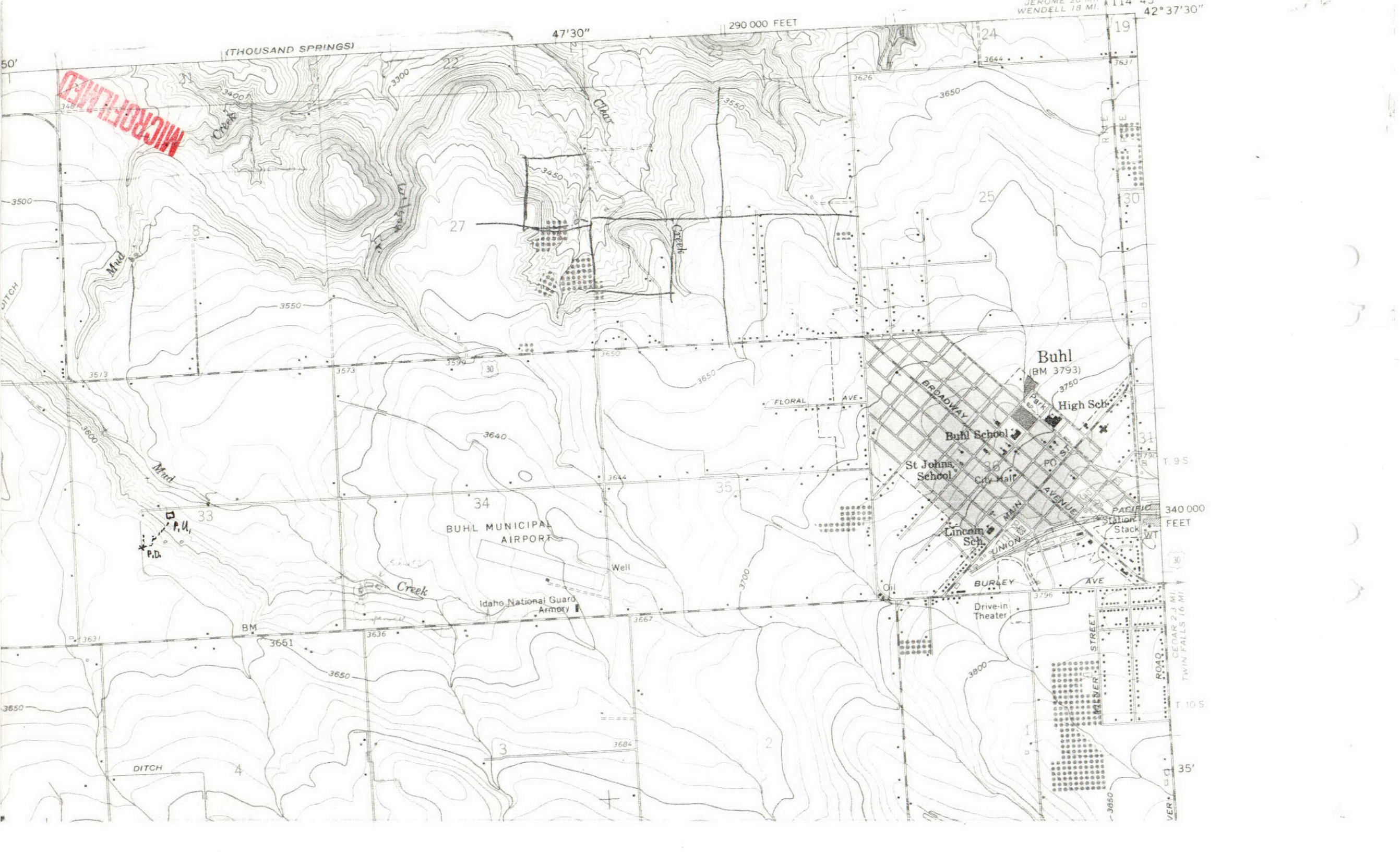




Affidavit of Publication

N^o 10130

STATE OF IDAHO,
COUNTY OF TWIN FALLS } ss.

I, Linda Capps McBuie 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 June 4, 19 81, and ending with the issue dated June 11, 19 81.

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 Linda Capps McBuie 11 day of June, 19 81.

Department of Water Resources
Southern District Office

Melba Roullett-Smith
Notary Public in and for the County of Twin Falls,
State of Idaho, residing at Twin Falls, Idaho

47-7739
FULTZ, WILLIAM &/or
CAROL
RT. 3, BUHL, ID 83316
Source: LATERAL #58
tributary to MUD CREEK
Date Filed: 05/15/1981
Amount: 2.00 CFS
Diversion Point: NESW
Sec 33 T 09S R 14E, TWIN
FALLS Co.
Use: POWER (2.00 CFS)
from 01/01 to 12/31
HEATING (2.00 CFS)
from 01/01 to 12/31
Place of Use: NESW Sec
33 09S R 14E
Diversion Means:
CHECK DAM, PIPELINE,
TURBINE GENERATOR
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 JUNE 22, 1981.
A. KENNETH DUNN
Director
PUBLISH: Thursday,
June 4, and 11, 1981.

RECEIVED

JUN 17 1981

MILWAUKEE

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

For Office Use Only

\$15 FEE Received

Date 2-25-87

Receipt # 41484

RECEIVED

FEB 23 1987

REQUEST FOR EXTENSION OF TIME

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

Department of Water Resources

William or Carol July of R45 Bx 5054 Buhl Id. 83316
(Name) (Address)

State of Idaho, deposes and says:

That he is the holder, or the duly authorized agent of the holder*, of Permit to Appropriate the Public Water of the

State of Idaho No. 47-7739

That under the terms and conditions of said permit, work thereunder was required to be completed on or before

Dec. 1, 1986.

That he has heretofore performed the following work described under said permit:

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

I've installed structures and pipelines. One turbine for a powersource to a heat pump. This is operating at present time and has been for 3 years. Costing \$ 4500.00

That he is unable to complete the remainder of the work within the required time for the following reasons, to-wit:

Unable to find a generator to meet Idaho Power requirement that is economical. Lack of data on water flow for past 30 yrs. I am now investigating a generator for own use.

Wherefore, he asks that the Department of Water Resources extend the time for the completion of obligations

under said permit to Dec. 1, 1988

(1 yr. minimum,
5 yrs. maximum)

(Signature)*

*IF OTHER THAN HOLDER, Power of Attorney must be attached

MICROFILMED

FEE: \$15.00

APR 14 1987

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

IT IS FURTHER ORDERED That the permit be REINSTATED and the priority advanced to August 7, 1981, pursuant to Sec. 42-218a, Idaho Code.

Signed this 20th day of March, 1987.

Z. Glen Saxton
Chief, Operations Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

To appropriate the public waters of the State of Idaho

1. Name of applicant William &/or Carol Fultz Phone 543-4854

Post office address Route #3, Buhl, ID 83316

2. Source of water supply Lateral #58 which is a tributary of Mud Creek

3. Location of point of diversion is NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 33 Township 9S

Range 14E B.M. Twin Falls County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 2.0 cfs for Power purposes from Jan 1 to Dec 31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 2.0 cfs for Heating 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)

5. Total quantity to be appropriated:

a. 2.00 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Check dam & pipeline to heat exchanger
& turbine generator

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

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

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

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

8. Description of proposed uses:

a. If water is not for irrigation:

(1) Give the place of use of water: NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 33 Township 9S

Range 14E B.M.

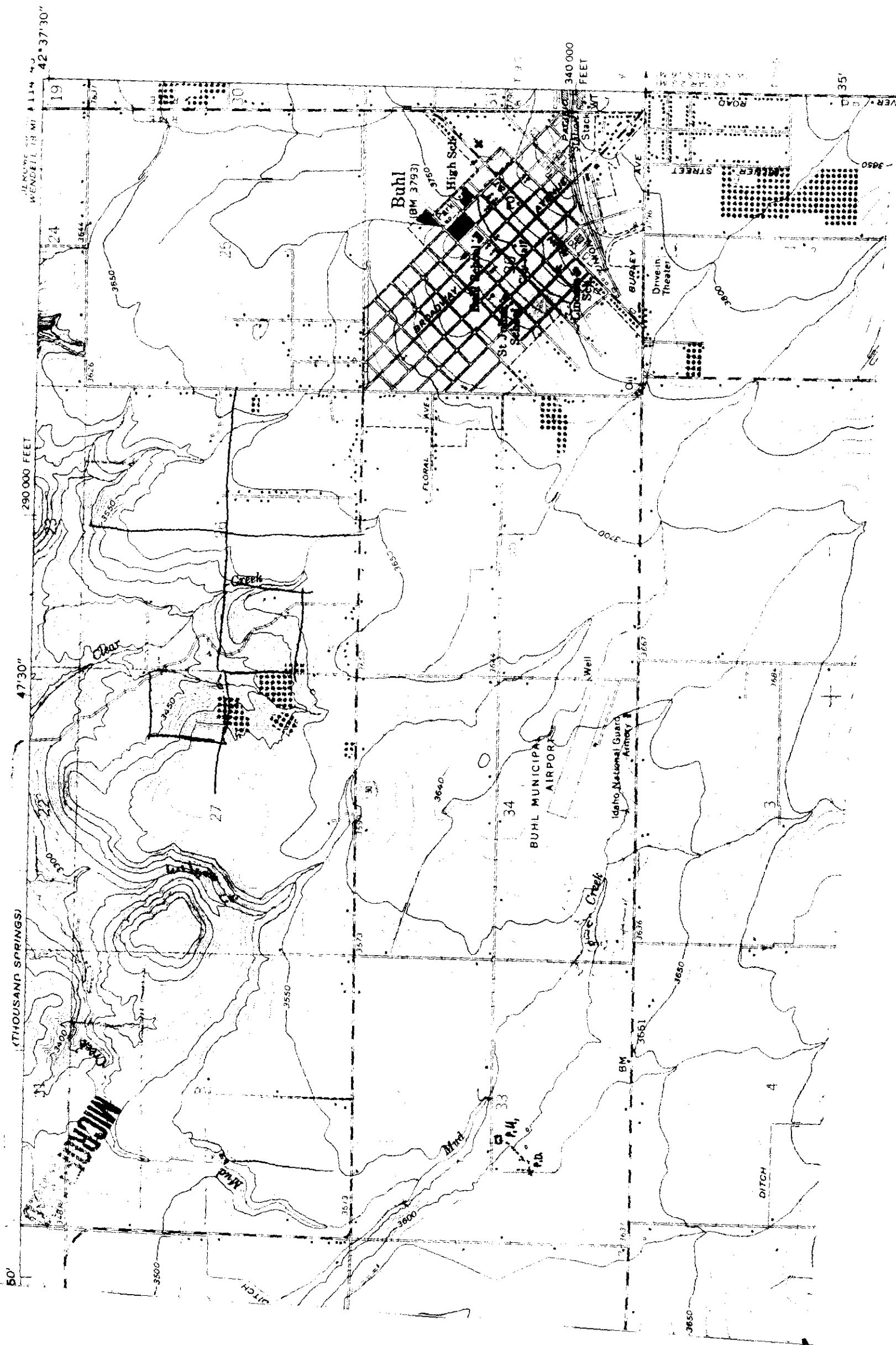
(2) Amount of power to be generated: 3 horsepower under 60 feet of head.

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

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

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

power for private use; home heating with a heat pump.



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

A full-page sheet of white graph paper featuring a uniform grid of thin black lines. The grid consists of small squares covering the entire area, with no margins or additional markings.

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.

Wm F. Smith
(Applicant)

THE

Proposed Priority 5/15/81

Received by JP Date 5-15-81 Time 11:10 am

Preliminary check by T.G.B. Fee \$ 65.00

Receipted by marva Date 5/15/81 # 18610

Publication prepared by marva Date 5/26/81

Published in Times news

Publication dates 6/4 + 6/11/81

Publication approved marva Date 6/4/81

Protests filed by: None

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by ADM [Signature]

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. 47-7739, 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 December 1, 19 86.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. Other:

Measuring devices of a type approved by the Department shall be permanently installed and maintained at the point of diversion and the point of effluent discharge.

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

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

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

Witness my hand this 10th day of December, 1981.

[Signature]
Chief, Operations Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
AFFIDAVIT OF RESIDENCY OR QUALIFICATION TO DO BUSINESS
IN AND UNDER THE LAWS OF IDAHO

A. Individual Applicant or Individual Members of a Partnership:

I William Fultz of Buhl, County of _____
(name) (city)
Twin Falls, State of Idaho, being duly sworn, do hereby certify that I am a bona fide resident
of the State of Idaho.

/s/ W. Fultz

Subscribed and sworn to before me this 15th day of May, 19 81

/s/ Mary A. Hill

Notary Public

Residence Twin Falls, ID

My Commission expires Life

B. Corporation:

I _____ of _____, County of _____
(name) (city)
_____, State of Idaho, being first duly sworn, depose and say: That I am the designated
registered agent of the _____;
(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 _____
(city)

Idaho, wherein are kept the corporate records required by Section 30-1-52, *Idaho Code*; and that _____
_____ is a corporation qualified to do business in the
(name of corporation)

State of Idaho under the laws of the State of Idaho.

/s/ _____

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

/s/ _____

Notary Public

Residence _____

My Commission Expires _____

MICROFILMED

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

RECEIVED

NOV 18 1981

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

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.

Curtis
Applicant Manager, Twin Falls Canal Co.

State of Idaho)
County of Twin Falls) ss.

On this 2th day of October, 19 81, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged
to me that he (she) (they) executed the same.

Doris V. Finney
Notary Public residing at

seal

Twin Falls, Idaho

My commission expires:

April 21, 1985

RECEIVED

NOV 6 1981

Department of Water Resources
Southern District Office

Affidavit of Publication

STATE OF IDAHO,

COUNTY OF TWIN FALLS

ss.

N^o 10130

I, Linda Capps McBuie 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 June 4, 19 81, and ending with the issue dated June 11, 19 81.

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 June 11, 19 81 day of June, 19 81.

Department of Water Resources
Southern District Office

Linda Capps McBuie
Nellie Koulitt-Smith
Notary Public in and for the County of Twin Falls,
State of Idaho, residing at Twin Falls, Idaho

28-Nov-1988

William Fultz
Rt.5 Box 5054
Buhl, ID 83316

RE: Permit No. 47-7739

Dear Mr. Fultz:

We acknowledge receipt of the affidavit 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. We cannot tell just when this examination will be made, but our examiner will try to contact you at the time he makes the examination so that you may show him the system.

Field examinations must be done while the system is in operation. For this reason we concentrate on irrigation permits during the summer months and do examinations on permits for other uses during the non-irrigating months.

Enclosed please find Receipt No. S004025 in the amount of \$125.00 for examination fee for the above referenced permit.

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

Very truly yours,

Twylla Jasper
Clerk

Encl:

03/86

RECEIVED

NOV 23 1988

Department of Water Resources
Southern Region Office

RECEIVED

NOV 29 1988

STATE OF IDAHO

Department of Water Resources
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

For Office Use Only

Fee Received 125

Date 11/23/88

Receipt 15004025

Receipt by T.R.

Reviewed by J.R.

Sent to region

S.O.

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

Permit No. 47-2739

Name(s) of Permit Holder: William &/or Carol Fultz

Post Office Address: Rte 3, Buhl Ida 83316

Telephone No. 543-4854

Source of Water: Lat #58 - surface water

Extent of Use:

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

Irrigation (acres) Other/Remark

Heating & power Gen

Total rate and/or volume for which proof is submitted 2.0 cfs acre-feet

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

Measuring Device: Required? ☒ Yes ☐ No
Installed? ☐ Yes ☐ NoFee enclosed \$ 125.00
(See License Examination Fee Schedule)Flow Measurement Port: Required? ☐ Yes ☒ No
Installed? ☐ Yes ☐ No

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

William Fultz

543-4854

(Name)

(Telephone Number)

Jame

(Address)

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

11/23/88

Date

W M Fultz

Signature of Permit Holder (and title, if appropriate)

September 30, 1988

CERTIFIED MAIL

138552

William or Carol Fultz
Rt. 5 Box 5054
Buhl, ID 83316

Dear Mr. and Mrs. Fultz

Re: Permit No. 47-7739

PROOF DUE NOTICE

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

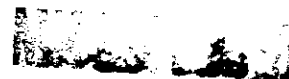
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time provided the delay is for reasonable cause as described in Section 42-204, Idaho Code. If you have been prevented from proceeding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

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

Sincerely,

RITA I. FLECK
Secretary/Records Manager

Enclosures



DEC 07 1988

March 23, 1987

William or Carol Fultz
Rt. 5 Box 5054
Buhl, ID 83316

Dear Mr. or Mrs. Fultz:

Re: Permit No. 47-7739

Enclosed is a copy of the approved request for extension of time. The time within which to submit proof of beneficial use is extended to December 1, 1988. Note that the permit has been reinstated with an advance in priority.

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

Sincerely,

RITA I. FLECK
Secretary/Records Manager

Enclosure

MICROFILMED

APR 14 1987

William Feltz
Rt 5 Box 5054
Buhl, Id. 83316



APR 14 1981

MICROFILMED

State of Idaho
Department of Water Resources
Statehouse

Loise,
Id.

83720



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

Governor

A. KENNETH DUNN

Director

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

EXTENSION OF TIME

March 9, 1987

William or Carol Fultz
Rt. 5, Box 5054
Buhl, ID 83316

PERMIT NO. 47-7739

We are in receipt of the \$15 extension fee for Extension(s) of Time to provide additional time in which to submit proof of beneficial use on a water right permit.

Your request for extension(s) of time is being reviewed by staff. You will be informed of our decision when review has been completed.

Enclosed is our receipt No. 41484.

Roberta Garrett
Records Supervisor

Enclosure

MICROFILMED

APR 14 1987

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440
DECEMBER 13, 1986

FULTZ, WILLIAM & CAROL
RT. 5 BOX 5054
BOHL, ID 83316

LAPSE NOTICE

RE: PERMIT NO. 47-7739

DEAR PERMIT HOLDER:

YOU ARE HEREBY NOTIFIED THAT UNDER THE PROVISIONS OF SECTION 42-218A, IDAHO CODE, THE ABOVE REFERENCED WATER PERMIT HAS LAPSED. THIS OFFICE DID NOT RECEIVE EITHER AN ACCEPTABLE PROOF OF BENEFICIAL USE SUBMITTAL OR AN ACCEPTABLE REQUEST FOR AN EXTENSION OF TIME. YOU WERE PROVIDED THE PROPER FORMS IN OUR PROOF DUE NOTICE TO YOU DATED SEPTEMBER 30, 1986.

YOUR PERMIT CANNOT BE REINSTATED UNLESS YOU SUBMIT PROOF OF BENEFICIAL USE OR SUBMIT AN EXTENSION OF TIME REQUEST SHOWING REASONABLE CAUSE FOR DELAY. EITHER THE COMPLETED PROOF OF BENEFICIAL USE SUBMITTAL (INCLUDING THE EXAMINATION FEE OR A COMPLETED FIELD EXAMINATION REPORT) OR THE EXTENSION REQUEST FORM TOGETHER WITH THE \$15 FEE MUST BE RECEIVED BY THIS DEPARTMENT WITHIN SIXTY DAYS OF THE DATE OF MAILING OF THIS LAPSE NOTICE OR THE PERMIT WILL NO LONGER BE OF ANY FORCE OR EFFECT.

A PROOF OF BENEFICIAL USE FORM AND A REQUEST FOR EXTENSION OF TIME FORM ARE AGAIN ENCLOSED FOR YOUR USE. PLEASE NOTE THAT ONLY ONE EXTENSION OF TIME CAN BE GRANTED UNLESS THE PROJECT HAS NOT BEEN COMPLETED BECAUSE OF LACK OF A NECESSARY APPROVAL BY A GOVERNMENTAL AGENCY OR BY LITIGATION WHICH MIGHT BRING TITLE TO THE WATER IN QUESTION.

L. GLEN SEXTON
CHIEF, OPERATIONS BUREAU

ENCLOSURES

LGS:RF

MICROFILMED

APR 14 1987

12-23-1986

Pete Lusk

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

- - - - -

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440
CERTIFIED MAIL
SEPTEMBER 30, 1986

FULTZ, WILLIAM & CAROL
RT. 5 BOX 5054
BUHL, ID 83316

138338

PROOF DUE NOTICE

RE: PERMIT NO. 47-7739

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF THE ABOVE REFERENCED WATER PERMIT WAS THAT PROOF OF THE EXTENT OF YOUR BENEFICIAL USE MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE DECEMBER 1, 1986. (SEE LAST PAGE OF YOUR APPROVED PERMIT OR YOUR LAST APPROVED EXTENSION REQUEST.) ENCLOSED IS A FORM WHICH WHEN ACCOMPANIED BY THE LICENSE EXAMINATION FEE OR A COMPLETED FIELD EXAMINATION REPORT PREPARED BY A CERTIFIED WATER RIGHT EXAMINER MAY BE USED TO SUBMIT THE REQUIRED PROOF.

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

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

SINCERELY,

RITA FLECK
SECRETARY/RECORDS MANAGER

MICROFILMED

APR 14 1987

ENCLOSURES

RECEIVED

AUG 15 1986

INTER-DEPARTMENT MEMO — 1

DATE 8-15-86

FROM Southern

Department of Water Resources

TO File

SUBJECT Change of Address, Permit 47-7739, William Fultz

New address is Rt. 5 Box 5054, Buhl, ID 83316. Location is the same but the address has been changed by the post office.

ENTERED 8/21/86
CW

MICROFILMED

APR 14 1987



SIGNATURE



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

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

SEPTEMBER 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
L. GLEN SAXTON
CHIEF, OPERATIONS BUREAU

MICROFILMED

APR 14 1987

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

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440

FULTZ, WILLIAM & CAROL
RT. 3
BOHL, ID 83316

DECEMBER 24, 1981

RE: PERMIT NO. 47-7739

DEAR PERMIT HOLDER:

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

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

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

SINCERELY,

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

ENCLOSURE

RECEIVED
DEC 24 1981



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

November 2, 1981

William &/or Carol Fultz
Rt 3
Buhl, ID 83316

RE: Application for Permit No. **47-7739**

Dear Applicant:

On July 24, 1981 this office sent to you a letter that identified an additional requirement for the above referenced hydropower project. Section 42-205, Idaho Code, now requires that if a proposed hydropower project will use existing irrigation facilities, consent by the owner of the facilities must be obtained before an application for permit to develop a water right can be approved.

Enclosed we are sending another affidavit which we must receive before we can complete the review of your application. Please return either the affidavit or an explanation of why the affidavit cannot be obtained no later than November 15, 1981. If we have not heard from you by that date we must begin action to void the application due to incomplete information.

If you have questions about this requirement please feel free to call me at (208) 334-4104.

Sincerely,

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

DRT:rc

Enclosure

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Copy



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

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

47-7739

July 24, 1981

RE: Application for Permit No.

Dear Applicant:

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

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

Sincerely,

David R. Tuthill Jr.

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

DRT:jg

Enclosure

MICROFILMED

POWER CALCULATIONS FOR APPLICATION NO. 47-7739

P = Kilowatts .74 X hp

Q = cfs

H = feet

e = efficiency

proposed

2.22 KW

2.0 cfs

60 ft

?

$$e = \frac{P(11.8)}{QH} = \frac{2.22(11.8)}{2 \times 60} = \frac{26.196}{120} = .22 \text{ or } 22\%$$

Based on the above calculations the proposed project must have an 22 % efficiency.

RC 7/7
81

Assume e = 80%

$$P = \frac{e(Q)H}{11.8} = \frac{.8(2.)(60)}{11.8} = \underline{8.1 \text{ KW}} = \underline{11 \text{ HP}}$$

Amount Needed for ave. 2000 sq ft home is 30 KW or 40 HP

An error was made apparently on the permit for amount of HP generated w/ 2.0 cfs. Power produced however will not exceed requirements for average home therefore it is assumed that applicant will not sell power - Recommend that application be approved
June 14/81



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

May 28, 1981

Warren Travis - Manager
Twin Falls Canal Company
Box 326
Twin Falls, Idaho 83301

Re: Application for Permit No. 47-7739

Dear Mr. Travis:

Enclosed is a copy of the above referenced application for permit for your information and files.

Sincerely,

Mary A. Hill
Sr. Secretary

for

Loren O. Holmes
Southern Region Supervisor

Encl:

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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:

42-2239-

FULTZ, WILLIAM &/or CAROL

RT. 3, BUHL, ID 83316

Source: LATERAL #58 tributary to MUD CREEK

Date Filed: 05/15/1981

Amount: 2.00 CFS

Diversion Point: NESW Sec 33 T 09S R 14E, TWIN FALLS Co.

Use: POWER	(2.00 CFS)	from 01/01 to 12/31
HEATING	(2.00 CFS)	from 01/01 to 12/31

Place of Use: NESW Sec 33 T 09S R 14E

Diversion Means: CHECK DAM, PIPELINE, TURBINE GENERATOR

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 JUNE 22, 1981.

A. KENNETH DUNN

Director

Published 6/4 & 6/11/81.

RECEIVED
MAY 16 1981

47-7730

FULTZ, WILLIAM &/or
CAROL

RT. 3, BUHL, ID 83316

Source: LATERAL #58

tributary to MUD CREEK

Date Filed: 05/15/1981

Amount: 2.00 CFS

Diversion Point: NESW

Sec 33 T 09S R 14E, TWIN

FALLS Co.

Use: POWER (2.00 CFS)

from 01/01 to 12/31

HEATING (2.00 CFS)

from 01/01 to 12/31

Place of Use: NESW Sec

33 09S R 14E

Diversion Means:

CHECK DAM, PIPELINE,

TURBINE GENERATOR

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 JUNE 22, 1981.

A. KENNETH DUNN
Director

PUBLISH: Thursday,
June 4, and 11, 1981.

*ok
mwp
6/4/81*

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region

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

MAY 27, 1981

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 JUNE 22, 1981.

Yours truly,

Mary A. Hill
Secretary

Encl.

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