

MEMORANDUM

TO: Water Right Permit File 13-7934

FROM: Daniel A. Nelson

DATE: April 24, 2020

SUBJECT: Additional Review of Permit 13-7934

I have been asked to review the information associated with the Grace Power Plant system to determine the following issues. I will address each issue separately.

1. What is the capacity of the diversion works at the point of diversion? Should a combined condition limit be issued on this license with rights that share the same point of diversion; 13-957, 13-958, 13-7934, and 13-7701?

In reviewing the data for the Grace Dam facility, I contacted Department staff involved in recording data for this pipeline. According to their data, the maximum flow through the 11 foot pipeline is 960 cfs. Please see the April 24, 2020, email from Ethan Geisler for confirmation of that information. There is also an "Agreement Regarding the Bear River System," (Agreement) dated October 5, 1999, in the Water District 11 records that limits the use for the Grace Hydropower Plant to 1,000 cfs.

I spoke with Stuart Edwards, East Area Hydro Engineer/Renewable Resources, and Buffi Morris, Water Right Specialist, of PacifiCorp on April 24, 2020 on the telephone, and they informed me that the pipeline is actually capable of diverting over 2,000 cfs to the Grace Hydropower Plant. However, they agree that they are limited to the 1,000 cfs of the Agreement. They also stated that it shouldn't be an issue to place a combined limitation on the diversion rate of 1,000 cfs for the water rights 13-957, 13-958, and 13-7934.

A concern about water right 13-7701 was also expressed in the above questions, but 13-7701 is a statutory claim, and can't be included in combined limitation of water rights that have been verified by the Department. Since 13-7701 is a statutory claim, I didn't include it in my original analysis, but it is also diverted through the same pipeline and taken out at the penstocks. We do need to include a condition that limits the diversion rate when 13-957, 13-958, and 13-7934 are combined to a total diversion rate of 1,000 cfs. Combined limitation conditions for 13-7701 can be included once these right have been adjudicated.

2. Should a measuring device and lockable controlling works be required for this non-consumptive diversion within Water District 11?

This right is in the Bear River drainage, so it is being measured and monitored. Measurements and regulation is required per the Agreement. The Agreement is found in the Water District 11 documents, so it appears the Agreement is part of the water district required duties to enforce. It is listed as "10079995: Grace Power" in the Water Rights Accounting database. I also

contacted James Cefalo of our Eastern Region office, and he confirmed it is part of Water District 11. I also called the watermaster, and he confirmed that this system is part of Water District 11. The watermaster also stated that he doesn't directly measure this diversion, but the information is sent to the Department. Therefore, the water district conditions should be used at licensing.