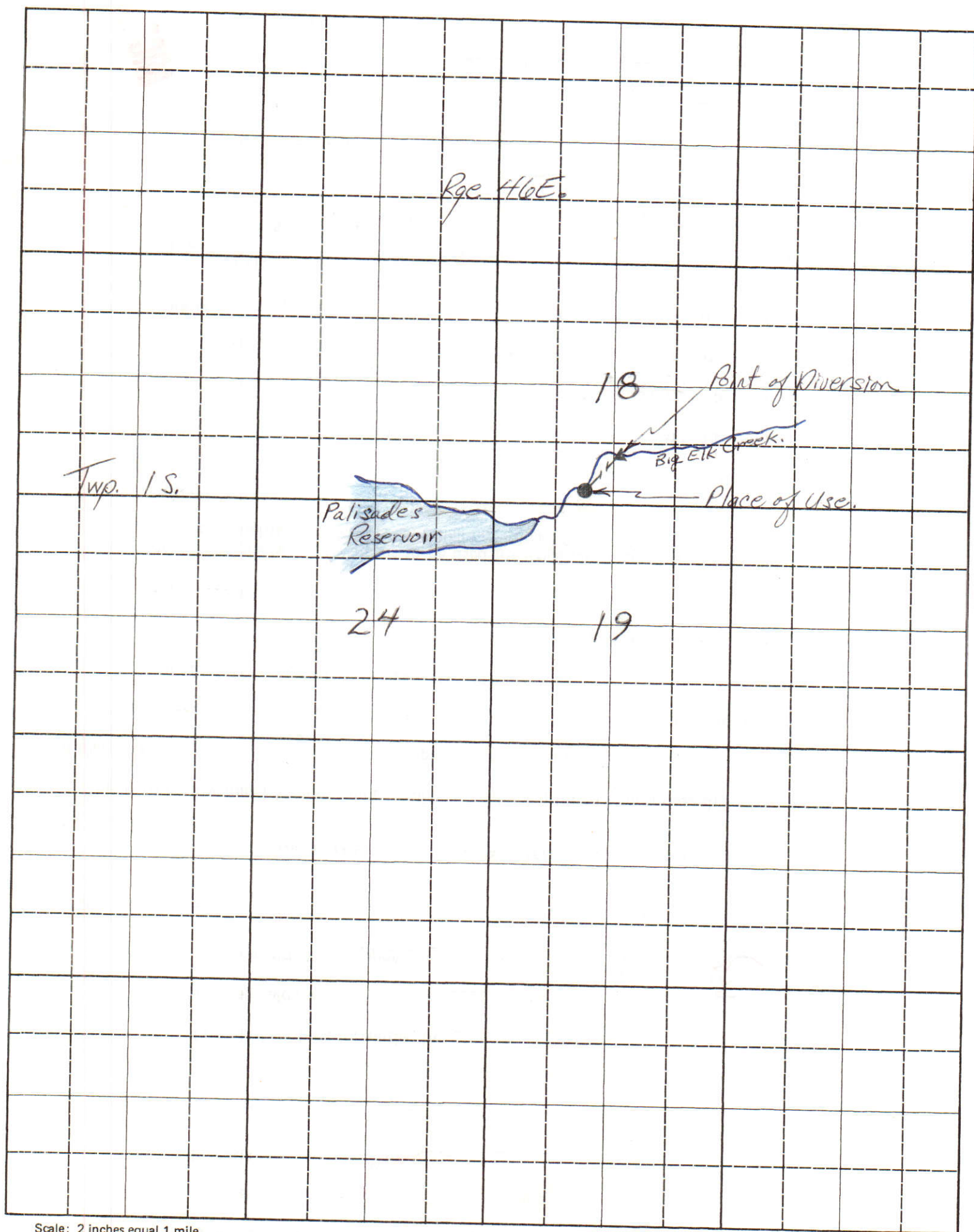


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



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.

RECORDED

L. Kent Mays, Jr.
L. KENT MAYS, JR. (Applicant) Deputy Regional Forester, Resources

Proof of Publication
The Post-Register

RECEIVED
JUN 15 1981

State of Idaho,
County of Bonneville } ss.

Department of Water Resources
Eastern District Office

I, J. Robb Brady, first being duly sworn, depose and say: That I am the Principal Clerk of The Post Company, a corporation of Idaho Falls, Bonneville County, Idaho, publishers of The Post-Register, a newspaper of general circulation, published daily, except Saturday, at Idaho Falls, Idaho; said Post-Register being a consolidation of the Idaho Falls Times, established in the year 1890, The Idaho Register, established in the year 1880 and the Idaho Falls Post, established in 1903, such consolidation being made on the 1st day of November, 1931, and each of said newspapers having been published continuously and uninterruptedly, prior to consolidation, for more than seventy-eighty (78) weeks and said Post-Register having been published continuously and uninterruptedly from the date of such consolidation, up to and including the last publication of notice hereinafter referred to.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post-Register for two consecutive weeks, first publication having been made on the 28th day of May, 1981, last publication having been made on the 4th day of June, 1981, and that the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.

Subscribed and sworn to before me, this 11th day of June, 1981

Don R. Napier
Notary Public

My commission expires September 30, 1984

B10, 1M,

**NOTICE OF APPLICATION
FOR WATER RIGHT**

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

23-7068
U.S. DEPT. OF AGRIC.
FOREST SERVICE, FEDERAL
BLDG., 324 25TH ST., OGDEN, UT
84401
Source: BIG ELK CREEK tributary to
SNAKE RIVER
Date Filed: 05/14/1981
Amount: 9.00 CFS
Diversion Point: SWSE Sec 18 T 01S R
46E, BONNEVILLE Co.
Use: POWER (9.00 CFS) from 01/01 to
12/31
Place of Use: SESW Sec 18 T 01S R 46E
Diversion Means: DAM & PIPELINE.

If issued, the permit(s) will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, Idaho 83401 on or before JUNE 15, 1981.

A. KENNETH DUNN
Director

Published: May 28, June 4, 1981

ok kw
7/1/81

MICROFILMED

RECEIVED
JUN 15 1987

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

REQUEST FOR EXTENSION OF TIME

Department of Water Resources
Eastern District Office

To provide additional time in which to submit proof
of beneficial use for a water right permit

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time in which to complete development of a water right under the provisions of Section 42-204, Idaho Code.

Permit No. 23-7068

Name(s) of Permit Holder: United States of America, Forest Service

Post Office Address: Federal Building, 324 25th Street, Ogden, Utah 84401

Telephone No. (801) 625-3561

Date Proof Is Due: 6/1/87

Describe what work has been completed toward the development of this water right: _____

(This must be filled out! If no work has been completed, show "none".)

Reference attached letter, May 15, 1987. 1) 1000' of penstock has been installed, 2) The power house has been constructed, 3) The generating unit is in place, 4) The electrical transmission line is installed, 5) The electrical work in the power house and the lodge is 90% complete, and 6) The impoundment is constructed. Costing \$ 4500.00

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

1. Make use of volunteer labor to do most of the work.
2. Location and proximity to Idaho Falls - distance.
3. Construction company could not do the work.

Permit holder(s) request an extension to September 30, 1988. United States of America Forest Service

(Minimum)(for) J. S. TIXIER (Signature)*Regional Forester

FEE: \$15.00

*IF OTHER THAN PERMIT HOLDER, POWER OF ATTORNEY MUST BE SUPPLIED.

NOV 21 1988

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be APPROVED and the time within which to submit proof of beneficial use is extended to October 1, 1988.

IT IS FURTHER ORDERED That the permit be reinstated with no advance in priority.

Signed this 27th day of July, 19 87.

J. Glen Saylor
Chief, Operations Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

To appropriate the public waters of the State of Idaho

1. Name of applicant United States of America-Forest Service Phone (801) 626-3561

Post office address Federal Building, 324 25th Street, Ogden, Utah 84401

2. Source of water supply Big Elk Creek which is a tributary of Snake River

3. Location of point of diversion is SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 18 Township 1S

Range 46E B.M. Bonneville County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

*Allow 5.00 cfs Power
Amount 9.00 for Generation purposes from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

*Allow 5.00 cfs
a. 9.00 cfs cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works: *per telecon JJ 6/8/1982

a. Description of ditches, flumes, pumps, headgates, etc. Wing dam, 16" diameter pipe 1300' long
pelton wheel

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

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

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

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

8. Description of proposed uses:

a. If water is **not** for irrigation:
(1) Give the place of use of water: SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 18 Township 1S
Range 46E B.M.

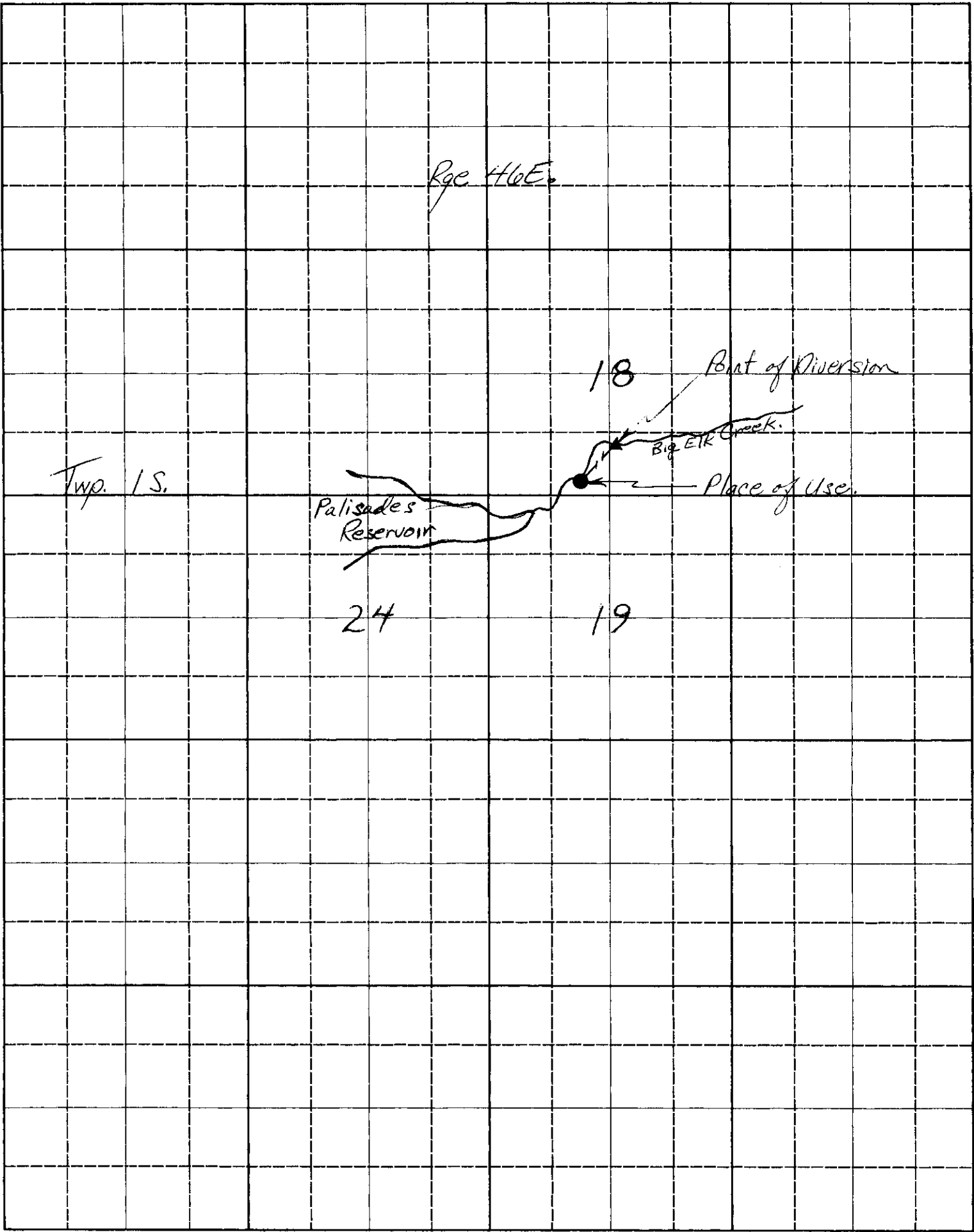
(2) Amount of power to be generated: 10 kw horsepower under 35 feet of head.

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

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

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

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



Scale: 2 inches equal 1 mile.

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

RECORDED

L. Kent Mays, Jr.

L. KENT MAYS, JR. (Applicant) Deputy Regional Forester, Resources

Proposed Priority 5/14/1981 Drafted by EMC ^{1W} 5-14-81
Received by EMC ²⁻⁶⁻⁸¹ Date 5-14-81 Time 11:05 A.

Preliminary check by _____ Fee \$ 2

Received by CW Date 5/14/81 # 17654

Publication prepared by CW Date 5/21/81

Published in Post Register

Publication dates 5/28 & 6/04/81

Publication approved _____ Date _____

Protests filed by: None

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by EMC RC

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 23-7068, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before June 1, 19 87.

c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

d. Other: A measuring device of a type approved by the Department shall be permanently installed and maintained as part of the diverting works.

Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.

Use of water under this permit is subject to control by the watermaster of State Water District No. 01, Snake River.

This permit is subject to the provisions of Sections 42-205 through 42-210, Idaho Code, restricting the sale, transfer, assignment, or mortgage of this permit. Failure to comply with these provisions is cause for immediate cancellation of this permit.

This project shall be operated in a manner that will not conflict or interfere with the future diversion of water for irrigation or other beneficial consumption.

This permit does not constitute Idaho Public Utilities Commission or Federal Energy Regulatory Commission approval that may be required.

Witness my hand this 24th day of June, 1982.

L. Glen Saxton
Chief, Operations Bureau

DRT

RECEIVED

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

RECEIVED

AUG 9 1981

Department of Water Resources

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

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

Permit:

☒ Will not utilize existing man-made irrigation facilities such as a dam or a canal.

☐ Will utilize existing man-made irrigation facilities such as a dam or a canal, and permission of the owner is documented in an affidavit attached hereto.

☐ Will utilize existing man-made irrigation facilities such as a dam or a canal and the owner of the facilities is the signee of this affidavit.

United States of America-Forest Service

Douglas M. Bird
Applicant J. KENT MAYS, JR.

for Deputy Regional Forester
Resources

State of UTAH
County of Weber) ss.

On this 3rd day of August, 1981, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Karen Dipton
Notary Public residing at

seal

Cedron, Utah

My commission expires:

January 20, 1985

Proof of Publication
The Post-Register

RECEIVED
JUN 16 1981

State of Idaho, }
County of Bonneville } ss.

Department of Water Resources
Eastern District Office

I, J. Robb Brady, first being duly sworn, depose and say: That I am the Principal Clerk of The Post Company, a corporation of Idaho Falls, Bonneville County, Idaho, publishers of The Post-Register, a newspaper of general circulation, published daily, except Saturday, at Idaho Falls, Idaho; said Post-Register being a consolidation of the Idaho Falls Times, established in the year 1890, The Idaho Register, established in the year 1880 and the Idaho Falls Post, established in 1903, such consolidation being made on the 1st day of November, 1931, and each of said newspapers having been published continuously and uninterruptedly, prior to consolidation, for more than seventy-eighty (78) weeks and said Post-Register having been published continuously and uninterruptedly from the date of such consolidation, up to and including the last publication of notice hereinafter referred to.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post-Register for two consecutive weeks, first publication having been made on the 28th day of May, 1981, last publication having been made on the 4th day of June, 1981, and that the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.

Subscribed and sworn to before me, this 11th day of June, 1981

J. Robb Brady
Deon R. Napier
Notary Public

My commission expires September 30, 1984

B10, 1M,

NOTICE OF PUBLICATION
Notice is hereby given that the following information was submitted for publication in the public waters of the State of Idaho.
U.S. DEPT. OF AGRICULTURE
FOREST SERVICE
BLDG., 300 SOUTH 1000 E., OGDEN, UT 84401
Source: BIG ELE CREEK tributary to SNAKE RIVER
Date Filed: 05/14/81
Amount: 9.00 CFS
Diversion Point: Sec 13 T 42N R 46E, BONNEVILLE CO., ID.
Use: POWER (S. 100 CFS) from 01/01 to 12/31
Place of Use: 1000 E. 300 S. R 46E
Diversion: BY PIPELINE
If needed, the diversion will be subject to all provisions of the Protests against the diversion of water must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Boise, Idaho 83725 on or before May 28, June 4, 1981.
WILLIAM DUNN
Director
Published: May 28, June 4, 1981

ok kw
7/1/81

RECEIVED

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

69FERC1 62,095
RECEIVED
NOV 4 1994

2

Idaho Falls Family YMCA

Project No. 6636-002
Idaho

Department of Water Resources

Discussion and Recommendations

Both of the agencies which issued the original article 2 terms and conditions for the exemption concur with the exemptee on the proposed modifications. The plan should adequately determine if more than 75 percent of the streamflow is being used by the exemptee. Approval of the proposed amendment, to install two weirs to replace a flow monitoring device, would provide for the protection of the aquatic resources in the stream. Therefore, the proposed amendment to the terms and conditions of the exemption should be approved.

The Director orders:

(A) The terms and conditions of the Idaho Falls Family YMCA Project are amended, as identified in the exemptee's June 18, 1994, letter, and as supplemented August 13, 1994, to include the installation of duplicate weirs above and below the impoundment, with a measuring device on each weir to give a visual recording of the instream flows. If any reading indicates that the project is using more than 75 percent of the stream flow, the generating unit shall be shut down and the exemptee shall return to a back up system for electrical consumption at the YMCA campground, using a generator. These amendments to the article 2 terms and conditions replace the requirements that minimum flow be monitored by the installation and maintenance of a staff gage immediately downstream from the diversion.

(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 letter, pursuant to 18 CFR §385.713.


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

23-7068
ORDER AMENDING EXEMPTION ARTICLE 2 TERMS AND CONDITIONS

(Issued November 1, 1994)

In a letter dated June 18, 1994, and supplemented August 13, 1994, the Idaho Falls Family YMCA (exemptee) requested to amend the instream flow monitoring requirements issued by the Idaho Department of Fish and Game (IDFG) and the U.S. Fish and Wildlife Service (FWS) as part of the article 2 terms and conditions of the YMCA Big Elk Creek Project exemption. One of the terms and conditions requires that the instantaneous minimum flow between the diversion inlet structure and the return discharge to the stream be maintained at 25 percent of natural stream flow. Another of the terms and conditions requires the installation and maintenance of a staff gage immediately downstream from the diversion to monitor flows.

Proposed Amendment to Exemption

In lieu of installing a staff gage, the exemptee proposes to install duplicate weirs above and below the impoundment, with a measuring device on each weir to give a visual recording of the instream flows. When operating, the exemptee will take a reading from both of the weirs at least once a day and record it in the log book, kept at the site. If any reading indicates that the project is using more than 75 percent of the stream flow, the generating unit will be shut down and the exemptee will return to a back up system for electrical consumption at the YMCA campground, using a generator. The project will only be in operation while trained YMCA personnel, who are capable of taking the required readings, are at the camp and hydropower project.

Agency Comments

The IDFG concurred with the proposed plan by letter dated May 10, 1994, while the FWS concurred in a letter dated July 22, 1994. Both agencies requested that if stream flow below the hydropower diversion dam falls below 25 percent of inflow into the hydropower diversion pool, measures should be taken to immediately provide the required minimum flow. The exemptee incorporated the additional condition into the plan by stating that the project would be shut down and would revert to a backup generator.

1/88

PROOF OF BENEFICIAL USE

ANALYSIS SHEET

Permit No. 23-7068

Date: 10/19/88

General Considerations:

Y Name same as permit
Y Signature the same as permit holder
N Address change _____ If yes, prepare a data entry
Y Proof received timely _____
_____ Reinstated

Source of Water:

Y Surface water
_____ Groundwater
_____ 1. well log in file
_____ 2. drilling permit
_____ A. amount of drilling fee paid for proposed uses

Extent of Use and Rate of Diversion:

Y Rate of diversion appropriate for uses
Y Is rate or volume and fee appropriate?
Y Has permit holder indicated when water was first put to a beneficial use?

Measuring Device:

Y Is a measuring device or access port required?
Y Has one been installed?
N/A Waiver or modification of measuring device requested

Remarks:

Proof acceptable

N/A Priority Calculation:
Date proof received _____

Date proof due _____

No. of days late _____

Priority date _____

NEW PRIORITY DATE _____

SEND FILES TO DATA ENTRY AND THEN TO MICROFILM

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

OCT 18 1988

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

Permit No. 23-7068

Name(s) of Permit Holder: United States of America - Forest Service

Post Office Address: 324 25th Street, Ogden, UT 84401

Telephone No. (801) 625-5360

Source of Water: Big Elk Creek

Extent of Use:

Domestic _____ (number of households) Stockwater _____ (number and type of stock)

Irrigation _____ (acres) Other/Remark Power Generation

Total rate and/or volume for which proof is submitted 5.0 cfs _____ acre-feet

Show the date water was first diverted and beneficially used under this permit: 9/30/88

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

Fee enclosed \$ 200.00
(See License Examination Fee Schedule)

Flow Measurement Port: Required? _____ Yes ☒ No
Installed? _____ Yes ☒ No

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

Kim E. Marshall 208-523-1412
(Name) (Telephone Number)

Forest Service Palisades R. D., 3659 E. Erie Hwy., ID Falls, ID 83401
(Address)

The above information is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the state of Idaho.

United States of America - Forest Service

9/29/88
Date

[Signature]
Signature of Permit Holder (and title, if appropriate)
(for) J. S. TIXIER, Regional Forester

S T A T E O F I D A H O
DEPARTMENT OF WATER RESOURCES

Statehouse
Boise, Idaho 83720
(208) 334-7900
Certified Mail
July 31, 1988

138314

U.S. DEPT. OF AGRI.
FOREST SERVICE
FEDERAL BLDG.
324 25TH ST.
OGDEN, UT 84401

PROOF DUE NOTICE

RE: PERMIT NO. 23-07068

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before October 1, 1988. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

SINCERELY,

Rita Fleck
Secretary/Records Manager

Enclosures



NOV 21 1988



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

March 22, 1988

US Department of Agriculture
Forest Service
Federal Building, 324 25th Street
Ogden, UT 84401

Re: Permit to Appropriate Water No. 23-7068

Dear Sir/Madam:

The Department of Water Resources has mistakenly sent you a lapse notice for the above referenced permit. The proof of beneficial use is not due until October 1, 1988. Approximately sixty (60) days prior to October 1 you will receive a proof due notice.

I am sorry for the confusion. The files of the Department have been corrected.

Sincerely,

GARY SPACKMAN, Supervisor
Water Allocation Section

GS:jf



NOV 21 1988

FROM

Mervyn

TO

Rita & Gary

DATE

3-16-88

SUBJECT

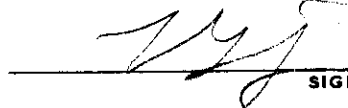
- The USFS called on this one.

- Lapse notice (lic exam fee) should not have been sent.

OK + Please coordinate matter w/ Jane
or whomever so permit isn't
voided or cancelled.

As reinstatement order necessary

Do you want to
do an order?
an letter? JF



SIGNATURE

PLACE
STAMP
HERE

NOV 21 1988



IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
COMMENCEMENT OF WORKS

Permit No. 23-7068

Name(s) of Permit Holder(s): United States of America-Forest Service

Post Office Address: 324 25th Street

Ogden, UT 84401

Tel. No. (801) 625-5360

☒ I hereby certify that construction of diversion works for the above referenced permit began on JUNE 15, 1983 (date). I understand that I must continue to develop the water system with due diligence to maintain a valid permit.

☐ I hereby certify that construction of diverting works on the above referenced project has not yet begun due to the following reason beyond my control*:

*Note: A financing difficulty is not an acceptable reason.

June 23, 1983 Richard J. Anders
(Date) (Signature of Permit Holder)
(for) Deputy Regional Forester, Resources



State of Idaho
DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 1301 North Orchard Street Boise, Idaho 83706-2237 • (208) 334-4440

CECIL D. ANDRUS

Governor

R. KEITH HIGGINSON

Director

23-7068
U.S. DEPT. OF AGRICULTURE
FOREST SERVICE
FEDERAL BLDG.
324 5TH ST.
OGDEN, UT 84401

February 26, 1988

Dear Permit Holder:

LAPSE NOTICE
License Examination Fee

- should not have been sent - see memo of 9-3-87 kw 3/18/88

You are hereby notified that under the provisions of Section 42-217 and 42-218a, Idaho Code, the above referenced permit will lapse and be of no further force nor effect on March 27, 1988, for failure of the permit holder to submit either the license examination fee or an acceptable field examination report prepared by or under the supervision of a certified water right examiner.

Provisions of § 42-217, Idaho Code, and the Beneficial Use Examination Rules and Regulations provide that failure of the permit holder to submit either the fee or an acceptable field examination report within one (1) year and sixty (60) days after notification by the director that the submittal is due is cause for the director to reject the proof of beneficial use and lapse the permit. The Department notified you of the required submittal on January 26, 1987.

The lapsed permit can be reinstated upon a showing of reasonable cause for late submittal of proof of beneficial use, if you submit to the Department on or before May 26, 1988, either the license examination fee or an acceptable field examination report prepared by or under the supervision of a certified water right examiner.

Enclosed is a fee information sheet that must be completed and submitted to the Department to keep the permit in good standing. If you have questions, please contact any office of the Department.

Sincerely,

L. GLEN SAXTON, Chief
Operations Bureau

Enclosure

MAILED

NOV 21 1988

September 4, 1987

U. S. Forest Service
Federal Building
324 25th St.
Ogden, UT 84401

Gentlemen:

Re: Permit No. 23-7068

Enclosed is a copy of the approved request for extension of time. The time within which to submit proof of beneficial use is extended to October 1, 1988. Note that the permit has been reinstated with no advance in priority.

If you have any questions concerning this matter, please feel free to contact this office.

Sincerely,

RITA I. FLECK
Secretary/Records Manager

Enclosure

RECEIVED

NOV 21 1988

Memorandum

TO: File 23-7068

FROM: Rita Fleck

RE: Proof of Beneficial Use Postcard submitted 6-27-83

On June 24, 1982, the department issued permit 23-7068 with a condition that commencement of works must begin within one year. On June 27, 1983, the department received the proof of beneficial use postcard. Recent correspondence from the applicant indicates this postcard was submitted to fulfill the commencement of works notification to the department. The postcard, however, was initially interpreted by the department as a proof submittal. Consequently, the department did not send a proof due notice prior to June 1, 1987. The Forest Service did, however, submit a request for extension of time form on June 15, 1987.

The department will consider the proof of beneficial use postcard as a commencement of works card and has taken action to grant the extension request with no advance in priority of the permit.

RECEIVED

NOV 21 1988

Big Elk Creek

PLACE
TEN CENT
STAMP
HERE



NOV 21 1988

IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

MICROFILMED

DEPA

WATER RESOURCES

The Idaho Department of Water Resources will consider this card as a statement that the permit holder(s) has completed development to the extent shown below of Permit No. 23-7068.

Name(s) of Permit Holder: United States of America - Forest Service

Post Office Address: Federal Building, 324 25th Street

Ogden, Utah 84401

Tel. No. (801) 625-5360

Source of Water: UNNAMED TRIBUTARY TO BAGLEY CREEK

Extent of Use:

☐ Domestic

(number of households)

☐ Stockwater

(number and type of stock)

☐ Irrigation

(acres)

☒ Other

POWER GENERATION

Measuring Device: Required? ☐ Yes ☒ No

Installed? ☐ Yes ☒ No

Access Port: Required? ☐ Yes ☒ No

Installed? ☐ Yes ☒ No

The above information is a true statement of the extent to which the above numbered permit has been developed. (for) Deputy Regional Forester, Resources

June 22, 1982
Date

Richard Sanders
Signature of Permit Holder

STAFF REVIEW SHEET - EXTENSION OF TIME

Permit No. 23-1068Reviewed by XDate 7.27.1981

BASIC INFORMATION

4 Date stamp received
4 Extension received timely
 (not prior to 6 month before proof due date or after reinstatement period)
4 Fee received and receipted
4 Name and signature same as permit
1 Address change (indicate on coding sheet)

BASIS FOR EXTENSION REQUEST

4 Has adequate work been completed to demonstrate due diligence?
4 Has the cost incurred been adequate to demonstrate an intent to complete the project?
1 Has the permit been involved in litigation?
 a. Swan Falls _____ Dismissed from Swan Falls _____
 Other _____ Identify _____
 b. Is supporting documentation needed to complete the file? _____
 Requested _____
 c. Calculate the period of delay

Date litigation completed _____

Date litigation began _____

Total period of delay = _____

Present proof due date + _____

NEW PROOF DUE DATE = _____

1 Is delay by a government agency?

Is supporting documentation needed to complete the file? _____

Requested? _____

ACTION TAKEN: *Return proof from a receipt will be sent 10/1/81. Appropriate amount with \$1.00 fee on priority.*

Special conditions or remarks:

Advised of decision by 10/1/81 10/4/81

4 Reinstated Date extension received 6-15 = _____Proof due date 2-1 = -No. of days late _____ = 16Priority date 5-14-1981 = +ADJUSTED PRIORITY DATE 5-28-1981 = _____

Prepare coding sheet

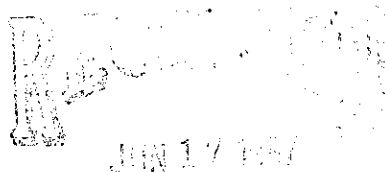
Change rolodex cardf



Idaho Falls Family YMCA

130 North Placer • Idaho Falls, Idaho 83402 • 523-0600

April 27, 1987



Mr. Kim Marshall
U.S. Forest Service
Rt. 1 Box 398 B
Idaho Falls, ID. 83401

Department of Water Resources

Dear Kim:

I would like to take this opportunity to bring you up to date on the Idaho Falls Family YMCA's Big Elk Creek YMCA Hydro Power project. As you know, we had fully anticipated that the project would have been completed by now. The fact that it has not been completed can be attributed to the fact that when the project was conceived, we decided that in order to keep costs down, we would make use of volunteer labor to do most of the work.

The first two years of construction, we involved summer camp staff, other volunteers and the National Guard. The summer of 1985, I decided that things were not progressing rapidly enough and decided to hire Erv Wadsworth from Swan Valley to do the balance of the digging of the trench for the penstock. Repeated assurances that he would "do the work" did not materialize and winter set in and no excavation was done.

One of the problems with regard to the project involves the location and proximity to Idaho Falls. It is difficult to get construction people to go up to the camp to do the work. They would prefer to do work around town.

In the spring of 1986, I made contact with Steve Burggraf from Burggraf Construction. Steve was doing a lot of work in Wyoming and since he had equipment traveling up and down the road from Idaho Falls to Jackson, he assured me that it would be no problem in getting the work done. To make a long story short, Burggraf Construction got busy and did not have the time to do the work.

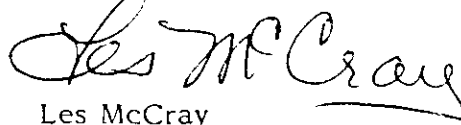
At that point, I decided that in order to get the work done, I would again contact the National Guard, this time requesting that they spend two weekends completing the project. I have enclosed a copy of my letter dated October 23, 1986, which outlines the balance of the work that needs to be completed. I have also enclosed a copy of the letter I received from Lt. Col Fredrick Sermon, stating that the National Guard will do the work.

NOV 21 1988

Although I am fairly confident that the remaining work can be done this summer, I would like to give myself a little leeway, so I am predicting that the system will be operational by September 30, 1988. This would allow for further unforeseen things happening with regard to the project.

I hope that this answers any questions you might have with regard to the completion of the project. Thanks for your help and patience.

Sincerely,

A handwritten signature in cursive script that reads "Les McCray". The signature is fluid and stylized, with a prominent "L" and "M".

Les McCray
Associate General Director



NOV 21 1988

2 January 1986

Idaho Falls Family YMCA
130 North Placer
Idaho Falls, Idaho 83402

Dear Mr. McCray:

Current plans of this organization are to provide requested assistance during the summer of 1987.

The project has been assigned to Company A, 116th Engineer Battalion.

Point of contact is Sergeant First Class Bird, 745-7618.

Sincerely,


Fredrick H Sermon
Lieutenant Colonel
Battalion Commander,
248th Engineer Battalion





Idaho Falls Family YMCA

130 North Placer • Idaho Falls, Idaho 83402 • 523-0600

October 23, 1986

RECEIVED
JUN 17 1987

Department of Water Resources

Major Fred Sermon
248 Engineer Battalion
Idaho Army National Guard
575 W. 21st Street
Idaho Falls, ID. 83402

Dear Major Sermon:

The Idaho Falls Family YMCA would again like to request the assistance of the National Guard in completing the Hydro Power project at Big Elk Creek YMCA Camp.

Items which need to be completed include:

1. Excavation for and installation of the impoundment to divert water into the pipe line.
2. Digging and installation of the remaining 800 feet of pipe line.
3. Installation of the culvert which will be used to carry the water from the power house back to Big Elk Creek.
4. Grade and seed the top of the excavation for the pipe line in an effort to return the area back to normal.
5. Assist in the completion of the electrical work necessary to hook the system up.

I had fully intended to have the above work completed and the system operational by now. I have tried to enlist the help of several local construction businesses to provide the help on a volunteer basis. When they have the equipment and the personnel available, the work cannot be done because of the weather and snow on the ground at the camp.

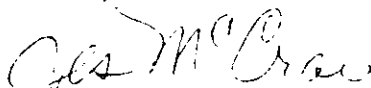
It looks like it would take two weekends to complete the work. I would like to schedule the work done as soon as possible in the late spring/summer of 1987, so that we can have the balance of the summer to test and refine the system.

NOV 21 1986

As you are aware, there are no funds available to pay to have the work done. If so, the project would have been completed years ago. Therefore, I am requesting your aid in finally getting the project completed.

Your favorable consideration of this project will be greatly appreciated. Looking forward to your reply.

Sincerely,

A handwritten signature in cursive script, appearing to read "Les McCray".

Les McCray

Associate General Director



Idaho Falls Family YMCA

130 North Placer • Idaho Falls, Idaho 83402 • 523-0600

May 15, 1987

Mr. Ronald D. Dickemore
District Ranger
U.S. Forest Service
Rt. 1 Box 398 B
Idaho Falls, ID. 83401

RECEIVED
JUN 17 1987

Department of Water Resources

Dear Mr. Dickemore:

I am writing concerning the Idaho Falls Family YMCA's Big Elk Creek YMCA Camp Hydro Power project. At this point, we believe that the project is approximately 90% complete with the following items complete.

1. 1000' of penstock has been installed.
2. The power house has been constructed.
3. The generating unit is in place.
4. The electrical transmission line is installed.
5. The electrical work in the power house and the lodge is 90% complete.
6. The impoundment is constructed.

The following items need to be completed in order to have the system operational.

1. Excavate for and install the impoundment to divert water into the penstock.
2. Dig a trench for and install approximately 800' of penstock.
3. Install the culvert which will be used to carry the water from the power house back to Big Elk Creek.
4. Grade and seed the top of the excavation for the penstock.
5. Finish hooking up the electrical and generating unit and test and refine the system.

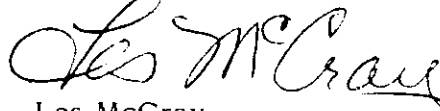
It is estimated that the project will cost \$5,000 to complete. We have to hire the work done. To date, an estimated 1306 hours have been put in on the

NOV 21 1988

project. Donated and actual expenditures for the project to date have amounted to \$48,621.53. Of this amount, \$18,800.00 came from the DOE Appropriate Technology Grant.

I hope this answers any question you may have with regard to the project. If I can be of any further help, please feel free to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Les McCray". The signature is fluid and stylized, with the first name "Les" and last name "McCray" clearly legible.

Les McCray
Associate General Director



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

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

A. Kenneth Dunn

Director

May 6, 1987

23-7068
U.S. DEPT. OF AGRI.
FOREST SERVICE
FEDERAL BLDG.
324 25TH ST.
OGDEN, UT 84401

Dear Permit Holder:

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

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

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

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

Respectfully submitted,

Ernest Carlsen
Assistant Regional Manager

EC/md

Enclosure

RECEIVED

NOV 21 1988



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

EASTERN REGION

John V. Evans
Governor

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

A. Kenneth Dunn
Director

23-7068
U.S. DEPT. OF AGRI.
FOREST SERVICE
FEDERAL BLDG.
324 25TH ST.
OGDEN, UT 84401

January 26, 1987



EXAMINATION FEE NOTICE

Dear Permit Holder:

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

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

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

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

NOV 21 1988

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

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

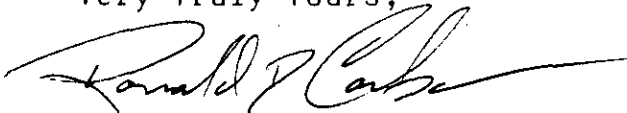
FAILURE TO SUBMIT WITHIN THE SIXTY (60) DAY PERIOD THE FEE OR THE STATEMENT THAT A CERTIFIED EXAMINER HAS BEEN RETAINED TO MAKE THE FIELD EXAMINATION WILL BE CAUSE TO ADVANCE THE PRIORITY OF THE PERMIT ONE DAY FOR EACH DAY THAT THE FEE SUBMITTAL IS LATE.

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

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

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

Very Truly Yours,



Ronald D. Carlson
Eastern Regional Manager

Enclosures

RECEIVED

NOV 11 1983



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

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

A. Kenneth Dunn
Director

RE:

Dear

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

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

_____ A field examination of your system has been scheduled for _____.

If this time and date is not convenient for you, please contact this office as soon as possible.

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

If you have any questions regarding the field examination, please contact this office.

Sincerely,

S T E O F I D A H O
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440

U.S. DEPT. OF AGRIC.
FOREST SERVICE
FEDERAL BLDG.
324 25TH ST.
OGDEN, UT 84401

JULY 06, 1982

RE: PERMIT NO. 23-7068

DEAR PERMIT HOLDER:

ENCLOSED IS A COPY OF YOUR APPROVED APPLICATION FOR PERMIT. WE DIRECT YOUR ATTENTION TO THE CONDITIONS OF APPROVAL ON THE FOURTH PAGE.

BE SURE TO NOTE THE SPECIAL CONDITION REQUIRING YOU TO INSTALL AND MAINTAIN A MEASURING DEVICE AT YOUR POINT OF DIVERSION. WE HAVE ENCLOSED A DESCRIPTION OF THE DIFFERENT TYPES OF MEASURING DEVICES ACCEPTED BY THIS OFFICE.

WE HAVE ENCLOSED A FORM ENTITLED "MAKING PROOF OF BENEFICIAL USE". PLEASE READ THE INSTRUCTIONS CAREFULLY SINCE YOU MUST TAKE FURTHER ACTION TO DEVELOP THIS PERMIT INTO A LICENSE.

SINCERELY,

DAVID R. TUTHILL, JR., P.E.
SUPERVISOR, WATER ALLOCATION SECTION

ENCLOSURE



CONVERSATION MEMORANDUM

DATE 6-8-82

FILE 23-7068

NAME OF PARTY LES McCRAY

EMPLOYEE Jim J.

RE: The above called to request that we
approved this application because they were
wady to start development.

We discussed the problem found
when checking the power calculations which
showed excessive rate of diversion for the
amount of power to be generated as shown
on the application.

LES indicated that they plan
to only generate between 7 to 10 kw and
did not object to ~~B~~ having the Q reduced
accordingly based upon the power calculations.

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY: Steve McCormick

APPLICATION NUMBER: 23 7068

CHECK:

- ☒ Source.
☒ Point of diversion.
☒ County.
☒ Quantity of water and period of use.
☒ Description of diverting works.
☒ Time required for beneficial use of water.
☒ Place of use or acres irrigated.
☒ Map.
☒ Signature.
☒ Fee.
☒ Yes ☒ No Field check required.
☒ Yes ☒ No Critical groundwater area.
☒ Yes ☒ No Request dam safety information. Sent by: _____ Date: _____
☒ Yes ☒ No* In form to receipt.

Field check by: _____

Date: _____

Comments: _____

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

No Affidavit
✓ Calculations

SEND COPIES TO:

- ☐ Idaho State Health Department.
☒ Idaho Fish and Game Department.
☐ Idaho Department of Lands.
☐ U.S. Bureau of Land Management.
☒ U.S. Forest Service.
☒ Other WDO

Copies sent by: _____

Date: _____

PROCESSING:

- ☐ Yes ☒ No
☐ Yes ☒ No

Platted by: _____ Map No. _____

Other rights on same place of use. _____

- ☒ Yes ☐ No*

In form for advertising.

Final date for protests: June 15

- ☐ Yes ☒ No

Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: 6-15-81
☒ Application published correctly. If not, record action taken: _____
☒ Fee amount, receipt date & number, recorded on application.
☒ Publication dates and paper, recorded on application.
☒ Protests, dates, withdrawal, etc., recorded on application.
☒ Recommendation & initial, recorded on application.

- ☒ Yes ☐ No

Measuring device required.

- ☐ Yes ☒ No

Access port required.

- ☒ Yes ☐ No

Will water be delivered by watermaster? If yes, what district? 01

5-14-81

Date of priority recommended.

Special conditions of approval or cover letter. _____

THIS PERMIT DOES NOT CONSTITUTE IDAHO PUBLIC UTILITIES COMMISSION
OR FEDERAL ENERGY REGULATORY COMMISSION APPROVAL THAT MAY BE REQUIRED.

By: Ernest Carlson

Date: July 8, 81

STATE OFFICE REVIEW:

EW 102

01, 05 (Upper Snake R.)

08A, 17

- ☐ See attached sheet for more information.

By: _____

Date: 7/13/81

Type changes as shown on app.
OK to approve

8-8-82

POWER CALCULATIONS FOR APPLICATION NO. 23-7068

P = Kilowatts .74 X hp

Q = cfs

H = feet

e = efficiency

proposed

10 Kw ✓
9.0 cfs
35 ft
?

$$e = \frac{P(11.8)}{QH} = \frac{10(11.8)}{9 \times 35} = \frac{118}{315} = .34 \text{ or } 34\%$$

Based on the above calculations the proposed project must have an 34 % efficiency.

RC 7/13
81

Assume e = 70%
Q = ?

$$Q = \frac{P(11.8)}{He} = \frac{118}{35(.7)} = \underline{\underline{4.8 \text{ cfs}}}$$

Allow 5.0 cfs due to possible variation of head when project is completed. see conversation memo dated. 6-8-82

Jim



UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE

324 25th Street
Ogden, Utah 84401

RECEIVED

AUG 6 1981

Department of Water Resources

2540

AUG 3 1981



Mr. A. Kenneth Dunn
Director
Department of Water Resources
Statehouse
Boise, ID 83720

L

Dear Mr. Dunn:

Enclosed is the signed and notarized affidavit for our
proposed hydropower project on Big Elk Creek, Application
for Permit No. 23-7068.

Sincerely,

L. KENT MAYS, JR.
Deputy Regional Forester
Resources

Enclosure

1

Copy



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 334-4440

July 24, 1981

RE: Application for Permit No. *23-7068*

Dear Applicant:

The 1981 Idaho Legislature made a change in Section 42-205, Idaho Code, that may affect the above referenced application. The change requires that if a proposed hydropower project will use existing irrigation facilities, the approval of the owner of the facilities must be obtained before an application for permit to develop a water right can be approved.

Please find enclosed an affidavit which we must receive before we can complete the review of your application. Please complete the affidavit, sign it before a notary, and return it to this office at your earliest convenience, no later than August 15, 1981.

Sincerely,

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

DRT:jg

Enclosure



STATE OF IDAHO

DEPARTMENT OF FISH AND GAME

REGION 6
1515 LINCOLN ROAD
IDAHO FALLS, IDAHO 83401

RECEIVED
JUN 17 1981

June 15, 1981

Mr. Ernest Carlsen
Sr. Resource Analyst
Department of Water Resources
Eastern Region
150 Shoup Avenue
Idaho Falls, Idaho 83401

Department of Water Resources
Eastern District Office

Dear Ernie:

Re: Appl. No. 23-7068
US Forest Service

Personnel from our Department have reviewed the above referenced application to appropriate water from Big Elk Creek for power generation. Fish passage will be required over the dam. Also, screens will be needed on diversions to prevent passage of fish into the diversions.

Thank you for the opportunity to review and comment on this application.

Sincerely,

Tom Reinecker
Tom Reinecker
Regional Supervisor
Region 6

1515 LINCOLN ROAD
IDAHO FALLS, IDAHO 83401
JUN 17 1981

WATERMASTER COMMENTS

I have reviewed Application for Permit No. 23-7068 and
have the following comments/objections to the approval of this
application for permit:

None

June 17, 1981

Date



RONALD D. CARLSON, WATERMASTER
Water District No. 01

RECEIVED
JUN 21 1981

June 2, 1981

RE: Application for Permit No. 23-7068 US FOREST SERVICE

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

Dear Tom:

We are enclosing a copy of an application that may be of interest to your agency. Please review the application and submit any comments you may have to our Department as soon as possible. The last date of protest is June 15, 1981, and we are required to take final action shortly thereafter.

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

Respectfully submitted,

ERNEST CARLSEN
Sr. Resource Analyst

EC:cw:kw

Enclosure

23-Z068.

U.S. DEPT. OF AGRI.

FOREST SERVICE, FEDERAL BLDG., 324 25TH ST., OGDEN, UT 84401

Source: BIG ELK CREEK tributary to SNAKE RIVER

Date Filed: 05/14/1981

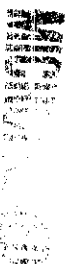
Amount: 9.00 CFS

Diversion Point: SWSE Sec 18 T 01S R 46E, BONNEVILLE Co.

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

Place of Use: SESW Sec 18 T 01S R 46E

Diversion Means: DAM & PIPELINE.



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

WATER RIGHT
DATA ENTRY LOG

[illegible]