

RECEIVED

NOV 14 2011

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of IdahoIdent. No. 63-335991. Name of applicant(s) Boise Project Board of Control Phone (208) 344-1141Name connector (check one): ☐ and ☐ or ☐ and/orMailing address: 2465 W. Overland Rd. City BoiseState ID Zip 83705 Email: www.boiseproject.org2. Source of water supply Boise River which is a tributary of Snake River

3. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
02N	03E	3		NW	SW		Canyon		

4. Water will be used for the following purposes:

Amount 120 cfs for Power purposes from 3/15 to 10/31 (both dates inclusive)
(cfs or acre-feet per year)Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)5. Total quantity to be appropriated is (a) 120 cubic feet per second (cfs) and/or (b) _____ acre-feet per year (af).

6. Proposed diverting works:

a. Describe type and size of devices used to divert water from the source. Controlled canal flow from the junction of two canals to a buried penstock to a hydro-turbine. See attached exhibit for additional information.b. Height of storage dam NA feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet. If the reservoir will be filled more than once each year, describe the refill plan in item 11.For dams 10 feet or more in height OR reservoirs with a total storage capacity of 50 acre-feet or more, submit a separate Application for Construction or Enlargement of a New or Existing Dam. Application required? ☐ Yes ☐ Noc. Proposed well diameter is NA inches; proposed depth of well is _____ feet.d. Is ground water with a temperature of greater than 85°F being sought? ☐ Yes ☒ Noe. If well is already drilled, when? NA; drilling firm _____;
Well was drilled for (well owner) _____; Drilling Permit No. _____.

7. Description of proposed uses (if irrigation only, go to item 8):

a. Hydropower; show total feet of head and proposed capacity in kW. 1265 kW max, 144 ft head

b. Stockwatering; list number and kind of livestock. _____

c. Municipal; show name of municipality or the applicant's qualifications as a municipal provider. _____

d. Domestic; show number of households _____

e. Other; describe fully. _____

8. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
3N	5W	2																	
					P														

Total number of acres to be irrigated: NA

9. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping? The water delivered th the Fargo Drop has been appropriated for irrigation purposes by Reclamation and the Boise Project for District lands lying within the Boise Project. This application proposes no new diversions from the River. See attached exhibit for additional information.
10. a. Who owns the property at the point of diversion? See attached exhibit.
- b. Who owns the land to be irrigated or place of use? See attached exhibit.
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: See attached exhibit.
11. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. The Boise Project Board of Control proposes the construction of a hydropower structure on the Fargo Drop portion of its existing canal system. This structure will generate power from the water currently appropriated for irrigation purposes at the existing site. See attached exhibit for additional explanation on items 6a, 9, and 10a-c.
12. Time required for completion of works and application of water to proposed beneficial use is 3 years (minimum 1 year).
13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½" x 11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.

The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.



Signature of Applicant

Paul Deveau, Project Manager for Board of Control

Print Name (and title, if applicable)

Signature of Applicant

Print Name (and title, if applicable)

For Department Use:

Received by  Date 11-14-11 Time 2:15 Preliminary check by VLM

Fee \$ 2810 Received by  Receipt No. W039753 Date 11-14-11

AFFIDAVIT FOR WATER RIGHTS TO BE USED FOR POWER PURPOSES

I, Paul J. Deveau, of Boise, County of Ada, State of Idaho, being duly sworn, depose and say: That I am the manager of the Boise Project Board of Control: that I am in charge of the office of the Boise Project Board of Control, located at 2465 Overland Road, Boise, Idaho, wherein are kept the records; and that the Boise Project Board of Control is a public entity, and agent of five irrigation districts, qualified to do business in the State of Idaho under the laws of the State of Idaho.

The Boise Project Board of Control holds a FERC exemption for this hydroelectric project #5042.

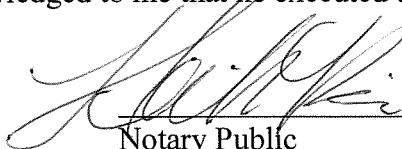
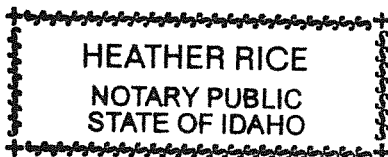
The hydropower facility to be developed pursuant to the attached Application for Permit will utilize existing man-made irrigation facilities on the canal system of the Boise Project Board of Control, operated and maintained on behalf of the five irrigation districts.



Paul J. Deveau

STATE OF IDAHO)
) ss
County of Ada)

On this 11th day of November, 2011, personally appeared before me the signer of the above instrument, who duly acknowledged to me that he executed the same.



Notary Public

Residing at Boise

My commission expires 12/16/2015

Exhibit: Additional Explanations for Items 6a, 9 and 10 a-c, and other Information

Explanation for 6a:

A 54 inch buried steel penstock will convey water flows to the powerhouse. Flow from Turbine No. 1 will be returned from the powerhouse to the distribution box through a 48" steel return pipe. The powerhouse will be a concrete substructure with an above ground metal building. Two horizontal Francis turbines and one horizontal generator will be installed on a common shaft. Turbine No. 1 will be a Low Head Turbine that will discharge to the Distribution Box through the Return Pipe. Turbine No. 2 will be a High Head Turbine that will discharge into the Equalizer Canal.

The efficiency of the turbines is 88%. Turbine No. 1 is a low head, Francis type. Its rated flow is 45.0 cfs and its rated head is 86.6 feet. Its speed is 720 RPM and rated runway is 1250 RPM. Turbine No. 2 is a high head Francis type. Its rated flow is 65.0 cfs, its rated head is 144 feet, its speed is 720 RPM and its rated runway is 1250 RPM. The Generator is Synchronous with a speed of 720 RPM, a rated output of 975 kW, and service factor of 1.15. The exciter is static, the frequency is 60 Hertz and the voltage is 480 volts.

The turbine wicket gates will operate hydraulically. The hydraulic power unit will have accumulators for black shutdown. The governor will be digital. A DC battery and DC/AC inverter will be furnished. Head level sensors will be installed to provide information to the powerhouse PLC.

Additional Explanation for 9:

IDWR's Water Appropriation Rule 40, Subsection c, refers to impacts on existing water rights. There are none. The water necessary to operate the turbines is water that has already been diverted from the Boise River through the existing water rights of the Boise Project Board of Control and the member irrigation districts. No additional diversions from the Boise River are required. The turbines and generator are located on the existing canal system at a location known as the Fargo Drop. Hydro operations will only take place with water that is otherwise being delivered by the Boise Project to the water users. There are no other water users on the Boise Project canal system, other than landowners of the irrigation districts.

IDWR's Water Appropriation Rule 40, Subsection d, asks for information about the available water supply. As stated above, the hydro plant will operate with the water already delivered to the Boise Project Board of Control system. The application states the flow rate (120 cfs) and the period of use (3/15-10/31). If water is not available in the Boise Project system there will be no generation. There is no consumptive use.

Explanation for 10 a, b and c:

The site is part of the works of the Arrowrock Division of the Boise Project which have been transferred to the Board of Control for operation purposes pursuant to a contract between the United States Department of Interior and Boise-Kuna Irrigation District, the Nampa & Meridian Irrigation District, the New York Irrigation District, the Wilder Irrigation District and the Big Bend Irrigation District. The contract contemplates development of power at locations such as the Fargo Drop and promises distribution of net power revenues among the contracting parties.

The Bureau of Reclamation and the Boise Project Board of Control have a lowhead contract governing the construction, coordination and completion of the Fargo Drop Project. Pursuant to this contract, title to all lands which are currently owned by the United States, including the Fargo Drop, shall remain vested in the name of the United States. The Districts shall retrain title to all facilities and equipment they construct under the terms of the contract.

Additional Information:

IDWR's Water Appropriation Rule 40, Subsection e, asks for information about good faith and delay. Actual construction of the facility should be a good indication that the application is not speculative. The project facilities, including the new penstock, are all on land owned by the Boise Project or on Reclamation rights of way (transferred works) operated and maintained by the Boise Project. The Boise Project has a contract with Reclamation authorizing construction and operation of certain lowhead projects, including Fargo Drop No. 1 hydroelectric facility. The Boise Project also has a contract with Riverside, Inc. to design and build the Fargo Drop No.1 Hydroelectric Facility (attached). Under the current construction schedule, we anticipate construction of the project to begin in January, 2012 and to finish in June, 2012 (see attached). Please let us know if you need any additional information.

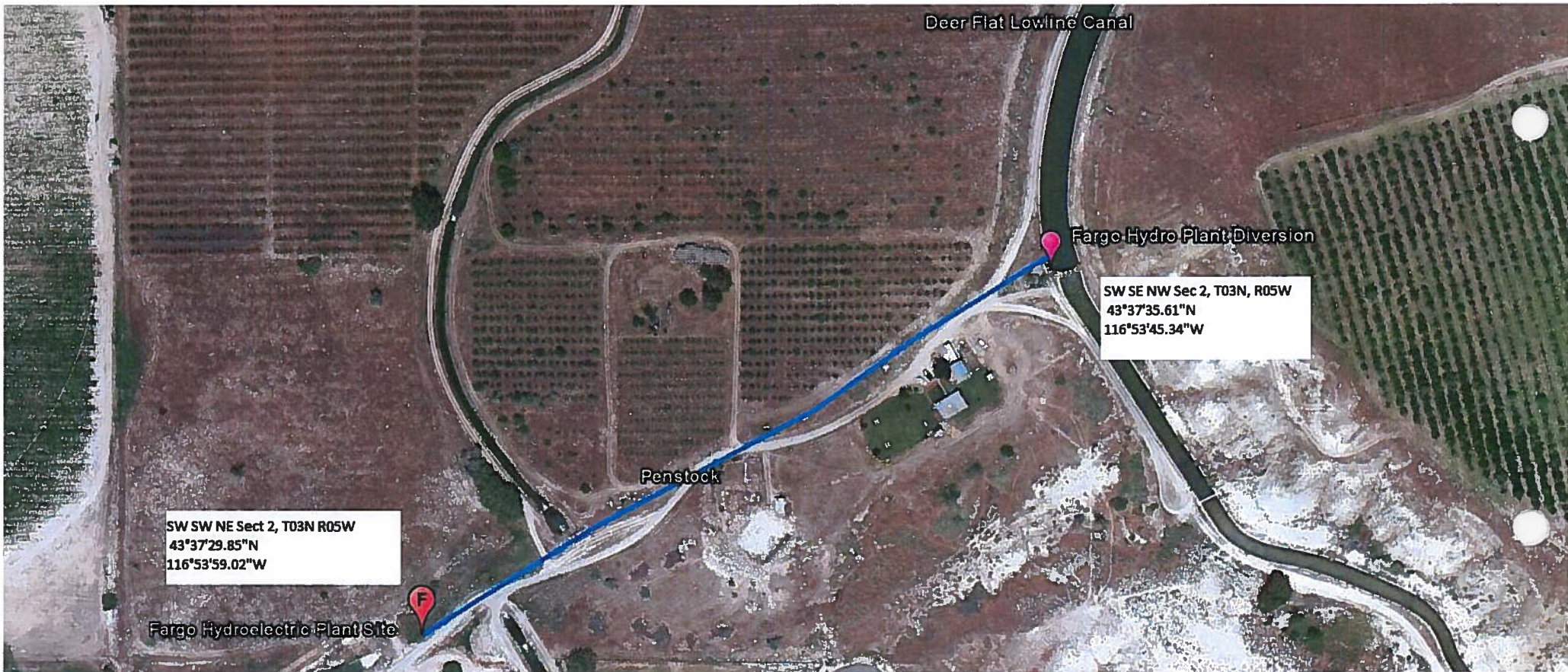
IDWR's Water Appropriation Rule 40, Subsection f, requests information demonstrating that the applicant has the financial capacity to build the project. The project is being built under a contract between the Boise Project and its irrigation districts and Riverside, Inc. Reclamation has also approved a WaterSMART grant for Fargo Drop, authorizing Reclamation to contribute about one-third of the total project cost for water savings and renewable energy benefits.

IDWR's Water Appropriation Rule 40, Subsection g, relates to the local public interest criterion. This facility is not in the jurisdiction of any city. The Boise Project has consulted with Reclamation and has an agreement with Reclamation, as noted above and as explained in the application, to construct and operate lowhead facilities on the transferred works, which includes the Fargo Drop. Department of Interior and Idaho Fish and Game approved this project at the time the exemption was authorized by FERC (see attached letters). If you need any other information, please let us know.

The power affidavit submitted with the application for permit states the facility has a FERC exemption. For your records attached is the FERC exemption for Project No 5042, Fargo Drop No. 1, issued to the Boise Project Board of Control. In addition, the Fargo Drop qualifies as a Qualifying Facility under FERC Rules. FERC Order 732, amending 18 CFR § 292.207 provides:

- (a) Self-certification. The qualifying facility status of an existing or a proposed facility that meets the requirements of § 292.203 may be self-certified by the owner or operator of the facility or its representative by properly completing a Form No. 556 and filing that form with the Commission, pursuant to § 131.80 of this chapter, and complying with paragraph (c) of this section.

Attached is a copy of the FERC Form 556 for Fargo Drop which certifies Fargo Drop as a Qualifying Facility. That document is self certifying, and does not require nor receive any documentation from FERC. Under FERC rules for a project of this size, there will be no additional "document from FERC stating that the facility is exempt." A FERC confirmation of receipt of Fargo Drop Form 556 is also attached.



63-33544

**FIFTH ADDENDUM TO AGREEMENT FOR DEVELOPMENT OF
HYDROELECTRIC PROJECTS LEASE AND ASSIGNMENT OF ASSETS**

WHEREAS, Boise-Kuna Irrigation District, Nampa and Meridian Irrigation District, New York Irrigation District, Wilder Irrigation District, Big Bend Irrigation District, and the Boise Project Board of Control approved entering into an Agreement for Development of Hydroelectric Projects, Lease and Assignment of Assets with Riverside, Inc. (Riverside) in March of 2005.

WHEREAS, Riverside has successfully constructed the Mora Drop and Arena Drop Hydroelectric Projects.

WHEREAS, Riverside has determined that modifying the Arena Drop Lease Agreement concerning the date for transition of ownership of the equipment will allow it to utilize Section 1603 of the American Recovery and Reinvestment Act of 2009 which would otherwise not be available to Riverside under the terms of the Agreement.

WHEREAS, Riverside is prepared to submit a feasibility study for its proposal to develop the Fargo Drop Project, FERC No. 5042.

WHEREAS, Riverside previously determined to forego its right to develop the Golden Gate Project, FERC No. 5039 under this Agreement, but now has requested the opportunity to provide the owners with a feasibility study for the Golden Gate Project because of new developments which may make the Golden Gate Project economically feasible.

WHEREAS, the Parties wish to facilitate the development of the Arena Drop Project, the Golden Gate Project, and the Fargo Drop Project in a manner that does not add any additional burdens to the Districts' landowners.

AGREEMENT

NOW, THEREFORE, in consideration of the mutual promises, covenants and agreements stated herein, and for other good and valuable consideration, the sufficiency of which is hereby acknowledged, Lessor and Lessee agree to modify the Agreement, for the Arena Drop Project only, as follows:

I.

For the Arena Drop Project only, Article 7.4 shall be replaced in its entirety with the following:

7.4. The parties recognize that certain assets will be contributed to the Arena Drop Project by Lessor, such as the falling water rights and FERC exemption, while

others such as equipment, technical data and permits will be contributed by Lessee. The purpose of this Agreement is to consolidate all assets in the Lessor, with the exception of the title to the equipment which shall remain in Lessee for a period of ten years, lease all of the real property assets and remainder of the assets to Lessee for a 20 year Lease term for the Arena Drop Project, and lease the equipment to Lessee for the last 10 years of the 20 year lease term.

II.

For the Arena Drop Project only, Article 7.5 shall be replaced in its entirety with the following:

7.5 Ten years following the completion of construction and acceptance of the Arena Drop Project for commercial operation, Lessee shall deliver to Lessor executed documents describing, assigning, granting, conveying, and transferring all assets from Lessee to Lessor. All such documents shall be in form and content reasonably satisfactory to Lessor and, where applicable, in form and content satisfactory to relevant agency, commission, or other relevant issuing authority for recording.

III.

For the Arena Drop Project only, Article 7.6 shall be replaced in its entirety with the following:

7.6 Lessee, ten years following completion of construction and acceptance of the Arena Drop Project for commercial operation, shall sell, bargain, grant, convey, assign, and transfer to Lessor, free and clear of all liens, encumbrances and claims whatsoever, all of Lessee's right, title, and interest in the assets for the Arena Drop Project whether now owned or hereafter acquired.

IV.

For the Fargo Drop and Golden Gate Projects only, FERC Nos. 5042 and 5035, the time frames for action set forth in the Agreement are modified as follows:

Article 2.4. Submission of the Fargo Project No. 5042 Feasibility Study shall be due by February 28, 2011. Submission of the Golden Gate Project No. 5035 Feasibility Study shall be due by February 28 2012.

Article 3.6. Lessee shall perform construction on the Fargo Project No. 5042 in the non-irrigation season so that construction will not interfere with flows of water in the canals. Final Completion shall be no later than April 1, 2012. Lessee shall complete construction of the Golden Gate Project in the non-irrigation season so that construction will not interfere with flows of water in the canals. Final Completion shall be no later than April 1, 2013.

In all other respects, the Agreement for Development of Hydroelectric Projects Lease and Assignment of Assets dated March 2005 and its subsequent Addenda shall remain in effect.

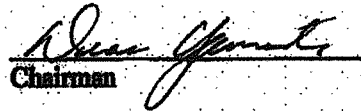
DATED this 4 day of ~~January~~ ^{February}, 2011.

Riverside Inc.



President

Boise-Kuna Irrigation District



Chairman

Boise Project Board of Control

Nampa & Meridian Irrigation District

Chairman

Chairman

New York Irrigation District

Big Bend Irrigation District

Chairman

Chairman

Wilder Irrigation District

Chairman

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In all other respects, the Agreement for Development of Hydroelectric Projects Lease and Assignment of Assets dated March 2005 and its subsequent Addenda shall remain in effect.

DATED this ____ day of January, 2011.

Riverside Inc.

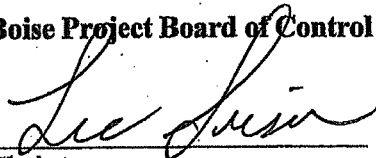
Boise-Kuna Irrigation District

President

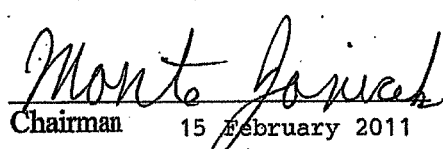
Chairman

Boise Project Board of Control

Nampa & Meridian Irrigation District



Chairman 15 February 2011



Chairman 15 February 2011

New York Irrigation District

Big Bend Irrigation District

Chairman

Chairman

Wilder Irrigation District

Chairman

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In all other respects, the Agreement for Development of Hydroelectric Projects Lease and Assignment of Assets dated March 2005 and its subsequent Addenda shall remain in effect.

DATED this ____ day of January, 2011.

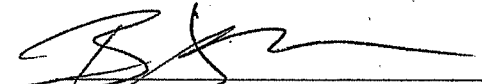
Riverside Inc.

President

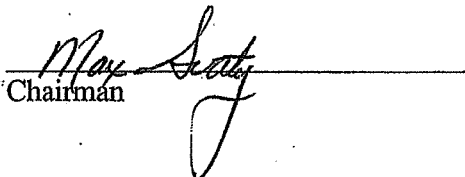
Boise Project Board of Control

Chairman

New York Irrigation District


Chairman

Wilder Irrigation District


Chairman

Boise-Kuna Irrigation District

Chairman

Nampa & Meridian Irrigation District

Chairman

Big Bend Irrigation District

Chairman

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In all other respects, the Agreement for Development of Hydroelectric Projects
 Laws and Assignment of Assets shall remain in effect and the subsequent provisions shall
 remain in effect.

DATED at NY on January 1, 1961.

Respectfully,

 President

Respectfully,

 Secretary of the Board of Directors

[Signature]

[Signature]

SEITE ATTACHED TO AGREEMENT FOR DEVELOPMENT OF
 HYDROELECTRIC PROJECTS LAWS AND ASSIGNMENT OF ASSETS

Fargo Hydro Electric Project - Schedule 8/24/11

[illegible]



United States Department of the Interior

OFFICE OF THE SECRETARY

PACIFIC NORTHWEST REGION

500 N.E. Multnomah Street, Suite 1692, Portland, Oregon 97232

OCT 13 10 50 AM '81
FEDERAL ENERGY REGULATORY
COMMISSION

October 8, 1981

ER 81/1755 (FERC No. 5042)

Kenneth F. Plumb, Secretary
Federal Energy Regulatory Commission
825 N. Capitol Street, N.E.
Washington, D.C. 20426

Dear Mr. Plumb:

The Department of the Interior has reviewed the notice of application for exemption for the Small Conduit Hydroelectric Facility, Fargo No. 1 Hydro Project, FERC No. 5042, Canyon County, Idaho.

We have no objection to the exemption; however, the following comments, are provided for your use and consideration.

Cultural Resources

The preservation of cultural resources should be considered by the applicant. For coordination of compliance with preservation legislation, the applicant should contact the National Park Service (NPS), Pacific Northwest Regional Office and the State Historic Preservation Office (SHPO). The SHPO for the State of Idaho is:

Dr. Merle W. Wells
Historic Preservation Coordinator
Idaho State Historical Society
610 North Julia Davis Drive
Boise, Idaho 83706

The Applicant should also be advised of the procedural guidelines to be followed in assessing cultural resources as found in 36 CFR 800 "Protection of Historic and Cultural Properties."

You should also inform the permittee that the NPS may be available to provide limited assistance and advice in evaluating any cultural and historic preservation aspects of the project area and assist in the coordination of cultural and historic proposals with Federal, State and local agencies.

FEDERAL ENERGY REGULATORY COMMISSION
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Recreational Resources

Recreational aspects of the project should be analyzed and if there is potential for recreation development, it should be considered. We do not feel the requirements of 18 CFR 2.7(c) respecting the determination of recreation needs as part of the licensing procedures are applicable to a project of this small size in this location.

Fish and Wildlife Resources

The Fish and Wildlife Service (FWS) does not foresee any major project related effects upon fish and wildlife resources directly dependent upon the canal system. However, FWS is concerned with potential effects on downstream riverine or reservoir fish and wildlife populations which could be harmed by water quality degradation or erosion caused by construction or operation of the proposed project. There is also concern that above ground transmission lines could cause raptor mortalities.

To protect fish and wildlife resources, the FWS provides the following conditions for incorporation in the exemption:

1. The proposed project shall include measures such as limiting instream work, to protect water quality and prevent erosion that might be caused by project construction or operation.
2. The proposed project transmission lines, if constructed above ground, shall be designed to prevent raptor mortalities.

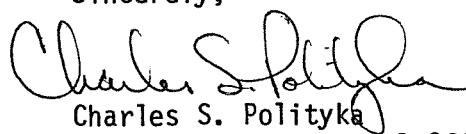
Water and Power Resources

The Bureau of Reclamation (BR) is not certain that the development should be exempted from a falling water charge. The policy of the Department of the Interior with respect to such a charge is undergoing reanalysis at this time.

This site is located on the Fargo Wasteway between Wilder and Homedale, Idaho. The BR made studies on this wasteway in both the Southwest Idaho Water Management Study and in the Boise Power and Modification Study. These studies involved diverting Boise River flood flows through the New York Canal to Lake Lowell to the Deer Flat Lowline Canal to the Fargo Wasteway and into the Snake River. This would reduce the flows in the Boise River and alleviate some flooding problems along the channel. This plan has economic feasibility, but is not being proposed at this time because a cost sharing entity has not been found. The applicant should be aware of the possibility of these additional flows that would be available for power generation.

We appreciate the opportunity to comment on these applications.

Sincerely,



Charles S. Polityka
Regional Environmental Officer



STATE OF IDAHO

DEPARTMENT OF FISH AND GAME

600 SO. WALNUT ST. — P.O. BOX 25
BOISE, IDAHO 83707

September 16, 1981

Mr. Kenneth F. Plumb, Secretary
Federal Energy Regulatory Commission
825 North Capitol Street, N.E.
Washington, DC 20426

SEP 21 10 50 AM '81
FEDERAL ENERGY
REGULATORY
COMMISSION
OFFICE OF THE
SECRETARY

Re: Fargo No. 1 Hydroelectric
Project No. 5042 ~~Deer~~
Flat Lowline Canal Diversion,
Idaho. Application for
Exemption of Small Conduit
Hydroelectric Facility,
Boise Project Board of
Control.

Dear Mr. Plumb:

We have reviewed the referenced application and submit the following terms and conditions for the purposes set forth in Section 408 of the Energy Security Act of 1980.

Every reasonable care to be taken to minimize water quality degradation during construction and to prevent long-term erosion.

Transmission lines, if above ground, to be designed and constructed to prevent mortalities to raptors. Design for preventing raptor mortalities to be subject to approval by the IDFG.

Transmission line design criteria are available to applicant from the IDFG.

Sincerely,

A handwritten signature in black ink, appearing to read "Jerry M. Conley".
Jerry M. Conley
Director

cc: USFWS (Buechler)
Region 3
Bur. Fisheries

FEDERAL ENERGY REGULATORY COMMISSION
DOCKETED

SEP 21 1981

DOCKET SECTION

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Boise Project Board of Control) Project No. 5042-000

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) Fargo No. 1 Hydroelectric Project No. 5042 as described and designated in the Boise Project Board of Control's application filed on June 30, 1981, is exempted from all of the

1/ Boise Project of Control, Project No. 5042, filed June 30, 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. RM81-5, issued November 21, 1980, (45 Fed. Reg. 79024).

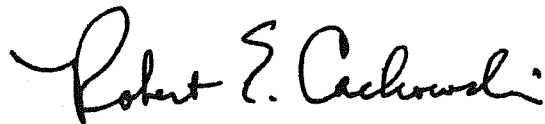
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- 2 -

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 Deer Flat Low Line and Fargo High Line Canals 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 Deer Flat Low Line and Fargo High Line Canals.

(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. 5042-000

NOTICE OF APPLICATION FOR EXEMPTION OF SMALL CONDUIT
HYDROELECTRIC FACILITY

(August 21, 1981)

Take notice that on June 30, 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 Fargo No. 1 Hydroelectric Project (FERC Project No. 5042) would be located on the Applicant's Irrigation Canal System, near the town of Wilder in Canyon County, Idaho. Correspondence with the Applicant should be directed to: Mr. William Bienapfl, Chairman, Boise Project Board of Control, 214 Broadway, Boise, Idaho 83702.

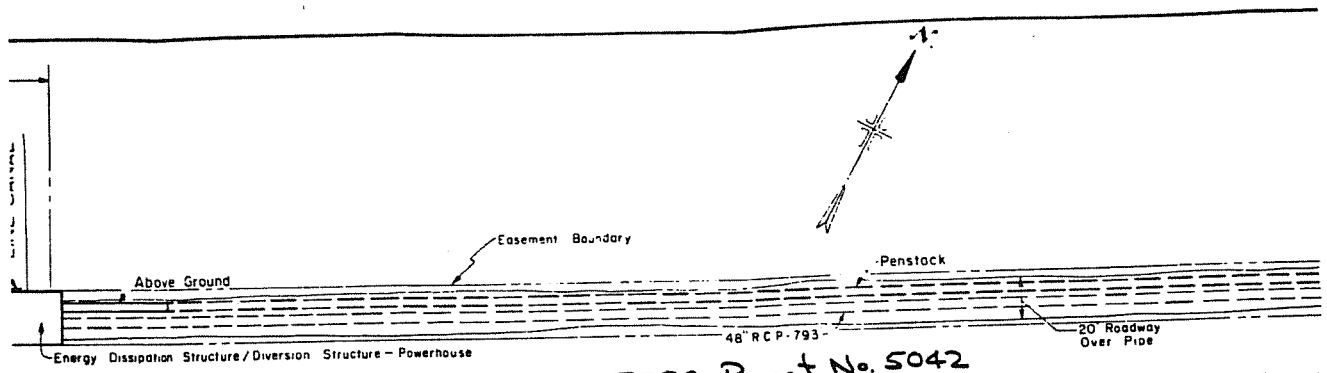
Purpose of Project - Project energy would be sold to Idaho Power Company.

Project Description - The proposed project would consist of: (1) an inlet structure within the western bank of the Deer Flat Low Line Canal; (2) a 42-inch diameter, 900-foot long penstock; (3) a powerhouse to contain two generating units with a combined rated capacity of 650 kW; and (4) a tailrace discharging directly into the Fargo High Line Canal. The estimated average annual energy output is 2.4 million kWh.

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.

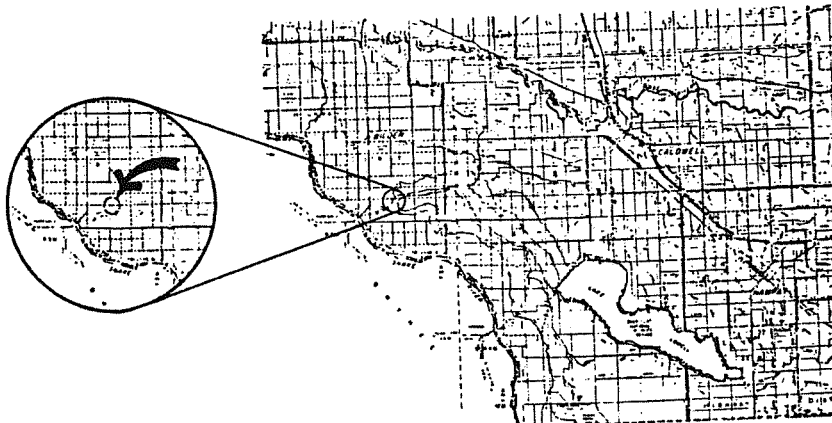
Kenneth F. Plunh
Secretary



NOTE:
Project Boundary is
also Easement Boundary

FERC Project No. 5042

FARGO #1 DROP
1" = 50'



VICINITY MAP
1" = 5.5 Miles (Approx.)

FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, DC

OMB Control # 1902-0075
Expiration 5/31/2013

Form 556

Certification of Qualifying Facility (QF) Status for a Small Power
Production or Cogeneration Facility

General

Questions about completing this form should be sent to Form556@ferc.gov. Information about the Commission's QF program, answers to frequently asked questions about QF requirements or completing this form, and contact information for QF program staff are available at the Commission's QF website, www.ferc.gov/QF. The Commission's QF website also provides links to the Commission's QF regulations (18 C.F.R. § 131.80 and Part 292), as well as other statutes and orders pertaining to the Commission's QF program.

Who Must File

Any applicant seeking QF status or recertification of QF status for a generating facility with a net power production capacity (as determined in lines 7a through 7g below) greater than 1000 kW must file a self-certification or an application for Commission certification of QF status, which includes a properly completed Form 556. Any applicant seeking QF status for a generating facility with a net power production capacity 1000 kW or less is exempt from the certification requirement, and is therefore not required to complete or file a Form 556. See 18 C.F.R. § 292.203.

How to Complete the Form 556

This form is intended to be completed by responding to the items in the order they are presented, according to the instructions given. If you need to back-track, you may need to clear certain responses before you will be allowed to change other responses made previously in the form. If you experience problems, click on the nearest help button (?) for assistance, or contact Commission staff at Form556@ferc.gov.

Certain lines in this form will be automatically calculated based on responses to previous lines, with the relevant formulas shown. You must respond to all of the previous lines within a section before the results of an automatically calculated field will be displayed. If you disagree with the results of any automatic calculation on this form, contact Commission staff at Form556@ferc.gov to discuss the discrepancy before filing.

You must complete all lines in this form unless instructed otherwise. Do not alter this form or save this form in a different format. Incomplete or altered forms, or forms saved in formats other than PDF, will be rejected.

How to File a Completed Form 556

Applicants are required to file their Form 556 electronically through the Commission's eFiling website (see instructions on page 2). By filing electronically, you will reduce your filing burden, save paper resources, save postage or courier charges, help keep Commission expenses to a minimum, and receive a much faster confirmation (via an email containing the docket number assigned to your facility) that the Commission has received your filing.

If you are simultaneously filing both a waiver request and a Form 556 as part of an application for Commission certification, see the "Waiver Requests" section on page 3 for more information on how to file.

Paperwork Reduction Act Notice

This form is approved by the Office of Management and Budget (OMB Control No. 1902-0075, expiration 05/31/2013). Compliance with the information requirements established by the FERC Form No. 556 is required to obtain or maintain status as a QF. See 18 C.F.R. § 131.80 and Part 292. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The estimated burden for completing the FERC Form No. 556, including gathering and reporting information, is as follows: 3 hours for self-certification of a small power production facility, 8 hours for self-certifications of a cogeneration facility, 6 hours for an application for Commission certification of a small power production facility, and 50 hours for an application for Commission certification of a cogeneration facility. Send comments regarding this burden estimate or any aspect of this collection of information, including suggestions for reducing this burden, to the following: Information Clearance Officer, Office of the Executive Director (ED-32), Federal Energy Regulatory Commission, 888 First Street N.E., Washington, DC 20426; and Desk Officer for FERC, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503 (oir_submission@omb.eop.gov). Include the Control No. 1902-0075 in any correspondence.

Electronic Filing (eFiling)

To electronically file your Form 556, visit the Commission's QF website at www.ferc.gov/QF and click the eFiling link.

If you are eFiling your first document, you will need to register with your name, email address, mailing address, and phone number. If you are registering on behalf of an employer, then you will also need to provide the employer name, alternate contact name, alternate contact phone number and alternate contact email.

Once you are registered, log in to eFiling with your registered email address and the password that you created at registration. Follow the instructions. When prompted, select one of the following QF-related filing types, as appropriate, from the Electric or General filing category.

Filing category	Filing Type as listed in eFiling	Description
Electric	(Fee) Application for Commission Cert. as Cogeneration QF	Use to submit an application for Commission certification or Commission recertification of a cogeneration facility as a QF.
	(Fee) Application for Commission Cert. as Small Power QF	Use to submit an application for Commission certification or Commission recertification of a small power production facility as a QF.
	Self-Certification Notice (QF, EG, FC)	Use to submit a notice of self-certification of your facility (cogeneration or small power production) as a QF.
	Self-Recertification of Qualifying Facility (QF)	Use to submit a notice of self-recertification of your facility (cogeneration or small power production) as a QF.
	Supplemental Information or Request	Use to correct or supplement a Form 556 that was submitted with errors or omissions, or for which Commission staff has requested additional information. Do <i>not</i> use this filing type to report new changes to a facility or its ownership; rather, use a self-recertification or Commission recertification to report such changes.
General	(Fee) Petition for Declaratory Order (not under FPA Part 1)	Use to submit a petition for declaratory order granting a waiver of Commission QF regulations pursuant to 18 C.F.R. §§ 292.204(a) (3) and/or 292.205(c). A Form 556 is not required for a petition for declaratory order unless Commission recertification is being requested as part of the petition.

You will be prompted to submit your filing fee, if applicable, during the electronic submission process. Filing fees can be paid via electronic bank account debit or credit card.

During the eFiling process, you will be prompted to select your file(s) for upload from your computer.

Filing Fee

No filing fee is required if you are submitting a self-certification or self-recertification of your facility as a QF pursuant to 18 C.F.R. § 292.207(a).

A filing fee is required if you are filing either of the following:

- (1) an application for Commission certification or recertification of your facility as a QF pursuant to 18 C.F.R. § 292.207(b), or
- (2) a petition for declaratory order granting waiver pursuant to 18 C.F.R. §§ 292.204(a)(3) and/or 292.205(c).

The current fees for applications for Commission certifications and petitions for declaratory order can be found by visiting the Commission's QF website at www.ferc.gov/QF and clicking the Fee Schedule link.

You will be prompted to submit your filing fee, if applicable, during the electronic filing process described on page 2.

Required Notice to Utilities and State Regulatory Authorities

Pursuant to 18 C.F.R. § 292.207(a)(ii), you must provide a copy of your self-certification or request for Commission certification to the utilities with which the facility will interconnect and/or transact, as well as to the State regulatory authorities of the states in which your facility and those utilities reside. Links to information about the regulatory authorities in various states can be found by visiting the Commission's QF website at www.ferc.gov/QF and clicking the Notice Requirements link.

What to Expect From the Commission After You File

An applicant filing a Form 556 electronically will receive an email message acknowledging receipt of the filing and showing the docket number assigned to the filing. Such email is typically sent within one business day, but may be delayed pending confirmation by the Secretary of the Commission of the contents of the filing.

An applicant submitting a self-certification of QF status should expect to receive no documents from the Commission, other than the electronic acknowledgement of receipt described above. Consistent with its name, a self-certification is a certification *by the applicant itself* that the facility meets the relevant requirements for QF status, and does not involve a determination by the Commission as to the status of the facility. An acknowledgement of receipt of a self-certification, in particular, does not represent a determination by the Commission with regard to the QF status of the facility. An applicant self-certifying may, however, receive a rejection, revocation or deficiency letter if its application is found, during periodic compliance reviews, not to comply with the relevant requirements.

An applicant submitting a request for Commission certification will receive an order either granting or denying certification of QF status, or a letter requesting additional information or rejecting the application. Pursuant to 18 C.F.R. § 292.207(b)(3), the Commission must act on an application for Commission certification within 90 days of the later of the filing date of the application or the filing date of a supplement, amendment or other change to the application.

Waiver Requests

18 C.F.R. § 292.204(a)(3) allows an applicant to request a waiver to modify the method of calculation pursuant to 18 C.F.R. § 292.204(a)(2) to determine if two facilities are considered to be located at the same site, for good cause. 18 C.F.R. § 292.205(c) allows an applicant to request waiver of the requirements of 18 C.F.R. §§ 292.205(a) and (b) for operating and efficiency upon a showing that the facility will produce significant energy savings. A request for waiver of these requirements must be submitted as a petition for declaratory order, with the appropriate filing fee for a petition for declaratory order. Applicants requesting Commission recertification as part of a request for waiver of one of these requirements should electronically submit their completed Form 556 along with their petition for declaratory order, rather than filing their Form 556 as a separate request for Commission recertification. Only the filing fee for the petition for declaratory order must be paid to cover both the waiver request and the request for recertification *if such requests are made simultaneously*.

18 C.F.R. § 292.203(d)(2) allows an applicant to request a waiver of the Form 556 filing requirements, for good cause. Applicants filing a petition for declaratory order requesting a waiver under 18 C.F.R. § 292.203(d)(2) do not need to complete or submit a Form 556 with their petition.

Geographic Coordinates

If a street address does not exist for your facility, then line 3c of the Form 556 requires you to report your facility's geographic coordinates (latitude and longitude). Geographic coordinates may be obtained from several different sources. You can find links to online services that show latitude and longitude coordinates on online maps by visiting the Commission's QF webpage at www.ferc.gov/QF and clicking the Geographic Coordinates link. You may also be able to obtain your geographic coordinates from a GPS device, Google Earth (available free at <http://earth.google.com>), a property survey, various engineering or construction drawings, a property deed, or a municipal or county map showing property lines.

Filing Privileged Data or Critical Energy Infrastructure Information in a Form 556

The Commission's regulations provide procedures for applicants to either (1) request that any information submitted with a Form 556 be given privileged treatment because the information is exempt from the mandatory public disclosure requirements of the Freedom of Information Act, 5 U.S.C. § 552, and should be withheld from public disclosure; or (2) identify any documents containing critical energy infrastructure information (CEII) as defined in 18 C.F.R. § 388.113 that should not be made public.

If you are seeking privileged treatment or CEII status for any data in your Form 556, then you must follow the procedures in 18 C.F.R. § 388.112. See www.ferc.gov/help/filing-guide/file-ceii.asp for more information.

Among other things (see 18 C.F.R. § 388.112 for other requirements), applicants seeking privileged treatment or CEII status for data submitted in a Form 556 must prepare and file both (1) a complete version of the Form 556 (containing the privileged and/or CEII data), and (2) a public version of the Form 556 (with the privileged and/or CEII data redacted). Applicants preparing and filing these different versions of their Form 556 must indicate below the security designation of this version of their document. If you are *not* seeking privileged treatment or CEII status for any of your Form 556 data, then you should not respond to any of the items on this page.

Non-Public: Applicant is seeking privileged treatment and/or CEII status for data contained in the Form 556 lines indicated below. This non-public version of the applicant's Form 556 contains all data, including the data that is redacted in the (separate) public version of the applicant's Form 556.
Public (redacted): Applicant is seeking privileged treatment and/or CEII status for data contained in the Form 556 lines indicated below. This public version of the applicants's Form 556 contains all data <u>except</u> for data from the lines indicated below, which has been redacted.
Privileged: Indicate below which lines of your form contain data for which you are seeking privileged treatment
Critical Energy Infrastructure Information (CEII): Indicate below which lines of your form contain data for which you are seeking CEII status

The eFiling process described on page 2 will allow you to identify which versions of the electronic documents you submit are public, privileged and/or CEII. The filenames for such documents should begin with "Public", "Priv", or "CEII", as applicable, to clearly indicate the security designation of the file. Both versions of the Form 556 should be unaltered PDF copies of the Form 556, as available for download from www.ferc.gov/QF. To redact data from the public copy of the submittal, simply omit the relevant data from the Form. For numerical fields, leave the redacted fields blank. For text fields, complete as much of the field as possible, and replace the redacted portions of the field with the word "REDACTED" in brackets. Be sure to identify above all fields which contain data for which you are seeking non-public status.

The Commission is not responsible for detecting or correcting filer errors, including those errors related to security designation. If your documents contain sensitive information, make sure they are filed using the proper security designation.

**FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, DC**

OMB Control # 1902-0075
Expiration 5/31/2013

Form 556

Certification of Qualifying Facility (QF) Status for a Small Power
Production or Cogeneration Facility

Application Information

1a Full name of applicant (legal entity on whose behalf qualifying facility status is sought for this facility) Boise Project Board of Control			
1b Applicant street address 2465 W. Overland Rd			
1c City Boise		1d State/province Idaho	
1e Postal code 83705	1f Country (if not United States)		1g Telephone number (208) 344-1141
1h Has the instant facility ever previously been certified as a QF? Yes ☐ No ☒			
1i If yes, provide the docket number of the last known QF filing pertaining to this facility: QF _____ - _____ - _____			
1j Under which certification process is the applicant making this filing? ☒ Notice of self-certification (see note below) ☐ Application for Commission certification (requires filing fee; see "Filing Fee" section on page 3) Note: a notice of self-certification is a notice by the applicant itself that its facility complies with the requirements for QF status. A notice of self-certification does not establish a proceeding, and the Commission does not review a notice of self-certification to verify compliance. See the "What to Expect From the Commission After You File" section on page 3 for more information.			
1k What type(s) of QF status is the applicant seeking for its facility? (check all that apply) ☒ Qualifying small power production facility status ☐ Qualifying cogeneration facility status			
1l What is the purpose and expected effective date(s) of this filing? ☒ Original certification; facility expected to be installed by <u>5/31/12</u> and to begin operation on <u>6/1/12</u> ☐ Change(s) to a previously certified facility to be effective on _____ (identify type(s) of change(s) below, and describe change(s) in the Miscellaneous section starting on page 19) ☐ Name change and/or other administrative change(s) ☐ Change in ownership ☐ Change(s) affecting plant equipment, fuel use, power production capacity and/or cogeneration thermal output ☐ Supplement or correction to a previous filing submitted on _____ (describe the supplement or correction in the Miscellaneous section starting on page 19)			
1m If any of the following three statements is true, check the box(es) that describe your situation and complete the form to the extent possible, explaining any special circumstances in the Miscellaneous section starting on page 19. ☐ The instant facility complies with the Commission's QF requirements by virtue of a waiver of certain regulations previously granted by the Commission in an order dated _____ (specify any other relevant waiver orders in the Miscellaneous section starting on page 19) ☐ The instant facility would comply with the Commission's QF requirements if a petition for waiver submitted concurrently with this application is granted ☐ The instant facility complies with the Commission's regulations, but has special circumstances, such as the employment of unique or innovative technologies not contemplated by the structure of this form, that make the demonstration of compliance via this form difficult or impossible (describe in Misc. section starting on p. 19)			

Contact Information	2a Name of contact person Albert P. Barker		2b Telephone number (208) 336-0700	
	2c Which of the following describes the contact person's relationship to the applicant? (check one) ☐ Applicant (self) ☐ Employee, owner or partner of applicant authorized to represent the applicant ☐ Employee of a company affiliated with the applicant authorized to represent the applicant on this matter ☒ Lawyer, consultant, or other representative authorized to represent the applicant on this matter			
	2d Company or organization name (if applicant is an individual, check here and skip to line 2e) ☐ Barker Rosholt & Simpson, LLP			
	2e Street address (if same as Applicant, check here and skip to line 3a) ☐ 1010 W. Jefferson, Ste. 102			
	2f City Boise		2g State/province Idaho	
	2h Postal code 83702-2139		2i Country (if not United States)	
Facility Identification and Location	3a Facility name Fargo Drop No. 1 Hydroelectric Facility			
	3b Street address (if a street address does not exist for the facility, check here and skip to line 3c) ☒			
	3c Geographic coordinates: If you indicated that no street address exists for your facility by checking the box in line 3b, then you must specify the latitude and longitude coordinates of the facility in degrees (to three decimal places). Use the following formula to convert to decimal degrees from degrees, minutes and seconds: decimal degrees = degrees + (minutes/60) + (seconds/3600). See the "Geographic Coordinates" section on page 4 for help. If you provided a street address for your facility in line 3b, then specifying the geographic coordinates below is optional.			
	Longitude ☐ East (+) _____ 116.899 degrees ☒ West (-) _____		Latitude ☒ North (+) _____ 43.624 degrees ☐ South (-) _____	
	3d City (if unincorporated, check here and enter nearest city) ☐ Homedale		3e State/province Idaho	
Transacting Utilities	3f County (or check here for independent city) ☐ Canyon		3g Country (if not United States)	
	Identify the electric utilities that are contemplated to transact with the facility.			
	4a Identify utility interconnecting with the facility Idaho Power Company			
	4b Identify utilities providing wheeling service or check here if none ☐ Idaho Power Company			
	4c Identify utilities purchasing the useful electric power output or check here if none ☐ Idaho Power Company			
Transacting Utilities	4d Identify utilities providing supplementary power, backup power, maintenance power, and/or interruptible power service or check here if none ☐ Idaho Power Company			

Ownership and Operation

5a Direct ownership as of effective date or operation date: Identify all direct owners of the facility holding at least 10 percent equity interest. For each identified owner, also (1) indicate whether that owner is an electric utility, as defined in section 3(22) of the Federal Power Act (16 U.S.C. 796(22)), or a holding company, as defined in section 1262(8) of the Public Utility Holding Company Act of 2005 (42 U.S.C. 16451(8)), and (2) for owners which are electric utilities or holding companies, provide the percentage of equity interest in the facility held by that owner. If no direct owners hold at least 10 percent equity interest in the facility, then provide the required information for the two direct owners with the largest equity interest in the facility.

Full legal names of direct owners	Electric utility or holding company	If Yes, % equity interest
1) Boise-Kuna Irrigation District	Yes ☐ No ☒	%
2) Big Bend Irrigation District	Yes ☐ No ☒	%
3) Nampa & Meridian Irrigation District	Yes ☐ No ☒	%
4) New York Irrigation District	Yes ☐ No ☒	%
5) Wilder Irrigation District	Yes ☐ No ☒	%
6) _____	Yes ☐ No ☐	%
7) _____	Yes ☐ No ☐	%
8) _____	Yes ☐ No ☐	%
9) _____	Yes ☐ No ☐	%
10) _____	Yes ☐ No ☐	%

☒ Check here and continue in the Miscellaneous section starting on page 19 if additional space is needed

5b Upstream (i.e., indirect) ownership as of effective date or operation date: Identify all upstream (i.e., indirect) owners of the facility that both (1) hold at least 10 percent equity interest in the facility, and (2) are electric utilities, as defined in section 3(22) of the Federal Power Act (16 U.S.C. 796(22)), or holding companies, as defined in section 1262(8) of the Public Utility Holding Company Act of 2005 (42 U.S.C. 16451(8)). Also provide the percentage of equity interest in the facility held by such owners. (Note that, because upstream owners may be subsidiaries of one another, total percent equity interest reported may exceed 100 percent.)

Check here if no such upstream owners exist. ☒

Full legal names of electric utility or holding company upstream owners	% equity interest
1) _____	%
2) _____	%
3) _____	%
4) _____	%
5) _____	%
6) _____	%
7) _____	%
8) _____	%
9) _____	%
10) _____	%

☐ Check here and continue in the Miscellaneous section starting on page 19 if additional space is needed

5c Identify the facility operator

Riverside, Inc.

Energy Input

6a Describe the primary energy input: (check one main category and, if applicable, one subcategory)

- | | | |
|--|--|--|
| ☐ Biomass (specify) | ☒ Renewable resources (specify) | ☐ Geothermal |
| ☐ Landfill gas | ☐ Hydro power - river | ☐ Fossil fuel (specify) |
| ☐ Manure digester gas | ☐ Hydro power - tidal | ☐ Coal (not waste) |
| ☐ Municipal solid waste | ☐ Hydro power - wave | ☐ Fuel oil/diesel |
| ☐ Sewage digester gas | ☐ Solar - photovoltaic | ☐ Natural gas (not waste) |
| ☐ Wood | ☐ Solar - thermal | ☐ Other fossil fuel (describe on page 19) |
| ☐ Other biomass (describe on page 19) | ☐ Wind | |
| ☐ Waste (specify type below in line 6b) | ☒ Other renewable resource (describe on page 19) | ☐ Other (describe on page 19) |

6b If you specified "waste" as the primary energy input in line 6a, indicate the type of waste fuel used: (check one)

- ☐ Waste fuel listed in 18 C.F.R. § 292.202(b) (specify one of the following)
- ☐ Anthracite culm produced prior to July 23, 1985
 - ☐ Anthracite refuse that has an average heat content of 6,000 Btu or less per pound and has an average ash content of 45 percent or more
 - ☐ Bituminous coal refuse that has an average heat content of 9,500 Btu per pound or less and has an average ash content of 25 percent or more
 - ☐ Top or bottom subbituminous coal produced on Federal lands or on Indian lands that has been determined to be waste by the United States Department of the Interior's Bureau of Land Management (BLM) or that is located on non-Federal or non-Indian lands outside of BLM's jurisdiction, provided that the applicant shows that the latter coal is an extension of that determined by BLM to be waste
 - ☐ Coal refuse produced on Federal lands or on Indian lands that has been determined to be waste by the BLM or that is located on non-Federal or non-Indian lands outside of BLM's jurisdiction, provided that applicant shows that the latter is an extension of that determined by BLM to be waste
 - ☐ Lignite produced in association with the production of montan wax and lignite that becomes exposed as a result of such a mining operation
 - ☐ Gaseous fuels (except natural gas and synthetic gas from coal) (describe on page 19)
 - ☐ Waste natural gas from gas or oil wells (describe on page 19 how the gas meets the requirements of 18 C.F.R. § 2.400 for waste natural gas; include with your filing any materials necessary to demonstrate compliance with 18 C.F.R. § 2.400)
 - ☐ Materials that a government agency has certified for disposal by combustion (describe on page 19)
 - ☐ Heat from exothermic reactions (describe on page 19)
 - ☐ Residual heat (describe on page 19)
 - ☐ Used rubber tires
 - ☐ Plastic materials
 - ☐ Refinery off-gas
 - ☐ Petroleum coke
- ☐ Other waste energy input that has little or no commercial value and exists in the absence of the qualifying facility industry (describe in the Miscellaneous section starting on page 19; include a discussion of the fuel's lack of commercial value and existence in the absence of the qualifying facility industry)

6c Provide the average energy input, calculated on a calendar year basis, in terms of Btu/h for the following fossil fuel energy inputs, and provide the related percentage of the total average annual energy input to the facility (18 C.F.R. § 292.202(j)). For any oil or natural gas fuel, use lower heating value (18 C.F.R. § 292.202(m)).

Fuel	Annual average energy input for specified fuel	Percentage of total annual energy input
Natural gas	0 Btu/h	0 %
Oil-based fuels	0 Btu/h	0 %
Coal	0 Btu/h	0 %

Technical Facility Information

Indicate the maximum gross and maximum net electric power production capacity of the facility at the point(s) of delivery by completing the worksheet below. Respond to all items. If any of the parasitic loads and/or losses identified in lines 7b through 7e are negligible, enter zero for those lines.

7a The maximum gross power production capacity at the terminals of the individual generator(s) under the most favorable anticipated design conditions	1,265 kW
7b Parasitic station power used at the facility to run equipment which is necessary and integral to the power production process (boiler feed pumps, fans/blowers, office or maintenance buildings directly related to the operation of the power generating facility, etc.). If this facility includes non-power production processes (for instance, power consumed by a cogeneration facility's thermal host), do not include any power consumed by the non-power production activities in your reported parasitic station power.	3 kW
7c Electrical losses in interconnection transformers	12.7 kW
7d Electrical losses in AC/DC conversion equipment, if any	0 kW
7e Other interconnection losses in power lines or facilities (other than transformers and AC/DC conversion equipment) between the terminals of the generator(s) and the point of interconnection with the utility	0 kW
7f Total deductions from gross power production capacity = 7b + 7c + 7d + 7e	15.7 kW
7g Maximum net power production capacity = 7a - 7f	1,249.3 kW

7h Description of facility and primary components: Describe the facility and its operation. Identify all boilers, heat recovery steam generators, prime movers (any mechanical equipment driving an electric generator), electrical generators, photovoltaic solar equipment, fuel cell equipment and/or other primary power generation equipment used in the facility. Descriptions of components should include (as applicable) specifications of the nominal capacities for mechanical output, electrical output, or steam generation of the identified equipment. For each piece of equipment identified, clearly indicate how many pieces of that type of equipment are included in the plant, and which components are normally operating or normally in standby mode. Provide a description of how the components operate as a system. Applicants for cogeneration facilities do not need to describe operations of systems that are clearly depicted on and easily understandable from a cogeneration facility's attached mass and heat balance diagram; however, such applicants should provide any necessary description needed to understand the sequential operation of the facility depicted in their mass and heat balance diagram. If additional space is needed, continue in the Miscellaneous section starting on page 19.

A 54 inch buried steel penstock will convey water flows to the powerhouse. Flow from Turbine No. 1 will be returned from the powerhouse to the distribution box through a 48" steel return pipe. The powerhouse will be a concrete substructure with an above ground metal building. Two horizontal Francis turbines and one horizontal generator will be installed on a common shaft. Turbine No. 1 will be a Low Head Turbine that will discharge to the Distribution Box through the Return Pipe. Turbine No. 2 will be a High Head Turbine that will discharge into the Equalizer Canal.

The efficiency of the turbines is 88%. Turbine No. 1 is a low head, Francis type. Its rated flow is 45.0 cfs, its rated head is 86.6 feet. Its speed is 720 RPM and rated runway is 1250 RPM. Turbine No. 2 is a high head Francis type. Its rated flow is 65.0 cfs, its rated head is 144 feet, its speed is 720 RPM and its rated runway is 1250 RPM. The Generator is Synchronous with a speed of 720 RPM, a rated output of 975 kW, and service factor of 1.15. The exciter is static, the frequency is 60 Hertz and the voltage is 480 volts.

The turbine wicket gates will operate hydraulically. The hydraulic power unit has accumulators for black shutdown. The governor will be digital. A DC battery and DC/AC inverter will be furnished. Head level sensors will be installed to provide information to the powerhouse PLC.

Information Required for Small Power Production Facility

If you indicated in line 1k that you are seeking qualifying small power production facility status for your facility, then you must respond to the items on this page. Otherwise, skip page 10.

Certification of Compliance with Size Limitations	Pursuant to 18 C.F.R. § 292.204(a), the power production capacity of any small power production facility, together with the power production capacity of any other small power production facilities that use the same energy resource, are owned by the same person(s) or its affiliates, and are located at the same site, may not exceed 80 megawatts. To demonstrate compliance with this size limitation, or to demonstrate that your facility is exempt from this size limitation under the Solar, Wind, Waste, and Geothermal Power Production Incentives Act of 1990 (Pub. L. 101-575, 104 Stat. 2834 (1990) <i>as amended by</i> Pub. L. 102-46, 105 Stat. 249 (1991)), respond to lines 8a through 8e below (as applicable).																
	8a Identify any facilities with electrical generating equipment located within 1 mile of the electrical generating equipment of the instant facility, and for which any of the entities identified in lines 5a or 5b, or their affiliates, holds at least a 5 percent equity interest.																
	Check here if no such facilities exist. ☒																
	<table border="1"> <thead> <tr> <th>Facility location (city or county, state)</th> <th>Root docket # (if any)</th> <th>Common owner(s)</th> <th>Maximum net power production capacity</th> </tr> </thead> <tbody> <tr> <td>1) _____</td> <td>QF - _____</td> <td>_____</td> <td>_____ kW</td> </tr> <tr> <td>2) _____</td> <td>QF - _____</td> <td>_____</td> <td>_____ kW</td> </tr> <tr> <td>3) _____</td> <td>QF - _____</td> <td>_____</td> <td>_____ kW</td> </tr> </tbody> </table>	Facility location (city or county, state)	Root docket # (if any)	Common owner(s)	Maximum net power production capacity	1) _____	QF - _____	_____	_____ kW	2) _____	QF - _____	_____	_____ kW	3) _____	QF - _____	_____	_____ kW
	Facility location (city or county, state)	Root docket # (if any)	Common owner(s)	Maximum net power production capacity													
	1) _____	QF - _____	_____	_____ kW													
2) _____	QF - _____	_____	_____ kW														
3) _____	QF - _____	_____	_____ kW														
☐ Check here and continue in the Miscellaneous section starting on page 19 if additional space is needed																	
8b The Solar, Wind, Waste, and Geothermal Power Production Incentives Act of 1990 (Incentives Act) provides exemption from the size limitations in 18 C.F.R. § 292.204(a) for certain facilities that were certified prior to 1995. Are you seeking exemption from the size limitations in 18 C.F.R. § 292.204(a) by virtue of the Incentives Act? ☐ Yes (continue at line 8c below) ☒ No (skip lines 8c through 8e)																	
Certification of Compliance with Fuel Use Requirements	Pursuant to 18 C.F.R. § 292.204(b), qualifying small power production facilities may use fossil fuels, in minimal amounts, for only the following purposes: ignition; start-up; testing; flame stabilization; control use; alleviation or prevention of unanticipated equipment outages; and alleviation or prevention of emergencies, directly affecting the public health, safety, or welfare, which would result from electric power outages. The amount of fossil fuels used for these purposes may not exceed 25 percent of the total energy input of the facility during the 12-month period beginning with the date the facility first produces electric energy or any calendar year thereafter.																
	9a Certification of compliance with 18 C.F.R. § 292.204(b) with respect to uses of fossil fuel: ☒ Applicant certifies that the facility will use fossil fuels <i>exclusively</i> for the purposes listed above.																
	9b Certification of compliance with 18 C.F.R. § 292.204(b) with respect to amount of fossil fuel used annually: Applicant certifies that the amount of fossil fuel used at the facility will not, in aggregate, exceed 25 ☒ percent of the total energy input of the facility during the 12-month period beginning with the date the facility first produces electric energy or any calendar year thereafter.																

Information Required for Cogeneration Facility

If you indicated in line 1k that you are seeking qualifying cogeneration facility status for your facility, then you must respond to the items on pages 11 through 13. Otherwise, skip pages 11 through 13.

General Cogeneration Information	Pursuant to 18 C.F.R. § 292.202(c), a cogeneration facility produces electric energy and forms of useful thermal energy (such as heat or steam) used for industrial, commercial, heating, or cooling purposes, through the sequential use of energy. Pursuant to 18 C.F.R. § 292.202(s), "sequential use" of energy means the following: (1) for a topping-cycle cogeneration facility, the use of reject heat from a power production process in sufficient amounts in a thermal application or process to conform to the requirements of the operating standard contained in 18 C.F.R. § 292.205(a); or (2) for a bottoming-cycle cogeneration facility, the use of at least some reject heat from a thermal application or process for power production.	
	10a What type(s) of cogeneration technology does the facility represent? (check all that apply) ☐ Topping-cycle cogeneration ☐ Bottoming-cycle cogeneration	
	10b To help demonstrate the sequential operation of the cogeneration process, and to support compliance with other requirements such as the operating and efficiency standards, include with your filing a mass and heat balance diagram depicting average annual operating conditions. This diagram must include certain items and meet certain requirements, as described below. You must check next to the description of each requirement below to certify that you have complied with these requirements.	
	Check to certify compliance with indicated requirement	Requirement
☐	Diagram must show orientation within system piping and/or ducts of all prime movers, heat recovery steam generators, boilers, electric generators, and condensers (as applicable), as well as any other primary equipment relevant to the cogeneration process.	
☐	Any average annual values required to be reported in lines 10b, 12a, 13a, 13b, 13d, 13f, 14a, 15b, 15d and/or 15f must be computed over the anticipated hours of operation.	
☐	Diagram must specify all fuel inputs by fuel type and average annual rate in Btu/h. Fuel for supplementary firing should be specified separately and clearly labeled. All specifications of fuel inputs should use lower heating values.	
☐	Diagram must specify average gross electric output in kW or MW for each generator.	
☐	Diagram must specify average mechanical output (that is, any mechanical energy taken off of the shaft of the prime movers for purposes not directly related to electric power generation) in horsepower, if any. Typically, a cogeneration facility has no mechanical output.	
☐	At each point for which working fluid flow conditions are required to be specified (see below), such flow condition data must include mass flow rate (in lb/h or kg/s), temperature (in °F, R, °C or K), absolute pressure (in psia or kPa) and enthalpy (in Btu/lb or kJ/kg). Exception: For systems where the working fluid is <i>liquid only</i> (no vapor at any point in the cycle) and where the type of liquid and specific heat of that liquid are clearly indicated on the diagram or in the Miscellaneous section starting on page 19, only mass flow rate and temperature (not pressure and enthalpy) need be specified. For reference, specific heat at standard conditions for pure liquid water is approximately 1.002 Btu/(lb*°R) or 4.195 kJ/(kg*K).	
☐	Diagram must specify working fluid flow conditions at input to and output from each steam turbine or other expansion turbine or back-pressure turbine.	
☐	Diagram must specify working fluid flow conditions at delivery to and return from each thermal application.	
☐	Diagram must specify working fluid flow conditions at make-up water inputs.	

EPA 2005 Requirements for Fundamental Use of Energy Output from Cogeneration Facilities

EPA 2005 cogeneration facilities: The Energy Policy Act of 2005 (EPA 2005) established a new section 210(n) of the Public Utility Regulatory Policies Act of 1978 (PURPA), 16 USC 824a-3(n), with additional requirements for any qualifying cogeneration facility that (1) is seeking to sell electric energy pursuant to section 210 of PURPA and (2) was either not a cogeneration facility on August 8, 2005, or had not filed a self-certification or application for Commission certification of QF status on or before February 1, 2006. These requirements were implemented by the Commission in 18 C.F.R. § 292.205(d). Complete the lines below, carefully following the instructions, to demonstrate whether these additional requirements apply to your cogeneration facility and, if so, whether your facility complies with such requirements.

11a Was your facility operating as a qualifying cogeneration facility on or before August 8, 2005? Yes ☐ No ☐

11b Was the initial filing seeking certification of your facility (whether a notice of self-certification or an application for Commission certification) filed on or before February 1, 2006? Yes ☐ No ☐

If the answer to either line 11a or 11b is Yes, then continue at line 11c below. Otherwise, if the answers to both lines 11a and 11b are No, skip to line 11e below.

11c With respect to the design and operation of the facility, have any changes been implemented on or after February 2, 2006 that affect general plant operation, affect use of thermal output, and/or increase net power production capacity from the plant's capacity on February 1, 2006?

☐ Yes (continue at line 11d below)

☐ No. Your facility is not subject to the requirements of 18 C.F.R. § 292.205(d) at this time. However, it may be subject to these requirements in the future if changes are made to the facility. At such time, the applicant would need to recertify the facility to determine eligibility. Skip lines 11d through 11j.

11d Does the applicant contend that the changes identified in line 11c are not so significant as to make the facility a "new" cogeneration facility that would be subject to the 18 C.F.R. § 292.205(d) cogeneration requirements?

☐ Yes. Provide in the Miscellaneous section starting on page 19 a description of any relevant changes made to the facility (including the purpose of the changes) and a discussion of why the facility should not be considered a "new" cogeneration facility in light of these changes. Skip lines 11e through 11j.

☐ No. Applicant stipulates to the fact that it is a "new" cogeneration facility (for purposes of determining the applicability of the requirements of 18 C.F.R. § 292.205(d)) by virtue of modifications to the facility that were initiated on or after February 2, 2006. Continue below at line 11e.

11e Will electric energy from the facility be sold pursuant to section 210 of PURPA?

☐ Yes. The facility is an EPA 2005 cogeneration facility. You must demonstrate compliance with 18 C.F.R. § 292.205(d)(2) by continuing at line 11f below.

☐ No. Applicant certifies that energy will *not* be sold pursuant to section 210 of PURPA. Applicant also certifies its understanding that it must recertify its facility in order to determine compliance with the requirements of 18 C.F.R. § 292.205(d) *before* selling energy pursuant to section 210 of PURPA in the future. Skip lines 11f through 11j.

11f Is the net power production capacity of your cogeneration facility, as indicated in line 7g above, less than or equal to 5,000 kW?

☐ Yes, the net power production capacity is less than or equal to 5,000 kW. 18 C.F.R. § 292.205(d)(4) provides a rebuttable presumption that cogeneration facilities of 5,000 kW and smaller capacity comply with the requirements for fundamental use of the facility's energy output in 18 C.F.R. § 292.205(d)(2). Applicant certifies its understanding that, should the power production capacity of the facility increase above 5,000 kW, then the facility must be recertified to (among other things) demonstrate compliance with 18 C.F.R. § 292.205(d)(2). Skip lines 11g through 11j.

☐ No, the net power production capacity is greater than 5,000 kW. Demonstrate compliance with the requirements for fundamental use of the facility's energy output in 18 C.F.R. § 292.205(d)(2) by continuing on the next page at line 11g.

EPAct 2005 Requirements for Fundamental Use of Energy Output from Cogeneration Facilities (continued)

Lines 11g through 11k below guide the applicant through the process of demonstrating compliance with the requirements for "fundamental use" of the facility's energy output. 18 C.F.R. § 292.205(d)(2). Only respond to the lines on this page if the instructions on the previous page direct you to do so. Otherwise, skip this page.

18 C.F.R. § 292.205(d)(2) requires that the electrical, thermal, chemical and mechanical output of an EPAct 2005 cogeneration facility is used fundamentally for industrial, commercial, residential or institutional purposes and is not intended fundamentally for sale to an electric utility, taking into account technological, efficiency, economic, and variable thermal energy requirements, as well as state laws applicable to sales of electric energy from a qualifying facility to its host facility. If you were directed on the previous page to respond to the items on this page, then your facility is an EPAct 2005 cogeneration facility that is subject to this "fundamental use" requirement.

The Commission's regulations provide a two-pronged approach to demonstrating compliance with the requirements for fundamental use of the facility's energy output. First, the Commission has established in 18 C.F.R. § 292.205(d)(3) a "fundamental use test" that can be used to demonstrate compliance with 18 C.F.R. § 292.205(d)(2). Under the fundamental use test, a facility is considered to comply with 18 C.F.R. § 292.205(d)(2) if at least 50 percent of the facility's total annual energy output (including electrical, thermal, chemical and mechanical energy output) is used for industrial, commercial, residential or institutional purposes.

Second, an applicant for a facility that does not pass the fundamental use test may provide a narrative explanation of and support for its contention that the facility nonetheless meets the requirement that the electrical, thermal, chemical and mechanical output of an EPAct 2005 cogeneration facility is used fundamentally for industrial, commercial, residential or institutional purposes and is not intended fundamentally for sale to an electric utility, taking into account technological, efficiency, economic, and variable thermal energy requirements, as well as state laws applicable to sales of electric energy from a qualifying facility to its host facility.

Complete lines 11g through 11j below to determine compliance with the fundamental use test in 18 C.F.R. § 292.205(d)(3). Complete lines 11g through 11j *even if you do not intend to rely upon the fundamental use test to demonstrate compliance with 18 C.F.R. § 292.205(d)(2)*.

11g Amount of electrical, thermal, chemical and mechanical energy output (net of internal generation plant losses and parasitic loads) expected to be used annually for industrial, commercial, residential or institutional purposes and not sold to an electric utility	MWh
--	-----

11h Total amount of electrical, thermal, chemical and mechanical energy expected to be sold to an electric utility	MWh
---	-----

11i Percentage of total annual energy output expected to be used for industrial, commercial, residential or institutional purposes and not sold to a utility = $100 * 11g / (11g + 11h)$	0 %
--	-----

11j Is the response in line 11i greater than or equal to 50 percent?

- Yes. Your facility complies with 18 C.F.R. § 292.205(d)(2) by virtue of passing the fundamental use test provided in 18 C.F.R. § 292.205(d)(3). Applicant certifies its understanding that, if it is to rely upon passing the fundamental use test as a basis for complying with 18 C.F.R. § 292.205(d)(2), then the facility must comply with the fundamental use test both in the 12-month period beginning with the date the facility first produces electric energy, and in all subsequent calendar years.

- No. Your facility does not pass the fundamental use test. Instead, you must provide in the Miscellaneous section starting on page 19 a narrative explanation of and support for why your facility meets the requirement that the electrical, thermal, chemical and mechanical output of an EPAct 2005 cogeneration facility is used fundamentally for industrial, commercial, residential or institutional purposes and is not intended fundamentally for sale to an electric utility, taking into account technological, efficiency, economic, and variable thermal energy requirements, as well as state laws applicable to sales of electric energy from a QF to its host facility. Applicants providing a narrative explanation of why their facility should be found to comply with 18 C.F.R. § 292.205(d)(2) in spite of non-compliance with the fundamental use test may want to review paragraphs 47 through 61 of Order No. 671 (accessible from the Commission's QF website at www.ferc.gov/QF), which provide discussion of the facts and circumstances that may support their explanation. Applicant should also note that the percentage reported above will establish the standard that that facility must comply with, both for the 12-month period beginning with the date the facility first produces electric energy, and in all subsequent calendar years. See Order No. 671 at paragraph 51. As such, the applicant should make sure that it reports appropriate values on lines 11g and 11h above to serve as the relevant annual standard, taking into account expected variations in production conditions.

Information Required for Topping-Cycle Cogeneration Facility

If you indicated in line 10a that your facility represents topping-cycle cogeneration technology, then you must respond to the items on pages 14 and 15. Otherwise, skip pages 14 and 15.

Usefulness of Topping-Cycle Thermal Output	The thermal energy output of a topping-cycle cogeneration facility is the net energy made available to an industrial or commercial process or used in a heating or cooling application. Pursuant to sections 292.202(c), (d) and (h) of the Commission's regulations (18 C.F.R. §§ 292.202(c), (d) and (h)), the thermal energy output of a qualifying topping-cycle cogeneration facility must be useful. In connection with this requirement, describe the thermal output of the topping-cycle cogeneration facility by responding to lines 12a and 12b below.		
	12a Identify and describe each thermal host, and specify the annual average rate of thermal output made available to each host for each use. For hosts with multiple uses of thermal output, provide the data for each use <i>in separate rows</i>.		
	Name of entity (thermal host) taking thermal output	Thermal host's relationship to facility; Thermal host's use of thermal output	Average annual rate of thermal output attributable to use (net of heat contained in process return or make-up water)
	1)	Select thermal host's relationship to facility Select thermal host's use of thermal output	Btu/h
	2)	Select thermal host's relationship to facility Select thermal host's use of thermal output	Btu/h
	3)	Select thermal host's relationship to facility Select thermal host's use of thermal output	Btu/h
	4)	Select thermal host's relationship to facility Select thermal host's use of thermal output	Btu/h
	5)	Select thermal host's relationship to facility Select thermal host's use of thermal output	Btu/h
	6)	Select thermal host's relationship to facility Select thermal host's use of thermal output	Btu/h
	☐ Check here and continue in the Miscellaneous section starting on page 19 if additional space is needed		
12b Demonstration of usefulness of thermal output: At a minimum, provide a brief description of each use of the thermal output identified above. In some cases, this brief description is sufficient to demonstrate usefulness. However, if your facility's use of thermal output is not common, and/or if the usefulness of such thermal output is not reasonably clear, then you must provide additional details as necessary to demonstrate usefulness. Your application may be rejected and/or additional information may be required if an insufficient showing of usefulness is made. (Exception: If you have previously received a Commission certification approving a specific use of thermal output related to the instant facility, then you need only provide a brief description of that use and a reference by date and docket number to the order certifying your facility with the indicated use. Such exemption may not be used if any change creates a material deviation from the previously authorized use.) If additional space is needed, continue in the Miscellaneous section starting on page 19.			

**Topping-Cycle Operating and
Efficiency Value Calculation**

Applicants for facilities representing topping-cycle technology must demonstrate compliance with the topping-cycle operating standard and, if applicable, efficiency standard. Section 292.205(a)(1) of the Commission's regulations (18 C.F.R. § 292.205(a)(1)) establishes the operating standard for topping-cycle cogeneration facilities: the useful thermal energy output must be no less than 5 percent of the total energy output. Section 292.205(a)(2) (18 C.F.R. § 292.205(a)(2)) establishes the efficiency standard for topping-cycle cogeneration facilities for which installation commenced on or after March 13, 1980: the useful power output of the facility plus one-half the useful thermal energy output must (A) be no less than 42.5 percent of the total energy input of natural gas and oil to the facility; and (B) if the useful thermal energy output is less than 15 percent of the total energy output of the facility, be no less than 45 percent of the total energy input of natural gas and oil to the facility. To demonstrate compliance with the topping-cycle operating and/or efficiency standards, or to demonstrate that your facility is exempt from the efficiency standard based on the date that installation commenced, respond to lines 13a through 13l below.

If you indicated in line 10a that your facility represents *both* topping-cycle and bottoming-cycle cogeneration technology, then respond to lines 13a through 13l below considering only the energy inputs and outputs attributable to the topping-cycle portion of your facility. Your mass and heat balance diagram must make clear which mass and energy flow values and system components are for which portion (topping or bottoming) of the cogeneration system.

13a Indicate the annual average rate of useful thermal energy output made available to the host(s), net of any heat contained in condensate return or make-up water	Btu/h
13b Indicate the annual average rate of net electrical energy output	kW
13c Multiply line 13b by 3,412 to convert from kW to Btu/h	0 Btu/h
13d Indicate the annual average rate of mechanical energy output taken directly off of the shaft of a prime mover for purposes not directly related to power production (this value is usually zero)	hp
13e Multiply line 13d by 2,544 to convert from hp to Btu/h	0 Btu/h
13f Indicate the annual average rate of energy input from natural gas and oil	Btu/h
13g Topping-cycle operating value = $100 * 13a / (13a + 13c + 13e)$	0 %
13h Topping-cycle efficiency value = $100 * (0.5 * 13a + 13c + 13e) / 13f$	0 %
13i Compliance with operating standard: Is the operating value shown in line 13g greater than or equal to 5%? ☐ Yes (complies with operating standard) ☐ No (does not comply with operating standard)	
13j Did installation of the facility in its current form commence on or after March 13, 1980? ☐ Yes. Your facility is subject to the efficiency requirements of 18 C.F.R. § 292.205(a)(2). Demonstrate compliance with the efficiency requirement by responding to line 13k or 13l, as applicable, below. ☐ No. Your facility is exempt from the efficiency standard. Skip lines 13k and 13l.	
13k Compliance with efficiency standard (for low operating value): If the operating value shown in line 13g is less than 15%, then indicate below whether the efficiency value shown in line 13h greater than or equal to 45%: ☐ Yes (complies with efficiency standard) ☐ No (does not comply with efficiency standard)	
13l Compliance with efficiency standard (for high operating value): If the operating value shown in line 13g is greater than or equal to 15%, then indicate below whether the efficiency value shown in line 13h is greater than or equal to 42.5%: ☐ Yes (complies with efficiency standard) ☐ No (does not comply with efficiency standard)	

Information Required for Bottoming-Cycle Cogeneration Facility

If you indicated in line 10a that your facility represents bottoming-cycle cogeneration technology, then you must respond to the items on pages 16 and 17. Otherwise, skip pages 16 and 17.

Usefulness of Bottoming-Cycle Thermal Output	The thermal energy output of a bottoming-cycle cogeneration facility is the energy related to the process(es) from which at least some of the reject heat is then used for power production. Pursuant to sections 292.202(c) and (e) of the Commission's regulations (18 C.F.R. § 292.202(c) and (e)), the thermal energy output of a qualifying bottoming-cycle cogeneration facility must be useful. In connection with this requirement, describe the process(es) from which at least some of the reject heat is used for power production by responding to lines 14a and 14b below.		
	14a Identify and describe each thermal host and each bottoming-cycle cogeneration process engaged in by each host. For hosts with multiple bottoming-cycle cogeneration processes, provide the data for each process <i>in separate rows</i>.		
	Name of entity (thermal host) performing the process from which at least some of the reject heat is used for power production	Thermal host's relationship to facility; Thermal host's process type	Has the energy input to the thermal host been augmented for purposes of increasing power production capacity? (if Yes, describe on p. 19)
	1)	Select thermal host's relationship to facility Select thermal host's process type	Yes ☐ No ☐
	2)	Select thermal host's relationship to facility Select thermal host's process type	Yes ☐ No ☐
	3)	Select thermal host's relationship to facility Select thermal host's process type	Yes ☐ No ☐
	☐ Check here and continue in the Miscellaneous section starting on page 19 if additional space is needed		
	14b Demonstration of usefulness of thermal output: At a minimum, provide a brief description of each process identified above. In some cases, this brief description is sufficient to demonstrate usefulness. However, if your facility's process is not common, and/or if the usefulness of such thermal output is not reasonably clear, then you must provide additional details as necessary to demonstrate usefulness. Your application may be rejected and/or additional information may be required if an insufficient showing of usefulness is made. (Exception: If you have previously received a Commission certification approving a specific bottoming-cycle process related to the instant facility, then you need only provide a brief description of that process and a reference by date and docket number to the order certifying your facility with the indicated process. Such exemption may not be used if any material changes to the process have been made.) If additional space is needed, continue in the Miscellaneous section starting on page 19.		

**Bottoming-Cycle Operating and
Efficiency Value Calculation**

Applicants for facilities representing bottoming-cycle technology and for which installation commenced on or after March 13, 1990 must demonstrate compliance with the bottoming-cycle efficiency standards. Section 292.205(b) of the Commission's regulations (18 C.F.R. § 292.205(b)) establishes the efficiency standard for bottoming-cycle cogeneration facilities: the useful power output of the facility must be no less than 45 percent of the energy input of natural gas and oil for supplementary firing. To demonstrate compliance with the bottoming-cycle efficiency standard (if applicable), or to demonstrate that your facility is exempt from this standard based on the date that installation of the facility began, respond to lines 15a through 15h below.

If you indicated in line 10a that your facility represents *both* topping-cycle and bottoming-cycle cogeneration technology, then respond to lines 15a through 15h below considering only the energy inputs and outputs attributable to the bottoming-cycle portion of your facility. Your mass and heat balance diagram must make clear which mass and energy flow values and system components are for which portion of the cogeneration system (topping or bottoming).

15a Did installation of the facility in its current form commence on or after March 13, 1980?

- ☐ Yes. Your facility is subject to the efficiency requirement of 18 C.F.R. § 292.205(b). Demonstrate compliance with the efficiency requirement by responding to lines 15b through 15h below.
- ☐ No. Your facility is exempt from the efficiency standard. Skip the rest of page 17.

15b Indicate the annual average rate of net electrical energy output

kW

15c Multiply line 15b by 3,412 to convert from kW to Btu/h

0 Btu/h

15d Indicate the annual average rate of mechanical energy output taken directly off of the shaft of a prime mover for purposes not directly related to power production (this value is usually zero)

hp

15e Multiply line 15d by 2,544 to convert from hp to Btu/h

0 Btu/h

15f Indicate the annual average rate of supplementary energy input from natural gas or oil

Btu/h

15g Bottoming-cycle efficiency value = $100 * (15c + 15e) / 15f$

0 %

15h Compliance with efficiency standard: Indicate below whether the efficiency value shown in line 15g is greater than or equal to 45%:

- ☐ Yes (complies with efficiency standard) ☐ No (does not comply with efficiency standard)

Certificate of Completeness, Accuracy and Authority

Applicant must certify compliance with and understanding of filing requirements by checking next to each item below and signing at the bottom of this section. Forms with incomplete Certificates of Completeness, Accuracy and Authority will be rejected by the Secretary of the Commission.

Signer identified below certifies the following: (check all items and applicable subitems)

- ☒ He or she has read the filing, including any information contained in any attached documents, such as cogeneration mass and heat balance diagrams, and any information contained in the Miscellaneous section starting on page 19, and knows its contents.
- ☒ He or she has provided all of the required information for certification, and the provided information is true as stated, to the best of his or her knowledge and belief.
- ☒ He or she possess full power and authority to sign the filing; as required by Rule 2005(a)(3) of the Commission's Rules of Practice and Procedure (18 C.F.R. § 385.2005(a)(3)), he or she is one of the following: (check one)
- ☐ The person on whose behalf the filing is made
 - ☐ An officer of the corporation, trust, association, or other organized group on behalf of which the filing is made
 - ☒ An officer, agent, or employee of the governmental authority, agency, or instrumentality on behalf of which the filing is made
 - ☐ A representative qualified to practice before the Commission under Rule 2101 of the Commission's Rules of Practice and Procedure (18 C.F.R. § 385.2101) and who possesses authority to sign
- ☒ He or she has reviewed all automatic calculations and agrees with their results, unless otherwise noted in the Miscellaneous section starting on page 19.
- ☒ He or she has provided a copy of this Form 556 and all attachments to the utilities with which the facility will interconnect and transact (see lines 4a through 4d), as well as to the regulatory authorities of the states in which the facility and those utilities reside. See the Required Notice to Public Utilities and State Regulatory Authorities section on page 3 for more information.

Provide your signature, address and signature date below. Rule 2005(c) of the Commission's Rules of Practice and Procedure (18 C.F.R. § 385.2005(c)) provides that persons filing their documents electronically may use typed characters representing his or her name to sign the filed documents. A person filing this document electronically should sign (by typing his or her name) in the space provided below.

Your Signature

Paul Deveau

Your address

2465 W. Overland Rd.
Boise, ID. 83705

Date

11/11/2011

Audit Notes

Commission Staff Use Only:



Miscellaneous

Use this space to provide any information for which there was not sufficient space in the previous sections of the form to provide. For each such item of information *clearly identify the line number that the information belongs to*. You may also use this space to provide any additional information you believe is relevant to the certification of your facility.

Your response below is not limited to one page. Additional page(s) will automatically be inserted into this form if the length of your response exceeds the space on this page. Use as many pages as you require.

5a. The Boise Project Board of Control is the Operating Agent for the five irrigation districts and holds the FERC license on their behalf for the operation of this facility.

6a. The primary energy input is renewable resource, canal drop hydro.

Sarah Higer

From: eFiling@ferc.gov
Sent: Monday, November 14, 2011 12:23 PM
To: Sarah Higer; eFiling@ferc.gov
Subject: FERC Receipt of Filing in New Docket

Confirmation of Receipt

This is to confirm receipt by the FERC Office of the Secretary of the following electronic submission:

-Submission ID: 327821
-Docket(s) No.: New Docket
-Filed By: Barker Rosholt & Simpson, LLP -Signed By: Paul Deveau -Filing Desc: Form 556 - Certification of Qualifying Facility status for Small Power Production for Fargo Drop No. 1 Hydroelectric Facility, FERC No. 5042 -Submission Date/Time: 11/14/2011 2:20:40 PM -Filed Date: 11/14/2011 2:20:40 PM

Additional detail about your filing is available via the following link:

<https://ferconline.ferc.gov/SubmissionStatus.aspx?hashcode=pDfiRdZul4RJK4ZkEVxxQ>

You will receive an email, shortly, concerning the status of your submission.

Thank you for participating in the FERC Electronic Filing System. If you have any questions, or if you detect errors in your submission or the FERC-generated PDF, please contact FERC at:

E-Mail: efiling@ferc.gov <mailto:efiling@ferc.gov> (do not send filings to this address) Voice Mail: 202-502-8258.

Submission ID 327821

Submission Description Form 556 - Certification of Qualifying Facility status for Small Power Production for Fargo Drop No. 1 Hydroelectric Facility, FERC No. 5042

Submission Date 11/14/2011 2:20:40 PM

Filed Date 11/14/2011 2:20:40 PM

Current Status Pending

Dockets New Docket

Files	Security Level	Filename
	Public	FargoDropForm556.pdf

Filing Party/Contacts	Filing Party	Signer (Representative)	Other Contacts (Principal)
	Barker Rosholt & Simpson, LLP	pdeveau@boiseproject.org	apb@idahowaters.com

Borgeman, Sherry

From: Borgeman, Sherry
Sent: Wednesday, January 25, 2012 3:31 PM
To: 'Rex Barrie'
Subject: comment letter Application(s) for Permit: 63-33599
Attachments: Comment Letter to WD 63.doc; 63-33599.pdf

Attached is a cover letter & copies of application(s) for your review and/or comment. If you have any questions regarding this information please feel free to contact this office.

Thank you,

Sherry Borgeman
Idaho Department of Water Resources, Western Region
208-334-2190 (ph)
208-334-2348 (fax)

January 25, 2012

REX BARRIE
WATER DISTRICT #63
PO BOX 767
10769 W STATE ST
STAR, ID 83669-0767

RE: Water Right No(s): 63-33599

Dear Mr. Barrie:

A copy of the above referenced application is enclosed. Please review the application, then complete the enclosed recommendation form and return it to this office within 21 days of the date of this letter.

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the watermaster, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

IDWR's regional offices can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation within 21 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

Sincerely,

Sherry Borgeman
Administrative Assistant

Enclosure(s)

Borgeman, Sherry

From: Borgeman, Sherry
Sent: Wednesday, January 25, 2012 3:30 PM
To: 'rick.ward@idfg.idaho.gov'
Subject: comment letter Application(s) for Permit: 02-10464, 63-33599
Attachments: Comment Letter to F & G.doc; 63-33296.pdf; 2-10464.pdf

Attached is a cover letter & copies of application(s) for your review and/or comment. If you have any questions regarding this information please feel free to contact this office.

Thank you,

Sherry Borgeman
Idaho Department of Water Resources, Western Region
208-334-2190 (ph)
208-334-2348 (fax)

January 25, 2012

STATE OF IDAHO
DEPT OF FISH & GAME
ATTN: RICK WARD
3101 S POWERLINE RD
NAMPA, ID 83686

RE: Application(s) for Permit: 02-10464, 63-33599

Dear Mr. Ward:

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced water right application. A copy of the application is enclosed for your reference. Please review the application, complete the enclosed recommendation form, and submit it to this office within 21 days.

The Department can publish notice of the application as soon as the initial review is completed. Therefore, your prompt response to this request is appreciated. If your agency desires to formally protest the approval of this application, you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee within 10 days after final publication.

Please contact this office if you have any questions regarding the application.

Sincerely,

Sherry Borgeman
Administrative Assistant

Enclosure(s)

Borgeman, Sherry

From: Borgeman, Sherry
Sent: Wednesday, January 25, 2012 3:28 PM
To: 'legals@magicvalley.com'
Subject: Legal Notice
Attachments: Twin Falls Cty - Cover Letter.docx; State Ad.docx

Attached is (1) legal notice being submitted for publication. If you have any questions regarding the attached information, or if you can not publish the ad on the dates indicated please contact me immediately.

Thank you,

Sherry Borgeman
Idaho Department of Water Resources, Western Region
208-334-2190 (ph)
208-334-2348 (fax)

January 25, 2012

LEGAL NOTICE DEPARTMENT
TIMES NEWS
PO BOX 548
TWIN FALLS, ID 83303-0548

RE: Application For Permit No.(s): 63-33296, 63-33599

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 2/20/2012. Your cooperation is appreciated.

Sincerely,

Sherry Borgeman
Administrative Assistant

Enclosure(s)

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

63-33296

KIRKWOOD BANK & TRUST CO

ATTN PETE JAHNER

2911 N 14TH ST, STE 101

PO BOX 6089

BISMARCK, ND 58506

Point of Diversion SWNW S12 T01N R01E ADA County Source GROUNDWATER Tributary

Point of Diversion SENW S12 T01N R01E ADA County Source GROUNDWATER Tributary

Point of Diversion NWNE S13 T01N R01E ADA County Source GROUNDWATER Tributary

Point of Diversion NWNW S13 T01N R01E ADA County Source GROUNDWATER Tributary

Point of Diversion NESE S13 T01N R01E ADA County Source GROUNDWATER Tributary

Use: IRRIGATION 03/01 to 11/15 10.46 CFS

Total Diversion: 10.46 CFS

Date Filed: 11/6/2009

Place Of Use: IRRIGATION

T01N R01E S11 SWSE SESE

T01N R01E S12 NW (ALL) SW (ALL) NWSE SWSE SESE

T01N R01E S13 NE (ALL) NENW NWNW NESE

T01N R01E S14 NE (ALL) NESE NWSE

Total Acres: 1022

Water bearing zone to be appropriated is from 350 to 700 number feet.

Applicant proposes irrigation of 523 acres within a 1,022 acre parcel.

This application is associated with Application for Permit No. 63-32680.

63-33599

BOISE PROJECT BOARD OF CONTROL

2465 OVERLAND RD

BOISE, ID 83705

Point of Diversion NWSW S3 T02N R03E ADA County Source BOISE RIVER Tributary SNAKE RIVER

Use: POWER 03/15 to 10/31 120 CFS

Total Diversion: 120 CFS

Date Filed: 11/14/2011

Place Of Use: POWER

T03N R05W S2 SWNE

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Western Region office at (208) 334-2190; or see www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp for a full description of the right(s). Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before February 21, 2012. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

Published on 2/2/2012 and 2/9/2012

Borgeman, Sherry

From: Borgeman, Sherry
Sent: Wednesday, January 25, 2012 3:28 PM
To: 'klewis@lmtribune.com'
Subject: Legal Notice
Attachments: Nezperce Cty - Cover Letter.docx; State Ad.docx

Attached is (1) legal notice being submitted for publication. If you have any questions regarding the attached information, or if you can not publish the ad on the dates indicated please contact me immediately.

Thank you,

Sherry Borgeman
Idaho Department of Water Resources, Western Region
208-334-2190 (ph)
208-334-2348 (fax)

January 25, 2012

LEGAL NOTICE DEPARTMENT
LEWISTON TRIBUNE
505 C ST PO BOX 957
LEWISTON, ID 83501

RE: Application For Permit No.(s): 63-33296, 63-33599

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 2/20/2012. Your cooperation is appreciated.

Sincerely,

Sherry Borgeman
Administrative Assistant

Enclosure(s)

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

63-33296

KIRKWOOD BANK & TRUST CO

ATTN PETE JAHNER

2911 N 14TH ST, STE 101

PO BOX 6089

BISMARCK, ND 58506

Point of Diversion SWNW S12 T01N R01E ADA County Source GROUNDWATER Tributary

Point of Diversion SENW S12 T01N R01E ADA County Source GROUNDWATER Tributary

Point of Diversion NWNE S13 T01N R01E ADA County Source GROUNDWATER Tributary

Point of Diversion NWNW S13 T01N R01E ADA County Source GROUNDWATER Tributary

Point of Diversion NESE S13 T01N R01E ADA County Source GROUNDWATER Tributary

Use: IRRIGATION 03/01 to 11/15 10.46 CFS

Total Diversion: 10.46 CFS

Date Filed: 11/6/2009

Place Of Use: IRRIGATION

T01N R01E S11 SWSE SESE

T01N R01E S12 NW (ALL) SW (ALL) NWSE SWSE SESE

T01N R01E S13 NE (ALL) NENW NWNW NESE

T01N R01E S14 NE (ALL) NESE NWSE

Total Acres: 1022

Water bearing zone to be appropriated is from 350 to 700 number feet.

Applicant proposes irrigation of 523 acres within a 1,022 acre parcel.

This application is associated with Application for Permit No. 63-32680.

63-33599

BOISE PROJECT BOARD OF CONTROL

2465 OVERLAND RD

BOISE, ID 83705

Point of Diversion NWSW S3 T02N R03E ADA County Source BOISE RIVER Tributary SNAKE RIVER

Use: POWER 03/15 to 10/31 120 CFS

Total Diversion: 120 CFS

Date Filed: 11/14/2011

Place Of Use: POWER

T03N R05W S2 SWNE

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Western Region office at (208) 334-2190; or see www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp for a full description of the right(s). Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before February 21, 2012. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

Published on 2/2/2012 and 2/9/2012

Borgeman, Sherry

From: Borgeman, Sherry
Sent: Wednesday, January 25, 2012 3:27 PM
To: 'legalnotices@postregister.com'
Subject: Legal Notice
Attachments: Bonneville Cty - Cover Letter.docx; State Ad.docx

BILL TO ACCT # 00042190

Attached is (1) legal notice being submitted for publication. If you have any questions regarding the attached information, or if you can not publish the ad on the dates indicated please contact me immediately.

Thank you,

Sherry Borgeman
Idaho Department of Water Resources, Western Region
208-334-2190 (ph)
208-334-2348 (fax)

January 25, 2012

LEGAL NOTICE DEPARTMENT
POST-REGISTER
PO BOX 1800
IDAHO FALLS, ID 83402

RE: Application For Permit No.(s): 63-33296, 63-33599

BILL TO ACCT # 00042190

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 2/20/2012. Your cooperation is appreciated.

Sincerely,

Sherry Borgeman
Administrative Assistant

Enclosure(s)

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

63-33296

KIRKWOOD BANK & TRUST CO

ATTN PETE JAHNER

2911 N 14TH ST, STE 101

PO BOX 6089

BISMARCK, ND 58506

Point of Diversion SWNW S12 T01N R01E ADA County Source GROUNDWATER Tributary

Point of Diversion SENW S12 T01N R01E ADA County Source GROUNDWATER Tributary

Point of Diversion NWNE S13 T01N R01E ADA County Source GROUNDWATER Tributary

Point of Diversion NWNW S13 T01N R01E ADA County Source GROUNDWATER Tributary

Point of Diversion NESE S13 T01N R01E ADA County Source GROUNDWATER Tributary

Use: IRRIGATION 03/01 to 11/15 10.46 CFS

Total Diversion: 10.46 CFS

Date Filed: 11/6/2009

Place Of Use: IRRIGATION

T01N R01E S11 SWSE SESE

T01N R01E S12 NW (ALL) SW (ALL) NWSE SWSE SESE

T01N R01E S13 NE (ALL) NENW NWNW NESE

T01N R01E S14 NE (ALL) NESE NWSE

Total Acres: 1022

Water bearing zone to be appropriated is from 350 to 700 number feet.

Applicant proposes irrigation of 523 acres within a 1,022 acre parcel.

This application is associated with Application for Permit No. 63-32680.

63-33599

BOISE PROJECT BOARD OF CONTROL

2465 OVERLAND RD

BOISE, ID 83705

Point of Diversion NWSW S3 T02N R03E ADA County Source BOISE RIVER Tributary SNAKE RIVER

Use: POWER 03/15 to 10/31 120 CFS

Total Diversion: 120 CFS

Date Filed: 11/14/2011

Place Of Use: POWER

T03N R05W S2 SWNE

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Western Region office at (208) 334-2190; or see www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp for a full description of the right(s). Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before February 21, 2012. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

Published on 2/2/2012 and 2/9/2012

Borgeman, Sherry

From: Borgeman, Sherry
Sent: Wednesday, January 25, 2012 3:25 PM
To: 'LEGALS@IDAHOPRESS.COM'
Subject: Legal Notice
Attachments: Canyon Cty - Cover Letter.docx; Canyon Cty - Ads.docx

Attached is (1) legal notice being submitted for publication. If you have any questions regarding the attached information, or if you can not publish the ad on the dates indicated please contact me immediately.

Thank you,

Sherry Borgeman
Idaho Department of Water Resources, Western Region
208-334-2190 (ph)
208-334-2348 (fax)

January 25, 2012

LEGAL NOTICE DEPARTMENT
PRESS-TRIBUNE
PO BOX 9399
NAMPA, ID 83652

RE: Application For Permit No.(s): 2-10464, 63-33545, 63-33599

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 2/20/2012. Your cooperation is appreciated.

Sincerely,

Sherry Borgeman
Administrative Assistant

Enclosure(s)

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

2-10464

CATHERINE VANDER STELT
STEVEN CLARENCE VANDER STELT
DONALD LEE VANDER STELT
12400 LANDAU WAY
NAMPA, ID 83686
Point of Diversion L5(SENW) S22 T01N R03W CANYON County Source SNAKE RIVER Tributary COLUMBIA RIVER
Use: IRRIGATION 03/01 to 11/15 2.25 CFS
Total Diversion: 2.25 CFS
Date Filed: 5/6/2011
Place Of Use: IRRIGATION
T01N R03W S10 NENE NWNE SWNE SENE NESE NWSE SWSE SESE
T01N R03W S15 NENE NWNE SWNE SENE
Total Acres: 470

63-33545

DANIEL MC LERAN
EMILY MC LERAN
2850 1ST LN E
PARMA, ID 83660
Point of Diversion L4(SWSWSW) S35 T05N R03W CANYON County Source GROUND WATER Tributary
Use: IRRIGATION 03/01 to 11/15 0.15 CFS
Total Diversion: 0.15 CFS
Date Filed: 7/18/2011
Place Of Use: IRRIGATION
T05N R03W S35 L4(SWSW)
Total Acres: 5
Water bearing zone to be appropriated is from 150 to 250 feet.

63-33599

BOISE PROJECT BOARD OF CONTROL
2465 OVERLAND RD
BOISE, ID 83705
Point of Diversion NWSW S3 T02N R03E ADA County Source BOISE RIVER Tributary SNAKE RIVER
Use: POWER 03/15 to 10/31 120 CFS
Total Diversion: 120 CFS
Date Filed: 11/14/2011
Place Of Use: POWER
T03N R05W S2 SWNE

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Western Region office at (208) 334-2190; or see www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp for a full description of the right(s). Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before February 21, 2012. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director
Published on 2/2/2012 and 2/9/2012

Borgeman, Sherry

From: Borgeman, Sherry
Sent: Wednesday, January 25, 2012 3:25 PM
To: 'BOI Legals'
Subject: Legal Notice
Attachments: Ada Cty - Cover Letter.docx; Ada Cty - Ad.docx

Attached is (1) legal notice being submitted for publication. If you have any questions regarding the attached information, or if you can not publish the ad on the dates indicated please contact me immediately.

Thank you,

Sherry Borgeman
Idaho Department of Water Resources, Western Region
208-334-2190 (ph)
208-334-2348 (fax)

January 25, 2012

LEGAL NOTICE DEPARTMENT
IDAHO STATESMAN
PO BOX 40
BOISE, ID 83707

RE: Application For Permit No.(s): 63-33296, 63-33599

RE: Transfer No. 77630,
Water Right No(s): 63-10412

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 2/20/2012. Your cooperation is appreciated.

Sincerely,

Sherry Borgeman
Administrative Assistant

Enclosure(s)

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

63-33296

KIRKWOOD BANK & TRUST CO

ATTN PETE JAHNER

2911 N 14TH ST, STE 101

PO BOX 6089

BISMARCK, ND 58506

Point of Diversion SWNW S12 T01N R01E ADA County Source GROUNDWATER Tributary

Point of Diversion SENW S12 T01N R01E ADA County Source GROUNDWATER Tributary

Point of Diversion NWNE S13 T01N R01E ADA County Source GROUNDWATER Tributary

Point of Diversion NWNW S13 T01N R01E ADA County Source GROUNDWATER Tributary

Point of Diversion NESE S13 T01N R01E ADA County Source GROUNDWATER Tributary

Use: IRRIGATION 03/01 to 11/15 10.46 CFS

Total Diversion: 10.46 CFS

Date Filed: 11/6/2009

Place Of Use: IRRIGATION

T01N R01E S11 SWSE SESE

T01N R01E S12 NENW NWNW SWNW SENW NESW NWSW SWSW SESW NWSE SWSE SESE

T01N R01E S13 NENE NWNE SWNE SENE NENW NWNW NESE

T01N R01E S14 NENE NWNE SWNE SENE NESE NWSE

Total Acres: 1022

Water bearing zone to be appropriated is from 350 to 700 number feet.

Applicant proposes irrigation of 523 acres within a 1,022 acre parcel.

This application is associated with Application for Permit No. 63-32680.

63-33599

BOISE PROJECT BOARD OF CONTROL

2465 OVERLAND RD

BOISE, ID 83705

Point of Diversion NWSW S3 T02N R03E ADA County Source BOISE RIVER Tributary SNAKE RIVER

Use: POWER 03/15 to 10/31 120 CFS

Total Diversion: 120 CFS

Date Filed: 11/14/2011

Place Of Use: POWER

T03N R05W S2 SWNE

PROPOSED CHANGE OF WATER RIGHT(S)

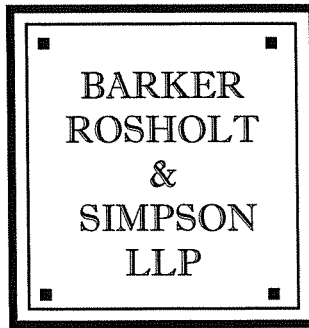
Meridian CenterCal LLC of 615 S. Dupont Hwy, Dover DE 19901 filed Application No. **77630** to transfer a water right with a 1987 priority date from ground water totaling 2.0 cfs for 129 acres of supplemental irrigation. The transfer will split the right and change the applicant portion to primary irrigation on fewer acres. The applicant proposes a new well for its 67 acre portion of the right. The new well will be used for landscape irrigation of about 15 acres for a new shopping center on the northeast side of Fairview Avenue and Eagle Road in Meridian. The unchanged 62 acre portion of the right will remain with adjacent land.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Western Region office at (208) 334-2190; or see www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp for a full description of the rights &/or proposed transfer. Protests may be submitted based on the criteria of Idaho Code § 42-222 and 42-203A. Any protest against the approval of this application(s) must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705 together with a protest fee of \$25.00 for each application on or before February 21, 2012. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

Published on 2/2/2012 and 2/9/2012

ALBERT P. BARKER
JOHN A. ROSHOLT
JOHN K. SIMPSON
TRAVIS L. THOMPSON
SHELLEY M. DAVIS
PAUL L. ARRINGTON
SCOTT A. MAGNUSON
SARAH W. HIGER



1010 W. Jefferson, Suite 102
Post Office Box 2139
Boise, ID 83701-2139
(208) 336-0700 telephone
(208) 344-6034 facsimile
brs@idahowaters.com

113 Main Avenue West, Suite 303
Twin Falls, ID 83301-6167
(208) 733-0700 telephone
(208) 735-2444 facsimile
jar@idahowaters.com

RECEIVED

JAN 24 2012

WATER RESOURCES
WESTERN REGION

Sarah W. Higer
swh@idahowaters.com

January 23, 2012

Idaho Department of Water Resources
Western Region
Attn: Vicky Music
2735 Airport Way
Boise, ID 83705

Re: Fargo Drop No. 1 Hydroelectric Facility - Application for Permit 63-33599

Dear Vicky:

In response to your inquiry about the non-consumptive nature of water permit application 63-33599 for the Fargo Drop #1 hydropower project, the Boise Project Board of Control is providing IDWR with the following additional information.

It is our understanding that the Department of Water Resources is looking for a demonstration of how the water returns to the canal system after it passes through the hydropower project. The lowhead hydropower plant at Fargo Drop #1 hydropower project ("Fargo Drop") is located on the Fargo Wasteway, a constructed facility that is part of the Boise Project delivery system. The Fargo Wasteway delivers water from the Deer Flat Lowline Canal to the Fargo Highline Canal and several other downstream laterals and canals.

The Fargo Drop hydroelectric facility will keep the existing chute at the Fargo Wasteway as an overflow and will pipe the flows from the Deer Flat Lowline to the power plant in a new penstock. After going through the power plant, water will be delivered into the Fargo Highline Canal or the Watson Lateral. The remainder of the water will continue to flow down the Fargo Wasteway to the Fargo Lowline Canal and into other laterals for delivery of irrigation water. Attached as Exhibit #1 are preliminary engineering data concerning the current design for the Fargo Drop excerpted from the Bureau of Reclamation Water Smart grant application and providing greater detail on the design. In particular, please see the schematic on the 4th page of Exhibit #1.

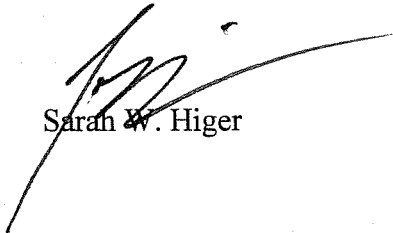
Under the Agreement with the project developer, Riverside, the power plant can only use water that is already flowing in the Fargo Wasteway for irrigation purposes. The power plant

cannot call on additional flows to be diverted from the Boise River or call on flows to be diverted in times when it is not necessary for the existing irrigation uses. The power plant does not actually consume water, but returns all flows to the Boise Project canals at the location of the power plant. Accordingly, the Fargo Drop hydropower project will result in no change in the flows of water into or return flows out of the Boise Project irrigation system.

If you have any questions at all or need additional information concerning this application, please contact me at your earliest convenience. Thank you.

Very truly yours,

BARKER ROSHOLT & SIMPSON LLP



Sarah W. Higer

SWH/se
Enclosure

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JAN 24 2012

WATER RESOURCES
WESTERN REGION

EXHIBIT 1

Background Data

Proximity Map



Boise Project Board of Control (BPBC)

The New York Canal and the irrigation system it feeds is operated by BPBC on behalf of 5 Irrigation Districts established in the early 20th century to serve irrigators with waters made possible by the development of the Arrowrock Division of the Boise Project by the United States Department of the Interior, Bureau of Reclamation (BOR). The five Districts are:

- Big Bend Irrigation District (Malheur County, OR)
- Boise-Kuna Irrigation District (Ada and Canyon Counties, ID)
- Nampa-Meridian Irrigation District (Ada and Canyon Counties, ID)
- New York Irrigation District (Ada County, ID)
- Wilder Irrigation District (Canyon County, ID)

BPBC delivers irrigation water to approximately 167,000 acres from both river rights and from reservoir storage rights in Anderson and Arrowrock Reservoirs held by the BOR in trust for the Districts. The delivery system comprises over 1400 miles of canals, laterals and sub-laterals, more than 10,000 individual structures including headgates and check structures, and is operated by a full time staff of approximately 100 dedicated employees.

Approximately 30,000 users are served by BPBC. Though the main canals and laterals are open channels, there is a diverse mixture of ditches, gravity irrigation pipelines, pressurized pipelines and pressurized sprinkler systems throughout the project.

BPBC was formed to operate and maintain federally financed and owned facilities built under the Reclamation Act of August 30, 1890 and would not exist apart from the efforts of the Federal Government. Its entire history is closely intertwined with the BOR. It was created by the forerunner of the BOR to operate and maintain the federal facilities constructed as part of the Boise Project on behalf of the 5 Districts established as part of the Project. Irrigation of the lands that BPBC serves would not be possible without the reservoir storage made possible by the Arrowrock and Anderson Ranch reclamation projects.

The irrigation districts served by BPBC are parties to repayment agreements pursuant to the Water Supply Act of 1958 and thus are obligated under Section 210 of the Reclamation Reform Act of 1982 to plan and implement water conservation measures.

As required by the Reclamation Reform Act of 1982, BPBC has prepared a Water Conservation Plan. It was most recently updated in 2010.

BPBC and Hydroelectric Power Development

The Fargo Hydroelectric Project represents BPBC's fifth hydropower development. Since the early 1980's, BPBC has pursued development of renewable hydroelectric energy resources related to its water rights and the topography of its irrigation system. The successful completion and operation of four hydroelectric power plants has not only benefited power consumers, by providing renewable, low cost and sustainable energy with negligible environmental impacts, but also benefitted BPBC's irrigation users through creation of an ongoing revenue stream that has substantially reduced their net cost of water.

The power plants now operating and generating revenue for BPBC, along with their date of initial operation and electrical generating capacity are:

- Lucky Peak Dam, 1988, 102 MW
- Mora Drop, 2008, 1.7 MW
- Arrowrock Dam, 2010, 17 MW
- Arena Drop, 2010, 0.5 MW

The three most recent projects were designed and built up by the same development team proposed for the Fargo Hydroelectric Project: Riverside Inc. and Sorenson Engineering.

Besides the Fargo Drop site, BPBC plans to investigate and pursue development of several additional low-head hydropower sites, including:

- Golden Gate Drop (FERC License Exemption has been obtained)
- Richards Point Wasteway
- New York Canal @ Gauge #10 (MC10)
- New York Canal @ Gauge #6 (MC6, below the head of the Mora Canal)
- Waldvogel Canal above the head of the Bluff Lateral
- Deer Flat Lowline Gauge #9

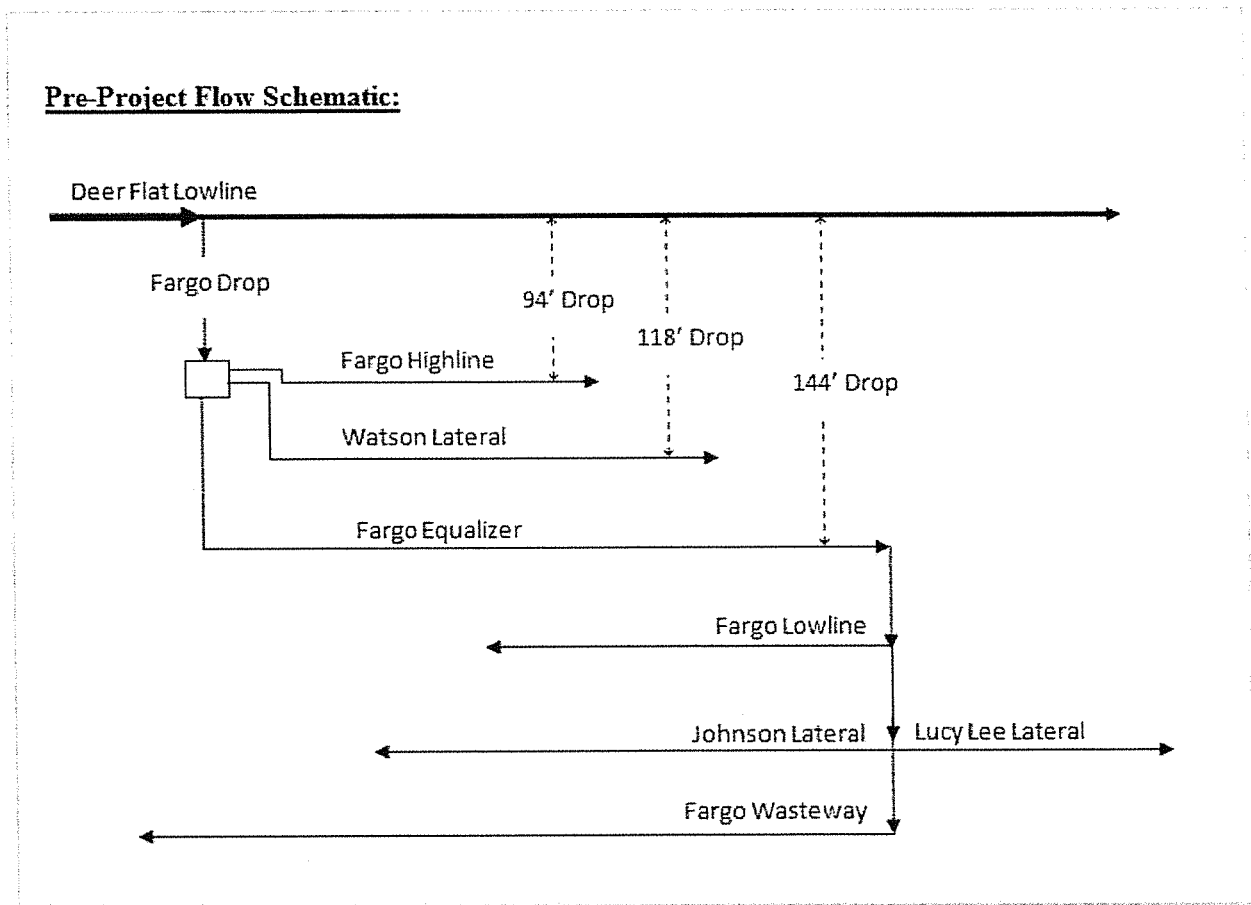
Fargo Drop Site and Development History



The proposed project site is 1.75 miles ENE of Homedale Idaho. (GPS Coordinates: 43.624959°, -116.899728°) It will take advantage of a complex set of existing BPBC facilities that enable irrigation of over 5,200 acres of bench land above the Snake River east of Homedale.

The source of water for this project is the Deer Flat Lowline (DFLL) Canal. On the image above, the DFLL flows in from the north (top right) then proceeds south and southeast, exiting the image midway on the lower right side. At a point corresponding to the area just below the "Deer Flat Lowline Canal" label on the image, water is diverted into a pipeline known as the Fargo Drop. It emerges from the pipeline after approximately 880 feet into an open distribution box that lies 88 feet below the inlet. This box contains the headworks of the Fargo Highline Canal as well as the Watson Lateral. Another pipeline runs an additional 340 feet from this box and discharges into the Fargo Equalizer Canal, which lies at an elevation 144 feet below the DFLL. The Fargo Equalizer subsequently supplies three more laterals (Fargo Lowline, Lucy Lee

and Johnson) and the Fargo Wasteway. The following flow schematic shows the relative configuration of these laterals:



The Fargo Drop site has been studied several times since the late 1970s. In 1981, J-U-B Engineers prepared a report that formed the basis for FERC License Exception for Project 5042, issued on October 23, 1981.

In 2001, BPBC issued a Request for Proposal (RFP) for Low Head Projects. Riverside, Inc. submitted a proposal to develop four (4) projects under the terms of the RFP. To date, Riverside has developed the Mora Drop site (which included construction of an automated wasteway at Richards Point on the Mora Canal to provide bypass capability and enhance the operation of the Mora Drop plant) and the Arena Drop site. The Fargo Drop and Golden Gate sites represent the balance of the projects that will tentatively be developed under the agreement with Riverside.

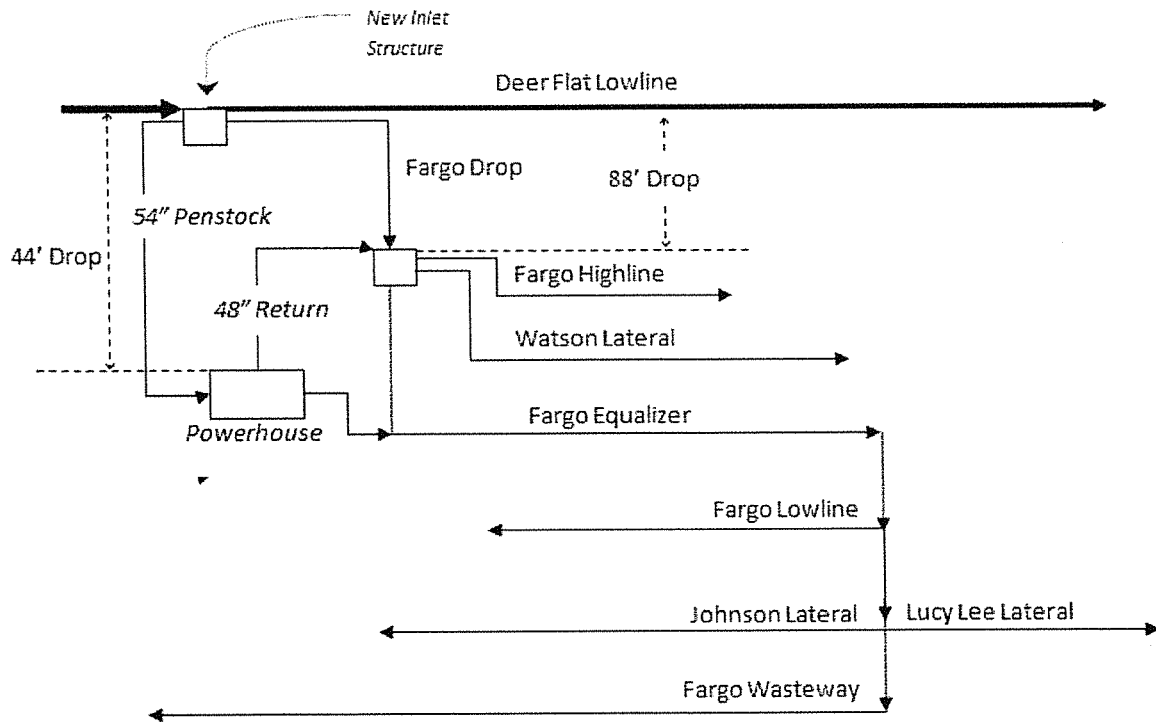
Power generated by the Fargo Hydroelectric Power Plant will be purchased by the Idaho Power Company (IPCo), pending successful completion of a Power Sales Agreement. Revenue from power generation will be based upon non-levelized rates as stipulated by the State of Idaho Public Utilities Commission under PUC Order 31025.

Technical Project Description

A conceptual design for the project has been completed. The scope of work for the proposed project includes the following work packages:

- Intake Works
- Penstock
- Distribution Box and Return Pipe
- Powerhouse
- Turbine Generator Equipment
- Mechanical Equipment
- Powerhouse Electrical Equipment
- Substation and Transmission Line

Post Project Flow Schematic:



Work Package 1: Intake Complex

A new intake complex will be developed on the north side of the existing structure. New slide gates to automatically open and shut in sequence with power plant operation will be provided in the existing drop. If flows greater than power plant capacity need to be diverted, the slide gates will automatically open enough to pass the needed flows down the existing drop pipeline, while at the same time maintaining a canal level sufficient to feed the power intake. A wide forebay will be constructed to divert flows past the power intake. The forebay will be fitted with two automatic trip gates to pass flows into the existing drop structure if the new slide gates fail to open when the power plant shuts down.

The power intake will include a trash rack, automatic trash rack cleaner and a hydraulic hoist operated slide gate. Below the slide gate the structure will transition to the penstock.

Work Package 2: Penstock

A 54 inch buried steel penstock will convey water flows to the powerhouse.

Work Package 3: Distribution Box and Return Pipe

The existing structure containing the headworks of the Fargo Highline and Watson will be utilized and modified as follows. When the power plant is in operation, flow from Turbine No. 1 will be returned from the powerhouse to the distribution box through a 48" steel return pipe to supply the Fargo Highline Canal and Watson Lateral through the existing slide gates. A head level sensor that will communicate with the power plant programmable logic controller (PLC) will be placed in the structure below the skimmer walls in the structure.

Work Package 4: Powerhouse

The powerhouse will be a concrete substructure with an above ground, pre-manufactured metal building. It will be constructed on the north side of the existing outlet structure that releases water from the Fargo Drop pipeline to the Fargo Equalizer Canal.

Work Package 5: Turbine Generator Units

Two horizontal Francis turbines and one horizontal generator will be installed on a common shaft. Turbine No. 1 will be a Low Head Turbine that will discharge to the Distribution Box through the Return Pipe. Turbine No. 2 will be a High Head Turbine that will discharge into the Equalizer Canal.

The efficiency of the turbines is 88% (see manufacturer's drawings and data sheets in Appendix 1.) They will be of European design, built in China and imported by Far East Engineering of Boise, Idaho. The manufacturer will be CHEC, who is represented locally by Lianggio Liu, P.E. Several of these units have been installed in the United States and operated successfully since 2006. The Mora Drop and Arena Drop plants were supplied by the same firm. Similar 7.5 MW units have been installed at the Arrowrock Hydroelectric Project; all of the equipment mentioned is currently performing well.

Summary specifications for the turbines and generator are as follows:

<u>Turbine No. 1:</u>	Low Head Turbine, Francis Type
Rated Flow:	45.0 cfs
Rated Head:	86.6 feet
Speed:	720 RPM
Rated Runway:	1250 RPM

<u>Turbine No. 2:</u>	High Head Turbine, Francis Type
Rated Flow:	65.0 cfs
Rated Head:	144 feet
Speed:	720 RPM
Rated Runway:	1250 RPM

<u>Generator:</u>	Synchronous
Speed:	720 RPM
Rated Output:	975 KW
Service Factor:	1.15
Exciter:	Static
Frequency:	60 Hertz
Voltage:	480 Volts

Work Package 6: Mechanical Equipment

The turbine wicket gates will operate hydraulically. The hydraulic power unit will be of American manufacture, with accumulators for black shutdown. The governor will be digital. A DC battery and DC/AC inverter will be furnished. Head level sensors (differential pressure type) will be installed in the Deer Flat Lowline forebay and the Distribution Box to provide information to the powerhouse PLC enabling it to maintain constant head in those structures.

Work Package 7: Powerhouse Electrical Equipment

Powerhouse switchgear and electrical will be supplied by Batt Electric, who also supplied equipment for the Mora Drop, Arena Drop and Arrowrock projects. The plant will generate power at 480 volts, 3 phase, 60 Hertz and will meet all applicable codes.

Work Package 8: Substation and Transmission Line

Although an interconnection study is still under way by Idaho Power, it appears that there is a suitable Idaho Power line adjacent to the proposed location of the powerhouse. It would require installation of a re-conductor and possibly one or two new poles. The substation will be the same as was installed at Mora and Arena: a pad mount transformer owned by BPBC and metering on the high side at 12.6 KV.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082

Phone: (208) 334-2190 FAX: (208) 334-2348 www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

January 23, 2012

Mr. Al Barker
Ms. Sarah Higer
Barker Rosholt & Simpson LLP
1010 Jefferson, Ste. 102
P.O. Box 2139
Boise, ID 83701-2139

Re Application for Permit No. 63-33599
Boise Project Board of Control – Fargo Drop # 1 Hydropower Project

Dear Ms. Higer and Mr. Barker:

Thank you, Ms. Higer, for the phone response regarding my letter, dated January 10, 2012, wherein I requested information regarding the nonconsumptive aspect of the Fargo Drop power application. Unfortunately, the information your phone message provided still did not answer my basic question which was where the 120 cfs returns to the source or public waters of Idaho after use at the power plant.

The nonconsumptive nature of a proposed hydropower use is often clear because the power plant is located on or very near the water source to which it returns. In this case, the power plant is located a considerable distance from the Boise River source and approximately 0.20 miles from the point at which the water leaved the Dear Flat Low Line Ditch. It is unclear from the application which of the nearby ditches is used to carry water to shareholders of the canal companies after it leaves the power plant or whether it ends up in the Fargo Drop wasteway.

Mr. Barker, Shelley Keen agrees that the clarification I seek is required for this application. To assist IDWR is using state resources efficiently, please direct your questions to me regarding this proposal. The deadline for providing written information responsive to my letter of January 10, 2012, is due February 6, 2012. I can be reached at 334.2190 if you have questions. Thank you.

Sincerely,

Vicky Music
Sr. Water Resource Agent



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

January 10, 2012

Sarah Higer
Barker Rosholt & Simpson LLP
1010 Jefferson, Ste. 102
P.O. Box 2139
Boise, ID 83701-2139

Re Application for Permit No. 63-33599
Boise Project Board of Control – Fargo Drop # 1 Hydropower Project

Dear Ms. Higer:

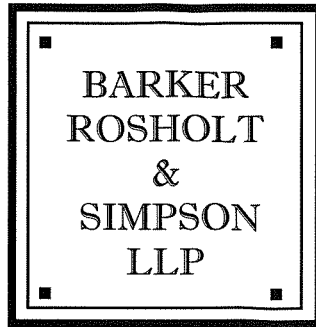
This application has been assigned to me for analysis and processing. There is only one item to address before I can proceed with the regional review of the application.

The application states the use is nonconsumptive. Please briefly describe where and how the 120 cfs returns to the source or the public waters of Idaho. I can be reached at 334.2190 if you have questions. Thank you.

Sincerely,

Vicky Music
Sr. Water Resource Agent

ALBERT P. BARKER
JOHN A. ROSHOLT
JOHN K. SIMPSON
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November 14, 2011

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WATER RESOURCES
WESTERN REGION

Western Region
Idaho Dept. of Water Resources
2735 Airport Way
Boise, ID 83705

Re: Fargo Drop No. 1 Hydroelectric Facility – Application for Permit

To Whom it May Concern:

Enclosed please find an application for a permit to appropriate water for Fargo Drop No. 1 hydroelectric facility, filed on behalf of Boise Project Board of Control. This application includes an affidavit for water rights to be used for power purposes, a map showing the POD and POU of the Fargo Drop project, an exhibit with explanations for items 6a, 9, 10 a-c and additional information for the permit application, and a check for the filing fee in the amount of \$2810.00.

Also included with this application, are the following attachments:

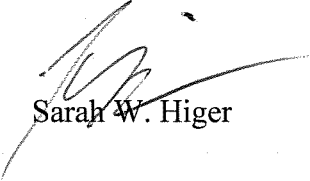
- A contract between Boise Project and Riverside, Inc. to build the Fargo Drop No. 1 hydroelectric facility;
- A construction schedule for the Fargo Drop No. 1 hydroelectric facility;
- Letters from the United States Department of Interior and Idaho Fish and Game approving the Fargo Drop project;
- FERC Order granting exemption to Fargo Drop No. 1, FERC No. 5042;
- FERC Form 556 for Fargo Drop, certifying Fargo Drop as a Qualifying Facility; and
- FERC Receipt for Submission of FERC Form 556 for Fargo Drop.

Western Region
Idaho Dept. of Water Resources
November 14, 2011
Page 2

Please do not hesitate to contact me for additional information regarding this permit.

Very truly yours,

BARKER ROSHOLT & SIMPSON LLP



Sarah W. Higer

SWH/se
Enclosures