

Attachment A

AMENDED

Identification No.

Application No.

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

1. Name of applicant North Side Canal Company, 921 N. Lincoln Ave., Jerome, ID 83338
Twin Falls Canal Company, P. O. Box 326, Twin Falls, ID 83301
post office address _____

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

3. a. Location of point of diversion is NE 1/4 of SW (Lot 6) 1/4 of Section 28 Township 10 S.
Range 21 E. B.M. Twin Falls & Jerome County; additional points of diversion if any: _____

T.F. Canal diversion - NE 1/4 SE 1/4 Sec. 29, T. 10S. R. 21 E.B.M. Twin Falls County;
N.S. Canal diversion - SW 1/4 NW 1/4 Sec. 28, T. 10S. R. 21 E.B.M. Jerome County, Idaho.

b. If water is not consumed, it will be discharged into Snake River at a point in SE 1/4
of 1/4 of Section 29 Township 10 S. Range 21 E. B.M. Twin Falls & Jerome
Counties, Idaho.

4. Water will be used for the following purposes:

Amount 12,000 c/f/s for power purpose from Jan. 1 to Dec. 31 (both dates inclusive)

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

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

5. Total quantity to be appropriated:

*(Corrections made as per telephone conversatio
of 5/12/77) ADM

a. 12,000 c/f/s continuous flow cubic feet per second and/or

b. N/A acre feet per annum.

24,000 A/F for each day 12,000 c/f/s available

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Use Milner Dam, construct penstocks and
powerplant below dam; if any additional point utilized, water will be dropped by
penstocks from T.F. Canal or N.S. Canal to powerplant adjacent to Snake River in
river canyon.

(Milner) b. Height of storage dam 44 feet, active reservoir capacity 18,000 acre feet; total reservoir
capacity 18,000 acre feet, materials used in storage dam: concrete and earth fill

Period of year during which storage will occur _____ to _____ inclusive.

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

7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 5 years.

b. Estimated construction cost is \$20,000,000.00

8. Description of proposed uses:

a. If water is not for irrigation.

N 1/2, & N 1/2 S 1/2, Sec. 29, T. 10S. R. 21, Jerome & Gooding Counties

(1) Give the place of use of water: 1/4 of 1/4 of Section 29 Township 10 S.
Range 21 E. B.M. Alternate site is NE SE Sec. 16, T. 10S. R. 19, Twin Falls
County

(2) Amount of power to be generated: 143,000 hp under 150-200 feet of head.

(3) List number of each kind of livestock to be watered Alternate additional points of use would utilize up to 400 ft. of head.

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

If water is to be used for other purposes describe: Potential cooling for thermal power.

MICROFILMED

[illegible]

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

Applicant has none.

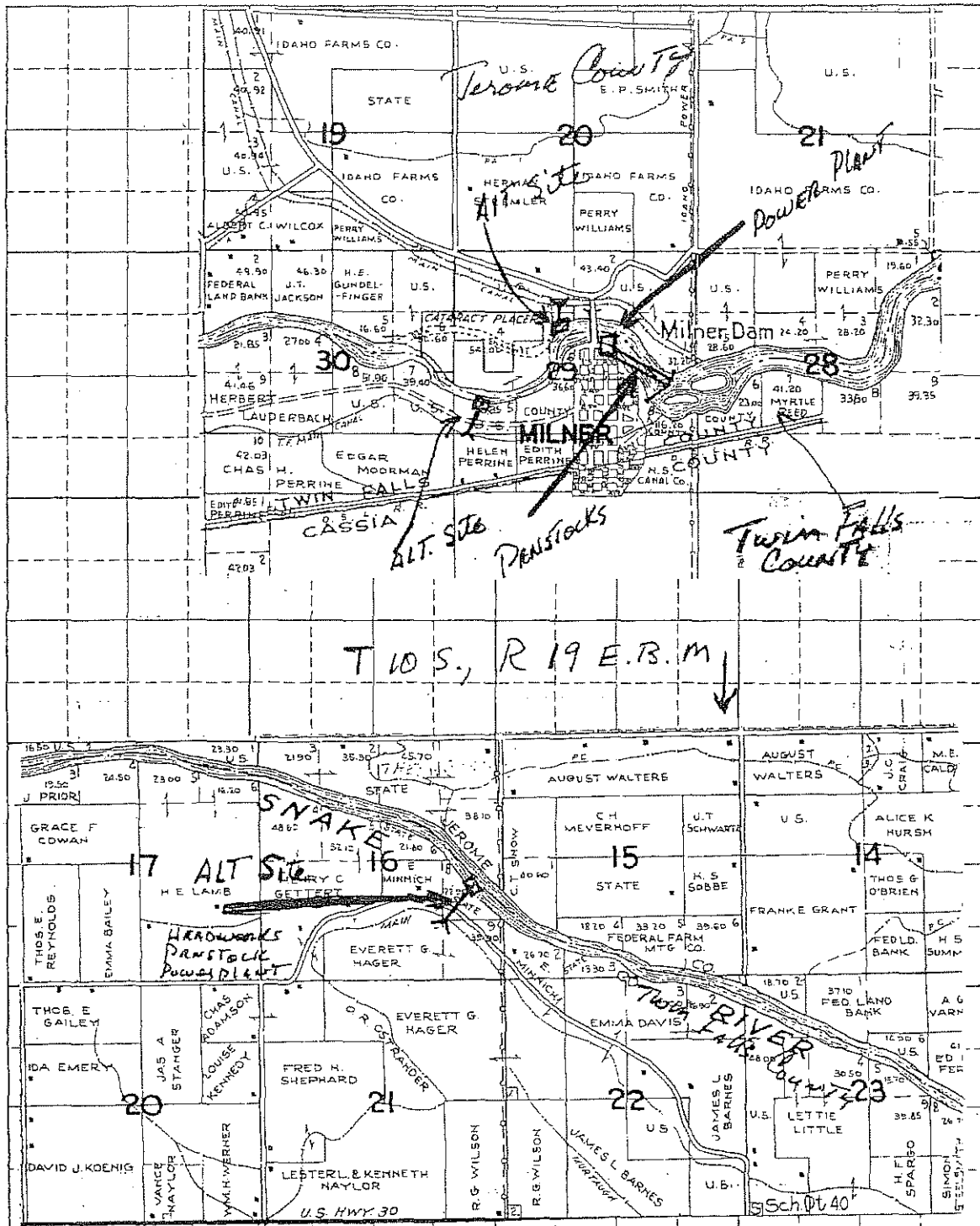
9. a. Who owns the property at the point of diversion Milner Dam owned by applicants. Bed of stream owned by State of Idaho; applicants own at alternate points of diversion.
b. Who owns the land to be irrigated or place of use Applicants own land adjacent to Milner Dam. Eventual construction would require possible permission of St. of Idaho, FPC, and BLM, or private
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the owners.
applicant to make this filing. If site determined to be on State or Federal lands,
appropriate land use permits will be sought. If private, negotiations for
purchase will be undertaken.

10. Remarks Cost feasibility reports being undertaken. This application is filed
in recognition of all prior existing water rights.

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T. 10 S., R. 21 E. B. M.

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.

RECORDED

O. J. Marshall
(Applicant) North Side Canal Company
President
James B. Bannister
(Applicant) Twin Falls Canal Company
President

AFFIDAVIT of PUBLICATION

RECEIVED

State of Idaho, }
County of Jerome } SS.

JUN 1 1977

L. E. LANGDON
ASST. PUBLISHER

Department of Water Resources
Southern District Office

being first duly sworn,
deposes and says that he is the printer (publisher) of the Jerome North Side News, a newspaper published every week in Jerome, County of Jerome, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once

each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication

of said advertisement was on the 19 day of May

1977, and the date of the last publication was on the 26

day of May, 1977

Subscribed and sworn to before me this 31st
day of May, 1977.
(SEAL)

Darrel Bratt
NOTARY PUBLIC

NORTH SIDE NEWS

Jerome, Idaho

COST OF PUBLICATION

Number of Lines in Notice 40
Number of Insertions 2
Lines tabular at 315c
40 Lines straight at 21c 8.40
40 Subsequent lines at 15c 6.00
TOTAL COST 14.40

COPY OF NOTICE

(Paste Here)

Water permit # 01-7011
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Dep of Water
BILL TO

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that North Side Canal Company of Jerome, Idaho, and Twin Falls Canal Company of Twin Falls, Idaho, has on March 30, 1977 submitted Application No. 01-7011 for a permit to appropriate 12,000 cubic feet per second of water from Snake River by means of dam, penstocks, powerplant within the NE 1/4 SE 1/4, Sec. 29, Twp. 10S, Rge. 21E, B.M., Twin Falls County; NW 1/4 SW 1/4, SW 1/4 NW 1/4, Sec. 28, Twp. 10S, Rge. 21E, B.M., Jerome County to be used from Jan. 1 to Dec. 31 for power purposes within the N 1/2, N 1/2 S 1/2, Sec. 29, Twp. 10S, Rge. 21E, B.M., Jerome & Gooding Counties Alternate site is NE 1/4 SE 1/4, Sec. 16, Twp. 10S, Rge. 19E, B.M., Twin Falls County.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 1041 Blue Lakes Blvd., North, Twin Falls, Idaho, 83301 on or before June 6, 1977.

C. STEPHEN ALLRED
Director
5-19-2tc

NO 3583 6/3/77

**NOTICE OF APPLICATION
FOR WATER PERMIT**

Notice is hereby given that North Side Canal Company of Jerome, Idaho, and Twin Falls Canal Company of Twin Falls, Idaho has on March 30, 1977 submitted Application No. 01-7011 for a permit to appropriate 12,000 cubic feet per second of water from Snake River by means of dam, penstocks, powerplant within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 29, Twp. 10S, Rge. 21E., B.M., Twin Falls County; NW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 28, Twp. 10S, Rge. 21E., B.M., Jerome County to be used from Jan. 1 to Dec. 31 for power purposes within the N $\frac{1}{2}$, NW $\frac{1}{2}$ S $\frac{1}{2}$, Sec. 29, Twp. 10S, Rge. 21E., B.M., Jerome & Gooding Counties Alternate site is NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 16, Twp. 10S, Rge. 19E., B.M., Twin Falls County.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 1041 Blue Lakes Blvd., North, Twin Falls, Idaho, 83301 on or before June 6, 1977.

C. STEPHEN ALLRED
Director

PUBLISH: May 19 & 26, 1977

MICROFILMED

ok/Am
6/3/77

Affidavit of Publication

STATE OF IDAHO,
COUNTY OF TWIN FALLS

85.

RECEIVED

JUN 2 1977
No. 6012

I, Carolynne Jennings Depar. Water Resources being first duly sworn upon oath, depose and say that I am Principal Clerk of the TIMES-NEWS, published daily, except Saturday, at Twin Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per clipping attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for 2 consecutive Thursdays, commencing with the issue dated May 19, 1977, and ending with the issue dated May 26, 1977.

And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except Monday, both of which newspapers prior to consolidation had been published under said names in said city and county continuously and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-NEWS, since such consolidation, has been published as a daily newspaper except Saturday, under said name in said city and county continuously and uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated as the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho, to be published weekly, will be published; and that at the head of the editorial column of said combined newspapers, and in each issue thereof, Thursday is announced as the day on which said legal notices will be published.

Subscribed and sworn to before me on this 25th day of

May, 1977.

Mable L. Clark

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

Attachment B

IDAHO DEPARTMENT OF WATER RESOURCES
Water Permit Report

08/08/2006

WATER RIGHT NO. 1-7011

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	NORTH SIDE CANAL CO LTD 921 N LINCOLN AVE JEROME, ID 83338 (208)324-2319
Current Owner	TWIN FALLS CANAL CO PO BOX 326 TWIN FALLS, ID 83303-0326 (208)733-6731

Priority Date: 03/30/1977

Status: Active

<u>Source</u>	<u>Tributary</u>
SNAKE RIVER	COLUMBIA RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
POWER	1/01	12/31	12000 CFS	
Total Diversion			12000 CFS	

Location of Point(s) of Diversion:

SNAKE RIVER	SWNW	Sec. 28	Township 10S	Range 21E	TWIN FALLS County
SNAKE RIVER	SWNW Lt 5	Sec. 28	Township 10S	Range 21E	TWIN FALLS County
SNAKE RIVER	NWSW Lt 5	Sec. 28	Township 10S	Range 21E	TWIN FALLS County

Snake River	SENE Lt 8	Sec. 29	Township 10S	Range 21E	TWIN FALLS County
Snake River	NESE	Sec. 29	Township 10S	Range 21E	TWIN FALLS County
Snake River	NESE Lt 6	Sec. 29	Township 10S	Range 21E	TWIN FALLS County
Snake River	NESE Lt 8	Sec. 29	Township 10S	Range 21E	TWIN FALLS County

POWER Use:

Hydropower Kilowatts: 0

Place(s) of use:

Place of Use Legal Description: POWER TWIN FALLS County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	A
10S	20E	25		NENW			NWNW			SWNW			SENW	
	21E	30	3	NESE		4	NWSE		7	SWSE		8	SESE	

Conditions of Approval:

1.	001	A measuring device of a type approved by the Department shall be permanently installed and maintained as part of the diverting works.
2.		P/D ALSO IN JEROME CO. THE RIGHTS FOR USE OF WATER ACQUIRED UNDER THIS PERMIT SHALL BE JUNIOR AND SUBORDINATE TO ALL OTHER RIGHTS FOR THE CONSUMPTIVE BENEFICIAL USE OF WATER, OTHER THAN HYDROPOWER AND GROUNDWATER RECHARGE WITHIN THE SNAKE RIVER BASIN OF THE STATE OF IDAHO THAT ARE INITIATED LATER-IN-TIME THAN THE PRIORITY OF THIS PERMIT AND SHALL NOT GIVE RISE TO ANY RIGHT OR CLAIM AGAINST ANY FUTURE RIGHTS FOR THE CONSUMPTIVE BENEFICIAL USE OF WATER, OTHER THAN HYDROPOWER AND GROUNDWATER RECHARGE WITHIN THE SNAKE RIVER BASIN OF THE STATE OF IDAHO INITIATED LATER-IN-TIME THAN THE PRIORITY OF THIS PERMIT.

Dates:

Proof Due Date: 11/01/1993

Proof Made Date: 10/29/1993

Approved Date: 06/29/1977

Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Date Received at State Off: 11/1/1993

Mitigation Plan: False

Close

Attachment C

of Section 407 of the License, measured as required by the Commission. "Technical Service Agreement" shall mean the Technical Service Agreement between the Parties and Harrison-Knudsen Engineers, Inc., dated as of March 16, 1989, providing for the design of the Milner Dam Rehabilitation Project.

"Total Flows" shall mean the flows in the Snake River downstream of all Power Plant units.

"Twin Falls Canal Company" shall mean the Twin Falls Canal Company, a corporation organized and existing under the laws of the State of Idaho, and its successors and assigns.

"Uncontrollable Forces" shall mean any cause beyond the control of the Party affected and which by the exercise of reasonable diligence the Party is unable to avoid and shall include, but not be limited to, an act of God, fire, flood, explosion, strike, sabotage, and act of the public enemy, civil or military authority, including court orders, injunctions, and orders of government agencies with proper jurisdiction prohibiting acts necessary to performance hereunder or permitting any such act subject to unreasonable conditions, insurrection or riot, an act of the elements, failure of equipment, or inability to obtain or ship materials or equipment because of the effect of similar causes on suppliers or carriers.

"Water Permit" shall mean Permit No. 01-7011 issued by the Idaho Department of Water Resources providing for the appropriation of public waters of the State of Idaho for use at the Power Plant as now or hereinafter in effect.

ARTICLE II

REPRESENTATIONS

Section 2.1 General Representations. The Canal Companies and the Power Company represent and warrant one to the other that:

(a) This Agreement is an agreement entered into by the Parties in order to carry

out the reconstruction, rehabilitation and improvement of the Milner Dam through the construction of the Milner Dam Rehabilitation Project and the construction and operation of the Power Plant, as contemplated in the License.

- (b) In consideration of the transfer to the Power Company of an interest in the License as co-licensee and the delivery of water to the Power Plant for the purposes of generation of electric energy, the Power Company shall construct, operate, maintain and own the Power Plant, and shall make the payments required to be made to or on behalf of the Canal Companies in Article V hereof. In consideration of the advances made on behalf of the Canal Companies by the Power Company, the Canal Companies shall make the payments to the Power Company required to be made in Article V hereof.
- (c) The primary uses of the water and canal facilities constituting the Milner Dam shall be irrigation and stock watering purposes and the Project shall not be operated in such manner as to interfere with, deprive, terminate or reduce the traditional irrigation and stock watering demands of the Canal Companies limited by the number of outstanding shares of record as of April 23, 1981.
- (d) The canals and related facilities constituting the Milner Dam are now and shall continue to be for all times under the sole ownership, maintenance and control of the Canal Companies and the American Falls Reservoir District No. 2, and by this Agreement it is understood among the Parties that the Power Company is not assuming any of the obligations, duties or liabilities of the Canal Companies or the American Falls Reservoir District No. 2 relating to the operation of the canals and related water facilities constituting the Milner Dam.

Section 2.2. Representations of the Power Company. The Power Company represents and warrants as follows:

- (a) It is a corporation duly incorporated under the laws of, and is in good standing, in the State of Idaho, has power under the laws of Idaho and its

agreement or instruments or of any order, ruling or regulation of any court or administrative agency, whether state or federal, to which the Power Company is now a party or by which it is bound, constitute a default under any of the foregoing, or result in the creation or imposition of any lien, charge or encumbrance of any nature whatsoever upon any of the property or assets of the Power Company under the terms of any instrument or agreement.

- (F) The Power Company will take such action consistent with the requirements of this Agreement as shall be necessary under the Guaranty with respect to the Construction Debt of the Canal Companies contemplated to be incurred by the Canal Companies to repay the Canal Company Construction Advances and the Capitalized Construction Advance Interest under the provisions of Section 5.10 hereof.
- (g) The Power Company will supply the Canal Companies and the Authorized Representatives of the Canal Companies from time to time such information as shall be reasonably requested by the Canal Companies, so as to enable the Canal Companies to make an informed decision with respect to the option granted to the Canal Companies in Section 4.11 hereof with respect to the Royalty and Incentive Royalty in the event that the Project is not included in the rate base of the Power Company.

Section 2.3. Representations of the Canal Companies. The Canal Companies represent and warrant as follows:

- (a) The Canal Companies will hold the Power Company harmless with respect to any claims of the American Falls Reservoir District No. 2 as the owner of an interest in the Milner Dam with respect to any actions taken by the Power Company under this Agreement or in contemplation of this Agreement with respect to the Milner Dam and the Milner Dam Rehabilitation Project.
- (b) The Canal Companies will use their best efforts to make water available to the

Power Company at the Power Plant to the maximum extent reasonably possible after meeting all of the Canal Companies' traditional irrigation and stock water demands, limited by the number of outstanding shares of record as of April 23, 1981. The water right at Milner for power generation shall be considered senior to other power projects on the Canal Companies' systems.

(c) The Canal Companies will be solely responsible for furnishing the water to be used in the Power Plant pursuant to the water permit for the generation of electric energy and to that end will jointly exert their best efforts with the Power Company to secure all water necessary to satisfactorily protect the Parties in the use of the water needed for the generation of electric energy at the Power Plant as part of the Project.

(d) The Canal Companies shall be solely responsible for all costs and expenditures of the Canal Companies in conducting their ordinary business affairs, particularly if related to this Agreement, the Milner Dam or the Milner Dam Rehabilitation Project and including any subsequent agreements or activities which the Parties hereto may enter into or engage in.

Section 2.4. Representations of the North Side Canal Company. The North Side Canal Company represents and warrants as follows:

- (a) It is a corporation duly incorporated under the laws of, and is in good standing, in the State of Idaho, has power under the laws of Idaho and its Articles of Incorporation and By-Laws to enter into this Agreement and by proper corporate action has been duly authorized to execute and deliver this Agreement.
- (b) No additional or further approval, consent or authorization of any governmental unit, public agency or authority is required to be obtained by the North Side Canal Company in connection with the execution of this Agreement and the carrying out by it of its various undertakings and obligations provided for or contemplated herein.

APP-10-2005(K001) 03:39

Barker Postol & Simpson

1/20/2000 10:00:00

P 006/007

carrying out by it of its various undertakings and obligations provided for or contemplated herein.

- (c) There is no action, suit, proceeding or investigation at law or in equity before or by any court, public board or body, pending or, to the best of the knowledge and information of the Twin Falls Canal Company, threatened against or affecting the Twin Falls Canal Company, or, to the best of the knowledge and information of the Twin Falls Canal Company, any basis for such action, suit, proceeding or investigation, wherein an unfavorable decision, ruling or finding which would adversely affect the validity or enforceability of this Agreement.
- (d) Neither the execution and delivery of this Agreement, the consummation of the transactions contemplated hereby, nor the fulfillment of or compliance with the terms and conditions of this Agreement, conflict with or result in a breach of any of the terms, conditions or provisions of any corporate restriction of any agreement or instruments or of any order, ruling or regulation of any court or administrative agency, whether state or federal, to which the Twin Falls Canal Company is now a party or by which it is bound, or constitute a default under any of the foregoing, or result in the creation or imposition of any lien, charge or encumbrance of any nature whatsoever upon any of the property or assets of the Twin Falls Canal Company under the terms of any instrument or agreement.

ARTICLE III

LICENSE

Section 3.1. License. The License for Project No. 2899 was issued December 15, 1958, by the Commission to the Canal Companies and was supplemented by Commission Order issued May 2, 1959, adding the Power Company as a co-licensee. The License expires on November 30, 2038. The License is conditioned upon commencement of construction of the Project within two years from December 1, 1988, and upon

completion of the Project within four years from December 1, 1988. Separate commencement and completion dates are prescribed in the License with respect to the Milner Dam Rehabilitation Project.

Section 3.2. Compliance with the License. The Parties recognize that as co-licensees under the License, they are jointly and severally liable to fulfill all statutory and regulatory obligations under the License regardless of their varying interests in Project property and their contractual obligations to each other regarding the Project, as set forth herein. So long as the License shall be in full force and effect the Parties shall operate or cause the Project to be operated in good faith pursuant to the terms of the License and shall not fail to comply at all times with the terms and provisions of the License. Recognizing the ownership interests and allocation of responsibilities set forth in this Agreement, the Power Company agrees to hold the Canal Companies harmless for each and every failure of the Power Company to conform to or otherwise comply with the provisions of the License with respect to the construction, operation and maintenance of the Power Plant. The Canal Companies agree to hold the Power Company harmless for each and every failure of the Canal Companies to comply with the terms of the License in connection with the construction, operation, maintenance and ownership of the Milner Dam and the Milner Dam Rehabilitation Project.

Section 3.3. Pre-License Advances. Pursuant to the provisions of Agreement No. 1, the Power Company incurred Pre-License Advances. Under the terms of Agreement No. 1 the Canal Companies were obligated to repay 50% of the Pre-License Advances exceeding \$200,000, plus interest at 10% per annum from the date of each advance, with the total liability of the Canal Companies to repay Pre-License Advances, including interest, not to exceed \$200,000. Notwithstanding anything in Agreement No. 1 to the contrary, the Parties hereby agree that the amount of Pre-License Advances, including interest to date, required to be reimbursed to the Power Company by the

Attachment D

RECEIVED

Identification No. 01-7011

NOV 18 1981

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

REQUEST FOR EXTENSION OF TIME NOV 10 1981

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

Bryan Harris, Jr., President
Twin Falls Canal Company
C.J. Marshall, President
North Side Canal Company, Ltd.
(Name)

P.O. Box 326, Twin Falls, Idaho 83301
of 921 North Lincoln, Jerome, Idaho 83338
(Address)

State of Idaho, deposes and says:

That he is the holder, or the duly authorized agent of the holder*, of Permit to Appropriate the Public Waters of the State of Idaho No. 01-7011

That under the terms and conditions of said permit, work thereunder was required to be completed on or before June 1, 1982

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

Preliminary engineering work was accomplished and F.E.R.C. has granted a preliminary permit to prepare to file a formal application for license. A contract for the purchase of power is being negotiated.

Costing \$150,000.00

That he is unable to complete the remainder of the work within the required time for the following reasons, to-wit: The preparation of the application for license must be filed by August 12, 1983. The application will take time to process. If the license is issued the construction could take up to 2 1/2 years to complete the project.

Wherefore, he asks that the Department of Water Resources extend the time for the completion of obligations under said permit to June 1, 1987.

C.J. Marshall
Bryan Harris Jr.
(Signature)*

*IF OTHER THAN HOLDER, Power of Attorney must be supplied.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above application for extension of time be APPROVED and the time within which to submit the statement of beneficial use is extended to June 1, 1987.

Signed this 31st day of March, 1982

J. Glen Saxton
Chief, Operations Bureau

\$15.00 fee received by

Date 3-23-82 Receipt # 22664



FEB 26 1987

FILING FEE: \$15.00

Identification No. 01-7011

STATE OF IDAHO
Department of Water Resources

REQUEST FOR EXTENSION OF TIME

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

ROBERT REICHERT, President Twin Falls Canal Company P.O. Box 326, Twin Falls ID 83301
C.J. MARSHALL, President North Side of 921 N. Lincoln, Jerome ID 83338
(Name) Canal Company, Ltd. (Address)

State of Idaho, deposes and says:That he is the holder, or the duly authorized agent of the holder, of Permit to Appropriate the Public Waters of the State of Idaho No. 01-7011.That under the terms and conditions of said permit, work thereunder was required to be completed on or before June 1, 1987.That he has heretofore performed the following work described under said permit: In October of 1980, Applicants filed for Preliminary Permit with FERC. A Preliminary Permit was issued dated August 12, 1981. A license application was filed with FERC on August 1, 1984. To date no license has issued and project has been included in EIS and cumulative impact studies being conducted by FERC. Costing \$ 1,200,000.00That he is unable to complete the remainder of the work within the required time for the following reasons, to-wit: The work cannot be initiated until the FERC license is obtained. Since 6 years and 7 months will have been lost in FERC proceedings by June 1, 1987, Applicants seek extension of this Permit until Jan 1, 1995, pursuant to I.C. 42-204(1).Wherefore, he asks that the Department of Water Resources extend the time for the completion of obligations under said permit to January 1, 1995.

Robert Reichert
PRESIDENT--TWIN FALLS CANAL COMPANY

C. J. Marshall
PRESIDENT--NORTH SIDE CANAL COMPANY, LTD.
*IF OTHER THAN HOLDER, Power of Attorney must be supplied.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above application for extension of time be APPROVED and the time within which to submit proof of beneficial use is extended to November 1, 1990 with an added condition to the permit: The rights for use of water acquired under this permit shall be junior and subordinate to all other rights for the consumptive beneficial use of water, other than hydropower and groundwater recharge within the Snake River Basin of the state of Idaho that are initiated later-in-time than the priority of this permit and shall not give rise to any right or claim against any future rights for the consumptive beneficial use of water, other than hydropower and groundwater recharge within the Snake River Basin of the state of Idaho initiated later-in-time than the priority of this permit.

FEB 24 1988

A. Glen Saylor
Chief, Operations Bureau

\$15.00 fee received by 44

Date

3-4-87

Receipt #

41519

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

For Office Use Only
\$15 FEE Received by L.B.
Date 10/25/90
Receipt # 5012777

OCT 25 1990 REQUEST FOR EXTENSION OF TIME

Department of Water Resources
Southern Region Office

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

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

Permit No. 01-07011

Name(s) of Permit Holder:	<u>TWIN FALLS CANAL COMPANY</u>	<u>NORTH SIDE CANAL COMPANY, LTD.</u>
	<u>P.O. BOX 326</u>	<u>921 N. LINCOLN AVENUE</u>
Post Office Address:	<u>TWIN FALLS ID 83303-0326</u>	<u>JEROME ID 83338</u>
	<u>208-733-6731</u>	<u>208-324-2319</u>
	Telephone No. _____	

Date Proof is Due: NOVEMBER 1, 1990

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

SEE ATTACHED EXHIBIT "A"

Costing \$ APPROX. \$10 million

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

SEE ATTACHED EXHIBIT "A"

Permit holder(s) request an extension to OCTOBER 31, 19 93.
(1 yr. minimum)

NORTH SIDE CANAL COMPANY, LTD.

FEE: \$15.00

By: Russell Woolley
PRESIDENT

TWIN FALLS CANAL COMPANY

By: Robert Lee
PRESIDENT (Signature)*

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

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be APPROVED and the time within which to submit proof of beneficial use be extended to May 1, 1992.

NOV 01 1990

Signed this 30 day of October, 19 90.

A. Shaw Saylor
Chief, Water Allocation Bureau

EXHIBIT "A" TO REQUEST FOR EXTENSION OF TIME
01-07011

DESCRIBE WHAT WORK HAS BEEN COMPLETED TOWARD THE DEVELOPMENT OF THIS WATER RIGHT:

Applicants have proceeded diligently since the FERC License was issued on December 15, 1988. Pursuant to Agreement, Idaho Power Company (IPC) was added to the FERC license as a co-licensee for Project No. 2899 by FERC Order of August 4, 1989. Pursuant to a definitive Agreement finalized in December of 1989, IPC is pursuing completion of the project. Agreement provides for rehabilitation of Milner Dam to meet FERC and State of Idaho dam safety requirements. Dam rehabilitation is more than 50 percent complete with only the new spillway and gates to be installed. Work has begun on excavating for the power house in the river bottom. Major equipment has been ordered for the power facilities. The dam will be complete in 1991 and the power plant is scheduled to operate in late 1992. The total project cost will exceed \$60 million.

THE PERMIT HOLDER(S) HAS BEEN UNABLE TO COMPLETE THE REMAINDER OF THE WORK FOR THE FOLLOWING REASONS:

In February 1987 applicants sought extension of time pursuant to Idaho Code 42-204(1) for the reason that FERC had not acted on Twin Falls Canal Company--North Side Canal Company's license application. At that time it had been 6 years and 7 months. Another 1 year and 10 months went by before license issue. IDWR extended 3 years and 7 months in 1987. The elongated FERC process totaled 8 years and 5 months before the license was issued. Applicants again seek this extension pursuant to I.C. 42-204(1) so as to be able to complete project construction and make beneficial use proof within the terms of the permit.

MICROFILMED

NOV 01 1990

RECEIVED

APR 08 1992

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

For Office Use Only
\$15 FEE Received by JK
Date 4/9/92
Receipt # 5014364

REQUEST FOR EXTENSION OF TIME

Department of Water Resources To provide additional time in which to submit proof
Southern Region Office of beneficial use for a water right permit

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

Permit No. 01-07011

Name(s) of Permit Holder: TWIN FALLS CANAL COMPANY NORTH SIDE CANAL COMPANY, LTD.
P.O. BOX 326 921 NORTH LINCOLN AVENUE
Post Office Address: TWIN FALLS, ID 83303-0326 JEROME, ID 83338
(208) 733-6731 (208) 324-2319

Telephone No. _____

Date Proof is Due: MAY 1, 1992

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

SEE ATTACHED EXHIBIT "A"

Costing \$ 40 MILLION

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

SEE ATTACHED EXHIBIT "A"

Permit holder(s) request an extension to OCTOBER 31, 1993
(1 yr. minimum)

NORTH SIDE CANAL COMPANY, LTD.

FEE: \$15.00

By: _____
President

TWIN FALLS CANAL COMPANY

By: Robert W. Schaer
President (Signature)*

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

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be APPROVED
and the time within which to submit proof of beneficial use is extended to
November 1, 1993.

Signed this 20 day of April, 19 92

J. Glen Saylor
Chief, Water Allocation Bureau

Attachment E

RECEIVED
NOV 01 1993

Department of Water Resources

OFFICE USE ONLY
Amt. of Fee \$ _____
Date _____
Receipt No. _____
Receipt by _____

RECEIVED

OCT 20 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Department of Water Resources
Southern Region Office

PROOF OF BENEFICIAL USE

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

1. Permit No. 01-7011 Telephone No. 733-6731
2. Name(s) of Permit Holder(s): Twin Falls Canal Company & North Side Canal Company
3. Mailing Address: P O Box 326, Twin Falls, ID 83303-0326
4. Source of Water: Snake River

If GROUNDWATER, Well Driller's Name: _____ Date Drilled: _____

OPTIONAL:

Pump horsepower: _____ Pressure (psi): _____ Dynamic pumping level (ft.): _____

5. Extent of Use (as authorized by the permit):

Domestic _____ (No. of households) Stockwater _____ (No. and type of stock)

Irrigation _____ (No. of acres) Other Power 12,000 GFS

6. Total rate and/or volume for which proof is submitted 5,714.7 cfs OR _____ acre/feet

7. Refer to the approval conditions on your permit and respond accordingly:

Measuring device: Required? 1 Yes _____ No Installed? X Yes _____ No

OR

Flow Measurement Port: Required? _____ Yes 1 No Installed? _____ Yes X No

8. Fee Enclosed: \$ --- (See License Fee Schedule on back of Instruction Sheet)

9. Person to contact to accompany the Department representative during field examination of the water system.

Glenn W Brewer 383-2480
Name Telephone No.

Idaho Power Company, P O Box 70, Boise, ID 83707
Address

10. 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.

RECEIVED

9/29/93
Date

Robert W. Schaefer
Signature (and title, if on behalf of a company or organization)

JAN 10 1994

Attachment F



CHARLES
BROCKWAY
ENGINEERING

CHARLES E.
BROCKWAY,
PHD., P.E.

706 SUNRISE
BOULEVARD
NORTH

TWIN FALLS,
IDAHO 83301

208•733•0938

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OCT 29 1993

Department of Water Resources
Southern Region Office

RECEIVED

NOV 01 1993

Department of Water Resources

October 29, 1993

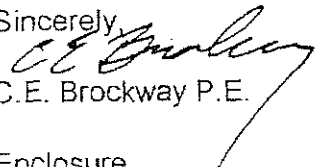
Mr. Loren Holmes
Idaho Department of Water Resources
220 Shoshone Street East
Twin Falls, ID 83301

Subject: Beneficial Use Examination-Milner Power Plant
Permit 01-7011 Twin Falls Canal Company and Northside Canal
Company

Dear Loren:

Enclosed is the completed Beneficial Use Field Report for the Milner
Power Plant under Permit 01-7011. Please let me know if additional
information is required.

Sincerely,


C.E. Brockway P.E.

Enclosure

cc: Glen Brewer, Idaho Power Company
John Rosholt

MILNER POWER PLANT

JAN 10 1994

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
NOV 01 1993

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 01-7011
208 324-2319
Phone No. 208 733-6731

1. Owner: North Side Canal Company
Twin Falls Canal Company

Current Address: _____

2. Accompanied by: Randy Hill EXAM DATE: 10/6/93, 10/21/93

Address: Rt. 1 Box 144, Murtaugh ID 83344 Phone No. 432-6681

Relationship to Permit Holder: Chief Operator of Power Plant for Idaho Power Company

3. Source: SNAKE RIVER tributary to Columbia River

B. OVERLAP REVIEW

1. Other water rights with the same place of use: None

2. Other water rights with the same point of diversion: Irrigation diversions from Milner Reservoir
(see appended list)

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		NE	SE		29	10S	21E	Twin Falls	USGS Quad - Main Power House
		SW	NW		28	10S	21E	Twin Falls	USGS Quad - Auxilliary Power House

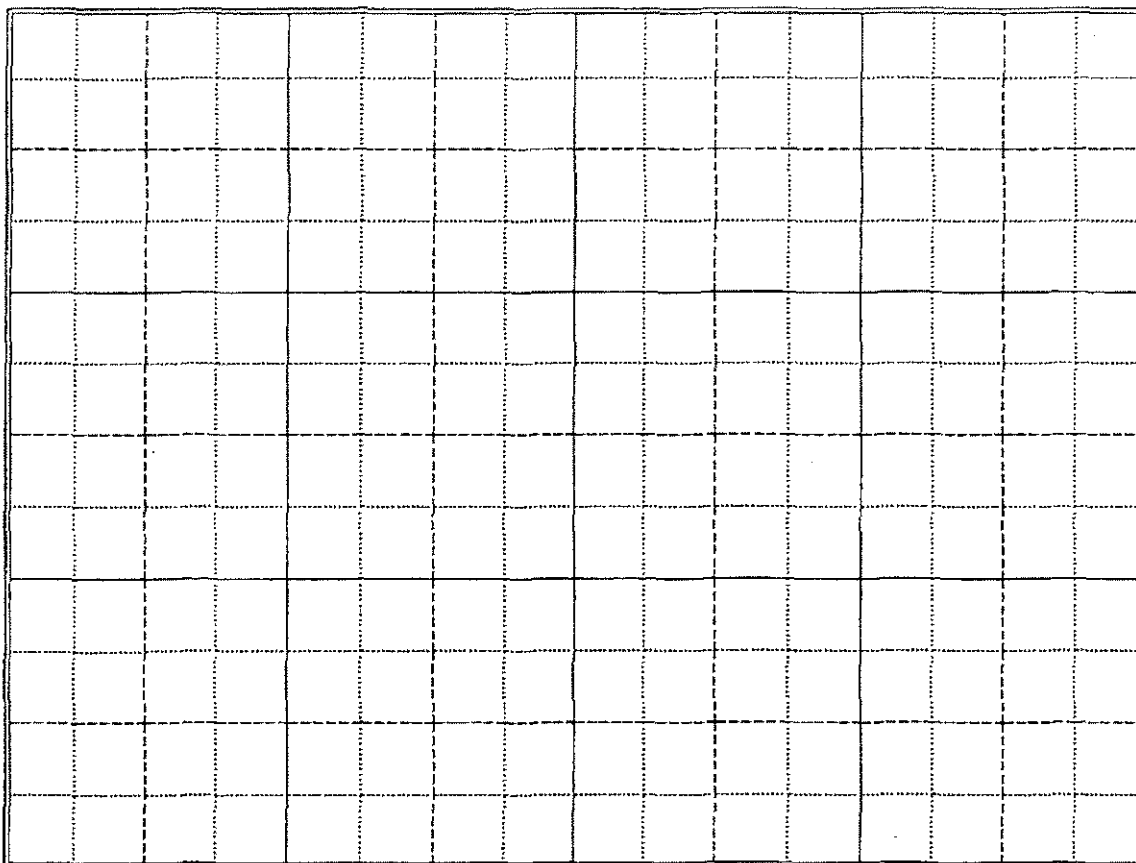
2. Place(s) of Use:

Indicate Method of Determination USGS Quad

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	21E	30			P														
10S	21E	29				P													

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3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe I.D. as applicable. See attached exhibits A and B.



Scale: 1" = _____

☒ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

☐ Aerial Photo Attached (required for irrigation of 10+ acres)

☒ Photo of Diversion and System Attached

4.

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

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

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Acoustic Flow Meters		See attached narrative				
USGS Stream Gage						

2. Measurements: See narrative attached.

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E. NARRATIVE/REMARKS/COMMENTS

See attached narrative

Have conditions of permit approval been met? ☒ yes ☐ no

MINNESOTA
JAN 10 1994

F. FLOW CALCULATIONS

_____ Additional Computation Sheets Attached

Measured Method:

Acoustic flow meter - Data on Hydromet

Unit 1 4398.0 cfs

Unit 2 1091.2 cfs

5489.2

Unit 3 225.5

Total 5,714.7 cfs

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

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

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

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

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Hydropower	Jan 1	Dec 31	5714.7	
Totals:			5714.7	

2. Recommended Amendments

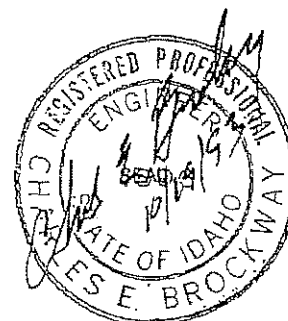
☒ Change P.D. as reflected above ☐ Add P.D. as reflected above ☐ None
☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

I. AUTHENTICATION

Field Examiner's Name Charles E. Brockway Date 10/29/93

Reviewer _____ Date 11/01/93

JAN 10 1994



WATER RIGHTS EXAMINER'S REPORT NARRATIVE

Permit No. 01-7011 Amended

Owner: North Side Canal Company and Twin Falls Canal Company

Examiner: C.E., Brockway P.E.

Date: October 26, 1993

The field examination for beneficial use on Permit No 01-7011 was performed on October 6 and October 21, 1993. The examiner was accompanied on the site inspection by Mr. Randy Hill, Chief Operator for the Milner Power Plant.

The hydropower facility consists of two power houses diverting from the Snake River at Milner Dam. The main power house utilizes approximately 1.2 miles of an expanded Twin Falls Canal Company main canal as the forebay whereas the auxiliary power house diverts directly from Milner Reservoir on the north side of the radial gate spillway structure on the north side of the Snake River, see Exhibit A. The Twin Falls Canal Company main canal control gates are located just upstream of the penstock intake structure for the main power plant. No irrigation diversions occur upstream between the penstock intake structure and Milner Reservoir, however, numerous water rights for irrigation diversions from Milner Lake are on file (see attached list). The diversion for the main power house, Units 1 and 2, is from Milner Lake in the NE1/4, SE1/4 Sec 29 through the Twin Falls main canal to a point of rediversion and use in the SW1/4 NE1/4, Sec 30 T10S R21E BM. The diversion for the auxiliary power house, Unit 3, is located in the SW1/4 NW1/4 Sec 28 T10S R21E BM with the power house in the SE1/4 NE1/4 Sec 29, see location map Exhibit A and USGS Quad sheet, Exhibit B.

The main power house includes two Kaplan turbine units, No 1 and No 2 and the auxiliary power house includes one vertical propeller unit with specifications as shown in Table 1.

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JAN 10 1994

Table 1 Generating Unit Specifications

Turbine	Unit 1	Unit 2	Unit 3
Serial No.	M220234-1	M220234-2	24
Net Head	148.0 ft	148.0 ft	56.4 ft
Rated Capacity	46,530 kW	11,540 kW	1130 HP.
Rated Discharge	4000 cfs	1000 cfs	200 cfs
Manufacture Date	1990	1990	1992
Manufacture	Toshiba Corp-Tokyo Japan	Toshiba Corp-Tokyo Japan	Hydro West Group Inc. Bellevue WA
Type	VK-1RS Variable blade Kaplan	VK-1RS Variable blade-Kaplan	Vertical Propeller
Minimum Discharge	800 cfs	150 cfs	
Generator			
Serial No.	210-9585	210-9586	911071-01
Rated Capacity	49,000KVA	12,700KVA	833 kW
Power Factor	0.95	0.95	
Normal Speed	200 rpm	400 rpm	604 rpm
Runaway Speed	540 rpm	1070 rpm	
Manufacture Date	1991	1991	1992
Manufacture	E B Power Generation Drammen, Norway	E B Power Generation Drammen, Norway	Ideal Electric Co Mansfield, Ohio
Type	SAV 540/130/36 Synchronous	Synchronous	Polyphase Induction Exposed

A 17 ft diameter and a 9 ft diameter penstock convey water from the forebay to the turbines in the main power house. Each penstock is equipped with an

JAN 10 1994

Accusonic flow meter located just upstream of the turbine units, see Exhibit C. Discharge from the auxiliary power house enters the Snake River below Milner Dam and is measured by the U.S. Geological Survey stream Gage, Snake River at Milner, located below the county road bridge approximately 1/4 mile downstream of the dam. Table 2 shows the specifications of each meter and the manufacturer's specification sheet is included as Exhibit D.

Table 2 Flow Meter Specifications

	Unit 1	Unit 2	Unit 3
Type	Acoustic	Acoustic	Rated Open Channel
Manufacturer	Accusonic Division ORE International Falmouth, Massachusetts	Accusonic Division ORE International Falmouth, Massachusetts	
Model	7410	7410	
Serial No.	479	478	
Rated Accuracy	±0.5 % w/8 paths	±0.5 % w/8 paths	
Service	U.S. Geological Survey Telemetered on Hydromet	U.S. Geological Survey Telemetered on Hydromet	U.S. Geological Survey Telemetered on Hydromet

The acoustic meters are checked by the U.S. Geological Survey using their portable acoustic meter. Periodic measurements are obtained by the U.S. G.S. field office in Twin Falls.

This exam was conducted during efficiency testing of the turbine-generator units. Both Unit 1 and Unit 2 were ramped up beginning the evening of October 20, 1993 and reached maximum generation flows between 1:00 and 2:00 p.m. on October 21, 1993. Unit 3 was operated at essentially constant flow of 225.45 cfs for the entire period. Exhibit E is the hydrograph of the flow of each of the three units obtained from the U.S. Bureau of Reclamation Hydromet system on October 22, 1993 and Exhibit F is the tabular discharge and combined discharge

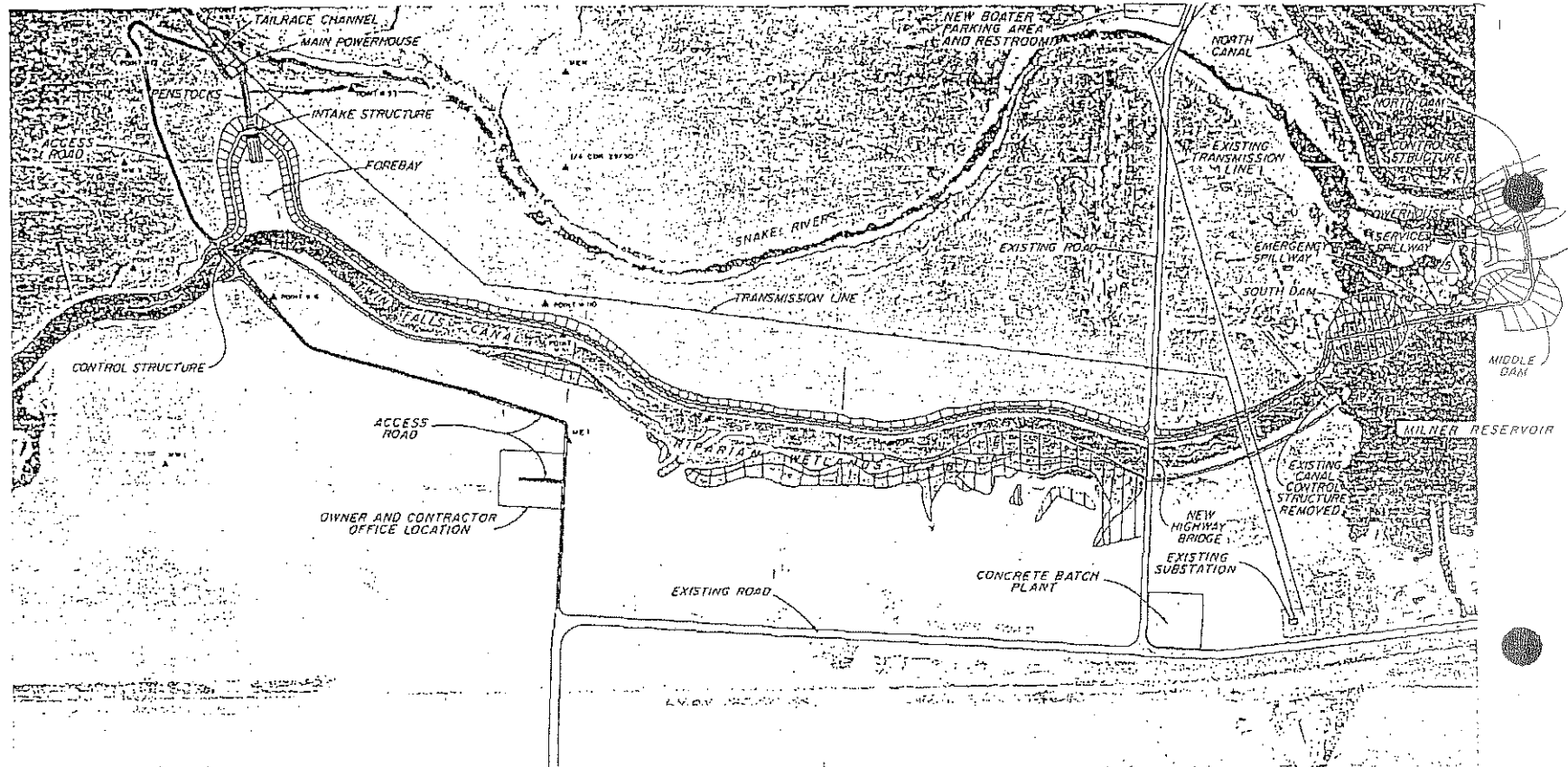
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JAN 10 1994

for all units for the 24 hour period on October 21, 1993. The maximum combined flow of 5714.7 cfs occurred at 1:30 p.m. on October 21, 1993. No alternative discharge measurement method is available.

The certified USGS measurements are shown on the letter from Mike Campbell, Twin Falls Field Office Chief on Exhibit G. No measurements were made by the USGS during the field exam.

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EXHIBIT A PERMIT 01-7011 MILNER POWER PLANT



SURVEY CONTROL POINTS

POINT #	NORTH	EAST	ELEVATION
10	302,320.00	435,017.98	5,118.84
11	312,136.81	432,231.10	5,122.84
12	302,176.10	430,300.14	5,125.47
13	312,330.57	431,113.67	5,128.84
14	312,473.11	431,542.82	5,075.64
15	312,473.11	430,227.10	5,009.41
16	312,473.11	430,473.22	5,117.10

COORDINATE SYSTEM: MODIFIED NAD 83 CENTRAL ZONE
VERTICAL: 2011 U.S. AND S.S. SEA LEVEL DATUM OF 1929

CONTROL POINTS

POINT #	NORTH	EAST	ELEVATION
10	302,320.00	435,017.98	5,118.84
11	312,136.81	432,231.10	5,122.84
12	302,176.10	430,300.14	5,125.47
13	312,330.57	431,113.67	5,128.84
14	312,473.11	431,542.82	5,075.64
15	312,473.11	430,227.10	5,009.41
16	312,473.11	430,473.22	5,117.10



NOTE:
1. COMPLETED PROJECT SHOWING.

JAN 10 1994

MORRISON-KNUDSEN ENGINEERS, INC. 100 HUNTER STREET, SAN FRANCISCO, CALIFORNIA 94103		IDAHO POWER COMPANY TWIN FALLS CANAL COMPANY NORTH SIDE CANAL COMPANY, LTD.		3773-10-0005
PROJECT GENERAL ARRANGEMENT		MILNER HYDROELECTRIC PROJECT		8

EXHIBIT B
PERMIT 01-7011
MILNER POWER
PLANT

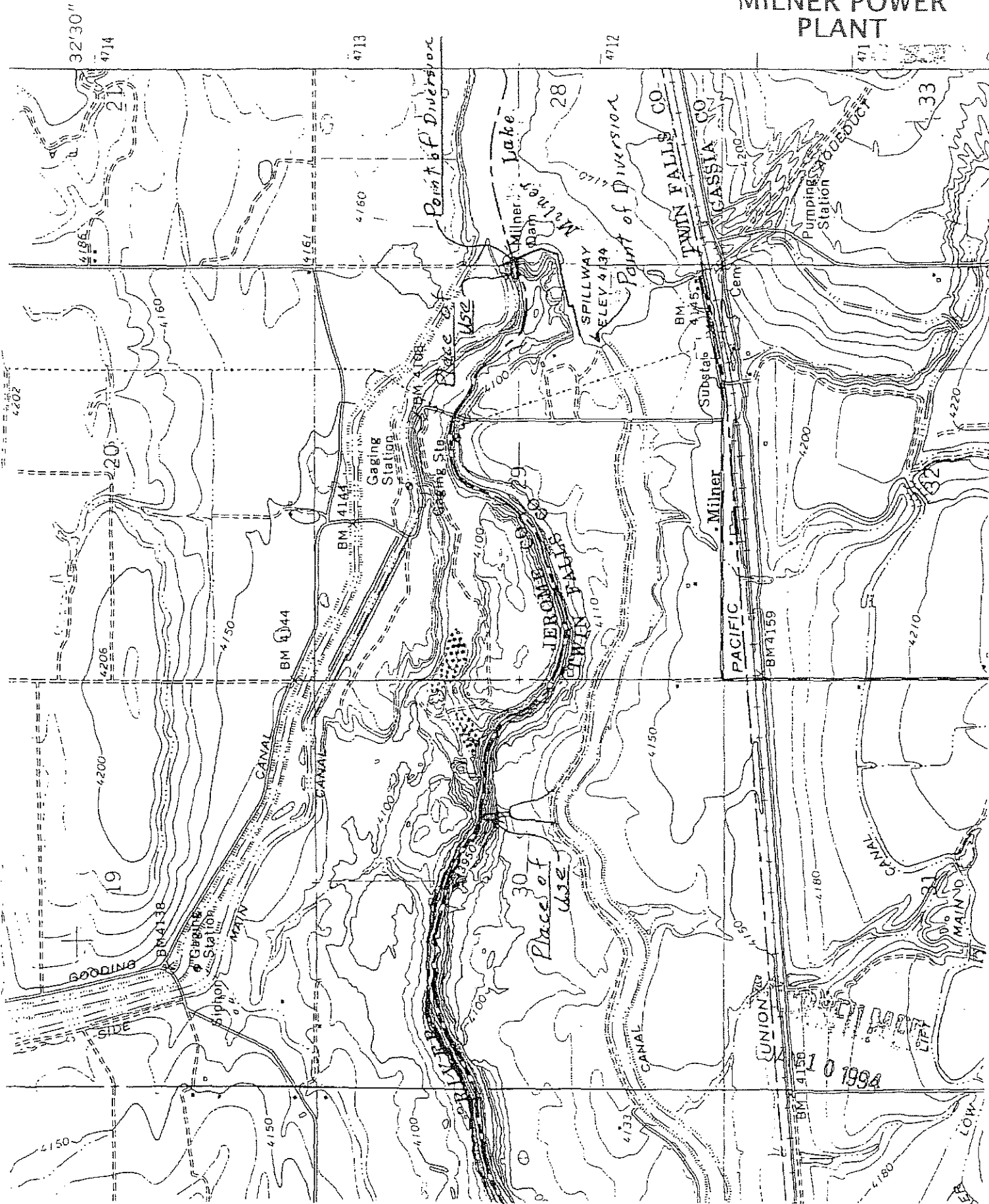
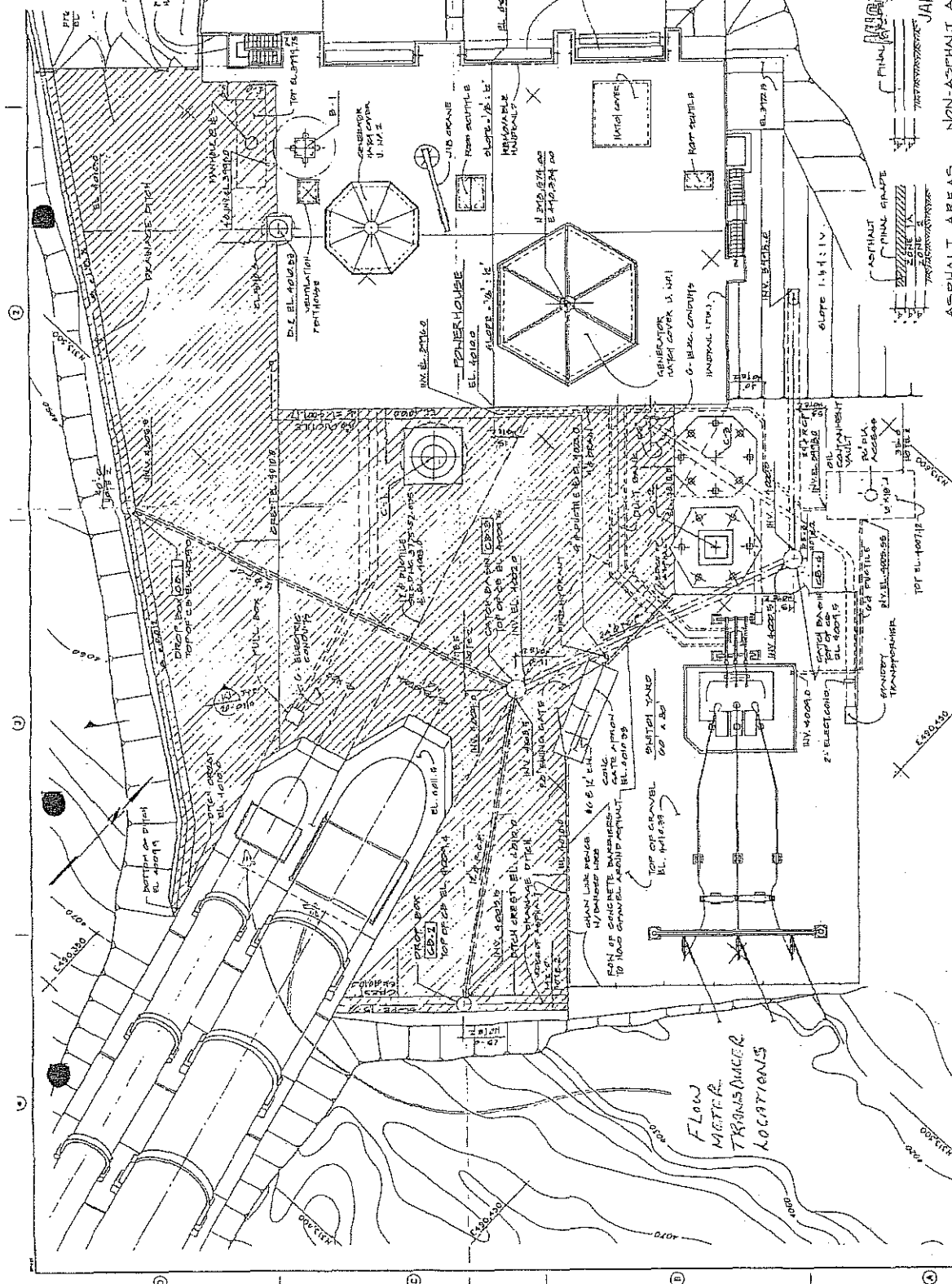


EXHIBIT C PERMIT 01-7011 MILNER POWER PLANT



NOTE
1. AREAS TO BE NORMALIZED
ARE SHOWN BY LIGHT SOLID
LINES.
2. AREAS TO BE REGRADED
ARE SHOWN BY DOTTED LINES.
3. AREAS TO BE REGRADED
FROM EXISTING 2' DITCH.

MILNER POWER PLANT		DAHO POWER COMPANY		MORRISON-KNUDSEN ENGINEERS, INC.	
PERMIT 01-7011		TWIN FALLS CANAL COMPANY, LTD.		MORRISON-KNUDSEN ENGINEERS, INC.	
MILNER POWER PLANT		NORTH SIDE CANAL COMPANY, LTD.		MORRISON-KNUDSEN ENGINEERS, INC.	
YARD AREA		GENERAL ARRANGEMENT		MORRISON-KNUDSEN ENGINEERS, INC.	
JAN 10 1999		MAR 22 1999		MORRISON-KNUDSEN ENGINEERS, INC.	
ASPHALT AREAS		NON-ASPHALT AREAS		MORRISON-KNUDSEN ENGINEERS, INC.	
SCALE: 1" = 10'		SCALE: 1" = 10'		MORRISON-KNUDSEN ENGINEERS, INC.	
SHEET NO. 3		SHEET NO. 3		MORRISON-KNUDSEN ENGINEERS, INC.	
REVISIONS		REVISIONS		MORRISON-KNUDSEN ENGINEERS, INC.	
NO. 1		NO. 1		MORRISON-KNUDSEN ENGINEERS, INC.	
NO. 2		NO. 2		MORRISON-KNUDSEN ENGINEERS, INC.	
NO. 3		NO. 3		MORRISON-KNUDSEN ENGINEERS, INC.	
NO. 4		NO. 4		MORRISON-KNUDSEN ENGINEERS, INC.	
NO. 5		NO. 5		MORRISON-KNUDSEN ENGINEERS, INC.	
NO. 6		NO. 6		MORRISON-KNUDSEN ENGINEERS, INC.	
NO. 7		NO. 7		MORRISON-KNUDSEN ENGINEERS, INC.	
NO. 8		NO. 8		MORRISON-KNUDSEN ENGINEERS, INC.	
NO. 9		NO. 9		MORRISON-KNUDSEN ENGINEERS, INC.	
NO. 10		NO. 10		MORRISON-KNUDSEN ENGINEERS, INC.	
NO. 11		NO. 11		MORRISON-KNUDSEN ENGINEERS, INC.	
NO. 12		NO. 12		MORRISON-KNUDSEN ENGINEERS, INC.	
NO. 13		NO. 13		MORRISON-KNUDSEN ENGINEERS, INC.	
NO. 14		NO. 14		MORRISON-KNUDSEN ENGINEERS, INC.	
NO. 15		NO. 15		MORRISON-KNUDSEN ENGINEERS, INC.	
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NO. 19		NO. 19		MORRISON-KNUDSEN ENGINEERS, INC.	
NO. 20		NO. 20		MORRISON-KNUDSEN ENGINEERS, INC.	
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NO. 24		NO. 24		MORRISON-KNUDSEN ENGINEERS, INC.	
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NO. 32		NO. 32		MORRISON-KNUDSEN ENGINEERS, INC.	
NO. 33		NO. 33		MORRISON-KNUDSEN ENGINEERS, INC.	
NO. 34		NO. 34		MORRISON-KNUDSEN ENGINEERS, INC.	
NO. 35		NO. 35		MORRISON-KNUDSEN ENGINEERS, INC.	
NO. 36		NO. 36		MORRISON-KNUDSEN ENGINEERS, INC.	
NO. 37		NO. 37		MORRISON-KNUDSEN ENGINEERS, INC.	
NO. 38		NO. 38		MORRISON-KNUDSEN ENGINEERS, INC.	
NO. 39		NO. 39		MORRISON-KNUDSEN ENGINEERS, INC.	
NO. 40		NO. 40		MORRISON-KNUDSEN ENGINEERS, INC.	
NO. 41		NO. 41		MORRISON-KNUDSEN ENGINEERS, INC.	
NO. 42		NO. 42		MORRISON-KNUDSEN ENGINEERS, INC.	
NO. 43		NO. 43		MORRISON-KNUDSEN ENGINEERS, INC.	
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NO. 58		NO. 58		MORRISON-KNUDSEN ENGINEERS, INC.	
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NO. 60		NO. 60		MORRISON-KNUDSEN ENGINEERS, INC.	
NO. 61		NO. 61		MORRISON-KNUDSEN ENGINEERS, INC.	
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NO. 66		NO. 66		MORRISON-KNUDSEN ENGINEERS, INC.	
NO. 67		NO. 67		MORRISON-KNUDSEN ENGINEERS, INC.	
NO. 68		NO. 68		MORRISON-KNUDSEN ENGINEERS, INC.	
NO. 69		NO. 69		MORRISON-KNUDSEN ENGINEERS, INC.	
NO. 70		NO. 70		MORRISON-KNUDSEN ENGINEERS, INC.	
NO. 71		NO. 71		MORRISON-KNUDSEN ENGINEERS, INC.	
NO. 72		NO. 72		MORRISON-KNUDSEN ENGINEERS, INC.	
NO. 73		NO. 73		MORRISON-KNUDSEN ENGINEERS, INC.	
NO. 74		NO. 74		MORRISON-KNUDSEN ENGINEERS, INC.	
NO. 75		NO. 75		MORRISON-KNUDSEN ENGINEERS, INC.	
NO. 76		NO. 76		MORRISON-KNUDSEN ENGINEERS, INC.	
NO. 77		NO. 77		MORRISON-KNUDSEN ENGINEERS, INC.	
NO. 78		NO. 78		MORRISON-KNUDSEN ENGINEERS, INC.	
NO. 79		NO. 79		MORRISON-KNUDSEN ENGINEERS, INC.	
NO. 80		NO. 80		MORRISON-KNUDSEN ENGINEERS, INC.	
NO. 81		NO. 81		MORRISON-KNUDSEN ENGINEERS, INC.	
NO. 82		NO. 82		MORRISON-KNUDSEN ENGINEERS, INC.	
NO. 83		NO. 83		MORRISON-KNUDSEN ENGINEERS, INC.	
NO. 84		NO. 84		MORRISON-KNUDSEN ENGINEERS, INC.	
NO. 85		NO. 85		MORRISON-KNUDSEN ENGINEERS, INC.	
NO. 86		NO. 86		MORRISON-KNUDSEN ENGINEERS, INC.	
NO. 87		NO. 87		MORRISON-KNUDSEN ENGINEERS, INC.	
NO. 88		NO. 88		MORRISON-KNUDSEN ENGINEERS, INC.	
NO. 89		NO. 89		MORRISON-KNUDSEN ENGINEERS, INC.	
NO. 90		NO. 90		MORRISON-KNUDSEN ENGINEERS, INC.	
NO. 91		NO. 91		MORRISON-KNUDSEN ENGINEERS, INC.	
NO. 92		NO. 92		MORRISON-KNUDSEN ENGINEERS, INC.	
NO. 93		NO. 93		MORRISON-KNUDSEN ENGINEERS, INC.	
NO. 94		NO. 94		MORRISON-KNUDSEN ENGINEERS, INC.	
NO. 95		NO. 95		MORRISON-KNUDSEN ENGINEERS, INC.	
NO. 96		NO. 96		MORRISON-KNUDSEN ENGINEERS, INC.	
NO. 97		NO. 97		MORRISON-KNUDSEN ENGINEERS, INC.	
NO. 98		NO. 98		MORRISON-KNUDSEN ENGINEERS, INC.	
NO. 99		NO. 99		MORRISON-KNUDSEN ENGINEERS, INC.	
NO. 100		NO. 100		MORRISON-KNUDSEN ENGINEERS, INC.	

EXHIBIT D
PERMIT 01-7011
MILNER POWER
PLANT

ACCUSONIC

Leaders in Acoustic Flow Measurement Systems

System Accuracy

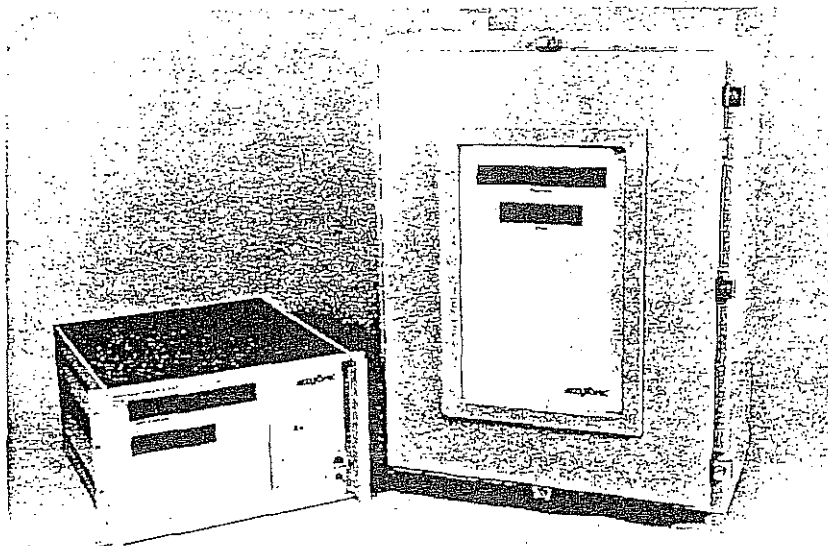
The accuracy of the rate indication and totalization of flow is specified to be plus or minus 0.5 percent of actual flow for all flows with velocity above 1 foot per second and up to maximum flow, provided the flowmeter is installed according to Accusonic specifications in a section of pipe with a minimum of ten diameters of upstream straight pipe. For installations having between four and ten diameters of straight pipe upstream of the meter section, four crossed paths (eight paths total) are required to maintain an accuracy of plus or minus 0.5 percent of flowrate.

To assure the specified accuracy, the flowmeter integrates the four velocities for each measurement plane (one for four path, two for four crossed paths) to calculate flowrate. Where crossed paths are used, the flowmeter software is designed to utilize velocity information from each plane of transducers to quantify and correct for crossflow.

Two Path System

For a two path system installed with eight diameters of straight pipe upstream and two diameters of straight pipe downstream, the accuracy of the rate indication and totalization of flow is specified to be plus or minus 1.5% of actual flow for all flows with velocity above 1 foot per second.

**FLOWMETER CONSOLE
MODEL 7410**



Power Requirement Options

115 VAC $\pm 10\%$, 50/60 Hz
220 VAC $\pm 10\%$, 50/60 Hz
100 VAC $\pm 10\%$, 50/60 Hz
12 VDC $+2.7V -1.8V$

Enclosure Options

NEMA 4 Wall Mount
NEMA 4X Wall Mount
Shock Mounted Portable
Chassis (for 19" Rack)
19" Rack Assembly

Enclosure Dimensions

NEMA 4 30" h x 24" w x 12" d
Shock Mounted Portable 24" h x 25" w x 27" d
Chassis 10.5" h x 19" w x 22" d

Measurement Options

Open Channel
Pipe Flowing Full
Pipe Flowing Partially Full

Display Options

14 Digit LED
8 Digit LED
Flowrate
Totalized Flow
System Status
Any Parameter or Variable

Standard Output Options

4-20mA Flowrate
RS-232 ASCII Ten Variable
Report Format
Pulsed Totalizer Output

Parameter Entry Options

Keypad
Keyboard
Tape Cassette

Number of Acoustic Paths

1 - 8

Number of Pipes

1 or 2*

Environmental Requirements

Storage:
0° - 140° F
0% - 95% Relative Humidity
Operation:
35° - 140° F**
0% - 95% Relative Humidity

Oscillator Frequency

80 MHz

Power Consumption

35W maximum

* With eight path, clamp-on systems or partially full pipes, only one pipe can be measured.

** Heaters and air-conditioners can be added to certain enclosures to expand this range.

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EXHIBIT E
PERMIT 01-7011
MILNER POWER
PLANT

Milner Dam -- Milner Hydropower Discharge Oct 21, 1993.

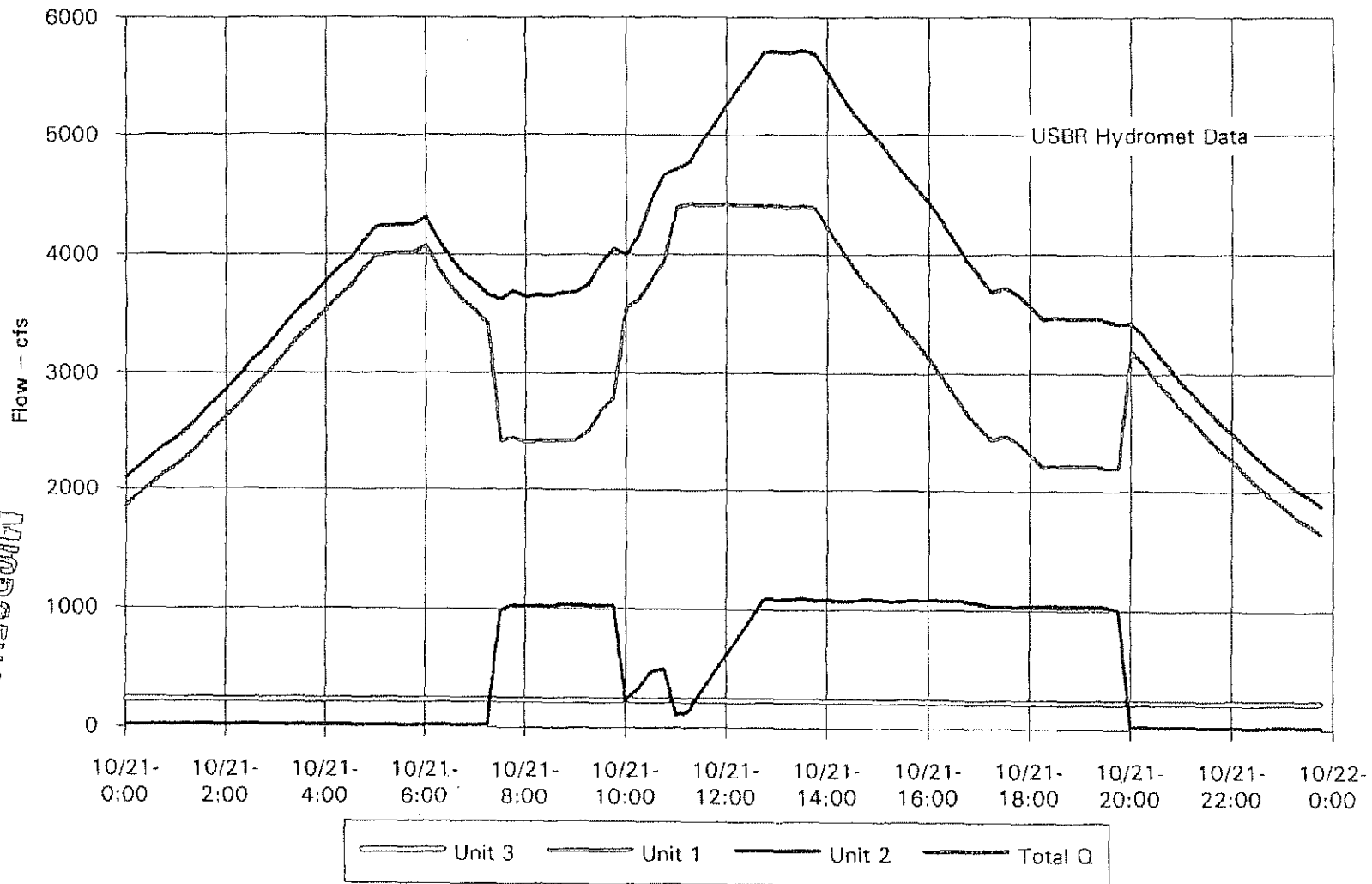


EXHIBIT F
PERMIT 01-7011
MILNER POWER
PLANT

Milner Hydropower Facility				
Flow data from USBR Hydromet System - October 22, 1993				
Hydropower Plant				
Date - Time	Unit 3	Unit 1	Unit 2	Total Q
10/21-0:00	225.45	1852.26	14.29	2092
10/21-0:15	225.45	1946.27	14.29	2186.01
10/21-0:30	225.45	2029.3	13.92	2268.67
10/21-0:45	225.45	2119.66	13.92	2359.03
10/21-1:00	225.45	2195.36	13.92	2434.73
10/21-1:15	225.45	2283.27	13.92	2522.64
10/21-1:30	225.45	2393.16	14.29	2632.9
10/21-1:45	225.45	2510.38	14.29	2750.12
10/21-2:00	225.45	2617.82	13.92	2857.19
10/21-2:15	225.45	2721.61	13.92	2960.98
10/21-2:30	225.45	2849.81	13.92	3089.18
10/21-2:45	225.45	2959.7	13.92	3199.07
10/21-3:00	225.45	3074.48	13.92	3313.85
10/21-3:15	225.45	3203.9	10.62	3439.97
10/21-3:30	225.45	3318.68	14.29	3558.42
10/21-3:45	225.45	3413.92	14.29	3653.66
10/21-4:00	225.45	3529.91	13.92	3769.28
10/21-4:15	225.45	3633.7	13.92	3873.07
10/21-4:30	225.45	3730.15	13.92	3969.52
10/21-4:45	225.45	3869.35	13.92	4108.72
10/21-5:00	225.45	3986.56	13.92	4225.93
10/21-5:15	225.45	3996.33	14.29	4236.07
10/21-5:30	225.45	4004.88	13.92	4244.25
10/21-5:45	225.45	4006.1	14.29	4245.84
10/21-6:00	225.45	4065.93	13.92	4305.3
10/21-6:15	225.45	3882.78	13.92	4122.15
10/21-6:30	225.45	3725.27	14.29	3965.01
10/21-6:45	225.45	3601.95	13.92	3841.32
10/21-7:00	225.45	3518.92	13.92	3758.29
10/21-7:15	225.45	3411.47	13.92	3650.84
10/21-7:30	225.45	2418.8	975.09	3619.34
10/21-7:45	225.45	2438.34	1021.24	3685.03
10/21-8:00	225.45	2399.26	1013.55	3638.26
10/21-8:15	225.45	2413.92	1012.82	3652.19
10/21-8:30	225.45	2412.7	1012.45	3650.6
10/21-8:45	225.45	2420.02	1028.57	3674.04
10/21-9:00	225.45	2423.68	1026.74	3675.87
10/21-9:15	225.45	2495.72	1023.44	3744.61
10/21-9:30	225.45	2670.33	1027.11	3922.89
10/21-9:45	225.45	2793.65	1027.11	4046.21
10/21-10:00	225.45	3542.12	224.18	3991.75
10/21-10:15	225.45	3615.38	321.98	4162.81
10/21-10:30	225.45	3765.56	464.47	4455.48
10/21-10:45	225.45	3945.05	493.41	4663.91
10/21-11:00	225.45	4387.05	103.3	4715.8

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10/21-11:15	225.45	4413.92	131.87	4771.24
10/21-11:30	225.45	4409.03	300.37	4934.85
10/21-11:45	225.45	4400.48	455.31	5081.24
10/21-12:00	225.45	4413.92	605.86	5245.23
10/21-12:15	225.45	4405.37	767.03	5397.85
10/21-12:30	225.45	4404.15	914.65	5544.25
10/21-12:45	225.45	4393.16	1081.32	5699.93
10/21-13:00	225.45	4400.48	1079.12	5705.05
10/21-13:15	225.45	4380.95	1081.68	5688.08
10/21-13:30	225.45	4398.04	1091.21	5714.7
10/21-13:45	225.45	4377.28	1076.56	5679.29
10/21-14:00	225.45	4217.33	1080.58	5523.36
10/21-14:15	225.45	4045.17	1067.76	5338.38
10/21-14:30	225.45	3877.9	1069.96	5173.31
10/21-14:45	225.45	3746.03	1076.92	5048.4
10/21-15:00	225.45	3652.01	1078.02	4955.48
10/21-15:15	225.45	3514.04	1068.5	4807.99
10/21-15:30	225.45	3377.29	1073.63	4676.37
10/21-15:45	225.45	3253.96	1076.92	4556.33
10/21-16:00	225.45	3120.88	1082.05	4428.38
10/21-16:15	225.45	2973.14	1078.75	4277.34
10/21-16:30	223	2819.29	1075.09	4117.38
10/21-16:45	223	2655.67	1067.76	3946.43
10/21-17:00	223	2540.9	1054.21	3818.11
10/21-17:15	223	2426.13	1029.3	3678.43
10/21-17:30	223	2462.76	1031.87	3717.63
10/21-17:45	223	2412.7	1031.5	3667.2
10/21-18:00	223	2301.58	1035.16	3559.74
10/21-18:15	223	2197.8	1032.6	3453.4
10/21-18:30	223	2208.79	1034.06	3465.85
10/21-18:45	223	2211.23	1030.04	3464.27
10/21-19:00	223	2205.13	1034.43	3462.56
10/21-19:15	223	2208.79	1031.87	3463.66
10/21-19:30	223	2191.69	1031.13	3445.82
10/21-19:45	223	2191.69	997.43	3412.12
10/21-20:00	223	3185.59	14.65	3423.24
10/21-20:15	223	3079.36	13.92	3316.28
10/21-20:30	223	2940.17	13.92	3177.09
10/21-20:45	223	2819.29	13.92	3056.21
10/21-21:00	223	2682.54	13.92	2819.46
10/21-21:15	223	2582.41	13.92	2819.33
10/21-21:30	223	2461.54	13.92	2698.46
10/21-21:45	223	2347.98	14.29	2585.27
10/21-22:00	223	2253.97	13.92	2490.89
10/21-22:15	223	2145.3	13.92	2382.22
10/21-22:30	223	2040.29	13.92	2277.21
10/21-22:45	223	1947.49	13.92	2184.41
10/21-23:00	223	1864.47	13.92	2101.39
10/21-23:15	223	1779	13.92	2015.92

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MILNER.XLS

10/21-23:30	223	1719.17	13.92	1956.09
10/21-23:45	223	1637.36	13.92	1874.28

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JAN 10 1994



United States Department of the Interior

GEOLOGICAL SURVEY

U.S. Geological Survey, WRD

P.O. Box AC.

Twin Falls, ID 83303

Phone - 734-9168



EXHIBIT G PERMIT 01-7011 MILNER POWER PLANT

October 6, 1993

Randy Hill
Milner Power Plant
Rt #1, Box 144
Murtaugh, ID 83344

Dear Randy:

The following is a list of measurements made on the lower Milner Power Plant:

	<u>UNIT #1</u>	<u>UNIT #2</u>
Nov. 10, 1992	-----	408 cfs
Nov. 12, 1992	4090 cfs	0
Dec. 22, 1992	1040 cfs	0
Jan. 21, 1993	0	6.68 cfs
Feb. 1, 1993	0	566 cfs
Mar. 10, 1993	0	502 cfs
May 21, 1993	2870 cfs	0
June 8, 1993	3900 cfs	960 cfs
July 29, 1993	1380 cfs	0

Please call if you have any questions.

Sincerely,

Mike Campbell
Field Office Chief

JAN 10 1994

Attachment G

April 13, 1987

John Rosholt
P. O. Box 1906
Twin Falls, ID 83303-1906

Dear John:

Re: Permit No. 01-7011 - Request for Extension of Time

As a follow up to your telephone conversation with Phil Rassier of this office on April 8, 1987, I am forwarding the language of the department's subordination condition relative to hydropower uses.

The condition reads as follows:

The rights for the use of water acquired under this permit shall be junior and subordinate to all other 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 permit 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 permit.

The department plans to add this condition to the pending request for extension of time.

Please advise this office at your earliest convenience if you have questions.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

LGS:rf

cc: Phil Rassier

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Attachment H

NELSON, ROSHOLT, ROBERTSON, TOLMAN & TUCKER
Chartered

ATTORNEYS AT LAW

142 3rd AVENUE NORTH

P.O. BOX 1906

TWIN FALLS, IDAHO 83303-1906

TELEPHONE (208) 734-0700

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

TERRY I. UHLING
F. BRUCE COVINGTON
LAIRD B. STONE
JERRY JENSEN
GARY D. SLETTE
CAROLYN M. MINDER
RUTH D. SIMPSON

Boise Office
1020 MAIN ST., SUITE 390
P.O. BOX 2139
BOISE, IDAHO 83702-2139
TELEPHONE (208) 335-0700

May 8, 1987

L. Glen Saxton, Chief
Operations Bureau
Idaho Department of Water Resources
Statehouse
450 W. State Street,
Boise ID 83720

RE: Permit No. 01-7011
Request for Extension of Time

Dear Glen:

Excuse the delay in responding to your April 13, 1987, letter. Yesterday was my first opportunity to discuss it at a joint meeting of the Twin Falls Canal Company and North Side Canal Company Boards of Directors.

In the event that my clients were willing to consider the imposition of an ex post facto condition on the permit, shouldn't the proposed language be consistent?

I am enclosing for your information a copy of your letter of April 13, together with a copy of the language submitted to FERC as part of IDWR's intervention concerning the Milner license. I also enclose a copy of the original subordination language that appeared in the Hells Canyon license.

To date, Twin Falls and North Side have consented to the subordination of three water permits for power purposes. North Side Canal Company has consented to the subordination of 01-7010 and 01-7084 and Twin Falls has consented to the subordination of 01-7063.

My reason for writing is two-fold. One, to point out the inconsistency of the language that you propose to FERC from your letter of April 13. Secondly, if my Boards are to agree to subordinate, I think they ought to be protected from junior

FEB 24 1988

L. Glen Saxton, Chief
Operations Bureau
Idaho Department of Water Resources
May 8, 1987
Page - 2

diversions for any uses outside of the Snake River Basin, yet in Idaho; protected from junior groundwater recharge projects; and from non-consumptive users who could divert water around the power plant under the proposed subordination provision. To date it has not been important to make these points with the Department since all of the hydropower permits which my clients have agreed to subordinate were essentially additional uses of waters already diverted into their canals under earlier irrigation priorities. In the case of the Milner Power Plant, we have an application standing on its own with a 1977 priority.

I have taken a draft of your letter and marked it with language that would make accepting the subordination less painful. As you know, accepting the subordination may well wreak havoc on financing of the power plant. In cases of those plants built in the canal systems, obviously the ability to deliver the same molecules of water under early irrigation rights eliminated the impact of the subordinations.

At the time of the issuance of the Hells Canyon license, the subordination was to irrigation of lands and other beneficial consumptive uses in the Snake River Water Shed. In your proposed language, non-consumptive uses such as groundwater recharge could take the total flows of the upper Snake available to the Milner Power Plant and put them underground eliminating any generation at the project. The language would also facilitate a non-consumptive diversion of water above the project for fish propagation or some other non-consumptive purpose with a return of the water below the project. Finally, the language would facilitate a diversion of surplus flows of the Snake River to the Bear River Basin for any purpose.

While I recognize the Department's lack of empathy for power generation generally, it seems to me that our hydropower rights deserve some measure of protection. Please consider my proposed language.

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FEB 24 1988

L. Glen Saxton, Chief
Operations Bureau
Idaho Department of Water Resources
May 8, 1987
Page - 3

Thank you for your consideration of this matter.

Sincerely,


JOHN A. ROSHOLT

JAR:dcb
43731

cc: Phil Rassier

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RECEIVED APR 14 1987



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

Governor

A. KENNETH DUNN

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 334-4440

April 13, 1987

John Rosholt
P. O. Box 1906
Twin Falls, ID 83303-1906

Dear John:

Re: Permit No. 01-7011 - Request for Extension of Time

As a follow up to your telephone conversation with Phil Rassier of this office on April 8, 1987, I am forwarding the language of the department's subordination condition relative to hydropower uses.

The condition reads as follows:

The rights for the use of water acquired under this permit shall be junior and subordinate to all other 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 permit 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 permit.

The department plans to add this condition to the pending request for extension of time.

Please advise this office at your earliest convenience if you have questions.

Sincerely,

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

LGS:rf

cc: Phil Rassier

SNAKE RIVER BASIN OF THE

RECORDED

FEB 24 1988

Attachment I



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

Governor

R. KEITH HIGGINSON

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 334-4440

November 18, 1987

John Rosholt
Nelson, Rosholt, Robertson, Tolman & Tucker
P.O. Box 1906
Twin Falls, ID 83303-1906

RE: PERMIT NO. 01-7011 - REQUEST FOR EXTENSION OF TIME

Dear John:

The department apologizes for the delay in response to your May 8, 1987 letter.

The department will use the amended language which you suggested in your letter for the subordination condition to be placed as a condition of approval on the extension request, since the approval being sought is in connection with a permit rather than an application for permit. The condition will appear as follows:

"The rights for the use of water acquired under this permit shall be junior and subordinate to all other rights for the consumptive beneficial use of water, other than hydropower and groundwater recharge within the Snake River basin of the state of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights for the consumptive beneficial use of water, other than hydropower and groundwater recharge within the Snake River basin of the state of Idaho initiated later in time than the priority of this permit".

From a review of the file, I note that on March 31, 1987, the department granted a 5 year extension of time based on due diligence as authorized by Section 42-204 paragraph 5, Idaho Code.

I also note that the pending request for extension of time requested approximately 6 years and 7 months based on delays by FERC. The delay attributable to FERC which the department can grant is the time from which the application for license was submitted to FERC (July 27, 1984) until FERC rules on the application for license. Since department files

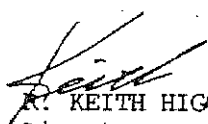
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FEB 24 1988

do not show that FERC has yet ruled on the application, an extension can be granted based upon FERC delay from July 27, 1984 until October 31, 1987, a period of approximately 3 years and 3 months. Additional time, however, may be requested for FERC delay on the license application subsequent to October 31, 1987.

The department will expedite the approval of the request for extension of time.

Sincerely,


R. KEITH HIGGINSON
Director

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