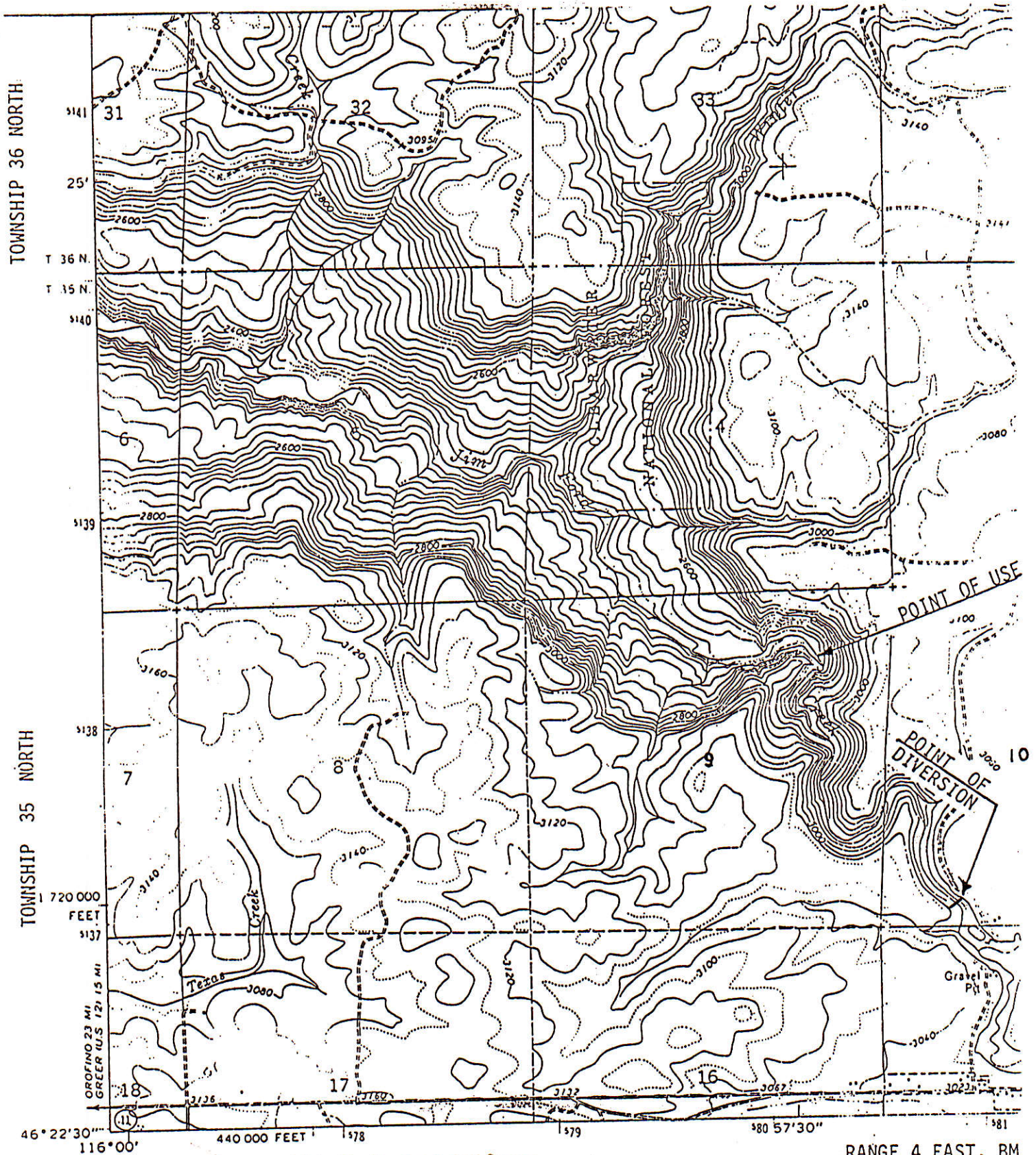


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Mapped, edited, and published by the Geological Survey
Control by USGS and USC&GS

Topography by photogrammetric methods from aerial
photographs taken 1963. Field checked 1966

MICROFILMED

NOTICE OF
APPLICATION FOR
WATER RIGHT

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

84-7171

IDAHO HYDRO INC.

P.O. Box 1940, Orofino,
ID 83544

Source: JIM FORD
CREEK trib. to CLEAR-
WATER RIVER

Diversion Pt: SWSW
Sec 10 T 35N R04E

Use: POWER (100.0
CFS)

Date Filed: 06/30/1983

In: NENE Sec 9 T 35N
R04E

The permit(s) will be
subject to all prior water
rights. Protests must be
filed with the Director, of
Water Resources,
Western Region,
Statehouse, Boise,
Idaho 83720 on or before
APRIL 21, 1986.

KEN DUNN, Dir.

PUBLISH: Thursdays,
April 3, and 10, 1986.

Affidavit of Publication

STATE OF IDAHO,

COUNTY OF TWIN FALLS

ss.

I, Belinda J. Capps

Department of Water Resources
Northern District Office

being first duly sworn upon

oath, depose and say that I am Prints Clerk of the TIMES-NEWS,
published daily, at Twin Falls, Idaho, and do solemnly swear that a copy of
the notice of advertisement, as per clipping attached, was published in the regular and
entire issue of said newspaper, and not in any supplement thereof, for Two

consecutive weeks, commencing with the issue dated

April 3, 1986, and ending with the issue dated

April 10, 1986.

And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except Monday, both of which newspapers prior to consolidation had been published under said names in said city and county continuously and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-NEWS, since such consolidation, has been published as a daily newspaper except Saturday, until July 31, 1978, at which time said newspaper began daily publication under said name in said city and county continuously and uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated as the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho, to be published weekly, will be published; and that at the head of the editorial column of said combined newspapers, and in each issue thereof, Thursday is announced as the day on which said legal notices will be published.

Subscribed and sworn to before me on this

day of

Belinda J. Capps
4/22/86
April
1986
MICROFILMED

Dianna Bruce
Notary Public in and for the County of Twin Falls,
State of Idaho, residing at Twin Falls, Idaho

Proof of Publication

The Post-Register

State of Idaho, }
County of Bonneville } ss

I, ...J. Robb Brady....., first being duly sworn, depose and say: That I am the Principal Clerk..... of The Post Company, a corporation of Idaho Falls, Bonneville County, Idaho, publishers of The Post-Register, a newspaper of general circulation, published daily, except Saturday, at Idaho Falls, Idaho; said Post-Register being a consolidation of the Idaho Falls Times, established in the year 1890, The Idaho Register, established in the year 1880 and the Idaho Falls Post, established in 1903, such consolidation being made on the 1st day of November, 1931, and each of said newspapers have been published continuously and uninterruptedly, prior to consolidation, for more than seventy-eight (78) weeks and said Post-Register having been published continuously and uninterruptedly from the date of such consolidation, up to and including the last publication of notice hereinafter referred to.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post-Register for two..... consecutive weeks, first publication having been made on the 3rd..... day of April....., 1986..., last publication having been made on the 10th..... day of April....., 1986..., and that the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.

Subscribed and sworn to before me, this ..10th.. day of April....., 1986...
.....
Notary Public

My commission expires ..September 30,....., 1988...

B10

**NOTICE OF APPLICATION
FOR WATER RIGHT**

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

84-7171
IDAHO HYDRO INC.
P.O. BOX 1940, OROFINO, ID 83544
Source: JIM FORD CREEK trib. to CLEAR-
WATER RIVER
Diversion Pt.: SWSW Sec. 10 T 35N R04E
Use: POWER (100.0 CFS)

Date Filed: 06/30/1983
In: NENE Sec. 9 T 35N R04E
The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Western Region, Statehouse, Boise, Idaho 83720 on or before APRIL 21, 1986. KEN DUNN, Dir.
Published: April 3, 10, 1986

[Handwritten signature]
[Handwritten signature]
4/14/86

RECEIVED
APR 14 1986
Department of Water Resources
Northern District Office

MICROFILMED

The Idaho Statesman

P.O. BOX 40, BOISE, IDAHO 83707

LEGAL ADVERTISING INVOICE

Amount Due

27.62

Account Name ID Water Resources, Northern Region		Account Number #100631	
Address 4055 Government Way		City/State Coeur d'Alene, ID	Zip 83814
Ordered By Patricia Stypa	P.O. Number	Rate nt	Run Dates 1986 Apr. 3, 10
Identification Application No. 84-7171			Legal Number #1779

☒ Number of Affidavits Requested

RECEIVED

APR 14 1986

Department of Water Resources
Northern District Office

STATE OF IDAHO)
) ss.
COUNTY OF ADA)

Laura Gay Barnes

being duly sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto; that said notice was published in The Idaho Statesman in conformity with Section 60-108, Idaho Code as amended, for Two (2)

☒ consecutive weekly ☐ consecutive daily ☐ single ☐ odd skip

insertion(s) beginning with the issue of April 3, 1986

and ending with the issue of April 10, 1986

Laura Gay Barnes

Subscribed and sworn to before me this 10th

day of April, 1986

MICROFILMED

Jeanne M. Hawke
Notary Public for Idaho, Residing at Boise, Idaho.

NOTICE OF APPLICATION FOR WATER RIGHT

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

84-7171

Idaho Hydro Inc.
P.O. Box 1940
Orofino, ID 83544
Source: Jim Ford Creek
trib. to Clearwater River
Diversion Pt: SWSW Sec. 10
T35N R04E
Use: Power (100.0 CFS)
Date Filed: 06/30/1983
In: NENE Sec. 9
T35N R04E

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Western Region, Statehouse, Boise, Idaho 83720 on, or before, April 21, 1986.

KEN DUNN
Director

Pub. Apr. 3, 10, 1986

1779

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }
County of Clearwater } ss.

Nancy Noble

being first duly sworn, on oath, deposes and says:

That I am and at all times herein mentioned have been a citizen of the United States and of the State of Idaho, over 21 years of age, and that I am not a party to nor interested in the above entitled proceeding; that I am and at all times herein mentioned have been the Editor, Foreman, of THE CLEARWATER TRIBUNE: That said Clearwater Tribune is a newspaper of general circulation, printed and published weekly at Orofino, in the County of Clearwater and State of Idaho; that the Clearwater Tribune has been continuously and uninterruptedly published in Clearwater County, Idaho during the period of seventy-eight consecutive weeks prior to the first publication of attached copy of

Notice of Amended Application

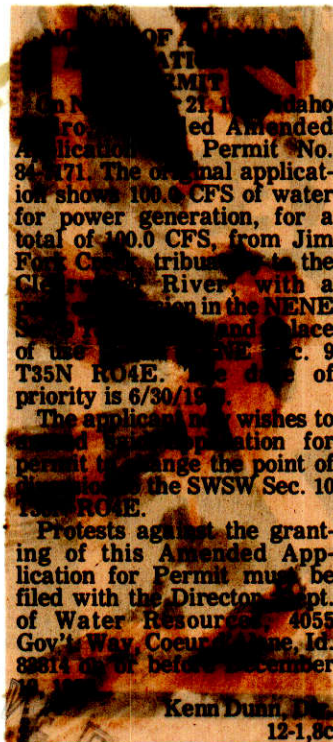
84-7171 Hydro Inc

That said Notice

of which the annexed is a full, true and correct printed copy, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for full period of two consecutive issues commencing on the 1st day of December, 1983, and ending on the 8th day of December, 1983

Nancy Noble
Subscribed and sworn to before me this 9th day of December, 1983

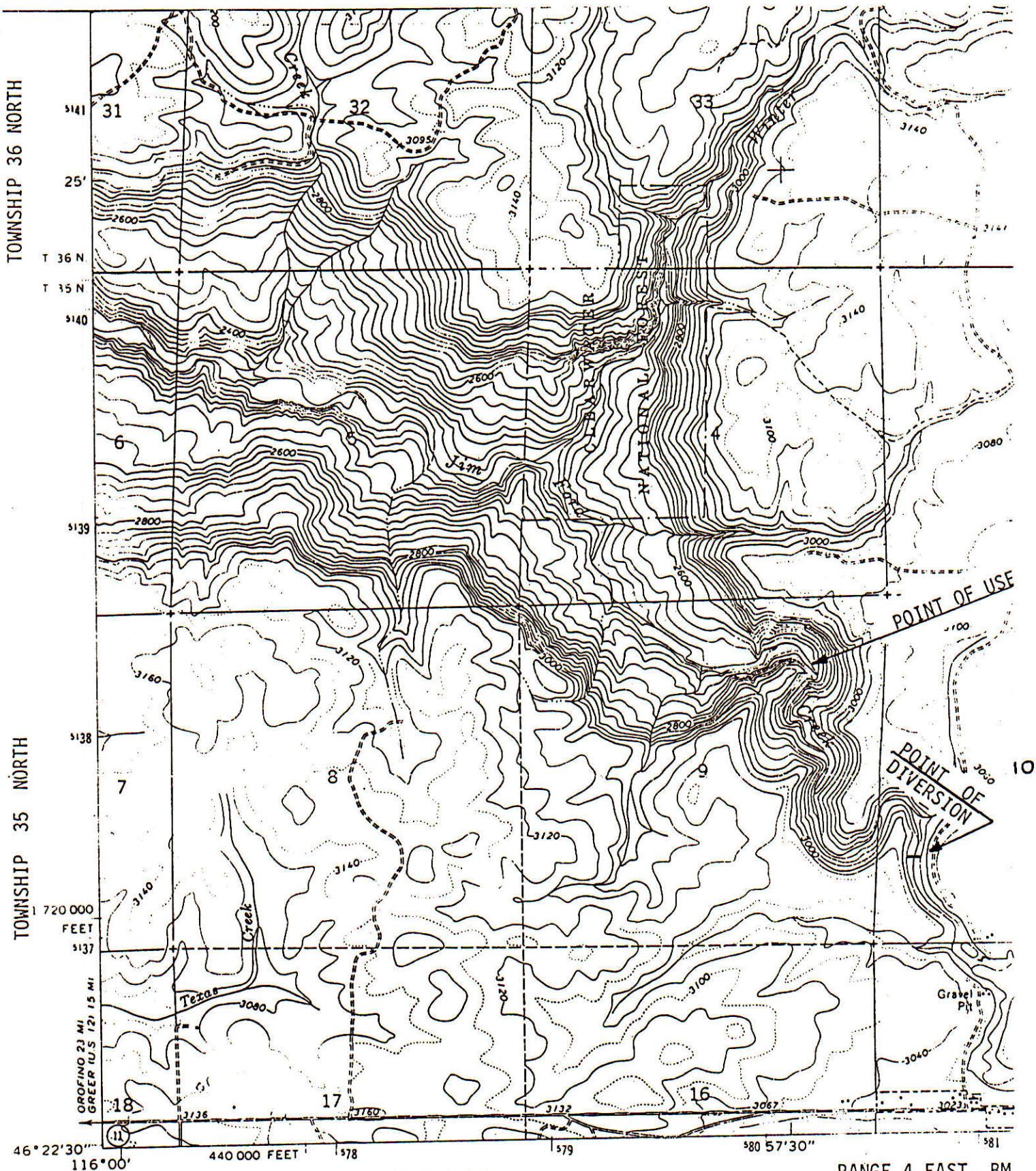
NOTARY PUBLIC IN AND FOR THE STATE OF IDAHO
RESIDING AT OROFINO THEREIN



RECEIVED
Department of Water Resources
Northern District Office

MICROFILMED

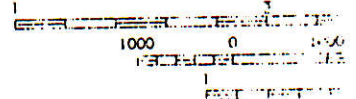
11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.

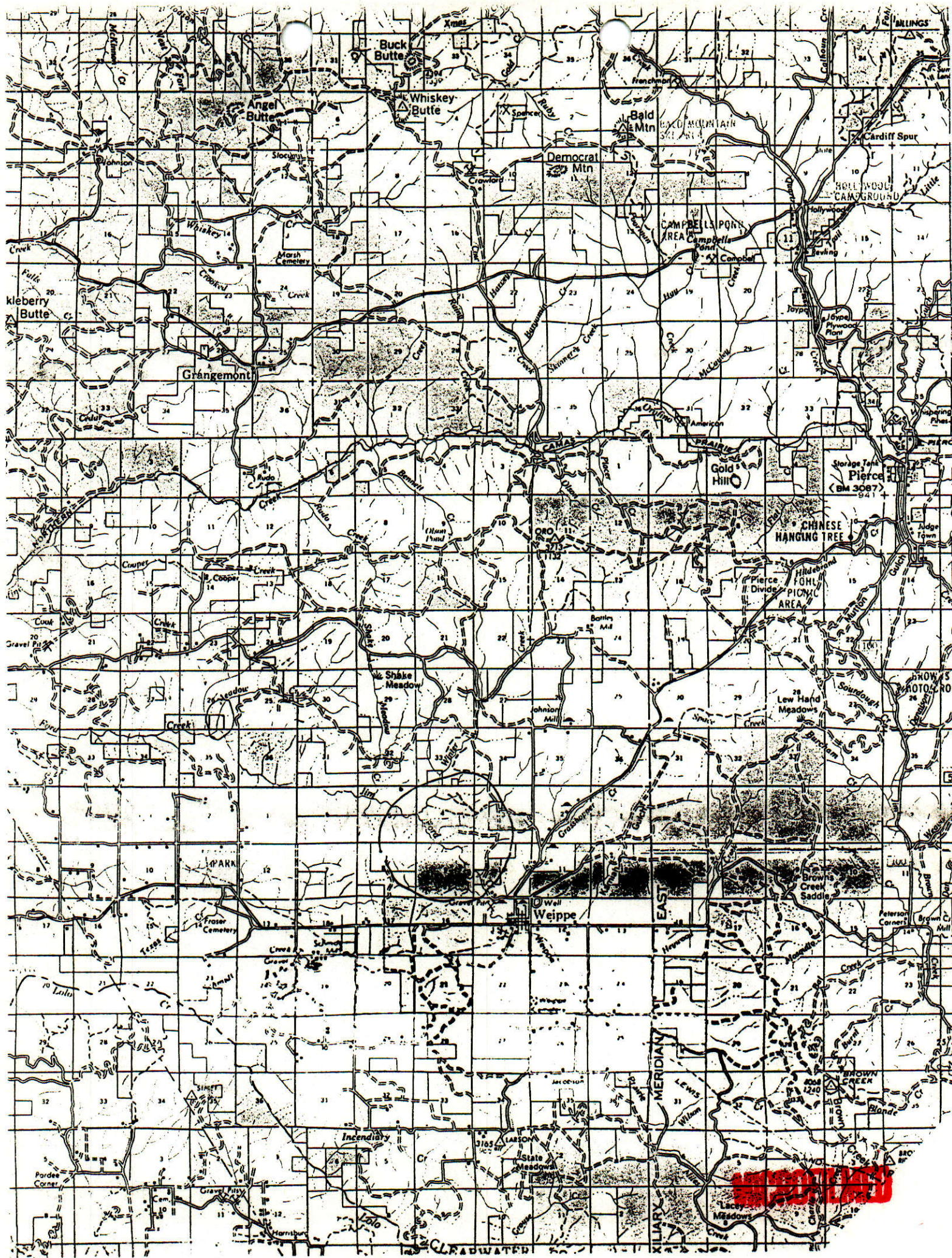


Mapped, edited, and published by the Geological Survey

Control by USGS and USC&GS

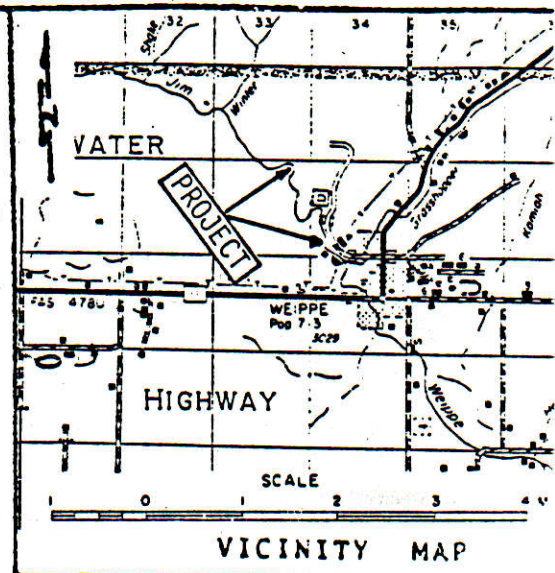
Topography by photogrammetric methods from aerial photographs taken 1963. Field checked 1966



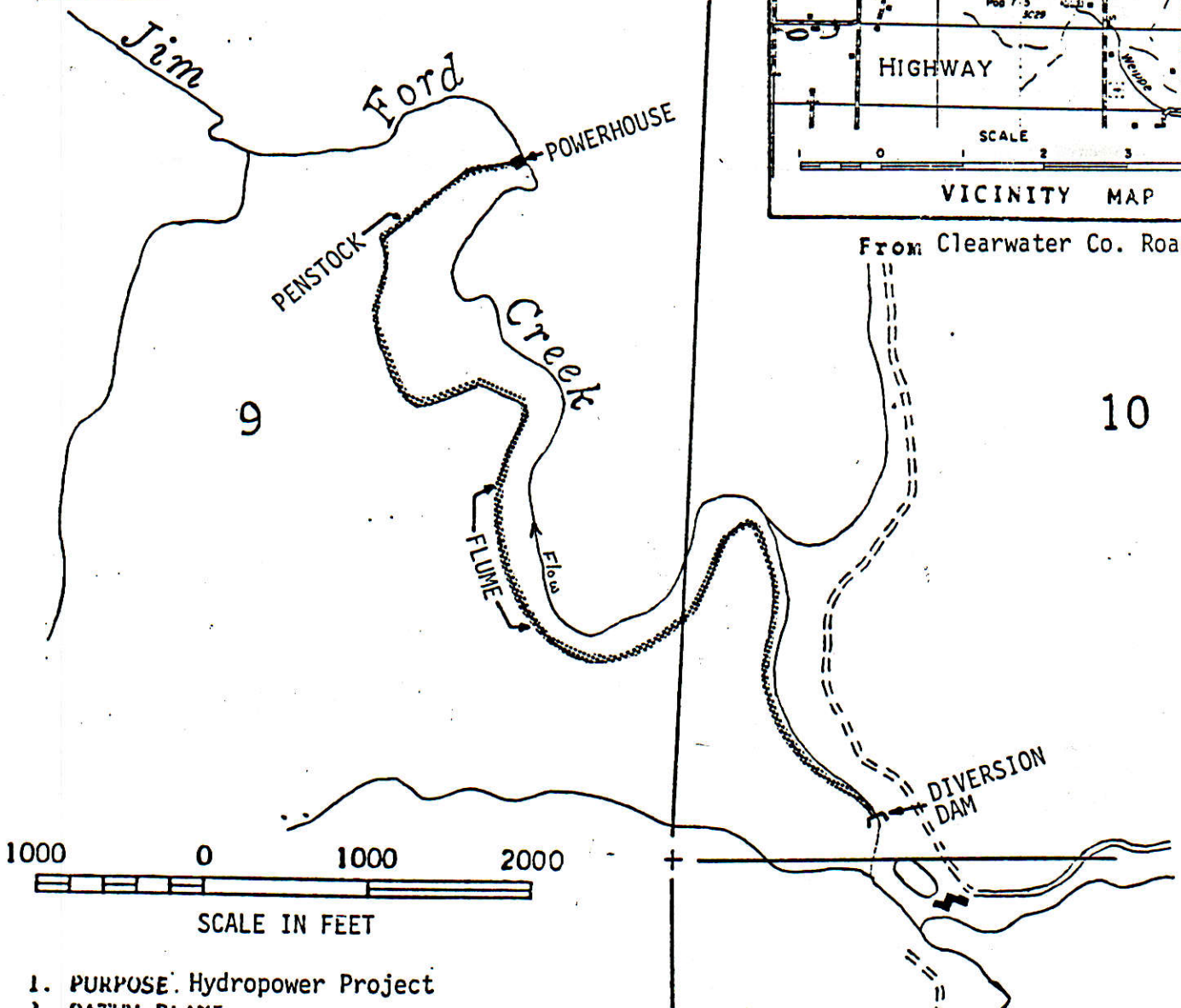


PROJECT LAYOUT

T 35 N, R 3 W, BM



From Clearwater Co. Road Map

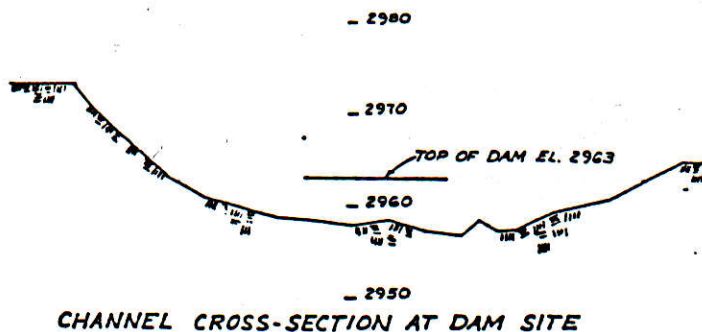
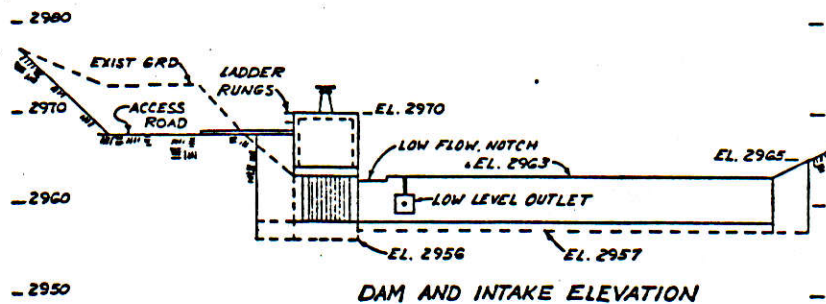
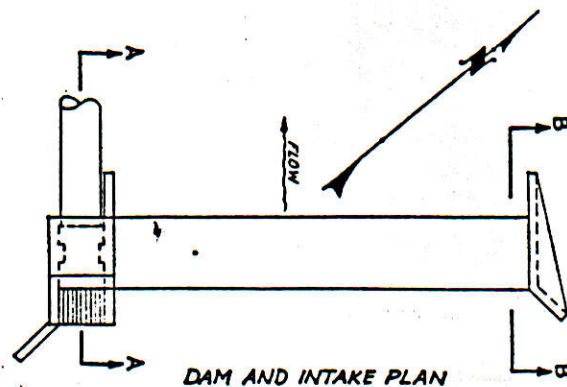
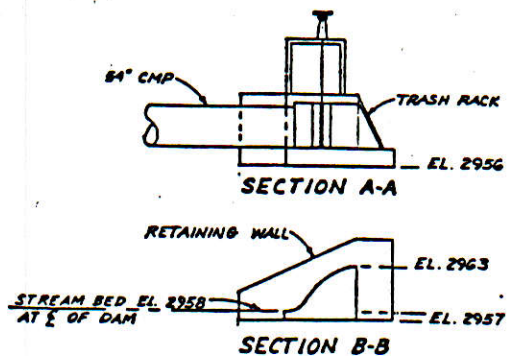


1. PURPOSE: Hydropower Project
 2. DATUM PLANE
 - a. HIGH WATER
 - b. LOW WATER
 3. NAME AND ADDRESS OF ADJACENT PROPERTY OWNERS
 - a. State of Idaho Department of Lands
Statehouse
Boise, Idaho 83720
 - b. Jackson L. Bennett
3417 9th Street Lewiston, Idaho 83501
- CONSTRUCTION DATE: September, 1984

IN Jim Ford Creek
IN/NEAR City of Weippe
Clearwater COUNTY, Idaho
APPLICATION BY: Ford Hydro Limited Partnership
DATE: 2-27-84 SHEET 1 OF 3

071-0YC-4-002262

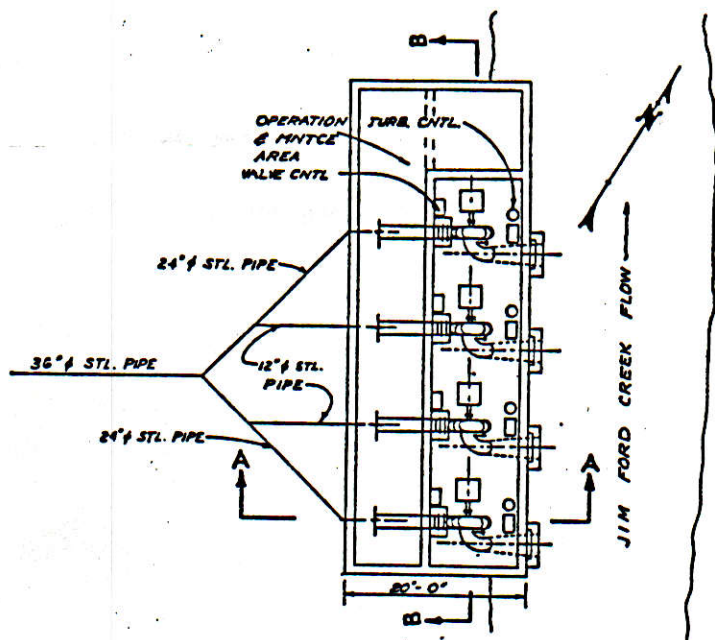
MICROFILMED



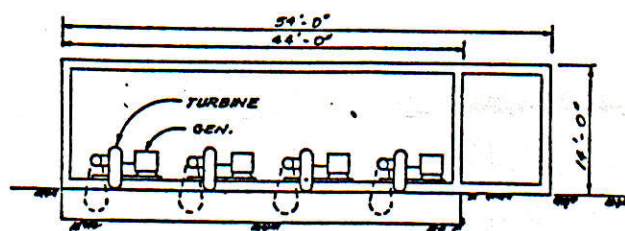
IN: Jim Ford Creek
IN/NEAR City of Weippe
Clearwater COUNTY, Idaho
APPLICATION BY: Ford Hydro Limited Partnership
DATE: 2-27-84 SHEET 2 OF 3

071-0YC-4-002262

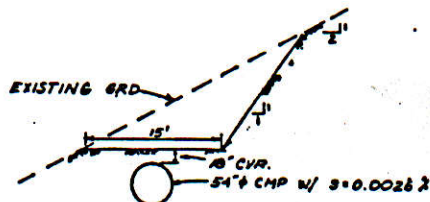
MICROFILMED



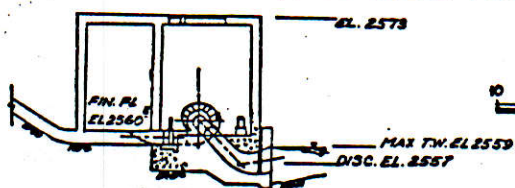
POWERHOUSE FLOOR PLAN



SECTION B-B



TYPICAL FLUME CROSS-SECTION



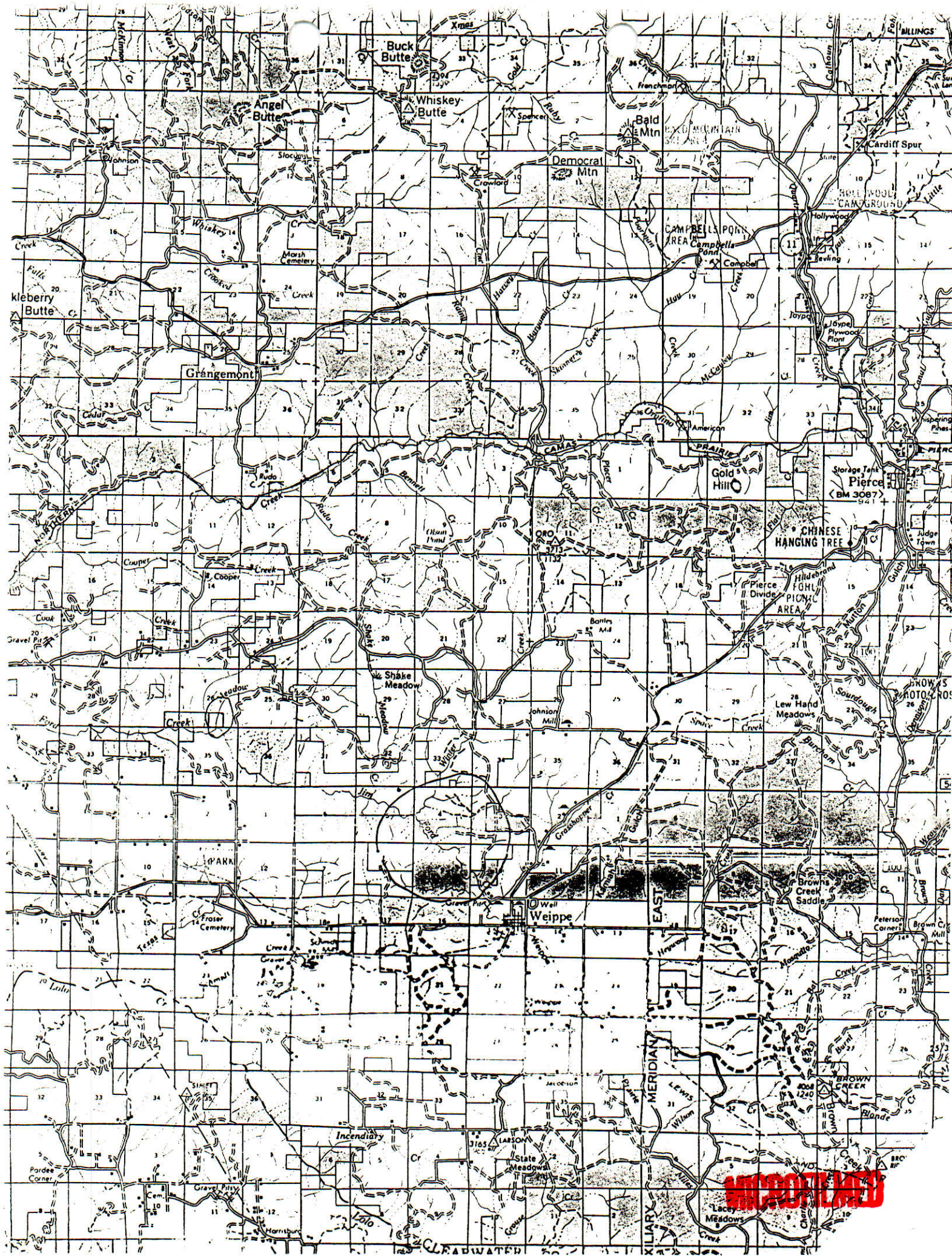
SECTION A-A



MICROFILMED

IN: Jim Ford Creek
 IN/NEAR City of Weippe
 Clearwater COUNTY, Idaho
 APPLICATION BY: Ford Hydro Limited
 Partnership
 DATE: 2-27-84 SHEET 3 OF 3

071-0YC-4-002262



WATER RIGHT SUMMARY

<u>ACTION</u>	<u>RIGHT NO.</u>	<u>NAME</u>	<u>AMOUNT CFS</u>
Original Permit	84-7171	Idaho Hydro Inc.	100
Full Assignment	84-7171	Ford Hydro Ltd. Partnership	100

RECEIVED

MAR 04 1988

RECEIVED

NOV 16 1987

State of Idaho
Department of Water Resources

ASSIGNMENT OF PERMIT

RECEIVED
NOV 16 1987
Department of Water Resources
Northern District Office

Department of Water Resources

Idaho Hydro, Inc., hereby assign to Ford Hydro Limited Partnership
of 125 Johnson Avenue, P.O. Box 1950, Orofino, Idaho 83544
Address

CHECK ONE



All its right, title, and interest in and to Permit No. 84-7171
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)

100 cfs 1 acre feet storage

SW 1/4 SW 1/4 Section 10, Township 35 North, Range 4 East,
Boise Meridian, Clearwater County, Idaho.

Made this 6th day of November, 19 87.

Seal

Archie R. Ford President
Permit Holder Idaho Hydro, Inc.

Spouse of Permit Holder _____

State of Idaho)
County of Clearwater) ss.

On this 6th day of November, 19 87, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged to me
that he (she) (they) executed the same.

seal

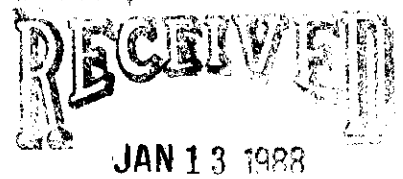
Carrie Bird
Notary Public residing at Orofino, Idaho.

My commission expires:
August 28, 1993

MICROFILMED

MAR 04 1988

**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) Department of Water Resources
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, Archie R. Ford of Orofino
(name) (city),

County of Clearwater, State of Idaho, being duly sworn, depose
and say: That I am the designated registered agent of the Ford Hydro, Inc., General Partner of
Ford Hydro Limited 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 Orofino
(city)

Idaho, wherein are kept the corporate records required by Section 30-1-52, Idaho Code: and that Ford
Hydro, Inc. is a corporation qualified to do business in the State of Idaho under the laws
(name of corporation)
of the State of Idaho.

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

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

- (check one)
- ☒ Will not utilize existing man-made irrigation facilities such as a dam or a canal.
 - ☐ Will utilize existing man-made irrigation facilities such as a dam or a canal, and permission of the owner is documented in an affidavit attached hereto.
 - ☐ Will utilize existing man-made irrigation facilities such as a dam or a canal, and the owner of the facilities is the signee of this affidavit.

Archie R. Ford
Applicant Archie R. Ford

State of Idaho)
County of Clearwater) ss.

On this 7th day of January, 1988, personally appeared before me
the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Carrie Bird
Notary Public residing at Orofino, Idaho

seal

My commission expires:
8-28-93

MICROFILMED

MAR 04 1988

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

APPROVED

1. Name of applicant IDAHO HYDRO INC. Phone 208-476-7765
Post office address P.O. BOX 1940 OROFINO, IDAHO 83544
2. Source of water supply JIM FORD CREEK which is a tributary of CLEARWATER RIVER
3. Location of point of diversion is SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 10 Township 35N
Range 4E B.M. CLEARWATER County, additional points of diversion if any: NONE

4. Water will be used for the following purposes:

Amount 100 CFS for POWER GENERATION purposes from 1 JAN to 31 DEC (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. 100 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. 5' high diversion dam with gravity intake, 48" flume & penstock, turbines, powerhouse & tailrace.

b. Height of storage dam 5' feet, active reservoir capacity 1 acre-feet; total reservoir capacity 1 acre-feet, materials used in storage dam: Reinforced Concrete

Period of year when water will be diverted to storage JAN 1 to DEC 31 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: NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 9 Township 35N

Range 4E B.M. _____

(2) Amount of power to be generated: 2800 horsepower under 364 feet of head.

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

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

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

MICROFILMED

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

[illegible]

Total number of acres to be irrigated

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

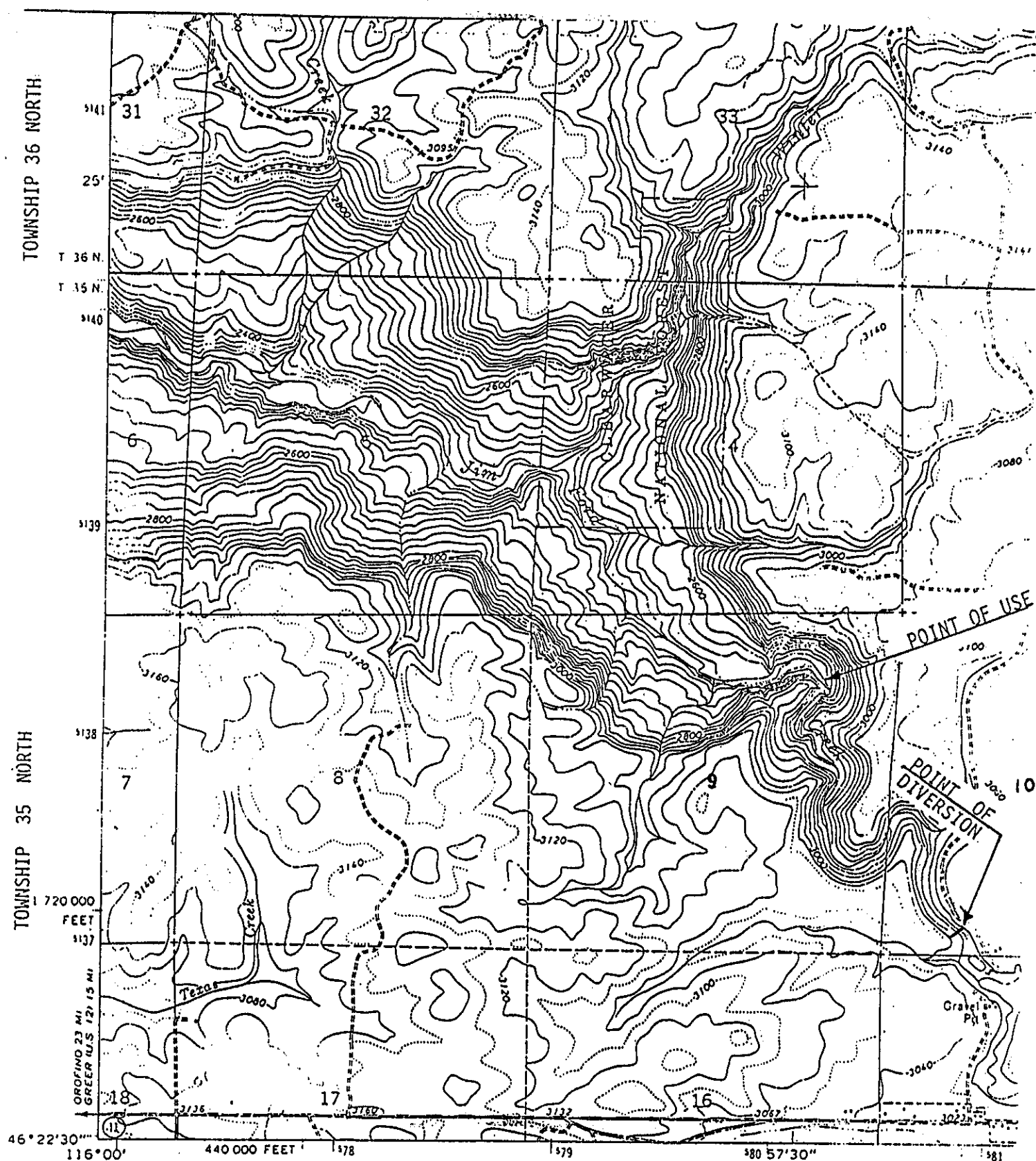
9. a. Who owns the property at the point of diversion STATE OF IDAHO DEPARTMENT OF LAND

b. Who owns the land to be irrigated or place of use JACKSON L BENNETT & GARY E BENNETT

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

10. Remarks This application is to amend the earlier water rights filing
dated 6-29-83. The only change is the point of diversion.

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

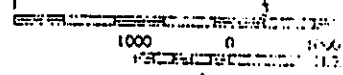


Mapped, edited, and published by the Geological Survey

Control by USGS and USC&GS

Topography by photogrammetric methods from aerial
photographs taken 1963. Field checked 1966

RANGE 4 EAST, BM



MICROFILMED

November 18, 1983

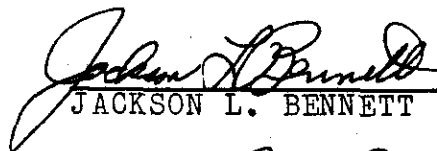
Idaho Hydro, Inc.
Mr. Archie R. Ford
P.O.Box 1940
Orofino, Idaho
83544

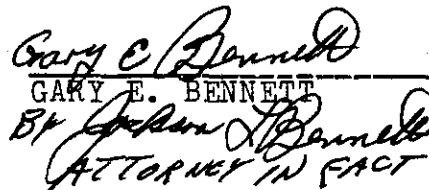
Dear Mr. Ford,

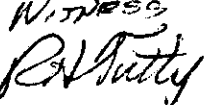
You may consider this letter as our approval for Idaho Hydro, Inc., to apply to the Idaho Department of Water Resources for a water right on Jim Ford Creek for hydropower purposes with the point of diversion being in the general location described below:

Southwest 1/4 of Southwest 1/4 of Section 10
Township 35 North Range 4 East.

Sincerely,


JACKSON L. BENNETT


GARY E. BENNETT
By 
ATTORNEY IN FACT


WITNESS


MICROFILMED

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

A full-page sheet of white graph paper featuring a uniform grid of thin black lines. The grid consists of 20 columns and 20 rows, creating a total of 400 small squares. The lines are evenly spaced and extend across the entire page, leaving no margins or additional markings.

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.

Charles R. Long, Esq.
(Applicant)

(Applicant)

MICROFILMED

Proposed Priority 6/30/83

original app.
rec'd 6/30/83

\$1225.00

Receipt #28579

Received by [signature] Date 11/21/83 Time 1:15pm

Preliminary check by TK Fee \$ 20.00

Received by [signature] Date 11/21/83 (31400)

MICROFILMED

Publication prepared by pms Date 11/1983

Published in The Clearwater Tribune // Idaho State Administrative 4/30/86
Post Register

Publication dates 12/1 & 12/8/83

Publication approved pms Date 12/14/83

Protests filed by: NONE

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by [signature] kw

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. 84-7171, 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 April 1, 19 90.
- 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: SEE ATTACHED SHEET FOR CONDITIONS d thru 1.

Witness my hand this 30th day of April, 1986.

[Signature]
Chief, Operations Bureau

ATTACHMENT TO CONDITIONS OF APPROVAL

For Permit No. 84-7171

- d. The issuance of this permit in no way grants any right-of-way or easement across the land of another.
- e. A separate stream alteration permit from the IDWR is required for any activity in the stream channel other than construction and/or maintenance of the diversion structure. If your proposed construction or operation involves construction of an outfall or any other work in the stream channel other than a water diversion, you must contact the Department and obtain a Stream Channel Alteration permit prior to the start of construction.
- f. The diversion and use of water under this permit and any license subsequently issued is subject to review by the Director on the date(s) of expiration of any license issued by the Federal Energy Regulatory Commission. Upon appropriate findings relative to the interest of the public, the Director may cancel all or any part of the use authorized herein and may revise, delete or add conditions under which the right may be exercised.
- g. The permit holder shall either install a measuring device or a flow measurement port or provide a certified measurement or computation of flow based upon system design to be prepared by a professional engineer.
- h. 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.
- i. Water used under this permit if discharged into a natural channel or subsurface system shall meet Idaho Water Quality Standards.
- j. The water right acquired under this permit for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.
- k. This permit does not constitute Idaho Public Utilities Commission or Federal Energy Regulatory Commission approval that may be required.
- l. Use of water under this permit shall be non-consumptive.

Witness my hand this 30th day of April, 1986.


Chief, Operations Bureau

MICROFILMED

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

RECEIVED

APR 17 1984

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

1. Individual Applicant or Individual Members of a Partnership:

Department of Water Resources
Northern District Office

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, IDAHO HYDRO INC. of OROFINO,
(name) (city)

County of CLEARWATER, State of Idaho, being duly sworn, depose

and say: That I am the designated registered agent of the IDAHO
HYDRO INC.

_____ : that as such I am in charge of the registered
(name of corporation)

office of the said corporation as required by Section 30-1-12, Idaho Code, at

OROFINO Idaho, wherein are kept the corporate records required
(city)

by Section 30-1-52, Idaho Code: and that IDAHO HYDRO INC.
(name of corporation)

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

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

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

☒ 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.

(check one)

[Signature]
Applicant

State of Idaho)
County of Clearwater) ss.

On this 14th day of April, 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.

[Signature]
Notary Public residing at
Idaho

seal

My commission expires:

[Signature]

MICROFILMED

**APPLICATION FOR
WATER RIGHT**

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

84-7171

IDAHO HYDRO INC.
P.O. Box 1940, Orofino,
ID 83544

Source: JIM FORD
CREEK trib. to CLEAR-
WATER RIVER

Diversion Pt: SWSW
Sec 10 T 35N R04E

Use: POWER (100.0
CFS)

Date Filed: 06/30/1983

In: NENE Sec 9 T 35N
R04E

The permit(s) will be
subject to all prior water
rights. Protests must be
filed with the Director, of
Water Resources,
Western Region,
Statehouse, Boise,
Idaho 83720 on or before
APRIL 21, 1986.

KEN DUNN, Dir.

PUBLISH: Thursdays,
April 3, and 10, 1986.

Affidavit of Publication

STATE OF IDAHO,
COUNTY OF TWIN FALLS } ss.

I, Belinda J. Capps

oath, depose and say that I am Prints Clerk of the TIMES-NEWS,
published daily, at Twin Falls, Idaho, and do solemnly swear that a copy of
the notice of advertisement, as per clipping attached, was published in the regular and
entire issue of said newspaper, and not in any supplement thereof, for Two

consecutive weeks, commencing with the issue dated
April 3, 1986, and ending with the issue dated
April 10, 1986.

And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except Monday, both of which newspapers prior to consolidation had been published under said names in said city and county continuously and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-NEWS, since such consolidation, has been published as a daily newspaper except Saturday, until July 31, 1978, at which time said newspaper began daily publication under said name in said city and county continuously and uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated as the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho, to be published weekly, will be published; and that at the head of the editorial column of said combined newspapers, and in each issue thereof, Thursday is announced as the day on which said legal notices will be published.

Subscribed and sworn to before me on this 11th day of

MICROFILMED

Notary Public in and for the County of Twin Falls,
State of Idaho, residing at Twin Falls, Idaho

RECEIVED

APR 21 1986

No 16099

Department of Water Resources
Northern District Office

Being first duly sworn upon

Proof of Publication

The Post-Register

State of Idaho, }
County of Bonneville } ss

I, ... J. Robb Brady ..., first being duly sworn, depose and say: That I am the Principal Clerk of The Post Company, a corporation of Idaho Falls, Bonneville County, Idaho, publishers of The Post-Register, a newspaper of general circulation, published daily, except Saturday, at Idaho Falls, Idaho; said Post-Register being a consolidation of the Idaho Falls Times, established in the year 1890, The Idaho Register, established in the year 1880 and the Idaho Falls Post, established in 1903, such consolidation being made on the 1st day of November, 1931, and each of said newspapers have been published continuously and uninterruptedly, prior to consolidation, for more than seventy-eight (78) weeks and said Post-Register having been published continuously and uninterruptedly from the date of such consolidation, up to and including the last publication of notice hereinafter referred to.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post-Register for two consecutive weeks, first publication having been made on the 3rd day of April 1986..., last publication having been made on the 10th day of April 1986..., and that the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.

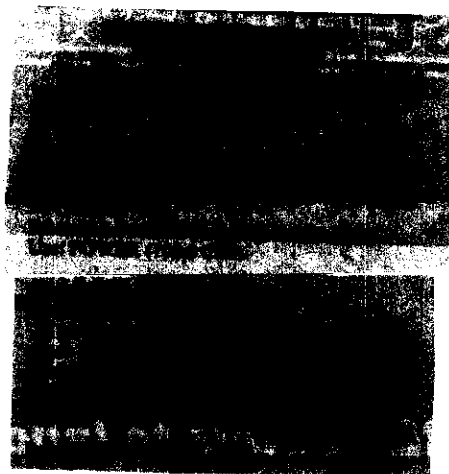
Subscribed and sworn to before me, this .. 10th .. day of April 1986...

J. Robb Brady
Deon K. Napier
Notary Public

My commission expires .. September 30, ..., 1988...

B10

OK
4/14/86



RECEIVED
APR 30 1986
Department of Water Resources
Northern District Office

MICROFILMED

The Idaho Statesman

P.O. BOX 40, BOISE, IDAHO 83707

LEGAL ADVERTISING INVOICE

Amount Due

27.62

Account Name ID Water Resources, Northern Region		Account Number #100631	
Address 4055 Government Way		City/State Coeur d'Alene, ID	Zip 83814
Ordered By Patricia Stypa	P.O. Number	Rate nt	Run Dates 1986 Apr. 3, 10
Identification Application No. 84-7171			Legal Number #1779

☒ 1 Number of Affidavits Requested

RECEIVED

APR 14 1986

Department of Water Resources
Northern District Office

STATE OF IDAHO)
) ss.
COUNTY OF ADA)

Laura Gay Barnes

being duly sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto; that said notice was published in The Idaho Statesman in conformity with Section 60-108, Idaho Code as amended, for Two (2) ☒ consecutive weekly ☐ consecutive daily ☐ single ☐ odd skip

insertion(s) beginning with the issue of April 3, 1986

and ending with the issue of April 10, 1986

Laura Gay Barnes

Subscribed and sworn to before me this 10th

day of April, 1986

MICROFILMED

Jeanne M. Hawke
Notary Public for Idaho, Residing at Boise, Idaho.

TRIBUNE PUBLISHING COMPANY, INC.

The Lewiston Morning Tribune
505 C St., P.O. Box 957
Lewiston, Idaho 83501
(208) 743-9411

Date 041086 INVOICE No. 100072345Account No. 96475Description 72345NOTICTimes 2 Lines 36

Tab Lines _____

**LEGAL ADVERTISING
INVOICE**

OLD TO: STATE OF IDAHO
DEPART. OF WATER RESOURCES
4055 GOVERNMENT WAY
CORDA LENE
ID 83814

\$ 31.50

NOTICE: This is an invoice of Purchase made by you. Statement will be rendered the first of the month.
Please Retain This Invoice as Your Statement Will Refer To Invoice by No. Only.

AFFIDAVIT OF PUBLICATION**NOTICE OF APPLICATION
FOR WATER RIGHT**

The following application(s) have
been filed to appropriate the public
waters of the State of Idaho:

85-7435
RYNEARSON, GARY R.
1960 ALLMON DR., LEWISTON,
ID 83501

Source: GROUNDWATER
Diversion Pt: NESW Sec 23 T 35N
R 05W
Use: IRRIGATION (0.140 CFS)
STOCKWATER (0.020 CFS)
DOMESTIC (0.040 CFS)
Dated Filed: 03/17/1986
In: NESW Sec 23 T 35N R 05W
FOR 1 ACRES

84-7171
IDAHO HYDRO INC.
P.O. BOX 1940, OROFINO, ID
83544

Source: JIM FORD CREEK trib.
to CLEARWATER RIVER
Diversion Pt: SWSW Sec 10 T 35N
R04E

Use: POWER (100.0 CFS)
Dated Filed: 06/30/1983
In: NENE Sec 9 T 35N R04E
The permit(s) will be subject to
all prior water rights. Protests must
be filed with the Director, Dept. of
Water Resources, Western Region,
Statehouse, Boise, Idaho 83720 on or
before APRIL 21, 1986.
KEN DUNN, Dir.

STATE OF IDAHO, ss.
County of Nez Perce

S. L. Stone, being duly sworn,
deposes and says, I am the Legal Clerk
of the Tribune Publishing Company, a corporation organized and existing
under and by virtue of the laws of the State of Idaho, publishers of the
LEWISTON MORNING TRIBUNE, a newspaper of general circulation
published at Lewiston, Nez Perce County, Idaho; That the said Lewiston
Morning Tribune is an established paper and has been published regular-
ly and issued regularly at least once a day for more than 21 consecutive
years next immediately preceding the first publication of this notice, and
has been so published uninterrupted for said period; that the

NOTICE OF APPLICATION FOR

attached hereto and which is made a part of this affidavit was published in
the said Lewiston Morning Tribune, 2 time(s). Publication be-
ing on 040386, or once a
week for two consecutive weeks, the first

publication thereof being on the 040386, and the last pub-
lication thereof being on the 041086, and said

NOTICE OF APPLICATION FOR

was so published in the regular and entire issue of said newspaper and
not in a supplement thereof and was so published in every issue and
number of the said paper, during the period and times of publication as
set forth above.

SUBSCRIBED AND SWORN BEFORE ME THIS THE 11day of April 1986**MICROFILMED**

RECEIVED
APR 16 1986
Department of Water Resources
Department of Water Resources
Northern District Office

AFFI AVIT OF PUBLICA ION

STATE OF IDAHO, }
County of Clearwater } ss.

Nancy Noble

being first duly sworn, on oath, deposes and says:

That I am and at all times herein mentioned have been a citizen of the United States and of the State of Idaho, over 21 years of age, and that I am not a party to nor interested in the above entitled proceeding; that I am and at all times herein mentioned have been the Editor, Foreman, of THE CLEARWATER TRIBUNE: That said Clearwater Tribune is a newspaper of general circulation, printed and published weekly at Orofino, in the County of Clearwater and State of Idaho; that the Clearwater Tribune has been continuously and uninterruptedly published in Clearwater County, Idaho during the period of seventy-eight consecutive weeks prior to the first publication of attached copy of

Notice of Amended Application

81-7171 Hydro Inc

That said Notice

of which the annexed is a full, true and correct printed copy, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for full period of two consecutive issues commencing on the 1st day of December, 1982, and ending on the 8th day of December, 1983

Subscribed and sworn to before me this 9th day of December, 1983

NOTARY PUBLIC IN AND FOR THE STATE OF IDAHO
RESIDING AT OROFINO THEREIN



Handwritten: A
12/4/83

Stamp: RECEIVED

Stamp: Northern District Office

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant IDAHO HYDRO INC. Phone 208-476-7765
Post office address PO BOX 1940 OROFINO, IDAHO 83544
2. Source of water supply JIM FORD CREEK which is a tributary of CLEARWATER RIVER
3. Location of point of diversion is NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 10 Township 35N
Range 4E B.M. CLEARWATER County, additional points of diversion if any: NONE

4. Water will be used for the following purposes:

Amount 100CFS for POWER GENERATION purposes from 1 JAN to 31 DEC. (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. 100 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. 5' high diversion dam with gravity intake, one 48" penstock, turbines, powerhouse and tailrace structure.

b. Height of storage dam 5 feet, active reservoir capacity 1 acre-feet; total reservoir capacity 1 acre-feet, materials used in storage dam: Reinforced Concrete

Period of year when water will be diverted to storage Jan. 1 to Dec. 31 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: NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 9 Township 35N
Range 4E B.M.

(2) Amount of power to be generated: 2300 horsepower under 310 feet of head.

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

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

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

MICROFILMED

MICROFILMED
low:

[illegible]

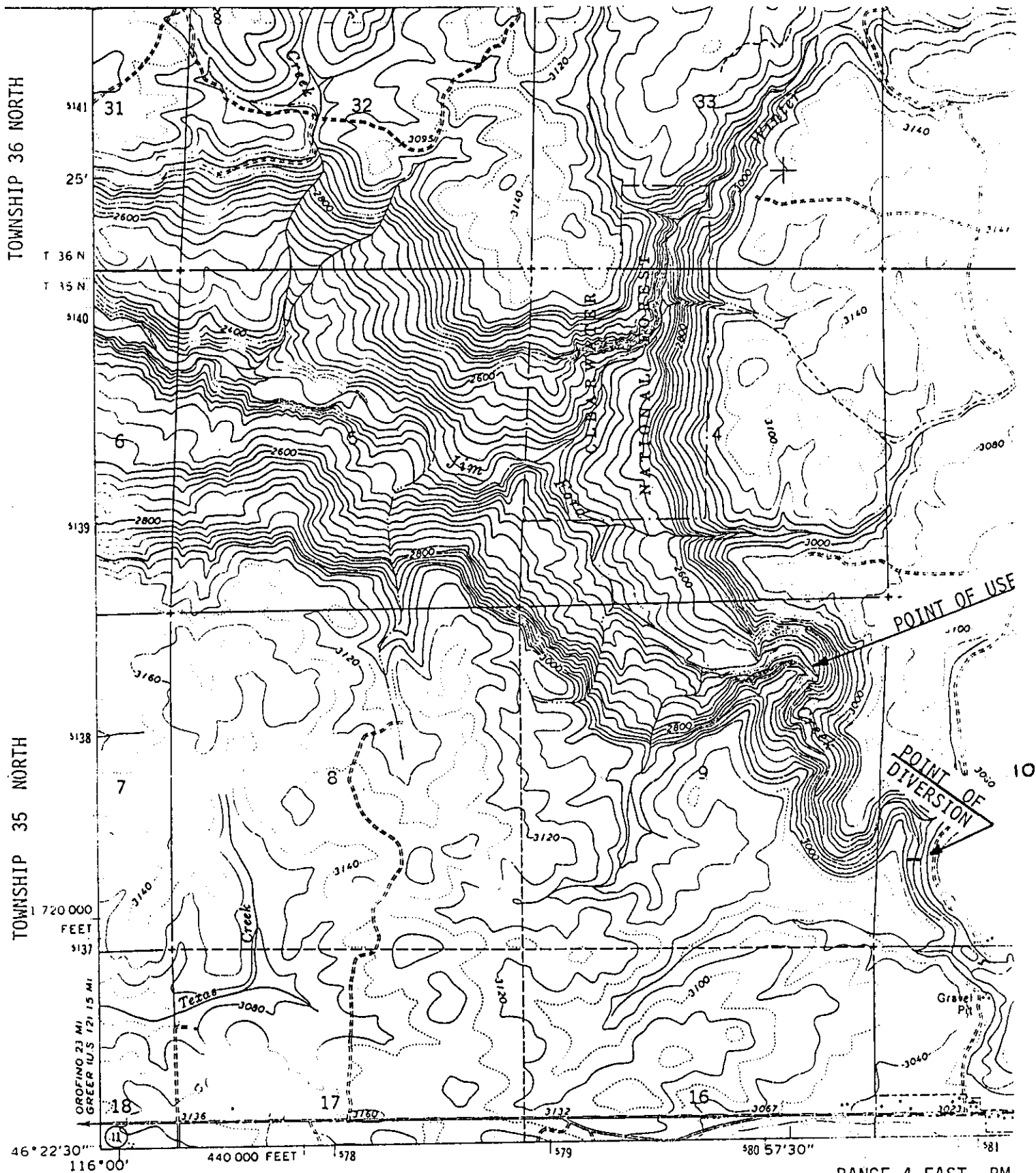
State of Idaho Department of Landz

State of Idaho Department of Lands

applicant to make this filing See attached letter addressed to Gordon W. Trombley
Director, Idaho Department of Lands.

dated 6-29-83. The only change is the point of diversion.

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

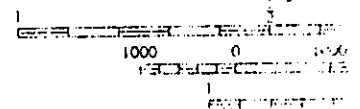


Mapped, edited, and published by the Geological Survey

Control by USGS and USC&GS

Topography by photogrammetric methods from aerial photographs taken 1963. Field checked 1965

RANGE 4 EAST, BM





IDAHO HYDRO, INC.

P.O. Box 1940
OROFINO, IDAHO 83544
(208) 476-7765

November 3, 1983

Gordon C. Trombley, Director
Idaho Department of Lands
Statehouse
Boise, Idaho 83720

Dear Mr. Trombley,

This letter is to amend our earlier request for an easement on Idaho State Lands for hydropower purposes. Our feasibility studies, show a more cost effective point of diversion to be upstream from the one proposed in our earlier letter. Therefore, the new proposed point of diversion for the project is NW 1/4 of SW 1/4 of Section 10 Township 35N Range 4E in Clearwater County.

I have received written responses to our consultation requests from all the agencies required, their responses have clearly been favorable to the project. These responses along with a complete Federal Energy Regulatory Commission License Application will be submitted to you within 30 days.

Sincerely,

Archie R. Ford

cc: Luke Aldrich Regional Supv.
cc: Roger Tutty

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

[illegible]

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.


(Applicant)

MICROFILMED

Received by Date 11/4/83 Time 2:20 PM

Preliminary check by Fee \$

Receipted by Date

Publication prepared by Date

Published in

Publication dates

Publication approved Date

Protests filed by:

Copies of protests forwarded by

Hearing held by Date

Recommended for approval denial by

MICROFILMED

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before , 19 .
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. Other:

RECEIVED
JUN 30 1983
Department of Water Resources
Northern District Office

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

VOID-
see
amended
application

1. Name of applicant IDAHO HYDRO, INC Phone (208) 476-7765

Post office address PO BOX 1940 OROFINO, IDAHO 83544

2. Source of water supply JIM FORD CREEK which is a tributary of CLEARWATER RIVER

3. Location of point of diversion is NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 9 Township 35 N

Range 4E B.M. CLEARWATER County, additional points of diversion if any: None,
subject to verification of land lines. Proposed point of diversion is in extream SW
corner of the 40 acre tract. Land line location may disclose diversion point is actually
in extream NW corner of adjacent 40 acre tract, that is the SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 9.

4. Water will be used for the following purposes:

Amount 100 CFS for POWER GENERATE purposes from 1 JAN to 31 DEC (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. 100 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. 5' high diversion dam with gravity intake,
one 48" penstock, turbines, powerhouse and tailrace structure

b. Height of storage dam 5 feet, active reservoir capacity 3 acre-feet; total reservoir
capacity 3 acre-feet, materials used in storage dam: Reinforced Concrete

Period of year when water will be diverted to storage Jan 1 to Dec 31 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: NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 9 Township 35 N
Range 4 E B.M.

(2) Amount of power to be generated: 700 horsepower under 98 feet of head.

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

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

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

MICROFILMED

MICROFILMED
below.

[illegible]

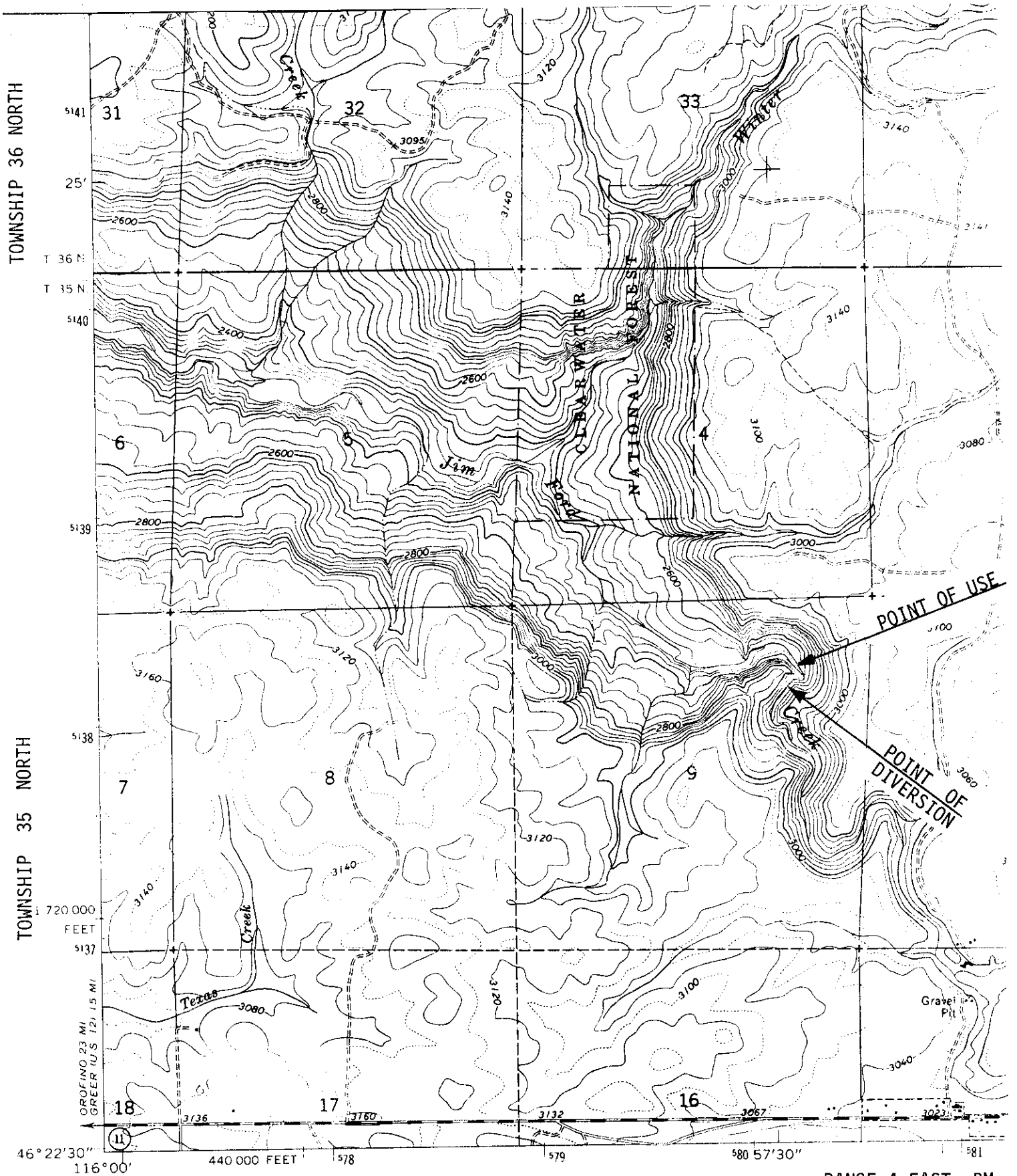
State of Idaho Department of Lands

State of Idaho Department of Lands

applicant to make this filing See attached letter and map dated 18 May 1983 addressed

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

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



Mapped, edited, and published by the Geological Survey
Control by USGS and USC&GS
Topography by photogrammetric methods from aerial
photographs taken 1963 Field checked 1966

RANGE 4 EAST, BM

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.

RH Tutty 6-29-83
(Applicant)

Roger H. Tutty, PE
Vice President, Idaho Hydro Inc
1239 Idaho Street
Lewiston, Idaho 8350
(208) 746-0938

MICROFILMED

Received by pa Date 6-30-83 Time 12:30

MICROFILMED

Preliminary check by BA Fee \$ 1225.00

Received by ZB Date 6-30-83 (28579)

Publication prepared by pa Date 7/6/83

Published in Cleanwater Tribune 4/3, 10, 17/86 OK

Publication dates 1/14-21/83

Publication approved pa Date 8/29/83

Protests filed by: none

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by [Signature]

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19 ____.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. Other:

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }
County of Clearwater } ss.

Nancy Noble

being first duly sworn, on oath, deposes and says:

That I am and at all times herein mentioned have been a citizen of the United States and of the State of Idaho, over 21 years of age, and that I am not a party to nor interested in the above entitled proceeding; that I am and at all times herein mentioned have been the Editor, Foreman, of THE CLEARWATER TRIBUNE: That said Clearwater Tribune is a newspaper of general circulation, printed and published weekly at Orofino, in the County of Clearwater and State of Idaho; that the Clearwater Tribune has been continuously and uninterruptedly published in Clearwater County, Idaho during the period of seventy-eight consecutive weeks prior to the first publication of attached copy of

Notice of Application for
Water Right

That said Application

of which the annexed is a full, true and correct printed copy, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for full period of two consecutive issues commencing on the 7th day of July, 1983, and ending on the 27th day of July, 1983.

Subscribed and sworn to before me this 25th day of July, 1983

Nancy Noble
NOTARY PUBLIC IN AND FOR THE STATE OF IDAHO
RESIDING AT OROFINO THEREIN

NOTICE OF APPLICATION FOR WATER RIGHT

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

83-7073
JOHNSON, CARROLL L.
RT. 3, OROFINO, ID 83544
Source: SPRING trib. to
SINKS

Date Filed: 06/28/1983
Diversion Pt: SESE SENW
Sec 20 T 37N R 02E
Use: IRRIGATION (0.20
CFS)

In: NESE NWSW Sec 20 T
37N R 02E FOR 80 ACRES

83-7074
JOHNSON, CARROLL L.
RT. 3, OROFINO, ID 83544
Source: GROUNDWATER

Date Filed: 06/28/1983
Diversion Pt: NWSW Sec 21
T 37N R 02E

Use: DOMESTIC (0.08 CFS)
In: NWSW Sec 21 T 36N R
02E

84-7164
THOMPSON, RICHARD A.
&/or NANCY J.
P.O. BOX 1061, OROFINO,
ID 83544

Source: GROUNDWATER
Date Filed: 06/24/1983
Diversion Pt: NESE Sec 28
T 37N R 02E

Use: DOMESTIC (0.02 CFS)
In: NESE Sec 28 T 37N R
02E

84-7165
THOMPSON, RICHARD A.
&/or NANCY J.
P.O. BOX 1061, OROFINO,
ID 83544

Source: SPRING trib. to
WHISKEY CREEK
Date Filed: 06/24/1983
Diversion Pt: NESE Sec 28
T 37N R 02E

Use: IRRIGATION (0.02
CFS)
In: NESE Sec 28 T 37N R
02E FOR 1 ACRES

84-7166
LOMBARD, LESTER L.
RT. 2 BOX 3F, WEIPPE, ID
83553

Source: GROUNDWATER
Date Filed: 06/24/1983
Diversion Pt: NESW Sec 17
T 35N R 04E

Use: DOMESTIC (0.0330
CFS)
In: NESW Sec 17 T 35N R
04E

84-7167
THURMAN, MARILYN
RT. 6 BOX 96, OROFINO,
ID 83544

Source: SPRINGS trib. to
LOWER FORDS CREEK
Date Filed: 05/26/1983
Diversion Pt: NWNW LOT
01 LOT 02 Sec 24 T 36N R 02E

Use: IRRIGATION (0.20
CFS); STOCKWATER (0.02
CFS); DOMESTIC (0.02 CFS)
In: NENW NWNW Sec 24 T
36N R 02E NENW LOT 01 LOT
02 Sec 24 T 36N R 02E FOR 40
ACRES

84-7169
JOHNSON, CARROLL L.
RT. 3, OROFINO, ID 83544
Source: SPRINGS trib. to
SINKS

Date Filed: 06/28/1983
Diversion Pt: SWSW Sec 21
T 37N R 02E

Use: STOCKWATER (0.10
CFS)
In: SWSW Sec 21 T 37N R
02E

84-7171
IDAHO HYDRO INC.
P.O. BOX 1940, OROFINO,
ID 83544

Source: JIM FORD CREEK
trib. to CLEARWATER RI-
VER

Date Filed: 06/30/1983
Diversion Pt: NENE Sec 09
T 35N R 04E

Use: POWER (100.00 CFS)
In: NENE Sec 09 T 35N R
04E

84-7172
HUETH, GORDON R. &/or
MARY ALICE

RT. 2, WEIPPE, ID 83553
Source: GROUNDWATER
Date Filed: 06/17/1983
Diversion Pt: NWSW Sec 15
T 35N R 04E

Use: COMMERCIAL (0.0178
CFS)
In: NWSW Sec 15 T 35N R
04E

The permit(s) will be sub-
ject to all prior water rights.
Protests must be filed with the
Director, Dept. of Water
Resources, 4055 Gov't. Way,
Coeur d'Alene, ID 83814 on or
before AUGUST 1, 1983.

KEN DUNN, Director
7-14,21c

RECEIVED

Dept. of Water Resources
Coeur d'Alene, Idaho

MICROFILMED

RECEIVED

OCT 02 1998

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Project No. 7986-019

-2-

Ford Hydro Limited Partnership)

Department of Water Resources
Project No. 7986-019

ORDER APPROVING AS-BUILT EXHIBIT F DRAWINGS

(Issued September 28, 1998)

On December 30, 1997, Ford Hydro Limited Partnership, licensee for the Ford Power Project, FERC No. 7986, filed as-built exhibit F drawings for approval. The drawings were filed in accordance with article 304 of the Order Amending License and Approving Revised Exhibits, 1/ issued on November 9, 1992. The project is located on the Jim Ford Creek, near Weippe, in Clearwater County, Idaho.

The as-built exhibit F drawings adequately show the modifications to the intake structure. The exhibit drawings conform to the Commission's rules and regulations and are approved by this order.

The Director orders:

(A) The following as-built exhibit F drawings are approved and made part of the license:

Exhibit	FERC No.	Title	Superseding
F-4	7986-10	Grit Chamber	7986-8
F-5	7986-11	Intake, Section A-A	7986-9
F-6	7986-12	Intake, Section B-B	7986-9
F-7	7986-13	Intake, Section C-C & Section D-D	7986-9

(B) The superseded drawings are eliminated from the license.

(C) Within 90 days of the date of issuance of this order, the licensee shall file three aperture card copies of the approved drawings. The drawings should be reproduced on silver or gelatin 35mm microfilm and mounted on type D (3 1/4" x 7 3/8") aperture cards.

Prior to microfilming, the FERC Drawing Number (i.e. 7986-10 through 7986-13) shall be shown in the margin below the title block of the approved drawing. After mounting, the FERC Drawing Number should be typed on the upper right corner of each aperture card. Additionally, the Project Number, FERC exhibit (i.e. F-4 through F-7), Drawing Title, and date of this order should be typed on the upper left corner of each aperture card. See Figure 1.

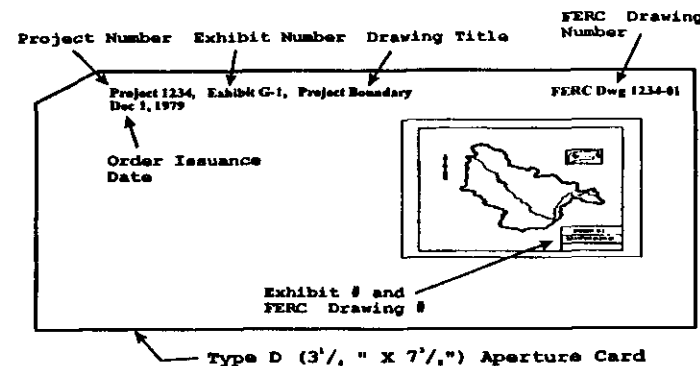


Figure 1. Sample Aperture Card Format

Two aperture card copies of the drawing should be filed with the Secretary of the Commission. The third aperture card copy of the drawing should be filed with the Commission's Portland Regional Office.

(D) The licensee shall notify the Commission of any future proposed changes in the project prior to implementing them.

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

Carol L. Sampson
Director
Office of Hydropower Licensing

7-24-77171
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

RECEIVED

OCT 03 1994

Department of Water Resources

Ford Hydro Limited Partnership

Project No. 7986-018
Idaho

ORDER GRANTING EXTENSION OF TIME

(Issued September 26, 1994)

The licensee has requested a 2-year extension of time to commence construction of the intake modifications to the Ford Hydro Project. The Commission authorized the modifications by Order Amending License and Approving Revised Exhibits, issued November 9, 1992 (61 FERC ¶ 62,116). The reasons advanced by the licensee in support of the requested extension of time are reasonable and justify the extension. The deadline for completion of the intake modifications will be similarly extended.

The Director orders

(A) The deadline for commencing construction of the intake modifications to the Ford Hydro Project is extended to November 8, 1996.

(B) The deadline for completing construction of the intake modifications to the Ford Hydro Project is extended to November 8, 1998.

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


J. Mark Robinson
Director, Division of Project
Compliance and Administration

May 6, 1992

ARCH R FORD
FORD HYDRO LIMITED PARTNERSHIP
C/O FOR HYDRO INC
1134 MARINE DR
ANACORTES WA 98221

Re: Permit No. 84-07171

Dear Permit Holders:

We acknowledge receipt of the correspondence of address change of address of the above referenced water right. We have modified our computer records to reflect this change of address.

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

Sincerely,

BRENDA L. MILLER
Technical Records Specialist

BLM:clh

MAY 22 1992

FORD HYDRO LIMITED PARTNERSHIP

C/O FORD HYDRO, INC.

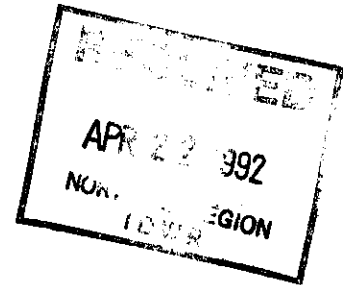
1134 Marine Drive

Anacortes, WA 98221

Telephone 206-293-3443 Fax 206-293-0539

April 20, 1992

Mr. Robert Haines
Idaho Dept. of Water Resources
1910 NW Boulevard, Suite 210
Coeur d'Alene, Idaho 83814



RE: Jim Ford Hydro Project 84-07171

Dear Bob:

On April 9th, 1992, Ford Hydro, Inc. (FHI) replaced OXESS as General Partner of the Ford Hydro Limited Partnership (FHLP). Henceforth, FHI will be responsible for operation, maintenance and administration of the facility and the FHLP partnership. OXESS ceased to be involved with FHLP as of that date.

Please consider this written notice of a change of address for FHLP, all future communications, (written and oral) to FHLP should be directed to the writer at the address and telephone number on this letterhead.

Sincerely,

Ford Hydro Limited Partnership

By: Ford Hydro, Inc.
The General Partner

Arch R. Ford
President

ARF:dmi

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street
Boise, Idaho 83706-2237

MICROFILMED
JUN 29 1990

FWD950 835442014 1589 05/29/90
FORWARDING TIME EXPIRED
FORD X WESTFORD R3RC
242 MIDDLEFIELD RD
SULLIVAN WA 98223-7722
RETURN TO SENDER

May 22, 1990

FORD HYDRO LTD. PARTNERSHIP
125 JOHNSON AVE.
P.O. BOX 1950
OROFINO, ID 835440000

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 84-07171

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

I note that the permit issued to you by the department requires the installation of a measuring device to allow the department to determine the rate of diversion. The proof which you submitted does not show that you have installed this equipment.

The installation of the measuring device must be complete by the time the department representative conducts the examination of your system unless the department has rescinded the requirement prior to the field examination. In some cases, the equipment requirement can be rescinded because the equipment cannot be physically installed, is not appropriate or can be accommodated with other measuring methods.

If you have questions concerning this matter, please feel free to contact the NORTHERN Regional Office in Coeur D' Alene at (208)765-4639.

Sincerely,

Rita Fleck
Secretary/Records Manager

c: IDWR - Region

MICROFILMED

JUN 29 1990

1/88

PROOF OF BENEFICIAL USE

ANALYSIS SHEET

Permit No. 84-7171

Date: 5-16-90

General Considerations:

y Name same as permit
y Signature the same as permit holder
y Address change _____ If yes, prepare a data entry
y Proof received timely _____
_____ Reinstated

Source of Water:

y Surface water
_____ Groundwater
_____ 1. well log in file
y 2. drilling permit
_____ A. amount of drilling fee paid for proposed uses

Extent of Use and Rate of Diversion:

y Rate of diversion appropriate for uses
y Is rate or volume and fee appropriate?
y Has permit holder indicated when water was first put to a beneficial use?

Measuring Device:

y Is a measuring device or access port required?
NO Has one been installed?
N/A Waiver or modification of measuring device requested

Remarks: - Needs a measuring device
- Proof acceptable

N/A Priority Calculation:
Date proof received _____

Date proof due _____

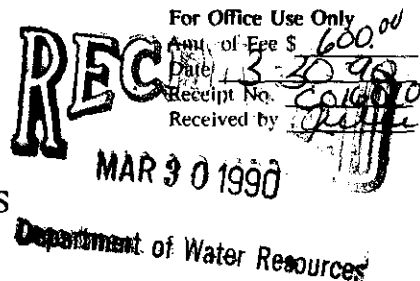
No. of days late _____

Priority date _____

NEW PRIORITY DATE _____

SEND FILES TO DATA ENTRY AND THEN TO MICROFILM

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

Permit No. 84-7171 Telephone No. (617) 367-0032

Name(s) of Permit Holder(s): Ford Hydro Limited Partnership

Post Office Address: c/o Essex Hydro Associates 114 State Street, 5th Fl. Boston, MA 02109

Source of Water: Jim Ford Creek

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

Extent of Use:
Domestic _____ (No. of households) Irrigation _____ (No. of acres)
Stockwater _____ (No. and type of stock) Other Hydroelectric Energy

Total rate and/or volume for which proof is submitted 60 cfs _____ acre/feet

Show date water was first diverted and beneficially used under this permit: April 15, 1988

One of the following may be a condition of approval of your permit: See Attached Certification Pursuant to Paragraph G of Permit

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

OR OR

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

Fee Enclosed: \$ 600.00 (See License Examination Fee Schedule)

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

Jerry Micka (208) 476-7070
Name Telephone No.

P.O. Box 1821, Orofino, ID 83544
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.

FORD HYDRO LIMITED PARTNERSHIP
by Oxess, general partner,
by Merrimack Valley Energy, Inc, a partner

Date _____ Signature (and title if on behalf of a company or organization) Controller

MICROFILMED
JUN 28 1990

RECEIVED
MAR 30 1990

Department of Water Resources

FORD HYDRO LIMITED PARTNERS
c/o Merrimack Valley Energy, Inc.
114 State Street, 5th Floor
Boston, MA 02109
(617) 367-0032

March 29, 1990

State Of Idaho
Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, ID 83720

Re: Permit No. 84-7171

Dear Sir or Madam:

Enclosed herewith are the following items submitted as proof of the extent of beneficial use pursuant to the above referenced permit:

- 1) Proof of Beneficial Use Form
- 2) Check in payment of the License Examination Fee in the amount of \$600.00
- 3) Certified computation of flow, based upon system design, prepared by a professional engineer.

Should you have any questions regarding the enclosed material please contact me at (617) 367-0032.

Sincerely,
Ford Hydro Limited Partners
by Oxess, its general partner
by Merrimack Valley Energy,
Inc., a partner

MICROFILMED

JUN 29 1990


Harry Wolf, Project Manager

-1-ford-04

ld



OTT ENGINEERING, INC.

1412 140th Place NE Bellevue, Washington 98007 206/747-1126

March 28, 1990

S1102-02/01

Mr. Harry Wolf
Ford Hydro Ltd. Partnership
Essex Hydro Association, Inc.
114 State Street
Boston, MA 02109

**Re: Jim Ford Creek Hydroelectric Project
Proof of Beneficial Use Flow Rate Computation**

As requested by you, the attached calculation has been prepared to determine the total flow rate which should be provided to the State of Idaho, Department of Water Resources on the Proof of Beneficial Use permit form. The results of our efforts conclude that 60 cfs is the maximum flow for which the project will have beneficial use. Please do not hesitate to call if you have questions.

Sincerely,

OTT ENGINEERING, INC.

Robert D. King, P.E.
Project Manager

RDK/cb

MICROFILMED

JUN 29 1990



OTT
WATER
ENGINEERS

Subject Max Theoretical Flow
JIN FORD CREEK PROJECT

By BK Date 3/27/90
Project No. S102-02
Page No. 1 of 1

REF

PURPOSE:

TO COMPUTE FLOW DIVERTED BY THE JIN FORD CREEK PROJECT FOR POWER GENERATION. FLOW DATA WILL BE USED IN A WATER RESOURCES USE PERMIT.

②
① JIN
FORD CR
REVIEW
REPORT
P. 8
HYDRAULIC
NOV 1987

DATA:

- ① THEORETICAL MAXIMUM FLOW FOR THE 48" ϕ CMP IS 59 CFS..
- ② RATED FLOW OF ALL THREE TURBINE UNITS IS 52.2 CFS.. (PER TELECON w/ NFB)

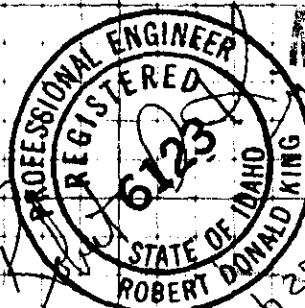
COMPUTE: MAXIMUM FLOW FOR STATION

IMPULSE TYPE TURBINES (PELTON WHEELS) CAN BE RUN UP TO APPROX. 115% OF RATED FLOW IF HYDRAULIC LIMITS ARE NOT REACHED AT LOWER FLOW RATES. THE 115% LIMIT IS APPLIED PRINCIPALLY FOR THE SAFE OPERATION OF THE GENERATOR (OVERHEATING).

$$115\% \text{ of rated flow} = 1.15 \times 52.2 = \underline{60 \text{ CFS}}$$

CONCLUSION:

BASED ON THE ABOVE DATA REGARDING FLOW, IT IS ANTICIPATED THAT THE MAXIMUM WATER WHICH CAN BE PASSED BY THE PROJECT = 60 CFS. THEREFORE, THE PROOF OF BENEFICIAL USE FOR A FLOW OF 60 CFS. SHOULD BE SUBMITTED BY THE OWNERS.



MICROFILMED

JUN 7 1990

March 28, 1990

138/57
January 31, 1990

FORD HYDRO LTD. PARTNERSHIP
125 JOHNSON AVE.
P.O. BOX 1950
OROFINO, ID 835440000

PROOF DUE NOTICE

RE: PERMIT NO. 84-07171

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 April 1, 1990. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

SINCERELY,

Rita Fleck
Secretary/Records Manager

Enclosures

MICROFILMED

JUN 29 1990



Nam y - (P) *Wayne*

State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 334-7900

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

May 25, 1988

Mr. Cecil Aldrich
State of Idaho
Department of Public Lands
Orofino, ID 83544

Dear Mr. Aldrich:

Following our field inspection of the Jim Ford Creek pipeline failure site, an analysis was made of the working pressure of the pipeline as well as the observations made at the site. I concur with previous reports made that the most probable cause of failure was the 24"-16 gauge CMP pipe riser fastened to the 48"-12 gauge CMP pipeline at the point of failure. The seam of the 24" riser pipe is split open. However, this failure could have begun where the metal is torn adjacent to the weld of the bracket holding the port access lid which is fastened to the 24"-16 gauge CMP pipe riser. The metal in this area was probably weakened from the weld. This tear extends into the pipe seam that has been forced open.

In Mr. Cuddy's letter to you, dated May 11, 1988, he proposes using a section of 48" steel pipe with a 0.25" wall thickness and a manhole constructed with 24" steel pipe with a 0.25" wall thickness and a 0.25" thick steel lid to repair the failed section. He also has transmitted to you a reclamation plan for the failure under a letter dated April 5, 1988.

It is recommended that this proposal for repair be approved only as a temporary repair for the remainder of this operating season. However, after the repairs are completed and prior to operation of the system, the pipeline should be filled with water and monitored for a 24 hour period to determine if leaks appear. If no leaks occur, the system should then be put into operation and a continuous 24 hour per day surveillance of the system made for the first 7 day period of operation. After this, if no problems occur, surveillance of the system should continue during the daylight hours for the remainder of this year's operating season and until all water from the pipeline has been discharged.

MICROFILMED

JUN 29 1990

It is also recommended that prior to the beginning of operations for another season, that a licensed engineering firm that has available expertise in structural design, hydraulics, soil mechanics, power design, and telemetering and control systems be engaged by the company to do the following engineering work:

1. Prepare complete as-built plans of the present system.
2. Make recommendations of work needed to upgrade the system so it can operate and function safely for the expected life period of the project.
3. Prepare plans and specifications of work needed to upgrade the system as recommended.
4. Oversee all field work.
5. Prepare and submit final as-built plans of the complete project after all recommended work is finished.

The set of plans now available are not complete and do not show changes that were made in the field.

Areas of concern are the possible need for cut-off walls and foundation drainage at intervals along the pipeline. Particularly in the reach from station 74+63, where a steeper grade begins to the penstock. The same reach should also be analyzed to determine if there is a need for thrust blocks at pipe bends. Mr. Cuddy indicates that 48" CMP pipe ends and 48" steel pipe with 0.25" wall thickness begins at about station 81+00. The pressure at this point is nearing 35 psi which is the maximum recommended working pressure for 48"-12 gauge CMP pipe. Due to other stresses resulting from field conditions, the 48" CMP pipe may need to be replaced with steel pipe with 0.25" wall thickness from the present 0.25" steel pipe to a point further up the system where safe operating pressures are assured.

It is also apparent that a more sensitive control system is needed to close down the system should failure occur in the future. This may require more valving in the pipeline and a more extensive telemetering system.

The penstock installation and powerhouse tie-in should be analyzed closely to assure it is structurally sound.

MICROFILMED

JUN 29 1990

Mr. Cecil Aldrich

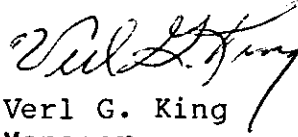
3

May 25, 1988

Available plans show there is to be 2.0 feet of cover over the pipeline. Since the pipeline is buried in a roadway to be used for future logging operations, is 2.0 feet of cover adequate to protect the pipe from damage from loaded logging trucks traveling along the roadway. A structural analysis of the system from top to bottom should be made, including pipe bedding and back fill material used, to assure the project is structurally sound.

These recommendations are made to assist you and the project owners in completing this project in such a manner that you can be reasonably assured of its safe operation. If I can be of further assistance, please let us know.

Sincerely,



Verl G. King
Manager
Project Studies Section

VGK:cjk

RECEIVED

MAY 26 1988



State of Idaho
DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 1301 North Orchard Street Boise, Idaho 83706-2237 • (208) 334-4440

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

February 18, 1988

RE: Permit No. 84-7171

Ford Hydro Ltd. Partnership
125 Johnson Ave.
Box 1950
Orofino, ID 83544

Dear Permit Holders:

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,

JIM JOHNSON
Water Rights Supervisor

JJ:sc
Enclosure

FILED

MAR 04 1988

Permit No. 84-7171

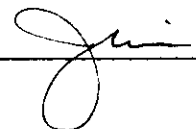
ASSIGNMENT REVIEW CHECK LIST

1. Signature of Permit Holder? Yes
2. Notary? Yes
3. a. Full Assignment? Yes
b. Partial Assignment?
4. "No assignment" condition on permit? NO
5. Commencement of Works received? NO
 - a. Commencement of works requested?
 - b. Show Cause Order drafted & sent?
 - c. Cancellation necessary?
6. Affidavit of residency required? Yes - requested 12/23/87
rec'd 01/13/88
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.

#1

Date 01-28-88

Employee 



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

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

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

December 23, 1987

RE: Permit No. 84-7171

Ford Hydro Limited Partnership
Attn: Charles D. Cuddy, Project Mgr.
Box 1940
Orofino, ID 83544

Dear Mr. Cuddy:

The Department is in receipt of an assignment of the above referenced permit changing ownership of the permit to Ford Hydro Limited Partnership.

Before we can formally change our records reflecting the ownership change we must be in receipt of an affidavit stating that the new owner is established to do business in Idaho in accordance with the provisions of Section 42-205, Idaho Code.

Please complete and return the enclosed affidavit.

If you have any questions, please let us know.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

RECEIVED

MAR 04 1988

Ford Hydro Limited Partnership

P.O. Box 1940

Orofino, Idaho 83544

DEC 10 1987
NOV 16 1987

October 26, 1987 Department of Water Resources

Mr. Robert Haynes
State of Idaho
Department of Water Resources
Suite # 9
4055 Government Way
Coeur D' Alene, Idaho 83814

RECEIVED
NOV 9 1987
Department of Water Resources
Northern District Office

Dear Mr. Haynes:

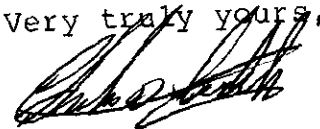
Re: Permit # 84-7171
Idaho Hydro, Inc. - Permit Holder

Enclosed please find a completed assignment of permit form. Idaho Hydro, Inc., is the holder of the above mentioned permit. Mr. Archie R. Ford, president of Idaho Hydro would like to assign all the right, title and interest of this permit to Ford Hydro Limited Partnership, of which Mr. Archie R. Ford is a General Partner.

This assignment is necessary for financial purposes.

We would sincerely appreciate your consideration and approval of the above mentioned assignment.

Very truly yours,



Charles D. Cuddy
Project Manager

CLB/cb

enc.

cc: Mr. Archie R. Ford

RECEIVED

MAR 04 1988



United States Department of the Interior

FISH AND WILDLIFE SERVICE

BOISE FIELD OFFICE
4696 Overland Road, Room 576
Boise, Idaho 83705

RECEIVED

SEP 28 1987

Department of Water Resources

RECEIVED

SEP 28 1987

Department of Water Resources
Northern District Office

Re: FERC 7986, Jim Ford Creek
Hydro Project, Penstock Route

Mr. Charles D. Cuddy
Project Manager
Oxford Energy Company
P.O. Box 1950
Orofino, Idaho 83544

Dear Mr. Cuddy:

Thank you for your letter of September 9, 1987 sent for the purpose of adding clarity to your previous letter of August 13. The Fish and Wildlife Service (Service) provided its comments of September 2 based on your previous letter. We have reviewed your most recent letter and have the following comments.

In our previous letter we expressed concern about a possible violation of Section 404 of the Clean Water Act. Your photographs clearly show that the area in which blasting would occur is sufficiently removed from Jim Ford Creek to indicate that an accidental fill is unlikely.

Concerning penstock routing and placement, the Service will defer to the engineering expertise of the Federal Energy Regulatory Commission.

Sincerely yours,

John P. Wolflin
Field Supervisor

cc: IDFG, Hdqtrs., Boise
IDFG, Region 2, Lewiston
NMFS, Portland
FERC, Portland
Nez Perce Tribe, Lapwai
IDWR, Coeur d'Alene
CE, Walla Walla

MICROFILMED

OCT 13 1987



United States Department of the Interior

FISH AND WILDLIFE SERVICE
BOISE FIELD OFFICE
4696 Overland Road, Room 576
Boise, Idaho 83705

84-7171

September 2, 1987

SEP 23 1987

Department of Water Resources

RECEIVED
SEP 17 1987

Department of Water Resources
Northern District Office

Mr. Charles D. Cuddy
Project Manager
Oxford Energy Company
125 Johnson Avenue/P.O. Box 1950
Orofino, Idaho 83544

Re: FERC 7986, Jim Ford Creek Hydro
Penstock Route

Dear Mr. Cuddy:

Thank you for your letter of August 13. We have reviewed Mr. John Crawford's engineering review that was enclosed with your letter. Mr Crawford refers to his investigation as preliminary and states the following in relation to the penstock location:

- 1) It is thought to be a fault zone;
- 2) Talus depth is unknown;
- 3) There is a need for load tests on numerous of the rock bolts that would be used in a grid to help anchor the penstock to the talus slope; and
- 4) There is a need for possible scaling or blasting to obtain adequate rock stability.

The lack of engineering expertise on staff precludes our responding to the adequacy of this location or to the means proposed to fasten the penstock to the talus slope. We suggest you contact the Regional Office of the Federal Energy Regulatory Commission in this regard.

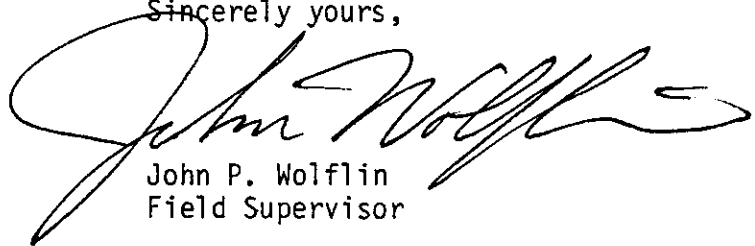
We are concerned about the possibility of penstock rupture due to poor placement or insecure tie down. We are also concerned about the possibility that blasting could result in a blockage of Jim Ford Creek. The latter would constitute a violation under Section 404 of the Clean Water Act.

MICROFILMED

OCT 15 1987

More investigations of the site and coordination with the Corps of Engineers in relation to Clean Water Act requirements may be needed.

Sincerely yours,

A handwritten signature in black ink, appearing to read "John P. Wolflin". The signature is fluid and cursive, with a large initial "J" and a long, sweeping underline.

John P. Wolflin
Field Supervisor

cc: IDFG, Hdqtrs., Boise
IDFG, Region 2, Lewiston
NMFS, Portland
FERC, Portland
Nez Perce Tribe, Lapwai
IDWR, Coeur d'Alene
CE, Walla Walla

ENCLOSURE

OCT 13 1987

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

- - - - -

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440
MAY 06, 1986

IDAHO HYDRO INC.
P.O. BOX 1940
GRADING, ID 83544

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 84-7171

DEAR PERMIT HOLDER:

ENCLOSED IS A COPY OF YOUR APPROVED APPLICATION FOR PERMIT. WE DIRECT YOUR ATTENTION TO THE CONDITIONS OF APPROVAL ON THE FOURTH PAGE.

BE SURE TO NOTE THE SPECIAL CONDITION REQUIRING YOU TO INSTALL A MEASURING DEVICE, OR A FLOW MEASUREMENT PORT, OR TO PROVIDE A CERTIFIED MEASUREMENT OR COMPUTATION OF FLOW BASED UPON THE DESIGN OF THE SYSTEM TO BE PREPARED BY A PROFESSIONAL ENGINEER.

SINCERELY,

DAVID R. TUTHILL, JR., P.E.
SUPERVISOR, WATER ALLOCATION SECTION

DRT: SC
ENCLOSURES

MICROFILMED

POWER CALCULATIONS FOR APPLICATION NO. 84-7171

P = 2072 ✓ Kilowatts .74 X 2800hp ✓

Q = cfs 100.0 ✓

H = feet 364 ✓

e = efficiency

proposed

- ☒ 1.) Affidavit of Residency
→ ☒ 2.) Ownership of Facilities
☒ 3.) ~~Financial Ability~~
☒ 4.) Feasibility of Project
→ ☒ a. Plans, drawings NONE
→ ☒ b. Economic analysis
→ ☒ 5.) *Compliance w/FERC
*only for projects of more than 25 cfs
or more than 500 horsepower.

$$e = \frac{P(11.8)}{QH} = \frac{2072(11.8)}{100 \times 364} = \frac{24449.6}{36400} = 0.67 \text{ } \checkmark$$

Based on the above calculations the proposed project must have an 67 % efficiency.

OVERLAP REVIEW see VAX 4/29/86:

P/D none

P/U none

BYPASSED AREA no other power rights on this
 Creek

kw
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State of Idaho
Department of Water Resources
Amended
APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY: JK

APPLICATION NUMBER: 84-7171

CHECK:

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

Field check by: _____

Date: _____

Comments: _____

- ☒ Fee.
☐ Yes ☒ No Field check required.
☐ Yes ☒ No Critical groundwater area.
☐ Yes ☒ No Request dam safety information. Sent by: _____ Date: _____
☒ Yes ☐ No* In form to receipt.

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

Financial statement requested- 10-14-83

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 _____

Copies sent by: _____ Date: _____

PROCESSING:

- ☐ Yes ☐ No Platted by: _____ Map No. _____
☐ Yes ☐ No Other rights on same place of use. _____
☒ Yes ☐ No* In form for advertising.
Final date for protests: _____
☐ Yes ☐ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- Statewide* ☒ Affidavit of publication received. Date: 12/13/83
☒ 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.
OK ☐ Yes ☒ No Measuring device required.
☐ Yes ☐ No Access port required.
☐ Yes ☒ No Will water be delivered by watermaster? If yes, what district? _____
☒ 6/30/83 Date of priority recommended.
Special conditions of approval or cover letter. _____

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JUN 20 1984

APR 20 1984

Department of Water Resources Department of Water Resources
Department of Water Resources

By: RUA

Date: 3/27/84

STATE OFFICE REVIEW:

419

30 04 176

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- ☐ See attached sheet for more information.

By: KW

Date: 4/29/86

sent "FRC" letter

Department of Water Resources

Department of Water Resources

POINT OF DIVERSION AND STREAM INDEX INFORMATION

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
IDAHO STREAM CODE INDEX						

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
IDAHO STREAM CODE INDEX						

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
IDAHO STREAM CODE INDEX						

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
IDAHO STREAM CODE INDEX						

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
IDAHO STREAM CODE INDEX						

84-7171

IDAHO HYDRO INC.

P.O. BOX 1940, OROFINO, ID 83544

Source: JIM FORD CREEK trib. to CLEARWATER RIVER

Diversion Pt: SWSW Sec 10 T 35N R04E

Use: POWER (100.0 CFS)

Date Filed: 06/30/1983

In: NENE Sec 9 T 35N R04E

Adv. in the Idaho Statesman
Times News
Post Register
Lewiston Tribune

4/3, 10 & 11/86

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JAN 27 1986

-2-

Department of Water Resources

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Ford Hydro Limited Partnership

Project No. 7986-000

ORDER ISSUING LICENSE (MINOR)

(Issued January 17, 1986)

On January 18, 1984, Ford Hydro Limited Partnership (Applicant) filed an application for a license to construct, operate, and maintain the proposed Ford Power Project No. 7986. The project would be located on the Jim Ford Creek, near Weipoe, in Clearwater County, Idaho and would affect the interests of interstate commerce.

Public notice of the application has been given and comments have been received from interested Federal, state and local agencies. On August 7, 1984, the Idaho Department of Fish and Game filed a motion to intervene. No protest to issuance of the license has been filed. The significant concerns raised in the various letters of comment and by the Intervenor are discussed below.

PROJECT DESCRIPTION AND OPERATION

The proposed project would consist of a 5-foot-high diversion dam, a 6,900-foot-long conduit, a 1,140-foot-long penstock, a powerhouse containing four generating units with a total installed capacity of 1,499 kW, and a 1-mile-long transmission line. The project would be operated run-of-river. A **3-cfs minimum flow** and an annual flushing flow will be provided from the diversion dam. Ordering Paragraph B contains a more detailed description of the proposed project.

ENVIRONMENTAL CONSIDERATIONS

Cumulative Environmental Impact Analysis

The Applicant has consulted extensively with the interested Federal and state resource agencies, and with the Nez Perce Tribe in defining and addressing all significant environmental issues associated with development of the proposed project and defined and proposed appropriate measures to offset the potential adverse impact of erosion and stream sedimentation upon aquatic resources. No comments, including the Idaho Department of Fish and Game, have alleged there would be a cumulative impacts problem associated with the development of this project.

Project operation will not directly affect anadromous fish because the 65-foot-high falls, adjacent to the powerhouse site, block fish passage. 1/ Project operation will indirectly improve downstream fish habitat by removing sediment, and subsequently enhancing water quality. Short-term erosion and sedimentation downstream will be minimized by the Applicant's compliance with Article 19, as discussed below.

Other potential cumulative environmental impact issues in the Clearwater River Basin include the disruption of wildlife movement, primarily deer and elk, and loss of riparian vegetation. Operation of the project will have no adverse effect on deer or elk movement or feeding habits because the pipeline will be buried. The right-of-way clearing will result in a minor benefit by increasing forage production. The estimated 1 acre of riparian vegetation that will be removed during construction will be replaced to comply with Article 20. The release of a 1-cubic-foot-per-second (cfs) minimum flow to comply with Article 21 will protect riparian vegetation in the bypassed reach during project operation.

Staff concludes that the project will not contribute to cumulative adverse impacts to target resources in the Clearwater River Basin because of the long-term positive benefits to downstream water quality and fishery resources, and the negligible effects to other environmental resources. 2/

Erosion, Slope Stability, and Sedimentation

Construction of project features will cause erosion, sedimentation, possible landslip or mass movement of unconsolidated material, and produce spoil material. Operation of the project will cause

- 1/ The Department of the Interior requested the license be conditioned on the inclusion of fish passages but the existence of the falls precludes the need for this condition.
- 2/ The issuance of this license is consistent with the Commission's policy established in the Order Issuing License (Major) for the Weeks Falls Project No. 7563-000, issued April 25, 1985, which states that the Commission should proceed with license approval on a case-by-case basis rather than waiting for the results of a Cluster Impact Assessment Procedure when the record evidence indicates that there would be no adverse cumulative environmental impact from the project.

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sediment accumulation behind the diversion dam and in the bypass reach. Sediment deposition behind the diversion dam will have a positive effect by reducing turbidity levels in downstream areas if the sediment is sand and silt. In order for continued deposition to occur, the sand and silt should be removed periodically and disposed of away from the project site. If the sediment is gravel or larger size material, its deposition will have an adverse effect by reducing gravel recruitment needed to maintain spawning in downstream areas. The movement of gravel or larger size material should be allowed to continue past the diversion dam to maintain existing levels of gravel recruitment downstream. Any rupture of the pipeline would cause erosion and possible mass movement. Article 19 requires the Licensee, after consultation with appropriate agencies, to prepare a plan to control erosion, sedimentation, and slope stability, and to properly dispose of spoil materials and sediment that accumulate behind the diversion dam.

Wildlife Mitigation

The Idaho Department of Fish and Game (IDFG), in its petition to intervene, recommends that vegetation removed during construction should be replaced with suitable plantings, and that no riparian vegetation should be removed except where needed to construct the penstock intake and the powerhouse. The Applicant states that no additional riparian vegetation will be destroyed other than that required for the intake and powerhouse and that removed riparian vegetation would be replaced on a 1-to-1 ratio.

The project has the potential to adversely affect wildlife resources. Article 20 requires the Licensee to revegetate disturbed areas with plant species beneficial to wildlife, and to adequately replace riparian vegetation that will be removed as a result of project construction.

The IDFG also recommends that the penstock be designed so as not to interfere with wildlife movement and that the transmission line be designed to prevent raptor electrocutions.

The penstock will be buried and will not affect wildlife movement. Transmission lines of 115 kilovolts do not pose electrocution hazards to raptors because of the wide spacing of conductors.

Instream Flow

The IDFG states that an instantaneous minimum flow of 3 cfs should be maintained in the bypass reach and that a flushing flow of 200 percent of the mean annual flow should be released each year for 2 weeks during the normal high flow period for the protection of aquatic and riparian habitat. The Applicant agrees to maintain the minimum flow recommended by IDFG, and to release the flushing flow each year for 2 weeks during the normal high flow period.

Release of a minimum flow and a periodic flushing flow are needed to maintain and protect aquatic habitat and riparian vegetation in the 6,200-foot-long reach of Jim Ford Creek between the diversion dam and the project tailrace. Article 21 requires the Licensee to release a continuous minimum instream flow of 3 cfs from the diversion dam, and to release annually 200 percent of the mean annual flow for 2 weeks during the normal high flow period.

Water Quality

The IDFG identifies measures that should be implemented to prevent air entrainment, dissipate the velocity of the discharge from the powerhouse, control flow in the case of penstock rupture or unexpected turbine shutdown, and monitor flows in the bypass reach. The IDFG also states that all devices and measures used should be approved by the IDFG.

The Applicant responds that the inlet structure is presently designed to prevent air entrainment and that energy dissipating structures in the tailrace should not be needed because the velocity of water exiting the powerhouse at full capacity would be less than the present water velocity of the stream. The Applicant states that sensors located in the intake structure would provide for automatic shutoff of water diversion at the intake in the case of conduit or penstock rupture. The Applicant also states that because there are no bypass valves in the powerhouse, no energy dissipation structures are needed in the powerhouse. Flows not required for operation of any of the four turbines will be spilled from the diversion dam.

The Applicant proposes to install a stream gage recorder at the project site to monitor releases from the diversion dam. Article 22 requires the Licensee to install a stream gage recorder just downstream of the proposed diversion dam to monitor flows in Jim Ford Creek, and to make the records available to IDFG each year.

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Cultural Resources

No known archeological or historic sites will be affected by the project. Article 23 requires the protection of archeological or historic sites in the event that such sites are discovered during construction, and in the event of any future construction at the project.

Other Environmental Concerns

Water quality certification, as required by Section 401 of the Clean Water Act, was waived for the proposed project by the State of Idaho, Department of Health and Welfare, on April 10, 1984.

No Federally listed threatened or endangered aquatic or terrestrial species or critical habitat will be affected by the project.

The U.S. Department of the Interior recommends that the project should be consistent with Section 1204(a) and (b) of the Northwest Power Planning Council's Columbia River Basin Fish and Wildlife Program (Program) and Appendix E of the Northwest Conservation and Electric Power Plan (Plan).

Pursuant to Section 4(h) of the Pacific Northwest Electric Power Planning and Conservation Act of 1980 (Pacific Act) ^{3/} the Northwest Power Planning Council (NPPC) developed the Program to protect, mitigate and enhance fish and wildlife resources affected by the development and operation of hydroelectric projects on the Columbia River and its tributaries. Section 4 (h) states that responsible Federal agencies should exercise their responsibilities to provide equitable treatment for fish and wildlife resources along with the other purposes for which hydropower is developed and that these agencies shall take into account to the fullest extent practicable the Program adopted thereunder. Agencies are directed to consult with the Federal and state fish and wildlife agencies, appropriate Indian Tribes, and affected project operators in carrying out the provisions of this paragraph.

The Commission's regulations require applicants to initiate profiling consultation with these entities and provide post-filing opportunities to review and comment on the application. The Applicant has complied with these regulations.

3/ Public Law No. 96-501.

Section 1200 of the Program and Appendix E of the Plan provide framework for assessing and mitigating the impacts of a new hydroelectric development on fish and wildlife resources and lists a number of mitigative measures that should be implemented. There are no naturally occurring fish in the project area. Federal and state agencies requested 3 cubic feet per second minimum flow, sand and silt removal, and gravel or larger sized material sluicing. Transmission lines have already been constructed to prevent raptor mortality and there is no new construction proposed. Therefore, the license is consistent with Section 1200 and Exhibit E.

Article 30 of the license authorizes the Commission to order future alterations in project structures and operation in order to comply with the NPPC's Program and Plan. Therefore, issuance of this license is consistent with the Pacific Act, the Program, and the Plan developed thereunder.

FINDING OF NO SIGNIFICANT IMPACT

The project construction will result in temporary short-term increases in turbidity and sedimentation levels in Jim Ford Creek, and minor, short-term impacts to the fishery, vegetation, and wildlife resources. Project operation will reduce flows in the project reach of Jim Ford Creek between the proposed diversion dam and the powerhouse tailrace. Operation will also result in a long-term beneficial impact to the water quality and steelhead habitat downstream of the project because the diversion structure will trap sediment. The Applicant's proposed mitigative measures and the provisions of the license articles included herein will ensure that environmental impacts resulting from project construction and operation are minor and will not contribute to cumulative adverse impacts to target resources of the Clearwater River Basin.

In accordance with the National Environmental Policy Act of 1969, an Environmental Assessment was prepared for the Ford Power Hydroelectric Project (FERC No. 7986). On the basis of the record and Staff's independent environmental analysis ^{4/} issuance of a license for the project, as conditioned herein, will not constitute

4/ Environmental Assessment, Ford Power Hydroelectric Project, FERC Project No. 7986-000-Idaho, Division of Environmental Analysis, Office of Hydropower Licensing, Federal Energy Regulatory Commission, November 12, 1985. This document is available in the Division of Public Information and in the Commission's public file associated with the proceeding.

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a major Federal action significantly affecting the quality of the human environment.

ENGINEERING CONSIDERATIONS

Safety and Adequacy

The proposed project structures impound an insignificant amount of water and their failure would not affect downstream life or property. The project structures would be safe if constructed in accordance with the plans and specifications using sound construction techniques and the requirements of this license.

Economic Feasibility

The proposed project is economically feasible based on the sale of power in accordance with the terms of the contract with Washington Water Power dated June 17, 1985.

OTHER ASPECTS OF COMPREHENSIVE DEVELOPMENT

The project would make good use of the flow and fall of Jim Ford Creek. It is not in conflict with any plans for development of the river basin and will be best adapted to the comprehensive development of the Clearwater River Basin for beneficial public uses upon compliance with the terms and conditions of the license.

The Director Orders:

(A) This license is issued to Ford Hydro Limited Partnership (Licensee) under Part I of the Federal Power Act (Act) for a period of 50 years, effective the first day of the month in which this order is issued, for the construction, operation, and maintenance of the Ford Power Project No. 7986 located on the Jim Ford Creek, in Clearwater County, Idaho.

(B) The Ford Power Project No. 7986 consists of: (1) All lands, to the extent of the Licensee's interests in those lands, constituting the project area. The project area and boundary are shown and described by a certain exhibit that forms part of the application for license and that is designated and described as:

Exhibit	FERC Drawing No.	Showing
G-1	7986-3	Location

(2) Project works consisting of: (1) a 5-foot-high, 52-foot-long concrete diversion structure at elevation 2,958 feet; (2) a 6,900-foot-long, 54-inch-diameter low pressure conduit; (3) a surge-tank; (4) a 1,140-foot-long, 36-inch-diameter steel penstock; (5) a powerhouse containing four generating units with a total installed capacity of 1,499 kW; (6) a switchyard; (7) a 1-mile-long, 110-kV transmission line connecting to an existing transmission line; and (8) appurtenant facilities.

The location, nature, and character of these project works are generally shown and described by the exhibit cited above and more specifically shown and described by the following exhibits that also form a part of the application for license and that are designated and described as:

Exhibit A - Pages 5 and 6 of the license application filed January 18, 1984.

Exhibit	FERC Drawing No.	Showing
F-1	7986-1	Diversion and Intake Plan and Sections
F-2	7986-2	Powerhouse Plan and Sections

(3) All of the structures, fixtures, equipment, or facilities used or useful in the operation or maintenance of the project and located within the project boundary, all portable property that may be employed in connection with the project, located within or outside the project boundary, as approved by the Commission, and all riparian or other rights that are necessary or appropriate in the operation or maintenance of the project.

(C) Exhibits A, F, and G, as designated in ordering paragraph B above, are approved and made a part of the license only to the extent that they show the general location and nature of the project and except as modified by the license articles below.

(D) Pursuant to Section 10(i) of the Act, it is in the public interest to waive the following Sections of Part I of the Act, and they are excluded from the license:

Section 4(b), except the second sentence; 4(e), insofar as it relates to approval of plans by the Chief of Engineers and the Secretary of the Army; 6, insofar as it relates to public notice and to the acceptance and expression in the license of terms and conditions of the

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Act that are waived here; 10(c), insofar as it relates to depreciation reserves; 10(d); 10(f); 14, except insofar as the power of condemnation is reserved; 15; 16; 19; 20; and 22.

(E) The License for the Ford Power Hydroelectric Project is issued subject to terms and conditions set forth in FERC Form L-15 (October 1975) entitled, "Terms and Conditions of License for Unconstructed Minor Project affecting the Interests of Interstate or Foreign Commerce designated as Articles 1 through 18, except for the first sentence of Article 15, attached to and made a part of this license. This license is also subject to the following additional Articles:

Article 19. Licensee shall, after consultation with the U.S. Fish and Wildlife Service and the Idaho Department of Fish and Game, prepare and file with the Commission, within 1 year from the date of issuance of this license, a plan to control erosion, dust, and slope stability, and to minimize the quantity of sediment or other potential water pollutants resulting from construction and operation of the project. The plan shall also include: provisions for identifying and mapping any erosive soils and potentially unstable slopes; an implementation schedule; monitoring and maintenance programs for project construction and operation; periodic removal of sediment that accumulates behind the diversion dam in a manner consistent with maintenance of downstream fish habitat; and provisions for periodic review of the plan and for making any necessary revisions to the plan. In the event that recommendations set forth by any consulted agencies are not contained in the plan, the Licensee shall provide a discussion of the reasons for not concurring based on actual site geological, soil, and groundwater conditions. The Commission reserves the right to require changes to the plan. Unless the Director, Office of Hydropower Licensing directs otherwise, the Licensee may commence ground disturbing or spoil activities at the project 90 days after filing the above plan.

Article 20. Licensee shall, after consultation with the U.S. Fish and Wildlife Service and the Idaho Department of Fish and Game, within 1 year from the date of issuance of this license, file a wildlife mitigative plan that includes specific proposals to: (1) revegetate disturbed areas, with plant species beneficial to wildlife, as soon as practicable after construction; and (2) replace lost riparian vegetation with an equivalent acreage of similar vegetation. Agency comments on the adequacy of the plan and an implementation schedule shall be included in the filing. The Director, Office of Hydropower Licensing, reserves the authority to require changes to the plan.

Article 21. Licensee shall maintain, in the Jim Ford Creek, a continuous minimum flow of 3 cubic feet per second, as measured immediately downstream from the Ford Diversion Dam, or inflow to the reservoir, whichever is less, for the protection of fish and wildlife resources in the Jim Ford Creek. This flow may be temporarily modified if required by operating emergencies beyond control of the Licensee, and for short periods upon mutual agreement between Licensee and the Idaho Department of Fish and Game. Further, each year the Licensee shall release from the Ford Diversion Dam, for a period of at least 2 weeks, flows equal to at least 200 percent of the mean annual flow of Jim Ford Creek.

Article 22. Licensee shall construct and operate streamflow gages as required by standard license Article 6 in the Jim Ford Creek just downstream of the diversion dam, in a manner to allow continuous monitoring of the Ford Power Hydroelectric Project's minimum flows. Licensee shall annually make the record of minimum flows obtained from these gages available to the Idaho Department of Fish and Game, and the Portland Regional Office, Regional Director.

Article 23. Licensee shall, prior to any construction at the project, consult with the Idaho State Historic Preservation Officer (SHPO) about the need for cultural resource survey and salvage work. Documentation of the nature and extent of consultation, including a cultural resources management plan and a schedule to conduct any necessary investigation prior to such construction, and a copy of a letter from the SHPO accepting the plan, shall be filed with the Commission within 6 months of any construction activity in the location of such investigations. Licensee shall make available funds in a reasonable amount for any such work as required. If any previously unrecorded archeological or historic sites are discovered during the course of construction or development of any project works or other facilities at the project, construction activity in the vicinity shall be halted, a qualified archeologist shall be consulted to determine the significance of the sites, and the Licensee shall consult with the SHPO to develop a mitigative plan for the protection of significant archeological or historical resources. If the Licensee and the SHPO cannot agree on the amount of money to be expended on archeological or historical work related to the project, the Commission reserves the right to require the Licensee to conduct, at its own expense, any such work found necessary.

Article 24. The Licensee shall commence construction

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of project works within two years from the issuance date of the license and shall complete construction of the project within four years from the issuance date of the license.

Article 25. The Licensee shall submit one copy to the Commission's Regional Director and two copies to the Director, Division of Inspections, of the final contract drawings and specifications for pertinent features of the project, such as water retention structures, powerhouse, and water conveyance structures, at least 60 days prior to start of construction. The Director, Division of Inspections, may require changes in the plans and specifications to assure a safe and adequate project.

Article 26. The Licensee shall review and approve the design of contractor-designed cofferdams and deep excavations prior to the start of construction and shall ensure that construction of cofferdams and deep excavations is consistent with the approved design. At least 30 days prior to start of construction of the cofferdam, the Licensee shall submit to the Commission's Regional Director and to the Director, Division of Inspections, one copy of the approved cofferdam construction drawings and specifications and a copy of the letter(s) of approval.

Article 27. The Licensee shall within 90 days of completion of construction file with the Commission for approval by the Director, Division of Project Management, revised Exhibits A, F, and G to describe and show the project as-built.

Article 28. The Licensee shall pay the United States a reasonable annual charge, effective as of the first day of the month in which the license is issued, for the purpose of reimbursing the United States for the cost of administration of Part I of the Act, as determined by the Commission in accordance with the provisions of its regulation in effect from time to time. The authorized installed capacity for such purpose is 2,000 horsepower.

Article 29. (a) In accordance with the provisions of this article, the Licensee shall have the authority to grant permission for certain types of use and occupancy of project lands and waters and to convey certain interests in project lands and waters for certain other types of use and occupancy, without prior Commission approval. The Licensee may exercise the authority only if the proposed use and occupancy is consistent with the purposes of protecting and enhancing the scenic, recreational, and other environ-

mental values of the project. For those purposes, the Licensee shall also have continuing responsibility to supervise and control the uses and occupancies for which it grants permission, and to monitor the use of, and ensure compliance with the covenants of the instrument of conveyance for, any interests that it has conveyed, under this article. If a permitted use and occupancy violates any condition of this article or any other condition imposed by the Licensee for protection and enhancement of the project's scenic, recreational, or other environmental values, or if a covenant of a conveyance made under the authority of this article is violated, the Licensee shall take any lawful action necessary to correct the violation. For a permitted use or occupancy, that action includes, if necessary, cancelling the permission to use and occupy the project lands and waters and requiring the removal of any non-complying structures and facilities.

(b) The types of use and occupancy of project lands and waters for which the Licensee may grant permission without prior Commission approval are: (1) landscape plantings; (2) non-commercial piers, landings, boat docks, or similar structures and facilities that can accommodate no more than 10 water craft at a time and where said facility is intended to serve singlefamily type dwellings; and (3) embankments, bulkheads, retaining walls, or similar structures for erosion control to protect the existing shoreline. To the extent feasible and desirable to protect and enhance the project's scenic, recreational, and other environmental values, the Licensee shall require multiple use and occupancy of facilities for access to project lands or waters. The Licensee shall also ensure, to the satisfaction of the Commission's authorized representative, that the uses and occupancies for which it grants permission are maintained in good repair and comply with applicable State and local health and safety requirements. Before granting permission for construction of bulkheads or retaining walls, the Licensee shall: (1) inspect the site of the proposed construction, (2) consider whether the planting of vegetation or the use of riprap would be adequate to control erosion at the site, and (3) determine that the proposed construction is needed and would not change the basic contour of the reservoir shoreline. To implement this paragraph (b), the Licensee may, among other things, establish a program for issuing permits for the specified types of use and occupancy of project lands and waters, which may be subject to the payment of a reasonable fee to cover the Licensee's costs of administering the permit program. The Commission reserves the right to require the Licensee to file a description of its standards, guidelines, and procedures for implementing this paragraph (b) and to require modification of those standards, guidelines, or procedures.

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

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

briefly describing the type of interest and location of the lands to be conveyed (a marked Exhibit G or K map may be used), the nature of the proposed use, the identity of any Federal or State agency official consulted, and any Federal or State approvals required for the proposed use. Unless the Director, within 45 days from the filing date, requires the Licensee to file an application for prior approval, the Licensee may convey the intended interest at the end of that period.

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

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

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

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

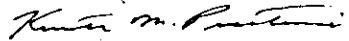
(4) The Commission reserves the right to require the Licensee to take reasonable remedial action to correct any violation of the terms and conditions of this article, for the protection and enhancement of the project's scenic, recreational, and other environmental values.

(f) The conveyance of an interest in project lands under this article does not in itself change the project boundaries. The project boundaries may be changed to exclude land conveyed under this article only upon approval of revised Exhibit G or K drawings (project boundary maps) reflecting exclusion of that land. Lands conveyed under this article will be excluded from the project only upon a determination that the lands are not

necessary for project purposes, such as operation and maintenance, flowage, recreation, public access, protection of environmental resources, and shoreline control, including shoreline aesthetic values. Absent extraordinary circumstances, proposals to exclude lands conveyed under this article from the project shall be consolidated for consideration when revised Exhibit G or K drawings would be filed for approval for other purposes.

Article 30. The Commission reserves the authority to order, upon its own motion or upon the recommendation of Federal or state fish and wildlife agencies or affected Indian Tribes, alterations in project structures and operations to take into account to the fullest extent practicable at each stage of the decisionmaking process the regional fish and wildlife program developed and amended pursuant to the Pacific Northwest Electric Power Planning and Conservation Act.

(F) This order is issued under authority delegated to the Director and is final unless appealed to the Commission under Rule 1902 within 30 days from the date of this order. Failure to file a petition appealing this order to the Commission shall constitute acceptance of this order. In acknowledgment of acceptance of this license and its terms and conditions, it shall be signed, by the Licensee and returned to the Commission within 60 days from the date the order is issued.


Kenneth M. Pusateri
Acting Director, Office of
Hydropower Licensing

Project No. 7986-000

IN TESTIMONY of its acknowledgment of acceptance of all of the terms and conditions of this order, _____

this ____ day of _____, 19____, has caused its corporate name to be signed hereto by _____,

its _____ President, and its corporate seal

to be affixed hereto and attested by _____

its _____ Secretary, pursuant to a resolu

of its Board of Directors duly adopted on the ____ day of

_____, 19____, a certified copy of the record

of which is attached hereto.

By _____
President

Attest:

Secretary

(Executed in quadruplicate)

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FEDERAL ENERGY REGULATORY COMMISSION

TERMS AND CONDITIONS OF LICENSE FOR UNCONSTRUCTED
MINOR PROJECT AFFECTING THE INTERESTS OF
INTERSTATE OR FOREIGN COMMERCE

Article 1. The entire project, as described in this order of the Commission, shall be subject to all of the provisions, terms, and conditions of the license.

Article 2. No substantial change shall be made in the maps, plans, specifications, and statements described and designated as exhibits and approved by the Commission in its order as a part of the license until such change shall have been approved by the Commission: Provided, however, That if the Licensee or the Commission deems it necessary or desirable that said approved exhibits, or any of them, be changed, there shall be submitted to the Commission for approval a revised, or additional exhibit or exhibits covering the proposed changes which, upon approval by the Commission, shall become a part of the license and shall supersede, in whole or in part, such exhibit or exhibits theretofore made a part of the license as may be specified by the Commission.

Article 3. The project works shall be constructed in substantial conformity with the approved exhibits referred to in Article 2 herein or as changed in accordance with the provisions of said article. Except when emergency shall require for the protection of navigation, life, health, or property, there shall not be made without prior approval of the Commission any substantial alteration or addition not in conformity with the approved plans to any dam or other project works under the license or any substantial use of project lands and waters not authorized herein; and any emergency alteration, addition, or use so made shall thereafter be subject to such modification and change as the Commission may direct. Minor changes in project works, or in uses of project lands and waters, or divergence from such approved exhibits may be made if such changes will not result in a decrease in efficiency, in a material increase in cost, in an adverse environmental impact, or in impairment of the general scheme of development; but any of such minor changes

made without the prior approval of the Commission, which in its judgment have produced or will produce any of such results, shall be subject to such alteration as the Commission may direct.

Upon the completion of the project, or at such other time as the Commission may direct, the Licensee shall submit to the Commission for approval revised exhibits insofar as necessary to show any divergence from or variations in the project area and project boundary as finally located or in the project works as actually constructed when compared with the area and boundary shown and the works described in the license or in the exhibits approved by the Commission, together with a statement in writing setting forth the reasons which in the opinion of the Licensee necessitated or justified variation in or divergence from the approved exhibits. Such revised exhibits shall, if and when approved by the Commission, be made a part of the license under the provisions of Article 2 hereof.

Article 4. The construction, operation, and maintenance of the project and any work incidental to additions or alterations shall be subject to the inspection and supervision of the Regional Engineer, Federal Power Commission, in the region wherein the project is located, or of such other officer or agent as the Commission may designate, who shall be the authorized representative of the Commission for such purposes. The Licensee shall cooperate fully with said representative and shall furnish him a detailed program of inspection by the Licensee that will provide for an adequate and qualified inspection force for construction of the project and for any subsequent alterations to the project. Construction of the project works or any feature or alteration thereof shall not be initiated until the program of inspection for the project works or any such feature thereof has been approved by said representative. The Licensee shall also furnish to said representative such further information as he may require concerning the construction, operation, and maintenance of the project, and of any alteration thereof, and shall notify him of the date upon which work will begin, as far in advance thereof as said representative may reasonably specify, and shall notify him promptly in writing of any suspension of work for a period of more than one week, and of its resumption and completion. The Licensee shall allow said representative and other

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officers or employees of the United States, showing proper credentials, free and unrestricted access to, through, and across the project lands and project works in the performance of their official duties. The licensee shall comply with such rules and regulations of general or special applicability as the Commission may prescribe from time to time for the protection of life, health, or property.

Article 5. The Licensee, within five years from the date of issuance of the license, shall acquire title in fee or the right to use in perpetuity all lands, other than lands of the United States, necessary or appropriate for the construction, maintenance, and operation of the project. The Licensee or its successors and assigns shall, during the period of the license, retain the possession of all project property covered by the license as issued or as later amended, including the project area, the project works, and all franchises, easements, water rights, and rights of occupancy and use; and none of such properties shall be voluntarily sold, leased, transferred, abandoned, or otherwise disposed of without the prior written approval of the Commission, except that the Licensee may lease or otherwise dispose of interests in project lands or property without specific written approval of the Commission pursuant to the then current regulations of the Commission. The provisions of this article are not intended to prevent the abandonment or the retirement from service of structures, equipment, or other project works in connection with replacements thereof when they become obsolete, inadequate, or inefficient for further service due to wear and tear; and mortgage or trust deeds or judicial sales made thereunder, or tax sales, shall not be deemed voluntary transfers within the meaning of this article.

Article 6. The Licensee shall install and thereafter maintain gages and stream-gaging stations for the purpose of determining the stage and flow of the stream or streams on which the project is located, the amount of water held in and withdrawn from storage, and the effective head on the turbines; shall provide for the required reading of such gages and for the adequate rating of such stations; and shall install and maintain standard meters adequate for the determination of the amount of electric energy generated by the project works. The number, character, and location of gages, meters, or other measuring devices, and the method of operation thereof, shall at all times be satisfactory to the Commission or its authorized representative.

The Commission reserves the right, after notice and opportunity for hearing, to require such alterations in the number, character, and location of gages, meters, or other measuring devices, and the method of operation thereof, as are necessary to secure adequate determinations. The installation of gages, the rating of said stream or streams, and the determination of the flow thereof, shall be under the supervision of, or in cooperation with, the District Engineer of the United States Geological Survey having charge of stream-gaging operations in the region of the project, and the Licensee shall advance to the United States Geological Survey the amount of funds estimated to be necessary for such supervision, or cooperation for such periods as may be mutually agreed upon. The Licensee shall keep accurate and sufficient records of the foregoing determinations to the satisfaction of the Commission, and shall make return of such records annually at such time and in such form as the Commission may prescribe.

Article 7. The Licensee shall, after notice and opportunity for hearing, install additional capacity or make other changes in the project as directed by the Commission, to the extent that it is economically sound and in the public interest to do so.

Article 8. The Licensee shall, after notice and opportunity for hearing, coordinate the operation of the project, electrically and hydraulically, with such other projects or power systems and in such manner as the Commission may direct in the interest of power and other beneficial public uses of water resources, and on such conditions concerning the equitable sharing of benefits by the Licensee as the Commission may order.

Article 9. The operations of the Licensee, so far as they affect the use, storage and discharge from storage of waters affected by the license, shall at all times be controlled by such reasonable rules and regulations as the Commission may prescribe for the protection of life, health, and property, and in the interest of the fullest practicable conservation and utilization of such waters for power purposes and for other beneficial public uses, including recreational purposes, and the Licensee shall release water from the project reservoir at such rate in cubic feet per second, or such volume in acre-feet per specified period of time, as the Commission may prescribe for the purposes hereinbefore mentioned.

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Article 10. On the application of any person, association, corporation, Federal agency, State or municipality, the Licensee shall permit such reasonable use of its reservoir or other project properties, including works, lands and water rights, or parts thereof, as may be ordered by the Commission, after notice and opportunity for hearing, in the interests of comprehensive development of the waterway or waterways involved and the conservation and utilization of the water resources of the region for water supply or for the purposes of steam-electric, irrigation, industrial, municipal or similar uses. The Licensee shall receive reasonable compensation for use of its reservoir or other project properties or parts thereof for such purposes, to include at least full reimbursement for any damages or expenses which the joint use causes the Licensee to incur. Any such compensation shall be fixed by the Commission either by approval of an agreement between the Licensee and the party or parties benefiting or after notice and opportunity for hearing. Applications shall contain information in sufficient detail to afford a full understanding of the proposed use, including satisfactory evidence that the applicant possesses necessary water rights pursuant to applicable State law, or a showing of cause why such evidence cannot concurrently be submitted, and a statement as to the relationship of the proposed use to any State or municipal plans or orders which may have been adopted with respect to the use of such waters.

Article 11. The Licensee shall, for the conservation and development of fish and wildlife resources, construct, maintain and operate project structures and operation, and comply with such reasonable modifications of the project structures and operation, as may be ordered by the Commission upon its own motion or upon the recommendation of the Secretary of the Interior or the fish and wildlife agency or agencies of any State in which the project or a part thereof is located, after notice and opportunity for hearing.

Article 12. Whenever the United States shall desire, in connection with the project, to construct fish and wildlife facilities or to improve the existing fish and wildlife facilities at its own expense, the Licensee shall

permit the United States or its designated agency to use, free of cost, such of the Licensee's lands and interests in lands, reservoirs, waterways and project works as may be reasonably required to complete such facilities or such improvements thereof. In addition, after notice and opportunity for hearing, the Licensee shall modify the project operation as may be reasonably prescribed by the Commission in order to permit the maintenance and operation of the fish and wildlife facilities constructed or improved by the United States under the provisions of this article. This article shall not be interpreted to place any obligation on the United States to construct or improve fish and wildlife facilities or to relieve the Licensee of any obligation under this license.

Article 13. So far as is consistent with proper operation of the project, the Licensee shall allow the public free access, to a reasonable extent, to project waters and adjacent project lands owned by the Licensee for the purpose of full public utilization of such lands and waters for navigation and for outdoor recreational purposes, including fishing and hunting: Provided, That the Licensee may reserve from public access such portions of the project waters, adjacent lands, and project facilities as may be necessary for the protection of life, health, and property.

Article 14. In the construction, maintenance, or operation of the project, the Licensee shall be responsible for, and shall take reasonable measures to prevent, soil erosion on lands adjacent to streams or other waters, stream sedimentation, and any form of water or air pollution. The Commission, upon request or upon its own motion, may order the Licensee to take such measures as the Commission finds to be necessary for these purposes, after notice and opportunity for hearing.

Article 15. The Licensee shall consult with the appropriate State and Federal agencies and, within one year of the date of issuance of this license, shall submit for Commission approval a plan for clearing the reservoir area. Further, the Licensee shall clear and keep clear to an adequate width lands along open conduits and shall dispose of all temporary structures, unused timber, brush, logs, or other material unnecessary for the purposes of the project which results from the clearing of lands or from the maintenance or alteration of the project works. In addition,

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all trees along the periphery of project reservoirs which may die during operations of the project shall be removed. Upon approval of the clearing plan all clearing of the lands and disposal of the unnecessary material shall be done with due diligence and to the satisfaction of the authorized representative of the Commission and in accordance with appropriate Federal, State, and local statutes and regulations.

Article 16. If the Licensee shall cause or suffer essential project property to be removed or destroyed or to become unfit for use, without adequate replacement, or shall abandon or discontinue good faith operation of the project or refuse or neglect to comply with the terms of the license and the lawful orders of the Commission mailed to the record address of the Licensee or its agent, the Commission will deem it to be the intent of the Licensee to surrender the license. The Commission, after notice and opportunity for hearing, may require the Licensee to remove any or all structures, equipment and power lines within the project boundary and to take any such other action necessary to restore the project waters, lands, and facilities remaining within the project boundary to a condition satisfactory to the United States agency having jurisdiction over its lands or the Commission's authorized representative, as appropriate, or to provide for the continued operation and maintenance of nonpower facilities and fulfill such other obligations under the license as the Commission may prescribe. In addition, the Commission in its discretion, after notice and opportunity for hearing, may also agree to the surrender of the license when the Commission, for the reasons recited herein, deems it to be the intent of the Licensee to surrender the license.

Article 17. The right of the Licensee and of its successors and assigns to use or occupy waters over which the United States has jurisdiction, or lands of the United States under the license, for the purpose of maintaining the project works or otherwise, shall absolutely cease at the end of the license period, unless the Licensee has obtained a new license pursuant to the then existing laws and regulations, or an annual license under the terms and conditions of this license.

Article 18. The terms and conditions expressly set forth in the license shall not be construed as impairing any terms and conditions of the Federal Power Act which are not expressly set forth herein.

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Oxford Energy, Inc.

150 East 52nd Street • New York, N.Y. 10022 • (212) 752-8484

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January 21, 1986

Department of Water Resources

Mr. L. Glen Saxton
State of Idaho
Department of Water Resources
State Office
450 W. State Street
Boise, Idaho 83720

Re: Jim Ford Creek Application for Permit No. 84-7171

Dear Mr. Saxton:

Enclosed please find a copy of the Federal Energy Regulatory Commission's Order Issuing License for Ford Hydro Limited Partnership -- Project NO. 7986-000.

Very truly yours,

Archie R. Ford

Archie R. Ford
Vice-President
Western Operations

by
CB

cb

enc.

cc: Mr. Robert Haines

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1-17 PM
RD

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Ford Hydro Limited Partnership)

Project No. 7986-000

ORDER ISSUING LICENSE (MINOR)

(Issued January 17, 1986)

On January 18, 1984, Ford Hydro Limited Partnership (Applicant) filed an application for a license to construct, operate, and maintain the proposed Ford Power Project No. 7986. The project would be located on the Jim Ford Creek, near Weippe, in Clearwater County, Idaho and would affect the interests of interstate commerce.

Public notice of the application has been given and comments have been received from interested Federal, state and local agencies. On August 7, 1984, the Idaho Department of Fish and Game filed a motion to intervene. No protest to issuance of the license has been filed. The significant concerns raised in the various letters of comment and by the Intervenor are discussed below.

PROJECT DESCRIPTION AND OPERATION

The proposed project would consist of a 5-foot-high diversion dam, a 6,900-foot-long conduit, a 1,140-foot-long penstock, a powerhouse containing four generating units with a total installed capacity of 1,499 kW, and a 1-mile-long transmission line. The project would be operated run-of-river. A 3-cfs minimum flow and an annual flushing flow will be provided from the diversion dam. Ordering Paragraph B contains a more detailed description of the proposed project.

ENVIRONMENTAL CONSIDERATIONS

Cumulative Environmental Impact Analysis

The Applicant has consulted extensively with the interested Federal and state resource agencies, and with the Nez Perce Tribe in defining and addressing all significant environmental issues associated with development of the proposed project and defined and proposed appropriate measures to offset the potential adverse impact of erosion and stream sedimentation upon aquatic resources. No commenters, including the Idaho Department of Fish and Game, have alleged there would be a cumulative impacts problem associated with the development of this project.

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Project operation will not directly affect anadromous fish because the 65-foot-high falls, adjacent to the powerhouse site, block fish passage. ^{1/} Project operation will indirectly improve downstream fish habitat by removing sediment, and subsequently enhancing water quality. Short-term erosion and sedimentation downstream will be minimized by the Applicant's compliance with Article 19, as discussed below.

Other potential cumulative environmental impact issues in the Clearwater River Basin include the disruption of wildlife movement, primarily deer and elk, and loss of riparian vegetation. Operation of the project will have no adverse effect on deer or elk movement or feeding habits because the pipeline will be buried. The right-of-way clearing will result in a minor benefit by increasing forage production. The estimated 1 acre of riparian vegetation that will be removed during construction will be replaced to comply with Article 20. The release of a 3-cubic-feet-per-second (cfs) minimum flow to comply with Article 21 will protect riparian vegetation in the bypassed reach during project operation.

Staff concludes that the project will not contribute to cumulative adverse impacts to target resources in the Clearwater River Basin because of the long-term positive benefits to downstream water quality and fishery resources, and the negligible effects to other environmental resources. ^{2/}

Erosion, Slope Stability, and Sedimentation

Construction of project features will cause erosion, sedimentation, possible landslip or mass movement of unconsolidated material, and produce spoil material. Operation of the project will cause

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- ^{1/} The Department of the Interior requested the license be conditioned on the inclusion of fish passages but the existence of the falls precludes the need for this condition.
 - ^{2/} The issuance of this license is consistent with the Commission's policy established in the Order Issuing License (Major) for the Weeks Falls Project No. 7563-000, issued April 25, 1985, which states that the Commission should proceed with license approval on a case-by-case basis rather than waiting for the results of a Cluster Impact Assessment Procedure when the record evidence indicates that there would be no adverse cumulative environmental impact from the project.

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sediment accumulation behind the diversion dam and in the bypass reach. Sediment deposition behind the diversion dam will have a positive effect by reducing turbidity levels in downstream areas if the sediment is sand and silt. In order for continued deposition to occur, the sand and silt should be removed periodically and disposed of away from the project site. If the sediment is gravel or larger size material, its deposition will have an adverse effect by reducing gravel recruitment needed to maintain spawning in downstream areas. The movement of gravel or larger size material should be allowed to continue past the diversion dam to maintain existing levels of gravel recruitment downstream. Any rupture of the pipeline would cause erosion and possible mass movement. Article 19 requires the Licensee, after consultation with appropriate agencies, to prepare a plan to control erosion, sedimentation, and slope stability, and to properly dispose of spoil materials and sediment that accumulate behind the diversion dam.

Wildlife Mitigation

The Idaho Department of Fish and Game (IDFG), in its petition to intervene, recommends that vegetation removed during construction should be replaced with suitable plantings, and that no riparian vegetation should be removed except where needed to construct the penstock intake and the powerhouse. The Applicant states that no additional riparian vegetation will be destroyed other than that required for the intake and powerhouse and that removed riparian vegetation would be replaced on a 1-to-1 ratio.

The project has the potential to adversely affect wildlife resources. Article 20 requires the Licensee to revegetate disturbed areas with plant species beneficial to wildlife, and to adequately replace riparian vegetation that will be removed as a result of project construction.

The IDFG also recommends that the penstock be designed so as not to interfere with wildlife movement and that the transmission line be designed to prevent raptor electrocutions.

The penstock will be buried and will not affect wildlife movement. Transmission lines of 115 kilovolts do not pose electrocution hazards to raptors because of the wide spacing of conductors.

Instream Flow

The IDFG states that an instantaneous minimum flow of 3 cfs should be maintained in the bypass reach and that a flushing flow of 200 percent of the mean annual flow should be released each year for 2 weeks during the normal high flow period for the protection of aquatic and riparian habitat. The Applicant agrees to maintain the minimum flow recommended by IDFG, and to release the flushing flow each year for 2 weeks during the normal high flow period.

Release of a minimum flow and a periodic flushing flow are needed to maintain and protect aquatic habitat and riparian vegetation in the 6,200-foot-long reach of Jim Ford Creek between the diversion dam and the project tailrace. Article 21 requires the Licensee to release a continuous minimum instream flow of 3 cfs from the diversion dam, and to release annually 200 percent of the mean annual flow for 2 weeks during the normal high flow period.

Water Quality

The IDFG identifies measures that should be implemented to prevent air entrainment, dissipate the velocity of the discharge from the powerhouse, control flow in the case of penstock rupture or unexpected turbine shutdown, and monitor flows in the bypass reach. The IDFG also states that all devices and measures used should be approved by the IDFG.

The Applicant responds that the inlet structure is presently designed to prevent air entrainment and that energy dissipating structures in the tailrace should not be needed because the velocity of water exiting the powerhouse at full capacity would be less than the present water velocity of the stream. The Applicant states that sensors located in the intake structure would provide for automatic shutoff of water diversion at the intake in the case of conduit or penstock rupture. The Applicant also states that because there are no bypass valves in the powerhouse, no energy dissipation structures are needed in the powerhouse. Flows not required for operation of any of the four turbines will be spilled from the diversion dam.

The Applicant proposes to install a stream gage recorder at the project site to monitor releases from the diversion dam. Article 22 requires the Licensee to install a stream gage recorder just downstream of the proposed diversion dam to monitor flows in Jim Ford Creek, and to make the records available to IDFG each year.

Cultural Resources

No known archeological or historic sites will be affected by the project. Article 23 requires the protection of archeological or historic sites in the event that such sites are discovered during construction, and in the event of any future construction at the project.

Other Environmental Concerns

Water quality certification, as required by Section 401 of the Clean Water Act, was waived for the proposed project by the State of Idaho, Department of Health and Welfare, on April 10, 1984.

No Federally listed threatened or endangered aquatic or terrestrial species or critical habitat will be affected by the project.

The U.S. Department of the Interior recommends that the project should be consistent with Section 1204(a) and (b) of the Northwest Power Planning Council's Columbia River Basin Fish and Wildlife Program (Program) and Appendix E of the Northwest Conservation and Electric Power Plan (Plan).

Pursuant to Section 4(h) of the Pacific Northwest Electric Power Planning and Conservation Act of 1980 (Pacific Act) ^{3/} the Northwest Power Planning Council (NPPC) developed the Program to protect, mitigate and enhance fish and wildlife resources affected by the development and operation of hydroelectric projects on the Columbia River and its tributaries. Section 4 (h) states that responsible Federal agencies should exercise their responsibilities to provide equitable treatment for fish and wildlife resources along with the other purposes for which hydropower is developed and that these agencies shall take into account to the fullest extent practicable the Program adopted thereunder. Agencies are directed to consult with the Federal and state fish and wildlife agencies, appropriate Indian Tribes, and affected project operators in carrying out the provisions of this paragraph.

The Commission's regulations require applicants to initiate pre-filing consultation with these entities and provide post-filing opportunities to review and comment on the application. The Applicant has complied with these regulations.

^{3/} Public Law No. 96-501.

Section 1200 of the Program and Appendix E of the Plan provide framework for assessing and mitigating the impacts of a new hydroelectric development on fish and wildlife resources and lists a number of mitigative measures that should be implemented. There are no naturally occurring fish in the project area. Federal and state agencies requested 3 cubic feet per second minimum flow, sand and silt removal, and gravel or larger sized material sluicing. Transmission lines have already been constructed to prevent raptor mortality and there is no new construction proposed. Therefore, the license is consistent with Section 1200 and Exhibit E.

Article 30 of the license authorizes the Commission to order future alterations in project structures and operation in order to comply with the NPPC's Program and Plan. Therefore, issuance of this license is consistent with the Pacific Act, the Program, and the Plan developed thereunder.

FINDING OF NO SIGNIFICANT IMPACT

The project construction will result in temporary short-term increases in turbidity and sedimentation levels in Jim Ford Creek, and minor, short-term impacts to the fishery, vegetation, and wildlife resources. Project operation will reduce flows in the project reach of Jim Ford Creek between the proposed diversion dam and the powerhouse tailrace. Operation will also result in a long-term beneficial impact to the water quality and steelhead habitat downstream of the project because the diversion structure will trap sediment. The Applicant's proposed mitigative measures and the provisions of the license articles included herein will ensure that environmental impacts resulting from project construction and operation are minor and will not contribute to cumulative adverse impacts to target resources of the Clearwater River Basin.

In accordance with the National Environmental Policy Act of 1969, an Environmental Assessment was prepared for the Ford Power Hydroelectric Project (FERC No. 7986). On the basis of the record and Staff's independent environmental analysis ⁴/ issuance of a license for the project, as conditioned herein, will not constitute

⁴/ Environmental Assessment, Ford Power Hydroelectric Project, FERC Project No. 7986-000-Idaho, Division of Environmental Analysis, Office of Hydropower Licensing, Federal Energy Regulatory Commission, November 12, 1985. This document is available in the Division of Public Information and in the Commission's public file associated with the proceeding.

a major Federal action significantly affecting the quality of the human environment.

ENGINEERING CONSIDERATIONS

Safety and Adequacy

The proposed project structures impound an insignificant amount of water and their failure would not affect downstream life or property. The project structures would be safe if constructed in accordance with the plans and specifications using sound construction techniques and the requirements of this license.

Economic Feasibility

The proposed project is economically feasible based on the sale of power in accordance with the terms of the contract with Washington Water Power dated June 17, 1985.

OTHER ASPECTS OF COMPREHENSIVE DEVELOPMENT

The project would make good use of the flow and fall of Jim Ford Creek. It is not in conflict with any plans for development of the river basin and will be best adapted to the comprehensive development of the Clearwater River Basin for beneficial public uses upon compliance with the terms and conditions of the license.

The Director Orders:

(A) This license is issued to Ford Hydro Limited Partnership (Licensee) under Part I of the Federal Power Act (Act) for a period of 50 years, effective the first day of the month in which this order is issued, for the construction, operation, and maintenance of the Ford Power Project No. 7986 located on the Jim Ford Creek, in Clearwater County, Idaho.

(B) The Ford Power Project No. 7986 consists of: (1) All lands, to the extent of the Licensee's interests in those lands, constituting the project area. The project area and boundary are shown and described by a certain exhibit that forms part of the application for license and that is designated and described as:

<u>Exhibit</u>	<u>FERC Drawing No.</u>	<u>Showing</u>
G-1	7986-3	Location

(2) Project works consisting of: (1) a 5-foot-high, 52-foot-long concrete diversion structure at elevation 2,958 feet; (2) a 6,900-foot-long, 54-inch-diameter low pressure conduit; (3) a surge-tank; (4) a 1,140-foot-long, 36-inch-diameter steel penstock; (5) a powerhouse containing four generating units with a total installed capacity of 1,499 kW; (6) a switchyard; (7) a 1-mile-long, 110-kV transmission line connecting to an existing transmission line; and (8) appurtenant facilities.

The location, nature, and character of these project works are generally shown and described by the exhibit cited above and more specifically shown and described by the following exhibits that also form a part of the application for license and that are designated and described as:

Exhibit A - Pages 5 and 6 of the license application filed January 18, 1984.

<u>Exhibit</u>	<u>FERC Drawing No.</u>	<u>Showing</u>
F-1	7986-1	Diversion and Intake Plan and Sections
F-2	7986-2	Powerhouse Plan and Sections

(3) All of the structures, fixtures, equipment, or facilities used or useful in the operation or maintenance of the project and located within the project boundary, all portable property that may be employed in connection with the project, located within or outside the project boundary, as approved by the Commission, and all riparian or other rights that are necessary or appropriate in the operation or maintenance of the project.

(C) Exhibits A, F, and G, as designated in ordering paragraph B above, are approved and made a part of the license only to the extent that they show the general location and nature of the project and except as modified by the license articles below.

(D) Pursuant to Section 10(i) of the Act, it is in the public interest to waive the following Sections of Part I of the Act, and they are excluded from the license:

Section 4(b), except the second sentence; 4(e), insofar as it relates to approval of plans by the Chief of Engineers and the Secretary of the Army; 6, insofar as it relates to public notice and to the acceptance and expression in the license of terms and conditions of the

Act that are waived here; 10(c), insofar as it relates to depreciation reserves; 10(d); 10(f); 14, except insofar as the power of condemnation is reserved; 15; 16; 19; 20; and 22.

(E) The License for the Ford Power Hydroelectric Project is issued subject to terms and conditions set forth in FERC Form L-15 (October 1975) entitled, "Terms and Conditions of License for Unconstructed Minor Project affecting the Interests of Interstate or Foreign Commerce designated as Articles 1 through 18, except for the first sentence of Article 15, attached to and made a part of this license. This license is also subject to the following additional Articles:

Article 19. Licensee shall, after consultation with the U.S. Fish and Wildlife Service and the Idaho Department of Fish and Game, prepare and file with the Commission, within 1 year from the date of issuance of this license, a plan to control erosion, dust, and slope stability, and to minimize the quantity of sediment or other potential water pollutants resulting from construction and operation of the project. The plan shall also include: provisions for identifying and mapping any erosive soils and potentially unstable slopes; an implementation schedule; monitoring and maintenance programs for project construction and operation; periodic removal of sediment that accumulates behind the diversion dam in a manner consistent with maintenance of downstream fish habitat; and provisions for periodic review of the plan and for making any necessary revisions to the plan. In the event that recommendations set forth by any consulted agencies are not contained in the plan, the Licensee shall provide a discussion of the reasons for not concurring based on actual site geological, soil, and groundwater conditions. The Commission reserves the right to require changes to the plan. Unless the Director, Office of Hydropower Licensing directs otherwise, the Licensee may commence ground disturbing or spoil activities at the project 90 days after filing the above plan.

Article 20. Licensee shall, after consultation with the U.S. Fish and Wildlife Service and the Idaho Department of Fish and Game, within 1 year from the date of issuance of this license, file a wildlife mitigative plan that includes specific proposals to: (1) revegetate disturbed areas, with plant species beneficial to wildlife, as soon as practicable after construction; and (2) replace lost riparian vegetation with an equivalent acreage of similar vegetation. Agency comments on the adequacy of the plan and an implementation schedule shall be included in the filing. The Director, Office of Hydropower Licensing, reserves the authority to require changes to the plan.

Article 21. Licensee shall maintain, in the Jim Ford Creek, a continuous minimum flow of 3 cubic feet per second, as measured immediately downstream from the Ford Diversion Dam, or inflow to the reservoir, whichever is less, for the protection of fish and wildlife resources in the Jim Ford Creek. This flow may be temporarily modified if required by operating emergencies beyond control of the Licensee, and for short periods upon mutual agreement between Licensee and the Idaho Department of Fish and game. Further, each year the Licensee shall release from the Ford Diversion Dam, for a period of at least 2 weeks, flows equal to at least 200 percent of the mean annual flow of Jim Ford Creek.

Article 22. Licensee shall construct and operate streamflow gages as required by standard license Article 6 in the Jim Ford Creek just downstream of the diversion dam, in a manner to allow continuous monitoring of the Ford Power Hydroelectric Project's minimum flows. Licensee shall annually make the record of minimum flows obtained from these gages available to the Idaho Department of Fish and Game, and the Portland Regional Office, Regional Director.

Article 23. Licensee shall, prior to any construction at the project, consult with the Idaho State Historic Preservation Officer (SHPO) about the need for cultural resource survey and salvage work. Documentation of the nature and extent of consultation, including a cultural resources management plan and a schedule to conduct any necessary investigation prior to such construction, and a copy of a letter from the SHPO accepting the plan, shall be filed with the Commission within 6 months of any construction activity in the location of such investigations. Licensee shall make available funds in a reasonable amount for any such work as required. If any previously unrecorded archeological or historic sites are discovered during the course of construction or development of any project works or other facilities at the project, construction activity in the vicinity shall be halted, a qualified archeologist shall be consulted to determine the significance of the sites, and the Licensee shall consult with the SHPO to develop a mitigative plan for the protection of significant archeological or historical resources. If the Licensee and the SHPO cannot agree on the amount of money to be expended on archeological or historical work related to the project, the Commission reserves the right to require the Licensee to conduct, at its own expense, any such work found necessary.

Article 24. The Licensee shall commence construction

of project works within two years from the issuance date of the license and shall complete construction of the project within four years from the issuance date of the license.

Article 25. The Licensee shall submit one copy to the Commission's Regional Director and two copies to the Director, Division of Inspections, of the final contract drawings and specifications for pertinent features of the project, such as water retention structures, powerhouse, and water conveyance structures, at least 60 days prior to start of construction. The Director, Division of Inspections, may require changes in the plans and specifications to assure a safe and adequate project.

Article 26. The Licensee shall review and approve the design of contractor-designed cofferdams and deep excavations prior to the start of construction and shall ensure that construction of cofferdams and deep excavations is consistent with the approved design. At least 30 days prior to start of construction of the cofferdam, the Licensee shall submit to the Commission's Regional Director and to the Director, Division of Inspections, one copy of the approved cofferdam construction drawings and specifications and a copy of the letter(s) of approval.

Article 27. The Licensee shall within 90 days of completion of construction file with the Commission for approval by the Director, Division of Project Management, revised Exhibits A, F, and G to describe and show the project as-built.

Article 28. The Licensee shall pay the United States a reasonable annual charge, effective as of the first day of the month in which the license is issued, for the purpose of reimbursing the United States for the cost of administration of Part I of the Act, as determined by the Commission in accordance with the provisions of its regulation in effect from time to time. The authorized installed capacity for such purpose is 2,000 horsepower.

Article 29. (a) In accordance with the provisions of this article, the Licensee shall have the authority to grant permission for certain types of use and occupancy of project lands and waters and to convey certain interests in project lands and waters for certain other types of use and occupancy, without prior Commission approval. The Licensee may exercise the authority only if the proposed use and occupancy is consistent with the purposes of protecting and enhancing the scenic, recreational, and other environ-

mental values of the project. For those purposes, the Licensee shall also have continuing responsibility to supervise and control the uses and occupancies for which it grants permission, and to monitor the use of, and ensure compliance with the covenants of the instrument of conveyance for, any interests that it has conveyed, under this article. If a permitted use and occupancy violates any condition of this article or any other condition imposed by the Licensee for protection and enhancement of the project's scenic, recreational, or other environmental values, or if a covenant of a conveyance made under the authority of this article is violated, the Licensee shall take any lawful action necessary to correct the violation. For a permitted use or occupancy, that action includes, if necessary, cancelling the permission to use and occupy the project lands and waters and requiring the removal of any non-complying structures and facilities.

(b) The types of use and occupancy of project lands and waters for which the Licensee may grant permission without prior Commission approval are: (1) landscape plantings; (2) non-commercial piers, landings, boat docks, or similar structures and facilities that can accommodate no more than 10 water craft at a time and where said facility is intended to serve singlefamily type dwellings; and (3) embankments, bulkheads, retaining walls, or similar structures for erosion control to protect the existing shoreline. To the extent feasible and desirable to protect and enhance the project's scenic, recreational, and other environmental values, the Licensee shall require multiple use and occupancy of facilities for access to project lands or waters. The Licensee shall also ensure, to the satisfaction of the Commission's authorized representative, that the uses and occupancies for which it grants permission are maintained in good repair and comply with applicable State and local health and safety requirements. Before granting permission for construction of bulkheads or retaining walls, the Licensee shall: (1) inspect the site of the proposed construction, (2) consider whether the planting of vegetation or the use of riprap would be adequate to control erosion at the site, and (3) determine that the proposed construction is needed and would not change the basic contour of the reservoir shoreline. To implement this paragraph (b), the Licensee may, among other things, establish a program for issuing permits for the specified types of use and occupancy of project lands and waters, which may be subject to the payment of a reasonable fee to cover the Licensee's costs of administering the permit program. The Commission reserves the right to require the Licensee to file a description of its standards, guidelines, and procedures for implementing this paragraph (b) and to require modification of those standards, guidelines, or procedures.

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

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

briefly describing the type of interest and location of the lands to be conveyed (a marked Exhibit G or K map may be used), the nature of the proposed use, the identity of any Federal or State agency official consulted, and any Federal or State approvals required for the proposed use. Unless the Director, within 45 days from the filing date, requires the Licensee to file an application for prior approval, the Licensee may convey the intended interest at the end of that period.

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

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

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

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

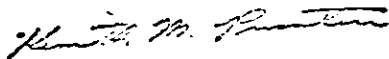
(4) The Commission reserves the right to require the Licensee to take reasonable remedial action to correct any violation of the terms and conditions of this article, for the protection and enhancement of the project's scenic, recreational, and other environmental values.

(f) The conveyance of an interest in project lands under this article does not in itself change the project boundaries. The project boundaries may be changed to exclude land conveyed under this article only upon approval of revised Exhibit G or K drawings (project boundary maps) reflecting exclusion of that land. Lands conveyed under this article will be excluded from the project only upon a determination that the lands are not

necessary for project purposes, such as operation and maintenance, flowage, recreation, public access, protection of environmental resources, and shoreline control, including shoreline aesthetic values. Absent extraordinary circumstances, proposals to exclude lands conveyed under this article from the project shall be consolidated for consideration when revised Exhibit G or K drawings would be filed for approval for other purposes.

Article 30. The Commission reserves the authority to order, upon its own motion or upon the recommendation of Federal or state fish and wildlife agencies or affected Indian Tribes, alterations in project structures and operations to take into account to the fullest extent practicable at each stage of the decisionmaking process the regional fish and wildlife program developed and amended pursuant to the Pacific Northwest Electric Power Planning and Conservation Act.

(F) This order is issued under authority delegated to the Director and is final unless appealed to the Commission under Rule 1902 within 30 days from the date of this order. Failure to file a petition appealing this order to the Commission shall constitute acceptance of this order. In acknowledgment of acceptance of this license and its terms and conditions, it shall be signed, by the Licensee and returned to the Commission within 60 days from the date the order is issued.



Kenneth M. Pusateri
Acting Director, Office of
Hydropower Licensing

Project No. 7986-000

IN TESTIMONY of its acknowledgment of acceptance of all of the terms and conditions of this order, _____ this ____ day of _____, 19____, has caused its corporate name to be signed hereto by _____, its _____ President, and its corporate seal to be affixed hereto and attested by _____ its _____ Secretary, pursuant to a resolution of its Board of Directors duly adopted on the ____ day of _____ 19____, a certified copy of the record of which is attached hereto.

By _____
President

Attest:

Secretary

(Executed in quadruplicate)

FEDERAL ENERGY REGULATORY COMMISSION

TERMS AND CONDITIONS OF LICENSE FOR UNCONSTRUCTED
MINOR PROJECT AFFECTING THE INTERESTS OF
INTERSTATE OR FOREIGN COMMERCE

Article 1. The entire project, as described in this order of the Commission, shall be subject to all of the provisions, terms, and conditions of the license.

Article 2. No substantial change shall be made in the maps, plans, specifications, and statements described and designated as exhibits and approved by the Commission in its order as a part of the license until such change shall have been approved by the Commission: Provided, however, That if the Licensee or the Commission deems it necessary or desirable that said approved exhibits, or any of them, be changed, there shall be submitted to the Commission for approval a revised, or additional exhibit or exhibits covering the proposed changes which, upon approval by the Commission, shall become a part of the license and shall supersede, in whole or in part, such exhibit or exhibits theretofore made a part of the license as may be specified by the Commission.

Article 3. The project works shall be constructed in substantial conformity with the approved exhibits referred to in Article 2 herein or as changed in accordance with the provisions of said article. Except when emergency shall require for the protection of navigation, life, health, or property, there shall not be made without prior approval of the Commission any substantial alteration or addition not in conformity with the approved plans to any dam or other project works under the license or any substantial use of project lands and waters not authorized herein; and any emergency alteration, addition, or use so made shall thereafter be subject to such modification and change as the Commission may direct. Minor changes in project works, or in uses of project lands and waters, or divergence from such approved exhibits may be made if such changes will not result in a decrease in efficiency, in a material increase in cost, in an adverse environmental impact, or in impairment of the general scheme of development; but any of such minor changes

made without the prior approval of the Commission, which in its judgment have produced or will produce any of such results, shall be subject to such alteration as the Commission may direct.

Upon the completion of the project, or at such other time as the Commission may direct, the Licensee shall submit to the Commission for approval revised exhibits insofar as necessary to show any divergence from or variations in the project area and project boundary as finally located or in the project works as actually constructed when compared with the area and boundary shown and the works described in the license or in the exhibits approved by the Commission, together with a statement in writing setting forth the reasons which in the opinion of the Licensee necessitated or justified variation in or divergence from the approved exhibits. Such revised exhibits shall, if and when approved by the Commission, be made a part of the license under the provisions of Article 2 hereof.

Article 4. The construction, operation, and maintenance of the project and any work incidental to additions or alterations shall be subject to the inspection and supervision of the Regional Engineer, Federal Power Commission, in the region wherein the project is located, or of such other officer or agent as the Commission may designate, who shall be the authorized representative of the Commission for such purposes. The Licensee shall cooperate fully with said representative and shall furnish him a detailed program of inspection by the Licensee that will provide for an adequate and qualified inspection force for construction of the project and for any subsequent alterations to the project. Construction of the project works or any feature or alteration thereof shall not be initiated until the program of inspection for the project works or any such feature thereof has been approved by said representative. The Licensee shall also furnish to said representative such further information as he may require concerning the construction, operation, and maintenance of the project, and of any alteration thereof, and shall notify him of the date upon which work will begin, as far in advance thereof as said representative may reasonably specify, and shall notify him promptly in writing of any suspension of work for a period of more than one week, and of its resumption and completion. The Licensee shall allow said representative and other

officers or employees of the United States, showing proper credentials, free and unrestricted access to, through, and across the project lands and project works in the performance of their official duties. The Licensee shall comply with such rules and regulations of general or special applicability as the Commission may prescribe from time to time for the protection of life, health, or property.

Article 5. The Licensee, within five years from the date of issuance of the license, shall acquire title in fee or the right to use in perpetuity all lands, other than lands of the United States, necessary or appropriate for the construction, maintenance, and operation of the project. The Licensee or its successors and assigns shall, during the period of the license, retain the possession of all project property covered by the license as issued or as later amended, including the project area, the project works, and all franchises, easements, water rights, and rights of occupancy and use; and none of such properties shall be voluntarily sold, leased, transferred, abandoned, or otherwise disposed of without the prior written approval of the Commission, except that the Licensee may lease or otherwise dispose of interests in project lands or property without specific written approval of the Commission pursuant to the then current regulations of the Commission. The provisions of this article are not intended to prevent the abandonment or the retirement from service of structures, equipment, or other project works in connection with replacements thereof when they become obsolete, inadequate, or inefficient for further service due to wear and tear; and mortgage or trust deeds or judicial sales made thereunder, or tax sales, shall not be deemed voluntary transfers within the meaning of this article.

Article 6. The Licensee shall install and thereafter maintain gages and stream-gaging stations for the purpose of determining the stage and flow of the stream or streams in which the project is located, the amount of water held in and withdrawn from storage, and the effective head on the turbines; shall provide for the required reading of such gages and for the adequate rating of such stations; and shall install and maintain standard meters adequate for the determination of the amount of electric energy generated by the project works. The number, character, and location of gages, meters, or other measuring devices, and the method of operation thereof, shall at all times be satisfactory to the Commission or its authorized representative.

The Commission reserves the right, after notice and opportunity for hearing, to require such alterations in the number, character, and location of gages, meters, or other measuring devices, and the method of operation thereof, as are necessary to secure adequate determinations. The installation of gages, the rating of said stream or streams, and the determination of the flow thereof, shall be under the supervision of, or in cooperation with, the District Engineer of the United States Geological Survey having charge of stream-gaging operations in the region of the project, and the Licensee shall advance to the United States Geological Survey the amount of funds estimated to be necessary for such supervision, or cooperation for such periods as may be mutually agreed upon. The Licensee shall keep accurate and sufficient records of the foregoing determinations to the satisfaction of the Commission, and shall make return of such records annually at such time and in such form as the Commission may prescribe.

Article 7. The Licensee shall, after notice and opportunity for hearing, install additional capacity or make other changes in the project as directed by the Commission, to the extent that it is economically sound and in the public interest to do so.

Article 8. The Licensee shall, after notice and opportunity for hearing, coordinate the operation of the project, electrically and hydraulically, with such other projects or power systems and in such manner as the Commission may direct in the interest of power and other beneficial public uses of water resources, and on such conditions concerning the equitable sharing of benefits by the Licensee as the Commission may order.

Article 9. The operations of the Licensee, so far as they affect the use, storage and discharge from storage of waters affected by the license, shall at all times be controlled by such reasonable rules and regulations as the Commission may prescribe for the protection of life, health, and property, and in the interest of the fullest practicable conservation and utilization of such waters for power purposes and for other beneficial public uses, including recreational purposes, and the Licensee shall release water from the project reservoir at such rate in cubic feet per second, or such volume in acre-feet per specified period of time, as the Commission may prescribe for the purposes hereinbefore mentioned.

Article 10. On the application of any person, association, corporation, Federal agency, State or municipality, the Licensee shall permit such reasonable use of its reservoir or other project properties, including works, lands and water rights, or parts thereof, as may be ordered by the Commission, after notice and opportunity for hearing, in the interests of comprehensive development of the waterway or waterways involved and the conservation and utilization of the water resources of the region for water supply or for the purposes of steam-electric, irrigation, industrial, municipal or similar uses. The Licensee shall receive reasonable compensation for use of its reservoir or other project properties or parts thereof for such purposes, to include at least full reimbursement for any damages or expenses which the joint use causes the Licensee to incur. Any such compensation shall be fixed by the Commission either by approval of an agreement between the Licensee and the party or parties benefiting or after notice and opportunity for hearing. Applications shall contain information in sufficient detail to afford a full understanding of the proposed use, including satisfactory evidence that the applicant possesses necessary water rights pursuant to applicable State law, or a showing of cause why such evidence cannot concurrently be submitted, and a statement as to the relationship of the proposed use to any State or municipal plans or orders which may have been adopted with respect to the use of such waters.

Article 11. The Licensee shall, for the conservation and development of fish and wildlife resources, construct, maintain and operate facilities for the use of such resources, and operate in such a manner as to maintain and comply with such reasonable modifications of the project structures and operation, as may be ordered by the Commission upon its own motion or upon the recommendation of the Secretary of the Interior or the fish and wildlife agency or agencies of any State in which the project or a part thereof is located, after notice and opportunity for hearing.

Article 12. Whenever the United States shall desire, in connection with the project, to construct fish and wildlife facilities or to improve the existing fish and wildlife facilities at its own expense, the Licensee shall

permit the United States or its designated agency to use, free of cost, such of the Licensee's lands and interests in lands, reservoirs, waterways and project works as may be reasonably required to complete such facilities or such improvements thereof. In addition, after notice and opportunity for hearing, the Licensee shall modify the project operation as may be reasonably prescribed by the Commission in order to permit the maintenance and operation of the fish and wildlife facilities constructed or improved by the United States under the provisions of this article. This article shall not be interpreted to place any obligation on the United States to construct or improve fish and wildlife facilities or to relieve the Licensee of any obligation under this license.

Article 13. So far as is consistent with proper operation of the project, the Licensee shall allow the public free access, to a reasonable extent, to project waters and adjacent project lands owned by the Licensee for the purpose of full public utilization of such lands and waters for navigation and for outdoor recreational purposes, including fishing and hunting: Provided, That the Licensee may reserve from public access such portions of the project waters, adjacent lands, and project facilities as may be necessary for the protection of life, health, and property.

Article 14. In the construction, maintenance, or operation of the project, the Licensee shall be responsible for, and shall take reasonable measures to prevent, soil erosion on lands adjacent to streams or other waters, stream sedimentation, and any form of water or air pollution. The Commission, upon request or upon its own motion, may order the Licensee to take such measures as the Commission finds to be necessary for these purposes, after notice and opportunity for hearing.

Article 15. The Licensee shall consult with the appropriate State and Federal agencies and, within one year of the date of issuance of this license, shall submit for Commission approval a plan for clearing the reservoir area. Further, the Licensee shall clear and keep clear to an adequate width lands along open conduits and shall dispose of all temporary structures, unused timber, brush, stumps, or other material unnecessary for the purposes of the project which results from the clearing of lands or from the maintenance or alteration of the project works. In addition,

all trees along the periphery of project reservoirs which may die during operations of the project shall be removed. Upon approval of the clearing plan all clearing of the lands and disposal of the unnecessary material shall be done with due diligence and to the satisfaction of the authorized representative of the Commission and in accordance with appropriate Federal, State, and local statutes and regulations.

Article 16. If the Licensee shall cause or suffer essential project property to be removed or destroyed or to become unfit for use, without adequate replacement, or shall abandon or discontinue good faith operation of the project or refuse or neglect to comply with the terms of the license and the lawful orders of the Commission mailed to the record address of the Licensee or its agent, the Commission will deem it to be the intent of the Licensee to surrender the license. The Commission, after notice and opportunity for hearing, may require the Licensee to remove any or all structures, equipment and power lines within the project boundary and to take any such other action necessary to restore the project waters, lands, and facilities remaining within the project boundary to a condition satisfactory to the United States agency having jurisdiction over its lands or the Commission's authorized representative, as appropriate, or to provide for the continued operation and maintenance of nonpower facilities and fulfill such other obligations under the license as the Commission may prescribe. In addition, the Commission in its discretion, after notice and opportunity for hearing, may also agree to the surrender of the license when the Commission, for the reasons recited herein, deems it to be the intent of the Licensee to surrender the license.

Article 17. The right of the Licensee and of its successors and assigns to use or occupy waters over which the United States has jurisdiction, or lands of the United States under the license, for the purpose of maintaining the project works or otherwise, shall absolutely cease at the end of the license period, unless the Licensee has obtained a new license pursuant to the then existing laws and regulations, or an annual license under the terms and conditions of this license.

Article 13. The terms and conditions expressly set forth in the license shall not be construed as impairing any terms and conditions of the Federal Power Act which are not expressly set forth herein.

August 26, 1985

Archie R. Ford
Oxford Energy, Inc.
150 East 52nd St.
New York, NY 10022

Dear Mr. Ford:

Re: Application for Permit No. 84-7171 - Idaho Hydro, Inc.

This office has received the information provided in your July 31, 1985 letter relative to pursuit of the hydro power project in connection with the above-referenced application.

Upon final decision by FERC of your license application, please forward a copy to this office in order that the department may take final action on the water right application for permit.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

LGS:rf

cc: Northern Region

MICROFILMED

Oxford Energy, Inc.

150 East 52nd Street • New York, N.Y. 10022 • (212) 752-8484

RECEIVED

AUG 2 1985

July 31, 1985

Department of Water Resources

Mr. L. Glen Saxton
State of Idaho
Department of Water Resources
State Office
450 W. State Street
Boise, Idaho 83720

Re: Jim Ford Creek Application for Permit No. 84-7171

Dear Mr. Saxton:

This letter is in response to your letter of July 17, 1985, regarding the present status of the Ford Power Project and obtaining necessary permits and approvals for same. The following is a summary status for this project:

1. #401 Water Quality Certification - Attached is a copy of the 401 Water Quality Certification.
2. #404 Clean Water Act Permit - Attached is a copy of the Notice of Authorization and Permit.
3. Federal Energy Regulatory Commission License - A license is anticipated to be issued no later than November 1, 1985.
4. State of Idaho, Department of Lands--Land Easement - An easement is being drafted by the Department of Lands and is anticipated within the next two weeks.
5. Surveying - Surveying for the penstock, alignment, powerhouse, and diversion dam have been completed.

project # 7986

The above information should summarize for you the current status of the project. If you have any questions about the above, please feel free to contact me at your convenience.

Very truly yours,

Archie R. Ford

Archie R. Ford

By
CB

cb

enc.

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STATE OF IDAHO

DEPARTMENT OF HEALTH AND WELFARE

DIVISION OF ENVIRONMENT
Statehouse
Boise, Idaho 83720

April 10, 1984

Ford Hydro Limited Partnership
Box 1940
Orofino, Idaho 83544

Reference to: Dept. of the Army Proposed Permit No.: 071-OYC-4-002262
(Jim Ford Creek, Hydro Project, Clearwater County, Idaho)

Gentlemen:

We have considered water quality certification of your proposal to construct a 5-foot high by 52-foot long reinforced concrete diversion structure and a concrete powerhouse on Jim Ford Creek near Weippe, Clearwater County, Idaho as described in public notice number 071-OYC-4-002262.

We have reviewed the environmental section of the FERC application for a license. New construction may increase sediment loadings during and shortly after the construction phase. This proposal includes plans to minimize such sediment increases. Any efforts to remove sediment from behind the completed reservoir rather than flushing it downstream would be considered a positive trade-off.

If construction is completed in accordance with the described work plan, we certify under Section 401 that this construction will comply with applicable requirements of Sections 301, 302, 303, 306 and 307 of PL 92-500 and will not violate Idaho Water Quality Standards and Waste-water Treatment Requirements.

This certification does not imply approval of the activity by other agencies of the State of Idaho.

Sincerely,

A handwritten signature in dark ink, appearing to read "Lee W. Stokes".

Lee W. Stokes, Ph. D.
Administrator

LWS:sf

cc: IDWR-Northern Region-Haynes
John Moeller/George Dekan

EQUAL OPPORTUNITY EMPLOYER

MICROFILMED



**DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS**

NOTICE OF AUTHORIZATION

16 May 1984

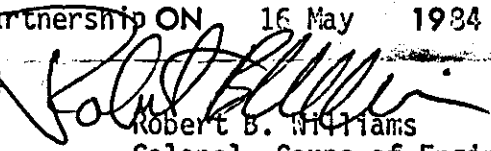
A PERMIT TO construct a 5-foot-high by 52-foot-long reinforced-concrete diversion structure and a concrete powerhouse approximately 6200 feet downstream on the left bank and the temporary placement of fill material for cofferdams during construction as may be required.

AT Jim Ford Creek, Secs. 9 and 10, T.35N., R.4E., B.M., Clearwater County, Idaho.

HAS BEEN ISSUED TO Ford Hydro Limited Partnership ON 16 May 1984
Post Office Box 1940

ADDRESS OF PERMITTEE Orofino, Idaho 83544

PERMIT NUMBER 071-OYC-4-002262


Robert B. Williams
Colonel, Corps of Engineers
District Engineer

ENG Form 4336
Jul 70

THIS NOTICE MUST BE CONSPICUOUSLY DISPLAYED AT THE SITE OF WORK.

* GPO: 1977 232-984

MICROFILMED



DEPARTMENT OF THE ARMY
WALLA WALLA DISTRICT, CORPS OF ENGINEERS
BUILDING 602, CITY-COUNTY AIRPORT
WALLA WALLA, WASHINGTON 99362

REPLY TO
ATTENTION OF:

May 16, 1984

NPWOP-RF

Subject: NPW No. 071-OYC-4-002262

Ford Hydro Limited Partnership
Post Office Box 1940
Orofino, Idaho 83544

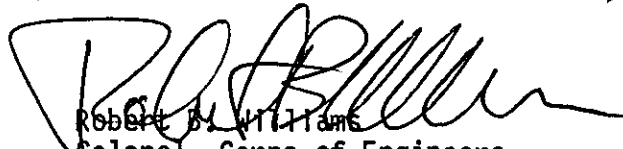
Gentlemen:

The enclosed permit authorizes you to construct a 5-foot-high by 52-foot-long reinforced-concrete diversion structure and a concrete powerhouse approximately 6200 feet downstream on the left bank and the temporary placement of fill material for cofferdams during construction as may be required in Jim Ford Creek, Secs. 9 and 10, T.35N., R.4E., B.M., Clearwater County, Idaho. Receipt of your permit processing fee in the amount of \$100.00 is acknowledged. The permit should be recorded in accordance with General Condition "r." and filed in an appropriate location for future reference. The yellow Notice of Authorization should be posted at the project site during construction.

Should it become necessary to deviate from the approved drawings, revised drawings showing the proposed changes must be submitted to us for approval before any work is started.

This office must be notified when the work authorized by the enclosed permit is started and immediately after its completion so that timely inspections may be conducted during and after construction.

BY AUTHORITY OF THE SECRETARY OF THE ARMY:


Robert B. Williams
Colonel, Corps of Engineers
District Engineer

Enclosures

MICROFILMED

Copies furnished:
Department of Water Resources
Northern District Office
Route 5, Box 203, Suite #9
Coeur d'Alene, Idaho 83814

Fish and Wildlife Service
Division of Ecological Services
4620 Overland Road, Room 209
Boise, Idaho 83705

Nez Perce Tribal Executive Committee
Post Office Box 305
Lapwai, Idaho 83540

MICROFILMED

Application No. 071-0rc-4-002262
Name of Applicant Ford Hydro Limited Partnership
Effective Date May 16, 1984
Expiration Date (If applicable) _____

**DEPARTMENT OF THE ARMY
PERMIT**

Referring to written request dated March 1, 1984 for a permit to:

() Perform work in or affecting navigable waters of the United States, upon the recommendation of the Chief of Engineers, pursuant to Section 10 of the Rivers and Harbors Act of March 3, 1899 (33 U.S.C. 403);

(X) Discharge dredged or fill material into waters of the United States upon the issuance of a permit from the Secretary of the Army acting through the Chief of Engineers pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344);

() Transport dredged material for the purpose of dumping it into ocean waters upon the issuance of a permit from the Secretary of the Army acting through the Chief of Engineers pursuant to Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (86 Stat. 1052; P.L. 92-532);

Ford Hydro Limited Partnership
Post Office Box 1940
Orofino, Idaho 83544

is hereby authorized by the Secretary of the Army:
to

Construct a 5-foot-high by 52-foot-long reinforced-concrete diversion structure and a concrete powerhouse on the left bank approximately 6200 feet downstream on the left bank and the temporary placement of fill material for cofferdams during construction as may be required.

in Jim Ford Creek

at Secs. 9 and 10, T.35N., R.4E., B.M., Clearwater County, Idaho

in accordance with the plans and drawings attached hereto which are incorporated in and made a part of this permit (on drawings, give file number or other definite identification marks.)

IN Jim Ford Creek
IN/NEAR City of Weippe
Clearwater COUNTY, Idaho
APPLICATION BY: Ford Hydro Limited Partnership
DATE: 2-27-84 SHEETS 1, 2, and 3 OF 3

subject to the following conditions:

I. General Conditions:

a. That all activities identified and authorized herein shall be consistent with the terms and conditions of this permit; and that any activities not specifically identified and authorized herein shall constitute a violation of the terms and conditions of this permit which may result in the modification, suspension or revocation of this permit, in whole or in part, as set forth more specifically in General Conditions j or k hereto, and in the institution of such legal proceedings as the United States Government may consider appropriate, whether or not this permit has been previously modified, suspended or revoked in whole or in part.

ENG FORM 1721, Sep 82

EDITION OF 1 JUL 77 IS OBSOLETE

(ER 1145-2-303)

MICROFILMED

b. That all activities authorized herein shall, if they involve, during their construction or operation, any discharge of pollutants into waters of the United States or ocean waters, be at all times consistent with applicable water quality standards, effluent limitations and standards of performance, prohibitions, pretreatment standards and management practices established pursuant to the Clean Water Act (33 U.S.C. 1344), the Marine Protection, Research and Sanctuaries Act of 1972 (P.L. 92-532, 86 Stat. 1052), or pursuant to applicable State and local law.

c. That when the activity authorized herein involves a discharge during its construction or operation, or any pollutant (including dredged or fill material), into waters of the United States, the authorized activity shall, if applicable water quality standards are revised or modified during the term of this permit, be modified, if necessary, to conform with such revised or modified water quality standards within 6 months of the effective date of any revision or modification of water quality standards, or as directed by an implementation plan contained in such revised or modified standards, or within such longer period of time as the District Engineer, in consultation with the Regional Administrator of the Environmental Protection Agency, may determine to be reasonable under the circumstances.

d. That the discharge will not destroy a threatened or endangered species as identified under the Endangered Species Act, or endanger the critical habitat of such species.

e. That the permittee agrees to make every reasonable effort to prosecute the construction or operation of the work authorized herein in a manner so as to minimize any adverse impact on fish, wildlife, and natural environmental values.

f. That the permittee agrees that he will prosecute the construction or work authorized herein in a manner so as to minimize any degradation of water quality.

g. That the permittee shall allow the District Engineer or his authorized representative(s) or designee(s) to make periodic inspections at any time deemed necessary in order to assure that the activity being performed under authority of this permit is in accordance with the terms and conditions prescribed herein.

h. That the permittee shall maintain the structure or work authorized herein in good condition and in reasonable accordance with the plans and drawings attached hereto.

i. That this permit does not convey any property rights, either in real estate or material, or any exclusive privileges; and that it does not authorize any injury to property or invasion of rights or any infringement of Federal, State, or local laws or regulations.

j. That this permit does not obviate the requirement to obtain state or local assent required by law for the activity authorized herein.

k. That this permit may be either modified, suspended or revoked in whole or in part pursuant to the policies and procedures of 33 CFR 325.7.

l. That in issuing this permit, the Government has relied on the information and data which the permittee has provided in connection with his permit application. If, subsequent to the issuance of this permit, such information and data prove to be materially false, materially incomplete or inaccurate, this permit may be modified, suspended or revoked, in whole or in part, and/or the Government may, in addition, institute appropriate legal proceedings.

m. That any modification, suspension, or revocation of this permit shall not be the basis for any claim for damages against the United States.

n. That the permittee shall notify the District Engineer at what time the activity authorized herein will be commenced, as far in advance of the time of commencement as the District Engineer may specify, and of any suspension of work, if for a period of more than one week, resumption of work and its completion.

o. That if the activity authorized herein is not completed on or before 1st day of June, 19 87, (three years from the date of issuance of this permit unless otherwise specified) this permit, if not previously revoked or specifically extended, shall automatically expire.

p. That this permit does not authorize or approve the construction of particular structures, the authorization or approval of which may require authorization by the Congress or other agencies of the Federal Government.

q. That if and when the permittee desires to abandon the activity authorized herein, unless such abandonment is part of a transfer procedure by which the permittee is transferring his interests herein to a third party pursuant to General Condition t hereof, he must restore the area to a condition satisfactory to the District Engineer.

r. That if the recording of this permit is possible under applicable State or local law, the permittee shall take such action as may be necessary to record this permit with the Register of Deeds or other appropriate official charged with the responsibility for maintaining records of title to and interests in real property.

The following Special Conditions will be applicable when appropriate:

~~STRUCTURES IN OR AFFECTING NAVIGABLE WATERS OF THE UNITED STATES:~~

a. That this permit does not authorize the interference with any existing or proposed Federal project and that the permittee shall not be entitled to compensation for damage or injury to the structures or work authorized herein which may be caused by or result from existing or future operations undertaken by the United States in the public interest.

b. That no attempt shall be made by the permittee to prevent the full and free use by the public of all navigable waters at or adjacent to the activity authorized by this permit.

c. That if the display of lights and signals on any structure or work authorized herein is not otherwise provided for by law, such lights and signals as may be prescribed by the United States Coast Guard shall be installed and maintained by and at the expense of the permittee.

d. That the permittee, upon receipt of a notice of revocation of this permit or upon its expiration before completion of the authorized structure or work, shall, without expense to the United States and in such time and manner as the Secretary of the Army or his authorized representative may direct, restore the waterway to its former conditions. If the permittee fails to comply with the direction of the Secretary of the Army or his authorized representative, the Secretary or his designee may restore the waterway to its former condition, by contract or otherwise, and recover the cost thereof from the permittee.

e. Structures for Small Boats: That permittee hereby recognizes the possibility that the structure permitted herein may be subject to damage by wave wash from passing vessels. The issuance of this permit does not relieve the permittee from taking all proper steps to insure the integrity of the structure permitted herein and the safety of boats moored thereto from damage by wave wash and the permittee shall not hold the United States liable for any such damage.

~~MAINTENANCE DREDGING:~~

a. That when the work authorized herein includes periodic maintenance dredging, it may be performed under this permit for _____ years from the date of issuance of this permit (*ten years unless otherwise indicated*);

b. That the permittee will advise the District Engineer in writing at least two weeks before he intends to undertake any maintenance dredging.

~~DISCHARGES OF DREDGED OR FILL MATERIAL INTO WATERS OF THE UNITED STATES:~~

a. That the discharge will be carried out in conformity with the goals and objectives of the EPA Guidelines established pursuant to Section 404(b) of the Clean Water Act and published in 40 CFR 230;

b. That the discharge will consist of suitable material free from toxic pollutants in toxic amounts.

c. That the fill created by the discharge will be properly maintained to prevent erosion and other non-point sources of pollution.

~~DISPOSAL OF DREDGED MATERIAL INTO OCEAN WATERS:~~

a. That the disposal will be carried out in conformity with the goals, objectives, and requirements of the EPA criteria established pursuant to Section 102 of the Marine Protection, Research and Sanctuaries Act of 1972, published in 40 CFR 220-228.

b. That the permittee shall place a copy of this permit in a conspicuous place in the vessel to be used for the transportation and disposal of the dredged material as authorized herein.

This permit shall become effective on the date of the District Engineer's signature.

Permittee hereby accepts and agrees to comply with the terms and conditions of this permit.

Cherie R. Ford
PERMITTEE
BY AUTHORITY OF THE SECRETARY OF THE ARMY:
Robert B. Williams

5-09-84
DATE

Robert B. Williams
Robert B. Williams, Colonel

May 16, 1984

DATE

DISTRICT ENGINEER,
U.S. ARMY, CORPS OF ENGINEERS

Transferee hereby agrees to comply with the terms and conditions of this permit.

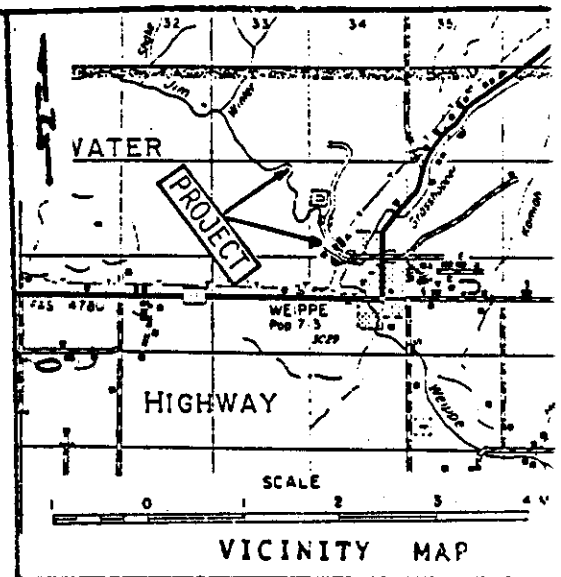
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DATE

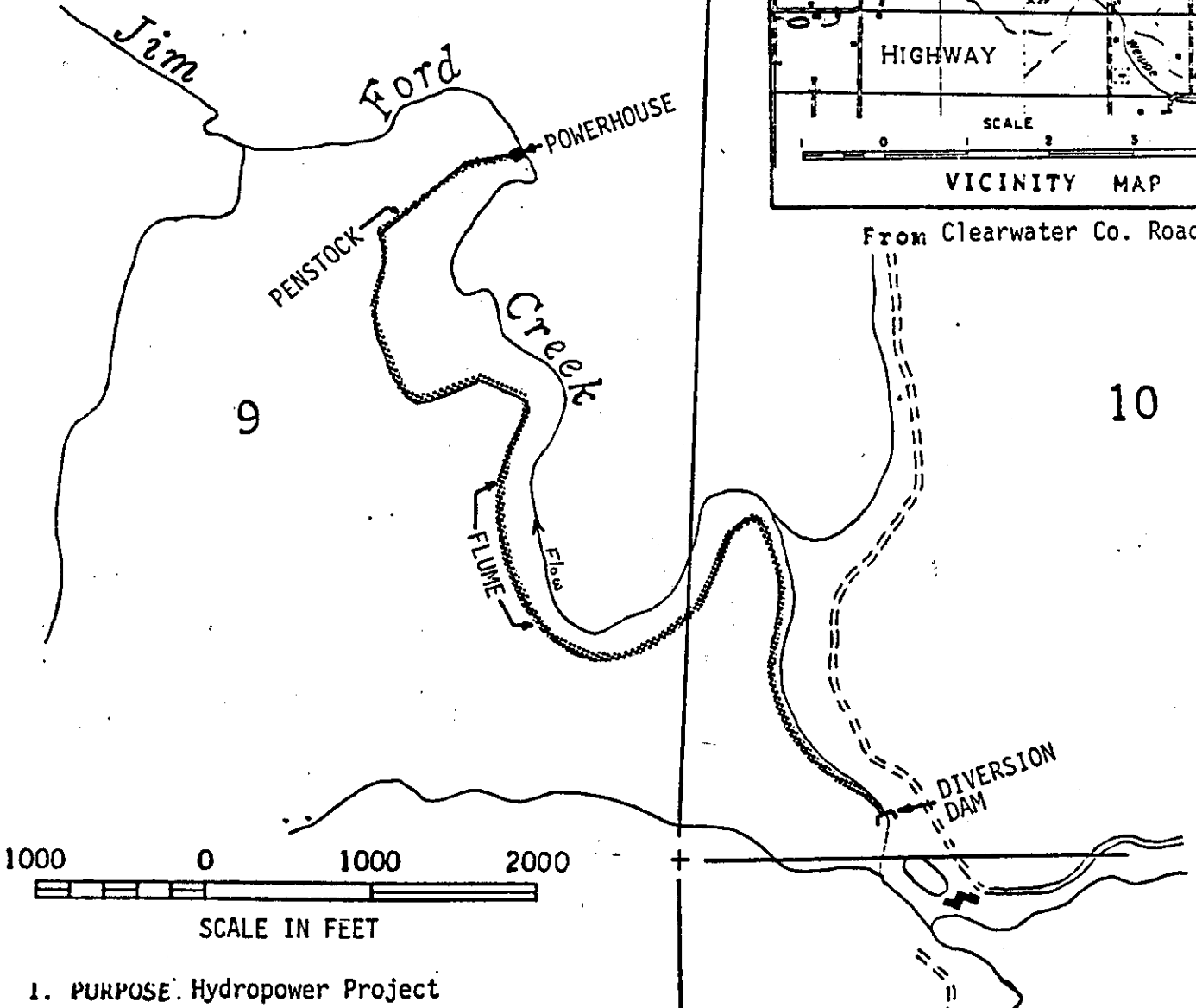
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PROJECT LAYOUT

T 35 N, R 3 W, BM



From Clearwater Co. Road Map



1. PURPOSE: Hydropower Project

2. DATUM PLANE

a. HIGH WATER

b. LOW WATER

3. NAME AND ADDRESS OF ADJACENT PROPERTY

OWNERS

a. State of Idaho Department of Lands
Statehouse

Boise, Idaho 83720

b. Jackson L. Bennett

3417 9th Street Lewiston, Idaho 83501

CONSTRUCTION DATE: September, 1984

IN Jim Ford Creek
IN/NEAR City of Weippe

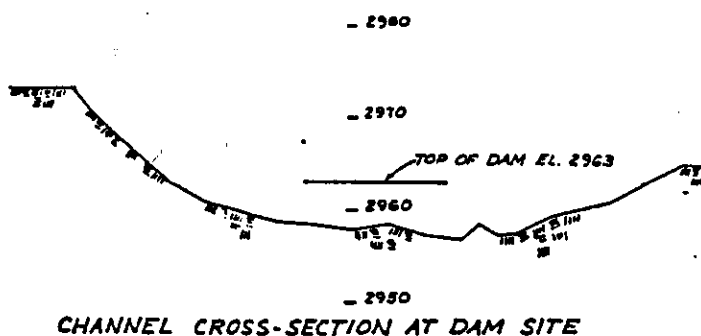
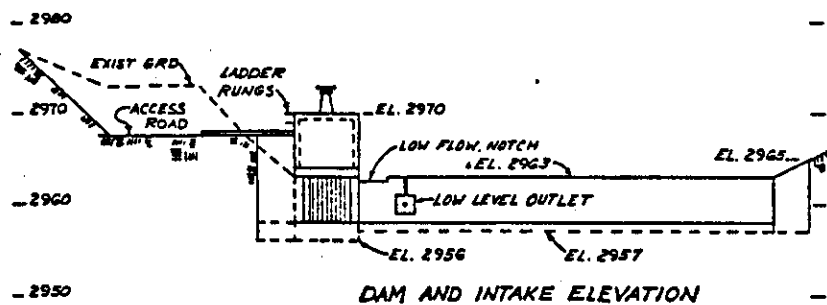
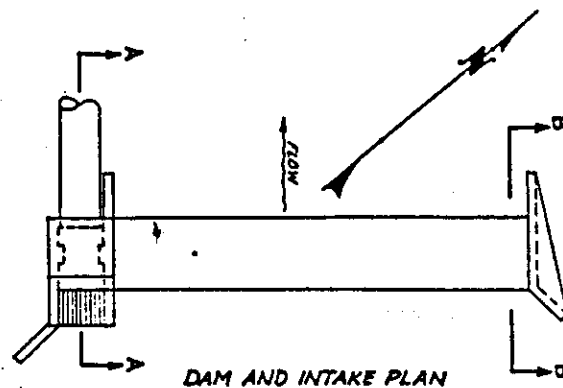
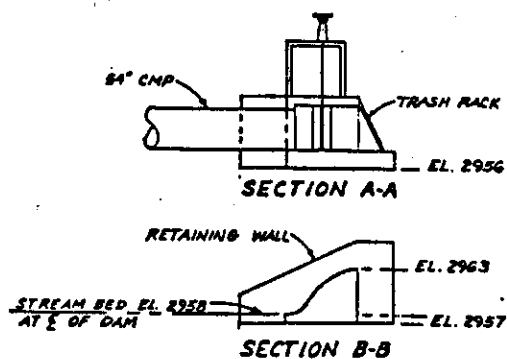
Clearwater COUNTY, Idaho

APPLICATION BY: Ford Hydro Limited Partnership

DATE: 2-27-84 SHEET 1 OF 3

071-0YC-4-002262

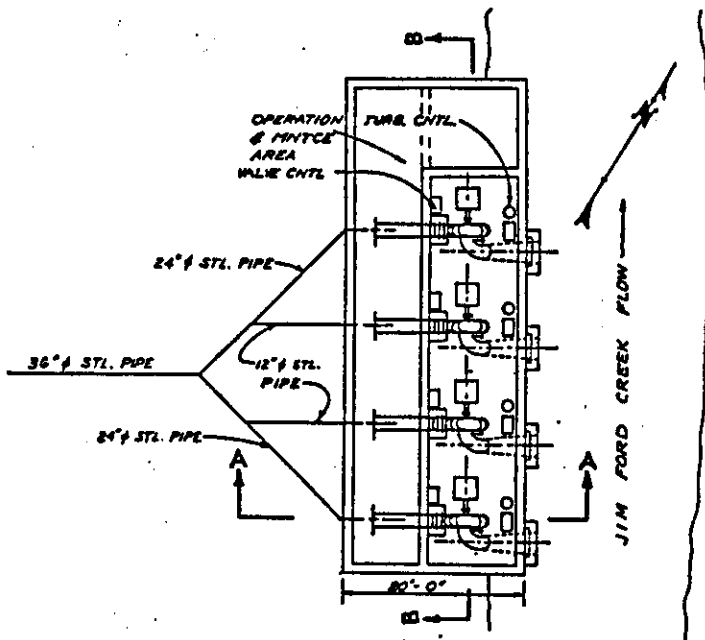
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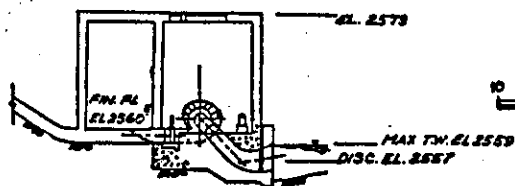
IN: Jim Ford Creek
 IN/NEAR City of Weippe
 Clearwater COUNTY, Idaho
 APPLICATION BY: Ford Hydro Limited Partnership
 DATE: 2-27-84 SHEET 2 OF 3

071-0YC-4-002262

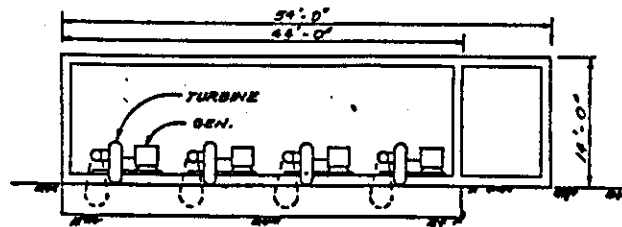
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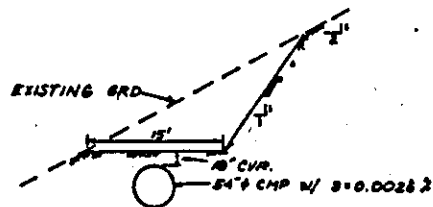
POWERHOUSE FLOOR PLAN



SECTION A-A



SECTION B-B



TYPICAL FLUME CROSS-SECTION

MICROFILMED

IN: Jim Ford Creek
 IN/NEAR City of Weippe
 Clearwater COUNTY, Idaho
 APPLICATION BY: Ford Hydro Limited
 Partnership
 DATE: 2-27-84 SHEET 3 OF 3

071-0YC-4-002262

July 17, 1985

RE: Application for Permit No. 84-7171

Idaho Hydro Inc.
Box 1940
Orofino, ID 83544

Gentlemen:

On November 21, 1983, you submitted the above referenced application to appropriate the public waters of the State of Idaho for power generation purposes.

In our correspondence dated May 3, 1984, we advised that the continued validity of the application is contingent on your proceeding with due diligence in obtaining necessary approvals including authorizations which may be required from the Federal Energy Regulatory Commission (FERC) and/or the Idaho Public Utilities Commission (PUC).

Since our letter we have not received correspondence from you in this regard. Please advise this office of progress in this matter on or before August 15, 1985 in order to keep this application in good standing.

If you have any questions, please contact this office.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

LGS:sc

MICROFILMED

May 3, 1984

RE: Application for Permit No. 84-7171

Idaho Hydro Inc.
Box 1940
Orofino, ID 83544

Gentlemen:

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

For power projects that are under the jurisdiction of the Federal Energy Regulatory Commission (FERC), we withhold final action on the application pending FERC approval of (1) a preliminary permit, or (2) an exemption. If you have not yet contacted FERC, the address below is a good starting point:

Regional Engineer
San Francisco Regional Office
Federal Energy Regulatory Commission
333 Market Street, Sixth Floor
San Francisco, CA 94105-2195
Telephone No. (415) 974-7177

The continued validity of this application is contingent on your proceeding with due diligence toward obtaining an approval or an exemption from FERC. Please keep this office informed of progress in this regard.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

LGS:sc

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STATE OF IDAHO

DEPARTMENT OF LANDS

STATEHOUSE, BOISE, IDAHO 83720

STANLEY F. HAMILTON
DIRECTOR

STATE BOARD OF LAND COMMISSIONERS

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

April 20, 1984

RECEIVED

APR 27 1984

Department of Water Resources
Northern Region
4055 Government Way
Coeur d'Alene, ID 83814

Department of Water Resources

RE: 84-7171
Idaho Hydro
(071-OYC-4-002262)

Gentlemen:

The work proposed in the above numbered application will affect state land and an easement will be required from this Department.

Very truly yours,

Marvin G. Vandenberg

MARVIN G. VANDENBERG, Chief
Bureau of Navigable Waters

MGV:by

RECEIVED
APR 24 1984
Department of Water Resources
Northern District Office

MICROFILMED



STATE OF IDAHO DEPARTMENT OF WATER RESOURCES

NORTHERN REGION

A. Kenneth Dunn
Director

Suite No. 9
4055 Government Way
Coeur d'Alene, Idaho 83814
(208) 667-6484

April 11, 1984

Idaho Hydro Inc.
P.O. Box 1940
Orofino, Id. 83544

Re: 84-7171 - Jim Ford Creek
83-7059 - Little North Fork of the Clearwater River

Gentlemen:

Enclosed is an Affidavit for Water Rights to be Used for Power Purposes which is to be completed and signed before a notary public for Application for Permit No. 84-7171.

With regard to Application for Permit No. 83-7059, our financial data shows a commitment from Oxford Capital Markets, Ltd. for \$12 million and a financial statement from The Eagle Construction Corporation showing assets of about \$8 million. The cost of the project is \$30 million.

As of this date, financial ability has not been demonstrated with regard to this project. The deadline for submission of financial material was March 12, 1984. Please submit additional financial ability or advise as to what Idaho Hydro intends to do with this filing within fifteen days of the above date.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Supervisor

RGH/pms

Enc. - Affidavit

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NORTHERN REGION

John V. Evans
Governor
A. Kenneth Dunn
~~Executive Director~~
Director

Suite No. 1
4055 Government Way
Coeur d'Alene, Idaho 83814
(208) 667-6484

MAR 27 1984

Dept. of Lands
Statehouse
Boise, Idaho 83720

Re: 84-7171

Gentlemen:

Enclosed is a recent filing with this Department that may be of
interest to you.

Sincerely,

ROBERT E. HAYNES, P.E.
Regional Supervisor

RGH/pms

Enc. - Appln.

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NORTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director
March 13, 1984

Suite No. 1
4055 Government Way
Coeur d'Alene, Idaho 83814
(208) 667-6484

Mr. Roger H. Tutty, P.E.
1239 Idaho Street
Lewiston, Id. 83501

Re: Jim Ford Creek Hydropower Project

Dear Roger:

We have received your joint application form for installing a diversion dam on Jim Ford Creek.

There is no Permit to Alter a Stream Channel required for the project to proceed since the work involves constructing a water diversion structure under a valid water right.

The U. S. Army Corps of Engineers may require a 404 Permit for the project. If they issue a Public Notice, we will be sending our comments to them.

Sincerely,

KENNETH KNOBLOCK
Senior Water Resource Agent

KK/pms

cc: U. S. Army Corps of Engineers - w/enc.

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INDUCEMENT
RESOLUTION NO. 84-2

A RESOLUTION OF THE IDAHO WATER RESOURCE BOARD RELATING
TO THE FINANCING OF CERTAIN WATER RESOURCE FACILITIES
AND AUTHORIZING CERTAIN ACTS IN PREPARATION THEREFOR.

WHEREAS, the Idaho Water Resource Board (the "Board") was established pursuant to the provisions of Section 7 of Article 15 of the Constitution of the State of Idaho, under and pursuant to Title 42 of Chapter 17 of the Idaho Code (collectively, the "Act"), as a constitutional agency of the State of Idaho (the "State"); and

WHEREAS, the Board is authorized by the Act to formulate an integrated, coordinated program for conservation, development and use of all unappropriated water resources from the State, and to accept, receive, initiate, investigate, consider and promote such water projects as it deems to be in the public interest, and to acquire, purchase, lease, or exchange land, rights, water rights, easements, franchises and other property deemed necessary or proper for the construction, operation and maintenance of water projects, and to enter into contracts with political subdivisions, municipal entities, private corporations, individuals and others for the sale and lease of water, use of water, water storage, electric power, or other service, to turn over projects to water users after pay-out and to lease facilities, sell, lease or dispose of surplus facilities, and to exercise eminent domain, to enter into loan, lease or installment sale agreements with water project sponsors, to enter into other contracts, and to finance said projects by the issuance of revenue bonds, to pledge any revenues available to the Board to secure said bonds, exclusive of any revenues derived from legislative appropriations, and to pool the revenues from one or more projects constructed or operated by the Board, all in accordance with the purpose of the Act to provide for the welfare of the people of the State and to protect the waters of the State from diversion out of State through development of a coordinated, integrated, multiple use water resource policy to enhance conservation and optimum use of the State's water resources; and

WHEREAS, Ford Hydro Limited Partnership, doing business in the State (the "Company"), has notified the Board that, as a "local water project sponsor" under the terms of the Act, it is considering installing, acquiring, renovating and constructing certain water resource facilities including hydropower production facilities situated on Jim Ford Creek approximately 2 miles downstream from the city of Wierpe in Clearwater County, Idaho (the "Facilities"); and

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WHEREAS, the Company has filed its Application with the Board requesting that the Board consider issuing its revenue bonds (the "Bonds") pursuant to the Act in one or more issues or series, at such various times as funds are required for the renovation, acquisition, construction, installation and improvement of the Facilities, in an aggregate principal amount sufficient to finance all or a portion of the total cost of planning, developing, renovating, acquiring, constructing and installing the Facilities, including all costs incurred in connection with the issuance of said revenue bonds by the Board (the "Cost of the Facilities"); and

WHEREAS, the presently estimated Cost of the Facilities is \$2,500,000; and

WHEREAS, a determination by the Board to issue the Bonds under the Act, if so requested by the Company, in one or more issues or series, and to use the proceeds thereof to finance for the Company the Cost of the Facilities under a lease agreement, installment sale agreement, loan agreement or other form of agreement or any combination thereof, which will provide that payments thereunder shall be at least sufficient to pay the principal of and interest and redemption premium, if any, on the Bonds and such other costs in connection therewith as may be incurred by the Board, will assist the Company in the implementation of its programs; and

WHEREAS, it is intended that this Resolution shall constitute official action toward the issuance of the Bonds within the meaning of the applicable United States Treasury Regulations;

NOW, THEREFORE, Be It Resolved by the Idaho Water Resource Board as follows:

Section 1. The issuance of the Bonds in one or more series or issues in order to finance the Facilities will serve the purpose of the Act to provide for the welfare of the people of the State and to protect the waters of the State from diversion out of the State through development of a coordinated, integrated, multiple use water resource policy to enhance conservation and optimum use of the State's water resources.

Section 2. There is hereby authorized to be issued and this Board hereby determines to issue the Bonds pursuant to the Act, if so requested by the Company, in one or more issues or series in an aggregate principal amount not to exceed the Cost of the Facilities for the purpose of financing the said Facilities under a lease agreement, installment sale agreement, loan agreement or other form of agreement, or any combination thereof with the Company as a local water project sponsor in accordance with the provisions of the Act which agreements will provide that payments thereunder shall be at least sufficient to pay the principal of and interest and redemption premium, if any, on the Bonds and such other costs in connection therewith as may be incurred by the Board, subject to the terms contained herein and in the Act.

Section 3. The Bonds shall be issued subject to the conditions that (i) the Board and the Company shall have first agreed to mutually acceptable terms for the Bonds and of the sale and delivery thereof, and mutually acceptable terms and conditions of the lease agreement, installment sale agreement, loan agreement or other form of agreement, or any combination thereof; and (ii) all other requisite governmental approvals shall have been first obtained.

Section 4. The Board will enter into all agreements necessary to be entered into by the Board in connection with the issuance and sale of the bonds. All agreements to be entered into in connection with the issuance of the Bonds shall be subject to the approval of the Board's Bond Counsel, and such agreements shall be authorized and approved after due consideration by the Board prior to their execution by the Board.

Section 5. The Board and its duly authorized officers, the Idaho Department of Water Resources and its agents and employees, and the Board's Bond Counsel are hereby authorized and directed to take such further actions as may be necessary to effect the intent and purpose of this Resolution, the accomplishment of the Facilities, and the sale and issuance of the Bonds.

Section 6. All resolutions, parts of resolutions and prior actions of the Board in conflict herewith are hereby repealed to the extent of such conflict.

Section 7. This Resolution is an affirmative action of the Board toward the issuance of the Bonds in accordance with the purposes of the laws of the State of Idaho and the applicable United States Treasury Regulations.

Section 8. This Resolution shall take effect immediately upon its passage.

APPROVED, PASSED AND SIGNED This 7th day of March, 1984.

Donald Kramer
Chairman

Attest:
Franklin Jones
Secretary

(Seal)

MICROFILMED

Before the
IDAHO WATER RESOURCE BOARD
APPLICATION FOR FINANCING A WATER PROJECT
Through the
WATER RESOURCE DEVELOPMENT REVENUE BOND PROGRAM

DIRECTOR'S FINDINGS

- (1) Ford Hydro Limited Partnership applies to the Idaho Water Resource Board (IWRB) for financing the Ford Hydro power project. The Department of Water Resources (IDWR) has designated the Ford Hydro project as Project Number 84-2.

Ford Hydro will develop and operate the project. Electrical power will be sold to Washington Water Power.

- (2) The location of the project is:

State:	Idaho
County:	Clearwater
Nearby Town:	Weippe
Stream:	Jim Ford

- (3) Project costs are \$1,800,000.

- (4) The name and business address of the applicant is:

Ford Hydro Limited Partnership
P.O. Box 1094
Orofino, Idaho 83544
(208) 476-7765

The name and business address of the person authorized to act as agent for the applicant in this application is:

Archie Ford, President
Idaho Hydro, Inc.
P.O., Box 1940
(208) 476-7665

(5) Ford Hydro Limited Partnership is a profit-making partnership organized under the laws of the State of Idaho. The general partner of Ford Hydro Limited Partnership is Idaho Hydro, Inc.

(6) The statutory or regulatory requirements of the State of Idaho that affect the proposed project with respect to bed and banks and to the appropriation, diversion and use of water for power purposes are:

- o Minimum stream flow, Title 42, Chapter 15, Idaho Code.
- o Alteration of channels, Title 42, Chapter 38, Idaho Code.

- Fish protection, Title 36, Chapter 9, statute 36-906, Idaho Code.
- Pollution unlawful, Title 39, Chapter 1, statutes 39-102, 39-103 and 39-108, Idaho Code.
- The appropriation of water flowing in natural streams is governed by Article 15, Sections 3 and 7 of the Idaho Constitution. The appropriation of waters for all uses is regulated by Title 42, Chapters 1, 2, 3 and 7.

It is expected that all requirements will be met prior to loan finalization.

(7) WATER RIGHTS

On June 30, 1983, Ford Hydro filed an "Application for Permit to appropriate the Public Water of the State of Idaho." The application has been assigned No. 84-7171 and has not gone to the permit stage as of this date.

(8) APPLICANT'S RIGHT TO ENGAGE IN THE PROJECT

Ford Hydro's right to engage in the project is expressed in various legal documents as a profit-making partnership whose business includes the generation and sale of electrical power.

(9) SITE CHARACTERISTICS OF EXISTING PROJECT FACILITIES

No project facilities currently exist at the site.

(10) PROPOSED NEW FACILITIES

The Ford power project will be comprised of the following components:

Diversion Structure:

A 5-foot high by 52-foot long reinforced concrete diversion structure will be built.

Intake:

A reinforced concrete and steel formation measuring 8-feet high, 5-feet wide and 8-feet long with steel trash racks will abut the end of the diversion structure.

Conduit:

A 54-inch diameter low pressure steel conduit traveling 6900-feet along the left slope of the canyon and terminating into a surge tank and penstock.

Surge Tank:

A cylindrical steel surge tank will be erected at the terminus of the low pressure flume and the head of the penstock. The surge tank will be of sufficient height and design to prevent spillage during turbine shutdowns.

Penstock:

A 36-inch diameter steel penstock would convey a diverted flow 365-feet vertically down the mountain slope and terminate at the powerhouse. The penstock would be 1140-feet long.

Powerhouse:

Reinforced concrete powerhouse covering an area 960 square feet and extending 10-feet above normal tailwater will be located on the left bank of Jim Ford Creek and discharged directly into same. The powerhouse will contain 4 turbine-generator units and all electrical control systems. There will be no provisions in the powerhouse for future expansion of the project.

Transmission Lines:

Approximately 1-mile of new 110 KV transmission line will be required. The proposed line will travel along the project access road.

Average and Design Head:

The total available hydraulic head is 388 feet. As this is a run-of-river facility, there will be only minimal fluctuation in hydraulic head from changing tailwater levels and flows in the penstock. The average and design net head of the facility will be 359 feet.

Impoundment:

The reservoir impounded by the diversion dam would be small and incidental to the project. The surface area would be less than 1/4 acre and the maximum surface elevation would be approximately 2963 feet above mean sea level. The gross storage capacity would be less than 1 acre feet.

The plant will generate 962 KW of power. The total annual power generation will be 7,400,000 kilowatt hours.

No lands of the United States will be affected by the project. The proposed project occupies survey lands in Section 9, and 10, Township 35 North, Range 4 East, B.M.

(11) CONFORMANCE WITH THE IDAHO STATE WATER PLAN

Ford Hydro project is in conformance with objective 2 of the Idaho State Water Plan where it is stated:

The Idaho Water Resource Board adopts as a planning objective, a reduction in the reliance upon imported electric power. To achieve this objective, the state water resource policy is to promote and encourage those projects and programs which provide for the development of new electrical energy and more efficient use of existing energy sources.

Ford Hydro project is in conformance with the State Energy Plan where it is stated:

It is the policy of the state of Idaho to provide a regulatory climate and incentives which will encourage development of hydro-power sites that are economically feasible and environmentally acceptable.

The State Energy Plan was developed pursuant to Policy 13 of the Idaho State Water Plan.

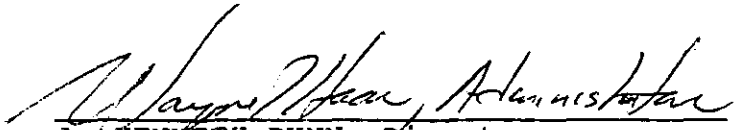
Ford Hydro project is in conformance with all aspects of the Idaho State Water Plan where it is stated:

It is the policy of Idaho to preserve and enhance the state's anadromous fishery resource. It is in the public interest to maintain free-flowing stream habitat and instream flows to achieve this policy.

Ford Hydro project is in conformance with all aspects of the Idaho State Water Plan.

DATE

3/6/84


A. KENNETH DUNN, Director
Idaho Department of Water Resources

Oxford Capital Markets, Ltd.

February 13, 1984

Mr. Robert Haynes
Regional Supervisor
Idaho Department of Water Resources
4055 Government Way - Suite #9
Coeur d'Alene, Idaho 83814

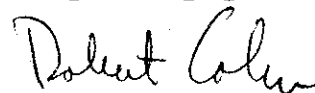
Re: Jim Ford Creek Power Project
(estimated cost \$2.0 million)

Dear Mr. Haynes:

We have been working closely with the sponsors of the above named project in a financial advisory capacity. Based upon the information available at this time, it appears that the project is financially viable and it is our intention to secure equity financing of approximately \$800,000 for this project at the point that it goes into construction.

Given this level of equity in the project, we expect to be able to readily obtain both construction and long-term debt financing.

Very truly yours,



Robert Colman
Director Energy Financing

RC:ra

RECEIVED

FEB 24 1984

Department of Water Resources
Northern District Office

MICROFILMED



THE WASHINGTON WATER POWER COMPANY

Electric and Natural Gas Service

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

January 20, 1983

Mr. Archie R. Ford
President
Idaho Hydro, Inc.
2150 E. Michigan Ave.
Orofino, Idaho 83544

Dear Archie:

Attached is a copy of the expenditures made by The Washington Water Power Company in Clearwater County from 1979 through 1986. If you have any questions concerning this information, please contact us.

Very truly yours,

Eric V. Toolson
Engineer, Resource Analysis

EVT:jk

Attachment

MICROFILMED

JIM FORD POWER PROJECT

COST ESTIMATE

1. Foundation Investigation	5,000.
2. Turbines & Generators	250,000.
3. Miscellaneous Powerhouse	50,000.
4. Station Electrical	83,000.
5. Powerhouse	117,000.
6. Powerhouse Excavation	12,000.
7. Powerhouse Intake Station	12,000.
8. One 36" Steel Penstock 1140' Long	28,500.
9. Labor to Install	20,000.
10. Low Pressure Conduit 54" Diameter By 6900' Long	192,000.
11. Cut Bench & Trench for Conduit	45,000.
12. Cut & Level Road Bed, Gravel & Rock	80,000.
13. Dam 5'x54' Reinforced Concrete	47,000.
14. Trash Racks	3,500
15. Transmission Lines 110 KV	100,000.
16. Electrical Switchyard	75,000.
17. Easements & Right-of-Way	30,000.
18. Design & Engineering 8%	92,000.
19. Cost Escalation 15%	186,300
20. Contingencies 20%	230,000.

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21. Interest During Construction 141,700.

TOTAL CONSTRUCTION COSTS \$1,800,000.

TOTAL AMOUNT FINANCED \$1,800,000.

TOTAL FIRST YEAR PROJECTION

1. Annual Interest at 9% 162,000.

2. Principal Repayment @ 3% 54,000.

3. Operations & Maintenance 42,000.

4. Insurance 18,000.

5. State Royalty @ 3% Gross 13,320.

6. Depreciation @ 2% 36,000.

TOTAL FIRST COST \$325,320.

7. Total First Year Revenue:
7,400,000 KWH @ 65 Mills \$481,000.

TOTAL PRETAX 1st. YEAR PROFIT \$155,680.

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1-17-83

S&T

TO: ERIC Toorson - Power Supply (X2136)

FROM: Cheryl Thompson - Technical Support (X2434) ~~JSR~~RE: Expenditures in Clearwater County - Idaho
1979 - 1982 ACTUAL
1983 - 1986 PROJECTEDACTUAL

	<u>ADDITIONS</u>	<u>RETIREMENTS</u>	<u>NET</u>
1979	\$ 267,956.24	\$ 30,493.71	\$ 298,743.27
1980	\$ 276,689.78	\$ 47,919.15	\$ 221,609.01
1981	\$ 218,918.55	\$ 48,988.29	\$ 153,270.90
1982	\$ 36,670.00	\$ 36,676.00	\$ (6.00)

PROJECTED

1983	\$ 205,000 40,000 \$ 245,000	(Bovill - Elk River)
1984	\$ 225,000 55,000 \$ 280,000	(Bovill - Elk River)
1985	\$ 180,000 105,000 \$ 285,000	(Bovill - Elk River)
1986	\$ 95,000	

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IDAHO HYDRO, INC.

P.O. Box 1940
OROFINO, IDAHO 83544
(208) 476-7765

January 11, 1984

R E C E I V E D

JAN 12 1984

Mr. Robert Haynes
Idaho Dept. of Water Resources
Route 5 Box 203
Suite #1
Coeur d'Alene, Idaho 83814

Department of Water Resources
Northern District Office

Dear Bob,

Please find enclosed a copy of the application for tax exempt revenue bond financing as filed with the State of Idaho Water Resources Board. The approval of the application should require 60-90 days to complete.

The License Application for the project was mailed to the Federal Energy Regulatory Commission on January 5, 1984. It should be approved rather quickly as there were no state or federal agency objections or concerns expressed during the formal consultation process.

I have also submitted a copy of the F.E.R.C. License Application to a Mr. Rob Coleman of New York Bankers Trust for his review.

Sincerely,

Archie R. Ford, Pres.
Idaho Hydro, Inc.

MICROFILMED



IDAHO HYDRO, INC.

P.O. Box 1940
OROFINO, IDAHO 83544
(208) 476-7765

January 3, 1984

State of Idaho
Idaho Water Resource Board
ATTN: Mr. Jim Wriggley
450 West State Street
Boise, Idaho
83720

Dear Jim,

A license application has just been filed for the Ford Power Project, located in Clearwater County. It was done in the name of Ford Hydro Limited Partnership on behalf of Idaho Hydro Inc., who is presently the only general partner. I wish to apply for a bond issue thru the Idaho Department of Water Resources.

Please find the following to accomplish that end:

1. IRB Application form
2. Check for \$100.00.
3. FERC License Application
4. Construction Cost Estimate
5. Letter from WWP indicating their capital investment in Clearwater County.

If any additional information is required or if I can be of assistance to you please call me.

Sincerely,

Archie R. Ford, President
Idaho Hydro, Inc.

MICROFILMED

STATE OF IDAHO
IDAHO WATER RESOURCE BOARD
450 West State Street
Boise, Idaho 83720
(208) 334-4440

WATER RESOURCE DEVELOPMENT
REVENUE BOND PROGRAM

A P P L I C A T I O N

FOR IWRB USE ONLY

IWRB Project No. _____
Application Rec'd _____
\$100 Application _____
Fee Rec'd _____

(Please print or type all information on this form
and complete all questions)

TO BE COMPLETED BY LOCAL WATER PROJECT SPONSOR:

1. Name FORD HYDRO LIMITED PARTNERSHIP
2. Address P.O. BOX 1940, OROFINO, IDAHO 83544
3. Telephone (208) 476-7765
Employees Tax Identification No. N/A
4. Type of Organization (Check One):
Individual Partnership ☒ Corporation
Other: _____
5. Description of anticipated use of loan proceeds ("Project")
(use additional sheet if necessary, describe each item to be
financed, including cost and useful life according to
Accelerated Cost Recovery System (ACRS) categories: _____
SEE ATTACHED SHEET USEFUL LIFE 50 YEARS
6. Total Projects Costs \$ 1,800,000. plus loan cost & operating
capital.
7. Amount of Loan Request \$ 2,000,000.
8. Amount of Other Funding of Project, if any \$ 0
9. Source of Other Funding of Project, if any 0
10. Location of Project PO BOX 1940 OROFINO, IDAHO 83544
(mailing address, city, zip code)
See attached FERC License Application
(legal description)

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11. County in which Project is located CLEARWATER
12. Description of Project's general benefits Pollution free electricity. Provide jobs in a depressed local economy and add \$1,800,000. to the local tax base.
13. List the name, address, and employer's tax number of every individual or firm which use or own more than 10% of the Project: IDAHO HYDRO INC. PO BOX 1940, OROFINO, IDAHO 83544
EMPLOYER FEDERAL ID # 82-0382030
14. List name, address and employer's tax number of every individual or firm which owns 50% or more of the individuals or firms listed in No. 13 above or of the Sponsor: ARCHIE R FORD 4116 EUREKA RIDGE ROAD, OROFINO, IDAHO 83544
15. List the name, address, and employer's tax number of every firm in which the Sponsor and every firm or individual listed in No. 13 above holds an ownership interest of 50% or more; and state percentage of ownership: N/A
16. Current market value/sales price of Project to be financed
\$ 3,400,000.

CERTIFICATIONS OF LOCAL WATER PROJECT SPONSOR:

In submitting this Application, it is hereby certified and agreed by the undersigned Local Water Project Sponsor ("Sponsor") that:

1. The Project will be located within the State of Idaho.
2. Sponsor and any Related Person (as below defined) has not previously received financing from the Idaho Water Resource Board (the "IWRB") and has not received any other tax exempt financing except as follows: OROFINO FALLS POWER PROJECT
3. None of the proceeds of the loan shall be used for the refinancing or restructuring of any existing indebtedness in whole or in part, working capital, operating purposes or for inventory or supplies.
4. A financial statement will be submitted to a Lender if needed in connection with this Application.
5. The Sponsor agrees that the Loan may not be assumed by another person or organization without the prior approval of the IWRB and then only if the person or organization desiring to assume the loan is an eligible applicant for an IWRB loan.

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6. The Sponsor presently plans to retain the property financed by the loan for the term of the loan. However, the Sponsor understands that equipment and other depreciable property may be exchanged or traded in on similar property, or may be added or substituted as collateral, at the discretion of the Lender without prior approval of the IWRB.
7. The Sponsor understands that the benefits of the loan, made at the tax-free rate from the proceeds of an IWRB bond, must be retained by the Sponsor, and no person or organization to whom property is traded or otherwise transferred may obtain the benefits of the IWRB loan.
8. The Sponsor has prepared and delivered the Application for a Loan to be funded with the proceeds of the IWRB bond (if and when issued by the IWRB) for the purpose of accomplishing the governmental purpose set forth in Title 42, Chapter 17 of the Idaho Code, as amended.
9. Neither the Sponsor nor any Related Person (as described below) has commenced any acquisition or construction of any part of the Project to be financed with the proceeds of the loan, and neither the Sponsor nor any Related Person has entered into any contract or purchase agreement, installment or otherwise, in connection with the construction or acquisition of the Project or any part thereof, or commenced on-site work in connection with the construction of the Project or any part thereof or off-site fabrication or acquisition of any portion of the Project. "Related Person" as defined in Section 103(b)(6)(C) of the Internal Revenue Code includes, among others: a father, mother, brother, sister, grandparent, grandchild, or spouse, or a partnership or corporation in which the Sponsor together with any of the foregoing relatives has more than a 50% interest.
10. The Sponsor is not acquiring the Project directly or indirectly from a Related Person.
11. The Sponsor will provide proof of ownership, easements or agreements, showing that the Sponsor holds or can acquire all lands other than public lands, and interest therein and water rights necessary for the construction of the Project.
12. The Sponsor is aware that the use of this tax-exempt financing may limit its depreciation deductions for the project facilities for federal income tax purposes and the use of the Accelerated Cost Recovery System (ACRS) and has sought its own advice and counsel on these matters.

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13. All of the information the Sponsor has provided in this Application is true and complete.
14. The Sponsor has attached hereto an application fee of \$100.00 to cover initial costs of Application and Project review. It is understood that the IWRB shall charge the Sponsor the amount required to reimburse the Board for costs incurred in connection with the Application. The Sponsor shall be advised of these additional costs before they are incurred.

Dated: JANUARY 3, 1984

Name of Sponsor: FORD HYDRO LIMITED PARTNERSHIP

Signed: *Leslie B. Ford* PRESIDENT, IDAHO HYDRO INC.

MICROFILMED



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NORTHERN REGION

A. Kenneth Dunn
Director

Suite No. 9
4055 Government Way
Coeur d'Alene, Idaho 83814
(208) 667-6484

December 12, 1983

Idaho Hydro, Inc.
P. O. Box 1940
Orofino, Id. 83544

Re: 83-7059 and 84-7171

Gentlemen:

Your request for an extension of time for ninety (90) days to show financial ability is hereby approved.

The new deadline for receiving information will be February 12, 1983.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Supervisor

RGH/pms

MICROFILMED



IDAHO HYDRO, INC.
P.O. Box 1940
OROFINO, IDAHO 83544
(208) 476-7765

December 6, 1983

Mr. Robert Haines, P.E.
Department of Water Resources
Suite #9
4055 Government Way
Coeur d'Alene, Idaho
83814

RE: Jim Ford

Dear Bob,

This letter is a request for an additional ninty
(90) days extension to show financial ability which will
meet the requirements of the State of Idaho.

Thanking you,

Archie R. Ford

RECEIVED
DEC 7 1983

Department of Water Resources
Northern District Office

MICROFILMED

NOTICE OF AMENDED APPLICATION FOR PERMIT

On November 21, 1983, Idaho Hydro, Inc. filed Amended Application for Permit No. 84-7171. The original application shows 100.0 CFS of water for power generation, for a total of 100.0 CFS, from Jim Fork Creek, tributary to the Clearwater River; with a point of diversion in the NENE Sec. 9 T35N R04E; and a place of use in the NENE Sec. 9 T35N R04E. The date of priority is 6/30/1983.

The applicant now wishes to amend said application for permit to change the point of diversion to the SWSW Sec. 10 T35N R04E.

Portests against the granting of this Amended Application for Permit must be filed with the Director, Dept. of Water Resources, 4055 Gov't. Way, Coeur d'Alene, Id. 83814 on or before December 19, 1983.

KEN DUNN, Dir.

Published in the Clearwater Tribune, 12/1 & 8/83.

MICROFILMED

84-2121-

IDAHO HYDRO INC.

P.O. BOX 1940, OROFINO, ID 83544

Source: JIM FORD CREEK trib. to CLEARWATER RIVER

Date Filed: 06/30/1983

Diversion Pt: ^{SWSW} NENE Sec 09 T 35N R 04E

Use: POWER (100.00 CFS)

In: NENE Sec 09 T 35N R 04E

*elision
corrected
per amendment
11/23/83
W*

MICROFILMED

Please destroy our amended filing
and replace with this one.

Thank you
Cecil R Ford

RECEIVED

NOV 21 1983

Department of Water Resources
Northern District Office

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NORTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director November 7, 1983

Suite No. 1
4055 Government Way
Coeur d'Alene, Idaho 83814
(208) 667-6484

Idaho Hydro Inc.
P. O. Box 1940
Orofino, Id. 83544

Re: 84-7171

Gentlemen:

I regret to inform you that a \$20.00 filing fee is required for your ~~Applied~~ Application for Permit No. 84-7171.

If you have any questions, please contact me at this office.

Sincerely,

TOM D. KING
Senior Water Resource Agent

TDK/pms

MICROFILMED

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY: 

APPLICATION NUMBER: _____

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 are |
| ☐ Yes | ☒ No | Request dam safety info |
| ☐ Yes | ☐ No* | In form to receipt. |

Field check by: _____

Date: _____

Comments: _____

*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

Copies sent by:

Date:

7/21/83

PROCESSING:

- ☐ Yes ☐ No Platted by: _____ Map No. _____
☐ Yes ☐ No Other rights on same place of use. _____
-
- ☒ Yes ☐ No * In form for advertising.
Final date for protests: 5/1/83
☐ Yes ☒ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☐ Affidavit of publication received. Date: 8/11/85
- ☒ 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? _____
- Date of priority recommended.

Special conditions of approval or cover letter.

By: _____ Date: _____

STATE OFFICE REVIEW:

- ☐
- See attached sheet for more information.

By: _____ Date: _____

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POINT OF DIVERSION AND STREAM INDEX INFORMATION

TRACT SEC TWP RGE gov't rediv. REACH
lot (R)

IDAHO STREAM CODE INDEX

TRACT SEC TWP RGE gov't rediv. REACH
lot (R)

IDAHO STREAM CODE INDEX

TRACT SEC TWP RGE gov't rediv. REACH
lot (R)

IDAHO STREAM CODE INDEX

TRACT SEC TWP RGE gov't rediv. REACH
lot (R)

IDAHO STREAM CODE INDEX

TRACT SEC TWP RGE gov't rediv. REACH
lot (R)

IDAHO STREAM CODE INDEX

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

NORTHERN REGION

Suite No. 9
4055 Government Way
Coeur d'Alene, Idaho 83814
(208) 667-6484

October 14, 1983

Idaho Hydro Inc.
P.O. Box 1940
Orofino, Id. 83544

Re: 83-7059, 84-7145 and 84-7171

Gentlemen:

A recent Fourth Judicial District Court decision from Ada County (Case No. 79512) has altered the requirements that an applicant for permit to appropriate water must meet with regard to financial ability.

The effect of this decision is to require that an applicant must be able to show that they have the financial ability to construct the project when the application is filed.

This can be demonstrated by either providing a financial statement showing that the applicant is financially capable of building the project with its own resources or by providing a letter of commitment to finance the project from some entity with sufficient resources to build the project.

Pursuant to Section 42-204 of the Idaho Code, you are given 30 days to comply with the provisions of the above paragraph.

If you have any questions, please contact this office.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Supervisor

RGH/pms

MICROFILMED

TO Bob Haynes, PE

Idaho Dept of Water Resources

Route 5, Box 203 - Suite 1
Coeur d'Alene, Idaho 83814

F
R
O
M

R. H. Tutty, PE
1239 Idaho Street
Lewiston, Idaho 83501

↓ SUBJECT JIM FORD CREEK WATER RIGHT

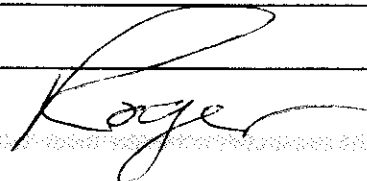
DATE 6 / 29 / 83

MESSAGE

Bob - Enclosed is application and check for 100 CFS water right on Jim Ford
Creek requested by Idaho Hydro, Inc, for power generation purposes. Please
advise if you need additional information to process same. Thanks.

cc: A. Ford

SIGNED



REPLY

MICROFILMED

SIGNED

DATE / /



STATE OF IDAHO DEPARTMENT OF WATER RESOURCES

NORTHERN REGION

A. Kenneth Dunn
Director

Suite No. 9
4055 Government Way
Coeur d'Alene, Idaho 83814
(208) 667-6484

7/21/83

Dept. of Fish & Game
1540 Warner
Lewiston, Id. 83501

Re: 84-7171

Gentlemen:

Enclosed is a recent filing with this Department that may be of
interest to you.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Supervisor

pms

Enc. - Appln.

MICROFILMED



STATE OF IDAHO

DEPARTMENT OF LANDS

STATEHOUSE, BOISE, IDAHO 83720

GORDON C. TROMBLEY
DIRECTOR

June 7, 1983

STATE BOARD OF LAND COMMISSIONERS

JOHN V. EVANS
GOVERNOR AND PRESIDENT
PETE T. CENARRUSA
SECRETARY OF STATE
JIM JONES
ATTORNEY GENERAL
JOE R. WILLIAMS
STATE AUDITOR
JERRY L. EVANS
SUPT OF PUBLIC INSTRUCTION

Archie R. Ford
President
Idaho Hydro, Inc.
P.O. Box 1940
Orofino, ID 83544

Dear Mr. Ford:

We acknowledge receipt of your application for permission to use State land for a hydroelectric project on May 20, 1983. The Idaho Board of Land Commissioners may grant an easement for a specific term for hydro projects. However, the Board has determined that prior to making a decision to grant or deny such an easement, the applicant must submit written approval of State agencies including Fish & Game, Health & Welfare (Bureau of Water Quality), Water Resources (Water Rights and stream channel alteration permits), Parks & Recreation (if park is affected), and Federal agencies including the Army Corps of Engineers, Forest Service, BLM, or others (if their land or rights are affected).

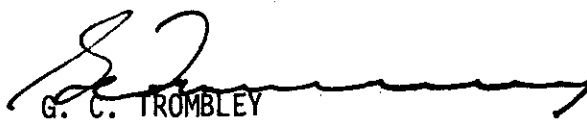
At this date, it appears that your application is the first in priority of filing date for an easement. Please be advised further that priority of water rights is a separate issue and is dependent upon the priority of filing with the Department of Water Resources.

It is the applicant's responsibility to contact these State and Federal agencies, coordinate any necessary studies, and submit the written approvals to this Department. It is further the applicant's responsibility to respond to the comments and/or objections of the local citizenry and to hold a public hearing if sufficient objections are timely presented.

Upon receipt of written approval from these State and Federal agencies, and compliance with the Board policy outlined above, we will notify you of the time and date for the Board meeting in which the Board will consider issuing an easement for this project.

Archie R. Ford
Page 2.
June 7, 1983

Sincerely yours,


G. C. TROMBLEY
Director

GCT:ab

MICROFILMED



IDAHO HYDRO, INC.
P.O. Box 1940
OROFINO, IDAHO 83544
(208) 476-7765

MAY 18 1983

Gordon C. Trombley Director
Idaho Department of Lands
Statehouse
Boise, Idaho 83720

Dear Mr. Trombley

The purpose of this letter is to establish a priority of application for an easement on Idaho State Lands to construct and operate a hydroelectric power project.

Idaho Hydro Inc. hereby requests from the State of Idaho an easement to construct and operate a small hydroelectric facility on Jim Ford Creek, located at Township 35 North Range 4 East, The N.E. 1/4 and the S.E. 1/4 of the N.E. 1/4 of Section 9. Attached is a copy of a topographic map showing the location.

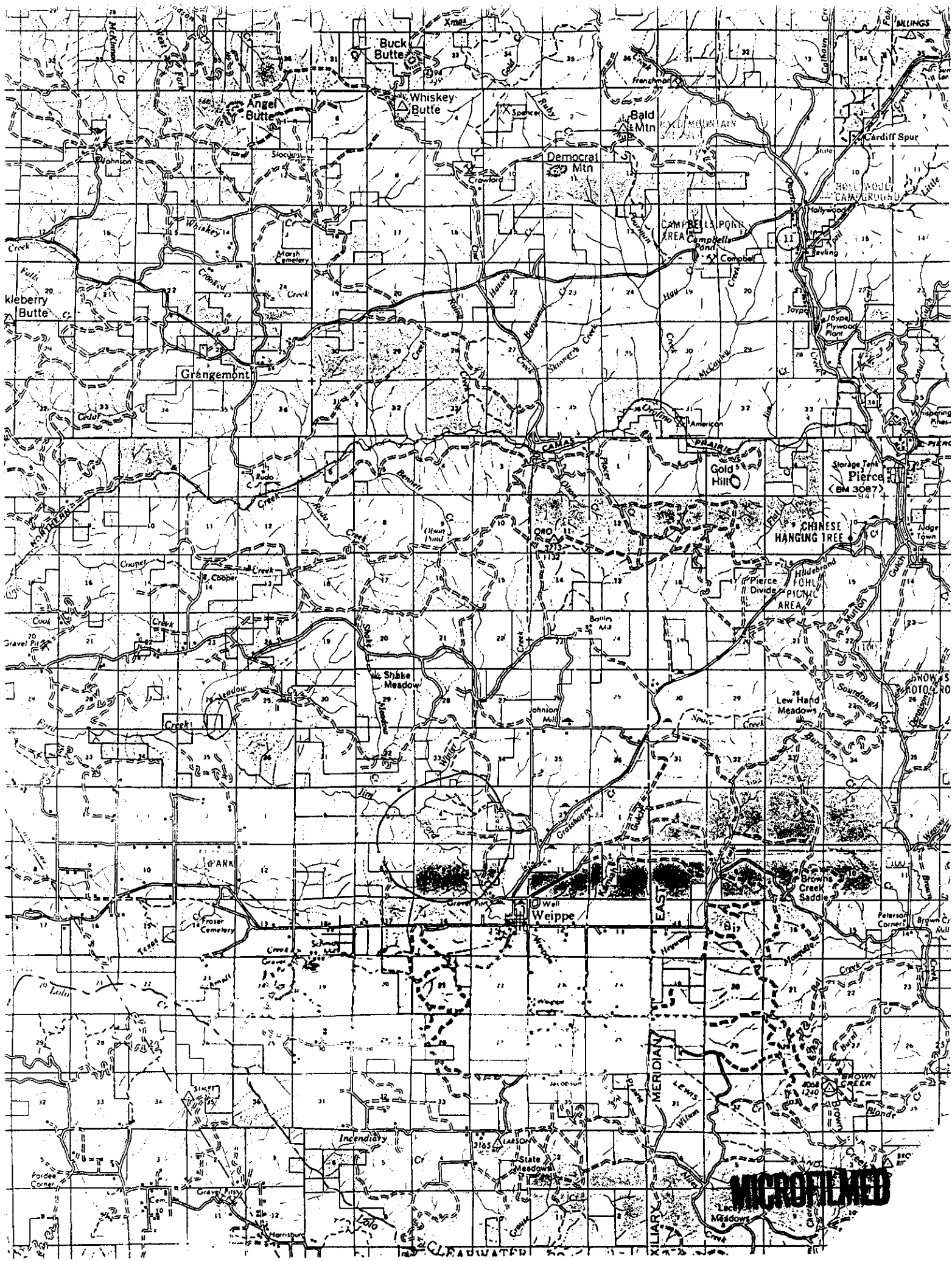
The facility would consist of a small concrete diversion structure, a steel penstock and a concrete powerhouse. The electrical output of the proposed facility would be approximately 500 kilowatts. In making this request, it is understood that the approval of various state and federal agencies must be obtained before an easement can be granted.

Thanking You

Archie R. Ford President

CC: Luke Aldrich Regional Supv.
CC: Roger Tutty

MICROFILMED



3/83

IDENT. NO. 84-7171

I D A H O D E P A R T M E N T O F W A T E R R E S O U R C E S

WATER RIGHT
DATA ENTRY LOG

Initials

Date _____

Item

7/5/83

Original form entered

[Edit](#) [Report](#) [Correct](#)

Date Protested

Date of Hearing

Date Approved/Denied
(Proof due date, stage and/or status,
conditions of approval, water district)

Record Verified

Amendment Approved

Extension Approved

Partial Proof

Proof Complete

Field Exam Received

Field Exam Accepted
and changes entered

License Updated

Transfer Updated

Keypunched by State Office

VERIFIED KAW

5-8-86