

No. 4257

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

1. Name of applicant: Montpelier Electric Light Company, Limited.

Postoffice address: Montpelier.

County: Bear Lake State: Idaho.

1. If applicant is a corporation give:

(a) Date and place of incorporation: Aug. 22nd, 1902, Montpelier, Idaho.

(b) The amount of capital stock: 40,000 shares, par value \$1.00 each

(c) The amount paid in: \$51,000.00

(d) The names and addresses of directors: J.R. Brown, M.J. Davis, J.V. Giesmer,

L. B. Leverich and D'Orr Poynter, all of Montpelier, Idaho.

II. The financial resources of the applicant are:

(a) Cash on hand: \$2,000.00

(b) Treasury Stock: 5,000 shares.

(c) Other resources: Plant of the value of \$50,000.00

2. The quantity of water claimed is Forty (40) cubic feet per second.

3. Source of water supply: Georgetown Creek,

County of Bear Lake, State of Idaho

4. Location of point of diversion: At or near junction of North and South Forks of said creek.

being 3456' - N 66° - 30' E from E. Cor. Sec. 4 T 11 S 44 E

5. To be used for.

II Mining, power, manufacturing or transportation purposes:

(a) To be used for: Power purposes.

(b) Amount of power to be generated: 500 horse power.

(c) At what point: 1949 ft. N. 12° 23' E. from S.W. Cor. Sec. 4 T 11 S. R. 44 E. 1. N.

(d) Is water to be returned to any stream: Yes.

(e) If so name stream and locate point of return: Georgetown creek, point of

generation of power.

6. Estimated cost of works: \$40,000.00

7. Description of works for diversion:

I. Kind of works: Pipe and dam

II. Dimensions of works:

(a) Height of dam 7 feet, length of dam at top 35 feet, length of dam at bottom

38 feet. Material used in construction: Wood and concrete

(b) Capacity of reservoir: Two acre-feet.

(c) Size of headgate: Width 5 feet, height 7 feet.

(d) Conduit Pipe, 33 inches diameter, width at bottom.....feet, width at

water line 4 feet, depth of water 3.5 feet. Diameter of pipe 33 inches.

Average grade per mile is 15 feet. Length of conduit is 1.77 miles, and it crosses the following quarter sections: On unsectioned land until it reaches S.W. $\frac{1}{4}$ of Sec. 4. T. 11 44 E. B. M., then crossing same into S.W. $\frac{1}{4}$ of same Sec. to point of generation to point described in S. 17 (c) above which is the point of intended use.

8. Time required for the completion of the construction of such work is One year

9. Time required for the complete application of the water to the proposed use is One additional year.

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

Montpelier Electric Light Co., Ltd.,

Applicant.

By.....John R. Brennan, Pres. &...Agent.

APPROVAL OF STATE ENGINEER.

The number of this permit is 3181

Date of first receipt of application 9:00 AM August 9, 1907.

Returned to applicant for correction August 13, 1907.

Corrected application received October 9, 1907.

Recorded in Book 9 Page 3181 Approved October 12, 1907.

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho and hereby grant the same, subject to the following limitations and conditions:

Good and sufficient bond to be filed in the sum of \$1,000.00 on or before December 11, 1907.

One-fifth of the work above specified to be completed on or before April 12, 1908.

The whole of said work to be completed on or before October 12, 1908.

The time for proof of beneficial use of water appropriated in accordance herewith, to extend to October 12, 1908.

Witness my hand this 12 day of October 1907.

Jas. Stephenson, Jr.,
State Engineer.

blank notice of proof of completion mailed applicant July 1, 1908.

notice received July 21, 1908, fixing August 11, 1908 as date and Montpelier as place of proof, Deposition blanks mailed applicant July 21, 1908.

Notice of publication mailed Montpelier Examiner July 21, 1908

R. A. Birch authorized July 21, 1908, to make examination of works.

Bond received November 30, 1907.

Depositions, affidavit and fees and report received September 21, 1908

Certificate of completion of works issued September 10, 1908.

Permit No. 3181.

CERTIFICATE OF COMPLETION OF WORKS.

To All Whom it May Concern:

This is to certify that MONTPELLIER ELECTRIC LIGHT CO. LTD. of Montpelier, County of Bear Lake, and State of Idaho, the holder of Permit No. 3181, issued upon Application No. 4267 bearing date of priority of August 9, 1907, authorizing the diversion of 40 second feet of the waters of Georgetown Creek County of Bear Lake, State of Idaho, for power purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit: that said works are adequate for diverting and conveying to the place of intended use 40 second feet of the waters of Georgetown Creek, that the point of diversion of said waters is at a point at or near the junction of the north and south forks of said creek being 3458' - N. 86° - 30' E., from ~~the~~ corner, section 4, township 11 south, range 44 east of the Boise Meridian, and that the place of the use of said water is at the power house of the said Montpelier Electric Light Company, Ltd., located at the end of the pipe line of said corporation on Georgetown Creek in said Bear Lake County, Idaho.

Witness my hand this 9th day of September, A.D. 1908.

Jas. Stephenson, Jr.

State Engineer.

License issued for 25 second feet

STATE OF IDAHO,)

ss.

County of Ada.)

A F F I D A V I T.

D. W. Standrod being first duly sworn deposes and says:

That since about the year 1907 until about the month of April, 1913, he was at all times a member of the Board of Directors of the Bear Lake Power Company, a corporation organized and existing under the laws of the State of Idaho with its principal place of business at Montpelier, Bear Lake County, State of Idaho; that during said time he was acting in the capacity of secretary of said corporation for the year preceding the month of April, 1913, he was the duly elected, qualified and acting secretary of said corporation; that during all of said time he was a director of said corporation he was familiar with the operation of said corporation and was well acquainted with the power plant of said corporation situated

in Georgetown Canyon and on Georgetown Creek in said Bear Lake County, Idaho; that about the year 1909 the Bear Lake Power Co. purchased from the Montpelier Electric Light Company, a corporation, all interest of the said latter corporation in and to the power plant, water rights, electric line and appliances of the said latter corporation situated on Georgetown Creek aforesaid, and took from said latter company a deed for all of said property which has been duly recorded with the County Recorder of said Bear Lake County and the said Bear Lake Power Company has since the date of said purchase, owned, controlled and operated said power plant, water rights, etc.

That on the 9th day of September, A. D. 1908, one, Jas. Stephenson, Jr., State Engineer of the State of Idaho, issued to the said Montpelier Electric Light Company a certificate of the completion of works under permit No. 3181 theretofore issued by said State Engineer to the said Montpelier Electric Light Company, in which said certificate of completion of works there is this language: "And that the place of use is at the towns of Georgetown, Bennington and Montpelier, Idaho," from which it appears from the foregoing part of said certificate that such a place and places were intended to have the use of the water so appropriated and diverted.

That on the 9th day of September, 1908, water license No. 3181 was issued by said State Engineer to the said Montpelier Electric Light Company following the permit and certificate of completion of works aforesaid, in which said last mentioned water license No. 3181 appears this language: "And conducted to Georgetown, Bennington and Montpelier, Idaho, for the purpose of electrical power", from which said license it would appear that the water so diverted and appropriated was conducted to Georgetown, Bennington and Montpelier, Idaho.

Affiant says that the clauses above quoted from said certificate of completion of works and from said water license are, upon their face, an error and instead of conveying the meaning that the water was to be conducted to said Georgetown, Bennington and Montpelier, should have shown that the water was conducted to the power plant of the said Montpelier Electric Light Company situated on Georgetown Creek for the purpose of generating electrical power at said plant which electrical power was to be conveyed to Georgetown, Bennington and Montpelier and other places in said Bear Lake County; that affiant is well acquainted with the power house formerly owned by the Montpelier Electric Light Company and now owned by the said Bear Lake Power Company and has visited the same many times and knows that the waters of Georgetown Creek are conducted only to the power house aforesaid and is and was used for generating the electrical power to be conducted as aforesaid; that the water of the said Georgetown Creek is diverted and has always been diverted at the point set forth in the permit, in the Certificate of Completion of works and in the water license aforesaid, and is conducted to the power plant aforesaid situated at the end of the pipe line conveying said water on Georgetown Creek and is there permitted to flow back into the main stream of the said

Georgetown Creek and has never been used by the said Montpelier Electric Light Company or its successor in interest, the Bear Lake Power Company, at any other point or for any other purposes.

Affiant has now no interest in said Montpelier Electric Light Company or Bear Lake Power Company, but makes this affidavit on behalf of the latter named corporation, being familiar with all the facts herein set forth, and for the purposes and to the end that the said certificate of completion of works and the said water license may be corrected so that they will contain the facts as they exist and as they have always existed. On behalf of the said Bear Lake Power Company, affiant prays that said State Engineer of the State of Idaho, may correct said certificate of completion of works and of said water license on the face thereof, as follows: By striking out the following words in said certificate of completion of works, "And that the place of use is at the towns of Georgetown, Bennington and Montpelier", and inserting in lieu thereof, "And that the place of the use of said water is at the power house of the said Montpelier Electric Light Company, Ltd. located at the end of the pipe line of said corporation on Georgetown Creek in said Bear Lake County, Idaho"; and that the said water license be corrected by striking out the words, "And conducted to Georgetown, Bennington and Montpelier, Idaho", and insert in lieu thereof, "And conducted to the power house of the said Montpelier Electric Light Company, Ltd. situated on Georgetown Creek."

D. W. Starnrod

Subscribed and sworn to before me this 5th day of Aug. A. D. 1913.

(SEAL)

I. W. Hart, Clerk Sup.Ct.

Received and filed for record in the office of the State Engineer at Boise, Idaho, at

B 3.00 P. M. Aug. 5, 1913.

F. P. King,

State Engineer.

FOR VALUE RECEIVED, The Montpelier Electric Light Company, a corporation duly authorized under and by virtue of the laws of the State of Idaho, with its principal place of business at Montpelier, Bear Lake County, Idaho, by resolution duly presented and passed by the stockholders thereof in session for that purpose, does hereby sell, transfer, assign and set over unto the Bear Lake Power Company, a corporation, its successors and assigns, all the right, title, and interest of the said Montpelier Electric Light Co., a corporation as aforesaid, in and to that certain water license No. 3181, issued to the said Montpelier Electric Light Co., by the State of Idaho, and which said license is dated the 9th day of September, 1908, and which certificate of completion of works is of record in the State Engineer's office of the State of Idaho, in Book 9 of Permits, at Page 3181 thereof, and which said license is of record in the said State Engineer's office in Book 1 at page 352, of Water Licenses.

And the aforesaid resolution hereby directs that the said President and the said Secretary, do all the things necessary to make this transfer and assignment, together with other acts.

IN WITNESS WHEREOF, and by authority of the said resolution, the president and secretary of the said Montpelier Electric Light Company, have hereunto set their hands and seal of the said Company, this 2nd day of August, 1913.

Montpelier Electric Light Co.,

By... John E. Brennan,

(seal)

President.

Louis B. Leverich,

Secretary.

Witness:

Chas. E. Harris.

Received and filed for record in the office of the State Engineer at Boise, Idaho, at 9.00 A.M. August 13, 1913.

R.P. King,

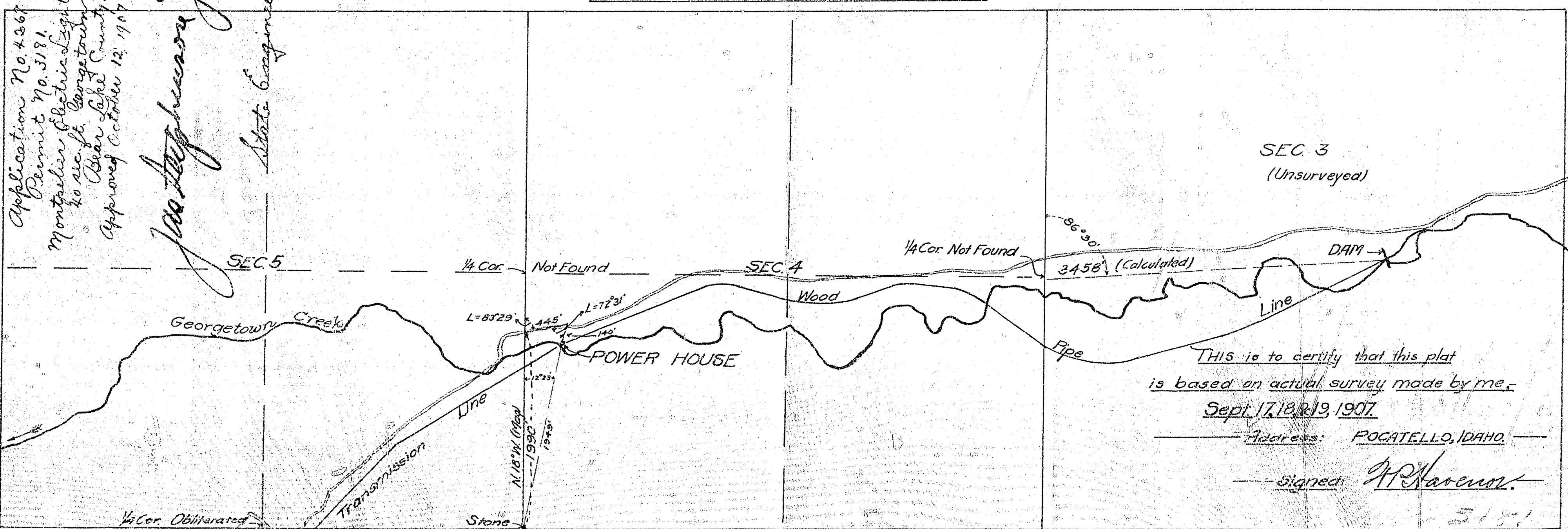
State Engineer.

See assignment under Permit No. 6032

8-25-13

P 3181

Plot of
PROPERTY OF MONTPELIER ELECTRIC LT. CO. LTD.
To Accompany
APPLICATION No 4267



State of Idaho
ENGINEERING DEPARTMENT
BOISE

JAS. STEPHENSON, JR.,
ENGINEER

Boise, Idaho, Oct. 18, 1907.

Permit 3181. Montpelier Electric L. Co. Ltd.,

A. B. Gough,
Montpelier, Idaho.

Dear Sir:

I enclose herewith above numbered permit. Be sure to note limitations and conditions of same as given under approval of State Engineer on the third page.

JAS. STEPHENSON, Jr.,
State Engineer.

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State of Idaho
ENGINEERING DEPARTMENT
BOISE

JAS. STEPHENSON, JR.,
ENGINEER

NOTE

Permit 3181.

That in order to keep this permit in force a bond in the sum of \$1,000.00 must be filed in the office of the State Engineer on or before December 11, 1907, conditioned upon faithfully carrying to completion the works of diversion as specified in said permit and in the application therefor.

JAS. STEPHENSON, Jr.,

State Engineer.

3181

Boise, Idaho, Dec. 2, 1907.

Permit 5181.
Montpelier Electric Light Co.

A. B. Gough,
Montpelier, Idaho.

Sir:--

I am in receipt of yours of the 30th ult., in the
above, enclosing bond therein. Same has been duly
approved and filed.

Very truly yours,

State Engineer.

By _____

Enc

W/G.

5181

A. B. GOUGH
Attorney-at-Law
MONTPELIER, IDAHO

Montpelier, Idaho, Nov. 30th 1907.

James Stephenson, Esq.,
State Engineer,
Boise, Idaho.

Dear Sir:

Permit #3181, Montpelier Electric Light Company, Limited,
herewith hand you the bond required in your approval of this appli-
cation. Both of these parties are worth many time the penalty of
this obligation.

Trusting that same will be satisfactory to you, I am,

Yours very truly,

A. B. Gough

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BOND - PERMIT #3181

Know All Men By These Presents: That the Montpelier Electric Light Company, Limited, as principal, and Dora Poppler and M J Davis, of Bear Lake County, Idaho, as sureties, are held and firmly bound unto the State of Idaho in the sum of One Thousand Dollars (\$1,000.00), to be well and truly paid to said State of Idaho, for which payment to be made we bind ourselves, our assigns, successors in interest, heirs, executors and administrators, jointly and severally, firmly by these presents.

Sealed with our seals, and dated the 21st day of November, 1907.

The condition of the above and foregoing obligation is such that, whereas, the Montpelier Electric Light Company, Limited, a corporation organized under the laws of the state of Idaho, with its principal place of business at Montpelier, Bear Lake County, Idaho, did on the 9th day of August, 1907, file with Jas. Stephenson, Jr., State Engineer of the State of Idaho, its application for a permit to appropriate the waters of Georgetown creek in Bear Lake County, Idaho, to the extent of Forty(40) cubic feet per second, to be used for power purposes, the same being permit #3181, which permit was returned to said company from said office on the 10th day of August, 1907, for correction, and which corrected application was on the 9th day of October, 1907, returned to said office by applicant accompanied by proper maps and details of its works, and on the 12th day of October, 1907, duly approved by the said State Engineer, and among other things it was required in said approval that a good and sufficient bond be filed in the office of the State Engineer by said applicant on or before the 11th day of December, 1907, conditioned on the faithfully carrying to completion the works of diversion as specified in said permit and the application therefor, which is recorded in Book 9 of said Office at page 3181.

Now, therefore, in consideration of the above premises, if the said applicant, the Montpelier Electric Light Company, Limited, or its assigns or successors in interest, shall well and faithfully

3181

2.

carry to completion the works of diversion as specified in said permit and the application therefor, and shall make proof thereof within the time required therein, then this obligation shall be void; otherwise to remain in full force and effect.

Witness the hands and seals of the parties hereto the day and year herein above dated.

Montpelier Electric Light & Co. Ltd
By John R. Brown
President
M. J. Davis
Ed. J. J. J.

State of Idaho,

County of Bear Lake, ss.

Dora Carpenter and
M. J. Davis, whose names are subscribed as sureties to the above bond, being severally duly sworn, each for himself, says; that he is a resident and householder of the County of Bear Lake, State of Idaho, and is worth the sum in the said bond specified as the penalty thereof, over and above all his just debts and liabilities, exclusive of property exempt from execution.

Ed. J. J. J.
M. J. Davis

Subscribed and sworn to before me this 30 day of November, 1907.

Chas E. Harris
Notary Public.

My Commission Expires,

March 15 1908

APPROVED

DATE

Dec 2nd 1907

Jas. Stephenson
State Engineer.

318

Received and paid for
the State Engineer of Ohio
J. M. Thompson
June 15, 1901
State Engineer

State of Idaho
ENGINEERING DEPARTMENT
BOISE

JAS. STEPHENSON, JR.,
ENGINEER

INSTRUCTIONS

Proof of Completion of Works.

Boise, Idaho, July 1, 1908

Montpelier Electric Light Co.
Montpelier, Idaho

Dear Sir:

I enclose herewith blank form upon which to give notice that you are prepared and desire to submit proof of completion of works under your Permit No. 3181.

This form should be filled out and mailed to the State Engineer at least 60 days before the date upon which proof is to be submitted, which proof MUST be on or before October 12, 1908. Upon receipt of the blank, properly filled out, notice for publication will be sent to the paper direct from this office, which notice must be published a period of four weeks prior to the date of proof.

The proof may be submitted at any place, convenient to you and two witnesses, where there is a notary public or other officer authorized to administer oaths.

One of the requirements of the law is that an examination of the works constructed shall be made under the authority of the State Engineer. In order to make the expense as light as possible you are requested to furnish the name of a competent engineer, or surveyor, who can do this work for you at a reasonable cost. Upon receipt of name of such engineer or surveyor I will authorize him to make the examination and send me a report on or before the date set for the proof.

The certificate that shall be issued under this proof does not give you a perpetual right to the use of the water for which application was made, as it only confirms the completion of works of a capacity to divert and convey to the place of intended use a certain amount of water. The law requires that another proof be submitted when the water has been fully applied to a beneficial use, at which time license is issued for the amount of water actually in use. Information in regard to this last proof will be furnished on request.

Yours truly,

JAS. STEPHENSON, Jr.,

State Engineer.

3181

BRENNAN & DAVIS

DEALERS IN

Groceries, Dry Goods, Ladies' and Gent's Furnishings**Farm Produce of all Kinds**

Montpelier, Idaho,

July 20 1908

Mr. Stephenson Jr.
Boise Idaho

Sir,

Kind enclosed notice of Prof. We have
set Oct 1st for submitting proof and if this
can be set for an earlier date would
like to have it done. We are also ready to
measure proof of use of water and desire
to do same as soon as possible. We will
submit the name of R. A. Reich, who is a
competent surveyor and can do the work.

Yours truly,

Montpelier, Idaho

J. R. Brennan Pres

RECEIVED

JUL 21 1908

OFFICE OF STATE ENGINEER

3/51

Notice of Proof of Completion of Works.

(This blank must be filled out by holder of permit and forwarded by registered mail to the State Engineer at least 60 days before the time set for completion of works.)

(P. O.) Montpelier Idaho
(Date) July 18th 1908

TO THE STATE ENGINEER OF THE STATE OF IDAHO, BOISE, IDAHO:

Dear Sir: Notice is hereby given that at 10 A. M. on the 18th day of July 1908, at Montpelier County of Bear Lake State of Idaho, before Chas. E. Harris proof will be submitted of the completion of works for the diversion of Forty cubic feet per second of the waters of Georgetown Creek in accordance with the terms and conditions of a certain permit heretofore issued by the State Engineer of the State of Idaho.

1. The name of the person or corporation holding said permit is

Montpelier Electric Light Company, Ltd.

2. The postoffice address of such person or the place of business of such corporation is

Montpelier County of Bear Lake State of Idaho.

3. The number of such permit is 3181, and the date set for the completion of such work is

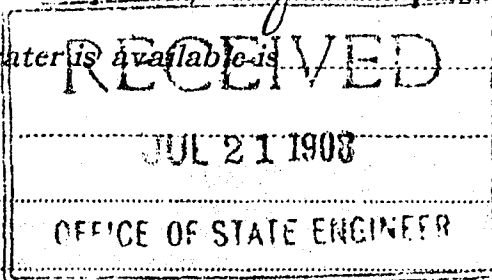
October 12, 1908

4. Said water to be used for Power purposes.

5. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the application for such permit, is forty cubic feet per second.

6. The amount of lands for which said water is available is _____ acres, particularly described as follows:

Pravitt Aug. 9, 1907



(In case of all canals or other works designed to divert and carry more than 50 cubic feet of water per second, the following certificate must be signed by a well known and competent engineer.)

I hereby certify that the facts set forth in the above notice are true.

Engineer.

We desire that the above notice be published, according to law, in the Montpelier Examiner of Montpelier Idaho published in the county in which said works are situated; the expense of which publication will be borne by us

(Signature)

Montpelier Electric Light & Ltd
Per R. Brumman Pres

Both Proofs

3181

State of Idaho
ENGINEERING DEPARTMENT
BOISE

JAS. STEPHENSON, JR.,
ENGINEER

INSTRUCTIONS.

Proof of Completion of Works
and
Proof of Beneficial Use of Water.

Boise, Idaho,

July 21, 1908.

Montpelier Electric Light Co.
Montpelier, Idaho

Dear Sir:

I enclose herewith the following forms to be used in connection with proof of completion of works and proof of application of water to beneficial use under your permit No.

Depositions of Permit Holder, ³¹⁸³

Depositions of Two Witnesses.

In submitting this proof the following instructions should be CAREFULLY followed out, since failure to do so may result in the loss of your rights:

1. On August 29, 1908, the date set for the proof of completion of works, the enclosed deposition forms (two for permit holder and two each for two witnesses) should be filled out and sworn to, at Montpelier, Idaho, before Chas. F. Harris.

2. To complete the proof, it is also necessary that an examination be made of the works as constructed, which examination must be under the authority of the State Engineer. It is the desire to make this expense as light as possible to the permit holder. Will you therefore give me the name of a competent engineer, or surveyor, in your neighborhood who could do this work with as little expense as possible to you. Upon receipt of name of such engineer or surveyor I will authorize him to do the work. The examination should be made on or before the date set for the proof.

3. When the depositions have been taken they should be mailed to this office, together with affidavit of publication of notice and fee of \$5.00 for completion of work and fee of \$2.00 for each 40-acre tract, or fraction, to which water has been applied. When these have been received, together with report of examining engineer, if everything is properly executed, Certificate of Completion of Works and License will issue.

Yours truly,

JAS. STEPHENSON, Jr.,

State Engineer.

You will please note
the change in date of proof as
per your request the 20th inst.

3181

State of Idaho
ENGINEERING DEPARTMENT
BOISE

JAS. STEPHENSON, JR.,
ENGINEER

Notice of Proof of Completion of Works
and
Application of Water to Beneficial Use.

Notice is hereby given that at 10 A.M.
on the 29th day of August, 1908, at Montpelier,
County of Bear Lake, State of Idaho, before Chas. E. Harris,
proof will be submitted of the completion of works for the diversion of
40 cubic feet per second of the waters of Georgetown Creek
and of the application to beneficial use of said water in accordance
with the terms and conditions of Permit No. 3181 heretofore issued
by the State Engineer of the State of Idaho.

1. The name and postoffice address of the person holding said
permit ~~is~~ are Montpelier Electric Light Company, Ltd., Montpelier, Idaho.

2. Said works of diversion will be fully completed on the date
set for such completion, and the amount of water which said works are
capable of conducting to the place of intended use, in accordance with
the plans accompanying the application for such permit, is 40
cubic feet per second.

3. The use to which said water has been applied is ^{power}~~irrigation~~
~~and domestic~~ purposes, and the amount applied to beneficial use is 40
~~per second~~ cubic feet per second.

~~The place where said water is used is~~

4. The date of priority which said user is prepared to estab-
lish is August 9, 1907.

JAS. STEPHENSON, Jr.,

State Engineer.

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Boise, Idaho, July 21, 1908Mr. R. A. BirchMontpelier, Idaho.

DEAR SIR:

The holder of Permit No. 3181, Montpelier Electric Light Co., residing at Montpelier, Idaho, which permit authorizes the diversion of 40 second-feet of the waters of Georgetown Creek at _____, desire to make proof of the completion of works of diversion, at _____, on August 29, 1908.

Will you therefore please arrange with the holder of said permit for an examination of the works of diversion, ascertain whether or not they comply fully with the terms of said permit, and render me a report on the condition of such works before the date fixed for said proof of completion, in accordance with the provisions of Sections 4 and 5 of House Bill No. 146, passed by the Seventh Session of the Legislature, approved March 11, 1903.

Your report should be of sufficient detail to enable me to determine the amount of water the works are capable of diverting and conveying to the place of use; giving also the description of the location of point of diversion, and, in case of irrigation, the legal description of the land to be irrigated.

Will you also make a map on the enclosed plat, giving all the essential features of the works, such as point of diversion, route of ditch, place of use, etc.

You should also arrange with the holder of said permit for the payment of your fee for this service and such proper expenses as you will incur in making this examination and report.

Please advise me promptly of your receipt of this communication, and whether or not you will be able to make the examination and report requested.

Yours, truly,

JAS. STEPHENSON, JR.,

State Engineer.

3181

Soda Springs Ida
August 21/08

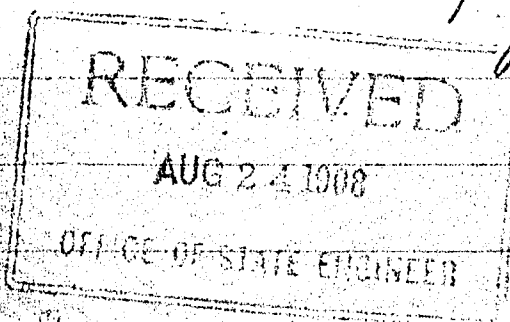
Mr Stephenson State Engineer
Boise Idaho

Dear Sir:

I am ⁱⁿ receipt of your
letter requesting report of Mountain
Electric Light & company Water
works on 29. inst. I can make
the examination and forward
report on 27.

Respect Yours

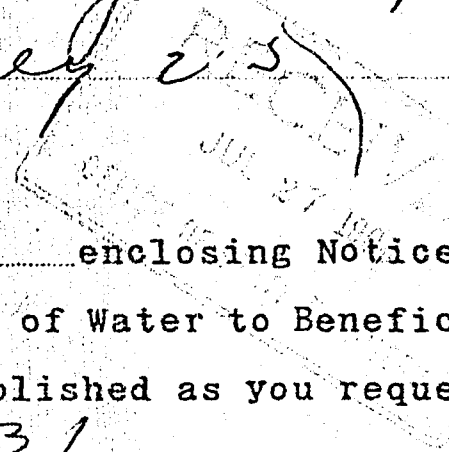
R. A. Birch



(Place)

(Date)

Montpelier, 2/
July 25



State Engineer, Boise, Idaho.

Dear Sir:

I have your letter of 21st enclosing Notice of
Completion of Works and Notice of Application of Water to Beneficial
Use under Permit No. 318/ which will be published as you request,
beginning with our issue of July 31

L. G. Bradley

3181

Montpelier Idaho

Aug 27/1908

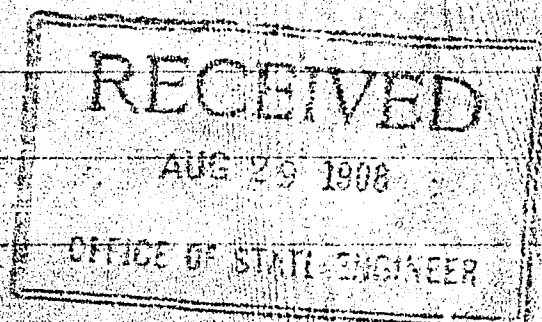
Mr Jos Stephenson Jr

Enclosed please find copy
map of the Montpelier Chloride
Light Company ^{works}. I have examined
these works and find that they
comply fully with the terms
of their permit - # 31.81.

The dam being 10 feet high and
38 feet long on top and 55 feet on
the bottom in length. Constructed
of cement the pipe is 33 inches
in diameter on the inside
and 35 inches on the outside
with sufficient flange of iron
to 15 1/4 inches placed
therein to hold the pressure

3181

Average grade is 16 feet per
mile Length of pipe
68.59 feet - Hoping this will
meet your approval
I am Respc Yours
P. A. Berch



24/81

Town Ship 10 & Range 44 E. R. 2nd

SEC.

SEC.

SEC.

SEC.

1958

Goose Town

CRICK

16 mile S.W.

Pipe Line

Dam

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

3181

CHAS. E. HARRIS

ATTORNEY-AT-LAW
MONTPELIER, IDAHO

August 31, 1908

State Engineer,
Boise Idaho.

Dear sir:

I am sending you the proofs made in the water right of Montpelier Electric Co. and also enclose check for \$5 as fees. If more let me know and I will promptly send balance.

Respectfully,

RECEIVED

SEP 2 1908

OFFICE OF STATE ENGINEER

3181

PERMIT NO. 3184
~~4267~~

Proof of Completion of Works.

DEPOSITION OF HOLDER.

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. John R. Brennan, (for Montpelier Electric Light Co., Ltd - a corporation) 51, Montpelier Idaho, merchant, Montpelier Idaho

Ques. 2. If acting in behalf of a corporation, state its name, principal place of business, your position with reference to same, and your authority for appearing in its behalf.

Ans. Montpelier Electric Co. Ltd a corporation, Montpelier, Idaho, President, by authority of board of directors.

Ques. 3. State number and date of permit, amount of water you are authorized to divert, source, and point of diversion.

Ans. 3184 - Date application August 9, 1907
Date approved Oct 12, 1907 - 40 second ^{cubic ft per} foot - Grangelown creek.
3458 N. 86° 30' E. from S 7/4 Cor. sec 4, Tp 11, R. 44 E B M.

Ques. 4. State purpose for which water is to be used, and, if for irrigation, state the number of acres and give description of the land you intend to reclaim.

Ans. For Power purposes

Ques. 5. State whether or not the water has been turned into your works of diversion, and, if so, when and to what extent.

Ans. yes - May 1st, 1908 -

Ques. 6. State whether or not the works of diversion are fully completed, and whether or not they comply in all respects with the terms of the permit.

Ans. yes - yes

Ques. 7. If the works of diversion do not comply with all the terms of your permit, state fully those particulars in which there is any variance.

Ans. They comply -

Ques. 8. Give description of works, state dimensions and capacity of each part, and give cost of same.

Ans. Dam, ^{Reservoir} and pipe; Dam height 7 ft, length at top 35 ft at bottom 38 ft. - Pipe 33 inches in diameter, 1 mile & 7/10 long - Reservoir 2 acre feet about. Cost \$20,000.00 about.

(Sign here.)

John R. Brennan

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed

and sworn to before me, at my office in Montpelier, Countyof Blaine, State of Idaho, on this 29th day, ofAugust A. D. 1908Chas E. Harris
Notary Public 3184

The Depositions of two Witnesses, in this form, taken separately, required in each case.

PERMIT NO. ³¹⁸¹~~4267~~

Proof of Completion of Works.

DEPOSITION OF WITNESS.

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. John N. Downing, 42, Montpelier Idaho
Hotel Keeper, Montpelier, Idaho.Ques. 2. Are you acquainted with Montpelier Elec. Light Co. Ltd, the
holder of Permit No. ³¹⁸¹~~4267~~ authorizing the diversion of 40 second-feet of the waters of
Georgetown Creek, at Georgetown Idaho
for Power purposes? How long have you known him, and where does he reside?Ans. Ever since organizedQues. 3. Have you read or heard read said Permit No. ³¹⁸¹~~4267~~, and are you familiar with its
terms and conditions?Ans. Yes - yesQues. 4. (If for irrigation purposes). Are you acquainted with the land proposed to be irrigated
under said permit? If so, describe same, state its character, and give your estimate of the amount of
water required for its profitable cultivation.

Ans. _____

Ques. 5. Are the works of diversion fully completed and of sufficient capacity to convey the entire
amount of water set out in the permit from point of diversion to place of use?Ans. Yes, approximately or nearly so.Ques. 6. Describe the works of diversion as they now exist, and give your estimate of their ca-
pacity.Ans. Dam, Reservoir about 2 acre feet,
3 3 inch pipe line, probably 35 second
feet

(Sign here.)

John N. DowningI hereby certify that the foregoing testimony was read to the above subscriber before its signing,
that I believe him to be the person he represents himself to be, and that said testimony was subscribed
and sworn to before me, at my office in Montpelier, County of Blaine,
State of Idaho, on this 29th day of August A. D. 1908Chas. Harris
Notary Public 3181

The Depositions of two Witnesses, in this form, taken separately, required in each case.

PERMIT NO. ³¹⁸¹~~4267~~

Proof of Completion of Works.

DEPOSITION OF WITNESS.

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. L B Leverich, 50, Montpelier Idaho, Merchant
Montpelier, Idaho.Ques. 2. Are you acquainted with Montpelier Elec Light Co Ltd, the
holder of Permit No 4267, authorizing the diversion of 40 second-feet of the waters of
Georgetown Creek, at Georgetown Idaho
for power purposes? How long have you known him, and where does he reside?Ans. Ever since organizedQues. 3. Have you read or heard read said Permit No ³¹⁸¹~~4267~~, and are you familiar with its
terms and conditions?Ans. yes yesQues. 4. (If for irrigation purposes). Are you acquainted with the land proposed to be irrigated
under said permit? If so, describe same, state its character, and give your estimate of the amount of
water required for its profitable cultivation.

Ans. _____

Ques. 5. Are the works of diversion fully completed and of sufficient capacity to convey the entire
amount of water set out in the permit from point of diversion to place of use?Ans. yes - nearly so I should sayQues. 6. Describe the works of diversion as they now exist, and give your estimate of their ca-
pacity.Ans. Dam, Reservoir and 33 inch pipe
line, Reservoir about 253 acre feet

(Sign here.)

L. B. LeverichI hereby certify that the foregoing testimony was read to the above subscriber before its signing,
that I believe him to be the person he represents himself to be, and that said testimony was subscribed
and sworn to before me, at my office in Montpelier, County of Blaine,
State of Idaho, on this 29th day of August A. D. 1908L. B. Leverich
notary Public
3181

Proof of Application of Water to Beneficial Use.

DEPOSITION OF HOLDER.

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. John R. Brennan, 57, Montpelier Idaho, Merchant
Montpelier Idaho, on behalf of Montpelier Electric Light Co. Ltd a
corporation

Ques. 2. If acting in behalf of a corporation, state its name, principal place of business (if a foreign corporation, give name and postoffice of statutory agent), your position with reference to same, and your authority for appearing in its behalf.

Ans. Montpelier Electric Light Co. Ltd a corporation, Montpelier Idaho
President, by order board directors,

Ques. 3. State number and date of permit, and date of priority you propose to establish under the permit.

Ans. 31817, Oct 12, 1907, August 9, 1907

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. Grosgelown Creek, 3458 ft north 86° 30' E. from E 1/4 cor
sec 4, T 11, S. R. 44 E. B. M. -

Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use.

Ans. Dam, Reservoir & pipe line. Pipe 33 inches in diameter
3.5 cubic feet

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have ACTUALLY been irrigated with said water.)

Ans. For Power purposes (Electric) Grosgelown, Ben-
nington and Montpelier, Idaho.

Ques. 7. If for other than irrigation purposes, state how applied, amount of horse power generated, etc.

Ans. Electrical power, 225 h. P. generated.

Ques. 8. What is the minimum amount of water required for the use specified above?

Ans. _____

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. _____

Ques. 10. State when, how, in what amount and to what extent the water diverted under above mentioned permit has been used.

Ans. Continually from May 1st, 1908, for electrical purposes, full capacity of 33 inch pipe line, all of water diverted, amount

Ques. 11. State when, how, in what amount and to what extent waters other than those diverted under the above mentioned permit have been diverted and applied to beneficial use upon the lands herein described. Give full particulars regarding such other appropriations and all rights claimed thereunder.

Ans. None until after passing our permit plate.

(Sign.) *John A. Johnson*

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in *Mountain View*, County of *Beauregard*, State of Idaho, on this *29th* day of *August* A. D. 1908

Geo. Williams
Notary Public

Permit No.

Proof of Application of Water to Beneficial Use.

DEPOSITION OF HOLDER.

Amount of water..... second feet.

Source

County.....

Purpose

Place of use

Date of priority

Received and filed

PERMIT No.

3181

~~4267~~

Proof of Application of Water to Beneficial Use.

Deposition of Witness:

Question 1. State your name, age, residence, occupation and postoffice address.

Answer.

James Redman, 48, Montpelier, Idaho.
Capitalists, Montpelier IdahoQues. 2. Are you acquainted with Montpelier Electric Light Co Ltd
the holder of Permit No. 3181 ~~4267~~? How long have you known him, and where does he reside?

Ans.

Ever since organized

Ques. 3. Have you read or heard read said Permit No. 3181 ~~4267~~, and are you familiar with its provisions and conditions?

Ans.

Yes.

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans.

Georgetown Creek, 3458 ft N. 86°30' E. from 6 1/4
cor, Sec 4, Tp 11, SR. 44 E. RM, 33 inch pipe line
1 77/100 miles long - dam, reservoir.

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans.

about 35 second feet - full amount

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.)

Ans.

Generating Electric power, ^{Georgetown Canyon,} used at Georgetown
Bennington & Montpelier Idaho

Ques. 7. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans.

By electrical devices to full amount
pipe line capacity through 33 inch
pipe line on water wheel

Ques. 8. (If for irrigation) State character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans.

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans.

Stockholder in company

3181

3181

Permit No.

**Proof of Application of
Water
to Beneficial Use.**

DEPOSITION OF WITNESS.

Received and filed

THE IDAHO PRESS, BOISE

on this

day of

29th

August

A. D. 1908

in

Mountain

County of

Blaine

State of Idaho,

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office

(Sign)

James W. McKinnon

Ans.

Approximate of time during past year, by observation, the capacity of pipe line

the water diverted under said permit.

Ques. 10. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of

3181
~~4267~~
PERMIT No.

Proof of Application of Water to Beneficial Use.

Deposition of Witness:

Question 1. State your name, age, residence, occupation and postoffice address.

Answer. J F Perkins, 35, Electrician, Montpelier
IdahoQues. 2. Are you acquainted with Montpelier Elec. Light Co, Ltd
the holder of Permit No. ~~4267~~ 3181? How long have you known him, and where does he reside?

Ans. Ever since organized.

Ques. 3. Have you read or heard read said Permit No. ~~4267~~ 3181, and are you familiar with its provisions and conditions?

Ans. Yes.

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. Georgetown Creek, 3458 ft N. 86°30' E. from
E 1/4 cor. sec 4 Tp 11 S Range 44 E B.M. Dam
Reservoir & 33 inch pipe line 1 7/8 miles long.

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. About 35, full amount

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.)

Ans. Generating Electric Power in Georgetown
Canyon, to be used in Georgetown, Remington
& Montpelier, Idaho

Ques. 7. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. By water wheel through pipe line above
described to full capacity of pipe line.

Ques. 8. (If for irrigation) State character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans.

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. Stockholder in company

3181

Permit No.

Proof of Application of
Water
to Beneficial Use.

DEPOSITION OF WITNESS.

Received and filed

THE IV PRESS, BOISE

on this

29th

day of

August

A. D. 1908

in

Montpelier

County of

Blaine

State of Idaho,

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office

(Sign)

J. H. H. H.

Ans.

During time during past several months
by making plant and work at diversion

the water diverted under said permit.

Ques. 10. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of

Chas. B. Harris
Notary Public

3181

Affidavit of Publication.

State of Idaho, }
County of Bear Lake. } ss

Notice of Completion of Works and Application of Water for Beneficial Use.

Notice is hereby given that at 10 a. m. on the 31st day of August, 1908, at Montpelier, County of Bear Lake, State of Idaho, before Chas. E. Harris, proof will be submitted of the completion of works for the diversion of 40 cubic feet per second of the waters of Georgetown Creek and of the application to beneficial use of said water in accordance with the terms and condition of Permit No. 2181 heretofore issued by the State Engineer of the State of Idaho.

1. The name and post office address of the person holding said permits are Montpelier Electric Light Company, Ltd., Montpelier, Idaho.

2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of intended use in accordance with the plans accompanying the application for such permit, is 40 cubic feet per second.

3. The use to which said water has been applied is power purposes and the amount applied to beneficial use is 40 cubic feet per second.

4. The date of priority which said user is prepared to establish is August 9, 1907.

JAR. STEPHENSON, JR.,
State Engineer

Chas. E. Harris, being first duly sworn, deposes and says that he is the publisher of the MONTPELIER EXAMINER; that said MONTPELIER EXAMINER is a weekly newspaper published at Montpelier, Bear Lake County, Idaho, of general circulation in said county and state.

That the attached notice was published in said MONTPELIER EXAMINER, and not in a supplement, for 4.... successive weeks, the first publication was on the 31st day of July.... 1908.

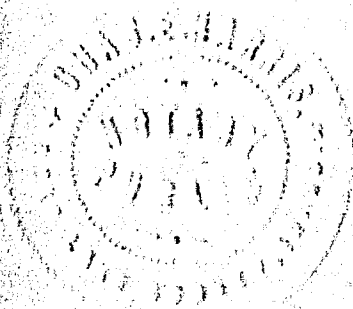
L. S. Bradley

Subscribed and sworn to before me this 28th

day of August.... 1908

Chas. E. Harris

Notary Public



3181

Boise, Idaho, September 3, 1908.

Re Permit-3181.
Montpelier Electric Light Co., Ltd.

Chas. E. Harris,
Montpelier, Idaho.

Sir:--

Replying to yours of the 31st. ult., in the above
enclosing Affidavit of Publication, deposition
blanks and fee of \$5.00, would say that \$5.00 is
required for the Proof of Completion and \$5.00 for
proof of beneficial use. As soon as \$5.00 for
beneficial use is received in this office the matter
is issuing Certificate and License will be taken up.

Very truly yours,

State Engineer.

By _____

Enc. GFR.

G.

3181

BRENNAN & DAVIS

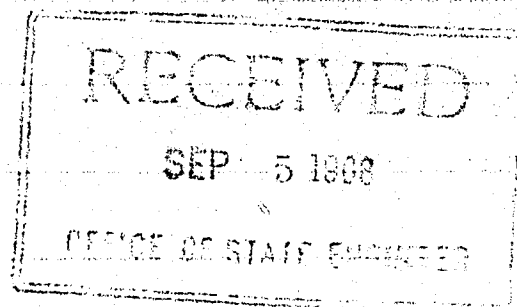
DEALERS IN

Groceries, Dry Goods, Ladies' and Gent's Furnishings**Farm Produce of all Kinds**Montpelier, Idaho, Sept 4 1908

State Engineer

Enclosed find check for
✓ ¹⁰⁰ to complete payment on fees
of Montpelier Elec Light Co. water
proof

Resp Chas E Harris



31/81

Boise, Idaho, September 19, 1908.

Certificate 3181
Water License 3181

John R. Brennan, President,
Montpelier Electric Light Co.,
Montpelier, Idaho.

Sir:--

Inclosed herewith find Certificate of Completion
of Works No. 3181, and Water License No. 3181, also
receipts.

Very truly yours,

State Engineer.

By _____

Enc. C-3181 L-3181 R-1414

3181

CHAS. E. HARRIS
ATTORNEY-AT-LAW
MONTPELIER. - IDAHO

8 / 11 /13.

State Engineer,
Boise, Idaho.
Dear Sir:-

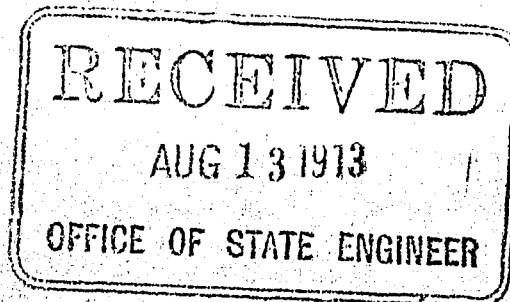
Enclosed you will find an assignment of the Montpelier Electric Light Company's water right to the Bear Lake Power Company. This is just a simple assignment for filing and record in your office. Will you please include a copy of it in the certified copies herewith sent you and return to me with ~~the~~ certified abstract. We simply want this assignment to show in the certified record enclosed herewith.

Send us your bill for the fee.

Respectfully,

Chas E Harris

Encl.



3181

DAY LETTER

THE WESTERN UNION TELEGRAPH COMPANY

INCORPORATED

25,000 OFFICES IN AMERICA CABLE SERVICE TO ALL THE WORLD

This Company TRANSMITS and DELIVERS messages only on conditions limiting its liability, which have been assented to by the sender of the following Day Letter. Errors can be guarded against only by repeating a message back to the sending station for comparison, and the Company will not hold itself liable for errors or delays in transmission or delivery of Unrepeated Day Letters, sent at reduced rates, beyond a sum equal to ten times the amount paid for transmission; nor in any case beyond the sum of Fifty Dollars, at which, unless otherwise stated below, this message has been valued by the sender thereof, nor in any case where the claim is not presented in writing within sixty days after the letter is filed with the Company for transmission.

This is an UNREPEATED DAY LETTER, and is delivered by request of the sender, under the conditions named above.

THEO. N. VAIL, PRESIDENT

BELVIDERE BROOKS, GENERAL MANAGER

RECEIVED AT

120SXND 31 BLUE

MONTPELIER IDA AUG 16 13

STATE ENGINEER

BOISE IDAHO

I SENT YOU ASSIGNMENT AND ABSTRACT OF RECORD WITH LETTER
OF EXPLANATION PLEASE RETURN SAME AS QUICKLY AS POSSIBLE TODAY
BE SURE AND RECORD ASSIGNMENT AND ATTACH TO ABSTRACT OF
RECORD

CHAS E HARRIS

325P

3181

August 16, 1913.

Permit 3181

Chas. E. Harris, Attorney,
Montpelier, Idaho.

Sir:

Am herewith returning you the assignment of above
numbered permit, the same having been recorded in this
office.

Per your request I have made a certified copy of the
assignment and attached same to the certified copies
of the permit, certificate and license.

Please to remit fifty cents for recording assignment
and \$1.00 for certified copy,

Very truly yours,

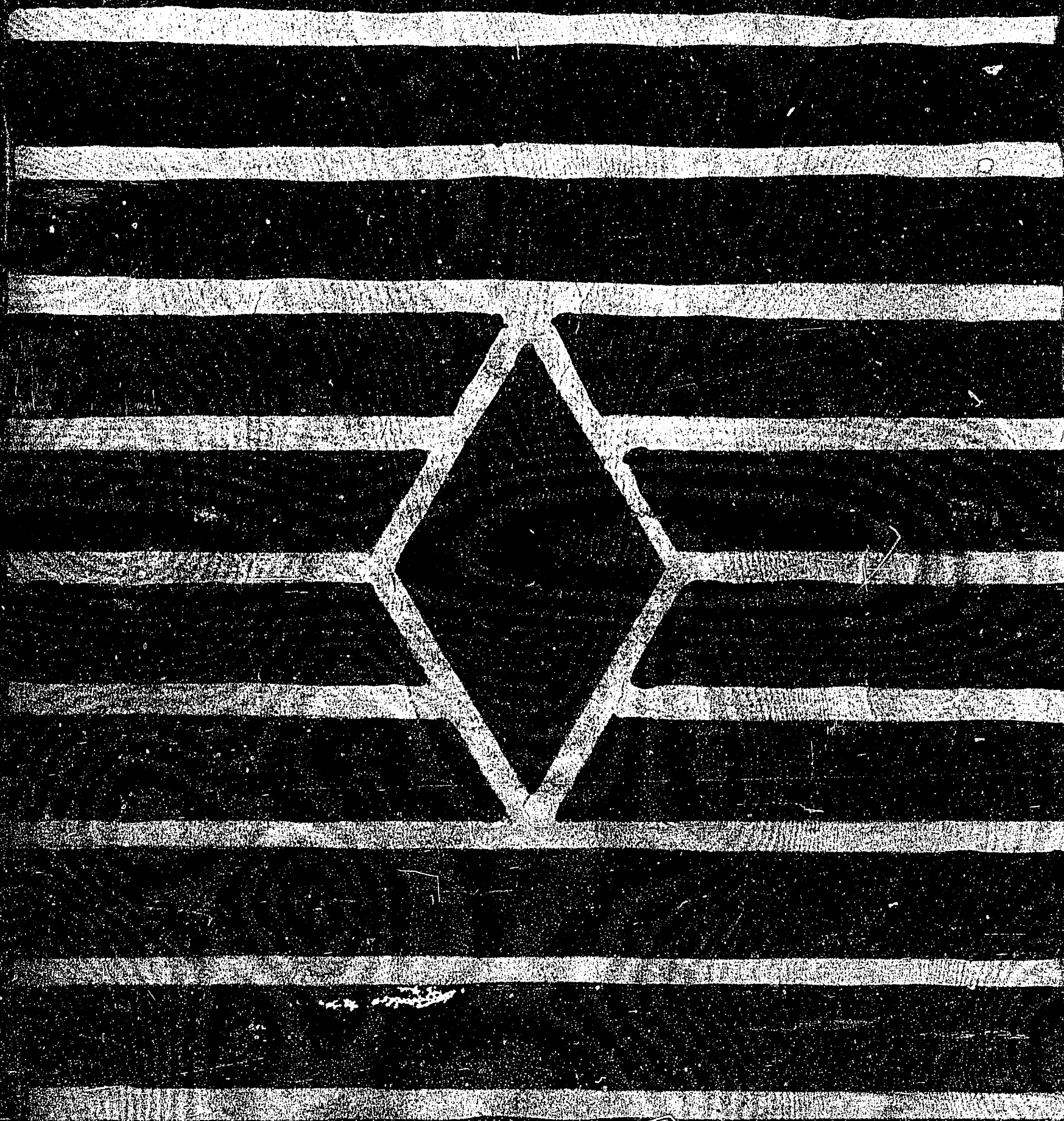
F. P. KING,

State Engineer.

CC-A

By _____

3181



 Georgetown Creek *
 Bear Lake County *
 40 second feet. *
 Power purposes *
 Priority 8-9-1907 *

S T A T E O F I D A H O .

Water License No. 3181.

 WHEREAS, On the 9th day of August A.D. 1907, THE MONTPELIER ELECTRIC LIGHT COMPANY, LIMITED, of Montpelier, County of Bear Lake, and State of Idaho, duly made Application (No. 4267) to me for a permit to use 40 cubic feet per second of the waters of Georgetown Creek, county of Bear Lake, State of Idaho, for power purposes, and

WHEREAS, On the 12th day of October A.D. 1907 Permit No. 3181 was issued to said applicant for the diversion of said water, and providing for the completion of the works of diversion therein described on or before the 12th day of October A.D. 1908, and for the application to beneficial use of said water on or before the 12th day of October A.D. 1909, and,

WHEREAS, On the 29th day of August A.D. 1908, the holder of said permit duly made proof of the completion of adequate works for the diversion of 40 cubic feet per second of said waters, as evidenced by my certificate No. 3181, dated September 9, 1908, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 40 cubic feet per second of waters with date of priority of August 9, 1907, and

WHEREAS, On the 29th day of August A.D. 1908, proof was duly made of the application to beneficial use of 40 cubic feet per second of said water;

NOW, THEREFORE, By virtue of the authority vested in me by the laws of the State of Idaho, I hereby grant and confirm to the MONTPELIER ELECTRIC LIGHT COMPANY, LIMITED, of Montpelier, Idaho, the holder and owner of said Permit No. 3181, a perpetual right dating from August 9, 1907, to the use of 40 cubic feet per second of the waters of Georgetown Creek, in the county of Bear Lake, and State of Idaho, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at a point at or near the junction of north and south forks of said creek, being 3458' N. 86° 30' E. from ~~the~~ cor. sec. 4. township 11 south, range 44 east of Boise meridian, and conducted to the power house of the said Montpelier Electric Light Company, Ltd., situated on Georgetown Creek, ~~Montpelier, Idaho, for the purpose of Electrical power, subject, however, to the laws of the State of Idaho applicable to a license for the use of waters of the State, and subject, also, to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.~~

WITNESS My hand and the seal of my office at Boise, Idaho, this 9th day of September, A.D.

Nineteen hundred and eight.

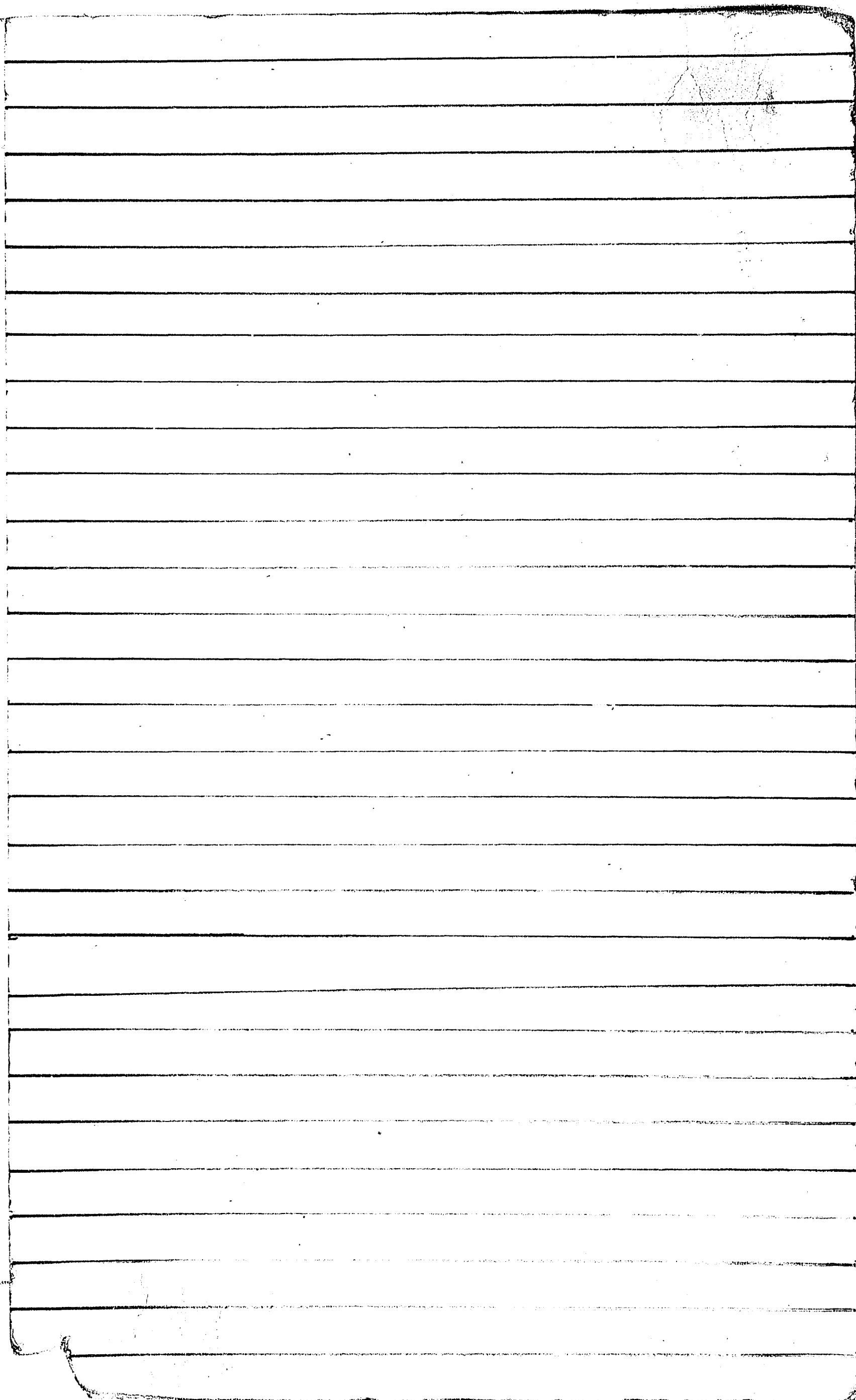
Jas. Stephenson, Jr

State Engineer.

(SEAL)

Recorded September 9, 1908.

11 2018



AGREEMENT Regarding the Bear River System

This Agreement is entered into this 5th day of October, 1999, by and among PACIFICORP, an Oregon corporation ("PacifiCorp"); SCOTTISH POWER plc, a public limited company registered in Scotland ("ScottishPower"); the STATE OF IDAHO, by and through the Director of the Department of Water Resources ("Idaho"); the STATE OF UTAH, by and through the Director of the Division of Water Resources, ("Utah"); and the STATE OF WYOMING, by and through the State Engineer ("Wyoming"). PacifiCorp, ScottishPower, Idaho, Utah, and Wyoming are individually referred to as a "Party" and collectively as the "Parties."

RECITALS

A. PacifiCorp operates hydroelectric plants on the Bear River and holds water rights in the Bear River and Bear Lake (such hydroelectric plants and water rights referred to herein as "Bear River System"). PacifiCorp's water rights in the Bear River System are subject to the Amended Bear River Compact among the States of Idaho, Utah and Wyoming, as well as the laws of the three States, and other obligations.

B. PacifiCorp and ScottishPower are parties to a merger transaction that is currently the subject of approval proceedings before the public utility commissions in the States of Idaho, Utah and Wyoming.

C. The Parties recognize the need to assure the public utility commissions of the States of Idaho, Utah, and Wyoming, and the other public officials and water users of the three States that PacifiCorp's merger with ScottishPower will not affect the operation of the Bear River System or PacifiCorp's ownership or exercise of its Bear River water rights.

D. By this Agreement, PacifiCorp and ScottishPower intend to assure the States of Idaho, Utah and Wyoming that PacifiCorp or ScottishPower will not make any separate agreement with any State individually regarding PacifiCorp's or ScottishPower's water rights in the Bear River System.

NOW, THEREFORE, IT IS HEREBY AGREED BY THE PARTIES AS FOLLOWS:

1. Both ScottishPower and PacifiCorp agree that:
 - a. PacifiCorp's water rights are constrained by the historic practice of not making a delivery call for hydropower generation; and
 - b. Bear Lake is operated, consistent with long-standing historic practice and applicable laws, primarily as a storage reservoir to satisfy

contracts for existing irrigation uses and flood control needs in the three States, with the use of water for hydropower generation being incidental to the other purposes for which the water is being released.

2. The Parties agree to jointly negotiate an enforceable Bear River System Operations Agreement consistent with the provisions set forth in paragraph 1. With respect to the Bear River, the Operations Agreement shall confirm and continue PacifiCorp's historic practice of utilizing its water rights primarily for existing irrigation uses and contractual obligations. The Operations Agreement shall be made available for public review and comment in each of the three States.

3. This Agreement, the Operations Agreement, or any other agreement that may be entered into with PacifiCorp and/or ScottishPower concerning utilization of PacifiCorp's water rights in the Bear River System may be recorded in the County Recorders' Offices of the appropriate counties and shall be provided to the public utility commissions of the respective States within 10 days of execution of the document.

4. Approval and execution of the Operations Agreement by each of the States of Idaho, Utah, and Wyoming shall be required for the Operations Agreement to be effective.

5. The Parties commit to use their best efforts to complete negotiation, review, and execution of the Bear River System Operation Agreement within sixty (60) days of the execution of this Agreement.

6. No agreements between PacifiCorp and/or ScottishPower and one or more of the States concerning utilization of PacifiCorp's water rights in the Bear River System shall be effective unless jointly approved by all three States.

7. Nothing in this Agreement, nor in any Operations Agreement, shall be interpreted to modify, limit or enhance any rights or obligations of the three States under the laws of the States and the Amended Bear River Compact.

8. Consideration. ScottishPower and PacifiCorp acknowledge receiving sufficient consideration for the commitments contained in this Agreement and waive any argument that they might have in any judicial proceeding that no consideration exists to support this Agreement or that the consideration received is not sufficient.

9. Binding Effect of Agreement. This Agreement is intended to be a final and binding settlement agreement between the three States and ScottishPower and PacifiCorp, jointly and severally, and inures to the benefit of, and is binding upon, the representatives, successors in interest, and assigns of each entity.

10. Sovereign Immunity. Each of the three States and their various agencies do not waive their sovereign immunity by entering into this Agreement and fully retain all immunities and defenses provided by law with respect to any action based on or occurring as a result of this Agreement.

11. Capacity to Execute Agreement. ScottishPower and PacifiCorp each warrant and represent that the person executing this Agreement is empowered to do so on behalf of such company and thereby binds each entity by signing this Agreement.

12. Waivers. The failure to object to any breach of any term or condition in this Agreement shall not constitute a waiver and no failure to object shall be deemed a waiver of any prior or subsequent breach.

13. Entirety of Agreement. This Agreement represents the entire and integrated agreement between the Parties and supersedes all prior negotiations, representations and oral agreements. No promise or inducement has been offered or made except as herein set forth and this Agreement is executed without reliance upon any statement or representation by any other Party or their agent.

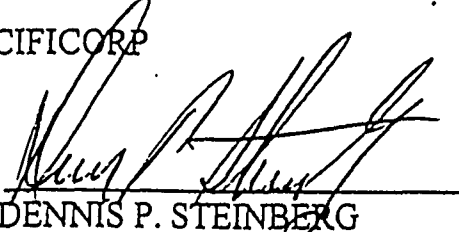
14. Modification. This Agreement may be amended or modified only by a written agreement signed by each of the Parties to this Agreement.

15. Execution of Agreement in Parts. Due to time constraints, the Parties acknowledge that it is not possible to have all Parties sign the same copy of this Agreement. Therefore, the Parties agree that this Agreement may be executed in any number of counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

16. Signatures. In witness whereof, the Parties to this Agreement through their duly authorized representatives have executed this Agreement and certify that they have read, understood, and agreed to the terms and conditions of this Agreement as set forth herein.

IN WITNESS WHEREOF, the Parties have executed this Agreement the day and the year first above written.

PACIFICORP

By: 

DENNIS P. STEINBERG

Senior Vice President of PacifiCorp

SCOTTISH POWER plc

By: 

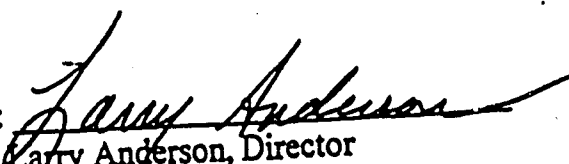
MATTHEW R. WRIGHT

Manager of Scottish Power plc

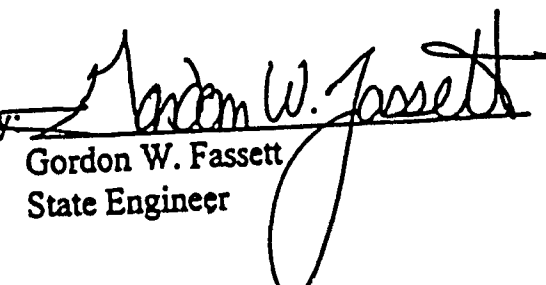
STATE OF IDAHO

By: 
Karl J. Dreher, Director
Department of Water Resources

STATE OF UTAH

By: 
Larry Anderson, Director
Division of Water Resources

STATE OF WYOMING

By: 
Gordon W. Fassett
State Engineer

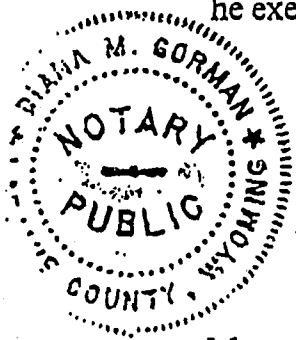
APPROVAL AS TO FORM:

By: 
for Wyoming

ACKNOWLEDGMENTS

STATE OF Wyoming)
) ss.
COUNTY OF Laramie)

On this 5th day of October, 1999, before me, Diana M. Gorman,
a notary public of the State of Wyoming, personally appeared DENNIS P. STEINBERG,
a Senior Vice President of PacifiCorp, known or identified to me to be the person who
executed the foregoing instrument on behalf of PacifiCorp, and he acknowledged to me that
he executed the same.

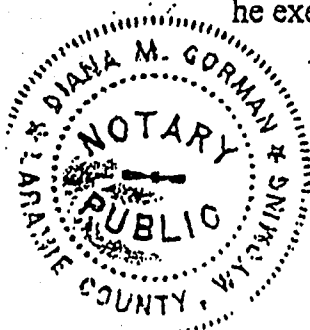


Diana M. Gorman
NOTARY PUBLIC FOR WYOMING
residing at:
739 Cypress Lane
Cheyenne, WY 82009

My commission expires: 2/21/02

STATE OF Wyoming)
) ss.
COUNTY OF Laramie)

On this 5th day of October, 1999, before me, Diana M. Gorman,
a notary public of the State of Wyoming, personally appeared MATTHEW R. WRIGHT,
a Manager of Scottish Power plc, known or identified to me to be the person who executed
the foregoing instrument on behalf of Scottish Power plc, and he acknowledged to me that
he executed the same.



Diana M. Gorman
NOTARY PUBLIC FOR WYOMING
residing at:
739 Cypress Lane
Cheyenne, WY 82009

My commission expires: 2/21/02



Office of the Attorney General

Governor
Jim Geringer

Attorney General
Gay Woodhouse

Water & Natural Resources Division
123 Capitol Building
Cheyenne, Wyoming 82002
307-777-6946 Telephone
307-777-3542 Fax

Deputy Attorney General
Thomas J. Davidson

October 22, 1999

Mr. Norman K. Johnson
Utah Attorney General's Office
Natural Resources Division
Post Office Box 140855
Salt Lake City, Utah 84114-0855

Mr. Phillip J. Rassier
State of Idaho
Office of the Attorney General
Natural Resources Division
Water Resources Unit
1301 North Orchard Street
Boise, ID 83706-2237

Mr. Brent R. Kunz
Hathaway, Speight & Kunz, LLC
Post Office Box 1208
Cheyenne, WY 82003-1208

Mr. Paul J. Hickey
Hickey, Mackey & Evans
Post Office Box 467
Cheyenne, WY 82003-0467

Dear Norm, Phil, Brent, and Paul:

Enclosed please find one of five originals of the *Agreement Regarding the Bear River System*, dated October 5, 1999, with original signatures of each of the five signatories. On behalf of the Wyoming Attorney General's Office and the State Engineer's Office, we wish to express our sincere appreciation to each person involved in negotiating this agreement for their diligent efforts. We enjoyed working with you and look forward to doing so in the future.

Truly yours,

Thomas J. Davidson
Deputy Attorney General

Brian C. Shuck
Assistant Attorney General

Enclosure

cc: Jim Fell, Jody Williams, Jeff Fassett, Sue Lowry

RECEIVED

OCT 27 1999

Department of Water Resources

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PACIFICORP'S BEAR RIVER BASIN WATER RIGHTS IDAHO

Bear Lake Storage water rights are underlined

<i>RIGHT NO.</i>	<i>AMOUNT</i>	<i>PRIORITY DATE</i>	<i>STATUS</i>	<i>TYPE OF USE</i>	<i>PLACE OF USE</i>
✓ <u>11-00248</u>	<u>3000 cfs</u>	<u>03/01/1911</u>	<u>Decree</u>	<u>Irrigation / Power Storage / Other</u>	<u>Bear Lake</u>
✓ <u>11-00249</u>	<u>2500 cfs</u>	<u>09/11/1912</u>	<u>Decree</u>	<u>Irrigation / Power Storage / Other</u>	<u>Bear Lake</u>
✓ <u>11-00250</u>	<u>300 cfs</u>	<u>09/01/1912</u>	<u>Decree</u>	<u>Irrigation / Power Storage / Other</u>	<u>Bear Lake</u>
✓ <u>11-00251</u>	<u>200 cfs</u>	<u>09/01/1912</u>	<u>Decree</u>	<u>Irrigation / Power Storage / Other</u>	<u>Bear Lake</u>
11-04004	0.5 cfs / 97.5 cfs	03/01/1894	Decree	Irrigation	Bear Lake
11-04355	0.12 cfs	09/03/1918	Claim	Domestic/ Irrigation	Lifton Pump
11-00228	0.94 cfs	05/01/1890	Decree	Irrigation	
11-00242	0.5 cfs	05/01/1902	Decree	Irrigation	
11-04356	1.4 cfs	07/08/1933	Claim	Irrigation	Soda Springs Golf Course
11-01096	7.5 cfs	03/14/1889	Decree	Irrigation	Ovid Creek

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11-01114	7.5 cfs	06/01/1955	Decree	Irrigation	Ovid Creek
11-01116	1.660 cfs	06/01/1955	Decree	Irrigation	Ovid Creek
HYDRO PROJECTS • Bear River hydro water rights appear in bold print					
RIGHT NO.	AMOUNT	PRIORITY DATE	STATUS	TYPE OF USE	PLACE OF USE
✓ 11-00086	70 cfs	02/03/1910	Decree	Power	Paris Hydro
✓ 11-02081	1500 cfs	06/12/1922	License	Power	Soda Hydro
11-02084	1 cfs	06/09/1923	License	Domestic / Irrigation	Soda Hydro
11-04354	0.02 cfs	01/01/1922	Claim	Irrigation	Soda Hydro
✓ 11-04357	400 cfs	01/01/1922	Claim	Power	Soda Hydro
11-04358	0.08 cfs	01/01/1922	Claim	Domestic	Soda Hydro
✓ 13-04128	600 cfs	01/01/1922	Claim	Power / Storage	Soda Hydro
✓ 13-00957	500 cfs	12/28/1905	Decree	Power	Grace Hydro
✓ 13-00958	500 cfs	07/06/1908	Decree	Power	Grace Hydro

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13-04333	0.04 cfs	06/01/1905	Claim	Domestic	Grace Hydro
13-04334	0.01 cfs	06/01/1905	Claim	Irrigation	Grace Hydro
RIGHT NO.	AMOUNT	PRIORITY DATE	STATUS	TYPE OF USE	PLACE OF USE
13-04335	0.06 cfs	05/01/1905	Claim	Irrigation	Grace Hydro
13-04336	0.25 cfs	05/01/1905	Claim	Domestic / Irrigation	Grace Hydro
13-00893	0.07 cfs	06/01/1913	Decree	Domestic	Oneida Hydro
✓ 13-00967	1000 cfs	06/17/1910	Decree	Power	Oneida Hydro
✓ 13-00968	1500 cfs	01/18/1911	Decree	Power	Oneida Hydro
✓ 13-04129	700 cfs	01/01/1910	License	Power	Oneida Hydro
13-04337	0.08 cfs	06/17/1910	Claim	Domestic	Oneida Hydro
13-04338	0.08 cfs	06/17/1910	Claim	Irrigation	Oneida Hydro
✓ 13-00962	1500 cfs	03/09/1916	Decree	Power	Cove Hydro
✓ 13-00963	4000 af	03/28/1916	Decree	Power	Cove Hydro
✓ 13-00976	270 cfs	12/01/1903	Decree	Power	Cutler Hydro

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✓ 13-00977	135 cfs	12/01/1906	Decree	Power	Cutler Hydro
✓ 13-00978	135 cfs	12/01/1908	Decree	Power	Cutler Hydro
<i>RIGHT NO.</i>	<i>AMOUNT</i>	<i>PRIORITY DATE</i>	<i>STATUS</i>	<i>TYPE OF USE</i>	<i>PLACE OF USE</i>
✓ 13-00979	500 cfs	12/12/1912	Decree	Power	Cutler Hydro
✓ 11-02018	40 cfs	08/09/1907	License	Power Generation	Georgetown Hydro
✓ 13-02013	50 cfs	12/23/1905	License	Power Generation	High Creek Hydro

PACIFICORP'S BEAR RIVER BASIN WATER RIGHTS UTAH

Bear Lake Storage water rights are underlined

<i>WATER RIGHT</i>	<i>AMOUNT</i>	<i>PRIORITY DATE</i>	<i>STATUS</i>	<i>TYPE OF USE</i>	<i>PLACE OF USE</i>
	<u>3000 cfs</u>	<u>03/01/1911</u>	<u>Decree</u>	<u>Irrigation / Power Storage / Other</u>	<u>Bear Lake</u>
	<u>2500 cfs</u>	<u>09/11/1912</u>	<u>Decree</u>	<u>Irrigation / Power Storage / Other</u>	<u>Bear Lake</u>
	<u>300 cfs</u>	<u>09/01/1912</u>	<u>Decree</u>	<u>Irrigation / Power Storage / Other</u>	<u>Bear Lake</u>

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	<u>200 cfs</u>	<u>09/01/1912</u>	<u>Decree</u>	<u>Irrigation / Power Storage / Other</u>	<u>Bear Lake</u>
23-1844	0.6 cfs	00/01/1910	Diligence	Stockwater/ Storage	Swan Creek
25-9437	102.72 af	05/01/1880	Decree	Irrigation	Cutler Area
<i>WATER RIGHT</i>	<i>AMOUNT</i>	<i>PRIORITY DATE</i>	<i>STATUS</i>	<i>TYPE OF USE</i>	<i>PLACE OF USE</i>
25-9827	2 cfs / 162.4 af	10/11/1955	Application / WUC	Irrigation / Storage	Bear River
25-9828	91.2 af	07/26/1973	Application / WUC	Irrigation	Bear River
25-9829	52.4 af	03/24/1953	Certificate	Irrigation	Bear River
25-9830	16 af	12/26/1952	Certificate	Irrigation	Bear River
25-9831	16 af	02/18/1960	Application / WUC	Irrigation	Bear River
25-1844	25 cfs / 22.35 af	01/01/1901	Decree	Stockwater / Irrigation	Cutler Area
25-1867	25 cfs/663.54 af	05/01/1880	Decree	Stockwater / Irrigation	Cutler Area
25-2014		05/01/1880	Diligence	Stockwater	Cutler Area
25-2031	25 cfs / 693.3 af	01/01/1880	Decree	Stockwater / Irrigation	Cutler Area
25-2739	.006 cfs		Diligence	Stockwater	Cutler Area

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25-2741	.002 cfs	01/01/1900	Diligence	Stockwater	Cutler Area
25-2743	.004 cfs	01/01/1900	Diligence	Stockwater	Cutler Area
25-4405		01/01/1858	Diligence	Stockwater	Cutler Area
WATER RIGHT	AMOUNT	PRIORITY DATE	STATUS	TYPE OF USE	PLACE OF USE
25-4406		01/01/1858	Diligence	Stockwater	Cutler Area
25-4408		01/01/1858	Diligence	Stockwater	Cutler Area
25-4411		01/01/1958	Diligence	Stockwater	Cutler Area
25-4413		01/01/1958	Diligence	Stockwater	Cutler Area
25-4688	0.05 cfs	05/01/1878	Decree	Stockwater / Irrigation	Cutler Area
25-4789	.01 cfs	01/01/1935	Diligence	Stockwater	Cutler Area
25-4928	20 af	10/13/1965	Application / WUCS	Irrigation / Storage	Spring
25-4930	40 af	02/16/1963	Application / WUCS	Irrigation / Storage	Spring
25-5883	136.8 af	05/01/1860	Decree	Stockwater / Irrigation	Cutler Area
25-6626	3 cfs / 160.4 af	05/01/1918	Decree	Irrigation	Pump

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25-6852	.35 cfs/ 209.2 af	04/16/1976	Application / WUCS	Stockwater / Irrigation	BR Slough
25-6943	7.5 af	10/31/1965	Application / WUCS	Irrigation / Storage	Spring
25-7780		01/01/1860	Diligence	Stockwater	BR Project
WATER RIGHT	AMOUNT	PRIORITY DATE	STATUS	TYPE OF USE	PLACE OF USE
29-1953 (a21627)		01/01/1900	WUC	Stockwater	Cutler Area
25-9637		09/18/1995	Application	Stockwater	Cutler Area
HYDRO PROJECTS • Bear River hydro water rights appear in bold print					
WATER RIGHT	AMOUNT	PRIORITY DATE	STATUS	TYPE OF USE	PLACE OF USE
29-1506	2500 cfs	12/19/1923	Certificate	Power	Cutler Hydro
29-1855	270 cfs	12/01/1903	Decree	Power	Cutler Hydro
29-2146	135 cfs	12/01/1906	Decree	Power	Cutler Hydro
29-2147	135 cfs	02/01/1908	Decree	Power	Cutler Hydro
29-2148	500 cfs	12/02/1912	Decree	Power	Cutler Hydro

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25-8186	32.5 cfs	08/11/1980	Application	Power	High Creek Hydro
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