

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 29-07567

Priority: June 19, 1980

Maximum Diversion Rate: 7.00 CFS

Maximum Diversion Volume: 5067.8 AF

This is to certify, that MYRON JONES

165 W 300 N

MALAD ID 83252

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated April 18, 1980; and has submitted Proof of Beneficial Use on February 2, 1988. An examination indicates that the works have a diversion capacity of 12.000 cfs of water from:

MILL CREEK

tributary to BIRCH CREEK

MILL CREEK

tributary to DEVIL CREEK

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
POWER	01/01 to 12/31	7.00 CFS	5067.8 AF

LOCATION OF POINT(S) OF DIVERSION: SENE, Sec. 29, Township 12S, Range 36E
BANNOCK County

PLACE OF USE: POWER

TWN RGE SEC

12S 36E 27

NWSW

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. This right does not constitute Idaho Public Utilities Commission or Federal Energy Regulatory Commission approval may be required.

RECORDED

DEC 07 1995

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

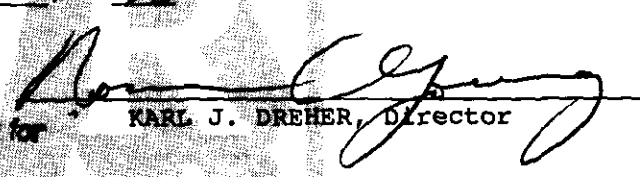
WATER RIGHT NO. 29-07567

CONDITIONS OF APPROVAL AND REMARKS

6. The rights for the use of water confirmed in this license shall be junior and subordinate to all rights for the use of water other than hydropower, within the State of Idaho that are initiated later in time than the priority of this right and shall not give rise to any right or claim against any future rights for the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this right.
7. Water used under this right if discharged into a natural channel or subsurface system shall meet Idaho Water Quality Standards.
8. The issuance of this right does not grant any right-of-way or easement across the land of another.
9. The diversion and use of water under this license is subject to review by the Director on or after December 29, 2021. Upon appropriate findings relative to the interest of the public, the Director may cancel all or any part of the use authorized herein and may revise, delete or add conditions under which the right may be exercised.
10. Facility is known as the Mill Creek Project.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 13TH
day of NOVEMBER, 19 95

Acting for


KARL J. DREHER, Director

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DEC 07 1995

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ASSIGNMENT OF PERMITS AND EASEMENTS

Department of Water Resources

This Assignment Agreement, made and entered into this 17 day of ~~September~~ ^{December}, 1987, by and between MYRON JONES and NOLA JONES, husband and wife, and LARRY OJA and CHRISTIE OJA, husband and wife, (hereinafter "Assignors") and NEW ENERGY, INC., an Arizona corporation, (hereinafter "Assignee").

R E C I T A L S

A. Assignors and Assignee have previously entered into a Hydroelectric Project Development and Operation Agreement dated ~~September~~ ^{December} 17, 1987 (hereinafter "Agreement").

B. Whereas the Agreement provides that Assignors as Sellers will assign to Assignee as Developer certain permits, licenses, exemptions, water rights, use permits and a Power Purchase Agreement with Utah Power & Light Company (the "Permits") and certain Easements; and whereas the Power Purchase Agreement has already been assigned to Assignee by a separate Agreement.

A S S I G N M E N T S

NOW, THEREFORE, for good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the parties hereto agree as follows:

1. Assignors hereby assign to Assignee all of their right, title and interest in and to those Permits which are set forth in Exhibit "C" (except for the Power Purchase Agreement which has been assigned by a separate Agreement), which is attached hereto and incorporated herein by reference.

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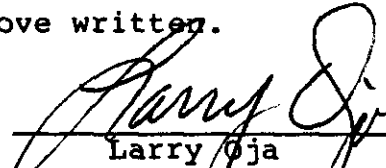
JUL 15 1991

2. Assignors hereby assign to Assignee all of their right, title and interest in and to the Easements which are more particularly described in Exhibit "B" which is attached hereto and incorporated herein by reference.

3. Assignee hereby accepts this Assignment of said permits and easements in accordance with the terms hereof.

4. In consideration of the execution and delivery of this Assignment by Assignors, the Assignee covenants that it will duly keep, observe and perform all of the terms, conditions and provisions of said Permits and Easements that are to be kept, observed and performed by the Assignors.

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

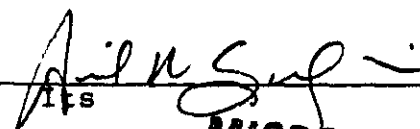

Larry Oja


Christie Oja


Myron Jones


Nola Jones

NEW ENERGY, INC.,
an Arizona corporation

By 
its

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EXHIBIT "B"

Easements

1. Easement granted by the County of Oneida to Myron Jones and Nola Jones and Larry Oja and Christie Oja, recorded as Instrument No. 105960 in the Recorder's Office of the County of Oneida, State of Idaho, on March 22, 1983.

2. Easement granted by Larry Oja and Christie Oja to O.J. Power Company (Myron Jones, Nola Jones, Larry Oja and Christie Oja), recorded as Instrument No. 781554 in the Recorder's Office of Bannock County, State of Idaho, on October 2, 1986.

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EXHIBIT "C"

Permits

1. That certain Purchase Power Agreement between Myron Jones, Nola Jones, Larry Oja and Christie Oja as Seller and Utah Power & Light Company as Buyer, dated March 4, 1986.

2. Special Use Permit granted to O.J. Power Company by the Forest Service, U.S. Department of Agriculture, on or about August 26, 1986, a copy of which is attached hereto and by reference incorporated herein.

3. Application for Permit to appropriate the public waters of the State of Idaho No. 29-7567, filed by Myron Jones and approved by the Idaho Department of Water Resources on or about December 27, 1982, a copy of which is attached hereto and by reference incorporated herein.

4. Approval from Idaho Department of Fish and Game by letter of November 28, 1986, a copy of which is attached hereto and by reference incorporated herein.

5. Exemption from licensing granted by the Federal Energy Regulatory Commission to Myron Jones, Nola Jones, Larry Oja and Christie Oja on September 20, 1985, for a proposed O.J. Power Company Project No. 7719-003 (32 FERC \$62,617 (1985)).

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United States Department of Agriculture Forest Service SPECIAL USE PERMIT Act of June 4, 1897 This permit is revocable and nontransferable (Ref. FSM 2710)	a. Record no. (1-2) 70 --	b. Region (3-4) Q4	c. Forest (5-6) Q5
	d. District (7-8) 04 --	e. User number (9-12) 5377 ----	f. Kind of use (13-15) 612 ---
	g. State (16-17) 16 --	h. County (18-20) 005 ---	i. Card no. (21) 1 -

Permission is hereby granted to O. J. POWER COMPANY

of 147 East 50 South, Malad, Idaho 83252

hereinafter called the permittee, to use subject to the conditions set out below, the following described lands or improvements:

A strip of land 50' wide starting near the east end of the Malad Administrative Site and the east section line of Section 28, T 12S., R 36E, B.M. and running easterly to the Forest boundary.

After construction is completed, the strip of land will be reduced to 10' wide.

During construction three acres.

This permit covers _____ acres and/or _____ miles and is issued for the purpose of:
 After construction one acre.

Constructing and maintaining a run-of-the-stream diversion structure and a buried 18" penstock for hydroelectric power generating facility located off Forest approved in FERC exemption No. 7719-000 dated 9/20/85.

1. Construction or occupancy and use under this permit shall begin within in July 1986 months, and construction, if any, shall be completed within 18 months, from the date of the permit. This use shall be actually exercised at least 365 days each year, unless otherwise authorized in writing.

2. In consideration for this use, the permittee shall pay to the Forest Service, U.S. Department of Agriculture, the sum of two-hundred and 00/100 Dollars (\$ 200.00) for the period from July 1 1986, to December 31 1986, and thereafter annually on January 1 until such time as the approved rate schedule is provided.

 Dollars (\$ _____):
 Provided, however, Charges for this use may be made or readjusted whenever necessary to place the charges on a basis commensurate with the value of use authorized by this permit.

3. This permit is accepted subject to the conditions set forth herein, and to conditions 18 to 54 attached hereto and made a part of this permit.

PERMITTEE	NAME OF PERMITTEE <u>O. J. Power Co.</u>	SIGNATURE OF AUTHORIZED OFFICER <u>[Signature]</u> TITLE <u>Acting Forest Supervisor</u>	
ISSUING OFFICER	NAME AND SIGNATURE <u>[Signature]</u>	DATE <u>JUL 15 1986</u>	DATE <u>8-15-86</u>

4. Development plans; layout plans; construction, reconstruction, or alteration of improvements; or revision of layout or construction plans for this area must be approved in advance and in writing by the forest supervisor. Trees or shrubbery on the permitted area may be removed or destroyed only after the forest officer in charge has approved, and has marked or otherwise designated that which may be removed or destroyed. Timber cut or destroyed will be paid for by the permittee as follows: Merchantable timber at appraised value; young-growth timber below merchantable size at current damage appraisal value; *provided* that the Forest Service reserves the right to dispose of the merchantable timber to others than the permittee at no stumpage cost to the permittee. Trees, shrubs, and other plants may be planted in such manner and in such places about the premises as may be approved by the forest officer in charge.

5. The permittee shall maintain the improvements and premises to standards of repair, orderliness, neatness, sanitation, and safety acceptable to the forest officer in charge.

6. This permit is subject to all valid claims.

7. The permittee, in exercising the privileges granted by this permit, shall comply with the regulations of the Department of Agriculture and all Federal, State, county, and municipal laws, ordinances, or regulations which are applicable to the area or operations covered by this permit.

8. The permittee shall take all reasonable precautions to prevent and suppress forest fires. No material shall be disposed of by burning in open fires during the closed season established by law or regulation without a written permit from the forest officer in charge or his authorized agent.

9. The permittee shall exercise diligence in protecting from damage the land and property of the United States covered by and used in connection with this permit, and shall pay the United States for any damage resulting from negligence or from the violation of the terms of this permit or of any law or regulation applicable to the National Forests by the permittee, or by any agents or employees of the permittee acting within the scope of their agency or employment.

10. The permittee shall fully repair all damage, other than ordinary wear and tear, to national forest roads and trails caused by the permittee in the exercise of the privilege granted by this permit.

11. No Member of or Delegate to Congress or Resident Commissioner shall be admitted to any share or part of this agreement or to any benefit that may arise herefrom unless it is made with a corporation for its general benefit.

12. Upon abandonment, termination, revocation, or cancellation of this permit, the permittee shall remove within a reasonable time all structures and improvements except those owned by the United States, and shall restore the site, unless otherwise agreed upon in writing or in this permit. If the permittee fails to remove all such structures or improvements within a reasonable period, they shall become the property of the United States, but that will not relieve the permittee of liability for the cost of their removal and restoration of the site.

13. This permit is not transferable. If the permittee through voluntary sale or transfer, or through enforcement of contract, foreclosure, tax sale, or other valid legal proceeding shall cease to be the owner of the physical improvements other than those owned by the United States situated on the land described in this permit and is unable to furnish adequate proof of ability to redeem or otherwise reestablish title to said improvements, this permit shall be subject to cancellation. But if the person to whom title to said improvements shall have been transferred in either manner provided is qualified as a permittee and is willing that his future occupancy of the premises shall be subject to such new conditions and stipulations as existing or prospective circumstances may warrant, his continued occupancy of the premises may be authorized by permit to him if, in the opinion of the issuing officer or his successor, issuance of a permit is desirable and in the public interest.

14. In case of change of address, the permittee shall immediately notify the forest supervisor.

15. The temporary use and occupancy of the premises and improvements herein described may be sublet by the permittee to third parties only with the prior written approval of the forest supervisor but the permittee shall continue to be responsible for compliance with all conditions of this permit by persons to whom such premises may be sublet.

16. This permit may be terminated upon breach of any of the conditions herein or at the discretion of the regional forester or the Chief, Forest Service.

17. In the event of any conflict between any of the preceding printed clauses or any provisions thereof and any of the following clauses or any provisions thereof, the following clauses will control.

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18. FERC Authorization

Construction, operation, and maintenance activities are authorized under this permit only when the permittee holds a valid exemption from license from the Federal Energy Regulatory Commission. This permit shall automatically terminate upon surrender or revocation of said exemption from license.

19. Streamflow Requirements

To protect aquatic ecosystems, and other National Forest values, the minimum streamflow levels are established as contained in the attached Article 1 - Maintenance of Instream Flows.

20. Measurements, Waterflow

The permittee shall (prior to operation of the project) install and maintain to U. S. Geological Survey standards a stream gauging station with daily record of streamflows immediately downstream of the project diversion. All data shall be made available to the Forest Service. The daily records of flows shall be submitted annually by December 31 of each year for the preceding October 1 - September 30 water year to: Forest Supervisor, Caribou National Forest. The permittee shall also meet the requirements for monitoring as outlined in the Operating Plan.

21. (A-6) Pursuant to the Federal Claims Collection Act of 1966, as amended, 31 USC 3101, et seq., and regulations at 7 CFR Part 3, Subpart B, and interest charge shall be assessed on any payment not made by the payment due date. Interest shall be assessed using the most current rate prescribed by the United States Department of the Treasury's Fiscal Requirements Manual (TFRM-6-8020.20). Interest shall accrue from the date the payment was due. In addition, the cost of processing and handling the overdue payment shall be added to the amount due.

A penalty of 6 percent per year shall be assessed on any payment overdue in excess of 90 days from the payment due date.

Payments will be credited on the date received by the designated collection officer or deposit location. If the payment due date(s) falls on a nonworkday, the interest and penalty charges shall not apply until the close of business of the next workday.

22. (B-2) During the performance of this authorization, the holder agrees that:

1. The holder and employees shall not discriminate by segregation or otherwise against any person on the basis of race, color, or national origin by curtailing or refusing to furnish accommodations.

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2. Title VI attaches coverage to the holder's employment practices if discrimination in employment impeded the delivery of services and benefits to people on the basis of their race, color, or national origin.

3. The holder shall include and require compliance with this nondiscrimination provision in any subcontract made with respect to the operations under this authorization.

4. Signs setting forth this policy of nondiscrimination, to be furnished by the Forest Service, will conspicuously be displayed at the public entrance to the premises, and at other exterior or interior locations as directed by the Forest Service.

23. (B-8) The holder shall indemnify the United States against any liability for damage to life or property arising from the occupancy or use of National Forest lands under this permit.

24. (B-26) Holder shall take all measures necessary to protect the health and safety of all persons affected by its activities performed in connection with the construction, operation, maintenance, or termination of the right-of-way, and shall promptly abate as completely as possible any physical or mechanical procedure, activity, event, or condition, existing or occurring at any time: (1) that is susceptible to abatement by the holder, (2) which arises out of, or could adversely affect the construction, operation, maintenance, or termination of all or any part of the diversion and penstock facilities, and (3) that causes or threatens to cause: (a) a hazard to the safety of workers or to public health or safety, or (b) serious and irreparable harm or damage to the environment (including but not limited to areas of vegetation or timber, fish or other wildlife populations, or their habitats, or any other natural resource). Holder shall immediately notify the authorized officer of all serious accidents which occur in connection with such activities.

25. (B-29) 1. Only electronic detonators shall be used for blasting.

2. In the use of explosives, the holder shall exercise the utmost care not to endanger life or property and shall comply with the requirements of the Forest Service. The holder shall be responsible for any and all damages resulting from the use of explosives and shall adopt precautions that will prevent damage to surrounding objects. The holder shall furnish and erect special signs to warn the public of blasting operations. Such signs shall be placed and maintained so as to be clearly evident to the public during all critical periods of the blasting operations, and shall include a warning statement to have radio transmitters turned off.

3. All storage places for explosives shall be marked "DANGEROUS-EXPLOSIVES." The method of storing

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explosives shall conform to recommended procedures contained in the "Blasters Handbook", published by E. I. du Pont de Nemours and Company, and in all Federal, State, and local laws and regulations.

4. When using explosives, the holder shall adopt precautions which will prevent damage to landscape features and other surrounding objects. When directed by the Forest officer in charge, trees within an area designated to be cleared shall be left as a protective screen for surrounding vegetation during blasting operations. Trees so left shall be removed and disposed of after blasting has been completed. When necessary, and at any point of special danger, the holder shall use suitable mats or some other approved method to smother blasts.

26. (C-3) As a further guarantee of the faithful performance of the provisions of terms and conditions of this permit, the holder agrees to deliver and maintain a surety bond in the amount of One Thousand dollars (\$ 1,000.00). Should the sureties or the bonds delivered under this permit become unsatisfactory to the Forest Service, the holder shall, within thirty (30) days of demand, furnish a new bond with surety, solvent and satisfactory to the Forest Service. In lieu of surety bond, the holder may deposit into a Federal depository, as directed by the Forest Service, and maintain therein, cash in the amounts provided for above, or negotiable securities of the United States having a market value at time of deposit of not less than the dollar amounts provided above.

The holder's surety bond will be released, or deposits in lieu of bond, will be returned thirty (30) days after certification by the Forest Service that priority installations under the development plan are complete, and upon furnishing by the holder of proof satisfactory to the Forest Service that all claims for labor and material on said installations have been paid or released and satisfied. The holder agrees that all moneys deposited under this permit may, upon failure on his part to fulfill all and singular the requirements herein set forth or made a part hereof, be retained by the United States to be applied to satisfy obligations assumed hereunder, without prejudice whatever to any rights and remedies of the United States.

Prior to undertaking additional construction or alteration work not provided for in the above terms and conditions or when the improvements are to be removed and the area restored, the holder shall deliver and maintain a surety bond in an amount set by the Forest Service, which amount shall not be in excess of the estimated loss which the Government would suffer upon default in performance of this work.

27. (C-5) The holder shall submit plans to reasonably preserve or protect all areas disturbed during construction. Such plans shall identify plant material by botanical name, size, and location.

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Each stage of construction will be considered complete only upon completion and acceptance of the successful seeding and planting in the vicinity of construction. All seeding and planting required on the permitted area shall be completed according to the development schedule.

28. (C-21) The project, including its construction, operation, and maintenance and any work incident to additions or alterations, whether or not conducted upon lands of the United States, shall be subject to the inspection and supervision of officers of the Forest Service and the Federal Energy Regulatory Commission. The holder shall furnish to said officers such information as may be required concerning the construction, operation, and maintenance of the project, and of any alteration thereof, and shall notify the authorized officer of the date upon which work with respect to any construction or alteration will begin, and as far in advance thereof as the authorized officer may reasonably specify, and shall notify him promptly in writing of any suspension of work for a period of more than one (1) week, and of its resumption and completion. The holder shall allow officers or employees of the United States, showing proper credentials, free and unrestricted access to, through, and across the project lands and project works in the performance of their official duties.
29. (C-22) The holder shall, prior to impounding water, clear the bottom and margins of all reservoirs up to high-water level, shall clear and keep clear to an adequate width lands of the United States along open conduits and electric power lines, and shall dispose of all temporary structures, unused timber, brush, refuse, or flammable material resulting from the clearing of the project works. In addition, all trees along the margins of reservoirs which may die from the operation of the reservoir shall be removed. The clearing of the lands and disposal of the material shall be done with due diligence and to the satisfaction of the authorized officer in charge.
30. (C-23) The width of the right-of-way is limited to 10 feet plus the ground occupied by the pipeline.
31. (D-1) The holder shall pack out or otherwise remove from National Forest lands and waters all refuse resulting from operations under this permit.
32. (D-2) No waste or by-product shall be discharged into water if it contains any substance in concentrations which will result in harm to fish and wildlife, or to human water supplies.

Storage facilities for materials capable of causing water pollution, if accidentally discharged, shall be located so as to prevent any spillage into waters or channels leading into water, that would result in harm to fish and wildlife or to human water supplies.

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33. (D-3) The holder shall protect the scenic esthetic values of the area under this permit, and the adjacent land, as far as possible with the authorized use, during construction, operation, and maintenance of the improvements.

34. (D-4) The holder shall protect, in place, all public land survey monuments, private property corners, and Forest boundary markers. In the event that any such land markers or monuments are destroyed in the exercise of the privileges authorized by this permit, depending on the type of monument destroyed, the holder shall see that they are reestablished or referenced in accordance with (1) the procedures outlined in the "Manual of Instructions for the Survey of the Public Land of the United States," (2) the specifications of the county surveyor, or (3) the specifications of the Forest Service.

Further, the holder shall cause such official survey records as are affected to be amended as provided by law. Nothing in this clause shall relieve the holder's liability for the willful destruction or modification of any Government survey marker as provided at 18 U.S.C. 1858.

35. (D-9) Holder shall be responsible for prevention and control of soil erosion and gullyng on lands covered by this permit and adjacent thereto, resulting from construction, operation, maintenance, and termination of the permitted use. Holder shall so construct permitted improvements to avoid the accumulation of excessive heads of water and to avoid encroachment on streams. Holder shall revegetate or otherwise stabilize all ground where the soil has been exposed and shall construct and maintain necessary preventive measures to supplement the vegetation.

36. (D-10) Topsoil shall be stripped from the permitted area and be deposited in storage piles apart from other excavated material. After the desired amount of material has been removed, and the resulting pit has been trimmed and smoothed as required, the stored topsoil shall be evenly spread over exposed subsoil to the extent that may be practicable, and shall be revegetated.

37. (D-11) Seeding or planting will be done at a time of the year, in a manner, and with species which the District Ranger considers offer the best chance of success and will be repeated annually until such areas are accepted in writing by the District Ranger as satisfactorily revegetated and stabilized.

38. (D-15) The holder shall take reasonable precautions to prevent pollution of or deterioration of lands or waters which may result from the exercise of the privileges extended by this permit. In particular, the holder shall at all times comply with applicable local, state, and Federal requirements for

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pollution abatement. Failure of the holder to so comply may result in termination of suspension of this authorization.

39. (D-23) Pesticides may not be used to control undesirable woody and herbaceous vegetation, aquatic plants, insects, rodents, trash fish, etc., without the prior written approval of the Forest Service. A request for approval of planned uses of pesticides will be submitted annually by the holder on the due date established by the authorized officer. The report will cover a 12-month period of planned use beginning 3 months after the reporting date. Information essential for review will be provided in the form specified. Exceptions to this schedule may be allowed, subject to emergency request and approval, only when unexpected outbreaks of pests require control measures which were not anticipated at the time an annual report was submitted.

Only those materials registered by the U. S. Environmental Protection Agency for the specific purpose planned will be considered for use on National Forest System lands. Label instructions will be strictly followed in the application of pesticides and disposal of excess materials and containers.

40. (E-2) Unless sooner terminated or revoked by the authorized officer, in accordance with the provisions of the authorization, this authorization shall expire and become void on December 31, 2016, but a new special-use authorization to occupy and use the same National Forest System land may be granted provided the holder will comply with the then-existing laws and regulations governing the occupancy and use of National Forest lands and shall have notified the authorized officer not less than 2 years prior to said date that such new authorization is desired.

41. (E-11) Any lands described in this permit which have been withdrawn for waterpower purposes under the Act of March 3, 1879, or Act of June 25, 1910 (or are embraced in an application of license under the Federal Power Act of June 10, 1920), or have been withdrawn under the Reclamation Act of June 17, 1902, are subject at any time to use in connection with the development of waterpower or for reclamation purposes. This permit, therefore, is issued with the specific understanding that (1) its use shall not interfere with such waterpower or reclamation development and that (2) the permit may be, if necessary, terminated upon ninety (90) days notice when in the judgment of the Federal Power Commission, or of the Bureau of Reclamation in the event of reclamation withdrawals, the lands occupied are needed for use in connection with the generation of hydroelectric power, reclamation developments, or other purposes contemplated by the act or acts under which the lands have been withdrawn. No claim shall be made against the United States or power licensees for or on account of prospective profits or for any injury or damage to properties, improvements, or operations due to such development. The

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holder will be allowed ninety (90) days in which to remove his improvements.

42. (F-21) The holder shall be held liable for all injury, loss, or damage, including, but not limited to fire suppression costs, directly or indirectly resulting from or caused by the holder's use and occupancy of the area covered by the permit, regardless of whether the holder is negligent, provided that the maximum liability without fault shall not exceed \$1,000,000 for any one occurrence and provided further that the holder shall not be liable when such injury, loss, or damage results from a negligent act of the United States, or a third party not involving the facilities of the holder.

Liability for injury, loss, or damage, including fire suppression costs, in excess of the specified maximum, shall be determined by the laws governing ordinary negligence.

43. (F-23) The holder shall not object to, nor prevent the use by the United States or its permittees or agents, of water for fire suppression from any stream, or body of water, used by the holder in the operation of the project works covered by the permit.
44. (H-2) The holder shall construct and maintain gates and cattle guards (at such point as may be designated by the District Ranger).
45. (X-3) Nothing in this permit shall be construed to imply permission to build or maintain any structure not specifically named on the face of this permit, or approved by the authorized officer in the form of a new permit or permit amendment.
46. (X-4) This permit is issued on the condition that the holder has secured, or will secure, the consent of any person having valid claim to the land.
47. (X-5) The land herein described is (may be) subject to certain rights reserved by or outstanding in parties other than the United States, and nothing herein shall abridge said rights or authorize prevention or obstruction of the reasonable exercise thereof.
48. (X-17) If, prior to or during excavation work, items of archaeological, paleontological, or historic value are reported or discovered, or an unknown deposit of such items is disturbed, the holder will immediately cease excavation in the area so affected. Holder will then notify the Forest Service and will not resume excavation until written approval is given by the authorized officer.

If it deems it necessary or desirable, the Forest Service may require the holder to have performed recovery, excavation, and preservation of the site and its artifacts at the holder's expense. At the option of the Forest Service, this

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authorization may be terminated at no liability by the United States when such termination is deemed necessary or desirable to preserve or protect archaeological, paleontological, or historic sites and artifacts.

49. (X-43) The holder is not required to obtain the consent of the Forest Service to the sale of permitted improvements. However, the holder shall immediately notify the Forest Supervisor when a sale and transfer in ownership of the permitted improvements is planned. There is no obligation on the part of the Forest Service to issue a special-use authorization to the person(s) acquiring the improvements.
50. (X-49) This permit is not exclusive; that is, the Forest Service reserves the right to use or permit others to use any part of the permitted area for any purpose, provided such use does not interfere with the rights and privileges hereby authorized.
51. (X-68) Notwithstanding the expiration or any renewal of this permit or its earlier relinquishment, abandonment, or other termination, the provisions of this permit, to the extent applicable, shall continue in effect and shall be binding on the holder, successors, or assigns, until they have fully performed their respective obligations and liabilities accruing before or on account of the expiration, or prior termination, of the permit.
52. (X-69) The acquisition or assumption by another party under an agreement with the holder of any right or obligation of the holder under this permit shall be ineffective as to the Forest Service unless and until signed by the authorized Forest officer. A subsequent acquisition or assumption shall not:
1. Operate to relieve the holder of the responsibilities or liabilities they have assumed hereunder, or
 2. Be given unless such other party
 - (a) Is acceptable to the Forest Service as a holder, and assumes in writing all of the obligations to the Forest Service under the terms of this permit as to the incomplete portion thereof, or
 - (b) Acquires the rights in trust as security and subject to such conditions as may be necessary for the protection of the public interests.
53. (X-74) This permit confers no right to the use of water by the holder
54. (X-123) The permittee and Forest Service shall jointly prepare an operations plan covering the activities and the operation of facilities under provisions of this special use permit

The provisions of the operations plan and any revisions thereto will become a part of this permit and will be signed by the Forest Supervisor and permittee or his designated representative.

JUL 15 1991

MAINTENANCE OF INSTREAM FLOWS

Article 1 . Permittee shall maintain in the bypassed stream reach a continuous minimum flow as shown below in items 7 and 8 and as measured at the point of quantification defined in item 6. At least 1 cubic foot per second shall be bypassed to the natural channel immediately below the point of diversion. The instream flow claim hydrograph shown in item 7 may be proportionately adjusted to reflect the natural streamflow hydrograph at the diversion point after additional streamflow measurements have better defined those natural flow rates, and upon mutual agreement between the applicant and the USDA-Forest Service.

1. National Forest: Caribou National Forest
2. Stream: Mill Creek, tributary to Birch Creek, tributary to Marsh Creek.
3. Authority: Organic Administration Act of 1897 and the Multiple-Use Sustained-Yield Act of 1960.
4. Reservation Date: 5-28-1906
5. Purpose: Secure favorable conditions of water flow, provide wildlife and fish habitat, recreation opportunities, and aesthetics.
6. Location of Quantification Point:
 - a. General: On Mill Creek at the Forest boundary located below Summit Campground, Bannock County, Idaho.
 - b. Legal: Near the Center, Section 28, Township 12 South, Range 36 East, Boise Meridian.

MICROFILMED

JUL 15 1991

7. Instream Flow Claim: A continuous instream flow equivalent to an average of 3.287 acre-feet per year (49.4% of historic flow) defined and distributed as follows:

a. Minimum flow rates: the amount of water to be released to Mill Creek for day 1 and for each and every succeeding day or period throughout the entire year as follows:

<u>Duration</u>	<u>Streamflow (cfs)</u>
Day 1 thru 14	9.2
Day 15 thru 20	11.0
Day 21 thru 25	12.8
Day 26 thru 29	14.6
Day 30 thru 35	16.5
Day 36 thru 42	17.3
Day 43	16.5
Day 44	14.6
Day 45	12.8
Day 46	11.0
Day 47	9.2
Day 48 thru Dec. 31	3.5
Jan 1 thru day 1	3.5

b. Day 1: the day that flow at the diversion attains a rate of 9.2 cfs and equals or exceeds that rate for 24 hours, but in no event earlier than March 1.

8. The flushing flow rates (those starting on day 1 and occurring through day 47) as decreed above, shall be annually adjusted up or down proportionate to the March streamflow forecast for the period April-July, for the Malad River portion of the Great Basin (or based upon the snowcourse data at Upper and Lower Elkhorn stations) as published by the U.S. Soil Conservation Service through the Central Forecast Center.

RECEIVED

JUL 15 1991

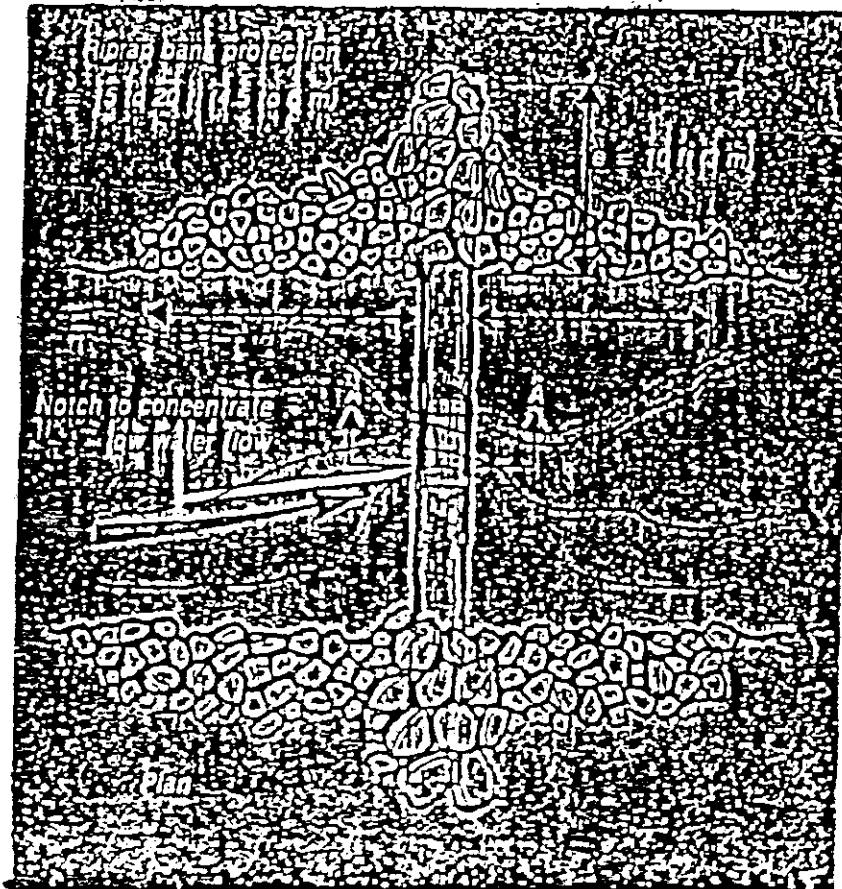
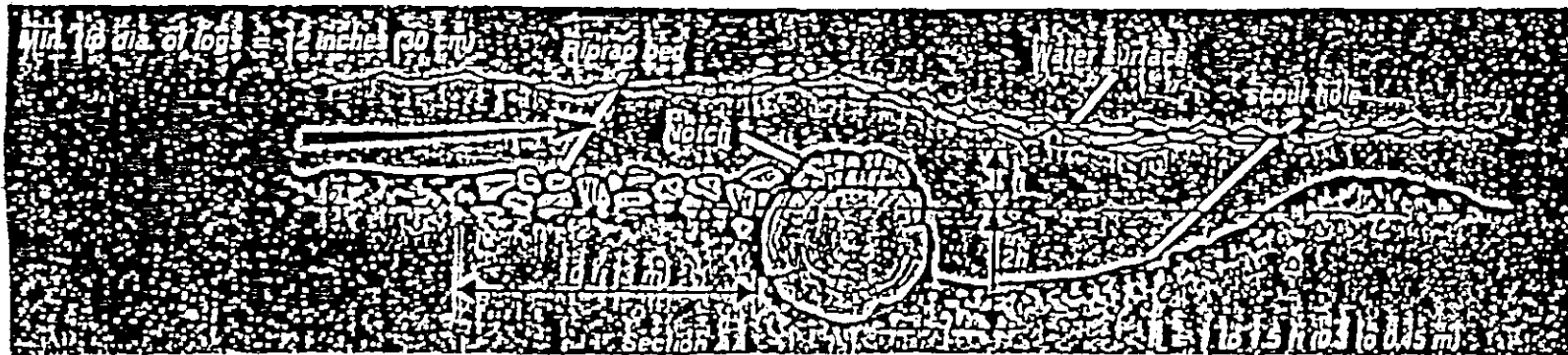
Table 1. Comparison of Trout Habitat Available Before and After
Hydropower Diversion and After Mitigation Work in Mill Creek.

Life Stage of Cutthroat Trout	Total Existing Habitat (Sq. Meters)	Total Habitat After Diversion (Sq. Meters)	Total Habitat After Diversion and Construction of 50 Log Weirs. (Sq. Meters)
Over Wintering Adults	9	0	257
Over Wintering Juveniles	355	135	347
Over Wintering Fry	326	171	373
Spawning	116	117	134
Incubation	1256	1182	1101

MICROFILMED

JUL 15 1991

Figure 1. Simple Log Weir Dam Design

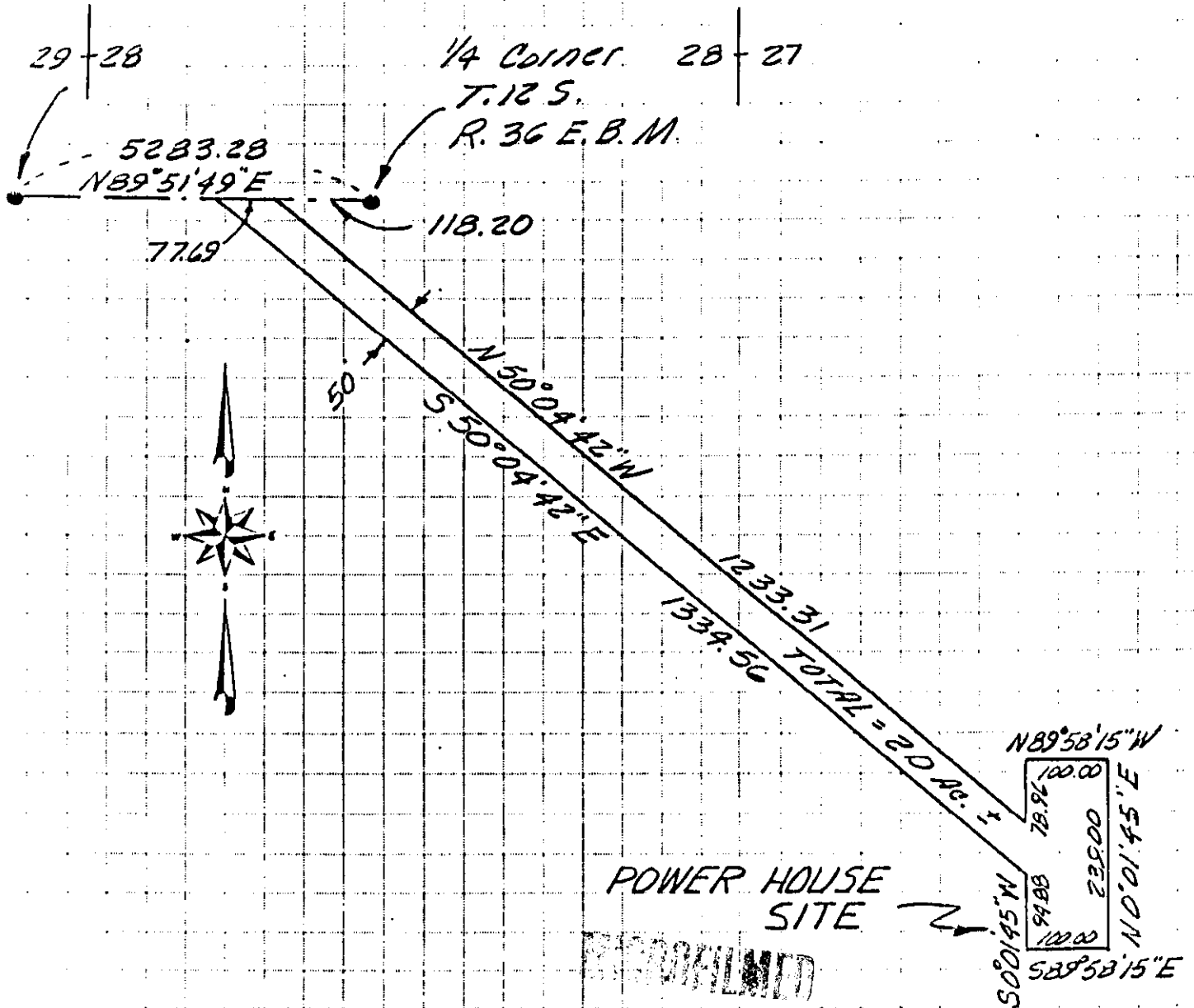


MICROFILMED

JUL 15 1991

BENTON ENGINEERING
550 Linden Drive
IDAHO FALLS, IDAHO 83401
Phone 522-8033

JOB MYRD. JONES HYDRO
SHEET NO. _____ OF _____
CALCULATED BY D. L. J. DATE 9-17-86
CHECKED BY _____ DATE _____
SCALE 1" = 200'



JUL 15 1991

LEGAL DISCRIPTION
FOR

~~WILLIAM JONES~~ LARRY OJA

Beginning at a point that is South $89^{\circ}51'49''$ West 118.20 feet along the Quarter line, from the Quarter corner common to Sections 27 and 28, Township 12 South, Range 36 East of the Boise Meridian, (said Quarter corner being a G.L.O. Brass Cap monument that is North $89^{\circ}51'49''$ East 5,283.28 feet from the Quarter corner common to Sections 28 and 29, also a G.L.O. Brass Cap monument), and running thence South $89^{\circ}51'49''$ West 77.69 feet along said Quarter line; thence South $50^{\circ}04'42''$ East 1,334.56 feet; thence South $0^{\circ}01'45''$ West 94.88 feet; thence South $89^{\circ}58'15''$ East 100.00 feet; thence North $0^{\circ}01'45''$ East 239.00 feet; thence North $89^{\circ}58'15''$ West 100.00 feet; thence South $0^{\circ}01'45''$ West 78.96 feet; thence North $50^{\circ}04'42''$ West 1,233.31 feet to the point of beginning, containing 2.0 acres, more or less.

MICROFILMED

JUL 15 1991

OCT. 1 1988

STATE OF IDAHO

RECEIVED

DEPARTMENT OF WATER RESOURCES

APPROVED

APPLICATION FOR PERMIT

APR 18 1963

To appropriate the public waters of the State of Idaho Department of Water Resources

1. Name of applicant MYRON JAMES Phone 242-4925Post office address 165 W 300 N, Maked City, ID 832532. Source of water supply Mill Creek m.s. which is a tributary of B. 2nd Creek3. Location of point of diversion is SE 1/4 of NE 1/4 of Section 59 Township 12Range 36E B.M. 5000000 County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 12 cfs for irrigation purposes from 1-1 to 12-31 (both dates inclusive)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)

5. Total quantity to be appropriated:

a. 12 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. PUMP PILOT
INTAKE STRUCTURE

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 1/2 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 1/4 of SE 1/4 of Section 59 Township 12Range 36E B.M.(2) Amount of power to be generated: 500 KW horsepower under _____ feet of head.

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

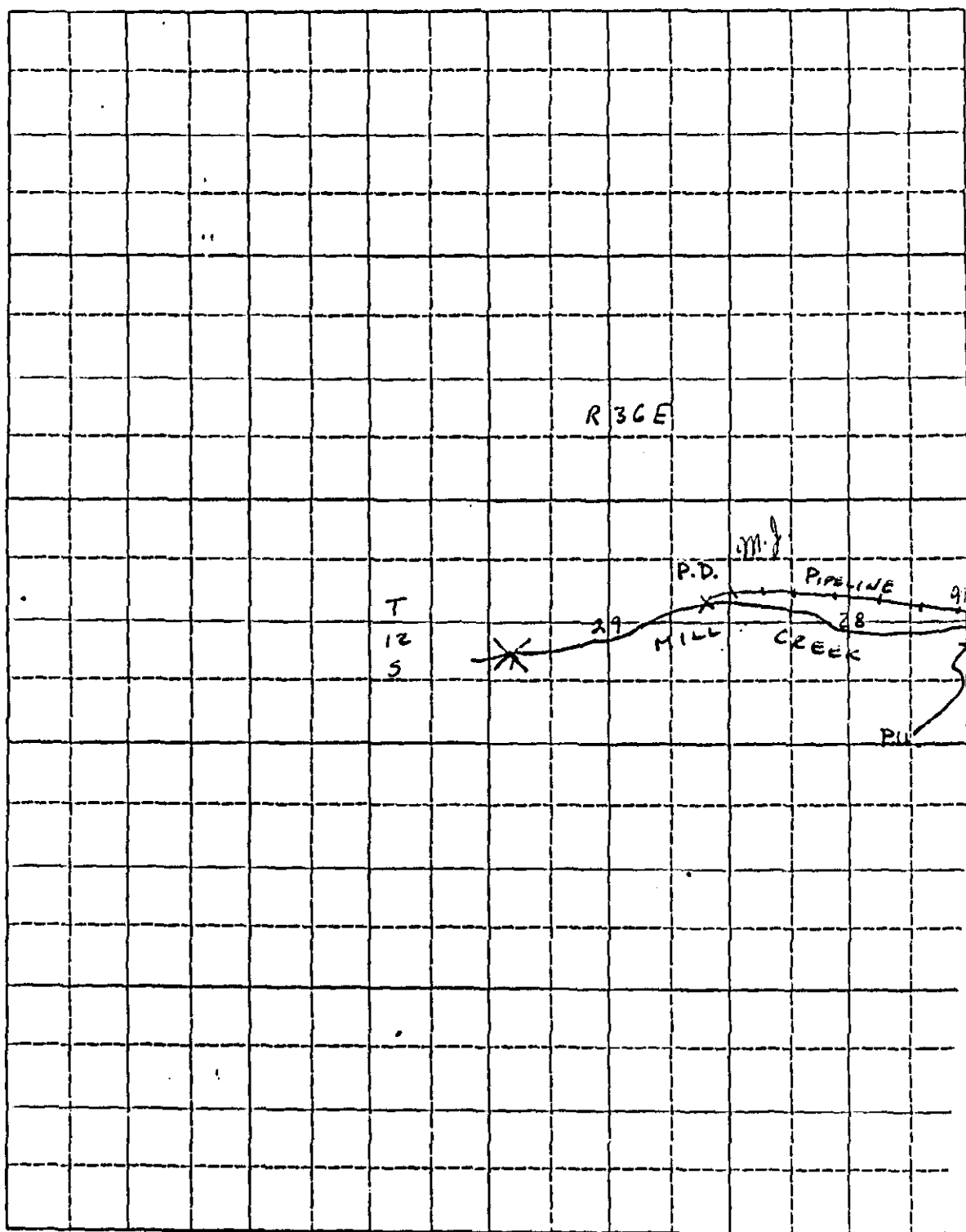
(4) Name of municipality to be served _____, or number of families to be supplied with domestic water _____

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

JUL 15 1991

OCT. 1 1968

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



Scale: 2 inches equal 1 mile.

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

JUL 15 1991

Walter L. Loe
(Applicant)

OCT. 1 1980

Proposed Priority 4/18/1980

Received by CW Date 4/23/80 Time 11:00 ^{11:00} ^{16:18}

Preliminary check by _____ Fee \$ 145.00

Received by CW Date 4/24/80 ~~VOID~~ # 16784

Publication prepared by CW kw Date 4/24/80 2-02-82

Published in Idaho State Journal

Publication dates 5/1 & 5/8/80 7/11 + 7/18/80 Amended

Publication approved CW Date 5/19/80

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by EMC sign

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. 29-7567, 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 87.

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

d. Other: An access port or other device as specified by the Department shall be installed by the permit holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.

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.

The issuance of this permit in no way grants any right-of-way or easement across the land of another.

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

MODIFIED

Witness my hand this JUL 15 1991 day of December, 1982.

J. Glen Saxton
Chief, Operations Bureau



IDAHO DEPARTMENT OF FISH AND GAME
600 South Walnut • Box 25
Boise • Idaho • 83707

November 28, 1986

Mr. Larry Oja
O.J. Power Co.
147 East 50 South
Malad, ID 83252

Re: Mill Creek Hydro Project, FERC
No. 7719

Dear Mr. Oja:

As confirmation of the phone message I left on Wednesday, Nov. 26, Grant and I reviewed the powerhouse and discharge canal drawings for your project. From the canal dimensions and bed evaluations on the drawings, Grant does not feel that velocities and erosion should be a problem.

The only area where a potential may exist is the return discharge to Devil Creek where the discharge is directed almost perpendicular to the opposite bank. We accept and approve the plans as submitted with the condition that should scouring and erosion of the stream bank on Devil Creek occur after the start of operation, rip rap or other bank protection be undertaken.

With approval of this item in response to stipulations 12 and 13, this completes the review and approval process requested in our terms and conditions.

Sincerely,

Al Van Vooren
Staff Biologist

MICROFILMED

JUL 15 1991

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 29-7567 IN THE)
NAME OF MYRON JONES) ORDER OF REINSTATEMENT
_____)

WHEREAS, the Department issued the above-captioned permit with the condition that proof of construction of works and application of water to beneficial use be submitted on or before December 1, 1987; and,

WHEREAS, the Department notified the permit holder by certified mail that proof was due and instructed the permit holder of the steps to be taken to submit the proof of beneficial use; and,

WHEREAS, on December 1, 1987 the permit lapsed for failure of the permit holder to submit proof of beneficial use together with the examination fee; and,

WHEREAS, Section 42-218a of the Idaho Code provides that a permit may be reinstated upon a showing of reasonable cause within sixty days of the date of lapsing; and,

WHEREAS, the permit holder has provided a reasonable showing why the permit should be reinstated by submitting proof of beneficial use and the examination fee on February 1, 1988;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 29-7567 be REINSTATED and the priority advanced to June 19, 1980.

Dated this 9th day of February, 1988.

MICROFILMED

JUL 15 1991

L. Glen Saxton
L. GLEN SAXTON
Chief, Operations Bureau

RECEIVED
FEB - 1 1988

For Office Use Only
Fee Received 125.00
Date 2-2-88
Receipt # 48354
Receipt by [Signature]
Reviewed by [Signature]
Sent to region

RECEIVED
OCT 26 1987
NO V Rec'd
Department of Water Resources

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

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. 29-7567

Name(s) of Permit Holder: MYRON JONES (O.J. Power) ✓

Post Office Address: MALAD SUMMIT MALAD IDAHO 83252

Telephone No. 766-4325

Source of Water: MILL CREEK ✓

Extent of Use:

Domestic (number of households)

Stockwater (number and type of stock)

Irrigation (acres)

Other/Remark HYDRO ELECTRIC ✓

(PLANT IN OPERATION DEC. 1936)

Total rate and/or volume for which proof is submitted --8 7.9* cfs acre-feet

Show the date water was first diverted and beneficially used under this permit: DEC 29 1986 ✓

Measuring Device: Required? Yes No
Installed? ✓ Yes No

Fee enclosed \$ 250.00
(See License Examination Fee Schedule)

Flow Measurement Port: Required? Yes No
Installed? ✓ Yes No

*Per telephone conversation with
Myron Jones 2-3-88 rf

3-Parshall FLOWES - 1 FLOW RECORD

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

MYRON JONES
(Name)

766-4325
(Telephone Number)

MALAD Summit MALAD IDAHO 83252
(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.

JUL 15 1991

10-20-87
Date

Myron Jones ✓
Signature of Permit Holder (and title, if appropriate)

APPROVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Ident. No.
RECEIVED

APR 18 1980

To appropriate the public waters of the State of Idaho Department of Water Resources

1. Name of applicant MYRON JONES Phone 244-4935
Post office address 165 W 300 N, Malad City, ID 83252
2. Source of water supply MILL CREEK M.D. which is a tributary of BIRCH CREEK
3. Location of point of diversion is SE 1/4 of NE 1/4 of Section 19 Township 12 S.
Range 36 E B.M. BRANCH County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 12 cfs for Power purposes from 1-1 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

a. 12 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. POWER PLANT & INTAKE STRUCTURE

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 1/2 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: 1/4 of SE 1/4 of Section 27 Township 12 S.
Range 36 E B.M.

(2) Amount of power to be generated: 500 KW horsepower under _____ 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: _____

RECEIVED

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

[illegible]

Total number of acres to be irrigated

c. Describe any other water rights used for the same purposes as described above. 29-2168

W P & I Test used Right 1964

9. a. Who owns the property at the point of diversion U.S. Forest Service

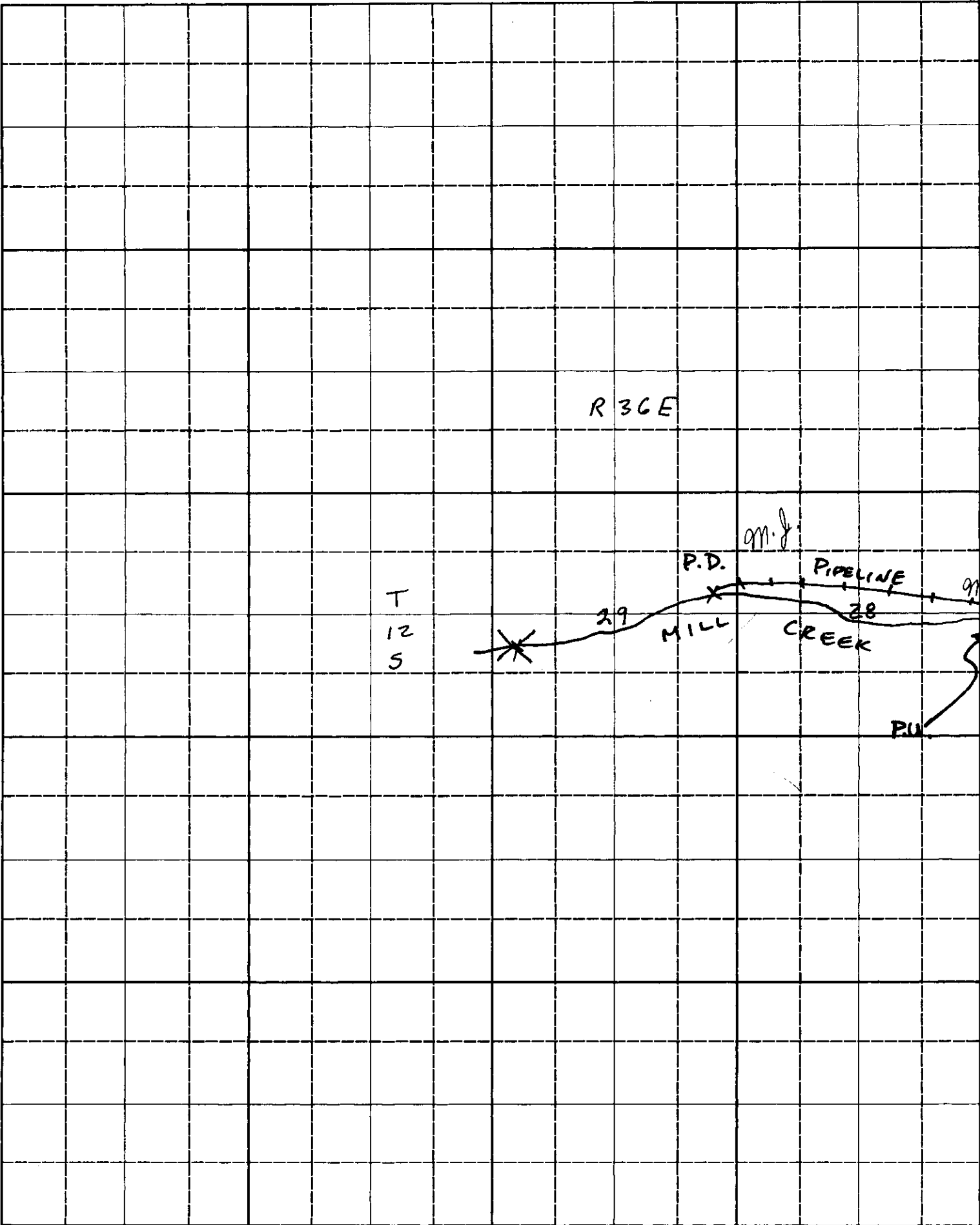
b. Who owns the land to be irrigated or place of use GODDARD ESTATE m. g.

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing SPECIAL USE PERMIT APPLICATION
BEING FILED FOR P.D., OPTION TO PURCHASE LAND AT P.U.
m.f.

10. Remarks

ENCLOSURE

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



Scale: 2 inches equal 1 mile.

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

Walter Jones
(Applicant)

Walter Jones

Proposed Priority 4/18/1980

Received by kw

Date

4/23/80

Time

12:20

Preliminary check by

Fee \$

145.00

Receipted by kw

Date

4/24/80

VOID # 16784

Publication prepared by Amcw

kw

Date

4/24/80

2-02-82

Published in

Idaho State Journal

Publication dates

5/1 & 5/8/80

2/11 + 2/18/82 Amended

Publication approved kw

Date

5/19/80

Protests filed by:

Copies of protests forwarded by

Hearing held by

Date

Recommended for approval

denial

by

EMC Jim

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. 29-7567, 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 87.

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

d. Other: An access port or other device as specified by the Department shall be installed by the permit holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.

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.

The issuance of this permit in no way grants any right-of-way or easement across the land of another.

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

Witness my hand this 27th day of December, 1982.

L. Glen Saxton
Chief, Operations Bureau

DPT

RECEIVED

NOV 6 1981

Department of Water Resources

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

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.

(check one)

W. Byron Jones
Applicant

State of Idaho)
County of Oneida) ss.

On this 4th day of November, 1981, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged
to me that he (she) (they) executed the same.

Joan Hawkins
Notary Public residing at Malden, Idaho

seal

commission expires:

RECEIVED

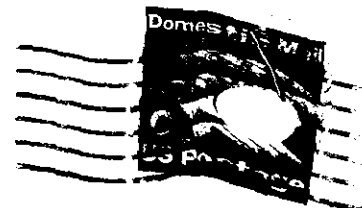
MYRON JONES
BIGHORN CORPORATION

~~497 North 888 West~~
Malad, Idaho 83252

2114300

RECEIVED
NOV 14 1981

David R. Tutthill
Dept. of water resources
450 W State St.
Boise, Id. 83720



Individual Owner

AFFIDAVIT TO ESTABLISH RESIDENCE

I, MYRON JONES of BLANDA, County of IDAHO, State of Idaho, being duly sworn, do hereby certify that I am a bona fide resident of the State of Idaho.

Subscribed and sworn to before me this 18th day of April, 1980

/s/ [Signature]
Notary Public
Residence Bain
My Commission Expires Sept

Corporation or Association

AFFIDAVIT TO ESTABLISH RESIDENCE
OR QUALIFICATIONS TO DO BUSINESS UNDER THE LAWS OF
IDAHO...

I, _____ of _____, County of _____, State of Idaho, being first duly sworn, depose and say: That I am the designated statutory agent of the _____, that as such I am in charge of the registered office of the said _____, as provided by Section 30-143, Idaho Code, at _____, Idaho, wherein are kept the records provided by Section 30-144, Idaho Code, and that _____ is a legal _____ 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 _____ day of _____, 19____

/s/ _____

Notary Public
Residence _____
My Commission Expires _____

RECEIVED
APR 23 1980
Department of Water Resources
Eastern District Office

dt20620 VDT #18 ENTERED EXPIR
2/04/82 10.26 2/04/82 9.46 * 2/19/82
SLUG: DT538 GUIDE: WATER AUTHOR: LEG#
FILE: LEGAL PAGE: 2/18 LAST USER: LEGAL h

FT PT ERR LN# -----OUTPUT TEXT-----

1 7 1 <o<o<o<o
2 NOTICE OF AMENDING OF WATER
3 RIGHT APPLICATION
4
5 Notice is hereby given that Myron Jones,
6 Malad City, Idaho, filed application No.
7 29-7567 to appropriate 12.0 cubic feet per
8 second of water from Birch Creek tribu-
9 tary to Marsh Creek with point of diver-
10 sion within the NW1/4SW1/4, Sec. 29, T. 12S, ~~12S~~
11 R. 36E, B.M., Bannock County; to be used
12 from January 1 to December 31 for power
13 within the NW1/4SW1/4, Sec. 29, T. 12S, R.
14 36E, B.M.
15 The applicant now proposes to amend
16 application No. 29-7567 as follows. The
17 water will be diverted from Mill Creek
18 tributary to Birch Creek with the point of
19 diversion within the SE1/4NE1/4, Sec. 29, T.
20 12S, R. 36E, B.M., Bannock County, and
21 used within the NW1/4SW1/4, Sec. 27, T.
22 12S, R. 36E.
23 Any protest to the granting of the amend-
24 ing of this application must be filed with
25 the Idaho Department of Water Re-
26 sources, 150 Shoup, Idaho Falls, Idaho,
27 83402, on or before March 1, 1982.
28 S/A. KENNETH DUNN
29 Director
30 February 11, 18, 1982
31 No. 538
32 <o<o<o<o

RECEIVED

FEB 5 1982

**Department of Water Resources
Eastern District Office**



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

November 14, 1995

MYRON JONES
165 W 300 N
MALAD ID 83252

RE: WATER RIGHT NO. 29-07567

Dear Water Right Holder(s):

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

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:rl

Enclosure

MICROFILMED

DEC 07 1995

BRENDA

Change OK

NAME ☒ Or Address Change? affidavit required to assign power rights were never received.

PRIORITY DATE ☒ Advance? YES Advanced to: 6-19-80
Order to reinstate needed? done
Incorrect fee for rate recommended? NO
FINAL PROOF FEE RECEIVED 2-2-89

SOURCE ☐ ☒ Changes or just clarification of originally intended source? _____
Notice of Intent to Void necessary? _____

POINT OF DIV ☐ ☒ Amendment needed? _____
☐ ☒ Overlaps? _____

PLACE OF USE ☐ ☒ Amendment needed? _____
☐ ☒ Overlaps? _____

DIV RATE ☐ ☒ Permit/fee limits: 12 CFS / 8 CFS
(by skip) → 1980 Meas Q = 12 CFS Theo Q = _____ Recommend: 7 CFS
Plant capacity at 7^{ft} 3/4" / SEC
Combined rates exceed capacity _____

ANNUAL VOLUME ☒ Volume Limit: _____ Season: 1-1 to 12-31
Calculations: _____
Flow limit: 7.0 cfs x 365 x 1.9835 = 5067.8
Combined volumes exceed capacity/allowable _____

USES ☐ ☒ Change in Nature of Use or additional uses? _____
Amendment necessary? _____

ADDITIONAL INFO Supplemental Groundwater _____ PPU Scenario _____
Irr/Dom Combination _____ Shared G/W System _____

NEW REMARKS 35 yrs _____ Multiple p/d(s) in 1/4 1/4? _____
(w42 DATE = 12-29-21) YES Other w42 BY-PASS FLOW REMARK NOT NEEDED/ALREADY HAS
Facility is the MILL CREEK PROJECT.

NEW CONDITIONS _____ Watermaster control - District _____
_____ Measuring/Locking Devices _____
_____ Irrigation Overlap _____
EXEMPTED FROM _____ Other R22 (POWER ONLY USE) YES
FERC License (1982) _____
requirements (1985) 09F Water Quality _____ Heat/Cool/Fish verified _____

COMMENTS: Can not list Q.J. Power as the owner - never submitted the Power Affidavit we requested in 1988.

RECOMMENDATION	CFS	VOLUME	SRBA Claim Filed	<u>NO</u>
<u>Power)</u>	<u>7.0</u>	<u>50167.8</u>	Adjustment Memo Needed	<u>YES</u>
_____	_____	_____	LICENSE	<u>✓</u>
_____	_____	_____	1ST AMEND LETTER	_____
_____	_____	_____	2ND AMEND LETTER	_____

NOTE ① PER Karen Sneider at IDAHO PUC - CONTRACTS ARE ONGOING UNTIL TERMINATED
② NO SEASON OF USE LIMITATIONS IN ANY OF THE DOCUMENTS.

MEMORANDUM

TO: File 29-07567 / Myron Jones
FROM: Brenda Chapman
DATE: November 8, 1995
RE: Recommendation Adjustment(s)

=====

The final licensing recommendation for Right 29-07567 is based on the information below:

The assignment we received in February of 1988 could not be processed. The new owners did not return the Power Affidavit we sent them to verify they were licensed to do business in the State of Idaho.

Per telephone conversation today with Karen Snider of the Idaho PUC, the contract between Myron Jones and Utah Power and Light is for 35 years, ending on December 29, 2021. Also, the facility is known as the Mill Creek Project.

F. FLOW CALCULATIONS

The examiner did not list what the rate of flow results were at the Mill Creek point of diversion, only the facility capacity. However, in 1980, Skip Jones measured the flow rate $\frac{1}{2}$ mile below the proposed diversion site. Readings from the Pygmy Meter indicated a rate of 12 cfs.

G. VOLUME CALCULATIONS

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

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use	Rate of Div	Annual Vol
Power	1-01 to 12-31	7.0	5067.8

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DEC 07 1995

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
JAN 20 1989

Department of Water Resources

A. GENERAL INFORMATION

1. Owner: Myron Jones Permit No. 29-7567
Current Address: MAIAD, Idaho Phone No. 766-4325
2. Accompanied by: OWNER & LARRY OJA EXAM. DATE: 7-7-88
Address: MAIAD, Idaho Phone No. 766-4920
Relationship to Permit Holder: SON IN LAW
3. Source: MILL CREEK tributary to Devil Creek & Birch Creek

B. OVERLAP REVIEW

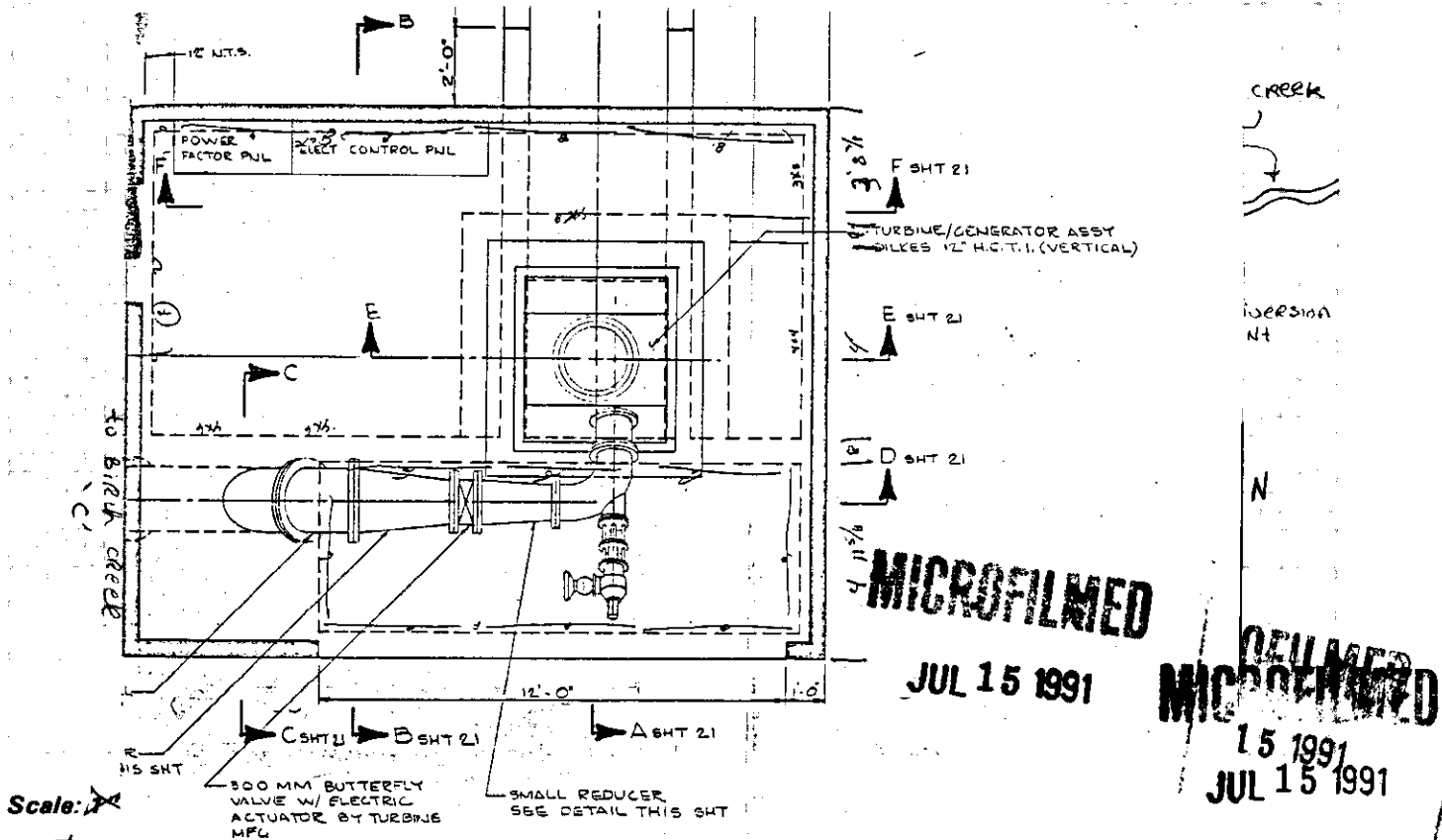
1. Other water rights with same place of use: NO

☐ Copies Attached
2. Other water rights with same point of diversion: NO

☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

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



Scale: 1" = 10'

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).

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JUL 15 1991

Form 219
6/86

RESOURCES

A. GENERAL

1. Owner
Current
2. Account
Address
Reliability
3. Source

7
25
20

B. OVERLAP

1. Other
2. Other

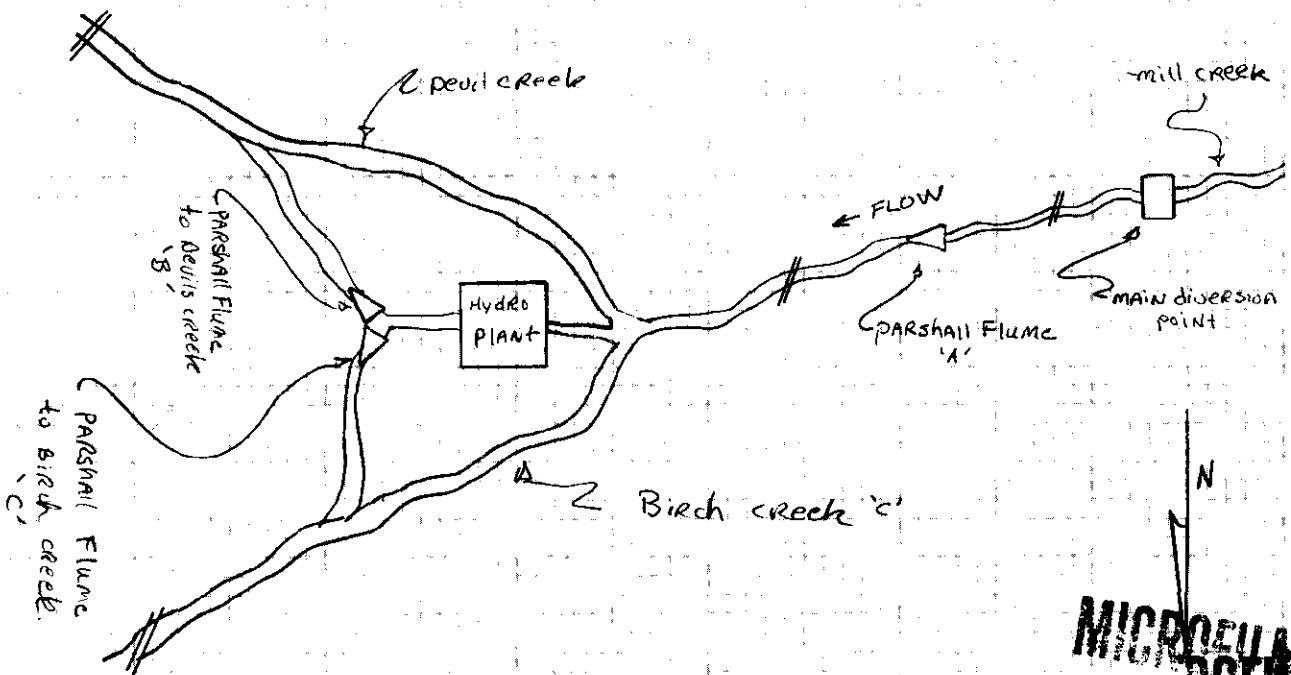
Attached

Not Attached

C. SYSTEM

1. Diversion
size/d

Indicate weir



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JUL 15 1991
JUL 15 1991

Scale: 1" = _____

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.)

Mill Creek flows through concrete diversion downstream through a PARSHALL Flume 'A' and then to Hydro Plant. Water that exits plant splits in two directions one flowing through a 3' parshall flume which goes to Devils creek and the second 1' parshall flume 'C' which flows into Birch creek.

Devils creek is tributary to Devils Creek Reservoir

Birch creek is tributary to Portneuf River.

Note: Mill creek was very low due to drought year.

See Remarks on page 4 for continuation

④ → see section H

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	¼	¼	¼	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		SE	SE	NE	29	12S	36E	BANNOCK	map & on-site inspection

6. Place(s) of Use:

Indicate Method of Determination

Twp.	Rge.	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
12S	36E	27									H								

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JUL 15 1991

Do not use this space

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
PARSHALL Flume 'A'		PARSHALL			36"	
Flume 'B'		PARSHALL			36"	
Flume 'C'		PARSHALL			12"	
Gilks Gauge					500' of hd.	

2. Measurements: WATER PRESSURE = 170 psi

Mill Creek Flume 'A': 36" throat @ 0.67' on STAFF gauge ← PLANT OFF
" " " 'A': 36" throat @ 0.42' " " ← PLANT ON
Devil Creek Flume 'B': 36" throat @ 0.38' "
Birch Creek Flume 'C': 12" throat @ 0.39' "
Gilks gauge reading in ft of head was running at 3700' hd during exam.

☒ FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method:

Allow 7 c.f.s. which is plant capacity ← see section 'H'

2. Alternate Method for Checking Purposes:

☒ 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 Amps x .001732 = _____ (6)

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

☒ VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

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

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

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

☒ Volume Calculations for Other Uses:

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JUL 15 1991

H. REMARKS AND OVERLAP REVIEW ANALYSIS

Generator: Wolfert

Type: DDE 315S-4b

480 V-V

188 kW

270 A

1810 $\frac{1}{4}$ /min

60 - Hz

Gilkes Turbine: # 56326

Rated Output - 252 B.H.P.

Rated Net Head - 384 ft.

* Rated Flow - 7 $\text{ft}^3/\text{sec.}$ $\leftarrow$ Recommend this Q for
Speed - 1800 R.P.M. Licensing amount.

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Hydroelectric Plant	1-1	12-31	7.0	
Totals:			7.0	

2. Recommended Amendments

☐ Change P.D. as reflected above

☐ Add P.D. as reflected above

☐ None

☐ Change P.U. as reflected above

☐ Add P.U. as reflected above

☐ Other

J. AUTHENTICATION

Field Examiner's Name

Signature

Certification Date

Field Report Preparation Date

Richard Leno
Richard Leno
8/9/88

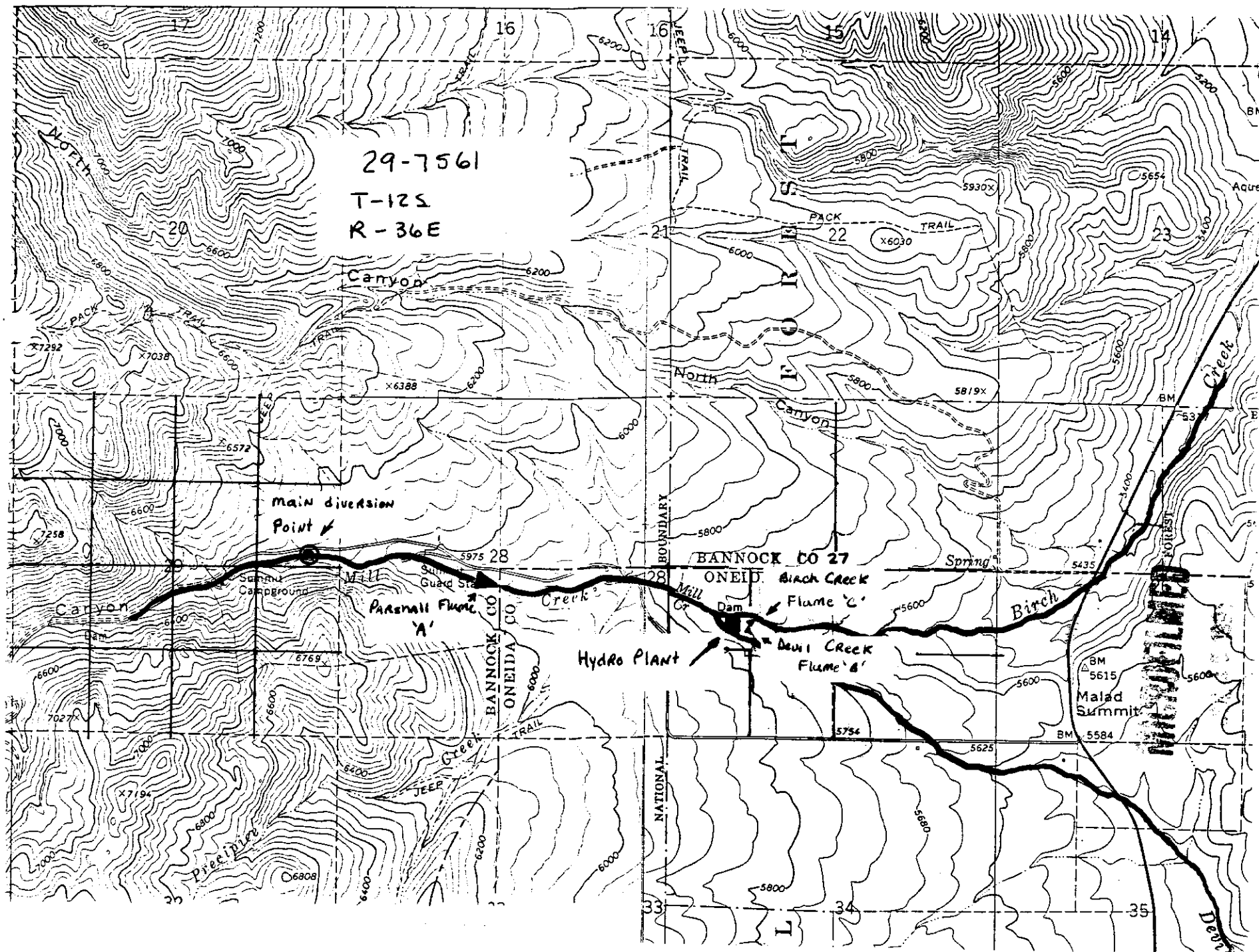
Steve McLernick
July 8-1988

CONSULTANT SEAL

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

MICROFILMED

JUL 15 1991

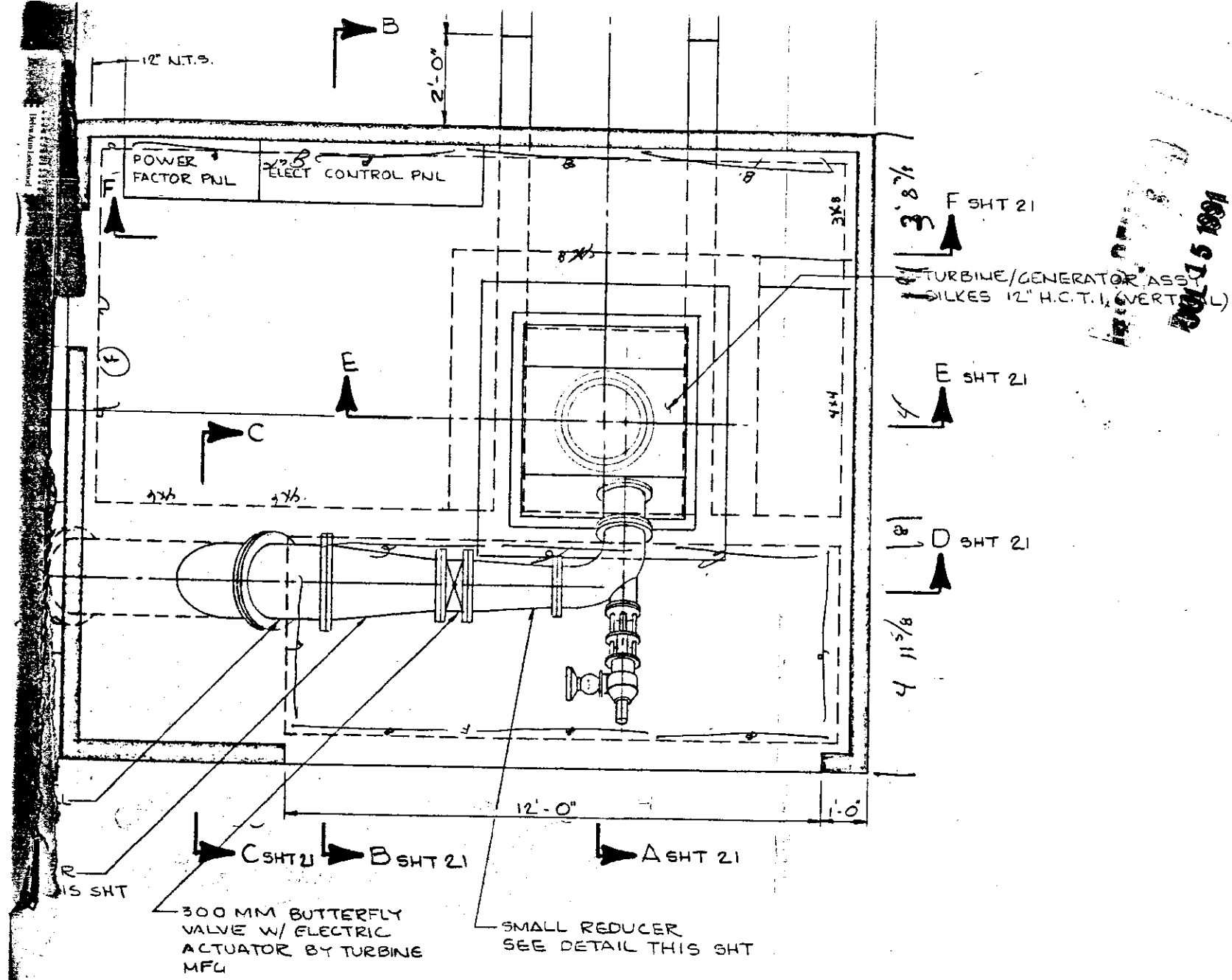


29-7567

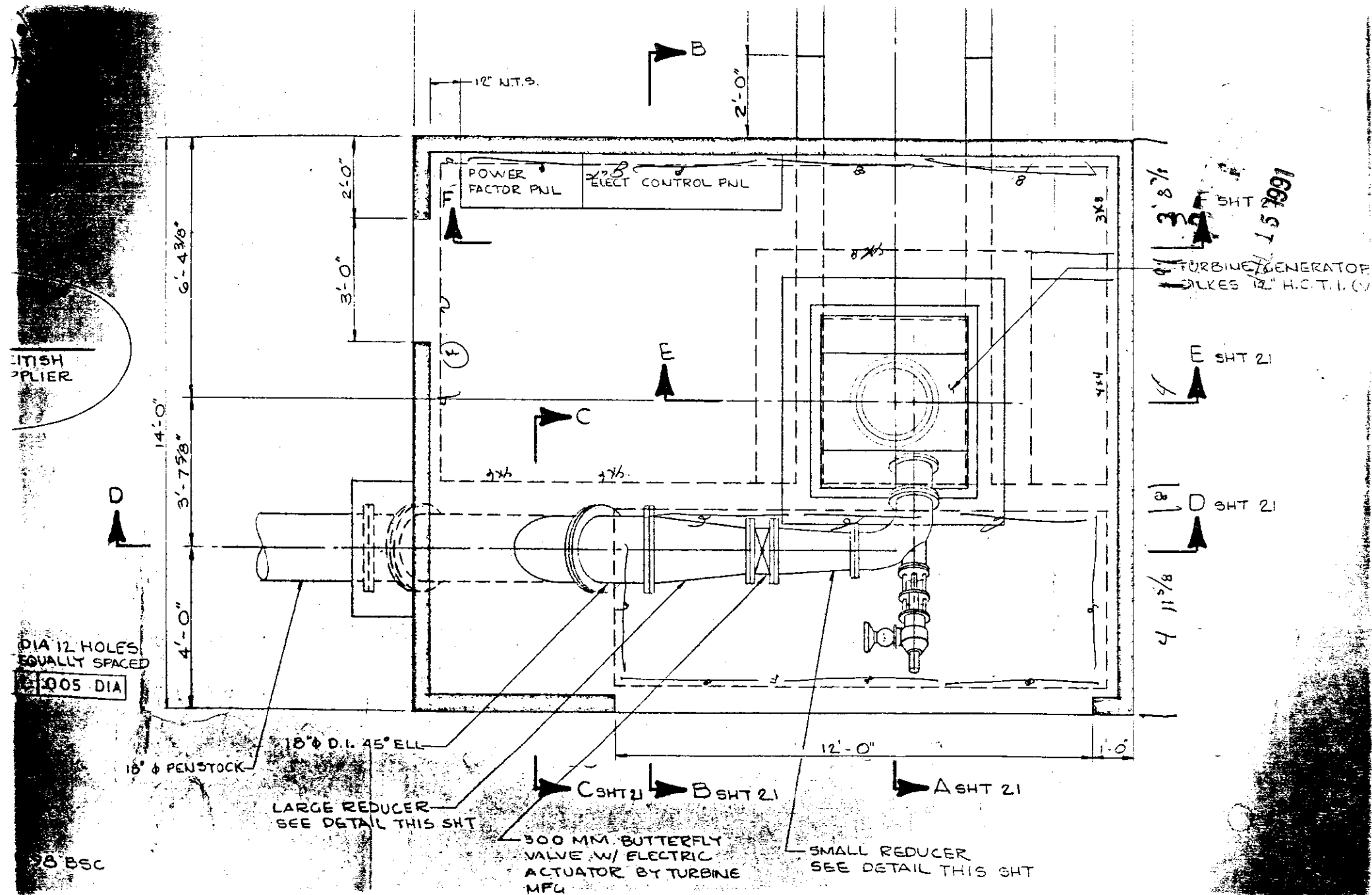
29-7567

Hydro plant plans

Extra copies.



O. J. POWER COMPANY HYDROELECTRIC PROJECT	DATE	
	DRAWN	
	CHECKED	
	APPROVED	
POWERHOUSE PLAN	ENGINEER	





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

April 20, 1988

RE: Permit No. 29-7567

O.J. Power
c/o Gary L. Montgomery
Marcus, Merrick & Montgomery
737 N. 7th St.
Boise, ID 83702-5595

Gentlemen:

The Department is in receipt of an assignment of the above referenced permit changing ownership of the permit to you.

Before we can formally change our records reflecting the ownership change we must be in receipt of an affidavit stating that the new owner is established to do business in Idaho in accordance with the provisions of Section 42-205, Idaho Code.

Please complete and return the enclosed affidavit.

If you have any questions, please let us know.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

MICROFILMED

JUL 15 1991

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

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

APRIL 6, 1988

MYRON JONES
MALAD SUMMIT
MALAD

ID 83252

RE: Permit No. 29-7567

Dear Permit Holder:

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

Enclosed please find a copy of an order involving your permit.

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

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

If you have any questions regarding the field examination, please contact this office by phone at 525-7161 or in person in the third floor State Office Building, 150 Shoup, Idaho Falls, Idaho.

Sincerely,
s/HAROLD W. JONES
Sr. Resource Agent

Enclosure

JUL 15 1991

1/88

PROOF OF BENEFICIAL USE

ANALYSIS SHEET

Permit No. 29-7567

Date: 2-8-1988

General Considerations:

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

Source of Water:

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

Extent of Use and Rate of Diversion:

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

Measuring Device:

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

Remarks:

*Reinstate
Proof acceptable*

Y Priority Calculation:

Date proof received

Feb. 1 365
Dec. 1 32
397
+ 335

Date proof due

No. of days late

= 62

Priority date

Apr. 18, '80 + 108

NEW PRIORITY DATE

June 19, 1980 = 170

SEND FILES TO DATA ENTRY AND THEN TO MICROFILM

CLAUDE V. MARCUS
CRAIG MARCUS
BARRY MARCUS
GALE M. MERRICK
GARY L. MONTGOMERY
ROBERT C. MONTGOMERY
KELLY I. BEEMAN

LAW OFFICES
MARCUS, MERRICK & MONTGOMERY
MARCUS BUILDING
737 NORTH 7TH STREET
BOISE, IDAHO 83702-5595

TELEPHONE
(208) 342-3563

January 29, 1988

FEB - 1 1988

Department of Water Resources

Department of Water Resources
1301 North Orchard
Boise, Idaho 83706-2237

Re: Water Permit granted to Myron Jones 29-7567

Dear Sirs:

Enclosed please find a copy of an Assignment of Permits and Easements dated December 17, 1987, wherein Myron Jones has assigned to New Energy, Inc., the Water Permit which was approved on or about October 15, 1986, for use of 12 cfs of water from Mill Creek in Bannock County, Idaho, for operation of a hydroelectric power plant. Also enclosed is a copy of an Assignment of Permits and Easements whereby New Energy, Inc. assigned its interest in said Water Permit to O.J. Power, an Arizona general partnership.

Please confirm in writing that the enclosed Assignments are acceptable and constitute a valid assignment of said water permit to O.J. Power.

If there is a form provided by the Department of Water Resources which must be filled out by the appropriate parties or if there is any other documentation which you require, please advise and we'll be happy to provide it to you.

Sincerely,

MARCUS, MERRICK & MONTGOMERY

Gary L. Montgomery
GARY L. MONTGOMERY

GLM:mrs
Encs.

cc: David Snedigar

83115-23

January 19, 1988

Myron Jones
Malad Summit
Malad, ID 83252

Dear Mr. Jones:

Re: Permit No. 29-7567

Returned is the Proof of Beneficial Use form submitted to this office on October 26, 1987. Based upon the rate of diversion, a fee is necessary to make the proof acceptable.

For your information, the permit indicates the use of 12 cfs as the proposed rate of diversion, however, the proof indicates the diversion of 8 cfs. The fee for this amount would be \$250. (See enclosed instruction sheet). Also, note that the permit lapsed on December 1, 1987 since the proof was not acceptable without the fee. The permit is losing a day of priority for each that an acceptable proof is not received. Your prompt attention to this is advised.

If you have any questions concerning this matter, please feel free to contact this office at 334-7900.

Sincerely,

RITA I. FLECK
Secretary/Records Manager

Enclosures

RECEIVED

JUL 15 1991

RECEIVED

OCT 26 1987

no ✓ Rec'D

Department of Water Resources

will send ~~check~~ ~~check~~ in a
few days

thank you

Myron Jones

MICROFILMED

JUL 15 1991

138957
CERTIFIED MAIL
September 30, 1987

JONES, MYRON
165 W. 300 N.
MALAD, ID 83252

PROOF DUE NOTICE

RE: Permit No. 29-7567

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, 1987. (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, or the permit will no longer be of any force nor effect.

Sincerely,

RITA FLECK
Secretary/Records Manager

Enclosures

MICROFILMED
JUL 15 1991

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
COMMENCEMENT OF WORKS

Permit No. 29-7567
Name(s) of Permit Holder(s): MYRON JONES
Post Office Address: MALAD
MALAD ID. 83252 Tel. No. 266-4325

☒ I hereby certify that construction of diversion works for the above referenced permit began on NOVEMBER 18, 1991
(date) I understand that I must continue to develop the water system with due diligence to maintain a valid permit.

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

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

1-21-1987
Date

Myron Jones by Larry
Signature of Permit Holder

Oja - Jon Hydro
147 EAST 50 South
MACAD ID 83252



MICROFILMED

JUL 15 1991

IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

29. 7567 P
32 FERC 162, 617

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Mr. Myron Jones, Mrs. Nola Jones,
Mr. Larry Oja and Mrs. Christie Oja) Project No. 7719-000

ORDER GRANTING EXEMPTION FROM LICENSING OF A
SMALL HYDROELECTRIC PROJECT OF 5 MW OR LESS
(Issued September 20, 1985)

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

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

Standard Article 2, included in this exemption, requires compliance with any terms and conditions that Federal or State fish and wildlife agencies have determined appropriate to prevent loss of, or damage to, fish and wildlife resources. The terms and conditions referred to in Article 2 are contained in any letters of comment by these agencies which have been forwarded to the Applicant in conjunction with this exemption. 3/

1/ Mr. Myron Jones, Mrs. Nola Jones, Mr. Larry Oja and Mrs. Christie Oja, Project No. 7719, filed October 13, 1983.

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

3/ An exemption from licensing granted by this Commission does not serve as any basis for restricting hunting and fishing access to the waterway involved except to the extent required for public safety purposes.

RECEIVED
SEP 24 1985
Department of Water Resources

-2-

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

Based on the terms and conditions required by Federal and State fish and wildlife agencies, the environmental information in the application for exemption, other public comments, and staff's independent analysis, issuance of this order is not a major Federal action significantly affecting the quality of the human environment. 4/

Pursuant to 18 C.F.R. §375.314, the Director of the Office of Hydropower Licensing or the Director's designee orders:

(A) The O. J. Power Company Project No. 7719 as described and designated in Mr. Myron Jones, Mrs. Nola Jones, Mr. Larry Oja and Mrs. Christie Oja's application filed on October 13, 1983, is exempted from all of the requirements of Part I of the Federal Power Act, including licensing, subject to the standard articles in §4.106 of the Commission's regulations attached hereto as Form E-2, 18 C.F.R. §4.106, 45 Fed. Reg. 11658 (March 25, 1985).

(B) This order is final unless appealed to the Commission by any party within 30 days from the issuance date of this order under 18 C.F.R. 385.1902 (1985).

Kenneth M. Pusateri
Kenneth M. Pusateri
Acting Director, Office of
Hydropower Licensing

4/ Environmental Assessment, O. J. Power Company, FERC Project No. 7719 - Idaho, Division of Environmental Analysis, Office of Hydropower Licensing, Federal Energy Regulatory Commission, April 9, 1985. This document is available in the Division of Public Information and in the Commission's public file associated with the proceeding.

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

1661 51 700
Notice of Applications Filed with the Commission
(May 7, 1984)

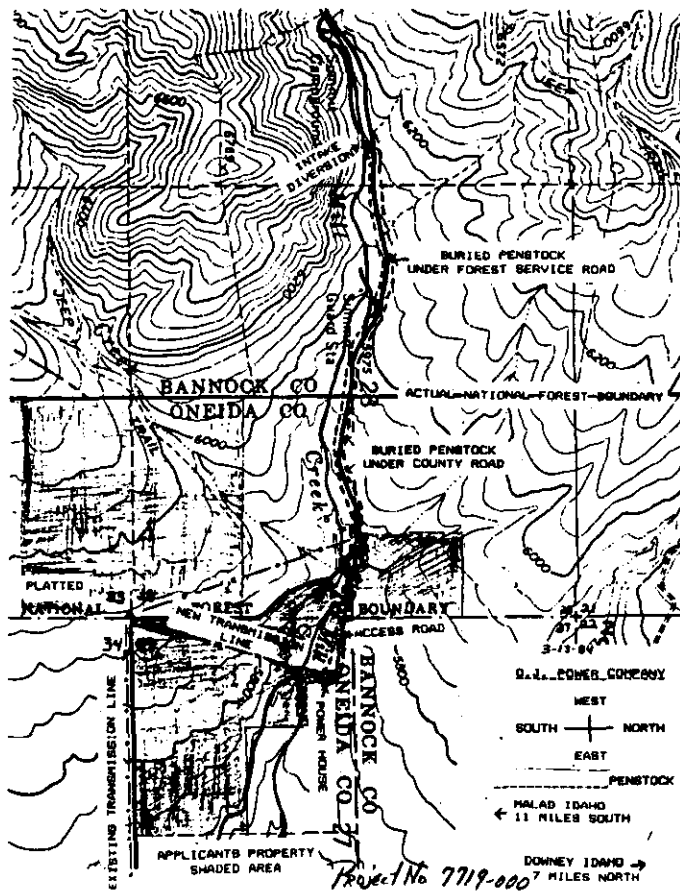
* Take notice that the following hydroelectric applications have been filed with the Federal Energy Regulatory Commission and are available for public inspection:

- a. Type of Application: 5 MW Exemption
- b. Project No: 7719-000
- c. Date Filed: October 13, 1983
- d. Applicant: O. J. Power Company
- e. Name of Project: O. J. Power Company Hydro Project
- f. Location: Mill Creek, Bannock and Oneida Counties, Idaho
- g. Filed Pursuant to: Section 408 of the Energy Security Act of 1980, (16 U.S.C. §2705 and 2708 as amended).
- h. Contact Person: Myron Jones, 311 North 300 West, Malad, Idaho 83252.
- i. Comment Date: June 22, 1984
- j. Description of Project: The proposed project would be located partially on U.S. Forest Service lands, partially on Oneida County, Idaho lands, and partially on the Applicant's land. The proposed project would consist of: (1) a 6-foot-high, 40-foot-long diversion structure; (2) a proposed 7,000-foot-long, 16-inch-diameter penstock; (3) a proposed powerhouse with the installation of 2 turbine/generator units, operating at a head of 375 feet, for a total installed capacity of 260 kW; (4) a proposed 1/2-mile-long transmission line; and (5) appurtenant facilities. Applicant estimates the average annual energy production to be 1.4 GWh.
- k. Purpose of Project: The Applicant intends to sell the power generated at the proposed project to the Utah Power and Light Company.
- l. This notice also consists of the following standard paragraphs: A1, A9, B, C and D3a.
- m. Purpose of Exemption: An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

DC-A-25

D3a. **Agency Comments** - The U.S. Fish and Wildlife Service, the National Marine Fisheries Service, and the State Fish and Game agency(ies) are requested, for the purposes set forth in Section 408 of the Energy Security Act of 1980, to file within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Kenneth P. Plumb
Secretary



§ 4.100. Standard terms and conditions of exemption from licensing

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

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

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

(c) Article 3. The Commission may revoke this exemption if actual construction or any proposed generating facilities has not begun within two years, or has not been completed within four years from the date on which this exemption was granted. If an exemption is revoked under this article, the Commission will not accept from the prior exemption holder a subsequent application for exemption from licensing or a notice of exemption from licensing for the same project within two years of the revocation.

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

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

(f) Article 6. In order to best develop, conserve, and utilize in the public interest the water resources of the region, the Commission may require that the exempt facilities be modified in structure or operation or may revoke this exemption.

(g) Article 7. The Commission may revoke this exemption if, in the application process, material discrepancies, inaccuracies, or falsehoods were made by or on behalf of the applicant.

(h) Article 8. Any exempted small hydroelectric power project that utilizes a dam that is more than 33 feet in height above streambed, as defined in 18 CFR 12.31(c) of this chapter, impounds more than 2,000 acre-feet of water, or has a significant or high hazard potential, as defined in 33 CFR Part 222, is subject to the following provisions of 18 CFR Part 12, as it may be amended:

- (1) Section 12.4(b)(1)(i) and (ii), (b)(2)(i) and (iii), (b)(iv), and (b)(v);
- (2) Section 12.4(c);
- (3) Section 12.5;
- (4) Subpart C; and
- (5) Subpart D.

For the purposes of applying these provisions of 18 CFR Part 12, the exempted project is deemed to be a licensed project development and the owner of the exempted project is deemed to be a licensee.

(i) Before transferring any property interests in the exempt project, the exemption holder must inform the transferee of the terms and conditions of the exemption. Within 30 days of transferring the property interests, the exemption holder must inform the Commission of the identity and address of the transferee.

29. 7507 f

Ruk

32 FERC 162, 617

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Mr. Myron Jones, Mrs. Nola Jones,
Mr. Larry Oja and Mrs. Christie Oja) Project No. 7719-000

ORDER GRANTING EXEMPTION FROM LICENSING OF A
SMALL HYDROELECTRIC PROJECT OF 5 MW OR LESS

(Issued September 20, 1985)

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

Standard Article 2, included in this exemption, requires compliance with any terms and conditions that Federal or State fish and wildlife agencies have determined appropriate to prevent loss of, or damage to, fish and wildlife resources. The terms and conditions referred to in Article 2 are contained in any letters of comment by these agencies which have been forwarded to the Applicant in conjunction with this exemption. 3/

1/ Mr. Myron Jones, Mrs. Nola Jones, Mr. Larry Oja and Mrs. Christie Oja, Project No. 7719, filed October 13, 1983.

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

3/ An exemption from licensing granted by this Commission does not serve as any basis for restricting hunting and fishing access to the waterway involved except to the extent required for public safety purposes.

RECEIVED
OCT 15 1991

DC-A-19

RECEIVED
SEP 24 1985
Department of Water Resources

-2-

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

Based on the terms and conditions required by Federal and State fish and wildlife agencies, the environmental information in the application for exemption, other public comments, and staff's independent analysis, issuance of this order is not a major Federal action significantly affecting the quality of the human environment. 4/

Pursuant to 18 C.F.R. §375.314, the Director of the Office of Hydropower Licensing or the Director's designee orders:

(A) The O. J. Power Company Project No. 7719 as described and designated in Mr. Myron Jones, Mrs. Nola Jones, Mr. Larry Oja and Mrs. Christie Oja's application filed on October 13, 1983, is exempted from all of the requirements of Part I of the Federal Power Act, including licensing, subject to the standard articles in §4.106 of the Commission's regulations attached hereto as Form E-2, 18 C.F.R. §4.106, 45 Fed. Reg. 11658 (March 25, 1985).

(B) This order is final unless appealed to the Commission by any party within 30 days from the issuance date of this order under 18 C.F.R. 385.1902 (1985).

Kenneth M. Pusateri
Kenneth M. Pusateri
Acting Director, Office of
Hydropower Licensing

4/ Environmental Assessment, O. J. Power Company, FERC Project No. 7719 - Idaho, Division of Environmental Analysis, Office of Hydropower Licensing, Federal Energy Regulatory Commission, April 9, 1985. This document is available in the Division of Public Information and in the Commission's public file associated with the proceeding.



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

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

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

SEPTEMBER 1, 1985

DEAR PERMIT HOLDER:

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

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

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

(2)THE DEPARTMENT SHALL PROVIDE AN OPPORTUNITY FOR HEARING IN ACCORDANCE WITH SECTION 42-1701A, IDAHO CODE, AND SECTIONS 67-5209 THROUGH 67-5215, IDAHO CODE, FOR EACH HOLDER OF A PERMIT THAT IS PROPOSED EITHER TO BE CANCELLED OR MADE SUBJECT TO NEW CONDITIONS.

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

SINCERELY,

L. GLEN SAXTON
CHIEF, OPERATIONS BUREAU

MICROFILMED

JUL 15 1991

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

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440

JONES, MYRON
165 W. 300 N.
MALAD, ID 83252

JANUARY 19, 1983

RE: PERMIT NO. 29-7567

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 A MEASURING DEVICE, OR AN ACCESS PORT TO PROVIDE FOR THE INSTALLATION OF MEASURING EQUIPMENT BY THE DEPARTMENT. ENCLOSED PLEASE FIND A LIST OF MEASURING DEVICE OPTIONS, AND SPECIFICATIONS FOR THE INSTALLATION OF THE ACCESS PORT.

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

THE 1982 IDAHO LEGISLATURE ADDED A REQUIREMENT THAT AS A PERMIT HOLDER YOU MUST COMMENCE THE EXCAVATION OR CONSTRUCTION OF DIVERTING WORKS WITHIN ONE YEAR OF THE DATE THE PERMIT WAS ISSUED, AND YOU MUST PROCEED DILIGENTLY UNTIL THE PROJECT IS COMPLETED. THE ENCLOSED BLUE CARD MUST BE COMPLETED AND RETURNED TO THIS OFFICE AS SOON AS YOU COMMENCE CONSTRUCTION, NO LATER THAN ONE YEAR FROM THE DATE THE PERMIT WAS APPROVED.

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

RECEIVED
JAN 20 1983

SECRET

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

ENCLOSURE

POWER CALCULATIONS FOR APPLICATION NO. 29-7567

P = Kilowatts .74 X hp

Q = cfs

H = feet

e = efficiency

proposed

146 Kw

12 cfs

400 ft

?

$$e = \frac{P(11.8)}{QH} = \frac{146(11.8)}{12 \times 400} = \frac{1722.8}{4800} = .36$$

Based on the above calculations the proposed project must have an 36 % efficiency.

RC

Overlap Review

F/D none

F/U none

bypassed 29-7562 Irr

Recommend # L14

MICROFILMED

Date 7

MYRON JONES
DISTRICT 33
ONEIDA AND
BANNOCK COUNTIES

HOME ADDRESS
311 N. 300 W.
MALAD, IDAHO 83252
PHONE (208) 766-4935



29-7567

RECEIVED
COMMITTEES

EDUCATION
NOV 30 1982
RESOURCES AND CONSERVATION
TRANSPORTATION
Division of Water Resources

House of Representatives
State of Idaho

Dear Glen

*I just recieved the exemption
th other day*

Myron

MICROFILMED

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

21 FERC ¶62,205

-2-

Myron Jones, Nola Jones, and)
John Hansen Jr.

Project No. 3319-001

ORDER GRANTING EXEMPTION FROM LICENSING OF A
SMALL HYDROELECTRIC PROJECT OF 5 MW OR LESS

(Issued November 9, 1982)

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

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

- 1/ Myron Jones, Nola Jones and John Hansen Jr., Project No. 3319, filed on May 10, 1982.
- 2/ Pub. Law 96-294, 94 Stat. 611. Section 408 of the ESA amends inter alia, Sections 405 and 408 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. §§2705 and 2708).
- 3/ Authority to act on this matter is delegated to the Deputy Director, Office of Electric Power Regulation, under §375.308 of the Commission's regulations, 18 C.F.R. §375.308 (1981) FERC Statutes and Regulations ¶30,238. This order may be appealed to the Commission by any party within 30 days of its issuance pursuant to Rule 1902, 18 C.F.R. 385.1902, FERC Statutes and Regulations ¶29,052 47 Fed. Reg. 19014 (1982). Filing an appeal and final Commission action on that appeal are prerequisites for filing an application for rehearing as provided in Section 113(a) of the Act. Filing an appeal does not operate as a stay of the effective date of this order or of any other date specified in this order, except as specifically directed by the Commission.

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

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

It is ordered that:

M&J Power Company Hydro Project No. 3319 as described and designated in Myron Jones, Nola Jones, and John Hansen Jr.'s application filed on May 10, 1982, is exempted from all of the requirements of Part I of the Federal Power Act, including licensing, subject to the standard articles in §4.106 of the Commission's regulations attached hereto as Form E-2, 18 C.F.R. §4.106, 45 Fed. Reg. 76115 (November 18, 1980), and the following special Articles.

Article 6. The Exemptee shall, prior to the commencement of any construction, consult with the Idaho State Historic Preservation Officer (SHPO) to: (1) determine the scope of any necessary cultural resource survey; (2) conduct such a survey; and, (3) prepare a report to be filed with the SHPO describing the results of its survey work, providing an assessment of the significance of the cultural resources inventoried, including possible eligibility for the National Register of Historic Places, and setting forth recommendations for the avoidance of, or mitigation of damage to, significant properties at the project. Any necessary mitigation work should be undertaken by the Exemptee in cooperation with the SHPO and in accordance with a schedule and plan negotiated between the Exemptee and the SHPO. The Exemptee shall make available funds in a reasonable amount for any survey and mitigation work as required. If any previously unrecorded archeological or historical sites are discovered during the course of construction or development of any project works or other facilities at the project, construction activity shall be halted, a qualified archeologist shall be consulted to determine the significance of the sites, and the Exemptee shall consult with the SHPO to develop and implement a mitigation plan for the protection of significant archeological or historical resources.

Article 7. The construction, operation, and maintenance of the exempt project may be reviewed by the Commission and subjected to further requirements for consistency with the terms and conditions of the regional fish and wildlife program

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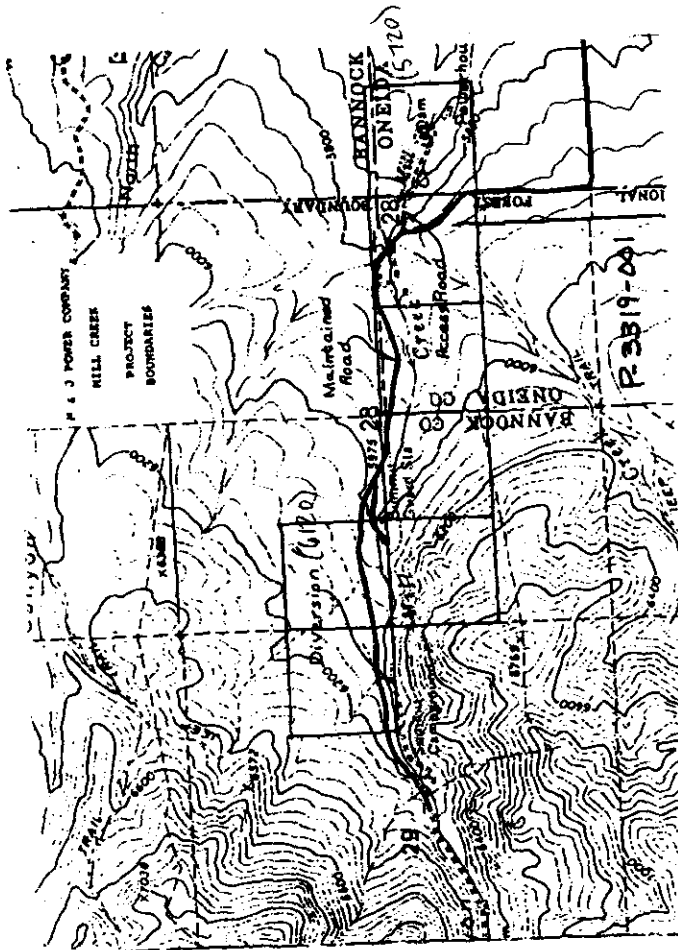
§ 4.106 Standard terms and conditions of exemption from licensing.

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

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

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

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



MICROFILMED

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

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

Boise, Idaho 83701

P.O. Box 893

Vernon F. Ravenscroft

Consulting Associates, Inc. P-3319

ISS MAIL

18361

FEDERAL ENERGY REGULATORY COMMISSION

POSTAGE AND FEES PAID



RECEIVED
NOV 15 1982

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

MICROFILMED

November 22, 1982

RE: Application for Permit No. 29-7567

Myron Jones
165 W. 300 N.
Malad City, ID 83252

Dear Mr. Jones:

We have completed a preliminary review of the above referenced application. This review has included advertising by the regional office and a verification that all required preliminary information has been provided.

For power projects that are under the jurisdiction of the Federal Energy Regulatory Commission (FERC), we withhold final action on the application pending FERC approval of (1) a preliminary permit, or (2) an exemption. If you have not yet contacted FERC, the address below is a good starting point:

Regional Engineer
San Francisco Regional Office
Federal Energy Regulatory Commission
333 Market Street, Sixth Floor
San Francisco, CA 94105-2195
Telephone No. (415) 974-7177

The continued validity of this application is contingent on your proceeding with due diligence toward obtaining an approval or an exemption from FERC. Please keep this office informed of progress in this regard.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

LGS:kw

FEB 25 1982

SS.

FEB 25 1982

Department of Youth Services
Eastern District Office

Sheryl Gardiol

being first duly sworn on oath deposes and says: That she was at all times herein mentioned a citizen of the United States of America, more than 21 years of age, and the Principal Clerk of THE IDAHO STATE JOURNAL, a daily newspaper, printed and published at Pocatello, Bannock County, Idaho, and having a general circulation therein.

That the document or notice, a true copy of which is attached, was published in the said IDAHO STATE JOURNAL, on the following dates, to-wit:

<u>February 11</u> , 19 <u>82</u>	<u> </u> , 19 <u> </u>
<u>February 18</u> , 19 <u>82</u>	<u> </u> , 19 <u> </u>
<u> </u> , 19 <u> </u>	<u> </u> , 19 <u> </u>
<u> </u> , 19 <u> </u>	<u> </u> , 19 <u> </u>
<u> </u> , 19 <u> </u>	<u> </u> , 19 <u> </u>

That said paper has been continuously and uninterruptedly published in said County for a period of seventy-eight weeks prior to the publication of said notice or advertisement and is a newspaper within the meaning of the laws of Idaho.

Sheryl Gardiol

Subscribed and sworn to before me this 23rd

day of February, 19 82

[Handwritten signature]

Notary Public, State of Idaho
Residence: Pocatello, Idaho

SECRET

PROOF OF PUBLICATION

STATE OF IDAHO
County of Bannock

SS.

NOTICE OF AMENDING OF WATER RIGHT APPLICATION

Notice is hereby given that Myron Jones, Malad City, Idaho, filed application No. 29-7567 to appropriate 12.0 cubic feet per second of water from Birch Creek tributary to Marsh Creek with point of diversion within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 29, T. 12S, R. 36E, B.M., Bannock County; to be used from January 1 to December 31 for power within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 29, T. 12S, R. 36E, B.M., Bannock County.

The applicant now proposes to amend application No. 29-7567 as follows. The water will be diverted from Mill Creek tributary to Birch Creek with the point of diversion within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 29, T. 12S, R. 36E, B.M., Bannock County, and used within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 27, T. 12S, R. 36E.

Any protest to the granting of the amending of this application must be filed with the Idaho Department of Water Resources, 150 Shoup, Idaho Falls, Idaho, 83402, on or before March 1, 1982.

S/A. KENNETH DUNN
Director
February 11, 1982
No. 538

being first duly sworn on oath deposes and says: That _____ was at all times herein mentioned a citizen of the United States of America, more than 21 years of age, and the Principal Clerk of THE IDAHO STATE JOURNAL, a daily newspaper, printed and published at Pocatello, Bannock County, Idaho, and having a general circulation therein.

That the document or notice, a true copy of which is attached, was published in the said IDAHO STATE JOURNAL, on the following dates, to-wit:

_____	, 19 _____	, 19 _____
_____	, 19 _____	, 19 _____
_____	, 19 _____	, 19 _____
_____	, 19 _____	, 19 _____
_____	, 19 _____	, 19 _____

That said paper has been continuously and uninterruptedly published in said County for a period of seventy-eight weeks prior to the publication of said notice or advertisement and is a newspaper within the meaning of the laws of Idaho.

Sheryl Anderson
Subscribed and sworn to before me this _____

day of _____, 19 _____

[Signature]
Notary Public, State of Idaho
Residence: Pocatello, Idaho

NOTICE OF AMENDING OF WATER RIGHT APPLICATION

Notice is hereby given that Myron Jones, Malad City, Idaho, filed application No. 29-7567 to appropriate 12.0 cubic feet per second of water from Birch Creek tributary to Marsh Creek with point of diversion within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 29, T. 12S, R. 36E, B.M., Bannock County; to be used from January 1 to December 31 for power within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 29, T. 12S, R. 36E, B.M.

The applicant now proposes to amend application No. 29-7567 as follows. The water will be diverted from Mill Creek tributary to Birch Creek with the point of diversion within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 29, T. 12S, R. 36E, B.M., Bannock County, and used within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 27, T. 12S, R. 36E.

Any protest to the granting of the amending of this application must be filed with the Idaho Department of Water Resources, 150 Shoup, Idaho Falls, Idaho, 83402, on or before March 1, 1982.

A. KENNETH DUNN

Director

Published in the Idaho State Journal, Pocatello, Idaho
on February 11 and 18, 1982.

RECEIVED
FEB 11 1982

M E M O R A N D U M

TO: 29-7567

FROM: Dave Tuthill *DT*

DATE: January 27, 1982

RE: Amendment of Application

On this day the applicant, Mr. Myron Jones, came into the office and amended the point of diversion and place of use of the above referenced application. The ownership of the property at the place of use was changed and is so noted. The form 205 that is in the file requires no change since the applicant still does not intend to use existing irrigation works.

Mr. Jones paid the \$20.00 readvertisement fee and was issued receipt no. 21726. The file is being returned to the regional office for readvertisement.

RECEIVED
JAN 28 1982



ate 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

Myron Jones
165 W. 300 N.
Malad City, ID 83252

RE: Application for Permit No. 29-7567

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

RECORDED



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

July 24, 1981

RE: Application for Permit No. **29-7567**

Dear Applicant:

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

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

Sincerely,

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

DRT:jg

Enclosure

MICROFILM

November 25, 1980

Mr. R. E. Murphy
Barber Engineering
250 S. Beechwood Avenue, Suite 111
Boise, Idaho 83709

Dear Mr. Murphy:

RE: Application No. 29-7567, formerly No. 15-7063

In response to your letter, No. 23014, of November 13, 1980, enclosed are copies of recent correspondence referencing Application No. 29-7567 filed by Myron Jones April 18, 1980. Included are copies of a letter dated June 26, 1980, received from the Idaho Fish and Game, the department's reply by Mr. C. S. Allred, and letter of June 3, 1980, from the U.S. Forest Service. The letters from Idaho Fish and Game and the U.S. Forest Service were not received within the specified time limit for filing protests. Protests against the granting of the permit were to be filed with this department on or before May 19, 1980.

Since the proposed power project will utilize federal lands, the continued validity of the application is contingent on Mr. Jones proceeding with due diligence toward obtaining approval by the Federal Energy Regulatory Commission. In addition, a special use permit must be obtained by the applicant since the granting of our permit does not guarantee a right-of-way or easement across their lands.

If you have any questions concerning this matter, please do not hesitate to contact us.

Enclosed is a billing for the requested copies of the correspondence.

Sincerely,

Roberta Garrett
Records Supervisor

RG:ab

Enclosures



BARBER ENGINEERING

a division of J-U-B ENGINEERS, Inc.

TELEPHONE (208) 376-8480. (208) 376-7330 - 250 SOUTH BEECHWOOD AVE. - SUITE 111 - BOISE, IDAHO 83709

November 13, 1980

Letter No. 23014

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

Gentlemen:

RE: M&J Power Company

Our client, Myron Jones, dba M&J Power Company, filed for water rights on the Summit Creek near Malad City, Idaho for use in hydropower development.

This existing diversion dam is located in sections 28 and 29 of Township 12 South, Range 36 East, Bannock County.

We have a letter from the Caribou National Forest, Mr. Larry L. Hudson, District Ranger, which indicates the Idaho Fish & Game and the Caribou National Forest have both protested the filing on water rights.

We would like to have a copy of the protest letters or correspondence you received concerning these water rights.

At the same time, please tell us the status of this application for water rights for hydropower generation.

Yours very truly,

BARBER ENGINEERING

R E Murphy
R. E. Murphy

REM/dr
cc R. R. Underwood

RECEIVED
NOV 17 1980
Department of Water Resources

RECEIVED
COMMERCIAL

ELECTRICAL ENGINEERING
INDUSTRIAL

RESIDENTIAL

November 4, 1980

Myron Jones
165 W. 300 N.
Malad City, Idaho 83252

RE: Application For Permit No. 29-7567

Gentlemen:

We have completed a preliminary review of the above referenced application. This review has included advertising by the regional office and a verification that all required preliminary information has been provided.

At this time we see no reason that the application will not be approved. However, for power projects that are under the jurisdiction of the Federal Energy Regulatory Commission (FERC) and/or the Idaho Public Utilities Commission, we withhold final action on the application pending approval by those agencies.

Our review of this application indicates that approval for the project will be required by FERC, since the point of diversion and place of use are on federal lands. The continued validity of this application is contingent on your proceeding with due diligence toward obtaining approval from FERC. Please keep this office posted on progress in this regard.

Sincerely,

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

DRT:jg

RECEIVED
NOV 11 1980
FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20431

July 21, 1980

RE

RE: Letter of Inquiry dated June 26, 1980

Jerry M. Conley, Director
Department of Fish and Game
Statehouse
Boise, ID 83720

Dear Jerry:

Thank you for your recent letter relative to notification of your office of newly filed water right applications which could adversely affect fishery values. This question has surfaced in the past and hopefully has been satisfactorily resolved at least in the majority of cases. My regional offices routinely send to potentially affected agencies copies of new applications that might have an impact on that agency. In this case, this may not have been done since the site specific effect of a given application may not be too apparent in some instances. Our water permit processing has been computerized and I am reviewing the possibility of developing and distributing a summary printout of all new applications received each week.

In the interim, I will direct my regional supervisors to discuss notification procedures with your supervisors at their next interagency meetings. That meeting for the Idaho Falls office is tentatively scheduled for August, 1980.

I might also point out that the water appropriation statutes have relatively recently been changed to provide for a protest to be considered on the basis of local public interest. This in itself may provide for consideration of resource protection in some cases. Also the local public interest must be considered before issuing a permit even though protests are not received.

The eastern region office of the department will field inspect the area in which Mr. Myron Jones proposed to divert the waters of Birch Creek in an effort to evaluate the effects of the proposal. I can assure you the application and its effects will be carefully reviewed by this office before final action is taken. We would also consider flow data or other factual information which may be readily accessible from your records in consideration of the application.

If you have any questions on this matter, please contact me.

Sincerely,

C. STEPHEN ALLRED
Director

CSA:alw



STATE OF IDAHO

DEPARTMENT OF FISH AND GAME

600 SO. WALNUT ST. — P.O. BOX 25
BOISE, IDAHO 83707

JUN 30 1980

June 26, 1980

Mr. Stephen Allred, Director
Idaho Department of Water Resources
Statehouse
Boise, ID 83720

Dear Steve:

Recently we were informed of an application for water use from Birch Creek, filed by Mr. Myron Jones. We understand Mr. Jones has applied for year-round use of 12 cfs from this stream to be diverted at the following location: NW $\frac{1}{4}$, SW $\frac{1}{4}$, Section 29, T.12 S, R.36 E, Boise Meridian.

We understand Mr. Jones intends to divert this water from just over one mile of stream for a power production facility he plans to build. It appears that most, if not all, of the water in the stream will be diverted and used at the power facility.

Birch Creek, also called Summit Creek or Powerhouse Creek, is one of the few streams in Oneida County which support a wild trout population. It is also one of only a few trout streams which occur on public lands so that access is not a problem. In the mid-1970's the U.S. Forest Service spent a considerable amount of money having their crews build improvement structures for better trout habitat in the area of the proposed diversion. If this application is approved as is, the result of this effort will be nullified.

Electrofishing in the area of the proposed diversion on September 6, 1978 indicates that the stream contains 20 to 30 trout per 100 meters. The fish present are both cutthroat (66 percent) and rainbow (33 percent). This stream section is also important to the recreationist who uses the Forest Service's Summit Creek Campground which is located in the area of the proposed diversion.

Unfortunately, we were not notified of this proposed diversion until after the comment period was past and then only by personnel of the U.S. Forest Service. It would greatly assist our personnel if we could be notified of these projects so that we could adequately review and make comments on them.

(EQUAL OPPORTUNITY EMPLOYER)

*Green
what is status of
application?
Can you suggest a
way of responding to
FWS request to the
notified?*

15-7063

*Filed
04-18-1980*

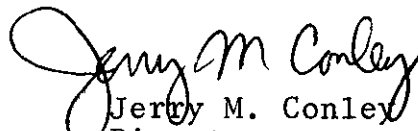
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Mr. Stephen Allred
June 26, 1980
Page 2

From the standpoint of public interest, we feel this permit should be denied or at least held in abeyance until its effects can be properly evaluated.

Sincerely,

DEPARTMENT OF FISH AND GAME


Jerry M. Conley
Director

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*** HISTORY ***

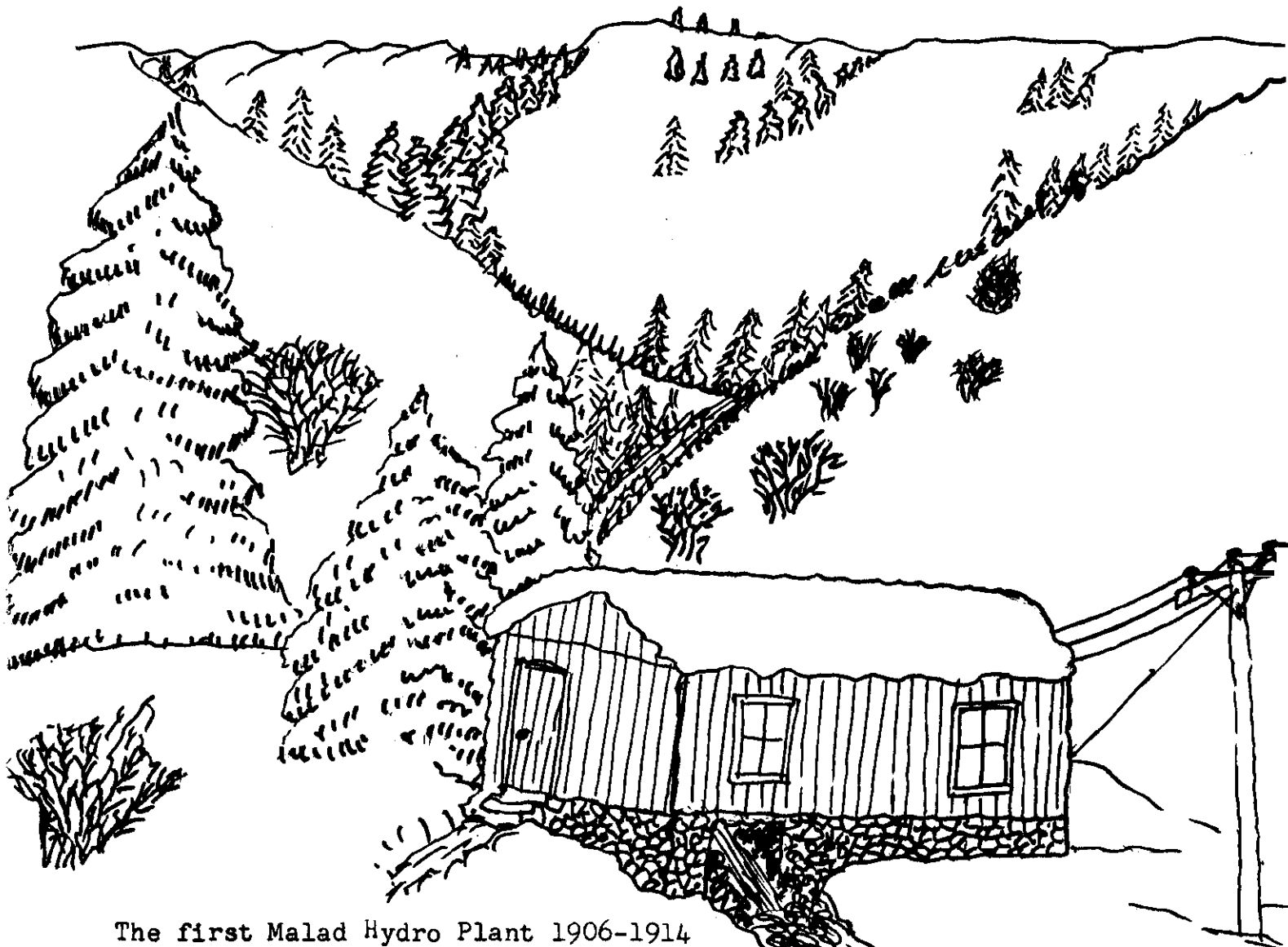
OF

THE MALAD CITY ELECTRICAL POWER LIGHT SYSTEM

1906 to 1963

Compiled by Hubert Gleed from old power company records and pictures in my possession, Old Evans Light and power company records of the Evans Family, By researching old Idaho Enterprise paper files and from memory of the experiences had as an employee in Malad from 1929 to 1963.

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The first Malad Hydro Plant 1906-1914

I have no photo of the 1st hydro plant to serve Malad, but I know its location. The plant generator foundation is still intact and was built of rock cemented together. The plant foundation was probably built of the same material.

The plant building may have been built of logs, but since there was a saw mill in operation at that time in the canyon, and lumber would be available at low cost I feel sure it was constructed of lumber and may have looked something like this sketch, of the plant building and the canyon just after a midwinter snow storm.

Living quarters for the operators were located just south of the plant and near the south face of the canyon, and they too probably were built of lumber. Somewhere near by would be a horse barn because they needed some kind of transportation, although skis would have to replace the horses in the winter.

Also down the canyon from the plant the operators had two or three fish ponds where they raised their own fish. They very likley also had a chicken coop for eggs and a once in a while chicken dinner.

This must have been a lonely place for the operators. Logging crews may have been working in the canyon however but even if the pay was low there was a certian amount of prestige to the job because they were performing a vital public service.

THE MALAD CITY ELECTRIC LIGHT AND POWER SYSTEM

In 1905, two men, Frank Moore and G.C. McGloughlin, appeared before the Malad City Council and ask for a franchise to construct and place in operation by August 16, 1906, an electric light and power system to serve Malad City. The franchise was granted for a period of 30 years.

The record states that G.C. McGloughlin was a resident of Salt Lake City and it is assumed that Frank Moore was the man who more than anyone else, was responsible for the installation of the plant and distribution system. It was a partnership so more than likley Mr. McGloughlin furnished the capital or a good share of it. Also later on the record shows that John F. Campbell was manager of the system and may have been manager or an employee from the start.

It seemed to me that the first little plant installed in what is now known as the "Power House Canyon" was well engineered and designed. It may be that one or both of these men were electrical or hydraulic engineers or they secured professional help. The record does not make this clear. We must, however, take off our hats to these men who installed a hydro plant and complete system in one year. I doubt if we in this day could secure a right-of-way in the same lenth of time.

The intake for the plant was located quite high up the main canyon - about $\frac{1}{2}$ mile above the old bridge where the road forks of for South canyon. The dam was located just above a hugh rock that sets out into the stream and made a natural site for the intake. From this point a wooden flum was constructed down the canyon to where it crossed the road. The flum at this point was set high on a trestle and two large rocks, one on each side of the road which made it high enough for teams and wagons to cross under. This crossing is still marked by those rock in their natural location.

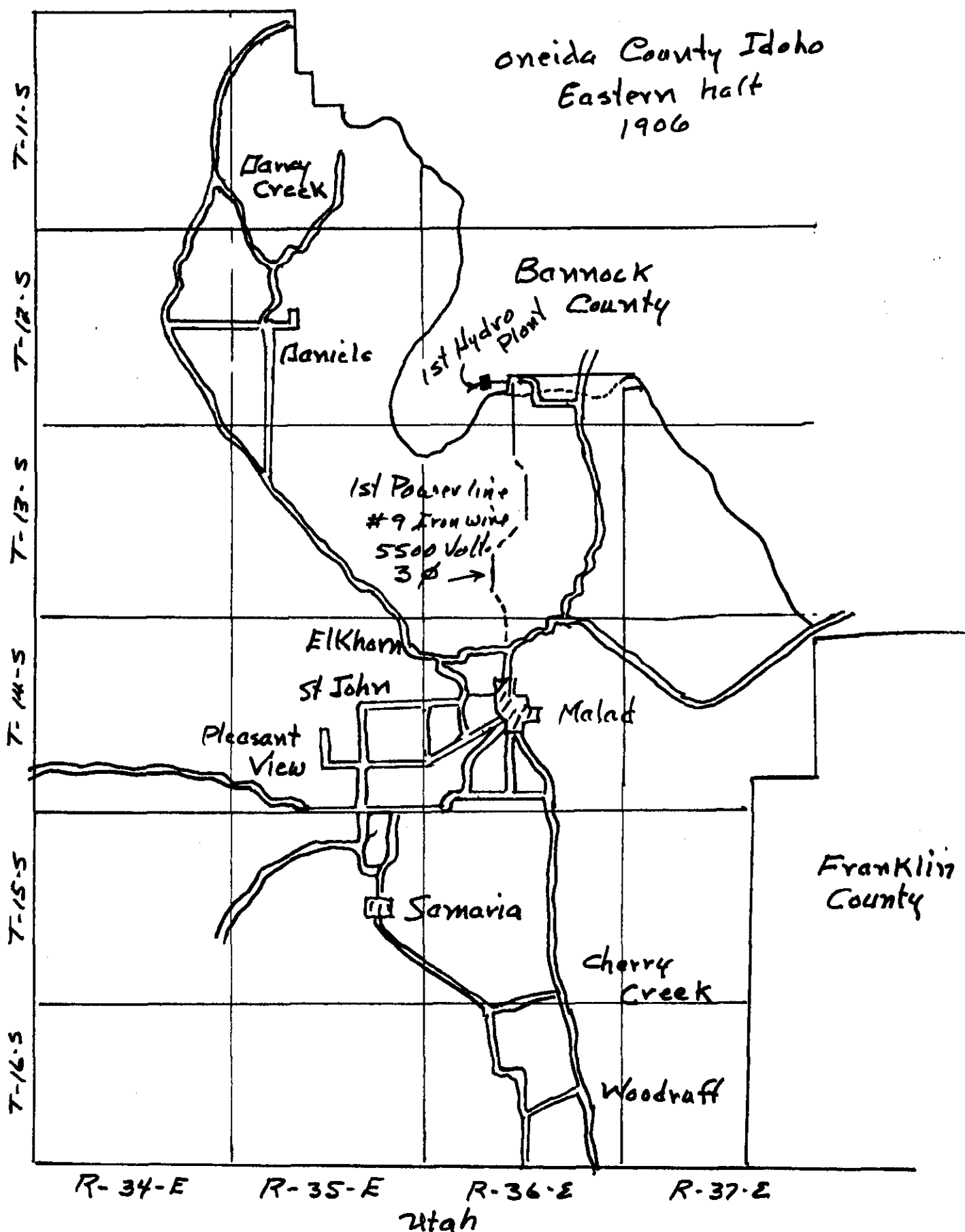
From the road crossing the flum continued along the north face of the canyon for a total of 1600'. At the point of the mounitian where the canyon turns north a intake with head gate and screen was constructed.

The penstock started out at the top with 18" wood stave pipe down to a point just above the road crossing where it changed to 10" steel spiral wound pipe. The route route is marked at the road crossing by a slight trench where it went under the road. The route was generally nort easterly and toward the plant. There was about 500' of wood pipe and about 1300' of steel pipe. The total lenth was 1800'.

The plant was located up stream about 250' a above the existing intake for the lower or later plant. The location is still marked by the old foundation which was built along side the main stream. It was made of rock cemented together and is well preserved in spite of the fact it is in the path of the frequent flash floods that come down every few years. The fact that it still sets there, solid as the day it was built is mute testimony of the skill of those who built it.

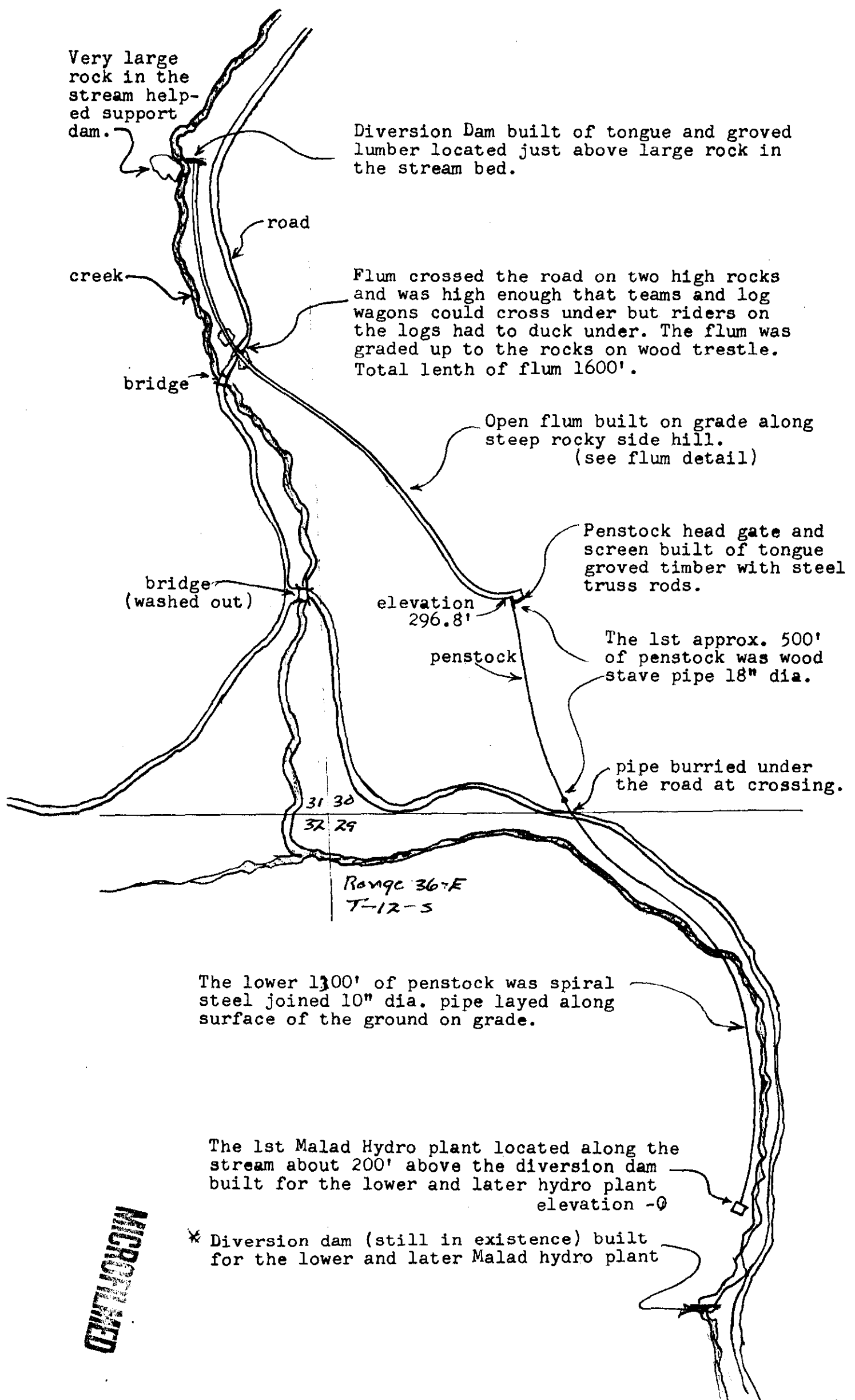
Another mute bit of evidence of the plants site is furnished by a living apple tree which clings to the side hill just north of the road. The story that was told to me concerning this tree was to the effect that a plant operator one warm evening, stood in the doorway of the plant to enjoy the cool breeze and an apple. When he had finished the apple he threw the core up on the side hill. Through some miracle of nature the seeds took root in the stony soil of that steep side hill and today if you should be there in the fall of the year, you too may enjoy an apple decended from the one that was eaten by the operator of the first electric plant to serve Malad City.

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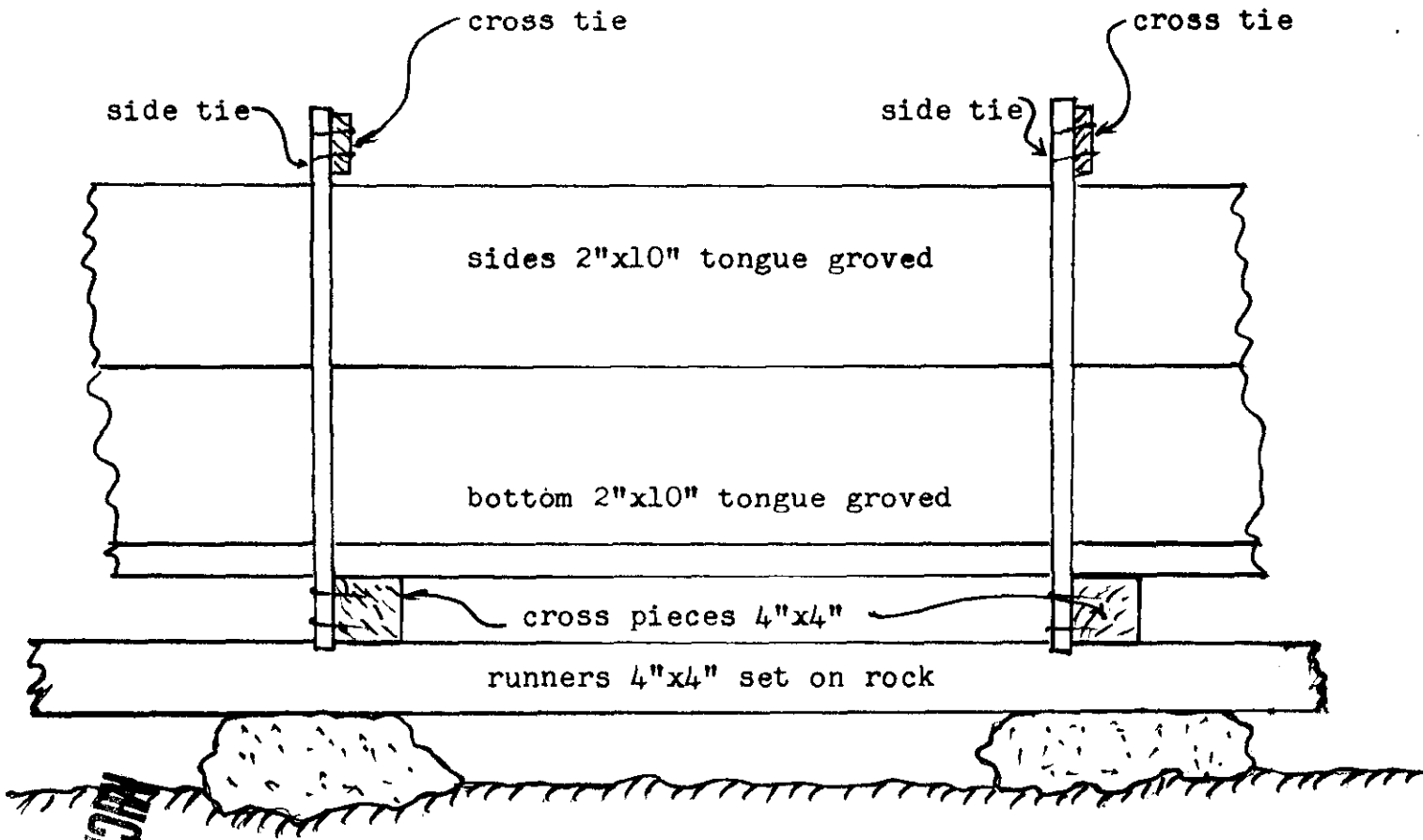
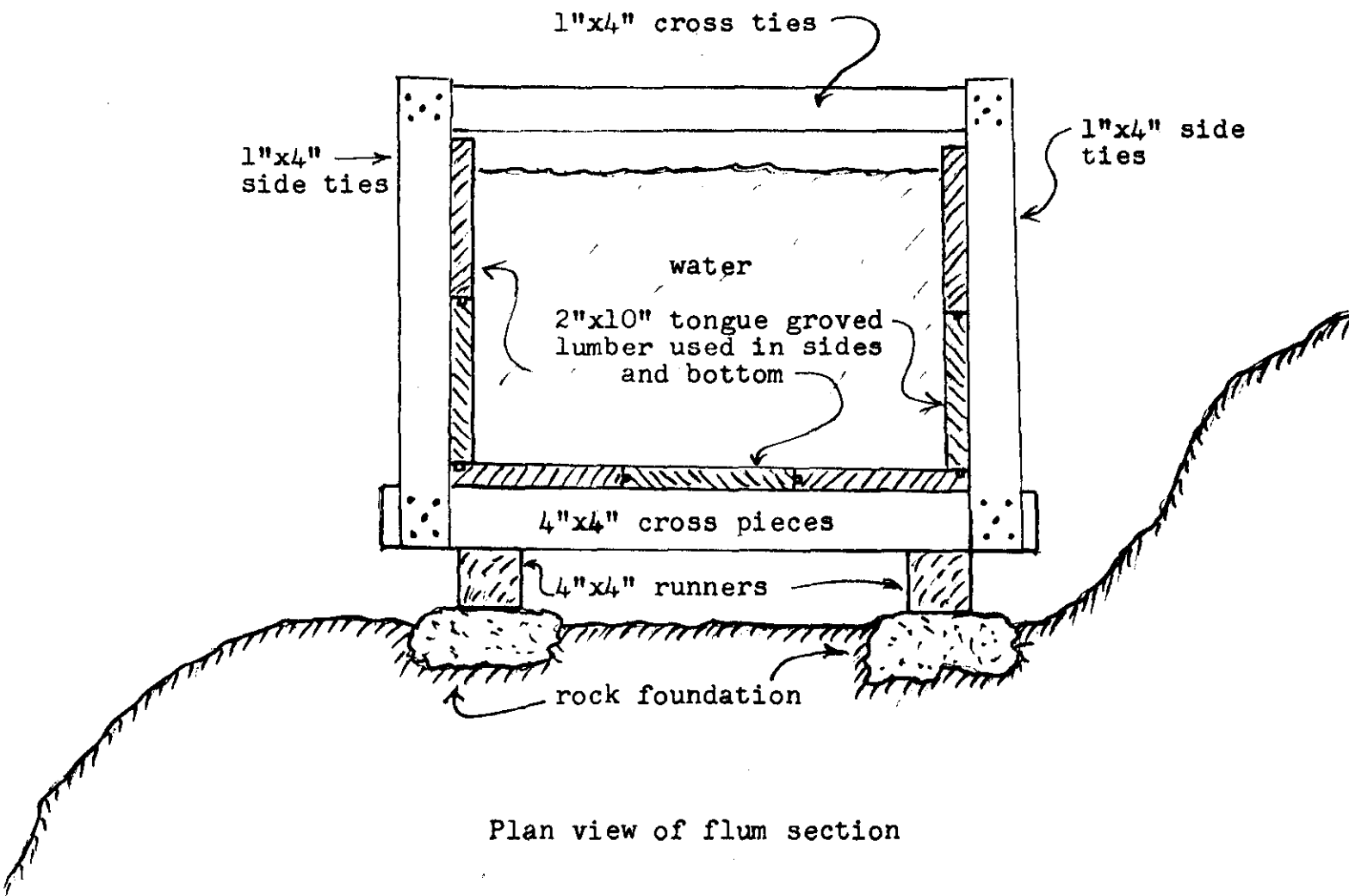
This is a map of the Eastern part of Oneida County. It shows the general location of the first hydro plant to serve Malad, and route of the power line from that plant to town. The County line between Oneida County and Bannock County was the divide or water shed and is indicated by the dotted line. The first plant, the pipe line and the flume were all in Bannock County.

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Cross section detail of wood flum used to bring water to the first Malad Hydro Plant.



The first plant was a 150 KVA three phase generator with a 5 KVA direct current exciter. We know from records that the line voltage was 5500 so believe the generator was this same voltage. I had never heard any mention of a substation or transformer bank at the plant and believe the generator feed directly to the transmission line. Don Evans, Son of D. L. Evans Jr. who owned and operated this old plant for a short time before it was dismantled, showed me some metering equipment of a very early design, which he had stored in the basement of the Evans Co-op store. There were old current and potential transformers of the type used in a plant. Also some switch board type volt and ammeters.

Also of great interest to me were a half dozen or so old arc lamps of the kind used long ago for street lighting. I never remembered seeing carbon arc lamps on the streets of Malad when I was a boy, but these were proof that they had been used in at least the main business section. I am sure also that the metering equipment came from the old first plant to serve Malad.

The plant must have had a governor to regulate the speed. It may not have been very accurate, because I had listened to some of the old timers tell about the plant operators having to set straddle of a huge controll lever which was used to regulate the plant speed. The water wheel was a pelton type impulse wheel which had cups to catch the water from the nozzle. The nozzle was a fixed "Y" type. The water from the upper nozzle was directed on the wheel. The water from the lower nozzle was directed down away from the wheel. The amount of water going to each nozzle was controlled by a gate ahead of the two nozzles and the controll lever and plant governor were connected to this gate.

There must have been an oil switch in the generator circuit which would open automatically when the current exceeded a safe limit and then would have to be closed again by hand. It was a common practice at that time to have two operators, and each would take a twelve hour shift. I have listened many times to stories of how one operator would watch the plant while the other would patrol the pipe line and make minor repairs. Later when the load grew larger or the water was low, they would dump a sack of sawdust in the flum just before peak time. The sawdust would float down with the water and plug the small leaks in the flum and wood pipe, and help to carry the peak load.

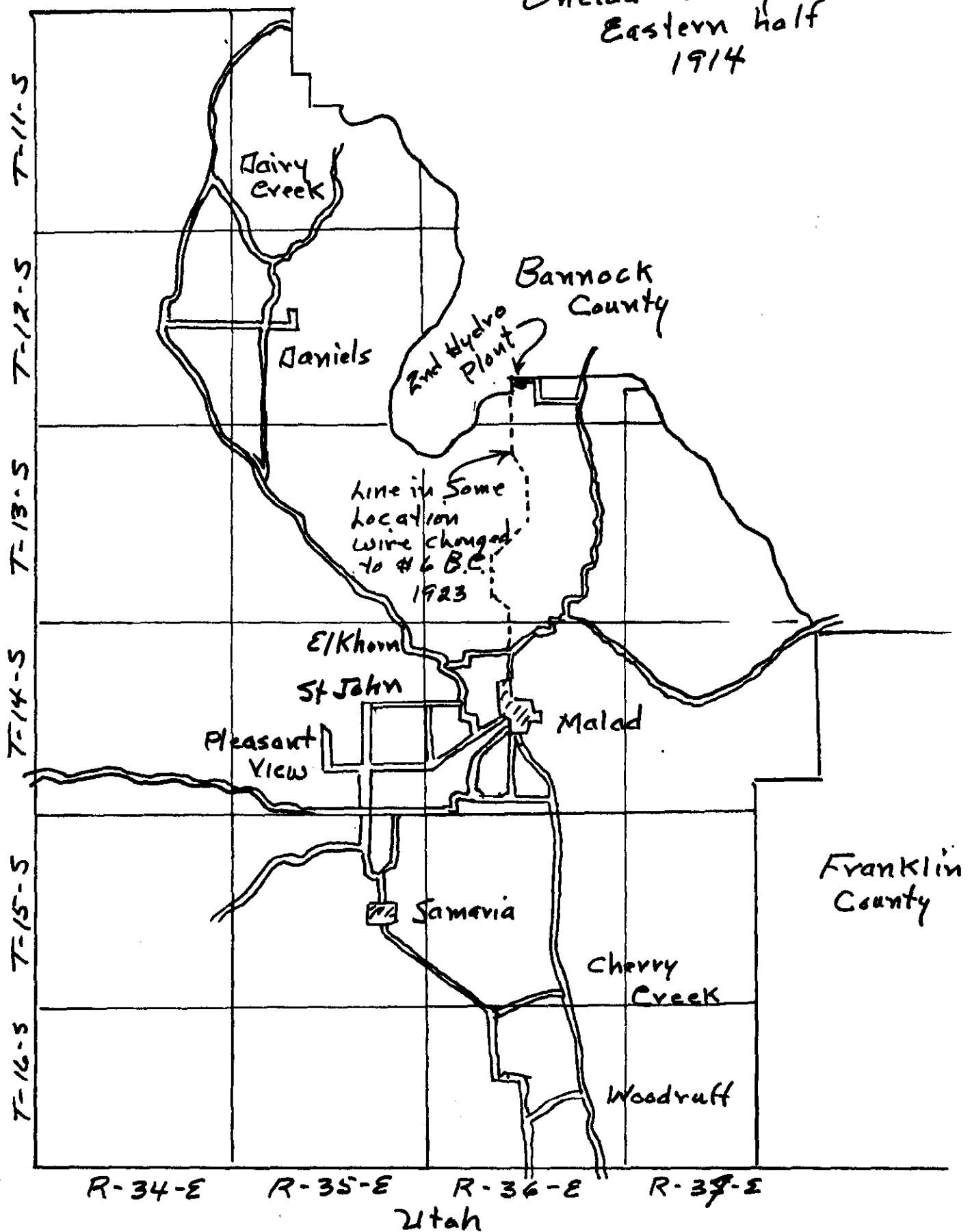
It was very likely that close alert operation of the plant was not required except during the heavy load periods. At other times the plant could be set and then checked frequently. At times it was common practice to shut down in the day time and make repairs. Most power was used only at night for lighting.

The transmission line came down the canyon to a point near the U. S. Forestry boundary, then ran south along the lower foothills. I remember seeing it along the County road by the Griffiths ranch north of town and on along the road to town. It was three phase three wire No 9 iron galvanized on native poles probably untreated. Later most of these poles were stubbed with native cedar stubbs. Crossarms were rough sawed fir drilled for wood pins. The line also had a telephone circuit strung under the power line on the same poles. This telephone circuit may not have been in use to start with but could have been added later when its use became more important.

The new plant and distribution system was scheduled to go into service August 16, 1906. Not much is known about its early operation but it must have given good service for the small load of that time but by 1911 or about five years it appeared to be in trouble. On December 28, 1911, the City decided to call a special meeting to discuss what to do about the light plant. In announcing the meeting the paper carried the headline; "Shall the City own the Light Plant?"

RECEIVED

Oneida County Idaho Eastern half 1914



When the second plant was built in 1914 it was also in Bannock County. Soon after the two County Commissions got together and changed the boundary so that the plant itself was in Oneida County but the pipe line and diversion dam were still in Bannock County. This was done for taxing purposes so that the tax paid by the plant went to the County where the revenue came from.

3

At a regular meeting of the City board held January 4, 1912, the city heard from a representative of the Teleride Power company asking for a franchise to operate a power and light plant in Malad City.

Also at the same meeting was a Mr. C F Little of the Idaho Power Company who offered to accept a franchise that would give the City one forth interest in the plant and an option on the balance of the stock. The franchise was to be exclusive. The Idaho Enterprise, a weekly paper printed in Malad, stated editorially that it favored municipal ownership.

Mr. Little must have been given a franchise after this time but no definite date is known. However one year later on January 13, 1913, He and a Mrs. Hogston sold the Malad plant and distribution system to David Lloyd Evans Sr. He purchased the system for his son David Lloyd Evans Jr. who was in school at Stanford University near Palo Alto, California, studying Electrical Engineering. He was to graduate in 1914 and planned to operate the system then. Because the old plant was having trouble to give good service and was overloaded Mr. Evans planned to build a new and larger plant and started then to plan and design the plant. This project then was selected by him for his thesis which was required for graduation. He must have been very busy during his last year because orders for the generator and water wheel would need to be given at least a year before delivery could be expected. After graduation and during the next summer plans were completed.

The new owner named the system the Evans Light Company. The new Company announced September 10, 1914, that a new power and light plant was being installed. It was to be located just upstream from the old Summit saw mill. At this time the saw mill owners had a water right and the plant was located just above their canal intake. The penstock extended up the canyon to a intake located just below the then existing plant. It was 837 1/2 Ft long and was 18" wood stave pipe for about the upper one third and then 18" steel from there to the plant. The steel pipe was 14 gage at point where it connected to the wood pipe and then was 12 gage and at the bottom was 10 gage. It was installed on a graded surface above the ground.

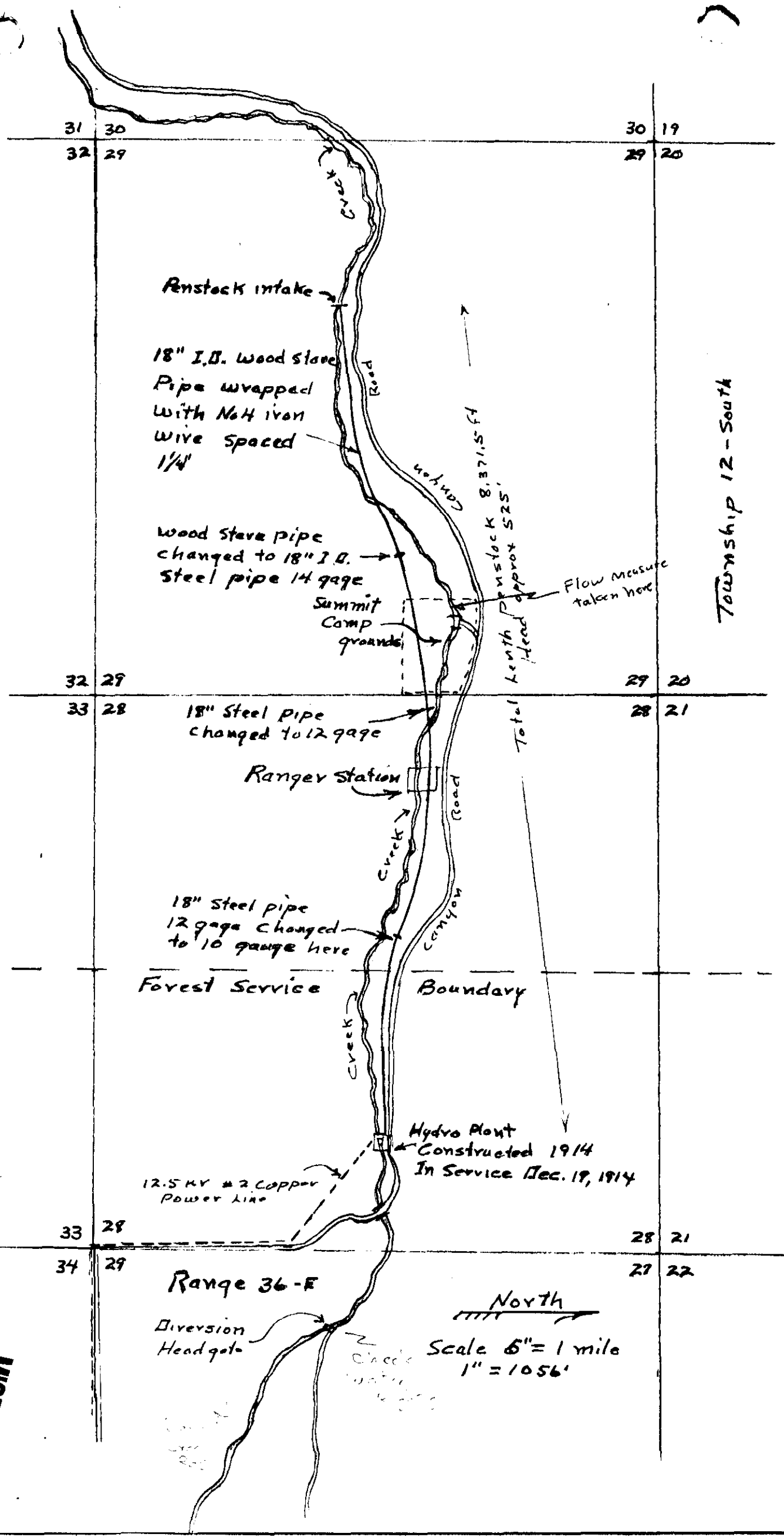
The September issue of the Idaho Enterprise carried a progress report of the construction work being done. (Sept 24, 1914)

The November 5, 1914 issue Stated that most of the pipe was now in place and the power house was complete and ready to receive the turbine and generator which were watched for daily when the freight train came in. The same issue stated that Mr. Evans, owner of the Evans Light Company was in charge of the installations and that he was noted for being a competent electrical engineer. Also that it was planned to hold the old plant in readiness in case of accident or failure of the new facilities.

The new plant was finished, tested and started generating power for the first time December 19, 1914. It was connected to the town system by building a short line up the canyon to the point where the old line turned south. It was the Saturday night before Christmas and just in time for the heavy Christmas load. For the next few days the old plant was used during the day while final finishing work was being done, then the new larger plant was used in the night for the heavy load.

In an editorial comment soon after the new plant went into service the Idaho Enterprise stated that provisions have been made for a very liberal load growth and it would be a good many years before Malad will outgrow the new system. For the first time in many moons we have had success in running our big press during the heavy night load. When the Tuesday edition was run off Monday night the press

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hummed and skipped along showing that there was plenty of power pulling her.

The new plant consisted of the following equipment:
The penstock was 8370½ ft long and dropped about 525 ft ^{with} ~~water~~ a static pressure at the nozzle of about 225 lbs per sq ~~inch~~ ^{inch}.
The water wheel was a pelton type impulse wheel and was rated 360 H P.

The generator and wheel were mounted on the same shaft. The generator was built by Allis Chalmers and was rated at 220 K W. Generation was at 2300 volts three phase and fed to a bank of three 75 K V A transformers 2300 to 5500/11000 volts.

The nozzle was adjustable in size from zero to full open and could be adjusted up or down away from the wheel.

The governor was a centrifugal type run from a belt off the main shaft and operated the nozzle by oil pressure furnished by an oil pump.

The metering was of latest design and included direct current volt and ammeters. Alternating current volt meters, Ammeters and wattmeters plus powerfactor meter.

The switch was automatic oil and was adjustable.

This new plant was the pride and joy of the whole town and Mr. Evans must have been well pleased with system and looked forward to many years of trouble free operation. The plant and system must have performed well for there is no mention in the paper of it for the next six years.

In the July 2, 1920 issue of the Idaho Enterprise there is a note stating that due to a power failure that lasted four days last week the paper could not be printed.

The plant had been in operation for seven years when the first indication of load problems surfaced. It is very ~~likely~~ likely that the load problem at this time was caused by the transmission line and not the plant. On April 8, 1921, the city board organized a committee of local citizens to investigate the possibility of the city purchasing both the electric and the water systems.

Members of the committee stated that the electric plant was not large enough to supply present needs and the water system and supply should be trippled. Committee report stated the present electric plant was able to deliver about 360 H P or 200 K W and should be able to produce about 1,000 H P to take care of present load and allow for future growth for new industries. Their recommendation to the city was;

1. To move the electric plant down stream to the lowest point before the diversion gate, and to conserve more of the head water. This would be estimated to produce about 50 - 75 more H P.

Or set a new plant at the diversion point and operate the two plants together.

2. Explore the possibility of getting power from some local power company if the cost could be .02¢ per K W Hr or less.

3. Or have some utility with sufficient power purchase the local system.

The committee stated that cost of power from the Evans Light Company runs from 9 to 10 cents per K W Hr for lighting and from 2 to 2½ cents for power. D. L. Evans stated to the committee that he would sell his plant and system to the city for a fair price fixed by an audit and that his monthly earnings were about \$1,825. The physical appraisal of the plant made October 26, 1920 as made by the state as public record was \$55,138.72 - Total depreciation \$15,805.92 - Total less depreciation \$39,332.20.

The committee also listed Brigham City rates as being 6 cents per K W Hr for 1st 100 K W Hrs and 5¢ per K W Hr for all over for

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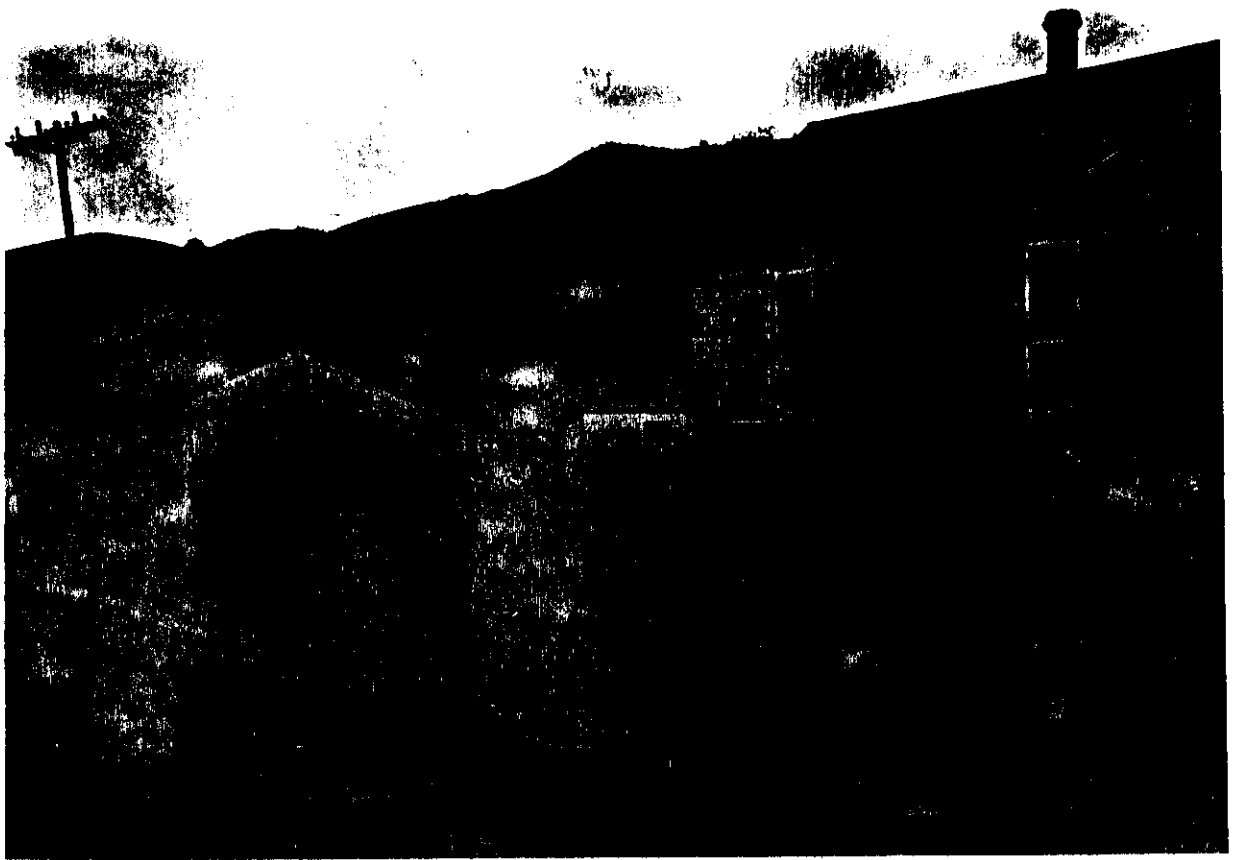


The Hydro plant as it appeared in 1928. The small leento on the end was for the operator. To start with it was heated electrically and equiped with a chair, lounge and desk. It was quiter than the plant but close enough so the operator could tell if something was not right. He was required to keep a log which listed the direct current volts and amperes, the alternating current volts, amperes, cycles, K W Demand and water pressure. These readings were taken once each hour on the hour.



Melvin Thompson, Cheif operator in 1928 was responsibale for the maintenance of the plant. Here he is taking oil from a barrell for the generator. The pile of hay in the background is for a team of horses to get into and out of the plant in winter time. Also for a cow to furnish milk, cream, and butter for the operators and their families. The small building was called the oil house but also it stored spare parts.

Micro



These are contrasting pictures. The one above was taken in the summer and shows the early landscaping with very young trees just getting a start. With the lawn and flowers the plant was a very pleasant place to be and my family loved to come here for outings.

The picture below shows the plant grounds in mid winter. The building only partly shown on the left is the operators cottage, in the center is the car garage, and at right the horse barn.



RECEIVED
MAY 1940

The penstock intake where water is stored and screened before it enters the pipe line. The wheel on the right is to control a gate in the bottom of the dam for sluicing out the gravel and mud that collected. The gate on the left is behind the screen and controls the water that enters the penstock.



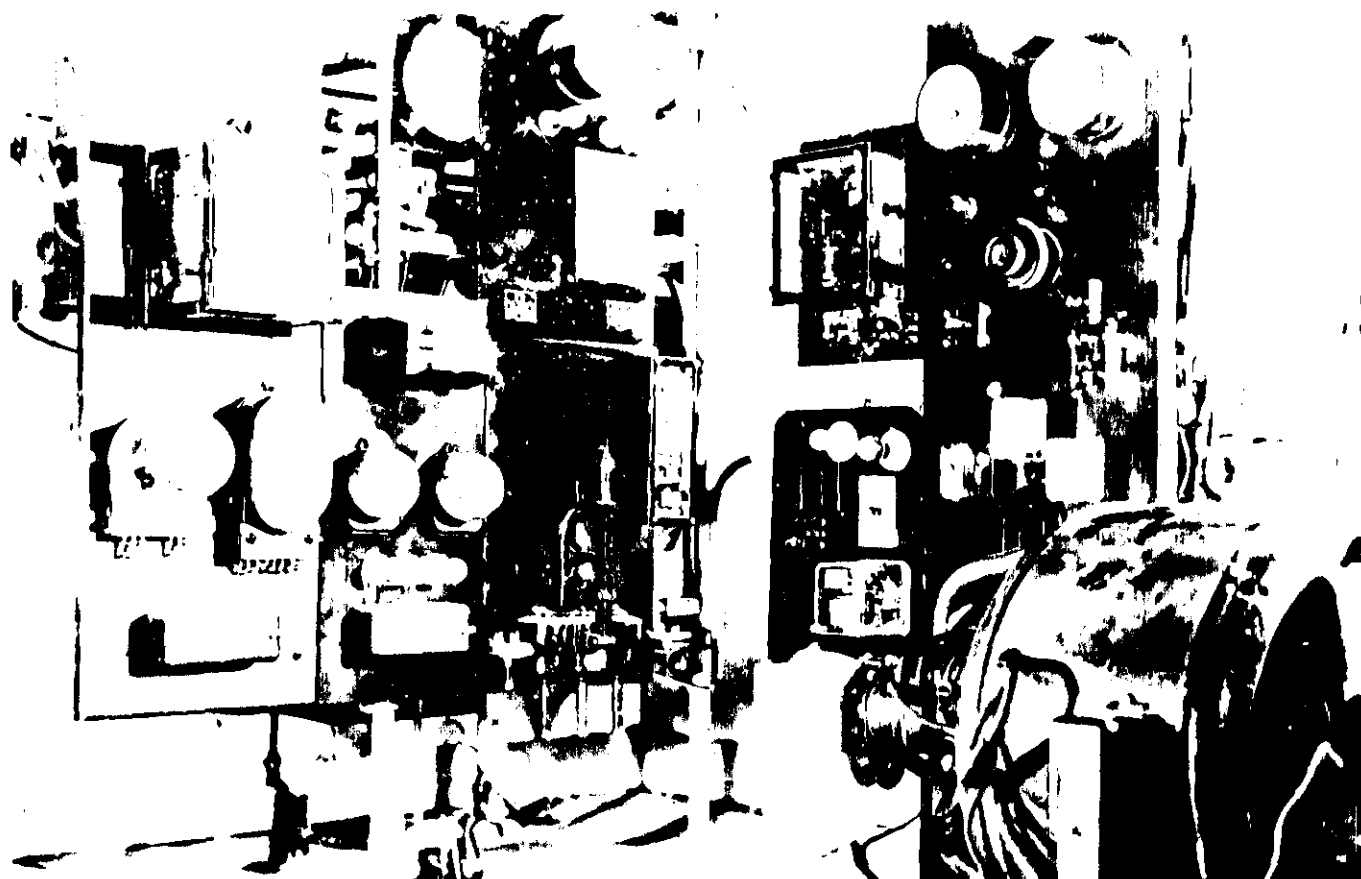
At the left is a view of the penstock under repair. It is 18 inch inside dia. and was laid on a graded bed mostly on the surface of the ground. Most of the water entering the pipe was from springs and there was very little danger of it ever freezing. Snow was melted off the pipe most of the winter.

In this picture a new section of pipe is being installed.

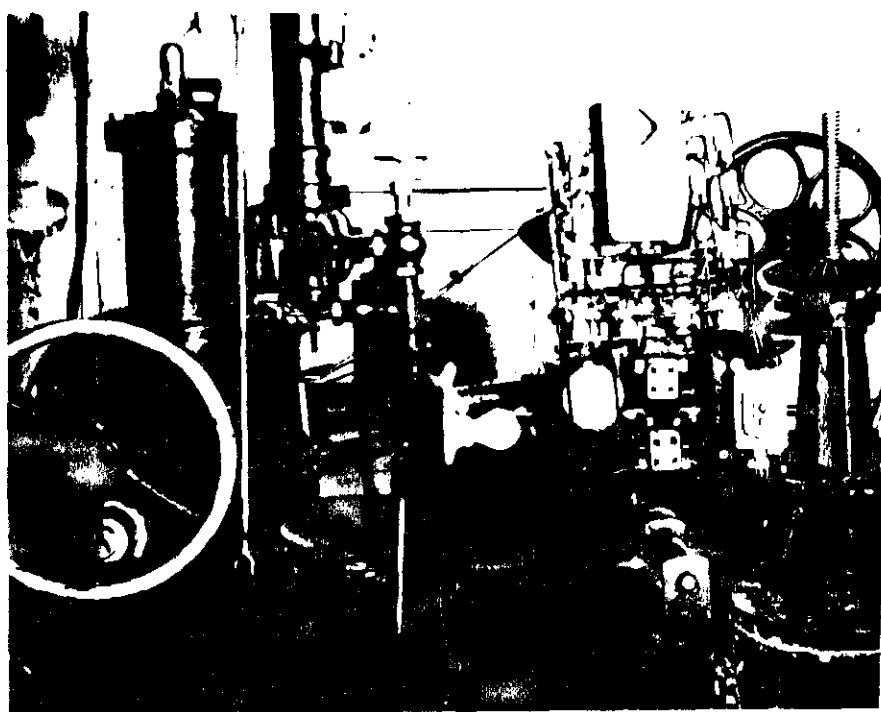
This is two hard working men repairing the penstock after a flash flood had washed away the pipe and destroyed the grade. They are left to right, Thomas Richards and Chester Bolingbroke.

Thomas Richards was a plant operator for many years and now lives in Bremerton, Washington. Chester Bolingbroke worked for the Evans Light Company and was the best groundman.





The plant switch boards - The Generator switch board on the right with A C volt meter on the top right, A C ammeter on the left and the K W meter at top center. The control handles in the center are for control of the direct current exciter. The three small relays below are overcurrent relays which operate the main plant switch which is located just below and out of sight. The larger square instrument is for voltage control of generator.



On the left is the plant governor which runs of a small belt to the generator shaft and oil pressure from a oil pump which is out of sight on the other side of the plant generator. The large wheel on the right is to operate a water gate in the main penstock. It has to be closed or opened by hand. The relay board is part of the automatic control system.

lighting. Power rate was 2¢ per KW Hr and the customer was to furnish the meter.

On the twenty first of June 1921, an article appeared in the Sunday Statesman saying that R. T. Mauer, physician, and R. V. Daniels, druggist, had filed a complaint with the Idaho Public Utilities Commission.

Later, on July 14, 1921, the City Council decides to take a hand in the problem of not enough power and filed a complaint with the Idaho Public Utilities Commission to the effect that;

- A. Electrical energy furnished by the Evans Light Company is not sufficient for the present or the future load growth.
- B. There is no standard rate for power and heat in the City. That in some cases the rate for heat is the same as that for lighting. (15¢ per K W Hr with 1/3 off if paid within 5 days.)

Soon after the City filed this complaint with the commission the Evans Light Company published their lighting and power rates which were as follows;

Lighting rate Evans Light Company.

15¢ per K W Hr for one month.

A. Minimum charge of \$1.50 per month.

B. Discount of 33 1/3 % for payment within 5 days.

Power rate Evans Light Company.

10¢ per K W Hr 1st 100 K W Hrs per month.

7¢ per K W Hr 2nd 100 K W Hrs per month.

5¢ per K W Hr 3rd 100 K W Hrs per month.

4¢ per K W Hr for next 300 K W Hrs per month.

3¢ per K W Hr for next 700 K W Hrs per month.

(Note - There was one more step in this rate but the record was not readable. Very likley it was 2¢ per K W Hr for all over 1300 K W Hrs per month.)

On July 28, 1921, the Idaho Public Utilities Commission held a hearing and confirmed the fact that the transmission losses were heavy.

Note - As far as is known the transmission line serving the town was still 3phase three wire No 9 galvanized iron wire operating at 5500 volts with no power factor correction or regulation.

August 3, 1921 - The Idaho Enterprise of this date stated that the light and power service in Malad had been thourley investigated, that evidence written into the record to the effect that complaints of customers were well founded.

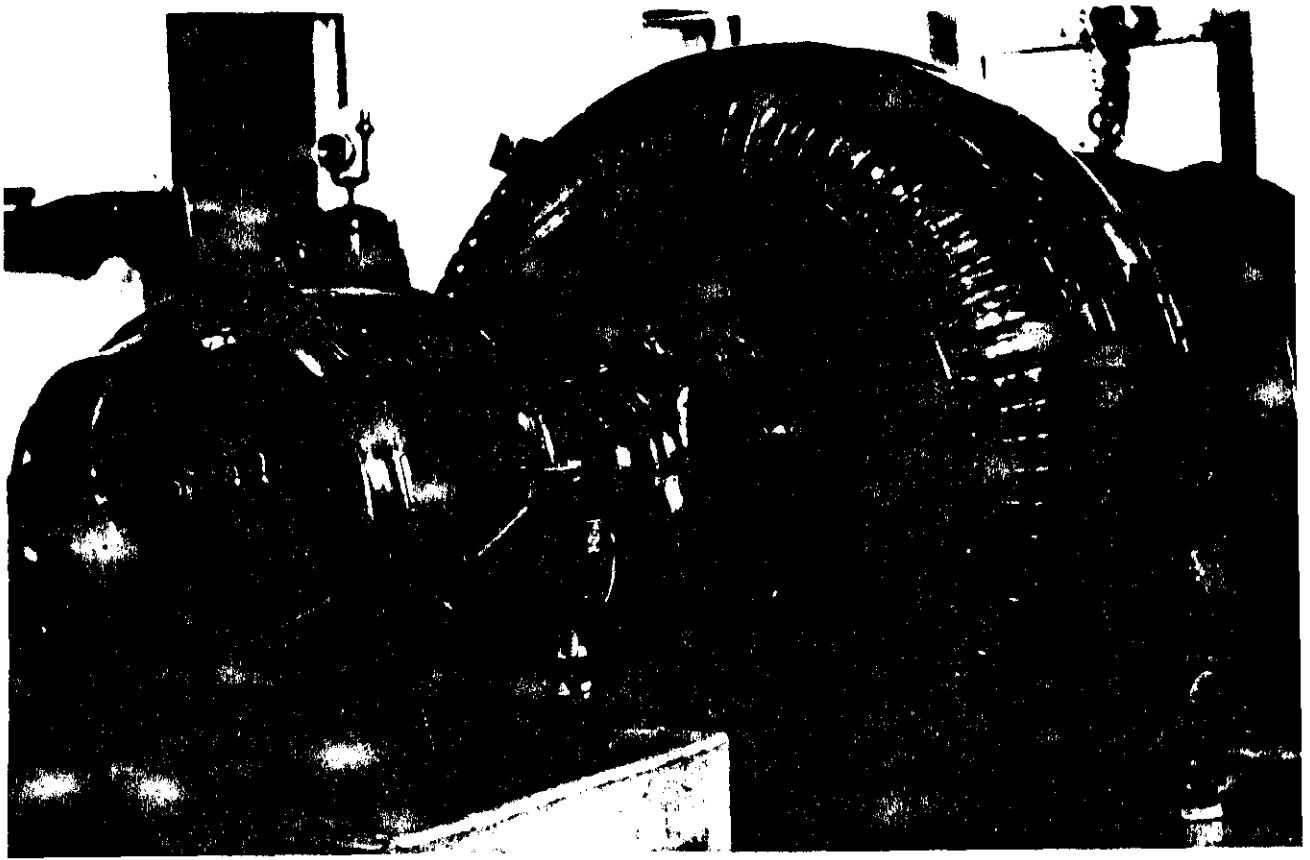
The main complaints were;

- 1. Often customers could not get extensions without cash.
- 2. Some complained because they could not get service.
- 3. Some complained because the company connected new customers when their was not enough power for existing customers.
- 4. Low voltage for moters.

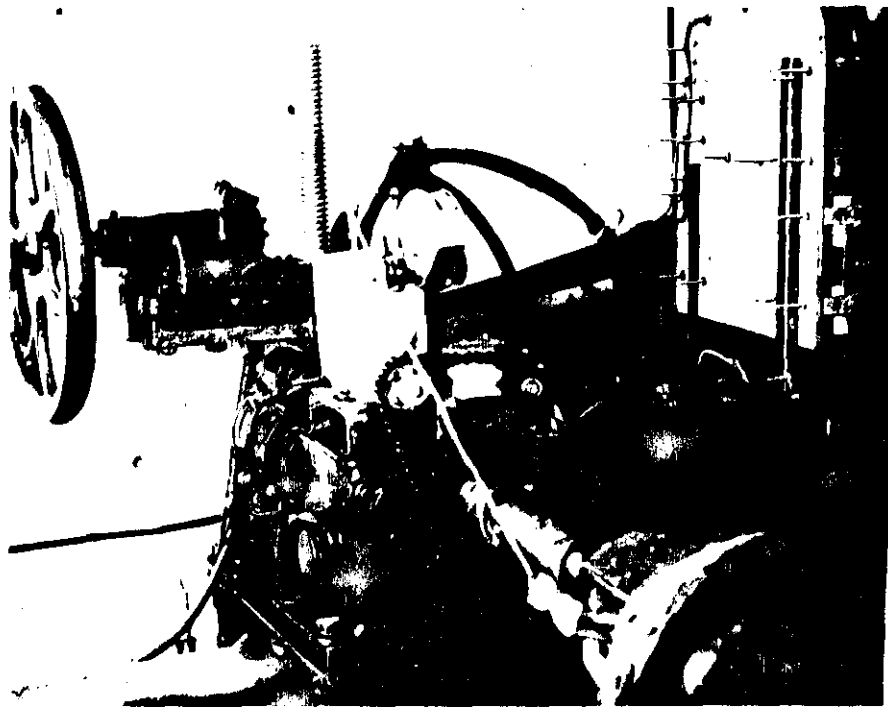
The engineer for the Idaho Public Utilities Commission testified that if the power company would step up the voltage at the plant from 5500 to 11,000, install transformers in town to step back down, replace the iron wire with copper, then the plant still could not give efficient service, but it would help.

For the next, almost four years, there is no record of what was done. I do not think the company could have survived that long without some improvements. Some time before 1925 the iron wire on the transmission line was removed and replaced with No 6 bare copper.

RECEIVED



An early photo of the plant generator and exciter. The 7.5 K V direct current exciter is in the left foreground. on the outside bearing, (almost out of sight) is a overspeed relay which would shut down the plant in case of high speed. The exciter was driven from a flexible coupling between it and the plant generator. The pelton type impulse water wheel is almost out of sight in the right background. All bearings were protected by temperature relays.



This view of the automatic control system shows the motor and control relays and limit switches which adjusted the plant load and shut it down in case of plant or line trouble.

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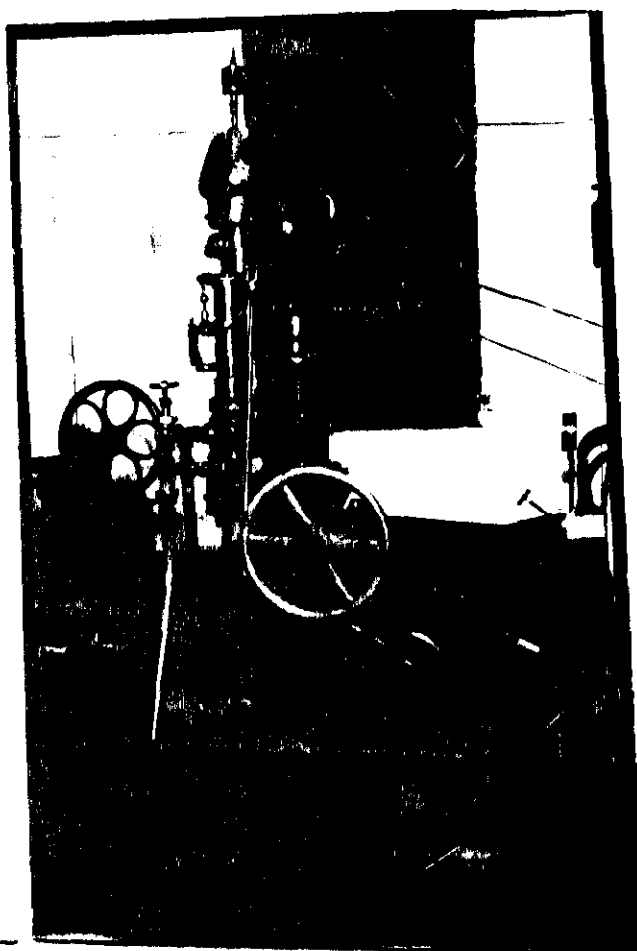
AUG 1953

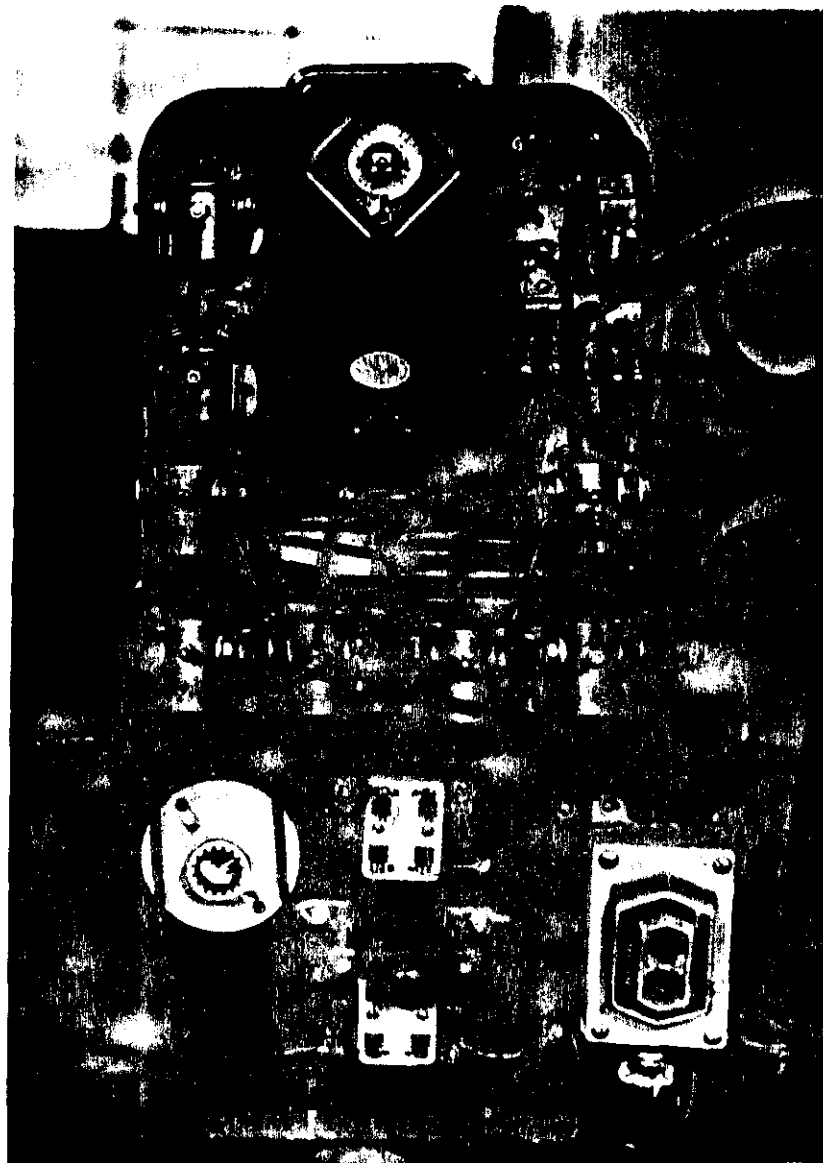
This is a view inside the plant showing part of the generator and switchboards. The belt in the foreground is to the governor. Directly over the generator is the plant switchboard showing two meters. Everything pertaining to the plant is on this board. The two meters showing are A C volt and amperes. Below them are the D C volt and amperes and a cycle meter, and voltage regulator. Also the oil circuit breaker for the generator.

To the left is the synchronizing equipment for connecting the plant generator to the purchase power circuit. Also the purchase power oil circuit breaker.

To the extreme left is the purchase power metering board. The top is the recording volt meter; under it is the K W demand meter; and at bottom is the K W Hr meter.

At the right is a view of the plant governor. It was operated by a belt from the generator shaft, and received power from a oil pump on the other side of the generator.





Malad Hydro plant automatic control

When the plant was to be made automatic and operators taken out, plans called for automatic shutdown for any of the following; no voltage of the tie line, failure of the exciter circuit, any of the bearings that heated up to 100 degrees F, or over current in the A C line.

The plant was considered too small for a regular full automatic control system. For an alarm system a bell was to ring in the office and my home in case anything went wrong. The old telephone circuit was to be the alarm circuit. I worried about relying on this circuit because it often failed.

When we had operators at the plant I had noticed that if a hard wind was blowing and the telephone line shorted out it made a distinct sound. The regular A C hum had a very noticable change. I decided to install a meter in the generator circuit and equip it with a regular demand meter breaker points. I connected these points across the telephone line and then by lifting the reciever and listening I could count the number of signals and by timing them know the load the plant was pulling. This was important information to have but also was a check on the circuit.

The plant was used to shave the peak purchase power demand and it would be much more usefull if it could be opened up on peak and then shut down during light load. The equipment pictured above is a home made automatic control made to do just that. It was built from automotive parts and operated on 12 volts D.C. It would also shut down the load signal to town and transfere the circuit to the alarm system to call an operator when needed.

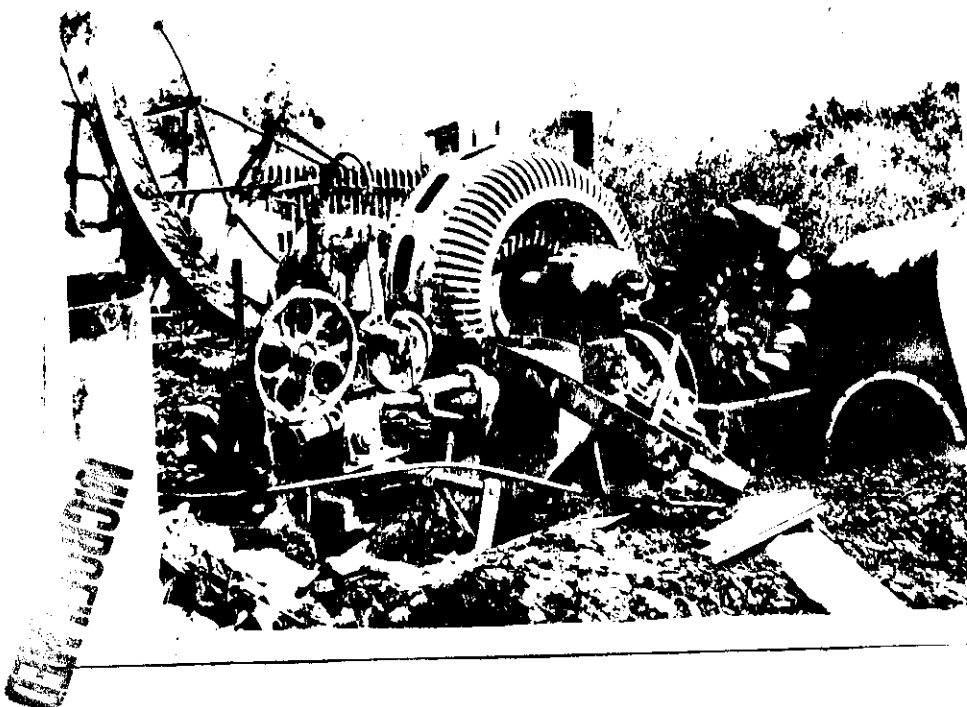
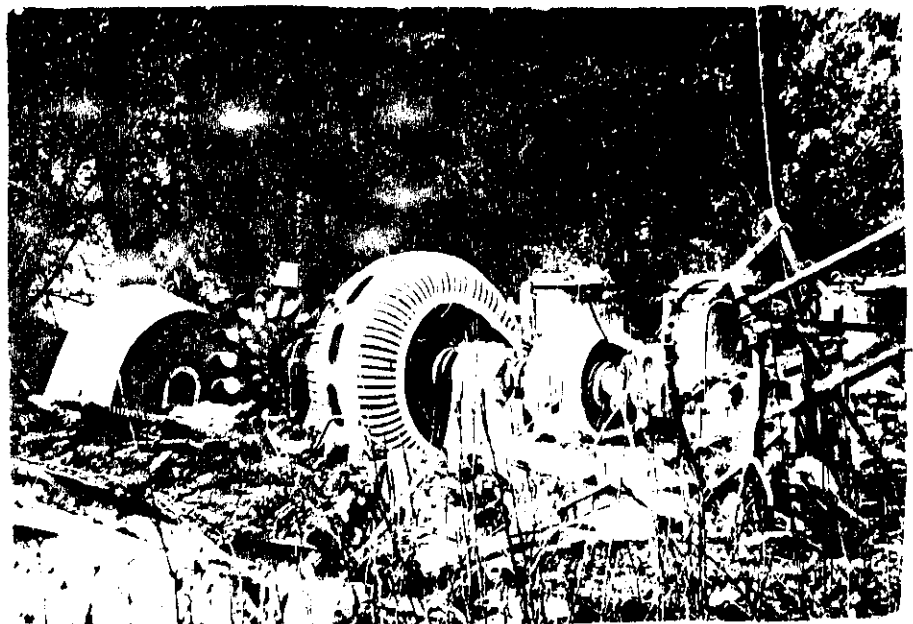
MICROFILMED



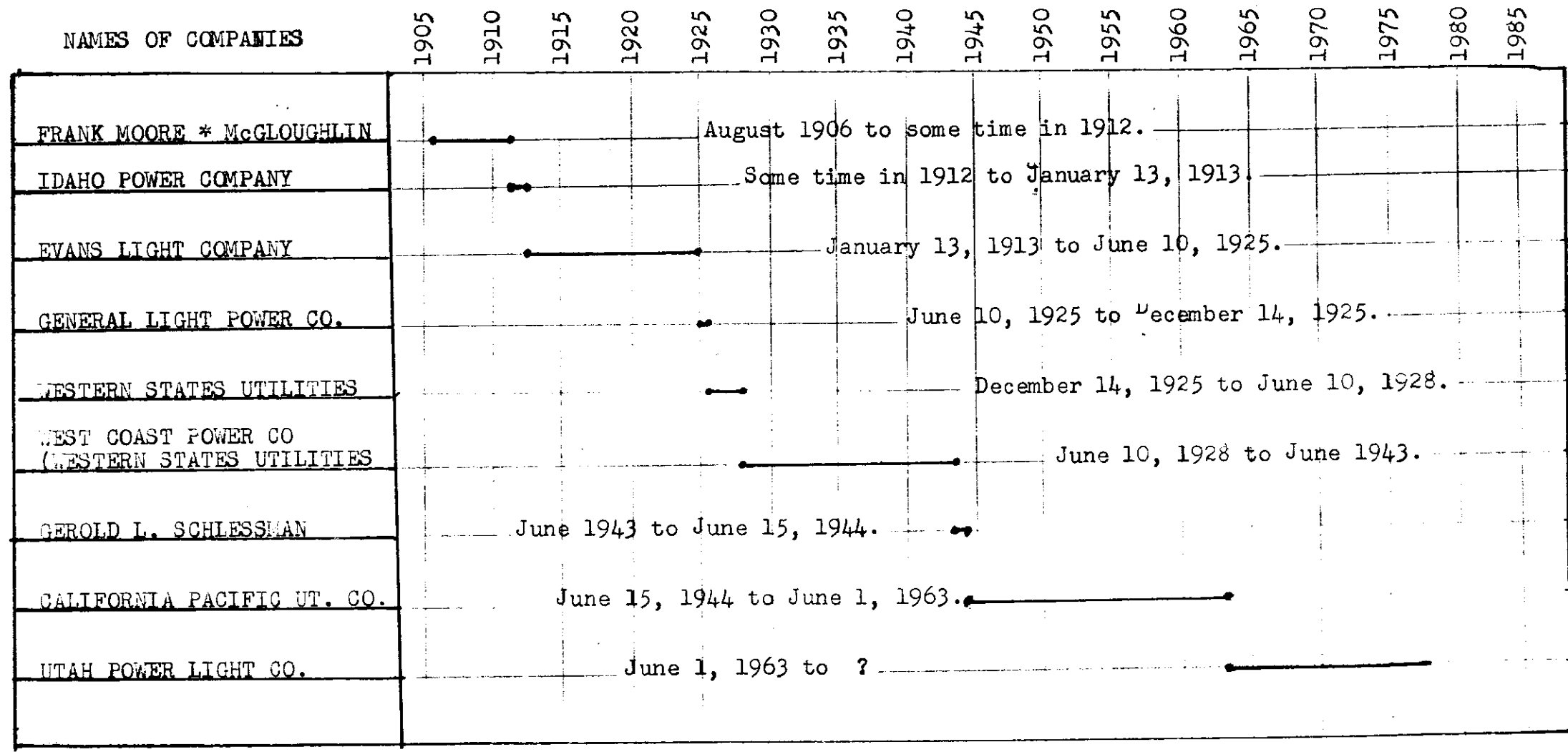
on my 1st trip back to Malad after moving to Organ, I stopped at the plant on the way into town. The plant had been a large part of my life and I was still interested. It had burned down the night before and I didn't know about it. When I stepped out of the car this was the scene that greeted me. It was shocking to see it in ruins.

~~Sept~~ 1964
Aug 17,

This is a view of the water wheel with cover off. The generator and exicator and the three transformer cases in background.



In this picture you will note the heavy beam that is laying across some of the machinery. It must have been very hot as it is bent out of shape. The three transformers, one of which is showing at the extreme left, held about 100 gallons of oil and must have been the cause of such a hot fire.

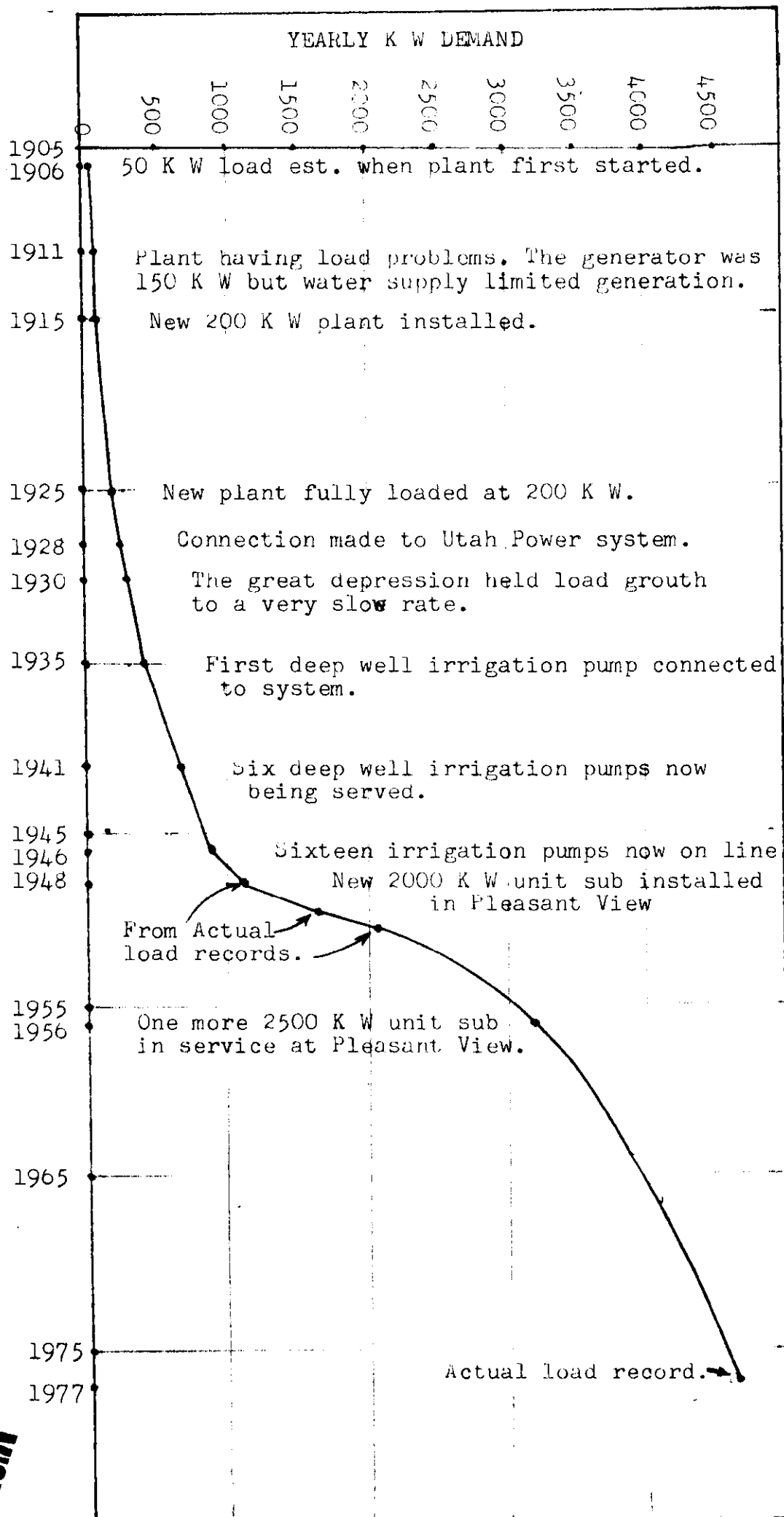


MALAD CITY POWER AND LIGHT SYSTEM OWNERSHIP CHART AS OF 1978

MICROFILMED

LOAD GROWTH CHART

MALAD LIGHT AND POWER SYSTEM 1906 - 1977



MICROFILMED

The penstock intake where water is stored and screened before it enters the pipe line. The wheel on the right is to control a gate in the bottom of the dam for sluicing out the gravel and mud that collected. The gate on the left is behind the screen and controls the water that enters the penstock.



At the left is a view of the penstock under repair. It is 18 inch inside dia. and was laid on a graded bed mostly on the surface of the ground. Most of the water entering the pipe was from springs and there was very little danger of it ever freezing. Snow was melted off the pipe most of the winter.

In this picture a new section of pipe is being installed.

This is two hard working men repairing the penstock after a flash flood had washed away the pipe and destroyed the grade. They are left to right, Thomas Richards and Chester Bolingbroke.

Thomas Richards was a plant operator for many years and now lives in Bremerton, Washington.

Chester Bolingbroke worked for the Evans Light Company and was the best groundman.



15-1063

Pipeline ran along
this Bank
to power plant

about 8' high

50'

Spring

3'-4'
deep

Holding
Pond

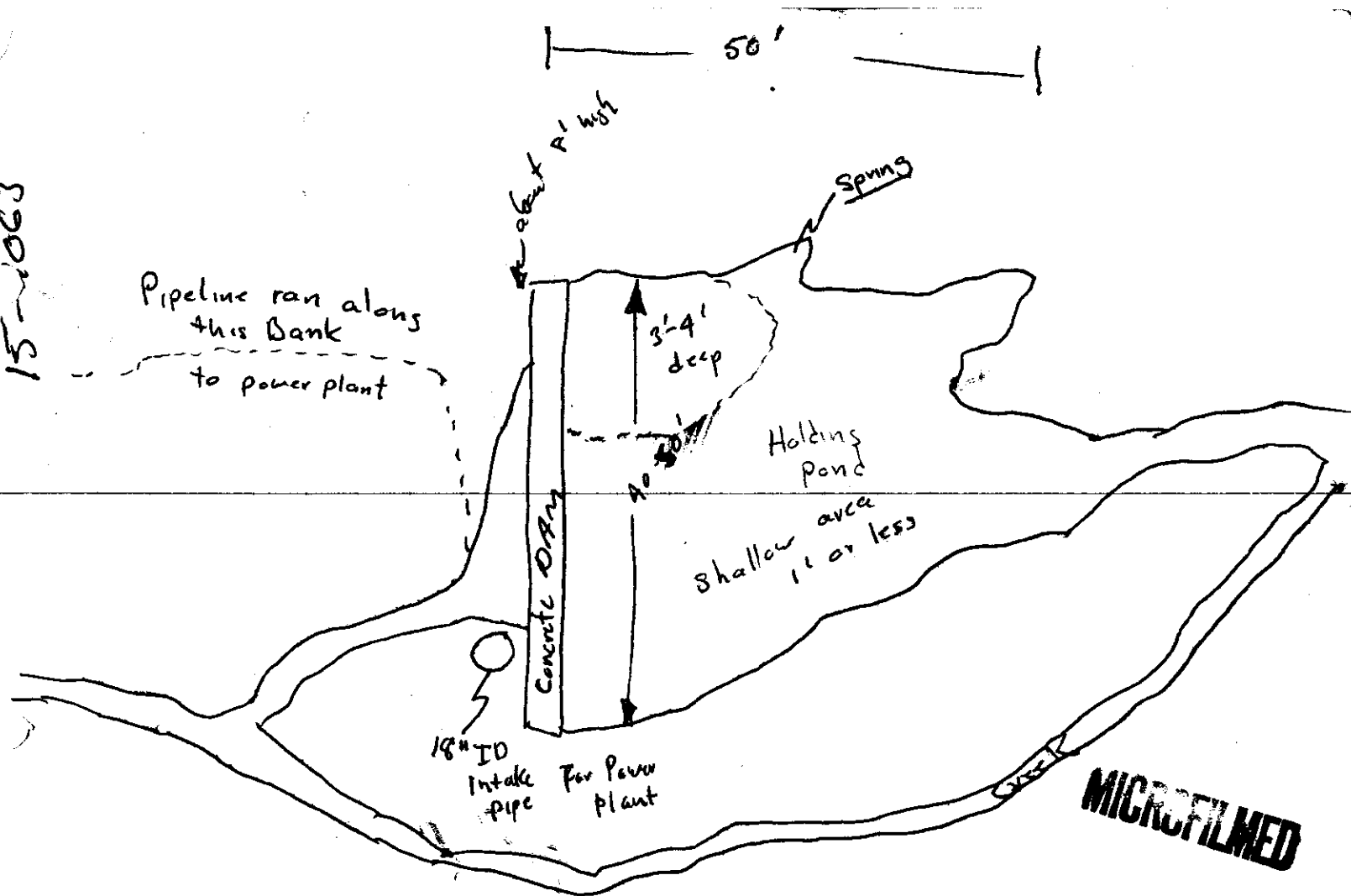
Shallow area
1' or less

Concrete Dam

18" ID
Intake
pipe

For Power
plant

MICROFILMED



15-7063

$$50.4 \text{ sq}'' - 1.5^{(-7)} = .25 \text{ sq}' \times 1.71 = .598 \text{ cu}'$$

$$36 \text{ sq}'' - (.5) = .25 \text{ sq}' \times 1.25 = .487$$

$$.25 \text{ sq}' \times 2.44 = .610$$

$$43.2 \text{ sq}'' (.6) = .3 \text{ sq}' \times 2.65 = .795$$

$$.3 \text{ sq}' \times 2.91 = .873$$

$$.3 \text{ sq}' \times 2.91 = .873$$

$$.25 \times 2.91 = .727$$

$$.3 \times 3.45 = 1.035$$

$$.3 \times 3.03 = .909$$

$$.25 \times 2.65 = .662$$

$$.25 \times 1.95 = .487$$

$$.25 \times 2.44 = .610$$

$$.25 \times 2.44 = .610$$

$$.25 \times 2.65 = .662$$

$$.25 \times 2.44 = .610$$

$$.25 \times 1.95 = .487$$

$$.20 \times 1.48 = .296$$

$$.2 \times 1.24 = .248$$

$$.2 \times 1.24 = .248$$

12.022
cu'/sec
For Creek

$$28.8 - (4)$$

Measurement made

7/25/80
HWD

MEASUREMENT

P R E - P E R M I T

TO: File 15-7063 - Myron Jones

Date: 7/25/1980

FROM: H. W. JONES

HWJ

On 7/25/1980 in the company of Myron Jones, I viewed the diversion dam and power plant site on Birch Creek. All new 16" or 18" pipe would be needed to convey water from diversion dam to plant. Creek splits just before diversion dam so there is always a minimal flow around dam.

Flow measurement was taken at Summit Campground about $\frac{1}{2}$ mile below dam site. Readings from pygmy meter indicated a flow of 12.02 cfs.

After creek flows past plant site, part of the water flow is diverted to permit holders in valley below. I measured water flowing after diversion water was taken out at a rectangular wier constructed by Myron Jones son-in-law. Measurement showed 4.58 cfs flowing thru.

Forest Service Technician says that some spawning trout (cut throat) come up stream in spring (early June) to spawn then depart. Because of boulder in stream fish cannot get past Forest Service Campground (Summit Campground). Appears creek could only support a fishery of juvenile trout. Creek is narrow, shallow and rapid.

Springs feed the stream along its route above and below holding pond of proposed power plant.

There is water diversion below Forest Service land for water permit holders in valley below.

RECEIVED



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

29-7567

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

ENCLOSURE

Carbridge -
Warren Lloyd's - } check for records

Cell

John Michael - 7-3-80.

Tom. Robinson.
Cannon National Forest.
Pocatello -

J.U.B. Engineering. - will conduct feasibility study.
Ron Underwood 233-~~3446~~.
0306

U.S. Forest Service & Fish & Game want final action
delayed until feasibility study completed.

Myron Jones : 15-7063.

RECEIVED

FEDERAL ENERGY REGULATORY COMMISSION
333 MARKET STREET, 6th FLOOR
SAN FRANCISCO, CA. 94105

July 1, 1980

Mr. Ernest Carlsen
Department of Water Resources
Eastern Region
1515 Lincoln Road
Idaho Falls, Idaho 83401

Dear Mr. Carlsen:

Thank you for your letter of June 24, 1980, advising us of an Application for Permit No. 15-7063 filed by Myron Jones of Malad City, Idaho, for a permit to divert water from Birch Creek for power purposes.

On the basis of the information contained in the application, it appears that the proposed project will require a license from the Federal Energy Regulatory Commission since it will utilize Federal lands. The Applicant is being informed by separate correspondence of the action to be taken with the Commission regarding licensing.

Sincerely,



Eugene Neblett
Regional Engineer

RECEIVED

JUL 7 1980

Department of Water Resources
Eastern District Office

RECEIVED

CONVERSATION MEMORAND.

ATE 7-3-1980

FILE 15-7063

NAME OF PARTY Myron JonesEMPLOYEE Ernie Carlsen *EMC*

RE: On July 3, 1980, I spoke with Mr. Myron Jones concerning his application for power generation on Birch Creek. Mr. Jones stated there had been a power plant operating on the proposed site until 1964 when it burnt down. Conversations with past employees of the plant and other people familiar with its operation have indicated the operation rarely required the entire flow of the creek and that even if the creek were dammed off springs located below the diversion keep water flowing in the creek channel.

Mr. Jones further stated he plans to use the existing diversion structure and install a new conveyance pipeline no larger than the ^{original} pipeline and possibly ^{one} of a smaller diameter.

The quantity of water that Mr. Jones filed on was determined from a review of flow data on record with the Department using the lowest flow on record.

Mr. Jones also stated he did not want final action on the application delayed until the feasibility study was completed. He has spoke^d with the Forest Service and indicated he was willing to work with them on possibly agreeing to a minimum flow to be released past the diversion structure.

RECEIVED
JUL 10 1980
FBI - DENVER

June 24, 1980

RE: Application for Permit No. 15-7063-Myron Jones

Federal Energy Regulatory Commission
333 Market Street, 6th Floor
San Francisco, CA 94105

Gentlemen:

We are enclosing a copy of an application that may be of interest to your agency. Please review the application and submit any comments you may have to our Department as soon as possible.

If we may be of further assistance, feel free to contact this office.

Sincerely,

ERNEST CARLSEN
Sr. Resource Analyst

EC:kw
Enclosure

RECEIVED

UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE
324 25th Street
Ogden, Utah 84401

RECEIVED

JUN 5 1980

Department of Water Resources
2540

JUN 3 1980

Mr. C. Stephen Allred
State Engineer
Idaho Department of Water Resources
Statehouse
Boise, Idaho 83720



15-7063

Dear Mr. Allred:

We are writing to you concerning an Application for Water Use, filed by Mr. Myron Jones. Notice of Mr. Jones' application was published in the Idaho State Journal May 1 and 8, 1980. Mr. Jones has applied for year-round use of 12 cfs of water in Birch Creek, NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 29, T12S, R36E, Boise Meridian.

It is our understanding that Mr. Jones intends to pipe the water down the stream channel, a distance of approximately 1 $\frac{1}{4}$ miles, to the site of a power production facility he intends to build. From the amount of water applied for, we assume Mr. Jones' intention is to use all water in the creek.

Birch Creek is one of only two streams on the Malad Ranger District that support a fishery. We recommend that no application be accepted that would involve piping all water in the stream because of the impact on the fishery resource.

with Mr. Jones. Our District personnel have been alerted to the importance of checking legal notices in local newspapers. Our Malad office missed this notice because it was listed in the Pocatello newspaper. It would greatly assist our review of water use notices if you could send copies of notices involving the National Forests of Southern Idaho directly to the involved Forest Supervisor's office or to the Regional Forester's office at the above address.

Sincerely,

A handwritten signature in cursive script, appearing to read "Adrian Dalton".

(for) Deputy Regional Forester
Resources



PROOF OF PUBLICATION

STATE OF IDAHO
County of Bannock

ss.

Ellen Hughes

being first duly sworn on oath deposes and says: That she
was at all times herein mentioned a citizen of the United States of America, more than 21 years of age, and the Principal Clerk of THE IDAHO STATE JOURNAL, a daily newspaper, printed and published at Pocatello, Bannock County, Idaho, and having a general circulation therein.

That the document or notice, a true copy of which is attached, was published in the said IDAHO STATE JOURNAL, on the following dates, to-wit:

May 1, 1980, 19____
May 8, 1980, 19____
_____, 19____, 19____
_____, 19____, 19____
_____, 19____, 19____

That said paper has been continuously and uninterruptedly published in said County for a period of seventy-eight weeks prior to the publication of said notice or advertisement and is a newspaper within the meaning of the laws of Idaho.

Ellen Hughes

Subscribed and sworn to before me this 9th

day of May, 1980

[Signature]

Notary Public, State of Idaho
Residence: Pocatello, Idaho

RECEIVED

MAY 12 1980

Department of Water Resources
Eastern District Office

MICROFILMED

PROOF OF PUBLICATION

STATE OF IDAHO
County of Bannock

ss.

Ellen Hughes

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:

15-7063
JONES, MYRON
165 W. 300 N., MALAD CITY, ID
83252

Source: BIRCH CREEK tributary
to MARSH CREEK

Date Filed: 04-18-1980

Amount: 12.00 CFS

Diversion Point: NWSW Sec 29 T

12S R 36E, BANNOCK Co.

Use: POWER (12.00 CFS) from
01-01 to 12-31

Place of Use: NWSW Sec 29 T 12S
R 36E

Diversion Means: POWER
PLANT

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, 1515 Lincoln
Road, Idaho Falls, Idaho 83401 on
or before May 19, 1980.

S/C. Stephen Aitred

Director

May 1, 8, 1980

No. 543

being first duly sworn on oath deposes and says: That she
was at all times herein mentioned a citizen of the United States of America, more than 21 years of age, and the Principal Clerk of THE IDAHO STATE JOURNAL, a daily newspaper, printed and published at Pocatello, Bannock County, Idaho, and having a general circulation therein.

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May 1, 1980

, 19

May 8, 1980

, 19

, 19

, 19

, 19

, 19

, 19

, 19

That said paper has been continuously and uninterruptedly published in said County for a period of seventy-eight weeks prior to the publication of said notice or advertisement and is a newspaper within the meaning of the laws of Idaho.

Ellen Hughes

Subscribed and sworn to before me this

9th

day of

May

, 1980

[Signature]

Notary Public, State of Idaho

Residence: Pocatello, Idaho

RECEIVED

MAY 12 1980

Department of Water Resources
Eastern District Office

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

APRIL 24, 1980

Idaho State Journal
P. O. Box 431
Pocatello, Idaho 83201

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 19, 1980.

Yours truly,

RONALD D. CARLSON
Supervisor
Eastern Region

Encl.

RECEIVED
APR 25 1980

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:

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, 1515 Lincoln Road, Idaho Falls, Idaho 83401 on or before MAY 19, 1980.

C. STEPHEN ALLRED

Director

Published 5/01 & 5/08/80.

MINUTE UNIT

15-2063-

JONES, MYRON

165 W. 300 N., MALAD CITY, ID 83252

Source: BIRCH CREEK tributary to MARSH CREEK

Date Filed: 04/18/1980

Amount: 12.00 CFS

Diversion Point: NWSW Sec 29 T 12S R 36E, BANNOCK Co.

Use: POWER (12.00 CFS) from 01/01 to 12/31

Place of Use: NWSW Sec 29 T 12S R 36E

Diversion Means: POWER PLANT

RECEIVED
MAY 1 1980