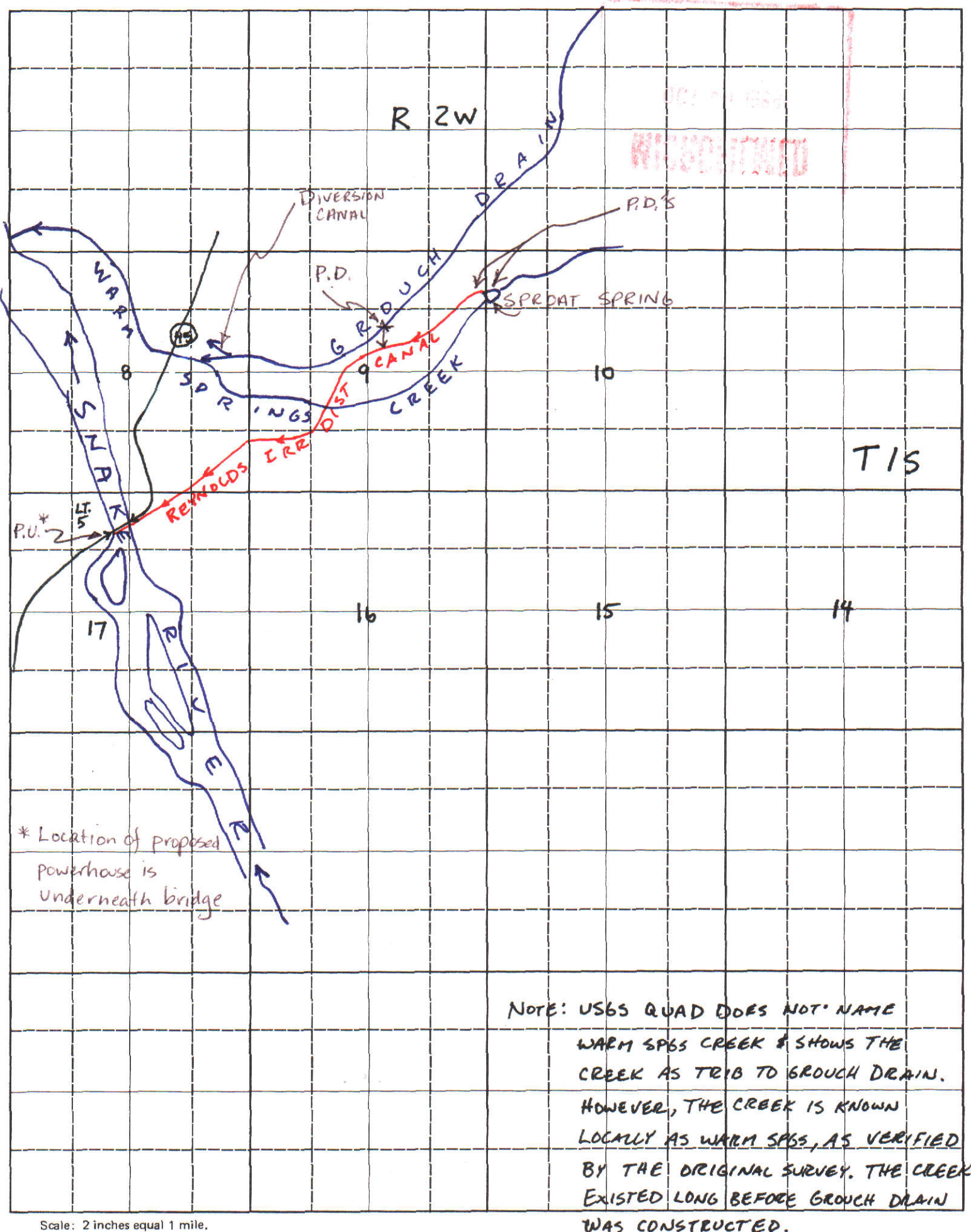


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



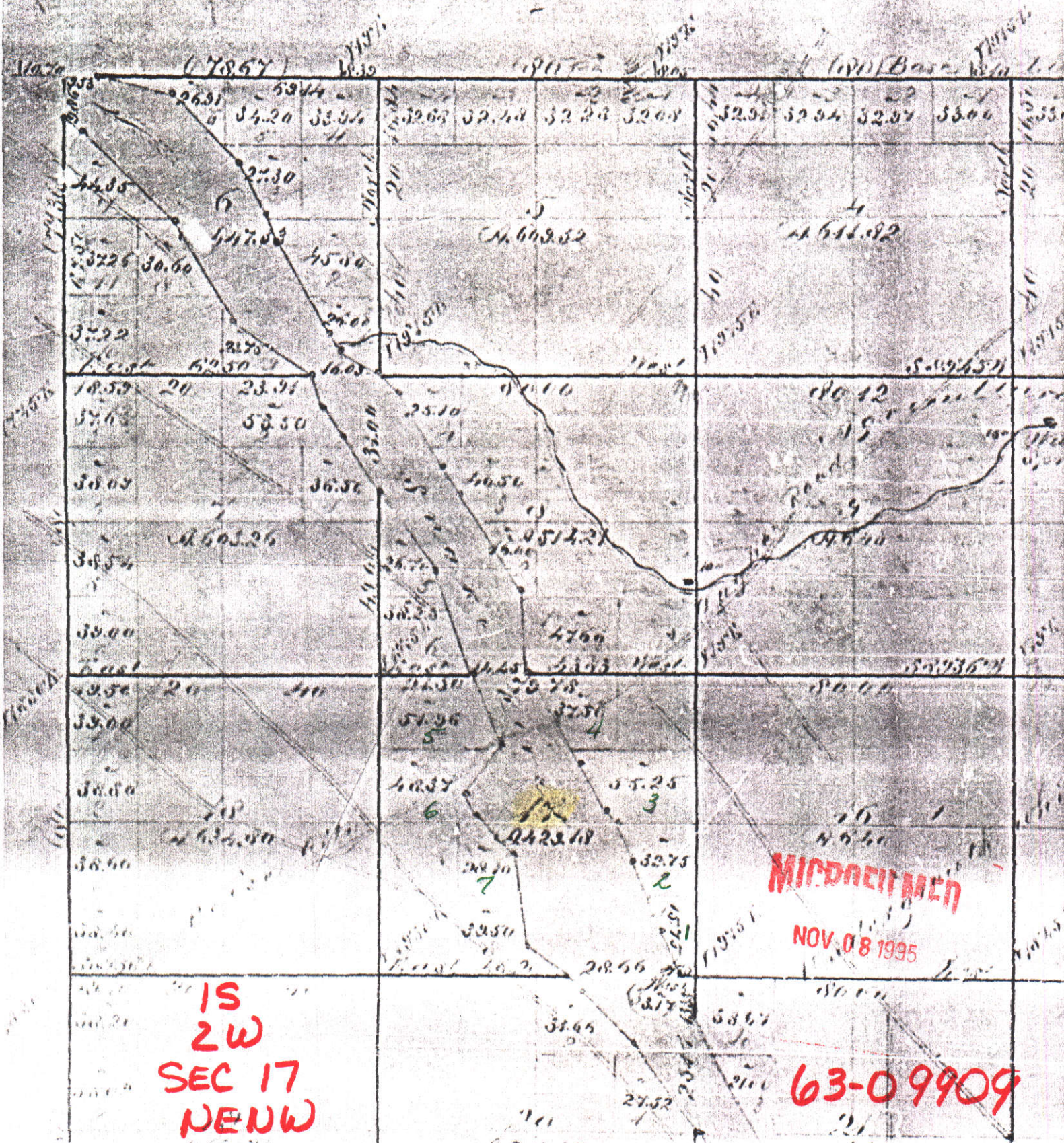
BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

MICROFILMED

OCT 20 1989

Sam C. Peterson
(Applicant)

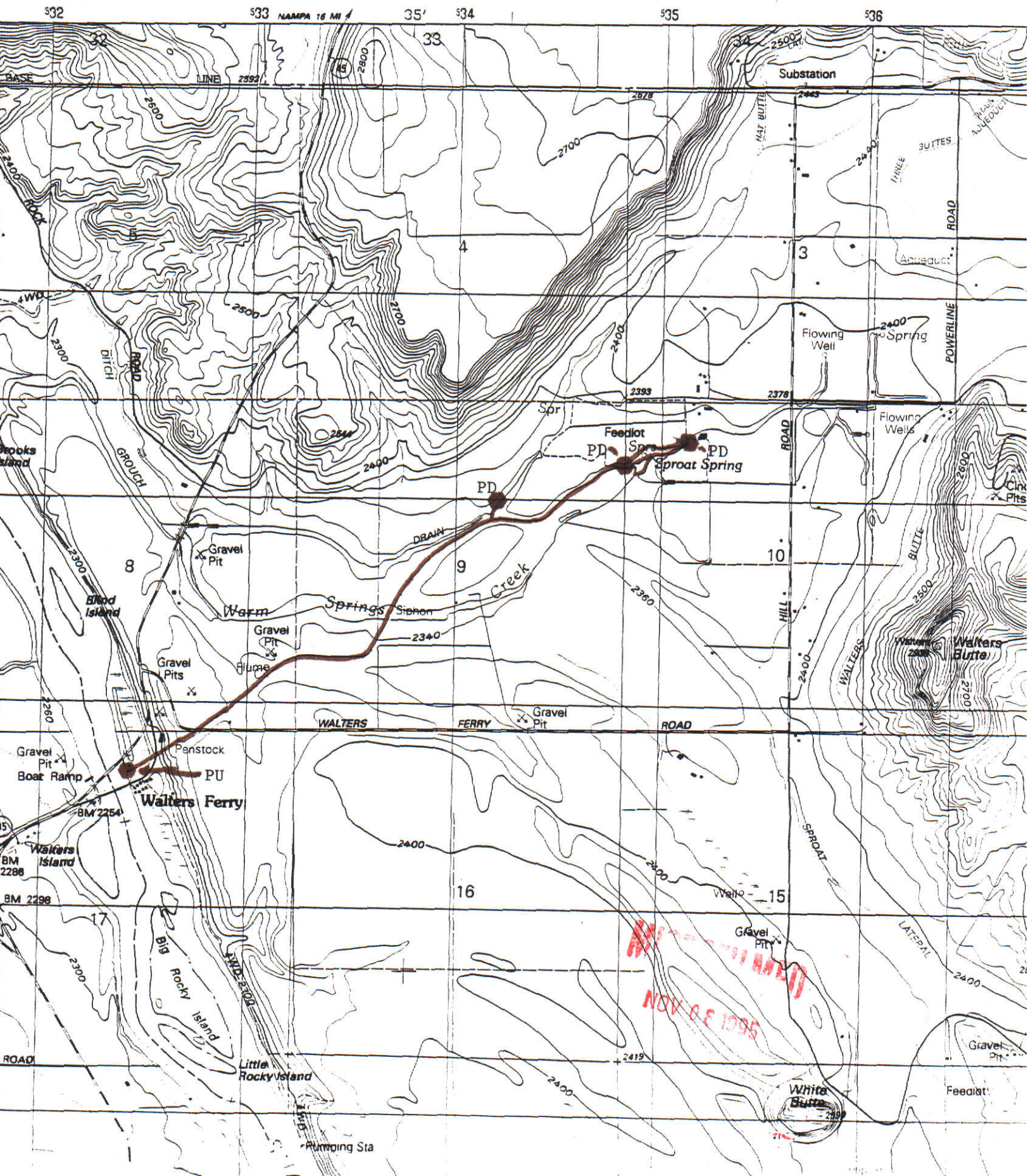
Township 32 South, Range

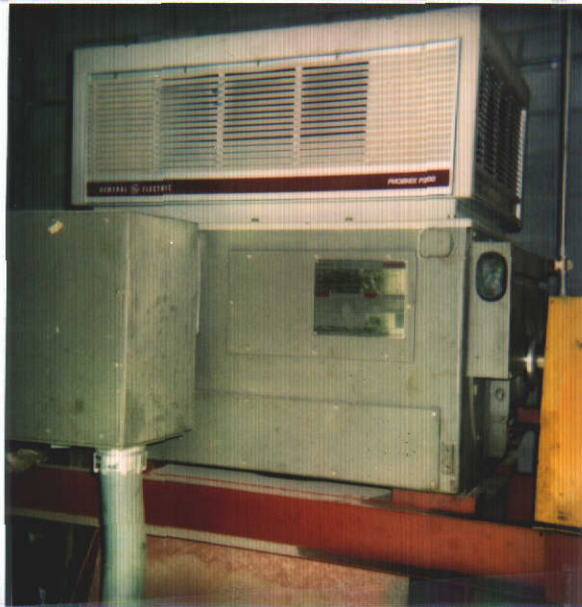


001 1 6 1995

INTERIOR ICAL SURVEY

Department of Water Resources





GE Generator - 350 KW

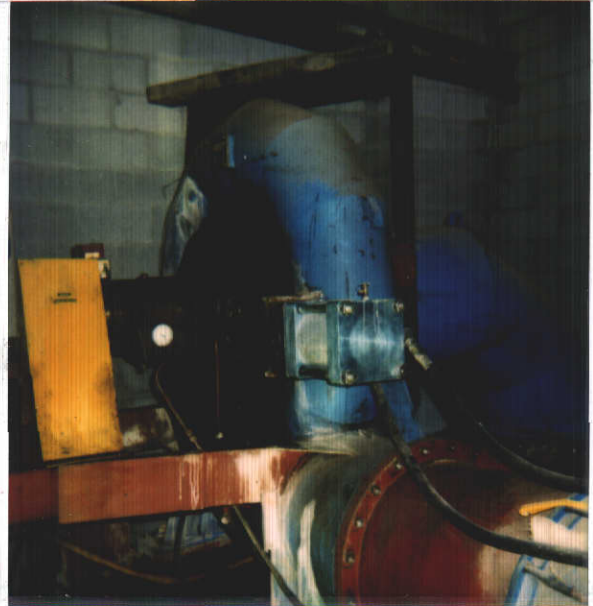


Penstock - 42"

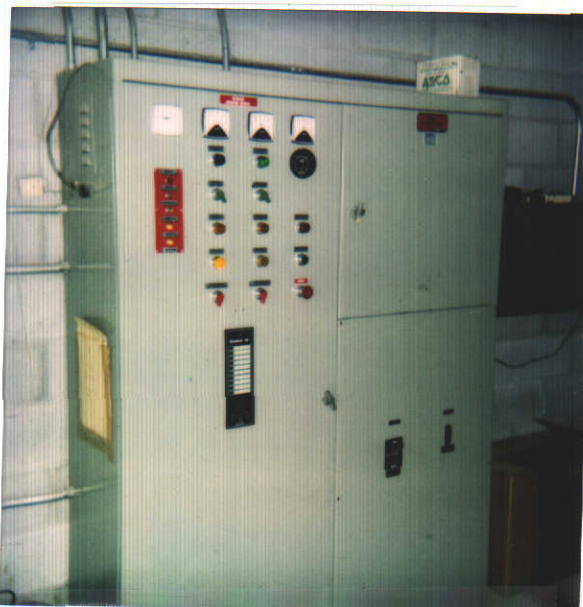
RECEIVED
NOV 08 1995



Intake Penstock

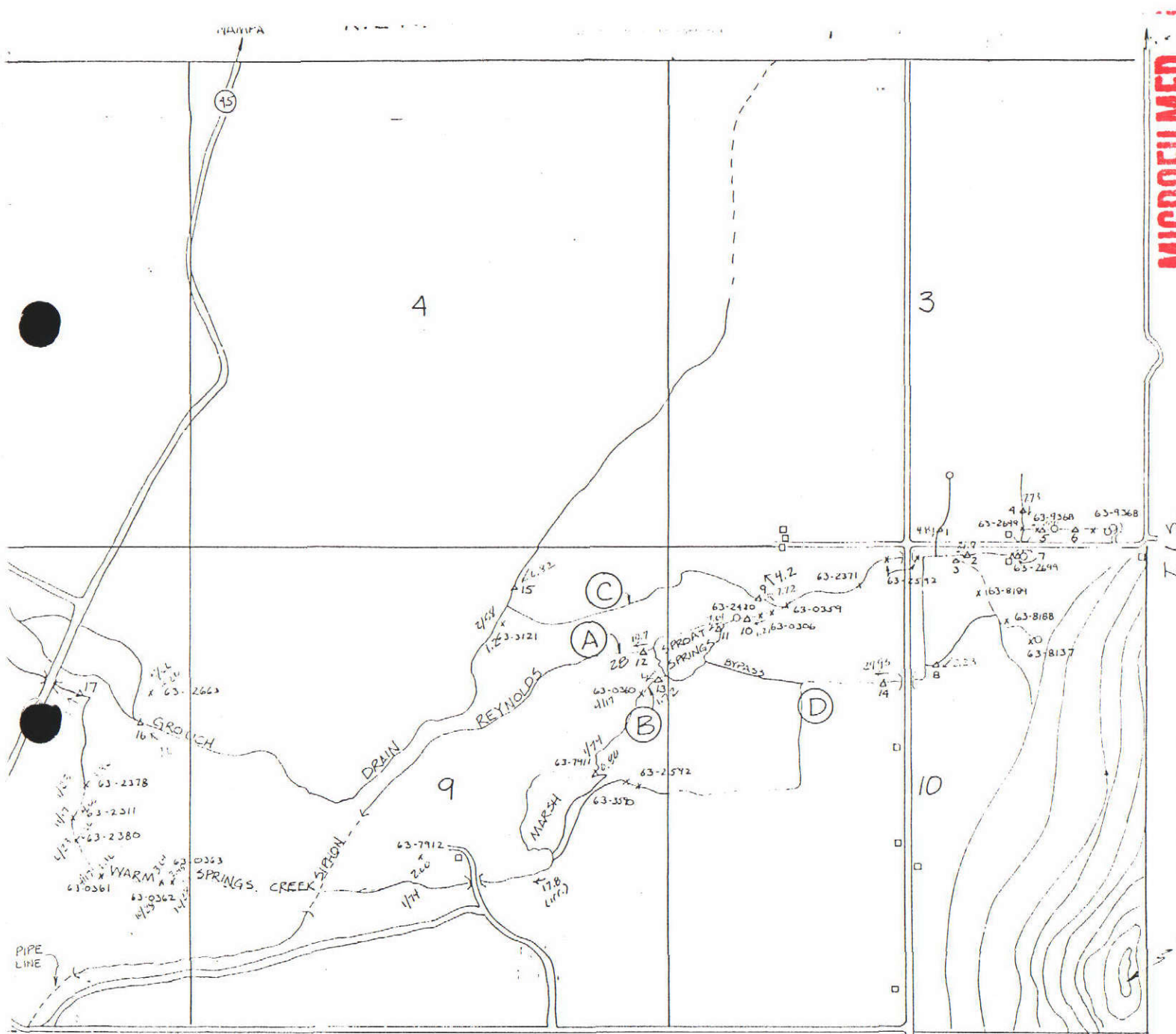


Turbine - 320KW



Control Panel

RECEIVED
NOV 08 1995



MICROFILMED

OCT 20 1989



SCALE 1" = 1000'

LEGEND

- WELL SITES
- △ STREAM FLOW MEASUREMENTS
- X WATER RIGHTS & PERMITS

FIGURE 1
LOCATION OF AREA STUDY
STREAM FLOW MEASUREMENT
& WATER RIGHTS BY POINT
OF DIVERSION OR
MEASUREMENT LOCATION

WALTERS BUTTE

The Idaho Statesman

P.O. BOX 40, BOISE, IDAHO 83707

LEGAL ADVERTISING INVOICE

Amount Due

36.16

Account Name ID Department of Water Resources, Western Region		Account Number #47628	
Address Statehouse		City/State Boise, ID	Zip 83720
Ordered By Judy Pense	P.O. Number	Rate nt	Run Dates 1986 June 5, 12
Identification Application No. 63-9909		Estimated Inches	Real Inches
Number of Affidavits Requested 1			Legal Number #2301

RECEIVED

JUN 16 1986

STATE OF IDAHO)
) ss.
COUNTY OF ADA)

Department of Water Resources
Western Regional Office

NOTICE OF APPLICATION FOR WATER RIGHT

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

63-9909 ✓

Reynolds Irrigation Dist.
c/o Sam Pitman, Director
Star Rt.
Melba, Idaho 83641

Source: Grouch Drain tributary
to Warm Springs Creek,
Warm Springs Creek tributary
to Snake River

Date Filed: 03/31/1982

Amount: 18.00 CFS

Diversion Pt: SWNE NENE

Sec. 09 T 01S R 02W

NWNW Sec. 10 T 01S R 02W,

Canyon Co.

Use: Power (18.00 CFS)

from 01/01 to 12/31

Place of Use: Lot 05 (NENW)

Sec. 17 T 01S R 02W

Diversion Means: Diversion

Ditches,

Pipeline & Motor

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Western Region, Statehouse, Boise, Idaho 83720 on, or before, June 23, 1986.

KEN DUNN
Director

Pub. June 5, 12, 1986

2301

Laura Gay Barnes

_____, being duly sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto; that said notice was published in The Idaho Statesman in conformity with Section 60-108, Idaho Code as amended, for Two (2) ☒ consecutive weekly ☐ consecutive daily ☐ single ☐ odd skip

insertion(s) beginning with the issue of June 5, 19 86

and ending with the issue of June 12, 19 86

Laura Gay Barnes

Subscribed and sworn to before me this 12th

day of June, 19 86

James M. Hawke
Notary Public for Idaho, Residing at Boise, Idaho

MICROFILMED

OCT 20 1989

71207
**NOTICE OF APPLICATION
FOR WATER RIGHT**

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

63-9813

**BOISE PROJECT BOARD OF
CONTROL**
214 BROADWAY AVE., BOISE,
ID 83702

Source: BOISE RIVER tributary
to SNAKE RIVER

Date Filed: 08/19/1981

Amount: 150.00 CFS

Diversion Point: NWSW Sec 03 T
02N R 03E, ADA Co.

Use: POWER (150.00 CFS) from
03/15 to 10/15

Place of Use: NWNE Sec 05 T 04N
R 05W

Diversion Means: CANAL TO
POWER PLANT.

63-9909

REYNOLDS IRRIGATION DIST.
C/O SAM PITMAN, DIRECTOR,
STAR RT., MELBA, ID 83641

Source: GROUCH DRAIN trib-
utary to WARM SPRINGS CREEK
WARM SPRINGS CREEK trib-
utary to SNAKE RIVER

Date Filed: 03/31/1982

Amount: 18.00 CFS

Diversion Point: SWNE NENE
Sec 09 T 01S R 02W NWNW Sec 10 T
01S R 02W, CANYON Co.

Use: POWER (19.00 CFS) from
01/01 to 12/31

Place of Use: LOT 05 (NENW)
Sec 17 T 01S R 02W

Diversion Means: DIVERSION
DITCHES, PIPELINE & MOTOR

63-10230

**BOISE PROJECT BOARD OF
CONTROL**
214 BROADWAY AVE., BOISE,
ID 83702

Source: BOISE RIVER trib. to
SNAKE RIVER

Date Filed: 04/25/1984

Diversion Pt: LOT 09 (NWSW)
Sec 03 T 02N R 03E

Use: POWER (900.00 CFS)

In: NESE Sec 29 T 02N R 01E

The permit(s) will be subject to
all prior water rights. Protests must
be filed with the Director, Dept. of
Water Resources, Western Region,
Statehouse, Boise, Idaho 83720 on or
before APRIL 7, 1986.

KENN DUNN, Dir.

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, ss.
County of Nez Perce

S. L. Stone

, being duly sworn,

deposes and says, I am the Legal Clerk
of the Tribune Publishing Company, a corporation organized and existing
under and by virtue of the laws of the State of Idaho, publishers of the
LEWISTON MORNING TRIBUNE, a newspaper of general circulation
published at Lewiston, Nez Perce County, Idaho; That the said Lewiston
Morning Tribune is an established paper and has been published regular-
ly and issued regularly at least once a day for more than 21 consecutive
years next immediately preceding the first publication of this notice, and
has been so published uninterrupted for said period; that the

NOTICE OF APPLICATION FOR

attached hereto and which is made a part of this affidavit was published in
the said Lewiston Morning Tribune, 2 time(s). Publication be-
ing on 031986, or once a

week for two consecutive weeks, the first
publication thereof being on the 031986, and the last pub-
lication thereof being on the 032686, and said

NOTICE OF APPLICATION FOR

was so published in the regular and entire issue of said newspaper and
not in a supplement thereof and was so published in every issue and
number of the said paper, during the period and times of publication as
set forth above.

S. L. Stone

SUBSCRIBED AND SWORN BEFORE ME THIS THE

day of

March

1986

Sheryl M. Stone

Notary Public in and for the State of Idaho,
residing at Lewiston, therein.

MICROFILMED

Oct 26 1989

3/31/86

Received Western Region

JP

APPLICATION FOR
WATER RIGHT

This following applica-
tion(s) have been filed to
appropriate the public
waters of the State of
Idaho:

63-9813

BOISE PROJECT
BOARD OF CONTROL,
214 Broadway Ave.,
Boise, ID 83702

Source: Boise River
tributary to SNAKE
RIVER

Date Filed: 08/19/1981

Amount: 150.00 CFS

Diversion Point NWSW
Sec 03 T 02N R 03E, ADA
Co.

Use: Power (150.00 CFS)
from 03/15 to 10/15

Place of Use: NWNE
Sec 05 T 04N R 15W

Diversion Means:
Canal to Power Plant

63-9909 / 58

REYNOLDS IRRIGATION
DIST.

C/O Sam Pitman, Direc-
tor, Star Rt., Melba, ID
83641

Source: GROUCH
DRAIN tributary to
WARM SPRINGS CREEK
WARM SPRINGS CREEK
tributary to SNAKE
RIVER

Date Filed: 03/31/1982

Amount: 18.00 CFS

Diversion Point: SWNE
NENE Sec 09 T 01S R
02W NWNW Sec 10 T 01S
R 02W, CANYON Co.

Use: POWER (18.00
CFS) from 01/01 to 12/31

Place of Use: Lot 05
(NENW) Sec 17 T 01S R
02W

Diversion Means:
Ditches,
Pipeline & Motor

63-10230

BOISE PROJECT
BOARD OF CONTROL
214 Broadway Ave.,
Boise, ID 83702

Source: Boise River
trib. to SNAKE RIVER

Date Filed: 04/25/1984

Diversion Pt: Lot 09
(NWSW) Sec 03 T 02N R
13E

Use: Power (900.00
CFS)

In: NESE Sec 29 T 02N R
01E

The permit(s) will be
subject to all prior water
rights. Protests must be
filed with the Director,
Dept. of Water
Resources, Western
Region, Statehouse,
Boise, Idaho 83720 on or
before APRIL 8, 1986.

KEN DUNN, Director

PUBLISH: Wednesdays,
March 19, and 26, 1986.

Affidavit of Publication

STATE OF IDAHO,

COUNTY OF TWIN FALLS

ss.

No 16045

I, Belinda J. Capps

being first duly sworn upon

oath, depose and say that I am Primo Clerk of the TIMES-NEWS,
published daily, at Twin Falls, Idaho, and do solemnly swear that a copy of
the notice of advertisement, as per clipping attached, was published in the regular and

entire issue of said newspaper, and not in any supplement thereof, for Two
consecutive weeks, commencing with the issue dated
March 19, 1986, and ending with the issue dated
March 26, 1986.

And I do further certify that said newspaper is a consolidation, effective February 16,
1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the Twin
Falls News, published theretofore daily except Monday, both of which newspapers prior to
consolidation had been published under said names in said city and county continuously and
uninterruptedly during a period of more than twelve consecutive months, and said TIMES-
NEWS, since such consolidation, has been published as a daily newspaper except Saturday,
until July 31, 1978, at which time said newspaper began daily publication under said name
in said city and county continuously and uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week
has been designated as the day on which legal notice by law or by order of any court of com-
petent jurisdiction within the state of Idaho, to be published weekly, will be published; and
that at the head of the editorial column of said combined newspapers, and in each issue there-
of, Thursday is announced as the day on which said legal notices will be published.

Belinda J. Capps

Subscribed and sworn to before me on this 28th day of

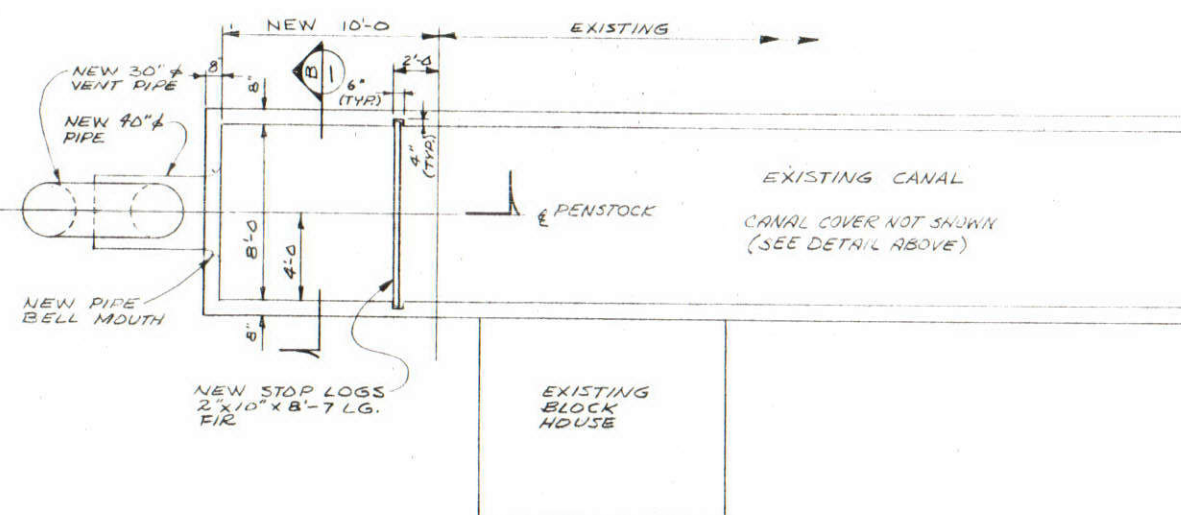
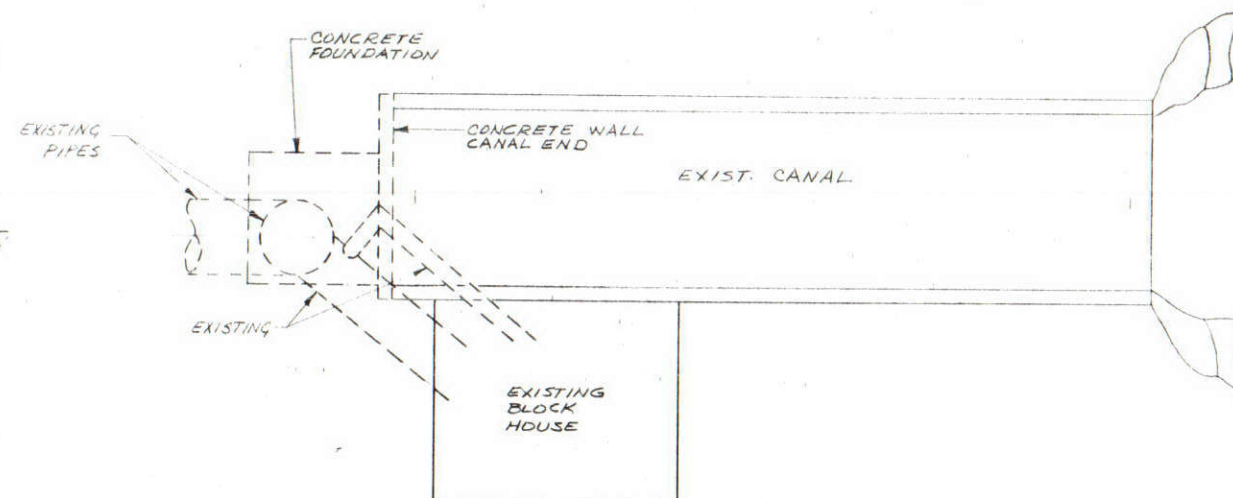
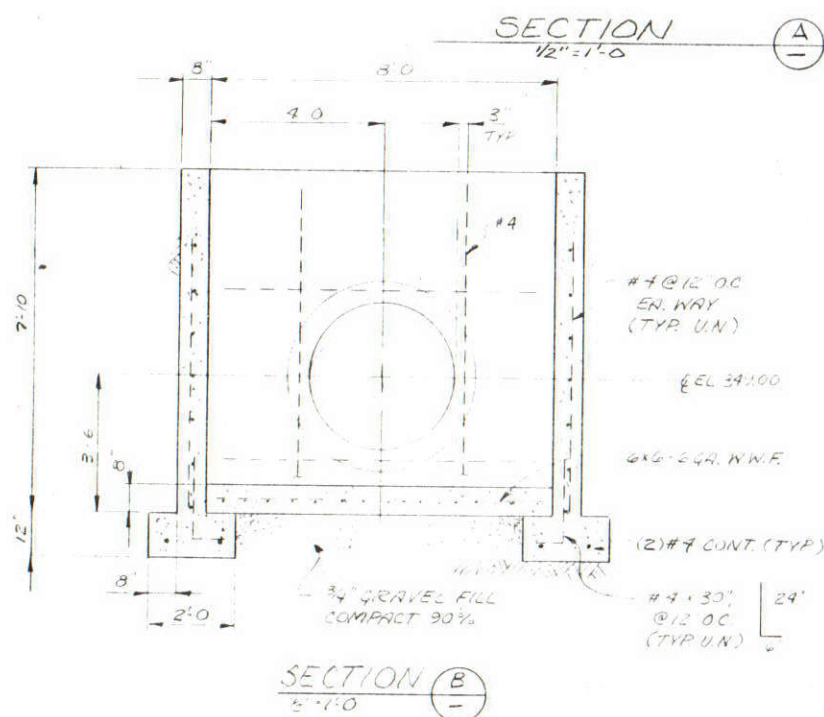
March, 1986.

Dianne Huse

Notary Public in and for the County of Twin Falls,
State of Idaho, residing at Twin Falls, Idaho

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OCT 20 1989



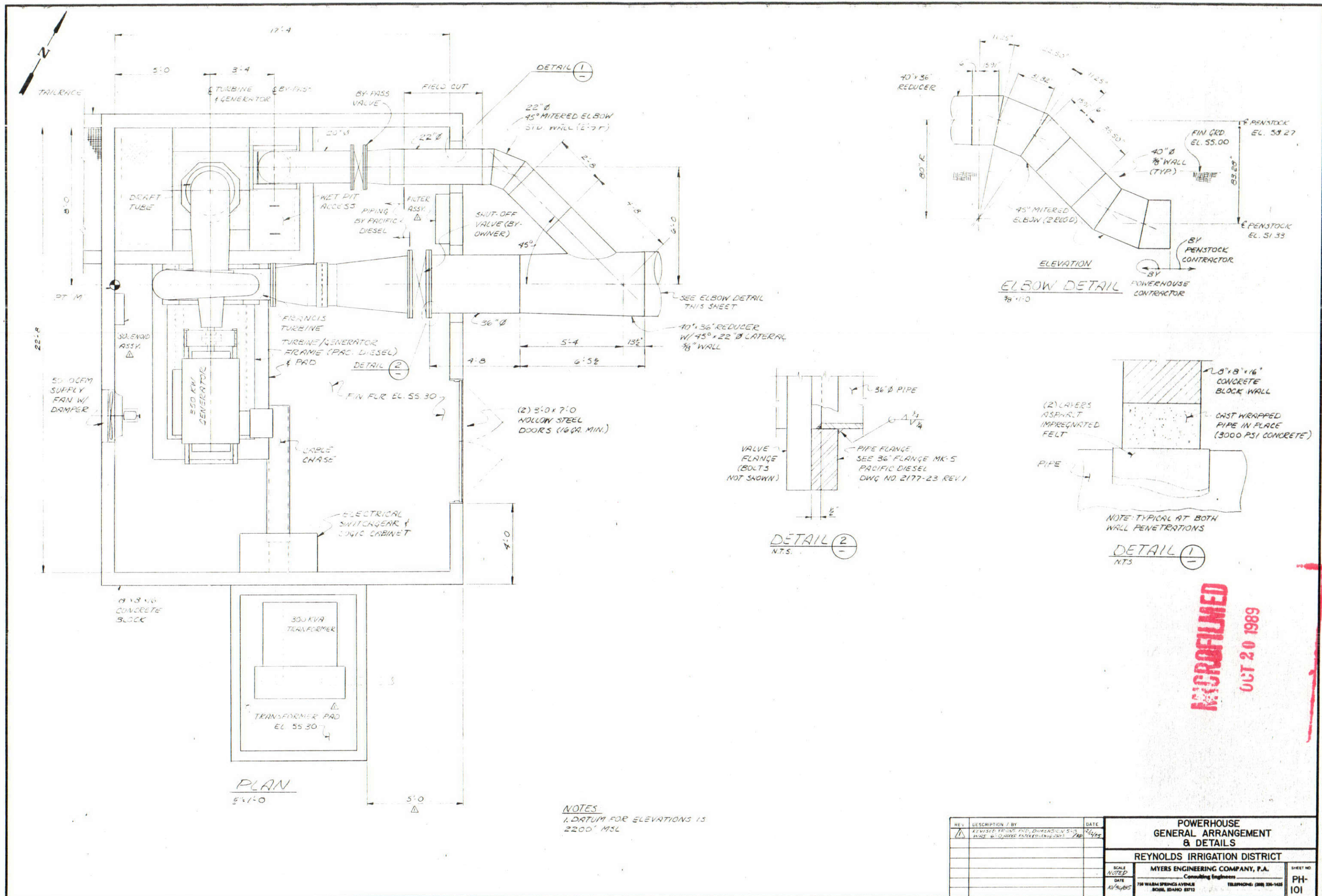
NEW CONSTRUCTION PLAN
1/4" = 1'-0"

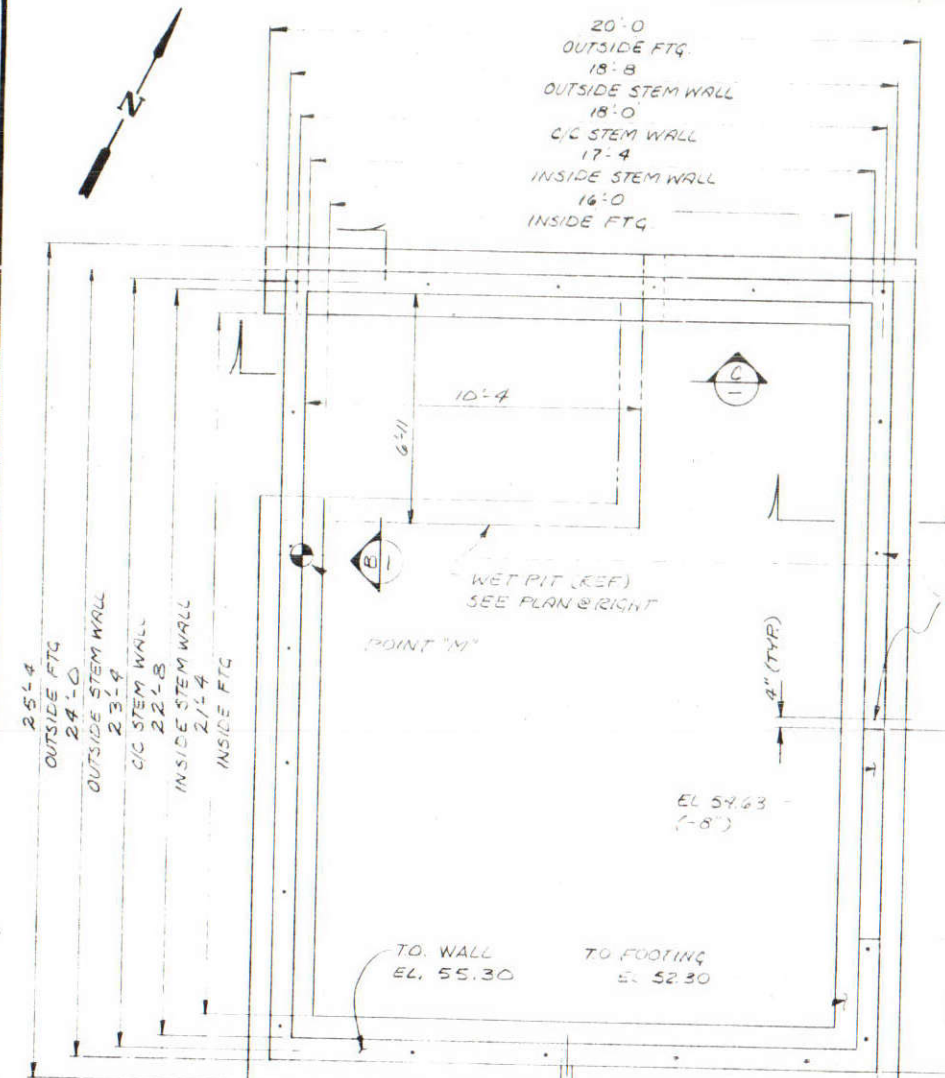
DATE	DESCRIPTION / BY	DATE	INTAKE STRUCTURE	
			REYNOLDS IRRIGATION DISTRICT	
			SCALE AS SHOWN DATE 1/12/85	MYERS ENGINEERING COMPANY, P.A. Consulting Engineers 739 WARM SPRINGS AVENUE BOISE, IDAHO 83712
				SHEET NO. D-10

63-9909

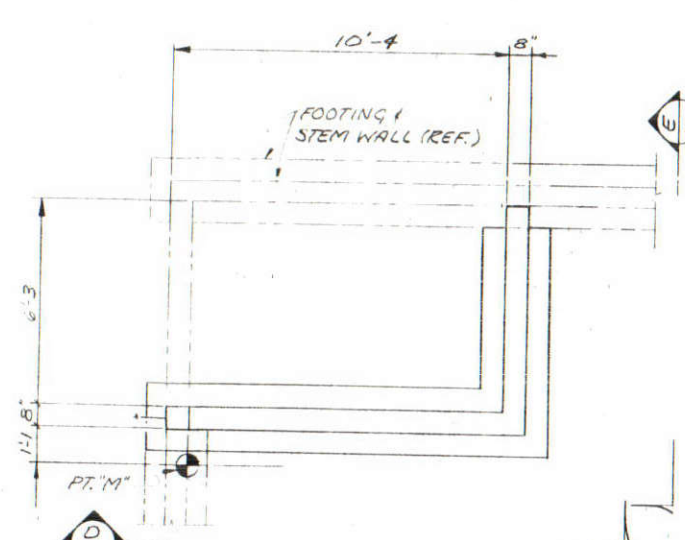
[illegible]

OCT 20 1989

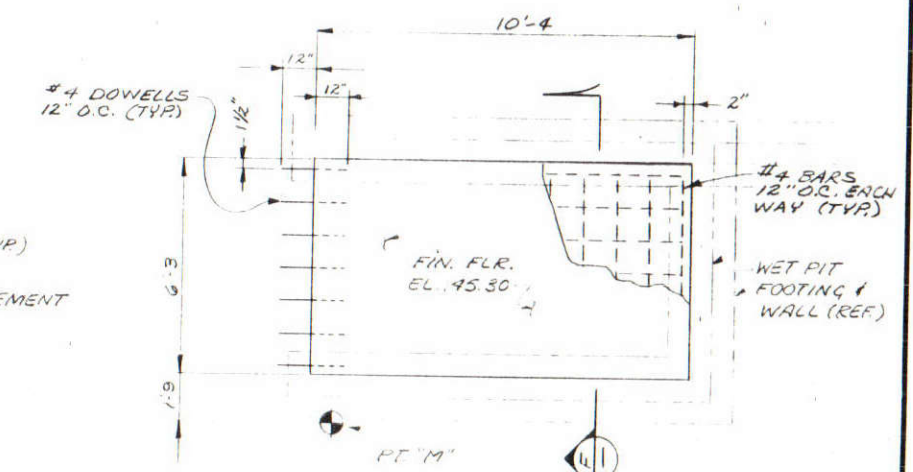
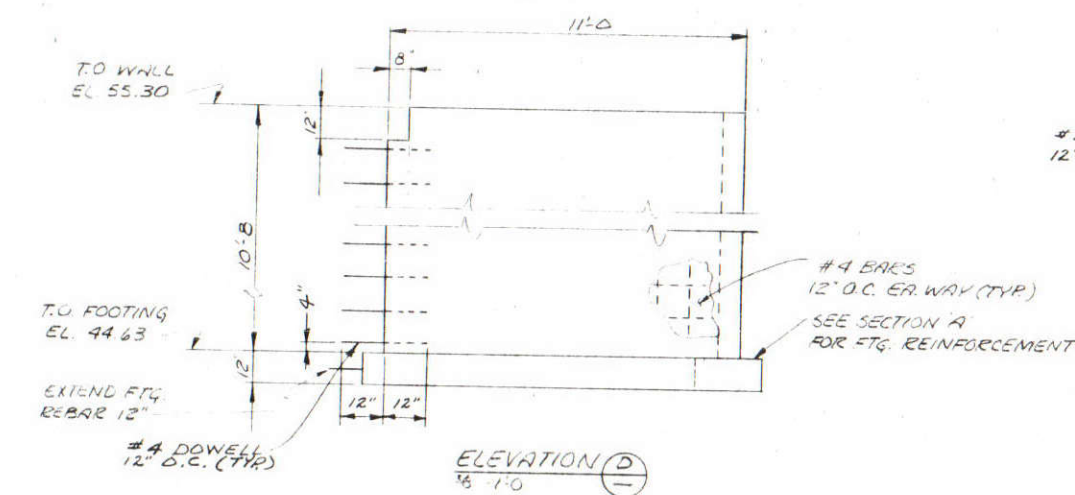
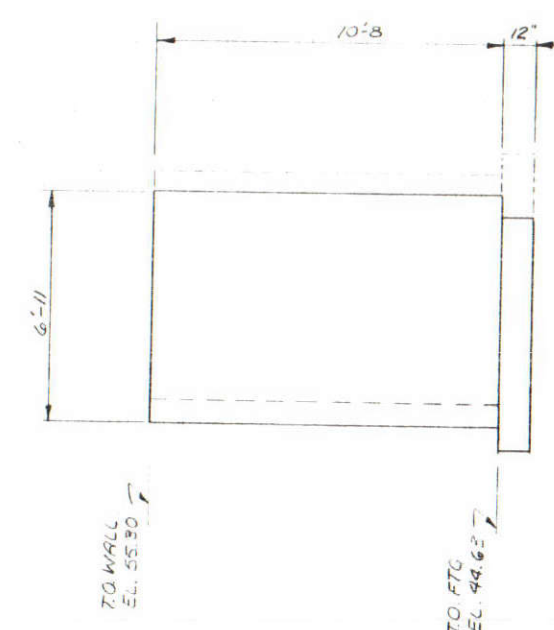




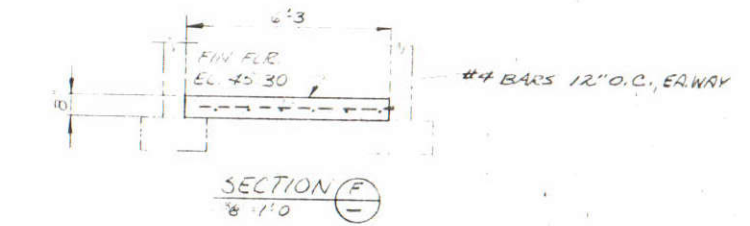
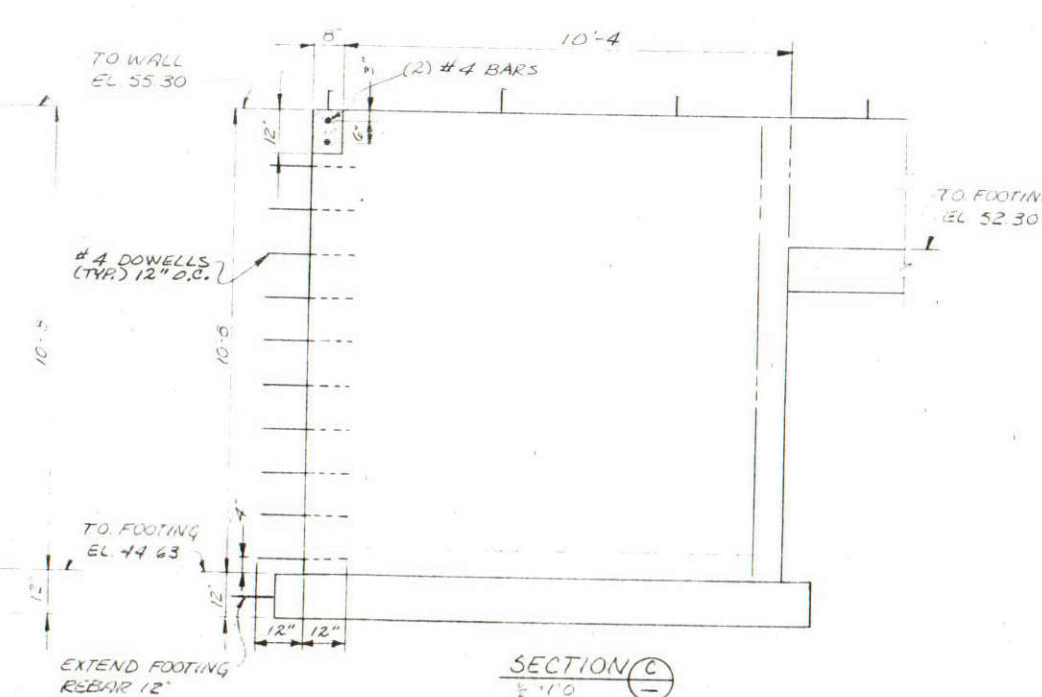
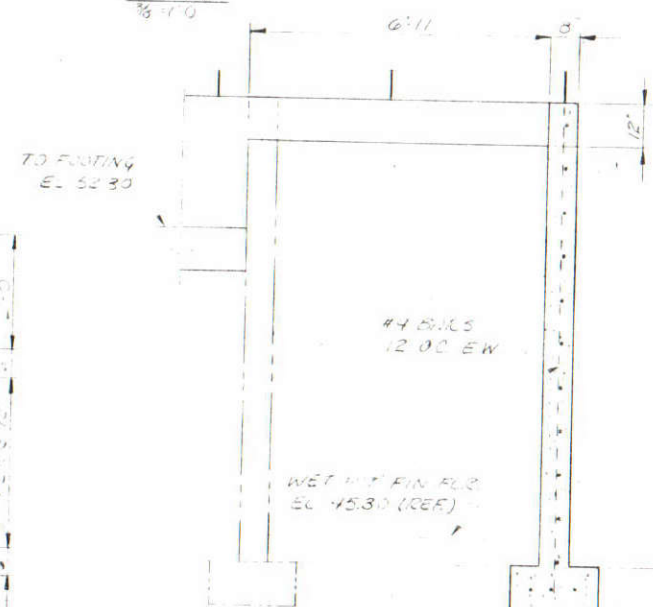
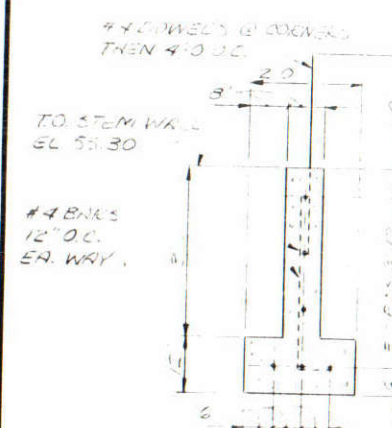
FOOTING & STEM WALL PLAN
1/8" = 1'-0"



WET PIT-FOOTING & WALL PLAN
1/8" = 1'-0"



WET PIT-FIN FLOOR PLAN
NTS

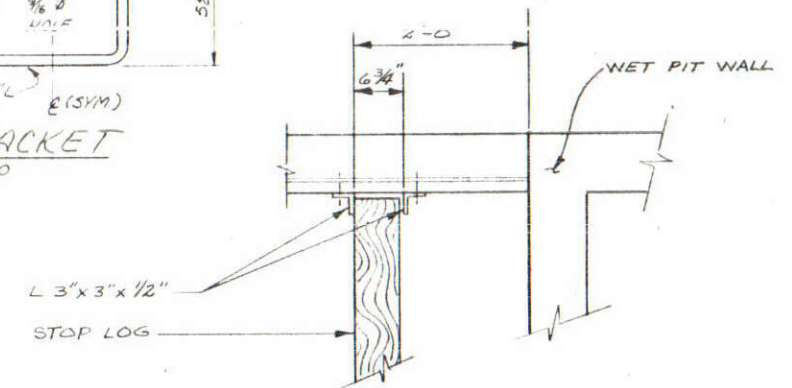
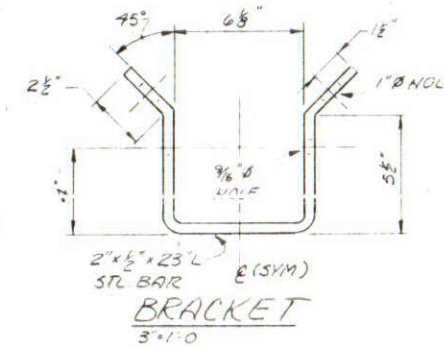
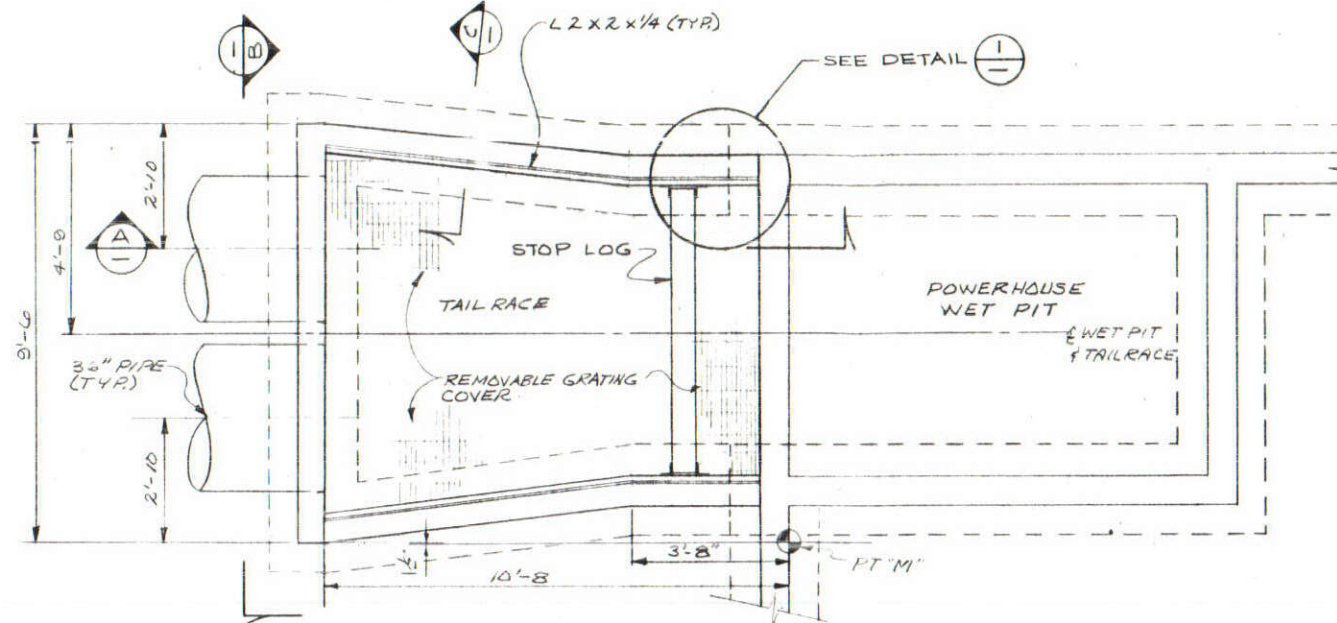
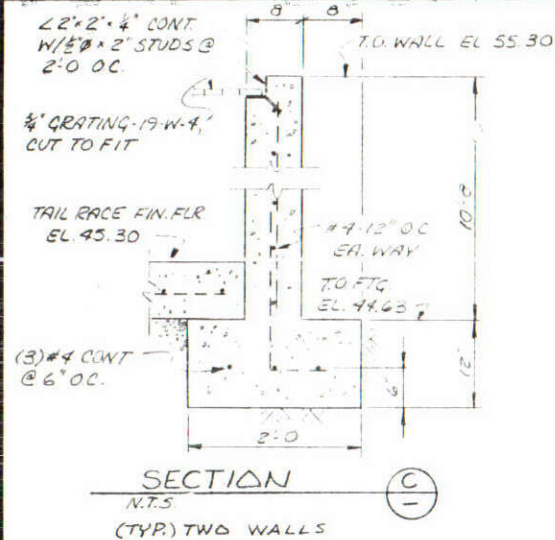


NOTES
1. DATUM FOR ELEVATIONS IS 2200 FEET MSL.

REV	DESCRIPTION / BY	DATE

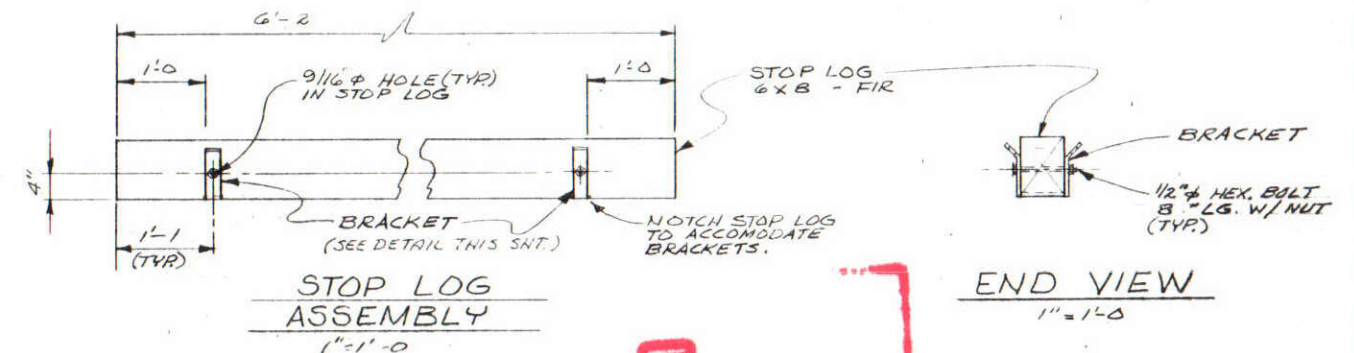
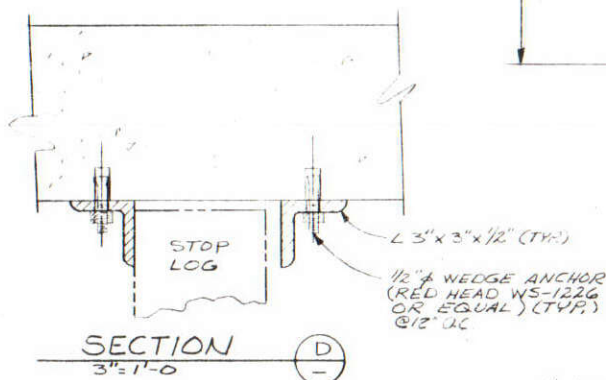
POWERHOUSE FOOTING & STEM WALL & WET PIT	
REYNOLDS IRRIGATION DISTRICT	
SCALE 1/8" = 1'-0"	DATE
MYERS ENGINEERING COMPANY, P.A. Consulting Engineers 730 WARM SPRINGS AVENUE BOISE, IDAHO 83712	
TELEPHONE: (208) 336-1435	
SHEET NO. PH-203	63-9909

MICROFILMED
 OCT 20 1989

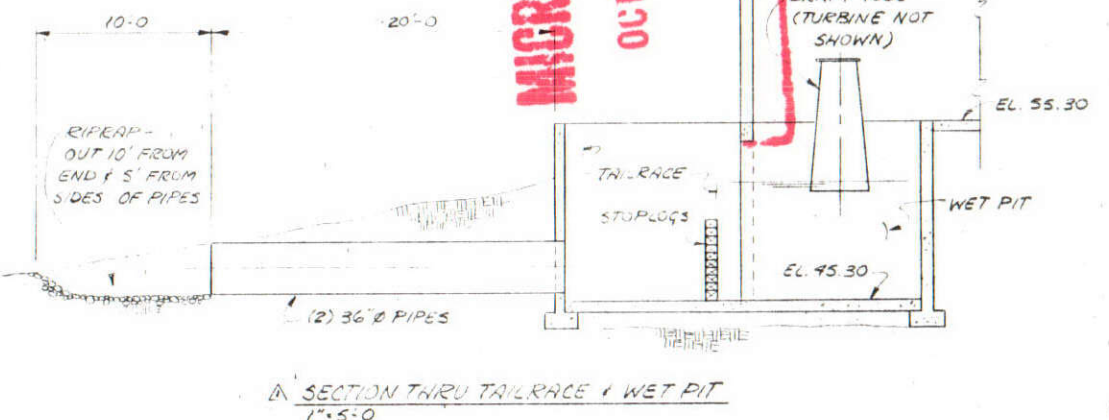
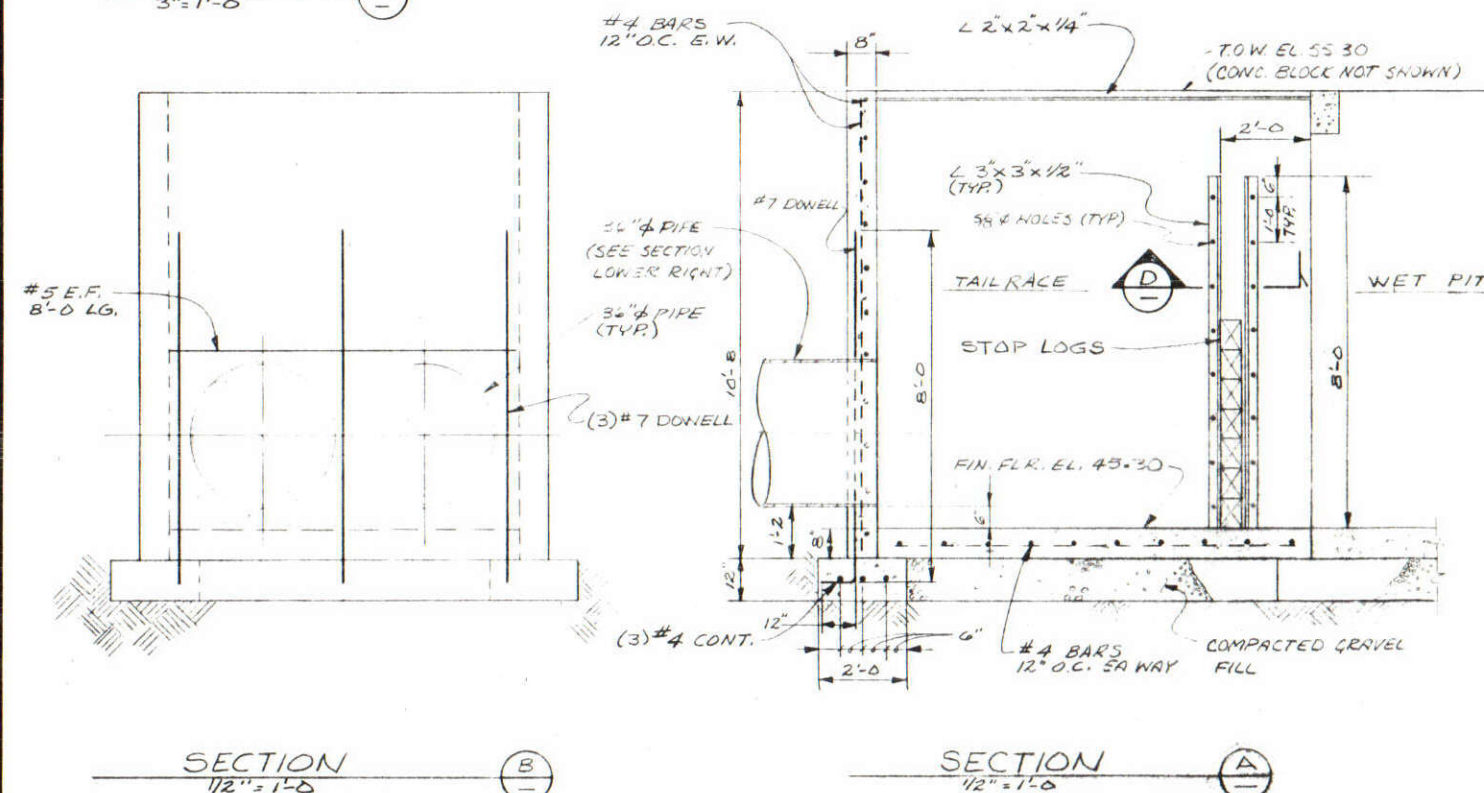


DETAIL
1"=1'-0"

TYPICAL BOTH WALLS OF
TAIL RACE



END VIEW
1"=1'-0"

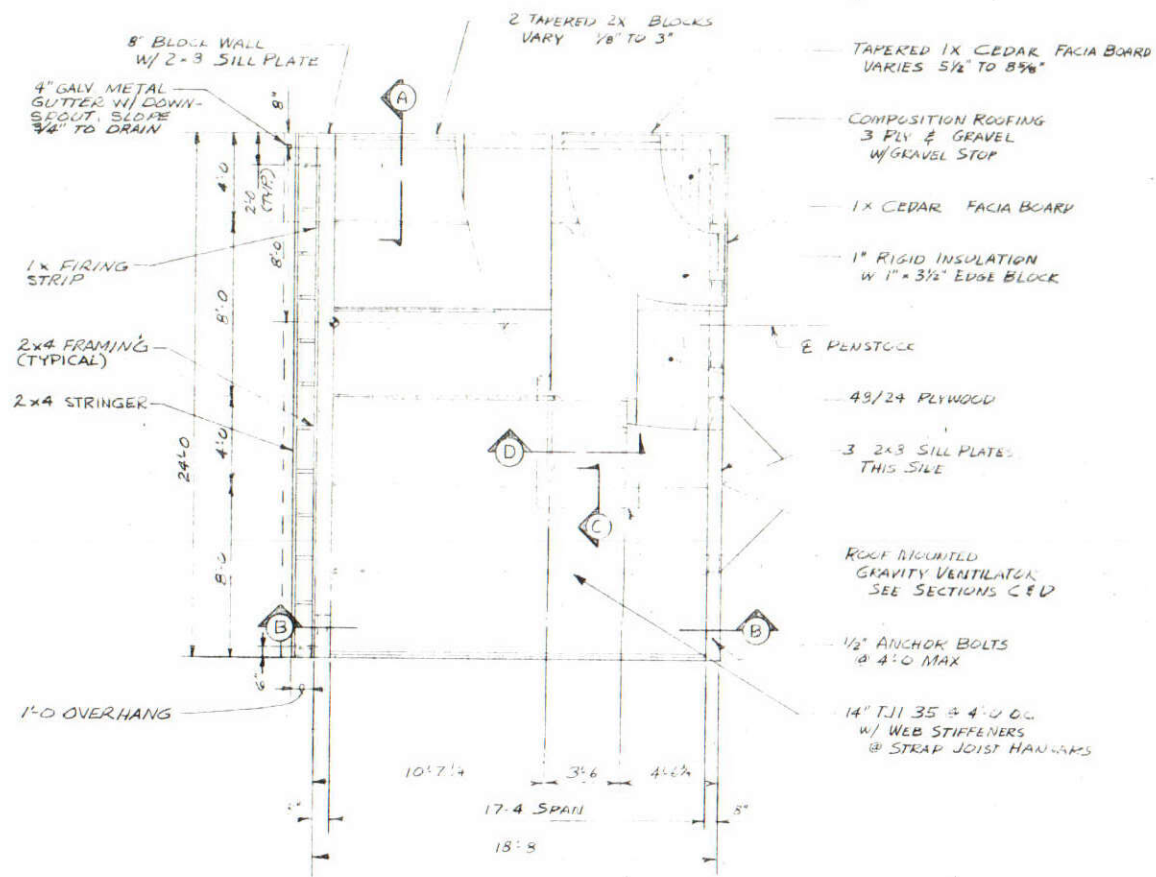


NOTES:
1. DATUM FOR ELEVATIONS IS
2200' MSL

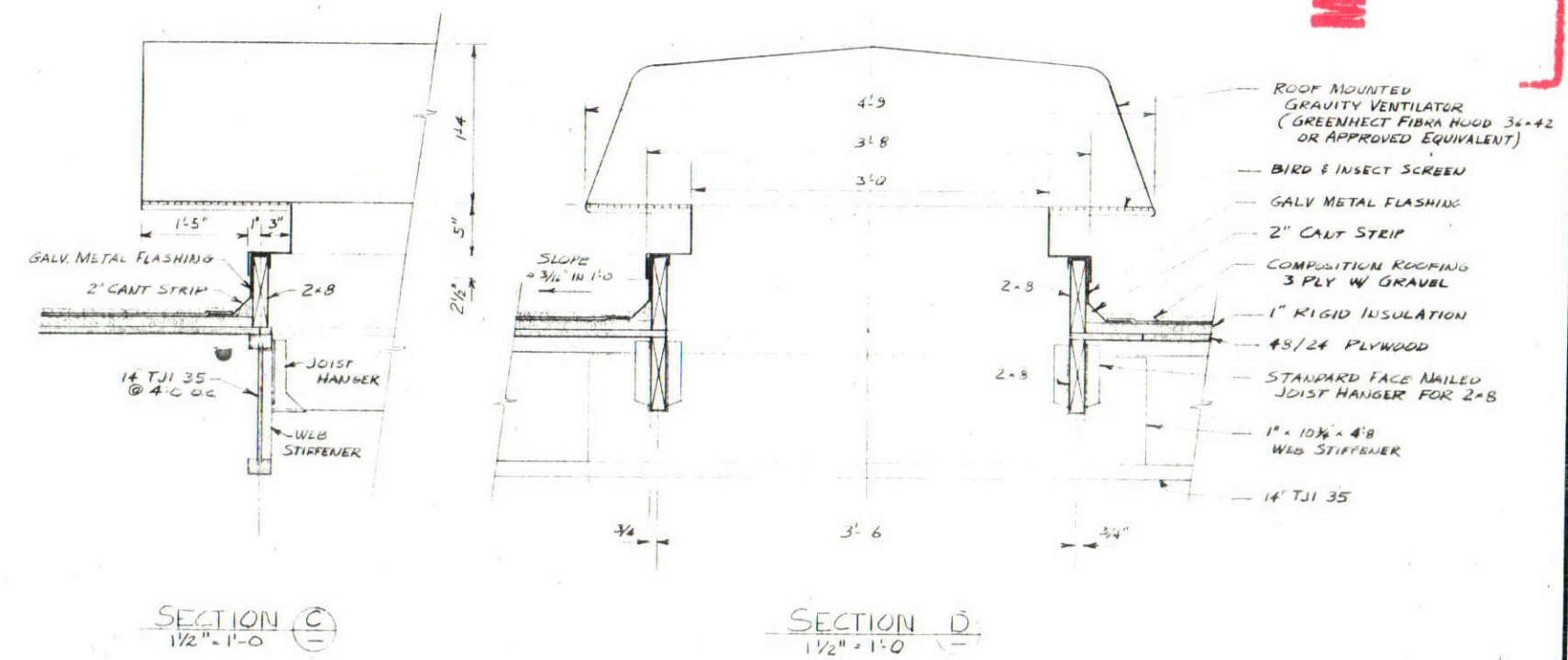
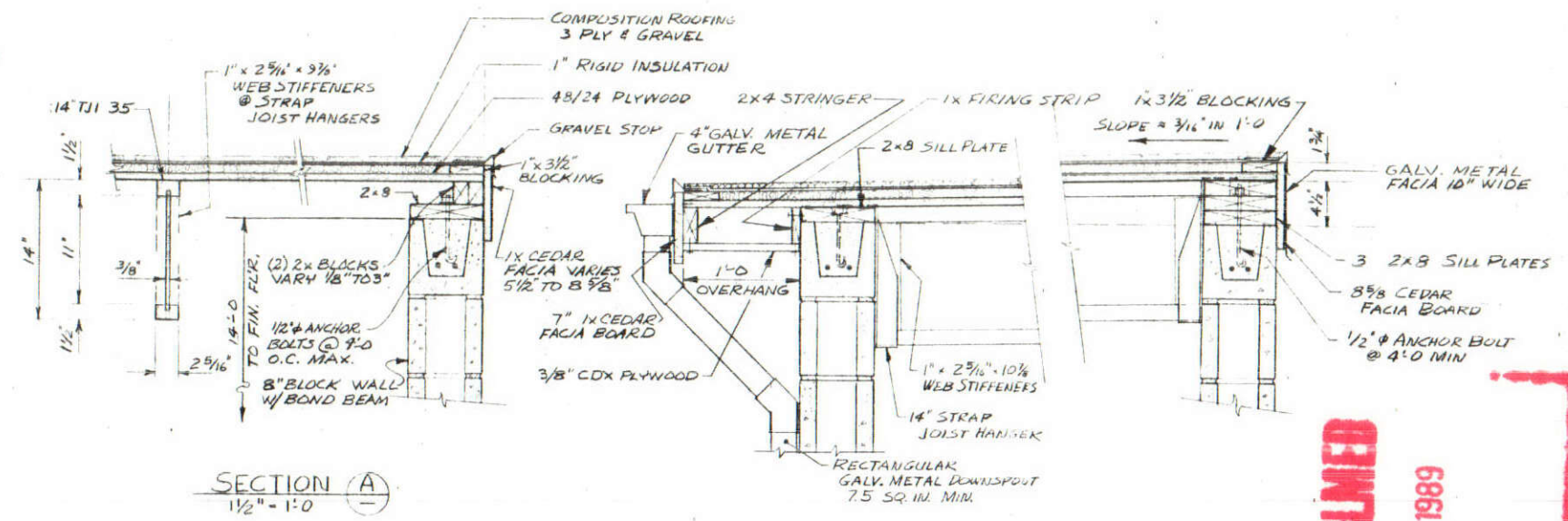
REV	DESCRIPTION/BY	DATE
1	ADDED SECTION THRU TAIL RACE	10/11/85
2		
3		
4		
5		
6		
7		
8		
9		
10		

POWERHOUSE TAIL RACE PLAN & DETAILS REYNOLDS IRRIGATION DISTRICT		SHEET NO.
MYERS ENGINEERING COMPANY, P.A. Consulting Engineers		PH-205
10 WARM SPRINGS AVENUE BOISE, IDAHO 83712		TELEPHONE: (208) 336-1425

63-9909



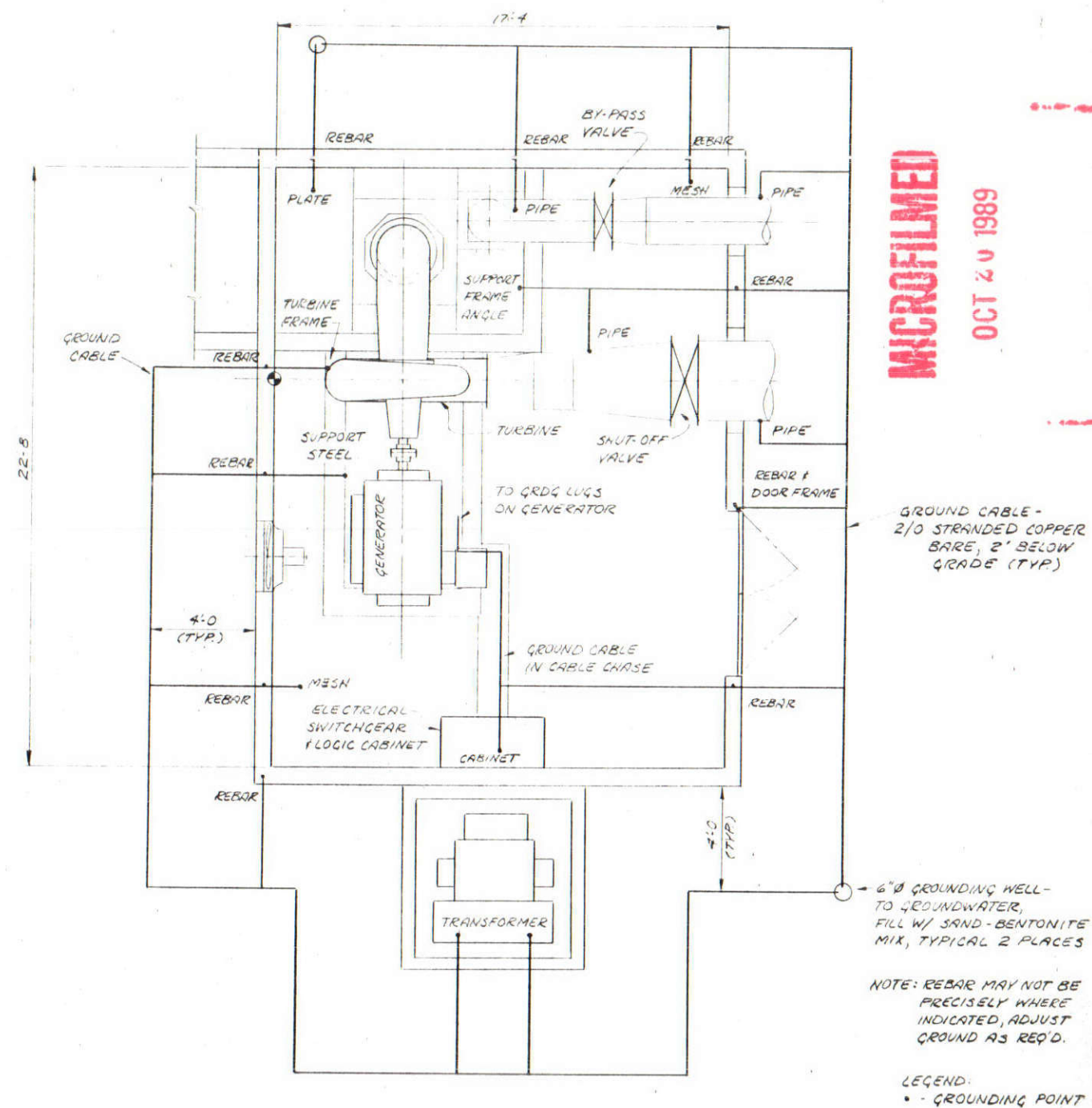
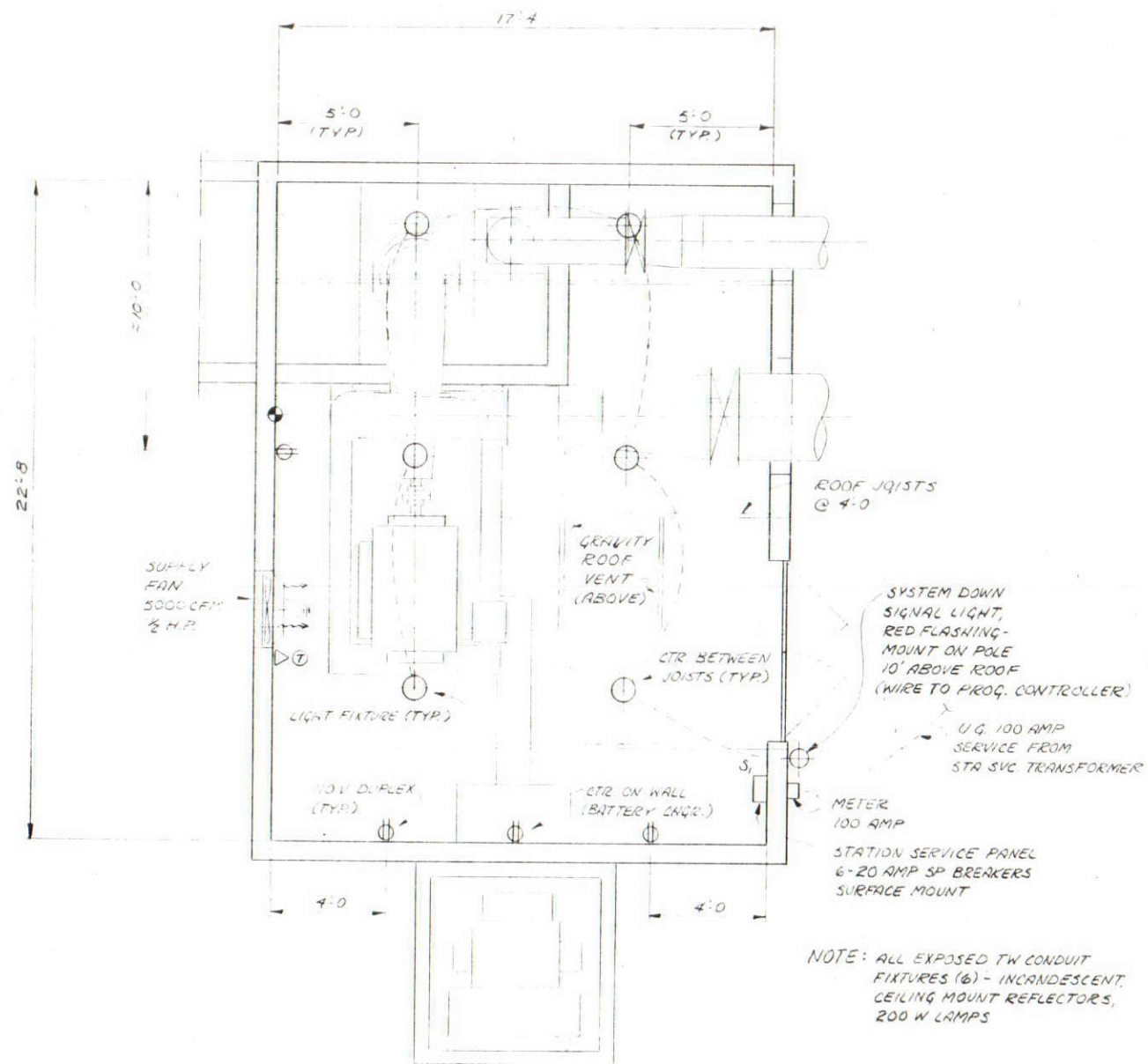
ROOF PLAN
1/4" = 1'-0"



MICROFILMED
OCT 20 1989

POWERHOUSE ROOF PLAN & DETAILS		SHEET NO.
REYNOLDS IRRIGATION DISTRICT		PH-
MYERS ENGINEERING COMPANY, P.A. Consulting Engineers		206
SCALE AS SHOWN	750 WARREN SPRINGS AVENUE BOISE, IDAHO 83712	TELEPHONE: (208) 336-1425

63-9909



WYOMING

OCT 24 1989

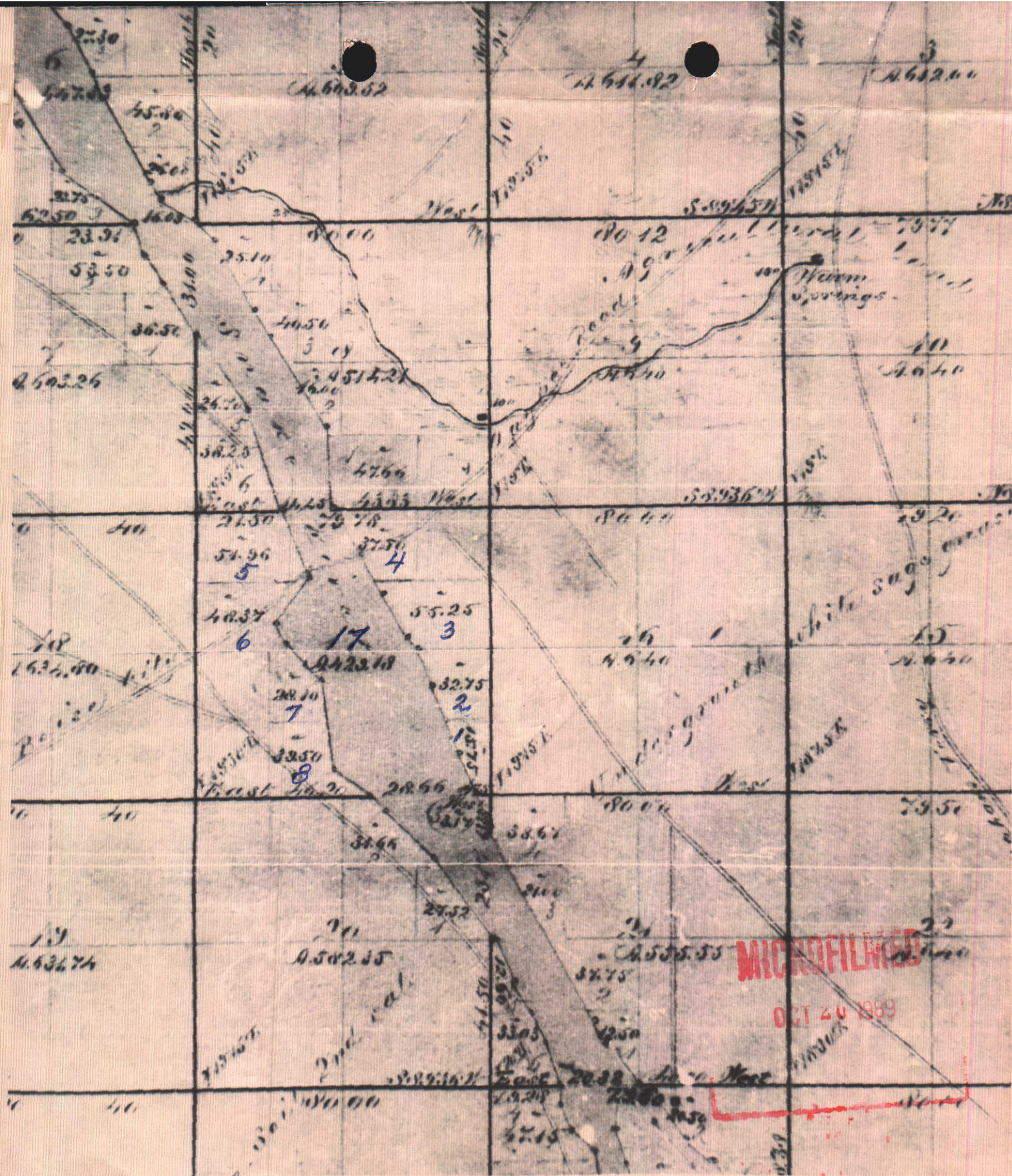
NOTE: REBAR MAY NOT BE
PRECISELY WHERE
INDICATED, ADJUST
GROUND AS REQ'D.

LEGEND:
• - GROUNDING POINT

Bold for
cable news
from Pacific Disb

REV	DESCRIPTION / BY	DATE	POWERHOUSE ELECTRICAL		
			REYNOLDS IRRIGATION DISTRICT		
			SCALE <i>NOTED</i> DATE <i>10/31/85</i>		
			MYERS ENGINEERING COMPANY, P.A. Consulting Engineers		SHEET NO.
			756 WARM SPRINGS AVENUE BOHSE, IDAHO 83712		PH-301
			TELEPHONE: (208) 336-1428		

63-9909



MICROFILMED

OCT 20 1989



State of Idaho

DEPARTMENT OF WATER RESOURCES

WESTERN REGION, 92 South Cole Road, Boise, Idaho 83709

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

(Office at the corner of
Franklin and Cole Roads)

(208) 334-2190

June 21, 1982

Reynolds Irrigation District
c/o Sam Pitman, Director
Star Route
Kelba, ID 83641

Dear Mr. Pitman:

Enclosed is a copy of a protest(s) filed against the issuance of a permit pursuant to your Application No. 63-9909. The Department suggests you contact the protestants(s) directly in an effort to determine the nature of the protest(s) and to attempt to resolve the protest(s).

If this office has not been advised within twenty (20) days that the protest(s) has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying the application for permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?

If this office can be of further assistance, please contact us.

Yours truly,

DAVID B. SHAW
Western Regional Supervisor

Enc.

MICROFILMED

OCT 20 1989



State of Idaho

DEPARTMENT OF WATER RESOURCES

WESTERN REGION, 92 South Cole Road, Boise, Idaho 83709

JOHN V. EVANS
Governor

(Office at the corner of
Franklin and Cole Roads)

A. KENNETH DUNN
Director

(208) 334-2190

June 21, 1982

Idaho Department of Fish & Game
Region 3
Stacy Gebhards, Regional Supervisor
109 West Forty-fourth St.
Boise, ID 83704

Re: 63-9909

Dear Mr. Gebhards:

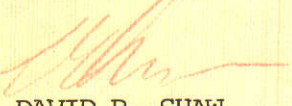
This office acknowledges receipt of your protest to the issuance of a permit pursuant to the above referenced application. The Department suggests you contact the applicant(s) directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

If this office has not been advised within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying an application for permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?

If this office can be of further assistance, please contact us.

Yours truly,


DAVID B. SHAW
Western Regional Supervisor

MICROFILMED

OCT 20 1989

AFFIDAVIT OF PUBLICATION
STATE OF IDAHO)
) ss.
County of Canyon)

Connie Cutberth
of Nampa, Canyon County, Idaho, being first duly sworn, deposes and says:

1. That I am a citizen of the United States of America, and at all times hereinafter mentioned was over the age of eighteen years, and not a party to the above entitled action.

2. That I am the Principal Clerk of the Idaho Press-Tribune, a daily, (except Saturday) newspaper published in the City of Nampa and Caldwell, in the County of Canyon, State of Idaho; that the said newspaper is in general circulation in the said County of Canyon, and in the vicinity of Nampa and Caldwell, and has been uninterruptedly published in said County during a period of seventy-eight consecutive weeks prior to the first publication of the notice, a copy of which is hereto attached.

3. That the notice, of which the annexed is a printed copy, was published in said newspaper

Two times

in the regular and entire issue of said paper, and was printed in the newspaper proper, and not in a supplement.

4. That said notice was published the following dates:

June 10, 17, 1982

Connie Cutberth
Subscribed and sworn to before me this 17th
day of June

19 82

Jeanne Lusk
Notary Public, Residing at Nampa, Idaho

MY COMMISSION EXPIRES
JULY 12th, 1985

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:

63-9909 ✓ sp.

REYNOLDS IRRIGATION DIST.

C/O SAM PITMAN, DIRECTOR, STAR RT., MELBA, ID 83641

Source: GROUCH DRAIN tributary to WARM SPRINGS CREEK, WARM SPRINGS CREEK tributary to SNAKE RIVER

Date Filed: March 31, 1982

Amount: 18.00 CFS

Diversion Point: SWNE NENE Sec 09 T 01S R 02W NWNW Sec 10 T 01S R 02W, CANYON County

Use: POWER (18.00 CFS) from January 1 to December 31

Place of Use: LOT 05 (NENW) Sec 17 T 01S R 02W

Diversion Means: DIVERSION DITCHES, PIPELINE & MOTOR

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, 92 S. Cole Road, Boise, Idaho 83709 on or before JUNE 28, 1982.

A. KENNETH DUNN
Director

June 10, 17, 1982

RECEIVED
JUN 22 1982

Department of Water Resources
Western Regional Office

MICROFILMED

OCT 20 1989

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 63-09909

Priority: May 11, 1982

Maximum Diversion Rate: 18.00 CFS
Maximum Diversion Volume: 13031.6 AF

This is to certify, that REYNOLDS IRRIGATION DISTRICT
C/O SAM PITMAN, DIRECTOR
STAR RT
MELBA ID 83641

has complied with the terms and conditions
of the permit, issued pursuant to Application for Permit dated March 31, 1982; and
has submitted Proof of Beneficial Use on October 12, 1995. An examination indicates
that the works have a diversion capacity of 49.110 cfs of water from:

GROUCH DRAIN tributary to WARM SPRINGS CREEK
WARM SPRINGS CREEK tributary to SNAKE RIVER

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
POWER	01/01 to 12/31	18.00 CFS	13031.6 AF

LOCATION OF POINT(S) OF DIVERSION:

NENE , Sec. 9, Township 01S, Range 02W
SWNE , Sec. 9, Township 01S, Range 02W
NWNW , Sec. 10, Township 01S, Range 02W
CANYON County

PLACE OF USE: POWER

TWN RGE SEC
01S 02W 17 Lot 5 (NENW)

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.

NOV 08 1995

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

WATER RIGHT NO. 63-09909

CONDITIONS OF APPROVAL AND REMARKS

5. The rights for the use of water confirmed in this license shall be junior and subordinate to all rights for the use of water other than hydropower, within the State of Idaho that are initiated later in time than the priority of this right and shall not give rise to any right or claim against any future rights for the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this right.
6. Water used under this right if discharged into a natural channel or subsurface system shall meet Idaho Water Quality Standards.
7. This right does not constitute Idaho Public Utilities Commission or Federal Energy Regulatory Commission approval that may be required.
8. Use of water under this right shall be non-consumptive.
9. The diversion and use of water under this license is subject to review by the Director on or after June 1, 2020. Upon appropriate findings relative to the interest of the public, the Director may cancel all or any part of the use authorized herein and may revise, delete or add conditions under which the right may be exercised.
10. The facility is known as the Reynolds Irrigation District Hydropower Plant.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 3rd
day of NOVEMBER, 1995.

Acting for


KARL J. DREHER, Director

NOV 08 1995

IN THE MATTER OF PERMIT NO. 63-09909)
)
) ORDER OF
IN THE NAME OF REYNOLDS IRRIGATION DISTRICT) REINSTATEMENT

NOV 08 1995

RECEIVED

OCT 16 1995

FOR OFFICE USE ONLY
Amt. of Fee \$: _____
Receipt No. _____
Receipt By: _____
Date Received: _____

Should questions arise during
the processing of this applica-
tion please contact:

SHERL L. CHAPMAN
410 S. Orchard, Suite 144
Boise, ID 83705
344-6690

STATE OF IDAHO
Department of Water Resources
DEPARTMENT OF WATER RESOURCES

RECEIVED

OCT 12 1995

PROOF OF BENEFICIAL USE

WATER RESOURCES
DIVISION

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have 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, when necessary, or be accompanied by a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 63-09909 Telephone No. 495-2277

2. Name(s) of Permit Holder(s): Reynolds Irrigation District c/o Sam Pitman

3. Mailing Address: Star Route, Melba, ID 83641
Creek

4. Source of Water: Grouch Drain/Warm Springs **GROUNDWATER** (well), Date Drilled: mo. n/a / yr. _____

a. Well Driller: _____ Drilling Permit Number: _____

b. **OPTIONAL:**

Pump Horsepower: _____ Pressure (psi): _____ Dynamic pumping level (ft): _____

5. Use(s) (as authorized by the water right permit):

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

Irrigation (No. of acres): _____ Other: Hydropower

6. Total rate of diversion and/or volume for which proof is submitted: 18.0 cfs OR n/a acre feet

7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)

(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device: Is a measuring device required?

Yes _____ or No x

Has the measuring device been installed?

Yes _____ or No x

Flow Measurement Port: Is a flow measurement port required?

Yes _____ or No x

Has the measurement port been installed?

Yes _____ or No x

8. Fee Enclosed: \$ n/a (See Fee Schedule on back of the instructions for filing proof of beneficial use)

9. Person to contact to accompany the Department representative during field examination of the water system

Name: n/a Telephone Number: _____

Address: _____

10. The information given on this form 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.

Signature of permit holder: [Signature]
(include your title, if on behalf of company or organization)

Date: Aug. 30, 1995

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

REQUEST FOR EXTENSION OF TIME

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 under the provisions of Section 42-204, Idaho Code in which to complete development of a water right.

Permit No. 63-09909

Name(s) of Permit Holder: Reynolds Irrigation District

Mailing Address: HC 79 Box 61 Melba, Idaho 83641

Date Proof is Due: September 1, 1994 Telephone No. 208-495-2529 or 208-495-2810

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".)

Completed: penstock, turbine, generator, intertie with Idaho Power equipment. This project is nearly complete. This fall, depending on the availability of pipe, we will replace 920 ft of 42" siphon with a new larger diameter of easy flow pipe and install a measuring device. Costing \$ up to 40,000.

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

Much of the project was delayed until this year due to a lack of financial capacity caused by the past 6 years (4 continuance) of drought.

Permit holder(s) request an extension to April 30, 19 95.

FEE: \$50.00

(Signature)*

*If other than permit holder, Power of Attorney must be supplied.

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 September 1, 1995.

SEP 09 1994

Signed this 29th day of August, 19 94

J. Blum Saylor
Chief, Water Allocation Bureau

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 63-09909

Proposed Priority: March 31, 1982 Maximum Diversion Rate: 18.00 CFS

This is to certify, that **REYNOLDS IRRIGATION DISTRICT**
C/O SAM PITMAN, DIRECTOR
STAR RT.
MELBA, ID 83641

has applied for a permit to appropriate water from:

GROUCH DRAIN
WARM SPRINGS CREEK

tributary of **WARM SPRINGS CREEK**
tributary of **SNAKE RIVER**

and a permit is **APPROVED** for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
POWER	01/01 to 12/31	18.00 CFS
<u>LOCATION OF POINT(S) OF DIVERSION:</u>		
	SWNE	Sec. 9, Township 01S, Range 02W
	NENE	Sec. 9, Township 01S, Range 02W
	NWNW	Sec. 10, Township 01S, Range 02W
		CANYON County

PLACE OF USE: POWER

TWN RGE SEC

01S 02W 17 LOT 5(NENW)

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **September 1, 1994.**
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. The permit holder shall either install a measuring device or a flow measurement port or provide a certified measurement or computation of flow based upon system design to be prepared by a professional engineer.
5. The issuance of this permit in no way grants any right-of-way or easement across the land of another.
6. 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.

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OCT 20 1989

State of Idaho
Department of Water Resources**Permit To Appropriate Water**

NO. 63-09909

CONDITIONS/REMARKS:

7. Water used under this permit if discharged into a natural channel or subsurface system shall meet Idaho Water Quality Standards.
8. The water right acquired under this permit for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.
9. This permit does not constitute Idaho Public Utilities Commission or Federal Energy Regulatory Commission approval that may be required.
10. Use of water under this permit shall be non-consumptive.
11. A separate stream alteration permit from the IDWR is required for any activity in the stream channel other than construction and/or maintenance of the diversion structure. If your proposed construction or operation involves construction of an outfall or any other work in the stream channel other than a water diversion, you must contact the Department and obtain a Stream Channel Alteration permit prior to the start of construction.
12. This permit and subsequent license shall be subject to review by the director of the Department of Water Resources after June 1, 2020, to determine whether the public interest dictates a revision, change or cancellation of this water right.
13. Feet of head = 102. Horsepower = 170.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this

10th day of October, 1989.

R. Keith Higginson
for R. Keith Higginson, Director

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OCT 20 1989

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Reynolds Irrigation District Phone 495-2277

Post office address % Sam Pitman, Director; Star Route; Melba, Idaho 83641
Warm Springs Creek Snake River

2. Source of water supply Grouch Drain which is a tributary of Warm Springs Creek

3. Location of point of diversion is SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 9 Township 1 S.

Range 2 W. B.M. Canyon County, additional points of diversion if any:

NENE Sec. 9, NWNW Sec. 10, T. 1 S., R. 2 W.

4. Water will be used for the following purposes:

Amount 18.0 for Power purposes from 01/01 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per annum)

Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per annum)

Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

a. 18.0 cubic feet per second and/or b. acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Diversion ditches into Reynolds
Irrigation District Ditch, thence to a pipeline and turbine.

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: (Lot 5)
(1) Give the place of use of water: NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 17 Township 1 S.

Range 2 W. B.M.

(2) Amount of power to be generated: 170 horsepower under 102 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:

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b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total number of acres to be irrigated _____

c. Describe any other water rights used for the same purposes as described above. _____

63-9368 (50cfs) provides water for this system from groundwater. The
anticipated combination of this right and 63-9368 will be 52 cfs.

9. a. Who owns the property at the point of diversion Carl Nicholson or Frank Engle

b. Who owns the land to be irrigated or place of use State of Idaho or Reynolds Irr. Dist.

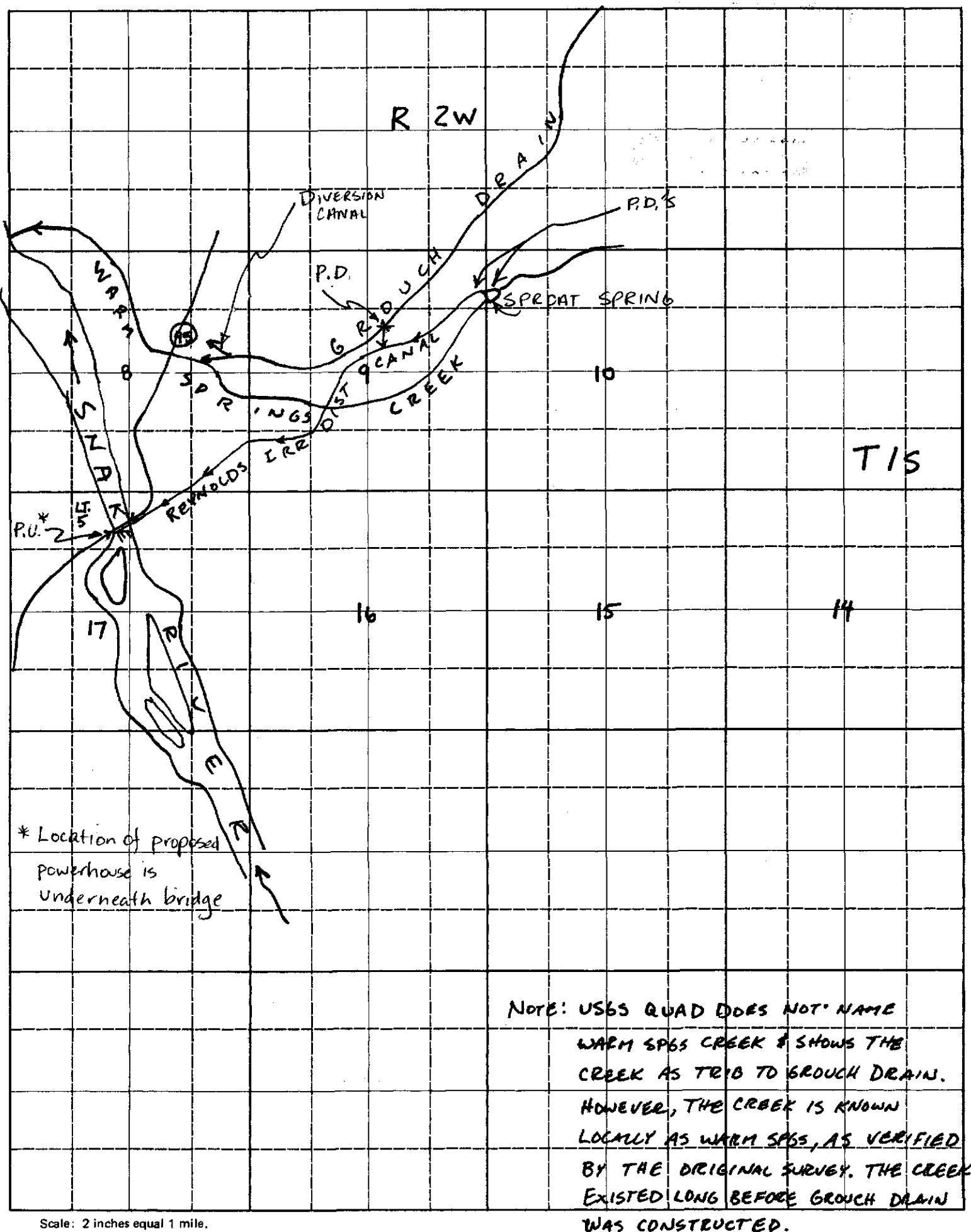
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the
applicant to make this filing Easements will be obtained at the points of diversion;
an easement has been obtained at the place of use.

10. Remarks Applicant intends to allow sufficient stockwater to flow in the main
channels durring the nonirrigation season.

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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.

MICROFILMED

OCT 20 1989

Sam P. Peterson
(Applicant)

Proposed Priority 3/31/82

Received by DRT Date 3-31-82 Time 12:30

Preliminary check by 6hs Fee \$ 385.00 # 22685

Receipted by DRT Date 3-31-82

Publication prepared by AR jp Date 6/3/82 3/12/86
Lewiston Morning Trib. 3/19 & 3/26/86

Published in Spokane Tribune The Post Register & Statesman
Times News 6/5 & 6/12/86

Publication dates 6/10 & 6/17/82

Publication approved AR Date 6/22/82

Protests filed by: Idaho Dept. of Fish & Game, Stacy Gebhards, Regional Supvr.
Region 3

Raymond D. Givens, Atty., Boise Project Board of Control

Protest withdrawn 6/4/85 / Protest withdrawn 19 mar 87

Copies of protests forwarded by JP JP

Hearing held by _____ Date _____

Recommended for approval denial by DBS kw

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. 63-9909, and said application is hereby APPROVED.

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

- SUBJECT TO ALL PRIOR WATER RIGHTS.
- Proof of construction of works and application of water to beneficial use shall be submitted on or before April 1, 19 92.
- 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.
- Other: SEE ATTACHED SHEET FOR CONDITIONS d thru l.

Witness my hand this _____ day of April, 1987.

Chief, Operations Bureau

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OCT 20 1989

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

RECEIVED

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

APR 15 1982

1. Individual Applicant or Individual Members of a Partnership: Department of Water Resources

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

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

2. Corporation:

I, Sam C. Pitman of Melba,
(name) (city)

County of Canyon, State of Idaho, being duly sworn, depose
and say: That I am the designated registered agent of the Reynolds

Irrigation District: that as such I am in charge of the registered
(name of corporation)

office of the said corporation as required by Section 30-1-12, Idaho Code, at

Boise Idaho, wherein are kept the corporate records required
(city)

by Section 30-1-52, Idaho Code: and that Reynolds Irrigation District
(name of corporation)

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

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

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

(check one)

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

Sam C. Pitman
Applicant

State of Idaho)
County of Quincy) ss.

On this 12th day of April, 1982, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged
to me that he (~~she~~) (~~they~~) executed the same.

seal

Nicholas K. M.
Notary Public residing at

My commission expires:

Lifetime

MICROFILMED

OCT 20 1989



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

November 6, 1995

REYNOLDS IRRIGATION DISTRICT
C/O SAM PITMAN, DIRECTOR
STAR RT
MELBA ID 83641

RE: WATER RIGHT NO. 63-09909

Dear Water Right Holder(s):

Enclosed is a copy of the Water Right License issued on the above referenced permit. If you have any questions, please contact me within 10 days of receipt of this license.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:rl

Enclosure

APPROVED

NOV 08 1995

LICENSE REVIEW CHECKLIST

PERMIT NO. 63-09909 DATE 10-30-95



NAME	Change OK ☒	Or Address Change? ☐
PRIORITY DATE	☒	Advance? <u>YES</u> Advanced to: <u>5-11-82</u> Order to reinstate needed? <u>DONE</u> Incorrect fee for rate recommended? <u>NA</u> <u>Certified Examiner</u>
SOURCE	☐	Changes or just clarification of originally intended source? ☐ Notice of Intent to Void necessary? ☐
POINT OF DIV	☐	Amendment needed? ☒ Overlaps? ☒
PLACE OF USE	☐	Amendment needed? ☒ Overlaps? <u>NA</u> <u>02-07091</u> <u>IRR OF 5 acres in 1/4 1/4</u>
DIV RATE	☐	Permit/fee limits: <u>18 CFS</u> Meas Q = <u>49.11</u> Theo Q = <u>—</u> Recommend: <u>18</u> Combined rates exceed capacity ☐
ANNUAL VOLUME	☒	Volume Limit: <u>—</u> Season: <u>1-1 to 12-31</u> Calculations: <u>—</u> Flow limit: <u>18</u> cfs x <u>365</u> x 1.9835 = <u>13031.6</u> Combined volumes exceed capacity/allowable ☐
USES	☐	Change in Nature of Use or additional uses? ☒ Amendment necessary? ☐
ADDITIONAL INFO		Supplemental Groundwater ☐ PPU Scenario ☐ Irr/Dom Combination ☐ Shared G/W System ☐
NEW REMARKS	☐	Multiple p/d(s) in 1/4 1/4? ☐ <u>YES</u> Other <u>W42</u>
NEW CONDITIONS	☐	Watermaster control - District ☐ ☐ Measuring/Locking Devices ☐ Irrigation Overlap <u>R22</u> Other <u>—</u> <u>KEEP</u> Water Quality <u>OGE</u> Heat/Cool/Fish verified ☐

COMMENTS: _____

RECOMMENDATION	CFS	VOLUME	SRBA Claim Filed	<u>NO</u>
<u>Power</u>	<u>18</u>	<u>13031.6</u>	Adjustment Memo Needed	<u>YES</u>
_____	_____	_____	LICENSE	☒
_____	_____	_____	1ST AMEND LETTER	_____
_____	_____	_____	2ND AMEND LETTER	_____

SHERL L. CHAPMAN
410 S. Orchard, Suite 144
Boise, ID 83705
344-6690

Department of Water Resources

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OCT 12 1995

WATER RESOURCES
WESTERN REGION

Permit No. 63-09909

1. Owner: Reynolds Irrigation District c/o Sam Pitman Phone No. 495-2277

Current Address: Star Route, Melba, ID 83641

2. Accompanied by: Jerry Hoagland EXAM DATE : 7/26/95

Address: Star Route, Melba, ID 83641 Phone No. 495-2810

Relationship to Permit Holder: Chairman

3. Source: Grouch drain/Warm Springs Creek tributary to Snake River

1. Other water rights with the same place of use: 02-07091

2. Other water rights with the same point of diversion: None

1. Point(s) of Diversion:

[illegible]

2. Place(s) of Use:

Indicate Method of Determination

[illegible]

[illegible]

 Photo of Diversion and System Attached

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
1	-----	---	-----	-----	-----

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Current Meter	AA	Sc.Inst.	-----	M11WW1	---	1993

NOV 08 1995

E. NARRATIVE/REMARKS/COMMENTS

Open channel flume to 42" penstock to power plant

GE induction generator

350 KW rated

Mdl. 5IT BP21165A501

Turbine - Turboinstitut

TF3-500

320 KW

System acquires water from Grouch drain and Warm Springs Creek. Water is transported to the intake via open ditch and a 7' wide concrete flume. The water enters a 42" steel penstock and falls approximately 100 feet to a Turboinstitut mdl tf3-500, 320 KW turbine coupled with a GE induction generator rated at 350 KW (mdl #5IT BP21165A501). The water discharges to the atmosphere free falling into 2 48" steel pipes and into the Snake River after traveling less than 100 feet.

Have conditions of permit approval been met? x yes no

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OCT 16 1995

Department of Water Resources

NOV 08 1995

F. FLOW CALCULATIONS

_____ Additional Computation Sheets Attached

Measured Method:

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

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

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

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

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
* Power	1/1	12/31	18.0	n/a
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Totals:			18.0	non-consumptive

2. Recommended Amendments

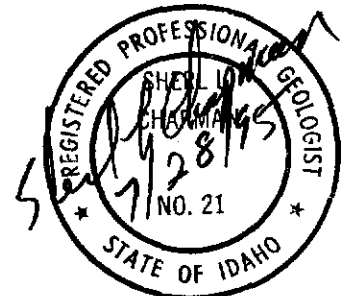
_____ Change P.D. as reflected above _____ Add P.D. as reflected above ☒ None

_____ Change P.U. as reflected above _____ Add P.U. as reflected above _____ Other

I. AUTHENTICATION

Field Examiner's Name Sherl L. Chapman Date 7/26/95

Reviewer _____ Date _____



SEAL

* SEE adjustment memo. BC

NOV 08 1995

MEMORANDUM

TO: File 63-09909 / Reynolds Irr. District
FROM: Brenda Chapman
DATE: October 30, 1995
RE: Recommendation Adjustment(s)

=====

The final licensing recommendations for Right 63-09909 are based on the information below:

G. VOLUME CALCULATIONS

According to Rule 5,1,10. of the Beneficial Use Rules and Regulations, the only uses exempt from listing the volume are municipal and fire protection. Even though power use is considered "non-consumptive", an annual volume recommendation should be made.

H. RECOMMENDATIONS

1. Recommended Amounts

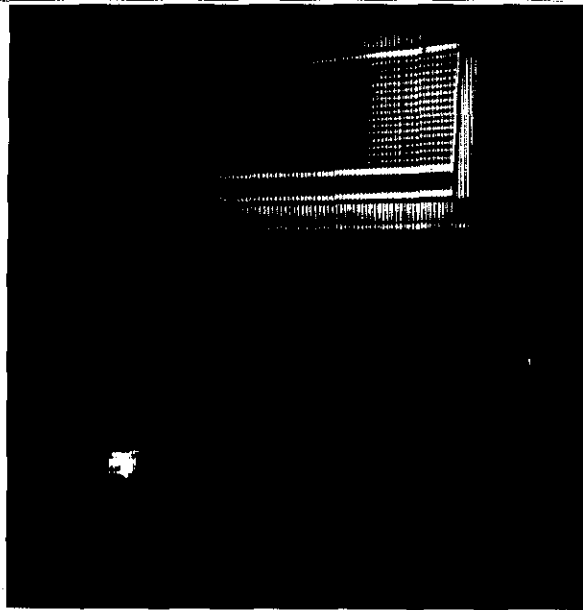
Beneficial Use	Period of Use	Rate of Div	Annual Vol
Power	1-01 to 12-31	18.0	13031.6

NOV 08 1995

CURRENT METER NOTES

DATE 9/28 1995 A.M. STREAM Reynold Creek
 PARTY L.S. P.M. LOCALITY Hydro diversion
 METER NO. _____ GAGE HEIGHT, BBO. _____ END. _____ MEAN. _____
 TOTAL AREA _____ MEAN VELOCITY _____ DISCHARGE _____

OBSERVATIONS				COMPUTATIONS						
Dist. From Initial Point	Depth	Revolutions	Time in Seconds	VELOCITY			Area	Mean Depth	Width	Discharge
				At Point	Mean in vertical	Mean in section				
EW D.O.										
.5	2.75	50	47	2.38						
		40	43	2.09	2.24		2.21		.75	4.95
		40	41	2.19						
1.0	3.0	40	44	2.04	2.12		2.25		.75	4.77
		40	42	2.13						
2.0	3.0	40	44	2.04	2.08		3.0		1.0	6.24
		40	44	2.04						
3.0	3.0	40	46	1.95	1.99		3.0		1.0	5.97
		40	47	1.95						
4.0	3.0	40	49	1.83	1.89		3.0		1.0	5.67
		40	43	2.09						
5.0	3.0	40	48	1.87	1.98		3.0		1.0	5.94
		40	42	2.13						
6.0	2.90	40	44	2.04	2.09		2.9		1.0	6.06
		40	42	2.13						
7.0	2.90	40	43	2.04	2.11		2.17		.75	4.58
		50	47	2.38						
7.5	2.90	40	42	2.13	2.26		2.18		.75	<u>4.93</u>
EW B.O.										
										<u>49.11</u>
First Screen completely clean										
Second screen small amount of build up.										
NOV 08 1995										



GE Generator - 350 KW

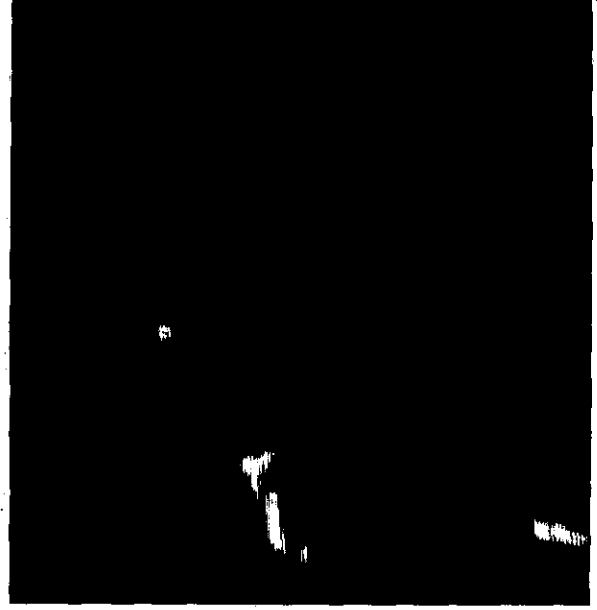


Penstock - 42"

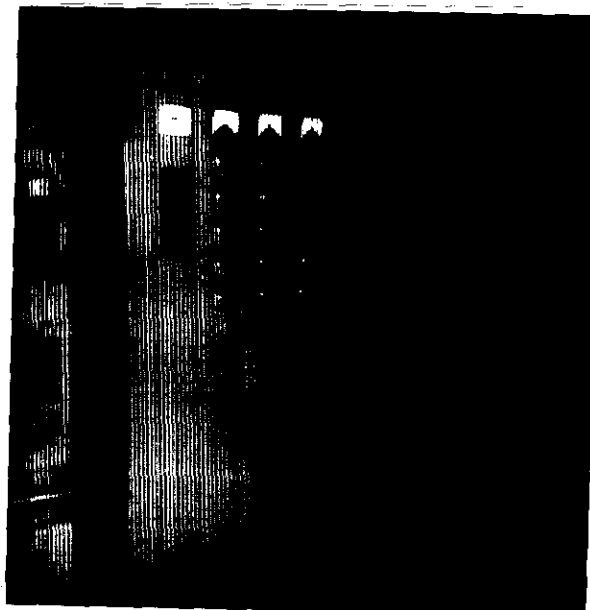
NOV 08 1995



Intake Penstock



Turbine - 320KW



Control Panel

NOV 6 8 1995



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

October 27, 1995

REYNOLDS IRRIGATION DIST
C/O SAM PITMAN
STAR RT
MELBA ID 83641

PROOF ACKNOWLEDGEMENT LETTER

RE: PERMIT NO. 63-09909

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit.

Enclosed is an order reinstating your permit since proof of beneficial use was received after the proof due date. Please note that the priority date has been advanced to May 11, 1982.

The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

If you have questions concerning the field examination, please feel free to contact the WESTERN Regional Office in Boise at (208) 334-2190.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

Enclosure

c: IDWR - Region

RECEIVED

NOV 08 1995

Permit No. 63-09909 Reviewed by [Signature] Date 10-26-95

TYPES OF USE

Hydro

Correct Uses? 465

☒ Surface water source

Ground water source

1 Drilling permit required?

Copy in the file? Drilling Permit No.

Amount paid for permit	
------------------------	--

Well log in the file?

Correct?

MEASURING DEVICE

no Required?

Yes ☒ Required?

Amount Submitted

Installed?

Correct?

no Waiver requested?

Date proof received	<u>10-12-95</u>	<u>285</u> ✓
Date proof due	<u>9-1-95</u>	- <u>244</u> ✓
No. of days late		= <u>41</u> ✓
Priority Date	<u>3-31-82</u>	+ <u>90</u> ✓
New Priority Date	<u>5-11-82</u> ✓	<u>131</u>

7 5/11/82

DEFICIENCIES OR ACTION ITEMS
Reinstate & advance priority to
~~March~~ 11, 1982.
May
Proof acceptable.

New Address _____

Proof Made 18/12/95

September 7, 1995

REYNOLDS IRRIGATION DISTRICT
C/O SAM PITMAN, DIRECTOR
STAR RT.
MELBA ID 83641

LAPSE NOTICE

RE: PERMIT NO. 63-09909

Dear Permit Holder:

You are hereby notified that under the provisions of Section 42-218A, Idaho Code, the above referenced permit has lapsed and is of no further force nor effect. The department provided the proper forms to you in our proof due notice dated June 30, 1995. No further construction or additional development is authorized under this permit unless it is reinstated.

The permit can only be reinstated if you submit an acceptable proof of beneficial use or an acceptable request for extension of time to the department within sixty (60) days of the mailing of this lapse notice. An acceptable proof of beneficial use submittal must include the examination fee or a completed field examination report. A request for extension of time must be accompanied by a fifty dollar (\$50.00) fee.

Enclosed again for your use are a proof of beneficial use form and a request for extension of time form. Please note that only one extension of time can be granted unless the project has not been completed because of lack of a necessary approval by a government agency or by litigation which may bring title to the water in question.

L. GLEN SAXTON
Chief, Water Allocation Bureau

Enclosures

NOV 08 1995

CERTIFICATION OF MAILING

I hereby certify that on 9-7-95
a ~~copy~~/an original of this document was
deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above.

June 30, 1995

REYNOLDS IRRIGATION DISTRICT
C/O SAM PITMAN, DIRECTOR
STAR RT.
MELBA ID 83641

PROOF DUE NOTICE

RE: PERMIT NO. 63-09909

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 September 1, 1995. (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.

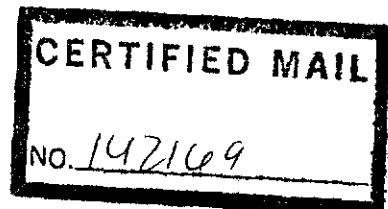
Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the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

SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

NOV 08 1995



**ANALYSIS SHEET
FOR
EXTENSION OF TIME**

Permit No. 63-9909

Reviewed by [Signature]

Date 8-29-94

BASIC INFORMATION

8-25-94 Date stamp received
yes Extension received timely
yes Fee received and receipted
yes Name and signature same as permit
no Address Change

BASIS FOR EXTENSION REQUEST

yes Has adequate work been completed to demonstrate due diligence?
_____ Has the permit been involved in litigation?
_____ Is supporting documentation needed to complete the file? _____ Requested?
_____ Is delay by a government agency?
_____ Is supporting documentation needed to complete the file? _____ Requested?
_____ Is the project more than 25,000 acre feet for irrigation or 10,000 acre feet for a reservoir?

ACTION TAKEN

Should extend to Sept-1, 1995 for due diligence.

PRIORITY CALCULATION

Date extension received _____
Proof due date _____
Number of days late _____
Priority date _____
New Priority Date _____

[X]

DATA ENTRY

New Address X
Change Proof Due Date 9-1-95
Change Priority Date X

August 29, 1994

Reynolds Irrigation District
HC 79 Box 61
Melba, ID 83641

RE: Permit No. 63-09909

Dear Permit Holder:

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 September 1, 1995. Please note that the department has granted this extension based on due diligence. It is important that you work diligently toward the completion of this project during the construction period allowed since the department will not be able to grant additional extensions based on due diligence.

If you have any questions or if I can be of any further assistance, please feel free to contact this office.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

Enclosure

C: IDWR - Regional Office

RECEIVED

SEP 09 1994

June 30, 1994

REYNOLDS IRRIGATION DISTRICT
C/O SAM PITMAN, DIRECTOR
STAR RT.
MELBA ID 83641

PROOF DUE NOTICE

RE: PERMIT NO. 63-09909

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 September 1, 1994. (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.

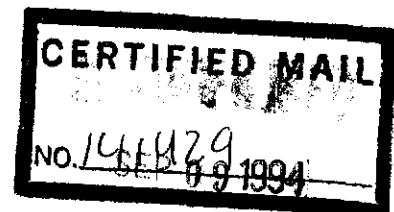
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental 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,

JULIE L. YARBROUGH
Senior Secretary

Enclosures



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Statehouse
Boise, Idaho 83720
(208) 327-7900
October 11, 1989

REYNOLDS IRRIGATION DISTRICT
C/O SAM PITMAN, DIRECTOR
STAR RT.
MELBA, ID 83641

PERMIT APPROVAL NOTICE

RE: PERMIT NO. P63-09909

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. We direct your attention to the conditions of approval on the final page.

Sincerely,

GARY SPACKMAN, Supervisor
Water Right Permits Section

GS: SC
Enclosures

INDEXED
OCT 20 1989

PROCESSING Yes No In form for advertising
Yes No Statewide advertising
Yes No Fee amount, receipt date & No. recorded on application

SEND COPIES TO Idaho Dept. of Health & Welfare
Idaho Dept. of Fish & Game
Idaho Dept. of Lands
Adjudication Bureau Unit

FINAL REGIONAL PROCESSING REVIEW

Statewide
Yes No Affidavit of publication received
Yes No Application published correctly. If n
Yes No Publication dates & paper, recorded on
Yes No Protests received
Yes No Final date for protest
Yes No Protests, dates, resolution of protest
Yes No Recommendations attached
Yes No Measuring device required
Yes No Access port required
Yes No Will water be delivered by watermaster? If yes, what Dist.
Yes No Special conditions of approval or cover letter below.

rec'd 8/4
Kay
I believe
this file
is ready
for processing.
Gary
ice
ken.
ation

See below for additional information
Date of priority recommended 3-31-1982
By P14, P19, P17A Date 27 30 (below)

STATE OFFICE REVIEW P14, P19, P17A 26A OIF 04 08A 09E 17K 17M 25

See below for additional information
By KW Date 9-14-89

ADDITIONAL INFORMATION

OK to allow 5 yrs. for development -

KK

This permit and subsequent license shall be subject to review by the director of the Department of Water Resources after June 1, 2020, to determine whether the public interest dictates a revision, change or cancellation of this water right.

MEMORANDUM

TO: File No. 63-9909 in the Name of Reynolds Irrigation District
for Power Purposes
FROM: Gary Spackman *Gary*
DATE: July 28, 1989

Application for permit no. 63-9909 has stalled in the department files for some time. The hydropower plant using water from Warm Springs Creek and Grouch Drain has already been built and is operating. I corresponded on several occasions with Carl Meyers and Sherl Chapman regarding some information that we needed on the rules and regulations. I was concerned primarily about other water users, and how the hydropower plant would affect them. In response, Sherl Chapman sent me a copy of some information he gathered on the local waters in the area. I have not been able to conclude anything from his summaries, other than to accept his statement that the diversion will not affect other water users downstream unless there is insufficient water to satisfy the consumptive rights. The power plant has been operating long enough, however, that any potential problems probably would have surfaced by now. Furthermore, if problems do arise, they can be addressed at the time of licensing.

Finally, I requested information about the term of sale contract, a FERC exemption and the policy of the PUC. These are important considerations in determining the term of the water right permit and subsequent license.

I have received a copy of the power sales contract, which is effective for a period of 35 years from April 1, 1985.

We did not obtain a copy of the FERC exemption, nor did we receive an official policy statement from the PUC. I am confident, however, that the PUC has approved the energy sales agreement. Furthermore, if an exemption exists, its effect is endless unless a change in circumstances occurs.

I recommend that we impose a term of licensing permit of 35 years, and designate June 1, 2020 as the end of the life of a permit and any subsequent license issued. The following conditions should be imposed:

This permit and subsequent license shall be subject to review by the director of the Department of Water Resources after June 1, 2020, to determine whether the public interest dictates a revision, change or cancellation of this water right.

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OCT 20 1989

For your information
From the Desk of:
Sherl Chapman

RECEIVED

MAY 30 1989

Gary -

Department of Water Resources

Enclosed you will find the energy sales contract for Reynolds Irrigation District. If you need additional information, please give me a call.

Sherl Chapman

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OCT 20 1989

RECEIVED
MAY 30 1989

Facility No: 21415119
Project: Reynolds
Irrigation District

Department of Water Resources

FIRM ENERGY SALES AGREEMENT

THIS AGREEMENT, entered into on this 15 day of April, 1985, is between REYNOLDS IRRIGATION DISTRICT, an Idaho Not-for-Profit Irrigation District (Seller), and IDAHO POWER COMPANY, a Maine corporation (Idaho) hereinafter sometimes referred to collectively as "parties" or individually as "party."

W I T N E S S E T H:

WHEREAS, Seller plans to construct, own and operate an electric generation facility; and

WHEREAS, Seller wishes to sell, and Idaho has a legal obligation to purchase, electric energy from that facility,

THEREFORE, In consideration of the mutual covenants and agreements hereinafter set forth, the Parties agree as follows:

ARTICLE I: DEFINITIONS

As used in this Agreement and the appendices attached hereto, the following terms shall have the following meanings:

1.1 "Annual Net Energy" - The amount of Net Energy Seller estimates it will deliver to Idaho at the Point of Delivery during each Contract Year.

1.2 "Commission" - The Idaho Public Utilities Commission.

1.3 "Contract Year" - The period commencing each calendar year on the same calendar date as the Operation Date and ending 364 days thereafter.

1.4 "Designated Dispatch" **MICROFILMED** 's Boise Bench System Dispatch Center.

OCT 20 1989

1.5 "Disconnection Equipment" - Any device or combination of devices located on the interconnection between the Facility and Idaho's system by which Idaho can manually and/or automatically interrupt the flow of power from the Facility to Idaho's system. Disconnection Equipment includes such enclosures or other facilities as may be required to ensure that only Idaho will have access to the devices.

1.6 "First Energy Date" - The date when Seller has been interconnected with Idaho's system and begins delivering electric energy to Idaho for purposes of demonstrating to Idaho the Facility's degree of completion and reliability.

1.7 "Facility" - That electric generation facility described in Appendix B of this Agreement.

1.8 "Interconnection Facilities" - All facilities required to be installed solely to interconnect and deliver energy from the Facility to Idaho's system including, but not limited to, connection, switching, metering, relaying, communications and safety equipment.

1.9 "Losses" - The loss of energy occurring as a result of the transformation and transmission of energy between the Facility and the Point of Delivery.

1.10 "Net Energy" - The electric energy produced by the Facility, expressed in kilowatt hours ("kwh"), delivered to Idaho at the Point of Delivery less Station Use and less Losses.

1.11 "Operation Date" - The day commencing at 0001 hours, following the day during which all features and equipment of the Facility have reached a degree of completion and reliability, such that they are capable of operating simultaneously to deliver Net Energy continuously into Idaho's system.

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OCT 20 1989

1.12 "Point of Delivery" - The location specified in Appendix B, where Idaho's and Seller's electrical facilities are interconnected.

1.12 "Prudent Electrical Practices" - Those practices, methods and equipment that are commonly and ordinarily used in electrical engineering and operations to operate electric equipment lawfully and with safety, dependability, efficiency and economy.

1.13 "Scheduled Operation Date" - The date specified in Appendix B when Seller anticipates achieving the Operation Date.

1.14 "Season" - The four periods of three months each identified in Article VI.

1.15 "Seasonal Net Energy" - The amounts of Net Energy Seller estimates it will deliver to Idaho at the Point of Delivery during each Season.

1.16 "Special Facilities" - Those additions and alterations to Idaho's system which are reasonably required by Prudent Electrical Practices and the national Electric Safety Code to interconnect the Facility safely to Idaho's system.

1.17 "Station Use" - Electric energy which is used solely to operate the Facility's equipment which is auxiliary or directly related to the production of electricity and which, but for the generation of electricity, would not be consumed by Seller.

1.18 "Surplus Energy" - Net Energy which is delivered and accepted prior to the Operation Date.

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ARTICLE II: NO RELIANCE ON IDAHO

2.1 Seller Independent Investigation - Except for the Disconnection Equipment and any other facilities exclusively within the control of Idaho,

Seller warrants and represents to Idaho that in entering into this Agreement and the undertaking by Seller of the obligation set forth herein, Seller has investigated and determined that it is capable of performing hereunder and has not relied upon the advice, experience or expertise of Idaho in connection with the transactions contemplated by this Agreement.

2.2 Seller Independent Experts - Except for the Disconnection Equipment and any other facilities within the exclusive control of Idaho, all professionals or experts including, but not limited to, engineers, attorneys or accountants, that Seller may have consulted or relied on in undertaking the transactions contemplated by this Agreement, have been solely those of Seller.

ARTICLE III: WARRANTIES

3.1 No Warranty by Idaho - Any review, acceptance or failure to review Seller's design, specifications, equipment or facilities shall not be an endorsement or a confirmation by Idaho, and Idaho makes no warranties, express or implied, regarding any aspect of Seller's design, specifications, equipment or facilities, including but not limited to safety, durability, reliability, strength, capacity, adequacy or economic feasibility.

3.2 Qualifying Facility Status - Seller warrants that the Facility is a "qualifying facility," as that term is used and defined in 18 CFR, Part 292. Seller will take such steps as may be required to maintain the Facility's "qualifying facility" status during the term of this Agreement.

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ARTICLE IV: CONDITIONS TO INTERCONNECTION

4.1 Prior to the First Energy Date and as a condition of inter-connection with Idaho, Seller shall:

4.1.1 Submit proof to Idaho that all licenses, permits or approvals necessary for Seller's operations have been obtained from applicable federal, state or local authorities, including but not limited to those licenses, permit or approvals specified in Appendix C;

4.1.2 Make payment to Idaho for all costs of Disconnection Equipment, metering equipment and Special Facilities as provided for in Appendix B of this Agreement;

4.1.3 Obtain written acceptance from Idaho as provided in paragraph 8.3;

4.1.4 Submit proof to Idaho of all insurance required in Article XIV;

4.1.5 Demonstrate to Idaho's satisfaction that Seller's Facility has been completed, and is capable of operating safely to commence deliveries of electric energy into Idaho's system.

4.1.6 Submit to Idaho a statement from a licensed professional engineer certifying that the design of and equipment in Seller's Facilities comply with the standards of this Agreement and with Prudent Electrical Practices.

4.1.7 Obtain written confirmation from Idaho that all conditions to interconnection have been fulfilled. It is understood that such written confirmation shall not be unreasonably withheld by Idaho.

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ARTICLE V: TERM AND OPERATION DATE

5.1 Term - This Agreement shall become effective on the date first above written, and shall continue in full force and effect for a period of thirty-five (35) Contract Years.

5.2 Operation Date - The Operation Date may occur only after Seller has achieved the First Energy Date, and the necessary degree of completion and reliability has been demonstrated to Idaho's satisfaction and Idaho has confirmed that satisfaction in writing. Seller shall have the duty to obtain that confirmation and it will not be unreasonably withheld by Idaho.

ARTICLE VI: SALE OF NET ENERGY

6.1 Delivery and Acceptance of Net Energy - Except when either party's performance is prevented by events of force majeure (Article XVI) or otherwise excused as provided herein, Idaho shall purchase all of the Net Energy and Surplus Energy delivered by Seller to the Point of Delivery.

6.2 Seasonal Net Energy Amounts - Based on long-term historical water flow records and average long-term energy estimates based thereon, Seller estimates that it can deliver Net Energy in the following amounts:

Season 1	December	529,200 KWH
	January	
	February	
Season 2	March	447,512 KWH
	April	
	May	
Season 3	June	336,680 KWH
	July	
	August	
Season 4	September	535,080 KWH
	October	
	November	

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OCT 20 1989

6.3 Annual Net Energy Amount - The Annual Net Energy shall be 1,848,472 KWH and shall be the sum of the four Seasonal Net Energy amounts Seller specified above.

6.4 Normal Water Conditions - For hydroelectric generating facilities, the Net Energy amounts Seller has estimated it can supply are based upon the anticipated water flows at the Facility. The parties have reviewed these anticipated water flows and the water records supporting those projected water flows and have agreed that, for purposes of this Agreement, the projected water flows used to calculate the Annual Net Energy amount are reasonable and shall constitute the water flows available to the Facility under "normal" water conditions. No later than 120 days after the Operation Date, Seller will install such water flow measuring equipment as is reasonably required to permit the parties to monitor the water flows at the Facility site. Seller will operate and maintain this water flow measuring equipment and will perform such other water flow analyses as may be required to carry out the provisions of 21.2.1.

6.5 Net Energy Changes - If, during the first three Contract Years, as a result of some action by Seller (for example, procurement of additional long-term water or other fuel supplies, or installation of larger or more efficient generating equipment), Seller is able to permanently increase the amount of annual Net Energy delivered to Idaho by more than 25% above the amount specified in paragraph 6.3 above, Idaho shall purchase this increased amount of Net Energy under the terms and conditions of this Contract except that the price paid to Seller for the increased increment of Net Energy shall not be determined in accordance with paragraph 7.1 of this Agreement, but instead will be priced at the firm energy rate in effect at the time of such

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OCT 20 1989

increase for a Contract term equal in length to the period commencing in the year of the Net Energy increase and ending in the year in which this Agreement expires. After the first three Contract Years, the 25% amount referred to above shall be reduced by 10%.

ARTICLE VII: PURCHASE PRICE AND METHOD OF PAYMENT;
ADJUSTMENT OF PURCHASE PRICE

7.1 Net Energy Purchase Price - The price to be paid to Seller for Net Energy which is not Surplus Energy will be the sum of the following payments:

7.1.1 Base Payment -

Season 1	76.7 Mills/KWH
Season 2	51.1 Mills/KWH
Season 3	76.7 Mills/KWH
Season 4	51.1 Mills/KWH

7.1.2 Adjustable Payment - In addition to the Base Payment specified in paragraph 7.1.1, Idaho shall pay to Seller an Adjustable Payment of 8.0 mills per kilowatt hour for Net Energy delivered and accepted in Seasons 1 and 3 and 5.4 mills per KWH for Net Energy delivered and accepted in Seasons 2 and 4. The Adjustable Payment shall be subject to change pursuant to Commission Order at such time as Idaho's retail rates are revised by Commission Order.

7.2 Surplus Energy Purchase Price - Surplus Energy will be purchased at the non-firm avoided energy rate in effect at the time of delivery. This rate is calculated monthly and is filed with the Commission.

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OCT 20 1989

Case No U-1006-200, a general rate proceeding to establish the rates to be paid to qualifying cogeneration and small power production facilities. In accordance with the Idaho Supreme Court opinions in Afton Energy, Inc v Idaho Power Company, 1984 Opinion No 2 (issued January 11, 1984), Afton Energy Inc v Idaho Power Company, 1984 Opinion No 167 (issued December 20, 1984), Idaho Power Company v Idaho Public Utilities Commission, 1985 Opinion No 36 (issued February 20, 1985), and Commission Order No 19442, this Agreement is a special type of contract and as such the rates, terms and conditions of this Agreement are subject to the continuing jurisdiction of the Commission and may be reviewed in the future under the fair, just, and reasonable standard not inconsistent with federal law; however, in no event shall the rates paid to Seller under this Agreement exceed the rates established by the Commission in Case No U-1006-200. Such future review of this Agreement under such a fair, just and reasonable standard can be conducted in a manner not inconsistent with federal law and Commission Order No 19442 is not inconsistent with that position.

ARTICLE VIII: FACILITY AND INTERCONNECTION

8.1 Design of Facility - Seller shall design, construct, install, own, operate and maintain the Facility. The Facility shall be designed and constructed so as to allow safe, reliable delivery of electric energy to Idaho's system.

8.2 Interconnection Facilities - Except for the Special Facilities, metering equipment and Disconnection Equipment specified in Appendix B, Seller shall construct, install, own, and maintain all Interconnection Facilities. Seller will pay all costs of interconnecting the Facility with Idaho.

8.3 Idaho Review - To assure the Facility and Seller-furnished Interconnection Facilities are of suitable size and are compatible with Idaho's

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OCT 20 1989

8.2 Interconnection Facilities - Except for the Special Facilities, metering equipment and Disconnection Equipment specified in Appendix B, Seller shall construct, install, own, and maintain all Interconnection Facilities. Seller will pay all costs of interconnecting the Facility with Idaho.

8.3 Idaho Review - To assure the Facility and Seller-furnished Interconnection Facilities are of suitable size and are compatible with Idaho's system, Seller shall submit the designs, plans, specifications and performance data for the Facility and Seller-furnished Interconnection Facilities to Idaho for review. Idaho shall, in writing and in conformance with paragraph 4.1.3, notify Seller of its acceptance and confirmation of system compatibility or conversely, notify Seller, in writing, of any changes which, consistent with Prudent Electrical Practices, Idaho determines are necessary to assure the safe delivery of electric energy from the Facility to Idaho's system.

ARTICLE IX: DISCONNECTION EQUIPMENT

9.1 Disconnect Equipment - Idaho will, at Seller's expense, provide, install, own, operate, and maintain all Disconnection Equipment. At Seller's request, Idaho will provide Seller with the general specifications and an itemization by category of the costs of such Disconnection Equipment. Idaho will establish the settings of Disconnection Equipment to disconnect automatically from the Facility for the protection of Idaho's system and personnel consistent with Prudent Electrical Practices. Upon Seller's request, Idaho will notify Seller as to the original setting and any adjustments thereof.

RECORDED

OCT 20 1989

Except as otherwise required by Prudent Electrical Practices, Disconnection Equipment will be designed so that the closure of any breaker or other disconnecting device which connects the Facility to Idaho's system shall be controlled by equipment which will perform the following:

(1) Automatically monitor the status of the electrical system on Idaho's side of the disconnecting device; as to voltage and frequency; and

(2) Prohibit closure or reconnection until voltage and frequency have been within approved limits for a continuous period of not less than five minutes; and

(3) Operate so that if Idaho's system is de-energized within ten seconds after the initial closure of the disconnecting device, the disconnecting device will immediately open and not close again until Idaho has been satisfied that Idaho can safely reclose the Disconnecting Equipment.

9.2 Security of Disconnect Equipment - The Disconnection Equipment will be located in an enclosure secured by a lock or otherwise secured in a manner designed to ensure that only Idaho's authorized personnel will have access to the disconnecting devices.

9.3 Remote Disconnection - Other Disconnection Equipment, including equipment which will provide Idaho's operating personnel with the ability to remotely control and monitor the status of the breaker or other disconnecting device by radio or hard-wire circuit between the Facility and the Designated Dispatch Facility may be specified by Idaho when, in Idaho's reasonable judgment, such equipment is required by Prudent Electrical Practices. Seller recognizes that such remote control equipment may not initially be required by Idaho, but at such time as operating conditions on Idaho's system indicate

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Idaho will install this remote control equipment at Seller's expense. If Seller disputes Idaho's determination that the installation of such remote Disconnection Equipment is required, such dispute shall be submitted to the Commission for resolution.

9.4 Interference with Disconnection Equipment - If Seller attempts to modify, adjust or otherwise interfere with the Disconnection Equipment or its enclosure, such action shall constitute an event of default pursuant to Article XXI.

ARTICLE X: METERING

10.1 Metering - Idaho shall, for the account of Seller, provide, install, and maintain required metering equipment to be located at a mutually agreed upon location to record and measure power flows to Idaho in accordance with the standards set forth in Appendix A. If required by Idaho, metering will also include measurement of kilovar-hours in a manner agreed to by both parties. All meter equipment, installation, ownership, and administration costs therefor, shall be borne by Seller, including costs incurred by Idaho for inspecting and testing such equipment at reasonable intervals at Idaho's actual cost of providing this equipment and services. The point of metering shall be at the location described in Appendix B. All meters used to determine the billing hereunder shall be sealed and the seals shall be broken on occasions when the meters are to be inspected, tested or adjusted.

10.2 Meter Inspection - Idaho shall inspect and test all meters upon their installation and at least once every four years thereafter. If requested by Seller, Idaho shall make a special inspection or test of a meter and Seller

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shall pay the reasonable costs of such special inspection. Both parties shall be notified of the time when any inspection or test shall take place, and each party may have representatives present at the test or inspection. If a meter is found to be inaccurate or defective, it shall be adjusted, repaired, or replaced, at Idaho's expense, in order to provide accurate metering. If a meter fails to register, or if the measurement made by a meter during a test varies by more than two percent from the measurement made by the standard meter used in the test, adjustment to the payments Seller has received shall be made to correct those payments affected by the inaccurate meter for the actual period during which inaccurate measurements were made. If the actual period cannot be determined, corrections to the payments will be based on the shorter of (1) a period equal to one-half the time from the date of the last previous test of the meter to the date of the test which established the inaccuracy of the meter; or (2) six (6) months.

ARTICLE XI: RECORDS

11.1 Maintenance of Records - Seller shall maintain at the Facility or such other location mutually acceptable to the parties, adequate metering and related power production records, in a form and content recommended by Idaho.

11.2 Inspection - Either party, after reasonable notice to the other party, shall have the right, during normal business hours, to inspect and audit any or all such metering and related power production records pertaining to Seller's account.

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ARTICLE XII: PROTECTION

12.1 Seller shall construct, operate and maintain the Facility and Seller-furnished Interconnection Facilities in accordance with Appendix A, Prudent Electrical Practices, the National Electric Safety Code and any other applicable local, state, and federal codes. If, in the reasonable opinion of Idaho, Seller's operation of the Facility or Interconnection Facilities is unsafe or may otherwise adversely affect Idaho's equipment, personnel, or service to its customers, Idaho may physically interrupt the flow of energy from the Facility or take such other reasonable steps as Idaho deems appropriate. Except in the case of an emergency, Idaho will attempt to notify Seller of such interruption prior to its occurrence as provided in paragraph 13.8. Seller shall provide and maintain adequate protective equipment sufficient to prevent damage to the Facility and Seller-furnished Interconnection Facilities.

ARTICLE XIII: OPERATIONS

13.1 Emergency Conditions - Seller agrees that in the event of and during a period of a shortage of power on Idaho's system as declared by Idaho in its reasonable discretion, Seller shall, at Idaho's request and within the limits of reasonable safety requirements as determined by Seller, use its best efforts to provide requested Net Energy, and shall, if necessary, delay any scheduled shutdown of the Facility.

13.2 Communications - Idaho and Seller shall maintain appropriate operating communications through Idaho's Designated Dispatch Facility, and

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Seller shall report to Idaho at the times and in the manner set forth in Appendix A.

13.3 Energy Acceptance - Idaho shall be excused from accepting and paying for Net Energy delivered by Seller to the Point of Delivery under the following circumstances:

13.3.1 If it is prevented from doing so by an event of force majeure.

13.3.2 If Idaho determines that curtailment, interruption or reduction of Net Energy deliveries is necessary because of line construction or maintenance requirements, emergencies, operating conditions on its system, or as otherwise required by Prudent Electrical Practices. If, for reasons other than an event of force majeure, Idaho requires such a curtailment, interruption or reduction of Net Energy deliveries for a period that exceed twenty days beginning with the twenty-first day of such interruption, curtailment or reduction, Seller will be deemed to be delivering Net Energy at a rate determined by dividing the Annual Net Energy amount by 8760 hours. Idaho will notify Seller when the interruption, curtailment or reduction is terminated.

13.4 Voltage Levels - Seller shall use its best efforts to minimize voltage swings and to maintain voltage levels acceptable to Idaho. Idaho may, upon one hundred eighty (180) days' notice to Seller, change its nominal operating voltage level by more than ten percent (10%) at the Point of Delivery, in which case Seller shall modify, at Idaho's expense, Seller's equipment as necessary to accommodate the modified nominal operating voltage level.

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13.5 Power Factor - Seller shall provide power within plus or minus 5% of unity power factor. The generator shall be equipped with controls or equipment which give it the capability of operating anywhere within this range.

13.6 Scheduled Maintenance - Seller shall submit a proposed maintenance schedule for each calendar year on or before the preceding February 1, and Idaho and Seller shall mutually agree as to the acceptability or unacceptability of the proposed date(s). The parties' determination as to the acceptability of Seller's timetable for scheduled maintenance will take into consideration Prudent Electrical Practices and neither party shall unreasonably withhold its acceptance of the proposed date for scheduled maintenance.

13.7 Maintenance Coordination - The parties shall, to the extent practical, coordinate their respective line and Facility maintenance schedules such that they occur simultaneously.

13.8 Contact Prior to Curtailment - Idaho will make a reasonable attempt to contact Seller prior to exercising its rights to curtail, interrupt or reduce deliveries from Seller. Seller understands that in the case of emergency circumstances, no notice will be given to Seller prior to interruption, curtailment, or reduction.

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ARTICLE XIV: INDEMNIFICATION AND INSURANCE

14.1 Indemnification - Each party shall agree to hold harmless and to indemnify the other party, its officers, agents, and employees against all loss, damage, expense and liability to third persons for injury to or death of person or injury to property, proximately caused by the indemnifying party's construction, ownership, operation or maintenance of, or by failure of, any of

such party's works or facilities used in connection with this Agreement. The indemnifying party shall, on the other party's request, defend any suit asserting a claim covered by this indemnity. The indemnifying party shall pay all costs that may be incurred by the other party in enforcing this indemnity.

14.2 Insurance - During the term of this agreement, Seller shall secure and continuously carry:

14.2.1 Comprehensive General Liability Insurance for both bodily injury and property damage equivalent to the amount of \$1,000,000 combined single limit. Such insurance shall:

- (a) include an endorsement naming Idaho as an additional insured insofar as work performed under this agreement is concerned; and
- (b) include a provision stating that such liability policies shall not be canceled or their limits of liability reduced without thirty (30) days' written notice to Idaho.

14.2.2 Valued Loss of Income Insurance covering, at a minimum, the perils of fire, extended coverage, vandalism and malicious mischief, earthquake and flood and loss arising out of accidents to boilers and/or pressure vessels and mechanical and electrical breakdown coverage for turbines and generators. Such policies shall:

- (a) be in amounts equal to the repayment amounts shown in Appendix D that would be owed to Idaho pursuant to paragraph 21.2.
- (b) include a provision stating that this policy shall not be canceled or the limits reduced without thirty (30) days' written notice to Idaho.
- (c) include Idaho as an additional insured and loss payee.

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14.2.3 Seller to Provide Copies of Policies of Insurance - It is a requirement of this contract that a certified copy of the original policies and all endorsements be furnished Idaho as soon as reasonably possible.

ARTICLE XV: LAND RIGHTS

15.1 Seller to Provide Access - Seller hereby grants to Idaho for the term of this Agreement all necessary rights of way and easements to install, operate, maintain, replace, and remove Idaho's metering equipment, Disconnection Equipment and other Special Facilities necessary or useful to this agreement, including adequate and continuing access rights on property of Seller. Seller warrants that it has procured sufficient easements and rights of way from third parties so as to provide Idaho with the access described above. All documents granting such easements or rights of way shall be subject to Idaho's approval and in recordable form.

15.2 Use of Public Rights-of-Way - The parties agree that it is necessary to avoid the adverse environmental and operating impacts that would occur as a result of duplicate electric lines being constructed in close proximity. Therefore, subject to Idaho's compliance with paragraph 15.4, Seller agrees that should Seller seek and receive from any local, state or federal governmental body the right to erect, construct and maintain Seller-furnished Interconnection Facilities upon, along and over any and all public roads, streets and highways, then the use by Seller of such public right-of-way shall be subordinate to any future use by Idaho of such public right-of-way for construction and/or maintenance of electric distribution and transmission

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facilities and Idaho may claim use of such public right-of-way for such purposes at any time. Except as required by paragraph 15.4, Idaho shall not be required to compensate Seller for exercising its rights under this paragraph 15.2.

15.3 Joint Use of Facilities - Subject to Idaho's compliance with paragraph 15.4, Idaho may use and attach its distribution and/or transmission facilities to Seller's Interconnection Facilities, may re-construct Seller's Interconnection Facilities to accommodate Idaho's usage or Idaho may construct its own distribution or transmission facilities along, over and above any public right-of-way acquired from Seller pursuant to paragraph 15.2, attaching Seller's Interconnection Facilities to such newly constructed facilities. Except as required by paragraph 15.4, Idaho shall not be required to compensate Seller for exercising its rights under this paragraph 15.3.

15.4 Conditions of Use - It is the intention of the parties that the Seller be left in substantially the same condition, both financially and electrically, as Seller existed prior to Idaho's exercising its rights under this Article XV. Therefore, the parties agree that the exercise by Idaho of any of the rights enumerated in paragraphs 15.2 and 15.3 shall: (1) comply with all applicable laws, codes and Prudent Electrical Practices, (2) Equitably share the costs of installing, owning and operating jointly used facilities and rights of way. If the parties are unable to agree on the method of apportioning these costs, the dispute will be submitted to the Commission for resolution and the decision of the Commission will be binding on the parties and (3) shall provide Seller with an interconnection to Idaho's system of equal capacity and durability as existed prior to Idaho exercising its rights under this Article XV.

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ARTICLE XVI: FORCE MAJEURE

As used in this Agreement, "force majeure" or "an event of force majeure" means any cause beyond the control of the Seller or of Idaho which, despite the exercise of due diligence, such party is unable to foresee, prevent or overcome, including but not limited to an act of God, fire, flood, explosion, strike, sabotage, an act of the public enemy, civil or military authority, court orders, laws or regulations, insurrection or riot, an act of the elements or lack of precipitation resulting in reduced water flows for power production purposes. If either party is rendered wholly or in part unable to perform its obligations under this Agreement because of an event of force majeure, both parties shall be excused from whatever performance is affected by the event of force majeure, provided that:

(1) The non-performing party shall, as soon as is reasonably possible after the occurrence of the event of force majeure, give the other party written notice describing the particulars of the occurrence.

(2) The suspension of performance shall be of no greater scope and of no longer duration than is required by the event of force majeure.

(3) No obligations of either party which arose before the occurrence causing the suspension of performance and which could and should have been fully performed before such occurrence shall be excused as a result of such occurrence.

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ARTICLE XVII: LIABILITY; DEDICATION

Nothing in this Agreement shall be construed to create any duty to, any standard of care with reference to, or any liability to any person not a

party to this Agreement. No undertaking by one party to the other under any provision of this Agreement shall constitute the dedication of that party's system or any portion thereof to the other party or to the public, nor affect the status of Idaho as an independent public utility corporation, or Seller as an independent individual or entity.

ARTICLE XVIII: SEVERAL OBLIGATIONS

Except where specifically stated in this Agreement to be otherwise, the duties, obligations and liabilities of the parties are intended to be several and not joint or collective. Nothing contained in this Agreement shall ever be construed to create an association, trust, partnership, or joint venture or impose a trust or partnership duty, obligation or liability on or with regard to either party. Each party shall be individually and severally liable for its own obligations under this Agreement.

ARTICLE XIX: WAIVER

Any waiver at any time by either party of its rights with respect to a default under this Agreement, or with respect to any other matters arising in connection with this Agreement, shall not be deemed a waiver with respect to any subsequent default or other matter.

ARTICLE XX: CHOICE OF LAWS

This Agreement shall be construed and interpreted in accordance with the laws of the State of Idaho.

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ARTICLE XXI: DEFAULT, NOTICE AND LIQUIDATED DAMAGES

21.1 Notice - In the event either party defaults in the performance of any of the terms or conditions of this Agreement, the nondefaulting party shall cause notice in writing to be given to the defaulting party, specifying the manner in which such default occurred. If the defaulting party shall fail to cure such default within the 30 days after service of such notice, then, and only then, may the nondefaulting party pursue any remedy which it may have in law or equity, including an action to terminate this Agreement, to enforce the terms of this Agreement, or to recover damages for breach thereof. This article shall not be construed as restricting in any way Idaho's rights under Article XII, or paragraph A-4.1 of Appendix A to immediately interrupt flows of energy from the facility to Idaho's system.

21.2 Liquidated Damages. The parties agree that the amount of the payment which Idaho is to make to Seller is based on the agreed value to Idaho of Seller's performance of its obligation to provide Net Energy as set out in Article VI for the full term of the Agreement. The parties further agree that if Idaho does not receive such full performance (1) Idaho shall be deemed damaged by reason thereof, (2) it would be impractical or extremely difficult to fix the actual damages to Idaho resulting therefrom, (3) the payments as provided below are in the nature of adjustments in Net Energy prices and liquidated damages and not a penalty, and are a reasonable attempt by the parties to estimate a fair compensation to Idaho for the reasonable loss that would result from such total or partial default.

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21.2.1 Failure to Deliver for Term of Agreement - If, at any OCT 20 1989

time prior to the end of the term of the Agreement, Seller permanently

curtails in whole or in part its deliveries of the Annual Net Energy amount, Seller shall pay to Idaho, as Idaho's sole and exclusive remedy for damages arising out of this permanent curtailment of Net Energy deliveries, the appropriate lump sum repayment amount specified in Appendix D, multiplied by the difference in megawatt-hours between the annual Net Energy amount specified in paragraph 6.3 and the reduced Annual Net Energy amount. This payment amount will bear interest from sixty (60) days after Idaho receives notice of Seller's permanent reduction of the annual Net Energy amount, until paid, at a rate equal to the average of the prime interest rates of the Idaho First National Bank in effect during each month of that period. For purposes of this paragraph, reduced deliveries of Net Energy due to below-normal water conditions (paragraph 6.4) shall not be considered a permanent curtailment.

21.2.2 Adjustment to Liquidated Damages - If, as contemplated in paragraph 7.3, the rates paid Seller are changed, Idaho will recalculate the lump sum payment amounts specified in Appendix D to reflect the changed rates.

ARTICLE XXII: GOVERNMENTAL AUTHORIZATION

This Agreement is subject to the jurisdiction of those governmental agencies having control over either party or this Agreement.

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ARTICLE XXIII: COMMISSION ORDER

This Agreement shall not become effective until the Commission approves all terms and provisions hereof without change or condition and

declares that all payments to be made hereunder shall be allowed as prudently incurred expenses for ratemaking purposes. If the Commission has not approved this Agreement within 60 days of its submission, then either party may terminate this Agreement by giving written notice to the other within 30 days after said 60-day approval period has expired.

ARTICLE XXIV: SUCCESSORS AND ASSIGNS

This Agreement and all of the terms and provisions hereof shall be binding upon and inure to the benefit of the respective successors and assigns of the parties hereto, save that no assignment hereof by Seller shall become effective without the written consent of Idaho being first obtained. Such consent shall not be unreasonably withheld. This article shall not prevent a financing entity with recorded or secured rights from exercising all rights and remedies available to it under law or contract. Idaho shall have the right to be notified by the financing entity that it is exercising such rights or remedies.

ARTICLE XXV: MODIFICATION

No modification to this Agreement shall be valid unless it is in writing and signed by both parties.

ARTICLE XXVI: TAXES

26.1 Each party agrees to pay its own federal and state taxes on its share of income attributable to the parties' performance of this Agreement, and any other tax, including any tax in the nature of an excise tax.

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26.2 Each party shall pay before delinquency all ad valorem taxes and other governmental charges which if failed to be paid when due could result in a lien upon the Facility or the Interconnection Facilities.

ARTICLE XXVII: NOTICES

All written notices under this Agreement shall be directed as follows, and shall be considered delivered when deposited in the U S Mail, first-class postage prepaid, as follows:

To Seller: Reynolds Irrigation District
Star Route, Box 55
Melba, Idaho 83641

To Idaho: Vice President, Power Operations
Idaho Power Company
P O Box 70
1220 Idaho Street
Boise, Idaho 83707

ARTICLE XXVIII: ADDITIONAL TERMS AND CONDITIONS

This Agreement includes the following appendices, which are attached hereto and included by reference:

Appendix A - Standards for Interconnection and Metering
Appendix B - Special Facilities, Point(s) of Delivery and Metering, and Operation Date
Appendix C - Schedule of Required Licenses and Permits
Appendix D - Lump Sum Payment

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ARTICLE XXIX - ENTIRE AGREEMENT

This Agreement constitutes the entire Agreement of the parties concerning the subject matter hereof and supersedes all prior or contemporaneous

oral or written agreements between the parties concerning the subject matter hereof.

IN WITNESS WHEREOF, The parties hereto have caused this Agreement to be executed in their respective names as of the date first above written.

IDAHO POWER COMPANY

By *DeBorja*
Vice President - Planning
and Resources

"Idaho"

REYNOLDS IRRIGATION DISTRICT

By *Sam Pittman*
Sam Pittman
President

"Seller"

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STATE OF IDAHO)
) ss
County of Ada)

On this 1st day of April, 1985, before me, the undersigned, a Notary Public, personally appeared DONALD E BARCLAY, personally known, who being duly sworn, did say that he is the Vice President - Planning & Resources of the corporation that executed the within instrument, and acknowledged to me that such corporation executed the same as the free act and deed of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

(NOTARIAL SEAL)

Julie A. Roark
Notary Public for Idaho
Residing at Boise, Idaho

STATE OF IDAHO)
) ss
County of Cherokee)

On this 1st day of April, 1985, before me, the undersigned, a Notary Public, personally appeared SAM PITTMAN, personally known, who being duly sworn, did say that he is the President of the non-profit corporation that executed the within instrument, and acknowledged to me that he executed the same as the free act and deed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

(NOTARIAL SEAL)

Nicholas K. Shl
Notary Public for Idaho
Residing at: Murphy, ID

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APPENDIX A

STANDARDS FOR INTERCONNECTION AND METERING

A-1 GENERAL PROVISIONS

A-1.1 It is the policy of Idaho to permit Seller to operate its Facility in parallel with Idaho's electric system, whenever this can be done without adverse effect to Idaho's equipment, personnel or other customers

A-1.2 These guidelines contain the minimum metering, interconnection, protection, operation, and communications requirements for the safe and effective parallel operation of Seller's Facility with Idaho's system. Although these guidelines are established to provide a uniform approach for evaluating Seller's generation projects, each interconnection must be examined by Idaho individually. Idaho and the Seller will be guided by this document, which is a part of the Firm Energy Sales Agreement, in planning an interconnection between Idaho's system and the Seller.

A-1.3 Idaho may provide limited technical assistance for Seller, but will not perform any engineering, construction or repair work on power production equipment.

A-2 GENERAL DESIGN CONSIDERATIONS

A-2.1 All Seller generators larger than 20 KVA shall be three-phase generators connected to three-phase circuits unless otherwise approved by Idaho. Generators 20 KVA and smaller may be either single-phase or three-phase.

A-2.2 Except in certain instances to be determined by Idaho, Seller's generator(s) shall be isolated from Idaho's system by a transformer. The Seller may be required to limit the fault current contribution to Idaho's system by generator impedance, neutral grounding or other means.

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A-2.3 Idaho will not assume any responsibility for protection of the Seller's generator or of any other portion of the Seller's electrical equipment. The Seller is fully responsible for protecting his equipment from faults or disturbances on Idaho's system.

A-2.4 Seller is hereby notified that certain conditions on Idaho's system may cause negative sequence currents to flow in the Seller's generator. It is the sole responsibility of the Seller to protect his equipment from excessive negative sequence currents, reverse power flow, and single phasing.

A-3 METERING REQUIREMENTS

A-3.1 Unless otherwise agreed by the Parties, metering will be provided for recording net output of the Facility and will be separate from any metering of Seller's load. Metering required will be determined by Idaho on a case-by-case basis, but will generally follow the guidelines below:

A-3.1.1 Capacity Under 750 KVA - A kilowatt-hour/demand meter will be installed.

A-3.1.2 Capacity of 750 KVA and Above - A Gem 2 bi-directional, load profiling electronic meter with communication port capability will be installed. An electromechanical kWh backup meter will also be installed.

A-4 FACILITY PROTECTION

A-4.1 The Seller has full responsibility for the maintenance of his generating equipment and the equipment protecting the Facility. If, in the opinion of Idaho, the Seller has failed to provide proper maintenance of the facility or its protection, and this failure could adversely impact Idaho or other Idaho customers, Idaho can require the Seller to cease parallel operation.

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A-5 SYNCHRONOUS GENERATORS

A-5.1 If a governor is used, the governor characteristics may be adjusted to at least 5% droop.

A-5.2 A check interlock for synchronizing of the Seller's generator is required.

A-6 INDUCTION GENERATORS

A-6.1 Overvoltage can become a serious problem when an induction generator is isolated to a portion of a transmission or distribution system. Overvoltage relay shall be provided that will open the generator breaker in the event that the voltage reaches predetermined limits consistent with the overvoltage capability of the generator and the system. Undervoltage protection may also be required. On larger units, underfrequency and overfrequency relaying may be required.

A-6.2 Vars for excitation of the induction generator will need to be supplied from the power system or from capacitors as a component of a static Var source. Appendix B to this Agreement provides for compensation to Idaho for Vars supplied.

A-7 DC TO AC CONVERTERS

A-7.1 Direct current generators may be operated in parallel with Idaho system through a synchronous inverter. The inverter installation will be designed such that an Idaho system interruption will result in the immediate removal of the inverter power flow to Idaho. Harmonics and/or spurious frequencies generated by the Seller's generator-inverter combinations must be limited to avoid causing any reduction in quality of electric service to Idaho's other customers.

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A-8 SWITCHING REQUIREMENTS

A-8.1 Idaho reserves the right to open and secure by lock any disconnecting device without prior notice to Seller for any of the following reasons:

A-8.1.1 System emergency.

A-8.1.2 Inspection of the Seller's Facility protective equipment reveals a condition which might adversely impact Idaho or Idaho's other customers.

A-8.1.3 Seller's generating equipment interferes with other customers, or with Idaho's system.

A-8.2 Seller shall maintain a written record of all operating (opening and closing) by Seller of the Seller's interconnection with Idaho. Each operation will be recorded by the date, hour and minute and will include the generator kilowatt hour reading at the time of the operation. This record will be maintained on a monthly basis and the original will be mailed to Idaho on the first business day of the following month. Idaho will provide the forms necessary for filing this monthly switching report.

A-9 GENERATION SCHEDULING AND REPORTING

A-9.1 For installations under 750 KVA, the Seller shall read his generator kilowatt hour meter within the 24-hour period following 12:00 noon on the last day of each month. That kilowatt hour meter reading is to be recorded on the monthly switching report that is mailed to Idaho.

A-9.2 For installations 750 KVA and above, before 10:00 A M each day, the Seller shall provide the Designated Dispatch Facility with an estimate of what the Seller will generate on the following day or days as may be required. In order to maintain a continuous record of energy actually generated and delivered, the Seller shall, by means acceptable to Idaho, obtain the kilowatt hour reading at midnight of each day and shall notify the Designated Dispatch

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Facility, the following day, of that meter reading. Additionally, the kilowatt hour meter reading, corresponding to midnight at the end of the last day of each month, shall also be recorded on the monthly switching report that is mailed to Idaho.

A-9.3 The written record of the end-of-month meter reading on the monthly switching report, subject to subsequent review and correction by Idaho, will be the basis of payment for energy purchased by Idaho from the Seller. An adjustment in the kilowatt hours delivered will be made to compensate for the losses in B-6.

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APPENDIX B
SPECIAL FACILITIES, POINTS OF DELIVERY AND METERING,
AND OPERATION DATE
REYNOLDS IRRIGATION

B-1 DESCRIPTION OF FACILITY

The Seller's Facility is described as one general electric induction generator with a nameplate rating of 270 KW at 480 volts, three phase, 60 hertz, driven by a Gilkes Turbo Impulse Turbine.

B-2 LOCATION OF FACILITY

The Facility is located in the NW Quarter of Section 17, Township 1 South, Range 2 West, Boise Meridian, Canyon County, Idaho.

B-3 SCHEDULED OPERATION DATE

Seller has selected February 1, 1986, as the Scheduled Operation Date and January 1, 1986, as the First Energy Date. In making these selections, Seller recognizes that to allow for adequate testing of the Facility's degree of completion and reliability, it must achieve its First Energy Date at least thirty (30) days prior to the Operation Date. Idaho, based on the information supplied by Seller, will schedule its construction so that all Special Facilities, Disconnection Equipment and metering equipment will be completed in time so as not to delay Seller's achieving the First Energy Date. However, if Seller fails to pay the costs specified in B-11 below at the time specified therein, or materially changes the specifications or design of the Facility or Seller-furnished Inter-connection Facilities from what was previously provided to Idaho, Idaho may be required to reschedule its construction of these facilities with effect 20 1989

could adversely impact Seller's ability to achieve its scheduled First Energy Date.

B-4 FAILURE TO ACHIEVE OPERATION DATE

If Seller has not achieved the Operation Date within eleven (11) months of the Scheduled Operation Date, such failure shall be deemed to be an event of default pursuant to Article XXI.

B-5 POINT OF DELIVERY

The Point of Delivery of Energy from the Seller to Idaho will be the bottom of the disconnects on the three phase 12,500 volt Idaho pole supporting the Seller owned underground pole riser, located one span from the end of the three phase primary tap, and located approximately 580 feet south and 105 feet east of the North Quarter corner of Section 17, Township 1 South, Range 2 West B.M. The Seller will install and own the pole riser, the cable terminations, the underground 12.5 KV three phase cable from the riser to transformer, and the 300 KVA, three phase, 277/480 volt to 7,200/12,500 volt padmount transformer. The transformer will be connected grounded-wye high voltage side and grounded-wye low voltage side, located approximately 50 feet from the generator.

B-6 LOSSES

Losses shall be 1.67% of the metered energy.

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B-7 METERING

The metering equipment will be on the 480 volt side of the transformer bank, and will consist of KWH C.T. meter, and current transformers. The meter will register kilowatt-hours and kilowatts of demand. Metering equipment will be owned and maintained by Idaho, with total cost of purchase and installation to be reimbursed to Idaho by the Seller. Normal

operation and maintenance expenses regarding metering equipment are included in the operation and maintenance charge provided for in paragraph B-11 of this Appendix.

B-8 SPECIAL FACILITIES

The reconstruction of approximately 975 feet of existing single phase 7,200 volt overhead distribution line to three phase 12,500 volt overhead distribution line will be provided by Idaho as Special Facilities. The total cost of these Special Facilities will be reimbursed to Idaho by the Seller.

B-9 REACTIVE POWER

Total Reactive Power required to be supplied by Idaho to the Seller is 167 KVAR, as provided in information by the Seller. Idaho will install and maintain facilities on its system so as to meet this requirement with total cost of installation to be reimbursed to Idaho by the Seller.

B-10 DISCONNECTION EQUIPMENT

Disconnection Equipment is required to insure that the Seller's Facility will be disconnected from Idaho's system in the event of a disturbance on either Idaho's system or the Seller's Facility. This equipment is for the protection of Idaho's equipment only. Idaho will supply and install the Disconnection Equipment which consists of a pole mounted 34.5 KV rated oil switch to be used as the breaker, a disconnection panel which includes the relays and associated logic, a pole mounted transformer bank for ground fault detection and a safety switch. Seller will supply and install all wiring and conduit necessary for the operation of the Interconnection Equipment. Idaho will supply details for the interconnection panel and will connect and test the equipment prior to operation of the Facility.

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Seller will provide drawings of the interconnection wiring for engineering approval before installation. The total cost of the Disconnection Equipment, connection and testing will be reimbursed to Idaho by the Seller.

B-11 COSTS

The total cost of Special Facilities and Metering Equipment is \$26,389. The total cost of the installation of Reactive Power is \$1,230. The total cost of the Disconnecting Equipment is \$12,015. Total amount to be paid to Idaho by the Seller is \$39,634, less the \$1,000 Application Fee. This represents the amount that will be charged by Idaho if the Seller makes the payment on or before May 15, 1986. If the Seller does not make this payment by the specified date, the amount will be subject to adjustment by Idaho. Idaho will not schedule construction or order Special Facilities which are not ordinarily maintained in Idaho's inventory until payment has been made. In addition, to the installation and construction charges above, during the term of the Agreement, Seller will pay Idaho an operation and maintenance charge of 0.7% per month times the total amount specified above. The monthly operations and maintenance charge may be adjusted during the term of the Agreement to reflect changes in the costs upon which the charge is based. Idaho will maintain on file with the Commission a schedule showing the cost components and calculation of the monthly operation and maintenance charge.

B-12 SALVAGE

No later than sixty (60) days after the termination or expiration of this Agreement, Idaho will prepare and forward to Seller an estimate of the remaining value of those Idaho Power furnished Interconnection Facilities

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OCT 20 1989

described in this Appendix, less the cost of removal and transfer to Idaho's nearest warehouse, if the Interconnection Facilities will be removed. If Seller elects not to retain ownership of the Interconnection Facilities but instead wishes that Idaho purchase such facilities from Seller at the net salvage value, Idaho may then be invoiced by Seller for the net salvage value estimated by Idaho for the Interconnection Facilities and shall pay such amount to Seller within thirty (30) days after receipt of said invoice. Seller shall have the right to offset the invoice amount against any present or future payments due Idaho.

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APPENDIX C

SCHEDULE OF REQUIRED LICENSES AND PERMITS

1. Evidence of compliance with Part 1 of the Federal Power Act. Acceptable evidence of compliance will be an Order from FERC: (1) issuing a License for the Facility, or (2) exempting the Facility from Licensing.
2. Permit for the appropriation of water for power production purposes issued by the Idaho Department of Water Resources.
3. Evidence of compliance with Subpart B of CFR §292.707. ~~For this Facility, self-certification is sufficient.~~ *DEB*

Microfilm

OCT 20 1989

APPENDIX D

LUMP SUM REFUND PAYMENT FOR PERMANENT CURTAILMENT OF PORTION OR ALL OF ANNUAL NET ENERGY AMOUNT UNDER 35-YEAR CONTRACT DOLLARS PER ANNUAL MEGAWATT HOUR

Contract Year of Curtailment Commencement	Facility Operation Date	
	1985	1987
1	20	20
2	40	40
3	60	65
4	80	85
5	105	105
6	125	125
7	145	145
8	165	165
9	185	185
10	200	200
11	215	220
12	235	240
13	260	270
14	270	300
15	310	325
16	335	355
17	360	385
18	385	410
19	410	435
20	430	460
21	450	480
22	465	495
23	480	510
24	490	520
25	500	525
26	495	520
27	490	510
28	475	495
29	450	475
30	410	430
31	365	385
32	295	315
33	220	220
34	110	110
35	0	0

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Sherl L. Chapman

RECEIVED

CONSULTANT

410 S. ORCHARD / SUITE 144 / BOISE, IDAHO 83705 / PHONE 344-6111

NOV 17 1988

Department of Water Resources

November 16, 1988

Mr. Gary Spackman
Department of Water Resources
Statehouse
Boise, Idaho 83720

Dear Gary:

Sometime back you wrote a letter to Reynolds Irrigation District with regard to permit #63-9909. In the letter you expressed concern that there may be insufficient water to satisfy all water rights on Warm Springs Creek if the permit were granted. Jerry Hoagland of Reynolds Irrigation District asked me to respond to your comments and, while I am not sure what all of the questions are, hopefully this letter will help to answer some of them. I understand Mr. Myers provided you with a copy of one of the reports I did for Reynolds Irrigation District. Since I've done a number of reports for them, I'm not sure which one you have. However, if your concern is with regard to the amount of water that may be available to Warm Springs Creek, perhaps I can shed some light on that issue. I had conducted some inflow measurements to Sproat Springs which lies on Grouch Drain and one of the channels of Warm Springs Creek. Water may be diverted both into Grouch Drain and Warm Springs Creek as well as out of Sproat Springs into either the drain or the creek. Measurements taken in 1980 showed that the amount of water flowing into Sproat Springs is approximately 44 cubic feet per second (cfs) during the spring months and 53 cfs during the month of October, given a normal water year. The production in Sproat Springs itself has been measured in the past at a little over 2 cubic feet per second. Since diversions may be made from the Sproat Springs pond to either Warm Springs Creek or Grouch Drain, it is estimated that about 46 cfs may be diverted from Sproat Springs pond during the spring months and about 55 cfs during the late summer and fall months. Short of a detailed analysis of the water rights of the area which I'm sure you have, this information should provide you with answers to the questions that you asked. However, if I have not fully answered your questions or you need additional information, please don't hesitate to contact me directly since Reynolds Irrigation District has authorized me to work with you in the resolution of this problem.

Sincerely yours,

Sherl L. Chapman

Sherl L. Chapman
Consultant

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OCT 20 1989

SLC:kje
cc:Mr. Jerry Hoagland

SPECIALIST IN

GROUND-WATER HYDROLOGY / WATER RIGHTS / WATER WELL DESIGN / GEOTHERMAL RESOURCES



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

October 21, 1988

Reynolds Irrigation District
Sam Pitman, Director
Star Rt.
Melba, Idaho 83641

RE: Application for permit No. 63-9909

Dear Mr. Pitman:

Enclosed is a copy of a letter which I sent to Carl Meyers, and also a letter to Sheryl Chapman requesting information regarding a hydropower site on Grouch Drain and Warm Springs Creek. Although Carl Meyers responded to my letter, the information requested has not been received by the department.

Please be advised that the Water Appropriation Rules and Regulations allow the department to reject an application for which the applicant does not supply requested information within a 30 day period. Please be advised that administrative action will be taken to remove this record from the files of the department if the questions raised in the attached letters are not addressed within that time period.

Sincerely,

GARY SPACKMAN, Supervisor
Water Allocation Section

GS:ds

Enclosures

cc: Western Region
Carl Myers
Sheryl Chapman

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OCT 20 1989



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

June 2, 1988

Sheryl Chapman
410 South Orchard
Boise, ID 83705

Re: Application for Permit No. 63-9909 in the Name of Reynolds
Irrigation

Dear Sheryl:

I sent Carl Myers a copy of the attached correspondence in August, 1987. Mr. Myers responded shortly thereafter, stating that you could clarify questions concerning the possible adverse effect of the hydropower plant on existing irrigation rights. A copy of Mr. Myers' letter is also enclosed.

Although I had not officially requested information from you, I assumed, perhaps in error, that you were working closely with Mr. Myers, and that information would be forthcoming. To date, the permit has not been issued because of a stalemate in requesting and submitting documentation.

Would you please respond to questions set forth in my August 3, 1987 correspondence?

Sincerely,

GARY SPACKMAN, Supervisor
Water Allocation Section

GS:jf

CC: Western Region
Carl Myers

Enclosures

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MYERS ENGINEERING COMPANY, P.A.

Consulting Engineers

750 Warm Springs Avenue
Boise, Idaho 83712
Telephone: (208) 336-1425

August 7, 1987

RECEIVED
AUG 11 1987

Department of Water Resources

Mr. Gary Spackman
Department of Water Resources
Statehouse
Boise ID 83720

Re: Reynolds Irrigation District Permit No. 63-9909

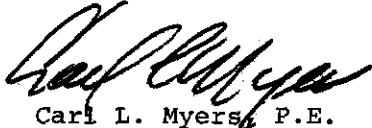
Dear Mr. Spackman:

The power plant referred to in your letter of August 3 has been on line for over a year. This is FERC Project No. 6229 for which an exemption was issued on August 5, 1982. There is nothing pending before FERC.

Power produced is sold to Idaho Power Co. under a contract dated April 1, 1985.

I cannot answer the questions on irrigation rights from Warm Springs Creek or Grouch Drain, except to note that as far as I know some water from the Reynolds canal above the penstock inlet is diverted to Warm Springs Creek, not from it. However, I am sending Sheryl Chapman a copy of this letter and a copy of your August 3 letter. He, along with the Reynolds managers, can probably clarify this.

Sincerely,


Carl L. Myers, P.E.

cc: Sheryl Chapman, Idaho Water Users Assn.
Reynolds Irrigation District
(w/copy of Spackman letter to each)

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OCT 20 1989



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

CECIL D. ANDRUS
Governor

A. KENNETH DUNN
Director

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

August 3, 1987

Carl L. Myers, P.E.
750 Warm Springs Avenue
Boise, ID 83712

Re: Application for Permit No. 63-9909 in the name of Reynolds
Irrigation

Dear Mr. Myers:

In April, 1987, you hand delivered a copy of a report conducted by Sheryl Chapman in which spring flows near Warm Springs Creek were measured. I have reviewed the report, and it seems to be somewhat inconclusive as to the availability of flows from Warm Springs Creek. Points 12 and 13 in the report identify flows in the approximate location of the proposed point of diversion. The total of flows at both points is only about 17 cfs. The report states that approximately 17.4 cfs must be provided to downstream users on Warm Springs Creek. Sheryl Chapman's report seems to establish that there may not be sufficient water to supply the downstream users with water when you are diverting 18 cfs above.

A concern over delivery of water to downstream users must be addressed prior to the Department approving diversion directly from Warm Springs Creek or Grouch Drain as the case may be. Please propose operation techniques which will be used to reduce the impact on existing rights.

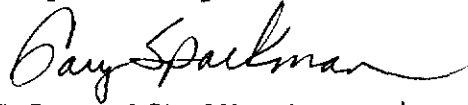
As I recall from our previous conversations, the power plant is already in operation. Therefore, many of the items of information normally requested are not necessary. If my recollection about the construction completion of the hydropower facility under Permit No. 63-9368 is incorrect, please advise me.

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Finally, I have reviewed the file, and see no reference to FERC approval. Is it your intention to sell the power? If so, please inform the Department as to the current status of the FERC filing.

Respectfully,



GARY SPACKMAN, Supervisor
Water Allocation Section

GS:jf

Enclosures

CC: Reynolds Irrigation District
Western Region

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TRANSMITTAL LETTER

RECEIVED

MYERS ENGINEERING COMPANY, P.A.

Consulting Engineers

750 WARM SPRINGS AVENUE
BOISE, IDAHO 83712

TELEPHONE: (208) 336-1425

APR 07 1987

Hand delivered 11:32
Department of Water Resources

TO WATER RESOURCES

DATE 4-7-87

RE: REYNOLDS HYDRO PROJECT

ATTN: GARY SPOCKMAN

OUR PROJECT NO.

WE ARE SENDING THE FOLLOWING MATERIAL TO YOU

☒ HEREWITH ☐ GREYHOUND ☐ FIRST CLASS MAIL ☐ EXPRESS ☐ UPS

NO. COPIES

ITEM

1 WATER AVAILABILITY & WATER RIGHTS EVALUATION
REYNOLDS IRRIGATION DISTRICT

MICROFILMED

OCT 20 1988

IF MATERIAL RECEIVED IS NOT AS LISTED ABOVE, KINDLY NOTIFY US AT ONCE.

COPIES TO:

BY

John T. [Signature]

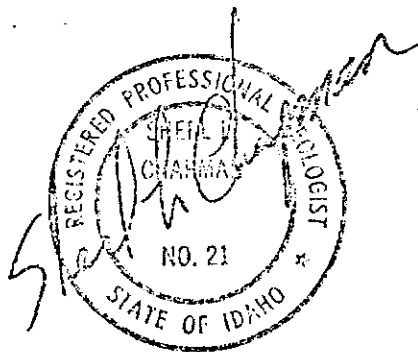
Sherl L. Chapman
CONSULTANT

4706 FAIRVIEW AVENUE / BOISE, IDAHO 83704 / PHONE 375-6131

WATER AVAILABILITY AND WATER RIGHTS EVALUATION

REYNOLDS IRRIGATION DISTRICT

November, 1980



*Gary
Spackman
(state)*

SHERL L. CHAPMAN

CONSULTANT

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OCT 20 1989

SPECIALIST IN
GROUND-WATER HYDROLOGY / WATER RIGHTS / WATER WELL DESIGN / GEOTHERMAL RESOURCES

INTRODUCTION

This firm was contacted by J-U-B Engineers, Inc., with regard to an evaluation of water availability and the water rights of the Reynolds Irrigation District as well as other water rights appurtenant to the water supply rising in artesian drain wells and surface drains south of Melba, Idaho. The investigation had as its primary objectives; (1) research of the water rights on all drains, canals, and other surface waters and applicable ground waters in the area that would impact the ability of the Reynolds Irrigation District to develop a water supply for hydroelectric generation; and (2) the flow of the existing drains, canals, and "artesian drain wells" were to be measured in an effort to establish the flow at the approximate high and low flow periods. This report is the result of the water right research and the first series of measurements. It is anticipated that once the second series of measurements have been made, an addendum will be submitted to this report with an additional interpretation of the results of both measurement series.

The Reynolds Irrigation District water supply is from a series of shallow drain wells drilled primarily in Sections 3, 9, and 10, T1S, R2W, B.M. These wells range from approximately 8" to 20" in diameter and flow at land surface for the most part continuously. Many of the drain ditches also receive water from a shallow water table in the area which also adds to the water supply. The wells, location of the drains, water rights and measuring points are shown on the base map included with this report (figure 1). The stream flow measuring points are noted in numerical sequence in order to provide the reader with a feeling for the magnitude and distribution of the flow.

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The water rights are shown by state number at the location of the point of diversion. All measuring was conducted with an AA Current Meter and wading rod, a standard means of open flow measurement. The water rights were evaluated based upon records of the Idaho Department of Water Resources and a computer search was made of all water rights within the area for both ground and surface water that would be appurtenant to this project. These water rights are listed in Table I in order of their priority date. The primary drains serving water right holders and providing waste conduits are shown on figure 1 by letter designations A - E.

WATER RIGHTS

Generally, the water rights position of Reynolds Irrigation District with regard to irrigation water is good. Three water rights, numbered 63-2420, 63-0306, and 63-0359 are on record with the state and provide for a total diversion rate of 57.76 cubic feet per second (cfs). A fourth water right, numbered 63-9368 for power generation, has a priority date of April 17, 1980 for 50 cfs.

Based upon the topography of the area of study, the water rights have been established in two specific locations; those above Sproat Springs and those below the springs. The water rights above Sproat Springs are primarily served from the drainage wells and drain ditches located in Sections 3 and 10, T1S, R2W. As can be seen from figure 1, the drain ditches merge at the northwest corner of the NW/4 NE/4, Sec. 10 with a portion of the water flowing west across the county road toward Sproat Springs and a part of the water flowing south one quarter mile, and then crossing the road and eventually draining into the known as

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TABLE I
WATER RIGHTS FOR THE SPROAT SPRINGS AREA
SOUTH OF MELBA, IDAHO
AS OF NOVEMBER 1, 1980

<u>WATER RIGHT</u>	<u>OWNER</u>	<u>PRIORITY DATE</u>	<u>USE</u>	<u>DIVERSION RATE (cfs)</u>	<u>POINT OF DIVERSION (T1S, R2W)</u>
63-0360	John Keith	4-1-17	Irrigation	1.72	SE/4 NE/4 Sec. 9 NE/4 SE/4 Sec. 8
63-0361	Thomas McMillan Oscar Simpson	4-1-17	Irrigation	1.10	NE/4 SE/4 Sec. 8
63-2311	Ashton Roby Fred Bachman	11-8-17	Irrigation Domestic	4.00	NE/4 SE/4 Sec. 8
63-2378	Ray Kennison Fred Bachman	1-30-23	Irrigation Domestic	3.86	NE/4 SE/4 Sec. 8
63-2380	Ashton Roby Fred Bachman	6-5-23	Irrigation Domestic	.66	NE/4 SE/4 Sec. 8
63-2371	Clay Todd	4-21-24	Irrigation Domestic	.40	NE/4 NW/4 Sec. 10
63-0362	Fred Bachman Fred L. Bachman	10-28-28	Irrigation	3.64	NE/4 SE/4 Sec. 8
63-0263	Fred Bachman	10-28-28	Irrigation	2.45	NE/4 SE/4 Sec. 8
63-2420	John Keith Reynolds Irrigation District	3-8-29	Irrigation	23.56	NW/4 NW/4 Sec. 10

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TABLE I - PAGE 2

<u>WATER RIGHT</u>	<u>OWNER</u>	<u>PRIORITY DATE</u>	<u>USE</u>	<u>DIVERSION RATE (cfs)</u>	<u>POINT OF DIVERSION (T1S, R2W)</u>
63-0306	Reynolds Irrigation District	4-1-34	Irrigation	8.00	NW/4 NW/4 Sec. 10
63-2592	Ellen Sproat	6-1-39	Irrigation	10.00	NW/4 NE/4 Sec. 10 SW/4 NE/4 Sec. 9
63-0353	Ellen Sproat	4-1-47	Irrigation	2.4	NW/4 NW/4 Sec. 10
63-0354	Ellen Sproat	4-1-47	Irrigation Stock Domestic	2.8	NW/4 NW/4 Sec. 10
63-0355	Ellen Sproat	4-1-47	Irrigation	3.5	NW/4 NW/4 Sec. 10
63-2699	Carl Nicholson	3-2-48	Irrigation	6.40	SW/4 SE/4 Sec. 3 NW/4 NE/4 Sec. 10
63-0356	Carl Nicholson	4-1-48	Irrigation Stock Domestic	7.80	SE/4 NW/4 Sec. 10
63-0357	Carl Nicholson	4-1-48	Irrigation Stock Domestic	8.40	SE/4 NW/4 Sec. 10
63-0358	Carl Nicholson	4-1-48	Irrigation Stock Domestic	9.50	SE/4 NW/4 Sec. 10

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TABLE 1 - PAGE 3

<u>WATER RIGHT</u>	<u>OWNER</u>	<u>PRIORITY DATE</u>	<u>USE</u>	<u>DIVERSION RATE (cfs)</u>	<u>POINT OF DIVERSION (T1S, R2W)</u>
63-0359	Reynolds Irrigation District	4-1-50	Irrigation Stock Domestic	26.00	NW/4 NW/4 Sec. 10
63-3121	Carl Nicholson	2-17-58	Irrigation Stock Domestic	1.18	NW/4 NE/4 Sec. 9
63-2663	Nicholson & Isaacs Carl Nicholson	5-12-66	Irrigation	3.00	SE/4 NE/4 Sec. 8
63-3590	L. A. Barger W. R. Barger Frank Engle	6-16-67	Irrigation	.97	SE/4 NE/4 Sec. 9 SW/4 NW/4 Sec. 10
63-8171	Robert Baird Annie Baird	7-10-71	Irrigation Domestic	.16	SW/4 NE/4 Sec. 10
63-7911	Frank Eagle Frances Eagle	1-14-74	Irrigation	.80	SE/4 NE/4 Sec. 9
63-7912	Frank Engle Frances Engle	1-14-74	Irrigation	2.00	NE/4 SW/4 Sec. 9 NE/4 SE/4 Sec. 8
63-8127	Peter & Cheryl Wold Lee & Gerda Ruppert	6-16-75	Irrigation Stock Fish Prop.	2.00	NW/4 NE/4 Sec. 10

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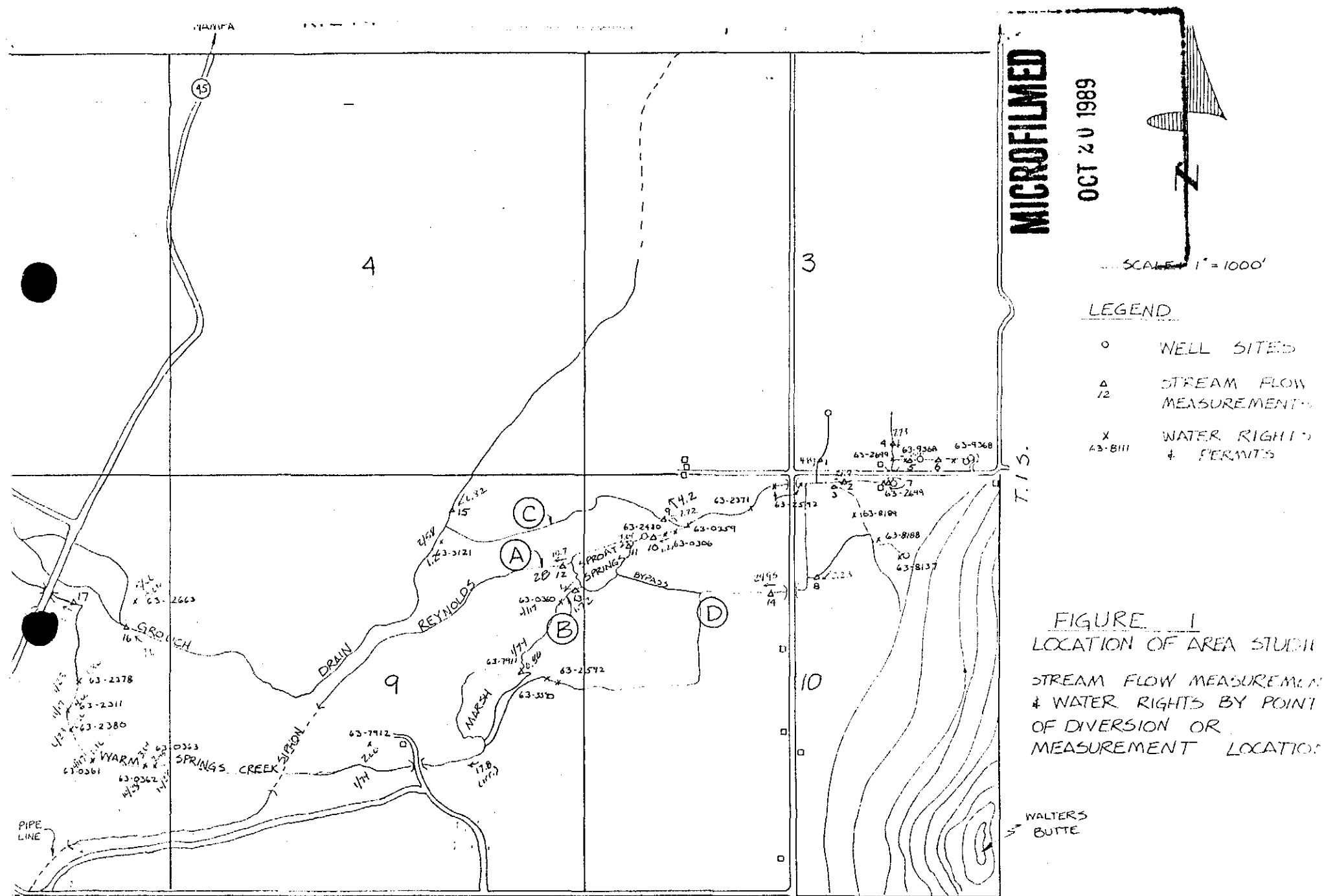
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TABLE 1 - PAGE 4

<u>WATER RIGHT</u>	<u>OWNER</u>	<u>PRIORITY DATE</u>	<u>USE</u>	<u>DIVERSION RATE (cfs)</u>	<u>POINT OF DIVERSION (T1S, R2W)</u>
63-8188	Peter & Cheryl Wold Lee & Gerda Ruppert	8-14-75	Fish Prop.	2.00	NW/4 NE/4 Sec. 10
63-8189	Peter & Cheryl Wold Lee & Gerda Ruppert	8-14-75	Irrigation Fish Prop.	3.00	NW/4 NE/4 Sec. 10
63-8192	Robert Baird Annie Baird	8-15-75	Irrigation Stock Recreation	.20	SW/4 NE/4 Sec. 10
63-8389	Mark McDonough Rony McDonough	11-24-76	Irrigation	1.30	SE/4 SW/4 Sec. 5 NE/4 NW/4 Sec. 8
63-9041	Robert Baird Annie Baird	9-21-77	Irrigation	.80	NE/4 SW/4 Sec. 10
63-9368	Reynolds Irrigation District	4-17-80	Power	50.00	SE/4 SE/4 Sec. 3 SW/4 SE/4 Sec. 3

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Warm Springs Creek. Most of the water rights above Sproat Springs are later in priority than the Reynolds irrigation water rights with only .4 cfs for irrigation senior to the earliest two water rights as shown on Table I for the District. However, a complicating factor arises in that the ditch running south from the corner and eventually into Warm Springs Creek also serves water rights which are, in fact, earlier than the senior Reynolds irrigation right. Therefore, these rights must be satisfied, if demanded, prior to serving the Reynolds irrigation right. These water rights total 17.43 cfs bringing the total of water rights senior to the Reynolds Irrigation District rights to 17.83 cfs.

As stated above, these early water rights are appurtenant to both the drains east of Sproat Springs and Warm Springs Creek to the south and west. It would appear that based upon the physical nature of the system and the distribution of water rights, that even though the drains are man-made and the source of water is denoted as Warm Springs Creek rather than unnamed drains or wasteways as are the rights east of Sproat Springs, Idaho courts and the Department of Water Resources would implement or deliver the earlier water rights in either location prior to the Reynolds Irrigation District rights. Once these rights have been satisfied, however, through the direct discharge from the drain wells, percolation from the system, and the gain in Warm Springs Creek, water may be delivered to the Reynolds Irrigation District.

The two earliest Reynolds Irrigation District rights are for a total of 31.56 cfs and two later water rights held by others total ^{26.6}~~16.4~~ cfs. Once the two later rights of ^{26.6}~~16.4~~ cfs are satisfied an additional 26 cfs may be delivered to Reynolds Irrigation District for irrigation. However, based upon the measurements found, it is entirely ~~unlikely~~ that even the ^{26.6}~~16.4~~ cfs could be delivered and the third Reynolds

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would only be deliverable if the ^{22.6}16.4 cfs was not demanded. It is likely, however, that during summer months some waste water from irrigation would enter the system, supplementing the direct discharge from the ground water system and increase the quantity of water available to Reynolds Irrigation District during the irrigation season. However, this waste water flow cannot be quantified nor considered reliable in nature and, therefore, is not included as a part of the quantification of water flow for this report.

Numerous stock water rights are in place on nearly all of the drains within this area. However, since the thrust of this study was to determine the amount of water available for diversion into the siphon and which will not be consumptively used, the impact to the stock water rights is expected to be minimal if at all. A few early priority domestic rights exist on Warm Springs Creek but it is inconceivable that the water in the drain would be used for human consumption.

Several unquantified stock water rights exist at Sproat Springs and on Warm Springs Creek as noted in a decree dated June 11, 1956. The priorities for the stock water rights are later or junior to the Reynolds irrigation right but predate the Reynolds power right. Since the decree does not specify the quantity of stock water or the number of livestock, it can only be assumed that the diversion for stock water would not exceed the present and/or historical level. If a challenge were to be filed against winter diversion for hydropower by Reynolds Irrigation District, the Idaho Department of Water Resources would require proof of the rate of diversion for stock water historically and determine the quantity to be diverted to beneficial use. Based upon the meager data available, it does not appear that the winter flow would be reduced significantly below that of the past few years.

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The winter flow will, of course, be determined by the second stream flow measurement series.

WATER MEASUREMENT

The flow of the various drains and wells were measured in the open channels using an AA Current Meter and wading staff. Measurements were taken on October 23rd and 24th which, based on earlier studies for the Idaho Department of Water Resources by this author and others, is estimated to be near the high flow period of the system. Figure 1 shows the measuring points on the drains in numerical succession. These measurements were combined where appropriate to determine the flow of water from any given sequence of drains. These measurements are shown in Table II. As can be seen from figure 1, the potential total inflow above Sproat Springs can be quantified by combining measurements 9, 11, 14, and 15. This inflow to the system totals 45.58 cfs. As previously indicated, the prior demand on the system for satisfaction of all senior water rights is 17.83 cfs leaving approximately 28 cfs available for diversion by Reynolds Irrigation District with the flows as measured on October 23rd and 24th. It should be pointed out, that the Grouch drain loses approximately .9 cfs to the ground water system between measurements 15 and 16. While not having significant impact on the water rights position of Reynolds Irrigation District, this loss may lead to some concern by local residents if the Grouch drain is diverted into the Reynolds Irrigation District system for power generation during the winter months.

The water now passing through the system into the Warm
Creek as measured at point 14, could also be diverted into Sproat

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TABLE II
FLOW MEASUREMENTS - SPROAT SPRINGS AREA
October 23rd and 24th, 1980

<u>MEASUREMENT NUMBER</u>	<u>QUANTITY (cubic feet per second)</u>	<u>COMMENTS</u>
1	4.77	30 feet upstream from culvert.
2	21.86	
3	0	Ditch silted and grown in; water not flowing.
4	7.73	100 feet upstream from confluence of drains.
5	15.91	Measures flow from all three wells upstream.
6	10.11	Approximately 75 feet upstream from artesian well.
7	.09	Measurement taken just prior to water going under road.
8	2.23	Measured at weir, 200 feet east of county road.
9	7.72	Taken 25 feet downstream from bridge.
10	1.29	100 feet below well discharge.
11	7.09	30 feet below wells.
12	10.70	In box 10 feet below gate.
13	5.98	100 feet below pond outlet.
14	29.95	50 feet below county road.
15	.82	100 feet above confluence.
16	7.64	600 feet upstream from highway above diversion.
17	34.53	100 feet upstream from bridge.

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Springs and subsequently into the siphon for power generation during the winter months. Warm Springs Creek gains 1.4 cfs between measurement point 14 and measurement point 17 which would assist in the satisfaction of water rights in this section of the stream.

Therefore, that quantity of water could be added to the amount effectively diverted by Reynolds Irrigation District, bringing the available water to between 29 and 29.5 cfs for diversion.

During the non-irrigation season all of the other water rights with the exception of the stock water rights are inactive and, therefore, from approximately the 15th of November to the beginning of the irrigation season about March 15th to April 1st, Reynolds Irrigation District could depend upon nearly the entire flow of the springs and drains for diversion into their system. Based upon the present suite of measurements, this quantity would be the sum of measurements 9, 11, 14, and 15 or 45.58 cfs. However, it is unknown at this time exactly how much the flow will decrease during the winter months which will, in fact, effect the quantity of water available for diversion. This quantity will be measured during late January or early February, 1981, in an effort to more adequately quantify the winter water available.

There exists some concern in the area with regard to diversion of all of the water that now passes through the Grouch drain and Warm Springs Creek and potential freezing of the channels. Warm Springs Creek is a "gaining stream" and the water entering the stream from the ground water system will be sufficiently warm to preclude freezing in all but the coldest years in the area. Grouch drain would, in fact, probably freeze but there are no water rights in Grouch drain for the winter months.

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It should be noted, at this point, however, as a matter of concern for Reynolds Irrigation District, that some of the individuals within the area may have diverted water for stock or other purposes from the drains and streams onto lands or at locations other than those now on file with the Idaho Department of Water Resources. Legally this could be done any time prior to May 21st of 1971 under what is known as a constitutional water right procedure or use right. At the present time, the Idaho Legislature has decreed that all claims for such rights must be filed with the Department of Water Resources on or before June 30th of 1983 or be subject to forfeiture. Unfortunately, until that date arrives, it will be impossible to tell whether or not such use rights have been established and to what extent they may affect the ability of Reynolds Irrigation District to divert water for hydroelectric power generation.

CONCLUSIONS AND RECOMMENDATIONS

As mentioned in a previous report to J-U-B Engineers, it appears at this point in time that drilling of additional wells in the area of the present wells is somewhat risky in that there is a significant potential for interference with the existing wells and reduction of flow in general. However, it is entirely possible that production can be increased to some extent by cleaning of the drainways, excavation around the existing wells to at least the bottom of the existing drainway, and cutting the well casings off approximately 6" above the bottom of the wasteways, which will reduce the head in some cases by several feet. This reduction in head will allow additional water to flow from the wells increasing production without significant investment. If

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for some reason in the future it becomes necessary to add casing, it may be accomplished very easily with the addition of mechanical extensions rather than welded casing.

It is also recommended that the water right application for Reynolds Irrigation District, #63-9368 for power generation in the amount of 50 cfs, be modified to include new diversion points located in the NW/4 NW/4, Section 10, T1S, R2W, and the NE/4 SW/4, Section 9, T1S, R2W. The reason for this suggested change is that at the present time the only diversion point for the 50 cfs as listed on the water right is on the wells located in the SE/4 SE/4, Section 3, T1S, R2W. Some contention may be made at a later date that the irrigation district does not have sufficient water at this point or cannot take into possession water at another point for hydropower generation. From a technical standpoint, it would appear that the actual point of diversion for hydropower generation is either at Sproat Springs or at the mouth of the siphon. While this is merely a technical point, the addition of the two points of diversion would cover all options and eliminate the potential for challenge at a later date. This change would also allow the diversion of the Grouch drain into the siphon mouth at that location.

It is the opinion of this author, that a primary period of concern for water supply will be during the late summer months when all water rights senior to the Reynolds Irrigation District water right may be demanded and must be passed through the system. As previously indicated waste water runoff may assist in meeting the 50 cfs right for the hydroelectric plant but cannot be quantified nor counted upon as a reliable supply. The lowering of the well casings and opening of the drains may assist to some extent but in all likelihood, the full 50

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will be rarely attainable. It is concluded that, based upon existing summer water rights, a reliable supply of 30 cfs is achievable. It should be remembered, that this analysis of water rights is based upon "paper" rights that are now on file with the Idaho Department of Water Resources. Should any of the senior water right holders choose not to use the full amount of water or for some reason not irrigate for extended periods of time, additional water will be available to the Reynolds Irrigation District. The water rights and water distribution in this Sproat Springs area is extremely complex and involved primarily due to the cross cutting of canals and ditches intertwining the drainways in the area. Human manipulation of the system will affect the flows and availability of water to some extent without proper management. Therefore, a careful analysis of the mode of operation of the system should be made in order to provide the most efficient and reliable water delivery supply. Other measurements of the water flow during the approximate low flow period during the winter months are anticipated to be made at a later date and will be submitted as an addendum to this report.

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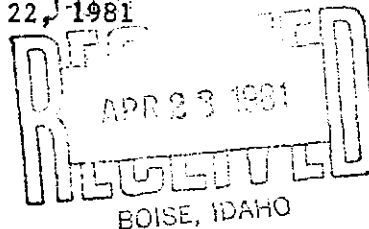
OCT 20 1989

Sherl L. Chapman

CONSULTANT

921 S. ORCHARD / SUITE N / BOISE, IDAHO 83705 / PHONE 344-6690

April 22, 1981 J-U-B Engineers



Mr. Jim Redmond
J-U-B Engineers, Inc.
250 S. Beechwood Avenue, Suite 1
Boise, Idaho 83709

Dear Jim:

Enclosed you will find the supplement to the report provided you in November, 1980. I have not included an additional map since the references in this report do apply specifically to the map provided you earlier. Additionally, during my review of the earlier report I find that I was somewhat unclear, I think, in the statement I made regarding ground water loss on the Grouch drain. In order to be truly accurate on page 5, the statement I make with regard to Grouch drain losing approximately .9 cfs should be changed to read, "It should be pointed out, that the Grouch drain loses approximate .9 cfs to the ground water system between measurements 9 and 16." While the loss does occur between the two points earlier noted, the pertinent measurements are 9 and 16 rather than 15 and 16. This makes no substantive difference with regard to the report or the conclusions therein. Additionally Jim, I need to pick up the Bureau of Reclamation recorder about May 1 and if you have opportunity to be in that area it would help me greatly if you could just bring it back to Boise here and I'll pick it up at your shop.

If you have any questions on the report or need any additional information, please let me know.

Sincerely yours,

Sherl L. Chapman
Consultant

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SC:kje
enclosure

SPECIALIST IN

GROUND-WATER HYDROLOGY / WATER RIGHTS / WATER WELL DESIGN / GEOTHERMAL RESOURCES

INTRODUCTION

This supplement is an addition to an earlier report prepared for and submitted to J-U-B Engineering Company and the Reynolds Irrigation District. The purpose for the original study was to evaluate the water rights and water availability for a hydropower project contemplated by Reynolds Irrigation District. This supplement is prepared to document the flows during the late winter and early spring months when it is believed that the flows are at their lowest level. No further evaluation was made of the water rights position of the irrigation district nor are the conclusions and recommendations made earlier changed.

WATER MEASUREMENT

The flows of the various drains and waterways were measured on or about March 28, 1981 using a pygmy current meter, an AA current meter, and various types of portable weirs. All measurements were taken using standard techniques for open channel flow measurement. These measurements have been combined where appropriate to indicate the actual flow conditions in any given sequence or drains and all flows, including those made earlier, are shown on Table I.

As can be seen from Table I, the flows in most of the drains were lower than the earlier levels. This is primarily due to a lack of recharge to the ground water system, a result of no irrigation on the benches to the north and northeast within the Boise Project and associated lands. As was mentioned in the earlier report, the source of recharge to the artesian wells and springs is primarily from water applied to agricultural lands to the north and northeast

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TABLE I
FLOW MEASUREMENTS - SPROAT SPRINGS AREA
October 23, 1980 and March 28, 1981

<u>MEASUREMENT NUMBER</u>	<u>QUANTITY (cubic feet per second)</u>		<u>COMMENTS</u>
	<u>October 23</u>	<u>March 28</u>	
1	4.77	2.47	30 feet upstream from culvert.
2	21.86	15.34	
3	-0-	-0-	Ditch silted and grown in; water not flowing.
4	7.73	4.60	100 feet upstream from confluence of drains.
5	15.91	8.92	Measures flow from all three wells upstream.
6	10.11	5.98	Approximately 75 feet upstream from artesian well.
7	.09	-0-	Measurement taken just prior to water going under road.
8	2.23	.3	Measured at weir, 200 feet east of county road.
9	7.72	7.66	Taken 25 feet downstream from bridge.
10	1.29	2.43	100 feet below well discharge.
11	7.09	8.71	30 feet below wells.
12	10.70	8.03	In box 10 feet below gate.
13	5.98	13.21	100 feet below pond outlet.
14	29.95	14.13	50 feet below county road.
15	.82	1.13	100 feet above confluence.
16	7.64	4.68	600 feet upstream from highway above diversion.
17	34.53	28.47	100 feet upstream from highway culvert

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Sherl L. Chapman

CONSULTANT

921 S. ORCHARD / SUITE N / BOISE, IDAHO 83705 / PHONE 344-6690

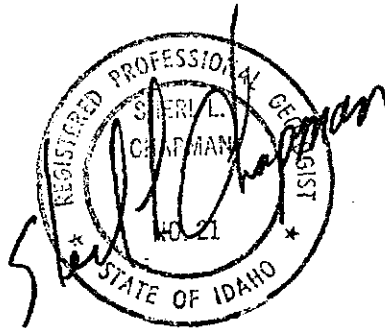
SUPPLEMENT TO WATER AVAILABILITY

AND

WATER RIGHTS EVALUATION

REYNOLDS IRRIGATION DISTRICT

April 22, 1981



SHERL L. CHAPMAN

CONSULTANT

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GROUND-WATER HYDROLOGY / WATER RIGHTS / WATER WELL DESIGN / GEOTHERMAL RESOURCES

and leakage from the various canals and waterways serving those lands. During the winter months when no water is applied or leaks from the canals, the amount of water available to the wells decreases causing the flows to also decrease.

The recent measurements shown on Table I were taken at what is believed to be the extreme low flow period and are, therefore, representative of the minimum amount of water available to the Reynolds Irrigation District for winter production of hydroelectric power. Since the water is to be diverted into the siphon for hydropower production, it can be seen from the map provided with the earlier report that the measurements taken at points 9, 11, 14 and 15 are the flows essentially available to Reynolds Irrigation District for hydropower production. The total of these flows during the latter series of measurements was 31.63 cubic feet per second. It should be noted that in order to be used the flow measured at point 15 would have to be transferred through a diversion to the Reynolds siphon. The only water right that would interfere with the low flow as measured at this point in time would be water right #63-3121 in the amount of 1.18 cfs for the purposes of stock water, irrigation, and domestic usage. The water right is owned by Mr. Carl NicholSEN and has a priority date of February 17, 1958 which pre-dates the hydropower application. However, the point of diversion is below measurement 15 which at the low flow period was 1.13 cfs, nearly enough to satisfy Mr. NicholSEN's right. Therefore, it is entirely feasible that during most of the year his water right could be satisfied by not diverting water from the waterway measured at point 15 which would also reduce the physical effort and money that water to the district's siphon.

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Based upon the satisfaction of Mr. NicholSEN's right, it appears from the measurements made that the minimum amount of water that will be available for hydropower production during normal winter months would be 30.45 cubic feet per second. This level may vary, of course, depending upon climatic conditions but for the most part it is expected to remain relatively constant.

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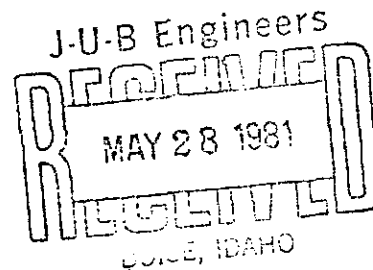
Sherl L. Chapman

CONSULTANT

921 S. ORCHARD / SUITE N / BOISE, IDAHO 83705 / PHONE 344-6690

May 27, 1981

Mr. Jim Redmond
J-U-B Engineering
250 South Beechwood Avenue, Suite 1
Boise, Idaho 83709



Dear Jim:

After our conversation here in the office, I went back through my field notes, re-evaluated the water rights, and contacted my technician who measured the streamflow at some of the locations. Since there are some changes, I felt that I should provide you with this letter in order for you to attach it to your report with the changes that I note.

In the first report on page 3, the last paragraph discusses the water rights for Reynolds Irrigation District and others. The sentence beginning the paragraph should be changed to read as follows: "The two earliest Reynolds Irrigation District rights are for a total of 31.56 cfs and other water rights held total a maximum of 26.6 cfs during the month of April. Once the later rights of 26.6 cfs are satisfied an additional 26 cfs may be delivered to Reynolds Irrigation District for irrigation." At the bottom of the page you will find the number "16.4" in the last sentence and that should be changed to "26.6 cfs." Additionally, on page 4, in the first line the number "16.4" should be changed to 26.6."

With regard to the inflow to Sproat Springs, the measurements in the report are correct, however, after the review I find that you are correct in assuming that some production is gained from Sproat Springs which should be included in the overall quantity of water available for satisfaction of water rights and power production. Reviewing the calculations and subsequent to conversations with my technician, I find that the total water available combining the inflow to Sproat Springs and the production within the pond itself

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GROUND-WATER HYDROLOGY / WATER RIGHTS / WATER WELL DESIGN / GEOTHERMAL RESOURCES

Mr. Jim Redmond

May 27, 1981

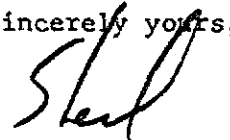
Page 2

totals 55.17 cfs for the summer months. Subtracting the maximum amount of water which may be demanded under the water rights in April, I find that 28.57 cfs would be left for satisfaction of the Reynolds water rights. However, during the rest of the irrigation season 37.34 cfs would be available which would provide more than enough to satisfy the first two Reynolds water rights, however, there is not sufficient water available to satisfy the intervening rights between the Reynolds second and third right during the irrigation season. Therefore, while we do have more water available on paper, it is not available on a reliable basis to Reynolds Irrigation District.

It is important to note, however, that including the production of Sproat Springs during the non-irrigation season is significant for power production. During the March measurement, we found, that by including the production of Sproat Springs the total water produced is 44.26 cfs which after subtracting the lone stock water right recorded would leave 43.08 cfs available for power production during the winter months. Therefore, the supplement is incorrect on page 3 in the third line from the bottom and the number "30.45" should be changed to "43.08." The other cautions regarding the paper rights and the unrecorded claims still should be of concern and it would be my opinion that design of the system for power production should not exceed 40 cfs during the non-irrigation season.

I apologize for not including the production of Sproat Springs in the early reports, it was plainly an oversight on my part. If I can be of any further service, please don't hesitate to call.

Sincerely yours,



Sherl L. Chapman
Consultant

SLC:kje

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OCT 20 1989



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

CECIL D. ANDRUS
Governor

A. KENNETH DUNN
Director

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

April 8, 1987

Carl L. Myers, P.E.
750 Warm Springs Avenue
Boise, ID 83712

Re: Application for Permit No. 63-9909 in the name of Reynolds
Irrigation District

Dear Mr. Myers:

As a follow-up to our telephone conversation on April 6, 1987, I am requesting a copy of the pertinent parts of a report prepared by Sheryl Chapman, which displays flow rates on Grouch Drain and Sproat Springs.

This information is being requested to determine the sufficiency of the water supply, during both the peak use period and an average use period.

Sincerely,

A handwritten signature in cursive script, reading "Gary Spackman", is written over the typed name.

GARY SPACKMAN, Supervisor
Water Allocation Section

GS:jf

CC: Reynolds Irrigation District
Western Region

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OCT 20 1989



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

CECIL D. ANDRUS
Governor

A. KENNETH DUNN
Director

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

April 7, 1987

Reynolds Irrigation District
Sam Pitman, Director
Star Route
Melba, ID 83641

Re: Application for Permit to Appropriate Water No. 63-9909,
water to be diverted from Grouch Drain and Warm Springs
Creek.

Dear Mr. Pitman:

A review of our files reveals that Application No. 63-9909 is filed in conjunction with Permit No. 63-9368, which proposes diversion from a groundwater source. It appears that both filings will provide water to a hydropower plant located near the old Walters Ferry bridge which spans the Snake River.

Ownership of filing No. 63-9368 is shown to be in the name of Spokane Bank for Cooperatives. There is no record in our file that Spokane Bank retains any interest in filing No. 63-9909. Please be advised that if Spokane Bank does retain any interest in Application No. 63-9909, that they will be required to file a copy of the assignment with the Department of Water Resources, and also an affidavit showing that they are authorized to do business in the State of Idaho, either through their charter, or through registration with the Secretary of State of the State of Idaho.

If you have any questions, please contact our office.

Sincerely,

A handwritten signature in cursive script, reading "Gary Spackman", is written over the typed name.

GARY SPACKMAN, Supervisor
Water Allocation Section

GS:jf

CC: Western Region
Spokane Bank for Cooperatives
Owen H. Orndorff

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OCT 40 1989

POWER CALCULATIONS FOR APPLICATION NO. 63-9909

P = 125.8 Kilowatts
 Q = 18 cfs
 H = 102 feet
 e = efficiency

170
 .74 X hp

ok-see
 memo of
 6/27/85

1. Affidavit of Residency
2. Ownership of Facilities
3. *Financial Ability
4. Feasibility of Project
 - a. Plans, drawings
 - b. Economic analysis
5. *Compliance w/FERC

*only for projects of more than 25 cfs or more than 500 horsepower.

$$e = \frac{P(11.8)}{QH} = \frac{125.8(11.8)}{18 \times 102} = \frac{1484.44}{1836} = 0.808 = 0.81 \text{ OK}$$

Based on the above calculations the proposed project must have an 81 % efficiency.

OVERLAP REVIEW

per terminal 6/27/85:

P/D	Sec. 9 - 63-2420 irrig.	Sec. 10 - 63-2371 A, D
SEC)	63-2592 irrig. & power	63-2420 A, D
	63-3121 irrig. stock, domestic	63-2592 A, P
	63-3590 irrig.	63-2699 A
	63-7912 irrig.	63-3578 A
	63-7911 irrig.	63-3590 A
	63-0359 irrig., stock, domestic	63-8137 A, S, H, D
	63-0360 irrig.	63-8171 A
		63-8188 A
		63-8189 A, H
		63-9041 A
		63-0306 A
		63-0359 A, S, D
		63-0358 S, A, D
		63-0357 A, S, D
		63-0356 A, S, D
		63-0354 A, S, D
		63-0353 A, S, D
		63-9368 P
		63-8192 A, RS

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BYPASSED AREA

OCT 20 1989

Power apps. within same pld / p/u - Section.

63-2592 - Ellen T. Spreat - 10 cfs. ^{un. drain} Miller wasteway
 63-9368 - Reynolds Seriq. Dist.



Cecil D. Andrus
Governor

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region

2735 Airport Way
Boise, Idaho 83705
(208) 334-2190

March 24, 1987

Reynolds Irrigation District
c/o Sam Pitman, Director
Star Route
Melba, ID 83641

Re: Application for Permit No. 63-9909

Dear Mr. Pitman:

Enclosed is a copy of a withdrawal of protest against the above referenced application.

The Department will now continue processing the application.

Sincerely,

DAVID R. TUTHILL, JR., P. E.
Manager, Western Regional Manager

DRT:jp

Enclosure

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OCT 20 1989



Cecil D. Andrus
Governor

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region

2735 Airport Way
Boise, Idaho 83705
(208) 334-2190

March 24, 1987

Raymond D. Givens
Givens, McDevitt, Pursley, Webb & Buser
Suite 200, Park Place
277 No. 6th Street
Post Office Box 2720
Boise, ID 83701

Re: Application for Permit No. 63-9909 in the Name of Reynolds Irrigation District

Dear Mr. Givens:

This office acknowledges receipt of the withdrawal of protest against the above-mentioned application.

If you have any questions, please feel free to call this office.

Sincerely

DAVID R. TUTHILL, JR., P. E.
Manager, Western Regional Office

DRT:jp

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OCT 20 1989

Dmr

LAW OFFICES
GIVENS, McDEVITT, PURSLEY, WEBB & BUSER

RAYMOND D. GIVENS
CHAS. F. McDEVITT
KENNETH L. PURSLEY
JAY L. WEBB
PAUL J. BUSER
LEO EDWARD MILLER
CHRISTOPHER J. BEESON
CELESTE KIM VERNETTI
TERRY L. MYERS
KENNETH R. McCLURE
JEFFREY C. FEREDAY
JUDITH K. HOLCOMBE

SUITE 200, PARK PLACE
277 NO. 6TH STREET
POST OFFICE BOX 2720
BOISE, IDAHO 83701

TELEPHONE
(208) 342-6571

March 18, 1987

TELECOPIER
(208) 343-9492

Mr. David R. Tuthill, Jr., P. E.
Manager, Western Regional Office
Department of Water Resources
2735 Airport Way
Boise, Idaho 83705

Re: Application for Permit No. 63-9909, Sources of
Grouch Drain and Warm Springs Creek, in the name
of Reynolds Irrigation District

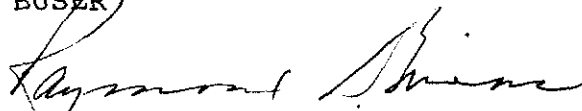
Dear Dave:

After further review of the above entitled matter,
the Boise Project Board of Control wishes to withdraw the
Protest filed June 23, 1986.

We have sent a copy of this letter to Mr. Sam Pitman,
Star Route, Melba, Idaho 83641.

Yours very truly,

GIVENS, McDEVITT, PURSLEY, WEBB &
BUSER


Raymond D. Givens

RDG:ph

cc: Mr. Sam Pitman
Star Route
Melba, Idaho 83641

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OCT 4 1989

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MAR 19 1987

Department of Water Resources
Western Regional Office



State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region

Cecil D. Andrus
Governor

2735 Airport Way
Boise, Idaho 83705
(208) 334-2266

March 4, 1987

Raymond D. Givens
Givens, McDevitt, Pursley, Webb & Buser
Suite 200, Park Place
277 No. 6th Street
Boise, ID 83701

Re: Application for Permit No. 63-9909, Sources of Grouch Drain and Warm Springs Creek, in the Name of Reynolds Irrigation District

Dear Protestant:

Because the protest that you filed on the above-referenced water right application has been not yet been resolved, a hearing for this matter has tentatively been scheduled for: Tuesday, April 14, 1987, at 1:30 p.m., in Boise.

The purpose of this letter is to advise you of this schedule and to provide you with an opportunity to notify this office if the scheduled time is not acceptable or if there is another reason the hearing should not be held at this time. Similar letters are being sent to other parties interested in this water right.

Please telephone this office no later than Wednesday, March 18, 1987, at (208) 334-2190 if you desire to make a change to the schedule. If the hearing is to proceed as scheduled, we will prepare final arrangements the following week, and you will be notified accordingly.

Sincerely,

David R. Tuthill Jr.

DAVID R. TUTHILL, JR., P.E.
Manager, Western Regional Office

DRT:jp

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OCT 20 1989



State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region

Cecil D. Andrus
Governor

2735 Airport Way
Boise, Idaho 83705
(208) 334-2266

March 4, 1987

Reynolds Irrigation District
c/o Sam Pitman, Director
Star Route
Melba, ID 83641

Re: Application for Permit No. 63-9909, Sources of Grouch Drain and
Warm Springs Creek, in the Name of Reynolds Irrigation District

Dear Water Right Applicant:

As you have previously been notified, the above-referenced water right application has been protested. A hearing for this matter has been tentatively scheduled for: Tuesday, April 14, 1987, at 1:30 p.m., in Boise.

The purpose of this letter is to advise you of this schedule and to provide you with an opportunity to notify this office if the scheduled time is not acceptable or if there is another reason the hearing should not be held at this time. Similar letters are being sent to other parties interested in this water right.

Please telephone this office no later than Wednesday, March 18, 1987, at (208) 334-2190 if you desire to make a change to the schedule. If the hearing is to proceed as scheduled, we will prepare final arrangements the following week, and you will be notified accordingly.

Sincerely,

David R. Tuthill

DAVID R. TUTHILL, JR., P.E.
Manager, Western Regional Office

DRT:jp

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OCT 20 1989

SPECIAL NOTE: _____

Application No. 63-9909

PROTEST INFORMATION SHEET

Protestant - Name(s)

Raymond D. Givens, Attorney - Boise Project Board of Control

Address _____

Attorney - Name & Address _____

Date Filed 6/23/86

Protest Date 6/23/86

Issues _____

Applicant - Attorney - Name & Address _____

Dates: _____

Acknowledgement letters: _____

Hearing Notice: _____

Hearing Date: _____

Other: _____

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OCT 20 1989

Protest Information submitted in Computer (following hearing):



State of Idaho
DEPARTMENT OF WATER RESOURCES
WESTERN REGION, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-2190

June 24, 1986

Reynolds Irrigation District
c/o Sam Pitman, Director
Star Route
Melba, ID 83641

Dear Mr. Pitman:

Enclosed is a copy of a protest(s) filed against the issuance of a permit pursuant to your Application No. 63-9909. The Department suggests you contact the protestant(s) directly in an effort to resolve the protest(s) and to attempt to resolve the protest(s).

If this office has not been advised within twenty (20) days that the protest(s) has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying the application for permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?

If this office can be of further assistance, please contact us.

Yours truly,

DAVID R. TUTHILL, JR., P. E.
Manager, Western Regional Office

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OCT 20 1989

DRT:jp

Enclosure



State of Idaho
DEPARTMENT OF WATER RESOURCES
WESTERN REGION, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-2190

June 24, 1986

Raymond D. Givens
GIVENS, McDEVITT, PURSLEY, WEBB & BUSER
Suite 200, Park Place
277 No. 6th Street
P. O. Box 2720
Boise, ID 83701

Re: No. 63-9909 in the Name of Reynolds Irrigation District

Dear Mr. Givens:

This office acknowledges receipt of your protest to the issuance of a permit pursuant to the above referenced application. The Department suggests you contact the applicant directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

If this office has not been advised within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying an application for permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?

If this office can be of further assistance, please contact us.

Yours truly,

DAVID R. TUTHILL, JR., P. E.
Manager, Western Regional Office

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OCT 20 1989

DRT:jp

Der

LAW OFFICES

GIVENS, McDEVITT, PURSLEY, WEBB & BUSER

RAYMOND D. GIVENS
CHAS. F. McDEVITT
KENNETH L. PURSLEY
JAY L. WEBB
PAUL J. BUSER
LEO EDWARD MILLER
CHRISTOPHER J. BEESON
CELESTE KIM VERNETTI
TERRY L. MYERS
KENNETH R. McCLURE
JEFFREY C. FEREDAY
JUDITH K. HOLCOMBE

SUITE 200, PARK PLACE
277 NO. 6TH STREET
POST OFFICE BOX 2720
BOISE, IDAHO 83701

TELEPHONE
(208) 342-6571

June 23, 1986

TELECOPIER
(208) 343-9492

Idaho Department of
Water Resources
450 West State Street
Boise, Idaho 83702

RECEIVED

JUN 23 1986

and delivered
Department of Water Resources

Re: Application of Reynolds Irrigation District,
No. 63-9909

Gentlemen:

We write on behalf of the Boise Project Board of Control to protest and object to the granting of the above application insofar as the same seeks to divert any water from the Grouch Drain located in Sections 9 or 10, Township 1 South, Range 2 West of the Boise Meridian.

The Boise Project Board of Control claims all waste water developed in the Grouch drain until such time as those waters have physically left the boundaries of the Project for application to beneficial use upon lands lying within the Project.

The Boise Project Board of Control hereby requests notice of any further proceedings in connection with the above application and that such notice be forwarded to the Project at 214 Broadway, Boise, Idaho 83702.

Yours very truly,

GIVENS, McDEVITT, PURSLEY, WEBB & BUSER

Raymond D. Givens
Raymond D. Givens

RDG:ph

cc: Reynolds Irr. District
& Sam Pitman, Dir
Star Route
Melba, Idaho 83641

MICROFILMED

OCT 40 1989

RECEIVED

JUN 23 1986

Department of Water Resources
Western Regional Office

CONVERSATION MEMORANDUM

DATE 23 June 86FILE 63-9909NAME OF PARTY Roy GivinsEMPLOYEE Sw Ballou

RE: Mr. Givins called to inquire about the
Pd's on the referenced application. He
represents the Boise Project which claims
rights on all waste waters w/in project.
I told Mr. Givins this was the last
day to protest he said they would get
something to our office.

MICROFILMED

OCT 20 1989

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Western Region

Statehouse
Boise, Idaho 83720
(208) 334-2190

MAY 28, 1986

The Idaho Statesman
Box 40
Boise, ID 83707

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

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

Please send the affidavit of publication and publication billing to this office before JUNE 23, 1986.

Yours truly,

JUDY FENSE
Secretary

Encl.

MICROFILMED

OCT 20 1989

FILE MEMO

From: judy/Western Region *OK*
To: Files Nos. 63-9813, 9909, 10230
Date: 4/10/86

Re: Advertising of Power Filings

The Times News printed the wrong day on the protest Date. The protest date should have read April 7, 1986, instead was ran as April &, 1986.

If we have not received any protests before the 31st day of April, we will assume there are none.

MICROFILMED

OCT 20 1989

The Idaho Statesman

P.O. BOX 40, BOISE, IDAHO 83707

LEGAL ADVERTISING INVOICE

Amount Due

36.16

Account Name ID Department of Water Resources, Western Region		Account Number #47628	
Address Statehouse		City/State Boise, ID	Zip 83720
Ordered By Judy Pense	P.O. Number	Rate nt	Run Dates 1986 June 5, 12
Identification Application No. 63-9909		Estimated Inches	Real Inches
Number of Affidavits Requested 1			Legal Number #2301

RECEIVED

JUN 16 1986

STATE OF IDAHO)

ss.

COUNTY OF ADA)

Department of Water Resources
Western Regional Office

Laura Gay Barnes

, being duly

sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto; that said notice was published in The Idaho Statesman in conformity with Section 60-108, Idaho Code as amended, for Two (2) ☒ consecutive weekly ☐ consecutive daily ☐ single ☐ odd skip

insertion(s) beginning with the issue of June 5, 19 86

and ending with the issue of June 12, 19 86

Laura Gay Barnes

Subscribed and sworn to before me this 12th

day of June, 19 86

Jesse M. Hawke

Notary Public for Idaho, Residing at Boise, Idaho

NOTICE OF DIVERSION FOR WATER RIGHTS

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

63-9909

Reynolds Irrigation Dist.
c/o Sara Pittman, Director
State of Idaho
Boise, Idaho 83720

Source: Grouse Drain tributary to Warm Springs Creek.
Water Conveyed: Creek tributary to Snake River

Date Filed: 03/31/1982

Amount: 1800 CFS

Diversion Pt.: SWNE NE NE

Sec. 09 T 015 R 02W

NE NW Sec. 16 T 015 R 02W

Canyon Co.

Use: Power (1800 CFS)

from 01/01 to 12/31

Place of Use: Let 05 (NE NW)

Sec. 17 T 015 R 02W

Diversion Means: Diversion

Onches

Pipeline & Motor

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Western Region, Statehouse, Boise, Idaho 83720 on or before June 23, 1986.

KEN DUNN
Director

MICROFILMED

OCT 20 1989

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, ss.
County of Nez Perce

_____, being duly sworn,
deposes and says, I am the _____
of the Tribune Publishing Company, a corporation organized and existing
under and by virtue of the laws of the State of Idaho, publishers of the
LEWISTON MORNING TRIBUNE, a newspaper of general circulation
published at Lewiston, Nez Perce County, Idaho; That the said Lewiston
Morning Tribune is an established paper and has been published regular-
ly and issued regularly at least once a day for more than 21 consecutive
years next immediately preceding the first publication of this notice, and
has been so published uninterrupted for said period; that the

NOTICE OF APPLICATION FOR

attached hereto and which is made a part of this affidavit was published in
the said Lewiston Morning Tribune, _____ time(s). Publication be-
ing on _____, or once a
_____ week for _____ consecutive _____ weeks, the first
publication thereof being on the _____, and the last pub-
lication thereof being on the _____, and said _____

NOTICE OF APPLICATION FOR

was so published in the regular and entire issue of said newspaper and
not in a supplement thereof and was so published in every issue and
number of the said paper, during the period and times of publication as
set forth above.

SUBSCRIBED AND SWORN BEFORE ME THIS THE _____
day of _____

Notary Public in and for the State of Idaho,
residing at Lewiston, therein.

MICROFILMED

OCT 26 1989

3/31/96

R. west western region

APPLICATION FOR
WATER RIGHT

This following applica-
tion(s) have been filed to
appropriate the public
waters of the State of
Idaho:

63-9813

BOISE PROJECT
BOARD OF CONTROL,
214 Broadway Ave.,
Boise, ID 83702

Source: Boise River
tributary to SNAKE
RIVER

Date Filed: 08/19/1981

Amount: 150.00 CFS

Diversion Point NWSW

Sec 03 T 02N R 03E, ADA
Co.

Use: Power (150.00 CFS)
from 03/15 to 10/15

Place of Use: NWNE

Sec 05 T 04N R 15W

Diversion Means:
Canal to Power Plant

63-9909 / SP

REYNOLDS IRRIGATION
DIST.

C/O Sam Pitman, Direc-
tor, Star Rt., Melba, ID
83641

Source: GROUCH

DRAIN tributary to

WARM SPRINGS CREEK

WARM SPRINGS CREEK

tributary to SNAKE

RIVER

Date Filed: 03/31/1982

Amount: 18.00 CFS

Diversion Point: SWNE

NENE Sec 09 T 01S R

02W NWNW Sec 10 T 01S

R 02W, CANYON Co.

Use: POWER (18.00
CFS) from 01/01 to 12/31

Place of Use: Lot 05

(NENW) Sec 17 T 01S R

02W

Diversion Means:

Diversion Ditches,

Pipeline & Motor

63-10230

BOISE PROJECT

BOARD OF CONTROL

214 Broadway Ave.,

Boise, ID 83702

Source: Boise River

trib. to SNAKE RIVER

Date Filed: 04/25/1984

Diversion Pt: Lot 09

(NWSW) Sec 03 T 02N R

13E

Use: Power (900.00
CFS)

In: NESE Sec 29 T 02N R

01E

The permit(s) will be

subject to all prior water

rights. Protests must be

filed with the Director,

Dept. of Water

Resources, Western

Region, Statehouse,

Boise, Idaho 83720 on or

before APRIL 8, 1986.

KEN DUNN, Director

PUBLISH: Wednesdays,

March 19, and 26, 1986.

Affidavit of Publication

STATE OF IDAHO,

COUNTY OF TWIN FALLS

ss.

No 16045

Belinda J. Capps

being first duly sworn upon

oath, depose and say that I am *Quinn Clark* of the TIMES-NEWS,
published daily, at Twin Falls, Idaho, and do solemnly swear that a copy of
the notice of advertisement, as per clipping attached, was published in the regular and
entire issue of said newspaper, and not in any supplement thereof, for *Two*

consecutive *weeks*, commencing with the issue dated
March 19, 19 *86*, and ending with the issue dated
March 26, 19 *86*.

And I do further certify that said newspaper is a consolidation, effective February 16,
1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the Twin
Falls News, published theretofore daily except Monday, both of which newspapers prior to
consolidation had been published under said names in said city and county continuously and
uninterruptedly during a period of more than twelve consecutive months, and said TIMES-
NEWS, since such consolidation, has been published as a daily newspaper except Saturday,
until July 31, 1978, at which time said newspaper began daily publication under said name
in said city and county continuously and uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week
has been designated as the day on which legal notice by law or by order of any court of com-
petent jurisdiction within the state of Idaho, to be published weekly, will be published; and
that at the head of the editorial column of said combined newspapers, and in each issue there-
of, Thursday is announced as the day on which said legal notices will be published.

Belinda J. Capps

Subscribed and sworn to before me on this *28th* day of

March, 19 *86*.

Dianne Hume

Notary Public in and for the County of Twin Falls,
State of Idaho, residing at Twin Falls, Idaho

MICROFILMED

OCT 20 1989

Proof of Publication
The Post-Register

State of Idaho, }
County of Bonneville } ss

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 have been published continuously and uninterruptedly, prior to consolidation, for more than seventy-eight (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 19th day of March, 1986, last publication having been made on the 26th day of March, 1986, 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 1st day of April, 1986.

Notary Public

My commission expires September 30, 1988.

B10

NOTICE OF APPLICATION
FOR WATER RIGHT

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

63-9813

BOISE PROJECT BOARD OF CONTROL
214 BROADWAY AVE., BOISE, ID 83702
Source: BOISE RIVER tributary to SNAKE RIVER
Date Filed: 08/19/1981
Amount: 150.00 CFS
Diversion Point: NWSW Sec 03 T 02N R 03E, ADA Co.
Use: POWER (150.00 CFS) from 03/15 to 10/15
Place of Use: NWN Sec 05 T 04N R 05W
Diversion Means: CANAL TO POWER PLANT

63-9909 ✓ 3P

REYNOLDS IRRIGATION DIST.
C/O SAM PITMAN, DIRECTOR, STAR RT., MELBA, ID 83641
Source: GROUCH DRAIN tributary to WARM SPRINGS CREEK, WARM SPRINGS CREEK tributary to SNAKE RIVER
Date Filed: 03/31/1982
Amount: 18.00 CFS
Diversion Point: SWNE NENE Sec 09 T 01S R 02W NWNW Sec 10 T 01S R 02W, CANYON Co.
Use: POWER (18.00 CFS) from 01/01 to 12/31
Place of Use: LOT 05 (NENW) Sec 17 T 01S R 02W
Diversion Means: DIVERSION DITCHES, PIPELINE & MOTOR

63-10230
BOISE PROJECT BOARD OF CONTROL
214 BROADWAY AVE., BOISE, ID 83702
Source: BOISE RIVER trib. to SNAKE RIVER
Date Filed: 04/25/1984
Diversion Pt: LOT 09 (NWSW) Sec 03 T 02N R 03E
Use: POWER (900.00 CFS)
In: NESE Sec 29 T 02N R 01E

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Western Region, Statehouse, Boise, Idaho 83720 on or before APRIL 7, 1986.

KEN DUNN, Dir.

Published: March 19, 26, 1986

RECEIVED

APR 3 1986

Department of Water Resources
Western Regional Office

RECEIVED

APR 3 1986

Department of Water Resources
Western Regional Office

MICROFILMED

OCT 40 1989

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Western Region

Statehouse
Boise, Idaho 83720
(208) 334-2198

MARCH 12, 1986

LEMISTON MORNING TRIBUNE
505 C P O BOX 957
LEMISTON ID 83501

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

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

Please send the affidavit of publication and publication billing to this office before APRIL 7, 1986.

Yours truly,

JUDY PENSE
Secretary

Encl.

MICROFILMED

OCT 20 1989

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Western Region

Statehouse
Boise, Idaho 83720
(208) 334-2190

MARCH 12, 1986

THE POST REGISTER
P O BOX 1800
IDAHO FALLS ID 83401

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

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

Please send the affidavit of publication and publication billings to this office before APRIL 7, 1986.

Yours truly,

JUDY PENSE
Secretary

Encl.

MICROFILMED
OCT 20 1989

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Western Region

Statehouse
Boise, Idaho 83720
(208) 334-2190

MARCH 12, 1986

TIMES NEWS
P O BOX 548
TWIN FALLS ID 83301

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

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

Please send the affidavit of publication and publication billing to this office before APRIL 7, 1986.

Yours truly,

JUDY PENSE
Secretary

Encl.

MICROFILMED

OCT 20 1989

NOTICE OF APPLICATION FOR WATER RIGHT

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

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Western Region, Statehouse, Boise, Idaho 83720 on or before APRIL 7, 1986.

KEN DUNN, Dir.

Published 03/19 & 03/26/86.

MICROFILMED

OCT 20 1989

MYERS ENGINEERING COMPANY, P.A.
Consulting Engineers

750 Warm Springs Avenue
Boise, Idaho 83712
Telephone: (208) 336-1425

October 23, 1985

RECEIVED
DEC 12 1985

Department of Water Resources
Statehouse
Boise, ID 83720

Department of Water Resources

Re: Application for Permit No. 63-9909
Your letter of June 28, 1985, to Sam Pitman

Gentlemen:

Enclosed is a full set of plans for construction of the Reynolds Irrigation District Power Plant, located near the old Walters Ferry bridge over the Snake River. This is FERC Project No. 6229. It is under construction (turbine and generator are in manufacture) scheduled for operation in January 1986. A 35-year power sales contract has been signed with Idaho Power Company.

The cost of the project, including indirect costs, is \$579,800 for an installed capacity of 313 kw at a maximum flow of 50 cfs and 92 feet net head. Average annual power production is estimated at 2,379,000 kwh, which at the contracted rates produces a gross revenue of \$168,411.

The project is financed by a 100% loan from the Spokane Bank for Cooperatives, for 20 years at 12% (variable within a narrow range), for an annual debt service of about \$77,600. Operation and maintenance are estimated at about \$15,000 per year.

Please advise if you need further information.

Sincerely,



Carl L. Myers, P.E.

Enclosures

cc: Sam Pitman, Melba
Owen Orndorff, Boise

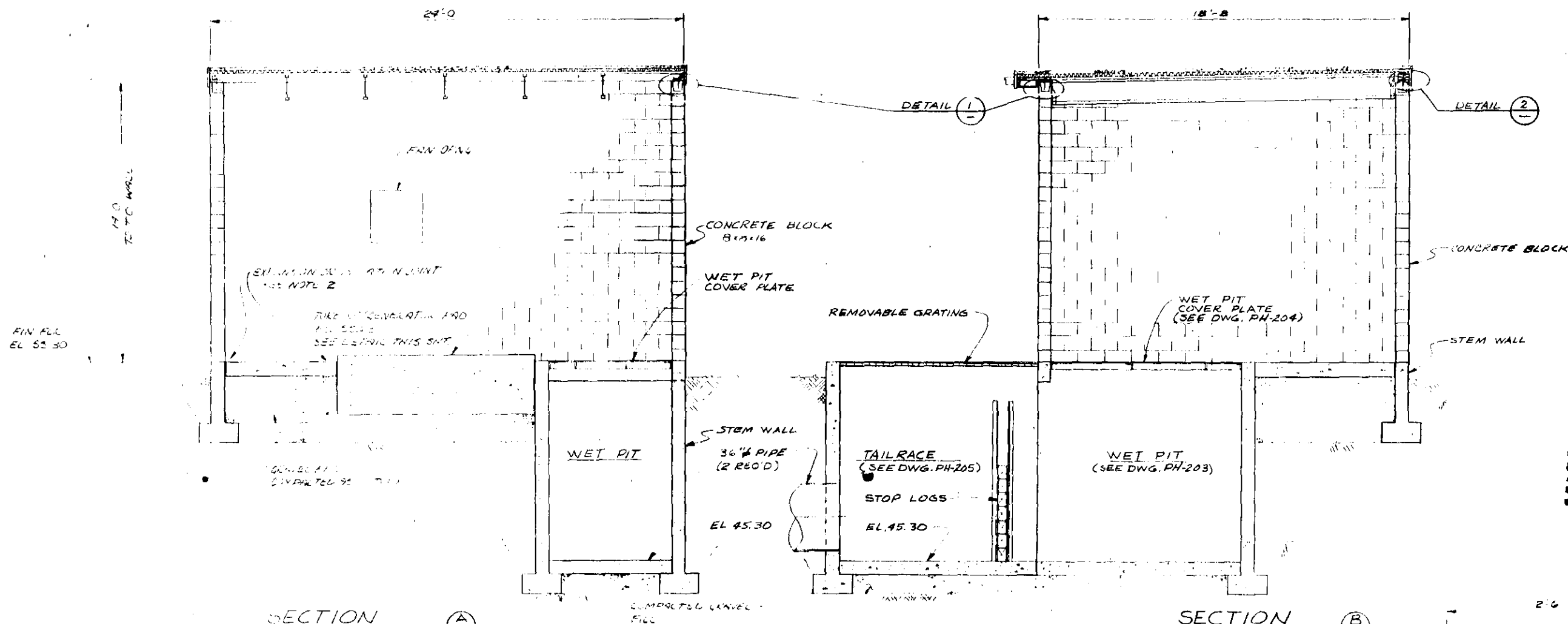
RECEIVED MICROFILMED
DEC 12 1985 OCT 20 1989

Department of Water Resources
Western Regional Office



WORLD

OCT 20 1989



MICROFILMED

OCT 20 1989

SECTION A
3/8" x 1'-0"

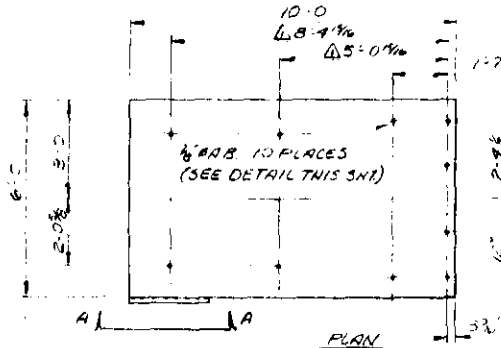
SECTION B
3/8" x 1'-0"

SEE PH-206 FOR ROOF PLAN DETAILS
2x8 SILL R.
LINTEL BLOCK
FILL WITH
MORTAR
(2) #4 BARS

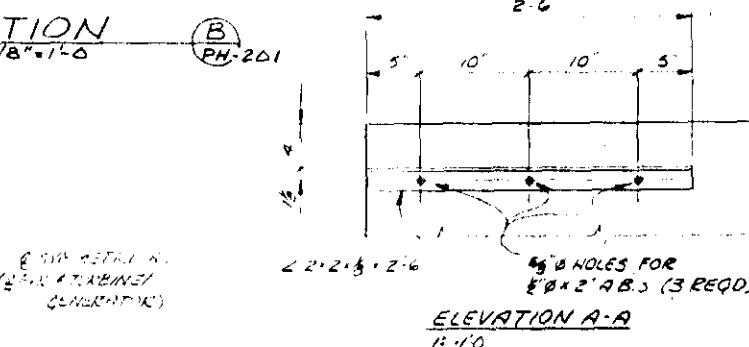
DETAIL 1
1/2" x 1'-0"

1/2" #4 ANCHOR BOLT
8" NACH. BOLT SQ. HD.
W/ HEX NUT &
WASHER, 3" PROJECTION
THREADED ON ART.
4'-0" CENTERS
(2) #4 BARS
2x8 SILL R. (TYP)
3 PLACES
LINTEL BLOCK
FILLED WITH MORTAR

DETAIL 2
1/2" x 1'-0"



TURBINE GENERATOR PAD DETAIL
1/2" x 1'-0"



LEGEND
W.P. - WORK POINT
T.O. - TOP OF
W.S. - WATER SURFACE
O.C. - ON CENTER
E.W. - EACH WAY

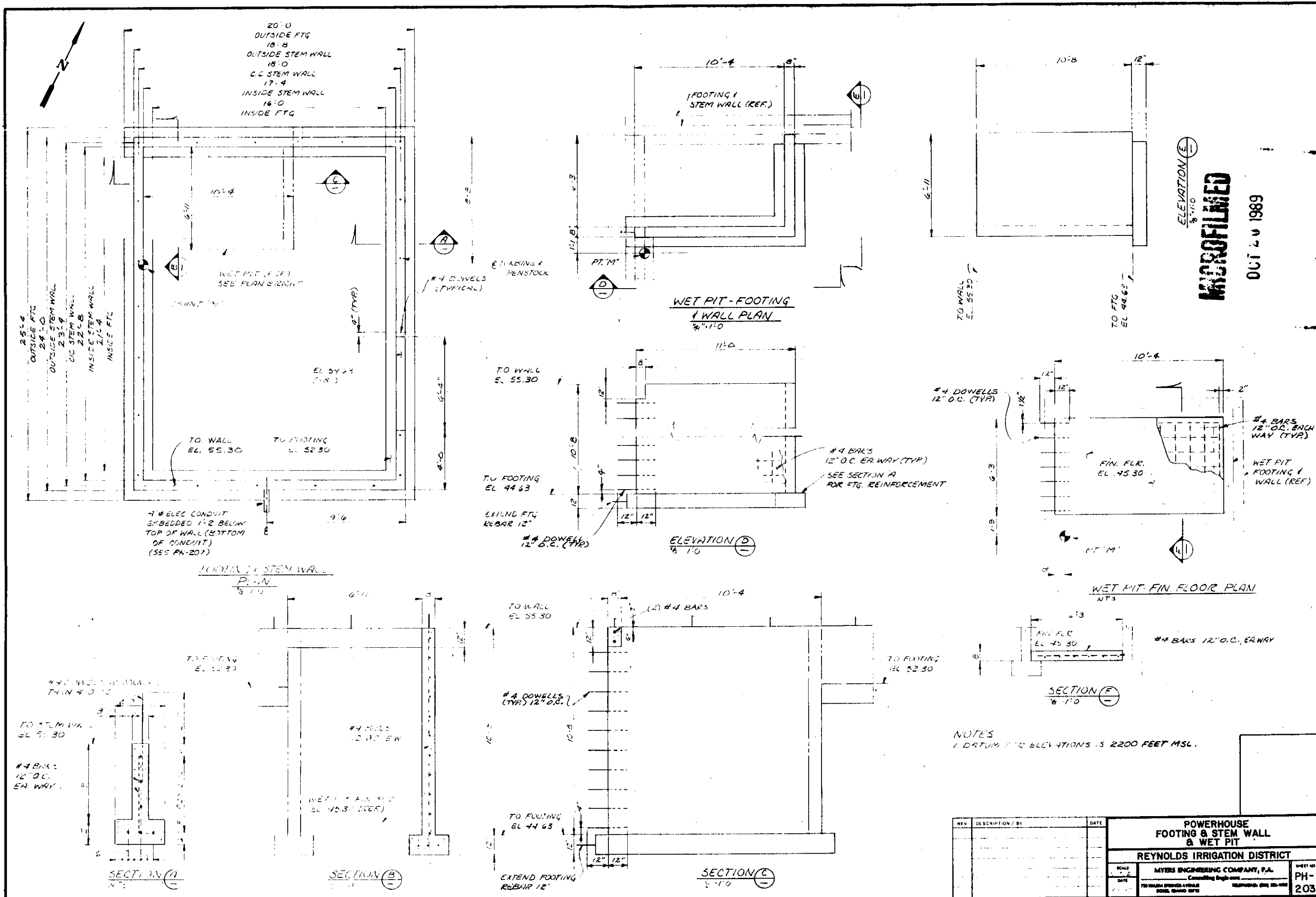
NOTES
1. DATUM FOR ELEVATIONS IS
2200' MSL
2. EXPANSION JOINTS AT ALL VERTICAL
JOINTS BETWEEN FLOOR SLAB & STEM
WALL OR WET PIT WALL - 5" ASPHALT
IMPREGNATED FIBERBOARD.
ISOLATION JOINTS AT ALL VERTICAL
JOINTS SURROUNDING TURBINE/

GENERATOR PAD - 5" INSULATED
IMPREGNATED FIBERBOARD.

REV	DESCRIPTION	DATE
1	AS SHOWN	11/24/88
2	AS SHOWN	11/24/88
3	AS SHOWN	11/24/88
4	AS SHOWN	11/24/88
5	AS SHOWN	11/24/88
6	AS SHOWN	11/24/88
7	AS SHOWN	11/24/88
8	AS SHOWN	11/24/88
9	AS SHOWN	11/24/88
10	AS SHOWN	11/24/88

POWERHOUSE	
STRUCTURAL SECTIONS & DETAILS	
REYNOLDS IRRIGATION DISTRICT	
DATE 11/24/88	BY MYERS ENGINEERING COMPANY, P.C.
DATE 11/24/88	BY MYERS ENGINEERING COMPANY, P.C.
DATE 11/24/88	BY MYERS ENGINEERING COMPANY, P.C.
DATE 11/24/88	BY MYERS ENGINEERING COMPANY, P.C.
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DATE 11/24/88	BY MYERS ENGINEERING COMPANY, P.C.
DATE 11/24/88	BY MYERS ENGINEERING COMPANY, P.C.

63-9909

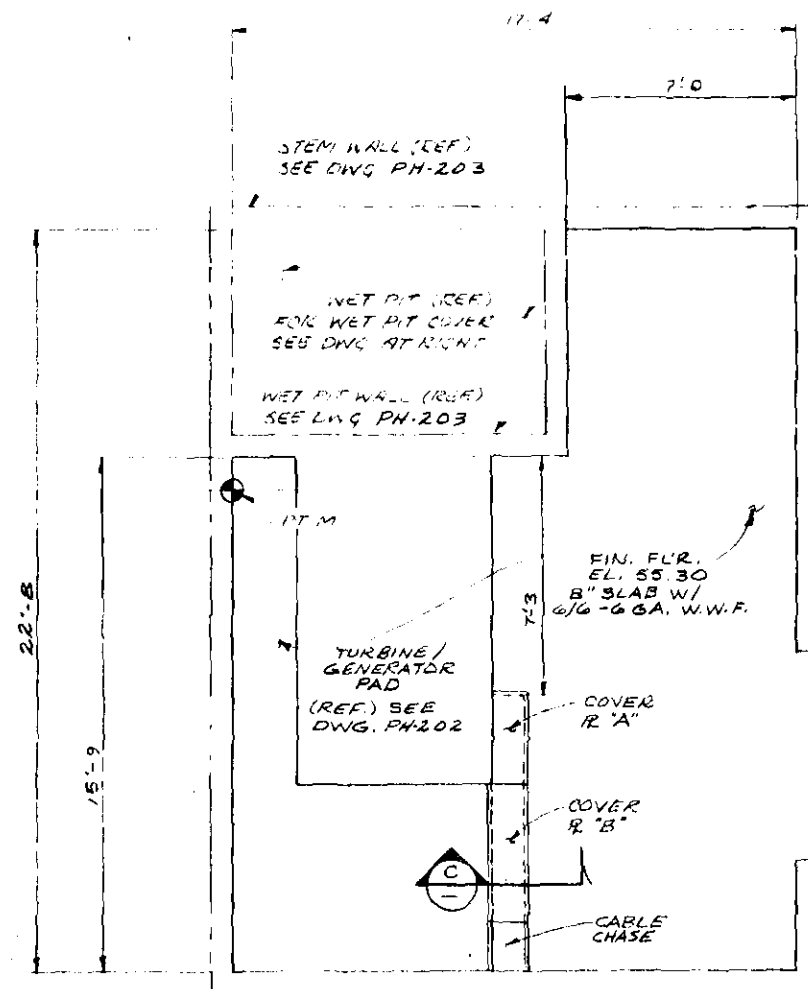


MICROFILMED
 OCT 20 1989

REV	DESCRIPTION / BY	DATE

POWERHOUSE FOOTING & STEM WALL & WET PIT		SHEET NO PH- 203
REYNOLDS IRRIGATION DISTRICT		
SCALE 1" = 4'-0"	DATE 10/1/89	MYERS ENGINEERING COMPANY, P.A. Consulting Engineers 750 WASH. STREET, SUITE 200 BOISE, IDAHO 83725 TELEPHONE: (208) 333-1000

63-9909



FINISHED FLOOR - PLAN
NTS

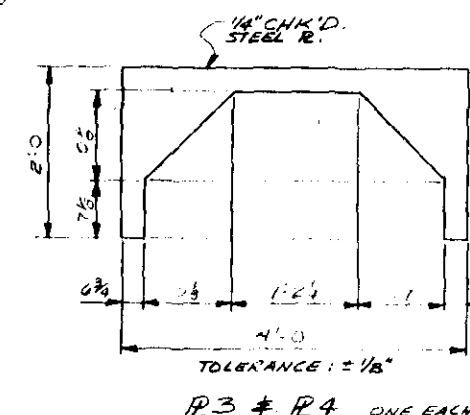
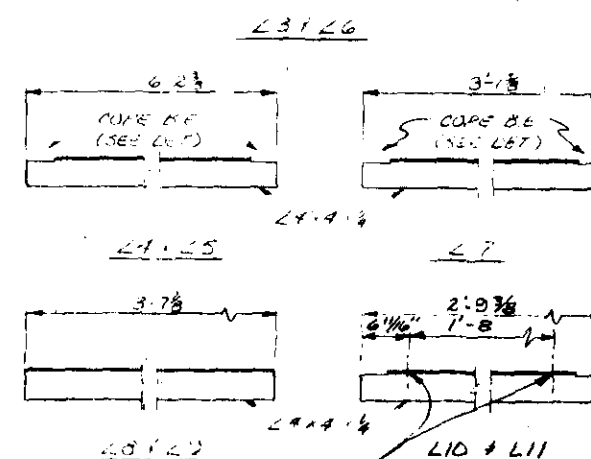
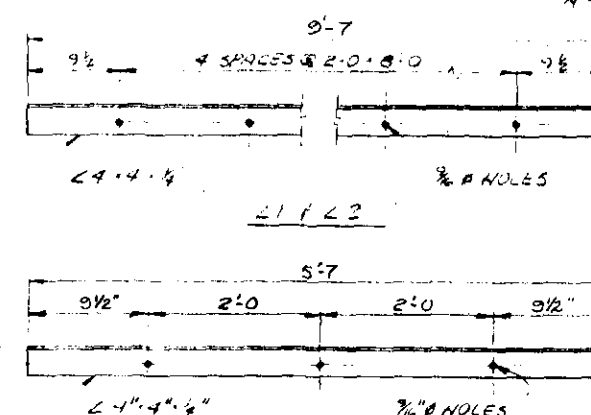
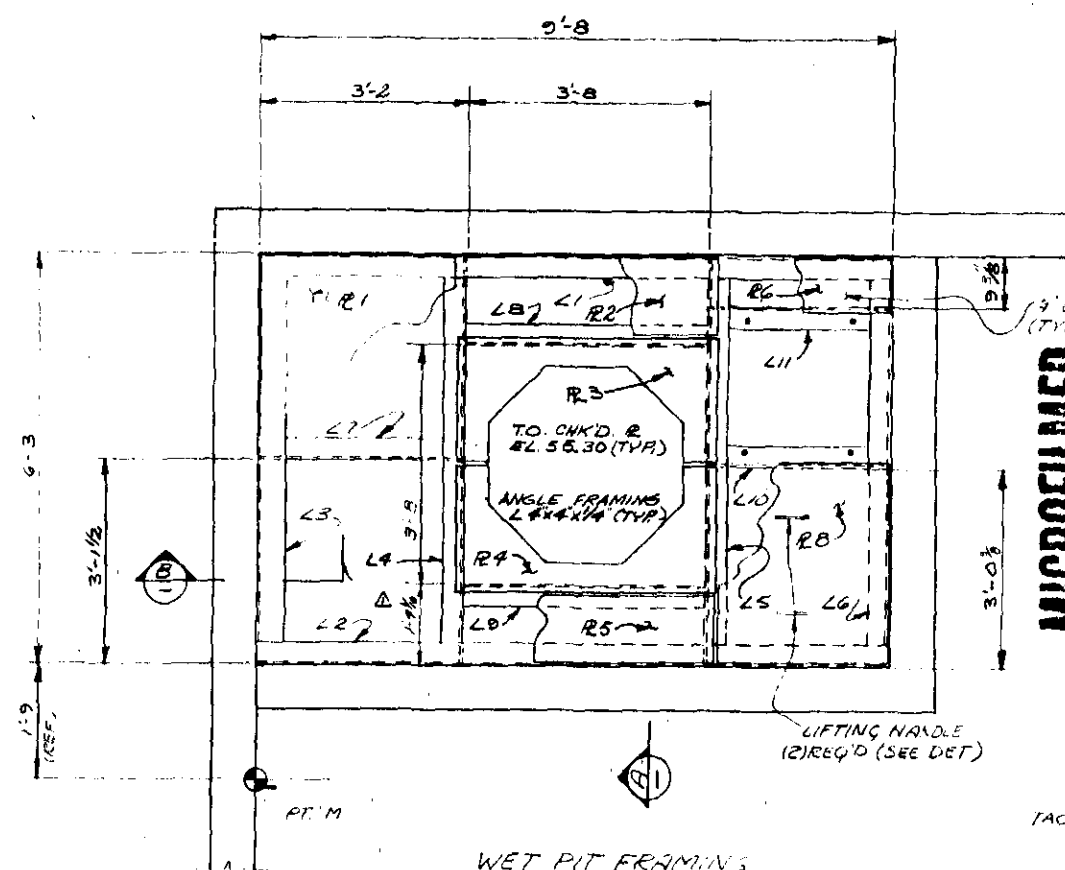
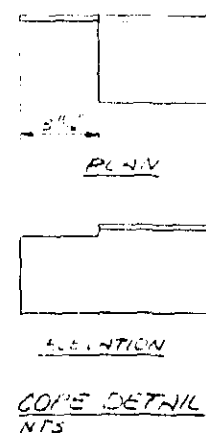
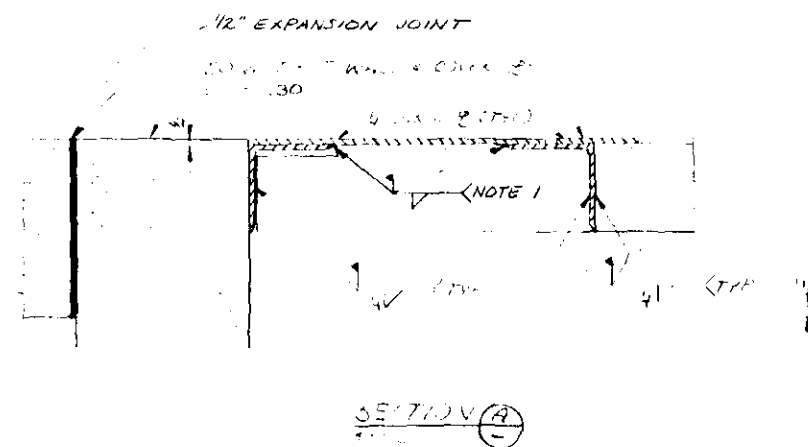
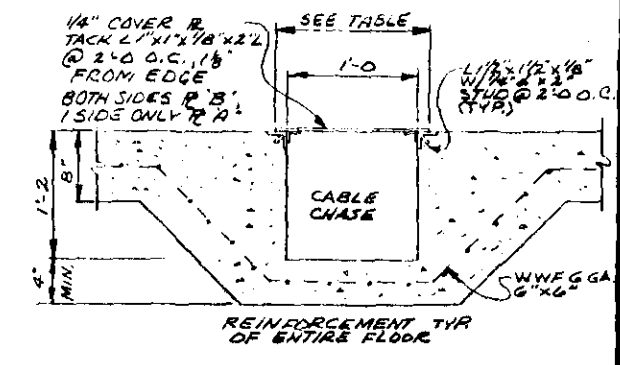
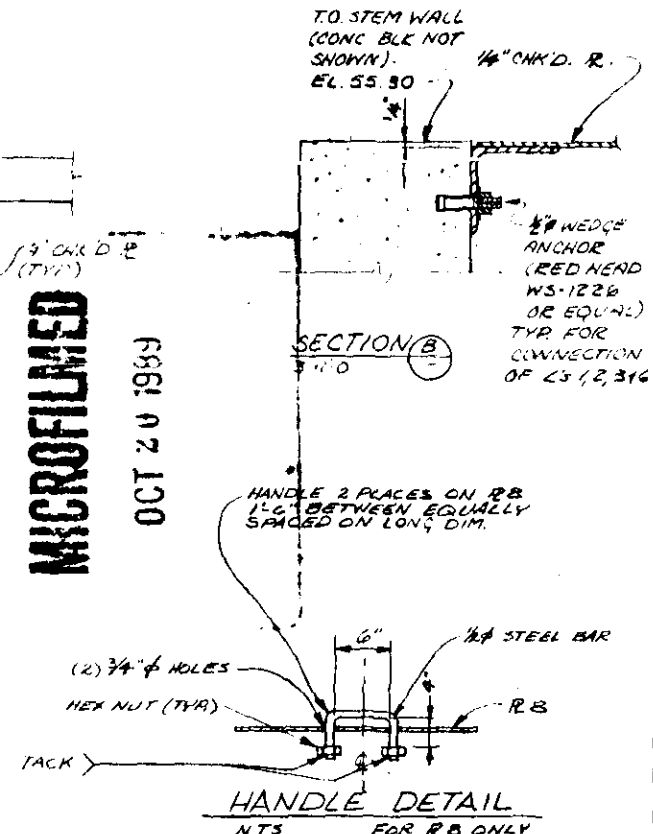


PLATE DIMENSIONS			
R	LENGTH	WIDTH	MATERIAL
1	6'-2 1/2"	2'-11 3/4"	CHK'D. STL. R. 1/4" THK.
2	1'-0 3/8"	4'-0"	
5	1'-1 1/8"	4'-0"	
6	1'-7"	2'-7 1/4"	
8	1'-1 1/8"	2'-7 3/4"	

NOTE:
1. PLATES R 1, 2, 5 & 6 TO BE WELDED
IN PLACE ON THE UNDERSIDE WITH
(2) 1" LG. TACK WELDS EACH SIDE
EQUALLY SPACED.

MICROFILMED

OCT 20 1989

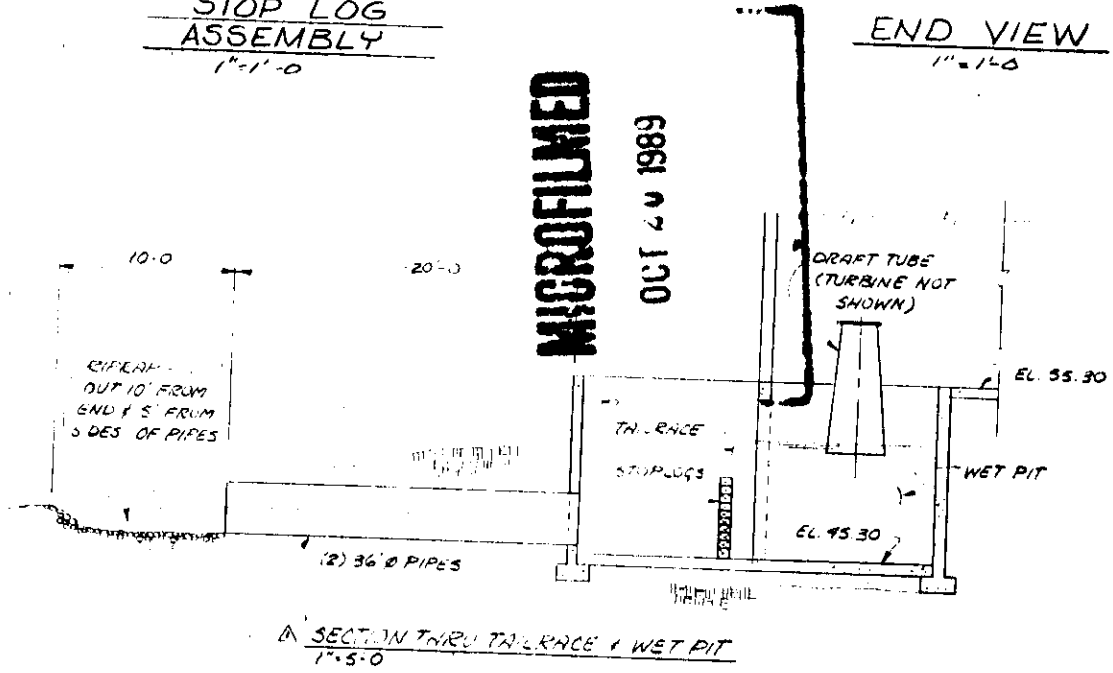
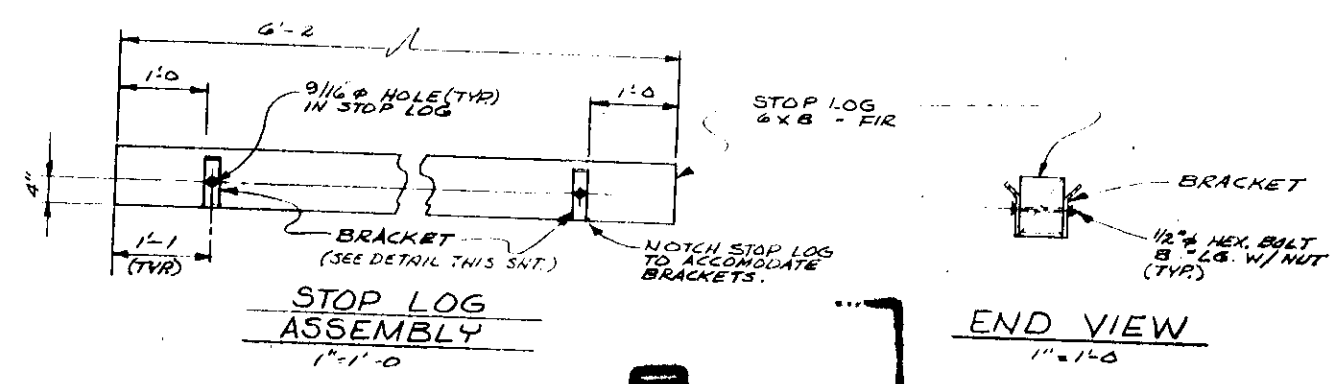
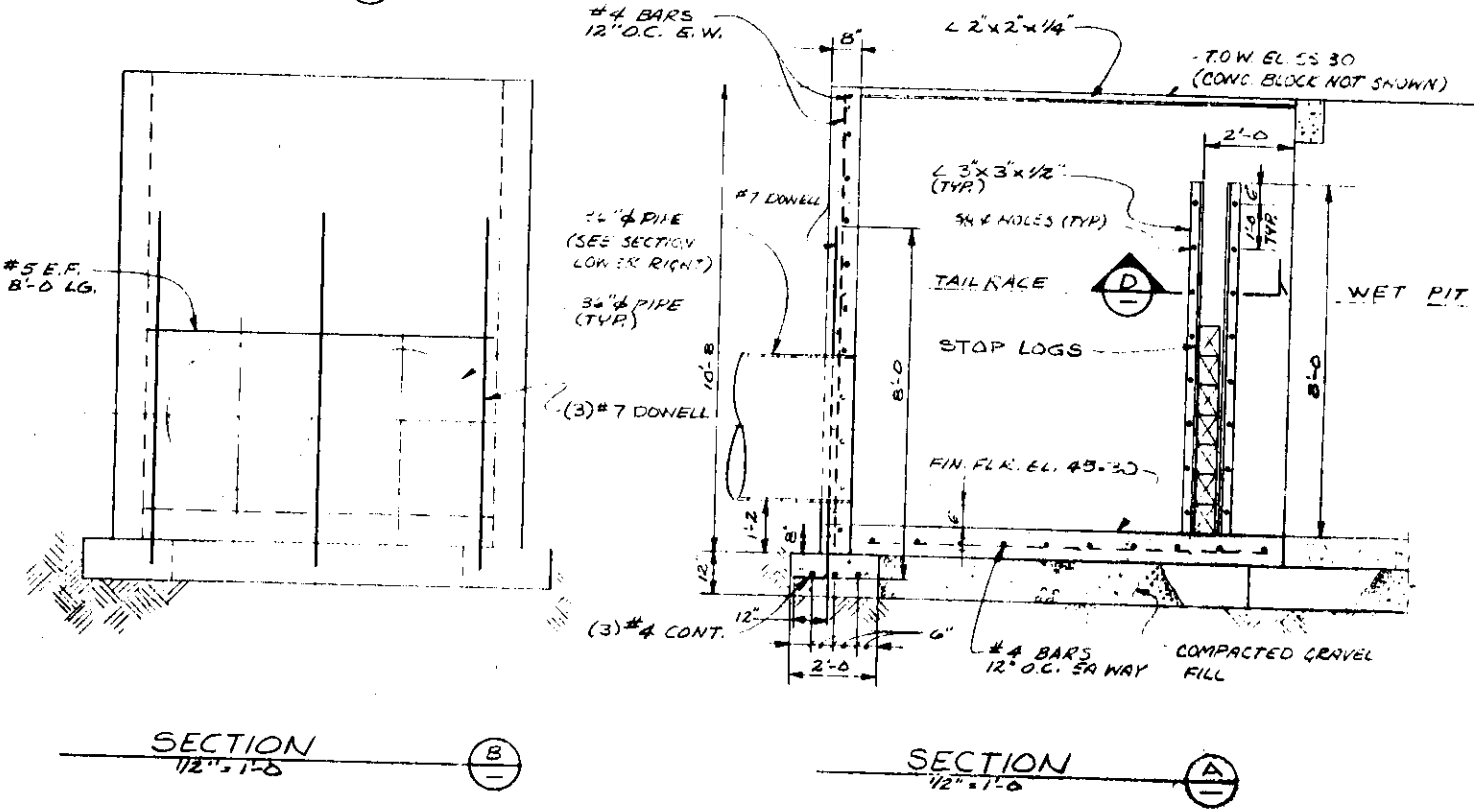
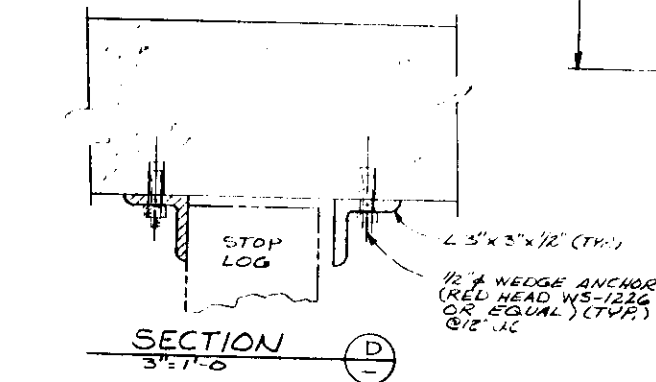
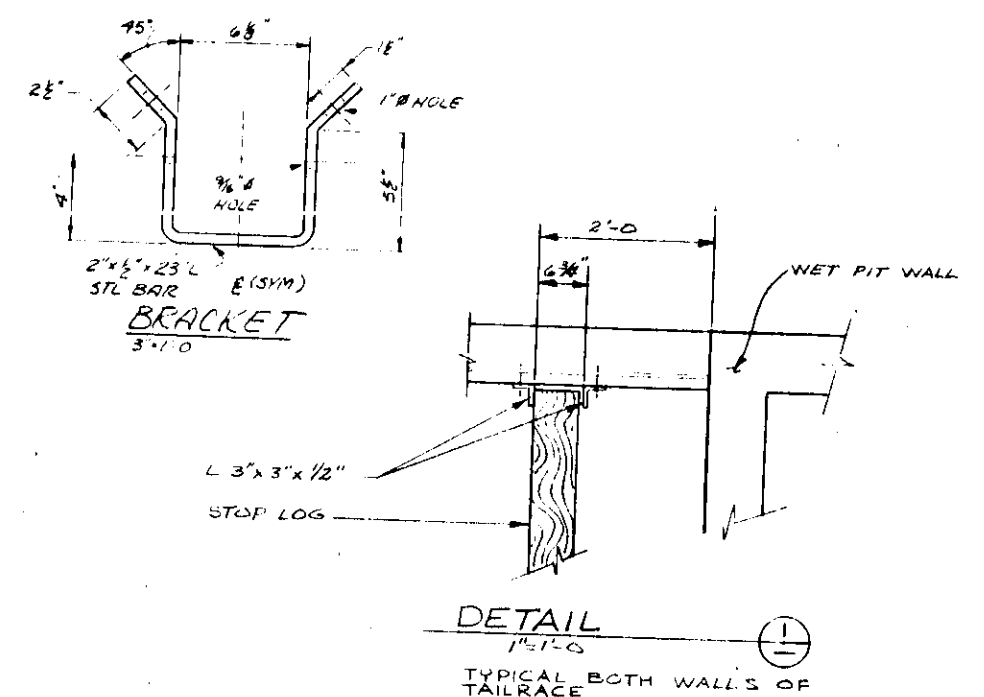
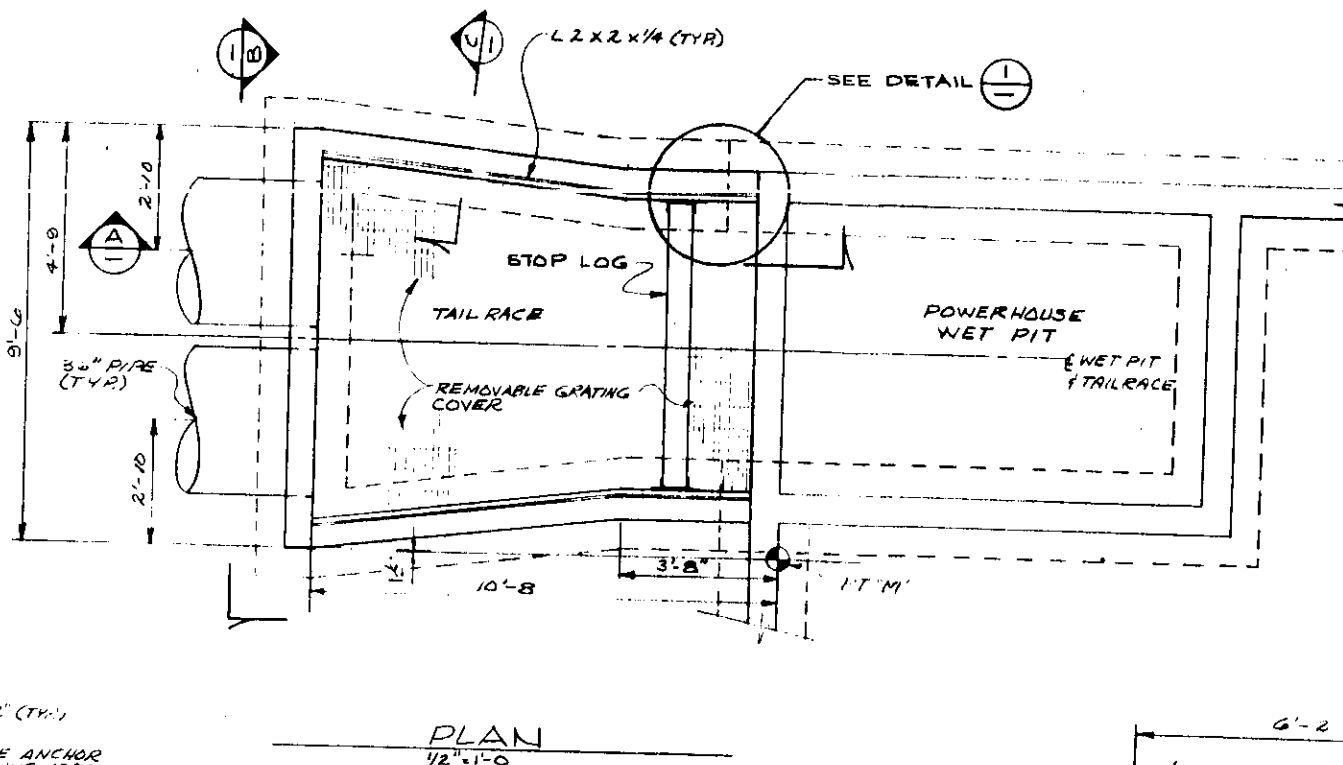
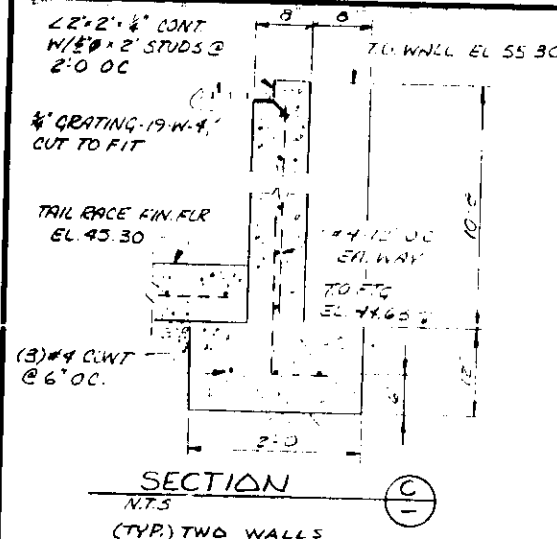


COVER PLATE DIMENSIONS			
R	LENGTH	WIDTH	MATERIAL
A	2'-10"	1'-1"	CHK'D. STL.
B	4'-5"	1'-2"	R. 1/4" THK.

NOTE: CUT OPENING IN R "A" AS
REQ'D FOR CABLE ENTRY

POWERHOUSE FINISHED FLOOR PLAN & WET PIT COVER		REYNOLDS IRRIGATION DISTRICT	
AS SHOWN	DATE	MYERS ENGINEERING COMPANY, P.A. Consulting Engineers	PH-204
FOR WAREHOUSE APPROVAL SIGN, STAMP & DATE		RELATIONS (SHEET NO.)	

63-9909

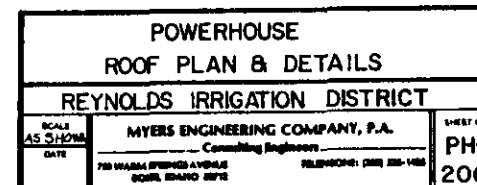
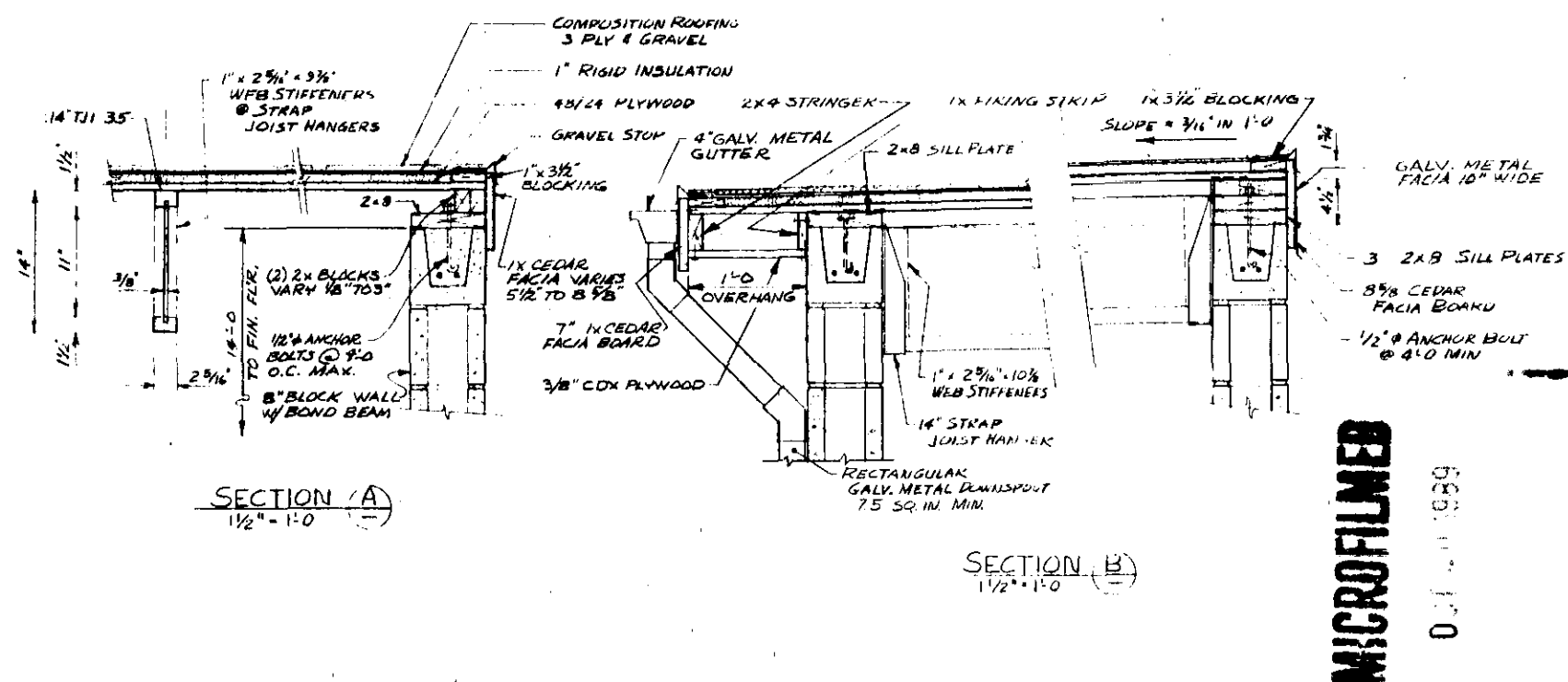


NOTES:
1. DATUM FOR ELEVATIONS IS
2200' MSL

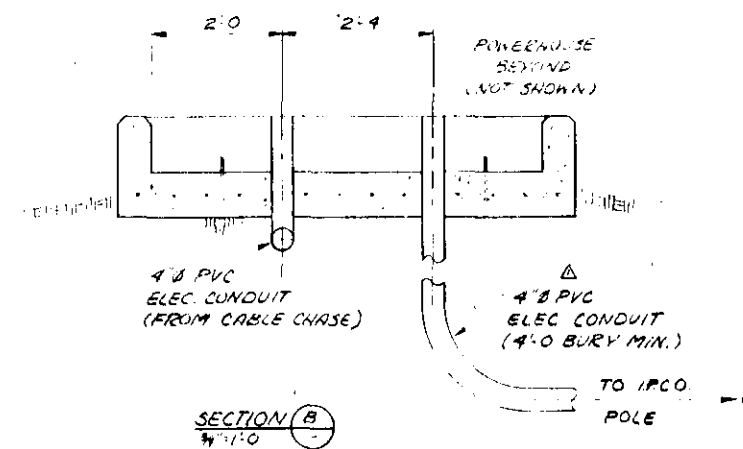
8400 BLUEPRINT & SUP. CO. INC. - BOISE, IDAHO

REV.	DESCRIPTION/BY	DATE
1	ADDED SECTION THRU TAILRACE	10/1/88
POWERHOUSE TAILRACE PLAN & DETAILS REYNOLDS IRRIGATION DISTRICT MYERS ENGINEERING COMPANY, P.A. Consulting Engineers		
SCALE AS SHOWN	DATE 10/1/88	SHEET NO. PH-205

63-9909



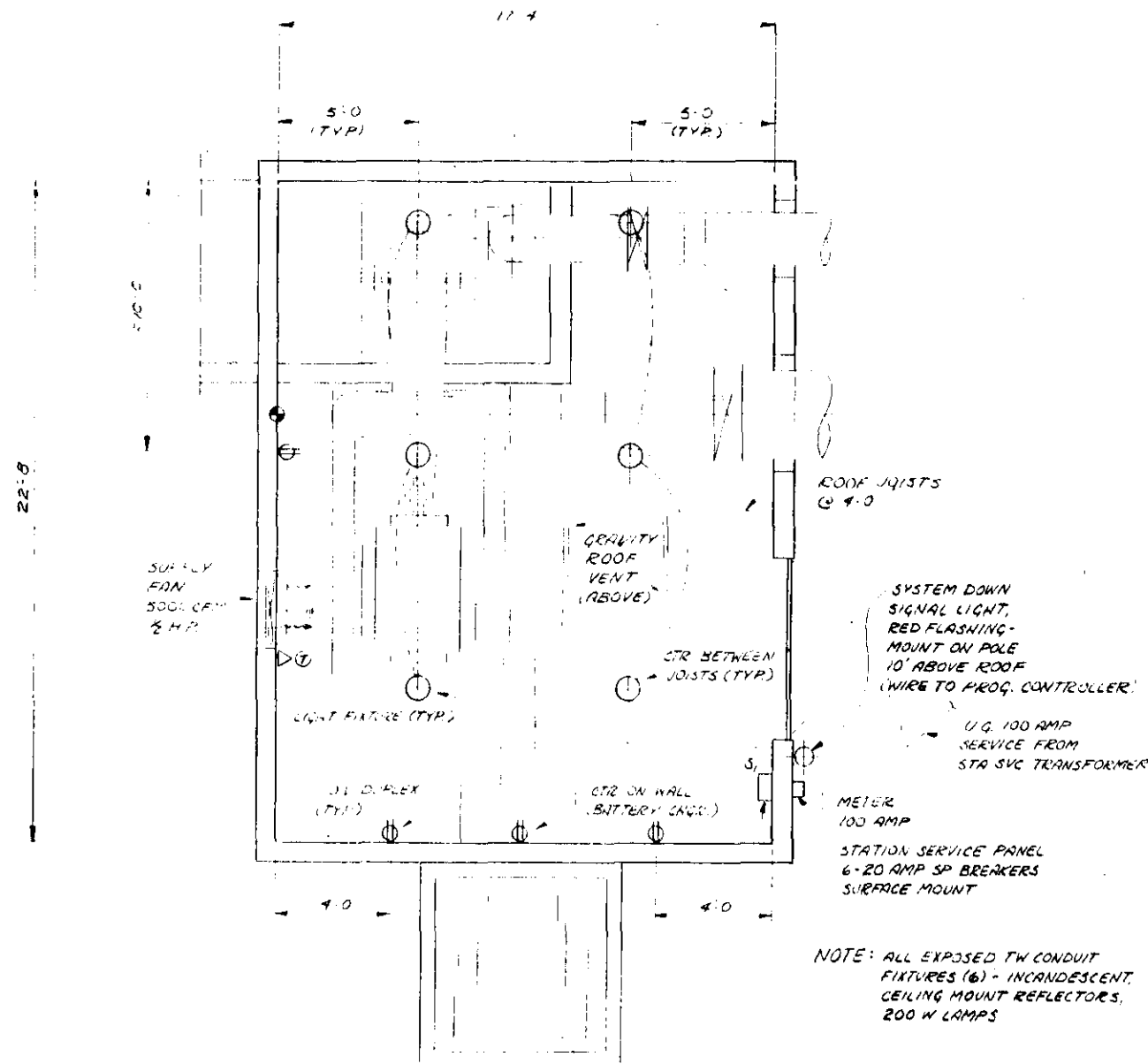
63-9909

[illegible]

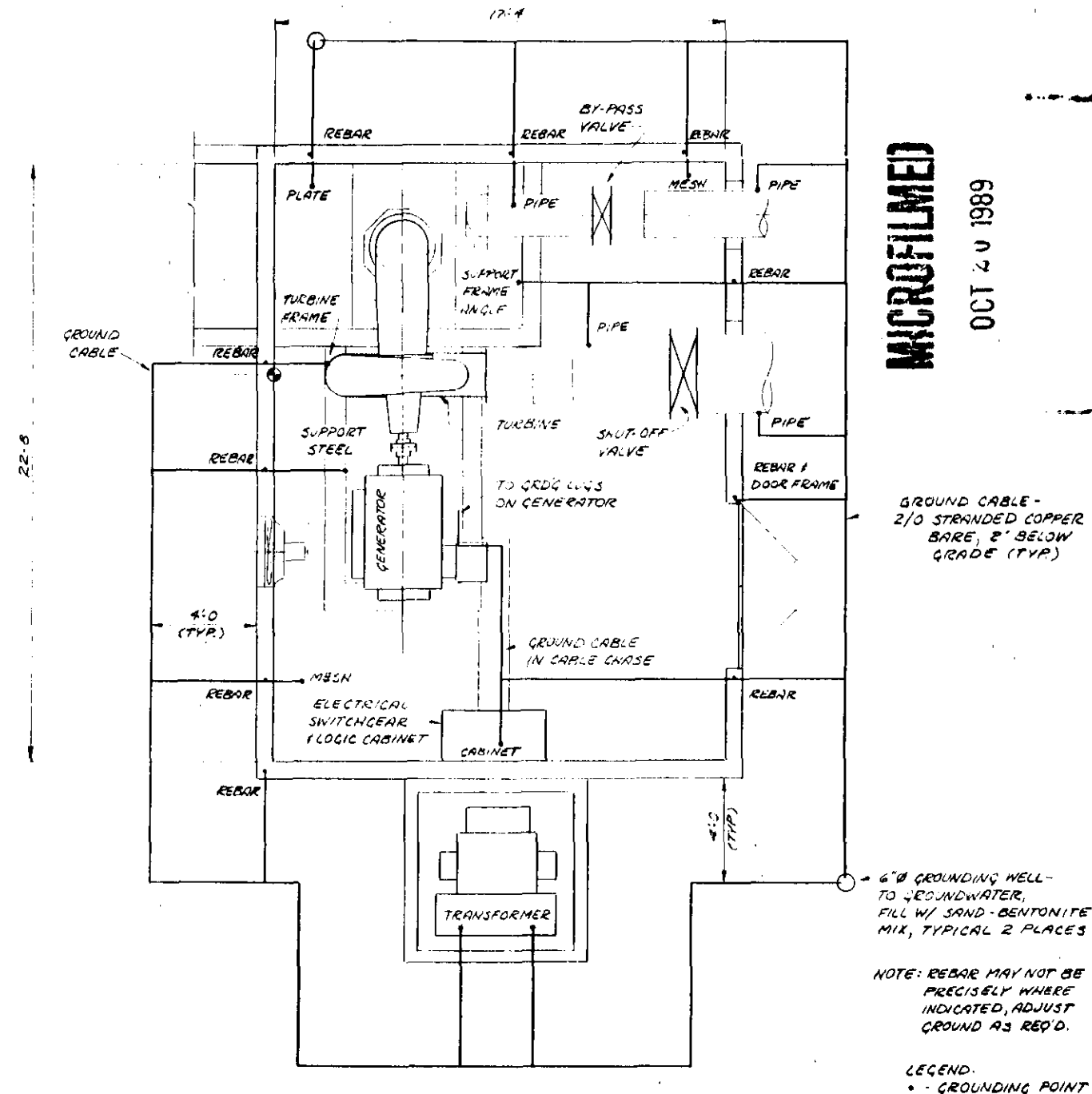
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Oct 20 1934

63-9909



STATION LIGHTING & ELECTRICAL
PLAN
3/8" = 1'-0"



GROUNDING & CABLE ROUTING
PLAN
3/8" = 1'-0"

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REV	DESCRIPTION / BY	DATE	POWERHOUSE ELECTRICAL	
			REYNOLDS IRRIGATION DISTRICT	
			MYERS ENGINEERING COMPANY, P.A.	PH-301
			Consulting Engineers	
			10/21/85	
			700 MARSH SPRING AVENUE	
			BOULDER, COLORADO 80501	
			TELEPHONE 336-2600	

63-9909



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

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

June 28, 1985

RE: Application for Permit No. 63-9909

Reynolds Irrigation District
c/o Sam Pitman, Director
Star Rt.
Melba, ID 83641

Dear Mr. Pitman:

We have reviewed the above referenced application for final action and find that we must request more information regarding the project prior to approval.

We need to have documentation for our file regarding feasibility of the project. This information should include plans, drawings, and an economic analysis of your proposed project. Once we receive your feasibility study we will be able to process this application.

If you have any questions in regard to this matter, please feel free to contact our office.

Sincerely,

KAY WALKER
Technical Records Specialist

KW:sc

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OCT 20 1989

per phone conversation 9/12/85 w/ Carl Myers the above requested information will be submitted within next couple of weeks - kw

FROM Ray Walker

DATE 6/27/85

TO File 63-9909

SUBJECT Ownership of Facilities

During review of app. I had a question regarding ownership of facilities. In discussion with Lee Sisco he stated that the applicant is the owner of the

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SIGNATURE



June 18, 1985

Reynolds Irrigation District
c/o Sam Pitman, Director
Star Route
Melba, ID 83641

Re: No. 63-9909

Dear Mr. Pitman:

Enclosed is a copy of a withdrawal of protest against the above referenced application.

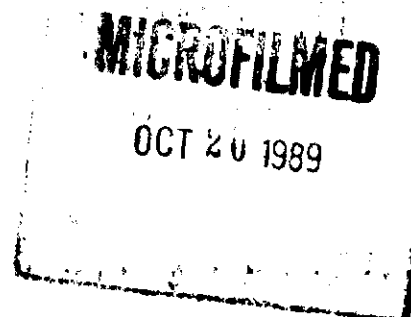
This office can now take further action on the application.

Yours truly,

DAVID B. SHAW
Western Regional Supervisor

DBS:jp

Enc:



June 17, 1985

Stacy Gebhards
Regional Supervisor
Idaho Department of Fish and Game
Region 3
Statehouse
Boise, ID 83720

Re: No. 63-9909 in the Name of Reynolds Irrigation District

Dear Stacy:

This office acknowledges receipt of the withdrawal of protest against the above mentioned application.

This office now will continue to process the application, since the protest has been withdrawn.

Yours truly,

DAVID B. SHAW
Western Regional Supervisor

DBS:jp

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OCT 20 1989



Region 3
109 W. 44th
Boise, Idaho 83704
Telephone: (208) 334-3725

June 10, 1985

Mr. David B. Shaw
Western Region Supervisor
Idaho Department of Water Resources
Statehouse Mail
Boise ID 83720

Re: 63-9909
Reynolds Irrigation

Dear Dave:

Idaho Department of Fish and Game personnel removes the protest of application 63-9909 to use current irrigation withdrawal from Warm Springs Creek for hydro purposes.

Thank you for the opportunity to comment.

Sincerely,

Stacy Gebhards
Regional Supervisor
Region 3/Boise

SG:WR:1

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OCT 20 1989

EQUAL OPPORTUNITY EMPLOYER

RECEIVED
JUN 14 1985

Department of Water Resources
Western Regional Office

SPECIAL NOTE: _____

Application No. 63-9909

PROTEST INFORMATION SHEET

Protestant - Name(s) _____

Idaho Dept. of Fish & Game, Region 3

Address 109 W. Forty-fourth St., Boise, ID 83704

Attorney - Name & Address _____

Date Filed 6/17/81

Protest Date 6/28/82

Issues _____

Applicant - Attorney - Name & Address _____

Dates: _____

Acknowledgement letters: _____

Hearing Notice: _____

Hearing Date: _____

Protest withdrawn

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Other: _____

OCT 20 1983

Protest Information submitted in Computer (following hearing): _____

CONVERSATION MEMORANDUM

DATE 6/28/82FILE 63-9909NAME OF PARTY Will Reid - Harold BlanksmaEMPLOYEE David Shaw

RE: Withdrawal of protest - Amendment.
Will said F&G had decided to
withdraw their protest & would send a
letter to that effect.

Harold called & said they would need
to re-locate their power plant site. I
told him the best method would
probably be to amend this app. &
the cost would be only \$20⁰⁰ to
re-advertise. He said someone would
be in to make the amendment. As
soon as we get the F&G withdrawal
I will send a copy to Reynolds Irr. Dist.
(the applicant.)

Will Reid - 6/10/85 - Will recalled the
project but not the water right.
He will send us a letter with drawing
F&G's protest,

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OCT 20 1989



State of Idaho

DEPARTMENT OF WATER RESOURCES

WESTERN REGION, 92 South Cole Road, Boise, Idaho 83709

JOHN V. EVANS
Governor

(Office at the corner of
Franklin and Cole Roads)

A. KENNETH DUNN
Director

(208) 334-2190

Enclosed is a copy of a protest(s) filed against the issuance of a permit pursuant to your Application No. 20-100. The Department suggests you contact the protestants(s) directly in an effort to determine the nature of the protest(s) and to attempt to resolve the protest(s).

Boise, Idaho

Enclosed is a copy of a protest(s) filed against the issuance of a permit pursuant to your Application No. 20-100. The Department suggests you contact the protestants(s) directly in an effort to determine the nature of the protest(s) and to attempt to resolve the protest(s).

If this office has not been advised within twenty (20) days that the protest(s) has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying the application for permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?

If this office can be of further assistance, please contact us.

Yours truly,

DAVID B. SHAW
Western Regional Supervisor

Enc.

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OCT 20 1989



State of Idaho

DEPARTMENT OF WATER RESOURCES

WESTERN REGION, 92 South Cole Road, Boise, Idaho 83709

JOHN V. EVANS
Governor

(Office at the corner of
Franklin and Cole Roads)

A. KENNETH DUNN
Director

(208) 334-2190

Re: [illegible]
[illegible]
[illegible]
[illegible]
[illegible]

DATE: 10/21/89

TO: [illegible]

Re: [illegible]

This office acknowledges receipt of your protest to the issuance of a permit pursuant to the above referenced application. The Department suggests you contact the applicant(s) directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

If this office has not been advised within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying an application for permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?

If this office can be of further assistance, please contact us.

Yours truly,

DAVID B. SHAW
Western Regional Supervisor

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OCT 20 1989

D125

IDAHO DEPARTMENT OF FISH AND GAME
REGION 3
109 West Forty-fourth Street
Boise • Idaho • 83704

June 15, 1982

Mr. David B. Shaw
Western Region Supervisor
Department of Water Resources
92 South Cole Road
Boise, ID 83709

Re: 63-9909 (Reynolds Irrigation District)
Warm Springs Creek, tributary of Snake River &
Grouch Drain, tributary of Warm Springs Creek

Dear Dave:

Idaho Department of Fish and Game personnel have reviewed the above referenced application to appropriate water for power and object to issuance of a permit until stream flows and stream resource needs have been established.

Sincerely,



Stacy Gebhards
Regional Supervisor

cc: Bureau of Program Coordination

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JUN 17 1982

Department of Water Resources
Western Regional Office



State of Idaho

DEPARTMENT OF WATER RESOURCES

WESTERN REGION, 92 South Cole Road, Boise, Idaho 83709

JOHN V. EVANS
Governor

(Office at the corner of
Franklin and Cole Roads)

A. KENNETH DUNN
Director

(208) 334-2190

June 8, 1982

State of Idaho
Department of Fish & Game
Region 3
109 West Forty-fourth St.
Attn: Stacy Gebhards
Boise, ID 83704

RE: 67-7571, 63-9909

Dear

Enclosed is a copy of the above referenced application for permit which may be of interest to your agency. Please review the application and submit any comments you may have.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter.

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

Sincerely,

DAVID B. SHAW
Western Region Supervisor

DBS:jp

Enclosure

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OCT 20 1989

AFFIDAVIT OF PUBLICATION
STATE OF IDAHO)
) ss.
County of Canyon)

Connie Cutberth
of Nampa, Canyon County, Idaho, being first duly
sworn, deposes and says:

1. That I am a citizen of the United States of
America, and at all times hereinafter mentioned
was over the age of eighteen years, and not a party
to the above entitled action.

2. That I am the Principal Clerk of the Idaho
Press-Tribune, a daily, (except Saturday)
newspaper published in the City of Nampa and
Caldwell, in the County of Canyon, State of Idaho;
that the said newspaper is in general circulation
in the said County of Canyon, and in the vicinity of
Nampa and Caldwell, and has been uninterrupted-
ly published in said County during a period of
seventy-eight consecutive weeks prior to the first
publication of the notice, a copy of which is hereto
attached.

3. That the notice, of which the annexed is a prin-
ted copy, was published in said newspaper

Two times

in the regular and entire issue of said paper, and
was printed in the newspaper proper, and not in a
supplement.

4. That said notice was published the following
dates:

June 10, 17, 1982

Connie Cutberth

Subscribed and sworn to before me this 17th
day of June

19 82

Jeanne Lusk
Notary Public, Residing at Nampa, Idaho

MY COMMISSION EXPIRES
JULY 12th, 1985

NOTICE TO THE PUBLIC: The following persons have
been authorized by the State of Idaho to administer the public waters of
the State of Idaho:
REYNOLDS IRRIGATION DIST.
C/O SAN PITMAN, DIRECTOR, STAR RT., MELBA, ID 83441
CREEK: GROUCH DRAIN tributary to WARM SPRINGS
CREEK, WARM SPRINGS CREEK tributary to SNAKE
RIVER
Date Filed: May 31, 1982
Amount: \$8.00 CFS
Diversion Point: SWNE NEWE Sec 09 T. 01S R. 02W NWNW Sec
10 T. 01S R. 02W, CANYON County
Diversion Means: POWER (18.5 CFS) from January 1 to December 31
Place of Use: LOT 65 (NENW) Sec 17 T. 01S R. 02W
Diversion Means: DIVERSION DITCHES, PIPELINE &
PUMP
Issued, the permit(s) will be subject to an order water
rights. Protests against the granting of any permit must be filed
with the Director of the Idaho Department of Water Resources,
10 S. Cole Road, Boise, Idaho 83726 on or before JUNE 20, 1982.
A. KENNETH SMITH
June 10, 17, 1982

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JUN 22 1982

Department of Water Resources
Western Regional Office

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OCT 20 1989

REYNOLDS IRRIGATION DIST.

C/O SAM PITMAN, DIRECTOR, STAR RT., MELBA, ID 83641

Source: GROUCH DRAIN tributary to WARM SPRINGS CREEK
WARM SPRINGS CREEK tributary to SNAKE RIVER

Date Filed: 03/31/1982

Amount: 18.00 CFS

Diversion Point: SWNE NENE Sec 09 T 015 R 02W NWNW Sec 10 T 015 R 02W,
CANYON Co.

Use: POWER (18.00 CFS) from 01/01 to 12/31

Place of Use: LOT 05 (NENW) Sec 17 T 015 R 02W

Diversion Means: DIVERSION DITCHES, PIPELINE & MOTOR

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APR 21 1982

April 20, 1982

Department of Water Resources
Western Regional Office

Mr. James C. Redmond
J-U-B Engineers, Inc.
250 South Beechwood Avenue, Suite 1
Boise, ID 83709

Dear Mr. Redmond:

RE: Water Rights for Power Production for Reynolds Creek Irrigation District

I have carefully reviewed your letter dated April 2, 1980 regarding the Reynolds Creek Irrigation District power filings and have discussed the matter with Dave Tuthill, the staff member who proposed that an additional Application for Permit would be necessary.

It appears that the basic difference between your interpretation of Permit No. 63-9368 and that of Mr. Tuthill concerns the source of the water right. When the Application for Permit was originally filed, item No. 2, source, was completed by the applicant as "Subterranean Water". We normally interpret this to mean "Groundwater". To reinforce this interpretation, the remark on the application stated in part: "Under this application, Reynolds wishes to further develop the three wells to a maximum of 50 cfs for power generation...". Our processing people changed the source to "groundwater" to comply with our standard terminology for purposes of advertising and data entry. The application was approved with this source name.

When the Application for Amendment of a Permit was submitted on November 26, 1980, no mention was made of source change. From your letter dated April 2, 1982, it appears that you interpreted the approval of the amendment to approve the addition of another source, Sproat Springs and tributaries. I can see how you may have interpreted approval of the amendment to enable diversion of water from the spring. ~~approval only allowed diversion of additional groundwater at the location of Sproat Springs.~~

This department has traditionally ruled that groundwater is a source that is distinct from surface water. Artesian flows are considered to

OCT 20 1989

be groundwater if the flows are developed via drilling. Naturally occurring "artesian" flows, such as springs, are considered to be surface water. Therefore, Permit No. 63-9368 would allow the use of new flows created either by drilling new artesian wells or by further developing existing wells. The permit does not allow diversion of either Sproat Springs or other surface water sources.

Pursuant to Section 42-211, Idaho Code, a permit holder can amend the "place, period or nature of the intended use, or make other substantial changes in the method of diversion or proposed use or uses of the water". This language has been interpreted to not include a change in source from groundwater to surface water. Therefore, the only means of establishing a power right from Sproat Springs is to file a new Application for Permit, which Sam Pitman of the Reynolds Creek Irrigation District has done. We will withhold advertising of this new application until June 1, 1982 to allow you an opportunity to respond to this letter.

I trust that this explanation of this situation will be acceptable to you. If you wish to discuss it further, feel free to contact me.

sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

LGS:DRT:rf

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OCT 20 1989

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APR 16 1982

Department of Water Resources
Western Regional Office

INTER-DEPARTMENT MEMO — 1

DATE Apr 15, 1982

FROM Dave T

TO Dave Shaw

SUBJECT Attached App (Reynolds Irr Dist)

We rec'd a letter from SUB Engineers that inquires about the need for this app. We are sending them a response, and will allow until June 1 for rebuttal. In case ^(Reynolds Irr Dist) they decide to withdraw the app, please withhold advertising until June

Dave

SIGNATURE