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December 13, 2006

Mr. John Westera
Western Regional Manager
State of Idaho
Department of Water Resources
2735 Airport Way
Boise Idaho, 83705-5062

Re: Smid Hydro, Water Right Application for French Creek

Dear Mr. Westera

We recently received F.E.R.C. Order No. 117 FERC, 62 185, Docket No. D106-2-000, Issued Nov. 28, 2006. We have enclosed a copy of this order and finding, declaring that licensing is not required, for your review and files.

It is interesting to note that the F.E.R.C. took the position that no evidence was submitted indicating that the operation of this plant would impair the exiting steam functions or Habitat.

It is our intent to work with the Fish and Game Dept. in regards to their requests that are reasonable and applicable to the existing Fishery.

We believe we now can proceed with the Water Right process as soon as possible.

If you have comments or questions, please contact us at your convenience.

Yours truly,

Charles D. Cuddy, PLSCuddy
Cuddy & Associates Inc.

RECEIVED

DEC 18 2006

WATER RESOURCES
WESTERN REGION

Revised
File
6/14/06

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

NOTICE OF DECLARATION OF INTENTION
AND SOLICITING COMMENTS,
PROTESTS, AND/OR MOTIONS TO INTERVENE

(June 14, 2006)

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

- a. Application Type: Declaration of Intention
- b. Docket No: DI06-2-000
- c. Date Filed: June 7, 2006
- d. Applicant: Carl Smid
- e. Name of Project: French Creek Micro Hydro Project
- f. Location: The proposed French Creek Micro Hydro Project will be located on French Creek, tributary to the Salmon River, near the town of Riggins, Idaho County, Idaho, affecting T. 24 N., R. 3 E., secs. 13 and 24, Boise Meridian. The powerhouse would be approximately one mile from the confluence of French Creek with the Salmon River.
- g. Filed Pursuant to: section 23(b)(1) of the Federal Power Act, 16 U.S.C. §§ 817(b).
- h. Applicant Contact: Chuck Cuddy, PLS, Cuddy and Associates, P.O. Box 64, Orofino, ID 83544; telephone: (208) 476-4643, fax: (208) 476-5042; e-mail: chuckcuddy@valint.net
- i. FERC Contact: Any questions on this notice should be addressed to Henry Ecton, (202) 502-8768, or E-mail address: hcnry.ecton@ferc.gov
- j. Deadline for filing comments, protests, and/or motions: July 14, 2006.

All documents (original and eight copies) should be filed with: Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, D.C. 20426. Comments, protests, and/or interventions may be filed electronically via the Internet in lieu of paper. Any questions, please contact the Secretary's Office. See, 18

DI06-2-000

- 2 -

CFR 385.2001(a)(1)(ii) and the instructions on the Commission's web site at <http://www.ferc.gov>

Please include the docket number (DI06-2-000) on any comments, protests, and/or motions filed.

k. Description of Project: The proposed run-of-river French Creek Micro Hydro Project would include: (1) a 2900-foot-long, 10-inch-diameter PCV penstock, diverting 2 cfs from French Creek; (2) a powerhouse containing a 15-kW Pelton-type turbine, and (3) appurtenant facilities. The power would be used on-site at the owner's residence and ranch. The project would not be connected to an interstate grid.

When a Declaration of Intention is filed with the Federal Energy Regulatory Commission, the Federal Power Act requires the Commission to investigate and determine if the interests of interstate or foreign commerce would be affected by the project. The Commission also determines whether or not the project: (1) would be located on a navigable waterway; (2) would occupy or affect public lands or reservations of the United States; (3) would utilize surplus water or water power from a government dam; or (4) if applicable, has involved or would involve any construction subsequent to 1935 that may have increased or would increase the project's head or generating capacity, or have otherwise significantly modified the project's pre-1935 design or operation.

l. Locations of the Application: Copies of this filing are on file with the Commission and are available for public inspection. This filing may be viewed on the web at <http://www.ferc.gov> using the "eLibrary" link, select "Docket#" and follow the instructions. For assistance, please contact FERC Online Support at FERCOnlineSupport@ferc.gov or toll-free at (866) 208-3676, or TTY, contact (202) 502-8659.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. Comments, Protests, or Motions to Intervene -- Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

3

p. Agency Comments -- Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Therese B. Jeter

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