

Edl, Michele

From: Webb, Kevin (EGP North America) [Kevin.Webb@enel.com]
Sent: Thursday, April 14, 2011 1:03 PM
To: Edl, Michele
Cc: Higbee, Dale (EGP North America); Fulmer, Jim (EGP North America); Engel, Victor (EGP North America)
Subject: RE: Bypass Limited information request part 1 of 3
Attachments: Bypass_project_data_IDWR.pdf

Michele:

The information you requested is provided in the attached letter. I will send you photographs of the site separately.

Please let me know if you have any questions or need more information.

Kevin M. Webb
Regulatory Affairs Coordinator
Bypass Limited
A subsidiary of Enel Green Power North America, Inc.
One Tech Drive, Suite 220
Andover, MA 01810
P: (978) 681-1900 x-809
F: (978) 681-7727
Kevin.Webb@Enel.com

From: Edl, Michele [<mailto:Michele.Edl@idwr.idaho.gov>]
Sent: Friday, April 01, 2011 8:12 PM
To: Webb, Kevin (Enel North America); Higbee, Dale (Enel North America)
Subject: Bypass Limited information request

Gentlemen,

I have reviewed the contents of the water right permit file 1-7010 and its parts A through D. Permit 1-7010 is the 'parent' right. It has been split into four 'child' permits. 1-7010B is the child which is associated with the Bypass Limited hydroelectric project. Splitting the permit has complicated the review for this project. However, I also found that the available information for 1-7010B is incomplete.

The field exam confirming beneficial use of water was conducted on June 9, 1988, by Charles E. Brockway during initial turbine testing. Mr. Brockway provided descriptions and photos of the canal works but no photos and very little description of the powerhouse or the mechanical-electrical works. He documented more than the permitted rate, (3000 cfs) being put to beneficial use during his exam and recommended that a license be issued for the full permitted rate. I concur with that recommendation. However, Mr. Brockway fails to recommend a volume. I am required by Idaho statute to determine volume for the license. Without turbine curves and the companion water or generation data, I am unable to make that determination.

The reason for this email is to request additional information from you which will begin to fill in the gaps in the field exam report.

Would you please provide me:

- 1) The nameplate information for the turbines.

Or

2) The turbine curves

I believe that Bypass Ltd has more than one turbine, but the field examiner's report is silent about the make, type, and serial numbers. I would be willing to contact the manufacturer for the turbine curves if you can provide me the identifying data.

3) The minimum flow required to run the smallest turbine

4) The minimum flows that the Bypass Limited powerplant are required to maintain in the canals for downstream users.

5) The combination of canal flow data that represents the water supply to the power plant.

I have access to daily average canal data from the USBR Hydromet for North Side Cross-cut and the Twin Falls North Side canals. But I believe that other canal flow data is required to correctly describe the diversion through the Bypass Limited powerplant. I am willing to request the necessary data from the canal company.

I would also welcome photos of the powerhouse and the mechanical-electrical works, especially if they are dated during the startup year 1988.

I realize that these permits have lacked attention from the IDWR for many years and that some of this information may not be close at hand, so I am reluctant to put a time frame on this request. Please assist me by providing what you have, as soon as you are able.

Sincerely,

Michele Edl

Associate Engineer

Water Rights Section

Idaho Department of Water Resources

322 East Front St

Boise ID 83720

208-287-4946

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Green Power

Enel Green Power North America, Inc.

One Tech Drive, Suite 220
Andover, Massachusetts USA 01810
T 978 681 1900 F 978 681 7727

Via eMail

April 14, 2011

Michele Edl
Associate Engineer
Water Rights Section
Idaho Department of Water Resources
322 East Front St
Boise ID 83720

Re: Bypass Hydroelectric Project (FERC No. 9070-ID);
Water Right Permit 1-7010B

Dear Ms. Edl:

I am providing you the following information in response to your email message of April 1, 2011 concerning the Bypass Hydroelectric Project. I understand that this information is needed in order for the Department of Water Resources to turn Bypass Limited's Water Right Permit 1-7010B into a Water Right License.

1) *The nameplate information for the turbines.*

The Bypass Project has three nearly-identical Neyrpic 'S' type turbines. Units 1 and 3 have adjustable blades and output whereas Unit 2 is a fixed-output unit. Nameplate data are provided in the following table.

Turbines (3)	
Manufacturer	Neyrpic
Runner type	Double-regulated Kaplan (U1 & U3) Fixed-blade Kaplan (U2)
Orientation	Horizontal 'S'
Rated head	40 feet
Rated flow	1,000 cfs
Rated output	3,333 kW
Rotational speed	257 RPM
Generators (3)	
Manufacturer	Canadian General Electric
Linkage	Direct-coupled
Rated output	3,333 kW
Voltage	4160
Frequency	60Hz
Power factor	0.9

2) *The turbine curves*

The manufacturer's turbine performance curves are attached.

3) *The minimum flow required to run the smallest turbine*

The minimum flow necessary to operate a single unit (Unit 1 or 3) is approximately 500 cfs. As noted above, Unit 2 is a fixed-blade unit which only operates at its rated capacity of approximately 1,000 cfs.

4) *The minimum flows that the Bypass Limited powerplant are required to maintain in the canals for downstream users.*

The Bypass Project is a run-of-river facility with no storage capacity. As such the project uses only the water passed through the canal system by the North Side Canal Company, such that downstream users receive the same flows as received from upstream of the project.

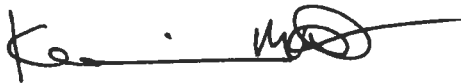
5) *The combination of canal flow data that represents the water supply to the power plant.*

Daily canal flow data for 2004-2006 are attached. The flow readings are taken downstream of the Bypass Project and upstream of Wilson Lake. The data were obtained from the North Side Canal Company and I do not believe are available through USBR's Hydromet system.

As you requested, I will email you photos of the powerhouse and the mechanical-electrical works under separate cover.

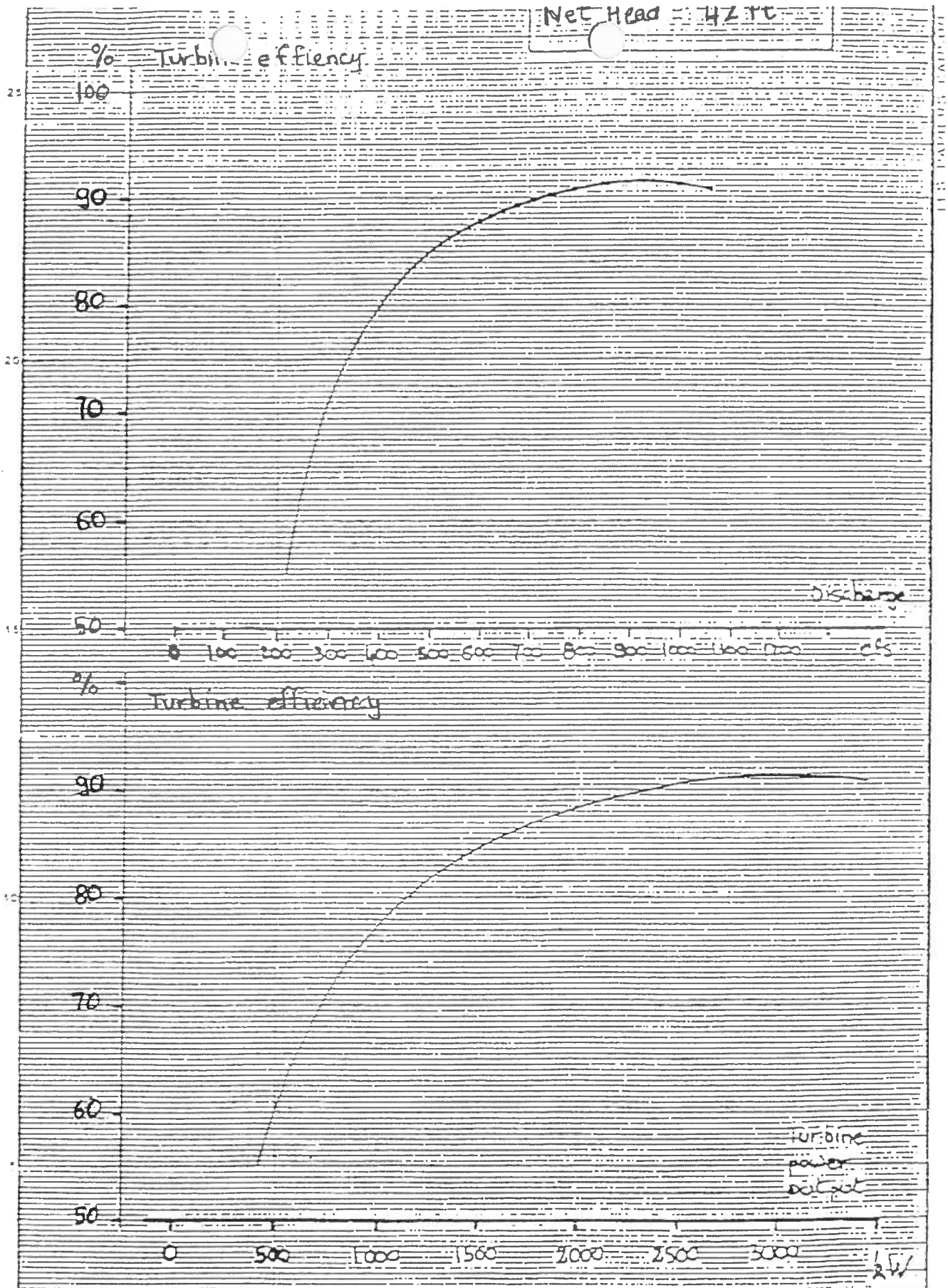
Thank you for your attention to this matter. Please do not hesitate to contact me at (978) 681-1900, extension 809 or by email at kevin.webb@enel.com if you have any questions concerning this information.

Sincerely,
Bypass Limited



Kevin M. Webb
Regulatory Affairs Coordinator

cc: D. Higbee, Bypass Limited



NEYRPIIC NATIONAL ENERGY RESEARCH INSTITUTE OF CALIFORNIA	BY-PASS HYDROPOWER PLANT	July 10, 1986
	Turbine efficiency vs. Discharge	B.P.
	Power output	N°

March	2004 Flows to Wilson Lake CFS	2005 Flows to Wilson Lake CFS	2006 Flows to Wilson Lake CFS	8/10/2007
20			200.8	Flows pass Wilson Lake have losses from the headwater to the outlet of Wilson Lake. There is a pond ahead of three power plants and Wilson Lake. At the present time there is no measuring devices ahead of each plant.
21			200.8	
22			200.8	
23			200.8	
24			200.8	
25			200.8	
26			403.8	
27			424.4	
28			569.5	
29			688.6	
30			595	
31			476.7	

April	Flows pass Wilson Lake					
				2004	2005	2006
1			444.7			
2			451			
3			450.5			
4			458.6			
5	333	40	460.7			
6	623	58	460			
7	852	110	460			
8	1277	110	460	538		
9	1465	111	460	507		
10	1444	527	620	1002		
11	1440	461	620	1004		
12	1353	658	623.3	848		
13	1257.2	669	623.3	899		
14	1183.2	665	630.5	955		
15	1072.2	665	623.1	1052	400	
16	1212.8	662	611.1	1204	400	
17	1252	665	619.7	1203	400	
18	1360.9	895	651.7	1203	397	403
19	1622.2	1057	606.9	1305	800	470
20	1864.2	1008	677	1402	800	470
21	1888.8	848	707.7	1402	800	572
22	1737.3	779	703.5	1502	602	572
23	1708	770	700.1	1501	603	572
24	1695.8	765	757.3	1501	603	572
25	1663.8	769	785.4	1500	603	575
26	1740.2	768	889.8	1499	603	675
27	1739.7	809	1078.7	1499	603	675
28	2060.2	902	1166.4	1501	602	825
29	2032.4	941	1209	1745	700	925
30	2096.1	941	1316	1745	700	1025

May	2004 Flows to Wilson Lake	2005 Flows to Wilson Lake	2006 Flows to Wilson Lake	Flows pass Wilson Lake		
	CFS	CFS	CFS	2004	2005	2006
1	2109.1	952	1390.9	1745	750	1125
2	2057.1	1050	1456.9	1746	750	1126
3	2207.6	1208	1552.8	1802	849	1125
4	2114.6	1310	1757.1	1800	1002	1223
5	2125.7	1370	1671.1	1800	1004	1323
6	2122.2	1315	1964.2	1798	1004	1423
7	2125.9	1307	1975.8	1798	1034	1425
8	2182.6	1288	1964.2	1798	1033	1426
9	2174.4	1353	1804	1900	1034	1476
10	2219.5	1470	1780	1898	1132	1475
11	2220.3	1486	1866.5	1898	1232	1476
12	2218.3	1535	1988.5	1900	1230	1529
13	2193.3	1540	2053.4	1900	1232	1673
14	2125.3	1489	2037.1	1900	1232	1674
15	2105.2	1479	2021.1	1804	1032	1678
16	2108.7	1470	2232	1802	1132	1772
17	2113.7	1074	1810.6	1802	1130	1972
18	2097.7	932	1582.3	1802	631	1970
19	2075.9	973	1581.4	1802	631	1970
20	2066.9	1018	1588.3	1802	632	1970
21	2071.5	1069	1643.2	1802	630	1968
22	2085.3	1240	1642.5	1802	630	1970
23	2044.3	1293	1647.5	1805	890	1970
24	2056.8	1367	1659.5	1805	898	1972
25	2087.8	1513	1651.2	1805	1049	1972
26	2090.3	1624	2319.1	1805	1150	1974
27	2097.3	1654	2342.2	1848	1151	1974
28	2146.8	1724	2315.9	1848	1251	1975
29	2169.5	1768	2286.9	1848	1351	1975
30	2164	1855	2269.2	1848	1402	1974
31	2169.5	1884	2286	1848	1550	1974

June

1	2179.4	2026	2300.8	1848	1602	1972
2	2206.2	2082	2313.2	1848	1746	1971
3	2256.7	2072	2360	1848	1718	1973
4	2393.7	2053	2449.8	1800	1719	1973
5	2480.9	2065	2526	1953	1719	1023
6	2480	2053	2605.5	1958	1718	2173
7	2470.8	2052	2645.5	2028	1718	2173
8	2398.2	2067	2742.8	2074	1670	2272
9	2404.5	2033	2747.5	2105	1671	2271
10	2384.8	2011	2765.9	2155	1671	2272
11	2383.8	2008	2717.9	2155	1672	2221
12	2385.8	2504	2589.6	2155	1764	2226
13	2387.8	2129	2605.2	2100	1766	2218
14	2385.7	2259	2618.5	2100	1871	2218
15	24000.5	2334	2627.4	2100	1966	2218
16	2392.5	2337.1	2666.4	2100	2068	2216

June	2004 Flows to Wilson Lake	2005 Flows to Wilson Lake	2006 Flows to Wilson Lake	Flows pass Wilson Lake		
	CFS	CFS	CFS	2004	2005	2006
17	2375.8	2469.5	2712.1	2100	2068	2218
18	2399.8	2558	2893.1	2100	2068	2218
19	2418.1	2602	2933.3	2100	2170	2218
20	2430.7	2623.9	3006.8	2100	2170	2323
21	2443.7	2783.8	2849.4	2100	2270	2323
22	2469.3	2872.5	2972.4	2100	2270	2323
23	2448.1	2876.5	2994.6	2100	2373	2525
24	2453	2981.8	2993.2	2148	2372	2465
25	2884.4	2949	2515.3	2198	2372	2465
26	2483.9	2955.9	2947.7	2198	2332	2465
27	2516.1	2949	2980.7	2198	2432	2463
28	2560.4	2955.9	3018.8	2250	2432	2465
29	2545.6	2852.7	3051.9	2250	2430	2585
30	2531	2615	2918.3	2250		2585

July						
1	2486	2592.1	2901.1	2250	2234	2585
2	2459	2568.3	2862.8	2280	2232	2585
3	2483.4	2544.5	2942.7	2280	2231	2585
4	2884.1	2577.1	2944.7	2320	2248	2583
5	2518.3	2637.4	2858.5	2320	2228	2585
6	2613.5	2687.7	2858.7	2320	2228	2583
7	2702.3	2796.2	2870.4	2320	2228	2584
8	2699.1	2918	2872.5	2320	2383	2584
9	2714.2	2962	2868	2320	2383	2581
10	2720.2	3039	2935.2	2320	2383	2585
11	2704.6	2875	2587.1	2320	2383	2585
12	2705.2	2823.3	3101.7	2320	2383	2585
13	2706.2	2827.8	3080.7	2320	2460	2585
14	2679.3	2809.5	3001.2	2320	2457	2585
15	2642.7	2885.1	2940.7	2260	2457	2586
16	2660.9	2907.7	2951.2	2260	2457	2590
17	2679	2922	2951.6	2260	2457	2590
18	2663.4	2939.3	2985.8	2260	2457	2590
19	2655.4	2948.1	2997.1	2260	2457	2555
20	2649.5	2594.2	2895.2	2260	2459	2555
21	2663.5	2943.5	3055.9	2260	2513	2555
22	2579.9	2910.5	3129	2210	2510	2555
23	2589.3	2922.8	3132.9	2210	2510	2550
24	2584.9	2935.8	3107.7	2210	2510	2583
25	2591.9	2949.3	3057.3	2210	2507	2590
26	2606	2989.8	3084.7	2210	2509	2588
27	2596.7	3036.9	3090.3	2210	2456	2589
28	2623	2964.8	2971.3	2210	2459	2643
29	2616.8	2893.2	2905.7	2210	2459	2583
30	2606.7	2899.3	2904.9	2210	2459	2539
31	2624.8		2821.8	2210	2459	2497

August	2004 Flows to Wilson Lake	2005 Flows to Wilson Lake	2006 Flows to Wilson Lake	Flows pass Wilson Lake		
	CFS	CFS	CFS	2004	2005	2006
1	2629.1	2907.6	2194.3	2210	2460	2498
2	2648.7	2807.7	2990.1	2210	2460	2467
3	2626.5	2822.4	2952.7	2210	2458	2470
4	2654.5	2809.4	2930.4	2210	2458	2470
5	2638.4	2818.3	2921.8	2210	2456	2473
6	2618.6	2838.3	2858.7	2210	2456	2473
7	2621.3	2856.9	965.1	2210	2456	2473
8	2636.9	2832.9	2776.9	2210	2456	2474
9	2612.9	2852.7	2671.7	2210	2405	2305
10	2572.3	2849.4	2703.7	2210	2405	2305
11	2538.9	2831.8	2664	2210	2405	2305
12	2514.9	2838.8	2679.9	2210	2405	2305
13	2526.7	2866.6	2573.3	2210	2405	2307
14	2506.7	2837.5	2608.9	2210	2405	2305
15	2524.7	2837.6	1999.9	2210	2350	2305
16	2533.7	2773.4	2645.6	2160	2352	2309
17	2567.7	2672.4	2629.5	2132	2304	2307
18	2557.9	2694.4	2614.4	2135	2304	2211
19	2557.9	2659.1	2487	2135	2304	2258
20	2514	2615.1	2412.6	2135	2207	2252
21	2476.8	2528.1	2459.8		2204	2201
22	2463.2	2482.2	2449.4	2085	2138	2204
23	2449.7	2481.1	2503.9	2085	2136	2201
24	2425.9	2473.1	2518.4	2085	2136	2201
25	2417.8	2498.5	2517.4	2085	2134	2131
26	2380.6	2507.5	2514.6	2030	2134	2134
27	2433.8	2531.5	2481.7	2025	2134	2135
28	2442.1	2521.8	2480.2	1993	2136	2136
29	2476.1	2525.2	2411.8	1080	2136	2138
30	2486.9	2521.5	2290.2	1080	2136	2140
31	2481	2513.1	2221	1080	2136	2029

September

1	2562.2	2553.5	2218.5	1980	2136	2025
2	2488.2	2513.5	2156.4	2015	2136	2024
3	615.2	2500.5	2133.7	2015	2136	1912
4	0	2415.5	2114.5	0	2136	1912
5	0	2358.1	218.6	0	2038	1912
6	0	2347.9	2123.1	0	2038	1907
7	0	2350.9	2115.9	0	2040	1907
8	0	2354	2132.1	0	2040	1907
9	0	2270	2120.7	0	2042	1910
10	523	2273	2118.2	0	2042	1909
11	1064.2	2245	2038.2	0	2042	1907
12	1363.5	2103.3	2038.3	0	2002	1813
13	1854.5	2067.3	1935.2	1195	1970	1816
14	2152.5	2045.3	1951.5	1503	1972	1704
15	2322.2	2040.6	1956.3	1702	1826	1703

September	2004 Flows to Wilson Lake	2005 Flows to Wilson Lake	2006 Flows to Wilson Lake	Flows pass Wilson Lake		
	CFS	CFS	CFS	2004	2005	2006
16	2177.1	2033.6	1902.5	1702	1826	1703
17	2093.1	2038.6	1748.5	1706	1826	1600
18	1943.6	1971.6	1649.8	1657	1826	1501
19	1921.6	1913.9	1784.8	1650	1725	1507
20	1931	1840.6	1677.3	1650	1732	1508
21	1937.6	1810.2	1503.1	1550	1625	1398
22	1885.6	1759.1	1466.8	1483	1625	1297
23	1834.6	1729.2	1391.7	1485	1527	1297
24	1801.1	1742.2	1349.3	1489	1526	1197
25	1784.1	1773.7	1353.2	1489	1526	1197
26	1722.1	1750.7	1370.4	1469	1528	1196
27	1661.7	1747.7	1372.2	1429	1530	1196
28	1658.7	1649.7	1392.7	1413	1532	1197
29	1643.9	1607.1	1394.1	1415	1426	1198
30	1573.6	1619	1401	1412	1426	1197

October

1	1589.7	826.8	1423.2	1413	1426	1198
2	1586.7	887.5	1393.5	1408	1426	1200
3	1607.4	807.5	1401.2	1408	1426	1174
4	1596.4	786.1	1421.1	1408	1425	1175
5	1038.4	1117.1	1425.9		1300	1174
6	122.5	1313.1	1458.4		1300	1175
7	150.2	1400.9	1471.6		1126	1173
8	176.9	1298.1	1470.2		1072	1172
9	57	1453.9	1453.4		1073	1173
10		1453.9	1599.4		1073	1173
11		1450	1716.3		1029	1073
12		1425	1714.6		1028	1071
13		1455	1706.9		1030	1071
14		243			1030	

Edl, Michele

Subject: FW: Bypass Limited information request part 2 of 3
Attachments: Bypass Intake.JPG; Bypass Tailrace.JPG; Powerhouse Generators.JPG

From: Webb, Kevin (EGP North America) [<mailto:Kevin.Webb@enel.com>]
Sent: Thursday, April 14, 2011 1:19 PM
To: Edl, Michele
Subject: RE: Bypass Limited information request part 2 of 3

Michele:

Here are a few recent pictures of the Bypass Project. I have not been able to locate any pictures from 1988 in our files, since we (Enel Green Power North America, Inc.) were not the original developers or owners of Bypass Limited and the project.

Will follow with one more batch of photos.

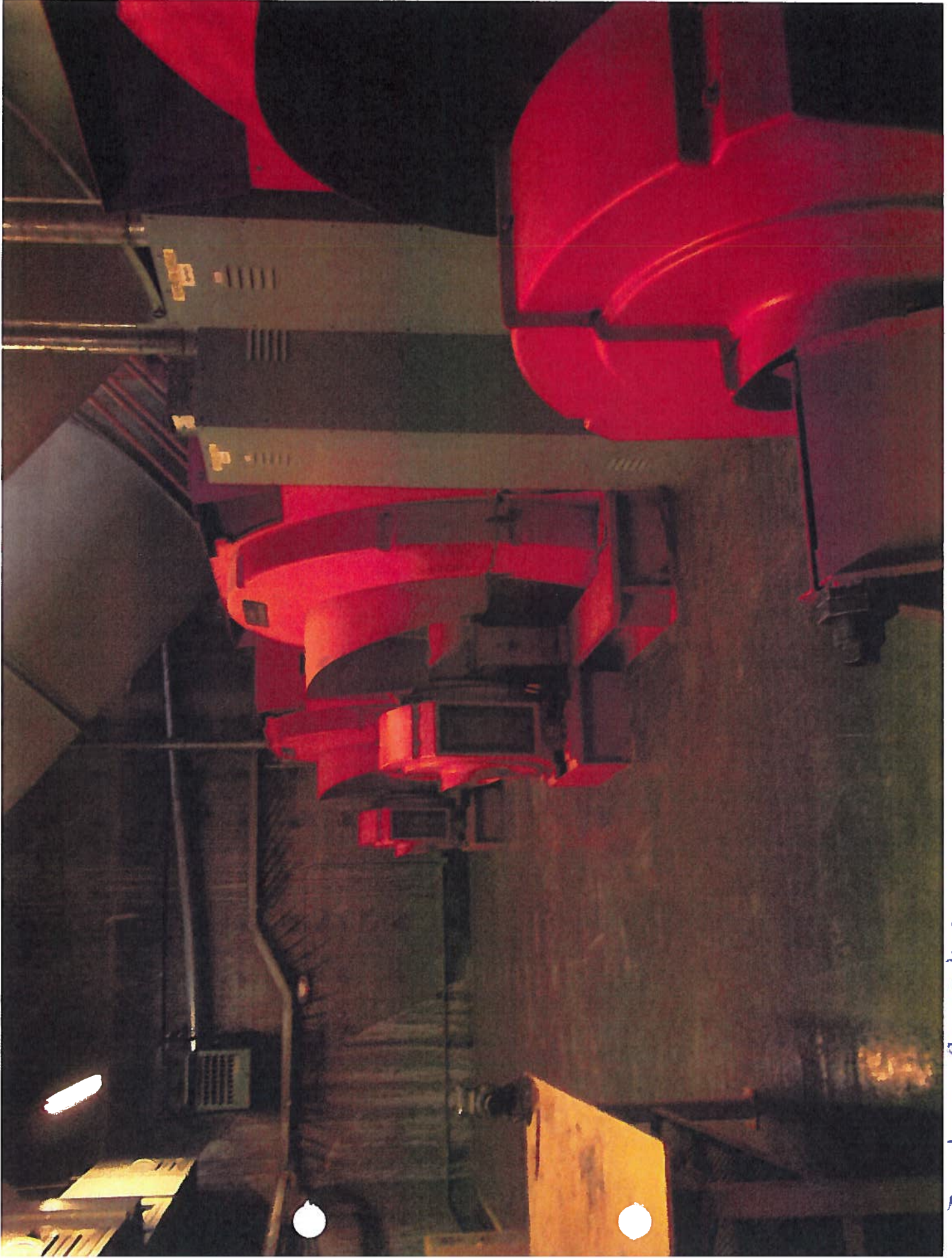
Kevin



Bypass Intake



Bypass Tailrace



Powerhouse Generators

Edl, Michele

Subject: FW: Bypass Limited information request part 3 of 3
Attachments: Bypass Control Room.JPG; Unit 1 Penstock.JPG

From: Webb, Kevin (EGP North America) [<mailto:Kevin.Webb@enel.com>]

Sent: Thursday, April 14, 2011 1:27 PM

To: Edl, Michele

Subject: RE: Bypass Limited information request part 3 of 3

Michele:

Here are a couple more photos of the Bypass Project. In the picture of the penstock the water flows right to left and the runner is located at the narrowest point at the bottom. The runner shaft exits the penstock on the right, upstream side and the generator (orange) can be seen underneath the penstock.

Kevin



Bypass Control Room



Unit 1 Penstock

Edl, Michele

From: Webb, Kevin (Enel North America) [Kevin.Webb@enel.com]
Sent: Tuesday, March 22, 2011 11:41 AM
To: Edl, Michele
Cc: Engel, Victor (Enel North America); Higbee, Dale (Enel North America)
Subject: Permit 1-7010B (Bypass Limited)

Ms. Edl:

Please take notice that effective July 1, 2004 Enel Green Power North America, Inc. acquired all of the ownership interests in Bypass Ltd. and the Bypass Hydroelectric Project (FERC No. 9070-ID). Therefore, we wish to notify the Idaho Department of Water Resources of the following change of address for Bypass Limited and and for Water Right Permit 01-7010B:

Bypass Limited
c/o Enel Green Power North America, Inc.
One Tech Drive, Suite 220
Andover, MA 01810
Phone: (978) 681-1900 x-809
Fax: (978) 681-7727

As a matter of clarification, by letter dated August 25, 2004 I notified the IDWR of the above change of address. Unfortunately that letter was sent out under the letterhead of EGPNA's subsidiary CHI Mountain States Operations, Inc. which operates and manages the Bypass Project. Your department apparently assumed that the ownership of Permit 01-7010B had changed to CHI Mountain States Operations, Inc. and requested that we submit a change of ownership form. I affirm that Bypass Limited has always been the owner of the Bypass Project and Permit 01-7010B, and therefore there is no need to change the department's ownership records for this permit.

Thank you for your attention to this matter. We look forward to working with you toward transferring this permit to a Water Right License.

Sincerely,

Kevin M. Webb
Regulatory Affairs Coordinator
Bypass Limited
A subsidiary of Enel Green Power North America, Inc.
One Tech Drive, Suite 220
Andover, MA 01810
P: (978) 681-1900 x-809
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UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

North Side Canal Company, Ltd.) Project No. 9070-000

ORDER GRANTING EXEMPTION FROM LICENSING FOR
A CONDUIT HYDROELECTRIC PROJECT
(Issued September 26, 1985)

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.

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 terms and 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. 2/

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.

1/ North Side Canal Company, Ltd., Project No. 9070-000, filed March 29, 1985.

2/ An exemption from licensing granted by this Commission does not serve as any basis for restricting hunting and fishing access to the waterway involved except to the extent required for public safety purposes.

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Department of Water Resources

Based on the terms and conditions required by Federal and State fish and wildlife agencies, the environmental information in the application for exemption, other public comments, and staff's independent analysis, issuance of this order is not a major Federal action significantly affecting the quality of the human environment. 3/

pursuant to 18 C.F.R. §375.314, the Director of the Office of Hydropower Licensing or the Director's designee orders:

(A) Bypass Project No. 9070 as described and designated in North Side Canal Company, Ltd.'s application filed on March 29, 1985, is exempted from all of the requirements of Part I of the Federal Power Act, including licensing, subject to the standard articles in §4.94 of the Commission's regulations attached hereto as Form E-1, 18 C.F.R. §4.94 (1985).

(B) This order is final unless appealed to the Commission by any party within 30 days from the issuance date of this order under 18 C.F.R. 385.1902 (1985).

Don Gabler
Kenneth M. Pusateri
Acting Director, Office of
Hydropower Licensing

3/ Environmental Assessment, North Side Canal Company, Ltd., FERC Project No. 9070-000, Division of Environmental Analysis, Office of Hydropower Licensing, Federal Energy Regulatory Commission, August 30, 1985. This document is available in the Division of Public Information and in the Commission's public file associated with the proceeding.

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§ 4.94 Standard terms and conditions of exemption

Any exemption granted under §4.93 for a small conduit

hydroelectric facility is subject to the following standard terms and conditions:

(a) Article 1. The Commission reserves the right to conduct investigations under sections 4(g), 306, 307, and 311 of the Federal Power Act with respect to any acts, complaints, facts, conditions, practices, or other matters related to the construction, operation, or maintenance of the exempt facility. If any term or condition of the exemption is violated, the Commission may revoke the exemption, issue a suitable order under section 4(g) of the Federal Power Act, or take appropriate action for enforcement, forfeiture, or penalties under Part II of the Federal Power Act.

(b) Article 2. The construction, operation, and maintenance of the exempt project must comply with any terms and conditions that the United States Fish and Wildlife Service and any state fish and wildlife agencies have determined are appropriate to prevent loss of, or damage to, fish or wildlife resources or otherwise to carry out the purposes of the Fish and Wildlife Coordination Act, as specified in Exhibit E of the application for exemption from licensing or in the comments submitted in response to the notice of the exemption application.

(c) Article 3. The Commission may revoke this exemption if actual construction of any proposed generating facilities has not begun within two years or has not been completed within four years from the effective date of this exemption. If an exemption is revoked under this article, the Commission will not accept from the prior exemption holder a subsequent application for exemption from licensing or a notice of exemption from licensing for the same project within two years of the revocation.

(d) Article 4. In order to best develop, conserve, and utilize in the public interest the water resources of the region, the Commission may require that the exempt facilities be modified in structure or operation or may revoke this exemption.

(e) Article 5. The Commission may revoke this exemption if, in the application process, material discrepancies, inaccuracies, or falsehoods were made by or on behalf of the applicant.

(f) Article 6. Before transferring any property interests in the exempt project, the exemption holder must inform the transferee of the terms and conditions of the exemption. Within 30 days of transferring the property interests, the exemption holder must inform the Commission of the identity and address of the transferee.

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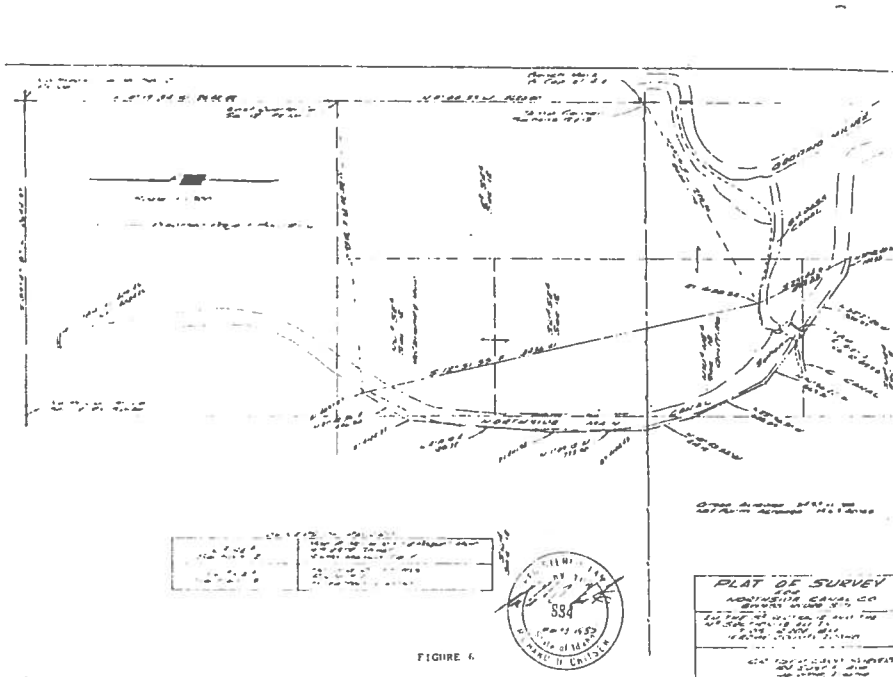
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Notice of Application filed with the Commission
(June 26, 1985)

Take notice that the following hydroelectric application has been filed with the Federal Energy Regulatory Commission and is available for public inspection:

- a. Type of Application: Conduit Exemption
 - b. Project No.: 9070-000
 - c. Date Filed: March 29, 1985
 - d. Applicant: North Side Canal Company
 - e. Name of Project: Bypass
 - f. Location: On the Main Canal at its intersection with the Bypass Canal in Jerome County, Idaho.
 - g. Filed Pursuant to: Section 408 of the Energy Security Act of 1980 (16 U.S.C. §2705 and 2708 as amended)
 - h. Contact Person: Mr. John A. Rosholt
Nelson, Rosholt, Robertson, Tolman & Tucker
P.O. Box 1906
Twin Falls, ID 83301
 - i. Comment Date: August 12, 1985
 - j. Description of Project: The proposed project would consist of: (1) an intake canal; (2) a 21-foot-high intake structure; (3) a 48-foot-long penstock; (4) a powerhouse containing three 3,300-kW generators with an average annual generation of 26 GWh.
- Purpose of Exemption - An Exemption, if issued, gives an Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.
- k. Purpose of Project: Project power would be sold.
 - l. This notice also consists of the following standard paragraphs: A3, A9, B, C, D3b

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