

OCT 04 2021

DEPARTMENT OF
WATER RESOURCESSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

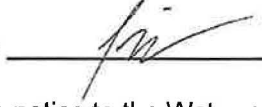
CHECKLIST FOR NOTICE OF EXEMPT HYDROPOWER USE

This checklist may be used to ensure the information required by Idaho Code § 42-201(9) is provided to the Idaho Department of Water Resources. Please check each item to ensure all necessary information is included in the notice. Notices that do not meet the requirements of Idaho Code § 42-201(9) may be returned.

- ☒ 1. List the name, address, telephone number, and email of the person or entity operating the canal or conduit.
- ☒ 2. List the water right(s) authorizing the diversion of water from a natural watercourse into the canal or conduit.
- 3. Describe the exempt hydropower use by providing the following items:
 - ☒ a. A map and legal description of the location of the exempt hydropower use and the point where water is diverted from the natural water source.
 - ☒ b. The maximum rate of flow in cubic feet per second that will be used in the power plant.
 - ☒ c. The maximum power output in kilowatts that will be produced by the power plant.
 - ☒ d. The days and months the power plant will be in operation.
- ☒ 4. Attach a copy of the government order or document authorizing the hydropower project.
- ☒ 5. The notice must be signed and dated by an authorized agent for the person or entity operating the canal or conduit.
- 6. Certify that the incidental use of water for hydropower generation meets all the requirements of Idaho Code § 42-201(9).
 - ☐ a. Attach a signed certification statement.

OR

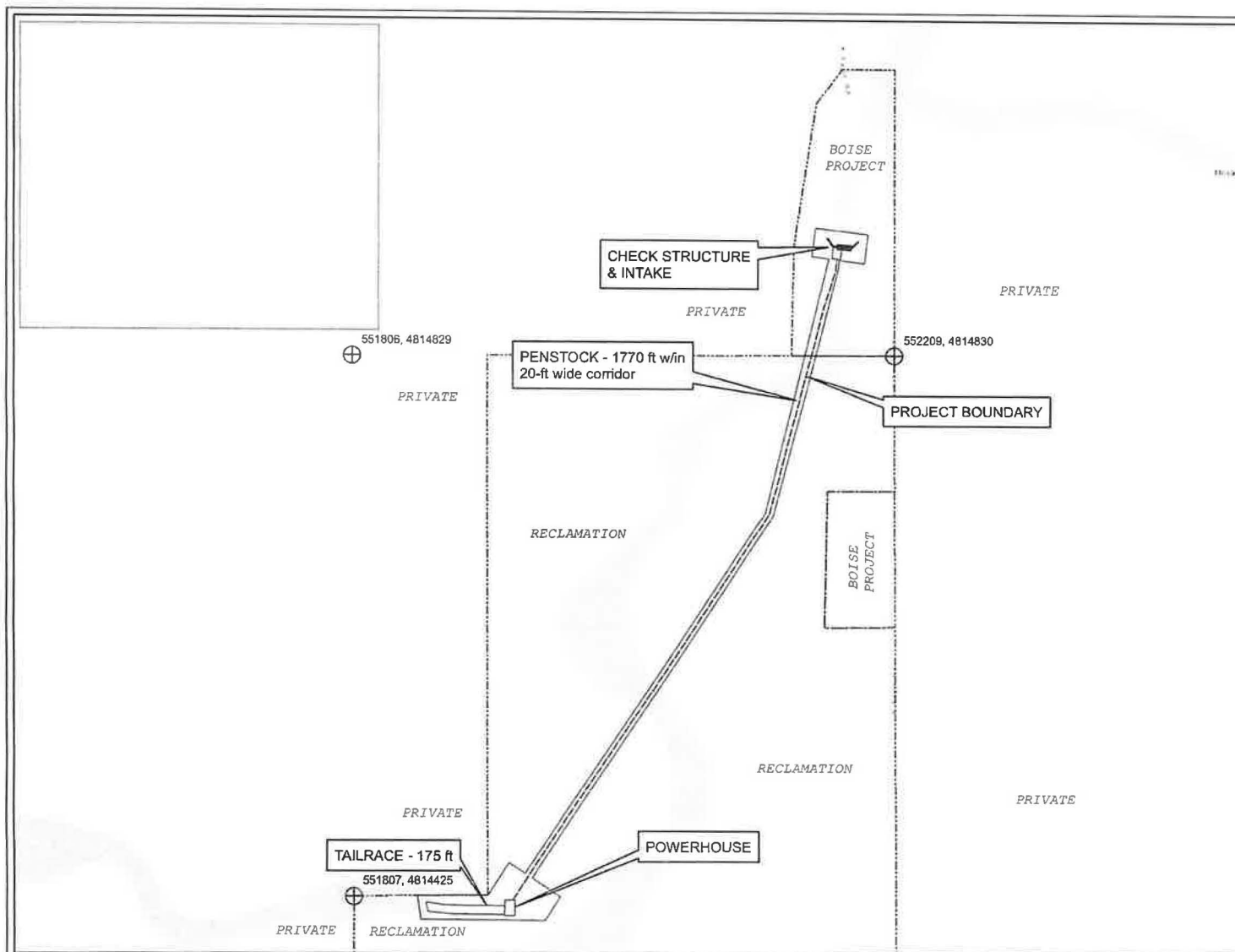
- ☒ b. I hereby certify that the incidental use of water for hydropower generation meets all the requirements of Idaho Code § 42-201(9).

Printed Name Sarah W. Higer Title AttorneySignature  Date September 30, 2021

- ☒ 7. Send a copy of the notice to the Watermaster for the Water District where the water is diverted. This item applies if the point of diversion is located within a Water District.

Send the notice enclosing all the above items to:

Idaho Department of Water Resources
PO Box 83720
Boise, ID 83720-0098

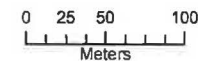


NOTES

1. ALL PROJECT LANDS ARE WITHIN SECTION 29, T2N, R1E, BOISE MERIDIAN
2. LANDOWNERSHIP AS LABELED
3. NIP MATERIAL UNDER 18 CFR 388.112

MC-6 Hydroelectric Project
FERC No. 5038

EXHIBIT B
PROJECT BOUNDARY
Revised 10/2019



Coordinate System: NAD 1983 UTM Zone 11N

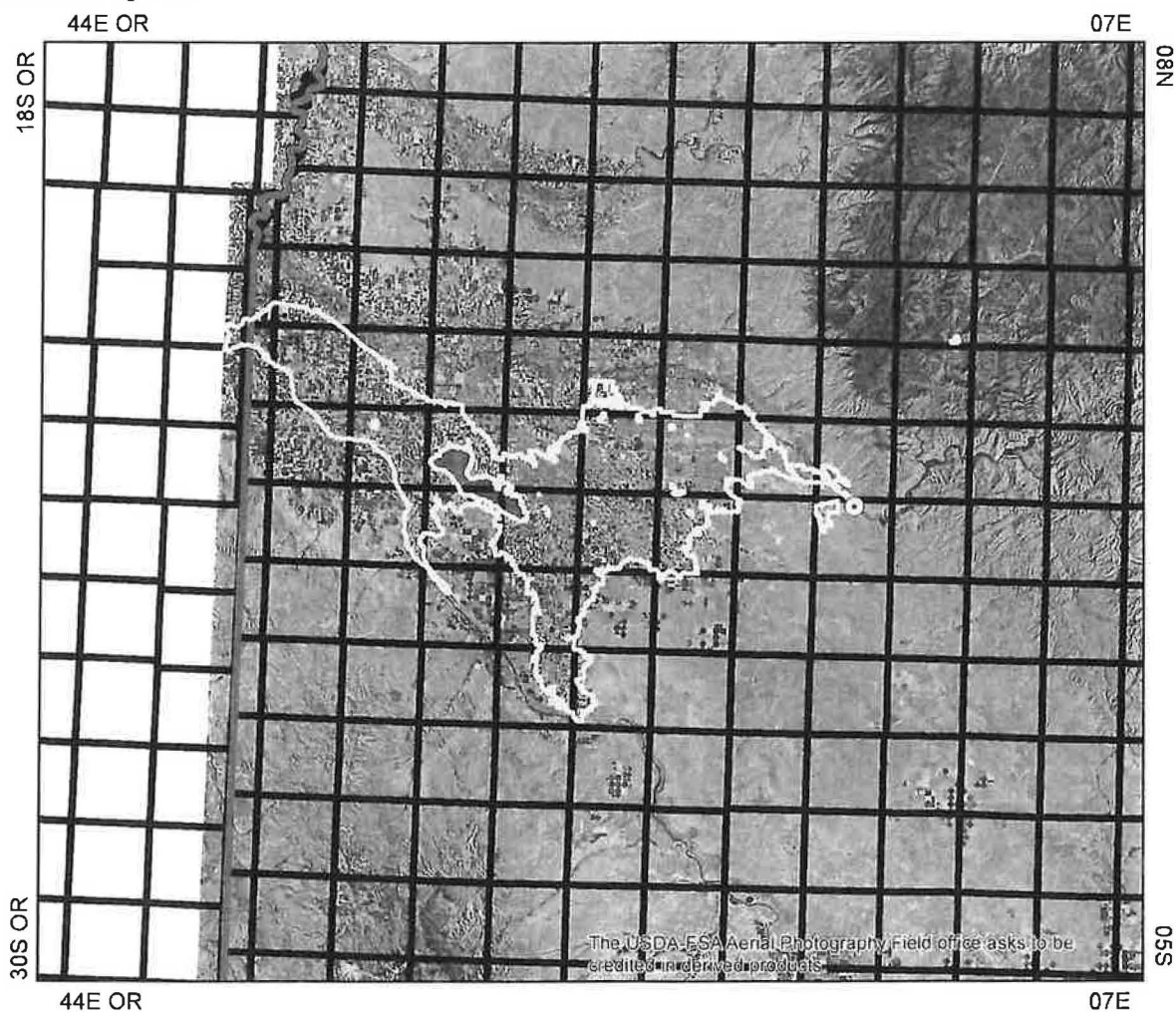
CEII material under 18 CFR § 388.113

State of Idaho
Department of Water Resources

Water Right 63-251A

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



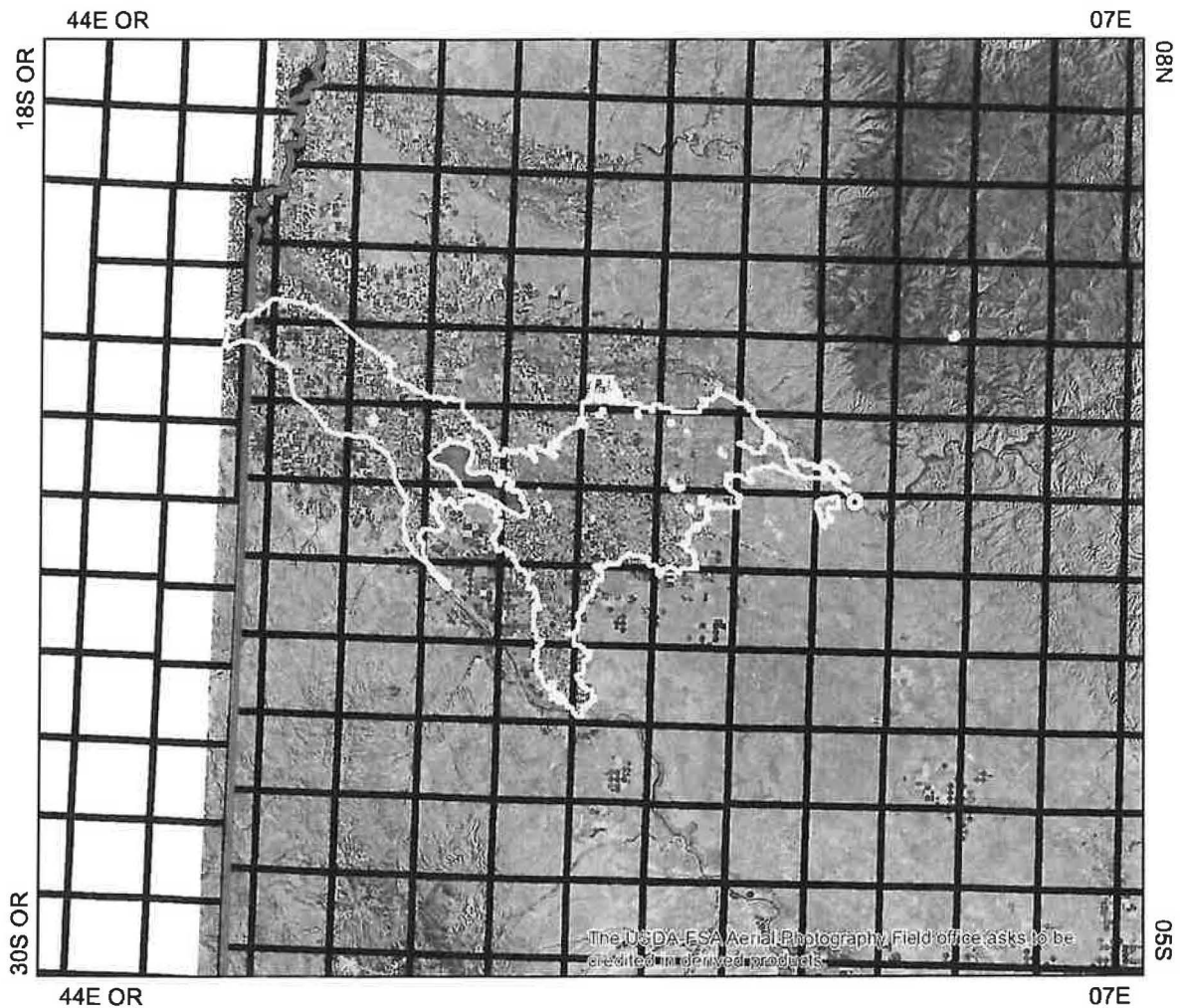
- Point of Diversion
- Place Of Use Boundary
- Townships

State of Idaho
Department of Water Resources

Water Right
63-301A

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



- ⊙ Point of Diversion
- Place Of Use Boundary
- ▭ Townships

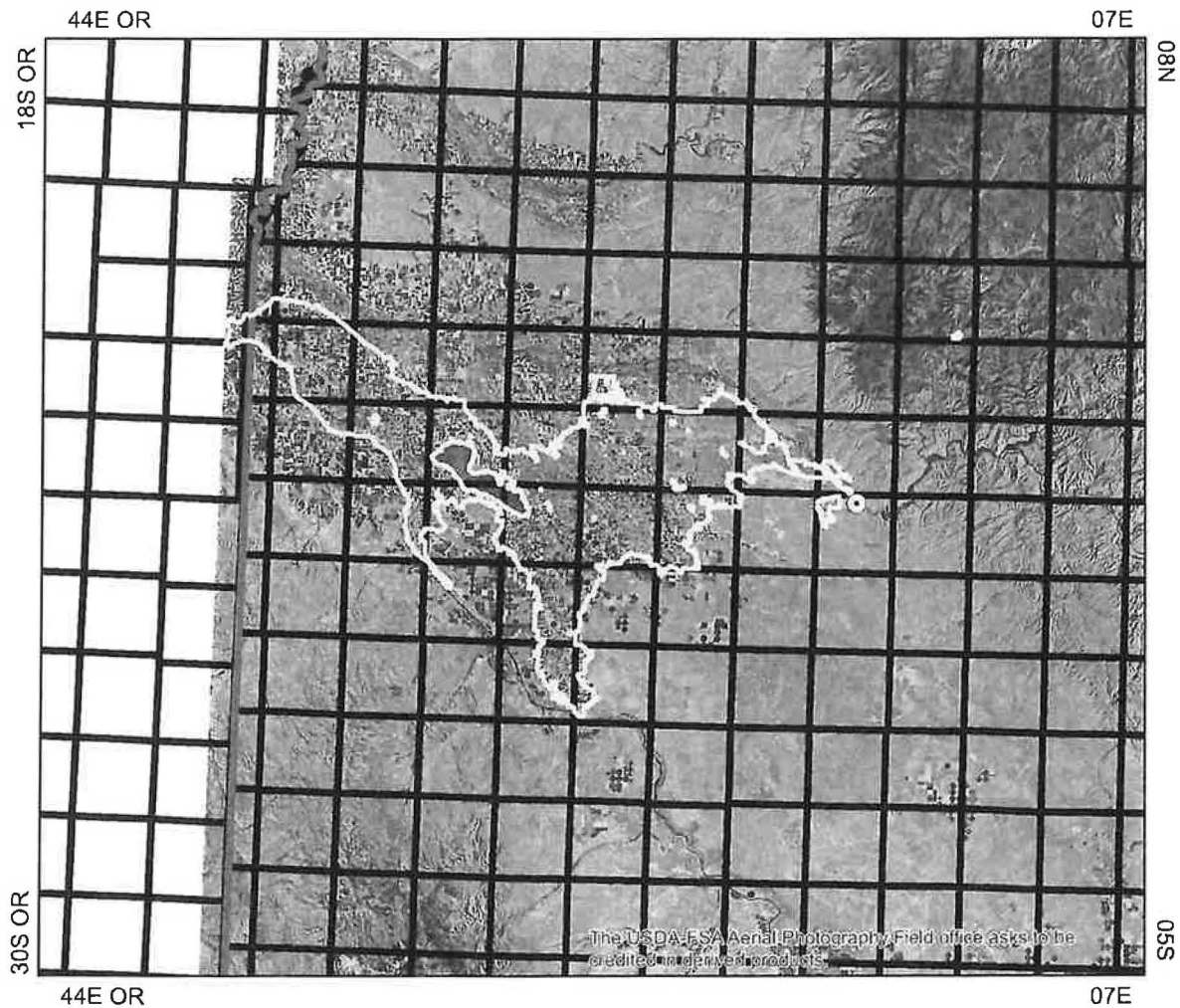


State of Idaho
Department of Water Resources

**Water Right
63-302A**

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



- Point of Diversion
- Place Of Use Boundary
- Townships

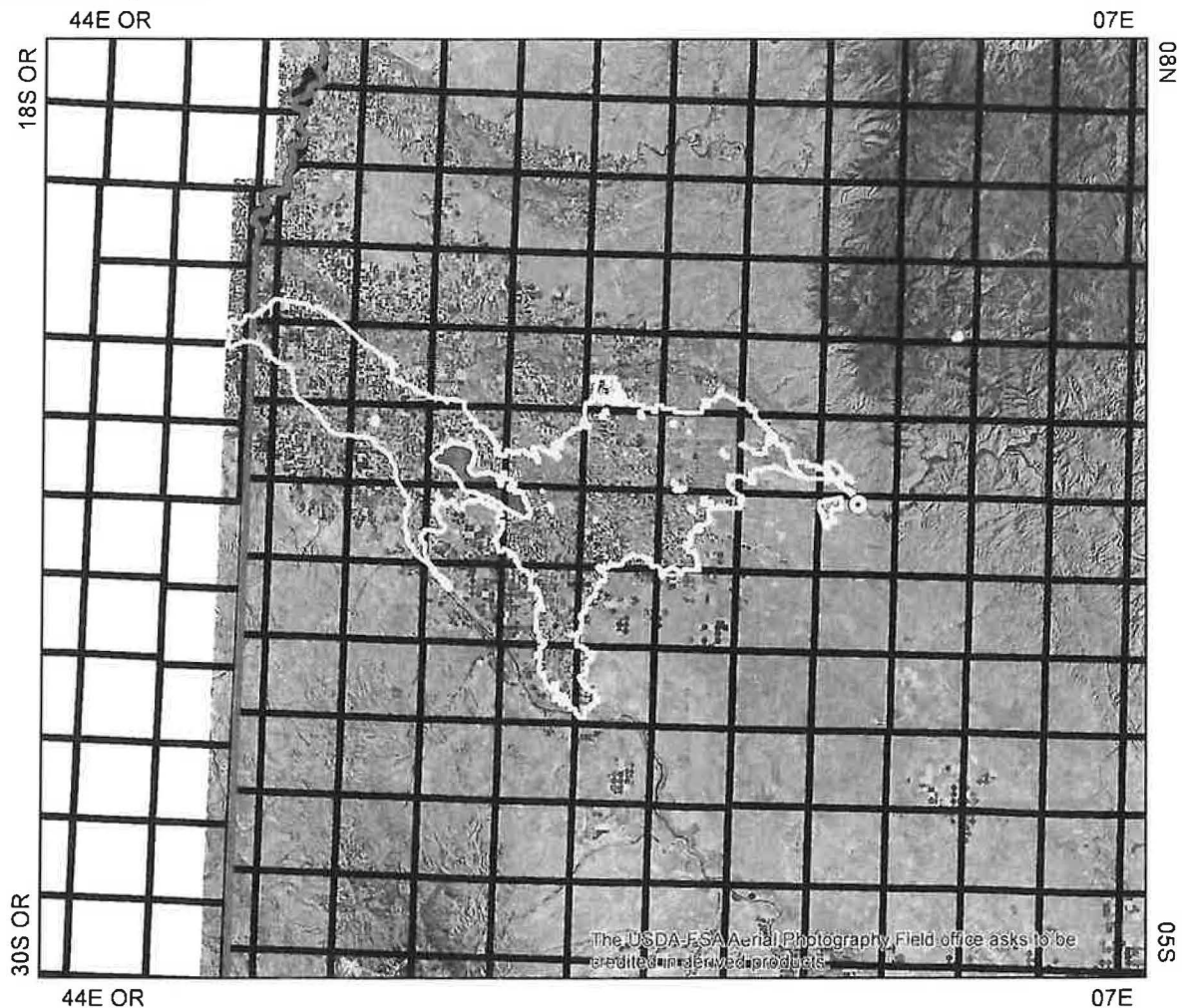


State of Idaho
Department of Water Resources

Water Right
63-373A

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



- Point of Diversion
- Place Of Use Boundary

□ Townships

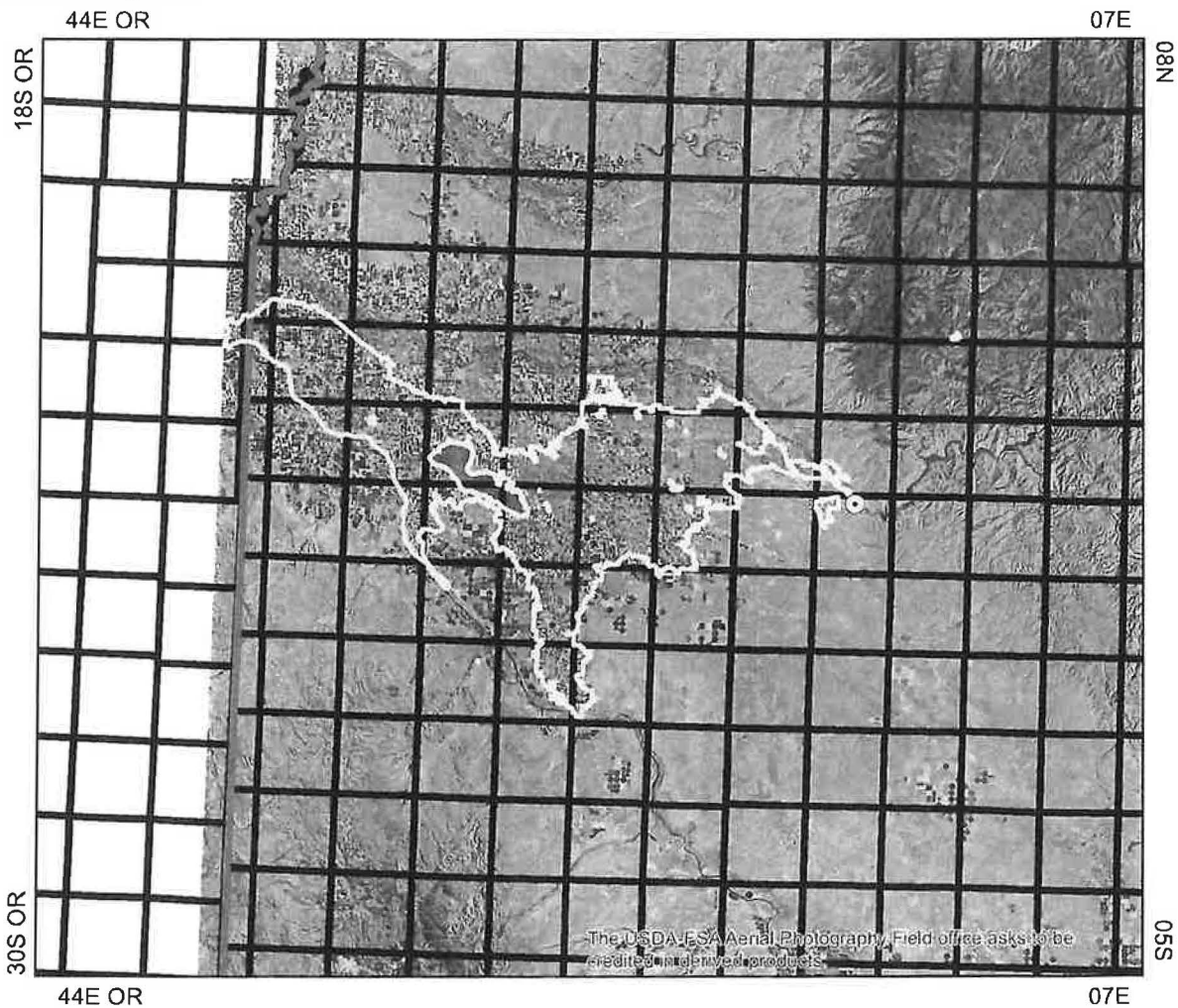


State of Idaho
Department of Water Resources

**Water Right
63-2388A**

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



0 5 10 20 Miles

- Point of Diversion
- Place Of Use Boundary
- Townships

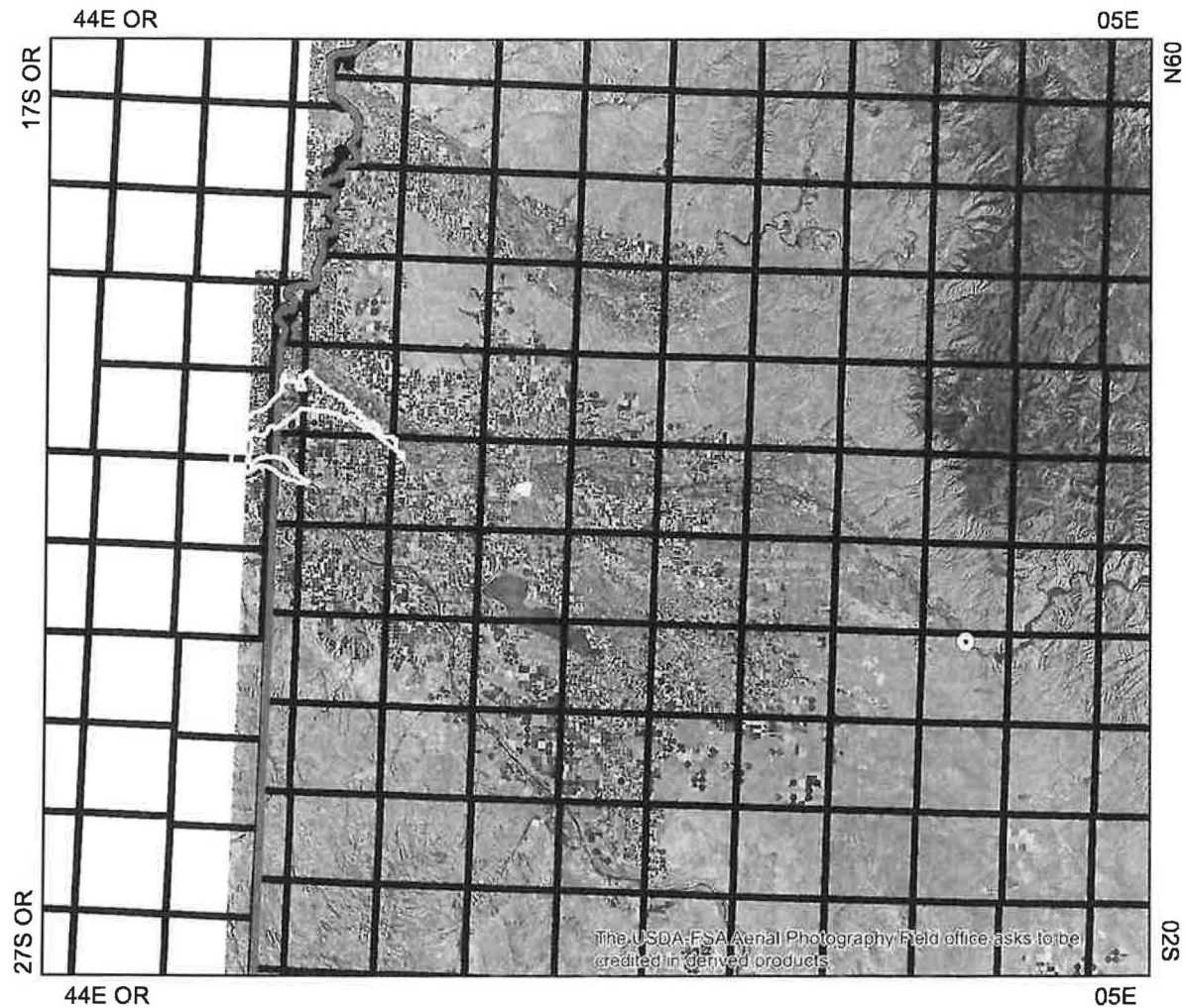


State of Idaho
Department of Water Resources

Water Right
63-32579

IRRIGATION FROM STORAGE

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



- ⊙ Point of Diversion
- Place Of Use Boundary
- ▭ Townships



UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Boise Project Board of Control) Project No. 5038-000

ORDER GRANTING EXEMPTION FROM LICENSING FOR
A CONDUIT HYDROELECTRIC PROJECT

(Issued October 23, 1981)

The Applicant 1/ filed an application for exemption from all or part of Part I of the Federal Power Act pursuant to 18 C.F.R. Part 4 SUBPART J (1980) implementing Section 30 of the Federal Power Act (Act) for a project as described in the attached public notice. 2/

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

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

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

It is ordered that:

(A) Main Canal No. 6 Hydroelectric Project No. 5038 as described and designated in the Boise Project Board of Control's application filed on June 29, 1981, is exempted from all of the

1/ Boise Project of Control, Project No. 5038, filed June 29, 1981.

2/ Authority to act on this matter is delegated to the Deputy Director, Office of Electric Power Regulation under §375.308 of the Commission's regulations 45 Fed. Reg. 21216 (1980), as amended by Order No. 112 in Docket No. 5038-000 issued November 21, 1980, (45 Fed. Reg. 79024).

DOCKETED

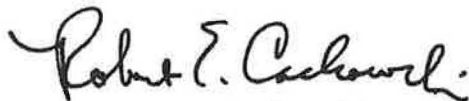
OCT 23 1981

DOCKET SECTION

requirements of Part I of the Federal Power Act, including licensing, subject to the standard articles in §4.94 of the Commission's regulations, 45 Fed. Reg. 28085 (1980) (to be codified in 18 C.F.R. §4.94) and the following special article:

Article 3. The design and construction of only those facilities that would be an integral part of or that could affect the integrity of the New York Canal shall be done in consultation with and subject to the review and approval of the Regional Director, Bureau of Reclamation, Boise, Idaho. The Commission reserves the right to resolve any disagreement between the Exemptee and the Regional Director. The Exemptee shall reimburse the Bureau of Reclamation for costs they incur in the review and approval of the design and construction of project works directly related to the integrity of the New York Canal.

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



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

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Boise Project Board of Control) Project No. 5038-000

NOTICE OF APPLICATION FOR EXEMPTION OF SMALL CONDUIT
HYDROELECTRIC FACILITY

(August 21, 1981)

Take notice that on June 29, 1981, Boise Project Board of Control (Applicant) filed an application under Section 30 of the Federal Power Act (Act) [16 U.S.C. Section 823(a)], for exemption of a proposed hydroelectric project from requirements of Part I of the Act. The proposed Main Canal No. 6 Hydroelectric Project (FERC Project No. 5038) would be located on the Applicant's Irrigation Canal System, near the town of Kuna, in Ada County, Idaho.

Correspondence with the Applicant should be directed to: Mr. William Bienapfl, Chairman, Boise Project Board of Control, 214 Broadway Boise, Idaho 83702.

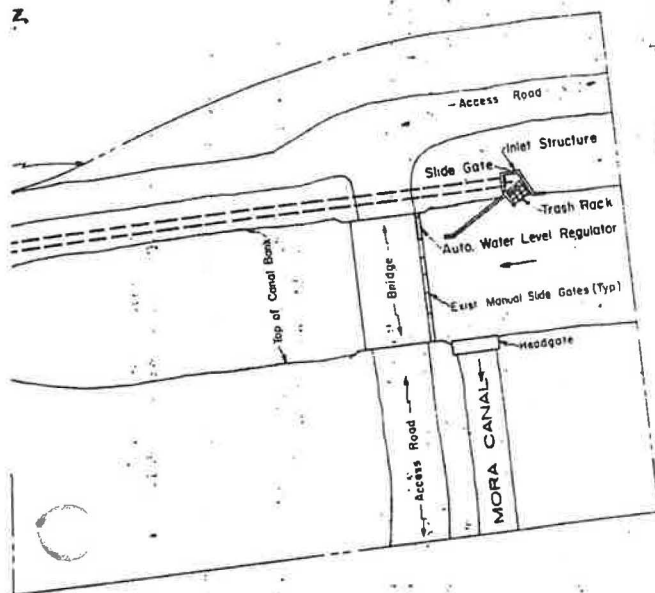
Purpose of Project - Project energy would be sold to Idaho Power Company.

Project Description - The proposed project would consist of: (1) an inlet structure within the eastern bank of the New York Canal; (2) a 72-inch diameter, 2,300-foot long penstock; (3) a powerhouse to contain three generating units with a total rated capacity of 1,055 kW; and (4) a tailrace discharging into the Main Canal.

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

Comments, Protests, or Petitions to Intervene - Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 C.F.R. §.18 or §.1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in §.1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protests, or petitions to intervene must be received on or before October 2, 1981. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb
Secretary



FERC Project
No. 5038

VICINITY MAP
1" = 5.5 Miles (Approx.)

EXHIBIT B	
MAIN CANAL #6 DROP	
BOISE PROJECT BOARD OF CONTROL	
VICINITY MAP & SITE PLAN	
JUB	JUB ENGINEERS, INC. Engineers Surveyors Planners Boise, Idaho
	DATE: APRIL 1981
AS SHOWN	8810429-01

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Boise Project Board of Control

Project No. 5038-002

ORDER AMENDING EXEMPTION

(Issued December 19, 2019)

1. On October 17 and 18, 2019, Boise Project Board of Control, exemptee for the Main Canal No. 6 Hydroelectric Project No. 5038, filed an application for an amendment of the project exemption.¹ The project is located on the exemptee's irrigation canal system, near the town of Kuna, in Ada County, Idaho, and, in part, occupies federal lands administered by the U.S. Bureau of Reclamation (Reclamation).

Background

2. The Commission issued an exemption from licensing (conduit) to the Boise Project Board of Control for the Main Canal No. 6 Project on October 23, 1981. On June 17, 2019, Commission staff amended the exemption with the issuance of an Order Amending Exemption, Approving Revised Exhibits, and Revising Annual Charges (June 2019 Amendment).² The June 2019 Amendment authorized a project consisting of: (1) a 60-foot-long, 13-foot-high intake structure; (2) a 1,770-foot-long, 120-inch-diameter penstock; (3) a powerhouse containing two horizontal Francis turbines connected to a single 2,300 kilowatt generator; (4) a 175-foot-long tailrace; and (5) appurtenant facilities. Currently, the project remains unconstructed.

Exemptee's Proposal

3. The exemptee proposes the following modifications to the project authorized in the June 2019 Amendment: (1) decrease the number of turbines from two Francis turbines connected to a single generator to one Kaplan turbine connected to a single generator; (2) reduce the size of the powerhouse from approximately 2,340 ft² to 832 ft² and shift its orientation; (3) realign the tailrace; and (4) reduce the length of the diversion

¹ *Boise Project Board of Control*, 17 FERC ¶ 62,133 (1981).

² *Boise Project Board of Control*, 167 FERC ¶ 62,174 (2019).

structure from 61 ft. to 48 ft. and change the bypass mechanism from three trip gates to two automatic siphons.

Consultation and Public Notice

4. The exemptee also consulted with the Idaho State Historic Preservation Office (SHPO) and Reclamation. On October 29, 2019, the Idaho SHPO stated the amendment was in keeping with the Memorandum of Agreement (MOA) executed as part of the June 2019 Amendment. On November 1, 2019, the Reclamation provided comments stating it has no concerns.

5. On October 22, 2019, the Commission issued a public notice soliciting comments, motions to intervene, protests, recommendations, and terms and conditions for the exemptee's application. On November 19, 2019, Reclamation filed comment stating the amendment does not need a new National Environmental Policy Act (NEPA) document. On November 22, 2019, five local property owners filed comments on the amendment. On November 26, 2019, one of the property owners that filed comments on November 22, 2019, filed additional comments. On December 3, 2019, the exemptee filed a response to the comments. No other responses to the notice were filed.

6. The five property owners' comments expressed concern that the project would alter the visual aesthetics, increase noise disturbance, and lower the value of their properties. The property owners also expressed concerns regarding potential effects to wildlife and lack of an environmental assessment for the project. The Commission's requirement to address potential effects to wildlife and need for an environmental assessment are discussed below in paragraphs 7 and 8, respectively.

Section 30(c) Conditions

7. Section 30(c) of the Federal Power Act³ requires the Commission to include in its conduit exemptions such terms and conditions as may be prescribed by federal and state fish and wildlife agencies to prevent loss of, or damage to, fish and wildlife resources and to otherwise carry out the purposes of the Fish and Wildlife Coordination Act.⁴ Standard Article 2 of the exemption requires compliance with the terms and conditions prepared by federal or state fish and wildlife agencies to protect fish and wildlife resources. The exemptee filed the amendment application with U.S. Fish and Wildlife Service (FWS) and Idaho Department of Fish and Game (Idaho DFG) on October 7, 2019. The FWS

³ 16 U.S.C. § 823a(c) (2018).

⁴ 16 U.S.C. §§ 661-667e (2018).

and Idaho DFG stated they had no recommendations or comments on the proposed amendment on October 9 and 10, 2019, respectively.

National Historic Preservation Act

8. Under section 106 of the National Historic Preservation Act (NHPA)⁵ and its implementing regulations,⁶ federal agencies must take into account the effect of any proposed undertaking on properties listed or eligible for listing in the National Register of Historic Places (National Register) and afford the Advisory Council on Historic Preservation (Advisory Council) a reasonable opportunity to comment on the undertaking. This generally requires the Commission to consult with the SHPO to determine whether and how a proposed action may affect historic properties and to seek ways to avoid or minimize any adverse effects.

9. To satisfy the Commission's section 106 responsibilities, as part of the June 2019 Amendment, the Commission executed an MOA with the Idaho SHPO by signature on May 23, 2019 and Idaho SHPO signature on May 28, 2019. Sorenson Engineering, the exemptee, and Reclamation signed the MOA as concurring parties on May 23, May 24, and June 7, 2019, respectively. The MOA sets forth measures to be carried out to mitigate adverse effects to historic properties, resolve disputes, and amend or terminate the agreement. Consistent with ordering paragraphs (F) & (G) of the June 2019 Amendment, the exemptee must implement the MOA, and cease all work immediately and contact the Idaho SHPO, Reclamation, the Shoshone-Bannock Tribes of Fort Hall Reservation, and any other interested Tribes if historic or archaeological resources are found.

Review

10. Pursuant to section 380.4(a)(14) of the Commission's regulations,⁷ Commission staff is not required to prepare an environmental assessment or an environmental impact statement for conduit exemption applications. Nonetheless, I have considered the environmental information in the application, the comments received, and other pertinent

⁵ Section 106 of the NHPA of 1966, as amended, 54 U.S.C. § 306108, Pub. L. No. 113-287, 128 Stat. 3188 (2014). (The NHPA was recodified in Title 54 in December 2014).

⁶ 36 C.F.R. Part 800 (2018).

⁷ 18 C.F.R. § 380.4(a)(14) (2019).

information, and find the issuance of this order is not a major federal action significantly affecting the quality of the human environment.

11. In their comments, the property owners' expressed concern over the potential effects of project operation on water quality. The primary use of the canal on which the project would be located is irrigation. The project would not change the primary use of the canal and would not require a water rights permit⁸ or a stream channel alteration permit.⁹ In addition, Idaho Department of Environmental Quality has determined the canal does not have any designated beneficial use protections and has not requested the exemptee apply for a Water Quality Certification. We conclude, therefore, impact to water quality from operation of the project would not be significant.

12. In their comments, the property owners' expressed concern over the potential effects of project construction and operation on fish and wildlife. As stated in paragraph 7 above, both Idaho DFG and FWS have reviewed the amendment application and have no comments or recommendations. Although there would likely be displacement of some fish and wildlife due to construction disturbance, this effect would only be temporary, and the project would permanently remove only 0.2-acres of habitat. We conclude; therefore, the project would have no significant long-term impacts to fish or wildlife.

13. In their comments, the property owners expressed concern over the effects the project, once constructed, would have on the aesthetic views from their properties. The landscape surrounding the project is mainly rural, open crop and pastureland. The project is small and would only result in 0.2-acres of disturbance once constructed. The project would be set back from major roads, constructed very close to the existing canal, and would only be partially visible from two properties along S. Eagle Road. In their response to the property owner comments, the exemptee proposes acquiring a local permit to build a berm on the east side of the pipeline where it would be most visible and planting it with native grasses. We conclude the berm, if permitted, would mitigate direct views of the project from the properties on S. Eagle Road. The exemptee should also employ visual mitigation by choosing landscape appropriate colors for project features and we are requiring it to do so in ordering paragraph (E). We conclude the small size and location of the project and visual mitigation measure required by ordering paragraph (E) would result in very minor impacts to aesthetic views from local properties.

14. The property owners' comments also expressed concern about the noise that would result from project construction and operation. Although there would likely be

⁸ Idaho Code § 42-201(9).

⁹ Idaho Code § 42-3802(d).

some increase in noise associated with construction of the project, these effects would only be temporary and would cease once construction is complete. In their response to property owner comments, the exemptee provided an operation noise analysis of the March Valley Hydroelectric Project No. 10468 (March Valley Project). The March Valley Project is very similar to the proposed design of Main Canal No. 6 Project with both having a pre-fabricated metal powerhouse housing a single turbine and generating unit located in an open landscape. The analysis for the March Valley Project indicates noise from the generator becomes inaudible at 200 feet from the powerhouse. Although the Main Canal No. 6 Project would have a slightly higher generating capacity than the March Valley Project, the nearest home would be at least 1,000 feet from the powerhouse. We conclude operation of the project would not result in a significant increase of noise disturbance to local homes.

15. In their comments, the property owners expressed concern that the project, once constructed, would have a negative impact on the value of their property. As stated above, we do not believe there will be any significant adverse impacts to aesthetic views or noise disturbance to local properties in the vicinity of the project. Therefore, we find it unlikely that construction of the project will have any effect on the value of local properties.

Administrative Provisions

A. Exhibit A and Project Description

16. The exemptee's October 17, 2019 application includes a revised Exhibit A describing the proposed project; however, it includes a description of an associated transmission line. Under the Commission's regulations, transmission lines are specifically excluded from project; therefore, we will not approve the revised Exhibit A.¹⁰ The application contains sufficient information for us to revise the project description in ordering paragraph (B) to reflect the proposed project, and remind the exemptee to file a revised Exhibit A with the as-built drawings required in ordering paragraph (E) of the June 2019 Amendment.

B. Exhibit B and G Drawings¹¹

17. We reviewed the revised Exhibit B and six revised Exhibit G drawings filed on October 17, 2019. We georeferenced the Exhibit B drawing and found it to agree with

¹⁰ 18 C.F.R 4.30(b)(30) (2019).

¹¹ The naming conventions the Commission uses for project exhibits have changed since the exemption order was issued for this project. The Exhibit G designation was for general design drawings of principal project features; however, this type of drawing is

our current mapping requirements; however, the drawing needs to be stamped by a registered land surveyor and contains a color background that will need to be removed. We reviewed the revised Exhibit G drawings and found they are acceptable representations of the proposed project features. The revised Exhibit G-1 contains aerial imagery that will need to be removed. The other drawings conform to the Commission's rules and regulations and all drawings should be approved, as shown in ordering paragraph (C). In ordering paragraph (D), we require the exemptee to have a registered land surveyor stamp Exhibit B-1, and remove the color background and aerial imagery from the approved Exhibits B-1 and G-1, respectively, and file the all approved drawings and associated GIS data in electronic file format.

C. Construction Related Requirements

18. To ensure the exemptee will construct, maintain, and operate a safe and adequate project, the exemptee is reminded that it must comply with the preconstruction requirements of ordering paragraphs (H), (I), (J) of the June 2019 Amendment. The ordering paragraphs require, in part, the filing of final plans and specifications and a supporting design document, and receiving authorization to commence construction from the Commission's Division of Dam Safety and Inspections (D2SI) – Portland Regional Engineer.

D. As-Built Exhibits

19. The exemptee is reminded that it must comply with the requirement of ordering paragraph (E) of the June 2019 Amendment to file as-built Exhibits A, B and G within 90 days of completion of construction of the facilities authorized by this order.

Conclusion

20. The exemptee proposes to construct the project with a modified configuration that would decrease the length of the intake structure, the size of the powerhouse, and number of turbines, while keeping the authorized installed capacity as previously authorized at 2,300 kW. The new configuration would also shift the orientation of the powerhouse. Based on the information provided by the exemptee, agency comments, and staff's independent analysis, we find that the exemptee's proposal would not significantly affect environmental resources in the project area. Therefore, the exemptee's application for amendment should be approved.

now referred to as Exhibit F in 18 C.F.R. § 4.41(g). The Exhibit B designation was for exhibits depicting maps of the project boundary, and is now referred to as Exhibit G in 18 C.F.R. § 4.41(h). To be consistent with the original exemption, we will continue to use the exhibit naming conventions used in the exemption order.

The Director orders:

(A) Boise Project Board of Control's application for an amendment of the project exemption, filed October 17, 2019, for the Main Canal No. 6 Hydroelectric Project No. 5038, is approved.

(B) The project description is revised to read as follows:

The project consists of: (1) a 60-foot-long, 13-foot-high intake structure; (2) a 1,770-foot-long, 120-inch-diameter penstock; (3) a powerhouse containing a vertical Kaplan turbine connected to a single 2,300-kilowatt generator; (4) a 175-foot-long tailrace; and (5) appurtenant facilities.

(C) This order approves the Exhibit B and G drawings, filed October 17, 2019, as shown in the table below.

Exhibit No.	FERC Drawing No.	Drawing Title	Filename Title¹²
B-1	P-5038-8	Project Boundary	Project Boundary
G-1	P-5038-9	Civil Site Overall Site Plan	Overall Site Plan
G-2	P-5038-10	Intake/Bypass Structural Overall Plan View	Intake Bypass Plan View
G-3	P-5038-11	Intake/Bypass Structural Overall El View	Intake Bypass Elev View
G-4	P-5038-12	Powerhouse Structural Turbine Scroll Case & Runner Plan View	Powerhouse Plan View
G-5	P-5038-13	Powerhouse Structural Elevation View	Powerhouse Elev View
G-6	P-5038-14	Powerhouse Structural Elevation View	Powerhouse Elev View

(D) Within 45 days of the date of issuance of this order, as directed below, the exemptee must remove the color background from Exhibit B-1 and have it stamped by a registered land surveyor, and remove the aerial imagery from Exhibit G-1, and file two

¹² These exact drawing titles must be used in the filename when filing the electronic file format drawings required in ordering paragraph (D). Commission staff shortened the drawing titles due to filename character limits. There is no need to modify the titles as they appear on the drawings.

sets of all the approved exhibit drawings and geographic information system (GIS) data in electronic file format on compact disks (CDs) with the Secretary of the Commission, ATTN: OEP/DHAC.

a) The exemptee must prepare digital images of the approved exhibit drawings in electronic format. Prior to preparing each digital image, the exemptee must add the FERC Project-Drawing Number (*i.e.*, P-5038-8 through P-5038-14) in the margin below the title block of the corresponding approved drawing. The exemptee must separate the Exhibit F drawings from the other project exhibits, and **identify them as Critical Energy Infrastructure Information (CEII) material under 18 C.F.R. § 388.113** (*i.e.*, two CDs containing the Exhibit B drawings and GIS data, and two CEII CDs containing only Exhibit G drawings). Each drawing must be a separate electronic file, and the file name must include: FERC Project-Drawing Number, FERC Exhibit Number, Drawing Title, date of this order, and file extension in the following format [P-5038-8, B-1, Project Boundary, MM-DD-YYYY.TIF].

Each Exhibit B drawing that includes the project boundary must contain a minimum of three known reference points (*i.e.*, latitude and longitude coordinates or state plane coordinates), arranged in a triangular format for GIS georeferencing the project boundary drawing to the polygon data. The exemptee must identify the spatial reference for the drawing (*i.e.*, map projection, map datum, and units of measurement) on the drawing and label each reference point. In addition, a registered land surveyor must stamp each project boundary drawing. All digital images of the exhibit drawings must meet the following format specification:

IMAGERY:	black & white raster file
FILE TYPE:	Tagged Image File Format, (TIFF) CCITT Group 4 (also known as T.6 coding scheme)
RESOLUTION:	300 dots per inch (dpi) desired, (200 dpi minimum)
DRAWING SIZE:	22" x 34" (minimum), 24" x 36" (maximum)
FILE SIZE:	less than 1 megabyte desired

The exemptee must file a third set of the digital images and a copy of Form FERC-587 with the Bureau of Land Management office at the following address:

State Director
BLM Idaho State Office
1387 S. Vinnell Way
Boise, ID 83709-1657
ATTN: FERC Withdrawal Recordation

Form FERC-587 is available through the Commission's website at the following URL: <http://www.ferc.gov/docs-filing/forms/form-587/form-587.pdf>. Although

instruction no. 3 on Form FERC-587 requires microfilm copies of the project boundary maps in aperture card format, please substitute electronic copies that meet the digital specifications in this ordering paragraph. A hard copy of Form FERC-587 is available by mailing a request to the Secretary of the Commission.

b) Project boundary GIS data must be in a georeferenced electronic file format (such as ArcGIS shapefiles, GeoMedia files, MapInfo files, or a similar GIS format). The filing must include both polygon data and all reference points shown on the individual project boundary drawings. Each project development must have an electronic boundary polygon data file(s). Depending on the electronic file format, the polygon and point data can be included in single files with multiple layers. The georeferenced electronic boundary data file must be positionally accurate to ± 40 feet in order to comply with National Map Accuracy Standards for maps at a 1:24,000 scale. The file name(s) must include: FERC Project Number, data description, date of this order, and file extension in the following format [P-5038, boundary polygon or point data, MM-DD-YYYY.SHP]. The filing must include a separate text file describing the spatial reference for the georeferenced data: map projection used (*i.e.*, UTM, State Plane, Decimal Degrees, *etc.*), the map datum (*i.e.*, North American 27, North American 83, *etc.*), and the units of measurement (*i.e.*, feet, meters, miles, *etc.*). The text file name must include: FERC Project Number, data description, date of this order, and file extension in the following format [P-5038, project boundary metadata, MM-DD-YYYY.TXT].

In addition, for those projects that occupy federal lands, the filing must include a separate georeferenced polygon file(s) that identifies transmission line acreage and non-transmission line acreage affecting federal lands. The file(s) must also identify each federal owner (*e.g.*, Bureau of Land Management, Forest Service, U.S. Army Corps of Engineers, *etc.*), land identification (*e.g.*, forest name, Section 24 lands, national park name, *etc.*), and federal acreage affected by the project boundary. Depending on the georeferenced electronic file format, a single file with multiple layers may include the polygon, point, and federal lands data.

(E) The exemptee must, to the extent feasible, choose appropriate colors for project features, including the pipeline and powerhouse, that blend with the surrounding landscape.

(F) This order constitutes final agency action. Any party may file a request for rehearing of this order within 30 days from the date of its issuance, as provided in section 313(a) of the Federal Power Act, 16 U.S.C. § 8251 (2018), and the Commission's regulations at 18 C.F.R. § 385.713 (2019). The filing of a request for rehearing does not operate as a stay of the effective date of this order, or of any other date specified in this order. The exemptee's failure to file a request for rehearing shall constitute acceptance of this order.

Kelly Houff
Chief, Engineering Resources Branch
Division of Hydropower Administration
and Compliance



Barker Rosholt
& Simpson LLP

RECEIVED

OCT 04 2021

DEPARTMENT OF
WATER RESOURCES

Boise

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Boise, Idaho 83702
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September 30, 2021

Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

RE: Notice of Exempt Hydropower Use

The Boise Project Board of Control hereby submits this Notice of Exempt Hydropower Use. The following information is provided in response to the Department's Checklist for Notice of Exempt Hydropower Use:

1. List the name, address, telephone number, and email of the person or entity operating the canal or conduit:

Bob Carter, Project Manager, Boise Project Board of Control
2465 W Overland Rd, Boise, ID 83705
208-344-1141
bcarter@boiseproject.org

2. List the water right(s) authorizing the diversion of water from a natural watercourse into the canal or conduit.

- 63-251A
- 63-301A
- 63-302A
- 63-373A
- 63-2388A
- 63-32579

3. Describe the exempt hydropower use by providing the following items:

- a. A map and legal description of the location of the exempt hydropower use and the point where water is diverted from the natural water source.
 - Please see attached maps of the Place of Use and the Point of Diversion for each water right.
 - Location of use: The New York Canal at Section 29, Township 02N, Range 01E Boise Meridian.

- Point of diversion: Boise River at NWSW Lt 13 Sec. 03 Township 02N Range 03E Ada County.
 - b. The maximum rate of flow in cubic feet per second that will be used in the power plant.
 - 700 cfs
 - c. The maximum power output in kilowatts that will be produced by the power plant.
 - 2300kW
 - d. The days and months the power plant will be in operation.
 - March 1 – November 15 (irrigation season).
4. Attach a copy of the government order or document authorizing the hydropower project.
- Please see attached *Order Granting Exemption from Licensing for A Conduit Hydroelectric Project*, issued by the Federal Energy Regulatory Commission (FERC) on October 23, 1981 which authorized this hydropower project and *Order Amending Exemption* issued by FERC on December 19, 2019 authorizing modifications to the project.
5. The notice must be signed and dated by an authorized agent for the person or entity operating the canal or conduit.
- Notice is signed by Sarah W. Higer, attorney for the Boise Project Board of Control.
6. Certify that the incidental use of water for hydropower generation meets all the requirements of Idaho Code § 42-201(9).
- See attached Certification.
7. Send a copy of the notice to the Watermaster for the Water District where the water is diverted. This item applies if the point of diversion is located within a Water District.
- A copy will be sent to the Watermaster for Water District 63.

Sincerely,

BARKER ROSHOLT & SIMPSON LLP


Sarah W. Higer

SWH/jn

Cc: Water Master Water District 63