

State of Idaho  
Department of Water Resources  
**Water Right License**  
Water Right No. 84-7171

**Priority:** June 30, 1983

**Maximum Diversion Rate:** 60.0 CFS

**Maximum Diversion Volume:** 2,780 AF

It is hereby certified that:

FORD HYDRO LTD PARTNERSHIP PO BOX 1432 LEWISTON ID 83501-1432

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated June 30, 1983, and has submitted Proof of Beneficial Use on March 30, 1990. An examination confirms water is diverted from:

**Source :** JIM FORD CREEK

**Tributary:** CLEARWATER RIVER

**Beneficial Use**

POWER

**Period of Use**

01/01 to 12/31

**Rate of Diversion**

60.0 CFS

**Annual Volume**

2,780 AF

**Location of Point(s) of Diversion**

JIM FORD CREEK SW¼ SW¼, Sec. 10, Twp 35N, Rge 04E, B.M. CLEARWATER County

**Place of Use: POWER**

Twp	Rng	Sec	NE				NW				SW				SE			
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
35N	04E	9		X														

**Conditions of Approval**

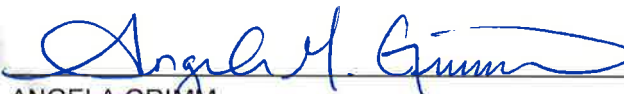
1. This right does not constitute Idaho Public Utilities Commission or Federal Energy Regulatory Commission approval that may be required.
2. Use of water under this right shall be non-consumptive.
3. This right does not grant any right-of-way or easement across the land of another.
4. The term of this water right shall run concurrently with Ford Power Project license #7986 issued by the Federal Energy Regulatory Commission (FERC), which expires on December 31, 2035. The term shall automatically extend to run concurrently with any annual renewals of the project's FERC license. Prior to the issuance of a subsequent or new FERC license for the project, the Director may review the water right license and may issue an order canceling all or any part of the use, establishing a new term, or revising, adding or deleting conditions under which the water right may be exercised. The order shall take effect on the date the current term, as may be extended through annual renewals, expires. If the Director does not issue such an order, the term shall automatically extend to a length equal to the project's subsequent or new FERC license and any prior conditions on the water right license shall remain in effect.

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5. The rights for the use of water confirmed in this license shall be junior and subordinate to all rights for the use of water other than hydropower, within the State of Idaho that are initiated later in time than the priority of this right and shall not give rise to any right or claim against any future rights for the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this right.

This license is issued pursuant to the provisions of Idaho Code § 42-219. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

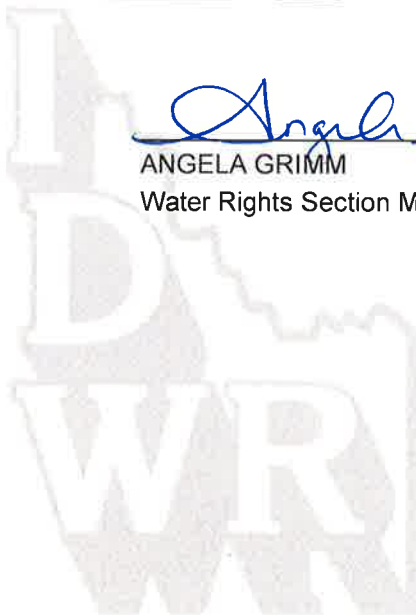
Signed this 31<sup>st</sup> day of AUGUST, 20 20.



A handwritten signature in blue ink, reading "Angela M. Grimm", is written over a horizontal line.

ANGELA GRIMM

Water Rights Section Manager



This map depicts the POWER place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



State of Idaho  
Department of Water Resources  
**Application for Amendment**  
(For Licensing Purposes)  
Water Right No. 84-7171

RECEIVED

AUG 28 2020

DEPARTMENT OF  
WATER RESOURCES

Priority: June 30, 1983

Maximum Diversion Rate: 60.0 CFS

Maximum Diversion Volume: 2780.0 AF

The owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 84-7171

FORD HYDRO LTD PARTNERSHIP PO BOX 1432 LEWISTON ID 83501-1432

requests the permit be changed as follows:

Source: JIM FORD CREEK

Tributary: CLEARWATER RIVER

Beneficial Use

POWER

Period of Use

01/01 to 12/31

Rate of Diversion

60.0 CFS

Annual Volume

2780.0 AF

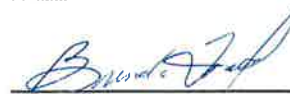
Location of Point(s) of Diversion

JIM FORD CREEK SW¼ SW¼, Sec. 10, Twp 35N, Rge 04E, B.M. CLEARWATER County

Place of Use: POWER

Twp	Rng	Sec	NE				NW				SW				SE				No QQ	Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
35N	04E	9		X																

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk.

Signed this 26th day of August, 20 20.


(Signature)



State of Idaho  
Department of Water Resources  
**Application for Amendment**  
(For Licensing Purposes)  
Water Right No. 84-7171

FOR DEPARTMENT USE ONLY

Preliminary check by ME Fee = \$100 Received by KU # C109190 Date 8-28-2020

**ACTION OF THE DEPARTMENT OF WATER RESOURCES**

The Idaho Department of Water Resources hereby approves the above Application for Amendment for Permit No. 84-7171 with the following:

**Conditions of Approval**

1. This right does not constitute Idaho Public Utilities Commission or Federal Energy Regulatory Commission approval that may be required.
2. Use of water under this right shall be non-consumptive.
3. This right does not grant any right-of-way or easement across the land of another.
4. The term of this water right shall run concurrently with Ford Power Project license #7986 issued by the Federal Energy Regulatory Commission (FERC), which expires on December 31, 2035. The term shall automatically extend to run concurrently with any annual renewals of the project's FERC license. Prior to the issuance of a subsequent or new FERC license for the project, the Director may review the water right license and may issue an order canceling all or any part of the use, establishing a new term, or revising, adding or deleting conditions under which the water right may be exercised. The order shall take effect on the date the current term, as may be extended through annual renewals, expires. If the Director does not issue such an order, the term shall automatically extend to a length equal to the project's subsequent or new FERC license and any prior conditions on the water right license shall remain in effect.
5. The rights for the use of water confirmed in this license shall be junior and subordinate to all rights for the use of water other than hydropower, within the State of Idaho that are initiated later in time than the priority of this right and shall not give rise to any right or claim against any future rights for the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this right.

This amendment is issued pursuant to the provisions of Idaho Code § 42-211.

Signed this 31<sup>st</sup> day of AUGUST, 2020.



ANGELA GRIMM  
Water Rights Section Manager






State of Idaho  
Department of Water Resources

# Attachment for Application to Amend a Permit

84-7171

This map depicts the POWER place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters

0 0.15 0.3 0.6 Miles





State of Idaho

DEPARTMENT OF WATER RESOURCES

322 E FRONT ST STE 648 PO BOX 83720 • BOISE, ID 83720-0098

Phone: (208)287-4800 • Fax: (208)287-6700 • Website: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

Brad Little  
Governor

Gary Spackman  
Director

September 3, 2020

FORD HYDRO LTD PARTNERSHIP  
PO BOX 1432  
LEWISTON ID 83501-1432

RE: License No. 84-7171

**Issuance of License**

Dear Water Right Holder:

The Department of Water Resources ("Department") has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review all the conditions of approval listed on your license. The conditions may include ongoing requirements, such as maintenance of a measuring device or implementation of mitigation, as well as information about how your water use may be administered, such as regulation by a watermaster in a water district. Also enclosed is a copy of the approved application for amendment.

The license is a PRELIMINARY ORDER issued by the Department pursuant to Rule 730 of the Department's Rules of Procedure (IDAPA 37.01.01.730). It can and will become a final order without further action by the Department unless a party petitions for reconsideration, files exceptions, or requests a hearing as described in the enclosed information sheet.

Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Water right forms are available from any office of the Department or on the Department's website at [idwr.idaho.gov](http://idwr.idaho.gov)

If you have any questions concerning the enclosed information, please contact me at (208) 287-4951.

Sincerely,

Angela Grimm  
Water Rights Section Manager

Enclosures

## CERTIFICATE OF SERVICE

I hereby certify that on September 3, 2020, I served a true and correct copy of Water Right License No. 84-7171 by U.S. Mail, postage prepaid, to the following:

FORD HYDRO LTD PARTNERSHIP (Current Owner)  
PO BOX 1432  
LEWISTON ID 83501-1432



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Debbi Judd  
Technical Records Specialist



## **EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER**

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

### **PETITION FOR RECONSIDERATION**

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

### **EXCEPTIONS AND BRIEFS**

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

### **REQUEST FOR HEARING**

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

### **ORAL ARGUMENT**

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

## **CERTIFICATE OF SERVICE**

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

## **FINAL ORDER**

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

## **APPEAL OF FINAL ORDER TO DISTRICT COURT**

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.