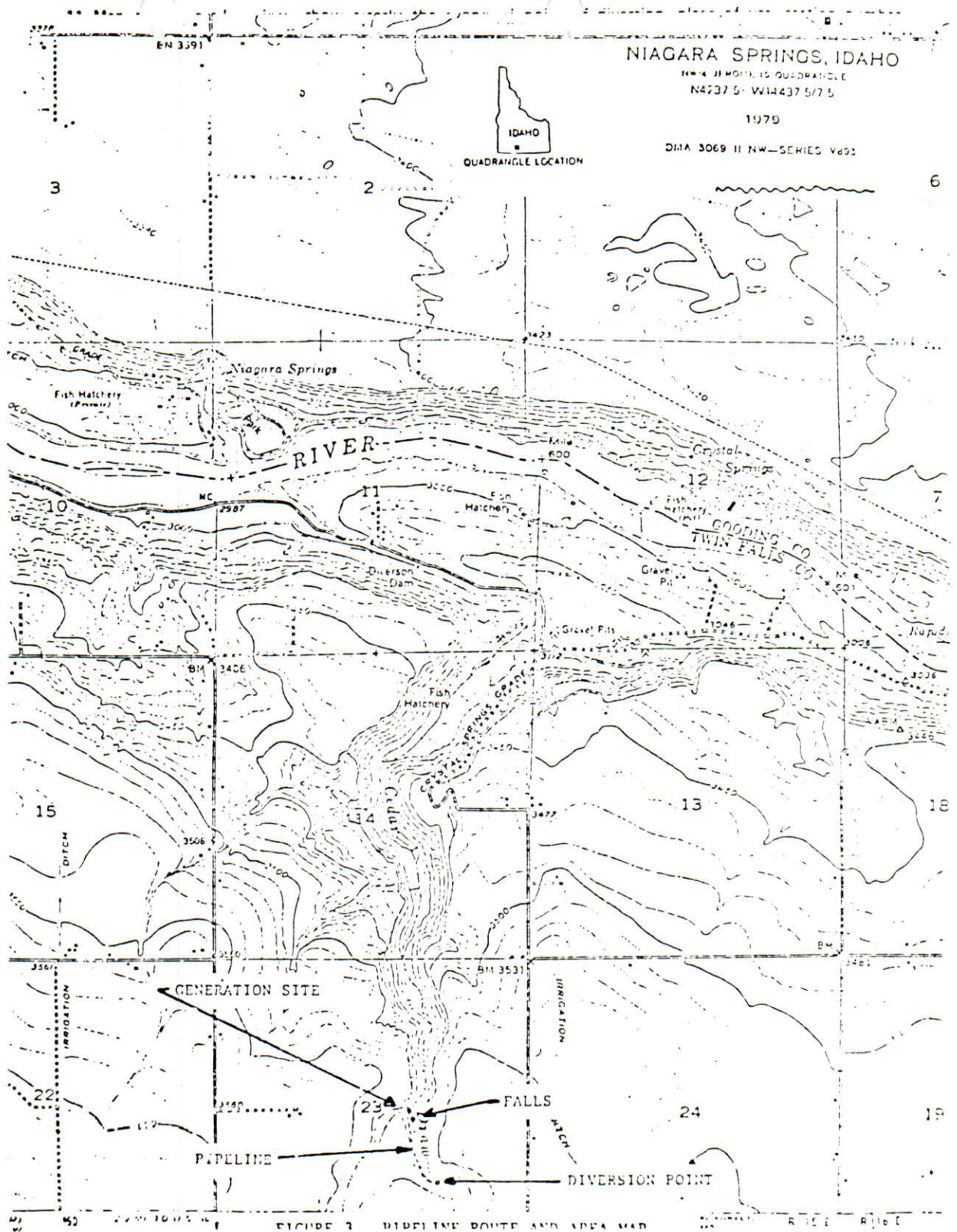
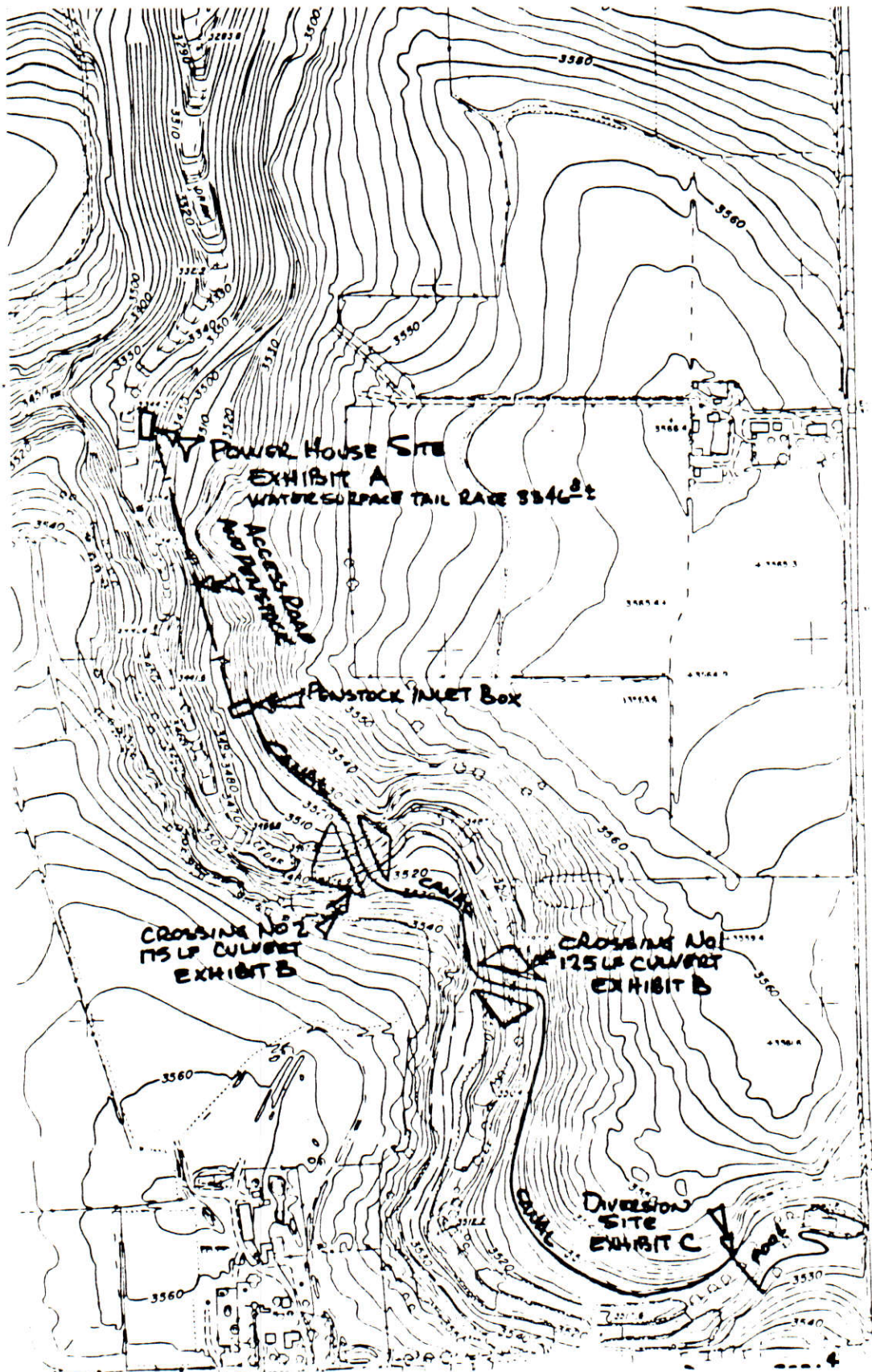




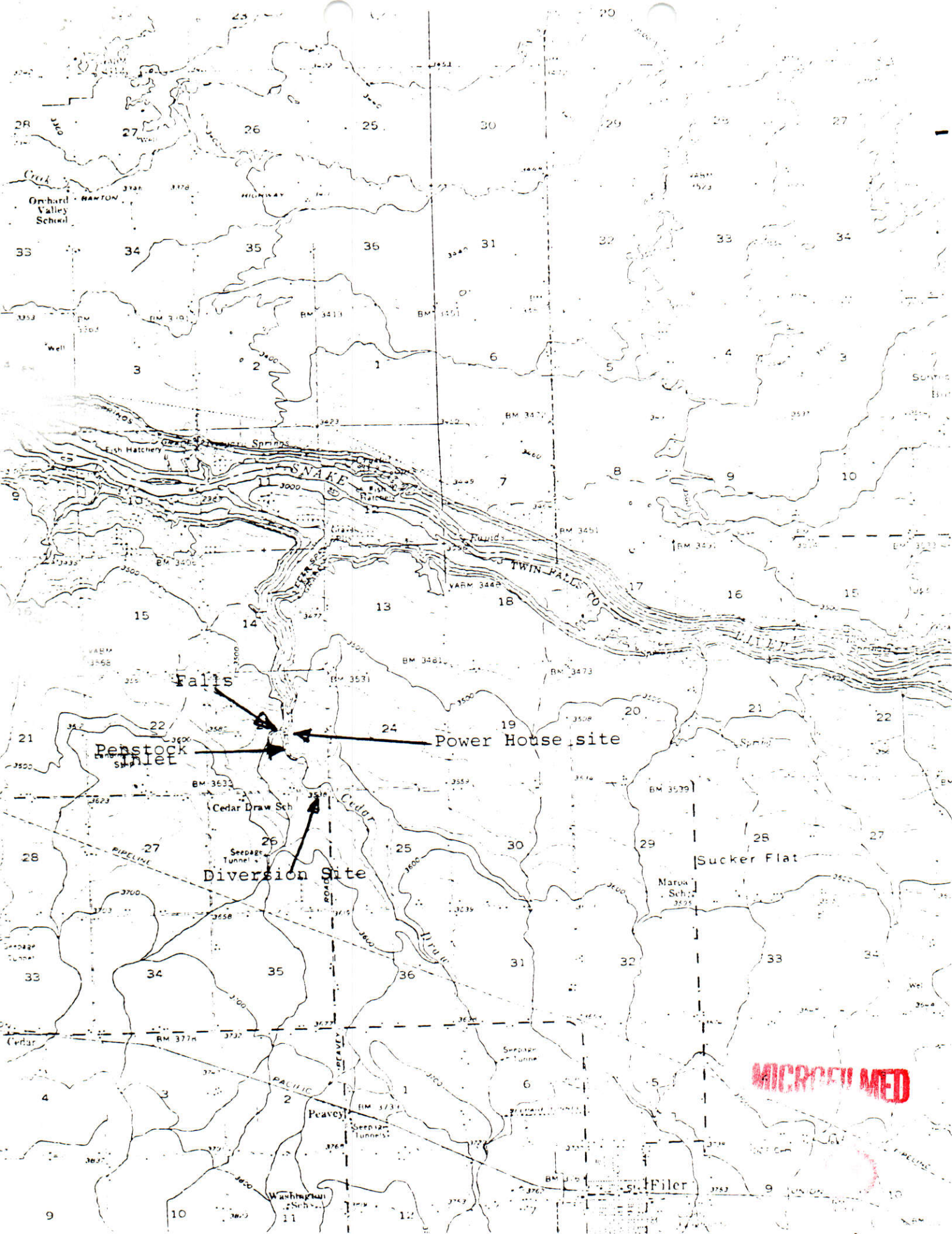
BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

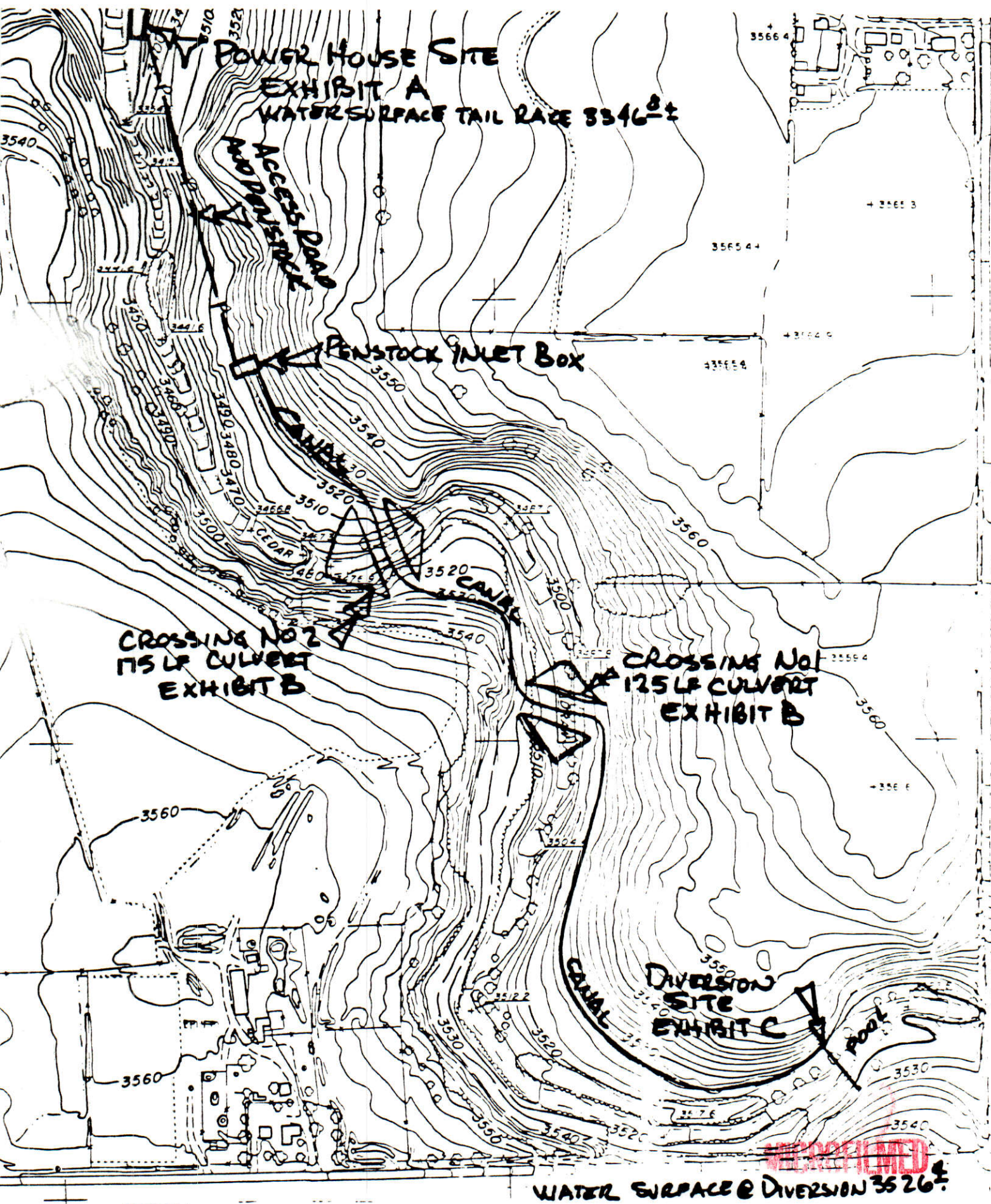
*Thomas Lee McConkey*  
(Signature)

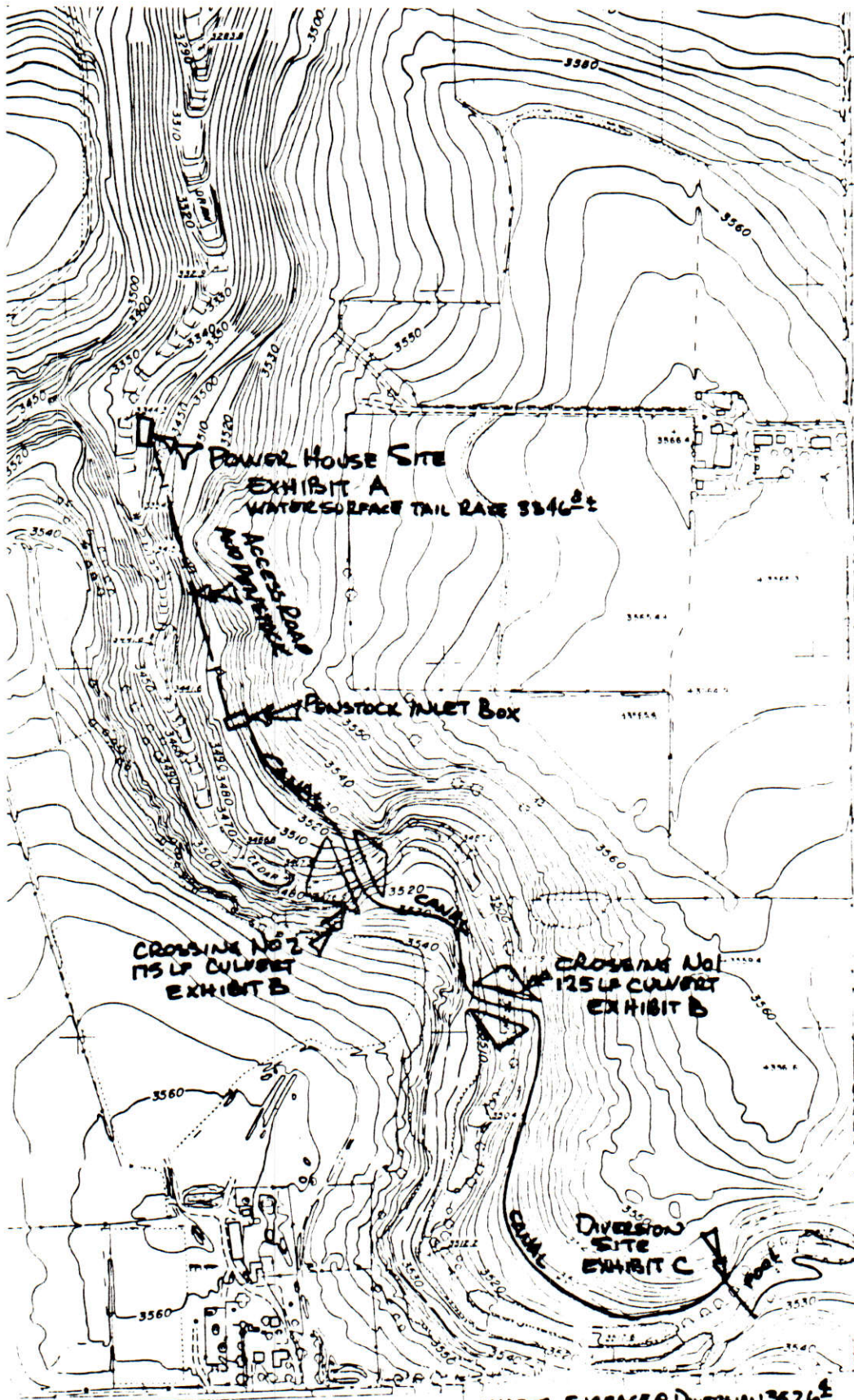
POOR QUALITY ORIGINAL  
MICROFILMED



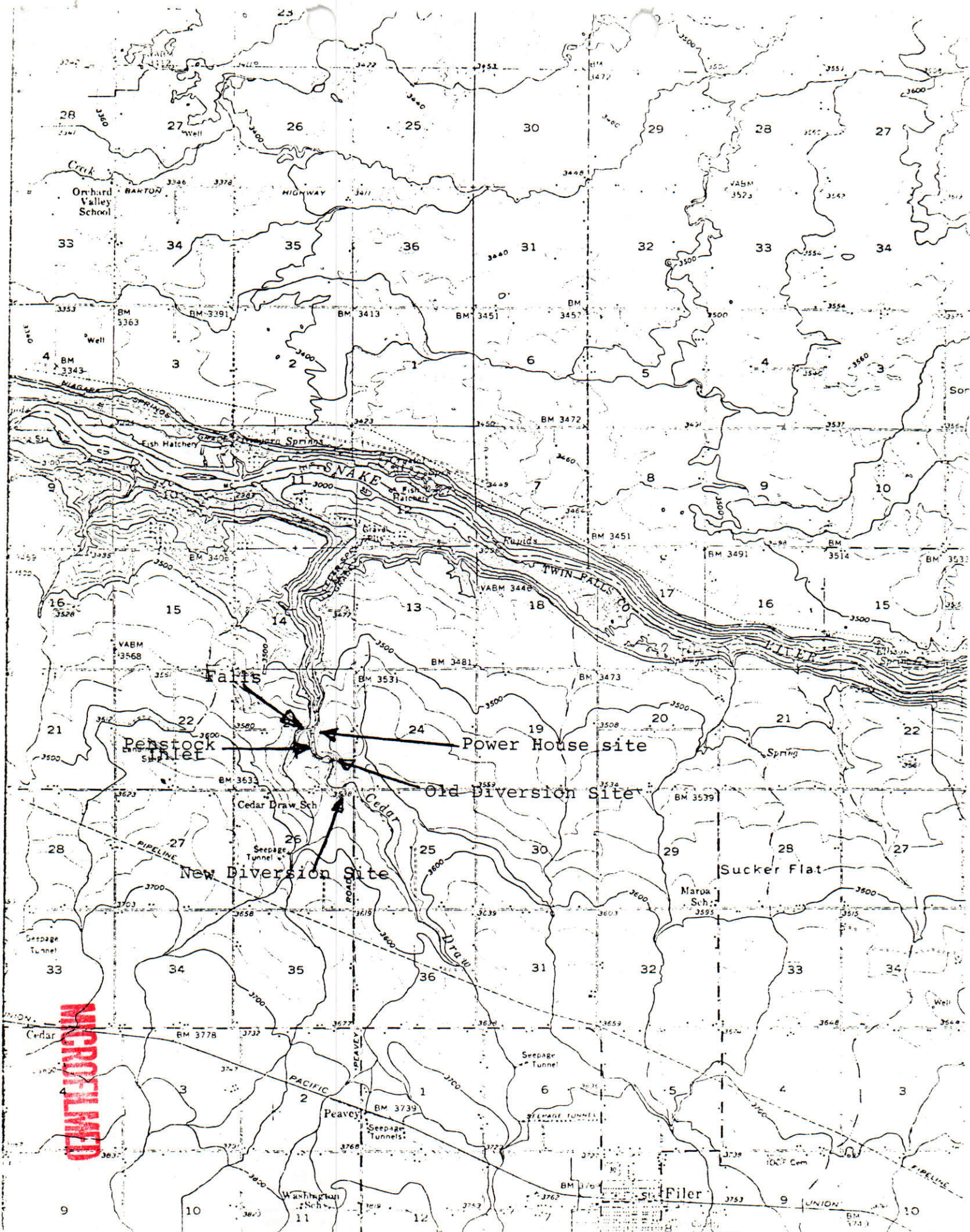
MICROFILMED







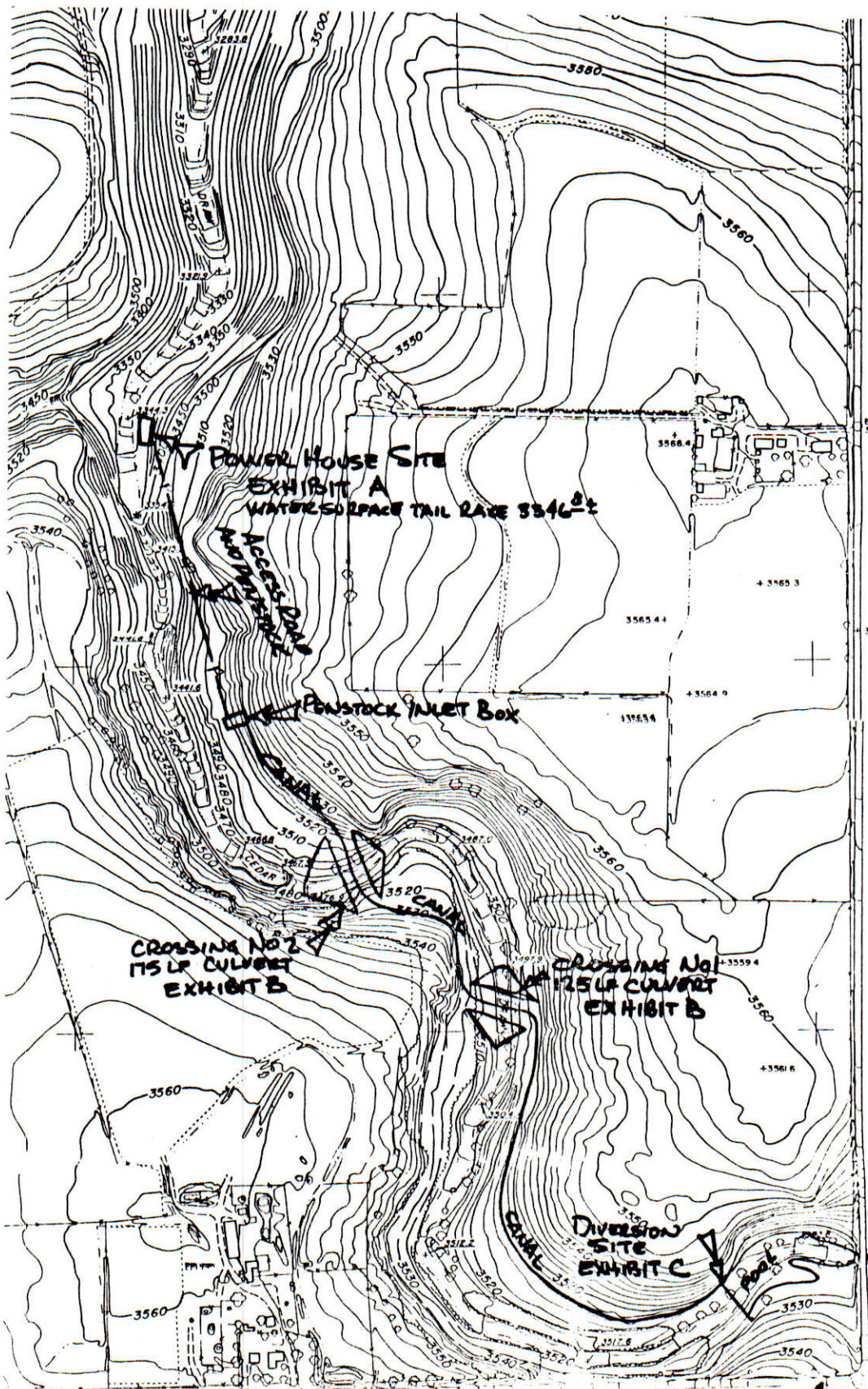
**MICROFILMED**



MICROFILMED

Filer

UNION



MICROFILMED

**NOTICE OF  
AMENDMENT TO A  
WATER PERMIT  
NO. 47-7830**

Notice is hereby given that THOMAS LEO Mc CAULEY of Buhl, Idaho, is the holder of approved permit No. 47-7830 authorizing the diversion of 70 cubic feet per second of water from Cedar Draw tributary of Snake River in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 23 S, R9S, R15E, B.M. County of Twin Falls, to be used for Hydro Electric Generation within NW $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 23, T9S, R15E.

The permit holder has applied to the Department of Water Resources for an Amendment to the permit, to change the point of diversion as follows:

Point of Diversion: SE $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 23, T9S, R15E, B.M., County of Twin Falls

Place of Use: No Change

Any protest against approval of the amending of Permit No. 47-7830 as set forth above must be filed with the Idaho Department of Water Resources 1041 Blue Lakes Blvd. North, Twin Falls, Idaho, 83301, on or before October 31, 1983.

A. Kenneth Dunn  
Director  
PUBLISH: Thursday,  
October 13, and 20, 1983.

**Affidavit of Publication**

STATE OF IDAHO, }  
COUNTY OF TWIN FALLS } ss.

**Nº 13239**

I, Sherry Kesler being first duly sworn upon oath, depose and say that I am Princ. 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 publications, commencing with the issue dated October 13, 1983, and ending with the issue dated October 20, 1983.

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 competent 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 thereof, Thursday is announced as the day on which said legal notices will be published.

Subscribed and sworn to before me on this October 20, 1983 day of October

Sherry Kesler  
Gladys L. Lammert  
Notary Public in and for the County of Twin Falls,  
State of Idaho, residing at Twin Falls, Idaho

MICROFILMED

# NIAGARA SPRINGS, IDAHO

NW/4 JEROME 15' QUADRANGLE

N4237.5- W11437.5/7.5

1979

DMA 3069 II NW—SERIES V893

IDAHO

QUADRANGLE LOCATION

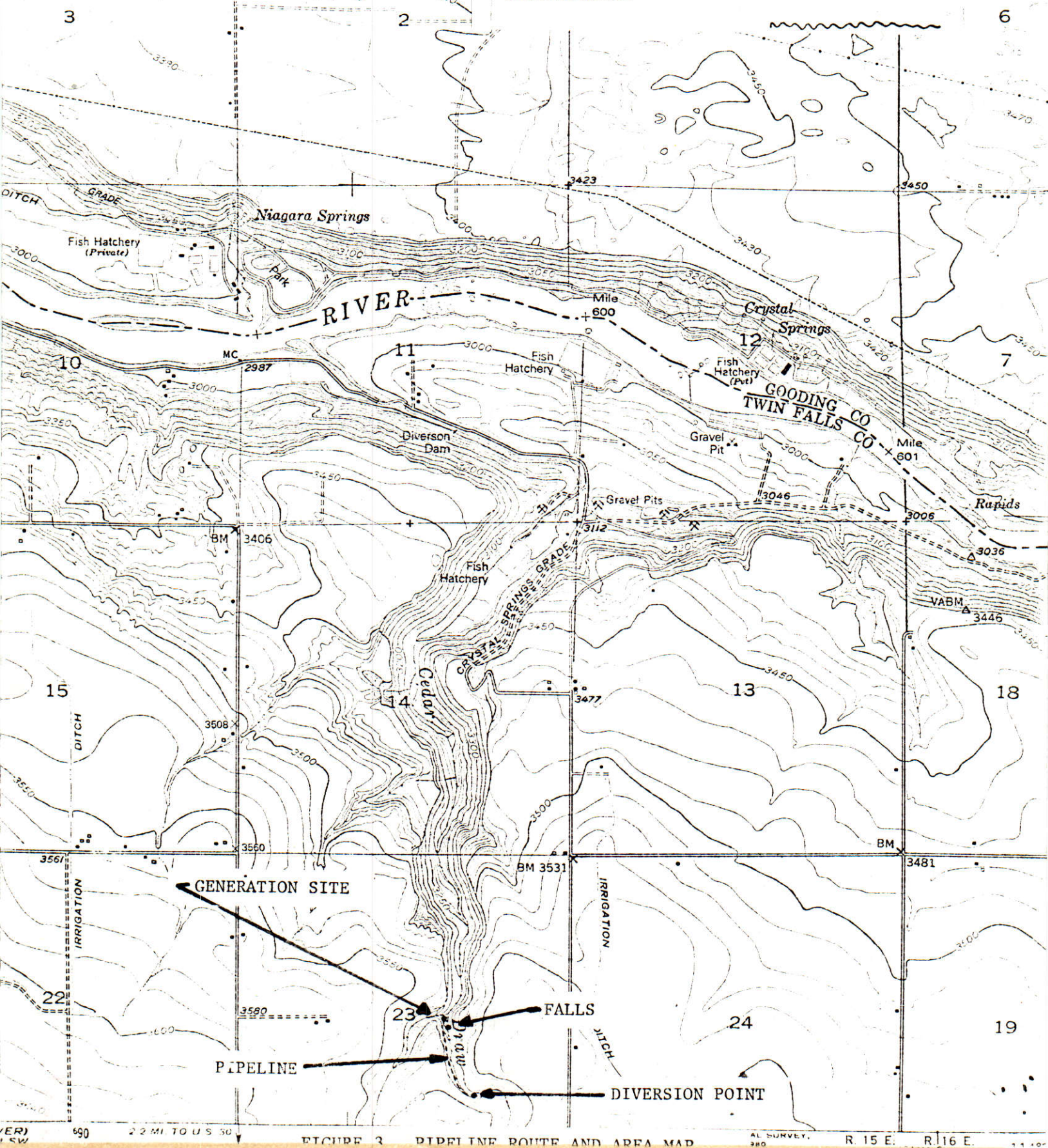
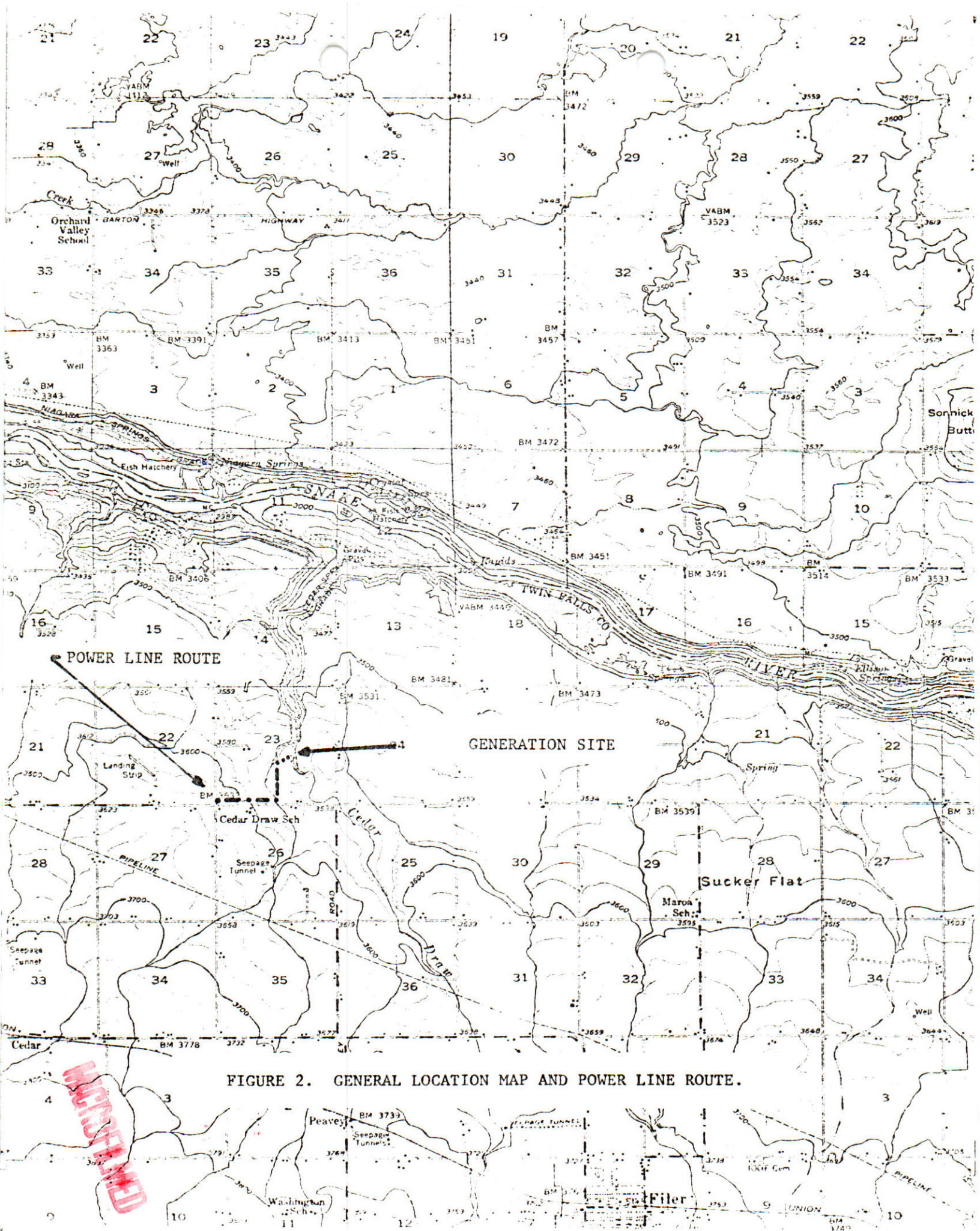


FIGURE 3 PIPELINE ROUTE AND AREA MAP

AL SURVEY, 380

R. 15 E. R. 16 E.

11.10



BM 3391

# NIAGARA SPRINGS, IDAHO

NW/4 JEROME 15' QUADRANGLE

N4237.5-W11437.5/7.5

1979

DMA 3069 II NW-SERIES V893

QUADRANGLE LOCATION

IDAHO

Niagara Springs

RIVER

GOODING TWIN FALLS CO

Crystal Springs

Gravel Pit

Gravel Pits

Fish Hatchery

Fish Hatchery (Private)

Diversion Dam

Fish Hatchery

CRYSTAL SPRINGS GRADE

Cedar

IRRIDATION

IRRIDATION

IRRIDATION

IRRIDATION

IRRIDATION

IRRIDATION

IRRIDATION

IRRIDATION

IRRIDATION

IRRIDATION

GENERATION SITE

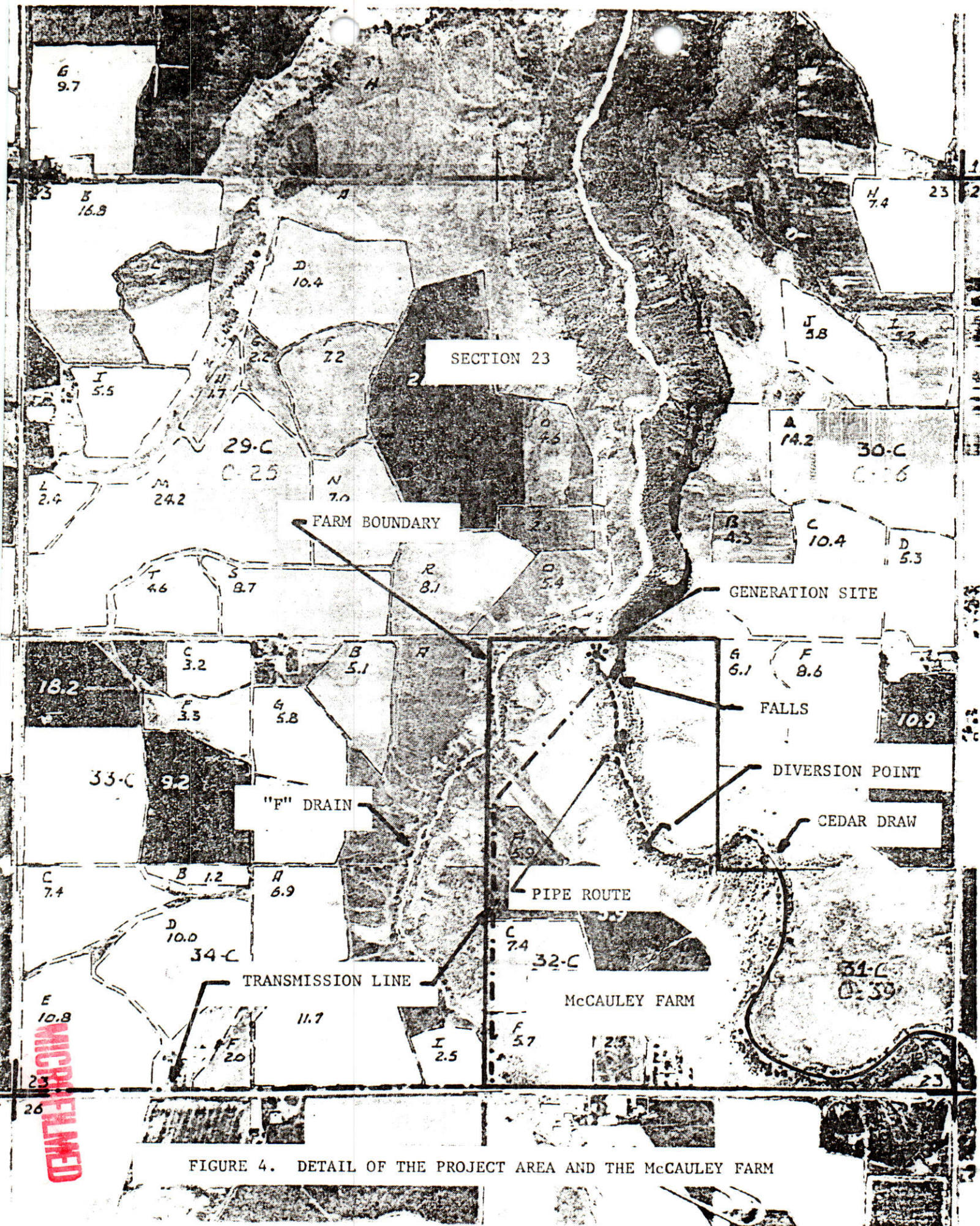
FALLS

PIPELINE

DIVERSION POINT

FIGURE 2 PIPELINE ROUTE AND AREA MAP

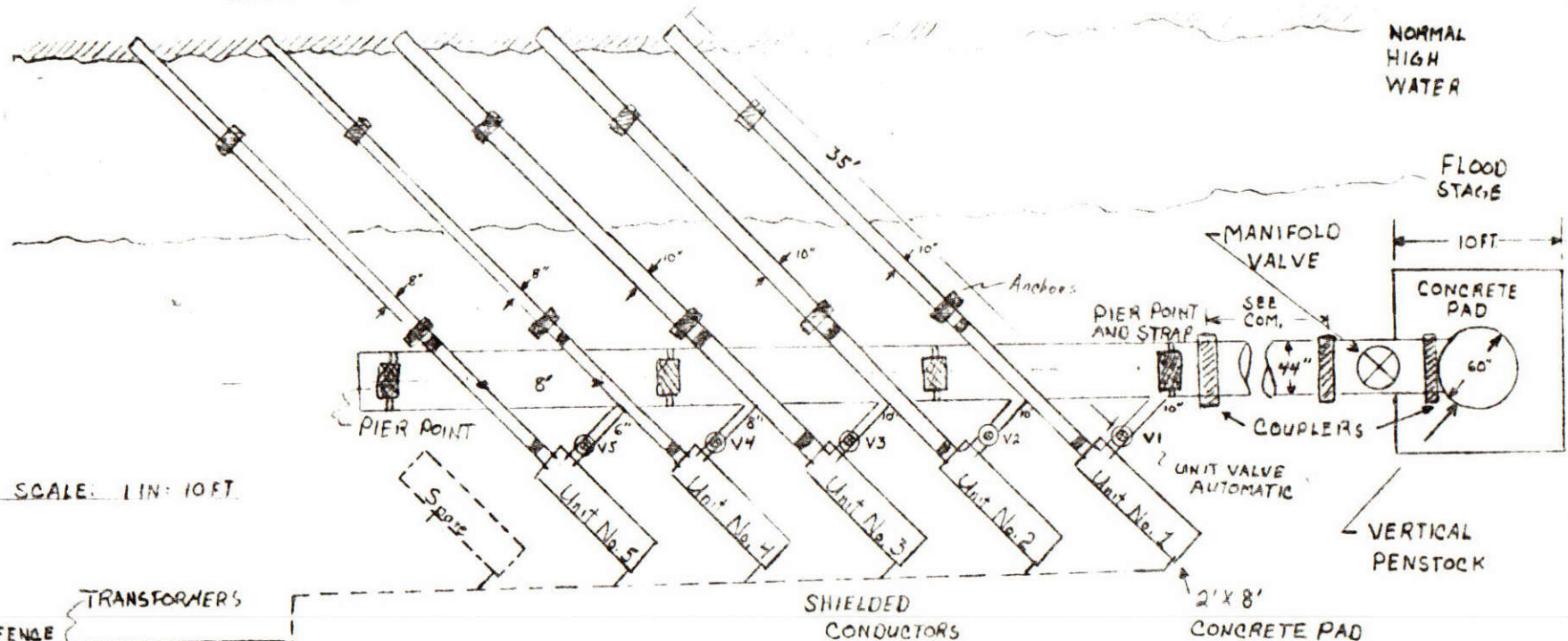
R 15 E R 16 E



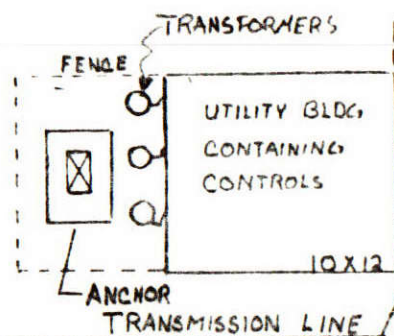
RAPIDS BELOW POOL



ROCK STREAM BED BELOW POOL AT FALLS



SCALE: 1 IN = 10 FT



UTILITY BUILDING WILL HOUSE IDAHO POWER OWNED AND PRIVATE ELECTRIC CONTROLS

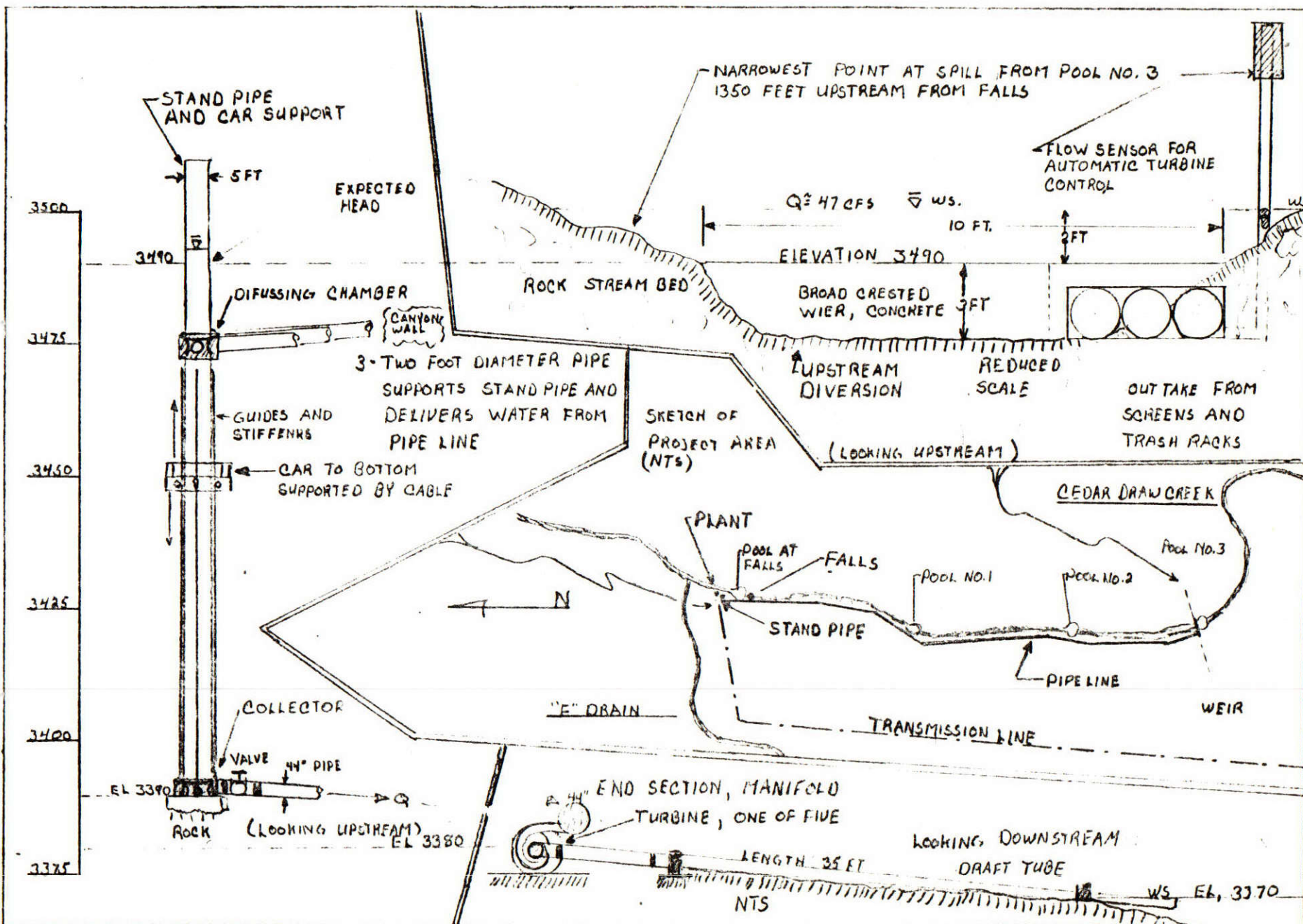
COMMENT: LOCATION OF THE PENSTOCK FOUNDATION DEPENDS ON THE STABILITY OF MAT'L NEXT TO CANYON WALL. WORSE CASE WILL REQUIRE LONG STAND PIPE ANCHORS AT TOP OF CANYON.

RUBBLE LINE

CANYON WALL

**MICROFILMED**

|                                |                                      |                  |
|--------------------------------|--------------------------------------|------------------|
| * STD CORNELL GE UNIT REQUIRES | MANIFOLD LAYOUT                      | DRWG - LMR No. 1 |
| 2' X 8' FOUNDATION             | WELLS - 06/03/82 - PRELIMINARY       | MC CAULEY, BUHL  |
|                                | SNAKE RIVER CONSULTING - FILER IDAHO | CEDAR DRAW CREEK |



\* SCALE IS VARIABLE, DRAWING SHOWS FIVE MAJOR COMPONENTS: PWR LINE, GEN PLANT, STAND PIPE, AND DIVERSION

PROJECT LAYOUT

WELLS - 6/02/82 - PRELIMINARY

SNAKE RIVER CONSULTING - FILER, IDAHO

DRAWG - LMP No. 2

MCCAWLEY, BUHL

CEAR DRAW CREEK

MICROFILMED

47-7830

MC CAULEY, THOMAS  
LEO  
RT. 4 BOX 139, BUHL, ID  
83316

Source: CEDAR DRAW  
tributary to SNAKE  
RIVER

Date Filed: 06/21/1982

Amount: 70.00 CFS

Diversion Point: NWSE  
Sec 23 T 09S R 15E, TWIN  
FALLS Co.

Use: POWER (70.00 CFS)  
from 01/01 to 12/31

Place of Use: NWSE Sec  
23 T 09S R 15E

Diversion Means: PIPE,  
PENSTOCK, GENERA-  
TORS

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, 1041  
Blue Lakes Blvd. North,  
Twin Falls, Idaho 83301  
and received on or  
before AUGUST 2, 1982.

A. KENNETH DUNN  
Director

PUBLISH: Thursday,  
July 15, and 22, 1982.

## Affidavit of Publication

STATE OF IDAHO,

COUNTY OF TWIN FALLS }

ss.

N<sup>o</sup> 11756

I, Linda Capps McBunie being first duly sworn upon  
oath, depose and say that I am Print 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

July 15, 1982, and ending with the issue dated  
July 22, 1982.

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 ther-  
of, Thursday is announced as the day on which said legal notices will be published.

Subscribed and sworn to before me on this

27 day of

July, 1982.  
Soldier L. Lawrence  
Notary Public in and for the County of Twin Falls,  
State of Idaho, residing at Twin Falls, Idaho

RECEIVED

JUL 28 1982

Department of Water Resources  
Southern District Office

MICROFILMED



Diversion on Cedar Draw Creek (Looking Downstream)  
Cedar Draw Creek Branches To Left, Power Canal To Right.



Power Canal With Penstock Intake Structure In Background.  
(Looking Downstream)

WATER DIVISION  
DEC 19 1994



Penstock Intake Structure At End Of Power Canal



Penstock Intake Structure At End Of Power Canal

MISSOURI

DEC 19 1994



Powerhouse And Penstock Looking Downstream

Note Cedar Draw Creek In Left Side Of Photo



Powerhouse And Penstock Looking Upstream

Note Cedar Draw Creek Waterfall In Background

RECEIVED  
DEC 19 1994

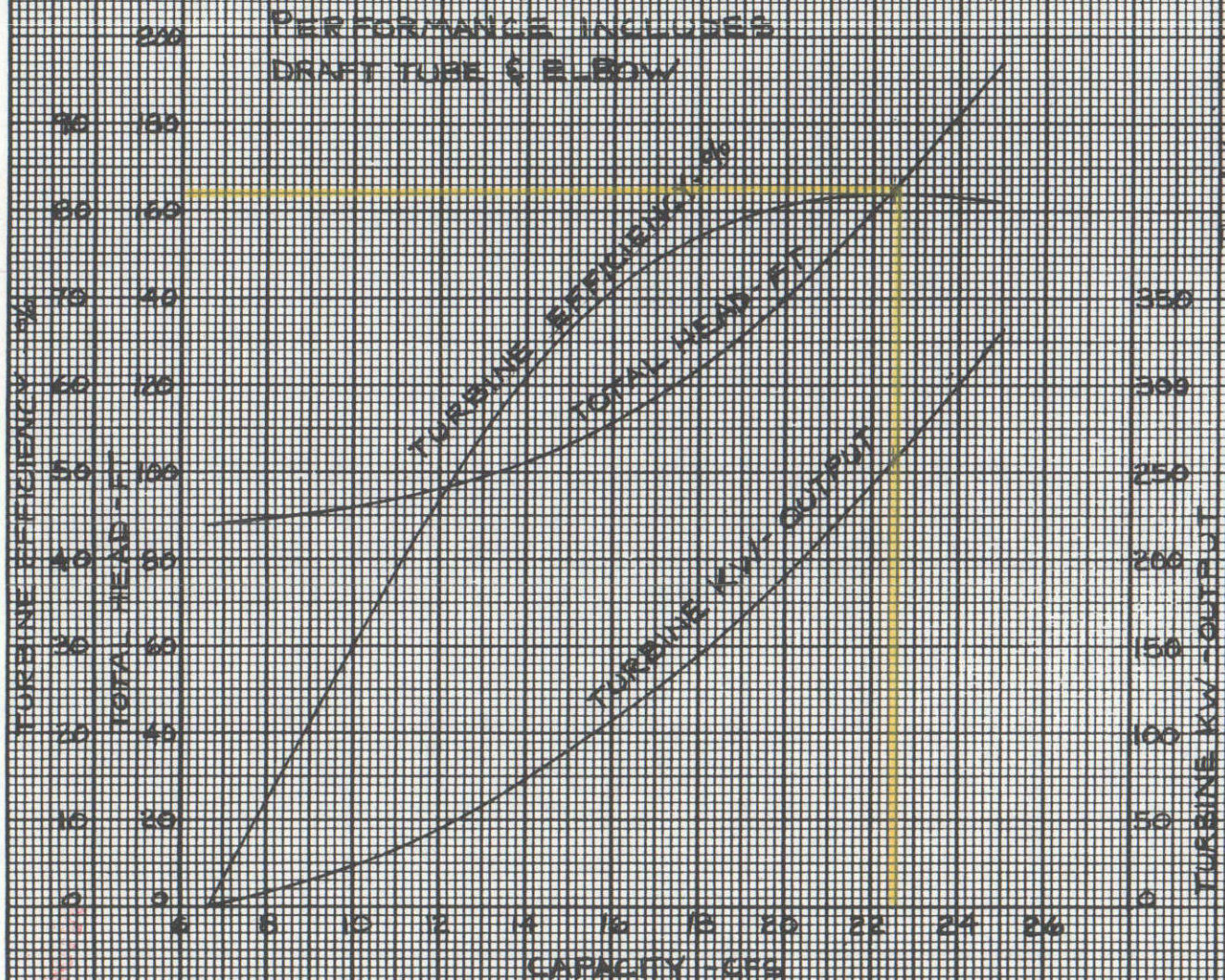
DATE:

DRAWN BY: MAH

MAXIMUM POWER: 320 KW

MAXIMUM RUNAWAY SPEED: 1250 RPM

THIS UNIT IS GUARANTEED  
TO PRODUCE AT LEAST  
25.71 KW AT A TOTAL  
HEAD OF 165 FT.



Q. No.

ORDER NO. Z-2600

DRAWN BY MAH

SERVICE HYDRAULIC

TURBINE

Worthington Group, McGraw-Edison Company

SIZE AND TYPE 14LNT24 @ 910 RPM

DATE 8-83

E

DEC 19 1994

THIS UNIT IS GUARANTEED  
TO WORK AT LEAST  
91% OF A TOTAL  
HEAD OF 165 FT.

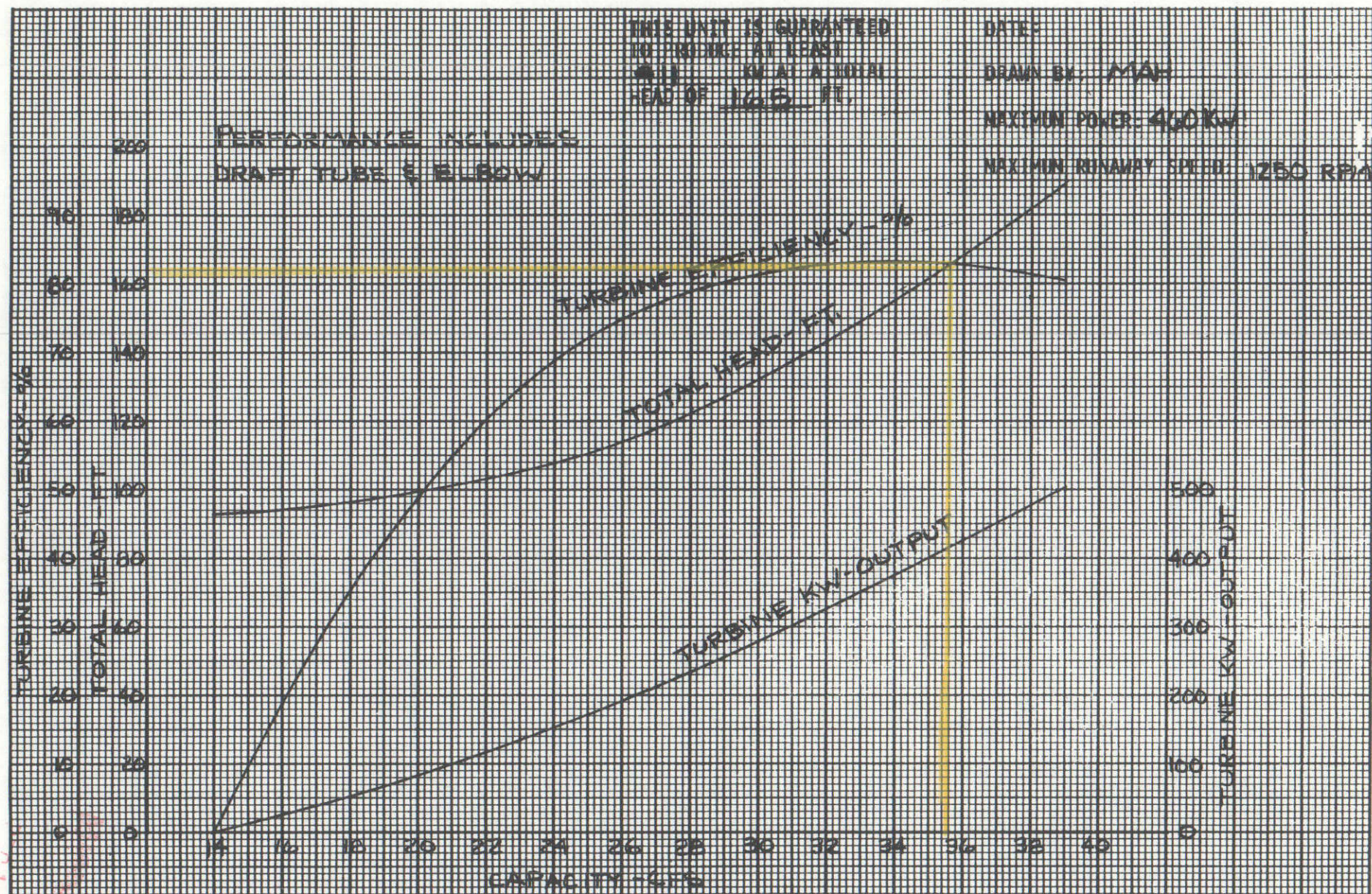
DATE:

DRAWN BY: MAH

MAXIMUM POWER: 460KW

MAXIMUM RUNAWAY SPEED: 1250 RPM

PERFORMANCE INCLUDES  
DRAFT TUBE & ELBOW



Q. No. \_\_\_\_\_

ORDER NO. Z-2598/9

DRAWN BY: MAH

SERVICE HYDRAULIC

TURBINE

Worthington Group, McGraw-Edison Company

SIZE AND TYPE 16LNHT23 @ 910 RPM

DATE 8-83

**E**

1994 6 19

# NIAGARA SPRINGS AND CLOVER QUADRANGLE

## Snake River

Niagara Springs

Fish Hatchery (Private)

Park

Mile 600

Crystal Springs

GOODING TWIN FALLS CO

Diversion Dam

Fish Hatchery

Fish Hatchery (Pvt)

Gravel Pit

Gravel Pits

Rapids

VABM

RISE RIBE

PENSTOCK INTAKE STRUCTURE

POWERHOUSE  
48" DIA. STEEL PENSTOCK

POWER CANAL

DIVERSION STRUCTURE

Cedar Draw Sch (Aband)

Seepage Tunnel

Cedar

DEC 19 1904

3.5 MI. TO U.S. 30

4722000m

42°31'

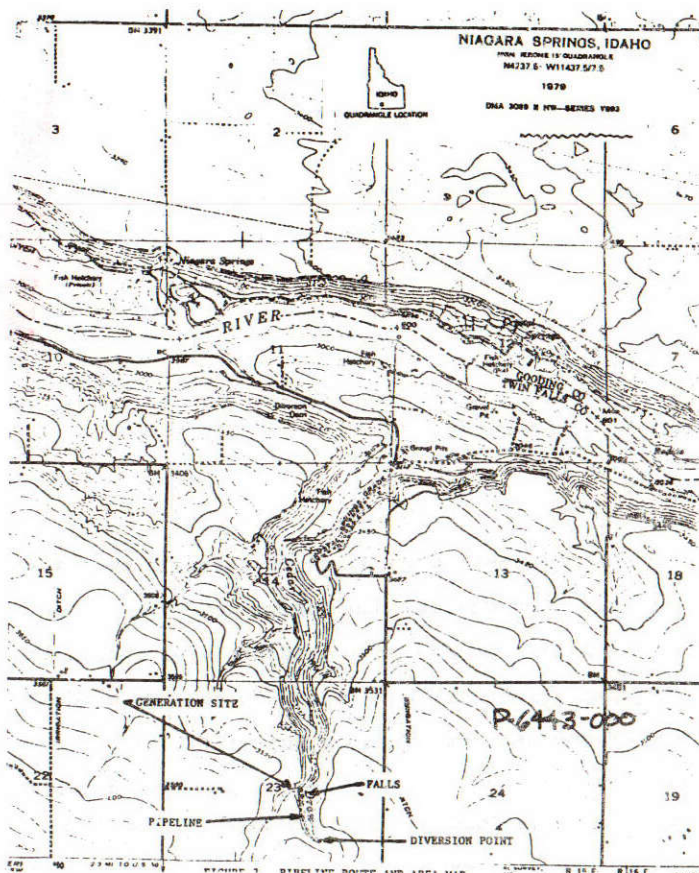
§ 4.106 Standard terms and conditions of exemption from licensing.

Any exemption from licensing granted under this subpart for a small hydroelectric power project is subject to the following standard terms and conditions:

(a) Article 1. The Commission reserves the right to conduct investigations under sections 4(g), 306, 307, and 311 of the Federal Power Act with respect to any acts, complaints, facts, conditions, practices, or other matters related to the construction, operation, or maintenance of the exempt project. If any term or condition of the exemption is violated, the Commission may revoke the exemption, issue a suitable order under section 4(g) of the Federal Power Act, or take appropriate action for enforcement, forfeiture, or penalties under Part III of the Federal Power Act.

(b) Article 2. The construction, operation, and maintenance of the exempt project must comply with any terms and conditions that any Federal or state fish and wildlife agencies have determined are appropriate to prevent loss of, or damage to, fish or wildlife resources or otherwise to carry out the purposes of the Fish and Wildlife Coordination Act, as specified in Exhibit E of the application for exemption from licensing or in the comments submitted in response to the notice of the exemption application.

(c) Article 3. The Commission may accept a license application by any qualified license applicant and revoke this exemption if actual construction or development of any proposed generating facilities has not begun within 18 months, or been completed within four years, from the date on which this exemption was granted. If an exemption is revoked, the Commission will not accept a subsequent application for exemption within two years of the revocation.



UNCLASSIFIED

NIAGARA SPRINGS, IDAHO  
NW/4 JEROME 15 QUADRANGLE  
N4237.5-W11437.5/7.5  
1979  
DMA 3069 II NW-SERIES V893

QUADRANGLE LOCATION

Snake River

Gooding County  
Twin Falls County

Landmarks and Features:

- Niagara Springs
- Coral Springs
- Fish Hatchery (Frederick)
- Fish Hatchery
- Dwerson Dam
- Gravel Pits
- Gravel Pit
- Rapids
- Cellar
- Falls
- Diversion Point
- Pipeline
- Generation Site
- Irrigation Ditch
- BM 3391
- BM 3406
- BM 3477
- BM 3481
- BM 3531
- BM 3567
- BM 3590
- BM 3608
- BM 3625
- BM 3645
- BM 3650
- BM 3655
- BM 3660
- BM 3665
- BM 3670
- BM 3675
- BM 3680
- BM 3685
- BM 3690
- BM 3695
- BM 3700
- BM 3705
- BM 3710
- BM 3715
- BM 3720
- BM 3725
- BM 3730
- BM 3735
- BM 3740
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- BM 3750
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- BM 3870
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- BM 3880
- BM 3885
- BM 3890
- BM 3895
- BM 3900
- BM 3905
- BM 3910
- BM 3915
- BM 3920
- BM 3925
- BM 3930
- BM 3935
- BM 3940
- BM 3945
- BM 3950
- BM 3955
- BM 3960
- BM 3965
- BM 3970
- BM 3975
- BM 3980
- BM 3985
- BM 3990
- BM 3995
- BM 4000

Scale: 1" = 1 Mile

ETC 2 BIDE LINE HOUSE AND AREA MAP

AL SURVEY, 1979

R 15 E R 16 E

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

POSTAGE AND FEES PAID  
FEDERAL ENERGY REGULATORY COMMISSION  
FERC-361  
FIRST CLASS MAIL



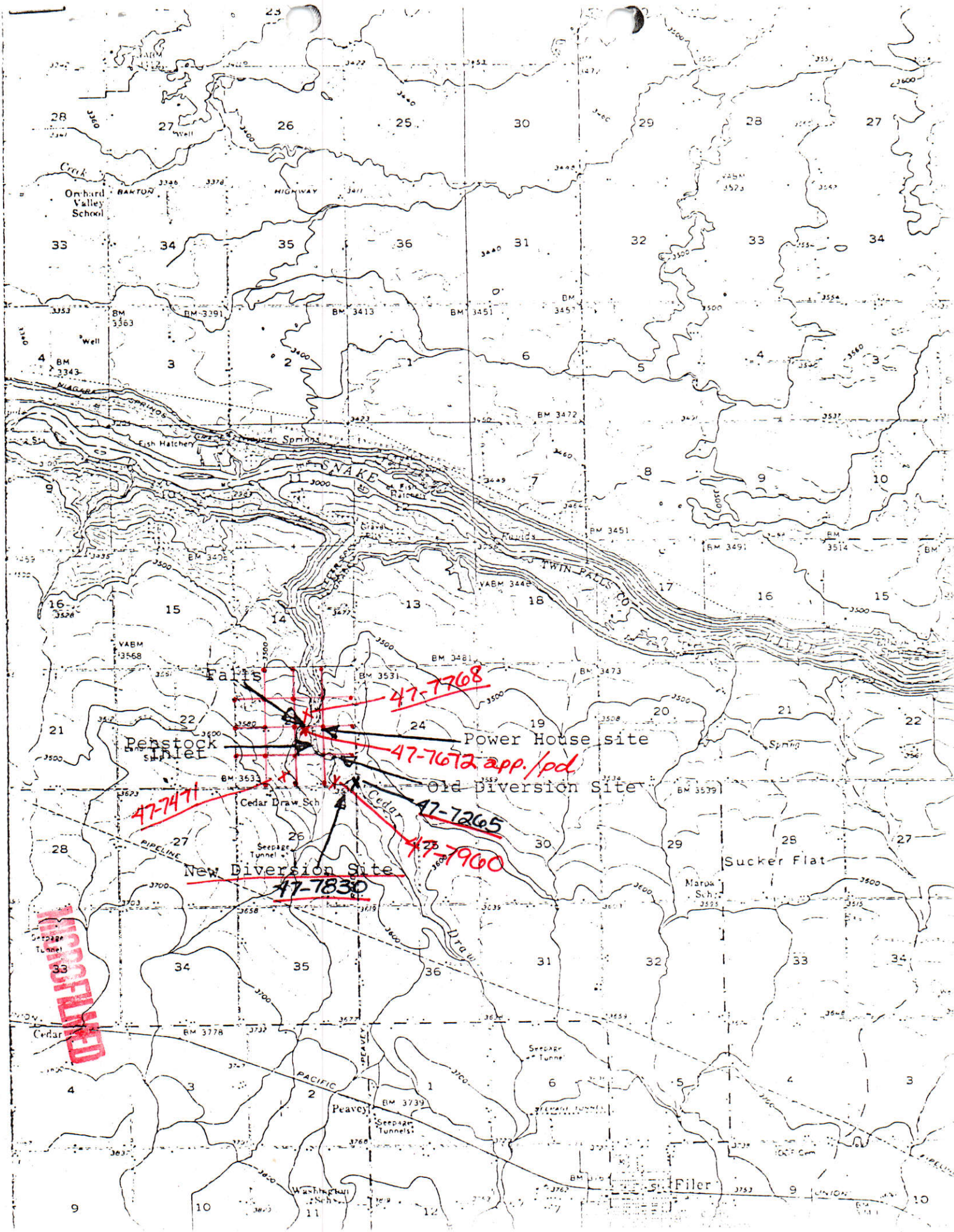
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P-6443

State of Idaho  
Department of Water Resources  
State House  
Boise, Idaho 83720

AUG 26 1982

Department of Water Resources



47-7708

47-7672 app./pd

47-7471

47-7265

47-7900

47-7830

LIMITED

MICROFILMED

-1-

Attachment  
E-2 Form

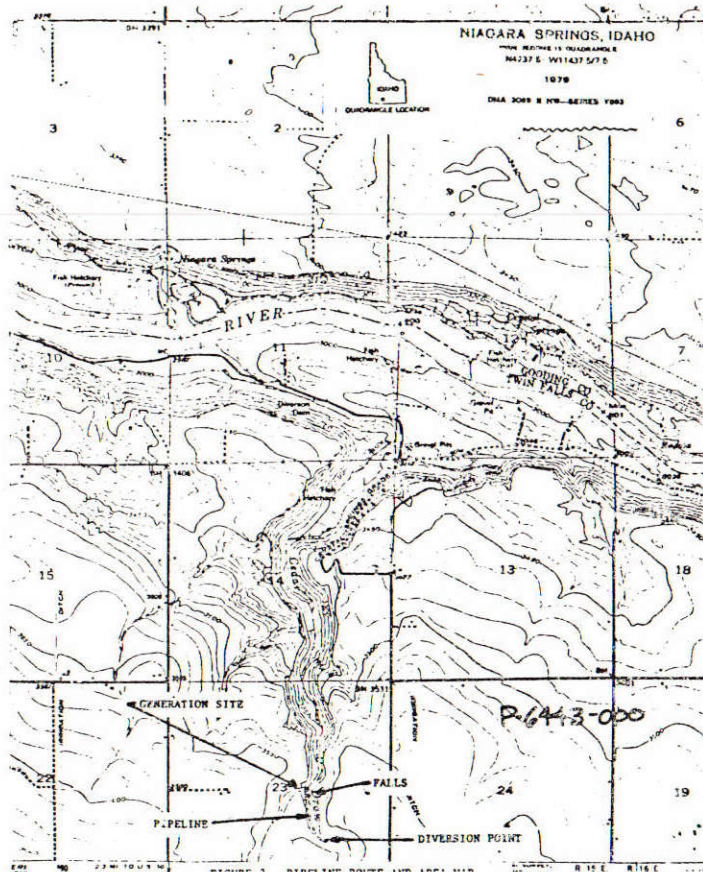
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(b) Article 2. The construction, operation, and maintenance of the exempt project must comply with any terms and conditions that any Federal or state fish and wildlife agencies have determined are appropriate to prevent loss of, or damage to, fish or wildlife resources or otherwise to carry out the purposes of the Fish and Wildlife Coordination Act, as specified in Exhibit E of the application for exemption from licensing or in the comments submitted in response to the notice of the exemption application.

(c) Article 3. The Commission may accept a license application by any qualified license applicant and revoke this exemption if actual construction or development of any proposed generating facilities has not begun within 18 months, or been completed within four years, from the date on which this exemption was granted. If an exemption is revoked, the Commission will not accept a subsequent application for exemption within two years of the revocation.



State of Idaho  
Department of Water Resources

# WATER RIGHT LICENSE

WATER RIGHT NO. 47-07830

Priority: June 21, 1982

Maximum Diversion Rate: 70.00 CFS

Maximum Diversion Volume: 50589.0 AF

This is to certify, that LITTLE MAC POWER CO  
324 11TH AVE N  
BUHL ID 83316

has complied with the terms and conditions  
of the permit, issued pursuant to Application for Permit dated June 21, 1982; and  
has submitted Proof of Beneficial Use on October 3, 1985. An examination indicates  
that the works have a diversion capacity of 129.000 cfs of water from:

CEDAR DRAW

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       | 70.00 CFS                | 50589.0 AF           |

LOCATION OF POINT(S) OF DIVERSION:

SESE , Sec. 23, Township 09S, Range 15E  
TWIN FALLS County

PLACE OF USE: POWER

TWN RGE SEC

09S 15E 23

NWSE

## 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 shall be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. This right does not constitute Idaho Public Utilities Commission or Federal Energy Regulatory Commission approval that may be required.
6. Use of water under this right shall be non-consumptive.

APPROVED  
JUL 1 1985

State of Idaho  
Department of Water Resources

# WATER RIGHT LICENSE

WATER RIGHT NO. 47-07830

## CONDITIONS OF APPROVAL AND REMARKS

7. 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.
8. The diversion and use of water for hydropower purposes under this license is subject to review by the Director on or after May 15, 2019. 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.
9. This right shall in no way be used to inhibit or alter the historical use of Cedar Draw by the Twin Falls Canal Co. as a water delivery channel and as a wasteway.
10. Right 47-07960 is also diverted through the point(s) of diversion described above.

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 16<sup>TH</sup> day of JANUARY, 1998.

  
Acting for KARL J. DREHER, Director

APR 1 1998

## WATER RIGHT SUMMARY

| ACTION               | RIGHT NO. | NAME                           | AMOUNT CFS |
|----------------------|-----------|--------------------------------|------------|
| Original Application | 47-07830  | Thomas Leo McCauley            | 70.00      |
| Full Assignment      | 47-07830  | Bonneville Pacific Corporation | 70.00      |
| Full Assignment      | 47-07830  | Little Mac Power Co. Inc.      | 70.00      |

DEC 18 1994  
9 1994

Amt. of Fee \$25.00

Date 10-20-94Receipt No. 5017490Receipt by SW

## State of Idaho

## DEPARTMENT OF WATER RESOURCES

OCT 21 1994

Department of Water Resources  
Southern Region Office

## ASSIGNMENT OF PERMIT

To change the ownership of a permit

I, Bonneville Pacific Corporation, hereby assign to Little MAC Power Co. Inc  
(Permit Holder)  
 of 324 Eleventh Ave. N. Boise Idaho, 83316  
(Full Address)

All my right, title, and interest in and to Permit No. 47-07830  
 to appropriate the public waters of the State of Idaho.

OR (for partial assignments)

The following described portion of my right, title, and interest in and to  
 Permit No. \_\_\_\_\_ to appropriate the public waters of the State of Idaho.

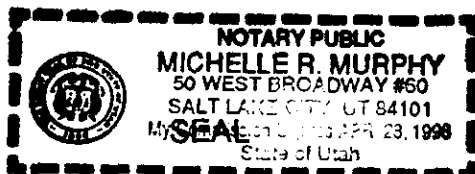
Describe portion of the permit assigned listing the number of acres in each 40 acre subdivision,  
 point of diversion location, and the amount of water in cubic feet per second.

Made this 19th day of October, 1994.

Charles Mower President  
 Permit Holder(s) Bonneville Pacific Corp

State of Utah )  
Idaho )  
 County of Salt Lake )  
 ss

On this 19th day of October, 1994, personally appeared before me  
 the signer of the above instrument, duly acknowledged to me that he/she/they executed the same.



Michelle R. Murphy

Notary Public

Michelle R. Murphy

Signature

My commission expires: April 23, 1998

DEC 18 1994

database updated 12/8/94 cng

**AFFIDAVIT FOR WATER RIGHTS TO BE USED  
FOR POWER PURPOSES**

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

**1. Individual Applicant or Individual Members of a Partnership:**

I, \_\_\_\_\_ of \_\_\_\_\_,  
(name) (city),

County of \_\_\_\_\_, State of Idaho, being duly sworn, do hereby  
certify that I am a bona fide resident of the State of Idaho.

**2. Corporation:**

I, Thomas Leo McCauley of Buhl,  
(name) (city),

County of Twin Falls, State of Idaho, being duly sworn, depose  
and say: That I am the designated registered agent of the LITTLE MAC POWER CO. INC.  
(name of corporation) : that as such I am in charge of the registered office

of the said corporation as required by Section 30-1-12, Idaho Code, at Buhl  
(city)

Idaho, wherein are kept the corporate records required by Section 30-1-52, Idaho Code: and that LITTLE  
MAC POWER CO. INC. is a corporation qualified to do business in the State of Idaho under the laws  
(name of corporation)  
of the State of Idaho.

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

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

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

State of Idaho  
County of Twin Falls ss.

Thomas Leo McCauley  
Applicant

On this 16 day of November, 1994, personally appeared before me  
the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Shonda (Singer)  
Notary Public residing at  
Buhl, Idaho

seal

My commission expires:

5-21-96

DEC 19 1994

WARRANTY DEED

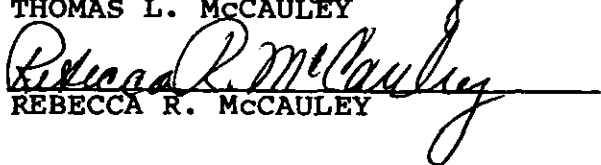
FOR VALUE RECEIVED, THOMAS L. McCAULEY and REBECCA R. McCAULEY, husband and wife, the grantors, of Buhl, County of Twin Falls, Idaho, do hereby grant, bargain, sell and convey unto LITTLE MAC POWER COMPANY, INC., an Idaho Corporation, the grantee, whose current address is Route 4, Box 139, Buhl, Idaho 83316, the following described premises in Twin Falls County, Idaho, to wit:

A parcel of land located in the Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$ ) of Section 23, Township 9 South, Range 15 East of the Boise Meridian in Twin Falls County, Idaho, more particularly described as follows:

Beginning at the northeast corner of the SE $\frac{1}{4}$  of said Section 23;  
Thence North 89°55'33" West 1727.75 feet along the northerly boundary of said SE $\frac{1}{4}$  to the True Point of Beginning;  
Thence North 89°55'33" West 100.70 feet along the northerly boundary of said SE $\frac{1}{4}$ ;  
Thence South 21°13'16" East 570.22 feet;  
Thence North 11°14'57" West 541.83 feet to the True Point of Beginning, containing 0.61 acres, more or less.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, its heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantee that they are the owners in fee simple of said premises; that they are free from all incumbrances, and that they will warrant and defend the same from all lawful claims whatsoever.

DATED: June 29, 1984

  
THOMAS L. McCAULEY  
  
REBECCA R. McCAULEY

RECORDED  
DEC 19 1984

WARRANTY DEED

STATE OF IDAHO )  
 ) ss.  
County of Twin Falls )

On this 29 day of June, 1984, before me, the undersigned, a Notary Public in and for said County and State, personally appeared THOMAS L. McCAULEY and REBECCA R. McCAULEY, known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same.

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

Thylene Whitwell  
Notary Public for State of Idaho  
Residing at Buhl, Idaho

863870

DEC 19 1984

STATE OF IDAHO )  
County of Twin Falls ) ss.

I hereby certify that the instrument

filed for record at the request of .....

**RECORDED - NUNCESTER & FELTON**  
**JUL 5 1984**

at .....

in my office and duly recorded in book

..... of ..... page .....

RICHARD A. PENCE

..... Ex-Officio Recorder

Henry Schmalz

..... Deputy

Fee \$ 4.00

Return to

**HEPORTH, NUNCESTER & FELTON**

Bat 589

Buhl

ASSIGNMENT OF WATER RIGHTS AND PERMITS

THIS ASSIGNMENT, made and entered into this 8<sup>th</sup> day of May, 1984, by and between THOMAS LEO McCAULEY and REBECCA McCAULEY, husband and wife, hereinafter referred to as "Assignors", and BONNEVILLE PACIFIC CORPORATION, a Utah corporation qualified to do business in the State of Idaho, hereinafter referred to as "Assignee",

W I T N E S S E T H:

WHEREAS, Assignors have obtained certain approved Permits for the use of water resources in the State of Idaho, Permit Nos. 47-7830 and 47-7960, hereinafter referred to as the "Permits", copies of which are attached hereto as Schedule I and by this reference made a part hereof; and

WHEREAS, in connection with that certain Lease Agreement between Assignors and Assignee, dated May 18, 1983, incorporated herein by this reference, Assignors desire hereby to assign to Assignee all of their right, title and interest in and to said Permits for the purpose of holding said Permits for and on behalf of the Little Mac Power Project, also known as the Cedar Draw Hydroelectric Project, a hydroelectric project located on Cedar Draw (tributary of the Snake River) located in the West 1/2 of the Southeast 1/4 of Section 23, Township 9 South, Range 15 East, Boise Meridian, Twin Falls County, Idaho.

NOW, THEREFORE, for Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and adequacy of

**MICROFILMED**

which are hereby acknowledged, the parties hereto agree as follows:

1. Assignors hereby assign to Assignee all of their rights, titles and interests in and to said Permits as contained in Schedule I attached hereto to hold for and on behalf of said Little Mac Power Project during the entire term of the Power Project as more specifically set forth in said Lease Agreement.

2. Assignee hereby accepts the assignment of said Permits as contained in Schedule I in accordance with the terms hereof.

3. Assignee agrees to allow the rights and interests referred to in said Permits to be used in connection with the Little Mac Power Project in accordance with said Lease and Assignment.

4. That to induce the Assignee to accept this assignment and the rights and obligations pursuant thereto, Assignors hereby represent to the Assignee as follows:

- (a) That the Assignors have duly performed all of the conditions presently required under said Permits;
- (b) That said Permits are in full force and effect;
- (c) That upon approval of the Department of Water Resources, State of Idaho, said Permits are assignable; and
- (d) That Assignors agree to defend, indemnify and hold Assignee harmless from and against any loss,

costs, expense, cause of action, claim or fee, including reasonable attorneys' fees, which may be incurred by Assignee in connection with this assignment provided that any such loss or fee is not the result of any breach or negligence on the part of Assignee.

5. That in consideration of the Assignors executing and delivering this Assignment, Assignee covenants with Assignors as follows:

- (a) That the Assignee will duly keep, observe and perform all of the terms, conditions and provisions of the Permits that are to be kept, observed and performed by the Assignors;
- (b) That Assignees will not further assign the rights or Permits conveyed hereunder without the prior written consent of Assignors and the prior written consent of the Director or Administrator of the Department of Water Resources, State of Idaho; and
- (c) That at the end of the Lease term as described in said Lease Agreement, Assignee will assign the Permits to Assignors and this Agreement shall thereafter become null and void.

IN WITNESS WHEREOF, the parties hereto have set their hands the day and year first above written.

ASSIGNORS:

Thomas Leo McCauley  
THOMAS LEO MCCAULEY

Rebecca McCauley  
REBECCA MCCAULEY

ASSIGNEE:

BONNEVILLE PACIFIC CORPORATION

By [Signature]  
Its SECRETARY

STATE OF IDAHO )  
COUNTY OF Down Falls ) ss.

On this 8th day of May, 1984, before me, SARAH F. DAYLEY, a Notary Public, personally appeared Thomas Leo McCauley and Rebecca McCauley, known to me to be the persons whose names are subscribed hereto, who acknowledged to me that they executed the same.

Sarah F. Dayley  
NOTARY PUBLIC  
Residing at: Home, Idaho

My Commission Expires:

August 24, 1986

STATE OF IDAHO )  
 ) ss.  
COUNTY OF TWIN FALLS )

On this 8<sup>TH</sup> day of MAY, 1984, before  
me, SARAH F. DAYLEY, a Notary Public, personally  
appeared ROBERT L. WOOD, known to me to be the  
SECRETARY of Bonneville Pacific Corporation, a Utah  
corporation, the corporation that executed the instrument or  
the person who executed the instrument on behalf of said corpo-  
ration, who acknowledged to me that such corporation executed  
the same.

Sarah F. Dayley  
NOTARY PUBLIC  
Residing at: Jerome, Idaho

My Commission Expires:

August 24, 1986

41690

SCHEDULE I

APPROVED STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
APPLICATIONS FOR PERMITS

APPLICATION NO. 47-7960

and

Application No. 47-7830

Attached Hereto

**MICROFILMED**

**APPROVED**STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Thomas Leo McCauley Phone 543-8486  
Post office address Rt 4 Box 139 Buhl, Idaho 83316
2. Source of water supply Cedar Draw which is a tributary of Snake River
3. Location of point of diversion is NW  $\frac{1}{4}$  of SE  $\frac{1}{4}$  of Section 23 S Township 9S  
Range 15 E B.M. Twin Falls County, additional points of diversion if any: \_\_\_\_\_

## 4. Water will be used for the following purposes:

Amount 70 cfs for Hydro Electric Generation purposes from Jan 1 to Dec 31 (both dates inclusive)  
(cfs or acre-feet per annum)

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

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

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

## 5. Total quantity to be appropriated:

- a. 70 cubic feet per second and/or b. \_\_\_\_\_ acre-feet per annum.

## 6. Proposed diverting works:

- a. Description of ditches, flumes, pumps, headgates, etc. 1400' of 5' diameter pipe connecting a 4' high Broad Crested Weir Diversion to a Herringbone type manifold w/ 5 generators.
- b. Height of storage dam \_\_\_\_\_ feet, active reservoir capacity 0 acre-feet; total reservoir capacity \_\_\_\_\_ acre-feet, materials used in storage dam: \_\_\_\_\_  
Period of year when water will be diverted to storage \_\_\_\_\_ to \_\_\_\_\_ inclusive.  
(Month/Day) (Month/Day)
- c. Proposed well diameter is \_\_\_\_\_ inches; proposed depth of well is \_\_\_\_\_ feet.

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

## 8. Description of proposed uses:

## a. If water is not for irrigation:

- (1) Give the place of use of water: NW  $\frac{1}{4}$  of SE  $\frac{1}{4}$  of Section \_\_\_\_\_ Township \_\_\_\_\_  
Range \_\_\_\_\_ B.M. 414 KW 10/1/5
- (2) Amount of power to be generated: 320 horsepower under 100 feet of head.
- (3) List number of each kind of livestock to be watered NONE
- (4) Name of municipality to be served NONE, or number of families to be supplied with domestic water NONE
- (5) If water is to be used for other purposes describe: NONE

POOR QUALITY ORIGINAL

MICROFILMED

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

[illegible]

Total number of acres to be irrigated

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

9. a. Who owns the property at the point of diversion Thomas Leo & Rebecca McGawley

b. Who owns the land to be irrigated or place of use Thomas Leo + Rebecca M Gaudy

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing —

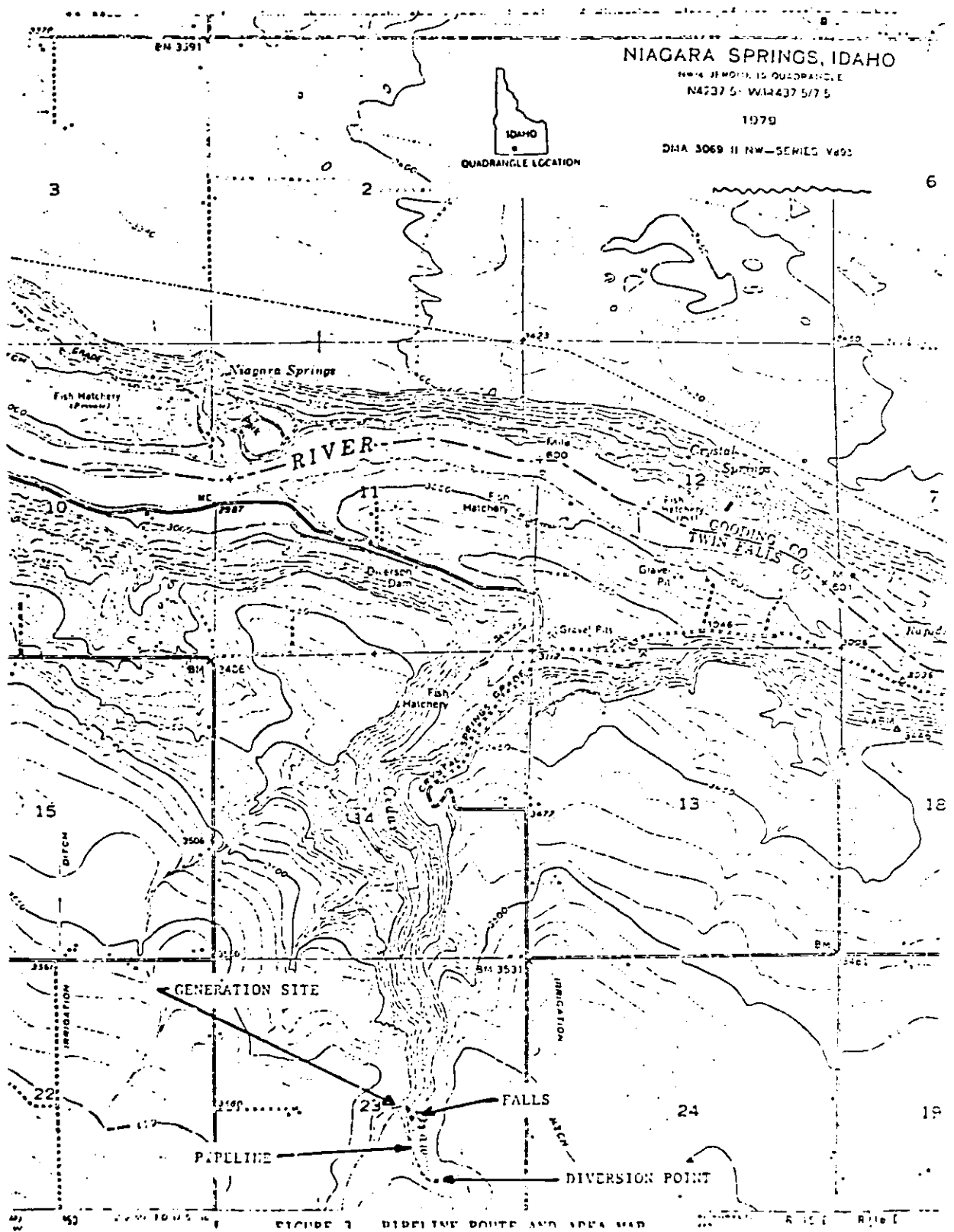
10. Remarks <sup>AN</sup> F.E.R.C. application has been filed and received by all appropriate agencies. This application as well as the F.E.R.C. application are competing with those filed by Leroy Bylund of Crystal Springs Ranch of Buhl. I have filed for an "Exemption from licensing" which has priority over Mr. Bylund's filing for a "preliminary permit".

I feel that to the casual observer or to the trained expert my project is by far more sound aesthetically, economically, and most important, environmentally. I appreciate your consideration

Sincerely,

Thos L Ho Mearley

**MICROFILMED**



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.

*Charles Lee [Signature]*

POOR QUALITY ORIGINAL  
 MICROFILMED

Proposed Prior. 5/21/1982  
Received by T.G.B. Date 6-21-82 Time 3:30  
Preliminary check by ADN Fee \$ 925<sup>00</sup>/fee  
Received by TGB Date 6-21-82 # 20938  
Publication prepared by mmmp Date 7/8/82  
Published in times news  
Publication dates 7/15 + 7/22/82  
Publication approved mmmp Date 7/14/82  
Protests filed by: NOL  
  
Copies of protests forwarded by \_\_\_\_\_  
Hearing held by \_\_\_\_\_ Date \_\_\_\_\_  
Recommended for approval denial by ADN RC

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 47-7830, and said application is hereby APPROVED.

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

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before May 1, 19 88.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land. For licensing purposes, a scientific measurement of the diversion rate of the
- d. Other: system as it is normally operated shall be provided by either properly install: an approved type of measuring device or by having a professional engineer certify the rate of diversion to the Department prior to submitting proof of beneficial use. 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.

Use of water under this permit is subordinated to future diversion of water either upstream or downstream for irrigation or other consumptive beneficial uses.

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

Water shall not be diverted under this permit until a written agreement with the irrigation district or canal company serving the area containing the point of diversion is filed with the Department of Water Resources providing for the coordination of the permit use with the irrigation district or canal company operation.

This permit shall in no way be used to inhibit or alter the historical use of Cedar Draw by the Twin Falls Canal Company as a water delivery channel and as a wasteway.

Witness my hand this 9<sup>th</sup> day of May, 1983.

J. Glen Smith  
DIRECTOR, DEPARTMENT OF WATER RESOURCES

MICROFILMED

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

## APPLICATION FOR AMENDMENT OF A PERMIT

To change the point of diversion and/or the place of use.

Comes now THOMAS LEO McCAULEYof (address) Route #4, Box 139 Buhl, Idaho 83316, and represents to the

Director of the Idaho Department of Water Resources:

That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho  
No. 47-7830, and requests that the permit and permit map be changed as follows:

1. Point of diversion: SE ¼ SE ¼, Section 23, Township 9S, Range 15E, B.M.,  
County of Twin Falls. Other points of diversion: \_\_\_\_\_

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.)

HydroelectricAmount 70cfs for Generation purposes from Jan 1 to Dec 31 (both dates inclusive)

(cfs or acre feet per annum)

Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)

(cfs or acre feet per annum)

Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)

(cfs or acre feet per annum)

Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)

(cfs or acre feet per annum)

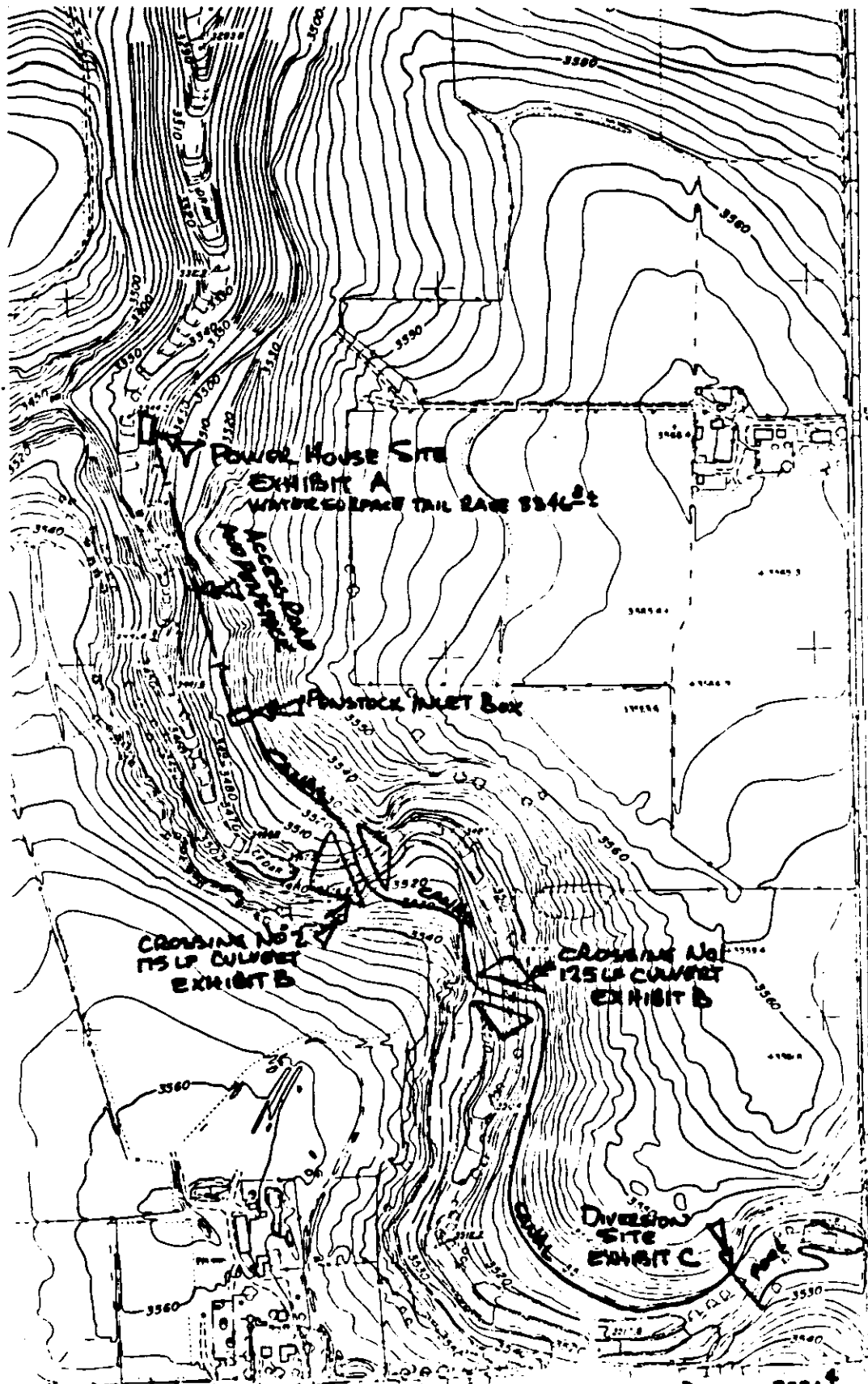
3. Place of use or land to be irrigated:

| TWP | RGE | 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 = \_\_\_\_\_

4. a. Who owns the property at the point of diversion? Thomas Leo and Rebecca McCauley  
b. Who owns the land to be irrigated or the place of use? Thomas Leo and Rebecca McCauley  
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: N/A

MICROFILMED



MICROFILMED

EXHIBIT "A"

THOMAS LEO McCAULEY APPLICATION

CANAL

Length 3300 feet  
Dimension 8 ft base, 22.5 ft top width, 1 ft free board,  
2.56 ft depth  
Slope .00161 ft/ft  
Side Slope 2 to 1  
Capacity 120 cfs  
Earth Quantities:  
10% rock 700 yd3  
90% 5988 yd3  
4" crushed gravel 983 yd3  
6" concrete lined 1474 yd3

DIVERSION STRUCTURE

Located at 3526 ft MSL elevation  
Concrete Structure  
Overflow type by-pass 100 yr flood  
Capacity to canal - 120 cfs  
Slide gate to canal

HEAD WORKS FROM CANAL TO PENSTOCK

Concrete Structure  
Capacity 120 cfs  
Penstock 42" diameter  
Inlet elevation - 3526 ft MSL

PENSTOCK

Length 700 feet  
42" diameter  
.25" wall thickness  
Welded and dresser coupler joints  
Thrust blocked at bends and along vertical drop tying into the rock face  
At rated capacity 120 cfs HL = 3.18 ft.  
At average cap. 64.4 cfs HL = 1.00 ft.

POWERHOUSE

25' x 75' steel building  
Will house four turbines  
Elevation 3346 ft MSL

TURBINES

1 550 KW unit  
3 350 KW units  
Peak flow 120 cfs  
Low flow 25 cfs

TRANSMISSION LINE

Estimate 1 mile

Rated capacity of 1600 KW.

MICROFILMED

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
APPLICATION FOR PERMIT  
To appropriate the public waters of the State of Idaho

*filed*  
*42083*

1. Name of applicant THOMAS LEO MCCAULEY Phone 543-8466

Post office address Route No. 4 Box 139, Buhl, Idaho 83316

2. Source of water supply Cedar Draw which is a tributary of Snake River

3. Location of point of diversion is SE  $\frac{1}{4}$  of SE  $\frac{1}{4}$  of Section 23 Township 9S

Range 15E B.M. Twin Falls County, additional points of diversion if any

4. Water will be used for the following purposes:

Amount 50cfs for Hydro Electric Generation purposes from Jan. 1 to Dec. 31 (both dates inclusive)  
(cfs or acre-feet per annum)

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

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

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

5. Total quantity to be appropriated:

a. 50 cubic feet per second and/or b. \_\_\_\_\_ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. \_\_\_\_\_

See Exhibit "A" attached

b. Height of storage dam \_\_\_\_\_ feet, active reservoir capacity 0 acre-feet, total reservoir capacity \_\_\_\_\_ acre-feet, materials used in storage dam: \_\_\_\_\_

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

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

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

8. Description of proposed uses:

a. If water is not for irrigation:

(1) Give the place of use of water: NW  $\frac{1}{4}$  of SE  $\frac{1}{4}$  of Section 23 Township 9S

Range 15E B.M.

(2) Amount of power to be generated: 1600 KW horsepower under 180 feet of head.

(3) List number of each kind of livestock to be watered None

(4) Name of municipality to be served None, or number of families to be supplied with domestic water None

(5) If water is to be used for other purposes describe: None

[illegible]

c. Describe any other water rights used for the same purposes as described above. Approved  
Application for Permit No. 47-7830 held by Thomas Leo McCauley.

10. Remarks I have received an Approved Application No. 47-7830  
for 70 cfs on Cedar Draw. This new Application for Permit  
is for an additional 50 cfs of flood waters available in  
Cedar Draw for hydro electric purposes. I have obtained  
an Order Granting Exemption from Licensing of a Small  
Hydroelectric Project (F.E.R.C. Exemption) issued November 30,  
1982, Project No. 6443. The additional water applied for  
will increase the size and power output of the hydroelectric  
facility to approximately 1600 KW.

**MICROFILMED**

EXHIBIT "A"

THOMAS LEO McCAULEY APPLICATION

CANAL

Length 3300 feet  
Dimension 8 ft base, 22.5 ft top width, 1 ft free  
board,  
2.56 ft depth  
Slope .00161 ft/ft  
Side Slope 2 to 1  
Capacity 120 cfs  
Earth Quantities:  
10% rock 700 yd3  
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4" crushed gravel 983 yd3  
6" concrete lined 1474 yd3

DIVERSION STRUCTURE

Located at 3526 ft MSL elevation  
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Slide gate to canal

HEAD WORKS FROM CANAL TO PENSTOCK

Concrete Structure  
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At rated capacity 120 cfs HL = 3.18 ft.  
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POWERHOUSE

25' x 75' steel building  
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Elevation 3346 ft MSL

TURBINES

1 550 KW unit  
3 350 KW units  
Peak flow 120 cfs  
Low flow 25 cfs

TRANSMISSION LINE

Estimate 1 mile

Rated capacity of 1600 KW.

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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.

Scale: 2 inches equal 1 mile.

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

15/

(Applicant)

**MICROFILMED**

Received by \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_  
Preliminary check by \_\_\_\_\_ Fee \$ \_\_\_\_\_  
Received by \_\_\_\_\_ Date \_\_\_\_\_  
Publication prepared by \_\_\_\_\_ Date \_\_\_\_\_  
Published in \_\_\_\_\_  
Publication dates \_\_\_\_\_  
Publication approved \_\_\_\_\_ Date \_\_\_\_\_  
Protests filed by: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Copies of protests forwarded by \_\_\_\_\_  
Hearing held by \_\_\_\_\_ Date \_\_\_\_\_  
Recommended for approval denial by \_\_\_\_\_

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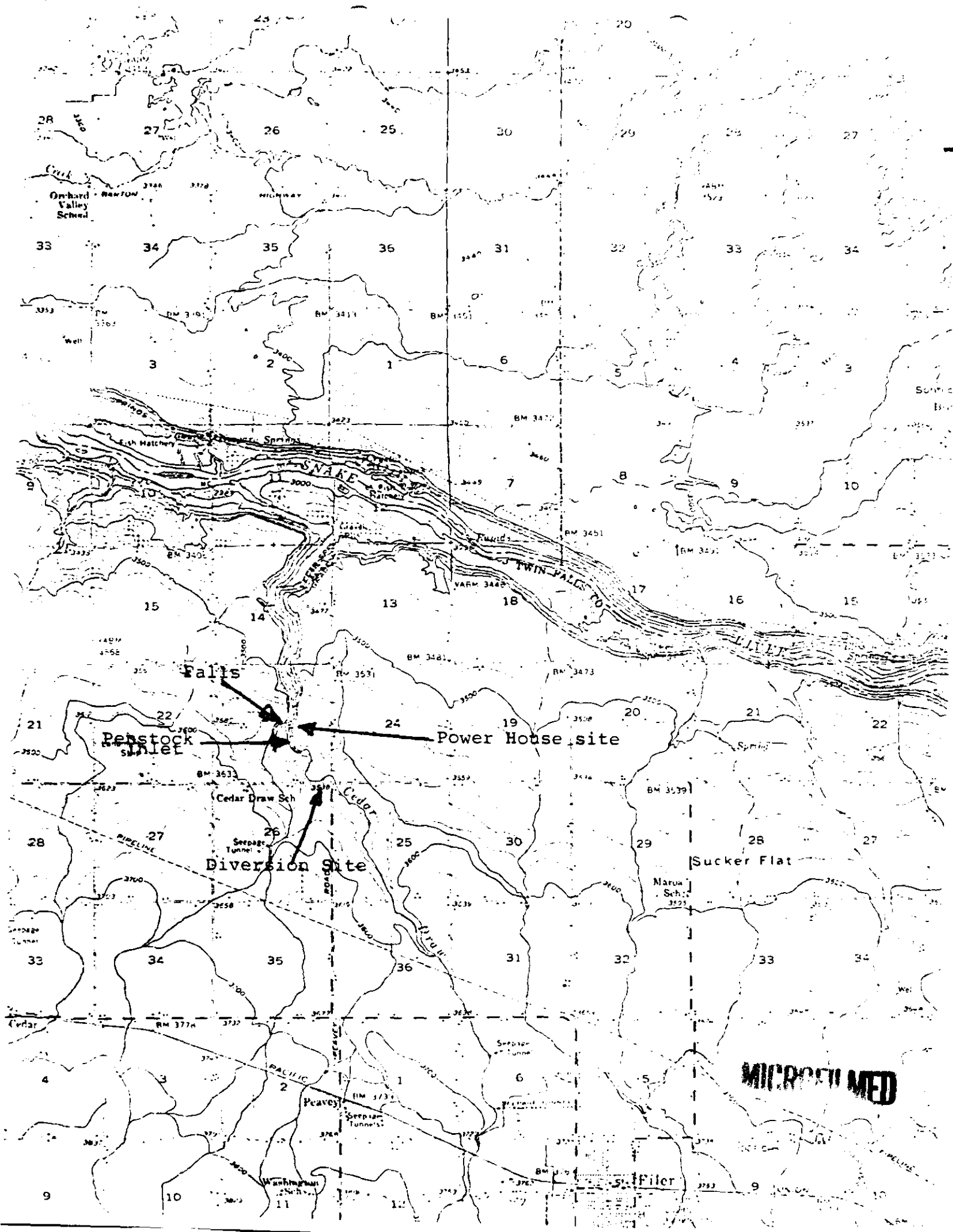
**ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES**

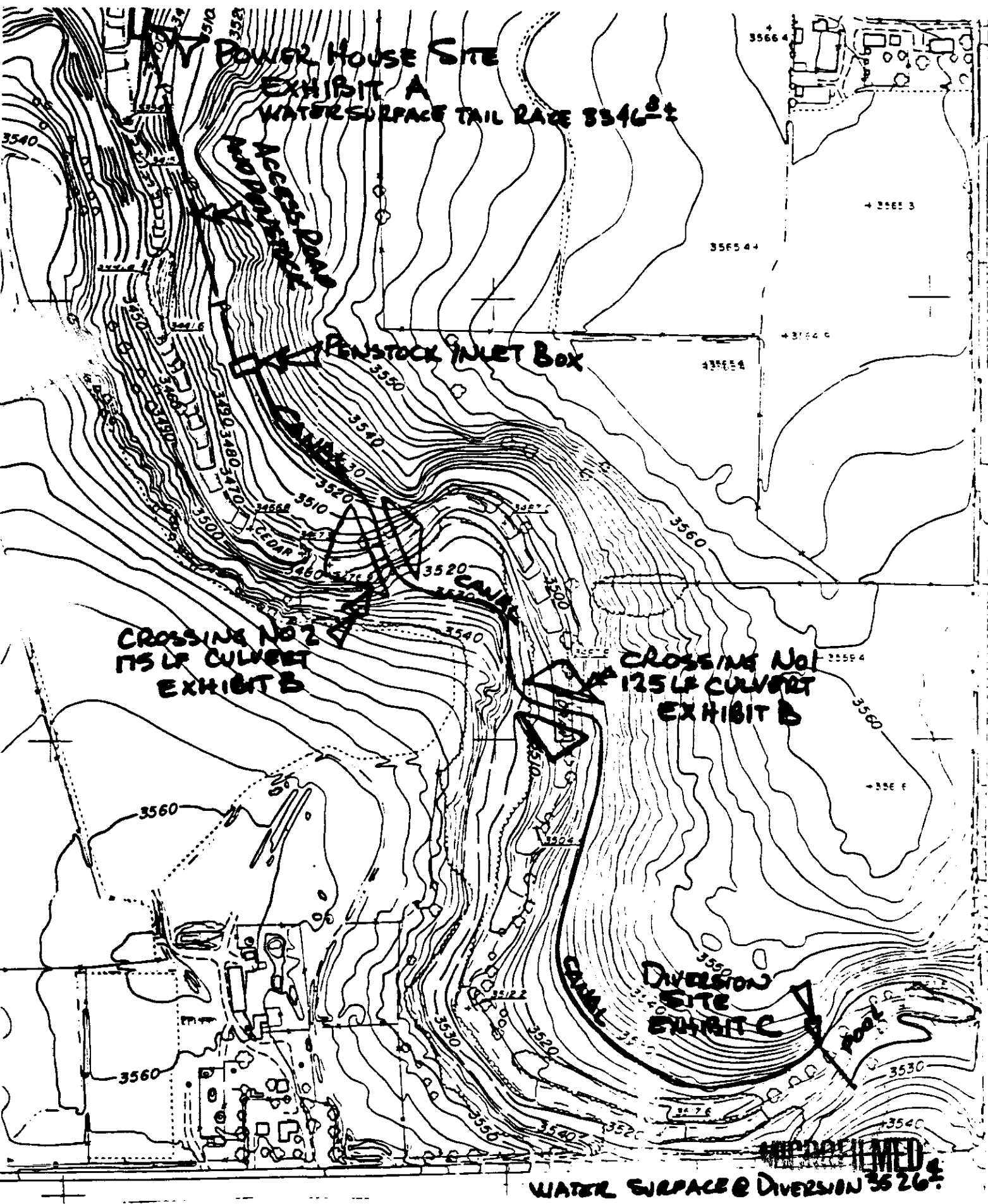
This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. \_\_\_\_\_, and said application is hereby \_\_\_\_\_.

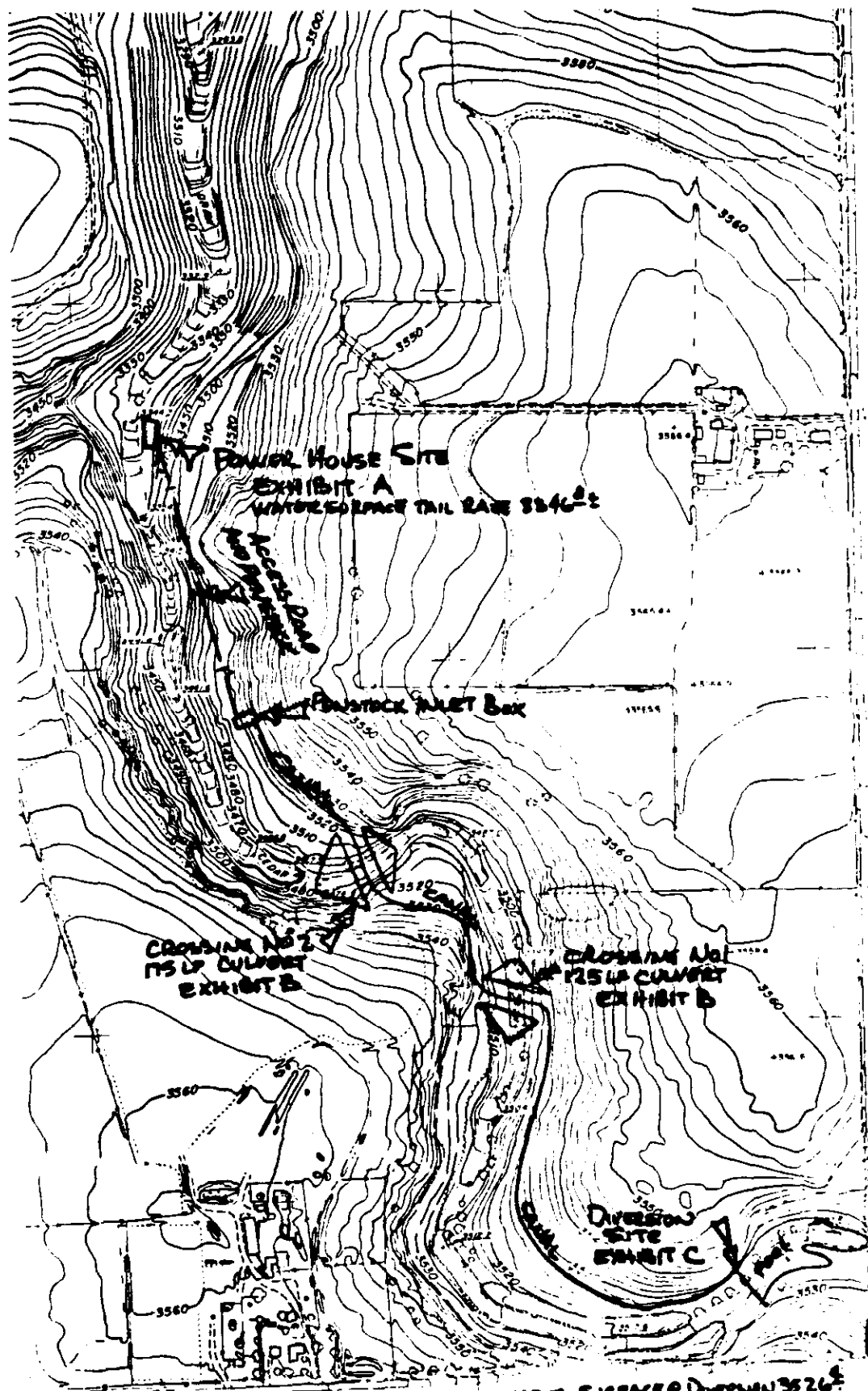
1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before \_\_\_\_\_, 19 \_\_\_\_.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. Other:

**MICROFILMED**







MICROFILMED

WATEREDRAIN DIVERSION 8846-2

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

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

1. Individual Applicant or Individual Members of a Partnership:

I, \_\_\_\_\_ of \_\_\_\_\_,  
(name) (city)

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

2. Corporation:

I, Leon Blazer of Boise,  
(name) (city)

County of Ada, State of Idaho, being duly sworn, depose  
and say: That I am the designated registered agent of the Bonneville  
Pacific Corporation: 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 Bonneville Pacific Corporation  
(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.

A Leon Blazer  
Applicant

State of Idaho )  
County of Ada ) ss.

On this 3<sup>rd</sup> day of April, 1984, personally  
appeared before me the signer(s) of the above instrument, who duly acknowledged  
to me that he (she) (they) executed the same.

seal

**RECEIVED**

APR 3 1984

My commission expires:

Department of Water Resources

**MICROFILMED**

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR AMENDMENT OF A PERMIT

To change the point of diversion and/or the place of use.

APPROVED

Comes now THOMAS LEO McCAULEY  
of (address) Route #4, Box 139 Buhl, Idaho 83316, and represents to the  
Director of the Idaho Department of Water Resources:

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho  
No. 47-7830, and requests that the permit and permit map be changed as follows:

1. Point of diversion: SE ¼ SE ¼, Section 23, Township 9S, Range 15E, B.M.,  
County of Twin Falls. Other points of diversion: \_\_\_\_\_

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.)  
Hydroelectric  
Amount 70cfs for Generation purposes from Jan 1 to Dec 31 (both dates inclusive)  
(cfs or acre feet per annum)  
Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre feet per annum)  
Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre feet per annum)  
Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre feet per annum)

3. Place of use or land to be irrigated:

| TWP | RGE | 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 = \_\_\_\_\_

4. a. Who owns the property at the point of diversion? Thomas Leo and Rebecca McCauley  
b. Who owns the land to be irrigated or the place of use? Thomas Leo and Rebecca McCauley  
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the  
applicant to make this filing: N/A

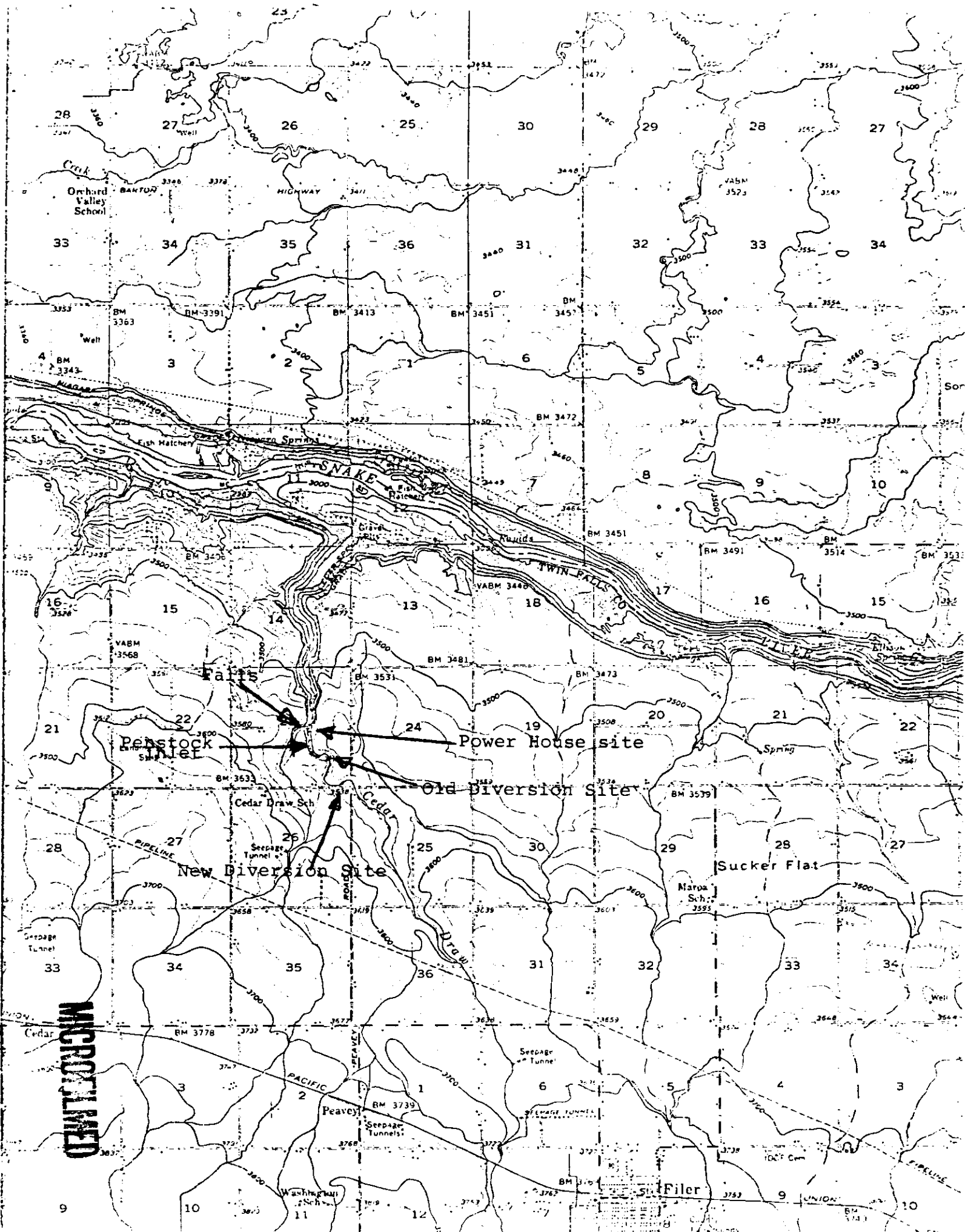
NOT RECORDED

Show 40-acre subdivisions, townships, ranges and ditches.

[illegible]

Thomas M. McAuliffe  
(Signature)

19 84  
*L. Glen Sayton*  
 Chief, Operations Bureau



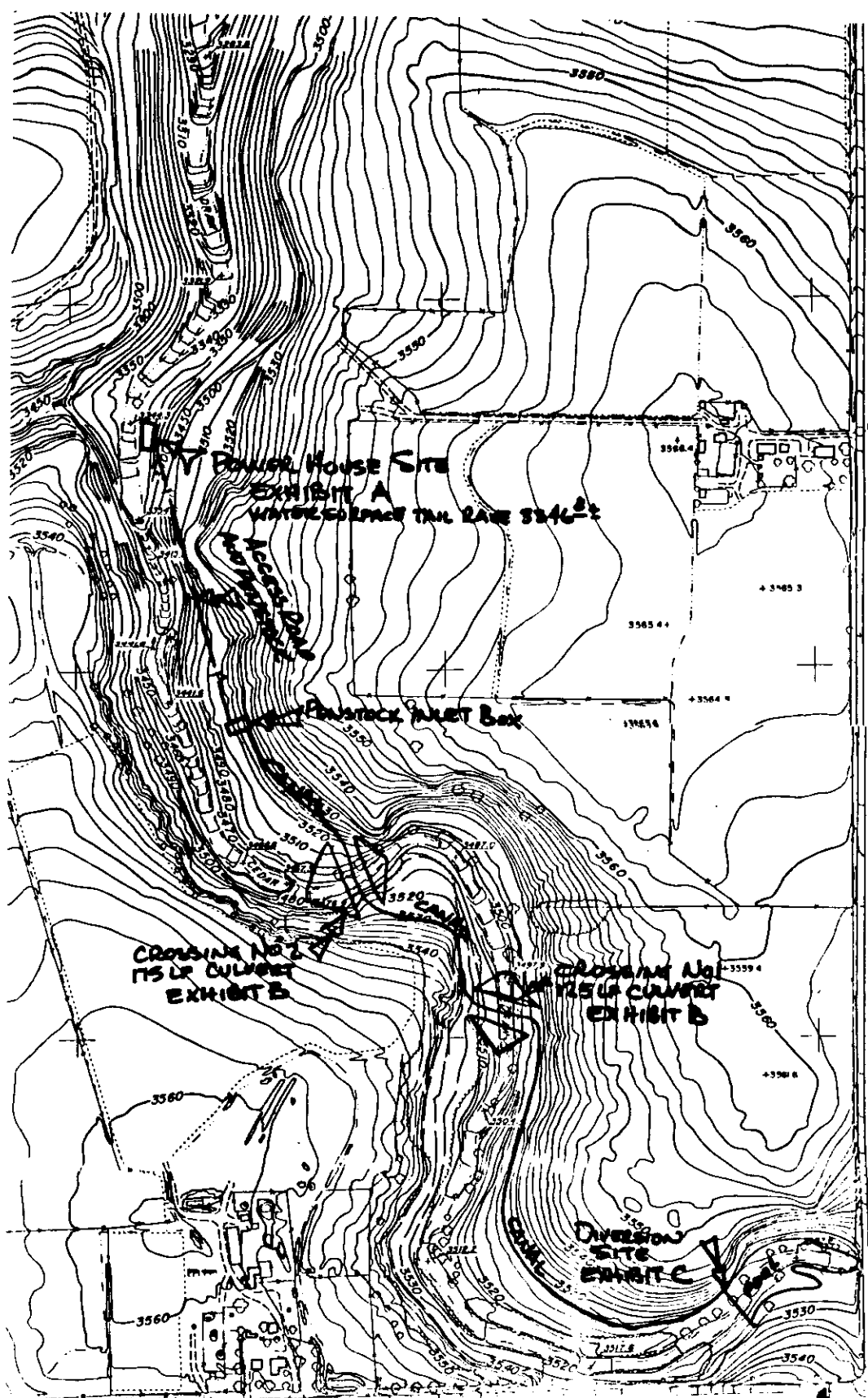


EXHIBIT "A"

THOMAS LEO McCAULEY APPLICATION

CANAL

Length 3300 feet  
Dimension 8 ft base, 22.5 ft top width, 1 ft free  
board,  
2.56 ft depth  
Slope .00161 ft/ft  
Side Slope 2 to 1  
Capacity 120 cfs  
Earth Quantities:  
10% rock 700 yd3  
90% 5988 yd3  
4" crushed gravel 983 yd3  
6" concrete lined 1474 yd3

DIVERSION STRUCTURE

Located at 3526 ft MSL elevation  
Concrete Structure  
Overflow type by-pass 100 yr flood  
Capacity to canal - 120 cfs  
Slide gate to canal

HEAD WORKS FROM CANAL TO PENSTOCK

Concrete Structure  
Capacity 120 cfs  
Penstock 42" diameter  
Inlet elevation - 3526 ft MSL

PENSTOCK

Length 700 feet  
42" diameter  
.25" wall thickness  
Welded and dresser coupler joints  
Thrust blocked at bends and along vertical drop tying into  
the rock face  
At rated capacity 120 cfs HL = 3.18 ft.  
At average cap. 64.4 cfs HL = 1.00 ft.

POWERHOUSE

25' x 75' steel building  
Will house four turbines  
Elevation 3346 ft MSL

TURBINES

1 550 KW unit  
3 350 KW units  
Peak flow 120 cfs  
Low flow 25 cfs

TRANSMISSION LINE

Estimate 1 mile

Rated capacity of 1600 KW.

# Affidavit of Publication

STATE OF IDAHO,  
COUNTY OF TWIN FALLS } ss.

N<sup>o</sup> 13239

I, Sherry Kesler being first duly sworn upo...  
oath, depose and say that I am Princ. 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 publications, commencing with the issue dated  
October 13, 1983, and ending with the issue dated  
October 20, 1983.

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 competent 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 thereof, Thursday is announced as the day on which said legal notices will be published.

Subscribed and sworn to before me on this 20th day of

October, 1983

Galdine L. Lammeth

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

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

**APPROVED**

1. Name of applicant Thomas Leo McCauley Phone 543-8486  
Post office address Rt 4 Box 139 Buhl, Idaho 83316
2. Source of water supply Cedar Draw which is a tributary of Snake River
3. Location of point of diversion is NW  $\frac{1}{4}$  of SE  $\frac{1}{4}$  of Section 23 Township 9S  
Range 15E B.M. Twin Falls County, additional points of diversion if any: \_\_\_\_\_

4. Water will be used for the following purposes:

Amount 70 cfs for Hydro Electric Generation purposes from Jan 1 to Dec 31 (both dates inclusive)  
(cfs or acre-feet per annum)

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

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

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

5. Total quantity to be appropriated:

a. 70 cubic feet per second and/or b. \_\_\_\_\_ acre-feet per annum.

6. Proposed diverting works:

- a. Description of ditches, flumes, pumps, headgates, etc. 1400' of 5' diameter pipe connecting a 4' high Broad crested weir diversion to a Herring bone type manifold w/ 5 generators.
- b. Height of storage dam \_\_\_\_\_ feet, active reservoir capacity 0 acre-feet; total reservoir capacity \_\_\_\_\_ acre-feet, materials used in storage dam: \_\_\_\_\_  
Period of year when water will be diverted to storage \_\_\_\_\_ to \_\_\_\_\_ inclusive.  
(Month/Day) (Month/Day)
- c. Proposed well diameter is \_\_\_\_\_ inches; proposed depth of well is \_\_\_\_\_ feet.

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

8. Description of proposed uses:

- a. If water is not for irrigation:
- (1) Give the place of use of water: NW  $\frac{1}{4}$  of SE  $\frac{1}{4}$  of Section \_\_\_\_\_ Township \_\_\_\_\_  
Range \_\_\_\_\_ B.M. 414 KW your 10/10/03
- (2) Amount of power to be generated: 320 horsepower under 100 feet of head.
- (3) List number of each kind of livestock to be watered NONE

- (4) Name of municipality to be served NONE, or number of families to be supplied with domestic water NONE.
- (5) If water is to be used for other purposes describe: NONE

**MICROFILMED**

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. \_\_\_\_\_

9. a. Who owns the property at the point of diversion Thomas Leo + Rebecca McAnley  
b. Who owns the land to be irrigated or place of use Thomas Leo + Rebecca McAnley  
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing —

10. Remarks AN F.E.R.C. application has been filed and Received by all appropriate agencies. This application as well as the F.E.R.C. application are competing with those filed by Leroy Bylund of Crystal Springs Ranch of Buhl. I have filed for an "Exemption from licensing" which has priority over Mr. Bylunds filing for a "preliminary permit".  
I feel that to the casual observer or to the trained expert my project is by far more sound aesthetically, Economically, and, most important, ENVIRONMENTALLY. I appreciate your consideration

Sincerely  
Thomas Leo McAnley

QUADRANGLE LOCATION



[illegible]

the State of Idaho as herein set forth.

THE  
JOURNAL  
OF  
THE  
ROYAL  
ANTHROPOLOGICAL  
INSTITUTE  
OF  
Great Britain and Ireland  
AND  
THE  
ETHNOLOGICAL  
SOCIETY  
OF  
LONDON  
AND  
THE  
ETHNOLOGICAL  
SOCIETY  
OF  
AMERICA

Proposed Priority 6/21/1982

Received by T.G.B Date 6-21-82 Time 3:30

Preliminary check by ADM Fee \$ 925<sup>00</sup>/<sub>100</sub>

Received by TGB Date 6-21-82 # 20838

Publication prepared by mmp Date 7/8/82

Published in times news

Publication dates 7/15 + 7/22/82

Publication approved mmp Date 7/14/82

Protests filed by: None

Copies of protests forwarded by \_\_\_\_\_

Hearing held by \_\_\_\_\_ Date \_\_\_\_\_

Recommended for approval denial by ADM RC

#### ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 47-7830, and said application is hereby APPROVED.

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

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before May 1, 19 88.

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

For licensing purposes, a scientific measurement of the diversion rate of the

d. Other: system as it is normally operated shall be provided by either properly installing an approved type of measuring device or by having a professional engineer certify the rate of diversion to the Department prior to submitting proof of beneficial use.

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.

Use of water under this permit is subordinated to future diversion of water either upstream or downstream for irrigation or other consumptive beneficial uses.

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

Water shall not be diverted under this permit until a written agreement with the irrigation district or canal company serving the area containing the point of diversion is filed with the Department of Water Resources providing for the coordination of the permit use with the irrigation district or canal company operation.

This permit shall in no way be used to inhibit or alter the historical use of Cedar Draw by the Twin Falls Canal Company as a water delivery channel and as a wasteway.

Witness my hand this 9<sup>th</sup> day of May, 1983.

J. Glen Saxton  
Chief, Operations Bureau  
DRT

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

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

1. Individual Applicant or Individual Members of a Partnership:

1, Thomas Leo McGawley of Buhl,  
(name) (city)

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

2. Corporation:

I, \_\_\_\_\_ of \_\_\_\_\_,  
(name) (city)

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

\_\_\_\_\_ : 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  
\_\_\_\_\_ Idaho, wherein are kept the corporate records required  
(city)

by Section 30-1-52, Idaho Code: and that \_\_\_\_\_  
(name of corporation)

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

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

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

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

Thomas Leo McGawley  
Applicant

State of Idaho )  
County of Twin Falls ) ss.

On this 21 day of June, 19 82, personally  
appeared before me the signer(s) of the above instrument, who duly acknowledged  
to me that he (she) (they) executed the same.

Loren O'Halloran  
Notary Public residing at

Twin Falls, ID

My commission expires:

Life

ANNUAL POWER ENERGY AND REVENUE ESTIMATES  
of the  
CEDAR DRAW - McCAULEY HYDRO-ELECTRIC PROJECT\*

| FLOW<br>(CFS) | POWER<br>(KW) | ENERGY<br>(KWH)  | REVENUE<br>(\$) |
|---------------|---------------|------------------|-----------------|
| 25            | 169           | 1,482,859        | 99,352          |
| 30            | 203           | 1,631,145        | 106,766         |
| 35            | 237           | 1,779,431        | 114,180         |
| <u>40</u>     | <u>271</u>    | <u>1,927,717</u> | <u>121,594</u>  |
| 45            | 305           | 2,076,003        | 129,003         |
| 50            | 339           | 2,224,288        | 136,423         |

\*Values based on 80% plant efficiency, 25 cfs (firm) base flow 100% of the time; additional flow capacity (non-firm, 25 + 5 = 30) at 50% of the time and energy value at 6.7¢ per KWH for firm and 5.0¢ for non-firm power.

MICROFILMED

# ESTIMATED PROJECT COSTS

|                                              |                 |
|----------------------------------------------|-----------------|
| Power line                                   | \$ 20,000       |
| Generator, turbine, controls/\$400 @ 440 kw  | 176,000         |
| Installation of generator, turbine, controls | 20,000          |
| Site preparation (Generation)                | 10,000          |
| Site construction (Generation)               | 20,000          |
| Pipe, 1400' x 3/8" x 44"                     | 81,000          |
| Diversion works                              | 5,000           |
| Pipe route rough                             | 10,000          |
| Piers                                        | 10,000          |
| Laying pipe                                  | 20,000          |
| Transformers                                 | 10,000          |
| Crane and rigging                            | 20,000          |
|                                              | <hr/>           |
|                                              | \$402,000       |
| Safety factor 20%                            | 80,400          |
|                                              | <hr/>           |
| Total                                        | \$482,400       |
|                                              |                 |
| Estimated Engineering 9%                     | <hr/> \$ 43,420 |
| Grand Total                                  | \$525,820       |

Estimates based on preliminary survey and two "walk through" site visits.

RECEIVED

APPLICATION FOR EXEMPTION  
OF  
SMALL HYDROELECTRIC POWER PROJECT  
OF LESS THAN 5 MW

THE LITTLE MAC PROJECT

RECEIVED  
MAY 11 1961

BEFORE THE FEDERAL ENERGY REGULATORY COMMISSION

APPLICATION FOR EXEMPTION OF A SMALL  
HYDROELECTRIC POWER PROJECT FROM LICENSING

Thomas Leo and Rebecca Rose McCauley apply to the Federal Energy Regulatory Commission for an exemption from licensing under provisions of the Federal Power Act for the "LITTLE MAC PROJECT," a small hydroelectric power project that is proposed to have an installed capacity of less than five (5) megawatts.

The project location is:

in the State of Idaho,  
County of Twin Falls,  
on Cedar Draw Creek  
in Section 23, Township 9S, Range 15E  
of the Boise Meridian.

The McCauleys are filing for this exemption and have not authorized any other agent to act for them. The name and business address of the applicants follow:

Thomas Leo and Rebecca Rose McCauley  
Route 4, Box 139  
Buhl, Idaho 83316

Tom and Rebecca McCauley, husband and wife, are both citizens of the United States and occupy property they own in the State of Idaho. The McCauleys operate a farm and dairy. Their farm is also the site of the proposed project.

The McCauleys propose to divert water from Cedar Draw Creek, pipe the diverted portion to a generator station below Cedar Creek Falls, and return the pipe flow to the stream entirely within the boundary of the McCauley farm. This will involve reducing average stream flow along a 1350 feet reach of the creek which is rather inaccessible to the public.

MICROFILMED

Environmentally and aesthetically, the project impact will be minimal. Economically the project is attractive. The applicants estimate a twenty (20) year life with an expected cost of twenty-seven (27) mils per kilowatt hour. Depending on the nature of contract agreement with Idaho Power Company, revenue will be in the range of forty (40) to sixty (60) mils.

MICROFILMED

## EXHIBIT A

The proposed project consists of diversion facility, 1400 feet of 44 inch pipe, 5 hydraulic turbines, a small house containing electric controls, 3 100 KVA transformers with a 440 to 7200 volt ratio and 1 mile of 7200 volt electric power transmission line.

The diversion facility cannot impound water due to the seasonally heavy sediment load originating from irrigation return flow and the topography at the diversion point. The facility will consist of a broad crested weir, trash racks and screens at the pipe intake. The intended point of diversion is located at a narrow point in the stream bed which is subject to flows ranging from 6 to 250 cfs.

The steel pipe will parallel the stream bed above flood stage and lay on piers and gravel pads. The pipe line will bypass the falls in a nearly vertical penstock and deliver water to the generation site. The manifold and all turbines will rest on a single concrete pad in a her-ringbone pattern. The tail water will be returned to the stream just below a pool created by the falls.

The electric transmission line will be brought out of the lower canyon, cross the McCauley farm, and connect with the three phase Idaho Power Company system at the southwest corner of the section 23.

The proposed generating station will consist of five units with horizontal Cornell turbines and General Electric generators with the following specifications:

| No. | Size<br>(in.) | Speed<br>(rpm) | Rating<br>(KVA) | Voltage | Discharge<br>(gpm) | Efficiency<br>(overall %) |
|-----|---------------|----------------|-----------------|---------|--------------------|---------------------------|
| 3   | 10            | 1800           | 75              | 480     | 5150               | 75                        |
| 1   | 8             | 1200           | 50              | 480     | 2730               | 78                        |
| 1   | 6             | 1200           | 25              | 480     | 1430               | 77                        |

Combined generator peak capacity will be approximately 278 KVA passing 43 cfs at 100 feet of head. There will be one blank position on the manifold to accomodate an additional unit should stream yield exceed expectations.

Due to topography and the history of Cedar Draw Creek stream flow, the station will be operated in a "run-of-river" mode while allowing a minimum stream flow to pass the diversion point. Figure 1 is a graph of the historical flows on Cedar Draw. This data is a compilation of USGS and University of Idaho data of the indicated periods of record.

This system should operate at 100 feet of head and produce 2,000,000 KWH of energy annually with no modifications to the system previously described. Since there are no impoundments, the station output will depend on probable duty time of the individual units as affected by stream flow and unit reliability.

Construction will begin September 15, 1982, and be completed by September 1983, to take advantage of minimum stream flow and good weather conditions.

MICROFILMED

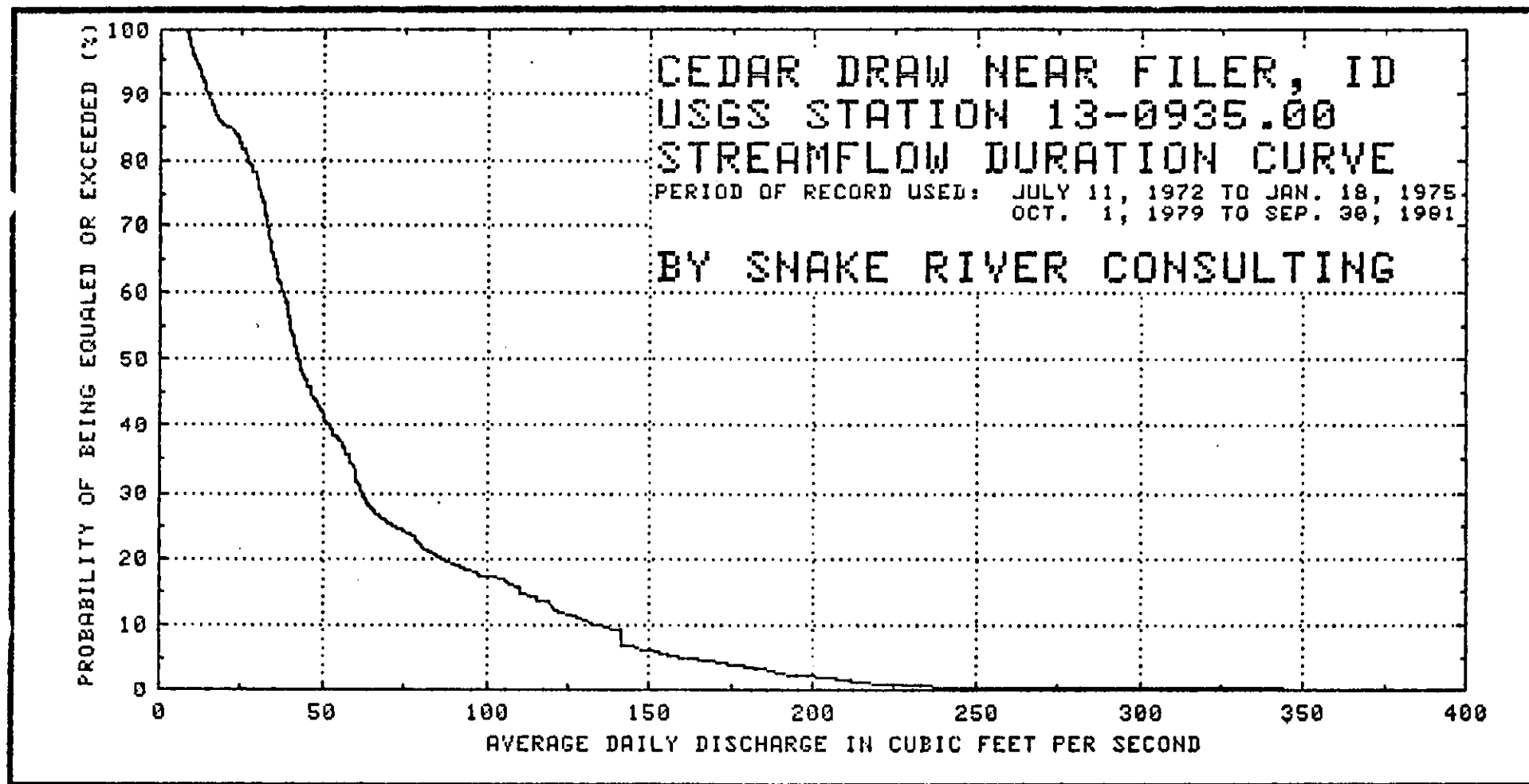


FIGURE 1. STREAM FLOW DATA FOR CEDAR DRAW.

MICROFILMED

EXHIBIT B

11-11-11

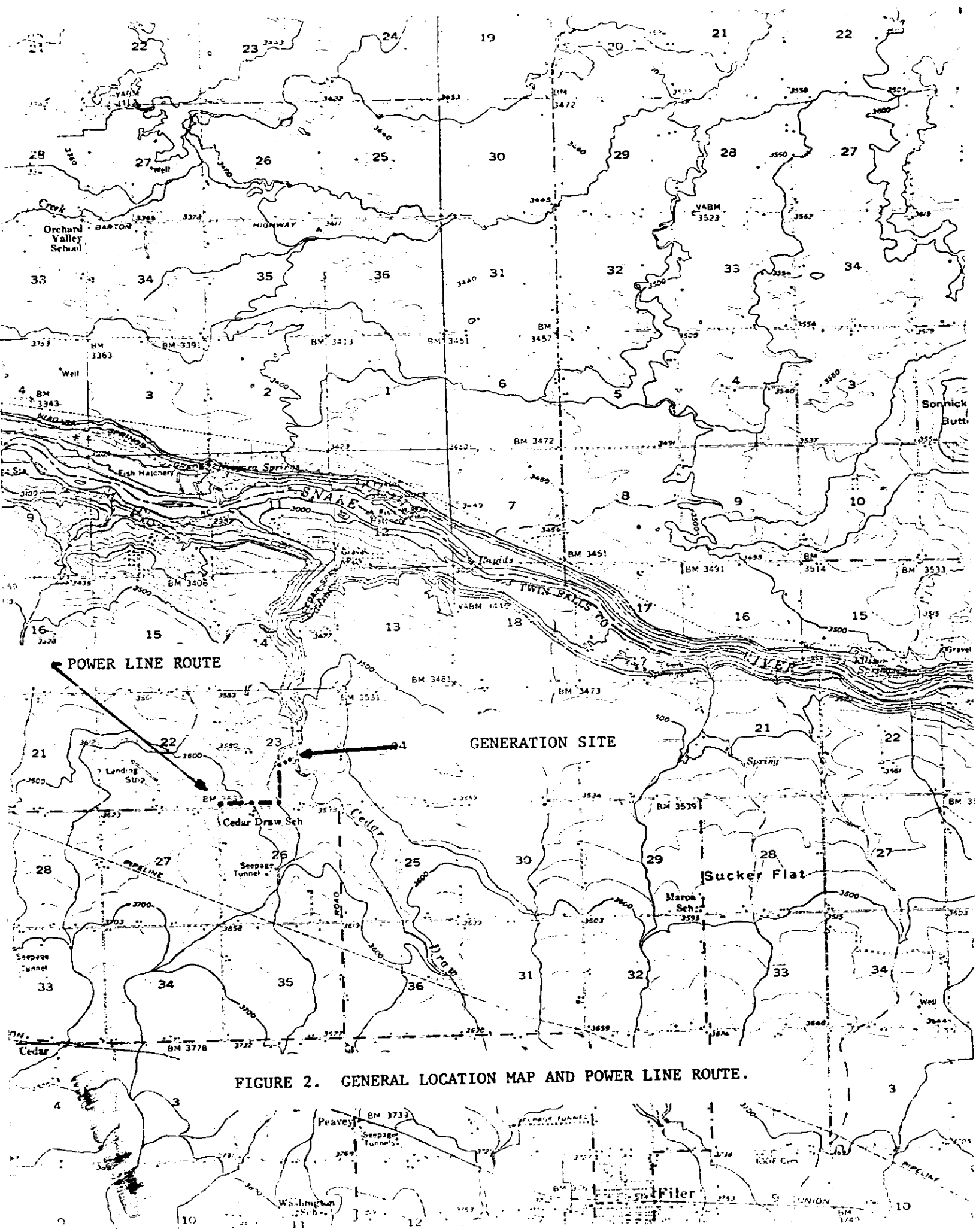


FIGURE 2. GENERAL LOCATION MAP AND POWER LINE ROUTE.

BM 3391

# NIAGARA SPRINGS, IDAHO

NW/4 JEROME 15' QUADRANGLE

N4237.5- W11437.5/7.5

1979

DMA 3069 II NW—SERIES V893

QUADRANGLE LOCATION

IDAHO

Niagara Springs

RIVER

Crystal Springs

GOODING CO  
TWIN FALLS CO

Dwerson Dam

Fish Hatchery

Fish Hatchery (Pet)

Gravel Pit

Gravel Pits

Fish Hatchery

Cedar

Rapids

VABM

GENERATION SITE

FALLS

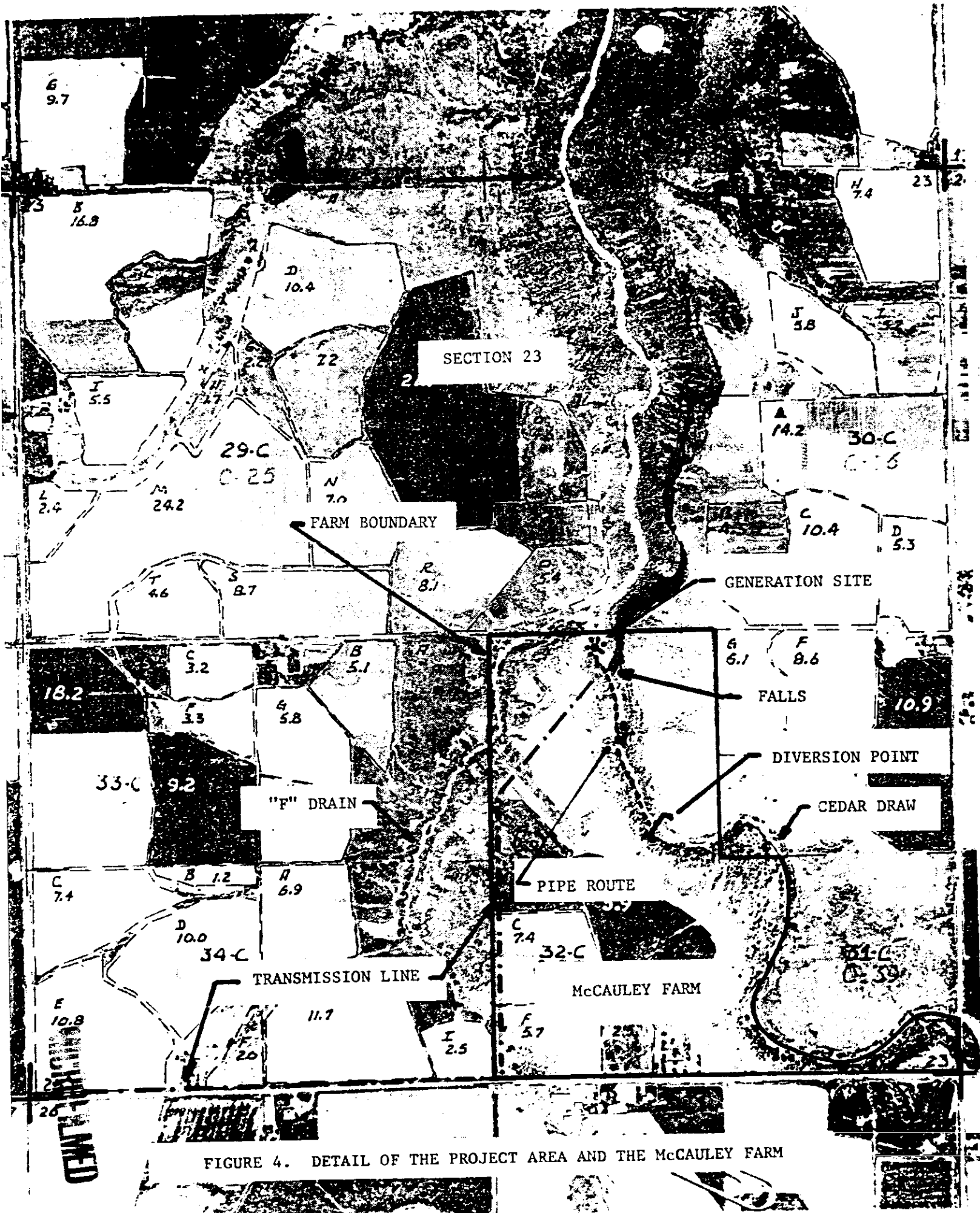
PIPELINE

DIVERSION POINT

MICROFILMED

FIGURE 2 PIPELINE ROUTE AND AREA MAP

R 15 E R 116 E



## EXHIBIT E

The environmental impact of the LITTLE MAC PROJECT will be minimal. The significant factors are described here and will be supported by correspondence with appropriate agencies.

Cedar Draw Creek flows from south to north and empties into the Snake River. The water source is ground water, seepage and irrigation return flow. The stream also serves as a safety drain for the Twin Falls Canal Company canals during emergencies.

Figure 2 in Exhibit B shows the location of seepage tunnels which were constructed by the canal company between 1905 and 1935. Before 1905 the area through which the stream flows was sagebrush and average stream discharge was substantially less. Since 1905, the water table has been raised considerably and there are also isolated perched water tables which have created drainage problems; hence, the drainage works.

Data on water temperature is shown in Figure 5 along with dissolved oxygen measurements. The USGS station 13-0935 is at the southeast corner of section 23, one-half mile above the falls. Seepage water keeps water temperature above freezing year around. Irrigation return flow produces a considerable sediment load especially during the early irrigation season as shown in Figure 6. Sediment translocation on row crop farm land in the area is in the range of 5 tons per acre per year.

The Idaho Department of Fish and Game have done fish population studies both above and below the falls. They have been informed of the proposed project and have no serious objections especially since the falls form a natural ecological break in the stream. The stream above the falls is a habitat for catfish, trash fish, and trout. Fish farming has and continues to be important in the area and on Cedar Draw. Commercial trout ponds have and some continue to be operated on the stream; however, agricultural chemical spills and high peaking stream flow make the business risky. In addition, the stream sediment load raises the operating costs of the ponds. At present, the trout market is saturated and the market is depressed. Escapees from the trout ponds have been the major source of free swimming trout. Commercial catfish ponds require water in the 70 to 80 degree fahrenheit range and are not operated on this stream.

It is anticipated that the habitat for fish along the final 1300 feet above the falls and below the diversion point will continue; however, the terrain is rough and inaccessible.

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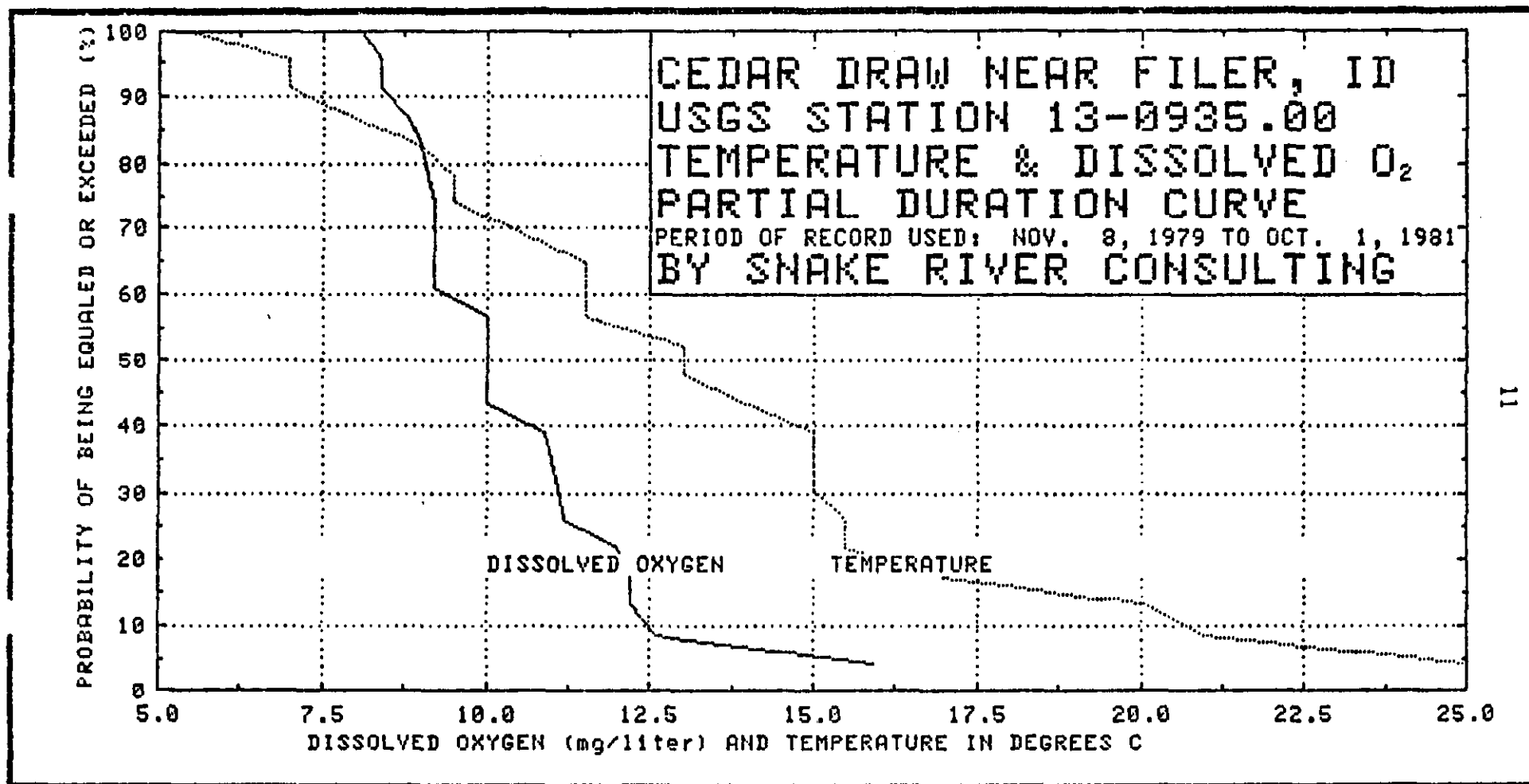


FIGURE 5. DISSOLVED OXYGEN AND TEMPERATURE DATA.

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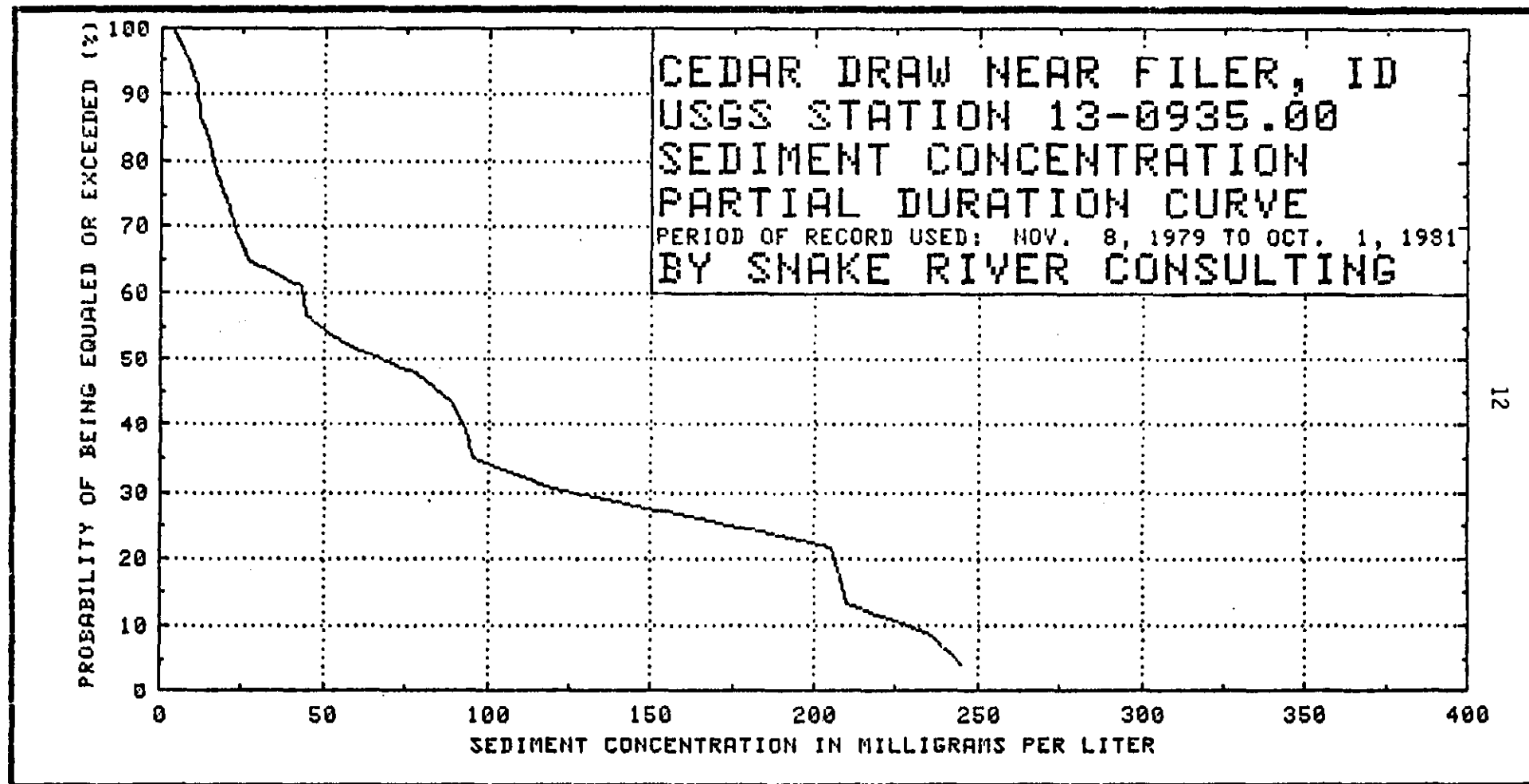


FIGURE 6. SEDIMENT LOAD OF CEDAR DRAW CREEK.

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In section 23, Cedar Draw becomes a small canyon. It meets a smaller draw known as the "F-Drain" which also has a falls in the approximate center of the section. Figure 2 in Exhibit B shows the dramatic change in geography. Row crops are grown on the flatter ground above the canyon and irrigated pasture on the steeper portions. There is a definite break in the gradient on both sides of the stream near the intended diversion point at the approximate center of the quarter section shown in Figure 4.

In the project area, the steeper portions of land are very rocky and not suitable for pasture. Vegetation on the steep slopes include Russian Olive trees, current bushes, sagebrush, and several varieties of vining type plants. There is a considerable amount of downey brome grass, stinging nettle, poison ivy, and both canadian and bull thistle. The marshy areas fed by irrigation tail water host cattail, varieties of water grass and watercress. Below the falls, the canyon walls are vertical in many areas. The immediate stream bed tends to be quite rocky for a half mile.

There are a variety of birds in the area, but in the zone of the project, sparrows, black birds, starlings, and magpies dominate. Pheasant and grouse stay on the flatter portions of land above the draw. Further downstream and below the falls, rock doves and birds of prey may be found in increasing numbers. The impact on the nesting area and food supply for the doves and birds of prey will be insignificant.

The project area is home to rock chucks, ground squirrels, and smaller burrowing animals. Crops and pasture adjacent to Cedar Draw is heavily damaged every year due to the extremely high rodent population which dominates the area. The major recreational activity in the area is hunting these animals which are considered to be pests.

The project lies in the bottom of a steep portion of the draw where hunting may have been the only important attraction to human visitors in the past. Mr. Rod Wheeton from the National Register of Historic Places had no comments to make but suggested contacting the Idaho State Historical Society. The historic Oregon Trail was at least one half mile to the south of the project area, but has long been obliterated by roads and farm land development.

These are the foreseen impacts on the area environment and proposed solutions:

There will be no impact on the historical or archaeological resources of this area.

A minimum flow must be maintained past the diversion point to insure against air entrapment and water hammer. This minimum stream flow will be maintained by an automatic system controlling total instantaneous station demand.

The measured dissolved oxygen content above the project area exceeds the minimum requirement of 6 ppm set by the Idaho

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Department of Health and Welfare. No special effort will be made to augment the observed minimum of 7.7 ppm.

Access to the project area is possible at present through the McCauley farm. A road to the bottom of the draw is not warranted. Construction of the pipeline will be accomplished by lowering supplies and materials from above, after which the area will undoubtedly revert to its present state. The power transmission line will be the only visible change outside of the immediate project area.

The following four agencies have replied to our request for comments on the proposed project and their replies are attached:

- 1) Idaho Department of Fish and Game  
Bob Bell
- 2) Idaho Department of Health and Welfare - Division of Environment  
Russell Renk
- 3) United States Fish and Wildlife Services  
Walt Ray
- 4) Idaho State Historical Society  
Nerle Wells

UNCLASSIFIED

#### ADDITIONAL COMMENTS

We wish to emphasize that the proposed LITTLE MAC PROJECT lies entirely within the property lines of the McCauley farm as shown in Figure 4 of Exhibit B. The falls is the single most important feature which makes the project attractive. Access to the area before, during, and after construction will involve land owned by the McCauleys. The McCauleys have applied to the Idaho Department of Water Resources for a permit to use stream flow on their property for hydroelectric purposes.

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JAN 4 1964



# STATE OF IDAHO

DEPARTMENT OF HEALTH AND WELFARE 734-4000, ext. 274

DIVISION OF ENVIRONMENT

P. O. Box 1626

Twin Falls, ID 83301

June 7, 1982

Tom McCauley  
Route #4  
Buhl, ID 83316

Re: Tom McCauley Hydroelectric Project on Cedar Draw near Buhl,  
Idaho

Dear Mr. McCauley:

The above referenced project has been reviewed and the following  
comments are made:

- 1) Sufficient water flow should be bypassed through the diversion structure on Cedar Draw to ensure that the water quality of Cedar Draw will maintain sufficient levels to meet the Idaho Water Quality Standards and Wastewater Treatment Requirements, particularly the oxygen and temperature levels.
- 2) Stream turbidity must be minimized during construction of the project.

If you have any questions regarding these items, please call.

Sincerely,

*Russ Renk*

Russ Renk  
Environmental Engineer

RR/ta  
cc: Jerry Yoder



## United States Department of the Interior

### FISH AND WILDLIFE SERVICE

#### ECOLOGICAL SERVICES

4620 Overland Road, Room 209  
Boise, Idaho 83705

June 16, 1982

Mr. Tom McCauley  
Route 4, Box 139  
Buhl, Idaho 83316

Dear Mr. McCauley:

Thank you for your letter and the enclosed pre-design feasibility study on the Cedar Draw-McCauley hydro-electric project for which you intend to file a license exemption application (FERC Rule 106).

The proposed project on Cedar Draw in Twin Falls County, Idaho, would consist of the following: a diversion works, a 44-inch pipe 1,400 feet long with a head of 100 feet, a powerhouse with turbine and generator, and a transmission line.

The proposed project could affect fish and wildlife resources in the project area. Modification of the existing streamflow regime would affect aquatic and riparian habitat. Fish could be lost if diverted through the turbine. Water quality degradation caused by construction or operation of the project could harm downstream fish and wildlife populations. Also, the transmission line, if not properly designed, could cause raptor electrocutions. For more information on this subject, we refer you to Suggested Practices For Raptor Protection On Power Lines, The State of the Art In 1981, Raptor Research Report No. 4, published and distributed for the Edison Electric Institute by Raptor Research Foundation, c/o Department of Veterinary Biology, University of Minnesota, St. Paul, Minnesota 55101. To the best of our knowledge, no listed or proposed threatened or endangered species occur within the project area.

Based on current information, we determined that the following terms and conditions would be appropriate:

1. The applicant shall provide downstream from the diversion, streamflows necessary to protect associated fish and wildlife resources. The applicant shall determine such flows by a method approved or conducted by the Idaho Department of Fish and Game (IDFG).
2. The applicant shall install and maintain a staff gauge immediately downstream from the diversion to monitor flows. The applicant shall make the gauge accessible to fish and wildlife agencies.

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3. The applicant shall install self-cleaning screens as approved by IDFG to prevent fish entering the penstock.

4. The applicant shall not operate heavy equipment in or across the streambed during project construction.

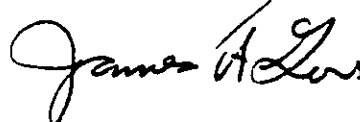
5. After project construction is completed, the applicant shall replant appropriate vegetation to stabilize disturbed soils, prevent erosion, and replace wildlife cover. The applicant shall water, fertilize, and provide other necessary care until such vegetation is well established.

6. The applicant shall design and construct project transmission lines to prevent electrocution of raptors.

7. The applicant shall design and construct the diversion and penstock so as to prevent air entrainment.

When you file your application with the FERC, please provide complete copies to us and IDFG for our review. If necessary, we shall stipulate new or revised terms and conditions. Please let us know if we can be of further assistance.

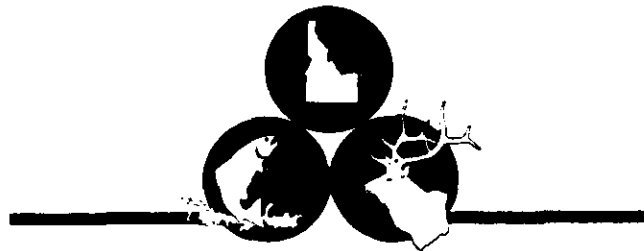
Sincerely yours,



for Dennis G. Buechler  
Field Supervisor

cc: IDFG, Hdqtrs, Boise  
IDFG, Region 4, Jerome  
SE, FWS, Boise

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**IDAHO DEPARTMENT OF FISH AND GAME  
REGION 4**

**868 East Main • Box 428  
Jerome • Idaho • 83338**

June 15, 1982

Mr. Tom McCauley  
Route #4  
Buhl, Idaho 83316

Re: Cedar Draw Creek -- McCauley Proposed Hydro-electric Project  
Early Consultation. Application for Exemption from FERC Licensing

Dear Mr. McCauley:

Based on the recent conversation with you and the description narrative and maps you provided, we suggest you be prepared to address the following concerns regarding the referenced project:

Cedar Draw Creek supports a viable rainbow trout population. Any small hydropower project at this location on the creek would require the following: (1) self-cleaning screens to prevent fish from entering the penstock; (2) instream maintenance flows sufficient to maintain existing fish and wildlife habitat and fish production; (3) diversion and inlet design to prevent air entrainment in the penstock; (4) transmission lines either buried or designed to prevent raptor mortalities; (5) avoidance of short and long-term erosion in the project construction and undue disturbance of riparian habitat. Replacement of vegetation may be required.

Required facilities will have to be constructed according to design criteria approved by the Idaho Department of Fish and Game. Acceptable design criteria for traveling screens and transmission lines are available from our Department.

We have no instream resource maintenance flow data for Cedar Draw Creek and recommend the applicant arrange for the necessary, technically acceptable studies to provide data so appropriate flows can be precisely determined by our Department. "Instream Flow Incremental Methodology for Methods IFG-4/IFG-3 (habitat)" are available from our Department and are technically acceptable. Names of firms qualified to do this work will be supplied upon request.

These comments do not constitute submission of terms and conditions under Section 408 of the Energy Security Act of 1980. Terms and conditions will be submitted after notice of application from the Federal Energy Regulatory Commission (FERC).

Tom McCauley  
6/15/82  
Page 2

As required by Section 4.107(a), (2) of the FERC order No. 106, please forward a copy of the exemption application to the Idaho Department of Fish and Game, P. O. Box 25, Boise, Idaho 83707 at the time it is submitted to the Federal Energy Regulatory Commission.

Sincerely,



William E. Webb  
Supervisor, Region 4

cc: USFWS  
Program Coordination

RECEIVED  
JUN 16 1982  
FBI

IDAHO STATE HISTORICAL SOCIETY  
610 NORTH JULIA DAVIS DRIVE BOISE, 83702



June 14, 1982

Mr. Tom McCauley  
Route 4, Box 139  
Buhl, ID 83316

RE: Little MacPower Hydro Project

Dear Mr. McCauley:

Thank you for advising us of your proposed hydroelectric project in Cedar Draw Canyon (T95, R15E, Sec. 23). Your project will have no effect on significant archaeological or historic properties.

Sincerely,

A handwritten signature in dark ink, reading "Thomas J. Green". The signature is written in a cursive style with a large, stylized "T" and "G".

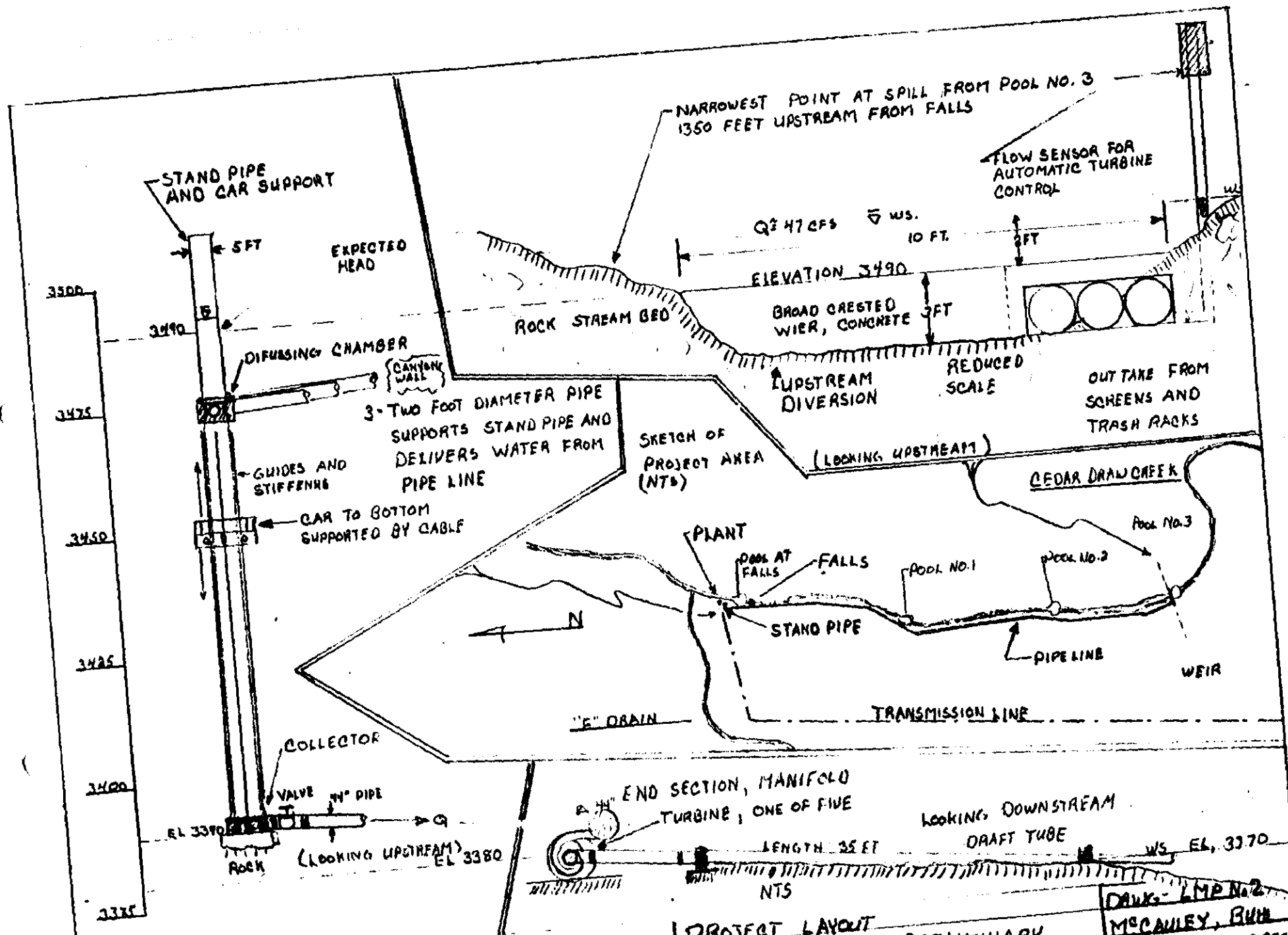
Thomas J. Green  
State Archaeologist  
State Historic Preservation Office

TG/kh



EXHIBIT G





\* SCALE IS VARIABLE. DRAWING SHOWS FIVE MAJOR COMPONENTS: PWR LINE, GEN PLANT, STAND PIPE, AND DIVERSION

PROJECT LAYOUT  
WELLS - 6/02/82 - PRELIMINARY  
SNAKE RIVER CONSULTING - FILER - IDAHO

DAWG - LMP NO. 2  
MCCAWLEY, BHM

MICROFILMED

1950

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

# PROFANED

**LIVED**

JUL 28 1982  
Department of Water Resources  
Southern District Office



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. BOX 83720, Boise, Idaho 83720-0098

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

January 20, 1998

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

LITTLE MAC POWER CO INC  
324 11TH AVE N  
BUHL ID 83316

RE: WATER RIGHTS 47-07830/47-07960

Dear Water Right Holder(s):

The Department of Water Resources (the Department) has issued the enclosed licenses confirming that water rights have been established in accordance with the permits referenced above. The licenses are preliminary orders issued by the Department pursuant to section 67-5243, Idaho Code. They can and will become final without further action of the Department unless a party petitions for reconsideration or files an exception and/or brief as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the Department within fourteen (14) days of the service date of this order. The Department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5243(3), Idaho Code.

EXCEPTIONS AND BRIEFS

Within twenty-one (21) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding. Otherwise, this preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to this preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ENCLOSURE  
APR 16 1998

### ORAL ARGUMENT

If the Department grants a petition to review the preliminary order, the Department shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department orders otherwise, all oral arguments will be heard in Boise, Idaho.

### CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Department in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

### FINAL ORDER

The Department will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Department may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The Department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

### APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

If you have any questions, please call me at 208-327-7946.

Sincerely,



Shelley W. Keen  
Water Rights Supervisor

SK:klt

Enclosure

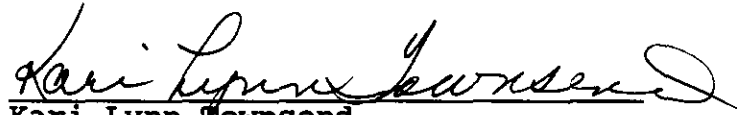
3  
APR 16 1992

CERTIFICATE OF MAILING

I hereby certify that on the 20th day of January, 1998, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved License) to the person(s) listed below:

Water Rights 47-07830/ 47-07960

LITTLE MAC POWER CO INC  
324 11TH AVE N  
BUHL ID 83316

  
Kari Lynn Townsend  
Secretary

RECEIVED  
JAN 16 1998

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324 11TH AVE N  
BUHL ID 83316

  
Kari Lynn Townsend  
Secretary

APR 16 1998

Approved according to Commission  
Order Nos. 15746 and 18190

Myrna J. Walters  
Myrna J. Walters  
Commission Secretary

Facility No: 31616081  
Project: Cedar Draw

RECEIVED

JAN 12 1998

FIRM ENERGY SALES AGREEMENT

Department of Water Resources

THIS AGREEMENT, entered into on this 10<sup>th</sup> day of May, 1984,  
is between BONNEVILLE-PACIFIC CORP, a corporation (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 wishes 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 Facility" - Idaho's Boise Bench System  
Dispatch Center.

MICROFILMED  
APR 16 1998

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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 Facility" - Idaho's Boise Bench System Dispatch Center.

MICROFILMED  
APR 16 1998

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.

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 reasonable 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.

## 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.

#### ARTICLE IV: CONDITIONS TO INTERCONNECTION

4.1 Prior to the First Energy Date and as a condition of interconnection 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.

#### 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  | 2,588,000 KWH |
|          | January   |               |
|          | February  |               |
| Season 2 | March     | 937,000 KWH   |
|          | April     |               |
|          | May       |               |
| Season 3 | June      | 666,000 KWH   |
|          | July      |               |
|          | August    |               |
| Season 4 | September | 1,996,000 KWH |
|          | October   |               |
|          | November  |               |

6.3 Annual Net Energy Amount - The Annual Net Energy shall be 6,187,000 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, 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 10% 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 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.

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 | 70.0 Mills/KWH |
| Season 2 | 46.7 Mills/KWH |
| Season 3 | 70.0 Mills/KWH |
| Season 4 | 46.7 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.

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 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. Except as otherwise required by Prudent Electrical Practices, Disconnection Equipment will be designed so that the closure of any breaker or other dis-

connecting 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 dictate, 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 only upon 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 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

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 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.

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.

#### 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 E 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.

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 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.

#### 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.

#### 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.

#### 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 losses that would result from such total or partial default.

21.2.1 Failure to Deliver for Term of Agreement - If, at any 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 E, 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.

#### ARTICLE XXII: GOVERNMENTAL AUTHORIZATION

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

22.2 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.

#### ARTICLE XXIII: 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 XXIV: MODIFICATION

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

#### ARTICLE XXV: TAXES

25.1 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.

25.2 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 XXVI: 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: Bonneville-Pacific Corp  
Suite 300  
200 East South Temple  
Salt Lake City, UT 84111  
Attn: Robert Wood

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

#### ARTICLE XXVII: 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

#### ARTICLE XVIII - 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 *D. E. Barclay*  
Vice President - Planning  
and Resources

"Idaho"

BONNEVILLE-PACIFIC CORP

By *Raymond L. Thixson*  
Its: President

"Seller"

STATE OF IDAHO )  
 ) ss  
County of Ada )

On this 10th day of May, 1984, 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. Ryan  
Notary Public for Idaho  
Residing at Boise, Idaho

STATE OF IDAHO )  
 ) ss  
County of ada )

On this 10th day of May, 1984, before me, the undersigned, a Notary Public, personally appeared Raymond L. Hipon, personally known, who being duly sworn, did say that he is the President of Bonneville-Pacific Corp, who 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)

Kella Wardle  
Notary Public for Idaho  
Residing at: Boise, Idaho

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.

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 - Two meters will be installed. These will measure KWH/KW demand, and reactive power flow to and from the generator. These meters will have pulse outputs to a solid state recorder in order to determine power factor and demand.

#### 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.

#### 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.

#### 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

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.

APPENDIX B  
SPECIAL FACILITIES, POINTS OF DELIVERY AND METERING,  
AND OPERATION DATE  
CEDAR DRAW PROJECT

B-1 DESCRIPTION OF FACILITY

The Seller's Facility consists of four hydro units. Each unit will use a fixed geometry turbine. The generators will be 4160 volt, 3 phase, 60 hertz induction machines. One generator will have a nameplate rating of 275 KW, and the remaining three will have nameplate ratings of 425 KW each.

B-2 LOCATION OF FACILITY

The Facility is located in SW Quarter of Section 23 Township 9 South, Range 15 East, Boise Meridian, Twin Falls County, Idaho.

B-3 SCHEDULED OPERATION DATE

Seller has selected May 15, 1984, as the Scheduled Operation Date and April 15, 1984, 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

Interconnection Facilities from what was previously provided to Idaho, Idaho may be required to reschedule its construction of these facilities which 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 46,000 volt transmission structure serving this Facility owned by Idaho and located near the E Quarter corner of Section 23, Township 9 South, Range 15 East, Boise Meridian. The Seller will provide the three phase 46,000 volts transmission line from the generator site to the Point of Delivery, and the transformer bank. The transformer bank will be a three phase bank, 4160/2400 volts to 46,000 volts, connected delta on the high voltage side and wye grounded through an impedance on the low voltage side. The bank will be located approximately 300 feet from the generator, and will be owned and maintained by the Seller.

**B-6 LOSSES**

Losses shall be 0.80% of the metered energy.

**B-7 METERING**

The metering equipment will be on the 2400 volt side of the transformer bank, and will consist of two current transformers, two voltage transformers, one demand meter, one recorder, and associated writing. The meter will register kilowatt-hours and kilowatts of demand. Metering

equipment will be owned and maintained by Idaho, with total cost of purchase, installation, operation, and maintenance, including administrative cost, to be reimbursed to Idaho by the Seller.

#### B-8 SPECIAL FACILITIES

The construction of approximately 1.5 miles of overhead 46 KV transmission line will be provided by Idaho as Special Facilities.

#### B-9 REACTIVE POWER

Reactive Power requirements necessary to maintain the generator point factor at 95% or greater will be supplied and maintained by the customer.

#### 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 a 46 KV circuit switcher, mounting structure, three 46 KV APT's, three 4 KV current transformers, batteries and battery charger, and a cabinet containing a circuit breaker, relays, and associated wiring and logic. Seller will supply a safety switch, and will install the switch, cabinet, and all wiring and conduit necessary for the operation of the Disconnection Equipment. Idaho will supply details for the interconnection panel and will connect and test the equipment prior to operation of the Facility. 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 is \$72,179. The total cost of Metering Equipment is \$3,400. The total cost of the Disconnecting Equipment is \$61,865. Total amount to be paid to Idaho by the Seller is \$137,444, less the \$1,000 Application Fee and the \$37,359 paid on October 21, 1983. This represents the amount that will be charged by Idaho if the Seller makes the payment on or before January 20, 1984. 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 described in this Appendix, less the cost of removal and transfer to Idaho's nearest warehouse, if the Interconnection Facilities will be removed. 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.

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.

# 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

| <u>Contract Year<br/>of Curtailment<br/>Commencement</u> | <u>Facility Operation Date</u> |             |             |             |
|----------------------------------------------------------|--------------------------------|-------------|-------------|-------------|
|                                                          | <u>1984</u>                    | <u>1985</u> | <u>1986</u> | <u>1987</u> |
| 1                                                        | 20                             | 20          | 20          | 20          |
| 2                                                        | 40                             | 40          | 40          | 40          |
| 3                                                        | 60                             | 60          | 60          | 65          |
| 4                                                        | 80                             | 80          | 80          | 85          |
| 5                                                        | 100                            | 100         | 105         | 105         |
| 6                                                        | 120                            | 120         | 125         | 125         |
| 7                                                        | 140                            | 140         | 145         | 145         |
| 8                                                        | 160                            | 160         | 165         | 165         |
| 9                                                        | 180                            | 180         | 185         | 185         |
| 10                                                       | 195                            | 195         | 200         | 200         |
| 11                                                       | 210                            | 210         | 215         | 220         |
| 12                                                       | 225                            | 230         | 235         | 240         |
| 13                                                       | 240                            | 250         | 260         | 270         |
| 14                                                       | 255                            | 265         | 270         | 300         |
| 15                                                       | 275                            | 290         | 310         | 325         |
| 16                                                       | 300                            | 315         | 335         | 355         |
| 17                                                       | 325                            | 340         | 360         | 385         |
| 18                                                       | 350                            | 365         | 385         | 410         |
| 19                                                       | 370                            | 390         | 410         | 435         |
| 20                                                       | 390                            | 410         | 430         | 460         |
| 21                                                       | 405                            | 425         | 450         | 480         |
| 22                                                       | 420                            | 440         | 465         | 495         |
| 23                                                       | 435                            | 455         | 480         | 510         |
| 24                                                       | 440                            | 465         | 490         | 520         |
| 25                                                       | 445                            | 470         | 500         | 525         |
| 26                                                       | 445                            | 470         | 495         | 520         |
| 27                                                       | 440                            | 465         | 490         | 510         |
| 28                                                       | 420                            | 445         | 475         | 495         |
| 29                                                       | 400                            | 420         | 450         | 475         |
| 30                                                       | 370                            | 390         | 410         | 430         |
| 31                                                       | 330                            | 345         | 365         | 385         |
| 32                                                       | 270                            | 280         | 295         | 315         |
| 33                                                       | 200                            | 200         | 220         | 220         |
| 34                                                       | 100                            | 100         | 110         | 110         |
| 35                                                       | 0                              | 0           | 0           | 0           |

## **MEMORANDUM**

**TO: Files 47-07830 and 47-07960**

**FROM: Sharla**

**DATE: January 13, 1998**

**RE: Power Use**

Power use under this right was exempted from FERC licensing in November of 1982. A copy of the power purchase agreement has been added to each of the files. The term of years to be listed on the license is determined by the contract as 35 years from the scheduled operation date which was May 15, 1984. The term for this license then will expire May 15, 2019.

The source of water is Cedar Draw; there is no Cedar Draw Creek in the USGS maps.

MICROFILMED  
APR 16 1998

MEMORANDUM

DATE: January 7, 1998

TO: ~~Sharla Curtis~~ Files 47-07830 & 47-07960

FROM: Cindy Bird

RE: ~~Water Right~~ #47-07830 Volume/Terms

---

Sharla I spoke with Tom McCauley at (208) 534-8486 from Little Mac Power Co Inc regarding the number of days and hours for the power plant. The plant is in operation 24 hours a day for 365 days a year.

I also spoke with Karen Snider at IPUC and she has no power purchase contract listed for Little Mac Power Co, Bonneville Pacific or Thomas McCauley.

*Copy of power purchase agreement supplied  
by Mr. McCauley.*

MICROFILMED  
APR 16 1998

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
COMMENCEMENT OF WORKS

Permit Nos. 47-7830 and 47-7960  
Name(s) of Permit Holder(s): Bonneville Pacific Corporation  
Post Office Address: 200 East South Temple, Suite 300  
Salt Lake City, Utah 84111 Tel. No. (801) 363-1900

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

☐ I hereby certify that construction of diverting works on the above referenced project has not yet begun due to the following reason beyond my control\*:  
DEC 19 1984

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

MAY 15 1984  
Date

BOONEVILLE PACIFIC CORP.  
BY: [Signature] S.E.  
Signature of Permit Holder

BONNEVILLE PACIFIC CORP.

200 EAST SO. TEMPLE #300

SALT LAKE CITY UTAH 84111

RECEIVED

MAY 18 1984



MISSOURY MFG

DEC 19 1994

Department of Water Resources

IDAHO DEPARTMENT OF WATER RESOURCES

STATEHOUSE

BOISE, IDAHO 83720



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

December 19, 1994

CECIL D. ANDRUS  
GOVERNOR

R. KEITH HIGGINSON  
DIRECTOR

LITTLE MAC POWER CO INC  
324 11TH AVE N  
BUHL ID 83316

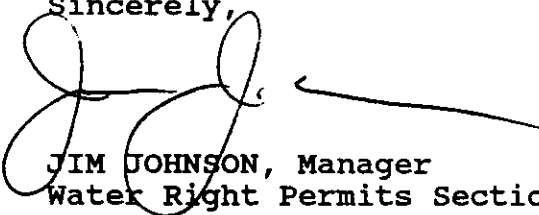
Re: Permit Nos. 47-07960 and 47-07830

Dear Water Right Holder(s):

This letter is to confirm that the assignments of ownership on the above referenced water rights are satisfactory. We have modified our computer records to reflect these changes in ownership.

If you have any questions regarding this matter, please feel free to contact us.

Sincerely,



JIM JOHNSON, Manager  
Water Right Permits Section

JJ:dc

DEC 19 1994

**Little Mac Power Company**

RECEIVED

NOV 17 1994

Department of Water Resources

11/16/94

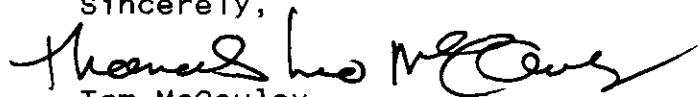
Cindy Zimmerman  
Dept. of Water Resources  
1301 No. Orchard St.  
Boise, Idaho 83720-9000

Dear Cindy,

Thank you for your comments during our phone conversation earlier. I have included all the items requested in you letter dated 11/10/1994. These permits were once held by us and assigned to Bonneville Pacific Corporation. For your information I have included a letter from Dept. of Water resources dated 5/10/1984. As you will note we are now asking that these water rights be reassigned to us in the name of our company Little Mac Power Company Inc.

If there are any other requirements or if you have any questions please call my office at 543-8486. Thank you for your efforts in this matter.

Sincerely,

  
Tom McCauley

Note our address: Little Mac Power Co. Inc  
324 11th Ave N  
Buhl Idaho 83316

P.S. OWNERS OF LITTLE MAC POWER CO. INC. ARE

Thomas Lee McCauley  
Rebecca R. McCauley

Route 4, Box 156G / Buhl, Idaho, U.S.A. 83316 / 208-543-8486

NOV 19 1994



State of Idaho  
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000  
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS  
GOVERNOR

R. KEITH HIGGINSON  
DIRECTOR

November 10, 1994

LITTLE MAC POWER CO INC  
324 ELEVENTH AVE N  
BUHL ID 83315

RE: Assignments of Permit Nos. 47-07830 and 47-07960

Dear Sirs;

I recently received 'Assignment of Permit' forms on the above referenced permits assigning the permits to your company

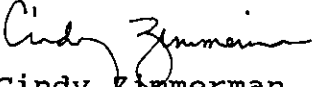
These permits for power use are subject to the provisions of Sections 42-205 through 42-210, Idaho Code. I have enclosed a copy of these statutes for your reference.

Prior to the department processing these assignments, you need to submit additional information. The additional information required includes a completed copy of the enclosed "Affidavit for Water Rights to be used for Power Purposes" form, a certificate of incorporation allowing your company to do business in Idaho, a complete list of names and address of the directors, officers, and/or partners of the corporation, and evidence of ownership (i.e. proof of purchase, bill of sale, or warranty deed).

These assignments of permit cannot be processed until the above statutory provisions have been met and the requested information has been submitted. I will hold further action on these assignments for 14 days pending your response.

If you have any questions, please contact me directly at (208) 327-7944.

Sincerely,

  
Cindy Zimmerman  
Water Resource Agent

Enclosures

DEC 19 1994

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**BENEFICIAL USE FIELD REPORT**

**RECEIVED**  
OCT 31 1986

Department of Water Resources  
47-7830

**A. GENERAL INFORMATION**

Permit No. 47-7830

1. Owner: Thomas Leo McCauley Phone No. 543-8486

Current Address: Rte. #4, Box 139, Buhl, Idaho 83316

2. Accompanied by: - EXAM. DATE: October 7, 1986

Address: - Phone No. -

Relationship to Permit Holder: -

3. Source: Cedar Draw Creek tributary to Snake River

**B. OVERLAP REVIEW**

1. Other water rights with same place of use: 47-8016 (Approved Permit)

☒ Copies Attached

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

☐ Copies Attached ☐ Copies of Field Exam's Attached

**C. SYSTEM DESCRIPTION**

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

7830-1-10-100

DEC 19 1994

Scale: 1" = \_\_\_\_\_

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

**System Description (continued)**

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

Water is diverted out of Cedar Draw Creek and into an earthen power canal. The diversion consists of stop log channels across both Cedar Draw Creek and the power canal of which the flow can be adjusted by adding or removing stop log boards. The power canal is approximately 2500 feet long and ends at a concrete penstock intake structure. The intake structure consists of self cleaning trash racks and an overflow spillway which dumps excess water back to Cedar Draw Creek. A 48-inch diameter steel penstock (approximately 836 feet long) conveys the water to the powerhouse. The powerhouse houses four turbine/generator units of which all four were operating at the time of

☒ See Remarks on page 4 for continuation  
Design Turbine

| <del>XXXXXX</del> Turbine<br>Identification No.* | <del>XXXXXX</del> Generator<br>Make | <del>XXXXXX</del> KW<br>HK | <del>XXXXXX</del> Motor Serial No. | <del>XXXXXX</del> Turbine<br>Make | <del>XXXXXX</del> Discharge Size |
|--------------------------------------------------|-------------------------------------|----------------------------|------------------------------------|-----------------------------------|----------------------------------|
| 16 LNHT 23                                       | Westinghouse                        | 411                        | N/A                                | Worthington                       | 35.5 CFS                         |
| 16 LNHT 23                                       | Westinghouse                        | 411                        | N/A                                | Worthington                       | 35.5 CFS                         |
| 16 LNHT 23                                       | Westinghouse                        | 411                        | N/A                                | Worthington                       | 35.5 CFS                         |
| 14 LNT 24                                        | Westinghouse                        | 257                        | N/A                                | Worthington                       | 22.5 CFS                         |

5. **Point(s) of Diversion:**

| Ident. No. | Gov't. Lot | ¼  | ¼  | ¼  | Sec. | Twp. | Rge. | County     | Method of Determination/Remarks |
|------------|------------|----|----|----|------|------|------|------------|---------------------------------|
|            |            | SE | SE | SE | 23   | 9S   | 15E  | Twin Falls | As Built Survey                 |
|            |            |    |    |    |      |      |      |            |                                 |
|            |            |    |    |    |      |      |      |            |                                 |
|            |            |    |    |    |      |      |      |            |                                 |

6. **Place(s) of Use:** Indicate Method of Determination As Built Survey

| Twp. | Rge. | Sec. | NE¼ |     |     |     | NW¼ |     |     |     | SW¼ |     |     |     | SE¼ |     |     |     | Totals |
|------|------|------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|--------|
|      |      |      | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ |        |
| 9S   | 15E  | 23   |     |     |     |     |     |     |     |     |     |     |     |     | X   |     |     |     | --     |
|      |      |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|      |      |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|      |      |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|      |      |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|      |      |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|      |      |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|      |      |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |

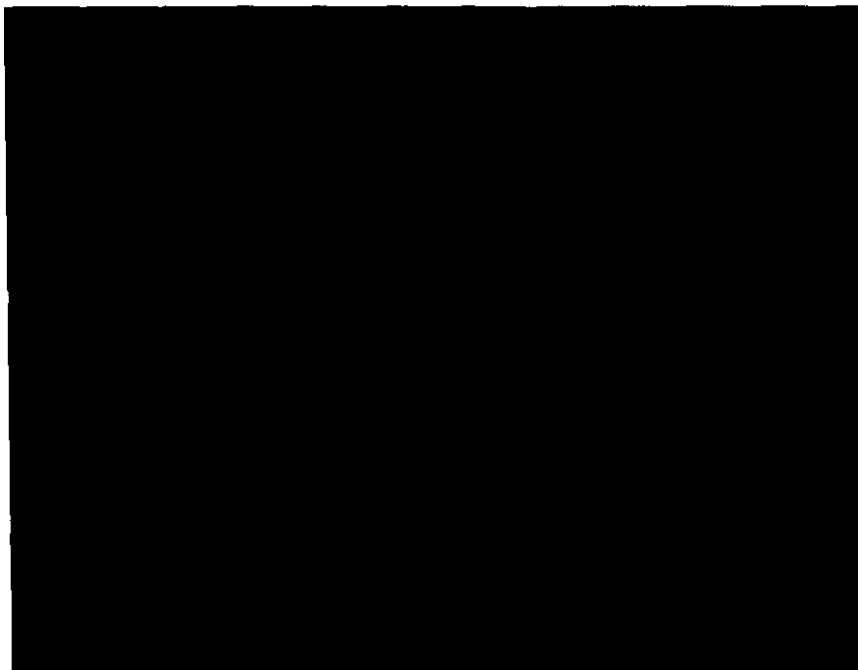
Do not use this space

DEC 19 1994



Diversion on Cedar Draw Creek (Looking Downstream)

Cedar Draw Creek Branches To Left, Power Canal To Right.



Power Canal With Penstock Intake Structure In Background.

(Looking Downstream)

DEC 18 1994



Penstock Intake Structure At End Of Power Canal



Penstock Intake Structure At End Of Power Canal

DEC 19 1961



Powerhouse And Penstock Looking Downstream

Note Cedar Draw Creek In Left Side Of Photo



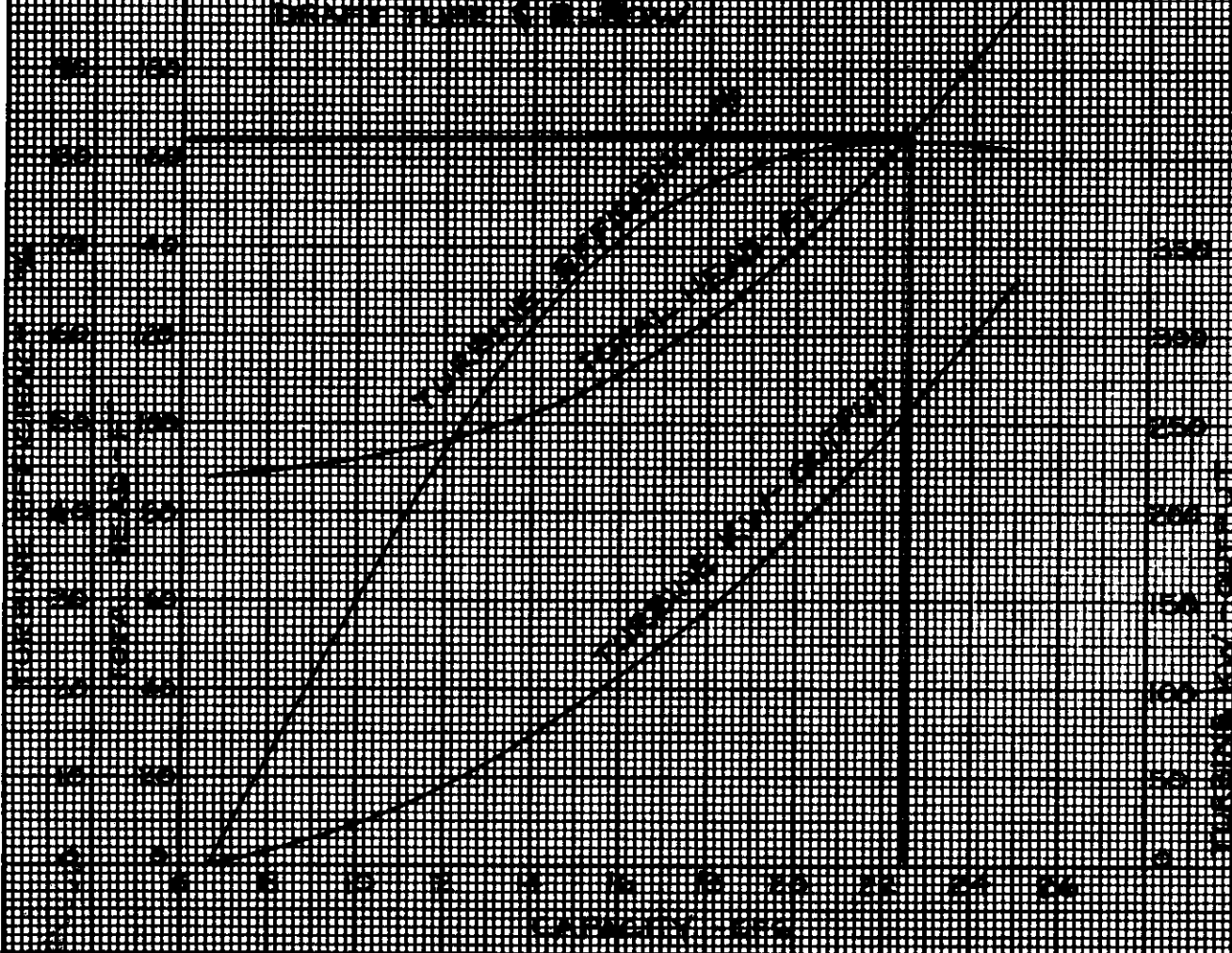
Powerhouse And Penstock Looking Upstream

Note Cedar Draw Creek Waterfall In Background

4  
1552

PERFORMANCE INCLUDES  
 BRAYTON CYCLE

DATE: 8-83  
 DRAWN BY: MAH  
 ORDER NO. Z-2600  
 SERVICE: HYDRAULIC  
 TURBINE  
 SIZE AND TYPE: 14LNT24 @ 910 RPM



|                         |                          |                                          |                  |
|-------------------------|--------------------------|------------------------------------------|------------------|
| Q. No. _____            | SERVICE <u>HYDRAULIC</u> | Worthington Group, McGraw-Edison Company | DATE <u>8-83</u> |
| ORDER NO. <u>Z-2600</u> | <u>TURBINE</u>           | SIZE AND TYPE <u>14LNT24 @ 910 RPM</u>   | <u>E</u>         |
| DRAWN BY <u>MAH</u>     |                          |                                          |                  |

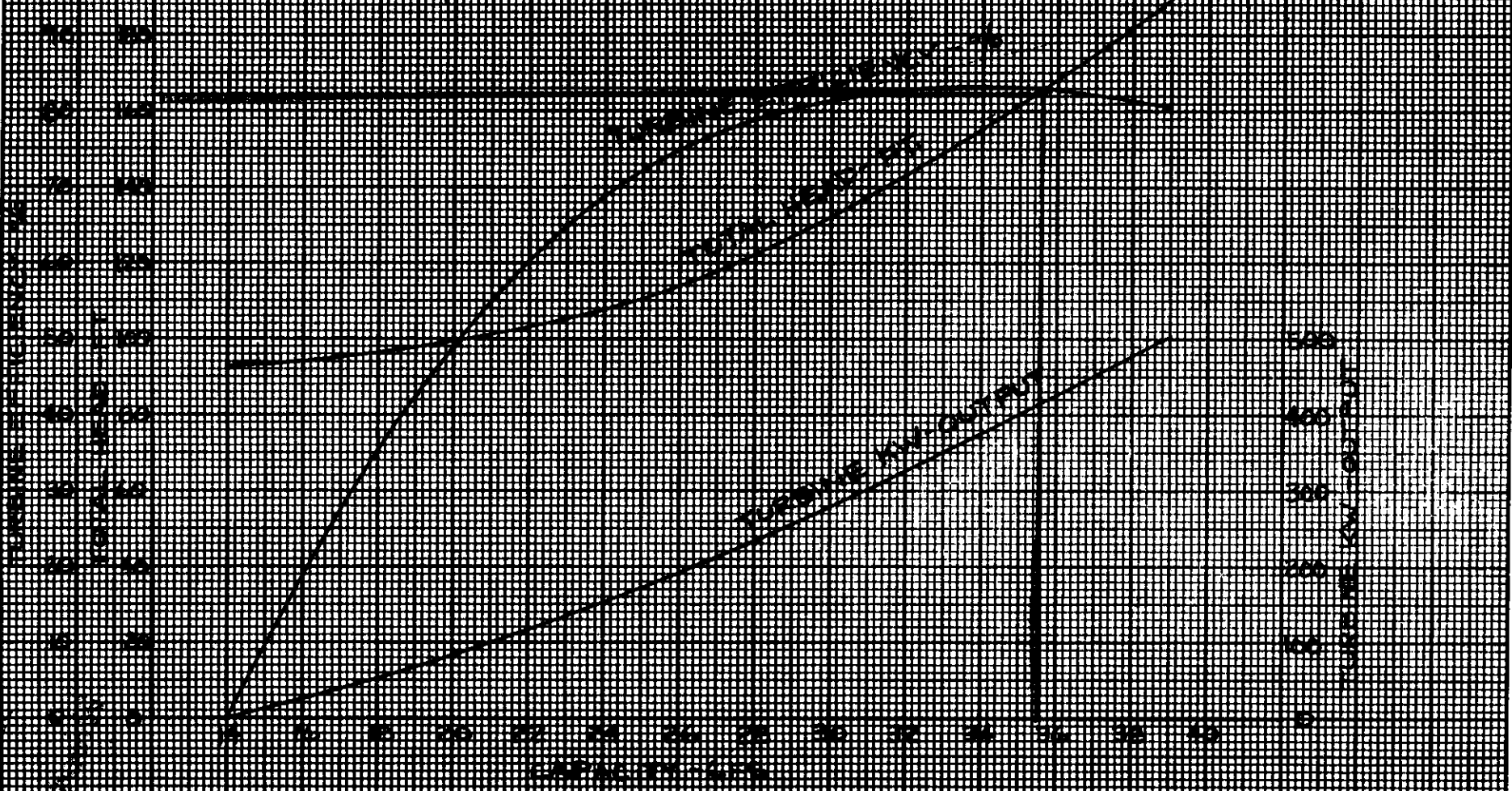
DEC 19 1994

4661 6 9 1994

PERFORMANCE CHARACTERISTICS  
DRAFT TUBE 4.0000'

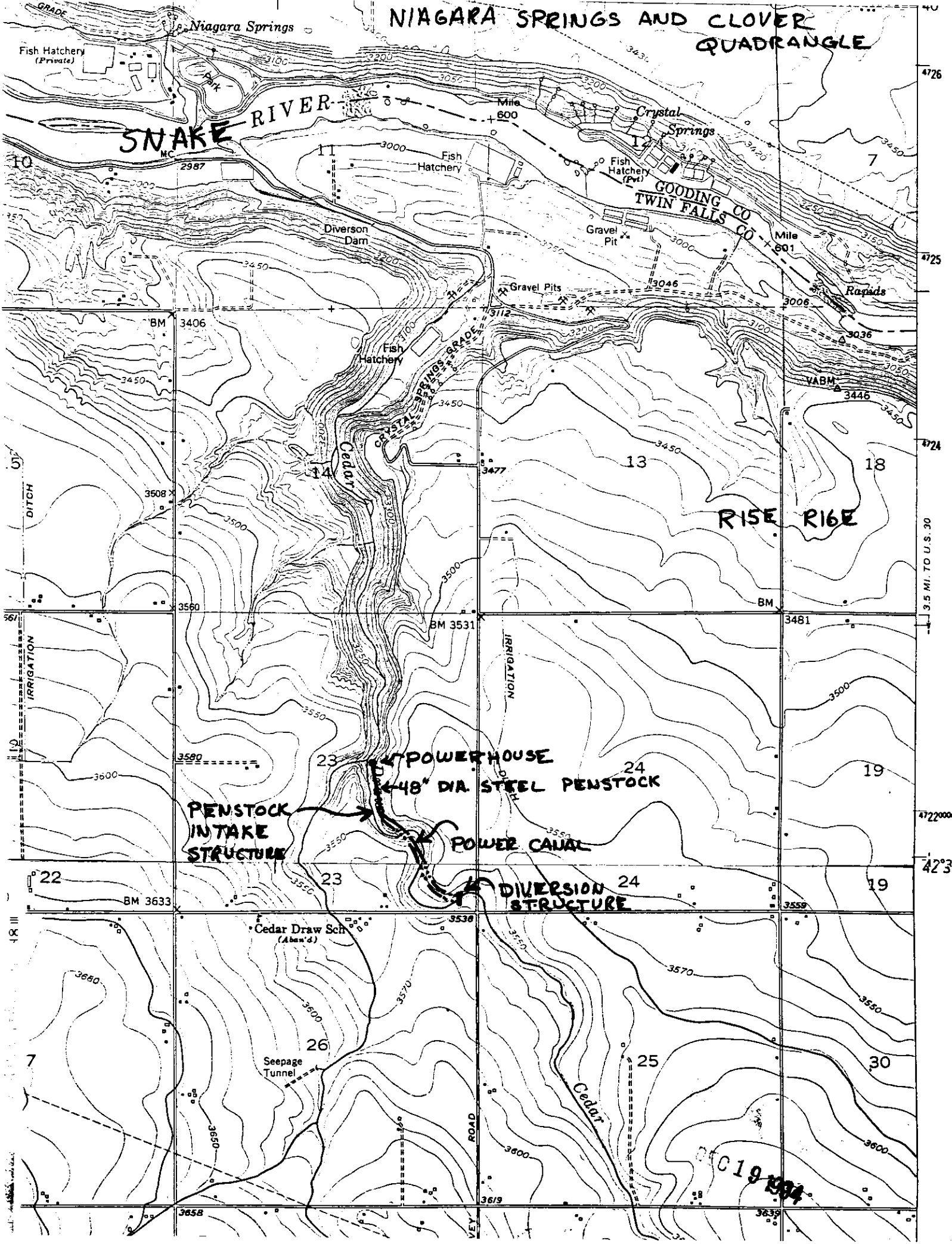
WORTHINGTON GROUP  
McGraw-Edison Company  
161-NHT23 @ 910 RPM  
SIZE AND TYPE

DATE 8-83  
DRAWN BY MAH  
REVIEWED BY J. J. JONES  
CHECKED BY J. J. JONES



|                           |                          |                                          |                           |
|---------------------------|--------------------------|------------------------------------------|---------------------------|
| Q. No. _____              | SERVICE <u>HYDRAULIC</u> | Worthington Group, McGraw-Edison Company | DATE <u>8</u> - <u>83</u> |
| ORDER NO. <u>Z-2598/9</u> | <u>TURBINE</u>           | SIZE AND TYPE <u>161-NHT23 @ 910 RPM</u> | <u>E</u>                  |
| DRAWN BY <u>MAH</u>       | _____                    | _____                                    | _____                     |

# NIAGARA SPRINGS AND CLOVER QUADRANGLE



Do not use this space

**D. FLOW MEASUREMENTS**

☐ Additional Data Sheets Attached

1.

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

2. **Measurements:**

Construction plans of the project indicate a gross head on the turbines of approximately 175 feet (depending on tailwater fluctuations). After discounting friction and minor losses in the penstock, the net head is approximately 165 feet (which is the design head to the turbines). The attached turbine curves indicate a total flow of 129 CFS at this head (with all four turbines operating simultaneously).

**E. FLOW CALCULATIONS**

☐ Additional Computation Sheets Attached

1. **Measured Method:**

Certified turbine curves were used to determine flow. (See attached turbine curves.)  
The head to the turbines was determined from as-built construction plans.

2. **Alternate Method for Checking Purposes:**

N/A

**F. PUMP EFFICIENCY DATA (Optional)** Not Applicable

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

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

Water HP: (3) x (4) ÷ 8.8 = \_\_\_\_\_ (5)

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

Meter Input HP: (6) x 1.34 = \_\_\_\_\_ (7)

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

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

**G. VOLUME CALCULATIONS** Not Applicable

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:**

DEC 19 1994

## H. REMARKS AND OVERLAP REVIEW ANALYSIS

Inspection: Water is then discharged directly back to Cedar Draw Creek from the powerhouse.  
(See as-built survey blueprint and attached photos of the various project components.)

When all four turbines operate at the design net head of 165 feet, the combined flow to the turbines is 129 CFS. (See attached turbine curves.) The project, in its as-built condition, is capable of supplying this head to the turbines. As a result, the project is using more water than the combined permit amount of 120 CFS. At this time it is felt that the total combined permit amount of 120 CFS be recommended for beneficial use.

## I. RECOMMENDATIONS

### 1. Recommended Amounts

| Beneficial Use   | Period of Use |         | Rate of Diversion<br>Q (cfs) | Annual Volume<br>V (afa) |
|------------------|---------------|---------|------------------------------|--------------------------|
|                  | From          | To      |                              |                          |
| Power Generation | Jan. 1        | Dec. 31 | 120 CFS                      |                          |
|                  |               |         |                              |                          |
|                  |               |         |                              |                          |
|                  |               |         |                              |                          |
| Totals:          |               |         | 120 CFS                      |                          |

### 2. Recommended Amendments

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

## J. AUTHENTICATION

Field Examiner's Name

Signature

Certification Date

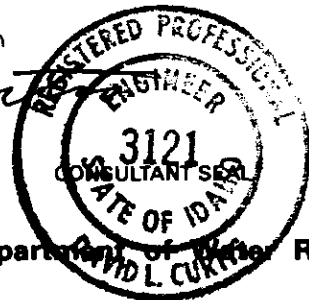
Field Report Preparation Date

David L. Curtis

David L. Curtis

14 Oct., '86

16 Oct., '86



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

DEC 19 1986

November 25, 1986

Thomas Leo McCauley  
Rt. 4 Box 139  
Buhl, ID 83316

Dear Mr. McCauley:

Re: Permit Nos. 47-7960 and 47-7830

Returned are the proof of beneficial use forms submitted to this office on October 30, 1986 in connection with the above referenced permits.

According to our records, the permits were assigned to Bonneville Pacific Corporation on May 8, 1984 which means that Bonneville now owns all rights, title and interest in and to the permits. Bonneville in turn, made proof on the permits.

Please contact this office if you have any questions concerning this matter.

Sincerely,

RITA I. FLECK  
Secretary/Records Manager

Enclosures

NOV 30 1986



**J-U-B ENGINEERS, INC.**

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

October 30, 1986

**RECEIVED**

OCT 30 1986

Department of Water Resources  
Southern Region Office

Mr. Loren Holmes  
Department of Water Resources  
1041 Blue Lakes Boulevard North  
Twin Falls, Idaho 83301

RE: Beneficial Use Examinations for Permits No. <sup>47-</sup>~~37~~-7830 and  
<sup>47-</sup>~~37~~-7960 - Cedar Draw Hydroelectric Project

Dear Loren:

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

The beneficial use field report was prepared under the supervision of Mr. David L. Curtis, P.E., of our Boise office who is a certified water rights field examiner. The field examination was conducted on October 7, 1986.

Sincerely yours,

J-U-B ENGINEERS, Inc.

David D. Joerger

DDJ/sc

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

DEC 19 1994



STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
SOUTHERN REGION

John V. Evans  
Governor

1041 Blue Lakes Blvd. North  
Twin Falls, Idaho 83301  
(208) 734-3578

A. Kenneth Dunn  
Director

47-7830  
RONNEVILLE PACIFIC CORP.  
200 E. TEMPLE  
SUITE 300  
SALT LAKE CITY, UT 84111

138158

August 12, 1986

CERTIFIED MAIL

EXAMINATION FEE NOTICE

Dear Permit Holder:

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

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

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

Certified water right examiners are licensed engineers or geologists certified by the department to conduct water right examinations. The procedure for certifying examiners results from the recently enacted HB 671 and is being developed at this time. A listing of certified water

right examiners will be available from this department when examiners have been certified.

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

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

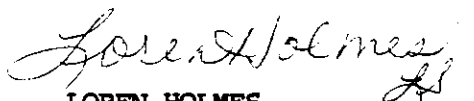
FAILURE TO SUBMIT WITHIN THE SIXTY (60) DAY PERIOD, THE FEE OR THE STATEMENT THAT A CERTIFIED EXAMINER HAS BEEN RETAINED TO MAKE THE FIELD EXAMINATION, WILL BE CAUSE TO ADVANCE THE PRIORITY OF THE PERMIT ONE DAY FOR EACH DAY THAT THE FEE SUBMITTAL IS LATE.

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

The attached examination fee information sheet and the fee may be submitted to the following department office.

Southern Region  
Idaho Dept. of Water Resources  
1041 Blue Lakes Blvd. North  
Twin Falls, ID 83301  
Phone: 734-3578

Sincerely,

  
LOREN HOLMES  
Southern Regional Manager

Enclosures

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
Southern Region

---

1041 Blue Lakes Blvd. N.  
Twin Falls, Idaho 83301  
(208) 734-3578

NOVEMBER 19, 1985

BONNEVILLE PACIFIC CORP.  
200 E. TEMPLE  
SUITE 300  
SALT LAKE CITY UT 84111

RE: Permit No. 47-7830

Dear Permit Holder:

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

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

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

If you have any questions regarding the field examination, please contact this office by phone at 734-3578 or in person at our office at 1041 Blue Lakes Blvd. N. Twin Falls, Idaho.

Sincerely,  
s/Mary A. Newby  
Secretary

MAILED  
DEC 19 1985

DEC 19 1985

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
PROOF OF BENEFICIAL USE

RECEIVED  
OCT 3 1985

Department of Water Resources

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

Permit No. 47-7830

Name(s) of Permit Holder: BONNEVILLE PACIFIC CORPORATION

Post Office Address: 200 E. TEMPLE SUITE 300

SALT LAKE CITY, UTAH 84111 Telephone No. 801- 363-1900

Source of Water: CEDAR DRAW CREEK

Extent of Use:

Domestic \_\_\_\_\_ (number of households)

Stockwater \_\_\_\_\_ (number and type of stock)

Irrigation \_\_\_\_\_ (acres)

Other/Remarks POWER GENERATION 70 cfs

Indicate the date water was first diverted and beneficially used under this permit: MAY 1984

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

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

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

ORLIN CLEMENTS

(Name)

834 FALLS AVE TWIN FALLS, IDAHO 83301

(Address)

208-734-0551

(Telephone Number)

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

Date

Oct 2, 1985

Signature of Permit Holder (and Title, if appropriate)

Bruce W. Olsen VP. Operations

MICROFILMED



State of Idaho

## DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS  
Governor

A. KENNETH DUNN  
Director

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

SEPTEMBER 1, 1985

DEAR PERMIT HOLDER:

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

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

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

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

SINCERELY,

L. GLEN SAXTON  
CHIEF, OPERATIONS BUREAU

**MICROFILMED**

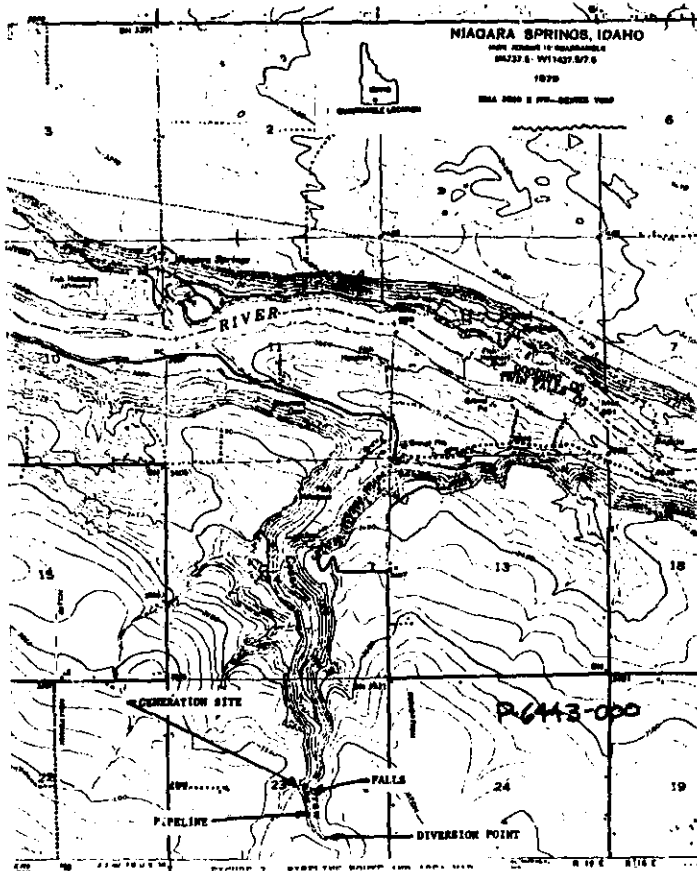
§ 4.106 Standard terms and conditions of exemption from licensing.

Any exemption from licensing granted under this subpart for a small hydroelectric power project is subject to the following standard terms and conditions:

(a) Article 1. The Commission reserves the right to conduct investigations under sections 4(g), 306, 307, and 311 of the Federal Power Act with respect to any acts, complaints, facts, conditions, practices, or other matters related to the construction, operation, or maintenance of the exempt project. If any term or condition of the exemption is violated, the Commission may revoke the exemption, issue a suitable order under section 4(g) of the Federal Power Act, or take appropriate action for enforcement, forfeiture, or penalties under Part III of the Federal Power Act.

(b) Article 2. The construction, operation, and maintenance of the exempt project must comply with any terms and conditions that any Federal or state fish and wildlife agencies have determined are appropriate to prevent loss of, or damage to, fish or wildlife resources or otherwise to carry out the purposes of the Fish and Wildlife Coordination Act, as specified in Exhibit E of the application for exemption from licensing or in the comments submitted in response to the notice of the exemption application.

(c) Article 3. The Commission may accept a license application by any qualified license applicant and revoke this exemption if actual construction or development of any proposed generating facilities has not begun within 18 months, or been completed within four years, from the date on which this exemption was granted. If an exemption is revoked, the Commission will not accept a subsequent application for exemption within two years of the revocation.



WFOBCTI MFD

(d) Article 4. This exemption is subject to the navigation servitude of the United States if the project is located on navigable waters of the United States.

(e) Article 5. This exemption does not confer any right to use or occupy any Federal lands that may be necessary for the development or operation of the project. Any right to use or occupy any Federal lands for those purposes must be obtained from the administering Federal land agencies. The Commission may accept a license application by any qualified license applicant and revoke this exemption, if any necessary right to use or occupy Federal lands for those purposes has not been obtained within one year from the date on which this exemption was granted.

State of Idaho  
Department of Water Resources  
State House  
Boise, Idaho 83720  
P-6443

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

#6443 47-7830  
47-7960

21 FERC ¶62,346

UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

-2-

Thomas Leo and Rebecca Rose McCauley ) Project No. 6443-000  
Cedar Draw Falls Generating Company ) Project No. 6371-000

ORDER GRANTING EXEMPTION FROM LICENSING OF A  
SMALL HYDROELECTRIC PROJECT OF 5 MW OR LESS  
AND DENYING PRELIMINARY PERMIT APPLICATION

( Issued November 30, 1982 )

The Applicant 1/ filed an application for exemption from all or part of Part I of the Federal Power Act pursuant to 18 C.F.R. Part 4 Subpart K (1980) implementing in part Section 408 of the Energy Security Act (Act) of 1980 for a project as described in the attached public notice. 2/ 3/

Notice of the application was published in accordance with Section 408 of the Act and the Commission's regulations and comments were requested from interested Federal and State agencies including the U.S. Fish and Wildlife Service and the State Fish and Wildlife Agency. All comments, protests and petitions to intervene that were filed have been considered. No agency has any objection relevant to issuance of this exemption.

1/ Thomas Leo and Rebecca Rose McCauley, Project No. 6443, filed on June 17, 1982.

2/ Pub. Law 96-294, 94 Stat. 611. Section 408 of the ESA amends inter alia, Sections 405 and 408 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. §§2705 and 2708).

Authority to act on this matter is delegated to the Deputy Director, Office of Electric Power Regulation, under §375.308 of the Commission's regulations, 18 C.F.R. §375.308 (1981) FERC Statutes and Regulations ¶30,238. This order may be appealed to the Commission by any party within 30 days of its issuance pursuant to Rule 1902, 18 C.F.R. 385.1902, FERC Statutes and Regulations ¶29,052 47 Fed. Reg. 19014 (1982). Filing an appeal and final Commission action on that appeal are prerequisites for filing an application for rehearing as provided in Section 313(a) of the Act. Filing an appeal does not operate as a stay of the effective date of this order or of any other date specified in this order, except as specifically directed by the Commission.

Standard Article 2, included in this exemption, requires compliance with any terms and conditions that Federal or State fish and wildlife agencies have determined appropriate to prevent loss of, or damage to, fish and wildlife resources. The terms and conditions referred to in Article 2 are contained in any letters of comment by these agencies which have been forwarded to the Applicant in conjunction with this exemption.

Should the Applicant contest any terms or conditions that were proposed by Federal or State agencies in their letters of comment as being outside the scope of Article 2, the Commission shall determine whether the disputed terms or conditions are outside the scope of Article 2.

Based on the terms and conditions required by Federal and state fish and wildlife agencies, the environmental information in the application for exemption, other public comments, and staff's independent analysis, issuance of this order is not a major Federal action affecting the quality of the human environment.

Cedar Draw Falls Generating Company filed a preliminary permit application (FERC No. 6371) on May 26, 1982, for a project that would utilize the same water resources that would be developed by the Little Mac Project (FERC No. 6443). Pursuant to Section 4.104(e)(1) of the Commission's regulations, the Commission will favor an application for exemption over an application for preliminary permit for mutually exclusive projects. Therefore, the application for the preliminary permit is hereby denied.

It is ordered that:

(A) Little Mac Project No. 6443 as described and designated in Thomas Leo and Rebecca Rose McCauley's application filed on June 17, 1982, is exempted from all of the requirements of Part I of the Federal Power Act, including licensing, subject to the standard articles in §4.106 of the Commission's regulations attached hereto as Form E-2, 18 C.F.R. §4.106, 45 Fed. Reg. 76115 (November 18, 1980), and the following Special Article:

Article 6. The construction, operation, and maintenance of the exempt project may be reviewed by the Commission and subjected to further requirements for consistency with the terms and conditions of the regional fish and wildlife program developed pursuant to the Pacific Northwest Electric Power Planning and Conservation Act. Inconsistencies between the regional program and the mandatory conditions under Article 2 will be resolved by the Commission.

MICROFILM

UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

Thomas Leo and Rebecca Rose McCauley ) Project No. 6443-000

NOTICE OF APPLICATION FOR EXEMPTION FOR SMALL  
HYDROELECTRIC POWER PROJECT UNDER 5 MW CAPACITY  
(August 20, 1982)

Take notice that on June 17, 1982, Thomas Leo and Rebecca Rose McCauley, (Applicant) filed an application, under Section 408 of the Energy Security Act of 1980 (Act) (16 U.S.C. §§2705, and 2708 as amended), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed small hydroelectric Project No. 6443 would be located on Cedar Draw Creek, in Twin Falls County, Idaho. Correspondence with the Applicant should be directed to: Thomas Leo and Rebecca Rose McCauley, Rt. 4, Box 139, Buhl, Idaho 83316.

**Project Description** - The proposed project would consist of: (1) a 3-foot-high diversion structure; (2) a 44-inch-diameter, 1400-foot-long penstock; (3) a powerhouse containing five generating units with a combined rated capacity of 253 kW; and (4) appurtenant facilities. The Applicant estimates a 2,000,000 kWh average annual energy production.

**Purpose of Exemption** - An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project. Power would be sold to Idaho Power Company.

**Agency Comments** - The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the Idaho Department of Fish & Game are requested, for the purposes set forth in Section 408 of the Act, to submit within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Project No. 6443-000

- 2 -

**Competing Applications** - Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before July 1, 1982, either the competing license application that proposes to develop at least 7.5 megawatts in that project, or a notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than 120 days from the date that comments, protests, etc. are due. Applications for preliminary permit will not be accepted.

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

**Comments, Protests, or Petitions to Intervene** - Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 C.F.R. §1.6 or §1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before July 1, 1982.

**Filing and Service of Responsive Documents** - Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb  
Secretary

DC-A-40

-3-

(B) Cedar Draw Falls Generating Company's preliminary permit application (FERC Project No. 6371) filed on May 26, 1982, is hereby denied.

*Robert E. Cackowski*  
Robert E. Cackowski  
Deputy Director, Office of  
Electric Power Regulation

MICROFILMED

UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

Thomas Leo and Rebecca Rose McCauley ) Project No. 6443-000

NOTICE OF APPLICATION FOR EXEMPTION FOR SMALL  
HYDROELECTRIC POWER PROJECT UNDER 5 MW CAPACITY  
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Purpose of Exemption - An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project. Power would be sold to Idaho Power Company.

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Project No. 6443-000

- 2 -

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

Comments, Protests, or Petitions to Intervene - Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 C.F.R. §1.8 or §1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before OCT 12 1982.

Filing and Service of Responsive Documents - Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb  
Secretary

NIAOGARA SPRINGS, IDAHO  
NW 4 SECTION 18 QUADRANGLE  
N4237.5-W11437.5/7.5  
1978  
DMA 3069 II NW-SERIES V883

IDAHO  
QUADRANGLE LOCATION

Snake RIVER  
Gooding RIVER  
Falls  
GENERATION SITE  
PIPELINE  
DIVERSION POINT  
FALLS  
P-6443-000

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PERC-351  
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State of Idaho  
Department of Water Resources  
State House  
Boise, Idaho 83720

Department of Water Resources



State of Idaho

## DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS  
Governor

A. KENNETH DUNN  
Director

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

May 10, 1984

Bonneville Pacific Corporation  
c/o David P. Hirschi  
Parsons, Behle & Latimer  
185 South State Street  
P.O. Box 11898  
Salt Lake City, UT 84147

RE: Assignment of Permit Nos. 47-7830 and 47-7960  
(Thomas Leo McCauley)

Gentlemen:

This office has reviewed the Assignment of the above referenced Permits dated May 8, 1984 between Thomas Leo McCauley and Rebecca McCauley, husband and wife, as Assignors, and Bonneville Pacific Corporation, a Utah Corporation qualified to do business in the State of Idaho, as Assignee.

This office has also reviewed the Lease Agreement between Thomas Leo McCauley and Rebecca McCauley and Bonneville Pacific Corporation dated May 18, 1983, and certain loan agreements between Bonneville Pacific Corporation and Mistletoe Financial Company (the construction lender), relating to the proposed Cedar Draw Hydroelectric Project (also known as the Little Mac Hydroelectric Project).

This letter confirms that this office has received the documentation needed to process the assignment of the above referenced permits from Thomas Leo McCauley and Rebecca McCauley to Bonneville Pacific Corporation. The material submitted satisfies the requirements of Sections 42-206 and 42-207, Idaho Code for the Assignment to Bonneville Pacific Corporation, and said Assignment is effective as of the date of this letter.

Sincerely,

NORMAN C. YOUNG  
Administrator, Resources Admin. Division

NCY:sc

cc: Fred Decker

**MICROFILMED**

LAW OFFICES OF  
**PARSONS, BEHLE & LATIMER**

A PROFESSIONAL CORPORATION

185 SOUTH STATE STREET, SUITE 700  
POST OFFICE BOX 11898  
SALT LAKE CITY, UTAH 84147  
TELEPHONE (801) 532-1234  
TELECOPIER (801) 521-9868

1101 SIXTEENTH STREET, N.W.  
WASHINGTON, D.C. 20036  
TELEPHONE (202) 659-0862

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DICKSON, ELLIS, PARSONS & MCCREA  
1982-1959

OF COUNSEL  
GEORGE W. LATIMER  
CONSTANCE K. LUNDBERG

KEITH E. TAYLOR  
JAMES B. LEE  
JOHN A. DAHLSTROM  
GORDON L. ROBERTS  
F. ROBERT REEDER  
WILLIAM L. CRAWFORD  
LAWRENCE E. STEVENS  
DANIEL M. ALLRED  
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YAN M. ROSS  
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DAVID S. DOLOWITZ  
KENT W. WINTERHOLLER  
KATHLENE W. LOWE  
BARBARA K. POLICH  
RANDY L. DRYER  
CHARLES H. THRONSON  
DAVID R. BIRD  
RAYMOND J. ETCHEVERRY  
FRANCIS M. WIKSTROM  
DAVID W. TUNDERMANN  
KREGE B. CHRISTENSEN  
JAMES M. ELEGANTE  
DAVID P. HIRSCHI

C.C. PARSONS  
1907-1968  
CALVIN A. BEHLE  
1947

VAL R. ANTCHAK  
PATRICK J. GARVER  
SPENCER E. AUSTIN  
JOHN B. WILSON  
ROBERT C. HYDE  
CRAIG B. TERRY  
DAVID A. ANDERSON  
KENT O. ROCHE  
PATRICIA J. WINMILL  
JAN P. BENSON  
RANDY M. GRIMSHAW  
J. STEPHEN RUSSELL  
T. PATRICK CASEY  
ALICE L. HEARST  
HENRY D. MARSH  
D. R. CHAMBERS  
BYRON W. MILSTEAD  
LOIS A. BAAR  
JAMES E. MORTON  
MICHAEL L. LARSEN  
JONATHAN K. BUTLER  
SUSAN R. FOULTER

March 13, 1984

Mr. Loren O. Holmes  
Southern Region Supervisor  
Department of Water Resources  
1041 Blue Lakes Boulevard North  
Twin Falls, Idaho 83301

Re: Application for Permit No. 47-7830

Dear Loren:

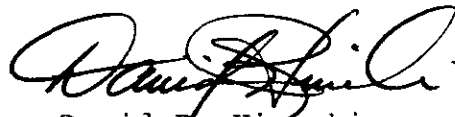
This firm represents Bonneville Pacific Corporation, a Utah corporation qualified to business in Idaho, the assignee of Application for Permit No. 47-7830.

This letter will give formal notice to the Idaho Department of Water Resources that construction of works has commenced on Cedar Draw as contemplated by and referred to in said Application for Permit.

Should you require additional proof of commencement of construction, please contact me or Robert L. Wood at Bonneville Pacific Corporation, telephone (801) 363-1900.

Very truly yours,

PARSONS, BEHLE & LATIMER

  
David F. Hirschi

DPH/co  
Enclosure  
cc: Robert L. Wood

**RECEIVED**  
MAR 14 1984  
Department of Water Resources  
Southern Region Office  
**MICROFILMED**

January 6, 1984

RE: Permit No. 47-7830

Thomas Leo McCauley  
Rt. 4, Box 139  
Buhl, ID 83316

Dear Mr. McCauley:

Enclosed is a copy of the approved Application for Amendment submitted in connection with the above referenced permit.

If you have any questions concerning this matter, please contact us.

Sincerely,

JIM JOHNSON  
Water Distribution Supervisor

JJ:sc

Enclosure

MICROFILMED

Overlap Review  
for amendment of 47-7830.

new p/d: SESE, Sec. 23, Twp. 9S, Rge. 15E

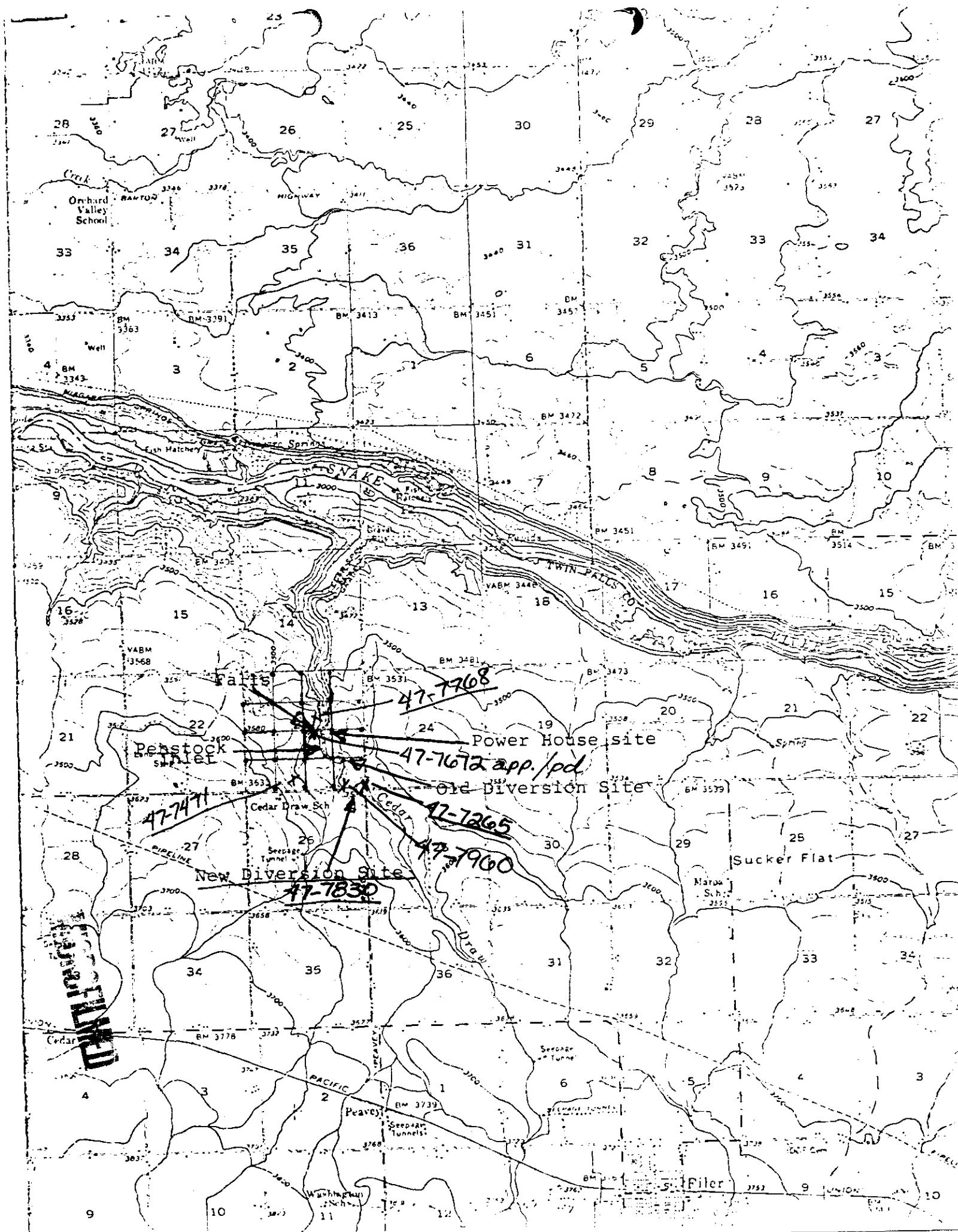
- ✓(1.) 47-7672 for power from Cedar Draw & LF Lateral of Twin Falls Canal Co for 110 cfs is a protested application. p/d is within the NWSE, S. 23, T. 9S, R. 15E p/u is within the SWNE, Sec. 23.  
in name of Herby Bylund

not  
same source

- pd/sec(2.) 47-2360 license for irrigation  
source: Desert Cr. p/d NESE, Sec. 23
- ✓(3.) 47-7265 license for irrigation  
no source on computer  
p/d SESE, Sec. 23 source: Cedar Draw
- (4.) 47-7471 permit for fish prop. name  
of Sligar source: LF Coulee p/d SESW  
Sec. 23
- ✓(5.) 47-7768 app. for power name of  
Cedar Draw Falls Generating Co.  
source: Cedar Draw p/d SWNE, Sec. 23
- ✓(6.) 47-7960 app for power for McCauley  
source: Cedar Draw, p/d SESE, Sec.  
23

key 1/4/1984  
see attached map of  
platted rights.

MICROFILMED





**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
SOUTHERN DISTRICT

1041 Blue Lakes Blvd. North  
Twin Falls, Idaho 83301  
(208) 734-3578

September 23, 1983

Times News  
P.O. Box 548  
Twin Falls, Idaho 83301

Re: Notice of Amendment to a Water Permit No. 47-7830

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

In order to receive payment, an affidavit of publication must be submitted to the Department, along with the publication bill.

Sincerely,

Mary A. Newby  
Sec/Office Coord.

Encl:

MICROFILMED

NOTICE OF AMENDMENT TO A WATER PERMIT

NO. 47-7830

Notice is hereby given that Thomas Leo McCauley of / Buhl, Idaho is the holder of approved permit No. 47-7830 authorizing the diversion of 70 cubic feet per second of water from Cedar Draw tributary / in the NW 1/4 SE 1/4, Sec. 23 S, R9S, R15E, B.M.

County of Twin Falls, to be used for Hydro Electric Generation  
~~(XXXXXXXXXXXXXXXXXXXXXXX)~~ within NW 1/4 SE 1/4, Sec. 23, T9S, R15E

The permit holder has applied to the Department of Water Resources for an Amendment to the permit, to change the point of diversion ~~(XXXXXXXXXXXXXX)~~ as follows:  
Point of Diversion: SE 1/4 SE 1/4, Sec. 23, T9S, R15E, B.M., County of Twin Falls

Place of Use: No change

Any protest against approval of the amending of Permit No. 47-7830 as set forth above must be filed with the Idaho Department of Water Resources 1041 Blue Lakes Blvd. North, Twin Falls, Idaho, 83301, on or before October 31, 1983.

A. KENNETH DUNN  
Director

Published in the Times News on October 13 and October 20, 1983  
on \_\_\_\_\_ AND \_\_\_\_\_

MICROFILMED

MICROFILMED

ok  
m. c. g.  
10/7/83

**NOTICE OF  
AMENDMENT TO A  
WATER PERMIT**

**NO. 47-7830**

Notice is hereby given that THOMAS LEO McCauley of Buhl, Idaho, is the holder of approved permit No. 47-7830 authorizing the diversion of 70 cubic feet per second of water from Cedar Draw tributary of Snake River in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 23 S, R9S, R15E, B.M. County of Twin Falls, to be used for Hydro Electric Generation within NW $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 23, T9S, R15E.

The permit holder has applied to the Department of Water Resources for an Amendment to the permit, to change the point of diversion as follows:

Point of Diversion:  
SE $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 23, T9S, R15E, B.M., County of Twin Falls

Place of Use: No Change

Any protest against approval of the amending of Permit No. 47-7830 as set forth above must be filed with the Idaho Department of Water Resources 1041 Blue Lakes Blvd. North, Twin Falls, Idaho, 83301, on or before October 31, 1983.

A. Kenneth Dunn  
Director

**PUBLISH: Thursday,  
October 13, and 20, 1983.**

AFFIDAVIT OF ROBERT L. WOOD

RECEIVED

SEP 21 1983

STATE OF IDAHO )  
 ) ss.  
County of Twin Falls )

Department of Water Resources  
Southern District Office

I, ROBERT L. WOOD, being duly sworn and deposed hereby  
certify that:

1. I am an officer in Bonneville Pacific Corporation  
("Bonneville"), a Utah corporation duly authorized to do business  
in Idaho.

2. Bonneville entered into a Lease Agreement on May  
18, 1983, with Thomas and Rebecca McCauley whereunder Bonneville  
covenants to develop and provide financing for the development of  
a hydro electric project ("the project") located on the McCauley  
property in Twin Falls County, Idaho.

3. The projected costs of the project are as follows:

|                           |                    |
|---------------------------|--------------------|
| Diversion Dam             | \$ 28,000          |
| Canal Structures          | 144,500            |
| Headworks                 | 86,000             |
| Penstock                  | 112,000            |
| Power house and turbines  | 566,000            |
| Access                    | 357,000            |
| Electric and intertie     | 366,000            |
| Engineering               | 161,000            |
| Legal                     | 40,000             |
| Contingency               | 139,500            |
| Development and financing | <u>300,000</u>     |
| TOTAL                     | <u>\$2,300,000</u> |

4. Bonneville has expended several hundred thousand  
dollars to date in development of the project and has the financial  
capability to complete the project.

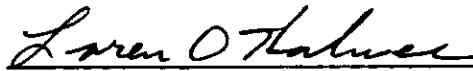
5. This project contemplates the appropriation and use of the waters described in Application for Permit No. 47-7830 (for which an Application for Amendment is pending) and two Pending Applications for Permit, the first describing an additional appropriation of 50 cfs of water from Cedar Draw and the second describing an appropriation of 25 cfs of water from F Lateral. All waters appropriated will be used in connection with the project.

DATED This 21<sup>st</sup> day of September, 1983.

  
ROBERT L. WOOD

STATE OF IDAHO                    )  
                                          ) ss.  
County of Twin Falls            )

On this 21 day of September, 1983, personally appeared before me, a notary public in and for said State and County, ROBERT L. WOOD, who being duly sworn did state that he executed the foregoing Affidavit and that the statements made therein are true.

  
NOTARY PUBLIC FOR IDAHO  
Residing at Twin Falls

My Commission Expires:

Life

RECORDED  
INDEXED  
27-1-83

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

---

STATEHOUSE  
BOISE, IDAHO 83720  
(208) 334-4440

MC CAULEY, THOMAS LEO  
RT. 4 BOX 139  
BUHL, ID 83316

MAY 25, 1983

RE: PERMIT NO. 47-7830

DEAR PERMIT HOLDER:

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

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

PLEASE BE ADVISED THAT PRIOR APPLICATIONS FOR PERMIT HAVE BEEN FILED TO APPROPRIATE WATER FROM YOUR SOURCE WHICH MAY IMPACT THE AVAILABILITY OF WATER TO BE USED UNDER THIS PERMIT. THEREFORE, YOU SHOULD BE SURE TO ANALYZE THE IMPACT OF THESE RIGHTS BEFORE MAKING A MAJOR INVESTMENT FOR YOUR WATER USE PROJECT.

SINCERELY,

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

ENCLOSURE

MICROFILMED

MEMORANDUM

May 9, 1983

TO: File 47-7830

FROM: L. Glen Saxton 

Application 47-7672 filed prior in time to 47-7830 proposes power generation at the same site as 47-7830. Application 47-7672 has been protested but not resolved since the Southern Regional Office of the Department has been unsuccessful in attempting to schedule a hearing time acceptable to the parties.

The rate of flow at the proposed point of diversion in Cedar Draw varies from 6 cfs to 250 cfs. Due to the flows available, there is water available for the approval of both applications 47-7672 and 47-7830.

The applicant for 47-7830 has been advised of prior application 47-7672 and that use of water under 47-7830 would be later in priority than 47-7672 if 47-7672 is approved by the Department.

RECEIVED  
MAY 11 1983  
FBI - MEMPHIS

## CONVERSATION MEMORANDUM

DATE 5/6/83FILE 47-7830NAME OF PARTY Jerry Leach, FERC in San FranciscoEMPLOYEE Dave TutthillRE: FERC Approvals

I called Mr. Leach to see if it is conceivable that a preliminary permit might be approved for a project that would interfere with a project where an exemption from licensing had been approved. He responded that FERC will not issue approvals of two mutually exclusive projects, so the fact that the exemption has been issued precludes the approval of a preliminary permit on a mutually exclusive site.

DRT 5/6/83

RECEIVED  
MAY 11 1983  
FBI - SAN FRANCISCO

POWER CALCULATIONS FOR APPLICATION NO. 47-7830

P = Kilowatts .74 X hp (320)

Q = cfs

H = feet

e = efficiency

proposed

236.8 kw

70.0 cfs

100 ft

?

$$e = \frac{P(11.8)}{QH} = \frac{236.8(11.8)}{70 \times 100} = \frac{2794.24}{7000} = .40$$

Based on the above calculations the proposed project must have an 40 % efficiency.

Overlap Review

P/D NWSE Sec 23 T9S R15E

47-7672 Power Application  
"Bylund" 7-30-1980 priority

P/U NWSE Sec 23 T9S R15E

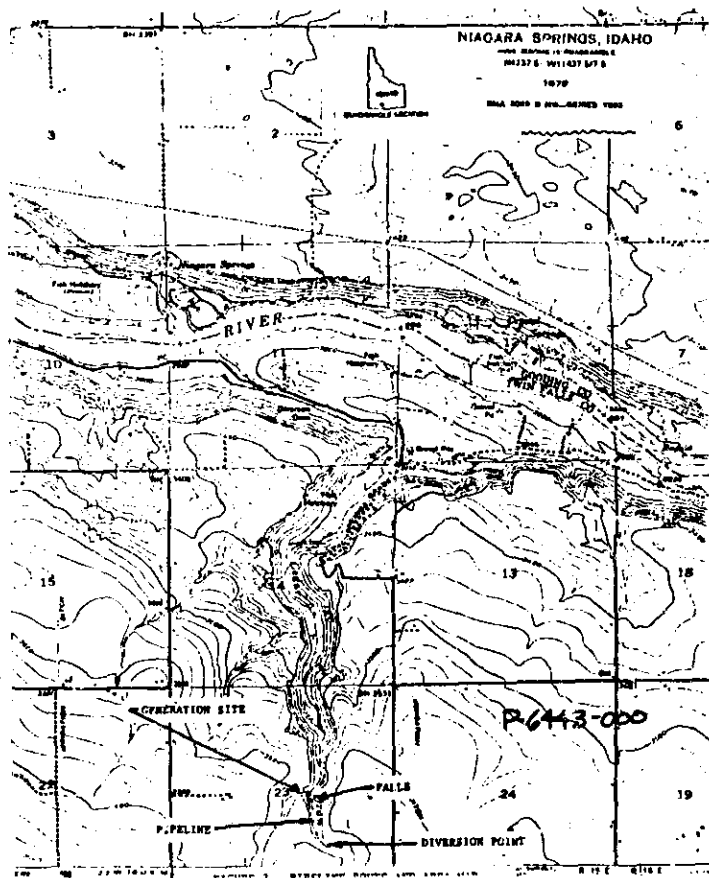
47-7672 Power same as above  
47-2111 Im

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Recommend # L14

RC 5/2/83

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-1-

Attachment  
E-2 Form

§ 4.106 Standard terms and conditions of exemption from licensing.

Any exemption from licensing granted under this subpart for a small hydroelectric power project is subject to the following standard terms and conditions:

(a) Article 1. The Commission reserves the right to conduct investigations under sections 4(g), 306, 307, and 311 of the Federal Power Act with respect to any acts, complaints, facts, conditions, practices, or other matters related to the construction, operation, or maintenance of the exempt project. If any term or condition of the exemption is violated, the Commission may revoke the exemption, issue a suitable order under section 4(g) of the Federal Power Act, or take appropriate action for enforcement, forfeiture, or penalties under Part III of the Federal Power Act.

(b) Article 2. The construction, operation, and maintenance of the exempt project must comply with any terms and conditions that any Federal or state fish and wildlife agencies have determined are appropriate to prevent loss of, or damage to, fish or wildlife resources or otherwise to carry out the purposes of the Fish and Wildlife Coordination Act, as specified in Exhibit E of the application for exemption from licensing or in the comments submitted in response to the notice of the exemption application.

(c) Article 3. The Commission may accept a license application by any qualified license applicant and revoke this exemption if actual construction or development of any proposed generating facilities has not begun within 18 months, or been completed within four years, from the date on which this exemption was granted. If an exemption is revoked, the Commission will not accept a subsequent application for exemption within two years of the revocation.

RECEIVED

UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

-2-

Thomas Leo and Rebecca Rose McCauley ) Project No. 6443-000  
Cedar Draw Falls Generating Company ) Project No. 6371-000

ORDER GRANTING EXEMPTION FROM LICENSING OF A  
SMALL HYDROELECTRIC PROJECT OF 5 MW OR LESS  
AND DENYING PRELIMINARY PERMIT APPLICATION

( Issued November 30, 1982 )

The Applicant 1/ filed an application for exemption from all or part of Part I of the Federal Power Act pursuant to 18 C.F.R. Part 4 Subpart K (1980) implementing in part Section 408 of the Energy Security Act (Act) of 1980 for a project as described in the attached public notice. 2/ 3/

Notice of the application was published in accordance with Section 408 of the Act and the Commission's regulations and comments were requested from interested Federal and State agencies including the U.S. Fish and Wildlife Service and the State Fish and Wildlife Agency. All comments, protests and petitions to intervene that were filed have been considered. No agency has any objection relevant to issuance of this exemption.

- 1/ Thomas Leo and Rebecca Rose McCauley, Project No. 6443, filed on June 17, 1982.
- 2/ Pub. Law 96-294, 94 Stat. 611. Section 408 of the ESA amends *inter alia*, Sections 405 and 408 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. §§2705 and 2708).
- 3/ Authority to act on this matter is delegated to the Deputy Director, Office of Electric Power Regulation, under §375.308 of the Commission's regulations, 18 C.F.R. §375.308 (1981) FERC Statutes and Regulations ¶30,238. This order may be appealed to the Commission by any party within 30 days of its issuance pursuant to Rule 1902, 18 C.F.R. §385.1902, FERC Statutes and Regulations ¶29,052 47 Fed. Reg. 19014 (1982). Filing an appeal and final Commission action on that appeal are prerequisites for filing an application for rehearing as provided in Section 313(a) of the Act. Filing an appeal does not operate as a stay of the effective date of this order or of any other date specified in this order, except as specifically directed by the Commission.

Standard Article 2, included in this exemption, requires compliance with any terms and conditions that Federal or State fish and wildlife agencies have determined appropriate to prevent loss of, or damage to, fish and wildlife resources. The terms and conditions referred to in Article 2 are contained in my letters of comment by these agencies which have been forwarded to the Applicant in conjunction with this exemption.

Should the Applicant contest any terms or conditions that were proposed by Federal or State agencies in their letters of comment as being outside the scope of Article 2, the Commission shall determine whether the disputed terms or conditions are outside the scope of Article 2.

Based on the terms and conditions required by Federal and state fish and wildlife agencies, the environmental information in the application for exemption, other public comments, and staff's independent analysis, issuance of this order is not a major Federal action affecting the quality of the human environment.

Cedar Draw Falls Generating Company filed a preliminary permit application (FERC No. 6371) on May 26, 1982, for a project that would utilize the same water resources that would be developed by the Little Mac Project (FERC No. 6443). Pursuant to Section 4.104(e)(1) of the Commission's regulations, the Commission will favor an application for exemption over an application for preliminary permit for mutually exclusive projects. Therefore, the application for the preliminary permit is hereby denied.

It is ordered that:

(A) Little Mac Project No. 6443 as described and designated in Thomas Leo and Rebecca Rose McCauley's application filed on June 17, 1982, is exempted from all of the requirements of Part I of the Federal Power Act, including licensing, subject to the standard articles in §4.106 of the Commission's regulations attached hereto as Form E-2, 18 C.F.R. §4.106, 45 Fed. Reg. 76115 (November 18, 1980), and the following Special Article:

Article 6. The construction, operation, and maintenance of the exempt project may be reviewed by the Commission and subjected to further requirements for consistency with the terms and conditions of the regional fish and wildlife program developed pursuant to the Pacific Northwest Electric Power Planning and Conservation Act. Inconsistencies between the regional program and the mandatory conditions under Article 2 will be resolved by the Commission.

UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

Thomas Leo and Rebecca Rose McCauley ) Project No. 6443-000

NOTICE OF APPLICATION FOR EXEMPTION FOR SMALL  
HYDROELECTRIC POWER PROJECT UNDER 5 MW CAPACITY  
(August 20, 1982)

Take notice that on June 17, 1982, Thomas Leo and Rebecca Rose McCauley, (Applicant) filed an application, under Section 408 of the Energy Security Act of 1980 (Act) (16 U.S.C. §§2705, and 2708 as amended), for exemption of a proposed hydroelectric project from licensing under Part 1 of the Federal Power Act. The proposed small hydroelectric Project No. 6443 would be located on Cedar Draw Creek, in Twin Falls County, Idaho. Correspondence with the Applicant should be directed to: Thomas Leo and Rebecca Rose McCauley, Rt. 4, Box 139, Buhl, Idaho 83316.

**Project Description** - The proposed project would consist of: (1) a 1-foot-high diversion structure; (2) a 44-inch-diameter, 1400-foot-long penstock; (3) a powerhouse containing five generating units with a combined rated capacity of 253 kW; and (4) appurtenant facilities. The Applicant estimates a 2,000,000 kWh average annual energy production.

**Purpose of Exemption** - An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project. Power would be sold to Idaho Power Company.

**Agency Comments** - The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the Idaho Department of Fish & Game are requested, for the purposes set forth in Section 408 of the Act, to submit within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other Federal agencies for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. The project or an agency's comments must also be sent to the Applicant's representatives.

Project No. 6443-000

- 2 -

**Competing Applications** - Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before October 1, 1982, either the competing license application that proposes to develop at least 7.5 megawatts in that project, or a notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than 120 days from the date that comments, protests, etc. are due. Applications for preliminary permit will not be accepted.

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

**Comments, Protests, or Petitions to Intervene** - Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 C.F.R. §§3.18 or §3.19 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before October 1, 1982.

**Filing and Service of Responsive Documents** - Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and three copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb  
Secretary

DE-A-40

-3-

(B) Cedar Draw Falls Generating Company's preliminary permit application (FERC Project No. 6371) filed on May 26, 1982, is hereby denied.

*Robert E. Cackowski*  
Robert E. Cackowski  
Deputy Director, Office of  
Electric Power Regulation

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-2-

Attachment  
E-2 Form

(d) Article 4. This exemption is subject to the navigation servitude of the United States if the project is located on navigable waters of the United States.

(e) Article 5. This exemption does not confer any right to use or occupy any Federal lands that may be necessary for the development or operation of the project. Any right to use or occupy any Federal lands for those purposes must be obtained from the administering Federal land agencies. The Commission may accept a license application by any qualified license applicant and revoke this exemption, if any necessary right to use or occupy Federal lands for those purposes has not been obtained within one year from the date on which this exemption was granted.

State of Idaho  
Department of Water Resources  
State House  
Boise, Idaho 83720  
P-6443



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FEDERAL ENERGY REGULATORY COMMISSION  
FERC-361  
FIRST CLASS MAIL

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

**RECEIVED**

UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

Thomas Leo and Rebecca Rose McCauley ) Project No. 6443-000

NOTICE OF APPLICATION FOR EXEMPTION FOR SMALL  
HYDROELECTRIC POWER PROJECT UNDER 5 MW CAPACITY

(August 20, 1982)

Take notice that on June 17, 1982, Thomas Leo and Rebecca Rose McCauley, (Applicant) filed an application, under Section 408 of the Energy Security Act of 1980 (Act), 16 U.S.C. §§2705, and 2708 as amended, for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed small hydroelectric Project No. 6443 would be located on Cedar Draw Creek, in Twin Falls County, Idaho. Correspondence with the Applicant should be directed to: Thomas Leo and Rebecca Rose McCauley, Rt. 4, Box 139, Buhl, Idaho 83316.

Project Description - The proposed project would consist of: (1) a 3-foot-high diversion structure; (2) a 44-inch-diameter, 1400-foot-long penstock; (3) a powerhouse containing five generating units with a combined rated capacity of 253 kW; and (4) appurtenant facilities. The Applicant estimates a 2,000,000 kWh average annual energy production.

Purpose of Exemption - An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project. Power would be sold to Idaho Power Company.

Agency Comments - The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the Idaho Department of Fish & Game are requested, for the purposes set forth in Section 408 of the Act, to submit within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Project No. 6443-000

- 2 -

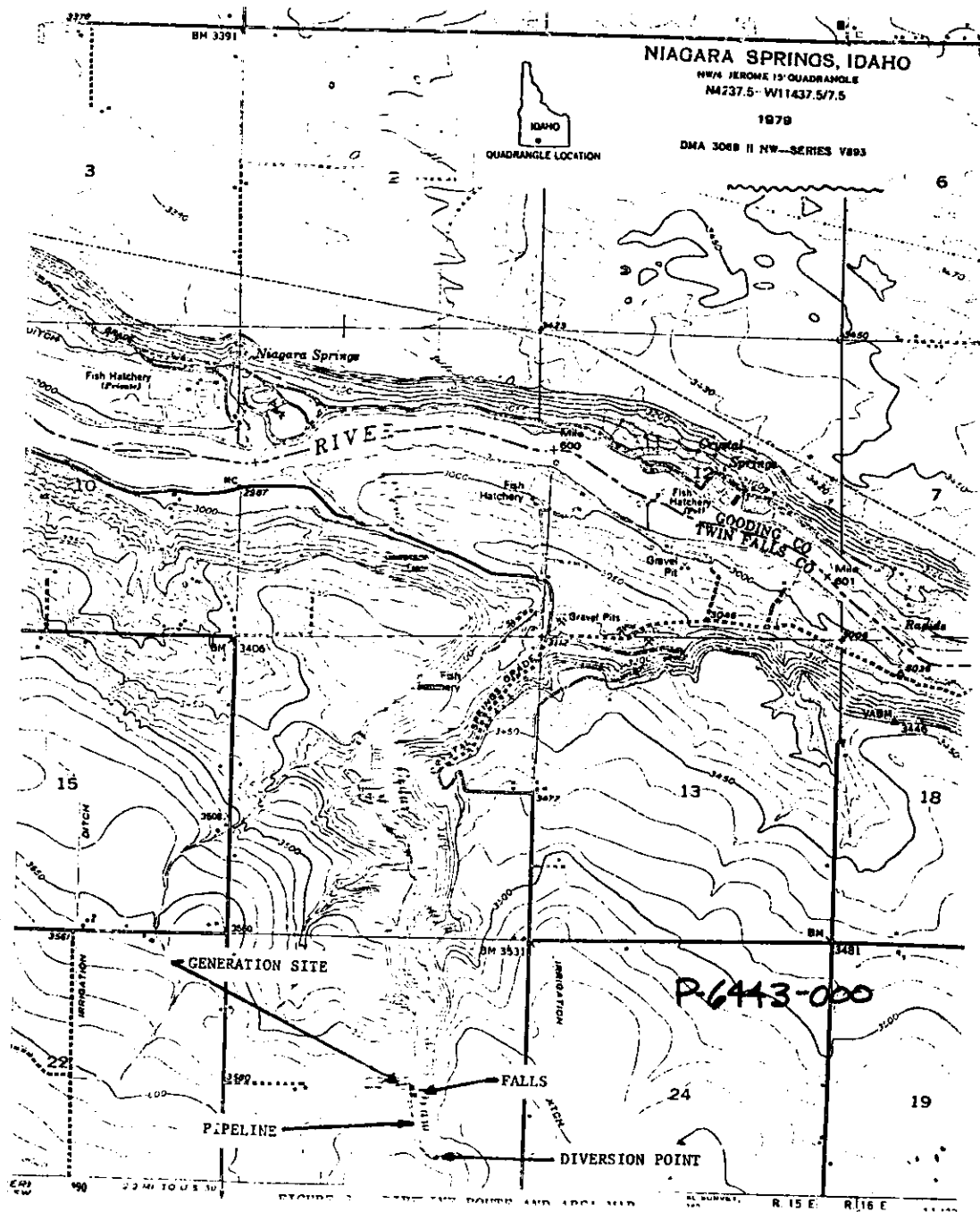
Competing Applications - Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before OCT 12 1982 either the competing license application that proposes to develop at least 7.5 megawatts in that project, or a notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than 120 days from the date that comments, protests, etc. are due. Applications for preliminary permit will not be accepted.

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

Comments, Protests, or Petitions to Intervene - Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 C.F.R. §1.8 or §1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before OCT 12 1982.

Filing and Service of Responsive Documents - Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb  
Secretary



FEDERAL ENERGY REGULATORY COMMISSION  
WASHINGTON, D. C. 20418  
SMALL EMPLOYMENT EMPLOYER

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FEC-381  
FIRST CLASS MAIL



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P-6443

State of Idaho  
Department of Water Resources  
State House  
Boise, Idaho 83720

AUG 26 1982

Department of Water Resources

FEDERAL ENERGY REGULATORY COMMISSION  
WASHINGTON, D.C. 20426

IN REPLY REFER TO:

RECEIVED

APR 25 1983

Department of Water Resources  
Southern District Office

AUG 13 1982

OEPR-HL  
Project No. 6443-000 - Idaho  
Thomas Leo and Rebecca Rose McCauley

Thomas Leo and  
Rebecca Rose McCauley  
Route 4, Box 139  
Buhl, Idaho 83316

Subject: Thomas Leo and Rebecca Rose McCauley's application  
submitted on June 17, 1982, for exemption from  
licensing for the Little Mac Project No. 6443.

Dear Mr. and Ms. McCauley:

This letter is to notify you that your exemption application is accepted as of the submittal date. Your application will be automatically granted within 120 days from the date of this letter unless the Commission, or its delegate: (1) affirmatively grants, grants with modification, or denies the exemption; or (2) suspends the 120-day period for action, if necessary for gathering additional information, conducting additional proceedings, or deliberating the issues raised in the application.

Please file an original of each exhibit drawing included as part of the subject application reproduced on silver or gelatin 35 mm microfilm mounted on Type D (3 1/4" x 7 3/8") aperture cards. In addition, file two Diazo-type duplicate aperture cards. Enclosed are the FERC drawing numbers which should be shown in the margin below the title block of microfilmed drawings, and also in the upper right corner of each appropriate aperture card. Please put both the exhibit number and drawing number on each aperture card.

Federal, State, and local agencies will be informed in the public notice to be issued by the Commission that a copy of the complete application may be obtained from the Applicant.

- 2 -

Applicant should have copies of the application available within 30 days of the date of this letter.

The microfilmed exhibit drawings should be filed within 30 days.

Sincerely,

*Ronald A. Corso*

Ronald A. Corso  
Director, Division of  
Hydropower Licensing

Enclosures 

FERC Drawing Numbers

*[Handwritten squiggly line]*

*[Handwritten mark]*



CERTIFICATE OF CORPORATE STATUS  
OF

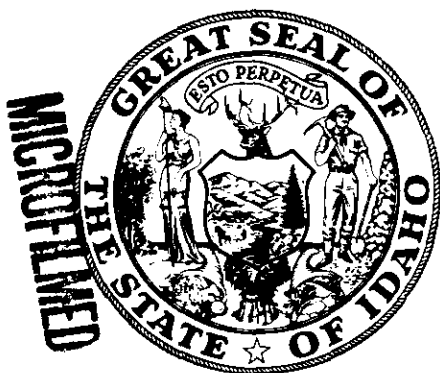
BONNEVILLE PACIFIC CORPORATION

I, PETE T. CENARRUSA, Secretary of State of the State of Idaho, hereby certify  
that I am the custodian of the corporation records of this State.

I FURTHER CERTIFY That the records of this office show that the above-named  
corporation was incorporated under the laws of UTAH and was issued a  
certificate of QUALIFICATION in Idaho on Novmeber 30, 1982

I FURTHER CERTIFY That the corporation's authority to do business has not been  
forfeited.

Dated May 6, 1983



*Pete T. Cenarrusa*

SECRETARY OF STATE

by *Marie Lasabe*

## LITTLE MAC PROJECT AGREEMENT

This agreement, entered into between Thomas and Rebecca McCauley, husband and wife, herein after called seller, and A. Leon Blaser, for Bonneville Pacific Corporation, a Utah Corporation registered in Idaho, herein after called buyer.

This agreement contemplates the formation of a joint venture for the development of a small scale hydro electric project, the Little Mac Project, located on the McCauley Farm in Twin Falls County, Idaho, with seller holding ninety nine percent (99%) of the assets of said joint venture.

### I.

Seller agrees to provide a lease for the period of construction of said project and the additional period of twenty five (25) years after completion of construction, of such land, owned by the McCauley's, as may be required for the plant, diversion, penstocks, and related uses necessary for the project. Seller further agrees to provide such easements as may be necessary for said project for construction and maintenance access and power egress. Seller further agrees to use their best efforts to help procure such water rights, licenses, and exemptions as may be necessary to the proposed joint venture.

### II.

Buyer agrees to pay seller twenty five thousand dollars (\$25,000.00) payable upon verification by buyer of the existence of valid FERC exemption, rights to non-consumptive use of projected water flows for electrical generation, and engineering feasibility for the represented installed capacity, and access for canal construction. Such verification shall be completed and payment received within twenty (20) days of the date of this agreement.

### III.

Buyer further agrees to pay seller twenty five thousand dollars (\$25,000.00) payable at start on construction on said project, but no later than September 1, 1983.

### IV.

Buyer further agrees to pay seller fifty thousand dollars (\$50,000.00) payable upon completion of construction of said project.

### V.

Term of said joint venture shall be twenty five (25) years from the date of first power production, after which time all equipment, improvements, leaseholds, and water rights revert at no cost to the sellers.

VI.

All federal tax benefits shall inure to the benefit of buyer or its assigns.

VII.

All Idaho State tax benefits, credits and deductions shall inure to the benefits of the seller or its assigns.

VIII.

Seller shall receive twelve and one half percent (12 1/2%) of gross revenues from operation during first ten (10) years of said project, and twenty five percent (25%) of such gross revenues for the remaining fifteen (15) years of the project. Such payments will be paid quarterly in arrears.

IX.

The laws of the State of Idaho shall govern all questions as to the construction and validity of the agreement.

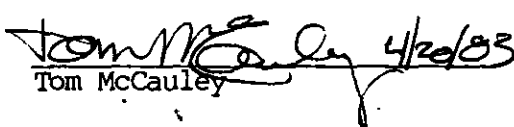
X.

Time is of the essence in the performance of this agreement.

XI.

Each party, jointly and separately, agree to use their best efforts to effectuate the provisions of this agreement and further to negotiate such further agreements as may be necessary, specifically including, but not limited to, the joint venture agreement.

Agreed and executed this 20th day of April, 1983.

  
Tom McCauley

  
A. Leon Blaser  
for Bonneville Pacific Corporation

  
Rebecca McCauley

Bonneville Pacific Corporation

**RECEIVED**

APR 25 1983

McCauley - 47-7830  
Bylund - 47-7672, 7768

NELSON, ROSHOLT, ROBERTSON, TOLMAN & TUCKER  
Chartered

ATTORNEYS AT LAW

P.O. BOX 1906  
TWIN FALLS, IDAHO 83301  
TELEPHONE (208) 734-0700

THOMAS G. NELSON  
JOHN A. ROSHOLT  
J. EVAN ROBERTSON  
STEVEN K. TOLMAN  
JAMES C. TUCKER

SUN VALLEY-KETCHUM OFFICE  
P.O. BOX 2399  
SUN VALLEY, IDAHO 83353  
TELEPHONE (208) 726-4491

August 9, 1982

RECEIVED

AUG 12 1982

Department of Water Resources  
Southern District Office

Mr. Loren Holmes  
Department of Water Resources  
1041 Blue Lakes Blvd. No.  
Twin Falls, Idaho 83301

Dear Loren:

Mr. McCauley has approached the Twin Falls Canal Company Board of Directors seeking permission from them so as to pursue a power development in Cedar Draw.

The Canal Company has previously granted permissions to Mr. Bylund to proceed on three separate sites, and while they do not want to be involved in the interface between the overlapping filings of Bylund and McCauley, I submit this letter as evidence of Mr. McCauley's permission to proceed with his power development and this permission of TFCC may be deemed to satisfy the requirements of Idaho Code §42-205.

Any Water Permit your department issues should be conditioned so as to advise the applicant that Cedar Draw is essentially a spillway and wasteway of the Canal Company and nothing that McCauley does should interfere with deliveries below to Bylund who has irrigation water rights represented by stock in the Company. In addition, the applicants should be advised that the Canal Company is not a guarantor of water in Cedar Draw and in the event that all TFCC water is being consumed and none is being returned to Cedar Draw, the Canal Company will not seek to operate so as to guarantee flows in the Draw. The Canal Company has unlimited flood rights in Cedar Draw and any construction by McCauley should be with that in mind so as to provide adequate spillways for the bypass of large amounts of water that sometimes occur.

Please telephone me if you have any questions in regard to this letter.

Sincerely,

*John A. Rosholt*  
JOHN A. ROSHOLT

JAR:cw  
cc: Twin Falls Canal Co.  
Board of Directors

MICROFILMED

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
Southern Region

=====

JOHN V. EVANS  
Governor  
A. KENNETH DUNN  
Director

1041 Blue Lakes Blvd. N.  
Twin Falls, Idaho, 83301  
(208) 734-3578

July 9, 1982

Thomas McCauley  
Rt. 4, Box 139  
Buhl, Idaho  
83316

RE: Application for permit #47-7830

Dear Mr. McCauley:

This office is currently processing your Application for permit No. 47-7830 filed on June 21, 1982 for diversion from Cedar Draw.

Since the application seeks to establish a water right for power generating purposes, and it appears that a commercially marketable amount of power may be produced, the following information must be submitted for inclusion with your application in accordance with Section 42-202 of the IDAHO CODE:

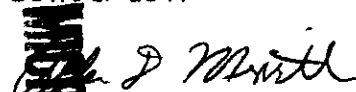
A statement of the financial resources of the applicant and the means by which funds are to be provided for construction of the project. This information will be reviewed in confidence and returned to you.

Since your application seeks to divert water which may be under the control of the Twin Falls Canal Company you must submit to the Department documents showing permission is granted by the canal company to utilize this water and which provides for coordination of the permitted use with the canal company.

Advertising and regional office review of your application should be completed by August 2, 1982. If the above requested information is received by that date, no additional delay in processing in this office will be incurred before we forward your application to the IDWR State Office for final review.

If you have questions regarding these requirements, please contact our office.

Sincerely,



Allen D. Merritt  
Senior Water Resource Analyst

cc: Twin Falls Canal Co.



**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
**SOUTHERN REGION**

John V. Evans  
Governor

C. Stephen Allred  
Director

1041 Blue Lakes Blvd. North  
Twin Falls, Idaho 83301  
(208) 734-3578

July 8, 1982

Mr. Bob Bell, Regional Fisheries Biologist  
Idaho Fish & Game Department  
Region #4  
P. O. Box 428  
Jerome, Idaho 83338

Re: Application for Permit No. 47-7830 - 36-8092 - 36-8093

Dear Mr. Bell:

Please find enclosed a copy of the above referenced application for permit for your information and files.

Sincerely,

Mary A. Hill  
Secretary

for

Loren O. Holmes  
Southern Region Supervisor

Encl:

**MICROFILMED**



**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
**SOUTHERN REGION**

John V. Evans  
Governor

C. Stephen Allred  
Director

1041 Blue Lakes Blvd. North  
Twin Falls, Idaho 83301  
(208) 734-3678

July 8, 1982

Mr. Alex Schaefer  
Department of Health & Welfare  
Division of Environment  
P. O. Box 1626  
Twin Falls, Idaho 83301

Re: Application for Permit No. 47-7830 - 37-8031

Dear Mr. Schaefer:

Please find enclosed a copy of the above referenced application for permit for your information and files.

Sincerely,

Mary A. Hill  
Secretary

for

Loren O. Holmes  
Southern Region Supervisor

Encl:

**MICROFILMED**

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:

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47-2830-

MC CAULEY, THOMAS LEO

RT, 4 BOX 139, BUHL, ID 83316

Source: CEDAR DRAW tributary to SNAKE RIVER

Date Filed: 06/21/1982

Amount: 70.00 CFS

Diversion Point: NWSE Sec 23 T 09S R 15E, TWIN FALLS Co.

Use: POWER (70.00 CFS) from 01/01 to 12/31

Place of Use: NWSE Sec 23 T 09S R 15E

Diversion Means: PIPE, PENSTOCK, GENERATORS

---

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, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301 and received on or before AUGUST 2, 1982.

A. KENNETH DUNN

Director

Published 7/15 & 7/21/82.

**MICROFILMED**

*old  
merge  
7/14/82*

47-7830  
MC CAULEY, THOMAS  
LEO  
RT. 4 BOX 138, BUHL, ID  
83318  
Source: CEDAR DRAW  
tributary to SNAKE  
RIVER  
Date Filed: 08/21/1982  
Amount: 70.00 CFS  
Diversion Point: NWSE  
Sec 23 T 09S R 15E, TWIN  
FALLS Co.  
Use: POWER (70.00 CFS)  
from 01/01 to 12/31  
Place of Use: NWSE Sec  
23 T 09S R 15E  
Diversion Means: PIPE,  
PENSTOCK, GENERA-  
TORS  
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, 1041  
Blue Lakes Blvd. North,  
Twin Falls, Idaho 83301  
and received on or  
before AUGUST 2, 1982.  
A. KENNETH DUNN  
Director  
PUBLISH: Thursday,  
July 15, and 22, 1982.

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
Southern Region

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1041 Blue Lakes Blvd N.  
Twin Falls, Idaho 83301  
(208) 734-3578

JULY 8, 1982

Times News  
P. O. Box 548  
Twin Falls, Idaho 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. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. If you cannot publish the notice on the proposed dates, please contact us immediately.

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

Please send the affidavit of publication and publication billing to this office before AUGUST 2, 1982.

Yours truly,

Mary A. Hill  
Secretary

Encl.