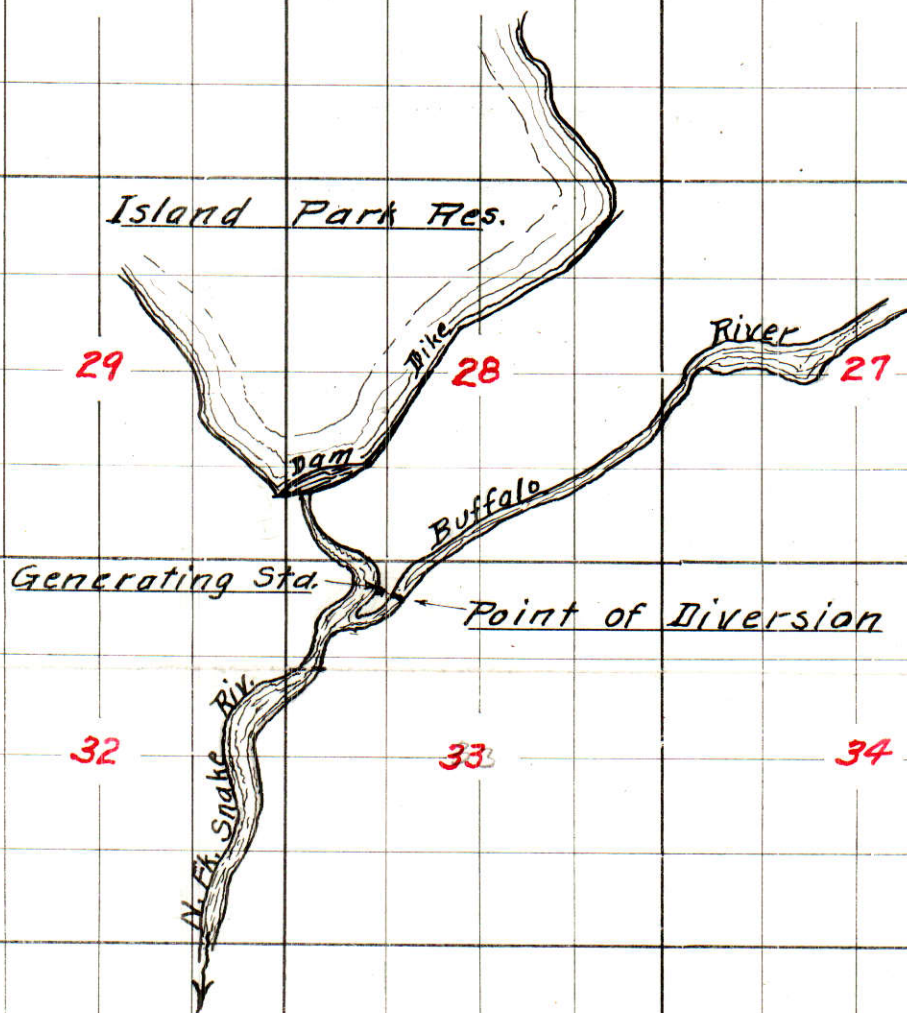




Affidavit of Publication

STATE OF IDAHO, }
County of Fremont. } ss.

Robert T. Parker

_____, upon his oath, being duly sworn, deposes, and says:
That he is the printer and ^{Bus. Mgr.} publisher of the TETON PEAK-CHRONICLE, 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 St. Anthony, in Fremont County, Idaho, having a general circulation in said county, and that

NOTICE OF PROOF OF COMPLETION OF WORKS AND APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 11:00 A. M. on the 14th day of May, 1948, at St. Anthony County of Fremont, State of Idaho, before Ralph Litton, Notary Public, proof will be submitted of the completion of works for the diversion of 100 cubic feet per second of the waters of Buffalo River and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No' 18796 heretofore issued by the State Reclamation Engineer of the State

of Idaho.

1. The name and postoffice address of the person or corporation holding said permit are Charles Pond, Island Park, Idaho.

2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of use, in accordance with the plans accompanying the application for such permit, is 100 cubic feet per second.

3. The use of which said water has been applied is power purposes, and the amount applied to beneficial use is 100 cubic feet per second.

4. The place where said water is used is confluence of the Buffalo and Henrys Fork, the power generated to be used at Ponds Lodge.

5. The date of priority which said user is prepared to establish is March 13, 1939.

MARK R. KULP

State Reclamation Engineer.

First pub. April 15, Last pub. May 6.

said newspaper has been printed and published as a weekly newspaper, in said county, for more than 78 consecutive weeks prior to the first publication of the attached notice, advertisement or publication of _____

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 four consecutive issues thereof; first publication having been made on the 15th

day of April, 1948, and last publication on the 6th day of May, 1948

And affiant further says that at the times herein mentioned said newspaper was made up of at least four pages of at least five columns each, printed from type matter, of at least seventeen and three-fourths inches depth; and that there are at least two hundred bona fide subscribers in Fremont County.

Robert T. Parker

Subscribed in my presence and sworn to before me this 6th

-May day of May, 1948

(SEAL.)

Ralph Litton
Notary Public for the state of Idaho, residence and post office address: St. Anthony, Idaho.

My commission expires Jan 8, 1951

18796

Affidavit of Publication

STATE OF IDAHO,

County of Fremont.

} ss.

Notice of Publication

_____, upon his oath, being duly sworn, deposes, and says:

That he is the printer and publisher of the TETON PEAK-CHRONICLE, a newspaper as defined by Idaho Codes Anotated section 58-106 as amended, and that said newspaper is a weekly newspaper, printed and published at St. Anthony, in Fremont County, Idaho, having a general circulation in said county, and that

said newspaper has been printed and published as a weekly newspaper, in said county, for more than 78 consecutive weeks prior to the first publication of the attached notice, advertisement or publication of *Notice of Publication*

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 *two* consecutive issues thereof; first publication having been made on the *30th* day of *December*, 19*43*, and last publication on the *6th* day of *January*, 19*44*.

And affiant further says that at the times herein mentioned said newspaper was made up of at least four pages of at least five columns each, printed from type matter, of at least seventeen and three-fourths inches depth; and that there are at least two hundred bona fide subscribers in Fremont County.

Wood D. Parker

Subscribed in my presence and sworn to before me this

29th day of *Jan*, 19*44*.

(SEAL..)

Garth L. Latham
Notary Public for the state of Idaho, residence and post office address: St. Anthony, Idaho.

My commission expires *1/8/1948*, *19*.

18796

NOTICE FOR PUBLICATION

Notice of Application for Extension of Time for Completion of Works Under Senate Bill No. 93, Session Laws of 1943.

Notice is hereby given, that on the 8th day of January 1944, at 10:00 o'clock A. M., a hearing will be held by the State Reclamation Engineer, or his deputy, at the State House, Boise, County of Ada State of Idaho, for the purpose of receiving protests, testimony and evidence regarding an application for extension of time for completion of works under Permit to Appropriation the Public Waters of the State of Idaho, No. 18796. The said protests and evidence may be submitted either orally or by affidavit by any person or persons owning or in possession of a right to the use of any waters of a stream or source of supply affected by the said extension.

1. The number of said Permit is 18796.
2. The name and post-office address of the person or persons or corporation holding said permit or permits is: Charles Pond, Island Park, Idaho.
3. The amount of water claimed by the said permit or permits is 100 cubic feet per second, from Buffalo River, which is tributary to Henry's Fork of Upper Snake River.

Published Dec. 30, 1943, Jan. 8, 1944.

JAMES SPOFFORD,
State Reclamation Engineer.

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }
County of Fremont. } ss.

RECEIVED

MAY 11 1939

Notice of Application to Appropriate
Water.

Chas. Pond, Applicant.

I, Wood D. Parker, do solemnly swear that I am the printer and publisher of the TETON PEAK-
CHRONICLE, a weekly newspaper of general circulation, published once a week at St. Anthony, Fremont
County, State of Idaho; that said newspaper has been continuously and uninterruptedly published in said
County and St. Anthony, during a period of seventy-eight consecu-

tive weeks prior to the first publication of the attached notice
in the above entitled action; that the notice attached hereto, and
which is a part of this affidavit and a part of the proof of publication
was published in said newspaper three consecutive
weeks; first publication having been made on the 20th
day of April, 1939 and last publi-
cation on the 4th day of May, 1939;
that said notice was published in the regular and entire issue of every
number of the paper during the period and time of publication, and
that the notice was published in the newspaper and not in a sup-
plement.

Wood D. Parker
Printer and Publisher.

Subscribed and sworn to before me this 5th
day of May, A. D., 1939.

Paul H. Litton
Notary Public.

My commission expires Jan 2, 1940.

18796

STATE OF IDAHO, DEPARTMENT OF RECLAMATION.

Notice of Application to Appropriate Water
In Accordance with the Provisions of Chap-
ter 145, 1935 Session Laws.

NOTICE IS HEREBY GIVEN That on the
13th day of March, 1939, CHAS. POND, of Island
Park, Fremont County, Idaho, made Application
No. 28120 to appropriate One Hundred (100)
Cubic Feet per second of the waters of Buffalo
a tributary of Henry's Fork of Upper Snake River,
for generating hydro-electric power for general
use at and around Pond's Lodge.

That the point of diversion is located S. 70° 0'
E. 1403.9 feet distant from the NW corner of
Section 33, Township 13 N., Range 43 E., B. M.,
and is in the NE 1/4 NW 1/4 of Section 33, Township
13 N., Range 43 E., B. M.

That the point of use of said water is located
S. 70° 39' E. 1395.3 feet distant from NW corner
of Section 33, Township 13 N., Range 43 E., B.
M., in the NW 1/4 NW 1/4 of Section 33, Township
13 N., Range 43 E., B. M.

That the water is to be returned to Henry's
Fork of Snake River at a point S. 69° 0' E. 1356
feet distant from the NW corner of Section 33,
Township 13 N., Range 43 E., B. M., in the NW 1/4
NW 1/4 of Section 33, Township 13 N., Range 43
E., B. M.

That any protests against the approval of this
application must be filed in the Department of
Reclamation within forty (40) days of the date
of this notice; such protest shall state the name
and address of the protestant and shall clearly
set forth his objections to the approval of the said
application.

DATED this 7th day of April, 1939.

JAMES SPOFFORD,
Commissioner of Reclamation.

Date of first publication, April 20, 1939.

Date of last publication, May 4, 1939.

Last date for protest, May 17, 1939.

SERVICE of the foregoing, by copy, is hereby
admitted this 10th day of April, 1939.

CHAS. POND, Applicant.

State of Idaho

Amount 100 second feet.

Priority **March 13, 1950**

THIS IS TO CERTIFY that CHARLES POND

CHARLES POND

The Point of Diversion is located

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 100 cubic feet per second.

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
At the	confluence of	Buffalo River and	Henry's fork,	at Fond's	Lodge.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

MARK R. KULP

(SEAL)

21-2097

APPLICATION FOR PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

Application No. 26120
Permit No. 18796
District No.

1. Name of Applicant: CHAS. POND

Postoffice address Island Park

County: Fremont

State: Idaho

I. If applicant is a corporation, give:

- (a) Date and place of incorporation:
- (b) Amount of capital stock:
- (c) Amount paid in:
- (d) Names and addresses of directors:

II. The financial resources of the applicant are:

(a) Cash on hand: \$4,000.00

(b) Treasury stock:

(c) Bonds to be issued:

(d) Other resources: Buildings and equipment \$35,000.00

2. Quantity of water claimed: 100 cubic feet per second.
3. Source of water supply: Buffalo River which is a tributary of Henry's Fork of Upper Snake River
4. Location of point of diversion: S.70°0' E.1493.9 feet distant from the N W corner of Section 33, T. 13 N., R. 43 E., B. M., and is in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 33, T. 13 N., R. 43 E., B. M., County of Fremont
5. Water is to be used for: Generating hydro-electric power for general use at and around Pond's Lodge
6. If for mining, milling, power or manufacturing purposes, give:
 - (a) Point of use of water: S.70°39' E. / 1395.3 feet distant from N W corner of Section 33, T. 13 N., R. 43 E., B. M., in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 33, T. 13 N., R. 43 E., B. M.
 - (b) Amount of power generated: 240 H. P., under 30 feet head. River
 - (c) Water is to be returned to Henry's Fork of Snake / at a point S.69°0' E. 1356 feet distant from the N W corner of Section 33, T. 13 N., R. 43 E., B. M., in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 33, T. 13 N., R. 43 E., B. M.
7. Estimated cost of works: \$ 15,000.00
8. Kind of works: Power penstock leading from reservoir formed by low dam and complete power house equipment
9. Height of dam 9.5 feet; length of dam at top 140 feet; length of dam at bottom 120 feet; material used in dam: Timber crib-rock filled, plank faced
10. Size of headgate: Width 6 feet; height 6 feet.
11. Ditch: Width at bottom feet; width at water line feet; depth of water feet; dimensions of flume: None
Diameter of pipe 60 inches; length of conduit 60.5 ft. miles.
Average grade per mile feet.
12. The time required for the completion of such work is 5 years.
13. The time required for the complete application of the water to the proposed use is 0 additional years.
14. The land to be irrigated is described in the following tabulation: See remarks. None

15. (a) Is reservoir to be used? If so, fill in (b) and (c) below.
 (b) Name of Reservoir and number of Storage Permit:
 (c) Date of filing of Application for Storage Permit and Name of Applicant:

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.

Applicant.

Agent.

Date of first receipt at Department of Reclamation: 2:00 P.M. March 13, 1939

Returned to applicant for correction: **March 13, 1939**

Corrected application received: 2:00 P.M. April 5, 1939

APPROVAL OF COMMISSIONER OF RECLAMATION

The number of this permit is 18796
Recorded in Book 68 Page 18796 Approved May 18, 1939

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$ 1,000 to be filed on or before July 17, 1939

Work to begin on or before _____ and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before November 18, 1941

The whole of said work to be completed on or before May 18, 1944

Beneficial use of water appropriated in accordance herewith, to be made on or before May 18, 1944

Witness my hand this 18th day of May, 1939

JAMES SPOFFORD

Commissioner of Reclamation.

Remarks:

14.

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
			IN TESTIMONY WHEREOF, We, C. A. BOTTOLFSEN, Governor of the State of Idaho, and GEO. H. CURTIS, Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 18th day of May, A. D. 1939. (SEAL) Countersigned: By GEO. H. CURTIS Secretary of State STATE OF IDAHO By C. A. BOTTOLFSEN Governor <u>AFFIDAVIT TO ESTABLISH RESIDENCE</u> (Individual) I, Chas. Pond, of Island Park, County of Fremont, State of Idaho, do hereby certify that I am a bona fide resident of the State of Idaho. Chas. Pond. Subscribed and sworn to before me this 13th day of March, 1939. (Seal) M. L. Hart Notary Public for Idaho residing at Boise, Idaho My commission expires Aug. 2, 1941. CHAPTER 142, 1937 SESSION LAWS This permit is issued subject to the provisions of Chapter 142, 1937 Session Laws, and in the event of its sale, transfer, assignment, or of its being mortgaged without a compliance with the provisions of this Act, or that if such permit be held by a corporation and a majority of its stock be sold, transferred, assigned, mortgaged, or hypothecated by the stockholders thereof to a foreign corporation or to others than actual bona fide residents of the State of Idaho, then such permit is immediately subject to cancellation and revocation by the Commissioner of Reclamation.																

APPROVAL OF STATE RECLAMATION ENGINEER

WHEREAS, Application for extension of time for Completion of Works under Permit to Appropriate the Public Waters of the State of Idaho, No. 18796, has been made by the owner thereof, Charles Pond, of Island Park, Idaho, which application was duly advertised for a period of two consecutive weeks in the Teton Peak Chronicle, of St. Anthony, Idaho, stating that on the 8th day of January, 1944, a hearing would be held for the purpose of receiving any protests, testimony or evidence regarding such application; and,

WHEREAS, At the time set for the hearing no protest, testimony or evidence had been presented, either orally or by affidavit; and,

WHEREAS, It appears that the owner of said permit is entitled to a further extension of time within which to complete work:

NOW, THEREFORE, I, James Spofford, State Reclamation Engineer of the State of Idaho, by virtue of authority vested in me under Senate Bill No. 93 (Chapter 79) of the Session Laws of 1943, hereby extend the time for Completion of Works under Permit to Appropriate the Public Waters of the State of Idaho, No. 18796, to May 18, 1948.

WITNESS MY HAND this 7th day of February, A. D. 1944.

JAMES SPOFFORD
State Reclamation Engineer

Permit No. 18796

CERTIFICATE OF COMPLETION OF WORKS

TO ALL WHOM IT MAY CONCERN:

This is to certify that CHARLES POND of Island Park, County of Fremont, and State of Idaho, the holder of Permit No. 18796, issued upon Application No. 26120 bearing date of priority of March 13, 1939, authorizing the diversion of One Hundred (100) second feet of the waters of Buffalo River, a tributary of Henry's Fork of Upper Snake River, County of Fremont, State of Idaho, for power purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use one hundred (100) second feet of the waters of Buffalo River; that the point of diversion of said waters is in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 33, Township 13 North, Range 43 East, B.M. and that the place of use of said waters is at the confluence of Buffalo River and Henry's Fork, at Pond's Lodge.

Witness my hand this 22nd day of October, A. D. 1949.

MARK R. KULP
State Reclamation Engineer

Proof of Completion of Works made May 14, 1948.
Certificate of Completion of Works issued October 22, 1949.

100 SEC. FT.

p. 4495

21-0 2097

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

RECEIVED

NOV 23 1998

Department of Water Resources

Fall River Rural Electric
Cooperative, Inc.

)
)

Project No. 1413-028

ORDER GRANTING EXTENSION OF TIME
(Issued November 17, 1998)

The licensee 1/ for the Pond's Lodge Hydroelectric Project has requested an extension of time to comply with ordering paragraph (C) of the Commission's Order Approving As-Built Exhibit L issued on May 22, 1998.2/ The project is located on the Buffalo River, a contributory to the Henry's Fork of the Snake River, in Fremont County, Idaho. The project is in the Targhee National Forest.

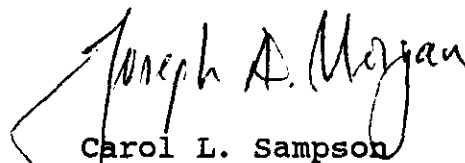
Paragraph (C) requires the licensee to file three original sets of aperture cards of the approved as-built exhibit L drawings of the upstream fish passage facilities. The licensee has obtained the names of aperture card makers and requests an extension of time until November 18, 1998.

The reasons advanced by the licensee in support of the requested extension of time are reasonable and justify the extension.

The Director orders:

(A) The deadline for filing the aperture cards, required by the May 22, 1998 order, is extended to November 18, 1998.

(B) This order constitutes final agency action. Requests for rehearing by the Commission may be filed within 30 days of the date of issuance of this order, pursuant to 18 C.F.R. § 385.713.


Carol L. Sampson
Director
Office of Hydropower Licensing

1/ 10 FERC ¶ 62,214 (1980). On March 30, 1998, the license was transferred from Buffalo Hydro, L.C. to Fall River Rural Electric Cooperative, Inc. (82 FERC ¶ 62,225).

2/ 83 FERC ¶ 62,151 (1998).

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSIONFall River Rural Electric) Project No 1413-026
Cooperative, Inc.)

ORDER APPROVING AS-BUILT EXHIBIT L

(Issued May 22, 1998)

On March 16, 1998, Northwest Power Services, Inc., filed for Commission approval as-built exhibit L drawings for the fish Passage Facilities for the Pond's Lodge Hydroelectric Project. The project is located on the Buffalo River, a tributary to the Henry's Fork of the Snake River (Henry's Fork), in Fremont County, Idaho. The project is in the Targhee National Forest.

BACKGROUND

Article C of the Order Amending License 1/ required the licensee, at the completion of construction, to file as-built exhibits of the upstream fish passage facility. The licensee's filing 2/ of exhibit drawings adequately show the as-built facilities. The exhibits conform to the Commission's rules and regulations and are approved by this order.

The Director Orders:

(A) The license for the Pond's Lodge Hydroelectric Project is amended as described below, effective the issuance date of this order.

(B) The following exhibits filed on March 16, 1998, are approved and made part of the license:

EXHIBITS	FERC NO.	TITLE
L-10	1413-10	Conceptual Design - Plan View
L-11	1413-11	Section A-A North Wall Elevation
L-12	1413-12	Elevation View - Looking Downstream @ Fishway Exit

1/ 72 FERC 562,190

2/ 82 FERC 562,225, March 30, 1998 Order Transferring license from Northwest Power Services, Inc. to Fall River Rural Electric Cooperative, Inc.

DC-A-7

Project No. 1413-026

-2-

21-2097

(C) Within 90 days of the date of issuance of this order, the licensee shall file three original sets of aperture cards of the approved drawings. All aperture cards should be reproduced on silver or gelatin 35 mm microfilm. All microfilm should be mounted on a Type D (3 1/4" x 7 3/8") aperture card.

Prior to microfilming, the FERC Drawing Number (1413-10 through 1413-12) shall be shown in the margin below the title block of the approved drawings. After mounting, the FERC Drawing Number should be typed in the upper right corner of each aperture card. Additionally, the Project Number, FERC exhibit (i.e., L-1), Drawing Title, and date of this order should be typed in the upper left corner of each aperture card. See Figure 1.

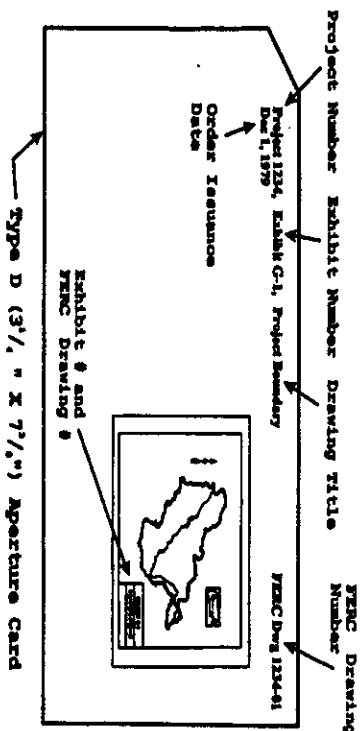


Figure 1. Sample Aperture Card Format

Two original sets of aperture cards should be filed with the Secretary of the Commission. The remaining set of aperture cards should be filed with the Commission's Portland Regional Office.

(D) This order constitutes final agency action. Requests for rehearing by the Commission may be filed within 30 days of the date of the issuance of this order, pursuant to 18 C.F.R. § 385.173.

Carol M. Sampson
Carol M. Sampson
Director
Office of Hydropower Licensing

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JUN 01 1998

Department of Water Resources

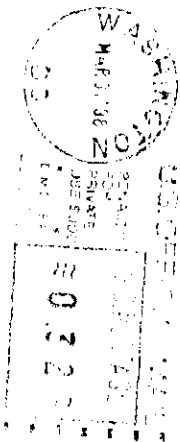
MICROFILMED

JUN 11 1998

FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426
OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE, \$300

P-1413 101465
LOREN HOLMES DISTRICT MGR
IDAHO DEPARTMENT OF WATER RESOURCES
1301 NORTH ORCHARD ST. (ZIP 83706-2237)
POST OFFICE BOX 83720-0098
BOISE, ID 83720-0098

MICROFILMED
JUN 11 1998



RECEIVED

APR 06 1998

82 FERC 62,225

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Department of Water Resources Project No. 1413-023

-2-

21.2097

Buffalo Hydro, L.C.)
Fall River Rural Electric) Project No. 1413-023
Cooperative, Inc.)

ORDER APPROVING TRANSFER OF LICENSE
(Issued March 30, 1998)

Buffalo Hydro, L.C. (BH) seeks Commission approval to transfer its license 1/ for the Pond's Lodge Hydroelectric Project to the Fall River Rural Electric Cooperative, Inc. (FRREC), an Idaho corporation. The 250-kilowatt project, which is entirely within the Targhee National Forest, is located on the Buffalo River in Fremont County, Idaho.

BH states that the purpose of the transfer is to facilitate industry adaptation to changes in the marketplace and to ensure the continued operation and maintenance of the project in accordance with the terms and conditions of the license. BH has fully complied with the terms of the license and agrees to pay annual charges that have accrued to the date of the transfer. A review of our records indicates that BH has no outstanding compliance matters.

Public notice of the transfer application was issued on December 12, 1997. One comment was received. On January 27, 1998, the Idaho State Department of Fish and Game (IDFG) filed comments, requesting that conditions to construct a fish passage facility at the project and to monitor fish passage operations, as required by Commission orders issued September 16, 1996 2/ and January 29, 1997, 3/ respectively, be incorporated into the license upon its transfer. However, the September 16, 1996 order

amended the license to include the construction of the fish passage facility as a license requirement, 4/ and the January 29, 1997 order approved the licensee's monitoring and operating plan, 5/ which consequently, as approved, also became a license requirement, 6/. Pursuant to the license transfer provisions of Section 8 of the Federal Power Act, and as required by this order, the transferee will be obligated to comply with these license requirements and all other license requirements as though it is the original licensee.

FRREC is currently a licensee of the Commission, for the Island Park Hydroelectric Project, FERC No. 2973. Our review of FRREC's compliance record indicates that it has generally complied with the terms and conditions of its existing license. Therefore, based on our review of the Island Park license, we anticipate that FRREC will comply with the terms and conditions of the Pond's Lodge license. Further, FRREC is qualified to hold the license and will be required to accept all of the terms and conditions of the license and to be bound by the license as if it were the original licensee.

Transfer of the license for this project is consistent with the Commission's regulations and is in the public interest.

The Director orders:

(A) Transfer of the license for the Pond's Lodge Hydroelectric Project, FERC No. 1413 is approved.

(B) The transferor shall pay all annual charges that accrue up to the effective date of the transfer.

4/ On March 16, 1998, FRREC filed as-built drawings of the fish passage facilities.

5/ See FERC 82 62, 152. Order Accepting Study Results and Modifying and Approving a Fishway Operation and Monitoring Plan issued on March 5, 1998.

6/ See license Article 2, which provides that changes to the plans and specifications of the licensed project that are approved by the Commission become a part of the license. Standard form L-16 Terms and Conditions of License for Constructed Minor Project Affecting Lands of the United States, 54 FPC 1888- 1889 (1979), incorporated by reference into the license for Project No. 1413 at 10 FERC at p. 63,307.

- 1/ The project license was issued to Island Park Resorts, Inc. (IPR, Inc.) on March 14, 1980 (10 FERC 62,214), and was transferred to BH on June 30, 1989 (47 FERC 62,292). The expiration date for the license is October 31, 2004.
- 2/ See Order Amending License and Approving Fish Passage Facility, 76 FERC 62,190 (1996).
- 3/ See Order Modifying and Approving Fishway Operation and Monitoring Plan, 78 FERC 62,055 (1997).

MICROFILMED
JUN 11 1998

(C) Approval of the transfer is contingent upon:
(1) transfer of title of the properties under license and delivery of all license instruments to the Fall River Rural Electric Cooperative, Inc., which shall be subject to the terms and conditions of the license as though it were the original licensee; and (2) the Fall River Rural Electric Cooperative, Inc. acknowledging acceptance of this order and its terms and conditions by signing and returning the attached acceptance sheet. Within 60 days from the date of this order, the transferee shall submit certified copies of all instruments of conveyance and the signed acceptance sheet.

(D) This order constitutes final agency action. Requests for rehearing by the Commission may be filed within 30 days of the date of issuance of this order, pursuant to 18 C.F.R. § 385.713.

Joseph A. Sampson
Carol L. Sampson
Director
Office Hydropower Licensing

IN TESTIMONY of its acknowledgment of acceptance of all of the terms and conditions of this order, _____
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 _____

Attest:

Secretary
(Executed in quadruplicate)

MICROFILMED
JUN 11 1998

Buffalo Hydro, L.C.) Project No. 1413-024

ORDER ACCEPTING STUDY RESULTS AND MODIFYING AND APPROVING
A FISHWAY OPERATION AND MONITORING PLAN

(Issued March 5, 1998)

On February 2, 1998, Northwest Power Services, Inc., on behalf of Buffalo Hydro L.C., licensee for the Pond's Lodge Project (FERC No. 1413), filed its Buffalo Fish Ladder Monitoring Report and Proposed 1998 Ladder Operations. The report and plan were required by our Order Modifying and Approving Fishway Operation and Monitoring Plan, issued January 29, 1997. The project is located on the Snake River (Henry's Fork), a tributary to the Henry's Fork of the Snake River (Henry's Fork), in Fremont County, Idaho. The project is in the Targhee National Forest.

ACKGROUND

The new fish ladder at the Pond's Lodge Project was operated for the first time during 1997. In accordance with our January 29, 1997 order, utilization of the fishway was monitored and studies were conducted to allow an assessment of the benefits of upstream fish passage at the project and to provide the basis for any desired changes to fishway operation for future years. The operation and monitoring plan was developed in consultation with the Idaho Department of Fish and Game (IDFG), the U.S. Fish and Wildlife Service (FWS), the U.S. Forest Service (USFS) and the Henry's Fork Foundation (HFF).

STUDY RESULTS

The monitoring indicated that 742 rainbow trout, including 224 over 16 inches in length, migrated up the ladder between February 1, when the ladder was opened, and May 13, 1997, when the ladder was closed. Approximately 10,000 young-of-year rainbow trout migrated downstream from the Buffalo River to the Henry's Fork between mid-May and early September; most of this migration occurred after mid-August. The report concludes that operation of the fish ladder did not have a detectable negative impact on the Box Canyon section of the Henry's Fork rainbow trout population.

PROPOSED 1998 OPERATION AND MONITORING PLAN

The licensee proposes slight modifications to the operation plan that was used during 1997. The modifications include: 1) the ladder will be opened on October 15, 1997 instead of December 31, 1997; 2) counting to the closure quota will begin

Project No. 1413-024

-2-

on January 1, 1998 instead of February 1, 1998; 3) the closure quota is 500 trout 16 inches or longer, instead of 800, based on the new estimate of trout this size in the Box Canyon population.

The proposed monitoring plan is a cooperative effort among the licensee and the other parties. The plan includes: (1) video monitoring of fishway utilization (licensee and HFF); (2) redd counts in the Buffalo River and Henry's Fork (HFF); (3) operation of a smolt trap on the Buffalo River (IDFG, HFF, FWS, USFS); and (4) creel surveys on the Buffalo River and Henry's Fork (HFF and IDFG).

AGENCY COMMENTS

The agencies were provided copies of the report and the proposed 1998 operations plan by letters dated September 24, 1997. By letter dated September 29, 1997, the IDFG agreed with the proposed changes (from the 1997 plan) contained in the 1998 operations plan. No comments were received from the other resource agencies.

DISCUSSION AND CONCLUSION

The licensee's operation and monitoring plan represents a cooperative effort among the licensee, the resource agencies and the HFF. The plan is designed to maximize the benefits of fish passage at the dam in terms of increased recruitment to the Henry's Fork, while minimizing some potential problems that could result from operation of the facility, such as angler harvest of Henry's Fork spawners or potential recruits in the Buffalo River. More specifically, the plan contains measures to limit upstream passage to the numbers of fish believed to be required to fully "seed" the Buffalo River, and prevents passage of spawning stock from the Henry's Fork (which is managed by the IDFG as a catch-and-release fishery) into the Buffalo River (managed under Idaho's general trout regulations, i.e., no size limit and a six fish per day creel limit) during the general fishing season when they could be harvested. The 1998 proposed operation plan represents a "fine tuning" of the 1997 plan that is believed to be desirable based on the 1997 monitoring results.

The success of the 1998 operations plan will be judged by monitoring conducted during 1998. Based on the results of that monitoring, adjustments in fishway operation could be made for 1999.

However, the licensee's plan contains no provisions for reporting the results of the monitoring or any procedures for adjusting fishway operation or monitoring, if needed, for 1999. The licensee's plan should be modified to indicate that following completion of the 1998 fishway operation and monitoring activities, the licensee will consult with the involved parties

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Department of Water Resources

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and, by December 31, 1998, file a report on the results of fish passage and monitoring activities conducted during 1998. The plan should also include, for Commission approval, any recommendations for changes in operation or monitoring of the fishway.

Based on the information provided by the licensee and the support of the IDFG, we find that the licensee's 1998 fishway operation and monitoring plan, modified as described above, is reasonable and should be approved.

The Director orders:

(A) The licensee's 1998 fishway operation and monitoring plan, filed on February 2, 1998, as modified by (B) below, is approved.

(B) By December 31, 1998, the licensee shall file a report with the Commission on the results of fishway operation and monitoring during 1998. The report shall include any recommended changes to fishway operation and monitoring for 1999, for Commission approval. The report shall be developed in consultation with the Idaho Department of Fish and Game, the U.S. Fish and Wildlife Service, the U.S. Forest Service, and the Henry's Fork Foundation and include any comments of these organizations on study results or recommendations.

(C) This order constitutes final agency action. Requests for rehearing by the Commission may be filed within 30 days of the date of issuance of this order, pursuant to 18 C.F.R. § 385.713.

[Signature]
Carol L. Sampson
Director
Office of Hydropower Licensing

FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE, \$300

P-1413 101465
DIRECTOR
IDAHO DEPARTMENT OF WATER RESOURCES
1301 NORTH ORCHARD ST. (ZIP 83706-2237)
POST OFFICE BOX 83720-0098
BOISE, ID 83720-0098

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UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

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NOTICE OF APPLICATION FILED WITH THE COMMISSION
(December 15, 1997)

Department of Water Resources

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

- a. Type of Application: Joint Application for Transfer of License
- b. Project No.: 1413-023
- c. Date Filed: October 29, 1997
- d. Applicants: Buffalo Hydro, L. C. and Fall River Rural Electric Cooperative, Inc.
- e. Name of Project: Buffalo River Hydroelectric Project
- f. Location: On the Buffalo River, a tributary to the Henry's Fork of the Snake River, in Fremont County, Idaho.
- g. Filed Pursuant to: Federal Power Act, 16 USC §§ 791 (a) - 825 (r).
- h. Contact: Dee M. Reynolds, General Manager
Fall River Rural Electric Cooperative, Inc.
714 Main Street
P.O. Box 830
Ashton, Idaho 83420
(208) 652-7431
Fax: (208) 652-7825
- i. FERC Contact: Mr. Lynn R. Miles, (202) 219-2671
- j. Comment Date: JANUARY 29, 1998
- k. Description of the Proposed Action: The licensee, Buffalo Hydro, L.C., seeks to transfer the project license to Fall River Rural Electric Cooperative, Inc., a Idaho corporation.

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Project No. 1413-023

- 2 -

The licensee has agreed to sell to the transferee all operating assets except its power purchase agreement with PacificCorp.

1. This notice also consists of the following standard paragraphs: B, C1, and D2.

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

C1. Filing and Service of Responsive Documents -- Any filings must bear in all capital letters the title "COMMENTS", "RECOMMENDATIONS FOR TERMS AND CONDITIONS", "PROTEST", OR "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing is in response. Any of these documents must be filed by providing the original and 8 copies to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426. Motions to intervene must also be served upon each representative of the Applicant specified in the particular application.

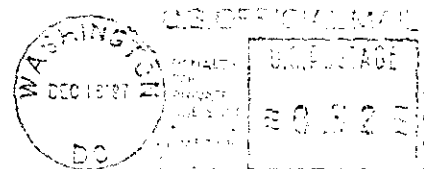
D2. Agency Comments -- The Commission invites federal, state, and local agencies to file comments on the described application. (Agencies may obtain a copy of the application directly from the applicant.) If an agency does not file comments within the time specified for filing comments, the Commission will presume that the agency has none. One copy of an agency's comments must also be sent to the applicant's representatives.

Lots D. Cashell
Secretary

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FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426

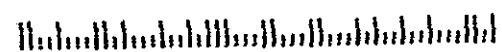
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PENALTY FOR PRIVATE USE, \$300



P-1413 101465
LOREN HOLMES DISTRICT MGR
IDAHO DEPARTMENT OF WATER RESOURCES
1301 NORTH ORCHARD ST. (ZIP 83706-2237)
POST OFFICE BOX 83720-0098
BOISE, ID 83720-0098 MICROFILMED

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UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY ENERGY COMMISSION
78 FERC 62,055

Buffalo Hydro, L.C.) Project No. 1413-022

ORDER MODIFYING AND APPROVING FISHWAY OPERATION
AND MONITORING PLAN

(Issued January 29, 1997)

On January 2, 1997, Buffalo Hydro L.C., licensee for the Pond's Lodge Project (FERC No. 1413), filed an operation and monitoring plan for the project's recently-constructed upstream fish passage facility. The plan was required by our Order Amending License and Approving Fish Passage Facility, issued September 16, 1996. The project is located on the Buffalo River, a tributary to the Henry's Fork of the Snake River (Henry's Fork), in Fremont County, Idaho. The project is in the Targhee National Forest.

BACKGROUND

On September 3, 1996, the licensee filed plans for an upstream fish passage facility to be constructed at the project. Although construction of the fish passage facility was not required by the licensee, there was general agreement that a fishway at the project could provide important benefits to the fishery resources of the Henry's Fork. There was, however, some disagreement about how the fishway should be operated to maximize these benefits. Consequently, our September 16, 1996 order required the licensee to continue to consult with the Idaho Department of Fish and Game (IDFG), the U.S. Fish and Wildlife Service (FWS), the U.S. Forest Service (USFS) and the Henry's Fork Foundation (HFF) and then file an operations and monitoring plan for the fishway.

THE PROPOSED OPERATION AND MONITORING PLAN

The licensee proposes to operate the fishway to allow unhindered upstream passage from the Henry's Fork into the Buffalo River from February 1, 1997, through April 1, 1997. If, by April 1, 1997, at least 800 spawners have passed upstream, the ladder would then be closed through November 30, 1997. If 800 spawners have not passed upstream, the ladder would remain open until 800 spawners have passed upstream, or until May 15, 1997, whichever comes first.

The proposed monitoring plan is a cooperative effort among the licensee and the other parties. The plan includes:

- (1) video monitoring of fishway utilization (licensee and HFF);
- (2) redd counts in the Buffalo River and Henry's Fork (HFF);
- (3) operation of a smolt trap on the Buffalo River (IDFG, HFF, FWS, USFS); and
- (4) creel surveys on the Buffalo River and Henry's Fork (HFF and IDFG).

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Project No. 1413-022

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AGENCY COMMENTS

The agencies' comments on the developed plan were positive. By letter dated December 9, 1996, the IDFG expressed concurrence with the fishway operating and monitoring plan. Similar letters were received from the USFS (December 19, 1996) and the FWS (December 27, 1996). The HFF, by letter dated December 9, 1996, expressed their appreciation of the efforts of all the parties towards the success of the fish passage project.

DISCUSSION AND CONCLUSION

The licensee's operation and monitoring plan represents a cooperative effort among the licensee, the resource agencies and the Henry's Fork Foundation. The plan is designed to maximize the benefit of fish passage at the dam in terms of increased recruitment to the Henry's Fork, while minimizing some potential problems that could result from operation of the facility, such as angler harvest of Henry's Fork spawners or potential recruits in the Buffalo River. More specifically, the plan contains measures to limit upstream passage to the numbers of fish believed to be required to fully "seed" the Buffalo River, and prevents passage of spawning stock from the Henry's Fork (which is managed by the IDFG as a catch-and-release fishery) into the Buffalo River (managed under Idaho's general trout regulations, i.e., no size limit and a six fish per day creel limit) during the general fishing season when they could be harvested. The monitoring plan contains measures to allow assessment of the success of the plan. Based on the results of the monitoring adjustments in the fishway operation could be made for 1997.

However, the licensee's plan contains no provisions for reporting the results of the monitoring or any procedures for adjusting fishway operation or monitoring, if needed, for 1998. The licensee's plan should be modified to indicate that following completion of the 1997 fishway operation and monitoring activities, the licensee will consult with the involved parties and, by December 31, 1997, file a report on the results of fish passage and monitoring activities conducted during 1997. The plan should also include, for Commission approval, any recommendations for changes in operation or monitoring of the fishway.

Based on the information provided by the licensee and the support of the resource agencies and other parties, we find that the licensee's fishway operation and monitoring plan, modified as described above, is reasonable and should be approved.

The Director orders:

- (A) The licensee's fishway operation and monitoring plan, filed on January 2, 1997, as modified by (B), below, is approved.

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Department of Water Resources

Buffalo Hydro, L.C.)

Project No. 1413-021

ORDER GRANTING EXTENSION OF TIME
(Issued January 15, 1997)

The licensee for the Pond's Lodge Project, located on the Buffalo River in Fremont County, Idaho, has requested an extension of time to comply with ordering paragraph (B) of the Order Amending License and Approving Fish Passage Facility. 1/ Ordering paragraph (B) requires the licensee to file, by November 16, 1996, an operations and monitoring plan for the fishway in consultation with federal and state agencies and the Henry's Fork Foundation.

The licensee states that it needs additional time to finalize agencies consultation and requests an extension until January 15, 1997, to file the plan. The reasons advanced by the licensee in support of the requested extension of time are reasonable and justify the extension.

The Director orders:

(A) The deadline for filing the plan required by ordering paragraph (B) of the September 16, 1996 Commission order is extended to January 15, 1997.

(B) This order constitutes final agency action. Requests for rehearing by the Commission may be filed within 30 days of the date of issuance of this order, pursuant to 18 C.F.R. § 385.713.


J. Mark Robinson
Director, Division of
Licensing and Compliance

1/ 76 FERC ¶ 62,190 (1996).

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UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Project No. 1413-012

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This notice constitutes final agency action. Requests for rehearing by the Commission may be filed within 30 days of the date of issuance of this notice, pursuant to 18 CFR 385.713.

Buffalo Hydro, Inc.

Project No. 1413-012

21-2097

NOTICE DISMISSING REQUEST FOR REHEARING

(December 30, 1992)

Lois D. Casshell
Secretary

On October 30, 1992, the Director, Division of Project Compliance and Administration (Division Director), granted Buffalo Hydro, Inc.'s (Buffalo) request for a one-year extension of time to complete restoration of the Pond's Lodge Project No. 1413, located on the Buffalo River in Fremont County, Idaho. The project's powerhouse was destroyed by fire in 1986.

On November 30, 1992, the U.S. Fish and Wildlife Service (FWS) filed a timely request for rehearing of the Division Director's action, arguing that Buffalo should not be allowed to proceed with restoration of the powerhouse until issues regarding fish passage at the project have been resolved.

The request for rehearing of the Division Director's action is interlocutory; the extension of time does not impose an obligation, deny a right, or fix some legal relationship as a consummation of the administrative process. Therefore, rehearing does not lie, unless irreparable injury would be sustained by our failure to entertain the objection. 1/ FWS does not allege, nor does it appear, that it would suffer irreparable injury if the Commission does not entertain its rehearing request. Accordingly, FWS's request for rehearing is dismissed. 2/

1/ See Papago Tribal Utility Authority v. FERC, 628 F.2d 235, 239 (D.C. Cir. 1980); and Halecrest Company, 38 FERC ¶ 61,312 (1987).

2/ In 1980 a minor license was issued for the Pond's Lodge Project. 16 FERC ¶ 62,214. Article 28 of the license required the licensee to cooperate with Idaho Fish and Game, FWS, and the U.S. Forest Service in conducting a fishery study on the Buffalo River to determine if fish passage is needed at the project. It does not appear that this study was ever submitted to the Commission. In addition, standard Article 11 of the license provides that the Commission, either on its own motion or upon the request of a federal or state fish and wildlife agency, may require Buffalo to construct and operate facilities for the conservation and (continued...)

2/ (...continued)
development of fish and wildlife resources. On September 28, 1992, the Idaho Department of Fish and Game filed a motion requesting the Commission to require Buffalo to construct fish passage facilities at the Project No. 1413. That request is pending before the Commission.

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Department of Water Resources

Island Parks Resorts, Inc.) Project No. 1413-000

NOTICE OF EXTENSION OF TIME

(March 29, 1990)

On March 12, 1990, a motion was filed on behalf of Daniel D. Decker, for an extension of time to file an answer as provided for in the Commission's Notice of Proposed Penalty issued February 14, 1990, in the above-docketed proceeding. In the motion, counsel for Mr. Decker states that the attorney who has been advising Mr. Decker in this matter has been unavailable for consultation.

Upon consideration, notice is hereby given that an extension of time for filing an answer in response to the Commission's Notice of Proposed Penalty is granted to and including April 6, 1990.

Lois D. Cashell

Lois D. Cashell
Secretary

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UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Island Park Resorts, Inc.)

Project No. 1413

ORDER ISSUING LICENSE (MINOR)

(Issued March 14, 1980)

Island Park Resorts, Inc. has filed an application for a new license under Part I of the Federal Power Act (Act) for the constructed Pond's Lodge Project No. 1413. 1/ The project, which is entirely within the Targhee National Forest, is located on the Buffalo River about 500 feet upstream of its confluence with Henry's Fork of the Snake River and about 1 mile from the town of Island Park, Fremont County, Idaho.

Project Description

The existing project consists of a rock-fill dam on the Buffalo River about 12 feet high and 142 feet long, a concrete spillway, a fishway, a short penstock, a powerhouse containing a hydroelectric generating unit with a rated capacity of 250-kW, a short tailrace leading to Henry's Fork, a transmission line to Pond's Lodge, and appurtenant facilities. The project has negligible storage capacity, and is operated in a run-of-the-river mode.

The Francis-type turbine operates under a head of about 30 feet but its capacity limits project output to about 125-kW. The project has been operated and maintained continually since 1936, and generates an average of about 1,000,000 kWh annually. 2/ The power generated will continue to be used exclusively for the operation of Pond's Lodge Resort.

Jurisdiction

The project occupies approximately 23 acres of lands of the United States administered by the U. S. Forest Service.

1/ This order is issued by delegation of authority under §3.5(g) of the Commission's Regulations, 18 CFR 3.5(g) [as amended in Docket No. RM78-19 (August 14, 1978), and Docket No. RM79-59 (July 23, 1979)].

2/ Continued operation of the project saves the equivalent of 1,640 barrels of oil, or 460 tons of coal annually.

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Public Notice and Intervention

Public notice of the filing of the application was given with April 19, 1976, as the last date for filing protests or petitions to intervene. The Idaho Fish and Game Commission filed a timely petition to intervene, stating that it is entitled to testify under various Federal statutes regarding the project's adverse effects upon fish and wildlife resources, and to recommend mitigation measures. An order granting the intervention was issued May 24, 1976. No protests or other petitions to intervene were filed.

Agency Comments

The Commission staff solicited comments on the application from various Federal, State, and local agencies. Substantive comments were received from the Idaho Fish and Game Department (IF&G), the U. S. Fish and Wildlife Service (FWS), and the U. S. Forest Service (USFS).

Fishery Resource

The area around Pond's Lodge resort receives heavy fishing pressure. IF&G stocks the Buffalo River with catchable-size rainbow trout. IF&G's management practices, however, call for maintaining and enhancing a quality natural fishery. IF&G therefore contends that construction of a new fish ladder, to replace the present ineffective fishway, is needed in order to allow rainbow and brook trout access to upstream spawning areas.

The USFS concludes that continued operation of the project and construction of a new fish ladder appears to be the most feasible and economical alternative. The USFS, however, believes that additional information should be obtained to more clearly show the need for and benefits of a new fishway. IF&G and FWS contend that sufficient information is currently available, although no formal studies have been conducted to support this position.

IF&G has agreed to expand a planned study of the fishery resources of the Box Canyon section of Henry's Fork to include that segment of the Buffalo River including Project No. 1413. The Applicant, USFS, and FWS agree to cooperate with IF&G in this endeavor, and to use the data and information obtained from this study to determine the need for, and benefits of, installing a new fish ladder at the dam.

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The Applicant states that it would take responsibility for constructing, and maintaining a new fish ladder if it is found to be necessary, but that it would need financial assistance in funding a new fishway facility. Article 28 of the license requires the Applicant to cooperate with IF&G, FWS, and USFS in conducting a study to determine the need, if any, for construction of a new fish ladder at the project. In the future the Applicant may be required under Article 11 to provide reasonable facilities for the conservation and development of fish and wildlife resources. This matter is brought to the Applicant's attention so that it may consider this responsibility when accepting a new license.

Cultural Resources

No historical sites or structures included or eligible for inclusion in the National Register of Historic Places are known to be located at or near the project. In order to protect any unknown cultural resources at the project, Article 29 requires consultation with the State Historic Preservation Officer (SHPO) prior to any construction at the project, and provides for conducting any necessary archeological or historical work.

Water Quality

On April 7, 1976, the Idaho Department of Health and Welfare issued a water quality certificate for the project, pursuant to §401 of the Federal Water Pollution Control Act Amendments of 1972.

Environmental Impacts

The Applicant does not propose any change in the project's operation or any change or addition to the existing project's facilities. The fishery study required by Article 28 will insure that the project does not unreasonably affect, in an adverse way, the fish resources of the Buffalo River and Henry's Fork. No endangered or threatened plant or animal species are known to occur within the project area. No historic sites would be affected through licensing of the project.

For these reasons, it is concluded that approval of the proposed action would not constitute a major Federal action significantly affecting the quality of the human environment, and that preparation of an environmental impact statement is unnecessary.

Safety and Adequacy

A staff Engineer of the Commission's Fort Worth Regional Office inspected the project on August 6, 1979, and found the

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project structures to be well maintained and in good operating condition. The project structures are considered to be safe and stable.

The Buffalo River is largely spring-fed with a relatively constant flow, estimated to average about 185 cubic feet per second (cfs). Flows greater than about 1,700 cfs would overtop the non-overflow portion of the dam and possibly cause some structural failure. Failure of the dam, however, would not be a hazard to downstream life and property because of the small amount of water which would be released from storage, the dam's remote location, and because Henry's Fork would easily absorb the flood attributable to failure of the dam.

Comprehensive Development

The Pond's Lodge hydroelectric plant operates at an estimated average annual plant factor of about 91 percent. The Commission's 1967 Planning Status Report for the Upper Snake River Basin shows that there are no plans for further development of the Buffalo River.

It is concluded that under present conditions and subject to the terms and conditions of this license, FERC Project No. 1413 is best adapted to a comprehensive plan of development of the Buffalo River.

License Term

The Commission's usual policy on relicensing is to limit the license term to 30 years from the end of the prior license, if no substantial new construction or redevelopment is proposed. Accordingly, this license will expire on October 31, 2004, 30 years from the expiration of the prior license.

It is ordered that:

(A) This license is issued to Island Park Resorts, Inc. (Licensee), for a period effective the first day of the month in which it is issued, and terminating October 31, 2004, for the continued operation and maintenance of the Pond's Lodge Project No. 1413, located on the Buffalo River. This license is subject to the terms and conditions of the Federal Power Act (Act), which is incorporated by reference as a part of this license, except as expressly waived below, and subject to the regulations the Commission issues under the provisions of the Act.

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(B) The project consists of:

- 1) All lands, to the extent of the Licensee's interest in those lands, constituting the project area and enclosed by the project boundary, the project area and boundary being shown and described by certain exhibits which form part of the application for license and which are designated and described as:

<u>Exhibit</u>	<u>FERC No. 1413</u>	<u>Showing</u>
K	- 5	General Location

- 2) Project works consisting of: (a) a plank-faced rockfill dam about 12 feet high (maximum) and 142 feet long, with a fish ladder and a 40-foot-long concrete spillway controlled by wooden stop logs; (b) a 5-foot-diameter, 70-foot-long concrete-encased steel penstock; (c) a 24.5 by 18.5-foot powerhouse containing a turbine connected to a 250 kW generator; (d) a transmission line approximately 1.2 miles in length operating at 2,300 volts; (e) a project reservoir with a surface area of about 5 acres extending about 1,500 feet upstream of the dam; and (f) appurtenant facilities.

The location, nature, and character of these project works are more specifically shown and described by the Exhibit cited above and by the following Exhibits which also form part of the application for license:

<u>Exhibit</u>	<u>FERC No. 1413</u>	<u>Showing</u>
L	- 6	General Plan
L	- 7	Power House Plans
L	- 8	Sectional Views
L	- 9	Profiles

Exhibit

S	Consisting of two typewritten pages of text.
---	--

- 3) All of the structures, fixtures, equipment, or facilities used or useful in the maintenance and operation of the project and located on the project area, all portable property which may be employed

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in connection with the project, located on or off the project area, as approved by the Commission, and all riparian or other rights which are necessary or appropriate in the maintenance or operation of the project.

(C) Exhibits K, L, and S, designated and described in ordering paragraph (B) above, are approved and made a part of this license.

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

4(b), except the second sentence relating to free access by the Commission or its agents to the project works and project records; 4(e), insofar as it relates to approval of plans by the Chief of Engineers and the Secretary of the Army; 6, insofar as it relates to public notice and to the acceptance and expression in the license of terms and conditions of the Act which are hereinbefore waived; 10(c), insofar as it relates to depreciation reserves; 10(d); 10(f); 11; 12; 14, except insofar as the power of condemnation is reserved; 15; 16; 18, except as it relates to fishways; 19; 20; 22; and 23(a), insofar as it relates to the determination of fair value.

(E) This license is also subject to Articles 1 through 26 set forth in Form L-16 (October 1975) entitled "Terms and Conditions of License for Constructed Minor Project Affecting Lands of the United States". This license is also subject to the following additional special terms and conditions:

Article 27. The Licensee shall pay the United States the following annual charge:

- (i) For the purpose of reimbursing the United States for the cost of administration of Part 1 of the Act, a reasonable annual charge as determined by the Commission in accordance with the provisions of its regulations, in effect from time to time. The authorized installed capacity for such purposes is 330 horsepower;
- (ii) For the purpose of recompensing the United States for the use, occupancy, and enjoyment of 23.23 acres of its lands, such amount as may be determined from time to time pursuant to the Commission's Regulations.

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Article 28. Licensee shall cooperate with the Idaho Department of Fish and Game, the U. S. Fish and Wildlife Service, and the U. S. Forest Service in conducting a fishery study on the Buffalo River to determine the need, if any, for constructing a fish ladder at the project dam, and, within six months following completion of the study, shall file with the Commission the results of the study and recommendations for constructing and operating a fish ladder, if needed.

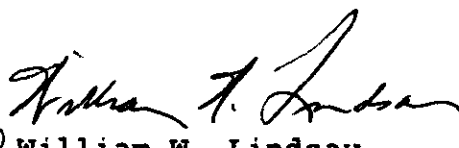
Article 29. Prior to the commencement of any construction or development of any project works or other facilities at the project, the Licensee shall consult and cooperate with the State Historic Preservation Officer (SHPO) to determine the need for, and extent of, any archeological or historic resource surveys and any mitigative measures that may be necessary. The Licensee shall provide funds in a reasonable amount for such activity. If any previously unrecorded archeological or historic sites are discovered during the course of construction, construction activity in the vicinity shall be halted, a qualified archeologist shall be consulted to determine the significance of the sites, and the Licensee shall consult with the SHPO to develop a mitigation plan for the protection of significant archeological or historic resources. If the Licensee and the SHPO cannot agree on the amount of money to be expended on archeological or historic work related to the project, the Commission reserves the right to require the Licensee to conduct, at its own expense, any such work found necessary.

(F) This order is final unless a petition appealing it to the Commission is filed within 30 days from the date of its issuance under §1.7(d) of the Commission's Regulations, 18 CFR 1.7(d), [as amended in Docket No. RM78-19 (August 14, 1978) and Docket No. RM79-59 (July 23, 1979)]. Failure of the Licensee to file such a petition shall constitute acceptance of this order. In acknowledgment of acceptance of all the terms and conditions of this license, the license shall be signed for the Licensee and returned to the Commission within 60 days from the date of issuance of this order. The filing of an appeal under §1.7(d) or an application for rehearing under §313(a) of the Act does not operate as a stay of the effective date of this license or of any other date specified in this order, except as specifically ordered by the Commission.

(S E A L)

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JUN 11 1998


William W. Lindsay
Director, Office of Electric
Power Regulation

Project No. 1413

IN TESTIMONY of its acknowledgment of acceptance of
all of the terms and conditions of this Order, Island Park
Resorts, Incorporated, 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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JUN 11 1998

Project 1413

Form L-16
(October, 1975)

FEDERAL POWER COMMISSION

TERMS AND CONDITIONS OF LICENSE FOR CONSTRUCTED
MINOR PROJECT AFFECTING LANDS
OF THE UNITED STATES

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

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

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

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produced or will produce any of such results, shall be subject to such alteration as the Commission may direct.

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

Article 5. The Licensee, within five years from the date of issuance of the license, shall acquire title in fee or the right to use in perpetuity all lands, other than lands of the United States, necessary or appropriate for the construction, maintenance, and operation of the project. The Licensee or its successors and assigns shall, during the period of the license, retain the possession of all project property covered by the license as issued or as later amended, including the project area, the project works, and all franchises, easements, water

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rights, and rights of occupancy and use; and none of such properties shall be voluntarily sold, leased, transferred, abandoned, or otherwise disposed of without the prior written approval of the Commission, except that the Licensee may lease or otherwise dispose of interests in project lands or property without specific written approval of the Commission pursuant to the then current regulations of the Commission. The provisions of this article are not intended to prevent the abandonment or the retirement from service of structures, equipment, or other project works in connection with replacements thereof when they become obsolete, inadequate, or inefficient for further service due to wear and tear; and mortgage or trust deeds or judicial sales made thereunder, or tax sales, shall not be deemed voluntary transfers within the meaning of this article.

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

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

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

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

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

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

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

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

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

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JUN 11 1998

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

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

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

Article 16. Timber on lands of the United States cut, used, or destroyed in the construction and maintenance of the project works, or in the clearing of said lands, shall be paid for, and the resulting slash and debris disposed of, in accordance with the requirements of the agency of the United States having jurisdiction over said lands. Payment for merchantable timber shall be at current stumpage rates, and payment for young growth timber below merchantable size shall be at current damage appraisal values. However, the agency of the United States having jurisdiction may sell or dispose of the merchantable timber to others than the Licensee: Provided, That timber so sold or disposed of shall be cut and removed from the

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JUN 11 1998

area prior to, or without undue interference with, clearing operations of the Licensee and in coordination with the Licensee's project construction schedules. Such sale or disposal to others shall not relieve the Licensee of responsibility for the clearing and disposal of all slash and debris from project lands.

Article 17. The Licensee shall do everything reasonably within its power, and shall require its employees, contractors, and employees of contractors to do everything reasonably within their power, both independently and upon the request of officers of the agency concerned, to prevent, to make advance preparations for suppression of, and to suppress fires on the lands to be occupied or used under the license. The Licensee shall be liable for and shall pay the costs incurred by the United States in suppressing fires caused from the construction, operation, or maintenance of the project works or of the works appurtenant or accessory thereto under the license.

Article 18. The Licensee shall interpose no objection to, and shall in no way prevent, the use by the agency of the United States having jurisdiction over the lands of the United States affected, or by persons or corporations occupying lands of the United States under permit, of water for fire suppression from any stream, conduit, or body of water, natural or artificial, used by the Licensee in the operation of the project works covered by the license, or the use by said parties of water for sanitary and domestic purposes from any stream, conduit, or body of water, natural or artificial, used by the Licensee in the operation of the project works covered by the license.

Article 19. The Licensee shall be liable for injury to, or destruction of, any buildings, bridges, roads, trails, lands, or other property of the United States, occasioned by the construction, maintenance, or operation of the project works or of the works appurtenant or accessory thereto under the license. Arrangements to meet such liability, either by compensation for such injury or destruction, or by reconstruction or repair of damaged property, or otherwise, shall be made with the appropriate department or agency of the United States.

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JUN 11 1998

Article 20. The Licensee shall allow any agency of the United States, without charge, to construct or permit to be constructed on, through, and across those project lands which are lands of the United States such conduits, chutes, ditches, railroads, roads, trails, telephone and power lines, and other routes or means of transportation and communication as are not inconsistent with the enjoyment of said lands by the Licensee for the purposes of the license. This license shall not be construed as conferring upon the Licensee any right of use, occupancy, or enjoyment of the lands of the United States other than for the construction, operation, and maintenance of the project as stated in the license.

Article 21. In the construction and maintenance of the project, the location and standards of roads and trails on lands of the United States and other uses of lands of the United States, including the location and condition of quarries, borrow pits, and spoil disposal areas, shall be subject to the approval of the department or agency of the United States having supervision over the lands involved.

Article 22. The Licensee shall make provision, or shall bear the reasonable cost, as determined by the agency of the United States affected, of making provision for avoiding inductive interference between any project transmission line or other project facility constructed, operated, or maintained under the license, and any radio installation, telephone line, or other communication facility installed or constructed before or after construction of such project transmission line or other project facility and owned, operated, or used by such agency of the United States in administering the lands under its jurisdiction.

Article 23. The Licensee shall make use of the Commission's guidelines and other recognized guidelines for treatment of transmission line rights-of-way, and shall clear such portions of transmission line rights-of-way across lands of the United States as are designated by the officer of the United States in charge of the lands; shall keep the areas so designated clear of new growth, all refuse, and inflammable material to the satisfaction of such officer; shall trim all branches of trees in contact with or liable to contact the transmission lines; shall cut and remove all dead or leaning

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trees which might fall in contact with the transmission lines; and shall take such other precautions against fire as may be required by such officer. No fires for the burning of waste material shall be set except with the prior written consent of the officer of the United States in charge of the lands as to time and place.

Article 24. If the Licensee shall cause or suffer essential project property to be removed or destroyed or to become unfit for use, without adequate replacement, or shall abandon or discontinue good faith operation of the project or refuse or neglect to comply with the terms of the license and the lawful orders of the Commission mailed to the record address of the Licensee or its agent, the Commission will deem it to be the intent of the Licensee to surrender the license. The Commission, after notice and opportunity for hearing, may require the Licensee to remove any or all structures, equipment and power lines within the project boundary and to take any such other action necessary to restore the project waters, lands, and facilities remaining within the project boundary to a condition satisfactory to the United States agency having jurisdiction over its lands or the Commission's authorized representative, as appropriate, or to provide for the continued operation and maintenance of nonpower facilities and fulfill such other obligations under the license as the Commission may prescribe. In addition, the Commission in its discretion, after notice and opportunity for hearing, may also agree to the surrender of the license when the Commission, for the reasons recited herein, deems it to be the intent of the Licensee to surrender the license.

Article 25. The right of the Licensee and of its successors and assigns to use or occupy waters over which the United States has jurisdiction, or lands of the United States under the license, for the purpose of maintaining the project works or otherwise, shall absolutely cease at the end of the license period, unless the Licensee has obtained a new license pursuant to the then existing laws and regulations, or an annual license under the terms and conditions of this license.

Article 26. The terms and conditions expressly set forth in the license shall not be construed as impairing any terms and conditions of the Federal Power Act which are not expressly set forth herein.

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JUN 11 1998

FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D. C. 20426
EQUAL OPPORTUNITY EMPLOYER

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FEDERAL ENERGY REGULATORY COMMISSION
FERC-351
FIRST CLASS MAIL



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MAR 24 1980

Department of Water Resources

Idaho Water Resources Board
Statehouse
Boise, Idaho 83707

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JUN 11 1998

55 FERC ¶ 61,414

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Martin L. Allday, Chairman;
Charles A. Trabandt, Elizabeth Anne Moler,
Jerry J. Langdon and Branko Terzic.

Project No. 1413

Island Park Resorts, Inc.,)
Daniel D. Decker, President)
Wilmer C. Wells, Vice President)
Patricia E. Feldsein, Secretary)
Daniel D. Decker, III, Director)

ORDER OF DISMISSAL

(Issued June 11, 1991)

On February 14, 1990, the Commission issued a "Notice of Proposed Penalties" (Notice) 1/ pursuant to section 31 of the Federal Power Act (FPA), 16 U.S.C. § 823b (1988) and Rule 1506 of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 385.1506 (1990), to Island Park Resorts, Inc. (Island Park), as well as Daniel D. Decker, its president, Wilmer C. Wells, its vice president, Patricia E. Feldsein, its secretary and director and Daniel D. Decker, III, a director (the Respondents). 2/

The Notice charged the Respondents with the following: (1) violating § 10(c) of the FPA, 16 U.S.C. § 803(c) (1988), by failing to adequately maintain and restore the Pond's Lodge hydropower project after it was destroyed by fire in 1986; (2) violating license Article 4 by failing to notify the Regional Engineer of the Commission's Portland Regional Office regarding the fire damage and failing to respond to a letter concerning, among other things, the project's restoration; (3) violating license Article 5 by selling the project works in 1983 and dissolving the corporate licensee in 1984 without Commission approval; and (4) violating § 31(a) of the FPA, 16 U.S.C. § 823(a) (1988), by failing to comply with a 1988 compliance order. The Notice proposed a \$50,000 civil penalty against the Respondents, with joint and several liability for the payment.

1/ 50 FERC ¶ 61,454 (1990). A copy of the Notice is attached to this order.

2/ See Subpart O - Procedure for the Assessment of Civil Penalties Under Section 31 of the Federal Power Act, 18 C.F.R. §§ 385.1501-.1511 (1990).

DC-A-40

21-2077

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JUN 21 1991

Department of Water Resources

Project No. 1413-000

- 2 -

Rule 1507, 18 C.F.R. § 385.1507 (1990), requires this matter to be resolved through the Commission's administrative procedures under Rule 1508, 18 C.F.R. § 385.1508, because the licensee failed to comply with a compliance order issued under section 31(a) of the FPA.

Rule 1507 also allowed the Respondents an opportunity to answer the Notice by providing factual or legal reasons why the proposed assessment order should not be issued, should be reduced in amount, or should otherwise be modified. There was no answer from the corporate licensee, Island Park, because it was dissolved in 1984. On March 27, 1990, Mr. Decker, the licensee's former president, admitted substantially all of the material facts supporting the Notice, but denied that he was an officer or a shareholder of Island Park at the time the license was reissued in 1980 or when the license violations occurred. Mr. Decker argued that the Commission should not assess a penalty and that he should not be held responsible if the Commission assessed a penalty.

Further investigation by staff indicated that Mr. Wells, Ms. Feldsein, and Mr. Decker, III, did not control the licensee's actions.

Staff's investigation confirmed that Mr. Decker sold the project works and dissolved the corporate licensee in 1984, in violation of Article 5 of the license. However, the Article 5 violations preceded enactment of the Electric Consumers Protection Act of 1986 (ECPA), Pub. L. 99-495 (1986). Under Rule 1503(b), 18 C.F.R. § 385.1503(b) (1990), the Commission will not assess civil penalties for violations that predate ECPA. See Order No. 502-A, 45 FERC ¶ 61,407, p. 62,273 (1988). Although the remaining violations occurred after 1986, Mr. Decker does not appear to have controlled the licensee's actions during that period. Therefore, the Commission finds that no further penalty action is warranted. Accordingly, based on the Notice and Mr. Decker's answer, we are dismissing the matter.

The Commission orders:

This proceeding is dismissed.

By the Commission.

(S E A L)

For D. Cozelle
Lois D. Cashell,
Secretary.

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JUN 19 1991

21-2097

Department of Water Resources

50 FERC ¶ 61,414

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Project No. 1413-000

- 2 -

Before Commissioners: Martin L. Allday, Chairman;
Charles A. Trabandt, Elizabeth Anne Moler,
Jerry J. Langdon and Branko Terzic.

Project No. 1413

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Daniel D. Decker, President)
Wilmer C. Wells, Vice President)
Patricia E. Feldsein, Secretary)
Daniel D. Decker, III, Director)

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DC-A-40

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The Commission orders:

This proceeding is dismissed.

By the Commission.

(S E A L)

Lois D. Cashell,
Secretary.

21-2097

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Buffalo Hydro, Inc.

Project No. 1413-009
Idaho

ORDER GRANTING EXTENSION OF TIME

(Issued May 2, 1991)

The licensee for the Pond's Lodge Hydroelectric Project has requested an extension of the deadline for completing project restoration. The reasons advanced by the licensee in support of the requested extension of time are reasonable and justify the extension.

The Director orders:

(A) The deadline for completing project restoration is extended to October 31, 1992.

(B) This order constitutes final agency action. Requests for rehearing by the Commission may be filed within 30 days of the date of issuance of this order, pursuant to 18 C.F.R. § 385.713.


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

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MAY 7 1991

Department of Water Resources

DC-A-5

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JUN 11 1998

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Notice of Application filed with the Commission

(April 14, 1989)

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

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APR 19 1989

Department of Water Resources

- a. Type of Filing: Transfer of License
- b. Project No.: 1413-004
- c. Date Filed: March 23, 1989
- d. Applicants: Island Park Resorts, Inc. and Buffalo Hydro, Inc.
- e. Name of Project: Pond's Lodge Hydroelectric Project
- f. Location: Occupies lands within the Targhee National Forest on the Buffalo River, in Fremont County, Idaho.
- g. Filed Pursuant to: Federal Power Act, 16 U.S.C. § 791(a) - 825(r)
- h. Applicant Contacts: Mr. Jay Goldman
President
Pond's Lodge
Island Park, ID 83429
(208) 558-7221

Mr. Randall B. Reed
Holden, Kidwell, Hahn & Crapo
P.O. Box 50130
Idaho Falls ID 83405
(208) 523-0620
- i. FERC Contact: Thomas Dean, (202) 376-9562
- j. Comment Date: MAY 26 1989
- k. Description of Application: Island Park Resorts, Inc. (licensee) proposes to transfer the license issued on March 14, 1980, to Buffalo Hydro, Inc. (transferee). The transferee is a private corporation organized under the laws of the State of Idaho.
- l. This notice also consists of the following standard paragraphs: B & C.

FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE, \$300

BOISE, ID 83720
STATE OF IDAHO DIRECTOR
IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
P -0001413000 101465



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FEDERAL ENERGY
REGULATORY COMMISSION
FERC-351

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JUN 11 1998



81-02097

45 FEB 1 62 054

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Idaho Park Resorts, Inc.
Project No. 1413

COMPLIANCE ORDER

(Issued October 26, 1988)

Idaho Park Resorts, Inc., the licensee for the Pond's Lodge Hydroelectric Project, FERC No. 1413, is in violation of Section 10(c) of the Federal Power Act (Act), and Articles 4 and 5 of its license.

The license for the project was issued on March 14, 1980. The project is located on the Buffalo River in Fremont County, Idaho within the Targhee National Forest.

Section 10(c) of the Act requires licensees to maintain their projects in a condition of repair adequate for, among other things, the efficient operation of the projects in the development and transmission of power; to make all necessary renewals and replacements, establish and maintain adequate depreciation reserves for such purposes; and to conform to such rules and regulations as the Commission may prescribe from time to time for the protection of life, health and property.

The project powerhouse was destroyed by fire in August 1986. The licensee has made no effort in repairing or replacing the powerhouse which is in violation of Section 10(c).

Article 4 of the license specifies that the licensee shall fully cooperate with the Commission's regional representative and shall furnish him such information concerning operation and maintenance of the project and any alterations to the project.

Our Portland Regional Office, by letter dated June 21, 1988, requested the licensee to submit by August 5, 1988, either a plan and schedule for a timely rehabilitation of the project or an application for surrender of the license. The licensee was reminded that the surrender of the license, if approved by the Commission, may require complete removal of any or all structures, equipment and power lines within the project boundary and restoration of project waters, lands and facilities to a condition satisfactory to the U.S. Forest Service (Targhee National Forest).

The letter also stated that the Forest Service had advised the Commission that the licensee had not received a Forest Service special use permit for the project, and that no measures had been taken to clean up the debris left by the fire that had destroyed the powerhouse and other project facilities.

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8. A plan to remove any soils or sediments that have been contaminated from leakage and to stop any leakage that may be occurring.

7. Identification of the chemical composition of any leakage; and

6. Data sufficient to indicate whether there has been or is there currently any leakage from the abandoned electrical works including the transformer;

Information by September 13, 1988: In violation of Article 4, the licensee did not respond. August 26, 1988, the Director of the Division of Project Compliance and Administration reiterated the June 21, 1988, letter, reminding the licensee that it was in violation of its license terms and required it to file by September 13, 1988, a plan and schedule describing how the licensee intended to remedy its violations. The letter also cautioned the licensee regarding possible leakage from the abandoned electrical works and the impact the leakage may have on the environment including the Henry's Fork fishery. Because the electrical works have a potential for causing serious adverse environmental impacts, the licensee was also directed to provide the following additional information by September 13, 1988:

1. Walkways and stairs should be repaired or completely removed. If repairs are made, all existing handrails should be repaired or replaced and new handrails should be provided on all walkways and stairs that previously did not have them;
2. Power line poles and wiring should be repaired or completely removed;
3. Mechanical and electrical equipment destroyed or damaged by the powerhouse fire must be removed;
4. The fire-damaged transformer located on the power pole adjacent to the powerhouse must be removed; and
5. The entire project site should be cleaned up. All old boards, lumber, pipes, powerhouse equipment and other miscellaneous debris should be discarded.

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As of this date the licensee has not complied with the above filing requirements.

Article 5 of the license states, in part, that:

"The licensee...shall...retain the possession of all project property covered by the license including the project area, the project works, ... water rights, and rights of occupancy and use; and none of such properties shall be voluntarily sold, leased, transferred, abandoned, or otherwise disposed of without prior written approval of the Commission..."

Since it had come to our attention that the project may have been sold, both the June 21, 1988, and August 26, 1988, letters reminded the licensee of the requirement to file a transfer of license application. To date the licensee has not complied with this filing requirement. Mr. Keith Roark, the licensee's official liaison with the Commission, by letter filed August 25, 1988, stated that his client, Island Park Resorts, Inc. is not the licensee for the Pond's Lodge Hydroelectric Project. Also, by a letter filed September 16, 1988, in an untimely response to our letter of August 26, 1988, Mr. Daniel Decker, president of the Island Park Resorts, Inc., wrote to the Commission stating that the Island Park Resorts Inc. is not the licensee for the subject project.

Commission's records indicate that the Island Park Resorts, Inc. is the licensee with a Mr. Daniel Decker as the president of the company.

The letter dated August 26, 1988, notified the licensee of the enforcement and civil penalty provisions of Section 31 of the Federal Power Act.

This compliance order is issued pursuant to Section 31(a) of the Federal Power Act. Compliance with this order does not preclude the Commission from assessing penalties, pursuant to Section 31 of the Act, for violations that already have occurred.

Failure to comply with this compliance order will also subject the licensee to the provisions of Section 31, including civil penalties of up to \$10,000 per day for each violation. In determining the amount of a penalty, the Commission will consider, in addition to the nature and seriousness of the violation, the efforts of the licensee to remedy the violation in a timely manner.

The Director orders:

(A) Within 30 days from the date of this order, the licensee shall file with the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, DC 20426, one original and 14 copies of a plan describing how the licensee intends to remedy its violation of Section 10(c) of the Federal Power Act and Articles 4 and 5 of the license for the subject project as described in the June 21, and August 26, 1988, letters. The plan shall include, but not be limited to, description of past actions taken by the licensee and identification of future actions to be taken by the licensee to meet the deadlines set in the June 21, and August 26, 1988, letters. The plan shall also include projected costs of the required project repairs and the cleanup due to leakage of the abandoned electrical works.

If, in fact, the project has been sold, the filing must also include the identity, including the mailing address and the telephone number, of the company or the individual who bought the project; the identity of the company's president and its board of directors; the mailing addresses and telephone numbers of the company's president and its board of directors; and signed and dated copies of the project purchase contract. The filing must also include an application for transfer of license from the Island Park Resorts, Inc. to the present owner of the project pursuant to Section 9.1 of the Commission's regulations.

(B) The Director reserves the authority to require the licensee to take additional actions necessary to protect life, property, and the environment.

(C) This order is issued under authority delegated to the Director and is final unless appealed to the Commission under Rule 1902 within 30 days from the date of its issuance. Filing an appeal does not stay the effective date of this order or any date specified herein.


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

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Department of Water Resources

UNITED STATES OF AMERICA
FEDERAL POWER COMMISSION

Island Park Resorts, Inc.

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Project No. 1413

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PLANNING	
WATER PLAN	
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REVIEWED	
NO COMMENT	
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NOTICE OF ISSUANCE OF ANNUAL LICENSE

(October 30, 1975)

On June 10, 1974, Island Park Resorts, Inc., Licensee for Project No. 1413, located on the Buffalo River in Fremont County, Idaho, filed an application for a new license under the Federal Power Act and Commission regulations thereunder.

The license for Project No. 1413 was issued effective November 1, 1964, for a period ending October 31, 1974. Since the original date of expiration, the project has been under annual license. In order to authorize continued operation of the project pending Commission action on Licensee's application, it is appropriate and in the public interest to issue an annual license to Island Park Resorts, Inc. for continued operation and maintenance of Project No. 1413.

Take notice that an annual license is issued to Island Park Resorts, Inc. (Licensee) for the period November 1, 1975, to October 31, 1976, or until the issuance of a new license for the project, for the continued operation and maintenance of the Project No. 1413, subject to the terms and conditions of its present license.

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Snake River	Rn Rm
Bear	
Panhandle	
RBPU	
File:	

Kenneth F. Plumb
Secretary

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Buffalo R. Power

UNITED STATES OF AMERICA
FEDERAL POWER COMMISSION

Before Commissioners Joseph C. Swidler, Chairman; Jerome K. Kuykendall,
Howard Morgan, L. J. O'Connor, Jr., and Charles R. Ross.

Pond's Lodge, Inc.)

Project No. 1413

ORDER ISSUING NEW LICENSE (MAJOR)

DEC 18 1961

(Issued December 13, 1961)

DEPARTMENT OF RECLAMATION

Application was filed June 28, 1961, by Pond's Lodge, Inc., (Applicant) of Island Park, Idaho, for a new license under Sections 4 (e) and 15 of the Federal Power Act (hereinafter referred to as the Act) for constructed major Project No. 1413 located on Buffalo River, tributary to Henry's Fork of Snake River, in Fremont County, Idaho, and affecting lands of the United States within the Targhee National Forest.

License No. 2 for the project, issued on February 14, 1952, to Charles Pond for a period effective as of July 1, 1951 and terminating October 31, 1959, was transferred with Commission approval to Pond's Lodge, Inc., effective as of September 1, 1951.

Applicant states that the reason for the untimely filing for a new license is that its officers mistakenly thought license No. 2 had been issued for a ten-year period from the date of transfer of the license (September 1, 1951), and the error was not noted until Applicant in June, 1961, commenced preparation of application for a new license.

An Assistant Secretary of the Interior, in reporting on the application, has advised that the issuance of a new license for the project would not affect adversely the interest of his Department.

The Chief, Forest Service, acting for the Secretary of Agriculture, who has supervision over the Targhee National Forest, in reporting on the application, has advised that his Service has no objection to the issuance of a new license for the project if made subject to the terms and conditions usually included in licenses for such projects.

The Director, Idaho Public Utilities Commission, has advised that his Commission does not think this proceeding is one that should be considered under the cooperative provisions of Section 1.37 of the Commission's Rules of Practice and Procedure.

The project works (other than transmission line) and project reservoir occupy about 8.92 acres of lands of the United States within the Targhee National Forest, and the project transmission line occupies a 100-foot wide right-of-way on such lands about 1.23 miles long.

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The Commission finds:

- (1) The project affects lands of the United States.
- (2) The project consists of:
 - (a) All lands constituting the project area and enclosed by the project boundary or the limits of which are otherwise defined, and/or interest in such lands necessary or appropriate for the purposes of the project, whether such lands or interest therein are owned or held by the applicant or by the United States; such project area and project boundary being more specifically shown and described by a certain exhibit which formed by reference part of the application for license, and which is designated as follows:

Exhibit K: (FPC No. 1413-3) A general and detail map and plans in one sheet entitled "Map of Buffalo Power Project," signed by Chas. Pond on June 6, 1940, and revised in accordance with applicant's letters filed April 18 and June 5, 1951.

- - (b) Constructed project works consisting of a rock-fill dam about 10 feet high and about 140 feet long with a concrete spillway and fishway; a wooden powerhouse containing a turbine connected to a generator with a capacity of 250 kva; a transmission line; and appurtenant electrical facilities; the location, nature and character of which are more specifically shown by the exhibit hereinbefore cited and by a certain other exhibit which also formed by reference part of the application for license and which is designated and described as follows:

Exhibit M: A typewritten document in one sheet entitled "General descriptions and general specifications of mechanical, electrical, and transmission equipment," signed on November 18, 1939, by Charles Pond.

- -
 - (c) All other structures, fixtures, equipment or facilities used or useful in the maintenance and operation of the project and located on the project area, including such portable property as may be used or useful in connection with the project or any part thereof, whether located on or off the project area, if and to the extent that the inclusion of such property as a part of the project is approved or acquiesced in by the Commission; also, all riparian or other rights, the use or possession of which is necessary or appropriate in the maintenance and operation of the project.

(3) Applicant is a private corporation organized under the laws of the State of Idaho and has submitted satisfactory evidence of compliance with the requirements of all applicable State laws insofar as necessary for the operation of the project.

(4) Public notice of the application has been given. No conflicting application is before the Commission. No protests have been received.

(5) The project does not affect any Government dam, nor will the issuance of a new license therefor, as hereinafter provided, affect the development of any water resources for public purposes which should be undertaken by the United States.

(6) The issuance of a new license for the project will not interfere or be inconsistent with the purposes for which the Targhee National Forest was created or acquired.

(7) Under present circumstances and conditions and upon the terms and conditions hereinafter imposed, the project is best adapted to a comprehensive plan for the improvement and utilization of water-power development, and for other beneficial public uses, including recreational purposes.

(8) The installed capacity of the project is 268 horsepower.

(9) The energy generated by the project is used by Applicant at its resort and lodge.

(10) The project transmission line operating at 2,300 volts and connecting the powerhouse with the distribution facilities at Applicant's resort, is part of the project within the meaning of Section 3 (11) of the Act.

(11) The amount of annual charges to be paid under the new license for the project for the purpose of reimbursing the United States for the costs of administration of Part I of the Act, and for recompensing it for the use, occupancy, and enjoyment of its lands is reasonable as hereinafter fixed and specified.

(12) The exhibits designated and described in finding (2) above conform to the Commission's rules and regulations and should be approved as part of the new license for the project.

The Commission orders:

(A) This new license is issued to Pond's Lodge, Inc., Island Park, Idaho, (hereinafter referred to as the Licensee), under Sections 4 (e) and 15 of the Federal Power Act, for a period of five years, effective as of November 1, 1959, for the operation and maintenance of Project No. 1413 on Buffalo River, tributary to Henry's Fork of Snake River, in Fremont County, Idaho, and affecting lands of the United States within the Targhee National Forest, subject to the

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terms and conditions of the Act which is incorporated by reference as a part of this license, and subject to such rules and regulations as the Commission has issued or prescribed under the provisions of the Act.

(B) This license is also subject to the terms and conditions set forth in Form L-1, December 15, 1953, entitled "Terms and Conditions of License for Constructed Major Project Affecting Lands of the United States" (14 FPC 562), which terms and conditions, designated as Articles 1 through 23, are attached hereto and made a part hereof, except for Article 20 therein, and subject to the following special conditions set forth herein as additional articles:

Article 24. The Licensee shall pay to the United States the following annual charges:

- (i) For the purpose of reimbursing the United States for the costs of administration of Part I of the Act, \$11.44;
- (ii) For the purpose of recompensing the United States for the use, occupancy, and enjoyment of its lands, excluding those used only for transmission line right-of-way, \$8.92;
- (iii) For the purpose of recompensing the United States for the use, occupancy, and enjoyment of its lands used for transmission line right-of-way only, \$9.84.

Article 25. Effective November 1, 1959 (the first 20 years of operation of the project under license having been completed on October 31, 1959), six percent per annum shall be the specified rate of return on the net investment in the project for determining surplus earnings of the project for the establishment and maintenance of amortization reserves, pursuant to Section 10(d) of the Act; one-half of the project surplus earnings, if any, accumulated after October 31, 1959, in excess of six percent per annum on the net investment, shall be set aside in a project amortization reserve account as of the end of each fiscal year, provided that, if and to the extent that there is a deficiency of project earnings below six percent per annum for any fiscal year or years after October 31, 1959, the amount of such deficiency shall be deducted from the amount of any surplus earnings accumulated thereafter until absorbed, and one-half of the remaining surplus earnings, if any, thus cumulatively computed, shall be set aside in the project amortization reserve account; and the amounts thus established in the project amortization reserve account shall be maintained therein until further order of the Commission.

(C) The exhibits designated and described in finding (2) above are approved as part of this new license.

(D) This order shall become final 30 days from the date of its issuance unless application for rehearing shall be filed as provided in Section 313 (a) of the Federal Power Act, and failure to file such an application shall constitute acceptance of this new license. In acknowledgment of the acceptance of this new license, it shall be signed for the Licensee and returned to the Commission within 60 days from the date of issuance of this order.

By the Commission.

Joseph H. Gutride,
Secretary.

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Project No. 1413

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IN TESTIMONY of its acknowledgment of acceptance of all of the provisions, terms and conditions of this new license, Pond's Lodge, 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.

POND'S LODGE, INC.

By _____
President

Attest:

Secretary

(Executed in quadruplicate)

UNITED STATES OF AMERICA
FEDERAL POWER COMMISSION

Before Commissioners Joseph C. Swidler, Chairman; Jerome K. Kuykendall,
Howard Morgan, L. J. O'Connor, Jr., and Charles R. Ross.

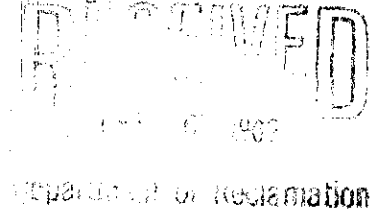
Pond's Lodge, Inc.

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Project No. 1413

ORDER ISSUING NEW LICENSE (MAJOR)

(Issued December 13, 1961)



Application was filed June 28, 1961, by Pond's Lodge, Inc., (Applicant) of Island Park, Idaho, for a new license under Sections 4 (e) and 15 of the Federal Power Act (hereinafter referred to as the Act) for constructed major Project No. 1413 located on Buffalo River, tributary to Henry's Fork of Snake River, in Fremont County, Idaho, and affecting lands of the United States within the Targhee National Forest.

License No. 2 for the project, issued on February 14, 1952, to Charles Pond for a period effective as of July 1, 1951 and terminating October 31, 1959, was transferred with Commission approval to Pond's Lodge, Inc., effective as of September 1, 1951.

Applicant states that the reason for the untimely filing for a new license is that its officers mistakenly thought license No. 2 had been issued for a ten-year period from the date of transfer of the license (September 1, 1951), and the error was not noted until Applicant in June, 1961, commenced preparation of application for a new license.

An Assistant Secretary of the Interior, in reporting on the application, has advised that the issuance of a new license for the project would not affect adversely the interest of his Department.

The Chief, Forest Service, acting for the Secretary of Agriculture, who has supervision over the Targhee National Forest, in reporting on the application, has advised that his Service has no objection to the issuance of a new license for the project if made subject to the terms and conditions usually included in licenses for such projects.

The Director, Idaho Public Utilities Commission, has advised that his Commission does not think this proceeding is one that should be considered under the cooperative provisions of Section 1.37 of the Commission's Rules of Practice and Procedure.

The project works (other than transmission line) and project reservoir occupy about 8.92 acres of lands of the United States within the Targhee National Forest, and the project transmission line occupies a 100-foot wide right-of-way on such lands about 1.23 miles long.

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The Commission finds:

- (1) The project affects lands of the United States.
- (2) The project consists of:
 - (a) All lands constituting the project area and enclosed by the project boundary or the limits of which are otherwise defined, and/or interest in such lands necessary or appropriate for the purposes of the project, whether such lands or interest therein are owned or held by the applicant or by the United States; such project area and project boundary being more specifically shown and described by a certain exhibit which formed by reference part of the application for license, and which is designated as follows:

Exhibit K: (FPC No. 1413-3) A general and detail map and plans in one sheet entitled "Map of Buffalo Power Project," signed by Chas. Pond on June 6, 1940, and revised in accordance with applicant's letters filed April 18 and June 5, 1951.

- (b) Constructed project works consisting of a rock-fill dam about 10 feet high and about 140 feet long with a concrete spillway and fishway; a wooden powerhouse containing a turbine connected to a generator with a capacity of 250 kva; a transmission line; and appurtenant electrical facilities; the location, nature and character of which are more specifically shown by the exhibit hereinbefore cited and by a certain other exhibit which also formed by reference part of the application for license and which is designated and described as follows:

Exhibit M: A typewritten document in one sheet entitled "General descriptions and general specifications of mechanical, electrical, and transmission equipment," signed on November 18, 1939, by Charles Pond.

- (c) All other structures, fixtures, equipment or facilities used or useful in the maintenance and operation of the project and located on the project area, including such portable property as may be used or useful in connection with the project or any part thereof, whether located on or off the project area, if and to the extent that the inclusion of such property as a part of the project is approved or acquiesced in by the Commission; also, all riparian or other rights, the use or possession of which is necessary or appropriate in the maintenance and operation of the project.

(3) Applicant is a private corporation organized under the laws of the State of Idaho and has submitted satisfactory evidence of compliance with the requirements of all applicable State laws insofar as necessary for the operation of the project.

(4) Public notice of the application has been given. No conflicting application is before the Commission. No protests have been received.

(5) The project does not affect any Government dam, nor will the issuance of a new license therefor, as hereinafter provided, affect the development of any water resources for public purposes which should be undertaken by the United States.

(6) The issuance of a new license for the project will not interfere or be inconsistent with the purposes for which the Targhee National Forest was created or acquired.

(7) Under present circumstances and conditions and upon the terms and conditions hereinafter imposed, the project is best adapted to a comprehensive plan for the improvement and utilization of water-power development, and for other beneficial public uses, including recreational purposes.

(8) The installed capacity of the project is 268 horsepower.

(9) The energy generated by the project is used by Applicant at its resort and lodge.

(10) The project transmission line operating at 2,300 volts and connecting the powerhouse with the distribution facilities at Applicant's resort, is part of the project within the meaning of Section 3 (11) of the Act.

(11) The amount of annual charges to be paid under the new license for the project for the purpose of reimbursing the United States for the costs of administration of Part I of the Act, and for recompensing it for the use, occupancy, and enjoyment of its lands is reasonable as hereinafter fixed and specified.

(12) The exhibits designated and described in finding (2) above conform to the Commission's rules and regulations and should be approved as part of the new license for the project.

The Commission orders:

(A) This new license is issued to Pond's Lodge, Inc., Island Park, Idaho, (hereinafter referred to as the Licensee), under Sections 4 (e) and 15 of the Federal Power Act, for a period of five years, effective as of November 1, 1959, for the operation and maintenance of Project No. 1413 on Buffalo River, tributary to Henry's Fork of Snake River, in Fremont County, Idaho, and affecting lands of the United States within the Targhee National Forest, subject to the

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terms and conditions of the Act which is incorporated by reference as a part of this license, and subject to such rules and regulations as the Commission has issued or prescribed under the provisions of the Act.

(B) This license is also subject to the terms and conditions set forth in Form L-1, December 15, 1953, entitled "Terms and Conditions of License for Constructed Major Project Affecting Lands of the United States" (14 FPC 562), which terms and conditions, designated as Articles 1 through 23, are attached hereto and made a part hereof, except for Article 20 therein, and subject to the following special conditions set forth herein as additional articles:

Article 24. The Licensee shall pay to the United States the following annual charges:

- (i) For the purpose of reimbursing the United States for the costs of administration of Part I of the Act, \$11.44;
- (ii) For the purpose of recompensing the United States for the use, occupancy, and enjoyment of its lands, excluding those used only for transmission line right-of-way, \$8.92;
- (iii) For the purpose of recompensing the United States for the use, occupancy, and enjoyment of its lands used for transmission line right-of-way only, \$9.84.

Article 25. Effective November 1, 1959 (the first 20 years of operation of the project under license having been completed on October 31, 1959), six percent per annum shall be the specified rate of return on the net investment in the project for determining surplus earnings of the project for the establishment and maintenance of amortization reserves, pursuant to Section 10(d) of the Act; one-half of the project surplus earnings, if any, accumulated after October 31, 1959, in excess of six percent per annum on the net investment; shall be set aside in a project amortization reserve account as of the end of each fiscal year, provided that, if and to the extent that there is a deficiency of project earnings below six percent per annum for any fiscal year or years after October 31, 1959, the amount of such deficiency shall be deducted from the amount of any surplus earnings accumulated thereafter until absorbed, and one-half of the remaining surplus earnings, if any, thus cumulatively computed, shall be set aside in the project amortization reserve account; and the amounts thus established in the project amortization reserve account shall be maintained therein until further order of the Commission.

(C) The exhibits designated and described in finding (2) above are approved as part of this new license.

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(D) This order shall become final 30 days from the date of its issuance unless application for rehearing shall be filed as provided in Section 313 (a) of the Federal Power Act, and failure to file such an application shall constitute acceptance of this new license. In acknowledgment of the acceptance of this new license, it shall be signed for the Licensee and returned to the Commission within 60 days from the date of issuance of this order.

By the Commission.

Joseph H. Gutride,
Secretary.

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Project No. 1413

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IN TESTIMONY of its acknowledgment of acceptance of all of the provisions, terms and conditions of this new license, Pond's Lodge, Inc., this 19th day of December, 1961, has caused its corporate name to be signed hereto by Angus Pond, its _____ President, and its corporate seal to be affixed hereto and attested by H. B. Pond, its _____ Secretary, pursuant to a resolution of its Board of Directors duly adopted on the 19th day of December, 1961, a certified copy of the record of which is attached hereto.

POND'S LODGE, INC.

By /S/ Angus Pond
President

Attest:

/S/ H. B. Pond
Secretary

(Executed in quadruplicate)

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ENCLOSURE N^o 896

FROM

FEDERAL POWER COMMISSION

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UNITED STATES OF AMERICA
FEDERAL POWER COMMISSION

RECEIVED
JUN 9 1952
Department of Reclamation

Before Thomas C. Buchanan, Chairman; Dale E. Doty, Nelson Lee
Commissioners: Smith and Harrington Wimberly.

June 5, 1952

In the Matter of)

Charles Pond)

and)

Pond's Lodge, Inc.)

Project No. 1413

ORDER APPROVING TRANSFER OF LICENSE (MAJOR)

Joint application was filed on April 17, 1952, by Charles Pond, licensee for major Project No. 1413, and Pond's Lodge, Inc., both of Island Park, Idaho, for approval of transfer of the license for the project from the former to the latter.

The application requests that approval of transfer of the license be made effective as of September 1, 1951, the date of conveyance of the project properties.

The license for Project No. 1413 was issued by the Commission on February 2, 1952, for a period commencing July 1, 1951, and terminating October 31, 1959.

The Commission finds:

- (1) Pond's Lodge, Inc., the proposed transferee of the license, is a corporation organized under the laws of the State of Idaho and has submitted satisfactory evidence of compliance with the requirements of all applicable State laws insofar as necessary for the operation of the project.
- (2) Approval of the transfer of the license as hereinafter provided will not be inconsistent with the public interest.

The Commission orders:

- (A) The transfer of the license for Project No. 1413 from Charles Pond to Pond's Lodge, Inc. is hereby approved, effective as of September 1, 1951, subject to the provisions of Section 9.3 of the Commission's Regulations under the Federal Power Act, and subject to the further condition that the net investment in the project shall not be increased on account of the transfer.
- (B) This order shall become final thirty (30) days from the date of its issuance unless application for rehearing shall be filed as provided in Section 313 (a) of the Act, and failure to file such an application shall constitute acceptance by Pond's Lodge, Inc. of the license for Project No. 1413. In acknowledgement of the

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acceptance of the license, this instrument shall be signed on behalf of Pond's Lodge, Inc., the new licensee, and returned to the Commission within sixty (60) days from the date of issuance of this order.

By the Commission.

Leon M. Fuquay,
Secretary.

Date of Issuance: June 6, 1952

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IN TESTIMONY OF ACCEPTANCE of all the provisions and conditions of the license for Project No. 1413 and of the Federal Power Act, Pond's Lodge, Inc., of Island Park, Idaho, this ____ day of _____, 195_, 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 _____, 195_, a certified copy of the record of which is attached hereto.

Pond's Lodge, Inc.

By: _____
President

ATTEST:

Secretary

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FEDERAL POWER COMMISSION

TERMS AND CONDITIONS OF LICENSE
FOR CONSTRUCTED MAJOR PROJECT
AFFECTING
LANDS OF THE UNITED STATES

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

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

Article 3. If the Licensee shall contemplate any alteration in or addition to the project area or project works shown and described by the approved exhibits referred to in Article 2 herein, the Licensee

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shall submit to the Commission for approval amended, supplemental, or additional exhibits under the provisions of said article covering such alteration or addition, together with a statement in writing setting forth the reasons which necessitate or justify such alteration or addition. Except when emergency shall require for the protection of life, health, or property, no substantial alteration or addition not in conformity with the approved plans shall be made to any dam or other project works under the license without the prior approval of the Commission; and any emergency alteration or addition so made shall thereafter be subject to such modification and change as the Commission may direct. Minor changes in the project works or divergence from such approved exhibits may be made if such changes will not result in decrease in efficiency, in material increase in cost, or in impairment of the general scheme of development; but any of such minor changes made without the prior approval of the Commission, which in its judgment have produced or will produce any of such results, shall be subject to such alteration as the Commission may direct. The Licensee shall comply with such rules and regulations of general or special applicability as the Commission may from time to time prescribe for the protection of life, health, or property.

Article 4. The project, including its operation and maintenance and any work incident to additions or alterations, whether or not conducted upon lands of the United States, shall be subject to the inspection and supervision of the Regional Engineer, Federal Power Commission, in the region wherein the project is located, or of

such other officer or agent as the Commission may designate, who shall be the authorized representative of the Commission for such purposes. The Licensee shall furnish to said representative such information as he may require concerning the operation and maintenance of the project, and of any alteration thereof, and shall notify him of the date upon which work with respect to any alteration will begin, and as far in advance thereof as said representative may reasonably specify, and shall notify him promptly in writing of any suspension of work for a period of more than one week, and of its resumption and completion. The Licensee shall allow him and other officers or employees of the United States, showing proper credentials, free and unrestricted access to, through, and across the project lands and project works in the performance of their official duties.

Article 5. For the purpose of determining the stage and flow of the stream or streams from which water is diverted for the operation of the project works, the amount of water held in and withdrawn from storage, and the effective head on the turbines, the Licensee shall install and thereafter maintain such gages and stream-gaging stations as the Commission may deem necessary and best adapted to the requirements; and shall provide for the required readings of such gages and for the adequate rating of such stations. The Licensee shall also install and maintain standard meters adequate for the determination of the amount of electric energy generated by said project works. The number, character, and location of gages, meters, or other measuring devices, and the method of operation thereof, shall at

all times be satisfactory to the Commission and may be altered from time to time if necessary to secure adequate determinations, but such alteration shall not be made except with the approval of the Commission or upon the specific direction of the Commission. The installation of gages, the ratings of said stream or streams, and the determination of the flow thereof, shall be under the supervision of, or in co-operation with, the District Engineer of the United States Geological Survey having charge of stream-gaging operations in the region of said project, and the Licensee shall advance to the United States Geological Survey the amount of funds estimated to be necessary for such supervision or cooperation for such periods as may be mutually agreed upon. The Licensee shall keep accurate and sufficient record of the foregoing determinations to the satisfaction of the Commission, and shall make return of such records annually at such time and in such form as the Commission may prescribe.

Article 6. In the maintenance or alteration of the project, the location and standards of roads and trails, and other land uses including the location and condition of quarries, borrow pits, spoil disposal areas, and sanitary facilities shall be subject to the approval of the department or agency of the United States having supervision over the lands involved.

Article 7. In the maintenance of the project works, the Licensee shall place and maintain suitable structures and devices to reduce to a reasonable degree the liability of contact between its transmission lines, and telegraph, telephone, and other signal wires or power transmission lines constructed prior to its transmission lines and not owned

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by the Licensee, and shall also place and maintain suitable structures and devices to reduce to a reasonable degree the liability of any structures or wires falling and obstructing traffic and endangering life on highways, streets, or railroads.

Article 8. The Licensee shall make provision, or shall bear the reasonable cost, as determined by the agency of the United States affected, of making provision for avoiding inductive interference between any project transmission line or other project facility constructed, operated, or maintained under the license, and any radio installation, telephone line, or other communication facility installed or constructed before or after construction of such project transmission line or other project facility and owned, operated, or used by such agency of the United States in administering the lands under its jurisdiction. None of the provisions of this article is intended to relieve the Licensee from any responsibility or requirement which may be imposed by other lawful authority for avoiding or eliminating inductive interference.

Article 9. The Licensee shall clear and keep clear to an adequate width lands of the United States along open conduits, and shall dispose of all temporary structures, unused timber, brush, refuse, or inflammable material resulting from the clearing of the lands or from the maintenance or alteration of the project works. In addition, all trees along the margins of reservoirs which may die during operations of the project shall be removed. The clearing of the lands and the disposal of the material shall be done with due diligence and to the satisfaction of the authorized representative of the Commission.

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Article 10. The Licensee shall clear such portions of transmission line rights-of-way across lands of the United States as are designated by the officer of the United States in charge of the lands; shall keep the areas so designated clear of new growth, all refuse, and inflammable material to the satisfaction of such officer; shall trim all branches of trees in contact with or liable to contact the transmission line; shall cut and remove all dead or leaning trees which might fall in contact with the transmission line; and shall take such other precautions against fire as may be required by such officer. No fires for the burning of waste material shall be set except with the prior written consent of the officer of the United States in charge of the lands as to time and place.

Article 11. Timber on lands of the United States cut, used, or destroyed in the construction and maintenance of the project works or in the clearing of said lands shall be paid for in accordance with the requirements of and at the current stumpage rates applicable to the sale of similar timber by the agency of the United States having jurisdiction over said lands; and all slash and debris resulting from the cutting or destruction of such timber shall be disposed of as the officer of such agency may direct.

Article 12. The Licensee shall do everything reasonably within its power and shall require its employees, contractors, and employees of contractors to do everything reasonably within their power, both independently and upon request of officers of the agency of the United States concerned, to prevent, make advanced preparations

for suppression, and suppress fires on lands occupied under the license.

Article 13. The operations of the Licensee so far as they affect the use, storage, and discharge from storage of waters affected by the license, shall at all times be controlled by such reasonable rules and regulations as the Commission may prescribe for the protection of life, health, and property, and in the interest of the fullest practicable conservation and utilization of such waters for power purposes and for other beneficial public uses, including recreational purposes; and the Licensee shall release water from the project reservoir at such rate in cubic feet per second, or such volume in acre-feet per specified period of time, as the Commission may prescribe for the purposes hereinbefore mentioned.

Article 14. The Licensee shall interpose no objection to, and shall in no way prevent, the use by the agency of the United States having jurisdiction over the lands of the United States affected, or by persons or corporations occupying lands of the United States under permit, of water for fire suppression from any stream, conduit or body of water, natural or artificial, used by the Licensee in the operation of the project works covered by the license, or to the use by said parties of water for sanitary and domestic purposes from any stream or body of water, natural or artificial, used by the Licensee in the operation of the project works covered by the license.

Article 15. The Licensee shall be liable for injury to, or destruction of, any buildings, bridges, roads, trails, lands, or

other property of the United States, occasioned by the construction, maintenance, or operation of the project works or of the works appurtenant or accessory thereto under the license. Arrangements to meet such liability, either by compensation for such injury or destruction, or by reconstruction or repair of damaged property, or otherwise, shall be made with the appropriate department or agency of the United States.

Article 16. So far as is consistent with proper operation of the project, the Licensee shall allow the public free access, to a reasonable extent, to project waters and adjacent project lands owned by the Licensee for the purpose of full public utilization of such lands and waters for navigation and recreational purposes, including fishing and hunting, and shall allow to a reasonable extent for such purposes the construction of access roads, wharves, landings, and other facilities on its lands the occupancy of which may in appropriate circumstances be subject to payment of rent to the Licensee in a reasonable amount: Provided, that the Licensee may reserve from public access, such portions of the project waters, adjacent lands, and project facilities as may be necessary for the protection of life, health, and property and Provided further, that the Licensee's consent to the construction of access roads, wharves, landings, and other facilities shall not, without its express agreement, place upon the Licensee any obligation to construct or maintain such facilities.

Article 17. The Licensee shall allow any agency of the United States, without charge, to construct¹ or permit to be constructed on,

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through, and across the project lands, conduits, chutes, ditches, railroads, roads, trails, telephone and power lines, and other means of transportation and communication not inconsistent with the enjoyment of said lands by the Licensee for the purposes stated in the license.

This article shall not be construed as conferring upon the Licensee any right of use, occupancy, or enjoyment of the lands of the United States other than for the operation and maintenance of the project as stated in the license.

Article 18. There is reserved to the appropriate department or agency of the United States, or of the State or county involved, the right to take over, maintain, and supervise the use of any project road as a public road.

Article 19. The actual legitimate original cost, estimated where not known, and the accrued depreciation of the project as of the effective date of the license shall be determined by the Commission in accordance with the Act and the rules and regulations of the Commission, and such cost less such accrued depreciation, so determined, shall be the net investment in the project as of such effective date.

Article 20. After the first twenty (20) years of operation of the project under the license, six (6) percent per annum shall be the specified rate of return on the net investment in the project for determining surplus earnings of the project for the establishment and maintenance of amortization reserves, pursuant to Section 10 (d) of the Act; one-half of the project surplus earnings, if any, accumulated after the first twenty years of operation under the license, in excess

of six (6) percent per annum on the net investment, shall be set aside in a project amortization reserve account as of the end of each fiscal year, provided that, if and to the extent that there is a deficiency of project earnings below six (6) percent per annum for any fiscal year or years after the first twenty years of operation under the license, the amount of such deficiency shall be deducted from the amount of any surplus earnings accumulated thereafter until absorbed, and one-half of the remaining surplus earnings, if any, thus cumulatively computed, shall be set aside in the project amortization reserve account; and the amounts thus established in the project amortization reserve account shall be maintained therein until further order of the Commission.

Article 21. No lease of the project or part thereof whereby the lessee is granted the exclusive occupancy, possession, or use of project works for purposes of generating, transmitting, or distributing power shall be made without the prior written approval of the Commission; and the Commission may, if in its judgment the situation warrants, require that all the conditions of the license, of the Act, and of the rules and regulations of the Commission shall be applicable to such lease and to such property so leased to the same extent as if the lessee were the Licensee: Provided, that the provisions of this article shall not apply to parts of the project or project works which may be used by another jointly with the Licensee under a contract or agreement whereby the Licensee retains the occupancy, possession, and control of the property so used and receives adequate consideration

for such joint use, or to leases of land while not required for purposes of generating, transmitting, or distributing power, or to buildings or other property not built or used for said purposes, or to minor parts of the project or project works, the leasing of which will not interfere with the usefulness or efficient operation of the project by the Licensee for such purposes.

Article 22. The Licensee, its successors and assigns shall during the period of the license, retain the possession of all project property covered by the license as issued or as later amended, including the project area, the project works, and all franchises, easements, water rights, and rights of occupancy and use; and none of such properties necessary or useful to the project and to the development, transmission, and distribution of power therefrom will be voluntarily sold, transferred, abandoned, or otherwise disposed of without the approval of the Commission: Provided, that a mortgage or trust deed or judicial sales made thereunder, or tax sales, shall not be deemed voluntary transfers within the meaning of this article. In the event the project is taken over by the United States upon the termination of the license, as provided in Section 14 of the Act, or is transferred to a new licensee under the provisions of Section 15 of the Act, the Licensee, its successors and assigns will be responsible for and will make good any defect of title to or of right of user in any of such project property which is necessary or appropriate or valuable and serviceable in the maintenance and operation of the project, and will pay and discharge, or will assume responsibility for payment and discharge,

of all liens or incumbrances upon the project or project property created by the Licensee or created or incurred after the issuance of the license: Provided, that the provisions of this article are not intended to prevent the abandonment or the retirement from service of structures, equipment, or other project works in connection with replacements thereof when they become obsolete, inadequate, or inefficient for further service due to wear and tear, or to require the Licensee, for the purpose of transferring the project to the United States or to a new licensee, to acquire any different title to or right of user in any of such project property than was necessary to acquire for its own purposes as Licensee.

Article 23. The terms and conditions expressly set forth in the license shall not be construed as impairing any terms and conditions of the Federal Power Act which are not expressly set forth herein.

UNITED STATES OF AMERICA
FEDERAL POWER COMMISSION

RECEIVED
FEB 18 1952

Department of Reclamation

Before Thomas C. Buchanan, Chairman; Claude L. Draper, Nelson
Commissioners: Lee Smith and Harrington Wimberly.

February 12, 1952

In the Matter of)

) Project No. 1413

Charles Pond)

ORDER ISSUING NEW LICENSE (MAJOR)

Application was filed April 18, 1951, and later supplemented, by Charles Pond, of Island Park, Idaho for a new license under the Federal Power Act (hereinafter referred to as the Act) for constructed major Project No. 1413, located on Buffalo River, tributary to Henrys Fork and Snake River, in Fremont County, Idaho, and affecting lands of the United States within the Targhee National Forest.

The project - the original license for which expired June 30, 1951 - consists of:

- A. All lands constituting the project area and inclosed by the project boundary or the limits of which are otherwise defined and/or interest in such lands necessary or appropriate for the purposes of the project, whether such lands or interest therein are owned or held by the applicant or by the United States; such project area and project boundary being more specifically shown and described by a certain exhibit which formed part of the application for license, and which is designated and described as follows:

Exhibit K: (FPC No. 1413-3) A general and detail map and plans in one sheet entitled "Map of Buffalo Power Project", signed by Chas. Pond on June 6, 1940 and revised in accordance with applicant's letters filed April 18 and June 5, 1951.

- B. Constructed project works consisting of a rock-fill dam about 10 feet high and about 140 feet long with a concrete spillway and fishway; penstock; a wooden powerhouse containing a turbine connected to a generator with a capacity of 250 kva; a transmission line; and appurtenant electrical facilities; the

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location, nature and character of which are more specifically shown by the exhibit hereinbefore cited and by a certain other exhibit which also formed part of the application for license and which is designated and described as follows:

Exhibit M: A typewritten document in one sheet entitled "General descriptions and general specifications of mechanical, electrical, and transmission equipment", signed on November 18, 1939, by Charles Pond..

- C. All other structures, fixtures, equipment or facilities used or useful in the maintenance and operation of the project and located on the project area, including such portable property as may be used or useful in connection with the project or any part thereof, whether located on or off the project area, if and to the extent that the inclusion of such property as a part of the project is approved or acquiesced in by the Commission; also, all riparian or other rights, the use or possession of which is necessary or appropriate in the maintenance and operation of the project.

The Chief, Forest Service, Acting for the Secretary of Agriculture, who has supervision over the Targhee National Forest, and an Under Secretary of the Interior, acting for the Secretary of the Interior, have reported upon the application.

The Public Utilities Commission of Idaho was notified of the filing of the application.

The Commission finds:

- (1) The applicant is a citizen of the United States and has submitted satisfactory evidence of compliance with the requirements of all applicable State laws insofar as necessary to effect the purposes of a new license for the project.
- (2) No conflicting application is before the Commission. Public notice has been given as required by the Act.
- (3) The project does not affect any Government dam, nor will the issuance of a new license therefor, as hereinafter provided, affect the development of any water resources for public purposes which should be undertaken by the United States.

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- (4) The issuance of a new license for the project as hereinafter provided will not interfere or be inconsistent with the purposes for which the Targhee National Forest was created or acquired.
- (5) Under present circumstances and conditions and upon the terms and conditions hereinafter imposed, the project is best adapted to a comprehensive plan for the improvement and utilization of water-power development, and for other beneficial public uses, including recreational purposes.
- (6) The installed capacity of the project is 268 horsepower and the energy generated is used by the applicant at his resort and lodge.
- (7) The exhibits described and designated in the second paragraph of this order conform with the Commission's rules and regulations and should be approved as part of the new license for the project.
- (8) The amount of annual charges to be paid under the new license for the purposes of reimbursing the United States for the costs of administration of Part I of the Act, and for recompensing it for the use, occupancy, and enjoyment of its lands is reasonable as hereinafter fixed and specified.

The Commission orders:

- (A) This new license is issued to Charles Pond under Sections 4 (e) and 15 of the Act for the period commencing July 1, 1951, and terminating October 31, 1959, for the operation and maintenance of Project No. 1413 upon lands of the United States within the Targhee National Forest, subject to the terms and conditions of the Act which is incorporated by reference as a part of this license, and subject to such rules and regulations as the Commission has issued or prescribed under the provisions of the Act.
- (B) This license is also subject to the terms and conditions set forth in Form L-1, entitled "Terms and Conditions of License for Constructed Major Project Affecting Lands of the United States" (except as to Article 20 which is inapplicable by its terms), which terms and conditions are attached hereto and made a part hereof; and subject to the following conditions set forth herein as additional articles:

Article 24. The Licensee shall maintain and operate the fishway in the dam in accordance with requirements in the interest of fish and wildlife resources as may be hereafter prescribed by the Commission upon the recommendation of Idaho Fish and Game Department.

Article 25. The Licensee shall pay to the United States the following annual charges:

- (i) For the purpose of reimbursing the United States for the costs of administration of Part I of the Act, \$11.44;
 - (ii) For the purpose of recompensing the United States for the use, occupancy, and enjoyment of its lands, excluding those used only for transmission line right-of-way, \$8.92; and
 - (iii) For the purpose of recompensing the United States for the use, occupancy, and enjoyment of its lands used for transmission line right-of-way only, \$9.84.
- (C) The exhibits designated and described in the second paragraph of this order are approved as a part of this license.
- (D) This order shall become final within thirty (30) days from the date of its issuance unless application for rehearing shall be filed as provided by Section 313 (a) of the Act.
- (E) This new license shall be signed by the Licensee and returned to the Commission within sixty (60) days from date of issuance of this order in testimony of its receipt and acceptance.

By the Commission.

Leon M. Fuquay,
Secretary.

Date of Issuance: February 14, 1952

18796

Project No. 1413
(Cont'd)

- 5 -

2/12/52

IN TESTIMONY OF ACCEPTANCE of all the provisions, terms and
conditions of this license, the Licensee, this _____ day of
_____, 195__, has signed his name hereto.

Charles Pond, Licensee

Witnesses:

(Executed in quadruplicate)

18796

UNITED STATES OF AMERICA
FEDERAL POWER COMMISSION

In the Matter of

Charles Pond

Project No. 1413

September 20, 1951

NOTICE OF APPLICATION FOR RENEWAL OF LICENSE

Public notice is hereby given that Charles Pond of Island Park, Idaho, has made application for renewal of license which became effective as of October 31, 1939, pursuant to the provisions of the Federal Power Act (16 U.S.C. 791-825r) for constructed hydroelectric project of about 237 horsepower installed capacity (Project No. 1413) located on Buffalo River in Fremont County, Idaho, and affecting lands of the United States in the Targhee National Forest. The energy developed by the project is used by applicant in the operation of a resort.

Any protest against the approval of this application or request for any action thereon, with reasons for such protest or request and the name and address of the party or parties so protesting or requesting, should be submitted on or before October 31, 1951, to the Federal Power Commission at Washington 25, D. C.

Leon M. Fuquay,
Secretary.

Inclusion 18796
100 c. 7 s. Buffalo River
Pond
3-13-39

RECEIVED
SEP 27 1951
Department of Reclamation

18796

UNITED STATES OF AMERICA
FEDERAL POWER COMMISSION

In the Matter of

Charles Pond

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Project No. 1413

September 20, 1951

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Leon M. Fuquay,
Secretary.

RECEIVED
SEP 27 1951
Department of Reclamation

✓
February 24, 1950

Re: Permit No. 18796

Mr. Charles Pond
C/o Pond's Lodge
Island Park, Idaho

Dear Mr. Pond:

In reply to your letter of February 22, 1950,
in regard to the Bond furnished in connection with Per-
mit No. 18796:

Since the works have been completed, the statu-
tory proofs made, and Certificate of Completion of Works
and License issued under this Permit, it is not necessary
to continue the bond.

The Bond of the American Surety Company of New
York in the amount of \$1000 may therefore be released.

We are enclosing an extra copy of this letter
in the event that you wish to forward it to the Bonding
Company.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

MRK:bh
Enc.

18796

GENERAL MERCHANDISE
COTTAGES
DINING ROOM SERVICE
MOTOR BOATS

TOURIST SUPPLIES
FISHING TACKLE
AND LICENSES
DANCING
GAS AND OIL

POND'S LODGE

ISLAND PARK, IDAHO

CHARLES POND, PROP.

HIGHWAY 191—ON WAY TO WEST YELLOWSTONE

February 22nd. 1950.

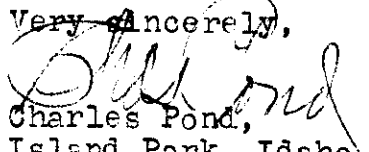
Dept. of Reclamation,

Boise, Idaho.

Relative to Permit # 18796:-

I am writing to ascertain if the continuous bond that I have been providing for several years is as yet subject to release. I understand the work on this small project is completed. If so can I be released from paying more on the bond.

Very sincerely,


Charles Pond,
Island Park, Idaho.

RECEIVED
FEB 24 1950
Department of Reclamation

18796

✓
October 22, 1949

Re: Permit No. 18796

Mr. Charles Pond
C/o Pond's Lodge
Island Park, Idaho

Dear Mr. Pond:

We enclose Certificate of Completion of Works and also License and Certificate of Water Right, confirming your right to the use of 100 cubic feet per second of water from Buffalo River with priority of March 13, 1939, for the purpose of generating power at Pond's Lodge.

The point of diversion of said water is located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 33, Township 13 North, Range 43 East, B.M.

We also enclose Departmental Receipt No. 21865 for the \$37.00 fees in connection with Proof of Completion of Works and Beneficial Use.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bh

18796

GENERAL MERCHANDISE
COTTAGES
DINING ROOM SERVICE
MOTOR BOATS

TOURIST SUPPLIES
FISHING TACKLE
AND LICENSES
DANCING
GAS AND OIL

POND'S LODGE

ISLAND PARK, IDAHO

CHARLES POND, PROP.

HIGHWAY 191—ON WAY TO WEST YELLOWSTONE

October 17th. 1949.

Department of Reclamation,
Boise, Idaho.

Re; Permit No. 18796.

In line with your letter of the 14th. we are inclosing
check for the amount of \$ 37. 00 for completion of works and
Licence for the 100 second feet of water.

Thanks very much.

Yours very truly,

Charles Pond
Charles Pond,
Island Park, Idaho.

RECEIVED

Department of Reclamation

18796

October 14, 1949

Re: Permit No. 18796

Mr. Charles Pond
Pond's Lodge
Island Park, Idaho

Dear Mr. Pond:

We now have on file the report of our Field Engineer on examination for completion of works and beneficial use under your Permit No. 18796.

The fees in connection with these proofs amount to \$37.00, made up as follows:

On proof of completion of works the statutory fee is \$5.00 for the first 10 second feet, and 30 cents for each additional second foot- which for 100 second feet would amount to \$32.00.

The fee on beneficial use proof amounts to \$5.00.

Upon receipt of your check for \$37.00, Certificate of completion of works and license will issue for 100 second feet from Buffalo River, for power purposes at Pond's Lodge.

Very truly yours,

MARK R. KUIP
State Reclamation Engineer

By
Chief Clerk

A

18796

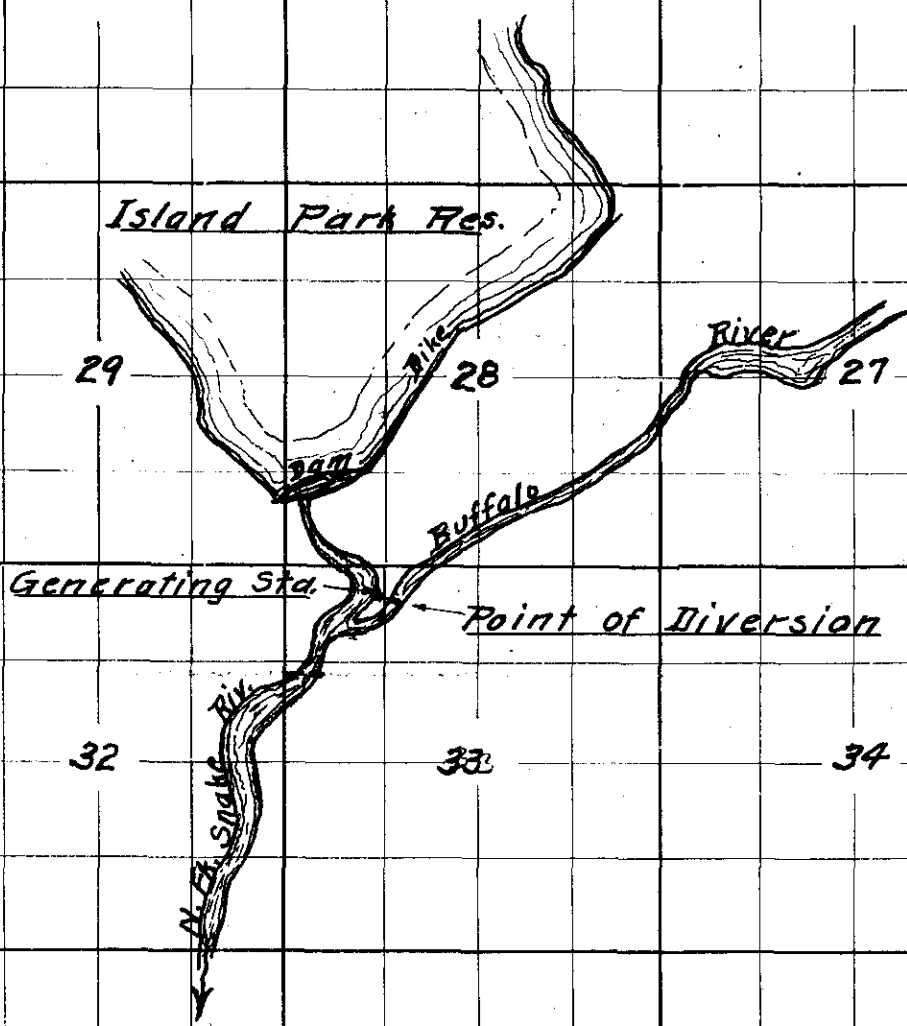
STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 18796

REPORT ON PROOF OF Completion of works and Beneficial Use

app. 10' 0" 1.5
100 cfs
SMRK



STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF ENGINEER

Permit No. 18796This proof is for Completion of works and Beneficial use In Water District No. 1. Name of applicant Charles Pond, Island Park, Idaho2. Source of water supply: Buffalo River3. Location of point of diversion: Is in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 33T. 13 N. R. 43 E. County of Fremont

4. Describe works as they exist, giving dimensions and capacities of same: Diversion is by means of a Rock fill, and derth dam, 90 feet of which is plank faced, Max depth 15 Ft, A Spillway crest of 40 feet long, with a 2 foot wide fishway, and four stoplog openings three feet in height, Control gates, and a 5 foot diameter Penstock leading to a Westinghouse D.C. Generator, 250 K.V.A., 2800 Volts, 62 Amps per terminal, 8 Phaze 80 Cycles, 450 R.P.M., Serial I828781. also a D.C. Motor #IIOL, 3.5 K.W. 125volt 68 Amps, 450 R.P.M. Serial I829793, All housed in a station of 18' X 24' floor pla

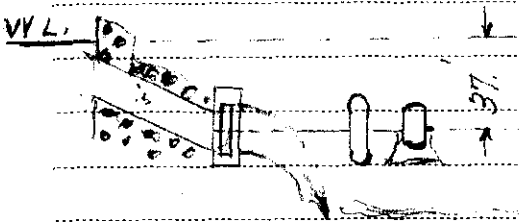
5. Water is used for: Power for Pond's Lodge, and Caretakers house at U.S.R.S. Dam6. State whether or not water has been turned into works of diversion: Yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):
Place of use- At confluence of Buffalo River and Henry's Fork, at Pond's Lodge

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach? Columbia River

Remarks: The penstock is of five feet diameter, and 60 feet long, with vertical slide gate control.

This examination was made on the 20th day of July, 1919

(Signed)

H. H. Johnson
Examiner.

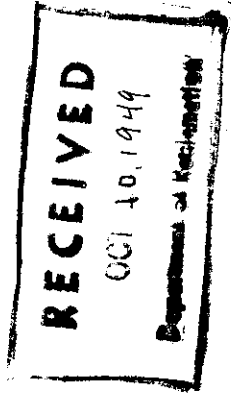
18796

Charles Fond
Island Park, Idaho

Permit No. 18796

Examination for Completion of works and
Beneficial use

County Fremont



INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
6. Give general characteristics of soils, topography, and crops raised.

September 28, 1949

Mr. Charles Pond
Pond's Lodge
Island Park, Idaho

Dear Mr. Pond:

We wish to acknowledge receipt of your letter of September 28, 1949, in regard to the recent inspection made by the Department's Field Engineer some time ago, in connection with Permit No. 18796.

Mr. Tolman, Field Engineer, has not submitted his report on the above mentioned inspection, and at the present time, he is away from the office on a field trip.

This matter will be taken up with Mr. Tolman upon his return to the office, after which we will write you again.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Supervisor of Water Distribution

HWT:bb

18796

GENERAL MERCHANDISE
COTTAGES
DINING ROOM SERVICE
MOTOR BOATS

TOURIST SUPPLIES
FISHING TACKLE
AND LICENSES
DANCING
GAS AND OIL

POND'S LODGE

ISLAND PARK, IDAHO

CHARLES POND, PROP.

HIGHWAY 191—ON WAY TO WEST YELLOWSTONE

Sept. 26th. 1949.

Dept. of Reclamation,
State Cap. Bldg.,
Boise, Idaho.

Gentlemen:—Some time ago you field man was here and looked over the small power plant permit #18796.

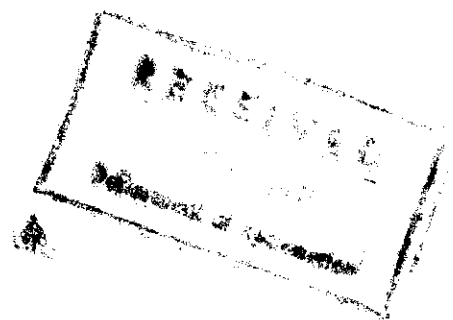
We are anxious to know if his report was satisfactory and learn if there is more to be done at this end before a settlement can be made. I think we are under a continuous bond till released by your office. We would like to get release from this bond as soon as you can provide same.

Kindly let us know how we stand in this matter that we may get it cleared as soon as convenient.

Will appreciate hearing from you.

Very sincerely,

Charles Pond
Charles Pond,
Island Park, Idaho.



18796

✓
July 6, 1949

Re: Permit No. 18796

Mr. Charles Pond
Island Park, Idaho

Dear Mr. Pond:

Reference is made to your letter of June 26, in regard to inspection of your project by a Field Engineer from this Department.

Mr. Tolman will probably be in that vicinity some time during the present season, at which time he will contact you. It is his custom to combine as many examinations in one area as possible, in order to save expenses, which is doubtless why he has not reached you sooner.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bh

18796

GENERAL MERCHANDISE
COTTAGES
DINING ROOM SERVICE
MOTOR BOATS

TOURIST SUPPLIES
FISHING TACKLE
AND LICENSES
DANCING
GAS AND OIL

POND'S LODGE

ISLAND PARK, IDAHO

CHARLES POND, PROP.

HIGHWAY 191—ON WAY TO WEST YELLOWSTONE

June 26th. 1949.

RECEIVED

Department of Reclamation

Dept. of Reclamation,
State of Idaho.
Boise, Idaho.

Re; Permit No. 18796.

I am inclosing a letter written from your office the last of August 1948.

Now that the winter has given up for a very few months we are wondering if a final examination can be given this small power plant at some early convenient time to you.

I am told the bond is a continuous one till such time as you are able to release it.

We will appreciate hearing from you at your convenience.

Very sincerely,


Charles Pond,
Island Park, Idaho.

18796

✓
August 30, 1948

Re: Permit No. 18796

Mr. Charles Pond
Island Park, Idaho

Dear Mr. Pond:

We acknowledge receipt of your letter of August 26, 1948, and have corrected your proofs in accordance therewith.

Before final action is taken in the matter the law requires that a field examination be made by an Engineer from this Department.

We are unable to say just when this examination will be made as this Department has but one Field Engineer who makes examinations all over the State.

However, Mr. Tolman, Field Engineer for this Department, will try and contact you at the time he makes the examination in order that you may arrange to show him over the grounds.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A/gt



C. A. ROBINS
GOVERNOR

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

MARK R. KULP, STATE RECLAMATION ENGINEER

BOISE

August 30, 1948

Re: Permit No. 18796

Mr. Charles Pond
Island Park, Idaho

Dear Mr. Pond:

We acknowledge receipt of your letter of August 26, 1948, and have corrected your proofs in accordance therewith.

Before final action is taken in the matter the law requires that a field examination be made by an Engineer from this Department.

We are unable to say just when this examination will be made as this Department has but one Field Engineer who makes examinations all over the State.

However, Mr. Tolman, Field Engineer for this Department, will try and contact you at the time he makes the examination in order that you may arrange to show him over the grounds.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

By

Jeane L. Anderson

Chief Clerk

A/gt

18796

GENERAL MERCHANDISE
COTTAGES
DINING ROOM SERVICE
MOTOR BOATS

TOURIST SUPPLIES
FISHING TACKLE
AND LICENSES
DANCING
GAS AND OIL

POND'S LODGE

ISLAND PARK, IDAHO

CHARLES POND, PROP.

HIGHWAY 191—ON WAY TO WEST YELLOWSTONE

August 26th. 1948.

Dept. of Reclamation,
Attention Mark R. Kulp,
State Reclamation Engineer,
Boise, Idaho.

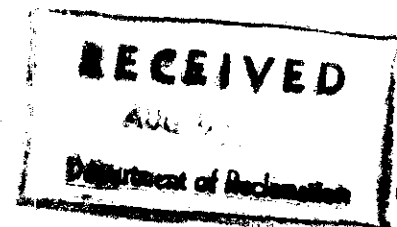
Reply to yours of Aug. 24th regarding Permit # 18796.

The point of diversion is found to be as stated in the permit, namely, NE $\frac{1}{4}$ NW $\frac{1}{4}$.

The Forest Service men of this section of the country figured the above to be as herein stated.

Very sincerely,

Charles Pond
Charles Pond,
Island Park, Idaho.



18796

✓
August 24, 1948

Re: Permit No. 18796

Mr. Charles Pond
Island Park, Idaho

Dear Mr. Pond:

We now have on file the depositions of yourself and two witnesses in proof of completion of works and beneficial use under your Permit No. 18796.

In checking the proofs of beneficial use we find that they describe the point of diversion as in the NW¹ NE¹, Section 33, Township 13 N., Range 43 E. B.M., whereas the permit describes the NW¹ NE¹ of this section. Please advise which is correct.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

/gt

CC: Ralph Litton

18796

RALPH LITTON

ATTORNEY AT LAW

ST. ANTHONY, IDAHO

August 19, 1948

Department of Reclamation
State House
Boise, Idaho

Re: Permit # 18796 Charles Pond

Gentlemen:

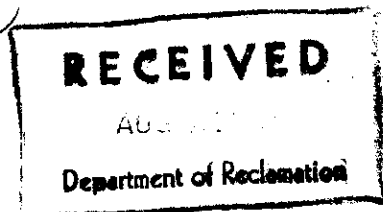
Enclosed is deposition of holder of the above referred
to permit, concerning Completion of works.

I sincerely hope that these papers meet with your full
approval. Thanking you, I am,

Very truly yours,

RL:b
encls

Ralph Litton



18796

EXHIBIT A

(Answer to Question No. 8)

Re-constructed generating room, installing new concrete and wood floors and reinforcing foundation with concrete. The size of this room is 18 x 24 feet with one-third pitch roof;

Also, put in additional studding and lined inside with shiplap and outside with shingles and log siding, reinforcing and shingling the roof and painting interior. Cost of this work \$523.50.

Also, raised water head to 37 feet, which was the Engineer's requirement. Cost of this improvement \$95.35.

In 1914, I reinforced wood stave penstock at water wheel and reconstructed connection with water wheel. We used all concrete reinforced with steel. Cost of this improvement \$518.21.

Under direction of the Bureau of Reclamation, I rebuilt the dam in 1917. Cost of this improvement \$8268.82. This work was personally planned and passed by the Forest Service Engineer, who represents the Power Commission.

The dimensions of the dam are as follows: Width of spillway, 40 feet; penstock 5 feet in diameter with 100 second foot capacity, generating capacity of generators 250 KVA. Width of dam and spillway, 160 feet. Spillway is 40 feet wide, resting on solid rock formation. The apron of spillway is 18 to 24 inches thick, reinforced with steel. The ends are 18 to 24 inches thick and also steel reinforced four feet above the apron floor. This construction is all concrete with medium sized boulders set in to harmonize with surroundings. Depth of apron 11 feet. Catwalk across spillway is supported on each end of spillway and every 10 feet between ends with 4 inch irons. The walk is more than 30 inches wide on bolted timbers, and approximately 12 feet in length, floor of 2 inch plank with supporting hand rails on either side for pedestrians. The face of the dam is made of two layers of 3 inch thickness creosoted plank driven into the bed of the dam with partial fill in front of plank and back of it, and fill of lava rocks with top of face facing plank reaching back on the same level for 17 feet, it then slopes further back a distance of 33 feet, a slope of not less than two to one. This fill varies in depth from $9\frac{1}{2}$ to 12 feet.

18796

PERMIT NO. 18796

Proof of Completion of Works

DEPOSITION OF HOLDER

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. Charles Pond, Island Park, Idaho. Owner and operator of
Pond's Lodge at Island Park, Idaho.

Ques. 2. If acting in behalf of a corporation, state its name, principal place of business, your position with reference to same, and your authority for appearing in its behalf.

Ans. Not a Corporation.

Ques. 3. State number and date of permit, amount of water you are authorized to divert, source, and point of diversion.

Ans. Number of permit is 18796. dated May 18th. 1939.
100 sec. ft. of water. Source from Buffalo River.

Ques. 4. State purpose for which water is to be used, and, if for irrigation, state the number of acres and give description of the land you intend to reclaim.

Ans. For electrical generation of power, but not for irrigation.

Ques. 5. State whether or not the water has been turned into your works of diversion, and, if so, when and to what extent.

Ans. Yes, about July 15, 1940.

Ques. 6. State whether or not the works of diversion are fully completed, and whether or not they comply in all respects with the terms of the permit.

Ans. The works of diversion are completed and comply with the
terms of the permit.

Ques. 7. If the works of diversion do not comply with all the terms of your permit, state fully those particulars in which there is any variance.

Ans. No exception.

Ques. 8. Give description of works, state dimensions and capacity of each part, and give cost of same.

Ans. See exhibit "A"

(Sign here.)

Charles Pond

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, in St. Anthony,

County of Fremont, State of Idaho, on this 11th.
day of August, A. D. 1948.

My Commission expires 1/8/52.

Ralph Littman
Notary Public.
Residing at St. Anthony, Idaho.

18796

✓
July 30, 1948

Re: Permit No. 18796

Mr. Ralph Litton
Notary Public
St. Anthony, Idaho

Dear Mr. Litton:

We acknowledge receipt of your letter of July 22 enclosing the depositions of Ned F. Millard and Charles Daugherty as witnesses in proof of completion of works under Permit No. 18796.

However, we do not yet have the deposition of Mr. Pond as the permit holder and we enclose a form to be executed by Mr. Pond which will complete the statutory proofs under this permit.

Very truly yours,

MARSH R. KUPP
State Reclamation Engineer
By

Chief Clerk

A/gt

Enc.

CC: Mr. Charles Pond

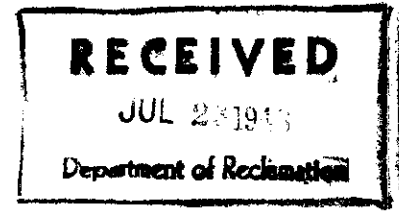
18796

RALPH LITTON

ATTORNEY AT LAW
ST. ANTHONY, IDAHO

July 22, 1948

Mark R. Kulp,
State Reclamation Engineer,
Department of Reclamation
Boise, Idaho



Re: Permit No. 18796

Dear Mr. Kulp:

Enclosed you will find the additional affidavits
duly completed.

I am sorry of the delay in this matter, but Mr.
Pond is very busy in the Island Park country, some fifty
miles from here and the two witnesses, both of whom are with
the forest service, are out of St. Anthony, a big part of the
time.

Thanking you, I am,

Very truly yours,

RL:b
encls

18796

The Depositions of two Witnesses, in this form, taken separately, required in each case.

Permit No. 18796

Proof of Completion of Works

DEPOSITION OF WITNESS

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. Ned D. Millard - Island Park, Idaho Forest Ranger

Ques. 2. Are you acquainted with Charles Pond, the holder of Permit No. 18796, authorizing the diversion of 100 second-feet of the waters of Buffalo River, at N. F. Snake for power generating purposes? How long have you known him, and where does he reside?

Ans. 8 years. He resides at Pond's Lodge, Island Park, Idaho

Ques. 3. Have you read or heard read said Permit No. 18796, and are you familiar with its terms and conditions?

Ans. I have read the permit and I am familiar with the terms of the permit.

Ques. 4. (If for irrigation purposes). Are you acquainted with the land proposed to be irrigated under said permit? If so, describe same, state its character, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Not for irrigation purposes.

Ques. 5. Are the works of diversion fully completed and of sufficient capacity to convey the entire amount of water set out in the permit from point of diversion to place of use?

Ans. The works are completed and are of sufficient capacity to convey the entire amount of water as set forth in the permit.

Ques. 6. Describe the works of diversion as they now exist, and give your estimate of their capacity.

Ans. The diversion dam is an earth and rock fill with plank facing, 140 feet in length with a 40 foot concrete spillway. The height of the dam is 9.5 feet. The concrete headgate is 6 feet high and 6 feet wide and gives entrance to a penstock of wood staves 60 inches in diameter and 60.5 feet in length. The diversion works are of sufficient capacity to convey the full amount of water as set forth in the permit.

(Sign here.)

Ned D. Millard

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in St. Anthony County of Fremont, State of Idaho, on this 16th day of July, A. D. 1948

18796

Robert Litten
Notary Public for Idaho
Residing at St. Anthony, Idaho

The Depositions of two Witnesses, in this form, taken separately, required in each case.

Permit No. 18796

Proof of Completion of Works**DEPOSITION OF WITNESS**

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. Chas. Daugherty, St. Anthony, Idaho, Forest Supervisor

Ques. 2. Are you acquainted with Charles Pond, the holder of Permit No. 18796, authorizing the diversion of 100 second-feet of the waters of Buffalo River, at N.F. Snake, for power / generating purposes? How long have you known him, and where does he reside?

Ans. 8 years. He resides at Pond's Lodge, Island Park, Idaho

Ques. 3. Have you read or heard read said Permit No. 18796, and are you familiar with its terms and conditions?

Ans. I have read the permit and I am familiar with the terms of the permit

Ques. 4. (If for irrigation purposes). Are you acquainted with the land proposed to be irrigated under said permit? If so, describe same, state its character, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Not for irrigation purposes

Ques. 5. Are the works of diversion fully completed and of sufficient capacity to convey the entire amount of water set out in the permit from point of diversion to place of use?

Ans. The works are completed and are of sufficient capacity to convey the entire amount of water as set forth in the permit

Ques. 6. Describe the works of diversion as they now exist, and give your estimate of their capacity.

Ans. The diversion dam is an earth and rock fill with plank facing, 140 feet in length with a 40 foot concrete spillway. The height of the dam is 9.5 feet. The concrete headgate is 6 feet high and 6 feet wide and gives entrance to a penstock of wood staves 60 inches in diameter and 60.5 feet in length. The diversion works are of sufficient capacity to convey the full amount of water as set forth in the permit,

(Sign here.)

Chas. Daugherty

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in St. Anthony County of Fremont, State of Idaho, on this 16th day of July, A. D. 1948.

Seal

18796

Russ Litten
Notary Public for Idaho
Residing at St. Anthony, Idaho

GENERAL MERCHANDISE
COTTAGES
DINING ROOM SERVICE
MOTOR BOATS

TOURIST SUPPLIES
FISHING TACKLE
AND LICENSES
DANCING
GAS AND OIL

POND'S LODGE

ISLAND PARK, IDAHO

CHARLES POND, PROP.

HIGHWAY 191—ON WAY TO WEST YELLOWSTONE

July 7th. 1948.

Dept. of Reclamation,
Mark R. Kulp, State Reclamation Eng.

Dear Sir:-Reply to yours of June 23rd.

Regret very much not as yet getting the last report called for into your hands as desired and as is necessary to complete water right.

A few measurements are necessary, then I hope to get is form filled in and on the way.

Very sincerely,

Charles Pond,
Island Park, Idaho.



18 796

June 23, 1948

Re: Permit No. 18796

Mr. Charles Pond
Island Park, Idaho

Dear Mr. Pond:

We have had no reply to letter addressed Mr. Ralph Litton on May 24, 1948, a copy of which was sent you in regard to your proof of completion of works on the above numbered permit.

It is necessary that these depositions be executed and returned to this Department in order to complete your water right, so we are again bringing the matter to your attention.

Very truly yours,

MARSH R. KULP
State Reclamation Engineer
By

Chief Clerk

A/dm

cc: Mr. Ralph Litton

18796

✓
May 24, 1948

Re: Permit No. 18796

Mr. Ralph Litton
Attorney At Law
St. Anthony, Idaho

Dear Mr. Litton:

We acknowledge receipt of your letter of May 17, 1948, enclosing depositions of Mr. Charles Pond and two witnesses, also affidavit of publication in the Teton Peak Chronicle, in proof of beneficial use under Permit No. 18796.

In all three of these depositions, the point of diversion is given in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 33, Township 13 North, Range 43 E. B.M., while the permit gives it in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of this section. If this is a typographical error we can correct it upon your instructions to do so.

In sending the forms of proof we neglected to enclose the forms necessary to make proof of completion of works as well as beneficial use. As you will see from the notice, both proofs were to be made at the same time. We are enclosing these additional forms herewith and are sending a copy of this letter to Mr. Pond. We hope it will not put any of you to too much additional trouble to execute these additional forms.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A/dm
Enc.

cc: Mr. Charles Pond

18796

RALPH LITTON

ATTORNEY AT LAW

ST. ANTHONY, IDAHO

May 17, 1948

RECEIVED

MAY 19 1948

Department of Reclamation

Mr. Mark R. Kulp,
State Reclamation Engineer,
Department of Reclamation
State House
Boise, Idaho

Re: Permit Nol 18796
Charles Pond

Dear Mr. Kulp:

Enclosed you will find three depositions and affidavit of publication of notice in the above referred to matter. The applicant and affiants each appeared before me personally at the hour appointed and the depositions were duly read back, subscribed and sworn to as required by law.

I sincerely hope that these documents meet with your full approval.

Thanking you, I am,

Very truly yours,

Ralph Litton

RH:b
encls

18796

Affidavit of Publication

STATE OF IDAHO,
County of Fremont.

ss.

Robert T. Parker

_____, upon his oath, being duly sworn, deposes, and says:
That he is the printer and ^{Bus. Eng.} publisher of the TETON PEAK-CHRONICLE, 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 St. Anthony, in Fremont County, Idaho, having a general circulation in said county, and that

said newspaper has been printed and published as a weekly newspaper, in said county, for more than 78 consecutive weeks prior to the first publication of the attached notice, advertisement or publication of _____

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 four consecutive issues thereof; first publication having been made on the 15th day of April, 1948, and last publication on the 6th day of May, 1948

And affiant further says that at the times herein mentioned said newspaper was made up of at least four pages of at least five columns each, printed from type matter, of at least seventeen and three-fourths inches depth; and that there are at least two hundred bona fide subscribers in Fremont County.

Robert T. Parker

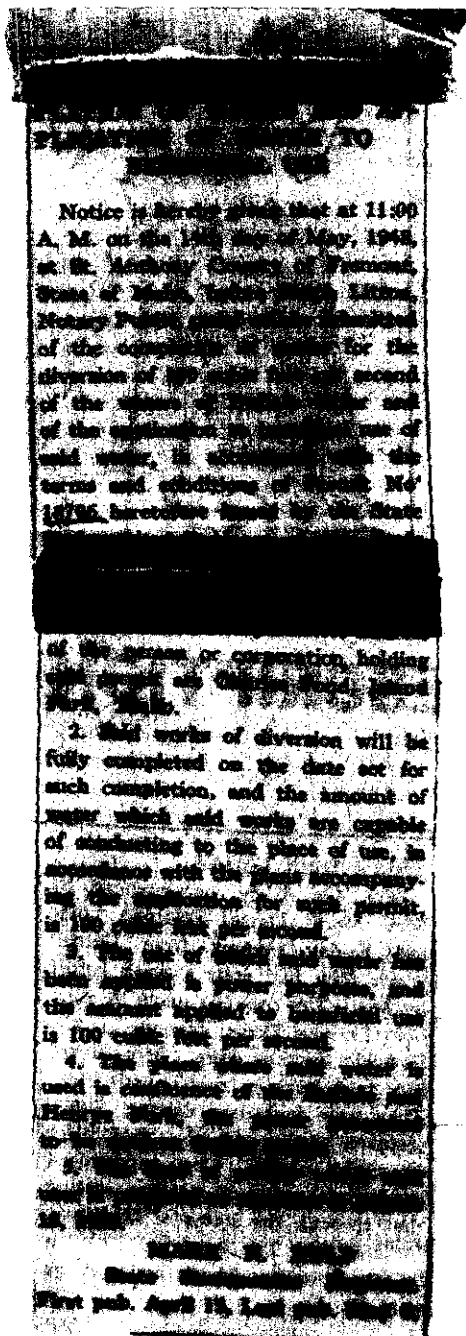
Subscribed in my presence and sworn to before me this 6th day of May, 1948

(SEAL.)

Joseph L. Litten
Notary Public for the state of Idaho, residence and post office address: St. Anthony, Idaho.

My commission expires Jan 8, 1951

18796



STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. 18796

Proof of Application of Water to Beneficial Use

Deposition of Holder

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. Charles Pond, Island Park, Idaho

Resort owner and operator

Ques. 2. If acting in behalf of corporation, state its name, principal place of business (if a foreign corporation, give name of postoffice of statutory agent), your position with reference to same, and your authority for appearing in its behalf.

Ans.

Ques. 3. State number and date of permit, and date of priority you propose to establish under the permit.

Ans. 18796 Mar. 13, 1939 -- May 18, 1939

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. Buffalo River

NE 1/4 in NW 1/4 S. 70° 39' E. 1395.3 ft. distant from NW Cor. of Sec. 33, T. 13 N.R. 43 E.B.M.
NE 1/4 in NW 1/4 Sec. 33, Tp. 13 N.R. 43 E.B.M.

Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use.

Ans. A dam-- 140' timber and rock dam with 40' concrete spillway. Through 60" wood stave pipe 60.5 feet in length to generating plant.

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have actually been irrigated with said water.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Generating Hydro-electric power for general use at and around
Pond's Lodge

Ques. 7. If for other than irrigation purposes; state how applied, amount of horse power generated, etc.

Ans. Jas. Leffel & Co. waterwheel - 325 H.P. at 37' head 450 R.P. M.
Spec. type J style #24 direct connected to alternator

18796

Ques. 8. What is the minimum amount of water required for the purpose specified above?
Ans. 100 second feet

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.
Ans.

Ques. 10. State when, how, in what amount and to what extent the water diverted under above mentioned permit has been used.
Ans. Generating hydro-electric power for general use at and around Pond's Lodge.

Ques. 11. State when, how, in what amount and to what extent waters other than those diverted under the above mentioned permit have been diverted and applied to beneficial use upon the lands herein described. Give full particulars regarding such other appropriations and rights claimed thereunder.
Ans. none

(Sign)

Charles Pond

I hereby certify that the foregoing testimony was read to the above subscribed before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in St. Anthony, County of Fremont, State of Idaho, on this 14th day of May, A. D. 1948.

My commission expires Jan. 8, 1952

Garth Litten
Notary Public for Idaho
Residing at St. Anthony, Idaho

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 18796

Proof of Application of Water to Beneficial Use

Deposition of Witness

The deposition of two witnesses, on this form, taken separately, required in each case.

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. Chas. Daugherty, age 49 Forest Supervisor,

St. Anthony, Idaho

Ques. 2. Are you acquainted with Charles Pond, the holder of Permit No. 18796? How long have you known him and where does he reside?

Ans. June 1939 to Present period.

Pond's Lodge, Island Park, Idaho

Ques. 3. Have you read or heard read said Permit No. 18796, and are you familiar with its provisions and conditions?

Ans. Yes

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. Buffalo River, S 70°39' E. 1395.3' from NW corner Section 33,
Twp. 13 N. R. 43 E.B.M. in NW⁶₄ of Sec. 33, T. 13 N. R. 43 E.B.M.
140 foot timber and rock dam with 40' concrete spillway through 60" wood
stave pipe 60.5 feet in length to the generating plant

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. 100 second feet --- 100 second feet

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. water is used for generation of Hydro-electric power for
general use at and around Pond's Lodge

18796

Ques. 7. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. water has been drawn from reservoir by means of 6' headgate through 60" penstock used to generate 325 HP under 37 foot head. 100 second feet of water has been diverted for this power production through one James Leffel and Co. waterwheel at 450 R.P.M. type J with 26" single discharge.

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Not used for irrigation

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. I have no interest in the works

Ques. 10. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. Various times from 1946 to present time. Plant has operated at near full capacity during this time except for minor periods of shut down for minor repairs.

(Signed) Chas. Daugherty

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in St. Anthony, County of Fremont, State of Idaho, on this 14th day of May, A. D. 19 48

My commission expires Jan 8, 1948

Paul Litter
Notary Public.
Residing at St. Anthony, Ida.

18796

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 18796

Proof of Application of Water to Beneficial Use

Deposition of Witness

The deposition of two witnesses, on this form, taken separately, required in each case.

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. Ned D. Millard 40, Buffalo Ranger Station

District Forest Ranger, Island Park, Idaho

Ques. 2. Are you acquainted with Charles Pond, the holder of Permit No. 18796? How long have you known him and where does he reside?

Ans. June 1941 to present period

Ponds Lodge, Island Park, Idaho

Ques. 3. Have you read or heard read said Permit No. 18796, and are you familiar with its provisions and conditions?

Ans. Yes

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. Buffalo River, S. 70°39' E. 1395.3' from N. W. Corner

Section 33, Twp. 13, N. Range 43 E.B.M. in NW¹/₄ of Section 33, Twp., 13 N. Range 43 E.B.M. - 140 foot timber and rock dam with 40' concrete spillway through 60" wood stave pipe- 60.5 feet in length to the generating plant.

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. 100 second feet -- 100 second feet

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Water is used for generation of Hydro-electric power for general use at and around Pond's Lodge

18796

Ques. 7. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. Water has been drawn from reservoir by means of 6' headgate through 60" penstock, used to generate 325 H.P. under 37 foot head -- 100 second feet of water has been diverted for this power production through one James Leffel and Co. waterwheel at 450 R.P.M. type J with 26" single discharge

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Not used for irrigation

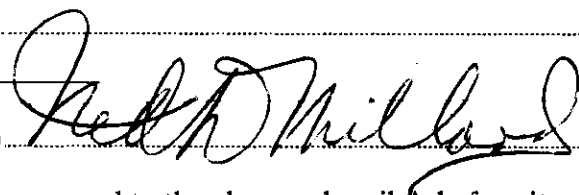
Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. I have no interest in the works

Ques. 10. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

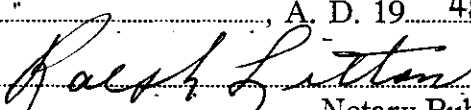
Ans. Various times from 1941 to present time. Plant has operated at near full capacity during this time except for minor periods of shut down for minor repairs.

(Signed)



I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in St. Anthony, County of Fremont, State of Idaho, on this 14th day of May, A. D. 19 48.

My commission expires January 8, 1952


Residing at St. Anthony, Idaho Notary Public.

State of Idaho

DEPARTMENT OF RECLAMATION

BOISE

INSTRUCTIONS

PROOF OF BENEFICIAL USE OF WATER

BOISE, IDAHO, May 3, 1948

Re: Permit Nol 18796
Charles Pond

Mr. Ralph Litton
Notary Public
St. Anthony, Idaho

DEAR SIR:

I enclose herewith the following forms to be used in connection with proof of beneficial use of water under Permit No. 18796

DEPOSITION OF PERMIT HOLDER,
DEPOSITIONS OF TWO WITNESSES.

In submitting this proof the following instructions should be CAREFULLY followed out, since failure to do so may result in the loss of rights:

1. On May 14, 1948, the date set for proof, the enclosed forms (one for permit holder and one each for two disinterested witnesses) should be filled out and sworn to, at St. Anthony, Idaho before Ralph Litton, Notary Public

2. When the depositions have been taken they should be mailed to this office, together with affidavit of publication of notice.

When these have been received, together with report of the examining engineer, if everything is properly executed, you will be further advised as to fees due, etc., before certificate is issued.

Yours truly.

MARK R. KULP

~~Commissioner of Reclamation~~
State Reclamation Engineer

18796

April 20, 1948

Re: Permit No. 18796

Mr. Charles Pond
Island Park, Idaho

Dear Mr. Pond:

Notice of proof of completion of works and beneficial use under your Permit No. 18796 was duly sent to the Teton Peak-Chronicle of St. Anthony, with instructions to publish it once a week for four consecutive weeks prior to May 14, 1948, the date set for proof, and to send you the affidavit of publication together with statement of costs.

About ten days prior to that date we shall send to Mr. Ralph Litton, Notary Public, at St. Anthony, the necessary forms of deposition consisting of one for yourself as holder and one for each of two witnesses, so that he may have them in ample time for the proof.

At the time set you should appear before Mr. Litton with two disinterested witnesses who are familiar with the terms of your permit and the work done thereunder for the purpose of executing the depositions.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A/dm

18796

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

BOISE, IDAHO

Re: Permit No. 18796

Date: April 12, 1948

Teton Peak-Chronicle

St. Anthony, Idaho

Gentlemen:

Enclosed you will find notice for publication
once a week for four consecutive weeks prior to ^{May 14,}
beginning with your next issue
1948 the date set for proof, the expense of the
publication to be paid by the applicant, Charles Pond
of Island Park, Idaho, to whom you should
furnish proof of publication on or prior to the date set
for proof.

Please acknowledge receipt of this notice, and
furnish this office with a copy of the first publication,
in order that we may check same.

Very truly yours,

MARK R. KULP

State Reclamation Engineer

By

Chief Clerk

18796

NOTICE OF PROOF OF COMPLETION OF WORKS
and
APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 11:00 A. M. Idaho on the 14th
day of May, 1948, at St. Anthony, County of
Fremont State of Idaho, before Ralph Litton, Notary Public
proof will be submitted of the completion of works for the diversion of 100
cubic feet per second of the waters of Buffalo River and of
the application to beneficial use of said water, in accordance with the terms and
conditions of Permit No. 18796 heretofore issued by the State
Reclamation Engineer of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit are Charles Pond, Island Park, Idaho
2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of use, in accordance with the plans accompanying the application for such permit, is 100 cubic feet per second.
3. The use to which said water has been applied is power
purposes, and the amount applied to beneficial use is
100 cubic feet per second.
4. The place where said water is used is at confluence of the Buffalo
and Henrys Fork, the power generated to be used at Ponds Lodge.
5. The date of priority which said user is prepared to establish is
March 13, 1939

MARK R. KULP

State Reclamation Engineer

18796

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) April 1, 1948

(P. O.) Island Park, Idaho

STATE RECLAMATION ENGINEER:
TO THE ~~COMMISSIONER OF RECLAMATION~~

Boise, Idaho.

Dear Sir:

You are hereby authorized to have the attached notice published at my expense in the
..... Teton Peak Chronicle of St. Anthony, Idaho, published in
the county in which the works are situated.

Charles Bond

(In case of canals or other works designed to divert and carry more than 50 cubic feet of water
per second, the following certificate must be signed by a well-known and competent engineer)

I hereby certify that the facts set forth in the attached notice are true.

Vernon J. Hespanha

Engineer, and
Acting Asst. Regional Forester,
U. S. Forest Service

18796

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

Boise, Idaho

March 1, 1948

Mr. Charles Pond

Island Park, Idaho

Dear Sir:

We enclose herewith blank notice for proof of ^{completion of works and} application of water to beneficial use under your Permit No. 18796. This notice should be filled out in duplicate and returned to this office at least 40 days before the date upon which you wish to make this proof, in order to allow time for the four weeks' publication required by law.

This proof must be submitted before a Notary Public or other officer authorized by law to administer oaths.

The date for proof, as set out in your permit, is not later than May 18, 1948, and if proof is submitted later than said date, your priority will be brought down a length of time equal to the time elapsing between the date the proof is due and the date proof is actually made.

Very truly yours,

MARK R. KULP

State Reclamation Engineer

18796

APPROVAL OF STATE RECLAMATION ENGINEER

WHEREAS, Application for extension of time for Completion of Works under Permit to appropriate the Public Waters of the State of Idaho, No. 18796, has been made by the owner thereof, Charles Pond, of Island Park, Idaho, which application was duly advertised for a period of two consecutive weeks in the Teton Peak Chronicle, of St. Anthony, Idaho, stating that on the 8th day of January, 1944, a hearing would be held for the purpose of receiving any protests, testimony or evidence regarding such application; and,

WHEREAS, At the time set for the hearing no protest, testimony or evidence had been presented, either orally or by affidavit; and,

WHEREAS, It appears that the owner of said permit is entitled to a further extension of time within which to complete work;

NOW, THEREFORE, I, James Spofford, State Reclamation Engineer of the State of Idaho, by virtue of authority vested in me under Senate Bill No. 93 (Chapter 79) of the Session Laws of 1943, hereby extend the time for Completion of Works under Permit to appropriate the Public Waters of the State of Idaho, No. 18796, to May 18, 1948.

WITNESS MY HAND this 7th day of February, A. D. 1944.


JAMES SPOFFORD
State Reclamation Engineer

18796

✓
February 7, 1944

Re: Permit No. 18796

Mr. Charles Pond
Idland Park, Idaho

Dear Mr. Pond:

We enclose herewith the approval of the State Reclamation Engineer of your application for extension of time for completion of works under the above numbered permit until May 18, 1948.

Very truly yours,

JAMES SPOFFORD
State Reclamation Engineer
By

Chief Clerk

A
Encl.

18796

Affidavit of Publication

STATE OF IDAHO,
County of Fremont.

} ss.

Notice of Publication

....., upon his oath, being duly sworn, deposes, and says:

That he is the printer and publisher of the TETON PEAK-CHRONICLE, a newspaper as defined by Idaho Codes Anotated section 58-106 as amended, and that said newspaper is a weekly newspaper, printed and published at St. Anthony, in Fremont County, Idaho, having a general circulation in said county, and that

said newspaper has been printed and published as a weekly newspaper, in said county, for more than 78 consecutive weeks prior to the first publication of the attached notice, advertisement or publication of *Notice of Publication*

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 *two* consecutive issues thereof; first publication having been made on the *30th* day of *December*, 19*43*, and last publication on the *6th* day of *January*, 19*44*.

And affiant further says that at the times herein mentioned said newspaper was made up of at least four pages of at least five columns each, printed from type matter, of at least seventeen and three-fourths inches depth; and that there are at least two hundred bona fide subscribers in Fremont County.

Wood H. Parker

Subscribed in my presence and sworn to before me this

29th day of *Jan*, 19*44*.

(SEAL.)

Paul L. Latta
Notary Public for the state of Idaho, residence and post office address: St. Anthony, Idaho.

My commission expires *1/8/1948*, 19*48*.

18796

January 25, 1944

Re: Permit No. 18796

Mr. Charles Pond
Idland Park, Idaho

Dear Mr. Pond:

Since there were no protests received to your application for extension of time for completion of works under your above numbered permit, this application will be approved by the State Reclamation Engineer, upon receipt of the affidavit of publication.

The Teton Peak Chronicle was instructed to send this affidavit to you. and if they have not done so, we suggest that you write them in regard to it.

Very truly yours

JAMES SPOFFORD
State Reclamation Engineer
By

Chief Clerk

A

18796

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date)

(P. O.)

STATE RECLAMATION ENGINEER
TO THE ~~COMMISSIONER OF RECLAMATION~~

Boise, Idaho.

Dear Sir:

You are hereby authorized to have the attached notice published at my expense in the
Teton Peak Chronicle of *St Anthony Idaho* published in
the county in which the works are situated.

Edna Bond

(In case of canals or other works designed to divert and carry more than 50 cubic feet of water
per second, the following certificate must be signed by a well-known and competent engineer)

I hereby certify that the facts set forth in the attached notice are true.

.....
Engineer.

18796

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Journal compilation © 2006 Blackwell Publishing Ltd

86-053656-10000005

1. The number of said Permit is 18796

Charles Pond, Island Park, Idaho

JAMES SPOFFORD

State Reclamation Engineer

18796

December 21, 1943

Re: Permit no. 18796

Teton Peak Chronicle
St. Anthony, Idaho

Gentlemen:

Inclosed is notice for publication once
a week for two consecutive weeks prior to
January 8, 1944, the date set for hearing.

The cost of publication is to be paid by
the applicant, Charles Pond, of Island Park,
Idaho, to whom you should send affidavit of
publication on or prior to the date set for
hearing.

Please acknowledge receipt of this notice,
and furnish this Department with a copy of the
first publication.

Very truly yours,

JAMES SPOFFORD
State Reclamation Engineer
By

Chief Clerk

A
Encl.

18796

✓
December 21, 1943

Re: Permit No. 18796

Mr. Charles Pond
Island Park, Idaho

Dear Mr. Pond:

The time for hearing on your application for extension of time for completion of works under the above numbered permit, has been set for 10:00 A.M., January 8, 1944.

We are today sending the notice to the Teton Peak Chronicle, with instructions to publish it once a week for two consecutive weeks prior to that date, and to send you the affidavit of publication, together with bill for cost of publication.

It will, of course, not be necessary for you to appear at the hearing, as your statement is covered in the application; and if no protests are filed, the approval of the State Reclamation Engineer for the extension will be issued and sent you, upon receipt from you of the affidavit of publication, which is necessary to complete our files.

Very truly yours,

JAMES SPOTFORD
State Reclamation Engineer
By

A

Chief Clerk

18796

PERMIT NO 18796
EXTENSION OF TIME FOR COMPLETION OF WORKS UNDER SENATE BILL NO. 93
SESSION LAWS OF 1943

STATE OF IDAHO)
County of Ada) ss.

Charles Pond of Island Park, Idaho State of Idaho,
being first duly sworn, upon his oath, deposes and says:

That he is the owner and holder of Permit to appropriate the Public Waters
of the State of Idaho, No. 18796.

That under the terms and conditions of said Permit, Completion of Works
thereunder is required by May 18, 1944.

That he has heretofore in good faith performed the following work and taken
the following steps to bring about the completion of the said works described
under the said Permit, to-wit: Put new floor in the 18x24 building, in which is
located the generator, exciting generator, water wheel, governor and equipped
switchboard, etc. Also put in additional studding and rafters. Lined the walls
inside with shiplap, and the outside with a shingle base and 2x8 log siding
above shingle base to top of square of building. Shingles put on roof that previous-
ly was covered with prepared roofing, and side walls are painted, outside walls
linseed oiled. Cement foundation supports the building that previously was sup-
ported by wood posts. Also made the supporting area stronger and more enlarged
around the head of the 5 ft. penstock, by use of cement, gravel and reinforcing steel

That he is unable to complete the remainder of the said works and submit
proof of Completion of Works within the required time for the following reasons,
to-wit:

Unable to complete remainder of said work because of war effort making it
difficult to get reinforcing steel and efficient labor, and transportation of
equipment.

Wherefore, he makes application to the State Reclamation Engineer to extend
the time for Completion of Works under the said Permit to May 18,
1948, pursuant to the provisions of Senate Bill No. 93, Session Laws of 1943.

Subscribed and sworn to before me this 21st day of December 1943

My commission expires:

11-5-47

Charles Pond
Michael Bailey
Notary Public for Idaho,
Residing at Boise Idaho

Date of receipt at office of Department of Reclamation 19

APPROVAL OF STATE RECLAMATION ENGINEER

WHEREAS, Application for an extension of time for Completion of Works under
Permit No. has been made by the owner thereof, which application was
duly advertised in the of
Idaho, for a period of two consecutive weeks; and

WHEREAS, A hearing in regard to the said application was then duly held at
Idaho, on , 19
as specified in the said advertisement above referred to; and

WHEREAS, After taking into consideration all evidence and testimony intro-
duced at the said hearing, it appears that the owner of said Permit is entitled
to a further extension of time within which to complete work;

NOW, THEREFORE, I , State Reclamation Engineer of the
State of Idaho, by virtue of the authority vested in me under Senate Bill No. 93,
Session Laws of 1943, hereby extend the time for Completion of Works under
Permit to appropriate the Public Waters of the State of Idaho, No. to
19.

WITNESS my hand this day of 19.

State Reclamation Engineer

18796

December 23, 1939

FEDERAL POWER COMMISSION,
Mr. Leon M. Fuquay, Secretary,
Washington, D. C.

EP-1413-Idaho

Dear Mr. Fuquay:

This will answer your December 16th letter addressed to the Governor of this state, relative to the application of Charles Pond, of Island Park, Idaho, for the appropriation of water from Buffalo River.

Mr. Pond made application on March 15, 1939, for the appropriation of 100 second feet of water from Buffalo River, with a point of diversion in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 33, T. 13 N., R. 43 E., B.M., Fremont County, water to be used for generating power which will be consumed at and around Pond's Lodge. The works consist of a power penstock leading from the reservoir formed by the lower dam to complete power house equipment. Proposed dam is 9 $\frac{1}{2}$ feet high, 140 feet long at the top, 120 feet long at the bottom, made of timber, crib-filled, plank-faced. Diameter of penstock pipe, 60 inches, with a length of 60 $\frac{1}{2}$ feet. Proposed development is for 240 horsepower.

Mr. Pond has complied with all of the requirements of this office relative to this application.

Very truly yours,

JAMES SPOFFORD,
Commissioner of Reclamation

JS/JF

18796

COMMISSIONERS

CLYDE L. SEAVEY, CHAIRMAN
CLAUDE L. DRAPER, VICE CHAIRMAN
BASIL MANLY
LELAND OLDS
JOHN W. SCOTT

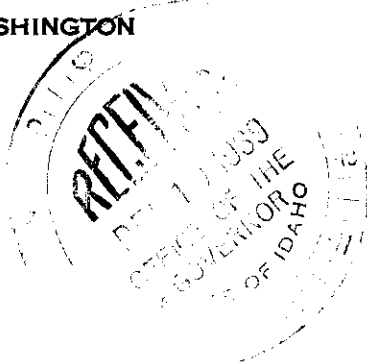
ADDRESS ALL COMMUNICATIONS
TO THE COMMISSION

LEON M. FUQUAY, SECRETARY

FEDERAL POWER COMMISSION

WASHINGTON

EP-1413-Idaho



DEC 16 1939

Honorable C. A. Bottolfsen,
Governor of Idaho,
Boise, Idaho.

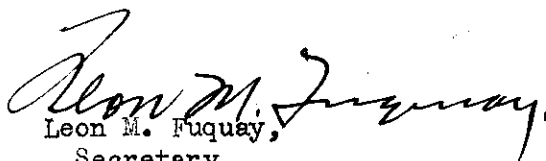
My dear Governor Bottolfsen:

Pursuant to the provisions of the Federal Power Act, you are hereby notified that Charles Pond of Island Park, Idaho, has filed with this Commission an application for license for a water-power project on Buffalo River, in Fremont County, Idaho, affecting lands of the United States in the Targhee National Forest.

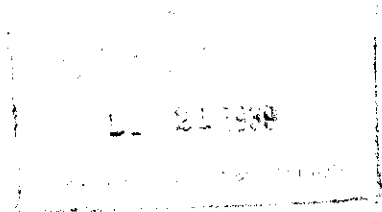
The project consists of a rock fill diversion dam, a wood stave water conduit 5 feet in diameter and 60 feet long, a timber frame power house having installed capacity of 325 horsepower, a substation, and a transmission line.

Any objection to this application or request for a hearing thereon, together with any briefs or other data of which consideration is desired, should be submitted to the Commission on or before January 20, 1940.

Very truly yours,


Leon M. Fuquay,
Secretary.

18796



COMMISSIONERS

CLYDE L. SEAVEY, CHAIRMAN
CLAUDE L. DRAPER, VICE CHAIRMAN
BASIL MANLY
LELAND OLDS
JOHN W. SCOTT

ADDRESS ALL COMMUNICATIONS
TO THE COMMISSION

LEON M. FUQUAY, SECRETARY

FEDERAL POWER COMMISSION

WASHINGTON

EP-1413-Idaho

DEC 16 1939

Honorable C. A. Bettelfsen,
Governor of Idaho,
Boise, Idaho.

My dear Governor Bettelfsen:

Pursuant to the provisions of the Federal Power Act, you are hereby notified that Charles Pond of Island Park, Idaho, has filed with this Commission an application for license for a water-power project on Buffalo River, in Fremont County, Idaho, affecting lands of the United States in the Targhee National Forest.

The project consists of a rock fill diversion dam, a wood stave water conduit 5 feet in diameter and 60 feet long, a timber frame power house having installed capacity of 325 horsepower, a substation, and a transmission line.

Any objection to this application or request for a hearing thereon, together with any briefs or other data of which consideration is desired, should be submitted to the Commission on or before January 20, 1940.

Very truly yours,

LEON M. FUQUAY

Leon M. Fuquay,
Secretary.

August 5, 1939

Re: Permit No. 18796

Mr. Charles Pond,
Island Park, Idaho.

Dear Mr. Pond:-

This is to inform you that your bond for \$1,000
by the American Surety Company of New York, has
been approved, and placed on file, in connection
with your Permit No. 18796.

Very truly yours,

JAMES SPOFFORD
Commissioner of Reclamation
By

JLA

Chief Clerk

18796

STATE OF IDAHO
OFFICE OF THE GOVERNOR
BOISE

August 4, 1939

Mr. James Spofford
Department of Reclamation
BUILDING

Dear Mr. Spofford:

Transmitted herewith is the bond
of the American Surety Company of New York in the
sum of \$1,000.00 tendered in connection with
Permit #18796 in the name of Charles Pond of
Island Park, Idaho, which has been approved.

Yours very truly,



C.A. Bottolfson
Governor

18796

August 2, 1939

Re: Permit No. 18796

Hon. C. A. Bottelmann,
Governor of Idaho,
B U I L D I N G .

Dear Sir:-

We submit herewith, for your approval, bond of
the American Surety Company of New York, in the
sum of \$1,000, tendered in connection with
Permit No. 18796 in the name of Charles Pond,
of Island Park, Idaho.

This permit is for 100 second feet of water from
Buffalo River, a tributary of Henry's Fork of
Snake River, to be used for power purposes in con-
nection with Pond's Lodge.

Very truly yours,

JAMES SPOFFORD
Commissioner of Reclamation

JLA
Enc.

By

Chief Clerk

18796

FIDELITY INSURANCE & LOAN AGENCY

Representatives

ST. ANTHONY, IDAHO

August 1, 1939

Department of Reclamation
Boise, Idaho

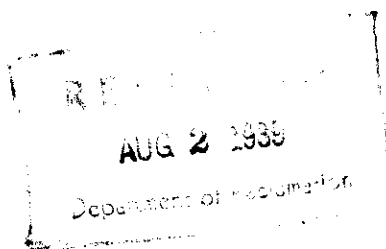
Gentlemen:

Enclosed is a bond covering the water application of Mr. Charles Pond of Island Park, Idaho which we have redrawn in accordance with your instructions. Mr. Pond is unable to furnish us with his application number so we were unable to fill in some of the indicated blanks.

Yours truly,



26120



18796

Bond.

Bond No. 430257-K

(Issued in accordance with 41-204 I. C. A.)

KNOW ALL MEN BY THESE PRESENTS, That --Chas. Pond--
of --Island Park, Idaho-- as principal, and American Surety Company of New York

....., as surety, are held and firmly bound unto the State of Idaho in the full
and just sum of --One Thousand-- (\$ 1000.00 Dollars,
lawful money of the United States, to the payment of which sum, well and truly to be made, said
principal and surety bind themselves, their heirs, administrators, executors and assigns, jointly and
severally, under the terms and conditions hereinafter set forth.

The terms of this obligation are such that, whereas the above named principal on the 22nd
..... day of May, 1939, filed in the office of the Commissioner of Reclama-
tion in Boise, Idaho, a certain application for permit to appropriate the public waters of the State
of Idaho, the said application being thereupon numbered No. 26120, in accordance with which said
application the Commissioner of Reclamation granted and issued to the said principal herein a cer-
tain permit numbered No. 18796, a full, true and complete copy of which application No.
and permit No. 18796, is of record in the office of the Commissioner of Reclamation in Book
68 of Permits, at Page 18796

Now, if the above bounden principal shall faithfully carry to completion the said works of diver-
sion as specified in said application No. 26120 and permit No. 18796, in the manner and form
prescribed therein and within the time therein allowed, then the above obligation to be void, otherwise
to remain in full force and effect.

IN WITNESS WHEREOF, The said principal and surety have hereunto set their hands and seals,
this 1st day of July, 1939

WITNESSES:

Chas Pond (SEAL)
AMERICAN SURETY COMPANY OF NEW YORK (SEAL)

By J.A. Hodson (SEAL)
J.A. Hodson, Res. Vice-President

STATE OF IDAHO,

County of

ss:

Attest: M. Klotz
M. Klotz, Res. Asst. Secretary

..... of and
..... of whose names
are subscribed to the within and foregoing obligation as sureties thereto, each being ~~fully~~ sworn,
upon oath for himself deposes and says:

That he is a resident and freeholder of the State of Idaho, and that he is worth the sum named
in said obligation, to wit, \$, over and above all his debts and liabilities, exclusive of prop-
erty exempt from execution.

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

18796

Indepnd

July 18, 1939

Re: Permit No. 18796

Mr. Charles Pond,
Island Park, Idaho.

Dear Mr. Pond:-

We are returning herewith the Bond of the American Surety Company, which you submitted in connection with your above numbered permit, but which has been disapproved by the Attorney General, for the following reason:

* "In connection with the bond of Mr. Pond, which sets out a recital without reference to the law (41-204 U. S. A.) and the condition in the bond, which apparently does not run in favor of any one, I cannot approve this bond until it is in regular form as all bonds are set forth, being complete within itself in every respect and making specific reference to the act under which it is given."

We enclose a form of bond which has been used in other instances, and suggest that you re-submit your bond, made out on this form.

Very truly yours,

JAMES SPOFFORD
Commissioner of Reclamation
By

JLA
Enc. Bond

Chief Clerk

*(Original letter from which this is quoted 18796
filed with Permit No. 18793)

July 12, 1939

Re: Permit No. 18796

Hon. C. A. Bettolfson,
Governor of Idaho,
B U I L D I N G .

Dear Sir:-

We submit herewith, for your approval, Bond in the
sum of One Thousand Dollars (\$1,000.00), issued by
the American Surety Company of New York.

This bond is in connection with Permit No. 18796,
issued to Charles Pond, of Island Park, Idaho, for
100 second feet of water from Buffalo River, a tributary
of Henry's Fork of Snake River, to be used for power
purposes in connection with Pond's Lodge.

Very truly yours,

JAMES SPOFFORD
Commissioner of Reclamation

JLA

By

Chief Clerk

18796

GENERAL MERCHANDISE
COTTAGES
DINING ROOM SERVICE
TOBACCOS
COLD DRINKS
CANDIES--FRUITS

ISLAND PARK, IDAHO, POST OFFICE
CHAS. POND, POSTMASTER

POND'S LODGE

CHAS. POND, PROP.

BETWEEN
ASHTON
AND
WEST YELLOWSTONE
ON
BUFFALO RIVER

TOURIST SUPPLIES
FISHING TACKLE
FISHING LICENSE
BOATING
DANCING
GAS AND OIL

Island Park, Idaho
July 8, 1939

Mr. James Spofford,
Commissioner of Reclamation,
Boise, Idaho.

Dear Mr. Spofford:-

Herewith is check for \$3.00 for copies of permit you
so kindly sent us recently.

Yours very truly,

CHAS. POND.

CP:r
Encl.

R17040

18796

July 5, 1939

Re: Permit No. 18796

Mr. Chas. Pond,
Island Park, Idaho.

Dear Mr. Pond:-

Your letter of July 1st reached us this morning, and in reply we are enclosing a certified copy of your Permit No. 18796, which we think will answer your requirements.

Your letter stated that you were enclosing a check for \$5.00, to cover cost of the copies which we sent you before, and the certified copy herein, but there was no check enclosed.

No doubt this was an oversight, and perhaps it is just as well that the check was not enclosed, as the total amount due for these copies is only \$5.00, being \$1.50 for the ones previously sent you, and \$1.50 for this certified copy. This amount may be remitted at your convenience.

Very truly yours,

JAMES SPOFFORD
Commissioner of Reclamation

By

Chief Clerk

JLA
Enc.

18796

GENERAL MERCHANDISE
COTTAGES...
DINING ROOM SERVICE
TOBACCOS
COLD DRINKS
CANDIES--FRUITS

ISLAND PARK, IDAHO, POST OFFICE

CHAS. POND, POSTMASTER

POND'S LODGE

CHARLES POND, PROP.

BETWEEN
ASHTON
AND
WEST YELLOWSTONE
ON
BUFFALO RIVER

TOURIST SUPPLIES
FISHING TACKLE
FISHING LICENSE
BOATING
DANCING
GAS AND OIL

Island Park, Idaho
July 1, 1939

Mr. James Spofford,
Commissioner of Reclamation,
Boise, Idaho

Dear Mr. Spofford:-

We received in yesterday's mail, the three copies of the permit which I have sent in; but I am informed that I must have one certified copy to go along with the others to the Federal Power Commission. I don't just know how this is arranged for; but if you can give me a certified copy suitable for their requirement it will be greatly appreciated.

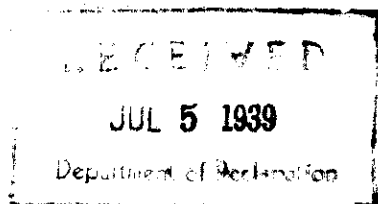
Herewith enclosed is a \$5.00 check in payment for the copies. In as much as I mailed your letter to the representative of the Federal Power Commission, I have just forgotten the exact amount for the services of your office; but should it be more than this enclosure, kindly let me know and I will remit the balance.

Yours very truly,

CHAS. POND

P. S. The bond should be in your hands very shortly, as I signed up for same about three days ago.

CP:r
Encl. 1.



18796

June 29, 1939

Re: Permit No. 18796

Mr. Chas. Pond,
Island Park, Idaho.

Dear Mr. Pond:-

We are in receipt of your letter of the 28th inst. in regard to additional copies of your Permit No. 18796. You, no doubt, overlooked asking for these extra copies before, as we have checked our file and find no such request.

However, we are getting these out to you by return mail, and are enclosing three copies of the permit herein- one original and two carbon copies- all unsigned; as we understand that you only wish the three unsigned copies, in addition to the original signed copy which has already been sent you.

We also assume that the carbon copies will answer your purpose, and they are less expensive than if we sent all original copies. The cost for these three copies is \$1.50- being \$1.00 for the original copy, and 25 cents for each of the carbon copies.

If, however, you require additional original copies- we can furnish them at \$1.00 each; also if you need an additional signed copy, we can furnish this- the cost being \$1.50, which includes 50 cents for the certification. We shall be glad to furnish any additional copies which you may need, by return mail.

With personal best wishes,

very truly yours,

JAMES SPOFFORD

Commissioner of Reclamation

By

Deputy Commissioner

A

18796

GENERAL MERCHANDISE
COTTAGES
DINING ROOM SERVICE
TOBACCOS
COLD DRINKS
CANDIES--FRUITS

ISLAND PARK, IDAHO, POST OFFICE

CHAS. POND, POSTMASTER

POND'S LODGE

CHARLES POND, PROP.

BETWEEN

ASHTON

AND

WEST YELLOWSTONE

ON

BUFFALO RIVER

TOURIST SUPPLIES
FISHING TACKLE
FISHING LICENSE
BOATING
DANCING
GAS AND OIL

Island Park, Idaho
June 28, 1939

Mr. James Spofford,
Commissioner of Reclamation,
Boise, Idaho.

Dear Mr. Spofford:-

Yesterday I went over the permit you sent me some time ago, and find enclosed with it a notice advising me of a \$1,000 bond. I am sorry I did not look this over more fully before, as this bond could just as well have been in your hands a long time ago, as to be delayed as I have permitted it to do. I will have it taken care of immediately through St. Anthony agency, and get it into your hands as soon thereafter as possible.

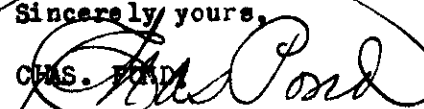
I went over the enclosure in detail, hoping to find one signed and three unsigned copies of the permit which I thought I asked for when I wrote you last. I may not, however, have done so; but I am informed by the Civil Engineer, Mr. Black, of Idaho Falls, who is making up the maps for the Federal Power Commission, that he should have one signed and three unsigned copies of the permit from your office. I hope I can get them into his hands soon. Should it be that there is a charge for this, kindly let me know and I will remit at once, or do whatever is necessary to get these copies as quickly as possible.

If all goes well, it shouldn't be long until we have the use of the electricity from this plant, which will make us all very happy in this neck of the woods.

With thanks to you for what you have done, I beg to remain,

Sincerely yours,

CHAS. POND



18796

P.S. Best regards to Harry Dewey.

CP:r

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Boise May 22, 1939

Permit No. 18796

NOTICE

You are advised that in order to keep this permit in force a bond in the sum of \$1,000.00 must be filed in the office of the Commissioner of Reclamation on or before July 17 1939 conditioned upon faithfully carrying to completion the works of diversion as specified in said permit and in the application therefor.

Mr. Chas. Pond
Island Park, Idaho

JAMES SPOFFORD
Commissioner of Reclamation

18796

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

Permit No. 18796

Boise, Idaho, **May 22, 1939**

Dear Sir:

I enclose herewith above numbered permit. BE SURE AND
NOTE LIMITATIONS AND CONDITIONS OF SAME as
given under approval of the Commissioner of Reclamation on
the third page.

Mr. Chas. Pond
Island Park, Idaho

JAMES SPOFFORD

18796

Commissioner of Reclamation.

May 11, 1939

Re: Application No. 26120

Mr. Charles Pond,
Island Park, Idaho.

Dear Mr. Pond:

We acknowledge receipt of your letter of May 8th, enclosing Affidavit of Publication in connection with the above numbered application.

As soon as the last date for protest has passed, you will have complied with the regulations of this department.

I imagine that your best information on the Federal Power Commission would be to write to the Commission direct.

Our office submits a list of filings every three months, but you could get a copy of their regulations more quickly by writing to them now, as the next listing will not go in until July.

If we can be of further assistance, don't hesitate to write us.

Very truly yours,

JAMES SPOFFORD
Commissioner of Reclamation

By

D:A

Deputy Commissioner

18796

GENERAL MERCHANDISE
COTTAGES
DINING ROOM SERVICE
TOBACCOS
COLD DRINKS
CANDIES--FRUITS

ISLAND PARK, IDAHO, POST OFFICE

CHAS. POND, POSTMASTER

POND'S LODGE

CHARLES POND, PROP.

BETWEEN
ASHTON
AND
WEST YELLOWSTONE
ON
BUFFALO RIVER

TOURIST SUPPLIES
FISHING TACKLE
FISHING LICENSE
BOATING
DANCING
GAS AND OIL

May 8th. 1939.

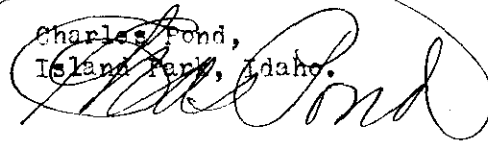
James Spofford, Commissioner,
Boise, Idaho.

Dear Mr. Spofford:-Herewith is "affidavit of publication" relative to my
filing on water of the Buffalo River.

Should there be something more required of me before you can issue
a permit please let me know, also should there be anything required from
your office for the Federal Power Commission that I may be required to
supply, I will be glad to know of it. I understand I should get one
certified copy of permit if not more and three uncertified copies.

Yours very truly,

Charles Pond,
Island Park, Idaho.



May 11 1939

18796

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
County of Fremont.

22.

0 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 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

APR 1 1939

Notice of Application to Appropriate
Water.
Ches. Pond, Applicant.

I, Wood D. Parker, do solemnly swear that I am the printer and publisher of the TETON PEAK-CHRONICLE, a weekly newspaper of general circulation, published once a week at St. Anthony, Fremont County, State of Idaho; that said newspaper has been continuously and uninterruptedly published in said

County and St. Anthony, during a period of seventy-eight consecutive weeks prior to the first publication of the attached notice in the above entitled action; that the notice attached hereto, and which is a part of this affidavit and a part of the proof of publication was published in said newspaper three consecutive weeks; first publication having been made on the 20th day of April, 1939 and last publication on the 4th day of May, 1939; that said notice was published in the regular and entire issue of every number of the paper during the period and time of publication, and that the notice was published in the newspaper and not in a supplement.

Hood A Parker
Printer and Publisher.

Application.
DATED this 7th day of April, 1959.
JAMES SPOFFORD,
Commissioner of Reclamation.
Date of first publication, April 20, 1959.
Date of last publication, May 1, 1959.
Last date for protest: May 1, 1959.
SERVICE of this notice of protest, in hereby
advised, the last day of May, 1959.

Subscribed and sworn to before me this 5th

day of May A. D., 1939.

Paul Litton
Notary Public.

My commission expires Jan 2, 1940.

18 796

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

NOTICE OF APPLICATION TO APPROPRIATE WATER IN ACCORDANCE WITH THE PROVISIONS
OF CHAPTER 145, 1935 SESSION LAWS.

NOTICE IS HEREBY GIVEN That on the 13th day of March, 1939, CHAS. POND, of Island Park, Fremont County, Idaho, made Application No. 86180 to appropriate One Hundred (100) Cubic Feet per second of the waters of Buffalo River, a tributary of Henry's Fork of Upper Snake River, for generating hydro-electric power for general use at and around Pond's Lodge.

That the point of diversion is located S. 70° 0' E. 1493.9 feet distant from the NW corner of Section 33, Township 13 N., Range 43 E., B.M., and is in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 33, Township 13 N., Range 43 E., B.M.

That the point of use of said water is located S. 70° 39' E. 1395.3 feet distant from the NW corner of Section 33, Township 13 N., Range 43 E., B.M., in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 33, Township 13 N., Range 43 E., B.M.

That the water is to be returned to Henry's Fork of Snake River at a point S. 69° 0' E. 1356 feet distant from the NW corner of Section 33, Township 13 N., Range 43 E., B.M., in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 33, Township 13 N., Range 43 E., B.M.

That any protests against the approval of this application must be filed in the Department of Reclamation within forty (40) days of the date of this notice; such protest shall state the name and address of the protestant and shall clearly set forth his objections to the approval of the said application.

DATED this 7th day of April, 1939.

Date of first publication:
Date of last publication:
Last date for protest: May 17, 1939


Commissioner of Reclamation

SERVICE of the foregoing, by copy, is hereby admitted this 10th day of April, 1939


Applicant.

18796

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

NOTICE OF APPLICATION TO APPROPRIATE WATER IN ACCORDANCE WITH THE PROVISIONS
OF CHAPTER 145, 1935 SESSION LAWS.

NOTICE IS HEREBY GIVEN That on the 13th day of March, 1939, CHAS. POND, of Island Park, Fremont County, Idaho, made Application No. 26120 to appropriate One Hundred (100) Cubic Feet per second of the waters of Buffalo River, a tributary of Henry's Fork of Upper Snake River, for generating hydro-electric power for general use at and around Pond's Lodge.

That the point of diversion is located S. 70° 0' E. 1493.9 feet distant from the NW corner of Section 33, Township 13 N., Range 43 E., B.M., and is in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 33, Township 13 N., Range 43 E., B.M.

That the point of use of said water is located S. 70° 39' E. 1395.3 feet distant from the NW corner of Section 33, Township 13 N., Range 43 E., B.M., in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 33, Township 13 N., Range 43 E., B.M.

That the water is to be returned to Henry's Fork of Snake River at a point S. 69° 0' E. 1356 feet distant from the NW corner of Section 33, Township 13 N., Range 43 E., B.M., in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 33, Township 13 N., Range 43 E., B.M.

That any protests against the approval of this application must be filed in the Department of Reclamation within forty (40) days of the date of this notice; such protest shall state the name and address of the protestant and shall clearly set forth his objections to the approval of the said application.

DATED this 7th day of April, 1939.


Commissioner of Reclamation

Date of first publication:
Date of last publication:
Last date for protest: May 17, 1939

SERVICE of the foregoing, by copy, is hereby admitted this _____ day
of April, 1939

Applicant.

18796

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Date April 13, 1939

Re: Application No. 26120

TETON PEAK CHRONICLE
ST. ANTHONY, IDAHO

DEAR SIR:

Enclosed you will find notice for publication once a week for ~~four~~ ^{three} consecutive weeks prior to May 17, 1939, ^{set for protest} ~~the last date the date set for proof~~, the expense of the publication to be paid by the applicant, Chas. Pond, of Island Park, Idaho

to whom you should furnish proof of publication on or prior to the date set for proof.

Please acknowledge receipt of this notice and furnish this office with a copy of the first publication.

Very truly yours,

JAMES SPOFFORD

Commissioner of Reclamation

18796

April 7, 1939

Re: Application No. 86120

Mr. Chas. Pond,
Island Park, Idaho.

Dear Sir:-

We are herewith enclosing in duplicate notice which has been prepared in accordance with the provisions of Section 41-203 of the Idaho Code Annotated, as amended by Chapter 145 of the Session Laws of 1935, for your acknowledgment of service.

Please sign both copies and return them to this office immediately.

As soon as they are returned, we shall send the notice for publication to the Teton Peak Chronicle, in accordance with your authorization signed when you were in the office recently.

Very truly yours,

JAMES SPONFORD
Commissioner of Reclamation

By

Chief Clerk

JLA
Enc.

18796

GENERAL MERCHANDISE

COTTAGES

DINING ROOM SERVICE

TOBACCOS

COLD DRINKS

CANDIES--FRUITS

ISLAND PARK, IDAHO, POST OFFICE

CHAS. POND, POSTMASTER

POND'S LODGE

CHARLES POND, PROP.

BETWEEN

ASHTON

AND

WEST YELLOWSTONE

ON

BUFFALO RIVER

TOURIST SUPPLIES

FISHING TACKLE

FISHING LICENSE

BOATING

DANCING

GAS AND OIL

March 21st. 1939.

Dept. of Reclamation,
Boise, Idaho.

James Spofford, Commissioner,

Dear Mr. Spofford:-While at your office about a week ago, I stated to Harry that the maps would arrive in a day or so from Mr. Black at Idaho Falls.

Yesterday when I called him he said this had not been done but promised to have them mailed to you very soon.

This refers to the application I recently made for water of the Buffalo River for power purposes.

I do hope that the maps are gotten to your office soon and that the delay will not be serious.

Yours very truly,

Charles Pond,
Island Park, Idaho.

18796

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) March 13, 1939

(P. O.) _____

TO THE COMMISSIONER OF RECLAMATION:

Boise, Idaho.

Dear Sir:

You are hereby authorized to have the attached notice published at my expense in the Teton Peak Chronicle of St. Anthony, Ida., published in the county in which the works are situated.

Chas Pond

(In case of canals or other works designed to divert and carry more than 50 cubic feet of water per second, the following certificate must be signed by a well-known and competent engineer)

I hereby certify that the facts set forth in the attached notice are true.

Engineer.

18796

Teton Peak
Chromile

Apr. 15, 1948

December 30, 1943

THE TETON PEAK

holding said permit or permits is:

Charles Pond, Island Park, Idaho.

3. The amount of water claimed by the said permit or permits is 100 cubic feet per second, from Buffalo River, which is tributary to Henry's Fork of Upper Snake River.

Published Dec. 30, 1943, Jan. 8, 1944.

JAMES SPOFFORD,
State Reclamation Engineer.

STATE LAND SALE

NOTICE IS HEREBY GIVEN that the following described tracts of land, long to the State of Idaho and sit in Fremont County will be sold at public auction at the Court House in St. Anthony, Idaho, on January 24, 1944, at 10 o'clock Mountain War Time

Subdivision

S $\frac{1}{2}$ SE $\frac{1}{4}$

S $\frac{1}{2}$ and th

lying

h

a

NOTICE FOR PUBLICATION

Notice of Application for Extension of Time for Completion of Works Under Senate Bill No. 93, Chapter Laws of 1943.

Notice is hereby given, that on the 8th day of January 1944, at 10:00 o'clock A. M., a hearing will be held by the State Reclamation Engineer, or his deputy, at the State House, Boise, County of Ada State of Idaho, for the purpose of receiving protests, testimony and evidence regarding an application for extension of time for completion of works under Permit to appropriate the Public Waters of the State of Idaho, No. 18796. The said protests and evidence may be submitted either orally or by affidavit by any person or persons owning or in possession of a right to the use of any waters of a stream or source of supply affected by the said extension.

1. The number of said Permit is 18796.

2. The name and post-office address of the person or persons or corporation

NOTICE OF PROOF OF COMPLETION OF WORKS AND APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 11:00 A. M. on the 14th day of May, 1948, at St. Anthony County of Fremont, State of Idaho, before Ralph Litton, Notary Public, proof will be submitted of the completion of works for the diversion of 100 cubic feet per second of the waters of Buffalo River and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. 18796 heretofore issued by the State Reclamation Engineer of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit are Charles Pond, Island Park, Idaho.

2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of use, in accordance with the plans accompanying the application for such permit, is 100 cubic feet per second.

3. The use of which said water has been applied is power purposes, and the amount applied to beneficial use is 100 cubic feet per second.

4. The place where said water is used is confluence of the Buffalo and Henrys Fork, the power generated to be used at Ponds Lodge.

5. The date of priority which said user is prepared to establish is March 13, 1939.

MARK R. KULP

State Reclamation Engineer.

First pub. April 15, Last pub. May 6, 1948 for North Dakota

4. The statute provides that the compensation to be paid to the watermaster and his assistants shall be fixed by the meeting PRIOR to the election of the watermaster and assistants. It also provides that the watermaster shall not continue to perform his services "after the first of November of each year, unless otherwise provided by the rules and regulations of the respective districts, adopted at the annual water users' meeting". Should you desire to have your watermaster continue his services later than November 1st, it will be necessary that you so provide by special resolution.

5. It is now a statutory requirement that all water districts adopt a budget to cover the expenses of the district for the ensuing season. No longer can this expense be placed upon the tax rolls. There is no alternative for this. If a budget is not adopted, the watermaster cannot collect his salary. The secretary has on file a proposed budget prepared by the last season's watermaster. This proposed budget should show the distribution of the costs for the past several seasons among the various water users, and should be used as a basis upon which to compute the new budget.

You should first decide what the total cost for administering the stream or source of supply should be for the coming season, and then pro rate this cost among the users in the same proportion as the actual costs have been pro-rate

Permit 18796
No. Completion of Works recorded

All p 3000 give the wrong point of
division - mistake in making
place of use instead of point of Division
Mpt.