



State of Idaho

DEPARTMENT OF WATER RESOURCES

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BRAD LITTLE
Governor

GARY SPACKMAN
Director

April 28, 2020

FORD HYDRO LTD PARTNERSHIP
PO BOX 1432
LEWISTON ID 83501

RE: Additional Information Request Permit No. 84-7171

Dear Permit Holder(s)

On April 30, 1986, the Idaho Department of Water Resources (IDWR) issued Permit 84-7171 which authorized you to divert 100.0 cubic feet per second (cfs) of water from Jim Ford Creek in SW¼ of the SW¼ of Section 10, Township 35 North, Range 04 East, for power purposes.

Condition 1.b. of Permit 84-7171 states "Proof of construction of works and application of water to beneficial use shall be submitted on or before April 1, 1990." April 1, 1990 was the proof due date for Permit 84-7171. What does that mean? When a project to use water is complete, the permittee must "prove up" the water right by demonstrating that water has been put to beneficial use according to the terms of the permit. That proof is accomplished by submitting either:

- a completed Statement of Completion form accompanied by the license examination fee or
- a completed Statement of Completion form accompanied by a completed Beneficial Use Field Report as prepared by a certified water right examiner.

On March 30, 1990, IDWR received the Proof of Beneficial Use statement and the examination fee that you submitted for Permit 84-7171. Note that the first sentence at the top of the proof statement states, "The Idaho Department of Water Resources will consider this form as 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 uses(s) described below." The period for development of the permit ended with receipt of your proof statement and fee. After March 30, 1990, Permit 84-7171 was no longer in effect. Submitting the 'proof' triggers the next step in the water rights process. That step is the field examination to confirm that a beneficial use of water occurred and to quantify the use.

You have provided me evidence that you were in contact with Northern Region personnel in the early 1990's and have stated that an IDWR employee from the Northern Region office visited the Ford Power Project in the past. You also provided a dated and time stamped screen-shot of IDWR's website indicating that a field examination had been done on March 5, 1998. But the file for Permit 84-7171 is missing a key document. That document is a completed Beneficial Use Field Report; a report written by the field examiner which communicates how you diverted water and applied it to the beneficial use authorized by your permit. The report must also include the examiner's recommendations for the elements of a Water Right License. There is no Beneficial Use Field Report in the file for Permit 84-7171 and I have not located any notes, photos or other evidence of a previous site visit by IDWR personnel to the Ford Power Project.

On March 3, 2020, I conducted a field examination to verify the water use for Water Right Permit 84-7171. I found that the Ford Power Project was in place and I confirmed that the project was utilizing water from Jim Ford Creek to generate power. I am in the process of writing the Beneficial Use Field Report and have already shared some preliminary findings with you.

Based on some content in the file of Permit 84-7171, I understood that you have an active power sales agreement and were selling power to The Washington Water Power Company (now known as Avista). Subsequent to my visit to the Ford Power Project, I renewed a search for evidence of power generation attributed to the Ford Power Project during the development period of the permit. I have found that very little information is available. Avista personnel provided me with the enclosed document which identifies the Ford Power Project as Jim Ford Creek Hydro. Based on that document, the Ford Power Project began selling power in 1988. And during the years that Permit 84-7171 was in effect (1986-1990), the maximum power generated was 1085 MWh, which occurred in 1990.

I recognize that these generation numbers are significantly less than the Ford Power Project generates and sells currently. But for a water right license, I am required to recommend the maximum rate and volume of water shown to have been put to beneficial use during the development period of the permit which was 1986-1990 in this case. Based on Washington Water Power Company-Avista data, I have back-calculated a maximum rate and an annual volume of water that was used for power generation in 1990. For the rate, I calculated that approximately 15 cfs of water was beneficially used for power generation. For the annual volume, I calculated that approximately 2790 acre-feet of water was beneficially used.

The calculated rate is much less than was authorized by the permit. I want to recommend as much as possible for the license so you get the most value from this permit. To accomplish that, I will need data representing shorter time increments. The data available to me are at monthly or annual timescales. I have not located any daily or hourly generation values. Daily or sub-daily values would improve my calculations by eliminating some of the averaging that is inherent in using monthly values. So if you kept any records of daily or hourly generation from 1986-1990, I would welcome copies of them.

The final step in the water appropriation process is the issuance of a Water Right License. By issuing a license, IDWR recognizes that you have met the requirements for establishing a water right. A license can be issued only for development that occurred prior to the date that the Proof of Beneficial Use statement was filed. Under Permit 84-7171, development of the water use was completed by March 30, 1990. After a Proof of Beneficial Use statement has been submitted for a permit, that permit cannot be retained to cover future development of the resource.

If you believe that you developed a beneficial use of water under Permit 84-7171 above the quantities that I have been able to confirm, please send me supporting documentation within sixty days. If I do not hear from you on or before Tuesday, **June 30, 2020**, I will recommend a license be issued for the quantities that I have found to have been put to beneficial use from 1986-1990.

If you have any questions, please contact me at 208-287-4946. Or email me at Michele.Edl@IDWR.idaho.gov

Respectfully,



Michele Edl

Enclosure