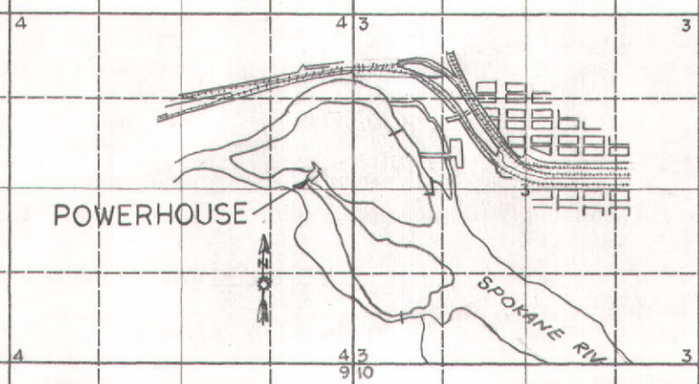
11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number. T. 50 N. R. 5 W.B.M.



Scale: 2 inches equal 1 mile.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

THE WASHINGTON WATER POWER COMPANY

Richard McDevitt

(Applicant)
Rights of Way Supervisor

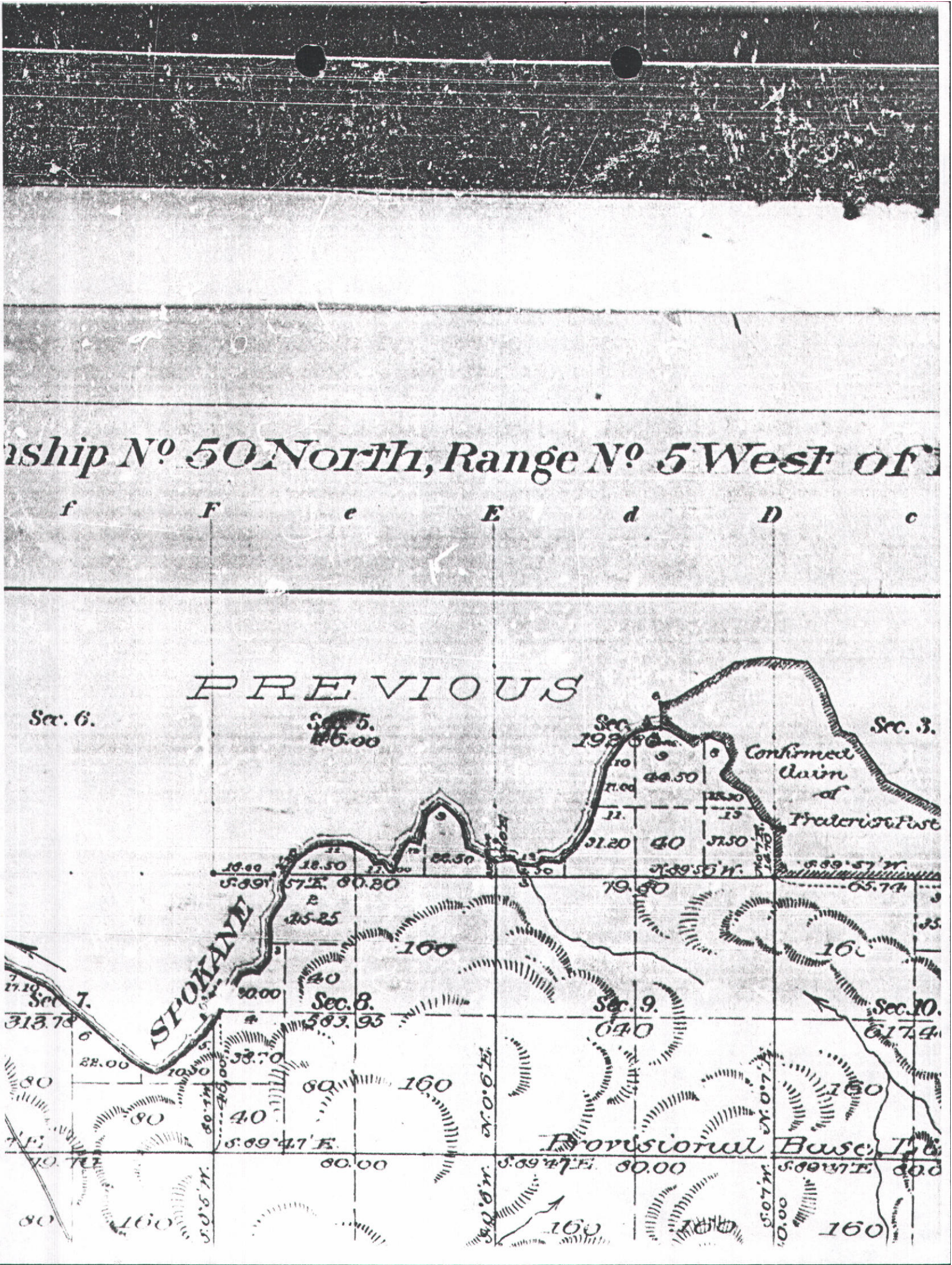
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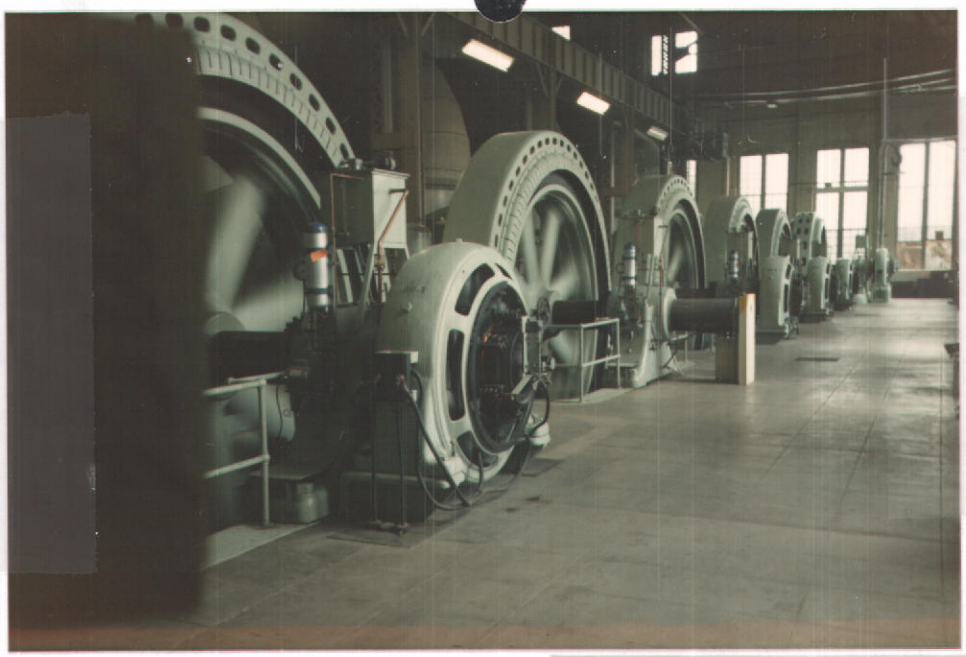


ALSO SEE 2ND MAP →

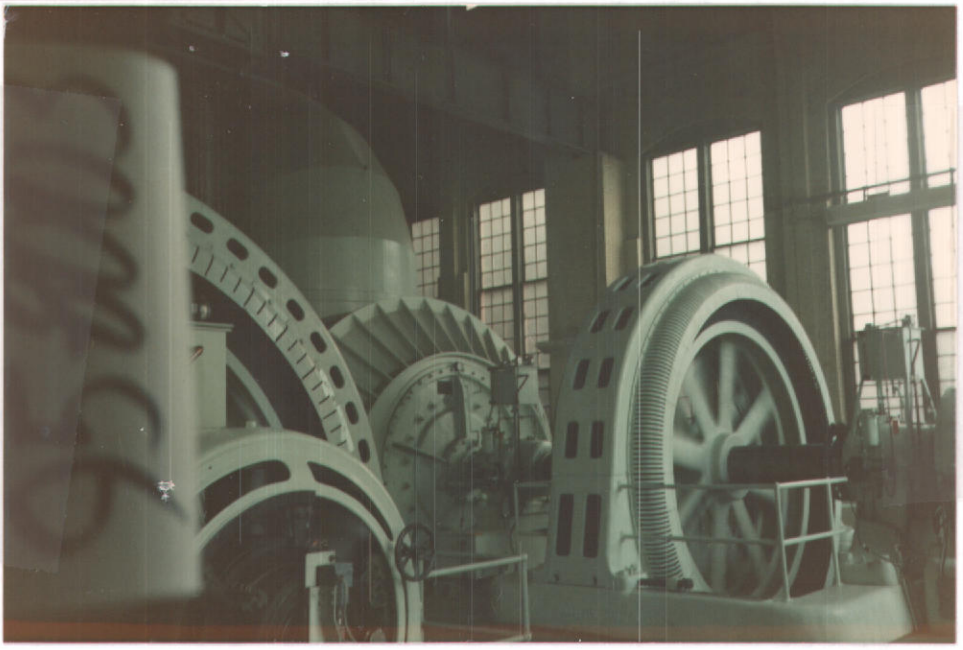
NO GOVERNMENT LOT IN SENE V4V4 OF SECTION 4

95-08003

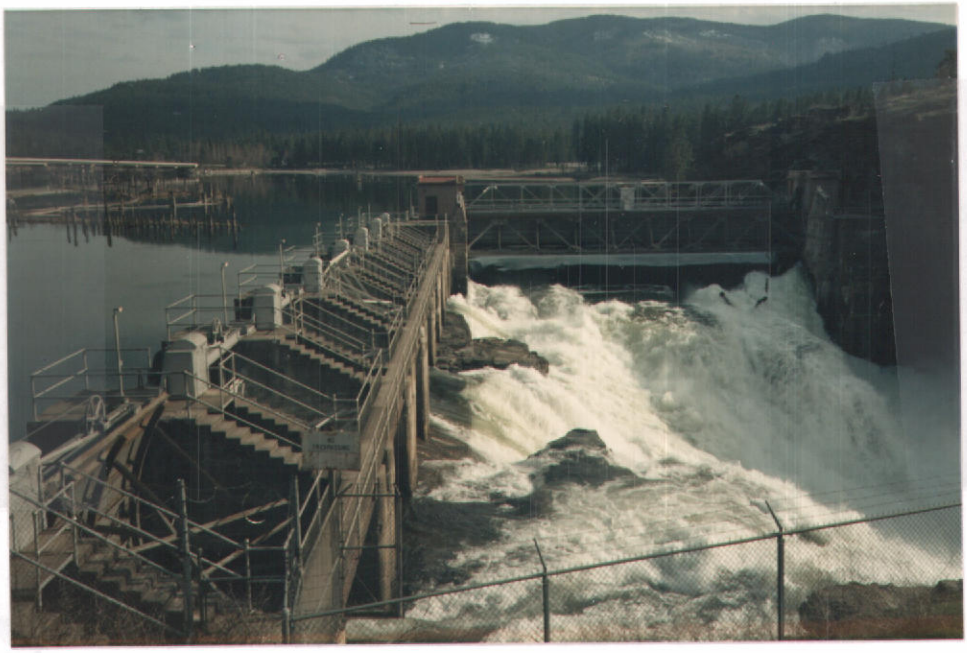

ship No. 50 North, Range No. 5 West of
f F e E d D c
PREVIOUS
Sec. 6.
Sec. 5.
Sec. 3.
Confirmed claim of
SPOKANE
Sec. 7.
Sec. 8.
Sec. 9.
Sec. 10.
Provisional Base
S. 89° 57' E. 80.80
N. 89° 56' W.
S. 89° 57' W.
S. 89° 47' E. 80.00
S. 89° W. E. 80.00
160
640
80
40



All 5 + new 6th one (Turbines)



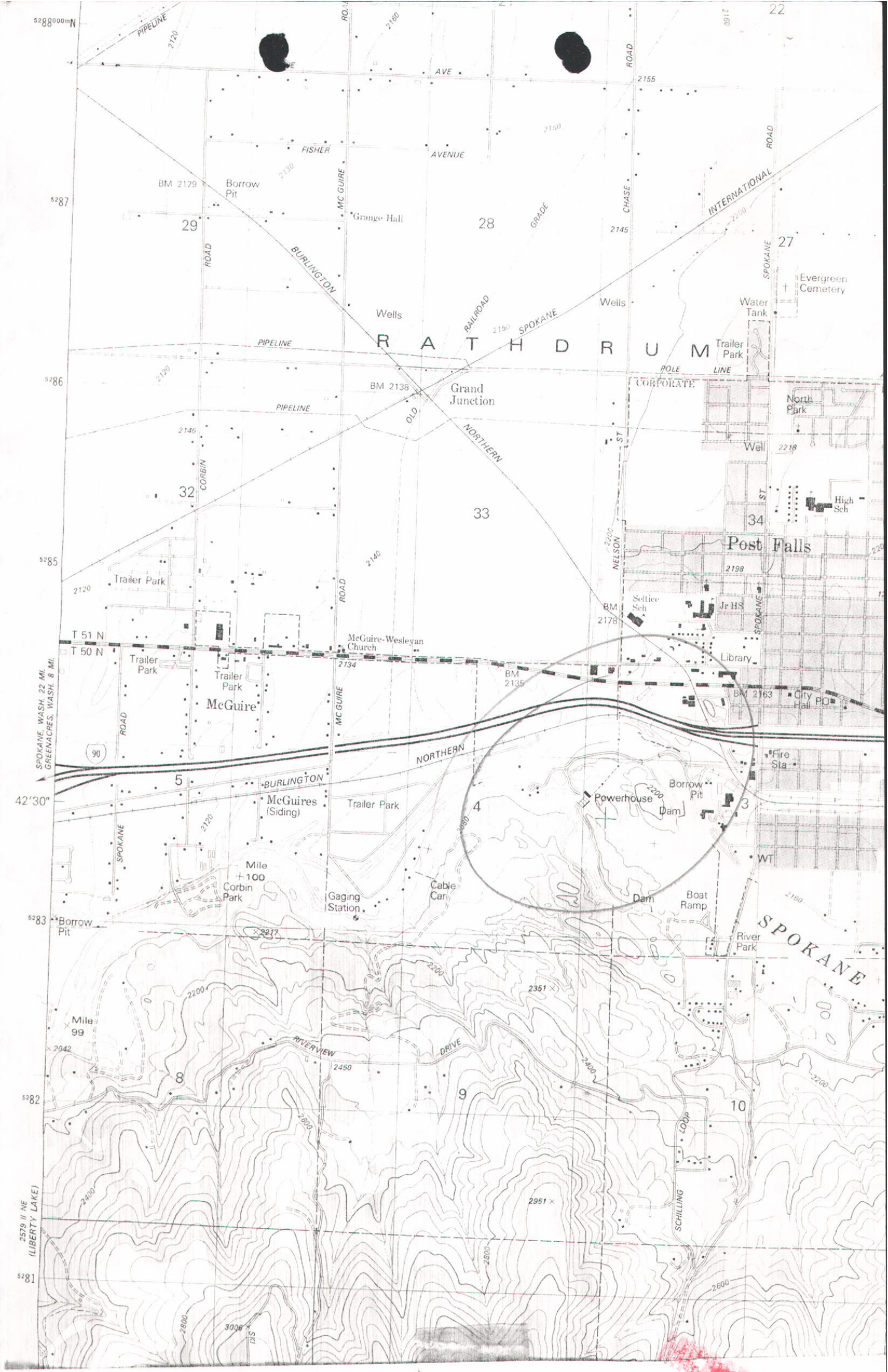
Newest Turbine #6



Facility location on Spokane River

RECEIVED
SEP 12 1996

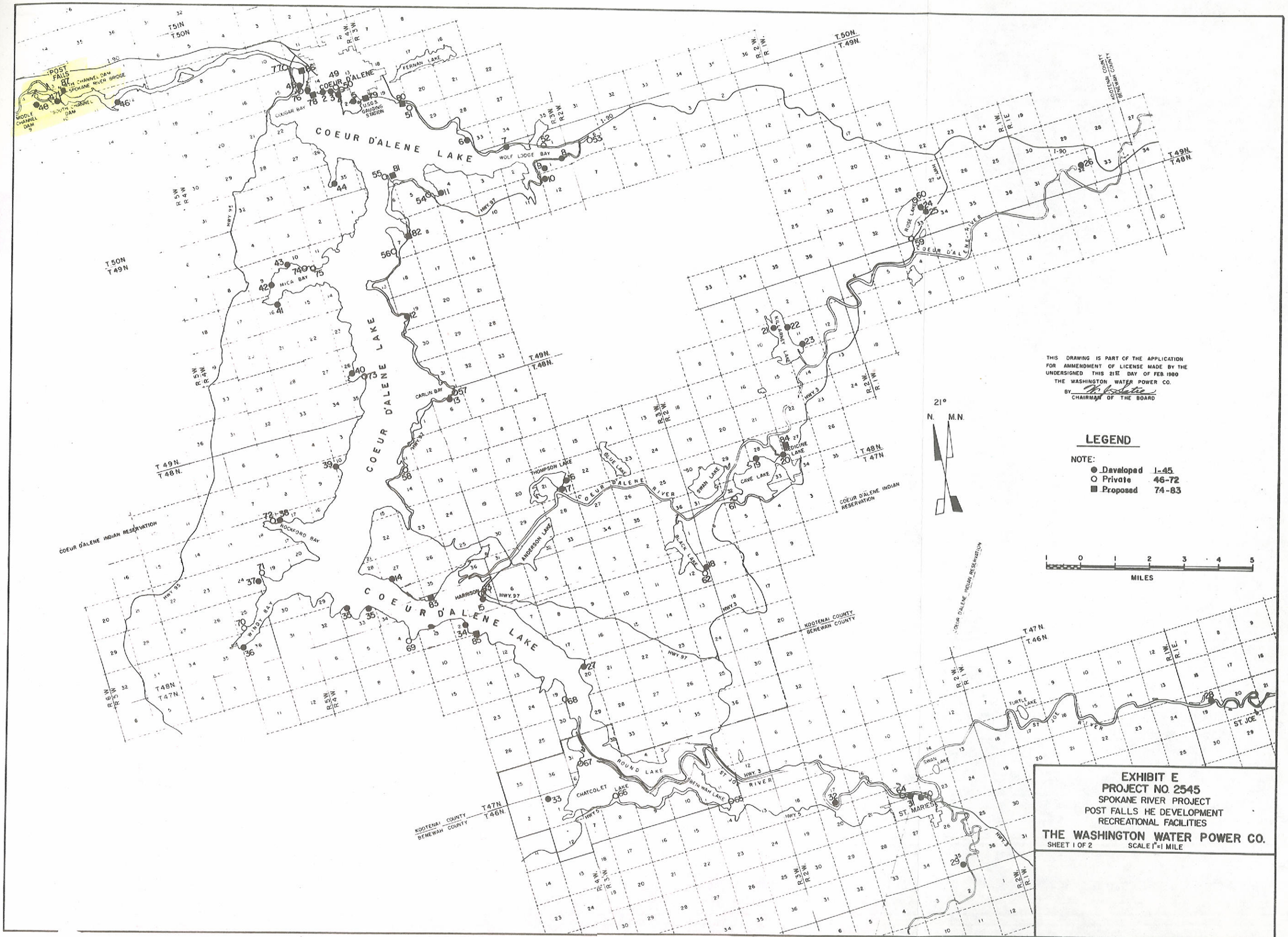
95-08003

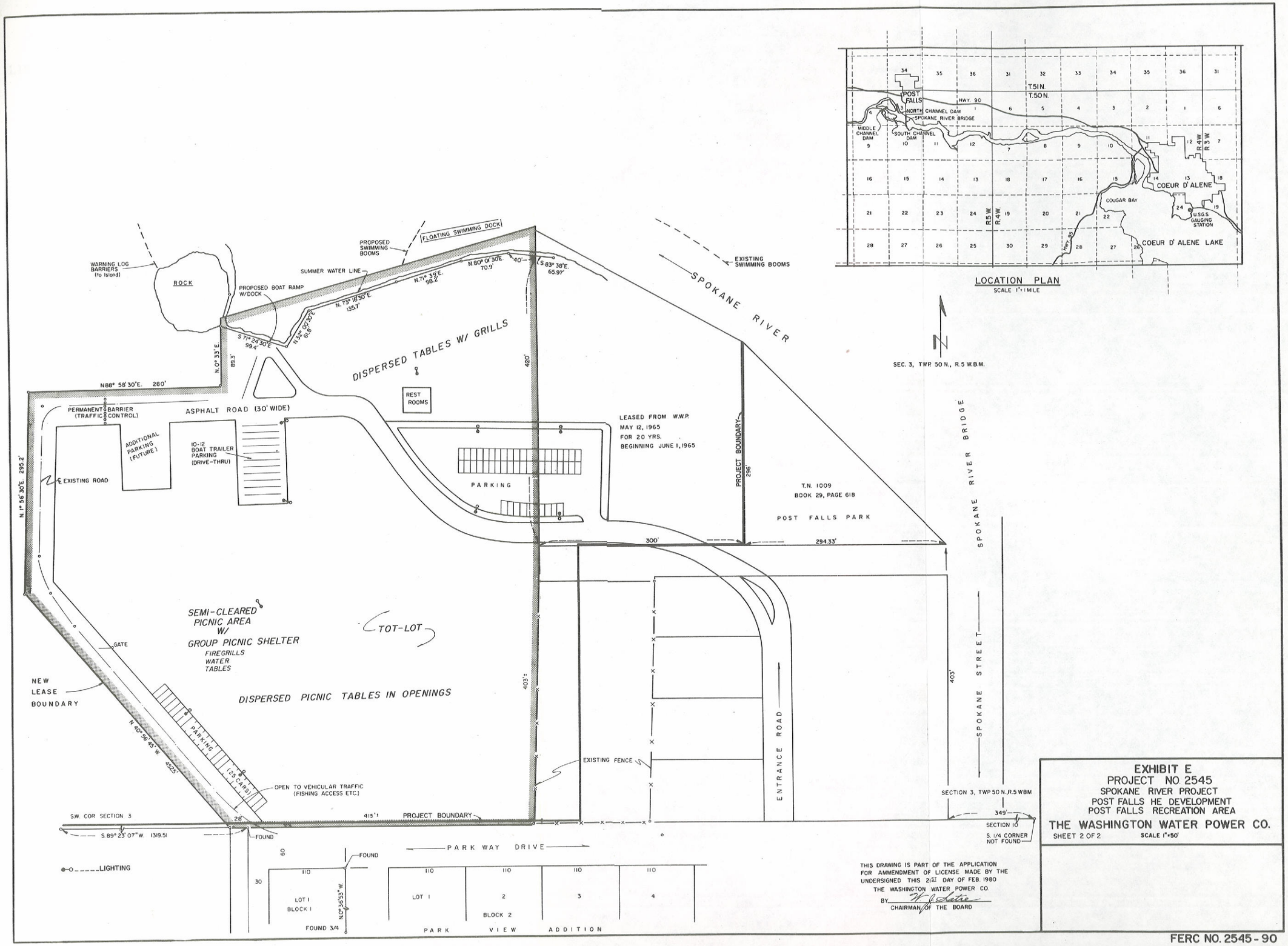


RECEIVED
SEP 12 1996

TWP. 50N RGE. 5W SEC. 4 MAP # F-3 MAP SCALE _____

DATE OF FIELD EXAM 4/11/95 FIELD REPORT MAP PERMIT # 95-8003


POST FALLS
POST FALLS HE
SPOKANE RIVER BRIDGE
MIDDLE CHANNEL DAM
SOUTH CHANNEL DAM
COEUR D'ALENE
FERNAN LAKE
COUGAR BAY
USGS GAUGING STATION
COEUR D'ALENE LAKE
WOLF LODGE BAY
I-90
HWY 97
MICA BAY
CARLIN BAY
ROCKFORD BAY
WINDY BAY
HARRISON
THOMPSON LAKE
BLUE LAKE
ANDERSON LAKE
BLACK LAKE
SWAN LAKE
CAVE LAKE
MEDICINE LAKE
RIDGE LAKE
HWY 3
COEUR D'ALENE RIVER
COEUR D'ALENE INDIAN RESERVATION
KOOTENAI COUNTY
BENEWAH COUNTY
SHOSHONE COUNTY
ROUND LAKE
CHATCOLET LAKE
BENEWAH LAKE
TURTLE LAKE
ST JOE RIVER
ST MARIES
ST JOE
T50N T49N
T49N T48N
T48N T47N
T47N T46N
R5W R4W
R4W R3W
R3W R2W
R2W R1W
R1E
21° N. M.N.
THIS DRAWING IS PART OF THE APPLICATION FOR AMMENDMENT OF LICENSE MADE BY THE UNDERSIGNED THIS 21st DAY OF FEB 1980
THE WASHINGTON WATER POWER CO.
BY
CHAIRMAN OF THE BOARD
LEGEND
NOTE:
Developed 1-45
Private 46-72
Proposed 74-83
0 1 2 3 4 5
MILES
EXHIBIT E
PROJECT NO. 2545
SPOKANE RIVER PROJECT
POST FALLS HE DEVELOPMENT
RECREATIONAL FACILITIES
THE WASHINGTON WATER POWER CO.
SHEET 1 OF 2 SCALE 1"=1 MILE



LOCATION PLAN
SCALE 1"=1 MILE

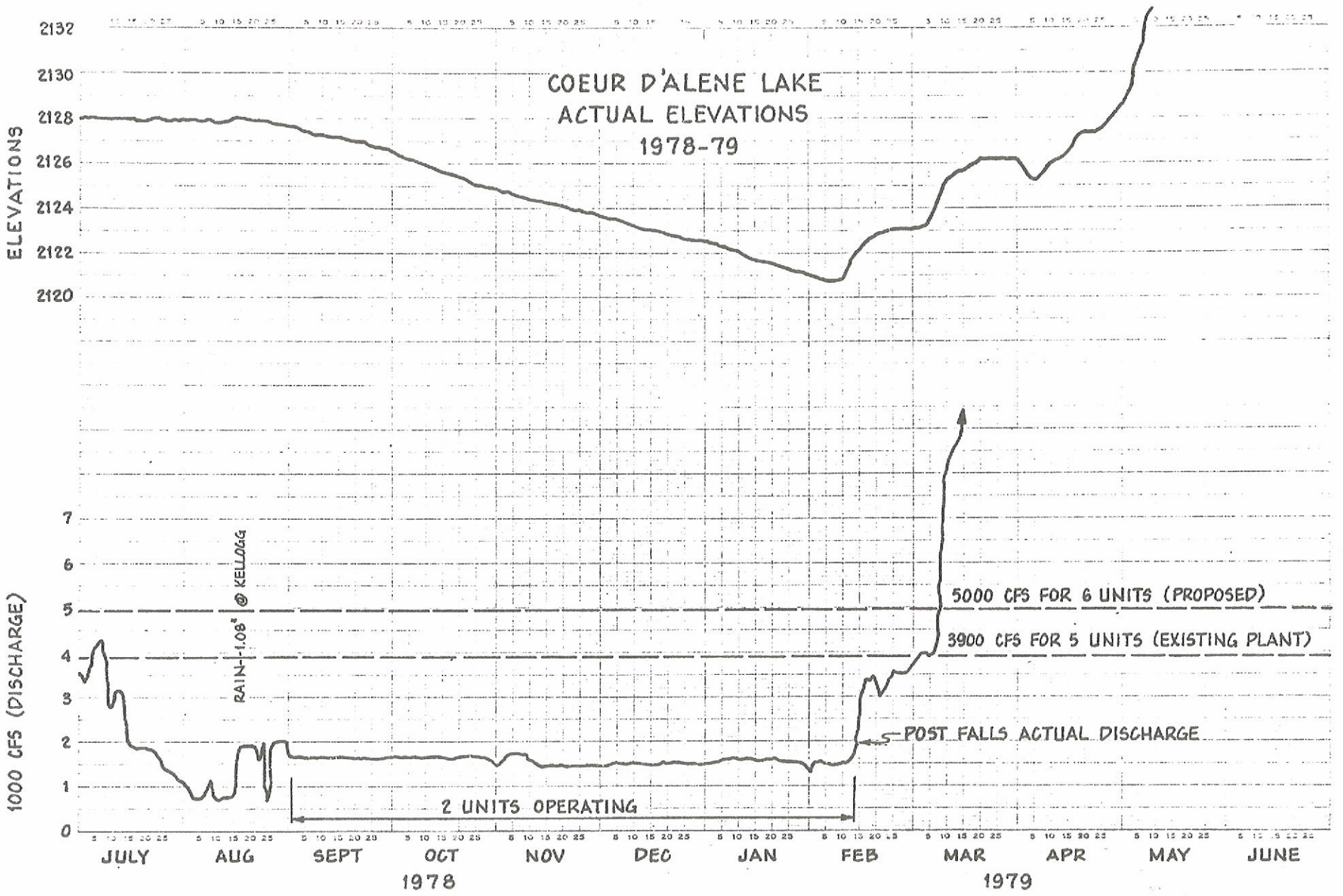
SEC. 3, TWP. 50 N., R. 5 W.B.M.

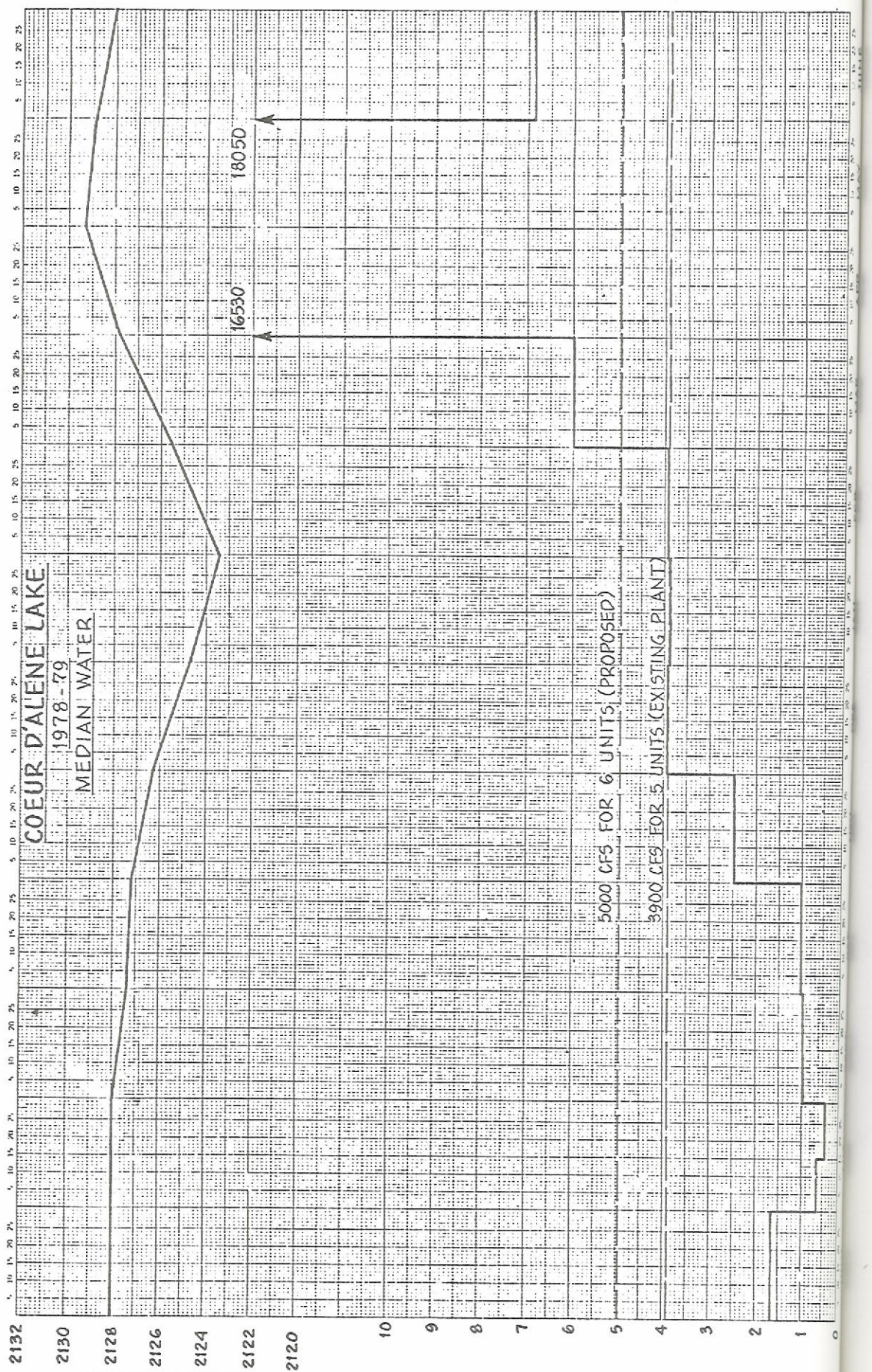
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THE WASHINGTON WATER POWER CO.
BY _____
CHAIRMAN OF THE BOARD

EXHIBIT E
PROJECT NO 2545
SPOKANE RIVER PROJECT
POST FALLS HE DEVELOPMENT
POST FALLS RECREATION AREA
THE WASHINGTON WATER POWER CO.
SHEET 2 OF 2 SCALE 1"=50'

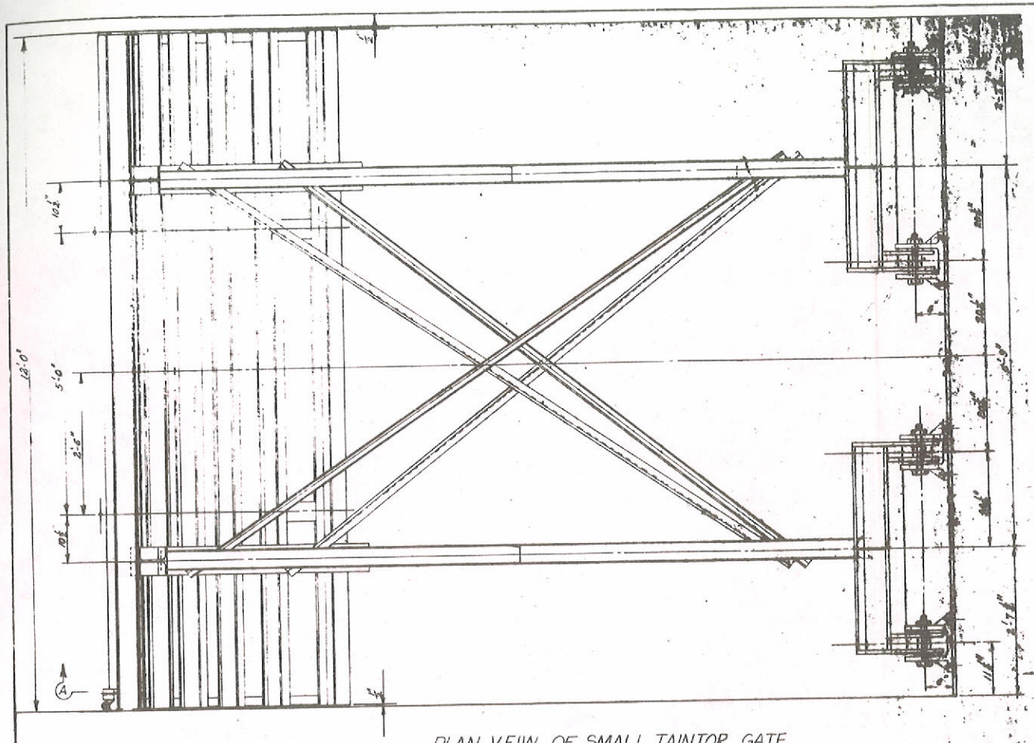
FERC NO. 2545 - 90

COEUR D'ALENE LAKE
ACTUAL ELEVATIONS
1978-79

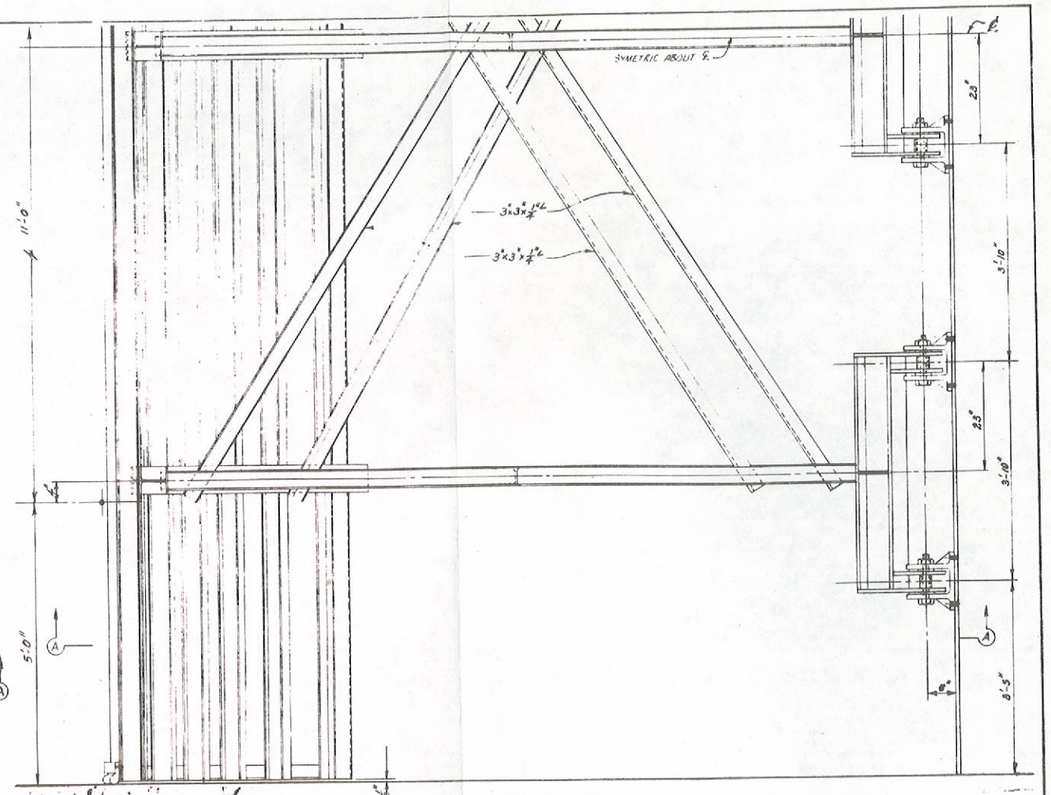




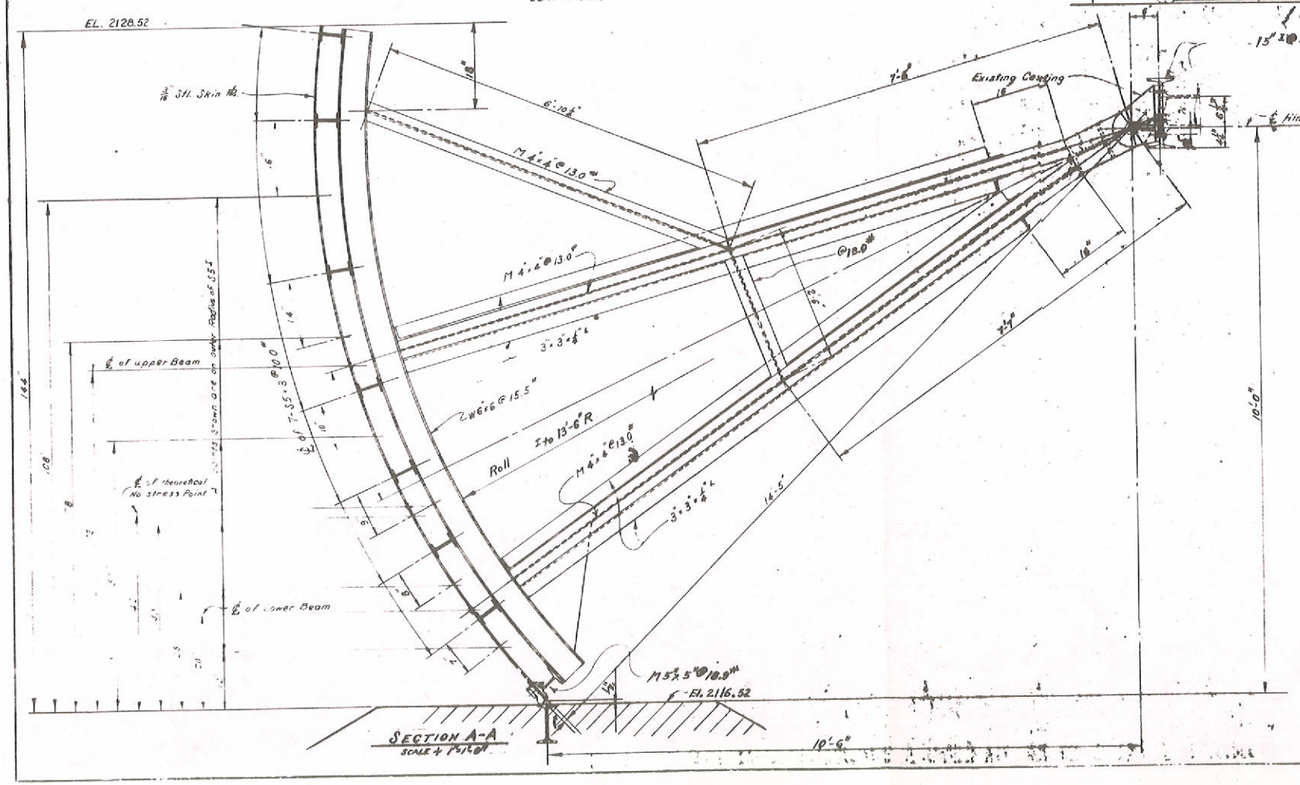
K&E 1 YEAR BY DAYS x 10th DIVISIONS
KEUFFEL & ESSER CO. MADE IN U.S.A.
47 2730

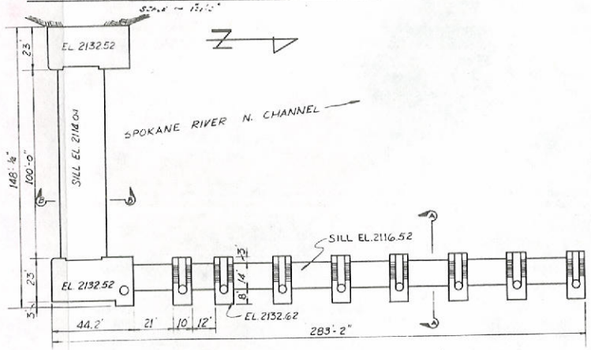


PLAN VEIW OF SMALL TAINTOR GATE



PLAN VIEW OF LARGE TAINTOR GATE





PLAN OF NORTH CHANNEL DAM & GATES

SCALE 1"=30'

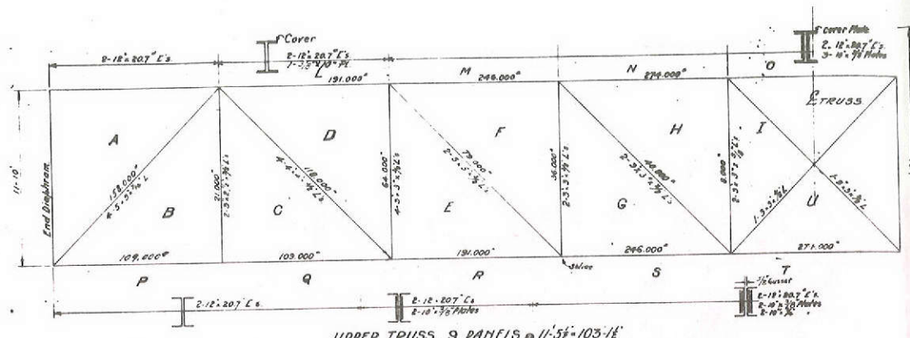
THIS DRAWING IS PART OF THE APPLICATION FOR AMMENDMENT OF LICENSE MADE BY THE UNDERSIGNED THIS 21st DAY OF FEB. 1980

THE WASHINGTON WATER POWER CO.

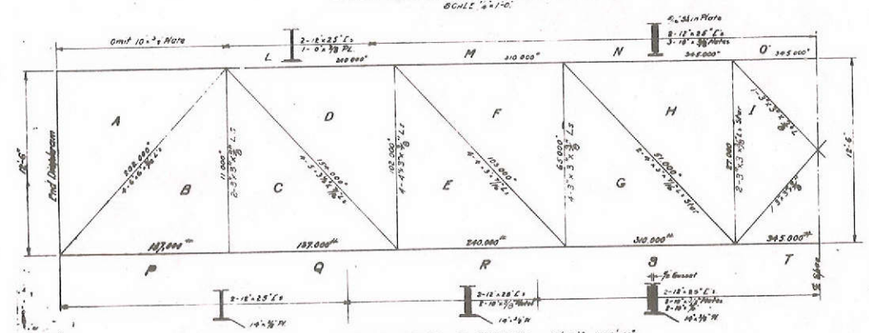
BY _____ CHAIRMAN OF THE BOARD

EXHIBIT F
PROJECT NO. 2545
SPOKANE RIVER PROJECT
POST FALLS HE DEVELOPMENT
NORTH CHANNEL GATES; PLAN & SECTIONS
THE WASHINGTON WATER POWER CO.
SHEET 1 OF 8 SCALE: AS SHOWN

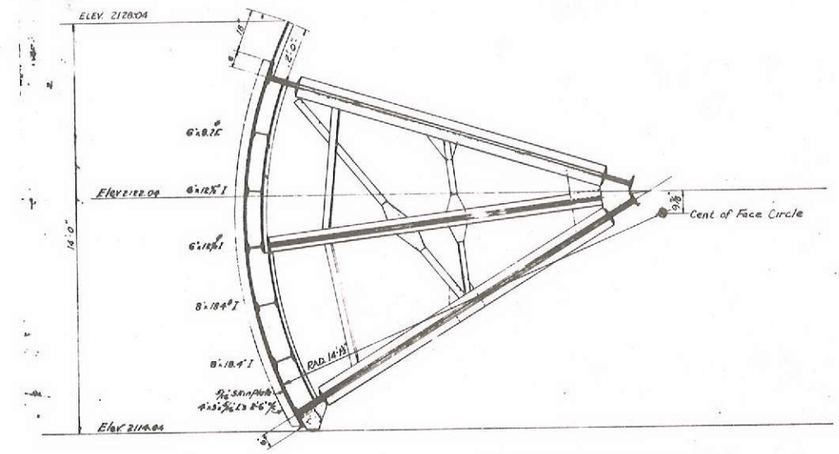
FERC NO. 2545-91



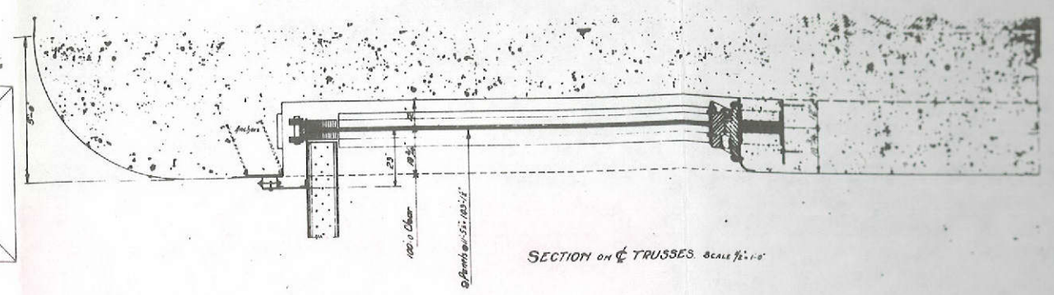
UPPER TRUSS. 9 PANELS @ 11'-5½"=103'-1½"
SCALE ¼"=1'-0"



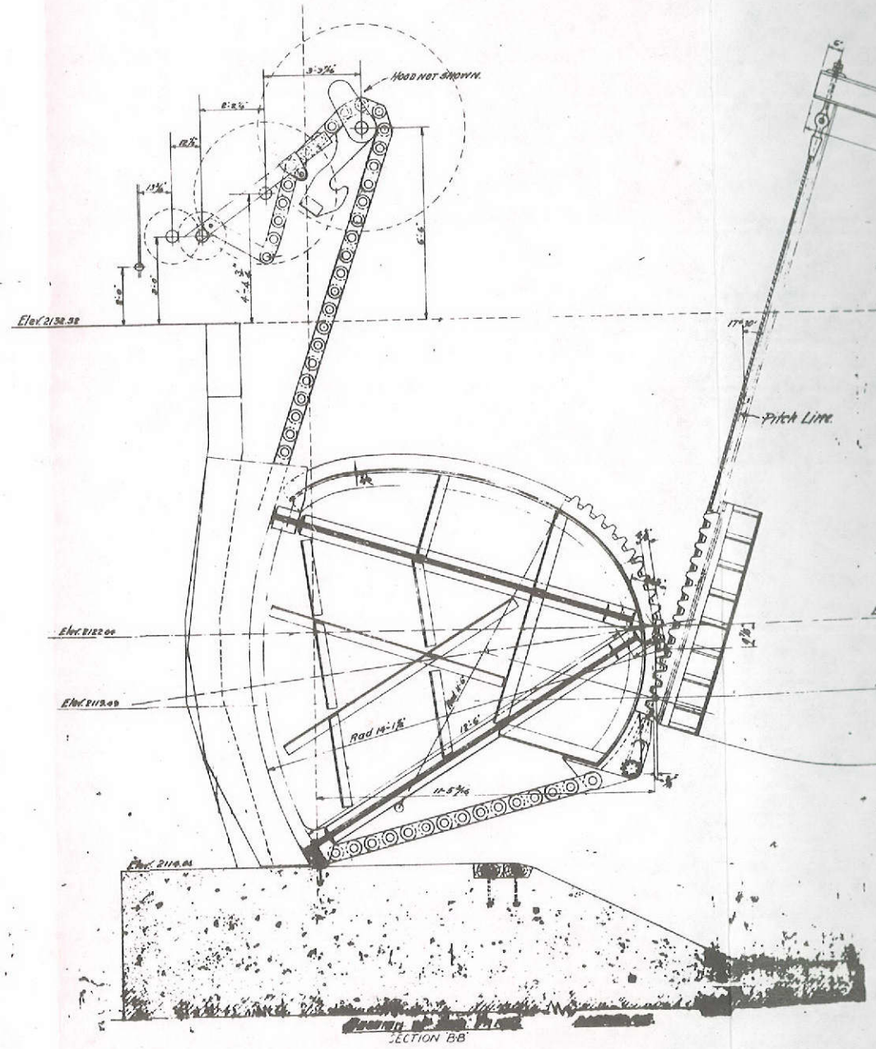
LOWER TRUSS. 9 PANELS @ 11'-5½"=103'-1½"
SCALE ¼"=1'-0"



SECTION at CENTER of TRUSS
SCALE ¾"=1'-0"



SECTION on ℄ TRUSSES. SCALE ¾"=1'-0"

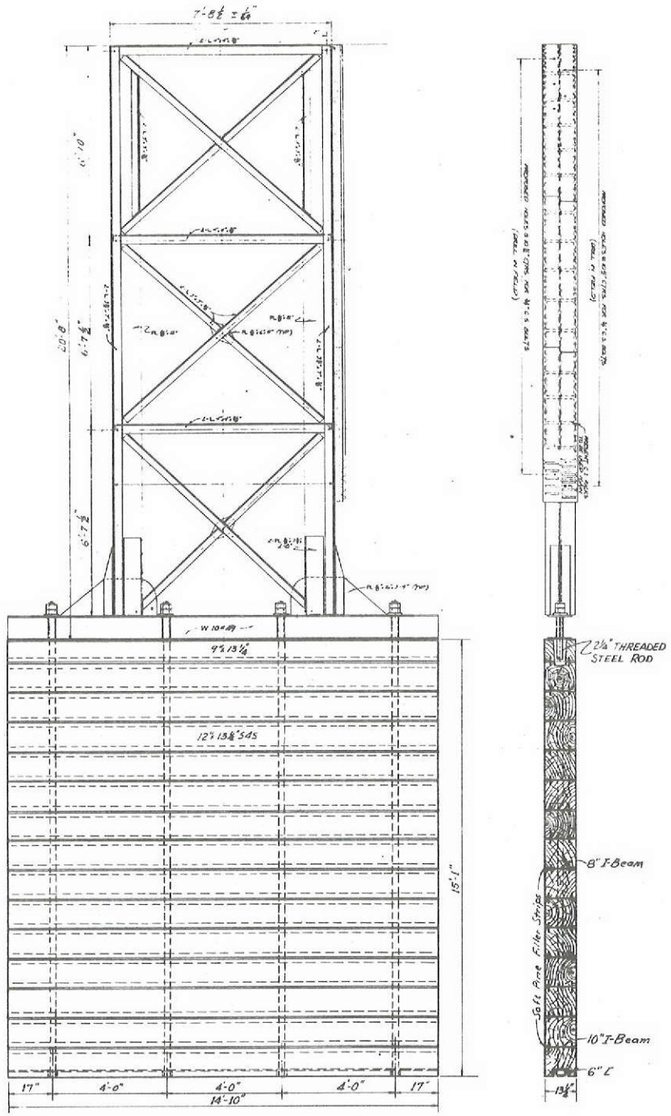


SECTION BB

THIS DRAWING IS PART OF THE APPLICATION FOR AMMENDMENT OF LICENSE MADE BY THE UNDERSIGNED THIS 21ST DAY OF FEB. 1980
THE WASHINGTON WATER POWER CO.
BY _____
CHAIRMAN OF THE BOARD

EXHIBIT F
PROJECT NO. 2545
SPOKANE RIVER PROJECT
POST FALLS HE DEVELOPMENT
NORTH CHANNEL ; SECTOR GATE
THE WASHINGTON WATER POWER CO.
SHEET 2 OF 8 SCALE AS SHOWN

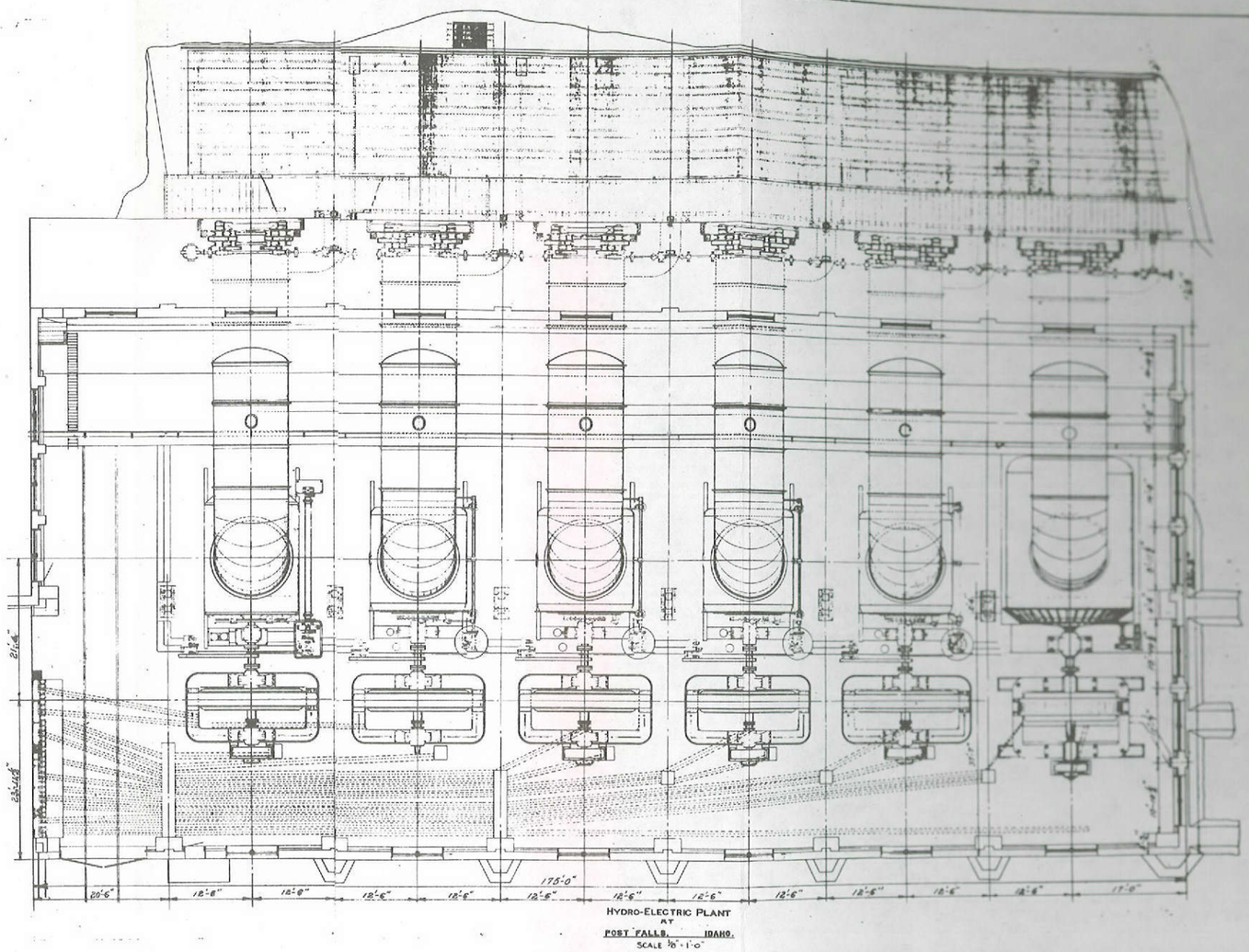
FERC NO. 2545-92



FRONT VIEW

END VIEW

TYPICAL HEAD GATE AT MIDDLE CHANNEL
SCALE ½"=1'-0"

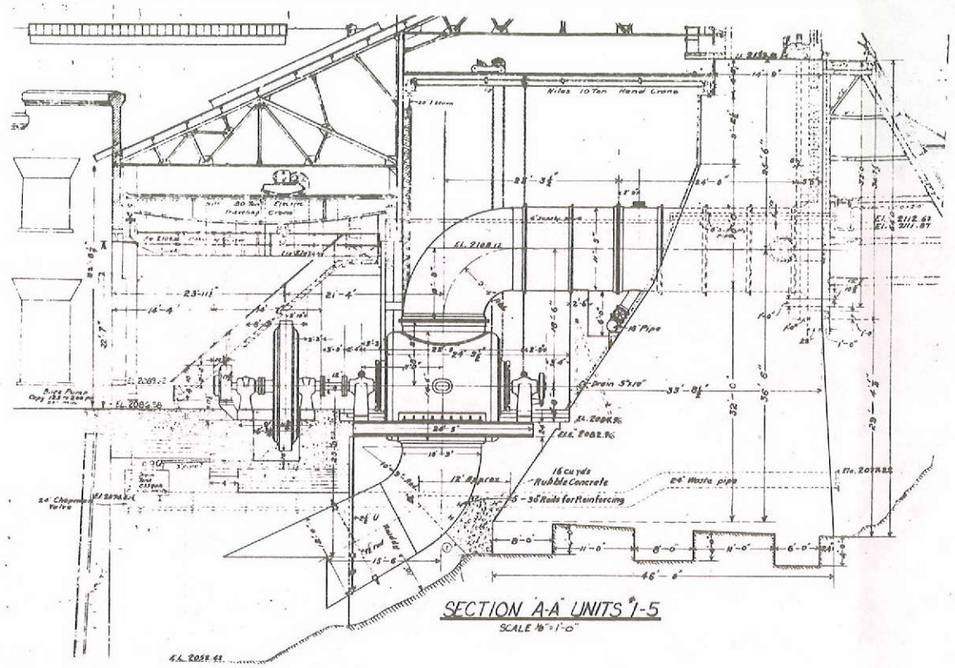


HYDRO-ELECTRIC PLANT
AT
POST FALLS, IDAHO.
SCALE ⅛"=1'-0"

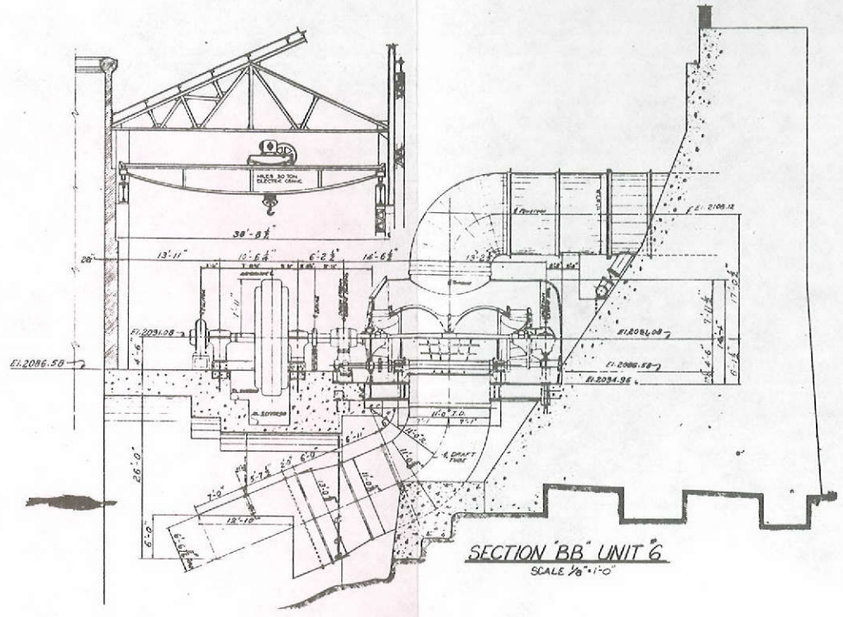
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THE WASHINGTON WATER POWER CO.
BY _____
CHAIRMAN OF THE BOARD

EXHIBIT F
PROJECT NO. 2545
SPOKANE RIVER PROJECT
POST FALLS HE DEVELOPMENT
POWERHOUSE PLAN & HEADGATE
THE WASHINGTON WATER POWER CO.
SHEET 3 OF 8 SCALE: AS SHOWN

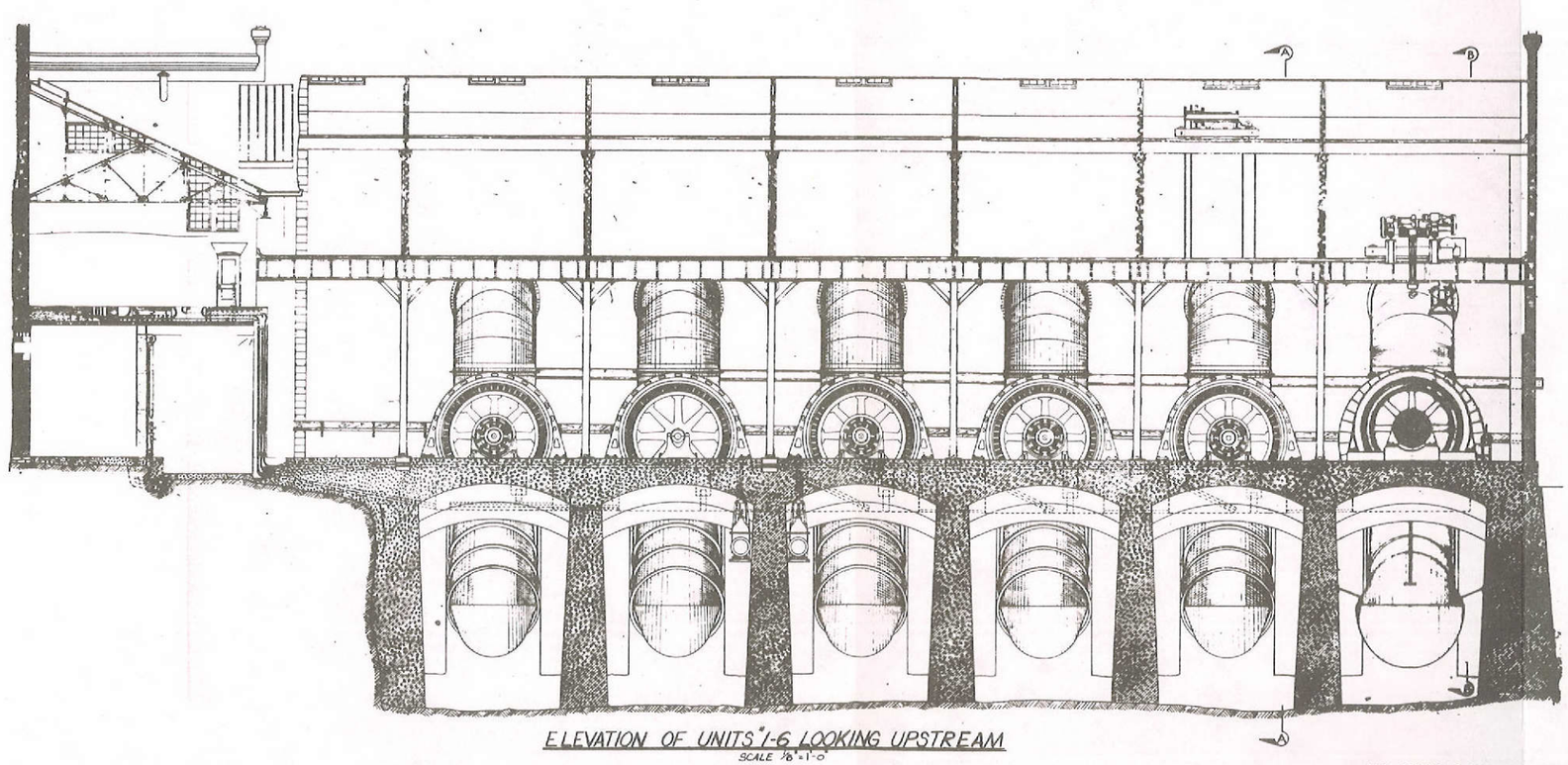
FERC NO. 2545-93



SECTION A-A UNITS 1-5
SCALE 1/8"=1'-0"



SECTION "BB" UNIT 6
SCALE 1/8"=1'-0"



ELEVATION OF UNITS 1-6 LOOKING UPSTREAM
SCALE 1/8"=1'-0"

UNITS 1 THROUGH 5

NOTES:

TURBINES- FRANCIS (DOUBLE HORIZONTAL)
3,260 HP - 138 RPM - 50' HEAD

GENERATORS- 2,250 KW
138 RPM, 3Ø, 60 CYCLE, 2,300 VOLTS, 565 AMPS

MAIN POWER TRANSFORMERS
16,000 KVA, 3Ø, 2,300-115,000 VOLTS

UNIT 6

TURBINE- FRANCIS (DOUBLE HORIZONTAL)
5,500 HP - 164 RPM, 48' HEAD

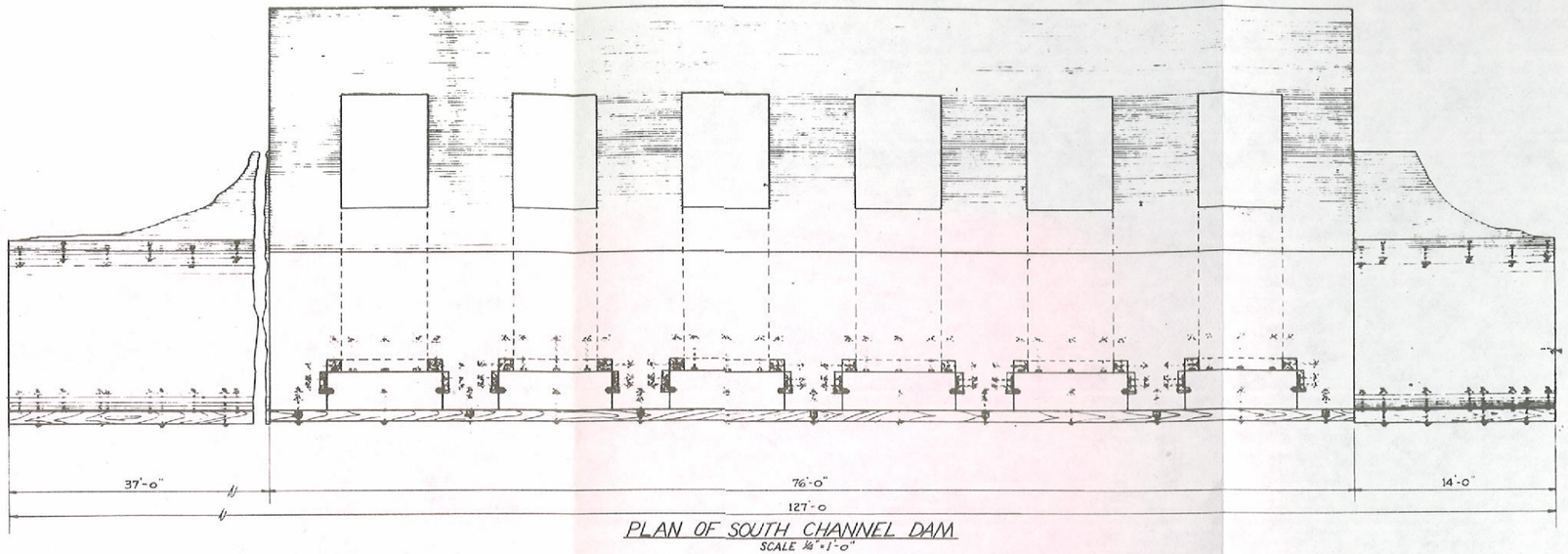
GENERATOR- 4,375 KVA
3,500 KW AT 0.80 P.F.
164 RPM, 3Ø, 60 CYCLE, 2,300 VOLTS

MAIN POWER TRANSFORMER
4687 KVA, 3Ø, 2,300-115,000 VOLTS

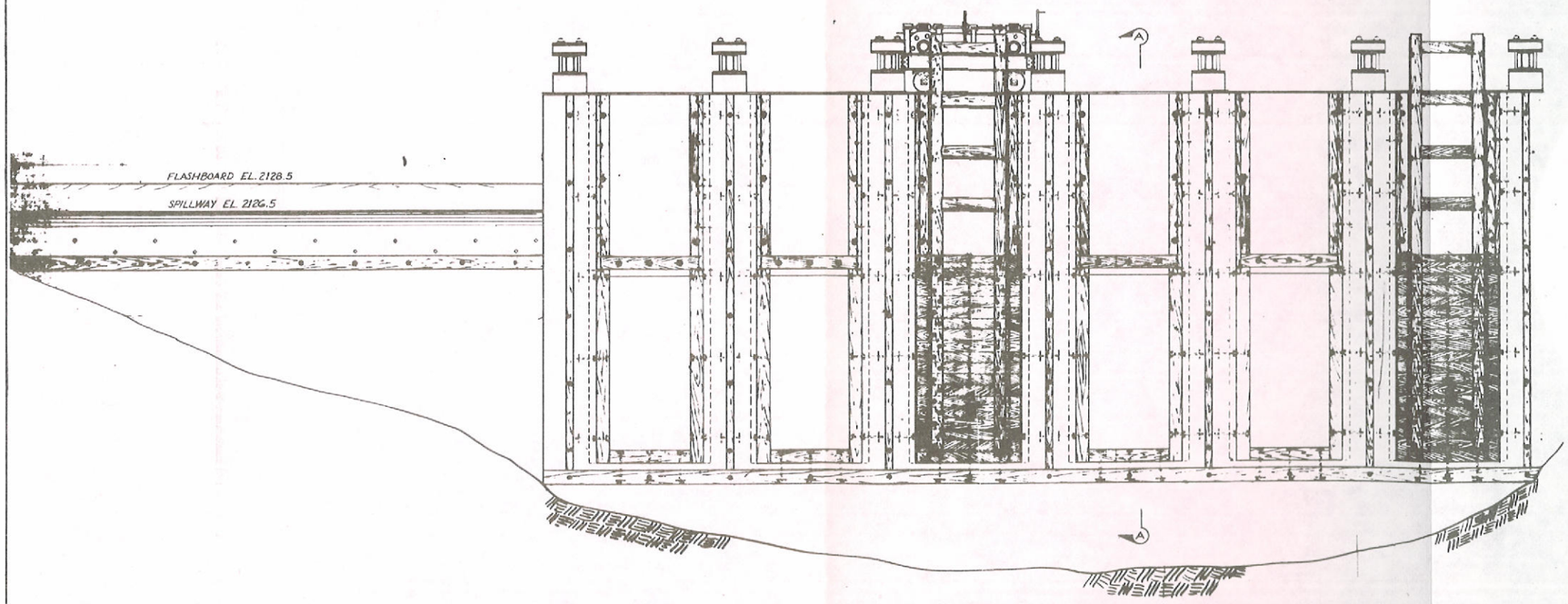
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THE WASHINGTON WATER POWER CO.
BY W. J. Peterson
CHAIRMAN OF THE BOARD

EXHIBIT F
PROJECT NO. 2545
SPOKANE RIVER PROJECT
POST FALLS HE DEVELOPMENT
MIDDLE CHANNEL DAM & POWERHOUSE, ELEV. & SECT.
THE WASHINGTON WATER POWER CO.
SHEET 4 OF 8 SCALE: 1/8"=1'-0"

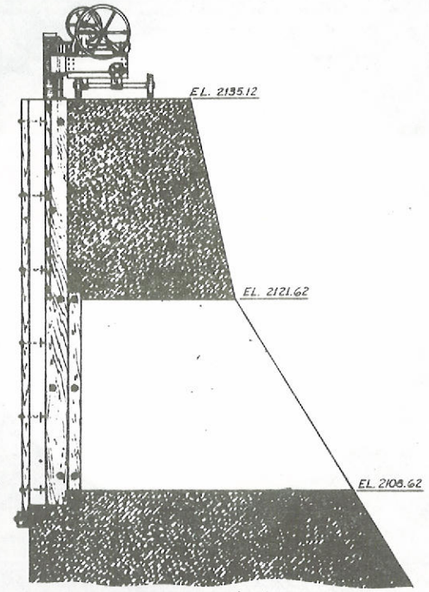
FERC NO. 2545-94



PLAN OF SOUTH CHANNEL DAM
SCALE 1/8"=1'-0"



SOUTH CHANNEL DAM
LOOKING DOWNSTREAM
SCALE 1/8"=1'-0"

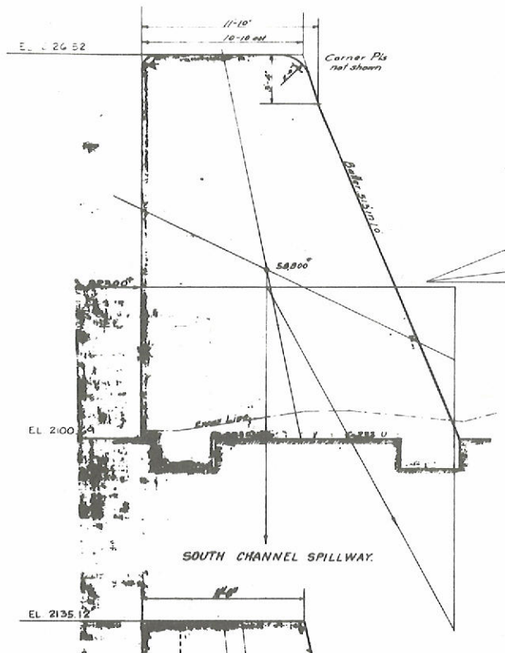


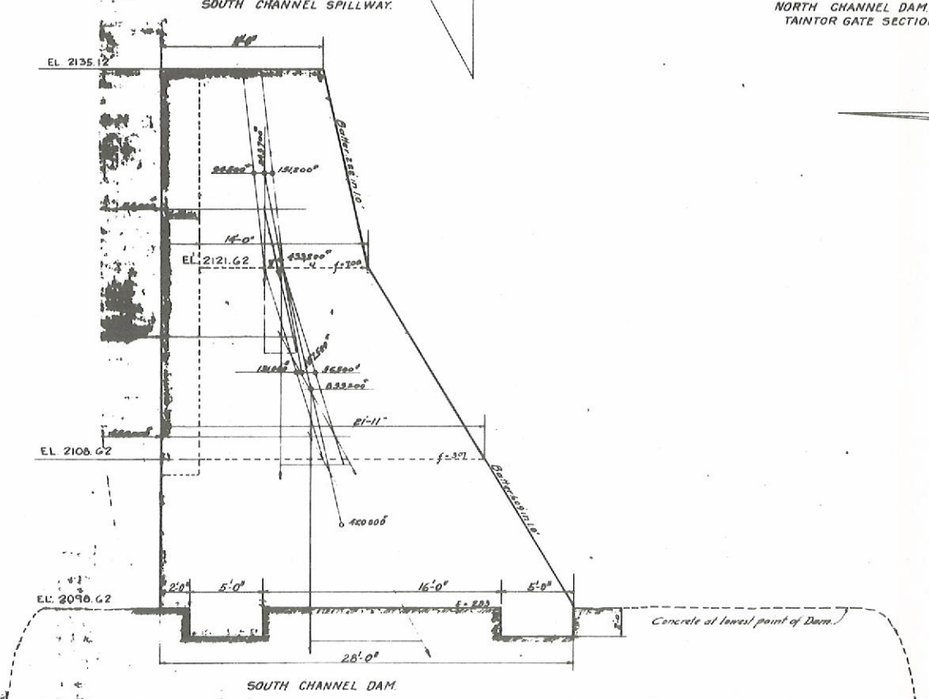
SECTION AA'
SCALE 1/8"=1'-0"

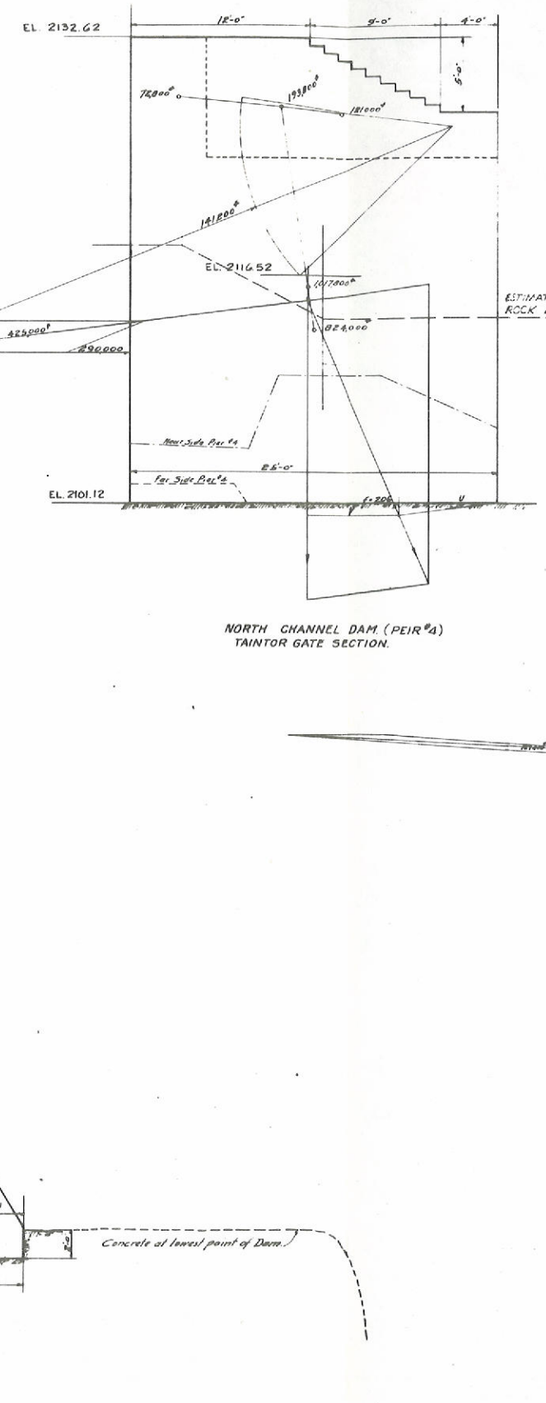
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THE WASHINGTON WATER POWER CO.
BY W. J. Lattie
CHAIRMAN OF THE BOARD

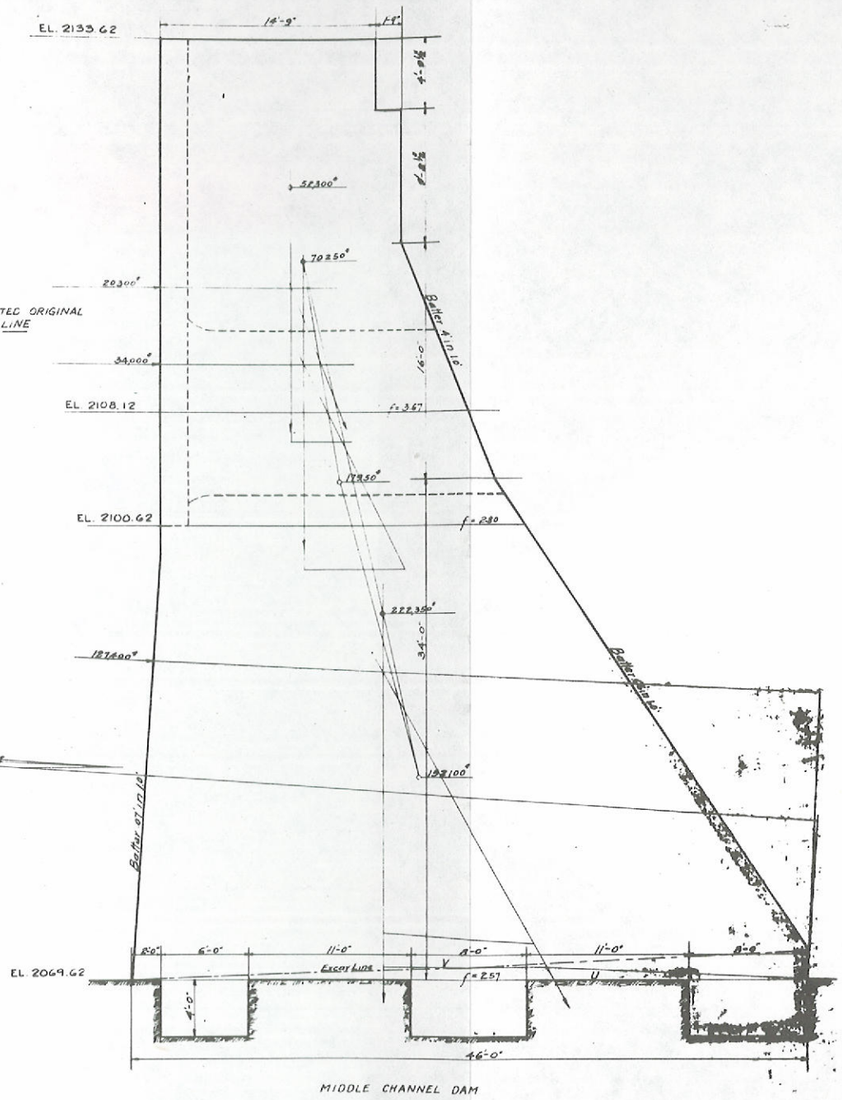
EXHIBIT F
PROJECT NO. 2545
SPOKANE RIVER PROJECT
POST FALLS HE DEVELOPMENT
SOUTH CHANNEL; PLAN, ELEVATION & SECTION
THE WASHINGTON WATER POWER CO.
SHEET 5 OF 8 SCALE 1/4"=1'-0"

FERC NO. 2545-95





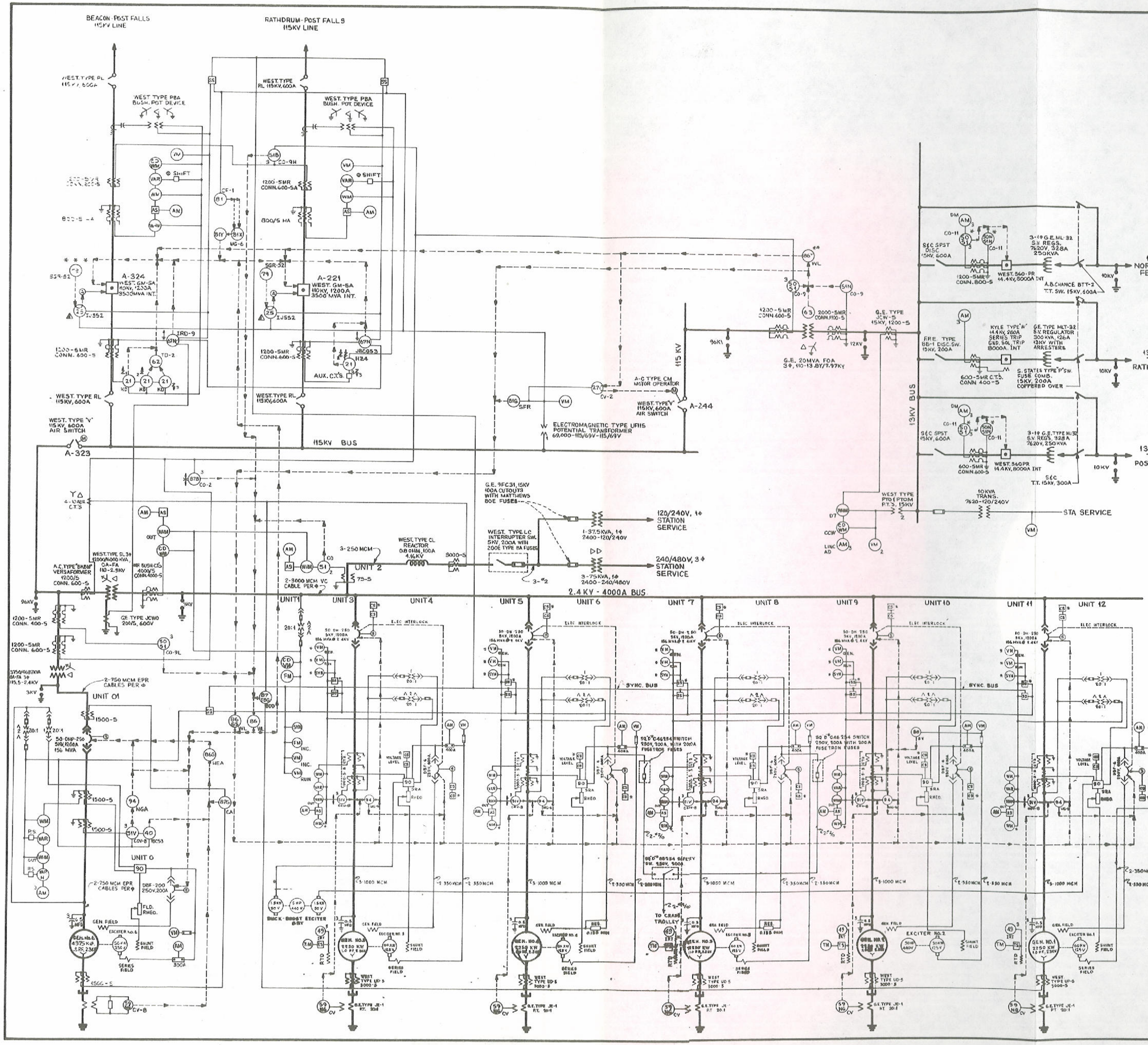




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THE WASHINGTON WATER POWER CO.
BY W. P. Gates
CHAIRMAN OF THE BOARD

EXHIBIT F
PROJECT NO. 2545
SPOKANE RIVER PROJECT
POST FALLS HE DEVELOPMENT
STABILITY ANALYSIS
THE WASHINGTON WATER POWER CO.
SHEET 6 OF 8 SCALE: 1/4"=1'-0"

FERC NO. 2545-96



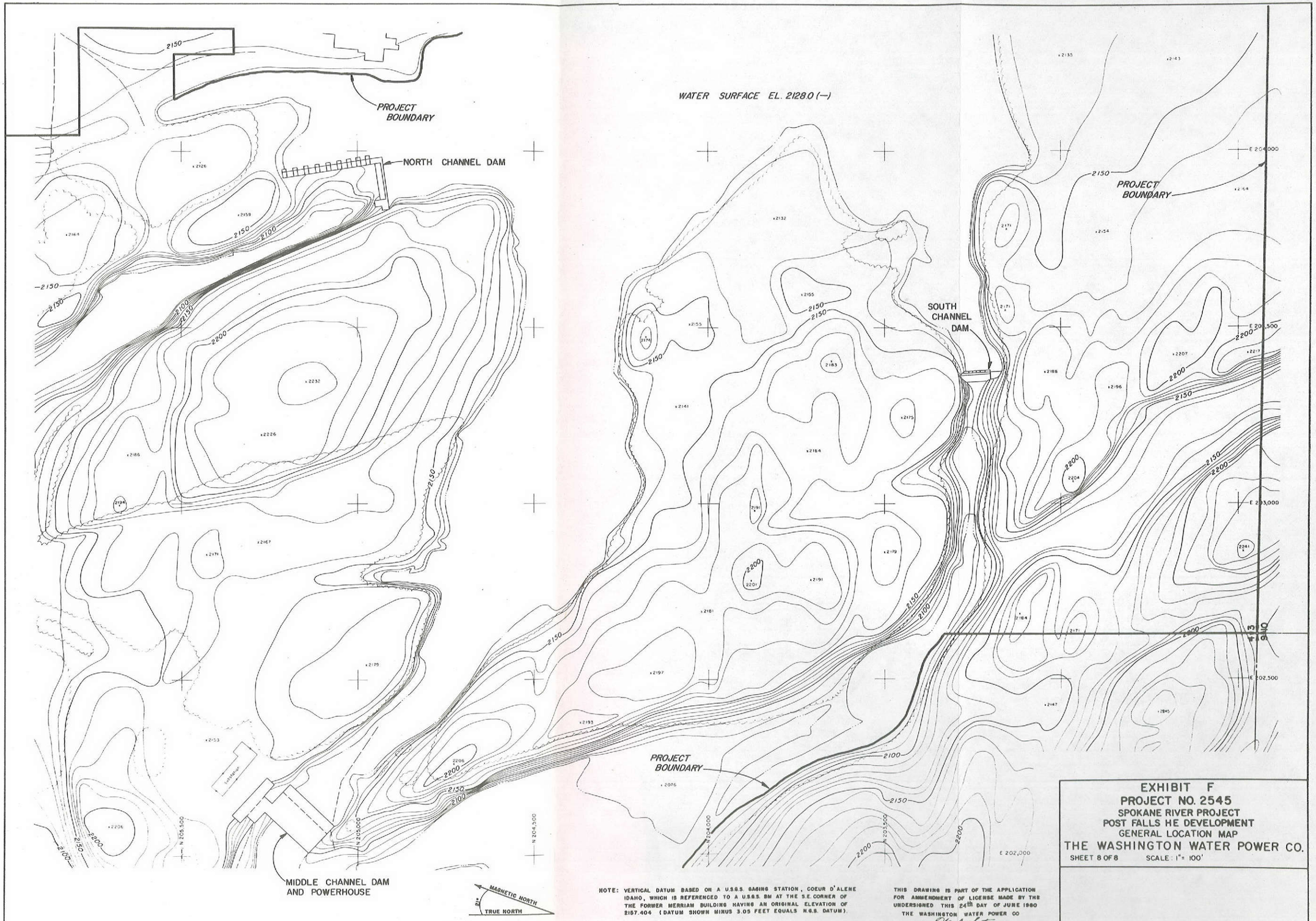
THIS DRAWING IS PART OF THE APPLICATION FOR AMMENDMENT OF LICENSE MADE BY THE UNDERSIGNED THIS 21ST DAY OF FEB. 1980

THE WASHINGTON WATER POWER CO.

BY [signature]
CHAIRMAN OF THE BOARD

EXHIBIT F
PROJECT NO. 2545
SPOKANE RIVER PROJECT
POST FALLS HE DEVELOPMENT
ELECTRICAL SCHEMATIC
THE WASHINGTON WATER POWER CO.
SHEET 7 OF 8 SCALE: NONE

FERC NO. 2545-97



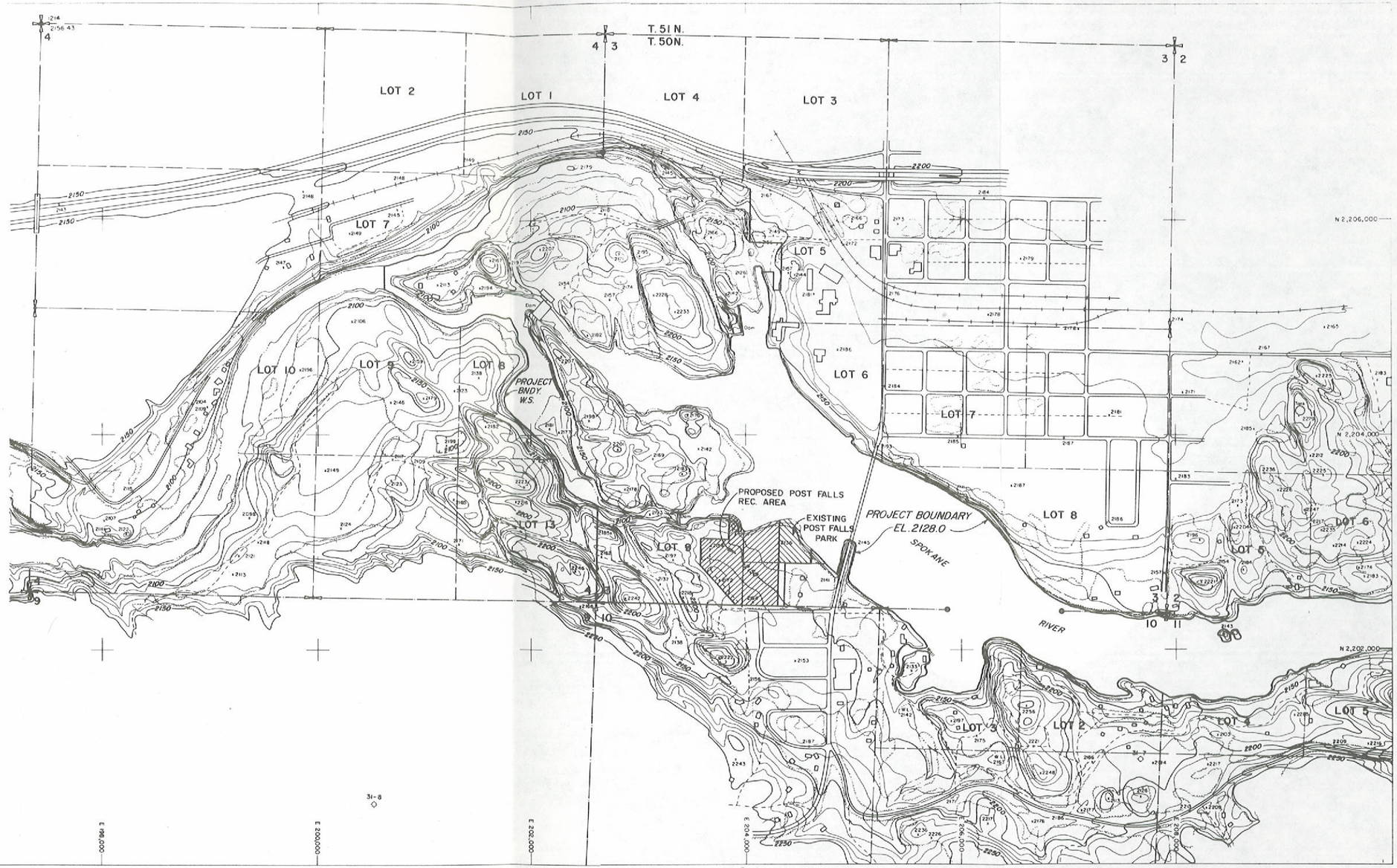
NOTE: VERTICAL DATUM BASED ON A U.S.G.S. GAGING STATION, COEUR D'ALENE IDAHO, WHICH IS REFERENCED TO A U.S.G.S. BM AT THE S.E. CORNER OF THE FORMER MERRIAM BUILDING HAVING AN ORIGINAL ELEVATION OF 2157.404 (DATUM SHOWN MINUS 3.05 FEET EQUALS N.G.S. DATUM).

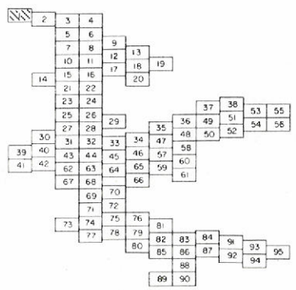
THIS DRAWING IS PART OF THE APPLICATION FOR AMMENDMENT OF LICENSE MADE BY THE UNDERSIGNED THIS 24th DAY OF JUNE 1980
THE WASHINGTON WATER POWER CO
BY _____
CHAIRMAN OF THE BOARD

EXHIBIT F
PROJECT NO. 2545
SPOKANE RIVER PROJECT
POST FALLS HE DEVELOPMENT
GENERAL LOCATION MAP
THE WASHINGTON WATER POWER CO.
SHEET 8 OF 8 SCALE: 1"= 100'



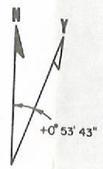
FERC NO. 2545- 99





Photogrammetry by
Aerial Mapping Company
Boise, Idaho

Ground Control Surveys by
JUB Engineers, Inc.
Boise, Idaho



T. 50 N. R. 5 W.B.M.
KOOTENAI CO., IDAHO

400 0 400 800 1200 1600 2000

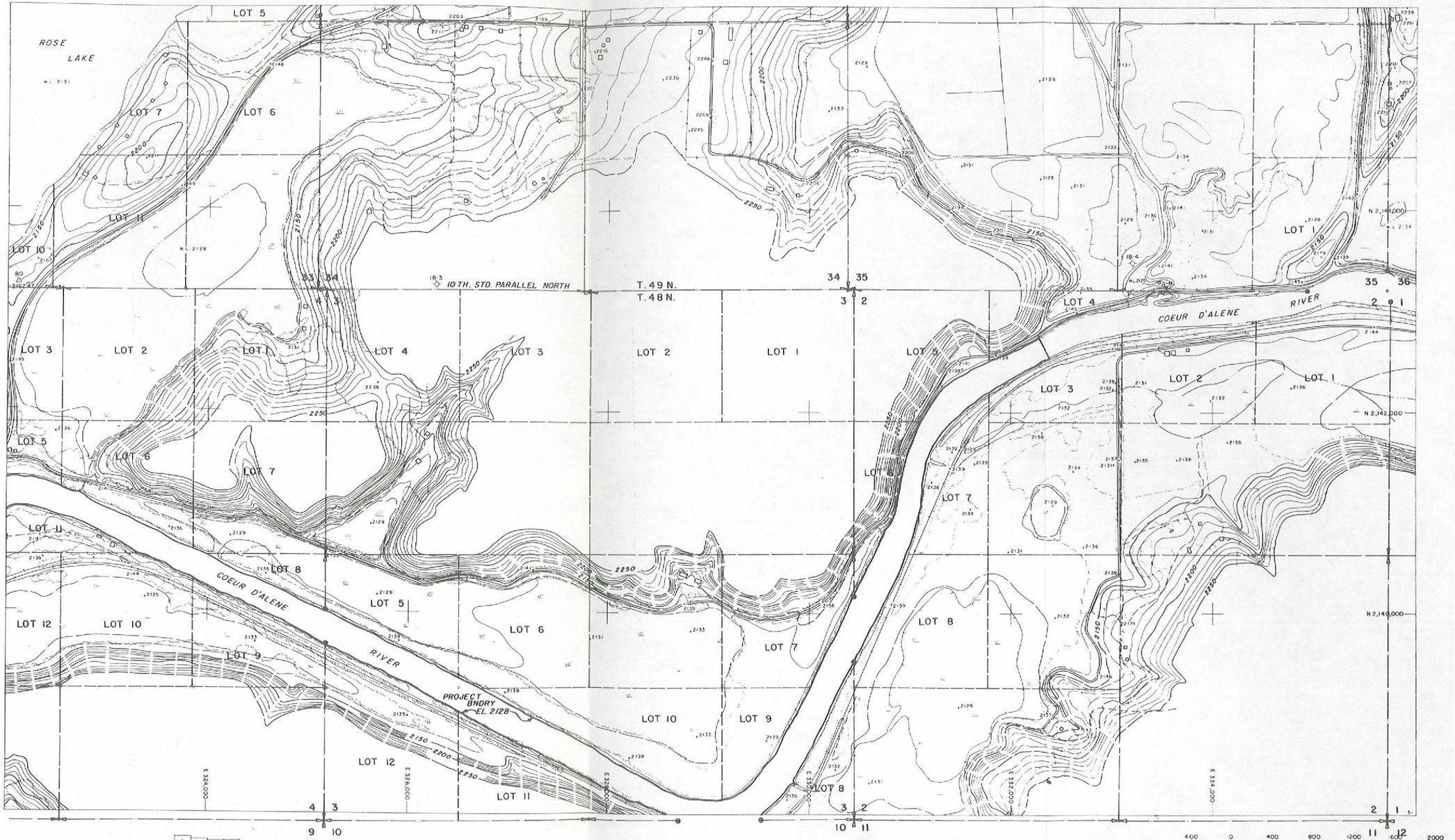
NOTE VERTICAL DATUM BASED ON A USGS GAGING STATION, COEUR D'ALENE, IDAHO, WHICH IS REFERENCED TO A USGS BM AT THE SE CORNER OF THE FORMER MERRIAM BUILDING HAVING AN ORIGINAL ELEVATION OF 2157.404 (DATUM SHOWN MINUS 3.05 FEET EQUALS NGS DATUM).

THIS DRAWING IS PART OF THE APPLICATION FOR AMENDMENT OF LICENSE MADE BY THE UNDERSIGNED THIS 21st DAY OF FEB 1980

THE WASHINGTON WATER POWER CO
BY _____
CHAIRMAN OF THE BOARD

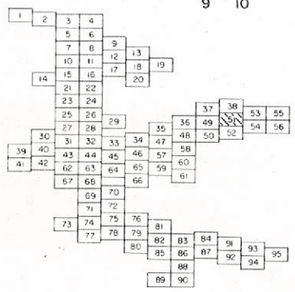
EXHIBIT G
PROJECT NO. 2545
SPOKANE RIVER PROJECT
POST FALLS HE DEVELOPMENT
PROJECT MAP
THE WASHINGTON WATER POWER CO.
SHEET 1 OF ___ SCALE 1"=400' CONTOUR INTERVAL 10'

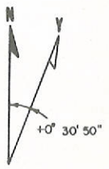
FERC NO. 2545-100



Photogrammetry by
Aerial Mapping Company
Boise, Idaho

Ground Control Surveys by
JUB Engineers, Inc.
Boise, Idaho





VERTICAL DATUM BASED ON A U.S.G.S. GAGING STATION, COEUR D'ALENE, IDAHO, WHICH IS REFERENCED TO A U.S.G.S. BM AT THE S.E. CORNER OF THE FORMER MEFFIAM BUILDING HAVING AN ORIGINAL ELEVATION OF 2157.404 (DATUM SHOWN MINUS 3.05 FEET EQUALS N.G.S. DATUM).

T. 48 & 49 N. R. I W.B.M.
KOOTENAI CO., IDAHO

THIS DRAWING IS PART OF THE APPLICATION FOR AMMENDMENT OF LICENSE MADE BY THE UNDERSIGNED THIS 21 DAY OF FEB.
THE WASHINGTON WATER POWER CO.
BY W. J. Foster
CHAIRMAN OF THE BOARD

EXHIBIT G
PROJECT NO. 2545
SPOKANE RIVER PROJECT
POST FALLS HE DEVELOPMENT
PROJECT MAP
THE WASHINGTON WATER POWER CO.

SHEET 51 OF 95 SCALE 1"=400' CONTOUR INTERVAL 10'

FERC NO. 2545-101

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 95-08003

Priority: March 17, 1980 Maximum Diversion Rate: 1150.00 CFS

This is to certify, that WASHINGTON WATER POWER CO
PO BOX 3727
SPOKANE WA 99220 has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated March 17, 1980; and has submitted Proof of Beneficial Use on November 15, 1984. An examination indicates that the works have a diversion capacity of 1401.000 cfs of water from:

SPOKANE RIVER tributary to **COLUMBIA RIVER**

source, and a water right has been established as follows:

BENEFICIAL USE	PERIOD OF USE	RATE OF DIVERSION
POWER	01/01 to 12/31	1150.00 CFS

LOCATION OF POINT(S) OF DIVERSION: SENE , Sec. 4, Township 50N, Range 05W
KOOTENAI County

PLACE OF USE: POWER

TWN	RGE	SEC	
50N	05W	4	SENE

CONDITIONS OF APPROVAL AND REMARKS

1. This water right is appurtenant to the described place of use.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. The rights for the use of water confirmed in this license shall be junior and subordinate to all rights for the use of water other than hydropower, within the State of Idaho that are initiated later in time than the priority of this right and shall not give rise to any right or claim against any future rights for the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this right.
5. Use of water under this right shall be non-consumptive.

RECORDED

SEP 12 1996

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 95-08003

CONDITIONS OF APPROVAL AND REMARKS

6. The diversion and use of water under this license is subject to review by the Director after the date of expiration of the license issued by the Federal Energy Regulatory Commission for Project No. 2545-004. Upon appropriate findings relative to the interest of the public, the Director may cancel all or any part of the use authorized herein and may revise, delete or add conditions under which the right may be exercised.
7. Water used under this right shall meet Idaho Water Quality Standards.
9. This license is for operation of the sixth turbine installed at the Post Falls Hydroelectric Development.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 28TH day of JUNE, 1996.

KARL J. DREHER, Director

DWR

RECEIVED
SEP 18 1996

Form 202
3/78

Ident. No. 95-8003

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

To appropriate the public waters of the State of Idaho

1. Name of applicant The Washington Water Power Company Phone (509) 489-0500

   Post office address P. O. Box 3727, Spokane, Washington 99220

2. Source of water supply Spokane River which is a tributary of Columbia River

3. Location of point of diversion is SE ¼ of NE ¼ of Section 4 Township 50N

   Range 5 W. B.M. Kootenai County, additional points of diversion if any: ____

4. Water will be used for the following purposes:

   Amount 1160cfs (cfs or acre-feet per annum) for power generation purposes from January 1 to December 31 (both dates inclusive)

   Amount _____ (cfs or acre-feet per annum) for _____ purposes from _____ to _____ (both dates inclusive)

   Amount _____ (cfs or acre-feet per annum) for _____ purposes from _____ to _____ (both dates inclusive)

   Amount _____ (cfs or acre-feet per annum) for _____ purposes from _____ to _____ (both dates inclusive)

5. Total quantity to be appropriated: (See remarks in Part 10.)

   a. 1160 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

   a. Description of ditches, flumes, pumps, headgates, etc. A sixth turbine generator of 5500 B.H.P. in existing powerhouse dam across middle channel.

   b. Height of storage dam _____ feet, active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet, materials used in storage dam: (See remarks in Part 10.)

      Period of year when water will be diverted to storage _____ (Month/Day) to _____ (Month/Day) inclusive.

   c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 2 years *(minimum 1 year – maximum 5 years).*

8. Description of proposed uses:
   a. If water is not for irrigation:
      (1) Give the place of use of water: SE ¼ of NE ¼ of Section 4 Township 50 North, Range 5 W B.M.

      (2) Amount of power to be generated: 5500 horsepower under 48 feet of head.

      (3) List number of each kind of livestock to be watered _____

      (4) Name of municipality to be served _____, or number of families to be supplied with domestic water _____.

      (5) If water is to be used for other purposes describe: _____

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total number of acres to be irrigated _____

c. Describe any other water rights used for the same purposes as described above. _____

See remarks in Part 10.

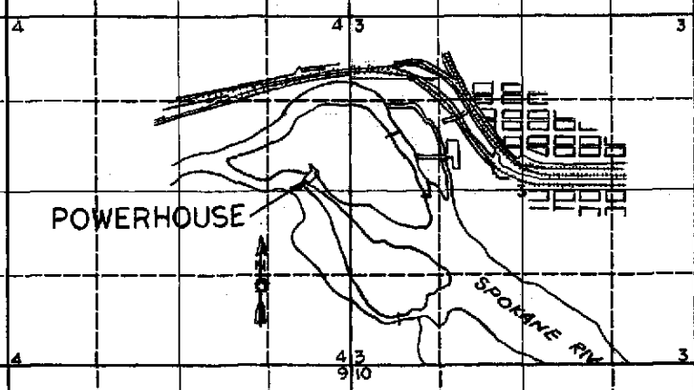
9. a. Who owns the property at the point of diversion The Washington Water Power Company

b. Who owns the land to be irrigated or place of use The Washington Water Power Company

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing _____

10. Remarks The Washington Water Power Company claims the right to use all of the water of the Spokane River at Post Falls for water power purposes. The Company owns all of the land on which the Post Falls dams and water power works are located. The date of priority of such claim is June 1, 1871, which was confirmed March 3, 1891, by Act of Congress (26 Stat. 989). A U.S. Patent was issued to Frederick Post for the land and water power at the Post Falls site. The Company has acquired the land and water power rights. The Company claims certain reservoir rights dating prior to 1943. The purpose of this application is to acquire whatever authority that may be appropriate for the use of water in an additional water power turbine in the existing water power facilities at Post Falls. When the present water power facilities were constructed, the powerhouse was built to accommodate six (6) turbines. Only five (5) were initially installed. The Company now desires to install the sixth turbine. By this application, the Company is not waiving any water rights it owns in connection with the Post Falls works and reservoir. The Company's prior rights will be registered at a later time.

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number. T. 50 N. R. 5 W.B.M.



Scale: 2 inches equal 1 mile.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

THE WASHINGTON WATER POWER COMPANY

Richard M. Hoffett

(Applicant)

Rights of Way Supervisor

Proposed Priority 3/17/1980

Received by [illegible] Date 3/17/80 Time 10:58

Preliminary check by RJA Fee $ 92-30 1,557.00

Receipted by [illegible] Date 3/20/80 (16869)

Publication prepared by [illegible] Date 3/20/80

Published in Coeur d'Alene Press

Publication dates 3/27/80 4/3/80

Publication approved [illegible] Date 4/8/80

Protests filed by: none

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for (approval) denial by RJA

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 95-8003, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

   a. SUBJECT TO ALL PRIOR WATER RIGHTS.

   b. Proof of construction of works and application of water to beneficial use shall be submitted on or before March 1, 19 85.

   c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

   d. Other: For licensing purposes, a scientific measurement of the diversion rate of the system as it is normally operated shall be provided by either properly installing an approved type of measuring device or by having a professional engineer certify the rate of diversion to the Department prior to submitting proof of beneficial use of water.

   This permit is subject to the provisions of Sections 42-205 through 42-210, Idaho Code, restricting the sale, transfer, assignment, or mortgage of this permit. Failure to comply with these provisions is cause for immediate cancellation of this permit.

   Use of water under this permit is subordinated to future diversion of water either upstream or downstream for irrigation or other consumptive beneficial uses.

   This permit does not constitute Idaho Public Utilities Commission or Federal Energy Regulatory Commission approval that may be required.

   The issuance of this permit in no way grants any right-of-way or easement across the land of another.

Witness my hand this 24th day of February, 1983.

L. Glen Saxton

Chief, Operations Bureau

Form 205
7/81

Ident. No. 95-8003

RECEIVED
AUG 3 1981
Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
AFFIDAVIT FOR WATER RIGHTS TO BE USED
FOR POWER PURPOSES

Ownership of Facilities: (To be completed for hydropower projects only)

The hydropower facility to be developed pursuant to the attached Application for Permit:

(check one)

☒ Will not utilize existing man-made irrigation facilities such as a dam or a canal.

☐ Will utilize existing man-made irrigation facilities such as a dam or a canal, and permission of the owner is documented in an affidavit attached hereto.

☐ Will utilize existing man-made irrigation facilities such as a dam or a canal and the owner of the facilities is the signee of this affidavit.

THE WASHINGTON WATER POWER COMPANY

Rolland H. Benton
Applicant Chief Civil Engineer

State of Washington)
County of Spokane) ss.

On this 29th day of July, 19 81, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (~~she~~)(~~they~~) executed the same.

J. Richard Moffatt
Notary Public residing at Spokane, Washington.

seal

My commission expires:

10/22/84

AFFIDAVIT TO ESTABLISH RESIDENCE OR QUALIFICATION TO DO BUSINESS UNDER THE LAWS OF IDAHO

I, ROBERT L. STRENGE, of Spokane, Washington, County of Spokane, Washington, being first duly sworn, depose and say:

That I am an Assistant Secretary of The Washington Water Power Company, of Spokane, Washington, and I am familiar with the Corporate records of The Washington Water Power Company, and that The Washington Water Power Company is a legal Corporation qualified to do business in the State of Idaho under the laws of the State of Idaho.

Robert L. Strenge

Subscribed and sworn to before me this 28th day of April, 1980.

Terry L. Symes
Notary Public
Residence Spokane, Washington
My commission expires:
November 13, 1983

RECEIVED
Department of Water Resources
Northern District Office

AFFIDAVIT OF PUBLICATION

NOTICE OF APPLICATION FOR WATER RIGHT

Notice is hereby given that the following application(s) have been submitted for permit to appropriate the public waters of the State of Idaho:

95-8003
WASHINGTON WATER POWER CO.
P. O. Box 3727, SPOKANE, WA 99220
Source: SPOKANE RIVER tributary to COLUMBIA RIVER
Date Filed: 03/17/1980
Amount: 1160.00 CFS
Diversion Point: SENE Sec 04 T 50N R 05W, KOOTENAI Co.
Use: POWER (1160.00 CFS) from 01/01 to 12/31
Place of Use: SENE Sec 04 T 50N R 05W
Diversion Means: TURBINE GENERATOR.

If issued, the permit(s) will be subject to all prior water rights. Protests against the granting of any permit must be filed with the director of the Idaho Department of Water Resources, 4055 Gov't Way, Coeur d'Alene, Id, 83814 on or before APRIL 14, 1980.

C. STEPHEN ALLRED
Director

Legal 772
March 27, Apr. 3, 1980

STATE OF IDAHO,
County of Kootenai, } ss.

Carol Hedge being first duly sworn upon oath deposes and says:

1. I am now and at all times hereinafter mentioned was a citizen of the United States, resident of the State of Idaho, over the age of twenty-one years and not a party of the above entitled action.

2. I am now and at all times hereinafter mentioned was the printer (principal clerk) of the "Coeur d'Alene Press," a newspaper printed and published daily except Sunday in Coeur d'Alene, Kootenai County, Idaho, and having a general circulation in said county.

3. The Notice

of which the annexed is a printed copy, was published in the regular Issue issue of said newspaper for 2 consecutive weeks commencing on the 27 day of March, 1980, and ending on the 3 day of April, 1980, and such publication was made as often during said period as said daily newspaper was regularly issued.

4. That said newspaper has been continuously and uninterruptedly published in said Kootenai County, during a period of more than seventy-eight consecutive weeks immediately prior to the first publication of said notice

Carol Hedge

Subscribed and sworn to before me this 3 day of April, 1980

Roberta Manley
Notary Public for the State of Idaho, residing at Coeur d'Alene, Idaho.

LEADER 12.96

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098
Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

February 19, 1999

Deb Mortlock
Washington Water Power Company
P.O. Box 3727
Spokane, Washington 99220-3727

Dear Ms. Mortlock:

RE: Draft Application for License, Cabinet Gorge Hydroelectric Project, FERC 2058

The letter of October 15, 1998, from Larry La Bolle on the above project requested comments to you by January 15, 1999. Our letter is recognized to be late; however, comments felt to be appropriate are quite minor in relation to FERC's responsibility but generally relate to state of Idaho water rights for the project. This letter results from my discussion with Larry La Bolle on February 17.

In regard to the Draft Application for License, on page 3-14 of the Draft Collaboratively Prepared Environmental Assessment under Idaho Water Rights, we would have preferred a listing of the License and Certificate of Water Right document numbers. These documents are as follows:

96-02179 with priority date of September 7, 1950 for 25,000 cfs
96-02180 with priority date of November 7, 1950 for 10,000 cfs (not September 7, 1950)
96-02269 with priority date of November 3, 1961 for 700 cfs

It should be noted there is no storage license of record for the Cabinet Gorge Reservoir. Therefore a Claim to a Water Right under Idaho Code 42-243 should be filed in the near future on a Idaho Department of Water Resources form no. 243, Claim to a Water Right (Statutory Claim). According to page A-4 of the draft license application, the claim would be for 105,000 acre-feet for storage and 42,780 acre-feet for use from storage for hydroelectric use.

On page 4-45, the reference to the Idaho Water Resource Board's State Water Plan should reference the January 1997 edition not a December 1986 edition.

For the Draft License Application in the Initial Statement under item 6, compliance with each of the laws cited, it would have been beneficial to repeat the above license information with a summary of the claim information. This compliance section, as you know, was not provided in the draft application for license.

In regard to the name change to Avista Corporation, good business practice suggests a name/address change filing either by letter or on form no. 42-248/42-1409(6), Notice of Change of Water Right Ownership, would be made for Idaho water rights [Cabinet Gorge, Post Falls, and any others (?)].

This letter or form should include a listing of the water rights and a copy of the document(s) that makes the legal name change. A partial review of our data base lists the following additional Idaho water filings:

Filing No.	Priority Date	Source	Quantity
95-04518	01/01/1907	Spokane River	4,250 cfs (for Post Falls) (a claim)
95-08003	03/17/1980	Spokane River	1,150 cfs (for Post Falls)
82-02070	03/11/1926	Moores Lake	715 ac-ft (power) in 71 acre lake

Water transferred to Moores Lake Creek to Johns Creek to S.F. Clearwater R. (Storage in T. 26 N., R. 05 S., Sec. 6, NENE., B.M. Transferred from Inland Power & Light Co. A court likely would rule this licensed right forfeited because of non-use.)

95-02205	02/21/1967	Groundwater	0.29 cfs (domestic)
95-04027	09/01/1963	Groundwater	1.20 cfs (domestic)
95-07185	04/03/1972	Groundwater	1.39 cfs (domestic)
95-07271	04/03/1973	Groundwater	0.83 cfs (municipal)
95-08432	01/30/1984	Groundwater	0.08 cfs (domestic)
95-02172	Lapsed		

Both the claim and name change filings may be made through our regional office located in Coeur d'Alene, Idaho, telephone number (208) 769-1450. Forms are enclosed with a copy of this letter to Larry La Bolle and also can be duplicated from internet at www.idwr.state.us.id/idwr/idwrhome.htm.

We have deferred a concern about erosion below Cabinet Gorge Dam to the oversight review and recommendations of the Idaho Division of Environment and the Idaho Department of Fish and Game.

Sincerely,

Ralph Mellin

Ralph Mellin
Special Projects Coordinator

c: Larry La Bolle, Avista Relicensing Project Manager, w/enclosures
Bob Haynes, IDWR Northern Regional Office

RECEIVED
FEB 0 9 1999
Department of Water Resources

95-8003
95-4518

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Washington Water Power Company)	Project Nos. 2058-013,
Avista Corporation)	2075-013, 2544-026
)	and 2545-066

ORDER AMENDING LICENSE
(Issued February 2, 1999)

Washington Water Power Company has requested that its licenses 1/ for the Cabinet Gorge Project, FERC No. 2058, Noxon Rapids Project, FERC No. 2075, Meyers Falls Project, FERC No. 2544, and Spokane River Project, FERC No. 2545, be amended to reflect its new name Avista Corporation. The projects are located on the Clark Fork River, in Bonner County, Idaho and Sanders County, Montana; Clark Fork River in Sanders County, Montana; Colville River in Stevens County, Washington; and Spokane River in Spokane, Stevens, and Lincoln Counties, Washington.

The Director orders:

(A) The licenses for the Cabinet Gorge, Noxon Rapids, Meyers Falls, and Spokane River Projects are amended to change the licensee's name from Washington Water Power Company to Avista Corporation.

(B) This order constitutes final agency action. Requests for rehearing by the Commission may be filed within 30 days of the date of issuance of this order, pursuant to 18 C.F.R. § 385.713.

Joseph A. Morgan

J. Mark Robinson
Director
Division of Licensing and Compliance

1/ 75 FERC ¶ 61,267 (1996).

P-95-8007

L-95-4518

84 FERC ¶62,056

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Washington Water Power Corporation) Project No. 2545-057

ORDER APPROVING AS-BUILT EXHIBIT F AND
REASSIGNING ACTIVE EXHIBIT DRAWING NUMBERS

(Issued July 20, 1998)

On January 3, 1997, Washington Water Power Corporation (WWP), licensee for the Spokane River Project, FERC No. 2545, filed an as-built exhibit drawing of the modified intake structure at the Monroe Street Hydroelectric Development. The Project is located in Spokane, Stevens, and Lincoln Counties, Washington.

REVIEW

WWP filed the as-built exhibit drawing as an Exhibit L, entitled "Monroe Street Intake Structure", showing the replacement of inclined trash racks with vertical racks and the addition of a trash transport system, which WWP completed in November of 1995. The exhibit drawing conforms to the Commission's Rules and Regulations and is approved by this order. To be consistent with the current nomenclature of naming exhibit numbers for the Monroe Street Development, ordering paragraph (A) of this order will approve the January, 1997 as-built exhibit drawing as "Exhibit F-9: Monroe Street Development - Intake Structure".

ADDITIONAL REVIEW

While reviewing the licensee's filing, staff found several inconsistencies in certain exhibit drawings and exhibit numbers for some previously approved project drawings. Therefore, we are taking this opportunity to correct these inconsistencies and prepared a table in ordering paragraph (B) summarizing the following modifications:

- FERC drawing numbers 2545-79 through 2545-84 were superseded in Commission Order Amending License; 1/ however, they were not formally deleted from the project license. Ordering paragraph (B) of this order formally deletes these drawing numbers from the project license.

1/ 51 FERC ¶62,318, Order Amending License, June 28, 1990.

RECEIVED
JUL 27 1998
Department of Water Resources

- To be consistent with the current nomenclature of naming the exhibit numbers for the Nine Mile Development, Exhibits L-19 and L-20 (active drawing numbers 2545-21 and 2545-22, respectively 2/) will be reassigned as Exhibits F-12 and F-13 (new drawing numbers 2545-204 and 2545-205, respectively).

The licensee was contacted on July 9, 1998, and agreed that reassigning exhibit numbers will help to keep track of the exhibits more efficiently. Since the FERC drawing numbers, exhibit numbers, and drawing titles identifying the active approved exhibit drawings will change, the licensee will be required to file updated aperture cards for the reassigned exhibits.

This order will also amend the project license to include the as-built exhibit drawing of the vertical trash racks and the trash transport system at the Monroe Street Hydroelectric Development.

The Director orders:

(A) The following as-built exhibit drawing for the Spokane River Project, filed on January 3, 1997, is approved and made part of the license:

OLD EXHIBIT No.	REASSIGNED EXHIBIT NO.	FERC DRAWING NO. 2545-	TITLE	SUPERSEDED DRAWING NO. 2545-
L	F-9	206	Monroe Street Development - Intake Structure	-

The superseded exhibit drawings are eliminated from the license.

(B) The following table represents the active drawings with the correct exhibit numbers approved by the Commission:

2/ 48 FPC 339, Order Issuing License (Major), August 17, 1972.

FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE. $300

WASHINGTON DC JUL 21'98

U.S. OFFICIAL MAIL
PENALTY FOR PRIVATE USE $300
PB METER 7250618
=032=
U.S. POSTAGE

P-2545 101465
LOREN HOLMES DISTRICT MGR
IDAHO DEPT. OF WATER RESOURCES
1301 NORTH ORCHARD ST. (ZIP 83706-2237
POST OFFICE BOX 83720-0098
BOISE, ID 83720-0098

DATE APPROVED	OLD EXHIBIT NO.	OLD FERC DRAWING NO. 2545-	DRAWING TITLE	REASSIGNED EXHIBIT NO.	REASSIGNED FERC DRAWING NO. 2545-
1/13/77	L-12	79	Monroe Street Development - General Plan & Elevation (plan views)	DELETED	
1/13/77	L-13	80	Monroe Street Development - Plan & Elevation	DELETED	
1/13/77	L-14	81	Monroe Street Development - Powerhouse Plan	DELETED	
1/13/77	L-15	82	Monroe Street Development - Intake Structure	DELETED	
1/13/77	L	83	Monroe Street Development - Headgates	DELETED	
1/13/77	L	84	Monroe Street Development - One-Line Diagram	DELETED	
8/17/72	L-19	21	Nine Mile Development - Powerhouse Cross Section (Units 1 and 2)	F-12	204
8/17/72	L-20	22	Nine Mile Development - Spillway Cross Section	F-13	205

(C) Within 90 days of the date of issuance of this order, the licensee shall file three sets of aperture cards of the approved drawings. The drawings should be reproduced on silver or gelatin 35 mm microfilm. The microfilm should be mounted on Type D (3¼" x 7⅜") aperture cards.

Prior to microfilming, the FERC Drawing Number (2545-204, 2545-205, and 2545-206) shall be shown in the margin below the title block of the approved drawing. After mounting, the FERC Drawing Number should be typed in the upper right corner of each aperture card. Additionally, the Project Number, FERC exhibit (i.e., F-12, F-13, and F-9), Drawing Title, and date of this order should be typed in the upper left corner of each aperture card. See Figure 1.

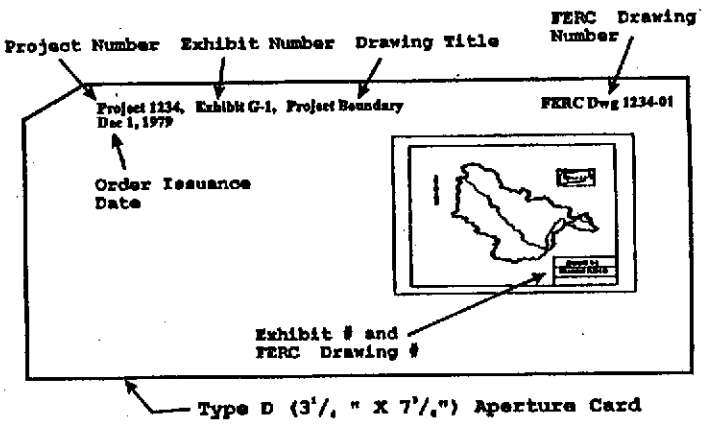


Figure 1. Sample Aperture Card Format

Two sets of aperture cards should be filed with the Secretary of the Commission. The remaining cards should be filed with the Commission's Portland Regional Office.

(D) This order constitutes final agency action. Requests for rehearing by the Commission may be filed within 30 days of the date of issuance of this order, pursuant to 18 C.F.R. § 385.713.

Joseph A Morgan

Carol L. Sampson
Director
Office of Hydropower Licensing

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

The Washington Water Power Co.) Project No. 2545-059

ORDER APPROVING PROJECT FEATURES
(Issued August 12, 1997)

In a letter dated March 5, 1997, the Washington Water Power Company, licensee for the Spokane River Project, FERC No. 2545, requested the Commission's approval to construct a sediment by-pass tunnel. The project is located on the Spokane River in Spokane, Stevens, and Lincoln Counties, Washington, and Kootenai and Benewah Counties, Idaho.

BACKGROUND

The Commission issued a license for the Spokane River Project on August 17, 1972. 1/ The licensee requested Commission approval to construct the sediment by-pass tunnel pursuant to license article 3. Article 3 requires prior Commission approval for any "...substantial alteration or addition not in conformity with the approved plans to any dam or other project works..."

The licensee proposes to construct a sediment by-pass tunnel at the Nine Mile Hydroelectric Development. In the last few years, excessive sediment build-up in front of the intakes has impacted the operation of the plant. The purpose of the by-pass tunnel is to decrease loading on the trash racks and pass sediment through the by-pass rather than the turbines. On July 7, 1997, the licensee filed a report that evaluates several options for controlling sedimentation at the power intakes. Construction of a low level by-pass tunnel on the left side of the Nine Mile Development powerhouse was determined to be the most effective option.

ENVIRONMENTAL REVIEW

Staff prepared an Environmental Assessment 2/ for the proposal to construct a sediment by-pass tunnel. The Environmental Assessment is attached to this order. A public notice regarding the proposed changes was issued on June 17, 1997. In response, two motions to intervene were filed. The State of Washington Department of Ecology filed, on July 7, 1997, a petition to intervene and motion for an extension of time to

1/ 48 FPC 339, Order Issuing License (Major), August 17, 1972.

2/ Environmental Assessment for the Application to Construct a Sediment By-pass Tunnel, Spokane River Project, Nine Mile Development, FERC Project No. 2545-059, Washington.

95-8003

review the impacts of the proposed construction on water quality, fishery resources, flooding and other environmental issues. In a letter filed July 28, 1997, the Washington State Department of Ecology stated no water quality certification is needed for the proposed construction. The Washington State Department of Fish and Wildlife (WDFW) expressed concern for fish entrainment occurring at the entrance of the low level by-pass tunnel. The WDFW's concerns were addressed in discussions with the licensee as described below and in the EA. Our EA found that approval of construction of the proposed by-pass tunnel would not constitute a major federal action significantly affecting the quality of the human environment.

ENVIRONMENTAL ISSUES

The licensee consulted with the WDFW regarding their concerns for fishery resources. The licensee, to mitigate for the loss of fish entrained into the low level by-pass tunnel during operation, has agreed to contribute to fish habitat restoration efforts in the Latah Creek Basin. Latah Creek, located upstream of the project dam, has been identified as the major contributor of sediments to the Spokane River and the Nine Mile Development Reservoir. Reducing the sediment load from Latah Creek is expected to enhance, in the long term, the fish habitat and the trout fishery in the reservoir and upstream. Given the limited impact on the fishery resources expected during operation of the low level by-pass tunnel, this mitigation proposal is appropriate and should be implemented. Paragraph (C) of this order requires the licensee to file documentation that the one time contribution of $10,000 has been made to the restoration fund for the Latah Creek Basin.

Construction and operation of the low level sediment by-pass tunnel would result in minor environmental impacts. The licensee's plans to: control sedimentation, monitor water quality during construction, implement protective measures, and participate in a restoration effort that would result in fish habitat improvement would adequately mitigate any impacts.

This order approves construction of the proposed by-pass tunnel on the left side of the Nine Mile Hydroelectric Development powerhouse. This order also requires the licensee to submit revised exhibits showing the as-built project features after completing construction.

The Director orders:

(A) The licensee's request to modify the project features as described in the March 5, 1997 letter to the Commission and report filed July 7, 1997, is approved.

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AUG 18 1997
Department of Water Resources

(B) Within 90 days of completing construction, the licensee must file revised exhibits A, F, and G to describe and show the authorized features as-built.

(C) The licensee shall file with the Commission within 60 days from the date of issuance of this order, documentation that the one time contribution of $10,000 has been made to the restoration fund for the Latah Creek Basin. The licensee shall include with the filing a description of how this contribution will be used in the restoration efforts within the Latah Creek Basin.

(D) This order constitutes final agency action. Requests for rehearing by the Commission may be filed within 30 days of the date of issuance of this order, pursuant to 18 C.F.R. § 385.713.

Joseph A. Morgan

Kevin P. Madden
Acting Director
Office of Hydropower Licensing

FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE, $300

P-2545 101465
DIRECTOR
IDAHO DEPARTMENT OF WATER RESOURCES
1301 NORTH ORCHARD ST. (ZIP 83706-2237)
POST OFFICE BOX 83720-0098
BOISE, ID 83720-0098

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

NOTICE OF MODIFICATION OF PROJECT FACILITIES 95-3003

(June 17, 1997)

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

a.	Application Type:	Modification of project facilities
b.	Project No:	2545-059
c.	Date Filed:	April 29, 1997
d.	Applicant:	Washington Water Power
e.	Name of Project:	Spokane River Project
f.	Location:	Nine Mile Development, Spokane County, Washington
g.	Filed Pursuant to:	18 CFR §4.200
h.	Applicant Contact:	Mr. Steven A. Frey Washington Water Power 1411 East Mission P.O. Box 3727 Spokane, WA 99220-3727 (509) 452-4084
i.	FERC Contact:	John K. Novak (202) 219-2828
j.	Comment Date:	July 10, 1997

k. Description of Application: Washington Water Power (licensee) request Commission approval to construct a sediment by-pass tunnel through the dam of the Nine Mile Development. Passing sediment through the proposed tunnel would decrease loading on the trash racks and abrasion of the turbine blades. Construction would require the removal of about 1500 cubic yards of sediment and rock from the reservoir. The tunnel through the dam would be 5 feet in diameter, 140 feet long and capable of passing 400 cubic feet per second.

l. This notice also consists of the following standard paragraphs: B, C1, and D2.

B. 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.

C1. Filing and Service of Responsive Documents -- Any filings must bear in all capital letters the title "COMMENTS", "RECOMMENDATIONS FOR TERMS AND CONDITIONS", "PROTEST", OR "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

D2. 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.

Lois D. Cashell
Secretary

RECEIVED
JUN 23 1997
Department of Water Resources

95-8003.

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

The Washington Water Power Co.) Project No. 2545-058

ORDER APPROVING AS-BUILT EXHIBITS

(Issued February 18, 1997)

On November 27, 1996, the Washington Water Power Company, licensee of the Spokane River Project, FERC No. 2545, filed as-built exhibit F drawings for the Commission's approval. The Spokane River Project is on the Spokane River in Spokane, Stevens, and Lincoln Counties, Washington.

On May 21, 1993, the Commission issued an Order Amending License and Revising Annual Charges 1/ which authorized the licensee to perform efficiency upgrades to the generating units at the project's Nine Mile Development. The as-built exhibits show the constructed configuration of the development's powerhouse and indicate there is no change to the authorized capacities of the units. The exhibits conform to the Commission's rules and regulations and are approved by this order.

The Director orders:

(A) The following exhibits filed on November 27, 1996, are approved and made part of the license:

EXHIBIT	FERC NO.	TITLE	SUPERSEDED/ DELETED
F-9	2545-201	Nine Mile HED - General Plan	2545-188
F-10	2545-202	Nine Mile HED - Transverse Section through Powerhouse, Units 3 and 4	2545-189
F-11	2545-203	Nine Mile HED - One Line Diagram	2545-190 2/

1/ 63 FERC ¶ 62,183.

2/ The exhibit F drawing of the Nine Mile Development's One-Line Diagram was mistakenly labeled FERC No. 2545-200 in the May 21, 1993, Order Amending License. The One-Line Diagram should have been labeled FERC No. 190.

(B) Within 90 days of the date of this order, the licensee shall file three sets of aperture cards of the approved drawings. The drawings should be reproduced on silver 35 mm microfilm and mounted on Type D (3¼" x 7⅜") aperture cards.

Prior to microfilming, the FERC Drawing Number (2545-201 through 203) shall be shown in the margin below the title block of the approved drawing. After mounting, the FERC Drawing Number should be typed in the upper right corner of each aperture card. Additionally, the Project Number, FERC exhibit (i.e., F-9 through F-11), Drawing Title, and date of this order should be typed in the upper left corner of each aperture card. See Figure 1.

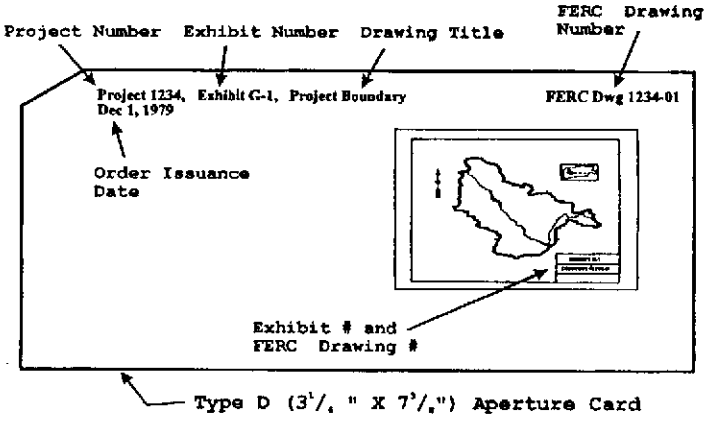


Figure 1. Sample Aperture Card Format

Two sets of aperture cards should be filed with the Secretary of the Commission. The remaining set of aperture cards should be filed with the Commission's Portland Regional Office.

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FEB 27 1997
Department of Water Resources

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

July 1, 1996

WASHINGTON WATER POWER CO
PO BOX 3727
SPOKANE WA 99220

RE: WATER RIGHT NO. 95-08003

Dear Water Right Holder(s):

Enclosed is a copy of the Water Right License issued on the above referenced permit. If you have any questions, please contact me within 10 days of receipt of this license.

Sincerely,

Shelley Watte Keen

Shelley W. Keen
Water Rights Supervisor

SK:rl

Enclosure

SEP 12 1996

MEMORANDUM

TO: File 95-08003

FROM: Sharla

DATE: June 17, 1996

RE: Review of Submitted Information

Mr. Pharness, Hydro License Coordinator for Washington Water Power responded to Brenda's letter of February 9. Brenda had requested information on the hydraulic capacity of the power plant (all six turbines) and the annual volume diverted through the #6 turbine. Using the Application for Amendment of FERC License, the estimated hydraulic capacity was 5200 cfs. In his letter, Mr. Pharness explained that upon the actual installation of turbine #6, the hydraulic capacity of the plant became 5400 cfs. This amount is based on the manufacturer's nameplate ratings.

In the log data sheets attached to Mr. Pharness' letter, the peak in May of 1993 was 5300 cfs, very close to the hydraulic capacity. As he states, the full hydraulic capacity is reached infrequently. This is determined primarily by seasonal river flows, but can also be influenced by energy demands, etc. The previous statutory claim filed by WWP for this site claimed 4250 cfs. In an attachment to this claim, a statement is mae which says that WWP owns all of the land on which the dams and power works are located and that the date of priority of their claim to this land is 6/1/1871, confirmed 3/3/1891 by Act of Congress (26 Stat.989). There is no other water right filing for diversion of water from the legal description of this project. This being the case, it would appear that all the flow from the Spokane River up to the hydraulic capacity of the plant (5400 cfs) can be utilized for power production based upon energy demand. Any flow above the hydraulic capacity or not needed to supply demand can be diverted back to the river through the spillways across the north and south channels. This information is also tabulated on the log data sheets.

The down time for maintenance is unknown, but Mr. Pharness indicated that most maintenance is conducted when the units are not operating due to lack of water, usually in the summer. As can be seen from the logs submitted, the flow on September 1, 1993 was only 400 cfs, with only 330 cfs running through the power plant. Taking into consideration that Mr. Pharness stated the full hydraulic capacity is reached infrequently, coupled with the fact that plant use is related to energy demand, there is no way to arbitrarily limit the volume. Therefore, in this case, no volume will be listed on the license.

One final note, although the logs submitted were from 1993 (after the proof submittal and examination), the FERC license was amended in 1981 to accomodate the addition of the sixth turbine. According to Mr. Pharness, the installation of this turbine was completed in December, 1980. No further alterations to the plant have been made since that time, therefore, the 1993 logs will be accepted as fulfilling our request for additional information.

Washington Water Power

April 26, 1996

RECEIVED
APR 2 9 1996
Department of Water Resources

Ms. Brenda L. Chapman
Water Resource Agent
Idaho Department of Water Resources
1301 North Orchard Street, Statehouse Mail
Boise, ID 83720-9000

Re: Permit No. 95-08003 for Washington Water Power's Post Falls Hydroelectric Development.

Dear Brenda:

Thank you for your efforts towards issuing a license for the above-referenced permit. Washington Water Power filed the original application for an additional 1,160 cubic feet per second for its Post Falls Hydroelectric Development (HED) in 1983. Based on our conversation by phone on March 6, it is my understanding that the log sheets enclosed will meet your information needs and allow for further processing and issuance of the license. In addition to the attached log sheets, I provide the following discussion to help clarify the projects operation and hydraulic capacity.

Plant Operations

When interpreting the following information and attached log data sheets, it is important to note that a hydroelectric plant like Post Falls operates at full hydraulic capacity only infrequently, dependent on seasonal river flows, the coordinated operation of all six units, and the electrical load required for local and regional energy demands. The Post Falls HED has the capability of reaching 5,400 cfs under extreme water and load conditions.

Plant Hydroelectric Capacity

The Post Falls HED has a FERC licensed hydraulic capacity based on the total, maximum water flow in cfs that can be discharged simultaneously through all the project turbines for generation at any time. This capacity is based on the manufacturers rating of the turbine units.

The application for amendment of the FERC license which you referenced in your letter was filed with the FERC in February of 1980. The installation of turbine unit No. 6 was completed in December of 1980. The total hydraulic capacity of the plant once the sixth unit was in place became 5,400 cfs, based on the manufacturer's nameplate ratings.

Annual Volume for Unit No. 6

The following information is provided per your letter request for information on "the maximum annual volume of water diverted through the Unit No. 6." However, it is important when reviewing this information to note that, as discussed above, the plants total annual volume is determined by seasonal river flows and the coordinated operation of all six units.

SEP 1 2 1996

Unit No. 6 could be operated continuously throughout a calendar year. Therefore, the maximum annual volume of water diverted through Unit No. 6 should reflect the assumption that the turbine will continuously discharge 1160 throughout a single year. This maximum annual volume is based upon an assumption of the most favorable flow conditions.

The Post Falls HED is operated in a manner which uses all of the available water up to 5,400 cfs. Although, portions of the plant are shut down for maintenance during most years, there is no requirement that any particular unit be shut down at any given time. Generally, maintenance is performed on the units when they are not operating due to the lack of available water, which generally occurs in the summer. Accordingly, the maximum is based upon the assumption that a unit operates continuously throughout a single year.

Documentation of Capacity

Enclosed are two copies of hydraulic logs for the Post Falls HED from 1993. The numbers highlighted in yellow on these log sheets represent the highest and lowest station totals identified during a review of recent log data sheets. Note that while these records are post 1985, the plants configuration, including hydraulic capacity, has remained unchanged since it was licensed in 1980. Changes in hydraulic capacity require WWP to file an application with the FERC for approval. No applications for such changes in hydraulic capacity have been filed since 1980 and the plant's hydraulic capacity has remained unchanged since that time. As currently configured, the Post Falls HED has the capability of reaching 5,400 cfs under extreme water and load conditions, and hence, requires a water right consistent with its full hydraulic capability to assure compliance with Idaho water right law.

* * *

I hope you find this information sufficient to complete processing of our application and the issuance of a license. Thank you again for your assistance, and if you have any additional questions, please do not hesitate to contact me at (509) 482-4486.

Sincerely,

Rod Pharness
Hydro License Coordinator

Attachments (2)

SEP 1 8 1998

P.01
589 482 8041
APR-24-96 WED 16:32 WWP POSTFALLS DAM

THE WASHINGTON WATER POWER COMPANY
Post Falls Power Station
Hydraulic / Load Sheet / Meter Record
Power Supply Department

DATE OF LOG: 9/1/93

Time	Volt 115KV	A-211 Amp	A-211 Mw	A-211 Mvar	A-324 Amp	A-324 Mw	A-324 Mvar	Volt 2.3KV	TRANSFORMER Temps #1	Temps #2	Temps Out	Temps Gen	Generation 2.3 Bus		#6 MWH		Total	Sta. Serv.	#6 Mwh	A-324	13 KV	F.B. 2100	T.R. 2000	HEAD	C.D.A. LAKE LEVEL	PLANT LEAK C.F.S.	GEN TOTAL C.F.S.	N-S CH. WASTE C.F.S.	TOTAL RIVER C.F.S.
0800	1126	0	-5	0	0	4	0	2390	30	24	45	64	0733	4	6565	0	4	658	5954	6802	3343	27.70	66.90	60.80	2127.92	130	330	70	400
1600	1116	0	-5	0	0	3	0	2360	32	29	70	70	0737	4	6565	0	4					27.70	66.90	60.80	2127.90	130	330	70	400
													0741	4	6565	0	4					27.70	66.90	60.80		130	330	70	400
																					AVG.	27.70	66.90	60.80	TOTAL	3120	7920	1680	9600

Time	Amp	Mw	Mvar	Exciter Amp	Exciter Volt	Temps 1	Temps 2	GATE POS	GATE CFS
	GENERATOR 1								
0800		0.0						0	20
1600		0.0						0	20
2400		0.0						0	20
	GENERATOR 4								
0800		0.0						0	10
1600		0.0						0	10
2400		0.0						0	10

Time	Amp	Mw	Mvar	Exciter Amp	Exciter Volt	Temps 1	Temps 2	GATE POS	GATE CFS
	GENERATOR 2								
		0.0						0	10
		0.0						0	10
		0.0						0	10
	GENERATOR 5								
		0.0						0	10
		0.0						0	10
		0.0						0	10

Time	Amp	Mw	Mvar	Exciter Amp	Exciter Volt	Temps 1	Temps 2	GATE POS	GATE CFS
	GENERATOR 3								
	130	0.5	0.2	190	78	49	46	15	200
	130	0.5	0.2	190	78	49	46	15	200
		0.5						15	200
	GENERATOR 6								
		0.0						0	80
		0.0						0	80
		0.0						0	80

SPILL GATE POSITIONS

Time	1	2	3	4	5	6	7	Log	Sec.	S.Ch.
0000	C	C	C	C	C	C	C	C	C	C
2400	C	C	C	C	C	C	C	C	C	C

	2.3Bus	#6Mwh	Total	STA. Serv.	#6Mwh	A-324	13 KV
End Reading	0741	6565		658	5954	6802	3343
Start Reading	0729	6565		658	5954	6738	3339
Daily MWH	12	0	12	0	0	64	67.2
Previous day Total	0	0	0	0	0	0	0
Month to Date Total	12	0	12	0	0	64	67.2

TIME	STATION LOG
MDT	#3@15%, #1-2-4-5-6 DOWN, #2-4-5 HEADGATES CLOSED.

0800	Data
FOREBAY + 2100.	27.70
POST FALLS GENERATION	4
LAKE LEVEL + 2100	27.92
HOURLY GENERATION	0.5
1600	
FOREBAY + 2100	27.70
HOURLY GENERATION	0.5
P.F. GEN. DAY (Net)	12
P.F. GEN. MONTH (Net)	12
LAKE LEVEL + 2100	27.90
P.F. TURBINE CFS	7920
P.F. WASTE CFS	1680
P.F. AVG DISCHARGE	400
P.F. STA. SERV.	0

OPERATOR ON DUTY
C.L.CROUSE

THE WASHINGTON WATER POWER COMPANY
Post Falls Power Station
Hydraulic / Load Sheet / Meter Record
Power Supply Department

PACIFIC LOCAL TIME

DATE OF LOG: 5/28/93

	Volt	A-211			A-324			Volt	TRANSFORMER Temps		Temps		Generation					Sta.	#6			F.B.	T.R.		C.D.A. LAKE	PLANT LEAK	GEN TOTAL	N-S CH. WASTE	TOTAL RIVER
Time	115KV	Amp	Mw	Mvar	Amp	Mw	Mvar	2.3KV	#1	#2	Out	Gen	2.3 Bus		#6 MWH		Total	Serv.	Mvh	A-324	13 KV	2100	2000	HEAD	LEVEL	C.F.S.	C.F.S.	C.F.S.	C.F.S.
0800	111.5	110	-18	6	140	27	-9	2420	53	72	53	80	4953	107	8552	31	138	556	5172	9039	2586	24.60	73.20	51.40	2127.53	0	5300	8350	13650
1600	112.6	110	-17	0	130	26	-6	2400	58	78	73	84	5054	101	8578	26	127					25.90	72.80	53.10	2127.53	0	4540	2880	7420
													5155	101	8604	26	127					25.90	72.80	53.10		0	4540	2880	7420
																					AVG.	25.47	72.93	52.53	TOTAL	0	115040	112880	227920

	Amp	Mw	Mvar	Exciter Amp	Exciter Volt	Temps 1	Temps 2	GATE POS	CFS	Amp	Mw	Mvar	Exciter Amp	Exciter Volt	Temps 1	Temps 2	GATE POS	CFS	Amp	Mw	Mvar	Exciter Amp	Exciter Volt	Temps 1	Temps 2	GATE POS	CFS
Time	GENERATOR 1									GENERATOR 2									GENERATOR 3								
0800	650	2.7	0.0	220	90	63	61	W	810	560	2.6	0.0	190	80	81	80	70	770	640	2.7	0.1	209	91	75	72	W	810
1600	680	2.5	0.0	220	90	65	67	85	700	600	2.5	0.0	187	78	86	86	70	700	680	2.5	0.0	207	91	80	76	100	700
2400		2.5						85	700		2.5						70	700		2.5						100	700
	GENERATOR 4									GENERATOR 5									GENERATOR 6								
0800	580	2.7	0.0	190	81	84	83	80	810	620	2.7	0.1	190	85	82	81	W	810	860	3.9	0.1	109	150	54	53	W	1290
1600	580	2.5	0.0	182	3	86	85	70	700	660	2.5	0.0	188	85	87	86	80	700	880	3.3	0.5	113	160	56	55	100	1040
2400		2.5						70	700		2.5						80	700		3.3						100	1040

SPILL GATE POSITIONS										
Time	1	2	3	4	5	6	7	Log	Sec.	S.Ch.
0000	W	W	W	W	C	C	C	C	C	C
0910			C	C						
0940		3'								
2400	W	3'	C	C	C	C	C	C	C	C

	2.3Bus	#6Mwh	Total	STA. Serv.	#6Mvh	A-324	13 KV
End Reading	5155	8604		556	5172	9039	2586
Start Reading	4846	8521		555	5166	8495	2576
Daily MWH	309	83	392	1	6	544	168
Previous day Total	6593	1748	8341	35	219	12180	4032
Month to Date Total	6902	1831	8733	36	225	12724	4200

TIME	STATION LOG
MDT	# 1-3-5-6 WIDE, # 2 @ 70 %, # 4 @ 80 % (TEMP)
11[redacted]	OTOR # 5-6 (CLEANING HEADGATE)
1205	LOADED # 5-6, # 4 @ 70 % (TEMP)
1500	# 5 @ 80 % (TEMP)

0800	Data
FOREBAY + 2100	24.60
POST FALLS GENERATION	138
LAKE LEVEL + 2100	27.53
HOURLY GENERATION	17.3
1600	
FOREBAY + 2100	25.90
HOURLY GENERATION	15.9
P.F. GEN. DAY (Net)	392
P.F. GEN. MONTH (Net)	8733
LAKE LEVEL + 2100	27.53
P.F. TURBINE CFS	115040
P.F. WASTE CFS	112880
P.F. AVG DISCHARGE	9497
P.F. STA. SERV.	36

OPERATOR ON DUTY
DONALD K. BOSTON

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

February 9, 1996

THE WASHINGTON WATER POWER CO
PO BOX 3727
SPOKANE WA 99220

RE: PERMIT NO. 95-08003 (Post Falls Hydroelectric Project)

Dear Permit Holder:

I am writing to you about Water Right Permit No. 95-08003, which is currently being reviewed for licensing. There are two issues that need to be addressed before the Department can issue a license on this permit.

First, the Department conducted a beneficial use exam on the facility in 1985 to determine the extent of the development. The report provided information only on the flow diverted through the newest turbine, Number 6. The actual capacity of the power plant with all 6 turbines running was not included. In The Application For Amendment of FERC License (Exhibit B, Statement of the Project Operation and Resource Utilization), the estimated hydraulic capacity of the power plant was listed at 5,200 cfs. I am requesting any documentation you may have showing what the plant's hydraulic capacity was at the time of the 1985 examination. Since there is also a statutory claim to a water right (95-04518) on the project for 4250 cfs, our recommendation for 95-08003 will not exceed the total diversion capacity when the two rights are combined.

Second, the license must list the maximum annual volume of water diverted through the Number 6 turbine. Restricted flows, downtime for maintenance, repairs, etc., may affect the annual volume amount flowing through the turbine. Therefore, I am also requesting copies of your annual diversion records (prior to April 1985) for the Number 6 turbine.

I will delay any further processing of this matter for 30 days to give you time to respond. If you have any questions, please contact me at (208) 327-5452. Thank you for your assistance.

Sincerely,

Brenda L. Chapman

Brenda L. Chapman
Water Resource Agent

SEP 12 1996

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
C	WASHINGTON WATER POWER CO PO BOX 3727 SPOKANE WA 99220 (509) 489-0500	03/17/1980	POWER	01-01	12-31	1160.000 CFS	839813.90 AFA
					TOTAL DIVERSION:	1160.000 CFS	839813.90 AFA

Water Source: SPOKANE RIVER Tributary to: COLUMBIA RIVER Stage: LICENSE

Point(s) of Diversion Capacity: 1401.000 CFS

Point(s) of Diversion: T50N R05W S04 SENE KOOTENAI County

Place of use Legal Description for: POWER

			NE				NW				SW				SE			
			NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE
T	R	S	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac
50N	05W	4				P												

Pou County: KOOTENAI

Conditions of Approval:

R22 - The rights for the use of water confirmed in this license shall be junior and subordinate to all rights for the use of water other than hydropower, within the State of Idaho that are initiated later in time than the priority of this right and shall not give rise to any right or claim against any future rights for the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this right.

09E - Water used under this right ~~when discharged into a natural channel or subsurface system~~ shall meet Idaho Water Quality Standards.

027 - Use of water under this right shall be non-consumptive.

Remarks: The diversion and use of water under this license is subject to review by the Director after the date of expiration of the license ~~2545-004~~ for Project 2545-004 issued by the Federal Energy Regulatory Commission. Upon appropriate findings relative to the interest of the public, the Director may cancel all or any part of the use authorized herein and may revise, delete or add conditions under which the right may be exercised.
The facility is known as the Post Falls Hydroelectric Development.

Dates: App. Received: 03/17/1980 Priority Date: 03/17/1980
Proof Due Date: 03/01/1985 Proof Made Date: 11/15/1984
Exam Made Date: 04/12/1985 Exam Sent to S.O.: 06/05/1985
Licensed Date:

Misc: Water District Number: Field Exam Fee:

LICENSE REVIEW CHECKLIST

PERMIT NO. 95-08003 DATE 1-25-96

BRENDA

	Change	OK	
NAME	___	✓	Or Address Change?
PRIORITY DATE	___	✓	Advance? ___ Advanced to: _____ Order to reinstate needed? _____ Incorrect fee for rate recommended? N/A
SOURCE	___	✓	Changes or just clarification of originally intended source? _____ Notice of Intent to Void necessary? _____
POINT OF DIV	___	✓	Amendment needed? _____
	___	___	Overlaps? _____
PLACE OF USE	___	✓	Amendment needed? _____
	___	___	Overlaps? _____
DIV RATE	___	✓	Permit/fee limits: 1160 CFS Meas Q = 1401 Theo Q = _____ Recommend: 1160 Combined rates exceed capacity _____
ANNUAL VOLUME	✓	___	Volume Limit: _____ Season: 1-1 to 12-31 Calculations: _____ Flow limit: 1160 cfs x 3605 x 1.9835 = 834813.9 Combined volumes exceed capacity/allowable _____
USES	___	—	Change in Nature of Use or additional uses? _____ Amendment necessary? _____
ADDITIONAL INFO	___	/	Replaces Surface Water 050 Supplemental GW _____
	___	/	Irr/Dom Combination WB5 PPU Recommendation _____
	___	/	Boise River/Wood River Source Aes/Rec Uses W38
NEW REMARKS	___		Multiple p/d(s) in ¼ ¼? _____
	W43		Other TERM LIMIT WITH FERC LICENCE
	R22		(only use is power)
NEW CONDITIONS	—		WM Control- District NO Meas/Lock Devices NO
	—		Irrigation Overlap
	YES		Other _____
(BECAUSE OF OXYGENATION)	YES		Water Quality 04E Heat/Cool/Fish verified —

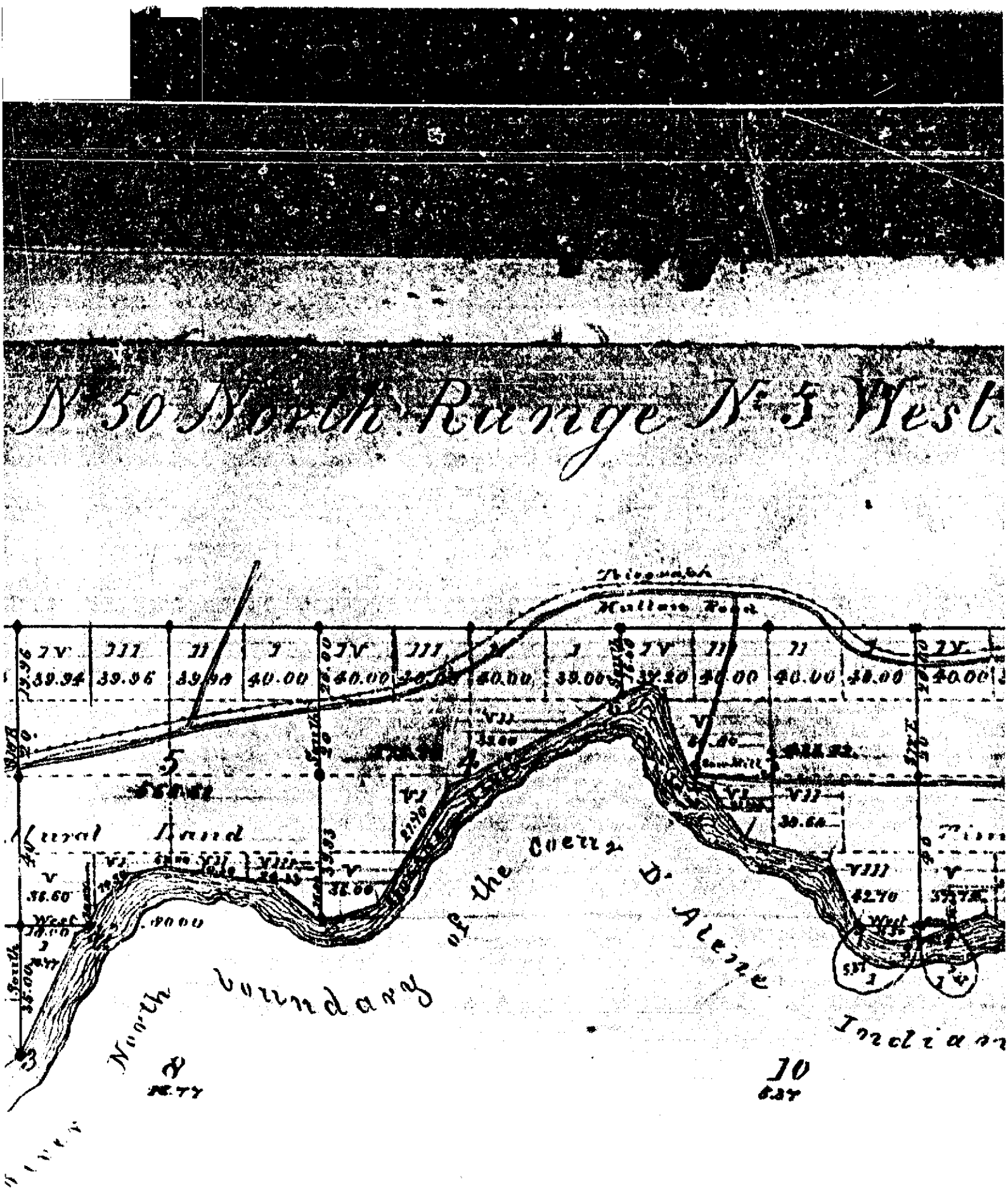
COMMENTS: ① Additional water for #6 Generator at the Post Falls Hydroelectric Development
② Fire license # 2545-004 expires 7-13-2007

RECOMMENDATION	CFS	VOLUME
Power	1160	834813.9

SRBA Claim Filed NA
Adjustment Memo Needed YES

LICENSE ✓

1ST AMEND LETTER _____
2ND AMEND LETTER _____



ALSO SEE
2ND MAP

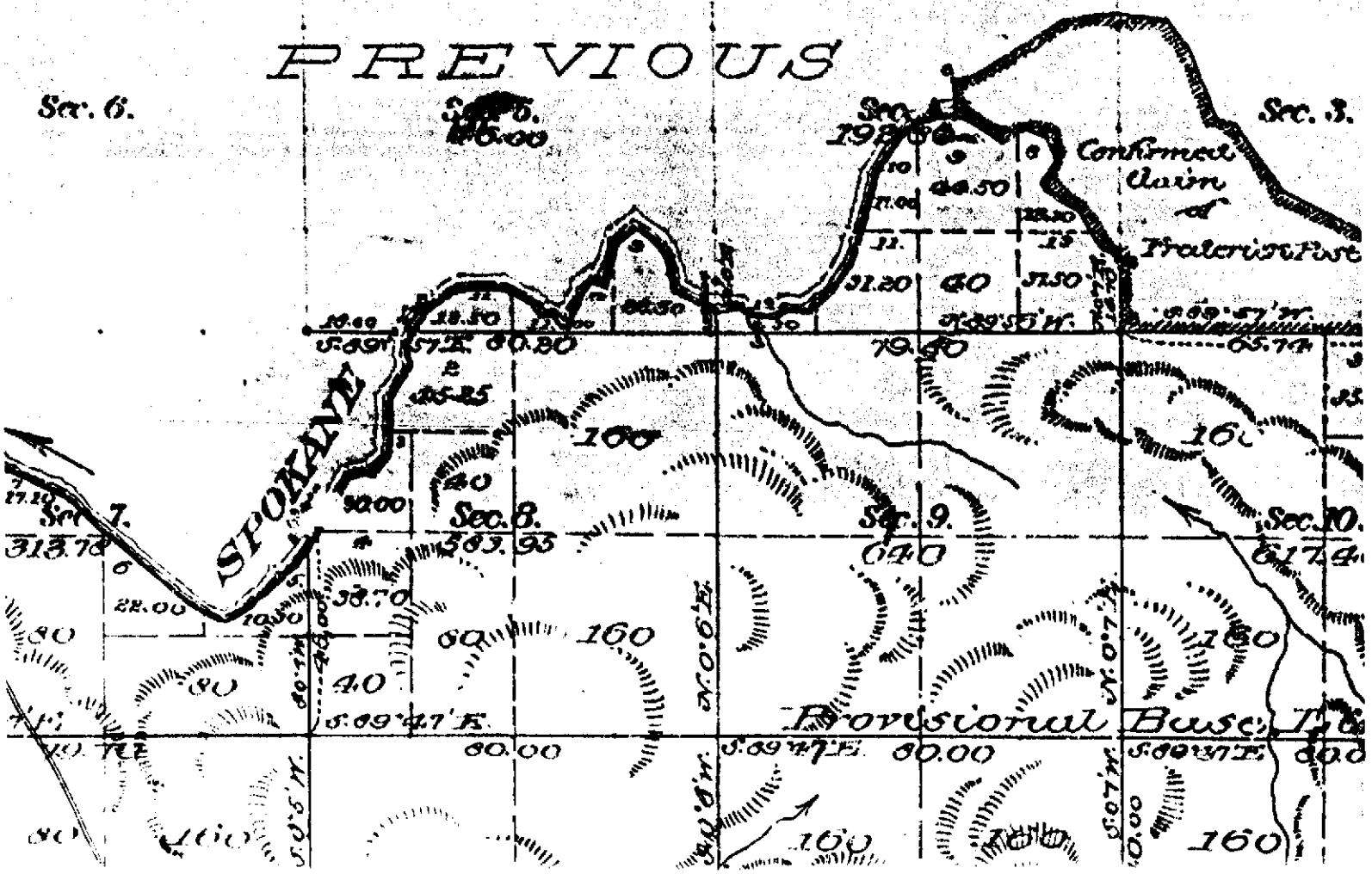
NO GOVERNMENT
LOT IN SENE V4V4
OF SECTION 4

95-08003

...ship No. 50 North, Range No. 5 West of ...

f F e E d D c

PREVIOUS



MEMORANDUM

TO: File 95-08003 / Washington Water Power Co.

FROM: Brenda Chapman

DATE: January 25, 1996

RE: Recommendation Adjustment(s)

==========

The final licensing recommendations for Right 95-08003 are based on the information below:

G. VOLUME CALCULATIONS

According to Rule 5,1,10. of the Beneficial Use Rules and Regulations, the only uses exempt from listing the volume are municipal and fire protection. Even though power use is considered "non-consumptive", an annual volume recommendation based on the rate of flow should be made.

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use	Rate of Div	Annual Vol
Power	1-01 to 12-31	1160.00	839813.9

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Form 219A
2/84

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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MAR 5 1985
Department of Water Resources

BENEFICIAL USE FIELD REPORT

Permit No. 95-8003

1. Owner: Washington Water Power Phone No. 509-489-0500
Current Address: POB 3727 Spokane, Wa. 99220

2. Accompanied by: Custodian EXAM. DATE: 4/11/85 4/12/85
Address: Phone No. UNLISTED
Relationship to Permit Holder:

3. Source: Spokane River tributary to Columbia River

4.

Well/Diversion* No.	Motor Make	HP	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size

*Code with points of diversion, system diagram & photos on reverse side. Disregard if only one.

5. System Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)
Conc Dam w/metal gates for storage 11'6" ID Pinstock to generator (Continuous Current Generator # 387103)

6.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
SEE ATTACHED						

7. Measurements ☐ Additional data/computation sheets attached
1,401 cfs MEASURED By JAMES G. Fuller PE # 2021 per letter dated 11/8/84 APPLIED FOR 1160 cfs Continuous

8. Point(s) of Diversion: Indicate Method of Determination MAP

Ident #	1/4	1/4	1/4	Sec.	Twp.	Rge.	Survey Information from Known Corner	County	Remarks
		SE	NE	4	50N	5W		Kootenai	

9. Place(s) of Use: Irrigation - give acres served by system at time of exam.
Indicate Method of Determination MAP

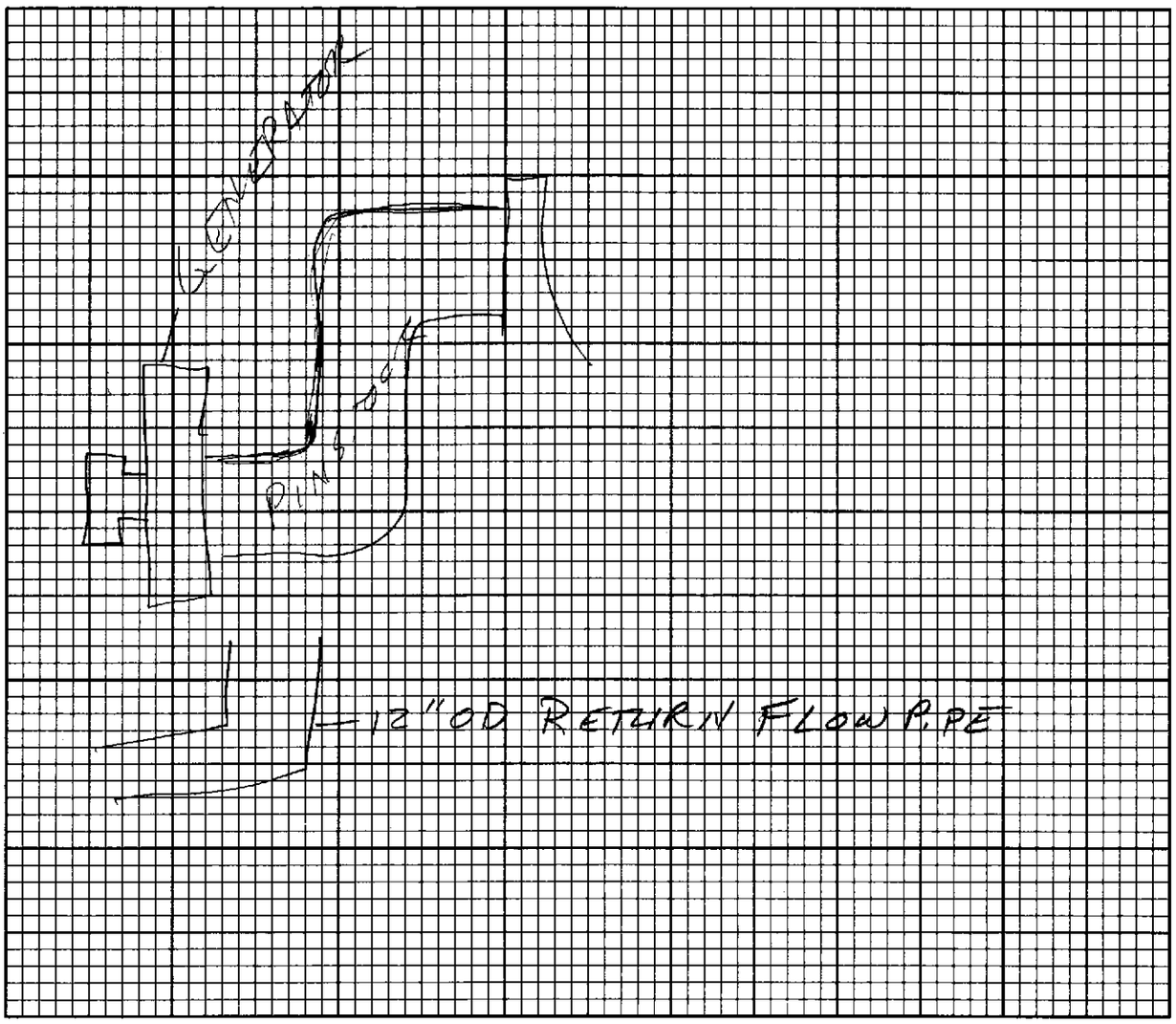
Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
50N	5W	4				X													

Total Acres

10. Other water rights on these lands 95-2172/95-2205/95-4027/95-4518/95-7185/95-7221/95-8432

11. Other water right diverted from same p.d. _____

12. **Diversion and Delivery System Diagram**: Indicate all major components and distances between components. Indicate ditch size/pipe i.d. as applicable. Indicate on systems with measurement port the distance between the port and the nearest component/pipe bend/restriction both upstream and downstream, and the inside pipe diameter at the measurement port. On multiple diversion systems indicate how diversion systems are connected.



13. ☒ **Photo of Diversion & System Attached** ☐ **Aerial Photo of Place of Use Attached or Map of Irrigated Acreage Attached**

14. Remarks _____

15. Recommended Amendments

☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☒ None

☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

16. Examiner's/Consultant's Signature J. A. King Date 4/4/85

Consultant's License Number _____

IDWR Director's Authorization to Conduct

Beneficial Use Examination _____

Date

CONSULTANT SEAL

Form 219B
5/84

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

LICENSING REPORT

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JUN 5 1985
Department of Water Resources

95-8003
Permit No.

1. **Measurement Calculations**
   a) Field Measurement Calculations (Include theoretical capacities and system capacity)

SEE LETTER WWP DATED 11/9/84

   b) Volume Calculations for Irrigation:

$V_{I.R.}$ = (Acres Irrigated) x (Irrigation Requirement) = _____
$V_{D.R.}$ = [Diversion Rate (cfs)] x (Days in Irrigation Season) x 1.9835 = _____
V = Smaller of $V_{I.R.}$ and $V_{D.R.}$ = _____

   c) Volume Calculations for Other Uses:

Non-Consumptive

2. **Overlap Review**
   a) Other water rights with same place of use: 95-2172/95-2205/95-4027/95-4518/95-7185
95-7271/95-8432
   b) Other water rights with same point of diversion: _____
   c) Analysis: Additional water for #6 Generator

MICROFILMED
SEP 12 1988

RECOMMENDED AMENDMENTS

3.

Permit No.	Priority	Amount	App. Date	Date Proof Submitted	System Capacity
96-80c3					

4. Permit Holder: Washington Water Power

Address: P.O.B. 3727 Spokane, Wa. 99220

5. Source: Spokane River tributary to Columbia River

6. Beneficial Use

	Period of Use From	Period of Use To	Rate of Diversion Q (cfs)	Annual Volume V (afa)
* Power GENERATION	1-1	12-31	1160 c fs	
Allowable Maximums:			1160 c fs	

7. Point(s) of Diversion:

No.	Govt. Lot	¼	¼	¼	Sec.	Twp.	Rge.	County
			SE	NE	4	50N	5W	KOOTENAI

8. Place(s) of Use

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
50N	5W	4				X													
Total Acres																			

9. Recommended Conditions/Remarks:

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SEP 12 1996

10. Recommended Amendments

☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☒ None

☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

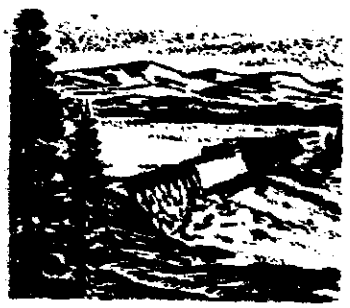
11. Examiner's Signature [signature] Date 4/15/85

Checked in Regional Office by Bob Haynes Date 5/22/85

Approved in State Office by Date

* See adjustment memo. RC

WWP 5115 REV 8-73



THE WASHINGTON WATER POWER COMPANY

Electric and Natural Gas Service
P.O. BOX 3727 • SPOKANE, WASHINGTON 99220 • (509) 489-0500

November 9, 1984

RECEIVED
JAN 10 1985
Department of Water Resources

Idaho Department of Water Resources
Attn: L. Glen Saxton
Statehouse
Boise, Idaho 83720

Ref: Permit No. 95-8003

Dear Mr. Saxton:

This is to certify that I observed the diversion and measurement of water through the Post Falls #6 turbine. The measurement was made using a Price AA meter and standard stream gaging techniques on August 30, 1984, about 300m downstream of the draft tube.

The following day all the turbines were shut down and leakage was measured in the same manner. The results of the measurements were:

8/30/84	#6 Turbine	1,515 cfs
8/31/84	Leakage	114 cfs
	=	1,401 cfs

Therefore, 1,401 cfs was the rate of diversion through the #6 turbine at 98% gate.

Sincerely,

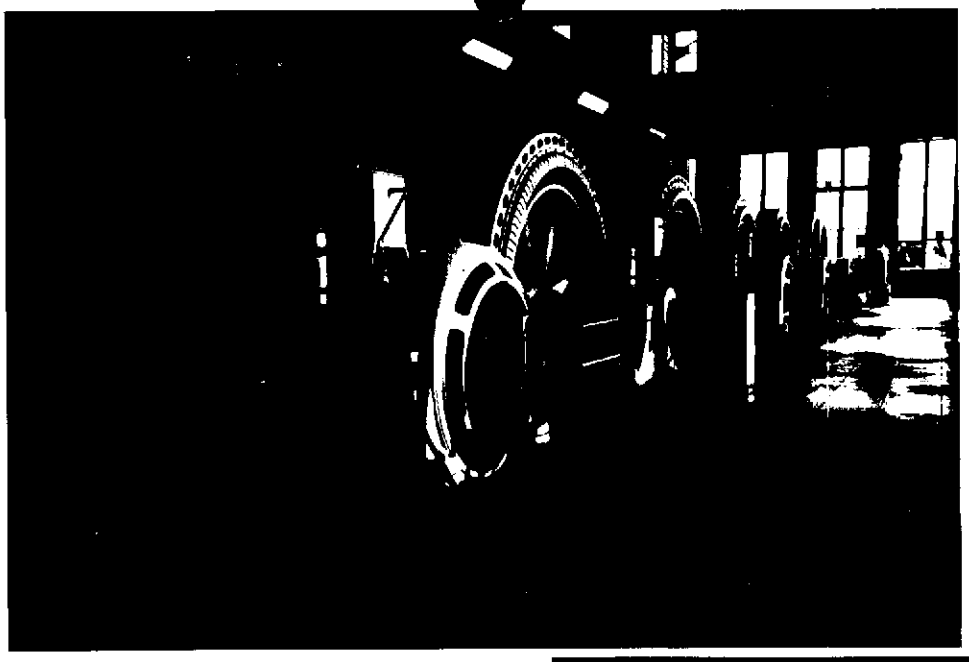
James G. Fuller

James G. Fuller, PE
Supervisor
Generation Engineering

:nr

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FEB 23 1985
Department of Water Resources
Northern District Office

SEP 12 1996



All 5 + new both one (turbines)

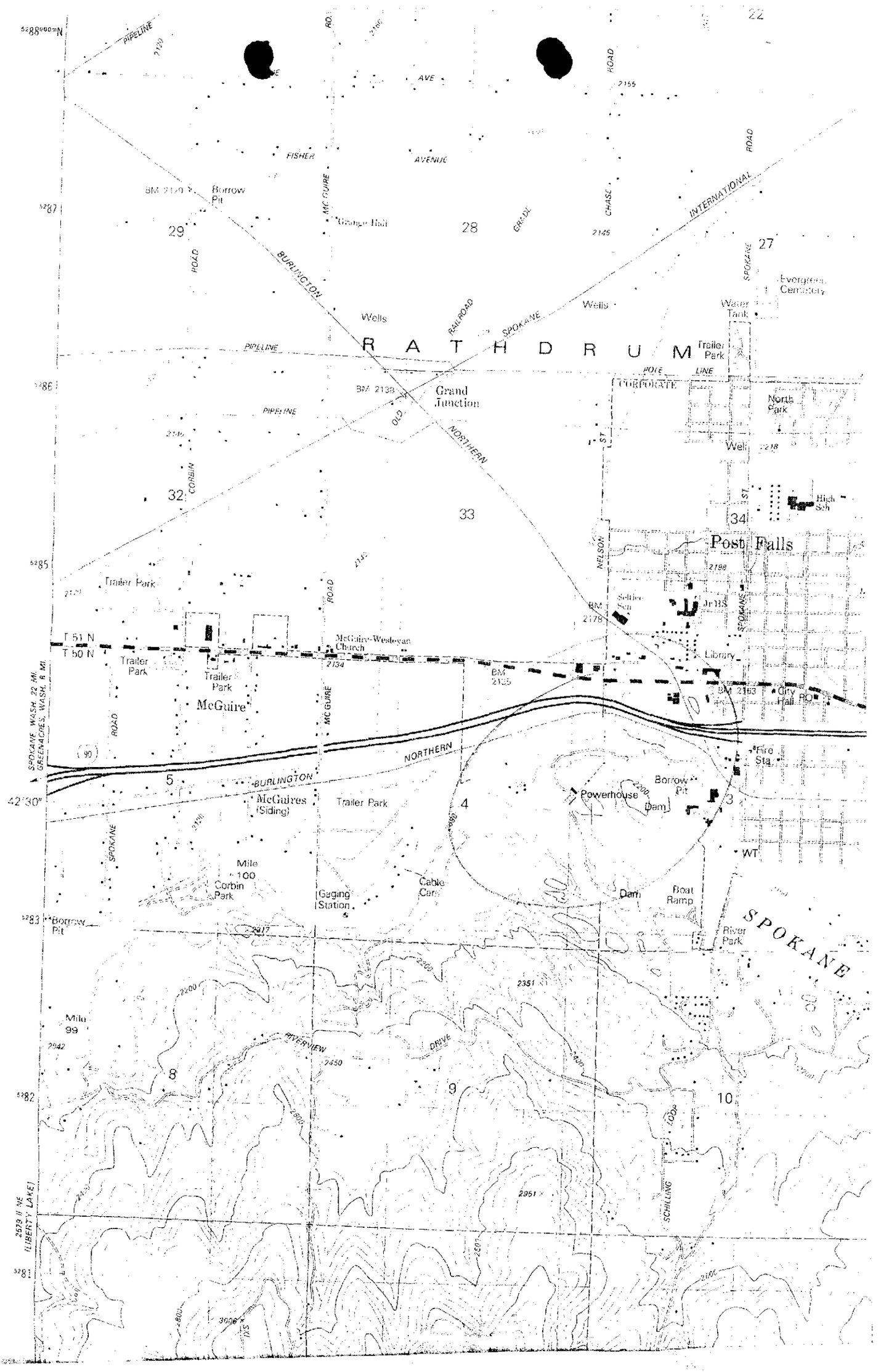


Newest Turbine #5



Facility location on Spokane River

95-0500B



TWP. 51 N RGE. 5 W SEC. 4 MAP # 1 of 3 MAP SCALE 1:24,000

DATE OF FIELD EXAM 4/16/02 FIELD REPORT MAP PERMIT # 02-5003

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
Northern Region

JOHN V. EVANS
Governor
A. KENNETH DUNN
Director

4055 Government Way
Coeur d'Alene, ID 83814
(208) 667-6484

MARCH 4, 1985

WASHINGTON WATER POWER CO.
P.O. BOX 3727
SPOKANE WA 99220

RE: Permit No. 95-8003

Dear Permit Holder:

We acknowledge receipt of your statement submitted as proof of beneficial use for the above referenced permit.

Before a Water Right License can be issued, a field examination must be made by a representative of this department.

A field examiner will contact you to arrange to examine your system.

If you have any questions regarding the field examination, please contact this office by phone at 765-4639 or in person at our office.

Sincerely,

/S/
TOM D. KING
Senior Water Resource Agent

cc: IDWR - State Office

SEP 12 1996

DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources will consider this card as a statement that the permit holder(s) has completed development to the extent shown below of Permit No. 75-8003.

Name(s) of Permit Holder: WASHINGTON WATER POWER CO

Post Office Address: BOX 3727

SPOKANE WA 99220 Tel. No (509) 489-0500

Source of Water: SPOKANE RIVER

Extent of Use:
- ☐ Domestic ____ (number of households)
- ☐ Stockwater ____ (number and type of stock)
- ☐ Irrigation ____ (acres)
- ☑ Other POWER 1401 cfs

Measuring Device: Required? ☐ Yes ☒ No Installed? ☐ Yes ☐ No

Access Port: Required? ☐ Yes ☒ No Installed? ☐ Yes ☐ No

The above information is a true statement of the extent to which the above numbered permit has been developed.

MICROFILMED

Jan 8 1985
Date

James H Fuller
Signature of Permit Holder

SUPT. CLTH. ENGR.

PLACE
13 CENT
STAMP
HERE

RECEIVED

JAN 10 1985

Department of Water Resources

RITA FLECK

IDAHO DEPARTMENT OF WATER RESOURCES

STATEHOUSE

BOISE, IDAHO 83720

DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources will consider this card a statement that the permit holder(s) has completed development to the extent shown below of Permit No. 95-8003

Name(s) of Permit Holder: The Washington Water Power Company

Post Office Address: P.O. Box 3727

Spokane, Washington 99220 Tel. No. (509) 489-0500

Source of Water: Spokane River

Extent of Use:
- ☐ Domestic _____ (number of households)
- ☐ Stockwater _____ (number and type of stock)
- ☐ Irrigation _____ (acres)
- ☒ Other Power Generation.

Measuring Device: Required? ☐ Yes ☒ No Installed? ☐ Yes ☒ No

Access Port: Required? ☐ Yes ☒ No Installed? ☐ Yes ☒ No

The above information is a true statement of the extent to which the above numbered permit has been developed.

November 13, 198

MICROFILMED

Date

David R. Vill

Signature of Permit Holder

PLACE
3 CENT
STAMP
HERE



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NOV 15 1984

IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

Department of Water Resources

MICROFILMED

WWP 311S REV. 8-73



THE WASHINGTON WATER POWER COMPANY

Electric and Natural Gas Service

P.O. BOX 3727 • SPOKANE, WASHINGTON 99220 • (509) 489-0500

November 9, 1984

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NOV 15 1984
Department of Water Resources

Idaho Department of Water Resources
Attn: L. Glen Saxton
Statehouse
Boise, Idaho 83720

Ref: Permit No. 95-8003

Dear Mr. Saxton:

This is to certify that I observed the diversion and measurement of water through the Post Falls #6 turbine. The measurement was made using a Price AA meter and standard stream gaging techniques on August 30, 1984, about 300m downstream of the draft tube.

The following day all the turbines were shut down and leakage was measured in the same manner. The results of the measurements were:

8/30/84	#6 Turbine		1,515 cfs
8/31/84	Leakage		114 cfs
		=	1,401 cfs

Therefore, 1,401 cfs was the rate of diversion through the #6 turbine at 98% gate.

Sincerely,

James G. Fuller 11/9/84

James G. Fuller
Supervisor
Generation Engineering

:nr

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STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440
CERTIFIED MAIL
138592

WASHINGTON WATER POWER CO.
P.O. BOX 3727
SPOKANE, WA 99220

PROOF DUE NOTICE

DECEMBER 31, 1984

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 95-8003 WAS THAT PROOF OF THE EXTENT OF YOUR BENEFICIAL USE MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE MARCH 01, 1985. (SEE LAST PAGE OF YOUR APPROVED PERMIT OR YOUR LAST APPROVED EXTENSION REQUEST). ENCLOSED IS A POSTCARD WHICH MAY BE USED TO SUBMIT THE REQUIRED PROOF.

IF YOU HAVE NOT FULLY COMPLETED YOUR PROJECT, AND YOU OR A PREVIOUS OWNER OF THIS PERMIT HAVE NOT RECEIVED A PRIOR EXTENSION OF TIME, YOU MAY REQUEST AN EXTENSION OF TIME IF THE DELAY IS FOR REASONABLE CAUSE AS PROVIDED IN SECTION 42-204, IDAHO CODE. IF YOU HAVE BEEN PREVENTED FROM PROCEEDING BY A GOVERNMENTAL AGENCY OR BY LITIGATION, MORE THAN ONE EXTENSION OF TIME CAN BE GRANTED. AN EXTENSION OF TIME REQUEST FORM IS ENCLOSED FOR YOUR CONVENIENCE.

EITHER THE BENEFICIAL USE POSTCARD OR A REQUEST FOR AN EXTENSION OF TIME MUST BE RECEIVED BY THIS DEPARTMENT ON OR BEFORE THE ABOVE DESCRIBED PROOF DUE DATE. IF NEITHER IS RECEIVED, THE DEPARTMENT WILL SEND YOU A LAPSE NOTICE. WITHIN SIXTY (60) DAYS OF THE MAILING OF THE LAPSE NOTICE, THE PERMIT WILL NO LONGER BE OF ANY FORCE NOR EFFECT.

SINCERELY,

RITA FLECK
SECRETARY/RECORDS MANAGER

ENCLOSURES

MICROFILMED

WWP 311S REV 8 /3

95-8003 Colonial Group of Post Falls W.R. files

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APR 9 1984
Department of Water Resources



THE WASHINGTON WATER POWER COMPANY

P.O. BOX 3727 • SPOKANE, WASHINGTON 99220 • (509) 489-0500

H. E. ODEAN
Vice President
Finance

April 5, 1984

Mr. A. Kenneth Dunn, Director
State of Idaho
Department of Water Resources
Statehouse
Boise, Idaho 83720

Dear Mr. Dunn:

We are enclosing a copy of the Twenty-Second Supplemental Indenture issued in connection with our Mortgage which should be filed with the Mortgage and all preceding Supplements which have been previously sent to your office (formerly sent to the Department of Reclamation).

We ask that you please acknowledge receipt of this Twenty-Second Indenture by signing and returning the copy of this letter enclosed.

Thank you for your cooperation.

Very truly yours,

H E Odean

H. E. Odean

CBS:db

Enc.

ACKNOWLEDGED AND RECEIVED:

BY Norman C Young

Title Administrator

Date 4/9/84

MICROFILMED

Exec in 125 Counterparts
Of Which This is Counterpart No. 74

THE WASHINGTON WATER POWER COMPANY

TO

CITIBANK, N.A.

As Successor Trustee under The Washington Water Power Company's
Mortgage and Deed of Trust, dated as of June 1, 1939

Twenty-second Supplemental Indenture

Providing among other things for
First Mortgage Bonds, 13¼% Series due 1994

Dated as of March 1, 1984

TWENTY-SECOND SUPPLEMENTAL INDENTURE

THIS INDENTURE, dated as of the first day of March, 1984, between THE WASHINGTON WATER POWER COMPANY, a corporation of the State of Washington, whose post office address is East 1411 Mission Avenue, Spokane, Washington (the "Company"), and CITIBANK, N.A., formerly First National City Bank (successor by merger to First National City Trust Company, formerly City Bank Farmers Trust Company), a national banking association incorporated and existing under the laws of the United States of America, whose post office address is 111 Wall Street, New York, New York (the "Trustee"), as Trustee under the Mortgage and Deed of Trust, dated as of June 1, 1939 (the "Mortgage"), executed and delivered by the Company to secure the payment of bonds issued or to be issued under and in accordance with the provisions of the Mortgage, this indenture (the "Twenty-second Supplemental Indenture") being supplemental thereto.

WHEREAS the Mortgage has been appropriately filed or recorded in various official records in the states of Washington, Idaho and Montana; and

WHEREAS pursuant to a written request of the Company made in accordance with Section 103 of the Mortgage, Francis M. Pitt (then Individual Trustee under the Mortgage, as supplemented) ceased to be a trustee thereunder on July 23, 1969, and all of his powers as Individual Trustee have devolved upon the Trustee and its successors alone; and

WHEREAS by the Mortgage the Company covenanted that it would execute and deliver such further instruments and do such further acts as might be necessary or proper to carry out more effectually the purposes of the Mortgage and to make subject to the lien of the Mortgage any property thereafter acquired intended to be subject to the lien thereof; and

WHEREAS the Company executed and delivered the following indentures supplemental to the Mortgage:

Designation	Dated as of
First Supplemental Indenture	October 1, 1952
Second Supplemental Indenture	May 1, 1953
Third Supplemental Indenture	December 1, 1955
Fourth Supplemental Indenture	March 15, 1957
Fifth Supplemental Indenture	July 1, 1957
Sixth Supplemental Indenture	January 1, 1958
Seventh Supplemental Indenture	August 1, 1958
Eighth Supplemental Indenture	January 1, 1959
Ninth Supplemental Indenture	January 1, 1960
Tenth Supplemental Indenture	April 1, 1964
Eleventh Supplemental Indenture	March 1, 1965
Twelfth Supplemental Indenture	May 1, 1966
Thirteenth Supplemental Indenture	August 1, 1966
Fourteenth Supplemental Indenture	April 1, 1970
Fifteenth Supplemental Indenture	May 1, 1973
Sixteenth Supplemental Indenture	February 1, 1975
Seventeenth Supplemental Indenture	November 1, 1976
Eighteenth Supplemental Indenture	June 1, 1980
Nineteenth Supplemental Indenture	January 1, 1981
Twentieth Supplemental Indenture	August 1, 1982

which supplemental indentures were appropriately filed or recorded in various official records in the states of Washington, Idaho and Montana; and

WHEREAS, the Company executed and delivered a Twenty-first Supplemental Indenture, dated as of September 1, 1983, which was appropriately filed or recorded in various official records in the states of Washington, Idaho and Montana as follows:

FILING IN STATE OFFICES

State	Office of	Date	Financing Statement Document Number
Washington	Secretary of State	10-06-83	83-279-0314
Idaho	Secretary of State	11-04-83	B80478
Montana	Secretary of State	10-04-83	144203

RECORDING IN COUNTY OFFICES

County	Office of	Date	Real Estate Mortgage Records		Financing Statement Document No.
			Book	Page	
Washington					
Adams	Auditor	10-14-83	101	166-178	
Asotin	Auditor	10-14-83	Doc. No. 160407		
Benton	Auditor	10-14 -83	441	382	
Douglas	Auditor	10-19-83	M148		
Ferry	Auditor	11-03-83	MF	195575	
Franklin	Auditor	10-11-83	175	685-697	
Garfield	Auditor	10-14-83	Inst. No. 83313		
Grant	Auditor	11-09-83	442	599-611	
Grays Harbor	Auditor	11-10-83	83	21434-21446	
Klickitat	Auditor	11-07-83	131	297-390	
Lewis	Auditor	10-17-83	273	513-525	
Lincoln	Auditor	11-03-83	34	891-903	
Pend Oreille	Auditor	10-14-83	55	496-508	
Skamania	Auditor	10-17-83	59	688-700	
Spokane	Auditor	10-14-83	661	685-697	
Stevens	Auditor	11-09-83	83	1170-1182	
Thurston	Auditor	10-19-83	1213	45-57	
Whitman	Auditor	10-12-83	Film No. 497861		
Idaho					
Benewah	Recorder	10-03-83	150	2678	774
Bonner	Recorder	10-20-83	127	87-99	17791
Boundary	Recorder	10-04-83	47	404	5455
Clearwater	Recorder	11-29-83	Doc. N. 136640		9585
Idaho	Recorder	11-13-83	Doc. No. 308958		308957
Kootenai	Recorder	10-14-83	186	475-479	103699
Latah	Recorder	10-04-83	Doc. No. 331741		31342
Lewis	Recorder	10-03-83	Doc. No. 92983		916244
Nez Perce	Recorder	10-03-83	Film No. 469406		92983
Shoshone	Recorder	10-03-83	Doc. No. 308036		18004
Montana					
Mineral	Clerk & Recorder	10-03-83	Drawer I	2000-2000-F	68933
Sanders	Clerk & Recorder	10-03-83	67	865-876	7880
Rosebud	Clerk & Recorder	10-19-83	64	495-507	41156

; and

WHEREAS in addition to the property described in the Mortgage, as supplemented, the Company has acquired certain other property, rights and interests in property; and

WHEREAS, the Company has heretofore issued, in accordance with the provisions of the Mortgage, as supplemented, the following series of First Mortgage Bonds:

Series	Principal Amount Issued	Principal Amount Outstanding
3½% Series due 1964	$22,000,000	None
3¾% Series due 1982	30,000,000	None
3⅞% Series due 1983	10,000,000	None
4⅞% Series due 1987	30,000,000	$30,000,000
4⅛% Series due 1988	20,000,000	20,000,000
4⅜% Series due 1988	15,000,000	15,000,000
4¼% Series due 1989	15,000,000	15,000,000
5⅜% Series due 1990	10,000,000	None
4⅝% Series due 1994	30,000,000	30,000,000
4⅝% Series due 1995	10,000,000	10,000,000
6 % Series due 1996	20,000,000	20,000,000
9¼% Series due 2000	20,000,000	20,000,000
7⅞% Series due 2003	20,000,000	20,000,000
9⅜% Series due 2005	25,000,000	25,000,000
8¾% Series due 2006	30,000,000	30,000,000
14⅛% Series due 1991	40,000,000	40,000,000
15¾% Series due 1990-1992	60,000,000	60,000,000
13½% Series due 2013	60,000,000	60,000,000

which bonds are also sometimes referred to as bonds of the First through Eighteenth Series, respectively; and

WHEREAS Section 8 of the Mortgage provides that the form of each series of bonds (other than the First Series) issued thereunder and of the coupons to be attached to coupon bonds of such series shall be established by Resolution of the Board of Directors of the Company; that the form of such series, as established by said Board of Directors, shall specify the descriptive title of the bonds and various other terms thereof; and that such series may also contain such provisions not inconsistent with the provisions of the Mortgage, as supplemented, as the Board of Directors may, in its discretion, cause to be inserted therein expressing or referring to the terms and conditions upon which such bonds are to be issued and/or secured under the Mortgage, as supplemented; and

WHEREAS Section 120 of the Mortgage provides, among other things, that any power, privilege or right expressly or impliedly reserved to or in any way conferred upon the Company by any provision of the Mortgage, as supplemented, whether such power, privilege or right is in any way restricted or is unrestricted, may be in whole or in part waived or surrendered or subjected to any restriction if at the time unrestricted or to additional restriction if already restricted, and the Company may enter into any further covenants, limitations or restrictions for the benefit of any one or more series of bonds issued thereunder, or the Company may cure any ambiguity contained therein, or in any supplemental indenture, by an instrument in writing executed and acknowledged by the Company in such manner as would be necessary to entitle a conveyance of real estate to record in all of the states in which any property at the time subject to the lien of the Mortgage shall be situated; and

WHEREAS the Company now desires to create a new series of bonds and to add to its covenants and agreements contained in the Mortgage, as supplemented, certain other covenants and agreements to be

observed by it and to supplement and amend in certain respects the covenants and provisions contained in the Mortgage, as supplemented; and

WHEREAS the execution and delivery by the Company of this Twenty-second Supplemental Indenture, and the terms of the bonds of the Nineteenth Series, hereinafter referred to, have been duly authorized by the Board of Directors of the Company by appropriate Resolutions of said Board of Directors, and all things necessary to make this Twenty-second Supplemental Indenture a valid, binding and legal instrument for the security of the bonds have been performed;

NOW, THEREFORE, THIS INDENTURE WITNESSETH: That the Company, in consideration of the premises and of one dollar to it duly paid by the Trustee at or before the ensealing and delivery of these presents, the receipt whereof is hereby acknowledged, and in further assurance of the estate, title and rights of the Trustee and in order further to secure the payment of both the principal of and interest and premium, if any, on the bonds from time to time issued under the Mortgage, as supplemented, according to their tenor and effect and the performance of all the provisions of the Mortgage (including any instruments supplemental thereto and any modification made as in the Mortgage provided) and of such bonds, and to confirm the lien of the Mortgage on certain after-acquired property, hereby grants, bargains, sells, releases, conveys, assigns, transfers, mortgages, pledges, sets over and confirms unto Citibank, N.A., as Trustee under the Mortgage, and to its successor or successors in said trust forever, all the following described properties of the Company, acquired by the Company since the execution and delivery of the Mortgage, whether now owned or hereafter acquired, namely:

All of the property, real, personal and mixed, of every character and wheresoever situated (except any hereinafter or in the Mortgage, as supplemented, expressly excepted) which the Company now owns or, subject to the provisions of Section 87 of the Mortgage, may hereafter acquire prior to the satisfaction and discharge of the Mortgage, as fully and completely as if herein or in the Mortgage, as supplemented, specifically described, and including (without in anywise limiting or impairing by the enumeration of the same the scope and intent of the foregoing or of any general description contained in this Twenty-second Supplemental Indenture) all lands, real estate, easements, servitudes, rights of way and leasehold and other interests in real estate; all rights to the use or appropriation of water, flowage rights, water storage rights, flooding rights, and other rights in respect of or relating to water; all plants for the generation of electricity, power houses, dams, dam sites, reservoirs, flumes, raceways, diversion works, head works, waterways, water works, water systems, gas plants, steam heat plants, hot water plants, ice or refrigeration plants, stations, substations, offices, buildings and other works and structures and the equipment thereof and all improvements, extensions and additions thereto; all generators, machinery, engines, turbines, boilers, dynamos, transformers, motors, electric machines, switchboards, regulators, meters, electrical and mechanical appliances, conduits, cables, pipes and mains; all lines and systems for the transmission and distribution of electric current, gas, steam heat or water for any purpose; all towers, mains, pipes, poles, pole lines, conduits, cables, wires, switch racks, insulators, compressors, pumps, fittings, valves and connections; all motor vehicles and automobiles; all tools, implements, apparatus, furniture, stores, supplies and equipment; all franchises (except the Company's franchise to be a corporation), licenses, permits, rights, powers and privileges; and (except as hereinafter or in the Mortgage, as supplemented, expressly excepted) all the right, title and interest of the Company in and to all other property of any kind or nature.

TOGETHER WITH all and singular the tenements, hereditaments and appurtenances belonging or in anywise appertaining to the aforesaid property or any part thereof, with the reversion and reversions, remainder and remainders and (subject to the provisions of Section 57 of the Mortgage) the tolls, rents, revenues, issues, earnings, income, product and profits thereof, and all the estate, right, title and interest and claim whatsoever, at law as well as in equity, which the Company now has or may hereafter acquire in and to the aforesaid property and franchises and every part and parcel thereof.

IT IS HEREBY AGREED by the Company that, subject to the provisions of Section 87 of the Mortgage, all the property, rights, and franchises acquired by the Company after the date hereof (except any hereinbefore or hereinafter or in the Mortgage, as supplemented, expressly excepted) shall be as fully embraced within the lien hereof and the lien of the Mortgage, as supplemented, as if such property, rights

and franchises were now owned by the Company and were specifically described herein or in the Mortgage and conveyed hereby or thereby.

PROVIDED THAT the following are not and are not intended to be now or hereafter granted, bargained, sold, released, conveyed, assigned, transferred, mortgaged, pledged, set over or confirmed hereunder and are hereby expressly excepted from the lien and operation of this Twenty-second Supplemental Indenture and from the lien and operation of the Mortgage, as supplemented, namely: (1) cash, shares of stock and obligations (including bonds, notes and other securities) not hereafter specifically pledged, paid, deposited or delivered under the Mortgage, as supplemented, or covenanted so to be; (2) merchandise, equipment, materials or supplies held for the purpose of sale in the usual course of business or for consumption in the operation of any properties of the Company; (3) bills, notes and accounts receivable, and all contracts, leases and operating agreements not specifically pledged under the Mortgage, as supplemented, or this Twenty-second Supplemental Indenture or covenanted so to be; (4) electric energy and other materials or products generated, manufactured, produced or purchased by the Company for sale, distribution or use in the ordinary course of its business; and (5) any property heretofore released pursuant to any provisions of the Mortgage, as supplemented, and not heretofore disposed of by the Company; provided, however, that the property and rights expressly excepted from the lien and operation of this Twenty-second Supplemental Indenture and from the lien and operation of the Mortgage, as supplemented, in the above subdivisions (2) and (3) shall (to the extent permitted by law) cease to be so excepted in the event that the Trustee or a receiver or trustee shall enter upon and take possession of the Mortgaged and Pledged Property in the manner provided in Article XII of the Mortgage by reason of the occurrence of a Completed Default as defined in said Article XII.

TO HAVE AND TO HOLD all such properties, real, personal and mixed, granted, bargained, sold, released, conveyed, assigned, transferred, mortgaged, pledged, set over or confirmed by the Company as aforesaid, or intended so to be, unto the Trustee, and its successors, heirs and assigns forever;

IN TRUST NEVERTHELESS, for the same purposes and upon the same terms, trusts and conditions and subject to and with the same provisos and covenants as set forth in the Mortgage, as supplemented, this Twenty-second Supplement Indenture being supplemental to the Mortgage.

AND IT IS HEREBY COVENANTED by the Company that all the terms, conditions, provisos, covenants and provisions contained in the Mortgage, as supplemented, shall affect and apply to the property hereinbefore described and conveyed, and to the estates, rights, obligations and duties of the Company and the Trustee and the beneficiaries of the trust with respect to said property, and to the Trustee and its successors in the trust, in the same manner and with the same effect as if the said property had been owned by the Company at the time of the execution of the Mortgage, and had been specifically and at length described in and conveyed to said Trustee by the Mortgage as a part of the property therein stated to be conveyed.

The Company further covenants and agrees to and with the Trustee and its successor or successors in such trust under the Mortgage, as follows:

ARTICLE I

Nineteenth Series of Bonds

SECTION 1. There shall be a series of bonds designated "13¼% Series due 1994" (herein sometimes referred to as the "Nineteenth Series"), each of which shall also bear the descriptive title First Mortgage Bond, and the form thereof, which shall be established by Resolution of the Board of Directors of the Company, shall contain suitable provisions with respect to the matters hereinafter in this Section specified. Bonds of the Nineteenth Series shall mature on March 1, 1994, shall be issued as fully registered bonds in denominations of One Thousand Dollars and, at the option of the Company, in any multiple or multiples of One Thousand Dollars (the exercise of such option to be evidenced by the execution and delivery thereof), shall be dated as in Section 10 of the Mortgage provided, shall bear interest at the rate of 13¼% per annum, the first interest payment to be made September 1, 1984, for the period from the date of first authentication by the Trustee of the bonds of the Nineteenth Series to September 1, 1984, with subsequent

interest payments to be made semi-annually on September 1 and March 1 of each year; the principal and interest on each such bond to be payable at the office or agency of the Company in the Borough of Manhattan, The City of New York, in such coin or currency of the United States of America as at the time of payment is legal tender for public and private debts.

(I) Bonds of the Nineteenth Series shall be redeemable either at the option of the Company or pursuant to the requirements of the Mortgage, as supplemented, in whole at any time, or in part from time to time, prior to maturity, upon notice mailed as provided in Section 52 of the Mortgage, at the following general redemption prices, expressed in percentages of the principal amount of the Bonds to be redeemed:

GENERAL REDEMPTION PRICES

If redeemed during the 12 months period ending the last day of February,

Year	Redemption Price	Year	Redemption Price
1985	112.88%	1990	103.68%
1986	111.04%	1991	101.84%
1987	109.20%	1992	100.00%
1988	107.36%	1993	100.00%
1989	105.52%	1994	100.00%

in each case together with accrued interest to the date fixed for redemption; provided, however, that no bonds of the Nineteenth Series shall be redeemable at the general redemption prices prior to March 1, 1989, with borrowed funds, or in anticipation of funds to be borrowed, having an interest cost (calculated in accordance with acceptable financial practice) of less than 13.45% per annum.

(II) Bonds of the Nineteenth Series shall also be redeemable in whole at any time, or in part from time to time, prior to maturity, upon like notice, by the application (either at the option of the Company or pursuant to the requirements of the Mortgage) of cash deposited with the Trustee pursuant to the provisions of Section 38, Section 39 or Section 64 of the Mortgage or with the Proceeds of Released Property at the following special redemption prices, expressed in percentages of the principal amount of the bonds to be redeemed:

SPECIAL REDEMPTION PRICES

If redeemed during the 12 months period ending the last day of February,

Year	Redemption Price	Year	Redemption Price
1985	100.00%	1990	100.00%
1986	100.00%	1991	100.00%
1987	100.00%	1992	100.00%
1988	100.00%	1993	100.00%
1989	100.00%	1994	100.00%

in each case together with accrued interest to the date fixed for redemption.

(III) At the option of the registered owner, any bonds of the Nineteenth Series, upon surrender thereof for cancellation at the office or agency of the Company in the Borough of Manhattan, The City of New York, shall be exchangeable for a like aggregate principal amount of bonds of the same series of other authorized denominations.

Bonds of the Nineteenth Series shall be transferable, upon the surrender thereof for cancellation, together with a written instrument of transfer in form approved by the registrar duly executed by the registered owner or by his duly authorized attorney, at the office or agency of the Company in the Borough of Manhattan, The City of New York.

Upon any exchange or transfer of bonds of the Nineteenth Series, the Company may make a charge therefor sufficient to reimburse it for any tax or taxes or other governmental charge, as provided in Section 12 of the Mortgage, but the Company hereby waives any right to make a charge in addition thereto for any exchange or transfer of bonds of the Nineteenth Series.

Upon the delivery of this Twenty-second Supplemental Indenture, bonds of the Nineteenth Series in the aggregate principal amount of $60,000,000 are to be issued forthwith and will be Outstanding, in addition to $395,000,000 aggregate principal amount of bonds of prior series Outstanding at the date of delivery of this Twenty-second Supplemental Indenture.

ARTICLE II

Dividend Covenant

SECTION 2. So long as any of the bonds of the Nineteenth Series remain Outstanding, unless this requirement shall have been waived in writing by the holders of a majority in principal amount of the bonds of the Nineteenth Series Outstanding at the time of such waiver, the Company covenants that it will not declare or pay any dividend on its common stock or make any other distribution on shares of its common stock (other than dividends or distributions payable solely in shares of its common stock) or acquire (unless acquired without cost to the Company) any shares of the common stock of the Company, if the aggregate amount of all such payments, distributions and the cost of such acquisitions from and after July 1, 1957, shall exceed the aggregate net income of the Company applicable to common stock of the Company from and after July 1, 1957, and prior to such proposed declaration, payment, distribution or acquisition, plus $6,000,000, and plus an amount equal to the proceeds from the sale of common stock subsequent to July 1, 1957.

"Net income of the Company" shall, for the purposes of this Section and without regard to any other provision of the Mortgage, as supplemented, be determined in accordance with the system of accounts employed from time to time by the Company and which is in accordance with generally accepted accounting principles and practices for companies operating properties of like kind and character; provided, however, that the actual amounts deducted out of income for such cumulative period for expenditures and/or accruals for maintenance and/or appropriated for property retirement and/or appropriated for property amortization shall never be less than an amount equal to 13½% of the Gross Operating Revenues of the Company (as defined in Section 38 of the Mortgage, as amended) for such cumulative period.

ARTICLE III

Miscellaneous Provisions

SECTION 3. The second paragraph of Section 106 of the Mortgage is amended to read in its entirety as follows, such amendment to take effect immediately for the Nineteenth Series of bonds and all future series of bonds to be issued under the Mortgage:

Bonds and interest obligations for the payment of which and bonds for the redemption of which either (i) moneys or (ii) (a) direct obligations of the government of the United States of America or (b) obligations guaranteed by the government of the United States of America, none of which shall contain provisions permitting the redemption thereof at the option of the issuer, the principal of and the interest on which when due, and without any regard to reinvestment thereof, in the opinion of an independent accountant, will provide moneys which, together with the moneys, if any, deposited with or held by the Trustee, will be sufficient to pay when due the principal of, premium, if any, and interest due and to

become due on said bonds on the maturity date or redemption date thereof, as the case may be, shall have been set apart by or deposited with the Trustee, with irrevocable direction so to apply the same, subject to the provisions of Section 119 hereof (with or without any additional right given to the holders to surrender their bonds or obtain therefrom payment therefor prior to the redemption date) shall for purposes of satisfaction of the Lien of this Indenture be deemed to have been paid; provided that in case of redemption the notice requisite to the validity of such redemption shall have been given or arrangements shall have been made insuring to the satisfaction of the Trustee that the same will be given.

SECTION 4. The Company covenants that, whenever it is required to redeem bonds, directly or indirectly, as a result of the provisions of Section 64 of the Mortgage, it will not so redeem more bonds of the Nineteenth Series than a pro rata portion of all bonds Outstanding at the time of such redemption.

SECTION 5. The terms defined in the Mortgage, as supplemented, shall, for all purposes of this Twenty-second Supplemental Indenture, have the meanings specified in the Mortgage, as supplemented.

SECTION 6. The Trustee hereby accepts the trusts hereby declared, provided, created or supplemented and agrees to perform the same upon the terms and conditions herein and in the Mortgage, as supplemented, set forth, including the following:

The Trustee shall not be responsible in any manner whatsoever for or in respect of the validity or sufficiency of this Twenty-second Supplemental Indenture or for or in respect of the recitals contained herein, all of which recitals are made by the Company solely. Each and every term and condition contained in Article XVI of the Mortgage, as supplemented, shall apply to and form part of this Twenty-second Supplemental Indenture with the same force and effect as if the same were herein set forth in full, with such omissions, variations and insertions, if any, as may be appropriate to make the same conform to the provisions of this Twenty-second Supplemental Indenture.

SECTION 7. Whenever in this Twenty-second Supplemental Indenture either of the parties hereto is named or referred to, this shall, subject to the provisions of Articles XV and XVI of the Mortgage, as supplemented, be deemed to include the successors and assigns of such party, and all the covenants and agreements in this Twenty-second Supplemental Indenture contained by or on behalf of the Company, or by or on behalf of the Trustee, or either of them, shall, subject as aforesaid, bind and inure to the respective benefits of the respective successors and assigns of such parties, whether so expressed or not.

SECTION 8. Nothing in this Twenty-second Supplemental Indenture, expressed or implied, is intended, or shall be construed, to confer upon, or to give to, any person, firm or corporation, other than the parties hereto and the holders of the bonds and coupons Outstanding under the Mortgage, any right, remedy or claim under or by reason of this Twenty-second Supplemental Indenture or any covenant, condition, stipulation, promise or agreement hereof, and all the covenants, conditions, stipulations, promises and agreements in this Twenty-second Supplemental Indenture contained by or on behalf of the Company shall be for the sole and exclusive benefit of the parties hereto, and of the holders of the bonds and of the coupons Outstanding under the Mortgage.

SECTION 9. So long as any bonds of the Nineteenth Series remain Outstanding, unless this requirement shall have been waived in writing by the holders of a majority in principal amount of the bonds of the Nineteenth Series Outstanding at the time of such waiver, notwithstanding the provisions of the second paragraph of Section 7 of the Mortgage, in any Net Earning Certificate required to be delivered to the Trustee there shall be included in the operating expenses all interest on customers' deposits and an amount equal to 13½% of the Gross Operating Revenues of the Company (as defined in Section 38 of the Mortgage, as amended) for the twelve consecutive calendar months covered by such certificate after deducting from such amount an amount equal to the amount, included in operating expenses, expended for or accrued for repairs and maintenance.

SECTION 10. This Twenty-second Supplemental Indenture shall be executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

SECTION 11. The titles of the several Articles of this Twenty-second Supplemental Indenture shall not be deemed to be any part thereof.

IN WITNESS WHEREOF, on the 22nd day of March, 1984, THE WASHINGTON WATER POWER COMPANY has caused its corporate name to be hereunto affixed, and this instrument to be signed and sealed by its President or one of its Vice Presidents, and its corporate seal to be attested by its Secretary or one of its Assistant Secretaries for and in its behalf, all in The City of Spokane, Washington, as of the day and year first above written; and on the 26th day of March, 1984, CITIBANK, N.A., has caused its corporate name to be hereunto affixed, and this instrument to be signed and sealed by its President or one of its Senior Trust Officers or one of its Trust Officers and its corporate seal to be attested by one of its Trust Officers, all in The City of New York, New York, as of the day and year first above written.

THE WASHINGTON WATER POWER COMPANY

By ..... *Vice President*

Attest:

..... *Assistant Secretary*

Executed, sealed and delivered by THE WASHINGTON WATER POWER COMPANY, in the presence of:

.....

.....

CITIBANK, N.A., AS TRUSTEE

By ..... *Senior Trust Officer*

Attest:

..... *Trust Officer*

Executed, sealed and delivered by CITIBANK, N.A., in the presence of:

.....

.....

STATE OF WASHINGTON
COUNTY OF SPOKANE } ss.:

On the 22nd day of March, 1984, before me personally appeared J. P. BUCKLEY, to me known to be a Vice President of THE WASHINGTON WATER POWER COMPANY, one of the corporations that executed the within and foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said Corporation for the uses and purposes therein mentioned and on oath stated that he was authorized to execute said instrument and that the seal affixed is the corporate seal of said Corporation.

On the 22nd day of March, 1984, before me, CYNTHIA L. KAHN, a Notary Public in and for the State and County aforesaid, personally appeared J. P. BUCKLEY, known to me to be a Vice President of THE WASHINGTON WATER POWER COMPANY, one of the corporations that executed the within and foregoing instrument and acknowledged to me that such Corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

Cynthia L. Kahn
Notary Public

STATE OF WASHINGTON
COUNTY OF SPOKANE } ss.:

On the 22nd day of March, 1984, before me personally appeared J. P. BUCKLEY, to me known to be a Vice President of THE WASHINGTON WATER POWER COMPANY, one of the corporations that executed the within and foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said Corporation for the uses and purposes therein mentioned and on oath stated that he was authorized to execute said instrument and that the seal affixed is the corporate seal of said Corporation.

On the 22nd day of March, 1984, before me, CYNTHIA L. KAHN, a Notary Public in and for the State and County aforesaid, personally appeared J. P. BUCKLEY, known to me to be a Vice President of THE WASHINGTON WATER POWER COMPANY, one of the corporations that executed the within and foregoing instrument and acknowledged to me that such Corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

Cynthia L. Kahn
Notary Public

STATE OF NEW YORK
COUNTY OF NEW YORK } ss.:

On the 26th day of March, 1984, before me personally appeared P. DEFELICE, to me known to be a Senior Trust Officer of CITIBANK, N.A., one of the corporations that executed the within and foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said Corporation for the uses and purposes therein mentioned and on oath stated that he was authorized to execute said instrument and that the seal affixed is the corporate seal of said Corporation.

On the 26th day of March, 1984, before me, DANIEL C. BROWN, JR., a Notary Public in and for the State and County aforesaid, personally appeared P. DEFELICE, known to me to be a Senior Trust Officer of CITIBANK, N.A., one of the corporations that executed the within and foregoing instrument and acknowledged to me that such Corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

Daniel C. Brown, Jr.
Notary Public, State of New York
No. 41-4644153
Qualified in Queens County
Certificate filed in New York County
Commission Expires March 30, 1985

State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

November 2, 1983

Paine, Hamblen, Coffin & Brooke
Attn: Alan P. O'Kelly
1200 Washington Trust Financial Center
Spokane, WA 99204

RE: Washington Water Power Company Permit No. 95-8003

Gentlemen:

We are in receipt of your letter dated October 22, 1983, with which you provided information indicating that the project identified in the above referenced permit has been approved by the Federal Energy Regulatory Commission. Thank you for this information.

Please be advised that due to a change in our review procedures the above referenced permit was determined to be eligible for approval early this year. On February 24, 1983, the approval was finalized and a copy was sent to the Washington Water Power Company. Enclosed is a copy of the permit for your information.

Please note that one condition of approval of the permit is that "this permit does not constitute Idaho Public Utilities Commission or Federal Energy Regulatory Commission approval that may be required". Because your letter indicated an explanation that this project is exempt from approval of the Idaho Public Utilities Commission, and in light of the FERC approvals provided, it appears that the Washington Water Power Company has satisfied this condition of approval.

Please note that the date by which beneficial use is shown to be required is March 1, 1985. This date is approximately two years after the date of approval of the permit, in compliance with the number of years requested

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in the original application, in item 7 on page 1. Because development of this project was delayed by FERC until October 7, 1983, when proof of beneficial use was due, the permit holder may request an extension of time of 7½ months due to lack of Federal approval. You may wish to keep this possible extension in mind if March 1, 1985, approaches prior to completion of the planned additional turbine.

Please contact this office if you have any further information regarding this permit.

Sincerely,

DAVID R. TUTHILL, JR., P.E.
Supervisor, Water Allocation Section

DRT:ns

Enclosure

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RECEIVED
OCT 1983
Dept. of Water Resources

LAW OFFICES OF

PAINE, HAMBLEN, COFFIN & BROOKE

1200 WASHINGTON TRUST FINANCIAL CENTER 99204
SPOKANE, WASHINGTON
PHONE (509) 455-6000

TRI-CITIES OFFICE:
7601 W. CLEARWATER KENNEWICK, WA 99336
PHONE (509) 582-4060

ALAN P. O'KELLY
JOHN HUNEKE
ROBERT L. SIMPSON
RICHARD D. MCWILLIAMS
WM. FREMMING NIELSEN
LAWRENCE R. SMALL
JOHN R. QUINLAN
FREDERIC G. EMRY, II
CURTIS L. SHOEMAKER
DAVID L. BROOM
JERRY K. BOYD
GARY A. DAHLKE
DANIEL E. MCKELVEY, JR.
TIMOTHY W. QUIRK
DONALD G. STONE
PHILIP S. BROOKE, III
SCOTT L. SIMPSON
RICHARD W. KUHLING
JAMES M. KALAMON
JAMES B. KING
DAVID J. MEYER
SHAUN M. CROSS

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ASSOCIATES
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DIANE M. HERMANSON
NANCY L. DYKES
WILLIAM J. SCHROEDER
GARY R. ENGLISH
CAROL F. PETERKORT
ROBERT E. NEATE
KEITH A. TREFRY
DANIEL W. SHORT

October 22, 1983

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
STATE OFFICE
450 West State Street
Boise, Idaho 83704

Attention: Supervisor
Water Allocations Section

Re: THE WASHINGTON WATER POWER COMPANY
APPLICATION FOR PERMIT NO. 95-8003

Gentlemen:

Under letter dated November 10, 1980, you advised our client, THE WASHINGTON WATER POWER COMPANY, that you had completed a preliminary review of the above referenced application but advised that your review indicated that approval for the project will be required from both the FERC and PUC.

The Company has finally received approval from the Federal Energy Regulatory Commission. This was by Order Amending License (Major) issued July 22, 1981, Project No. 2545-004 which Order was suspended pending a petition for hearing by the Commission. The Commission has now approved the order amending license and has entered an Order Approving Settlement And Establishing Procedures which order was issued October 7th, 1983. We enclose herewith copies of each of such orders.

In connection with your suggestion that the Idaho Public Utilities Commission would have to approve this project, we refer you to Idaho Code, Section 61-526. The Washington

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Water Power Company's present application involves merely an increase in capacity of an existing generating plant and under the last clause of the statute, the Company is exempted from the requirement that it secure approval of the Idaho Public Utilities Commission.

We request that the Department proceed to issue the permit. If you have any questions, please contact the undersigned.

Very truly yours,

PAINE, HAMBLEN, COFFIN & BROOKE

By Alan P. O'Kelly
ALAN P. O'KELLY

APO:ec

Enclosure

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RECEIVED
JUN 15 1981
Department of Water Resources

Route To		Date	Initial
	Director		
	Deputy Dir.		
4	Reso. Adm.		
	Reso. Analysis		
1-2	Oper. Bureau		
	Proj. Stud. Bu.		
	Reg. Off. Bu.		
	Tech. Serv. Bu.		
3	Glen		
	File:		

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Georgiana Sheldon, Acting Chairman;
Matthew Holden, Jr., and J. David Hughes.

The Washington Water Power Company) Project No. 2545

95-451 8X
95-803 V

ORDER GRANTING REHEARING
FOR FUTHER CONSIDERATION,
AND NOTICE OF INTENT TO ACT

(Issued June 8, 1981)

On May 8, 1981, The Washington Water Power Company (WWPC) filed an application pursuant to Section 313(a) of the Federal Power Act and § 1.34 of the Commission's Rules of Practice and Procedure for rehearing of the Commission's Opinion No. 117 issued April 8, 1981. WWPC included a motion for a stay in its application and, concurrently, filed a separate motion for oral argument.

The Commission finds:

(1) In order to afford additional time for consideration of the issues raised in the said application for rehearing and motions, it is appropriate and proper in the administration of the Federal Power Act to grant rehearing of Opinion No. 117 and give notice of intent to act on the motions as provided below.

(2) As provided in § 1.34(d) of the Commission's Rules of Practice and Procedure, no answers to the application for rehearing will be entertained by the Commission since this order does not grant rehearing upon any substantive issues.

The Commission orders:

(A) Rehearing of Opinion No. 117 issued April 8, 1981, is hereby granted for the limited purpose of further consideration.

(B) Notice is hereby given of the Commission's intent to act on the motions for a stay and oral argument.

By the Commission.

(S E A L)

Kenneth F. Plumb
Kenneth F. Plumb,
Secretary.

DISPROCESSED

DC-A-55

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Department of Water Resources

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

The Washington Water Power Company) Project No. 2545-004

95-4518
95-8003

NOTICE OF INTENT TO ACT

(Issued September 17, 1981)

Acting pursuant to authority delegated in section 375.308 of the Commission's regulations, 1/ the Director of the Office of Electric Power Regulation issued on July 22, 1981 an Order Amending License (Major) for the Spokane River Project No. 2545-004. On August 18, 1981, the Secretary of the Department of the Interior (Interior) filed an appeal of the Director's order pursuant to §1.7(d) of the Commission's regulations (18 C.F.R. §1.7(d) (1980)).

Further time is required for action on the issues raised on appeal. The Commission intends to act on the appeal filed by Interior; therefore the appeal filed shall not be deemed to be denied by operation of law pursuant to §1.7(d) of the Commission's regulations.

By direction of the Commission.

(S E A L)

Kenneth F. Plumb,
Secretary.

DC-A-55

1/ 45 Fed. Reg. 21216 (1980), amending 46449 (1979) and 18 C.F.R §3.5(g) (1979), as amended by 46 Fed. Reg. 14119 (1981).

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

95-4518
95-8003

OPINION NO. 117

The Washington Water Power Company) Project No. 2545

OPINION AND ORDER AFFIRMING,
WITH MODIFICATIONS, THE
INITIAL DECISION ON JURISDICTION

Issued: April 8, 1981

DC-A-18

95-4518
95-8003

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

OPINION NO. 117

The Washington Water Power Company) Project No. 2545

OPINION AND ORDER AFFIRMING,
WITH MODIFICATIONS, THE
INITIAL DECISION ON JURISDICTION

Issued: April 8, 1981

DC-A-18

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Georgiana Sheldon, Acting Chairman; Matthew Holden, Jr., George R. Hall and J. David Hughes.

The Washington Water Power Company) Project No. 2545

OPINION NO. 117

OPINION AND ORDER AFFIRMING, WITH MODIFICATIONS, THE INITIAL DECISION ON JURISDICTION
(Issued April 8, 1981)

The Washington Water Power Company (WWPC) contends herein that it is authorized by a permit or permits granted prior to June 10, 1920, the date of the Federal Water Power Act (FWPA), to continue to operate and maintain its Little Falls hydroelectric development on the Spokane River in the State of Washington. We find that WWPC has authority under one such permit to utilize lands of the Spokane Indian Reservation and waters on the reservation side of the river for that purpose, but we also find that its authority thereunder is insufficient for the continued operation and maintenance of that development other than under and in accordance with the terms of a license granted pursuant to the Federal Power Act (FPA). 1/ Since the parties agree that the Little Falls development should be licensed, if at all, as part of WWPC's Project No. 2545, and since that development is coordinated with the other developments of that licensed project, we affirm with certain modifications the Initial Decision issued herein on April 1, 1980, requiring WWPC to file an application to amend its license for Project No. 2545 to include the Little Falls development.

1/ The Federal Water Power Act was amended in 1935 to change its name to the Federal Power Act, modify certain existing provisions substantively and designate them as Part I, and enact Parts II and III. It is customary to distinguish between the pre- and post-amendment statute by its pre- and post-amendment names in the context that the FPA, as a new statute, superseded the FWPA.

As more fully discussed herein, the Secretary of the Interior (Interior), in 1906, granted David Wilson (Wilson) under the Act of March 3, 1905, the right to utilize waters of the Spokane River and 100 acres of the Spokane Indian Reservation at Little Falls for the development of water power. In 1907 Wilson transferred those rights to WWPC without first obtaining Interior's permission. In 1908 Interior granted WWPC under the Act of March 3, 1905, the right to utilize waters of the Spokane River and 8 additional acres of the Spokane Indian Reservation at Little Falls for the development of water power. In 1910 WWPC completed its water power development utilizing the 108 acres. And in 1924, after the FWPA was enacted, WWPC obtained a patent from Interior for the 108 acres.

In order to resolve the ultimate question of whether WWPC is required to license the continued operation and maintenance of its Little Falls water power development, it is necessary to consider, first, the nature and extent of the pre-FWPA authorization that will substitute for a current license under the FPA to continue to operate and maintain a hydro-electric development. And it is necessary to consider, second, the nature of such authorization held by WWPC under the Act of March 3, 1905.

SECTION 23(b) OF THE FEDERAL POWER ACT

Our analysis begins with the first sentence of Section 23(b) of the FPA, which was enacted in 1935 2/ and states:

> It shall be unlawful for any person, State, or municipality, for the purpose of developing electric power, to construct, operate, or maintain any dam, water conduit, reservoir, power house, or other works incidental thereto across, along, or in any of the

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2/ The FWPA was oriented toward voluntary applications to obtain the benefits of water power licenses. As more fully discussed in Opinion No. 2 (Puget Sound Power and Light Company, Project No. 2494), issued October 28, 1977, licensing applications were made mandatory in 1935 at which time Section 23 was divided into two subsections and the first sentence of Section 23(b) was enacted.

navigable waters of the United States, or upon any part of the public lands or reservations of the United States (including the Territories), or utilize the surplus water or water power from any Government dam, except under and in accordance with the terms of a permit or valid existing right-of-way granted prior to June 10, 1920, or a license granted pursuant to this Act.

The first sentence of Section 23(b) was derived principally from and generally parallels the wording of the licensing authority of the Commission 3/ under Section 4(d) of the FWPA, which became Section 4(e) of the FPA. 4/ It was also derived in part from the first paragraph of Section 23 of the FWPA, which became Section 23(a) of the FPA. The interaction of these provisions goes to the roots of the FWPA and, consequently, Part I of the FPA.

The principal purpose of the FWPA was to establish a national policy to promote the comprehensive development of water power on government lands and navigable waters other than by the government itself, and to administer that policy by abolishing the piecemeal authorities of the Secretaries of Agriculture, the Interior and War over the nation's hydro-electic resources and centralizing them in the Federal Power Commission. 5/

The national policy was centralized in the Commission through the authority in Section 4(d) to issue licenses for the purpose of constructing, operating and maintaining works necessary or convenient for the development, transmission and utilization of power across, along, from or in any of the

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3/ The term "Commission" refers to the Federal Power Commission in contexts prior to October 1, 1977, and to the Federal Energy Regulatory Commission in contexts on and after that date.

4/ However, Section 23(b) differs in some respects from Section 4(e), so that the scope of the Commission's licensing authority under Section 4(e) is broader than the scope of the licensing requirement of Section 23(b).

5/ E.g., The Montana Power Company v. Federal Power Commission, 445 F.2d 739 (D.C. Cir. 1970), at 750.

navigable waters of the United States, or upon any part of the public lands and reservations of the United States. And the piecemeal authorities of the Secretaries were abolished by Section 29 which provided that all inconsistent acts and parts of acts were repealed. 6/

While the FWPA repealed inconsistent laws, it provided in the first paragraph of Section 23 that the FWPA

> shall not be construed as affecting any permit or valid existing right of way heretofore granted, or as confirming or otherwise affecting any claim, or as affecting any authority heretofore given pursuant to law, but any person, association, corporation, State, or municipality, holding or possessing such permit, right of way, or authority may apply for a license hereunder, and upon such application the commission may issue to any such applicant a license in accordance with the provisions of this Act, and in such case the provisions of this Act shall apply to such applicant as a licensee hereunder ....

The FWPA thus provided an option for those who, on June 10, 1920, had authority to utilize government lands and navigable waters for the development of water power. 7/ They could continue to utilize those lands and waters under their existing authority, in which case the efficacy of the laws under which their authority had been granted would remain intact. Or they could obtain a license under the FWPA, in

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6/ However, until 1930 the Commission consisted of the Secretaries whose authorities were abolished.

7/ "Congress intended that the right to make application under section 23 of the act should be limited to those who, on the date of approval of the act, were possessed of authority theretofore lawfully granted." But an assignee of a permit that is personal in nature is not possessed of such authority. Opinion of the Chief Counsel to the Executive Secretary in re Southern California Edison Company, dated February 23, 1927. Seventh Annual Report of the Federal Power Commission (1927), 142, at 146-147.

which case the FWPA would control. However, beginning June 10, 1920, no new authority to utilize government lands and navigable waters for the development of water power could be granted under other laws. Those laws were repealed as to any new authority, and the FWPA became the only statute under which such authority could be granted. 8/

Congress transformed the FWPA into Part I of the FPA in 1935 and made compliance mandatory by enacting the first sentence of Section 23(b) stating that it shall be unlawful to engage in the activities that the Commission licenses "except under and in accordance with" proper authorization. Congress limited that authorization to (1) a license granted pursuant to the FPA or, (2) in the light of Section 23(a) pertaining to authority existing on June 10, 1920, "a permit or valid existing right-of-way granted prior to" that date.

The first sentence of Section 23(b) prohibits the construction, operation, or maintenance of water power developments utilizing "navigable waters" or any part of the "public lands" or "reservations" of the United States, without proper authorization. It is apparent that no authorization is required if the continued operation and maintenance of the Little Falls development does not require WWPC to engage in any of the activities specified in Section 23(b) as requiring licensing. The threshold inquiry, therefore, is whether any of the quoted bases for the licensing requirement exist.

WWPC states, in this connection, in its brief on exceptions, that it "does not take exception to a finding that the Spokane River constitutes navigable water as defined in Section 3(8) of the Federal Power Act." Since our concern herein with respect to the navigability of the Spokane River pertains only to navigability within the purview of the term "navigable waters" as defined in the FWPA/FPA, WWPC is deemed to have waived any further objections to navigability. 18 CFR § 1.31(c). Furthermore, as discussed under "The Act of

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8/ "[O]n the passage of the Federal Water Power Act the authority of the Secretary of Agriculture to approve transfers or assignments of water power permits ceased and determined, and a like authority was immediately vested in the Federal Power Commission." 32 Opinions of Attorneys General 525 (1921), at 531.

March 3, 1905", infra, we have concluded that the Little Falls development is constructed in part on "reservations" of the United States within the purview of the FWPA/FPA. Accordingly, we find that the continued operation and maintenance of the Little Falls development requires proper authorization, either in the form of a license granted pursuant to the FPA, or a permit or valid existing right-of-way granted prior to June 10, 1920.

The first sentence of Section 23(b) is instructive as to the nature and extent of the pre-FWPA authorization that will suffice in lieu of a license. It prohibits the utilization of navigable waters and the construction of dams in navigable waters for the development of power, authorization for which was formerly vested in the Secretary of War. 9/ And it prohibits the utilization of public lands and reservations of the United States for the development of power, authorization for which was formerly vested in the Secretaries of Agriculture and the Interior, depending on which Secretary had jurisdiction over particular public lands or reservations. In other words, we look toward the former piecemeal authorities of the three Secretaries that were centralized in the Commission.

The first sentence of Section 23(b) indicates that the pre-FWPA authorization must cover all of the jurisdictional activities that are prohibited by it in the absence of such authorization or a license. If both a "reservation" and "navigable waters" of the United States are utilized to develop electric power, authority to utilize both must co-exist. 10/

9/ Some statues, such as the Act of March 3, 1905, involved herein, gave the Secretary of the Interior authority with respect to waters associated with government lands.

10/ Montana Power Company v. Federal Power Commission, 185 F.2d 491 (D.C. Cir. 1950) at 496, affirming in relevant part The Montana Power Company, 7 FPC 163 (1948).

If there is authority to utilize the "reservation" but not the "navigable waters", the operation and maintenance of a power development without a license would be unlawful under Section 23(b) to the extent that "navigable waters" are utilized. So, too, if there is authority to utilize only part of a "reservation" used for a power development, the operation and maintenance of the power development on the other part of the "reservation" would be unlawful under Section 23(b) without a license. And pre-FWPA Federal authorization to utilize navigable waters, without similar authorization to operate and maintain a dam in those waters, would be unlawful under Section 23(b) in the absence of a license.

We emphasize, in this connection, that the question is not whether authorization was required under the superseded statutes. That is irrelevant. The question is whether a specific jurisdictional activity is now prohibited by the first sentence of Section 23(b) in the absence of authorization, and, if so, whether authorization to engage in all such activities co-existed on June 10, 1920, the date chosen by Congress in 1935 to coincide with the date of the FWPA. The stated purpose of that provision was to bring under the Commission's jurisdiction all hydro-electric developments with which the United States has any valid concern. 11/ With the centralization of the piecemeal authorities in the Commission, it is apparent that pre-FWPA permittees with authority to engage in only some of the activities that are prohibited by the first sentence of Section 23(b), must be required to obtain licenses if that provision is to be obeyed. Otherwise, they would be allowed to violate that provision. 12/

11/ Senate Report No. 621 (at 47) and House Report No. 1318 (at 25), 74th Congress, 1st Session, infra.

12/ "[A]ll federal grants are construed in favor of the Government lest they be enlarged to include more than what was expressly included." United States v. Grand River Dam Authority, 363 U.S. 229 (1960), at 235; The Northwest Paper Company v. Federal Power Commission, 344 F.2d (8th Cir. 1965), at 51. "Statutes said to restrict the power of government by the creation of private rights are, like other public grants, to be strictly construed for the protection of the public interest." Reichelderfer v. Quinn, 287 U.S. 315 (1932); The Northwest Paper Company v. Federal Power Commission, supra, at 51. Under these principles, pre-FWPA grants of what is now partial authority should be construed to the extent practicable as not being affected by the FPA but, nonetheless, as not being sufficient under Section 23(b) to avoid licensing.

Finally, the first sentence of Section 23(b) prohibits the specified jurisdictional activities "except under and in accordance with the terms of a permit" granted prior to June 10, 1920, or a license. While an assignee of a permit might arguably operate and maintain a water power development "in accordance with" its terms, only the named recipient would be able to operate the development "under" the permit. That named recipient could be the original grantee, or the assignee of the original grantee upon the issuance of another permit. We emphasize, in this connection, that the question is not whether transfer was required under the superseded statutes and regulations. The question is whether one claiming pre-FWPA authorization is able to engage in the prohibited activities "under and in accordance with the terms" of a pre-FWPA permit or right-of-way.

Interior did not issue formal permits under the Act of March 3, 1905, containing a variety of terms, as such. As shown by Exhibit 49, for example, Interior endorsed approvals on (1) Office of Indian Affairs letters transmitting, and recommending approval of, applications for permits and (2) the accompanying maps. 13/ Applications for permits under the Act of March 3, 1905, contained representations that were intended to satisfy the Secretary of the Interior, as required by that Act, that the applications were made "in good faith and with intent and ability to use" the lands granted thereunder for the purposes specified in that Act. Those representations were personal to the applicants and, under such circumstances, we would construe the phrase in Section 23(b) "terms of a permit ... granted prior to June 10, 1920" as including those personal representations. Accordingly, we conclude that only the named recipients of the permits can operate and maintain water power developments "under and in accordance with" the terms of those permits. Conversely, we conclude that an assignee who has not effected a transfer of the permit to the assignee's name cannot operate and maintain a water power development "under and in accordance with" its terms within the purview of Section 23(b). 14/

13/ Interior's practice of endorsing approvals is mentioned in The Long Struggle for Effective Water Power Legislation by Gifford Pinchot, 14 The George Washington University Law Review 9 (1945), at 11.

14/ Montana Power Company v. Federal Power Commission, 185 F.2d 491 (D.C. Cir. 1950).

We turn next to "The Act of March 3, 1905" pursuant to which WWPC claims authority under a permit or permits granted prior to June 10, 1920.

THE ACT OF MARCH 3, 1905

David Wilson, who owned land on the south bank of the Spokane River at Little Falls, wanted to obtain an interest in land within the Spokane Indian Reservation on the north bank, and the right to utilize the Spokane River, for the construction and operation of a water power development. He could have obtained a license for the use of the land under the Act of February 15, 1901 (31 Stat. 790), which was applicable to public lands and reservations generally, but such a license was revocable at the discretion of Interior and did not include the use of the water. Wilson was unwilling to invest in a water power development under such circumstances and, as a result, he and another individual caused Congressman Jones of Washington to sponsor a bill that became the Act of March 3, 1905 (33 Stat. 1006).

That Act empowered the Secretary of the Interior to permit citizens, associations and corporations of the United States to acquire "the use of the waters of the Spokane River where the said river forms the southern boundary of the Spokane Indian Reservation ... by appropriation under and pursuant to the laws of the State of Washington." 15/ It also empowered Interior to grant such appropriator or appropriators lands within the Spokane Indian Reservation for the erection of structures for the development of power or for the beneficial

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15/ Congressman Jones explained to the House when the bill was passed,

> [T]he question of the acquirement of water rights on the reservation is a matter of some doubt. This bill simply authorizes the acquirement of water rights on the reservation side of the river under the laws of the State of Washington, and the committee has put in a further restriction that it must be with the consent of the Secretary of the Interior.

See page 2413 of the Congressional Record appended to the Initial Brief of the Spokane Indian Tribe.

use of the water. 16/ Interior adopted regulations for the administration of the Act, but the parties to this proceeding were unable to obtain a copy for the record. 17/

The Acting Commissioner of Indian Affairs reported on the bill that became the Act of March 3, 1905, in a letter dated December 17, 1904, to the Chairman of the Committee on Indian Affairs of the House of Representatives. That letter is printed in House Report No. 4006 and Senate Report No. 4378, 58th Congress, 3rd Session, and explains "that an individual or corporation proposing the expenditure of large sums of money for purposes specified in this bill should be granted the perpetual use of the land upon which such expenditures are to be made." Congressman Jones explained to the House when the bill was passed:

> There is a law enabling companies to secure permits or licenses; but of course they would not want to expend large sums of money on a mere license or permit, so this bill authorizes the acquirement of title to this land....
>
> * * *
>
> It simply affects Indian lands and provides means by which persons can acquire the permanent rights.

16/ A proviso said

> That no lands shall be granted under this Act until after the Secretary of the Interior is satisfied that the person, association, or company applying has made said application in good faith and with intent and ability to use said lands for the purposes above specified and that it requires the quantity of land applied for in such use....

17/ Early in 1981 WWPC finally obtained a copy from the National Archives and Records Service of the General Services Administration and, on February 13, 1981, petitioned to reopen the record of this proceeding for the limited purpose of receiving the regulations into evidence. As discussed infra, in note 37, the copy of the regulations is being admitted into evidence.

In the course of the debate on the House floor, Congressman Jones was asked whether the bill carried the right to dam the Spokane River. And he replied (page 2413 of the Congressional Record),

> Oh, no; not at all. That matter, if it came up, would have to go to the Committee on Interstate and Foreign Commerce. They have to take their chances on that. 18/

There is considerable controversy in this proceeding with respect to the nature of the interests in the lands of the Spokane Indian Reservation granted under the Act of March 3, 1905. While the Spokane Indian Tribe has asserted a constitutional challenge to WWPC's title under that Act, 19/ the presiding judge has said that WWPC's title is not in issue. WWPC contends in its brief on exceptions (1) that it acquired "all federal right, title and interest to the water power and property of the Little Falls development", (2) that the judge decided that it has no title, (3) that the Commission cannot determine its title, and (4) that the government is estopped from challenging its title.

We agree with the presiding judge that it is not necessary to resolve the constitutional challenge to WWPC's title under the Act of March 3, 1905, to determine whether the Little Falls development is required to be licensed under the FPA. If the lands of the Spokane Indian Reservation were granted

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18/ It should be noted that all hydro-electric projects do not involve the construction of dams or other obstructions in waterways. For example, Project No. 176 diverted water from a river through a tunnel in one bank of the river, as discussed in Opinion No. 36, at 10 (Escondido Mutual Water Company, Project No. 176), issued February 26, 1979.

19/ WWPC's title is derived from the grant of 100 acres to Wilson that was assigned by Wilson to WWPC, and from the grant of 8 acres to WWPC.

in fee simple 20/ under the Act of March 3, 1905, they would have ceased being part of that reservation and would no longer have been "reservations" within the purview of Section 3(2) of the FPA, 21/ because the United States would not have retained any property interest in them. Accordingly, the continued operation and maintenance of the Little Falls development on those lands would not today be prohibited (without authorization) by reason of that development's utilizing "reservations" of the United States. If, on the other hand, those lands were granted in less than fee simple, as we find, infra, (or if the grants are void, which issue is not reached), the United States continues to have a reserved interest in them, they continue to be "reservations" within the purview of Section 3(2), and the continued operation and maintenance of the Little Falls development is prohibited (without authorization) by reason of its utilizing "reservations" of the United States.

While ordinarily the Commission does not determine issues associated with title to lands, the Commission can and will do so to the extent necessary to administer the FPA. See Federal Power Commission v. Tuscarora Indian Nation, 362 U.S. 99 (1960), wherein the Commission determined whether Indian

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20/ We use the term "fee simple" as being synonymous with "fee simple absolute" and signifying an inheritable estate free from any conditions or restrictions -- the largest estate and most extensive interest in land. See Black's Law Dictionary, Revised Fourth Edition (1968), at 742. It is to be distinguished from a lesser estate which is variously known as a "conditional fee" or a "fee simple conditional", such as a condition of termination if the land is not used for the development of water power within a reasonable period of time (see Big Bend, infra), or a condition of termination if land used for the development of water power is no longer used for that purpose.

21/ "[R]eservations" means national forest, tribal lands embraced within Indian reservations, military reservations, and other lands and interests in lands owned by the United States and withdrawn, reserved, or withheld from private appropriation and disposal under the public laws; also lands and interests in lands acquired and held for any public purposes; but shall not include national monuments or national parks... [Emphasis added].

lands were "reservations" within the purview of Section 3(2) for the purpose of determining whether it would be required to make a finding pursuant to Section 4(e) that the license in question would "not interfere or be inconsistent with the purpose for which such reservation was created or acquired." 22/

The Act of March 3, 1905, is itself the best evidence of the nature of WWPC's title. It empowered Interior to grant land on the Spokane Indian Reservation "whether the same has been allotted in severalty to any individual Indians, but which has not been conveyed to the allottee with full power of alienation." It appears, therefore, that the persons who drafted that statute were aware of the principal attribute of a fee simple title, which is the full power of alienation, and chose appropriate language to express that attribute to those who would administer or otherwise be interested in the statute. Obviously, Congress could not empower Interior to grant lands within the boundaries of the Spokane Indian Reservation that had already been conveyed to Indians in fee simple. While Interior was expressly prohibited from granting lands that had already been granted with full power of alienation, Interior was not expressly empowered to make grants with full power of alienation. Indeed, when Interior ultimately

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22/ Federal Power Commission v. Louisiana Power and Light Company, 406 U.S. 621, 647-648 (1972). Section 4(g) of the FPA authorizes the Commission, on its own motion, to investigate any occupancy of "reservations" for the purpose of developing electric power, and to issue such order as it may find appropriate and in the public interest to conserve and utilize the water power resources of the region. Certainly, that authority is broad enough to empower the Commission to determine whether particular interests in land are "reservations" within the purview of the FPA.

The case cited by WWPC (The Niagara Falls Power Company, Project No. 16), 1 FPC 716 (1938), was said to have been "in the nature of a suit to try title to the lands and adjacent waters utilized by Project No. 16." Although it continues to be authoritative with respect to title to water in the light of Section 27 of the FPA, it has been superseded by Tuscarora and is no longer authoritative with respect to issues associated with title to lands.

issued a patent in 1924 23/ (Exhibit 77), it was in the nature of quit claim deed as distinguished from a warranty deed in fee simple. The patent recites that the land was granted "to the extent and for the purposes that the Secretary of the Interior is authorized to grant the same under the said act of March 3, 1905...."

The Act of March 3, 1905, empowered Interior to grant lands "such as shall be necessary and requisite ... for the development of power or for the beneficial use of said water...." While the Acting Commissioner of Indian Affairs interpreted the language as granting "the perpetual use of the land", thus suggesting an interest less than a fee simple, Congressman Jones explained that the bill authorized the "acquirement of title" or "permanent rights" rather than a "mere license or permit", which also seems to fall short of a fee simple.

In a letter dated May 5, 1909, to the Assistant Commissioner of Indian Affairs (Exhibit 56), WWPC requested confirmation of its view that a grant under the Act of March 3, 1905, "is an outright sale and conveyance of title and not in the nature of a limited easement, and will only be revocable for non-user." The Acting Commissioner replied on May 8, 1909 (Exhibit 57), that a grant gives "a full and permanent title, revocable only for non-user." If the interest granted is terminable for non-use, as they agreed, it is less than a fee simple, and leaves a reserved interest in the United States. Therefore, WWPC would not have "all federal right, title and interest," as claimed in its brief.

23/ Since June 10, 1920, is the critical date for authorization other than a license under the FPA, we will not decide whether Interior was still authorized in 1924 to issue a patent covering its grant to Wilson that was assigned to WWPC, as well as its grant to WWPC. See the 1921 opinion of the Attorney General, supra. Interior and the Spokane Indian Tribe contend in their briefs opposing exceptions that the Act of March 3, 1905, did not authorize the 1924 patent.

In United States v. Big Bend Transit Co., 42 F.Supp. 459 (E.D.Wash. 1941), the United States District Court for the Eastern District of Washington discussed the nature of the title granted under the Act of March 3, 1905, stating at 472,

> The defendant [grantee] is claiming here that on December 9, 1939, it had what the the Secretary [of the Interior] on May 10, 1923, declared it had; i.e., "a limited fee on an implied condition of reverter in the event the grantee ceases to use or retain the land for the purpose indicated in the Act of 1905, the termination of which right of way or limited fee is not vested in the Secretary of the Interior but may be effected upon good cause shown only through proceedings had without the jurisdiction of the Department of the Interior." To my mind, that administrative interpretation of that Act is the only reasonable and proper interpretation [Emphasis added].

And to our minds, that administrative and judicial interpretation is the only reasonable and proper one. We find, therefore, that the United States has an interest in the lands granted under the Act of March 3, 1905, such that they remain "reservations" of the United States within the purview of Section 3(2) of the FPA.

We would note, in this connection, that we are not attacking WWPC's title collaterally and impermissibly. In Big Bend, supra, the United States sought to condemn lands under the Reclamation Act of 1902 that had been granted under the Act of March 3, 1905, but had not been used for the development of electric power, and wanted to pay nothing for those lands on the ground, among others, that the grantee no longer had any power rights in 1939 when the condemnation proceeding was started. The Court found (42 F.Supp., at 473) that the grantee had spent a large sum of money in reliance upon the 1923 Interior interpretation that its grant was still valid and, therefore, the United States

> cannot here in this proceeding brought as a consequence of the Fifth Amendment to the Constitution which requires the payment of just compensation for private

> property taken for public use, set aside the right of the defendant without compensation therefor. [Citation omitted.] This would amount to a collateral attack on the title acquired by defendant. Such an attack is not permissible. [Citations omitted.]

Here, we are not saying that WWPC has anything less than WWPC itself claimed it had as far back as 1909. We are not taking any private property for public use without the payment of just compensation. We are saying, simply, that the nature of WWPC's title is such that the United States also has an interest that comes within the definition of the term "reservations". And we are so deciding for the purpose of determining whether WWPC's continued operation and maintenance of its Little Falls hydro-electric development within the physical boundaries of the lands granted under the Act of March 3, 1905, is required to be licensed under the FPA. If WWPC obtains entirely new authority under the FPA to continue to operate and maintain that development, including its interest in lands and its water rights at Little Falls, Sections 14(a) and 15(a) of the FPA will require the payment of WWPC's "net investment ... not to exceed ... fair value" if that development is taken over by the United States or licensed to another, or "just compensation" if the development is condemned by the United States, the State of Washington or a municipality.

The constitutional objections raised by WWPC with respect to licensing the Little Falls development were addresed by the Supreme Court in United States v. Appalachian Electric Power Co., 311 U.S. 377 (1940), at 424 (footnote omitted):

> ... This power of Congress to regulate commerce is so unfettered that its judgment as to whether a structure is or is not a hindrance is conclusive....
>
> Possessing this plenary power to exclude structures from navigable waters and dominion over flowage and its product, energy, the United States may make the erection or maintenance of a structure in a navigable water dependent upon a license. This power is exercised through § 9 of the Rivers and Harbors Act of 1899 [33 U.S.C. § 401] prohibiting construction without Congressional consent and through § 4(e) of the present Power Act.

The Supreme Court held, at 427 (footnote omitted),

> The respondent urges that as riparian owner with state approval of its plans, it is entitled to freedom in the development of its property and particularly cannot be compelled to submit to the acquisition clause with a price fixed at less than a fair value, in the eminent domain sense, at the time of taking. Such a taking, it is contended, would violate the Fifth Amendment. It is now a question whether the Government in taking over the property may do so at less than a fair value. It has been shown ... that there is no private property in the flow of the stream. This has no assessable value to the riparian owner. If the Government were now to build a dam, it would have to pay the fair value, judicially determined, for the fast land; nothing for the water power. We assume without deciding that by compulsion of the method of acquisition provided in § 14 of the Power Act and the tendered license, these riparian rights may pass to the United States for less than their fair value. In our view this "is the price which [respondents] must pay to secure the right to maintain their dam." The quoted words are the conclusion of the opinion in Fox River Co. v. Railroad Commission [274 U.S. 651]. The case is decisive on the issue of confiscation.... The fact that the Fox River case involved a state and that this case involves the United States is immaterial from the due process standpoint... [Emphasis added].

On the authority of Appalachian, we find that the fact that WWPC derives its authority from an act of Congress rather than from State law, as in Appalachian and Fox River, is immaterial from the due process standpoint. We find no merit in the constitutional objections of WWPC.

We turn, next, to the extent of WWPC's authority under its permit or permits granted prior to June 10, 1920.

WWPC'S LIMITED AUTHORITY

Shortly after March 3, 1905, Wilson appropriated a flow of 10,000 cubic feet per second (cfs) at Little Falls pursuant to the laws of the State of Washington and applied under the Act of March 3, 1905, to acquire the right to use the waters of the Spokane River at the point of his appropriation and to purchase 100 acres of the Spokane Indian Reservation on the north bank. By letter dated November 3, 1906, the Secretary of the Interior granted the 100 acres and the right to use the waters, and approved Wilson's application. 24/

On July 8, 1907, Wilson sold his interests in the lands and water rights to WWPC, and in 1908 the latter began to construct its hydro-electric development, including a dam, at Little Falls, without first submitting its plans to the Chief of Engineers and the Secretary of War and obtaining their approval 25/ under Section 9 (pertaining to dams) or 10

24/ Wilson submitted an application dated April 5, 1905 (Exhibit 5), which, as amended January 24, 1906 (Exhibit 11), and resubmitted, sought 245 acres of the Spokane Indian Reservation, but was approved as to 209 acres on May 4, 1906 (Exhibit 16). Thereafter, Wilson submitted an application dated September 22, 1906 (Exhibit 19), which sought "additional land" within the Spokane Indian reservation included within a metes and bounds description covering 100 acres, more or less. The latter application was approved on November 3, 1906 (Exhibit 23), on the condition that Wilson relinquish "all rights heretofore acquired by virtue of Department approval on May 8, [sic.,4] 1906, of his former application."

Tribal damages were assessed and paid on the basis of 100 acres (Exhibit 23) and, therefore, the Wilson grant is said throughout this opinion to be 100 acres. Similarly, the WWPC grant, infra, is said to be 8 acres, although in reality both grants may differ from those nominal amounts.

25/ As mentioned earlier, Congressman Jones told Congress that the Act of March 3, 1905, did not carry the right to dam the Spokane River.

(pertaining to obstructions) of the Rivers and Harbors Appropriation Act of 1899 (30 Stat. 1151, now 33 U.S.C. §§ 401 and 403). 26/

WWPC developed Little Falls on the opposite side of the river than contemplated by Wilson and thus utilized lands of the Spokane Indian Reservation that were not included in the interests assigned to it by Wilson. Accordingly, WWPC appropriated a flow of 10,000 cfs pursuant to the laws of the State of Washington and, on May 18, 1908, applied under the Act of March 3, 1905, to acquire the right to use the waters of the Spokane River at the point of its appropriation and to purchase 8 acres of reservation lands at the same point. The application stated that WWPC had acquired the interests granted by Interior to Wilson on November 3, 1906, and included a copy of the pertinent documents. By letter

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26/ Section 9 provided, in pertinent part,

> That it shall not be lawful to construct or commence the construction of any bridge, dam, dike, or causeway over or in any port, roadstead, haven, harbor, canal, navigable river, or other navigable water of the United States until the consent of Congress to the building of such structures shall have been obtained and until the plans for the same shall have been submitted to and approved by the Chief of Engineers and by the Secretary of War: Provided, that such structures may be built under authority of the legislature of a State across rivers and other waterways the navigable portions of which lie wholly within the limits of a single State, provided the location and plans thereof are submitted to and approved by the Chief of Engineers and by the Secretary of War before construction is commenced....

WWPC claims that it was not required to obtain authorization thereunder because the Spokane River was not considered navigable at that time. While its claim respecting navigability is supported by Congressman Jones' statement to the House (page 2413 of the Congressional Record), that is irrelevant, as mentioned earlier.

dated August 28, 1908, the Commissioner of Indian Affairs recommended that the Secretary of the Interior approve the application, stating, among other matters,

> The company in the development of the water-power site purchased from Mr. Wilson has found it necessary to acquire the eight acres under consideration to provide a spillway for the works it is now constructing.

And on August 29, 1908, an Assistant Secretary endorsed his approval. 27/

The Wilson grant that was sold to WWPC was resurveyed jointly by Interior and WWPC in the early part of 1909, and in July 1909 WWPC filed an application under the Act of March 3, 1905, (Exhibit 59, at 6) "solely for the purpose of correcting errors made in the original survey, and placing the line where permanent monuments can readily be established." By letter dated January 24, 1910, the Commissioner of Indian Affairs recommended that the Secretary of the Interior approve the application, and on May 6, 1910, the First Assistant Secretary endorsed his approval.

WWPC completed its Little Falls development in 1910, bringing the hydraulic capacity of the development up to 7,200 cfs.

With respect to the use of waters, we find and conclude that WWPC has a right to utilize 10,000 cfs of the flow of the Spokane River at Little Falls for the development of water power, and that its right includes a permit granted on August 29, 1908, under which WWPC is authorized to so utilize the flow on the reservation side of the river. 28/

27/ The endorsement of the Assistant Secretary was departmental approval. Exhibit 62 states, in this connection, that WWPC's application to purchase the 8 acres was approved on August 29, 1908.

28/ While the authority of Congress to grant water rights has been challenged, the fact that Congress specified that appropriations must be under and pursuant to the laws of the State of Washington, moots that challenge. WWPC appears to have complied with the laws of the State of Washington and to have received a grant from Interior.

Since the Little Falls development has a hydraulic capacity of 7,200 cfs, WWPC is able to operate and maintain the development under and in accordance with the terms of the permit insofar as those terms relate to the flow on the reservation side of the river. 29/

From the legislative history of the Act of March 3, 1905, we also find and conclude that the terms of WWPC's permit granted pursuant to its provisions on August 29, 1908, do not include authority to operate and maintain a dam in the Spokane River at Little Falls. The fact that Sections 9 and 10 of the Rivers and Harbors Appropriation Act of 1899 might not have required authorization for construction of the dam and obstruction of the river is irrelevant. 30/ The plenary power of Congress to exclude structures from navigable waters, discussed in Appalachian, supra, is so unfettered that Congress certainly had the power in 1935 to enact a law that would preclude the continued operation and maintenance of existing power dams in navigable waters except under and in accordance with licenses granted by the Commission, whether or not authorization of the construction of those dams or the obstruction of those waters was required by prior or existing law. Congress did just that in the first sentence of Section 23(b)

29/ In other words, even though Interior's regulations under the Act of March 3, 1905, did not require Interior's approval of the transfer of the Wilson permit granted on November 3, 1906, WWPC is not able to operate and maintain the development "under" the terms of that permit, within the purview of Section 23(b), because only Wilson, as permittee, could do so. But the terms of WWPC's permit granted on August 29, 1908, are broad enough to include the interests under the Wilson permit that were assigned to WWPC on July 8, 1907.

30/ See Pennsylvania Water & Power Co. v. Federal Power Commission, 123 F.2d 155 (D.C. Cir. 1941), at 161-3, cert. den. 315 U.S. 806 (1942), which holds that Section 23(b) applies to a dam constructed prior to June 10, 1920, in waters that were not considered navigable at the time of construction.

of the FPA, 31/ except that Congress also said that licenses would not be required if, on June 10, 1920, the dams were

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31/ Senate Report No. 621, 74th Congress, 1st Session, describes the purpose of the first sentence of Section 23(b) at 47, as follows:

> [A] provision is inserted expressly making it unlawful to construct a project on any navigable waters without a license granted pursuant to the act. This latter provision is in substance the effect of the River and Harbor Act of 1899 when read with the Water Power Act. It is thought desirable to bring together in a single act the positive requirements regarding the construction of water-power projects.... The act would be greatly strengthened by enabling the Commission to preserve control over all projects with which the Federal Government has any valid concern [Emphasis added].

See, also, House Report No. 1318, 74th Congress, 1st Session, at 25.

While it could be argued that § 9 of the Rivers and Harbors Appropriation Act of 1899 prohibits only the construction of dams without authorization, we believe that a requirement for authority to construct a dam implicitly includes a requirement for authority to operate and maintain the dam for the period of its useful life. In Sanitary District of Chicago v. United States, 266 U.S. 405 (1925), the Supreme Court said, at 429, with resepect to § 10 of that Act (33 U.S.C. § 403), which prohibits, among other things, the creation of unauthorized obstructions to the navigable capacity of waters of the United States,

> There is neither reason nor opportunity for a construction that would not cover the present case.... It is applied prospectively to the water henceforth to be withdrawn.

See, also, the quoted portion of Appalachian, supra, which suggests that § 9 deals with the maintenance as well as the erection of structures in navigable waters, and Pennsylvania Water & Power Co. v. Federal Power Commission, supra.

authorized under prior or existing law, and all other authorizations required by the FPA co-existed. 32/ Accordingly, WWPC is not able to operate and maintain its Little Falls development under and in accordance with the terms its permit granted August 29, 1908, insofar as those terms relate to its power dam in the Spokane River.

WWPC does not claim to have authority to operate and maintain its power dam at Little Falls under any permits granted prior to June 10, 1920, other than pursuant to the Act of March 3, 1905. Accordingly, we conclude that WWPC is required by the first sentence of Section 23(b) either to cease operating that dam, or to obtain a license under the FPA for the continued operation and maintenance of its Little Falls development, including that dam.

Turning to the matter of "reservations", we find that WWPC has a permit that was granted on August 29, 1908, under which it is authorized to utilize 8 acres of the lands of the Spokane Indian Reservation at Little Falls for the development of water power. Accordingly, WWPC is able to operate and maintain its Little Falls development under and in accordance with the terms of that permit insofar as involves the 8 acres.

We also find, for the reasons discussed below, that WWPC is able to operate and maintain that development under and in accordance with the terms of the same permit insofar as involves the 100 acres that were granted to Wilson on November 3, 1906, and assigned to WWPC on July 8, 1907.

32/ The FPA logically must reach dams that were not reached by Sections 9 and 10 of the Rivers and Harbors Appropriation Act of 1899 because the term "navigable waters" is defined broadly in the FPA and reaches waters that may not be navigable in fact, such as "parts of streams as shall have been authorized by Congress for improvement by the United States or shall have been recommended to Congress for such improvement after investigation under its authority."

As concluded earlier, an assignee of a permit that is personal to the permittee, such as permits granted under the Act of March 3, 1905, who has not effected a transfer of the permit to the assignee's name, cannot operate and maintain a water power development "under and in accordance with" its terms within the purview of Section 23(b). It is clear that neither Wilson nor WWPC specifically sought a transfer by Interior of the interests under the Wilson grant, and that Interior did not specifically authorize such a transfer, at least prior to June 10, 1920. The absence from the record of a copy of an application for transfer suggests that none exists. And while Interior's 1924 patent recites that Interior approved Wilson's application on a specific date, namely, November 3, 1906, and WWPC's application on a specific date, namely, August 29, 1908, it also recites that the assignment from Wilson to WWPC "was approved and recognized by the Secretary of the Interior", without specifying the date of such action.

Nonetheless, WWPC informed Interior of the assignment. And the Assistant Secretary who endorsed his approval of WWPC's application on August 29, 1908, must be held to have clearly understood that the 8 acres were being utilized for a power development in conjunction with the 100 acres that were previously granted to Wilson. WWPC made the necessary representations in its application and attached a copy of its financial statement, and the Assistant Secretary obviously satisfied himself that WWPC made the application in good faith and with intent and ability to use the lands for the purposes specified in the Act of March 3, 1905. While there was no application specifically for a transfer of the Wilson interests to WWPC, there can be no doubt that on August 29, 1908, Interior approved WWPC's utilization of the entire 108 acre tract for a water power development. Even though Interior's regulations under the Act of March 3, 1905, did not require formal approval of the transfer, 33/ as such, we find and conclude, as indicated, that WWPC is able to operate and maintain its Little Falls

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33/ In this respect, the regulations under the Act of March 3, 1905, were different from the regulations under the Act of February 15, 1901, that were involved in The Montana Power Company v. Federal Power Commission, supra, and required formal approval of transfers.

development under and in accordance with the terms of the permit that was granted on August 29, 1908, insofar as involves the 100 acres. 34/

Having determined that WWPC is required to file an application to amend its license for Project No. 2545 to include the Little Falls development, we turn to WWPC's option under Section 23(a) to continue to operate and maintain that development to the extent of its authority under the permit granted by Interior on August 29, 1908, under the Act of March 3, 1905, or to obtain entirely new authority under the FPA. WWPC should indicate its choice in its application for the license amendment.

All or part of the 108 acres and WWPC's fee simple lands, the use and occupancy of which are necessary or appropriate in the maintenance and operation of the Little Falls development, should be included within the project boundary to the extent required by the Commission's Regulations under the FPA. Similarly, the right to utilize 10,000 cfs of the flow of the Spokane River, which is necessary or appropriate in the operation of the development, should be included within the license. The 108 acres, or the part thereof within the project boundary, and the 10,000 cfs, (1) will be subject to the burdens of project lands and waters generally, but not entirely, if WWPC chooses to continue to use its existing authority in part, or (2) will be subject to all project burdens if WWPC chooses to obtain entirely new authority.

If WWPC chooses to continue to use its existing authority under its pre-FWPA permit, then, as provided by Section 23(a), the provisions of Part I of the FPA may not be construed as affecting that permit or the authority thereunder. In that case, while the 108 acres, or the part thereof within the project boundary, and the 10,000 cfs, will be subject to the burdens of project lands and waters generally, we construe Section 23(a) as prohibiting any such burdens that are inconsistent with the terms of the pre-FWPA permit, as follows:

34/ Furthermore, after the boundaries of the Wilson grant were resurveyed in 1909, Interior approved WWPC's application to correct the errors made in the original survey. Such action was consistent with Interior's having approved WWPC's utilization of the 100 acres for a water power development, and is consistent with our conclusion that the terms of WWPC's permit granted August 29, 1908, include the utilization of all 108 acres.

First, Section 10(e) of the FPA requires the Commission to fix annual charges for the purpose of (1) reimbursing the United States for the costs of administering Part I of the FPA, and (2) recompensing the United States for the use, occupancy and enjoyment of its lands or other property. The payment of annual charges for administering Part I of the FPA is a burden of the license, as distinguished from a burden of project lands and waters. It is part of the price to be paid for the privilege of operating and maintaining the power dam in the Spokane River, and is properly payable by WWPC as being not inconsistent with the terms of its pre-FWPA permit. But, as discussed earlier, we perceive WWPC's interest in the 108 acres as a right to use, occupy and enjoy those lands for the development of water power, indefinitely, as long as they are so used. While the United States has a reserved interest in those lands, it does not have the present right of possession. Nor can the Commission grant WWPC the present right of possession under the FPA if WWPC chooses not to surrender its permit voluntarily, for such action would be prohibited by Section 23(a) as affecting the authority granted under the Act of March 3, 1905. The payment of annual charges for the use, occupancy and enjoyment of project lands that WWPC has an existing right to use, occupy and enjoy for the development of water power under the terms of its pre-FWPA permit, is a burden of project lands that is not properly imposed on WWPC as being inconsistent with the terms of that permit. 35/ On the other hand, a recreational plan is an example of a burden of project lands and waters that is properly imposed as being not inconsistent with the terms of that permit.

And second, we perceive WWPC's interest in the 108 acres and its right to utilize the 10,000 cfs as property rights for which WWPC is entitled to just compensation upon condemnation. To the extent that Sections 14(a) and 15(a) of the FPA would provide for lesser compensation under the net investment formula if in the future the Little Falls development is taken over by the United States or relicensed to another, that would be a burden of project lands and waters that is not properly imposed on WWPC as being inconsistent with the terms of its permit.

35/ Of course, if the WWPC permit is challenged successfully, the Spokane Indian Tribe would be entitled to annual charges from the date of the license amendment. It would be appropriate to condition the license amendment to provide for such a contingency if timely litigation is initiated for that purpose.

In summary, WWPC is required by Section 23(b) to license the continued operation and maintenance of its Little Falls development. But the Commission is required by Section 23(a) to leave unaffected the permit that Interior granted WWPC on August 29, 1908, by protecting the property rights incident thereto. WWPC may in the future be able to show in specific situations that Part I of the FPA is inconsistent with other protected property rights. But, absent such a showing, the Little Falls development will be treated as being fully subject to the provisions of Part I, except with respect to annual charges for the use, occupancy and enjoyment of the 108 acres, or the part thereof within the project boundary, and compensation for WWPC's rights to utilize such lands and the 10,000 cfs flow, upon takeover by the United States or relicensing to another. 36/ 37/

36/ On September 2, 1980, WWPC filed a document seeking to renew its motion for oral argument filed April 30, 1980, on the grounds that (1) the briefs opposing exceptions contain inaccurate statements and allegations, as well as statements which belong in briefs on exceptions, and (2) the Commission's rules do not give WWPC an opportunity to reply or respond. Improper material in briefs opposing exceptions may be challenged through a motion to strike filed pursuant to § 1.12 of the Commission's Rules of Practice and Prooedure, or corrected through a motion for leave to file a reply or response to the brief opposing exceptions, accompanying a tendered reply or response. Since WWPC does not in its motion point out specific inaccuracies or improper material, we are unable to treat it other than as cumulative of its earlier motion for oral argument.

37/ On February 13, 1981, WWPC filed a petition pursuant to § 1.33(c) of the Commission's Rules of Practice and Procedure to reopen this proceeding for the limited purpose of receiving into evidence eight pages consisting of a copy of Interior's regulations under the Act of March 3, 1905 (seven pages, including one page from the back of one of the pages of the regulations specifying The National Archives' file location of the original), and a copy of a transmittal letter pertaining to the regulations dated January 28, 1981, from the National Archives and Records Service of the General Services Administration, to WWPC's counsel (one page). The

(FOOTNOTE CONTINUED ON FOLLOWING PAGE)

The Commission further finds in lieu of the fifth additional finding and conclusion of the presiding judge:

The Washington Water Power Company operates and maintains the Little Falls Dam in and across the Spokane River, a navigable water of the United States within the State of Washington, together with conduits, a power house, and other works of the Little Falls project incidental to the development of electric power across, along or in the Spokane River, partly under and in accordance with the terms of a permit granted prior to June 10, 1920, and partly without having a permit or valid existing right-of-way granted prior to June 10, 1920, or a license granted pursuant to the Federal Power Act, in violation of Section 23(b) of the Federal Power Act.

37/ (FOOTNOTE CONTINUED FROM PREVIOUS PAGE)

Commission staff counsel, Interior and the Spokane Indian Tribe indicated in response that they did not object to reopening the proceeding for the limited purpose of admitting the regulations into evidence. The arguments contained in the filings were considered solely for that purpose.

We find that the regulations are relevant and material to the issues herein and were not available to the parties earlier, and, therefore, that the proceeding should be reopened for the limited purpose of admitting them into evidence. Such hearsay evidence has probative value and is admissable in administrative proceedings under the FPA. See the discussion of Section 308(b) in The Montana Power Company v. Federal Power Commission, supra, 185 F.2d, at 497. Furthermore, the regulations are admissible under an exception to the hearsay rule as an historic public document. Although they lack the testimony or official seal of their custodian to establish that they are what they purport to be, none of the parties has objected to their authenticity and, therefore, any objections thereto and to the granting of the petition are deemed waived as provided by § 1.33(a)(2) of the Commission's Rules of Practice and Procedure.

The Commission orders:

(A) The Initial Decision issued April 1, 1980, is affirmed as modified by Ordering Paragraph (B) hereof.

(B) Within 90 days of the date of this opinion and order, The Washington Water Power Company shall file an application pursuant to the Federal Power Act and the Commission's Rules and Regulations thereunder to amend its license for Project No. 2545 to include as part of the project the Little Falls development. Nonetheless, as provided by Section 23(a) of the Federal Power Act, The Washington Water Power Company may elect in the application to continue to operate and maintain that development under and in accordance with the terms of the permit granted by the Secretary of the Interior on August 29, 1908, to the extent of its authority as determined in this opinion and order, and, in that event, the provisions of Part I of the Federal Power Act shall not be construed as affecting that permit or the authority thereunder, as so determined.

(C) All exceptions not granted shall be deemed denied.

(D) The motion for oral argument filed by The Washington Water Power Company on April 30, 1980, and renewed on September 2, 1980, is denied.

(E) The petition to reopen the proceeding filed by The Washington Water Power Company on February 13, 1981, is granted, and the proceeding is hereby reopened for the limited purpose of receiving into evidence the eight pages appended to the petition consisting of a copy of the transmittal letter dated January 28, 1981, of the National Archives and Records Service of the General Services Administration, and a copy of the regulations of the Department of the Interior under the Act of March 3, 1905. The eight pages shall be designated collectively as Exhibit No. 160.

By the Commission.

(S E A L)

Kenneth F. Plumb

Kenneth F. Plumb,
Secretary.

FEDERAL ENERGY
REGULATORY COMMISSION
WASHINGTON, D.C. 20426

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Department of Water Resources

State of Idaho P-2545
Department of Water Resources
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Boise, Idaho 83720

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION 25 FERC ¶61,045

Before Commissioners: A. G. Sousa, Acting Chairman;
J. David Hughes and Oliver G. Richard III.

The Washington Water Power Company) Project No. 2545-004

ORDER APPROVING SETTLEMENT
AND ESTABLISHING PROCEDURES

(Issued October 7, 1983)

On July 22, 1981, the Director of the Office of Electric Power Regulation issued an order amending the license for the Washington Water Power Company's ("Licensee") Project No. 2545. 1/ That order added the Post Falls development to the license for the Spokane River Project No. 2545. The Post Falls development is located on the Spokane River and Coeur d'Alene Lake in Kootenai and Benewah Counties, Idaho.

The Secretary of the Interior appealed that order and raised two points: (1) that the order should not have been issued until a final determination is made on whether the banks and beds of Coeur d'Alene Lake and its tributaries are tribal lands within the Indian Reservation of the Coeur d'Alene Tribe; and (2) that the license should have included a provision for annual charges for 310 acres of United States lands occupied by the project and that those charges should be retroactive to a certain date.

The parties (the Licensee, the Secretary of the Interior and the Coeur d'Alene Tribe) have agreed to and recently filed a settlement, whereby the parties agree that, regardless of whether the lands in question are tribal lands within the Coeur d'Alene Indian Reservation, the Post Falls development will not interfere with or be inconsistent with the purpose for which the Coeur d'Alene Reservation was created. Under the terms of a 1979 settlement, 2/ the parties had agreed that the company shall pay annual charges for 310 acres of U.S. lands in accordance with the Commission's regulations. The parties now agree to defer the issue of retroactive payment and interest for these charges. Finally, the settlement includes (1) a motion joined in by all parties to amend the language of the Director's order and (2) the withdrawal of the Secretary of the Interior's appeal.

1/ Washington Water Power Company, 16 FERC ¶62,096 (1981)

2/ This settlement was approved by the Commission in 1979. Washington Water Power Company, 8 FERC ¶61,019 (1979)

MICROFILMED

We find the proposed settlement to be in the public interest and therefore approve it. 3/ In order to effectuate the settlement, we amend the discussion of annual charges in the Director's order (16 FERC ¶62,096 at 63,143).

There remains but two points not resolved in the settlement. First, the settlement does not propose an amendment to Article 26, the annual charge article in the license. Consistent with the change in the text of the order which we adopt, Article 26 will also be amended.

Finally, the settlement leaves several issues to be resolved later. Most of these issues appear to be subsumed in the issues pending before us in another aspect of the case, 4/ but one issue is not. The Secretary claims that the annual charges for the 310 acres of government lands should be retroactive. The Company contests this, but the settlement does not provide a procedure for the resolution of the issue. On the pleadings before us it cannot be ascertained whether this is a purely legal issue or whether it involves disputed issues of fact as well. In addition, since the parties have already shown the ability to resolve certain issues by agreement, it may be possible to settle this issue as well. Accordingly, we will allow the parties six months to attempt to settle the retroactivity issue, or to file with the Commission a statement of their position and support for that position. At the end of six months we will determine what further proceedings are warranted.

The Commission Orders:

(A) The Order Amending License issued by the Director, Office of Electric Power Regulation, on July 22, 1981 in this docket is amended as follows:

The discussion entitled "annual charges" at 16 FERC ¶62,096 at 63,143 is deleted and the following is inserted:

3/ Our approval of the settlement does not constitute approval of, or precedent regarding, any principle or issue in this proceeding.

4/ Washington Water Power Company, 11 FERC ¶63,001 (1980) (Initial Decision).

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

The Washington Water Power Company) Project No. 2545-004

ORDER AMENDING LICENSE (MAJOR)
(Issued July 22, 1981)

On March 3, 1980, The Washington Water Power Company (Licensee) filed an application under the Federal Power Act, 16 U.S.C. §§791(a)-825(r), for amendment of a major license for the Spokane River Project No. 2545, located on the Spokane River in the counties of Spokane, Stevens, and Lincoln, Washington. The license would be amended to include the constructed Post Falls hydroelectric development. 1/ The Post Falls Development is located on the Spokane River in the counties of Kootenai and Benewah, Idaho.

PROJECT DESCRIPTION:

The license for the Spokane River Project was issued on August 17, 1972, effective May 1, 1965, and will terminate on July 13, 2007.

The project, as presently licensed, consists of: 1) The Upper Falls Development comprising a concrete dam, a channel, a penstock, and a powerhouse containing one 10,000-kW generating unit; 2) The Monroe Street Development comprising a concrete dam, a pond, a penstock, and a powerhouse containing five generating units with a total installed capacity of 7,200 kW; 3) The Nine Mile Development comprising a 440-acre reservoir, and an integrated concrete dam and powerhouse containing four 3,000-kW generating units; 4) The Long Lake Development comprising a 5,060-acre reservoir, a concrete dam, four penstocks, and a powerhouse containing four 17,500-kW generating units.

The constructed Post Falls Development, which would be added to the license, consists of: 1) the 48,000-acre Coeur d'Alene Lake with a useable storage capacity of 223,100 acre-feet; 2) the 31-foot high spillway dam across the north channel; 3) the 127-foot long and 25-foot high concrete gravity spillway dam across the south channel; 4) the 64-foot high concrete gravity dam containing six gates and forming the east wall of the powerhouse; 5) five 56-foot long steel penstocks and one penstock which is stubbed off for a sixth unit; 6) the 175-foot long and 62-foot wide brick powerhouse containing five generating units, each rated at 2,250 kW; 7) two step-up transformers; and 8) appurtenant facilities.

Applicant requests approval to install an additional sixth generating unit, rated at 3,500 kW, in the existing powerhouse. Project power would be integrated into Licensee's interconnected transmission system. The generating unit has already been installed.

PUBLIC NOTICE AND AGENCY COMMENTS:

Public notice of the application was given on August 12, 1980, with September 29, 1980, as the last date for filing protests or petitions to intervene. The U. S. Department of the Interior, the Coeur d'Alene Tribe of Indians, and the Washington Departments of Ecology and Game were granted intervention on November 17, 1980. Federal, State, and local agencies were requested to submit comments on the application. The significant concerns of the intervenors and commenting agencies are discussed below.

SAFETY, ADEQUACY, AND COMPREHENSIVE DEVELOPMENT:

Staff has evaluated the safety and adequacy of the North, Middle, and South Channel Dams for normal, seismic, and Probable Maximum Flood (PMF) loading conditions. The analysis of the North Channel Dam indicates that it would be safe for all loading conditions. However, the analyses of the Middle and South Channel Dams show that the dams could fail during the PMF. Article 38, therefore, requires the Licensee to submit a study of the downstream effects that would be caused by failure of the Middle and South Channel Dams, and a schedule and plans to prevent failure of the dams, if required for the protection of downstream life and property.

The Post Falls Development is not in conflict with any proposed or existing water resource development in the Spokane River Basin. The new generating unit would make efficient use of the high river flows during spring and early summer. It is concluded that the Post Falls Development, under the terms and conditions of the license, would be safe and adequate, and would be best adapted to the comprehensive development of the Spokane River.

1/ Authority to act on this matter is delegated to the Director, Office of Electric Power Regulation, under 18 C.F.R. §375.308 (1980), as amended by 46 Fed. Reg. 14119 (1981).

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ECONOMIC FEASIBILITY:

Staff performed a feasibility study for the installation of the proposed generating unit based on the cost of power in the area and the estimated annual cost of the project. 2/ The study found that the cost of the proposed unit would be 12.4 mills per kWh as compared with 14 mills per kWh for energy produced by a coal-fired unit. Based on the study, it is concluded that the proposed generating unit would be economically feasible.

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The Idaho State Historic Preservation Officer indicated that the project works at the Post Falls Development have been identified as eligible for inclusion on the National Register of Historic Places, but that the proposed action would have no significant effect on the qualities of the eligible properties.

RECREATION:

The area around the Post Falls Development receives very heavy recreational use throughout the year, especially from the nearby Spokane, Washington urban area. Boating, sailboating, swimming, and camping use is intense during the short summer season, while hunting and fishing activities continue throughout the year. The extent of development and the intensive use of the lake have resulted in incidents of overuse and boater conflicts during the short summer season.

Licensee proposes to cooperate in the development of the Post Falls Recreation Area, a 14-acre parcel of land leased to the City. The final plans have not been completed pending an agreement among various agencies concerning boat launching access.

Staff has evaluated the Report on Recreational Resources included as part of the Exhibit E, and it is concluded that the report adequately provides for enhancement of the recreational opportunities at the Post Falls Development. Therefore, the report is being approved as an amendment to the Exhibit R for Project No. 2545. Article 36 requires the Licensee to

2/ The Post Falls Development (including the new generating unit), with its average annual generation of 109 million kWh, utilizes a renewable resource that will save approximately 178,000 barrels of oil or 50,000 tons of coal per year.

consult with the appropriate State and local agencies to finalize the plans for the development of the Post Falls Recreation Area, and to submit the completed plan to the Commission for approval within one year from the issuance of any order approving the license amendment.

MINIMUM FLOWS:

The Environmental Protection Agency (EPA) expressed a concern about downstream water quality, because the Spokane River is a vital part of the Rathdrum Prairie Aquifer. EPA requested a minimum flow provision in the license to ensure that downstream water quality interests would be served. 3/ The Licensee proposed to release a minimum flow of 300 cfs except as required for emergency conditions. It is concluded that a minimum flow of 300 cfs should be provided. Article 37 requires Licensee to maintain a continuous minimum flow of 300 cfs, or the inflow to Coeur d'Alene Lake, whichever is less, to protect and enhance the aquatic resources of the Spokane River.

FISH AND WILDLIFE:

The Washington State Department of Game (Game) stated that project operations, especially flow releases, could affect game fish downstream in the State of Washington. The Idaho Department of Fish and Game (DFG) expressed concern about the effects of project operations, especially lake drawdown, on kokanee egg and fry survival. Licensee is funding a program of studies to quantify the extent of project-related impacts on kokanee. In addition, DFG expressed concern about the rapid drawdown of Coeur d'Alene Lake and rapid closure of the outlet gates following the spring run-off, which are done to expedite dewatering of properties adjacent to the lake. According to DFG, the spring drawdown may cause mortality of largemouth bass eggs and fry, and also adversely impact waterfowl nesting, although there is little or no information available to show the magnitude or significance of these problems. Cooperative stranding studies, conducted by Licensee, DFG, and others have indicated that downstream stranding of fish has occurred as a result of rapid gate closure, but primarily impacts are on non-game fish species.

Licensee has indicated that steps are being taken to eliminate the need for the post-spring-runoff drawdown through negotiations and agreements with property owners and irrigation districts in the project area. Licensee also indicated a willingness to terminate the practice of abruptly reducing flow following spring drawdown in favor of a more gradual outlet gate closure procedure.

3/ The Idaho Department of Health and Welfare has waived the requirement for water quality certification for the Post Falls Development.

The actions being taken by Licensee to eliminate the need for the post-spring-runoff drawdown would tend to nullify any adverse impacts of drawdown on largemouth bass and waterfowl. A gradual closure of the outlet gates would largely preclude any significant stranding of game fish downstream of the project. It is concluded that the measures being undertaken by the Licensee are appropriate and adequately address the concerns of Game and DFG, and therefore, no further action is required at this time. Under standard Article 16 of the license, the Commission reserves the right to prescribe any changes in project operations for the enhancement of fish and wildlife resources.

OTHER ENVIRONMENTAL CONSIDERATIONS:

Approval of the subject application would authorize increased hydroelectric generation at the Post Falls Development with a minimum of construction-related impacts, and relatively minor impacts due to project operations. No Federally listed threatened or endangered species have been reported in the project area. Further, the proposed action would not affect properties listed on or eligible for inclusion on, the National Register of Historic Places. For the above reasons, it is concluded that approval of the application would not constitute a major Federal action significantly affecting the quality of the human environment.

ANNUAL CHARGES:

The Coeur d'Alene Tribe of Indians (Tribe) and the U. S. Department of the Interior (Interior) asserted that the Post Falls Development occupied tribal lands within an Indian reservation and requested that annual charges for the use of those lands be set. The issue of the ownership status of the beds and banks of Coeur d'Alene Lake is being settled in Phase II of the proceeding and has not been resolved. Pending a final resolution of that issue, annual charges for the use of U. S. lands will not be set at this time for the Post Falls Development, but will be determined at a later date. 4/

EXHIBITS:

Exhibits F and G were filed as part of the application for amendment of license. Exhibit G does not fully conform to the Commission's regulations. However, Licensee requested and was granted a waiver of the requirements for immediate filing of an acceptable Exhibit G until after the issuance of this order. Article 39 requires Licensee to file the revised Exhibit G within six months after the issuance of this order.

4/ See Opinion No. 117, Project No. 2545, issued April 8, 1981, and Application for Rehearing filed May 8, 1981.

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It is ordered that:

The license for Project No. 2545 is amended, effective the first day of the month in which this order is issued, as follows:

(A) The Post Falls Development described in Ordering Paragraph (B) is included in the license for Project No. 2545, and the Licensee is authorized to install, operate, and maintain an additional sixth generating unit (already installed) in the Post Falls Powerhouse.

(B) Subparagraph (11) of ordering paragraph (B) of the Commission's August 17, 1972, Order Issuing License (Major) is amended by adding the following:

Post Falls Plant - a development located in Kootenai and Benewah Counties, Idaho, consisting of: 1) the 48,000-acre Coeur d'Alene Lake with a useable storage capacity of 223,100 acre-feet; (2) the 431-foot long and 31-foot high spillway dam across the north channel, consisting of piers, one rolling sector gate, and eight Taintor gates; (3) the 127-foot long and 25-foot high concrete gravity spillway dam across the south channel containing six wooden sluice gates; (4) the 215-foot long and 64-foot high concrete gravity powerhouse dam across the middle channel containing six gates and forming the east wall of the powerhouse; (5) six 56-foot long and 11.3-foot diameter steel penstocks; (6) the 175-foot long and 62-foot wide brick powerhouse containing five generating units, each rated at 2,250 kW and one generating unit rated at 3,500 kW; (7) a 16,000 KVA, 2.4/115-kV step-up transformer and a 4,687-KVA, 2.4/115-kV step-up transformer; and (8) appurtenant facilities.

(C) The following exhibits conform to the Commission's rules and regulations and are approved and made part of the license. Exhibit G is approved to the extent that it shows the general nature of the Post Falls Development.

Exhibit	FERC No.	Title
F-1	2545-91	North Channel Gates, Plans and Sections
F-2	2545-92	North Channel, Sector Gate
F-3	2545-93	Powerhouse, Plan & Headgate

P-4	2545-94	Middle Channel, Dam & Powerhouse Elevation & Section
F-5	2545-95	South Channel, Plan, Elevation, & Section
G-1A	2545-99	General Project Map
G-1	2545-100	Post Falls Development

(D) The report on Recreational Resources, consisting of 13 pages of text, Appendices C and D, and a map entitled "Post Falls Development: Recreational Facilities" (FERC No. 2545-89), included as part of the Exhibit E for the Post Falls Development is approved as an amendment to the Exhibit R for Project No. 2545.

(E) Article 26 of the license is amended to read:

Article 26. The Licensee shall pay the United States the following annual charges, effective the first day of the month in which this order is issued.

(a) For the purpose of reimbursing the United States for the cost of administration of Part I of the Act, a reasonable amount as determined in accordance with the provisions of the Commission's regulations in effect from time to time. The authorized installed capacity for that purpose is 152,000 horsepower.

(b) For the purpose of recompensing the United States for the use, occupancy, and enjoyment of U. S. or tribal lands other than for transmission line right-of-way, a reasonable amount as determined in accordance with the provisions of the Commission's regulations in effect from time to time. The acreage of those lands, for the Post Falls Development only, shall be determined later.

(F) The following articles are added to the license.

Article 36. Licensee shall, in consultation with the Idaho Department of Parks and Recreation, the City of Post Falls, and other appropriate local agencies, finalize the plans for development of the Post Falls Recreation Area, and within one year from the date of issuance of this order, submit to the Commission for approval a plan for the development of the Post Falls Recreation area.

Article 37. Licensee shall discharge from the Post Falls Development a continuous minimum flow of 300 cubic feet per second, or the inflow to Coeur d'Alene Lake, whichever is less, for the purpose of protecting and enhancing the aquatic resources in the Spokane River. These flows may be temporarily modified if required by operating emergencies beyond the control of the Licensee, and for short periods for fishery management purposes upon mutual agreement between Licensee and the Idaho Department of Fish and Game.

Article 38. The Licensee shall within six months from the issuance of this order file with the Commission an analysis of the downstream effects that would be caused by the failure of the South Channel Dam and Spillway and the Middle Channel Dam, due to overtopping during flood conditions up to the Probable Maximum Flood. If loss of life and/or extensive property damage would occur because of dam failure, then Licensee shall submit plans and a schedule for modifying the structures to prevent failure during the Probable Maximum Flood.

Article 39. Licensee shall, within six months from the issuance of this order, file for Commission approval, a revised Exhibit G showing the Post Falls Development and conforming to §4.51 of the Commission's regulations.

Article 40. (a) In accordance with the provisions of this article, the Licensee shall have the authority to grant permission for certain types of use and occupancy of project lands and waters and to convey certain interests in project lands and waters for certain other types of use and occupancy, without prior Commission approval. The Licensee may exercise the authority only if the proposed use and occupancy is consistent with the purposes of protecting and enhancing the scenic, recreational, and other environmental values of the project. For those purposes, the Licensee shall also have continuing responsibility to supervise and control the uses and occupancies for which it grants permission, and to monitor the use of, and ensure compliance with the covenants of the instrument of conveyance for, any interests that it has conveyed, under this article. If a permitted use and occupancy violates any condition of this article or any other condition imposed by the Licensee for protection and enhancement of the project's scenic, recreational, or other environmental values, or if a covenant of a conveyance made under the authority of this article is violated, the Licensee shall take any lawful action necessary to correct the violation. For a permitted use or occupancy, that action includes, if necessary, cancelling the permission to use and occupy the project lands and waters and requiring the removal of any non-complying structures and facilities.

(b) The types of use and occupancy of project lands and waters for which the Licensee may grant permission without prior Commission approval are: (1) landscape plantings; (2) non-commercial piers, landings, boat docks, or similar structures and facilities; and (3) embankments, bulkheads, retaining walls, or similar structures for erosion control to protect the existing shoreline. To the extent feasible and desirable to protect and enhance the project's scenic, recreational, and other environmental values, the Licensee shall require multiple use and occupancy of facilities for access to project lands or waters. The Licensee shall also ensure, to the satisfaction of the Commission's authorized representative, that the uses and occupancies for which it grants permission are maintained in good repair and comply with applicable State and local health and safety requirements. Before granting permission for construction of bulkheads or retaining walls, the Licensee shall: (1) inspect the site of the proposed construction, (2) consider whether the planting of vegetation or the use of riprap would be adequate to control erosion at the site, and (3) determine that the proposed construction is needed and would not change the basic contour of the reservoir shoreline. To implement this paragraph (b), the Licensee may, among other things, establish a program for issuing permits for the specified types of use and occupancy of project lands and waters, which may be subject to the payment of a reasonable fee to cover the Licensee's costs of administering the permit program. The Commission reserves the right to require the Licensee to file a description of its standards, guidelines, and procedures for

implementing this paragraph (b) and to require modifications of those standards, guidelines, or procedures.

(c) The Licensee may convey easements or rights-of-way across, or leases of, project lands for: (1) replacement, expansion, realignment, or maintenance of bridges and roads for which all necessary State and Federal approvals have been obtained; (2) storm drains and water mains; (3) sewers that do not discharge into project waters; (4) minor access roads; (5) telephone, gas, and electric utility distribution lines; (6) non-project overhead electric transmission lines that do not require erection of support structures within the project boundary; (7) submarine, overhead, or underground major telephone distribution cables or major electric distribution lines (69-kV or less); and (8) water intake or pumping facilities that do not extract more than one million gallons per day from a project reservoir. No later than January 31 of each year, the Licensee shall file three copies of a report briefly describing for each conveyance made under this paragraph (c) during the prior calendar year, the type of interest conveyed, the location of the lands subject to the conveyance, and the nature of the use for which the interest was conveyed.

(d) The Licensee may convey fee title to, easements or rights-of-way across, or leases of project lands for: (1) construction of new bridges or roads for which all necessary State and Federal approvals have been obtained; (2) sewer or effluent lines that discharge into project waters, for which all necessary Federal and State water quality certificates or permits have been obtained; (3) other pipelines that cross project lands or waters but do not discharge into project waters; (4) non-project overhead electric transmission lines that require erection of support structures within the project boundary, for which all necessary Federal and State approvals have been obtained; (5) private or public marinas that can accommodate no more than 10 watercraft at a time and are located at least one-half mile from any other private or public marina; (6) recreational development consistent with an approved Exhibit R or approved report on recreational resources of an Exhibit E; and (7) other uses, if: (i) the amount of land conveyed for a particular use is five acres or less; (ii) all of the land conveyed is located at least 75 feet, measured horizontally, from the edge of the project reservoir at normal maximum surface elevation; and (iii) no more than 50 total acres of project lands for each project development are conveyed under this clause (d)(7) in any calendar year. At least 45 days before conveying any interest in project lands under this paragraph (d), the Licensee must file a letter to the Director, Office of Electric Power Regulation, stating its intent to convey the interest and briefly describing the type of interest and location of the lands to be conveyed (a marked Exhibit G or K map may be used), the nature of the proposed use, the identity of any Federal or

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State agency official consulted, and any Federal or State approvals required for the proposed use. Unless the Director, within 45 days from the filing date, requires the Licensee to file an application for prior approval, the Licensee may convey the intended interest at the end of that period.

(e) The following additional conditions apply to any intended conveyance under paragraphs (c) or (d) of this article:

(1) Before conveying the interest, the Licensee shall consult with Federal and State fish and wildlife or recreation agencies, as appropriate, and the State Historic Preservation Officer.

(2) Before conveying the interest, the Licensee shall determine that the proposed use of the lands to be conveyed is not inconsistent with any approved Exhibit R or approved report on recreational resources of an Exhibit E; or, if the project does not have an approved Exhibit R or approved report on recreational resources, that the lands to be conveyed do not have recreational value.

(3) The instrument of conveyance must include covenants running with the land adequate to ensure that: (i) the use of the lands conveyed shall not endanger health, create a nuisance, or otherwise be incompatible with overall project recreational use; and (ii) the grantee shall take all reasonable precautions to ensure that the construction, operation, and maintenance of structures or facilities on the conveyed lands will occur in a manner that will protect the scenic, recreational, and environmental values of the project.

(4) The Commission reserves the right to require the Licensee to take reasonable remedial action to correct any violation of the terms and conditions of this article, for the protection and enhancement of the project's scenic, recreational, and other environmental values.

(f) The conveyance of an interest in project lands under this article does not in itself change the project boundaries. The project boundaries may be changed to exclude land conveyed under this article only upon approval of revised Exhibit G or K drawings (project boundary maps) reflecting exclusion of that land. Lands conveyed under this article will be excluded from the project only upon a determination that the lands are not necessary for project purposes, such as operation and maintenance, flowage, recreation, public access, protection of environmental resources, and shoreline control, including shoreline aesthetic values. Absent extraordinary circumstances, proposals to exclude lands conveyed under this article from the project shall be consolidated for consideration when revised Exhibit G or K drawings would be filed for approval for other purposes.

(G) 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 amendment of license or of any other date specified in this order, except as specifically ordered by the Commission.

Robert E. Cockroach

for William W. Lindsay
Director, Office of Electric
Power Regulation

March 17, 1983

RE: Permit No. 95-8000

Washington Water Power Co.
P.O. Box 3727
Spokane, WA 99220

Gentlemen:

Enclosed is a copy of your approved application for permit. We direct your attention to the conditions of approval on the fourth page.

Sincerely,

DAVID R.TTUTHILL, JR., P.E.
Supervisor, Water Allocation Section

DRT:kw
Enclosure

POWER CALCULATIONS FOR APPLICATION NO. 95-8003

P = Kilowatts .74 X hp (5500hp)

Q = cfs

H = feet

e = efficiency

proposed
4070 KW
1160 cfs
48 ft
?

$e = \frac{P(11.8)}{QH} = \frac{4070(11.8)}{1160 \times 48} = \frac{48,026}{55,680} = .86$

Based on the above calculations the proposed project must have an 86 % efficiency.

Overlap Review

- P/D SENE Sec. 4 T5ON R5W 95-7117 & 95-7509

P/U same as P/D 95-7117 , 95-8057 , 95-7509

↑ gw D/100 units License

↑ gw Permit Irr, Domestic "I"

↑ gw License D/40 units

Recommend #PL14

RC 1/18/83

October 21, 1982

The Washington Water Power Company
P.O. Box 3727
Spokane, Washington 99220

RE: Post Falls Power Plant

Gentlemen:

I was recently notified of the fact that the early-in-time water rights for power purposes that you developed on the Spokane River at Post Falls have not been recorded. Our records show that the only recorded water right at your Post Falls power plant is Application for Permit No. 95-8003 for 1160 cfs for a sixth turbine generator, which was filed on March 17, 1980.

As you may be aware, this Department is currently conducting a program designed to record all previously unrecorded water rights by June 30, 1983. This program was established by statutes that indicate water rights not recorded by that date are subject to loss due to abandonment. Details about the program are described in the enclosed brochure entitled "Keep your water".

To properly record the water rights that have been established by diversions at your Post Falls power plant, you will need to submit at least one Claim to a Water Right. Enclosed for your convenience we have included claim forms and instructions.

Assistance for completing the claims is available at our regional office in Coeur d'Alene or in this office. Please advise me if you have any difficulties in recording the water rights of this important power plant.

Sincerely,

DAVID R. TUTHILL, JR., P. E.
Supervisor, Water Allocation Section

DRT:jg

Enclosure

cc: Northern Regional Office
Dam Safety Section

WWP 3115 REV. 8-73



RECEIVED
AUG 3 1981
Department of Water Resources

THE WASHINGTON WATER POWER COMPANY
Electric and Natural Gas Service
P.O. BOX 3727 • SPOKANE, WASHINGTON 99220 • (509) 489-0500

June 29, 1981

Mr. David R. Tuthill, Jr., P. E.
Supervisor, Water Allocation Section
State of Idaho
Department of Water Resources
450 West State Street, Statehouse
Boise, Idaho 83720

Re: Application No. 95-8003

Dear Mr. Tuthill:

In compliance with your letter of July 24, 1981, concerning a change in Section 42-205, Idaho Code, please find enclosed an affidavit signed by our Chief Civil Engineer, Rolland H. Benker.

Very truly yours,

Richard Muffett

Richard Muffett
Rights of Way Supervisor

RM:mh
Enclosure

95-8003 Sept 2, 41, 521, SW. Kootenai Co. Old File 95-4??

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

The Washington Water Power Company) Project No. 2545-004

ORDER AMENDING LICENSE (MAJOR)
(Issued July 22, 1981)

On March 3, 1980, The Washington Water Power Company (Licensee) filed an application under the Federal Power Act, 16 U.S.C. §§791(a)-825(r), for amendment of a major license for the Spokane River Project No. 2545, located on the Spokane River in the counties of Spokane, Stevens, and Lincoln, Washington. The license would be amended to include the constructed Post Falls hydroelectric development. 1/ The Post Falls Development is located on the Spokane River in the counties of Kootenai and Benewah, Idaho.

PROJECT DESCRIPTION:

The license for the Spokane River Project was issued on August 17, 1972, effective May 1, 1965, and will terminate on July 13, 2007.

The project, as presently licensed, consists of: 1) The Upper Falls Development comprising a concrete dam, a channel, a penstock, and a powerhouse containing one 10,000-kW generating unit; 2) The Monroe Street Development comprising a concrete dam, a pond, a penstock, and a powerhouse containing five generating units with a total installed capacity of 7,200 kW; 3) The Nine Mile Development comprising a 440-acre reservoir, and an integrated concrete dam and powerhouse containing four 3,000-kW generating units; 4) The Long Lake Development comprising a 5,060-acre reservoir, a concrete dam, four penstocks, and a powerhouse containing four 17,500-kW generating units.

The constructed Post Falls Development, which would be added to the license, consists of: 1) the 48,000-acre Coeur d'Alene Lake with a useable storage capacity of 223,100 acre-feet; 2) the 31-foot high spillway dam across the north channel; 3) the 127-foot long and 25-foot high concrete gravity spillway dam across the south channel; 4) the 64-foot high concrete gravity dam containing six gates and forming the east wall of the powerhouse; 5) five 56-foot long steel penstocks and one penstock which is stubbed off for a sixth unit; 6) the 175-foot long and 62-foot wide brick powerhouse containing five generating units, each rated at 2,250 kW; 7) two step-up transformers; and 8) appurtenant facilities.

Applicant requests approval to install an additional sixth generating unit, rated at 3,500 kW, in the existing powerhouse. Project power would be integrated into Licensee's interconnected transmission system. The generating unit has already been installed.

PUBLIC NOTICE AND AGENCY COMMENTS:

Public notice of the application was given on August 12, 1980, with September 29, 1980, as the last date for filing protests or petitions to intervene. The U. S. Department of the Interior, the Coeur d'Alene Tribe of Indians, and the Washington Departments of Ecology and Game were granted intervention on November 17, 1980. Federal, State, and local agencies were requested to submit comments on the application. The significant concerns of the intervenors and commenting agencies are discussed below.

SAFETY, ADEQUACY, AND COMPREHENSIVE DEVELOPMENT:

Staff has evaluated the safety and adequacy of the North, Middle, and South Channel Dams for normal, seismic, and Probable Maximum Flood (PMF) loading conditions. The analysis of the North Channel Dam indicates that it would be safe for all loading conditions. However, the analyses of the Middle and South Channel Dams show that the dams could fail during the PMF. Article 38, therefore, requires the Licensee to submit a study of the downstream effects that would be caused by failure of the Middle and South Channel Dams, and a schedule and plans to prevent failure of the dams, if required for the protection of downstream life and property.

The Post Falls Development is not in conflict with any proposed or existing water resource development in the Spokane River Basin. The new generating unit would make efficient use of the high river flows during spring and early summer. It is concluded that the Post Falls Development, under the terms and conditions of the license, would be safe and adequate, and would be best adapted to the comprehensive development of the Spokane River.

1/ Authority to act on this matter is delegated to the Director, Office of Electric Power Regulation, under 18 C.F.R. §375.308 (1980), as amended by 46 Fed. Reg. 14119 (1981).

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JUL 27 1981
Department of Water Resources

ECONOMIC FEASIBILITY:

Staff performed a feasibility study for the installation of the proposed generating unit based on the cost of power in the area and the estimated annual cost of the project. 2/ The study found that the cost of the proposed unit would be 12.4 mills per kWh as compared with 14 mills per kWh for energy produced by a coal-fired unit. Based on the study, it is concluded that the proposed generating unit would be economically feasible.

CULTURAL RESOURCES:

The Idaho State Historic Preservation Officer indicated that the project works at the Post Falls Development have been identified as eligible for inclusion on the National Register of Historic Places, but that the proposed action would have no significant effect on the qualities of the eligible properties.

RECREATION:

The area around the Post Falls Development receives very heavy recreational use throughout the year, especially from the nearby Spokane, Washington urban area. Boating, sailboating, swimming, and camping use is intense during the short summer season, while hunting and fishing activities continue throughout the year. The extent of development and the intensive use of the lake have resulted in incidents of overuse and boater conflicts during the short summer season.

Licensee proposes to cooperate in the development of the Post Falls Recreation Area, a 14-acre parcel of land leased to the City. The final plans have not been completed pending agreement among various agencies concerning boat launching access.

Staff has evaluated the Report on Recreational Resources included as part of the Exhibit E, and it is concluded that the report adequately provides for enhancement of the recreational opportunities at the Post Falls Development. Therefore, the report is being approved as an amendment to the Exhibit R for Project No. 2545. Article 36 requires the Licensee to

2/ The Post Falls Development (including the new generating unit), with its average annual generation of 109 million kWh, utilizes a renewable resource that will save approximately 178,000 barrels of oil or 50,000 tons of coal per year.

consult with the appropriate State and local agencies to finalize the plans for the development of the Post Falls Recreation Area, and to submit the completed plan to the Commission for approval within one year from the issuance of any order approving the license amendment.

MINIMUM FLOWS:

The Environmental Protection Agency (EPA) expressed a concern about downstream water quality, because the Spokane River is a vital part of the Rathdrum Prairie Aquifer. EPA requested a minimum flow provision in the license to ensure that downstream water quality interests would be served. 3/ The Licensee proposed to release a minimum flow of 300 cfs except as required for emergency conditions. It is concluded that a minimum flow of 300 cfs should be provided. Article 37 requires Licensee to maintain a continuous minimum flow of 300 cfs, or the inflow to Coeur d'Alene Lake, whichever is less, to protect and enhance the aquatic resources of the Spokane River.

FISH AND WILDLIFE:

The Washington State Department of Game (Game) stated that project operations, especially flow releases, could affect game fish downstream in the State of Washington. The Idaho Department of Fish and Game (DFG) expressed concern about the effects of project operations, especially lake drawdown, on kokanee egg and fry survival. Licensee is funding a program of studies to quantify the extent of project-related impacts on kokanee. In addition, DFG expressed concern about the rapid drawdown of Coeur d'Alene Lake and rapid closure of the outlet gates following the spring run-off, which are done to expedite dewatering of properties adjacent to the lake. According to DFG, the spring drawdown may cause mortality of largemouth bass eggs and fry, and also adversely impact waterfowl nesting, although there is little or no information available to show the magnitude or significance of these problems. Cooperative stranding studies, conducted by Licensee, DFG, and others have indicated that downstream stranding of fish has occurred as a result of rapid gate closure, but primarily impacts are on non-game fish species.

Licensee has indicated that steps are being taken to eliminate the need for the post-spring-runoff drawdown through negotiations and agreements with property owners and irrigation districts in the project area. Licensee also indicated a willingness to terminate the practice of abruptly reducing flow following spring drawdown in favor of a more gradual outlet gate closure procedure.

3/ The Idaho Department of Health and Welfare has waived the requirement for water quality certification for the Post Falls Development.

The actions being taken by Licensee to eliminate the need for the post-spring-runoff drawdown would tend to nullify any adverse impacts of drawdown on largemouth bass and waterfowl. A gradual closure of the outlet gates would largely preclude any significant stranding of game fish downstream of the project. It is concluded that the measures being undertaken by the Licensee are appropriate and adequately address the concerns of Game and DFG, and therefore, no further action is required at this time. Under standard Article 16 of the license, the Commission reserves the right to prescribe any changes in project operations for the enhancement of fish and wildlife resources.

OTHER ENVIRONMENTAL CONSIDERATIONS:

Approval of the subject application would authorize increased hydroelectric generation at the Post Falls Development with a minimum of construction-related impacts, and relatively minor impacts due to project operations. No Federally listed threatened or endangered species have been reported in the project area. Further, the proposed action would not affect properties listed on or eligible for inclusion on, the National Register of Historic Places. For the above reasons, it is concluded that approval of the application would not constitute a major Federal action significantly affecting the quality of the human environment.

ANNUAL CHARGES:

The Coeur d'Alene Tribe of Indians (Tribe) and the U. S. Department of the Interior (Interior) asserted that the Post Falls Development occupied tribal lands within an Indian reservation and requested that annual charges for the use of those lands be set. The issue of the ownership status of the beds and banks of Coeur d'Alene Lake is being settled in Phase II of the proceeding and has not been resolved. Pending a final resolution of that issue, annual charges for the use of U. S. lands will not be set at this time for the Post Falls Development, but will be determined at a later date. 4/

EXHIBITS:

Exhibits F and G were filed as part of the application for amendment of license. Exhibit G does not fully conform to the Commission's regulations. However, Licensee requested and was granted a waiver of the requirements for immediate filing of an acceptable Exhibit G until after the issuance of this order. Article 39 requires Licensee to file the revised Exhibit G within six months after the issuance of this order.

4/ See Opinion No. 117, Project No. 2545, issued April 8, 1981, and Application for Rehearing filed May 8, 1981.

It is ordered that:

The license for Project No. 2545 is amended, effective the first day of the month in which this order is issued, as follows:

(A) The Post Falls Development described in Ordering Paragraph (B) is included in the license for Project No. 2545, and the Licensee is authorized to install, operate, and maintain an additional sixth generating unit (already installed) in the Post Falls Powerhouse.

(B) Subparagraph (11) of ordering paragraph (B) of the Commission's August 17, 1972, Order Issuing License (Major) is amended by adding the following:

Post Falls Plant - a development located in Kootenai and Benewah Counties, Idaho, consisting of: 1) the 48,000-acre Coeur d'Alene Lake with a useable storage capacity of 223,100 acre-feet; (2) the 431-foot long and 31-foot high spillway dam across the north channel, consisting of piers, one rolling sector gate, and eight Taintor gates; (3) the 127-foot long and 25-foot high concrete gravity spillway dam across the south channel containing six wooden sluice gates; (4) the 215-foot long and 64-foot high concrete gravity powerhouse dam across the middle channel containing six gates and forming the east wall of the powerhouse; (5) six 56-foot long and 11.3-foot diameter steel penstocks; (6) the 175-foot long and 62-foot wide brick powerhouse containing five generating units, each rated at 2,250 kW and one generating unit rated at 3,500 kW; (7) a 16,000 KVA, 2.4/115-kV step-up transformer and a 4,687-KVA, 2.4/115-kV step-up transformer; and (8) appurtenant facilities.

(C) The following exhibits conform to the Commission's rules and regulations and are approved and made part of the license. Exhibit G is approved to the extent that it shows the general nature of the Post Falls Development.

Exhibit	FERC No.	Title
F-1	2545-91	North Channel Gates, Plans and Sections
F-2	2545-92	North Channel, Sector Gate
F-3	2545-93	Powerhouse, Plan & Headgate

F-4	2545-94	Middle Channel, Dam & Powerhouse Elevation & Section
F-5	2545-95	South Channel, Plan, Elevation, & Section
G-1A	2545-99	General Project Map
G-1	2545-100	Post Falls Development

(D) The report on Recreational Resources, consisting of 13 pages of text, Appendices C and D, and a map entitled "Post Falls Development: Recreational Facilities" (FERC No. 2545-89), included as part of the Exhibit E for the Post Falls Development is approved as an amendment to the Exhibit R for Project No. 2545.

(E) Article 26 of the license is amended to read:

Article 26. The Licensee shall pay the United States the following annual charges, effective the first day of the month in which this order is issued.

(a) For the purpose of reimbursing the United States for the cost of administration of Part I of the Act, a reasonable amount as determined in accordance with the provisions of the Commission's regulations in effect from time to time. The authorized installed capacity for that purpose is 152,000 horsepower.

(b) For the purpose of recompensing the United States for the use, occupancy, and enjoyment of U. S. or tribal lands other than for transmission line right-of-way, a reasonable amount as determined in accordance with the provisions of the Commission's regulations in effect from time to time. The acreage of those lands, for the Post Falls Development only, shall be determined later.

(F) The following articles are added to the license.

Article 36. Licensee shall, in consultation with the Idaho Department of Parks and Recreation, the City of Post Falls, and other appropriate local agencies, finalize the plans for development of the Post Falls Recreation Area, and within one year from the date of issuance of this order, submit to the Commission for approval a plan for the development of the Post Falls Recreation area.

Article 37. Licensee shall discharge from the Post Falls Development a continuous minimum flow of 300 cubic feet per second, or the inflow to Coeur d'Alene Lake, whichever is less, for the purpose of protecting and enhancing the aquatic resources in the Spokane River. These flows may be temporarily modified if required by operating emergencies beyond the control of the Licensee, and for short periods for fishery management purposes upon mutual agreement between Licensee and the Idaho Department of Fish and Game.

Article 38. The Licensee shall within six months from the issuance of this order file with the Commission an analysis of the downstream effects that would be caused by the failure of the South Channel Dam and Spillway and the Middle Channel Dam, due to overtopping during flood conditions up to the Probable Maximum Flood. If loss of life and/or extensive property damage would occur because of dam failure, then Licensee shall submit plans and a schedule for modifying the structures to prevent failure during the Probable Maximum Flood.

Article 39. Licensee shall, within six months from the issuance of this order, file for Commission approval, a revised Exhibit G showing the Post Falls Development and conforming to §4.51 of the Commission's regulations.

Article 40. (a) In accordance with the provisions of this article, the Licensee shall have the authority to grant permission for certain types of use and occupancy of project lands and waters and to convey certain interests in project lands and waters for certain other types of use and occupancy, without prior Commission approval. The Licensee may exercise the authority only if the proposed use and occupancy is consistent with the purposes of protecting and enhancing the scenic, recreational, and other environmental values of the project. For those purposes, the Licensee shall also have continuing responsibility to supervise and control the uses and occupancies for which it grants permission, and to monitor the use of, and ensure compliance with the covenants of the instrument of conveyance for, any interests that it has conveyed, under this article. If a permitted use and occupancy violates any condition of this article or any other condition imposed by the Licensee for protection and enhancement of the project's scenic, recreational, or other environmental values, or if a covenant of a conveyance made under the authority of this article is violated, the Licensee shall take any lawful action necessary to correct the violation. For a permitted use or occupancy, that action includes, if necessary, cancelling the permission to use and occupy the project lands and waters and requiring the removal of any non-complying structures and facilities.

(b) The types of use and occupancy of project lands and waters for which the Licensee may grant permission without prior Commission approval are: (1) landscape plantings; (2) non-commercial piers, landings, boat docks, or similar structures and facilities; and (3) embankments, bulkheads, retaining walls, or similar structures for erosion control to protect the existing shoreline. To the extent feasible and desirable to protect and enhance the project's scenic, recreational, and other environmental values, the Licensee shall require multiple use and occupancy of facilities for access to project lands or waters. The Licensee shall also ensure, to the satisfaction of the Commission's authorized representative, that the uses and occupancies for which it grants permission are maintained in good repair and comply with applicable State and local health and safety requirements. Before granting permission for construction of bulkheads or retaining walls, the Licensee shall: (1) inspect the site of the proposed construction, (2) consider whether the planting of vegetation or the use of riprap would be adequate to control erosion at the site, and (3) determine that the proposed construction is needed and would not change the basic contour of the reservoir shoreline. To implement this paragraph (b), the Licensee may, among other things, establish a program for issuing permits for the specified types of use and occupancy of project lands and waters, which may be subject to the payment of a reasonable fee to cover the Licensee's costs of administering the permit program. The Commission reserves the right to require the Licensee to file a description of its standards, guidelines, and procedures for

implementing this paragraph (b) and to require modifications of those standards, guidelines, or procedures.

(c) The Licensee may convey easements or rights-of-way across, or leases of, project lands for: (1) replacement, expansion, realignment, or maintenance of bridges and roads for which all necessary State and Federal approvals have been obtained; (2) storm drains and water mains; (3) sewers that do not discharge into project waters; (4) minor access roads; (5) telephone, gas, and electric utility distribution lines; (6) non-project overhead electric transmission lines that do not require erection of support structures within the project boundary; (7) submarine, overhead, or underground major telephone distribution cables or major electric distribution lines (69-kV or less); and (8) water intake or pumping facilities that do not extract more than one million gallons per day from a project reservoir. No later than January 31 of each year, the Licensee shall file three copies of a report briefly describing for each conveyance made under this paragraph (c) during the prior calendar year, the type of interest conveyed, the location of the lands subject to the conveyance, and the nature of the use for which the interest was conveyed.

(d) The Licensee may convey fee title to, easements or rights-of-way across, or leases of project lands for: (1) construction of new bridges or roads for which all necessary State and Federal approvals have been obtained; (2) sewer or effluent lines that discharge into project waters, for which all necessary Federal and State water quality certificates or permits have been obtained; (3) other pipelines that cross project lands or waters but do not discharge into project waters; (4) non-project overhead electric transmission lines that require erection of support structures within the project boundary, for which all necessary Federal and State approvals have been obtained; (5) private or public marinas that can accommodate no more than 10 watercraft at a time and are located at least one-half mile from any other private or public marina; (6) recreational development consistent with an approved Exhibit R or approved report on recreational resources of an Exhibit E; and (7) other uses, if: (i) the amount of land conveyed for a particular use is five acres or less; (ii) all of the land conveyed is located at least 75 feet, measured horizontally, from the edge of the project reservoir at normal maximum surface elevation; and (iii) no more than 50 total acres of project lands for each project development are conveyed under this clause (d)(7) in any calendar year. At least 45 days before conveying any interest in project lands under this paragraph (d), the Licensee must file a letter to the Director, Office of Electric Power Regulation, stating its intent to convey the interest and briefly describing the type of interest and location of the lands to be conveyed (a marked Exhibit G or K map may be used), the nature of the proposed use, the identity of any Federal or

State agency official consulted, and any Federal or State approvals required for the proposed use. Unless the Director, within 45 days from the filing date, requires the Licensee to file an application for prior approval, the Licensee may convey the intended interest at the end of that period.

(e) The following additional conditions apply to any intended conveyance under paragraphs (c) or (d) of this article:

(1) Before conveying the interest, the Licensee shall consult with Federal and State fish and wildlife or recreation agencies, as appropriate, and the State Historic Preservation Officer.

(2) Before conveying the interest, the Licensee shall determine that the proposed use of the lands to be conveyed is not inconsistent with any approved Exhibit R or approved report on recreational resources of an Exhibit E; or, if the project does not have an approved Exhibit R or approved report on recreational resources, that the lands to be conveyed do not have recreational value.

(3) The instrument of conveyance must include covenants running with the land adequate to ensure that: (i) the use of the lands conveyed shall not endanger health, create a nuisance, or otherwise be incompatible with overall project recreational use; and (ii) the grantee shall take all reasonable precautions to ensure that the construction, operation, and maintenance of structures or facilities on the conveyed lands will occur in a manner that will protect the scenic, recreational, and environmental values of the project.

(4) The Commission reserves the right to require the Licensee to take reasonable remedial action to correct any violation of the terms and conditions of this article, for the protection and enhancement of the project's scenic, recreational, and other environmental values.

(f) The conveyance of an interest in project lands under this article does not in itself change the project boundaries. The project boundaries may be changed to exclude land conveyed under this article only upon approval of revised Exhibit G or K drawings (project boundary maps) reflecting exclusion of that land. Lands conveyed under this article will be excluded from the project only upon a determination that the lands are not necessary for project purposes, such as operation and maintenance, flowage, recreation, public access, protection of environmental resources, and shoreline control, including shoreline aesthetic values. Absent extraordinary circumstances, proposals to exclude lands conveyed under this article from the project shall be consolidated for consideration when revised Exhibit G or K drawings would be filed for approval for other purposes.

(G) 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 amendment of license or of any other date specified in this order, except as specifically ordered by the Commission.

Robert E. Cockroft

for William W. Lindsay
Director, Office of Electric
Power Regulation

FEDERAL ENERGY
REGULATORY COMMISSION
WASHINGTON, D.C. 20426

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE, $300

POSTAGE AND FEES PAID
FEDERAL ENERGY
REGULATORY COMMISSION
FERC 351

U.S.MAIL

State of Idaho P-2545
Department of Water Resources
State House
Boise, Idaho 83720

Route To		Date	Initial
	Director		
	Deputy Dir.		
	Reso. Adm.		
	Reso. Analysis		
	Oper. Bureau		
	Proj. Stud. Bu.		
	Reg. Off. Bu.		
	Tech. Serv. Bu.		
	File:		

Copy

[redacted] of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

95-8003

July 24, 1981

RE: Application for Permit No.

Dear Applicant:

The 1981 Idaho Legislature made a change in Section 42-205, Idaho Code, that may affect the above referenced application. The change requires that if a proposed hydropower project will use existing irrigation facilities, the approval of the owner of the facilities must be obtained before an application for permit to develop a water right can be approved.

Please find enclosed an affidavit which we must receive before we can complete the review of your application. Please complete the affidavit, sign it before a notary, and return it to this office at your earliest convenience, no later than August 15, 1981.

Sincerely,

David R. Tuthill Jr.

DAVID R. TUTHILL JR., P. E.
Supervisor, Water Allocation Section

DRT:jg

Enclosure



95-8003

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

The Washington Water Power Company) Project No. 2545

NOTICE OF EXTENSION OF TIME
(January 8, 1981)

On January 2, 1981, The Coeur d'Alene Tribe of Indians (Tribe) filed a request for an extension of time to file briefs on exceptions to the Initial Decision issued December 9, 1980, in the above-docketed proceeding. In this same motion, the Tribe further requests an extension of time to file a motion for oral argument on this Initial Decision. The motion states that additional time is required because of a delay in the Tribe's receipt of the Initial Decision and because of the involvement of the Tribe's counsel in proceedings before the U.S. Supreme Court and in other trial matters. The motion further states that the Tribe requires additional time to conduct detailed research and to confer with appropriate Department of Interior personnel. The motion finally states that the Washington Water Power Company and the Secretary of the Interior do not oppose this extension request.

Upon consideration, notice is hereby given that an extension of time for the filing of briefs on exceptions and for filing a motion for oral argument is granted to and including February 20, 1981. Briefs opposing exceptions shall be filed on or before March 11, 1981.

Kenneth F. Plumb

Kenneth F. Plumb
Secretary

DC-A-24

FEDERAL ENERGY
REGULATORY COMMISSION
WASHINGTON, D.C. 20426

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE, $300

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FERC 351

State of Idaho P-2545
Department of Water Resources
State House
Boise, Idaho 83720

RECEIVED
JAN 19 1981
Department of Water Resources

95-8003

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

The Washington Water Power Company	)	Project No. 2545
	)	

NOTICE GRANTING INTERVENTIONS

(November 17, 1980)

The Washington Water Power Company (WWPC) has filed an application to install an additional generating unit at its Post Falls development and to include the development within its license for the Spokane River Project No. 2545. The Post Falls development is located on the Spokane River in Kootenai and Benewah Counties, Idaho. Public notice of the filing of the application has been given. The Coeur d'Alene Tribe of Indians (Tribe), the Secretary of the Interior (Secretary), and the Washington Departments of Ecology (Ecology) and Game (Game) have filed petitions to intervene. WWPC filed responses to Game's and Ecology's petitions.

The Tribe stated that it had been granted intervention in the matter of the licensing of Project No. 2545 on September 14, 1973. At that time the licensing of Post Falls was differed. The Tribe incorporated by reference its petition that was granted in 1973. The Tribe requested that the Commission determine its rights with respect to the development.

The Secretary, who had also been previously granted intervention on the licensing of Project No. 2545, asserted that the development occupied tribal lands within an Indian reservation. The Secretary requested that amount of annual charges for the use of those lands be set.

Ecology stated that it is the agency in Washington responsible for the state's water management program. In its response, WWPC stated that Ecology has no jurisdiction or authority over the development which is located in Idhao. WWPC, however, did not object to the granting of the intervention.

Game stated that it is the Washington agency responsible for the protection, preservation and perpetuation of wild

animals, wild birds, and game fish. Game claimed that the operation of Post Falls would affect game fish in the State of Washington by releasing unnatural flows in the river. WWPC responded and denied that Game has the authority to act in this proceeding. WWPC requested that the petition be denied. Participation of all petitioners appears to be in the public interest. Good cause exists for granting the petitions.

Pursuant to §375.302 of the Commission's regulations, 45 Fed. Reg. 21216 (1980), amending 18 C.F.R. 3.5(a) (1979), the Petitioners are permitted to intervene in this proceeding subject to the Commission's Rules and Regulations under the Federal Power Act. Participation of the Intervenors shall be limited to matters affecting asserted rights and interests specifically set forth in the petition to intervene. The admission of the Intervenors shall not be construed as recognition by the Commission that they might be aggrieved by any order entered in this proceeding.

Kenneth F. Plumb
Secretary

FEDERAL ENERGY
REGULATORY COMMISSION
WASHINGTON, D.C. 20426

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE, $300

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FEDERAL ENERGY
REGULATORY COMMISSION
FERC 351



RECEIVED

State of Idaho P-2545
Department of Water Resources
State House
Boise, Idaho 83720

NOV 21 1980
Department of Water Resources

FEDERAL ENERGY REGULATORY COMMISSION

WASHINGTON 20426

IN REPLY REFER TO:

RECEIVED

SEP 3 1980

Department of Water Resources

OEPR-HL
Project No. 2545 - Washington
The Washington Water Power Company

AUG 22 1980

State of Idaho
Department of Water Resources
Statehouse
Boise, Idaho 83720

Subject: Application for amendment to license for proposed Spokane Project No. 2545 to be located on the Spokane River in Kootenai and Benewah Counties, Idaho.

Gentlemen:

Copies of the application and a public notice describing the project are being sent to you, as indicated under enclosures, for your information and any comments and recommendations you may have involving your interests.

It is requested that you advise the Commission with respect to any environmental impact which could result from construction of the proposed project. This advice will be of assistance in the preparation of an environmental impact statement, if one is required. Also, if a license is to be issued, it will assist the Commission in formulating license conditions to protect and enhance the environment.

Please submit your comments within 60 days. If you have not submitted comments, or a request for a specific extension of time within that period, we will assume that you have none.

Sincerely,

Robert E. Cachowski

for William W. Lindsay
Director, Office of Electric
Power Regulation

Enclosures:
Public Notice - 1 copy
Application - 1 copy

FEDERAL ENERGY REGULATORY COMMISSION

WASHINGTON 20426

OEPR-HL
Project No. 2545 - Washington
The Washington Water Power Company

State of Idaho
Department of Water Resources
Statehouse
Boise, Idaho 83720

AUG 22 1980

C

Subject: Application for amendment to license for proposed Spokane Project No. 2545 to be located on the Spokane River in Kootenai and Benewah Counties, Idaho.

Gentlemen:

O

Copies of the application and a public notice describing the project are being sent to you, as indicated under enclosures, for your information and any comments and recommendations you may have involving your interests.

It is requested that you advise the Commission with respect to any environmental impact which could result from construction of the proposed project. This advice will be of assistance in the preparation of an

P

environmental impact statement, if one is required. Also, if a license is to be issued, it will assist the Commission in formulating license conditions to protect and enhance the environment.

Please submit your comments within 60 days. If you have not submitted comments, or a request for a specific extension of time within that period, we will assume that you have none.

Y

Sincerely,

Robert E. Cockroch

FOR

William W. Lindsay
Director, Office of Electric
Power Regulation

Enclosures:
Public Notice - 1 copy
Application - 1 copy

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Washington Water Power Company) Project No. 2545

NOTICE OF APPLICATION FOR AMENDMENT OF A MAJOR LICENSE
(August 12, 1980)

Take notice that on March 3, 1980, the Washington Water Power Company of Spokane, Washington (Applicant), filed an application for an amendment of a major license with the Federal Energy Regulatory Commission [pursuant to the Federal Power Act, 16 U.S.C., Sections 791(a) - 825(r)] to include the constructed Post Falls hydroelectric development in the license for Project No. 2545. The Post Falls development is located on the Spokane River in the counties of Kootenai and Benewah, Idaho. Correspondence concerning the application should be sent to: Mr. J.P. Buckley, Vice President and Secretary, P. O. Box 3727, Spokane, Washington 99220; and Mr. Alan P. O'Kelly, 1400 Washington Trust Financial Center, Spokane, Washington 99204.

The constructed Post Falls development consists of: 1) the 48,000-acre Coeur d'Alene Lake with a useable storage capacity of 223,100 acre-feet; 2) the 431-foot long and 31-foot high spillway dam across the north channel, consisting of piers, one rolling sector gate, and eight Taintor gates; 3) the 127-foot long and 25-foot high concrete gravity spillway dam across the south channel containing six wooden sluice gates; 4) the 215-foot long and 64-foot high concrete gravity powerhouse dam containing six gates and forming the east wall of the powerhouse; 5) five 56-foot long and 11.3-foot diameter steel penstocks and one penstock which is stubbed off for a sixth unit; 6) the 175-foot long and 62-foot wide brick powerhouse containing five generating units, each rated at 2250 kW; 7) a 16,000-KVA 2.4/115-kV step-up transformer and a 4687-KVA 2.4/115-kV step-up transformer; and appurtenant facilities.

Applicant proposes to install an additional sixth generating unit, rated at 3500 kW, in the existing powerhouse at a cost of $1,050,000. Further, Applicant, jointly with the City of Post Falls, proposes to expand, on Company-owned land, the existing South City Park. Project power would be integrated into the Applicant's interconnected transmission and distribution system.

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 Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 C.F.R. §1.8 or §1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in Section 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, protest, or petition to intervene must be filed on or before September 29, 1980. 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. Plumb,
Secretary

FEDERAL ENERGY
REGULATORY COMMISSION
WASHINGTON, D.C. 20426

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE, $300

POSTAGE AND FEES PAID
FEDERAL ENERGY
REGULATORY COMMISSION
FERC 351

November 4, 1980

The Washington Water Power Company
P. O. Box 3727
Spokane, Washington 99220

RE: Application For Permit No. 95-8003

Gentlemen:

We have completed a preliminary review of the above referenced application. This review has included advertising by the regional office and a verification that all required preliminary information has been provided.

At this time we see no reason that the application will not be approved. However, for power projects that are under the jurisdiction of the Federal Energy Regulatory Commission (FERC) and/or the Idaho Public Utilities Commission, we withhold final action on the application pending approval by those agencies.

Our review of this application indicates that approval for the project will be required from both FERC and PUC. The continued validity of the application is contingent on your proceeding with due diligence toward obtaining approval from each agency.

Please keep this office informed of progress in this regard.

Sincerely,

DAVID R. TUTHILL JR., P. E.
Supervisor, Water Allocation Section

DRT:jg

October 10, 1980

Mr. William W. Lindsay
Director
Office of Electric Power Regulation
Federal Energy Regulatory Commission
Washington, D.C. 20426

RE: Application for amendment to license for proposed Spokane Project No. 2545 to be located on the Spokane River in Kootenai and Benewah Counties, Idaho.

Dear Mr. Lindsay:

We have reviewed the above referenced application and have only one comment.

The water right for the sixth turbine to be installed at the Post Falls powerhouse has been properly recorded with the State of Idaho as Application No. 95-8003. We see no problems with this application; however, before we approve the application we must receive notification from the Washington Water Power Company that the Federal Energy Regulatory Commission has approved either a preliminary permit or an exemption from licensing requirements.

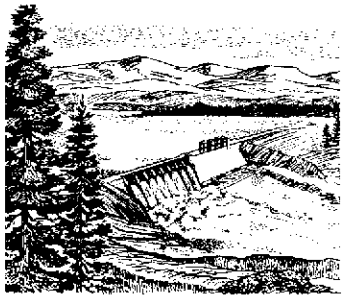
We appreciate the opportunity to participate in this comment procedure.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

LGS:DRT:jg

WWP 311S REV. 8-73



THE WASHINGTON WATER POWER COMPANY

P.O. BOX 3727 • SPOKANE, WASHINGTON 99220 • (509) 489-0500

April 28, 1980

Mr. Robert G. Haynes
State of Idaho
Department of Water Resources
Suite No. 1
4055 Government Way
Coeur d'Alene, Idaho 83814

Dear Mr. Haynes:

Pursuant to our telephone conversation on April 28, 1980, I am enclosing an affadavit signed by myself as an Assistant Secretary of this Company stating that The Washington Water Power Company is a legal corporation qualified to do business in the State of Idaho.

The Company's Registered Agent in the State of Idaho is CT Corporation System whose address is 300 North 6th Street, Boise, Idaho 83702.

In the event that the enclosed affadavit is not satisfactory, CT Corporation System should be contacted for execution of a similar affadavit. In the interest of expediency, the document was executed in this office.

Very truly yours,

R. L. Strenge
Assistant Secretary

RLS:a
Attachment

22 April 1980

Washington Water Power Company
P.O. Box 3727
Spokane, WA 99220

RE: Water Right Filing for Post Falls Dam 95-8003

Gentlemen:

The Department of Water Resources has completed processing of your Application for Permit for the additional generating capacity at Post Falls Dam. However, before we can proceed any further, we must have an affidavit stating that the company is qualified to do business in the State of Idaho.

Please fill out the enclosed affidavit and return it to us.

If you have any questions, please contact us.

Sincerely,

ROBERT G. HAYNES,
District Supervisor

RGH:nh

Enc.(1)

95-8003_

WASHINGTON WATER POWER CO.

P.O. BOX 3727, SPOKANE, WA 99220

Source: SPOKANE RIVER tributary to COLUMBIA RIVER

Date Filed: 03/17/1980

Amount: 1160.00 CFS

Diversion Point: SENE Sec 04 T 50N R 05W, KOOTENAI Co.

Use: POWER (1160.00 CFS) from 01/01 to 12/31

Place of Use: SENE Sec 04 T 50N R 05W

Diversion Means: TURBINE GENERATOR.

MICROFILMED

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
Northern Region

JOHN V. EVANS
Governor
C. STEPHEN ALLRED
Director

4055 Government Way
Coeur d'Alene, ID 83814
(208) 667-6484

March 21, 1980

Mr. Richard Muffett
Washington Water Power Co.
P. O. Box 3727
Spokane, Wa. 99220

RE: 95-8003

Dear Mr. Muffett:

Enclosed is Receipt No. 16869 in the amount of $1,557.00 which was received by this office for the filing fee on the above-referenced item.

Sincerely,

Patricia M. Styrpa

pms

Enclosure



WWP 311S REV. 8-73



RECEIVED
MAR 17 1980
Department of Water Resources

THE WASHINGTON WATER POWER COMPANY

Electric and Natural Gas Service
P.O. BOX 3727 • SPOKANE, WASHINGTON 99220 • (509) 489-0500

March 13, 1980

State of Idaho
Department of Water Resources
Statehouse
Boise, Idaho 83720

Gentlemen:

Our Company operates the Post Falls Hydro-Electric Dam on the Spokane River in Kootenai County, Idaho.

This year a sixth turbine generator of 5500 B.H.P. will be installed in the existing powerhouse dam across the middle channel. This, of course, will involve additional water use. In view of this, we are herewith making formal application for a permit which will cover the additional usage. Also enclosed is our Company check No. 48909 in the amount of $1,557.00 to cover the necessary fee.

On behalf of our Company's urgent timetable concerning this project, we will appreciate action on the application as soon as practical. If additional information is needed concerning this application, please contact Rolland Benker, our Company's Chief Civil Engineer in the Spokane office.

Very truly yours,

Richard Muffett

Richard Muffett
Rights of Way Supervisor

RM:mh
Enclosures

WWP 673 REV. 4-78 THE WASHINGTON WATER POWER COMPANY

DATE	INVOICE NUMBER DESCRIPTION	AMOUNT	DISCOUNT OR DEDUCTION	NET AMOUNT
	FEE FOR APPLICATION FOR PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO--FOR THE POST FALLS LICENSE.	$1,557.00		

PLEASE DETACH BEFORE DEPOSITING CHECK

The Washington Water Power Company

Spokane, Washington

APPLICATION FOR AMENDMENT TO LICENSE NO. 2545—TO INCLUDE POST FALLS, A MAJOR PROJECT—EXISTING DAM KOOTENAI, BENEWAH, COUNTIES—IDAHO ON SPOKANE RIVER

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A note was filmed (See file for complete Book!)

APPLICATION FOR AMENDMENT
TO LICENSE NO. 2545--TO INCLUDE
POST FALLS, A MAJOR PROJECT--EXISTING DAM
KOOTENAI, BENEWAH, COUNTIES - IDAHO
ON SPOKANE RIVER

BY

THE WASHINGTON WATER POWER COMPANY
SPOKANE, WASHINGTON

LAW OFFICES OF

PAINE, LOWE, COFFIN, HERMAN & O'KELLY

1400 WASHINGTON TRUST FINANCIAL CENTER — PHONE (509) 455-6000
SPOKANE, WASHINGTON 99204

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Alan G. Paine (1925-1958)
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Horton Herman
of Counsel
Harold W. Coffin
of Counsel

February 27, 1980

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

Re: The Washington Water Power Company
Project No. 2545 - Application for
Amendment of License

Dear Mr. Plumb:

In accordance with the Partial Settlement Agreement and Order Approving Uncontested Offer of Partial Settlement issued July 9, 1979, we submit on behalf of The Washington Water Power Company Application for Amendment to License.

The name and post office address of the persons upon whom service of pleadings, documents or communications shall be made are:

J. P. Buckley
Vice President and Secretary
P. O. Box 3727
Spokane, Washington 99220

Alan P. O'Kelly
Paine, Lowe, Coffin, Herman & O'Kelly
1400 Washington Trust Financial Center
Spokane, Washington 99204

Very truly yours,

PAINE, LOWE, COFFIN, HERMAN & O'KELLY

Alan P. O'Kelly
Attorneys for The Washington Water
Power Company

APO:bw/K
encl.

I hereby certify that I have this day served the foregoing document, with enclosures, upon all parties of record in this proceeding in accordance with the requirements of Section 1.17 of the Rules of Practice and Procedure.

Dated at Spokane, Washington, this 27th day of February, 1980.

Alan P. O'Kelly
of counsel for The Washington Water Power Company

BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION

THE WASHINGTON WATER POWER COMPANY) Project No. 2545

APPLICATION FOR AMENDMENT TO LICENSE FOR
MAJOR PROJECT--EXISTING DAM

(1) The Washington Water Power Company applies to the Federal Energy Regulatory Commission for an amendment to license to include the Post Falls water power project in Project No. 2545 as described in the attached exhibits.

Applicant is Licensee of Project No. 2545 pursuant to Order Issuing License (Major) issued August 17, 1972. Project No. 2545 consists of four hydroelectric developments on the Spokane River in the State of Washington with a total capacity of 99,200 kw. These developments are Upper Falls, Monroe Street, Nine Mile, and Long Lake. The Order issuing the license provided: "the contentions raised in the Spokane Tribe of Indians' Petition to Intervene relating to the inclusion of the Little Falls and Post Falls developments in Project No. 2545 are hereby reserved without prejudice for further Commission consideration in later proceeding." By joint motion dated March 12, 1979, the parties submitted a Partial Settlement Agreement to the Commission. The Agreement was certified to the Commission on March 22, 1979, and approved by the Commission on July 9, 1979. The Partial Settlement

Agreement provided that the applicant would submit an application to include its Post Falls development (Coeur d'Alene Lake) within the license for Project No. 2545. This application is submitted pursuant to such Partial Settlement Agreement.

(2) The location of the project is:

State or territory	:	Idaho
Counties	:	Kootenai, Benewah
Township or nearby towns	:	Post Falls, Coeur d'Alene, St. Maries, Idaho
Stream or other body of water	:	Spokane River, Coeur d'Alene Lake and bodies of water which are tributary to and affected by the water elevation of Coeur d'Alene Lake.

(3) The exact name and business address of the applicant are:

The Washington Water Power Company
East 1411 Mission Avenue
P. O. Box 3727
Spokane, Washington 99220

The exact name and business address of each person authorized to act as agent for the applicant in this application are:

J. P. Buckley
Vice President and Secretary
P. O. Box 3727
Spokane, Washington 99220

Alan P. O'Kelly
Jerry K. Boyd
Paine, Lowe, Coffin, Herman & O'Kelly
1400 Washington Trust Financial Center
Spokane, Washington 99204

(4) The applicant is a domestic corporation incorporated under the laws of the State of Washington and qualified to do business in the State of Idaho.

(5) (i) The statutory or regulatory requirements of the state in which the project would be located and that affect the project as proposed with respect to bed and banks and to the appropriation, diversion and use of water for power purposes, and with respect to the right to engage in the business of developing, transmitting and distributing power and in any other business necessary to accomplish the purposes of the license under the Federal Power Act are:

(a) Idaho Code §§30-1-106 through 30-1-113 which relate to the admission of foreign corporations and the issuance of a certificate of authority to do business in the State of Idaho.

(b) Idaho Code §§42-101 through 42-104, 42-106, 42-201 through 42-204 relating to appropriation of water and issuance of permits for the appropriation of water.

(c) Idaho Constitution - Article XV relating to appropriation of water.

(ii) Applicant is qualified to do business in Idaho. It and its predecessor appropriated water for power purposes at the time of the construction of a dam by its predecessor and of the present dam during the period 1905-1907 under then applicable water laws and has applied to the State of Idaho for additional water rights in connection with the installation of an additional turbine generator as hereinafter described.

ANADROMOUS MIGRATORY FISH CONCERNS

minimum Mean maximum flows

ER [redacted]

ADDITION OF THE 6th Turbine Authorized

(iii) The following Exhibits are filed herewith and hereby made a part of this application:

Exhibit A - Statement of the Description of the Project

Exhibit B - Statement of the Project Operation and Resource Utilization

Exhibit B - Drawing--Hydraulic and Power Data

Exhibit C - Statement of Construction History and Proposed Construction Schedule

Exhibit D - Statement of Costs and Financing

Exhibit E - Statement of Environmental Conditions and Report

Exhibit E - Drawing--Recreational Facilities

Exhibit E - Drawing--Post Falls Recreation Area

Exhibit F - Statement of Conditions of Structures and Equipment

Exhibit F - General Design Drawing, sheets 1 through 7

Exhibit G - Statement Regarding Project Maps

Exhibit G - General Project Map

Exhibit G - Project Map, sheets 1 and 51 of 95

IN WITNESS WHEREOF, the applicant has caused its name to be hereunto signed by W. J. Satre, its Chairman of the Board and President and Chief Executive Officer, and its corporate seal to be hereto affixed by J. P. Buckley, its Secretary and Custodian of Seal thereunto duly authorized, this 21 day of FEB., 1980.

THE WASHINGTON WATER POWER COMPANY

By W. J. Satre
W. J. Satre

ATTEST:

J. P. Buckley, Secretary

STATE OF WASHINGTON)
: ss.
COUNTY OF SPOKANE)

W. J. SATRE, being first duly sworn on oath, deposes and says:

That he is the Chairman of the Board and President of The Washington Water Power Company, the applicant for an amendment to the license for Project No. 2545; that he has read the foregoing APPLICATION, knows the contents thereof and the same are true to the best of his knowledge and belief.

W. J. Satre

SUBSCRIBED AND SWORN to before me this 21st day of February 1980.

Notary Public in and for the State of Washington, residing at Spokane.

Exhibit A

STATEMENT OF THE DESCRIPTION OF THE PROJECT

(1) The Post Falls Hydroelectric Development required three dams, one to be built on each of the three channels in order that water could be controlled and diverted to the powerhouse.

The spillway dam across the north channel is an "L" shaped control dam consisting of gates and piers. The total length is 431 feet, and the maximum height is 31 feet. It consists of a rolling sector gate 100 feet by 14 feet high; seven taintor gates, 21 feet by 12 feet; and one small taintor gate, 12 feet by 12 feet. The piers are made of concrete and the original wood taintor gates have been replaced with steel gates.

The powerhouse dam on the middle channel is a concrete gravity dam which is the east wall of the powerhouse. It is 215 feet long and 64 feet high. It contains six gates, five steel penstocks, 11.3 feet in diameter, and one penstock which is stubbed off for the sixth unit. The penstocks are 56 feet long and the brick powerhouse is 175 feet long by 62 feet wide.

The spillway dam across the south channel is a concrete gravity dam which contains six wooden sluice gates which are six feet wide and 13 feet high. The dam is 127 feet long and 25 feet high.

(2) The normal surface area of the reservoir (Coeur d'Alene Lake) is 48,000 acres (75 sq. miles) at the normal operating elevation of 2128. The lake is a natural lake and the controlled or useable storage is 223,100 acre feet.

(3) There are five horizontally mounted generators rated at 2250 KW each and each generator is driven by two horizontal Francis type turbines. The proposed sixth generator rated at 3500 KW will also be driven by two horizontal Francis turbines. (More detailed data is shown on Exhibit F, Sheet 4 of 7).

(4) None. There are no transmission lines to be a part of this project.

(5) Those electric facilities besides powerhouse equipment are the five generator leads to the 2.4 Kv bus, leads from the 2.4 Kv bus to the 16,000 KVA 2.4-115 Kv step up transformer; generator leads from the proposed 6th generator to the 4687 KVA 2.4-115 Kv step up transformer; 115 Kv leads to connect the transformer to the 115 Kv substation bus through air switch A-323. The 115 Kv substation bus is not a part of the project.

(6) None. There are no U.S. lands within the project boundary.

This statement is part of the application for amendment of license made by the undersigned this 21 day of FEB., 1980.

THE WASHINGTON WATER POWER COMPANY

By W. J. Satre
Chairman of the Board

BEST QUALITY

EXHIBIT B

STATEMENT OF THE
PROJECT OPERATION AND RESOURCE UTILIZATION

The Post Falls Dam is located about nine miles downstream from the natural outlet of the lake and the structure is used to control and regulate the drawdown of the reservoir whenever the lake is below 2128 elevation. The total or useable storage is only about 5% of the annual average runoff. The storage will be released under the provisions of the Pacific Northwest Coordination Agreement.

(1) Operation of the power plant will be manual. An operator will be available to attend to the station at all times. The operator will make daily inspections and will start units, change load, stop units, operate spillgates, etc. Alarms for out-of-normal conditions will sound at the plant and at the operator's home, which is near the plant.

The average annual plant factor is expected to be .55.

Since the storage releases will follow the provisions of the Pacific Northwest Coordination Agreement, the operation is to follow the drawdown rule curve with exceptions as allowed under the Agreement, regardless of stream flow conditions but limited by turbine capacity or channel capacity of the lake outlet. The channel capacity is less than turbine capacity whenever the lake elevation is below 2123.8. Regardless of the type of water conditions the reservoir outflow will be restricted by channel capacity in late winter of every year. During the snow-melt season of every year, the elevation of the lake rises based on the ability of the lake outlet restriction to release water. All spill facilities are open whenever the lake is above 2128 (summer elevation). The channel capacity at the lake outlet is 15,000 cfs at this elevation.

(2) The dependable capacity is estimated to be 10.5 MW. This capacit on a maximum one-hour operation with recurrence of 1936-37 strea conditions. During the month of January, the reservoir would be minimum elevation, 2120.5. The forebay elevation would be 2119, tailwater would be about 2068.6.

The average annual energy production of the Post Falls Project i million KWH for the period of record 1928-1968.

(i) The minimum, mean, and maximum flows are 65, 6300, and 50100 cfs respectively as published by the USGS. Evaporation losses were not adjusted when historical natural flows were calculated. Leakage is assumed to be about 100 cfs. The minimum flow release of 65 cfs was of short duration at a time when the entire plant was shut down for emergency maintenance. The flow duration curve is shown on the drawing, Exhibit B, and is for the period of 1928-1968 and are flows as determined from the USGS Gaging Station at Post Falls.

EXHIBIT B

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PROJECT OPERATION AND RESOURCE UTILIZATION

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(2) The dependable capacity is estimated to be 10.5 MW. This capacity is based on a maximum one-hour operation with recurrence of 1936-37 stream pool conditions. During the month of January, the reservoir would be at its minimum elevation, 2120.5. The forebay elevation would be 2119, and the tailwater would be about 2068.6.

The average annual energy production of the Post Falls Project is 92 million KWH for the period of record 1928-1968.

(i) The minimum, mean, and maximum flows are 65, 6300, and 50100 cfs respectively as published by the USGS. Evaporation losses were not adjusted when historical natural flows were calculated. Leakage is assumed to be about 100 cfs. The minimum flow release of 65 cfs was of short duration at a time when the entire plant was shut down for emergency maintenance. The flow duration curve is shown on the drawing, Exhibit B, and is for the period of 1928-1968 and are flows as determined from the USGS Gaging Station at Post Falls.

MIGRATORY FISH CONCERNS

WATER QUALITY

(ii) The reservoir contains 223,100 acre feet of useable storage and the area capacity curve along with the rule curve is shown on the drawing of Exhibit B.

(iii) The estimated hydraulic capacity of the power plant including the sixth unit is 5,200 cfs.

(iv) The tailwater rating curve is shown on Exhibit B drawing. This curve is unique because of the characteristics of the three channels in which the project was built. For the first 5,200 cfs, point A, the flow goes through the powerhouse channel. If it is necessary to spill water, it is spilled first through the north channel. After all the north channel gates are opened, water is spilled through the south channel (point C on the curve). The north channel flows into the middle channel approximately 1/4-mile below the powerhouse. The tailwater elevation is not affected by the north channel spill until the total river flow reaches approximately 11,500 cfs (point B on the curve).

(v) The curve showing power plant capability versus head is shown on the Exhibit B drawing.

(3) Power and energy generated by the Post Falls Project will be used to satisfy the load of The Washington Water Power Company. The 1980 peak load to date is 1607 MW with an estimated annual average load of 902 MW.

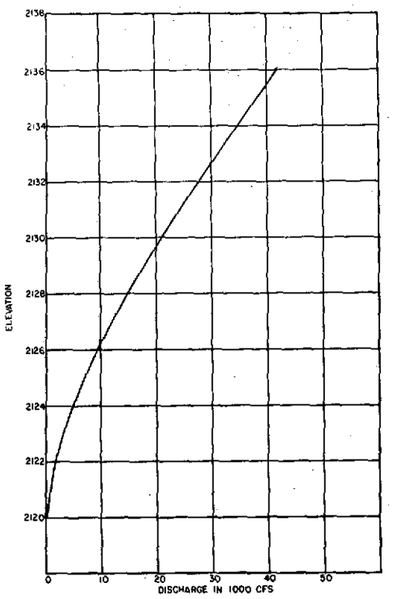
(4) At present, the applicant does not have any plans or does he know of any plans for future development of this project.

This statement is part of the application for amendment of license made by the undersigned this 21 day of FEB., 1980.

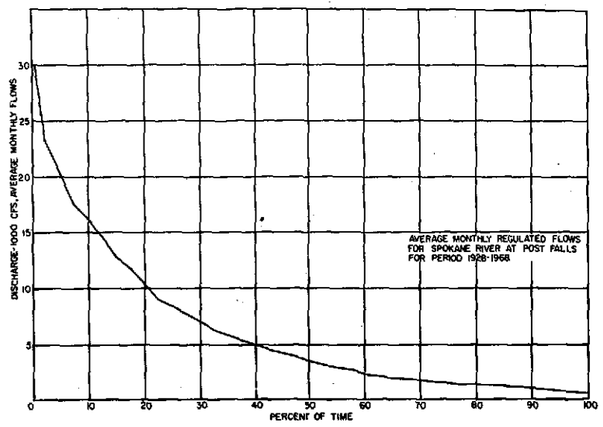
THE WASHINGTON WATER POWER COMPANY

By W. J. Satre
Chairman of the Board

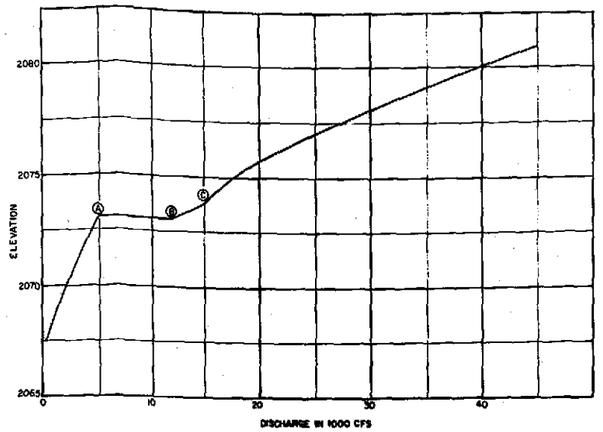
WATER QUALITY



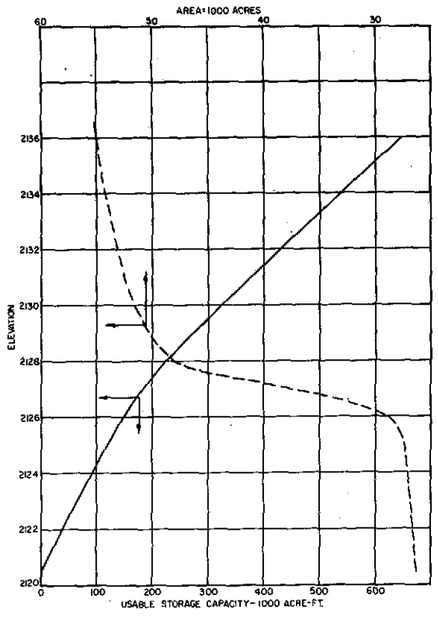
CHANNEL-FREE FLOW CURVE



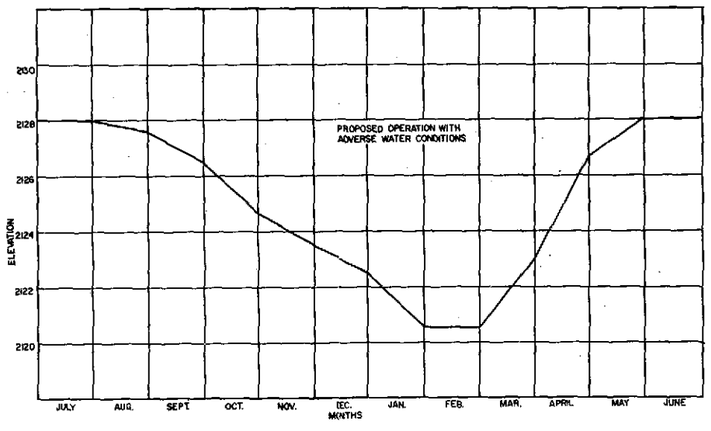
FLOW DURATION CURVE



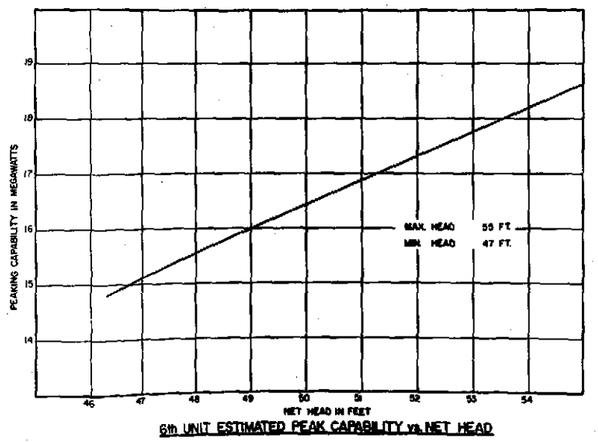
TAILWATER RATING CURVE



AREA CAPACITY CURVE



COEUR D'ALENE LAKE RULE CURVE



6th UNIT ESTIMATED PEAK CAPABILITY vs NET HEAD

THIS DRAWING IS PART OF THE APPLICATION FOR AMMENDMENT OF LICENSE MADE BY THE UNDERSIGNED THIS 21st DAY OF FEB. 1980

THE WASHINGTON WATER POWER CO.

BY W. J. Peterson
CHAIRMAN OF THE BOARD

EXHIBIT B
PROJECT NO. 2545
SPOKANE RIVER PROJECT
POST FALLS HE DEVELOPMENT
HYDRAULIC AND POWER DATA

THE WASHINGTON WATER POWER CO.

SHEET 1 OF 1 SCALE: NONE

EXHIBIT C

STATEMENT OF CONSTRUCTION HISTORY AND PROPOSED CONSTRUCTION SCHEDULE

The Project is nearly 75 years old and the construction history is very incomplete.

(1) (i) Construction began in about 1904 and the completion of the dams and powerhouse is estimated to have been completed in 1906.

(ii) Three units began operating in 1906.

(iii) The fourth unit was installed and began operating in 1907 and the fifth unit began operating in 1908.

(2) Plans are being made to install a sixth turbine-generator in a space provided in the original construction. The used unit was purchased several years ago and was removed from the Old American Falls Power Plant. The engineering is complete. It is planned that the installation will be done by our Construction & Maintenance forces and have the unit on line by November 1980. The following is the proposed construction schedule:

Draft Tube (in progress)	Complete by March 1
Turbine, shaft & water case	February - April
Install penstock, power cable	April - May
Rewind generator (contract)	February - May
Install generator & transformer	June - July
Install panels and control cables	August - September
Complete installation, test	September - October
On Line - Available for Production	November 1

This statement is part of the application for amendment of license made by the undersigned this 21 day of FEB, 1980.

THE WASHINGTON WATER POWER COMPANY

By W. J. Satre
Chairman of the Board

WATER QUALITY

EXHIBIT D

STATEMENT OF COSTS AND FINANCING

(1) (i)(ii) The following is a statement of actual original cost of the constructed project as of December 31, 1978.

POST FALLS PLANT

330.2	Land Owned in Fee	$ 323,334.19
330.3	Removing or Reconstructing Property of Others	23,167.01
*330.4	Easements, Permits and Other Land Costs	682,778.77
331	Structures and Improvements	278,686.84
332	Reservoirs, Dams and Waterways	946,048.43
333	Water Wheel, Turbines and Generators	490,103.23
334	Accessory Electric Equipment	175,410.17
335	Miscellaneous Power Plant Equipment	7,742.03
352	Structures and Improvements	1,645.68
353	Station Equipment	105,261.08
362	Station Equipment	6,173.99
397	Communication Equipment	5,125.50
		$3,045,476.92

*Includes Water Rights

(2) Not applicable, applying for initial license.

(3) The addition of the sixth unit will not incur any costs for land or water rights. The estimated cost for this addition at 1980 cost level is tabulated below:

332	Reservoirs, Dams & Waterways (Penstock)	35,000
333	Water wheels, turbines and generators	560,000
334	Accessory electrical equipment	100,000
353	Station equipment	80,000
	Interest during construction	65,000
	Overhead and contingencies	210,000
		$1,050,000

(4) The estimated average annual cost at the 1980 level of the proposed project is as follows:

(i)	Cost of capital	$ 125,000
(ii)	Taxes	10,000
(iii)	Depreciation	58,000
(iv)	Operation and Maintenance	27,000
		$ 220,000

CONTENTS

WATER QUALITY

(5) The estimated annual value at the 1980 level of the project power is $495,000 based on the lowest cost alternative resource.

(6) The proposed method of financing the construction and installation of the sixth unit is by short-term bank loans, use of retained earnings, and the issuance of additional debt and equity securities.

This statement is part of the application for amendment of license made by the undersigned this 21 day of FEB, 1980.

THE WASHINGTON WATER POWER COMPANY

By W. J. Latta
Chairman of the Board

COMMERCE
WATER QUALITY

STATEMENT OF ENVIRONMENTAL CONDITIONS AND REPORT

(1.) General Description of Locale

Climate

The climate of the Coeur d'Alene Lake area is characterized by dry, warm summers and cold, wet winters. Precipitation annually averages 26 inches with most occurring between October and mid-June. The normal maximum temperatures during the summer months range from 70 degrees to 80 degrees F with extremes in the high 90's and minimum temperatures in the 50's. The climate of the summer season is ideal for full enjoyment of the recreational offerings of Coeur d'Alene Lake and the surrounding areas, particularly those which are water related. The winter season finds maximum temperatures occurring in the low 40's and minimum temperatures are frequently below freezing. Periods of sub-zero temperatures normally occur each year but for only short periods of time. The average annual snow fall is 49 inches, with snow cover rarely lasting more than 20 days at any one time. The winter climate provides for a variety of winter sports and activities in the area.

Topography

Coeur d'Alene Lake is located between the Coeur d'Alene and Selkirk Mountains on the low relief embayment of the Columbia Plateau and the essentially flat bottomed floor of the Purcell Trench. Coeur d'Alene Lake and the surrounding area reflects the results of regional tectonics and glacial action. The last glaciation period produced the depression now occupied by Coeur d'Alene Lake.

The St. Joe River and Coeur d'Alene River are located in what is known geologically as the Rocky Mountain Province. The area is typical of the mountainous terrain found along the northern border between Idaho and Montana. These mountains are characteristically high with laterally extending drainages which have produced steeply walled intermountain valleys. Narrow alluvial valley floors are a common landscape feature.

Wetlands

The waterways of the lower Coeur d'Alene River and the St. Joe River are composed of a unique series of marshes and lakes. These areas are flooded in the spring; however, an optimum water level for marshland habitat is maintained through September. In later September and early October, the lake is drawn down which drains some of the marshes.

These wetland areas provide spawning areas as well as refuge and food for fish. They also supply breeding ground for a large variety of waterfowl. Over five thousand acres of this prime wetland is owned and managed by the Idaho State Department of Fish and Game.

COEUR D'ALENE
WATER QUALITY

Vegetation Cover

The land surrounding the project waters is heavily forested with Western conifer species, particularly Douglas fir, Western larch, and Ponderosa pine.

Land Development

The City of Coeur d'Alene (population 17,994, 1976 census) on the northern end of the lake is the major population center bordering the project waters and offering a wide variety of goods and services. The small town of Harrison is located midway down the east side of the lake. Many marinas, stores, and resorts are scattered along the waters edge to fulfill the needs of boaters, residents, and visitors. The major portion of the developable shoreline is taken up with seasonal cottages or full-time residents. The Panhandle Health District shoreline survey found that there are 1688 houses within one-quarter mile of the shoreline and about 875 of these are lakefront lots with houses within 300 feet of the shoreline. (There are no set back requirements for cabins.)

The major industrial development on the lake is the lumber mills which are located mainly at the mouth of the Spokane River or near Post Falls. The lake is a prime location because the logs can be transported down the St. Joe River and across the lake to the mills.

The shorelines of the St. Joe River and the Coeur d'Alene River are relatively undeveloped with agriculture and open space taking up most of the area.

St. Maries is the only major town located on the St. Joe River. The Coeur d'Alene River has many small towns such as Springston, Medimont, Rose Lake, and Dudley.

Population

Important to understanding the level of recreation use is the location of nearby population centers and the accessibility of the recreational area. While recreation use figures for local, state, and federal facilities on the lake are not generally available, the populations of the surrounding counties do indicate the expected intensity of use given an attractive recreational area or site.

CONCERNS

WATER QUALITY

POPULATION PROJECTIONS

	1970*	1977**	1980	1985	1990
Idaho	713,008		911,900	1,003,000	1,088,800
Benewah[2]	6,230	7,700	9,160	11,180	12,260
Bonner[1]	15,560	21,100	21,975	23,725	25,050
Kootenai[3]	35,332	51,200	60,370	72,864	85,377
Shoshone[1]	19,718	18,600	20,025	19,825	19,725
Washington	3,409,169		3,776,400	4,054,800	4,333,800
Pend Oreille[1]	6,025	7,600	6,525	6,600	6,500
Spokane[1]	287,487	314,300	319,900	338,700	356,900
Stevens[1]	17,405	23,800	23,425	24,825	25,750
Whitman[1]	37,900	42,200	40,225	41,425	42,525

*Census of Population

[1]BPA Requirements Section, August 16, 1976

[2]Benewah County Land Use Plan

[3]Kootenai County Land Use Plan

**Population Estimates by the Spokane Area Development Council

Project waters are located primarily in Kootenai County which is presently undergoing a rapid annual population growth of about 7%. The portion of the project waters not located in Kootenai County are located in Benewah County which has an annual population growth of about 3%. Spokane, Washington, is the largest population center in the area and is located only 20 miles from the Post Falls project.

Access

The heavy demand placed upon the recreational resources of Coeur d'Alene Lake is a function of proximity and accessibility to major population areas. The City of Coeur d'Alene, located on the north shore, provides immediate access to the lake for residents of the city and visitors to the area. The most notable population center is the Spokane Metropolitan area with a population of about 300,000 and located only 25 miles west of the City of Coeur d'Alene. Interstate 90 is the major east-west route connecting the City of Coeur d'Alene with Seattle, Spokane and the northern Rocky Mountain region. Most of the Coeur d'Alene Lake shoreline is accessible by way of state highways and a well-developed system of country roads.

Spokane International Airport, the closest major airport, is located 35 miles west of the City of Coeur d'Alene. The Kootenai County Airport, located a short distance north of Coeur d'Alene, has commercial service

connecting other Idaho communities. A seaplane service is located on the lake at the City of Coeur d'Alene.

The City of Coeur d'Alene receives rail service from Burlington Northern, Union Pacific, and the Chicago Milwaukee and St. Paul Railroads.

Regional Recreation

Coeur d'Alene Lake is located within a region where recreational opportunities abound and extend beyond state lines into a region encompassing northern Idaho, northeastern Washington and northwestern Montana. Sparkling lakes and streams surrounded by forested mountains are prominent features. Pend Oreille, Priest, and Coeur d'Alene are the three largest of the North Idaho lakes and have become the focal point for regional recreational interest. A number of smaller lakes in the nearby area also have substantial recreational development. Hayden, Spirit and Ferman are three of the more popular attractions. The large number of lakes, coupled with the many rivers and streams, offer an abundance and variety of water based recreational resources.

Winter sports have become increasingly popular. Four major ski resorts are located within a few hours' drive of the City of Coeur d'Alene. In addition to downhill skiing, outdoor enthusiasts enjoy snowmobiling, ice fishing, cross country skiing, skating and even dog sled racing.

A large percentage of the surrounding mountainous area is designated National Forest under the administration of the U.S. Forest Service. Recreational facilities designed to supply many different activities have been developed. Areas along the St. Joe and Coeur d'Alene River are some of the most popular due to good fishing, excellent accessibility and well maintained camping facilities. Hunting camps are often set up along these streams in the fall months. Portions of the St. Joe River are presently being studied for designation under the National Wild and Scenic Rivers Act.

Agencies Contacted

Information and suggestions offered by a number of interested agencies have been helpful in the preparation of this exhibit.

The following public agencies have been consulted:

Idaho State Department of Health and Welfare
Idaho State Department of Lands
Idaho State Department of Fish and Game
Idaho State Department of Parks and Recreation
Idaho State Department of Water Resources
Idaho State Historic Preservation Officer
U.S. Department of Agriculture (Soil Conservation Service)
U.S. Army Corps of Engineers
U.S. Forest Service
Federal Department of the Interior (Heritage Conservation & Recreation Service)
Federal Bureau of Land Management
Federal Fish and Wildlife Service

CONCERNS
WATER QUALITY

Kootenai County Planning Department
Kootenai County Commissioners
Benewah County
City of Coeur d'Alene Chamber of Commerce
City of Coeur d'Alene Recreation and Park Department
City of St. Maries
City of Post Falls
North Idaho College
Washington Department of Game
Washington State Department of Ecology

(2.) Report on Water Use and Quality

The existing uses of the project waters are summarized in the table below. The numbers represent the maximum rates of withdrawal.

(i.) Domestic Use	
Lake Coeur d'Alene	9.62 CFS
Spokane River	2.56 CFS
St. Joe River	.35 CFS
Coeur d'Alene River	.04 CFS
Total	12.57 CFS
Irrigation	
Lake Coeur d'Alene	12.02 CFS
Spokane River	60.62 CFS
St. Joe River	27.39 CFS
Coeur d'Alene River	1.1 CFS
Total	101.13 CFS
Industrial	
Spokane River	3.68 CFS

These numbers are from the Water Rights file of the Idaho Department of Water Resources and are not complete because the numbers do not represent all of the water withdrawal.

(ii.) Water quality problems dating back to the late 1800's have plagued the Coeur d'Alene Lake area. Extensive mineral mining along tributaries of the Coeur d'Alene River has resulted in heavy metals pollution and siltation occurring in the river and extending to Coeur d'Alene Lake. An accelerated rate of eutrophication in the lake appears related to rapid population growth, inadequate sewage treatment facilities and agricultural runoff.

Portions of the Coeur d'Alene River drainage contain rich deposits of lead, zinc and silver. Since the late 1800's, these deposits have been intensively explored resulting in some of the most productive mines in the United States. Unfortunately, the benefits of mining have not been without some sacrifice to the aquatic environment. The discharge of waste materials and the leachate of mine tailings had eliminated aquatic life from the South Fork of the Coeur d'Alene River and much of the fisheries in the main stem Coeur d'Alene River below the confluence with the South Fork. High concentrations of heavy metals presently occur in the bottom sediments of Coeur d'Alene Lake and downstream into the Spokane River, however, the effects if any upon aquatic life have not been established.

MIGRATORY FISH CONCERNS

WATER QUALITY

In the late 1960's the mining companies initiated extensive measures to reduce the heavy metals pollution resulting from their operations. Success has been achieved to where aquatic life has now re-established in some sections of the Coeur d'Alene River. There is current evidence that a pollution block, once believed to exist below the confluence with the South Fork, has been reduced and fish migration is occurring between the lake and the mainstem Coeur d'Alene River. Further evidence of improving water quality conditions may exist in the flourishing kokanee (landlocked sockeye salmon) fishery now occurring in Coeur d'Alene Lake. Kokanee population levels appear to be at an all time high and provide an extremely popular and productive sports fishery. For additional information, see Funks and Flaherty reports.

Organic pollution has been identified as an increasing water quality problem on Coeur d'Alene Lake. Heavy nutrient loading originating from inadequate sewage treatment facilities and agricultural runoff has resulted in eutrophic conditions present in the southern portion of the lake. The trophic status of Coeur d'Alene Lake has been characterized as ranging from eutrophic in the southern portion to oligotrophic in the north. Due in part to the shallow nature of the southern portion of the lake, water quality conditions have resulted in nuisance growths of algae and aquatic macrophytes.

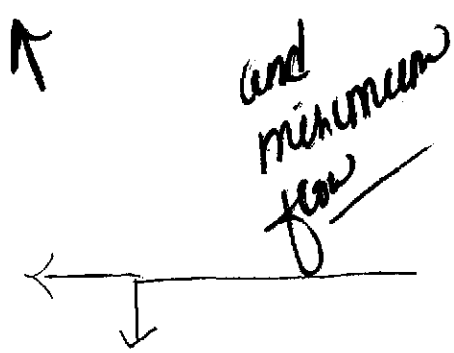
Water quality in the upper Spokane River is considered to be good and suitable for all types of water-based recreation activities. Federal and state limitations for dissolved oxygen, temperature, biochemical oxygen demand and coliform bacteria are not exceeded. Water quality passing Post Falls Dam is not altered due to the low head nature of the project. The control of 7½ feet on Coeur d'Alene Lake is not considered to be a significant factor affecting water quality conditions in the lake. For additional information on water quality, see Funk & Flaherty report. See Bibliography, page 25.

(iii.) Minimum Flow

A voluntary minimum flow of 300 cfs will be maintained except as required for emergency conditions. (See letter in Appendix dated September 11, 1979, from Idaho Department of Water Resources to Washington Department of Ecology.)

(iv.) The Washington Water Power Company has not foun protect or improve the water quality in the res below the dam. The agencies which were contact tion for water quality programs.

(v.) Water quality conditions remain unchanged due t Post Falls Dam. This is because of the low hea project. The addition of the sixth unit will n quality, the level of Lake Coeur d'Alene, or th River, but will merely result in additional wat the turbines rather than being spilled over the dam.



ANADROMOUS FISH MIGRATORY CONCERNS

WATER QUALITY

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(iii.) Minimum Flow

A voluntary minimum flow of 300 cfs will be maintained except as required for emergency conditions. (See letter in Appendix dated September 11, 1979, from Idaho Department of Water Resources to Washington Department of Ecology.)

(iv.) The Washington Water Power Company has not found it necessary to protect or improve the water quality in the reservoir or the river below the dam. The agencies which were contacted had no recommendation for water quality programs.

(v.) Water quality conditions remain unchanged due to the operation of Post Falls Dam. This is because of the low head nature of the project. The addition of the sixth unit will not affect the water quality, the level of Lake Coeur d'Alene, or the flows in the Spokane River, but will merely result in additional water passing through the turbines rather than being spilled over the dam.

COMMENTS

(A.) Water quality certificate as described in Section 401 of Federal Water Pollution Control Act is not required (see letter in Appendix).

(B.) See Appendix for letter from the Company to the Corps of Engineers requesting water quality certification.

(3.) Fish, Wildlife and Botanical Resources

(i.) Fisheries - The most abundant salmonoid in Coeur d'Alene Lake is the kokanee (Onchoryuchus nerka) or landlocked sockeye salmon which were introduced in 1937. The early populations were supported by small and irregular plantings; however, the lake did not provide good fishing until heavy annual stocking was initiated in 1953. By 1967 kokanee accounted for a majority of the fish caught. Until the mid-1970's, the fishery appeared dependent upon artificial stocking, however, in recent years population levels have increased dramatically resulting in excellent fishing. Heavy fishing pressure now occurs between May and early fall. Improvement in the kokanee fishery appears related to enhanced water quality resulting from efforts to remove heavy metal pollution in the Coeur d'Alene River. The Washington Water Power Company is assisting The Idaho Department of Fish and Game with fishery studies over the next two years to document the basis for the improving fishery. The Company is funding a graduate student and providing specialized equipment for the studies.

The cutthroat trout (Salmo clarkii) is the only native game fish found in Coeur d'Alene Lake in fishable numbers. Population levels of cutthroat were once much higher than at present and it appears that sometime in the late 1930's the population began to decline. Cutthroat presently account for only a small percentage of fish taken by anglers even though the species is prized as a game fish.

There are several factors which have contributed to the cutthroat decline. Poor water quality in the lower Coeur d'Alene River limited access to historical upstream spawning areas. Important spawning grounds in small streams on the west side of the lake were lost due to watershed damage from logging and road construction. Introductions of kokanee and other non-game fishes further contributed to the decline by providing populations of competing fishes.

There are a variety of fish species inhabiting Coeur d'Alene Lake in addition to the kokanee and cutthroat trout. Spiny ray species such as perch, largemouth bass, sunfish and crappies are plentiful especially in the shallower portions of the lake. Largemouth bass are highly sought after and often the subject of yearly fishing tournaments. Ice fishing for perch is a popular winter sport. Northern pike were introduced illegally sometime within the past ten years and the species is now established within the lake.

The upper Spokane River supports a recreational fishery with Rainbow and Brook trout, Yellow perch, and Brown bullhead predominating the catch. The waters support numerous other fishes including several spiny ray and cyprinid species.

Wildlife - The area of Northern Idaho surrounding Coeur d'Alene Lake is richly endowned with a variety of wildlife. Common big game animals include elk, whitetail deer, mule deer and black bear. Cougar and moose are present but uncommon. During the fall months hunting becomes the principal recreational attraction as local people as well as large number of non-residents take to the nearby mountains in pursuit of big game while waterfowlers seek ducks and geese in the lowlands around the lake.

The mountainous region east of the lake sustains one of the more productive elk herds in Idaho. Habitat changes and increased hunting pressure in recent years has resulted in more restrictive hunting seasons and bag limits, however, elk hunting continues to be a top recreational attraction.

Forest grouse are plentiful in the environs around the lake and provide additional hunting opportunity to compliment big game.

During most of the year waterfowl concentrations are high along the lower reaches of the St. Joe and Coeur d'Alene River. Slackwater areas provide excellent nesting and rearing habitat. Waterfowl hunting is quite popular especially during the early portion of the fall season. One reason for the area's popularity is the availability of boat access sites furnished by the Idaho Department of Fish and Game.

Bald eagles attracted in the late fall to feed on spawned out kokanee in Wolf Lodge Bay have become a significant source of viewing recreation. An annual census estimates the number of eagles to vary between 40 and 70 depending upon the size of the kokanee spawning run. The majority of the wintering population departs for unknown destinations by the end of January. In response to the interest in the eagles, the Bureau of Land Management has developed an information service and maintains observation points in the vicinity of the Mineral Ridge Public Boat Launch.

Ospreys are common to the area and the population is part of one of the largest nesting concentrations in the western United States. Numerous osprey nests are located around the lake in tall snags and live trees. The large numbers of fish inhabiting shallow water around the lake provide an abundant food supply for nesting osprey. The adult birds begin arriving from the wintering grounds in mid-March and fall migration begins in late September.

Residential and commercial development along the Spokane River precludes any significant use by larger wildlife species. However, use of the bordering vegetation is significant for smaller wildlife species including quail, pheasant, and assorted non-game birds. A breeding ground for Upland Sandpiper is located downstream of Post Falls dam in Washington State about one and one-half miles north of the river in the south half of Section 25, Township 26 North, Range 45 East. This area is of interest as it is the only known breeding ground in Washington for this bird.

Botanical - The area bordering Coeur d'Alene Lake, is often heavily forested with western conifer species particularly Douglas fir, Western larch, and Ponderosa pine. The vegetation communities bordering the reservoir have been disturbed in many cases by either domestic or agricultural use. The land bordering the Spokane River has also been disturbed by human encroachment. The remaining vegetation is mainly Ponderosa pine/shrub communities. A pocket of Rocky Mountain Juniper is located on the Spokane River in the Southeast quarter of Section 11, Township 26 North, Range 45 East in Washington state. This community has been identified as unique to eastern Washington by the Spokane County Planning Department.

(ii.) The Idaho State Department of Fish and Game recommended that WWP provide assistance in studies of the kokanee fishery in Coeur d'Alene Lake.

The Washington Department of Ecology and Game request Company participate in an extensive water quality/fis the upper Spokane River.

(iii.) The Idaho Department of Fish and Game is conducting c fishery studies to examine the ecology of kokanee in Lake. Interest in the fishery has increased dramatic years and efforts are being made to learn more about in the fishery. The Company is participating in supp months of biological aide time in addition to funding student for two years to conduct specific studies. S equipment for these investigations is also being purchased by the Company.

Current information on the status of the upper Spokane River is limited. Beginning in 1980, the Washington State Department of Ecology will initiate an extensive water quality/fishery study of the upper river. An important segment of this work will be a creel census to determine angler use and harvest. The Washington Water Power Company will be responsible for providing the manpower necessary to perform the creel census.

(iv.) At the present time there exists no evidence to indicate the operation of Post Falls dam has significant effect on fish, wildlife, and botanical resources. There is no history of anadromous migratory fish in this section of the river.

(v.) (A.) Not applicable. No plans for fish passage or collection facilities.

(B.) Not applicable. No operation or maintenance procedures are needed for protection of fish or wildlife.

(C.) Not applicable. No construction scheduled.

ANADROMOUS MIGRATORY FISH CONCERNS

Botanical - The area bordering Coeur d'Alene Lake, is often heavily forested with western conifer species particularly Douglas fir, Western larch, and Ponderosa pine. The vegetation communities bordering the reservoir have been disturbed in many cases by either domestic or agricultural use. The land bordering the Spokane River has also been disturbed by human encroachment. The remaining vegetation is mainly Ponderosa pine/shrub communities. A pocket of Rocky Mountain Juniper is located on the Spokane River in the Southeast quarter of Section 11, Township 26 North, Range 45 East in Washington state. This community has been identified as unique to eastern Washington by the Spokane County Planning Department.

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The Washington Department of Ecology and Game requested that the Company participate in an extensive water quality/fishery study of the upper Spokane River.

(iii.) The Idaho Department of Fish and Game is conducting comprehensive fishery studies to examine the ecology of kokanee in Coeur d'Alene Lake. Interest in the fishery has increased dramatically in recent years and efforts are being made to learn more about the resurgence in the fishery. The Company is participating in supplying six months of biological aide time in addition to funding a graduate student for two years to conduct specific studies. Specialized equipment for these investigations is also being purchased by the Company.

Current information on the status of the upper Spokane River is limited. Beginning in 1980, the Washington State Department of Ecology will initiate an extensive water quality/fishery study of the upper river. An important segment of this work will be a creel census to determine angler use and harvest. The Washington Water Power Company will be responsible for providing the manpower necessary to perform the creel census.

(iv.) At the present time there exists no evidence to indicate the operation of Post Falls dam has significant effect on fish, wildlife, and botanical resources. There is no history of anadromous migratory fish in this section of the river.

(v.) (A.) Not applicable. No plans for fish passage or collection facilities.

(B.) Not applicable. No operation or maintenance procedures are needed for protection of fish or wildlife.

(C.) Not applicable. No construction scheduled.

(D.) The cost to the Company to aid in the fishery studies on Coeur d'Alene Lake is as follows:

Bio-aid -- 3 months 1979 & 1980	$ 8,200
Graduate Student	16,000
Merwin Traps	3,470
Total	$27,670

The cost for the upper Spokane River study is as follows:

Bio-aid -- 6 months 1980 & 1981	$16,000

(E.) Not applicable. A map is not necessary since no construction is proposed.

(4.) Report on Historical & Archaeological Resources

(i.) There are no sites which are either listed or determined to be eligible for inclusion in the National Register of Historic Places located with the project boundry, or that would be affected by operation of the project.

(ii.) The Idaho Historic Preservation Coordinator has been consulted, see Appendix B. A written reply has not been received at this time.

(iii.) Survey and salvage activities are not proposed.

(A.) Not applicable.

(B.) Not applicable.

(5.) Report on Recreational Resources

(i.) The Coeur d'Alene Lake area offers unparalleled recreational opportunities which extend over four seasons of the year. The beauty of this long and narrow body of water with a multitude of bays and points surrounded by lush forest and high mountains allures visitors from local and distant locations. The lake and surrounding environs receive heavy recreational use during the short summer recreational season. Boating, sailboating, swimming and camping are the most popular activities with peak use generally occurring during the hot weekend days of mid-summer. Portions of the lower reaches of the St. Joe and Coeur d'Alene Rivers offer additional recreation opportunities. The facilities along the rivers provide access and opportunities for camping, picnicking, fishing and hunting.

The popularity of Coeur d'Alene Lake coupled with the relatively short summer recreational season has resulted in some problems of overuse. Periods of heavy boat traffic, especially in the northern portion of the lake, have resulted in occasional conflicts developing among the operators of motorboats, sailboats and fishing boats. Boat launching areas are sometimes congested when boating conditions are optimum. Camping and swimming areas are often filled to capacity during the peak weekend of the summer.

Private land ownership around the lake is extensive and occupies a significant amount of shoreline. Private developments include a large number of permanent and summer residences, as well as commercial establishments. Most developments have docking facilities and direct access to the lake. Considerable swimming and boating activity originates from those areas held by private individuals.

Exhibit E drawing (Recreational Facilities) is a map showing the location of recreational facilities surrounding project waters. The numbers (1 through 83) on the map are identified in Appendix C. Appendix D is a chart showing facilities available to the public at the public and private recreation sites.

Facilities Provided by Federal Agencies

The U.S. Forest Service and the Bureau of Land Management (BLM) are the two federal agencies which administer recreational facilities on Coeur d'Alene Lake.

The Mineral Ridge Public Boat Launch - The BLM owns and maintains this boat launch, dock and parking area. A marker at the boat launch site describes the phenomena of congregating bald eagles in the Wolf Lodge Bay area. (8)

Mineral Ridge Scenic Area - This 152-acre natural area is managed by the Bureau of Land Management. A three mile hiking trail, which leads through some of the earliest mining areas of the district, offers hikers the opportunity to view historical mine sites, as well as offering a spectacular view of the lake. Over 50 trailside specimens of trees, grasses, mosses and shrubs have been marked and identified. Facilities include eight overlooks, restrooms, trail signs, rest benches, drinking fountains, and a parking lot. (9)

Beauty Bay - 79 acres were acquired in 1979 by the BLM through a land exchange with Potlatch Forest Industries. The facilities include a half-mile scenic trail, a picnic area, and restrooms. (10)

Killarney Lake Island (Popcorn) - Dock, sanitary facilities, camping and picnicking. (21)

Killarney Lake Boat Launch - This facility is administered by the BLM. The facilities include a dock, launch, picnic tables and sanitary facilities. (22)

Killarney Lake Picnic Area - The park is used for both picnicking and camping and is accessible by boat and foot only. The facilities include a dock, picnic tables, and sanitary facilities, and are maintained by the BLM. (23)

Spokane River Natural Area - The BLM owns 40 acres of undeveloped land. (48)

Bells Bay Campground - This beautiful wooded area on the shores of Coeur d'Alene Lake is designed to accommodate both day and night

use. There is an upper area about 500 feet above the lake for camping and picnicking and a lower area set aside for picnicking near the lake. The Forest Service administers the facility which includes 14 camp units, 29 picnic units, and sanitary facilities. (14)

Thompson Lake - The Forest Service owns and maintains sanitary facilities. (16)

Medimont - The Forest Service administers a boat launch and sanitary facilities. (19)

Rainy Hill - The Forest Service owns and maintains this facility which is located on Medicine Lake. The boat launch, designed for deep draft boats, is separate of the picnic area and includes a parking area and outhouses. The picnic area is located on a hill overlooking the lake and is equipped with tables, fireplaces, benches, drinking water, and sanitary facilities. (20)

Shadowy St. Joe Campground - This small, attractive recreation area, located on the banks of the St. Joe River, consists of six camp units and a boat ramp. The facility is maintained by the Forest Service on land donated by The Washington Water Power Company. (28)

Facilities Provided by the State of Idaho

The Idaho State Department of Parks and Recreation and the Idaho Department of Fish and Game are the two state agencies which administer recreational facilities on Coeur d'Alene Lake.

Thompson Lake Outlet - A boat launch is maintained at this location by the Idaho Department of Fish and Game. (17)

Rose Lake - Boat launch and picnic area is maintained by the Idaho Department of Fish and Game. (24)

Rose Lake - Boat launch and picnic area is maintained by the Idaho Department of Fish and Game. (25)

The Old Mission State Park - The park, located adjacent to the Coeur d'Alene River on Interstate 90 approximately 20 miles east of the City of Coeur d'Alene, is open year around with the main attraction being the Cataldo Mission which is registered as a National Historical Landmark. The church was built between 1848-1853 by members of the Coeur d'Alene Indian Tribe under the supervision of Father Anthony Ravalli. The Idaho State Department of Parks and Recreation established the Mission and 18 acres surrounding the Mission as a State Park in 1975. An expansive lawn surrounds the church providing a lovely picnic area. A visitor center has been built displaying artifacts and a brief history of the area. The park is presently accessible by car only, however, there are plans to provide boat access from the Coeur d'Alene River. Visitor use of the Old Mission State Park was 58,096 in 1977 of which 43,215 were non-resident. (26)

The Sportsman Access - A boat launch with dock and sanitary facilities is maintained by the Idaho Department of Fish and Game on the St. Maries River. (29)

Heyburn State Park - This is the largest state administered facility on Coeur d'Alene Lake. Originally purchased in March, 1909, the park boundary presently encompasses an area of 5,505 acres of land and 2,333 acres of water. The park consists primarily of campgrounds and picnic areas and is quite popular for both locals and non-residents. Recreational pastimes include camping, boating, fishing, picnicking and hiking. In 1978 the Idaho Department of Parks and Recreation estimated 292,558 visitors used the park. Day-use consisted of 176,349 residents and 100,956 non-residents. Overnight use amounted to 7,711 residents and 7,542 non-residents. Reservations are not accepted and fees for overnight use are $4.50 for electrical hook-ups and $3.00 for camping. (33)

The following is a description of designated camping and picnicking areas located within Heyburn State Park:

Chatcolet Campground - Situated on the hill above Lake Chatcolet, this camping area consists of forty-three sites outfitted with fireplaces and tables. Flush toilet outhouses and drinking water are provided. On the shores of Chatcolet Lake is a picnic area which includes shelters, tables, fireplaces, restrooms, and a public boat launch with docking facilities. A concessionair, located in close proximity to the park, provides food and marine rental equipment. This store and restaurant facility is located on private land. The Boat Owners and Leasers Association owns private docks and boathouses on the shoreline of Chatcolet. (E)

Plummers Point - Picnic area with docks, fireplaces and restrooms. (D)

Hawley's Landing - Picnic and camping area consisting of 55 campsites (7 RV hookups), restrooms and boat docks. (C)

Rocky Point - The facility provides picnicking, swimming (lifeguard on duty), boat launch, docks and restrooms. (B)

Benewah - The campground is located on a hill overlooking the lake. The facility includes 38 campsites (15 RV hookups), restrooms with showers, boat launch and docks. A private concession has trailer spaces, cabins and food. (A)

Mowry State Park - This is a natural area maintained by the State Parks and Recreation and consists of two parcels of land, Gasser Homestead and Farmington Landing, separated by privately owned land.

Gasser Homestead is a 135.25-acre parcel donated to the state in 1972. Gasser is bordered by private property on three sides and shoreline on the fourth. At this time the area is accessible by boat only. Docks constructed by the Idaho Parks and Recreation Department are available.

Farmington Landing consists of steeply sloping acreage and a homestead which was purchased by the state in 1975. The shoreline is accessible by boat and foot only. A manager resides at the homestead which is accessible to Highway 95. (35)

Wildlife Management Area - The Coeur d'Alene Wildlife Management Area is located on the lower Coeur d'Alene River and managed by the Idaho Department of Fish and Game to protect and enhance waterfowl habitat. The Management Area encompasses 5,671 acres between Cataldo and the mouth of the Coeur d'Alene River and in the vicinity of Round Lake on the St. Joe River. A total of 4,643.87 acres are owned by the Idaho Department of Fish and Game while 275 acres are leased from The Washington Water Power Company and 717 acres leased from the Idaho Department of Lands. About 300 acres of Bureau of Land Management lands and 920 acres of Forest Service lands are included in the Management Area. Approximately 100 acres of privately owned marshland between Swan and Blue Lakes are controlled by a land use exchange agreement. Visitor use primarily includes hunting, viewing wildlife, fishing, boating and canoeing. There was an estimated 10,000 total user visits in 1977.

Facilities Provided by Benewah County

City Docks - Dock and boat launch owned and maintained by Benewah County. (30)

Cherry Bend - A park and boat docking area currently being developed by Benewah County and funded by the Benewah Waterways Committee and Idaho State Park and Recreation. Access to the park will be boat and foot only. Upon completion, the park will include a swimming area, picnic area, campground, drinking water and playground. (32)

Facilities Provided by Kootenai County

Booth Landing - Boat launch, dock, restrooms and small parking lot. (6)

I 90 - Boat launch, dock, restrooms, and small parking lot. (7)

Squaw Bay - Boat launch and docks. (11)

Turner Bay Point - Dock and sanitary facilities. (12)

Carlin Bay - Boat launch, dock, and sanitary facilities. (13)

Black Lake - Boat launch, dock, and picnic area. (18)

Shingle Bay - Docks, sanitary facilities and picnic tables. (27)

Spokane Point - Boat launch, dock, sanitary facilities. Owned by North Idaho College. (34)

Windy Bay - Docks, sanitary facilities, picnicing, and camping water access only. (36)

Sun-up Bay - Boat launch, dock, and sanitary facilities. (37)

Rockford Bay - Boat launch, dock, and sanitary facilities. (38)

Black-Rock Bay - Boat launch and dock. (39)

Lofts Bay - Boat launch, dock, and restroom. (40)

Upper Mica Bay - Boat launch, dock, and sanitary facilities. (42)

Gould's Landing - Boat launch, dock, and sanitary facilities. (43)

Kidd Island Bay - Boat launch. (44)

Blackwell Island - Boat launch, dock, and a large parking area. (45)

Greenferry Terrace - Boat launch and dock. (46)

Facilities Provided by the City of Coeur d'Alene

The City Park and Municipal Beach - Located within the City of Coeur d'Alene, is one of the most popular and heavily used recreation facilities on Coeur d'Alene Lake. A beautiful sandy beach and swimming area is the main attraction of the 17.9-acre park. The swimming area is especially well developed with a log boom, dock, and lifeguards on duty. Within the park are located a picnic shelter, two playgrounds, a play-deck containing basketball hoops and a shelter, restrooms, and a large bathhouse. The park is open at no charge to the public for day use only and parking is available. (2)

Public Dock - Located within the business district and restricted to pedestrian use only, this facility provides a viewing platform. (3)

City Boat Launch - The city maintains a restroom, three wide boat launching ramps, attendant docks and parking area. An additional dock in the vicinity has been constructed to provide temporary boat moorage. (4)

Tubbs Hill - A scenic 94-acre wooded area adjoining the downtown Coeur d'Alene business district. Hiking trails provide high vantage points to view the natural beauty of the area. Tubbs Hill is accessible to visitors by car, boat and foot. (5)

Facilities Provided by the City of Harrison

The Harrison City Park - Boat launch, restrooms, drinking water, camping ($2.00/night), and a large parking area. (15)

Facilities Provided by the City of St. Maries

Aqua Park - A day use area originally constructed by Potlatch Forest Industries and donated to the City of St. Maries. The facilities include eight fireplace units, a dock, and restrooms. (31)

Facilities Provided by the City of Post Falls

City Park - The City of Post Falls has constructed an attractive part on a parcel of land bordering the Spokane River. A portion of this park is leased from The Washington Water Power Company. The facilities include a picnic area equipped with tables and fireplaces, a playground, and restrooms. A sandy beach is available for swimming with lifeguards on duty. (47)

Facilities Provided Jointly by Kootenai, Latah and Shoshone Counties

Mica Bay Park - This facility represents a somewhat unique approach to providing recreational opportunities in this area. The park is administered by the Emerald Park System and consists of a large open space accessible by boat or by foot only. Facilities within the park include a shelter, picnic tables, outhouses, docks, fireplaces and a swimming area. (41)

North Idaho College - North Idaho College Beach - Swimming, docks. (1)

Facilities Provided by Private Resorts

A total of 21 private establishments are located adjacent to the project boundary. A wide variety of services are provided which include boat rental, boat launching, fuel, lodging, swimming, camping, picnicking and entertainment. Since the construction of Post Falls Dam some 73 years ago, private resorts and restaurants have flourished. These establishments have long been a part of the lake's local environment and recreational scene. The following is a description of those private establishments which are adjoining the project boundary and offer recreational opportunities.

North Shore Motor Hotel - Food, rooms, and a marina. The marina provides gas, boats for rent and 140 slips. (49)

The Inland Marina - A boat launch, gas, and over 140 slips. (50)

The Matelich Marina and Inn Trepid - 60 slips for sailboats and restaurant. (51)

The Shady Rest Hotel - Room, food, and dock. (52)

K.O.A. Wolf Lodge Bay Campground - 80 recreational vehicle hook-ups and a tent area. (53)

Squaw Bay Resort and Marina - Camp sites, picnic tables, boat slips, boat launch, and boats and rooms for rent. (54)

Arrow Point Resort - Boat launch, docks, cabins for rent, picnic tables, a store, gas, restrooms, beach, camping area, and a large open area. (55)

Carlin Bay Store - Food, gas, about 20 boat slips, picnic tables, camping area, and open space. (57)

Rose Lake Store - Food and gas. (59)

Watson Resort - Cabins for rent, boats for rent, food, and gas. (60)

Cave Lake Resort - Food, docks, a play area, and boats for rent. (61)

Black Lake Resort - Food and gas. (62)

Gateway Cafe and Marina - Food, gas, and about 30 boat slips. (63)

Riverside Motel and Restaurant - Docks, gas, food, rooms for rent, and boats for rent. (64)

Benewah Resort - Docks, boats for rent, cabins for rent and food. (65)

Rocky Point Resort - Docks, rooms for rent and a store located in Heyburn. (66)

Chatcolet Resort - Marine rentals and a store located in Heyburn State Park. (67)

Conklins Resort - Gas, boat launching, food, and a marina with about 50 slips. (68)

Sun-Up Bay Resort - A trailer court, store, gas, docks, and boats for rent. (71)

Rockford Bay Marina - Gas, restaurant, and 100 boat slips. (72)

Spokane Yacht Club - 100 slips. (77)

Yacht Club Sales & Service - 500 slips, boat maintenance and boat launching site. (76)

Private Camps

A number of private institutional camps operate on Coeur d'Alene Lake. Activities are generally group oriented and designed to provide outdoor recreation experience to participants. Canoeing, camping, and nature viewing are the activities which receive the most emphasis. Reservations to these camps are made through the various religious and public service organizations sponsoring the camps. Many of the camps allow for non-member group reservations during those times which are unscheduled by members. The following is a brief description of the private camps adjoining the project boundary:

Camp Easton - Administered by the Idaho Panhandle Council of Boy Scounts, Camp Easton has approximately one-half mile of shoreline and 215 acres. Summer use is limited to scouts. The dining room and staff housing are available to various groups during the winter. (56)

N Sid Sen Camp - Owned and operated by the United Church of Christ, N Sid Sen borders on 4,400 feet of shoreline and contains 284 acres. The camp is used year round by both church groups and other civic and educational groups. Estimated total use is 3,500 visitors/yr. The facilities include: a main lodge, two small retreat lodges, room for sleeping 120, hook-ups for ten campers or recreational vehicles, eight miles of trails, and swimming areas. Canoes are available for use. (58)

Camp Easter Seal - Administered by Washington State University, Camp Easter Seal provides organized sessions for handicapped children and adults. During the unscheduled period between April and November, the camp is open for private group reservations. The camp has approximately 1800 feet of waterfront and contains 40 acres. Facilities include a dining room for 160 people, ten sleeping cabins, special cabins for the handicapped, ramps, sidewalks, docks, and special water equipment for handicapped. Estimated total use is 5,000 visitors/year. (69)

Four Echo Camp - An estimated 2,000 Girl Scouts use the camp each year between April and October. The property contains 210 acres with one mile of lake shoreline. Facilities include a dining room, kitchen, and large camping area. Main activities are swimming and boating. (70)

Camp Cross - This is a 106-acre private camp accessible by boat only and by the Spokane Diocese Episcopal Church. From June 12 to September 3, organized sessions are offered to members and non-members participating in church activities. In 1978 a total 592 enrolled in the various sessions. The facilities include docks, dining room, kitchen, chapel, and bunk houses. Boating is available. (73)

Camp Lutherhaven - The Luthern Outdoor Ministries operates the camp year round. Organized sessions are held from June to September with the remainder of the year left open for private retreats and group meetings. The facilities include a water front dock, year round cabins, and retreat center. In 1978 an estimated 1831 guests were involved in group sessions. (74)

Swayolakan - This camp is operated by the Camp Fire Girls from early summer through the fall. The property includes 1½ miles of shoreline and 295½ acres. The camp is accessible by boat only and has a summer capacity of 1678. The facilities include dining halls, health cottage, staff lodge, program building, cooks cottage, caretakers cottage and camping units. Water activities are boating, sailing, canoeing, and swimming. (75)

PROPOSED RECREATION FACILITY DEVELOPMENT

A number of governmental agencies and private interests have plans for further development which can be included in this report. However, contacts with the various representatives have indicated that development schedules are not available at this time.

Proposed Development by Federal Agencies

Rainy Hill - Facilities are to be expanded. (84)

Proposed Development by Kootenai County

Silver Beach - An unimproved tract between Highway I-90 and Coeur d'Alene Lake which the county intends to develop into a picnic beach and swimming area. Boat access to the beach is presently restricted. (80)

Echo Bay - An unimproved 50-foot right-of-way which the county would like to use for water access, however, there is no public access to the strip of land. (82)

Harlow Point - An undeveloped 50-foot right-of-way at which the county intends to create as a water access point. (83)

Fullers Landing - An unimproved 50- foot right-of-way which is intended for future development into a water access. (85)

Proposed Development by the City of Coeur d'Alene

Bikeway - The City is conducting a feasibility study for a recreational bikeway which would begin west of town near the Spokane River and continue east to Sanders Beach. The route would follow along existing sidewalks and roads.

Proposed Development by North Idaho College

North Idaho College Beach - An extensive undeveloped beach area exists at the mouth of the Spokane River adjacent to the North Idaho College Campus. The College grant assistance purchased the beach in July, 1978 for the purpose of providing a high quality day-use recreation site open to the public. The area occupies 12½ acres along 3,300 feet of lake and river frontage. The college intends to develop picnic facilities, a swimming area, a concession stand, a bike path, sanitary facilities, boating facilities and a school activity area. (78)

Proposed Development by Private Resorts

Coeur d'Alene Marina - There are plans to add 48 moorage slips at its present location. (79)

Panhandle Yacht Club - Plans to construct a 4½-acre, 112-slip sailboat marina near Arrow Point. (81)

Greenview Condominiums - Plans to construct a large condominium complex. (87)

(ii.) Recreational Use - The use figures for existing facilities are discussed in the description of each facility in Section 5i; however, in most cases, no use figures were available.

Potential Recreation Use - The estimated recreational resource requirements for those counties in which Coeur d'Alene Lake is located is shown in Table 1. The information was developed from data obtained from the "Recreational Resource Data Program for the Northwest". The trend between the years 1975 and 2000 indicates a steady increase in recreational demand and the need for additional units in both Kootenai and Benewah Counties. It is logical to assume that the forecasted trend for recreational activity in Kootenai and Benewah Counties will also exist for Coeur d'Alene Lake. However, it is difficult to develop accurate and realistic recreational use estimates for Coeur d'Alene Lake due to the lack of appropriate information. For example, in terms of swimming, contacts with various recreational facility administrators around the lake indicated that data on the length of existing swimming beaches was not available. In addition, in regard to camping, hiking trails, and picnicking; use estimates for these activities are based primarily upon the amount of existing land area. No reasonable method was found to compute the transition between land area and the proportion of surface water availability.

Boat launch lanes were the only units for which appropriate estimates could be calculated since these figures are based upon the proportion of Coeur d'Alene Lake surface acreage to the total lake surface acreage of the two counties (Table 1). Virtually the entire lake surface acreage of Benewah County is occupied by Coeur d'Alene Lake. In Kootenai County, Coeur d'Alene Lake represents 79% of the total lake surface acreage. At present, a total of 34 boat launch ramps, both private and public exist adjacent to the project boundaries. The projected number of boat launch lanes needed in the year 1980 is 65. If future demand is found to be consistent with projected estimates derived from data presented in "Recreational Resource Data Program for the Northwest", the number of needed boat launch lanes will likely continue to fall behind demand.

TABLE 1
Estimated Resource Requirement

Facilities	Units Needed 1975	1980	1990	2000
(A) Kootenai				
Camp Sites	1,249	1,394	1,691	2,000
Picnic Sites	450	525	681	819
Swimming Beach	24,453	29,575	45,133	60,564
Boat Launch Lanes	43	47	62	75
Trail Miles	140	173	232	293
(B) Benewah				
Camp Sites	649	722	886	1,020
Picnic Sites	215	252	318	380
Swimming Beach	11,586	12,900	20,220	25,882
Boat Launch Lanes	30	35	44	53
Trail Miles	95	189	148	181
(C) Project Waters*				
Camp Sites	--	--	--	--
Picnic Sites	--	--	--	--
Swimming Beach	28,471	33,555	51,629	52,492
Boat Launch Lanes	58	65	84	101
Hiking Trails	--	--	--	--

*Assumes Coeur d'Alene Lake represents 79% of the total lake surface acreage in both counties.

(iii.) Several agencies have recommended that additional public access to Coeur d'Alene Lake is needed in order to meet the high demand for recreational activities. However, there is no consensus as to where these facilities are needed or desired. The northern section of the lake presently receives high boater use and it is questionable whether added access will alleviate or compound this problem. The southern portion of the lake does not sustain high use and the existing access points seem to meet the demand. However, these access points are not well known, are difficult to find, and would lack sufficient parking if heavily used.

Other measures or facilities recommended by the agencies consulted are described in the letters. Appendix G

(iv.) Facilities Provided by the Applicant

The Company owns approximately 150 acres in the area of Post Falls Dam. A viewing area provides a vista of the north channel spillway and falls which, during the spring runoff, is the scene of a spectacular cascade of water flowing into a narrow, deep canyon.

The Company has cooperated with a number of agencies over the past years to provide land for various recreational interests. A parcel of land on the St. Joe River was donated to the Forest Service for development of the Shadowy St. Joe campground. The Idaho Department of Fish and Game leases from The Company two hundred seventy-five acres on the Coeur d'Alene River as part of their Wildlife Management Area. The City of Post Falls leases 14 acres from the Company as part of their South City Park.

The Company is currently involved in a debris clean-up program in cooperation with the Coeur d'Alene Lake Log Owner's Association and Kootenai County. Each agency contributes $2,000 annually toward removal of logs and other debris. Extensive log rafting coupled with the yearly lake level fluctuations leaves debris which poses problems for navigation, safety and aesthetics. A considerable improvement in the debris situation has been noted since the program's inception some eight years ago.

Proposed Facilities - The undeveloped property leased to the City of Post Falls by the Company for expansion of the South City Park is the only area of Company ownership considered suitable for recreational development. The Company and the City of Post Falls are jointly planning to develop the leased land as an extension of the existing park. (See Exhibit E drawing - Post Falls Recreation Area.) The Company-owned portions of the park will be included in the project.

At this time a detailed plan for the Company's proposed expansion of the Post Falls City Park cannot be submitted. Disagreement among various agencies as to the location of the boat launch site remains presently unresolved. The existing location of the boat launch is felt to be hazardous to swimmers which has prompted the recommendation that the boat launch be relocated downstream which is closer to the Post Falls project. However, a potential hazard is considered to exist at this proposed location due to the proximity of the Post Falls spillways. The Company has entered into planning discussions with the City of Post Falls and appropriate planning agencies to finalize a comprehensive plan for the expansion of the Post Falls City Park. The Company will continue to meet with the concerned agencies until the matter is resolved. Once a completed plan for development is realized, The Company will submit this along with a schedule and cost estimate.

(v.) The schedule and cost estimates will be submitted with final plan.

(A.) See descriptions of Recreational Resources, pages 10-19.

(B.) Schedule will be submitted after completion of final plans.

(C.) Cost estimate will be submitted after completion of final plans.

(D.) Exhibit E drawing is part of Exhibit.

(vi.) The upper 72.8 miles of the St. Joe River downstream from St. Joe Lake to the boundary of the St. Joe National Forest is being considered for inclusion in the National Wild and Scenic Rivers System. This section of the St. Joe River is not part of the project waters.

(6.) Report on Land Management and Aesthetics

(i.) See land development section 1.

(ii.) There are no proposals for modification of project works, new rights-of-way, construction of access roads, or topographical alterations.

(iii.) The reservoir of the project consists primarily of Lake Coeur d'Alene and its tributary and adjacent waters. Lake Coeur d'Alene is a natural lake. The existence and operation of the Post Falls works does not cause the elevation of water in Lake Coeur d'Alene and its tributary and adjacent waters to rise above the ordinary high water elevation. Therefore, the Post Falls works have no effect on the flood plain or wetlands created at ordinary high water in Coeur d'Alene Lake. The Post Falls project is operated in a manner which results in water being held on land below the ordinary high water elevation longer than would otherwise occur if the waters were permitted to naturally flow from Lake Coeur d'Alene. The Applicant does not propose to alter the operation of the Post Falls project with the installation of the sixth generating unit. Therefore, the addition of the sixth unit will have no impact on the wetlands or flood plain.

(iv.) Most of the shoreline is privately owned. Any proposal by The Company to provide a buffer zone to protect the recreation and aesthetic values of the lake would be extremely limited due to the extensive private ownership of the shoreline around Coeur d'Alene Lake. At this time a proposal of this kind would not be practical.

(v.) Permitting development of piers, docks, boat landings, bulkheads, and other shoreline facilities on project lands and waters will be left to the agency currently providing permits.

(vi.) No proposals for modification of project works new rights-of-way, construction or access roads, or topographical alterations.

(7.) List of Literature Which Was Utilized in the Preparation of Exhibit E

Government Documents

Benewah County. Joint Planning Commission, Land Use Plan, n.d., 72 p.

Idaho. Dept. of Fish and Game, Draft Policy Plan Coeur d'Alene River Wildlife Area, n.d., 17 p.

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Washington. State University; University of Idaho, Biological Impact of Combined Metallic and Organic Pollution in the Coeur d'Alene-Spokane River Drainage System, by W. H. Funk, R. W. Rabe, and R. Filby, 1973, 187 p.

Washington. State University; Wa. Water Research Center, University of Idaho; U.S. Office of Water Resources, Good Water? A Study of The Coeur d'Alene-Spokane River Region, by D. C. Flaherty, n.d., 23 p.

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Mallet, Jerry, "The Coeur d'Alene Lake Fishery," Idaho Wildlife Review, 1969, P. 3-6.

McNeill, G. R., "Elk Management in the Clearwater Region," Idaho Wildlife Review, Jan/Feb, 1972.

"A Mountain & Valley Melodrama or Tragedy?" Quest, Vol. 6, #4, 1972, p. 9-21.

Schlegel, W. W., "The Elk," Idaho Wildlife, Vol. 1, #5, 1978, p. 7-10.

Trout, L. C. and T. A. Leege, "Are the Northern Idaho Elk Herds Doomed," Idaho Wildlife Review, Nov/Dec, 1971.

Pamphlets

Coeur d'Alene Chamber of Commerce, Economic Development Committee, Business and Industrial Survey of Coeur d'Alene, Idaho, 1978, 13 p.

North Idaho Guide, Hayden Lake, Fun Publications, 1975, 76 p.

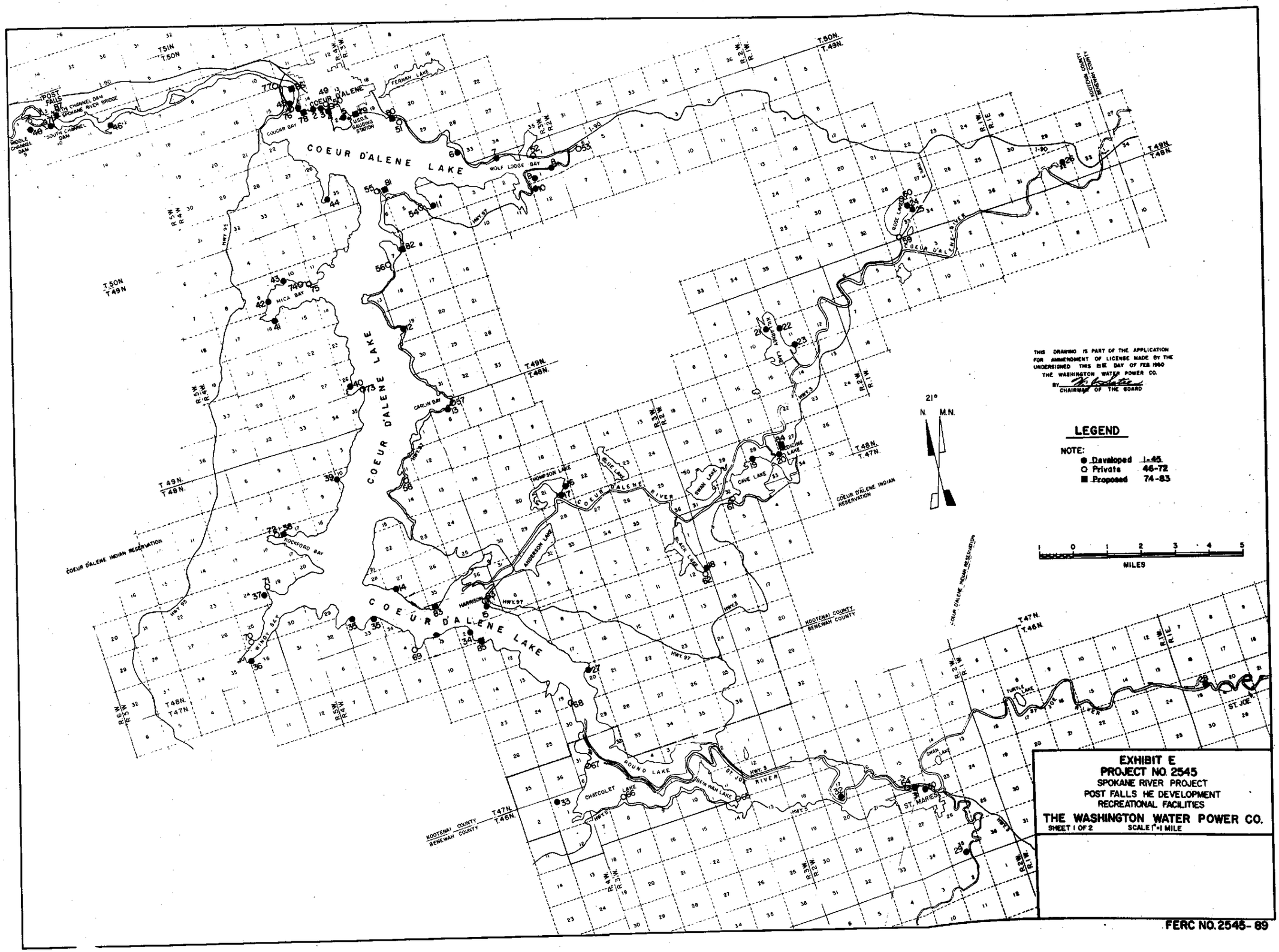
North Idaho Guide, Hayden Lake, Fun Publications, 1977, 64 p.

North Idaho Guide, Hayden Lake, Fun Publications, 1978, 62 p.

This statement is part of the application for amendment of license made by the undersigned this 21 day of FEB, 1980.

THE WASHINGTON WATER POWER COMPANY

By W. J. Lathe
Chairman of the Board



THIS DRAWING IS PART OF THE APPLICATION FOR AMENDMENT OF LICENSE MADE BY THE UNDERSIGNED THIS 8TH DAY OF FEB 1980
THE WASHINGTON WATER POWER CO.
BY _____
CHAIRMAN OF THE BOARD

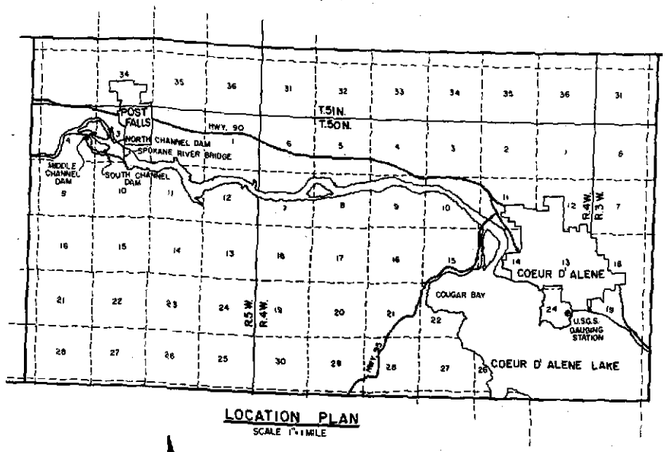
LEGEND

NOTE:

- ● Developed 1-45
- ○ Private 46-72
- ■ Proposed 74-83

EXHIBIT E
PROJECT NO. 2545
SPOKANE RIVER PROJECT
POST FALLS HE DEVELOPMENT
RECREATIONAL FACILITIES
THE WASHINGTON WATER POWER CO.
SHEET 1 OF 2 SCALE 1"=1 MILE

FERC NO. 2545-89



LOCATION PLAN
SCALE 1"=1MILE

SEC. 3, TWP. 50 N., R. 5 W.B.M.

WARNING LOG BARRIERS (to island)

ROCK

PROPOSED SWIMMING BOOMS

FLOATING SWIMMING DOCK

SUMMER WATER LINE

PROPOSED BOAT RAMP W/DOCK

N. 71° 39' E. 98.2'

N. 80° 01' 30" E. 70.9'

S. 83° 38' E. 85.97'

N. 13° 18' 30" E. (35.7')

N. 32° 09' 30" E. 88.8'

S. 71° 24' 30" E. 88.4'

N. 0° 33' E. 85.3'

N. 88° 58' 30" E. 280'

N. 1° 56' 30" E. 295.2'

PERMANENT BARRIER (TRAFFIC CONTROL)

ASPHALT ROAD (30' WIDE)

ADDITIONAL PARKING (FUTURE)

10-12 BOAT TRAILER PARKING (DRIVE-THRU)

EXISTING ROAD

DISPERSED TABLES W/ GRILLS

REST ROOMS

PARKING

LEASED FROM W.W.P. MAY 12, 1965 FOR 20 YRS. BEGINNING JUNE 1, 1965

EXISTING SWIMMING BOOMS

SPOKANE RIVER

PROJECT BOUNDARY

T.N. 1009
BOOK 29, PAGE 618

POST FALLS PARK

300'

294.33'

SPOKANE RIVER BRIDGE

SEMI-CLEARED PICNIC AREA W/ GROUP PICNIC SHELTER
FIREGRILLS
WATER
TABLES

TOT-LOT

GATE

NEW LEASE BOUNDARY

N. 40° 56' 45" W. 495'

PARKING

125 CARS

OPEN TO VENICULAR TRAFFIC (FISHING ACCESS ETC.)

DISPERSED PICNIC TABLES IN OPENINGS

405'

EXISTING FENCE

ENTRANCE ROAD

SPOKANE STREET

SW. COR SECTION 3

S. 89° 23' 07" W. 1319.51'

415'±

PROJECT BOUNDARY

FOUND

SECTION 3, TWP 50 N., R 5 W.B.M.

349'

SECTION 10

S. 1/4 CORNER NOT FOUND

LIGHTING

PARK WAY DRIVE

60

30

110

LOT 1
BLOCK 1

FOUND 3/4

N. 0° 36' 53" W.

LOT 1

2

3

4

BLOCK 2

PARK VIEW ADDITION

THIS DRAWING IS PART OF THE APPLICATION FOR AMMENDMENT OF LICENSE MADE BY THE UNDERSIGNED THIS 21ST DAY OF FEB. 1980
THE WASHINGTON WATER POWER CO.
BY H. B. Slater
CHAIRMAN OF THE BOARD

EXHIBIT E
PROJECT NO. 2545
SPOKANE RIVER PROJECT
POST FALLS HE DEVELOPMENT
POST FALLS RECREATION AREA
THE WASHINGTON WATER POWER CO.
SHEET 2 OF 2 SCALE 1"=50'

FERC NO. 2545-90

LIST OF PUBLIC RECREATION SITES*

1. N.I.C. Beach
2. City Beach & Park
3. Public Dock
4. City Boat Lauch
5. Tubbs Hill
6. Booth Landing
7. I 90
8. Mineral Ridge Ramp
9. Mineral Ridge Scenic Trail
10. Beauty Bay
11. Squaw Bay
12. Turner Bay Point
13. Carlin Bay
14. Bell Bay Ridge
15. Harrison City Park
16. Thompson Lake
17. Thompson Lake Outlet
18. Black Lake
19. Medimont
20. Rainy Hill
21. Killarney Lake Island
22. Killarney Lake
23. Killarney Lake
24. Rose Lake
25. Rose Lake
26. Old Mission State Park
27. Shingle Bay
28. Shadowy St. Joe
29. Sportsman Access
30. St. Maries City Dock
31. Aqua Park
32. Cherry Bend Park
33. Heyburn
    - A. Benewah
    - B. Rocky Point
    - C. Hawley's Landing
    - D. Plummers Point
    - E. Chatcolet
34. Spokane Point
35. Mowry
36. Windy Bay
37. Sun-up Bay
38. Rockford Bay
39. Black Rock Bay
40. Loffs Bay
41. Mica Bay
42. Upper Mica Bay
43. Gould's Landing
44. Kidd Island Bay
45. Blackwell Island
46. Greenferry Terrace
47. Post Falls City Park
48. Spokane River Natural Area

*The numbers correspond to the location of the recreation site on Exhibit E Drawing (Recreation Facilities)

LIST OF PRIVATE RECREATION SITES*

49. North Shore
50. Inland Marina
51. Matelich Marina & Inn Trepid
52. Shady Rest Hotel
53. K.O.A. Campground
54. Squaw Bay Resort
55. Arrow Point Resort
56. Camp Easton
57. Carlin Bay Store
58. Camp N Sid Sen
59. Rose Lake Store
60. Watson Resort
61. Cave Lake Resort
62. Black Lake Resort
63. Gateway Cafe and Marina
64. Riverside Motel
65. Benewah
66. Rocky Point
67. Chatcolet
68. Conklins Resort
69. Camp Easter Seal
70. Four Echo Camp
71. Sun-up Bay Resort
72. Rockford Bay Marina
73. Camp Cross
74. Camp Lutherhaven
75. Swayolokan Landing
76. Yacht Club Sales & Service
77. Spokane Yacht Club

*The numbers correspond to the location of the recreation site on Exhibit E Drawing (Recreation Facilities)

LIST OF PROPOSED RECREATION SITES*

78. N.I.C. Beach - Public
79. Coeur d'Alene Marina
80. Silver Beach
81. Panhandle Marina
82. Echo Bay
83. Harlow Point
84. Rainy Hill
85. Fullers Landing
86. Blackwell Island
87. Greenview Condominiums

*The numbers correspond to the location of the recreation site on Exhibit E Drawing (Recreation Facilities)

FACILITIES PROVIDED AT PUBLIC RECREATION SITES

PUBLIC RECREATION SITES*	Public Dock	Launching	Marine Sewage Service	Restrooms	Picknicking	Camping	Swimming	Unimproved
1. NIC Beach	X							
2. City Park & Beach				X	120	X		
3. Dock	X							
4. City Docks & Ramps	X	X	X					
5. Tubbs Hill								X
6. Booth Landing	X	X		X	4			
7. I 90	X	X						
8. Mineral Ridge Ramp	X	X						
9. Mineral Ridge Scenic Tr.				X	5			
10. Beauty Bay				X	4			
11. Squaw Bay	X	X						
12. Turner Bay Point	X			X				
13. Carlin Bay	X	X		X				
14. Bell Bay Ridge	X			X	43	14	X	
15. Harrison	X	X	X	X		6		
16. Thompson Lake				X				
17. Thompson Lake Outlet	X	X						
18. Black Lake	X	X			3			
19. Medimont		X		X				
20. Rainy Hill		X		X	6			
21. Killarney Lake Island	X			X	4	41		
22. Killarney Lake					4	4		
23. Killarney Lake	X	X		X	2			
24. Rose Lake	X	X		X	3			
25. Rose Lake	X	X		X	3			
26. Old Mission State Park				X	8			
27. Shingle Bay	X			X	2			
28. Shadowy St. Joe		X			6	6		
29. St. Maries Boat Launch	X	X		X				
30. St. Maries Docks	X	X						

*The numbers correspond to the location of the recreation site on Exhibit E Drawing (Recreation Facilities)

FACILITIES PROVIDED AT
PRIVATE RECREATION SITES

PRIVATE RECREATION SITES*	Food	Boat Gas	Docks	Slips	Launch	Rooms Rent	Camping	Picnicking	Boats for Rent
49. North Shore	X	X	X	140		X			X
50. Inland Marina		X	X	140	X				
51. Matelich Marina & Inn Trepid	X	X	X	60					
52. Shady Rest Hotel	X		X			X			
53. K.O.A. Campground							100		
54. Squaw Bay Resort	X	X	X	56	X	X	30	45	X
55. Arrow Point Resort	X	X	X		X	X	25	60	
56. Camp Easton			X						
57. Carlin Bay Store	X	X	X	30			30	15	
58. Camp N Sid Sen			X						
59. Rose Lake Store	X								
60. Watson Resort	X					X			X
61. Cave Lake Resort	X		X						X
62. Black Lake Resort	X	X							
63. Gateway Cafe and Marina	X	X	X	30					
64. Riverside Motel	X	X	X			X			X
65. Benewah	X	X	X		X	X			X
66. Rocky Point	X	X	X		X	X			
67. Chatcolet	X								
68. Conklins Resort	X	X	X	40					X
69. Camp Easter Seal			X						
70. Four Echo Camp			X						
71. Mud Bay Resort	X	X	X	X					X
72. Rockford Bay Marina	X	X	X	100					
73. Camp Cross			X						
74. Camp Lutherhaven			X						
75. Swayolokan			X						
76. Yacht Club Sales & Service		X		100	X				
77. Spokane Yacht Club		X	X	500	X				

trl.ct.

*The numbers correspond to the location of the recreation site on Exhibit E Drawing (Recreation Facilities)

FACILITIES PROVIDED AT
PUBLIC RECREATION SITES

PUBLIC RECREATION SITES (cont.)*	Public Dock	Launching	Marine Sewage Service	Restrooms	Picnicking	Camping	Swimming	Unimproved
31. Aqua Park	X			X	8			
32. Cherry Bend	X			X	6	6		
33. Heyburn State Park	X	X		X	200	138	X	
34. Spokane Point	X	X		X				
35. Mowry State Park	X							X
36. Windy Bay	X			X		X		
37. Mud Bay	X	X		X				
38. Rockford Bay	X	X		X				
39. Black Rock Bay	X	X						
40. Lofts Bay	X	X		X	3			
41. Mica Bay	X			X	10	8	X	
42. Upper Mica Bay	X	X		X				
43. Gould's Landing	X	X		X				
44. Kidd Island Bay		X						
45. Blackwell Island	X	X						
46. Greenferry Terrace	X			X				
47. Post Falls City Park	X	X		X	X		X	
48. Spokane River Natural								X

*The numbers correspond to the location of the recreation site on Exhibit E Drawing (Recreation Facilities)

Clegg

State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE: 373 W. Franklin Street, Boise, Idaho

RECEIVED W.W.P.CO.
POWER SUPPLY DEPARTMENT

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

SEP 20 1979

Date Answered:_____By_____
Sent to File:_____By_____
Referred To:_____By_____

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 384-2215

September 11, 1979

Mr. John F. Spencer, Assistant Director
Office of Water Programs
Department of Ecology
Olympia, WA 98504

Dear John:

RE: Operation of Post Falls Dam

Your letter of May 11, 1979 asked that this Department consider whether the operation of Post Falls Dams could be changed to allow for more stable low flows in the Spokane River. We have reviewed the effect of instituting a 300 cfs low flow parameter at River Mile 100.7 on the levels of Coeur d'Alene Lake. If this parameter had been in effect in prior years, the year of maximum effect would have been in 1963. Even in that year lake levels would only have been reduced by 0.32 feet below than that actually occurred. During most years, little or no effect would have been noticed.

The Department of Water Resources identified the need for a stream resource maintenance flow in the Spokane River in the preparation of the state water plan. In the "Technical and Support Information for the Panhandle River Basins State Water Plan, Part II, July, 1976" the rate of flow needed for resource maintenance was 300 cfs. Thus while the state of Idaho does not support committing water to dilute effluent from water treatment plants, we do recognize the need for a similar flow rate for maintaining instream values.

Presently, the summer-early fall level regulation of Lake Coeur d'Alene provides for outflow to be matched to inflow. The release of 300 cfs as a minimum rate is not inconsistent with the present schedule unless inflows fall below 300 cfs. Therefore, I believe that an operational consent from Washington Water Power is all that is needed with the understanding that a water right is not being committed for the instream use and that the present regulation plan of maintaining a stable summer lake level is not being altered.

The Department of course, must be involved in all changes in the operation of the lake; but since Washington Water and Power is presently authorized to operate the lake to release a flow of 300 cfs, we do not consider that a change in operation. Therefore, I do not believe that a formal meeting is needed to

discuss the matter, but I will be willing to meet if others feel a meeting would be helpful.

Very truly yours,

C. STEPHEN ALLRED
Director

CSA:NCY:rf

CC; Washington Water Power ✓
Fish and Game
Lands
Scott Reed

IOSAKI, MANAGER
ENTAL AFFAIRS

THE WASHINGTON WATER POWER COMPANY

Electric and Natural Gas Service

P.O. BOX 3727 • SPOKANE, WASHINGTON 99220 • (509) 489-0500

December 26, 1979

Mr. Jerry Keller
Corps of Engineers
Seattle District
P.O. Box C-3755
Seattle, WA 98124

Dear Mr. Keller:

The WWPCo intends to file a license application with the Federal Energy Regulatory Commission for the Post Falls Dam on the Spokane River. Post Falls does not presently have an FERC license since it was constructed in 1905 before the enactment of the 1920 Federal Power Act. The Company now wishes to install an additional turbine generator and to do so it is required to obtain a license for the project. The Exhibit E in the revised regulations requires the applicant to obtain a water quality certificate as described in Section 401 of the Federal Water Pollution Control Act or a statement that certification is waived.

The Dam was originally built to house six turbine generators, however, only five turbine generators were installed. The installation of the sixth unit will require the resizing the generator pit, the addition of structural steel to support the turbine and generator, replacement of the headgate and the addition of a penstock, water jacket, and draft tube. There will be no change in the level of the reservoir, no dredge and fill, and no construction outside the dam structure. Enclosed are drawings of the side views, front elevation, and plan view of the existing and proposed units.

If more information is required to determine whether a permit is necessary, or to fulfill permit requirements, please do not hesitate to contact us.

Sincerely,

Fred A. Skiosaki

KLK.sw

Enc.

DEPARTMENT OF THE ARMY
SEATTLE DISTRICT, CORPS OF ENGINEERS
P.O. BOX C-3755
SEATTLE, WASHINGTON 98124

NPSOP-RF

RECEIVED - W. W. P. CO.
ENVIRONMENTAL AFFAIRS
9 JAN 1980

JAN 14 1980

Mr. Fred A. Shiosaki
Washington Water Power Company
Post Office Box 3727
Spokane, Washington 99220

Dear Mr. Shiosaki:

Reference your 26 December 1979 letter concerning Department of the Army permit requirements to install a sixth turbine generator in the Spokane River at Post Falls Dam.

The Spokane River is not considered to be a navigable water of the United States by the Seattle District for your proposed worksite. A Department of the Army permit will not be required under Section 10 of the River and Harbor Act of March 3, 1899. You also advised that no dredged or fill material would be discharged into the Spokane River or on adjacent wetlands as a result of the project. Therefore, an individual Department of the Army permit under Section 404 of the Clean Water Act will not be required for this work.

Nothing in this letter shall be construed as excusing you from compliance with other Federal, state and local statutes, ordinances or regulations which may affect this work.

Sincerely,

Warren E Baxter
for ROBERT R. SPEARMAN
Chief, Regulatory Functions Branch

Environmental Affairs	CC	Route	Initial
D. OLSON			
F. SHIOSAKI		1	FAS
B. D. ANDERSON			
D. POTTRATZ			
K. KENNEDY		2	
R. WOODWORTH			
D. HOFFMAN			
S. WARNE			
FILE:			

STATE OF IDAHO

DEPARTMENT OF HEALTH AND WELFARE
Division of Environment, 2110 Ironwood Parkway, Coeur d' Alene, Idaho 83814
(208) 667-3524

January 18, 1980

Mr. Rollie Benker
THE WASHINGTON WATER POWER COMPANY
P. O. Box 3727
Spokane, Washington 99220

RE: FERC Project No. 2545 - Post Falls Hydroelectric Dam and Generating Facilities - Water Quality Certificate

Dear Mr. Benker:

We have been advised of the intentions of The Washington Water Power Company to amend its license issued by the Federal Power Commission (now the Federal Energy Regulatory Commission) for Project No. 2545 to include the Post Falls Dam and Hydroelectric facilities.

It is our understanding that the Company also intends to install a sixth turbine generator in the power plant. It is our opinion, based on information supplied to us, that the addition of the sixth turbine generator does not involve construction or operation of facilities which may result in any discharge to surface waters and resulting violations of Idaho Water Quality Standards and Wastewater Treatment Requirements. Therefore, we do not anticipate this proposed project will have any significant effect upon the water quality of the Spokane River.

Based upon the foregoing, it is our opinion that no water quality certificate is required under Section 401 of the Water Pollution Control Act.

If you have any questions, please contact this office.

Sincerely,

DIVISION OF ENVIRONMENT

David Johann

David Johann
Sr. Environmental Quality Specialist

DJ:js

EQUAL OPPORTUNITY EMPLOYER



J. P. BUCKLEY
PRESIDENT - PUBLIC AFFAIRS
AND SECRETARY

THE WASHINGTON WATER POWER COMPANY

Electric and Natural Gas Service
P.O. BOX 3727 • SPOKANE, WASHINGTON 99220 • (509) 489-0500

July 17, 1979

FROM AGENCIES

See attached list for distribution of letter.

The Washington Water Power Company (the "Company") is in the process of preparing an application to the Federal Energy Regulatory Commission for an amendment to its Spokane River License (Project No. 2545) to include the Post Falls Hydroelectric Dam and generating facilities.

In connection with the application, the Company is required to amend certain exhibits to the original application to include a proposed plan for full public utilization of project waters (Coeur d'Alene Lake) and adjacent lands for recreational purposes and a report on the effect, if any, of the project upon the fish and wildlife resources in the project area or in other areas affected by the project and proposals for measures considered necessary to conserve or enhance fish and wildlife resources affected by the project. In connection with the preparation of these exhibits, the Company is required to consult with public agencies affected by the project.

The Company is proposing to install an additional generator at the Post Falls plant. This addition will not change the operation of the Coeur d'Alene Lake reservoir and will have only a very insignificant effect on the Spokane River below the dam. However, the Company will be able to utilize more of the spring runoff which is now wasted and can be used to displace oil generation.

We therefore request that you expedite your consideration of this matter. We will appreciate receiving any comments you may have at your early convenience, and possibly by September 1, 1979, and we will be happy to arrange a conference at your convenience.

Correspondence and telephone calls related to this project should be addressed to: R H Benker, Chief Civil Engineer, The Washington Water Power Co., P O Box 3727, Spokane WA 99220, (509) 489-0500, Ext. 2407.

Very truly yours,

J P Buckley

J. P. Buckley

RHB:nr

Marv Vandenberg
Idaho State Department of Land
701 River Avenue
Coeur d'Alene ID 83814

Dave Neider, Regional Supervisor
Idaho Department of Fish and Game
2320 Government Way
Coeur d'Alene ID 83814

Bob Haines
Idaho Department of Water Resources
4055 Government Way
Coeur d'Alene ID 83814

Boyd Archibald
Soil Conservation District
205 N. 4th
Coeur d'Alene ID 83814

Chuck Peterson
Coeur d'Alene Chamber of Commerce
Second & Sherman
Coeur d'Alene ID 83814

Arnold "Red" Halpern
CDA Rec. & Parks Department
South 5th
Coeur d'Alene ID 83814

Director
Kootenai County Planning Commission
Community Service Building
501 Government Way
Coeur d'Alene ID 83814

Douglas Frymire
Kootenai County Commissioners
510 Government Way
Coeur d'Alene ID 83814

Jack Kirkendall
Regional Supervisor
Washington Department of Game
N. 8702 Division
Spokane WA 99218

John Arsquist
Washington State Department of Ecology
E. 103 Indiana
Spokane WA 99207

Ralph Kizer
US Forest Service
1201 Ironwood
Coeur d'Alene ID 83814

Maurice Lundy, Director
Heritage Conservation & Recreation Service
915 2nd Avenue, Room 930
Seattle WA 98174

Martin Zimmer
Bureau Land Management
1808 N. 3rd
Coeur d'Alene ID 83814

Mayor Francis Wilhelm
City of Post Falls
City Hall
Post Falls ID 83854

Jack Buhl
Benewah County Courthouse
St. Maries ID 83861

Vic Camm
City of St. Maries
St. Maries City Hall
602 College Avenue
St. Maries ID 83861

Dale Christiansen
Idaho Parks & Recreation Dept.
2177 Warm Springs Avenue
Boise ID

KOOTENAI COUNTY

COEUR D'ALENE, IDAHO
83814

OFFICE OF General Services

July 20, 1979

Washington Water Power Company
P. O. Box 3727
Spokane, Washington 99220

Attention: J. P. Buckley, Vice President
Public Affairs

Dear Sir

I have received your letter of July 17, 1979, concerning input from public agencies affected by your proposed project Number 2545. The only comments I have to make are that the information in your letter is insufficient to make comments at this time.

Kootenai County would, therefore, request that you send a copy of the proposal in detail along with whatever conceptual plans you may have at this time.

When this project is approved, a building permit will be required. This may be obtained through this office at your convenience.

Sincerely,

W.P.(Bill) Patten
Director General Services

WPP/jt

cc: R. H. Benker
Chief Civil Engineer

STATE OF IDAHO

DEPARTMENT OF FISH AND GAME

REGION 1
2320 GOVERNMENT WAY
COEUR d'ALENE, IDAHO 83814

July 27, 1979

Mr. R. H. Benker
Chief Civil Engineer
The Washington Water Power Company
P. O. Box 3727
Spokane, WA 99220

Reference: Consultation on F.E.R.C. License
Amendment for Post Falls Dam

Dear Mr. Benker:

We have provided information to Bob Anderson regarding Coeur d'Alene Lake fisheries and management objectives for Department lands on the Lower Coeur d'Alene River in regards to the referenced license application.

We would like to look at the original applications and discuss your plans for amendments and also discuss the potential for enhancing public access to your Spokane River property at Post Falls.

Could we arrange a conference to discuss these topics sometime during the last two weeks in August? Please contact me for time and place arrangements.

Sincerely,

DEPARTMENT OF FISH AND GAME
Joseph C. Greenley, Director

David Neider

David S. Neider, Regional Supervisor
Region 1

WHG:amh

EQUAL OPPORTUNITY EMPLOYER

FROM AGENCIES

UNITED STATES DEPARTMENT OF AGRICULTURE

SOIL CONSERVATION SERVICE 205 N 4th Room 215 Coeur d'Alene, ID 83814

August 2 1979

Mr. R. H. Benker
Chief Civil Engineer
WWP
P.O. Box 3727
Spokane, WA 99220

Dear Mr. Benker:

The property owned by WWP on the south side of Spokane River south of Post Falls has a good potential for recreation. Recreation potential is beach, swimming, boati boating and picnicking. This is an area of vast growth of pupulation. It is located within a distance of Post Falls where one can ride a bike, walk or travel by vehicle with minimal gas consumption.

The soil, beach, water and topography and trees are appropriate for recreation.

For specific information concerning more details and preliminary date, please contactBob D. Anderson, Environmental Coordinator, WWP, or Kyra Kennedy, Environmental Analyst, WWP.

Sincerely,

Boyd Archibald

Boyd Archibald
District Conservationist
Coeur d Alene field office

IDAHO DEPARTMENT of PARKS & RECREATION
House Mail 2177 Warm Springs Ave. Boise Idaho 83720 (208) 384-2154

R. Christiansen, Director

John V. Evans, Governor

FROM AGENCIES

August 6, 1979

Mr. R. H. Benker
Chief Civil Engineer
Washington Water Power Company
P.O. Box 3727
Spokane, WA 99220

RE: Post Falls
FERC #2545
543.101G

Dear Mr. Benker:

We appreciate the opportunity to be included in the preparation of the amendment to your Spokane River license (Project #2545). As you know, our interests lie in the provisions of outdoor recreation opportunities. In this case, on the Spokane River and Coeur d'Alene Lake.

In our preliminary search, we have found several recreation projects that are deserving of mention here:

City of Post Falls	-	South City Park
North Idaho College	-	Development on river frontage already required
Access to Spokane	-	Access is extremely limited from Dam to Lake. Easements either acquired or leases should be negotiated.
State Land on CDA Lake	-	There are opportunities for recreation development on State lands on the Lake.

These are just a few preliminary ideas that we have at the present time. By the time you are ready to formulate the Exhibit "R", we should be able to be much more specific.

Again, we appreciate the opportunity of being included in the application process and will look forward to future contact.

Sincerely,

DALE R. CHRISTIANSEN
DIRECTOR

Bob Meinen
Administrator
Recreation Division

BM:clf

cc: Maurice Lundy, HCRS
Jack Dalton, North Region

FROM AGENCIES

REV. 8-73



THE WASHINGTON WATER POWER COMPANY

Electric and Natural Gas Service

P.O. BOX 3727 • SPOKANE, WASHINGTON 99220 • (509) 489-0500

August 28, 1979

WEBSTER'S FROM AGENCIES

See Attached List for Distribution

We have received numerous comments and questions in response to our letter dated July 17, 1979. Since we have had the same questions raised by other individuals, we will hold a conference to explain what The Washington Water Power proposes to do in regard to the licensing of the Post Falls Project and Coeur d'Alene Lake and to explain what is involved in the installation of the sixth generator at our Post Falls Plant.

The meeting will be held at The Washington Water Power Company Auditorium at 501 Lakeside Avenue, Coeur d'Alene, Idaho at 9:00 a.m. on September 7, 1979. We would be pleased to have you or your representative at this meeting.

Very truly yours,

L. O. Falk
Assistant Secretary

RHB:nr

bcc: Mr. O'Kelly
Mr. Satre
Mr. Lowry
Mr. Olson
Mr. Ashurst
Mr. Harding
Mr. Shiosaki

WEB COPIES FROM AGENCIES

Marv Vandenberg
Idaho State Department of Land
701 River Avenue
Coeur d'Alene ID 83814

Dave Neider, Regional Supervisor
Idaho Department of Fish and Game
2320 Government Way
Coeur d'Alene ID 83814

Bob Haines
Idaho Department of Water Resources
4055 Government Way
Coeur d'Alene ID 83814

Boyd Archibald
Soil Conservation District
205 N. 4th
Coeur d'Alene ID 83814

Chuck Peterson
Coeur d'Alene Chamber of Commerce
Second & Sherman
Coeur d'Alene ID 83814

Arnold "Red" Halpern
CDA Rec. & Parks Department
South 5th
Coeur d'Alene ID 83814

Director
Kootenai County Planning Commission
Community Service Building
501 Government Way
Coeur d'Alene ID 83814

Douglas Frymire
Kootenai County Commissioners
510 Government Way
Coeur d'Alene ID 83814

Jack Kirkendall
Regional Supervisor
Washington Department of Game
N. 8702 Division
Spokane WA 99218

John Arlquist
Washington State Department of Ecology
E. 103 Indiana
Spokane WA 99207

Ralph Kizer
US Forest Service
1201 Ironwood
Coeur d'Alene ID 83814

Maurice Lundy, Director
Heritage Conservation & Recreation Service
915 2nd Avenue, Room 930
Seattle WA 98174

Martin Zimmer
Bureau Land Management
1808 N. 3rd
Coeur d'Alene ID 83814

Mayor Francis Wilhelm
City of Post Falls
City Hall
Post Falls ID 83854

Jack Buhl
Benewah County Courthouse
St. Maries ID 83861

Vic Camm
City of St. Maries
St. Maries City Hall
602 College Avenue
St. Maries ID 83861

Dale Christiansen
Idaho Parks & Recreation Dept.
2177 Warm Springs Avenue
Boise ID

REV. 8-72

The Washington Water Power Company

Benker file

INTEROFFICE MEMORANDUM

ENVIRONMENTAL AFFAIRS

TO: The File

DATE: September 18, 1979

FROM: Kyra Kennedy

SUBJECT: Meeting regarding Post Falls license

Attendees

Gerard Bentryn	HCRS - Seattle
Jerry Neufeld	Idaho Fish & Game
Boyd Archibald	Soil Conservation Service
Marvin Vandenberg	Idaho Dept. of Lands
Jack Dalton	Idaho Dept. of Parks & Recreation
Lynn Shelden	BLM - Coeur d'Alene
David H. Fortier	BLM - Coeur d'Alene
Rolly Benker	WWP
Kyra Kennedy	WWP
Bob Anderson	WWP
Roger Ray	DOE - Spokane
Phil Williams	DOE - Spokane
Alan O'Kelly	WWP

On September 7, 1979, a meeting was held at the WWP offices in Coeur d'Alene, Idaho to present the Company's program for compliance with requirements of the FERC license application for the Post Falls Dam. Representatives from all agencies having interest in the license application were invited. Attached is a list of those individuals receiving a meeting notice.

Rolly Benker opened the meeting by introducing Alan O'Kelly, legal counsel for the Company, who described the licensing process and gave a brief history of the events leading to the decision to make application.

Rolly Benker explained the operation of Post Falls Dam with the sixth unit and the effect of this operation on Coeur d'Alene Lake water elevations and river flows and power production. The Company's proposal to provide a 300 cfs minimum at Post Falls was discussed.

Bob Anderson explained the Exhibit R and S requirements of the license application. In response to the Exhibit S requirements, the effects of the project on fish and wildlife were discussed and various measures were outlined which are being taken by the Company to assist the Idaho Department of Fish and Game with investigations of the fishery resource.

Kyra Kennedy gave a description of the Company's work toward the preparation of the Exhibit R. Informal consultations with concerned agencies have been conducted and an inventory prepared of public and private recreation facilities. The Company's proposal for recreation development to help meet recreational use demand associated with the project was also presented.

MEETINGS FROM AGENCIES

The following comments to the Company presentation were noted:

- The Spokane River is saturated with boat traffic and additional public access would only compound the problems associated with heavy use.
- Condominiums are being built adjacent to the bridge at Post Falls on the north side of the river and as a result, recreational use by boaters could increase significantly.
- The annual spring drawdown to elevation 2126.5 occurs during bass spawning and has resulted in complaints by sportsmen of exposed spawning nets. nests?
- Boat traffic on the Coeur d'Alene River and St. Joe River should be controlled to minimize bank erosion.
- There is potential for further development of boat launches on the lake. This could include additional launches or improvements to existing launches to make the facilities more compatible for heavy use.
- Mowry State Park could be developed for many uses including a boat park. Lack of money and access currently limit planning for future development.
- Historically, it has been determined that generally 1 to 2% of project costs go toward recreational development to meet Exhibit R and S requirements.
- Suggestions to improve the Company's proposal for the Post Falls park expansion included a parking area south of the park road, a turn a-round at the barrier and various security measures as a deterrent to access to the south channel headworks.

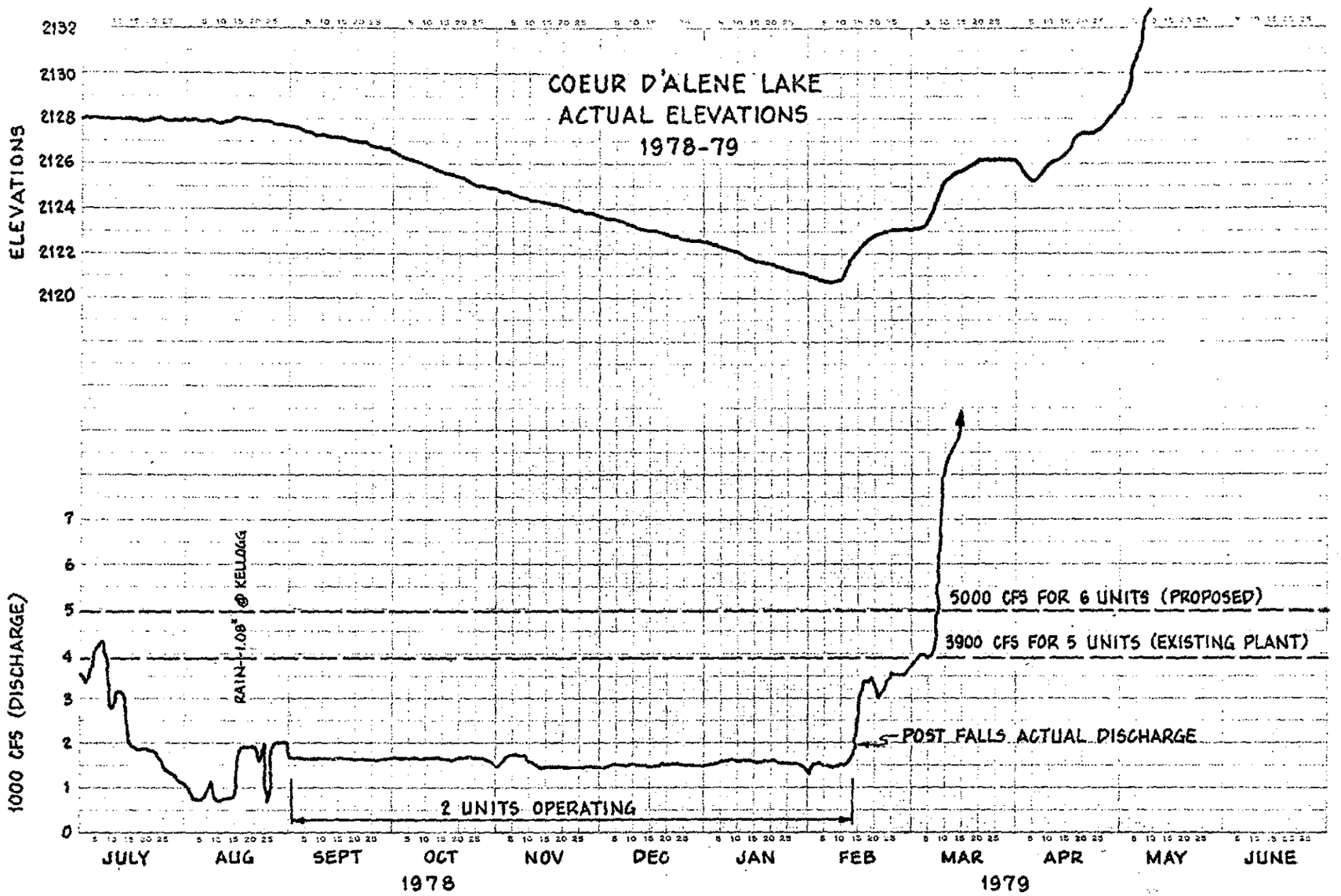
K.w

cc: Rolly Benker
Alan O'Kelly
Bob Anderson

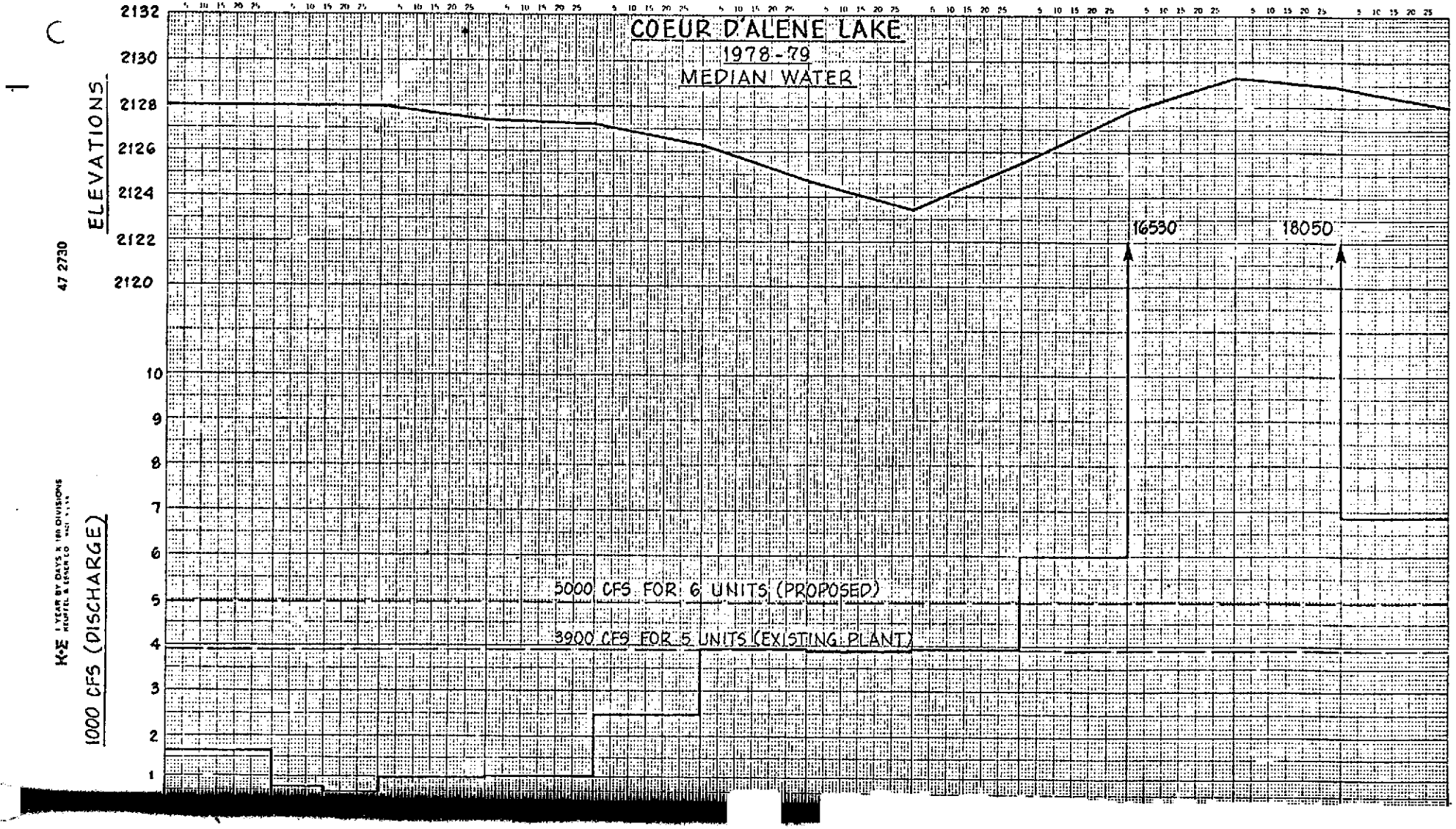
Attachment

RES. PURPOSES FROM AGENCIES

RESPONSES FROM AGENCIES



RESPONSES FROM AGENCIES



RESPONSES FROM AGENCIES

KOOTENAI COUNTY

COEUR D'ALENE, IDAHO

83814

OFFICE OF Planning and Zoning

OCT 25

Date Answered: _____ By: _____
Sent to File: _____ By: _____
Referred To: _____ By: _____

October 23, 1979

The Washington Water Power Company
P.O. Box 3727
Spokane, Washington 99220

Attention: J.P. Buckley

Dear Mr. Buckley:

This letter is in response to the notice sent from your office concerning the proposed Sixth Generating Unit to the Post Falls plant.

After review of your request, this office found no difficulties with the proposal. We neither oppose nor support this proposal.

However, Section 33.25 of the Kootenai County Zoning Ordinance requires a Conditional Use permit for Public Utility Complex Facilities, of which the expansion of this plant would be included.

This permit entails application forms and fee, legal notices and a public hearing. The duration of this procedure is usually sixty (60) days. The deadline for next available hearing is November 16th, for the December 13th hearing. A representative of Washington Water Power should contact this office prior to the November date.

Should you require further information, please contact Bob Nelson at this office.

Sincerely,

Joe Scorcio

J.A. Scorcio
Planner

JAS/pb

REV. 8-73



THE WASHINGTON WATER POWER COMPANY

Electric and Natural Gas Service

P.O. BOX 3727 • SPOKANE, WASHINGTON 99220 • (509) 489-0500

November 9, 1979

Mr. J. A. Scorcio, Planner
Office of Planning and Zoning
Kootenai County
Coeur d'Alene, Idaho 83814

Dear Mr. Scorcio:

This letter will inform you of our intent to install a sixth turbine generator at our Post Falls Hydroelectric Station. The initial dams and powerhouse were completed in 1906, at which time there were provisions to install six turbine generators. At the completion of the turbine generator installation, only five of the six turbine generators were installed. It is our intention now to install the sixth turbine generator in the space originally provided.

Since there is no new building construction and only the installation of equipment inside an existing building, it is my understanding that we will be exempt from filing a conditional use permit according to Section 33.25 of the Kootenai County Zoning Ordinance.

Your assistance in this matter would be appreciated.

Sincerely,

R. H. Benker
Chief Civil Engineer

RHB:n

cc: A. O'Kelly
F. Shiosaki
D. Muffett
D. Olson/W. Ashurst

UNITED STATES
DEPARTMENT OF THE INTERIOR
HERITAGE CONSERVATION AND RECREATION SERVICE
NORTHWEST REGION
915 SECOND AVENUE, RM. 990
SEATTLE, WASHINGTON 98174

(206) 442-4706

WA: FERC #2545
NW100

OCT 24 1979

Mr. J. P. Buckley
Vice President, Public Affairs
The Washington Water Power Company
P.O. Box 3727
Spokane, Washington 99220

Dear Mr. Buckley:

We have been advised of the intentions of the Washington Water Power Company to amend its license issued by the Federal Power Commission (now the Federal Energy Regulatory Commission) for Project No. 2545 to include the Post Falls Dam and Hydroelectric facilities.

It is our understanding that the company also intends to install a sixth turbine generator in the power plant. It is our opinion based on information supplied by you that early addition of a sixth turbine generator will have no significant adverse affect on outdoor recreation opportunities and related environmental values and we have no objections to its early installation to replace generation from nonrenewable resources.

We have been working with members of your staff in recreation planning for the project. We are pleased with the coordination and progress the company is making in the development of an Exhibit R. We trust early installation of the sixth generator, if approved, would not lessen Washington Water Power's committment towards the completion of an Exhibit R fully responsive to the recreation needs and opportunities inherent in the project. We look forward to continued coordination with you and your staff in this endeavor.

Sincerely yours,

for Maurice H. Lundy
Regional Director

AHO DEPARTMENT of PARKS & RECREATION
House Mail 2177 Warm Springs Ave. Boise Idaho 83720 (208) 384-2154

R. Christiansen, Director
rt L. Meinen, Deputy Director

John V. Evans, Governor

FERC-W.W.P.-30
NOV 5 1979
Date Ans'd ___ By ___
Filed ___ By ___
Referred To ___ By ___

October 31, 1979

Mr. J.P. Buckley
Vice President, Public Affairs
The Washington Water Power Company
P.O. Box 3727
Spokane, WA 99220

We acknowledge that the early installation of an additional turbine generator at the Post Falls Project (#2545) will supply much needed energy. However, it would be to the mutual benefit of all if we can arrive at some type of agreement on what outdoor recreation facilities are to be pursued before we can make any type of formal write-off on the project.

Specifically, the projects worthy of mention are the City of Post Falls Park below the dam and Blackwell Island. Also, access to the Spokane River behind your dam is a chronic problem experience by the outdoor recreationist. Access points need to be provided! Another excellent opportunity exists for development of river frontage recently purchased by the College of Northern Idaho. In summary, Washington Water Power has the opportunity to provide some highly visible outdoor recreation projects that will provide invaluable experience's for the outdoor enthusiasts.

We appreciate the opportunity to comment and if you have any questions regarding our comments, feel free to contact us.

Sincerely,

DALE R. CHRISTIANSEN
DIRECTOR

Robert L Meinen.

Robert L. Meinen
Deputy Director

DD:clf

cc: Rich Winters, HCRS
Jack Dalton

W 3115 REV. 8-73



THE WASHINGTON WATER POWER COMPANY

Electric and Natural Gas Service

P.O. BOX 3727 • SPOKANE, WASHINGTON 99220 • (509) 489-0500

FRED A. SHIOSAKI, MANAGER
ENVIRONMENTAL AFFAIRS

December 13, 1979

Dr. M. W. Wells
Historic Preservation Coordinator
Idaho Historic Society
610 N. Julia Davis Drive
Boise, Idaho 83706

Dear Dr. Wells:

The Washington Water Power Company intends to file a license application with the Federal Energy Regulatory Commission (FERC) for the Post Falls Dam on the Spokane River. Post Falls does not have an FERC license since it was constructed in 1905 before the enactment of the 1920 Federal Power Act. The Company now wishes to install an additional turbine generator and to do so it is required to obtain a license for the project. The Exhibit E in the revised regulations requires the applicant to provide a report on the historical and archaeological resources in the project area and the impact of the project on those resources. The applicant is to consult with the State Historic Preservation Officer and include a report on this consultation in the application.

There will be no change in lake level on the operation of the plant except that during the spring run-off, some water which otherwise would be spilled will be used for generating electricity.

During a conversation with you on December 4, 1979, you indicated that the Post Falls Dam site might be considered of historic importance. Post Falls was built in 1905 with room for six turbine generators. Five horizontal turbine generators were installed in the plant between 1906 and 1908 and this equipment remains in the plant. The Company is now proposing to install a sixth horizontal turbine generator which was purchased from American Falls. This turbine generator was part of the original equipment from American Falls which was built in 1912. The generators were built by General Electric. The serial numbers for those units which you requested are as follows:

1. 131462
2. 93884
3. 85980
4. 85979
5. 176463
6. 518623 (1912)

Enclosed is a map which shows the water areas which are effected by the Dam. The project lands include the lake below the 2128 elevation as well as a parcel of land around the Dam.

Thank you for your helpful consideration.

Sincerely,

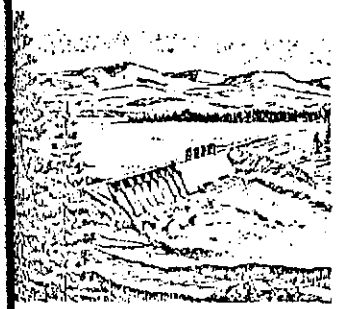
Fred A. Shiosaki

Fred A. Shiosaki
Manager, Environmental Affairs

K.w

Enc.

bc: Rolly Benker



THE WASHINGTON WATER POWER COMPANY

Electric and Natural Gas Service

P.O. BOX 3727 • SPOKANE, WASHINGTON 99220 • (509) 489-0500

FRED A. SHIOSAKI
MANAGER
ENVIRONMENTAL AFFAIRS

May 6, 1980

Dr. M.W. Wells
Historic Preservation Coordinator
Idaho Historic Society
610 N. Julia Davis Drive
Boise, Idaho 83706

Dear Dr. Wells:

Please refer to my letter dated December 13, 1979, regarding Washington Water Power Company's application for a Federal Energy Regulatory Commission (FERC) license for the Post Falls Dam on the Spokane River. A draft application was submitted to this agency and they have requested that a letter from the Idaho State Historic Preservation Officer be included in the application packet. We would appreciate a letter concerning the historic and archaelogical resources in the project area which would confirm that the Company has consulted with you.

Thank you for your attention to this request.

Sincerely,

Fred A. Shiosaki

Fred A. Shiosaki
Manager, Environmental Affairs

S.s

IDAHO STATE HISTORICAL SOCIETY
610 NORTH JULIA DAVIS DRIVE BOISE, ~~83706~~ 83702

STATE MUSEUM

May 12, 1980

RECEIVED – W. W. P. CO.
ENVIRONMENTAL AFFAIRS

MAY 14 1980

Fred A. Shiosaki
Manager, Environmental Affairs
Washington Water Power Company
P. O. Box 3727
Spokane, WN 99220

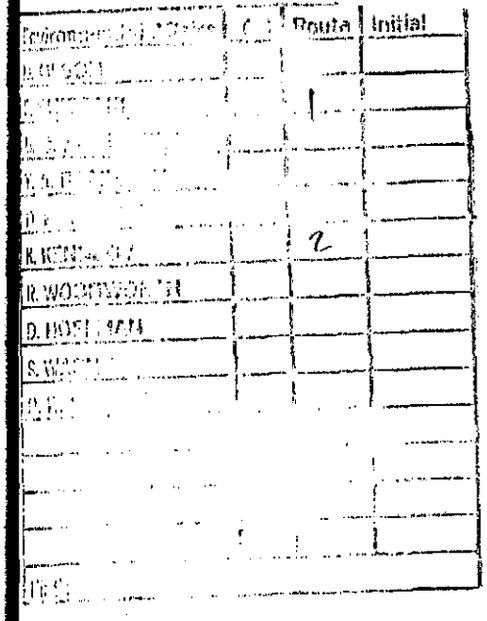
Dear Mr. Shiosaki:

In response to your request concerning your application for your Post Falls license renewal, I should note that a number of cultural resources have been identified in that vicinity as eligible for listing in the National Register of Historic Places. These include your dam and power plant. Renewal of your license will help protect historic values there, and I concur that this project will not affect those qualities which make any other property eligible for listing in the National Register of Historic Places.

Sincerely,

Merle Wells

Merle W. Wells
State Historic Preservation Officer



United States Department of the Interior

FISH AND WILDLIFE SERVICE
ECOLOGICAL SERVICES
4620 Overland Road, Room 209
Boise, Idaho 83705

February 1, 1980

Mr. Rollie Benker
Washington Water Power Company
P.O. Box 3727
Spokane, Washington 99220

Re: FERC Project
No. 2545 - Post Falls Dam
and Generating Facility

Dear Mr. Benker:

This letter is in regard to your application to the Federal Energy Regulatory Commission for an amendment to the license for the referenced project.

On January 24, 1980, Ms. Kyra Kennedy of your staff met with Mr. Joe Rose of my staff to discuss the project. Ms. Kennedy also gave us a preliminary copy of your application to FERC.

We understand that project planning includes the installation of a sixth turbin-generator in the existing power plant. In a letter dated October 14, 1979, Mr. J.P. Buckly, Vice President mentioned that: "The installation of this unit will not effect (sic) the level of Lake Coeur d'Alene or the flows in the Spokane River, but will merely result in additional water passing through the turbines rather than being spilled over the dam." We suggest that similar wording be inserted in Exhibit E, STATEMENT OF ENVIRONMENTAL CONDITIONS AND REPORT, under section (2), Report on Water Use and Quality, on page 5.

Based on the above and the additional information supplied by Ms. Kennedy in our consultation meeting, and our review of the application, it is our opinion that no significant adverse effects will occur to fish and wildlife resources.

We appreciated the consultation with Ms. Kennedy and the opportunity to review the license application. If we can be of further assistance please let us know.

Sincerely yours,

Richard J. Fisher
Field Supervisor

cc: IDF&G, Region 1
IDF&G, Headquarters

EXHIBIT F

STATEMENT OF CONDITION OF STRUCTURES AND EQUIPMENT

The condition and state of maintenance of all structures and equipment is considered good. The wood gates at the North Channel dam have been replaced with steel within the past five years. The wood head gates in the powerhouse dam have been replaced within the past ten years. The wood sluice gates in the South Channel dam were replaced in 1955.

The foundations of the dams are good quality concrete on bedrock of metamorphic sequence of Schist and Quartzite.

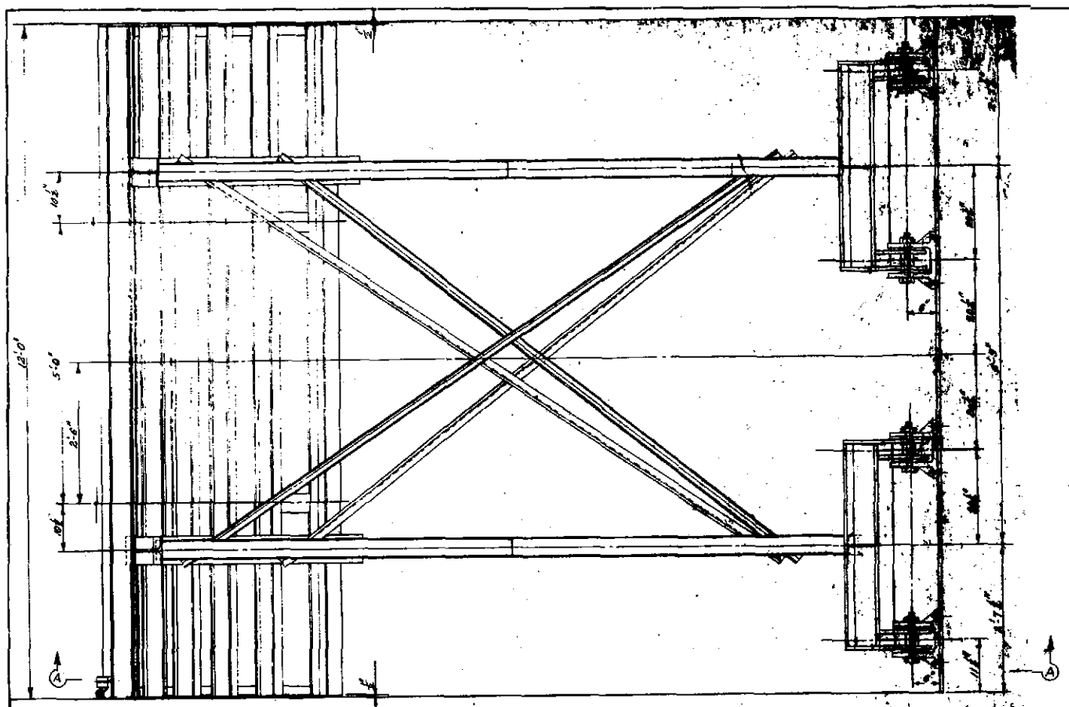
The stability analysis of the project structures are shown on Exhibit F (sheet 6 of 7). The stability analysis for the powerhouse dam is based on the water surface at 2133.62 elevation which corresponds to about 90,000 cfs (occurrence about once every 100,000 years). The factor of safety for overturning is 2.37 and the factor of safety for sliding is 1.40 (without shear keys).

The project has been inspected at two-year intervals by the State of Idaho Department of Water Resources and the most recent certificate (March 14, 1979) is attached as an Appendix to this Exhibit.

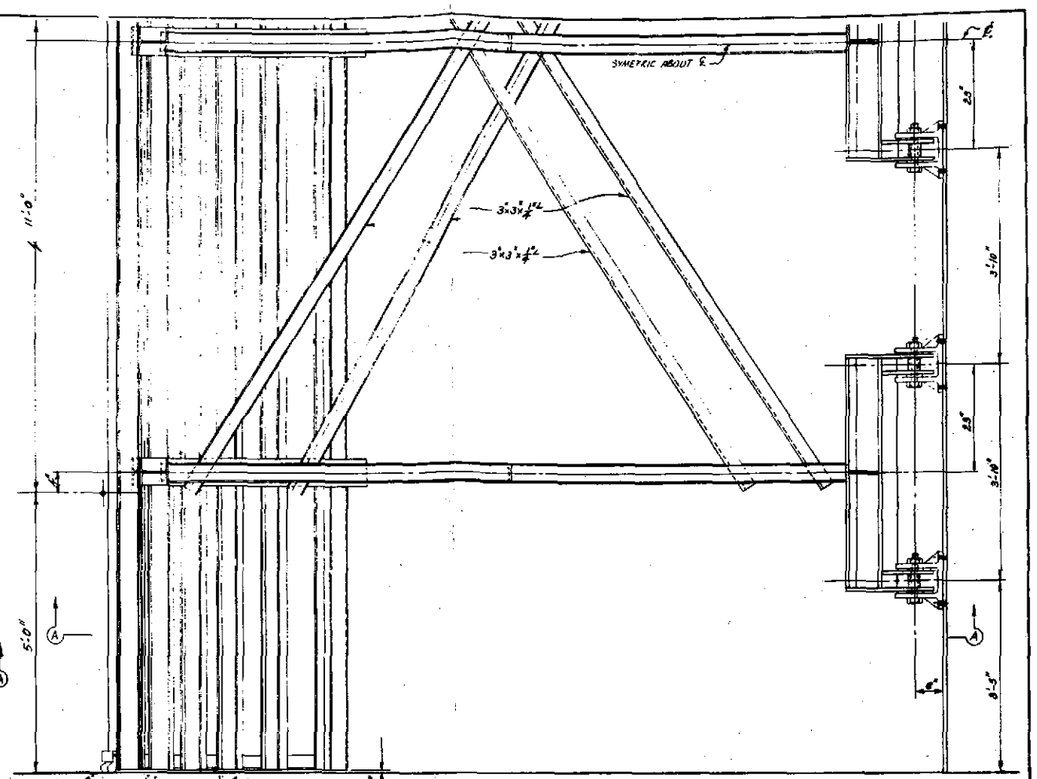
This statement is part of the application for amendment of license made by the undersigned this 21 day of FEB, 1980.

THE WASHINGTON WATER POWER COMPANY

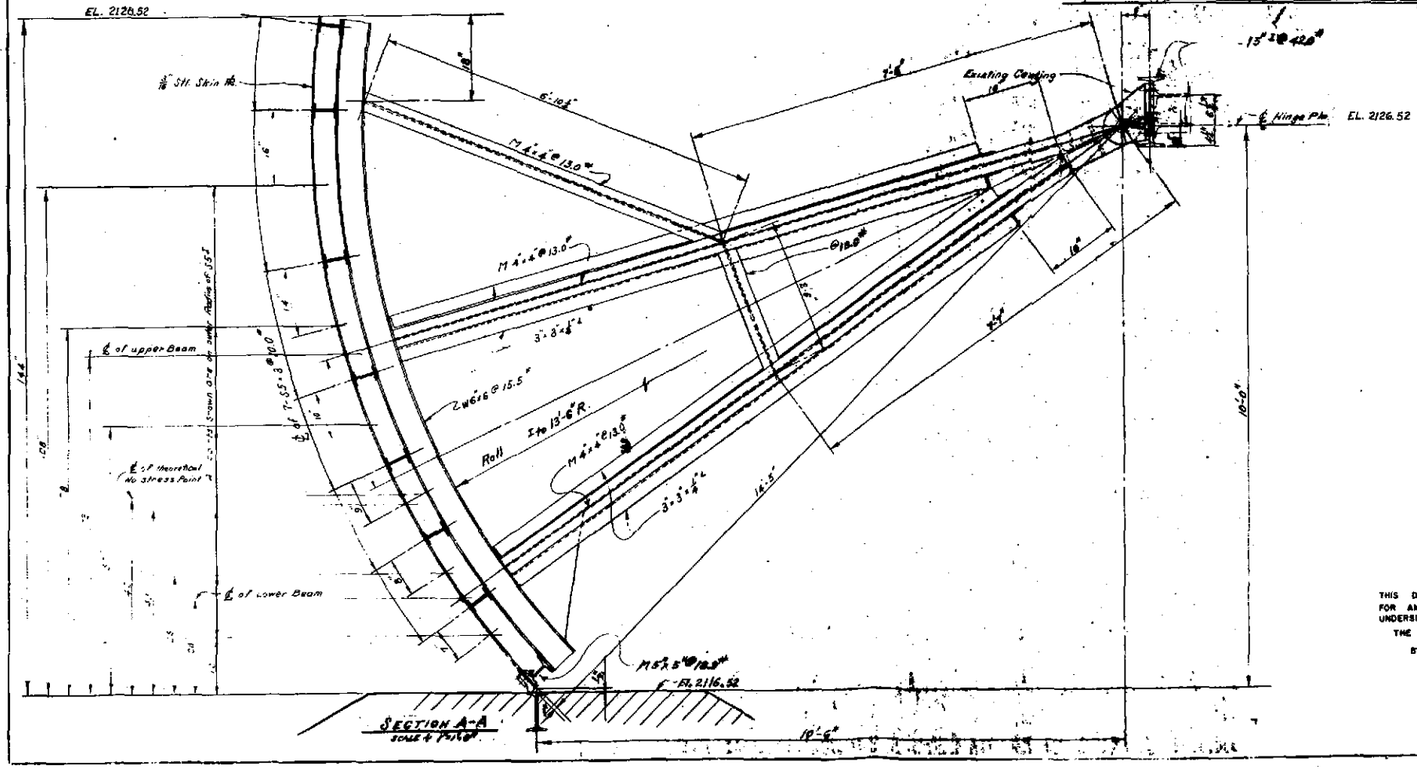
By W. L. Latre
Chairman of the Board

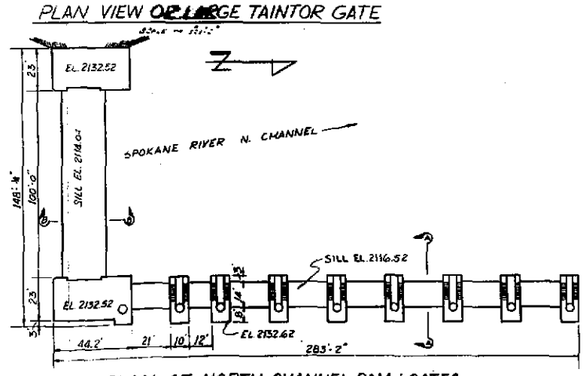


PLAN VEIW OF SMALL TAINTOR GATE



PLAN VIEW OF LARGE TAINTOR GATE



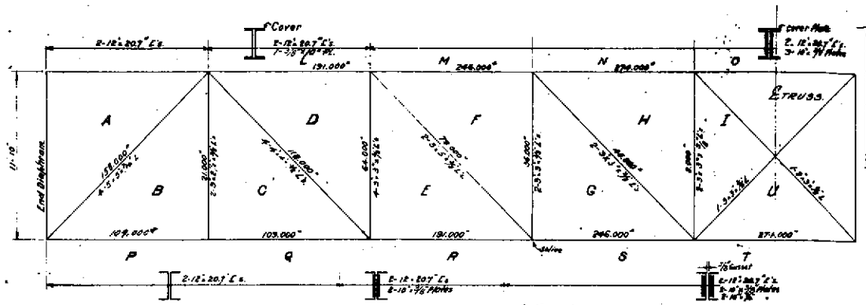


PLAN OF NORTH CHANNEL DAM & GATES
SCALE 1"=50'

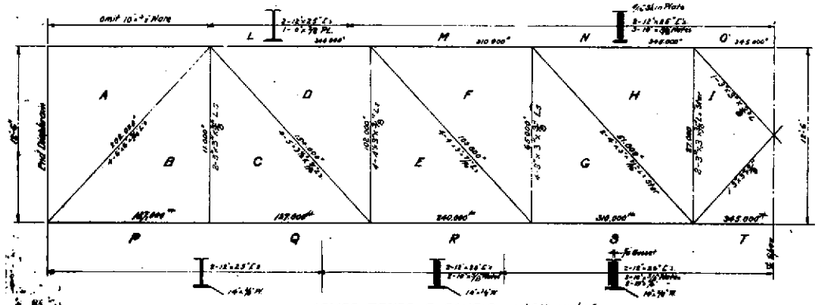
THIS DRAWING IS PART OF THE APPLICATION FOR AMMENDMENT OF LICENSE MADE BY THE UNDERSIGNED THIS 21st DAY OF FEB. 1980
THE WASHINGTON WATER POWER CO.
BY _____
CHAIRMAN OF THE BOARD

EXHIBIT F
PROJECT NO. 2545
SPOKANE RIVER PROJECT
POST FALLS HE DEVELOPMENT
NORTH CHANNEL GATES; PLAN & SECTIONS
THE WASHINGTON WATER POWER CO.
SHEET 1 OF 8 SCALE: AS SHOWN

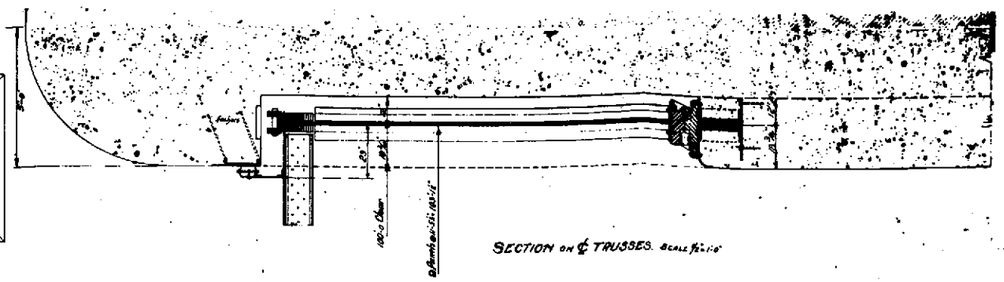
FERC NO. 2545-91



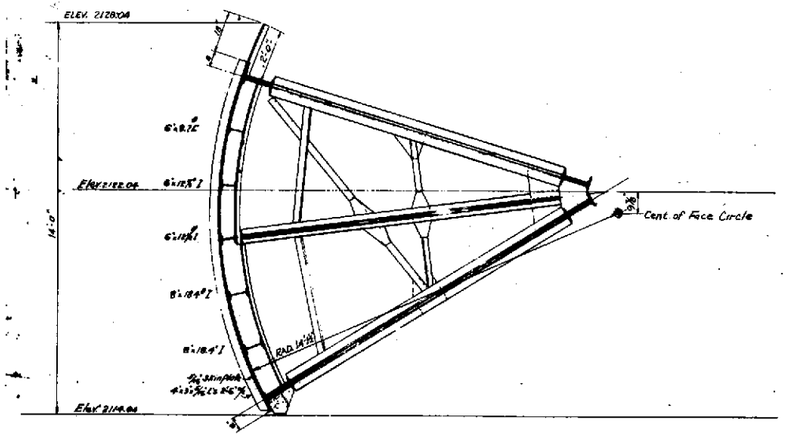
UPPER TRUSS. 9 PANELS @ 11'-5½"=103'-1½"
SCALE ¼"=1'-0"



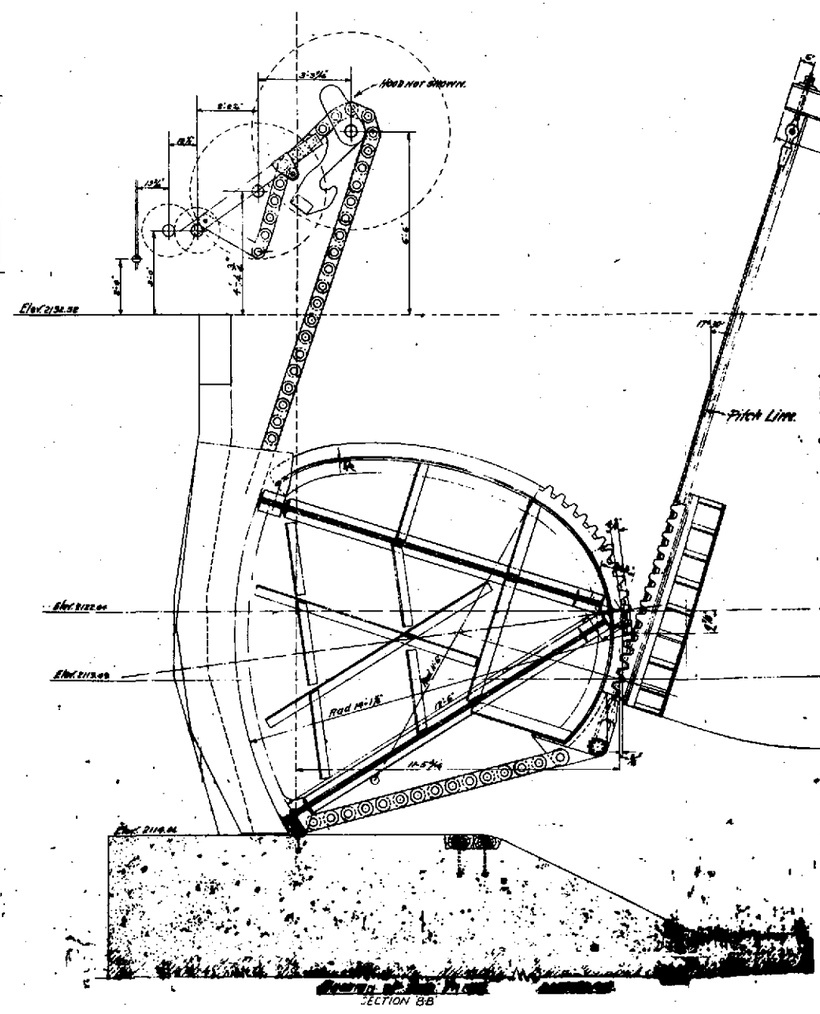
LOWER TRUSS. 9 PANELS @ 11'-5½"=103'-1½"
SCALE ¼"=1'-0"



SECTION on ℄ TRUSSES. SCALE ¼"=1'-0"



SECTION at CENTER of TRUSS
SCALE ¾"=1'-0"

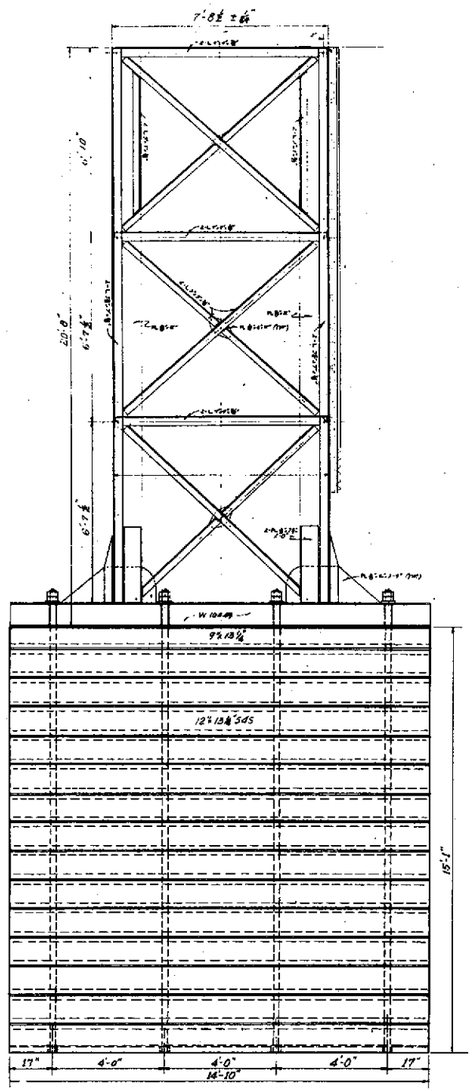


SECTION BB

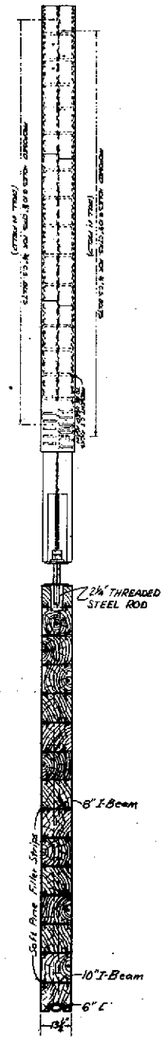
THIS DRAWING IS PART OF THE APPLICATION FOR AMMENDMENT OF LICENSE MADE BY THE UNDERSIGNED THIS 21st DAY OF FEB 1980
THE WASHINGTON WATER POWER CO.
BY W. Potts
CHAIRMAN OF THE BOARD

EXHIBIT F
PROJECT NO. 2545
SPOKANE RIVER PROJECT
POST FALLS HE DEVELOPMENT
NORTH CHANNEL; SECTOR GATE
THE WASHINGTON WATER POWER CO.
SHEET 2 OF 6 SCALE AS SHOWN

FERC NO. 2545-92

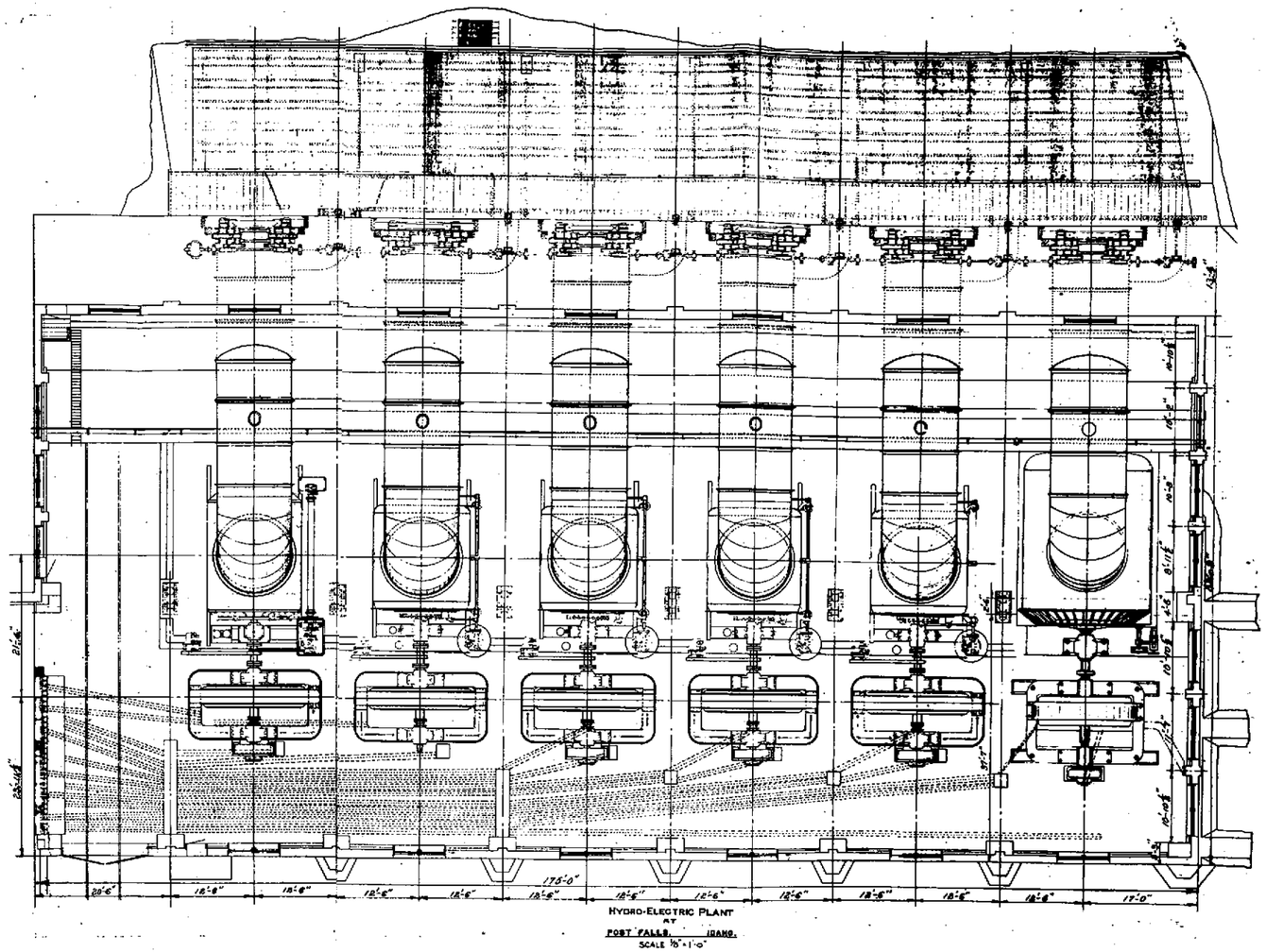


FRONT VIEW



END VIEW

TYPICAL HEAD GATE AT MIDDLE CHANNEL
SCALE ½"=1'-0"

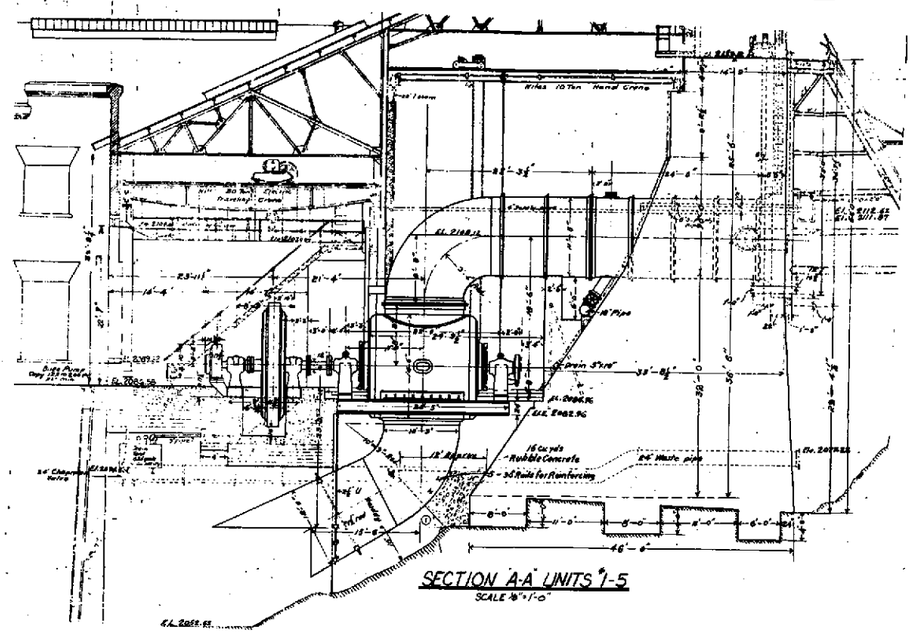


HYDRO-ELECTRIC PLANT
AT
POST FALLS, IDAHO.
SCALE ⅛"=1'-0"

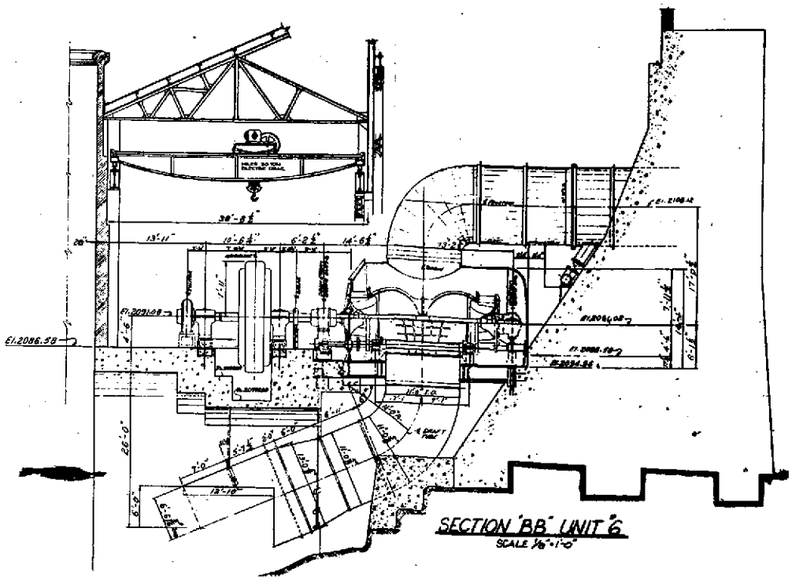
THIS DRAWING IS PART OF THE APPLICATION FOR AMMENDMENT OF LICENSE MADE BY THE UNDERSIGNED THIS 21st DAY OF FEB. 1930
THE WASHINGTON WATER POWER CO.
BY _____
CHAIRMAN OF THE BOARD

EXHIBIT F
PROJECT NO. 2545
SPOKANE RIVER PROJECT
POST FALLS HE DEVELOPMENT
POWERHOUSE PLAN & HEADGATE
THE WASHINGTON WATER POWER CO.
SHEET 3 OF 8 SCALE: AS SHOWN

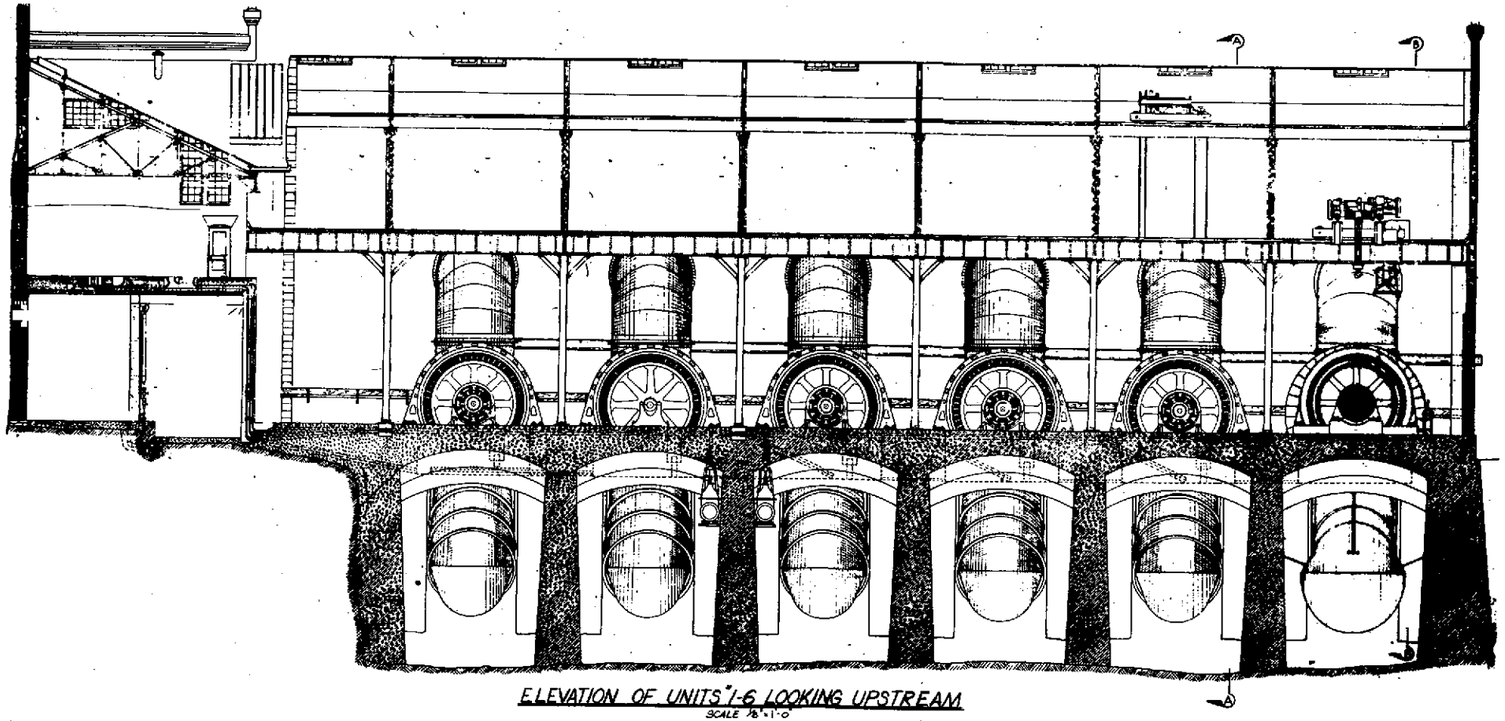
FERC NO. 2545-93



SECTION A-A UNITS 1-5
SCALE 1/8"=1'-0"



SECTION BB UNIT 6
SCALE 1/8"=1'-0"



ELEVATION OF UNITS 1-6 LOOKING UPSTREAM
SCALE 1/8"=1'-0"

UNITS 1 THROUGH 5

NOTES:

TURBINES - FRANCIS (DOUBLE HORIZONTAL)
3,260 HP - 138 RPM - 50' HEAD

GENERATORS - 2,250 KW
138 RPM, 3Ø, 60 CYCLE, 2,300 VOLTS, 565 AMPS

MAIN POWER TRANSFORMERS
16,000 KVA, 3 Ø, 2,300-115,000 VOLTS

UNIT 6

TURBINE - FRANCIS (DOUBLE HORIZONTAL)
5,500 HP - 164 RPM, 48' HEAD

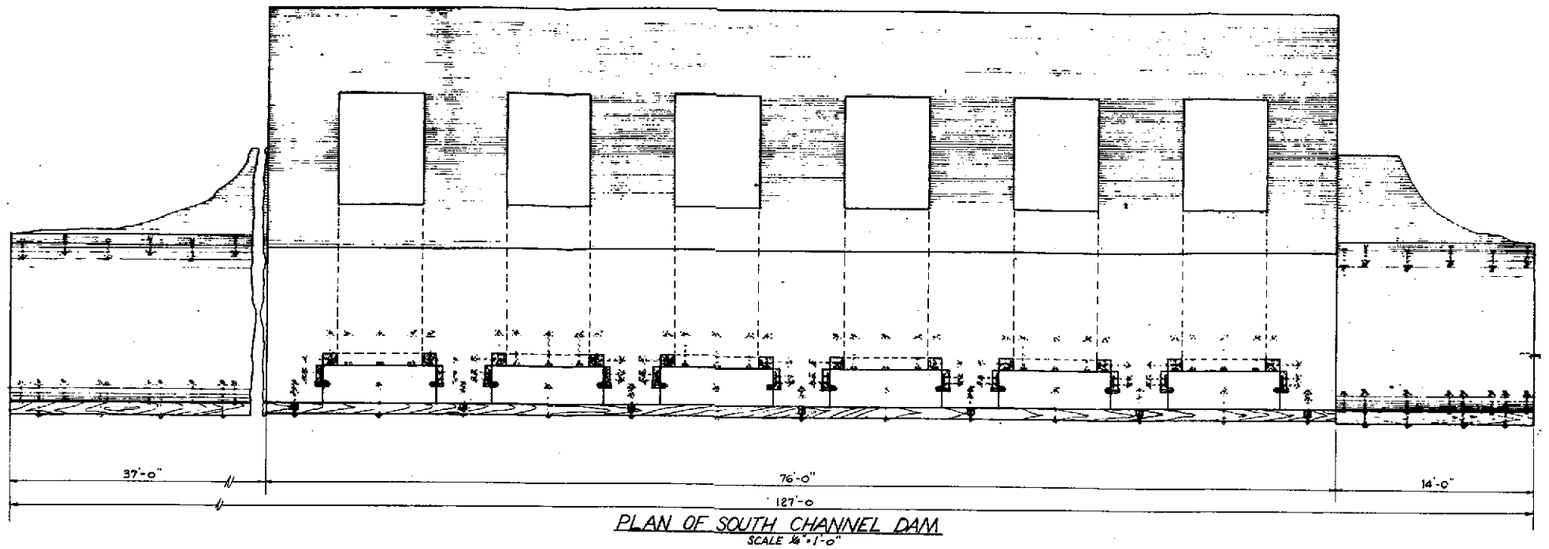
GENERATOR - 4,375 KVA
3,500 KW AT 0.80 P.F.
164 RPM, 3 Ø, 60 CYCLE, 2,300 VOLTS

MAIN POWER TRANSFORMER
4687 KVA, 3 Ø, 2,300-115,000 VOLTS

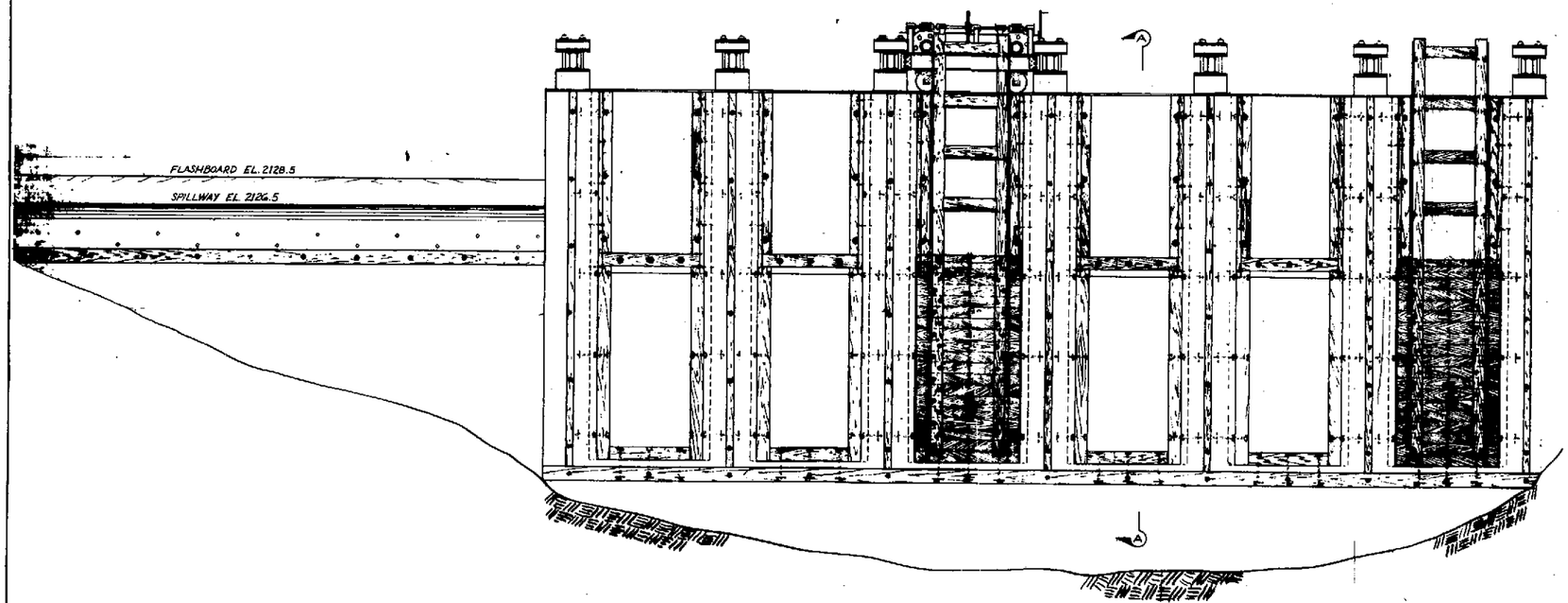
THIS DRAWING IS PART OF THE APPLICATION FOR AMENDMENT OF LICENSE MADE BY THE UNDERSIGNED THIS 21ST DAY OF FEB. 1980
THE WASHINGTON WATER POWER CO.
BY H. Roberts
CHAIRMAN OF THE BOARD

EXHIBIT F
PROJECT NO. 2545
SPOKANE RIVER PROJECT
POST FALLS HE DEVELOPMENT
MIDDLE CHANNEL DAM & POWERHOUSE, ELEV. & SECT.
THE WASHINGTON WATER POWER CO.
SHEET 4 OF 8 SCALE: 1/8"=1'-0"

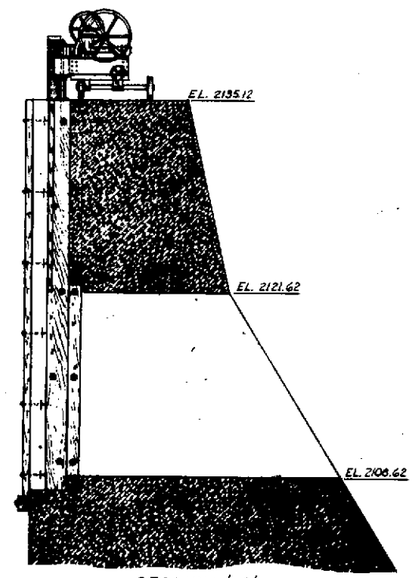
FERC NO. 2545-94



PLAN OF SOUTH CHANNEL DAM
SCALE 1/8"=1'-0"



SOUTH CHANNEL DAM
LOOKING DOWNSTREAM
SCALE 1/8"=1'-0"

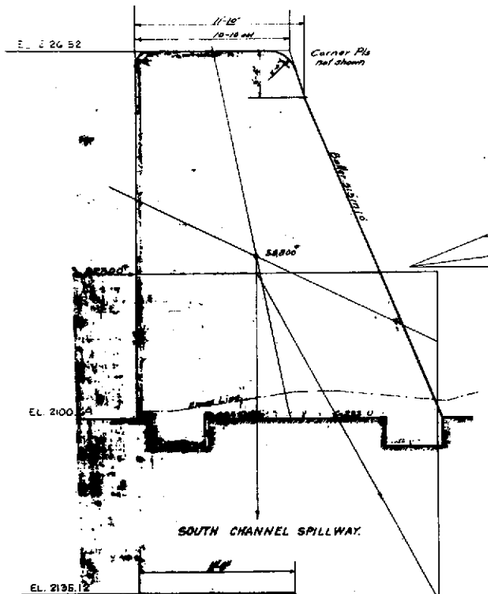


SECTION 'AA'
SCALE 1/8"=1'-0"

THIS DRAWING IS PART OF THE APPLICATION FOR AMMENDMENT OF LICENSE MADE BY THE UNDERSIGNED THIS 21ST DAY OF FEB. 1980
THE WASHINGTON WATER POWER CO.
BY _____
CHAIRMAN OF THE BOARD

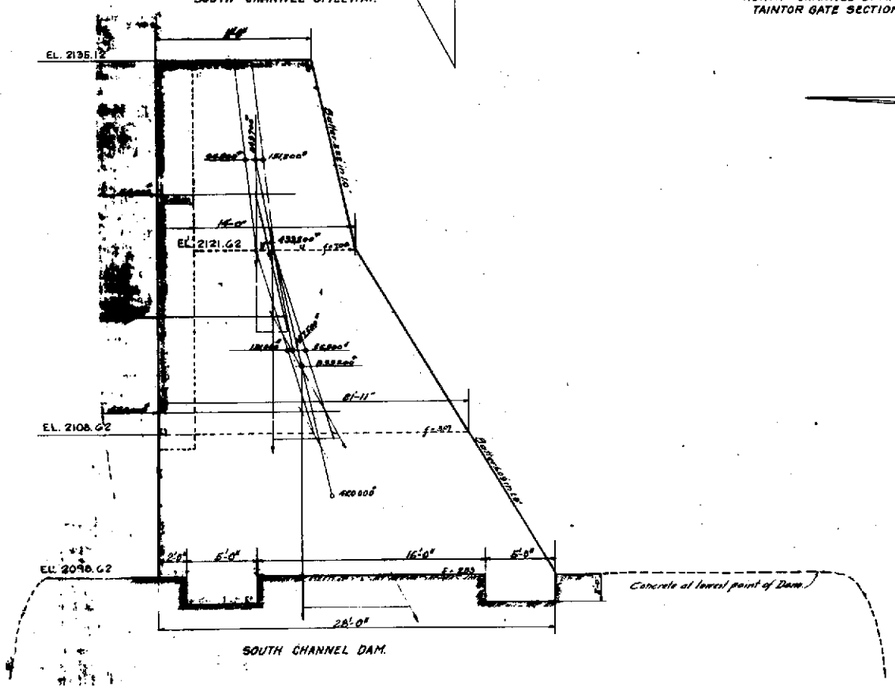
EXHIBIT F
PROJECT NO. 2545
SPOKANE RIVER PROJECT
POST FALLS HE DEVELOPMENT
SOUTH CHANNEL; PLAN, ELEVATION & SECTION
THE WASHINGTON WATER POWER CO.
SHEET 5 OF 8 SCALE: 1/4"=1'-0"

FERC NO. 2545-95

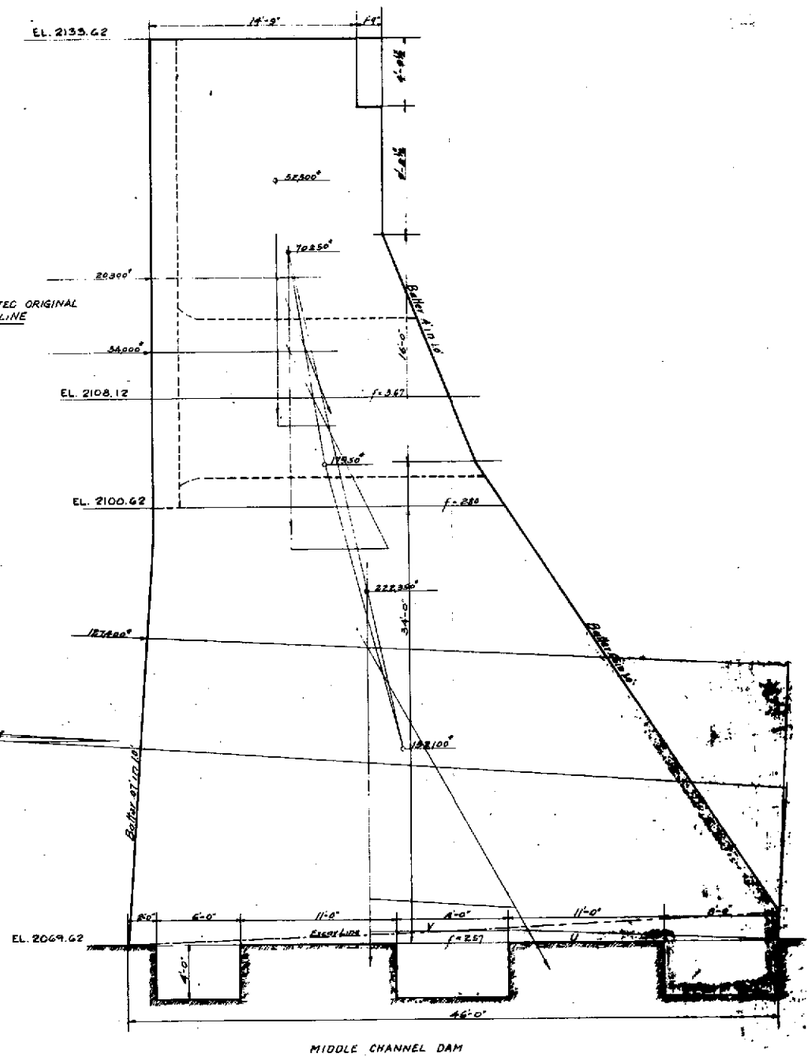


NORTH CHANNEL DAM. (PEIR #4)
TAINTOR GATE SECTION.

SOUTH CHANNEL SPILLWAY.



SOUTH CHANNEL DAM.

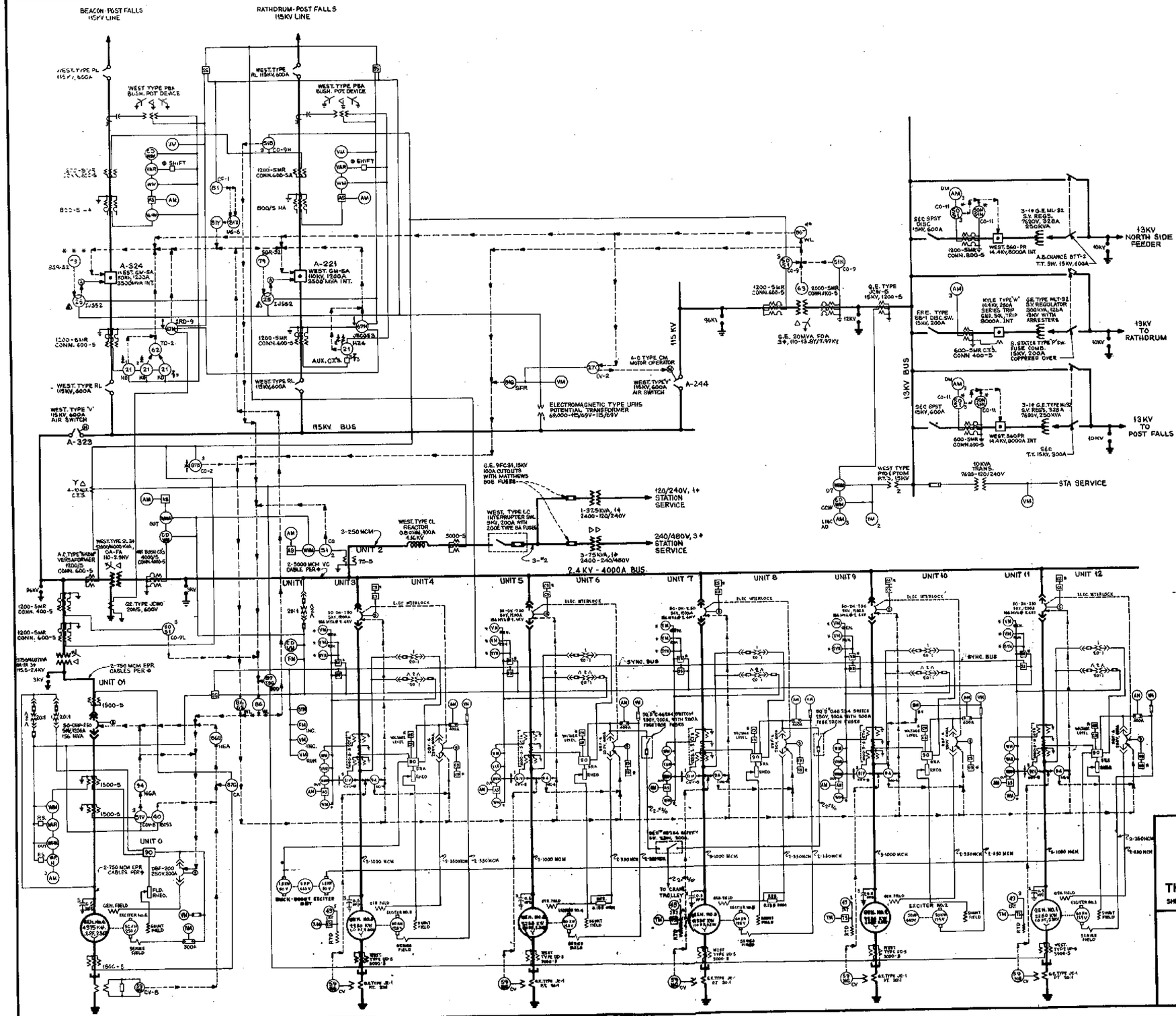


MIDDLE CHANNEL DAM

THIS DRAWING IS PART OF THE APPLICATION FOR AMMENDMENT OF LICENSE MADE BY THE UNDERSIGNED THIS 21st DAY OF FEB. 1980
THE WASHINGTON WATER POWER CO.
BY W. Schaefer
CHAIRMAN OF THE BOARD

EXHIBIT F
PROJECT NO. 2545
SPOKANE RIVER PROJECT
POST FALLS HE DEVELOPMENT
STABILITY ANALYSIS
THE WASHINGTON WATER POWER CO.
SHEET 6 OF 8 SCALE: 1/4"=1'-0"

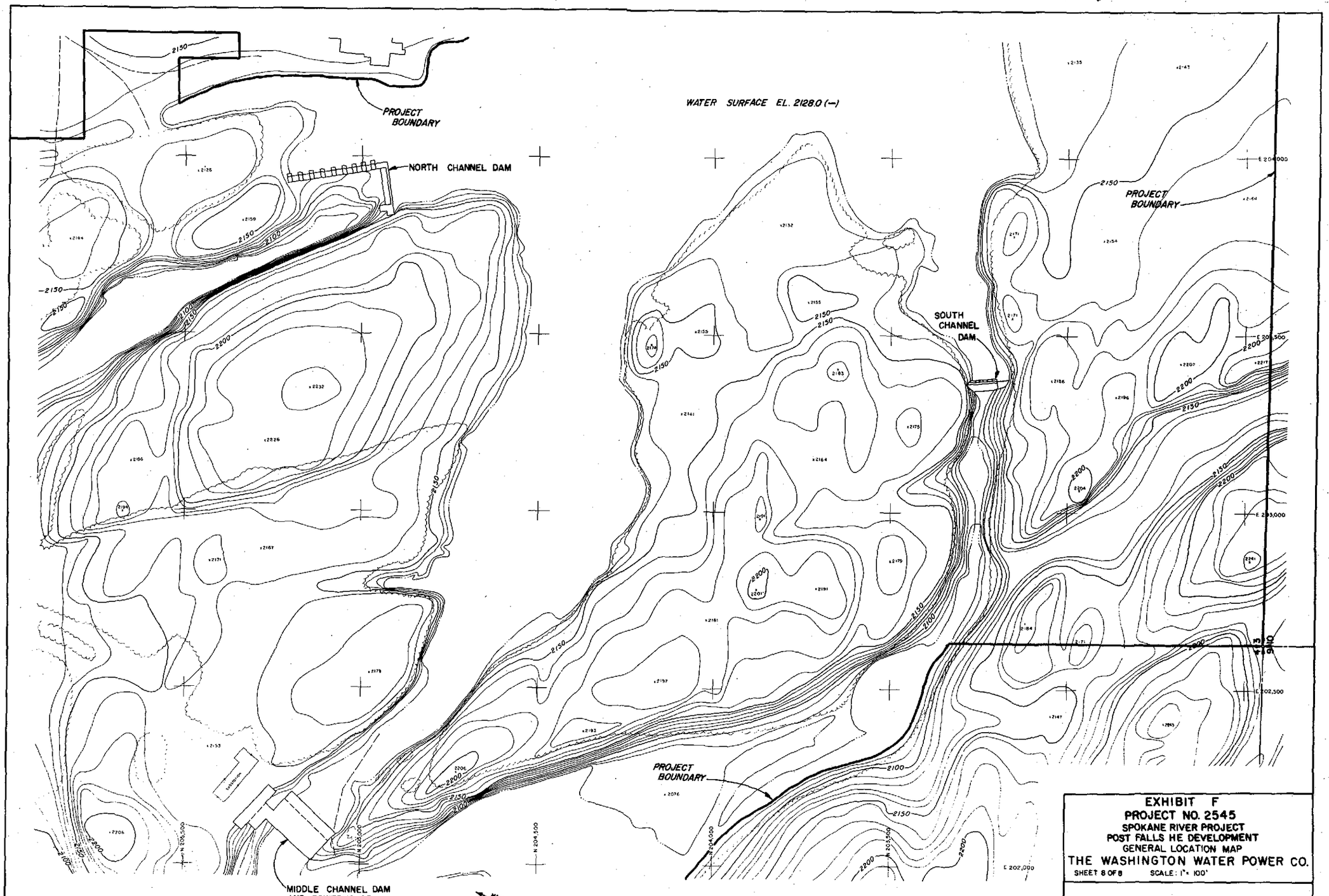
FERC NO. 2545-96



THIS DRAWING IS PART OF THE APPLICATION FOR AMMENDMENT OF LICENSE MADE BY THE UNDERSIGNED THIS 21ST DAY OF FEB. 1980
THE WASHINGTON WATER POWER CO.
BY _____
CHAIRMAN OF THE BOARD

EXHIBIT F
PROJECT NO. 2545
SPOKANE RIVER PROJECT
POST FALLS HE DEVELOPMENT
ELECTRICAL SCHEMATIC
THE WASHINGTON WATER POWER CO.
SHEET 7 OF 8 SCALE: NONE

FERC NO. 2545-97



NOTE: VERTICAL DATUM BASED ON A U.S.G.S. GAGING STATION, COEUR D'ALENE IDAHO, WHICH IS REFERENCED TO A U.S.G.S. BM AT THE S.E. CORNER OF THE FORMER MERRIAM BUILDING HAVING AN ORIGINAL ELEVATION OF 2187.404 (DATUM SHOWN MINUS 3.05 FEET EQUALS N.G.S. DATUM).

THIS DRAWING IS PART OF THE APPLICATION FOR AMENDMENT OF LICENSE MADE BY THE UNDERSIGNED THIS 24TH DAY OF JUNE 1960
THE WASHINGTON WATER POWER CO
BY _____
CHAIRMAN OF THE BOARD

EXHIBIT F
PROJECT NO. 2545
SPOKANE RIVER PROJECT
POST FALLS HE DEVELOPMENT
GENERAL LOCATION MAP
THE WASHINGTON WATER POWER CO.

SHEET 8 OF 8 SCALE: 1" = 100'

FERC NO. 2545-98

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NORTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

Suite No. 1
4055 Government Way
Coeur d'Alene, Idaho 83814
(208) 667-6484

March 23, 1979

Mr. Rollie Benker
Washington Water Power Company
East 1411 Mission
Spokane, Washington

Re: D96-2269 and D95-XX04

Dear Mr. Benker:

Enclosed are certificates of approval for storage of water behind Cabinet Gorge and Post Falls Dams. The Department has issued these certificates in accordance with Title 42, Chapter 17 of the Idaho Code.

A recent inspection of the dams by the Department revealed that the dams are being maintained in a satisfactory manner and only routine maintenance is needed to insure safe operation of the facilities.

Following the expiration of the certificate of approval, the dams will be re-examined and other ce-tificates issued if they are in satisfactory condition.

Please let me know if you have any questions.

Sincerely,

Robert G. Haynes

ROBERT G. HAYNES, P.E.
Regional Supervisor

RGH/pms
Enc. - Certificates

cc: IDWR - State Office

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

DAM AND RESERVOIR CERTIFICATE OF APPROVAL

This is to certify that POST FALLS *Dam and Reservoir, located in Section* 3 *, Township* 50N *, Range* 5W *, B.M.,* Kootenai *County, State of Idaho has been inspected by the Department of Water Resources of the State of Idaho, as provided in Title 42, Chapter 17, Idaho Code, and approval is hereby given to impound water in accordance with and subject to the following terms and conditions:* NONE

This certificate shall remain valid until revoked or modified by the Department of Water Resources or until the 1st *day of* November *19* 80.

This certificate has been issued and the seal of the Director affixed at Boise, Idaho this 14th *day of* March *19* 79.

NORMAN C. YOUNG, ADMINISTRATOR
RESOURCES ADMINISTRATION DIVISION

EXHIBIT G

STATEMENT REGARDING PROJECT MAPS

On July 9, 1979, the Commission issued the order approving uncontested offer of partial settlement (Project 2545) in which the Company agreed to submit within eight months of the Commission's order an application to include its Post Falls Development within the license for Project No. 2545. On August 7, 1979, the applicant contracted with Aerial Mapping Co. to map and prepare the detail drawings as required for Exhibit G. The applicant will file all project maps when they have been received from the Contractor and have been completed. The detailed project maps are on a scale of 1" = 400' with a contour interval of 10 feet, which detail maps will consist of up to 95 sheets. Sheet 1 and 51 of these 95 sheets are included as part of this application. This application also includes a general project map on a scale of 1" = 1 mile.

All lands owned by the applicant are in the vicinity of Post Falls and Post Falls Dam, and are shown within the project boundaries on sheet 1 and includes the proposed Post Falls Park as shown on Exhibit E. For the remainder of the project, the project boundary will be shown at the elevation of the waters of the Spokane River, Coeur d'Alene Lake and other navigable waters which are tributary and affected by the water elevation of Coeur d'Alene Lake at 2,128 m.s.l. when the Post Falls facilities are regulating the elevation of Coeur d'Alene Lake. All references to the elevation of Coeur d'Alene Lake and other navigable bodies of water such as the Coeur d'Alene, St. Joseph, and St. Maries Rivers are as measured by the United States Geological Survey (USGS) gaging station identified as Coeur d'Alene Lake at Coeur d'Alene, Idaho, and are based upon the USGS benchmark located in the southeast corner of the Idaho First National Bank (formerly known as the Merriam Building) at the corner of Fourth and Sherman Streets in Coeur d'Alene, Idaho, as referred to in Water Supply Paper No. 882.

Even though transmission lines are not a part of the project, they cross project property and are further identified in Exhibit A of the application.

This statement is part of the application for amendment of license made by the undersigned this 21 day of FEB., 1980.

THE WASHINGTON WATER POWER COMPANY

By W. J. Satre
Chairman of the Board

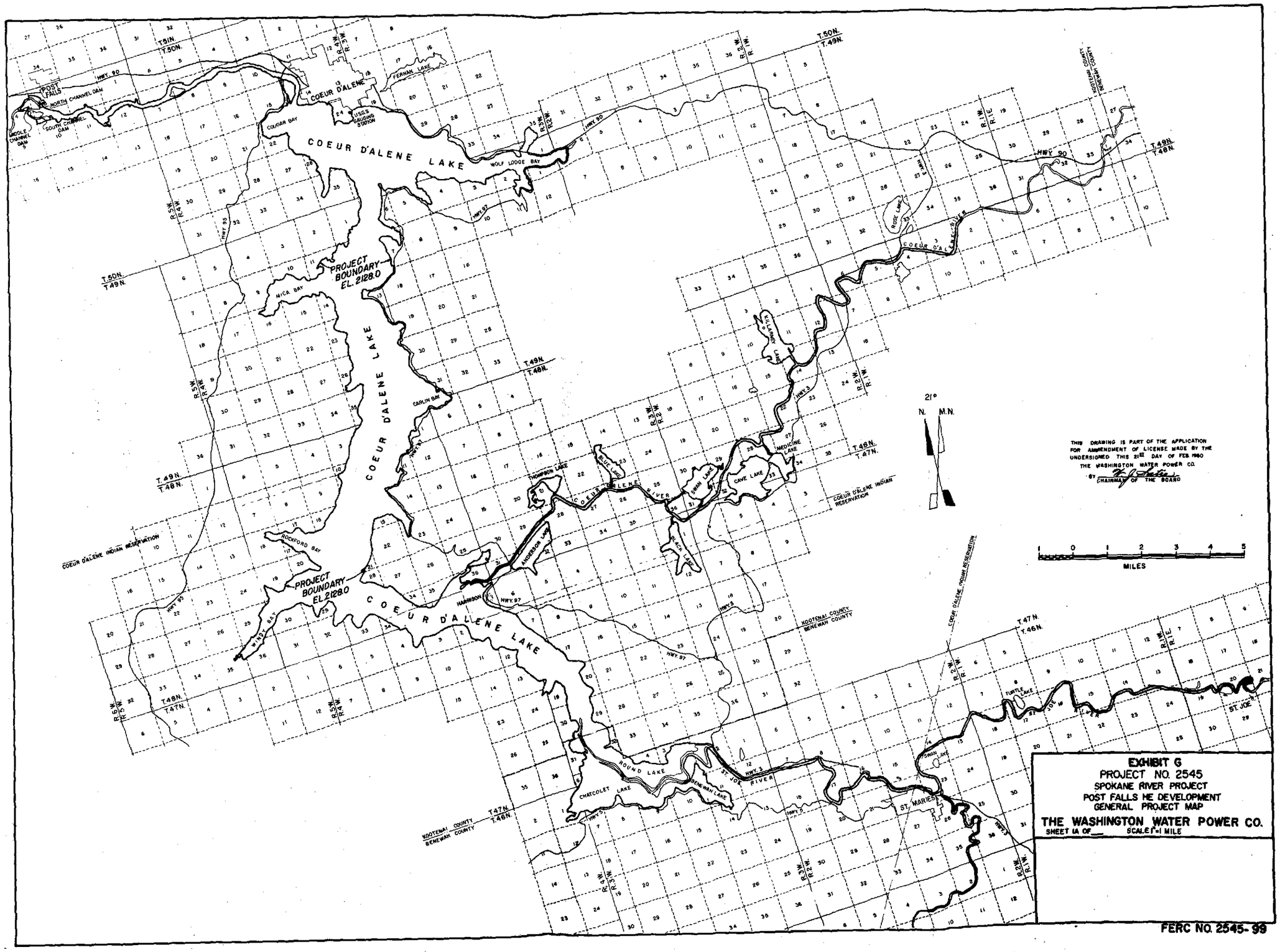
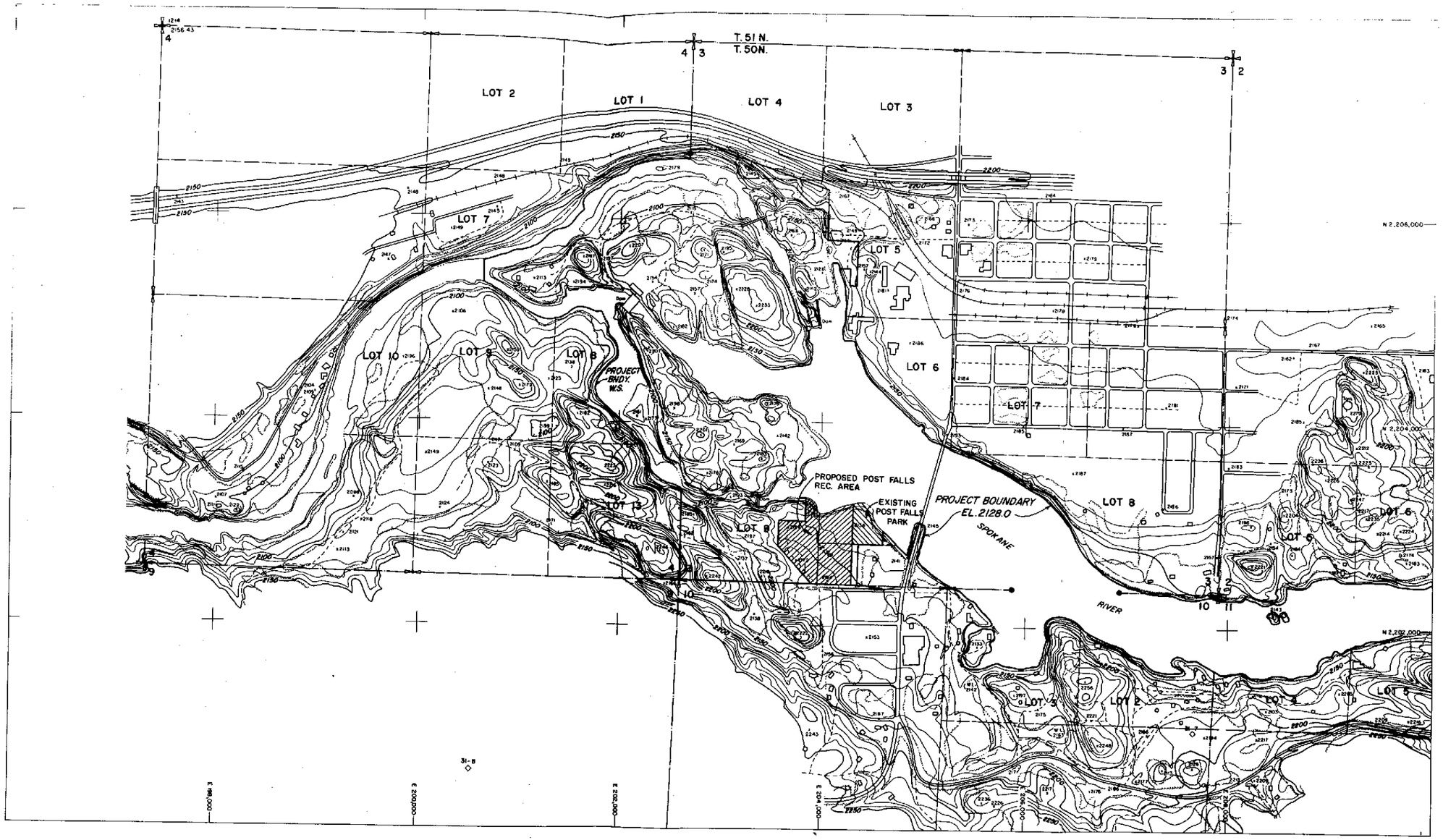
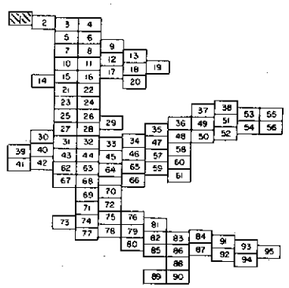


EXHIBIT G
PROJECT NO. 2545
SPOKANE RIVER PROJECT
POST FALLS HE DEVELOPMENT
GENERAL PROJECT MAP
THE WASHINGTON WATER POWER CO.
SHEET 1A OF ___ SCALE 1"=1 MILE

FERC NO. 2545-99





Photogrammetry by
Aerial Mapping Company
Boise, Idaho

Ground Control Surveys by
JUB Engineers, Inc.
Boise, Idaho



T. 50 N. R. 5 W. B.M.
KOOTENAI CO., IDAHO

400 0 400 800 1200 1600 2000

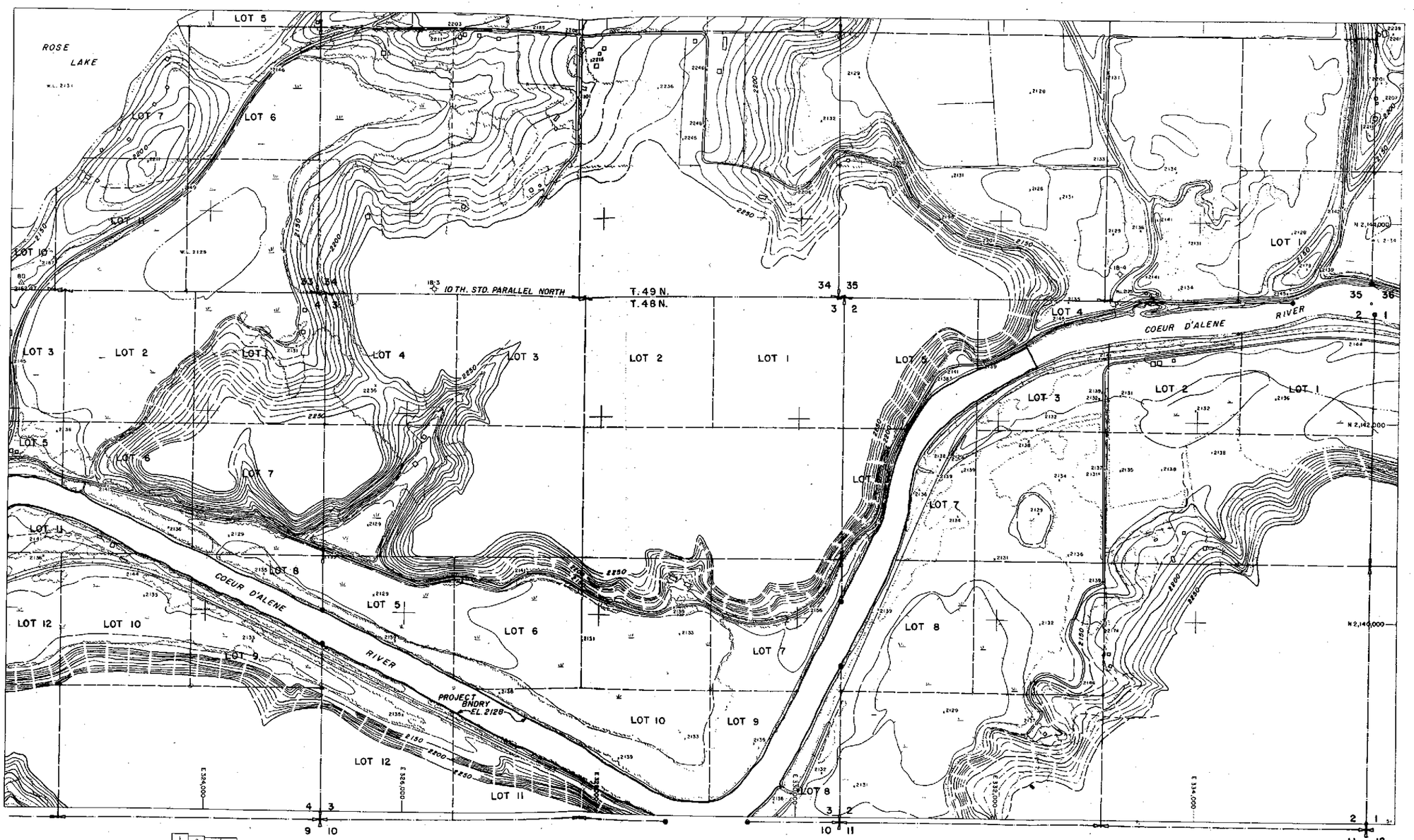
NOTE VERTICAL DATUM BASED ON A USGS GAGING STATION, COEUR D'ALENE, IDAHO, WHICH IS REFERENCED TO A USGS BM AT THE SE CORNER OF THE FORMER MERRIAM BUILDING HAVING AN ORIGINAL ELEVATION OF 2157.404 (DATUM SHOWN MINUS 5.05 FEET EQUALS NGS DATUM).

THIS DRAWING IS PART OF THE APPLICATION FOR AMENDMENT OF LICENSE MADE BY THE UNDERSIGNED THIS 21st DAY OF FEB 1980

THE WASHINGTON WATER POWER CO
BY _____
CHAIRMAN OF THE BOARD

EXHIBIT G
PROJECT NO. 2545
SPOKANE RIVER PROJECT
POST FALLS HE DEVELOPMENT
PROJECT MAP
THE WASHINGTON WATER POWER CO.
SHEET 1 OF ___ SCALE 1"=400' CONTOUR INTERVAL 10'

FERC NO. 2545-100



T. 48 & 49 N. R. 1 W. B. M.
KOOTENAI CO., IDAHO

Photogrammetry by
Aerial Mapping Company
Boise, Idaho

Ground Control Surveys by
JUB Engineers, Inc.
Boise, Idaho

+0° 30' 50"

VERTICAL DATUM BASED ON A U.S.G.S. GAGING STATION, COEUR D'ALENE, IDAHO, WHICH IS REFERENCED TO A U.S.G.S. BM AT THE S.E. CORNER OF THE FORMER MERTIAM BUILDING HAVING AN ORIGINAL ELEVATION OF 2137.404 (DATUM SHOWN MINUS 3.05 FEET EQUALS N.G.S. DATUM).

THIS DRAWING IS PART OF THE APPLICATION FOR AMMENDMENT OF LICENSE MADE BY THE UNDERSIGNED THIS 21 DAY OF FEB.
THE WASHINGTON WATER POWER CO.
BY _____
CHAIRMAN OF THE BOARD

EXHIBIT G
PROJECT NO. 2545
SPOKANE RIVER PROJECT
POST FALLS HE DEVELOPMENT
PROJECT MAP
THE WASHINGTON WATER POWER CO.
SHEET 51 OF 95 SCALE 1"=400' CONTOUR INTERVAL 10'

FERC NO. 2545-101