have entered into a lease and assignment agreement under which Fall River agrees to lease to BPC all lands, water rights, and other interests necessary for the construction, operation, and maintenance of the project. Fall River would retain fee title in all the leased property and interests, and BPC would own the power facilities to be constructed under the license. The terms of the agreement authorize BPC to assign its interests acquired under the agreement to any other entity for the purpose of facilitating the financing, construction, and operation of the project. By separate agreement, BPC assigned its rights and interests needed to develop the project to its wholly-owned subsidiary, Hydro Valley. By virtue of these agreements, ownership of the project would be shared between Fall River and Hydro Valley, who will be the joint licensees.

1/ Authority to act on this matter is delegated to the Director, Office of Hydropower Licensing, under §375.314 of the Commission's regulations, 49 Fed. Reg. 29,369 (1984) (Errata issued July 27, 1984) (to be codified at 18 C.F.R. 5375.314). This order may be appealed to the Commission by any party within 30 days of the issuance date of this order pursuant to Rule 1902, 18 C.F.R. §385.1902 (1984). Filing an appeal and final Commission action on that appeal are prerequisites for filing an application for rehearing as provided in Section 313(a) of the Act. Filing an appeal does not operate as a stay of the effective date of this order or of any other date specified in this order, except as specifically directed by the Commission.

- 2/ Fall River Rural Electric Cooperative, Inc., 24 FERCL 462, 289 (1983).
- 3/ Fall River Rural Electric Cooperative, Inc., 32 FERCL 462, 029 (1985).

Hydro Valley is a private corporation organized under the laws of the State of Utah and is qualified to do business in the State of Idaho. Hydro Valley proposes to operate the project in accordance with the license and agrees to accept all the terms and conditions of the license and to be bound thereby as if it were the original licensee.

The licensee certifies that it has fully complied with the terms of the license and obligates itself to pay all annual charges accrued under the license to the date of transfer.

The purpose of the proposed transfer is to facilitate the financing of the project. Public notice of the filing of the application was given. No protests or motions to intervene have been received.

It is concluded that approval of the transfer of license would be in the public interest. Approval of this transfer is an administrative action, with no authorization for construction or change in project operations other than that previously approved in the license. Consequently, it is not a major federal action significantly affecting the quality of the human environment.

It is ordered that:

(A) The transfer of the license for Project No. 5089 from Fall River Rural Electric Cooperative, Inc. to Fall River Rural Electric Cooperative, Inc. and Hydro Valley Development, Inc. as joint licensees is approved and made effective as of the first day of the month in which this order is issued, subject to the provisions of Section 9.3 of the Commission's regulations 4/ under the Federal Power Act.

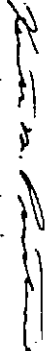
(B) Approval of the transfer is contingent upon the transfer of title to the properties under license and delivery of all license instruments to Fall River Rural Electric Cooperative, Inc. and Hydro Valley Development, Inc., as joint licensees who shall be subject to all the conditions of the Federal Power Act and the terms and conditions of the license, as though they were the original licensees. Fall River Rural Electric Cooperative, Inc. shall be responsible for the payment of annual charges that have accrued prior to the date of transfer. Certified copies of all instruments of conveyance shall be submitted to the Commission within 60 days from the date of issuance of this order.

(C) The licensees 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 its terms and conditions, it shall be signed by the Licensees and returned to the Commission within 60 days from the date this order is issued.

- 4/ 18 C.F.R. §9.3 (1984).

25

(D) This order is final unless a petition appealing it to the Commission is filed within 30 days from the date of its issuance, as provided in Section 385.1902 of the Commission's regulations, 18 C.F.R. §385.1902 (1984).


Kenneth M. Pusateri
Acting Director, Office of
Hydropower Licensing

Project No. 5089-004

IN TESTIMONY of its acknowledgment of acceptance of all of the terms and conditions of this order, Hydro Valley Development, Inc., this ____ day of _____, 19____, has caused its corporate name to be signed hereto by _____, its _____ President, and its corporate seal to be affixed hereto and attested by _____ its _____ Secretary, pursuant to a resolution of its Board of Directors duly adopted on the ____ day of _____, 19____, a certified copy of the record of which is attached hereto.

By _____
President

Attest:

Secretary

(Executed in quadruplicate)

REPRODUCED

Project No. 5089-004

IN TESTIMONY of its acknowledgment of acceptance of all of the terms and conditions of this order, Fall River Rural Electric Cooperative, Inc., this ____ day of _____, 19____, has caused its corporate name to be signed hereto by _____, its _____ President, and its corporate seal to be affixed hereto and attested by _____ its _____ Secretary, pursuant to a resolution of its Board of Directors duly adopted on the ____ day of _____ 19____, a certified copy of the record of which is attached hereto.

By _____ President _____

Attest:

Secretary

(Executed in quadruplicate)

MICROFILMED



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

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

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

September 11, 1985

RE: Permit Nos. 22-7482 & 22-7487

Fall River Rural Electric Coop
Attn: Charles Dawsey
Box 617
Ashton, ID 83420

Dear Mr. Dawsey:

Per our telephone conversation, I have reviewed the above water rights in reference to the Felt Dam Hydroelectric Project as to the correspondence dated 9/1/85.

I found that rights 22-7482 and 22-7487 are permits with proof of beneficial use due on 6/1/86 for both rights. It is my understanding that these two permits pertain to the additional use developed under the new project construction that is anticipated to be completed in October. Since the use had not been started before July 1, 1985, it is appropriate to submit the proper forms upon completion. Therefore, the 9/1/85 letter does not apply to these rights.

If you have any questions, please let me know.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

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State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

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

SEPTEMBER 1, 1985

DEAR PERMIT HOLDER:

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

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

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

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

SINCERELY,

L. GLEN SAXTON
CHIEF, OPERATIONS BUREAU

MICROFILMED

LAW OFFICES OF
PARSONS, BEHLE & LATIMER

A PROFESSIONAL CORPORATION

185 SOUTH STATE STREET, SUITE 700
POST OFFICE BOX 11898
SALT LAKE CITY, UTAH 84147-0898
TELEPHONE (801) 532-1234
TELECOPIER (801) 532-1234, EXT. 273

1801 "K" STREET, N.W., SUITE 1109L
WASHINGTON, D.C. 20006
TELEPHONE (202) 659-0862

FORMERLY
DICKSON, ELLIS, PARSONS & McCREA
1882-1959

C.C. PARSONS
1907-1968

CALVIN A. BEHLE
1947-

OF COUNSEL
GEORGE W. LATIMER
CONSTANCE K. LUNDBERG
†LYNNE D. FINNEY

JOHN B. WILSON
ROBERT C. HYDE
CRAIG B. TERRY
DAVID A. ANDERSON
KENT O. ROCHE
PATRICIA J. WINMILL
JAN R. BENSON
RANDY M. GRIMSHAW
J. STEPHEN RUSSELL
DANIEL W. HINDERT
T. PATRICK CASEY
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DISTRICT OF COLUMBIA ONLY

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GORDON L. ROBERTS
F. ROBERT REEDER
WILLIAM L. CRAWFORD
LAWRENCE E. STEVENS
DANIEL M. ALLRED
HOWARD J. MARSH
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DAVID W. TUNDERMANN
KREGE B. CHRISTENSEN
JAMES M. ELEGANTE
DAVID P. HIRSCHI
VAL R. ANTCHAK
PATRICK J. GARVER
SPENCER E. AUSTIN

August 29, 1985

Mr. Norman C. Young
Administrator
Resource Administration Division
Idaho Department of Water Resources
Statehouse
Boise, Idaho 83720

RECEIVED
VIA **UPS** COURIER
AUG 30 1985

Department of Water Resources

Re: Request for Approval of Assignment of Lease of
Decreed Right 22-0606, Licensed Rights 22-2123 and
22-2126 and Permit Nos. 22-7351, 22-7487 and 22-7482

Dear Mr. Young:

As you are aware, this firm represents Bonneville Pacific Corporation ("Bonneville") and Hydro Valley Development, Inc. ("Hydro Valley"), both Utah corporations qualified to do business in the State of Idaho. For purposes of this matter, this firm is also serving as special counsel to CDM Hydro-electric Company ("CDM"), a Colorado limited partnership qualified to do business in the State of Idaho.

Reference is made to your letter of June 28, 1985 (copy enclosed) wherein the Department of Water Resources approved the lease of the above-referenced water rights, licenses and permits (collectively referred to hereinafter as the "Water Rights") from Fall River Rural Electric Cooperative, Inc. ("Fall River") to Bonneville, and the subsequent Assignment of the Lease of the Water Rights by Bonneville to Hydro Valley. Your files should contain all of the documentation relating to these Assignments, specifically the Lease and Assignment Agreement dated December 18, 1984 between Fall River and Bonneville, and the Partial Assignment of Lease and Assignment

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Mr. Norman C. Young
August 29, 1985
Page 2

Agreement dated June 14, 1985 between Bonneville and Hydro Valley.

It is my understanding that your files now indicate that Fall River holds the Water Rights as "owner" and Hydro Valley holds the Water Rights as "lessee", with First Interstate Bank of Idaho having the first lien security interest in the lease of the Water Rights pursuant to the Mortgage Trust Indenture and Security Agreement, a complete and fully executed copy of which is enclosed herewith to complete your records in this matter.

Hydro Valley now desires to assign its leasehold interest in the Water Rights to CDM pursuant to an Assignment of Leasehold Interest in Water Rights, in form and substance similar to the document of the same name enclosed herewith for your review.

Hydro Valley desires to obtain the prior approval of the Department of Water Resources to this proposed Assignment due to questions which have arisen concerning Hydro Valley's right to assign its leasehold interest in the Water Rights to CDM under the provisions of Section 42-207 of the Idaho Code and CDM's ability to hold the leasehold interest in the Water Rights under the provisions of Section 42-206 of the Idaho Code.

As you are aware, Section 42-206 prohibits the granting of a permit to appropriate water to any person or association of persons which is not an actual bona fide resident of the State of Idaho. In seeking the approval of the Department of Water Resources to the leasehold assignment of Water Rights by Hydro Valley to CDM, we suggest first that CDM, as a Colorado limited partnership duly registered to do business in the State of Idaho, qualifies as a "bona fide resident of the State", and is therefore a qualified entity to hold Water Rights under Section 42-206. Further, Section 42-206 seems to relate solely to a new permit to appropriate waters and not to a leasehold of existing water rights. Therefore Section 42-206 should not apply to the leasehold situation provided that (as in our case) the actual ownership of the Water Rights remains in a qualified entity (Fall River).

Section 42-207 deals with transfer rights and prohibits the sale, assignment, transfer or mortgage of a water right to a nonqualified entity. It is unclear from the language of the statute whether this statute applies to a lease situation since in such a situation the ownership of the water rights does not change. Furthermore, in the present case there is no

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Mr. Norman C. Young
August 29, 1985
Page 3

situation or remedy available under the Lease and Assignment Agreement, the Partial Assignment of Lease and Assignment Agreement or the newly proposed Assignment of Leasehold Interest in Water Rights which could result in a nonqualified entity ever becoming the actual owner of the Water Rights.

In asking for the Department of Water Resource's preapproval of the enclosed Assignment of Leasehold Interest in Water Rights, we are essentially asking that the following questions be answered:

First, as a duly registered limited partnership, does CDM qualify to hold Water Rights under the provisions of Section 42-206 of the Idaho Code, and

Second, do Sections 42-206 and 42-207 relate to a leasehold situation, where actual ownership of the water right is retained by a lessor qualified to hold water rights under Section 42-206.

CDM and Hydro Valley are presently working with Prudential Interfunding Corp. in finalizing the permanent financing of the Felt Dam Hydroelectric Project, therefore your prompt attention to this matter will be greatly appreciated. I have taken the liberty of copying Phil Rassier with this letter, and I invite either you or Phil to contact me at your earliest convenience to discuss this matter further.

Very truly yours,

PARSONS, BEHLE & LATIMER


David P. Hirschi

DPH/jml

Enclosure

cc: Phillip J. Rassier, Esq.
Robert L. Wood

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UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

32 FERC 14, 029

-2-

Fall River Rural Electric Cooperative, Inc.) Project No. 5089-003

ORDER AMENDING LICENSE
(Issued July 8, 1985)

Fall River Rural Electric Cooperative, Inc. (Licensee) filed on February 5, 1985, an application for amendment of its license for the Felt Water Power Project No. 5089, located on the Teton River and occupying U.S. lands administered by the Department of the Interior, Bureau of Reclamation, in Teton County, Idaho. 1/2/

The Felt project as currently licensed contains a powerhouse with two generating units having a total installed capacity of 6,025 kW. The licensee proposes to relocate the powerhouse to a site approximately 300 feet downstream and size the two generating units for a total installed capacity of 5,500 kW. The licensee would also refurbish an existing inoperative powerhouse containing two generating units with a total installed capacity of 1,475 kW. The proposed amendment would result in an increase of 4,700 MW in the average annual energy production. Ordering paragraph (A) contains a more detailed description of the proposed project.

PUBLIC NOTICE AND AGENCY COMMENTS

Notice of the application was given. No protests or motions to intervene were filed. Federal, state and local agencies that received the public notice of the application were requested to provide comments on the application. None of the responding agencies objected to the proposed amendment. All substantive comments received are discussed below.

1/ The license for Project No. 5089 was issued on September 9, 1983. Fall River Rural Electric Cooperative, Inc., 24 FERC 462,289 (1983).

2/ Authority to act on this matter is delegated to the Director, Office of Hydropower Licensing, under §175.314 of the Commission's regulations, 49 Fed. Reg. 29,369 (1984) (errata issued July 27, 1984) (to be codified at 18 C.F.R. §175.314). This order may be appealed to the Commission by any party within 30 days of the issuance date of this order pursuant to Rule 1902, 18 C.F.R. §185.1902 (1984). Filing an appeal and final Commission action on that appeal are prerequisites for filing an application for rehearing as provided in Section 313(a) of the Act. Filing an appeal does not operate as a stay of the effective date of this order or of any other date specified in this order, except as specifically directed by the Commission.

COMPREHENSIVE DEVELOPMENT

The project as amended would make good use of the flow and fall of the Teton River and would be best adapted to the comprehensive development of the Upper Snake River Basin upon compliance with the terms and conditions of the amended license.

ECONOMIC FEASIBILITY

The estimated cost of the proposed project is \$8,240,000. Project power will be sold to Utah Power and Light Company (UP&L) at a contract price of 54.5 mills/kwh. The amended project will generate 36,100 MWh and would be economically feasible based upon UP&L's contract price.

SAFETY AND ADEQUACY

The proposed modifications to the project would not affect the structural integrity of the project. The proposed powerhouse has been analyzed and found to be safe.

ENVIRONMENTAL CONSIDERATIONS

Fishery Resources

The amended project has the potential to have an impact on the trout populations of the Teton River. The U.S. Fish and Wildlife Service and the Idaho Department of Fish and Game recommend that the Applicant stock the Teton River with 20,000 cutthroat trout (200 per pond) to mitigate the loss of 300 feet of trout habitat. To mitigate the impacts of turbine-related fish mortality that would result from the use of two additional units, the agencies recommend that the Applicant either screen the project intake (0.25 inch opening in mesh or screen with a water approach velocity of 0.5 foot per second or less) or stock the Teton River with 330,000 trout. The Applicant accepts the recommended mitigation but has not specified whether it plans to install fish screens or provide fish for stocking.

The measures recommended by the fishery agencies and agreed to by the Applicant would adequately mitigate the impacts of the amended project on trout populations. Article 45 requires the Applicant to implement the recommended measures and to file a fisheries mitigative plan outlining specific details of the mitigative proposals.

Cultural Resources

The Idaho State Historic Preservation Officer indicated that the amended project would have no effect on cultural resources. Article 36 of the original license requires the protection of archeological or historic sites in the event that such sites are discovered during construction.

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Other Environmental Concerns

In a letter dated April 16, 1985, the Idaho Department of Health and Welfare indicated that the water quality certificate issued on June 23, 1982, is valid for the amended project.

Pursuant to Section 4(h) of the Pacific Northwest Electric Power Planning and Conservation Act of 1980 (Pub. L. No. 96-501), the Northwest Power Planning Council (NPPC) developed in 1982 a fish and wildlife program to protect, mitigate, and enhance fish and wildlife resources in the Pacific Northwest. The proposed amendment does not appear to conflict with NPPC's fish and wildlife program. Article 44 of the original license reserves to the Commission the authority to order where practicable alterations in project structures and operations in order to take into account NPPC's fish and wildlife program.

In a letter dated March 16, 1985, the United States Department of the Interior, Bureau of Reclamation (BR) commented that mitigation measures would be needed for the loss of big game lands that would be occupied by the project. By letter dated June 28, 1985, however, BR indicated that the Applicant and BR had consulted and reached a mutual agreement resolving BR's concerns.

FINDING OF NO SIGNIFICANT IMPACT

The amended project would result in minor, short-term increases in noise levels, dust, and exhaust emissions from construction activities, and sedimentation and erosion from the disturbance of riverbed and land surfaces. Turbine-related fish mortality and the loss of 300 feet of trout habitat would result, but these impacts would be adequately mitigated. Approximately 7 acres of vegetation would be disturbed.

No Federally listed threatened or endangered species would be affected by the project. Similarly, no sites or structures listed or eligible for listing in the National Register of Historic Places would be affected.

In accordance with the National Environmental Policy Act of 1969, an Environmental Assessment 2/ was prepared for the amendment of license for the Felt Project (FERC No. 5089). On the basis of the record and of Staff's independent analysis, issuance of the amendment of license for the project, as conditioned herein, will not constitute a major federal action significantly affecting the quality of the human environment.

2/ Environmental Assessment, Felt Project, FERC No. 5089-- Idaho, June 28, 1985, prepared by the Division of Environmental Analysis, Office of Hydropower Licensing, Federal Energy Regulatory Commission. This document is available in the Division of Public Information and in the Commission's public file associated with this proceeding.

It is ordered that:

The license for the Felt Water Power Project No. 5089, is amended as follows:

(A) Paragraph (2) of Ordering Paragraph (B) of the license is revised to read, in part, as follows:

Project works consisting of:

- (a) a 12-foot-high, 135-foot-long dam having a 90-foot-long spillway section with crest elevation 5,530 feet m.s.l. and having a sluiceway and a fish ladder; (b) a reservoir having a surface area of 10 acres and a storage capacity of 40 acre-feet; (c) three intake structures along the reservoir right bank; (d) a 170-foot-long flowline tunnel No. 1 connecting to a 100-foot-long, 78-inch-diameter steel penstock bifurcating into two steel penstocks, each approximately 300 feet long and 60 inches in diameter; (e) a rehabilitated powerhouse containing two generating units with a total installed capacity of 2,000 kW at a design head of 80 feet; (f) a 215-foot-long flowline tunnel No. 2 and a 180-foot-long flowline tunnel No. 3, both connecting to a 1,850-foot-long, 90-inch-diameter steel penstock; (g) a powerhouse containing two generating units having a total installed capacity of 5,500 kW at a design head of 159 feet; (h) a 7,500-KVA, 4.16/24.9-KV, three-phase transformer; (i) a 700-foot-long, 4.16-KV transmission line from the rehabilitated powerhouse to the new powerhouse; (j) a 1,400-foot-long, 24.9-KV overhead transmission line connecting to an existing Utah Power and Light Company transmission line; (k) an access road; (l) a public-parking area; and (m) apartment facilities.

(B) The following Exhibit A and Exhibit F and G drawings have been examined and found to generally conform to the Commission's rules and regulations and are approved and made a part of the license, superseding the indicated Exhibit F and G drawings:

Exhibit A

Section A, entitled "Proposed New Facilities", pages A-5 to A-7, revised, in part, filed on February 5, 1985.

Exhibit FERC No. Title Superseding

F-10 5089-10 Felt Hydroelectric Plan 5089-5

F-11 5089-11 Penstock and Access Road 5089-6

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<u>Exhibit</u>	<u>FERC No.</u>	<u>Title</u>	<u>Superseding</u>
F-12	5089-12	Penstock and Surge Pipe	None
F-13	5089-13	Penstock and Bifurcation	None
F-14	5089-14	Turbine Deck and Valve Bay	None
F-15	5089-15	Switch Gear Deck	None
F-16	5089-16	Powerhouse Section	5089-7
F-17	5089-17	Tailrace Plans and Sections	None
F-18	5089-18	Boring Locations and Logs	5089-8
G-1	5089-19	Project Boundary	5089-9
G-2	5089-20	Transmission Map	None

(C) The following license articles are revised to read as follows:

Article 39. The licensee shall review and approve the design of contractor-designed cofferdams and deep excavations prior to the start of construction and shall ensure that construction of cofferdams and deep excavations is consistent with the approved design. At least 30 days prior to start of construction of the cofferdam, the licensee shall provide the Commission's Regional Engineer and Director, Division of Inspections, one copy of the approved cofferdam construction drawings and specifications and a copy of the letter(s) of approval.

Article 40. The licensee shall within 90 days of completion of construction file with the Commission for approval, revised Exhibits A, F, and G to describe and show the project as-built.

(D) Article 42 of the license is revised to include the following additional paragraph:

(4) The licensee shall pay the United States the following additional annual charge, effective the date of this amendment.

(a) For the purpose of reimbursing the United States for the cost of administration of part I of the Federal Power Act, a reasonable annual charge as determined by the Commission in accordance with provisions of its regulations in effect from time to time. The authorized additional installed capacity for that purpose is 1,970 horsepower.

(E) The following additional article is included in the license:

Article 45. The licensee, after consultation with the U.S. Fish and Wildlife Service and the Idaho Department of Fish and Game, shall file for Commission approval, within 6 months from the date of issuance of this order, and prior to the completion of project construction, a fisheries mitigation plan for the Felt Project. The mitigation plan must provide either (1) detailed plans for the annual stocking of 350,000 cutthroat trout (200 per pound) in the Teton River; or (2) detailed plans for the annual stocking of 20,000 cutthroat trout (200 per pound) in the annual stocking of 20,000 cutthroat trout (200 per pound) in the river and functional design drawings of the fish screening device for the Felt Project. Agency comments on the fisheries mitigation plan shall be included in the filing. Further, the licensee shall file as-built drawings with the Commission, within 3 months after completion of construction of any fish screening device.

(F) The licensee's failure to file a petition appealing this order to the Commission shall constitute acceptance of this license. In acknowledgement of acceptance of this order and its 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.

(G) This order is final unless a petition appealing it to the Commission is filed within 30 days from the date of its issuance, as provided in Section 385.1902 of the Commission's regulations, 18 C.F.R. §385.1902 (1984).

Quentin A. Edson
Quentin A. Edson
Director, Office of
Hydropower Licensing

RECEIVED

Project No. 5089-003

IN TESTIMONY of its acknowledgment of acceptance of all of the terms and conditions of this order, Fall River Rural Electric Cooperative, Inc., this ____ day of _____, 19____, has caused its corporate name to be signed hereto by _____ its _____ President, and its corporate seal to be affixed hereto and attested by _____ its _____ Secretary, pursuant to a resolution of its Board of Directors, duly adopted on the ____ day of _____ 19____, a certified copy of the record of which is attached hereto.

By _____ President

Attest:

Secretary

(Executed in quadruplicate)

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INTER-DEPARTMENT MEMO — 1

FROM Linda Smith

DATE 6-28-85

TO 22-7482

SUBJECT

The Mortgage Trust Indenture and Security Agreement and the Partial
Assignment of Lease and Assignment Agreement are filed in No. 22-7487.

MICROFILMED

SIGNATURE



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 334-4440

June 28, 1985

Fall River Rural Electric Cooperative, Inc.
POB AE
Ashton, Idaho 83420
Attention: Manager

Bonneville Pacific Corporation
200 East South Temple, Suite 300
Salt Lake City, Utah 84111
Attention: Robert L. Wood

Hydro Valley Development, Inc.
c/o Bonneville Pacific Corporation
200 East South Temple, Suite 300
Salt Lake City, Utah 84111
Attention: L. Wynn Johnson

First Interstate Bank of Utah, N.A.
180 South Main Street
Salt Lake City, Utah 84101

First Interstate Bank of Idaho, N.A.
700 West Idaho Street, Third Floor
Boise, Idaho 83702

Re: Leases and Mortgage Trust Indenture and Security
Agreement Affecting Decreed Right 22-0606, Licensed
Rights 22-2123 and 22-2126 and Permit Nos. 22-7351,
22-7487 and 22-7482

Gentlemen:

This office has received a copy of the Lease and Assignment Agreement dated December 18, 1984, whereunder Fall River Rural Electric Cooperative, Inc. ("Fall River") has leased the above-referenced decreed, licensed, and permit water rights (collectively "Water Rights") to Bonneville Pacific Corporation ("Bonneville"), and a copy of the Partial Assignment of Lease and Assignment Agreement dated June 14, 1985, whereunder Bonneville has further leased the Water Rights to Hydro Valley

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Development, Inc. ("Hydro Valley"). We have also received the Mortgage Trust Indenture and Security Agreement (the "Security Agreement") whereunder Bonneville and Hydro Valley intend to assign the leasehold interest in the Water Rights to First Interstate Bank of Idaho, N.A., as trustee, and First Interstate Bank of Utah, N.A., as beneficiary, pursuant to obtaining the construction financing for the Felt Dam Hydroelectric Project located in Teton County, Idaho.

Based upon our understanding of the information contained in said Lease and Assignment Agreement, Partial Assignment of Lease and Assignment, and Security Agreement, Fall River has leased the above-referenced Water Rights to Bonneville and Bonneville has further leased said Water Rights to Hydro Valley. It is further our understanding that Bonneville and Hydro Valley are assigning their leasehold interest in the Water Rights to First Interstate Bank of Idaho, N.A., as trustee to have and to hold the same as partial security for the performance by Bonneville and Hydro Valley of certain obligations to First Interstate Bank of Utah, N.A., as beneficiary, in connection with financing the Felt Dam Hydroelectric Project to which the Water Rights relate.

This letter confirms that this office has reviewed the Lease and Assignment Agreement, the Partial Assignment of Lease and Assignment Agreement and the Security Agreement and has found that the same conform to and comply with the requirements of Section 42-206 and 42-207, Idaho Code, and that Bonneville and Hydro Valley are qualified entities to hold leasehold interests in Water Rights in accordance with the laws of the State of Idaho, and that the trustee, First Interstate Bank of Idaho, N.A., is an entity qualified to hold a leasehold interest in said Water Rights as security for the construction financing of the Felt Dam Hydroelectric Project. Therefore, the lease of the Water Rights from Fall River to Bonneville, and subsequent lease of the Water Rights from Bonneville to Hydro Valley, and the subsequent assignment of the leasehold interest in the Water Rights as security for the construction financing as described herein are consented to and approved by the Department of Water Resources, and will be effective as of the date of receipt of the signed Mortgage Trust Indenture and Security Agreement. It is further noted that leasing of the Water Rights and assignment of leasehold interests therein will not change the name of record of the Water Rights.

The future approval of the leasing of the Water Rights and assignment of leasehold interests therein will not constitute a waiver by this Department of the State of Idaho to seek appropriate regulatory actions against the entities identified within this letter for any and all violation of any state statute, rule or regulation, notably with respect to stream channel alterations.

Sincerely,



NORMAN C. YOUNG
Administrator
Resources Administration Division



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 334-4440

June 28, 1985

Fall River Rural Electric Cooperative, Inc.
POB AE
Ashton, Idaho 83420
Attention: Manager

Bonneville Pacific Corporation
200 East South Temple, Suite 300
Salt Lake City, Utah 84111
Attention: Robert L. Wood

Hydro Valley Development, Inc.
c/o Bonneville Pacific Corporation
200 East South Temple, Suite 300
Salt Lake City, Utah 84111
Attention: L. Wynn Johnson

First Interstate Bank of Utah, N.A.
180 South Main Street
Salt Lake City, Utah 84101

First Interstate Bank of Idaho, N.A.
700 West Idaho Street, Third Floor
Boise, Idaho 83702

Re: Leases and Mortgage Trust Indenture and Security
Agreement Affecting Decreed Right 22-0606, Licensed
Rights 22-2123 and 22-2126 and Permit Nos. 22-7351,
22-7487 and 22-7482.

Gentlemen:

This office has received a copy of the Lease and Assignment Agreement dated December 18, 1984, whereunder Fall River Rural Electric Cooperative, Inc. ("Fall River") has leased the above-referenced decreed, licensed, and permit water rights (collectively "Water Rights") to Bonneville Pacific Corporation ("Bonneville"), and a copy of the Partial Assignment of Lease and Assignment Agreement dated June 14, 1985, whereunder Bonneville has further leased the Water Rights to Hydro Valley

June 28, 1985

Page 2

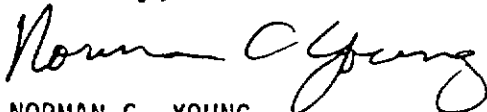
Development, Inc. ("Hydro Valley"). We have also received the Mortgage Trust Indenture and Security Agreement (the "Security Agreement") whereunder Bonneville and Hydro Valley intend to assign the leasehold interest in the Water Rights to First Interstate Bank of Idaho, N.A., as trustee, and First Interstate Bank of Utah, N.A., as beneficiary, pursuant to obtaining the construction financing for the Felt Dam Hydroelectric Project located in Teton County, Idaho.

Based upon our understanding of the information contained in said Lease and Assignment Agreement, Partial Assignment of Lease and Assignment, and Security Agreement, Fall River has leased the above-referenced Water Rights to Bonneville and Bonneville has further leased said Water Rights to Hydro Valley. It is further our understanding that Bonneville and Hydro Valley are assigning their leasehold interest in the Water Rights to First Interstate Bank of Idaho, N.A., as trustee to have and to hold the same as partial security for the performance by Bonneville and Hydro Valley of certain obligations to First Interstate Bank of Utah, N.A., as beneficiary, in connection with financing the Felt Dam Hydroelectric Project to which the Water Rights relate.

This letter confirms that this office has reviewed the Lease and Assignment Agreement, the Partial Assignment of Lease and Assignment Agreement and the Security Agreement and has found that the same conform to and comply with the requirements of Section 42-206 and 42-207, Idaho Code, and that Bonneville and Hydro Valley are qualified entities to hold leasehold interests in Water Rights in accordance with the laws of the State of Idaho, and that the trustee, First Interstate Bank of Idaho, N.A., is an entity qualified to hold a leasehold interest in said Water Rights as security for the construction financing of the Felt Dam Hydroelectric Project. Therefore, the lease of the Water Rights from Fall River to Bonneville, and subsequent lease of the Water Rights from Bonneville to Hydro Valley, and the subsequent assignment of the leasehold interest in the Water Rights as security for the construction financing as described herein are consented to and approved by the Department of Water Resources, and will be effective as of the date of receipt of the signed Mortgage Trust Indenture and Security Agreement. It is further noted that leasing of the Water Rights and assignment of leasehold interests therein will not change the name of record of the Water Rights.

The future approval of the leasing of the Water Rights and assignment of leasehold interests therein will not constitute a waiver by this Department of the State of Idaho to seek appropriate regulatory actions against the entities identified within this letter for any and all violation of any state statute, rule or regulation, notably with respect to stream channel alterations.

Sincerely,



NORMAN C. YOUNG
Administrator
Resources Administration Division

NCY/DRT/l's

LAW OFFICES OF
PARSONS, BEHLE & LATIMER

A PROFESSIONAL CORPORATION

185 SOUTH STATE STREET, SUITE 700
POST OFFICE BOX 11898
SALT LAKE CITY, UTAH 84147-0898
TELEPHONE (801) 532-1234
TELECOPIER (801) 532-1234, EXT. 273

1801 "K" STREET, N.W., SUITE 1109L
WASHINGTON, D.C. 20006
TELEPHONE (202) 659-0862

FORMERLY
DICKSON, ELLIS, PARSONS & McCREA
1882-1959

C.C. PARSONS
1907-1968

CALVIN A. BEHLE
1947-

OF COUNSEL
GEORGE W. LATIMER
CONSTANCE K. LUNDBERG
LYNNE D. FINNEY

KEITH E. TAYLOR
JAMES B. LEE
SCOTT M. MATHESON
GORDON L. ROBERTS
F. ROBERT REEDER
WILLIAM L. CRAWFORD
LAWRENCE E. STEVENS
DANIEL M. ALLRED
HOWARD J. MARSH
YAN M. ROSS
ERIE V. BOORMAN
DAVID S. DOLOWITZ
KENT W. WINTERHOLLER
BARBARA K. POLICH
RANDY L. DRYER
CHARLES H. THRONSON
DAVID R. BIRD
RAYMOND J. ETCHEVERRY
FRANCIS M. WIKSTROM
DAVID W. TUNDERMANN
KREGE B. CHRISTENSEN
JAMES M. ELEGANTE
DAVID P. HIRSCHI
VAL R. ANTCAK
PATRICK J. GARVER
SPENCER E. AUSTIN

JOHN B. WILSON
ROBERT C. HYDE
CRAIG B. TERRY
DAVID A. ANDERSON
KENT O. ROCHE
PATRICIA J. WINMILL
JAN P. BENSON
RANDY M. GRIMSHAW
J. STEPHEN RUSSELL
DANIEL W. HINDERT
T. PATRICK CASEY
ALICE L. HEARST
HENRY D. MARSH
JOHN A. ANDERSON
D. R. CHAMBERS
BYRON W. MILSTEAD
LOIS A. BAAR
* MARK E. RINEHART
MICHAEL L. LARSEN
JONATHAN K. BUTLER
DAVID G. MANGUM
JULIA C. WEBB
DEREK LANGTON
HAL J. POS
* ADMITTED IN COLORADO ONLY
† ADMITTED IN CALIFORNIA AND
DISTRICT OF COLUMBIA ONLY

June 17, 1985

Mr. David Tuthill
State of Idaho
Department of Water Resources
Statehouse
Boise, Idaho 83720

RECEIVED
JUN 18 1985

FEDERAL EXPRESS

Department of Water Resources

Re: Felt Dam Hydroelectric Project, Teton County,
Idaho--Leases and Security Interest in Decreed
Right 22-0606, License Rights 22-2123, 22-2126,
and Approved Applications for Permit Nos.
22-7351, 22-7487 and 22-7482

Dear Mr. Tuthill:

Please be advised that pursuant to a Lease and Assignment Agreement dated December 18, 1984, between Fall River Rural Electric Cooperative, Inc. ("Fall River") and Bonneville Pacific Corporation ("Bonneville"), Fall River has leased the above-referenced water rights and permits (collectively the "Water Permits") to Bonneville for use in connection with the Felt Dam Hydroelectric Project (a copy of which Lease and Assignment Agreement is attached as Exhibit "A" to that certain Mortgage Trust Indenture and Security Agreement (the "Security Agreement") enclosed herewith).

Please be further advised that pursuant to the terms of that certain Partial Assignment of Lease and Assignment Agreement, dated June 14, 1985, between Bonneville and Hydro Valley Development, Inc. ("Hydro Valley"), Bonneville has assigned its leasehold interest in the Water Permits to Hydro Valley (a copy of which Partial Assignment of Lease and Assignment Agreement is enclosed herewith). Both Bonneville and

MICROFILMED

Mr. David Tuthill
June 17, 1985
Page 2

Hydro Valley are Utah corporations qualified to do business in the State of Idaho.

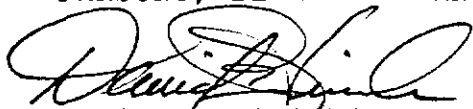
Please be further advised that in connection with obtaining the construction financing of the Felt Dam Hydro-electric Project, Bonneville and Hydro Valley are being required by First Interstate Bank of Idaho, N.A., as trustee, and First Interstate Bank of Utah, N.A., as beneficiary, to assign their leasehold interest in and to the Water Permits to said Banks as security for the construction financing. This assignment will be made in accordance with the terms of the Security Agreement, a copy of which is enclosed herewith.

Pursuant to the provisions of Sections 42-206 and 42-207, Idaho Code, we are requesting the consent and approval of the Idaho Department of Water Resources to the above-described transfers of leasehold interests in the Water Permits. Our review of appropriate Idaho law indicates that the lease of the Water Permits from Fall River to Bonneville and the lease of the Water Permits from Bonneville to Hydro Valley, and the proposed Security Agreement, whereunder the leasehold interest in the Water Permits is assigned to First Interstate Bank of Idaho, as trustee, are in conformance with Section 42-206 and 42-207, Idaho Code, and we therefore request that the Department of Water Resources consent to and approve such leases and assignments.

For your convenience, I have enclosed herewith a form letter which has been approved by the parties to the leases and the Banks. Please review the enclosed materials and contact me at your earliest convenience with any questions or comments which you may have thereon. If the Department of Water Resources approves the proposed assignment, please have the enclosed letter or a letter in substantially similar form prepared on Department of Water Resources letterhead and send the original copy executed by the Director or Administrator of the Department of Water Resources to me for use in the loan closing. The loan closing is presently scheduled for June 25, 1985, and we will appreciate your processing this application for approval as soon as possible.

Very truly yours,

PARSONS, BEHLE & LATIMER



David P. Hirschi

DPH:mmmp 6891C
cc: Robert L. Wood
Ray W. Rigby, Esq.
Pamela T. Greenwood, Esq.
Enclosure

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State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

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

May 21, 1985

Mr. Kenneth Plumb, Secretary
Federal Energy Regulatory Commission
825 North Capitol Street N.E.
Washington, D.C. 20426

Re: Felt Hydroelectric Project, FERC No. 5089

Dear Mr. Plumb:

On May 20, 1985, Mr. Clark M. Mower hand delivered a copy of an Application for Amendment of License (dated April, 1985) for the above-referenced project in an effort to expedite the review process.

The Department's comments with respect to the project have not significantly changed from our comment letter of April 5, 1985.

Water right permits identified as Nos. 22-7482, 22-7487 and 22-7351, however, have been issued by the Department in connection with the project since our April 5, 1985 letter.

Sincerely,

A. KENNETH DUNN
Director

AKD/LGS/1s

cc: Eastern Region
Clark M. Mower

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BINGHAM ENGINEERING

100 Lindbergh Plaza 2, 5160 Wiley Post Way, Salt Lake City Utah 84116, 801-532-25

May 21, 1985

Mr. Glenn Saxton
State of Idaho
Department of Water Resources
State House
450 West State Street
Boise, Idaho 83720

RECEIVED
MAY 25 1985
Hand delivered
Department of Water Resources

Re: Felt Hydroelectric Project, FERC No. 5089

Dear Mr. Saxton:

I am enclosing for your information a copy of the Application for Amendment for the Felt Hydroelectric Project. The project has been noticed for comment by the FERC. We are delivering to you a copy of the amendment application to facilitate a more expeditious response to FERC's request if possible.

The Felt Hydroelectric Project is ready for construction and is in an area of relatively short construction period. Your earliest response would be appreciated. Official notice from the FERC should be forthcoming in the next two-week period. Would you please file your answers directly with:

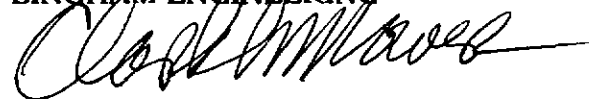
Mr. Kenneth Plumb, Secretary
Federal Energy Regulatory Commission
825 North Capitol Street N.E.
Washington, D.C. 20426

I would appreciate it very much if you could forward a copy of your comments to me at our new address listed above. Comments on the amendment application from your local agency were forwarded to FERC at an earlier date and are enclosed for your information and reference.

Thank you very much for your cooperation.

Sincerely,

BINGHAM ENGINEERING



Clark M. Mower
Executive Vice President

CMM/bde

Enclosures

cc: 602-012

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State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

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

May 9, 1985

RE: Permit Nos. 22-7351, 22-7482 & 22-7487

Fall River Rural Electric Coop
Box 617
Ashton, ID 83420

Gentlemen:

Enclosed are copies of your approved Applications for Permit. We direct your attention to the conditions of approval on the fourth pages.

Be sure to note the special condition requiring you to install measuring devices and lockable controlling works that will enable the watermaster to control your rates of diversion.

Please be advised that prior applications for permit have been filed to appropriate water from your source which may impact the availability of water to be used under these permits. Therefore, you should be sure to analyze the impact of these rights before making major investments into your water use projects.

We have enclosed a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop these permits. Also enclosed for your convenience are the statements of beneficial use that must be submitted when your projects are completed.

Sincerely,

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

DRT:sc

Enclosures

MAILED 100



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 334-4440

April 5, 1985

Bingham Engineering
Attn: Clark M. Mower, Vice President
165 Wright Brothers Drive
Salt Lake International Center
Salt Lake City, UT 84116

Re: Felt Hydroelectric Project, Project No. 5089

Dear Mr. Mower:

The purpose of this letter is to provide comments relative to the Application for Amendment of License dated January, 1985, which was filed with the Federal Energy Regulatory Commission (FERC) by your firm on behalf of Fall River Rural Electric Co-operative, Inc. for the Felt Hydroelectric Project, FERC Project No. 5089.

My staff has reviewed the water rights on the proposed project, and has found that the water rights portion on the Introductory Statement in the FERC Application is current and valid with respect to Water Right Nos. 22-0060, 22-2123, 22-2126 and 22-7351. The section also alludes to an additional Application for Permit which was anticipated to be filed concurrently with the filing of the FERC application.

The additional water right application was filed in two parts. Application No. 22-7482 for 80 cubic feet per second was filed on October 1, 1984. The application has been advertised and the protest period ended on November 19, 1984. No protests were received, but the Idaho Department of Fish and Game submitted a letter which indicated no objection to approval of the application provided that specified minimum flows are allowed to bypass the hydroelectric diversion to provide an instream flow in the Teton River. The extent of these flows was the subject of an agreement between Fall River Rural Electric Co-operative, Inc. and the Idaho Department of Fish and Game, and it consists of 50 cubic feet per second through the bypassed reach during three months of spawning, and 20 cubic feet per second through the reach for the remainder of the year.

It is my understanding that an additional water right application was a subject of discussion during your visit to this Department on February 12. As you are aware, Application for Permit No. 22-7487 was filed on February 25, 1985, for a rate of flow of 204 cubic

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Clark M. Mower, Vice President
April 5, 1985
Page 2

feet per second. This application has also been advertised, and the protest period ended March 25, 1985. No protests were received although the Department received a letter from the Idaho Department of Fish and Game reiterating their position requiring that the specified minimum flows be left in the stream.

Please be advised that if the three Applications for Permit specified above are approved, the resulting permits will be subordinated to future consumptive beneficial uses, and a term of approval will be associated with the water rights.

Please find enclosed a copy of the fifth page addendum to the minimum stream flow Application for Permit on the Teton River, No. 22-7369, which Mr. Tuthill indicated we would provide to you.

Please continue to advise this office of significant activities regarding FERC actions on this project.

Sincerely,



A. KENNETH DUNN
Director

AKD/DRT/ljs

Enclosure

cc: Eastern Region

MICROFILMED

BINGHAM ENGINEERING

165 Wright Brothers Drive, Salt Lake International Center, Salt Lake City, Utah 84116, 801-532-21

February 5, 1985

RECEIVED
FEB 12 1985

Department of Water Resources

Mr. David Tuthill
Idaho Department of Water Resources
State House
Boise, Idaho 83720

Dear Mr. Tuthill:

RE: Felt Hydroelectric Project, Project No. 5089

Fall River Rural Electric Cooperative, Inc. was granted a license for the Felt Hydroelectric Project designated as Project No. 5089 in the records of the Federal Energy Regulatory Commission issued on September 8, 1983.

Since that time it has been necessary to make minor modifications to the project in order to better utilize the resource and permit construction in 1985. Attached is a copy of an application for amendment of license for the Felt Project which was filed with the Federal Energy Regulatory Commission on February 4, 1985.

We would appreciate it if you would review the attached amendment and make any comments as quickly as possible.

Sincerely,

BINGHAM ENGINEERING



Clark M. Mower

CMM/cs

Enclosure

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INTER-DEPARTMENT MEMO — 1

FROM

DRT

DATE

4/1/85

TO

ZZ-7482

SUBJECT

See 22-7351 for additional pertinent info.

DRT

REPROFILMED

SIGNATURE

POWER CALCULATIONS FOR APPLICATION NO. 22-7482

888
P = Kilowatts 1200 hp.
.74 X hp

Q = cfs 80.0

H = feet 150'

e = efficiency

proposed

- see file 22-7351 →
- see license 22-7351 in file
- ✓ 1.) Affidavit of Residency
 - ✓ 2.) Ownership of Facilities
 - ✓ 3.) *Financial Ability
 - ✓ 4.) Feasibility of Project
 - a. Plans, drawings
 - b. Economic analysis
 - ✓ 5.) *Compliance w/FERC
 - *only for projects of more than .25 cfs or more than 500 horsepower.

$$e = \frac{P(11.8)}{QH} = \frac{888(11.8)}{80. \times 150} = \frac{10478.4}{12000} = 0.87 \checkmark \text{ok}$$

Based on the above calculations the proposed project must have an 87 % efficiency.

OVERLAP REVIEW

per terminal 12/18/84 -

(P/D SEC) 22-0606 power
22-2123 power same right holder
22-2126 power
22-7351 power attached, also ready for
22-7196 irrig. approval.

(P/U SEC) sec. 20 - 22-7369, min. stream flow
22-7370
22-7256 - irr.
22-7425 - power.

sec. 29 - 22-7208 - irr. 22-7108 irrig.
- 22-7256 - irr. 22-7482 power
- 22-7351 power - same right holder

BYPASSED AREA

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State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY: KCW APPLICATION NUMBER: 22 7482

CHECK:

- ☒ Source.
☒ Point of diversion. W 1/2 NE 1/4 Sec 29 T1N R44E
☒ County.
☒ Quantity of water and period of use.
☒ Description of diverting works. As PER TELECON 10/10/84
☒ Time required for beneficial use of water.
☒ Place of use or acres irrigated. + SWSE
☒ Map. Sec 20 T7N R44E
☒ Signature.
☒ Fee.
☐ Yes ☒ No Field check required.
☐ Yes ☒ No Critical groundwater area.
☐ Yes ☒ No Request dam safety information. Sent by: _____ Date: _____
☒ Yes ☐ No* In form to receipt.

Field check by: _____
Date: _____
Comments: _____

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

SENT FORM 205/206 - 10/10/84

REQUESTED Itemized cost estimates & verification of financial ability 10/10/84

SEND COPIES TO:

- ☐ Idaho State Health Department. Copies sent by: _____ Date: _____
☒ Idaho Fish and Game Department. ccw 10-25-84
☒ Idaho Department of Lands. CW
☐ U.S. Bureau of Land Management.
☐ U.S. Forest Service.
☐ Other _____

PROCESSING:

- ☐ Yes ☒ No Platted by: _____ Map No. _____
☒ Yes ☐ No Other rights on same place of use. _____
☒ Yes ☐ No* In form for advertising.
Final date for protests: 11-19-84
☐ Yes ☒ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: 11-23-84
☐ Application published correctly. If not, record action taken: _____
☒ Fee amount, receipt date & number, recorded on application.
☒ Publication dates and paper, recorded on application.
☒ Protests, dates, withdrawal, etc., recorded on application.
☒ Recommendation & initial, recorded on application.
☒ Yes ☐ No Measuring device required.
☐ Yes ☒ No Access port required.
☒ Yes ☐ No Will water be delivered by watermaster? If yes, what district? 01
10-1-84 Date of priority recommended.
Special conditions of approval or cover letter.

01E, 04, 05(*1), 08A, 17G, 17K, 25

min. stream flow app. 22-7369-no, not approved yet.

By: Ernest Carlson

Date: Nov. 29, 1984

STATE OFFICE REVIEW:

L14, L08, L16

- ☐ See attached sheet for more information.

By: KCW

Date: 3-14-85

DEC 11 1984

Department of Water Resources

MICROFILMED

POINT OF DIVERSION AND STREAM INDEX INFORMATION

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH

IDAHO STREAM CODE INDEX						

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH

IDAHO STREAM CODE INDEX						

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH

IDAHO STREAM CODE INDEX						

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH

IDAHO STREAM CODE INDEX						

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH

IDAHO STREAM CODE INDEX						

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

WATER RIGHT
DATA ENTRY LOG

[illegible]

STAFF SHEET FOR POWER GENERATION

I Initial Review By: K. C. Wilson Application No. _____

Date Requested _____ In File _____

A. 10 Oct 1984 15 Oct 1984 Form 205/206.

B. _____ ✓ Efficiency is between 85% and 60%.

$$E = \frac{P (11.8)}{QH} = \frac{(868)(11.8)}{(80)(150)} = \underline{0.87} \times 100 = \underline{87} \%$$

II Post Publication Review By: _____

A. Not Protested

1. 0 to 373 kw (500 Hp)

Date Requested _____ Date Received (one or more) _____

_____ Engineering feasibility report.

_____ Preliminary design report.

_____ Contracts to construct project.

_____ Contracts to purchase power.

_____ Verification that an application has been submitted to F.E.R.C.

_____ Other: _____

2. 373 kw (500 Hp) and higher

Date Requested _____ Date Received (all three are required) _____

1 Oct 1984 Preliminary Engineering Report.

10 Oct 84 15 Oct 1984 Itemized cost estimate. Table D-3/D-4

10 Oct 84 10/15/84 Verification of financial ability.

B. Protested

1. 0 to 111 kw (150 Hp)

_____ Supplement information has been submitted.

_____ Hearing should be scheduled.

2. 111 kw (150 Hp) and higher

_____ Supplemental information has been submitted.

_____ Received verification of a F.E.R.C. ruling.

_____ Hearing should be scheduled.

MICROFILMED

November 20, 1984

RE: Application for Permit No. 22-7482 FALL RIVER RURAL

Teton Valley News
Driggs,
Idaho 83422

Gentlemen:

Would you please submit an affidavit of publication and certified bill in connection with the above referenced application(s). The legal notice was to have been published in your paper on November 1 and 11, 1984.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

COLLEEN WRAY
Adm. Secretary

ROUTED

IDAHO DEPARTMENT OF FISH AND GAME
REGION 6
1515 Lincoln Road
Idaho Falls • Idaho • 83401

NOV 19 1984

November 15, 1984

Department of Water Resources
Eastern District Office

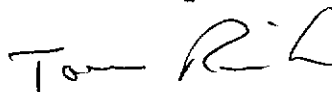
Mr. Ernest Carlsen
Department of Water Resources
150 Shoup - Suite 15
Idaho Falls, Idaho 83402

RE: Application for Permit No. 22-7482 Fall River Rural
Electric.

Dear Ernest:

The Idaho Department of Fish and Game has no objectives to the Permit No. 22-7482 by Fall River Rural Electric. The Department and Fall River Rural Electric jointly agreed to minimum flows through the Felt Dam project reach on February 9, 1982. Within the agreement, Fall River Rural Electric agreed to provide minimum flows of 50 cfs through the project reach during the three months of spawning period and 20 cfs through the project reach for the remainder of the year. Providing Fall River Rural Electric adheres to all provisions of the agreement with Idaho Department of Fish and Game and FERC licensing requirements, we have no objections to the application for 80 cfs in the project reach only.

Sincerely,



Tom Reinecker
Regional Supervisor
Region 6

TR:SE:dnb

cc: Fisheries
Program Coordination
USFWS

MICROFILMED

WATERMASTER COMMENTS .

I have reviewed Application for Permit No. 22-7482 and
have the following comments/objections to the approval of this
application for permit:

No objections

10/29/89

Date

R. Carlson

RONALD D. CARLSON, WATERMASTER
Water District No. 01

MICROFILMED

October 25, 1984

RE: Application for Permit No. 22-7482 FALL RIVER RURAL

State of Idaho
Department of Lands
Statehouse
Boise, ID 83720

Gentlemen:

We are enclosing a copy of an application that may be of interest to your agency. Please review the application and submit any comments you may have to our Department as soon as possible. The last date of protest is November 19, 1984, and we are required to take final action shortly thereafter.

If we may be of further assistance, please feel free to contact us.

Respectfully submitted,

ERNEST CARLSEN
Assistant Regional Supervisor

EC:cw

Enclosure

RECEIVED
OCT 27 1984

October 25, 1984

RE: Application for Permit No. 22-7482 FALL RIVER RURAL

Mr. Tom Reinecker
Regional Supervisor
Department of Fish & Game
1515 Lincoln Road
Idaho Falls, ID 83401

Dear Tom:

We are enclosing a copy of an application that may be of interest to your agency. Please review the application and submit any comments you may have to our Department as soon as possible. The last date of protest is November 19, 1984, and we are required to take final action shortly thereafter.

If we may be of further assistance, please feel free to contact us.

Respectfully submitted,

ERNEST CARLSEN
Assistant Regional Supervisor

EC:cw

Enclosure

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

OCTOBER 24, 1984

Teton Valley News
Driggs,
Idaho 83422

Gentlemen:

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

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

Please send the affidavit of publication and publication billing to this office before NOVEMBER 19, 1984.

Yours truly,

RONALD D. CARLSON
Supervisor
Eastern Region

Encl.

MICROFILMED

NOTICE OF APPLICATION FOR WATER RIGHT

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 on or before NOVEMBER 19, 1984.

KEN DUNN, Dir.

Published 11/1 & 11/8/84.

MICROFILMED

22-7482-

FALL RIVER RURAL ELECTRIC CO-OP, INC.

P.O. BOX 617, ASHTON, ID 83420

Source: TETON RIVER trib. to SNAKE RIVER

Date Filed: 10/03/1984

Diversion Pt: NWNE SWNE Sec 29 T 07N R 44E

Use: POWER (80.00 CFS)

In: SWSE Sec 20 T 07N R 44E NWNE Sec 29 T 07N R 44E

MICROFILMED

FALL RIVER

Rural Electric Cooperative, Inc.

714 MAIN STREET

• P. O. BOX AE •

ASHTON, IDAHO 83420

• [208] 652-7431

October 15, 1984

RECEIVED

OCT 15 1984

Department of Water Resources
Eastern District Office

Idaho Department of Water Resources
150 Shoup
Idaho Falls, Idaho 83401

Re: Power Application for 80 cfs on Teton River

Dear Mr. ^{Keith}Wilson:

I have enclosed a copy of our FERC license application on the Felt Hydroelectric Project. I think this document will provide the additional information that you had requested during our telephone conversation on October 10, 1984, with regard to the 80 cfs water right filing.

I talked with Mr. Dave Tuthill today, and discussed our concerns about the request for minimum stream flow on the Teton River. He had called requesting information on historic stream flows on the river. I suggested that, to save time, he contact CH2M Hill in Boise and review that information at their office. I also indicated to him that I was sending a copy of the license application to your office, and he may be able to get additional information from you.

Also enclosed is a statement which hopefully will verify the Cooperative's financial ability. Also, as indicated, we suggest that if possible you may want to make a field survey of the stretch of river which will be affected by the water right application. If so, we would be very glad to arrange for the visit.

Sincerely yours,

Chuck

C. L. Dawsey
Manager, Engineering & Operations

CLD:lb

Enclosures

MICROFILMED

VERIFICATION OF FINANCIAL ABILITY

Fall River Rural Electric Cooperative, Inc., an Idaho Corporation, duly organized under the State Laws of Idaho and authorized to conduct business in the States of Montana, Idaho, and Wyoming, is a rural electric cooperative formed as a result of the Rural Electrification Act of 1936. Under the Rural Electrification Act, Fall River Rual Electric Cooperative, Inc. borrows its operating capital from the Rural Electrification Administration (REA), and the Cooperative Finance Corporation (CFC).

Fall River Electric Cooperative is also anticipating the ability to secure private investment capital which would be available to suppliment financing through the REA and CFC programs. At this time, we do not foresee any problems with regard to the Cooperative's ability to finance the proposed hydro project. This will be accomplished through the REA and CFC current loan programs, or may be financed with private investment capital under a seperate agreement.



Calvin H. Wickham
General Manager

CHW:lb

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Table D-4
FINANCING REQUIREMENTS AND ANNUAL COSTS
(\$1,000)

Year	Project Cost in 1981	Escalation @ 10%/yr	Project Cost in Year Spent	8% Interest		12% Interest		16% Interest	
				Interest During Construction	Accumulated Amount Borrowed	Interest During Construction	Accumulated Amount Borrowed	Interest During Construction	Accumulated Amount Borrowed
1981	\$ 122		\$ 122	9.8	\$ 122	14.6	\$ 122	19.5	\$ 122
1982	440	\$ 22	462	47.5	593.8	71.8	598.6	96.6	603.5
1983	2,338	362	2,700	267.3	3,341.3	404.4	3,370.4	544.0	3,400.1
1984	6,520	1,764	8,284	951.4	11,892.6	1,447.1	12,058.9	1,956.5	12,228.1
TOTAL	\$9,420	\$2,148	\$11,568		\$12,844.0		\$13,506.0		\$14,184.6
TOTAL FINANCING REQUIREMENT									
					\$12,844.0		\$13,506.0		\$14,184.6
ANNUAL COSTS									
Principal and Interest					\$ 1,102.1		\$ 1,652.0		\$ 2,282.2
Operation and Maintenance					60.0		60.0		60.0
Administration and General					20.0		20.0		20.0
Insurance and Taxes					20.0		20.0		20.0
TOTAL ANNUAL COST					\$ 1,202.1		\$ 1,752.0		\$ 2,382.2
Average Energy Generation (MWh)					31,400		31,400		31,400
Unit Energy Cost in 1984 (¢/kWh)					3.8		5.6		7.6

SECRET

Table D-3
FELT PROJECT
COST SUMMARY
(1981 COST LEVEL)

FERC ACCOUNT NUMBER	ACCOUNT DESCRIPTION	COST
<u>Hydroelectric Plant Accounts</u>		
330	Lands and Land Rights	\$ 13,000
331	Structures and Improvements	873,000
332	Reservoirs, Dams, and Waterways	1,845,000
333	Waterwheels, Turbines, and Generators	✓2,790,000
334	Accessory Electrical Equipment	484,000
335	Miscellaneous Power Plant Equipment	164,000
336	Roads, Railroads, and Bridges	375,000
<u>Transmission Plant Accounts</u>		
350	Land and Land Rights	5,000
352	Structures and Improvements	14,000
353	Station Equipment	136,000
354	Towers and Fixtures	0
355	Poles and Fixtures	8,000
356	Overhead Conductors and Devices	6,000
357	Underground Conduit	0
358	Underground Conductors and Devices	9,000
359	Roads and Trails	5,000
Subtotal		\$6,727,000
Contingencies		1,345,000
Subtotal		\$8,072,000
Sales Tax (3% of Materials)		121,000
TOTAL CONSTRUCTION COST		\$8,193,000
Engineering and Owner's Cost		1,227,000
TOTAL PROJECT COST (1981)		\$9,420,000

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STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

EASTERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

150 Shoup
Idaho Falls, Idaho 83401
(208) 525-7161

October 10, 1984

Fall River Rural Electric Cooperative, Inc.
P.O. Box 617
Ashton, ID 83420

RE: Power Application for 80 cfs.

Dear Mr. Dawsey:

Enclosed is form 205/206 an affidavit for water rights to be used for power purposes that needs to be completed and returned to this office, along with the itemized cost estimate and verification of financial ability letter we discussed during our phone conversation. Also for your information enclosed is a copy of the original power application with the discussed changes made and noted in red.

Your cooperation in supplying the requested information as per our phone conversation is appreciated.

Sincerely,

KEITH C. WILSON
Sr. Resource Agent

KCW:jk

Enclosures

MICROFILMED