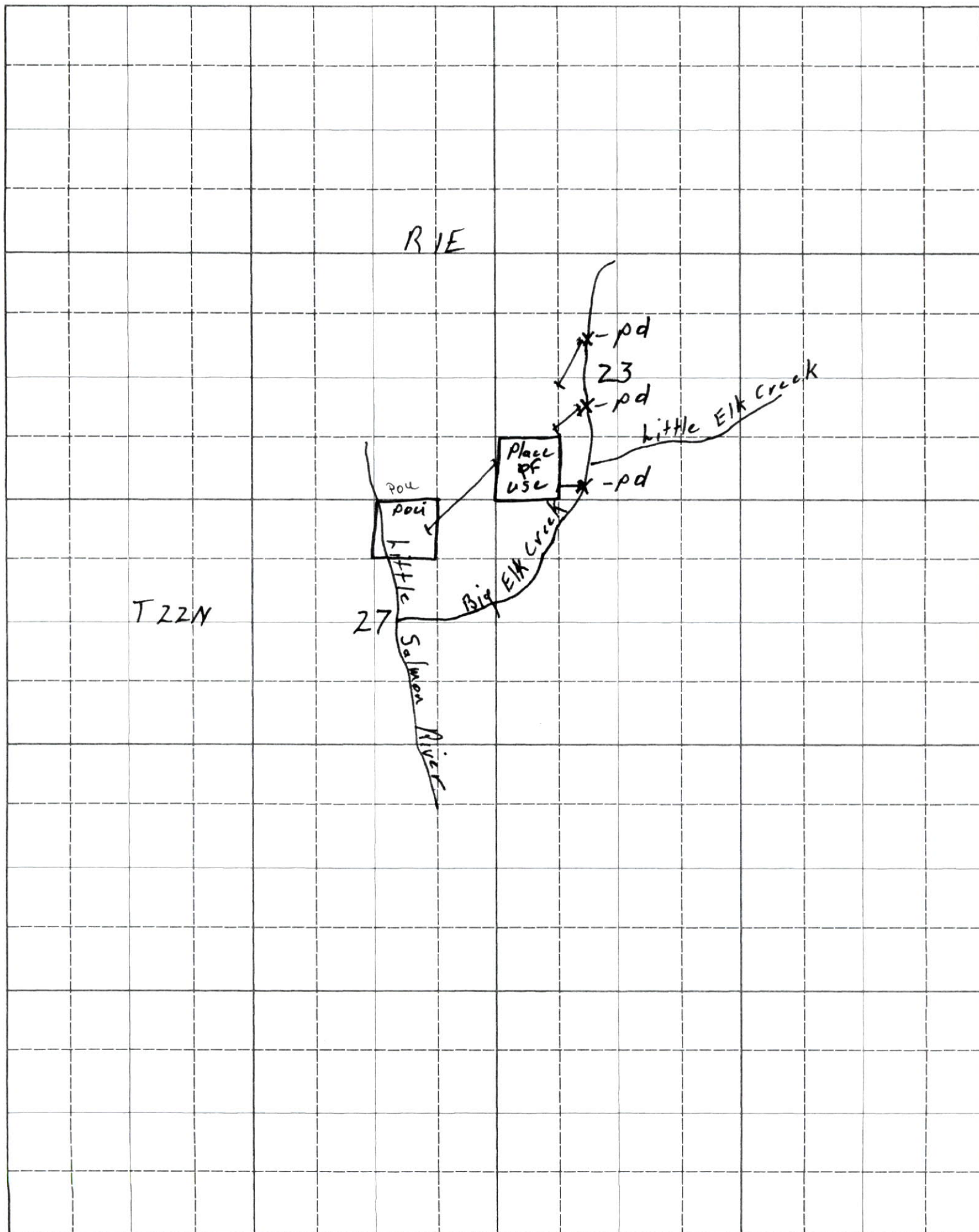


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

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

James B. Howell
(Applicant)

MICROFILMED

**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:

78-7154

HOWELL, JAMES B.
1984 PANAMA, BOISE, ID
83705

Source: BIG ELK CREEK
tributary to LITTLE
SALMON RIVER

Date Filed: 07/28/1980

Amount: 10.00 CFS

Diversion Point: NESW
SESW Sec 23 T 22N R
01E, IDAHO Co.

Use: POWER (10.00 CFS)
from 01/01 to 12/31

Place of Use: SWSE Sec 22 T
22N R 01E SWSW Sec 23 T
22N R 01E NWNE Sec. 27 T
22N R 01E

Diversion Means: DAM
AND PIPELINE TO
GENERATING PLANT.

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 AUGUST 25, 1980.

C. STEPHEN ALLRED
Director

Published 8/6 & 8/13/80.

A6-13

AFFIDAVIT OF PUBLICATION

O.K. 172H.

.....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 ...6..... day of August....., 197...80, and the last publication on the 13..... day of August..... 1980; 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 15..... day of August....., 1980.

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

RECEIVED
AUG 19 1980

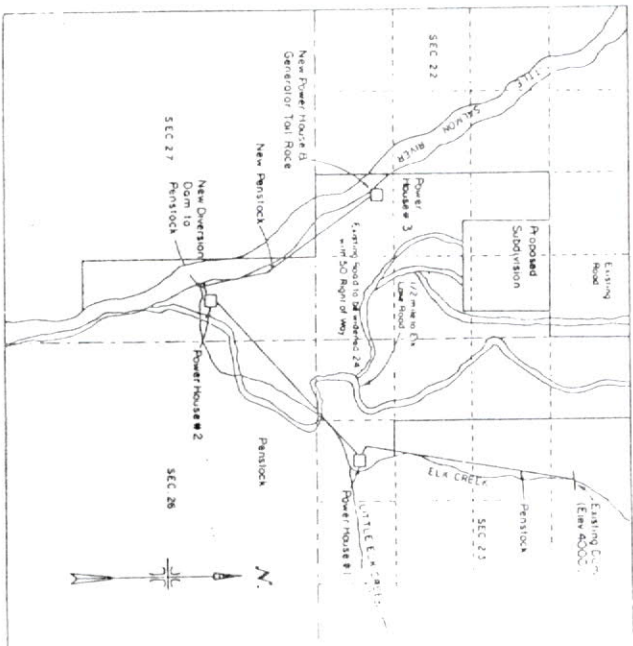
Department of Water Resources
Western Regional Office

MICROFILMED

Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and three 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, 825 North Capitol Street, Room 208 RB Building, N.E., Washington, D.C. 20426. 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

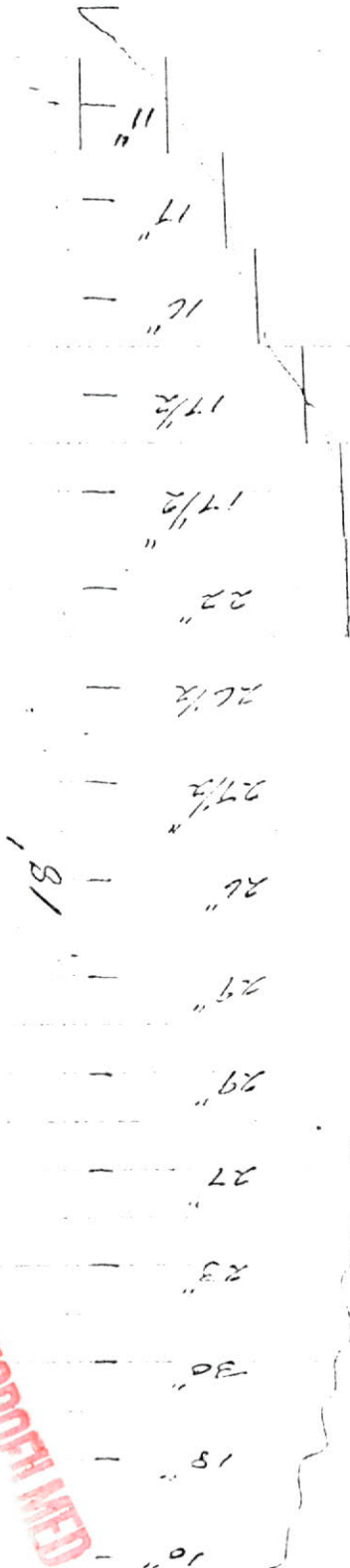
JAMES B. HOWELL
HYDRO-ELECTRIC DEVELOPMENT



MICROFILMED

measured aug. 21, 1980

MICROFILMED



$$21.69' = 1'9\frac{3}{4}" \times 1'9" \times 18' =$$

$$1'1'75$$

$$1.75' \times 18' = 31.50 \text{ sq. ft.}$$

$$Q = 57.8 \text{ cfs}$$

$$47 \div 16 = 21.69 \text{ average depth} \times \text{width } 18' =$$

up Stream

rod

18" from top of rod to water

Block and took 2 seconds twice
 and 3 seconds to water Rod 16" from top of rod
 travel 70" by stop watch to water
 10 seconds ÷ 4 times = 2 1/2 seconds

6 sec
 17 sec

Water measured aug. 21, 1980 water depth 1 1/4"

$$9-2-80 \quad Q = 54 \text{ cfs}$$

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 78-07154

Priority: July 28, 1980

Maximum Diversion Rate: 10.00 CFS
Maximum Diversion Volume:¹ 5534.0 AF

This is to certify, that EL DORADO HYDRO

C/O SITHE ENERGIES

10464 GARVERDALE COURT #710

BOISE, ID 837040000

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated July 28, 1980; and has submitted Proof of Beneficial Use on October 1, 1986. An examination indicates that the works have a diversion capacity of 26.000 cfs of water from:

ELK CREEK

tributary to LITTLE SALMON RIVER

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
POWER	01/01 to 12/31	10.00 CFS	5534.0 AF

LOCATION OF POINT(S) OF DIVERSION:

NENW , Sec. 23, Township 22N, Range 01E
IDAHO County

PLACE OF USE: POWER

TWN RGE SEC

22N 01E 27

SENE

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Return flow if discharged to a surface water system shall meet Idaho Water Quality Standards.

MICROFILMED

SEP 4 1990

JIM

State of Idaho
Department of Water Resources**WATER RIGHT LICENSE**

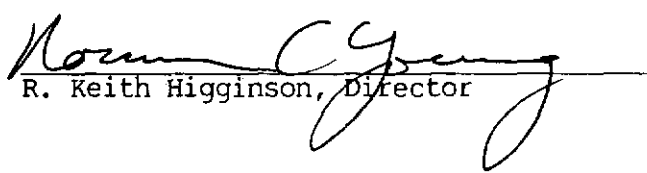
WATER RIGHT NO. 78-07154

CONDITIONS/REMARKS:

6. The diversion and use of water under this license is subject to review by the Director 35 years from the date of issuance. Upon appropriate findings relative to the interest of the public, the Director may cancel all or any part of the use authorized herein and may revise, delete or add conditions under which the right may be exercised.
7. The water right confirmed in this license 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 license and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this license.
8. Feet of head = 1130; horsepower = 1391.2 when combined with Rights 78-7150B & 78-7188.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 20th day of September, 1990.

Acting for


R. Keith Higginson, Director

MICROFILMED

SEP 27 1990

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 78-07154

RECEIVED
SEP 13 1990
APPROVED
Department of Water Resources

Date of Priority: July 28, 1980

Maximum Diversion Rate: 10.00 CFS
Maximum Diversion Volume:¹ 5534.0 AF

Comes now EL DORADO HYDRO
C/O SITHE ENERGIES
10464 GARVERDALE COURT #710
BOISE, ID 837040000

and represents to the Director of the

Idaho Department of Water Resources:

That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 78-07154, and requests that the permit be changed as follows:

Source: ELK CREEK tributary to LITTLE SALMON RIVER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
POWER	01/01 to 12/31	10.00 CFS	5534.0 AF

LOCATION OF POINT(S) OF DIVERSION: NENW , Sec. 23, Township 22N, Range 01E
IDAHO County

PLACE OF USE: POWER

TWN RGE SEC

22N 01E 27 SENE

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk.

Signed at Boise, Idaho, this 21 day of August, 1990.

MICROFILMED

SEP 27 1990

Sherry R. Nulter
(Signature)
General Manager-Hydro

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 78-07154

FOR DEPARTMENT USE ONLY

Preliminary check by SC Fee = $\checkmark$ \$20.00 Receipted by J.2 Date 9/13/90 #C018318

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, R. Keith Higginson, of the Department of Water Resources hereby approve the above Application for Amendment for Permit No. 78-07154 with the following;

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Return flow if discharged to a surface water system shall meet Idaho Water Quality Standards.
6. The diversion and use of water under this license is subject to review by the Director 35 years from the date of issuance. Upon appropriate findings relative to the interest of the public, the Director may cancel all or any part of the use authorized herein and may revise, delete or add conditions under which the right may be exercised.
7. The water right confirmed in this license 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 license and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this license.
8. Feet of head = 1130; horsepower = 1391.2 when combined with Rights 78-7150B & 78-7188.

Witness my hand this 20TH day of September, 19 90.

MICROFILMED

SEP 21 1990

Acting for

R. Keith Higginson, Director

WATER RIGHT SPLIT

SUMMARY

ACTION.	RIGHT NO.	NAME	AMOUNT CFS
Original Permit	78-7154	James B. Howell	10.00 cfs
Full Assignment	78-7154	Elk Creek Hydro-Electric Partners	10.00 cfs
Full Assignment	78-7154	El Dorado Hydro	10.0 cfs

MICROFILMED

MAR 09 1967

State of Idaho
Department of Water Resources

RECEIVED

NOV 13 1986

ASSIGNMENT OF PERMIT

Elk Creek El Dorado Hydro, a
I, Hydro-Electric Partners, hereby assign to California general partnership
of 3377 Barham Boulevard, Los Angeles, California 90068
Address

CHECK ONE

☒ All my right, title, and interest in and to Permit No. 78-7154
to appropriate the public waters of the State of Idaho.

☐ The following described portion of my right, title, and interest in and to Permit
No. _____ to appropriate the public waters of the State of Idaho.

(Describe that portion of the permit being assigned by listing the acreage within
each 40 acre subdivision, the point of diversion and the amount of water in cubic
feet per second for direct diversion, or acre feet for storage)

Made this 20th day of October, 1986.

Elk Creek Hydro-Electric Partners
By: Elk Creek Hydro-Electric, Inc., its
By: _____ general partner
Permit Holder

William Kriegel

Spouse of Permit Holder

State of New York)
County of New York) ss.

On this 20th day of October, 1986, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged to me
that he (she) (they) executed the same.

seal

MICROFILMED

My commission expires March 30, 1987

Beth Alexander
Notary Public residing at
319 W. 42nd, NY, NY 10018

BETH ALEXANDER
Notary Public, State of New York
No. 31-4842465
Qualified in New York County
Commission Expires March 30, 1987

RECEIVED

DEC 30 1986

hand delivered
2:00
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, _____ of _____,
(name) (city).

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

2. Corporation:

I, Roy Eiguren of Boise,
(name) (city).

County of Ada, State of Idaho, being duly sworn, depose
and say: That I am the designated registered agent of the general partners of El Dorado Hydro,
a California general partnership : that as such I am in charge of the registered office
(name of corporation)

of the said corporation as required by Section 30-1-12, Idaho Code, at Boise
(city)

Idaho, wherein are kept the corporate records required by Section 30-1-52, Idaho Code: and that each of the
general partners of
El Dorado Hydro * is a corporation qualified to do business in the State of Idaho under the laws
(name of corporation)

of the State of Idaho. El Dorado Hydro has filed a Certificate of Assumed or
Fictitious Name in Idaho County, 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.

*See attached sheet

Roy Eiguren
Applicant Roy Eiguren, Registered Agent

State of Idaho)
County of Ada) ss.

On this 22nd day of December, 19 86, personally appeared before me
the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Andrea Armstrong
Notary Public residing at
Boise, Idaho

My commission expires:

Jan. 26, 1987

MICROFILMED

MAR 09 1987

RECEIVED
DEC 30 1986

El Dorado Hydro, a California general partnership

General Partners: Olympe, Inc., a California corporation
Motherlode Hydro, Inc., a California corporation
Cal Hydro Electric Power Company, a California corporation

All three general partners are qualified to transact business in the State of Idaho pursuant to Idaho Code Section 30-1-12. CT Corporation System is the registered agent in Idaho for each general partner.

MICROFILMED

MAR 09 1967

RECEIVED

NOV 5 1984

State of Idaho
Department of Water Resources

ASSIGNMENT OF PERMIT

Department of Water Resources
Western Regional Office

I, James B. Howell, hereby assign to Elk Creek Hydro Electric Partners
of 415 N. Camden Drive Beverly Hills California 90210, a California General Partnership of
Idaho Qualified Corporations Address

CHECK ONE

☒ All my right, title, and interest in and to Permit No. 78-7154
to appropriate the public waters of the State of Idaho.

☐ The following described portion of my right, title, and interest in and to Permit
No. _____ to appropriate the public waters of the State of Idaho.

(Describe that portion of the permit being assigned by listing the acreage within
each 40 acre subdivision, the point of diversion and the amount of water in cubic
feet per second for direct diversion, or acre feet for storage)

Made this 1st day of November, 19 84.

James B. Howell
Permit Holder

Josephine H. Howell
Spouse of Permit Holder

State of Idaho

County of Ada

) ss.

On this 30th day of October, 19 84, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged to me
that he (she) (they) executed the same.

seal

Andrew Armstrong
Notary Public residing at
Boise, Idaho

My commission expires:

MICROFILMED

RECEIVED

JAN 25 1985

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

Department of Water Resources
Western Regional Office

STATE OF IDAHO)
)ss.
County of Ada)

COMES NOW JAMES R. GILLESPIE, attorney at law, and
first being duly sworn, deposes and says as follows:

I am a partner of the law firm of Eberle, Berlin,
Kading, Turnbow & Gillespie, at 300 North 6th Street, Boise,
Idaho, and serve as local registered agent for the C T Corpora-
tion System. The C T Corporation System is registered agent
for General Hydro, Inc., an Idaho corporation and Elk Creek
Hydro-Electric, Inc., and Paris Hydro-Electric, Inc., corpora-
tions qualified to do business in Idaho.

The water rights to be used for power generating pur-
poses under permits 78-7150, 78-7154, 78-7188 and 78-7254 will
be developed by a partnership called Elk Creek Hydro-Electric
Partners (Elk Creek Partnership), is made up of the three cor-
porations noted above and will not utilize existing and operat-
ing man-made irrigation facilities such as a dam or canal,
although the upper diversion incorporates a rock and earth fill
impoundment not currently used for irrigation.

Further your affiant sayeth not.

James R. Gillespie
James R. Gillespie

SUBSCRIBED AND SWORN TO before me this 25th day of
January, 1985.

Frances M. T. Armick
Notary Public for Idaho
Residing at Boise, Idaho

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

To appropriate the public waters of the State of Idaho

1. Name of applicant James B. Howell Phone 345-5335

Post office address 1984 Panama, Boise, Idaho 83705

2. Source of water supply Big Elk Creek which is a tributary of Little Salmon River

3. Location of point of diversion is NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 23 Township 22N

Range 1E B.M. Idaho County, additional points of diversion if any:

SENE, SESW, Sec. 23, T 22N, R 1E

4. Water will be used for the following purposes:

Amount 10.00 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. 10.00 cubic feet per second and/or b. acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Small diversion dam and pipeline
to power generating

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	SE	22	22N
NW	NE	27	22N
SW	SW	23	22N

Range 1E B.M. 1E

(2) Amount of power to be generated: 1000 KW ~~not power~~ under 1000 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: Power - Production:non consumptive use.

Four Generating Units

MICROFILMED

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

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

Total number of acres to be irrigated _____

c. Describe any other water rights used for the same purposes as described above. 78-7150

for 8 cfs

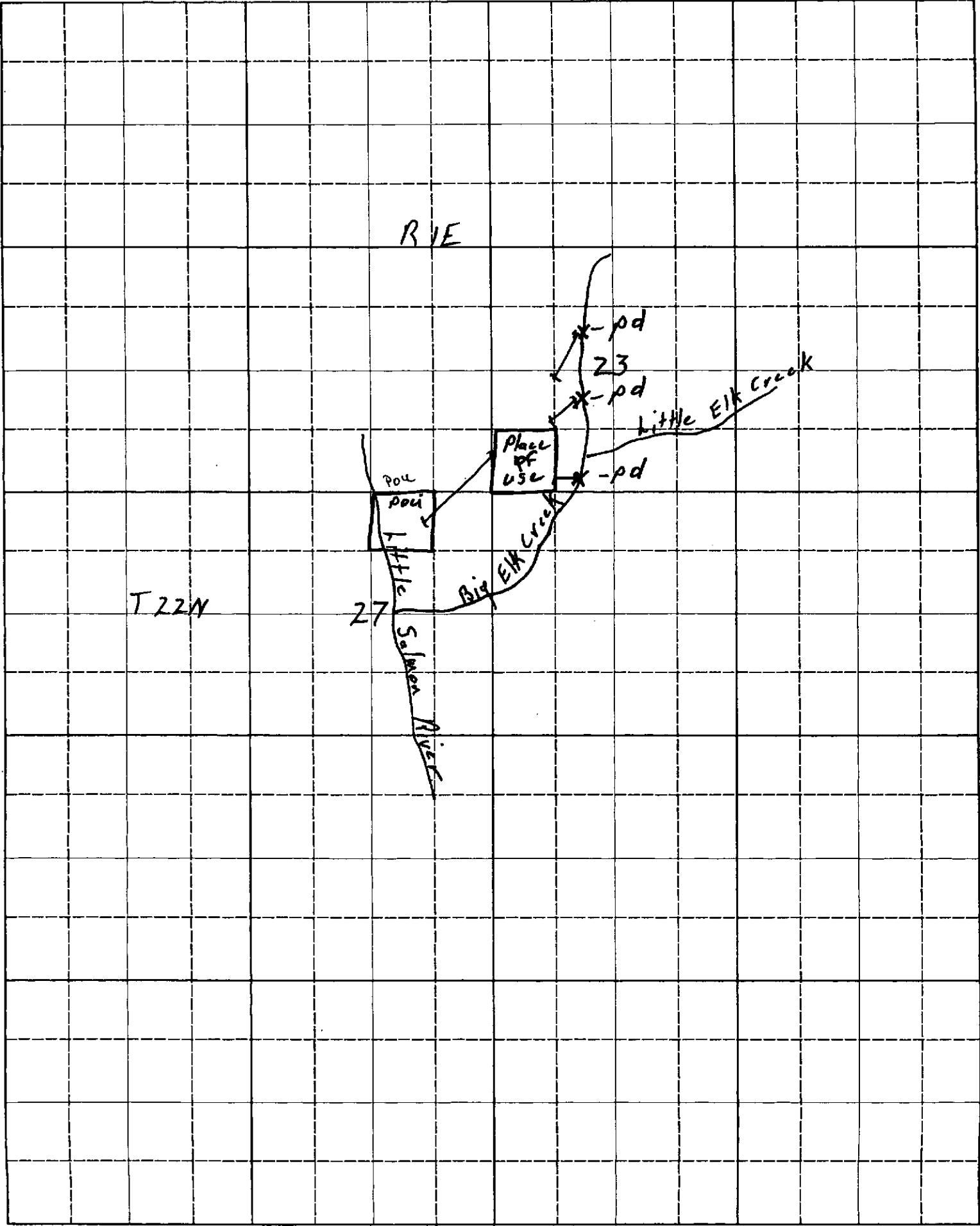
9. a. Who owns the property at the point of diversion Applicant

b. Who owns the land to be irrigated or place of use Applicant

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 _____

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



Scale: 2 inches equal 1 mile.

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

James B. Howell
(Applicant)

MICROFILMED

Proposed Priority: 7/28/1980

MICROFILMED

Received by LHS Date 7/28/80 Time 10:30

Preliminary check by js Fee \$ 225.00

Received by h/h Date 7-28-80 # 15657

Publication prepared by h/h Date 7/21/80

Published in Idaho Co. Free Press

Publication dates 8/7 & 8/14/80

Publication approved h/h Date 8/25/80

Protests filed by: none

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by _____

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. 78-7154, and said application is hereby APPROVED.

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

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before October 1, 19 86.

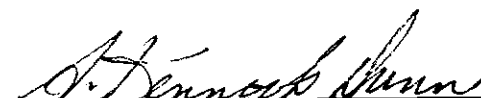
c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

d. Other: 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.

This project shall be operated in a manner that will not conflict or interfere with the future diversion of water for irrigation or other beneficial consumption.

An access port or other device as specified by the Department shall be installed by the permit holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.

Witness my hand this 26 day of October, 1981.


A. KENNETH DUNN, DIRECTOR

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

RECEIVED

JUL 28 1981

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

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

Permit:

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

(check one)

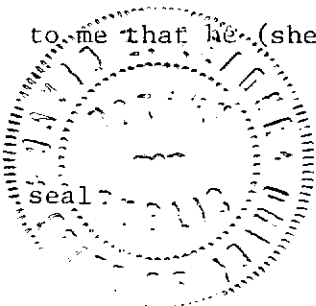
☐ Will utilize existing man-made irrigation facilities such as a dam or a canal, and permission of the owner is documented in an affidavit attached hereto.

☐ 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.

Idaho Environmental Development Corp.
By James B. Howell (president)
Applicant

State of Idaho)
County of Ada) ss.

On this 27th day of July, 19 81, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged
to me that he (she) (they) executed the same.



David J. Hoader
Notary Public residing at

Boise, Id

My commission expires:

4/30/82

MICROFILMED

Individual Owner

AFFIDAVIT TO ESTABLISH RESIDENCE

I, James B. Howell of Ada, Boise, Ida, County of ada, State of Idaho, being duly sworn, do hereby certify that I am a bona fide resident of the State of Idaho.

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

/s/ James B. Howell
Notary Public
Residence Boise
My Commission Expires Life

Corporation or Association

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

I, _____ of _____, County of _____, State of Idaho, being first duly sworn, depose and say: That I am the designated statutory agent of the _____, that as such I am in charge of the registered office of the said _____, as provided by Section 30-143, Idaho Code, at _____, Idaho, wherein are kept the records provided by Section 30-144, Idaho Code, and that _____ is a legal _____ qualified to do business in the State of Idaho under the laws of the State of Idaho.

/s/ _____

Subscribed and sworn to before me this _____ day of _____, 19____

/s/ _____

Notary Public
Residence _____
My Commission Expires _____

MICROFILMED

O.K.
ITZ H.

**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:

78-7154

HOWELL, JAMES B.
1984 PANAMA, BOISE, ID
83705

Source: BIG ELK CREEK
tributary to LITTLE
SALMON RIVER

Date Filed: 07/28/1980

Amount: 10.00 CFS

Diversion Point: NESW
SESW Sec 23 T 22N R
01E, IDAHO Co.

Use: POWER (10.00 CFS)
from 01/01 to 12/31

Place of Use: SWSE Sec 22 T
22N R 01E SWSW Sec 23 T
22N R 01E NWNE Sec. 27 T
22N R 01E

Diversion Means: DAM
AND PIPELINE TO
GENERATING PLANT.

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 AUGUST 25, 1980.

C. STEPHEN ALLRED
Director

Published 8/6 & 8/13/80.

A6-13

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 ... 6 day of August 197... 80,
and the last publication on the 13 day of
..... August 1980; 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 15 day
of August 1980

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

RECEIVED
AUG 19 1980

Department of Water Resources
Western Regional Office

MICROFILMED



Sithe Energies, Inc.
A Member of the Sithe Energies Group

RECEIVED

AUG 25 1997

Department of Water Resources

August 21, 1997

KariLynn Townsend
Department of Water Resources
1301 North Orchard
Boise, Idaho 83706

Dear Ms. Townsend:

Confirming our conversation this morning, please be advised that the current mailing address for S.E. Hazelton is:

450 Lexington Avenue
37th Floor
New York, NY 10017
Telephone: 212-450-9000

You may also wish to check your records for El Dorado Hydro and Bypass, Ltd., which are also located at this address.

WR#'s 01-07084B
01-07010B
28-07150B
78-07154
78-07188
78-07254

} All files updated
for address correction
on WR 2.
8.26.97
Kari Lynn

Very truly yours,

Sandra J. Manilla
Treasurer

450 Lexington Avenue
New York, New York 10017
(212) 450-9000 telephone
(212) 450-9005 fax

September 21, 1990

EL DORADO HYDRO
C/O SITHE ENERGIES
10464 GARVERDALE COURT #710
BOISE, ID 837040000

RE: PERMIT NO. 78-07154

Dear Permit Holder(s):

Enclosed herewith is a copy of the Water Right License issued on the above referenced permit along with a copy of your approved application for amendment.

Should you have any questions regarding these documents, please feel free to contact our office.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

MICROFILMED
SEP 27 1990

September 10, 1990

EL DORADO HYDRO
C/O SITHE ENERGIES
10464 GARVERDALE COURT #710
BOISE, ID 837040000

RE: PERMIT NO. 78-07154

Dear Permit Holder(s):

We previously forwarded an amendment to you to be completed to amend this permit to correspond with the findings of the field examiner so that we could issue the license.

As of this date, we have not received the amendment. If we do not receive it within fifteen (15) days, we will assume you no longer have any interest in the permit and cancellation proceedings will begin. Enclosed for your convenience is another amendment form in the event the first one was misplaced.

If you have any questions, please contact us.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

MICROFILMED

SEP 27 1990

July 16, 1990

EL DORADO HYDRO
C/O SITHE ENERGIES
10464 GARVERDALE COURT #710
BOISE, ID 837040000

RE: PERMIT NO. 78-07154

Dear Permit Holder(s):

The above referenced water right is in the process of being licensed. However, before a license can be issued, your permit must be amended to correspond with the findings of the Department's field examiner.

The enclosed application for amendment contains information that will be included on the license when it is issued. Please review carefully and if you concur, sign the amendment and return with the \$20.00 filing fee within 30 days.

If you do not concur with these findings or if you have any questions, please contact us within the 30-day period.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

MICROFILMED

SEP 27 1990

POINT OF DIVERSION OVERLAP REVIEW

WR-NUMBER	TWP	RNG	SC	TRACT 1\4 1\4 1\4	LT	#SOURCE	#NAME
7807154	22N	01E	23	NE	SW	BIG ELK CREEK	HOWELL, JAMES B.
7804002						BIG ELK CREEK	DERRY, IRWIN M.
7807150A						BIG ELK CREEK	SPENCE, CHARLES R.
7807150B						BIG ELK CREEK	SPENCE, CHARLES R.
7807188						BIG ELK CREEK	HOWELL, JAMES B.
7807154	22N	01E	23	SE	NW	BIG ELK CREEK	HOWELL, JAMES B.
7807150A						BIG ELK CREEK	SPENCE, CHARLES R.
7807150B						BIG ELK CREEK	SPENCE, CHARLES R.
7807188						BIG ELK CREEK	HOWELL, JAMES B.
7807254						BIG ELK CREEK	HOWELL, JAMES B.
7807154	22N	01E	23	SE	SW	BIG ELK CREEK	HOWELL, JAMES B.
7804000						LITTLE ELK CREEK	BLAKELY, RICHARD E.
7804003						LITTLE ELK CREEK	THOMPSON, DEANE L.
7804004						ELK CREEK	DOUGLAS, M. CATHERIN
7804005						LITTLE ELK CREEK	MILLER, JOE S.
7804007						LITTLE ELK CREEK	TOTTEN, GARY A.
7807188						BIG ELK CREEK	HOWELL, JAMES B.

Source is shown as "Elk
Creek" on quads - kw 6/15/90

MICROFILMED

SEP 27 1990

FIELD EXAM REVIEW

TO: File 78-7154

FROM: Jim Johnson

DATE: 7-5-88

Review of Compliance with Beneficial Use Rules & Regulations

Rule 3. Authority of Representative

N/A 3,1. 3,2.

Rule 4. Qualification

N/A 4,1.

Rule 5. Examination for Beneficial Use

5,1. Field Report:

OK 5,1,2. OK 5,1,3. OK 5,1,4. OK 5,1,5. ? 5,1,6.
N/A 5,1,7. N/A 5,1,8. N/A 5,1,9. OK 5,1,10. N/A 5,1,11.
OK 5,1,12. OK 5,1,13. OK 5,1,14. OK 5,1,15. OK 5,1,16.
 5,1,17.

5,2. Field Report Acceptability:

OK 5,2,1. OK 5,2,2. OK 5,2,3. OK 5,2,4.

5,3. General:

 5,3,1. 5,3,2. 5,3,3. 5,3,4. 5,3,5.

Rule 6. Water Measurement

6,1. Measurement Terminology:

 6,1,1. 6,1,2. 6,2. 6,3. 6,4.
 6,5.

Remarks:

UNFILMED

SEP 2 1990

PD: 22N 16 S. 23 ~~NESW, SEW, SESW NENW~~
" ~~S. 22 SWSE~~
~~S. 23 SWSW~~
S. 27 ~~NWNE~~ SENE

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

78-7154
Permit No.

Staff Analysis Sheet
for
Beneficial Use Field Report

RECEIVED
JUN 30 1988

Department of Water Resources

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

- ☒ Blank Field Report Form
- ☒ Copy of Permit
- ☒ Copies of any Amendments/Orders with conditions of approval
- ☐ ~~Computer Data Proof Report~~
- ☒ Copy of U.S.G.S. Quad
- ☒ Check for Government Lots. If so, make a copy of Government Plat

Check of P/D index SL 6/3/87 (Initial and date)

Overlap? ☒ yes ☐ no

If yes: ☒ copy of exam(s) attached? See package of 3 exams

Type of Overlap? ☐ Add acres or uses to existing system

☒ Increase rate of flow or volume

☒ Other: _____

Check of P/U index SL 6/3/87 (Initial and date)

Overlap? ☒ yes ☐ no

If yes: ☒ Copy of water right(s) attached?

Type of Overlap? ☒ Increase rate of flow or volume

☐ Add P/D's

☐ Increase number of acres within tracts

☒ Other: _____

Aerial Photo

Required? ☐ yes ☒ no

If yes: ☐ copy attached?

Scheduling Letter sent? N/A (Initial and 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
- ☐ Corrected Computer Data Proof Report with recommended license information, and date and signature of examiner.

C. Review and Processing:

Exam Completed Partially - 6/11/87 Spence (Signature of examiner and date)

Exam Reviewed by Senior Water Resource Agent SL 6/7/88 (Initial and date)

Exam Reviewed by Manager of Regional Office DMR 6/18/88 (Initial and date)

Exam Date Entered in Computer ✓ (Initial and date)

Exam sent to State Office SL 6/28/88 (Initial and date)

Copy of Staff Analysis Sheet sent to Manager of Regional Office and Original
Refiled in White File ✓ (Initial and date)

see 78-7150 B

RECEIVED

JUN 30 1988

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

KEYPUNCHED

A. GENERAL INFORMATION

- reverse order
- Permit No. 78-7154
Phone No. 375-1106
Current Address: 10464 Garverdale Court, Suite 710 Boise, ID 83704
2. Accompanied by: DAVE Wilson EXAM. DATE: 6/11/87
Address: HC 75, Box 3550 New Meadows, Id. 83654 Phone No. 628-3561 - power plant
628-3839 - home
Relationship to Permit Holder: Power Plant Manager
3. Source: ELK Creek tributary to Little Salmon River

B. OVERLAP REVIEW

1. Other water rights with same place of use: 78-7150 B, 7188, 7254, 4002
☒ Copies Attached
2. Other water rights with same point of diversion: 78-7150 B & A, 7188, 7254 (?)
☒ Copies Attached ☒ Copies of Field Exam's Attached

see package for 7150 B & 7188

C. SYSTEM DESCRIPTION

1. Diversion System Diagram: Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached

see 7150 B

MicroFILMED

SEP 27 1990

Scale: 1" = _____

2. ☒ Copy of U.S.G.S. 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 or more).
☒ Photo of Diversion and System Attached
(required for all but single household domestic groundwater, and stockwater).

see
7150 B

System Description (continued)

3. Narrative: Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

see 78-7150 B

☐ See Remarks on page 4 for continuation

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	<i>N/A</i>				

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

5. Point(s) of Diversion:

Ident. No.	Gov't. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
			<i>NE</i>	<i>NW</i>	<i>23</i>	<i>22N</i>	<i>1E</i>	<i>Idaho</i>	<i>USGS 7 1/2' QWSO</i>

6. Place(s) of Use:

Indicate Method of Determination *AS IN PLO*

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
<i>22N</i>	<i>1E</i>	<i>27</i>				<i>P</i>													<i>-</i>

Do not use this space

MICROFILMED

SEP 27 1990

Do not use this space

D. FLOW MEASUREMENTS

AS IN 7150B

☐ Additional Data Sheets Attached

1.

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

2. Measurements:

Limit 7154 to 10.0 cfs as shown by permit.

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method: 26.0 cfs

2. Alternate Method for Checking Purposes: see 78-7150B

F. PUMP EFFICIENCY DATA (Optional) N/A

Discharge Pressure: _____ psi x 2.31 = _____ ft (1); Dynamic pumping level: _____ ft (2)

Total Head: (1) + (2) = _____ (3); Flow rate: _____ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

Meter Input KW: 3.6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)

Meter Input HP: (6) x 1.34 = _____ (7)

Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Amps x .001732 = _____ (6)

Panel Input HP: (6) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

G. VOLUME CALCULATIONS ~~ALTERNATIVE~~

1. Volume Calculations for Irrigation:

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ _____

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

$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} =$ _____

2. Volume Calculations for Other Uses:

At 9 months/year:

$(10)(279)(1.9835) = 5533.96 = 5534.0$

SEP 27 1990

RECORDED

H. REMARKS AND OVERLAP REVIEW ANALYSIS

Overlap - as in exam for 78-7150 B.

I. 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	10.0	5534.0
				(Actually non-
				consumptive use)
Totals:				

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

J. AUTHENTICATION

Field Examiner's Name

Steve Lester

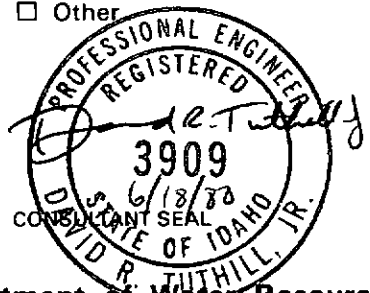
Signature

Steve Lester

Certification Date

Field Report Preparation Date

6/11/87



K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.

Microfilmed

SEP 27 1990

CONVERSATION MEMORANDUM

DATE 6/11/90

FILE 78-07150 B

NAME OF PARTY Cherry Huber 375-1106

-07154

EMPLOYEE Steve Lester

-07188

-07254

RE: Please use the following local address for
all correspondence for the above permits:

Sithe Energies / EL Dorado Hydro

10464 Garvendale Court

Suite 710

Bose, ID 83704

MICROFILMED

SEP 27 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

WESTERN REGION, 2735 Airport Way, Boise, Idaho 83705 • (208) 334-2190

CECIL D. ANDRUS
Governor

REC-11

R. KEITH HIGGINSON
Director

JUN - 9 1988

Ms. Cherry Huber
Sithe Energies / El Dorado Hydro
10464 Garverdale Court, Suite 710
Boise, ID. 83704

Department of Water Resources

June 8, 1988

Re: Permits 78-7150B, 07154, 07188

Dear Cherry:

The enclosed package contains the adjudication claims for the above permits associated with the power plant on Elk Creek. I completed the field exams after talking to Dave Wilson. My licensing reports will recommend that the full flow rates on the permits be licensed (25.72 cfs).

The adjudication claims were prepared from permit and field exam information. Two copies of each claim are included, one for you and one for the Department. All copies should be signed, notarized, and returned for receipting. Your copies will subsequently be sent to you. Item 16a requires a yes or no response. Please refer to the handout that discusses receiving notices in the adjudication.

Based on the generating capacity of the power plant and three water rights currently in use, the total filing fee is \$8270.00. The fee is calculated at \$3.50 per kw (variable fee, charged once for the entire system) and \$50.00 per claim (flat fee). An extended payment plan is available and described in the attached handout. Notice that the minimum amount due by 7/27/88 is \$1654.00. To properly describe and receipt fees paid, it would be best to divide the total fee into thirds. I suggest the following description:

A78-07150B = \$2760, A78-07154 = \$2755, A78-07188 = \$2755.

Please contact me if additional help is needed.

Sincerely,

Steve Lester
Sr. Water Resource Agent

RECEIVED

SEP 27 1990



State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region

Cecil D. Andrus
Governor

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

May 8, 1987

78-1508, 7134, 7188
EL PASO HYDRO
3377 BOBBAM BLVD.
LOS ANGELES, CA 90068

Dear Applicant(s):

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

Before a license can be issued, a field examination must be made by a representative of this Department. A field examiner will contact you to arrange to examine your system.

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

Sincerely,

Judy Pense
Secretary

/jp

MICROFILMED

SEP 27 1990



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

CECIL D. ANDRUS
Governor

A. KENNETH DUNN
Director

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

February 4, 1987

RE: Permit Nos. 78-7150B/7154/7188/7254

El Dorado Hydro
3377 Barham Blvd.
Los Angeles, CA 90068

Dear Permit Holder:

This office acknowledges receipt of the Assignment of the above referenced permits to you.

Enclosed for your records are copies of the permits. Be sure to note the special conditions of approval on the fourth pages that identify requirements necessary for developing the permits into licensed water rights.

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

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc
Enclosures

MICROFILMED

MAR 09 1987

Permit No. Jim

ASSIGNMENT REVIEW CHECK LIST

78-7188
78-7150B
78-7154-ALL
78-7254-ALL

1. Signature of Permit Holder? - Yes
2. Notary? - Yes
3. a. Full Assignment? - Yes of part B
b. Partial Assignment?
4. "No assignment" condition on permit? Yes.
5. Commencement of Works received? NO - Extension requested
a. Commencement of works requested? -
b. Show Cause Order drafted & sent? -
c. Cancellation necessary? -
6. Affidavit of residency required? Yes - rec'd.
7. Extension granted due to litigation? - N/A
(If yes, commencement of works is not required.)

1. Type permit summary sheet.
2. Coding sheet.
3. Acknowledgement letter type.
4. Copy to region.

Sharla -
Sharla - Part B
#IP
sharla

Date 2-2-87

Employee Jim

MICROFILMED

MAR 09 1987



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

December 15, 1986

RE: Permit Nos. 78-7150/7154/7188/7254

Sithe-Energies USA, Inc.
Attn: Judy L. Porter
885 Third Ave., Suite 1700
New York NY, 10022-4802

Dear Ms. Porter:

As you probably known by now, I returned the assignment forms for the above referenced permits on 12/9/86. Therefore, we cannot comply with your request of 12/2/86.

If you have any questions, let me know.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

MICROFILMED

MAR 09 1987

Sithe-Energies U.S.A. inc.

A Member of the Sithe/Energies Group

885 Third Avenue, Suite 1700

New York, New York 10022

Telephone (212) 230-2100

Telecopier (212) 230-2120

December 2, 1986

RECEIVED
DEC 5 1986

State of Idaho
Department of Water Resources
450 W. State Street
Boise, Idaho 83720

Department of Water Resources

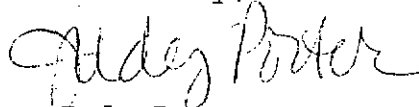
Re: Permit Nos. 78-1750, 78-7154, 78-7188, 78-7254

Dear Sir or Madam:

An Assignment of Permit for each of the above referenced permits was forwarded to your office for filing last month to assign the permits to El Dorado Hydro Partners, a California general partnership. An error was made on the assignment forms concerning the name of the assignee. The correct name of the partnership is El Dorado Hydro, not El Dorado Hydro Partners. Please modify your records to show the correct name of the partnership to be El Dorado Hydro.

Please do not hesitate to contact the undersigned if you have any questions or require anything further in order to accomodate such request.

Sincerely,



Judy L. Porter
Operations Coordinator

cc: Linda Grant-Williams

MICROFILMED

MAR 09 1987



ate 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

December 9, 1986

RE: Permit Nos. 78-7154/7254/7188/7150

Sithe-Energies USA, Inc.
Attn: Judy L. Porter
885 Third Ave., Suite 1700
New York, NY 10022-4802

Dear Ms. Porter:

I am in receipt of four assignment of permit forms assigning ownership of the above referenced permits from Elk Creek Hydro-Electric Partners to El Dorado Hydro Partners.

This Department cannot accept these assignments because the attached affidavits do not state that El Dorado Hydro Partners is registered in the State of Idaho as required by Section 30-1-12, Idaho Code.

The assignments are being returned and no action will be taken until the assignments are received with the proper affidavit.

If you have any questions on this matter or if I can be of any assistance, please let me know.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosures

MICROFILMED

MAR 09 1987



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
BOISE 83720

JIM JONES
ATTORNEY GENERAL

DEPARTMENT OF WATER RESOURCES
STATEHOUSE, BOISE, IDAHO 83720
TELEPHONE: (208) 334-4448

November 14, 1986

Roy Eiguren, Esq.
LINDSAY, HART, NEIL & WEIGLER
350 North Ninth Street, Suite 400
Boise, Idaho 83720

Wesley S. Kumagai, Esq.
JONES, DAY, REAVIS & POGUE
355 South Grand Avenue, Suite 3000
Los Angeles, California 90071

Re: Assignment for Security of Idaho Department of
Water Resources Permit; Permit Nos. 78-7150,
✓78-7154, 78-7188, 78-7254 and 01-7010

Gentlemen:

This office has received a copy of the November 4, 1986, LM&C draft Loan Agreement between EL DORADO HYDRO, a California general partnership, BY-PASS LIMITED, an Idaho limited partnership, and ROCK CREEK LIMITED PARTNERSHIP, a California limited partnership ("the Borrowers") and BANQUE NATIONALE DE PARIS acting through its Los Angeles Agency ("the Bank"); and Exhibit S-6 thereto, entitled ASSIGNMENT OF GOVERNMENTAL APPROVALS.

It is our understanding, based upon these documents, that the Borrowers, El Dorado Hydro and By-Pass Limited, the present holders of the referenced water right permits, intend to assign the permits to the Bank, which is not presently qualified to do business in and under the laws of the state of Idaho, for the purpose of providing partial security for financing four hydroelectric power stations.

It is further our understanding that neither the assignment nor any action or actions on the part of the Bank shall constitute an assumption by the Bank of any of Borrowers' obligations under the water right permits unless a Potential Event of Default or an Event of Default occurs under the Loan Agreement and the Bank shall have given written notice to the Idaho Department of Water Resources of its election to assume such obligations.

MICROFILMED

MAR 09 1987

SITHE-ENERGIES U.S.A. inc.

A Member of the Sithe/Energies Group

885 Third Avenue, Suite 1700

New York, New York 10022-4802

(212) 230-2100

Telecopy (212) 230-2120

November 12, 1986

RECEIVED
NOV 13 1986

State of Idaho
Department of Water Resources
450 W. State Street
Boise, Idaho 83720

Department of Water Resources

Re: Permit Nos. 78-7154, 78-7254, 78-7188, 78-7150

Gentlemen:

Enclosed for filing please find the Assignment of Permit and Affidavit For Water Rights To Be Used For Power Purposes in connection with the assignment of the above-referenced permits to El Dorado Hydro, a California general partnership. Please forward a copy of the acknowledgment of such assignment to the undersigned.

If you have any questions regarding this assignment, please feel free to give me a call.

Sincerely,


Judy L. Porter

Enclosures

MICROFILMED
MAR 09 1987

SITHE-ENERGIES U.S.A. inc.

A Member of the Sithe/Energies Group

885 Third Avenue, Suite 1700

New York, New York 10022-4802

(212) 230-2100
Telecopy (212) 230-2120

October 23, 1986

RECEIVED
OCT 27 1986

Ms. Rita I. Fleck
State of Idaho
Department of Water Resources
State Office
450 W. State Street
Boise, ID

Department of Water Resources

Re: Permit Nos. 78-7150B, 78-7154 and 78-7188

Dear Ms. Fleck:

Pursuant to your letter dated October 15, 1986, I have on behalf of Elk Creek Hydro-Electric Partners enclosed a check for \$275.00 in payment of the additional fee due, concerning the above referenced permits.

Sincerely,


Judy L. Porter

JLP:meb

Enclosure

RECEIVED
OCT 28 1986

RECEIVED

OCT 1 1986

325
#325
For Office Use Only
Fee Received \$600.00
Date 10/1/86
Receipt # 39270, 3935
Receipt by CCW
Reviewed by
Sent to region

STATE OF IDAHO
Department of Water Resources
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has 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. 78-7150B, 7154, 7188

Name(s) of Permit Holder: Elk Creek Hydroelectric Partners

Post Office Address: 3377 Barham Blvd., Los Angeles, California 90068

Telephone No. (213) 874-9080

Source of Water: Big Elk Creek, Tributary of Little Salmon River

Extent of Use:

Domestic _____ (number of households) Stockwater _____ (number and type of stock)
Irrigation _____ (acres) Other/Remark Hydroelectric Power Plant

Total rate and/or volume for which proof is submitted 8, 10, 8 cfs _____ acre-feet

Show the date water was first diverted and beneficially used under this permit: April 4, 1986

Measuring Device: Required? ☐ Yes ☒ No Fee enclosed \$ 600.00
Installed? ☐ Yes ☒ No (See License Examination Fee Schedule)

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

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

Henry Huber (Name) (208) 888-4247 (Telephone Number)

Route 3, Hubbard Road, Kuna, Idaho 83634 (Address)

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.

By: Elk Creek Hydroelectric, Inc., general partner

9/30/86

By: William Kriegel, President

Date: _____ Signature of Permit Holder (and title, if appropriate)

October 15, 1986

Judy L. Porter
Elk Creek Hydroelectric Partners
3377 Barham Boulevard
Los Angeles, CA 90068

Dear Ms. Porter:

Re: Permit Nos. 78-7150B, 78-7154 and 78-7188

On October 1, 1986, the department received your proof of beneficial use form and \$600 filing fee. The fee was receipted and the proof and files forwarded to me for processing. Upon close examination of the proof form, I realized that you paid the fee for the total rate of diversion for all three of the permits instead of adding the fee based on the rate of diversion of each file.

The Idaho Code provides that a examination fee shall be determined on each water right permit. Since you have three water right permits, a fee is levied on each. The total fee which should have been paid is \$875. (See enclosed fee schedule). Please remit the additional \$275 as soon as possible. I will hold processing on the permits until the additional sum of money is received.

If you have any questions concerning this matter, please feel free to contact this office.

Sincerely,

RITA I. FLECK
Secretary/Records Manager

Enclosure

RECEIVED
OCT 16 1986

ELK CREEK HYDROELECTRIC PARTNERS
3377 BARHAM BOULEVARD
LOS ANGELES, CALIFORNIA 90068

RECEIVED

OCT 1 1986

Airborne Express
Department of Water Resources

September 29, 1986

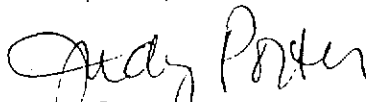
State of Idaho
Department of Water Resources
Statehouse
Boise, Idaho 83720

Re: Permit Nos. 78-7150B, 7154 and 7188

Gentlemen:

Enclosed please find our Proof of Beneficial Use regarding the above referenced permits. Also enclosed is a check in the amount of \$600.00 in payment of the License Examination Fee in accordance with the Fee Schedule for 26 cfs.

Sincerely,


Judy L. Porter

Enclosures

RECEIVED
OCT 1 1986

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440
CERTIFIED MAIL
JULY 31, 1986

138027

ELK CREEK HYDRO ELECTRIC PARTNERS
415 N. CAMDEN DR.
BEVERLY HILLS, CA 90210

PROOF DUE NOTICE

RE: PERMIT NO. 78-7154

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 OCTOBER 1, 1986. (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 COMPLETED 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

MAILED
JUL 31 1986

RUNFT, LEROY, STECHER, COFFIN & O'RIORDAN, CHARTERED

LAWYERS AND COUNSELORS AT LAW
IDAHO FIRST NATIONAL BANK - EMPIRE BUILDING
205 NORTH TENTH STREET, SUITE 200

P.O. BOX 1960
BOISE, IDAHO 83701

TELEPHONE
(208) 344-6100

Lloyd E. Haight
of Counsel

JOHN L. RUNFT
DAVID H. LEROY
DAVID J. STECHER
TERRY E. COFFIN
W. HUGH O'RIORDAN
ROY L. EIGUREN
STEVEN R. MATTHEWS
CARL E. OLSSON

January 28, 1985

David Mercer, Esq.
Jones, Day, Reavis & Pogue
2029 Century Park E., Suite 3600
Los Angeles, CA 90067

Re: Completion of the Submission of Data
for the Water Rights Transfer

Dear Dave:

Attached is a copy of an original affidavit which I filed today with the Department of Water Resources. As you will note, your registered agent, Jim Gillespie, signed the affidavit to provide all of the detail necessary for the Department to complete the assignment of water rights from Jim Howell to the Elk Creek Hydro-Electric Partners. I believe the Department will act with dispatch to accomplish the transfer. This should complete and extinguish the obligations which the Howell partnership had to you under the Agreement for the Sale of Assets.

Very truly yours,

David H. Leroy

DHL:aa

Enclosure

cc: David Shaw
Jim Howell
Cliff Powell
Jerry Lausmann
Carl Myers

RECEIVED
JAN 30 1985

Department of Water Resources
Western Regional Office

MICROFILMED

March 26, 1985

RE: Permit No. 78-7154

Elk Creek Hydro Electric Partners
415 N. Camden Dr.
Beverly Hills, CA 90210

Dear Permit Holder:

This office acknowledges receipt of the Assignment of the above referenced permit to you.

Enclosed for your records is a copy of the permit. Be sure to note the conditions of approval on the fourth page that identify requirements necessary for developing the permit into a licensed water right.

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

Sincerely,

KAY WALKER
Chief Clerk

KW:sc
Enclosure

MICROFILMED

FROM D. Tuthill

DATE February 25, 1985

TO Files 78-7150, 78-7154, 78-7188

SUBJECT Assignment

For additional information and documentation concerning the assignment of the above-referenced permits to Elk Creek Hydro Electric Partners, see the letter dated January 10, 1985 from David Leroy, with attachments, located in 78-7254

DET

SIGNATURE

MICROFILMED

CERTIFICATE OF MAILING

I David R. Tuthill, Jr., hereby certify that on June 30, 1982 I caused to be mailed to the water right permit holders annotated in the attached Exhibit A, a form letter such as the attached Exhibit B along with an appropriate number of Commencement to Works cards (Exhibit C), where the number of cards sent is shown directly beneath each address in Exhibit A.

David R. Tuthill Jr.

Subscribed and sworn to before me this 1st day of July, 1982.

Roberta M. Garrett
County of Ada

My Commission expires life

MICROFILMED

R.V. MINERALS 70 MONICA MINE DEVELOPMENT 308 N. COLE RD. DITE A BOISE 1 ID 83704	J.L. TERIELING P.O. BOX 4127 BOISE 1 ID 83704	JUNE THOMPSON 1890 ANCESTOR AVE. BOISE 1 ID 83704
AROLD OLEN ARD 209 KINGSTON DRIVE BOISE 1 ID 83704	DUANE B. WILLIAMS 5110 SORRENTO DR. BOISE 2 ID 83704	BROCK L. WRIGHT 6708 NORTHVIEW BOISE 2 ID 83704
G.C. OPERATING ENGINEERS TRUST F 613 APPLE ST. BOISE 1 ID 83705	JAY C. BUSS 1320 GOURLEY BOISE 1 ID 83705	MAURICE W. BURKHOLDER 848 LA CASSIA STREET BOISE 1 ID 83705
AROLD L. YARD 626 KIRKWOOD CIRCLE BOISE 1 ID 83705	MASIL L. CARRABAY 1721 BROXON ST. BOISE 2 ID 83705	ROBERT H. CHRISTENSEN 1418 JOHNSON ST. BOISE 1 ID 83705
UDLEY E. OSTELLO 517 SUNRISE RIM BOISE 1 ID 83705	BLAINE W. DYRE 5545 RANDOLPH DRIVE BOISE 1 ID 83705	BETH T. FITZWATER 6407 ROBERTSON DRIVE BOISE 1 ID 83705
ALPH F. ROGLEY 913 OVERLAND BOISE 1 ID 83705	GOLD REEF JOINT VENTURE P.O. BOX 5411 BOISE 1 ID 83705	ROGER L. GUERNSEI 4747 K ALBION BOISE 1 ID 83705
AY KARRISON 60 ROBERT ST. BOISE 1 ID 83705	HILLCREST COUNTRY CLUB INC. 4610 HILLCREST DRIVE BOISE 1 ID 83705	JAMES H. HOWELL 1984 PANAMA BOISE 1 ID 83705
EN 6230 STARDUST DR. BOISE 1 ID 83705	ALDEN E. LENZ 6217 EDGEWATER DR. BOISE 1 ID 83705	LITTLE SALMON RIVER CHRISTIAN RETH C/O JAMES B. HOWELL 1984 PANAMA BOISE 1 ID 83705
AC GREGOR LAND & LIVESTOCK CO. BX 5128 BOISE 1 ID 83705	USCAR MALMIN 3621 FEDERAL WAY BOISE 1 ID 83705	EARL A. MORRIS 1406 JOHNSON BOISE 1 ID 83705
IN L. BETT 600 SUNRISE RIM BOISE 1 ID 83705	EARL A. POILMAN 4546 RIVA RIDGE DRIVE BOISE 1 ID 83705	JAMES E. RISC RT. #3, SOUTH COLE ROAD BOISE 1 ID 83705
UCKY MOUNTAIN WATER CO. INC. 334 AGATE COURT BOISE 1 ID 83705	OSWALD H. SCHMIDT 4600 S. EAGLESON ROAD BOISE 1 ID 83705	WILLIAM H. SCHRIER 9223 OVERLAND RD. BOISE 1 ID 83705
LYDE E. SAUL 720 SOUTH FIVE MILE ROAD BOISE 1 ID 83705	RONALD D. SMITH 2510 UPROND BOISE 1 ID 83705	JAMES E. STOUT, SR. P.O. BOX 5644 BOISE 1 ID 83705

MICROFILMED



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

June 24, 1982

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

Dear Permit Holder:

Your water right permit(s) may be affected by a change made in Section 42-204, Idaho Code, by the 1982 Idaho Legislature.

Because of the change, you must commence the excavation and construction of the diverting works for your permit(s) no later than July 1, 1983. The statute further requires that you then proceed with due diligence in completing the diverting works and applying the water to beneficial use.

Permits in the following three categories are not subject to this requirement:

1. Rate of flow is greater than 25 cubic feet per second.
2. Proof of Beneficial Use has already been submitted.
3. Proof of Beneficial Use is required on or before July 1, 1983.

To maintain the validity of your permit(s) you must return one Commencement of Works postcard for each permit subject to the requirement. Note that on the card you can indicate that either (1) you have commenced construction or (2) you have been prevented from initiating development due to a factor beyond your control, such as the Idaho Power Moratorium, a required approval of the federal government, or litigation which prevents development of the project.

Enclosed you will find the number of cards that our records indicate you will need. Note that the card(s) should be returned to this office by July 1, 1983. If you have further questions, please contact the regional office shown below that is nearest you.

Sincerely,

David R. Tuthill Jr.

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

DRT:jg Enclosure

NORTHERN REGION, IDWR
Rt. #5, Box 203
4055 Government Way
Coeur d'Alene, ID. 83814
Tel. 667-6484

SOUTHERN REGION, IDWR
1041 Blue Lakes Blvd. N.
Twin Falls, ID. 83301
Tel. 734-3578

EASTERN REGION, IDWR
150 Shoup Ave.
Idaho Falls, ID. 83401
Tel. 525-1761

WESTERN REGION, ID
92 South Cole Road
Boise, ID. 83709
Tel. 334-2190

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RUNFT, LEROY, STECHER, COFFIN & O'RIORDAN, CHARTERED

LAWYERS AND COUNSELORS AT LAW
IDAHO FIRST NATIONAL BANK - EMPIRE BUILDING
205 NORTH TENTH STREET SUITE 200
P.O. BOX 1960
BOISE, IDAHO 83701

JOHN L. RUNFT
DAVID H. LEROY
DAVID J. STECHER
TERRY E. COFFIN
W. HUGH O'RIORDAN
ROY L. EIGUREN
STEVEN R. MATTHEWS
CARL E. OLSSON

TELEPHONE
(208) 344-6100

Lloyd E. Haight
of Counsel

January 10, 1985

David Shaw
Western Regional Supervisor
Dept. of Water Resources
State of Idaho
Statehouse
Boise, Idaho 83720

RECEIVED
JAN 11 1985

Department of Water Resources
Western Regional Office

Re: Elk Creek Hydro (78-7150,
78-7154, 78-7188, 78-7254)

Dear Dave:

Since our last telephone conversation and receipt of your letter of December 13, 1984, I have followed up with David Mercer, California counsel, and the Secretary of State's office regarding the residency and ownership affidavit to complete the transfer on the above four permits. It would seem to me that the following documents and certifications would provide the Department's needs to satisfy technical requirements for the Elk Creek Partnership composed of General Hydro, Inc., an Idaho corporation, and Elk Creek Hydro-Electric, Inc. and Paris Hydro-Electric, Inc., Idaho qualified to do business corporations:

1. A copy of the Secretary of State's Certificate of Incorporation for General Hydro, Inc., together with the Articles of Incorporation filed October 29, 1984, indicate the C T Corporation System as registered agent here in Boise. (Copies attached.)

2. A Certificate of Authority as an Idaho qualified to do business corporation for both Elk Creek Hydro-Electric, Inc., and Paris Hydro-Electric, Inc., with copies of their application filed October 24, 1984, indicating the C T Corporation System in Boise as registered agent. (Copies attached.)

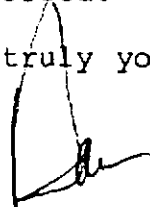
3. An affidavit by Jim Gillespie of Eberle, Berlin, 300 North 6th Street, Boise, 83702, who acts as the local registered agent for the C T Corporation System. This affidavit covers the law firm status as designated registered agent for the three corporations and reiterates they are each qualified to do business in Idaho, and addresses the ownership of the facilities as required in your standard form. By a copy of

MICROFILMED

David Shaw
Idaho Dept. of Water Resources
January 10, 1985
Page Two

this draft affidavit to yourself and to Jim Gillespie, I solicit any changes in the language which either of you may request or feel necessary. After your approval by telephone or otherwise. I will present a copy to Jim for his signature and file it with the Department. Once we have accomplished this to the satisfaction of the Department, I understand that the full transfer to the partnership will be effected.

Very truly yours,



David H. Leroy

DHL:aa

cc: James Gillespie, Esq.
David Mercer, Esq.
Steven D. Burton, Esq.
James B. Howell

MICROFILMED

RECEIVED
JAN 11 1985

Department of Water Resources
Western Regional Office

State of Idaho

Department of State

CERTIFICATE OF AUTHORITY OF

PARIS HYDRO-ELECTRIC, INC.

I, PETE T. CENARRUSA, Secretary of State of the State of Idaho, hereby certify that duplicate originals of an Application of PARIS HYDRO-ELECTRIC, INC.

_____ for a Certificate of Authority to transact business in this State, duly signed and verified pursuant to the provisions of the Idaho Business Corporation Act, have been received in this office and are found to conform to law.

ACCORDINGLY and by virtue of the authority vested in me by law, I issue this Certificate of Authority to PARIS HYDRO-ELECTRIC, INC.

to transact business in this State under the name PARIS HYDRO-ELECTRIC, INC.

_____ and attach hereto a duplicate original of the Application for such Certificate

Dated November 13, 1984



Pete T. Cenarrusa

SECRETARY OF STATE

Miane Walker

Corporation Clerk

RECEIVED

JAN 1 1935

Department of Water Resources
Western Regional Office

State of Idaho

Department of State

CERTIFICATE OF INCORPORATION
OF

GENERAL HYDRO INC.

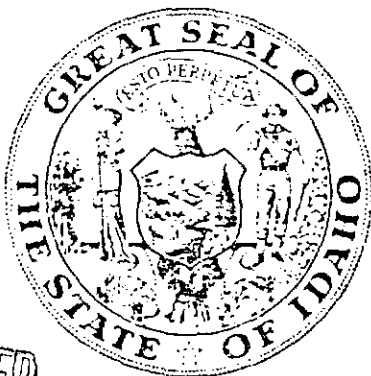
I, PETE T. CENARRUSA, Secretary of State of the State of Idaho, hereby certify that
duplicate originals of Articles of Incorporation for the incorporation of _____

GENERAL HYDRO INC.

duly signed pursuant to the provisions of the Idaho Business Corporation Act, have been received
in this office and are found to conform to law.

ACCORDINGLY and by virtue of the authority vested in me by law, I issue this Certificate of
Incorporation and attach hereto a duplicate original of the Articles of Incorporation.

Dated: October 29, 1934



Pete T. Cenarrusa

SECRETARY OF STATE

by: _____

MICROFILMED

1 OCT 29 PM 9 23

RECORDED
STATE

ARTICLES OF INCORPORATION
OF
GENERAL HYDRO INC.

The undersigned, acting as incorporator of a corporation under the Idaho Business Corporation Act, adopts the following Articles of Incorporation for such corporation:

FIRST: The name of the corporation is GENERAL HYDRO INC.

SECOND: The period of its duration is perpetual.

THIRD: The purpose or purposes for which the corporation is organized are: The transaction of any or all lawful business for which corporations may be incorporated under the Idaho Business Corporation Act.

FOURTH: The aggregate number of shares which the corporation shall have authority to issue is 10,000 shares of Common Stock, \$1.00 par value per share.

FIFTH: None.

SIXTH: None.

SEVENTH: The address of the initial registered office of the corporation is 300 North 6th Street, Boise, Idaho 83701 and the name of its initial registered agent at such address is CT CORPORATION SYSTEM.

EIGHTH: The number of directors constituting the initial board of directors of the corporation is one, and the name and address of the person who is to serve as director until the first annual meeting of shareholders or until his successor is elected and shall qualify is:

<u>NAME</u>	<u>ADDRESS</u>
Robert T. Rambo	375 Highland Avenue Jenkintown, Pennsylvania 19046

NINTH: The name and address of each incorporator is:

MICROFILMED

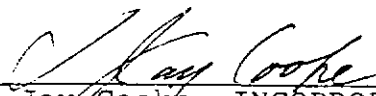
NAME

S. Jay Cooke, Esquire

ADDRESS

Suite 3600, 1600 Market Street
Philadelphia, Pennsylvania 19103

Dated: October 26, 1984.



S. Jay Cooke, INCORPORATOR

MICROFILMED

No. 77139

Articles of Incorporation
GENERAL HYDRO INC.

Perpetual
\$10,000.00

STATE OF IDAHO
Department of State
Boise, Idaho

Approved, filed and admitted to the
corporation records of the State
of Idaho

Date October 29, 1984
Time 9:23 AM

FEES PAID

Filing \$ 60.00
Tax \$

Pete T. Cenarrusa

SECRETARY OF STATE

Registered Agent:
C T Corporation System
300 North 6th Street
Boise, Idaho 83701

By

[Signature]
CC 70425
TNV 46309

Filed by:
Schnader, Harrison, Segal
& Lewis
1600 Market Street, Suite 3600
Philadelphia, Pennsylvania 19104

POOR QUALITY ORIGINAL

RECORDED

RECEIVED
JAN 11 1985

Department of Water Resources
Western Regional Office



Department of State

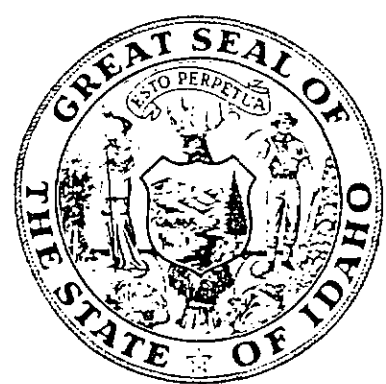
**CERTIFICATE OF AUTHORITY
OF**

ELK CREEK HYDRO-ELECTRIC, INC.

I, PETE T. CENARRUSA, Secretary of State of the State of Idaho, hereby certify that duplicate originals of an Application of ELK CREEK HYDRO-ELECTRIC, INC. for a Certificate of Authority to transact business in this State, duly signed and verified pursuant to the provisions of the Idaho Business Corporation Act, have been received in this office and are found to conform to law.

ACCORDINGLY and by virtue of the authority vested in me by law, I issue this Certificate of Authority to ELK CREEK HYDRO-ELECTRIC, INC. to transact business in this State under the name ELK CREEK HYDRO-ELECTRIC, INC. and attach hereto a duplicate original of the Application for such Certificate.

Dated October 26, 1984



Pete T. Cenarrusa

SECRETARY OF STATE

Sally J. Clark
Corporation Clerk

MEADVILLE

APPLICATION FOR CERTIFICATE OF AUTHORITY

To the Secretary of State of Idaho.

Pursuant to Section 30-1-110, Idaho Code, the undersigned Corporation hereby applies for a Certificate of Authority to transact business in your State, and for that purpose submits the following statement:

84 AUG 28 AM 8 51

1. The name of the corporation is ELK CREEK HYDRO-ELECTRIC, INC.
2. *The name which it shall use in Idaho is ELK CREEK HYDRO-ELECTRIC, INC.
3. It is incorporated under the laws of California
4. The date of its incorporation is September 5, 1984 and the period of its duration is perpetual.
5. The address of its principal office in the state or country under the laws of which it is incorporated is 415 North Camden Drive, Ste. 218, Beverly Hills, California 90210
6. The address to which correspondence should be addressed, if different from that in item 5 the same
7. The street address of its proposed registered office in Idaho is 300 North 6th Street
Boise, Idaho 83701, and the name of its proposed registered agent in Idaho at that address is C T CORPORATION SYSTEM
8. The purpose or purposes which it proposes to pursue in the transaction of business in Idaho are:
Any lawful act or activity

9. The names and respective addresses of its directors and officers are:

Name	Office	Address
William Krieger	President, Secretary	415 No. Camden Drive, Ste. 218
	Treasurer	Beverly Hills, California 90210

10. The aggregate number of shares which it has authority to issue, itemized by classes, par value of shares, and shares without par value, is:

Number of Shares	Class	Par Value Per Share or Statement That Shares Are Without Par Value
100	Common	No par value

MICROFILMED

(continued on reverse)

11. The aggregate number of its issued shares, itemized by classes, par value of shares, and shares without par value, is:

Number of Shares	Class	Par Value Per Share or Statement That Shares Are Without Par Value
100	Common	No par value

12. The corporation accepts and shall comply with the provisions of the Constitution and the laws of the State of Idaho.

13. This Application is accompanied by a certificate of corporate existence or status, issued by the proper officer of the state or country of incorporation. (The certificate should not be over 90 days old)

Dated October 24, 1984

ELK CREEK HYDRO-ELECTRIC, INC.

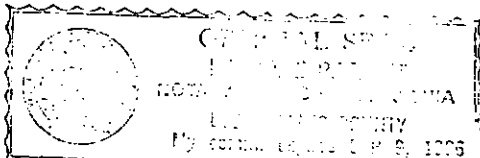
By William Kriegel
Its President

and William Kriegel
Its Secretary

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss:

I, Linda C. Parent, a notary public, do hereby certify that on this 24th day of October, 1984, personally appeared before me William Kriegel, who being by me first duly sworn, declared that he is the President of **ELK CREEK HYDRO-ELECTRIC, INC.**

that he signed the foregoing document as President of the corporation and that the statements therein contained are true.



Linda C. Parent
Notary Public

*Pursuant to section 30-1-108(b)(1), Idaho Code, if the corporation assumes a name other than its true name, this application must be accompanied by a resolution of the Board of Directors to that effect.

MICROFILMED

77-22999-207010

STATE CAPITAL
BOISE, IDAHO

No. 77101

ELK CREEK HYDRO-ELECTRIC, INC.

Foreign - California

Perpetual

a.c.s. - 100 shares n77

STATE OF IDAHO
Department of State
Boise, Idaho

Approved, filed and admitted to the
corporation records of the State
of Idaho

Date October 26, 1984

Time 8:51 a.m.

FEEES PAID

Filing \$ 60.00

Tax \$ _____

Pete T. Cenarrusa

SECRETARY OF STATE

By: _____

Registered Agent: C T CORPORATION SYSTEM
300 North Sixth Street
Boise, Idaho 83701

Filed By: C T CORPORATION SYSTEM
800 South Figueroa Street, Suite 1000
Los Angeles, California 90017

POOR QUALITY ORIGINAL

MICROFILMED



BANQUE NATIONALE DE PARIS
NEW YORK BRANCH

499 PARK AVENUE, NEW YORK, N.Y. 10022 - TELEPHONE (212) 553-1400 - TELEX 82759 "BNPNY"

October 25, 1984

Idaho Department of Water Resources
Statehouse
Boise, Idaho 83701

Attention: Mr. David Shaw

Gentlemen:

This letter is to inform those concerned that the Elk Creek partnership, a Californian partnership and its partners are qualified to transact business in the State of Idaho, has the financial means to undertake the Elk Creek Project (Federal Energy Regulatory Commission - F.E.R.C. exemption No. 3503 - water rights no. 78-7150/78-7154/78-7188/78-7254).

Very truly yours,

BANQUE NATIONALE DE PARIS

cc: Mr. Robert T. Rambo
Treasurer
Anjou International Company

cc: Mr. William Kriegel
President
Sithes Energies USA

MICROFILMED

RECEIVED
OCT 26 1984

Department of Water Resources
Western Regional Office



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

April 6, 1984

R & S Investments
Attn: Steve Creamer
475 E. Tabernacle
P. O. Box 1094
St. George, UT 84770

RE: Permits 78-7150, 78-7154 and 78-7188

Dear Mr. Creamer:

From a recent review of your March 3, 1984 correspondence with Jim Wrigley of this office I note that you have purchased or intend to purchase certain water right permits issued in connection with power development on Big Elk Creek in Idaho County, Idaho.

Department records show Permit 78-7150 in the name of Idaho Environmental Development Corporation, and Permits 78-7154 and 78-7188 in the name of James B. Howell. As you have probably noted, the permits were conditionally approved subject to compliance with the provisions of Sec. 42-205 through 42-210 Idaho Code. These provisions among other things, require that any assignee of a power permit be a bona fide resident of the State of Idaho or qualified to do business in the State of Idaho. A copy of the assignment of the permit together with a copy of the bill of sale, mortgage or other document of transfer must also be submitted to the Department. Enclosed is a copy of the code sections for your review and use to effectuate complete compliance with the statutes.

MICROFILMED

R & S Investments
April 6, 1984
Page 2

Also please be advised that Sec. 42-204 Idaho Code was amended in 1982 essentially requiring that every holder of a permit must start construction within one year from the date a permit was issued or by July 1, 1983 (which-ever is later) unless interrupted through circumstances over which the permit holder has no control. Before the Department can consider the validity of a proposed assignment and the permits, this issue needs to be addressed. Enclosed is a copy of that code section for your reference.

Please feel free to contact me if you have questions.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

LGS:ns

Enclosures

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MAY 10 1984

May 6, 1983

Pete & Ruth Shubin
HC-75 Box 3704
New Meadows, ID 83654

Dear Mr. and Mrs. Shubin:

I have checked our records for water right filings in the names of James B. Howell and Firman Gotzinger. Mr. Howell has four approved water right permits for power production in his name and I believe he is an interested party in a fifth approved permit in the name of Little Salmon River Christian Retreat. Three of these permits are for the appropriation of water from Big Elk Creek and two are for appropriation of water from the Little Salmon River. All five are for power production purposes.

These permits were first advertised as applications in the Idaho County Free Press starting in July of 1980 and the most recent was advertised in March and April, 1982. The time for submitting protests against the approval of these applications has expired and all five have been approved with the most recent having been approved in July, 1982. The two filings from the Little Salmon River seek to divert a total of 300 cubic feet per second (cfs) for the production of 2000 kilowatts of power. There is a requirement in our permit approval that a flow of 50 cfs be maintained in the river before the 300 cfs can be diverted for power purposes. The other three filings seek to divert a total of 26 cfs of water from Big Elk Creek also for power generation purposes.

Mr. Gotzinger has one application for permit for power generation which seeks to divert 20 cfs from Sheep Creek and the north fork of Sheep Creek. I have not found any water right filings for Mr. Gotzinger from the Little Salmon River. Mr. Gotzinger's application was advertised in the Idaho County Free Press in January of 1982 and the final date for submitting protests against the approval of his application was on January 25, 1982.

cont.

POOR QUALITY ORIGINAL

UNRECORDED

page 2
Pete & Ruth Subin

For your records, the water right numbers of the permits for Mr. Howell are: 78-7150, 78-7154, 78-7155, 78-7188 and 78-7207. Mr. Gotzinger's file number is 78-7196. If you would like additional information about any of the water right filings, please let me know and I will be glad to provide that information to you. It is important to note, however, that your March 25, 1983 letter was too late to be considered as a protest against any of these water right filings.

Yours truly,

DAVID B. SHAW
Western Regional Supervisor

DBS:jp

POOR QUALITY ORIGINAL



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

April 6, 1983

RECEIVED
MAY 2 1983

Pete and Ruth Shubin
HC-75 Box 3704
New Meadows, ID 83654

Department of Water Resources
Western Regional Office

Dear Mr. and Mrs. Shubin:

This letter is in response to your letter of March 25, 1983 to Herman Ray of the U.S. Geological Survey. Mr. Ray forwarded that letter to me on April 1, 1983.

I have checked our records and cannot find any water right filings in the name of Idaho Environmental Development Corporation. If you could provide me with any other names that might have been used for the water right filings or the legal description of the area in which the development is proposed I will then check our records further for any applicable water right filings.

If a water right filing has been made for this project I will attempt to answer some of your questions. Several of your questions, however, particularly those dealing with land values and land use are beyond the authority of this department and possibly should be addressed to your county government as a part of their zoning authority. Some of your questions may also be appropriate to be answered by the Federal Energy Regulatory Commission.

Again, I will answer all questions dealing with any water rights for this project if you can provide me with enough additional information to identify any applicable water rights we have on file. If a water right filing for the project has not yet been made, you can protest that filing when it is made. All new water right filings are advertised in the newspaper in the county where the proposed point of diversion is located.

Yours truly,

DAVID B. SHAW
Western Regional Supervisor

*Please check your records
for filing under the name of
James B. Howell. He is the president
1984 Panama St
Boise, ID.*

of I E D C.

*Also check on the name
of F. Totzinger as he owns abot the involved land.*

*Thank you
Ruth R. Shubin*

Pete & Ruth Shubin
HC 75, Box 370
New Meadows, Idaho 83658

Dear Sir:

We are writing in regards to the proposed Hydro Plant by the Idaho Environmental Development Corporation. We are residents of the three and one-half mile area on the Little Salmon River affected by the project. We would like some answers to the following questions and what, if any, rights or protections we may have.

We understand that our property values may become lower because of this project. Why??? If so, why is it such a good project? Why should a few people be allowed to make profit while we who live here may suffer some loss on our property values and maybe hurt the businesses in the area? Since our property values may suffer, do we share in the profits of the project? We are in fact spending money. Do we get to make money?

Also of great concern to us is, we understand and see that this area is already prone to land slides due to the rocky terrain. Now would not a five foot pipe carrying water and the vibration of that only make this much worse? If this vibration causes slides and maybe flooding, it cannot be called an Act of God. What and where is our protection?

Our business depends on the recreation of the area. Can the people of the project prove to us that this is not going to change? Is the Little Salmon River becoming a factory instead of the natural wildlife refuge it has been for so many years?

What about minimum water in the Little Salmon River? How are the fish and game affected? Our water is low for several months a year if left alone. What happens when other projects on the Snake and Columbia Rivers to bring more Salmon to the area are successful, where do the fish go with little or no water?

When we bought here it was because of the natural beauty, untouched. Now we are being threatened with major changes in this beauty. And we get no answers.

As our State or County Agency, hopefully you can give us the answers we seek. We are very concerned and hope to hear from you soon.

P.S.

If these questions cannot be answered to our satisfaction within 30 days, Please consider this a letter of protest.

Sincerely,

Pete & Ruth Shubin

Leo & Peg Eccles
Pinehurst Area R#1
New Meadows, Idaho

Harvey & Edna Roffjude

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May 4, 1983

David H. Leroy
Runft, Leroy, Stecher, Coffin,
Adlard & O'Riordan, Chartered
Idaho First National Bank
Empire Building
205 N. 10th St., Suite 200
Box 1960
Boise, ID 83701

Re: Request for Extension of Time to Commence Construction of Diversion
Works for Permits Nos. 78-7154, 78-7541, 78-7188, and 78-7207, in
the Name of James B. Howell

Dear Mr. Leroy:

This office is in receipt of your cover letter dated April 27, 1983, which conveyed the above-referenced Request for Extension of Time. Please allow me to clarify some items with respect to this matter.

First, please be advised that the portion of Section 42-204, Idaho Code, relating to commencement of construction of diverting works applies to only those permits with rate of flow less than or equal to 25.0 cubic feet per second (cfs). Therefore, there are no requirements to report the status of development of permit no. 78-7155 (150 cfs), or permit no. 78-7207 (150 cfs), until their proof due dates, October 1, 1986 and July 1, 1987, respectively.

The commencement of works requirement does apply to the other two permits, nos. 78-7154 and 78-7188. As you have indicated in your letter and in the Request for Extension of Time, the initial deadline for commencing construction is June 30, 1983. Section 42-204, Idaho Code, does not provide a methodology for extending this deadline but our legal staff has indicated that by providing documentation for the reasons for delay in commencing construction, a permit can probably be maintained in a valid status. Therefore, we will merely place copies of the Request for Extension in the two applicable permit files, and await further documentation to support any additional delays in commencing construction. The blue Commencement of Works postcards should be submitted when construction is commenced for each of these two permits.

David H. Leroy
May 4, 1983
Page 2

The proof of beneficial use provisions of Section 42-204, Idaho Code, remained unchanged by the amendment that added the commencement of works requirement. Therefore, permit nos. 78-7154 and 78-7188 continue to have proof due dates of October 1, 1986 and July 1, 1987, respectively. To clarify the Request for Extension of Time, I have taken the liberty of striking the reference to Proof of Beneficial Use from the title (copy enclosed).

Please advise this office of any significant changes in the status of development of Permits Nos. 78-7154 and 78-7188. If you have any questions about this matter, feel free to call me.

Sincerely,

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

DRT:sc

Enclosure

UNRECORDED

RUNFT, LEROY, STECHER, COFFIN,
ADLARD & O'RIORDAN, CHARTERED
DAVID H. LEROY
Suite 200, 205 North Tenth Street
P. O. Box 1960
Boise, Idaho 83701
Telephone: (208) 344-6100

Attorneys for Applicant

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

REQUEST FOR EXTENSION OF TIME
TO CONSTRUCT DIVERSION, ~~AND MAKE~~ *DR 5/4/83*
~~PROOF OF BENEFICIAL USE ON~~
PERMITS NO. 78-7154, ~~78-7155,~~
~~78-7188 and 78-7207~~

COMES NOW APPLICANT AND PERMIT HOLDER, James B. Howell, for Permits No. 78-7154, 78-7155, 78-7188 and 78-7207, and requests a one-year extension of time from the current July 1, 1983, date by which he is required upon each of those permits to show commencement of construction of diverting works and to making of proof of beneficial use, for the reasons and upon the grounds as follows:

1. All of the applications were obtained for the purpose of diverting water from the Little Salmon River and from Big Elk Creek for the purpose of small hydropower generation. The permits were originally granted in two groups on two separate dates. Permits No. 78-7154 and 78-7155, Dealing with initial diversions from both Big Elk Creek and the Little Salmon River were granted on the 26th day of October, 1981.

They originally required proof of construction of works and application of water to beneficial use be submitted on or before October 1, 1986.

2. Thereafter, permits No. 78-7188 and 71-7207, dealing with additional diversions from Big Elk Creek and the Little Salmon River, were approved on July 21, 1982, and required that proof of construction of works and application of water be submitted on or before July 1, 1987.

3. By letter dated June 24, 1982, from David R. Tuthill Jr., Supervisor of the Water Allocation Section of the State of Idaho's Department of Water Resources, we were advised that statutory changes made in § 42-204 of the Idaho Code by the 1982 legislature required us to commence excavation and construction of the diverting works no later than July 1, 1983.

4. Due to the various law, regulatory, and bureaucratic complexities relating to interventions, BLM rights-of-way, and other procedures currently being determined before the Federal Energy Regulatory Commission, we have not been able to receive final approval on the engineering designs for the proposed hydroworks on Big Elk Creek and the Little Salmon River. Said approvals must be obtained prior to the commencement of construction and excavation.

5. Confusion has recently arisen within the National Marine Fisheries Service about the exact nature and extent of the final engineering plans which we will be completing prior to construction of the authorized diversion works. The plans

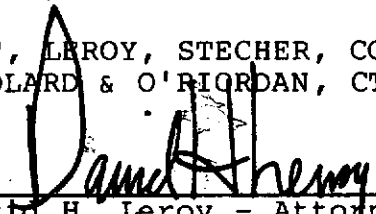
must be consistent with the exemption which we have been granted by the Federal Energy Regulatory Commission. Because of that confusion, it has been necessary for us to file a brief with the Federal Energy Regulatory Commission clarifying the nature and extent of the proposed developments. A copy of that brief is attached hereto as Exhibit "A." The Federal Energy Regulatory Commission is currently reviewing and will rule in due course upon the complaints and concerns raised by the National Marines Fisheries Service. It is entirely possible that this process could take several months and require one or more hearings. This process must be completed prior to the final engineering approval by the Federal Energy Regulatory Commission.

6. For each and all of the above reasons, applicant Jim Howell respectfully requests a one-year extension of the time within which to commence excavation and construction for diverting works and filing proof of beneficial use on Water Right Permits No. 78-7154, 78-7155, 78-7188 and 78-7207. Said new date of requirement for the commencement of construction and proof would be on or before July 1, 1984.

Dated this 28th day of April, 1983.

RUNFT, LEROY, STECHER, COFFIN,
ADLARD & O'RIGORDAN, CTD.

By


David H. Leroy - Attorney for
Applicant, James B. Howell

RUNFT, LEROY, STECHER, COFFIN,
ADLARD & O'RIORDAN, CHARTERED
DAVID H. LEROY
Suite 200, 205 North Tenth Street
P. O. Box 1960
Boise, Idaho 83701
Telephone: (208) 344-6100

Attorneys for James B. Howell

EX-100-10
Mailed to
FERC
4/8/83
211

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

In the Matter of:	)	
	)	
James B. Howell,	)	Project No. 3503-001
	)	
Application for Small Hydro	)	ANSWER AND MOTION TO
Exemption in the Salmon River	)	DISMISS COMPLAINT AND
Drainage, Idaho.	)	REQUEST FOR REVOCATION
	)	

COMES NOW James B. Howell, President of Idaho
Environmental Development Corporation, and answers the
Complaint and Request for Revocation of the National Marine
Fisheries Service as follows:

I .

THE NATIONAL MARINE FISHERIES SERVICE
MISPERCEIVES THE FACTUAL RELATIONSHIP BETWEEN
THE APPLICATION FOR EXEMPTION FILED WITH FERC
AND THE APPLICATION FOR A BLM RIGHT-OF-WAY

On March 14, 1983, a Complaint and Request for
Revocation of the small hydropower exemption granted to Project
No. 3503-001 was received from the National Marine Fisheries

ANSWER AND MOTION TO DISMISS - P. 1

EXHIBIT "A"

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Service (hereinafter "NMFS"). In that document, NMFS has misunderstood the nature and purpose of the use of a "5000-foot" elevation figure which appears in and was used only for the purposes of securing an extended BLM right-of-way along the upper reaches of Elk Creek. As is detailed in the attached affidavit of James B. Howell (Exhibit 1) and the letter from the Idaho Bureau of Land Management (Exhibit 2), a possible expansion to the 5000-foot level was at one time evaluated as a possibility, but is now rejected. The exploration of that possibility extended only to the BLM right-of-way process and was never introduced into the activity before the Federal Energy Regulatory Commission (hereinafter "FERC"). The Idaho Environmental Development Corporation intends to construct small hydro Project No. 3503-001 in strict compliance with the exemption approved by the FERC, only from an elevation of 4063 feet downward along Elk Creek as specified in the exemption granted. The project is currently in the immediate preconstruction phase. Because there is no part of the project planned, authorized or intended above 4063 feet in elevation, no new roadway will have to be built and no diversion or impoundment will be constructed at the 5000-foot level. As described in the attached Exhibits No. 1 and 2, Powerhouse No. 2 will be located at the confluence of Elk Creek and the Little Salmon River exactly as detailed in the FERC application for exemption. The distance between Powerhouses No. 2 and 3 will

be approximately three-quarters of a mile, or 4000 feet as described in the FERC application for exemption and in the BLM submission. That distance has never been represented as either 60 or 66 feet. It is contemplated that the penstock used between Powerhouses 2 and 3 will be submitted for final engineering approval with a 66-inch diameter instead of the 60-inch diameter estimated in the original FERC application. However, no confusion should exist on any of these points, as both the FERC application and the BLM application are clear, correct and self-explanatory. NMFS is perhaps more understandably confused, as noted in Exhibits 1 and 2 attached hereto, so far as the words "upstream" and "above" are used in describing the construction position for Powerhouse No. 2 relative to Elk Creek. Even on that descriptive point however, a careful reading of the stated compass directions and distances in feet gives a clear and concise position with regard to the actual location of the powerhouse and supplies a single and consistent interpretation of both subject words. That proposed location for Powerhouse No. 2 has never varied.

II

THE SEEKING OF AN EXPANDED RIGHT-OF-WAY FROM THE BLM OVER PUBLIC LANDS TO ALLOW THE CONSIDERATION OF FUTURE PROJECT EXPANSIONS CONSTITUTES NO LEGAL BASIS FOR REVOCATION OF EXEMPTION PREVIOUSLY GRANTED BY FERC

Nothing about the once-contemplated preliminary explorations for a considered, but never undertaken, expansion

of an already-exempted project from the 4063-foot level to the 5000-foot level is, or should be, a basis for revocation of the approved exemption. The BLM right-of-way process and the FERC exemption process are separate and independent procedures, each with a different purpose. Commenced in 1980, the FERC exemption process on this project was completed to its initial phase on January 1, 1981, when the exemption was granted. To begin moving toward final engineering and construction, it was necessary for the applicant to secure a public land easement from the BLM along the Little Salmon River over a small parcel of federal property intermingled with and contiguous to his extensive private holdings. As is described with particularity in Exhibits 1 and 2 attached hereto, there was no confusion about the limited purpose for which a BLM right-of-way was sought along either the Little Salmon River or later, along Elk Creek. Applicant had already fully submitted itself to and secured an exemption in the FERC process before beginning extensive activity with the BLM. Later, an original BLM right-of-way application was amended merely to permit a possible future project extension to be placed in the BLM environmental evaluation process. The possible extension was never extended into

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the FERC process. An Environmental Assessment by the BLM was expanded to include impacts up to the 5000-foot level because it was possible with greater economy of time and money to evaluate in a single proceeding both the impacts from the approved project at the 4063-foot level and any additional impacts which a 5000-foot project would create if it were ever sought by the applicant and authorized by FERC. This effort to obtain efficiency and cost savings in utilizing government time, personnel and studies, was undertaken with full cooperation and consultation with the Idaho BLM. It constitutes neither an abuse of the FERC legal process nor any indication of disregard for the terms and conditions of the exemption issued to this project. Any legal contention to the contrary is without authority. Significantly, in its Complaint and Request for Revocation NMFS in this particular neither directly articulates nor alleges that applicant Howell has violated any concept of law nor cites any authority to support a finding of illegality.

III

THERE IS NO BASIS FOR CONSOLIDATING THIS
EXEMPTION AND ANY PROCEEDING RELATED TO IT
WITH ANY ANY OTHER PROCEEDING OR APPLICATION

In its Complaint and Request, NMFS refers to its Petitions dated May 13, 1982 and December 16, 1982, by which it contended generally that all projects in the Salmon River Basin

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ought to be compelled to endure certain extraordinary procedures. By its reference to those petitions in its Complaint and Request for Revocation, NMFS apparently contends that something about those lately-enunciated conceptions and the applicant's reactions to them compels a revocation of the exemption granted to Project 3503-001 on July 1, 1981. Applicant Howell vigorously resists that argument.

No provision exists in FERC's regulations for a generalized consolidation of numerous preliminary permit applications and exemption applications submitted by different individuals. Petitioner NMFS cites to the old general rules for motions. Rule 212(a)(2) allows motions only to be filed by a participant or a person who has filed a timely notice to intervene. As to new basin-wide theories developed nearly a year after the exemption was granted, petitioner in this case does not fit either category.

Consolidation is provided for after the Commission sets a hearing (Rule 501) and may be ordered by the Chief Administrative Law Judge (Rule 503). 16 U.S.C., § 803(a) can require consolidation. However, this portion of the Federal Power Act deals with a single project adapting to a comprehensive plan for developing a waterway. It does not apply to a consolidation of many independent and unconnected projects before FERC. 16 U.S.C., § 661, et seq., also has nothing at all to do with FERC procedural decisions.

None of the authorities cited by petitioner provide for consolidation of these diverse projects now before FERC, especially where those projects are at widely disparate procedural stages anywhere from early application to full construction. The project in point is independent of all others and in no way should be consolidated with any other projects.

IV

THERE IS NO FEDERAL "ACTION" TO DEVELOP HYDROELECTRIC PROJECTS IN THE SALMON RIVER BASIN

The NMFS proposal for a cumulative impact study is rooted in great part in the regulations of the Council on Environmental Quality found at 40 C.F.R., § 1508.25(a) and (c), § 1508.27 and § 1508.7.

Section 1508.7, 40 C.F.R., defines a cumulative impact as an impact on the environment which results from ". . . the incremental impact of the action when added to [another action]." 40 C.F.R. § 1508.27 defines the "scoping process" and describes the range of actions, alternatives or impacts which may be considered in an "environmental impact statement." This regulation does not apply to "unconnected single actions." Actions are connected only if they (1) automatically trigger other actions which may require environmental impact statements; (2) Cannot or will not proceed unless other actions are taken previously or simultaneously; and (3) Are

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interdependent parts of a larger action and depend on the larger action for their justification.

All these definitional paragraphs are interesting, but are not particularly pertinent to the proposed individual actions, because the proposed projects are unconnected. There is no federal action to develop the "Salmon River Basin." There are only individual applications before the FERC pursuant to the Federal Power Act, 16 U.S.C. 791, et seq., to develop projects throughout the United States.

NMFS's position is also flawed because there is no such thing as a "cumulative impact study." The National Environmental Policy Act requires an environmental impact statement only under certain circumstances. These circumstances are set forth in 40 C.F.R., § 1501.4, which provides in pertinent part:

In determining whether to prepare an environmental impact statement, the federal agency shall:
(a) determine under its procedures supplementing these regulations (described in Section 1507.3) whether the proposal is one which: (1) normally requires an environmental impact statement, or
(2) normally does not require an environmental impact statement or an environmental assessment (categorical exclusion).

This portion of the regulation sets forth in further detail the various procedures to be followed by an agency in determining whether or not an individual project arises to the significance of requiring an environmental impact statement.

In the situation at hand, it is clear that the Federal Energy Regulatory Commission is the lead agency and the agency ultimately responsible for requiring or not requiring an environmental impact statement. The other federal agencies involved in the licensing and permitting process are merely fulfilling certain parts of the overall FERC licensing process. Ultimate responsibility must lie with FERC.

It is clear that under the National Environmental Policy Act the requirements for an environmental impact statement, whether cumulative or not cumulative, do not exist.

V

A CUMULATIVE IMPACT STUDY IS AN UNWORKABLE SCHEME

The proposed cumulative impact study concept barriers are insurmountable. First, many of the projects may or may not be built. Second, many of the projects are competing with each other. Third, many of the projects are in areas which are extremely remote from the Salmon River and its tributaries. Fourth, even if projects are licensed they may not be built due to financing problems. The concept of preparing a study for hypothetical projects and hypothetical configurations is without merit. Besides creating another layer of studies on top of the U.S. Forest Service and Bureau of Land Management studies, the final result will be individual consideration of projects

by the FERC and other federal agencies which is exactly what is occurring at the present time.

VI

THE FERC MUST ASSERT ITS PREEMPTIVE AUTHORITY TO AVOID PIECEMEAL REGULATION OF HYDROELECTRIC DEVELOPMENT

It is important to emphasize at the outset that the FERC is the ultimate arbiter of all issues relating to licensed hydroelectric development. See, Solano Irrigation District, 14 F.E.R.C., § 61,089, 15 F.E.R.C., § 61,068 (1981). This preemptive authority of FERC over hydroelectric power development is necessary to ensure that piecemeal regulation of hydroelectric development and energy development in general will not occur. If FERC does not exercise its preemptive authority in this area, then other agencies will have a veto power over the development of hydroelectric projects. The Wild and Scenic Rivers Act, 16 U.S.C., § 1271, et seq., gives explicit authority to FERC to license hydroelectric projects in tributary streams of rivers classified under the Act. Here, the Salmon is so classified. The Act states in pertinent part:

"Nothing contained in the foregoing sentence, however, shall preclude licensing of, or assistance to, developments below or above a wild, scenic or recreational river area or on any stream tributary thereto which will not invade the area or unreasonably diminish the scenic, recreational and fish and wildlife values present in the area or October 2, 1968." 16 U.S.C., § 1278(a) (Emphasis added).

No allegation has been made by the NMFS that FERC will violate 16 U.S.C., § 1278(a) in licensing or exempting projects. In fact, no such claim can be made since these projects will not ". . . invade the area or unreasonably diminish the scenic, recreational and fish and wildlife values . . ." of the Salmon or Columbia Rivers.

Here NMFS seeks a de facto veto of hydroelectric development in the so-called Salmon River Basin pending completion of an amorphous "cumulative impact study." Other agencies or groups may seek to veto power projects in other areas of the country.

The FERC must assert its comprehensive control over hydroelectric resources in a centralized manner. Court cases have repeatedly held that FERC has exclusive jurisdiction over development of hydroelectric energy. See, United States v. Idaho Power Co., 85 F.Supp. 913, 915 (Dist. Id. 1949). FERC's exclusive authority has not been overturned by any legislation enacted by Congress, and in fact recent legislation dealing with central Idaho and the development of hydroelectric power reaffirmed FERC's preeminent position.

VII

THE SALMON RIVER BASIN HAS ALREADY BEEN THE SUBJECT OF ENVIRONMENTAL STUDIES

On March 10, 1978, the Chief of the U.S. Forest Service in denying the appeal of the National Wildlife

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Federation of South Fork Salmon River EIS and Land Management Plan stated, "Indeed, the South Fork is one of the most exhaustive planning efforts undertaken on the National Forest System" (page 2 of Decision). The Salmon River Basin has and is subject to intensive study by federal agencies. In the Central Idaho Wilderness Act of 1980, Public Law 96-312, Congress made every effort to resolve the land use issues now being raised by the NMFS. Congress stated in Section 2 that one of the purposes of the Act was to:

" . . . end the controversy over which lands within the Central Idaho region will be designated wilderness -- thereby assuring that certain adjacent lands better suited for multiple uses other than wilderness will be managed by the Forest Service under existing laws and applicable land management plans, ..."

This Act provided for comprehensive forest-wide planning. Importantly, the Act specifically allows hydroelectric development.

Section 7(a)(4) of the Act provides for ". . . the future construction and maintenance of small hydroelectric generators, domestic water facilities, and related facilities at Threemile and Jersey Creek drainages along the Salmon River upstream from Mackey Bar". Moreover, Section 9 modifies the Wild and Scenic Rivers Act by specifically allowing construction of additional hydroelectric projects in the Salmon River Basin. The Act states:

The provisions of Section 7(a) of this Act with respect to the licensing of dams, water conduits, reservoirs, power houses, transmission lines or other project works, shall apply to the 53-mile segment of the Salmon River from Hammer Creek downstream to the confluence of the Snake River.

Therefore, Congress explicitly has allowed development of significant hydroelectric projects along the Salmon River and in the Salmon River Basin. Congress has spoken on this issue, and certainly there is no need for any further study.

The Central Idaho Wilderness Act, in Section 5(a)(2), provides for a management plan to be prepared in coordination with the relevant national forest plans required by Section 6 of the National Forest Management Act of 1976. This management plan, then, is prepared specifically for the central Idaho wilderness area, or in this case, the Salmon River Basin area.

Given the planning process of the Forest Service as required by the National Forest Management Practice Act and the various plans of studies to be done in the Central Idaho Wilderness Act, the conclusion which clearly should be drawn by the Federal Energy Regulatory Commission is that the area in question has been and is being studied in great detail -- too much detail.

VIII

THE NORTHWEST POWER ACT DOES NOT REQUIRE
AN ENVIRONMENTAL IMPACT STATEMENT FOR
THE FEDERAL COLUMBIA RIVER POWER SYSTEM

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The Pacific Northwest Electric Power Planning and Conservation Act (N. W. Power Act), 16 U.S.C. § 839, et seq., relied upon by the NMFS does not require an environmental impact statement for the "Salmon River Basin" or for the Federal Columbia River Power System (FCRPS).

Congress intended the N. W. Power Act to be construed in a manner consistent with other applicable laws. The Act has as a major purpose the encouragement of the development of renewable resources in the Northwest. The Act also provides for the regional plans for the development of power resources. Fish and wildlife reserves are to be protected, mitigated and enhanced. These regional plans do not overrule or supercede Forest Service plans or FERC requirements.

The N. W. Power Act (and proposed Fish and Wildlife Program) does not repeal the Federal Power Act, the Central Idaho Wilderness Act, or the National Forest Management Act or the Federal Land Policy Management Act. Nor does the N. W. Power Act demand new studies, impact statements, or modify the Forest Planning Process. All the N. W. Power Act does is require federal agencies to (1) exercise their responsibilities consistent with the Act's purposes, Section 4(h)(11)(A)(i), and (2) to actively embrace the program adopted by the Power Planning Council, Section 4(h)(11)(A)(ii).

In Central Idaho the participating federal agencies are already complying with the spirit of the N. W. Power Act.

The "Salmon River Basin" has been under intensive study by federal and state agencies for over a decade. There is an extensive planning process in effect and extensive ongoing studies. There is no need to for additional plans or studies.

IX

ALREADY EXEMPTED PROJECTS SUCH AS 3503-001 MUST
BE FACTUALLY AND LEGALLY DISTINGUISHED FROM OTHERS
STILL IN THE APPLICATION PROCESS TO AVOID UNDUE
HARDSHIP AND INTERRUPTION OF ORDERLY POWER DEVELOPMENT

Regardless of how or when FERC ultimately resolves the Salmon River basin-wide assessment issues, a clear distinction must be maintained between projects with granted permits and exemptions where action in reliance on the Commission's authorities has been taken, often at great cost, and those projects yet to be conceived or yet to be authorized. The subject project on the Little Salmon River and Elk Creek since the granting of the July 1, 1981 exemption, has been in the former class. It is, of course, both an authority and a duty of FERC to allow the exercise of those rights lawfully created and to defend them when necessary even from well-intentioned sister agencies.

CONCLUSION

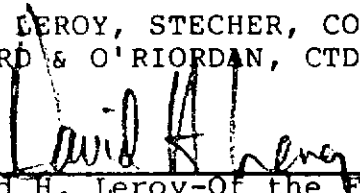
WHEREFORE, upon the facts stated herein and in Exhibits 1 and 2 hereto, of the stated defenses, Idaho Environmental Development Corporation respectfully requests

that the Complaint and Request for Revocation by the National Marine Fisheries Service be summarily dismissed as to Project 3503-001 upon those and such other grounds as the Commission deems appropriate.

DATED this 8th day of April, 1983.


James B. Howell, President
Idaho Environmental
Development Corporation

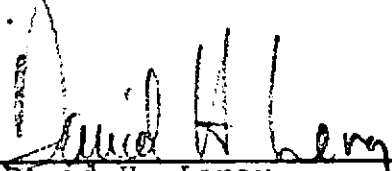
RUNFT, LEROY, STECHER, COFFIN
ADLARD & O'RIORDAN, CTD.

By 
David H. Leroy-Of the Firm
Attorneys for Applicant,
James B. Howell

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I served a true copy of the foregoing document upon the following persons by depositing the same in the United State mail, postage prepaid thereon, on the 8th day of April, 1983:

National Marine Fisheries Service
Attn: Loraine Bodi
Office of the General Counsel
1700 West Lake Ave. No.
Seattle, WA 98109


David H. Leroy

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

In the matter of:	)	
	)	
James B. Howell,	)	Project No. 3503-001
	)	
Application for Small Hydro	)	
Exemption in the Salmon River	)	AFFIDAVIT OF
Drainage, Idaho	)	JAMES B. HOWELL
	)	

STATE OF IDAHO)
)ss.
County of Ada)

JAMES B. HOWELL, being duly sworn, deposes and says:

1. I am President of Idaho Environmental Development Corporation which has received an Application for Exemption to develop proposed small hydroelectric plants on Elk Creek and the Little Salmon River in the State of Idaho.

2. In 1980, I caused an application to be filed with the Federal Energy Regulatory Commission, which described the nature and extent of the project with a high-end diversion dam located at an elevation level of 4,063 feet, utilizing an existing logging road to bury pipelines downward from that point, refurbishing an existing impoundment at that point to channel water downward to a second power house located at of

the confluence of Elk Creek and the Little Salmon River, and utilizing a then proposed 60-inch penstock between Powerhouses 2 and 3 which are to be separated by a distance of three-quarters of a mile. On July 1, 1981 an exemption was granted to me for this project.

3. All of this information was specifically represented to the Federal Energy Regulatory Commission, and was and is the basis upon which an exemption was granted and final engineering and construction is now being undertaken.

4. Most of the land necessary to construct the project along the Little Salmon River and all of the land required up Elk Creek to the 4,063-foot level is privately owned by myself, two other partners and by one other party. However, between the 4063-foot level and the 5000 foot level along Elk Creek another private party and the BLM have land ownership. After we had filed the Application for Federal Energy License Exemption with FERC, I began discussions with a neighbor, Firman Goetzinger, about the possibilities of securing further and additional rights-of-way across his upland private holdings to expand the potential development of this site to the 5,000-foot level. These discussions were preliminary and hypothetical only and not designed to vary or amend the application for exemption then pending before FERC. Carl Meyers, my second employed engineer in Boise, developed information which indicated that such a potential future expansion could be economically viable

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and might well utilize the hydro potential of the site. With the understanding that we might one day wish to potentially expand the project, and because it was necessary in three places further up along the Elk Creek drainage to pass through property owned by the Bureau of Land Management of the United States Department of Interior to utilize that right-of-way offered on his private property by Firman Goetzinger, we made additional applications to the BLM so that this 937-foot additional elevation potential for expansion could be fully explored. At the time of our initial consideration of this potential expansion, Carl Meyers contacted by phone a representative of the Federal Energy Regulatory Commission for the purpose of assuring ourselves that by exploring the contingency of future expansion we were not creating difficulties or waiving rights which we already had under the existing exemption. Mr. Meyers wrongfully understood or was informed that future expansions or changes of this type could be made by merely incorporating those ideas into the existing application at the time the final engineering work was done on the project. Accordingly, yet still reserving the possibility of expansion from 4,063 feet to the 5,000-foot level as a contingency only, we made application to the Federal Bureau of Land Management for an additional right-of-way to that upper level. I personally discussed, as did Mr. Meyers on several occasions, this need for a possible additional BLM right-of-way with Kay Miller

UNRECORDED

of the Bureau of Land Management in Cottonwood, Idaho. In concert and with cooperation, we amended the application for BLM rights-of-way to include the potential future expansion to 5000 feet on Elk Creek in addition to seeking the federal land right-of-way already required along the Little Salmon River. Our concept in seeking this potential expanded right-of-way before the BLM only was based upon interpretation from a representative of the Federal Energy Regulatory Commission to the effect that so long as any changes of this nature did not cause the project to exceed 5 megawatts, those alterations could merely be indicated in the final engineering process without prejudice to the existing exemption application.

5. At the time of these contacts with the Federal Energy Regulatory Commission, I was not represented by counsel, had recently changed engineering firms and was exploring many, many different combinations of project ideas. Even so, I recognized that the BLM right-of-way process was a separate proceeding from any FERC authority to grant exemptions or to amend that construction authority already granted. At no time did I elect to apply to the Federal Energy Regulatory Commission to amend, alter, change, reapply or otherwise adjust that application for exemption originally on file and upon which an exemption had been granted on July 1, 1981. Neither did I authorize or not intend to authorize final engineering or construction in excess of the strict terms of the of the

Federal Energy Regulatory Commission grant. All decisions of that nature were to be reserved by the corporation until it became more clear in my mind how the various processes, including BLM right-of-way granting and final engineering were developing.

6. In January of 1983, I began to consult legal counsel on this issue. On February 3, 1983, I was informed the BLM had granted the rights-of-way. On February 16, 1983, my attorney, David H. Leroy, contacted Project Manager, Bill Lee, of the Federal Energy Regulatory Commission at (202) 376-9828 to reveiw and explore the previous information and understanding that we had regarding the nonsubstantial nature of merely adjusting the final engineering plans to move upward to the 5000-foot level. Mr. Lee reported that in fact such a change may necessitate a complete refiling of the application for exemption and a recommencement of the entire process. In large part, because of the difficulties associated with potentially expanding our project now made clear to me for the first time, and because I had no wish or financial ability to do a complete refiling with the Federal Energy Regulatory Commission, it was determined on or about the 23rd of February, 1983, in consultation with engineer Carl Myers, that Idaho Environmental Development Corporation would not seek to expand the Elk Creek project to the 5,000-foot level at this time.

7. Due to the fact that the right-of-way environmental assessment process for the Bureau of Land Management in Idaho was the same for the approved project running to an elevation of 4,063 feet as it would be, as a process, for this project if it were to be expanded to the elevation of 5,000 feet, and with proper consultation with the Bureau of Land Management, the right-of-way application was amended to seek from the BLM an analysis of the 5,000-foot elevation project. This was only to permit a possible "final engineering" adjustment with the Federal Energy Regulatory Commission if it was determined to pursue any changes in the exemption as described above. I deemed this a prudent approach where, as applicant, I bore the costs of this BLM consultation and where the possible expansion impacts could be measured in a single environmental assessment proceeding including both the authorized project and a potential expansion rather than two separate studies.

8. Although the BLM ultimately approved both rights-of-way including the Elk Creek extension to the 5,000-foot elevation, Idaho Environmental Development Corporation, as explained above, does not intend to seek to expand its existing exemption authority by reapplication to the Federal Energy Regulatory Commission. Thus, that portion of the right-of-way above 4,063 feet will not be used. I fully understand that if unused this public land right-of-way can revert to the Federal Government.

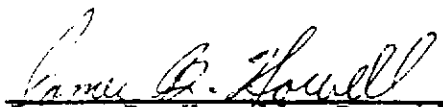
MICROFILMED

9. Only in the hypothetical situation of an expansion to 5,000 feet would it have been necessary to construct up to 2,000 feet of new roadway to connect a high-point diversion dam at that level to the existing timber road or to construct a completely new diversion structure. As detailed above, these amendments or adjustments are not now contemplated. Thus, neither new roadway to nor a new diversion and impoundment at the 5000-foot level is needed.

10. Idaho Environmental Development Corporation intends to build Powerhouse No. 2 at a site downstream of the confluence of Elk Creek and the Little Salmon River as authorized by the Federal Energy Regulatory Commission exemption. It has always intended that site. Thus, any interpretation or statement to the contrary is incorrect. A letter from the Idaho BLM dated April 7, 1983 further clarifies this issue.

11. I am unable to locate any "BLM information" which indicates that the penstock distance between Powerhouses 2 and 3 will be 66 feet. Neither did I represent in the original FERC application that the distance would be 60 feet. Perhaps the confusion arises in that the proposed penstock will be 60 to 66 inches in diameter, extending a distance of some 4000 feet or three-quarters of a mile between Powerhouses 2 and 3. Engineering refinements developed since the original submission suggest the use of a 66 inch penstock is appropriate.

12. Idaho Environmental Development Corporation intends to comply fully and strictly with the conditions and authorities granted to it by the Federal Energy Regulatory Commission in the exemption process. We are in the immediate final engineering and preconstruction phase and thus hope that that the Federal Energy Regulatory Commission will act swiftly to permit construction to proceed.


James B. Howell, President
Idaho Environmental
Development Corporation

SUBSCRIBED AND SWORN TO before me this 8th day of
April, 1983.


Notary Public for Idaho
Residing at Boise, Idaho



United States Department of the Interior

IN REPLY REFER TO
2800 (580)
I-17725

BUREAU OF LAND MANAGEMENT
Cottonwood Resource Area Headquarters
Route 3, Box 181
Cottonwood, Idaho 83522

APR. 7 1983

Mr. David Leroy, Attorney at Law
P.O. Box 1960
Boise, ID 83701

Dear Mr. Leroy:

Based on your conversation with Mrs. Kay Miller and Mr. Dick Todd, of our office, April 7, 1983, we are submitting the following comments.

1. The Bureau of Land Management (BLM) right-of-way processing of the James B. Howell hydro power project application was handled by Kay Miller, Realty Specialist, and Dick Todd, Environmental Assessment Team Leader.
2. Initially, and at all times thereafter, the BLM and Kay Miller had a copy of the Federal Energy Regulatory Commission (FERC) application for exemption showing the diversion point at 4,000 feet elevation.
3. The initial proposal went through several generations of possible changes of all types as Jim Howell changed engineers and explored various alternatives. In fact, at one point a plan moving powerhouse #3 as far as 2 to 3 miles downstream on the Little Salmon River to its confluence with Rattlesnake Creek was discussed.
4. At no time during the right-of-way process was the BLM under any confusion about the separate process and authority of the FERC to consider in its exclusive power the granting or denying of exemption. In fact, all BLM rights-of-way for generation, transmission and distribution of electric energy must comply with all applicable requirements of FERC. This right-of-way was and is so conditioned, at Item 11, Exhibit B, of the BLM right-of-way grant. It is understood by all parties that the grant of right-of-way between 4,000 feet elevation and 5,000 feet will be amended to exclude public land use authorization if the upper portion of the project does not become developed in a FERC authorized project.
5. Kay Miller, in her discussion with Carl Myers or Jim Howell, was informed that a more efficient utilization of the falling water by an extension of the project upward to 5,000 feet would be attempted, if practicable.

EXHIBIT 2

RECEIVED
APR 10 1983

6. Thereafter, the applicant's proposed action was received and the environmental assessment was conducted, based upon the 5,000-foot potential project on Elk Creek, because it was believed that this would be the likely final design adopted by Jim Howell. Although the project now apparently will be continued at the 4,000-foot level only, the environmental assessment is currently adequate to measure the lesser project and support the BLM right-of-way as granted along the Little Salmon River, with final engineering plans to be reviewed and approved by BLM.
7. If the project proceeds at the 4,000-foot level, it will not be necessary to construct 2,000 feet or any distance of new access road on Elk Creek or to construct any new diversion or impoundment at the 5,000-foot level.
8. Two minor difficulties of semantics or interpretation are easily resolved. In all proposals before FERC and BLM, powerhouse #2 has been located at the confluence of the Little Salmon River and Elk Creek, 85 feet north or on the downstream side of that confluence as measured along the Little Salmon. The word "above" or the word "upstream" as used in the environmental assessment by BLM was used to refer to Elk Creek only, meaning that the powerhouse will be built about 156 feet back or "upstream" along Elk Creek from the river confluence. Except as noted above, the distance between powerhouses 2 and 3 for both FERC and BLM right-of-way purposes has always been 3/4 mile or approximately 4,000 feet, never 60 or 66 feet. The numbers "60" or "66" maybe refer to the inches in diameter of the proposed penstock along that distance between powerhouse 2 and 3.

Sincerely yours,

Larry O. Wilson
Area Manager

MICROFILMED
JAN 20 1981

David J.
RUNFT, LEROY, STECHER, COFFIN, ADLARD & O'RIORDAN, CHARTERED

LAWYERS & COUNSELORS AT LAW
IDAHO FIRST NATIONAL BANK - EMPIRE BUILDING
205 NORTH TENTH STREET, SUITE 200
P.O. BOX 1960
BOISE, IDAHO 83701

JOHN L. RUNFT
DAVID H. LEROY
DAVID J. STECHER
TERRY E. COFFIN
JOHN F. ADLARD
W. HUGH O'RIORDAN

TELEPHONE
(208) 344-6100

Lloyd E. Haight
of Counsel

April 27, 1983

RECEIVED

MAY 2 1983

Department of Water Resources

David Tuthill Jr., Supervisor
Water Allocation Section
State of Idaho
Department of Water Resources
450 West State Street
Boise, Idaho 83702

Re: Request For Extension of Time to Construct
Diversion and Make Proof of Beneficial Use
On Permit Nos. 78-7154, 78-7511, 78-7188, and
78-7207

Dear Supervisor Tuthill:

Enclosed on behalf of my client, Jim Howell, is a Request for Extension of Time on the above permit numbers. Currently we are required to make proof and commence construction prior to July 1, 1983, as we understand the statutes and your communications with us. We request a one-year extension to July 1, 1984, for the reasons outlined in Jim Howell's documentation. We have every intention of moving much more swiftly than this if the procedural hurdles currently in our path can be cleared up with the Federal Energy Regulatory Commission. We are, of course, making every effort to do that.

I would appreciate your advising me if additional materials or proofs are required to obtain this extension. Please be assured that we will cooperate with the Department in every way on this matter.

Very truly yours,



DAVID H. LEROY

DHL/mjw

cc: Jim Howell

Enclosure: Application
Exhibit "A"

MICROFILMED

January 8, 1982

Mr. James B. Howell
1984 Panama
Boise, Idaho 83705

RE: Application For Permit No. 78-7188

Dear Mr. Howell:

This office is currently reviewing the above referenced Application For Permit for diversion of 8 cubic feet per second (cfs) from Big Elk Creek. The application has been advertised and appears to contain all required information except approval from the Federal Energy Regulatory Commission.

Per a conversation with your engineer Mr. Carl Myers I understand that the intent of the application is to increase the diversion rate for the Big Elk Creek power plants from the 18 cfs represented by Permit Nos. 78-7150 & 78-7154, to a total of 26 cfs. Mr. Myers indicated that you are aware of the need to amend the FERC Exemption that was granted for the 18 cfs project.

We will hold the application pending approval of the project by FERC. Please advise this office of developments in the FERC approval procedure.

Sincerely,

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

DRT:jg

CC: Mr. Carl Myers
750 WARM SPRINGS AVE.
BOISE ID 83702

WICP

October 26, 1981

RE: Permit Nos. 78-7154 and 78-7155

James B. Howell
1984 Panama
Boise, ID 83705

Dear Mr. Howell:

Enclosed are copies of your approved Applications for Permit. We direct your attention to the conditions of approval on the fourth pages.

Be sure to note the special condition requiring you to install a measuring device, or an access port to provide for the installation of measuring equipment by the Department. Enclosed please find a list of measuring device options, and specifications for the installation of the access port.

We have enclosed a form entitled "Making Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop these permits into licenses.

Sincerely,

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

DRT:kw
Enclosures

RECEIVED
OCT 27 1981
WATER DIVISION

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY: Jan Grover

APPLICATION NUMBER: 78-7154

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.
☒ 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.

Field check by: _____

Date: _____

Comments: ask for Feasibility Study from TUB Eng.

*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.
☒ Other P4C

Copies sent by: hln

Date: 8-4-80

hln

8-4-80

hln

8-4-80

hln

hln

hln

8-4-80

PROCESSING:

☒ Yes ☒ No

Platted by: _____ Map No. _____

☒ Yes ☒ No

Other rights on same place of use. 78-7150 for 8 cfs.

☒ Yes ☒ No*

In form for advertising.

Final date for protests: 8/25/80

☐ Yes ☒ No

Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

☒ Affidavit of publication received. Date: 8/19/80

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

☒ Fee amount, receipt date & number, recorded on application.

☒ Publication dates and paper, recorded on application.

☐ 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? _____

7/28/80 Date of priority recommended.

Special conditions of approval or cover letter. Subordinate to irrigation.

See Memo

By: DBS

Date: 8/25/80

STATE OFFICE REVIEW:

OSA 17 OIC

Note! FERC WAIVER HAS BEEN APPROVED BY FERC

☐ See attached sheet for more information.

By: Jan

Date: 8/28/81

SLW/LO3

IDENT. NO. 78-7154

WATER RIGHT
DATA ENTRY LOG

[illegible]

FEDERAL ENERGY REGULATORY COMMISSION

WASHINGTON, D. C. 20426
EQUAL OPPORTUNITY EMPLOYER

POSTAGE AND FEES PAID
FEDERAL ENERGY REGULATORY COMMISSION

FERC-351
FIRST CLASS MAIL



James B. Howell
1984 Panama Street
Boise, Idaho 83705

MICROFILMED

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

James B. Howell) Project No. 3503-001

NOTICE OF APPLICATION FOR EXEMPTION FOR SMALL
HYDROELECTRIC POWER PROJECT UNDER 5 MW CAPACITY
(March 30, 1981)

Take notice that on January 21, 1981, James B. Howell (Applicant) filed an application, under Section 408 of the Energy Security Act of 1980 (Act) (Public Law 96-294, 94 Stat. 611) (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 James B. Howell small hydroelectric project (FERC Project No. 3503) would be located on Elk and Little Elk Creeks and the Little Salmon River in Idaho County, Idaho. Correspondence with the Applicant should be directed to: J-U-B Engineers, Inc., Barber Engineering Division, Mr. J.W. Barber, Manager, 250 South Beechwood Avenue, Suite 111, Boise, Idaho 83709. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description - The proposed project would consist of: (1) an existing rock dam; (2) an intake structure; (3) an 18-inch diameter and 3,500-foot long penstock; (4) powerhouse No. 1 containing one generating unit rated at 661 kW; (5) a concrete diversion structure; (6) a 24-inch diameter and 4700-foot long penstock; (7) powerhouse No. 2 containing one generating unit rated at 554 kW; (8) a concrete diversion structure; (9) a 60-inch diameter and 3,960-foot long penstock; (10) powerhouse No. 3 containing two generating units, each rated at 394 kW; and (11) transmission lines.

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

Estimated Cost - The cost of the project is estimated by the Applicant to be \$3,000,000.

Agency Comments - The U.S. Fish and Wildlife Service and the Idaho Department of Fish and Game are requested, for the purposes set forth in Section 408 of the Act, to submit appropriate terms and conditions to protect any fish and wildlife resources. Other Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application and may obtain additional information on the proposal from the applicant at the above address. No other formal requests for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Application - Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before May 15, 1981, either a competing license application that proposes to develop at least 7.5 megawatts in that project, or a 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 September 14, 1981. Applications for a preliminary permit will not be accepted.

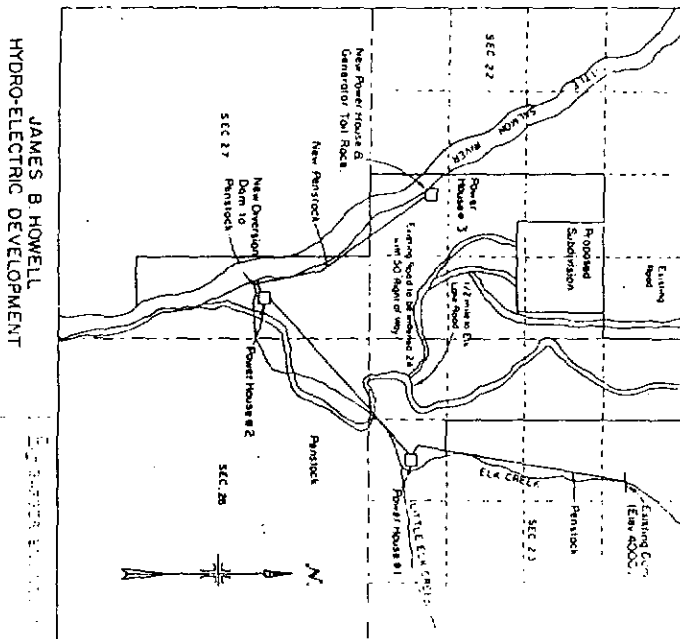
A notice of intent must conform with the requirements of 18 C.F.R. §4.33(b) and (c) (1980). A competing license application must conform with the requirements of 18 C.F.R. §4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene - Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 C.F.R. §1.8 or §1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before May 15, 1981.

Filing and Service of Responsive Documents - Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE A COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for exemption for Project No. 3503.

MICROFILMED

Kenneth F. Plumb
Secretary



MICROFILMED

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

James B. Howell) Project No. 3503-001

ORDER GRANTING EXEMPTION FROM LICENSING OF A
SMALL HYDROELECTRIC PROJECT OF 5 MEGAWATTS OR LESS
(Issued July 1, 1981)

The Applicant 1/ filed an application for exemption from all or part of Part I of the Federal Power Act pursuant to 18 C.F.R. Part 4 SUBPART K (1980) implementing in part Section 408 of the Energy Security Act (Act) of 1980 for a project as described in the attached public notice. 2/ 3/

Notice of the application was published in accordance with Section 408 of the Act 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. No agency has any objection relevant to issuance of this exemption.

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

1/ Applicant James B. Howell, Project No. 3503-001, filed on January 21, 1981.

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).

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

DC-A-50

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

It is ordered that:

(A) The James B. Howell Project No. 3503-001 as described and designated in James B. Howell's application filed on January 21, 1981, is exempted from all of the requirements of Part I of the Federal Power Act, including licensing, subject to the standard articles in Section 4.106 of the Commission's regulations, 18 C.F.R. §4.106 45 Fed. Reg. 76115, (November 18, 1980).

(B) This order is final unless a petition appealing it to the Commission is filed within 30 days from the date of its issuance, as provided in Section 1.7(d) of the Commission's regulations, 18 C.F.R. 1.7(d) (1979), as amended, 44 Fed. Reg. 46449 (1979). The filing of a petition appealing this order to the Commission or an application for rehearing as provided in Section 313(a) of the Act does not operate as a stay of the effective date of this permit or of any other date specified in this order, except as specifically ordered by the Commission.

(S E A L)

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

MICROFILMED

Copy



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:
Storehouse
Boise, Idaho 83720
(208) 334-4440

78-7154

July 24, 1981

RE: Application for Permit No.

Dear Applicant:

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

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

Sincerely,

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

DRT:jg

Enclosure

MICROFILMED

78-7155
78-7154

April 20, 1981

Mr. Kenneth F. Plumb
Secretary,
Federal Energy Regulatory Commission
825 North Capitol Street, NE.
Washington, D. C. 20426

RE: Project No. 3503-001 "COMMENTS"

Gentlemen:

We are in receipt of a Notice of Application for Exemption for a small Hydro-electric Power Project under 5 MW capacity for the above referenced project, in the name of James B. Howell.

A review of our water right records reveals that on July 28, 1980 and on July 29, 1980 James B. Howell submitted proper applications for permit to appropriate the public waters of the State of Idaho from Big Elk Creek and the Little Salmon River respectively for the above referenced project.

We wish to express that any hydropower development must comply with Idaho water law. Processing by the Commission and by this Department must be coordinated to avoid conflicting approvals.

At the present time we have no objections, but we wish to be appraised of significant developments regarding this project.

Sincerely,

A. KENNETH DUNN
Director

AKD:LGS:jg

c.c. Fred Springer

RECORDED
INDEXED



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS

Governor

C. STEPHEN ALLRED

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 334-4440

October 2, 1980

Mr. James B. Howell
1989 Panama
Boise, Idaho 83705

RE: Applications for Permit Nos. 78-7154 and 78-7155

Dear Mr. Howell:

We have completed a preliminary review of the above referenced applications. This review has included advertising by the regional office and a preliminary engineering review.

Based on the information received thus far we can see no reason why you should not proceed with your feasibility study. Approval of the permits will be contingent on the results of this study.

Sincerely,

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

DRT:jg

cc: EG&G Idaho Inc.
Western Region
Russ Schaff

MICROFILMED



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) 384-2190

September 30, 1980

M E M O R A N D U M

TO: Dave Tuthill
FROM: David Shaw DBS
SUBJECT: Applications 78-7154 & 78-7155

The attached applications have been advertised, staff reviewed and given a preliminary engineering review. Based on this procedure and information gained thus far, I think we should notify the applicant to proceed with his feasibility study. If the project proves feasible, we can then approve applications with appropriate conditions -- similar process to other large power filings.

If you agree, please send a copy of your letter to Mr. Howell to:

EGG Idaho Inc.
P.O. Box 1625
Idaho Falls, ID 83415
ATTN: G. E. Parker
WCB E-3

and to: Russ Schaff, Division of Environment in Lewiston

Russ would also like copies of the applications.

If you have any questions, please call.

DBS:hlh

Attachments

MICROFILMED



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

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

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

September 24, 1980

MEMO

TO: Dave Shaw
FROM: Keith Hessing *KDH*
SUBJECT: JAMES B. HOWELL HYDRO POWER PROJECT

My review of the information provided in the preliminary report indicates that the project warrants further study. I changed generating capacities, efficiencies and some costs to coincide with what I felt to be average conditions. Many assumptions were made which could have significant effect on project feasibility. Penstock and turbine-generator costs were checked with suppliers since they are the major cost items. Costs of producing power at units one and two were estimated to be 42.8 mills/KWH and 33.3 mills/KWH, respectively. At the present time, firm power is valued at 50 to 55 mills/KWH. My computations are attached.

KH:mb

MICROFILMED

JAMES B. HOWELL PROJECT

KDH
9/23/80

PLANT No. 1

CAPACITY

$$\text{FLOW} = 8 \text{ CFS} = Q$$

$$\text{HEAD} = 380 \text{ FT} = H$$

$$\text{EFFICIENCY} = .8 = e$$

$$P_{KW} = \frac{Q H e}{11.8} = \frac{8(380)(.8)}{11.8} = 206 \text{ KW}$$

AVERAGE ANNUAL ENERGY

$$E_{KWH} = \frac{Q H e}{.9756} = \frac{(5792 \text{ AC-FT})(380)(.8)}{.9756}$$
$$= 1,804,805 \text{ KWH}$$

$$\text{ADJUSTED BY PLANT FACTOR} = 1,804,805(.9) = 1,624,325 \text{ KW}$$

PLANT No. 2

CAPACITY

$$\text{FLOW} = 10 \text{ CFS} = Q$$

$$\text{HEAD} = 700 \text{ FT} = H$$

$$\text{EFFICIENCY} = .8 = e$$

$$P_{KW} = \frac{Q H e}{11.8} = \frac{10(700)(.8)}{11.8} = 475 \text{ KW}$$

AVERAGE ANNUAL ENERGY

$$E_{KWH} = \frac{Q H e}{.9756} = \frac{7240(700)(.8)}{.9756}$$

$$= 4,155,802 \text{ KWH}$$

$$\text{ADJUSTED BY PLANT FACTOR} = 4,155,802(.9) = 3,740,222 \text{ KW}$$

UNRECORDED

JAMES B. HOWELL PROJECT

KDH

9/23/80

PLANT No. 1

FIRST COST

DIVERSION DAM IMPROVEMENTS	2,000
PENSTOCK, 18" PIPE INSTALLED	99,200
TAILRACE CONNECTION TO NO. 2 PENSTOCK	510
TRANSFORMER	5,400
TRANSMISSION LINE	10,568
POWER HOUSE	22,800
TURBINE, GENERATOR & CONTROLS	150,000

SUBTOTAL \$290,478

CONTINGENCIES ($\pm 10\%$) 29,048

SUBTOTAL 319,526

ENGINEERING & ADMINISTRATION (10%) 31,953

INTEREST DURING CONSTRUCTION SUBTOTAL 351,479
AT 11% 38,663

ANNUAL COST

TOTAL \$390,142

PAYBACK AT 11% FOR 40 YEARS

$390,142 (.11172) = \$43,587$ 43,587

OM & R AT 1.647% OF FIRST COST

$390,142 (.01647) = 6,426$ 6,426

TAXES & INSURANCE AT 5% OF FIRST COST

$390,142 (.05) = 19,507$ 19,507

TOTAL \$69,520

COST OF POWER

$\$69,520 / 1,624,325 \text{ KWH} = 42.8 \text{ MILLS/KWH}$

MICROFILMED

JAMES B. HOWELL PROJECT

KDH
9/23/80

PLANT No. 2

FIRST COST

PENSTOCK, 18" PIPE INSTALLED	153,000
PENSTOCK INTAKE STRUCTURE	4,000
TAILRACE CONSTRUCTION	638
TRANSFORMER	7,200
TRANSMISSION LINE & INTERTIE TO UTILITY	2,000
TURBINE, GENERATOR & CONTROLS	330,000
POWERHOUSE	22,800

SUBTOTAL \$ 519,638

CONTINGENCIES ($\pm 10\%$) 51,964

SUBTOTAL \$ 571,602

ENGINEERING & ADMINISTRATION (10%) 57,160

SUBTOTAL \$ 628,762

INTEREST DURING CONSTRUCTION (11%) 69,164

TOTAL \$ 697,926

ANNUAL COST

PAYBACK AT 11% FOR 40 YEARS

$$697,926 (.11172) = \$77,972$$

OM & R AT 1.647% OF FIRST COST

$$697,926 (.01647) = \$11,495$$

TAXES & INSURANCE AT 5% OF FIRST COST

$$697,926 (.05) = 34,896$$

TOTAL \$ 124,363

$$\text{COST OF POWER} = \$124,363 / 3,740,222 \text{ KWH} = 33.3 \text{ MILLS/KW.}$$

MICROFILMED



STATE OF IDAHO

DEPARTMENT OF HEALTH AND WELFARE

DIVISION OF ENVIRONMENT - 1118 F. Street - P O Drawer B - Lewiston, Idaho 83501

September 9, 1980

Mr. David B. Shaw
Western Region
DEPARTMENT OF WATER RESOURCES
92 South Cole Road
Boise, Idaho 83705

Re: 78-7154 (Howell)

Dear Mr. Shaw:

We have reviewed the above referenced application and have the following comments:

- 1) There is insufficient information to determine the impact of discharge of return flow to the Little Salmon River. It is our understanding that the 10 CFS appropriation is to be mixed with an additional 150 CFS from the Little Salmon for use in power generation. Return flow of this size may create excessive turbidity (1.2400.01 (b)) if the discharge is not carefully controlled.
- 2) There is insufficient information on the effects of diversion through the power plant turbines and on water storage time to determine if violations of the D.O. (1-2276.02) or temperature (1-1400.01 (a)) standards are likely to occur.

We oppose issuance of this permit and the related Little Salmon permit (copy of which we have not received) until a determination of the water quality effects discussed in points 1 and 2 above can be made.

Sincerely,

DIVISION OF ENVIRONMENT

Russell Schaff
Sr. Environmental Quality Specialist

RS/cmd
xc: Michael Christie
Susan Lowman/Larry Koenig
James Howell

MICROFILMED

RECEIVED
SEP 15 1980

Department of Water Resources
Western Regional Office

EQUAL OPPORTUNITY EMPLOYER



STATE OF IDAHO

PBS

DEPARTMENT OF LANDS

STATEHOUSE, BOISE, IDAHO 83720

GORDON C. TROMBLEY
DIRECTOR

STATE BOARD OF LAND COMMISSIONERS

JOHN V. EVANS
GOVERNOR AND PRESIDENT
PETE T. CENARRUSA
SECRETARY OF STATE
DAVID H. LEROY
ATTORNEY GENERAL
JOE R. WILLIAMS
STATE AUDITOR
JERRY L. EVANS
SUP'T OF PUBLIC INSTRUCTION

August 6, 1980

Department of Water Resources
Western Region
Statehouse Mail

RE: James Howell
78-7154
78-7155

Gentlemen:

Thank you for the opportunity to review the above numbered diversion applications.

The work proposed will not affect state land or a navigable stream. The Department of Lands has no objection to the proposed work.

Permits from this department will not be required.

Very truly yours,

WILLIAM A. SCRIBNER, Chief
Bureau of Navigable Waters

WAS:bv

RECEIVED

RECEIVED

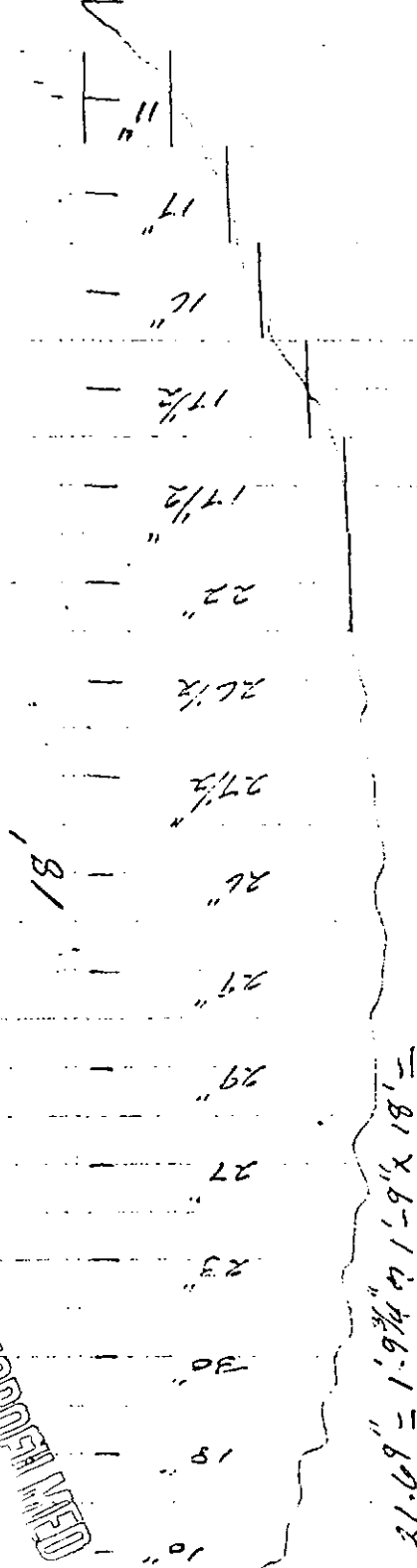
AUG 7 1980

Department of Water Resources
Western Regional Office

EQUAL OPPORTUNITY EMPLOYER

measured aug. 21, 1980

WATER MEASUREMENT



$$21.69' = 1.9 \frac{3}{4}' \times 18' =$$

$$1' - 75'$$

$$1.75' \times 18' = 31.50 \text{ sq. ft.}$$

$$Q = 57.8 \text{ cfs}$$

$$47 \div 16 = 2.9375 \text{ average depth} \times \text{width } 18' =$$

246 Stream

18" from top of rod
to water

Block of wood took 2 seconds to travel
□ and 3 seconds to travel to 16" from top of rod
Travel 76" by stop watch to water
10 seconds ÷ 4 times = 2 1/2 seconds

measured
Stream

Water measured aug. 21, 1980 water depth 1 1/4"

$$9-2-80 \quad Q = 54 \text{ cfs}$$

Max. Disch., 4,870 cfs at 010 May 11 (G.H., 7.59 ft). Max. C 6A-- ft at --

Min. Disch., 190 cfs on Feb 5 (G.H., 2.49 ft). Min. G.H., Same ft on --

* Discharge measurement made on this day.

a - No gage-height record

PEAK DISCHARGE (BASE 2,000 CFS) -- Apr 15 (0730) 2,300 cfs (5.70 ft); May 11 (0100) 4,870 cfs (7.59 ft);

June 9 (0300) 3,550 (6.56 ft).

imp ELY 5-31-77 L KAS 5/31/77

UNITED STATES DEPARTMENT OF INTERIOR - GEOLOGICAL SURVEY

PROCESS DATE 15 05-26-77

STATION NUMBER
LATITUDE 452647

13116500 LITTLE SALMON RIVER AT RIGGINS, IDAHO
LONGITUDE 1161929 DRAINAGE AREA 576.00 DATUM 1760.00

STREAM SOURCE AGENCY USGS
STATE 16 COUNTY 049

DISCHARGE, IN CUBIC FEET PER SECOND, WATER YEAR OCTOBER 1975 TO SEPTEMBER 1976
MEAN VALUES

DAY	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP
1	284	336	*4390	274	282	360	499	1650	2670	1240	471	271
2	294	332	482	319	286	360	516	1980	2460	1100	493	257
3	290	341	482	312	294	345	546	2250	2380	1020	432	247
4	298	380	459	312	273	341	687	2300	2190	996	405	240
5	302	390	576	327	208	336	851	2430	2220	957	432	240
6	341	390	540	314	228	350	1160	2540	2400	926	385	261
7	743	411	550	306	268	336	1200	2730	2730	896	355	271
8	505	375	709	302	286	336	1470	3010	2860	836	350	271
9	400	355	729	310	282	332	1810	3300	3070	778	345	257
10	390	360	681	297	271	336	2190	3640	2930	722	350	257
11	414	341	628	293	264	345	2170	4070	2580	687	336	250
12	432	327	590	293	261	323	2110	3480	2490	722	327	282
13	405	310	522	293	257	319	2020	3560	2530	674	319	275
14	385	360	499	293	264	327	2100	3980	2110	628	315	271
15	375	355	487	302	261	315	2140	3840	1940	570	332	264
16	370	327	493	310	257	319	1820	3550	2000	534	405	264
17	365	350	432	332	253	319	1490	3770	2140	510	365	268
18	365	360	405	316	253	327	1460	3660	2130	583	341	279
19	350	345	327	327	247	341	1490	3470	2220	701	316	268
20	332	350	379	302	240	332	1490	3420	2480	596	323	264
21	*375	355	374	297	237	332	1590	3200	2540	546	310	257
22	564	350	379	293	240	*341	1440	3250	*2270	499	302	271
23	424	341	379	314	*271	360	1350	3430	1950	448	*323	290
24	370	345	384	306	286	375	1340	*3530	1700	454	341	274
25	405	355	374	306	290	390	1530	3510	1510	476	327	264
26	429	315	395	310	327	385	*1470	3260	1350	*432	379	261
27	441	282	389	302	350	385	1360	3330	1280	405	336	250
28	402	360	355	*297	370	385	1380	3370	1270	385	315	247
29	381	a 323	*355	306	360	375	1370	2710	1310	370	302	*240
30	370	a 320	370	102	---	365	1450	2590	1350	355	294	234
31	365	---	355	294	---	390	---	2890	---	345	286	---
TOTAL	12172	10441	14427	9521	7964	10782	43479	97700	65030	20391	10941	7843
MEAN	392	348	465	307	274	347	1449	3151	2167	657	353	261
MAX	763	411	729	376	370	390	2190	4070	3070	1240	493	290
MIN	284	282	327	274	208	315	499	1650	1270	345	286	234
AC-FT	24140	20710	28620	18880	15800	21390	86240	193800	129000	40450	21710	15560
CAL YR 1975 TOTAL	731893	710695	MEAN 909	MAX 4080	MIN 171	AC-FT 658300						
WTP YR 1976 TOTAL			MEAN 848	MAX 4070	MIN 208	AC-FT 616300						

MICROFILMED

Min. Disch., 127 cfs on Jan 29, (G.R., 262 ft). Min. G.R., 507 ft on _____

3 Discharge measurement made on this day.

PEAK DISCHARGE (BASE 2000 CFS). -- May 16 (2100) 3000 cfs (6.85 ft); June 6 (2300) 4600 cfs (7.40 ft).

$J_{\text{W}}/V \approx (2230) \approx 800 \text{ fS} \text{ (4.82 fr)}$

COMP. RWL 3-12-76

✓ CD: RLJ 3-11-76

UNITED STATES DEPARTMENT OF INTERIOR - GEOLOGICAL SURVEY

1316500 LITTLE SALMON RIVER AT HUGGINS, IDAHO STREAM SOURCE AGENCY USED
 LONGITUDE 1101429 FINAL MAG AREA 576.00 DATUM 1760.00 STATE 16 COUNTY 0522
 DISTANCE, IN CONIC FEET PER SECOND, MAY 1974 TO SEPTEMBER 1975
 MEAN VALUES

PROCESS DATE IS 03-08-76

DAY	MAY	JUN	JUL	AUG	SEP
1	215	215	215	215	215
2	215	215	215	215	215
3	215	215	215	215	215
4	215	215	215	215	215
5	215	215	215	215	215
6	215	215	215	215	215
7	215	215	215	215	215
8	215	215	215	215	215
9	215	215	215	215	215
10	215	215	215	215	215
11	215	215	215	215	215
12	215	215	215	215	215
13	215	215	215	215	215
14	215	215	215	215	215
15	215	215	215	215	215
16	215	215	215	215	215
17	215	215	215	215	215
18	215	215	215	215	215
19	215	215	215	215	215
20	215	215	215	215	215
21	215	215	215	215	215
22	215	215	215	215	215
23	215	215	215	215	215
24	215	215	215	215	215
25	215	215	215	215	215
26	215	215	215	215	215
27	215	215	215	215	215
28	215	215	215	215	215
29	215	215	215	215	215
30	215	215	215	215	215
31	215	215	215	215	215

POOR QUALITY ORIGINAL

MICROFILMED

Min. Disch., 131 cfs Oct. 17-22, (G.H., — (c). Min. d 2.94 ft on Oct. 6.

* Recharge measurement made on this day.

NOTE: -- The gauge height record June 16 to Aug. 12.

PEAK DISCHARGE (BASE, 2,000 cfs) -- Nov. 12 (1345) 3,720 cfs (7.41 ft); Jan. 16 (2330) 4,700 cfs (11.00 ft); Mar. 31 (2410) 3,620 cfs (7.35 ft); Apr. 25 (1000) 3,050 cfs (6.88 ft); May 9 (2530) 3,780 cfs (7.47 ft); June 5 (1200) 5,380 cfs (11.60 ft); June 17 (time unknown) 11,900 cfs (10.80 ft).

Computed 4-11-75 RAS 4-11-75 LCK

13316500 SUMMARY FOR JAN - SEPT 1974 TOTAL: 457171.00, MAX: 9650.00, MIN: 233.00
UNITED STATES DEPARTMENT OF INTERIOR - GEOLOGICAL SURVEY - WATER RESOURCES DIVISION
TABLE PRINTED 6-09-75
LITTLE SALMON RIVER AT HIGGINS, IDAHO
DRAINAGE AREA 576.00 SQ MI
NUMBER 13316500

DISCHARGE, IN CUBIC FEET PER SECOND, WATER YEAR OCTOBER 1973 TO SEPTEMBER 1974

DAY	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP
1	147	300	742	334	965	704	2,530	2,170	3,070	3,470	582	261
2	144	237	833	248	931	691	2,120	2,220	3,370	3,260	565	267
3	141	195	746	346	931	838	1,780	2,340	3,790	2,810	603	261
4	139	188	671	345	884	800	1,680	2,420	4,010	2,580	553	258
5	133	182	588	338	845	788	1,450	2,700	4,870	2,400	495	261
6	137	327	580	326	739	845	1,520	2,480	4,190	2,250	483	258
7	173	442	661	354	788	794	1,450	3,070	3,390	2,110	535	254
8	168	364	661	334	788	751	1,380	3,000	3,300	1,990	520	254
9	156	550	619	342	715	668	1,460	3,450	3,040	1,980	463	253
10	145	1,130	562	334	704	680	1,570	3,100	3,200	1,960	451	261
11	145	1,810	584	346	692	698	1,430	2,460	3,760	1,900	432	261
12	142	3,010	552	358	674	769	1,450	2,860	5,050	1,630	404	261
13	139	2,180	546	374	692	931	1,360	2,330	6,160	1,490	384	261
14	141	1,570	515	445	643	904	1,330	2,030	6,600	1,440	396	261
15	147	1,370	495	1,490	619	864	1,370	1,890	6,950	1,340	396	261
16	143	1,870	485	6,290	661	937	1,450	1,740	8,980	1,200	373	251
17	140	1,830	649	7,460	668	1,340	1,650	1,790	9,650	1,150	357	258
18	137	1,350	878	4,360	649	1,890	1,400	1,870	8,650	1,080	346	258
19	132	1,060	715	3,110	655	1,740	1,870	1,820	7,400	965	343	254
20	131	890	643	2,750	625	1,510	1,930	1,840	6,800	960	346	254
21	131	828	668	2,190	584	1,240	1,860	1,590	5,820	935	343	251
22	133	768	646	1,950	631	1,220	1,940	1,330	5,420	895	335	251
23	145	722	686	1,840	557	1,080	2,280	1,750	5,500	845	325	246
24	170	681	619	1,600	541	1,100	2,600	1,490	5,600	810	321	243
25	213	638	584	1,340	536	1,210	2,930	2,360	5,300	780	314	240
26	200	614	515	1,290	535	1,300	2,730	3,140	4,750	740	304	237
27	175	572	541	1,290	515	1,720	2,450	3,680	4,140	720	297	237
28	167	561	531	1,100	531	2,450	2,040	3,550	3,810	700	294	237
29	169	579	505	993	515	2,360	1,630	3,320	3,610	682	287	237
30	163	642	460	945	515	2,940	1,890	2,940	3,500	665	274	233
31	170	---	445	1,000	---	3,180	---	2,930	---	638	267	---
TOTAL	4,712	27,460	19,097	46,537	19,298	39,182	55,130	77,370	153,260	46,395	12,388	7,611
MEAN	152	915	616	1,501	689	1,264	1,838	2,496	5,109	1,497	400	234
MAX	213	3,010	878	7,460	965	3,180	2,930	3,680	9,650	3,470	603	267
MIN	131	182	445	248	515	668	1,330	1,530	2,930	638	267	233
AC-FT	9,350	54,470	37,860	92,310	38,280	77,720	109,400	153,500	304,000	92,020	24,570	15,100
CAL YR 1973	TOTAL	220,008.0	MEAN	603	MAX	3,010	MIN	6.0	AC-FT	436,400		
WTR YR 1974	TOTAL	508,430.0	MEAN	1,393	MAX	9,650	MIN	131	AC-FT	1,008,000		

POOR QUALITY ORIGINAL

MICROFILMED

Max. Disch., 1510 cfs at 2300 on June 4 (G.H., 4.73 ft). Max. G.H., Same ft at on .
 Min. Disch., 101 cfs on Aug 19, (G.H., 2.04 ft). Min. G.H., Same ft on .
 * Discharge measurement made on this day.

Prin. Discharge -- No Rec. above base of 2,000 cfs.

Comp. Rec. 1970-71 and 1971-72

STATION NUMBER
 LATITUDE
 LONGITUDE
 DISCHARGE IN CUBIC FEET PER SECOND, WATER YEAR OCTOBER 1970 TO SEPTEMBER 1971
 MEAN VALUES

DAY	UCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP
1	234	205	164	146	139	123	106	1020	1040	204	123	133
2	240	213	162	144	135	144	172	1170	1040	203	122	120
3	257	222	160	131	133	147	100	043	900	203	121	123
4	247	216	164	147	132	147	164	012	1050	211	120	121
5	240	211	160	141	132	144	203	493	1140	225	118	119
6	240	205	154	133	133	147	237	420	1170	216	124	113
7	237	200	160	147	135	120	253	390	1150	205	125	112
8	234	197	164	144	135	105	302	300	1240	192	120	111
9	231	195	170	142	133	110	355	365	957	183	117	109
10	228	192	164	142	130	330	302	001	772	178	113	109
11	228	192	164	147	139	225	200	043	640	174	112	109
12	225	192	160	153	139	203	200	074	677	164	110	108
13	222	185	154	151	141	140	315	150	592	160	108	109
14	222	181	154	151	141	105	282	002	554	153	108	100
15	222	185	154	153	141	102	257	002	522	151	106	100
16	225	190	154	153	141	102	204	240	441	144	105	121
17	225	192	154	151	141	174	257	402	418	141	106	160
18	225	192	154	153	139	170	247	454	376	141	107	164
19	225	185	144	154	141	180	240	440	300	141	105	164
20	225	181	139	153	141	150	220	437	394	156	106	160
21	224	176	144	153	144	144	231	454	393	130	104	157
22	219	174	153	151	150	150	234	487	357	124	105	149
23	216	172	153	154	149	174	342	404	314	134	107	140
24	211	172	153	154	144	203	340	003	291	144	106	141
25	211	174	151	150	141	140	400	122	274	104	119	149
26	*219	164	153	153	144	105	420	067	241	174	134	210
27	213	159	*151	153	144	170	742	074	*250	162	144	200
28	211	153	144	144	144	101	757	010	274	*144	129	220
29	205	*164	144	137	107	107	014	272	231	135	132	170
30	203	144	144	130	107	107	743	020	217	130	132	164
31	203	144	144	130	107	107	743	020	217	130	132	164
TOTAL	5607	5600	4003	3913	3923	5602	11310	14403	14394	5114	3024	5344
NOV	245	144	155	144	140	130	377	070	612	165	117	140
DEC	257	144	155	144	140	130	420	1170	1240	165	117	140
JAN	257	144	155	144	140	130	420	1170	1240	165	117	140
FEB	257	144	155	144	140	130	420	1170	1240	165	117	140
MAR	257	144	155	144	140	130	420	1170	1240	165	117	140
APR	257	144	155	144	140	130	420	1170	1240	165	117	140
MAY	257	144	155	144	140	130	420	1170	1240	165	117	140
JUN	257	144	155	144	140	130	420	1170	1240	165	117	140
JUL	257	144	155	144	140	130	420	1170	1240	165	117	140
AUG	257	144	155	144	140	130	420	1170	1240	165	117	140
SEP	257	144	155	144	140	130	420	1170	1240	165	117	140
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AUG	257	144	155	144	140	130	420	1170	1240	165	117	140
SEP	257	144	155	144	140	130	420	1170	1240	165	117	140

STATION NUMBER
LATITUDE 452447

LONGITUDE 1161929

DRAINAGE AREA 576.00

DATUM 1760.00

STREAM SOURCE AGENCY USGS
STATE 16 COUNTY 049

UNITED STATES DEPARTMENT OF INTERIOR - GEOLOGICAL SURVEY

DISCHARGE, IN CUBIC FEET PER SECOND, WATER YEAR OCTOBER 1977 TO SEPTEMBER 1978

MEAN VALUES

DAY	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP
1	465	237	294	211	290	327	2670	2190	2090	2140	411	200
2	341	231	355	216	286	298	2750	2220	2420	1950	385	197
3	290	213	589	294	294	302	2430	2260	2850	2160	360	195
4	264	222	583	327	302	319	2080	2130	3180	3200	332	190
5	244	234	465	375	302	350	1910	1920	3650	2820	315	195
6	234	257	416	421	416	432	1890	1750	3880	2260	306	231
7	261	240	370	416	505	465	2060	1700	3810	2130	290	310
8	250	222	327	385	648	493	1860	1680	3760	2040	282	454
9	234	208	294	370	634	743	1660	1800	3650	1900	275	370
10	225	216	323	370	577	988	1560	2270	3260	1830	282	336
11	216	211	341	365	528	941	1590	2380	2670	1600	294	416
12	213	205	416	350	471	866	1530	2120	2590	1440	290	365
13	213	205	505	336	426	771	1450	2010	2800	1320	355	336
14	205	216	1080	327	400	674	1410	2420	2890	1230	405	310
15	200	231	2280	341	390	570	1390	2860	2650	1160	395	306
16	200	244	2140	395	350	540	1550	2610	2400	1070	448	290
17	192	208	1290	510	310	564	1510	2370	2320	1988	471	282
18	185	183	957	546	337	701	1350	2290	2460	918	437	290
19	170	166	757	493	332	873	1300	2190	2380	829	390	294
20	164	153	528	454	310	996	1310	2380	2480	764	355	286
21	162	149	493	421	306	1090	1330	2610	2580	701	345	286
22	160	190	534	416	302	1200	1330	3130	2670	667	341	286
23	164	205	522	416	302	1370	1280	2620	2670	628	350	282
24	164	203	499	296	302	1590	1200	2360	2670	608	294	271
25	178	216	505	350	310	1550	1240	2240	2540	570	228	268
26	282	323	459	360	332	1500	1480	1990	2070	528	225	257
27	247	360	411	332	360	1580	2360	1830	2210	505	222	264
28	222	360	350	319	345	1730	2360	1980	2420	487	219	268
29	219	350	400	323	---	1930	2220	2290	2450	471	205	268
30	247	323	400	290	---	2140	2180	2140	2400	443	208	279
31	247	---	350	298	---	2290	---	1950	---	421	203	---
TOTAL	7058	6981	19233	11279	10657	30183	52240	68890	82870	39778	9918	8586
MEAN	228	223	620	364	361	974	1741	2222	2762	1283	320	286
MAX	465	360	2280	546	648	2290	2750	3130	3880	3200	471	454
MIN	160	149	294	211	286	298	1200	1680	2070	421	203	190
AC-FT	14000	13850	38150	22370	21140	59870	103600	130600	164400	78900	19670	17030
CAL YR 1977	TOTAL	110714	MEAN 103	MAX	2280	MIN 104	AC-FT	219600				
WTR YR 1978	TOTAL	347673	MEAN 953	MAX	3880	MIN 149	AC-FT	689600				

PROVISIONAL RECORDS

POOR QUALITY ORIGINAL

MICROFILMED

POOR QUALITY ORIGINAL

UNITED STATES DEPARTMENT OF INTERIOR - GEOLOGICAL SURVEY															PROCESS DATE 15 03-12-00	
STATION NUMBER 13310500 LITTLE SALMON RIVER AT MUDGINS, IDAHO															SIREAM SOURCE AGENCY USGS	
LATITUDE 43°24'47" LONGITUDE 110°19'29" DRAINAGE AREA 576.00 DATUM 1760.00 STATE 16 COUNTY 004															DISCHARGE, IN CUBIC FEET PER SECOND, WATER YEAR OCTOBER 1978 TO SEPTEMBER 1979	
MEAN VALUES																
DAY	UCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP				
1	271	181	200	113	144	229	633	1490	1910	816	193	170				
2	264	185	194	152	139	205	501	1690	2160	704	190	163				
3	265	183	176	157	143	192	499	1600	2440	633	187	161				
4	260	182	189	155	144	203	474	1680	2820	605	183	163				
5	257	181	188	137	146	205	464	2410	2820	580	178	161				
6	250	171	192	132	145	222	602	2470	2570	555	177	154				
7	247	175	151	133	150	295	758	1940	2040	566	172	148				
8	243	179	153	145	141	339	829	1790	1790	551	163	144				
9	240	199	175	157	143	319	852	1640	1810	535	160	144				
10	238	171	188	159	144	303	903	1500	2080	510	162	144				
11	234	132	200	144	154	299	697	1450	2370	492	161	144				
12	232	167	187	143	187	315	633	1470	2570	465	160	150				
13	230	163	166	141	437	331	603	1500	2590	462	162	139				
14	224	171	171	145	472	339	583	1710	2210	457	243	137				
15	223	170	185	147	353	368	568	2130	1820	453	219	134				
16	216	160	168	148	306	440	639	2760	1660	449	201	130				
17	209	183	173	138	273	494	910	2610	1600	450	193	130				
18	193	182	186	143	264	504	1010	2570	1590	425	214	130				
19	187	187	180	148	259	509	855	2760	1540	307	206	129				
20	185	192	163	152	247	540	721	2650	1370	296	200	129				
21	165	190	137	153	242	561	673	2450	1410	265	187	127				
22	161	206	139	149	237	550	703	3470	1360	245	180	129				
23	161	225	137	141	233	568	790	3550	1300	230	175	129				
24	181	218	136	150	224	618	903	3360	1240	228	177	127				
25	179	208	136	154	224	679	917	3480	1240	230	172	127				
26	176	197	127	142	226	673	938	3450	1190	231	170	132				
27	179	177	139	138	227	723	1030	3330	1160	225	165	132				
28	181	186	136	140	232	1040	1220	2640	1070	223	175	128				
29	179	190	115	135	---	980	1350	2260	992	218	170	125				
30	179	197	100	119	---	910	1510	1920	926	208	165	124				
31	172	---	103	123	---	746	---	1820	---	199	165	---				
TOTAL	6045	5544	4974	4431	6436	14721	23960	72410	53664	12813	5645	4184				
MEAN	214	185	160	143	223	475	799	2333	1789	413	182	140				
MAX	271	225	200	159	472	1040	1510	3550	2820	816	243	170				
MIN	172	132	100	113	139	192	464	1450	926	199	160	124				
AC-FT	13180	11000	9870	8790	12370	29200	47520	143400	106500	25410	11200	8310				
CAL TH 1978	TOTAL	231569	MEAN 908	MAX 3880	MIN 100	AC-FT 657700										
DR TH 1979	TOTAL	215139	MEAN 889	MAX 3550	MIN 100	AC-FT 426700										

NOV 1979

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Western Region

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

JULY 31, 1980

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 billing to this office before AUGUST 25, 1980.

Yours truly,

HELEN L. HARRINGTON
Secretary

Encl.

MICROFILMED

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 AUGUST 25, 1980.

C. STEPHEN ALLRED

Director

Published 8/7 & 8/14/80.

MICROFILMED

HOWELL, JAMES B.

1984 PANAMA, BOISE, ID 83705

Source: BIG ELK CREEK tributary to LITTLE SALMON RIVER

Date Filed: 07/28/1980

Amount: 10.00 CFS

Diversion Point: NESW SENW SESW Sec 23 T 22N R 01E, IDAHO Co.

Use: POWER (10.00 CFS) from 01/01 to 12/31

Place of Use: SWSE Sec 22 T 22N R 01E SWSW Sec 23 T 22N R 01E NWNE
Sec 27 T 22N R 01E

Diversion Means: DAM AND PIPELINE TO GENERATING PLANT.

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