

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 29-07699

Priority: May 9, 1983

Maximum Diversion Rate: 210.00 CFS
Maximum Diversion Volume: 102,000.0 AF

It is hereby certified that COMMERCIAL ENERGY MANAGEMENT INC
C/O MAHER F WISSA PRES
PO BOX 4518
POCATELLO ID 83205 has complied with the terms and conditions of the
permit, issued pursuant to Application for Permit dated May 9, 1983; and has submitted Proof of
Beneficial Use on July 26, 1993. An examination confirms water is diverted from:

SOURCE

PORTNEUF RIVER

Tributary: SNAKE RIVER

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
POWER	01/01 to 12/31	210.00 CFS	102,000.0 AF

LOCATION OF POINT(S) OF DIVERSION:

PORTNEUF RIVER L9 (NE1/4SW1/4) Sec. 22, Twp 09S, Rge 38E, B.M.

BANNOCK County

PLACE OF USE: POWER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S	38E	22																	
											X								
											L	9							

CONDITIONS OF APPROVAL

1. A measuring device and lockable controlling works of a type acceptable to the department shall be permanently installed and maintained as part of the diverting works. Also, a measuring device with a continuous strip chart recorder (or other recording device) as approved by the department shall be installed and maintained on the natural channel to measure the flow in the bypassed reach. Records of bypass flows shall be sent to the department upon specific request of the department but not more frequent than 30 days after collection.
2. A bypass flow of no less than 40 cfs shall remain in the natural stream channel at the point of diversion at all times the project is operating.
3. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 29.

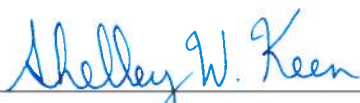
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4. This right does not grant any right-of-way or easement across the land of another.
5. The rights for the use of water confirmed in this license shall be junior and subordinate to all rights for the use of water other than hydropower, within the 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.
6. This right does not constitute Idaho Public Utilities Commission or Federal Energy Regulatory Commission approval that may be required.
7. The term of this water right shall run concurrently with Portneuf River Hydroelectric Project license 7447 issued by the Federal Energy Regulatory Commission (FERC), which expires on November 30, 2036. 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.
8. Use of water under this right shall be non-consumptive.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. 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 28th day of October, 2014.


for GARY SPACKMAN
Director



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

October 28, 2014

COMMERCIAL ENERGY MANAGEMENT INC
C/O MAHER F WISSA PRES
PO BOX 4518
POCATELLO ID 83205

RE: License No. 29-7699

Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources 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 the conditions of approval and remarks listed on your license.

The license 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 by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

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. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-287-4951.

Sincerely,

Pamela Skaggs

Water Rights Supervisor

Enclosure(s)

cc: STEVE HEBDON WATERMASTER WATER DISTRICT NO. 29

CERTIFICATE OF SERVICE

I hereby certify that on October 29, 2014, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved License) to the person(s) listed below:

RE: WATER RIGHT NO. 29-7699

**COMMERCIAL ENERGY MANAGEMENT INC
C/O MAHER F WISSA PRES
PO BOX 4518
POCATELLO ID 83205**

**WATERMASTER STEVE HEBDON
WATER DISTRICT NO 29
190 N MEADOWVIEW DR
ARIMO ID 83214**



**Darla Block
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.

MEMORANDUM

Date: October 24, 2014
To: Water Right File 29-7699
From: medl
Re: POD location and volume

I have revised my licensing recommendations for this water right.

On Thursday, September 30, 2014, I phoned Mr. Wissa (president of CEM, Inc.). I briefly discussed the status of the licensing review and the two issues which I would need to address before a license could be issued. One issue was the volume. The other was the location of the point-of-diversion. I sent an email to Mr. Wissa, which contained an attachment showing the point-of-diversion as I had located it. I requested that he review the POD location and that he provide me with additional operation information.

POD location

Mr. Wissa responded first to the POD location question. He is a licensed surveyor and teaches surveying at the local college. He had taken his surveying class to the project site, to resurvey the project lands. He provided me a map and the plotting directions for the easement survey. Although I found that the GLO showed section 31 had been resurveyed recently, I did not find that a recent survey of section 22 had been completed and accepted by the GLO. However, the rectification between the aerial photography and the PLSS survey grid can be off by the distance Mr. Wissa shows on his map. Therefore, I am changing the POD location that I had created for this license to a location in government lot 9. No amendment will be needed.

Turbine and project performance

On October 6, 2014, Mr. Wissa provided me an electronic copy of a performance curve and the maximum monthly generation and the maximum 365 days of generation from the project. The performance curve shows the approximate relationship between kW and cfs for the single turbine installed at the project.

According to the generation data, the best electricity production occurred in May 1997.

I queried the USGS database for flow records to support the generation data. Period-of-record data from the nearest active USGS station (13073000 Portneuf River at Topaz ID) indicates that 1997 was a better than average year for flow in the Portneuf River, and that the river provided the highest daily average flow during May 1997. This is consistent with the information Mr. Wissa provided. The performance curve indicates that the turbine can utilize a little more than 210 cfs and the operation data indicates that the project has been managed to generate more kW during those periods when higher flow is available.

Volume

210 cfs is not continuously available for the Portneuf River Hydroelectric project during any of the years of record. I estimated that 74% of the flow appearing at the Topaz gauging station was available upstream at the Portneuf River Hydroelectric Project. This percentage is based on measurements taken by or cited by Cecil Thomas in a March 8, 1988 Report for the Determination of Flow for Turbine Bypass Relief Valve Design.

The Beneficial Use Exam Rules require a license volume for off-stream hydropower facilities. There are several scenarios which could be used to calculate a volume for this water right. Please refer to the attached sheets.

1)

A license volume for this project could be calculated assuming that the maximum permitted flow was continuously utilized through the turbine throughout the year. The math would be $210 \text{ cfs} \times 365 \text{ days} \times 1.9835 = 152,035 \text{ AF}$. This is the maximum volume possible, but as I stated above, 210 cfs is not continuously available from the source and therefore does not result in a realistic volume.

2)

Consistent with the actual beneficial use during the calendar year 1993, a volume could be calculated from the available daily average flow rate from May to December 1993. (Proof was received on July 27, 1993). That sum is 23,003.7 cfs. When converted to AF, the sum is 45,627.9 AF.

1993 was neither the poorest nor the best year for water in the Portneuf River. However, the project was not on-line during the month of highest flow.

The following year 1994 was a poor year for water in the Portneuf River and a 365-day volume which crosses the 1993-1994 calendar year adds little.

3)

Mr. Wissa provided me generation data for his best 365 days, which crosses the 1997-1998 calendar years. This selection is biased in favor of a high volume for the project and is inconsistent with the preferred calendar-year calculations.

4)

Because the permit holder stated that the best power generation from his facility occurred in 1997, I calculated a volume based on 1997 calendar-year flows. The sum of the estimated daily average flows was 51,364.4 cfs. When converted to AF, the sum is 101,881.3 AF and rounded to three significant figures is 102,000 AF.

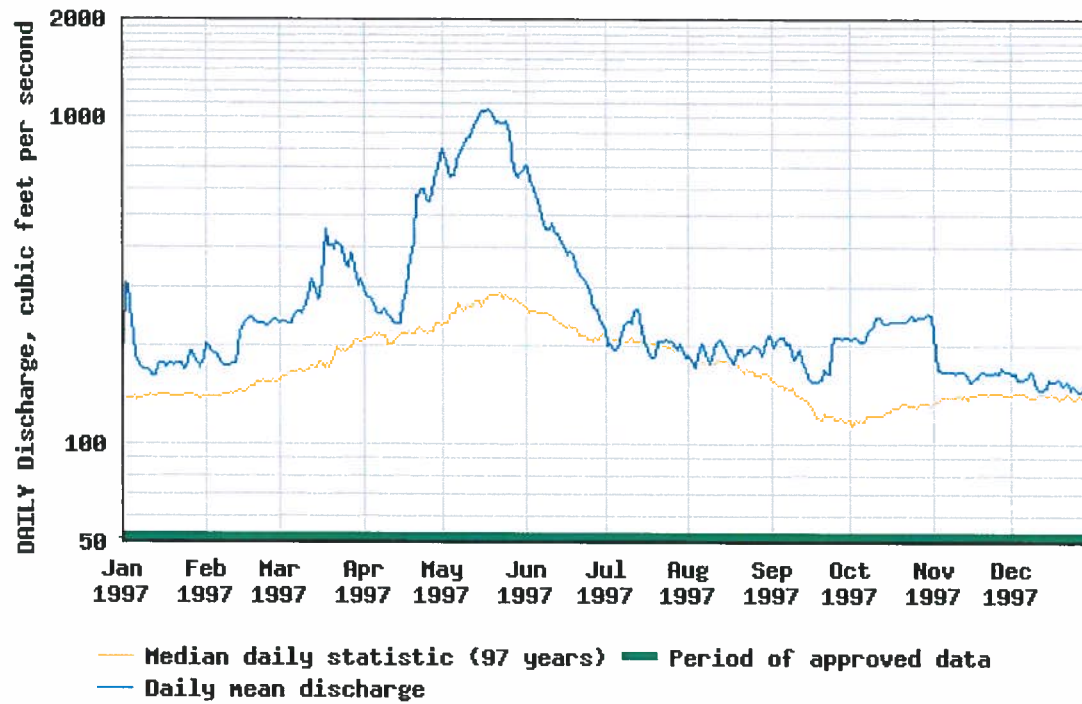
Recommendation

I researched the existing water right licenses and permits for power use from Basin 29. I found that none of the junior, upstream hydropower facilities would be impacted by issuing a license volume which is based on the available flow rate and likely operation of this project in 1997.

Therefore, I am recommending the volume from calculation scenario 4 which is 102,000 AF.

Basin	Sequence	Suffix	Version	Process	Basin	Status	Draft	RightID	Priority	Date	Diversion	Rate	Source	List	Water Use	List	Current Owner	Comments
29	7174			Water Right	Decreed	Active	N	550802	2/27/1974		27.000		PORTNEUF RIVER		POWER		JAY, MICHAEL, JAY, TEAGANE	senior downstream
29	7247			Water Right	Decreed	Active	N	550788	2/6/1975		30.000		PORTNEUF RIVER		POWER		JAY, MICHAEL, JAY, TEAGANE	senior downstream
29	7567			Water Right	License	Active	N	58628	6/19/1980		7.000		MILL CREEK		POWER		JONES, MYRON	different source
29	7578			Water Right	License	Active	N	551443	3/31/1981		175.000		PORTNEUF RIVER		POWER		MARSH VALLEY DEVELOPMENT INC	senior downstream
29	7699			Water Right	License	Active	Y	649607	5/9/1983		210.000		PORTNEUF RIVER		POWER		COMMERCIAL ENERGY MANAGEMENT INC	
29	7772			Water Right	License	Active	N	551462	8/1/1984		75.000		PORTNEUF RIVER		POWER		MARSH VALLEY DEVELOPMENT INC	junior downstream
29	13155			Water Right	License	Active	N	612025	5/10/2001		0.110		SPRING		POWER		TOVEY, DE VERE	junior remote location using a different source
29	13720			Water Right	License	Active	N	643742	8/16/2005		0.100		LOWER ROCK CREEK		POWER		SIMKO, TOM	junior remote location using a different source
29	7699			Water Permit		Active	N	23118	5/9/1983		210.000		PORTNEUF RIVER		POWER		COMMERCIAL ENERGY MANAGEMENT INC	
29	8238			Water Permit		Active	N	550239	4/18/2000		0.500		SOUTH FORK REESE CREEK		POWER		ALLEN, PAUL H	junior upstream but using a different remote source
29	13995			Water Permit		Active	N	638962	1/18/2011		1.000		SPRING		POWER		RDB POWER LLC	junior upstream but using a different source tributary to the Portneuf
29	14033			Water Permit		Active	N	658737	10/15/2012		0.250		UNNAMED STREAM		POWER		DR6275 LLC	junior remote location upstream using a different source
29	14042			Water Permit		Active	N	662869	11/19/2012		0.130		UNNAMED STREAM		POWER		BAR NONE RANCH LLC	junior remote location upstream using a different source
29	14104			Water Permit		Active	N	669667	2/10/2014		0.130		SPRING		POWER		BAR NONE RANCH LLC	junior remote location upstream using a different source

Scenario 1 based on constant cfs							
days	365						
rate(cfs)	210						
conversion	1.9835						
volume (AF)	152,035.28						
Scenario 2 based on development period cfs							
rate limit (cfs)	210						
sum Qd (cfs)	23,003.72						
conversion	1.9835						
volume (AF)	45,627.88	May-Dec 1993; proof submitted July 27, 1993					
volume (AF)	8,676.76	Jan-May 1994					
volume (AF)	54,304.64	May93 to May94					
Scenario 3 based on best 365 days of generation April 1997-March 1998							
rate limit (cfs)	210						
sum Qd (cfs)	10,115.80	preferential selection which does not excludes typical low periods					
conversion	1.9835						
volume (AF)	20,064.69						
Scenario 4 based calendar year 1997; a good water year							
rate limit (cfs)	210						
sum Qd 1997 (cfs)	51,364.40						
conversion	1.9835						
volume	101,881.29	my recommendation					

**USGS 13073000 PORTNEUF RIVER AT TOPAZ ID**

# ----- WARNING -----						
# The data you have obtained from this automated U.S. Geological Survey database						
# have not received Director's approval and as such are provisional and subject to						
# revision. The data are released on the condition that neither the USGS nor the						
# United States Government may be held liable for any damages resulting from its use.						
# Additional info: http://help.waterdata.usgs.gov/policies/provisional-data-statement						
#						
# File-format description: http://help.waterdata.usgs.gov/faq/about-tab-delimited-output						
# Automated-retrieval info: http://help.waterdata.usgs.gov/faq/automated-retrievals						
#						
# Contact: gs-w_support_nwisweb@usgs.gov						
# retrieved: 2014-10-10 11:43:07 EDT (sdww02)						
#						
# Data for the following 1 site(s) are contained in this file						
# USGS 13073000 PORTNEUF RIVER AT TOPAZ ID						
# -----						
#						
# Data provided for site 13073000						
# DD parameter statistic Description						
# 01 00060 00003 Discharge, cubic feet per second (Mean)						
#						
# Data-value qualification codes included in this output:						
# A Approved for publication -- Processing and review completed.						
#						
agency_cd	site_no	datetime	01_00060_	01_00060_00003_cd		
5s	15s	20d	14n	10s	=Topaz Q-bypass	=210 cfs or 74% of Topaz Q
USGS	13073000	1/1/1997	202	A	162	119.88
USGS	13073000	1/2/1997	311	A	271	200.54
USGS	13073000	1/3/1997	306	A	266	196.84
USGS	13073000	1/4/1997	233	A	193	142.82
USGS	13073000	1/5/1997	213	A	173	128.02
USGS	13073000	1/6/1997	184	A	144	106.56
USGS	13073000	1/7/1997	174	A	134	99.16
USGS	13073000	1/8/1997	171	A	131	96.94
USGS	13073000	1/9/1997	168	A	128	94.72
USGS	13073000	1/10/1997	168	A	128	94.72
USGS	13073000	1/11/1997	165	A	125	92.5
USGS	13073000	1/12/1997	162	A	122	90.28
USGS	13073000	1/13/1997	162	A	122	90.28
USGS	13073000	1/14/1997	174	A	134	99.16
USGS	13073000	1/15/1997	175	A	135	99.9
USGS	13073000	1/16/1997	175	A	135	99.9
USGS	13073000	1/17/1997	171	A	131	96.94
USGS	13073000	1/18/1997	173	A	133	98.42
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USGS	13073000	1/22/1997	177 A	137	101.38
USGS	13073000	1/23/1997	176 A	136	100.64
USGS	13073000	1/24/1997	168 A	128	94.72
USGS	13073000	1/25/1997	177 A	137	101.38
USGS	13073000	1/26/1997	190 A	150	111
USGS	13073000	1/27/1997	191 A	151	111.74
USGS	13073000	1/28/1997	178 A	138	102.12
USGS	13073000	1/29/1997	175 A	135	99.9
USGS	13073000	1/30/1997	171 A	131	96.94
USGS	13073000	1/31/1997	184 A	144	106.56
USGS	13073000	2/1/1997	203 A	163	120.62
USGS	13073000	2/2/1997	199 A	159	117.66
USGS	13073000	2/3/1997	192 A	152	112.48
USGS	13073000	2/4/1997	188 A	148	109.52
USGS	13073000	2/5/1997	188 A	148	109.52
USGS	13073000	2/6/1997	179 A	139	102.86
USGS	13073000	2/7/1997	176 A	136	100.64
USGS	13073000	2/8/1997	173 A	133	98.42
USGS	13073000	2/9/1997	174 A	134	99.16
USGS	13073000	2/10/1997	174 A	134	99.16
USGS	13073000	2/11/1997	176 A	136	100.64
USGS	13073000	2/12/1997	176 A	136	100.64
USGS	13073000	2/13/1997	193 A	153	113.22
USGS	13073000	2/14/1997	217 A	177	130.98
USGS	13073000	2/15/1997	233 A	193	142.82
USGS	13073000	2/16/1997	236 A	196	145.04
USGS	13073000	2/17/1997	239 A	199	147.26
USGS	13073000	2/18/1997	243 A	203	150.22
USGS	13073000	2/19/1997	238 A	198	146.52
USGS	13073000	2/20/1997	237 A	197	145.78
USGS	13073000	2/21/1997	233 A	193	142.82
USGS	13073000	2/22/1997	233 A	193	142.82
USGS	13073000	2/23/1997	233 A	193	142.82
USGS	13073000	2/24/1997	230 A	190	140.6
USGS	13073000	2/25/1997	233 A	193	142.82
USGS	13073000	2/26/1997	237 A	197	145.78
USGS	13073000	2/27/1997	240 A	200	148
USGS	13073000	2/28/1997	236 A	196	145.04
USGS	13073000	3/1/1997	232 A	192	142.08
USGS	13073000	3/2/1997	237 A	197	145.78
USGS	13073000	3/3/1997	235 A	195	144.3
USGS	13073000	3/4/1997	234 A	194	143.56
USGS	13073000	3/5/1997	232 A	192	142.08
USGS	13073000	3/6/1997	248 A	208	153.92
USGS	13073000	3/7/1997	251 A	211	156.14
USGS	13073000	3/8/1997	254 A	214	158.36
USGS	13073000	3/9/1997	252 A	212	156.88

USGS	13073000	3/10/1997	258 A	218	161.32
USGS	13073000	3/11/1997	279 A	239	176.86
USGS	13073000	3/12/1997	299 A	259	191.66
USGS	13073000	3/13/1997	317 A	277	204.98
USGS	13073000	3/14/1997	294 A	254	187.96
USGS	13073000	3/15/1997	277 A	237	175.38
USGS	13073000	3/16/1997	279 A	239	176.86
USGS	13073000	3/17/1997	372 A	332	210
USGS	13073000	3/18/1997	456 A	416	210
USGS	13073000	3/19/1997	406 A	366	210
USGS	13073000	3/20/1997	406 A	366	210
USGS	13073000	3/21/1997	394 A	354	210
USGS	13073000	3/22/1997	417 A	377	210
USGS	13073000	3/23/1997	403 A	363	210
USGS	13073000	3/24/1997	394 A	354	210
USGS	13073000	3/25/1997	363 A	323	210
USGS	13073000	3/26/1997	348 A	308	210
USGS	13073000	3/27/1997	381 A	341	210
USGS	13073000	3/28/1997	370 A	330	210
USGS	13073000	3/29/1997	322 A	282	208.68
USGS	13073000	3/30/1997	304 A	264	195.36
USGS	13073000	3/31/1997	317 A	277	204.98
USGS	13073000	4/1/1997	298 A	258	190.92
USGS	13073000	4/2/1997	285 A	245	181.3
USGS	13073000	4/3/1997	279 A	239	176.86
USGS	13073000	4/4/1997	280 A	240	177.6
USGS	13073000	4/5/1997	268 A	228	168.72
USGS	13073000	4/6/1997	253 A	213	157.62
USGS	13073000	4/7/1997	250 A	210	155.4
USGS	13073000	4/8/1997	252 A	212	156.88
USGS	13073000	4/9/1997	258 A	218	161.32
USGS	13073000	4/10/1997	252 A	212	156.88
USGS	13073000	4/11/1997	244 A	204	150.96
USGS	13073000	4/12/1997	237 A	197	145.78
USGS	13073000	4/13/1997	232 A	192	142.08
USGS	13073000	4/14/1997	234 A	194	143.56
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USGS	13073000	4/16/1997	268 A	228	168.72
USGS	13073000	4/17/1997	291 A	251	185.74
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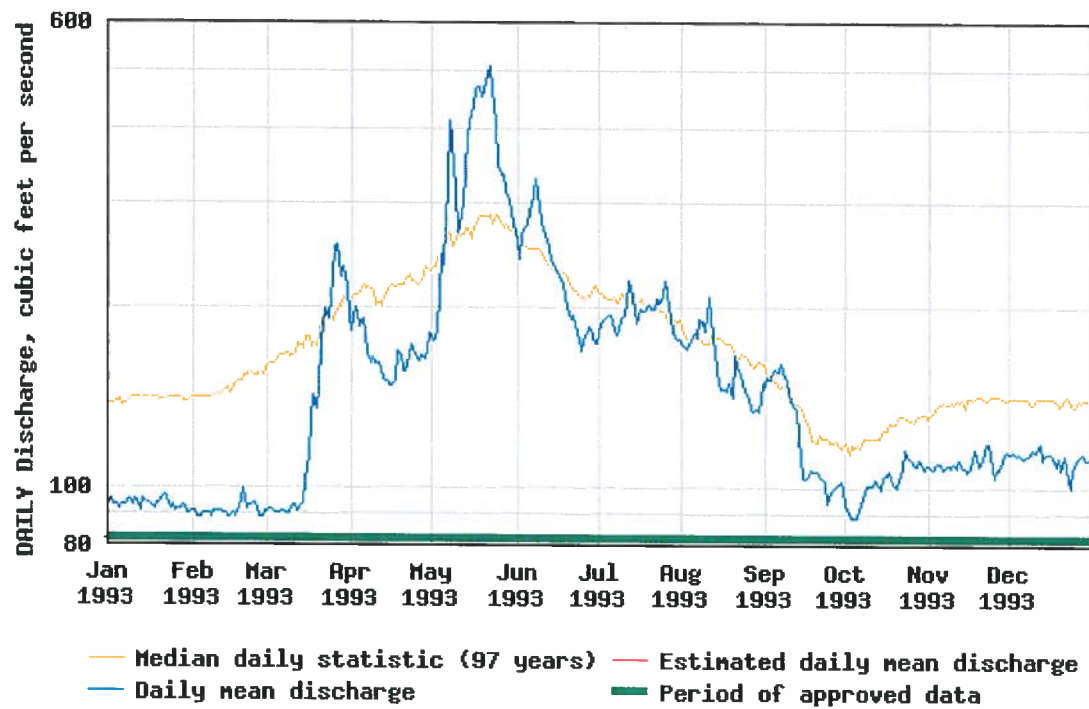
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USGS 13073000 PORTNEUF RIVER AT TOPAZ ID



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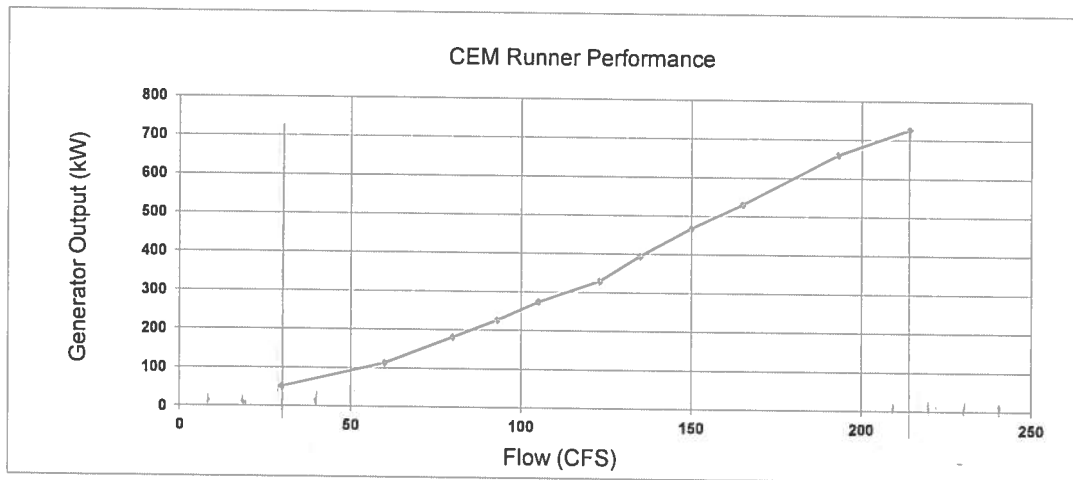
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					115912.3	uncovered vol		

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created on Oct 9, 2014 by Michele Edl for 29-7699								



~30 cfs

~214 cfs

Edl, Michele

From: maher1041@aol.com
Sent: Monday, October 06, 2014 7:33 AM
To: Edl, Michele
Subject: Re: map of point of diversion
Attachments: Runner_Performance.pdf

Ms. Edl,

Per your request, attached please find the CEM Runner Performance Chart.
The highest annual power generation occurred in the year APR 1997 - MAR 1998 for a total of 3,221,060 kWh. Also, in that year the highest power generation was in May for a total of 434,140 kWh.

Please let me know if you require any additional information. Thank you.

Sincerely,
Maher Wissa
CEM, Inc.
Cell: (208) 241-6429

-----Original Message-----

From: Edl, Michele <Michele.Edl@idwr.idaho.gov>
To: maher1041 <maher1041@aol.com>
Sent: Tue, Sep 30, 2014 3:43 pm
Subject: map of point of diversion

Mr. Wissa,

I have attached a .jpg image which shows the current location of the point-of-diversion for your hydropower project. This image is a screen shot from my computer and is based on ArcMap 10.1 tools. I used available taxlot lines and aerial photography from 2013.

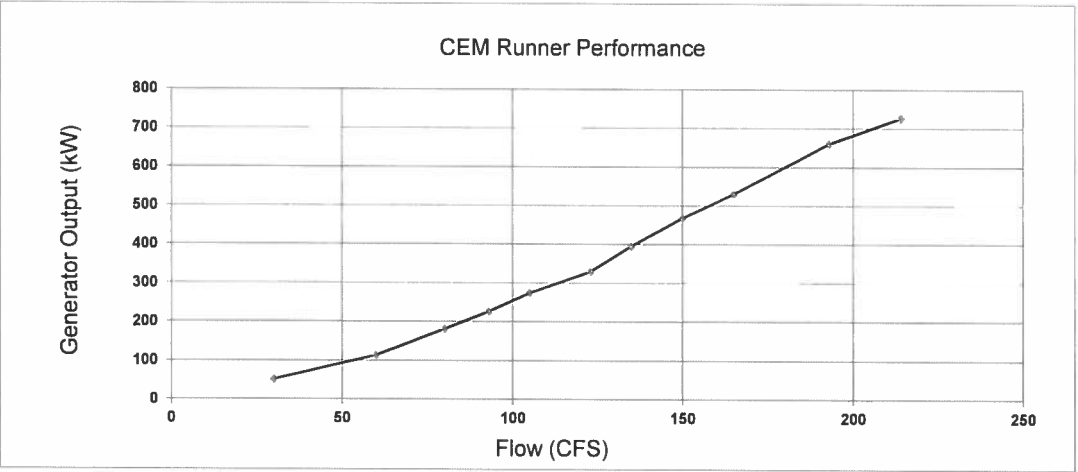
IDWR defines the point-of-diversion as the point where water is diverted from its natural course.

The aerial photography projection can be off, but the point-of-diversion appears to be located in government lot 8 (SWNE).

Please indicate where you believe it to be on this image or another image of your preference. I would be happy to make a correction if it's needed.

I look forward to discussing generation related information with you on Monday, October 1, 2014.

Sincerely,
Michele Edl



Edl, Michele

From: maher1041@aol.com
Sent: Tuesday, September 30, 2014 4:51 PM
To: Edl, Michele
Subject: Re: map of point of diversion
Attachments: Location_Map_&_Survey_Description_IDL_Easement_5402.pdf

Dear Ms. Edl,
The GIS ArcMap is incorrect. The Intake Structure (Point of Diversion) is below (i. e., south) Section 22 Centerline. Accurately is located in Government Lot 9 (NE1/4 SE1/4) Section 22, Township 9 South, Range 38 East, Boise Meridian.

I am collecting the power generation information, and will be mailed separately.
Thank you very much for your cooperation in finalizing the Water Right License.

Sincerely,
Maher Wissa
CEM, Inc.
Cell: (208) 241-6429

-----Original Message-----

From: Edl, Michele <Michele.Edl@idwr.idaho.gov>
To: maher1041 <maher1041@aol.com>
Sent: Tue, Sep 30, 2014 3:43 pm
Subject: map of point of diversion

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IDWR defines the point-of-diversion as the point where water is diverted from its natural course.

The aerial photography projection can be off, but the point-of-diversion appears to be located in government lot 8 (SWNE).

Please indicate where you believe it to be on this image or another image of your preference. I would be happy to make a correction if it's needed.

I look forward to discussing generation related information with you on Monday, October 1, 2014.

Sincerely,
Michele Edl

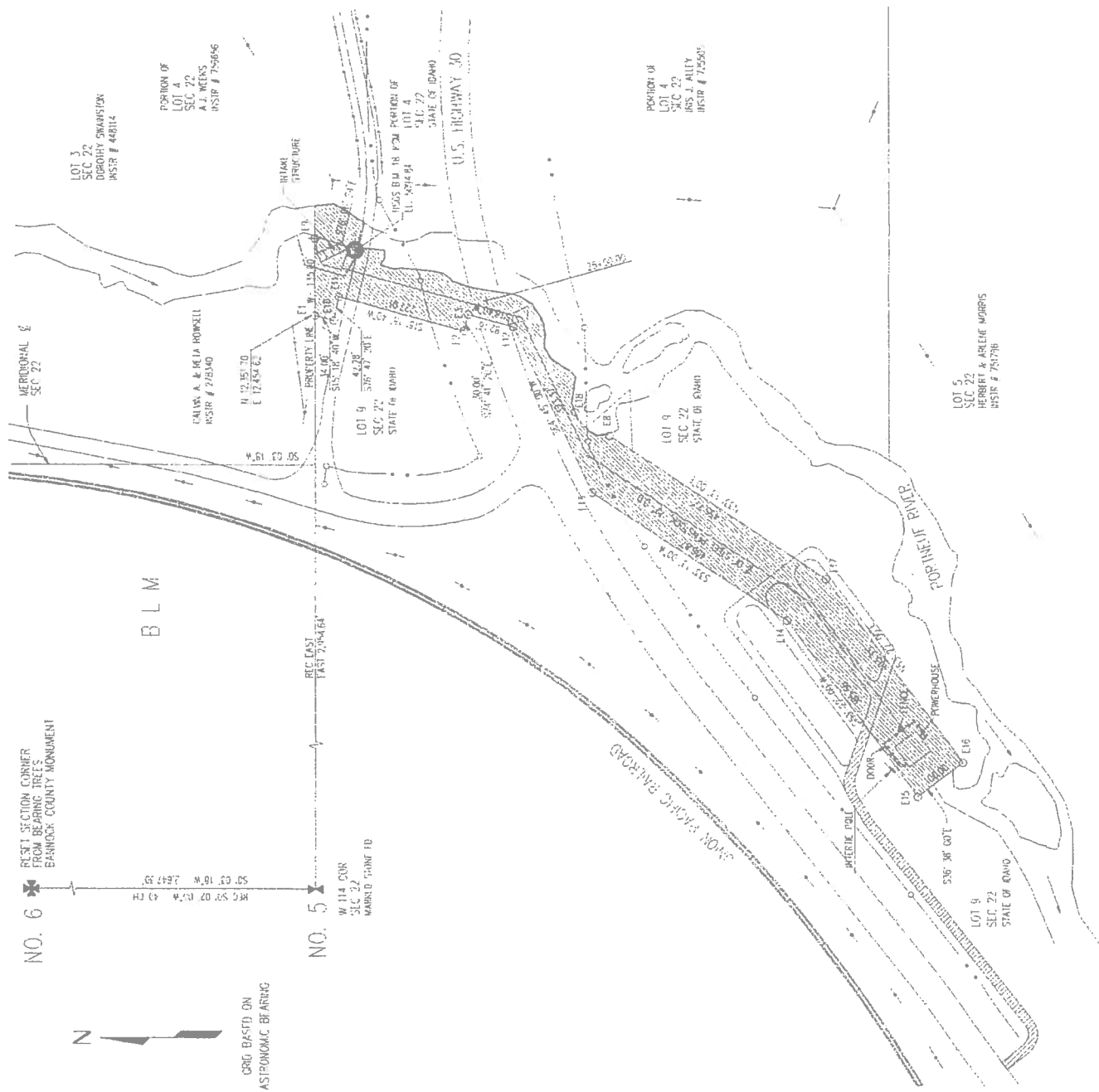
PERMANENT EASEMENT
FOR CONSTRUCTION AND MAINTENANCE OF
PORTNEUF HYDRO-ELECTRIC PROJECT
LAVA HOT SPRINGS, IDAHO
FERC PROJECT NO. 7447-002

96003675

A PARCEL OF LAND LOCATED IN GOVERNMENT LOT 9, SECTION 22, TOWNSHIP 9 SOUTH, RANGE 38 EAST, BOISE MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE WEST 1/4 CORNER OF SECTION 22, A FOUND STONE MARKED WITH A 1/4 ON WEST FACE; THENCE, EAST ALONG THE LATITUDINAL CENTERLINE OF SECTION 22 (THE LATITUDINAL CENTERLINE BEING RUN PARALLEL TO THE NORTH LINE OF SECTION 22. THE NORTH LINE OF SECTION 22 BEING RE-ESTABLISHED BY SOLAR OBSERVATION ON MARCH 31, 1988 AND IT'S LOCATION VERIFIED BY GLO TIES TO OREGON SHORT LINE RAILROAD, NOW THE UNION PACIFIC RAILROAD, THE WEST LINE OF SECTION 22 AND THE PORTNEUF RIVER.) 2,909.64 FEET TO THE TRUE POINT OF BEGINNING: THENCE, S15°18'40"W 34.00 FEET TO THE NORTH RIGHT OF WAY LINE OF THE OLD FISH CREEK ROAD; THENCE, S76°47'20"E ALONG SAID RIGHT OF WAY 42.28 FEET; THENCE, S15°18'40"W 227.01 FEET; THENCE, S74°41'20"E 30.00 FEET; THENCE S15°18'40"W 82.16 FEET; THENCE S64°45'00"W 323.37 FEET; THENCE S33°13'00"W 418.87 FEET; THENCE, S53°22'00"W 385.56 FEET; THENCE, S36°38'00"E 100.00 FEET; (THENCE) N53°22'00"E 403.33 FEET; THENCE, N33°13'00"E TO THE RIGHT BANK OF THE PORTNEUF RIVER; THENCE, FOLLOWING THE SINUOSITY OF THE RIGHT BANK IN A NORTHEASTERLY DIRECTION TO A POINT WHICH BEARS S61°03'42"E FROM THE TRUE POINT OF BEGINNING AND IS 128.33 FEET DISTANT, SAID POINT IS THE INTERSECTION OF THE RIGHT BANK OF THE PORTNEUF RIVER AND THE END OF THE WING WALL OF THE BRIDGE ABUTMENT ON THE UPSTREAM SIDE OF THE OLD PORTNEUF RIVER BRIDGE; THENCE, S78°32'41"E 73.55 FEET TO AN INTERSECTION WITH THE LEFT BANK OF THE PORTNEUF RIVER AND THE END OF THE WING WALL OF BRIDGE ABUTMENT, SAID POINT IS ALSO ON THE UPSTREAM SIDE OF SAID BRIDGE; THENCE, IN A NORTHEASTERLY DIRECTION ALONG THE LEFT BANK TO AND INTERSECTION WITH THE LATITUDINAL CENTERLINE OF SECTION 22; THENCE, WEST ALONG THE LATITUDINAL CENTERLINE 220 FEET MORE OR LESS TO THE TRUE POINT OF BEGINNING.

TOGETHER WITH A 15 FOOT EASEMENT FOR A POWER TRANSMISSION LINE, THE CENTERLINE OF WHICH IS DESCRIBED AS FOLLOWS: BEGINNING AT A POINT THAT IS S39°41'42.3"W AND 1247.25 FEET DISTANT FROM THE TRUE POINT OF BEGINNING, SAID POINT FALLS ON THE NORTHEAST LINE OF THE PERMANENT EASEMENT; THENCE, TO THE SOUTHEAST SIDE OF THE POWERHOUSE.

36003675



Edl, Michele

From: maher1041@aol.com
Sent: Thursday, August 28, 2014 1:53 PM
To: Edl, Michele
Subject: Re: records request: bypass flow measurements
Attachments: Flow-Aug-27-14.pdf

Dear Ms. Edl,

Per your request, attached please find a copy of the hourly flow report for August 27, 2014.
Please let me know if you require any additional information.

I would appreciate your help in providing me electronically a copy of the water right license for our Portneuf River Hydroelectric Project when it becomes available.

Thank you.

Maher Wissa
CEM, Inc.
Cell (208) 241-6429

-----Original Message-----

From: Edl, Michele <Michele.Edl@idwr.idaho.gov>
To: Maher1041 <Maher1041@aol.com>
Sent: Wed, Aug 27, 2014 4:13 pm
Subject: records request: bypass flow measurements

Mr. Wissa,

I am very glad I was able to reach you by phone this afternoon.

As I stated on the phone, I am finalizing my review before issuing a water right license to your Portneuf River Hydroelectric Project. Part of the review requires that I confirm that you are operating in compliance with the conditions of the permit. I have already retrieved copies of your 2012 and 2013 annual bypass flow submittals to FERC. Those summaries show minimum bypass flow readings and although they are helpful, they do not show the day and time stamps and so they are not sufficient for my purpose.

I recognize that you have a SCADA system and that the data is kept in electronic form unless a print-out is requested. I understand from our phone conversation that your system records a reading every hour. As we discussed, I do not need you to provide the lengthy history of the bypass flows.

I believe that one days worth of hourly readings (24 readings) of the bypass flow will be sufficient.

I understand that you were not at your office when I connected with you. But you stated that you could to respond to this request very soon. I will expect to see the records within one week, on or before Friday, September 5, 2014. And if you can provide them to me electronically, I will welcome them at this email address.

Thank you.

Michele Edl
Water Rights Section
322 E Front St
Boise ID 83720
208-287-4946

DATE 08-27-14

TIME	LEVEL	FLOW
23:00:00	53.1	40.5
22:00:00	53.2	41.4
21:00:00	53.3	42.4
20:00:00	53.2	41.4
19:00:00	53.2	41.4
18:00:00	53.1	40.5
17:00:00	53.1	40.5
16:00:00	53.1	40.5
15:00:00	53.1	40.5
14:00:00	53.1	40.5
13:00:00	53.2	41.4
12:00:00	53.3	42.4
11:00:00	53.3	42.4
10:00:00	53.4	43.3
09:00:00	53.4	43.3
08:00:00	53.5	44.3
07:00:00	53.5	44.3
06:00:00	53.3	42.4
05:00:00	53.2	41.4
04:00:00	53.2	41.4
03:00:00	53.2	41.4
02:00:00	53.1	40.5
01:00:00	53.1	40.5
00:00:00	53.1	40.5

ORIGINAL

CEM **Commercial Energy Management, Inc.**
P.O. Box 4518 Pocatello, Idaho 83205 – Telephone (208) 241-6429 – Fax (208) 237-3563

January 22, 2013

Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First St., NE
Washington, DC 20426

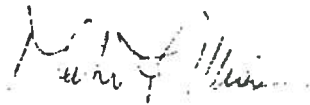
Subject: Portneuf River Hydroelectric Project
Lava Hot Springs, Idaho
FERC Project No. 7447 - ID

RECEIVED
FEDERAL ENERGY
REGULATORY COMMISSION
JAN 28 P 2 14
SECRETARY OF THE
COMMISSION

Dear Ms. Bose,

Per the direction of FERC Portland Regional Office's letter dated February 27, 2012 (copy attached,) attached please find a summary of minimum bypass flow records for 2012.
All flow readings reported during the plant operation show flow in excess of 40 cfs.

Sincerely,



Maher F. Wissa
President

Attachment: 2012 minimum bypass flow records

8/27/14
phone # in db is not active
I connected w/ Mr Wissa at the
phone in this letterhead
email Maher1041@aol.com

FEDERAL ENERGY REGULATORY COMMISSION
Office of Energy Projects
Division of Dam Safety and Inspections
Portland Regional Office
805 SW Broadway, Suite 550
Portland, Oregon 97205

FEB 27 2012

In reply refer to:
P- 7447-ID

Mr. Maher Wissa
Commercial Energy Management, Inc.
P.O. Box 4518
Pocatello, ID 83205

Subject: 2011 Minimum Bypass Flows for Portneuf Project

Dear Mr. Wissa:

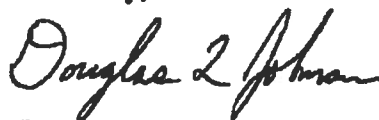
This is to acknowledge your January 11, 2012 letter transmitting the 2011 minimum flow data for the Portneuf River Project, FERC No. 7447.

In the future please submit the annual flow data to:

Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First St., NE
Washington, DC 20426

Thank you for your continued cooperation relative to project compliance. If you have any questions, please contact Mr. Tom Bobal of this office at (503) 552-2756.

Sincerely,



Douglas L. Johnson, P.E.
Regional Engineer

**Portneuf River Hydroelectric Project
Lava Hot Springs, Idaho
FERC No. 7447**

SUMMARY OF MINIMUM BYPASS FLOW RECORDS - 2012

Month	Minimum flow (cfs)
JANUARY	40.5
FEBRUARY	40.5
MARCH	40.5
APRIL	40.5
MAY	40.5
JUNE	40.5
JULY	40.5
AUGUST	40.5
SEPTEMBER	40.5
OCTOBER	40.5
NOVEMBER	40.5
DECEMBER	40.5

ORIGINAL

CEM Commercial Energy Management, Inc.
P.O. Box 4518 Pocatello, Idaho 83205 – Telephone (208) 241-6429 – Fax (208) 237-3563

January 21, 2014

Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First St., NE
Washington, DC 20426

Subject: Portneuf River Hydroelectric Project
Lava Hot Springs, Idaho
FERC Project No. 7447 - ID

RECEIVED
FEDERAL ENERGY
REGULATORY COMMISSION
JAN 27 A 9:41
SECRETARY OF THE
COMMISSION

Dear Ms. Bose,

Attached please find a summary of minimum bypass flow records for 2013.
All flow readings reported during the plant operation show flow in excess of 40 cfs.

Sincerely,



Maher F. Wissa
President

Attachment: 2013 minimum bypass flow records

Portneuf River Hydroelectric Project
Lava Hot Springs, Idaho
FERC No. 7447

SUMMARY OF MINIMUM BYPASS FLOW RECORDS - 2013

Month	Minimum flow (cfs)
JANUARY	40.5
FEBRUARY	40.5
MARCH	40.5
APRIL	40.5
MAY	40.5
JUNE	40.5
JULY	40.5
AUGUST	40.5
SEPTEMBER	40.5
OCTOBER	40.5
NOVEMBER	40.5
DECEMBER	40.5