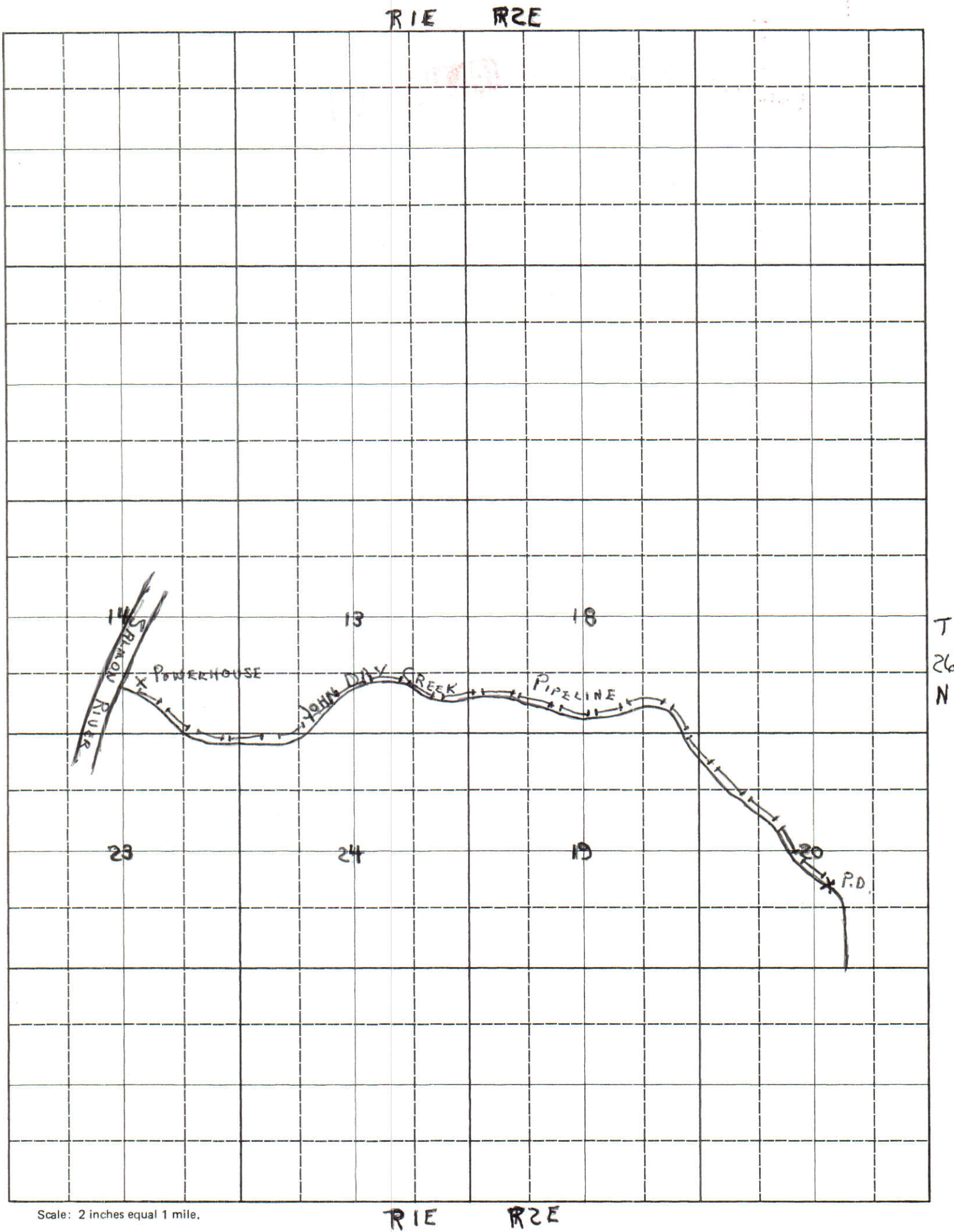


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



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.

MICROFILMED
JUL 27 1990

David C. Pennington
(Applicant)

**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:

79-7089

CEREGRINO, DAVID &/or
JOANN

P.O. BOX 387, LUCILE, ID
83542

Source: JOHN DAY CREEK
tributary to SALMON
RIVER

Date Filed: 08/10/1981

Amount: 22.00 CFS

Diversion Point: NWSE Sec
20 T 26N R 02E, IDAHO Co.

Use: POWER (22.00 CFS)
from 01/01 to 12/31

Place of Use: SWSE Sec 14 T
26N R 01E

Diversion Means: CON-
CRETE DIVERSION
WORKS & PIPELINE.

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, 92 S. Cole Road,
Boise, Idaho 83709 on or
before SEPTEMBER 7, 1981.

A. KENNETH DUNN

Director

Published 8/19 & 8/26/81

A19-26

AFFIDAVIT OF PUBLICATION

Nona C. Donaldson being first duly
sworn, says he is the Office Manager
of the IDAHO COUNTY FREE PRESS, a weekly newspaper which
is published and issued weekly at Grangeville, Idaho County,
State of Idaho, and which is of general circulation in said county
and state; that the said notice, of which the one hereto attached
is a true copy, was published in said paper for two weeks,
being published two times, the first publication being
on the 19 day of August, 19 81
and the last publication on the 26 day of
August, 19 81 and that the said notice
was published in the newspaper proper and not a supplement;
that said newspaper has been continuously and uninterruptedly
published in said county during a period of more than seventy-
eight consecutive weeks prior to the first publication of said
notice or advertisement.

Nona C. Donaldson

Subscribed and sworn to before me this 28 day
of August, 1981.

Marilyn J. Stolley, Notary Public
for State of Idaho, residing at Grangeville, Idaho.

MICROFILMED

JUL 27 1990

RECEIVED

AUG 31 1981

Department of Water Resources
Western Regional Office

INTAKE
STRUCTURE

Pressure Station #3

Pressure Station #2

Pressure Station #1

$L = 1231'$
 $\Delta E = 12.2'$

$L = 2154'$
 $\Delta E = 159.8'$

$L = 550'$
 $\Delta E = 47.6'$

$L = \text{Section length}$
 $\Delta E = \text{elevation diff.}$

18"
Pipe Line

$$L = 5250'$$

$$AE = 479.5'$$

Pressure Station #4

Flow Monitoring

Area

TOTAL $L = 13,173'$
TOTAL $\Delta E = 938.3'$

STATIC PRESSURE (0 cfs) = 405 psi or 935.6 ft.
OPERATING PRESSURE @ 21.46 cfs = 170 psi; @ 19.6 cfs = 212 psi

POWERHOUSE

& Pressure Station #5

System Layout for

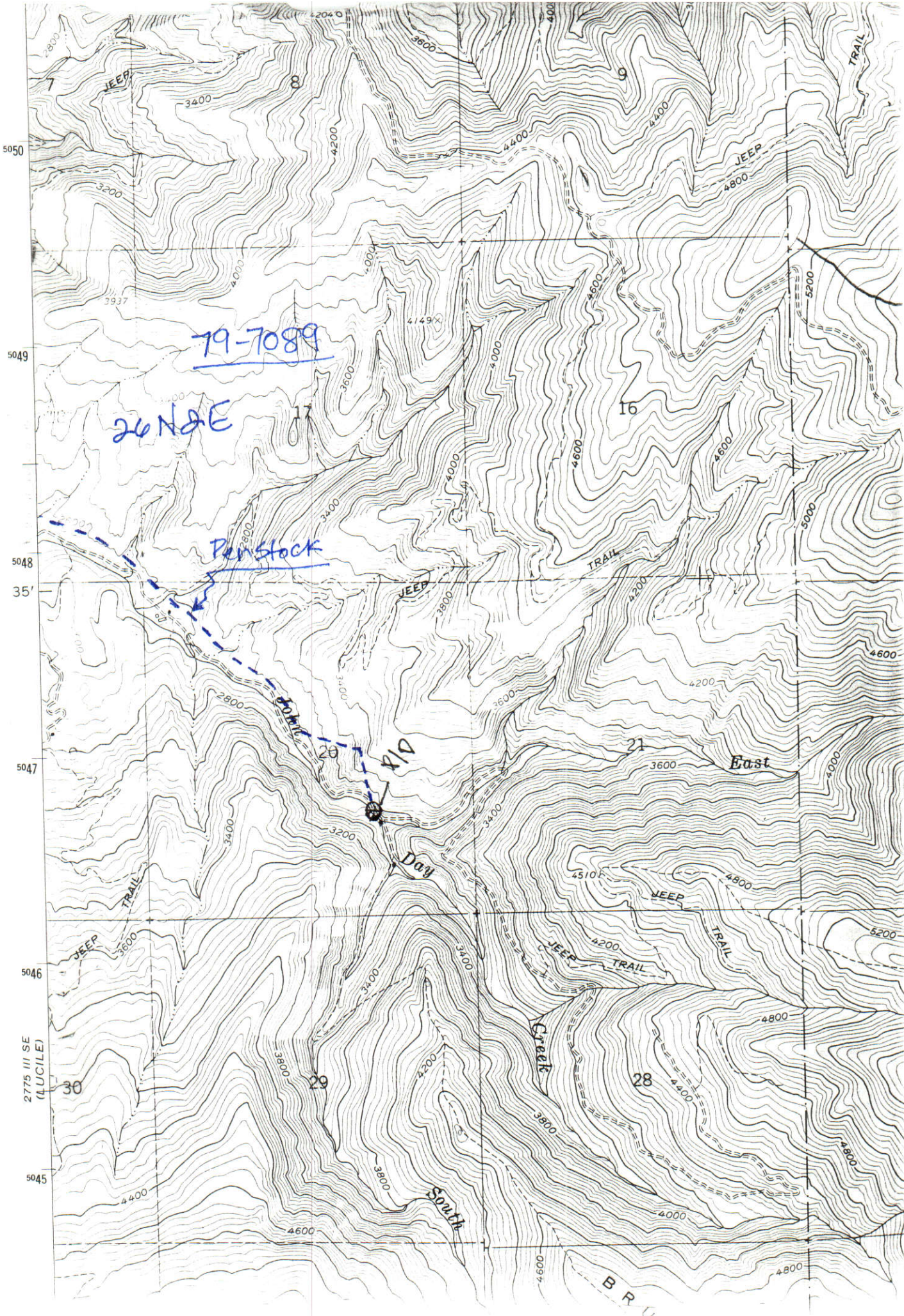
JOHN DAY CREEK HYDRO PROJECT

LUCILE, IDAHO

Dave Cereghino

(no scale)

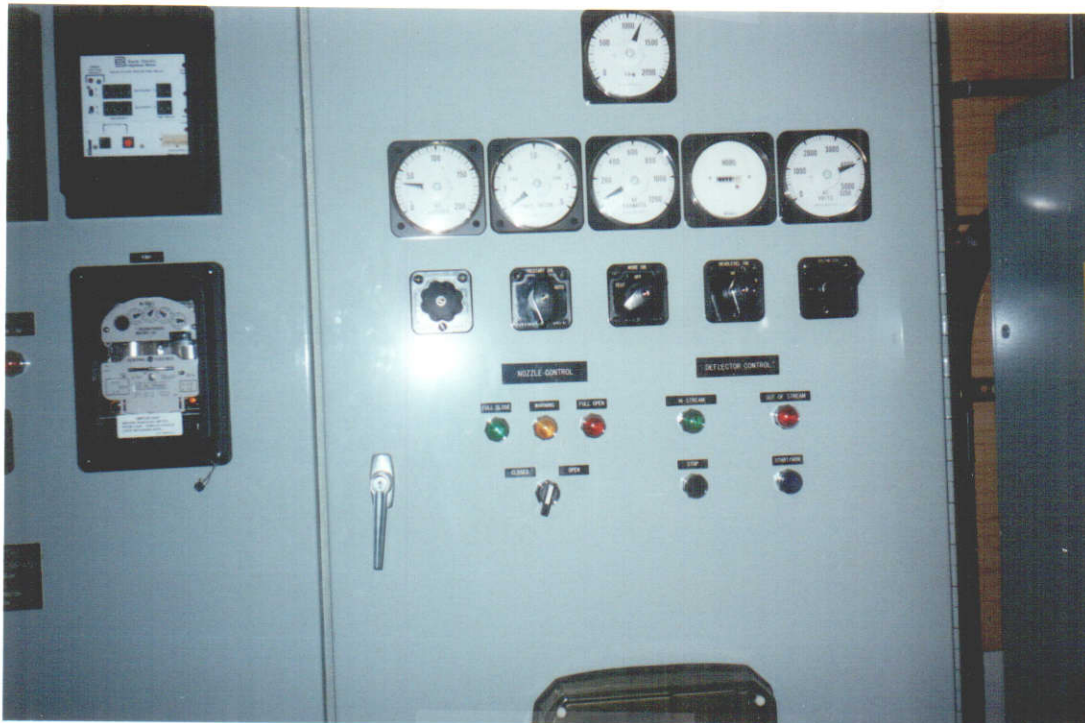




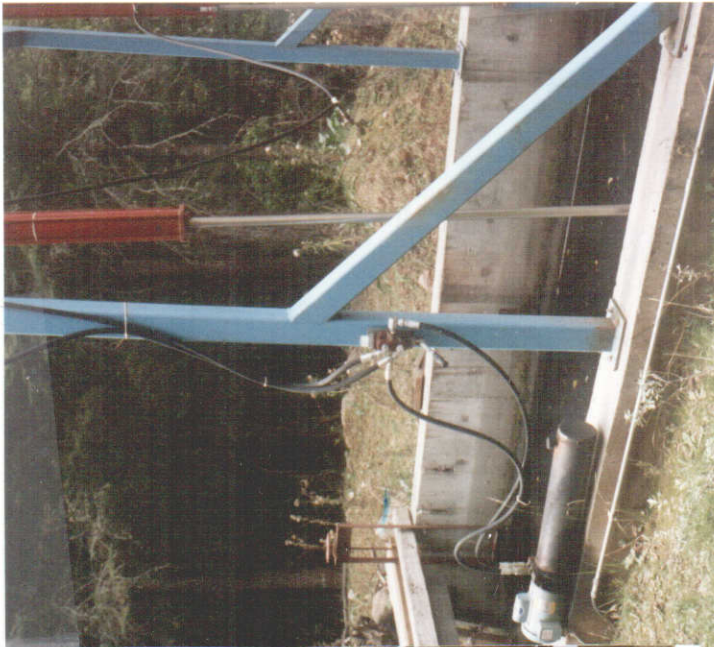
79-7089



P/W.
Powerhouse
&
Control Panel.



79-7089



P/O

Shows creek channel & diversion dam, collection structure with ^{screw}~~rod~~ gate to control minimum req'd flow in channel, hydraulic gate to penstock.

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

David Cereghino

Project No. 5865-000

NOTICE OF APPLICATION FOR EXEMPTION FOR SMALL HYDROELECTRIC
POWER PROJECT UNDER 5 MW CAPACITY
(February 26, 1982)

Take notice that on January 7, 1982, David Cereghino (Applicant) filed an application under Section 408 of the Energy Security Act of 1980 (Act) (16 U.S.C. §§2705 and 2708 as amended), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed small hydroelectric project (Project No. 5865) would be located on John Day Creek, near Lucile, in Idaho County, Idaho. Correspondence with the Applicant should be directed to: Helen Chenoweth, Vice-President, Consulting Associates, Inc., Post Office Box 893, Boise, Idaho 83701.

Project Description - The proposed project would consist of: (1) a concrete intake structure placed at natural pool at approximate elevation 2,880 feet; (2) a steel penstock 18,500 feet long; (3) a powerhouse containing a turbine generator with 1.1 MW capacity and 6.425 GWh annual energy output; and (4) a transmission line 14 miles long.

Purpose of Exemption - An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

Agency Comments - The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the Idaho Fish and Game Department are requested, for the purposes set forth in Section 408 of the Act, to submit within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified within this time period. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

DC-A-6

Competing Application - Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before APR 16 1982, either the competing license application that proposes to develop at least 7.5 megawatts in that project, or notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than 120 days from the date that comments, protests, etc. are due. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 C.F.R. §4.33(b) and (c) (1980). A competing license application must conform with the requirements of 18 C.F.R. §4.33(a) and (d) (1980).

Comments, Protests, or Petitions to Intervene - Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 C.F.R. §1.8 or §1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before APR 16 1982.

Filing and Service of Responsive Documents - Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

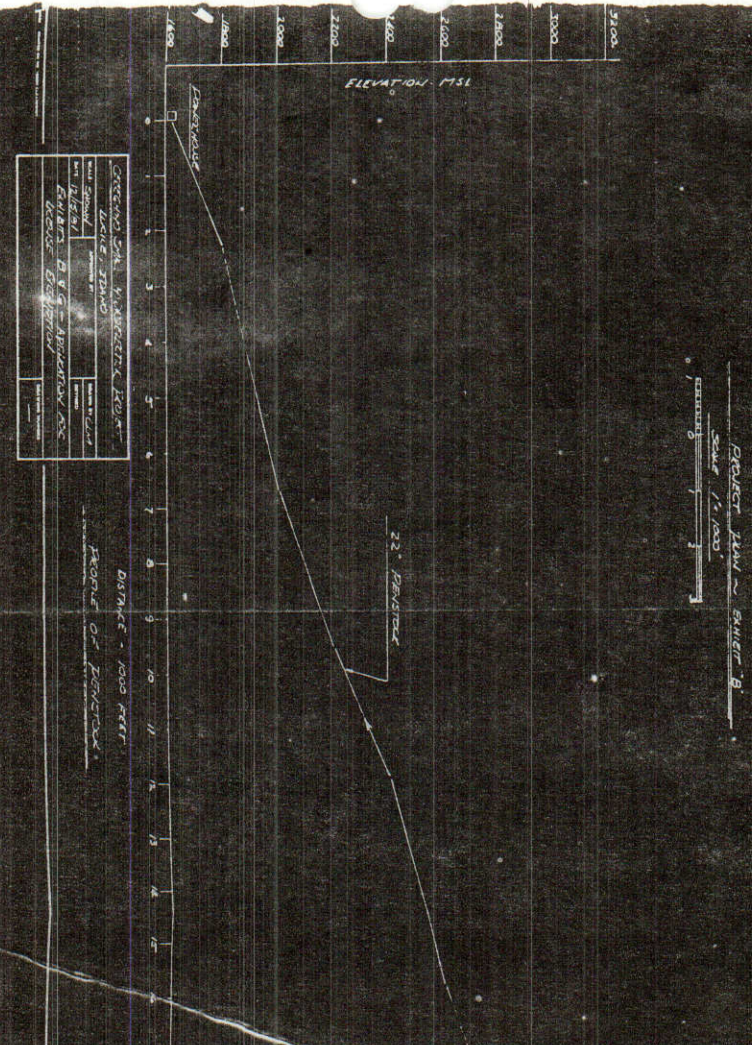
Kenneth F. Plumb
Secretary

Project No. 5865-000

Attachment (1)

Exhibit "B"

FILED
1980



State of Idaho P-5865
Department of Water Resources
State House
Boise, Idaho 83720

WATER RIGHT SUMMARY

ACTION	RIGHT NO.	NAME	AMOUNT CFS
Original Permit	79-07089	Cereghino, David Cereghino, JoAnn	22.00
Full Assignment [in terms of a security interest]	79-07089	First Security Bank of Idaho [Lienholder]	22.00

MICROFILMED

JUN 10 1991

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 79-07089

Proposed Priority: August 10, 1981 Maximum Diversion Rate: 22.00 CFS
This is to certify, that **DAVID CEREGHINO**

JO ANN CEREGHINO
P.O. BOX 387
LUCILE, ID 83542

has applied for a permit to appropriate water from:

JOHN DAY CREEK tributary of **SALMON RIVER**

and a permit is **APPROVED** for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
POWER	01/01 to 12/31	22.00 CFS

LOCATION OF POINT(S) OF DIVERSION: NWSE Sec. 20, Township 26N, Range 02E
IDAHO County

PLACE OF USE: POWER

TWN RGE SEC

26N 01E 14 SWSE

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before July 1, 1991.
2. Subject to all prior water rights.
3. The issuance of this permit in no way grants any right-of-way or easement across the land of another.
4. The permit holder shall either install a measuring device or a flow measurement port or provide a certified measurement or computation of flow based upon system design to be prepared by a professional engineer.
5. 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.
6. Water used under this permit if discharged into a natural channel or subsurface system shall meet Idaho Water Quality Standards.
7. The water right acquired under this permit for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of the

MICROFILMED

JUL 27 1990

Permit To Appropriate Water

NO. 79-07089

CONDITIONS/REMARKS:

8. The Director retains jurisdiction of this permit in order to limit the use of water for hydropower generation purposes to a specific term of years as required by Section 42-203B(7), Idaho Code.
9. This permit does not constitute Idaho Public Utilities Commission or Federal Energy Regulatory Commission approval that may be required.
10. Use of water under this permit shall be non-consumptive.
11. A separate stream alteration permit from the IDWR is required for any activity in the stream channel other than construction and/or maintenance of the diversion structure. If your proposed construction or operation involves construction of an outfall or any other work in the stream channel other than a water diversion, you must contact the Department and obtain a Stream Channel Alteration permit prior to the start of construction.
12. This permit and any subsequent license issued shall be subject to review at the expiration date of the power sales contract which shall be identified at the time of licensing.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this

14th day of June, 1990.

for R. Keith Higginson, Director

MICROFILMED

JUL 27 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Cereghino, David and/or Jo Ann Phone 628-3986

Post office address Box 387, Lucile, ID 83542

2. Source of water supply John Day Creek which is a tributary of Salmon River

3. Location of point of diversion is NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 20 Township 26N

Range 2E B.M. Idaho County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 22 cfs for Power purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)

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

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

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

5. Total quantity to be appropriated:

a. 22 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. _____

Concrete diversion structure with 30" penstock to power house in SWSE Sec. 14,
T26N, R 1E.

b. Height of storage dam _____ feet, active reservoir capacity _____ acre-feet; total reservoir
capacity _____ acre-feet, materials used in storage dam: _____

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

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 5 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: SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 14 Township 26N

Range 1E B.M.

% 2029 HP @ 80% efficiency - kw 5/16/90

(2) Amount of power to be generated: 1500 ^{as by letter} ~~4500~~ of 4/29/92 horsepower under 1360 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: _____

MICROFILMED

JUL 27 1990

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

[illegible]

Total number of acres to be irrigated

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

9. a. Who owns the property at the point of diversion David and/or Jo Ann Cereghine

b. Who owns the land to be irrigated or place of use Buying place of use on contract.

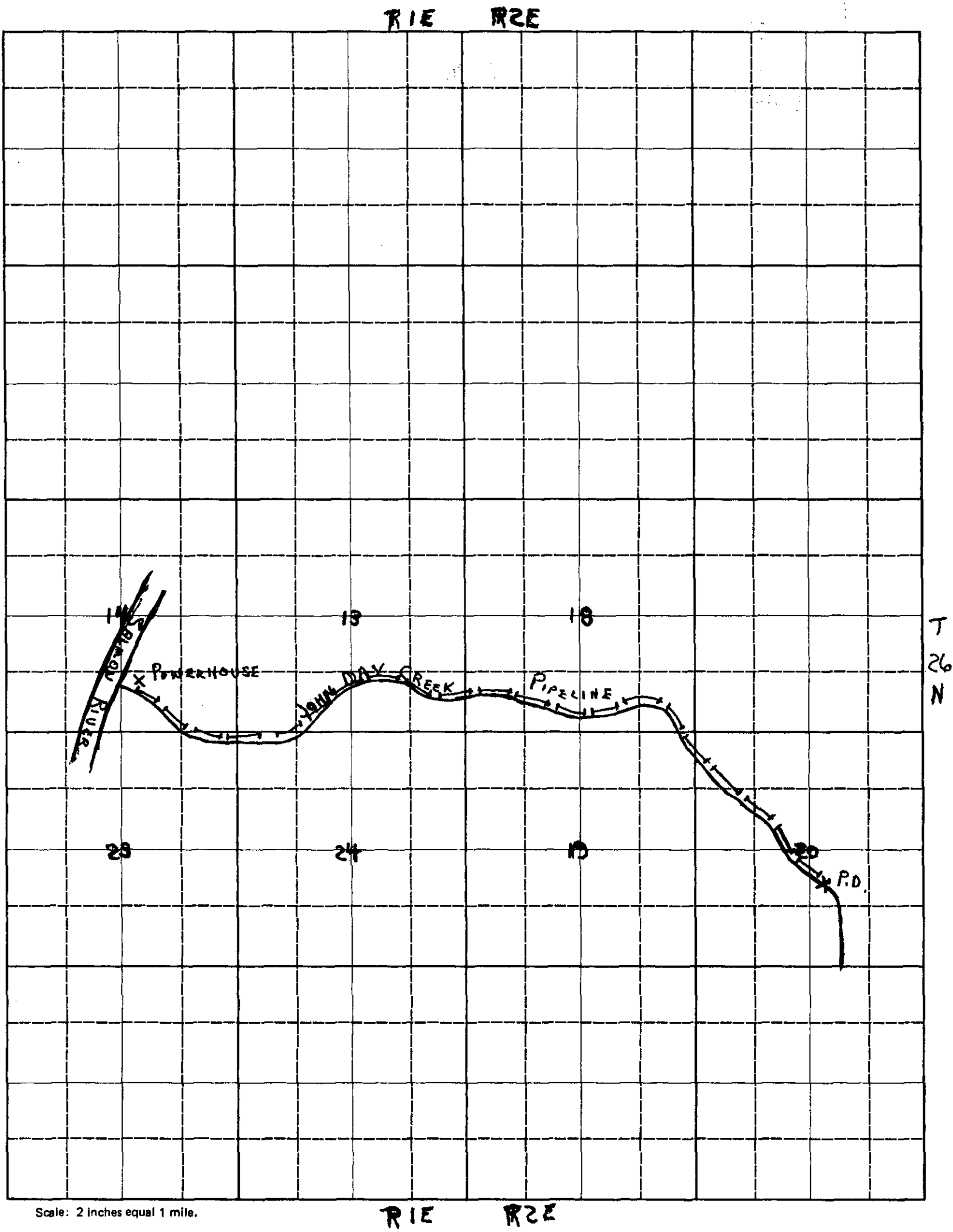
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing

10. Remarks Power production will/approximately 15,000,000 KWH per yr.

RECORDED

JUL 26 1990

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



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.

MICROFILMED
JUL 27 1990

David C. [Signature]
(Applicant)

Received by SP Date 8/10/81 Time 9:10 A M
Preliminary check by A Fee \$ 445⁰⁰/₁₀₀
Receipted by SP Date 8/10/81 # 19575
Publication prepared by SP Date 8-13-81
Published in Idaho County Free Press
Publication dates 8/20 + 27 - 81
Publication approved SP Date 8-31-81
Protests filed by: none

Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by tw

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. _____, and said application is hereby _____.

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 _____, 19 ____.
- 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: _____

Witness my hand this _____ day of _____, 19 ____.

Director

MICROFILMED

JUL 27 1990

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

A. Establishment of Residency: (Complete either 1, or 2).

1. Individual Applicant or Individual Members of a Partnership:

I, David and Jo Ann Cereghino of Lucile (83542),
(name) (city)

county of Idaho, State of Idaho, being duly sworn, do
hereby certify that I am a bona fide resident of the State of Idaho.

2. Corporation:

I, _____ of _____,
(name) (city)

County of _____, State of Idaho, being duly sworn, depose
and say: That I am the designated registered agent of the _____
_____ : that as such I am in charge of the registered
(name of corporation)

office of the said corporation as required by Section 30-1-12, Idaho Code, at
_____ Idaho, wherein are kept the corporate records required
(city)

by Section 30-1-52, Idaho Code: and that _____
(name of corporation)

is a corporation qualified to do business in the State of Idaho under the laws of
the State of Idaho.

B. 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.

State of Idaho)
County of Ada) ss.

David Cereghino
Applicant

On this 10th day of August, 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.

seal

Nancy Northway
Notary Public residing at
Nancy Northway
Boise, ID

My commission expires:

Life

MICROFILMED

JUL 27 1990

Applicant with ☐
 Applicant Only ☐
 Partnership ☐
 Corporation ☐

APPLICATION FOR LOAN FINANCIAL STATEMENT

Applicant David A. Cereghino Co-Applicant _____ Date 8-8 1981
 Address Box 387 Lucile Idaho 83542 Phone 208-628-3786

ASSETS			AMOUNT	LIABILITIES			AMOUNT
Cash on Hand and in Banks				NOTED PAYABLE BANK (within 12 mo.)			
Accts. Rec.				Production Loans 10			
1. <u>Gas</u>			<u>24.51</u>	Production Loans 19			
2. _____				ACCOUNTS PAYABLE			
3. _____				To <u>Accts. Rec.</u>			
LIVESTOCK FOR SALE WITHIN 12 MO. (Schedule B)				Date Due			
Number	Kind	Value		1. <u>Bank of Oregon</u>			<u>11.1.81</u>
1. <u>900</u>	<u>Went B.D.</u>	<u>150,000</u>		2. _____			<u>3,000</u>
2. _____				3. _____			
3. _____				4. _____			
TOTAL			<u>150,000</u>	5. _____			
FARM PRODUCTS ON HAND (Schedule D)				6. _____			
Quantity	Kind	Value		INSTALLMENT LOANS (Principal within 12 mo.)			
1. <u>Hay</u>	<u>Alfalfa</u>	<u>40,000</u>		1. <u>Bank of Oregon</u>			<u>115,000</u>
2. <u>Grain</u>	<u>Barley</u>	<u>10,000</u>		2. _____			
3. _____				3. _____			
4. _____				REAL ESTATE PRINCIPAL (within 12 mo.) (Schedule A)			<u>34,000</u>
5. _____				ACCRUED INTEREST TO P.S. DATE			
6. _____				Bank Production			
TOTAL			<u>50,000</u>	Bank Installment			<u>10,000</u>
Contracts & Receivable Due Within 12 mo.			<u>85,000</u>	Other Installment			
Cash Investments - Growing Crops (Schedule C)			<u>15,000</u>	Real Estate			<u>22,000</u>
Supplies and Feed on Hand			<u>5,000</u>	OTHER CURRENT LIABILITIES (Not Listed Above)			
Stocks & Bonds			<u>19,000</u>	1. _____			
Cash Value Life Insurance (Schedule F)			<u>10,000</u>	2. <u>Misc Monthly Bills</u>			
OTHER CURRENT ASSETS (Itemize):				3. _____			<u>5,000</u>
TOTAL CURRENT ASSETS			<u>414,000</u>	4. <u>Contract Labor</u>			<u>8,000</u>
Livestock Not Listed in Current Assets (Sch. B)			<u>318,700</u>	5. _____			
Machinery and Equipment (Schedule G)			<u>240,500</u>	6. _____			
Co-op Retains			<u>1,500</u>	TOTAL CURRENT LIABILITIES			<u>197,000.00</u>
Real Estate: (Schedule A)			<u>370,000</u>	REAL ESTATE MORTGAGES & CONTRACTS			
Contracts & Receivables: Over 1 year			<u>42,000</u>	Total Principal from Sch. A			<u>945,000</u>
1. <u>Accts. Rec.</u>			<u>55,000</u>	Less Current Portion Principal			<u>34,000</u>
2. <u>Bank</u>			<u>65,000</u>	NET PRINC. OVER 1 YR.			<u>911,000</u>
3. <u>W. Idaho</u>			<u>85,000</u>	Other Loan Balances over 12 mo.			
Personal Property			<u>35,000</u>	To 1. <u>Bank of Oregon</u>			<u>8,000</u>
Other Assets (Itemize)			<u>50,000</u>	2. _____			
1. <u>Personal Property</u>			<u>50,000</u>	3. _____			
Total Fixed Assets			<u>3,245,700</u>	Total Long Term Liabilities			<u>991,000</u>
TOTAL ASSETS			<u>3,659,700</u>	TOTAL LIABILITIES			<u>1,188,000</u>
				(This Section for Corporation Loans Only)			
				Capital Stock Paid In			
				Surplus (Deficit)			
				NET WORTH			<u>2,471,700</u>
				TOTAL LIABILITIES & NET WORTH			<u>3,659,700</u>

TO

AFFIDAVIT OF PUBLICATION

AP

Nona C. Donaldson being first duly sworn, says he is the Office Manager of the IDAHO COUNTY FREE PRESS, a weekly newspaper which is published and issued weekly at Grangeville, Idaho County, State of Idaho, and which is of general circulation in said county and state; that the said notice, of which the one hereto attached is a true copy, was published in said paper for two weeks, being published two times, the first publication being on the 19 day of August, 19 81 and the last publication on the 26 day of August, 19 81 and that the said notice was published in the newspaper proper and not a supplement; that said newspaper has been continuously and uninterruptedly published in said county during a period of more than seventy-eight consecutive weeks prior to the first publication of said notice or advertisement.

Nona C. Donaldson

Subscribed and sworn to before me this 28 day of August, 1981.

Marilyn J. Stolley, Notary Public
for State of Idaho, residing at Grangeville, Idaho.

MICROFILMED

JUL 27 1990

RECEIVED

AUG 31 1981

Department of Water Resources
Western Regional Office

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Staff Analysis Sheet
Beneficial Use Field Report

A. Prior to Conducting the Exam, the File Contains:

- ☒ Blank Field Report Form
☒ Copy of Permit
☒ Copy of Proof of Beneficial Use
☒ Copies of any Amendments/Orders with Conditions of Approval
☒ Well Inspection Form (If Needed)
☒ Aerial Photo Required? ☐ yes ☒ no If yes: ☐ copy attached
☒ SRBA Claim Required (required if proof filed by 11-19-1987)
☐ Yes ☒ No If yes: ☐ claim filed?
(check AJ5, AJQ1, AJQ4, non-data claims)
☒ Copy of U.S.G.S. Quad
☒ Check for Government Lots. If so, make a copy of government plat
☒ Check of P/D index _____ (initial & date)
Overlap ☐ yes ☒ no If yes: ☐ copy of exam(s) attached? *
Type of Overlap: ☐ Same source
☐ Other source
☒ Check of P/U index _____ (initial & date)
Overlap? ☐ yes ☒ no If yes: ☐ copy of water right(s) attached? *
Type of Overlap: ☐ Same land, same source
☐ Same land, other source
☐ Other land &/or other uses
*copies attached only if needed for analysis

- ☒ Scheduling Letter Sent? _____ (initial & date)
☒ Appointment Made and Telephone Conversation Memo Attached

B. After Conducting the Exam, the File Contains:

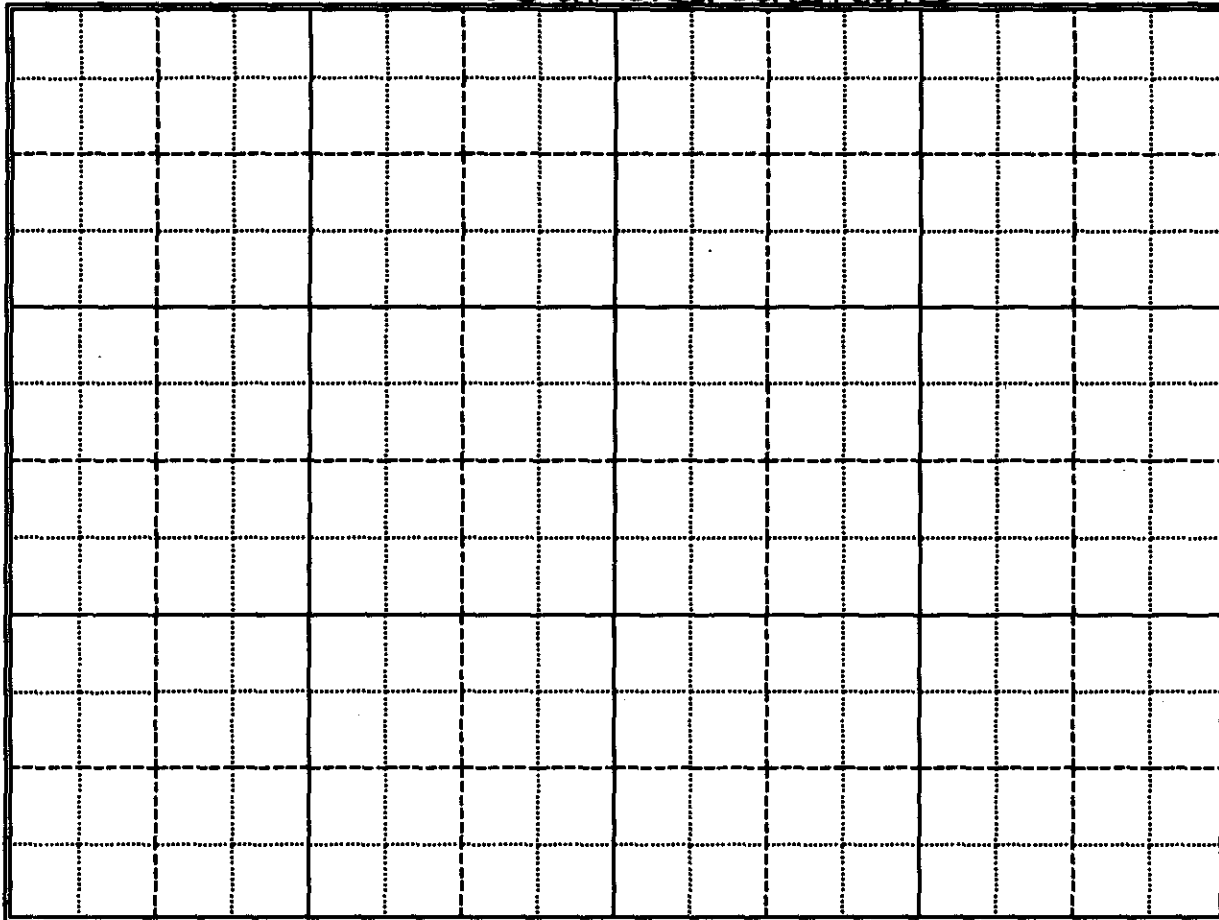
- ☒ Fully Completed and Signed Field Report Form
☒ Photographs of Point of Diversion and Place of Use

C. Review and Processing:

Exam Completed G. Hodges 12/20/93 (signature of examiner & date)
Exam Reviewed by Senior Water Resource Agent N/A (initial & date)
Exam Reviewed by Manager of Regional Office N/A (initial & date)
Exam Sent to State Office 3-31-94 VR (initial & date)

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe I.d. as applicable.

See attached Schematic



Scale: 1" = _____

Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

Aerial Photo Attached (required for irrigation of 10+ acres)

Photo of Diversion and System Attached

4. *N/A*

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1. *See certificates of calibration contained in performance data*

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
<i>Pressure gauge</i>	<i>etc.</i>					

2. Measurements: *None. See attached performance data. Day of exam, plant was generating ~40 kW = ~1 cfs*

E. NARRATIVE/REMARKS/COMMENTS

Permit developed for hydropower production.

A concrete collection Structure sits beside & adjacent to John Day Creek. Nearly 100% of channel is directed into the Structure and through over 13,000 ft of 18' penstock to the powerhouse. The plant is rated at a maximum production of 651 kW at 16.9 cfs. At the powerhouse, flows fall into a ^(concrete) tailrace, then return to John Day Creek. (Irrigation flow for Mr. Cereghino's ranch is withdrawn ~~xxx~~ at the tailrace Structure). Flow & energy generation are continuously monitored at the control center (see photo). In addition, a separate system monitors minimum flows in the dewatered channel between the P/D & the tailrace. FERC mediation req's 4.5 cfs winter & 12.0 cfs summer flows in channel. A screwgate in concrete P/D Structure releases flows to regulate minimum supply. Hydraulic gate regulates flows to penstock.

- * Attached Evaluation of Performance test data documents penstock capacity at 22.6 cfs. However, penstock design problems resulted in pressure drops at high-end flows, with subsequent reductions in kW generation. Maximum efficiency realized at ~~16.9~~ cfs. Flows ^{exceeding} ~~above~~ this are not beneficially used and therefore are not recommended. Please address this issue via license condition.

SCA permit #79-S-77

Have conditions of permit approval been met? ☒ yes ☐ no

F. FLOW CALCULATIONS

Measured Method:

Additional Computation Sheets Attached

See performance data evaluation

System capacity = 22.6 cfs

Amount beneficially used = 16.9 cfs

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = \underline{N/A}$

$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = \underline{\hspace{2cm}}$

$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = \underline{\hspace{2cm}}$

2. Volume Calculations for Other Uses:

POWER $16.9 \times 365 \times 1.9835 = 12,235 \text{ AFA}$

NO CONSUMPTIVE USE

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
POWER	1/1	12/31	16.9	
Totals:			16.9	

2. Recommended Amendments

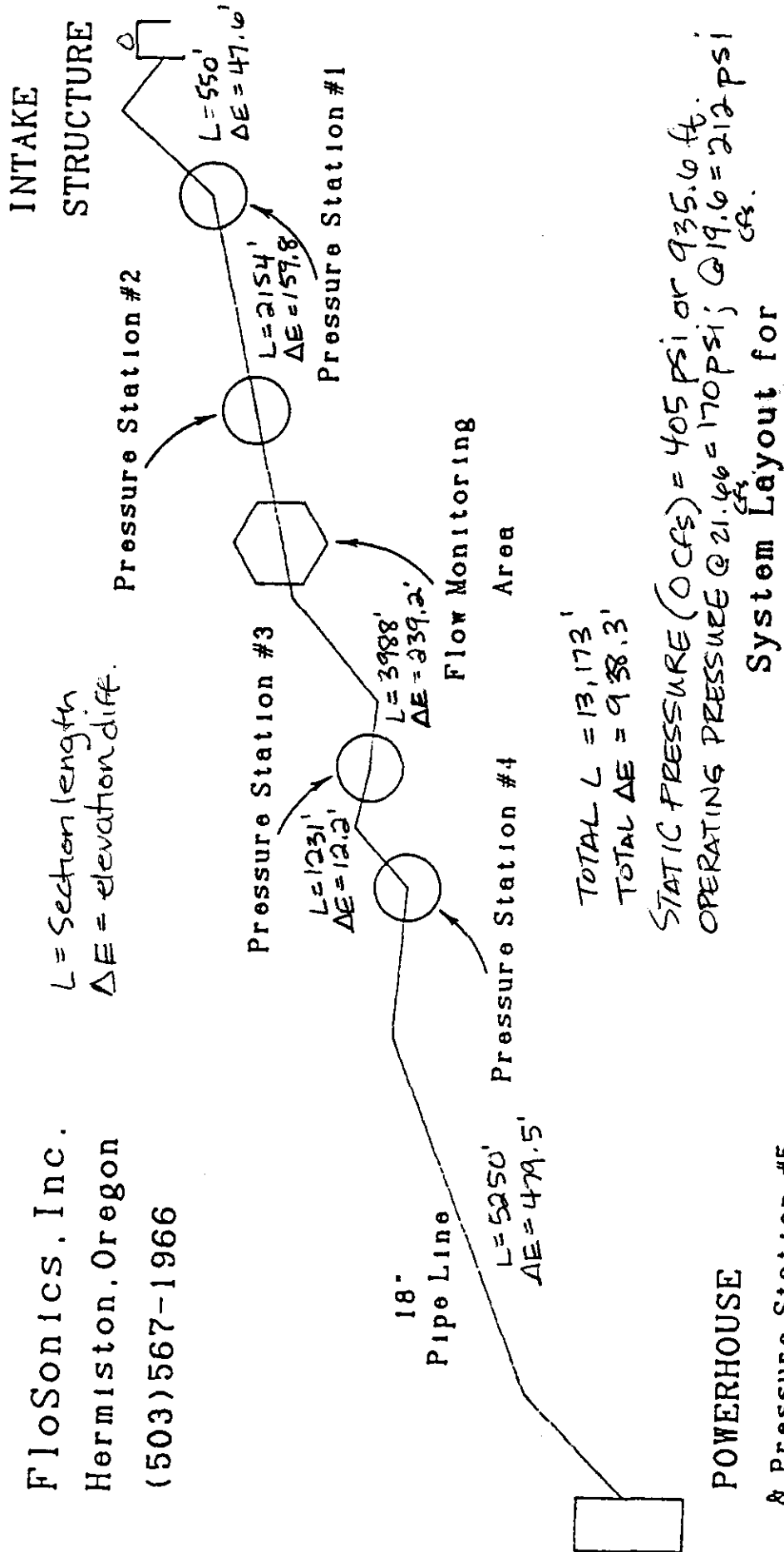
☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☐ None
☒ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

I. AUTHENTICATION

Field Examiner's Name Cindy J. Hodges Date 12/20/93

Reviewer _____ Date _____

SEAL



JOHN DAY CREEK HYDRO PROJECT

LUCILE, IDAHO

Dave Cereghino

(no scale)

Pipeflow Computation Spreadsheet (DRT 12/31/1992)

Data Entered By: Cindy Hodges

Project: Flow Computation for Permit No. 79-7089
Cereghino

Given: See Data Table

Compute head losses with the Williams and Hazen Formula:

$$f = 0.2083 * (100 / \text{roughness})^{1.85} * ((\text{cfs} * 448.8)^{1.852} / \text{ID}^{4.8655} * \text{Length} / 100)$$

To Find: Compute the Rate of Flow

Data Table

Total Head: 938.30 feet

Pressure Req'd: 170.00 psi

Available Head: 545.60 feet

Pipe Roughness: 104.00 Note: pvc = 150, smooth and straight pipe = 140
 aluminum - joint length 20' = 125, joint length
 30' = 130, joint length 40' = 132, joint length
 50' = 134, new riveted steel = 100
 old riveted steel = 100, old cast iron = 95,
 old pipes in poor condition = 60 to 80

Inside Diameter in Inches	Equivalent Length in Feet	Unit Head Loss	Total Head Loss from Pipe Friction
17.75	13173.00	545.54	
3.80	0.00	0.00	
1.90	0.00	0.00	
			545.54

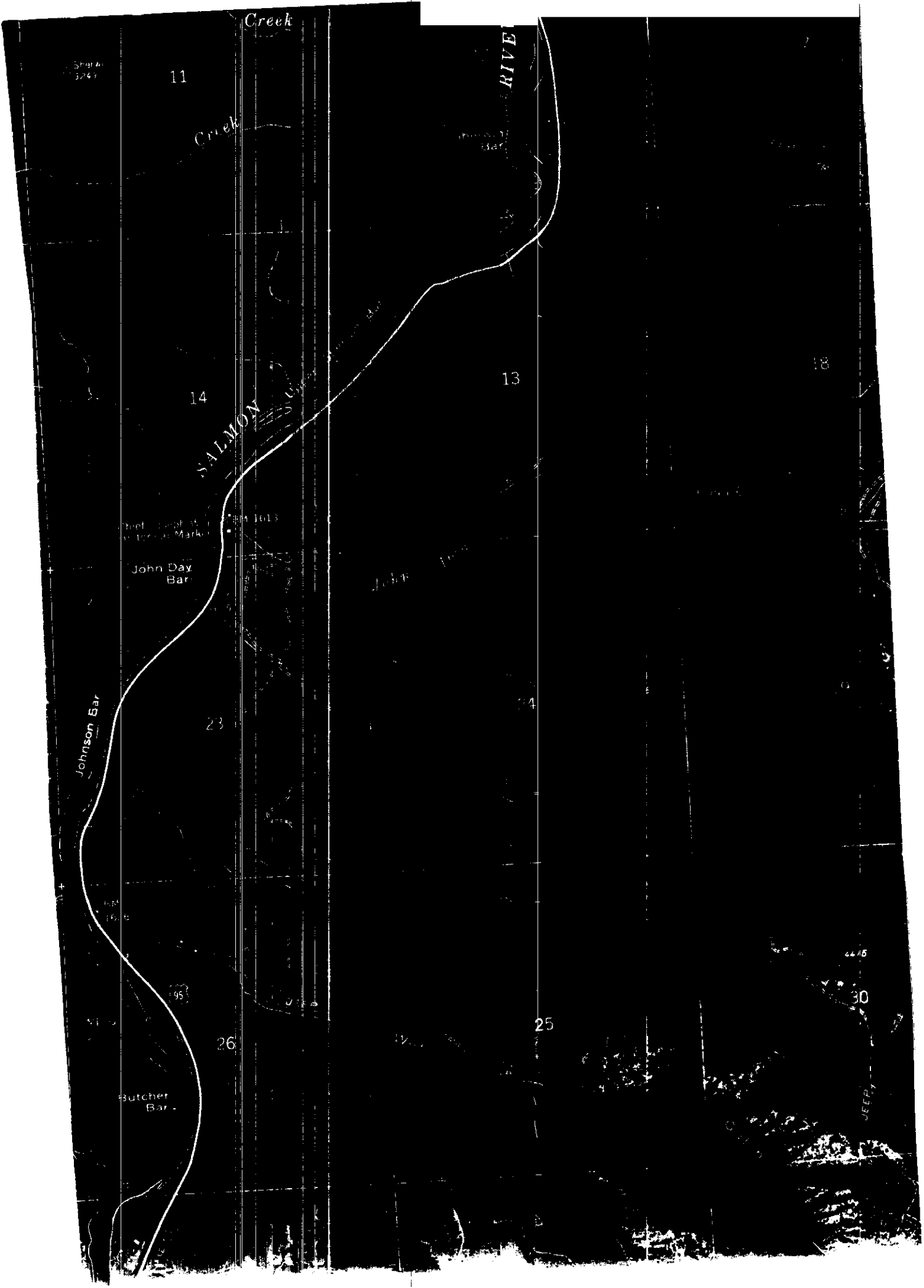
Rate of Flow: 22.280 CFS

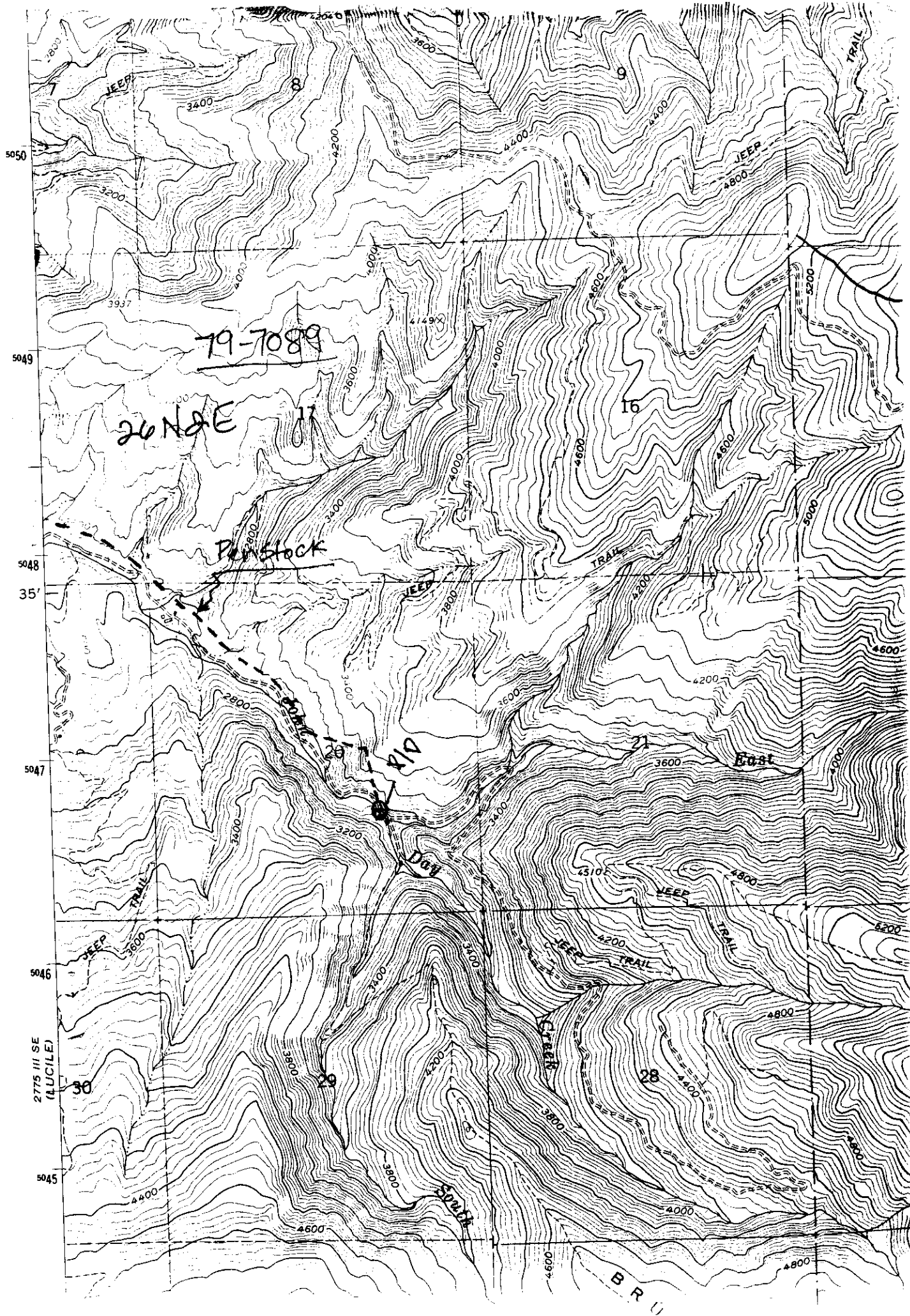
HF = FRICTION LOSS IN SECTION IN (FT)
C* = HAZEN-WILLIAMS CALCULATED
ROUGHNESS COEFFICIENT

Q (CFS)	100	90	80	70	60	50	40	30	20	10	AVERAGE
P	21.66	21.14	20.44	19.55	18.32	16.65	14.62	11.97	8.40	4.36	
P	10.8	11.3	11.8	12.4	13.4	14.5	15.7	17.0	18.4	19.4	
H	25.0	26.1	27.3	28.6	31.0	33.5	36.3	39.3	42.5	44.8	
S	22.5	21.3	20.1	18.8	16.4	13.9	11.1	8.1	4.9	2.6	
A	104.6	105.2	104.9	104.0	105.0	104.3	103.4	100.4	92.5	67.6	102.7
P	36.9	38.4	40.4	42.3	45.0	49.8	53.8	58.4	62.9	66.4	
H	85.2	88.7	93.3	97.7	104.0	115.0	124.3	134.9	145.3	153.4	
S	68.4	64.9	60.3	55.9	49.7	38.6	29.3	18.7	8.3	0.2	
B	120.0	120.4	121.2	120.7	120.6	125.0	128.0	133.6	145.5	155.7	139.8
P	30.3	34.3	38.8	44.3	51.6	59.7	68.5	79.1	90.2	96.7	
H	70.0	79.2	89.6	102.3	119.2	137.9	158.2	182.7	208.4	223.4	
S	161.0	151.8	141.4	128.7	111.8	93.1	72.7	48.3	22.6	7.6	
C	105.4	106.1	106.6	107.3	108.5	106.8	109.3	111.6	116.1	110.5	100.2
P	-8.8	-7.8	-6.0	-5.3	-3.8	-1.8	1.3	3.8	5.8	6.8	
H	-20.3	-18.0	-15.7	-12.2	-8.8	-4.2	3.0	8.8	13.4	20.6	
S	39.7	37.4	35.1	31.6	28.2	23.6	18.4	10.6	6.0	-1.2	
D	119.0	119.9	120.0	121.5	121.0	121.1	129.5	134.2	128.1	123.8	
P	99.8	103.8	108.8	118.3	131.8	143.8	158.7	173.7	192.7	203.1	
H	230.5	239.8	253.6	273.3	304.5	332.2	366.6	401.2	445.1	469.2	
S	253.7	244.4	230.6	210.8	179.7	152.0	117.6	83.0	39.1	15.0	
E	95.6	95.2	95.0	95.3	97.4	96.9	97.8	96.6	102.0	88.8	96.9
P	170.0	180.0	194.0	212.0	238.0	266.0	298.0	332.0	370.0	384.5	
L	392.7	415.0	448.1	489.7	549.8	614.5	688.4	766.9	854.7	911.3	
T	542.9	519.8	487.5	445.9	385.8	321.1	247.2	168.7	80.9	24.3	
A	104.2	104.1	104.2	104.6	106.0	106.4	107.6	108.3	113.1	112.4	107.1

SYSTEM LENGTH = 13.173 FT.

SYSTEM ELEVATION DIFFERENCE = 935.6 FT.

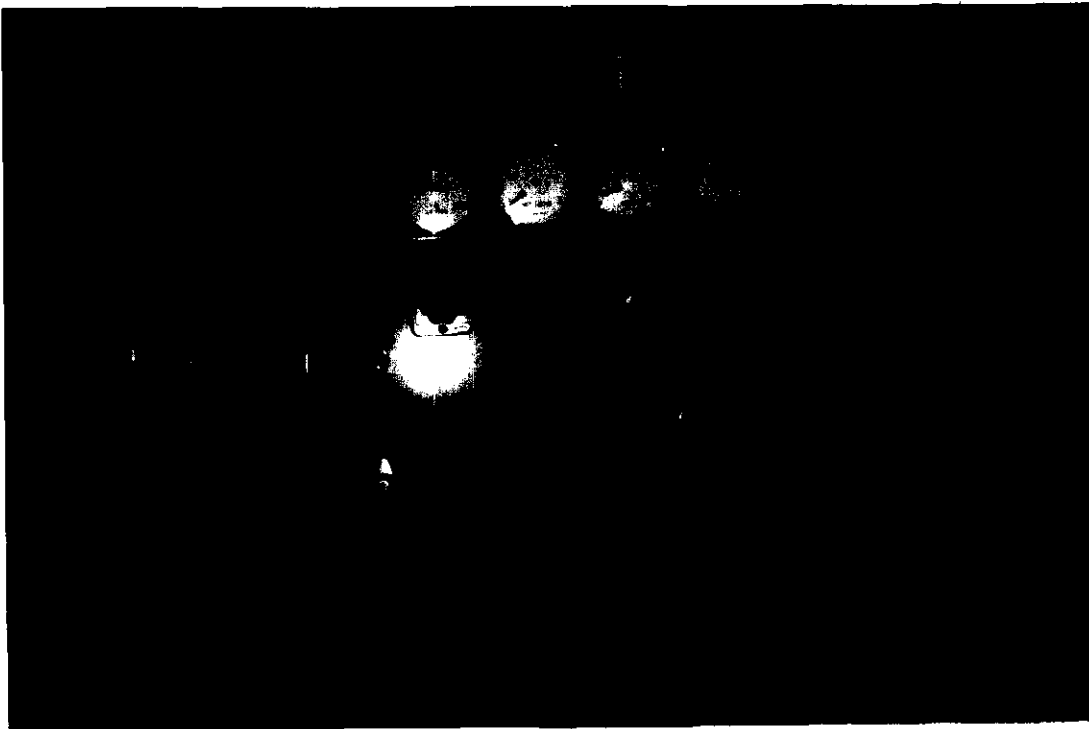


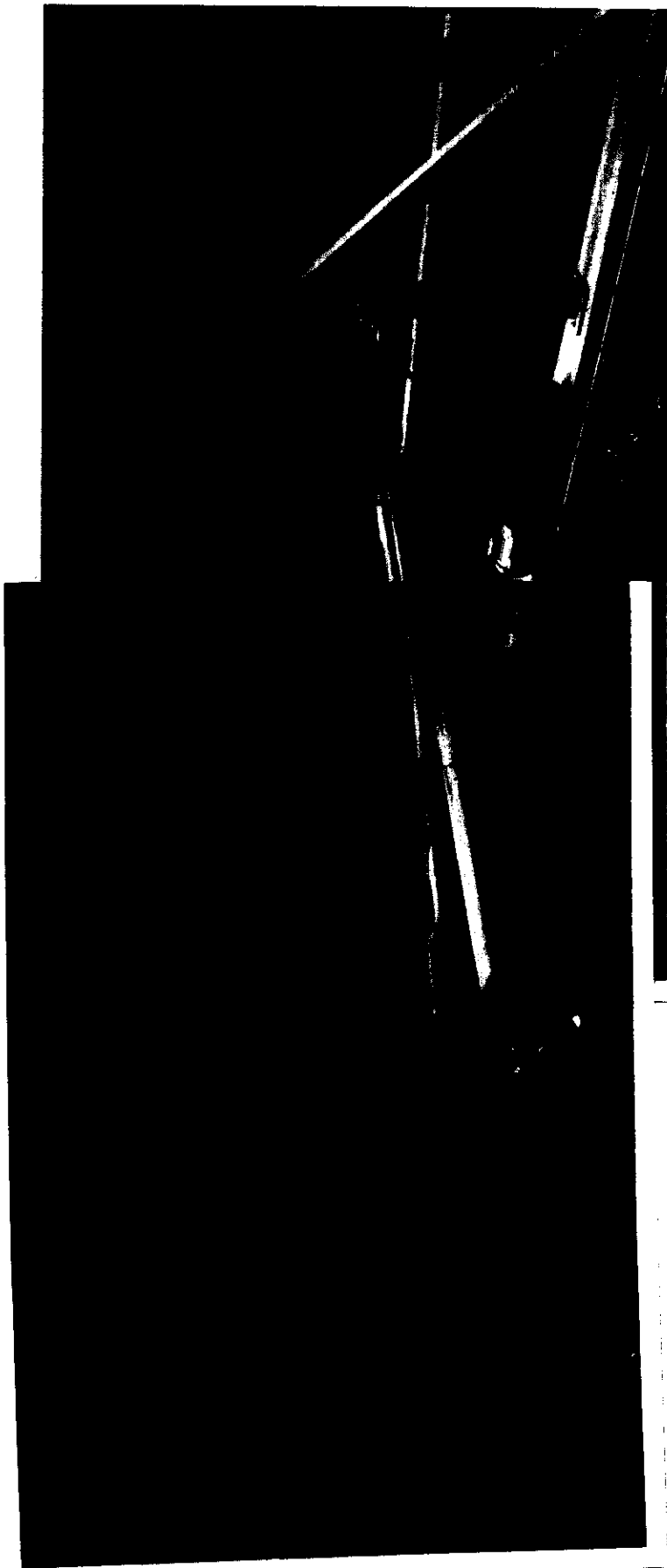


79-7089



P/n.
Powerhouse
&
Control Panel.





P/O

Shows creek channel &
diversion dam, collection
Structure with ~~hand~~^{screw} gate
to control minimum
req'd flow in channel,
hydraulic gate to
penstock.

79-7087

David Cereghino's
JOHN DAY CREEK
Hydroelectric Generation Station

Evaluation of Performance Test Data

Gary W. Lawson
The Washington Water Power Company
Power Supply Department
June 8, 1989

FACILITY

The John Day Creek Hydroelectric Generating Station ("project") consists of a diversion of John Day Creek, on the John Day Ranch, near Lucile, Idaho. John Day Creek is small creek which discharges into the Salmon River. River flows are diverted into a small intake structure, fed through a single penstock with a drop of approximately 940 feet and a length of 13,000 feet, and directed through a single impulse turbine. The turbine is connected to a 925 kW induction generator.

At the time of public report, the project was limited to a maximum generating capacity of approximately 650 kW, which is significantly lower than the maximum of 917 kW. (This is 70% of design maximum.) Penstock design problems have resulted in significant pressure drops at high flows, resulting in the lower output.

PURPOSE

The **Power Sales Agreement Between David Cereghino And The Washington Water Power Company** requires performance testing within the first year of operation of the project, and specifies the method of testing to be used. The project reached commercial operation on September 22, 1987.

Subsequent to the commercial operation date, the project was discovered to be limited in its generating capability (the limitation described above). In order to determine the source of the limitation, Flosonics, Inc. of Hermiston, Oregon was retained by Mr. Cereghino to perform some project testing. The testing determined that the project was limited due to penstock design. This set of performance tests were conducted in June, 1988.

The tests, however, were not performed specifically to meet the requirements of the Power Sales Agreement. Therefore, the testing methodology was different than prescribed by the Power Sales Agreement. Appendix A shows a copy of the Flosonics test results. The test results have been reviewed by Water Power, and for purposes of the contractual obligation for testing, Water Power will accept these results as adequate.

This document is to evaluate the results of project testing for the Project, and to estimate the annual project output under actual operating performance.

EVALUATION

This evaluation will be a three part evaluation. First, a correlation between project output and flow will be determined. Then, the correlation will be used to determine the estimated annual project generation under average historical water conditions. Finally, the estimated annual generation and output under actual performance conditions will be compared with the estimates made prior to project construction.

CORRELATION OF OUTPUT

Table 1 below shows the results of the performance testing. The extent of the project's generation limitation is apparent in the results.

Table 1
John Day Creek Hydroelectric Project
Project Output Verses Flow

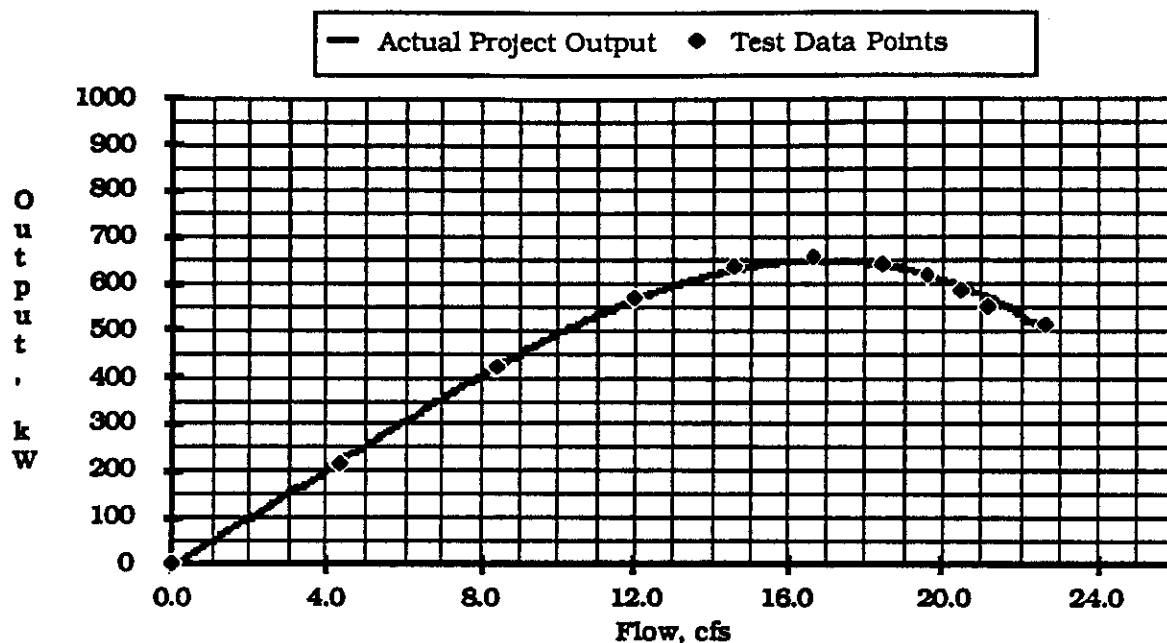
Flow (cfs)	Output (kW)
0.00	0
4.36	218
8.40	422
11.97	568
14.62	638
16.65	658
18.38	642
19.55	620
20.44	585
21.14	550
22.66	515

If the output can be expressed in a formula as a function of the flow through the project, then the project output can be calculated at any flow. To determine a formula which represents the operation of the project, a regression of the data points was performed. Appendix B shows the regression performed on the data. The resulting performance formula is:

$$\text{Output} = 47.93670320 \cdot \text{Flow} + 1.17291799 \cdot \text{Flow}^2 - 0.10243658 \cdot \text{Flow}^3 - 0.06349812$$

Figure 1, shows the correlation curve resulting from the regression of the data.

Figure 1
John Day Creek Hydroelectric Project
Project Output Verses Flow
Based on Regression Correlation. Test Data Points Shown.



ESTIMATE OF ANNUAL GENERATION

The correlation was used to estimate the annual generation of the project. Appendix C shows the calculations made. The stream-flow estimates employed were those used by Meyers Engineering in determining the pre-construction generation estimates.

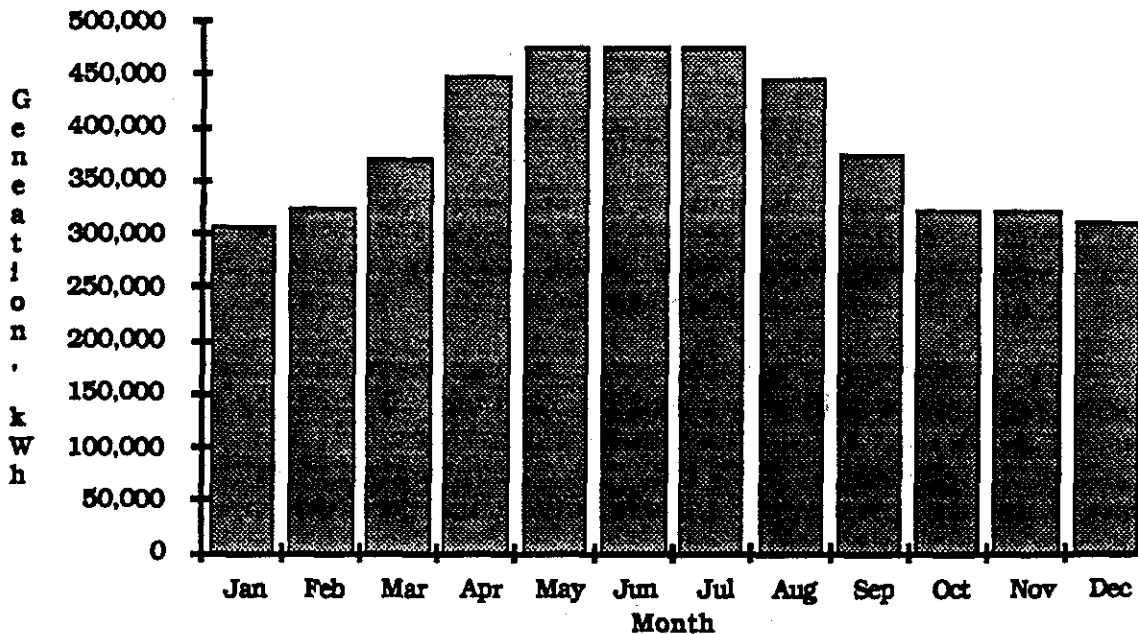
To perform the calculations, it was assumed that the project operating flows would never exceed 16.9 cfs. In looking at Figure 1, it can be seen that the project output peaks at 651 kW when the flow through the project is 16.9 cfs. Thus, to maximize output the project should not be operated at greater than 16.9 cfs flows, even if sufficient water is available in the creek.

Table 2 shows the resulting generation estimates by month, and Figure 2 graphically depicts the generation estimates.

Table 2
John Day Creek Hydroelectric Project
Estimated Generation By Month
Based On Actual Project Performance

Month (kWh)	Generation (kWh)
January	307,838
February	325,639
March	372,786
April	448,373
May	474,954
June	474,954
July	474,954
August	445,433
September	375,222
October	321,394
November	321,394
December	312,932
Total Annual	4,655,873

Figure 2
John Day Creek Hydroelectric Project
Estimated Generation By Month
Based On Actual Project Performance



COMPARISON OF ACTUAL OUTPUT WITH PRECONSTRUCTION ESTIMATE

The calculation of the preconstruction estimate of generation and output is shown in Appendix D. This is the estimate produced by Meyers Engineering. Figure 3 below shows a graphic comparison of the preconstruction estimate of the project output verses flow and the actual project output verses flow.

Figure 3
John Day Creek Hydroelectric Project
Comparison Of Output Performance

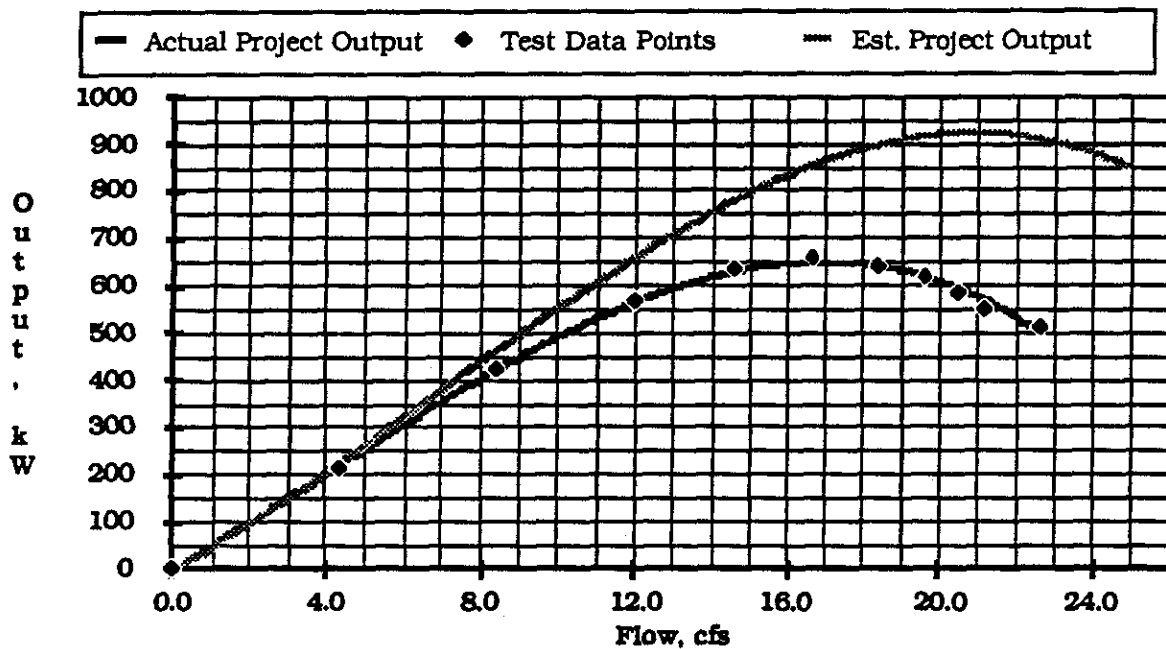
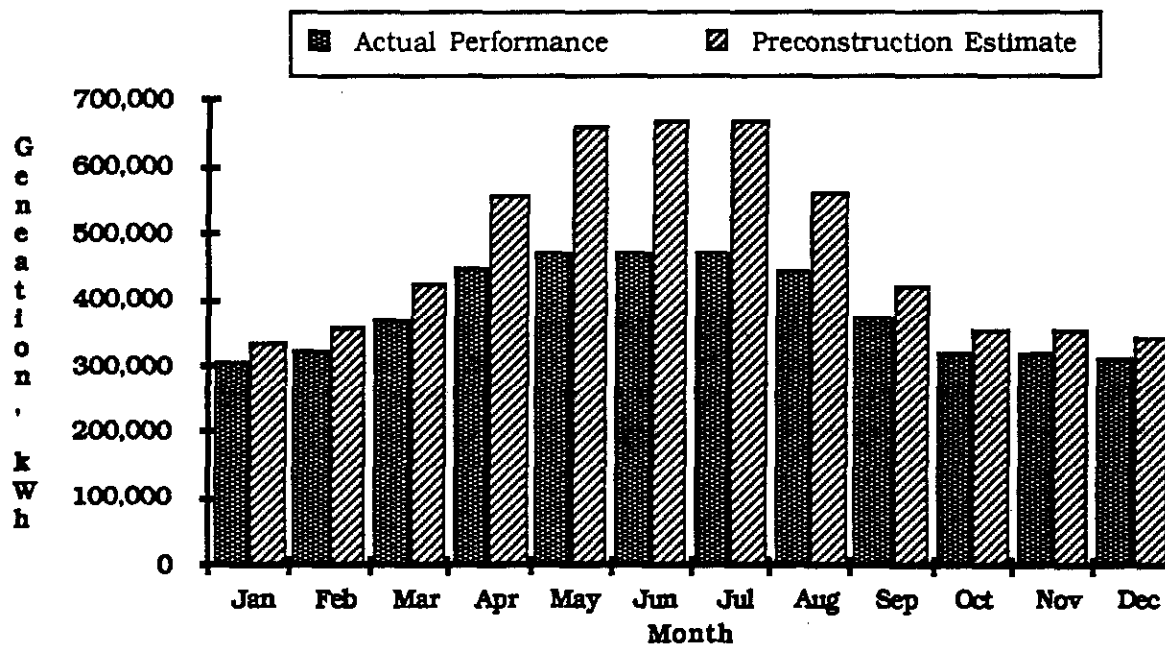


Table 3 shows the monthly generation estimates based upon the project's performance expected prior to its construction. Figure 4 shows a comparison of the preconstruction generation estimate with the estimate based upon actual project performance.

Table 3
John Day Creek Hydroelectric Project
Estimated Generation By Month
Based On Preconstruction Performance Estimate

Month (kWh)	Generation (kWh)
January	336,953
February	359,815
March	424,419
April	561,006
May	661,272
June	669,544
July	669,544
August	563,268
September	421,536
October	354,911
November	354,911
<u>December</u>	<u>343,861</u>
Total Annual	5,721,040

Figure 4
John Day Creek Hydroelectric Project
Comparison Of Output Performance



As can be seen from Figure 4, most of the reduction in annual generation occurs in the April through August period. These are the highest flow months, so this result is to be expected. The extent of the reduction in estimated annual generation, can be calculated as follows.

$$\text{Reduced Generation} = \frac{\text{Current Generation Estimate}}{\text{Preconstruction Generation Estimate}} \times 100$$

$$\text{Reduced Generation} = \frac{4655873}{5721040} \times 100$$

$$\text{Reduced Generation} = 81.4\%$$

Thus, the reduction to 70% of the project's maximum estimated output results in the project being able to produce 81.4% of the annual estimated generation.

June 8, 1989

John Day Creek Performance Test Analysis

Appendix A
Flosonics Performance Test Results

FIELD DATA

JOHN DAY CREEK HYDRO PROJECT
LUCILE, IDAHO
DAVE CEREGHINO

DATE: 6-14-1988

NOZZLE PT %	# 1 PSI	# 2 PSI	# 3 PSI	# 4 PSI	# 5 PSI	FLOW CFS	ROD READ OFF BENCH
0	18.5	87.7	190.0	196.0	406.0	0	7.42
100	10.8	48.0	82.0	71.0	173.0	22.66	7.86
90	11.3	50.0	87.0	77.0	183.0	21.14	7.85
80	11.8	52.5	94.0	85.0	197.0	20.44	7.88
70	12.4	55.0	102.0	94.5	215.0	19.55	7.87
60	13.4	58.8	113.0	107.0	240.0	18.32	7.80
50	14.5	64.8	127.0	123.0	268.0	16.65	7.77
40	15.7	70.0	141.0	140.0	300.0	14.62	7.73
30	17.0	76.0	157.5	159.0	334.0	11.97	7.66
20	18.4	82.0	174.5	178.0	371.0	8.40	7.60
10	19.4	86.5	185.5	192.0	395.5	4.36	7.5
			B.S.	H.I.	F.S.		
BENCH ELEVATION			0.20	2896.9			2896.7
TOP OF HEADWALL					5.93		2891.0

THESE VALUES REPRESENT THE PRESSURE VALUES AT EACH STATION
AS READ BY RONALD V. MCKINNIS, P.E., FLOSONICS, INC. AND
DOUG STAKER, ENGINEER, MYERS ENGINEERING COMPANY
RECORDED ON JUNE 14, 1988

John Day Creek Performance Test Evaluation
Gary W. Lawson

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June 8, 1989

FIELD DATA
JOHN DAY CREEK HYDRO PROJECT
LUCILE, IDAHO
DAVE CEREGHINO

DATE: 6-14-1988

NOZZLE PT %	AC AMPS	AC VOLTS	POWER FACTOR	AC KW	RPM	TIME
100	84.0	4100	0.83	515	1200	2:45
	87.0	4100				
	88.0	4100				
90	89.0	4100	0.825	550	1200	3:30
	93.0	4120				
	92.0	4110				
80	94.0	4100	0.83	585	1200	4:00
	99.0	4120				
	96.0	4110				
70	98.0	4100	0.84	620	1200	4:30
	102.0	4130				
	102.0	4120				
60	101.0	4100	0.85	642	1200	5:10
	106.0	4150				
	105.0	4120				
50	103.0	4100	0.86	658	1200	5:35
	107.0	4110				
	108.0	4110				
40	102.0	4100	0.85	638	1200	5:55
	103.0	4120				
	103.0	4110				
30	92.0	4100	0.84	568	1200	6:15
	94.0	4100				
	95.0	4100				
20	72.0	4090	0.81	422	1200	6:55
	76.0	4100				
	75.0	4100				
10	72.0	4040	0.64	218	1190	7:15
	76.0	4080				
	75.0	4070				

John Day Creek Performance Test Evaluation
Gary W. Lawson

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June 8, 1989

FIELD DATA
JOHN DAY CREEK HYDRO PROJECT
LUCILE, IDAHO
DAVE CEREGHINO

DATE: 6-14-1988

PIPE INFORMATION

MATERIAL : STEEL
CIRCUMFERENCE : 56.80
OUTSIDE DIA : 18.08
INSIDE DIA : 17.59

FLOW INFORMATION

TEST #	WESTINGHOUSE		POLYSONICS		PERCENTAGE VARIANCE
	GPM	CFS	GPM	CFS	
100%	9723	21.66	9752	21.72	0.30%
90%	9493	21.15	9459	21.07	0.36%
80%	9172	20.44	9104	20.42	0.09%
70%	8776	19.55	8772	19.54	0.05%
60%	8224	18.32	8213	18.30	0.13%
50%	7474	16.65	7465	16.63	0.12%
40%	6563	14.62	6577	14.65	0.21%
30%	5371	11.97	5405	12.04	0.63%
20%	3768	8.40	3786	8.44	0.48%
10%	1955	4.36	1938	4.31	0.88%

NOTE:

The WESTINGHOUSE METER CONSTANT was 2.184×10^{-6} for tests 100% through 40%. Tests 30% and 20% the value of 3.641×10^{-6} was used and 7.282×10^{-6} was used for 10%.

NOTE:

STATISTICAL ANALYSIS
MEAN- .325
ST.DE- .27

JOHN DAY CREEK HYDRO PROJECT
LUCILE, IDAHO
DAVE CEREGHINO

DATE: 6-15-1988

SECTION INFORMATION

PRESS. STATION #	# 0	# 1	# 2	# 3	# 4	# 5
CONSTR. STATION	0+00	5+50	27+04	66+92	79+23	131+73
ELEVATION (FT)	2890.0	2841.7	2681.9	2442.7	2430.5	1951.0
STATIC PRESS. (PSI)	0	18.5	87.7	190.0	196.0	406.0
STATIC PRESS. (FT)	0	42.7	206.6	438.9	452.8	937.9

THE ELEVATIONS AND CONSTRUCTION STATIONING OF THE PRESSURE STATIONS WERE FURNISHED BY MYERS ENGINEERING COMPANY

THE SYSTEM IS BROKEN UP INTO FIVE (5) PIPE SECTIONS
I.E. P.S. 'A' THROUGH P.S. 'E'
THESE SECTIONS HAVE THE FOLLOWING CHARACTERISTICS:

SECTIONS BETWEEN PRESSURE STATIONS

STA # TO STA #	#0 - #1	#1 - #2	#2 - #3	#3 - #4	#4 - #5
SECTION NAME	P.S. 'A'	P.S. 'B'	P.S. 'C'	P.S. 'D'	P.S. 'E'
STA LENGTH (FT)	550	2154	3988	1231	5250
ELEV. DIFF. (FT)	47.6	159.8	239.2	12.2	479.5
PRESS. DIFF. (FT)	42.7	159.9	236.3	13.9	485.1

THE DISCREPANCIES IN ELEVATION AND PRESSURE DIFFERENCES COULD BE THE RESULT OF EITHER LEVELING ERRORS OR GAUGE READINGS OR A COMBINATION OF BOTH. FOR EVALUATION OF THE SECTION PROPERTIES, VALUES OF PRESSURE DIFFERENCES AT STATIC CONDITIONS WILL BE USED FOR THE ELEVATION CHANGES BETWEEN THE PRESSURE STATIONS IN THIS SYSTEM STUDY.

JOHN DAY CREEK HYDRO PROJECT
LUCILE, IDAHO
DAVE CEREGHINO

DATE: 6-16-1988

PRESSURE GAUGE CALIBRATION FACTORS
FOR ALL GAUGES USED ON THE SYSTEM

GAUGE # 1 0 - 30 PSI	GAUGE # 2 0 - 140 PSI	GAUGE # 3 0 - 600 PSI	GAUGE # 4 0 - 200 PSI
0 = 0	0 = 2.0	0 = -3.0	0 = -1.0
10 = 10	50 = 49.7	150 = 147.0	100 = 99.2
20 = 20	100 = 99.1	300 = 298.0	195 = 194.4
30 = 30	195 = 191.8	450 = 449.0	
		590 = 588.0	

THE GAUGES WERE POSITIONED AT THE FOLLOWING LOCATIONS:

GAUGE # 1 @ PRESSURE STATION # 1
GAUGE # 2 @ PRESSURE STATION # 2
GAUGE # 3 @ PRESSURE STATIONS # 3 & # 5
GAUGE # 4 @ PRESSURE STATION # 4

WITH THE FIELD GAUGES BEING CALIBRATED AGAIN FOLLOWING THE FIELD STUDY, THE FIELD PRESSURE STATION VALUES MUST BE ADJUSTED ACCORDING TO THE ABOVE CRITERIA. THESE ADJUSTED PRESSURE VALUES ARE AS FOLLOWS:

NOZZLE PT %	# 1 PSI	# 2 PSI	# 3 PSI	# 4 PSI	# 5 PSI	FLOW CFS
0	20.5	87.0	187.0	195.4	405.0	0
100	10.8	47.7	79.0	70.2	170.0	21.66
90	11.3	49.7	84.0	76.2	180.0	21.14
80	11.8	52.2	91.0	84.2	194.0	20.44
70	12.4	54.7	99.0	93.7	212.0	19.55
60	13.4	58.4	110.0	106.2	238.0	18.32
50	14.5	64.3	124.0	122.2	266.0	16.65
40	15.7	69.5	138.0	139.3	298.0	14.62
30	17.0	75.4	154.5	158.3	332.0	11.97
20	18.4	81.3	171.5	177.3	370.0	8.40
10	19.4	85.8	182.5	191.4	394.5	4.36

THE ABOVE PRESSURE VALUES WILL BE USED IN THE SYSTEM'S STUDY

JOHN DAY CREEK HYDRO PROJECT
LUCILE, IDAHO
DAVE CEREGHINO

DATE: 6-15-1988
REVISED ON 6-16-1988

DUE TO POST FIELD WORK CALIBRATION OF THE FIELD GAUGES
THE SECTION CHARACTERISTICS ARE ADJUSTED ACCORDING TO THE
GAUGE CALIBRATION CRITERIA AS SHOWN PREVIOUSLY

THE ADJUSTED VALUES ARE AS FOLLOWS:

SECTION INFORMATION

PRESS. STATION #	# 0	# 1	# 2	# 3	# 4	# 5
CONSTR. STATION	0+00	5+50	27+04	66+92	79+23	131+73
ELEVATION (FT)	2890.0	2841.7	2681.9	2442.7	2430.5	1951.0
STATIC PRESS. (PSI)	0	20.5	87.0	187.0	195.4	405.0
STATIC PRESS. (FT)	0	47.4	201.0	432.0	451.4	935.6

SECTIONS

STA # TO STA #	#0 - #1	#1 - #2	#2 - #3	#3 - #4	#4 - #5
SECTION NAME	P.S. 'A'	P.S. 'B'	P.S. 'C'	P.S. 'D'	P.S. 'E'
STA LENGTH (FT)	550	2154	3988	1231	5250
ELEV. DIFF. (FT)	47.6	159.8	239.2	12.2	479.5
PRESS. DIFF. (FT)	47.4	153.6	231.0	19.4	484.2

THE STATION LENGTH AND PRESSURE DIFFERENCE VALUES WILL
BE USED IN THE SYSTEM'S STUDY

JOHN DAY CREEK HYDRO PROJECT LUCILE, IDAHO DAVE CERCHINO													P' - PRESSURE DIFFERENCE IN SECTION in (PSI)				H' - PRESSURE DIFFERENCE IN SECTION in (FT)				Hf - FRICTION LOSS IN SECTION in (FT)				"C" - HAZEN-WILLIAMS CALCULATED ROUGHNESS COEFFICIENT																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																										
NOZ. FT.	100	90	80	70	60	50	40	30	20	10																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																									</

STATION LENGTH = 550 FT.

ELEVATION DIFFERENCE = 47.4 FT.

STATION LENGTH = 2154 FT.

ELEVATION DIFFERENCE = 153.6 FT.

STATION LENGTH = 3988 FT.

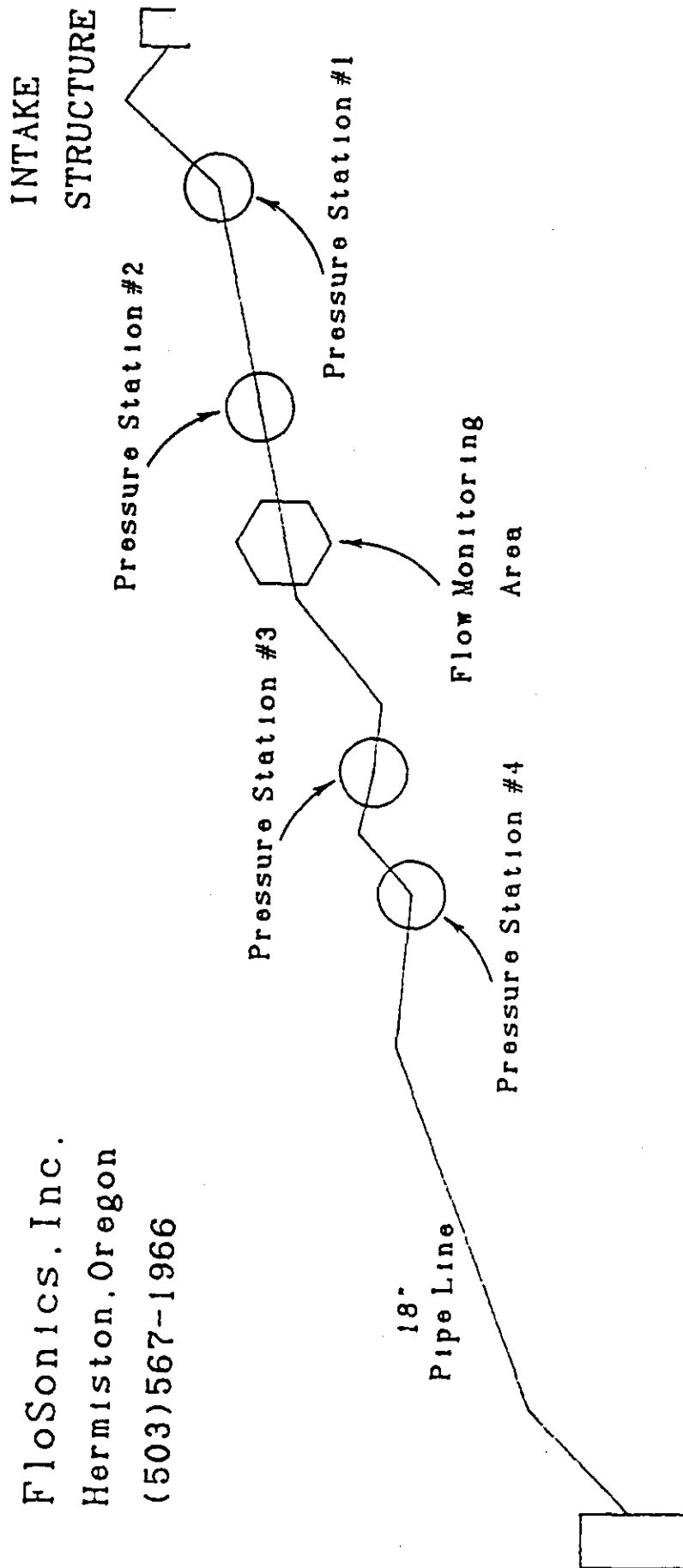
ELEVATION DIFFERENCE = 231.0 FT.

STATION LENGTH = 1231 FT.

ELEVATION DIFFERENCE = 19.4 FT.

STATION LENGTH = 5250 FT.

ELEVATION DIFFERENCE = 484.2 FT.



FloSonics, Inc.
Hermiston, Oregon
(503)567-1966

POWERHOUSE
& Pressure Station #5

System Layout for
JOHN DAY CREEK HYDRO PROJECT
LUCILE, IDAHO
Dave Cereghino

(no scale)

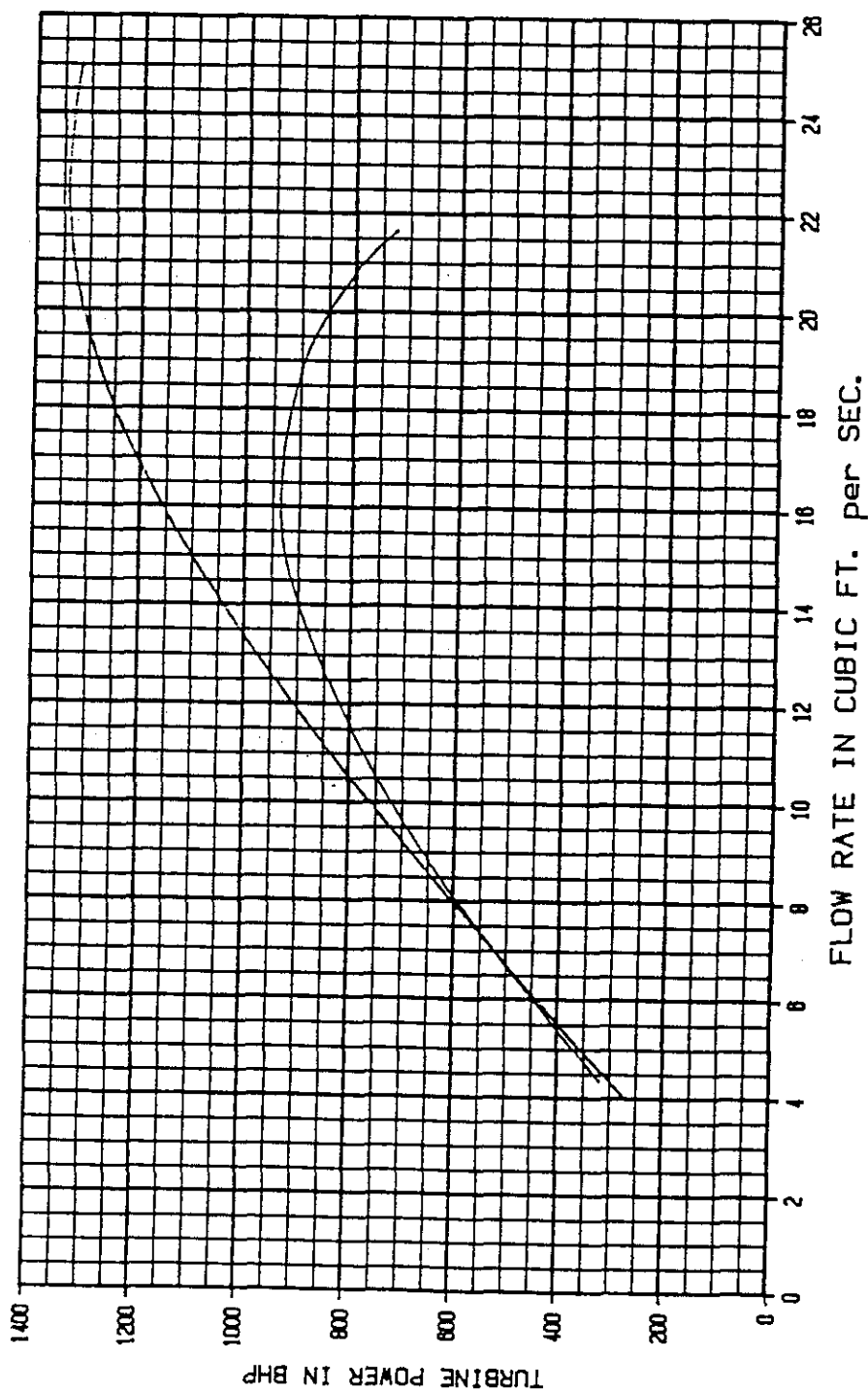
FLOSONICS, INC
HERMISTON, OREGON
(503) 567-1966

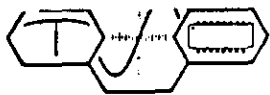
JOHN DAY CREEK HYDRO PROJECT
LUCILE, IDAHO
DAVE CEREGHINO

GILKES TURBINE NO. 56317
RATED OUTPUT 1368 BHP
RATED NET HEAD 609 FEET
RATED FLOW 22.9 CFS
SPEED 1200 RPM

— PERF. CURVE
— TURB. CURVE

POWER VS. FLOW





WESTCON INC.

5101 NORTH INTERSTATE AVENUE · PORTLAND, OREGON 97217 · PHONE (503) 283-0132

CERTIFICATE OF CONFORMANCE/CALIBRATION

CERTIFICATION NUMBER: 91039-F DATE: 880616
PERFORMED FOR: FLOSONICS
GOVERNING PURCHASE ORDER: 061688
MANUFACTURER: MARSH MODEL: D0264Z
SERIAL NUMBER: 3684

DESCRIPTION: MASTER TEST GAUGE

As requested, the instrument cited above was tested and inspected by Westcon personnel. The instrument was found to be in satisfactory physical condition. Its performance was not within specifications published by the manufacturer. The instrument was recalibrated to correct this condition, and final test results verify satisfactory instrument performance.

The instrument is hereby released with a CLASS 1 CERTIFICATION. This certification of performance is based on a transfer of standards from the U.S. National Bureau of Standards and/or other international standards organizations.

All tests and inspections were conducted in a clean environment, and in accordance with procedures derived from manufacturer's specifications or National Bureau of Standards guides. All facets of this certification comply with the applicable sections of 10 CFR 50, ANSI N45.2, MIL-STD-45662, MIL-Q-9858A, and Westcon Procedures. (SEE REVERSE SIDE)

The following instruments were used to establish NBS traceability:

MANUFACTURER	MODEL	S/N	RE-CERT DUE
AMETEK	TQ-150	10341	880711

NBS TRACE NUMBERS:

P7686	7732	212.31/193712	232.09/
210099	210359	208987	210073
ADDL			

Certified by: *Steven Crane* Lab Manager Recommended recall: 881216

When data is supplied by Westcon, the following rules apply:

- 1) Data in the column labeled 'Standard' always refers to readings taken from Westcon standards.
- 2) Data in the column labeled 'IUT' always refers to readings taken from the instrument under test.
- 3) 'I' and 'F' refer to initial and final data respectively.
- 4) 'R', 'F', and 'S' refer to the type of method used to calculate error, when appropriate.

Standard error computation formulae are as follows:

$$\%Error (R) = ((IUT/STD)-1)*100$$

$$\%Error (F) = (IUT-STD)*100/FS$$

$$\%Error (S) = (IUT-STD)*100/(ABS(LOW-HIGH))$$

Any error computed here has been rounded off. These may be used to compute error if greater resolution is required.

Line	Data	Standard	IUT	Type	Other	%Error
1	I	0	*-3		0-600 PSI	
2	I	150	*147		0-600 PSI	
3	I	300	*298		0-600 PSI	
4	I	450	449		0-600 PSI	
5	I	590	*588		0-600 PSI	
6	F	0	-1		0-600 PSI	
7	F	150	149		0-600 PSI	
8	F	300	300.5		0-600 PSI	
9	F	450	450.5		0-600 PSI	
10	F	590	590.5		0-600 PSI	

INITIAL CALIBRATION OUT OF TOLERANCE AS INDICATED BY AN(*)ASTERISK
UNIT NOW MEETS MANUFACTURERS SPECIFICATION OF ANSI GRADE "3A".

Principle procedure used: WP-26 Revision 0

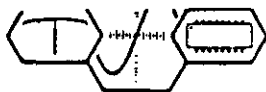
Quality System based on Westcon QA Manual Revision 4, of 820626.

Laboratory temperature at certification time: 20C

Laboratory humidity at certification time: 48%RH

Data certified by: *Steven Crane*

Data certified on: 880616



WESTCON INC

5101 NORTH INTERSTATE AVENUE · PORTLAND, OREGON 97217 · PHONE (503) 283-0132

CERTIFICATE OF CONFORMANCE/CALIBRATION

CERTIFICATION NUMBER: 91040-F DATE: 880616
PERFORMED FOR: FLOSONICS
GOVERNING PURCHASE ORDER: 061688
MANUFACTURER: ASHCROFT MODEL: 1000
SERIAL NUMBER: 3685

DESCRIPTION: PRESSURE GAGE

As requested, the instrument cited above was tested and inspected by Westcon personnel. The instrument was found to be in satisfactory physical condition, and its performance was found to be within applicable specifications published by the manufacturer.

The instrument is hereby released with a CLASS 1 CERTIFICATION. This certification of performance is based on a transfer of standards from the U.S. National Bureau of Standards and/or other international standards organizations.

All tests and inspections were conducted in a clean environment, and in accordance with procedures derived from manufacturer's specifications or National Bureau of Standards guides. All facets of this certification comply with the applicable sections of 10 CFR 50, ANSI N45.2, MIL-STD-45662, MIL-Q-9858A, and Westcon Procedures. (SEE REVERSE SIDE)

The following instruments were used to establish NBS traceability:

MANUFACTURER	MODEL	S/N	RE-CERT DUE
NEWPORT/SETRA	100 PSIG	3515	881120

NBS TRACE NUMBERS:

P7686	7732	212.31/193712	232.09/
210099	210359	208987	210073
ADL			

Certified by: *Steven Crane* Recommended recall: 881216

When data is supplied by Westcon, the following rules apply:

- 1) Data in the column labeled 'Standard' always refers to readings taken from Westcon standards.
- 2) Data in the column labeled 'IUT' always refers to readings taken from the instrument under test.
- 3) 'I' and 'F' refer to initial and final data respectively.
- 4) 'R', 'F', and 'S' refer to the type of method used to calculate error, when appropriate.

Standard error computation formulae are as follows:

$$\% \text{Error (R)} = ((\text{IUT}/\text{STD}) - 1) * 100$$

$$\% \text{Error (F)} = (\text{IUT} - \text{STD}) * 100 / \text{FS}$$

$$\% \text{Error (S)} = (\text{IUT} - \text{STD}) * 100 / (\text{ABS}(\text{LOW} - \text{HIGH}))$$

Any error computed here has been rounded off. These may be used to compute error if greater resolution is required.

Line	Data	Standard	IUT	Type	Other	%Error
1	I	0	0		0-30 PSI	
2	I	5	4.96		0-30 PSI	
3	I	10	9.98		0-30 PSI	
4	I	15	15.15		0-30 PSI	
5	I	20	20.20		0-30 PSI	
6	I	25	25.08		0-30 PSI	
7	I	30	29.91		0-30 PSI	

UNIT MEETS MANUFACTURERS SPECIFICATION OF ANSI GRADE "B".

Principle procedure used: WP-26 Revision 0

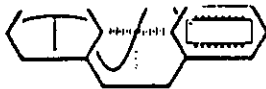
Quality System based on Westcon QA Manual Revision 4, of 820626.

Laboratory temperature at certification time: 20C

Laboratory humidity at certification time: 48%RH

Data certified by: *Steven Cyane*

Data certified on: 880616



WESTCON INC.

5101 NORTH INTERSTATE AVENUE · PORTLAND, OREGON 97217 · PHONE (503) 283-0132

CERTIFICATE OF CONFORMANCE/CALIBRATION

CERTIFICATION NUMBER: 91041-F DATE: 880616
PERFORMED FOR: FLOSONICS
GOVERNING PURCHASE ORDER: 061688
MANUFACTURER: ASHCROFT MODEL: 1082AS
SERIAL NUMBER: 83085-2
DESCRIPTION: TEST GAUGE

As requested, the instrument cited above was tested and inspected by Westcon personnel. The instrument was found to be in satisfactory physical condition. Its performance was not within specifications published by the manufacturer. The instrument was recalibrated to correct this condition, and final test results verify satisfactory instrument performance.

The instrument is hereby released with a CLASS 1 CERTIFICATION. This certification of performance is based on a transfer of standards from the U.S. National Bureau of Standards and/or other international standards organizations.

All tests and inspections were conducted in a clean environment, and in accordance with procedures derived from manufacturer's specifications or National Bureau of Standards guides. All facets of this certification comply with the applicable sections of 10 CFR 50, ANSI N45.2, MIL-STD-45662, MIL-Q-9858A, and Westcon Procedures. (SEE REVERSE SIDE)

The following instruments were used to establish NBS traceability:

MANUFACTURER	MODEL	S/N	RE-CERT DUE
AMETEK	TQ-150	10341	880711

NBS TRACE NUMBERS:

P7686	7732	212.31/193712	232.09/
210099	210359	208987	210073
ADDL			

Certified by:

John M. Crane
Steven Crane Recommended recall: 881216

When data is supplied by Westcon, the following rules apply:

- 1) Data in the column labeled 'Standard' always refers to readings taken from Westcon standards.
- 2) Data in the column labeled 'IUT' always refers to readings taken from the instrument under test.
- 3) 'I' and 'F' refer to initial and final data respectively.
- 4) 'R', 'F', and 'S' refer to the type of method used to calculate error, when appropriate.

Standard error computation formulae are as follows:

$$\% \text{Error (R)} = ((\text{IUT}/\text{STD}) - 1) * 100$$

$$\% \text{Error (F)} = (\text{IUT} - \text{STD}) * 100 / \text{FS}$$

$$\% \text{Error (S)} = (\text{IUT} - \text{STD}) * 100 / (\text{ABS}(\text{LOW} - \text{HIGH}))$$

Any error computed here has been rounded off. These may be used to compute error if greater resolution is required.

Line	Data	Standard	IUT	Type	Other	%Error
1	I	0	*-2		0-200 PSI	
2	I	50	49.7		0-200 PSI	
3	I	100	*99.1		0-200 PSI	
4	I	195	*191.8		0-200 PSI	
5	F	0	-.5		0-200 PSI	
6	F	50	50.2		0-200 PSI	
7	F	100	100.5		0-200 PSI	
8	F	195	194.5		0-200 PSI	

INITIAL CALIBRATION OUT OF TOLERANCE AS INDICATED BY AN(*)ASTERISK
UNIT NOW MEETS MANUFACTURERS SPECIFICATION OF ANSI GRADE "3A".

Principle procedure used: WP-26 Revision 0

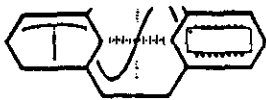
Quality System based on Westcon QA Manual Revision 4, of 820626.

Laboratory temperature at certification time: 20C

Laboratory humidity at certification time: 48%RH

Data certified by: *Steven Crane*

Data certified on: 880616



WESTCON INC.

5101 NORTH INTERSTATE AVENUE · PORTLAND, OREGON 97217 · PHONE (503) 283-0132

CERTIFICATE OF CONFORMANCE/CALIBRATION

CERTIFICATION NUMBER: 91042-F DATE: 880616
PERFORMED FOR: FLOSONICS
GOVERNING PURCHASE ORDER: 061688
MANUFACTURER: ASHCROFT MODEL: 1082AS
 SERIAL NUMBER: 83085-1
DESCRIPTION: TEST GAUGE

As requested, the instrument cited above was tested and inspected by Westcon personnel. The instrument was found to be in satisfactory physical condition. Its performance was not within specifications published by the manufacturer. The instrument was recalibrated to correct this condition, and final test results verify satisfactory instrument performance.

The instrument is hereby released with a CLASS 1 CERTIFICATION. This certification of performance is based on a transfer of standards from the U.S. National Bureau of Standards and/or other international standards organizations.

All tests and inspections were conducted in a clean environment, and in accordance with procedures derived from manufacturer's specifications or National Bureau of Standards guides. All facets of this certification comply with the applicable sections of 10 CFR 50, ANSI N45.2, MIL-STD-45662, MIL-Q-9858A, and Westcon Procedures. (SEE REVERSE SIDE)

The following instruments were used to establish NBS traceability:

MANUFACTURER	MODEL	S/N	RE-CERT DUE
AMETEK	TQ-150	10341	880711

NBS TRACE NUMBERS:

P7686	7732	212.31/193712	232.09/
210099	210359	208987	210073
ADDL			

Certified by: *Steven Crane* Recommended Recall: 881216

When data is supplied by Westcon, the following rules apply:

- 1) Data in the column labeled 'Standard' always refers to readings taken from Westcon standards.
- 2) Data in the column labeled 'IUT' always refers to readings taken from the instrument under test.
- 3) 'I' and 'F' refer to initial and final data respectively.
- 4) 'R', 'F', and 'S' refer to the type of method used to calculate error, when appropriate.

Standard error computation formulae are as follows:

$$\%Error (R) = ((IUT/STD)-1)*100$$

$$\%Error (F) = (IUT-STD)*100/FS$$

$$\%Error (S) = (IUT-STD)*100/(ABS(LOW-HIGH))$$

Any error computed here has been rounded off. These may be used to compute error if greater resolution is required.

Line	Data	Standard	IUT	Type	Other	%Error
1	I	0	*-1		0-200 PSI	
2	I	100	*99.2		0-200 PSI	
3	I	195	*194.4		0-200 PSI	
4	F	0	0		0-200 PSI	
5	F	50	49.7		0-200 PSI	
6	F	100	99.8		0-200 PSI	
7	F	150	150.0		0-200 PSI	
8	F	195	195.0		0-200 PSI	

INITIAL CALIBRATION OUT OF TOLERANCE AS INDICATED BY AN(*)ASTERISK
UNIT NOW MEETS MANUFACTURERS SPECIFICATION OF ANSI GRADE "3A".

Principle procedure used: WP-26 Revision 0

Quality System based on Westcon QA Manual Revision 4, of 820626.

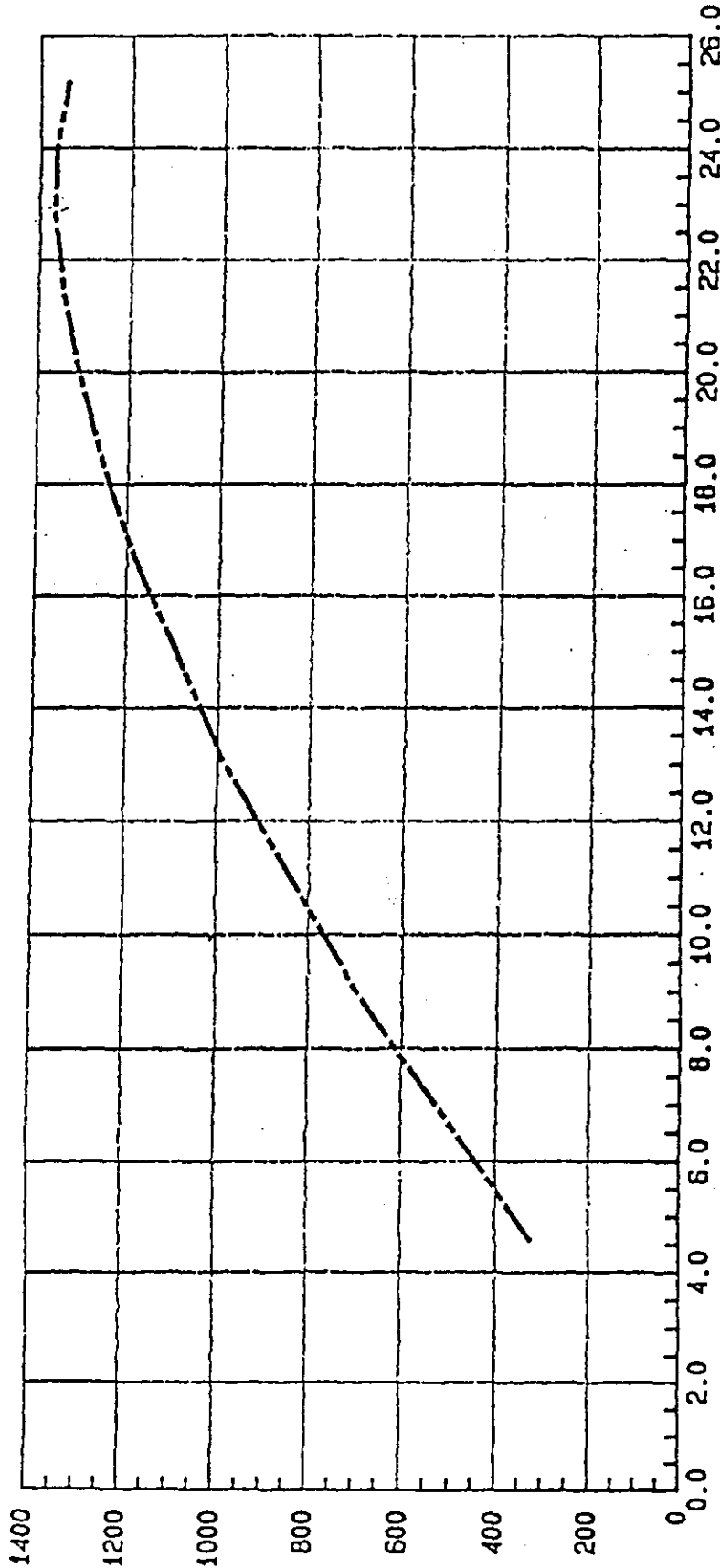
Laboratory temperature at certification time: 20C

Laboratory humidity at certification time: 48%RH

Data certified by: Steven Crane

Data certified on: 880616

ALBERT GILKES & GORDON LTD. Kendal England	WATER TURBINE PERFORMANCE CURVE JOHN DAY CREEK HYDROELECTRIC PROJECT	Curve No: J 1147 Date: 8.8.86
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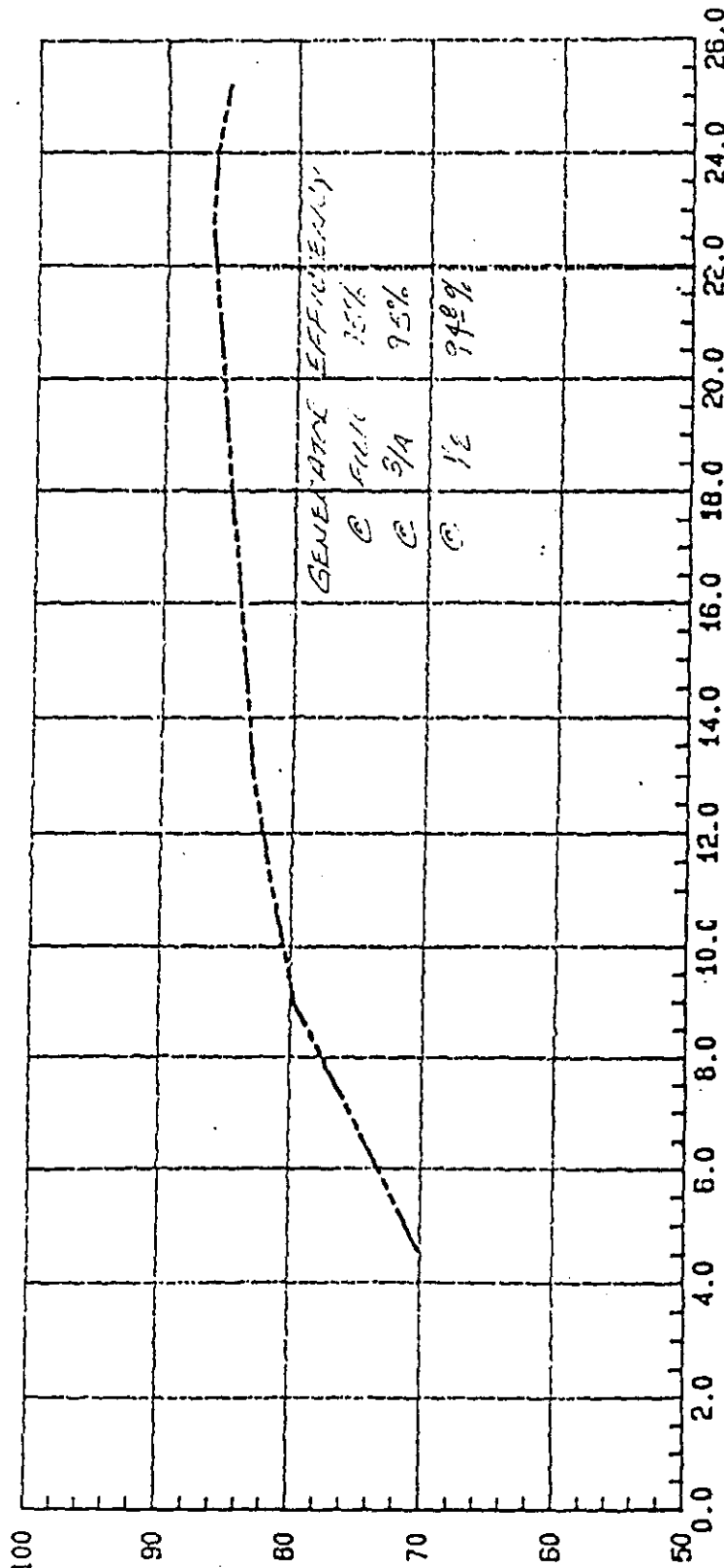


Flow rate in Cubic feet per sec.

General conditions set running gross head 810 feet net head 608 feet flow rate 22.8 Cusecs	Turbine: High Capacity Turgo Impulse Single jet Mean Dia. 18.0 ins. Speed 1200 rpm	Our ref: 16648T/2 Your ref: Dr: 16648T/2
	S LOAD	

16648T/2

BERT GILKES & GORDON LTD. Kendal England	WATER TURBINE PERFORMANCE CURVE JOHN DAY CREEK HYDROELECTRIC PROJECT	Curve No: J 1148
		Date: 8.8.86



Flow rate in Cubic feet per sec.

General conditions ie set running Cross head 810 feet Nett head 808 feet Flow rate 22.8 Cusecs	Turbine: High Capacity Turgo Impulse		Our Ref: 16648T/2
	Single jet		Your Ref:
	Mean Dia. 18.0 ins.	Speed 1200 rpm	Drawn S LOAD
	10B48TD/8		

John Day Creek Performance Test Evaluation
Gary W. Lawson

June 8, 1989

John Day Creek Performance Test Analysis

Appendix B Regression On Test Data

OBS	FLOW	KW	SQRFLD	CUBFLD
1	3.00	0	0.000	0.0
2	0.00	0	0.000	0.0
3	0.00	0	0.000	0.0
4	0.00	0	0.000	0.0
5	0.00	0	0.000	0.0
6	0.00	0	0.000	0.0
7	0.00	0	0.000	0.0
8	0.00	0	0.000	0.0
9	0.00	0	0.000	0.0
10	0.00	0	0.000	0.0
11	0.00	0	0.000	0.0
12	0.00	0	0.000	0.0
13	0.00	0	0.000	0.0
14	0.00	0	0.000	0.0
15	0.00	0	0.000	0.0
16	0.00	0	0.000	0.0
17	0.00	0	0.000	0.0
18	0.00	0	0.000	0.0
19	0.00	0	0.000	0.0
20	0.00	0	0.000	0.0
21	0.00	0	0.000	0.0
22	0.00	0	0.000	0.0
23	0.00	0	0.000	0.0
24	0.00	0	0.000	0.0
25	0.00	0	0.000	0.0
26	0.00	0	0.000	0.0
27	0.00	0	0.000	0.0
28	0.00	0	0.000	0.0
29	0.00	0	0.000	0.0
30	0.00	0	0.000	0.0
31	0.00	0	0.000	0.0
32	0.00	0	0.000	0.0
33	0.00	0	0.000	0.0
34	0.00	0	0.000	0.0
35	0.00	0	0.000	0.0
36	0.00	0	0.000	0.0
37	0.00	0	0.000	0.0
38	0.00	0	0.000	0.0
39	0.00	0	0.000	0.0
40	0.00	0	0.000	0.0
41	4.36	218	19.010	82.9
42	8.40	422	70.560	592.7
43	11.97	568	143.281	1715.1
44	14.62	638	213.744	3124.9
45	16.65	658	277.222	4615.8
46	18.32	642	335.622	6148.6
47	19.55	620	382.202	7472.1
48	20.44	585	417.794	8539.7
49	21.14	550	446.900	9447.5
50	22.66	515	513.476	11635.4

DEP VARIABLE: KW

ANALYSIS OF VARIANCE

SOURCE	DF	SUN OF SQUARES	MEAN SQUARE	F VALUE	PROB>F
MODEL	3	2507128.40	835709.47	39858.587	0.0001
ERROR	46	964.47561	20.96686118		
C TOTAL	49	2508092.88			
ROOT MSE		4.578959	R-SQUARE	0.9996	
DEP MEAN		108.32	ADJ R-SQ	0.9996	
C.V.		4.227251			

PARAMETER ESTIMATES

VARIABLE	DF	PARAMETER ESTIMATE	STANDARD ERROR	T FOR H0: PARAMETER=0	PROB > T
INTERCEP	1	-0.06349812	0.72345477	-0.088	0.9304
FLOW	1	47.93670320	1.29412561	37.042	0.0001
SORFLO	1	1.17291799	0.15864333	7.393	0.0001
CUBFLO	1	-0.10243658	0.004773348	-21.460	0.0001

COOK'S D

-2-1-0-1-2

STUDENT RESIDUAL

STD ERR RESIDUAL

PREDICT RESIDUAL

UPPER95% PREDICT

LOWER95% PREDICT

STD ERR PREDICT

PREDICT VALUE

ACTUAL

OBS

1	0	-0.0635	0.7235	-9.3948	9.2678	0.0635	4.5214	0.0140	0.000
2	0	-0.0635	0.7235	-9.3948	9.2678	0.0635	4.5214	0.0140	0.000
3	0	-0.0635	0.7235	-9.3948	9.2678	0.0635	4.5214	0.0140	0.000
4	0	-0.0635	0.7235	-9.3948	9.2678	0.0635	4.5214	0.0140	0.000
5	0	-0.0635	0.7235	-9.3948	9.2678	0.0635	4.5214	0.0140	0.000
6	0	-0.0635	0.7235	-9.3948	9.2678	0.0635	4.5214	0.0140	0.000
7	0	-0.0635	0.7235	-9.3948	9.2678	0.0635	4.5214	0.0140	0.000
8	0	-0.0635	0.7235	-9.3948	9.2678	0.0635	4.5214	0.0140	0.000
9	0	-0.0635	0.7235	-9.3948	9.2678	0.0635	4.5214	0.0140	0.000
10	0	-0.0635	0.7235	-9.3948	9.2678	0.0635	4.5214	0.0140	0.000
11	0	-0.0635	0.7235	-9.3948	9.2678	0.0635	4.5214	0.0140	0.000
12	0	-0.0635	0.7235	-9.3948	9.2678	0.0635	4.5214	0.0140	0.000
13	0	-0.0635	0.7235	-9.3948	9.2678	0.0635	4.5214	0.0140	0.000
14	0	-0.0635	0.7235	-9.3948	9.2678	0.0635	4.5214	0.0140	0.000
15	0	-0.0635	0.7235	-9.3948	9.2678	0.0635	4.5214	0.0140	0.000
16	0	-0.0635	0.7235	-9.3948	9.2678	0.0635	4.5214	0.0140	0.000
17	0	-0.0635	0.7235	-9.3948	9.2678	0.0635	4.5214	0.0140	0.000
18	0	-0.0635	0.7235	-9.3948	9.2678	0.0635	4.5214	0.0140	0.000
19	0	-0.0635	0.7235	-9.3948	9.2678	0.0635	4.5214	0.0140	0.000
20	0	-0.0635	0.7235	-9.3948	9.2678	0.0635	4.5214	0.0140	0.000
21	0	-0.0635	0.7235	-9.3948	9.2678	0.0635	4.5214	0.0140	0.000
22	0	-0.0635	0.7235	-9.3948	9.2678	0.0635	4.5214	0.0140	0.000

OBS	ACTUAL	PREDICT VALUE	STD ERR PREDICT	LOWER95% PREDICT	UPPER95% PREDICT	RESIDUAL	STD ERR RESIDUAL	STUDENT RESIDUAL	-2-1-0 1 2	COOK'S D
23	0	-0.0635	0.7235	-9.3948	9.2678	0.0635	4.5214	0.0140		0.000
24	0	-0.0635	0.7235	-9.3948	9.2678	0.0635	4.5214	0.0140		0.000
25	0	-0.0635	0.7235	-9.3948	9.2678	0.0635	4.5214	0.0140		0.000
26	0	-0.0635	0.7235	-9.3948	9.2678	0.0635	4.5214	0.0140		0.000
27	0	-0.0635	0.7235	-9.3948	9.2678	0.0635	4.5214	0.0140		0.000
28	0	-0.0635	0.7235	-9.3948	9.2678	0.0635	4.5214	0.0140		0.000
29	0	-0.0635	0.7235	-9.3948	9.2678	0.0635	4.5214	0.0140		0.000
30	0	-0.0635	0.7235	-9.3948	9.2678	0.0635	4.5214	0.0140		0.000
31	0	-0.0635	0.7235	-9.3948	9.2678	0.0635	4.5214	0.0140		0.000
32	0	-0.0635	0.7235	-9.3948	9.2678	0.0635	4.5214	0.0140		0.000
33	0	-0.0635	0.7235	-9.3948	9.2678	0.0635	4.5214	0.0140		0.000
34	0	-0.0635	0.7235	-9.3948	9.2678	0.0635	4.5214	0.0140		0.000
35	0	-0.0635	0.7235	-9.3948	9.2678	0.0635	4.5214	0.0140		0.000
36	0	-0.0635	0.7235	-9.3948	9.2678	0.0635	4.5214	0.0140		0.000
37	0	-0.0635	0.7235	-9.3948	9.2678	0.0635	4.5214	0.0140		0.000
38	0	-0.0635	0.7235	-9.3948	9.2678	0.0635	4.5214	0.0140		0.000
39	0	-0.0635	0.7235	-9.3948	9.2678	0.0635	4.5214	0.0140		0.000
40	0	-0.0635	0.7235	-9.3948	9.2678	0.0635	4.5214	0.0140		0.000
41	218.0	222.7	3.0677	211.7	233.8	-4.7471	3.3994	-1.3965	**	0.397
42	422.0	424.7	2.9122	413.7	435.6	-2.6513	3.5335	-0.7503	*	0.096
43	568.0	566.1	2.2925	555.8	576.4	1.8906	3.9638	0.4770		0.019
44	638.0	631.4	2.2745	621.1	641.7	6.6327	3.9741	1.6690	***	0.228
45	658.0	650.4	2.2655	640.1	660.7	7.5802	3.9792	1.9049	***	0.294
46	642.0	642.0	2.0725	631.8	652.1	0.0473	4.0831	0.0116		0.000
47	620.0	620.0	1.8973	610.0	630.0	0.0209	4.1674	-0.050124		0.000
48	585.0	595.0	1.9327	585.0	605.0	-10.0226	4.1511	-2.4145	****	0.316
49	550.0	569.7	2.1883	559.5	579.9	-19.7298	4.0222	-4.9052	*****	1.780
50	515.0	496.6	3.6138	484.8	508.3	18.4392	2.8120	6.5574	*****	17.755

SUM OF RESIDUALS -2.59348E-13
SUM OF SQUARED RESIDUALS 964.4756
PREDICTED RESID SS (PRESS) 3471.999

OBS	RESIDUAL	RSTUDENT	HAT DIAG	COV RATIO	OFFITS	INTERCEP	FLOW	SQRFLD	CUBFLD
1	0.0635	0.0139	0.0250	1.1198	0.0022	0.0022	-0.0003	0.0002	-0.0002
2	0.0635	0.0139	0.0250	1.1198	0.0022	0.0022	-0.0003	0.0002	-0.0002
3	0.0635	0.0139	0.0250	1.1198	0.0022	0.0022	-0.0003	0.0002	-0.0002
4	0.0635	0.0139	0.0250	1.1198	0.0022	0.0022	-0.0003	0.0002	-0.0002
5	0.0635	0.0139	0.0250	1.1198	0.0022	0.0022	-0.0003	0.0002	-0.0002
6	0.0635	0.0139	0.0250	1.1198	0.0022	0.0022	-0.0003	0.0002	-0.0002
7	0.0635	0.0139	0.0250	1.1198	0.0022	0.0022	-0.0003	0.0002	-0.0002
8	0.0635	0.0139	0.0250	1.1198	0.0022	0.0022	-0.0003	0.0002	-0.0002
9	0.0635	0.0139	0.0250	1.1198	0.0022	0.0022	-0.0003	0.0002	-0.0002

OBS	RESIDUAL	RSTUDENT	HAT	DIAG	H	COV	RATIO	OFFITS	INTERCEP	DFBETAS	FLOM	DFBETAS	SQRFLD	DFBETAS	CUBFLD	DFBETAS
10	0.0635	0.0139	0.0250	0.0250	1.1198	0.0022	0.0022	0.0022	0.0022	-0.0003	0.0002	0.0002	0.0002	0.0002	-0.0002	-0.0002
11	0.0635	0.0139	0.0250	0.0250	1.1198	0.0022	0.0022	0.0022	0.0022	-0.0003	0.0002	0.0002	0.0002	0.0002	-0.0002	-0.0002
12	0.0635	0.0139	0.0250	0.0250	1.1198	0.0022	0.0022	0.0022	0.0022	-0.0003	0.0002	0.0002	0.0002	0.0002	-0.0002	-0.0002
13	0.0635	0.0139	0.0250	0.0250	1.1198	0.0022	0.0022	0.0022	0.0022	-0.0003	0.0002	0.0002	0.0002	0.0002	-0.0002	-0.0002
14	0.0635	0.0139	0.0250	0.0250	1.1198	0.0022	0.0022	0.0022	0.0022	-0.0003	0.0002	0.0002	0.0002	0.0002	-0.0002	-0.0002
15	0.0635	0.0139	0.0250	0.0250	1.1198	0.0022	0.0022	0.0022	0.0022	-0.0003	0.0002	0.0002	0.0002	0.0002	-0.0002	-0.0002
16	0.0635	0.0139	0.0250	0.0250	1.1198	0.0022	0.0022	0.0022	0.0022	-0.0003	0.0002	0.0002	0.0002	0.0002	-0.0002	-0.0002
17	0.0635	0.0139	0.0250	0.0250	1.1198	0.0022	0.0022	0.0022	0.0022	-0.0003	0.0002	0.0002	0.0002	0.0002	-0.0002	-0.0002
18	0.0635	0.0139	0.0250	0.0250	1.1198	0.0022	0.0022	0.0022	0.0022	-0.0003	0.0002	0.0002	0.0002	0.0002	-0.0002	-0.0002
19	0.0635	0.0139	0.0250	0.0250	1.1198	0.0022	0.0022	0.0022	0.0022	-0.0003	0.0002	0.0002	0.0002	0.0002	-0.0002	-0.0002
20	0.0635	0.0139	0.0250	0.0250	1.1198	0.0022	0.0022	0.0022	0.0022	-0.0003	0.0002	0.0002	0.0002	0.0002	-0.0002	-0.0002
21	0.0635	0.0139	0.0250	0.0250	1.1198	0.0022	0.0022	0.0022	0.0022	-0.0003	0.0002	0.0002	0.0002	0.0002	-0.0002	-0.0002
22	0.0635	0.0139	0.0250	0.0250	1.1198	0.0022	0.0022	0.0022	0.0022	-0.0003	0.0002	0.0002	0.0002	0.0002	-0.0002	-0.0002
23	0.0635	0.0139	0.0250	0.0250	1.1198	0.0022	0.0022	0.0022	0.0022	-0.0003	0.0002	0.0002	0.0002	0.0002	-0.0002	-0.0002
24	0.0635	0.0139	0.0250	0.0250	1.1198	0.0022	0.0022	0.0022	0.0022	-0.0003	0.0002	0.0002	0.0002	0.0002	-0.0002	-0.0002
25	0.0635	0.0139	0.0250	0.0250	1.1198	0.0022	0.0022	0.0022	0.0022	-0.0003	0.0002	0.0002	0.0002	0.0002	-0.0002	-0.0002
26	0.0635	0.0139	0.0250	0.0250	1.1198	0.0022	0.0022	0.0022	0.0022	-0.0003	0.0002	0.0002	0.0002	0.0002	-0.0002	-0.0002
27	0.0635	0.0139	0.0250	0.0250	1.1198	0.0022	0.0022	0.0022	0.0022	-0.0003	0.0002	0.0002	0.0002	0.0002	-0.0002	-0.0002
28	0.0635	0.0139	0.0250	0.0250	1.1198	0.0022	0.0022	0.0022	0.0022	-0.0003	0.0002	0.0002	0.0002	0.0002	-0.0002	-0.0002
29	0.0635	0.0139	0.0250	0.0250	1.1198	0.0022	0.0022	0.0022	0.0022	-0.0003	0.0002	0.0002	0.0002	0.0002	-0.0002	-0.0002
30	0.0635	0.0139	0.0250	0.0250	1.1198	0.0022	0.0022	0.0022	0.0022	-0.0003	0.0002	0.0002	0.0002	0.0002	-0.0002	-0.0002
31	0.0635	0.0139	0.0250	0.0250	1.1198	0.0022	0.0022	0.0022	0.0022	-0.0003	0.0002	0.0002	0.0002	0.0002	-0.0002	-0.0002
32	0.0635	0.0139	0.0250	0.0250	1.1198	0.0022	0.0022	0.0022	0.0022	-0.0003	0.0002	0.0002	0.0002	0.0002	-0.0002	-0.0002
33	0.0635	0.0139	0.0250	0.0250	1.1198	0.0022	0.0022	0.0022	0.0022	-0.0003	0.0002	0.0002	0.0002	0.0002	-0.0002	-0.0002
34	0.0635	0.0139	0.0250	0.0250	1.1198	0.0022	0.0022	0.0022	0.0022	-0.0003	0.0002	0.0002	0.0002	0.0002	-0.0002	-0.0002
35	0.0635	0.0139	0.0250	0.0250	1.1198	0.0022	0.0022	0.0022	0.0022	-0.0003	0.0002	0.0002	0.0002	0.0002	-0.0002	-0.0002
36	0.0635	0.0139	0.0250	0.0250	1.1198	0.0022	0.0022	0.0022	0.0022	-0.0003	0.0002	0.0002	0.0002	0.0002	-0.0002	-0.0002
37	0.0635	0.0139	0.0250	0.0250	1.1198	0.0022	0.0022	0.0022	0.0022	-0.0003	0.0002	0.0002	0.0002	0.0002	-0.0002	-0.0002
38	0.0635	0.0139	0.0250	0.0250	1.1198	0.0022	0.0022	0.0022	0.0022	-0.0003	0.0002	0.0002	0.0002	0.0002	-0.0002	-0.0002
39	0.0635	0.0139	0.0250	0.0250	1.1198	0.0022	0.0022	0.0022	0.0022	-0.0003	0.0002	0.0002	0.0002	0.0002	-0.0002	-0.0002
40	0.0635	0.0139	0.0250	0.0250	1.1198	0.0022	0.0022	0.0022	0.0022	-0.0003	0.0002	0.0002	0.0002	0.0002	-0.0002	-0.0002
41	-4.7471	-1.4114	0.4489	0.4489	1.6659	-1.2737	-0.0528	-1.2737	-0.0528	-1.2311	1.1616	1.1616	1.1616	1.1616	-1.0776	-1.0776
42	-2.6513	-0.7467	0.4045	0.4045	1.7454	-0.6154	0.0142	-0.6154	0.0142	-0.5263	0.4461	0.4461	0.4461	0.4461	-0.3801	-0.3801
43	1.8906	0.4729	0.2507	0.2507	1.4285	0.2735	-0.0077	0.2735	-0.0077	0.1014	-0.0432	-0.0432	-0.0432	-0.0432	0.0053	0.0053
44	6.6327	1.7031	0.2467	0.2467	1.1291	0.9747	-0.0071	0.9747	-0.0071	-0.1543	0.3566	0.3566	0.3566	0.3566	-0.4659	-0.4659
45	7.5802	1.9631	0.2448	0.2448	1.0408	1.1177	0.0099	1.1177	0.0099	-0.4618	0.6499	0.6499	0.6499	0.6499	-0.7310	-0.7310
46	0.0473	0.0115	0.2049	0.2049	1.3732	0.0058	0.0001	0.0058	0.0001	-0.0028	0.0035	0.0035	0.0035	0.0035	-0.0037	-0.0037
47	0.0209	0.0050	0.1717	0.1717	1.3182	0.0023	0.0000	0.0023	0.0000	-0.0009	0.0010	0.0010	0.0010	0.0010	-0.0010	-0.0010
48	-10.0226	-2.5555	0.1782	0.1782	0.7727	-1.1898	-0.0137	-1.1898	-0.0137	0.2272	-0.2124	-0.2124	-0.2124	-0.2124	0.1417	0.1417
49	-19.7298	-7.0251	0.2284	0.2284	0.0732	-3.8219	-0.0108	-3.8219	-0.0108	-0.1054	0.3473	0.3473	0.3473	0.3473	-0.6673	-0.6673
50	18.4392	25.3960	0.6229	0.6229	0.0001	32.6381	-0.4844	32.6381	-0.4844	12.9246	-16.8556	-16.8556	-16.8556	-16.8556	20.0218	20.0218

John Day Creek Performance Test Analysis

Appendix C
Generation Estimates Under Historical Average Water
Conditions

John Day Creek Hydroelectric Project
Generation Estimate of Actual Project Performance
Average Water Conditions

Month	Flow (cfs)	Bypass (cfs)	Flow Available For Generation (cfs)	Estimated Output Using Actual Performance (kW)	Generation (kWh)
Jan	11.5	4.5	7.0	358	65,304
Jan	12.0	4.5	7.5	382	69,756
Jan	14.0	4.5	9.5	473	86,389
Jan	14.0	4.5	9.5	473	86,389
Feb	13.5	4.5	9.0	452	82,435
Feb	13.0	4.5	8.5	429	78,335
Feb	13.5	4.5	9.0	452	82,435
Feb	13.5	4.5	9.0	452	82,435
Mar	13.5	4.5	9.0	452	82,435
Mar	14.0	4.5	9.5	473	86,389
Mar	16.0	4.5	11.5	551	100,472
Mar	16.5	4.5	12.0	567	103,490
Apr	18.5	4.5	14.0	620	113,124
Apr	21.0	4.5	16.5	650	118,636
Apr	24.0	12.0	12.0	567	103,490
Apr	26.0	12.0	14.0	620	113,124
May	29.0	12.0	17.0	651	118,739
May	35.0	12.0	23.0	651	118,739
May	40.0	12.0	28.0	651	118,739
May	44.0	12.0	32.0	651	118,739
Jun	47.0	12.0	35.0	651	118,739
Jun	50.0	12.0	38.0	651	118,739
Jun	50.0	12.0	38.0	651	118,739
Jun	43.0	12.0	31.0	651	118,739
Jul	38.0	12.0	26.0	651	118,739
Jul	32.0	12.0	20.0	651	118,739
Jul	27.0	4.5	22.5	651	118,739
Jul	25.0	4.5	20.5	651	118,739
Aug	24.0	4.5	19.5	651	118,739
Aug	20.0	4.5	15.5	643	117,400
Aug	17.5	4.5	13.0	596	108,822
Aug	16.0	4.5	11.5	551	100,472
Sep	15.0	4.5	10.5	514	93,806
Sep	15.0	4.5	10.5	514	93,806
Sep	15.0	4.5	10.5	514	93,806
Sep	15.0	4.5	10.5	514	93,806
Oct	13.0	4.5	8.5	429	78,335
Oct	14.0	4.5	9.5	473	86,389
Oct	13.0	4.5	8.5	429	78,335
Oct	13.0	4.5	8.5	429	78,335
Nov	13.0	4.5	8.5	429	78,335
Nov	13.0	4.5	8.5	429	78,335
Nov	13.0	4.5	8.5	429	78,335
Nov	14.0	4.5	9.5	473	86,389
Dec	14.0	4.5	9.5	473	86,389
Dec	12.5	4.5	8.0	406	74,104
Dec	12.5	4.5	8.0	406	74,104
Dec	13.0	4.5	8.5	429	78,335
Total					4,655,873

John Day Creek Hydroelectric Project
Generation Estimate of Actual Project Performance
Average Water Conditions

Month	Monthly Total Generation (kWh)
Jan	307,838
Feb	325,639
Mar	372,786
Apr	448,373
May	474,954
Jun	474,954
Jul	474,954
Aug	445,433
Sep	375,222
Oct	321,394
Nov	321,394
Dec	312,932
Total	4,655,873

Season	Seasonal Total Generation (kWh)
Jul-Oct	1,617,003
Nov-Feb	1,267,803
Mar-Jun	1,771,067
Total	4,655,873

June 8, 1989

John Day Creek Performance Test Analysis

Appendix D
Preconstruction Generation Estimates

John Day Creek Performance Test Evaluation
Gary W. Lawson

Page D1 of D1
June 8, 1989

JOHN DAY HYDROELECTRIC PROJECT
---CURRENT PROJECT---

10-Jul-86

TURBINE - 15" HIGH CAPACITY TURGO IMPULSE - SINGLE JET

HEAD 910 FT.
LENGTH 13150 FT.
PENSTOCK DIA. 18"

MONTH	FLOW	BYPASS	POWER	TOTAL CFS DWNSTRM.	VEL. (FT./S)	HEAD LOSS	NET HEAD	THEORY KW	ACTUAL KW	KWH
JAN	11.5	4.5	7.0	4.5	3.96	33.6	876.4	519	383	69953
JAN	12.0	4.5	7.5	4.5	4.24	38.2	871.8	554	413	75386
JAN	14.0	4.5	9.5	4.5	5.38	59.2	850.8	684	525	95807
JAN	14.0	4.5	9.5	4.5	5.38	59.2	850.8	684	525	95807
FEB	13.5	4.5	9.0	4.5	5.09	53.6	856.4	653	499	91149
FEB	13.0	4.5	8.5	4.5	4.81	48.2	861.8	620	473	86368
FEB	13.5	4.5	9.0	4.5	5.09	53.6	856.4	653	499	91149
FEB	13.5	4.5	9.0	4.5	5.09	53.6	856.4	653	499	91149
MAR	13.5	4.5	9.0	4.5	5.09	53.6	856.4	653	499	91149
MAR	14.0	4.5	9.5	4.5	5.38	59.2	850.8	684	525	95807
MAR	16.0	4.5	11.5	4.5	6.51	84.3	825.7	804	623	113621
MAR	16.5	4.5	12.0	4.5	6.79	91.2	818.8	832	679	123842
APR	18.5	4.5	14.0	4.5	7.92	121.4	788.6	935	769	140384
APR	21.0	4.5	16.5	4.5	9.34	164.5	745.5	1041	857	156396
APR	24.0	12.0	12.0	12.0	6.79	91.2	818.8	832	679	123842
APR	26.0	12.0	14.0	12.0	7.92	121.4	788.6	935	769	140384
MAY	29.0	12.0	17.0	12.0	9.62	173.9	736.1	1060	872	159114
MAY	35.0	12.0	20.0	15.0	11.32	235.0	675.0	1143	917	167386
MAY	40.0	12.0	20.0	20.0	11.32	235.0	675.0	1143	917	167386
MAY	44.0	12.0	20.0	24.0	11.32	235.0	675.0	1143	917	167386
JUN	47.0	12.0	20.0	27.0	11.32	235.0	675.0	1143	917	167386
JUN	50.0	12.0	20.0	30.0	11.32	235.0	675.0	1143	917	167386
JUN	50.0	12.0	20.0	30.0	11.32	235.0	675.0	1143	917	167386
JUN	43.0	12.0	20.0	23.0	11.32	235.0	675.0	1143	917	167386
JUL	38.0	12.0	20.0	19.0	11.32	235.0	675.0	1143	917	167386
JUL	32.0	12.0	20.0	12.0	11.32	235.0	675.0	1143	917	167386
JUL	27.0	4.5	20.0	7.0	11.32	235.0	675.0	1143	917	167386
JUL	25.0	4.5	20.0	5.0	11.32	235.0	675.0	1143	917	167386
AUG	24.0	4.5	19.5	4.5	11.03	224.2	685.9	1132	914	166794
AUG	20.0	4.5	15.5	4.5	8.77	146.6	763.4	1002	824	150463
AUG	17.5	4.5	13.0	4.5	7.36	105.8	804.2	895	725	132390
AUG	16.0	4.5	11.5	4.5	6.51	84.3	825.7	804	623	113621
SEP	15.0	4.5	10.5	4.5	5.94	71.2	838.8	746	577	105384
SEP	15.0	4.5	10.5	4.5	5.94	71.2	838.8	746	577	105384
SEP	15.0	4.5	10.5	4.5	5.94	71.2	838.8	746	577	105384
OCT	13.0	4.5	8.5	4.5	4.81	48.2	861.8	620	473	86368
OCT	14.0	4.5	9.5	4.5	5.38	59.2	850.8	684	525	95807
OCT	13.0	4.5	8.5	4.5	4.81	48.2	861.8	620	473	86368
OCT	13.0	4.5	8.5	4.5	4.81	48.2	861.8	620	473	86368
NOV	13.0	4.5	8.5	4.5	4.81	48.2	861.8	620	473	86368
NOV	13.0	4.5	8.5	4.5	4.81	48.2	861.8	620	473	86368
NOV	13.0	4.5	8.5	4.5	4.81	48.2	861.8	620	473	86368
NOV	14.0	4.5	9.5	4.5	5.38	59.2	850.8	684	525	95807
DEC	14.0	4.5	9.5	4.5	5.38	59.2	850.8	684	525	95807
DEC	12.5	4.5	8.0	4.5	4.53	43.1	866.9	597	443	80843
DEC	12.5	4.5	8.0	4.5	4.53	43.1	866.9	597	443	80843
DEC	13.0	4.5	8.5	4.5	4.81	48.2	861.8	620	473	86368

PEAK KW - 917

TOTAL KWH----- 5721049

JUL-OCT ----- 2009261

NOV-FEB ----- 1395543

MAR-JUNE ----- 2316245

May 13, 1991

DAVID AND JOANN CEREGHINO
P. O. BOX 387
LUCILE, ID 83562

Dear Mr. and Mrs. Cereghino:

Re: Permit No. 79-7089

PROOF ACKNOWLEDGEMENT LETTER

The department received the proof of beneficial use form on January 9, 1991 and fees to cover the license exam was transferred from money paid before a refund was made..

The next step is for the department to conduct the field inspection to confirm and determine the extent of beneficial use. I cannot tell just when the representative from our Western Regional office will conduct the exam, but he will try to contact you or your representative prior to being in the area.

If you have questions, please contact me.

Sincerely,

RITA I. FLECK
Secretary/Records Manager

c: Christine E. Nicholas
Western Region

RECORDED
JUN 10 1991

INTER-DEPARTMENT MEMO

TO: File # 79-7689SUBJECT: Prof Due noticeFROM: AMDATE: 5-3-91

This prof due notice was sent in error.
Due could not be located. When file was
located and it was evident that Prof
had been submitted, the permit holder
was notified ~~th~~ by phone that the
notice was sent in error.

MICROFILMED

JUN 10 1991

() For your information

() Response required

signature AM

138529
April 30, 1991

DAVID CEREGHINO
JO ANN CEREGHINO
P.O. BOX 387
LUCILE, ID 83542

PROOF DUE NOTICE

RE: PERMIT NO. 79-07089

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before July 1, 1991. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner 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 which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable 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



if received 1-27-91

2/26/1991

CEREGHINO, DAVID & JO ANN

ADJUDICATION FEE	410162 9337 6490	3,645.00
BENEFICIAL USE EXAM FEE	510121 1238 6490	550.00

CHECK	01956	\$4,195.00
-------	-------	------------

Water Right Numbers				
A79-07089	A79-02066	A79-04132	A79-04109	A79-07000
A79-07121	A79-10089	A79-10088	-	-

Region: MOBILE I

Signature: _____

MICROFILMED

JUN 10 1991

RECEIVED

JAN 09 1991

Department of Water Resources
Western Regional Office

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

For Office Use Only
Amt. of Fee \$ 550.00
Date 2-27-91
Receipt No. M000680
Received by GH

NOTE: Fees taken
from refund form
was delivered to
this office on
date stamped.

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

Permit No. PF 79-07089 Telephone No. 628-3986

Name(s) of Permit Holder(s): David & JoAnn Cereghino

Post Office Address: P.O. Box 387 Lucile Id. 83542

Source of Water: John Day Creek

If ground water, well driller's name: N/A Date drilled: _____

Extent of Use:

Domestic _____ (No. of households)

Irrigation ~~_____~~ (No. of acres)

Stockwater _____ (No. and type of stock)

Other Hydro

Total rate and/or volume for which proof is submitted 19.0 cfs Sept 1-9-91 acre/feet

Show date water was first diverted and beneficially used under this permit: Sept 1987

One of the following may be a condition of approval of your permit:

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

OR

Flow Measurement Port: Required? ☐ Yes ☐ No Installed? ☐ Yes ☐ No

Fee Enclosed: \$ 550.00 (See License Examination Fee Schedule)

Person to contact to accompany the Department representative during the field examination:

Dave Cereghino 628-3986
Name Telephone No.

P.O. Box 387 Lucile Id. 83542
Address

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The above information is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the state of Idaho.

2-25-90 David Cereghino
Date Signature (and title if on behalf of a company or organization)

December 12, 1990

RE: Permit No. 79-7089

Christine E. Nicholas
Moffatt, Thomas, Barrett, Rock & Fields
P.O. Box 829
Boise, ID 83701

Dear Ms. Nicholas:

We acknowledge receipt of the correspondence granting First Security Bank of Idaho a security interest in the above referenced water right. We have placed the correspondence in the file and have modified our computer records to show First Security Bank as a lienholder.

If you have any questions regarding this matter, please feel free to contact us.

Sincerely,

SHARLA CURTIS
Technical Records Specialist

SC:blm

MICROFILMED
JUN 10 1991

LAW OFFICE

MOFFATT, THOMAS, BARRETT, ROCK & FIELDS
CHARTERED

EUGENE C. THOMAS
JOHN W. BARRETT
R. B. ROCK
RICHARD C. FIELDS
PAUL S. STREET
LOREN C. IPSEN
LARRY C. HUNTER
GLENN M. CHRISTENSEN
MARK S. PRUSYNSKI
MORGAN W. RICHARDS, JR.
MICHAEL G. McPECK
STEPHEN R. THOMAS
JON S. GORSKI
GERALD T. HUSCH
THOMAS V. MUNSON
KIRK R. HELVIE

THOMAS C. MORRIS
MICHAEL E. THOMAS
MARK B. PERRY
JAMES C. DEGLEE
CHRISTINE E. NICHOLAS
DENISE C. BAIRD
NICHOLAS B. SPENCER
PATRICIA M. OLSSON
GRANT T. BURGOYNE
DAN S. JACKSON
D. BERNARD ZALEHA
STEPHEN J. OLSON
SHAUNA F. MORRIS
BRIAN L. McMAHAN
PATRICK J. KOLE
ANDREW P. DOMAN

FIRST SECURITY BUILDING

911 WEST IDAHO

POST OFFICE BOX 829

BOISE, IDAHO 83701

December 4, 1990

WILLIS C. MOFFATT
(1907-1980)

OFFICE ADMINISTRATOR
DONNA BROWN WISDOM

TELEPHONE
(208) 345-2000

FACSIMILE
(208) 345-2340

IDAHO WATS
(800) 422-2889

ABA NET OIO

WITH ATTORNEYS ADMITTED TO
PRACTICE LAW IN THE FOLLOWING
STATES: ARIZONA, CALIFORNIA,
COLORADO, IDAHO, IOWA, NEW
YORK, UTAH AND WASHINGTON

RECEIVED
DEC 07 1990

Department of Water Resources

Keith Higginson
Director
Idaho Department of Water Resources
1301 North Orchard
Boise, Idaho 83706

Re: Security Interest in Water Permit #79-7089
MTBR&F File No. 04-620.466

Dear Mr. Higginson:

This office represents First Security Bank of Idaho, N.A. in connection with certain loans to David E. and JoAnn Cereghino. In connection with that lending relationship, the Cereghinos have granted to First Security Bank of Idaho, N.A. a security interest in permit #79-7089. Pursuant to Idaho Code §42-207, enclosed is a copy of the security agreement granting a security interest in permit #79-7089, together with a copy of a certificate from the Comptroller of the Currency dated August 21, 1990 evidencing the authority of First Security Bank of Idaho to transact business as a national banking association. As you may know, under the Idaho Bank Act, and more particularly Idaho Code §26-202, banks organized under the laws of the United States and issued an organization certificate by the Comptroller of the Currency need not obtain approval of the director of the Idaho Department of Finance to transact banking business within the State of Idaho. If you have any questions as to First Security Bank of Idaho possessing the qualifications set forth in Idaho Code §42-206, please call so we may further discuss your concerns.

The transfer was made in good faith for the purpose of securing financing extended by First Security Bank of Idaho to the Cereghinos and was not made for purposes of speculation or delay.

Thank you for your assistance in recording this transfer.

Yours very truly,

Christine E. Nicholas

Christine E. Nicholas

DEC 10 1990

CEN/jsb:4L3

Enclosures

cc: First Security Bank of Idaho, N.A.

SECURITY AGREEMENT COVERING WATER PERMIT

This Security Agreement ("Agreement") is made this 26 day of November, 1990, by and between DAVID E. CEREGHINO and JOANN CEREGHINO, husband and wife ("Debtor") and FIRST SECURITY BANK OF IDAHO, N.A. ("Secured Party").

RECITALS

1. Debtor is the owner of a certain water permit issued by the Idaho Department of Water Resources, identified as Permit No. 79-7089. A true and correct copy of Permit No. 79-7089 is attached as Exhibit A.

2. Pursuant to a Loan Workout Agreement dated February 20, 1990, Debtor agreed to grant Secured Party a security interest in all of its right, title and interest in and to water Permit No. 79-7089, issued by the Idaho Department of Water Resources (the "Water Permit") as collateral security for repayment of the indebtedness identified in the Loan Workout Agreement.

NOW, THEREFORE, in consideration of the promises, covenants, and conditions contained herein and the recitals set forth above, which constitute a material part of this Agreement, the parties agree as follows:

SECURITY INTEREST

1. Debtor hereby pledges and grants to Secured Party as security for the prompt repayment of the indebtedness and prompt performance of Debtor's obligations referred to in the Loan Workout Agreement, as amended, a security interest in and to the Water Permit, and a security interest in and to all water permits or applications therefor acquired by Debtor on or after the date hereof relating to the hydroelectric facility known as the John Day Creek hydroelectric project and as Cereghino Hydro Project No. 5865 ("Subsequent Permits").

2. Debtor hereby authorizes and requests the Director of the Idaho Department of Water Resources to record the existence of the security interest granted hereunder with respect to the Water Permit and to all Subsequent Permits acquired by Debtor.

3. Debtor shall execute and deliver to Bank, concurrent with Debtor's execution of this Agreement, and at any time or times hereafter at the request of Bank, all financing statements, continuation financing statements, fixture filings, security agreements, chattel mortgages, assignments, affidavits, reports, notices and schedules and all other documents that Bank may reasonably request, in form satisfactory to Bank, to perfect and maintain perfected Bank's security interest in the Water Permit and Subsequent Permits.

MICROFILMED

JUN 10 1991.

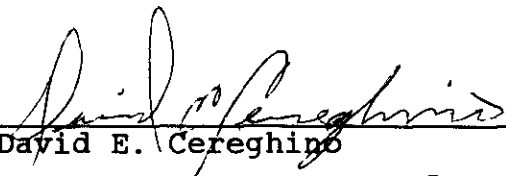
4. Debtor has not and shall not grant a security interest in the Water Permit or Subsequent Permits to any other party so long as the indebtedness and Debtor's obligations referred to in the Loan Workout Agreement, as amended, remain unsatisfied.

5. Debtor will undertake all actions necessary to continue the Water Permit or Subsequent Permits in full force and effect. Debtor agrees to abide by the terms of the Water Permit and to take all actions necessary under Idaho Code Sections 42-201 through 42-247 to ensure Debtor receives a license for the water rights evidenced by the Water Permit and to ensure that such license and water rights are not lost through forfeiture, abandonment, change of point of diversion and place of use, or otherwise under the laws of the state of Idaho.

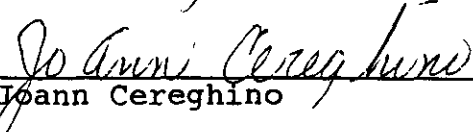
6. Debtor will provide Bank with evidence of the issuance of a license pursuant to the Water Permit, or of the denial of a license, within a reasonable time following notice by the Idaho Department of Water Resources.

7. Upon Debtor's default in repayment of the indebtedness or performance of Debtor's obligations referred to in the Loan Workout Agreement, as amended, Bank shall have all rights referred to in the Loan Workout Agreement, as amended, together with all rights of a Secured Party under the Idaho Uniform Commercial Code and other applicable Idaho law.

IN WITNESS WHEREOF, Debtor has executed this Assignment this 26 day November, 1990.



David E. Cereghino



Joann Cereghino

MICROFILMED

JUN 10 1991

STATE OF IDAHO)
) ss.
County of 10.)

On this 26th day of November, 1990, before me a notary public, personally appeared **DAVID E. CEREGHINO** and **JOANN CEREGHINO**, husband and wife, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

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

Shirley S. Heath
NOTARY PUBLIC for Idaho
Residing at *Riggins, ID.*
My Commission Expires *8-15-93*

MYERS ENGINEERING COMPANY, P.A.
Consulting Engineers

750 Warm Springs Avenue
Boise, Idaho 83712
Telephone: (208) 336-1425
Fax # 208-342-5245

August 23, 1990

Mr. Gary Spackman
Department of Water Resources
Statehouse Mail
Boise, ID 83720

RECEIVED
AUG 30 1990

Department of Water Resources

Re: Permit No. P79-07089
John Day Creek, Idaho County

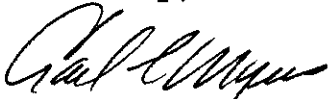
Dear Mr. Spackman:

The hydropower project for which the above permit was granted is completed and in operation.

A standard USGS gaging station was installed below the project diversion to measure the flow remaining in the stream after the power diversion. The actual diversion is not measured directly, but can be determined by reading the net head and kilowatt output showing on gages installed in the powerhouse, corrected for efficiency as shown on the turbine performance curves. The equation is:

$$\text{CFS} = \frac{\text{kilowatts}}{\text{net head} \times \text{efficiency} \times .0843}$$

Sincerely,


Carl L. Myers, P.E.

MICROFILMED

JUN 10 1991

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Statehouse
Boise, Idaho 83720
(208) 327-7900
June 29, 1990

DAVID CEREGHINO
JO ANN CEREGHINO
P.O. BOX 387
LUCILE, ID 83542

PERMIT APPROVAL NOTICE

RE: PERMIT NO. P79-07089

Dear Permit Holder:

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

Please be advised that prior applications for permit have been filed to appropriate water from your source which may impact the availability of water to be used under this permit. Therefore, you should be sure to analyze the impact of these rights before making a major investment into your water use project.

Be sure to note the special condition requiring you to install a measuring device, or a flow measurement port, or to provide a certified measurement or computation of flow based upon the design of the system to be prepared by a professional engineer.

We have enclosed a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit. Also enclosed for your convenience is a form entitled "Proof of

MICROFILMED

JUL 27 1990

Beneficial Use" that must be submitted to the Department when your project is completed. If development is complete, you may submit proof of beneficial use immediately.

Sincerely,

GARY SPACKMAN, Supervisor
Water Right Permits Section

GS: SC
Enclosures

MICROFILMED

JUL 27 1990

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY: C

APPLICATION NUMBER: 79-7089

CHECK:

- ☒ Source.
☒ Point of diversion.
☒ County.
☒ Quantity of water and period of use.
☒ Description of diverting works.
☒ Time required for beneficial use of water.
☒ Place of use or acres irrigated.
☒ Map.
☒ Signature.

Field check by: _____

Date: _____

Comments: _____

☒ Fee.

☐ Yes ☒ No Field check required.

☐ Yes ☐ No Critical groundwater area.

☐ Yes ☐ No Request dam safety information. Sent by: _____ Date: _____

☐ Yes ☐ No* In form to receipt.

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

SEND COPIES TO:

- ☐ Idaho State Health Department.
☒ Idaho Fish and Game Department.
☐ Idaho Department of Lands.
☐ U.S. Bureau of Land Management.
☐ U.S. Forest Service.

Copies sent by: _____

Date: _____

☒ Other IPUC

PROCESSING:

☐ Yes ☐ No Platted by: _____ Map No. _____

☐ Yes ☐ No Other rights on same place of use. _____

☒ Yes ☐ No* In form for advertising.

Final date for protests: 9-7-92

☐ Yes ☐ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

☒ Affidavit of publication received. Date: 8-31-1981

☒ Application published correctly. If not, record action taken: _____

☒ Fee amount, receipt date & number, recorded on application. \$445.00 12575

☒ Publication dates and paper, recorded on application. 2/19, 26/81 Idaho County Press

☒ Protests, dates, withdrawal, etc., recorded on application.

☒ Recommendation & initial, recorded on application.

☐ Yes ☒ No Measuring device required.

☒ Yes ☐ No Access port required.

☐ Yes ☒ No Will water be delivered by watermaster? If yes, what district? _____

8/10/81 Date of priority recommended.

Special conditions of approval or cover letter. Right-of-way clause (04), 01F, 26A, 0AD, 17D, 17E, 17H, 25, 27, 30, 08A

System is complete as of fall '87
allow 1 yr. to submit B/U

By: Der

Date: 4/27/90

STATE OFFICE REVIEW

P14, P19, P16

04 01F 08A 09E 17K 17M

25 27 30 (below)

☐ See attached sheet for more information.

By: KW

Date: 6-1-90

KK

This permit and any subsequent license issued shall be subject to review at the expiration date of the power sales contract which shall be identified at the time of licensing.

MEMORANDUM

TO: File No. 79-7089
FROM: Gary Spackman *Gary*
DATE: June 1, 1990

RE: Waiver of Rule 4,5. Additional Information Requirements

Application 79-7089 represents development that occurred in 1987. Normally, additional information would be required under Rule 4,5. of the Water Appropriation Rules and Regulations. Possible issues that the additional information should address have probably already been raised during development and operation, however. The Rule 4,5. informational requirements to the extent they have not been addressed, should be waived. The permit should be conditioned as follows:

This permit and any subsequent license issued shall be subject to review at the expiration date of the power sales contract which shall be identified at the time of licensing.

All other standard hydropower conditions should also be imposed.

INDEXED FILMED

JUL 27 1990

POWER CALCULATIONS FOR APPLICATION NO.

79-7089

1110
P = Kilowatts .74 X hp 1500

Q = cfs 22

H = feet 1360'

e = efficiency

- ☒ 1.) Affidavit of Residency
- ☒ 2.) Ownership of Facilities
- ☒ 3.) *Financial Ability
- ☐ 4.) Feasibility of Project
 - a. Plans, drawings
 - b. Economic analysis
- ☒ 5.) *Compliance w/FERC

*only for projects of more than 25 cfs
or more than 500 horsepower.

$$e = \frac{P(11.8)}{QH} = \frac{1110(11.8)}{22 \times 1360} = \frac{13098}{29920} = 0.44 \text{ --- LOW}$$

$$P = \frac{QHe}{11.8} = \frac{22 \times 1360 \times 80\%}{11.8} = 2028.5 \text{ at } 80\% \text{ eff}$$

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

OVERLAP REVIEW

P/D

none

P/U

79-4132 - irrig. 15 ac

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JUL 27 1990

BYPASSED AREA

use P14 - see attached

kw
5/16/90

SD-34	SOURCE: JOHN WAY CREEK	BASIN:	STATE
WATER RIGHT NO.	CURRENT OWNER LAST, FIRST	PRIORITY DATE	TRIBUTARY
79-02066	BROWN, HERBERT E.	L 06/12/1929	SALMON RIVE
79-04109	STONE, CHARLES	S 01/01/1900	SALMON RIVE
79-04132	CEREGHINO, DAVID	S 01/01/1950	SALMON RIVE
79-07000	MOOSE CREEK RANCH C	L 04/06/1970	SALMON RIVE
79-07089	CEREGHINO, DAVID	A 08/10/1981	SALMON RIVE
	CEREGHINO, JOANN		

(ENTER=CONTINUE)

(GOLD 7=THIS QUERY)

(MENU _____)

MICROFILMED

JUL 27 1990

Memorandum

TO: 79-7089
FROM: David Cereghino
DATE: April 24, 1990
RE: Information Required by Rule 4,5,3.

*Accepted by
DCC
4/24/90*

This information is recorded in the offices of the Department of Water Resources with the assistance of Dave Tuthill, pursuant to information provided by David Cereghino. The power system described in this application was constructed in March through September, 1987, so many of the responses are NA (not applicable) at this time.

Rule 4,5,3,1,1. There is only one other water user on John Day Creek, but the water has not been used by that person in the 12 years that I have been the owner of the property. I use water in John Day Creek to irrigate $\pm$ 200 acres, for which claims have been filed in the SRBA. This application is compatible with those water rights.

Rule 4,5,3,1,2. NA

Rule 4,5,3,1,3. NA - No water rights being used by other parties.

Rule 4,5,3,2,1&2. For this power use, there are periods of time when flows are sufficient to fully satisfy the right. This stream received a complete hydrologic analysis prior to construction of the power project.

Rule 4,5,3,3. NA

Rule 4,5,3,4. NA

Rule 4,5,3,5. A minimum bypass flow of (4.5 cfs from 7/15 to 4/15 and 12 cfs from 4/15 to 7/15) has been required by IDFG and other agencies. This requirement has been written into the FERC Exemption (#5865). Participation in the FERC process, at a cost of about \$250,000, constitutes extensive involvement in this area.

Rule 4,5,3,6. NA

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JUL 27 1990

David Cereghino

CONVERSATION MEMORANDUM

DATE 2/16/90FILE 79-1089NAME OF PARTY Dave CereghinoEMPLOYEE Dave TuttleRE: Response

Mr. Cereghino called to ask why the permit had not been issued for this water right. I advised him that we still had not rec'd the necessary info re: Rule 4,5,3. Per his request I sent to him copies of my letter dated 6/27/89, and the pertinent rules.

DTS

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JUL 21 1990



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705 - (208) 334-2190

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

June 27, 1989

David and/or JoAnn Cereghino
Box 387
Lucile, ID 83542

Re: Application for Permit #79-7089

Dear Applicants:

It is my understanding that Mr. Cereghino called this spring regarding the status of the above-referenced application. I apologize for the lateness of this response.

Presently the application is being held in the Western Regional Office of the department pending the receipt of information requested in a letter dated June 25, 1986. In that letter, we indicated that additional information is required in order to allow a review of the water right, pursuant to the water appropriation rules and regulations. Rule #4,5,3 is the rule that applies in this instance, and a copy of the rule has been enclosed for your information.

Because the project as proposed has already been developed, much of the information sought in the rules requires only a very brief response. If after reviewing this information there is still a question regarding the information that is required, please feel free to contact this office. In order to expedite further review, I would ask that you please provide this requested information no later than July 17, 1989.

Sincerely,

A handwritten signature in cursive script that reads "David R. Tuthill, Jr.".

DAVID R. TUTHILL, JR., P.E.
Manager, Western Regional Office

DRT:st

MICROFILMED

JUL 27 1990

MYERS ENGINEERING COMPANY, P.A.
Consulting Engineers

750 Warm Springs Avenue
Boise, Idaho 83712
Telephone: (208) 336-1425

RECEIVED
OCT 22 1987

October 21, 1987

✓
4/7/89

Department of Water Resources
Statehouse
Boise, ID 83720

Department of Water Resources

Re: Permit application No. 79-7089
John Day Creek

RECEIVED
OCT 22 1987

Department of Water Resources
Western Regional Office

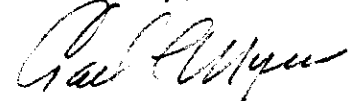
Gentlemen:

This is to advise that the project under the above permit has been completed and is in operation. The following changes were made as required by the Federal Energy Regulatory Commission's final terms and conditions:

Static head	910 feet
Installed capacity	925 kw
Penstock	18"
Point of Use	SW 1/4 SE 1/4 Sec 13 T26N R1E BM

The point of diversion and rate of diversion are not changed.

Sincerely,



Carl L. Myers, P.E.

cc: Dave Cereghino

MICROFILMED

JUL 27 1990

CONVERSATION MEMORANDUM

DATE

8/29/86

FILE

79-7089

NAME OF PARTY Carl MeyersEMPLOYEE David ShawRE: Information Request (Rule 4.513)

Carl did not think the rule applied because it did not impact the Murphy gauge. ~~that~~ I told Carl the 6/25/86 letter from David Tutill to the applicant was the specific request for information by the director as provided in the rules.

Carl asked which information we were seeking and I told him all that applied. He said he would be submitting something soon.

Carl Meyers called 6/26/87. Said that Mr. Cereghino would contact us in two weeks. Drr

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JUL 27 1990

CONVERSATION MEMORANDUM

DATE 7/29/86

FILE 79-7089

NAME OF PARTY Dave Cereghino

EMPLOYEE Dave Tutthill

RE: Deadline

Mr. Cereghino called to request a delay in the deadline.
I allowed him until the end of August.

Over

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JUL 27 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

WESTERN REGION, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-2190

June 25, 1986

David and/or Jo Ann Cereghino
Box 387
Lucile, ID 83542

Re: Application for Permit No. 79-7089, John Day Creek

Dear Mr. and Mrs. Cereghino:

This office has received from Carl L. Myers, P.E., a copy of the Federal Energy Regulatory Commission's order granting an exemption for the above project, FERC No. 5865.

Now that the FERC approval has been obtained, it is appropriate to solicit additional information to enable the Department to proceed with review of the application. The Rules and Regulations that pertain to this review include a specific rule which pertains to applications for permit with rate of flow greater than 5 cubic feet per second. A copy of this rule, No. 4,5,3., has been enclosed for your information.

Please provide the required information to this office no later than August 1, 1986, if possible, to enable us to proceed with further action on the application for permit.

Sincerely,

DAVID R. TUTHILL, JR., P.E.
Manager, Western Regional Office

Is

Enclosure

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JUL 27 1990

MYERS ENGINEERING COMPANY, P.A.
Consulting Engineers

750 Warm Springs Avenue
Boise, Idaho 83712
Telephone: (208) 336-1425

79-7089

June 6, 1986

RECEIVED
JUN 9 1986

Idaho Department of Water Resources
Statehouse
Boise, ID 83720

Department of Water Resources

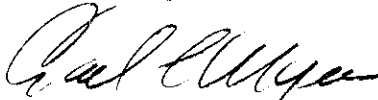
Re: Water Right Application 79-7089
John Day Creek - David Cereghino

Gentlemen:

Enclosed is a copy of the Federal Energy Regulatory Commission's order granting an exemption for the above project, FERC No. 5865.

The project is now under construction.

Sincerely,


Carl L. Myers, P.E.

Enclosure

cc: David Cereghino, Lucile
Joshua Rokach, FERC, Washington, DC

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JUL 27 1990

FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE, \$300



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REGULATORY COMMISSION
FERC-351

Carl L. Myers, P.E. P-5865
Kenneth D. Rower & Associates
750 Warm Springs Avenue
Boise, ID 83702

JUL 27 1990

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and enhancement measures recommended by staff -- i.e., the preparation and implementation of a plan to control erosion, sedimentation and slope stability, 20/ the development of specific measures for stream improvement in John Day Creek, 21/ and the implementation of measures to protect cultural resources if archeological or historic sites are discovered during construction of the project 22/ -- are approved and will be made part of the requirements of the exemption. On the basis of the EA and the record in this proceeding, we conclude that approval of the project as conditioned is not a major federal action significantly affecting the quality of the human environment. Thus, no EIS need be prepared.

In light of the EA, the modifications to the exemption, and the agreement reached between Cereghino, the FWS and the IDFG, we believe we have fulfilled the requirements of NEPA, Section 30(c) of the FPA, 23/ the Endangered Species Act, 24/ and the FWCA. In

20/ EA at 8 and 11.

21/ EA at 14.

22/ EA at 19. See new Articles 9, 10 and 11.

23/ The NWF's assertion that Project No. 5865 is not a valid natural water feature exemption because it would use an artificial diversion structure to remove water from the stream is without merit. The project would not use an artificial diversion structure amounting to a "dam" to remove water from the stream; rather the project would use a side channel diversion structure which would not obstruct the stream or impound any water. Thus, the diversion structure does not come within the plain meaning of the term "dam" or "impoundment" and meets the threshold criterion for a valid natural water feature exemption. See Pigeon Cove Power Co., 30 FERC ¶ 61,253 (1985), for a discussion of the statutory, judicial and administrative history of natural water feature exemptions. See also Eagle Power Co., 30 FERC ¶ 61,254 (1985).

24/ The NWF contends that the Project No. 5865 area is a natural habitat of the Northern Rocky Mountain Grey Wolf, an endangered species, and that we must prepare a biological assessment. However, under the implementation regulations for the Endangered Species Act, a federal agency need not act if it decides that its activities will not affect listed species or their habitat. See 50 C.F.R. § 402.04 (1985). In this case, the FWS, the federal agency with primary responsibility over endangered species, failed to indicate the presence of the Grey Wolf in the project area in any of the three letters it sent regarding Project No. 5865 or

(Footnote 24 continued on next page.)

addition, we have taken into account all relevant provisions of the Planning Act. 25/ Finally, although we do not agree that we have an independent responsibility to protect treaty fishing rights, the conditions imposed on the project will ensure that treaty fishing rights of the Tribe will not be adversely impacted by the project.

The petitioners also contend that Section 10(a) of the FPA 26/ imposes a comprehensive planning mandate which we failed to fulfill for Project No. 5865. Furthermore, they assert we failed to inquire into the need for the power to be produced by this exemption. We

(Footnote 24 continued from previous page.)

during pre-filing consultation on the project. In fact, at no time has any agency raised concerns regarding the Grey Wolf in this proceeding. Furthermore, in discussion with Commission staff, the FWS stated that the Grey Wolf does not inhabit the project area and that the construction and operation of the project would have no impact on the Grey Wolf or its habitat. Therefore, we have determined that preparation of a biological assessment is not required.

25/ The NWF's argument that the Planning Act's equitable treatment provision requires affirmative steps to enhance fishery resources in the Pacific Northwest and the Commission must decline issuance of any exemptions until this enhancement effort has been completed is without merit. The NWF has misconstrued Congress' use of the term "enhancement" in the Planning Act. A reading of the entire Planning Act and its legislative history clearly reveals that Congress did not intend to establish enhancement as an independent objective; rather, it intended for enhancement to be used as a tool to fulfill protection and mitigation obligations. See, e.g., Section 4(h)(5) of the Planning Act, 16 U.S.C. § 839(h)(5), and H.R. Rep. No. 96-976, Part II, 96th Cong., 2d Sess. 45 (1980). In any event, construction and operation of the project as conditioned could result in the enhancement of fish resources.

We disagree with petitioners' contention that compliance with a "site-ranking" study conducted by the Council pursuant to provisions contained in the Regional Electric Power and Conservation Plan is mandatory. The Ninth Circuit has recently held that the Commission is not required to "follow or consider" the Plan in acting on projects such as this one. See Idaho Power Co. v. FERC, 767 F.2d 1359, 1363 (9th Cir. 1985).

26/ 16 U.S.C. § 803(a).

Project Nos. 5865-002, et al. -11-

(H) Article 8 of the exemption for Project No. 5865 is hereby amended to read as follows:

The Fish and Wildlife Service of the U.S. Department of the Interior and the Idaho Department of Fish and Game are reserved the right to add and alter terms and conditions as appropriate to carry out their responsibilities during the life of the project with respect to fish and wildlife resources. The Exemptee shall, within 30 days of receipt, file with the Commission any additional terms and conditions imposed by the above agencies.

(I) The following additional articles are hereby added to the exemption for Project No. 5865:

Article 9. Exemptee, after consultation with federal and state fish and wildlife agencies, the Bureau of Land Management (BLM), and the Soil Conservation Service (SCS), and before commencing any ground-disturbing or spoil-producing activities associated with the project, shall prepare a plan, in cooperation with and agreed to by SCS and BLM, to control erosion, dust, and slope stability, and minimize the quantity of sediment or other potential water pollutants resulting from construction and operation of the project. The plan shall address, among other things, revegetating, grading of slopes, control of surface drainage, measures to contain sediment, spoil disposal areas, and any construction or upgrading of access roads, including construction access. The plan shall also identify critical areas, include functional design drawings and map locations of control measures, and establish schedules for implementation, monitoring, maintenance, and periodic review. The Commission reserves the right to require changes to the plan at the request of the Exemptee, BLM, or SCS.

Article 10. Exemptee shall halt any construction activity of project facilities if any previously unrecorded archeological or historical sites are discovered during the course of the construction or development of any project works. If any sites are discovered, Exemptee shall consult with a qualified archeologist to determine the significance of the sites, and shall consult with the State Historic Preservation Officer to develop a mitigative plan

for the protection of significant archeological or historical resources.

Article 11. Exemptee, after consultation with the U.S. Fish and Wildlife Service and the Idaho Department of Fish and Game, shall prepare and enact a plan to enhance the anadromous fish habitat and riparian vegetation of the John Day Creek Project area. The plan shall address, among other things, instream work to enhance fish passage, spawning and rearing habitat, and out-of-stream work for the protection of streambanks and riparian vegetation. The Exemptee shall implement specific enhancement measures at sites recommended by the agencies. The plan shall also include functional design drawings, map locations, evaluation procedures, maintenance programs, construction schedules, and provisions for periodic review of the plans and measures for correcting deficiencies. Documentation of consultation with the consulted agencies and copies of agency comments and recommendations shall be attached to the plan. The agencies may require changes to the plan. The Exemptee may commence ground-disturbing activities at the project 90 days after submitting the enhancement plan to the agencies, or sooner if the plan is approved by the agencies.

(J) The relocation of the powerhouse for Project No. 5865 as described herein, together with the attendant changes in the length and siting of the transmission line and penstock, are hereby approved.

(K) The provisions of 18 C.F.R. §§ 4.32(c)(2)(ii) and 4.104 (1985) are hereby waived to the extent applicable to the relocation of the powerhouse for Project No. 5865 and attendant changes in other project features.

By the Commission.

(S E A L)

Kenneth F. Plumb

Kenneth F. Plumb,
Secretary.

The Petitioners' Rehearing Requests

The petitioners contend that issuance of the original exemption for Project No. 5865 without analyzing all potential environmental impacts of the project was an action inconsistent with the provisions of several federal statutes. 11/ In addition, the Tribe contends that our action violated a Commission responsibility to protect the Tribe's treaty fishing rights. All of these arguments are moot. Commission staff has prepared a comprehensive EA that analyzes all of the environmental impacts associated with the construction and operation of the project as originally proposed and as proposed to be modified in accordance with the agreement between Cereghino, the FWS and the IDFG, as conditioned by the FWS and the IDFG. 12/ Included in the EA are thorough assessments of the projects' impacts on geology, soils and sedimentation, water resources, fishery resources, terrestrial resources, recreation and other land and water uses, cultural resources, visual resources, and socioeconomics. In addition, the EA analyzes the modified project's potential cumulative adverse impacts to important target resources, including salmon and steelhead trout.

The modified project with the relocated powerhouse would have a significantly shorter penstock and transmission line, and therefore would have a smaller impact on water, fish, visual and cultural resources. Accordingly, the EA concludes that the modified project is preferable. 13/ The EA indicates that, if Cereghino constructs and operates the modified project in accordance with the mandatory terms and conditions prescribed by the FWS 14/ and the IDFG, and if he undertakes certain mitigation and enhancement measures recommended by Commission staff, its impacts on environmental resources, including fish and wildlife resources, would be reduced to a mitigable

11/ Specifically, they contend that our omission in this regard violated: the provisions of the National Environmental Policy Act (NEPA); the provisions of the Pacific Northwest Power Planning and Conservation Act (Planning Act); Section 30(c) of the PPA; the Endangered Species Act; and the Fish and Wildlife Coordination Act (FWCA).

12/ Environmental Assessment, John Day Creek Hydroelectric Project, FERC No. 5865--Idaho, Office of Hydropower Licensing, Federal Energy Regulatory Commission, February 7, 1986.

13/ EA at 28.

14/ The EA indicates that fishery-related conditions in the June 29, 1984, FWS letter incorporated the recommendations and comments of the NMFS and the Bureau of Land Management. EA at 5.

level. 15/ With regard to cumulative environmental impacts, the EA concludes that construction and operation of the modified project would not adversely impact the salmon, steelhead trout, and other target resources. 16/

Significantly, the EA also indicates that adverse impacts to fish and wildlife resources could occur if no project was constructed due to the possibility that Cereghino, who currently diverts water from John Day Creek for crop irrigation and stock watering, could legally increase the quantity of water diverted in the absence of the minimum flow requirements that would be in effect under an exemption. 17/ Also, because of the enhancement measures recommended by staff and other reasons, construction of the project could improve water quality and fish resources. 18/

Based on our review of the EA, we have determined that Project No. 5865, as modified by the agreement between Cereghino, the FWS and the IDFG on October 16, 1985, would not have an adverse effect on environmental resources, including fish and wildlife resources, if constructed and operated in accordance with the mandatory terms and conditions prescribed by the FWS and the IDFG, and if the Commission staff recommendations for mitigation and enhancement are implemented. Accordingly, we are approving the relocation of the powerhouse to 1.5 miles upstream from the confluence of the John Day Creek with the Salmon River with the decrease in the length of the transmission line and penstock. 19/ In addition, the mitigation

15/ EA at 28.

16/ EA at 27.

17/ EA at 21.

18/ EA at 10 and 13.

19/ Under Section 4.104 of our regulations (18 C.F.R. § 4.104 (1985)), an exemptee proposing changes to an exempted project that would materially alter the design, location, method of construction or operation of the project works is required to file an application to amend his exemption with the Commission, which in turn will process it in accordance with the Commission's regulations governing applications for exemptions, including the requirement for public notice. See 18 C.F.R. § 4.32(c)(2)(ii) (1985). In this case, Cereghino did not file a formal amendment application with the Commission, and the proposed relocation of the powerhouse has not been noticed. Here, however, the FWS and the IDFG requested the relocation of the powerhouse, and the project with the relocated powerhouse will have less environmental impact. Therefore, it is appropriate to waive these requirements to the extent they apply to this proceeding.

disagree. One congressional purpose in enacting the exemption statutes was to expedite small hydroelectric development. To accomplish this goal, Congress specifically authorized the Commission to exempt these projects from the licensing provisions of Part I of the FPA, including the comprehensive planning mandate of Section 10(a). The Ninth Circuit has recently confirmed that Section 10(a) applies only to licenses and does not limit the Commission's discretion to grant exemptions. Therefore we need not inquire into the need for power from exempted projects. 27/

Finally, petitioners contend that our actions on cumulative impacts to fish and wildlife resources were not based on substantial evidence and a hearing should be held. However, we examined the project's potential for causing adverse cumulative impacts to fish and wildlife resources and concluded that no adverse impact to fish and wildlife resources exists. Therefore, our decision to allow Project No. 5865 to proceed is based on substantial evidence, and no hearing need be held. 28/

Cereghino's Rehearing Request

Cereghino argues that Article 7 of the exemption, which reserves to the Commission the authority to subject the exemption to further requirements for consistency with the Program developed by the Council, was an improper delegation of authority and should have been removed. We disagree. Article 7 allows us to take into account the provisions of the Program. Although we believe that all relevant provisions of the Program have been met, those provisions may be modified in the future. Article 7 is needed in order to respond to any future modifications. Consequently, Article 7 is not an improper delegation of authority and will be retained in the exemption. 29/

27/ See Idaho Power Co. v. FERC, 766 F.2d 1348, 1349-51 (9th Cir. 1985).

28/ See Cerro Wire and Cable Company v. FERC, 677 F.2d 124 (D.C. Cir. 1982).

29/ For the reasons noted previously, we will also deny Cereghino's request that the special article reserving to the FWS the authority to add or alter terms and conditions be deleted from the exemption.

CEREGHINO'S EXTENSION OF TIME REQUEST

As noted previously, Cereghino requested a 180-day extension of time to commence construction of the project. Considering the protracted Commission proceedings and the uncertainty those proceedings have created, we believe Cereghino should be granted an extension to commence construction of the project. However, since a considerable amount of time has elapsed since the filing of Cereghino's request, and since we are adding new conditions to the exemption, we will provide Cereghino with five additional months beyond that time period which he initially requested. Accordingly, Article 3 of the exemption will specify that construction of the project must commence by September 1, 1986.

The Commission orders:

(A) The request for rehearing filed by David Cereghino in this proceeding on April 4, 1985, is granted.

(B) The Commission's March 6, 1985, order in this proceeding is rescinded.

(C) The request for rehearing filed by David Cereghino in this proceeding on May 3, 1984, is denied.

(D) The request for rehearing filed by the Idaho Department of Fish and Game in this proceeding is granted.

(E) The requests for rehearing and stay filed in this proceeding by the National Marine Fisheries Service, the National Wildlife Federation/Idaho Wildlife Federation, and the Nez Perce Tribe are denied.

(F) The request for extension of time filed by David Cereghino in this proceeding on September 20, 1985, is granted with modification.

(G) Article 3 of the exemption for Project No. 5865 is hereby amended to read as follows:

The Commission may revoke this exemption if actual construction of any proposed generating facilities has not begun by September 1, 1986, or has not been completed within four years from the date on which this exemption was granted. If an exemption is revoked under this article, the Commission will not accept from the prior exemption holder a subsequent application for exemption from licensing or a notice of exemption from licensing for the same project within two years of the revocation.

and a condition indicating that Cereghino could proceed with construction of Project No. 5865, but that the FWS could require him to develop information on the project's potential cumulative environmental impacts. This FWS letter modified the FWS' earlier conclusion that it was unable to provide adequate terms and conditions for the project which was the basis for the March 6, 1985, rescission order. Therefore, the Commission issued an order on April 1, 1985, 8/ which tolled the finality of its March 6, 1985, rescission order. 9/

On September 20, 1985, Cereghino filed a motion requesting that the original period specified in standard Article 3 of the exemption for commencing construction of the project (18 months) be extended by 180 days (to April 4, 1986). In requesting this change, he stated that, because the Commission had not taken final action regarding the status of his exemption, he had been, and would continue to be, prevented from commencing construction of the project.

On October 16, 1985, Commission staff met with Cereghino and representatives of the FWS, the IDFG, the NMFS and the Tribe to discuss technical issues associated with Project No. 5865. In addition, Commission staff and the representatives from the FWS, the IDFG and the Tribe inspected the proposed project area along John Day Creek. After inspecting alternative sites for the location of the powerhouse, the representatives from the FWS and the IDFG indicated that the powerhouse should be relocated from the site originally proposed by Cereghino (0.1 miles upstream from the confluence of the John Day Creek with the Salmon River) to a site 1.5 miles upstream from the confluence of the John Day Creek with the Salmon River. Cereghino verbally agreed to the relocation of the powerhouse on the condition that no increase in the mandatory flow releases contained in the June 29, 1984, FWS letter be made for a 10 year period or the term of debt service on the project, whichever is less. The representatives of the FWS and the IDFG indicated that this was acceptable to them.

Discussion

THE CONFLICTING FISH AND WILDLIFE SERVICE LETTERS

Rescission of the exemption for Project No. 5865 was predicated on the FWS' conclusion, contained in its letter filed with the Commission on April 23, 1984, that it was unable to prescribe terms and

8/ 31 FERC ¶ 61,003 (1985).

9/ In addition, the Commission issued an order granting rehearing for purpose of further consideration in response to a timely request for rehearing of its March 6, 1985, order which had been filed by Cereghino. Cereghino's rehearing request was filed with the Commission on April 4, 1985.

conditions necessary to protect fish and wildlife resources from potential impacts. However, the FWS' subsequent letter setting terms and conditions for the project clearly demonstrates that the FWS is able to prescribe terms and conditions to mitigate Project No. 5865's impacts on fish and wildlife resources, at least the site-specific ones. Additionally, condition No. 17 indicates that while the FWS is concerned about cumulative environmental impacts it has no objection to the present construction of the project. Accordingly, we will rescind our March 6, 1985, order and allow Cereghino to proceed with the construction of Project No. 5865 in accordance with the modifications discussed below. 10/

THE ORIGINAL REHEARING REQUESTS

Because we are rescinding our March 6, 1985, order, the original requests for rehearing that were dismissed as moot in our March 6, 1985, order are now before us for resolution. For the reasons discussed below, we find the arguments contained therein to be without merit and, accordingly, will deny the rehearing requests, except as noted below.

Idaho Department of Fish and Game's Rehearing Request

The IDFG contends that the Commission erred when it did not provide the IDFG with the same authority the Commission provided to the FWS, i.e., the reserved authority to add or alter terms and conditions necessary to mitigate whatever further impacts the project may be identified as having on fish and wildlife resources. The IDFG essentially argues that, since Section 30(c) of the FPA vests authority for prescribing fish and wildlife conditions with both the IDFG and the FWS, both agencies should have the authority to add or alter terms and conditions at a later date.

Because of the unique circumstances of this case, we believe that it would be appropriate to grant the IDFG's request. Accordingly, we will amend Article 8 of the exemption to provide the IDFG with the authority to add or alter terms and conditions.

10/ In his request for rehearing of the Commission's March 6, 1985, order, Cereghino, in addition to pointing out the existence of the subsequent FWS letter, advanced a number of additional arguments against the Commission's rescission of his exemption. However, in light of the action we are taking today, we need not discuss or decide those issues.

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Anthony G. Sousa, Acting Chairman;
Charles G. Stalon, Charles A. Tranbandt
and C. M. Naeve.

David Cereghino) Project Nos. 5865-002, -003,
) -004, -005, -006, -007, -012
) -013

ORDER ON REHEARING, AMENDING EXEMPTION, AND
GRANTING EXTENSION OF TIME

(Issued February 14, 1986)

Background and Procedural History

On April 6, 1984, following the submittal of mandatory conditions by the United States Fish and Wildlife Service (FWS) and the Idaho Department of Fish and Game (IDFG) 1/ and pursuant to the provisions of Section 30(c) of the Federal Power Act (FPA), 2/ the Commission issued an exemption to David Cereghino (Cereghino) for the Cereghino Hydro Project No. 5865, 3/ to be located on the John Day Creek in the Salmon River Basin, in Idaho County, Idaho. Included therein was a special article reserving to the FWS the authority to add or alter terms and conditions necessary to mitigate impacts on fish and wildlife resources it may identify. 4/

Timely requests for rehearing and stay of the Commission's April 6, 1984, order issuing an exemption for Project No. 5865 were filed by the National Marine Fisheries Service (NMFS), 5/ the National Wildlife Federation/Idaho Wildlife Federation (NWF), the Nez Perce Tribe (Tribe) (hereinafter referred to collectively as

- 1/ See the letter from the Office of the Secretary, U.S. Department of the Interior, filed with the Commission on April 22, 1982, and the letter from the IDFG filed with the Commission on April 26, 1982.
- 2/ 16 U.S.C. § 823a(c). This provision gives to the FWS and comparable state agencies the power to impose mandatory conditions on exemptions to protect fish and wildlife resources.
- 3/ 27 FERC ¶ 61,052 (1984).
- 4/ See Article 8 of the exemption. 27 FERC at 61,087.
- 5/ NMFS' request for a stay of the exemption issuance order was embodied in a later-filed supplement to its timely rehearing request.

Project Nos. 5865-002, et al. -2-

the "petitioners"), and the IDFG (rehearing only). Also, Cereghino filed a timely request for rehearing, challenging certain articles included in the exemption for the project.

In addition, in an April 23, 1984 letter, the FWS notified the Commission that it wished to amend the conditions it had imposed on the exemption. Specifically, the FWS stated that it lacked sufficient information to determine the project's potential individual and cumulative impacts and that it therefore was unable to prescribe terms and conditions necessary to protect the fish and wildlife resources. Accordingly, it asked that the Commission, absent the development "under the coordination/direction of FERC" of an adequate data base for the exercise of the FWS' statutory responsibilities, deny the exemption for Project No. 5865.

In a March 6, 1985, order, 6/ the Commission stated that it would defer to the judgment of a conditioning fish and wildlife agency not only where an agency, on the basis of information before it, has determined that it cannot prescribe the mitigation measures that may be necessary for a proposed project, but also when an agency makes such a determination based on the lack of information. Accordingly, the Commission rescinded the exemption for Project No. 5865 and denied the application, without prejudice to its resubmission.

The Commission dismissed as moot the arguments raised in the rehearing requests because of the rescission of Cereghino's exemption and the rejection of his application. In addition, the Commission rejected the argument contained in Cereghino's rehearing request that the article reserving to the FWS the authority to add or alter terms and conditions was an illegal and unconstitutional open-ended delegation of the Commission's authority to control the exemption process by noting that it was Congress -- not the Commission -- which gave the FWS and the comparable state agencies the authority to impose mandatory terms and conditions on exemptions with respect to fish and wildlife resources.

Following the rescission of Cereghino's exemption, the Commission discovered that the FWS had in fact prescribed terms and conditions for Project No. 5865 pursuant to its reserved authority in a June 29, 1984, letter to Cereghino. 7/ That letter set out 19 conditions for the project, including a condition specifying minimum instream flows

6/ 30 FERC ¶ 61,256 (1985).

7/ The Commission hopes that in the future the FWS, after having filed a letter with the Commission stating that it is unable to prescribe terms and conditions for a project, will directly file with the Commission Secretary any subsequent letter setting such terms and conditions.



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

October 9, 1985

Mr. John Staples
Federal Energy Regulatory Commission
Rm 4
825 N. Capitol St. NE
Washington D. C. 20426

Dear Mr. Staples:

I have researched our records for water rights diverting from John Day Creek in the name of David Cereghino as well as the land list provided in Mr. Pusater's letter of October 2nd. I also researched our records for power filings on John Day Creek. At present, the only power filing we show is David Cereghino's application No. 79-7089.

Enclosed are copies of the rights located along with a billing for the copying fee.

If you have any questions or need further assistance, please do not hesitate to contact us.

Sincerely,

ROBERTA GARRETT
Records Supervisor

Enclosures

MICROFILMED

JUL 27 1990

FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426

RECEIVED
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Department of Water Resources

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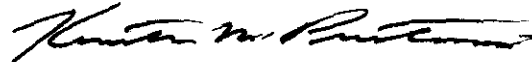
Ms. Roberta Garrett
Idaho Department of Water Resources
Statehouse
Boise, ID 83720

Dear Ms. Garrett:

The Federal Energy Regulatory Commission, Office of Hydropower Licensing is currently researching an exempted hydroelectric project on John Day Creek in Idaho County. The Applicant is Mr. David Cereghino of Lucile, Idaho. We would appreciate any information you could give us that pertains to Mr. Cereghino's existing water rights for irrigation and other uses of John Day Creek. A legal description of the Applicant's property is enclosed.

Please direct any inquiries on this matter to Mr. John Staples of my staff at (202) 376-9064.

Sincerely,



Kenneth M. Pusateri
Acting Director, Office of
Hydropower Licensing

Enclosure

John Day Creek
79-4089
79-7121
79-4132

MICROFILMED

JUL 27 1990

10-8-88

SCHEDULE "A" - BROWN AND RECHINO LEASE WITH OPTION

DESCRIPTION OF REAL PROPERTY:

Tract No. 1: Lot One (1), in the Southeast Quarter the Northeast Quarter (SE1/4NE1/4) of Section One (1), Township Twenty-five (25) North, Range One (1) East, B.M., Idaho County, State of Idaho.

Tract No. 2: The Northeast Quarter of the Northeast Quarter (NE1/4NE1/4), Lot One (1), the South Half of the Northeast Quarter (S1/2NE1/4), the Southeast Quarter of the Northwest Quarter (SE1/4NW1/4), LESS Tax No. Three (3), the Southwest Quarter (SW1/4), the Southeast Quarter (SE1/4), LESS road, in Section Thirteen (13), Township Twenty-six (26) North, Range One (1) East, B.M., Idaho County, State of Idaho.

Tract No. 3: Lot Four (4) and the Southeast Quarter the Southeast Quarter (SE1/4SE1/4), in Section Fourteen (14), Township Twenty-six (26) North, Range One (1) East, B.M., Idaho County, State of Idaho.

Tract No. 4: The Northeast Quarter of the Northeast Quarter (NE1/4NE1/4), Lot One (1), the South Half of the Northeast Quarter (S1/2NE1/4), the Northeast Quarter of the Southwest Quarter (NE1/4SW1/4), the Southeast Quarter (SE1/4) LESS right-of-way in Section Twenty-three (23), Township Twenty-six (26) North, Range One (1) East, B.M., Idaho County, State of Idaho.

Tract No. 5: All of Section Twenty-four (24), Township Twenty-six (26) North, Range One (1) East, B.M., Idaho County, State of Idaho.

Tract No. 6: The Northeast Quarter (NE1/4), the North Half of the Northwest Quarter (N1/2NW1/4), the South Half of the Southwest Quarter (S1/2SW1/4), the North Half of the Southeast Quarter (N1/2SE1/4), in Section Twenty-five (25), Township Twenty-six (26) North, Range One (1) East, B.M., Idaho County, State of Idaho.

Tract No. 7: Lot Five (5), in Lot Eight (8), the Northeast Quarter (NE1/4), LESS right-of-way, in Section Twenty-six (26), Township Twenty-six (26) North, Range One (1) East, B.M., Idaho County, State of Idaho.

Tract No. 8: The Northeast Quarter (NE1/4), two-thirds (2/3) of Lot One (1), the East Half of the Southeast Quarter the Northwest Quarter (E1/2SE1/4NW1/4), the East Half of the Northeast Quarter of the Southwest Quarter (E1/2NE1/4SW1/4), the North Half of the Southeast Quarter (N1/2SE1/4), the East Half of the Southwest Quarter of the Southeast Quarter (E1/2SW1/4SE1/4), the Southeast Quarter of the Southeast Quarter (SE1/4SE1/4), right-of-way, in Section Thirty-five (35), Township Twenty-six (26) North, Range One (1) East, B.M., Idaho County, State of Idaho.

Tract No. 9: The Northwest Quarter of the Northwest Quarter (NW1/4NW1/4), the South Half of the Northwest Quarter (S1/2NW1/4), the Southwest Quarter (SW1/4), in Section Nineteen (19), Township Twenty-six (26) North, Range Two (2) East, B.M., Idaho County, State of Idaho.

Tract No. 10: The Northeast Quarter (NE1/4), The

WILLIAM B. TAYLOR, JR.
ATTORNEY AT LAW
104 N. STATE ST.
GRANDEVILLE,
IDAHO 83400
(208) 983-0141

SCHEDULE "A"

MICROFILMED

JUL 27 1990

none

none

79-4132

79-2066
79-4132

none

none

none

none

none

none

none

79-2066

79-4132

unable to research

1 west Quarter of the Northwest Quarter (NW1/4NW1/4), the South
2 of the Northwest Quarter (S1/2NW1/4), the Northwest Quarter of
3 Southeast Quarter (NW1/4SE1/4), in Section Thirty (30), Towns:
Twenty-six (26) North, Range Two (2) East, B.M., Idaho County,
State of Idaho.

4 Tract No. 11: The Northeast Quarter (NE1/4) of Sec
31, Township Twenty-six (26) North, Range Two (2)
5 East, B.M., Idaho County, State of Idaho.

6 Tract No. 12: Occidental Parts 3, Rose Placer Mini
7 Claim Lots 4-5, Section Twenty three (23) Township Twenty--s
North Range One(1) East, B.M. Idaho County, State of Idaho.
8 Less Right of Way.

9 Tract No. 13: Patent #239769, Ferry Bar Placer
Gold Center, Griswald Placer LRW, and Griswald Placer (Agr)
Parcel #09244. Idaho County, State of Idaho.

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JUL 27 1990

WILLIAM B. TAYLOR, JR.
ATTORNEY AT LAW
104 N. STATE ST.
GRANDEVILLE,
IDAHO 83430
(801) 983-0141

SCHEDULE "A"

Page Two

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ER

DESCRIPTION OF
PROPERTY BOUNDARIES
CERECHINO HYDRO PROJECT

The Cereghino project is located on John Day Creek, about 14 miles north of Riggins, Idaho and 3 miles north of Lucile, Idaho

John Day Creek flows in a westerly direction until it exits into the Salmon River in Sec. 14, T26N, R1E, BM.

Project boundaries are described as follows:

- From the point of diversion in the NE $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 20, T26N, R2E, BM, in a north-westerly direction through Sec. 20, exiting at NW $\frac{1}{4}$, NW $\frac{1}{4}$ 25 feet on each side of the diversion, intake facilities and penstock,
- AND - In the S $\frac{1}{2}$ of Sec. 18, T26N, R2E, BM, 25 feet on each side of the penstock proceeding in a westerly direction through Sec. 18,
- AND - In the S $\frac{1}{2}$ of the SE $\frac{1}{4}$ and SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Sec. 13, T26, R1E, BM, 25 feet on each side of the penstock proceeding in a westerly direction through Sec. 13.
- AND - In the N $\frac{1}{2}$ of NW $\frac{1}{4}$ of Sec. 24, T26N, R1E, BM, 25 feet on each side of the penstock proceeding in a westerly direction in Sec. 24,
- AND - In the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$, Sec 23, T26, R1E, BM, 25 feet on each side of the penstock proceeding in a north-westerly direction in Sec. 23.
- AND - In the SE $\frac{1}{4}$ of E $\frac{1}{2}$ of Sec. 14, T26N, R1E, BM, 25 feet on each side of the penstock proceeding in a north-westerly direction to the powerhouse

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The powerhouse is included in the project boundaries as well as 25 feet beyond all four sides of the safety fence.

The access road, which will parallel the project through the above described property will be included within the above described project boundaries.

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JUL 27 1990

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Raymond J. O'Connor, Chairman;
Georgiana Sheldon, J. David Hughes,
A. G. Sousa and Oliver G. Richard III.

David Cereghino) Project No. 5865-000

ORDER GRANTING EXEMPTION FROM LICENSING OF A
SMALL HYDROELECTRIC PROJECT OF 5 MW OR LESS

(Issued April 6, 1984)

The Applicant 1/ filed an application for exemption from all or part of Part I of the Federal Power Act (Act) pursuant to 18 C.F.R. Part 4 Subpart K (1980) implementing in part Section 408 of the Energy Security Act (ESA) of 1980 for a project as described in the attached public notice. 2/

Notice of the application was published in accordance with Section 408 of the ESA and the Commission's regulations and comments were requested from interested Federal and State agencies including the U.S. Fish and Wildlife Service and the State Fish and Wildlife Agency. All comments, protests and petitions to intervene that were filed have been considered.

Standard Article 2, included in this exemption, requires compliance with any terms and conditions that Federal or State fish and wildlife agencies have determined appropriate to prevent loss of, or damage to, fish and wildlife resources. The terms and conditions referred to in Article 2 are contained in any letters of comment by these agencies which have been forwarded to the Applicant in conjunction with this exemption.

Should the Applicant contest any terms or conditions that were proposed by Federal or State agencies in their letters of comment as being outside the scope of Article 2, the Commission shall determine whether the disputed terms or conditions are outside the scope of Article 2.

- 1/ David Cereghino, Project No. 5865-000, filed on January 7, 1982.
- 2/ Pub. Law 96-294, 94 Stat. 611. Section 408 of the ESA amends *inter alia*, Sections 405 and 408 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. §§2705 and 2708).

DC-A-66

Project No. 5865-000

-2-

This order is consistent with the Commission's decision in Olympus Energy Corporation, Project No. 6617-000, 26 FERC ¶ (March 29, 1984), where the Commission indicated that the statutory scheme for exemptions allocates the exclusive responsibility for protecting, as well as analyzing any adverse impacts on, fish and wildlife resources to the fish and wildlife agencies empowered to impose mandatory terms and conditions on exemptions. Thus, the decision on whether to perform an assessment of cumulative environmental impacts on fish and wildlife resources rests with the fish and wildlife agencies. Issuance of an exemption does not interfere with their decision in any case where such agencies have not raised cumulative impacts concerns, or where they, or the Commission or its delegate, have included in the exemption an open-ended condition allowing these agencies to add or modify whatever terms they may subsequently determine are necessary and appropriate to mitigate any project impacts, including cumulative, on fish and wildlife. Consequently, it is appropriate to grant the exemption application in this case.

The proposed project would be located on a river which is part of the Columbia River Basin. The Pacific Northwest Electric Power Planning and Conservation Act, 16 U.S.C. §839 et seq. ("Planning Act"), requires that, in their decision making process, Federal agencies responsible for regulating hydro facilities on the Columbia River or its tributaries provide equitable treatment for fish and wildlife with the other purposes for which hydropower facilities are operated. Section 4(h)(ii)(A)(i) of the Planning Act. As explained in Olympus Energy Corporation, supra, Congress has established the need for power from projects that qualify for exemption by declaring, in the Energy Security Act, a national policy of reducing America's dependence on imported oil by encouraging small hydroelectric projects. Also, Congress has required the Commission to include in any exemption granted those conditions required by the U.S. Fish and Wildlife Service and the state fish and wildlife agency as necessary for the protection of fish and wildlife resources. Congress has thus built into the exemption program the balancing of energy generation and fish and wildlife resources required by the Planning Act.

The Fish and Wildlife Program, developed pursuant to the Planning Act, requires consolidated review of all proposals for hydroelectric development in a river basin, and requires the assessment of cumulative effects of hydroelectric development on fish and wildlife. Provision 1204 of the Fish and Wildlife Program of the Northwest Power Planning Council. While the Program is not binding on it, the Commission must take it into account, "to the

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fullest extent practicable", at each relevant stage of the decision-making process. Section 4(h)(1)(A)(ii) of the Planning Act. As we have noted, assessment and mitigation of environmental impacts, site-specific or cumulative, on fish and wildlife resources of projects proposed for exemption are within the exclusive purview of the fish and wildlife agencies. Our exemption process accommodates these agencies' decisions on these matters. Therefore, there is no conflict between our action here and the provisions of the Planning Act.

The Nez Perce Tribe and the Department of the Interior argue that the issuance of the exemption and construction of the project would interfere with treaty-protected fishing rights. As found in *Olympus Energy Corp., supra*, in exemption proceedings it is the exclusive responsibility of the fish and wildlife agencies to evaluate impacts on fish and wildlife resources and to submit terms and conditions to minimize or eliminate impacts to these resources. To the extent that any treaty fishing rights would be affected by an exemption, it is for the U.S. Fish and Wildlife Service to either submit terms and conditions to avoid the impacts or state that the exemption cannot be issued because of unavoidable impacts.

Based on the terms and conditions required by Federal and State fish and wildlife agencies, the environmental information in the application for exemption, other public comments, and our analysis, we find that the issuance of this order is not a major Federal action significantly affecting the quality of the human environment.

The Commission orders:

(A) Cereghino Hydro Project No. 5865-000 as described and designated in David Cereghino's application filed on January 7, 1982, is exempted from all of the requirements of Part I of the Federal Power Act, including licensing, subject to the standard articles in §4.106 of the Commission's regulations attached hereto as Form E-2, 18 C.F.R. §4.106, 45 Fed. Reg. 76115 (November 18, 1980), and the following Special Articles:

Article 6. Any exempted small hydroelectric power project that utilizes a dam which is more than 33 feet in height above streambed, as defined in 18 CFR 12.31(c) of this chapter, impounds more than 2,000 acre-feet of water, or has a significant or high hazard potential, as defined in 33 CFR Part 222, is subject to the following provisions of 18 CFR Part 12:

- (i) Section 12.4(b)(1)(i) and (ii), (2)(i), (iii)(A) and (B), (iv), and (v);
- (ii) Section 12.4(c);
- (iii) Section 12.5;
- (iv) Subpart C. and
- (v) Subpart D.

For the purposes of applying these provisions of 18 CFR Part 12, the exempted project is deemed to be a licensed project development and the owner of the exempted project is deemed to be a licensee.

Article 7. The construction, operation, and maintenance of the exempt project may be reviewed by the Commission and subjected to further requirements for consistency with the terms and conditions of the regional fish and wildlife program developed pursuant to the Pacific Northwest Electric Power Planning and Conservation Act.

Article 8. The Fish and Wildlife Service of the U. S. Department of the Interior is reserved the right to add and alter terms and conditions as appropriate to carry out its responsibilities during the life of the project with respect to fish and wildlife resources. The Exemptee shall, within 30 days of receipt, file with the Commission any additional terms and conditions imposed by the above agency.

(B) The order is final unless an application for rehearing is filed within 30 days from the date of its issuance, as provided in Section 313(a) of the Federal Power Act. The filing of an application for rehearing does not operate as a stay of the effective date of this order, except as specifically ordered by the Commission. Failure to file an application for rehearing shall constitute acceptance of this order.

By the Commission. Commissioner Sousa concurred for the reasons to be set forth in his separate statement to the order issued April 6, 1984, in Project No. 4458-002, Middle Fork Irrigation District, Project No. 6645-000, General Energy Development, Inc.

(S E A L)

Lois D. Cashe
Acting Secretary

JUL 27 1990

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

David Cereghino

Project No. 5865-000

NOTICE OF APPLICATION FOR EXEMPTION FOR SMALL HYDROELECTRIC
POWER PROJECT UNDER 5 MW CAPACITY
(February 26, 1982)

Take notice that on January 7, 1982, David Cereghino (Applicant) filed an application under Section 408 of the Energy Security Act of 1980 (Act) (16 U.S.C. §§2705 and 2708 as amended), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed small hydroelectric project (Project No. 5865) would be located on John Day Creek, near Lucile, in Idaho County, Idaho. Correspondence with the Applicant should be directed to: Helen Chenoweth, Vice-President, Consulting Associates, Inc., Post Office Box 893, Boise, Idaho 83701.

Project Description - The proposed project would consist of: (1) a concrete intake structure placed at natural pool at approximate elevation 2,880 feet; (2) a steel penstock 18,500 feet long; (3) a powerhouse containing a turbine generator with 1.1 MW capacity and 5.425 GWh annual energy output; and (4) a transmission line 14 miles long.

Purpose of Exemption - An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

Agency Comments - The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the Idaho Fish and Game Department are requested, for the purposes set forth in Section 408 of the Act, to submit within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

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Competing Application - Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before APR 16 1982, either the competing license application that proposes to develop at least 7.5 megawatts in that project, or notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than 120 days from the date that comments, protests, etc. are due. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 C.F.R. §4.33(b) and (c) (1980). A competing license application must conform with the requirements of 18 C.F.R. §4.33(a) and (d) (1980).

Comments, Protests, or Petitions to Intervene - Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 C.F.R. §1.8 or §1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before APR 16 1982.

Filing and Service of Responsive Documents - Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth P. Plumb, Secretary, Federal Energy Regulatory Commission, 225 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth P. Plumb
Secretary

Project No. 5865-000

Attachment (a)

Exhibit "B"

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§ 4.106 Standard terms and conditions of exemption from licensing.

Any exemption from licensing granted under this subpart for a small hydroelectric power project is subject to the following standard terms and conditions:

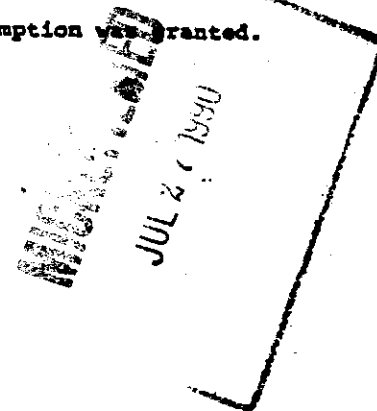
(a) Article 1. The Commission reserves the right to conduct investigations under sections 4(g), 306, 307, and 311 of the Federal Power Act with respect to any acts, complaints, facts, conditions, practices, or other matters related to the construction, operation, or maintenance of the exempt project.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

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

(c) Article 3. The Commission may accept a license application by any qualified license applicant and revoke this exemption if actual construction or development of any proposed generating facilities has not begun within 18 months, or been completed within four years, from the date on which this exemption was granted. If an exemption is revoked, the Commission will not accept a subsequent application for exemption within two years of the revocation.

(d) Article 4. This exemption is subject to the navigation servitude of the United States if the project is located on navigable waters of the United States.

(e) Article 5. This exemption does not confer any right to use or occupy any Federal lands that may be necessary for the development or operation of the project. Any right to use or occupy any Federal lands for those purposes must be obtained from the administering Federal land agencies. The Commission may accept a license application by any qualified license applicant and revoke this exemption, if any necessary right to use or occupy Federal lands for those purposes has not been obtained within one year from the date on which this exemption was granted.



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79-7089

JUN 29 1982

Department of Water Resources

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

David Cereghino)

Project No. 5865-000

NOTICE SUSPENDING 120-DAY PERIOD FOR ACTION ON SMALL
HYDRO EXEMPTION

(June 18, 1982)

Mr. David Cereghino has filed an application for exemption for proposed Cereghino Project No. 5865-000, located on John Day Creek, near Lucille, in Idaho County, Idaho. The application was filed pursuant to Section 408 of the Energy Security Act of 1980 and Section 4.101 et seq. of the Commission's regulations.

Having determined that additional time is necessary for action on the application in order to ensure full consideration of all information and comments that have been received, the 120-day period for Commission action is suspended pursuant to Section 4.105(b)(5)(iv).

By direction of the Commission.

(S E A L)

Lois D. Cashell

Lois D. Cashell,
Acting Secretary.

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JUL 27 1990

FEDERAL ENERGY
REGULATORY COMMISSION
WASHINGTON, D.C. 20426

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REGULATORY COMMISSION
FERC 351



State of Idaho P-5865
Department of Water Resources
State House
Boise, Idaho 83720

CARL L. MYERS, P.E.
CONSULTING ENGINEER

750 WARM SPRINGS AVENUE
BOISE, IDAHO 83702
TELEPHONE: (208) 336-1016

April 29, 1982

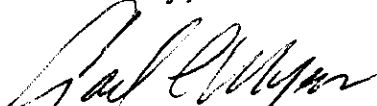
Mr. Dave Shaw
Department of Water Resources
92 S. Cole Road
Boise, ID 83709

Dear Dave:

This refers to your letter of April 6, 1982, to Dave Cereghino, Application No. 79-7089.

The 4500 horsepower seems to be a misprint; I have it at 1500 horsepower. Maybe you can change the application to show this number. All of these figures are subject to some change as we go into final designs.

Sincerely,


Carl L. Myers, P.E.

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JUL 27 1982

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APR 30 1982

Department of Water Resources
Western Regional Office



State of Idaho
DEPARTMENT OF WATER RESOURCES

WESTERN REGION, 92 South Cole Road, Boise, Idaho 83709

JOHN V. EVANS
Governor

(Office at the corner of
Franklin and Cole Roads)

A. KENNETH DUNN
Director

(208) 334-2190

April 6, 1982

David &/or JoAnn Cereghino
Box 387
Lucile, Id. 83542

Re: Application for Permit No. 79-7089

Dear Mr. & Mrs. Cereghino:

I have reviewed your application to appropriate water from John Day Creek for power production prior to making a recommendation for final action by the Department. In reviewing this application it does not appear the amount of water applied for is sufficient to produce the amount of power sought with the available head.

I have enclosed a copy of the front page of your application for your review. If you desire to apply for additional water in order to generate the horse power listed on the application you may do so by filing another application for the additional amount of water or by amending this application and paying the additional fee for any additional water sought. If this application is amended, its' priority date will be advanced to the date the amendment is filed. Another alternative is to reduce the amount of horse power sought to be developed to a smaller amount that can be reasonably be produced.

If I can provide you with any additional information or if you have any questions about your application, please feel free to contact this office.

Yours truly,

DAVID B. SHAW
Western Regional Supervisor

DBS:jp

Enc:

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JUL 27 1990

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Project No. 5865-000

-2-

Department of Water Resources

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

David Cereghino) Project No. 5865-000

NOTICE OF APPLICATION FOR EXEMPTION FOR SMALL HYDROELECTRIC
POWER PROJECT UNDER 5 MW CAPACITY
(February 26, 1982)

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Project Description - The proposed project would consist of: (1) a concrete intake structure placed at natural pool at approximate elevation 2,880 feet; (2) a steel penstock 18,500 feet long; (3) a powerhouse containing a turbine generator with 1.1 MW capacity and 6.425 GWh annual energy output; and (4) a transmission line 14 miles long.

Purpose of Exemption - An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

Agency Comments - The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the Idaho Fish and Game Department are requested, for the purposes set forth in Section 408 of the Act, to submit within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Competing Application - Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before APR 16 1982 either the competing license application that proposes to develop at least 7.5 megawatts in that project, or notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than 120 days from the date that comments, protests, etc. are due. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 C.F.R. §4.33(b) and (c) (1980). A competing license application must conform with the requirements of 18 C.F.R. §4.33(a) and (d) (1980).

Comments, Protests, or Petitions to Intervene - Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 C.F.R. §1.8 or §1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before APR 16 1982.

Filing and Service of Responsive Documents - Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb
Secretary

DC-A-6

1990

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Exhibit "g"

FEDERAL ENERGY REGULATORY COMMISSION

WASHINGTON, D. C. 20426
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State of Idaho P-5865
Department of Water Resources
State House
Boise, Idaho 83720



State of Idaho

DEPARTMENT OF WATER RESOURCES

WESTERN REGION, 92 South Cole Road, Boise, Idaho 83709

JOHN V. EVANS
Governor

(Office at the corner of
Franklin and Cole Roads)

C. STEPHEN ALLRED
Director

(208) 334-2190

September 8, 1981

Idaho Fish & Game Department
Region III
109 West 44th
Boise, Idaho 83701

RE: 79-7089

Dear

Enclosed is a copy of the above referenced application for permit which may be of interest to you agency. Please review the application and submit any comments you may have.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter.

If you have any questions regarding the application, please contact this office.

Sincerely,

DAVID B. SHAW
Western Region Supervisor

DBS:hlh

Enclosure

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JUL 27 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

WESTERN REGION, 92 South Cole Road, Boise, Idaho 83709

JOHN V. EVANS

Governor

(Office at the corner of
Franklin and Cole Roads)

C. STEPHEN ALLRED

Director

September 8, 1981

(208) 334-2190

Idaho Public Utilities Commission
472 W. Washington
Boise, Idaho 83720

RE: 79-7089

Dear

Enclosed is a copy of the above referenced application for permit which may be of interest to you agency. Please review the application and submit any comments you may have.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter.

If you have any questions regarding the application, please contact this office.

Sincerely,

DAVID B. SHAW
Western Region Supervisor

DBS:hlh

Enclosure

MICROFILMED

JUL 27 1980

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Western Region

92 South Cole Road
Boise, Idaho 83709
(208) 334-2190

AUGUST 13, 1981

Idaho County Free Press
Box 267
Grangeville, ID 83530

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. If you cannot publish the notice on the proposed dates, please contact us immediately.

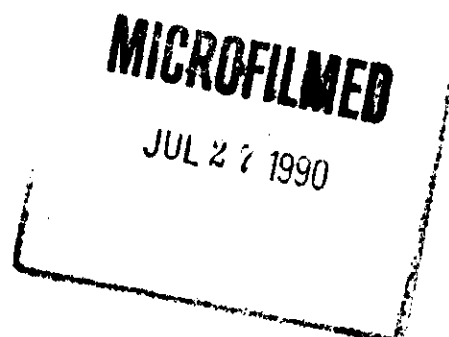
An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billings to this office before SEPTEMBER 7, 1981.

Yours truly,

HELEN L. HARRINGTON
Secretary

Encl.



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:

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, 92 S. Cole Road, Boise, Idaho 83709 on or before SEPTEMBER 7, 1981.

A. KENNETH DUNN

Director

Published 8/20 & 8/27/81.

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JUL 27 1990

Z9-Z089.

CERECHINO, DAVID &/or JOANN

P.O. BOX 387, LUCILE, ID 83542

Source: JOHN DAY CREEK tributary to SALMON RIVER

Date Filed: 08/10/1981

Amount: 22.00 CFS

Diversion Point: NWSE Sec 20 T 26N R 02E, IDAHO Co.

Use: POWER (22.00 CFS) from 01/01 to 12/31

Place of Use: SWSE Sec 14 T 26N R 01E

Diversion Means: CONCRETE DIVERSION WORKS & PIPELINE

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JUL 27 1990