

MICROFILM

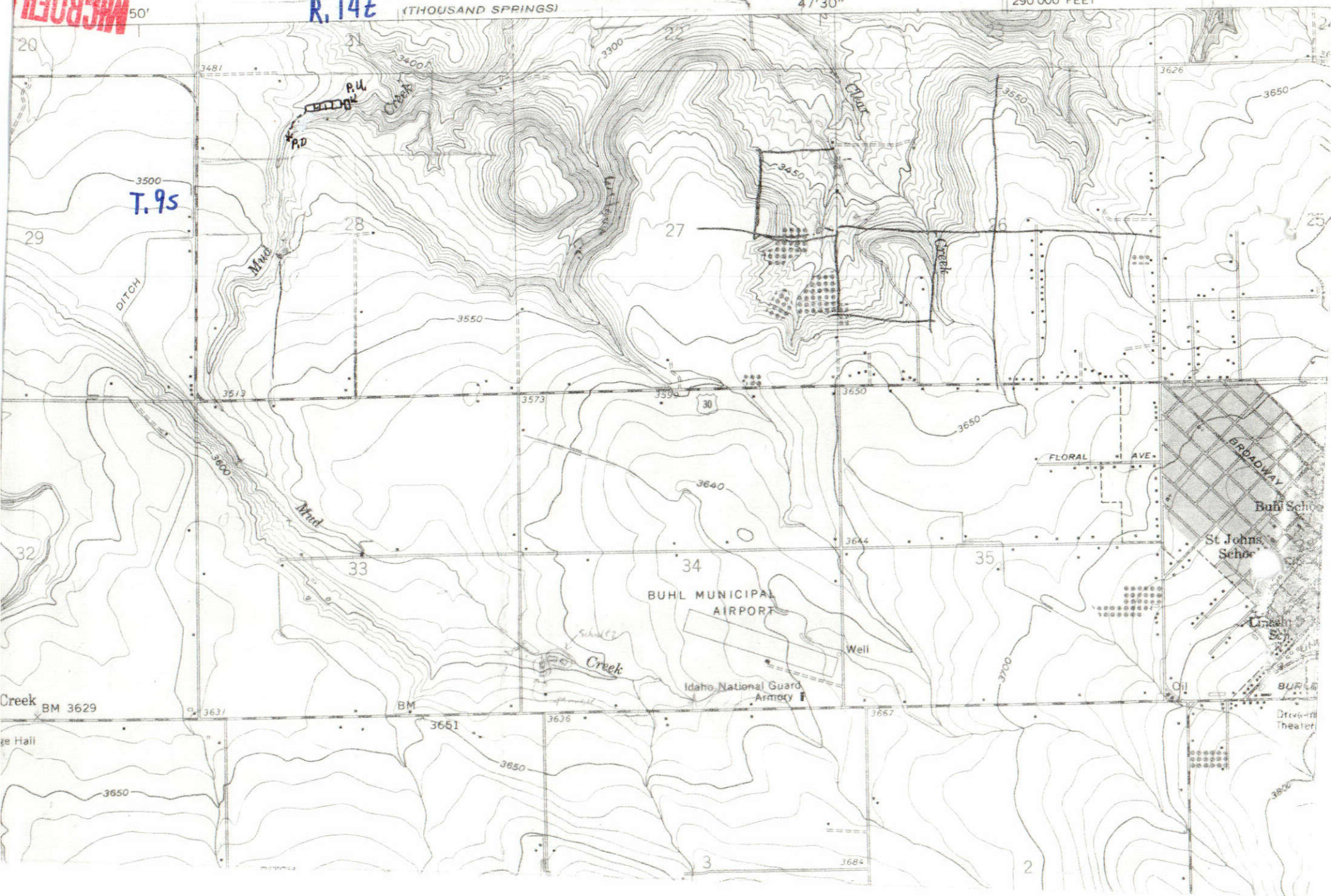
R. 14E

(THOUSAND SPRINGS)

47'30"

290 000 FEET

T. 9S



NOTICE OF APPLICATION
FOR WATER RIGHT

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

47-7726

WHITE, TERRY G. &/or
MARY D.
RT. 3 BOX 201, BUHL, ID
83316

Source: MUD CREEK tribu-
tary to SNAKE RIVER

Date Filed: 04/07/1981

Amount: 25.00 CFS

Diversion Point: NENW Sec
28 T 09S R 14E, TWIN
FALLS Co.

Use: POWER (25.00 CFS)
from 01/01 to 12/31

Place of Use: NENW Sec 28
T 09S R 14E

Diversion Means: CHECK
DAM & PENSTOCK

Affidavit of Publication

Nº 10326

STATE OF IDAHO,

COUNTY OF TWIN FALLS }

ss.

I, Ronda Capps McSwine being first duly sworn upon
oath, depose and say that I am Business 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

May 7, 19 81, and ending with the issue dated
May 14, 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 com-
petent jurisdiction within the state of Idaho, to be published weekly, will be published; and
that at the head of the editorial column of said combined newspapers, and in each issue there-
of, Thursday is announced as the day on which said legal notices will be published.

Subscribed and sworn to before me on this 15 day of

May, 19 81.

Mella Rowlett-Smith

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

MICROFILMED

RECEIVED
JUN 7 1981

Department of Water Resources
Southern District Office

**FEDERAL
EXPRESS®**AIRBILL
USE THIS AIRBILL FOR DOMESTIC SHIPMENTS WITHIN THE CONTINENTAL U.S.A., ALASKA AND HAWAII.
USE THE INTERNATIONAL AIR WAYBILL FOR SHIPMENTS TO PUERTO RICO.
QUESTIONS? CALL 800-238-5355 TOLL FREE.PACKAGE
TRACKING NUMBER

1030811320

9012N

1030811320

Date

RECIPIENT'S COPY

From (Your Name) Please Print

Your Phone Number (Very Important)

To (Recipient's Name) Please Print

Recipient's Phone Number (Very Important)

Company

Department/Floor No.

Company

Department/Floor No.

Street Address

Exact Street Address (We Cannot Deliver to P.O. Boxes or P.O. Zip Codes.)

City

State

ZIP Required

City

State

ZIP Required

SALT LAKE CITY UT

UT

84111

Boise, Idaho

83720

YOUR BILLING REFERENCE INFORMATION (FIRST 24 CHARACTERS WILL APPEAR ON INVOICE.)

IF HOLD FOR PICK-UP, Print FEDEX Address Here

PAYMENT

☐ Bill Sender☐ Bill Recipient's FedEx Acct. No.☐ Bill 3rd Party FedEx Acct. No.☐ Bill Credit Card☐ Cash

City

State

ZIP Required

SERVICES**DELIVERY AND SPECIAL HANDLING**

PACKAGES

WEIGHT

YOUR DECLARED
VALUEOVER
SIZE

Emp. No.

Date

Federal Express Use

1 ☐ **PRIORITY 1**
Overnight Delivery6 ☒ **OVERNIGHT
LETTER***1 ☐ **HOLD FOR PICK-UP** (Fill in Box H)

LBS

2 ☐ **DELIVER WEEKDAY**

LBS

2 ☐ **COURIER-PAK
OVERNIGHT
ENVELOPE***7 ☐3 ☐ **DELIVER SATURDAY** (Extra charge)

LBS

3 ☐ **OVERNIGHT
BOX**8 ☐4 ☐ **DAANGEROUS GOODS**
(Extra charge)

LBS

5 ☐ **CONSTANT SURVEILLANCE SERVICE (CSS)**
(Extra charge) (Release Signature Not Applicable)

Total Total Total

6 ☐ **DRY ICE** Lbs.4 ☐ **OVERNIGHT
TUBE**9 ☐7 ☐ **OTHER SPECIAL SERVICE**9 ☐ **SATURDAY PICK-UP**
(Extra charge)5 ☐ **STANDARD
AIR** Delivery
not later than
second business day10 ☐12 ☐ **HOLIDAY DELIVERY** (If offered)
(Extra charge)Received At
1 ☐ Regular Stop
2 ☐ On-Call Stop
3 ☐ Drop Box 4 ☐ B.S.C. 5 ☐ Station

FEDEX Corp. Employee No.

Date/Time for FEDEX Use

☐ Cash Received☐ Return Shipment☐ Third Party☐ Chg. To Del.☐ Chg. To Hold

Street Address

City

State

Zip

Received By:

X

Date/Time Received FedEx Employee Number

Sender authorizes Federal Express to deliver this shipment without obtaining a delivery signature and shall indemnify and hold harmless Federal Express from any claims resulting therefrom.

Release
Signature:

Base Charges

Declared Value Charge

Other 1

Other 2

Total Charges

PART #111800

REVISION DATE 7/88
PRINTED IN U.S.A. GBFE

009

© 1988 F.E.C.

*Declared Value Limit \$100.

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Mr. Terry G. White) Project No. 4115-002

NOTICE OF APPLICATION FOR EXEMPTION OF SMALL CONDUIT
HYDROELECTRIC FACILITY
(September 2, 1981)

Take notice that on August 11, 1981, Mr. Terry G. White of Buhl, Idaho (Applicant) filed an application under Section 30 of the Federal Power Act (Act) [16 U.S.C. Section 823(a)], for exemption of a proposed hydroelectric project from requirements of Part I of the Act. The proposed White Ranch Project (FERC project No. 4115) would be located on the Applicant's fish hatchery system near the town of Buhl in Twin Falls county, Idaho. Correspondence with the Applicant should be directed to: Consulting Associates, Inc., P.O. Box 893, Boise, Idaho 83701.

Purpose of Project - Project energy would be sold to a local utility.

Project Description - The proposed project would consist of: (1) an intake structure within the southern bank of the Applicant's existing fish rearing pond; (2) a 270-foot long penstock; (3) two outdoor generating units with a combined rated capacity of 150 kW discharging into Mud Creek (the water is redirected in to the hatchery system 1/4 mile downstream); and (4) a 3,000-foot long transmission line to connect the generating units with an existing Idaho Power Company's transmission line.

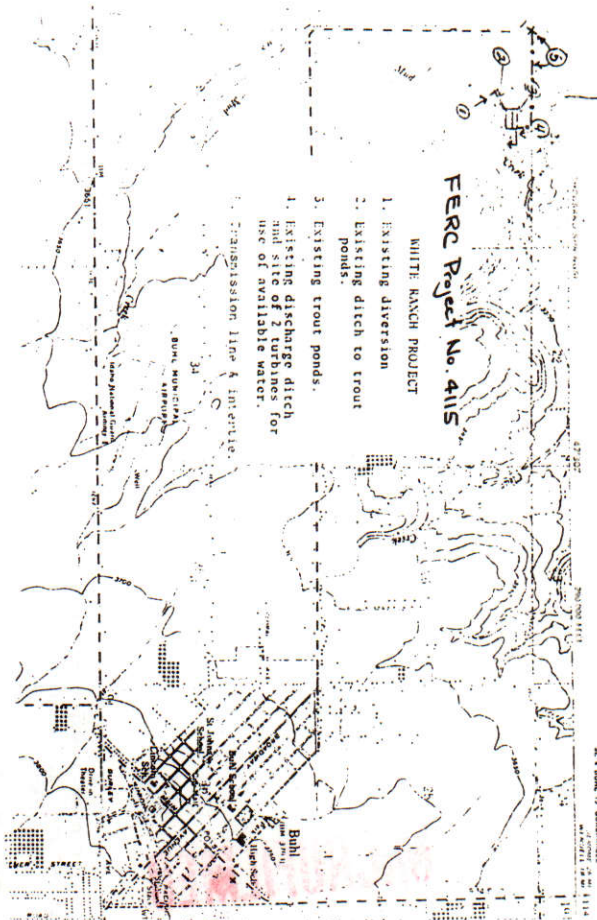
Agency Comments - The U.S. Fish and Wildlife Service and the Idaho Department of Fish and Game are requested, pursuant to Section 30 of the Federal Power Act, to submit within 45 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or otherwise carry out the provisions of the Fish and Wildlife Coordination Act. If no comments are filed within this time period, an agency will be presumed to have determined that no terms or conditions to the exemption are necessary. Other Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide any comments they may have in accordance with their duties and responsibilities. Comments are due within 45 days from the date of issuance of this notice. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. One copy of an agency's comments must also be sent to the Applicant's representatives.

DC-A-21

- 2 -

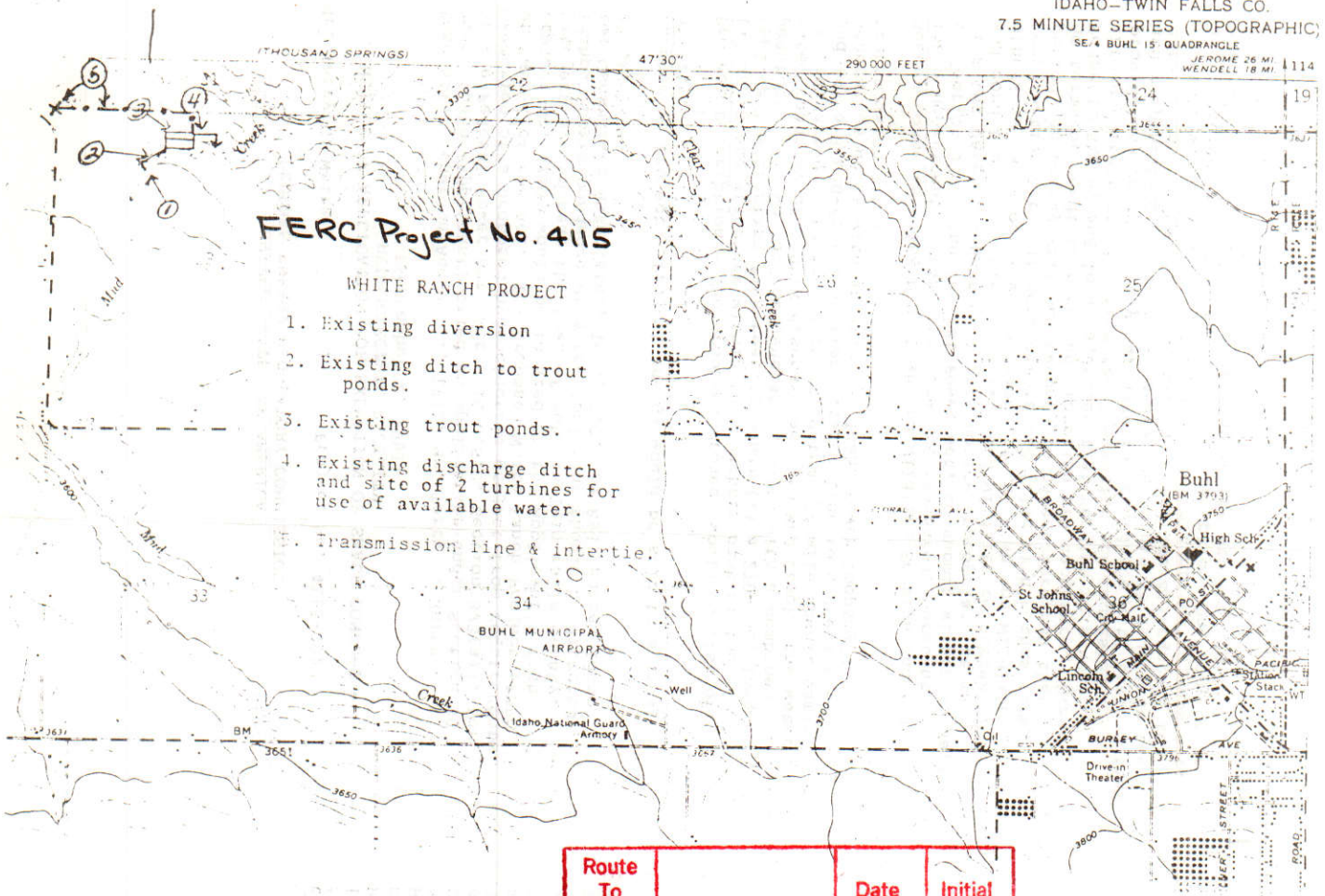
Comments, Protests, or Petitions to Intervene - Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 C.F.R. 5.18 or 5.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in 5.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protests, or petitions to intervene must be received on or before October 19, 1981. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb
Secretary



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MAY 17 1989



Route To	Date	Initial
Director		
Deputy Dir.		
Reso. Adm.		
Reso. Analysis		
Oper. Bureau		
Proj. Stud. Bu.		
Reg. Off. Bu.		
Tech. Serv. Bu.		
File:		

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

POSTAGE AND FEES PAID
FEDERAL ENERGY REGULATORY COMMISSION
FERC-351
FIRST CLASS MAIL



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MAY 17 1989

RECEIVED

SEP 14 1981

State of Idaho P-4115
Department of Water Resources
State House
Boise, Idaho 83720

Department of Water Resources

WATER RIGHT SUMMARY

<u>ACTION</u>	<u>RIGHT NO.</u>	<u>NAME</u>	<u>AMOUNT CFS</u>
Original Permit	47-7726	White, Terry G. Mary D.	40.0
Full Assignment	47-7726	Harmsen, Stephen M.	40.0

MICROFILMED

MAY 17 1989

State of Idaho
Department of Water Resources

RECEIVED
MAR 07 1989

ASSIGNMENT OF PERMIT

Department of Water Resources

I, Mary E Terry White, hereby assign to Stephen M. Hansen
of 350 S. 400 E Salt Lake City, Utah 84111
Address

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

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 that portion of the permit being assigned by listing the acreage
within each 40 acre subdivision, the point of diversion and the amount of
water in cubic feet per second for direct diversion, or acre feet for storage)

Permit # 47-7726 and 47-7989

Made this 3 day of March, 1989.

[Signature]
Permit Holder

Mary White
Spouse of Permit Holder

State of Idaho)
County of Twin Falls) ss

On this 3rd day of March, 1989, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged
to me that he (she) (they) executed the same.

seal

Michelle Clark
Notary Public residing at
Buhl, Idaho

MICROFILMED

My commission expires:

3-10-93

MAY 17 1989

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

REQUEST FOR EXTENSION OF TIME

MAR 01 1989

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

Department of Water Resources

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

Permit No. 47-7726

Name(s) of Permit Holder: Mud Creek Hydro/Terry White

Post Office Address: 350 South 400 East #G1, Salt Lake City, Utah 84111

Telephone No. (801)531-9125

Date Proof is Due: March 1, 1989

Describe what work has been completed toward the development of this water right: All work is complete
(This must be filled out! If no work has been completed, show "none".)

Costing \$ _____

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

We have not been able to get enough water due to winter ice and snow
buildup.

Permit holder(s) request an extension to August 1, 1989
(1 yr. minimum)

Terry White
(Signature)*

FEE: \$15.00

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

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be APPROVED and the time within which to submit proof of beneficial use is extended to August 1, 1990.

MICROFILMED
MAY 17 1989

Signed this 8th day of March, 19 89.

J. Glen Saxton
Chief, Water Allocation Section

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 Terry G. &/or Mary D. White Phone 543-5478

Post office address Route #3 Box 201, Buhl, Id 83316

2. Source of water supply Mud Creek which is a tributary of Snake R.

3. Location of point of diversion is NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 28 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 25 cfs for Power 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. 25 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Existing check dam & pipeline to 8
ponds; penstock & generator below lowest pond

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 NW $\frac{1}{4}$ of Section 28 Township 9S
Range 14E B.M.

(2) Amount of power to be generated: Allow 110 kilowatts *kw 2/16/84
~~---184---~~ horsepower under 65 feet of head.

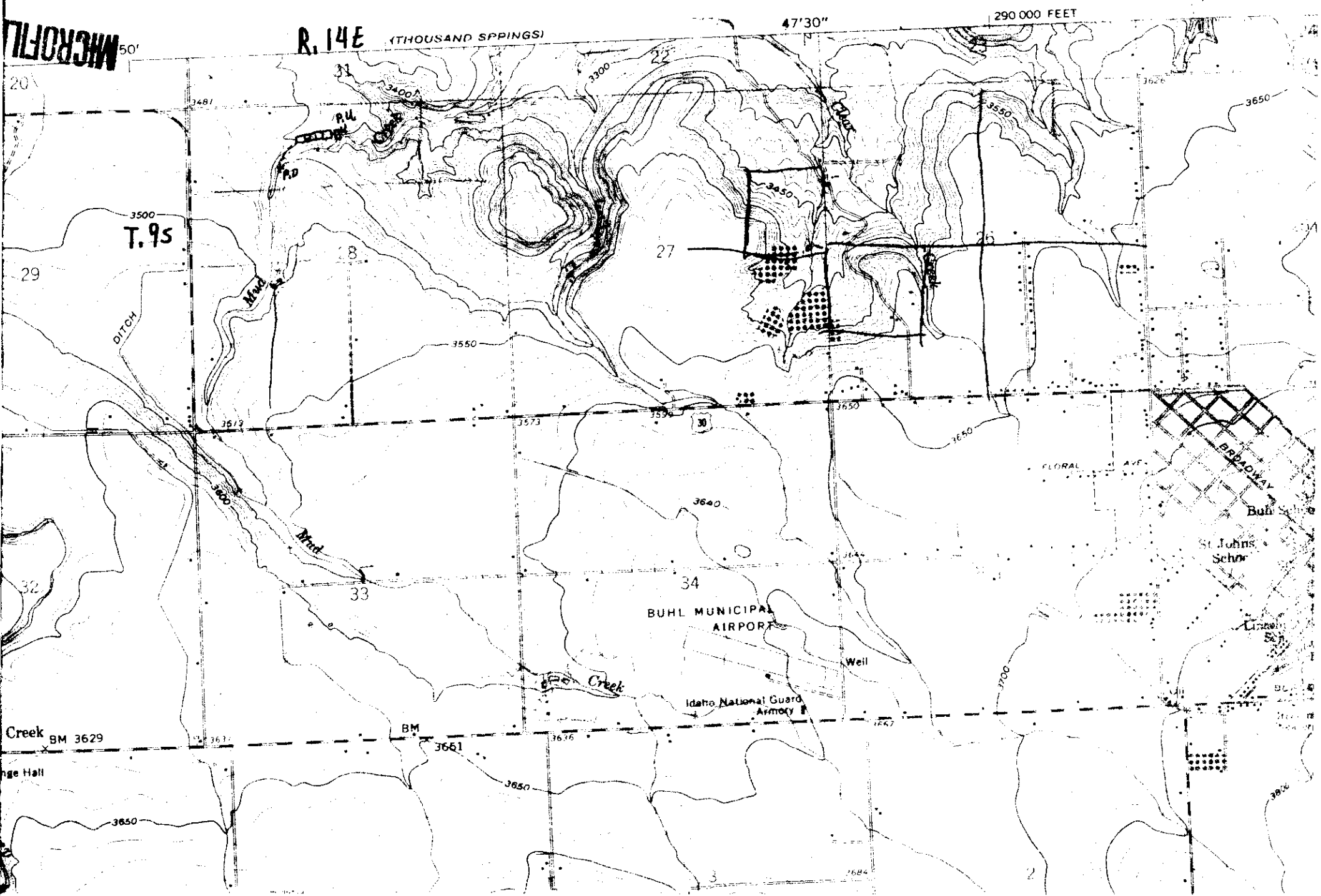
(3) List number of each kind of livestock to be watered _____

(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 commercial sale

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[illegible]

James H. White
(Applicant)

MICROFILMED

Proposed Priority 4/7/81

Received by J Date 4-7-81 Time 1:40 pm
 Preliminary check by G.F. Fee \$ 425.00
 Receipted by J Date 4-7-81 # 16952
 Publication prepared by Lh Date 4/21/81
 Published in times news
 Publication dates 5/7 & 5/14/81
 Publication approved mcpa Date 4/29/81
 Protests filed by: mud creek water users
Withdrawn 11/15/82
 Copies of protests forwarded by _____
 Hearing held by _____ Date _____
 Recommended for approval denial by ADM kw

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 47-7726, 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 March 1, 19 89.
- 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: Use of water under this permit is subordinated to future diversion of water for irrigation or other consumptive beneficial uses.

The permit holder shall either install a measuring device or an access port or provide a certified measurement or computation of flow based upon system design to be prepared by a professional engineer.

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

The diversion and use of water under this permit and any license subsequently issued is subject to review by the Directory thirty (30) years from the date of issuance of this permit or the date of FERC approval expiration (if applicable). 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.

Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder no control.

Dated this 27th day of March, 1984.

J. Glen Saxton
 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 Terry G. White 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/ Terry G. White

Subscribed and sworn to before me this 7th day of April, 19 81

/s/ _____

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 _____
(name of corporation) is a corporation qualified to do business in the

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

/s/ _____
Subscribed and sworn to before me this 2nd day of April, 19 81

/s/ Harvey

Notary Public Harvey
Residence _____

My Commission Expires Life



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, TERRY G. WHITE ^{? PARTNER} of Butte,
(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.

B. 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.

State of Idaho)
County of Twin Falls) ss.

Terry G. White
Applicant

On this 5 day of January, 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

Loren O. Halme
Notary Public residing at

Twin Falls, ID

My commission expires:

Life

MICROFILMED

Affidavit of Publication

Nº 10326

STATE OF IDAHO,
COUNTY OF TWIN FALLS }

ss.

I, Rinda Capps McBaine 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 May 7, 1981, and ending with the issue dated May 14, 1981.

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

Rinda Capps McBaine
Subscribed and sworn to before me on this 15 day of May, 1981.

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

RECEIVED
MAY 17 1981
Department of Water Resources
Southern District Office

April 18, 1991

STEVEN HARMSSEN
MUD CREEK HYDRO INC.
350 S 400 E, NO. G1
SALT LAKE CITY UT 84111

Dear Mr. Harmsen:

Re: Proof of Completion of Works - Check No. 1100

Pursuant to our telephone conversation this afternoon, returned is the blue proof of completion of work form (not an IDWR form) and your check in the amount of \$10.

It is my understanding that you have no interest in filing a proof of beneficial use form for Permit No. 47-7726 and having it reinstated.

If you have questions, please contact this office.

Sincerely,

RITA I. FLECK
Secretary/Records Manager

Enclosures

c: Fiscal Sec.

INTER-DEPARTMENT MEMO

TO: File 47-7989 & 47-7726SUBJECT: ProofsFROM: Gita FleckDATE: 7-12-91

Steve Harmesen called today. He was concerned about the lapse notice he received on 47-7989.

Permit No. 47-7726 has a Proof & field exam completed. He thought he had completed the Proof for 47-7989.

He will send in the Proof & fee.

Note the field Exam has # changes. I made those changes per Mr. Harmesen

() For your information

() Response required

signature 

RECEIVED
APR 11 1990

RECEIVED

APR 10 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORTDepartment of Water Resources
BENEFICIAL USE FIELD REPORT
APR 11 1990
47-7126

A. GENERAL INFORMATION

1. Owner: Mud Creek Hydro, Inc.

Permit No. _____

Phone No. _____

Current Address: _____

2. Accompanied by: Gerald MartensEXAM. DATE: 3 - 7 - 39Address: 1139 Falls Ave. East, T.F. IdahoPhone No. 208-734-4333Relationship to Permit Holder: None3. Source: Mud Creek tributary to Snake River

B. OVERLAP REVIEW

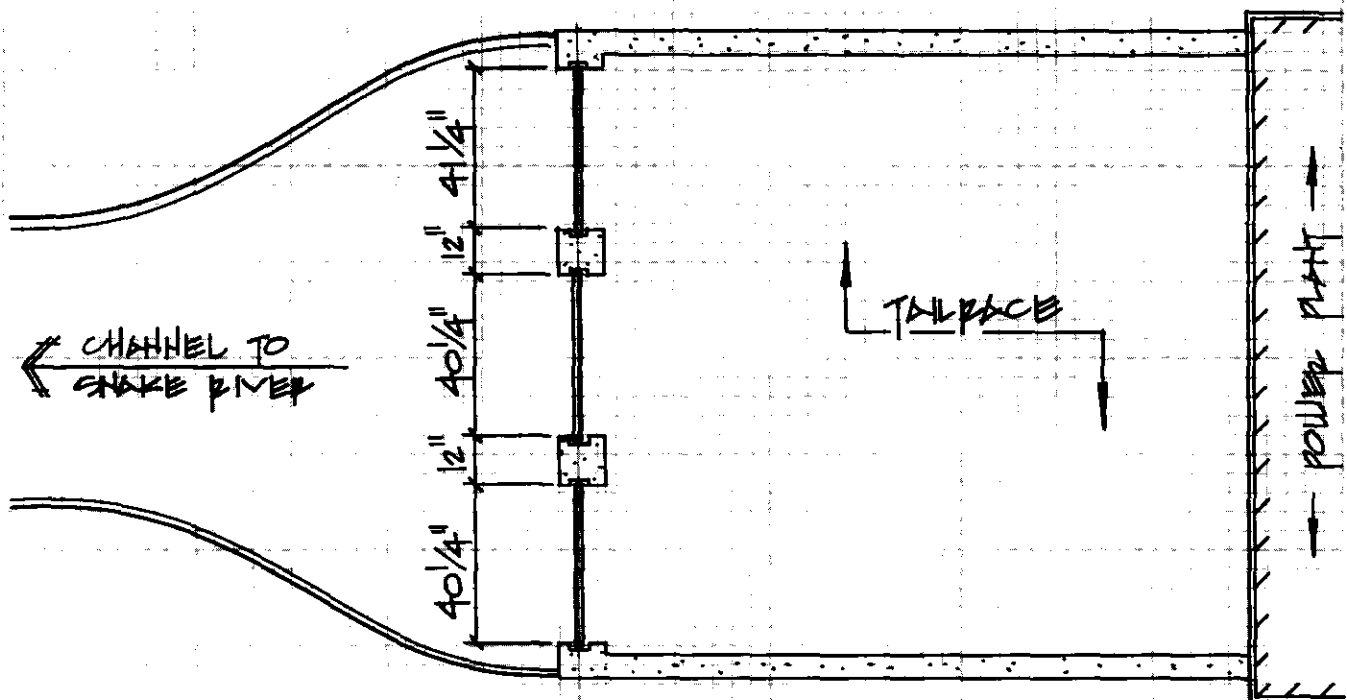
1. Other water rights with same place of use: _____

☐ Copies Attached

2. Other water rights with same point of diversion: _____

☐ 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 attachedScale: 1" = 4'-0" ±2. ☐ Copy of U.S.G.S. Quadrangle Attached
Showing location(s) of point(s) of diversion and
place(s) of use (required).☐ Photo of Diversion and System Attached

(required for all but single household domestic groundwater, and stockwater.

☐ Aerial Photo Attached

(required for irrigation of 10 acres or more).

System Description (continued)

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

Gravity flow over 3 rectangular weirs.

☐ See Remarks on page 4 for continuation

4.

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

*Code to correspond with No. on map and aerial photo

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

Ident. No.	Gov't. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		SE	NE	NN	28	9 S	145	T.F.	USGS MAP

6. **Place(s) of Use:**

Indicate Method of Determination

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
9S	14 E	23					X												

entered
exam made
data + cu
flag - 8/8/90

Do not use this space

Do Not
FIM 1100

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Rectangular Weir			None	None	*Var.	NA
* Weir 1 - 3.35 feet width - Weir # 2 - 3.35 feet - Weir # 3 - 3.44 feet.						

2. Measurements:

Depth over Weir - 0.79 Feet (9 1/2 inches)

$$Q = 0.417 \cdot 2 \cdot (32.2) \cdot (3.44) \cdot (.79)^{1.5} + .417 \cdot 2 \cdot (32.2) \cdot (3.35) \cdot (.79)^{1.5} + .417 \cdot 2 \cdot (32.2) \cdot (3.35) \cdot (.79)^{1.5} = 3.08 + 7.34 + 7.34 = 23.70$$

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method:

Measured over rectangular weir.

2. Alternate Method for Checking Purposes:

F. PUMP EFFICIENCY DATA (Optional)

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 Ampsx .001732 = _____ (6)

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

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

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

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

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

2. Volume Calculations for Other Uses:

H. REMARKS AND OVERLAP REVIEW ANALYSIS

I. RECOMMENDATIONS

1. Recommended Amounts

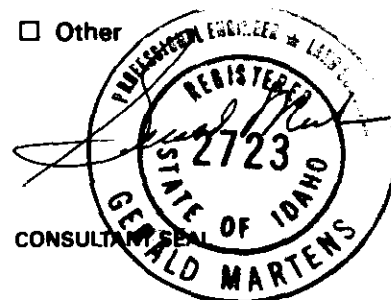
Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Power Generator	Jan 1	Dec 31	23.70	
Totals:				

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 Gerald Martens
Signature [Signature]
Certification Date 3/12/90
Field Report Preparation Date 3/7/90



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

Do Not Film

RECEIVED

JUN 25 1990

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

no fee encl
Department of Water Resources

PROOF OF BENEFICIAL USE

For Office Use Only

Amt. of Fee \$

Date

Receipt No.

Received by

5.5.90

*data entry
done 8/8/90
KW*

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

Permit No. 47-7726

Telephone No. 801-5319125

Name(s) of Permit Holder(s): Mud Creek Hydro Inc. c/o Steve Harrison

Post Office Address: 350 So 400 East S.L.C. UT- 84111

Source of Water: Mud Creek

If ground water, well driller's name: _____ Date drilled: _____

Extent of Use:

Domestic _____ (No. of households)

Irrigation _____ (No. of acres)

Stockwater _____ (No. and type of stock)

Other Hydro-

Total rate and/or volume for which proof is submitted 25 cfs _____ acre/feet

Show date water was first diverted and beneficially used under this permit: 12/30/86

One of the following may be a condition of approval of your permit:

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

OR

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

Fee Enclosed: \$ N/A (See License Examination Fee Schedule)

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

Steve Harrison 801 5319125
Name Telephone No.

350 So 400 E S.L.C. Utah -
Address

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

MICROFILMED

AUG 15 1990

6/16/90
Date

Steve Harrison pres Mud Creek Hydro
Signature (and title if on behalf of a company or organization)

June 12, 1990

Stephen M. Harmsen
350 S. 400 E.
Salt Lake City, UT 84111

Dear Mr. Harmsen:

Re: Permit No. 47-7726

The department received the field exam report from Gerald Martens, however, to complete the paperwork a proof of beneficial use form needs to be completed and returned to this office by August 1, 1990. Enclosed is that form.

Note that no fee is required since the field exam has been completed by a certified water right examiner.

Sincerely,

RITA I. FLECK
Secretary/Records Manager

Enclosure

MICROFILMED
AUG 15 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

May 15, 1989

RE: Permit Nos. 47-7726-7989

Stephen M. Harmsen
350 S. 400 E.
Salt Lake City, UT 84111

Dear Water Right Holders:

We acknowledge receipt of the correspondence transferring ownership of the above referenced water rights to you. We have modified our computer records to reflect this change in ownership.

We assume you are aware of requirements remaining to finalize the permits into a licenses.

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

Sincerely,


JIM JOHNSON
Water Rights Supervisor

JJ:hm

MICROFILMED

MAY 17 1989

March 9, 1989

Terry B. and/or Mary D. White
350 S. 400 E. #G1
Salt Lake City, UT 84111

Dear Mr. and Mrs. White:

Re: Permit No. 47-7726

Enclosed is a copy of the approved request for extension of time. The time within which to submit the proof of beneficial use form is extended to August 1, 1990.

If you have any questions or concerns regarding the permit, please feel free to contact this office.

Sincerely,

RITA I. FLECK
Secretary/Records Manager

Enclosure

MICROFILMED

MAY 17 1989

MEMORANDUM

March 7, 1989

TO: File 47-7726

FROM: Rita Fleck *RF*

RE: Request for Extension of Time

Per telephone conversation with Stephen Harmsen's office, I determined the reason for requesting an extension of time.

The permit holder intends to hire a certified water right examiner to complete the field report. This field report could not be completed by March 1, 1989 even though the project is complete due to winter conditions.

The field report should be completed as soon as weather conditions permit along with the proof of beneficial use. However, until that time, the permit holder requests an extension of six months.

My recommendation is allow one year until March 1, 1990 based on due diligence.

MICROFILMED

MAY 17 1989

BISHOP, HARMSSEN & SPRINGMEYER

Attorneys at Law

Oquirrh Place

350 South 400 East

Salt Lake City, Utah 84111

Arthur Lee Bishop III
Stephen M. Harmsen
Douglas W. Springmeyer

9125
Telephone (801) 531-1900

February 27, 1989

Rita I. Fleck
Department of Water Resources
1301 North Orchard Street
Boise, Idaho 83720

RECEIVED
MAR 01 1989

Department of Water Resources

Dear Ms. Fleck

Persuant to our conversation of yesterday, could you please accept this request for Extension of Time. I would also appreciate it if you would send me two Proof of Beneficial Use Forms for 47-7726 and 47-7989.

Thank you for your help with this matter.

Sincerely,

Lynn Peterson

Lynn Peterson for
Stephen M. Harmsen

INDEXED

MAY 17 1989

USE THIS AIRBILL FOR DOMESTIC SHIPMENTS WITHIN THE CONTINENTAL U.S.A., ALASKA AND HAWAII.
USE THE INTERNATIONAL AIR WAYBILL FOR SHIPMENTS TO PUERTO RICO.
QUESTIONS? CALL 800-238-5355 TOLL FREE.

PACKAGE
TRACKING NUMBER

1000011000

RECIPIENT'S COPY

From (Your Name) Please Print QUICK ASSOCIATES		Your Phone Number (Very Important) ()	
Company QUICK ASSOCIATES		Department/Floor No.	
Street Address 350 S 400 E SUITE 4-1			
City SALT LAKE CITY	State UT	ZIP Required 84111	

To (Recipient's Name) Please Print Rita I. Fleck		Recipient's Phone Number (Very Important) ()	
Company Dept. of Water Resources/Idaho		Department/Floor No.	
Exact Street Address (We Cannot Deliver to P.O. Boxes or P.O. # Zip Codes.) 1301 North Orchard Street			
City Boise, Idaho	State	ZIP Required 83720	

BILLING REFERENCE INFORMATION (FIRST 24 CHARACTERS WILL APPEAR ON INVOICE.)

IF HOLD FOR PICK-UP, Print FEDEX Address Here

PAYMENT ☐ Bill Sender ☐ Bill Recipient's FedEx Acct. No. ☐ Bill 3rd Party FedEx Acct. No. ☐ Bill Credit Card ☐ Cash				Street Address City State ZIP Required	
---	--	--	--	---	--

SERVICES	DELIVERY AND SPECIAL HANDLING	PACKAGES	WEIGHT	YOUR DECLARED VALUE	OVER SIZE	Emp. No.	Date	Federal Express Use
1 ☐ PRIORITY 1 Overnight Delivery	1 ☐ HOLD FOR PICK-UP (Fill in Box #)		LBS			☐ Cash Received		Base Charges
2 ☐ COURIER-PAK Overnight Envelope	2 ☒ DELIVER WEEKDAY		LBS			☐ Return Shipment		Declared Value Charge
3 ☐ OVERNIGHT BOX	3 DELIVER SATURDAY (Extra charge) ☐		LBS			☐ Third Party ☐ Chg. To Hold		Other 1
4 ☐ OVERNIGHT TUBE	4 ☐ DANGEROUS GOODS (Extra charge)		LBS			City State Zip		Other 2
5 ☐ STANDARD AM Delivery not later than second business day	5 ☐ CONSIGNEE SURVEILLANCE SERVICE (CSS) (Extra charge) (Person's Signature Not Applicable)	Total	Total	Total		Received By: X		Total Charges
	6 ☐ DAY ICE _____ Lbs.	Received At: 1 ☐ Regular Stop 2 ☐ On-Call Stop 3 ☐ Drop Box 4 ☐ B.S.C. 5 ☐ Station				Date/Time Received	FedEx Employee Number	
	7 ☐ OTHER SPECIAL SERVICE _____	FEDEX Corp. Employee No.				Sender authorizes Federal Express to deliver this shipment without obtaining a delivery signature and shall indemnify and hold harmless Federal Express from any claims resulting therefrom.		
	8 ☐	Date/Time for FEDEX Use				Release Signature: _____		
	9 ☐ SATURDAY PICK-UP (Extra charge)							
	10 ☐							
	11 ☐							
	12 ☐ HOLIDAY DELIVERY (if offered) (Extra charge)							

*Declared Value Limit \$100.

PART #111800
REVISION DATE 7/88
PRINTED IN U.S.A. GBFE

009

© 1988 F.E.C.

MICROFILMED
MAY 17 1989

TERRY G. WHITE
MARY D. WHITE
RT. 3 BOX 201
BUHL, ID 83316

December 31, 1988

138833

PROOF DUE NOTICE

RE: PERMIT NO. 47-07726

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 March 1, 1989. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

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

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

SINCERELY,

Rita Fleck
Secretary/Records Manager

Enclosures

MICROFILMED

MAY 17 1989

December 12, 1988

Stephen M. Harmsen, General Pres.
Mud Creek Hydro Inc.
350 S. 400, E.
Salt Lake City, UT 84111

Dear Mr. Harmsen:

Re: Permit Nos. 47-7989 and 47-7726

This office acknowledges receipt of the request for withdrawal of the proof of beneficial use forms. These forms are returned to you. The department will prepare the necessary paperwork for a refund. The combined fee of \$1200 should reach you within the next month.

Note that proof of beneficial use is due on April 1, 1990 for Permit No. 47-79898 and on March 1, 1989 for Permit No. 47-7726. The department will contact the permit holder sixty days prior to the date proof is due.

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

Sincerely,

RITA I. FLECK
Secretary/Records Manager

Enclosures

c: Acct. Sec.

Microfilm

MAY 17 1989

MEMORANDUM

DATE: December 12, 1988

TO: ACCOUNTING SECTION

FROM: RITA I. FLECK 

RE: REFUND - PERMIT NO. 47-7726 and 47-7989

Please prepare a refund of \$1,200 (receipt No. C003454). Attached is a copy of a letter to the permit holder which explains why a refund is necessary. The return address is indicated on the attached letter.

Attachments: Letter

MICROFILMED

MAY 17 1989

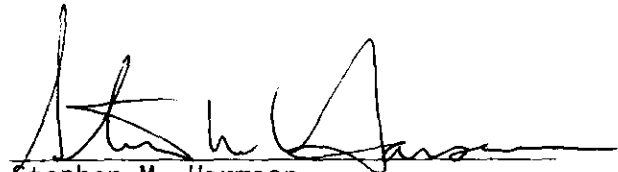
RECEIVED
NOV 30 1988

RE: Permit Nos. 47-7989 and 47-7726

Department of Water Resources

I, Stephen M. Harmsen, G. President of Mud Creek Hydro wish to withdraw the proof of beneficial use forms submitted to the Department of Water Resources on November 18, 1988. I understand that a refund of \$1,200 will be returned to me under separate cover.

Dated this 30 day of November, 1988.


Stephen M. Harmsen

MICROFILMED
MAY 17 1989

November 28, 1988

Stephen M. Harmsen, G. Pres.
Mud Creek Hydro Inc.
350 S. 400 E.
Salt Lake City, UT 84111

RE: Permit Nos. 47-7726 and 47-7989

Dear Mr. Harmsen:

The department reviewed the proof of beneficial use form received in this office November 17, 1988. Please note that the water right permit is personal property, therefore, the permit must be assigned to you before the proof is acceptable.

If Terry G. and/or Mary D. White wishes to assign the water right to you or have both your names on the permit, they may fill out the Assignment form enclosed with their copy of this letter and have it notarized.

Upon receipt of the Assignment form the department will continue processing the proof of beneficial use.

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

Sincerely,

RITA I. FLECK
Secretary/Records Manager

Enclosures

c: Terry G. and Mary D. White/Assignment Form
S. Region

RECEIVED

MAY 17 1989



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

RECEIVED

MAY 17 1989

47-7726

RECEIVED

NOV 23 1981

Department of Water Resources

17 FERC 162,241

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

- 2 -

Mr. Terry G. White) Project No. 4115-002

ORDER GRANTING EXEMPTION FROM LICENSING FOR
A CONDUIT HYDROELECTRIC PROJECT
(Issued November 16, 1981)

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 J (1980) implementing Section 30 of the Federal Power Act (Act) for a project as described in the attached public notice. 2/

Notice of the application was published 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.

Standard Article 2 included in this exemption, requires compliance with any 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.

It is ordered that:

(A) White Ranch Project No. 4115 as described and designated in Mr. Terry G. White's application filed on

- 1/ Mr. Terry G. White, Project No. 4115, filed on August 11, 1981.
- 2/ 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 45 Fed. Reg. 21216 (1980), as amended by Order No. 112 in Docket No. RM81-5, issued November 21, 1980, (45 Fed. Reg. 79024).

August 11, 1981, is exempted from all of the requirements of Part I of the Federal Power Act, including licensing, subject to the standard articles in §4.94 of the Commission's regulations, 45 Fed. Reg. 28085 (1980) (to be codified in 18 C.F.R. §4.94).

(B) This order is final unless a petition appealing it to the Commission is filed within 30 days from the date of its issuance, as provided in Section 1.7(d) of the Commission's regulations, 18 C.F.R. 1.7(d)(1979), as amended, 44 Fed. Reg. 46449 (1979). The filing of a petition appealing this order to the Commission or an application for rehearing as provided in Section 313(a) of the Act does not operate as a stay of the effective date of this order, except as specifically ordered by the Commission.

Robert E. Cackowski

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

RECEIVED

MAY 17 1989

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Mr. Terry G. White) Project No. 4115-002

NOTICE OF APPLICATION FOR EXEMPTION OF SMALL CONDUIT
HYDROELECTRIC FACILITY
(September 2, 1981)

Take notice that on August 11, 1981, Mr. Terry G. White of Buhl, Idaho (Applicant) filed an application under Section 30 of the Federal Power Act (Act) [16 U.S.C. Section 823(a)], for exemption of a proposed hydroelectric project from requirements of Part 1 of the Act. The proposed White Ranch Project (FERC Project No. 4115) would be located on the Applicant's fish hatchery system near the town of Buhl in Twin Falls county, Idaho. Correspondence with the Applicant should be directed to Consulting Associates, Inc., P.O. Box 893, Boise, Idaho 83701.

Purpose of Project - Project energy would be sold to a local utility.

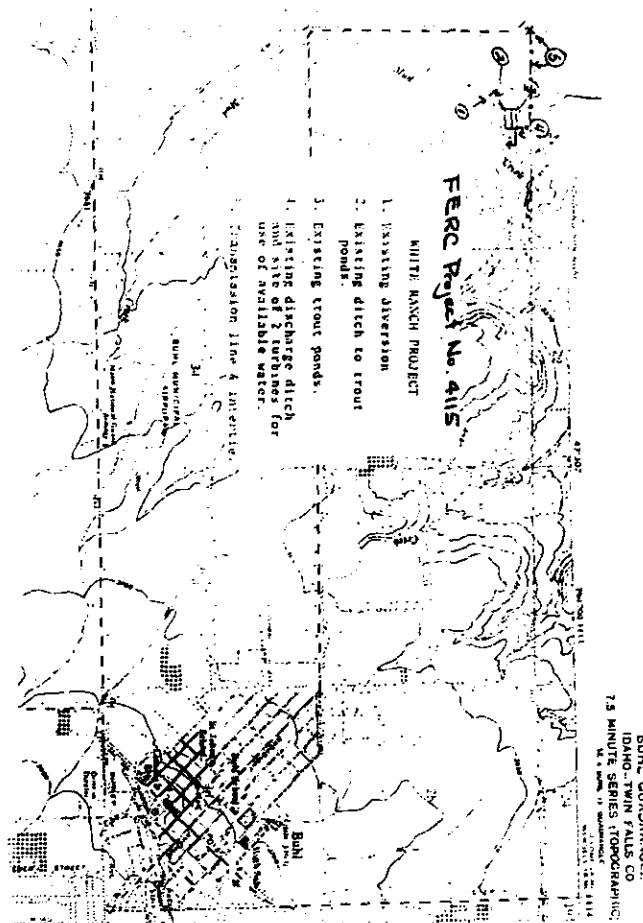
Project Description - The proposed project would consist of: (1) an intake structure within the southern bank of the Applicant's existing fish rearing pond; (2) a 270-foot long penstock; (3) two outdoor generating units with a combined rated capacity of 150 kW discharging into Mud Creek (the water is redirected in to the hatchery system 1/4 mile downstream); and (4) a 3,000-foot long transmission line to connect the generating units with an existing Idaho Power Company's transmission line.

Agency Comments - The U.S. Fish and Wildlife Service and the Idaho Department of Fish and Game are requested, pursuant to Section 30 of the Federal Power Act, to submit within 45 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or otherwise carry out the provisions of the Fish and Wildlife Coordination Act. If no comments are filed within this time period, an agency will be presumed to have determined that no terms or conditions to the exemption are necessary. Other Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide any comments they may have in accordance with their duties and responsibilities. Comments are due within 45 days from the date of issuance of this notice. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. One copy of an agency's comments must also be sent to the Applicant's representatives.

EC-A-21

Comments, Protests, or Petitions to Intervene - Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 C.F.R. 5.18 or 5.19 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in 5.19 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protests, or petitions to intervene must be received on or before October 19, 1981. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb
Secretary



RECEIVED
FILMED

MAY 17 1989

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Mr. Terry G. White) Project No. 4115-002

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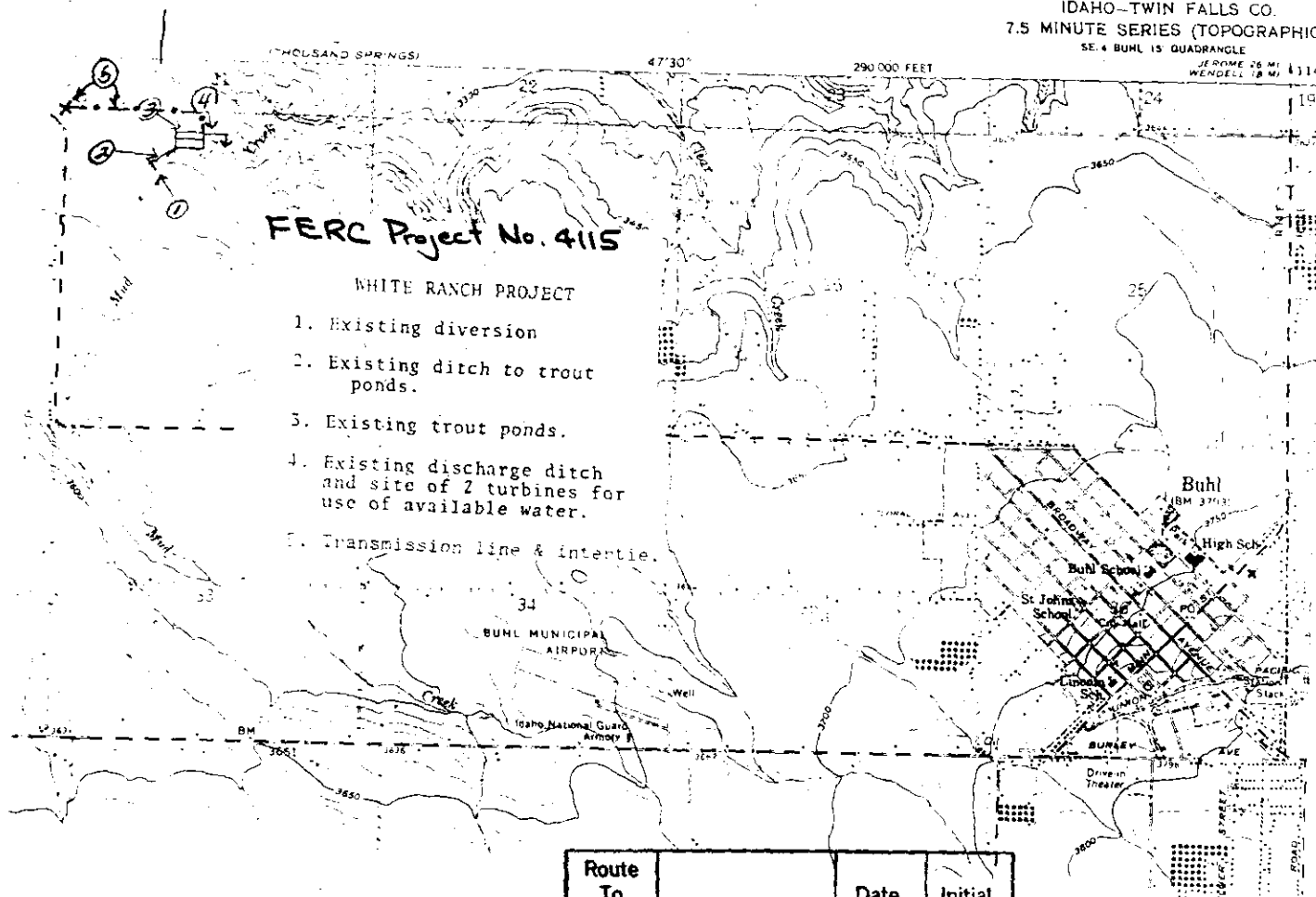
DC-A-21

- 2 -

Comments, Protests, or Petitions to Intervene - Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 C.F.R. §.18 or §.1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in §.1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protests, or petitions to intervene must be received on or before October 19, 1981. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb
Secretary

RECEIVED
OCT 21 1981
MAY 17 1981



FERC Project No. 4115

WHITE RANCH PROJECT

1. Existing diversion
2. Existing ditch to trout ponds.
3. Existing trout ponds.
4. Existing discharge ditch and site of 2 turbines for use of available water.
5. Transmission line & intertie.

Route To		Date	Initial
	Director		
	Deputy Dir.		
	Reso. Adm.		
	Reso. Analysis		
	Oper. Bureau		
	Proj. Stud. Bu.		
	Reg. Off. Bu.		
	Tech. Serv. Bu.		
	File:		

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

POSTAGE AND FEES PAID
FEDERAL ENERGY REGULATORY COMMISSION
FERC-351
FIRST CLASS MAIL



RECEIVED

MAY 17 1989

RECEIVED

SEP 14 1981

State of Idaho P-4115
Department of Water Resources
State House
Boise, Idaho 83720

Department of Water Resources

April 16, 1984

RE: Permit No. 47-7726

Terry G. &/or Mary D. White
Route #3, Box 201
Buhl, ID 83316

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.

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 into your water use project.

Please be advised that your application for permit has been approved because we no longer wait for approval from the Federal Energy Regulatory Commission (FERC) or the Idaho Public Utilities Commission (PUC) when the flow is less than 25 cfs and the power to be generated is less than 500 HP. However, you may still need to obtain approval from FERC and/or PUC.

Be sure to note the special condition requiring you to install a measuring device, or an access port, or to provide a certified measurement or computation of flow based upon the design of the system to be prepared by a professional engineer.

Sincerely,

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

DRT:sc
Enclosures

MAILED
APR 17 1984
FBI

POWER CALCULATIONS FOR APPLICATION NO. 47-7726

136 184 hp = 136 kw
P = Kilowatts .74 X hp

Q = cfs 25.

H = feet 65.0

e = efficiency

proposed

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

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

$$e = \frac{P(11.8)}{QH} = \frac{136 \times 11.8}{25 \times 65} = \frac{1604.8}{1625} = 0.99 \text{ NOT REASONABLE}$$

$$P = \frac{25 \times 65 \times .80}{11.8} = \frac{1300}{11.8} = 110.17 \text{ allow } 110 \text{ kW}$$

Based on the above calculations the proposed project must have an 80 % efficiency.

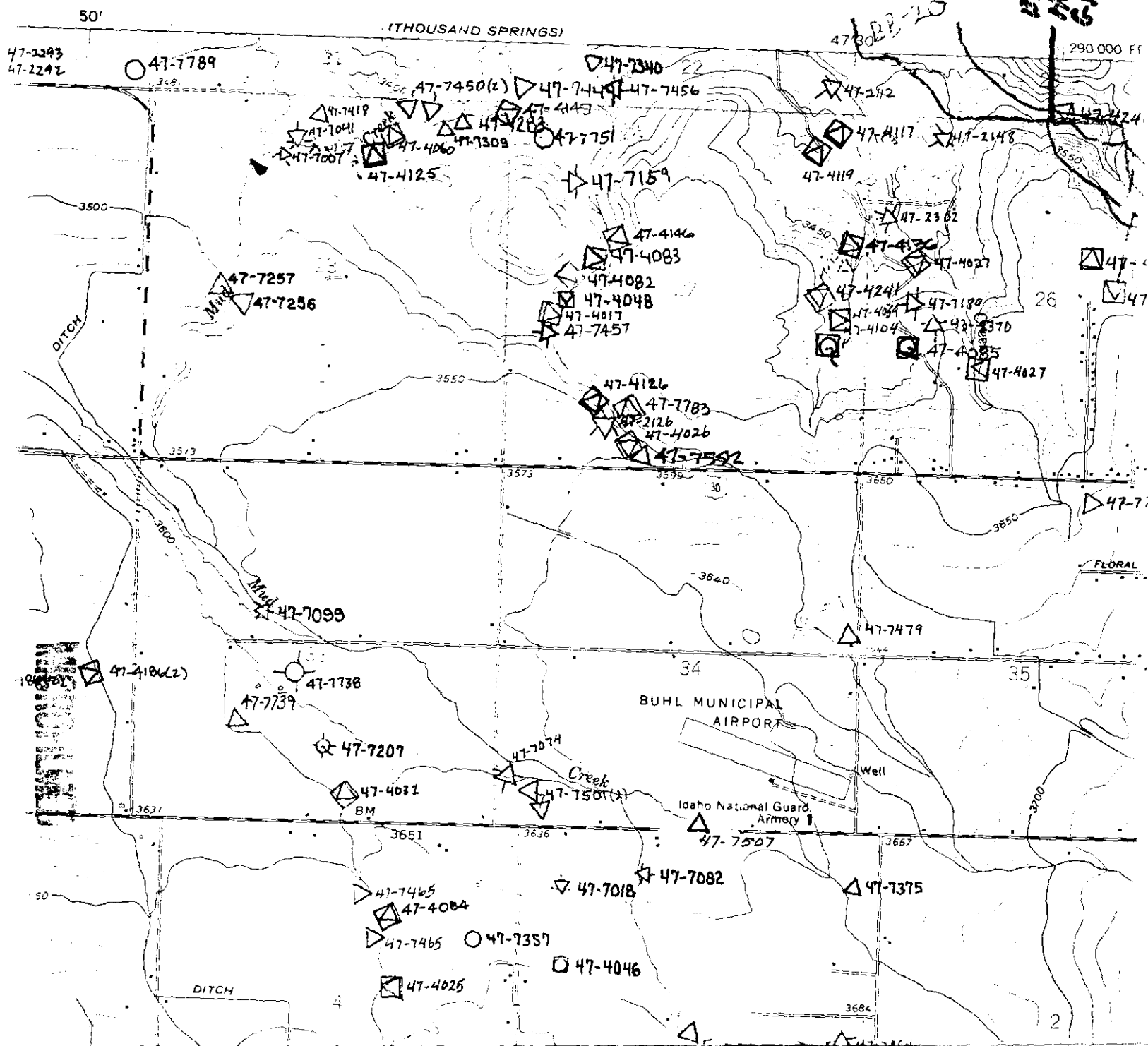
OVERLAP REVIEW as per terminal 2/16/84

P/D 47-7041 Lic for irr.
47-7007 Lic for irr.
47-7019B Lic for irr.
47-7418 permit for fish
47-7450 permit for fish
47-4125 claim for irr.
47-4060 claim for fish
47-7727 app. for power
47-7309 - canceled?
47-4149 claim for irr & stock

P/L 47-2237 - irr.
47-7418 - ~~fish~~ fish - NENE, 28, 9S, 14E
47-7450 fish - NENE, 28, 9S, 14E
~~47-7727~~ 47-7727 power, NENE, 28, 9S, 14E
47-4126 irr.
47-4125 irr.
47-4060 fish - NENE, 28, 9S, 14E
~~47-4048~~ 47-4048 - irr.

MICROFILMED

47-7727-app still at region
Recommend ~~14~~ L14



RECEIVED

17 FERC 162,241

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Mr. Terry G. White) Project No. 4115-002

ORDER GRANTING ~~EXEMPTION~~ FROM LICENSING FOR
A CONDUIT HYDROELECTRIC PROJECT
(Issued November 16, 1981)

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 J (1980) implementing Section 30 of the Federal Power Act (Act) for a project as described in the attached public notice. 2/

Notice of the application was published 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.

Standard Article 2 included in this exemption, requires compliance with any 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 being outside the scope of Article 2, the Commission shall determine whether the disputed terms or conditions are outside the scope of Article 2.

It is ordered that:

(A) White Ranch Project No. 4115 as described and designated in Mr. Terry G. White's application filed on

- 1/ Mr. Terry G. White, Project No. 4115, filed on August 11, 1981.
- 2/ 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 45 Fed. Reg. 21216 (1980), as amended by Order No. 112 in Docket No. RM81-5, issued November 21, 1980, (45 Fed. Reg. 79024).

- 2 -

August 11, 1981, is exempted from all of the requirements of Part I of the Federal Power Act, including licensing, subject to the standard articles in §4.94 of the Commission's regulations, 45 Fed. Reg. 28085 (1980) (to be codified in 18 C.F.R. §4.94).

(B) This order is final unless a petition appealing it to the Commission is filed within 30 days from the date of its issuance, as provided in Section 1.7(d) of the Commission's regulations, 18 C.F.R. 1.7(d)(1979), as amended, 44 Fed. Reg. 46449 (1979). The filing of a petition appealing this order to the Commission or an application for rehearing as provided in Section 313(a) of the Act does not operate as a stay of the effective date of this order, except as specifically ordered by the Commission.

Robert E. Cackowski

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

RECEIVED

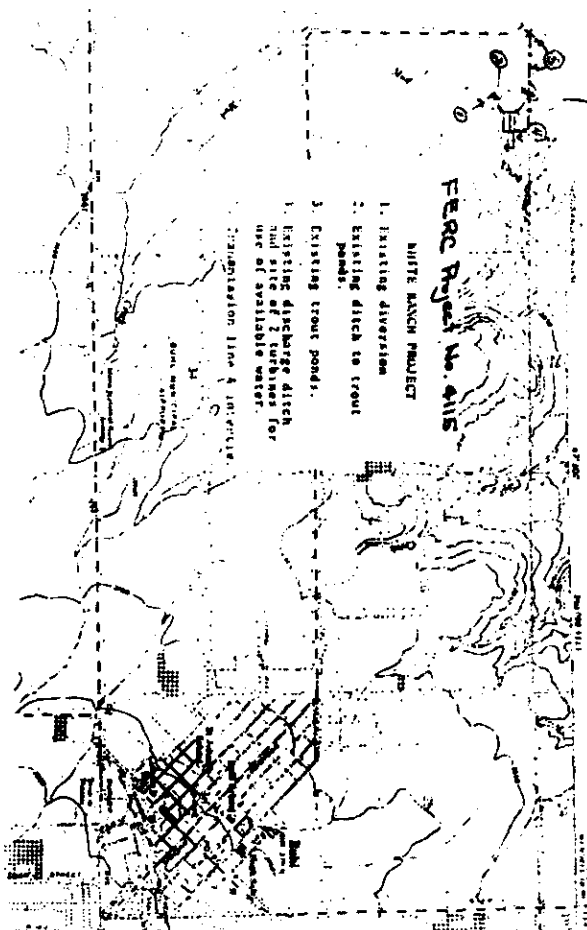
JAN 10 1984

Department of Water Resources
Southern District Office

Project No. 4216-GJ4

71

Kenneth F. Plumb
Secretary



POOR QUALITY ORIGINAL

MICROFILMED



J-U-B ENGINEERS, Inc.

INDUSTRIAL DIVISION

250 South Beechwood Avenue, Suite III

Boise, Idaho 83709

Telephone (208) 376-7330

May 11, 1981

Letter No. 23109

Mr. Vern Ravenscroft
P. O. Box 8988 993
Boise, Idaho 83701

Dear Mr. Ravenscroft:

Enclosed is a copy of the turbine spec with some paragraphs marked in red. The intent is to get firm bids from quality suppliers who can guarantee performance.

Also attached is a copy of our standard cost estimating sheet on Mud Creek. Please add the transmission line costs at \$18,000.00 per mile when you know the actual distance from the proposed power house to the nearest 3-phase power line.

I did not figure the 20-foot drop site yet because of the uncertainty of suppliers at this low head at this date.

Please keep us posted on your projects. Copies of the F.E.R.C. applications would be appreciated.

Sincerely,

J-U-B ENGINEERS, Inc.
Industrial Division

Robert E. Murphy, P.E.

REM:ss
Enclosures

RECEIVED

JUL 15 1981

Department of Water Resources
Southern District Office

PRELIMINARY COST ESTIMATE

PROJECT NAME Ravenscroft Project

PROJECT LOCATION Mud Creek

Conditions of Service: Gross Head - 70 ft.
 Net Head - ft.
 Flow - 30 ft.

Flow duration: 100% of Time 15 cfs, 90% 15 cfs
 80% 15 cfs 70% 15 cfs 60% 15 cfs 50% 30 cfs
 40% 30 cfs 30% 30 cfs Peak Flow 30 cfs

Item 1	Civil works including water diversion, gates, headworks, penstock, piping, valves, tailrace	\$ <u> </u>
Item 2	Turbine/generator foundations and supports	\$ <u> </u>
Item 3	Power house building	\$ <u> </u>
Item 4	Turbine/generators <u>2</u> units, <u>30</u> cfs, <u> </u> cfs <u> </u> cfs	\$ <u>75,000.00</u>
Item 5	Electrical control and switchgear	\$ <u>20,768.00</u>
Item 6	Generator step up transformer (<u>225</u> KVA)	\$ <u>4,569.00</u>
Item 7	Utility tie and metering	\$ <u>5,000.00</u>
Item 8	Transmission line extension (approximately <u> </u> miles)	\$ <u> </u>
Item 9	Misc. cost <u> </u>	\$ <u> </u>
	Sub Total	\$ <u> </u>
Item 10	Engineering contingencies and construction management (<u> </u> %)	\$ <u> </u>
Item 11	Federal Energy license, exemption or permit	\$ <u> </u>
	Total Project Cost	\$ <u> </u>

Project Capacity Calculation

Head 70 ft. x Flow 30 cfs x .073 = 153 kW

Turbine/Generator Unit Size Calculation

T/G #1 Head 70 ft. x Flow 15 cfs x .073 = 76 kW
 T/G #2 Head 70 ft. x Flow 15 cfs x .073 = 76 kW
 T/G #3 Head ft. x Flow cfs x .073 = kW
 T/G #4 Head ft. x Flow cfs x .073 = kW

Energy Calculation (kWh/yr.)

T/G #1	<u>76</u> kW x 8760 hrs. x <u>50</u> % (Duration) x <u>.91</u> % (eff.) =	<u>302920</u> kWh
T/G #2	<u>76</u> kW x 8760 hrs. x <u>100</u> % (Duration) x <u>.91</u> % (eff.) =	<u>605841</u> kWh
T/G #3	<u> </u> kW x 8760 hrs. x <u> </u> % (Duration) x <u> </u> % (eff.) =	<u> </u> kWh
T/G #4	<u> </u> kW x 8760 hrs. x <u> </u> % (Duration) x <u> </u> % (eff.) =	<u> </u> kWh
	Annual Total =	<u>908761</u> kWh

Income Statement

Contract Schedule starting in year 1982 for 35 years.
 Energy Rate = \$.01639 /kWh + 8 % escalation for year 1982
 Energy Income = 851,318 kWh/yr. X \$.0177 /kWh = 15,068
 Contract Capacity = 851,318 kWh/yr. = 129 kW
 Contract Capacity = 75 % X 8760 hr./yr.
 Contract Capacity Income = 129 kW X \$ 290 /kW = 37,410
 Total Income 1st Yr. = 52,478
 Average Income/kWh = \$ = mils
 Capital Cost/Income Ratio = \$ =

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ECONOMIC ANALYSIS

Tentative

PROJECT:

Terry White - Mud Creek #1

INCOME:

Potential KWH 965,790 x Plant Factor 95 % = 917,500 KWHEnergy Payment: .01639\$ 15,037 ⁰⁰Avoided Capacity Payment: 140 KW. x 290⁰⁰ (1982)\$ 40,600 ⁰⁰

Total:

\$ 55,637

Mills per KWH:

\$.0606

ANNUAL EXPENSE:

Consultant:

Consulting Assoc.
Using J. H. B. Advisory Work.

1. Depreciation Reserves:

A. Generator, Turbine, Governor, Sub-station
Equipment, Automated Controls, etc.Est. Cost \$ 95,768 Deprec. 10 Yrs. = \$ 9,577 ⁰⁰

B. Transmission Line Intertie & Miscellaneous

Est. Cost \$ 14,569 Deprec. 20 Yrs. = \$ 729 ⁰⁰C. Civil Works, Diversion, Canals, Headworks,
Flumes, Power Houses, Draft Tubes, Penstocks, etc.Est. Cost \$ 65,000 Deprec. 50 Yrs. = \$ 1,300 ⁰⁰2. Contingencies, Legal, Engineering, Permits, Water
Rights, & Misc. (25%, non-deprecable expense)\$46,684 ⁰⁰
+ permits + water

TOTAL:

\$ 220,021

3. Maintenance, Repair, & Operation:

A. Operator (Part time)\$ 1,500 ⁰⁰

B. Relief Operator (standby)

\$ 500 ⁰⁰

C. Repair, Maintenance, & Conting. (10% gross)

\$ 5,564 ⁰⁰

4. Taxes & Fees:

A. Property Tax (1% value) \$175,000 base\$ 1,750 ⁰⁰

B. State Kilowatt Hour Tax (.001)

\$ 918 ⁰⁰

C. Watermaster Fee

\$ - 0 -

D. Other

\$ - 0 -

5. Debt Service:

A. Debt Retirement

\$ 6,285 ⁰⁰Details 220,000 / 35 yrs.B. Average Interest 16% declining balance\$ 18,103 ⁰⁰Details 1st 35,200⁰⁰ last \$1,006

6. Property Expenses:

A. Right of Way Fees

\$ 0

B. Others

\$ 0

Total:

\$ 46,226

Cost of Production per KWH:

\$.0504+ Cost of Stainless Steel turbines.MICROFILMED
UNIVERSITY MICROFILMS

INTER-DEPARTMENT MEMO — 1

FROM Allen Mervitt

DATE 2/6/84

TO File 47-7726

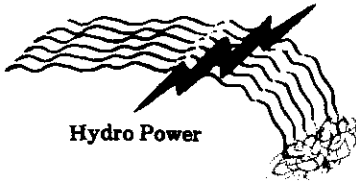
SUBJECT Pre-permit Exam.

I have been at the proposed location of the hydro-site when reviewing the diversion structure for consideration as being a dam. From my recollection all items on the application are correct and I recommend its approval.

MICROFILMED

AM

SIGNATURE



Energy Dynamics Corp.
1035 Shoshone St. N.
Twin Falls, Idaho 83301
208-734-7885

January 10, 1984

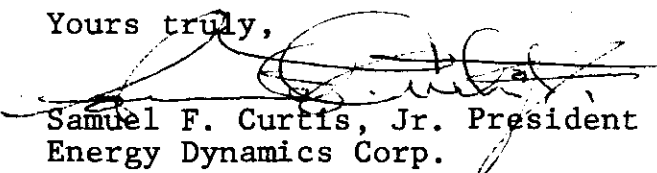
State Dept. of Water Resources
Boise, Idaho

Gentlemen:

Pursuant to your request for some indication that funds are available to build the subject Hydro Project, please be advised by virtue of this statement that the funds are available and await only the signature of Idaho Power for their disbursement.

I hope this satisfies your financial responsibility requirement.

Yours truly,


Samuel F. Curtis, Jr. President
Energy Dynamics Corp.

RECORDED
INDEXED
JAN 11 1984



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

November 19, 1982

Terry G. &/or Mary D. White
Route 3 - Box 201
Buhl, Idaho 83316

Re: Application for Permit No. 47-7726

Dear Mr. & Mrs. White:

The protest of Mud Creek Water User's Association, Inc., against your hydropower application, referenced above, was withdrawn on November 15, 1982.

In reviewing the file, we find the following, previously requested, items are needed for inclusion in your file before any approval can be granted.

- 1) A preliminary plan for the facility showing the proposed layout of the plant on the property and giving approximate locations, dimensions, and elevations of all major components of the facility. ✓ 12/30/83
- 2) A showing that the applicant has the financial ability to undertake the project. ✓ 1/10/84
- 3) An affidavit of residence meeting the revised requirements of IDAHO CODE, Section 42-205. A form is enclosed for your use. ✓ 12/30/83

If you have any questions about these requirements, please feel free to contact this office.

Very truly yours,

Loren O. Holmes
Southern Region Supervisor

LOH:marya

Encl:

November 15, 1982

Loren O. Holmes
State of Idaho
Department of Water Resources
1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301

Re: Application for Permit No. 47-7726
Terry G. and/or Mary D. White

Dear Mr. Holmes:

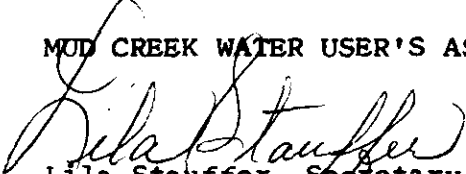
Please be advised that Mud Creek Water User's Association, Inc. has no further protest to issuance of the above application. This application in no way pertains to our water shares, nor diversion thereof.

Please forgive my delay in responding to our telephone conversation of this past summer. I have had some rather formidable personal problems and mechanical set-backs (Mud Creek's typewriter blew up!).

Thank you for your courtesies.

Sincerely,

MUD CREEK WATER USER'S ASSOCIATION, INC.



Lila Stauffer, Secretary/Treasurer
Route #3, Box 280
Buhl, Idaho 83316
208/543-8311



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

November 3, 1932

Terry G. &/or Mary D. White
Rt. 3 Box 201
Buhl, Idaho 83316

Re: Application for Permit No. 47-7726

Dear Mr. & Mrs. White:

This office is currently holding the above referenced application to appropriate water for power generation pending a hearing on protests filed against the application.

The Department has determined that The Federal Energy Regulatory Commission (FERC) and/or The Idaho Public Utilities Commission (PUC) has jurisdiction in permitting the project for which a water right is sought.

For this reason, no hearing before the Department of Water Resources will be scheduled until notification is received by this office that action on the proposed project has been taken by FERC and/or PUC.

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

Very truly yours,

Loren O. Holmes
Southern Region Supervisor

LOH:marya

cc: John A. Rosholt
Mud Creek Water Users Association

RECEIVED

To: Loren

Date: 7/26/ Time:

WHILE YOU WERE OUT

Terry White

of 543-5478

Phone:

Telephoned	☒	Please call	☒
Called to see you	☐	Will call again	☐
Wants to see you	☐	Returned your call	☐

Message: Went to know

if protest has been resolved.

He thought it was.

ADM

Operator

12/3/81 - Has Contacted Protestants

Call Don Cottrell - Chairman - 543-4811

Lila Stauffer Secretary 543-8311



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

9
November 2, 1981

Terry C. &/or Mary D. White
Rt 3, Box 201
Buhl, ID 83316

RE: Application for Permit No. 47-7726

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.

25

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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State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Copy

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

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

47-7726

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

RECEIVED
MAY 11 1981



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

June 3, 1981

Terry G. &/or Mary D. White
Route 3 - Box 201
Buhl, Idaho 83316

Re: Application for Permit No. 47-7726

Dear Mr. & Mrs. White:

Enclosed is a copy of a protest filed against the issuance of a permit pursuant to your Application No. 47-7726. The Department suggests you contact the protestant directly in an effort to determine the nature of the protest and to attempt to resolve the protest.

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

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

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

Very truly yours,

LOREN O. HOLMES
Southern Region Supervisor

LOH:marya

Encl:



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

C. Stephen Allred
Director

June 3, 1981

John A. Rosholt
Attorney at Law
P.O. Box 1906
Twin Falls, Idaho 83301

Re: Application for Permit No. 47-7726

Dear Mr. Rosholt:

Your protest against the approval of the above-referenced application submitted in behalf of **Mud Creek Water Users Association** has been received and a copy has been sent to the applicant. The Department suggests you contact the applicant directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

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

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

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

Sincerely,

LOREN O. HOLMES
Southern Region Supervisor

LOH:marya

MICROFILMED

1 John A. Rosholt
2 NELSON, ROSHOLT, ROBERTSON,
3 TOLMAN & TUCKER
4 P. O. Box 1906
5 Twin Falls, Idaho 83301
6 Telephone: 734-0700

RECEIVED

MAY 26 1981

Department of Water Resources
Southern District Office

10 BEFORE THE DEPARTMENT OF WATER RESOURCES
11 OF THE STATE OF IDAHO

12 * * * * *

13 IN THE MATTER OF APPLICATION)	
14 FOR PERMIT NO. 47-7726)	CONDITIONAL PROTEST OF MUD
15 TERRY G. WHITE and MARY D.)	CREEK WATER USERS ASSOCIA-
16 WHITE.)	TION TO APPLICATION FOR
	WATER PERMIT

17 * * * * *

18 COMES NOW The Mud Creek Water Users Association, by
19 and through their attorneys, Nelson, Rosholt, Robertson,
20 Tolman & Tucker, and protests the application of Terry G.
21 White and Mary D. White above-referenced for the reason that
22 the above application may contemplate the construction of a
23 power facility attached to the dam and reservoir of the Mud
24 Creek Water Users Association on Mud Creek in the NE NW,
25 Section 28, Township 9 South, Range 14 E.B.M., as represented
26 in said filing.

27 It is unclear whether or not the above application
28 contemplates use of the Association's dam. If so, House Bill
29 No. 317 (with an effective date of April 1, 1981) now Idaho
30 law, would require the permission of Mud Creek Water Users
31 Association before the same could be accepted or a permit
32 issued pursuant thereto in accordance with said law.

RECEIVED



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

April 24, 1981

Terry G. &/or Mary D. White
Route 3 - Box 201
Buhl, Idaho 83316

Re: Application for Permit No. 7726

Dear Mr. & Mrs. White:

This office is currently processing your Application for Permit No. 47-7726 filed on April 7, 1981.

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.

- 1) A plan for the facility. This must include a scale drawing showing the proposed layout of the plant on the property, and must give approximate locations, dimensions, and elevations of all major components of the facility.
- 2) An itemized estimate of the cost of constructing the facility.
- 3) 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.

Advertising and regional office review of the application should be completed by May 26, 1981. If the requested information is received by that date, no additional delay in processing will be incurred.

If you have any questions regarding these requirements, please contact me.

Very truly yours,

LOREN O. HOLMES
Southern Region Supervisor

LOH:marya

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:

4Z-ZZ26-

WHITE, TERRY G. &/or MARY D.

RT. 3 BOX 201, BUHL, ID 83316

Source: MUD CREEK tributary to SNAKE RIVER

Date Filed: 04/07/1981

Amount: 25.00 CFS

Diversion Point: NENW Sec 28 T 09S R 14E, TWIN FALLS Co.

Use: POWER (25.00 CFS) from 01/01 to 12/31

Place of Use: NENW Sec 28 T 09S R 14E

Diversion Means: CHECK DAM & PENSTOCK

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 before MAY 26, 1981.

A. KENNETH DUNN

Director

Published 5/7 & 5/14/81.

MICROFILMED

**NOTICE OF APPLICATION
FOR WATER RIGHT**

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

47-7726

WHITE, TERRY G. &/or

MARY D.

RT. 3 BOX 201, BUHL, ID

83316

Source: MUD CREEK tribu-
tary to SNAKE RIVER

Date Filed: 04/07/1981

Amount: 25.00 CFS

Diversion Point: NENW Sec
28 T 09S R 14E, TWIN
FALLS Co.

Use: POWER (25.00 CFS)
from 01/01 to 12/31

Place of Use: NENW Sec 28
T 09S R 14E

Diversion Means: CHECK
DAM & PENSTOCK

*ok
macy
4/29/81*

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region

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

APRIL 22, 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 MAY 26, 1981.

Yours truly,

Mary A. Hill
Secretary

Encl.



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

C. Stephen Allred
Director

April 17, 1981

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

Re: Application for Permit No. 47-7726 and 47-7727

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: